

**2525 Bathurst Street - Zoning Amendment Application and Rental Housing Demolition and Conversion Application under Municipal Code Chapter 667 - Final Report**

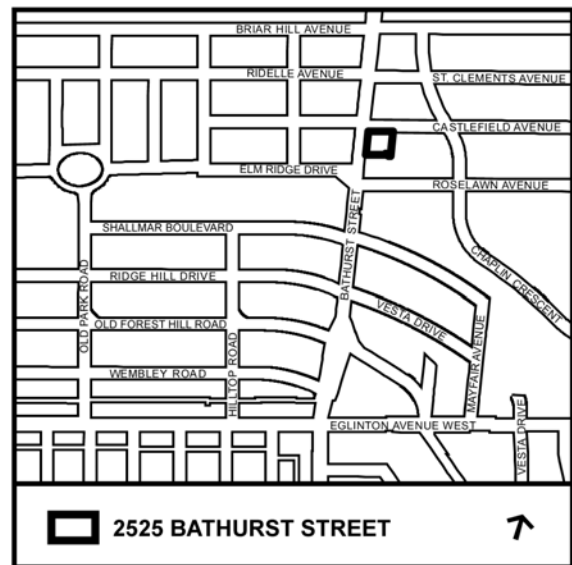
<b>Date:</b>	August 18, 2017
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 16 – Eglinton-Lawrence
<b>Reference Number:</b>	16 152027 NNY 16 OZ & 16 152046 NNY 16 RH

**SUMMARY**

The application proposes to demolish the existing apartment building containing 33 residential rental units and amend the former City of Toronto Zoning By-law 438-86 and City of Toronto Zoning By-law 569-2013 to construct a 13-storey (39.9 metre high) rental housing apartment building containing 162 dwelling units including 33 replacement rental units at 2525 Bathurst Street. At the base of the building, 7 grade related townhouse units are proposed fronting along Bathurst Street and Castlefield Avenue.

An application for Rental Housing Demolition and Conversion under Section 111 of the City of Toronto Act (Chapter 667 of the Municipal Code) has also been submitted to permit the demolition of the rental dwelling units at 2525 Bathurst Street and was reviewed concurrently with the Zoning By-law Amendment application.

This report reviews and recommends approval of the applications to amend the applicable Zoning By-laws and Rental Housing Demolition Application under Section 111 of the City of Toronto Act, subject to conditions. The proposed 13-storey apartment building allows for an appropriate and desirable infill development of the subject property and is consistent with the Official Plan *Apartment*



*Neighbourhoods* designation policies and other existing land uses within the area. The proposed development also reinforces the existing and planned built context of the surrounding area as per the *Built Form* policies in the Official Plan. The proposal includes the replacement of the existing 33 rental units which will be secured in the Section 37 Agreement.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council amend Zoning By-law 438-86, for the lands at 2525 Bathurst Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7 to the August 18, 2017 staff report.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 2525 Bathurst Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8 to the August 18, 2017 staff report.
3. Before introducing the necessary Bills to City Council for enactment, the Owner shall:
  - i. submit a revised Functional Servicing and Stormwater Management Implementation Report to the satisfaction of the Executive Director, Engineering and Construction Services;
  - ii. the Report in (i) above must demonstrate that there will be no risk of sanitary sewer surcharging under Dry Weather Flow conditions and no risk of basement and/or surface flooding under Wet Weather Flow conditions as a result of additional discharges from the new development, taking into account all other approved developments in the area, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and General Manager of Toronto Water;
  - iii. the owner shall enter into a financially secured agreement to pay for and construct any necessary improvements to municipal infrastructure, in connection with the Functional Servicing and Stormwater Management Report as accepted by the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager of Toronto Water; and
  - iv. the owner shall submit a complete site plan control application to the satisfaction of the Director of Community Planning, North District.
4. Before introducing the necessary Bills to City Council for enactment, require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:
  - a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:

- i. Prior to issuance of an above grade building permit the owner shall provide a certified cheque in the amount of \$550,000.00 to be used for Kay Gardiner Beltline pathway and street crossings as well as general park and streetscape improvements within the area, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made;
  - ii. In the event the financial contribution referred to in (i) above has not been used for the intended purpose within 3 years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose at the sole discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands; and
- b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
  - i. The owner shall provide and maintain not less than 33 replacement rental dwelling units, comprised of 17 one-bedroom units and 16 two-bedroom units, at 2525 Bathurst Street for a period of at least 20 years, as generally shown on the plans submitted to the City Planning Division dated June 9, 2017 (general floor plans) and July 18, 2017 (unit layout plans). Any revision to these plans must be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
  - ii. The owner shall provide at least 5 one-bedroom and 1 two-bedroom replacement rental dwelling units at affordable rents, and at least 12 one-bedroom and 14 two-bedroom replacement rental dwelling units at mid-range rents for a period of at least 10 years;
  - iii. The owner shall provide ensuite laundry in all replacement rental dwelling units;
  - iv. The owner shall provide storage lockers to all tenants of the replacement rental dwelling units;
  - v. The owner shall provide tenants of the replacement rental dwelling units access to all the same amenity spaces indoors and outdoors on the same terms and conditions as the occupants of the remainder of the building;
  - vi. The owner shall provide tenants of the replacement rental dwelling units with access to at least 20 vehicle parking spaces with returning tenants who were using one of the existing 20 resident parking spaces receiving first priority, and bicycle parking spaces generated on the same basis as the occupants of the remainder of the building;

- vii. The Owner shall provide tenant relocation and assistance to each eligible tenant within the existing rental building, including an extended notice period, financial compensation beyond the minimum requirements set out in the Residential Tenancies Act, and the right to return to a replacement rental dwelling unit for all of the tenants (the "Tenant Relocation and Assistance Plan"), and the Tenant Relocation and Assistance Plan shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;
- viii. The Owner shall enter into, and register on title, one or more Agreement(s) to secure the conditions outlined in i. to vii. above and as detailed in the Draft Zoning By-law Amendments (Attachment Nos. 7 and 8) to the report from the Director, Community Planning, North York District dated August 18, 2017, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division;
- ix. The Owner shall enter into and register on title, a Section 118 Restriction under the Land Titles Act, to the satisfaction of the City Solicitor, agreeing not to transfer or charge those parts of the lands comprising the 33 replacement rental dwelling units, without the written consent of the Chief Planner and Executive Director, City Planning Division or their designate, to assist with the securing of the Section 111 Agreement against future owners and encumbrances of the lands until such time as the City Solicitor determines that its registration on title is no longer required to secure the provisions of the Section 111 Agreement;
- x. The Owner shall provide the following Transportation Demand Management requirements, to the satisfaction of the Director of Community Planning, North District:
  - a) The provision of two car-share spaces that are publicly accessible;
  - b) The provision of one bike repair station that is publicly accessible;
  - c) Additional bicycle parking spaces for cyclists, transit users, and area users;
  - d) The provision of rough in conduits for electrical vehicle charging facility; and
  - e) One digital display facility in a publicly accessible or visible location to provide real-time area transportation service, status, alert, location, distance and access information shown in the display.
- xi. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Management Committee; and

- xii. The owner shall submit and implement a Construction Mitigation Strategy to the satisfaction of the Director, Transportation Services North District, prior to the issuance of any demolition permit.
5. City Council approve the application for a Section 111 permit in accordance with Municipal Code Chapter 667 to allow the demolition of 33 existing rental dwelling units at 2525 Bathurst Street subject to the following conditions:
- a. The owner shall provide and maintain not less than 33 replacement rental dwelling units, comprised of 17 one-bedroom units and 16 two-bedroom units, at 2525 Bathurst Street for a period of at least 20 years, as generally shown on the plans submitted to the City Planning Division dated June 9, 2017 (general floor plans) and July 18, 2017 (unit layout plans). Any revision to these plans must be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
  - b. The owner shall provide at least 5 one-bedroom and 1 two-bedroom replacement rental dwelling units at affordable rents, and at least 12 one-bedroom and 14 two-bedroom replacement rental dwelling units at mid-range rents for a period of at least 10 years;
  - c. The owner shall provide ensuite laundry in all replacement rental dwelling units;
  - d. The owner shall provide storage lockers to all tenants of the replacement rental dwelling units;
  - e. The owner shall provide tenants of the replacement rental dwelling units access to all the same amenity spaces indoors and outdoors on the same terms and conditions as the occupants of the remainder of the building;
  - f. The owner shall provide tenants of the replacement rental dwelling units with access to at least 20 vehicle parking spaces with returning tenants who were using one of the existing 20 resident parking spaces receiving first priority, and bicycle parking spaces generated on the same basis as the occupants of the remainder of the building;
  - g. The Owner shall provide tenant relocation and assistance to each eligible tenant within the existing rental building, including an extended notice period, financial compensation beyond the minimum requirements set out in the Residential Tenancies Act, and the right to return to a replacement rental dwelling unit for all of the tenants (the "Tenant Relocation and Assistance Plan"), and the Tenant Relocation and Assistance Plan shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;
  - h. The Owner shall enter into, and register on title, one or more Agreement(s) to secure the conditions outlined in a. to g. above and as detailed in the Draft Zoning By-law Amendments (Attachment Nos. 7 and 8) to the report from the Director, Community Planning, North York District dated August 18, 2017, to the

satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division; and

- i. The Owner shall enter into and register on title, a Section 118 Restriction under the Land Titles Act, to the satisfaction of the City Solicitor, agreeing not to transfer or charge those parts of the lands comprising the 33 replacement rental dwelling units, without the written consent of the Chief Planner and Executive Director, City Planning Division or their designate, to assist with the securing of the Section 111 Agreement against future owners and encumbrances of the lands until such time as the City Solicitor determines that its registration on title is no longer required to secure the provisions of the Section 111 Agreement.
6. City Council authorize the Chief Planner and Executive Director, City Planning Division to issue a preliminary approval for the application under Municipal Code Chapter 667 for the demolition of the 33 rental dwelling units at 2525 Bathurst Street after all of the following have occurred:
  - a. Satisfaction or securing of the conditions in Recommendations 4 and 5;
  - b. The Zoning By-law Amendments have come into full force and effect;
  - c. The issuance of the Notice of Approval Conditions for site plan approval by the Chief Planner or her designate, pursuant to Section 114 of the City of Toronto Act, 2006;
  - d. The issuance of excavation and shoring permits for the herein approved redevelopment of the site; and
  - e. The execution and registration of a Section 37 Agreement pursuant to the Planning Act securing Recommendation 4. b and any other requirements of the Zoning-Bylaw Amendment.
7. City Council authorize the Chief Building Official to issue a Section 111 permit under Municipal Code Chapter 667 for 2525 Bathurst Street after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval referred to in Recommendation 6 for the demolition of the existing 33 rental dwelling units.
8. City Council authorize the Chief Building Official to issue a permit under Section 33 of the Planning Act for the 33 existing residential units at 2525 Bathurst Street no earlier than the issuance of the first Building Permit for excavation and shoring of the development and after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval referred to in Recommendation 10, which permit may be included in the demolition permit for Chapter 667 under 363-11.1, of the Municipal Code, on condition that:
  - a. the owner erect a residential building on site no later than 3 years from the day demolition of the buildings is commenced; and

- b. should the owner fail to complete the new building within the time specified in (a) above, the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal taxes, the sum of twenty thousand dollars (\$20,000.00) for each dwelling unit for which a demolition permit is issued, and that each sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.
9. City Council authorize the appropriate City officials to take such actions as are necessary to implement the foregoing, including execution of the Section 111 Agreement.
10. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

A Preliminary Report dated May 26, 2016, was approved at Community Council on June 14, 2016. The original application proposed to demolish the existing apartment building containing 32 residential rental units and amend Zoning By-law 438-86 and Zoning By-law 569-2013 to construct a 13-storey (39.9 metre high) rental housing apartment building containing 162 dwelling units including 32 replacement rental units. The proposal included a gross floor area of 11,135 square metres and a density of 4.8 times the lot area.

City Planning staff were directed to give notice for the community consultation meeting to landowners and residents within 120 metres of the site, to extend the notice area of the community consultation meeting to include, in addition to the 120 metre radius notice area, all landowners and residents residing in the area bounded by Chaplin Crescent in the east, Lawnhurst Boulevard in the west, Briar Hill Avenue in the north, Elm Ridge Drive and Roselawn Avenue in the south, and that the applicant pay the City for the costs associated with extending the notice area.

A copy of the Preliminary Report can be viewed at the following link:  
<http://www.toronto.ca/legdocs/mmis/2016/ny/bgrd/backgroundfile-93820.pdf>

### **ISSUE BACKGROUND**

#### **Proposal**

The application has been revised from the first submission with regards to massing, suite mix, indoor and outdoor amenity space and number of parking spaces. The application proposes a 13-storey (39.9 metre high) rental apartment building (with an additional 6.5 metre high mechanical space). The total proposed residential gross floor area is 11,285 square metres and the total proposed floor space index is 5.0 times the area of the lot (under By-law 569-2013). A total of 162 residential rental units are proposed, 33 of which are rental replacement units. The proposed residential unit mix includes 3 studio suites, 100 one-bedroom suites, 17 two-bedroom suites and 9 three-bedroom suites. Of these, 17 one-bedroom suites and 16 two-bedroom suites would be rental replacement units. At the base of the building, 7 grade related townhouse units are

proposed fronting along Bathurst Street and Castlefield Avenue. The ground floor height would be approximately 3 metres tall.

The building would be L-shaped and front on to Bathurst Street and Castlefield Avenue. The proposed building would be setback 5.24 metres from the Bathurst Street frontage and 6 metres from the Castlefield Avenue frontage. From the south property line, the building would be setback 2.4 metres. The east (rear) setback would range from zero (southerly part of the lot) to 2 metres (northerly part of the lot).

The lobby entrance would be oriented toward the intersection of Bathurst Street and Castlefield Avenue with a 2.5 metre canopy that wraps around the entrance of the building. Adjacent to the lobby entrance of the building would be outdoor patios associated with the townhouse units proposed at the base of the building fronting onto Bathurst Street and Castlefield Avenue. Each townhouse unit would also have street access on either Bathurst Street or Castlefield Avenue.

The portion of the building fronting on Bathurst Street would be stepped back 3.2 metres at the top of the 11<sup>th</sup> storey to the 13<sup>th</sup> storey and the portion of the building fronting onto Castlefield Avenue would be stepped back 4.1 metres at the top of the 8<sup>th</sup> storey to the 13<sup>th</sup> storey along with the mechanical penthouse on the north east side of the building and stepped back 2.7 metres from the top of the 8<sup>th</sup> storey to the 13<sup>th</sup> storey on the north west side of the building.

At the southern portion of the building, the part of the building closest to Bathurst Street would step back 4.4 metres starting on the 3<sup>rd</sup> storey to the top of the 13<sup>th</sup> storey. The 13<sup>th</sup> storey portion of the building parallel to Castlefield Avenue would be setback 18 metres from the south façade of the 2 storey part of the building. At the east or rear portion of the building, the building would be stepped back 3 metres at the top of the 8<sup>th</sup> storey portion of the building to the 13<sup>th</sup> storey portion of the building fronting onto Castlefield Avenue and stepped back 23.6 metres from the top of the 2<sup>nd</sup> storey to the 13<sup>th</sup> storey portion of the building fronting onto Bathurst Street.

A total of 354 square metres of indoor amenity space and 350 square metres of outdoor amenity space are proposed on the second and third floors of the building. Private balconies or terraces are also proposed for each of the units.

Vehicular access and egress is proposed at Castlefield Avenue, at the eastern edge of the site, from a single two-way 6 metre driveway facilitating access to a Type G loading area located at grade and the underground garage ramp.

A total of 114 vehicle parking spaces are proposed in two underground parking levels along with a total of 162 bicycle parking spaces.

Table 1 below compares submission statistics for the initial and final submission.



**Table 1: Submission Statistics Comparison**

<b>Site Statistics</b>	<b>Initial Submission (May 9, 2016)</b>	<b>Final Submission (June 8, 2017)</b>
<b>Building Height (m)</b>	39.9	39.9
<b>Number of Storeys</b>	13	13
<b>Gross Floor Area (m<sup>2</sup>)</b>	11,135	11,285
<b>Floor Space Index</b>	4.8	5.0
<b>Unit Count</b>	162	162
<b>Indoor Amenity (m<sup>2</sup>)</b>	332	354
<b>Outdoor Amenity (m<sup>2</sup>)</b>	358	350
<b>Parking Spaces</b>	117	114
<b>Bicycle Parking Spaces</b>	162	162

\*Statistics based on By-law 569-2013 zoning standards

The Rental Demolition and Conversion Application proposes the demolition and replacement of all 33 existing rental dwelling units located at 2525 Bathurst Street within a new residential building as part of the proposed redevelopment of this site. Thirty-two (32) of the 33 replacement rental dwelling units would be secured at affordable and mid-range rents for 10 years and all eligible tenants would receive tenant assistance. One (1) replacement rental dwelling unit would have unrestricted rents.

The replacement rental dwelling units would be located on floors 3 to 13 within the proposed 13-storey residential building and would be at least the same unit type and size as the existing rental dwelling units. Affected tenants in the existing buildings would have the right to return to one of the replacement rental dwelling units and receive appropriate notice and financial assistance with the relocation, as described in this report. Table 2 below shows the proposed unit breakdown of existing and new rental units.

**Table 2: Proposed Unit Breakdown**

<b>Unit Type</b>	<b>Rental Replacement Units</b>	<b>New Market Rental Units</b>	<b>Total</b>
<b>Studio</b>	0	3	3
<b>1 - Bedroom</b>	17	100	117
<b>2 - Bedroom</b>	16	17	33
<b>3- Bedroom Townhouse</b>	0	9	9
<b>Total</b>	33	129	<b>162</b>

For more information refer to Attachment 6: Application Data Sheet.

## **Site and Surrounding Area**

The subject site is located at the southeast corner of Bathurst Street and Castlefield Avenue in the Forest Hill neighbourhood. The site has an area of 2,261 square metres with frontages of 46.2 metres along Bathurst Street and 48.8 metres along Castlefield Avenue. The site is presently occupied by a 4-storey apartment building containing 33 rental units, 17 of which are one

bedroom suites and 16 of which are two bedroom suites. Of the 33 existing rental units, 26 have rents in the mid-range rent level and 6 have rents in the affordable rent level, and 1 has rent above the mid-range level. All of the units were occupied at the time of application. On site, tenants have access to a Laundry Room (25 square metres), a Storage Locker Area (85 square metres), a Roof Top Terrace (425 square metres) and lawns surrounding the site (505 square metres). The site is flat with several trees and shrubs around the periphery of the apartment building on site. Driveway access is provided from Castlefield Avenue.

Land uses surrounding the subject lands include:

North: Immediately north of the site is Castlefield Avenue and Our Lady of the Assumption Catholic Church.

East: Immediately east of the site, is Forest Hill Place, an 8-storey retirement residence at 645 Castlefield Avenue. East of the retirement residence is Chaplin Crescent.

West: Immediately west of the site is Bathurst Street (which has a 27 metre right of way). West of Bathurst Street is an 11-storey apartment building located at 2500 Bathurst Street.

South: Immediately to the south of the site is a 10-storey apartment building located at 2515 Bathurst Street and a 9-storey apartment building located at 680 Roselawn Avenue.

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

The Provincial Policy Statement (2014) provides policy direction Province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The City of Toronto uses the PPS to guide its official plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the Planning Act and all decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the Provincial Policy Statement (2014) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

## **Official Plan**

The subject site is designated *Apartment Neighbourhoods* on Map 16 (Land Use Map) of the Official Plan. Lands designated *Apartment Neighbourhoods* are made up of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents. All land uses provided for in the *Neighbourhoods* designation are also permitted in *Apartment Neighbourhoods*.

Policy 4.2.2 in the Official Plan speaks to development in *Apartment Neighbourhoods* and its contribution to the quality of life by:

- a. locating and massing new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan,

through means such as providing setbacks from, and/or a stepping down of heights towards, lower-scale Neighbourhoods;

- b. locating and massing new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale Neighbourhoods, particularly during the spring and fall equinoxes;
- c. locating and massing new buildings to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- d. including sufficient off-street motor vehicle and bicycle parking for residents and visitors;
- e. locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences;
- f. providing indoor and outdoor recreation space for building residents in every significant multi-unit residential development;
- g. providing ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces; and
- h. providing buildings that conform to the principles of universal design, and wherever possible contain units that are accessible or adaptable for persons with physical disabilities.

Furthermore, the plan goes on to discuss in Policy 4.2.3 that significant growth is generally not intended within *Apartment Neighbourhoods*. However, compatible infill development may be permitted on a site containing an existing apartment building that has sufficient underutilized space to accommodate one or more new buildings while providing good quality of life for both new and existing residents. Infill development that may be permitted on a site containing an existing apartment building will:

- a. meet the development criteria set out in Section 4.2.2 for apartments;
- b. maintain an appropriate level of residential amenity on the site;
- c. provide existing residents with access to the community benefits where additional height and/or density is permitted and community benefits are provided pursuant to Section 5.1.1 of the Plan;
- d. maintain adequate sunlight, privacy and areas of landscaped open space for both new and existing residents;
- e. organize development on the site to frame streets, parks and open spaces in good proportion, provide adequate sky views from the public realm, and create safe and comfortable open spaces;

- f. front onto and provide pedestrian entrances from an adjacent public street wherever possible;
- g. provide adequate on-site, below grade, shared vehicular parking for both new and existing development, with any surface parking appropriately screened;
- h. preserve and/or replace important landscape features and walkways and create such features where they did not previously exist;
- i. consolidate loading, servicing and delivery facilities; and
- j. preserve or provide adequate alternative on-site recreational space for residents.

Policy 3.2.1.6, under the *Housing* section of the Official Plan, also applies to the subject site. Section 3.2.1, *Housing*, includes policies that encourage the provision of a full range of housing, in terms of form, tenure and affordability, and the protection of rental housing units. Policy 3.2.1.6 requires that new development that would result in the loss of six or more rental housing units which have affordable or mid-range rents will not be approved unless at least the same number, size and type of rental units are replaced and secured with similar rents for a period of at least 10 years and an acceptable tenant relocation and assistance plan is provided.

Other relevant policies which were used to review this development proposal include those in the “Healthy Neighbourhood” and “Built Form” sections of the Plan.

The Toronto Official Plan is available on the City’s website at: <http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=03eda07443f36410VgnVCM10000071d60f89RCRD>

### **OPA 320**

As part of the City’s ongoing Official Plan Five Year Review, City council adopted Official Plan Amendment No. 320 on December 10, 2015. OPA 320 strengthens and refines the *Healthy Neighbourhood*, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council’s goals in the Official Plan to protect and enhance existing neighbourhoods and to allow limited infill on underutilised apartment sites in *Apartment Neighbourhoods*. In particular, the *Healthy Neighbourhood* policies have been strengthened with respect to situations where development is proposed in *Mixed Use Areas* that are adjacent or close to *Neighbourhoods*.

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.

More information regarding OPA 320 can be found here:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=c860abe3a6589410VgnVCM10000071d60f89RCRD>

## **Zoning**

The site is currently zoned R2 Z2.0 under the former City of Toronto Zoning By-law 438-86. The site is also subject to Zoning By-law 569-2013 which zones the site R (d2.0)(x546).

The R2 Z2.0 zone under the former City of Toronto Zoning By-law 438-86 and the R (d2.0)(x546) zone under Zoning By-law 569-2013 permit a height of 21.0 metres and density of 2.0 times the area of the lot.

Under Zoning By-law 569-2013 there is also a site specific exemption (Exemption 546) on this site which states that on the lands the replacement of any building existing as of February 28, 1977 having a height exceeding the height prescribed by this By-law is permitted as long as the height of the new building does not exceed the height of the building being replaced.

## **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 Tall Building Design Guidelines are available at:

<http://www.toronto.ca/planning/tallbuildingdesign.htm>

## **Rental Housing Demolition and Conversion By-law**

Section 111 of the City of Toronto Act, 2006 authorizes Council to regulate the demolition and conversion of residential rental properties in the City. Chapter 667 of the City's Municipal Code, the Rental Housing Demolition and Conversion By-law, implements Section 111. Chapter 667 prohibits the demolition or conversion of rental housing units in buildings containing six or more residential dwelling units, of which at least one unit is rental, without obtaining a permit from the City and requires a decision by either City Council or, where delegated, the Chief Planner.

Pursuant to Chapter 667, Council may refuse an application, or approve the demolition and may impose conditions, including conditions that must be satisfied before a demolition permit is issued. These conditions further the intent of the City's Official Plan policies protecting rental and affordable housing.

Pursuant to the City's demolition control by-law Chapter 363 of the Municipal Code, Council approval of the demolition of residential dwelling units under Section 33 of the Planning Act is also required where six or more residential dwelling 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 rezoning triggers an application under Chapter 667 for rental demolition or conversion and an application under Chapter 363 for residential demolition control, City Council typically considers both applications at the same time. Unlike Planning Act applications, decisions made by City Council under Chapter 667 are not appealable to the Ontario Municipal Board.

## **Reasons for Application**

An application is required to amend the former City of Toronto Zoning By-law 438-86 and By-law 569-2013 to increase the permitted height and density on site, as well as to provide for revised zoning standards to accommodate the proposal.

On May 9, 2016, the applicant also submitted an application under Chapter 667 of the City of Toronto Municipal Code to permit the demolition of the 33 existing rental dwelling units at 2525 Bathurst Street as the subject land contains at least 6 residential dwelling units of which at least one was used for residential rental purposes.

## **Community Consultation**

A community consultation meeting was held on June 16, 2016 at Forest Hill Collegiate. Approximately 11 members of the public were in attendance along with the local Councillor, City Planning and Transportation Services staff and the applicant's team.

At the meeting the following issues were raised:

- Height and density of the proposed application and its shadow impacts on adjacent properties;
- The project's construction timeline and its affects on residents living in buildings within close proximity. Residents were also concerned with how dust and noise would be mitigated during construction;
- Concerns about existing tenants and their small children being displaced from school;
- The precedent caused by the approval of this development for future developments in the area;
- Community Services and Facilities reaching overcapacity (including parks, libraries and schools) which will be further strained by residents from this development. Residents were also concerned about the lack of community services and facilities in the area;
- Future traffic impacts and congestion caused by the approval of an increased amount of dense and taller developments in the area;
- The proposed building's facade not fitting in with the existing character of the area and its insufficient setback from 2515 Bathurst Street;
- The lack of enhancement of the pedestrian experience surrounding the proposed building; and
- Concern with visitor parking availability as there is a lack of street parking available in the area.

## **Tenant Consultation**

On March 29, 2017, City Planning hosted a Tenant Consultation meeting at 2525 Bathurst Street to provide tenants of 2525 Bathurst Street with an update on the development application, review the City's rental demolition policies and practices, and outline the various components of a typical Tenant Relocation and Assistance Plan. This meeting was attended by approximately 20 tenants, City Planning staff and the applicant. During this meeting tenants asked questions about the configurations of the proposed replacement units; the potential timelines for vacating their existing units; and the rent levels for existing tenants returning to a replacement rental dwelling unit.

## **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 Bylaw standards and conditions of approval.

## **COMMENTS**

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

Staff are of the opinion that the proposed development application is consistent with the Provincial Policy Statement (2014) and conforms (and does not conflict) with the Growth Plan for the Greater Golden Horseshoe (2017).

The Provincial Policy Statement (2014) and the Growth Plan for the Greater Golden Horseshoe (2017) are high-level and broad reaching documents. The City is a development area and infill is encouraged under these policies. However, the tenor of both the PPS and the Growth Plan is that planning authorities are responsible for identifying appropriate locations for growth. Intensification and redevelopment is to be provided in areas that take into account the existing building stock or area and availability of infrastructure and public service facilities that meet projected needs.

Within this framework, the PPS recognizes that the Official Plan is the most important vehicle for implementing PPS requirements and that comprehensive, integrated and long term planning is best achieved through municipal official plans. The application is consistent with the policies for *Apartment Neighbourhoods* in the Official Plan. Therefore, the proposal is also consistent with the PPS (2014).

The Growth Plan (2017) 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. The Growth Plan strives, among other things, to direct growth to areas of urban intensification.

Similarly to the PPS, the Growth Plan in Section 2.2.2 Delineated Built-up Areas, policy 4 states that, "All municipalities will develop a strategy to achieve the minimum intensification target and *intensification* throughout *delineated built up areas* which will: (f) be implemented through official plan policies and designations, updated zoning and other supporting documents".

The City of Toronto utilizes the Official Plan as a tool to envision how and where the City will grow to the year 2031 and as per the Growth Plan recommends areas to achieve intensification.



The application is for a 13-storey apartment building which is consistent with the Official Plan's policies for *Apartment Neighbourhoods*. Therefore, the proposal conforms (and does not conflict) with the Growth Plan for the Greater Golden Horseshoe (2017).

## **Land Use**

The application proposes to demolish the existing 4-storey apartment building and construct a new 13-storey apartment building that includes the replacement of the existing rental units on site. The proposed built form and land use is consistent with the *Apartment Neighbourhoods* policies in the Official Plan and is comparable and compatible with other apartment developments within this designation along Bathurst Street.

## **Site Layout and Organization**

The proposed building fronts on to the south east corner of Bathurst Street and Castlefield Avenue. As described earlier, the proposed building would have a minimum front yard setback of 5.2 metres from Bathurst Street, a 6 metre side yard setback from Castlefield Avenue, a 2.4 metre side yard setback from the south property line next to 2515 Bathurst Street, and a rear yard setback of 2 metres at the north east property line. The building would contain no setback at the south east property line.

The building would be L shaped and contain a 2-storey base which includes the proposed building entrance that would be oriented to the intersection of Bathurst Street and Castlefield Avenue as well as 2-storey townhouse units with entrances and terraces that would front onto both streets.

The proposed building remains consistent with the manner in which the existing building at 2525 Bathurst Street addresses the two fronting streets. The proposed building would provide a generous setback on Castlefield Avenue and would bring the building frontage closer to Bathurst Street with a consistent larger setback of 5.24 metres (in comparison to 3.65 metres of the existing building at its narrowest point). The setback of the proposed building to the south property line is 2.4 metres for the first 2 storeys, whereas the existing building contained a varied south side yard setback of 1.43 metres to 5.35 metres.

Staff are satisfied with the overall site layout and organization of the building and its orientation and relationship to the intersection of Bathurst Street and Castlefield Avenue and adjacent buildings to the south and east.

## **Height, Massing and Density**

The *Apartment Neighbourhoods* designation does not identify a maximum height limit in the designation but rather the Official Plan looks to the *Built form* policies in Section 3.1.2 of the Official Plan with regards to appropriate heights for new development. Policy 3, in this section states that new development be massed and its exterior façade be designed to fit harmoniously into its existing and/or planned context to limit its impacts on neighbouring streets, parks, open spaces and properties by:

- a. massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion;

- b. incorporating exterior design elements, their form, scale, proportion, pattern and materials, and their sustainable design, to influence the character, scale and appearance of the development;
- c. creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan;
- d. providing for adequate light and privacy;
- e. adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas; and
- f. minimizing any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

With regards to height, the proposed 13-storey building fits within the existing context of heights of apartment buildings in the surrounding area that range from 4-13 storeys, which includes the recent approval of a 13-storey apartment building at 2400 Bathurst Street. With regards to the floorplate of the higher sections of the building above the 1:1 ratio of the 27 metre right of way of Bathurst Street, the 9<sup>th</sup> to 11<sup>th</sup> floor would have a floorplate of approximately 865 square metres, and the 12<sup>th</sup> and 13<sup>th</sup> floors would have a floorplate of approximately 783 square metres. While the tall building urban design guidelines encourage a floorplate no greater than 750 square metres, the tall building built form character of area is floorplates above 750 square metres. The applicant has compensated the larger floorplates with a high degree of building articulation. Staff are satisfied with the proposed building floorplates.

The proposed building also satisfies Policy 3 in Section 3.1.2 of the Official Plan regarding massing designed to fit harmoniously into its existing and/or planned context and limiting its impact on streets and abutting properties as discussed below.

### **Density**

The proposed building would have a floor space index of 5.0 under Zoning By-law 569-2013. This density is acceptable to staff given the manner in which the massing is deployed on site through setbacks and stepbacks, and other mitigation measures such as a high level of articulation and changes in materiality used to reduce the visual bulk of the building as described below.

The proposed density is 5 times the lot area which is in keeping with other buildings in the area within the *Apartment Neighbourhoods* designation. The buildings at 2515 Bathurst Street, 650 Briar Hill Road, 2500 Bathurst Street and 2600 Bathurst Street are above 4 times the lot area. The recently approved 2400 Bathurst Street application has a density of 5 times the lot area.

### **Building Materials**

The applicant has revised the massing of the building and façade treatment to the satisfaction of Planning staff to mitigate the bulk and height of the building through the use of stepbacks and varied materials including glass on the upper floors.

Along Bathurst Street, the building has a 2-storey base containing townhouse units and the main entrance of the building. Above the 2-storey base, floors 3-10 of the building would be defined by darker coloured brick or precast balconies. Above the 10th storey the remaining 3 storeys would be articulated with glass and lighter coloured brick or precast balconies. The

Fronting on to Castlefield Avenue, the building massing differs in the way it addresses the street through varied façade materials and stepbacks in comparison to Bathurst Street. Similarly to Bathurst Street, along Castlefield Avenue the base of the building would be 2-storeys. Above the 2<sup>nd</sup> storey, balconies on floors 3 to 8 would be defined in a darker precast or brick material and floors 9 to 13 would be articulated with glass and lighter coloured brick or precast balconies. Floors 3-13 of the proposed building would cantilever over the vehicle parking ingress and egress fronting on the east side of the building.

The proposed Bathurst Street and Castlefield Avenue facades would be highly articulated and have a modern design that is compatible with the character of the area.

On the south side of the building the 2-storey base would be brick/precast and above the 2<sup>nd</sup> storey, balconies from floors 3-10 are similar to those on Bathurst Street on the south east side of the building and balconies from floors 3-8 would be similar to those on Castlefield Avenue. The main 13 storey portion of the building would be setback from the 2-storey base with a glass façade.

At the rear of the building the 2-storey base would be constructed of darker coloured brick or precast base. The treatment of floors 3 to 8 along Castlefield Avenue would wrap around the north east side of the building with lighter coloured materials to express floors 9 to 13 on this portion of the building whereas, the south east side of the building from floors 3 to 13 would be expressed with darker coloured brick or precast balconies and glass.

Staff were consulted with regards to revisions made to façade materials and are satisfied that the material and design of the building helps to mitigate negative impacts that could be associated with the visual bulk of the building.

### **Stepbacks**

The building stepbacks also contribute to the proposed building's relationship to Bathurst Street, Castlefield Avenue and adjacent buildings to the east and south and mitigate negative impacts due to massing and height.

As previously described, the portion of the building fronting on to Bathurst Street would be stepped back 3.2 metres at the top of the 11<sup>th</sup> storey to the 13<sup>th</sup> storey and the portion of the building fronting onto Castlefield Avenue would be stepped back 4.1 metres at the top of the 8<sup>th</sup> storey to the 13<sup>th</sup> storey and mechanical penthouse on the north east corner of the building, and would step back 2.7 metres from the top of the 8<sup>th</sup> storey to the 13<sup>th</sup> storey on the north west corner of the building.

At the southern portion of the building, the building would step back 4.4 metres at the top of the south west corner of the 2<sup>nd</sup> storey to the top of the south west corner of the 13<sup>th</sup> storey portion of the building. The 13<sup>th</sup> storey portion of the building facing Castlefield Avenue would be setback 18 metres from the south façade of the building from the top of the 2<sup>nd</sup> storey. At the east

or rear façade of the building, the building would stepback 3 metres at the top of the 8<sup>th</sup> storey portion of the building to the 13<sup>th</sup> storey portion fronting onto Castlefield Avenue and would be stepped back 23.6 metres from the top of the 2<sup>nd</sup> storey to the 13<sup>th</sup> storey portion of the building fronting onto Bathurst Street. The existing building has a distance separation to 2515 Bathurst Street ranging from 8.53 metres close to Bathurst Street to 4.52 metres at the rear part of the property. The existing building has a length along this side yard of 32.8 metres. The proposed building would have a distance separation to 2515 Bathurst Street for the 11-13 storey part of the building of 9.7 metres close to Bathurst Street. The proposed 11-13 storey south wall of the building would have a length of 19.4 metres. The proposed 8 storey south wall of the building on the eastern (rear) part of the property would have a distance separation to 2515 Bathurst Street of 23.4 metres. Staff are satisfied with the proposed distance separation to 2515 Bathurst Street.

The north west façade of the building at 2515 Bathurst Street would have a building to building separation distance of 5.58 metres from the south west 2-storey facade of the proposed building at 2525 Bathurst Street and there would be a 9.96 metre building to building separation distance from the north west façade of 2515 Bathurst Street and the 3<sup>rd</sup> to the 13<sup>th</sup> storey of the south east façade of the proposed building.

The north east façade of the building at 2515 Bathurst Street would have a building to building separation distance of 5.49 metres from the south east 2-storey façade of the proposed building and a 21.1 metre building to building separation distance from the 9<sup>th</sup> to the 13<sup>th</sup> storey portion of the building fronting onto Castlefield Avenue.

Staff worked with the applicant to ensure stepbacks of the building appropriately address the intersection of Bathurst Street and Castlefield Avenue as well as adjacent buildings to the south and east of the site to mitigate any negative impacts. Staff are satisfied with the proposed stepbacks and separation distances from the existing building at 2515 Bathurst Street.

Staff are satisfied with the proposed massing and height of the building as the design meets policies for new development in *Apartment Neighbourhoods* as described in Section 4.2.2 and 4.2.3 and *Built Form* policies in Section 3.1.2 in the Official Plan.

## **Sun, Shadow and Wind**

The sun shadow study submitted indicates the proposed 13-storey building would cast a shadow over the north west side of the lower part of the proposed building that would move from west to east in the spring and fall equinoxes. Shadows would not be cast by the development onto Bathurst Street between 12:18 p.m. onward during this time. The proposed 13-storey building would have minimal shadow impact on the retirement building to the east (645 Castlefield Avenue) due to the east wall being angled in a northwest direction and the 13 storey part of the building being stepped back 2.75 metres from the 8 storey part of the building. The proposed building would not cast a shadow on the single family neighbourhoods to the east until 6:18 p.m. in the spring and fall. Staff are satisfied with the submitted shadow study.

The Pedestrian Wind Study indicates that the windiest points along Bathurst Street and Castlefield Avenue would be suitable for walking during the winter months and for standing purposes in the summer. The building's design which contains a base, canopies, overhangs, stepped facades and landscaping would also help to mitigate wind impacts on site. The height of

the building, surrounding context, and building's design results in a pedestrian condition that is comfortable and appropriate.

## **Streetscape**

The streetscape on Bathurst Street and Castlefield Avenue would be animated by the proposed 2-storey lobby entrance oriented to the intersection of Bathurst Street and Castlefield Avenue as well as entrances and terraces to each of the 2-storey townhouse units fronting onto these streets. This would provide increased activity and surveillance at the street level. The applicant has proposed a 2.15 metre sidewalk fronting onto Bathurst Street and a 1.5 metre sidewalk fronting onto Castlefield Avenue. The City's minimum width for an accessible sidewalk is 2.1 metres. The proposed building would have a 5.75 setback along Castlefield Avenue therefore there is sufficient area for a sidewalk with a minimum width of 2.1 metres and an attractive landscaped area. Sidewalk widths and landscaping will be addressed through the Site Plan application review.

With regards to landscaping on site, there are 4 trees proposed along Bathurst Street and 3 trees proposed along Castlefield Avenue. The frontage of the building including each townhouse unit would have landscape planters along the perimeter adding to the animation of the streetscape.

Canopies and balconies have been utilized to increase pedestrian comfort on site. This includes a wrapped canopy above the entrance of the building that would be 2.5 metres wide as well as overhang from balconies on the 3<sup>rd</sup> floor that would be 1.8 metres wide along Bathurst Street and Castlefield Avenue. Canopy widths should be a minimum of 3 metres deep to provide functional weather protection. Canopies will also be addressed during the Site Plan application review process.

The manner in which the building addresses the streetscape, provides sidewalks, landscaping and pedestrian comfort through canopies and overhang of balconies will be further refined through the Site Plan approval process.

## **Trees**

An Arborist Report and landscape plans have been provided with the submission of this application and have been reviewed by Urban Forestry staff. The plans and report indicate that the applicant proposes the removal of five City-owned trees. Urban Forestry requires an Application to Remove or Injure Trees and an application fee to review the proposed removal of three specific trees. The applicant is proposing to plant eight trees on the City road allowance. These require a tree planting deposit to be submitted to Urban Forestry to ensure the planting and survival of these eight trees. The proposal also proposes the removal of two privately owned trees and the injury of two other privately owned trees. The applicant is required to submit an Application to Injure or Destroy Trees on Private Property and an application fee with respect to trees that will be removed or injured. Through site plan review a tree replacement ratio of 3:1 for off site tree planning will be required.

## Traffic Impact, Access, Parking and Loading

Residents in the area have expressed concerns about traffic impact from the proposed building. The applicant submitted a traffic study that has been reviewed and accepted by Transportation Services and Transportation Planning staff.

A 0.4 metre road widening was requested by Transportation Services staff and has been provided by the applicant along the frontage of Bathurst Street to satisfy the requirement in the Official Plan of a 27 metre right of way for this section of Bathurst Street. The applicant has also proposed to convey a 6 metre corner rounding at the northwest corner of the site as requested by Transportation Services.

As discussed above, vehicular access will be provided at Castlefield Avenue. The applicant has requested a reduced parking rate based on the use of two proposed car share spaces. The applicant has provided 114 parking spaces including 98 resident spaces and 16 visitor spaces.

Transportation Services and Transportation Planning staff have accepted a reduced parking rate through the use of car-share spaces to be secured in accordance with the following minimum requirements of 0.61 resident spaces per unit and 0.10 visitor spaces as per the breakdown below noted above (Table 3). Of the total 98 resident parking spaces secured, 2 must be car share spaces as per the attached draft by-laws. Residents expressed concerns about the proposed visitor parking. The proposed visitor parking is acceptable to Transportation Services and Transportation Planning staff.

**Table 3: Breakdown of Required Parking Supply Based on New Parking Rates**

Use	Number of Spaces Required Based on New Parking Rates
Resident	98
Visitor	16
Total	114

Transportation Services and Transportation Planning staff also recommend appropriate provisions be included in the Site Specific By-law for this project to implement the use of car-share spaces. As a result, it is recommended that the following definitions be included in the Site Specific By-law for this project:

- Car-share means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable; and
- Car-share parking space means a parking space that is exclusively reserved and actively used for car-sharing.

In addition, the acceptance of car-share parking spaces as a means to reduce the resident parking space requirements of the project will be subject to the submission of acceptable documentation detailing whether a car-share provider has been secured for the proposed car-share parking spaces, and what arrangements, if any, have been made. The applicant will be required to satisfy the above-noted issue through the site plan application approval process. If the applicant cannot secure a car share organization, additional parking will need to be proposed on the Site Plan Control application drawings.

The submitted Transportation Impact Study includes a Transportation Demand Management Plan. Transportation Planning has requested revisions be made to the Transportation Demand Management Plan to support the reduced parking rate which would be required to be reviewed in full and accepted by Transportation Planning prior to Site Plan Control application approval.

The revised parking supply of 114 parking spaces and proposed parking rate of 0.61 per unit for residents and 0.10 spaces for visitors would be acceptable based on the following Transportation Demand Management revision requirements which will be secured as a matter of legal convenience in the Section 37:

- a) The provision of two car-share spaces that are publicly accessible;
- b) The provision of one bike repair station that is publicly accessible;
- c) Additional bicycle parking spaces for cyclists, transit users, and area users;
- d) The provision of rough in conduits for an electrical vehicle charging facility; and
- e) One digital display facility in a publicly accessible or visible location to provide real-time area transportation service, status, alert, location, distance and access information shown in the display.

The above Transportation Demand Management requirements are to support the proposed parking supply and are not meant to further reduce the parking supply as described in the submitted Transportation Impact Study.

As per the Toronto Green Standard, 5 accessible parking spaces are required for the development. The applicant has provided 5 accessible parking spaces which satisfies this accessible parking space requirement.

The applicant is also required to provide 162 bicycle spaces as per Zoning By-law 569 2013. The applicant has proposed a total of 162 bicycle spaces on Parking Level 1 which include 146 residential spaces, and 16 visitor spaces located on the ground floor level. The bicycle parking proposed is satisfactory.

## **Servicing**

The applicant submitted a Functional Services and Storm Water Management Implementation Report in support of the application to amend the applicable Zoning By-laws. Engineering and Construction Services staff have advised that further information is necessary regarding sanitary sewer, storm water management, and Geotechnical /Hydrogeological matters. Planning staff recommend that prior to introducing the bills to City Council for enactment, the applicant be required to submit a revised Functional Servicing and Geotechnical/Hydrogeological report. Among other technical matters, the report must demonstrate, to the satisfaction of the Chief

Engineer and Executive Director, Engineering and Construction Services, that there will be no risk of sanitary sewer surcharging under Dry Weather Flow conditions and no risk of basement and/or surface flooding under Wet Weather Flow conditions as a result of additional discharges from the new development, taking into account all other approved developments in the area.

### **Amenity Area**

The existing tenants have access to a large amount of indoor and outdoor amenity area that includes a laundry room (25 square metres), a storage locker area (85 square metres), a roof top terrace (425 square metres) and lawns surrounding the site (505 square metres). Based on a minimum of two square metres of indoor and two square metres of outdoor amenity space being required, the existing 33 apartments should have at least 66 square metres of indoor and outdoor amenity space.

The application proposes a total of 358.6 square metres of indoor amenity space with 290 square metres located on the second floor and 68 square metres located on the third floor. Although the indoor amenity space is being reduced it exceeds the Zoning By-law requirements. Also the outdoor amenity space is being increased. A total of 350 square metres of outdoor amenity space is also proposed and is located on a south facing terrace on the third floor. Other lawn areas along Bathurst Street and Castlefield Avenue that are commonly accessible could be included under outdoor amenity space. These lawn areas are increased in size from the existing lawn area. For the proposed 162 apartment, a minimum of two square metres of indoor and two square metres of outdoor amenity space is required. This results in a requirement for a minimum of 324 square metres of indoor and 324 square metres of outdoor amenity space. The proposal meets and exceeds requirements for indoor and outdoor amenity space and is therefore acceptable. For the existing tenants the quality (landscaped instead of paved outdoor) of the amenity space would be improved with the construction of the new building.

### **Unit Mix**

The applicant is proposing a total of 162 units consisting of 33 rental replacement units and 129 new apartment units. The rental replacement units would consist of 17 one-bedroom and 16 two-bedroom units and the 129 new units would consist of 3 studio units, 51 one-bedroom units, 49 one-bedroom plus den units, 17 two-bedroom units and 9 three-bedroom units. The new and rental replacement two bedroom units would represent 20.4% of the units and the three bedroom units represent 5.6% of the units. These units would be larger family friendly units. Staff are satisfied with the proposed unit mix.

### **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 lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

The application is for a 13-storey rental building with 162 dwelling units. In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The proposal is subject to a 10% parkland dedication cap.



The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. Payment will be required prior to the issuance of the first above grade building permit.

The site is 110 metres from the Kay Gardner Beltline Trail, a multi-use trail spanning several kilometres. The site is also 260 metres away from Memorial Park, a 5.4 hectare park which contains two baseball diamonds, a multipurpose field and an outdoor track.

### **Site Plan**

This proposal is subject to Site Plan Control. An application has not been submitted to date. Once an application has been submitted staff will review the project to ensure high quality materials, facades, sidewalks, landscaping, canopies and architectural detailing to enhance the overall project. Other matters to be reviewed through the site plan process include securing streetscape landscaping and amenity area design as well as lighting for walkways and stairs leading to units. The proposal includes a covered pick up/drop off area and loading area on the east side of the building abutting the driveway for the retirement apartment building to the east. The applicant proposes an open east wall on the ground floor. The rear yard sidewall proposed ranges from zero to 2.75 metres. Staff require that this east wall be solid or screened with a landscape element. The landscape plan shows low landscaping and a retaining wall in this area.

The applicant proposes a two storey blank wall next to the existing 10 storey apartment building to the south (2515 Bathurst Street). The treatment of this blank wall needs to be refined through site plan review.

### **Construction Management**

At the community meeting residents expressed concerns about construction management. To mitigate the construction impacts on the surrounding community, the owner will be required as a Section 37 Agreement condition to submit and implement a Construction Mitigation and Communication Strategy to the satisfaction of the Director, Transportation Services North District prior to the issuance of any demolition permit.

### **School Capacity**

Upon review of this application the Toronto District School Board has indicated there is insufficient space at the local schools to accommodate students anticipated from the proposed development and others in the area.

The TDSB has also indicated that the status of local school accommodation should be conveyed to potential purchasers as well as communicated to the existing community to inform them that children from the proposed development will not displace existing students at local schools. In addition, alternative arrangements will be identified consistent with optimizing enrolment levels at schools across the TDSB. However, at this time the schools anticipated to serve this development are unknown.

The Toronto Catholic District School Board (TCDSB) was also circulated the application but did not provide any comments with regards to capacity issues.

## **Community Services and Facilities**

The applicant provided a Community Services and Facilities Study. The report concludes that the proposed development can be accommodated by the existing community services and facilities within the study area. Staff reviewed the study and find it to be acceptable. The recommended Section 37 includes upgrading the Beltline Park and street crossings in the area.

## **Toronto Green Standard**

In 2013 City Council updated the two-tiered Toronto Green Standard (TGS) that was adopted by City Council on October 27, 2009. The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS.

The site specific zoning by-laws will secure performance measures for the following Tier 1 development features which include Automobile Infrastructure, Cycling Infrastructure, Storage and Collection of Recycling and Organic Waste. Other applicable TGS performance measures will be secured through the Site Plan Approval process.

## **Section 37**

Community benefits are typically acquired through the application of Section 37 policies which have been incorporated into the Official Plan. The city's opportunity to utilize Section 37 is through an implementing zoning by-law permitting height and/or density increase for a specific development.

It is staff's opinion the proposed development constitutes good planning. It is consistent with the objectives and policies of the Official Plan and addresses the built form policies of the Plan.

The community benefits recommended to be secured in the Section 37 Agreement are as follows:

Prior to issuance of an above grade building permit the owner shall provide a certified cheque in the amount of \$550,000.00 to be used for Kay Gardiner Beltline pathway and street crossings as well as general park and streetscape improvements within the area, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.

Other matters also recommended to be secured in the Section 37 Agreement as a legal convenience to support development include providing and maintaining not less than 33 replacement rental dwelling units, comprised of 17 one-bedroom units and 16 two-bedroom units, at 2525 Bathurst Street for a period of at least 20 years, as generally shown on the plans submitted to the City Planning Division dated June 9, 2017 (general floor plans) and July 18, 2017 (unit layout plans). Any revision to these plans must be to the satisfaction of the Chief Planner and Executive Director, City Planning Division. Also, the owner will be required to provide:

- at least 5 one-bedroom and 1 two-bedroom replacement rental dwelling units at affordable rents, at least 12 one-bedroom and 14 two-bedroom replacement rental dwelling units at mid-range rents for a period of at least 10 years;
- ensuite laundry in all replacement rental dwelling units;
- storage lockers to all tenants of the replacement rental dwelling units;
- tenants of the replacement rental dwelling units access to all the same amenity spaces indoors and outdoors on the same terms and conditions as the occupants of the remainder of the building;
- tenants of the replacement rental dwelling units with access to at least 20 vehicle parking spaces with returning tenants who were using one of the existing 20 resident parking spaces receiving first priority, and bicycle parking spaces generated on the same basis as the occupants of the remainder of the building;
- tenant relocation and assistance to each eligible tenant within the existing rental building, including an extended notice period, financial compensation beyond the minimum requirements set out in the Residential Tenancies Act, and the right to return to a replacement rental dwelling unit for all of the tenants (the "Tenant Relocation and Assistance Plan"), and the Tenant Relocation and Assistance Plan shall be to the satisfaction of the Chief Planner and Executive Director, City Planning; and
- Transportation Demand Management features such as the provision of two car-share spaces that are publicly accessible, one bike repair station that is publicly accessible, additional bicycle parking spaces for cyclists, transit users, and area users, the provision of rough in conduits for an electrical vehicle charging facility and one digital display facility in a publicly accessible or visible location to provide real-time area transportation service, status, alert, location, distance and access information shown in the display.

## **Rental Housing**

A Rental Housing Demolition Application under Chapter 667, pursuant to Section 111 of the *City of Toronto Act*, was filed on May 9, 2016 and was deemed complete in May of 2016. The applicant has proposed to replace the 33 rental dwelling units that will be demolished at 2525 Bathurst Street in the proposed 13-storey residential building.

According to the April 2016 rent rolls and the June 9, 2017 floor plans submitted by the applicant, the replacement rental dwelling units will have the same unit mix as what currently exists on site. The 33 existing rental dwelling units and proposed replacement rental dwelling units are comprised of 17 one-bedroom units and 16 two-bedroom units.

The replacement rental dwelling units will also be approximately the same size as the existing rental dwellings units. The total Gross Floor Area for the 33 replacement rental dwelling units at 2525 Bathurst Street will be approximately 101% of the total Gross Floor Area of the existing

rental dwelling units. The minimum unit size for replacement one-bedroom units is 692 sq ft (64.3 sq m), and the minimum unit size for two-bedroom units is 902 sq ft (83.8 sq m).

The applicant has proposed to locate the replacement rental dwelling units on the 3<sup>rd</sup> to 13<sup>th</sup> floors of the proposed rental apartment building in accordance with the rental Floor Plans dated June 9, 2017, and any changes shall be to the satisfaction of the Chief Planner and Executive Director.

At the time of the rental housing application, 6 of the existing rental dwelling units had rents under the affordable rent threshold, 26 had rents under the mid-range rent threshold, and one unit was above the mid-range rent threshold, as per the following table (Table 4).

**Table 4: Summary of Existing Rental Dwelling Units by Rent Classification**

Unit type	Rent Classification			
	Affordable	Mid-range	High-End	Total
One-Bedroom	5	12	0	
Two-Bedroom	1	14	1	
<b>Total</b>	<b>6</b>	<b>26</b>	<b>1</b>	<b>33</b>

\* Based on the April 2016 Rent Rolls

### **Building Amenities**

The replacement rental dwelling units will all have private balconies or terraces, ensuite laundry facilities, and air conditioning. Tenants of the replacement rental dwelling units will also have access to bicycle parking on the same basis as residents of the remainder of the building, 20 replacement parking spaces, storage lockers, and interior and outdoor amenity spaces being provided for the entire building.

The Section 37 and Section 111 agreements will secure all details regarding minimum unit sizes and future tenants' access to the proposed facilities and amenities.

### **Rents and Tenure for the Replacement Rental Dwelling Units**

The applicant has agreed to provide and maintain 33 replacement rental dwelling units within the proposed building for at least 20 years, beginning from the date that each rental replacement unit is first occupied and until the owner obtains approvals for a Zoning By-law Amendment removing the requirement for the replacement rental dwelling units to be maintained as rental units.

At the time of application, the existing building at 2525 Bathurst Street contained 6 affordable rental dwelling units, 26 mid-range rental dwelling units, and one high-end unit. The applicant has agreed to secure the same rent mix for the replacement rental dwelling units for at least 10 years.

### **Tenant Relocation and Assistance**

The owner has agreed to provide tenant relocation and assistance which will be to the satisfaction of the Chief Planner and secured through the Section 37 and Section 111 Agreements with the City.

As part of this Plan, tenants will:

- Receive at least 5 months notice of the date that they must vacate their rental unit for demolition;
- Have the right to return to one of the replacement rental units in the new building, with rent protected for up to 20 years;
- Receive compensation equal to 3 month's rent or an acceptable alternative rental dwelling units, pursuant to the *Residential Tenancies Act*;
- Receive a move-out moving allowance of \$1,500 for a one-bedroom unit and \$2,000 for a two-bedroom unit and, if they decide to exercise their right to return to a replacement rental dwelling unit in the new building, a move-back moving allowance of \$1,500 for a one-bedroom unit and \$2,000 for a two-bedroom unit;
- Receive additional financial compensation based on their length of tenure in the existing building at 2525 Bathurst Street; and
- Receive Special Needs Compensation if the tenant requires additional financial or other assistance.

Staff is recommending that Council approve the demolition of the 33 rental dwelling units at 2525 Bathurst Street on the condition that the applicant provide for the replacement rental housing and tenant assistance as outlined in this report and enter into a Section 111 agreement to the satisfaction of the Chief Planner to secure these conditions.

## **Conclusion**

City Planning recommends that Council approve the Zoning By-law Amendment application as described in this report. The proposed 13-storey apartment building allows for an appropriate and desirable infill development of the subject property and is consistent with the Official Plan *Apartment Neighbourhoods* designation policies and other existing land uses within the area. The proposed development also reinforces the existing and planned built context of the surrounding area as per the *Built Form* policies in the Official Plan. The proposal includes the replacement of the existing 33 rental units. These units will be secured in the Section 37 Agreement. The recommended Zoning By-Law Amendments are included in Attachment 7 and 8 of this report.

## **CONTACT**

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E-mail: [vanessa.covello@toronto.ca](mailto:vanessa.covello@toronto.ca)

Narmadha Rajakumar, Planner SIPA  
Tel. No. 416-392-4529  
Fax No. 416-392-3821  
E-mail: [narmadha.rajakumar@toronto.ca](mailto:narmadha.rajakumar@toronto.ca)

## **SIGNATURE**

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Joe Nanos, Director  
Community Planning, North York District

## **ATTACHMENTS**

Attachment 1: Site Plan

Attachment 2: North and South Elevations

Attachment 3: East and West Elevations

Attachment 4: Toronto Consolidated Zoning By-law 569-2013

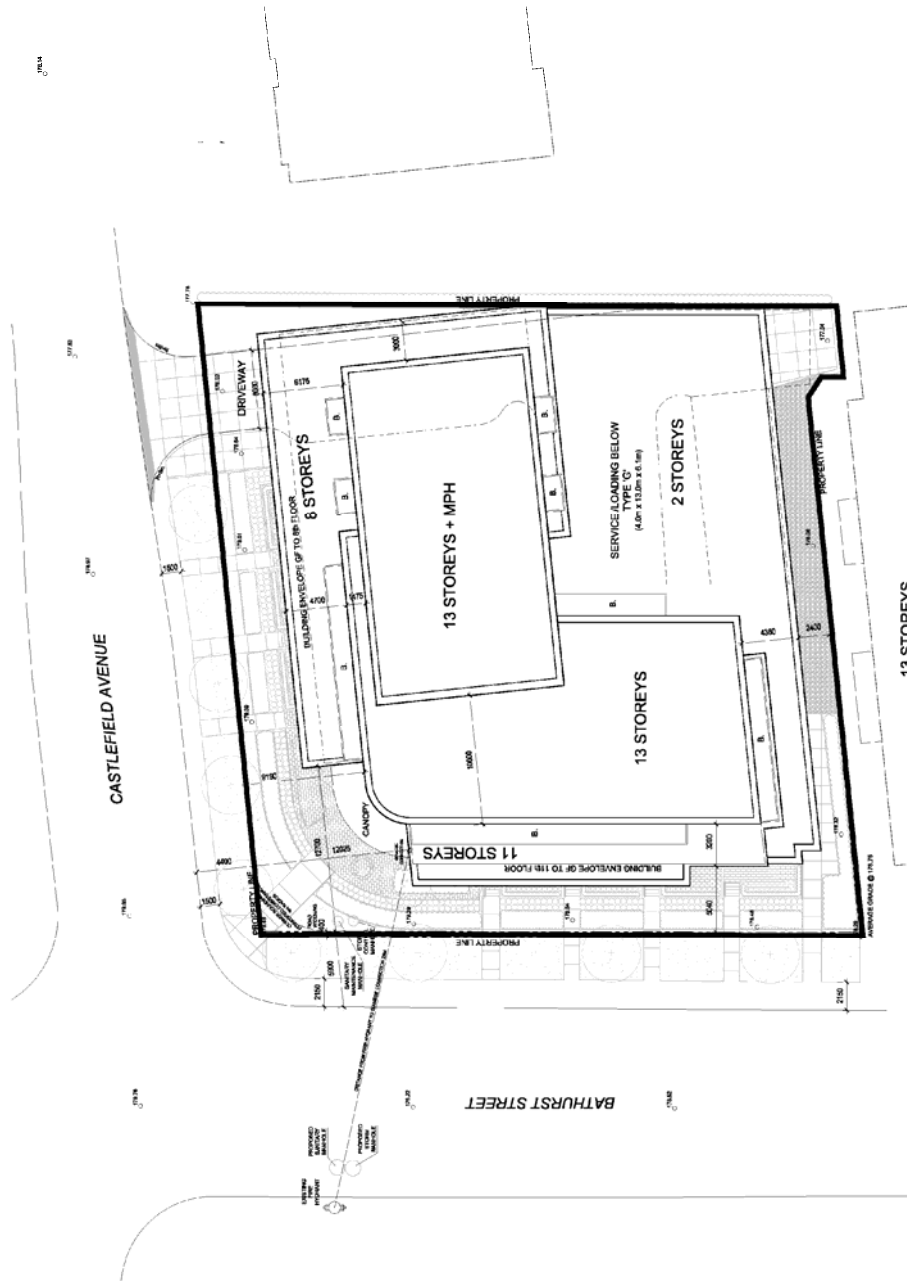
Attachment 5: Former Toronto Zoning By-law 438-86

Attachment 6: Application Data Sheet

Attachment 7: Draft Zoning By-law Amendment 569-2013

Attachment 8: Draft Zoning By-law Amendment 438-86

# Attachment 1: Site Plan



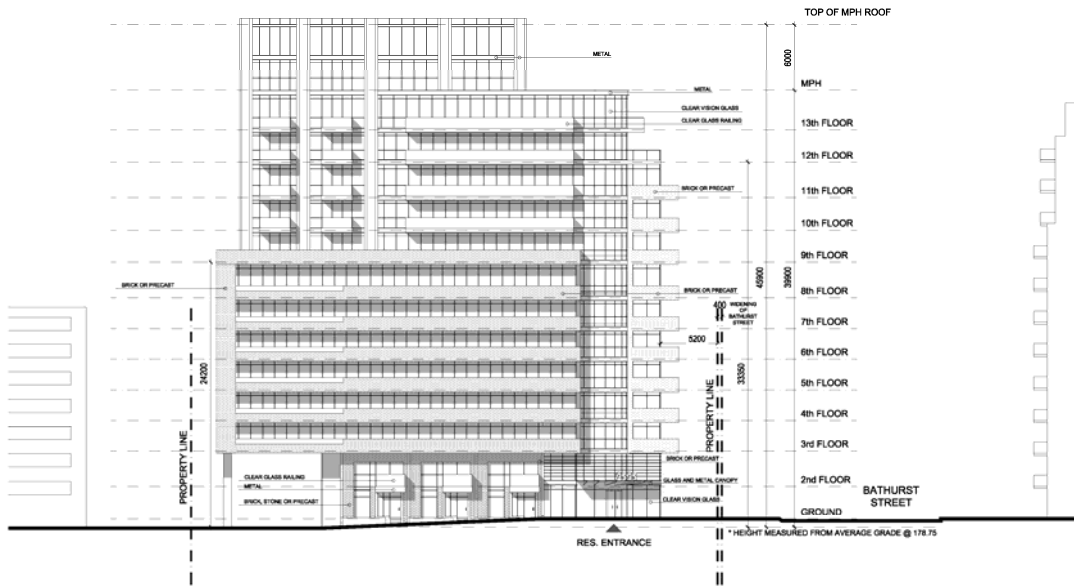
2525 Bathurst Street

File # 16 152027 NNY 16 0Z

**Site Plan**  
 Applicant's Submitted Drawing

Not to Scale  
 07/20/2017

## Attachment 2: North and South Elevations



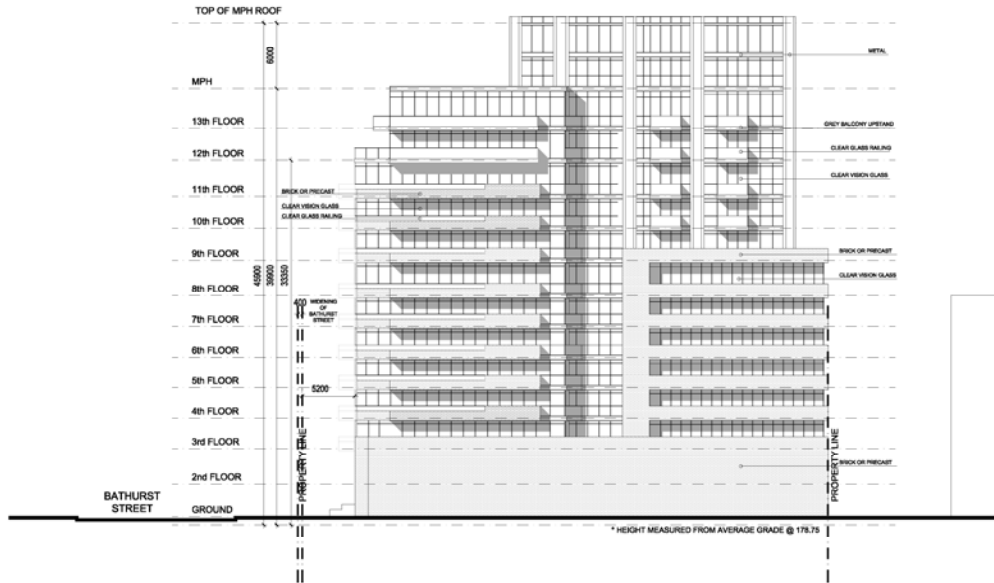
### North Elevation

2525 Bathurst Street

Applicant's Submitted Drawing

Not to Scale  
07/20/2017

File # 16 152027 NNY 16 02



### South Elevation

2525 Bathurst Street

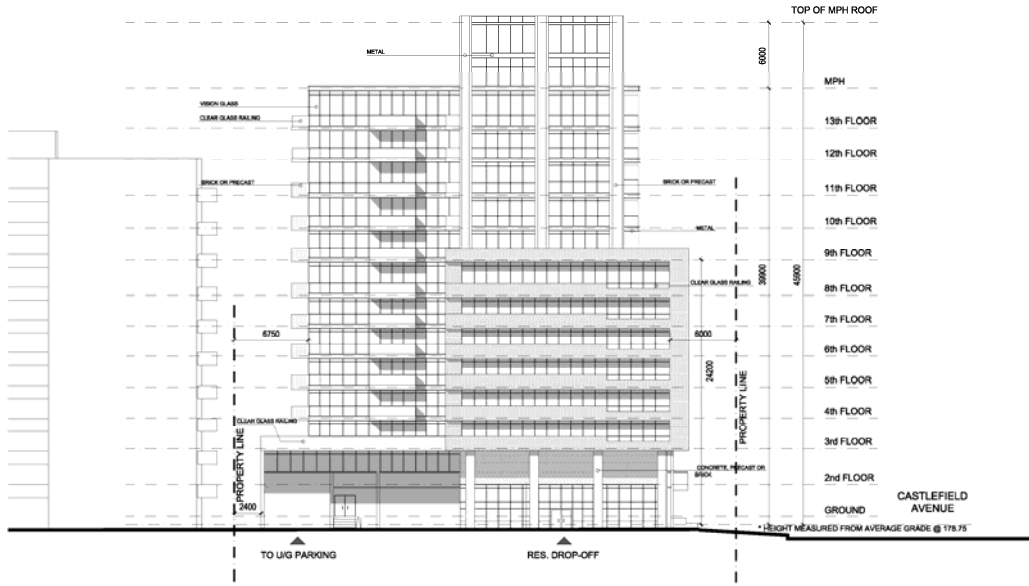
Applicant's Submitted Drawing

Not to Scale  
07/20/2017

File # 16 152027 NNY 16 02



### Attachment 3: East and West Elevations



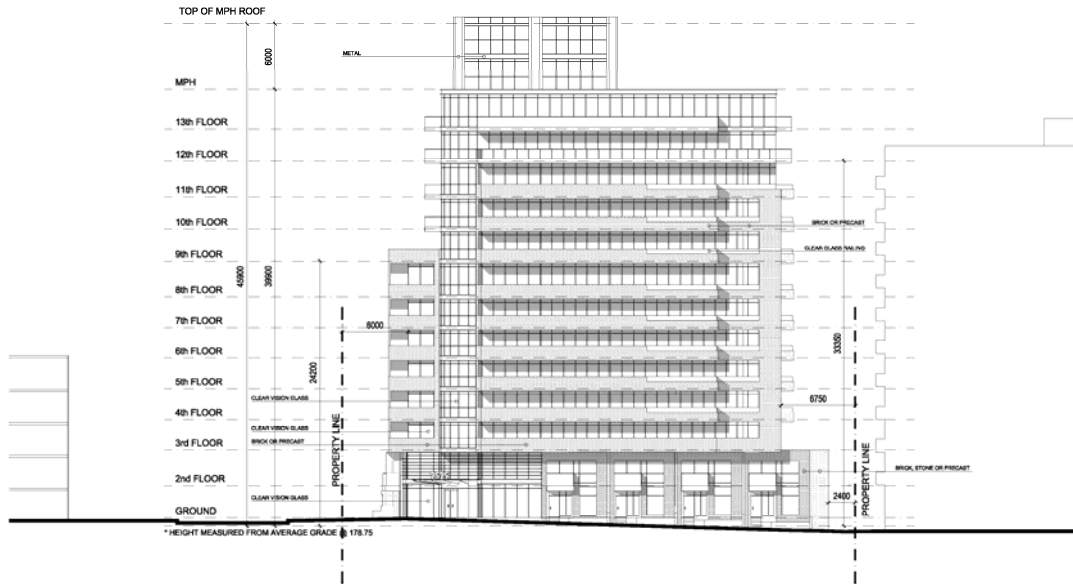
#### East Elevation

2525 Bathurst Street

Applicant's Submitted Drawing

Not to Scale  
07/20/2017

File # 16 152027 NNY 16 02



#### West Elevation

2525 Bathurst Street

Applicant's Submitted Drawing

Not to Scale  
07/20/2017

File # 16 152027 NNY 16 02



**Attachment 4: Toronto Consolidated Zoning By-law 569-2013**



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

**2525 Bathurst Street**

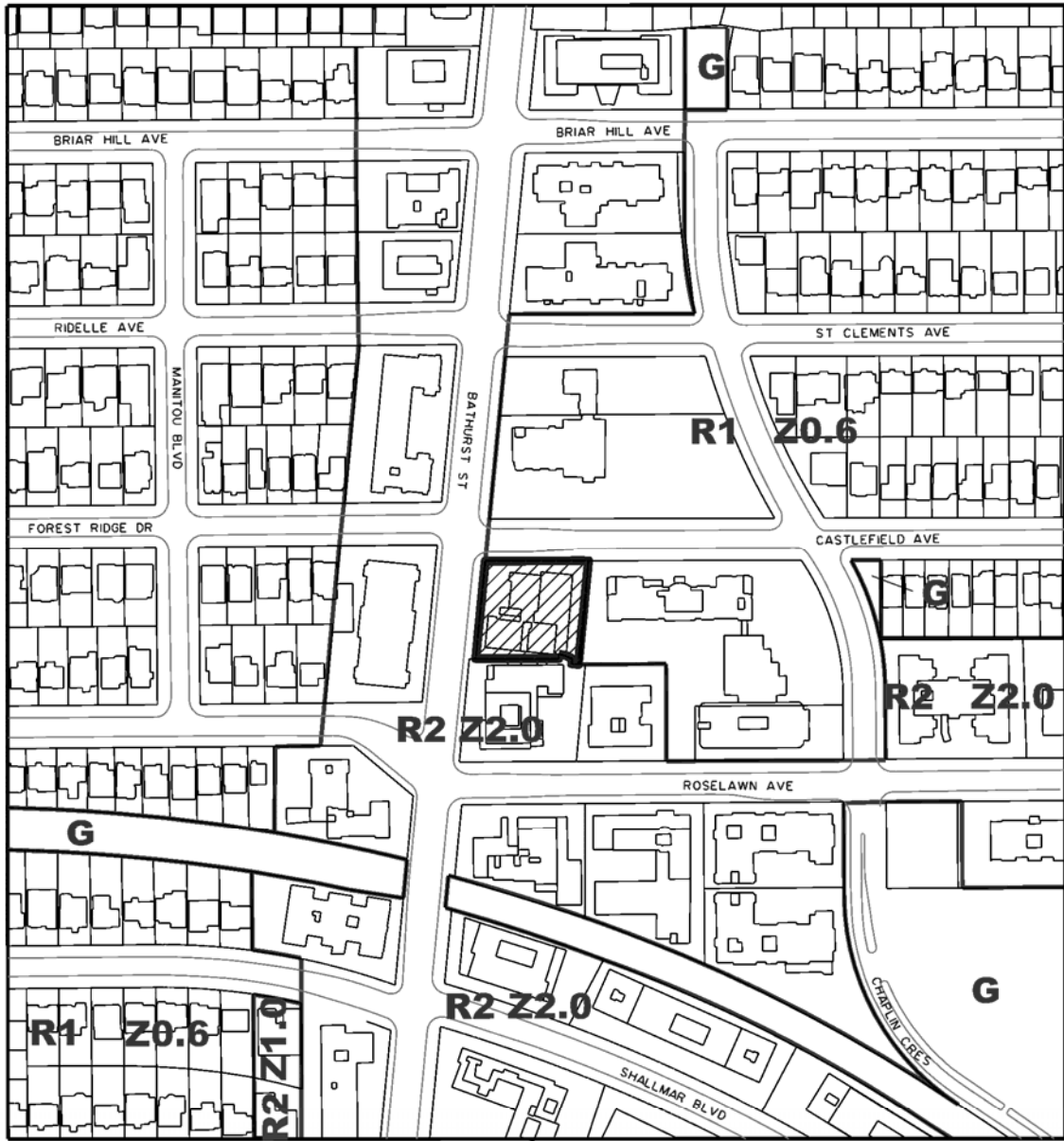
**File # 16 152027 NNY 16 02**

-  Location of Application
-  See Former City of Toronto By-Law No. 438-86
- R** Residential
- RD** Residential Detached
- O** Open Space
- OR** Open Space Recreation

-  See Former City of Toronto By-Law No. 438-86
- R1** Residential District
- R2** Residential District

↑  
Not to Scale  
Extracted: 05/12/2016

Attachment 5: Former Toronto Zoning By-law 438-86



**Toronto** City Planning  
Zoning

2525 Bathurst Street  
File # 16 152027 NNY 16 02

- R1 Residential District
- R2 Residential District
- G Parks District

↑  
Not to Scale  
Zoning By-law 438-86  
Extracted 05/12/2016

## Attachment 6: Application Data Sheet

Application Type	Rezoning	Application Number:	16 152027 NNY 16 OZ
Details	Rezoning, Standard	Application Date:	May 9, 2016

Municipal Address: 2525 Bathurst Street  
 Location Description: PLAN 3018 PT LOT 161 PLAN 734 RGE 5 PT LOT 1 \*\*GRID N1606  
 Project Description: Construct 13 storey rental apartment building containing 162 dwelling units including 33 replacement rental units.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Walker Nott Dragicevic and Associates Ltd. 90 Eglinton Avenue East Suite 970 Toronto, ON M4P 2Y3		Page + Steele IBI Group Architects 95 St. Clair West Suite 200 Toronto, ON M4V 1N6	2525 Bathurst Holdings Inc. 55 Isabella Street Suite 105 Toronto, ON M4Y 1M8

### PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhoods	Site Specific Provision:	N
Zoning:	R (d2.0)(546)	Historical Status:	N
Height Limit (m):	11	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	2261	Height:	Storeys:	13
Frontage (m):	46.2		Metres:	40
Depth (m):	48.8			
Total Ground Floor Area (sq. m):	956			<b>Total</b>
Total Residential GFA (sq. m):	11,285		Parking Spaces:	117
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	11,285			
Lot Coverage Ratio (%):	42.3			
Floor Space Index:	4.9			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

	Rental		Above Grade	Below Grade
Tenure Type:	Rental			
Rooms:	0	Residential GFA (sq. m):	11,285	0
Bachelor:	8 (4.9%)	Retail GFA (sq. m):	0	0
1 Bedroom:	110 (67.9%)	Office GFA (sq. m):	0	0
2 Bedroom:	34 (20.9%)	Industrial GFA (sq. m):	0	0
3 + Bedroom:	10 (6.2%)	Institutional/Other GFA (sq. m):	0	0
Total Units:	162			

**CONTACT: PLANNER NAME: Vanessa Covello, Planner**  
**TELEPHONE: 416-395-7104 E-MAIL: vcovell@toronto.ca**

## Attachment 7: Draft Zoning By-law Amendment 569-2013

Authority: North York Community Council Item ##, as adopted by City of Toronto Council on ~, 20~

### CITY OF TORONTO

Bill No. ~

**BY-LAW No. XXXX-2017**

**To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2017 as 2525 Bathurst Street.**

Whereas Council of the City of Toronto has the authority pursuant to 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*; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development;

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.

3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines on Diagram 2 to R (d2.0) (XXX).
4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.2.10 Exception Number XXX, so that it reads:

**Exception R (XX) [####]**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 2525 Bathurst Street, if the requirements in Section 5 and Schedule A of by-law [Clerks to supply by-law ##] are complied with, none of the provisions of 10.5.40.10(1) and 10.5.40.40(1) apply to prevent the erection or use of a **building, structure**, addition or enlargement permitted in compliance (B) to (L) below;
- (B) Despite regulation 10.5.40.10(1), the height of the **building** is the distance between the Canadian Geodetic Datum elevation of 178.75 metres and the elevation of the highest point of the building;
- (C) Despite regulation 10.10.40.10(1), the permitted maximum height of a **building or structure** is the numerical value in metres following the letter "HT" and, where indicated, the numerical number of storeys following the letters "ST" within the areas delineated on Diagram 3 of By-law [Clerks to supply by-law ##];
- (D) Despite regulation 10.10.40.40(1), the permitted maximum **gross floor area** of all **buildings and structures** is 11,400 square metres;
- (E) Despite Clause 10.10.40.70, the required minimum **building setbacks** are those shown on Diagram 3 of By-law [Clerks to supply by-law ##];
- (F) Despite Clause 10.5.40.60, the following **building** elements and **structures** are permitted to encroach into the required **building setback** areas beyond the heavy lines and building envelopes as, specified in Diagram 3 of By-law [Clerks to supply by-law ##]:
  - i. platforms such as balconies may project a maximum of 1.8 metres beyond the heavy lines and **building** envelopes specified on Diagram 3;
  - ii. canopies which may encroach a maximum of 3 metres beyond the heavy lines and **building** envelopes specified on Diagram 3;

- (G) Despite Clause 10.5.40.10, the following **building** elements and **structures** are permitted to project vertically above the height limits specified in Diagram 3 of By-law [Clerks to supply by-law ##]:
  - i. parapets which may project a maximum of 1.0 metres above the heights specified on Diagram 3;
- (H) Despite regulation 10.5.50.10(4) a minimum of 24% of the **lot** area must be used for **landscaping** of which 10% must be **soft landscaping**;
- (I) Despite regulation 200.5.1.10.1(1), **parking spaces** must be provided and maintained in accordance with the following minimum standards:
  - i. Minimum of 0.61 **parking spaces** per **dwelling unit** for residents, of which a minimum of 2 **parking spaces** must be for car share purposes; and
  - ii. Minimum 0.10 **parking spaces** per **dwelling unit** for visitors;
- (J) Despite regulation 200.15.10(1), a minimum of 5 accessible **parking spaces** are required;
- (K) Despite regulation 220.5.10.1, a minimum of 1 Type "G" **loading space** must be provided; and
- (L) The following regulation numbers do not apply:
  - (i) 5.10.40.70 (2) Setbacks, Parts of a Building or Structure to which a Required Building Setback Applies);
  - (ii) 10.5.40.50(2) (Decks, Platforms and Amenities, Platforms in Relation to Building Setbacks); and
  - (iii) 10.10.40.30(1)(B) (Building Depth).

Prevailing By-laws and Prevailing Sections: (None Apply)

## 5. Section 37 Provisions

(A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.

(B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the

issuance of such permit shall be dependent on satisfaction of the same.

(C) The owner shall not use, or permit the use of, a **building** or **structure** erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on month ##, 20##.

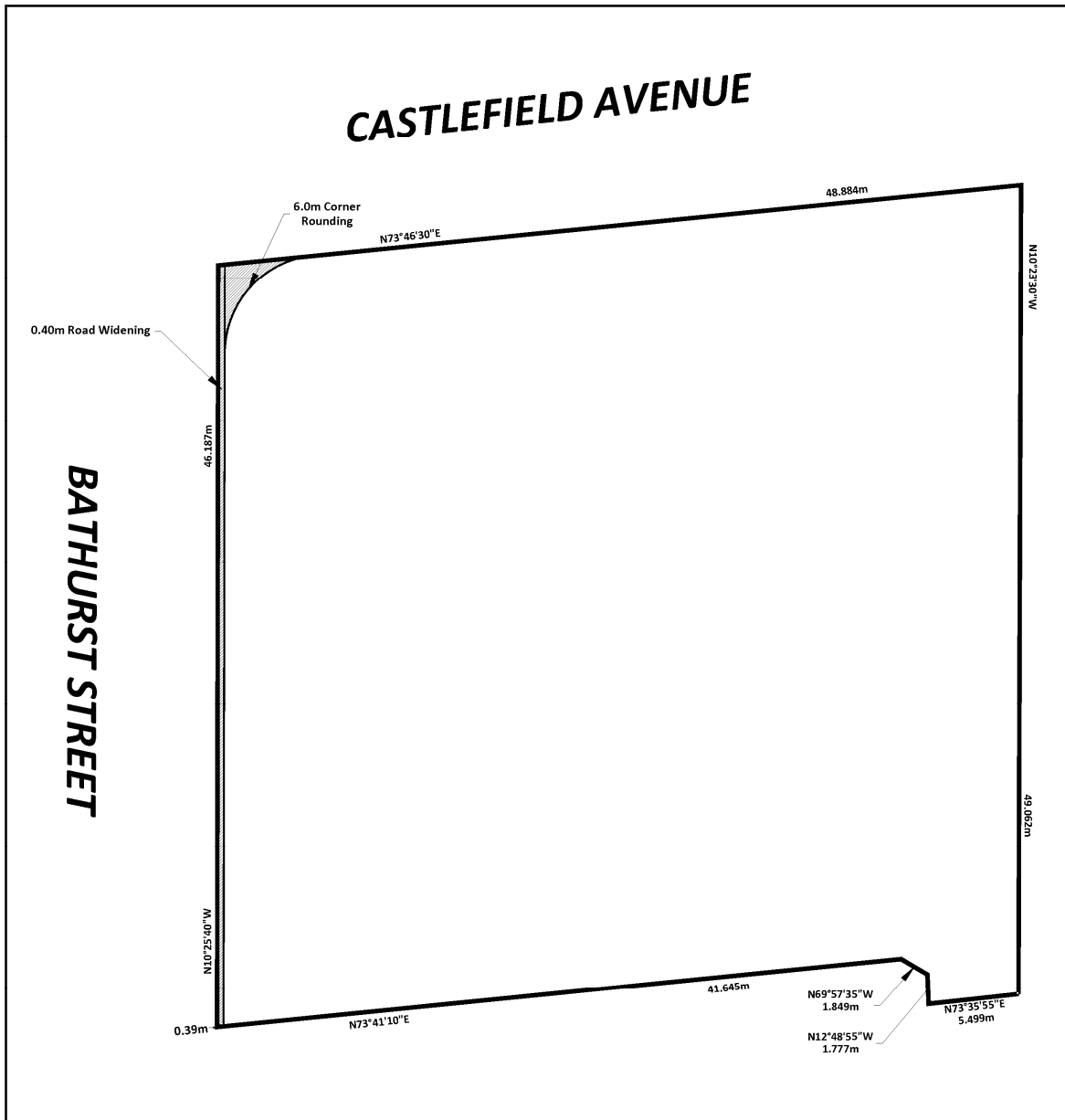
Name,

Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)



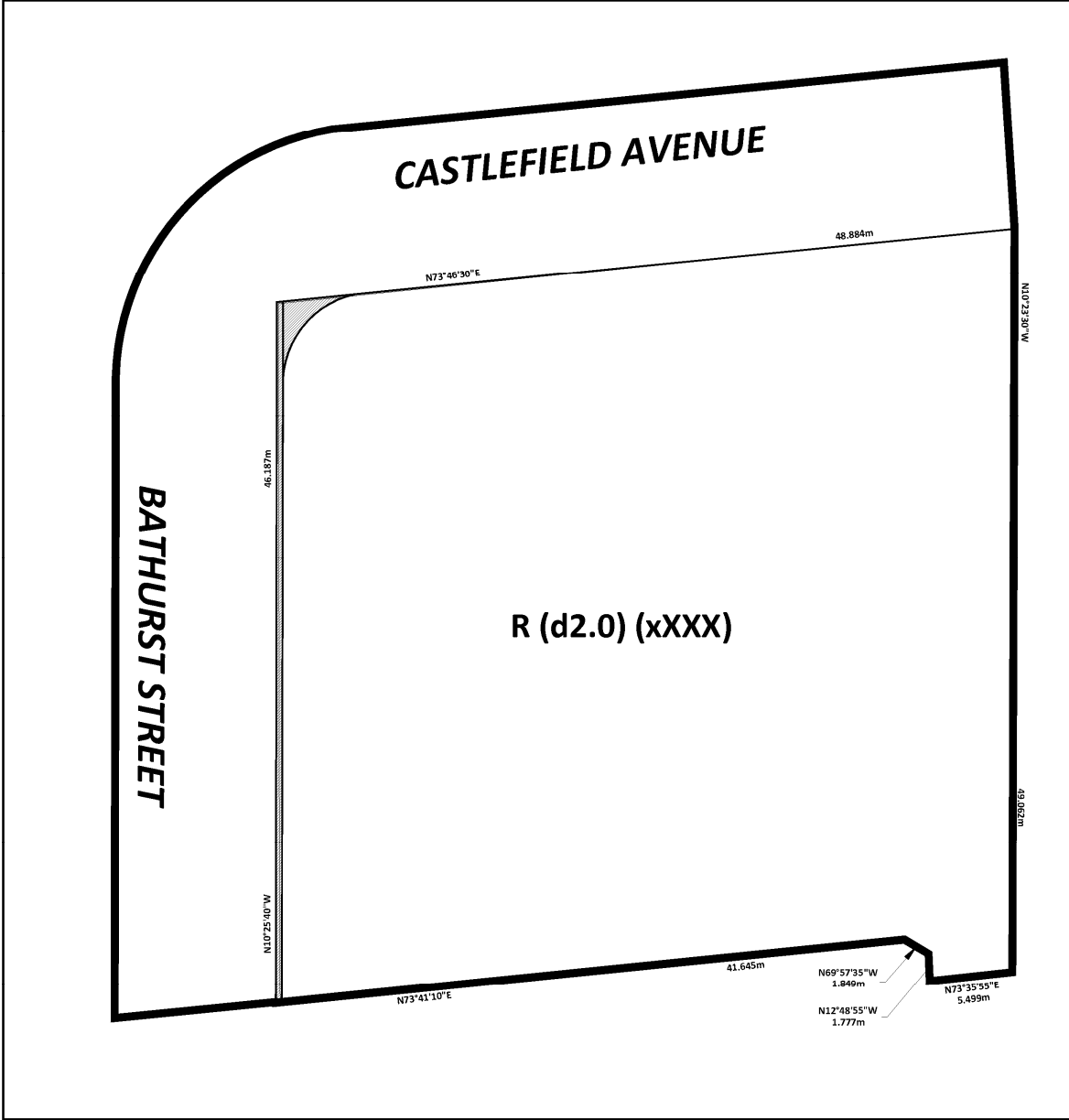


**TORONTO**  
Diagram 1

2525 Bathurst Street

File # 16 152027 NNY 16 0Z


City of Toronto By-Law 569-2013  
Not to Scale  
08/10/2017

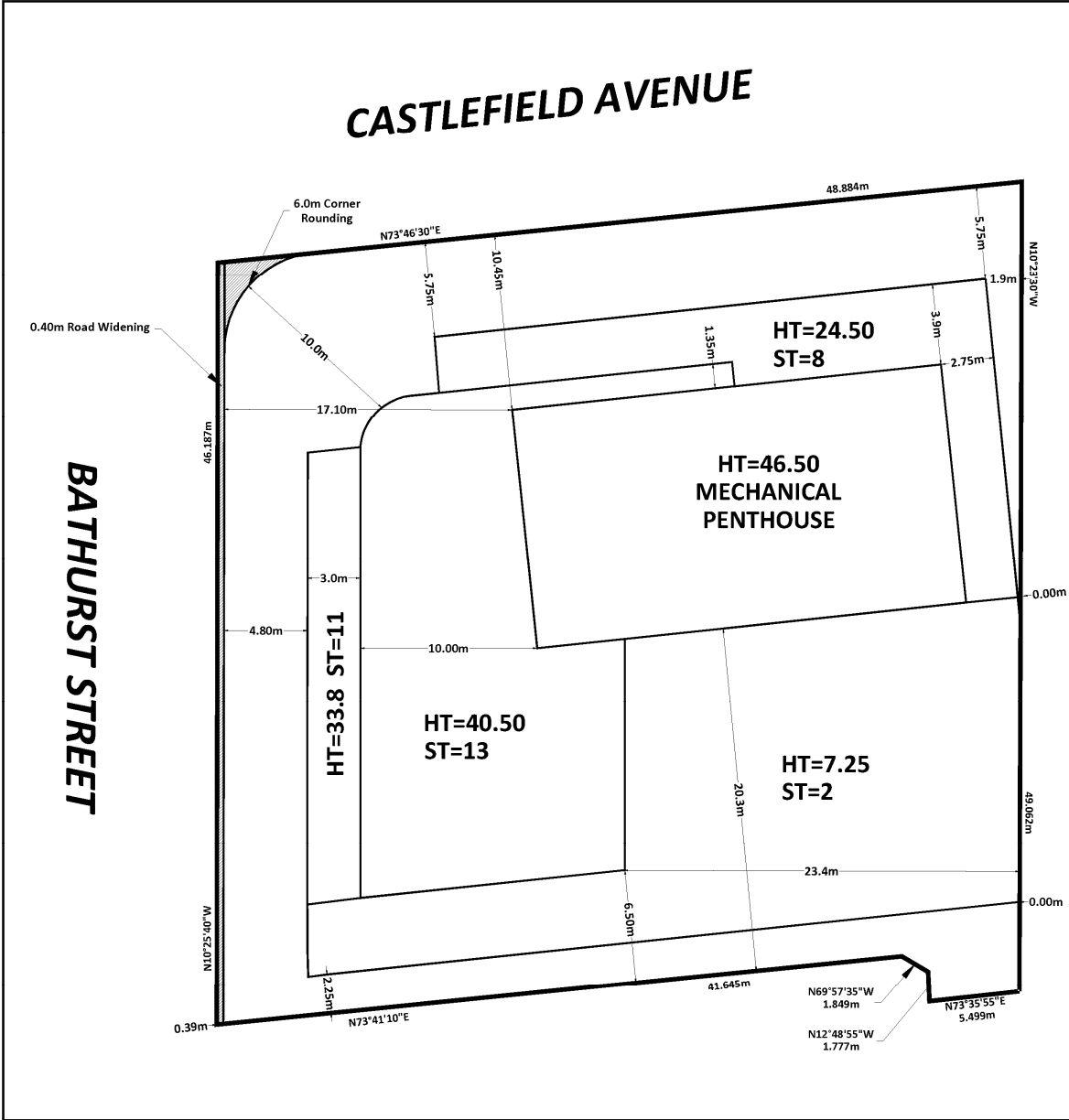


**TORONTO**  
 Diagram 2

**2525 Bathurst Street**

File # 16 152027 NNY 16 0Z

  
 City of Toronto By-Law 569-2013  
 Not to Scale  
 08/17/2017



**TORONTO**  
Diagram 3

**2525 Bathurst Street**

File # 16 152027 NNY 16 0Z

City of Toronto By-Law 569-2013  
Not to Scale  
08/17/2017

**SCHEDULE A**  
**Section 37 Provisions**

**The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:**

- (1) Prior to issuance of an above grade building permit, the owner shall provide a certified cheque in the amount of \$550,000.00 to be used for Kay Gardiner Beltline pathway and street crossings as well as general park and streetscape improvements within the area, with such amount to be indexed upwardly in accordance with the Statistics Canada Apartment Building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
- (2) In the event the financial contribution referred to in (1) above has not been used for the intended purpose within 3 years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose at the sole discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
- (3) The owner shall provide the following to support the development of the lands;
  - a. The owner shall provide and maintain not less than 33 replacement rental dwelling units, comprised of 17 one-bedroom units and 16 two-bedroom units, at 2525 Bathurst Street for a period of at least 20 years, as generally shown on the plans submitted to the City Planning Division dated June 9, 2017 (general floor plans) and July 18, 2017 (unit layout plans). Any revision to these plans must be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
  - b. The owner shall provide at least 5 one-bedroom and 1 two-bedroom replacement rental dwelling units at affordable rents, and at least 12 one-bedroom and 14 two-bedroom replacement rental dwelling units at mid-range rents for a period of at least 10 years;
  - c. The owner shall provide ensuite laundry in all replacement rental dwelling units;
  - d. The owner shall provide storage lockers to all tenants of the replacement rental dwelling units;
  - e. The owner shall provide tenants of the replacement rental dwelling units access to all the same amenity spaces indoors and outdoors on the same terms and conditions as the occupants of the remainder of the building;

- f. The owner shall provide tenants of the replacement rental dwelling units with access to at least 20 vehicle parking spaces with returning tenants who were using one of the existing 20 resident parking spaces receiving first priority, and bicycle parking spaces generated on the same basis as the occupants of the remainder of the building;
- g. The Owner shall provide tenant relocation and assistance to each eligible tenant within the existing rental building, including an extended notice period, financial compensation beyond the minimum requirements set out in the Residential Tenancies Act, and the right to return to a replacement rental dwelling unit for all of the tenants (the "Tenant Relocation and Assistance Plan"), and the Tenant Relocation and Assistance Plan shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;
- h. The Owner shall enter into, and register on title, one or more Agreement(s) to secure the conditions outlined in a. to g. above and as detailed in the Draft Zoning By-law Amendments (Attachment Nos. 7 and 8) to the report from the Director, Community Planning, North York District dated August 18, 2017, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division;
- i. The Owner shall enter into and register on title, a Section 118 Restriction under the Land Titles Act, to the satisfaction of the City Solicitor, agreeing not to transfer or charge those parts of the lands comprising the 33 replacement rental dwelling units, without the written consent of the Chief Planner and Executive Director, City Planning Division or their designate, to assist with the securing of the Section 111 Agreement against future owners and encumbrances of the lands until such time as the City Solicitor determines that its registration on title is no longer required to secure the provisions of the Section 111 Agreement;
- j. The Owner shall provide the following Transportation Demand Management requirements, to the satisfaction of the Director of Community Planning, North District:
- The provision of two car-share spaces that are publicly accessible;
  - The provision of one bike repair station that is publicly accessible;
  - Additional bicycle parking spaces for cyclists, transit users, and area users;
  - The provision of rough in conduits for electrical vehicle charging facility;  
and
  - One digital display facility in a publicly accessible or visible location to provide real-time area transportation service, status, alert, location, distance and access information shown in the display.
- k. The revised parking supply of 114 parking spaces and proposed parking rate of 0.61 per unit for residents and 0.10 spaces for visitors would be acceptable based on the following Transportation Demand Management revision requirements, to the satisfaction of City Planning, Transportation Planning:

- a) The provision of two car-share spaces that are publicly accessible;
  - b) The provision of one bike repair station that is publicly accessible;
  - c) Additional bicycle parking spaces for cyclists, transit users, and area users;
  - d) The provision of rough in conduits for electrical vehicle charging facility;  
and
  - e) One digital display facility in a publicly accessible or visible location to provide real-time area transportation service, status, alert, location, distance and access information shown in the display.
- l. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Management Committee; and
  - m. The owner shall submit and implement a Construction Mitigation Strategy to the satisfaction of the Director, Transportation Services North District, prior to the issuance of any demolition permit.
- (3) In the event the cash contribution referred to in Section (1) *has* not been used for the intended purpose within three (3) years of this By-law 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 local Councillor, provided that the purpose(s) is identified in the Toronto Official Plan and will benefit the community in the vicinity of the **lot**.

**Attachment 8: Draft Zoning By-law Amendment 438-86**

Authority: North York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~  
Enacted by Council: ~, 20~

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-20~**

**To amend ~ Zoning By-law No. ~, as amended,  
With respect to the lands municipally known as  
2525 Bathurst Street**

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;

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;

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development;

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law;

Whereas subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters;

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density is permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 438-86 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto.

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

1. None of the provisions of Sections 2 with respect to “*grade*”, “*height*”, “*lot*” and Sections 4(2), 4(4), 4(13), 4(16), 4(17), 6(3) Part I 1, 6(3) Part II, 6(3) Part III, 12(1)320, and 12(2)274 of By-law No. 438-86, being “A By-law to regulate the

use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection and use of *an apartment building* on the *lot* provided that:

- (a) The *lot* comprises the lands delineated by heavy lines on Map 1 to and forming part of this By-law; and
- (b) No portion of any *apartment building* above *grade*, is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 3.

### **Floor Space Index**

- (c) The maximum floor space index permitted is 5.0 times the area of the lot.

### **Gross Floor Area**

- (d) The maximum gross floor area permitted is 11,290 square metres.

### **Number of Units**

- (e) The maximum number of *dwelling units* permitted on the *lot* shall be 162.
- (f) A total of 33 rental *replacement dwelling units* shall be provided on the site pursuant to the conditions in Appendix 1.

### **Height**

- (g) The height of any building or structure shall not exceed the height in metres specified by the numbers following the symbol "H" on Map 2, and the number of storeys specified by the number following the symbol "ST" on Map 2, attached to and forming part of this By-law.
- (h) The area delineated as a mechanical penthouse on Map 2 shall not be considered a storey;

### **Setbacks**

- (i) The minimum yard setbacks for all buildings and structures in metres and the minimum separation distances in metres shall be as set out on Map 3, attached to and forming part of this By-law.

### **Amenity Space**

- (j) Provide *residential amenity space* is provided as follows:



- a. Minimum of 2.1 square metres per *dwelling unit* of indoor *residential amenity space*.
- b. A minimum of 2.1 square metres per *dwelling unit* of outdoor *residential amenity space*.

### **Landscaping**

- (k) A minimum of 24 percent of the *lot* must be provided as *landscaped open space*.

### **Vehicle Parking**

- (l) Vehicular access to the site and the underground parking garage may be provided from a driveway or ramp from Castlefield Avenue.
- (m) *Parking spaces* on the *lot* must be provided and maintained in accordance with the following minimum standards:
  - a. Minimum 0.61 *parking spaces* per *dwelling unit* for residents, of which a minimum of 2 *parking spaces* shall be *car share parking spaces*.
  - b. Minimum 0.10 *parking spaces* per *dwelling unit* for visitors.
- (n) In accordance with the minimum *parking spaces* standards required in (m), a minimum of 5 of those *parking spaces* are required to be accessible *parking spaces*.

### **Loading**

- (o) Provide a minimum of *one loading space* on the *lot* that is a minimum of 4 metres, a minimum of 13 metres in length and has a minimum vertical clearance of 6.1 metres.

### **Projections**

- (p) Notwithstanding section 1. (i) of this By-law, the following building elements and structures are permitted to extend beyond the heavy lines and building envelopes specified on Map 3.
  - a. guardrails, railings, stairs, wheelchair ramps, porches, patios, rooftop terraces, privacy screens, trellises, planters, lighting fixtures, underground garage ramps, bicycle parking infrastructure, and landscape elements, cornices, eaves, gutters, pilasters, sills, awnings, vents, ornamental or architectural elements, and bay windows; and

- b. balconies which may project a maximum of 1.8 metres; canopies which, may project a maximum of 3 metres.
- (q) Notwithstanding section 1(g) of this By-law, the following building elements and structures are permitted to extend beyond the heights specified on Map 2:
- a. guardrails, railings, balustrades, stairs, stair enclosures, privacy screens, flues, vents and air intakes, trellises, eaves, frames, ornamental or architectural elements, insulation and roof surface materials, landscape elements, lighting fixtures, solar panels and solar hot water heaters, communications equipment, lightning rods, window washing equipment, and elements or structures on the roof of the building used for outside or open air recreation, green roof, drainage, safety or wind protection purposes;
  - b. parapets which may project a maximum of 1.0 metres except where used to screen equipment described in (c) below; and
  - c. equipment used for the functional operation of the building, such as electrical, utility, mechanical and ventilation equipment, and structures that enclose or screen the equipment which may project a maximum of 5.0 metres.

### **Definitions**

2. For the purposes of this By-law, the following terms shall have the following meaning:
- (a) “*grade*” means 178.75 metres Canadian Geodetic Datum;
  - (b) “*height*” means the vertical distance between grade and the highest point of the building or structure;
  - (c) “*lot*” means those lands identified as “2525 Bathurst Street” on Map 1 attached hereto;
  - (d) “*Car-share*” means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
  - (e) “*Car-share parking space*” means a parking space that is exclusively reserved and actively used for car-sharing; and

- (f) Every other word or expression which is italicized herein shall have the same meaning as each word or expression as defined in the aforesaid Bylaw No. 438-86, as amended.
- 3. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole *lot* as if no severance, partition or division occurred.
- 4. Within the lands shown on Schedule "~" 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.

**Section 37 Provisions**

- 5. Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Map 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Appendix "1" hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.

Where Appendix "1" of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.

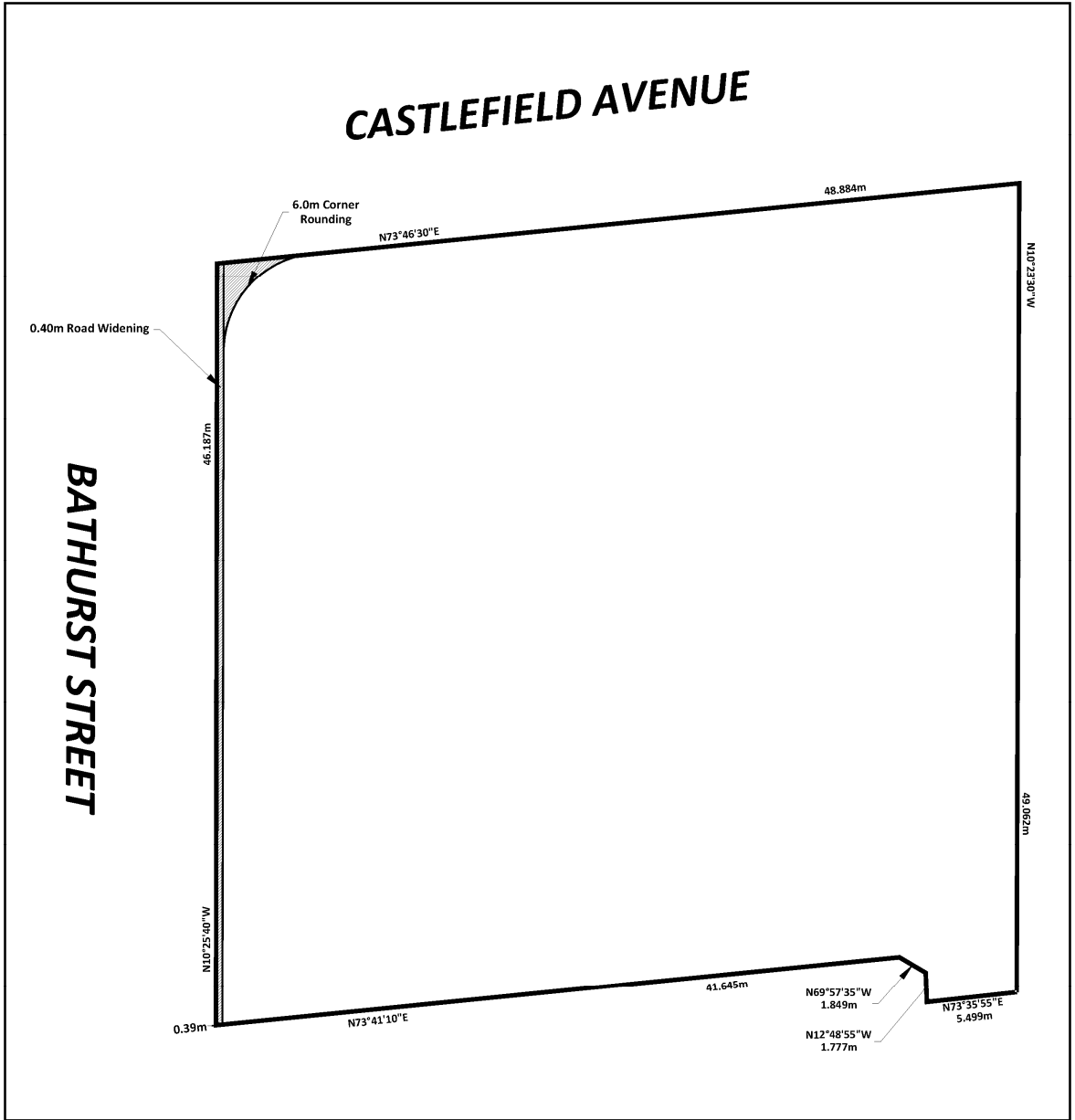
The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Appendix "1" are satisfied.

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

JOHN TORY,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal

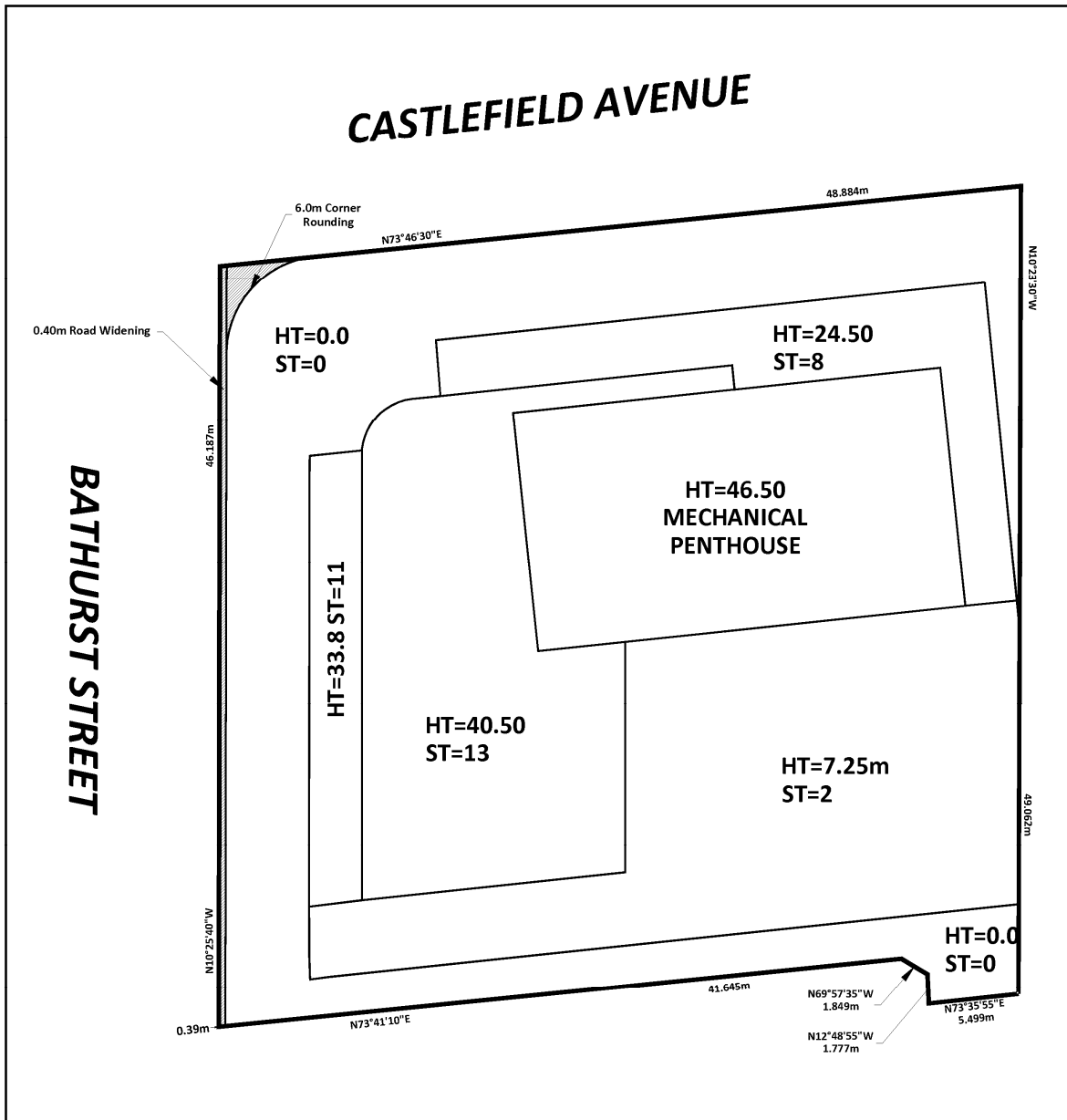


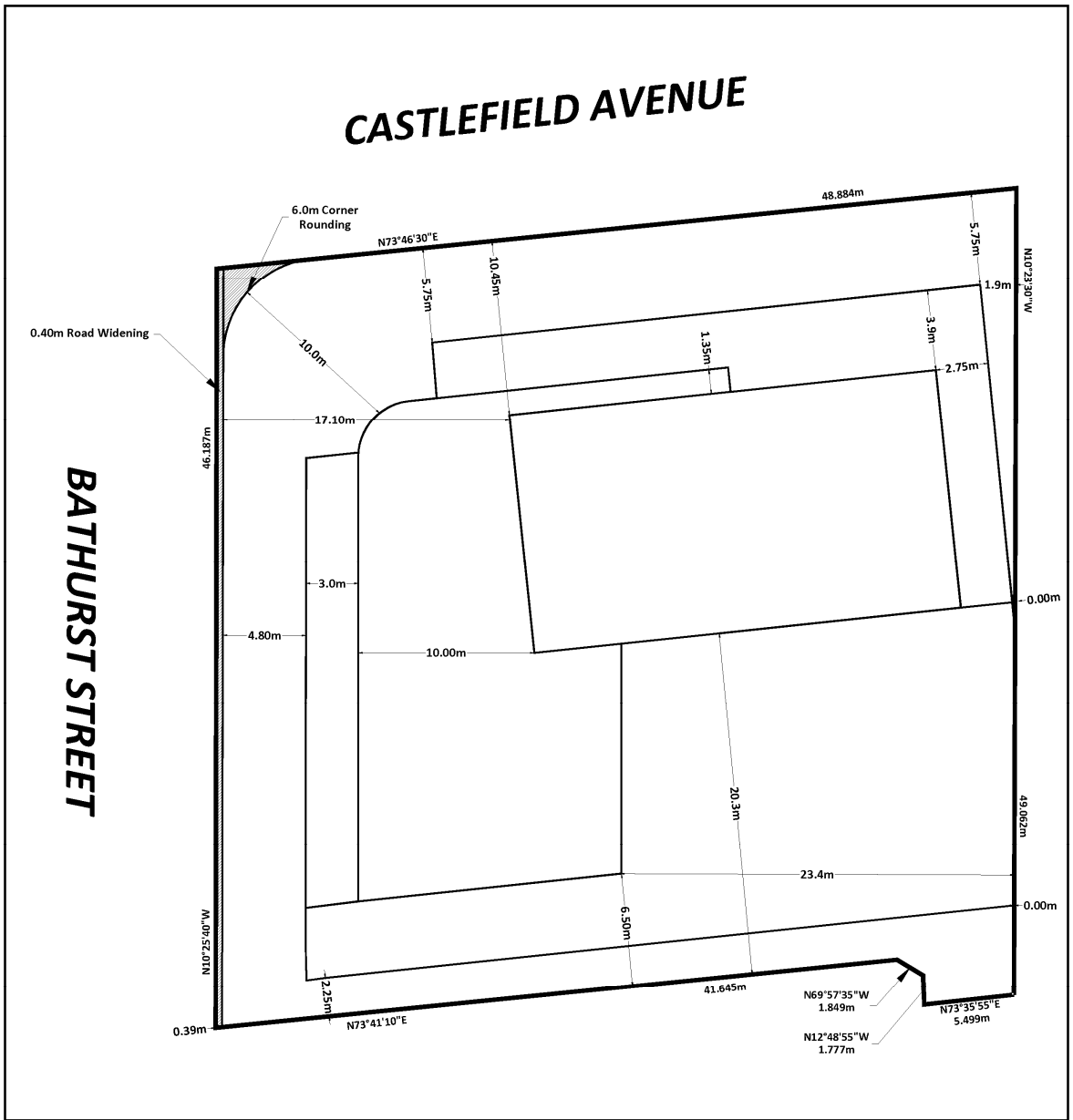
**TORONTO**  
Map 1

**2525 Bathurst Street**

File # 16 152027 NNY 16 OZ

City of Toronto By-Law 438-86  
Not to Scale  
08/11/2017





**TORONTO**  
Map 3

**2525 Bathurst Street**

File # 16 152027 NNY 16 0Z

City of Toronto By-Law 438-86  
Not to Scale  
08/17/2017

## Appendix "1"

### Section 37 Provisions

**The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Map "1" in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:**

- a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
  - i. Prior to issuance of an above grade building permit the owner shall provide a certified cheque in the amount of \$550,000.00 to be used for Kay Gardiner Beltline pathway and street crossings as well as general park and streetscape improvements within the area, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made;
  - ii. In the event the financial contribution referred to in (i) above has not been used for the intended purpose within 3 years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose at the sole discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands; and
- b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
  - i. The owner shall provide and maintain not less than 33 replacement rental dwelling units, comprised of 17 one-bedroom units and 16 two-bedroom units, at 2525 Bathurst Street for a period of at least 20 years, as generally shown on the plans submitted to the City Planning Division dated June 9, 2017 (general floor plans) and July 18, 2017 (unit layout plans). Any revision to these plans must be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
  - ii. The owner shall provide at least 5 one-bedroom and 1 two-bedroom replacement rental dwelling units at affordable rents, and at least 12 one-bedroom and 14 two-bedroom replacement rental dwelling units at mid-range rents for a period of at least 10 years;

- iii. The owner shall provide ensuite laundry in all replacement rental dwelling units;
- iv. The owner shall provide storage lockers to all tenants of the replacement rental dwelling units;
- v. The owner shall provide tenants of the replacement rental dwelling units access to all the same amenity spaces indoors and outdoors on the same terms and conditions as the occupants of the remainder of the building;
- vi. The owner shall provide tenants of the replacement rental dwelling units with access to at least 20 vehicle parking spaces with returning tenants who were using one of the existing 20 resident parking spaces receiving first priority, and bicycle parking spaces generated on the same basis as the occupants of the remainder of the building;
- vii. The Owner shall provide tenant relocation and assistance to each eligible tenant within the existing rental building, including an extended notice period, financial compensation beyond the minimum requirements set out in the Residential Tenancies Act, and the right to return to a replacement rental dwelling unit for all of the tenants (the "Tenant Relocation and Assistance Plan"), and the Tenant Relocation and Assistance Plan shall be to the satisfaction of the Chief Planner and Executive Director, City Planning;
- viii. The Owner shall enter into, and register on title, one or more Agreement(s) to secure the conditions outlined in i. to vii. above and as detailed in the Draft Zoning By-law Amendments (Attachment Nos. 7 and 8) to the report from the Director, Community Planning, North York District dated August 18, 2017, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division;
- ix. The Owner shall enter into and register on title, a Section 118 Restriction under the Land Titles Act, to the satisfaction of the City Solicitor, agreeing not to transfer or charge those parts of the lands comprising the 33 replacement rental dwelling units, without the written consent of the Chief Planner and Executive Director, City Planning Division or their designate, to assist with the securing of the Section 111 Agreement against future owners and encumbrances of the lands until such time as the City Solicitor determines that its registration on title is no longer required to secure the provisions of the Section 111 Agreement;
- x. The Owner shall provide the following Transportation Demand Management requirements, to the satisfaction of the Director of Community Planning, North District:
  - The provision of two car-share spaces that are publicly accessible;



- The provision of one bike repair station that is publicly accessible;
  - Additional bicycle parking spaces for cyclists, transit users, and area users;
  - The provision of rough in conduits for electrical vehicle charging facility; and
  - One digital display facility in a publicly accessible or visible location to provide real-time area transportation service, status, alert, location, distance and access information shown in the display.
- xi. The revised parking supply of 114 parking spaces and proposed parking rate of 0.61 per unit for residents and 0.10 spaces for visitors would be acceptable based on the following Transportation Demand Management revision requirements, to the satisfaction of City Planning, Transportation Planning:
- a) The provision of two car-share spaces that are publicly accessible;
  - b) The provision of one bike repair station that is publicly accessible;
  - c) Additional bicycle parking spaces for cyclists, transit users, and area users;
  - d) The provision of rough in conduits for electrical vehicle charging facility; and
  - e) One digital display facility in a publicly accessible or visible location to provide real-time area transportation service, status, alert, location, distance and access information shown in the display.
- xii. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee; and
- xiii. The owner shall submit and implement a Construction Mitigation Strategy to the satisfaction of the Director, Transportation Services North District, prior to the issuance of any demolition permit.