



REPORT FOR ACTION

2010-2016 Bathurst Street - Technical Amendment to Zoning By-law

Date: March 1, 2021

To: City Council

From: Chief Planner and Executive Director, City Planning

Ward: Toronto-St. Paul's - 12

Planning Application Number: 18 246984 STE 21 OZ

SUMMARY

At its meeting of October 29, 2019, Toronto City Council adopted Item TE9.4, approving draft Zoning By-law Amendments to Zoning By-laws 1-83 and 569-2013 for 2010-2016 Bathurst Street, to permit an 8-storey residential apartment building with 26 dwelling units.

Four omissions in the Site-Specific Zoning By-laws have been identified as they relate to: i) the storey label on the height map relating to the mechanical penthouse; ii) the first floor setback; iii) the varied first floor height, and iv) building projections.

Staff recommend correcting the Zoning By-laws to reflect the architectural plans which were submitted with the application. This correction is not a result of any modifications to the proposal.

RECOMMENDATIONS

The Chief Planner and Executive Director, City Planning recommends that:

1. City Council amend Zoning By-laws 1542-2019 and 1543-2019 for the lands at 2010-2016 Bathurst Street in accordance with the draft Zoning By-law Amendments attached as Attachments 1 and 2 to this report respectively, dated March 1, 2021 from the Chief Planner and Executive Director, City Planning.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
3. City Council determine that the changes contained within the revised By-laws are minor, technical in nature, and reflective of the original proposal and plans considered

by City Council, and, pursuant to subsection 34(17) of the Planning Act, no further public notice is required in respect of the proposed amendment to the Zoning By-laws.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

At its meeting of October 29, 2019, Toronto City Council adopted Item TE9.4, approving draft Zoning By-law Amendments to Zoning By-laws 1-83 and 569-2013 for 2010-2016 Bathurst Street, to permit an 8-storey residential apartment building with 26 dwelling units. A By-law to amend the Official Plan was also approved.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE9.4>

POLICY CONSIDERATIONS

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

Staff find the proposed technical amendment to be consistent with the PPS (2020) and conform with the Growth Plan (2020).

Comments

Building height can be regulated by metred height or by number of storeys. The maximum height in Site-Specific Zoning By-law 1542-2019 is 29.2 metres, while Site-Specific Zoning By-law 1543-2019, is both 29.2 metres and 8 storeys. Due to the definition of storey in the Zoning By-law 569-2013, the mechanical penthouse is being counted as a storey. To permit the proposal to be constructed as approved, it is recommended that the storey label be removed from Site-Specific Zoning By-law 1543-2019.

The first floor setback was not included in the Site-Specific Zoning By-laws. The addition of this provision to Site-Specific Zoning By-law 1543-2019 is recommended to ensure the 2.1 metre sidewalk is provided through the entirety of the site. The first floor setback will also be shown on the Zoning Maps/Diagram of Site-Specific Zoning By-laws 1542-2019 and 1543-2019.

The first floor height requires revision to recognize the change in the topography along Bathurst Street. The difference in between average grade and the grade at the north end of the site is approximately 1.14 metres. A provision to change the minimum ground floor height from 4.5 metres to 3.8 metres is required for Site-Specific Zoning By-law 1543-2019.

The permitted projections in the Site-Specific Zoning By-laws did not include the terraces as proposed. A provision has been added to the Site-Specific Zoning By-laws to ensure that projections including terraces do not project beyond the walls of the storey below. Changes to the mapping of both Site-Specific Zoning By-laws have also been included to measurements of the extent of the walls for each storey.

Conclusion

The revisions to the Site-Specific Zoning By-laws are considered to be minor, technical in nature and reflective of the original proposal and plans considered by City Council on October 29, 2019. Staff find the proposed technical amendment to be consistent with the PPS (2020) and for conform with the Growth Plan (2020) and Official Plan.

City Planning staff recommend approval of the Draft Zoning By-law Amendments attached to this report.

CONTACT

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SIGNATURE

Gregg Lintern MCIP, RPP
Chief Planner and Executive Director
City Planning

ATTACHMENTS

Attachment 1: Draft Zoning By-law Amendment to Site-Specific By-law 1542-2019
Attachment 2: Draft Zoning By-law Amendment to Site-Specific By-law 1543-2019

Attachment 1 - Draft Zoning By-law Amendment to Site-Specific By-law 1542-2019

CITY OF TORONTO

BY-LAW XXXX-2021

To amend By-law 1542-2019 of the former City of York Zoning By-law 1-83, as amended, with respect to the lands known municipally in the year 2018 as 2010-2016 Bathurst Street.

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

Whereas adequate information was provided to the public and at least one public meeting was held in accordance with the Planning Act prior to Council enacting By-law 1542-2019; and

Whereas Council has determined that a technical amendment to By-law 1542-2019 is appropriate to address an inadvertent omission and that pursuant to Section 34(17) of the Planning Act, no further notice is required;

The Council of the City of Toronto enacts:

City of Toronto By-law 1542-2019, is amended by deleting “Schedule C” and replacing it with the attached “Schedule C”

City of Toronto By-law 1542-2019, is amended by modifying the list of provisions set out in Section 2 as follows:

Provision 2(f) is deleted and replaced with the following:

“(f) The minimum yard setbacks shall be as shown on Schedule C except that canopies, awnings, heating, cooling or ventilating equipment, ornamental elements, safety railings, terraces, lighting fixtures, parapets, eaves, architectural features, shall be permitted to encroach beyond the heavy lines shown on Schedule C, attached provided they do no project beyond the main walls located at the storey below;”

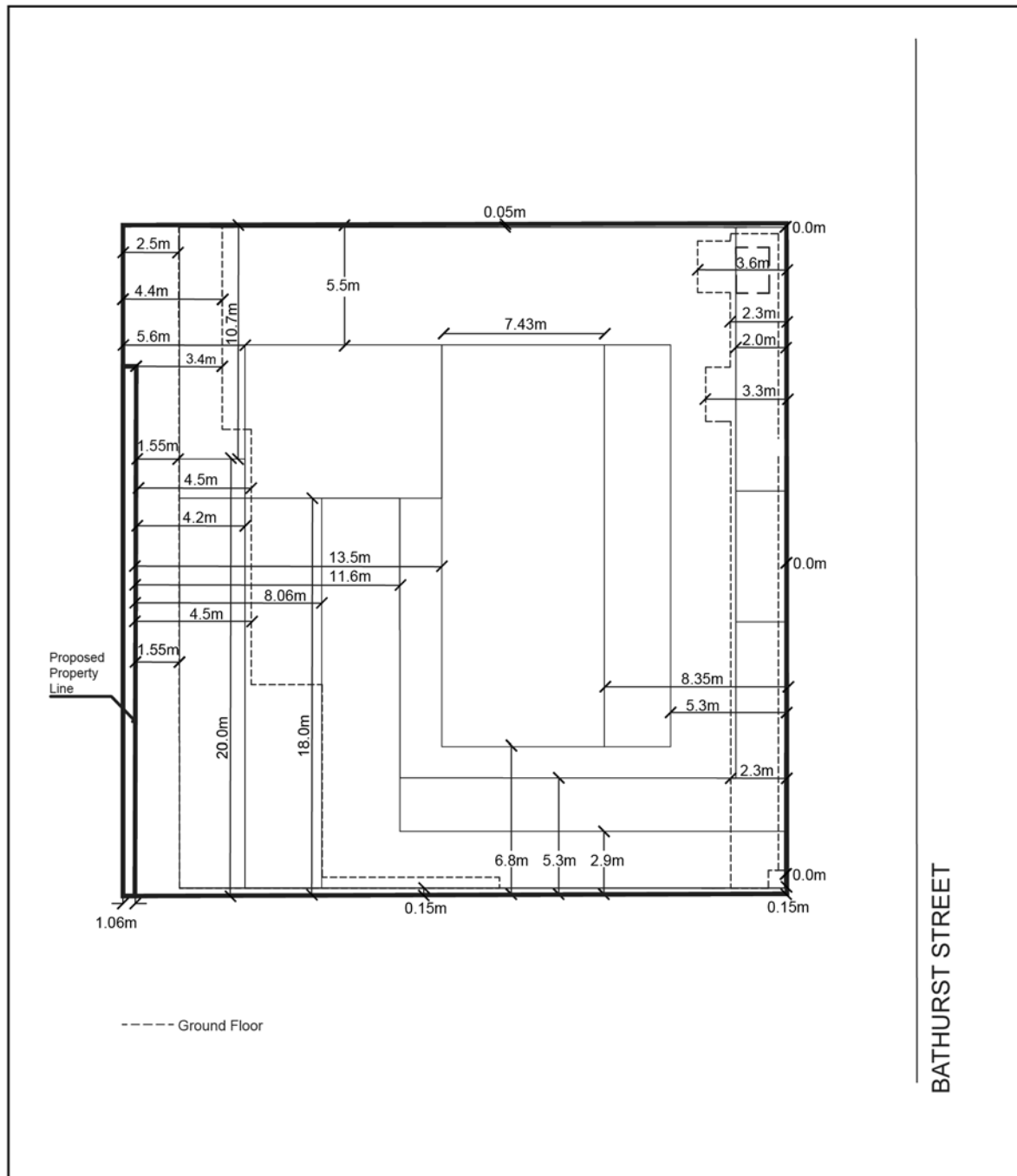
2. The provisions of By-law 1542-2019, shall continue to apply except as otherwise provided in this By-law.

Enacted and passed on XXXX XX, 2021.

Speaker

City Clerk

(Seal of the City)



TORONTO
Schedule C

2010-2016 Bathurst Street

File # 18 246984 STE 21 0Z

City of York By-law 1-83
Not to Scale
01/21/2021

Attachment 2 - Draft Zoning By-law Amendment to Site-Specific By-law 1543-2019

CITY OF TORONTO

BY-LAW XXXX-2021

To amend By-law 1543-2019 of the City of Toronto Zoning By-law 569-2013, as amended, with respect to the lands known municipally in the year 2018 as 2010-2016 Bathurst Street

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

Whereas adequate information was provided to the public and at least one public meeting was held in accordance with the Planning Act prior to Council enacting By-law 1543-2019; and

Whereas Council has determined that a technical amendment to By-law 1543-2019 is appropriate to address an inadvertent omission and that pursuant to Section 34(17) of the Planning Act, no further notice is required;

The Council of the City of Toronto enacts:

1. Diagram 3 of By-law 1543-2019 is further amended by deleting “ST 8.0” from Diagram 3.
2. Diagram 5 of By-law 1543-2019 is deleted and replaced with the Diagram 5 attached hereto.
3. Section 4 of City of Toronto By-law 1543-2019 is amended by removing “, ST 8.0” after “HT 24”.
4. City of Toronto By-law 1543-2019, is amended by modifying the list of provisions set out in Section 5 as follows:
 - (A) Adding reference to “mechanical penthouses,” after “elevator overruns,” in Provision (D)(i) and replacing “6.0 metres” with “6.1 metres to top of parapet”.

(B) Adding a new Provision (O) as follows:

“Despite regulations 40.10.40.70(1)(A), 40.10.40.70(2)(A) and 40.10.40.70(4)(A) residential uses on the first storey shall be setback a minimum of 2.2 m from the front lot line.”

(C) Adding a new Provision (P) as follows:

“Despite regulations (F) above, 40.10.40.70(2), 40.10.40.60(1), and Diagram 5, platforms, guards, parapets and landscape planters are permitted beyond the building

setbacks in Diagram 5 provided they do not project beyond the main walls located at the storey below.”

(D) Adding a new Provision (Q) as follows:

“Despite regulation 40.10.40.10(5), the minimum required height of the first storey shall be 3.8 m.”

5. The provisions of By-law 1543-2019, shall continue to apply except as otherwise provided in this By-law.

Enacted and passed on XXXX XX, 2021.

Speaker

City Clerk

(Seal of the City)

