

**783 Bathurst Street – Zoning Amendment Application –
Final Report**

Date:	October 6, 2011
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	11 138840 STE 20 OZ

SUMMARY

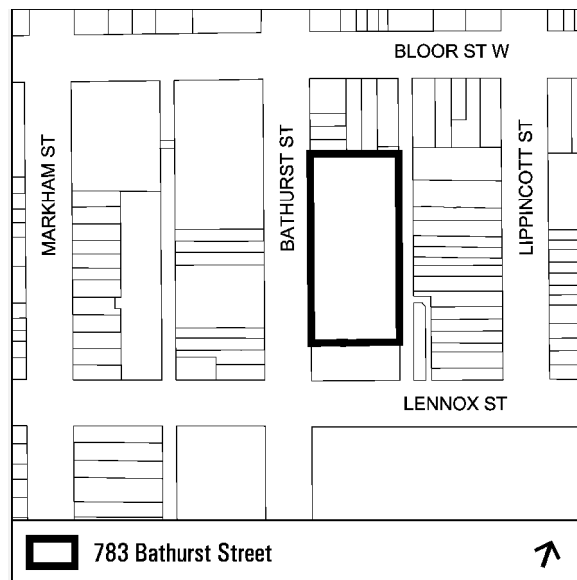
This application proposes to redevelop the existing school site located at 783 Bathurst Street with a terraced, nine-storey mixed-use building containing seven commercial units at grade and 195 residential units above.

This report reviews and recommends approval of the application to amend the Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438- 86 for the lands at 783 Bathurst Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8 to the report from the Director, Community Planning, Toronto and East York District, dated October 6, 2011.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft



- Zoning By-law Amendment as may be required.
3. Before introducing the necessary Bills to City Council for enactment, City Council require the owner of the lands at 783 Bathurst Street to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:
 - a. Community benefits will be provided and secured in the Section 37 Agreement are as follows:
 - i. An indexed payment of \$500,000.00 of which 10% will be payable prior to the enactment of the Bills and the remainder will be payable prior to the issuance of the first above-grade building permit. The initial 10% will be for public housing improvements in Ward 20 and the remainder will be for community improvements in Ward 20 in the vicinity of the site, which may include parks and public realm improvements.
 - b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:
 - i. The owner shall pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing and Stormwater Management Report, to be accepted by the Executive Director, Technical Services, should it be determined that improvements to such infrastructure are required to support this development.
 - ii. The owner shall provide a minimum of 10% of the total number of units as three-bedroom dwelling units, with bedroom being defined as a habitable room which meets the requirements of the Ontario Building Code.
 4. Before introducing the necessary Bills to City Council for enactment, City Council require the applicant to submit a revised Functional Servicing and Stormwater Management Report for review and acceptance by the Director, Technical Services.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

There are no previous applications or decisions related to the subject property.

ISSUE BACKGROUND

Proposal

The applicant proposes to redevelop the site currently occupied by a school building that formerly housed Loretto College, now a surplus site of the Toronto Catholic District School Board. The proposal is for a nine-storey mixed-use, commercial-residential building located mid-block on the east side of Bathurst Street between Bloor Street West and Lippincott Street. The rear of the property abuts a public laneway which extends between Lennox Street and Bloor Street. The Bathurst Street façade is at the property line and incorporates a number of stepbacks in order to respond to the existing two and three-storey, mixed-use character of Bathurst Street. The Bathurst Street frontage of the building contains the main residential lobby and seven grade-related retail units.

The east side of the building abuts the public lane with setbacks which increase from 4 m at the south end of the building to 11.6 m at the north end. In addition, the east façade incorporates stepbacks at the upper levels, starting at the fifth storey and contains six, two-storey, grade-related townhouse-style units at the south end which face the lane. A second residential entrance is also located at this side of the building, as is the vehicular access to the two-level underground parking garage, a parking lay-by and a loading space accessible via the rear laneway.

The applicant proposes a total of 195 residential units with a breakdown of 33 (17%) bachelor units, 41 (21%) one-bedroom units, 73 (37%) one-bedroom plus den units, 25 (13%) two-bedroom units, 3 (2%) two-bedroom plus den and 20 (10%) three-bedroom units. A total of 124 parking spaces are located in two levels of underground parking including 12 spaces for residential visitors, which is the minimum required under Zoning By-law 438-86. On-site parking for the seven retail units is not required as these are ancillary to the residential use of the building and will have a combined gross floor area of less than 1.0 times the area of the lot (approximately 812 m²). The required indoor amenity space is located at grade along with 29 visitor bicycle parking spaces. Residential bicycle parking, 119 spaces, are provided within the P1 level of the parking garage.

For further statistical information, refer to the Application Data Sheet found at Attachment 7 of this report.

Site and Surrounding Area

The 3,115 m² site is rectangular in shape and is located on the east side of Bathurst Street, between Bloor Street West to the north and Lennox Street to the south.

Land uses surrounding the site are as follows:

West: Two and three-storey mixed-use buildings with retail at grade, including Honest Ed's Department Store, are on the west side of Bathurst Street, between Bloor

Street and Lennox Street. A few of these buildings also contain residential units on the top floor.

East: Low-scale house-form residential buildings as well as a three-storey institutional building housing the First Filipino Baptist Church have frontage on Lippincott Street and rear yards that back onto the public laneway adjacent to the subject property. Parking for each of these properties is located at the rear, accessible from the laneway.

South: Immediately south of the site is an auto service garage and at the south-east corner of Bathurst Street and Lennox Street is the Central Technical School. On the opposite, south-west corner is a former church building now containing the Bathurst Street Theatre.

North: Just north of the site are three-storey mixed-use buildings with retail at grade and residential above. On the north side of Bloor Street, at the east and west corners of Bathurst Street are two-storey commercial buildings. The Bathurst Street Subway station is located approximately 140 m north of the site.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The east side of Bathurst Street, on which the subject site is situated, forms the western boundary of the *Downtown and Central Waterfront* area on the Urban Structure Map (Map 2) and the Downtown and Central Waterfront Boundaries Map (Map 6). The subject site is also designated *Mixed Use Areas* on the Land Use Plan Map (Map 18).

The *Downtown* is the heart of Toronto and is the oldest, densest and most complex part of the City. This area is very diverse in building form and activity, and is an area of the City where intensification is anticipated and desired. However, while growth is desired and anticipated in the *Downtown*, it cannot happen uniformly across the whole of *Downtown*, but has to fit with the existing high, medium or low-scale context. The key ingredient to a successful and functioning *Downtown* is the mixing of uses. The balancing of mixed-

uses with housing creates accessibility through proximity and the provision of a full range of housing opportunities further helps to offset the need for in-bound commuting each day.

The *Mixed Use Areas* designation in the Official Plan provides for a broad range of commercial, residential and institutional uses subject to a number of development criteria. The development criteria in *Mixed Use Areas* includes:

- creating a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- providing for new jobs and homes for Toronto's growing population on underutilized lands;
- locating and massing new buildings to provide a transition between areas of different development intensity and scale;
- locating and massing new buildings to frame the edges of streets and parks;
- providing an attractive, comfortable and safe pedestrian environment;
- providing good site access and circulation and an adequate supply of parking for residents and visitors;
- locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- providing indoor and outdoor recreation space for building residents in every significant multi-residential development.

The Toronto Official Plan is available on the City's website at:

www.toronto.ca/planning/official_plan/introduction.htm

Zoning

The subject site is zoned Commercial Residential (CR T2.0 R1.0) under the former City of Toronto Zoning By-law 438-86. This zoning category permits a range of residential and commercial uses to a maximum height of 14.0 metres, and a maximum total density of 2.0 times the lot area (Attachment 6).

Site Plan Control

The subject site and development is subject to Site Plan Control. An application for Site Plan Control has been submitted and is being reviewed concurrently with the Rezoning application.

Reasons for Application

An amendment to the Zoning By-law is required to permit the scale and density of the building being requested for this site.

The proposed development complies with the development criteria for the *Downtown and Central Waterfront Area* and *Mixed Use Areas*, therefore, an Official Plan Amendment is not required.

Community Consultation

A Community Consultation meeting was held on June 28, 2011 to present the proposed development. Approximately 20 members of the community were in attendance. Following presentations from the applicant, City staff and a representative from the local Councillor's office, a number of issues were discussed:

- The impact that the development may have on traffic, particularly along Lennox Street and Lippincott Street and the laneway to the rear of the development site as this is used by residents living on Lippincott Street to access their parking spaces at the rear of their properties.
- Some community members voiced concerns regarding the use of the rear laneway as the only access point into the residential parking garage and loading activities, noting that the laneway is already often blocked by delivery trucks during most hours of the day.
- It was suggested by some community members that staff consider allowing ingress off of Bathurst Street and egress onto the laneway, so as to create a one way in, one way out situation thereby dispersing traffic between Bathurst Street and the laneway.
- Many in the community also noted that students attending Central Technical High School to the south of the site use the rear laneway on their way to and from school and that the parking and loading activities proposed to occur off the laneway pose a potential safety concern.
- Concerns were also voiced about the potential shadow impacts the height of the building would have on the backyards of the properties fronting on Lippincott Street.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS and conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use

The proposed intensification in residential use is appropriate for this site. The *Mixed Use Areas* designation in the Official Plan allows for a mix of commercial and residential uses. The commercial uses at grade will help animate the street and will contribute to a continuous street wall matching the adjacent grade-related commercial uses to the north of the site and on the opposite side of the street.

Density, Height, Massing

The proposed development of a nine-storey building is deemed suitable for the site. In order to minimize shadow impacts, protect sunlight access and acknowledge the low-rise character to the east and west of this site, the building incorporates a number of stepbacks at the upper storeys including a number of alternating recessed and protruding cubes to provide architectural interest. The changing stepbacks range from 1.5 m to 2.29 m in depth giving the front façade an interesting cube-like appearance.

In order to minimize shadow and overlook impacts on the low-rise neighbourhood to the east, stepbacks are provided at every level along the rear façade, starting at the sixth storey. As well, approximately 65% of the building is setback from the rear property line by 11.6 m. The remaining 45% contains the townhouse units which are two-storeys in height and are setback 4 m from the property line at the ground floor and 0.6 m at the second storey. Although application of a 45 degree angular plane is not required in a CR zone, the various setbacks and stepbacks provided allow the building to stay within this angular plane at the rear.

When the applicant's original proposal was received in March 2011, staff identified a number of issues related to the rear façade. There was concern regarding the relationship between the back of the townhouses and the second and third-storey units situated directly behind them. At that time, the townhouses were proposed to be three-storeys in height and were not imbedded into the base of the building. The townhouses projected out and the east-facing residential units located at the second and third level of the principle building were situated directly behind the townhouse units. The separation distance between these units and the rear wall of the townhouses was 4.1 m, and the windows of the second storey units faced a 5.3 m high wall, while the windows of the third storey units faced a 2.65 m high wall. This condition would result in a lack of sunlight and reduced liveability for the occupants of the second and third storey units.

At the suggestion of staff, the applicant revised the proposal by increasing the floor-to-ceiling height of the first storey of the principle building from 4 m to 4.7 m. The separation distance between the second floor units and the townhouse units is now 3.5 m and the height of the wall faced by the second storey units is now 1.99 m, rather than the previous 5.3 m. As well, the first storey of the townhouse units is now setback 4 m from the lane, rather than the previously proposed 1.6 m and ground floor terraces have been added. This will permit some landscaping adjacent to the laneway where it was previously lacking along with separation from traffic on the laneway. These changes, along with structural requirements, increase the height of the building from the originally

proposed 27.2 m to 29.4 m, including the mechanical room. This height is the result of changes made to the building by the applicant to address the concerns of staff.

Sun, Shadow, Wind

The applicant submitted a shadow study and no adverse shadow impacts will be created by this development. Due to the proposed setbacks and stepbacks, the proposed building will allow for more sunlight to be experienced in the rear yards of the adjacent properties to the east than would be permitted by an as-of-right building envelope. During the shoulder seasons (based on the March 21st and September 21st equinoxes) the building will result in a shadow that will not have any meaningful impact on the Lippincott Street properties until approximately 5:00 p.m.

Streetscape

The majority of the front facade of the proposed building is located right at the property line along Bathurst Street and thereby maintains a continuous street wall with the buildings to the north. However, in order to provide some articulation and to create room for the residential lobby, retail entrances, planters and bicycle parking, the building steps in at a number of locations along the façade. The existing sidewalk width of 2.1 metres is maintained and is further enhanced in areas where the building steps in. The existing sidewalk width does not allow enough room for street tree planting, however, due to the location of underground utilities along the east side of Bathurst Street, tree planting is not feasible. Over 60% of the building's frontage will contain active, street-related retail uses that will be animated with transparent windows and doors and will distinguish the retail entrances from the main residential entrance.

Traffic Impact, Access, Parking

The development requires 112 resident parking spaces and 12 visitor parking spaces, for a total of 124 spaces. The applicant proposes to provide the required number of spaces in two levels of underground parking with vehicular access off the rear laneway. The applicant's traffic study, which has been deemed satisfactory by Transportation Services staff, shows that the site will generate approximately 35 and 40 vehicle trips in the morning and afternoon peak hours respectively. The study also concludes that the previous institutional use located on the site generated a similar number of a.m. and p.m. peak hour trips. Likewise, vehicular access to the surface parking lot which existed on the site at that time and contained 44 parking spaces, was also provided off the rear laneway.

Loading

One Type G loading space will be provided at the rear of the building also accessed from the public laneway. Staff considered the comment made at the Community Consultation meeting suggesting that at least some servicing occur off of the Bathurst Street frontage. However, in compliance with Official Plan policies 3.1.2.2(a) and (b), servicing will be provided off a rear laneway to minimize driveways and curb cuts across the public sidewalk and to protect and improve the safety and aesthetic quality of the adjacent street.

Bicycle Parking

Transportation Planning staff have identified a deficiency in the number of bicycle parking spaces proposed. A total of 119 resident bicycle parking spaces are proposed on the P1 level of the parking garage and 29 visitor spaces are proposed at grade for a total of 148. While this meets the minimum requirement under Zoning By-law 438-86, it does not meet the Tier 1 performance measures of the Toronto Green Standards (TGS). In this case, a total of 195 bicycle parking spaces are required (156 resident and 39 visitor). The attached Zoning By-law amendment (Attachment No. 8) reflects the correct number of spaces.

Servicing

The Technical Services Division has identified issues with the applicant's submitted Functional Servicing and Stormwater Management Report and require that the report be revised and resubmitted for review and acceptance prior to the enactment of Bills.

Amenity Space

The indoor amenity space, located on the ground floor, is 408 m² and contains both kitchen space and a washroom and slightly exceeds the minimum By-law requirement. The outdoor amenity space, located at the rear of the building, is directly connected to the indoor amenity space. Due to site constraints, the outdoor amenity space is deficient in size as it measures 90 m² whereas 390 m² is required. The applicant is providing balconies for the majority of the 195 units. Staff can accept the reduction in outdoor amenity space due to the modest size of the building and site constraints, but would be reluctant to support such a level non-compliance for a larger residential development.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with zero to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

The applicant proposes 195 residential units and 811 m² of non-residential uses on a site with a net area of 3,115 m². At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication requirement is 0.26 hectares (2,613 m²) or 88% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10 % is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 298 m².

The applicant proposes to satisfy the parkland dedication requirements through cash-in-lieu. This is appropriate as an on-site parkland dedication requirement of 298 m² would not be of a useable size and the site would be encumbered with below-grade parking.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS.

The site specific zoning by-law will secure performance measures for the following Tier 1 development features:

- Cycling Infrastructure.

Other applicable TGS performance measures will be secured through the Site Plan Approval process. The following TGS performance measures will be secured:

- Waste diversion system capable of handling garbage, recyclable material and organic waste.
- Green roof details covering a minimum of 50% of the roof area.
- Bicycle parking details located at grade and within the P1 level of the parking garage.
- Window and other design features for the protection of migratory birds.

Section 37

The community benefits recommended to be provided by the applicant and secured in the Section 37 agreement are as follows:

1. An indexed payment of \$500,000.00 of which 10% will be payable prior to the enactment of the Bills and the remainder will be payable prior to the issuance of the first above-grade building permit. The initial 10% will be for public housing improvements in Ward 20 and the remainder will be for community improvements in Ward 20 in the vicinity of the site, which may include parks and public realm improvements.

The following matters are also recommended to be secured in the Section 37 agreement as a legal convenience to support development:

1. The owner shall pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing and Stormwater Management Report, to be accepted by the Executive Director, Technical Services, should it be determined that improvements to such infrastructure is required to support this development.
2. The owner shall provide a minimum of 10% of the total number of units as three-bedroom dwelling units, with bedroom being defined as a habitable room which meets the requirements of the Ontario Building Code.

Development Charges

It is estimated that the development charges for this project will be \$1,377,458.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

Conclusion

The development site is a surplus site belonging to the Toronto Catholic District School Board and is currently occupied by a school building that formerly housed Loretto College. The proposed mixed-use condominium building would introduce a mixed-use, commercial and residential use to the site that is in compliance with the Official Plan and use permissions in the Zoning By-law. While the proposed height and density are more than double that which is permitted, the proposal appropriately addresses the existing low-rise, mixed-use character of Bathurst Street and the residential neighbourhoods to the east and west.

This report recommends approval of this application.

CONTACT

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SIGNATURE

Gregg Lintern, MCIP, RPP
Director, Community Planning,
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: West Elevation

Attachment 3: East Elevation

Attachment 4: North Elevation

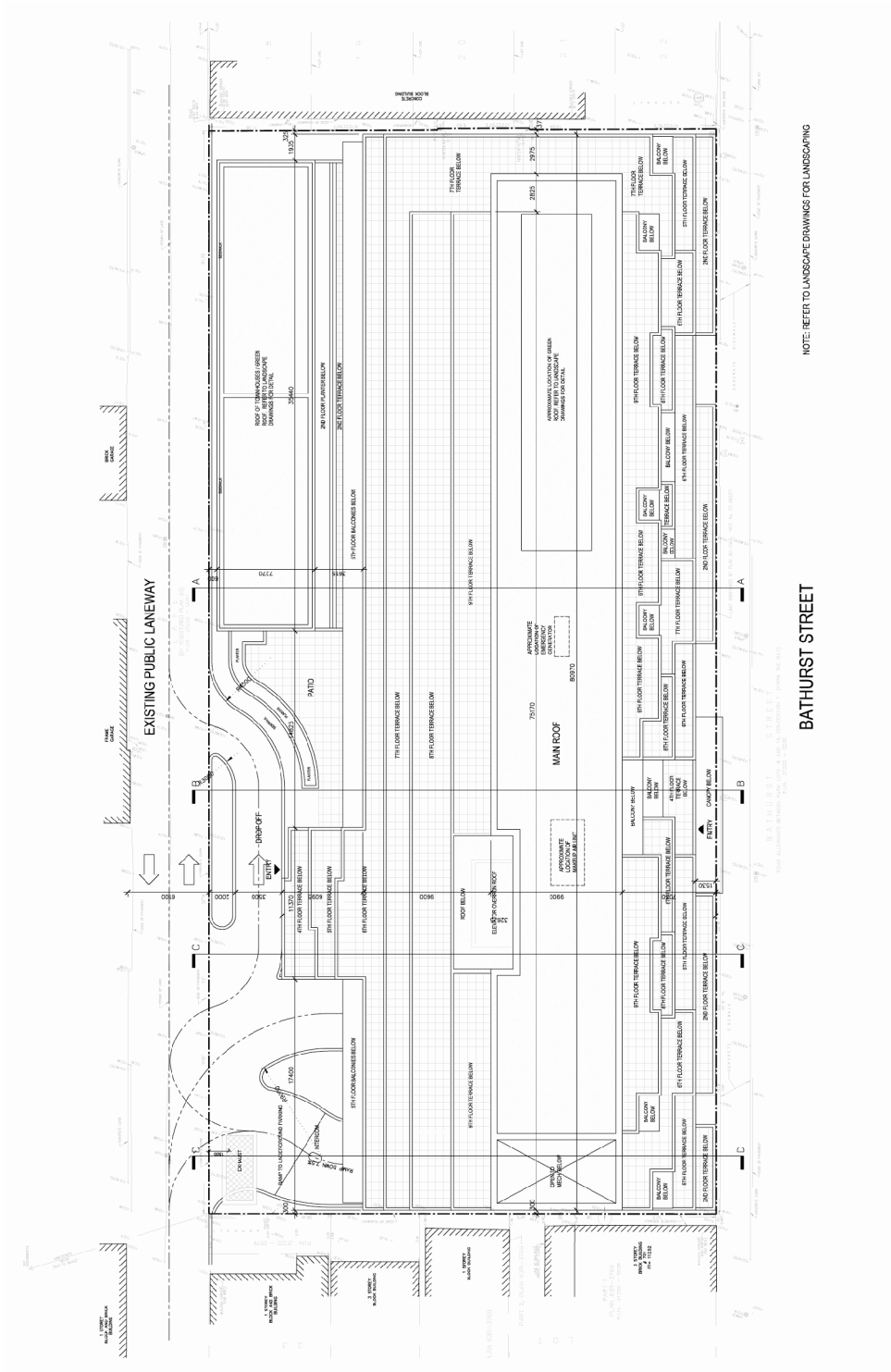
Attachment 5: South Elevation

Attachment 6: Zoning

Attachment 7: Application Data Sheet

Attachment 8: Draft Zoning By-law Amendment

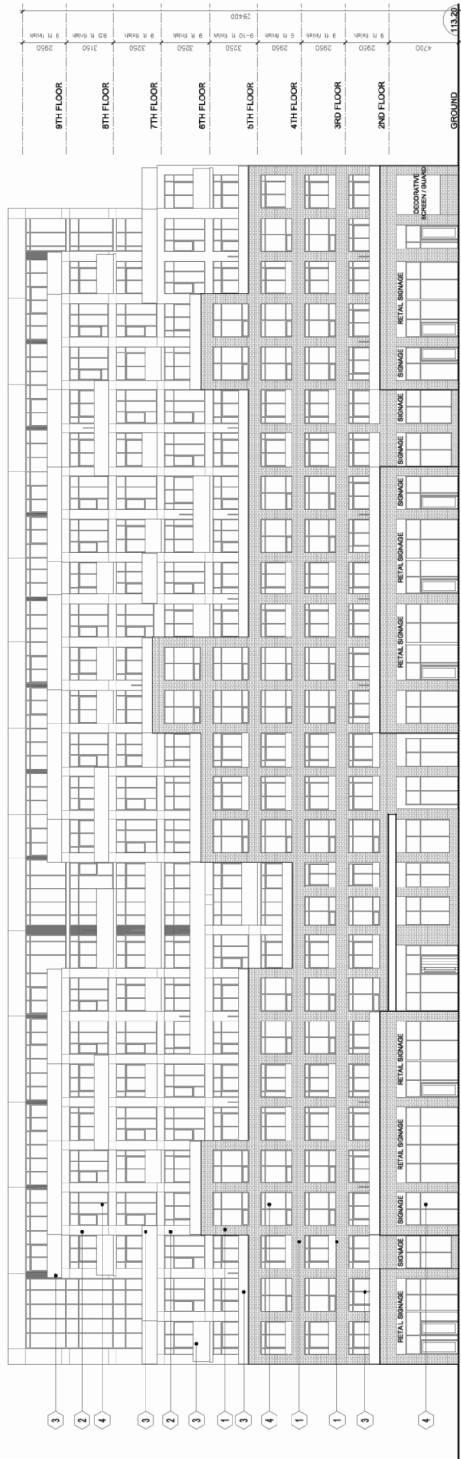
Attachment 1: Site Plan



Site Plan
 Applicant's Submitted Drawing
 Not to Scale
 10/07/2011

783 Bathurst Street
 File # 11_138840_02

Attachment 2: West Elevation



WEST Elevation

Elevations

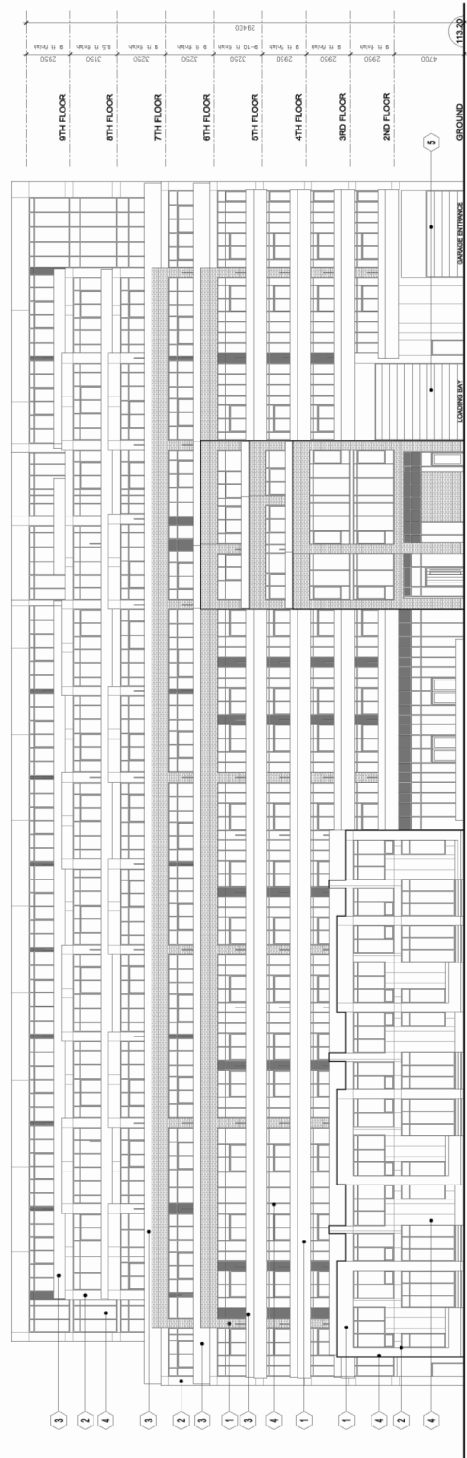
Applicant's Submitted Drawing

Not to Scale
10/07/2011

783 Bathurst Street

File # 11_138840_02

Attachment 3: East Elevation



EAST Elevation

Elevations

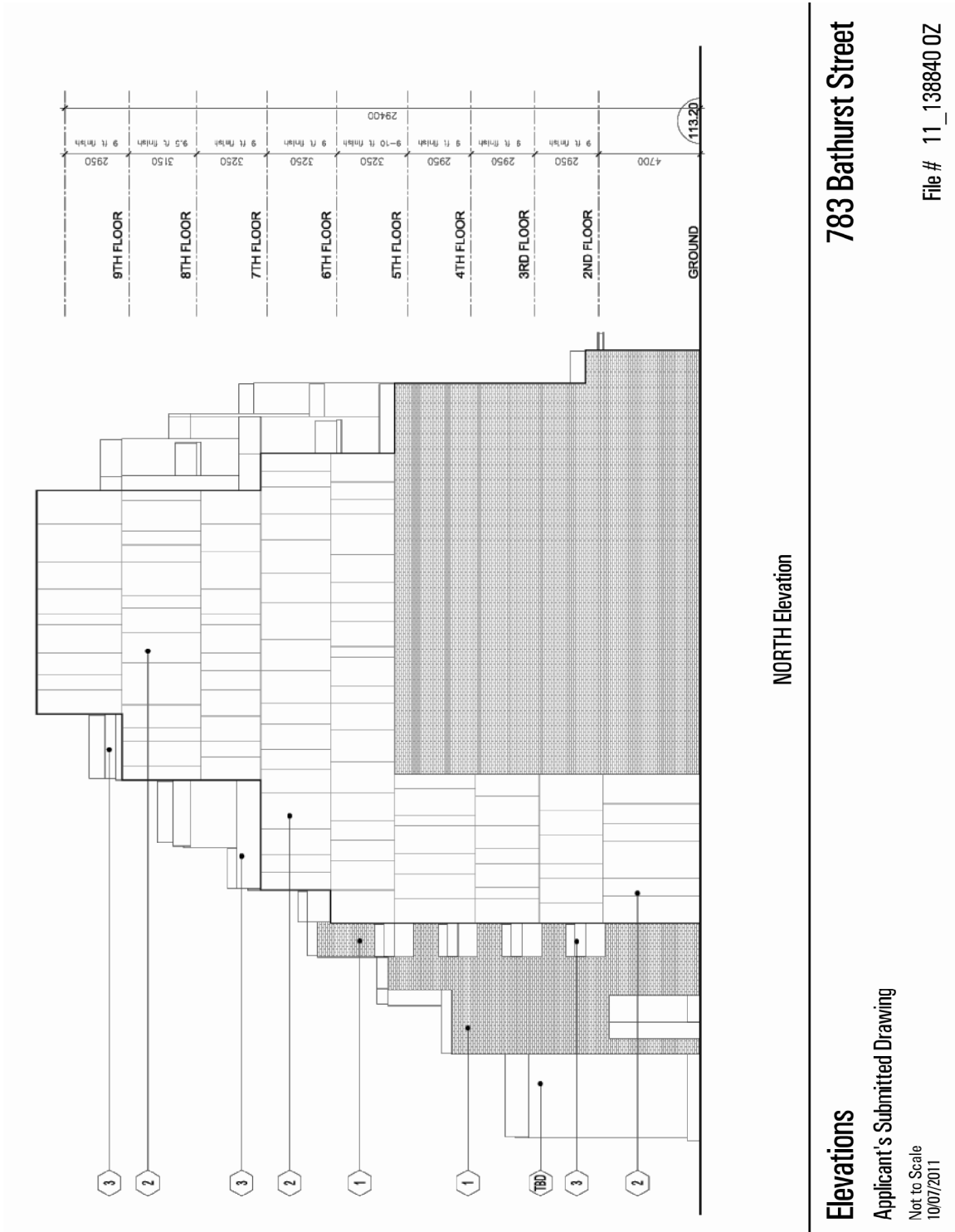
Applicant's Submitted Drawing

Not to Scale
10/07/2011

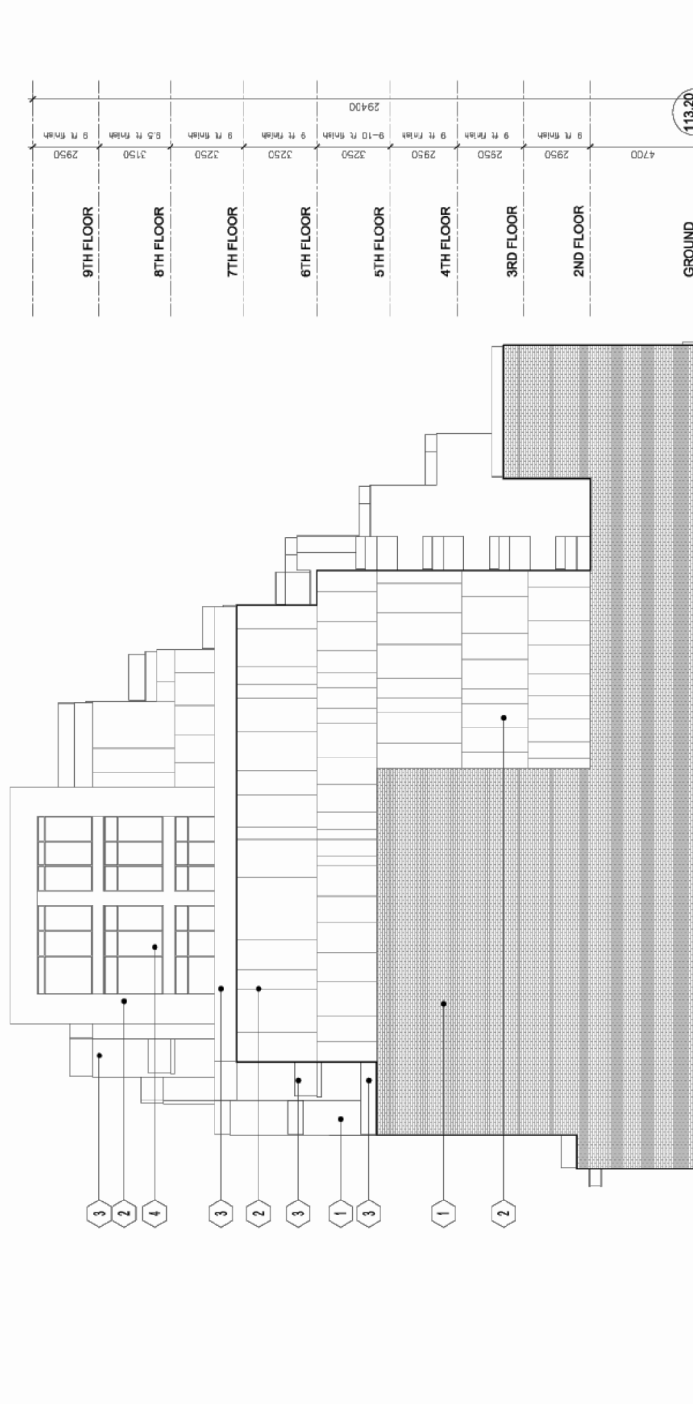
783 Bathurst Street

File # 11_138840_02

Attachment 4: North Elevation



Attachment 5: South Elevation



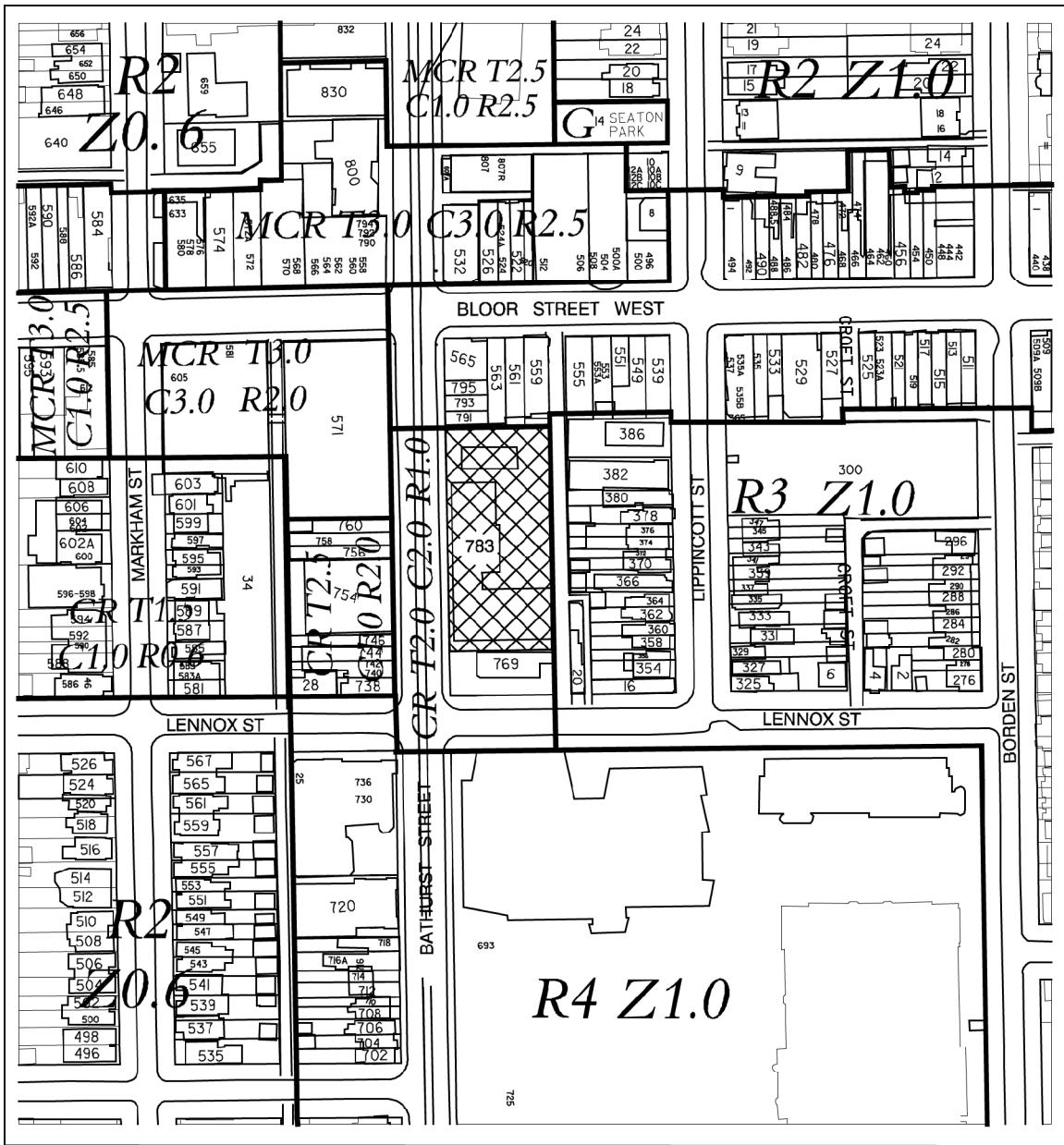
SOUTH Elevation

783 Bathurst Street

Elevations
 Applicant's Submitted Drawing
 Not to Scale
 10/07/2011

File # 11_138840 02

Attachment 6: Zoning



783 Bathurst Street
File # 11_138840_0Z

- G Parks District
- R2 Residential District
- R3 Residential District
- R4 Residential District
- CR Mixed-Use District
- MCR Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 04/19/2011

Attachment 7: Application Data Sheet

Application Type	Rezoning	Application Number:	11 138840 STE 20 OZ
Details	Rezoning, Standard	Application Date:	March 4, 2011
Municipal Address:	783 Bathurst Street		
Location Description:	PLAN 93 LOT 23 TO LOT 29 **GRID S2004		
Project Description:	Proposal to build a 9-storey residential condominium with ground floor retail space. A total of 195 units are to be provided with 124 parking spaces in 2 levels of underground parking. Access to the garage will be located off the rear laneway.		

Applicant:	Agent:	Architect:	Owner:
Aird and Berlis, Barristers & Solicitors	Urban Strategies Inc.	Hariri Pontarini Architects	Linvest Properties (Bathurst Bloor) Limited

Planning Controls

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	CR T2.0 C2.0 R1.0	Historical Status:
Height Limit (m):	14	Site Plan Control Area: Y

Project Information

Site Area (sq. m):	3115.41	Height:	Storeys: 9
Frontage (m):	81.72		Metres: 29.4
Depth (m):	38.16		
Total Ground Floor Area (sq. m):	2191.87		Total
Total Residential GFA (sq. m):	14491.61	Parking Spaces:	124
Total Non-Residential GFA (sq. m):	811.64	Loading Docks	1
Total GFA (sq. m):	15303.25		
Lot Coverage Ratio (%):	70.4		
Floor Space Index:	4.91		

Dwelling Units

Floor Area Breakdown (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	14491.61	0
Bachelor:	33	Retail GFA (sq. m):	811.64	0
1 Bedroom:	114	Office GFA (sq. m):	0	0
2 Bedroom:	28	Industrial GFA (sq. m):	0	0
3 + Bedroom:	20	Institutional/Other GFA (sq. m):	0	0
Total Units:	195			

Contact:	Planner Name:	Joanna Kimont, Assistant Planner
	Telephone:	416-392-7216

Attachment 8: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ~ as adopted by City of
Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend Zoning By-law No. 438-86, as amended,
With respect to the lands municipally known in the year 2011 as
783 Bathurst Street**

WHEREAS the Council of the City of Toronto has been requested to amend Zoning By-law No. 438-86 pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, with respect to lands known municipally in the year 2011 as 783 Bathurst Street;

WHEREAS the Council of the City of Toronto has provided adequate information to the public and has conducted at least one public meeting under Section 34 of the *Planning Act* regarding the proposed Zoning By-law amendment;

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

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

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth;

WHEREAS the increases in the density or height permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 438-86 of the former City of Toronto, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto;

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

AND WHEREAS the Council of the City of Toronto, at its meeting on _____, 2011, determined to amend Zoning By-law No. 438-86;

THEREFORE By-law No. 438-86, the General Zoning By-law of the former City of Toronto, as amended, is further amended as follows:

1. This By-law applies to the lands delineated by a heavy line and identified as 783 Bathurst Street as shown on Map 1 attached to and forming part of this By-law;
2. Pursuant to Section 37 of the *Planning Act*, the heights of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the owner of the site of the facilities and services and matters set out in Section 5 hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
3. Upon execution and registration of an agreement or agreements with the owner of the site pursuant to Section 37 of the *Planning Act*, securing the provision of the facilities and services and matters set out in Section 5 hereof, the site is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirement.
4. None of the provisions of Section 2(1) with respect to “*grade*”, “*height*” and “*lot*”, and Sections 4(2)(a), 4(10)(a), 4(12), 4(13)(a)(b)(c), 8(3) Part I 1 and 3, 8(3) Part II 1(a), 8(3) Part VIII 1, 8(3) and Part XI 1 of By-law No. 438-86 of the former City of Toronto, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto” as amended, shall apply to prevent the erection and use of a *mixed-use* building on the *lot*, provided that:
 - a) the *lot* on which the *mixed-use building* is located comprises at least the lands outlined by heavy lines on Map 1 attached to and forming part of this By-law;
 - b) the total combined *residential gross floor area* and *non-residential gross floor area* on the *lot* does not exceed 15,400 square metres, provided:
 - (i) the *residential gross floor area* does not exceed 14,550 square metres; and
 - (ii) the *non-residential gross floor area* does not exceed 850 square metres;

- c) the *mixed-use building*, including all mechanical equipment, stair enclosures and elevator overruns, is located wholly within the areas delineated by heavy lines and the *height* limits specified by the numbers following the symbol “H” as shown on Map 2, attached and forming part of this By-law, with the following exceptions:
- (i) balconies provided they extend no more than 2.0 metres from the walls to which they are attached with the exception of the third floor east-facing units directly adjacent to the six townhouse units which may have balconies which extend a maximum of 0.3 metres, including balcony railings, from the walls to which they are attached;
 - (ii) canopies, stairs, fences, landscape features, guard-rails, retaining walls, wheel chair ramps, terrace and balcony railings and dividers, lightning rods, elements of a green roof, window washing equipment, solar panels, solar hot water heaters, exhaust flues, makeup air units, emergency generator, garbage chute overrun, parapets, cornices, balustrades, mullions, light fixtures, awnings, ornamental elements and eaves provided they extend no more than 2.0 metres; and
 - (iii) for the portion of the building located closest to Bathurst Street having a height limit of 26.90 metres on Map 2, up to 80% of the west-facing building façade within that area may have a height of 26.90 metres, and the balance may have a height of 23.75 metres.
- d) a minimum of 407 square metres of indoor *residential amenity space* shall be provided in a multi-purpose room or rooms located on the first level closest to grade, and the floor area devoted to indoor *residential amenity space* shall be excluded from the calculation of *residential gross floor area*;
- e) a minimum of 90 square metres of outdoor *residential amenity space* shall be provided on the *lot* in a location adjoining or directly accessible from the indoor *residential amenity space*;
- f) *bicycle parking spaces-occupant* and *bicycle parking spaces-visitor* shall be provided as follows:
- (i) a minimum of 0.8 bicycle parking spaces – occupant per dwelling unit
 - (ii) a minimum of 0.2 bicycle parking spaces – visitor per dwelling unit.

- g) *bicycle parking spaces – visitor* shall be located only on the first level below grade or the first level closest to grade; and, shall be reserved at all times for visitors to the building and designated by means of clearly visible signs as being for the exclusive use of visitors to the building in such areas;
 - h) the *bicycle parking spaces* required in Section 4(f) of this By-law may be provided in a *stacked bicycle parking space*; and
 - i) “*stacked bicycle parking space*” means a horizontal *bicycle parking space* that is positioned above or below another *bicycle parking space* and equipped with a mechanical device providing floor level access to both bicycle parking spaces.
5. The facilities, services and matters set out herein are the matters required to be provided by the owner of the *lot* at its expense to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act* in a form satisfactory to the Chief Planner and Executive Director, City Planning Division and the City Solicitor and such agreement(s) shall be registered against title to the *lot* as outlined in heavy lines on Map 1 to the satisfaction of the City Solicitor to secure the following facilities, services or matters:
- (a) The owner of the *lot* shall pay the sum of FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) to the City of Toronto as a contribution towards community improvements in Ward 20, of which 10% will be payable prior to the enactment of the Bills and the remainder will be payable prior to the issuance of the first above-grade building permit. The initial 10% shall be for public housing improvements in Ward 20 and the remainder will be for community improvements in Ward 20 within the vicinity of the site, which may include parks and public realm improvements. Such payment shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.
 - (b) At least 10% of the total number of units provided on the *lot* shall be provided as three-bedroom dwelling units, bedroom to be defined as a habitable room which meets the requirements of the Ontario Building Code.
 - (c) Prior to the issuance of the first above-grade building permit, the owner of the lot shall pay for and construct or provide sufficient financial securities for any improvements to the municipal infrastructure in connection with the Functional Servicing and Stormwater Management Report, to be accepted by the Executive Director, Technical Services, should it be determined that improvements to such infrastructure is required to support this development.

6. Despite any future severance, partition or division of the *lot* as shown on Map 1, the provisions of this By-law shall apply as if no severance, partition or division occurred.
7. For the purposes of this By-law, each word or expression that is italicized in the By-law shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended, with the exception of the following terms:
 - (i) “*grade*” shall mean 113.2 metres Canadian Geodetic Datum;
 - (ii) “*height*” shall mean, the vertical distance between *grade* and the highest point of the structure, except for those elements otherwise expressly prescribed in this By-law; and
 - (iii) “*lot*” shall mean the parcel of land outlined by heavy lines on Map 1 and known municipally as 783 Bathurst Street in the year 2011.
8. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.

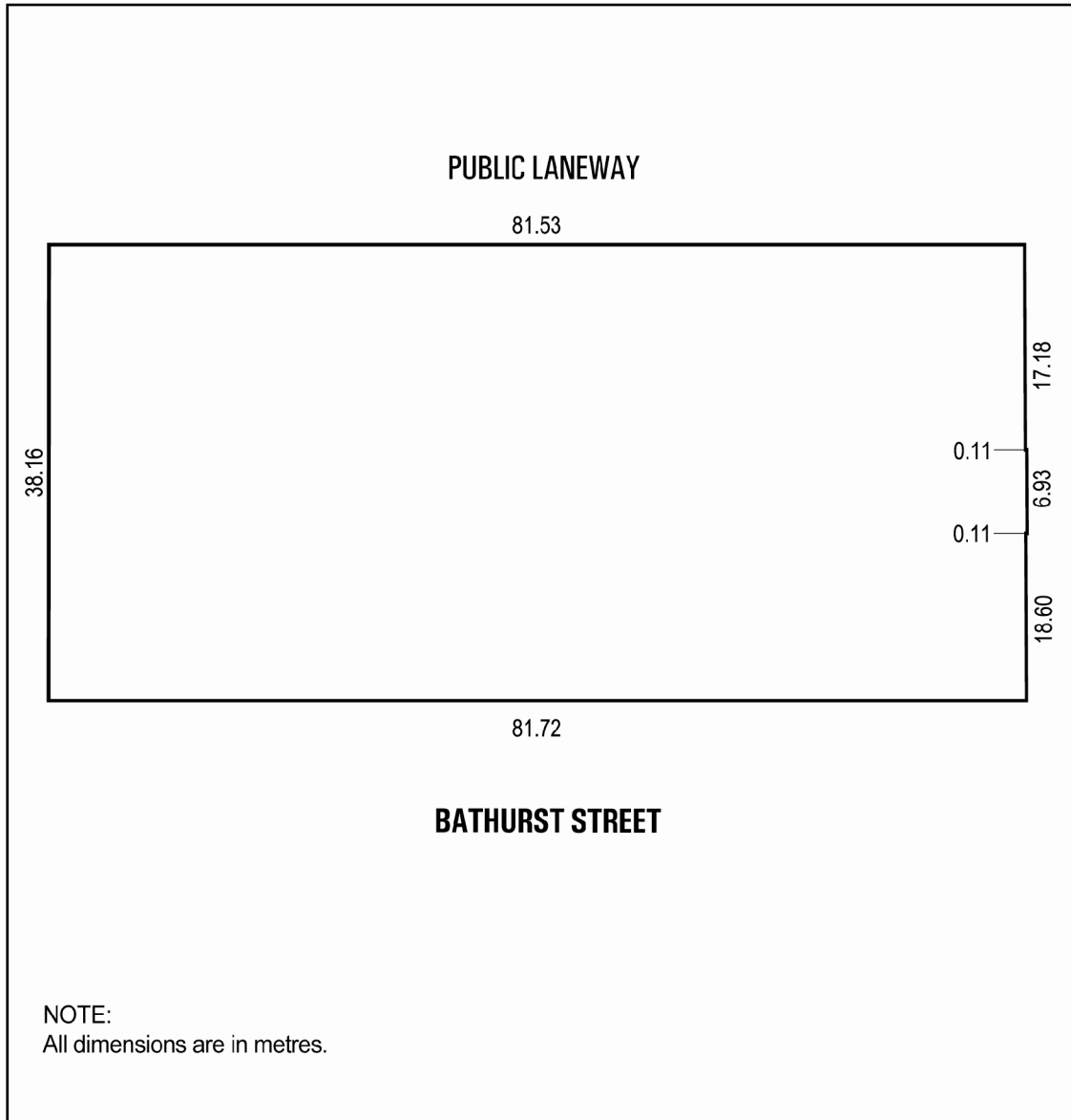
ENACTED AND PASSED this ~ day of ~, A.D. 2011.

ROB. FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Map 1



NOTE:
All dimensions are in metres.



Map 2

