

Thursday, February 15, 2024

**NOTICE OF DECISION
MINOR VARIANCE/PERMISSION
(Section 45 of the Planning Act)**

File Number: A0629/23NY
Property Address: 4926 BATHURST ST
Legal Description: CON 2 WY PT LOT 20
Agent: BOUSFIELDS INC
Owner(s): 4926 BATHURST INC.
Zoning: CR 2.0 (c2.0; r2.0) SS2 (851){WAV}
Ward: York Centre (06)
Community: North York
Heritage: Not Applicable

Notice was given and a Public Hearing was held on Thursday, February 15, 2024, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To seek relief from site specific By-law 1167-2023(OLT), and permit revisions to the mixed-use development on the subject site, which was approved by OLT under file OLT-21-001815 on June 7, 2023. Related SA file 2021 249568 NNY.

REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:

1. Article 900.11.10(1167), Exception CR 851, Provision (I), By-law 569-2013

Despite Regulation 40.10.40.40(1), the permitted maximum gross floor area is 20,500m², of which:

- (i) The permitted maximum gross floor area for residential uses is 19,600m²; and
- (ii) The permitted minimum gross floor for non-residential uses is 700m².

The proposed maximum gross floor area is 25,000m², of which:

- (i) The proposed maximum gross floor area for residential uses is 24,300m²; and
- (ii) The proposed minimum gross floor for non-residential uses is 700m².

2. Article 900.11.10(1167), Exception CR 851, Provision (C), By-law 569-2013

Despite Regulation 40.10.40.10(2), the permitted maximum height of a building is the number following the HT symbol in metres as shown on Diagram 6 of By-law 1167-2023(OLT).

Despite Regulation 40.10.40.10(2), the proposed maximum height of a building is the number following the HT symbol in metres as shown on **Revised** Diagram 6.

3. Article 900.11.10(1167), Exception CR 851, Provision (D), By-law 569-2013

Despite Regulation 40.10.40.10(7), the permitted maximum height of a building in storeys is the number following the ST symbol in storeys as shown on Diagram 6 of By-law 1167- 2023(OLT).

Despite Regulation 40.10.40.10(7), the proposed maximum height of a building in storeys is the number following the ST symbol in storeys as shown on **Revised** Diagram 6.

4. Article 900.11.10(1167), Exception CR 851, Provision (J), By-law 569-2013

Despite Regulation 40.10.40.70(2), the required minimum building setbacks are as shown in metres, on Diagram 6 of By-law 1167-2023(OLT).

Despite Regulation 40.10.40.70(2), the proposed minimum building setbacks are as shown in metres, on **Revised** Diagram 6.

5. Article 900.11.10(1167), Exception CR 851, Provision (N), By-law 569-2013

Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, vehicle parking spaces must be provided on the lot in compliance with the following minimum rates:

- (i) 0.40 parking spaces per dwelling unit for residents.
- (ii) 0.10 parking spaces per dwelling unit for visitors, which may be used for non-residential uses.

Despite Regulation 200.5.10.1(1) and Table 200.5.10.1, the proposed vehicle parking spaces provided on the lot in compliance with the following minimum rates:

- (i) 0.30 parking spaces per dwelling unit for residents.
- (ii) 0.07 parking spaces per dwelling unit for visitors, which may be used for non-residential uses.

The Committee of Adjustment considered the written submissions relating to the application made to the Committee before its decision and oral submissions relating to the application made at the hearing. In so doing, **IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:**

The Minor Variance Application is Approved on Condition

It is the decision of the Committee of Adjustment to authorize this variance application for the following reasons:

- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.

This decision is subject to the following condition(s):

1. The owner of 4926 Bathurst Street shall enter, and register on title, one or more agreement(s) with the City pursuant to Section 45(9) of the Planning Act to secure the following, all to the satisfaction of the Chief Planner and Executive Director City Planning Division and the City Solicitor:

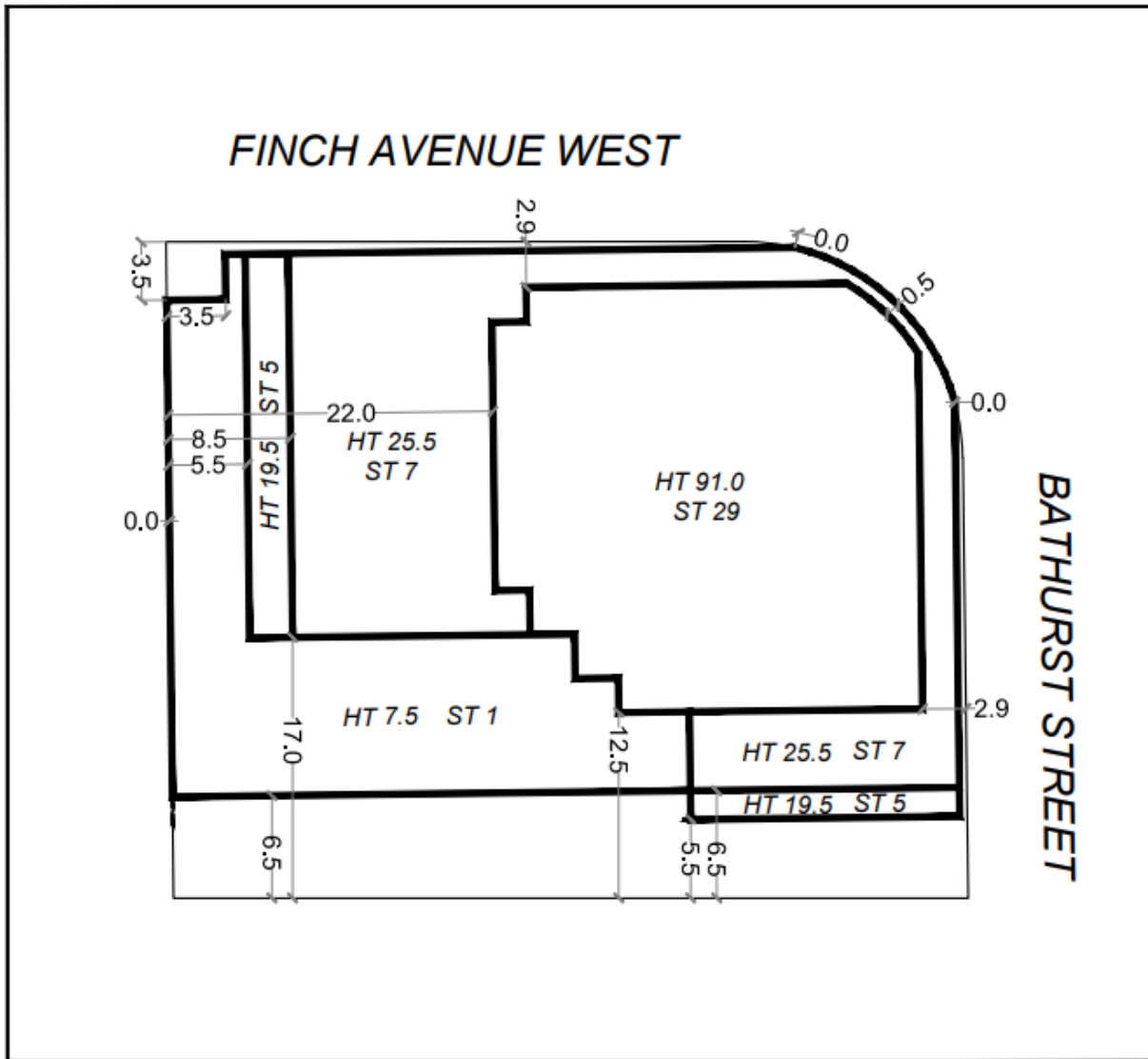
- a. The applicant commits that the building will have a maximum gross construction area of 750 square metres per storey for storeys above the 7th storey;
 - b. The applicant commits that the building will provide a minimum of 30 percent large units including a minimum of at least 20 percent two-bedroom units and 10 percent three-bedroom units;
 - c. Prior to the issuance of the first above-grade building permit, the owner shall pay to the City, a cash contribution in the amount of two hundred thousand dollars (\$200,000.00) to be allocated for community improvements in the vicinity of the lands in the Ward at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
 - d. The cash contribution referenced in condition 1. c. is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto for the period from the full force and effect date of the Committee of Adjustment decision to the date of payment;
 - e. In the event the cash contribution referred to in condition 1.c. has not been used for the intended purpose(s) within three (3) years of this minor variance approval coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the Ward Councillor, provided that the purpose(s) is/are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands;
2. the owner submits, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, a revised Functional Servicing Report and Stormwater Management Report;
 3. where required by the City, the owner has made satisfactory arrangements with Engineering and Construction Services and entered into appropriate agreements with the City for the design and construction of any improvements to the municipal infrastructure to accommodate the proposed development to the Chief Engineer and Executive Director, Engineering and Construction Services; and
 4. where required by the City, the owner has provided financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the acceptable Functional Servicing Report and Stormwater Management Report, to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and General Manager, Toronto Water, where it has been determined that improvements or upgrades are required to support the development. In requiring any off site municipal infrastructure upgrades, the owner is to make satisfactory arrangements with Engineering and Construction Services for Work on the City's Right-of-Way.

5. The requirements of the Transportation Services Division:

- i. Demonstrate compliance with Toronto Green Standard Version 4 Tier 1 requirements. Demonstrate how the project complies with all transportation-related requirements of the TGS Version 4, Sections AQ 1.1 to 1.2, 2.1 to

2.6, and 3.2. All relevant plans must be clearly labelled with the number, type, dimensions and location of the required infrastructure.

- ii. Submit an acceptable Transportation Demand Management (TDM) Plan. In accordance with the policies in the City's Official Plan, Toronto Green Standard (TGS) – Version 4, and Guidelines for the Preparation of Transportation Impact Studies (2013), the applicant shall identify the appropriate travel demand management programs/measures to be implemented on/for the subject site to reduce the single occupancy auto vehicle trips generated by the proposed development. Be advised, that TDM measures exclude parking management strategies, the City's policy/zoning by-law/TGS Tier 1 requirements and promotional/educational strategies.
- iii. Provide documentation that the required TDM measures are implemented.



Revised Diagram 6

4926 Bathurst Street, Toronto

File # 20 219407 NNY 06 OZ



Not to Scale

SIGNATURE PAGE

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Community: North York
Heritage: Not Applicable



Peter Reed (signed)



Marianne Cassin (signed)



Dominic Gulli (signed)

DATE DECISION MAILED ON: Thursday, February 22, 2024

LAST DATE OF APPEAL: Wednesday, March 6, 2024

CERTIFIED TRUE COPY

Sai-Man Lam
Manager and Deputy Secretary-Treasurer

Appeal Information

Only the applicant, the Minister, or a specified person or public body that has an interest in the matter may appeal this decision.

All appeals must be filed by e-mail with the Deputy Secretary-Treasurer, Committee of Adjustment to coa.ny@toronto.ca and sai-man.lam@toronto.ca by the last date of appeal as shown on the signature page.

Your appeal to the **Toronto Local Appeal Body (TLAB)** should be submitted in accordance with the instructions below unless there is a related appeal to the Ontario Land Tribunal (OLT) for the same matter.

A related appeal is another planning application appeal affecting the same property. To learn if there is a related appeal, search community planning applications status in the Application Information Centre and contact the assigned planner if necessary. If there is a related appeal, your appeal should be submitted in accordance with the Ontario Land Tribunal (OLT) appeal instructions.

TORONTO LOCAL APPEAL BODY (TLAB) APPEAL INSTRUCTIONS

To appeal this decision to the TLAB, you must submit the following:

- A completed TLAB Notice of Appeal (Form 1).
- \$300 for each appeal filed regardless if related and submitted by the same appellant.
- Fees are payable to the **City of Toronto**. Once your appeal has been received by e-mail by the Deputy Secretary-Treasurer you will receive payment instructions.

To obtain a copy of the Notice of Appeal Form (Form 1) and other information about the appeal process please visit the TLAB website at www.toronto.ca/tlab.

ONTARIO LAND TRIBUNAL (OLT) APPEAL INSTRUCTIONS

To appeal this decision to the OLT, you must submit the following:

- A completed OLT Appellant Form (A1).
- \$400 for each appeal type with an additional fee of \$25 for each connected appeal of the same type filed by the same appellant.
- Fees are payable by certified cheque, money order, or credit card, and must be in Canadian funds. Certified cheques and money orders should be made payable to the Minister of Finance. If you would like to pay the fee by credit card, please indicate this on the appeal form and staff will phone you to complete the transaction – do not record any credit card details on the appeal form.

To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the OLT website at <https://olt.gov.on.ca/appeals-process/>