



STAFF REPORT ACTION REQUIRED

3706 Bathurst Street and 3 Stadacona Drive – Rezoning Application – Final Report

Date:	May 26, 2009
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 15 – Eglinton-Lawrence
Reference Number:	08 221691 NNY 15 OZ

SUMMARY

This application was made on November 14, 2008 and is subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

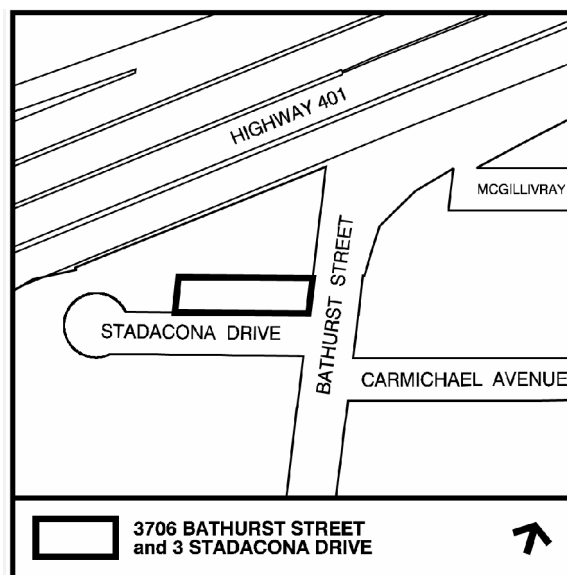
This application proposes to amend the Zoning By-law for the property at 3706 Bathurst Street and 3 Stadacona Drive to permit the development of eleven 3.5-storey townhouses on the subject lands.

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 No. 7625 substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5.
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, require the owner to enter into a Section 37 Agreement to secure \$14,300 payable to the City and indexed to the Statistics Canada Construction Price Index for Toronto to be used for improvements to playground equipment in Rajah Park.
4. Before introducing the necessary Bills to City Council for enactment, require the owner to:
 - (i) enter into a Site Plan Agreement under Section 41(16) of the *Planning Act* and Section 114 of the *City of Toronto Act*; and
 - (ii) provide written confirmation from the owner to the satisfaction of the Director of Community Planning, North York District that the owner is agreeable to registering 3706 Bathurst Street and 3 Stadacona Drive as one standard condominium corporation.
5. City Council determine that the development of the lands at 3706 Bathurst Street and 3 Stadacona Drive, being an 11 unit townhouse development at 3.5 storeys, represents a built form that would not set a precedent for the 'Avenue' segment in which it is located, will not adversely impact the adjacent *Neighbourhoods* and is supportable by available infrastructure and therefore can proceed prior to the completion of an Avenue study.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

Applications for Rezoning and Site Plan Control for a 12 unit townhouse development were submitted on November 14, 2008.

A Preliminary Report considered by North York Community Council on January 13, 2009 authorized staff to conduct a community consultation meeting with an expanded notification area.

The preliminary report is available at the following web link:

<http://www.toronto.ca/legdocs/mmis/2009/ny/bgrd/backgroundfile-17788.pdf>

ISSUE BACKGROUND

Proposal

The application originally proposed 12 units, but was revised to the current application which proposes eleven 3.5-storey townhouses facing Stadacona Drive. The units would each have 3 bedrooms and a study, with each unit containing a single car garage to the rear located slightly below grade, a rear deck and a rooftop deck. There are no rear yards.

The easternmost townhouse (unit 11), adjacent to Bathurst Street, would have its primary entrance facing Bathurst Street.

The parking garages would be accessed from a one-way driveway off Stadacona Drive with the entrance located between units 6 and 7, and the exit located between units 2 and 3. The two-way driveway to the rear of the townhouses would be partially recessed and covered by the main floors and rear decks.

Covered porches with concealed garbage storage below are proposed at the front of each townhouse.

The proposed density is 2.3 times the area of the lot, coverage is 84% and the proposed height is approximately 13 metres. A statistical summary of the proposal is found in Attachment 4.

Site and Surrounding Area

The subject site is located on the west side of Bathurst Street, just south of Highway 401. It is a shallow rectangular lot that is approximately 1,054 square metres in size and comprised of a vacant lot (3706 Bathurst Street) that was previously a North York Hydro transformer station and a lot that contains a triplex (3 Stadacona Drive). The lands surrounding the subject site to the north and west are vacant and are related to Highway 401 and managed by the Ministry of Transportation (MTO).

The site is surrounded by the following uses:

North:	Highway 401
South:	3 storey apartment buildings and a commercial building
East:	Low-scale commercial buildings and a place of worship
West:	Highway 401 and 3 storey apartment buildings

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 by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The eastern portion of the subject site is designated *Mixed Use Areas*, which provides for a broad range of commercial, residential and institutional uses, in single use or mixed use buildings. The western portion of the site is designated *Neighbourhoods*, which provides for low-scale residential and institutional uses that respect and reinforce the existing physical character of the neighbourhood.

The Bathurst Street frontage of the site is identified as an 'Avenue' on Map 2, Urban Structure of the Official Plan. 'Avenues' are corridors along major streets which are intended to accommodate new housing and job opportunities, supported by public transit.

Zoning

The subject site is zoned Multiple-Family Dwellings Fifth Density Zone (RM5). The 'RM5' zoning permits multiple attached dwellings. Maximum coverage is 35% and the maximum gross floor area is not to exceed 100% of the lot area. The maximum permitted height is 11.5 metres.

Site Plan Control

A Site Plan Control Application (08 221699 NNY 15 SA) has been submitted with this rezoning application. The site plan has been circulated to various City divisions and external agencies, and has been reviewed concurrent with the Zoning By-law Amendment application.

Reasons for Application

The application proposes development for the site that does not conform to Zoning By-law No. 7625. An amendment to the By-law is required to accommodate the proposed density, height, setbacks, frontages, coverage, soft landscaping and parking spaces.

Community Consultation

A community consultation meeting for the original application was held on April 27, 2009. Approximately 20 members of the public attended the meeting as well as the applicants, the Ward Councillor and Planning staff. Issues that were raised included:

- Lack of play areas for children
- Inadequate parking
- Traffic in the area
- Previous use of the eastern portion of the site as a Hydro substation
- Number of units proposed
- Configuration of units

The community was advised that the change of use from a Hydro substation to a residential use is regulated, in part, by the Ministry of the Environment (Section 168(3)(1) of the *Environmental Protection Act* and Ontario Regulation 153/04) and the City will require proof that a Record of Site Condition has been filed before a building permit is issued.

Following the community meeting, the applicant reduced the number of townhouses from 12 to 11 units to provide two visitor parking spaces and additional landscaped open space at the western portion of the site.

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 does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Density, Height and Massing

The density for the site is proposed at 2.3 times coverage which exceeds the Zoning By-law provision of 1.0 times the area of the lot. However, it should be recognized that the density includes the garages in the calculation of gross floor area as the garages are not located entirely below grade. The built form and massing of the proposal is appropriate given the site's unique location abutting a major commercial street, Highway 401 and apartment buildings to the south and west.

The existing Zoning By-law permits a height of 11.5 metres and the proposed height is a maximum of 13 metres with the north roof extended to a maximum of 14.2 metres to buffer noise from Highway 401. The proposed 3.5 storeys (13 m) is consistent with the height of buildings in the area.

Infill Townhouse Guidelines

The proposed development is consistent with the City of Toronto Infill Townhouse Guidelines. The primary façade would be parallel to Stadacona Drive with the corner of the building sited parallel to both Bathurst Street and Stadacona Drive. The most easterly unit's front entrance would be on Bathurst Street, with the end unit being articulated at the Bathurst/Stadacona corner. The building's setbacks from neighbouring properties are appropriate, partially due to the surrounding vacant MTO lands and the isolated nature of this small land parcel. The façade has been animated with porches, front entrances and windows, and staggered to provide a more textured streetscape design. Private decks at the rear and on the roof provide outdoor amenity space.

The proposed driveway and parking arrangement is also consistent with the City of Toronto Infill Townhouses Guidelines and is intended to reduce the number of curb-cuts, driveways and visible parking.

Avenue Study

Development in *Mixed Use Areas* on 'Avenues', prior to the completion of an Avenue Study has the potential to set a precedent for the form and scale of reurbanization along the 'Avenue'. To recognize this, the Official Plan contains Policy 2.2.3.3 which requires that any such development proposal be reviewed to assess its potential implications for the segment of the 'Avenue' on which it is located, in the event that an Avenue Study has not yet been completed.

In this instance, the proposal, being 3.5 storeys, is similar in height to the 3 storey apartment buildings on Stadacona Drive and lower in height than the existing apartment buildings on Bathurst Street in the immediate area, which are up to 7 storeys. This proposal represents an appropriate built form that would not set a negative precedent in terms of its form, scale and intensity for the 'Avenue' segment in which it is located, would not adversely impact the adjacent *Neighbourhoods* and is supportable by available infrastructure. As such, staff recommend it can proceed prior to the completion of an Avenue Study.

Access and Parking

Vehicular access to the proposed site would be via a one-way driveway from Stadacona Drive with an entrance located between units 6 and 7 and an exit located between units 2 and 3. The general Zoning By-law requirement for this 11 unit townhouse development is 19 parking spaces, including 3 visitor parking spaces. The proposal provides a total of 13 parking spaces, including 2 visitor parking spaces.

The proposal offers good accessibility to public transit. There are TTC surface routes running along both Bathurst Street and Wilson Avenue. The site is approximately 75 metres from a bus stop at the northwest corner of Bathurst Street and Marquette Avenue, and approximately 300 metres south of the Bathurst Street and Wilson Avenue intersection. In addition, the site is located between two subway stations (York Mills Station is 2.5 km to the east and Wilson Station is 1.5 km to the west), which can be accessed from the surface transit routes. There is no on-street parking available on Stadacona Drive. In this context, the proposed parking supply and access arrangements are acceptable.

Servicing

Garbage collection would be through curb-side pickup. Garbage and recycling storage with easy access to the curb was raised as an issue with the applicant. The applicant revised the design to include front porches with enclosed garbage and recycling storage underneath, which would have direct access to the front curb for pickup.

The proposal can be adequately serviced by existing infrastructure. Detailed site servicing requirements will form part of the Site Plan Agreement.

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 Toronto Official Plan shows local parkland provisions across the City. The subject site is in an area with 0.8-1.56 hectares of local parkland per 1,000 people. The site is in the middle quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication arising from this 11 unit proposal would be 0.015 hectares which represents 14% of the site. If the development application is approved, it would be subject to a parkland dedication equivalent to the 10% cap of the net site area which is equal to 105 m².

Parks, Forestry and Recreation staff have advised that the applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu payment, and that this is acceptable as the required parkland conveyance would be too small to create a viable park. The actual amount of cash-in-lieu to be paid will be determined at the time of building permit issuance.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits for increases in height and/or density pursuant to Section 37 of the *Planning Act*. As the proposed development exceeds the permitted density and height, staff have secured a community benefit in the amount of \$14,300 to be used towards improvements to playground equipment in Rajah Park.

The funds will be indexed annually in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City. The applicant is required to enter into the Section 37 agreement prior to the Bills being introduced to City Council.

Tenure

Due to the configuration of the proposed development with the common driveway running underneath individual units, the final tenure of the development should be a standard condominium corporation. The applicant is required to provide written confirmation they are agreeable to this tenure prior to the Bills being introduced to City Council.

Toronto Green Standard

The Green Standard contains performance targets and guidelines that relate to site and building design to promote better environmental sustainability of development in Toronto. Some of the targets proposed to be met include:

Energy Efficient Fixtures and Appliances

- Appliances will be provided which are at least 75% Energy Star compliant.

Water Heating

- Energy Star compliant water heaters or tankless water heaters will be provided.

Potable Water

- Water efficient plant material will be used for at least 50% of the landscaped area.

Non-Potable Water

- Rainwater will be captured for landscape irrigation.

Urban Forest: Tree Protection

- All trees that are 30 cm or more will be retained.
- All the standards for tree protection barriers during construction will be adhered to according to Specifications for Construction Near Trees.

Natural Heritage: Site

- At least 50% of the vegetation planted will be native species.

Soil Quality and Planting Conditions

- The soil will be protected from compaction during construction.
- On site soil will be retained and reused in areas not covered by the building footprint or required hard surfaces, or replaced with soil of equal or better quality.

Light Pollution and Exterior Energy Efficient Fixtures

- Direct upward light will be eliminated.

Construction Waste Management

- At least 75% of non-hazardous construction and demolition debris will be recycled.

Development Charges

It is estimated that the development charges for this project will be \$108,251. This is an estimate. The actual charge is assessed and collected upon building permit issuance.

Conclusion

This application has been considered on the basis of its compatibility with the surrounding neighbourhood and its built form suitability for the location. City Planning staff recommend approval of the proposed Zoning By-law amendment.

CONTACT

Heather Inglis Baron, Senior Planner

Tel. No. (416) 395-7073

Fax No. (416) 395-7155

E-mail: hinglis@toronto.ca

SIGNATURE

Thomas C. Keefe, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan

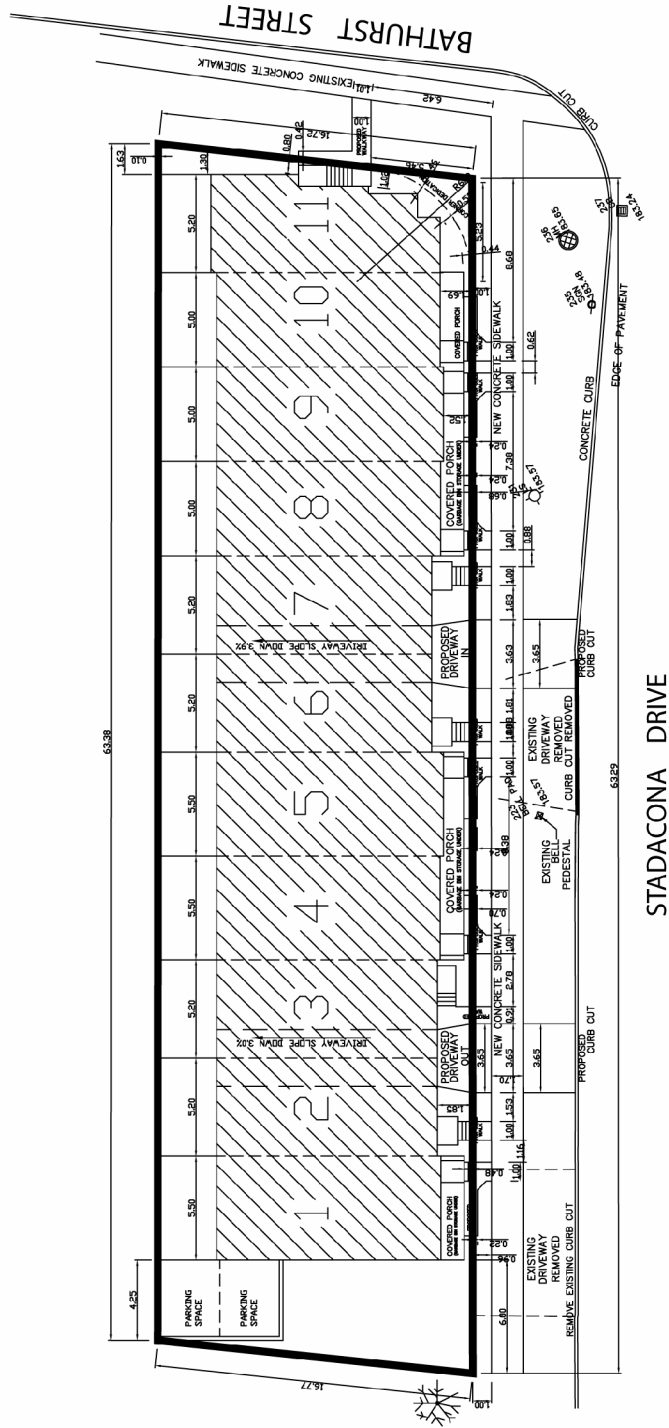
Attachment 2: Elevations

Attachment 3: Zoning

Attachment 4: Application Data Sheet

Attachment 5: Draft Zoning By-law Amendment

Attachment 1: Site Plan



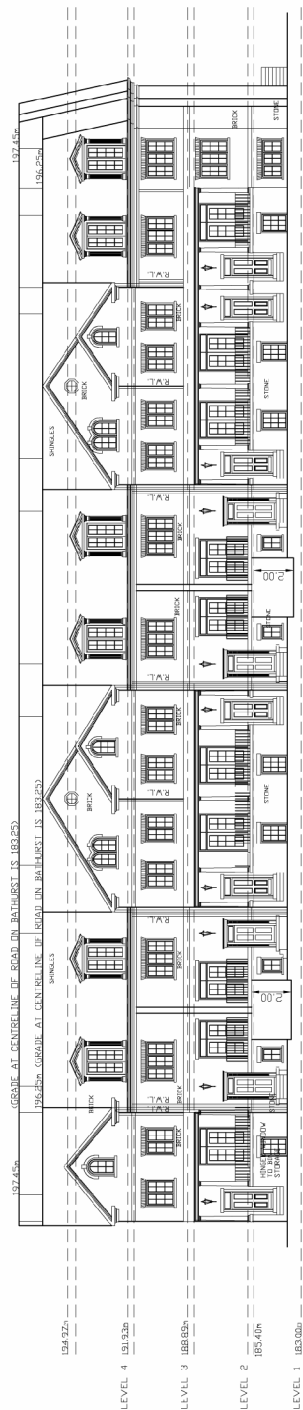
Site Plan

Applicant's Submitted Drawing

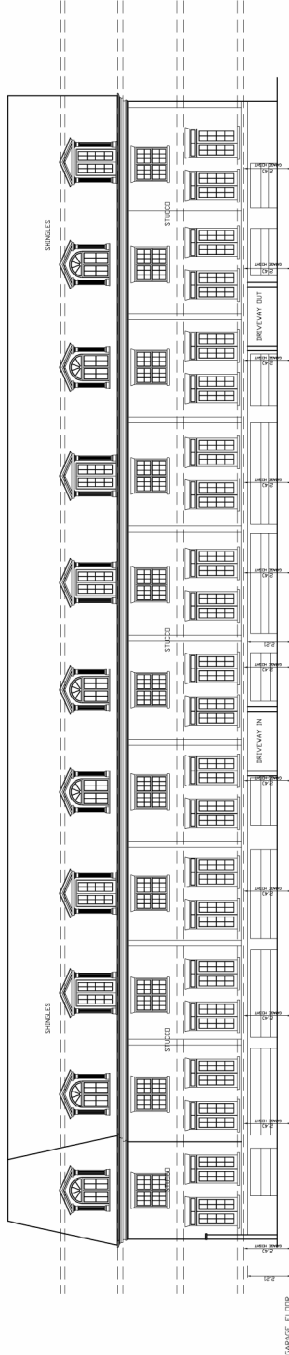
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Attachment 2: Elevations



South Elevation



North Elevation

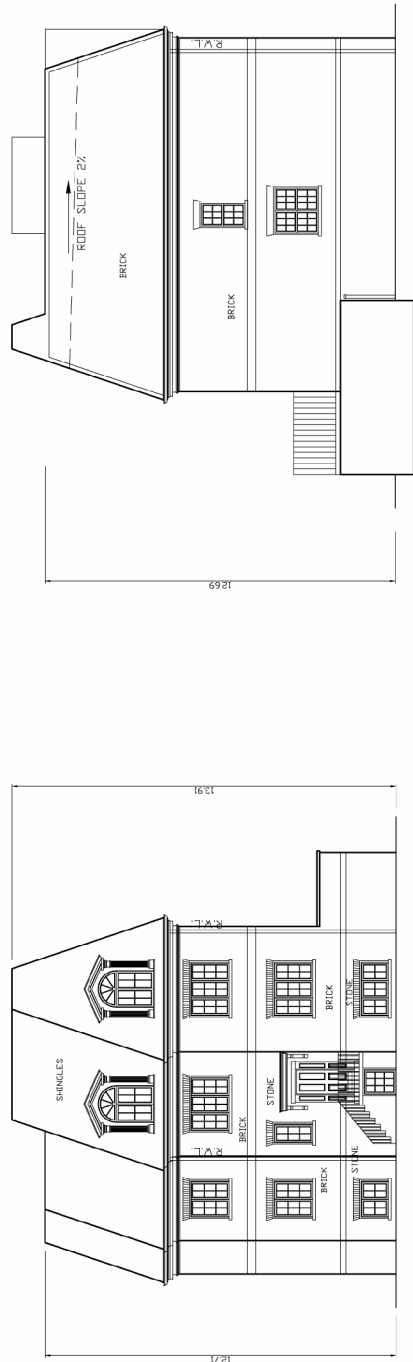
Elevations

Applicant's Submitted Drawing

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06/03/2009

3706 Bathurst Street & 3 Stadacona Drive

File # 08_221691



East Elevation

West Elevation

Elevations

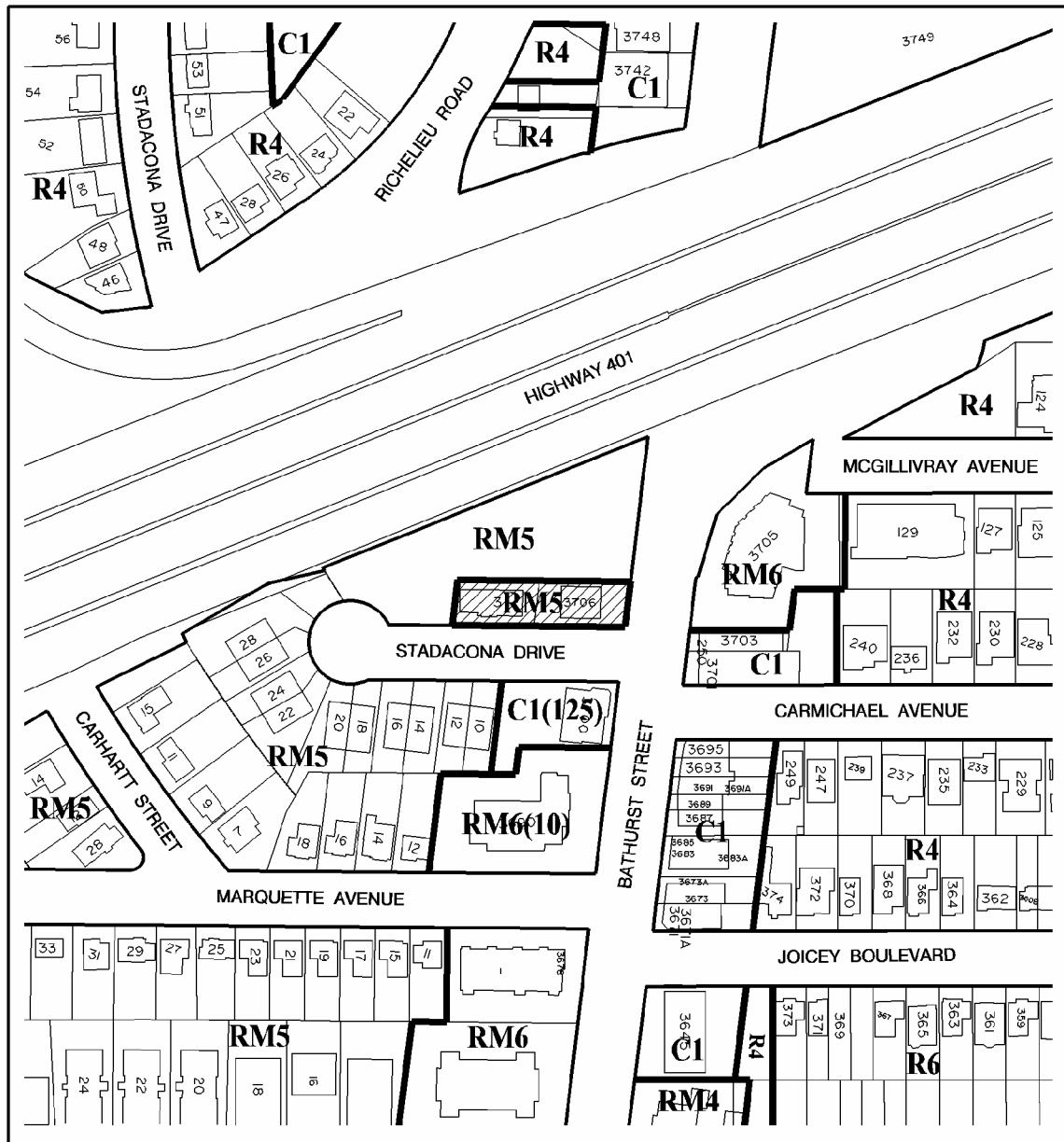
3706 Bathurst Street & 3 Stadacona Drive

Applicant's Submitted Drawing

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06/03/2009

File # 08_221691

Attachment 3: Zoning



Toronto City Planning
Zoning

3706 Bathurst Street and 3 Stadacona Drive

File # 08_221691

R4 One-Family Detached Dwelling Fourth Density Zone
R6 One-Family Detached Dwelling Sixth Density Zone
RM4 Multiple-Family Dwellings Fourth Density Zone
RM5 Multiple-Family Dwellings Fifth Density Zone
RM6 Multiple-Family Dwellings Sixth Density Zone

C1 General Commercial Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category



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Zoning By-law 7625
Extracted 12/03/2008

Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	08 221691 NNY 15 OZ
Details	Rezoning, Standard	Application Date:	November 14, 2008

Municipal Address:	3706 BATHURST ST
Location Description:	PLAN 2053 LOT 13 TO 14 **GRID N1502
Project Description:	12 - Three and a half storey townhouses with a common element.

Applicant:	Agent:	Architect:	Owner:
WILLIAM HOLMAN			REALPLEX DEVELOPMENTS INC.

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	RM5	Historical Status:	
Height Limit (m):	11.5	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1054	Height:	Storeys:	3
Frontage (m):	16.7		Metres:	13.9
Depth (m):	63.3			
Total Ground Floor Area (sq. m):	885			Total
Total Residential GFA (sq. m):	2455		Parking Spaces:	11
Total Non-Residential GFA (sq. m):	0		Loading Docks	0
Total GFA (sq. m):	2455			
Lot Coverage Ratio (%):	84			
Floor Space Index:	2.3			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	2455	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	11	Institutional/Other GFA (sq. m):	0	0
Total Units:	11			

CONTACT:	PLANNER NAME:	Heather Inglis Baron, Senior Planner
	TELEPHONE:	(416) 395-7073

Attachment 5: Draft Zoning By-law Amendment

Authority: North York Community Council Item ~ as adopted by City of Toronto Council on
~, 2009

Enacted by Council: ~, 2009

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend Zoning By-law No. 7625, as amended,
with respect to the lands municipally known as
3706 Bathurst Street and 3 Stadacona Drive**

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 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*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Schedules “B” and “C” of By-law 7625 of the former City of North York are amended in accordance with Schedule 1 of this By-law.
2. Section 64.20 of By-law No. 7625 of the former City of North York is amended by adding the following subsection:

64.20(16) RM5(16) - 3706 Bathurst Street and 3 Stadacona Drive

EXCEPTION REGULATIONS

Maximum Number of Dwelling Units

- (a) The maximum number of dwelling units for this site shall be 11.

Gross Floor Area

- (b) The maximum gross floor area shall be 2,455 m².

Lot Coverage

- (c) The maximum lot coverage shall be 84%.

Building Height

- (d) The maximum building height shall be 13.0 m to the main roof measured from grade. The extended north roof shall be a maximum of 14.2 m from grade.

Building Envelope

- (e) No portion of any building or structure erected and used above established grade shall be located otherwise than wholly within the building envelope identified on Schedule RM5(16).

Parking

- (f) A minimum of 13 parking spaces shall be provided on the site.

Yard Setbacks

- (g) The minimum front, rear and side yard setbacks shall be as set out in Schedule RM5(16).

Landscaping

- (h) Notwithstanding the provisions of Section 15.8, the minimum landscaped open space shall be 102 m².

Use Qualifications

- (i) The provisions of Section 20.1(b)(i) do not apply.

Unexcavated Porches and Deck in R and RM Zones

- (j) The provisions of Section 6(24) do not apply.

Division of Lands

- (k) Notwithstanding any existing or future severance or division of the lands subject to this exception, the regulations of the exception shall continue to apply to the whole of the lands.

SECTION 37 AGREEMENT

- (l) The owner of the subject lands shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters referred to below, which agreement or agreements may be registered against the title of the lands to which this By-law applies in the manner and to the extent specified in such agreements. The owner of the subject lands, at the owner's expense and in accordance with, and subject to, the agreements referred to above, shall provide or fund

the following facilities, services and matters on terms satisfactory to the City of Toronto in exchange for the increased density hereinafter set out:

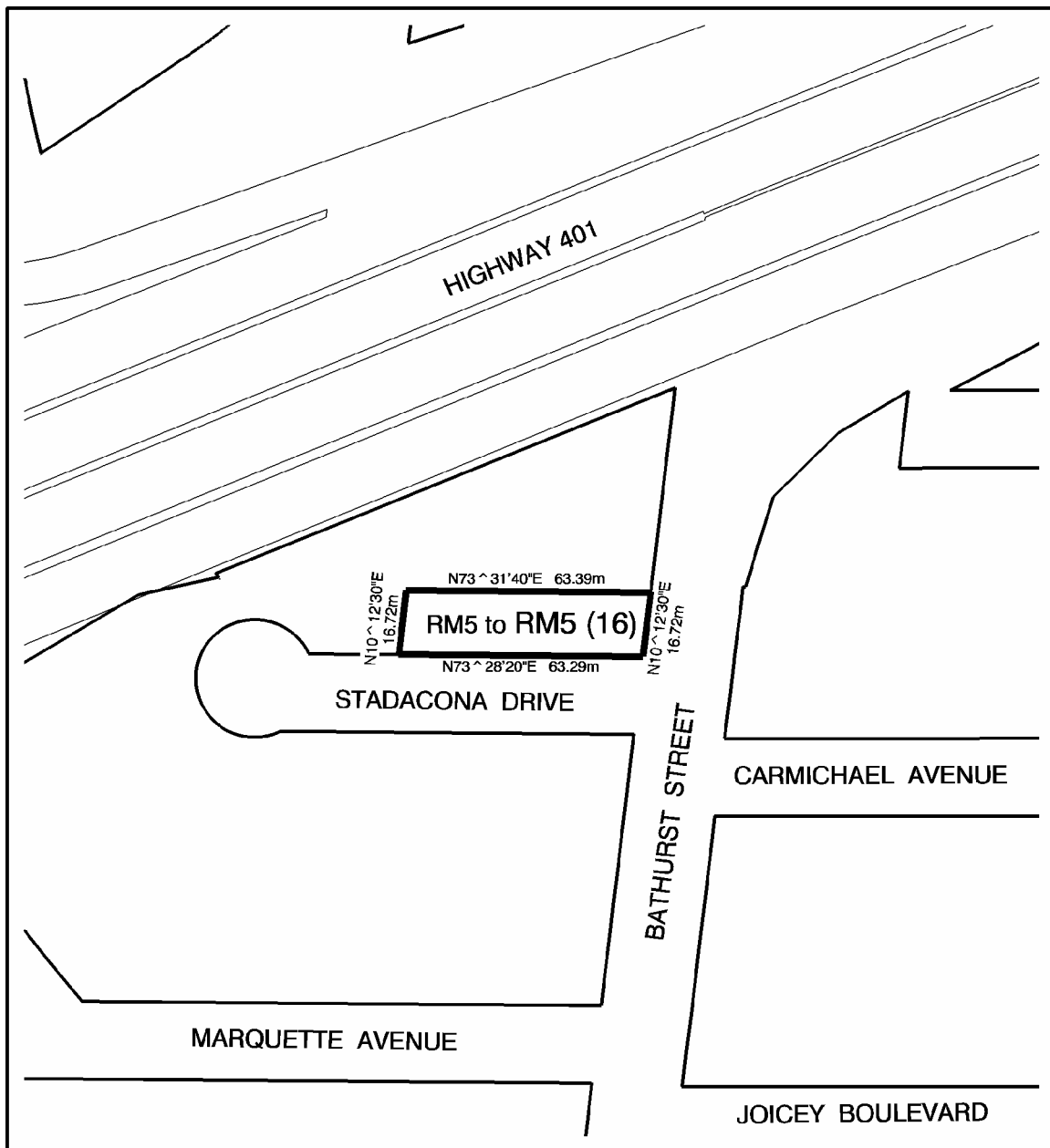
- (a) a monetary contribution of to be provided of \$14,300 payable to the City and indexed to the Statistics Canada Construction Price Index for Toronto to be used for improvements to playground equipment in Rajah Park.
3. Within the lands shown on Schedule "1" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



Schedule 1

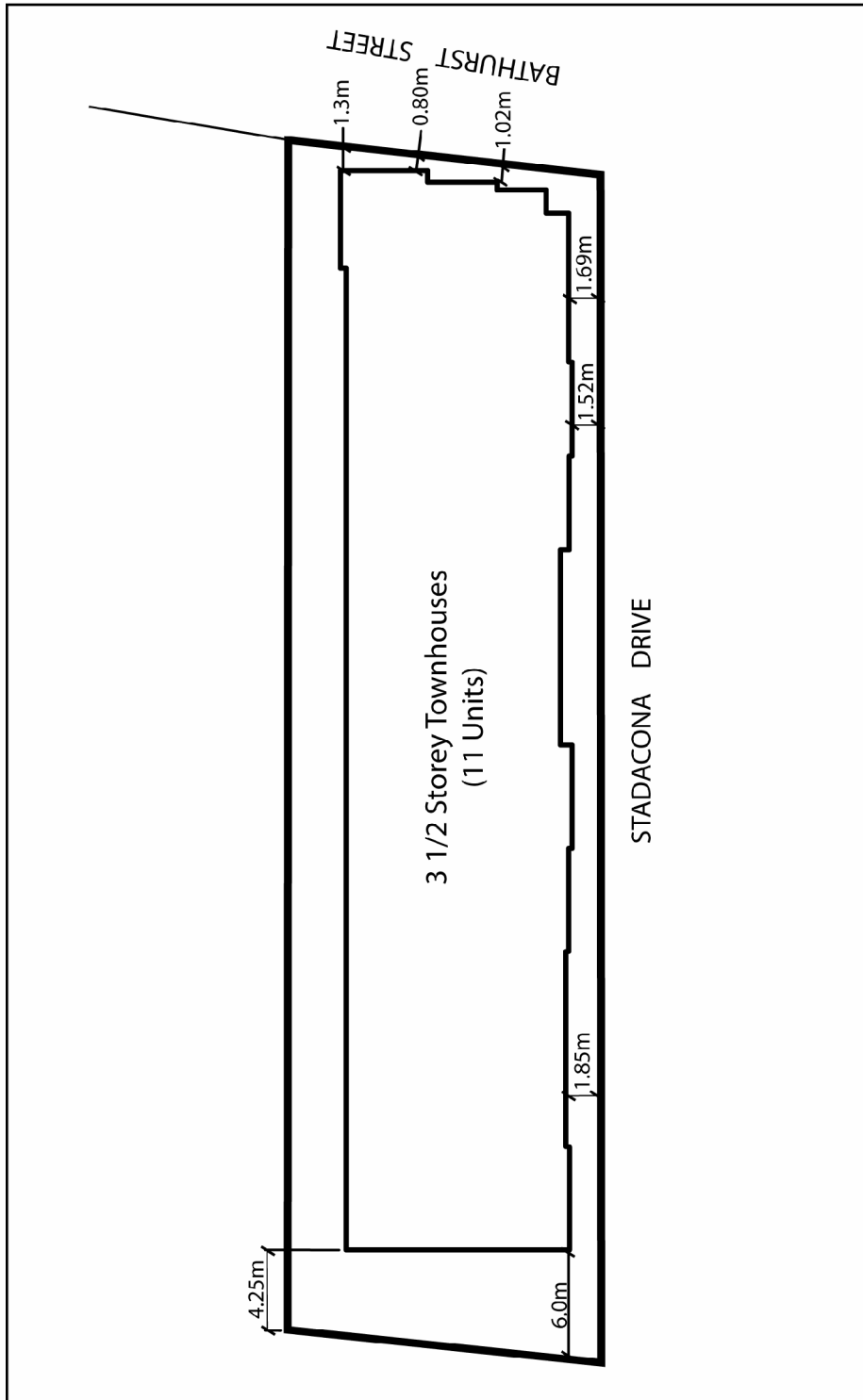
Lots 13, 14 & 70, R.P. 2053, City of Toronto
Plan of Survey info from Bennett Young Limited

File # 08 221691

Date: 06/03/2009
Approved by: H.B.



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City Planning

Schedule RM5(16)

Lots 13, 14 & 70, R.P. 2053, City Of Toronto
 Surveyor: Bennett Young Limited
 Date: 06/03/2009
 Approved by: H.B.

File # 08_221691



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