



**STAFF REPORT
ACTION REQUIRED**

**1486 Bathurst Street – Rezoning and Site Plan
Application – Request For Direction**

Date:	May 1, 2014
To:	City Council
From:	City Solicitor
Wards:	Ward 21 – St. Paul's
Reference Number:	

SUMMARY

Goldman (Bathurst) Ltd. submitted Zoning Bylaw amendment and Site Plan Control applications to the City on December 13, 2012. The applications were for an 18 storey mixed-use building with a small amount of commercial space and 8,404 m² of residential space. Access to an underground parking garage was proposed over a driveway which would run through a property to the west known as 11 Raglan Avenue. Planning and Transportation staff did not support the design of the building, nor the planned transportation route.

The planning applications were ultimately appealed to the Ontario Municipal Board in that no decision had been made by Council within the statutory time under the *Planning Act*.

In February 2014, the Applicant submitted revised plans. The proposed building remained at 18 storeys, but many urban design changes had been incorporated. For example, the residential units were re-oriented to the east and west sides of the building and the number of windows facing north had been reduced. This change reduced the possibility of overlook to the existing apartment building to the north. As well, the Applicant abandoned the idea of routing vehicular traffic through the 11 Raglan address. Vehicle access would now take place through an east-west public lane to its intersection with an existing north-south public lane. In addition, City staff, including City solicitors met with the Applicant's solicitor and representatives to discuss how additional widenings of the north-south lane could be obtained from other lands owned by the Applicant. Matters discussed included possible rights-of-way, fee ownership, and strata conveyances of land that would provide laybys for vehicles while preserving underground rights to the

Applicant should it eventually build an underground garage under the strata lands to be owned by the City.

The revised proposal was supported by Planning staff and Transportation staff and a further staff report dated March 11, 2014 went forward to City Council with recommendations supporting the planning applications. At its meeting of April 1, 2014, Council decided that the report should be received.

At that time, the City and the Applicant were not agreed on whether any section 37 contribution was required here given the size of the proposed building; and further, if a contribution were to be made, in what amount that contribution should be.

In the past week the Ward Councillor facilitated a meeting that included the City Solicitor and the Applicant and its Solicitor to discuss outstanding items. As a result of that meeting, the Applicant has agreed to make a voluntary Section 37 contribution for community benefits as set out in the Recommendations Section of this Report.

RECOMMENDATIONS

The City Solicitor recommends that:

1. Council support the zoning by-law and site plan applications made by the Goldman group, subject to the following conditions being addressed to the satisfaction of the City Solicitor:
 - a. The Applicant will make a voluntary Section 37 contribution of \$200,000.00 toward arts, cultural, or library facilities within Ward 21, or for St. Clair West streetscape improvements;
 - b. The Applicant will make a further voluntary contribution of \$30,000.00 toward the installation of a Bike Share Station at or in the general vicinity of the site; and
 - c. The Section 37 contributions outlined above will be set out in a Section 37 agreement to the satisfaction of the City Solicitor.
2. The Applicant agree to make strata conveyances to the City to widen the existing north-south existing public lane from the rear of properties located at 11 and 13 Raglan Avenue.
3. A provision be inserted in an agreement to the satisfaction of the City Solicitor that should the City establish a protocol to have car share spaces transferred to the Toronto Parking Authority (TPA), then the Applicant will transfer the two car share spaces in this project to the TPA.

4. City Council authorize the City Solicitor to take all necessary steps, including attending an Ontario Municipal Hearing, and attending to the execution of agreements and documents to give effect to the above noted Recommendations.

Financial Impact

The Recommendations will have no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

The Request for Directions Report of March 11, 2014 is available at:
<http://www.toronto.ca/legdocs/mmis/2014/cc/bgrd/backgroundfile-67837.pdf>

COMMENTS

The purpose of this Report is to seek Council's direction for the disposition of the planning appeals at the OMB. It is staff's opinion that the revised proposal is appropriate in its current built form and site design. Accordingly, staff recommend that the applications be supported subject to the conditions in the Recommendations Section of this Report.

CONTACT

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SIGNATURE

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