

**6040 Bathurst Street and 5 Fisherville Road – Zoning By-law Amendment Application – Preliminary Report**

<b>Date:</b>	January 24, 2017
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 10 – York Centre
<b>Reference Number:</b>	16 252547 NNY 10 OZ

**SUMMARY**

This application proposes to amend the zoning by-laws at 6040 Bathurst Street and 5 Fisherville Road to permit the construction of two residential buildings; the existing rental buildings on the site would remain. A nineteen storey rental apartment building is proposed for the south-west corner of the site and a twenty-nine storey condominium building is proposed for the north-east corner of the site. The two buildings would have a total Gross Floor Area (GFA) of 46,000 square metres and add an additional 430 dwelling units on the site. The proposed buildings would have a Floor Space Index (FSI) of 1.96 and overall the site would have a FSI of 3.39.

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

This report recommends that a community consultation meeting be held to present the proposal to the public and obtain public input.

A Final Report and a Public Meeting under the *Planning Act* will be scheduled following community consultation and resolution of the outstanding issues identified in this report.



## RECOMMENDATIONS

### The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 6040 Bathurst Street and 5 Fisherville Road 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.

## DECISION HISTORY

No prior planning applications have been received for this site.

### Pre-Application Consultation

A pre-application consultation meeting was held with the applicant in September 2015 to discuss complete application submission requirements.

## ISSUE BACKGROUND

### Proposal

The application proposes to construct an additional two apartment buildings on the site, retaining the existing rental apartment buildings. A nineteen-storey rental apartment building (herein referred to as "Building A") is proposed in the south-west portion of the site and a twenty-nine storey building ("Building B") is proposed in the north-east portion of the site. Including the existing buildings, the overall development would have a FSI of 3.39.

#### Existing Buildings

The two existing buildings have a total Gross Floor Area (GFA) of 33,490 square metres and a FSI of 1.43. Parking is provided in a shared two level underground parking garage with 236 spaces which is accessed by two ramps. Short-term and visitor parking is provided in a surface parking lot. Combined, the buildings have a total of 404 residential rental units as follows:

One-bedroom Units: 231 (57%)  
Two-bedroom Units: 141 (35%)  
Three-bedroom Units: 32 (8%)

Of the 404 existing residential units, 293 units have affordable rents and 111 units have mid-range rents. An existing underground swimming pool with a walkout to a small amenity area connects the two buildings and is the only indoor amenity space provided.

### Building A

Building A is proposed to be a nineteen-storey rental apartment building with a GFA of 15,500 square metres and a FSI of 0.66. It would be constructed in the landscaped south-west portion of the site over a portion of the existing underground parking structure. The existing underground parking structure, accessed by private driveway from Bathurst Street, would be reconfigured and expanded to provide a total of 362 resident parking spaces for Building A and the two existing buildings. A new surface parking lot would provide twenty visitor parking spaces which would be shared with the existing rental building at 6040 Bathurst Street.

The proposed building would have a six-storey, nineteen metre high base and a thirteen-storey tower (fifty-seven metres, sixty-two metres including the mechanical penthouse). The podium would have a setback from the south and west property lines of 9.5 metres. The tower which is setback from the base three metres would have a floor plate of approximately 750 square metres. A stepback of three metres would be provided at the seventeenth storey.

A total of 179 residential units are proposed as follows:

One-bedroom Units: 98 (55%)

Two-bedroom Units: 54 (30%)

Three-bedroom Units: 27 (15%)

Along the west edge of the base would be five, two-bedroom townhouse units. They are two-storeys and are accessed by individual front doors to the exterior.

The proposed building includes 200 square metres of indoor amenity space located on the ground floor. There is outdoor amenity space proposed to be provided immediately adjacent to the indoor amenity space and can be accessed directly from the interior.

The proposal includes 135 bicycle parking spaces, of which thirteen are for visitors. Bicycle parking spaces for residents would be provided indoors while the visitor spaces would be provided outside. One Type G loading space is proposed.

### Building B

Building B is proposed to be a twenty-nine storey condominium apartment building with a GFA of 30,500 square metres and a FSI of 1.3. It would be constructed in the north-east landscaped portion of the site. Parking would be provided in a two level underground garage accessed by a ramp integral to the building. A total of 323 parking spaces are proposed in the garage including thirty for visitors which would be accessed by the existing private driveway from Fisherville Road.

The proposed building would have an eight-storey, twenty-five metre high "L" shaped base and a twenty-one storey tower (eighty-seven metres, ninety-two metres including the mechanical penthouse). The base would have a setback from the north property line of three metres and the setback from the east property line ranges between 5.9 metres and 9.3 metres. The tower is located at the north-east corner of the base and steps back from the base three metres along Fisherville Road. The floor plate of the tower is proposed to be 750 square metres.

A total of 430 residential units are proposed as follows:

Studio Units:	12 (3%)
One-bedroom Units:	291 (67%)
Two-bedroom Units:	120 (28%)
Three-bedroom Units:	7 (2%)

The proposed building includes 730 square metres of indoor amenity space located on the ground floor in two separate areas. One area encompasses the entire ground floor facing Fisherville Road and wraps the corner to also face Carpenter Road. The second room is at the rear of the building and is connected to a 515 square metre outdoor amenity area.

The proposal includes 323 bicycle parking spaces, of which thirty are for visitors. Bicycle parking spaces for residents would be provided indoors while the visitor spaces would be provided outside. One Type G and one Type C loading space are proposed.

## **Site and Surrounding Area**

The site is located to the south-west of Bathurst Street and Steeles Avenue West. It is located at the south-west corner of Fisherville Road and Carpenter Road with the southern portion of the site having frontage on Bathurst Street. The site is 2.34 hectares and is currently developed with two seventeen-storey rental apartment buildings with 404 units which are to be retained. The existing buildings have a total GFA of 33,490 square metres and an FSI of 1.43.

Abutting uses include:

North: Fisherville Road and then an apartment complex of three eighteen-storey buildings known as the Primrose Condominiums.

South: An eighteen storey rental apartment building.

East: To the east of the site is Carpenter Road and Bathurst Street. A one-storey retail building containing McDonald's and Cash Money is located on an island created by Carpenter Road, Fisherville Road and Bathurst Street. On the east side of Bathurst Street are apartment buildings ranging in heights of ten to thirteen storeys.

West: An eighteen-storey rental apartment building and then a low-rise residential neighbourhood comprised of detached dwellings.

## **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; providing an appropriate range of housing types and affordability to meet projected requirements of current and future residents; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required, by the *Planning Act*, 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; providing housing options to meet the needs of people at any age; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, as the case may be, 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, on Map 16, designates the site as *Apartment Neighbourhoods*. These areas are stable areas of the City and significant growth is generally not anticipated however there may be opportunities for additional townhouses or apartments on underutilized sites. Where there are opportunities for infill development on underutilized sites, policy 4.2.3 of the Plan sets out criteria to evaluate those situations which includes the need to provide good quality of life for both new and existing residents.

Chapter 2 of the Official Plan includes policies to develop the City's transportation network. Bathurst Street is identified as a *major street* on Map 3 of the Official Plan with a planned right-of-way width of thirty-six metres. Bathurst Street is also identified as a *transit priority segment* on Map 5. Fisherville Road is not identified as a *major street* or a *transit priority segment* in the Official Plan.

The Built Form policies in Section 3.1.2 of the Official Plan relate to ensuring that new development in the city can fit harmoniously within the existing area. This includes providing appropriate transition to the existing surrounding area to ensure that the new development will fit within the existing and/or planned context. Development should be massed with good proportions to fit within the existing and planned context and to ensure sunlight and skyview from adjacent streets. Transition in scale may be achieved with many "geometric relationships and design methods in different combinations" including angular planes, stepping of heights, location and orientation of the buildings and the use of setbacks and stepbacks of building mass. These policies also speak to the exterior

façade of buildings to fit harmoniously into the existing and planned context, by incorporating design elements, their form, scale, proportion, pattern and materials that fit with the existing or emerging character of the area.

Section 3.2.1.2 of the Official Plan relates to maintaining and replenishing the existing housing stock and encourages new housing stock through intensification and infill that is consistent with the Official Plan. Section 3.2.1.5 a) further notes that significant new development on sites containing six or more rental units, where existing rental units will be kept in the new development, will secure as rental housing the existing rental housing units which have affordable and mid-range rents and, under Section 3.2.1.5 b), may secure any needed improvements and renovations to the existing rental housing, in accordance with and subject to Section 5.1.1 of the Official Plan, without pass-through of such costs in the rents to tenants.

Section 5.1.1 allows the City to approve height and/or density greater than permitted by the zoning by-law pursuant to Section 37 of the *Planning Act* for developments which exceed 10,000 square metres and increase the permitted density by at least 1500 square metres and/or significantly increase the permitted height. The application proposes an additional 46,000 square metres on the site and overall heights of sixty-two and ninety-two metres.

The Toronto Official Plan is available on the City's website at:  
[http://www.toronto.ca/planning/official\\_plan/introduction.htm](http://www.toronto.ca/planning/official_plan/introduction.htm).

## **Official Plan Amendment 320**

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment (OPA) No. 320 on December 10, 2015. OPA 320 strengthens and refines the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods and to allow limited infill on underutilized apartment sites in *Apartment Neighbourhoods*. OPA 320, as approved by Council, is available on the City's website at <http://www.toronto.ca/legdocs/bylaws/2015/law1297.pdf>

OPA 320 amends the *Apartment Neighbourhoods* policies to add emphasis on the need to provide improved amenity spaces for both existing and new residents as part of any infill development. Infill development should provide a good quality of life for both new and existing tenants and maintain sunlight and privacy for residential units.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016. The Ministry received 57 appeals to OPA 320 and it has been appealed in its entirety. As a result, OPA 320 as approved and modified by the Minister is relevant but not determinative in terms of the Official Plan policy framework.

The Minister's approval and modification can be found at

<http://www1.toronto.ca/City%20of%20Toronto/City%20Planning/SIPA/Files/pdf/N/MMA%20Notice%20of%20Decision.OPA%20320.July%204%202016.pdf>.

## **Zoning**

The site is currently zoned Multiple-Family Dwellings Sixth Density Zone (RM6) by former City of North York Zoning By-law 7625. The RM6 zone allows for a number of residential building types including apartment house, converted dwellings, detached dwellings, multiple attached dwellings and double duplexes. All uses permitted in the R4 zone are also permitted. A maximum lot coverage of thirty-five percent and a maximum gross floor area of 150 percent of the lot area is permitted. The RM6 zone also requires a minimum distance between buildings or portions of buildings equal to the height of the highest building or portion thereof.

The site is subject to North York By-law 19956 which permits a maximum height of 150 feet (45.72 metres).

The site is zoned RA (f30.0; a1375; d1.5) by City of Toronto By-law 569-2013 which is currently under appeal. RA is the Residential Apartment Zone which permits dwelling units in an apartment building, parks and police, fire and ambulance stations. A maximum lot coverage of thirty-five percent and a FSI of 1.5 is permitted. As the site is not included in the height overlay map, the maximum permitted height is twenty-four metres. Bathurst Street, which abuts the southern portion of the site, is identified as a Major Street.

By-law 569-2013 is available on the City's website at <http://www.toronto.ca/zoning>.

## **Additional Applications**

An application for Site Plan Control under Section 41 of the *Planning Act* is required for the proposal, however no application has been filed.

An application for condominium will be required for Building B and Building B may also require a lot severance application.

## **City-Wide Tall Building Design Guidelines**

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>.

## **Green Roof By-law**

On May 26, 2009 City Council adopted the Green Roof By-law (By-law 583-2009). The by-law requires new residential buildings to provide a green roof if the development has a gross floor area of 2000 square metres or greater and a height of greater than six storeys.

The applicant is proposing a 75 square metre green roof along the northerly portion of the podium of Building A. On Building B a green roof of approximately 750 square metres is proposed on top of the eight-storey podium.

By-law 583-2009 can be accessed at

<http://www.toronto.ca/legdocs/bylaws/2009/law0583.pdf>.

## **Tree Preservation**

The submitted Tree Inventory and Preservation Plan Report identifies 132 trees which are located either on the site, in the adjacent right-of-way or on neighbouring properties within the vicinity of the proposed development. The report identifies fifty-six trees which require removal to accommodate the proposal, of which forty are protected by the City's tree protection by-laws. According to the report, based on the City's Private Tree By-law 117 trees are required to be planted on site to compensate for the trees to be removed. The submitted landscape plan shows 120 new shade trees are proposed. The submitted report and landscape drawings are under review by Urban Forestry.

The City's tree protection by-laws can be accessed at

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=756fdada600f0410VgnVCM10000071d60f89RCRD>.

## **Reasons for the Application**

The application to amend the zoning by-laws is required to permit the proposed development. While the proposed building type is permitted, the proposal requires amendments for building height, density, coverage, massing and location of the buildings.

## **COMMENTS**

### **Application Submission**

The following reports/studies were submitted with the application:

- Planning and Urban Design Rationale (includes a Community Services and Facilities Study and a Housing Issues Report)
- Public Consultation Strategy
- Draft Zoning By-law Amendments
- Toronto Green Standard Checklist
- Stage 1 and 2 Archaeological Assessment
- Tree Inventory and Preservation Plan Report
- Pedestrian Level Wind Preliminary Assessment
- Shadow Study
- Urban Transportation Considerations Report
- Functional Servicing Report
- Stormwater Management Report
- Geotechnical Investigation



- Hydrogeologic Study and Water Balance

A Notification of Complete Application was issued on December 12, 2016.

### **Issues to be Resolved**

The site is adjacent to two other large apartment sites to the west and south which have opportunities for infill development. Staff have indicated to the applicant that redevelopment of this site needs to be considered within the larger area context and a long-term vision for the redevelopment of all the sites needs to be considered. Staff have requested a plan from the applicant which identifies how the sites may redevelop comprehensively while allowing them to proceed with their own individual plans. In addition to this, the following issues have been identified:

- Whether the proposal is in conformity with the policies of the Official Plan
- Whether the proposed buildings fit within the area context, including scale and setbacks from property lines
- Whether the proposed scale of intensification and number of units are appropriate
- Whether the proposed building heights, including the proposed base building heights and massing are appropriate
- Whether the proposed siting and organization of the buildings are appropriate
- Whether Building A has an appropriate relationship and pedestrian connectivity to the public realm
- Whether there is appropriate transition to the low-scale residential uses to the west of the site
- Whether an appropriate amount of landscaped open space remains on site
- Whether the transportation impacts and proposed parking supply are appropriate
- Whether at-grade parking is appropriate
- Whether the amount of indoor and outdoor amenity space is appropriate and whether it is appropriately located on the site
- Whether there is sufficient community services and facilities to serve the additional development
- Whether there is sufficient servicing available for the additional development
- Identification and securing of improvements and/or renovations to the existing rental building
- Securing the existing affordable rental housing units within the existing apartment building
- Whether commercial services should be incorporated into the site, specifically in the base of Building B
- Whether the shadow impacts are appropriate
- Whether the wind and pedestrian level impacts are appropriate
- The need for on-site parkland dedication
- Whether a public road is required
- Conformity with the City-wide Tall Building Design Guidelines
- Compliance with the Bird Friendly Guidelines

- Appropriate Section 37 benefits
- Compliance with the Tier 1 performance measures of the Toronto Green Standard

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

## **CONTACT**

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Fax No. (416) 395-7155

E-mail: [Guy.Matthew@toronto.ca](mailto:Guy.Matthew@toronto.ca)

## **SIGNATURE**

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Joe Nanos, Director  
Community Planning, North York District

## **ATTACHMENTS**

Attachment 1: Site Plan

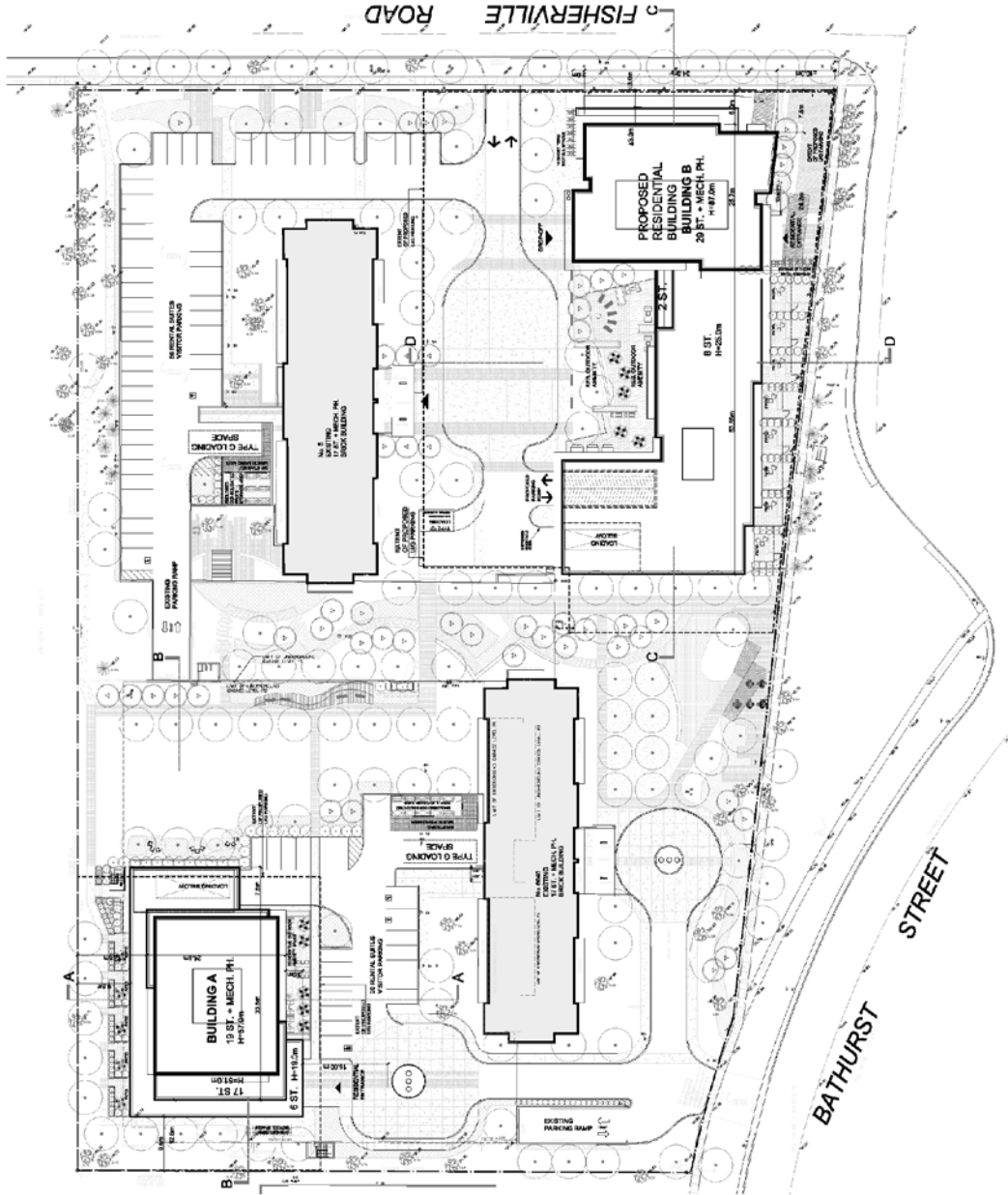
Attachment 2: Elevations

Attachment 3: Zoning

Attachment 4: Official Plan

Attachment 5: Application Data Sheet

Attachment 1: Site Plan

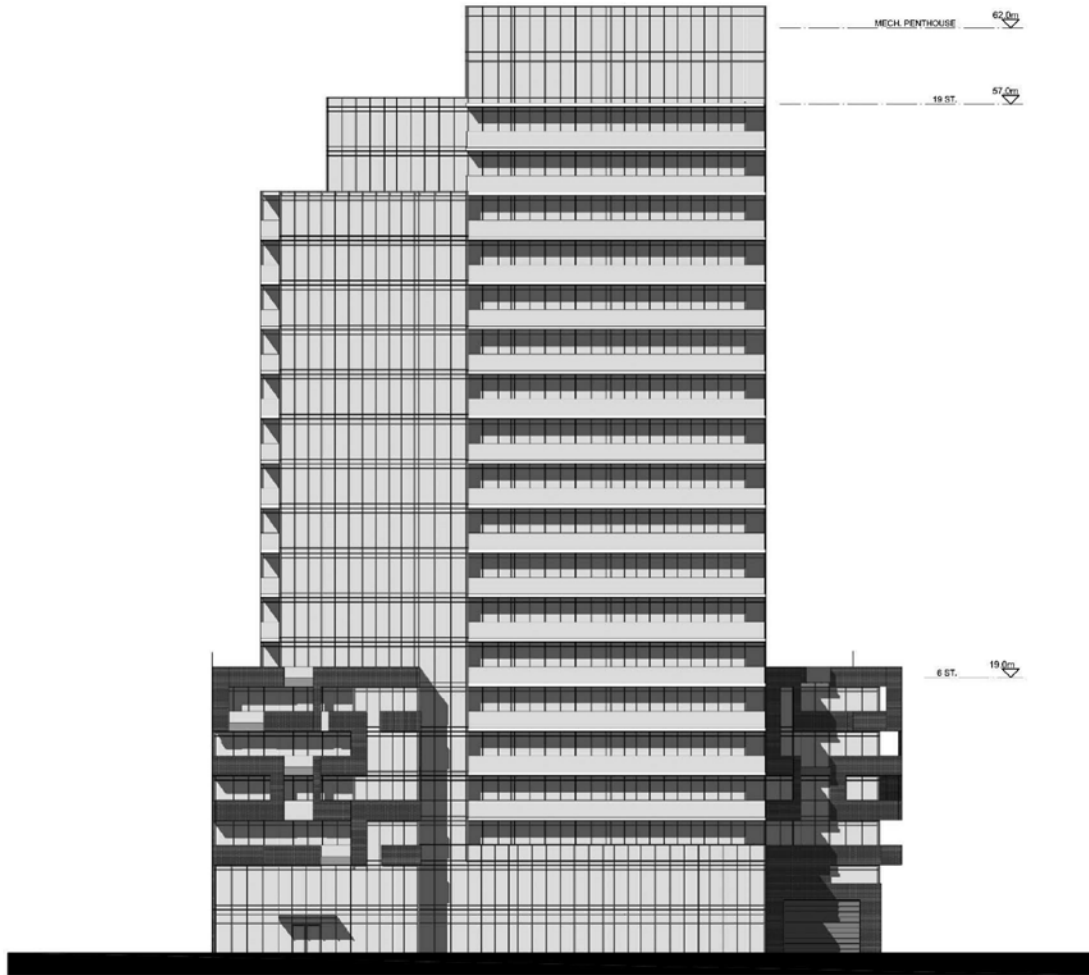


6040 Bathurst Street & 5 Fisherville Road

Site Plan  
 Applicant's Submitted Drawing  
 Not to Scale  
 11/29/2016

File # 16 252547 NNY 10 0Z

## Attachment 2: Elevations



Building A - East Elevation

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### Elevations

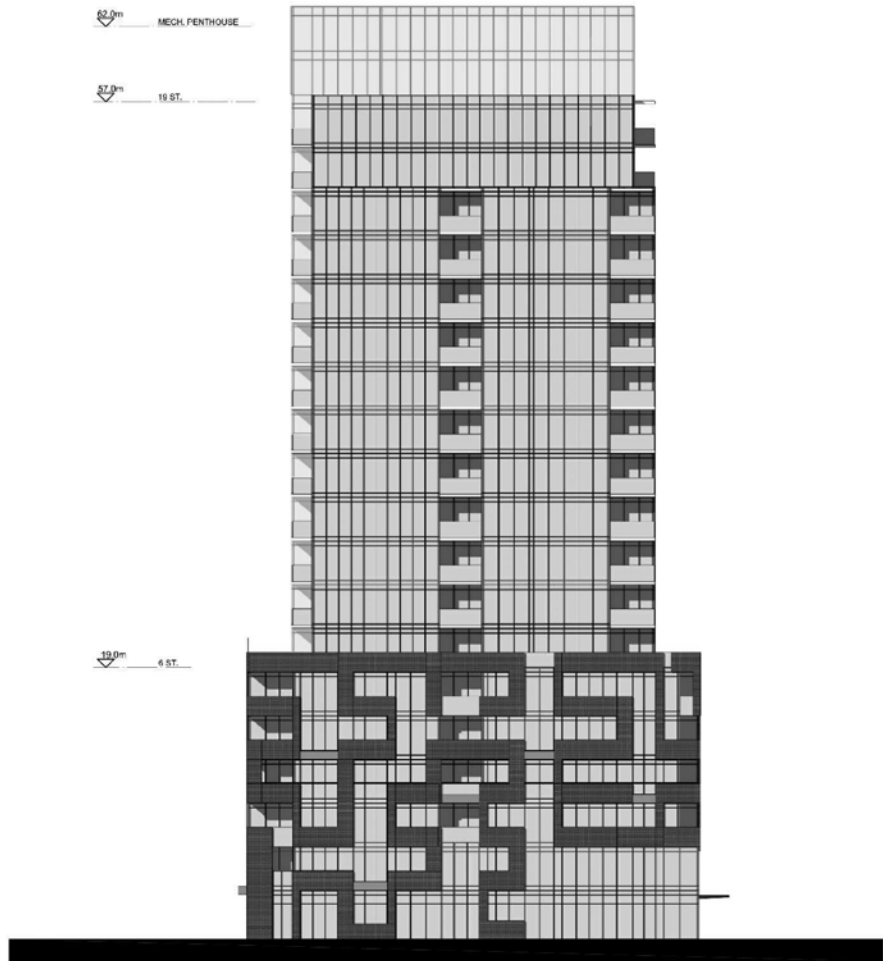
Applicant's Submitted Drawing

Not to Scale  
11/29/2016

6040 Bathurst Street & 5 Fisherville Road

File # 16 252547 NNY 10 0Z

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Building A - South Elevation

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## Elevations

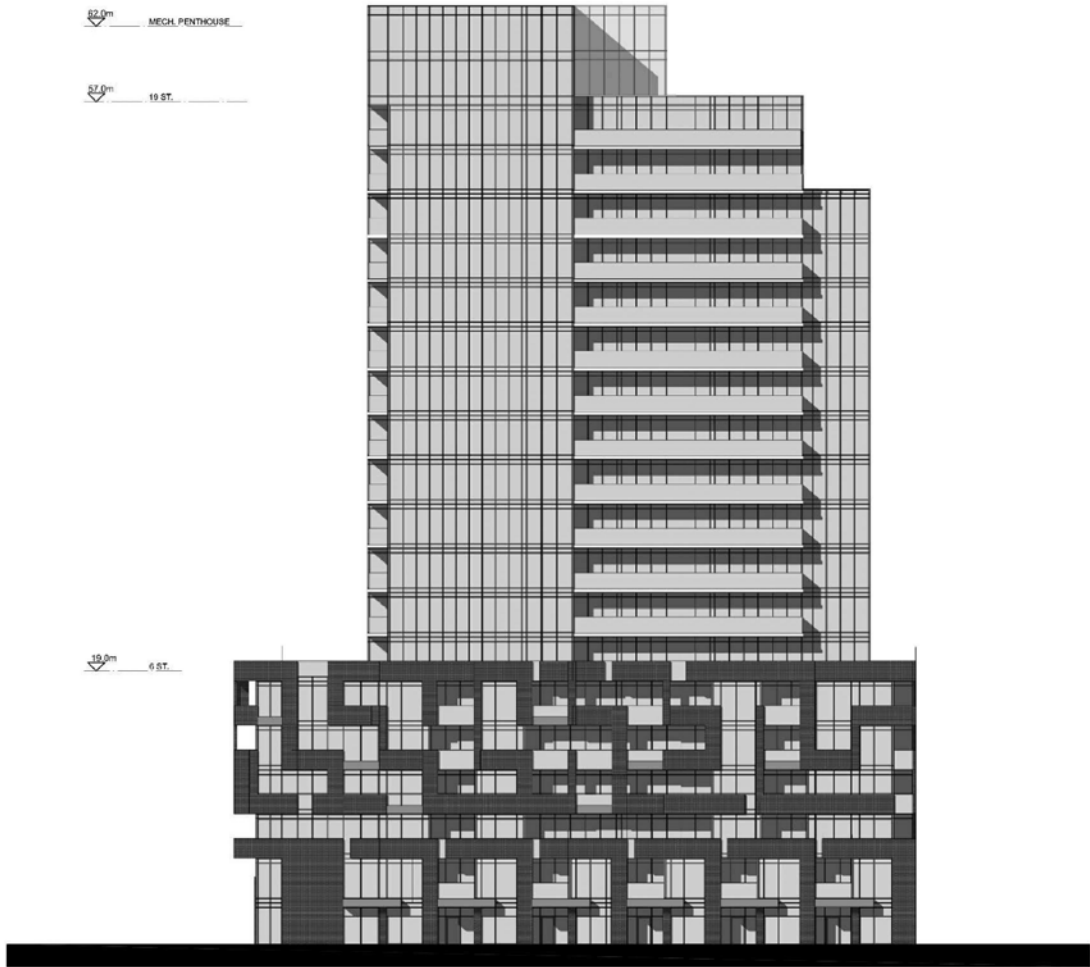
6040 Bathurst Street & 5 Fisherville Road

Applicant's Submitted Drawing

Not to Scale  
11/29/2016

File # 16 252547 NNY 10 0Z

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Building A - West Elevation

**Elevations**

**6040 Bathurst Street & 5 Fisherville Road**

Applicant's Submitted Drawing

Not to Scale  
11/29/2016

File # 16 252547 NNY 10 0Z



Building B - East Elevation

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## Elevations

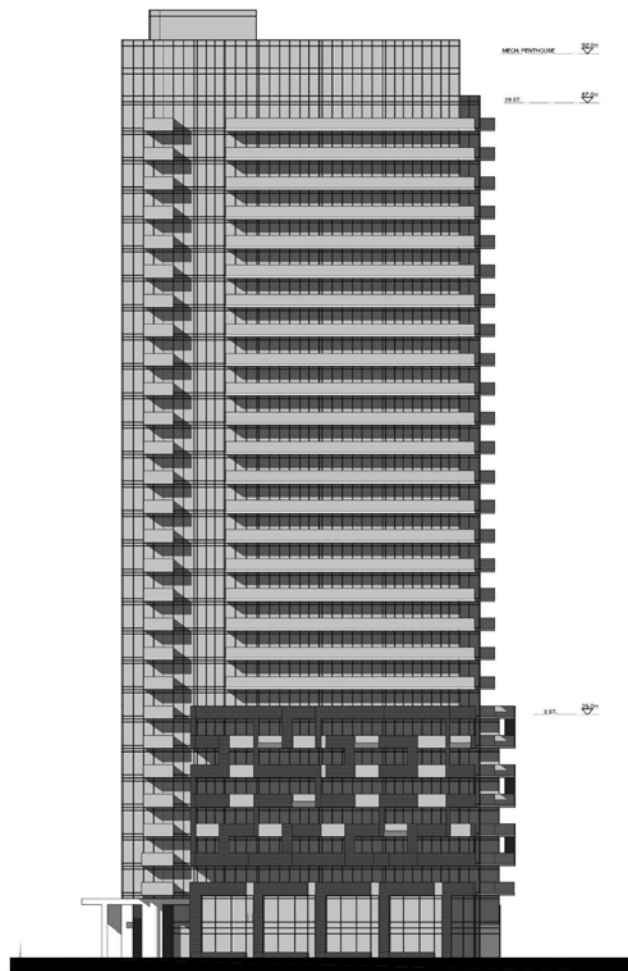
6040 Bathurst Street & 5 Fisherville Road

Applicant's Submitted Drawing

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11/29/2016

File # 16 252547 NNY 10 0Z

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Building B - North Elevation

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## Elevations

6040 Bathurst Street & 5 Fisherville Road

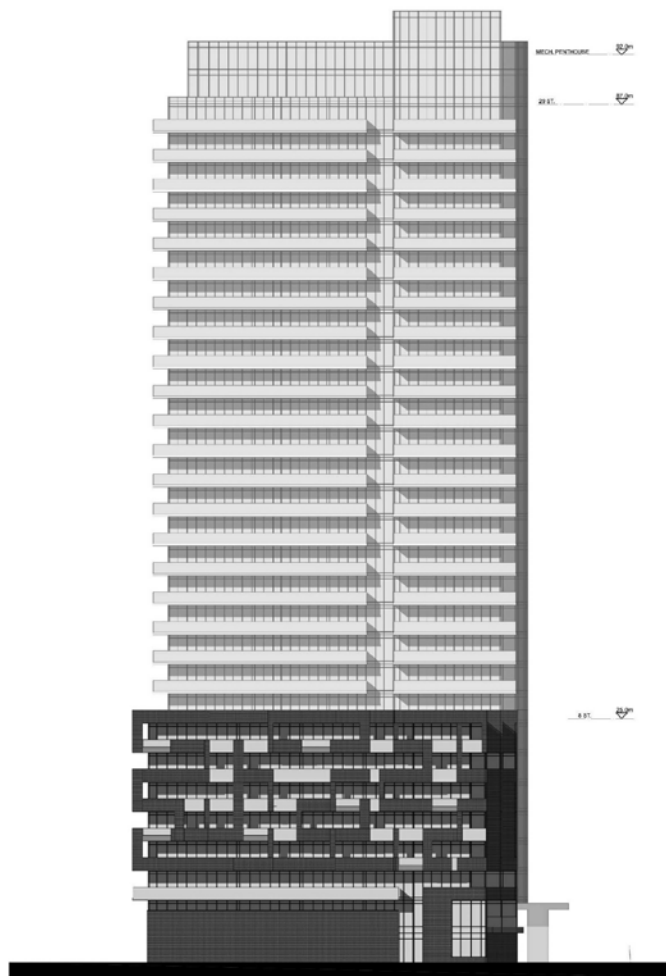
Applicant's Submitted Drawing

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Building B - South Elevation

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## Elevations

6040 Bathurst Street & 5 Fisherville Road

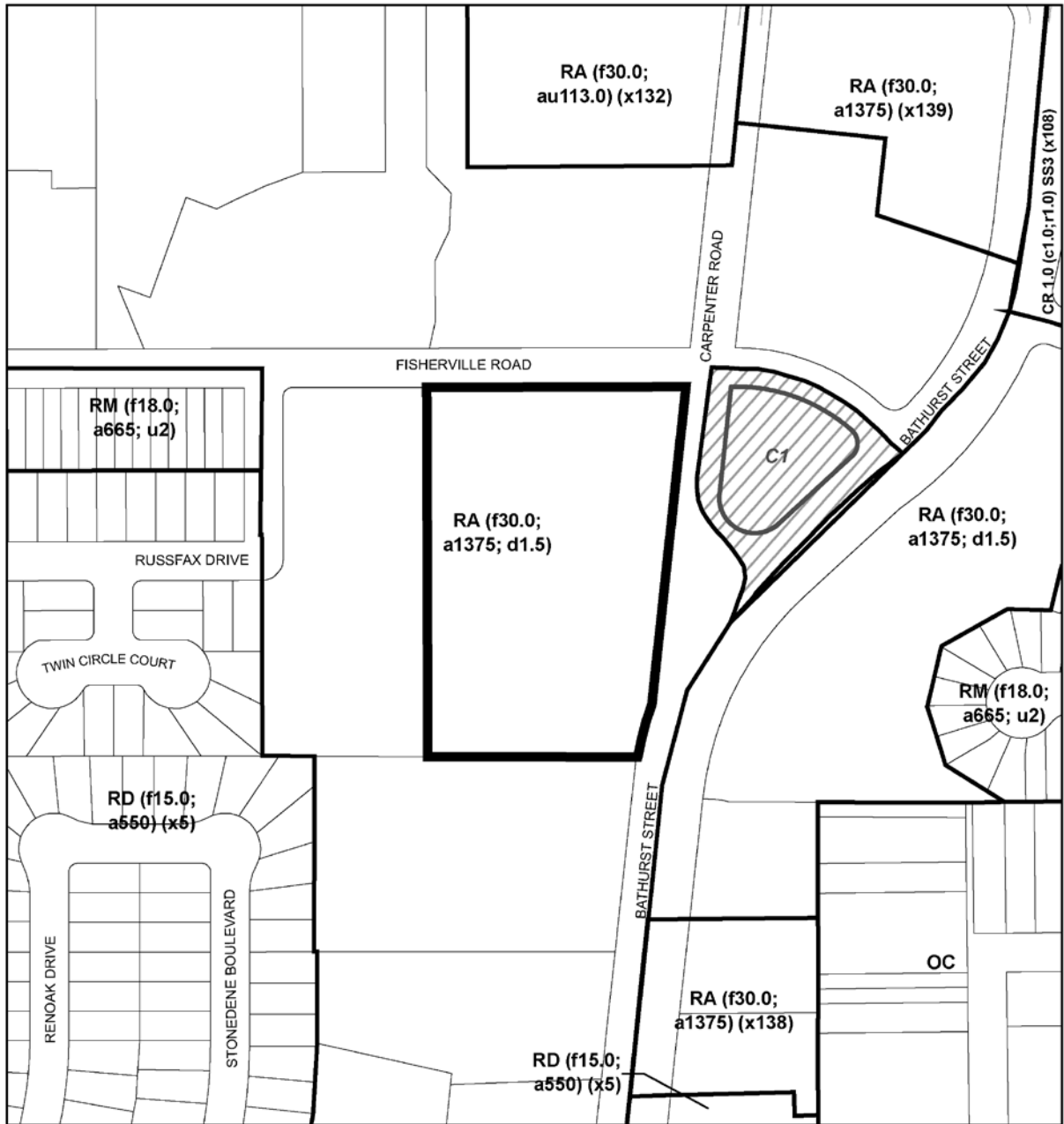
Applicant's Submitted Drawing

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### Attachment 3: Zoning



**Zoning By-Law No. 569-2013**

**6040 Bathurst Street & 5 Fisherville Road**

File # 16 252547 NNY 10 02

Location of Application

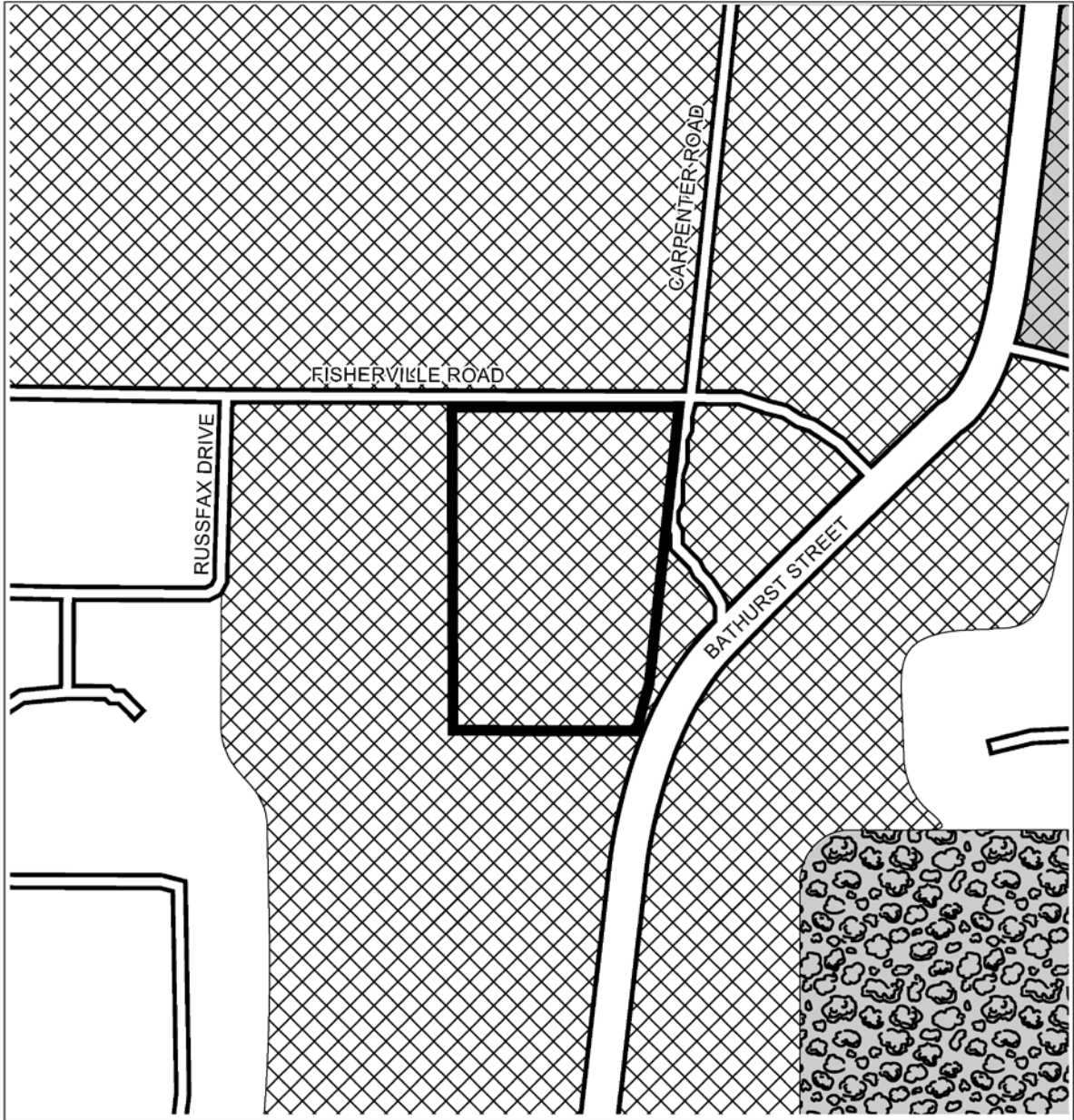
See Former City of North York By-Law No. 7625  
C1 General Commercial Zone

- |                         |                           |
|-------------------------|---------------------------|
| RD Residential Detached | RA Residential Apartment  |
| RM Residential Multiple | CR Commercial Residential |
|                         | OC Open Space Cemetery    |



Not to Scale  
Extracted: 11/28/2016


Attachment 4: Official Plan



**TORONTO** City Planning  
**Extract from Official Plan**

6040 Bathurst Street & 5 Fisherville Road

File # 16 252547 NNY 10 0Z

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

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 Not to Scale  
 11/28/2016

## Attachment 5: Application Data Sheet

Application Type	Rezoning	Application Number:	16 252547 NNY 10 OZ
Details	Rezoning, Standard	Application Date:	November 17, 2016
Municipal Address:	6040 BATHURST STREET & 5 FISHERVILLE ROAD		
Location Description:	PLAN 2570 BLK 24		
Project Description:	To permit the construction of two additional residential buildings. A nineteen storey rental apartment building and a twenty-nine storey condominium building are proposed. The two buildings would add an additional 430 dwelling units on the site.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
FISHERVILLE AND BATHURST LIMITED 303-970 Lawrence Ave W Toronto, ON M6A 3B6	BOUSFIELDS INC. 300 Church St., Ste 300 Toronto, ON M5E 1M2	PAGE + STEELE/IBI GROUP 200-95 St. Clair Ave W Toronto, ON M4V 1N6	FISHERVILLE AND BATHURST LIMITED 303-970 Lawrence Ave W Toronto, ON M6A 3B6

### PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:	N
Zoning:	RA (f30.0; a1375; d1.5)	Historical Status:	N
Height Limit (m):	By-law 7625: 45.72 By-law 569-2013: 24	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	23436	Height:	Storeys:	29
Frontage (m):	133.69		Metres:	87
Depth (m):	190.61			
Total Ground Floor Area (sq. m):	5170			<b>Total</b>
Total Residential GFA (sq. m):	79490		Parking Spaces:	761
Total Non-Residential GFA (sq. m):	0		Loading Docks	5
Total GFA (sq. m):	79490			
Lot Coverage Ratio (%):	22.1			
Floor Space Index:	3.39			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Rental & Condo		<b>Above Grade</b>	<b>Below Grade</b>
Rooms:	0	Residential GFA (sq. m):	79490	0
Bachelor:	12 (1%)	Retail GFA (sq. m):	0	0
1 Bedroom:	620 (61%)	Office GFA (sq. m):	0	0
2 Bedroom:	315 (31%)	Industrial GFA (sq. m):	0	0
3 + Bedroom:	66 (7%)	Institutional/Other GFA (sq. m):	0	0
Total Units:	1013 (100%)			

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Guy Matthew, Senior Planner</b>
	<b>TELEPHONE:</b>	<b>(416) 395-7102</b>
	<b>EMAIL:</b>	<b>Guy.Matthew@toronto.ca</b>