

## **25 Fisherville Road – Zoning By-law Amendment – Final Report**

Date: September 12, 2019

To: North York Community Council

From: Director, Community Planning, North York District

Wards: Ward 6 - York Centre

**Planning Application Number:** 18 189969 NNY 10 OZ

### **SUMMARY**

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This application proposes to permit the construction of two residential buildings with 22-storeys and 12-storeys at 25 Fisherville Road in addition to two blocks of 3-storey townhouses. The proposed buildings and townhouse blocks would have a total Gross Floor Area (GFA) of 31,427 square metres and a total of 412 residential units. The existing 18-storey residential building with 214 units is proposed to be retained, for a total of 626 residential units on the subject property. The proposed new buildings would have a Floor Space Index (FSI) of 2.07 times the lot area and overall the site would have a FSI of 3.52 times the lot area. The proposal includes a 530 square metre public park and a 248 square metre privately-owned publicly accessible space (POPS) abutting the public park. A portion of the site, along the eastern limit, is proposed to be dedicated for a new north-south public street.

The proposed development is consistent with the Provincial Policy Statement (2014), conforms with the Growth Plan for the Greater Golden Horseshoe (2019), and is consistent with the general intent and purpose of the City of Toronto's Official Plan.

This report reviews and recommends approval of the application to amend the Zoning By-law. The proposed development provides for a portion of a new public street, new public parkland, appropriately transitions to the abutting lower density residential uses, and provides for appropriate community benefits in exchange for an increase in height and density. The proposal will provide community benefits including a cash contribution for park, community facility, or public realm improvements, a public art contribution, additional parkland above the minimum required dedication, and new rental affordable housing units which will be secured through the Section 37 Agreement.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council amend Zoning By-law 7625, for the lands at 25 Fisherville Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to this report.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 25 Fisherville Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to this report.
3. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
4. Prior to the introduction of the Bills to City Council, provide an updated master Functional Servicing Report for the lands municipally known as 6040 Bathurst Street & 5 Fisherville Road, 6020 & 6030 Bathurst Street, and 25 Fisherville Road, and, a site specific Stormwater Management Report, Hydrogeological Report and Geotechnical Report for 25 Fisherville Road, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
5. Prior to the introduction of the Bills to City Council, provide a Transportation Demand Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
6. Prior to the introduction of the Bills to City Council, provide an updated Transportation Impact Study, to the satisfaction of the General Manager, Transportation Services;
7. Before introducing the necessary Bills to City Council for enactment, require that the Local Planning Appeal Tribunal (LPAT) has issued its approval in principle for appeals of applications on the properties located at 6020 & 6030 Bathurst Street, and 6040 Bathurst Street & 5 Fisherville Road, which approve developments that include the Road in its entirety on the overall Block Plan;
8. Before introducing the necessary Bills for enactment, City Council require the Owner to enter into and register against title in priority an Agreement (and if necessary a multi-party agreement to secure the provision of the public road as described in Recommendation 9 Paragraph n. sub-paragraph i to xiii, inclusive) pursuant to Section 37 of the *Planning Act*, to the satisfaction of the City Solicitor, to secure the following matters, services and facilities as follows:
  - a. prior to the issuance of an above-grade building permit, the Owner shall make a financial contribution to the City in the amount of \$1,500,000.00 to be allocated towards improvements to parks, community facilities and/or the public realm located within Ward 6 and/or the vicinity of the application site, such allocation to be at the discretion of the Chief Planner and Executive Director, City Planning and General Manager, Parks, Forestry and Recreation, in consultation with the Ward Councillor;
  - b. the financial contributions referred to in Part 8.a. above shall be indexed in accordance with the Statistics Canada Apartment Building Construction Price

Index for Toronto calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the Owner to the City;

c. in the event the financial contribution referred to in Part 8.a. above has not been used for the intended purpose prior to the expiry of the third anniversary of the 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;

d. \$167,000 for the provision of public art on site or in the vicinity of the site;

e. A parkland over-dedication of 133 square metres above the required parkland dedication of 397 square metres;

f. whereas "Affordable rental dwelling unit" means a rental dwelling unit constructed on the lot and provided and maintained at affordable rent, as defined in the Official Plan, the owner shall provide and maintain 10 one-bedroom dwelling units as *affordable rental dwelling units*. The average unit size of the *affordable rental dwelling units* shall be at least the same as the average unit size of the proposed one-bedroom market units. The *affordable rental dwelling units* shall be provided in contiguous groups of at least 6 dwelling units in the first of the proposed apartment buildings constructed on the site. The general configuration and layout of the 10 *affordable rental dwelling units* shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

g. The owner shall provide and maintain the 10 *affordable rental dwelling units* as rental dwelling units for at least 20 years, beginning with the date each such unit is first occupied. No *affordable rental dwelling unit* shall be registered as a condominium or any other form of ownership such as life lease or co-ownerships which provide a right to exclusive possession of a dwelling unit, and no application for conversion for non-rental housing purposes, or application to demolish any *affordable rental dwelling unit* shall be made for at least 20 years from the date of first occupancy. When the 20 years period has expired, the owner shall continue to provide and maintain the *affordable rental dwelling units* as rental dwelling units, unless and until such time as the owner has applied for and obtained all approvals necessary to do otherwise; and

h. The owner shall provide and maintain the *affordable rental dwelling units* at affordable rents, as defined in the Official Plan, for at least 15 years, beginning with the date that each such unit is first occupied. During the first 15 years of occupancy, increases to initial rents charged to tenants occupying any of the *affordable rental dwelling units* shall be in accordance with the *Residential Tenancies Act* and shall not exceed the Provincial rent guideline until the tenancy ends.

9. City Council direct that the following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:

- a. Submit and construct the development in accordance with the approved Transportation Demand Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- b. Prior to Site Plan Approval for the development, the owner shall provide a Tenant Construction Mitigation Plan & Tenant Communication Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division or his designate and thereafter the owner shall implement such Plans;
- c. Prior to Site Plan Approval for the development, the owner shall provide a Construction Phasing Plan for the development, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, and construct the development in accordance with that Plan;
- d. Prior to issuance of the first building permit, the owner shall enter into appropriate agreements and provide financial security for external servicing upgrades and acknowledges that external services will be designed, constructed and operational, if determined necessary by the updated Functional Servicing and Stormwater Manager Report, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- e. The owner shall continue to provide and maintain the 214 existing residential rental dwelling units in the existing apartment building at 25 Fisherville Road as rental housing, together with the new and retained associated facilities and amenities of the existing apartment building, for a period of at least 20 years commencing from the date of the Zoning By-laws coming into full force and effect and with no applications for demolition or conversion from residential rental use during such 20 year period, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
- f. The owner shall design the following improvements noted in 8.h. below to the existing apartment building prior to Site Plan Approval taking into account tenant responses to the required survey related to programming of amenity space, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- g. The owner shall provide improvements to the existing apartment building, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division or his designate, including but not limited to the following:

Prior to the first above grade building permit:

- i. Improve accessibility within the existing apartment building, including push button automatic door openers for all common doors and a clothes folding table which is universally accessible within the laundry room;

ii. Provide hand delivered refuse drop-off area for recycling and kitchen waste drop-off within the existing apartment building; and

iii. Long-term bike parking located inside the existing building and bike racks for short-term bike parking near the front entrances of the existing building.

Prior to or concurrent with the first above grade building permit for a new residential apartment building, submit a building permit application for the following, which must be constructed prior to occupancy of any new residential apartment building:

i. A 187 square metre indoor amenity space attached to the existing apartment building; and

ii. New outdoor amenity areas, which may include but not be limited to a tot play area and dog area.

Prior to occupancy of any new residential apartment building:

i. Provide centralized garbage storage, staging and pick-up, within the new residential buildings for waste associated with the existing apartment building or internalize within an enclosed structure or structures;

h. The owner shall provide residents of the existing rental building with access to indoor and outdoor amenities within and adjacent to the proposed buildings on the site, including all outdoor amenity spaces and 554 square metres of indoor amenity space within one of the proposed buildings, at no extra charge to the tenants and with no pass-through cost to tenants of the existing building. Access and the use of these amenities shall be on the same terms and conditions as any other resident in the building;

i. The costs of the improvements to the existing apartment building and associated spaces within and outside the existing apartment building, and improvements for the purpose of the proposed buildings, as described above, shall not be passed on to the tenants of the existing apartment building in any form, including by way of an application to the Landlord Tenant Board, or to any successor tribunal with jurisdiction to hear applications made under the Residential Tenancies Act, for the purpose of obtaining an increase in residential rent above the applicable guideline, or in the form of any additional costs and charges;

j. Construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard Version 3;

k. Provide in the first phase of development of the site a privately-owned publicly accessible open space (POPS) adjacent to the on-site parkland dedication with a minimum area of 248 square metres generally located along the northern boundary of the parkland dedication, with the details of the location and

configuration of the POPS to be finalized and financially secured pursuant to the site plan approval process, to the satisfaction of the Chief Planner and Executive Director, City Planning Division or his designate and construct the POPS in the first phase of development of the site in accordance with the approved site plan;

l. Upon the earlier of (a) the first condominium registration of any part of a proposed building on the site and (b) the residential occupancy of a proposed building on the site, grant an easement to the City along with all necessary rights of support, for nominal consideration and free and clear of title encumbrances, to the satisfaction of the City Solicitor, over and upon the POPS in favour of the general public for the purpose of publicly accessible open space, on terms satisfactory to the Chief Planner and Executive Director, City Planning Division or his designate, in consultation with the City Solicitor; and

m. The owner to submit a consolidated wind study for the lands municipally known as 6040 Bathurst Street & 5 Fisherville Road, 6020 & 6030 Bathurst Street, and 25 Fisherville Road to the satisfaction of the Chief Planner and Executive Director, City Planning. The owner shall implement the wind control measures identified in the accepted wind study for the property at 25 Fisherville Road to the satisfaction of the Chief Planner and Executive Director, City Planning. Such measures to be secured through the Site Plan review process.

n. Prior to the issuance of the first building permit for the site, the Owner shall financially secure or cause to be financially secured, construct or cause to be constructed, and convey and/or cause to be conveyed to the City a public road with a minimum width of 16.5 metres with a general alignment in a north/south direction from Fisherville Road along the shared property line between the lands municipally known as 25 Fisherville Road and 6040 Bathurst Street & 5 Fisherville Road and in an east/west direction to Bathurst Street along the shared property line between the lands municipally known as 6040 Bathurst Street & 5 Fisherville Road, and 6020 & 6030 Bathurst Street, inclusive of all sidewalks, boulevards (excluding a complete north side boulevard on the east/west public street which may be provided following the demolition of existing structures located within the future right-of-way) and all municipal infrastructure, improvements, and services located in the public road, inclusive of street watermains, storm sewers, sanitary sewers, all public utilities, street trees and landscaping, and street lights (collectively, the "Road"), in accordance with City standards and specifications, subject to acceptable encroachments, to the satisfaction of the General Manager, Transportation Services and the Chief Engineer and Executive Director, Engineering & Construction Services. The provisions of the Section 37 Agreement to secure the Road shall follow the provisions of the City's standard form of subdivision agreement, with modifications at the discretion of the City Solicitor, but shall at least require:

- i. Prior to the first building permit for the proposed development, the owner shall, at its sole cost and expense, submit detailed design drawings and specifications, signed and stamped by a licensed structural engineer retained at the sole cost and expense of the owner, for the below grade structural encroachments which may remain beneath any part of the

Road, such as existing underground parking garages located on the site or the lands municipally known as 6040 Bathurst Street & 5 Fisherville Road, and 6020 & 6030 Bathurst Street, which:

- a. recommend, as the structural engineer considers appropriate, the approval of necessary construction specifications to the underground parking garage structure to support the Road and any structural loading imparted on it, to be provided at the sole expense of the owner;
  - b. confirm the design drawings and specifications comply with the then current version of the Canadian Highway Bridge Design Code for highway loading purposes, as amended, superseded or replaced from time to time, including allowance for impact factors, and recommend and implement measures as the structural engineer considers appropriate to support the Road and any structural loading imparted on it, including its construction and maintenance during the life expectancy of the Road and the underground parking garage structure;
  - c. include the provision of and construct a roof drainage system and waterproofing with an appropriate membrane and protection against damage from the use and maintenance of the Road, including but not limited to tree root growth so as to prevent water penetration into the underground parking garage structure from the Road and adjacent land; and
  - d. confirm the temporary roadway protection will be in compliance with OPSS539.
- ii. Prior to the issuance of the first building permit for the site, the Owner shall submit a letter of credit or cause to be submitted a letter of credit equivalent to 120% of a cost estimate provided by the owner, to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services, to financially secure the provision of the Road;
  - iii. Prior to the first building permit for the site, the owner shall construct or cause to construct the Road to base course asphalt, subject to the terms of the construction phasing plan to be submitted by the owner, and prior to acceptance of the road, complete construction of the road to final course asphalt in accordance with standard inspection and acceptance terms to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services;
  - iv. Prior to the first building permit for the site, the owner shall convey or cause to be conveyed for nominal consideration, the strata and full depth fee simple interests in the Road, including all easements for rights of support, free and clear of all physical encumbrances, subject to any physical encumbrances that may be permitted by the Chief Engineer and

Executive Director, Engineering & Construction Services in consultation with the General Manager, Transportation Services, and free and clear of all title encumbrances, to the satisfaction of the City Solicitor;

- v. Prior to conveyance, the owner shall prepare, at their sole cost and expense, all documents and plans necessary to convey the Road to the City, to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services;
- vi. Prior to the conveyance of the Road to the City, the owner shall comply with all environmental legislation, regulations, by-laws, and policies with respect to the Road lands and the municipal services located within the Road lands, including the payment of all costs incurred by the City for a third-party peer review of environmental reports submitted by the owner in support of the conveyance, to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services;
- vii. Prior to the conveyance of the Road to the City, the owner shall provide certifications from its retained structural engineer, with reliance extended to the City, which confirm the following in respect of permitted as-built below-grade structural encroachments into the Road:
  - a. the as-built encroachment, provided it is an underground parking garage, complies with the then current version of the Canadian Highway Bridge Design Code for highway loading purposes, as amended, superseded or replaced from time to time, including allowance for impact factors;
  - b. the as-built encroachment, provided it is an underground parking garage, has such strength as the structural engineer considers appropriate to support the Road and any structural loading imparted on it, including its construction and maintenance during the life expectancy of the Road and the underground parking garage structure; and
  - c. the as-built encroachment, provided it is an underground parking garage, has an adequate roof drainage system and is waterproofed with an appropriate membrane and protection against damage from the use and maintenance of the Road, including but not limited to tree root growth, so as to prevent water penetration into the underground parking garage structure from the Road and adjacent land;
- viii. The owner's payment of engineering and inspection fees, to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services;
- ix. The construction phasing of the Road, to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services in



consultation with the Chief Planner and Executive Director, City Planning Division;

- x. The assumption of the Road by the City following the registration of the conveyance of the Road;
- xi. The owner's maintenance and repair of, and liability for, the Road prior to its assumption by the City.
- xii. The provision of indemnities and insurance by the owner in favour of the City; and
- xiii. The provision of a title opinion for the conveyance of the Road lands to the City, to the satisfaction of the City Solicitor.

10. Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the Owner of the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry & Recreation (PF&R). The development charge credit shall be in an amount that is the lesser of the cost to the Owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, PF&R, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.

11. The City Solicitor is authorized, in her discretion, to introduce Bills to City Council permitting the development subject to the use of a holding symbol "H" under section 36 of the Planning Act to be removed by amendment to the by-law following the provision of the public road as described in Recommendation 9 Paragraph n. sub-paragraph i to xiii, inclusive, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services or the Owner entering into and registering against title a multi-party agreement with the City pursuant to Section 37 of the Planning Act to secure the provision of the public road as described in Recommendation 9 Paragraph n. sub-paragraph i to xiii, inclusive.

12. In the event the site-specific zoning by-law amendment application for the site is appealed to the Local Planning Appeal Tribunal (the "LPAT"), the City Solicitor is authorised to request the LPAT withhold its final order on the appeal subject to the Owner satisfying the preconditions set out in Recommendation 9 Paragraph n. sub-paragraph i to xiii, inclusive, with such modifications as may be necessary for the appeal and to secure the provision of the public road by use of a holding symbol "H" under section 36 of the Planning Act.

## **FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

## DECISION HISTORY

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A pre-application meeting was held on January 11, 2018. The current application was submitted on July 6, 2018 and deemed complete on September 14, 2018. A Preliminary Report on the application from the Director of Community Planning, North York District, dated December 17, 2018 was adopted by North York Community Council on January 15, 2019 directing staff to hold a community consultation meeting and to evaluate the application as part of a block context plan in conjunction with the area stakeholders, including sites known municipally as 5 Fisherville Road & 6040 Bathurst Street, 6020 & 6030 Bathurst Street, and 6010 Bathurst Street & 12 Rockford Road. Community consultation on the application and the Bathurst-Fisherville Block Study is summarized in the Comments section of this report. The decision and Preliminary Report can be found at the following links:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.NY2.8>

<https://www.toronto.ca/legdocs/mmis/2019/ny/bgrd/backgroundfile-122834.pdf>

A Request for Interim Direction Report from the Director of Community Planning, North York District, dated February 12, 2019 for the application was adopted by City Council at its meeting on February 26, 2019 and can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.NY3.3>

<https://www.toronto.ca/legdocs/mmis/2019/ny/bgrd/backgroundfile-126695.pdf>

At the June 25, 2019 North York Community Council meeting, a members Motion (Item Number NY7.47) was moved requesting a further Request for Interim Directions Report on the application be prepared and submitted directly to City Council at its meeting of July 16 and 17, 2019. The Motion and Community Council decision can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.NY7.47>

<http://www.toronto.ca/legdocs/mmis/2019/ny/bgrd/backgroundfile-135350.pdf>

A Request for Interim Direction Report for the application from the Chief Planner and Executive Director, City Planning, dated July 15, 2019 was adopted by City Council at its meeting on July 16, 2019 and can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.NY7.47>

<http://www.toronto.ca/legdocs/mmis/2019/cc/bgrd/backgroundfile-136005.pdf>

Reports and Council decisions for neighbouring sites at 6040 Bathurst Street & 5 Fisherville Road and 6020 & 6030 Bathurst Street set out a study framework for a Block Study and identified the need to facilitate discussions with all landowners in the block to develop an appropriate context plan for the area, including the subject site.

The Request for Directions report for the application and appeal at 6040 Bathurst Street & 5 Fisherville Road, the site to the east of this application, was adopted at City Council at its April 24, 2018 meeting and can be found at the following links:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.NY29.3>

<https://www.toronto.ca/legdocs/mmis/2018/ny/bgrd/backgroundfile-113331.pdf>

The Request for Directions report for the application and appeal at 6020 & 6030 Bathurst Street, also on the same block as this application, was adopted at City Council at its July 23, 2018 meeting and can be found at the following links:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.NY32.8>

<https://www.toronto.ca/legdocs/mmis/2018/ny/bgrd/backgroundfile-118047.pdf>

Mediation sessions led by the Local Planning Appeal Tribunal (LPAT) related to the Block Study and appeals of the applications at 6040 Bathurst Street & 5 Fisherville Road and 6020 & 6030 Bathurst Street took place on May 1 and 2, and June 13, 2019. The applicant for 25 Fisherville Road participated in these mediation sessions in relation to the appeals of the adjacent applications and the broader Block Study in relation to this application.

## **PROPOSAL**

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The application proposes to amend Zoning By-laws 569-2013 and 7625 at 25 Fisherville Road to permit the construction of a 12-storey residential apartment building (Building A) with a 3-storey base towards the southern limit of the site fronting a new public road, a 22-storey residential apartment building (Building B) with a 3 and 4-storey base at the northern limit of the site fronting onto Fisherville Road, and two blocks of 3-storey townhouse units (Buildings C and D) located along the western limit of the site (see Attachment 7: Site Plan and Attachment 8a-8g: Elevations). The existing 18-storey residential apartment building which contains 214 rental units would be retained.

The proposed 22-storey building, 12-storey building, and townhouse blocks would have a total residential Gross Floor Area (GFA) of 31,427 square metres and add an additional 412 dwelling units for a total of 626 units. The existing and proposed buildings would have an overall Floor Space Index (FSI) of 3.52 times the lot area as calculated under Zoning By-law 569-2013.

The 4-storey base of the 22-storey building (Building B) located at the northeastern limit of the subject site is setback 4.0 metres from both Fisherville Road and the new public street. The 3-storey base of the 22-storey building which contains townhouse units is proposed to be setback 4.0 metres from Russfax Drive. The 3-storey base of the 12-storey building (Building A) located towards the southern limit of the site is setback 4.0 metres from the new public street and setback 11.0 metres from the new public park. The rear walls of the 3-storey townhouse blocks (Buildings C and D) are setback 7.5 metres from the western property line, which abuts the rear lot line of the existing residential dwellings located to the west of the subject site.

The application provides 1,058 square metres of indoor amenity space (1.69 square metres per unit) and 1,296 square metres of outdoor amenity space (2.07 square metres per unit). The proposed indoor amenity space will be located in each of the new residential apartment buildings and within a new one-storey amenity pavilion addition to the existing building. The proposed outdoor amenity space is spread throughout the subject site and would be made accessible by a series of pedestrian walkways internal to the site. The amenity spaces are required to be accessible to all residents of both the existing and proposed buildings.

The application also proposes an on-site parkland dedication at the southern limit of the subject site. The proposed public park has an area of 530 square metres and fronts a new public street. The park is comprised of the required parkland dedication of 397 square metres and an additional over-dedication as part of the Section 37 contribution of 133 square metres. The on-site parkland dedication is proposed to be supplemented through the provision of a Privately-Owned Publicly Accessible Space (POPS). The proposed POPS has an area of 248 square metres and abuts the northern limit of the proposed public park.

Parking for the existing and proposed buildings is located almost entirely within an underground garage that is accessed by two parking ramps that are integrated into the building massing of the proposed Building A and Building B. There are a total of 460 parking spaces proposed to serve the existing and proposed residential units, of which 371 spaces are dedicated to residents and 82 spaces are dedicated to visitors. An additional 7 car-share spaces are proposed for an effective parking supply of 481 spaces.

The application provides for a portion of a new public street on the eastern limit of the property which would form a future road network through the block. The application proposes to close the existing vehicular access off Fisherville Road and close and consolidate the two accesses from Russfax Drive into a single access off Russfax Drive. This consolidated driveway would provide access to a pick-up and drop-off area for the existing building and the underground parking garage. There are two new vehicular accesses proposed off the new public street along the eastern limit of the subject site. These driveways would provide access to pick-up and drop-off areas for the proposed Buildings A and B, the underground parking garage and servicing area. The application improves pedestrian amenities through the provision of a series of pedestrian walkways through the site that connect the existing and proposed apartment buildings and townhouse blocks to the proposed public street, public park, Russfax Drive, and Fisherville Road.

A summary of the application as originally submitted in July of 2018 and as resubmitted in August of 2019 can be found below:

	<b>First Submission- July 6, 2018</b>	<b>Revised Submission- August 23, 2019</b>
<b>Existing Units to be Retained</b>	214 units	214 units
<b>Proposed Units</b>	458 units	412 units
<b>Total Units (New and to Remain)</b>	672 units	626 units
<b>Proposed Residential GFA</b>	33,372 square metres	31,427 square metres
<b>Total Residential GFA (New and to Remain)</b>	55,279 square metres	53,334 square metres

	<b>First Submission- July 6, 2018</b>	<b>Revised Submission- August 23, 2019</b>
<b>Density (FSI)</b>	3.65	3.52
<b>Tower Height of New Buildings</b>	<p>Building A: 18 stories (58.7 metres including mechanical penthouse) with a 3-storey and 7-storey podium</p> <p>Building B: 18 stories (58.7 metres including mechanical penthouse) with a 2-storey and 3-storey podium</p>	<p>Building A: 12-storeys (41 metres, including the 6 metre mechanical penthouse) with a 3-storey base</p> <p>Building B: 22-storeys (68.95 metres, including the 7 metre mechanical penthouse) with a 4-storey base</p>
<b>Townhouse Height</b>	3 storeys (9.5 metres)	3 storeys (8.45 metres)
<b>Proposed Residential Parking Supply</b>	399 spaces	371 spaces
<b>Proposed Visitor Parking Supply</b>	87 spaces	82 spaces
<b>Proposed Car Share Parking Supply</b>	7 (1 car share space = 4 spaces)	7(1 car share space = 4 spaces)
<b>Loading Space</b>	2 Type C and 1 Type G	1 Type B and 1 Type G
<b>Total Parking Supply</b>	493 spaces (514 effective spaces with car share)	460 spaces (481 effective spaces with car share)
<b>On-site Parkland Dedication</b>	455 square metres	530 square metres
<b>Privately-Owned Publicly Accessible Spaces (POPS)</b>	0 square metres	248 square metres
<b>Existing Indoor Amenity Space</b>	0 square metres	0 square metres
<b>Proposed Indoor Amenity Space</b>	1,063 square metres	1,058 square metres
<b>Existing Outdoor Amenity Space</b>	632 square metres	632 square metres
<b>Proposed Outdoor Amenity Space</b>	1,069 square metres	1,296 square metres
<b>Existing Landscaped Open Space</b>	9,997 square metres	9,997 square metres
<b>Proposed Landscaped Open Space</b>	7,808 square metres	6,712 square metres

## **Site and Surrounding Area**

The site is located south-west of Bathurst Street and Steeles Avenue West, on the south side of Fisherville Road. It is located within a larger block of “tower in the park” style rental buildings, with large open spaces between buildings. To the west of the subject site is a low density residential neighbourhood (see Attachment 3: Location Map).

The site is 3.75 acres (15,163 square metres) and has a lot frontage on Fisherville Road of 69.72 metres and a lot depth of 190.6 metres. Currently, there is an 18-storey rental apartment building on the subject site. The building is oriented in a north-south direction, with the main entrance facing Russfax Drive.

The surrounding sites and land uses are as follows:

North: On the north side of Fisherville Road are 14 to 17-storey high rise condominium apartment buildings.

East: 6040 Bathurst Street & 5 Fisherville Road with two 17-storey rental apartment buildings (subject to further development as proposed by File No. 16 252547 NNY 10 OZ). East of this site is Carpenter Road, which splits from Bathurst Street, and forms a triangular block with commercial uses and surface parking.

South: 6020 Bathurst & 6030 Bathurst with 11-storey and 18-storey rental apartment buildings (17 264641 NNY 10 OZ). At the southwest corner, the site abuts a low-rise residential neighbourhood comprised of detached dwellings fronting on Stonedene Boulevard.

West: Low-rise residential neighbourhood comprised of detached dwellings fronting on Russfax Drive, Fisherville Road, and Twin Circle Court.

## **Reasons for Application**

The application to amend the zoning by-laws is required to permit the proposed development. The proposal requires amendments for building height, density, number of dwelling units, setbacks, parking provisions, and other by-law standards.

## **APPLICATION BACKGROUND**

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### **Application Submission Requirements**

The following reports/studies were submitted in support of the application:

- Planning Justification Report;
- Community Services and Facilities Study;
- Preliminary Pedestrian Level Wind Study;

- Housing Issues Report;
- Shadow Study;
- Toronto Green Standards Version 3.0 checklist;
- Public Consultation Plan;
- Energy Strategy Report;
- Transportation Impact Study;
- Geotechnical Investigation Report;
- Geohydrology Assessment;
- Functional Servicing and Stormwater Management Report; and
- Tree Inventory and Preservation Plan Report (including Tree Inventory & Preservation Plan).

The reports and studies submitted by the applicant are available on the Application Information Centre (AIC) <https://www.toronto.ca/city-government/planning-development/application-information-centre/>.

### **Agency Circulation Outcomes**

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate zoning by-law standards.

### **Statutory Public Meeting Comments**

In making their decision with regard to this application, Council members had an opportunity to view the oral submissions made at the statutory public meeting held by the North York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

## **POLICY CONSIDERATIONS**

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### **Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans**

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

#### **The Provincial Policy Statement (2014)**

The Provincial Policy Statement (2014) (the "PPS") 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 provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

## **Provincial Plans**

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

## **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe (GGH) region, of which the City forms an integral part. The Growth Plan (2019) establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for



and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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.

The Growth Plan (2019) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2019) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2019). The outcome of staff analysis and review are summarized in the Comments section of the Report.

## **Toronto Official Plan**

This application is located on lands shown as *Apartment Neighbourhoods* on Map 16 of the Official Plan. *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. *Apartment Neighbourhoods* are residential areas with taller buildings and higher densities than *Neighbourhoods* and are considered to be physically stable. Development in *Apartment Neighbourhoods* will be consistent with this objective and will respect the criteria contained in Policy 4.2.2 and other relevant policies of this Plan. The development criteria contained in Policy 4.2.2 identifies that development in *Apartment Neighbourhoods* will contribute to the quality of life by locating and massing new buildings to provide a transition between areas of different development intensity and scale, locating and massing new buildings to limit shadow impacts on properties in *Neighbourhoods*, locating and massing new buildings to frame the edge of streets and parks, locating and screening service areas, ramps, and garbage storage to minimize the impact on adjacent streets and residents, providing indoor and outdoor amenity space, and providing buildings that conform to the principles of universal design, and wherever possible, contain units that are accessible or adaptable.

While *Apartment Neighbourhoods* are not areas of significant growth on a city-wide basis, there are sites containing one or more existing apartment building(s) where compatible infill development may take place (see Attachment 5: Official Plan Land Use Map).

The Healthy Neighbourhoods policies of the Official Plan require that developments in *Apartment Neighbourhoods* that are adjacent or close to *Neighbourhoods* be compatible with those *Neighbourhoods*, provide a gradual transition of scale and density, maintain adequate light and privacy, and orient and screen lighting, amenity areas, service areas, and parking to minimize impacts on lands in *Neighbourhoods*.

The application was evaluated against the Healthy Neighbourhoods policies, *Apartment Neighbourhood* development criteria found in Policy 4.2.2, and compatible infill criteria found in Policy 4.2.3, which includes appropriate level of residential amenity, adequate sunlight and landscaped open space for new and existing residents, organization of development on site to frame streets and open space, public street frontage, and provision of pedestrian entrances from adjacent public streets. Other criteria of Policy 4.2.3 include new development:

- being compatible with the scale, including height and massing, of the existing apartment building(s) on and adjacent to the site; and
- providing separation distances between buildings on and adjacent to the site so as to achieve adequate sunlight and privacy.

The Local Planning Appeals Tribunal issued an Order on December 7, 2018 to approve and bring into force Official Plan Amendment (OPA) 320. The approved policies were endorsed by Council at its meetings of June 26 to 29, 2018 and July 23 to 30, 2018 in response to mediation and settlement offers from OPA 320 appellants.

OPA 320 was adopted as part of the Official Plan Five Year Review and contains new and revised policies on Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods*. The approved amendments uphold the Plan's goals to protect and enhance existing neighbourhoods that are considered stable but not static, allow limited infill on underutilized *Apartment Neighbourhood* sites, and help attain Tower Renewal Program goals.

In its Order that approves OPA 320, the LPAT found that the OPA 320 policies are consistent with the Provincial Policy Statement (2014) and conform with the Growth Plan for the Greater Golden Horseshoe (2017).

The policies approved through OPA 320 provide key directions for the review of this application and its context, related to the Healthy Neighbourhoods, Housing and *Apartment Neighbourhoods* policies and include:

- Policy 2.3.1.5.e which supports the improvement of the local network of new streets, including providing new streets for access and frontage for existing and future development, improving pedestrian and bicycle circulation, and safe access to parks, open spaces, transit, schools and pedestrian destinations;
- Policy 2.3.1.7. which supports enhancing community and neighbourhood amenities and encouraging and developing partnerships to better utilize common indoor and outdoor amenity areas for the use of residents in apartment properties; and
- Policy 2.3.1.9 which addresses renovation of existing apartment buildings to improve safety and security, indoor and outdoor facilities, and pedestrian access to the buildings and through the site as appropriate.

The Official Plan also supports the approach of a Block Context Plan and analysis through Policy 4.2.6 which speaks to larger sites which have the opportunity for more than one new building, a framework of additional public streets, shared driveways, new parkland and shared open space to create infill development that meets the objectives of the Plan.

Establishing a well-designed public realm to support the development of sustainable, economically vibrant, and complete communities is set out in Section 3.1.1. Elements of the public realm include public streets to improve active transportation options and to provide building access and address. The Official Plan policies also promote pedestrian safety and security in parks, other public and private open spaces, and all new and renovated buildings, address the design of new parks and open spaces, and the organization of development blocks to have appropriate scale, open space and street-oriented development.

Policy 3.1.1.5 states that City streets are significant public open spaces which connect people and places and support the development of sustainable, economically vibrant, and complete communities. New and existing City streets are to incorporate a Complete

Street approach and be designed to perform diverse roles. Policy 3.1.1.17 identifies that new streets should be public streets and Policy 3.1.1.16 identifies that new streets will, among other reasons, be designed to provide connections with adjacent neighbourhoods, promote a connected grid of streets that offers safe and convenient travel options, divide larger sites into smaller development blocks, provide access and addresses for new developments, and allow the public to freely enter without obstruction.

Other relevant urban design policies include built form direction for how buildings and building entrances are to relate to streets and the existing and/or planned context and the criteria for tall buildings through Policies 3.1.2 and 3.1.3.

Other strategic directions for housing (3.2.1) and community services (3.2.2) are set out in the Official Plan policies and are relevant to this application. Section 3.2.1 of the City's Official Plan states that a full range of housing will be provided and maintained to meet the needs of current and future residents. Policy 3.2.1.5 provides that significant new development on sites containing six or more rental units, where existing rental units will be kept in the development will secure the existing rental units which have affordable and mid-range rents as rental housing and may secure any needed improvements to the existing rental housing. Community Services and Facilities (CS&F) are part of complete communities as set out in the Official Plan. Section 3.2.2 provides a policy framework which requires community services and facilities strategies to be prepared for areas experiencing major growth and change, supports the integration of CS&F as part of private development, and encourages shared use (co-location) of community facilities. The implementation of community facilities are identified in Policies 5.1.1, 5.1.2 and 5.1.3 of the Official Plan.

The Official Plan policies for parks, found in Section 3.2.3, include design criteria to ensure that there are no negative effects on parks and open spaces, as well as policies for the location and configuration of parkland conveyances.

The City of Toronto Official Plan can be found here:

<https://www.toronto.ca/citygovernment/planning-development/official-plan-guidelines/official-plan/>

### **Block Plan and Draft Public Realm Policies**

On January 15, 2018, the Planning and Growth Management Committee directed that the draft Official Plan Amendment containing Public Realm policies and draft Terms of Reference for preparing Block Context Plans be endorsed as the basis for public consultation.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG25.7>

On July 3, 2019, the Planning and Housing Committee directed staff to hold a statutory public open house and prepare a Final Recommendation Report on the Draft Official Plan Public Realm policies and the Terms of Reference for Block Context Plans.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH7.10>

A Block Context Plan is a study prepared in cooperation with landowners that shows how the physical form of the proposed development fits within the existing and planned context and conforms to the policies of the Official Plan and implementation tools. The Block Context Plan may be required for sites with multiple landowners, large sites over 1 hectare, sites with two or more buildings, on-site park dedication and/or a new public street(s), and sites with a context of large open spaces and few public streets and parks including "tower in the park" *Apartment Neighbourhoods* sites.

This policy direction, together with Official Plan policies and guidelines, support the development of a block context plan for the Bathurst-Fisherville area. This approach has been employed elsewhere in the City and provides a framework for comprehensive and integrated analysis of proposed developments on multiple sites within the existing and planned context. The development of the block context plan can demonstrate how compatible infill can be achieved with improving amenities, securing new parks and public streets, pedestrian connections, and other community services and facilities. The applicant, together with two other landowners within the block, submitted a comprehensive block context plan which informed staff's review of this application and formulation of an overall block context plan for the Bathurst-Fisherville block.

The outcome of staff's analysis and review of relevant Official Plan policies are summarized in the Comments section of the Report.

## Zoning

The site is currently zoned Multiple-Family Dwellings Sixth Density Zone (RM6) in the former City of North York Zoning By-law 7625 (see Attachment 6 - Existing Zoning By-law Map). The RM6 zone allows for a number of residential building types including apartment house, converted dwellings, detached dwellings, multiple attached dwellings and double duplexes. All uses permitted in the R4 zone are also permitted. A maximum lot coverage of thirty-five percent and a maximum gross floor area of 150 percent of the lot area are permitted. The RM6 zone also requires a minimum distance between buildings or portions of buildings forming courts equal to the height of the highest building or portion thereof.

The site is zoned RAC (f30.0; a1375; d1.5) in City of Toronto By-law 569-2013 which is currently under appeal (See Attachment 4 – Existing Zoning By-law). RAC is the Residential Apartment Commercial Zone which permits dwelling units in an apartment building and certain commercial uses, generally on the ground floor of buildings. While the RAC zone does not permit stand alone grade related townhouse units, these townhouse units may be permitted in the RAC zone on case-by-case basis pursuant to a site-specific zoning by-law amendment. A maximum lot coverage of thirty-five percent and a FSI of 1.5 are permitted. As the subject site is not included in the height overlay map, the maximum permitted height is twenty-four metres.

The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoningby-law-569-2013-2/>

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

City Council has adopted City-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of 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 link to the guidelines is here:

<https://www.toronto.ca/legdocs/mmis/2013/pg/bqrd/backgroundfile-57177.pdf>.

## **Townhouse and Low-rise Apartment Guidelines**

City Council adopted City-wide Townhouse and Low-Rise Apartment Guidelines and directed City Planning staff to use these Guidelines in the evaluation of townhouse and low-rise apartment development applications. These new Townhouse and Low-Rise Apartment Guidelines replace the Infill Townhouse Guidelines and are intended to be used in the review of an application when the proposed built form meets the City's Official Plan policies. The new Guidelines identify strategies to enhance the quality of these developments, provide examples of best practices, and improve clarity on various development scenarios. The link to the Guidelines is here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/townhouse-and-low-rise-apartments/>

## **Draft Growing Up Urban Design Guidelines**

The Council-adopted Growing Up: Planning for Children in New Vertical Communities urban design guidelines also provide guidance on the proportion and size of larger units recommended in new multi-unit residential developments. The draft Growing Up Urban Design Guidelines help implement the Official Plan's housing policies (Section 3.2.1), and the Growth Plan growth management and housing policies (Policy 2.2.1.4) to accommodate within new development, a broad range of households, including families with children. The draft Growing Up Urban Design Guidelines may be found here:

<https://www.toronto.ca/city-government/planning-development/planning-studiesinitiatives/growing-up-planning-for-children-in-new-vertical-communities>

## **Community Consultation**

City Planning staff in consultation with the Ward Councillor hosted a community consultation meeting on April 10, 2019 at Rockford Public School, where approximately 50 members of the public attended as well as the applicant and their consultants, and staff from Parks Division. Staff presented an update to the Bathurst-Fisherville Block Study, the policy framework and overview of the proposal. The applicant then presented the development proposal for 25 Fisherville Road, as originally submitted.

As part of the Block Study update, staff presented eight guiding principles which were informed by community feedback from previous community meetings for the development applications within the block at 6020 & 6030 Bathurst Street and 5 Fisherville Road & 6040 Bathurst Street and set out the framework for the Block Study and to guide future development within the area. The guiding principles and further information related to the Block Study and active development applications within the block can be found at the Bathurst-Fisherville Block Study webpage at the following link:

<https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/bathurst-fisherville-block-study/overview/>.

Members of the public provided comments and raised concerns related to both the Bathurst-Fisherville Block Study and the development proposal at 25 Fisherville Road. The following is a summary of the comments and concerns raised:

- Loss of existing green space as a result of development within the block;
- How can green space be made available for public use, not just for residents of the block;
- Green space needs to be programmed and designed to accommodate seniors within the area;
- The availability of community services and amenities and the ability of existing services to accommodate the proposed level of intensification;
- The existing road network and transit system cannot accommodate any additional density in the area;
- A comprehensive review of the traffic impacts is required for all the developments proposed within the block;
- The existing infrastructure does not have the capacity to accommodate the proposed level of intensification;
- Concern that existing tenants will incur costs and increased rents as a result of the proposed developments;
- Concern about shadow impacts of the proposed development; and
- Improvements should be made to the existing area before considering new development.

Staff have worked with the applicant to address the comments and concerns raised by members of the public. A revised application was submitted to the City on August 23, 2019 in response to comments from the community and staff.

### **Site Plan Control**

The application is subject to Site Plan Control. A Site Plan Control application has not been submitted.

## **COMMENTS**

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

The proposal has been reviewed and evaluated against the PPS and the Growth Plan (2019). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Policy Considerations section of the report.

Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan as follows:

Policy 1.1.1 of the PPS specifies that healthy, livable and safe communities are sustained by promoting efficient development and land use patterns, accommodating a range and mix of residential uses, and promoting cost-effective development patterns and standards to minimize land consumption and servicing costs.

Policy 1.1.3.2 of the PPS specifies that land use patterns in the development areas shall be based on densities and a mix of land uses which efficiently use land and resources, and are transit-supportive, where transit is planned, exists or may be developed.

Policy 1.1.3.3 of the PPS directs planning authorities to identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, and the availability of suitable existing or planned, infrastructure and public service facilities required to accommodate projected needs.

Policy 1.4.3 of the PPS specifies that an appropriate range and a mix of housing types and densities are necessary to meet projected requirements of current and future residents. Meeting projected requirements can be done by establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households, permitting and facilitating all forms of housing required to meet the social, health, and well-being requirements of current and future residents, permitting and facilitating all forms for residential intensification, including second units, directing development of new housing to locations where appropriate levels of facilities exist or are to be developed, and establishing development standards for residential intensification and redevelopment which minimize the cost of housing and facilitate compact form while maintaining appropriate levels of public health and safety.

Policy 4.7 of the PPS refers to the Official Plan as the most important vehicle for implementing the PPS and as such the development standards in the Toronto Official Plan have particular relevance. The Land Use section of this report evaluates the appropriateness of the subject site for intensification.

The proposed development provides intensification in the form of additional rental housing, including new affordable housing units, in both apartment and townhouse forms. The proposal includes the provision of the necessary public infrastructure to support the proposed development including a portion of a new public road and parkland which could be consolidated with adjacent developments to create a public road network and a larger public park. The proposal supports provincial policy objectives to facilitate intensification and create healthy and liveable communities by providing parkland and contributions to community facility improvements, focuses growth in existing settlement areas, supports the efficient use of land and infrastructure, and minimizes land consumption related to residential development. The application is transit supportive as the subject site is within close proximity to two Toronto Transit Commission (TTC) bus stops at Bathurst Street and Fisherville Road and at Bathurst Street and Steeles Avenue West that service four bus routes. The proposed development is consistent with the PPS.

The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe. Section 2.2.1.2 of the Growth Plan directs growth to occur within settlement



areas that have a delineated built boundary, have existing or planned municipal infrastructure including water and waste water systems, and that can support the achievement of complete communities.

Section 2.2.1.4 of the Growth Plan provides further direction on the achievement of complete communities. It articulates a set of objectives including a diverse mix of land uses, and range and mix of housing options to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes. Convenient access to a range of transportation options, public service facilities, and open spaces and recreational facilities. Furthermore, this section directs that complete communities ensure the development of a more compact built form and a vibrant public realm.

The proposed development contributes to the creation of a complete community by providing new public parkland, the first segment of a new public street network to service development within the block and provide address for the new park and residential building, and additional rental and affordable rental units. The development will utilize existing infrastructure and improves the public realm in the area by providing pedestrian amenities through the site that connects to adjacent public streets, siting buildings to frame the street and creating a vibrant public realm in the area by providing grade related residential uses. The proposal includes a range and mix of housing types including apartments and townhouses, and is well served by frequent bus service along Bathurst Street. The proposed development conforms with the Growth Plan (2019).

### **Bathurst-Fisherville Block Study**

The Official Plan policies in the Healthy Neighbourhoods, Public Realm and Built Form sections set the basis for a block structure plan through key organizing elements such as public streets, parks and open space. This structure is needed to provide a framework to integrate public realm improvements, the built form context and potential intensification, particularly in *Apartment Neighbourhoods*.

As part of the review of the development applications within the block, staff engaged with the landowners on an approach to the Block Study. The Block Study was introduced to the public and community at a meeting on August 8, 2018 and further discussed with the Guiding Principles at the community meeting for the 25 Fisherville Road application on April 10, 2019. Staff developed guiding principles to set the framework for the Bathurst-Fisherville Block Study and to inform the evaluation of the proposed development within the area – see <https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/bathurst-fisherville-block-study/overview/>. The seven guiding principles were informed by community feedback and key policy directions and presented to the applicants/landowners. The seven guiding principles are listed and described below:

#### **1. Promote New and Improved Green Spaces**

The focus area is characterized by ‘towers in the park.’ The existing buildings are 1960s slab high rise buildings surrounded by surface parking lots and un-programmed green space. The existing trees and green space are very important to neighbourhood residents. Site organization should be configured in such a manner and surface parking should be reduced to create new opportunities for a

network of programmed and un-programmed green spaces including, but not limited to, parks, privately-owned publicly accessible spaces (POPS), green roofs, streetscaping and outdoor amenity areas. Programmed spaces may include amenities such as playgrounds, dog parks, benches, shade structures and drinking fountains.

**2. Improve Mobility Options and Connectivity**

The existing buildings are isolated from one another due to fencing and changes in grade. Connectivity and safety should be enhanced for pedestrians, cyclists and vehicles to provide options for mobility, including but not limited to, wider sidewalks, new bicycle infrastructure and pedestrian crossings. Existing and future traffic conditions should be analyzed.

**3. Animate Bathurst Street**

The existing buildings do not have a strong relationship to Bathurst Street. They are set back from the street, fenced and generally have only residential uses at grade. Bathurst Street itself has a substandard public realm. Bathurst Street should be animated with active land uses, new buildings that frame the street, new green spaces and an improved public realm that would facilitate improved mobility for all users.

**4. Ensure Social Infrastructure to Support Existing and Future Residents**

The existing community services + facilities are strained. In order to support an increase in density and population, opportunities should be sought to maintain, enhance and secure community services and facilities and to link where possible to capital planning and other funding tools. Affordable housing should also be explored.

**5. Universal and Accessible Design**

The demographics of the study area are changing. Young families with children are moving into the area that was previously occupied mostly by senior citizens. New and improved public spaces and amenities should be suitable for all ages and accommodate people of varied abilities. The draft Growing Up: Planning for Children in New Vertical Communities direct how new development can better function for larger households.

**6. Provide Appropriate Transitions to Adjacent Uses**

A fundamental principle of good planning and urban design is to ensure that new development will be appropriately designed and compatible with existing development within, and in close proximity to the focus area. The areas surrounding the focus area are varied in their use and form, ranging from stable residential neighbourhoods, to the west, to high rise residential buildings to the north, east and south. New development should have suitable setbacks, separation distances and provide appropriate transition to existing adjacent uses.

**7. Introduce High Quality Built Form and Design**

Community character will be enhanced by the collective design of a diversity of new building types (townhouses, midrise buildings, tall buildings and so on) in the focus area. Building design is a contributing factor to the look and feel of the

community as a whole. Site Plan Control for the new buildings, in combination with applicable guidelines, will ensure appropriate designs are created and implemented.

Staff analyzed existing open space, transportation networks (including cycling and pedestrian), and existing and proposed sun/shadow conditions. This analysis was shared with the public at community meetings for 6020/6030 Bathurst Street and 25 Fisherville Road. This study informed the development of the high level objectives and strategies to organizing development through a block structure connected by a public street, public parks, POPS and sidewalk connections in between sites, to the street network and to new open spaces. The key objectives developed through staff analysis, informed by community feedback regarding parks and open space were to achieve a new public street through the block and new public parks. The application achieves these goals by providing for the new public street and for a new public park which can be consolidated with a dedication from an adjacent development proposal.

## Land Use

This application has been reviewed against the Official Plan policies and planning guidelines described in the Policy Considerations section of the report. The Official Plan designates the subject site *Apartment Neighbourhoods*. *Apartment Neighbourhoods* are recognized as stable areas of the City where there may be opportunities for additional townhouses or apartments on underutilized sites. The application in conjunction with the appropriate public infrastructure, provides for a compatible infill development within the Bathurst-Fisherville area.

Public infrastructure, such as public streets, municipal servicing infrastructure, parks, and community facilities provide a structure to organize pedestrian connections, other open spaces, built form, and inform appropriate massing/relationships. This key objective is integrated into the *Apartment Neighbourhoods* policies. Policy 4.2.3 of the Official Plan states that "compatible infill development may be permitted on a site within a developed *Apartment Neighbourhood* with one or more existing apartment buildings" if improvements are made to existing site conditions. The application provides for additional rental units, new indoor and outdoor amenity, improved landscape open space, parking ramps integrated within the building, new and improved green space and pedestrian amenities, and building improvements to the existing buildings such as access to new indoor amenities, centralized indoor garbage collections, and improved bicycle parking facilities which would improve existing site conditions and the quality of life for new and existing residents.

The application proposes entirely residential GFA, however, the *Apartment Neighbourhoods* policies of the Official Plan permit small-scale retail, service and office uses that serve the needs of the area residents. The Healthy Neighbourhoods policies of the Official Plan identify that "small-scale commercial, community and institutional uses are encouraged at grade in apartment buildings and on apartment properties on major streets shown on Map 3 in Neighbourhoods and *Apartment Neighbourhoods*, to better serve area residents, particularly in areas where residents do not have convenient walking access to a wide range of goods, services and community facilities." While not currently proposed, the land use permission provides the opportunity for the

applicant to provide opportunities for grade related commercial uses through the final design of the building. Staff support keeping the site in the Residential Apartment Commercial (RAC) zone of Zoning By-law 569-2013 with an added site specific provision permitting townhouses on this site and will continue to encourage the applicant to provide non-residential uses within the ground floor of Building A or B.

The application identifies that the proposed new residential units will be rental units. Policy 3.2.1.1 of the Official Plan identifies that "a full range of housing, in terms of form, tenure, and affordability, across the City and within neighbourhoods, will be provided and maintained to meet the current and future needs of residents." The Official Plan also identifies that new housing supply will be encouraged through intensification and infill. The application is proposing all rental units, including 10 affordable rental units to be secured through the Section 37 agreement. The provision of the affordable rental units is an appropriate benefit for the area to ensure that a range of housing affordability is provided for as part of the infill development on the site.

### **Density, Height, Massing**

Building A is 12 storeys and is located at the south portion of the site and will front onto the north-south portion of the new public street to be provided. The building has a three-storey podium with a height of 10.0 metres. The building is proposed to be setback 4.0 metres from the new public street. The tower portion of the building will step back 1.5 metres from the front wall, and 4.7 metres from the south wall above the podium level.

Building B is 22 storeys and is located at the north portion of the site, and portions of the building will front onto Fisherville Road, Russfax Drive and the new north-south public street. The building has a three-storey podium with a height of 10.0 metres containing townhouse units adjacent to Russfax Drive, and a four-storey podium with a height of 13.0 metres adjacent to Fisherville Road and the new north-south public street. The building is setback 4.0 metres from all streets, with a 2.0 metre stepback on the north side and a 1.5 metre stepback to the east side above the Podium. The building is stepped with the floors decreasing in floorplate from west to east across the site.

Buildings C and D are three-storey townhouse units located on the western boundary of the site. These buildings are setback 7.5 metres from the western property line with a rear yard to rear yard relationship created to the existing residential dwellings to the west.

The new buildings fit into the existing context and provide a height transition from north to south across the site with the tallest building located closest to other tall buildings along Fisherville Road, and the lowest heights closest to the detached residential dwellings to the southwest of the site.

Policy 4.2.2 requires development in *Apartment Neighbourhoods* to contribute to quality of life by locating and massing new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Plan, through means such as providing setbacks from, and/or a stepping down of heights towards lower-scale *Neighbourhoods*. The revised proposal has reduced the height of Building A at the southern limit of the site from 18-storeys to 12-storeys. The

height of the proposed Building B at the northern limit of the site has been increased from 18-storeys to 22-storeys. The proposed building heights of 12-storeys (Building A) and 22-Storeys (Building B) are appropriate in size and scale as they appropriately transition to the adjacent stable residential *Neighbourhoods* and meet the 45 degree angular plane requirements taken from the western limit of the site to the adjacent *Neighbourhoods* properties to the west. The application proposes townhouse units in two blocks at the southwest corner of the site and as part of an extended base building for Building B at the northwest corner of the site. These townhouse units also function as a transition to the *Neighbourhoods* properties to the west of the site.

The application proposes floor plates for the new buildings which exceed 750 square metres as specified by the Tall Building Guidelines. Floor Plates of 780 square metres for Building A between the 4<sup>th</sup> and 10<sup>th</sup> floors, and for Building B of 835 square metres between the 9<sup>th</sup> and 16<sup>th</sup> floor are proposed. The floor plates for the buildings are appropriate for this site as the proposed buildings have been organized and designed to ensure appropriate transition to and meet the angular plane to the adjacent *Neighbourhoods* designated lands and limit shadowing on those properties. Also, Building B is of a stepped design exhibiting characteristics of a mid-rise form at its lower floors.

The setbacks and building separations of the proposed apartment buildings and townhouses to the existing streets, new public street, public park, and existing buildings proposed by the applicant are generally in accordance with the Townhouse and Low-rise Building Guidelines and Tall Building Guidelines. As it relates to the separation of infill development to existing buildings, Policy 4.2.3.c requires infill development in *Apartment Neighbourhoods* provide separation distances between buildings on and adjacent to the site so as to achieve adequate sunlight and privacy. Separation distances of 16.7 metres between Building A and the existing building, and 21 metres between Building B and the existing building are proposed. The proposal provides for separation distances which provide for adequate sunlight and privacy between the existing building and the two new apartment buildings on the site.

Given the surrounding land use and built form context, the proposed built form is appropriate through the provision of new public streets and a new public park to support the development and the broader Bathurst-Fisherville area.

### **Sun, Shadow, Wind**

The development criteria for *Apartment Neighbourhoods* Policy 4.2.2.c requires development in the *Apartment Neighbourhoods* to contribute to quality of life by 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. The shadow study submitted with the original proposal which included an 18-storey Building A at the south of the site indicated that the building would create new shadows on the *Neighbourhoods* to the west. The reduction in height of Building A to 12-storeys will reduce and limit the new shadows created in this area. The new buildings proposed do not cast any shadows on the land proposed to be dedicated as a new public park.

Refinements to the building design will occur through the Site Plan Control approval process and the review of the final shadow and wind studies. The proposed new buildings continue to propose balconies that wrap the corners of the buildings. This balcony design can create undesirable wind conditions for pedestrians. A revised wind study is to be provided by the applicant so staff can assess the impacts of wind from the proposed development on adjacent streets, parks, and open spaces. The configuration of the balconies and the details of the base buildings may require further refinement in order to address the results of the wind study.

A consolidated composite wind study will be required to be provided for the subject site along with the two adjacent development sites. The provision of this study is being secured as a legal convenience through the Section 37 agreement. This study will need to address design modifications and any required modifications will be implemented through the Site Plan Control approval process.

## **Transportation**

In order to break up the broader consolidated block, and provide public street frontages for new developments, public parks, and to better serve the needs of existing and future residents and to help manage the proposed level of intensification, the revised proposal provides a new public street that forms the first portion of a new public street network through the block in which the site is located. The street network through the site would be designed in a manner that promotes traffic calming and discourages speeding and traffic infiltration, with adequate stop controls and minimized pavement widths.

A public street network through the site and block will play a critical role in consolidating curb cuts and accesses to improve pedestrian safety and the streetscape, provide site access and address for the proposed Building A and proposed public park as per the policy direction of the Official Plan, facilitate the provision of municipal service connections to new development and minimize alterations to existing services, improve pedestrian access through the site to the new park, nearby transit, shops, and services on Bathurst Street, and provide the opportunity for a potential new signalized intersection at Bathurst Street. The cost of providing this new signal will be included in the agreement regarding the provision of the new public streets.

The applicants Transportation Impact Study, dated July 2018 estimated that the proposed additional residential units on the subject property will generate 133 and 138 two-way trips during the weekday a.m. and p.m. peak hours, respectively. This study concluded that the site-generated traffic can be accommodated on the road network in the study area. This study assumed that no new public streets would be provided. Transportation staff generally agreed with the study's findings, but noted that broader issues including the provision of new public streets within the broader block area needed to be addressed as part of the development. The provision of new public streets will help to further reduce the impacts of the development on the existing public streets adjacent to the site. The applicant is to also provide an updated Traffic Impact Study to the satisfaction of the General Manager, Transportation Services.

Based on the number of units proposed and the potential for car-share in the vicinity, staff are of the opinion that a total of three car-share spaces is a reasonable reflection of

car-share services that can operate on this site, in combination with additional transportation demand management measures. This should be confirmed through a revised transportation demand management plan, developed in conjunction with a revised traffic impact study report.

The applicant is proposing to provide 460 vehicle parking spaces as part of the development. Staff generally support this number of parking spaces, with 0.1 space per dwelling unit being provided for the use of visitors, and 0.63 spaces per dwelling unit being provided for residents. The applicant is proposing 288 long term bicycle parking spaces to be provided on the P1 level of the new underground parking garages.

Prior to the introduction of the Bills for enactment, the applicant is to provide a revised Transportation Demand Management (TDM) Plan to the satisfaction of the Chief Planner and Executive Director, City Planning to encourage active transportation uses and assist in the facilitation of a more efficient transportation network within the Bathurst-Fisherville area. Possible TDM measures may include Transit Information Screens and bicycle share stations.

## **Servicing**

The application has been reviewed by Engineering and Construction Services. Their review determined that additional information was required to be provided to determine if the site can be serviced without requiring any off-site infrastructure improvements to water, sanitary and stormwater infrastructure. Engineering and Construction Services requires any servicing infrastructure upgrades identified as being required in the revised reports on the final form of the development being provided by the applicant at no cost to the City.

The applicant has not yet provided updated engineering reports to reflect the revised proposal and to address staff's previous comments. Prior to the introduction of the Bills for enactment, the applicant is required to submit a revised Functional Servicing, Stormwater Management Report, Hydrogeological Review and a Geotechnical Report to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services. A consolidated Functional Servicing Report that addresses the subject site along with the adjacent developments at 6020 & 6030 Bathurst Street and 6040 Bathurst Street & 5 Fisherville Road submitted jointly by the three applicants is required to ensure all three developments are captured by the study and any servicing upgrades required. Should the revised engineering reports identify that servicing upgrades are required, they will be the responsibility of the owner(s).

There is an existing storm sewer easement in the southwest corner of the site. This easement is currently undersized, and the applicant will be required to convey lands to the City to increase the easement to a width of 6.0 metres through the Site Plan Control approval process.

## **Housing Issues**

Both the Official Plan and the Growth Plan (2019) provide directions to provide and maintain a full range of housing to meet the needs of current and future residents, to

support the development of affordable housing, and a range of housing to accommodate the needs of all household sizes and incomes. The application is proposing two new rental apartment buildings and two blocks of rental townhouses, which increases the supply of rental housing.

The proposal for a total of 199 (32.6%) two-bedroom units and 86 (14.1%) three-bedroom units meets the unit mix objectives of the draft Growing Up Guidelines of 15% two-bedroom units and 10% three-bedroom units to accommodate a broad range of households, including families with children.

The existing rental apartment building will be retained and maintained as rental housing for a period of at least 20 years. The applicant must comply with Policy 3.2.1.5 of the Toronto Official Plan which requires that the rental tenure of the building be maintained. The existing rental housing units will be secured as rental housing, along with any improvements and renovations to the existing building at 25 Fisherville Road, through an agreement under Section 37 of the Planning Act. This agreement, among other matters, will stipulate that none of the existing rental units will be permitted to be registered as condominium or any other form of ownership, converted for non-rental housing purposes, or demolished during this 20 year period, from the date that any implementing By-law comes into effect.

The applicant has proposed 1,058 square metres of indoor amenity space and 1,296 square metres of outdoor amenity space as part of the revised proposal. These amenity spaces will be required to be accessible to residents of both the existing building and the new buildings, with no pass-through cost to the existing tenants.

New amenity space and needed improvements to the existing rental building will also be secured with no pass-through cost to the existing tenants. The amenity space and improvements will generally include:

- Existing and future tenants of the existing building would have shared access to on-site indoor amenity spaces, which comprises a 187 square metre indoor amenity space attached to the existing building and 554 square metres of amenity space within one of the proposed buildings;
- Access to all new outdoor amenity spaces;
- Bicycle parking, including secure indoor spaces and short term visitor spaces;
- Centralizing garbage storage, staging and pick-up, within the new residential buildings for waste associated with the existing apartment buildings or internalize within an enclosed structure or structures; and,
- Providing push button automatic door openers for common doors and a clothes folding table which is universally accessible located within the laundry room.

The above matters will be secured in the Section 37 Agreement.



Staff will continue to work with the applicant to develop an appropriate Tenant Communication Plan and Construction Mitigation Strategy for existing tenants at 25 Fisherville Road, which will be a condition of approval of the Site Plan application. City staff are satisfied that the proposed improvements and renovations to the site and existing building, and the securing of the existing units as rental, meet the requirements of Official Plan Policy 3.2.1.5.

### **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 3.00+ hectares of local parkland per 1,000 people. The site is in the highest quintile of current provision of parkland. The site is not in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

The proposal provides for an on-site parkland dedication of 397 square metres at the southern limit of the subject site. The applicant has proposed the on-site dedication with frontage on a proposed public street, which is of an acceptable size, location and configuration to staff, and complies with the requirements set out in Policy 3.2.3.8 of the Official Plan. Any building located adjacent to the park is required to provide a minimum 5 metre setback.

The owner has agreed to convey an additional 133 square metres of the site as parkland over-dedication as a Section 37 benefit. The owner shall convey all parkland to the satisfaction of the General Manager, Parks, Forestry & Recreation prior to the issuance of the first above grade building permit. The parkland dedication in the location proposed will necessitate the provision of a public road as is proposed by the applicant to the satisfaction of the City.

### **Privately-Owned Publicly Accessible Open Space (POPS)**

The application proposes a privately-owned publicly accessible open space (POPS) of approximately 248 square metres. The POPS will abut the northern limit of the proposed public park and be located above the underground parking structure. The siting of the POPS and its design will result in it functioning as an extension of the public park conveyance. Staff consider the provision of the POPS in addition to the public parkland to be a positive element of the proposal. It will provide for an extension of the proposed on-site parkland dedication for the site. The proposed public park and POPS will be accessed through a series of pedestrian walkways throughout the subject site which also provides connections to Russfax Drive, Fisherville Road, and the future street network through the block.

Through the provision of POPS, the revised proposal increases access to privately owned lands which enhances the City's green space system as directed in Policy 2.3.2.1 of the Official Plan. Staff recommend that the POPS be secured in the Section 37 Agreement as a legal convenience and its final design be secured through the Site Plan Control approval process.

## **Tree Preservation**

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law). There are 7 private trees on site that will be impacted by the proposal and 5 trees on the neighbouring property to the east. As a result, 36 replacement trees will be required.

Additional planting of large growing canopy trees on-site and in the broader block will be explored through the Site Plan Control approval process to replace the trees proposed to be removed. No existing street trees are proposed to be removed. The proposed additional street trees on Russfax Drive and Fisherville Road require spacing of 8-10 metres. The applicant is to provide additional information regarding soil volume in order to satisfy Toronto Green Standard requirements. The location of replacement and new trees will be secured through the Site Plan Control approval process.

## **Toronto Green Standard**

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured in Zoning By-laws, on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision. New Applications received on or after May 1, 2018 must comply with TGS Version 3.0.

The applicant is required to meet Tier 1 of the TGS. Performance measures for the Tier 1 development features that will be secured through the zoning by-law process include automobile infrastructure and cycling infrastructure. Other applicable TGS performance measures will be secured through the Site Plan approval process.

## **Community Services Assessment**

Community Services and Facilities are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures intended for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions, such as recreation, libraries, childcare, schools, public health, human services, cultural services and employment services.

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community. Strategies and directions for provision of community services and facilities is required in the Growth Plan through Policy 1.2.1.d which addresses a coordinated, integrated and comprehensive approach for public service facilities and Official Plan policies in Section 3.2.2.

Strategic directions to guide investment in parks and recreation facilities are set out in the Parks and Recreation Facilities Master Plan (FMP), adopted by City Council in November 2018. The FMP recommends investment in specific recreation centres and facilities to address gaps and to respond to growth in demand for services. Specifically, the plan identifies a need for additional community centres, gymnasias, indoor pools, splash pads, outdoor rinks, sports fields and sports bubbles, basketball courts, skateparks and bike parks in the next 20 years. The FMP also contains broader policy objectives including an emphasis on accessible and age-friendly facilities, flexible and efficient spaces, and new facility provision models that respond to the realities of high-density residential communities. The report can be viewed here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.EX28.2>

At a larger District level the Council-approved FMP identifies the need for one new outdoor basketball/multi-sport court in Ward 10 and the development of one new community-level skatepark in North District.

Through the Block Context Study, the need for other CS&F was identified including new daycare spaces, enhancements to the Centennial Neighbourhood Branch of the Library, and potential community agency space.

The applicant is providing an increased public park dedication and a cash contribution of \$1,500,000.00 as part of the Section 37 agreement. The cash contribution could be directed in consultation with the Ward Councillor towards improvements to the community services and facilities within the community including improvements to parks and community facilities. The adjacent development applications will also provide other opportunities for the introduction of new facilities and/or contributions towards improvements to the Block and the community.

### **Section 37**

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the *Planning Act*. While the proposed development exceeds the height and density limits of the existing zoning by-laws, the application is consistent with the objectives and policies of the Official Plan subject to providing the required supporting infrastructure, and thus constitutes good planning.

Section 5.1.1 allows the City to approve height and/or density greater than permitted by the zoning by-law pursuant to Section 37 of the *Planning Act* for developments which exceed 10,000 square metres and increase the permitted density by at least 1500 square metres and/or significantly increase the permitted height. The application proposes an FSI of 3.52 and meets the criteria for eligibility of Section 37 benefits.

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

1. \$1,500,000.00 towards improvements to parks, community facilities and/or the public realm located within Ward 6 and/or the vicinity of the application site;

2. \$167,000 for the provision of public art on site or in proximity to the site in conjunction with other landowners;
3. A parkland over-dedication of 133 square metres in addition to the required 5 percent parkland dedication of 397 square metres, for a total parkland conveyance of 530 square metres; and,
4. The owner shall provide and maintain 10 one-bedroom dwelling units as *affordable rental dwelling units* for at least 15 years and rental units for at least 20 years with the average unit size of the *affordable rental dwelling units* being at least the same as the average unit size of the proposed one-bedroom market units.

The following matters, amongst others are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

1. Construct the development in accordance with the approved Transportation Demand Management Plan;
2. Provide a Construction Mitigation Plan & Tenant Communication Plan;
3. Provide a Construction Phasing Plan for the development;
4. Enter into appropriate agreements and provide financial security for external servicing upgrades and acknowledges that external services will be designed, constructed and operational, if determined necessary;
5. Maintain the 214 existing residential rental dwelling units in the existing apartment building at 25 Fisherville Road as rental housing for a period of at least 20 years;
6. Design and provide improvements to the existing apartment building;
7. Provide residents of the existing rental building with access to indoor and outdoor amenities within and adjacent to the proposed buildings on the site;
9. The costs of the improvements to the existing apartment building and associated spaces within and outside the existing apartment building, and improvements for the purpose of the proposed buildings, shall not be passed on to the tenants of the existing apartment building in any form, including by way of an application to the Landlord Tenant Board, or to any successor tribunal with jurisdiction to hear applications made under the Residential Tenancies Act, for the purpose of obtaining an increase in residential rent above the applicable guideline, or in the form of any additional costs and charges;
10. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard;

11. Provide in the first phase of development of the site a privately-owned publicly accessible open space (POPS) adjacent to the on-site parkland dedication and all easements required for the POPS; and,

13. Financially secure, construct or cause to be constructed, and convey or cause to be conveyed to the City the new public roads required to facilitate development on the site and within the block.

## **Conclusion**

The proposal has been reviewed against the policies of the PPS, the Growth Plan (2019), and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS and does not conflict with the Growth Plan (2019). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to the provision of new affordable housing units. Staff worked with the applicant following community input to address and resolve the following key concerns: provision of public facilities including public streets and public parkland, appropriate transition to the adjacent Neighbourhoods, and coordination with the adjacent development applications within the Block Plan Study area. The proposal provides additional rental housing on site, including family-size dwelling units in a built form which is compatible with the existing neighbourhood. Staff recommend that City Council support approval of the application.

## **CONTACT**

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## **SIGNATURE**

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Joe Nanos, Director  
Community Planning, North York District

## **ATTACHMENTS**

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### **City of Toronto Data/Drawings**

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map
- Attachment 5: Draft Zoning By-law 7625 Amendment

Attachment 6: Draft Zoning By-law 569-2013 Amendment

**Applicant Submitted Drawings**

Attachment 7: Site Plan

Attachment 8a: Building A West & East Elevations

Attachment 8b: Building A North & South Elevations

Attachment 8c: Building B South Elevation

Attachment 8d: Building B North Elevation

Attachment 8e: Building B West Elevation

Attachment 8f: Building B East Elevation

Attachment 8g: Townhouse East & West Elevations

## APPLICATION DATA SHEET

**Municipal Address:** 25 FISHERVILLE RD    **Date Received:** July 6, 2018

**Application Number:** 18 189969 NNY 10 OZ

**Application Type:** OPA / Rezoning, Rezoning

**Project Description:** The proposed development comprises of 2 additional apartment buildings on the site, to be located north (22 storeys) and south (12 storeys) of the existing building (18 storeys). Two blocks 3-storey townhouses are proposed along the western boundary of the site. New and reconfigured landscaped areas, driveways, ramps and loading areas are proposed, with expanded underground parking.

<b>Applicant</b>	<b>Agent</b>	<b>Architect</b>	<b>Owner</b>
WALKER NOTT DRAGICEVIC ASSOCIATES LIMITED			IMH 25 FISHERVILLE LTD

### EXISTING PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood RAC (f30.0; a1375; d1.5)	Site Specific Provision:
Zoning:		Heritage Designation:
Height Limit (m):		Site Plan Control Area:

### PROJECT INFORMATION

Site Area (sq m): 15,163                      Frontage (m): 70                      Depth (m): 191

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,241	1,241	3,971	<b>5,212</b>
Residential GFA (sq m):	21,907	21,907	31,427	<b>53,334</b>
Non-Residential GFA (sq m):				
<b>Total GFA (sq m):</b>	<b>21,907</b>	<b>21,907</b>	<b>31,427</b>	<b>53,334</b>
Height - Storeys:	18	18	22	<b>22</b>
Height - Metres:			69	<b>69</b>

Lot Coverage Ratio (%): 34.37                      Floor Space Index: 3.52

<b>Floor Area Breakdown</b>	<b>Above Grade (sq m)</b>	<b>Below Grade (sq m)</b>
Residential GFA:	53,334	
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

<b>Residential Units by Tenure</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Rental:	214	214	412	<b>626</b>
Freehold:				
Condominium:				
Other:				
<b>Total Units:</b>	<b>214</b>	<b>214</b>	<b>412</b>	<b>626</b>

**Total Residential Units by Size**

	<b>Rooms</b>	<b>Bachelor</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3+ Bedroom</b>
Retained:		1	71	107	35
Proposed:			269	92	51
<b>Total Units:</b>		<b>1</b>	<b>340</b>	<b>199</b>	<b>86</b>

**Parking and Loading**

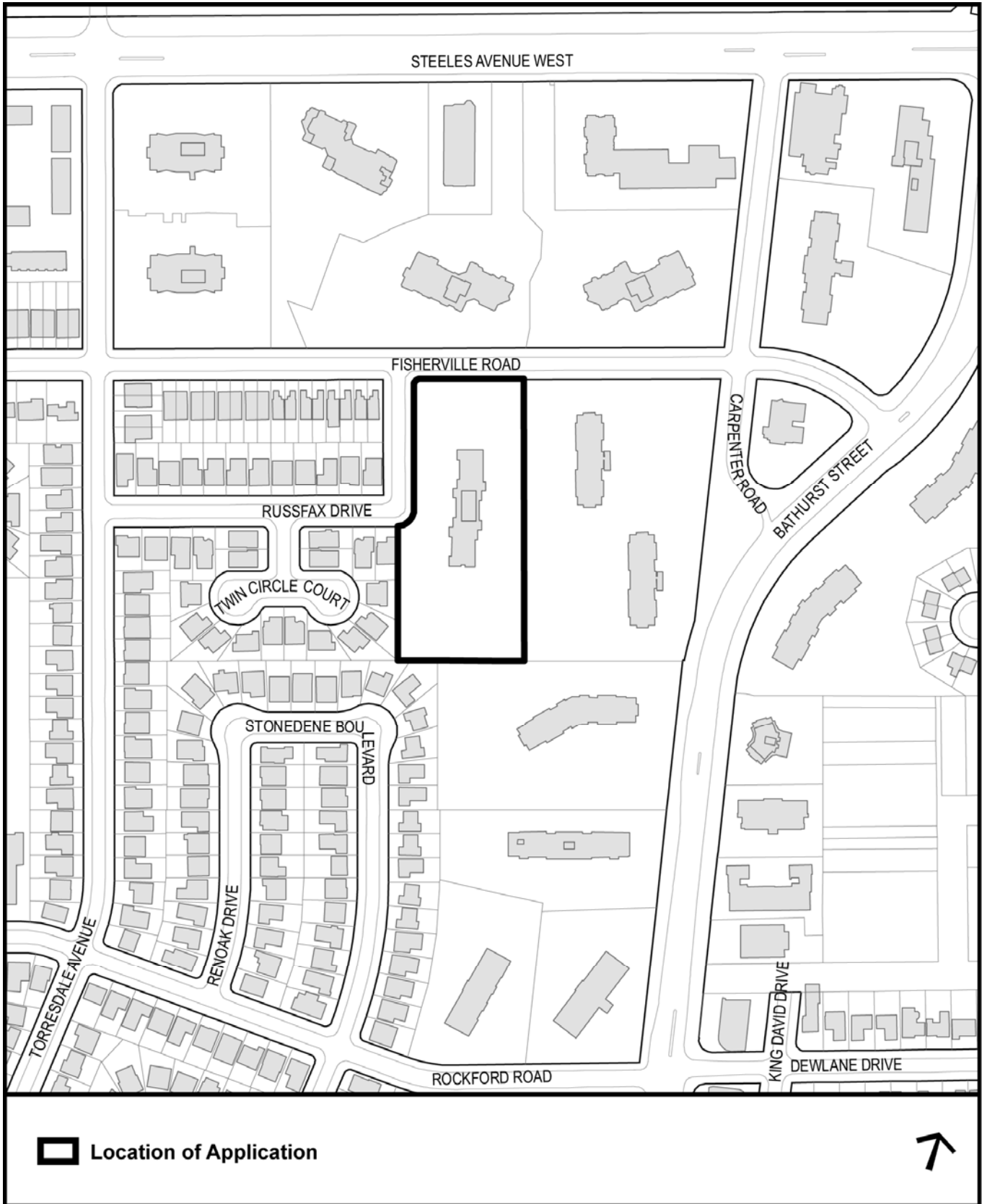
Parking Spaces: 460      Bicycle Parking Spaces: 288      Loading Docks: 2

**CONTACT:**

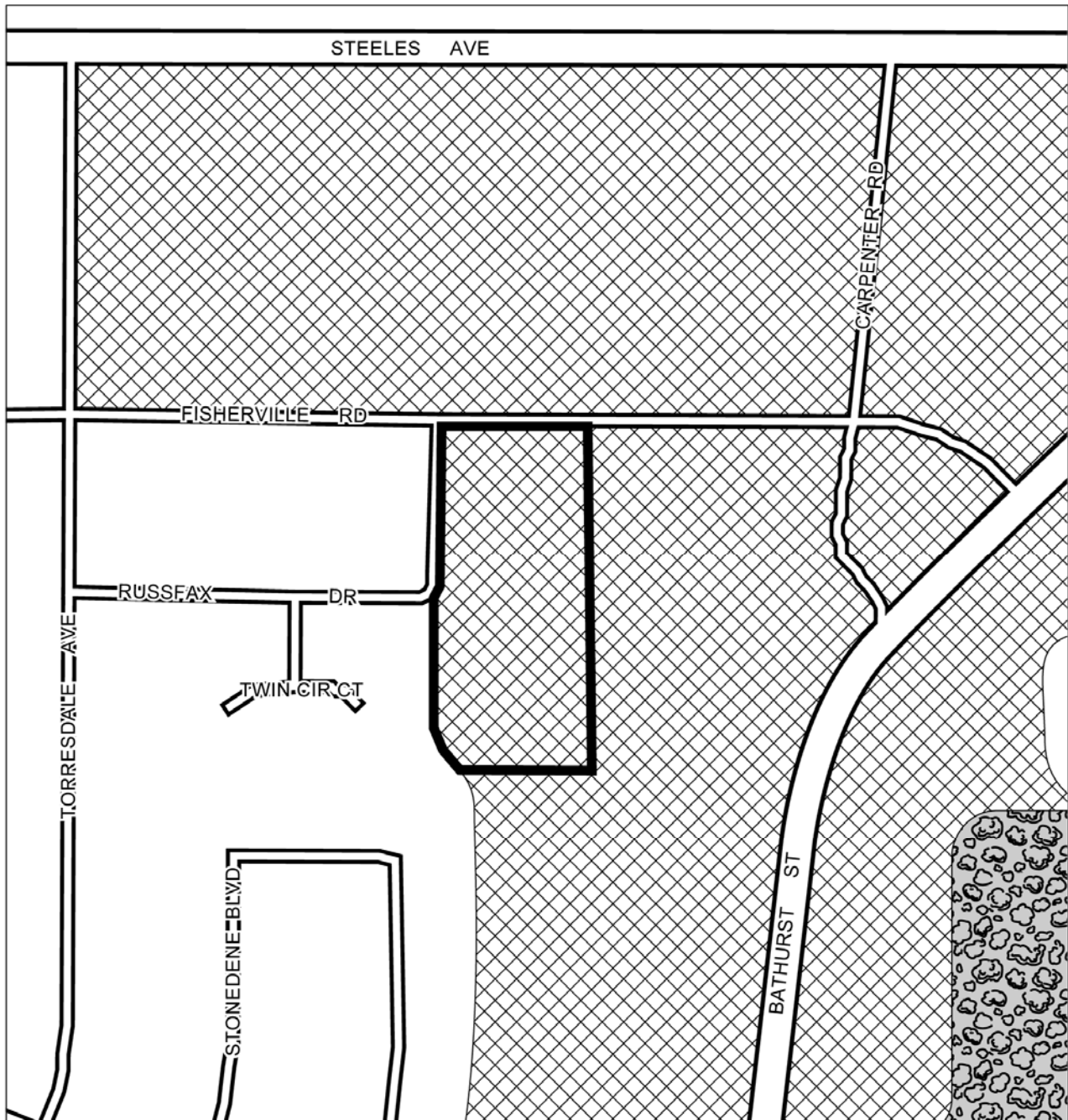
Stephen Gardiner, Senior Planner, Community Planning  
(416) 392-5460  
Stephen.Gardiner@toronto.ca



Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map








**Official Plan Land Use Map #16**

Note: This map was extracted from the July 2015 Land Use Plan. For current information refer to the February 2019 data.

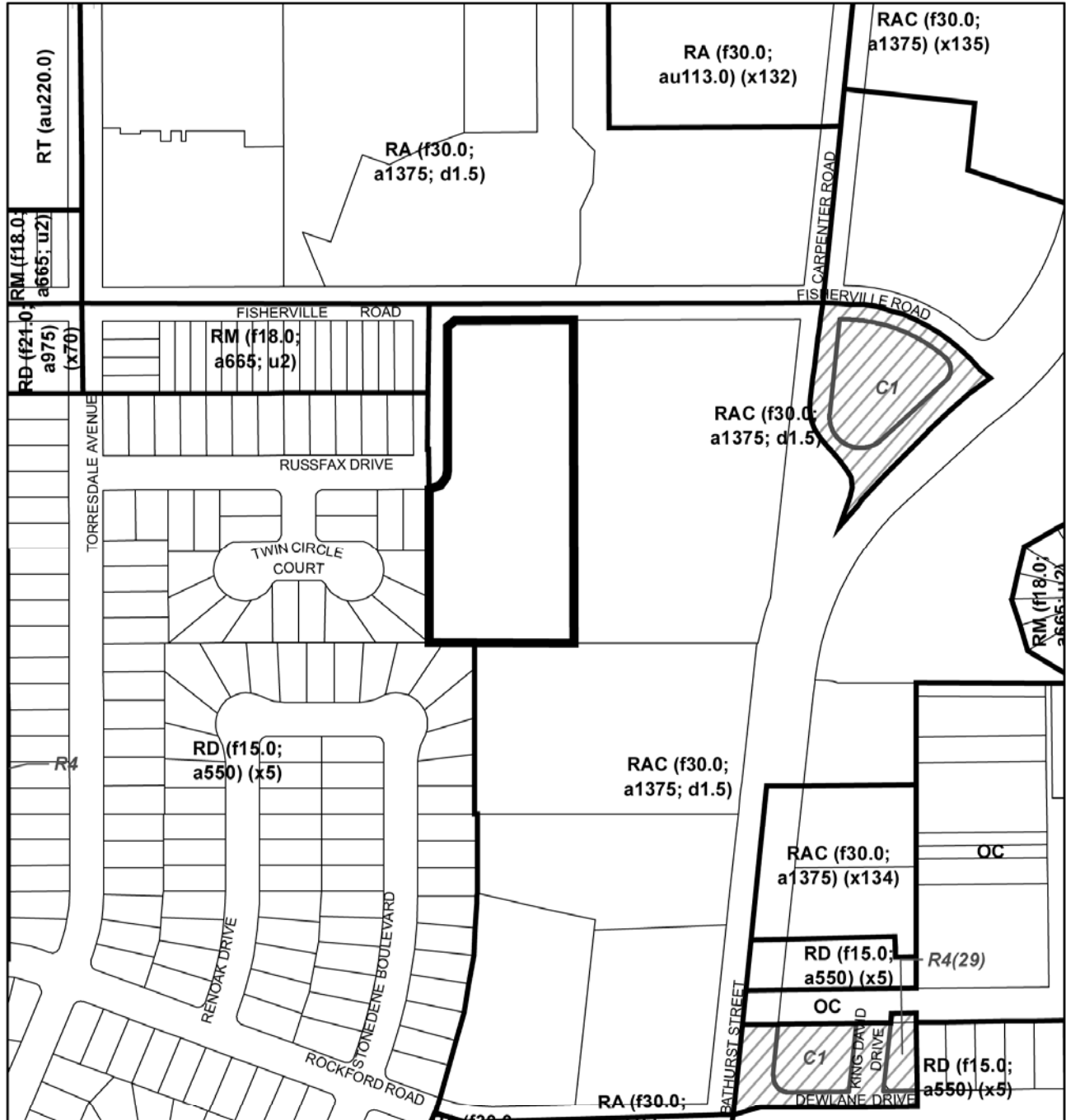
25 Fisherville Road

File # 18 189969 NNY 10 0Z

-  Location of Application
-  Neighbourhoods
-  Apartment Neighbourhoods
-  Parks & Open Space Areas
-  Other Open Space Areas

↑  
Not to Scale  
12/12/2018

Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

25 Fisherville Road

File # 18 189969 NNY 10 OZ

Location of Application

- |    |                       |     |                                  |
|----|-----------------------|-----|----------------------------------|
| RD | Residential Detached  | RA  | Residential Apartment            |
| RT | Residential Townhouse | RAC | Residential Apartment Commercial |
| RM | Residential Multiple  | OC  | Open Space Cemetery              |

- See Former City of North York By-Law No. 7625
- R4 One-Family Detached Dwelling Fourth Density Zone
  - C1 General Commercial Zone



Not to Scale  
Extracted: 12/12/2018

## Attachment 5: Draft Zoning By-law 7625 Amendment

Authority: North York Community Council Item NYX.X, as adopted by City of Toronto Council on XXXX XX, 2019

### CITY OF TORONTO

#### BY-LAW No. XXX-2019

**To amend the former City of North York Zoning By-law No. 7625, as amended, with respect to the lands municipally known as 25 Fisherville Road.**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

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

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 density permitted beyond that otherwise permitted on the aforesaid lands by By-law 7625, 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. Schedules “B” and “C” of By-law No. 7625 of the former City of North York are hereby amended in accordance with Schedule “1” of this By-law.
2. Section 64.20-A of By-law No. 7625 of the former City of North York is amended by adding the following subsection:

## **“64.20-A(261) RM6 (261)”**

### **DEFINITIONS**

For the purpose of this exception, the following definitions shall have the following meaning:

- (A) “apartment house dwelling” shall mean a building containing more than (4) dwelling units, each unit having access either from an internal corridor system or direct access at grade, or any combination thereof.
- (B) “Building A”, “Building B”, “Building C” and “Building D” shall be those buildings shown on Schedule RM6 (261).
- (C) “existing building” shall mean the existing apartment building known municipally as 25 Fisherville Road and accessory structures, including an underground parking garage and garage entry ramp located on the lot in the year 2019 as shown on Schedule RM6 (261), subject to alterations, additions and internal modifications that do not result in any additional residential gross floor area.
- (D) “amenity pavilion” shall mean a building or part of a building as shown on Schedule RM6 (261), used for recreational uses or community uses by the residents of buildings on the lot and may also include a gym, kitchen/kitchenette, and washrooms.
- (E) “established grade” shall mean 193.5 metres Canadian Geodetic Datum.
- (F) “gross floor area” shall mean the aggregate of the area of each floor, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, but excluding;
  - i. parking, loading and bicycle parking below established grade;
  - ii. required loading spaces and required bicycle parking spaces at or above established grade;
  - iii. storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
  - iv. shower and change facilities required by this By-law for required bicycle parking spaces;
  - v. indoor amenity space required by this By-law;
  - vi. elevator shafts;
  - vii. garbage shafts;
  - viii. mechanical penthouse; and
  - ix. exit stairwells in the building.
- (G) “recreational amenity area” shall mean an area that is communal and available to all occupants of a building or a group of buildings within a zone for special and recreational purposes including indoor or outdoor space, and can be provided within an amenity pavilion.

(H) “Type B loading space” shall mean an area used for the loading or unloading of goods or commodities from a vehicle, with the following dimensions:

- i. Minimum length of 11.0 metres;
- ii. Minimum width of 3.5 metres; and,
- iii. Minimum vertical clearance of 4.0 metres.

(I) “Type G loading space” shall mean an area used for the loading or unloading of goods or commodities from a vehicle, with the following dimensions:

- i. Minimum length of 13.0 metres;
- ii. Minimum width of 4.0 metres; and,
- iii. Minimum vertical clearance of 6.1 metres.

(J) “stacked bicycle parking space” shall mean a horizontal bicycle parking space that is positioned above or below another bicycle parking space and equipped with a mechanical device providing floor level access to both bicycle parking spaces, with horizontal dimensions of at least 0.4 metres by 1.8 metres, and a minimum vertical dimension of 1.2 metres.

(K) “temporary rental office” shall mean a building, structure, facility or trailer, or portion thereof, on the lot used for the purpose of the leasing of dwelling units to be erected on the lot and/or the administration and management of construction activity related to construction on the lot.

(L) “car-share” means the practice whereby a number of people share the use of one or more cars that are owned and operated by a profit or non-profit car-sharing organization and “car-share parking space” means a parking space exclusively reserved and signed for a car used only for car-share purposes.

## **PERMITTED USES**

(M) In addition to the uses permitted in the RM6 zone, accessory uses including car-share, recreational amenity areas, and an amenity pavilion shall also be permitted.

(N) Notwithstanding the provisions of Section 20-A.1 of By-law 7625, as amended, a temporary rental office is permitted on the lot for a period of 3 years from the date of enactment of this By-law.

## **EXCEPTION REGULATIONS**

### **LOT AREA**

(O) The minimum lot area shall be 12,500 square metres.

## LOT COVERAGE

- (P) The maximum lot coverage of all buildings shall be forty (40) percent.

## LOT FRONTAGE

- (Q) The minimum lot frontage shall be 60 metres.

## YARD SETBACKS AND BUILDING ENVELOPE

- (R) The minimum yard setbacks for all buildings and structures above established grade shall be as shown on Schedule RM6 (261), and all building and structures located above established grade shall be located wholly within the building envelopes as identified and set out on Schedule RM6 (261).

- (S) Notwithstanding (R) above, the minimum yard setbacks for parking structures and structures associated thereto above and below established grade shall be 0 metres from any given lot line.

- (T) Notwithstanding (R) above, the following structures and projections are permitted to extend into the required setback and building envelope areas:

- i. Exterior stairs providing access to a building or structure may encroach into a required minimum building setback, if the stairs are:
  - a. no longer than 1.5 horizontal units for each 1.0 vertical unit above the ground at the point where the stairs meet the building or structure;
  - b. no wider than 2.0 metres; and
  - c. no closer to a lot line than 0.6 metres;
- ii. an uncovered ramp providing access to a building or structure may encroach into a required minimum building setback, if the ramp is:
  - a. no longer than 15 horizontal units for each 1.0 vertical unit above the ground at the point where the ramp meets the building or structure;
  - b. no wider than 1.5 metres for each sloped ramp segment; and
  - c. no closer to a lot line than 0.6 metres; and
- iii. an elevating device providing access to a building or structure may encroach into a required minimum building setback, if the elevating device:
  - a. elevates no higher than the first floor of the building;
  - b. has a maximum area of 3.0 square metres; and

- c. is no closer to a lot line than 0.6 metres;
- iv. Equipment and structures permitted in (BB) below; and
- v. A canopy, awning or similar structure, with or without structural support, a roof over a platform, and balconies are permitted to project a maximum of 2.0 metres beyond the heavy lines shown on Schedule RM6 (261).

#### DISTANCE BETWEEN BUILDINGS

- (U) The minimum distance between all buildings and structures shall be as shown on Schedule RM6 (261).

#### GROSS FLOOR AREA

- (V) The maximum gross floor area of the existing building is 22,060 square metres, as existing in the year 2019.
- (W) The maximum gross floor area for Building A shall be 10,000 square metres.
- (X) The maximum gross floor area for Building B shall be 20,000 square metres.
- (Y) The maximum gross floor area for Buildings C and D shall be a total of 2,200 square metres.
- (Z) The maximum gross floor area for the amenity pavilion shall be 200 square metres.

#### BUILDING HEIGHT

- (AA) The maximum building height shall not exceed the maximum height in metres above established grade as shown on Schedule RM6 (261).
- (BB) Notwithstanding (AA) above, the following elements shall be permitted to exceed the heights shown on Schedule RM6 (261):
  - i. the following structures on the roof of a building may exceed the permitted maximum height for that building by:
    - a. 1.5 metres for parapets for a green roof and weather vanes; and
    - b. 5.0 metres for antennae, flagpoles and satellite dishes;
  - ii. the following equipment and structures on the roof of a building may exceed the permitted maximum height for that building by 7.0 metres, subject to complying with (CC) below:
    - a. equipment used for the functional operation of the building, such as electrical, utility, mechanical and ventilation equipment;



- iii. the following equipment and structures on the roof of a building may exceed the permitted maximum height for that building by 5.0 metres, subject to complying with (CC) below:
  - a. structures or parts of the building used for the functional operation of the building, such as enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, vents, water supply facilities, garage vents and signage; and
  - b. structures that enclose, screen or cover the elements listed in (BB)ii and (BB)iii.a above;
- iv. unenclosed structures providing safety or wind protection to rooftop amenity space may exceed the permitted maximum height for that building by 3.0 metres, if the structures are no closer than 2.0 metres from the interior face of any main wall;

(CC) Equipment, structures or parts of a building that exceed the maximum height for a building, as permitted by (BB)i, ii and iii above, must comply with the following:

- i. their total area may cover no more than 30% of the area of the roof, measured horizontally; and
- ii. if they are located within 6.0 metres of a lot line abutting a street, their total horizontal dimension, measured parallel to the street, may not exceed 20% of the width of the building's main walls facing that street.

## RECREATIONAL AMENITY AREA

(DD) Recreational amenity space shall be provided in accordance with the following minimum requirements:

- i. A minimum of 2.0 square metres of indoor recreational amenity area shall be provided per dwelling units in Building A, Building B, Building C, and Building D and may be provided in any building or structure on the lot.
- ii. A minimum of 2.0 square metres of outdoor recreational amenity area shall be provided on the lot per dwelling unit in Building A, Building B, Building C, and Building D.

## PARKING

(EE) Parking spaces for tenants shall be provided at a minimum rate of 0.63 parking spaces for each dwelling unit.

(FF) Parking spaces for visitors shall be provided at a minimum rate of 0.1 parking spaces for each dwelling unit.

(GG) Of the required tenant parking spaces, a minimum of 3 parking spaces dedicated to car-sharing, must be provided and maintained on the lot, with each car-sharing parking space being equivalent to 4 parking spaces that are not used for car-sharing.

(HH) Any parking spaces, whether above and/or below grade, and drive aisles existing on the lot in the year 2019 are deemed to comply with Section 6A(3) and 6A(5), may have a vertical clearance of less than 2.0 metres and the minimum parking space width is not required to be increased by 0.3 metres for each side of the parking space that is obstructed.

## BICYCLE PARKING

(II) The following bicycle parking rates shall apply to Building A and Building B:

- i. a minimum of 0.75 bicycle parking spaces shall be provided for each dwelling unit, allocated as 0.68 long-term bicycle parking space per dwelling unit for residents and 0.07 short-term bicycle parking space per dwelling unit for visitors.
- ii. required bicycle parking spaces may be provided as stacked bicycle parking spaces.

## LOADING

(JJ) A minimum of 1 "Type G" loading space and a minimum of 1 "Type C" loading space shall be provided on the lot.

## OTHER REGULATIONS

(KK) The provisions of Section 6923), 6(24), 6A(5), 6A(8), 15.6, 15.7, 15.8, and 20-A.2.4.1 shall not apply.

(LL) Notwithstanding any existing or future severances, partition or division of the lands shown on Schedule "1", the provisions of this By-law shall apply to the whole of the lands as if no conveyance, severance, partition or division occurred.

## SECTION 37

(MM) Where Schedule 2 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 the satisfaction of same;

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

3. Within the lands shown on Schedule "1" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
  - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

Enacted and passed on ~, 20~.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

## Schedule 2 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 Schedule 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. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
  - (i). Prior to the issuance of the first above grade building permit the Owner shall provide a financial contribution to the City in the amount of \$1,500,000.00 to be allocated towards improvements to parks, community facilities and/or the public realm located within Ward 6 and/or the vicinity of the application site, such allocation be at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
  - (ii). the financial contributions referred to in Part i. above shall be indexed in accordance with the Statistics Canada Apartment Building Construction Price Index for Toronto calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the Owner to the City;
  - (iii). in the event the financial contribution referred to in Part 4.a. above has not been used for the intended purpose prior to the expiry of the third anniversary of the 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;
  - (iv). \$167,000 for the provision of public art on site;
  - (v). A parkland dedication of 133 square metres above the required 5 percent parkland dedication of 397 square metres;
  - (vi). ten affordable rent one-bedroom units to be secured at Average Market Rent for a period of 15 years, and as rental units for a period of 20 years.
2. 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 Construct the development in accordance with the approved Transportation Demand Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
  - (ii). Prior to Site Plan Approval for the development, the owner shall provide a Construction Mitigation Plan & Tenant Communication Plan, to the satisfaction of

the Chief Planner and Executive Director, City Planning Division or his designate and thereafter the owner shall implement such strategy;

- (iii). Prior to Site Plan Approval for the development, the owner shall provide a Construction Phasing Plan for the development, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, and construct the development in accordance with that plan;
- (iv). Prior to issuance of the first building permit, the owner shall enter into appropriate agreements and provide financial security for external servicing upgrades and acknowledges that external services will be designed, constructed and operational, if determined necessary by the updated Functional Servicing and Stormwater Manager Report, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- (v). The owner shall continue to provide and maintain the 214 existing residential rental dwelling units in the existing apartment building at 25 Fisherville Road as rental housing, together with the new and retained associated facilities and amenities of the existing apartment building, for a period of at least 20 years commencing from the date of the Zoning By-laws coming into full force and effect and with no applications for demolition or conversion from residential rental use during such 20 year period, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
- (vi). The owner shall design the following improvements to the existing apartment building prior to Site Plan Approval taking into account tenant responses to the required survey related to programming of amenity space;
- (vii). The owner shall provide improvements to the existing apartment building, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division or his designate, including but not limited to the following:

Prior to the first above grade building permit:

- i. Improve accessibility within the existing apartment building, including push button automatic door openers for all common doors and a clothes folding table which is universally accessible within the laundry room;
- ii. Provide hand delivered refuse drop-off area for recycling and kitchen waste drop-off within the existing apartment building; and
- iii. Long-term bike parking located inside the existing apartment building and racks for short-term bike parking near the front entrances of the existing apartment building.

Prior to or concurrent with the first above grade building permit for a new residential apartment building, submit a building permit application for the following, which must be constructed prior to occupancy of any new residential apartment building:

i. A 187 square metre indoor amenity space attached to the existing apartment building; and

ii. New outdoor amenity areas, which may include but not be limited to a tot area and dog area.

Prior to occupancy of any new residential apartment building:

i. Provide centralized garbage storage, staging and pick-up, within the new residential buildings for waste associated with the existing apartment building or internalize within an enclosed structure or structures.

- (viii). The owner shall provide residents of the existing rental building with access to indoor and outdoor amenities within and adjacent to the proposed buildings on the site, including all outdoor amenity spaces and 554 square metres of indoor amenity space within one of the proposed buildings, at no extra charge to the tenants and with no pass-through cost to tenants of the existing building. Access and the use of these amenities shall be on the same terms and conditions as any other resident in the building;
- (ix). The costs of the improvements to the existing apartment building and associated spaces within and outside the existing apartment building, and improvements for the purpose of the proposed buildings, as described above, shall not be passed on to the tenants of the existing apartment building in any form, including by way of an application to the Landlord Tenant Board, or to any successor tribunal with jurisdiction to hear applications made under the Residential Tenancies Act, for the purpose of obtaining an increase in residential rent above the applicable guideline, or in the form of any additional costs and charges;
- (x). 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 of October 26 and 27, 2009;
- (xi). The Owner shall provide in the first phase of development of the site a privately-owned publicly accessible open space (POPS) adjacent to the on-site parkland dedication with a minimum area of 248 square metres generally located along the northern boundary of the parkland dedication, with the details of the location and configuration of the POPS to be finalized and financially secured pursuant to the site plan approval process, to the satisfaction of the Chief Planner and Executive Director, City Planning Division or his designate and construct the POPS in the first phase of development of the site in accordance with the approved site plan;
- (xii). Upon the earlier of (a) the first condominium registration of any part of a proposed building on the site and (b) the residential occupancy of a proposed building on the site, grant an easement to the City along with all necessary rights of support, for nominal consideration and free and clear of title encumbrances, to the satisfaction of the City Solicitor, over and upon the POPS in favour of the general public for the purpose of publicly accessible open space, on terms satisfactory to the Chief Planner

and Executive Director, City Planning Division or his designate, in consultation with the City Solicitor;

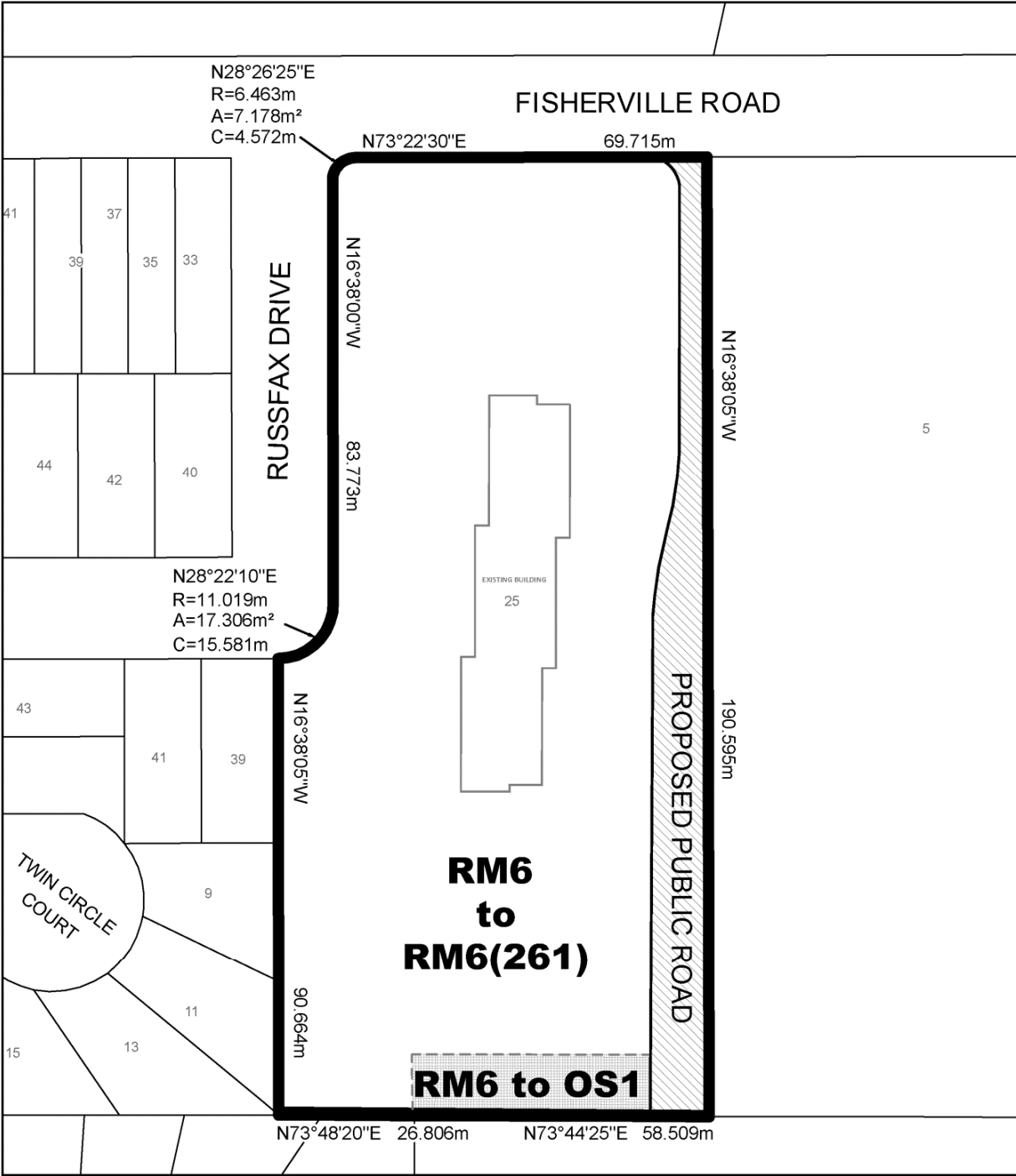
- (xiii). The owner to submit a wind study to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning. The owner shall implement the wind control measures identified in the accepted wind study to the satisfaction of the Chief Planner and Executive Director, City Planning. Such measures to be secured through the Site Plan review process; and
- (xiv). Prior to the issuance of the first building permit for the site, the Owner shall financially secure or cause to be financially secured, construct or cause to be constructed, and convey and/or cause to be conveyed to the City a public road with a minimum width of 16.5 metres with a general alignment in a north/south direction from Fisherville Road along the shared property line between the lands municipally known as 25 Fisherville Road and 6040 Bathurst Street & 5 Fisherville Road and in an east/west direction to Bathurst Street along the shared property line between the lands municipally known as 6040 Bathurst Street & 5 Fisherville Road, and 6020 & 6030 Bathurst Street, inclusive of all sidewalks, boulevards (excluding a complete north side boulevard on the east/west public street which may be provided following the demolition of existing structures located within the future right-of-way) and all municipal infrastructure, improvements, and services located in the public road, inclusive of street watermains, storm sewers, sanitary sewers, all public utilities, street trees and landscaping, and street lights (collectively, the "Road"), in accordance with City standards and specifications, subject to acceptable encroachments, to the satisfaction of the General Manager, Transportation Services and the Chief Engineer and Executive Director, Engineering & Construction Services. The provisions of the Section 37 Agreement to secure the Road shall follow the provisions of the City's standard form of subdivision agreement, with modifications at the discretion of the City Solicitor, but shall at least require:
  - i. Prior to the first building permit for the proposed development, the owner shall, at its sole cost and expense, submit detailed design drawings and specifications, signed and stamped by a licensed structural engineer retained at the sole cost and expense of the owner, for the below grade structural encroachments which may remain beneath any part of the Road, such as existing underground parking garages located on the site or the lands municipally known as 6040 Bathurst Street & 5 Fisherville Road, and 6020 & 6030 Bathurst Street, which:
    - 1. recommend, as the structural engineer considers appropriate, the approval of necessary construction specifications to the underground parking garage structure to support the Road and any structural loading imparted on it, to be provided at the sole expense of the owner;
    - 2. confirm the design drawings and specifications comply with the then current version of the Canadian Highway Bridge Design Code for highway loading purposes, as amended, superseded or replaced from time to time, including allowance for impact factors, and recommend measures as the structural engineer considers appropriate to support

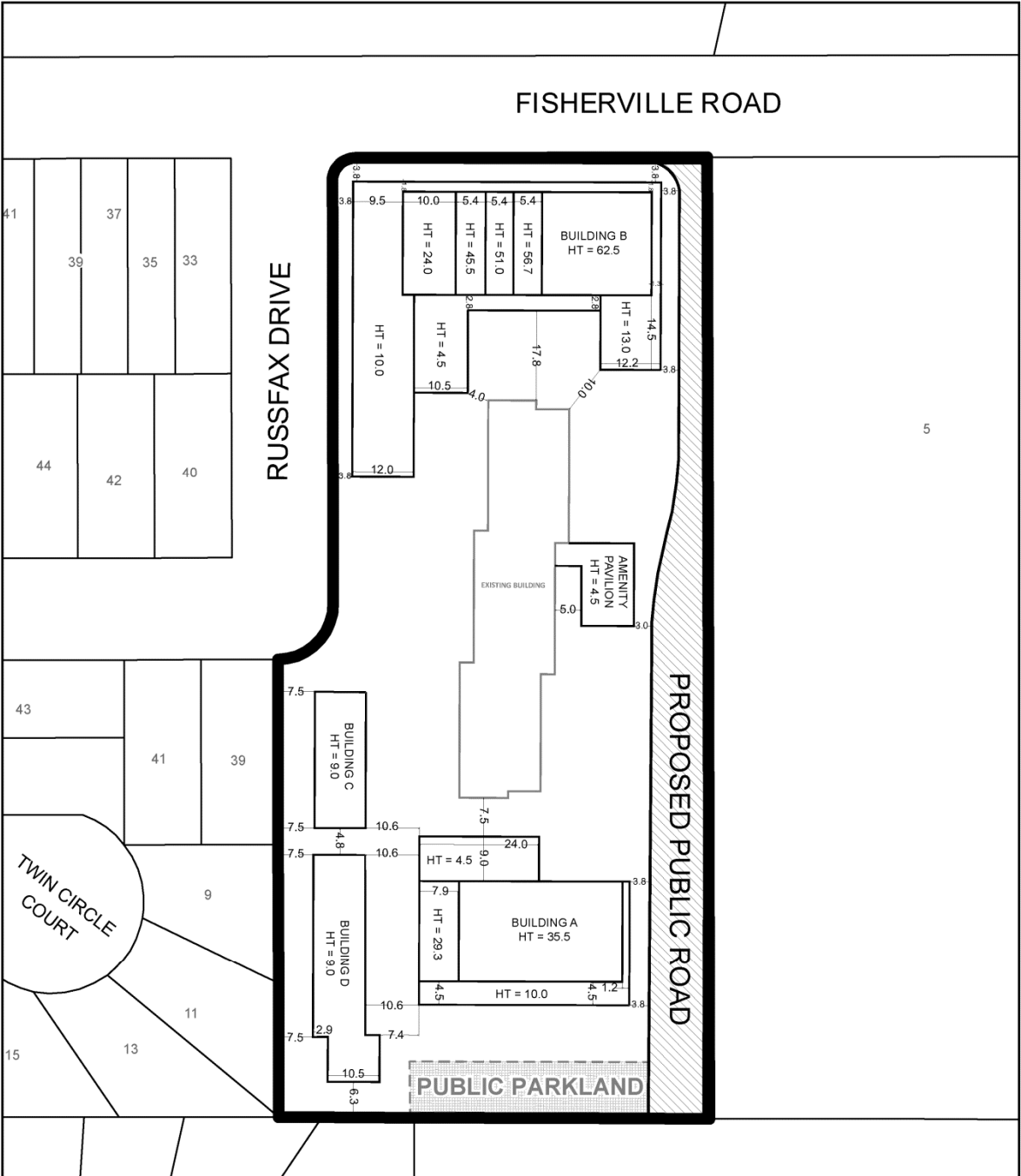
the Road and any structural loading imparted on it, including its construction and maintenance during the life expectancy of the Road and the underground parking garage structure;

3. include the provision of a roof drainage system and waterproofing with an appropriate membrane and protection against damage from the use and maintenance of the Road, including but not limited to tree root growth so as to prevent water penetration into the underground parking garage structure from the Road and adjacent land; and
  4. confirm the temporary roadway protection will be in compliance with OPSS539.
- (xv). Prior to the issuance of the first building permit for the site, the Owner shall financially secure the provision of the Road by delivery of a letter of credit to the City equivalent to 120% of a cost estimate provided by the owner to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services;
- (xvi). Prior to the first building permit for the site, the owner shall construct or cause to construct the Road to base course asphalt, subject to the terms of the construction phasing plan to be submitted by the owner, and prior to acceptance of the road, complete construction of the road to final course asphalt in accordance with standard inspection and acceptance terms to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services;
- (xvii). Prior to the first building permit for the site, the owner shall convey or cause to be conveyed for nominal consideration, the strata and full depth fee simple interests in the Road, including all easements for rights of support, free and clear of all physical encumbrances, subject to any physical encumbrances that may be permitted by the Chief Engineer and Executive Director, Engineering & Construction Services in consultation with the General Manager, Transportation Services, and free and clear of all title encumbrances, to the satisfaction of the City Solicitor;
- (xviii). Prior to conveyance, the owner shall prepare, at their sole cost and expense, all documents and plans necessary to convey the Road to the City, to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services;
- (xix). Prior to the conveyance of the Road to the City, the owner shall comply with all environmental legislation, regulations, by-laws, and policies with respect to the Road lands and the municipal services located within the Road lands, including the payment of all costs incurred by the City for a third-party peer review of environmental reports submitted by the owner in support of the conveyance, to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services;
- (xx). Prior to the conveyance of the Road to the City, the owner shall provide certifications from its retained structural engineer, with reliance extended to the City, which confirm the following in respect of permitted as-built below-grade structural encroachments into the Road:



- i. the as-built encroachment, provided it is an underground parking garage, complies with the then current version of the Canadian Highway Bridge Design Code for highway loading purposes, as amended, superseded or replaced from time to time, including allowance for impact factors;
  - ii. the as-built encroachment, provided it is an underground parking garage, has such strength as the structural engineer considers appropriate to support the Road and any structural loading imparted on it, including its construction and maintenance during the life expectancy of the Road and the underground parking garage structure; and
  - iii. the as-built encroachment, provided it is an underground parking garage, has an adequate roof drainage system and is waterproofed with an appropriate membrane and protection against damage from the use and maintenance of the Road, including but not limited to tree root growth, so as to prevent water penetration into the underground parking garage structure from the Road and adjacent land;
- (xxi). The owner's payment of engineering and inspection fees, to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services;
  - (xxii). The construction phasing of the Road, to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services in consultation with the Chief Planner and Executive Director, City Planning Division;
  - (xxiii). The assumption of the Road by the City following the registration of the conveyance of the Road;
  - (xxiv). The owner's maintenance and repair of, and liability for, the Road prior to its assumption by the City.
  - (xxv). The provision of indemnities and insurance by the owner in favour of the City; and
  - (xxvi). The provision of a title opinion for the conveyance of the Road land to the City, to the satisfaction of the City Solicitor.





**Toronto**  
 Schedule RM6(261)

25 Fisherville Road

File # 18 189969 NNY 10 0Z

↑  
 Not to Scale  
 8/20/2019

## Attachment 6: Draft Zoning By-law 569-2013 Amendment

Authority: North York Community Council Item NYX.X, as adopted by City of Toronto Council on XXXX XX, 2019

### CITY OF TORONTO

#### Bill

#### BY-LAW -2019

#### **To amend the Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2018 as 25 Fisherville Road**

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;

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 such provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, authorize increases in the height or 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 matter 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, a 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 569-2013, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law which are secured by one or more agreements between the owner of the land and the City of Toronto; and

Whereas pursuant to Section 39 of the *Planning Act*, the Local Planning Appeal Tribunal may, in a by-law passed under Section 34 of the *Planning Act*, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the by-law;

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 and forming part of 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, or as otherwise defined in this By-law.

3. Zoning By-law No. 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 lines to RAC (f60.0; a12,500; d1.5) (XXXX), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.8.10 Exception Number (XXX) to so that it reads:

**Exception RAC (XXX)**

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

Site Specific Provisions:

- (A) On 25 Fisherville Road, if the requirements of Section 8 and Schedule A of By-law XXX-2019 are complied with, **buildings, structures**, additions or enlargements are permitted in compliance with regulations (B) to (P) below.
- (B) For the purposes of this By-law, Building A, Building B, Building C, Building D, and amenity pavilion are shown on Diagram 3 attached to By-law XXX-2019.
- (C) Despite regulation 15.20.20.40(1), **townhouses** are a permitted **building** type.
- (D) Despite regulation 15.20.30.40(1), the permitted maximum **lot coverage** is 40 percent of the **lot area**.
- (E) For the purposes of this Exception, **established grade** is the Canadian Geodetic Datum elevation of 193.5 metres.
- (F) Despite regulation 15.20.40.10(1), the permitted maximum height of each portion of a **building** or **structure**, in metres, is specified by the numbers following the symbol HT shown on Diagram 3 attached to By-law XXX-2019.
- (G) Despite regulation 15.5.40.10(3), equipment used for the functional operation of the **building**, such as electrical, utility, mechanical and ventilation equipment may exceed the permitted maximum height for that building by 7.0 metres, and garage vents and signage may exceed the permitted maximum height for that building by 5.0 metres.
- (H) Despite regulation 15.20.40.40(1), the total **gross floor area** of all **buildings** and **structures** must not exceed 54,460 square metres, of which:
  - (i) The **gross floor area** of the existing **building** is 22,060 square metres, as existing in the year 2018;
  - (ii) The permitted maximum **gross floor area** of Building A is 10,000 square metres;
  - (iii) The permitted maximum **gross floor area** of Building B is 20,000 square metres;

- (iv) The permitted maximum total **gross floor area** of Buildings C and D is 2,200 square metres; and
  - (v) The permitted maximum **gross floor area** of the amenity pavilion shown on Diagram 3 attached to By-law XXX-2019 is 200 square metres.
- (I) Regulation 15.20.40.50(1) does not apply to **dwelling units** in the existing building.
  - (J) Despite regulation 15.20.40.50(1), the indoor **amenity space** may be provided in the amenity pavilion.
  - (K) Despite Clauses 15.20.40.70 and 15.20.40.80, the minimum required **building setbacks** are shown on Diagram 3 of By-law XXX-2019.
  - (L) Despite Clauses 15.5.40.60, 15.20.40.70, and 15.20.40.80, the following **structures** and architectural elements or features of **buildings** may encroach into a required **building setback**:
    - (i) Equipment and structures permitted in Regulations 15.5.40.10(2), (3) and (5) and (G) above; and
    - (ii) Balconies are permitted to project a maximum of 2.0 metres.
  - (M) Despite regulation 200.5.1.10(2), any **parking spaces** existing in the year 2018 may have a vertical clearance of less than 2.0 metres and the minimum **parking space** width is not required to be increased by 0.3 metres for each side of the **parking space** that is obstructed.
  - (N) Despite Table 200.5.10.1, **parking spaces** must be provided and maintained on the **lot** at a minimum rate of:
    - (i) for tenants, 0.63 **parking spaces** for each **dwelling unit**; and
    - (ii) for visitors, 0.1 **parking spaces** for each **dwelling unit**.
  - (O) Of the required tenant **parking spaces**, a minimum of 3 **parking spaces**, dedicated to car-sharing, must be provided and maintained on the **lot**, with each car-sharing **parking space**, being equivalent to 4 **parking spaces** that are not used for car-sharing.
  - (P) Despite Regulation 220.5.10.1(2), a minimum of one Type “G” **loading space** and a minimum of one Type “B” **loading space** is required for the **lot**.

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

- 5. For the purposes of this By-law, existing **building** means the existing **apartment building** municipally known as 25 Fisherville Road and ancillary structures, including an underground **parking garage** and garage entry ramp located on the **lot** in the year 2018 as shown on Diagram 3 attached to By-law No. XXX-2019, subject to alterations,

additions and internal modifications that do not result in any additional **gross floor area** for residential purposes.

6. A temporary rental office is permitted for a period of three years from the date of enactment of this By-law as follows:
  - (A) A temporary rental office means a **building, structure**, facility or trailer, or portion thereof, on the **lot** used for the purpose of the leasing of **dwelling units** to be erected on the **lot** related to construction on the **lot**;
  - (B) The maximum permitted **gross floor area** is 150 square metres; and
  - (C) It is used exclusively for the purpose of marketing the rental of **dwelling units** for Buildings A, B, C and D as shown on Diagram 3 of By-law XXX-2019.
  
7. For the purposes of this By-law, car-sharing means the practice where a number of people share the use of one or more **vehicles** and such car-share **vehicles** are made available for rent over short periods of time, such as hourly rental. Car-share parking space means a **parking space** exclusively reserved and signed for a **vehicle** used only for car-sharing purposes.
  
8. Section 37 Provisions
  - (A) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in 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 density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on ~, 20~.

Frances Nunziata  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

**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 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. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
  - (i). Prior to the issuance of the first above grade building permit the Owner shall provide a financial contribution to the City in the amount of \$1,500,000.00 to be allocated towards improvements to parks, community facilities and/or the public realm located within Ward 6 and/or the vicinity of the application site, such allocation be at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
  - (ii). The financial contributions referred to in Part i. above shall be indexed in accordance with the Statistics Canada Apartment Building Construction Price Index for Toronto calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the Owner to the City;
  - (iii). In the event the financial contribution referred to in Part 4.a. above has not been used for the intended purpose prior to the expiry of the third anniversary of the 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;
  - (iv). \$167,000 for the provision of public art on site;
  - (v). A parkland dedication of 133 square metres above the required 5 percent parkland dedication of 397 square metres;
  - (vi). Ten affordable rent one-bedroom units to be secured at Average Market Rent for a period of 15 years, and as rental units for a period of 20 years.
2. 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 Construct the development in accordance with the approved Transportation Demand Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
  - (ii). Prior to Site Plan Approval for the development, the owner shall provide a Construction Mitigation Plan & Tenant Communication Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division or his designate and thereafter the owner shall implement such strategy;



- (iii). Prior to Site Plan Approval for the development, the owner shall provide a Construction Phasing Plan for the development, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, and construct the development in accordance with that plan;
- (iv). Prior to issuance of the first building permit, the owner shall enter into appropriate agreements and provide financial security for external servicing upgrades and acknowledges that external services will be designed, constructed and operational, if determined necessary by the updated Functional Servicing and Stormwater Manager Report, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- (v). The owner shall continue to provide and maintain the 214 existing residential rental dwelling units in the existing apartment building at 25 Fisherville Road as rental housing, together with the new and retained associated facilities and amenities of the existing apartment building, for a period of at least 20 years commencing from the date of the Zoning By-laws coming into full force and effect and with no applications for demolition or conversion from residential rental use during such 20 year period, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
- (vi). The owner shall design the following improvements to the existing apartment building prior to Site Plan Approval taking into account tenant responses to the required survey related to programming of amenity space.;
- (vii). The owner shall provide improvements to the existing apartment building, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division or his designate, including but not limited to the following:

Prior to the first above grade building permit:

- i. Improve accessibility within the existing apartment building, including push button automatic door openers for all common doors and a clothes folding table which is universally accessible within the laundry room;
- ii. Provide hand delivered refuse drop-off area for recycling and kitchen waste drop-off within the existing apartment building; and
- iii. Long-term bike parking located inside the existing apartment building and racks for short-term bike parking near the front entrances of the existing apartment building.

Prior to or concurrent with the first above grade building permit for a new residential apartment building, submit a building permit application for the following, which must be constructed prior to occupancy of any new residential apartment building:

i. A 187 square metre indoor amenity space attached to the existing apartment building; and

ii. New outdoor amenity areas, which may include but not be limited to a tot area and dog area.

Prior to occupancy of any new residential apartment building:

- i. Provide centralized garbage storage, staging and pick-up, within the new residential buildings for waste associated with the existing apartment building or internalize within an enclosed structure or structures.
- (viii). The owner shall provide residents of the existing rental building with access to indoor and outdoor amenities within and adjacent to the proposed buildings on the site, including all outdoor amenity spaces and 554 square metres of indoor amenity space within one of the proposed buildings, at no extra charge to the tenants and with no pass-through cost to tenants of the existing building. Access and the use of these amenities shall be on the same terms and conditions as any other resident in the building;
- (ix). The costs of the improvements to the existing apartment building and associated spaces within and outside the existing apartment building, and improvements for the purpose of the proposed buildings, as described above, shall not be passed on to the tenants of the existing apartment building in any form, including by way of an application to the Landlord Tenant Board, or to any successor tribunal with jurisdiction to hear applications made under the Residential Tenancies Act, for the purpose of obtaining an increase in residential rent above the applicable guideline, or in the form of any additional costs and charges;
- (x). 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 of October 26 and 27, 2009;
- (xi). The Owner shall provide in the first phase of development of the site a privately-owned publicly accessible open space (POPS) adjacent to the on-site parkland dedication with a minimum area of 248 square metres generally located along the northern boundary of the parkland dedication, with the details of the location and configuration of the POPS to be finalized and financially secured pursuant to the site plan approval process, to the satisfaction of the Chief Planner and Executive Director, City Planning Division or his designate and construct the POPS in the first phase of development of the site in accordance with the approved site plan;
- (xii). Upon the earlier of (a) the first condominium registration of any part of a proposed building on the site and (b) the residential occupancy of a proposed building on the site, grant an easement to the City along with all necessary rights of support, for nominal consideration and free and clear of title encumbrances, to the satisfaction of the City Solicitor, over and upon the POPS in favour of the general public for the purpose of publicly accessible open space, on terms satisfactory to the Chief Planner and Executive Director, City Planning Division or his designate, in consultation with

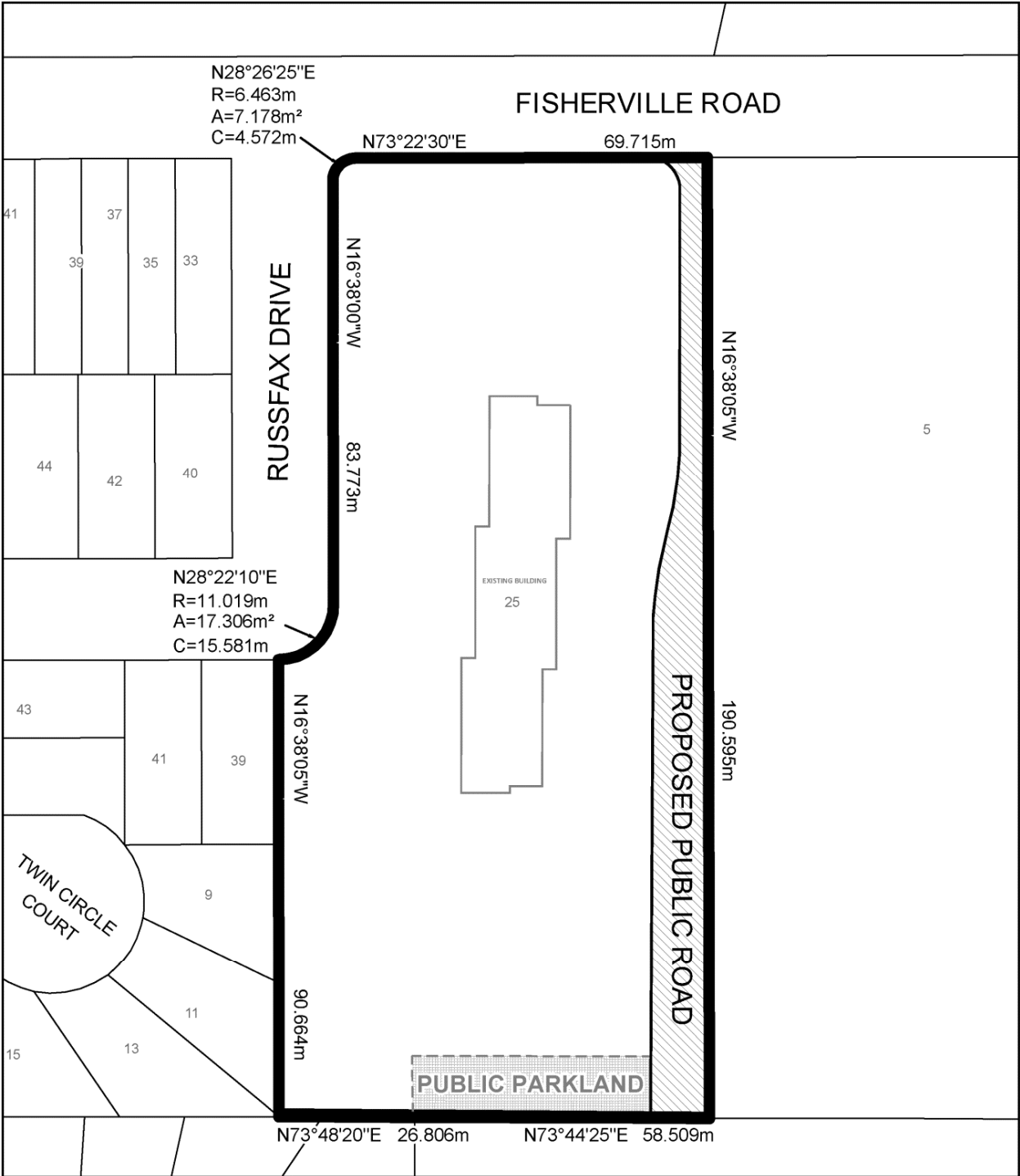
the City Solicitor;

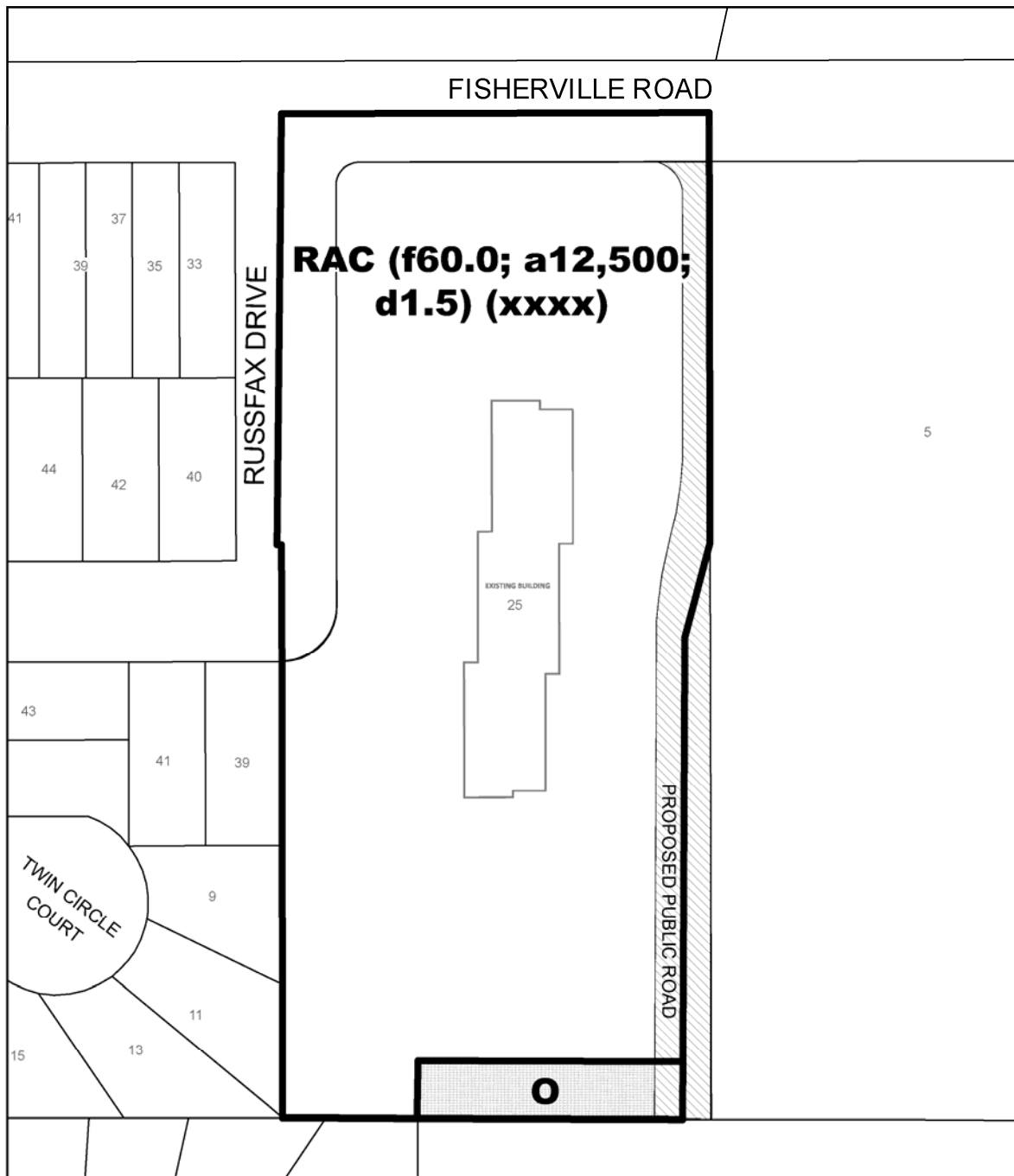
- (xiii). The owner to submit a wind study to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning. The owner shall implement the wind control measures identified in the accepted wind study to the satisfaction of the Chief Planner and Executive Director, City Planning. Such measures to be secured through the Site Plan review process; and,
- (xiv). Prior to the issuance of the first building permit for the site, the Owner shall financially secure or cause to be financially secured, construct or cause to be constructed, and convey and/or cause to be conveyed to the City a public road with a minimum width of 16.5 metres with a general alignment in a north/south direction from Fisherville Road along the shared property line between the lands municipally known as 25 Fisherville Road and 6040 Bathurst Street & 5 Fisherville Road and in an east/west direction to Bathurst Street along the shared property line between the lands municipally known as 6040 Bathurst Street & 5 Fisherville Road, and 6020 & 6030 Bathurst Street, inclusive of all sidewalks, boulevards (excluding a complete north side boulevard on the east/west public street which may be provided following the demolition of existing structures located within the future right-of-way) and all municipal infrastructure, improvements, and services located in the public road, inclusive of street watermains, storm sewers, sanitary sewers, all public utilities, street trees and landscaping, and street lights (collectively, the "Road"), in accordance with City standards and specifications, subject to acceptable encroachments, to the satisfaction of the General Manager, Transportation Services and the Chief Engineer and Executive Director, Engineering & Construction Services. The provisions of the Section 37 Agreement to secure the Road shall follow the provisions of the City's standard form of subdivision agreement, with modifications at the discretion of the City Solicitor, but shall at least require:
  - i. Prior to the first building permit for the proposed development, the owner shall, at its sole cost and expense, submit detailed design drawings and specifications, signed and stamped by a licensed structural engineer retained at the sole cost and expense of the owner, for the below grade structural encroachments which may remain beneath any part of the Road, such as existing underground parking garages located on the site or the lands municipally known as 6040 Bathurst Street & 5 Fisherville Road, and 6020 & 6030 Bathurst Street, which:
    - 1. recommend, as the structural engineer considers appropriate, the approval of necessary construction specifications to the underground parking garage structure to support the Road and any structural loading imparted on it, to be provided at the sole expense of the owner;
    - 2. confirm the design drawings and specifications comply with the then current version of the Canadian Highway Bridge Design Code for highway loading purposes, as amended, superseded or replaced from time to time, including allowance for impact factors, and recommend measures as the structural engineer considers appropriate to support the Road and any structural loading imparted on it, including its

construction and maintenance during the life expectancy of the Road and the underground parking garage structure;

3. include the provision of a roof drainage system and waterproofing with an appropriate membrane and protection against damage from the use and maintenance of the Road, including but not limited to tree root growth so as to prevent water penetration into the underground parking garage structure from the Road and adjacent land; and
  4. confirm the temporary roadway protection will be in compliance with OPSS539.
- ii. Prior to the issuance of the first building permit for the site, the Owner shall financially secure the provision of the Road by delivery of a letter of credit to the City equivalent to 120% of a cost estimate provided by the owner to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services;
  - iii. Prior to the first building permit for the site, the owner shall construct or cause to construct the Road to base course asphalt, subject to the terms of the construction phasing plan to be submitted by the owner, and prior to acceptance of the road, complete construction of the road to final course asphalt in accordance with standard inspection and acceptance terms to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services;
  - iv. Prior to the first building permit for the site, the owner shall convey or cause to be conveyed for nominal consideration, the strata and full depth fee simple interests in the Road, including all easements for rights of support, free and clear of all physical encumbrances, subject to any physical encumbrances that may be permitted by the Chief Engineer and Executive Director, Engineering & Construction Services in consultation with the General Manager, Transportation Services, and free and clear of all title encumbrances, to the satisfaction of the City Solicitor;
  - v. Prior to conveyance, the owner shall prepare, at their sole cost and expense, all documents and plans necessary to convey the Road to the City, to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services;
  - vi. Prior to the conveyance of the Road to the City, the owner shall comply with all environmental legislation, regulations, by-laws, and policies with respect to the Road lands and the municipal services located within the Road lands, including the payment of all costs incurred by the City for a third-party peer review of environmental reports submitted by the owner in support of the conveyance, to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services;

- vii. Prior to the conveyance of the Road to the City, the owner shall provide certifications from its retained structural engineer, with reliance extended to the City, which confirm the following in respect of permitted as-built below-grade structural encroachments into the Road:
  - 1. the as-built encroachment, provided it is an underground parking garage, complies with the then current version of the Canadian Highway Bridge Design Code for highway loading purposes, as amended, superseded or replaced from time to time, including allowance for impact factors;
  - 2. the as-built encroachment, provided it is an underground parking garage, has such strength as the structural engineer considers appropriate to support the Road and any structural loading imparted on it, including its construction and maintenance during the life expectancy of the Road and the underground parking garage structure; and
  - 3. the as-built encroachment, provided it is an underground parking garage, has an adequate roof drainage system and is waterproofed with an appropriate membrane and protection against damage from the use and maintenance of the Road, including but not limited to tree root growth, so as to prevent water penetration into the underground parking garage structure from the Road and adjacent land;
- viii. The owner's payment of engineering and inspection fees, to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services;
- ix. The construction phasing of the Road, to the satisfaction of the Chief Engineer and Executive Director, Engineering & Construction Services in consultation with the Chief Planner and Executive Director, City Planning Division;
- x. The assumption of the Road by the City following the registration of the conveyance of the Road;
- xi. The owner's maintenance and repair of, and liability for, the Road prior to its assumption by the City.
- xii. The provision of indemnities and insurance by the owner in favour of the City; and
- xiii. The provision of a title opinion for the conveyance of the Road land to the City, to the satisfaction of the City Solicitor.





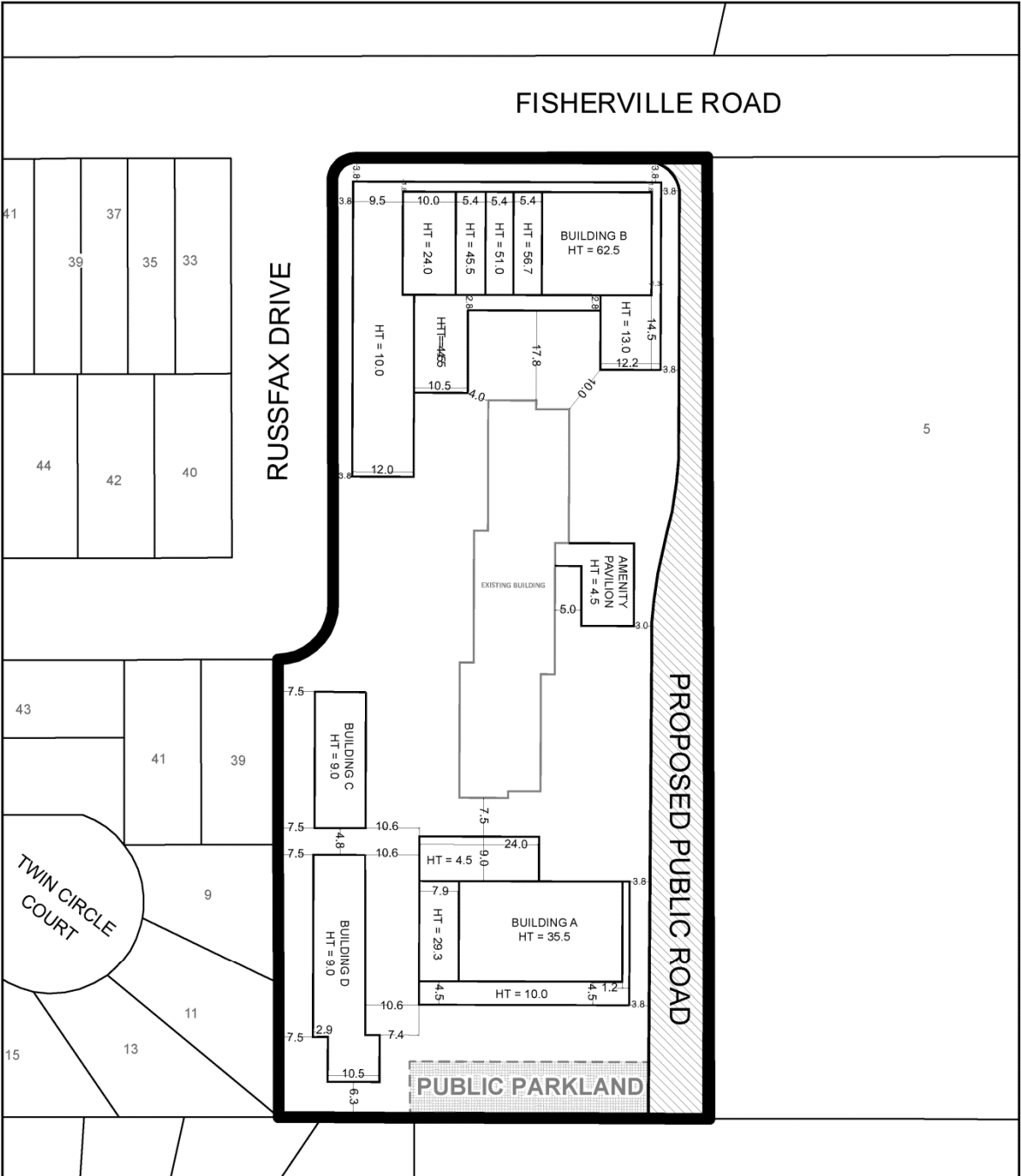
**Toronto**  
Diagram 2

**25 Fisherville Road**

File # 18 189969 NNY 10 0Z

City of Toronto By-law 569-2013  
Not to Scale  
8/20/2019





**TORONTO**  
**Diagram 3**

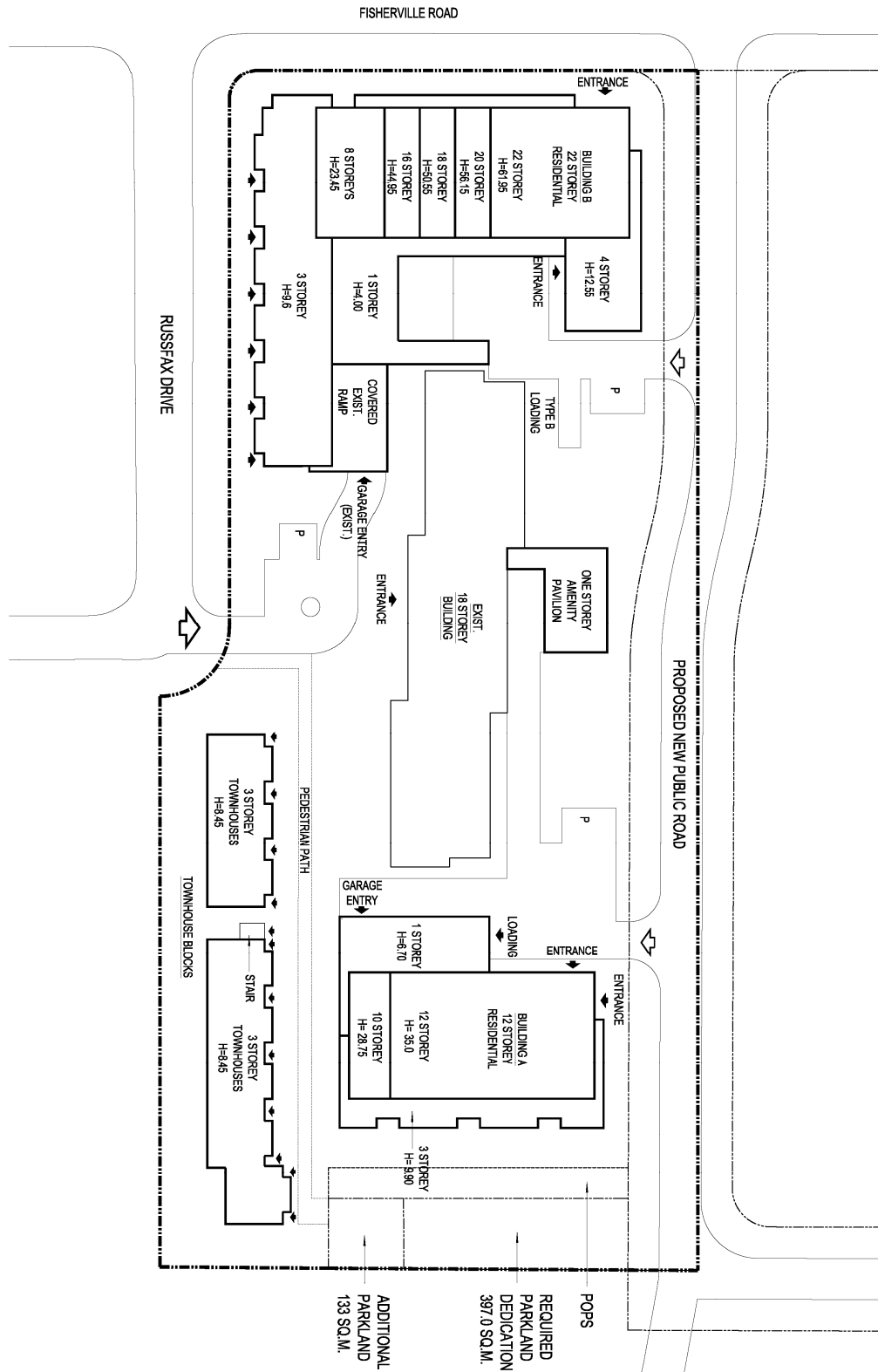
**25 Fisherville Road**

File # 18 189969 NNY 10 0Z

City of Toronto By-law 569-2013  
 Not to Scale  
 8/20/2019



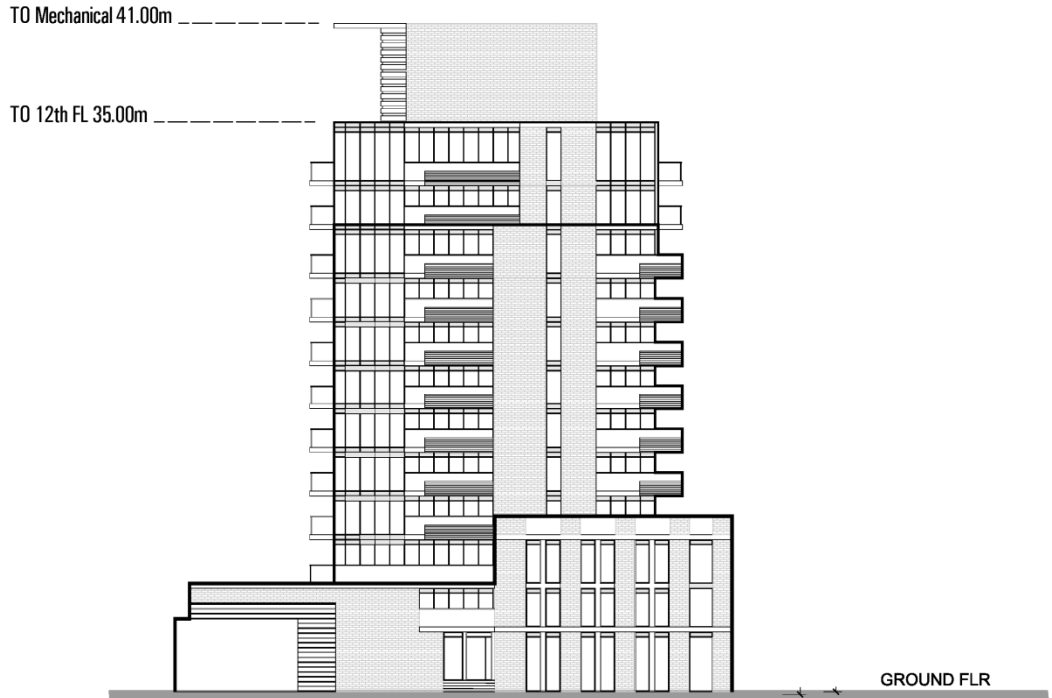
Attachment 7: Site Plan



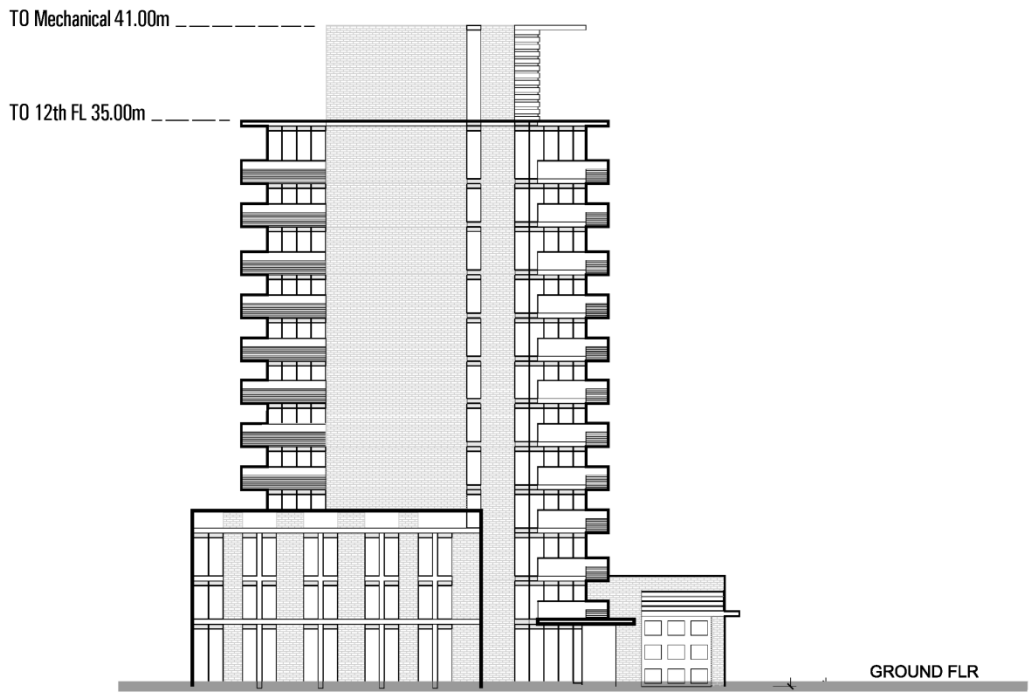
Site Plan



# Attachment 8a: Building A West & East Elevations

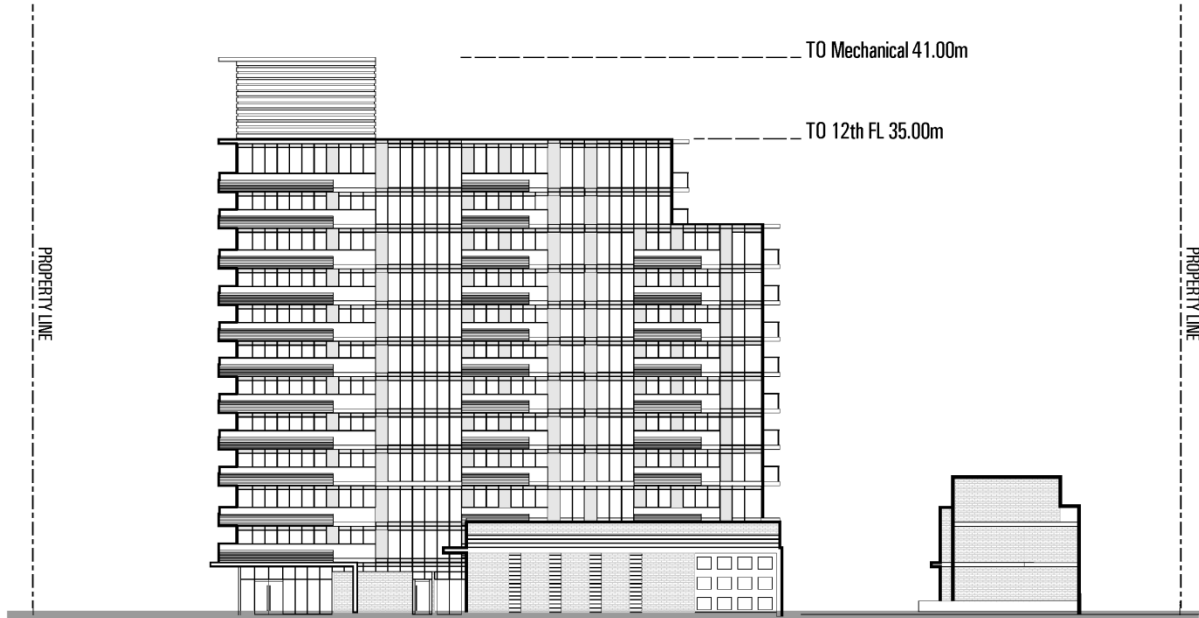


West Elevation - Building A

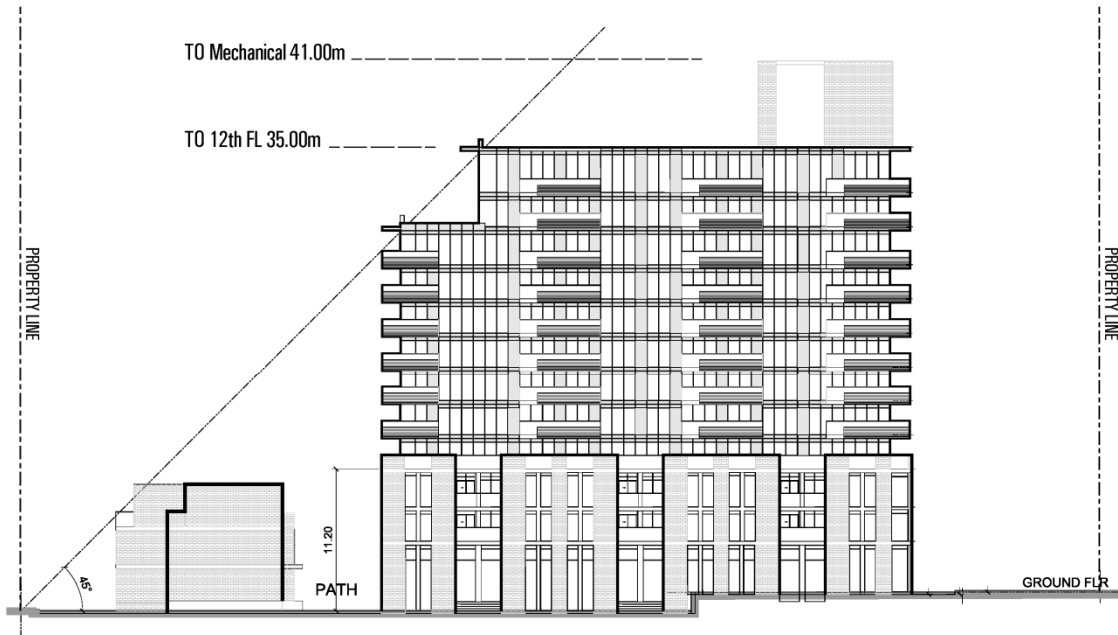


East Elevation - Building A

Attachment 8b: Building A North & South Elevations

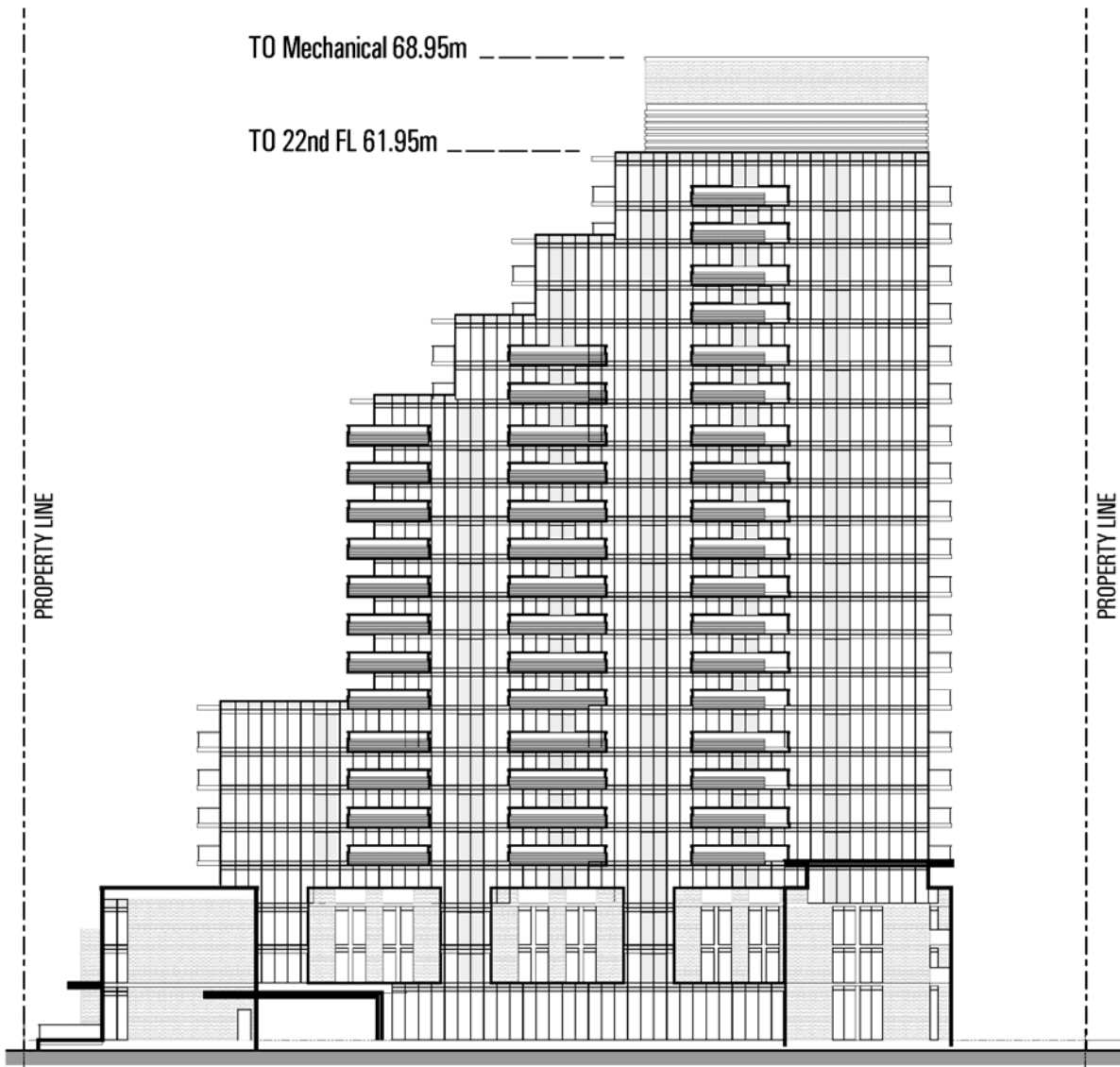


North Elevation - Building A



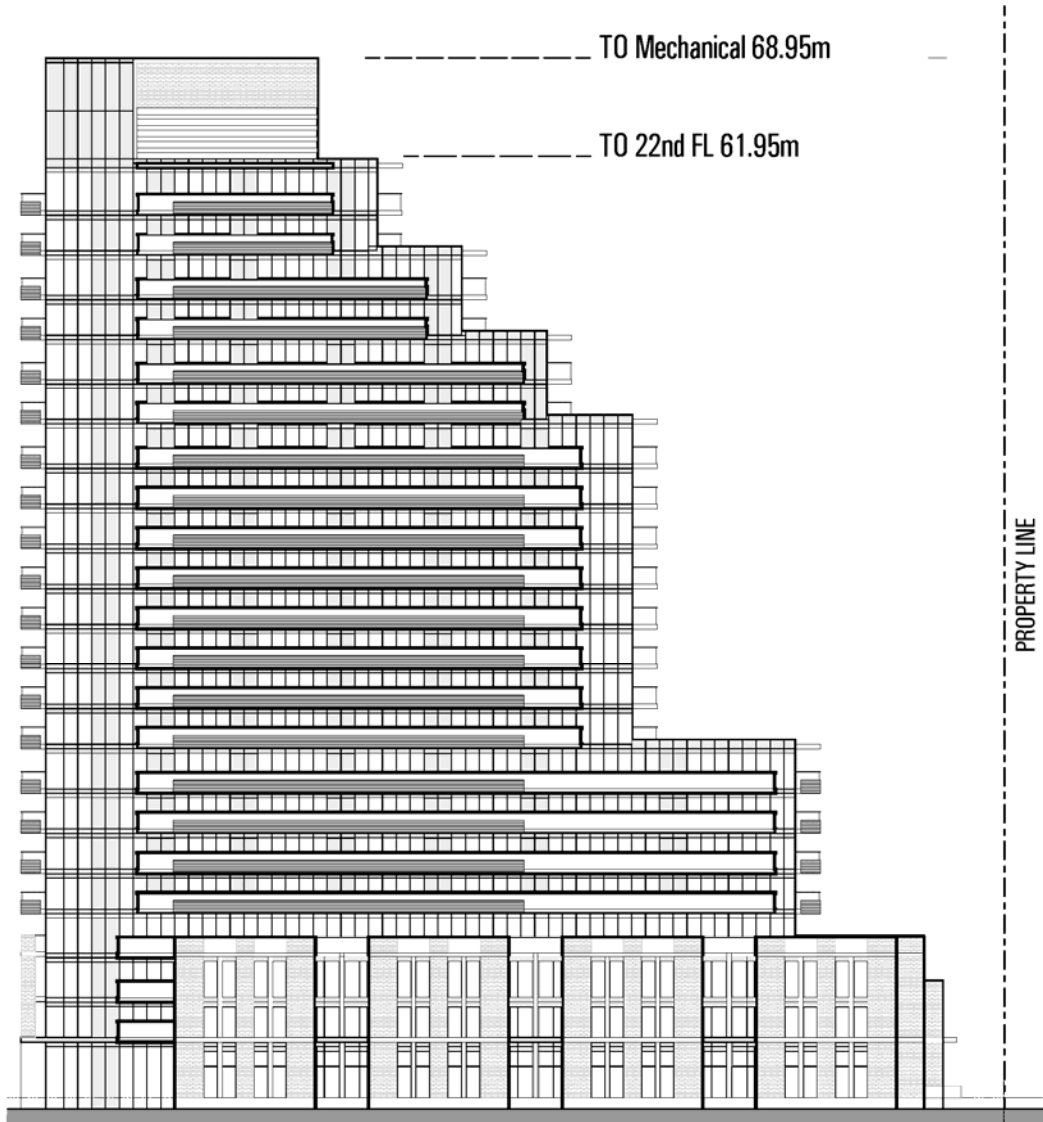
South Elevation - Building A

Attachment 8c: Building B South Elevation



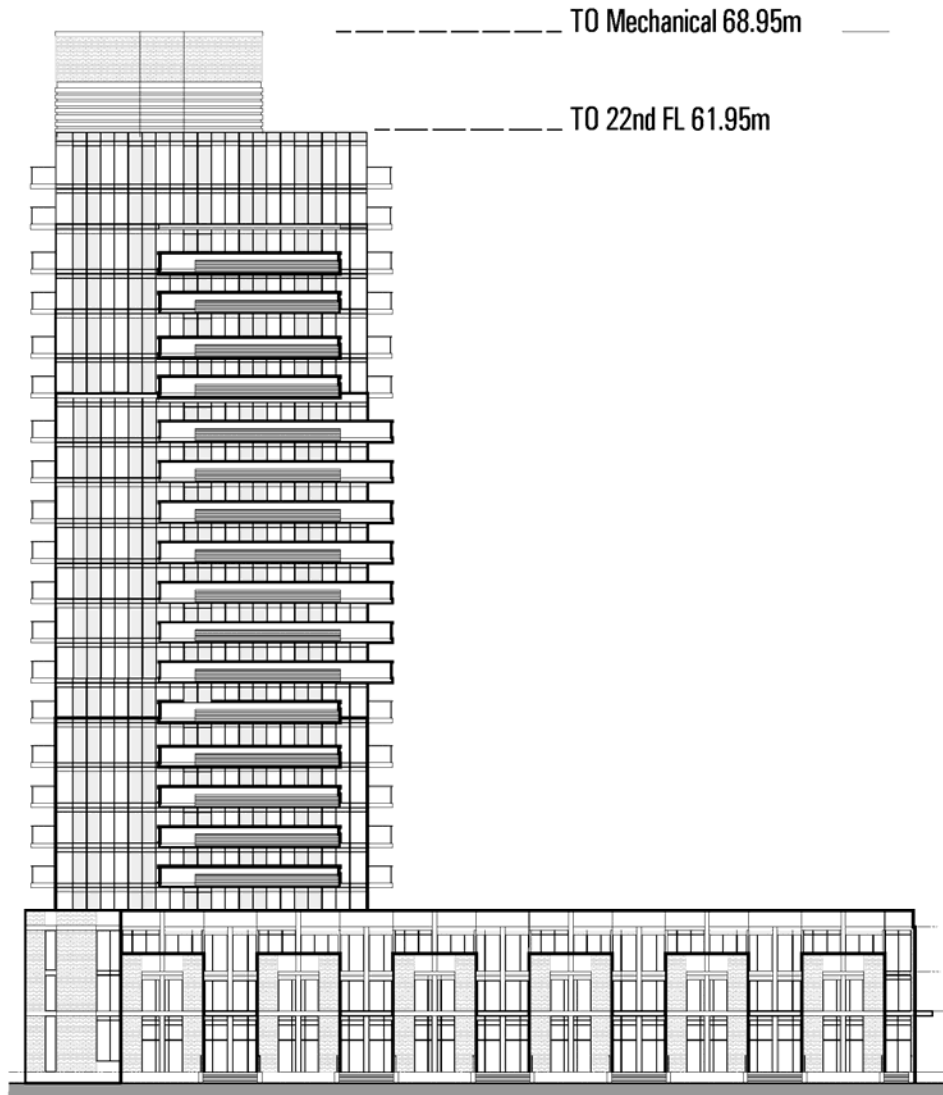
South Elevation - Building B

Attachment 8d: Building B North Elevation



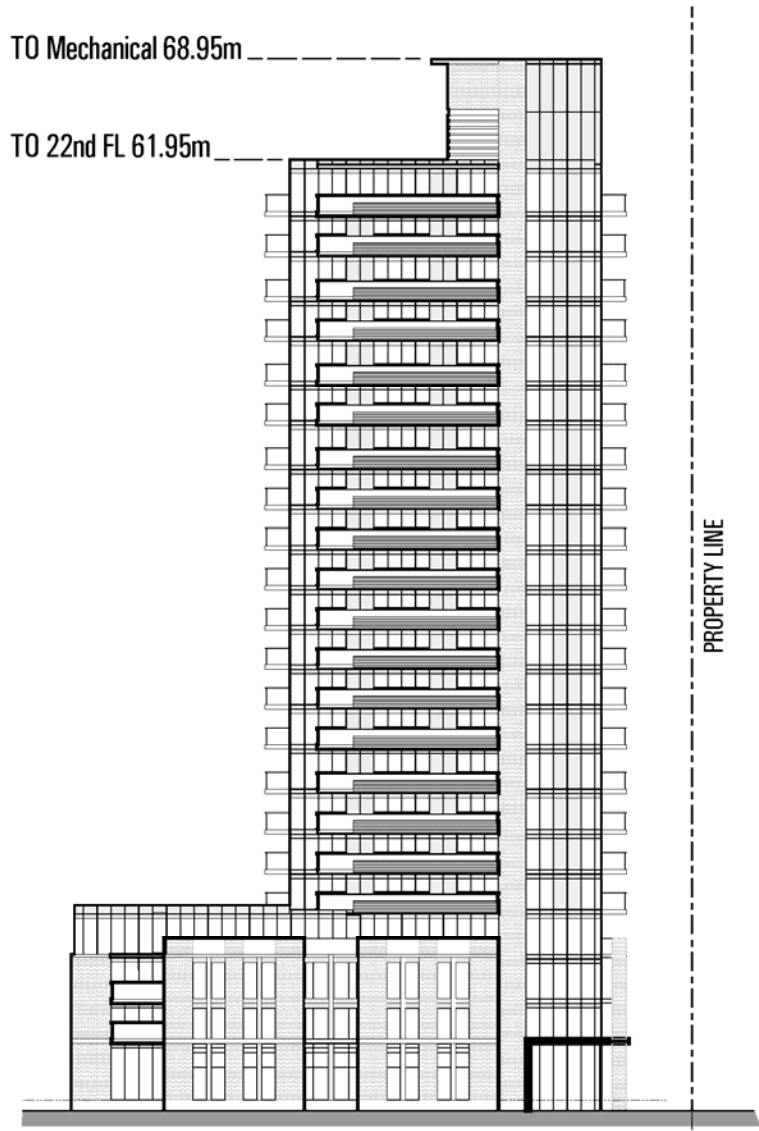
North Elevation - Building B

Attachment 8e: Building B West Elevation



West Elevation - Building B

Attachment 8f: Building B East Elevation



East Elevation - Building B

Attachment 8g: Townhouse East & West Elevations



West Elevation - Townhouse



East Elevation - Townhouse