

3311 Bathurst Street – Zoning By-law Amendment Application – Final Report

Date: November 15, 2019

To: North York Community Council

From: Director, Community Planning, North York District

Wards: Ward 8 - Eglinton-Lawrence

Planning Application Number: 18 132442 NNY 16 OZ

SUMMARY

This application proposes to develop a 24-unit, 3-storey (11.15 metre high) infill stacked rental townhouse building on an existing surface parking area fronting Brookdale Avenue in the southeast corner of the site at 3311 Bathurst Street. The existing 9-storey rental apartment building on Bathurst Street would be retained and the existing underground parking garage would be expanded to accommodate additional parking for both the existing apartment building and the proposed stacked townhouse development.

The proposed residential infill development is compatible with its surrounding context. The proposal introduces an appropriate built form to the site with development massed to address Brookdale Avenue. The site organization and proposed landscaping will provide improved public realm conditions on Brookdale Avenue and an attractive environment for pedestrian movement adjacent to, and within, the site. A mid-block north-south Privately Owned Publically Accessible (POPS) space is proposed to connect to the existing Woburn Park linear walkway.

The proposed development is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2019). The proposal conforms to the applicable Official Plan policies and complies with the criteria in the City's Townhouse and Low-Rise Apartment Guidelines with a built form that is compatible with the adjacent land uses.

This report reviews and recommends approval of the application to amend the Zoning By-laws.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Former City of North York Zoning By-law 7625, for the lands at 3311 Bathurst Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to this report.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 3311 Bathurst Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7 to this report.
3. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
4. Before introducing the necessary Bills to City Council for enactment, require the applicant to submit a Foundation Drainage Report for the existing building drainage system, including the maximum discharge flow rate to the sanitary analysis provided, such report to be to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.
5. Before introducing the necessary Bills to City Council for enactment, authorize the appropriate City officials and require the owner to execute and register on title an Agreement pursuant to Section 37 of the Planning Act satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor. Such agreement shall be registered on title to the lands in a manner satisfactory to the City Solicitor in order to secure the following facilities, services and matters as a legal convenience to support development:
 - a. The owner shall continue to provide and maintain the existing 102 rental dwelling units as rental housing in the existing rental building at 3311 Bathurst Street, 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 the Zoning By-law amendments come into 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;
 - b. The owner shall provide improvements to the existing rental apartment building, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor or his designate, including but not limited to the following:

Prior to the first above-grade building permit:

 - i. Convert storage space on the first floor of the existing rental building the conversion of a storage space into a new gym; and

ii. Undertake upgrades to the laundry room on the first floor of the existing rental apartment building.

Prior to the occupancy of any new residential units:

i. Provide an enhanced landscape area for congregation and construct a new gravel dog run area and a new landscaped outdoor amenity area with a communal outdoor kitchen, outdoor seating areas, and passive green space as illustrated in the Landscape Plans issued on October 4, 2019. Any changes to the proposed dog run area and outdoor amenity area shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division; and

ii. Provide an easement in favour of the City of Toronto in the form of the Privately Owned Publicly Accessible (POPS) space through the site in the form of a north-south 4 metre wide walkway from Brookdale Avenue in the south to Fairlawn Avenue in the north, as illustrated on the Landscape Plans issued on October 4, 2019. Any changes to the proposed POPS space shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.

c. The costs of the improvements to the existing rental apartment building and associated spaces within and outside the building, as described above, shall not be passed on to the tenants of the 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;

d. Prior to Site Plan Control Approval for the development, the owner shall develop a construction mitigation plan and tenant communications strategy to mitigate the impacts of construction on existing tenants, all to the satisfaction of the Chief Planner and Executive Director, City Planning; and

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

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

A pre-application meeting was held on October 26, 2017. The current application was submitted on March 22, 2018 and deemed complete on May 10, 2018. A Request for Interim Direction Report on the application was adopted by North York Community Council on June 6, 2018 authorizing staff to conduct a community consultation meeting with an expanded notification area. The decision of the Community Council can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.NY31.1>.

The results of the Community Consultation is summarized in the Comments section of this Report.

PROPOSAL

The proposal seeks to develop a stacked townhouse building on a surface parking area fronting Brookdale Avenue in the southeast corner of the subject site. The parking area currently serves the existing nine (9)-storey rental apartment building which would be retained. The existing underground parking garage would be expanded to accommodate additional parking for both the rental apartment building and the proposed stacked townhouse development.

The infill stacked townhouse building would be three (3) storeys (11.15 metres) in height with enclosed stairwells providing access to roof top amenity areas for a total height of 14.5 metres. The townhouse block would consist of 24 rental units and all dwelling units would have individual entrances which front on Brookdale Avenue. The proposed residential gross floor area (gfa) of the stacked townhouse building would be 2,965 square metres and combined with the gross floor area of the existing nine (9) storey rental apartment building which is 7,692 square metres, the total proposed gross floor space of the site would be 10,657 square metres. This would result in a floor space index of 1.85 times the lot area for the overall site.

The proposed stacked townhouse block would be organized as follows: Eight (8) single storey units would be located at the ground level - each unit would be a through unit with a front and back door at grade. Sixteen (16) two (2) storey units would be located at the second and third floor levels, with eight (8) of those units being located along the south side of the building and eight (8) units being located along the north side of the building. Access for each unit would be provided from one of four (4) entry porches along Brookdale Avenue. Each entry porch would serve 6 units – two (2) ground level units and four (4) upper level units.

Each proposed unit would be 6.1 metres wide with the exception of the end units which would be 6.25 metres wide. Each lower unit would be provided with a balcony for private use and amenity along Brookdale Avenue and an at-grade patio area at the back of the unit. Access to the rear yard patio would be provided through the master bedroom for the ground floor units. Each upper unit would be provided with a balcony at the second and third floor levels and a roof top deck accessed by an enclosed

stairwell. Seventeen (17) of the 24 units would have 2 bedrooms. Six (6) of the twenty-four (24) units would be provided with 2-bedrooms and a den and one unit would have three (3) bedrooms.

Parking for the existing rental building is currently provided in a single level underground parking garage accessed from a vehicular ramp from Fairlawn Avenue and a surface parking area facing Brookdale Avenue. Fifty-three (53) parking spaces are provided in the garage structure. The surface parking lot located at the southeast corner of the site where the stacked townhouses are proposed contains forty (40) parking spaces for residents and six (6) parking spaces for visitors.

It is proposed that the below-grade parking garage would be extended to accommodate 44 new vehicular parking spaces for a total of 97 below-grade parking spaces, including 4 accessible parking spaces. The vehicular access to the underground garage would remain from Fairlawn Avenue to the north. A Fire Route access (approximately 6 metres wide by 11 metres long) would be provided from Brookdale Avenue to serve the existing building and the proposed townhouses.

A hard-surfaced north-south pedestrian pathway would be provided through the site from Brookdale Avenue to Fairlawn Avenue between the existing rental apartment building and proposed stacked townhouse building. The walkway, which would be four (4) metres in width, would be proposed as an extension of the above-noted Fire Route from Brookdale Avenue.

Long-term bicycle parking spaces would be provided in the extended area of the underground parking garage for 17 bicycles. Bicycle racks intended to accommodate 10 short term bicycle parking spaces would be provided at grade at the northwest corner of the proposed stacked townhouse development adjacent the proposed north-south pedestrian connection between Brookdale Avenue and Fairlawn Avenue.

Loading presently occurs from Fairlawn Avenue at the entrance to the underground garage. The current loading space configuration is such that a vehicle using the space encroaches over the public sidewalk of Fairlawn Avenue for the duration of the loading activity. A new loading space is proposed in a similar location but fully contained within private property at the northwest corner of the existing 9-storey building. Significant landscaping would be proposed at the site plan stage to obscure the new loading area to passing vehicular and pedestrian traffic from Bathurst Street and Fairlawn Avenue.

The parking lot, which is the proposed site of the townhouse block, is currently used as a staging area for recycling material for the existing apartment building. Waste management and storage presently occurs below grade in the underground garage. A new accessory building is proposed east of the existing apartment building and west of the townhouse block to accommodate a waste and recycling chute for the proposed townhouse block. This accessory building would be incorporated with an exit stair from the underground garage. The waste and recycling storage facilities for both the townhouse block and the existing apartment would be consolidated below grade. Waste and recycling material would be brought to the surface on pickup day via the ramp to Fairlawn Avenue and stored in the staging area of the redesigned loading space at the northwest corner of the existing apartment building until pick-up.

See Attachment 1: Application Data Sheet for further project information and Attachment 8: Site Plan for the site layout.

Site and Surrounding Area

The 0.19 hectare L-shaped site has 70.5 metres of frontage on Bathurst Street, approximately 51.1 metres of frontage on Fairlawn Avenue and 113.3 metres of frontage on Brookdale Avenue. The site is currently occupied by a nine (9) storey rental apartment building comprising 102 units. The building contains four (4) studio units, fifty-nine (59) one-bedroom units, thirty-seven (37) two-bedroom units and two (2) three-bedroom units. The rents for all rental units are affordable and mid-range as defined by the Canadian Mortgage and Housing Corporation for the City of Toronto. The existing tenure and affordability would be secured in a section 37 agreement.

Vehicular access to the site is from Fairlawn Avenue through a ramp to the underground parking structure which contains fifty-three (53) parking spaces for the residents. Two driveways from Brookdale Avenue provide access to the surface parking in the southeast portion of the subject lands which contains forty (40) parking spaces for residents and six (6) parking spaces for visitors. In total, ninety-three (93) parking spaces are provided on site for residents and six (6) spaces are provided for visitors.

A U-shaped paved walkway provides pedestrian access to the existing apartment building lobby entrance from the sidewalk on the east side of Bathurst Street. Secondary accesses to the building serve the residents from Brookdale Avenue, Fairlawn Avenue and the surface parking area.

The existing apartment building is surrounded by landscaped private open space on all sides of the building.

Land uses surrounding the subject site are as follows:

North: Detached dwellings are located immediately north of the development parcel on both sides of Fairlawn Avenue. A commercial plaza with residential units on the second floor is located at the northeast corner of Bathurst Street and Fairlawn Avenue.

South: A seven (7) storey apartment building (595 Brookdale Avenue) is located to the south of the site across Brookdale Avenue. To the south and southwest along both sides of Bathurst Street are located a number of 4 storey walk-up apartment buildings.

East: Detached residential dwellings are located to the east of the development site along both sides of Brookdale Avenue and Fairlawn Avenue.

West: An eight (8) storey apartment building is located across Bathurst Street on the west side (3270 Bathurst Street). A complex of two (2) storey townhouses is located across Bathurst Street to the northwest of the site (3310 to 3332 Bathurst Street).

See Attachment 2: Location Map.

Reasons for Application

The applicant has requested to increase the maximum lot coverage and the maximum permitted floor space index/gross floor area, reduce the required ancillary building and structure (underground parking structure) setbacks, reduce the required minimum rear and side yard setbacks, reduce the required minimum amenity space, reduce the required minimum building separation distance, reduce the required minimum and maximum parking requirements, including a reduction in the required visitor parking, vary the number and location of required loading spaces, and reduce the number of required long term bicycle parking spaces for the existing building among other zoning by-law requirements in order to accommodate the proposed infill stacked townhouses.

APPLICATION BACKGROUND

Application Submission Requirements

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

- Building Massing Model
- Planning Justification Report
- Public Consultation Strategy
- Sun and Shadow Study
- Arborist Report
- Geotechnical Investigation
- Hydrogeological Investigation
- Functional Servicing and Stormwater Management Report
- Parking and Loading Study
- Toronto Green Standard Checklist.

The above-noted reports and studies are available at 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 have been given 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

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 City of Toronto uses the PPS to guide its Official Plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the [Planning Act](#) and all decisions of Council 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."

The PPS can be found here:

<https://www.ontario.ca/document/provincial-policy-statement-2014>

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)

On May 2, 2019, the Province released A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 ("the Growth Plan (2019)") which replaces the Growth Plan for the Greater Golden Horseshoe (2017). The new document came into effect on May 16, 2019 and all planning decisions are now required to conform with it, on or after this date. The Growth Plan (2019) provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

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

The Growth Plan 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 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.

The Growth Plan (2019) can be found here:

<https://www.ontario.ca/document/place-grow-growth-plan-greater-golden-horseshoe>

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 this Report.

Toronto Official Plan

This application has been reviewed against the policies of the City of Toronto Official Plan as follows:

The subject lands are designated *Mixed Use Areas* on Map 16 of the Official Plan (See Attachment 3; excerpt of Official Plan Land Use Map 16). *Mixed Use Areas* are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities. Section 4.5.2 of the Official Plan identifies a number of development criteria for new development in *Mixed Use Areas* that reinforce the built form policies identified above.

Chapter 2 - Shaping the City

The Official Plan identifies areas that are well-served by public transit and the existing road network and which have a number of properties with redevelopment potential that can accommodate growth. These areas are shown on Map 2 Urban Structure and are identified by four categories including Avenues (See Attachment 4: Excerpt from Official Plan Map 2 Structure Plan). The Avenues are important corridors along major streets where re-urbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the appearance of the street, shopping opportunities and transit service for community residents. The property falls within an Avenues overlay.

Healthy Neighbourhoods policies of the Official Plan provide guidance for development in *Mixed Use Areas* that are adjacent or close to *Neighbourhoods*. Policy 2.3.1.2 states that developments that are adjacent to *Neighbourhoods* will:

- Be compatible with those *Neighbourhoods*;
- Provide a gradual transition of scale and density, as necessary to achieve the objectives of this Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*;
- Maintain adequate light and privacy for residents in those *Neighbourhoods*; and attenuate resulting traffic and parking impacts on adjacent neighbourhood streets

so as not to significantly diminish the residential amenity of those Neighbourhoods.

Through the recent approval of OPA 320 by the Local Planning Appeal Tribunal additional Healthy Neighbourhoods policies were brought into force to improve the compatibility of new developments located adjacent and close to *Neighbourhoods*. The new criteria address aspects in new development such as amenity and service areas, lighting and parking so as to minimize impacts on adjacent land in those *Neighbourhoods*. Similarly, the new policies provide that service areas, surface parking and access to underground and structured parking be located and screened to minimize impacts on adjacent land in *Neighbourhoods*.

Chapter 3 - Building a Successful City

The built form policies of Section 3.1.2 of the Plan provide for new development to be located and organized to fit with its existing and/or planned context. This is accomplished by generally locating buildings parallel to the street or along the edge of a park or open space, having a consistent front yard setback, acknowledging the prominence of corner sites, and locating entrances so they are clearly visible, and providing ground floor uses that have views onto, and access from, the street. The policies direct new development to also locate and organize vehicle parking and vehicular access to minimize their impacts on the public realm. Furthermore, new development will create appropriate transitions in scale to existing neighbouring development and/or minimize additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

Section 3.2.1 of the Official Plan includes policies that encourage the provision of a full range of housing, in terms of form, tenure, and affordability, and the protection of rental housing units.

Policy 3.2.1.5 states that, "significant new development on sites containing six or more rental units, where existing rental units will be kept in the new development:

- Will secure as rental housing, the existing rental housing units which have affordable rents and mid-range rents; and
- May secure any needed improvements and renovations to the existing rental housing, in accordance with and subject to Section 5.1.1 of this plan, without pass-through of such costs in rents to tenants."

Chapter 4 - Land Use Designations

The subject lands are designated *Mixed Use Areas* on Map 16 of the Official Plan. This is one of four designations identified in the Official Plan as providing opportunities for increased jobs and/or population. Underutilized lots within *Mixed Use Areas* have the potential to absorb much of the new housing growth expected in Toronto over the coming decades. While the *Mixed Use Areas* designation encourages intensification, the Plan recognizes that not all *Mixed Use Areas* will experience the same scale or intensity of development.

Section 4.5.2 of the Official Plan establishes criteria for development in *Mixed Use Areas* that are intended to contribute to the quality of life. It is the intent that development will:

- Create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- Provide for new jobs and homes for Toronto's growing population on underutilized lands in areas such as designated *Mixed Use Areas*;
- Provide a transition between areas of different development intensity, particularly providing setbacks from and stepping-down of building heights towards lower scale Neighbourhoods;
- Locate and mass new buildings to minimize shadow impacts on adjacent Neighbourhoods during the spring and fall equinoxes;
- Locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- Provide an attractive, comfortable and safe pedestrian environment;
- Have access to schools, parks, community centres, libraries, and childcare;
- Take advantage of nearby transit services;
- Provide good site access and circulation and an adequate supply of parking for residents and visitors;
- Locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- Provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

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

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Zoning

Former City of North York Zoning By-law 7625

The majority of the site is zoned Multiple Family Dwellings "RM6" by the former City of North York Zoning By-law 7625. The range of permitted uses include Detached Dwellings, Semi-Detached Dwellings, Multiple Attached Dwellings and Apartment Dwellings and including a Hospital, Nursing Home and a Sanatorium as well as any use permitted in the R4 zone. The minimum required frontage in this zone is 21 metres and the minimum required lot area is 835 square metres.

A sliver of the property along the east portion which fronts on Brookdale Avenue is zoned "R6", the One Family Detached Dwelling Sixth Density Zone. Permitted uses include one family detached dwellings and accessory uses as well as uses such as Community Centres, Day Nurseries, Schools, Playgrounds and Public Libraries. The minimum required lot area is 371 square metres and the minimum required lot frontage is 12 metres.

City of Toronto Zoning By-law 569-2013

The majority of the site is zoned "Residential Apartment" RA (f30.0; a1375; d1.5)(x776) by City of Toronto Zoning By-law 569-2013. Permitted uses include an apartment building in addition to civic uses such as fire halls, police stations or ambulance depots, and retail stores subject to conditions. The minimum required frontage in this zone is 30 metres and the minimum required lot area is 1,375 square metres.

A rectangular-shaped sliver of the site along the east portion which fronts on Brookdale Avenue is zoned "Residential Detached" RD (f12.0; a 370)(x1463). Permitted uses include detached dwellings and parks. Stacked townhouses are considered an apartment building so they are not permitted in an RD zone. The minimum required lot frontage in the RD zone is 12 metres and the minimum required lot area is 370 square metres.

See Attachment 5: Existing Zoning By-law Map - Zoning By-law 569-2013.

Design Guidelines

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 (2003) 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

In July 2017, Toronto City Council adopted the Draft Growing Up Urban Design Guidelines and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals. The objective of the Growing Up Guidelines is for developments to increase liveability for larger households, including families with children, at the neighbourhood, building and unit scale. The draft Guidelines are available at: <https://www.toronto.ca/city-government/planningdevelopment/planningstudiesinitiatives/growing-up-planning-for-children-in-new-verticalcommunities>

Site Plan Control

The proposal is subject to site plan control approval. A site plan control application has been submitted (file number 18 270798 NNY 16 SA) and is under review.

Community Consultation

On June 25, 2018 a community meeting was attended by approximately 35 residents, the Ward councillor, City staff, the applicants and their consultants. The meeting was held at Ledbury Park Elementary and Middle School. The following comments/concerns were raised by the community and through correspondence:

- Concern that the proposed development may increase the traffic in the area;
- Concern that the proposed parking for the development is inadequate and could lead to residents parking on side streets;
- Concern that the development could cast shadows on neighbouring properties;
- Concern that abutting residences will lose their privacy given the potential of overlook from new units;
- Concern about the inclusion of a mid-block connection enabling privacy and security breaches to neighbouring properties; and
- Concerns related to servicing capacity issues and infrastructure constraints in the neighbourhood in general.

Following the community meeting the application was revised to reduce the number of units, relocate the north facing unit entrances to the south side of the townhouse block, and remove one storey from the proposed townhouse building.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2014) 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 Issue Background section of the Report.

The application is consistent with PPS direction to provide a range of housing types and densities to meet projected requirements of current and future residents by introducing stacked townhouses on the site. This policy for healthy, livable and safe communities is achieved, amongst other means, by accommodating a range of residential, employment, institutional and other uses to meet long-term needs, facilitating all forms of residential intensification and redevelopment, promoting densities for new housing which effectively use land, resources, infrastructure and public services, and supporting the use of public transit. In accordance with Policy 1.1.3.3, the subject site is appropriately located for intensification as it is within an existing settlement area that can accommodate growth and is served by existing infrastructure.

Policy 1.6.7.4 of the PPS (2014) promotes a land use pattern, density and mix of uses that minimizes the length and number of vehicle trips and supports current and future use of transit and active transportation. The proposal is consistent with this policy direction as the proposed land use and density provides a compact built form that supports an efficient use of land in proximity to existing transit infrastructure (TTC bus routes) on Bathurst Street, Lawrence Avenue West and Wilson Avenue.

The proposal conforms to the Growth Plan (2019) as it accommodates new growth within the built up areas of the community through intensification. Policy 2.2.1.4 of the Growth Plan provides direction on the achievement of complete communities setting out objectives for a mix of land uses, a 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 is also highlighted as a key component of complete communities along with the development of high quality, compact built form and an attractive and vibrant public realm.

The proposed development intensifies an underutilized site that is served by existing bus transit infrastructure. The proposal provides a high quality compact built form, supports an efficient use of land, and provides a pedestrian-friendly environment by removing an existing surface parking area. The proposal enlarges the underground parking structure to include parking for the proposed development, incorporates a north-south walkway/POPS through the site to increase neighbourhood permeability and improves the Brookdale Avenue, Bathurst Street and Fairlawn Avenue streetscapes. The loading area which currently serves the existing apartment building will be improved and redesigned so it is entirely encompassed within the existing site instead of being partially within the Fairlawn Avenue right-of-way.

Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan.

Land Use

This application has been reviewed against the official plan policies described in the Issue Background Section of the Report as well as the policies of the Toronto Official Plan as a whole. The subject lands are designated *Mixed Use Areas* in the Official Plan. The *Mixed Use Areas* designation provides for a broad range of commercial, residential and institutional uses, in single use or mixed use buildings. The proposal represents an appropriate intensification of the site with a residential land use that is compatible with the surrounding existing and planned context and in conformity with the Official Plan.

Site Organization

The development is organized to support the adjacent public realm. Building entrances for all stacked townhouse units will be accessible at grade through shared entrance porches from the Brookdale Avenue frontage. The garbage and recycling storage areas will now be entirely located in the expanded underground parking structure. Previously, storage of recycling materials was occurring within the surface parking area that is the location of the proposed stacked townhouses. Garbage and recycling will be picked up from the redesigned loading area at the northwest corner of the existing apartment building. Landscape material will be used to screen the loading area from adjacent street frontages.

Height, Massing and Density

This application has been reviewed against the Official Plan policies and design guidelines described in the Issue Background Section of the Report.

The height of the proposed building is approximately 11.15 metres to the top of the third storey and approximately 14.5 metres to the top of the rooftop access stairwells. The design and massing of the building provides appropriate transition to the lands designated *Neighbourhoods* to the north and a generous building setback from the east lot line of approximately 5 metres which will provide an appropriate separation and opportunity for landscaping from the detached dwellings to the east along Brookdale Avenue. The building is within a 45-degree angular plane taken from the north (rear) lot line. Thus, the development will cast no shadows on the detached dwellings or their associated lots to the north during the spring and fall equinoxes.

At a proposed density of 1.85 times the area of the lot, the proposed development is compatible with the low rise character of the surrounding.

The proposed development is compatible with the surrounding existing and planned context and the proposed built form, including the density, height and massing proposed by the applicant is appropriate and can be supported by staff.

Townhouse and Low-rise Apartment Guidelines

The proposed development is generally consistent the *Townhouse and Low-Rise Apartment Guidelines* as follows:

- The stacked townhouse building will front onto Brookdale Avenue with all unit entrances facing Brookdale Avenue;
- The building is sized and massed to be consistent with the surrounding context, including the detached dwellings to the north on Fairlawn Avenue and east on Brookdale Avenue;
- A 5.67 metre front yard setback will be provided along Brookdale Avenue to provide grade related outdoor space and landscaping;
- A 7.6 metre rear yard building setback will be provided from the property line of the detached dwellings to the north;
- The provision of planters on the rooftop amenity terraces and rear decks and the use of screens on balconies will be provided to address potential privacy/overlook issues and will be secured during site plan control review;
- The redesigned loading area at the northwest corner of the existing apartment building will be screened by landscaping and a decorative fence to minimize the visual impact of the loading area from Fairlawn Avenue and Bathurst Street;
- Garbage will be stored inside the underground parking garage until it is brought to the surface on garbage day; and
- Long term bicycle parking spaces will be located within the underground parking structure while short term bicycle parking spaces will be located at grade.

Sun and Shadow

The Official Plan sets out that new development will adequately limit any resulting shadowing of neighbouring streets and properties, having regard for the varied nature of such areas. In addition, the Official Plan states that development in *Mixed Use Areas* locate and mass new buildings to adequately limit shadow impacts on adjacent *Neighbourhoods*. A shadow study provided by the applicant has been reviewed by staff, and the anticipated shadow impacts have been found to be acceptable as there will be no shadow impacts on the neighbouring lands to the north and minimal impact on the neighbouring lands to the east during the spring and fall equinox.

Traffic Impact, Access, Parking and Loading

A parking and loading study was provided by the applicant and evaluated by staff. Parking for the existing rental building is currently provided in a single level underground parking garage accessed from a vehicular ramp from Fairlawn Avenue. Fifty-three (53) parking spaces are provided in the garage structure. The surface parking lot located at the southeast corner of the site where the stacked townhouses are proposed contains forty (40) parking spaces for residents and six (6) parking spaces for visitors. The below-grade parking garage is proposed to be extended to accommodate 44 new vehicular parking spaces for a total of 97 below-grade parking spaces, including 4 accessible parking spaces. Access to the site and underground parking garage will remain from Fairlawn Avenue. A proposed driveway access into the site is provided from Brookdale Avenue for fire route access only. Transportation Services staff are satisfied with the proposed supply and configuration of the parking areas, servicing areas and site access.

Long-term bicycle parking spaces would be provided in the extended area of the underground parking garage for 17 bicycles. Five (5) bicycle rings to accommodate 10 bicycles would be provided at grade at the northwest corner of the proposed stacked townhouse development adjacent the proposed pedestrian connection between Brookdale Avenue and Fairlawn Avenue. Access to these spaces would be obtained from the hard-surfaced fire route/pedestrian pathway proposed through the site from Brookdale Avenue to Fairlawn Avenue between the existing rental apartment building and proposed stacked townhouses. The proposed bicycle parking is satisfactory.

The site currently has two servicing areas for the existing apartment building. The recycling area which is located in the parking lot will be relocated with the development of the townhouses. The existing loading area on Fairlawn Avenue does not meet the City standards in that vehicles are required to encroach into the right-of-way and over the sidewalk while loading is occurring and must back out onto the public street at the conclusion of the operation. The applicant is proposing to provide a redesigned 'Type G' loading area at the northwest corner of the existing apartment building to serve both the apartment building and the proposed townhouses. The new loading area will be designed so that trucks will be fully on private property during operation and will be able to drive off the site in a forward fashion.

Public Transit

The site is well served by public transit with frequent bus service along Bathurst Street. A TTC stop is located on Bathurst Street midblock between Brookdale Avenue and Fairlawn Avenue in close proximity to the existing apartment building's main door on Bathurst Street. There is also frequent bus service on Lawrence Avenue West and Wilson Avenue.

Streetscape

The proposed development will improve the streetscape of Brookdale Avenue with a 2.1 metre wide municipal sidewalk, new trees and landscaping, and ground related residential units and entrances. The widened municipal sidewalks, additional trees and new landscaping will contribute to an improved pedestrian environment. A 2.1 metre wide sidewalk will also be provided along Bathurst Street from Brookdale Avenue to Fairlawn Avenue.

Servicing

The applicant has provided a Functional Servicing and Stormwater Management Report, a Hydrogeological Investigation, and related plans including Grading and Servicing Plans. This material has been reviewed by Engineering and Construction Services staff. A satisfactory Foundation Drainage Report is required prior to the Bills going to City Council. Other matters related to storm water management will be addressed through the Site Plan Control application.

Rental Housing Intensification and Improvements

According to the Housing Issues Report submitted by the applicant, 96 of the 102 existing rental dwelling units have mid-range rents. The applicant proposes to maintain all existing 102 rental units in accordance with Policy 3.2.1.5(a) of the Official Plan.

The Housing Issues Report indicates that the existing rental apartment building has recently undergone renovations and that any additional improvements identified by City staff can be secured to ensure costs are not passed down to tenants through rent increases. Rental housing improvements, which may include improvements to amenities for tenants of the existing rental building, should be capital in nature and extend beyond building repairs which form part of regular maintenance.

Improvements to the existing rental housing on the subject lands have been identified through tenant consultation and need to be secured through a legal agreement between the Owner and the City. Improvements agreed to by the applicant include the following:

- Conversion of one of the storage spaces into a gym (the applicant advanced this work this year);
- Upgrades to the laundry room (the applicant advanced this work this year);
- Enhanced landscape area for congregation and addition of outdoor amenity area including communal BBQ, seating areas, and passive green space to the east of the existing apartment building; and
- Construction of a new dog run area adjacent the new amenity area.

The owner is also required to develop a construction mitigation plan and tenant communications strategy so that existing tenants experience limited impact from the proposed development.

City staff will work with the applicant to ensure rental housing improvements and a construction mitigation plan are secured in a Section 37 Agreement as a legal convenience.

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 0.43 to 0.79 hectare of local parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland. The site is in a parkland acquisition area, as per Chapter 415, Article III, of the Toronto Municipal Code.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The residential component of this proposal is subject to a cap of 10% parkland dedication.

The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted upon the submission of an application for the first above ground building permit and is valid for six months. Payment will be required prior to building permit issuance.

Privately-Owned Publicly Accessible Open Space (POPS)

The applicant is proposing a privately-owned publicly accessible open space (POPS) in the form of a surface easement over a four (4) metre wide north-south pedestrian walkway through the site between Brookdale Avenue and Fairlawn Avenue. The walkway will contribute to the permeability of the site for residents and the neighbourhood and will contribute a segment to the pathway system connecting to Woburn Park to the south to the benefit of the entire neighbourhood. Staff consider the proposed POPS to be a positive element of the proposal. Staff recommend that the POPS be secured in the Section 37 Agreement and its final design be secured through the Site Plan Control approval process.

Tree Preservation

This 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). The applicant has provided a Tree Preservation/Removal Plan and an Arborist Report in support of the application. The Tree Inventory identifies trees within and immediately surrounding the site. A total of 26 trees were inventoried. The report indicates that there are 11 private trees subject to the City's Private Tree By-law that will require removal to facilitate construction of the proposed development. All of these trees are located in the

vicinity of the proposed townhouse building along the Brookdale Avenue frontage and along the east lot line. Based upon the City's standard requirement, a total of thirty-three (33) new large growing native shade trees are to be planted on private property to replace the eleven (11) private trees proposed for removal at a replacement ratio of 3:1.

The submission of satisfactory landscape plans with tree replanting will be addressed through the Site Plan Control application.

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.

The applicant is required to meet Tier 1 of the TGS. Performance measures for the Tier 1 development features to be secured through the zoning by-law process include vehicular and bicycle parking. Other applicable TGS performance measures will be secured through the Site Plan Approval process.

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. Policy 5.1.1.4 of the Official Plan states that Section 37 may be used for developments with more than 10,000 m² of gross floor area. The applicant is proposing a gross floor area of 2,965 m², which is less than 10,000 m². As such, a Section 37 contribution is not required as the proposal does not meet the criteria set out in the Official Plan.

Notwithstanding, Policy 5.1.1.4 provides that Section 37 may be used, irrespective of the size of the project or the increase in height and/or density to secure matters that are otherwise agreed upon by the applicant. A Section 37 Agreement is proposed to be registered on title as a legal convenience to secure upgrades and improvements to the existing rental apartment building, including the conversion of a storage space into a gym, upgrades to the laundry room, an enhanced landscape area for congregation and the addition of an outdoor amenity area including a communal barbeque, seating areas and passive green space, a dog run, and the acquisition of an easement in favour of the City of Toronto for a POPS through the site in the form of a 4 metre wide north-south walkway from Brookdale Avenue in the south to Fairlawn Avenue in the north. Also, the rental tenure of the project is to be secured for 20 years as well as the mid-range and affordable rents.

Conclusion

The proposal for an infill stacked townhouse development has been reviewed against the policies of the PPS (2014), the Growth Plan (2019), and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2014) 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 represents an appropriate level of intensification on lands designated *Mixed Use Areas*. The proposed development is in close proximity to public transit, would improve the streetscape of Brookdale Avenue, Bathurst Street and Fairlawn Avenue and contribute to a range of housing options within this neighbourhood. The proposal represents an appropriate scale of development for the site that fits within the existing and planned context of the area. The proposal is compatible with the surrounding land uses and provides an appropriate transition of built form to adjacent properties. Staff recommend that Council support approval of the application.

CONTACT

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E-mail: Cathie.Ferguson@toronto.ca

SIGNATURE

Joe Nanos, Director
Community Planning, North York District

ATTACHMENTS

City of Toronto Data/Drawings

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Official Plan Map 2 Urban Structure Plan
- Attachment 5: Existing Zoning By-law Map (Zoning By-law 569-2013)
- Attachment 6: Draft Zoning By-law Amendment - former City of North York Zoning By-law 7625
- Attachment 7: Draft Zoning By-law Amendment Zoning By-law 569-2013

Applicant Submitted Drawings

- Attachment 8: Site Plan
- Attachment 9: Elevations
- Attachment 10: Building Section

Attachment 1: Application Data Sheet

Municipal Address: 3311 BATHURST ST Date Received: March 21, 2018

Application Number: 18 132442 NNY 16 OZ

Application Type: Zoning By-law Amendment

Project Description: Three storey stacked townhouses consisting of 24 rental units, each with individual entrances accessible from shared porches fronting Brookdale Avenue.

Applicant	Agent	Architect	Owner
MHBC Planning, 7050 Weston Road, Suite 230, Woodbridge, ON L4L 8G7	MHBC Planning, 7050 Weston Road, Suite 230, Woodbridge, ON L4L 8G7	Guthrie Muscovitch Architects, 770 Brown's Line, Toronto, ON M8W 3W2	IMH 3311 BATHURST LIMITED (Starlight Investments), 1400- 3280 Bloor Street West, Toronto, ON M8X 2X3

EXISTING PLANNING CONTROLS

Official Plan Designation:	<i>Apartment Neighbourhoods RA (f30.0; a1375; d1.5)</i>	Site Specific Provision:	No
Zoning:	(x776) & RD (f12.0; a370;)(x1463)	Heritage Designation:	No
Height Limit (m):	10 m	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq m): 5,765 Frontage (m): 71 Depth (m): 113

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	957	957	1,097	2,054
Residential GFA (sq m):	7,692	7,692	2,965	10,657
Non-Residential GFA (sq m):				
Total GFA (sq m):	7,692	7,692	2,965	10,657
Height - Storeys:	9	9	3	9
Height - Metres:	26	26	15	26

Lot Coverage Ratio (%) : 35.63 Floor Space Index: 1.85

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	10,657	
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	102	102	24	126
Freehold:				
Condominium:				
Other:				
Total Units:	102	102	24	126

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:		4	59	37	2
Proposed:				23	1
Total Units:		4	59	60	3

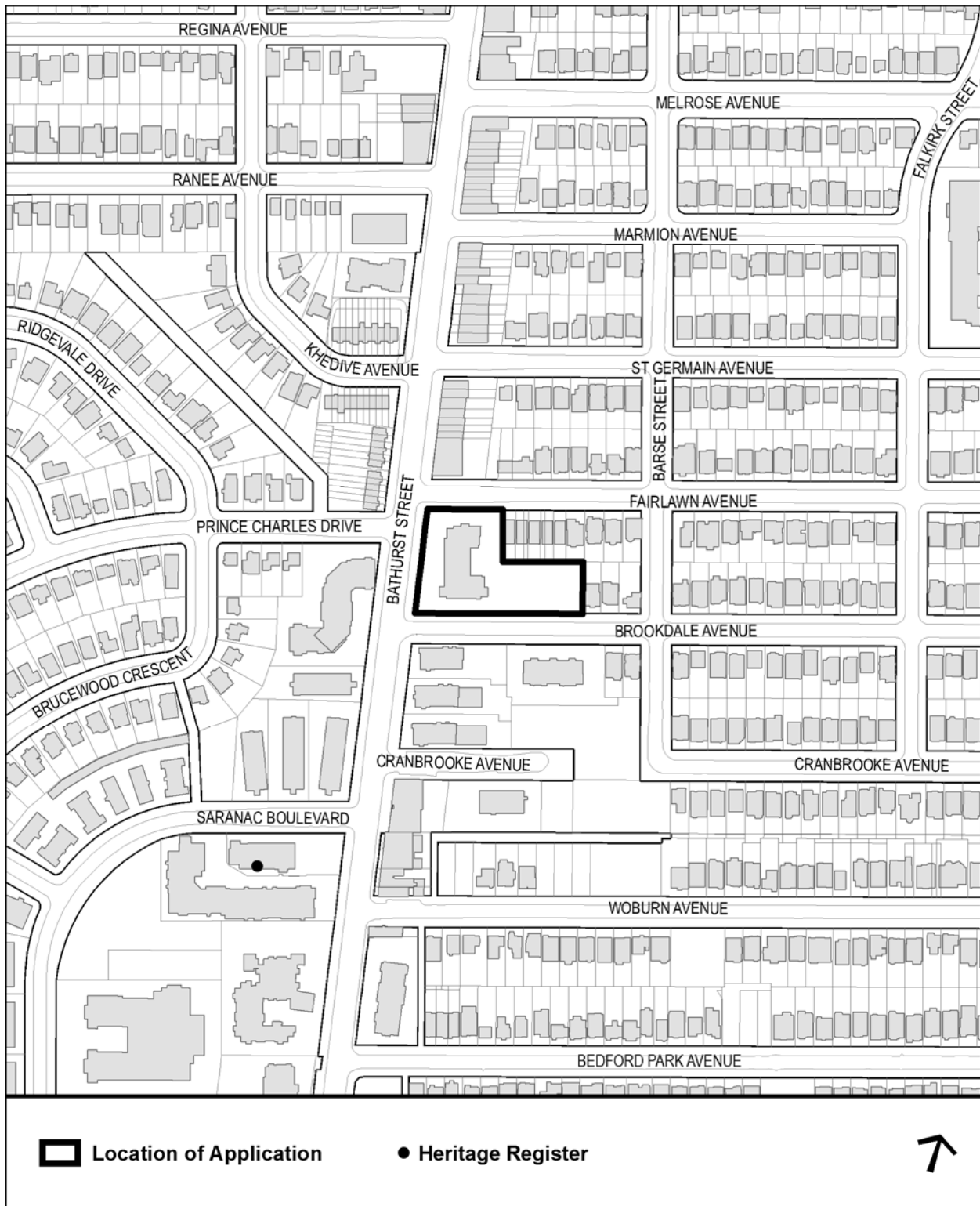
Parking and Loading

Parking Spaces:	97	Bicycle Parking Spaces:	19	Loading Docks:	1
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CONTACT:

Cathie Ferguson, Senior Planner
(416) 395-7117
Cathie.Ferguson@toronto.ca

Attachment 2: Location Map









Attachment 3: Official Plan Land Use Map



Extract from Official Plan

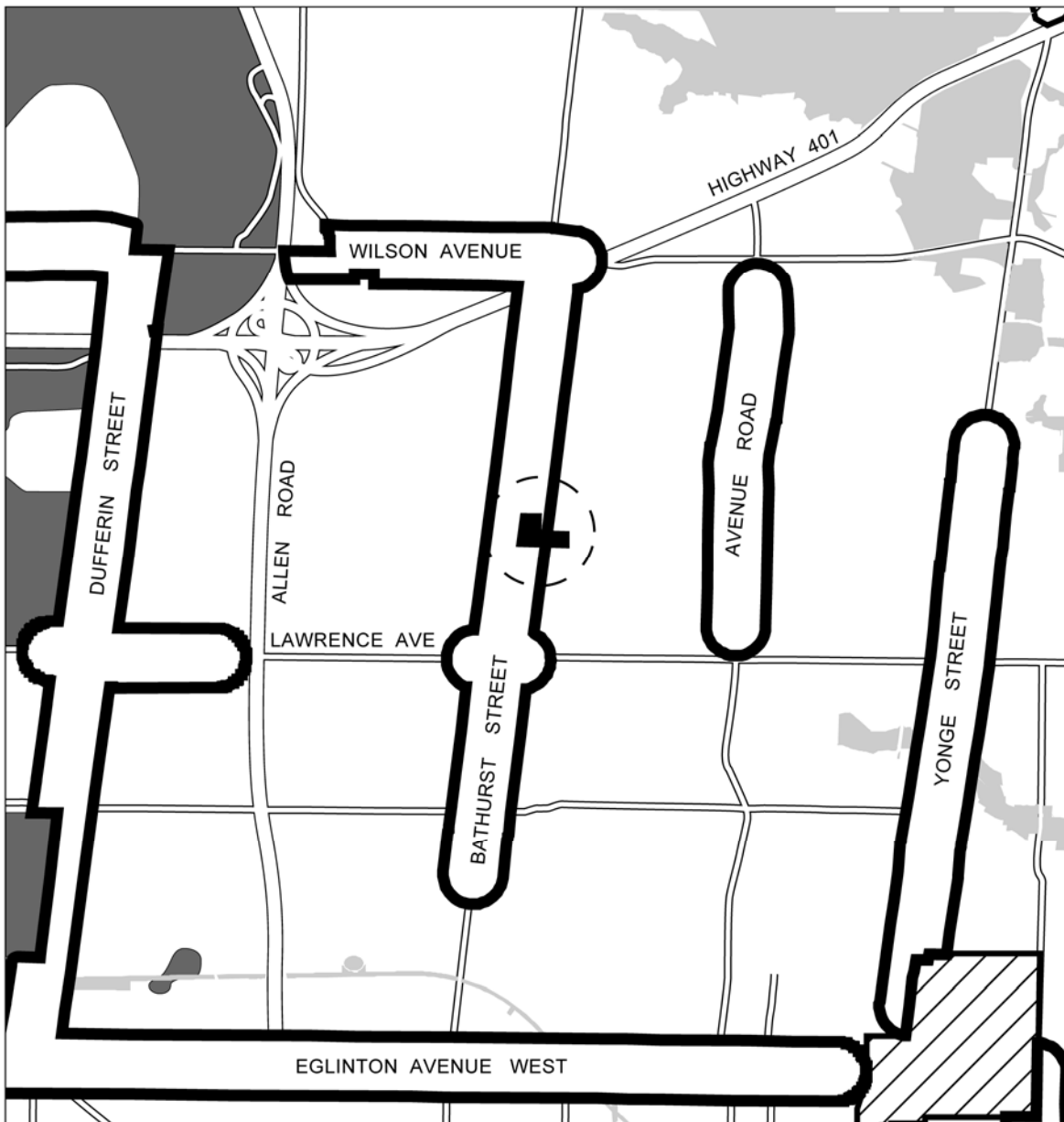
3311 Bathurst Street

File # 18 132442 NNY 16 0Z

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

↑
Not to Scale
04/10/2018

Attachment 4: Official Plan Map 2 Urban Structure Plan



TORONTO
 Map 2 - Urban Structure Plan

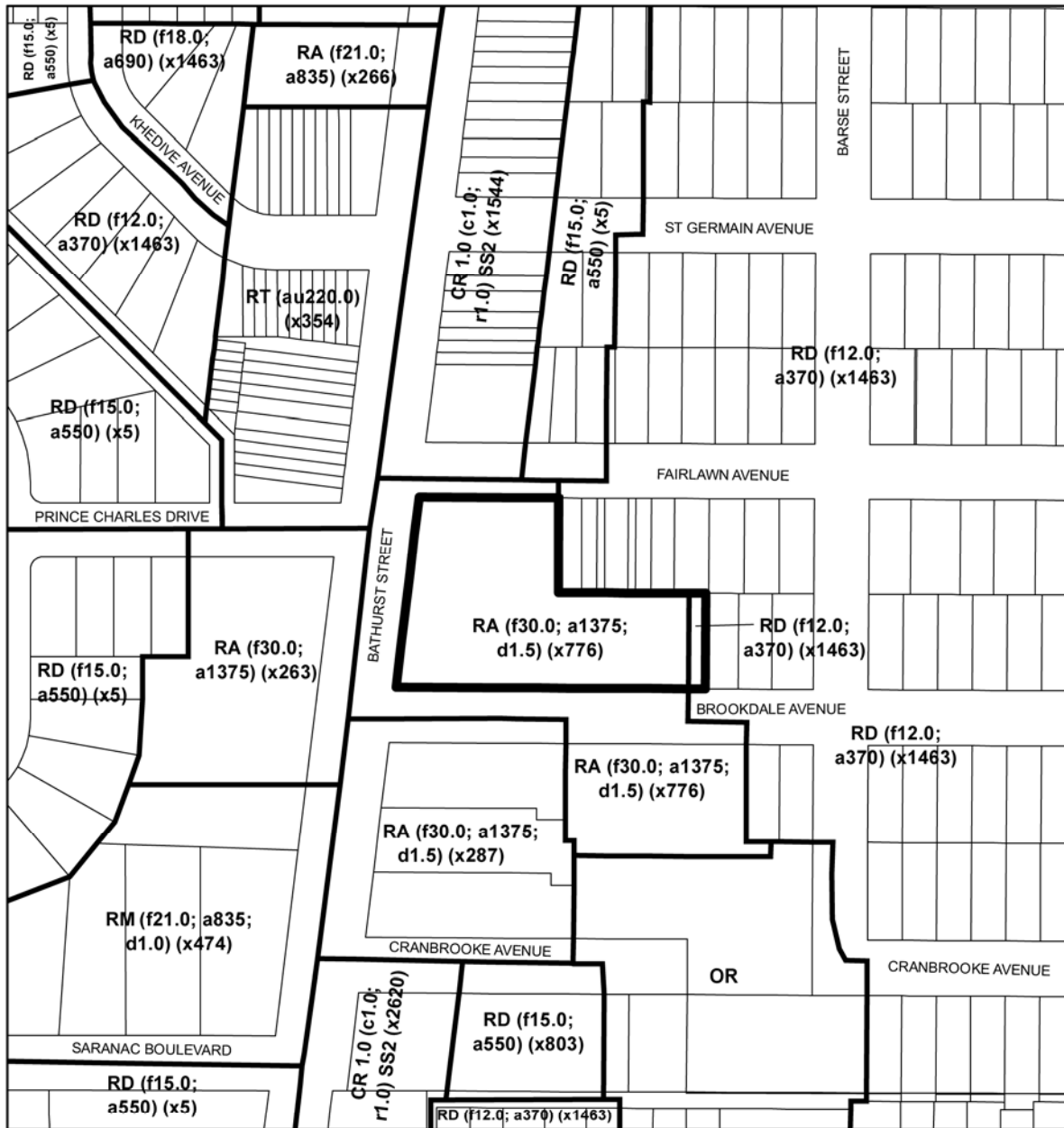
3311 Bathurst Street

File # 18 132442 NNY 16 0Z

-  Site Location
-  Avenues
-  Employment Areas
-  Centres
-  Green Space System

↑
 Not to Scale
 04/27/2018

Attachment 5: Existing Zoning By-law Map (Zoning By-law 569-2013)



Zoning By-law 569-2013

3311 Bathurst Street

File # 18 132442 NNY 16 0Z

Location of Application

- | | | | |
|----|-----------------------|----|------------------------|
| RD | Residential Detached | RA | Residential Apartment |
| RT | Residential Townhouse | CR | Commercial Residential |
| RM | Residential Multiple | OR | Open Space Recreation |



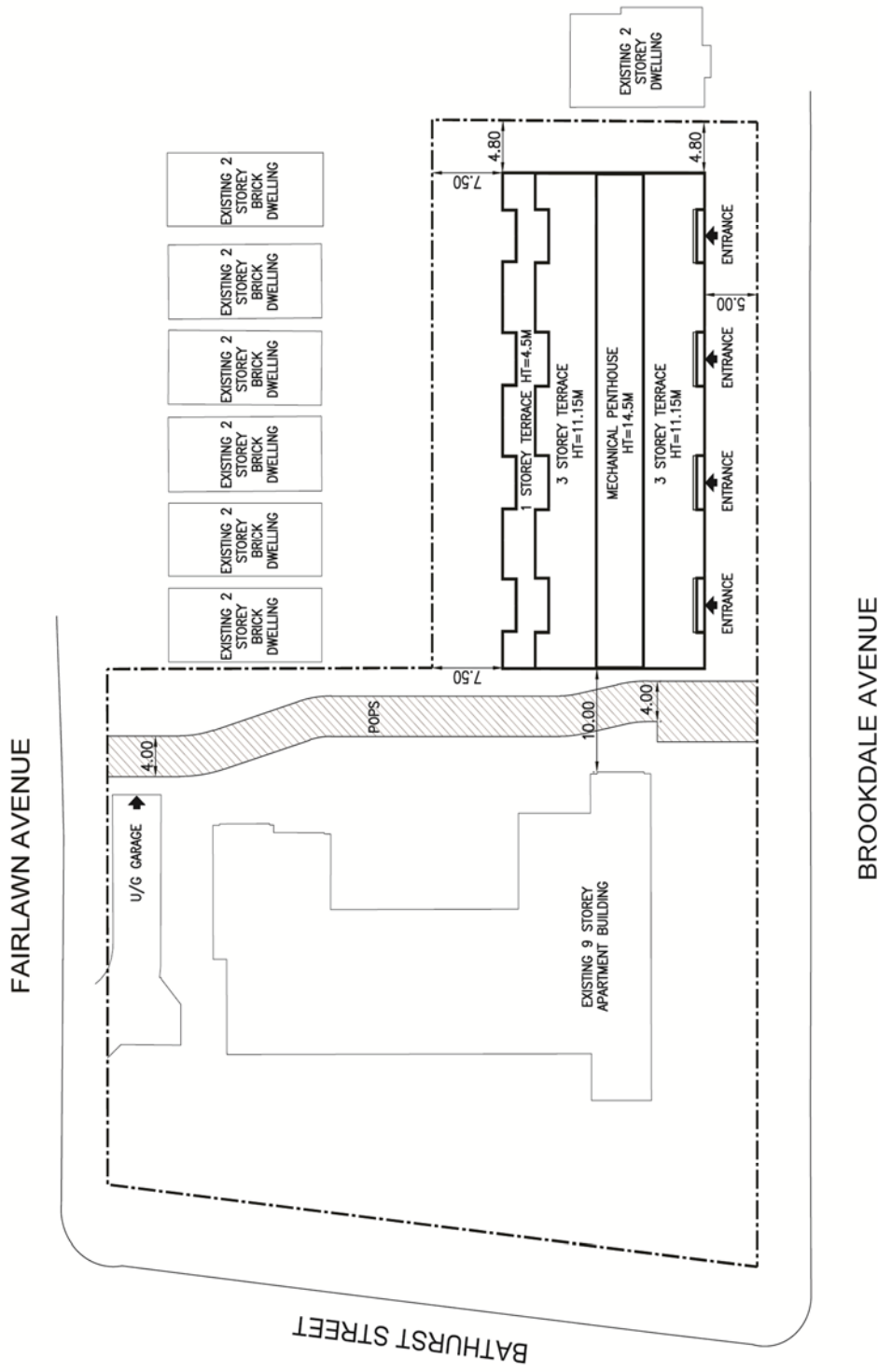
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Extracted: 04/10/2018

Attachment 6: Draft Zoning By-law Amendment - former City of North York Zoning By-law 7625

(See Separate Attachment)

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

(See Separate Attachment)

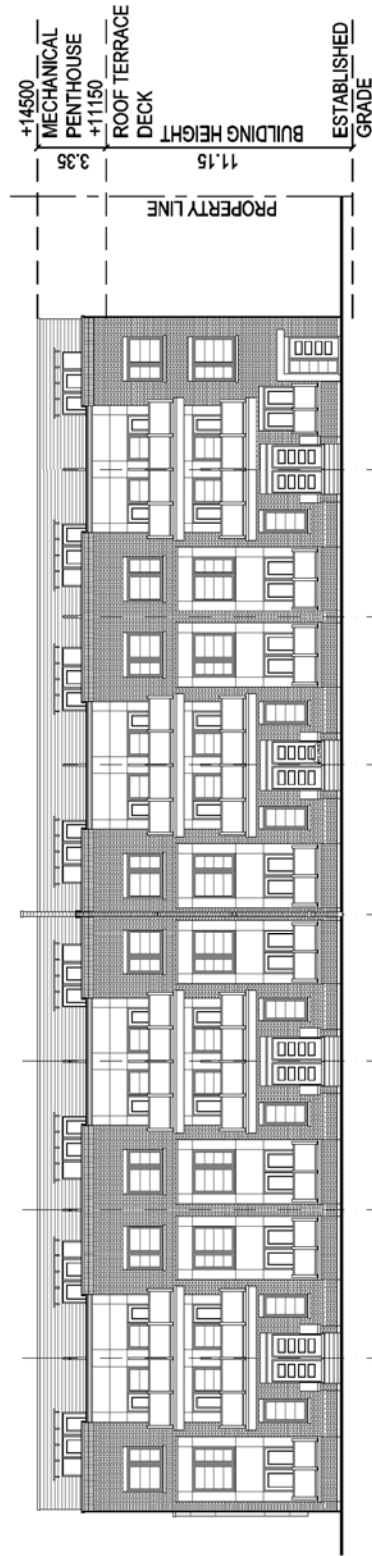


3311 Bathurst Street

File # 18 132442 NNY 16 0Z

Site Plan
 Applicant's Submitted Drawing
 Not to Scale
 05/03/2018

Attachment 9a: South Elevation (Brookdale Avenue)



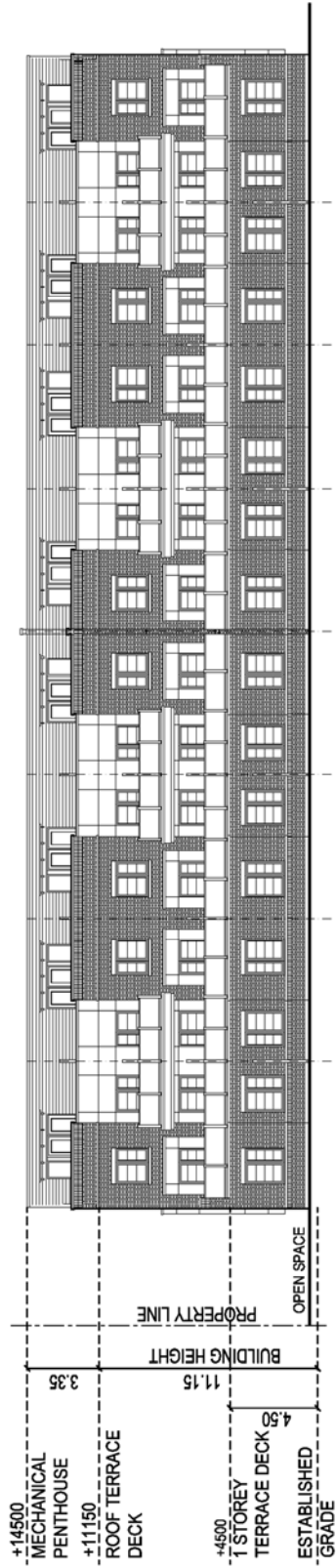
3311 Bathurst Street

South Elevation
Applicant's Submitted Drawing

File # 18 132442 NNY 16 0Z

Not to Scale
11/14/2019

Attachment 9b: North Elevation



3311 Bathurst Street

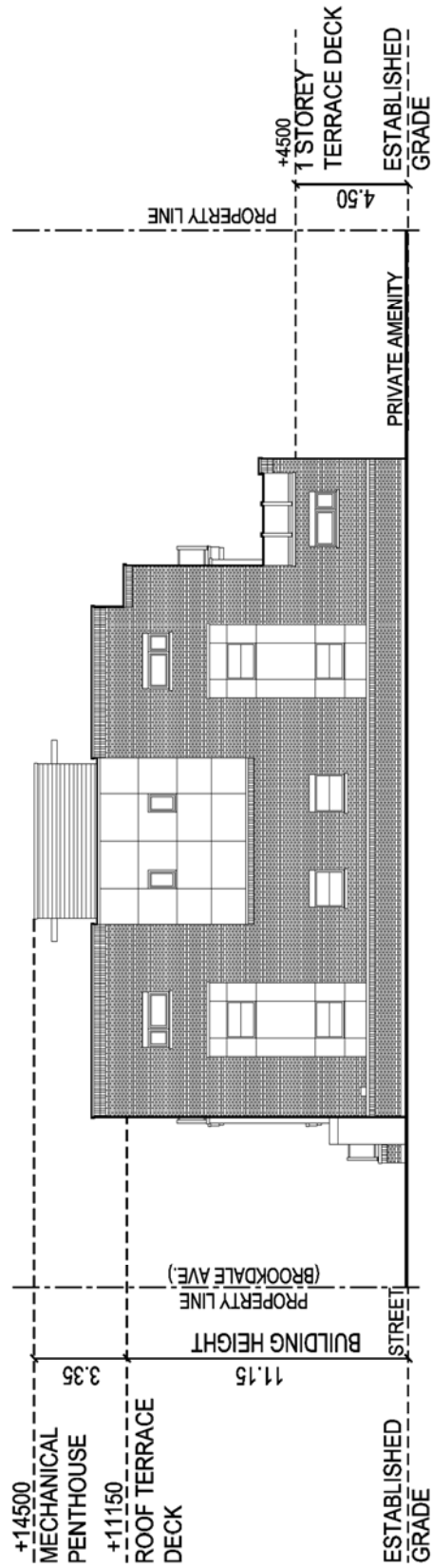
File # 18 132442 NNY 16 0Z

North Elevation

Applicant's Submitted Drawing

Not to Scale
05/03/2018

Attachment 9c: East Elevation



3311 Bathurst Street

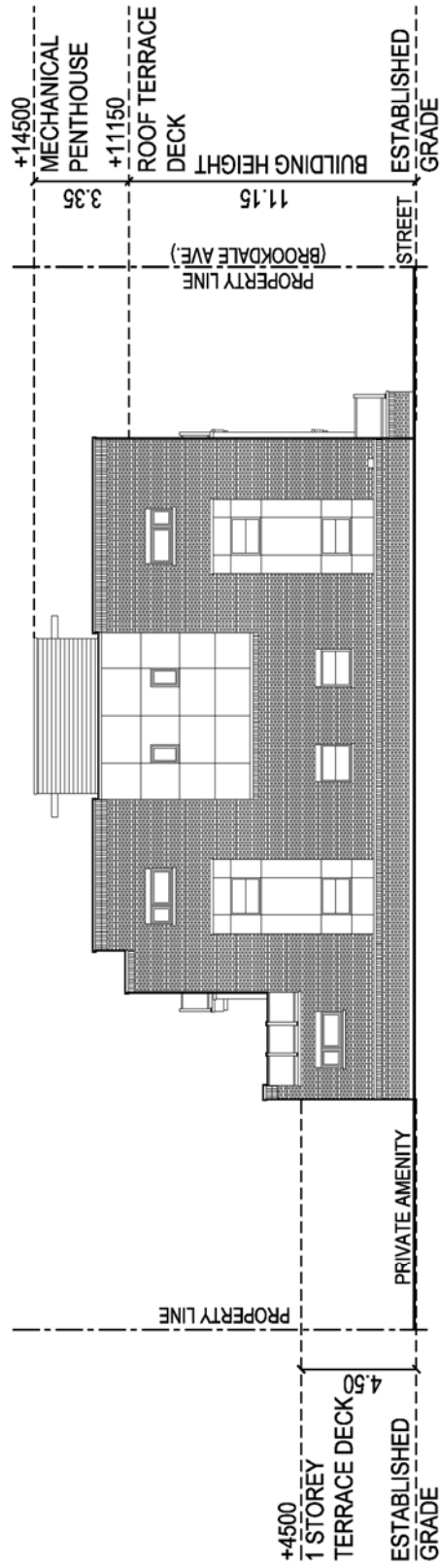
East Elevation

Applicant's Submitted Drawing

Not to Scale
05/03/2018

File # 18 132442 NNY 16 0Z

Attachment 9d: West Elevation



3311 Bathurst Street

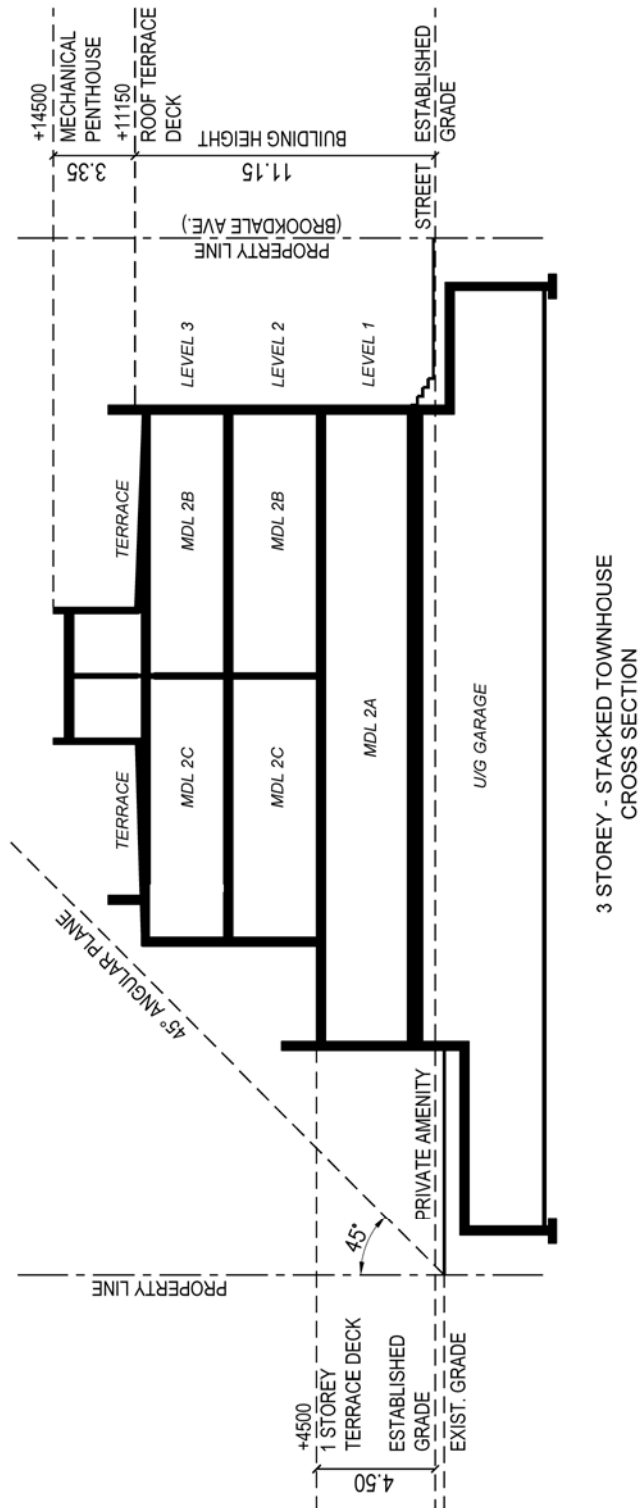
West Elevation

Applicant's Submitted Drawing

Not to Scale
05/03/2018

File # 18 132442 NNY 16 0Z

Attachment 10: Building Section



3311 Bathurst Street

File # 18 132442 NMY 16 0Z

Cross Section

Applicant's Submitted Drawing

Not to Scale
11/13/2019