

Authority: Toronto and East York Community Council Item - as adopted by City of Toronto Council on \_\_\_\_\_, 2020

Enacted by Council: \_\_\_\_\_, 2020

## CITY OF TORONTO

### Bill No.

By-law [Clerks to insert By-law No.]

### **To amend the City of Toronto Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known as 1467 Bathurst Street and 490 St Clair Avenue West.**

Whereas Council of the City of Toronto has the authority to 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*; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development;

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

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 No. 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the

following zone label to these lands: CR 3.0 (c2.0; r2.0) SS2 (xXXXX) as shown on Diagram 2 attached to this By-law; and

4. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Section 995.10.1, and applying the following Policy Area label to these lands: PA3, as shown on Diagram 3 attached to this Bylaw; and
5. Zoning By-law No. 569 -2013, as amended, is further amended by adding the lands subject to this By-law to the Rooming House Overlay Map in [SM1] Section 995.40.1, as shown on Diagram 4 attached to this By-law;
6. Zoning By-law No. 569 -2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1, and applying the following height and storey label to these lands: HT 16.0, as shown on Diagram 5 attached to this Bylaw; and,
7. Zoning By-law No. 569 -2013, as amended, is further amended by adding the lands subject to this By-law to the Lot Coverage Overlay Map in Section 995.30.1, as shown on Diagram 6 attached to this By-law;
8. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number xXXXX so that it reads:

Exception CR xXXXX

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 1467 Bathurst Street and 490 St Clair Avenue West, if the requirements of Section 13 and Schedule A of By-law ###-2020 are complied with, **buildings** and **structures** in compliance with (B) to (AA) below;
- B. Despite regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 157.34 metres in the year 2020 and the elevation of the highest point of the **building** or **structure**;
- C. Despite regulation 40.10.40.10(2), no portion of a **building** or **structure** erected on the lands may exceed the height in metres specified by the numbers following "HT" on Diagram 7 of By-law [Clerks to insert By-law ] as follows;
- D. Despite (C) above, and regulations 40.5.40.10(4), (5), (6) & (7), the following elements of a **building** may project above the permitted maximum **building** heights shown on Diagram 7 of By-law [Clerks to insert By-law ]:
  - i. **structures** and elements related to outdoor flooring and roofing assembly, safety railings, guard rails, railings, parapets, terraces, planters, balustrades, bollards, stairs, **ancillary structures**, retaining walls, and ornamental or architectural features by no more than 2.0 metres;

- ii. elements on the roof of the **building** or **structure** used for **green roof** technology and related roofing material may project above the height limits by no more than 2.0 metres;
  - iii. **equipment used for the functional operation of the building, such as electrical, utility, mechanical and ventilation equipment**, garbage chutes, emergency generators and lighting fixtures by no more than 2.5 metres;
  - iv. elevator overrun, acoustical barriers, landscape features, privacy screens, terrace dividers, covered stairs or stair enclosures, and fences by no more than 2.75 metres;
  - v. cabanas and trellises by no more than 3.6 metres;
  - vi. **wind mitigation features by no more than 3 metres**<sup>[SM2]</sup>;
  - vii. mechanical screening and heating/cooling towers by no more than 8.0 metres;
  - viii. **window washing equipment, lightning rods**, decorative lighting canopy and public art features; and,
- E. Despite regulations 40.10.40.70(2) and 40.10.40.80(2), the required minimum **building setbacks** and above ground separation distance between **main walls** are as shown on Diagram 7 of By-law [Clerks to insert By-law No.];
- F. Despite **(E)** above and regulations 5.10.40.70(1) and 40.10.40.60(2) to (9), the following encroachments are permitted into the required minimum **building setbacks** and above ground separation distance between **main walls** on Diagram 7 of By-law XXXX-2020:
- i. balconies may encroach no more than 2.0 metres;
  - ii. cladding, wind mitigation features, awnings, **building** cornices, window washing equipment, terraces lighting fixtures, ornamental elements, lightning rods, trellises, eaves, window sills, stairs, stair enclosures, air intakes and vents, ventilating equipment, landscape and **green roof** elements, partitions dividing outdoor recreation areas, privacy screens, acoustical walls, wind mitigation elements, chimney stack, exhaust flues may encroach no more than 2.5 metres;
  - iii. canopies may encroach no more than 4.0 metres; and,
  - iv. public art features;
- G. Despite regulation 40.10.40.40(1), the total **gross floor area** of all **buildings** and **structures**, must not exceed 82,750 square metres, provided:
- i. the residential **gross floor area** must not exceed 80,500 square metres; and,
  - ii. the non-residential **gross floor area** must not exceed 2,250 square metres;

H. A minimum of 10 percent of the total number of **dwelling units** on the **lot** must contain at least three bedrooms.

I. Despite regulation 200.5.10.1(1) and (2), and Table 200.5.10.1, **parking spaces** must be provided **on the lot** as follows:

- i. A minimum of 0.5 **parking spaces** per **dwelling unit** for residents;
- ii. A minimum of 0.06 **parking spaces** per **dwelling unit** for residential visitors;
- iii. A minimum of 1 **parking space** must be provided for a **day nursery** use;
- iv. A minimum of 1 **parking space** must be provided for a **community centre** use;
- v. A minimum of 110 **parking spaces** for a **private school** located at 1515 Bathurst Street;
- vi. with the exception of (I)(iii) to (I)(iv), no **parking spaces** are required for non-residential uses on the **lot**;
- vii. the **parking spaces** required by (I)(ii) may be provided on a non-exclusive basis with the **public parking** facility;
- viii. the **parking spaces** required by (I)(iii) to (I)(v) must be provided on an exclusive basis within the **public parking** facility;

[SM3]

J. Despite Section (I) above, a reduction of four resident **parking spaces** is permitted for each on-site 'car-share parking space' provided, up to a maximum of 1 'car-share parking space' per 60 **dwelling units**;<sup>[SM4]</sup>

K. **parking spaces** must comply with the **parking space** dimensions in clause 200.5.1.10 with the exception that no more than 10 **parking spaces** may have a width of 2.6 metres when obstructed on one side;

L. Despite Section 200.15 and By-law 579-2017, accessible **parking spaces** must be provided **on the lot** as follows:

- i. accessible **parking spaces** must have the following minimum dimensions:
  - (a) length of 5.6 metre;
  - (b) width of 3.4 metres; and,
  - (c) vertical clearance of 2.1 metres;
- ii. the entire length of an accessible **parking space** must be adjacent to a minimum 1.5 metre wide accessible barrier free aisle or path; and,
- iii. despite 200.15.1(4), **a maximum of 10 accessible parking spaces do not need to be the shortest route to the passenger elevator**; <sup>[SM5]</sup>

M. Despite regulation 40.10.40.1(1), residential use portions of the **building** may also be located on the same level or below non-residential use portions;

N. Despite regulation 230.5.1.10(4)(A), a horizontal **bicycle parking space** must have a minimum width of at least 0.4 metres and a minimum length of at least 1.6 metres;

- O. Despite regulation 230.5.1.10(4)(B), a vertical **bicycle parking space** must have a minimum width of at least 0.4 metres and a minimum horizontal clearance from the wall of at least 1.1 metres
- P. Despite regulation 230.5.1.10(7), no shower and change facilities are required;
- Q. Despite regulation 230.5.1.10(9), long term and short term **bicycle parking spaces** for **dwelling units** or for non-residential uses may be located anywhere above or on the P1 level in the **building**;
- R. Despite regulation 230.5.1.10(10), long term and short term **bicycle parking spaces** for **dwelling units** or for non-residential uses may be provided in any combination of vertical, horizontal or stacked positions;
- S. Despite regulations 230.5.10.1(1), (2) and (5) **bicycle parking spaces must be provided on the lot as follows**:
- i. at least 0.9 **bicycle parking spaces** per **dwelling unit** must be allocated as long-term **bicycle parking spaces** for the **dwelling units**;
  - ii. at least 0.1 **bicycle parking spaces** per **dwelling unit** must be allocated as short-term **bicycle parking spaces** for the **dwelling units**;
  - iii. at least 1 **bicycle parking space** per 562 square metres of non-residential **gross floor area** must be allocated as long-term **bicycle parking spaces** for the non-residential uses;
  - iv. at least 1 **bicycle parking space** per 281 square metres of non-residential **gross floor area** must be allocated as short-term **bicycle parking spaces** for the non-residential uses; and,
  - v. The number of required **bicycle parking spaces** must be rounded down when the calculation results in a fraction;
- T. Despite regulation 230.40.1.20(2), a short-term **bicycle parking space** may be located more than 30 metres from a pedestrian entrance to the **building** and may be located in a secured room or an unsecured room;
- U. Despite the requirements of clause 220.5.10.1, **loading spaces** must be provided and maintained **on the lot** as follows:
- i. one (1) Type "G" **loading space**; and,
  - ii. one (1) Type "B" **loading space**;
- V. Despite regulation 40.10.100.10(1)(C), more than one **vehicle** access is permitted;
- W. In addition to the **building** elements listed in regulation 40.5.40.40(3), the **gross floor area** of a **mixed use building** is also reduced by the areas in a **building** used for:
- i. All open to below areas;
  - ii. **public parking** below ground, inclusive of ramps and aisles above and

[SM6]

below ground;

- iii. Hallways and elevator vestibules below ground; and,
- iv. Electrical, utility, mechanical and ventilation rooms on any level of the **building**;

X. **Despite regulation 40.10.40.10(5), the minimum height of the first storey for all areas other than Retail, may be less than 4.5 metres;**

Y. Despite regulation 40.10.20.100(21)(B), the maximum area of an **outdoor patio** is 500 square metres;

Z. Despite regulation 40.10.20.100(33) and section 150.100, there is no maximum **interior floor area** for an **eating establishment**;

AA. Despite 40.5.40.60(1), the height limitation of 5.0 metres related to canopies does not apply;

Prevailing By-laws and Prevailing Sections:

(A) None apply.

9. Despite any existing or future severance, partition, or division of the lands, the provisions of this By-law will continue to apply to the whole of the lands shown on Diagram 1 attached to this By-law as if no severance, partition, or division occurred;

10. For the purposes of interpreting By-law [Clerks to insert By-law No.]:

A. “car-share” means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars to be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;

B. “car-share parking space” means a parking space that is reserved and actively used for car-sharing

11. **Nothing in this By-law shall apply to prevent the phased construction of the development, provided that the minimum requirements of the By-law are complied with upon full development;**

12. **A Phasing Plan for the development in a form and content satisfactory and acceptable to the Chief Planner and Executive Director, City Planning in consultation with the General Manager, Transportation Services, General Manager, Parks, Forestry and Recreation, Chief Engineer and Executive Director, Engineering and Construction Services, the Toronto Transit Commission; Director, Real Estate Services and the City Solicitor which will be provided in a satisfactory and acceptable manner to the City prior to Site Plan Approval;**

**13. Section 37 Provisions**

- A. Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and/or density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;
- B. Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same; and
- C. The owner shall not use, or permit the use of, a building or structure erected with an increase in height or density pursuant to this By-law unless all provisions of Schedule A are satisfied.

ENACTED AND PASSED this ~ day of ~~~~, A.D. 2020.	
HIS WORSHIP, DAVID R. MILLER, MAYOR	ULLI S. WATKISS, City Clerk

(Corporate Seal)

**SCHEDULE A**  
**Section 37 Provisions**

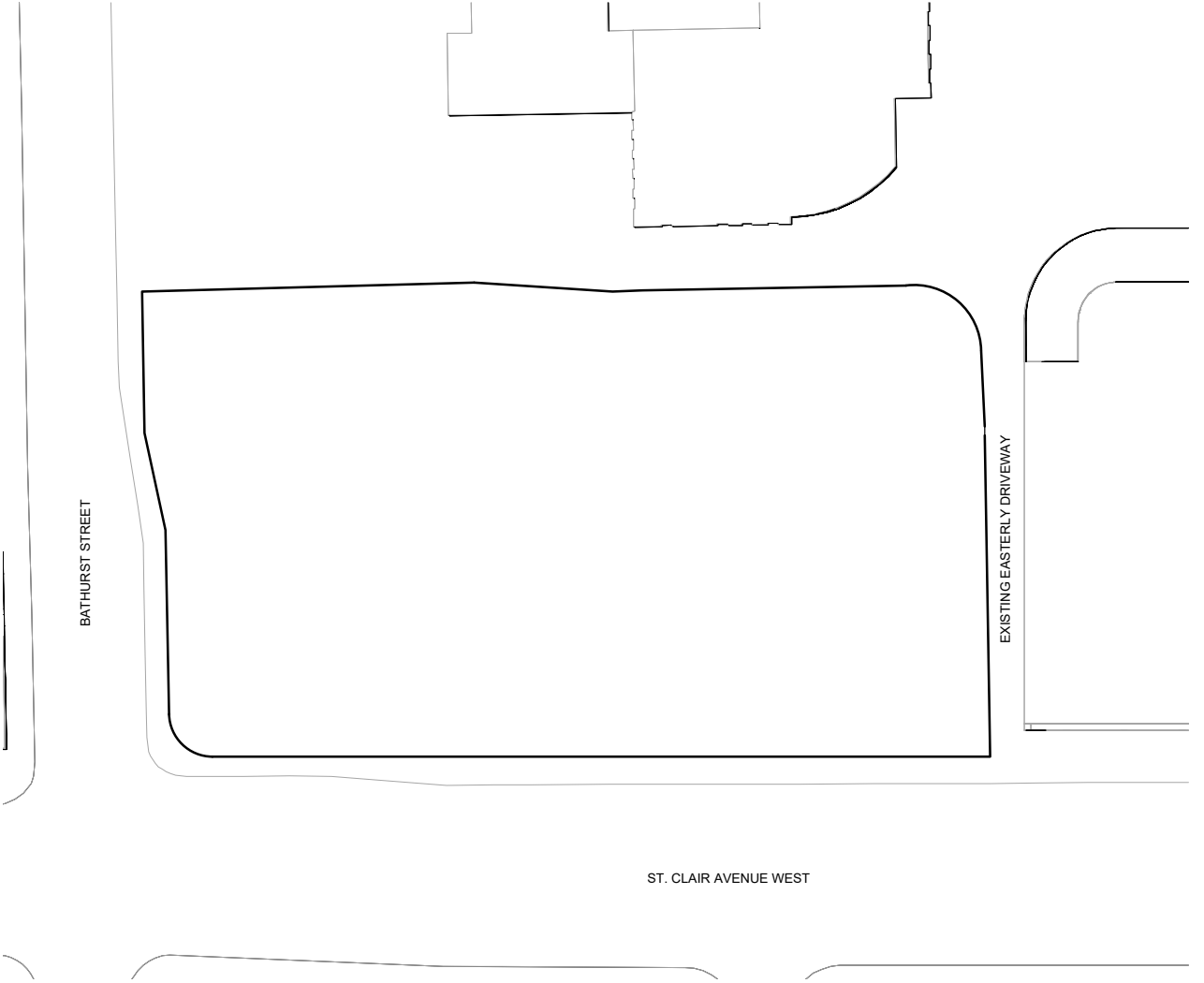
The facilities, services and matters set out below are required to be provided to the City at the *owner's* expense in return for the increase in height and density of the proposed development on the lands as shown on Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the *owner* agrees as follows:

See recommendation XXXXX of the report (XXXXX) from the Director, Community Planning, Toronto and East York District.



Diagram 1

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BATHURST STREET

ST. CLAIR AVENUE WEST

EXISTING EASTERLY DRIVEWAY

Diagram 2

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BATHURST STREET

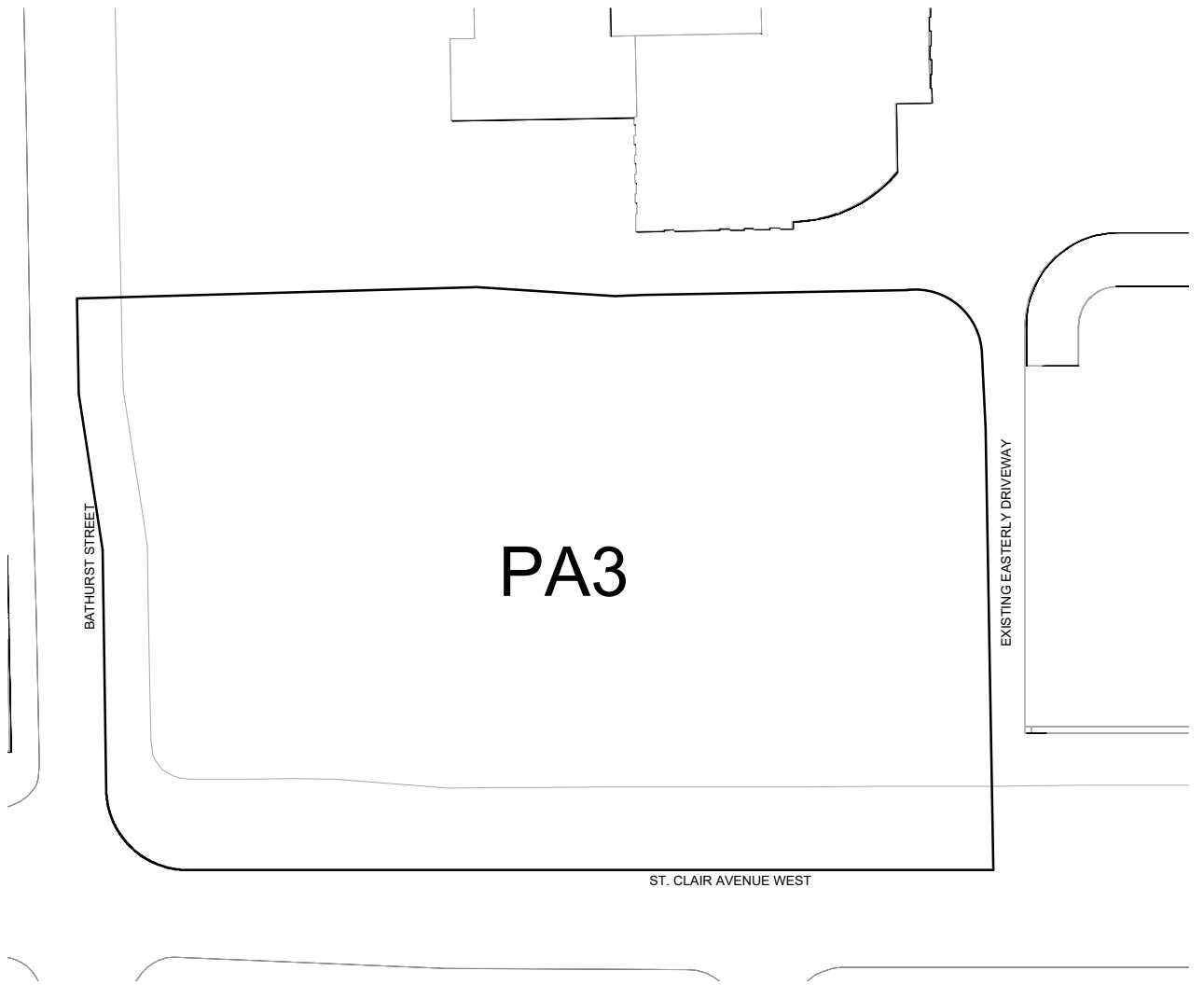
**CR 3.0 (c2.0; r2.0)**  
**SS2 (xXXXX)**

EXISTING EASTERLY DRIVEWAY

ST. CLAIR AVENUE WEST

Diagram 3

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BATHURST STREET

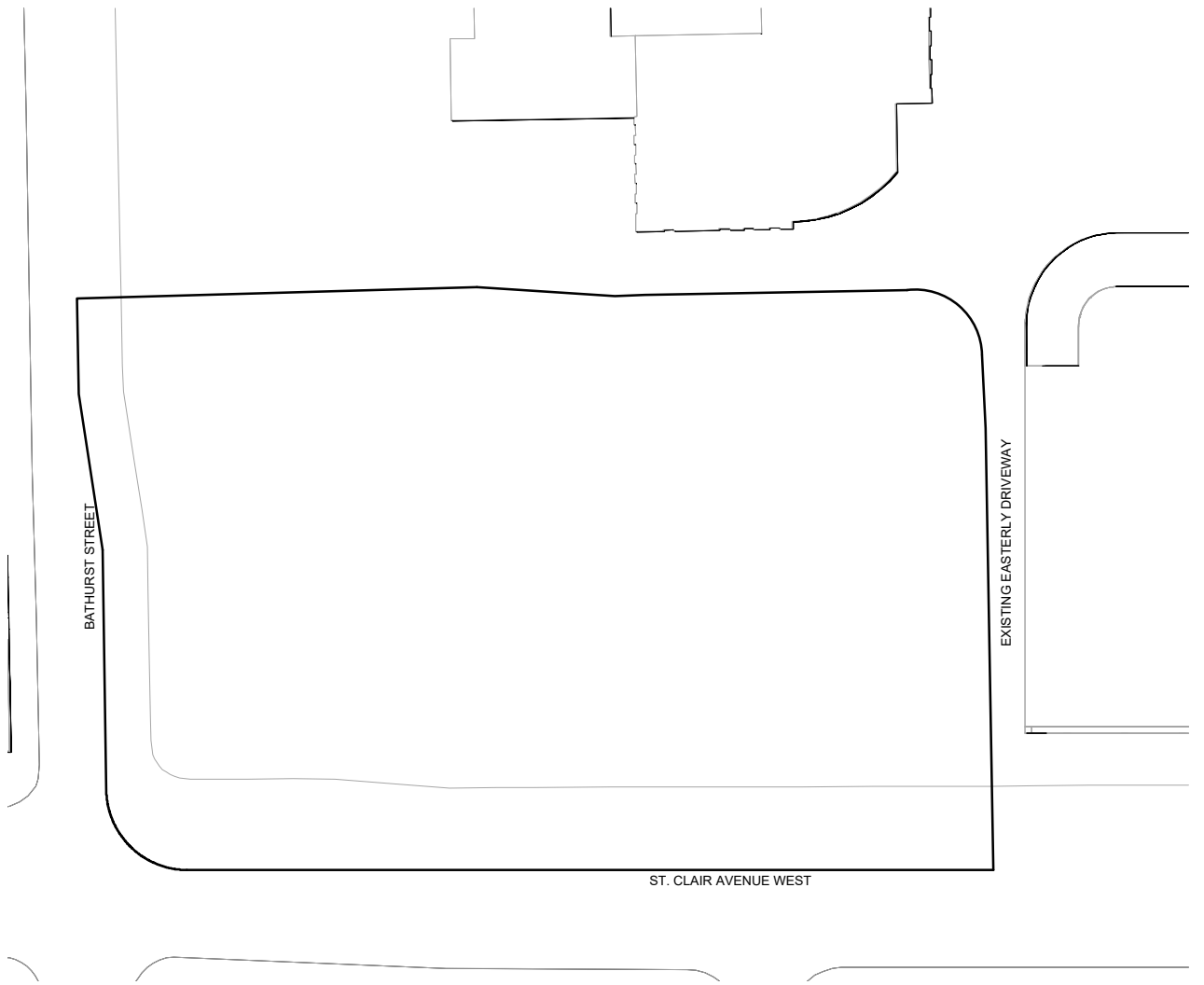
PA3

ST. CLAIR AVENUE WEST

EXISTING EASTERLY DRIVEWAY

Diagram 4

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BATHURST STREET

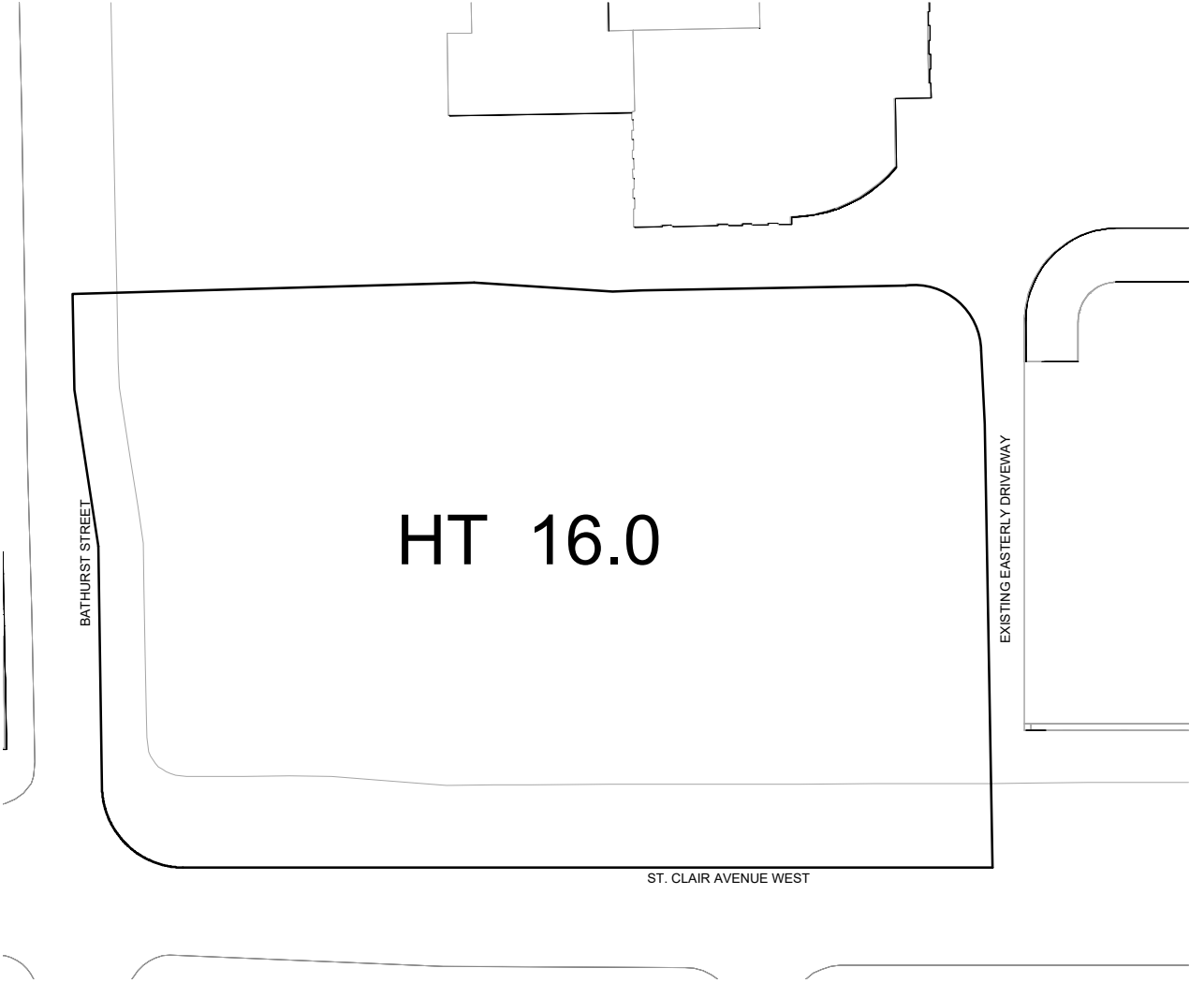
ST. CLAIR AVENUE WEST

EXISTING EASTERLY DRIVEWAY



Diagram 5

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BATHURST STREET

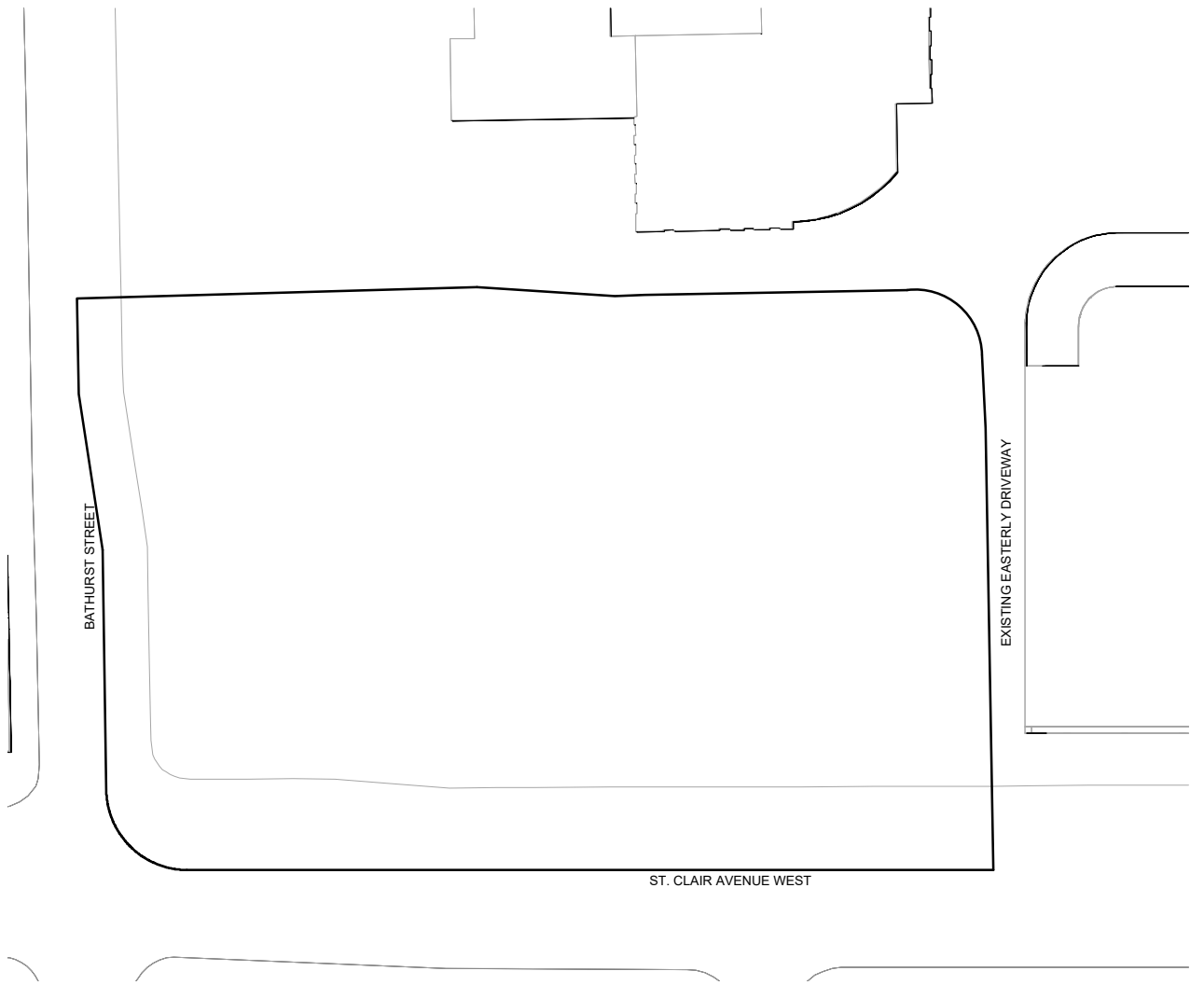
HT 16.0

ST. CLAIR AVENUE WEST

EXISTING EASTERLY DRIVEWAY

Diagram 6

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BATHURST STREET

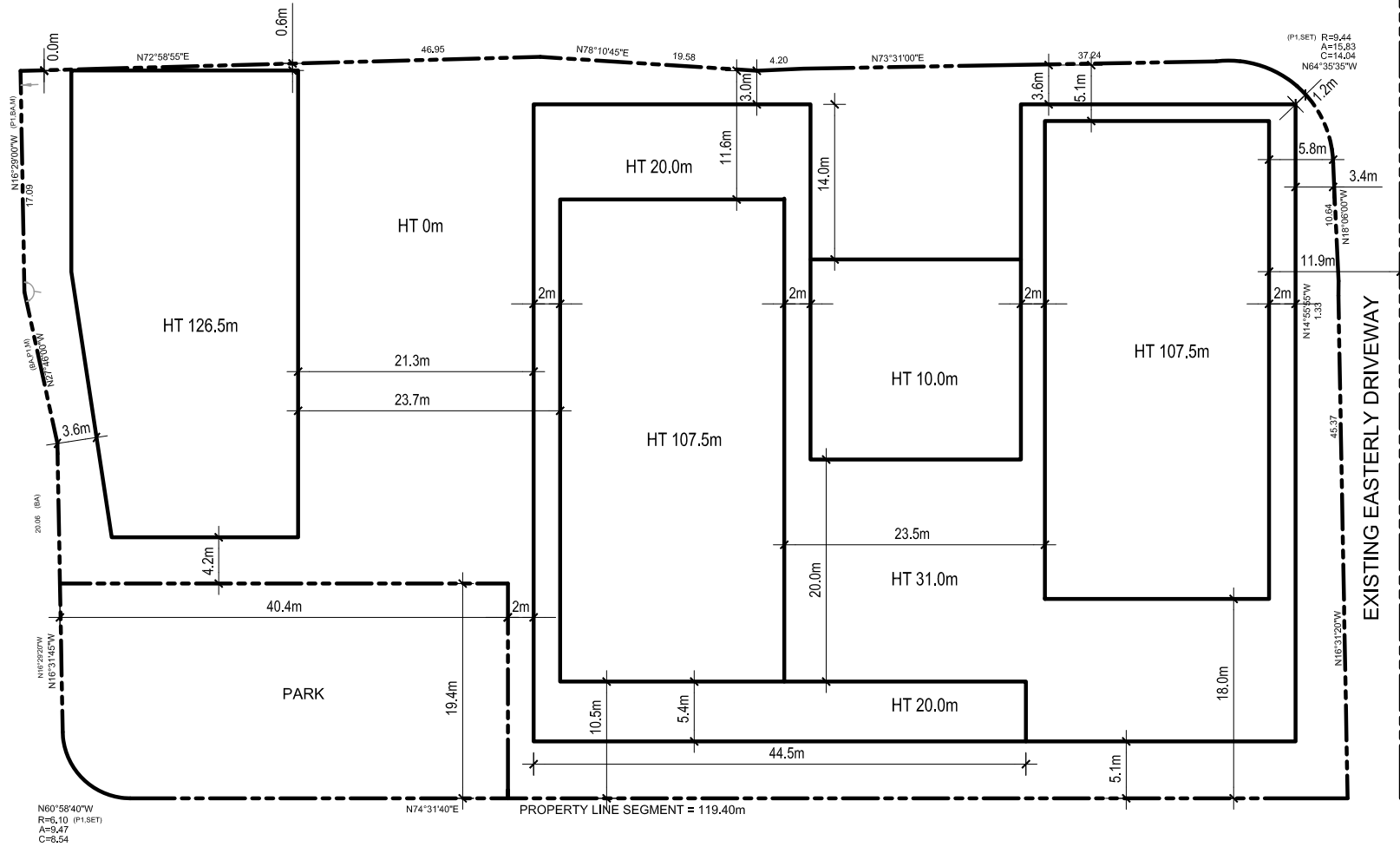
ST. CLAIR AVENUE WEST

EXISTING EASTERLY DRIVEWAY

Diagram 7

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BATHURST STREET



ST. CLAIR AVENUE WEST