

Authority: Toronto and East York Community Council Item ##, as adopted by City of Toronto Council on ~, 2022

CITY OF TORONTO

BY-LAW NO. XXXX - 2022

To amend Zoning By-law No. 569-2013, as amended with respect to the lands municipally known in the year 2020 as 152 – 164 Bathurst Street and 623 – 627 Richmond Street West.

Whereas authority is given to the Council of a municipality by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass Zoning By-laws;

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*;

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*, as it read the day before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020*, S.O. 2020, c. 18 came into force, a by-law under Section 34 of the *Planning Act* may authorize increase in the height or 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 matter as are set out in the by-law;

Whereas Subsection 37(3) of the *Planning Act*, as it read on the day before Section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020* came into force, provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the density or height 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;

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 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 By-law [Clerks to supply by-law #].
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.11, respecting the lands outlined by heavy black lines on Diagram 1 attached to By-law [Clerks to supply by-law #] to CR (xXXX), as shown on Diagram 2 attached to By-law [Clerks to supply by-law #]
4. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Height Overlay Map in Section 990.10.1 respecting lands outlined by heavy black lines on Diagram 3 and applying the following Height label to these lands: H 26.0.
5. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands outlined by heavy black lines on Diagram 4 attached to By-law [Clerks to supply by-law #] to the Lot Coverage Overlay Map in Section 995.30.1 and applying no label.
6. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands outlined by heavy black lines on Diagram 5 attached to By-law [Clerks to supply by-law #] to the Policy Area Overlay Map in Section 995.10.1, and applying the following Policy Area label to these lands: PA1.
7. Zoning By-law 569-2013, as amended is further amended by adding by adding the lands outlined by heavy black lines on Diagram 1 attached to By-law [Clerks to supply by-law #], to the Rooming House Overlay Map in Section 995.40.1, and applying the following Rooming House label of B3 shown on Diagram 6 attached to the By-law.
8. Zoning By-law No. 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number x#### so that it reads:

Exception CR (x####)

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

Site Specific Provisions:

- (A) On lands known municipally as 152 – 164 Bathurst Street and 623 – 627 Richmond Street West, nothing shall prevent the erection or use of **buildings, structures**, additions, or enlargements that comply with regulations (B) to (T) below:
- (B) Despite regulation 40.10.30.1(1), the requirements in this exception and By-law No. 569-2013 apply collectively to the lands delineated by heavy black lines on Diagram 1 attached to By-law [Clerks to supply by-law #] for those **lots** or portions of **lots** within the CR (xXX) zone;
- (C) Despite Regulations 40.5.1.10(3) and 40.10.40.40(1), the maximum **gross floor area** of all **buildings** permitted on the lands identified on Diagram 1 of By-law [Clerks to supply by-law #] must not exceed 15,050 square metres and shall be maintained in accordance with the following;
- (i) A maximum of 14,500 square metres of residential gross floor area; and
 - (ii) A maximum of 550 square metres of non-residential gross floor area.
- (D) Despite Regulation 40.10.20.100(17), the maximum **interior floor area** of all retail services on the **lot** shall be 530 square metres;
- (E) A minimum of 10 percent of the total number of **dwelling units** must contain three or more bedrooms;
- (F) Despite Regulations 40.5.40.10(1) and (2) the **height** of a **building** or **structure** is measured from the Canadian Geodetic Datum elevation of 89.86 metres to the elevation of the highest point of the **building**;
- (G) Despite Regulation 40.10.40.10(2), no portion of a **building** may exceed the height in metres specified by the numbers following the symbol “H” on Diagram 7 of By-law [Clerks to supply by-law #];
- (H) Despite Clause 40.10.40.10(2) and 40.10.40.70(2)(E), (F), and (G), the permitted maximum **height** of a **building** or **structure** is the numerical value, in metres, following the letters “H” on Diagram 7 to By-law [Clerks to insert the by-law #];
- (I) Despite regulations 40.5.40.10(4), (5), (6), (7) and (8), 40.10.40.10(2) the following **building** elements and **structures** may exceed the permitted

maximum **building height** limits shown on Diagram 7 in accordance with the following:

- (i) guardrails, railings, bollards, balustrades, eaves, roof drainage, balcony and terrace guards, fences, railings, planters, cornices, and seating areas, retaining walls, balcony and terrace dividers, decorative screens, privacy screens, wheelchair ramps and ramps to underground, safety and wind protection/mitigation features, and solar panels and elements of a **green roof** may project up to a maximum of 3.0 metres;
 - (ii) ornamental elements, landscape elements, structures used for outside or open-air recreation, pergolas, architectural features, trellises, awnings and canopies may project up to a maximum of 4.0 metres;
 - (iii) elevator overruns, mechanical equipment, exoskeleton structures, stairs, stair towers and enclosures, enclosures of mechanical equipment, unenclosed heating equipment and a power generator may project up to a maximum of 3.0 metres; and
 - (iv) lightning rods, ventilation or cooling equipment such as chimneys, stacks, flues, vents, air intakes, antennas, satellite dishes and cellular arrays, parapets, window washing equipment and may project up to a maximum of 7.0 metres;
- (J) Despite regulations 5.10.40.70(1) and (3), 40.5.40.70(1), 40.10.40.70(2) and (4), and (C) and article 900.11.10.341, the required minimum **setbacks** for **buildings** and **structures** are as shown in metres on Diagram 7 of By-law [Clerks to insert the by-law #];
- (K) Despite regulation 5.10.40.70(2) and subsection (J) above, required minimum **building setbacks** on Diagram 7 of By-law [Clerks to insert the by-law #] do not apply to any parts of a **building** or **structure** that are below-ground;
- (L) Despite subsection (K) above, where there is no minimum **building setback** indicated on Diagram 7 of [Clerks to insert the by-law #], the required minimum **building setback** is 0.0 metres;

- (M) Despite regulations 5.10.40.70(1), (3) and (4), 40.5.40.60, and 40.10.40.60; 40.10.40.70(2), the following may encroach into the required **building setbacks** as shown on Diagram 7 of By-law [Clerks to insert the by-law #]:
- (i) at or on the level of the ground – stairs, stair enclosures, pillars, planters, seating areas, light fixtures, decorative screens, privacy screens, ornamental elements, art and **landscape** features, landscaping, patios, decks, ventilation shafts, railings, fences, site servicing features, retaining walls, bollards, air shafts, wheel chair ramps and vehicular parking ramps, may project/encroach may encroach up to a maximum of 6.0 metres;
 - (ii) above the level of the ground - balconies, balcony platforms, balcony guards and dividers, may encroach up to a maximum of 1.8 metres;
 - (iii) awnings, canopies and all vertical extensions of such awnings and canopies and related architectural elements may encroach up to a maximum of 3.0 metres;
 - (iv) eaves, roof drainage, cornices, ornamental elements, light fixtures, parapets, window washing equipment, architectural flutes and window sills, may encroach up to a maximum of 0.5 metres; and
 - (v) **structures**, elements and enclosures permitted by (i) above;
- (N) Despite article 900.11.10.341, regulations 200.5.1(2), 200.10.1(1) and (2), clause 200.5.10.1 and table 200.5.10.1, **parking spaces** must be provided and maintained as follows:
- (i) a minimum of 0.23 **parking spaces** for each **dwelling unit** for the use of residents of the **buildings**;
 - (ii) a minimum of 0.08 **parking spaces** for each **dwelling unit** for the visitors of the **buildings**, and may be provided within a **public parking** facility;
- (O) Despite regulations 200.5.1.10(2)(A)(iv), Electric Vehicle Infrastructure, including electrical vehicle supply equipment, does not constitute an obstruction to a **parking space**

- (P) Despite regulations 200.15.1(1) and (3) and 200.15.10(1), accessible **parking spaces** will be provided on the lands identified on Diagram 1 of By-law [Clerks to supply by-law #] with the following dimensions:
- (i) a minimum width of 3.4 metres;
 - (ii) a minimum length of 5.6 metres;
 - (iii) minimum vertical clearance of 2.1 metres; and
 - (iv) the entire length of an accessible **parking space** must be adjacent to a 1.5 metre wide accessible barrier free aisle or path on one side of the accessible **parking space**;
- (Q) Despite Regulations 200.15.1(4) and 200.15.1.5(1), an accessible **parking space** is not required to be the closest **parking space** to a barrier free entrance to a **building** or to a passenger elevator or be the shortest route from such entrance or elevator;
- (R) Despite clauses 40.10.90.1, 220.5.1, 220.5.1.10 and 220.5.10.1, one (1) Type “G” **loading space** must be provided;
- (S) Despite regulations 230.5.1.10(4) and (5), a **stacked bicycle parking space** must have the following minimum dimensions:
- (i) a minimum length of 1.6 metres;
 - (ii) a minimum width of 0.3 metres; and
 - (iii) a minimum vertical height of 1.1 metres;
- (T) Despite regulations 230.5.1.10(9) and (10), and clause 230.40.1.20, long-term and short-term **bicycle parking spaces** may be located in a **stacked bicycle parking space** arrangement, in any combination of vertical, horizontal or stacked positions, may be located in a secured room or area on any floor of a **building** above or below ground level and may be located more than 30 metres from a pedestrian entrance.

Prevailing By-laws and Prevailing Sections:

9. None of the provisions of this By-law or By-law No. 569-2013, as amended, shall apply to prevent a Construction Office/Sales Office on the lands identified on

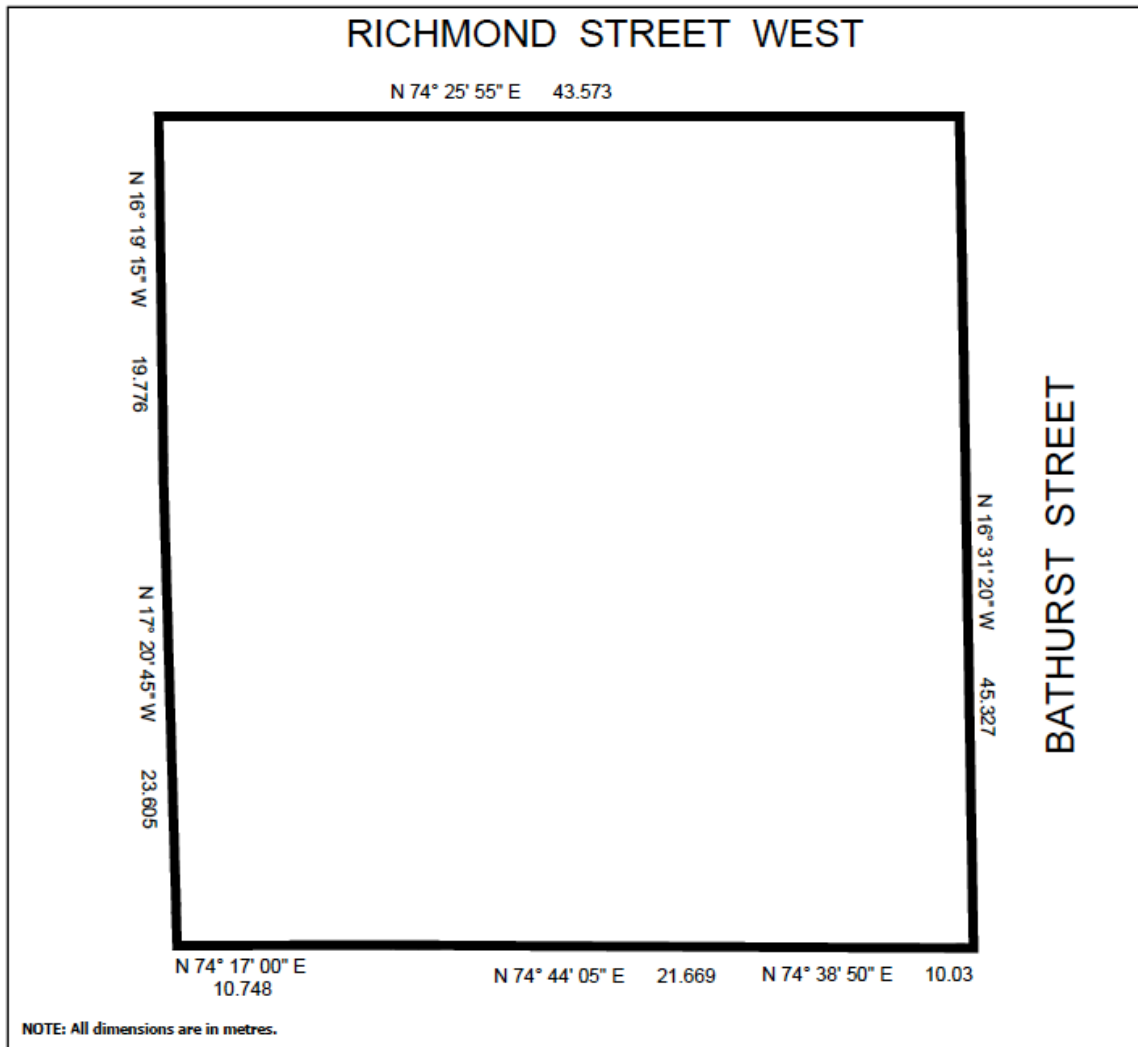
Diagram 1 of By-law [Clerks to supply by-law #], where for the purpose of this exception a Sales Office means **buildings, structures**, facilities or trailers, or portions thereof, used for the purpose of the administration and management of construction activity and/or for selling or leasing dwelling units and/or non-residential **gross floor area** on the lands identified on Diagram 1 of By-law [Clerks to supply by-law #];

10. No provision in the former City of Toronto Zoning By-law 438-86 applies to the lands in Diagram 1 attached to this By-law.
11. Despite any existing or future severances, partition, or division of the lands subject to this By-law, the provisions of this By-law will apply to the whole of the lands as if no severance, partition, or division had occurred.
12. Applications for minor variance are permitted to proceed for the lands identified on Diagram 1 of this By-law, including within 2 years of this By-law coming into force, notwithstanding the prohibition under subsection 45(1.3) of the *Planning Act*, as amended.

ENACTED AND PASSED this _____ day of _____, 2022.

JOHN TORY,
Mayor
(Corporate Seal)

JOHN ELVIDGE
City Clerk



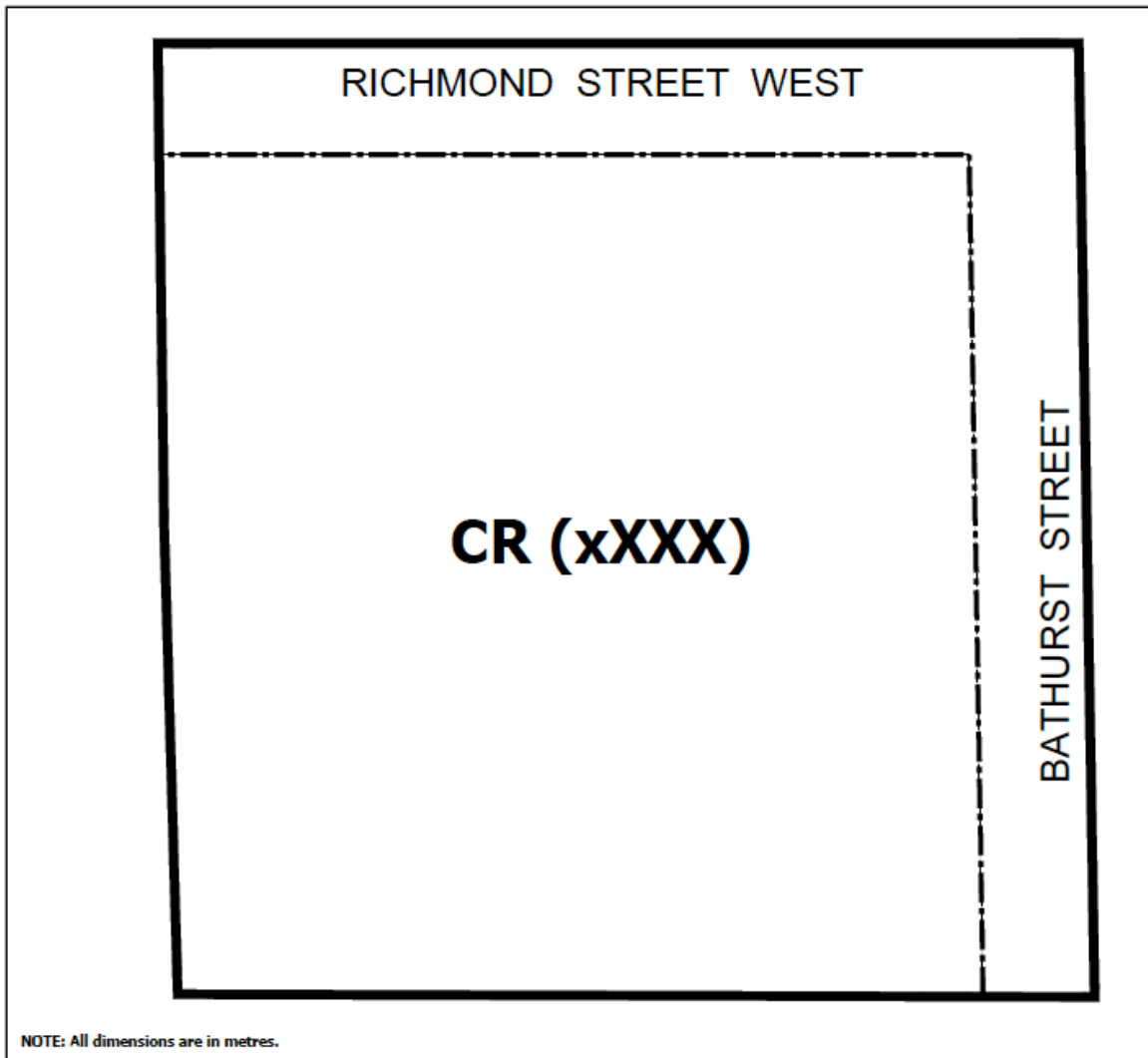
 **TORONTO** City Planning
Division
Diagram 1

**152-164 Bathurst Street &
623-627 Richmond Street West, Toronto**

File #21 181257 STE 10 OZ

Not to Scale





NOTE: All dimensions are in metres.



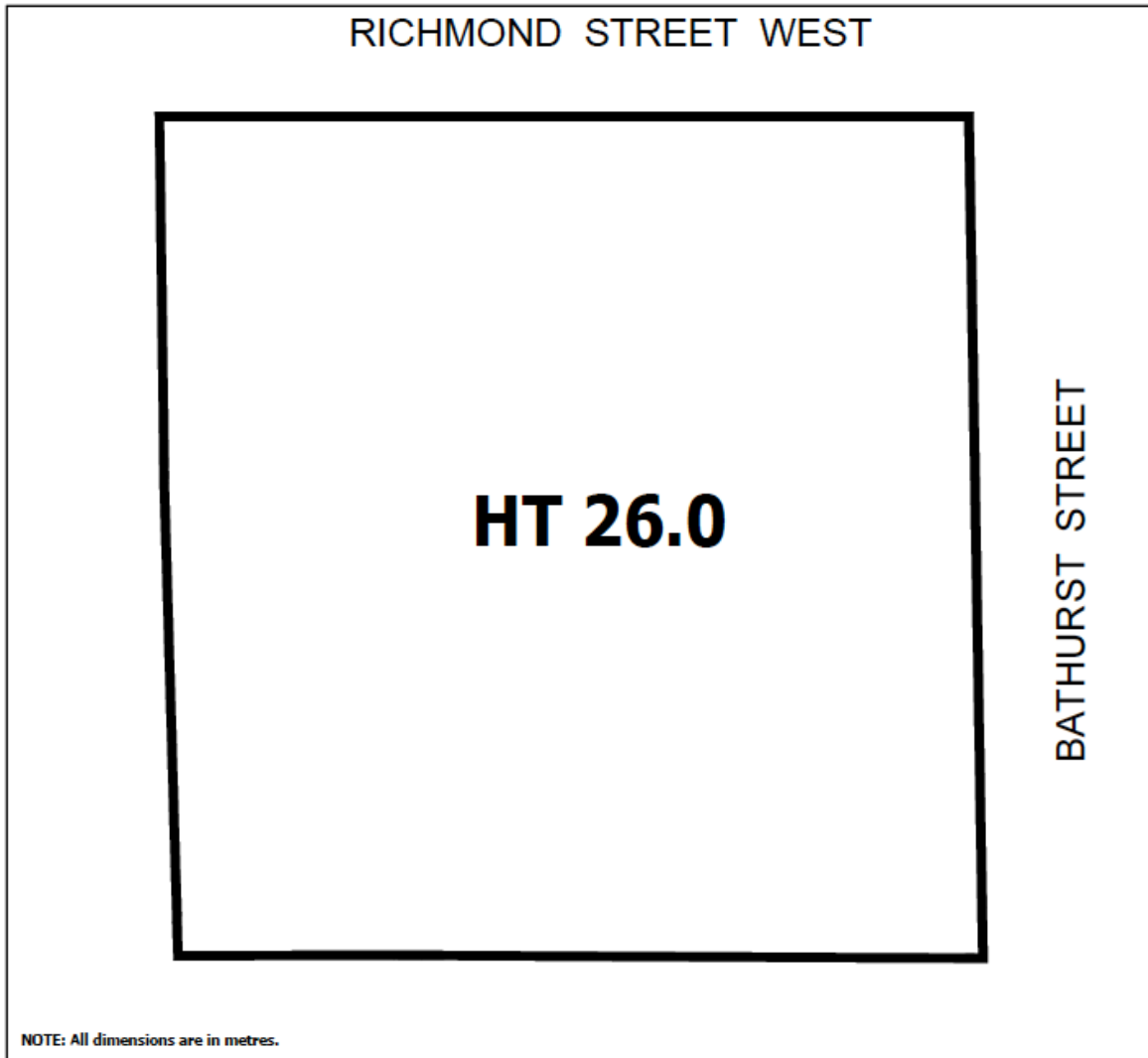
Diagram 2

**152-164 Bathurst Street &
623-627 Richmond Street West, Toronto**

File #21 181257 STE 10 OZ

Not to Scale





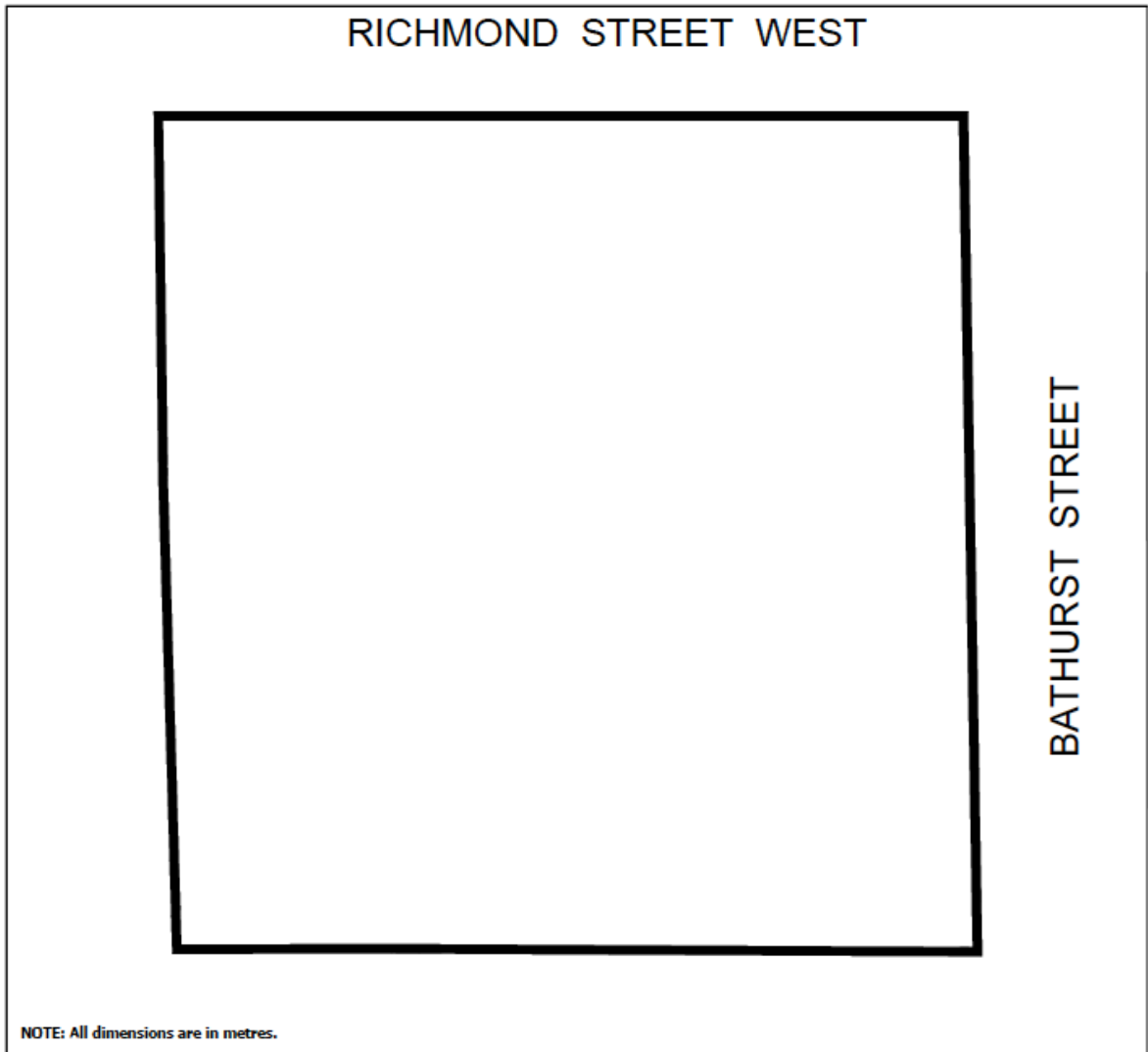
**152-164 Bathurst Street &
623-627 Richmond Street West, Toronto**

Diagram 3 - Height Overlay

File #21 181257 STE 10 02

Not to Scale





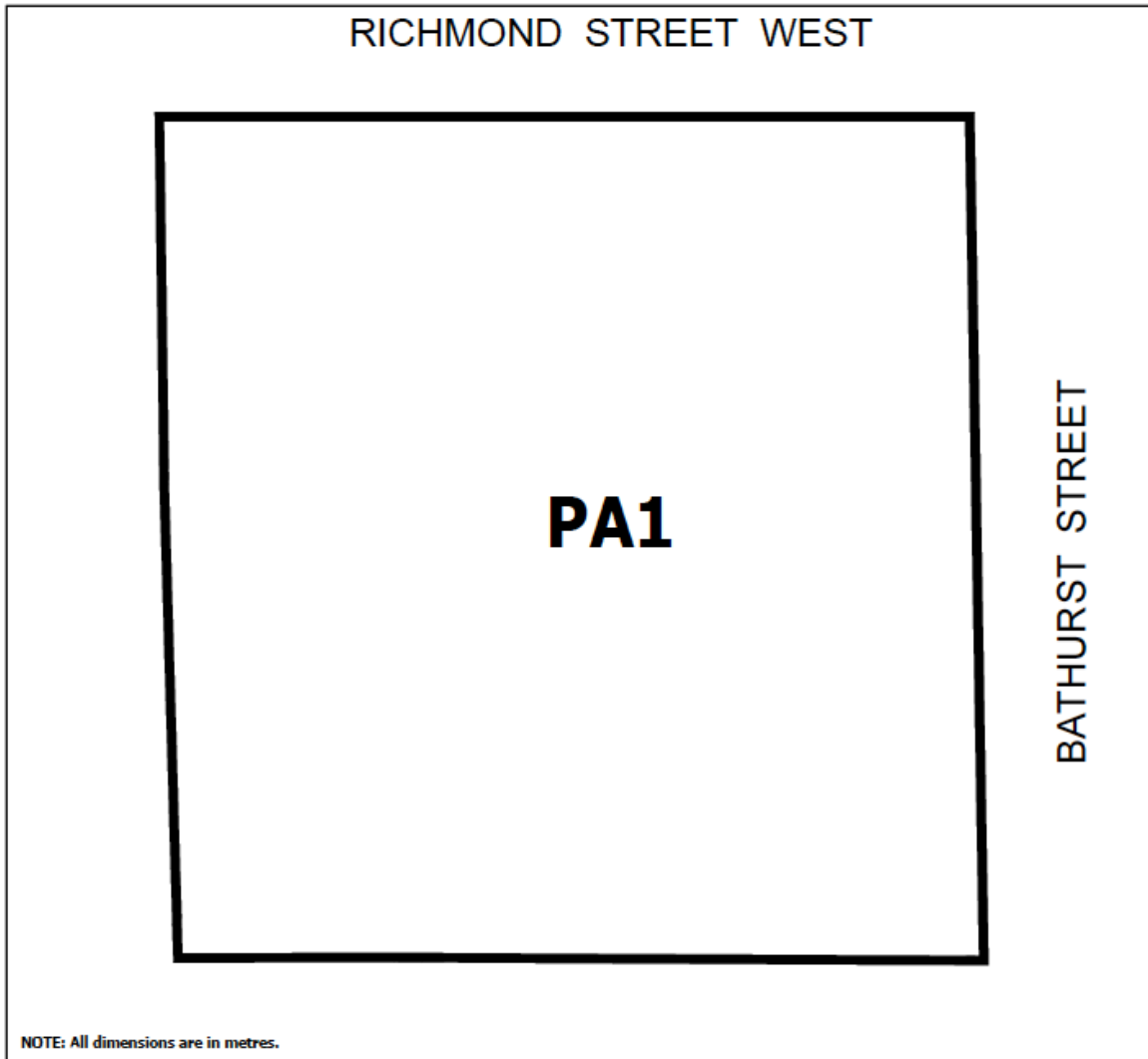
**152-164 Bathurst Street &
623-627 Richmond Street West, Toronto**

Diagram 4 - Lot Coverage

File #21 181257 STE 10 02

Not to Scale





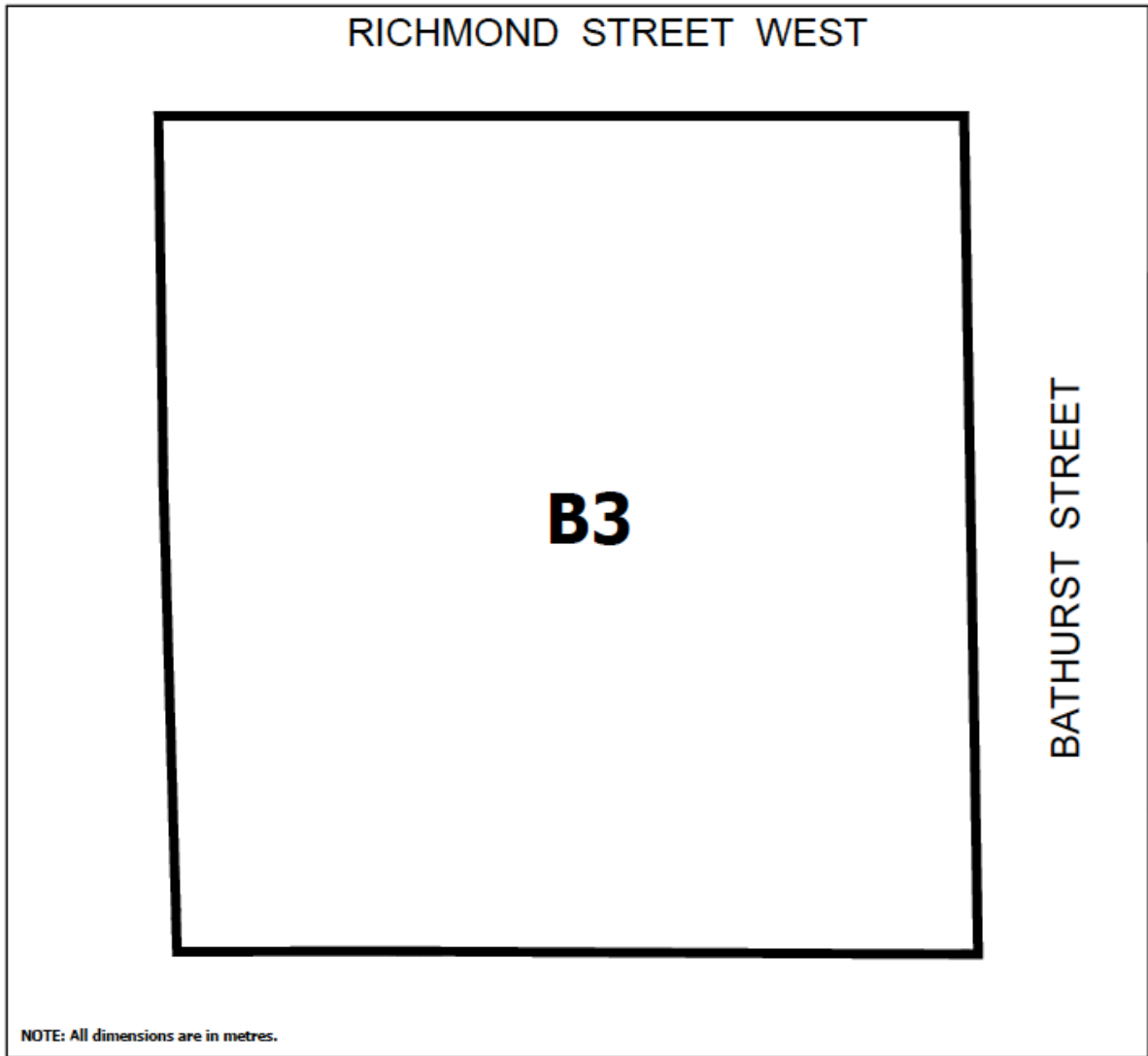
**152-164 Bathurst Street &
623-627 Richmond Street West, Toronto**

Diagram 5 - Policy Area

File #21 181257 STE 10 OZ

Not to Scale





NOTE: All dimensions are in metres.



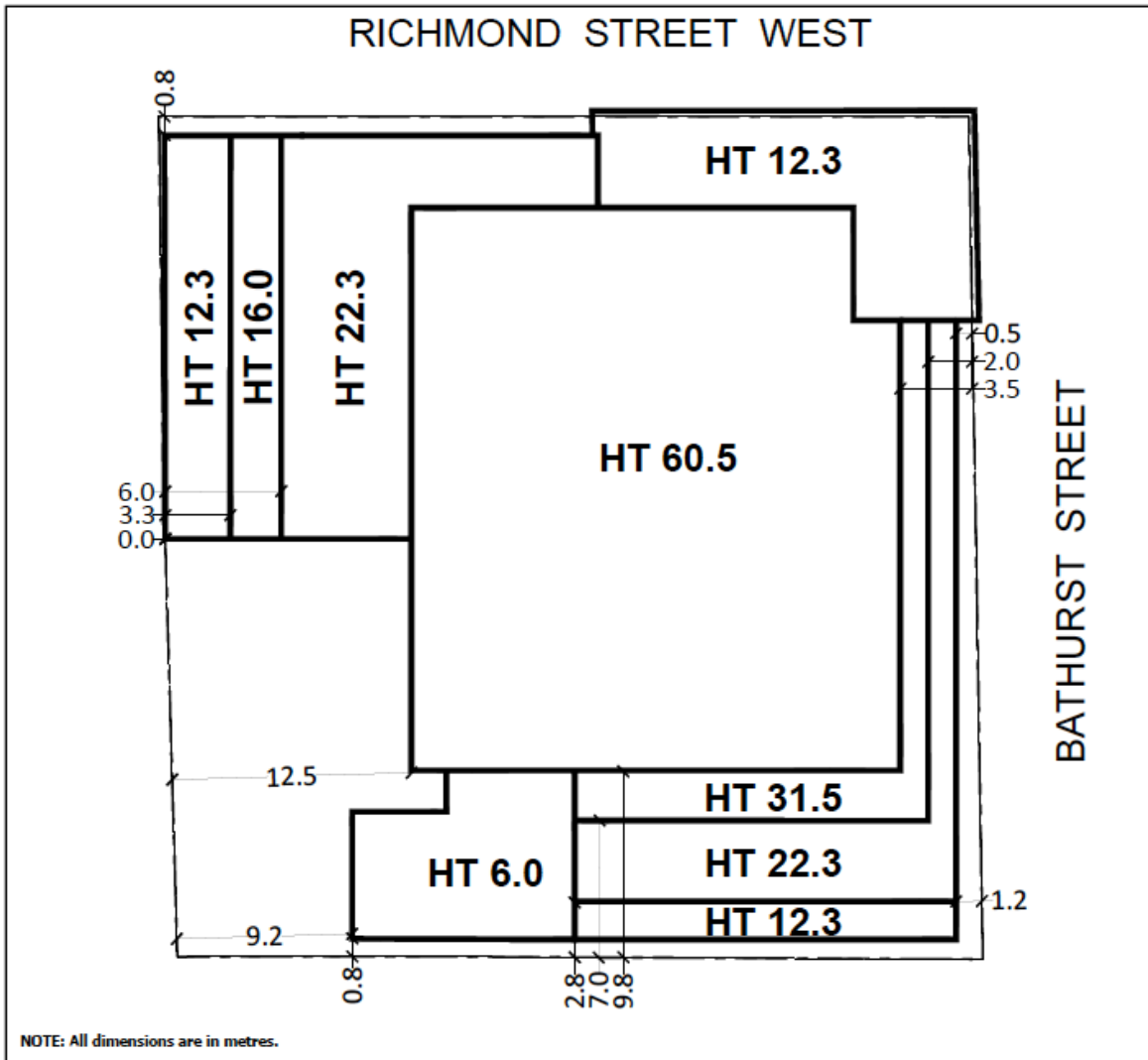
**152-164 Bathurst Street &
623-627 Richmond Street West, Toronto**

Diagram 6 - Rooming House

File #21 181257 STE 10 OZ

Not to Scale





 **Diagram 7**

**152-164 Bathurst Street &
623-627 Richmond Street West, Toronto**

File #21 181257 STE 10 OZ

Not to Scale

