

**3636 Bathurst Street
Zoning By-law Amendment Application - Preliminary
Report**

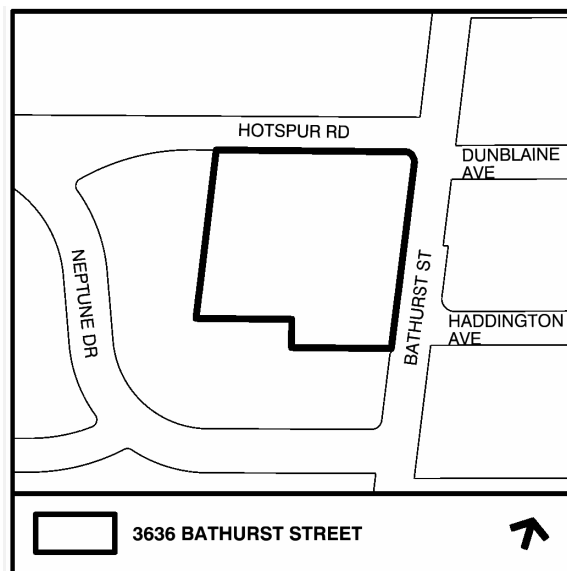
Date:	February 29, 2012
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 15 – Eglinton-Lawrence
Reference Number:	11 330299 NNY 15 OZ

SUMMARY

This application proposes to amend former City of North York Zoning By-law No. 7625 for the property at 3636 Bathurst Street to permit the development of a new 19 storey apartment building, as well as nine and seven storey additions to the existing 19 storey apartment building and approximately 470m² of retail space proposed on the ground floor of the nine storey addition. A new 2-storey amenity centre would connect the existing and proposed 19 storey buildings. As proposed, the development would increase the number of units on the property from 225 to 652 units, and increase the density from 1.93 to 4.4 times the area of the lot.

This report provides preliminary information on the above-noted application and seeks Community Council's directions on further processing of the application and on the community consultation process.

It is intended that a community consultation meeting be scheduled in consultation with the Ward Councillor. A Final Report and Public Meeting under the *Planning Act* to consider this application is targeted for the end of 2012 provided all required information is submitted by the applicant in a timely manner.



RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 3636 Bathurst Street together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. Notice for the public meeting under the *Planning Act* be given according to the regulations of the *Planning Act*.

Financial Impact

The recommendations in this report have no financial impact.

Pre-Application Consultation

A preliminary meeting was held in early 2011. At this meeting City staff identified issues with the height, massing and scale of various proposals put forward by the applicant. A pre-application consultation meeting to discuss complete application requirements and to scope the required *Avenue* segment study was not held.

ISSUE BACKGROUND

Proposal

The application proposes to amend the Zoning By-law to permit the development of three new buildings on the subject property which currently contains a 225 unit, 19 storey (55 m) 'tower in the park' rental apartment building. The proposed new buildings would include:

- A nine storey wing, (noted as '9 Storey Addition' on Attachment 1), attached to the north side of the existing building. The nine storey wing would contain 119 new units and 470 m² of retail space at grade. The addition would front both Hotspur Road and Bathurst Street and is intended to be a rental building targeted for seniors.
- A seven storey wing (noted as '7 Storey Addition' on Attachment 1) connected to the south side of the existing building which would contain 77 new rental units. The seven storey addition would have frontage on, and a landscaped forecourt with a circular drive with right-in right-out access to, Bathurst Street.
- A 19 storey condominium apartment building on the westerly portion of the property containing 231 units ('19 Storey Building' on Attachment 1). The 19

storey condominium would be connected to the existing building by a new two storey amenity centre and have a shared service court with the existing building and the nine and seven storey additions. Also proposed is a landscaped open space area fronting Hotspur Road.

The proposed nine storey (30 m) addition would be connected to the existing building by common hallways from the ground to the ninth floors. The addition would have its primary entrance facing the Bathurst Street forecourt, and two secondary entrances from the shared service court off Hotspur Road and from the existing building. The nine storey wing would contain a total of 9,950m². The addition would have a three storey base along both the Bathurst Street and Hotspur Road frontages, and would step back from the fourth to the seventh storeys and again for the eighth and ninth storeys. The addition is proposed to have a 0.75m setback to Hotspur Road and a 0.2m setback to Bathurst Street.

The proposed seven storey addition to the south side of the existing building would be 20m in height and connect to the existing building with common hallways on all seven floors. This addition would contain 4,822m² of residential gross floor area with a three storey expression along Bathurst Street. The addition along the south and east property limits is proposed to have a 15.7m and 0.65m setback, respectively.

The proposed 19 storey building (63m) would be situated at the southwest corner of the site and be connected to the existing building by a new two storey amenity centre. The new nineteen storey building would contain 18,047m² of residential gross floor area. The building would step back on the north side at 11 storeys, and on the south side at six storeys with a separation distance of approximately 30m to the existing 19 storey building.

Indoor residential amenity space is proposed in a two storey 881m² amenity centre and would include a library, fitness rooms, a media room, a party room, swimming pool, a games room and a multi-purpose room. Indoor residential amenity space is also proposed in the seniors residence (810m²) consisting of an amenity centre on the ground floor and a common lounge on floors two to nine. At-grade outdoor amenity is proposed in the form of open space fronting Hotspur Road and a landscaped forecourt immediately adjacent to Bathurst Street. Outdoor amenity space would also be provided in the form of a landscaped terrace on the second floor of the amenity centre. Terraces on the sixth and twelfth storey roofs of the nineteen storey building are also proposed.

The overall gross floor area proposed for the site is 59,102 m² resulting in a density of 4.4 times the total area of the lot, including the existing apartment building. For additional site statistics, refer to the Application Data Sheet (Attachment 6).

Vehicular and service access is proposed from two locations: a six metre wide driveway to the existing and proposed 19 storey buildings having all moves access from Hotspur Road; and a circular drive with right-in, right-out access from Bathurst Street. Loading is proposed at the surface adjacent to the nine storey addition and adjacent to the underground parking garage ramp located beneath the proposed amenity centre.

A total of 638 parking spaces are proposed within two levels of below-grade parking. This parking supply would consist of 202 spaces for the existing rental building, 72 spaces for the seniors residence, 16 spaces for the proposed retail space, 70 spaces for the seven storey addition, and 278 spaces for the new 19 storey building. The existing two storey underground parking structure currently contains 272 parking spaces and would be expanded to accommodate the additional parking spaces.

A total of 132 visitor parking spaces are proposed. The proposal also provides 322 bicycle parking spaces (65 for visitors and 257 for residents).

Site and Surrounding Area

The site is located on the west side of Bathurst Street, south of Highway 401 and north of Lawrence Avenue West. The site has a frontage of 117 metres on Bathurst Street and 117 metres on Hotspur Road and an area of approximately 1.33 hectares. The site is located within the Lawrence Heights Priority Neighbourhood.

The site was developed with a 225 unit 19 storey rental apartment building with two levels of underground parking as well as surface parking provided to the west of the building. The existing building was constructed in 1971. The applicant has advised staff the building contains 225 rental units, 81 one bedroom units, 108 two bedroom units and 36 three bedroom units.

Land uses surrounding the site are as follows:

North: A seven storey apartment building at 3638 Bathurst Street. Further to the west along the north side of Hotspur Road are three storey walk-up apartment buildings.

East: The east side of Bathurst Street contains a service station and convenience store (3587 Bathurst Street), a car wash (3595 Bathurst Street) and a four storey apartment building at 3635 Bathurst Street.

South: A nine storey apartment building (3630 Bathurst Street - Reuben Cipin Healthy Living Community). Abutting the site to the southwest is a private school (Louis and Leah Posluns Education Centre – Associated Hebrew Schools of Toronto). Further to the south is the Shaarei Tefillah Synagogue (3600 Bathurst Street) and the Baycrest Hospital (3560 Bathurst Street).

West: Three storey walk-up apartment buildings abut the site at 50, 52 and 54 Neptune Drive and 25 and 27 Hotspur Road. Beyond are three and four storey walk-up apartment buildings surrounding a public park (Rajah Park) along Neptune Drive and Wasdale Crescent.

Bathurst Street is an arterial road with four lanes of traffic in most areas. The area is served by three bus routes (109B and 109C Ranee, 400 Lawrence Manor and 7 Bathurst) with 24-hour bus service on Bathurst Street.

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.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan designates the subject site as *Mixed Use Areas*, one of four land use designations intended to accommodate growth. The *Mixed Use Areas* designation encourages a broad range of commercial, residential, institutional and open space uses to accommodate increases in population and jobs along transit lines and reduce automobile dependency.

The Official Plan establishes criteria for development in *Mixed Use Areas* including policies for buildings to be located and massed to provide a transition between areas of different development intensity, providing setbacks for, and stepping down of, building heights towards existing lower scale development. The Plan also contains policies to locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open space.

The *Mixed Use Areas* policies are supplemented by additional development criteria in the Official Plan's Built Form policies, including built form policies that specifically address "tall buildings". The Official Plan defines "tall buildings" as those whose height is greater than the width of the adjacent road allowance, and generally limits these buildings to parts of the *Downtown*, *Centres* and other areas where they are specifically permitted by a Secondary Plan or Zoning By-law.

Similar to the Official Plan, the City's Tall Building Guidelines defines tall buildings as buildings whose height is greater than the width of the right-of-way of the principal street on which it is located. The guidelines provide a number of criteria for tall building development proposals related to site context, organization, massing and the pedestrian realm. The Official Plan establishes a maximum right-of-way of 27 metres for Bathurst Street. Hotspur Road has a 20 metre right-of-way width.

The Urban Structure Map identifies four categories of growth areas including the *Avenues* overlay. Bathurst Street is identified as an *Avenue* on Map 2 of the Official Plan. The *Avenues* are important corridors along major streets where re-urbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the appearance of the street, shopping opportunities and transit service for community residents. The Official Plan identifies that development along the *Avenues* will generally be at a much lower scale than in the *Downtown* and generally at a lower scale than in the *Centres*.

Development on *Avenues* prior to the City undertaking an Avenue Study has the potential to set a precedent for the form and scale of re-urbanization along the *Avenue*. Proponents of such proposals are required to address the larger context and examine the implications for the segment of the *Avenue* in which the proposed development is located. Section 2.2.3.3(b) of the Official Plan, sets out the criteria that must be examined in an Avenue Segment Study.

Section 3.2.1 of the Official Plan requires the protection of rental housing units. Policy 3.2.1.2 specifies that the existing stock of housing will be maintained and replenished and that new housing supply will be encouraged through intensification and infill that is consistent with the Plan.

Policy 3.2.1.5 directs significant new development on sites containing six or more rental units, where existing rental units will be kept, to secure the existing rental housing units which have affordable rents and mid-range rents and to secure any needed improvements and renovations to the existing rental housing without passing costs in the rents to tenants.

Policy 3.2.1.6 directs new development resulting in the removal of all or part of a private building that would result in a loss of six or more rental housing units to provide equivalent replacement housing and an appropriate tenant relocation plan.

Section 3.2.2 of the Plan, *Community Services and Facilities*, speaks to preserving and improving access to facilities in established neighbourhoods and providing for a full range of community services and facilities in areas experiencing major or incremental physical growth. Policy 3.2.2.1 encourages, and provides direction for, the provision of adequate and equitable access to existing and new community services. In particular, Policy 3.2.2.1(b) and (c) speak to improving and expanding local community service facilities and local institutions in established neighbourhoods that are under or poorly

served and ensuring an appropriate range of community services and institutions are provided in areas of major or incremental physical growth.

The Official Plan also provides for the use of Section 37 of the *Planning Act* to secure the provision of community benefits in return for an increase in height and/or density of a development. The City may require the owner to enter into an agreement to secure these matters.

Lawrence-Allen Secondary Plan

The subject site is located in the northeast quadrant of the Lawrence-Allen Secondary Plan area. City Council adopted Official Plan Amendment 162, including the Lawrence-Allen Secondary Plan at its meeting of November 29, 30 and December 1, 2011. City Council also adopted a number of implementation plans with the Secondary Plan including a Transportation Master Plan, Community Services and Facilities Strategy, Urban Design Guidelines and endorsed an Infrastructure Master Plan. The Lawrence-Allen Secondary Plan is currently under appeal at the Ontario Municipal Board

The Lawrence-Allen Secondary Plan provides a comprehensive planning framework for the development of a new neighbourhood in its Focus Area (the Lawrence Heights neighbourhood) and confirms the urban structure and land use designations outside its Focus Area that provide for growth in *Mixed Use Areas*, *Institutional Areas* and along *Avenues* where growth is supported by appropriate land use designations. The Secondary Plan provides a number of relevant policies, including those with respect to:

- The quality of the public realm;
- Height and built form of new development;
- Transition in the scale of built form;
- Applicability of implementation plans and guidelines, including urban design guidelines;
- Sustainable and energy efficient development;
- Transportation and water infrastructure to support new development;
- Housing suitable for large households;
- Provision of community services and facilities;
- Provision of community benefits in exchange for increases in height and/or density, pursuant to Section 37 of the *Planning Act*; and
- Requirements for submission of a complete application under the *Planning Act*.

Rental Housing Demolition and Conversion By-law

The Rental Housing Demolition and Conversion By-law (885-2007), contained in Chapter 667 of the City's Municipal Code, is one of the tools which implements the City's Official Plan policies protecting rental housing. The By-law prohibits demolition or conversion of rental housing units without obtaining a permit from the City issued under Section 111 of the *City of Toronto Act, 2006*. Demolition, as defined in the By-law, may be to all or part of a building, and includes interior renovations or alterations that

result in a change to either the number of rental units, or the type of rental units by bedroom type.

Proposals in which six or more rental housing units will be affected require a decision by City Council. Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. Council approval of demolition under Section 33 of the *Planning Act* may also be required where six or more residential units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the *Building Code Act*.

Where an application for Official Plan Amendment or rezoning triggers an application under Chapter 667 for rental demolition or conversion, typically City Council decides on both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council under By-law 885-2007 are not appealable to the OMB.

After reviewing the plans and drawings submitted with this application, staff are of the opinion that a number of the rental units on the north and south ends of the existing rental building could be demolished or impacted through the connection of the two proposed additions. These additions would appear to impact at least two units per floor for each addition, which could result in up to 32 demolished or impacted rental units. The applicant however, has not addressed this matter in this application and has not submitted an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal code for the demolition of existing rental units. Under Chapter 667, Section 9, an applicant is required to submit a Rental Housing Demolition and Conversion application without delay once a related planning application is made.

Zoning

The subject site is zoned Multiple-Family Dwellings Sixth Density Zone (RM6) as amended by By-law 24428. The site specific zoning on this site permits an apartment house, including medical offices, recreational facilities and a small retail store. The maximum permitted gross floor area (GFA) is 24,000m² and the coverage is restricted to 2,323m² or 17.5% of the lot.

The maximum permitted height is 19 storeys or 243.8m (800 ft) above sea level, with a maximum of 225 dwelling units and 406 bedrooms and a minimum of 267 parking spaces with 246 of those spaces provided underground. Approximately 11,000 m² of landscaping must be provided.

Site Plan Control

The proposal is subject to Site Plan Control approval. An application has been submitted that is being reviewed concurrently with the rezoning application.

Tree Preservation

City of Toronto By-laws provide for the protection of trees situated on both private and City property. According to the Tree Inventory Plan submitted by the applicant, there is one City tree and 59 private trees on the subject site that qualify for protection. There is also one private tree on abutting private property within 6 metres of the development site having a diameter equal to or greater than 30 cm (12 in.). The applicant will be required to undertake appropriate retention and protection measures as determined through the review of the Site Plan Control application.

Reasons for the Application

An amendment to the Zoning By-law is required to permit the proposed number of residential units and the amount of retail space and establish development standards regarding height, density, vehicle and bicycle parking, residential amenity space and other matters.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Planning Rationale Report and Avenue Segment Review;
- Transportation Impact Study and Parking Study;
- Sun/Shadow Study;
- Servicing Report; and
- Microclimatic Analysis.

A Notification of Incomplete Application issued on January 18, 2012 identifies the following outstanding material required for a complete application submission:

- Housing Issues Report;
- Stage 1 Archaeological Assessment;
- Community Services and Facilities Report;
- Green Development Standards Checklist;
- Grading and Servicing Plan;
- Context Plan; and
- Context Utility Plan.

Although not required for the application to be deemed complete, City Planning requested the submission of a completed Rental Housing Demolition and Conversion Declaration of Use and Screening Form and, if required, a Rental Housing Demolition and Conversion Application. City Planning has also requested the submission of 1:500 elevation drawings and the Toronto Green Standards Statistics Template.

Issues to be Resolved

In applying the requirements of both the Official Plan (Policy 3.2.1.6) and Chapter 667 of the Municipal Code, the following housing issues have been identified on a preliminary basis:

- The plans indicate that a number of units will be impacted by the proposed north and south additions to the existing building. The Official Plan requires the replacement of rental units to be demolished with the same number, size and type of units with similar rents.
- The development of an acceptable tenant relocation and assistance plan for those tenants impacted by the proposed development.

In addition to the above housing issues, other issues have been identified on a preliminary basis include:

- Conformity with the Official Plan's policies and the policies of the recently approved Lawrence-Allen Secondary Plan.
- An analysis of the lands and how the proposal fits within the existing and proposed context of the block formed by Hotspur Road, Neptune Drive and Bathurst Street.
- The assessment of the *Avenue* Segment Review and the policies respecting development on an *Avenue* prior to the completion of an *Avenue* Study.
- The applicability of Section 37 of the *Planning Act* to secure appropriate community benefits should the application be recommended for approval.
- The appropriateness of the height of the proposed condominium given its proximity to the Bombardier Aerospace facility and Transport Canada flight path regulations.
- The availability and adequacy of community services and facilities to accommodate the proposed residential development.
- Possible traffic impacts and assessment.
- The appropriateness and location of pedestrian routes through the site and connections to the public realm.
- The appropriateness of the height, density and massing of the proposal.
- Appropriateness of the proposed open space areas.
- Consistency with the Built Form policies of the Official Plan including performance standards established in the City's Tall Buildings and Mid-Rise Building Guidelines.
- Built form as it relates to creating appropriate transitions in scale to the existing and planned low scale apartment and residential context to the west and northwest of the subject site.
- Issues related to shadowing, overlook and privacy, and other possible impacts to adjacent streets and neighbouring properties, open space areas and to the existing 19-storey apartment building.
- The location, orientation and organization of buildings and servicing areas including loading, refuse and recycling operations.
- Assessment of the stormwater management and servicing of the proposed development.

- Issues related to the protection and retention of privately owned trees on site.
- The appropriateness of the proposed buildings' setbacks to Bathurst Street, Hotspur Road and neighbouring properties.
- The adequacy and appropriateness of proposed indoor and outdoor amenity space for both the existing and proposed rental housing, and the 19-storey condominium.
- Relationship of the existing rental building to the new additions through common hallways.
- Improvements to the existing rental apartment building and appropriateness of the removal of existing open space.
- An evaluation of the proposed vehicular access points.
- The appropriateness of the proposed vehicular and bicycle parking supply.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

Toronto Green Standard

The Toronto Green Standard (TGS) Checklist has not been submitted by the applicant and has been included in the list of missing information on the Notice of Incomplete Submission. Staff will be seeking compliance with the Tier 1 standards of the TGS.

CONTACT

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E-mail: asalles@toronto.ca

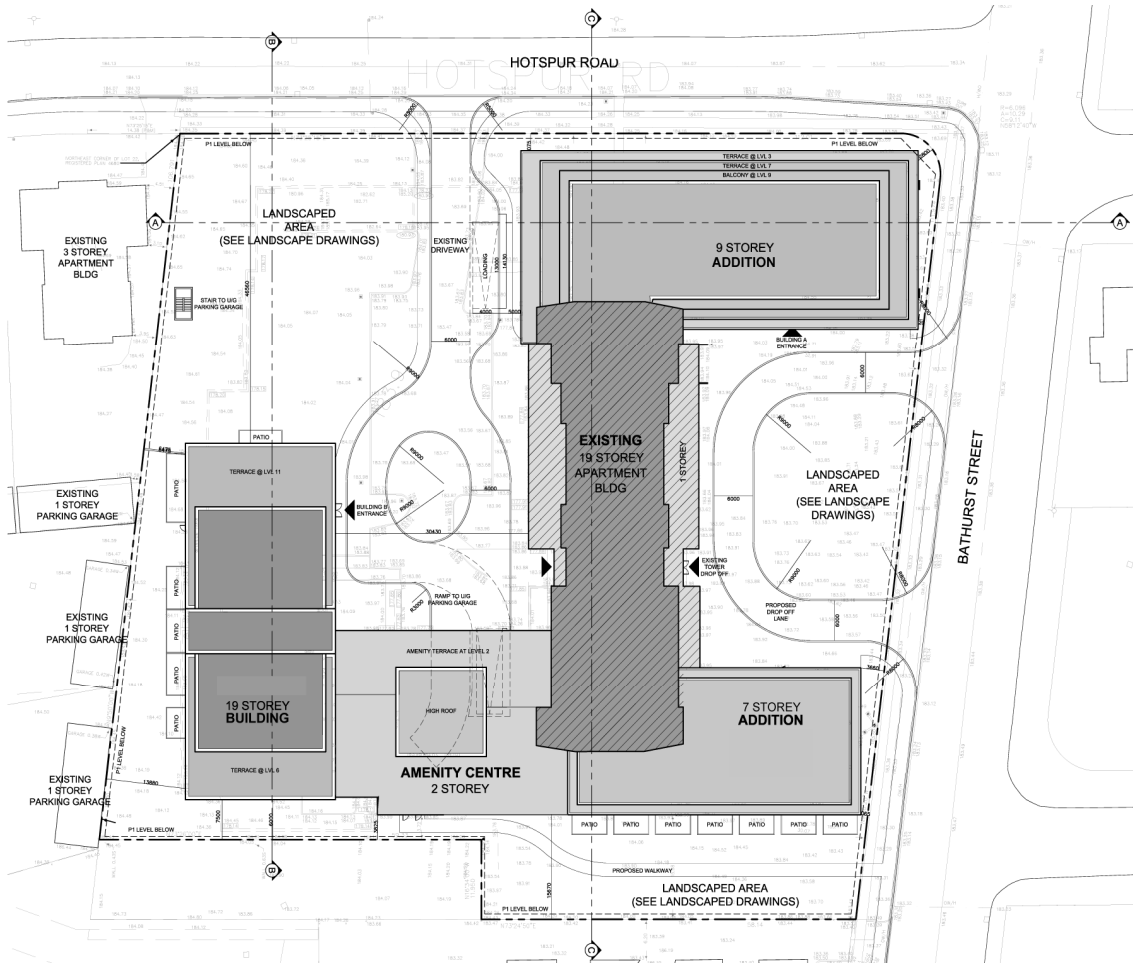
SIGNATURE

Allen Appleby, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Elevations
Attachment 4: Zoning
Attachment 5: Official Plan
Attachment 6: Application Data Sheet

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

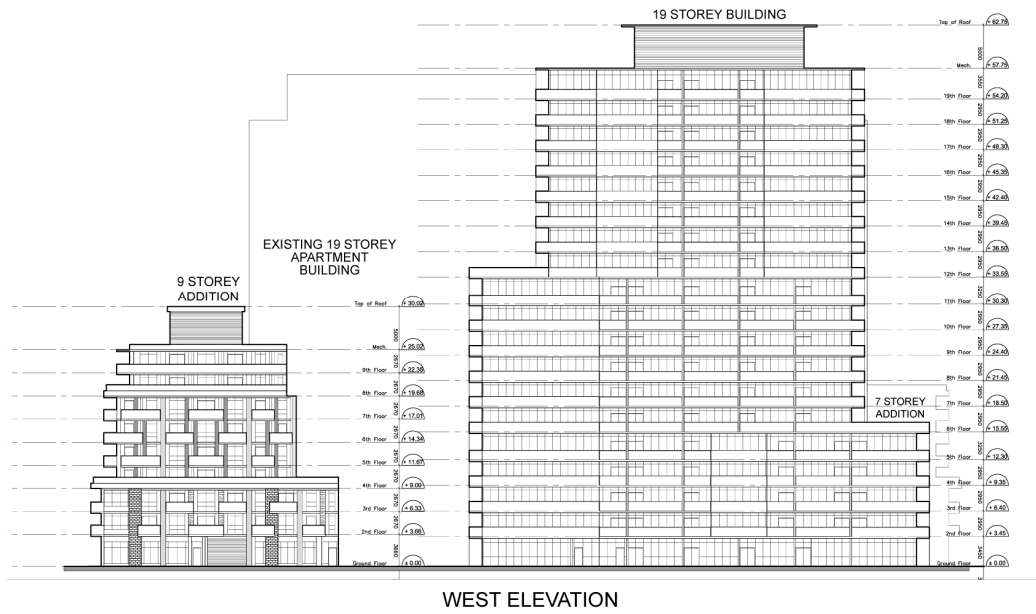
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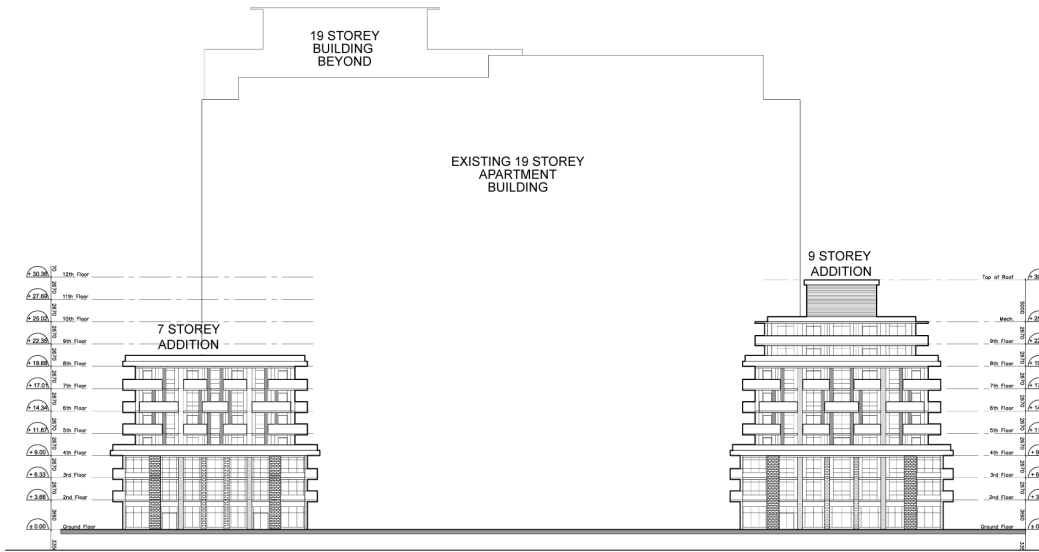
3636 Bathurst Street

File # 11 330299 NNY 15 0Z

Attachment 2: Elevations



WEST ELEVATION



EAST ELEVATION

Elevations

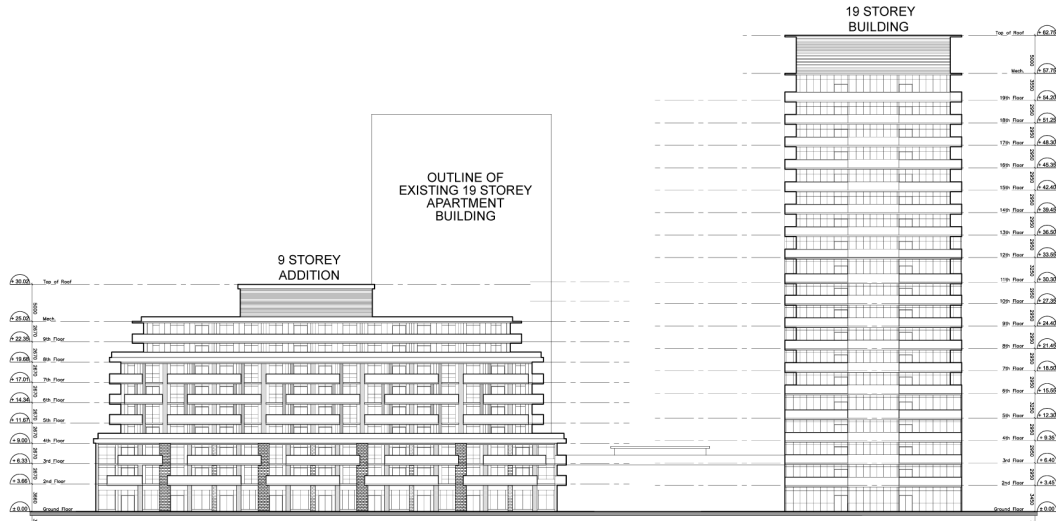
Applicant's Submitted Drawing

Not to Scale
02/07/2011

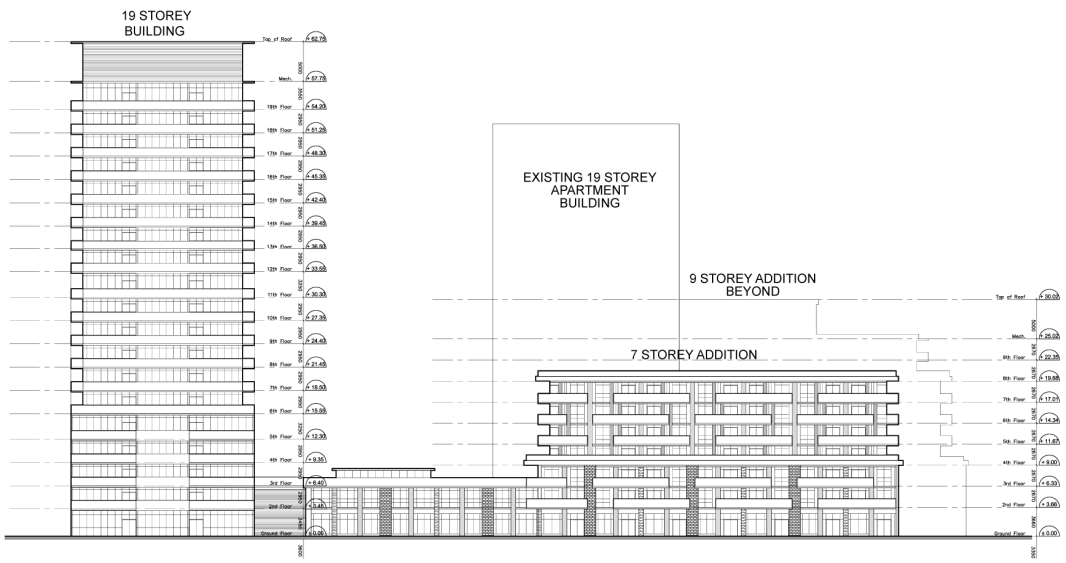
3636 Bathurst Street

File # 11 330299 NNY 15 0Z

Attachment 3: Elevations



NORTH ELEVATION



SOUTH ELEVATION

Elevations

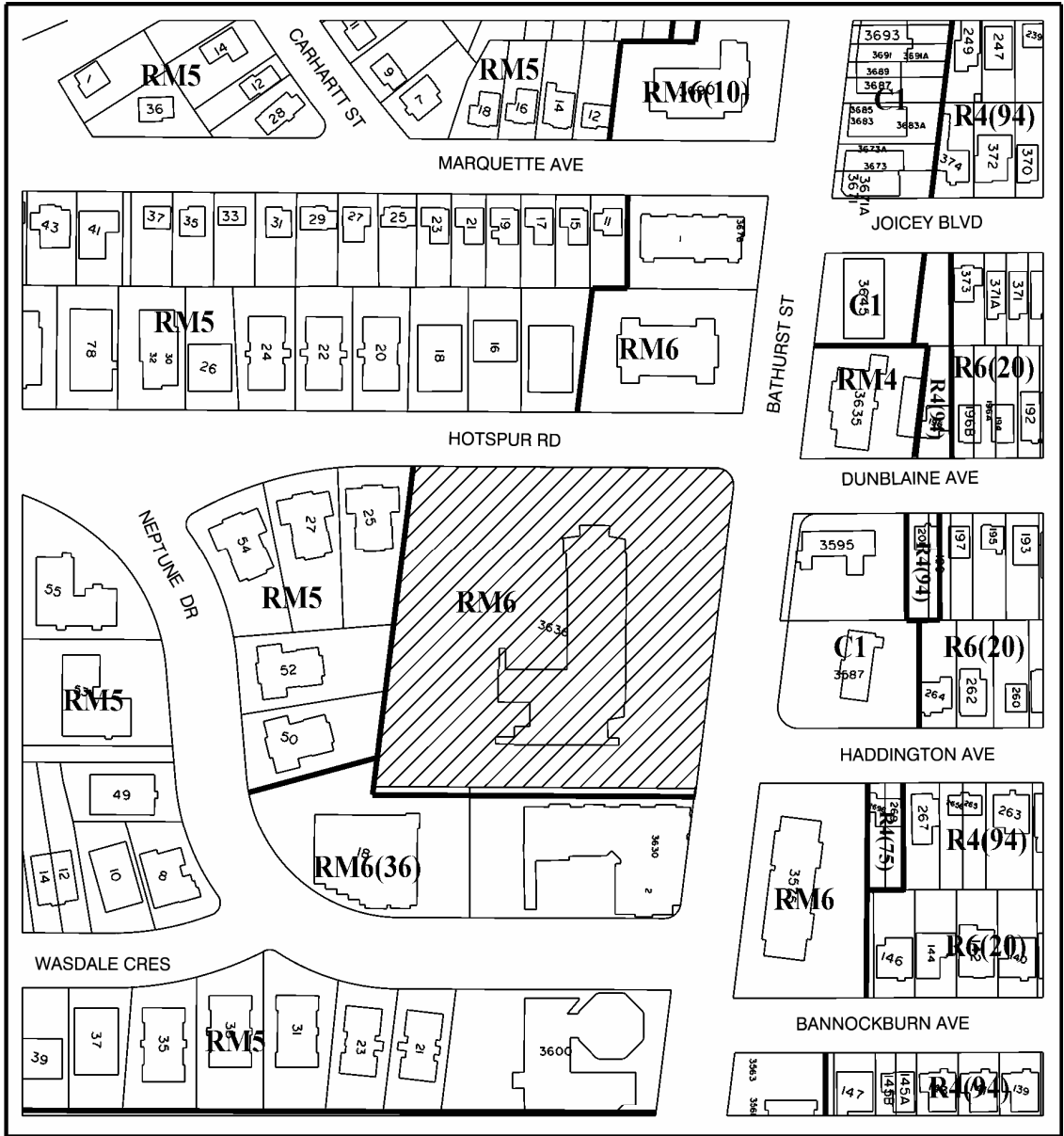
Applicant's Submitted Drawing

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3636 Bathurst Street

File # 11 330299 NNY 15 0Z

Attachment 4: Zoning



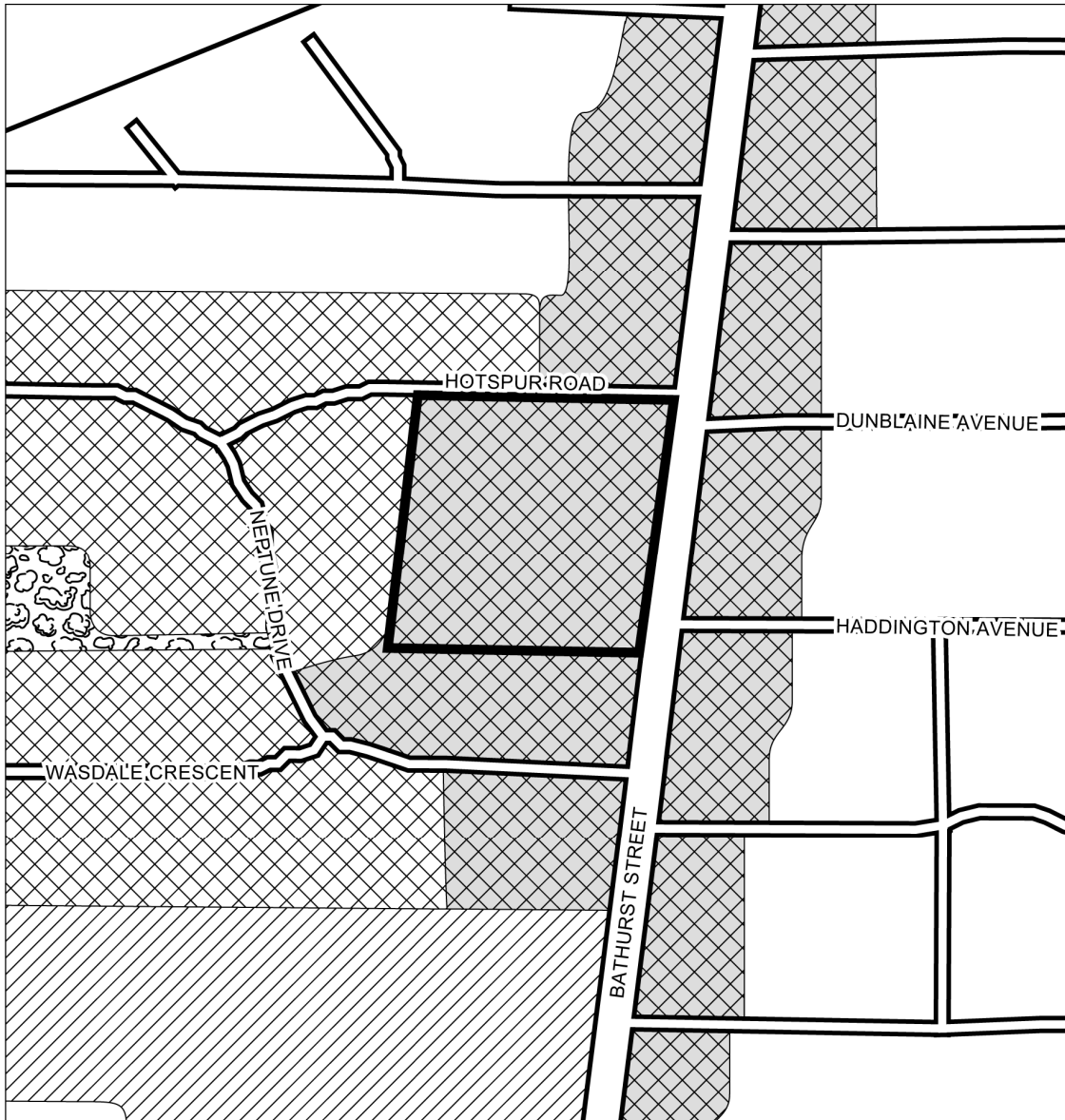
TORONTO City Planning
Zoning

3636 Bathurst Street
 File # 11 330299 NNY 15 02

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

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 Not to Scale
 Zoning By-law 7625
 Extracted 02/07/2012

Attachment 5: Official Plan



TORONTO City Planning
Official Plan

3636 Bathurst Street

File # 11 330299 NNY 15 0Z

- | | | |
|--|--|---|
|  Site Location |  Parks & Open Space Areas |  Institutional Areas |
|  Neighbourhoods |  Parks | |
|  Apartment Neighbourhoods | | |
|  Mixed Use Areas | | |


 Not to Scale
 02/07/2011

Attachment 6: Application Data Sheet

Application Type	Rezoning	Application Number:	11 330299 NNY 15 OZ
Details	Rezoning, Standard	Application Date:	December 22, 2011
Municipal Address:	3636 BATHURST ST		
Location Description:	CON 2 WY PT LOT 9 **GRID N1502		
Project Description:	<p>Application to amend former City of North York Zoning By-law 7625 to permit the development of a new 19-storey residential building (231 units), as well as 9-storey (119 unit senior's residence) and a 7-storey (77 units) additions to the existing apartment building. A new 2-storey amenity centre would connect the existing apartment to the proposed 19 storey building. Approximately 470m2 of retail is proposed on the ground floor of the 9-storey seniors residence. The total gross floor area for the site would be 59,102m2 or 4.4 times the area of the lot.</p>		

Applicant:

ADAM BROWN

Owner:

3636 BATHURST STREET
LIMITED

PLANNING CONTROLS

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

PROJECT INFORMATION

Site Area (sq. m):	13301.34	Height:	Storeys:	19	
Frontage (m):	0		Metres:	52.31	
Depth (m):	0				
Total Ground Floor Area (sq. m):	2744.81				Total
Total Residential GFA (sq. m):	57355.57		Parking Spaces:	640	
Total Non-Residential GFA (sq. m):	1748.48		Loading Docks	0	
Total GFA (sq. m):	59102.05				
Lot Coverage Ratio (%):	20.6				
Floor Space Index:	4.4				

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Rental, Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	57353.57	0
Bachelor:	0	Retail GFA (sq. m):	469.86	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	1278.62	0
Total Units:	652			

CONTACT: **PLANNER NAME:** **Andria Sallese, Planner**
TELEPHONE: **(416) 395-7166**

