

Authority: North York Community Council Item NY10.3,
as adopted by City of Toronto Council on February 6, 7
and 8, 2024
City Council voted in favour of this by-law on February 7,
2024
Written approval of this by-law was given by Mayoral
Decision 2-2024 dated February 7, 2024

CITY OF TORONTO

BY-LAW 61-2024

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2023 as 3736-3750 Bathurst Street and 11 and 15 Richelieu Road.

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act, as amended; and

Whereas pursuant to Section 36 of the Planning Act, as amended, the council of a municipality may, in a by-law passed under Section 34 of the Planning Act, use a holding symbol "(H)" in conjunction with any use designation to specify the use to which lands, buildings or structures may be put once the holding symbol "(H)" is removed by amendment to the by-law; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of holding symbol "(H)"; and

Whereas pursuant to Section 39 of the Planning Act, as amended, the council of a municipality may, in a By-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the by-law; and

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Zoning By-law Map in Section 990.1 and applying the following zone label to these lands: (H) CR 2.5 (c1.0; r2.5) SS2 (x930) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Article 995.10.1 and applying no value.

5. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Article 995.20.1 and applying the following height and storey label to these lands: HT 30.0, ST 10 as shown on Diagram 3 attached to this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Lot Coverage Overlay Map in Article 995.30.1, and applying no value.
7. Zoning By-law 569-2013, as amended, as amended, is further amended by adding the lands subject to this By-law to the Rooming House Overlay Map in Article 995.40.1, and applying no value.
8. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 930 so that it reads:

(930) Exception CR 930

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws, and Prevailing Sections:

Site Specific Provisions:

- (A) On the lands municipally known as 3736-3750 Bathurst Street and 11 and 15 Richelieu Road, if the requirements of By-law 61-2024 are complied with, a **building** or **structure** may be constructed, used or enlarge, in compliance with Regulations (B) to (P) below;
- (B) Despite regulation 40.10.20.10(1)(B), the following uses are not permitted:
 - (i) **Hospice Care Home;**
 - (ii) **Municipal Shelter;**
 - (iii) **Nursing Home;**
 - (iv) **Religious Residence;**
 - (v) **Residential Care Home;**
 - (vi) **Respite Care Facility;**
 - (vii) **Retirement Home;** and
 - (viii) **Student Residence;**
- (C) Despite regulation 40.10.20.20(1)(A), the following uses are not permitted:
 - (i) **Day Nursery;**

- (ii) **Private School;** and
- (iii) **Public School;**
- (D) Despite regulation 40.10.20.20(1)(B), the following uses are not permitted:
 - (i) **Crisis Care Shelter;**
 - (ii) **Group Home;**
 - (iii) **Private Home Daycare;**
 - (iv) Rooming House; and
 - (v) **Seniors Community House;**
- (E) Despite regulation 40.10.40.1(1), residential use portions of the **building** are permitted to be located on the same **storey** as non-residential use portions of the **building** provided it is for:
 - (i) residential lobby access;
 - (ii) related residential uses such as mail room, management office, and storage; and
 - (iii) indoor **amenity space;**
- (F) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 183.5 metres and elevation of the highest point of the **building** or **structure;**
- (G) Despite Regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure** is the number in metres following the letters "HT" as shown on Diagram 4 of By-law 61-2024;
- (H) Despite regulation 40.10.40.10(7), the permitted maximum number of **storeys** in a **building** is the number following the letters "ST" as shown on Diagram 4 of By-law 61-2024; and
 - (i) for the purpose of this exception, the rooftop floor of the **building** with the mechanical penthouse does not constitute a **storey;**
- (I) Despite Regulations 40.5.40.10(3) to (8) and (G) above, the following equipment and **structures** may project beyond the permitted maximum height shown on Diagram 4 of By-law 61-2024:
 - (i) equipment used for the functional operation of the **building** including electrical, utility, mechanical and ventilation equipment, as well as

- enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, and vents, inclusive of the entire rooftop floor including the mechanical penthouse, may project above the height limits by a maximum of 6.0 metres;
- (ii) **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in (i) above, including a mechanical penthouse, by a maximum of 6.0 metres;
 - (iii) despite (i) and (ii) above, for the portion of the **building** with a permitted maximum height of 34.5 metres and 10 **storeys**, equipment used for the functional operation of the **building** as described in (i) and (ii) above may:
 - (a) project above the height limits by a maximum of 6.0 metres; and
 - (b) only be located in the area labelled "MPH" on Diagram 4 of By-law 61-2024;
 - (iv) architectural features, parapets, and elements and **structures** associated with a **green roof**, by a maximum of 2.0 metres;
 - (v) **building** maintenance units and window washing equipment, by a maximum of 6.0 metres;
 - (vi) planters, **landscaping** features, guard rails, and divider screens on a balcony and/or terrace, by a maximum of 2.5 metres; and
 - (vii) trellises, pergolas, and unenclosed **structures** providing safety or wind protection to rooftop **amenity space**, by a maximum of 3.5 metres;
 - (viii) unenclosed **structures** providing noise mitigation to rooftop **amenity space**, by a maximum of 3.5 metres;
- (J) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 37,850 square metres, of which:
- (i) the permitted maximum **gross floor area** for residential uses is 36,950 square metres; and
 - (ii) the required minimum **gross floor area** for non-residential uses is 800 square metres;
- (K) Despite Regulations 40.10.40.70(2) and 40.10.40.80(2), the required minimum **building setbacks** and separation of **main walls** are as shown in metres on Diagram 4 of By-law 61-2024;

- (L) Despite (K) above, the required minimum **building setback** for the ground floor between a height of 0 metres and 5 metres is 4.5 metres, exclusive of structural support columns, from all **lot lines** abutting a **street**;
- (M) Despite Regulation 40.5.40.60(1), Clause 40.10.40.60, and (K) above, the following elements may encroach into the required minimum **building setbacks** and **main wall** separation distances as follows:
- (i) balconies by a maximum of 1.5 metres;
 - (ii) canopies and awnings, by a maximum of 2.0 metres;
 - (iii) exterior stairs, access ramps and elevating devices, by a maximum of 2.0 metres;
 - (iv) cladding added to the exterior surface of the **main wall** of a **building**, by a maximum of 0.5 metres;
 - (v) architectural features, such as a pilaster, decorative column, cornice, sill, belt course, or chimney breast, by a maximum of 0.6 metres;
 - (vi) eaves, by a maximum of 0.6 metres; and
 - (vii) air conditioners, satellite dishes, antennae, vents, and pipes, by a maximum of 1.5 metres;
- (N) Despite Regulation 40.10.100.10 (1) (B) and (C), two **vehicle** accesses are permitted and one **vehicle** access may be from Bathurst Street;
- (O) Despite regulation 230.5.1.10(10), "short-term" **bicycle parking spaces** may also be provided as a **stacked bicycle parking space** when located below the ground floor; and
- (P) The provision of **dwelling units** is subject to the following:
- (i) a minimum of 15 percent of the total number of **dwelling units** must have 2 or more bedrooms;
 - (ii) a minimum of 10 percent of the total number of **dwelling units** must have 3 or more bedrooms; and
 - (iii) any **dwelling units** with 3 or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above;

Prevailing By-laws and Prevailing Sections: (None Apply)

9. Despite any severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition, or division occurred.

10. Temporary use(s):

- (A) None of the provisions of By-law 569-2013, as amended, or this By-law apply to prevent the erection and use of a sales centre or office for the sale and leasing of dwelling units constructed on the lands to which this By-law applies for a period of 3 years from the date this By-law comes into full force and effect, after which this temporary use permission expires.

11. Holding Symbol Provisions

- (A) The lands zoned with the holding symbol (H) delineated by heavy lines on Diagram 2 attached to this By-law must not be used for any purpose other than those uses and buildings existing as of the date of the passing of this By-law, until the holding symbol (H) has been removed; and

- (B) An amending by-law to remove the holding symbol (H) referred to in (A) above may be enacted when the following are fulfilled:

- (i) The Sanitary Sewer System Upgrades (City Project # 19-32 (Contract 19ECS-LU-12FP), 19-03 (19-03C2 per T.O.INview) (Contract 21ECS-LU-04FP) and 19-06 (19-06D per T.O.INview), all of which are located within Basement Flooding Protection Program Map Area 19, which works are being undertaken by the City of Toronto, Engineering & Construction Services, Design & Construction, Linear Underground Infrastructure, have been designed, constructed and operational to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager of Toronto Water;

or

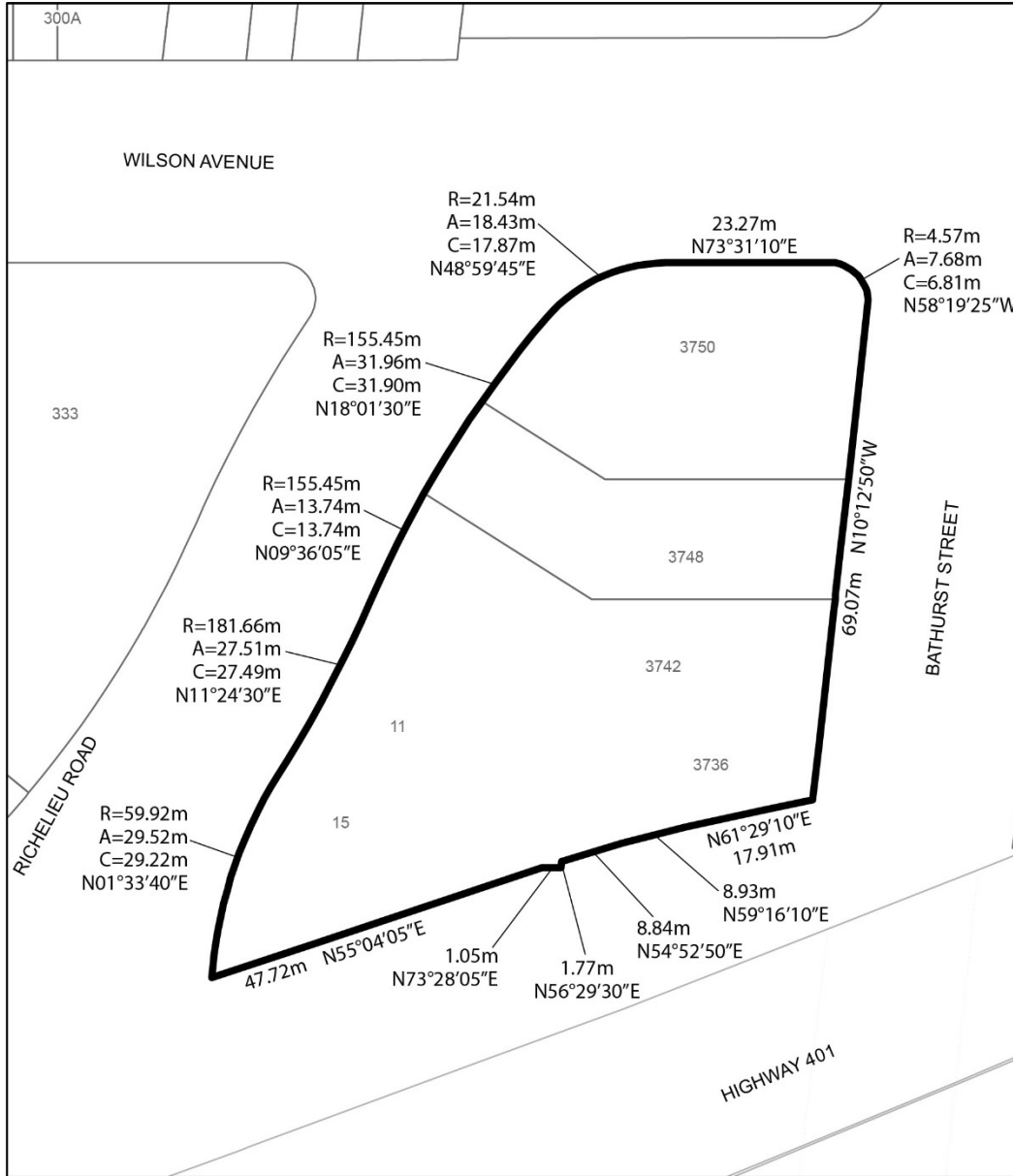
- (ii) The owner has provided an acceptable alternative solution to address the outstanding municipal sanitary sewer capacity issues to the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water and such acceptable solution has been implemented by the owner(s) at their sole cost to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water;

Enacted and passed on February 7, 2024.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

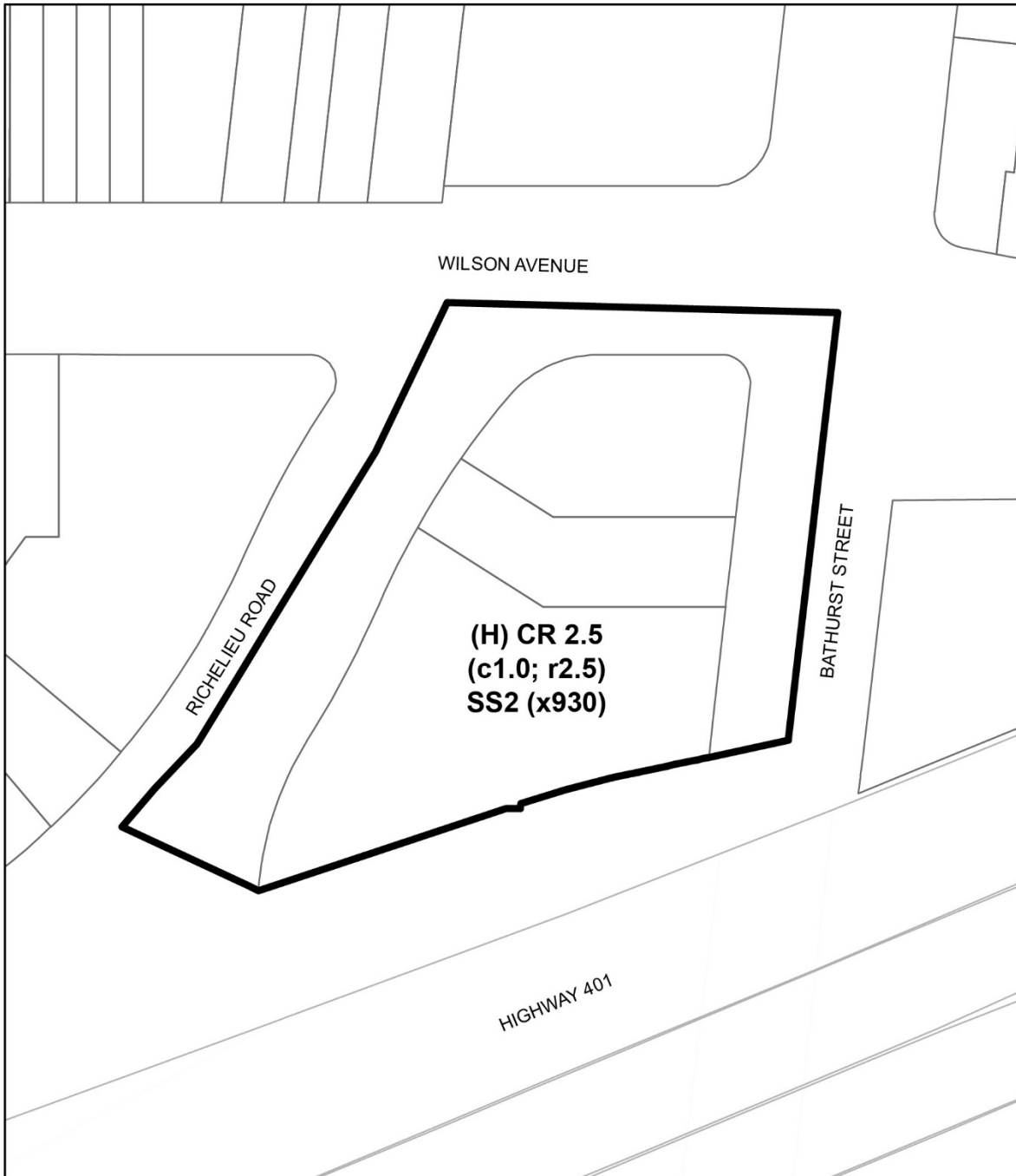
(Seal of the City)



TORONTO
 Diagram 1

**3736-3750 Bathurst Street
 & 11-15 Richelieu Road**

File # 22 212546 NNY 06 02



 **TORONTO**
Diagram 2

**3736-3750 Bathurst Street
& 11-15 Richelieu Road**


File # 22 212546 NNY 06 02



 **TORONTO**
Diagram 3

**3736-3750 Bathurst Street
& 11-15 Richelieu Road**

File # 22 212546 NNY 06 02


City of Toronto By-law 569-2013
Not to Scale
12/27/2023

