

1637-1645 Bathurst Street – Zoning By-law Amendment and Rental Housing Demolition Application – Final Report

Date: November 16, 2020

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward 12 Toronto-St. Paul's

Planning Application Numbers: 18 115438 STE 21 OZ & 18 182198 STE 21 RH

SUMMARY

This report reviews and recommends approval of the Zoning By-law Amendment and approval of the Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code and the Residential Demolition Permit under Chapter 363 of the Toronto Municipal Code, subject to conditions.

The applications propose a new 4-storey apartment building (16.53 metres, plus a 2.9 metre mechanical penthouse) with a total of 75 residential units (including 27 rental replacement units) and 93 vehicular parking spaces within two levels of underground parking at 1637-1645 Bathurst Street. The five existing rental apartment buildings containing 25 residential rental dwelling units are to be demolished.

The proposed development is consistent with the Provincial Policy Statement (2020), conforms with the Growth Plan for the Greater Golden Horseshoe (2020), conforms with all relevant policies of the Official Plan and fits within the existing and planned context of the neighbourhood.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Former City of Toronto Zoning By-law 438-86 for the lands at 1637-1645 Bathurst Street 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 1637-1645 Bathurst Street 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 Amendments as may be required.

4. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to:

- a) Enter into an agreement, pursuant to Section 37 of the Planning Act, to secure the number, size, type, and tenure of replacement residential rental units and improvements to the existing residential rental property, as outlined in Recommendation 5.

5. City Council approve the Rental Housing Demolition Application File No. 18 182198 STE 21 RH in accordance with Chapter 667 of the Toronto Municipal Code and pursuant to Section 111 of the City of Toronto Act, 2006 which allows for the demolition of twenty-five (25) existing rental dwelling units located at 1637, 1639, 1641, 1643 and 1645 Bathurst Street, subject to the following conditions:

- a) The owner shall provide and maintain twenty-seven (27) replacement rental dwelling units on the subject site for a period of at least 20 years beginning from the date that each replacement rental dwelling unit is first occupied and, during which time, no application may be submitted to the City for condominium registration, or for any other conversion to a non-rental housing purpose, or for demolition without providing for replacement during the, at minimum, aforesaid 20 year period; the twenty-seven (27) replacement rental dwelling units shall be comprised of two (2) one-bedroom units, four (4) two-bedroom units, and twenty-one (21) three-bedroom units as generally illustrated in the plans submitted to the City Planning Division dated August 31, 2020. Any revision to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- b) Of the required twenty-seven (27) replacement rental dwelling units required in Recommendation 5 a. above, the owner shall provide at least two (2) two-bedroom, and two (2) three-bedroom replacement rental dwelling units at affordable rents, as currently defined in the City's Official Plan, and two (2) one-bedroom, two (2) two-bedroom, and eleven (11) three-bedroom replacement rental dwelling units at mid-range rents, as currently defined in the City's Official Plan, all for a period of at least 10 years beginning from the date of first occupancy of each unit. The rents of the remaining eight (8) replacement rental dwelling units shall be unrestricted;
- c) The owner shall provide an acceptable tenant relocation and assistance plan for all Eligible Tenants of the twenty-five (25) existing rental dwelling units proposed to be demolished at 1637, 1639, 1641, 1643 and 1645 Bathurst Street, addressing the right to return to occupy one of the replacement rental dwelling units at similar rents and other assistance to mitigate hardship. The tenant relocation and assistance plan shall be developed in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning Division;

- d) The owner shall provide tenant relocation and assistance to all Post Application Tenants, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- e) The owner shall provide tenants of all twenty-seven (27) replacement rental dwelling units with access to, and use of, all indoor and outdoor amenities in the proposed new residential building at no extra charge. Access to, and use of, these amenities shall be on the same terms and conditions as any other resident of the building without the need to pre-book or pay a fee, unless specifically required as a customary practice for private bookings;
- f) The owner shall provide ensuite laundry in each replacement rental dwelling unit within the residential building at no additional cost to tenants;
- g) The owner shall provide central air conditioning in each replacement rental dwelling unit within the proposed residential building;
- h) The owner shall provide and make available for rent at least fifteen (15) vehicle parking spaces to tenants of the replacement rental dwelling units. Such parking spaces shall be made available firstly to returning tenants who previously rented a vehicle parking space, secondly to returning tenants who did not previously rent a vehicle parking space, and thirdly to new tenants of the rental replacement dwelling units;
- i) The owner shall provide tenants of the twenty-seven (27) replacement rental dwelling units with access to all bicycle and visitor parking on the same terms and conditions as any other resident of the proposed residential building;
- j) The owner shall make twenty (20) storage lockers available for rent to tenants of the replacement rental dwelling units; and
- k) The owner shall enter into, and register on title at 1637, 1639, 1641, 1643 and 1645 Bathurst Street, one or more agreement(s), to secure the conditions outlined in Recommendations 5.a. through 5.j. above, including an agreement pursuant to Section 111 of the City of Toronto Act, 2006, all to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division.

6. City Council authorize the Chief Planner and Executive Director, City Planning Division, to issue Preliminary Approval of the Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code for the demolition of the twenty-five (25) existing rental dwelling units located at 1637, 1639, 1641, 1643 and 1645 Bathurst Street after all the following have occurred:

- a) All conditions in Recommendation 5 above have been fully satisfied and secured;
- b) The Zoning By-law Amendments have come into full force and effect;

- c) The issuance of the Notice of Approval Conditions for site plan approval by the Chief Planner and Executive Director, City Planning Division or their designate, pursuant to Section 114 of the City of Toronto Act, 2006;
- d) The issuance of excavation and shoring permits (conditional or full permit) for the approved development on the site;
- e) The owner has confirmed, in writing, that all existing rental dwelling units proposed to be demolished are vacant; and

7. City Council authorize the Chief Building Official and Executive Director, Toronto Building to issue a Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code after the Chief Planner and Executive Director, City Planning Division has given Preliminary Approval referred to in Recommendation 6 above.

8. City Council authorize the Chief Building Official and Executive Director, Toronto Building to issue a Residential Demolition Permit under Section 33 of the Planning Act and Chapter 363 of the Toronto Municipal Code for at 1637, 1639, 1641, 1643 and 1645 Bathurst Street after the Chief Planner and Executive Director, City Planning Division has given Preliminary Approval referred to in Recommendation 6 above, which may be included in the Rental Housing Demolition Permit under Chapter 667 pursuant to section 6.2 of Chapter 363, on condition that:

- a) The owner removes all debris and rubble from the site immediately after demolition;
- b) The owner erects solid construction hoarding to the satisfaction of the Chief Building Official and Executive Director, Toronto Building;
- c) The owner erects the proposed residential building on site no later than four (4) years from the date that the demolition of such building commences, subject to the timeframe being extended to the discretion of the Chief Planner and Executive Director, City Planning Division; and
- d) Should the owner fail to complete the proposed residential building within the time specified in Recommendation 8.c. above, the City Clerk shall be entitled to enter on the collector's roll, as with municipal property taxes, an amount equal to the sum of twenty thousand dollars (\$20,000.00) per dwelling unit for which a demolition permit is issued, and that such amount shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.

9. City Council authorize the appropriate City officials to take such actions as are necessary to implement City Council's decision, including execution of the Section 111 Agreement, Section 37 Agreement, and any other necessary agreements.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in the report in the current budget year, or in future years.

DECISION HISTORY

A preliminary report on the application was adopted by Toronto and East York Community Council on May 2, 2018. The preliminary report from the Director, Community Planning, Toronto and East York District, dated April 16, 2018, can be found at the following link:

<https://www.toronto.ca/legdocs/mmis/2018/te/bgrd/backgroundfile-114302.pdf>

SITE AND SURROUNDING AREA

The subject site is located on the east side of Bathurst Street, south of Eglinton Avenue West and north of the Cedarvale Ravine. The property is rectangular in shape, with a frontage of 106 metres along Bathurst Street and a depth of 39 metres. The site has a total lot area of 4,161 square metres and is currently occupied by five 3-storey rental apartment buildings (known municipally as 1637, 1639, 1641, 1643 and 1645 Bathurst Street).

The site slopes down from south to north, with a grade differential of 5.6 metres from the south end of the site to the north end. The portion of the site which includes 1637 to 1643 Bathurst Street is elevated from the existing sidewalk along Bathurst Street with a retaining wall. The height of the retaining wall correlates with the existing slope on the property: at its tallest point at the south end, the retaining wall has a height of 3.65 metres above the sidewalk, gradually decreasing northwards to a height of 1.7 metres at the edge of the driveway access where the retaining wall terminates. A number of mature trees at the top of the retaining wall obscure the view of the existing buildings from the sidewalk. The single detached dwellings on Richview Avenue immediately east and south of the site are at a higher grade than Bathurst Street. The existing grading of the site and the sidewalk on Bathurst Street is summarized as follows:

Summary of Existing Grading	
Location on Site	Geodetic Datum Elevation
Southeast Corner	174.83
Northeast Corner	169.23
Southwest Corner	174.63
Northwest Corner	169.1

Summary of Existing Grading	
Sidewalk on Bathurst at South Lot Line	170.96
Sidewalk on Bathurst at North Lot Line	168.62

The existing buildings share a private driveway, accessed from Bathurst Street, and a rear parking area. The driveway at the rear of the site terminates in a cul-de-sac and extends beyond the east property line onto the adjacent properties fronting Richview Avenue. The right-of-way access is subject to an easement agreement which is shared with these abutting properties.

The existing apartment buildings on the site contain a total of 25 rental units. The units are comprised of the following bedroom types and rent classifications:

Summary of Existing Rental Units and Rent Classifications			
Existing Rental Unit Bedroom Type	Number of Units	Rent category	Number of Units
One-bedroom	1	Mid-range rents	1
Two-bedroom	4	Affordable rents	2
		Mid-range rents	2
Three-bedroom	20	Affordable rents	1
		Mid-range rents	11
		High-end rents	8

(Source: Housing Issues Report Appendix A)

The site is surrounded by the following uses:

East: of the site are 2 and 2.5-storey detached dwellings along Richview Avenue, as part of a low-rise residential neighbourhood.

South: of the site are 2-storey detached dwellings at 102 and 104 Richview Avenue which back directly onto Bathurst Street but gain access from a private driveway from Richview Avenue. South of 102 Richview Avenue are three 3-storey detached dwellings at 76, 78 and 80 Burton Road.

West: of the site are 2-storey detached dwellings at 1632 to 1640 Bathurst Street and 3-storey walk-up apartment buildings at 1646 to 1650 Bathurst Street. Northwest of the site are a number of apartment buildings ranging from 3 to 6-storeys in height and two synagogues.

North: of the site are two pairs of 3-storey semi-detached dwellings and a detached dwelling at 71-79 Ardmore Road. North of Ardmore Road are 2 to 3-storey walk-up apartment buildings on the east side of Bathurst Street.

See Attachment No. 2: Location Map.

APPLICATION BACKGROUND

Proposal

The applications propose a new 4-storey rental apartment building (16.53 metres measured to the top of the flat roof, plus a 2.9-metre mechanical penthouse). To address the grade changes on the site, the front and rear sections of the building are split-level, with the above-ground residential floors sited higher at the rear than those at the front. The north section of the building also steps down in height to address the downward slope from south to north on the property. The relationship between grading and the perceived building height from adjacent properties is further discussed in the Height and Massing section of this report.

The total proposed residential gross floor area is 8,503 square metres, which represents a density of 2.04 times the area of the site. The proposal consists of 75 dwelling units (inclusive of the 27 replacement rental dwelling units), of which 19 are one-bedroom (25%), 27 are two-bedroom (36%) and 29 are three-bedroom (39%) units. This application proposes to replace 97% of the floor area of the existing 25 rental units with 27 rental replacement units. The replacement units are proposed to be located on the first and second floors of the building.

The building is set back 4.7 to 6.4 metres from the west (front) lot line; 3.1 to 3.6 metres from the south (side) lot line; 4.2 metres from the north (side) lot line; and 9.3 to 11.3 metres from the east (rear) lot line.

Vehicular access is proposed from Bathurst Street through a driveway at the north end of the site, which runs east-west and connects to an existing north-south driveway at the rear. An existing easement agreement shared with the Richview Avenue properties is registered on this portion of the site. A total of 93 vehicular parking spaces (78 for residents and 15 for visitors) are proposed in two levels of underground parking. A total of 76 bicycle parking spaces (68 for residents and 8 for visitors) are provided on the P1 and ground levels respectively. One Type-G loading space is located off the east-west driveway at the ground level.

A total of 228 square metres of indoor amenity space is provided on the ground and 4th floors. An 150 square metre rooftop outdoor amenity space facing Bathurst Street is located on the 4th floor.

The current proposal incorporates numerous revisions from the original application, as summarized below:

- Re-graded the front portion of the site and removed the existing retaining wall so the entire frontage is level with the sidewalk along Bathurst Street;
- Landscaped front yard and improved pedestrian environment along Bathurst Street;

- Reduced height at the north end of building from 5 to 4 storeys (18.2 to 12 metres);
- Reduced height for the front section of the building facing Bathurst Street from 16.7 to 13.1 metres;
- Increased rear and side yard setbacks;
- Improved rear transition to the single-detached dwellings to the east;
- Removal of private rooftop terraces and stair enclosure "pop-ups" for access;
- Increased size and improved design of indoor and outdoor amenity areas;
- Reduced number of parking spaces from 102 to 93 and changed from parking stackers to conventional spaces with ramp;
- Replaced surface visitor parking at rear with soft landscaping; and
- Eliminated private terraces on the south and north facades of the building.

Detailed project information may be found on the City's Application Information Centre at: <http://app.toronto.ca/AIC/index.do?folderRsn=6IWOU5pskyPUtck8UvPxA%3D%3D>

See Attachment No. 1 for Application Data Sheet, Attachment No. 7 for the site plan, Attachments 8 to 10 for the building elevations and Attachment Nos. 14 and 15 for a three dimensional representation of the current proposal in context.

Reasons for Applications

An amendment to the Zoning By-law is required because the overall proposed height of the building exceeds the 10-metre height limit on the site. The overall proposed density is 2.0 times the area of the lot, whereas the existing maximum permitted density is 1.0 times the area of the lot. A Zoning By-law amendment is therefore required for non-compliance with these and a number of other performance measures in both Zoning By-laws, including building depth and side yard setbacks.

A Rental Housing Demolition and Conversion Permit pursuant to Chapter 667 of the City of Toronto Municipal Code is required for the demolition of the existing residential rental properties the subject lands contain 6 or more residential dwelling units, of which at least one is rental.

Application Submission Requirements

The following reports/studies were submitted in support of the application and circulated to all appropriate agencies and City divisions:

- Survey Plan;
- Architectural Plans;
- Elevations and Sections;
- Landscape Plans;
- Tree Preservation Plan;
- Civil Plans;
- Planning Rationale;
- Sun/Shadow Study;
- Arborist Report;

- Functional Servicing and Stormwater Management Report;
- Hydrogeological Review;
- Hydrological Study;
- Geotechnical Study;
- Transportation Impact Study;
- Draft Zoning By-law Amendments;
- Toronto Green Development Standards Checklist;
- Digital copy of the Building Massing Model;
- Energy Efficiency Report
- Housing Issues Report

All application submission materials can be found at the following link:

<http://app.toronto.ca/AIC/index.do?folderRsn=6IWOU5pskyPUtck8UvPxA%3D%3D>

Agency Circulation

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 the Zoning By-law Amendment application, City Council members have an opportunity to consider the submissions received prior to and at the statutory public meeting held by the Toronto and East York Community Council for the application. Oral submissions made at the meeting will be broadcast live and recorded for review.

POLICY CONSIDERATIONS

Planning Act

Section 2 of the *Planning Act* sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities, including: the supply, efficient use and conservation of energy and water; the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems; the orderly development of safe and healthy communities; the adequate provision of a full range of housing, including affordable housing; the appropriate location of growth and development; and the promotion of a built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

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

Provincial Policy Statements and geographically specific Provincial Plans, together 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 Plan Agreements.

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) ("PPS") provides province-wide policy direction 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 use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex interrelationships 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 4.6 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 (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) ("Growth Plan") came into effect on August 28, 2020. The new plan replaces the previous version, Growth Plan for the Greater Golden Horseshoe (2019). The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region ("GGH"), of which the City forms an integral part. The Growth Plan establishes policies that require implementation through a Municipal Comprehensive Review ("MCR"), which is a requirement pursuant to Section 26 of the *Planning Act*.

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, and better connected 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 builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH. 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.

Toronto Official Plan

The City's Official Plan designates the subject site as *Neighbourhoods* as shown on Map 17- Land Use Plan. The surrounding properties are also designated *Neighbourhoods*, with the exception of 1642 to 1660 Bathurst Street to the west which are designated *Apartment Neighbourhoods*.

Map 17, Land Use Plan of the Toronto Official Plan may be found at the following link: https://www.toronto.ca/wp-content/uploads/2017/11/978e-cp-official-plan-Map17_LandUse_AODA.pdf.

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

Section 3.1.2 - Built Form

Section 3.1.2 of the Official Plan states that development will be located, organized and massed to fit harmoniously with the existing and/or planned context. Development will limit its impacts on neighbouring properties and the public realm by respecting street proportions, creating appropriate transitions in scale, providing for adequate light and privacy, limiting impacts of servicing and vehicular access on the property and neighbouring properties; and limiting shadow and wind impacts.

Policy 3.1.2.1 provides further details, outlining how development is expected to frame and support adjacent streets, parks and open spaces. New development is expected to achieve the following:

- Generally locate buildings parallel to the street or along the edge of a park or open space using a consistent front yard setback;
- Locate main building entrances so that they are clearly visible and directly accessible from the public sidewalk;
- Provide ground floor uses that have views into, and where possible, access to, adjacent streets, parks and open spaces; and
- Preserve existing maturing trees wherever possible and incorporate them into landscaping designs.

Policy 3.1.2.2 states that new development will locate and organize vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces by:

- Using shared service areas including driveways;
- Consolidating and minimizing the width of driveways and curb cuts across the public sidewalk; and
- Providing underground parking where appropriate.

Policy 3.1.2.3 states that new development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by:

- Massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion;
- Incorporating exterior design elements, their form, scale, proportion, pattern and materials, and their sustainable design, to influence the character, scale and appearance of the development;

- Creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan;
- Providing for adequate light and privacy;
- Adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas; and
- Minimizing any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

Section 3.2.1 - Housing

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 3.2.1.6 states that new development that would result in the loss of six or more rental housing units will not be approved unless all of rental housing units have rents that exceed mid-range rents at the time of application, or in cases where planning approvals other than site plan are sought, and the following is secured:

- at least the same number, size and type of rental housing units are replaced and maintained with similar rents to those in effect at the time the redevelopment application was made;
- for a period of at least 10 years, rents for replacement units will be the rent at first occupancy, increased annually by not more than the Provincial Rent Increase Guideline or a similar guideline as Council may approve from time to time; and
- An acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement rental units at similar rent, the provision of alternative accommodation at similar rents and other assistance to lessen the hardship of relocation.

Section 4.1 - Neighbourhoods

The *Neighbourhoods* designation in the Official Plan are considered physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys. Parks, low scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in *Neighbourhoods*.

Policy 4.1.5 states that development in established *Neighbourhoods* will respect and reinforce the existing physical character of each geographic neighbourhood, including in particular:

- patterns of streets, blocks and lanes, parks and public building sites;
 - prevailing size and configuration of lots;
 - prevailing heights, massing, scale, density and dwelling type of nearby residential properties;
 - prevailing building type(s);
 - prevailing location, design and elevations relative to the grade of driveways and garages;

- prevailing setbacks of buildings from the street or streets;
- prevailing patterns of rear and side yard setbacks and landscaped open space; continuation of special landscape or built-form features that contribute to the unique physical character of the geographic neighbourhood; and
- conservation of heritage buildings, structures and landscapes.

Chapter 5 - Implementation

Section 5.6 provides guidance as to the understanding and interpretation of the Official Plan. Policy 1 indicates the Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making. Further, Section 1.5 – "How to Read the Plan" indicates the Official Plan is a comprehensive and cohesive whole. This proposal has been reviewed against the policies described above as well as the policies of the Official Plan as a whole.

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

Zoning

The site is zoned Residential (R(u2; d1.0)(x946)) in the City-wide Zoning By-law 569-2013 and Residential (R1S (Z1.0)) in the former City of Toronto Zoning By-law 438-86. Both Zoning by-laws permit residential uses including apartment buildings, with a maximum density of 1.0 times the lot area and a building height of 10 metres. City-wide Zoning By-law 569-2013 limits the maximum number of dwelling units to two per lot.

See Attachment No. 4: Existing Zoning By-law Map.

The City of Toronto Zoning By-law 569-2013 interactive map can be found here: https://map.toronto.ca/maps/map.jsp?app=ZBL_CONSULT

Rental Housing Demolition and Conversion By-law

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

Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. These conditions implement the City's Official Plan policies protecting rental housing. Council approval of demolition under Section 33 of the *Planning Act* may also be required where six or more residential units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the *Building Code Act*.

Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion, City Council typically considers both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council under By-law 885-2007 are not appealable to the Local Planning Appeal Tribunal.

On June 21, 2018, the applicant made an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code. As per Chapter 667-14, a tenant consultation meeting was held to review the impact of the proposal on tenants of the residential rental property and matters under Section 111.

Design Guidelines

Part III of the PPS under the section titled "Guidance Material" states that guidance material and technical criteria may be issued from time to time to assist planning authorities and decision-makers with implementing the policies of the Plan. Policy 5.2.5.6 of the Growth Plan indicates supporting documents, such as design guidelines, will direct the development of a high quality public realm and compact built form in achieving minimum intensification and density targets of the Plan. Policy 5.3.2.1 of the Official Plan states guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban design guidelines specifically are intended to provide a more detailed framework for built form and public realm improvements in growth areas. The following design guidelines were used in the evaluation of this application.

Townhouse and Low-rise Apartment Guidelines

City Council adopted city-wide Townhouse and Low-Rise Apartment Guidelines and directed City Planning staff to apply these Guidelines in the evaluation of townhouse and low-rise apartment development applications. The 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 Townhouse and Low-Rise Apartment Guidelines can be found here:
<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/townhouse-and-low-rise-apartments/>.

Growing Up: Planning for Children in New Vertical Communities

On July 28, 2020, City Council adopted the final Growing Up Urban Design Guidelines ("Growing Up Guidelines") and directed City Planning staff to apply the guidelines in the evaluation of new 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 living in vertical communities, at the neighbourhood, building and unit scale. The Growing Up Guidelines are available at:
<https://www.toronto.ca/city-government/planning-development/planning-studiesinitiatives/growing-up-planning-for-children-in-new-vertical-communities/>

Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings

The purpose of the Pet Friendly Design Guidelines is to guide new developments in a direction that is more supportive of a growing pet population, considering opportunities to reduce the current burden on the public realm, and provide needed pet amenities for high density residential communities.

The Pet Friendly Design Guidelines can be found here: <https://www.toronto.ca/wp-content/uploads/2019/12/94d3-CityPlanning-Pet-FriendlyGuidelines.pdf>

Expanding Housing Options in Neighbourhoods

On July 16, 2019, City Council directed the Chief Planner and Executive Director, City Planning to report to the Planning and Housing Committee in the fourth quarter of 2019 on options and a timeline to increase housing options and planning permissions in areas of Toronto designated as *Neighbourhoods* in Toronto's Official Plan. The motion introduced at City Council (Item MM9.36 - Expanding Housing Options in Toronto - Tackling the Missing Middle and the Yellowbelt) specifically refers to expanding permissions for "The Missing Middle" in building types ranging from duplexes to walk-up apartments as a form of gentle growth within *Neighbourhoods*.

On July 28, 2020, City Council adopted Item PH15.6 - Expanding Housing Options in *Neighbourhoods*, with amendments. Council's decision approved the recommended approach and work plan described in the report, Expanding Housing Options in *Neighbourhoods*, dated June 26, 2020, from the Chief Planner and Executive Director, City Planning. City Council also endorsed priority projects in the work plan, including increasing permissions for additional residential dwelling units within currently permitted building envelopes in residential zones; permissions for other forms of low-rise housing in areas designated as *Neighbourhoods*, along Major Streets; and allowing garden suites, coach houses, through-lot suites, and other forms of additional units in accessory buildings. Council's decision, including the associated staff reports and attachments, may be found at the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.PH15.6>

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application (File No. 19 263095 STE 12 SA) was submitted on December 19, 2019 and is under review by City Planning staff, other appropriate agencies and City divisions.

COMMUNITY CONSULTATION

A community consultation meeting was held on June 21, 2018 at Holy Blossom Temple (1950 Bathurst Street). Approximately 25 members of the public attended. At the meeting, City staff and the applicant's team gave presentations on the site and surrounding area, the existing planning framework and the original version of the

proposal. Planning staff then led a town hall format question and answer period. Housing Policy staff then provided a presentation and held an information session on the Rental Housing Demolition application.

The attendees asked questions and expressed a number of comments, issues and concerns, including:

- Concerns regarding the overall height and density relative to the surrounding low-rise context, especially given the length of the site on Bathurst Street;
- The proposed floor to ceiling heights of the units and its contribution to excessive building height;
- Shadow impacts, access to light and privacy issues from residents to the rear of the site on Richview Avenue, especially with the proposed rooftop terraces;
- Concerns regarding the traffic impact on the surrounding neighbourhood, as well as the cumulative impacts from the development projects on Bathurst Street to the north of this site;
- Access should be provided off Ardmore Road instead of Bathurst Street; and
- Tenants of the existing building were concerned with the amount of notice they would be given to move and the details of the tenant assistance package.

The local ward Councillor held a virtual community consultation meeting on October 21, 2020 to receive feedback on the current, revised proposal and the evolution of the application. City staff and the applicant's team gave presentations and a discussion period was facilitated by the Councillor. Questions posed by the community included those related to traffic impacts, changes in building height, shadow impacts and preservation of trees on the site. Residents located immediately south of the property at 102 and 104 Richview Avenue expressed concerns with privacy and overlook issues created by the apartment building. The Councillor's office later held a meeting with these residents, the applicant and Planning staff on November 10, 2020 to discuss privacy impacts and potential solutions to address these concerns through the Site Plan review process.

Tenant Consultation

On October 7, 2020, City Planning staff hosted a tenant consultation meeting. The purpose of the meeting was to review the impact of the proposal on tenants, present the City's rental housing policies, and provide information on the proposed redevelopment of the site. City Planning presented a typical tenant relocation and assistance plan and explained how these plans are designed to address the impact on tenants incurred due to having to move and find alternative accommodation during the construction of replacement units.

This meeting was attended by City Planning staff, the local Councillor's office, the applicant and 6 tenants. During the meeting, tenants asked questions about the proposed replacement rental units, specifically the unit layouts, amenities, and location of the units within the proposed building, timing of the notice to vacate their homes, eligibility for tenant compensation, how financial compensation is determined, whether or not the applicant would assist with finding alternative accommodations during

construction, and expected length of construction. Feedback from the meeting was used to inform the proposed tenant relocation and assistance plan between the City and the applicant.

COMMENTS

Planning Act

The proposal has regard for the relevant matters of provincial interest, including: the orderly development of safe and healthy communities; the adequate provision of a full range of housing; the appropriate location of growth and development; the adequate provision and efficient use of transportation, sewage and water services and waste management systems; and the promotion of a built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

These provincial interests are further articulated through the PPS and the Growth Plan.

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020). City Planning staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan.

Provincial Policy Statement (2020)

The PPS came into effect on May 1, 2020 and provides policy direction on matters of provincial interest related to land use planning and development. City Council's planning decisions are required to be consistent with the PPS.

The PPS is to be read in its entirety. The PPS contains minimum standards and municipalities can go beyond these standards unless doing so would conflict with other policies of the PPS.

Key policies applicable to this application include:

Policy 1.1.1 states that healthy, livable and safe communities are sustained by: promoting efficient development and land use patterns; and accommodating an appropriate range and mix of residential uses, including second units, affordable housing and housing for older persons.

Policy 1.1.3.1 states that settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

Policy 1.1.3.2 states that land use patterns within settlement areas shall be based on densities and a mix of land uses which: efficiently use land and resources; are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available; support active transportation; and are transit-supportive.

Policy 1.1.3.3 states that planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment.

Policy 1.1.3.4 states that development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

Policy 1.4.3 directs planning authorities to provide a range of housing types and densities to meet projected requirements of current and future residents. This policy directs planning authorities to permit and facilitate all forms of housing required to meet the social, health and well-being requirements of current and future residents, and all forms of residential intensification and redevelopment where existing or planned infrastructure can accommodate projected needs. This policy further directs planning authorities to promote densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed. Planning authorities are also directed to establish development standards for residential intensification which minimize the cost of housing and facilitate compact form.

Policy 1.6.7.4 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.

Policy 4.6 states that the official plan is the most important vehicle for implementation of the PPS and that official plans shall identify provincial interests, as identified in Section 2 of the *Planning Act*, which includes the promotion of a well-designed built form.

The Growth Plan (2020)

The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe. City Council's planning decisions are required to conform with the Growth Plan.

The key Growth Plan policies applicable to this application are:

Policy 2.2.1.3 c) directs municipalities to undertake integrated planning to manage forecasted growth which will provide for an urban form that will optimize infrastructure, particularly along transit and transportation corridors, to support the achievement of complete communities through a more compact built form.

Policy 2.2.1.4 c), d) and e) state that applying the policies of the Growth Plan will support the achievement of complete communities that: provide a diverse 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; expand convenient access to transportation options and open space; and provide for a more compact built form and a vibrant public realm.

Policy 2.2.2.3 c) states that all municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will encourage intensification generally throughout the delineated built-up area.

Policy 2.2.6.3 states that to support the achievement of complete communities, municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.

Land Use

This application has been reviewed against the Official Plan policies described in the Policy Considerations section of this report as well as the policies of the Official Plan as a whole. The Official Plan states that *Neighbourhoods* are considered physically stable areas made up of residential uses in lower scale buildings including interspersed walk-up apartments that are no higher than four storeys.

The proposed use and building type are permitted within the *Neighbourhoods* land use designation of the Official Plan and the R (Residential) zone of both Zoning By-laws. Furthermore, the proposal is comprised of a significant percentage of large family-sized units, including 36% two-bedroom units and 39% three-bedroom. This is appropriate given that the site is on a major street with direct access to public transit, is in close proximity to parks and natural heritage systems with recreational trails (Cedarvale Park and Ravine), and contributes much needed family-sized units for the City.

Given the existing and the planned context for the subject property and the surrounding area, Planning staff is of the opinion that the proposed residential use is appropriate for the site.

Building Type

The Official Plan states that *Neighbourhoods* are considered physically stable areas made up of residential uses in lower scale buildings, including interspersed walk-up apartments that are no higher than four storeys. The proposed 4-storey apartment is a permitted building type within the *Neighbourhoods* land use designation of the Official Plan and within the R (Residential) zoning category of Zoning By-law 569-2013.

Further, Section 4.1, Policy 5 of the Official Plan states that new development in *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood, including prevailing building type. The subject site is located in a neighbourhood with a diversity of building types, including: detached houses, semi-detached houses and apartment buildings. Staff are satisfied that the proposal reinforces the character of the immediate context on Bathurst Street, which includes a number of apartment buildings ranging from 3 to 6-storeys in height.

Height and Massing

Planning staff are satisfied with the height, setbacks, overall massing, and architectural design of the revised proposal. The proposal considers the varied grading conditions of

the site and surrounding context, while providing gradual built form transition which is sensitive to adjacent single and semi-detached residential properties.

The proposed height of the building is 16.53 metres measured to the top of the roof, and 19.43 metres inclusive of the mechanical penthouse, measured from the geodetic datum elevation of 170.65 metres (which corresponds approximately to the elevation of the sidewalk on Bathurst Street at the midpoint of the property and the residential lobby). The proposed building height is in keeping with the existing building heights along this section of Bathurst Street, including apartments up to 6-storeys in height further north of the site. The proposal is also similar in height to a recent Local Planning Appeal Tribunal approval at 1677-1679 Bathurst Street and 73-75 Elderwood Drive at 4-storeys (17.15 metres).

To improve the fit of the building along Bathurst Street, the application proposes to re-grade the front of the property so the frontage is level with the sidewalk along Bathurst Street. This involves lowering the existing grade approximately 4 metres at the south end and by 1-metre where the driveway access is located. The grade at the rear of the site remains unchanged due to an easement registered over the existing driveway. As a result, the proposal includes a finished grade differential of approximately 4 metres between the rear southeast corner of the site (geodetic datum elevation of 174.83) and the front southwest corner of the site (geodetic datum elevation of 170.65). This slope becomes less pronounced at the north end, where the existing grade from front to rear is generally more consistent.

The proposal is designed as a split-level building to address the grading conditions on the property, with the rear section of the building sited higher than the portion fronting Bathurst Street due to the higher existing grade. Each side of the building includes a maximum of four residential floors above ground and maintains the intent of the 4-storey height limit for *Neighbourhood* designated properties.

The Zoning By-law permits a maximum building height of 10 metres. While the proposed building height of 16.53 metres is measured to the roof of the rear, elevated portion of the building, it is setback 13.5 metres from the front lot line to minimize massing impacts. The portion of the building immediately fronting Bathurst Street has a height of 13.1 metres, which reduces the perceived height and scale of the proposal from the public realm and adjacent properties. The front façade includes a stepback of 1.68 metres above the third storey, resulting in a streetwall height of 10.1 metres which acknowledges the height limit for the property. The 3-storey streetwall will be clad in a darker colour brick to accentuate this lower portion of the building and replicate the rhythm of 3-storey buildings on the west side of Bathurst Street.

The need to improve the transition to adjacent single and semi-detached properties on Richview Avenue and Ardmore Road was identified as a key objective by Planning staff as well as residents through the community consultation process. Overlook and privacy issues were also cited as a concern. In response to these comments, the applicant increased the north side yard setback from 1.5 to 4.3 metres, as well as reducing the height on the north end of the building from 5 to 4 storeys (18.2 to 11.98 metres). Private terraces along the north façade were also removed. The south side yard setback was increased from 1.1 to 3.1 metres. To address privacy and overlook

concerns, the proposed outdoor amenity terrace was relocated to the fourth floor facing Bathurst Street and the amount of glazing on the south façade was reduced, with further refinements to be made through the Site Plan review process in consultation with surrounding property owners.

The rear (east) setback was increased from 9.8 metres to 11.3 metres, with the exception of four bump-outs which are setback 9.3 metres from the rear lot line. The building includes a 4 metre stepback above the third storey at the north end of the building. The building also steps down 6.4 metres in height to accommodate the grade change on this north portion of the site. The massing above the fourth floor has been improved from the original proposal through the elimination of rooftop stair enclosures. The mechanical penthouse is set back 15.7 metres from the rear lot line, incorporating an east stepback of 4.3 metres from the fourth floor. Private rooftop terraces have been eliminated above the fourth storey.

The properties immediately east on Richview Avenue are located at a similar elevation of grade as the rear of the site, which is higher than the grade along Bathurst Street. As a result, the perceived overall building height from the vantage point of these properties is lower (based on the building height being measured from the grade on Bathurst Street), and varies based on the downhill slope from south to north on site. From the perspective of abutting properties located on the south end (108 Richview Avenue) and midpoint of the site (112 Richview Avenue), the building height measured from finished grade (i.e. the ground) to top of the roof is 13.2 metres and 14.2 metres, respectively (see Sections G-G and C-C in Attachment Nos. 11 and 12). At the north end of the site where the proposal steps down in height, the portion of the building facing 116 Richview Avenue has a height of 10.9 metres (see Section D-D in Attachment No. 13). The rear portion of the building and its associated setbacks have also been designed to comply with a 45 degree angular plane projected at a height of 10.5 metres (measured from finished grade), from a setback of 7.5 metres from the rear lot line. This performance standard is the shallow lot angular plane found in the Mid-Rise Performance Standards, which is an appropriate measure of built form transition to the properties on Richview Avenue given the depth of the site.

The detached dwellings directly south at 102 and 104 Richview are also located approximately 4 metres higher than the front of the site. From the finished grade of these properties (geodetic datum elevation of 174.83 metres), the perceived building height of the proposal is 12.35 metres.

Sun and Shadow

Planning staff are satisfied that the proposed building adequately limits shadows on surrounding residential properties designated *Neighbourhoods* and provides for sufficient access to sunlight on Bathurst Street.

The applicant's shadow study illustrates the incremental shadows resulting from the proposal. During the spring and fall equinoxes, shadows do not impact the backyards of the houses to the rear on Richview Avenue until 4:18 pm, allowing for full morning and early afternoon sunlight. During the summer equinox, no shadows are cast upon these

properties until 5:18 pm. Shadows are cast on the very south edge of the residential properties located at 71-79 Ardmore Road between 9:18 am to 1:18 pm, however, these pass to allow for full afternoon sunlight.

The shadow study indicates that the proposal casts shadows onto the west side of Bathurst for one hour during the spring and fall equinoxes between 9:18 to 10:18 am, allowing for full sun for the remainder of the day.

Streetscape

The revised proposal includes re-grading the front portion of the site along Bathurst Street and removal of the existing retaining wall which currently segregates the sidewalk from the site. The redevelopment of the property will result in significant public realm improvements on this section of Bathurst Street, through leveling the grade and creating a more direct relationship between the face of the building and sidewalk, residential entrances and at-grade patios which provide animation and "eyes on the street", as well as improved landscaping to create an attractive pedestrian environment. The existing sidewalk (2.7 metres, measured from curb to the front property line), plus the proposed front yard setback of 4.7 to 6.4 metres provides a well-landscaped space with terraced planters and seven large shade-bearing trees spread along the frontage of the site.

The redesigned interface between the site and Bathurst Street will result in a safer, less constrained space for pedestrian movement along this arterial road, which is well-used by residents to access public transit and the network of green spaces in the neighbourhood including the Cedarvale Ravine.

Road Widening

Land and Property Surveys staff have determined that no additional lands are required for right-of-way purposes to satisfy the Official Plan requirements for public rights-of-way abutting the site.

Traffic Impact

The Transportation Impact assessment, dated February, 2018, prepared by LEA Consulting Ltd., estimates that the proposed development, would generate approximately 29 and 36 two-way vehicular trips during morning and afternoon peak hours. However, after adjustment for the existing trips generated by the site, there will be a net increase of approximately 25 and 24 two-way vehicular trips during morning and afternoon peak hours. The report concludes that the proposed development will have minimal traffic impacts on the intersections within the study area.

Transportation Services staff have reviewed the report and are satisfied that the traffic impacts of the proposed development are acceptable.

Access and Loading

City staff are satisfied with the access to the site. The proposed development complies with the Official Plan which states that new development will locate and organize vehicle parking, vehicular access, service areas and utilities to minimize their impact on the

property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces by: using shared service areas where possible within development blocks including public and private lanes, driveways and service courts and consolidating and minimizing the width of driveways and curb cuts across the public sidewalk.

Vehicular access to the site is proposed directly from Bathurst Street by way of an existing two-way east-west driveway, which will be widened from 5.5 to 6.0 metres. This driveway connects to a north-south driveway, which is shared with the abutting properties on Richview Avenue through an easement agreement. Access to the underground parking garage is also provided through this rear driveway.

Pedestrian access to the site is proposed directly from Bathurst Street to the residential lobby. Additionally, for pedestrian convenience, a walkway is provided directly south of the driveway which leads to an internal hallway connecting to the residential lobby.

One Type-G loading space, providing solid waste and loading facilities, is proposed to serve the residential building in compliance with the minimum requirements of Zoning By-law 569-2013. The Type-G loading space is proposed to be located internally, accessed by the east-west driveway from Bathurst Street. The proposed loading space and configuration are acceptable to Transportation Services.

Vehicular Parking

A total of 93 parking spaces are proposed to serve the development, of which 78 spaces are for residents and 15 spaces are for visitors. The parking supply will be provided within a two-level underground parking garage. The parking supply complies with the requirements of Zoning By-law 569-2013. Transportation Services staff find the vehicular parking supply acceptable.

Solid Waste

Solid Waste staff are satisfied with the proposed development. Solid Waste Management will provide bulk lift compacted garbage, recycling and organic collection services to the proposed development. Collection of waste materials from the development will be in accordance with the "City of Toronto Requirements for Garbage, Recycling and Organics Collection Services for New Developments and Re-Developments" and Chapter 844, Solid Waste of the Municipal Code.

Servicing and Stormwater Management

Engineering and Construction Services staff reviewed the Stormwater Management and Servicing Report dated September 8, 2020, prepared by LEA Consulting Ltd., and find the proposed servicing plan for the site acceptable.

A comprehensive stormwater management report, and site servicing and grading plans will be required and secured through the Site Plan Control process.

Tree Preservation

The arborist report and tree preservation plan submitted with the original application was prepared by D. Andrew White Tree Care based on data collected in July of 2017. As three years has passed since the original assessment was completed, Urban Forestry, Tree Protection and Plan Review requested that the applicant update the report to verify the current sizes and condition of trees on-site. Based on a revised arborist report and tree preservation plan updated in November 2020, there are 17 privately-owned trees greater than 30 centimetres in diameter at breast height (DBH) protected under Chapter 813 Article III (The Private Tree by-law) of the City of Toronto Municipal Code which are proposed to be removed. These include Norway maple, black locust, silver maple, basswood, Siberian elm and linden trees located on top of the retaining wall along Bathurst Street and within the proposed building footprint. One Norway maple located on Bathurst Street is protected under Chapter 813 Articles II (the Street Trees by-law) of the City of Toronto Municipal Code and will be preserved.

The revised Landscape Plan, prepared by Marton Smith Landscape Architects, dated November 10, 2020, proposes 15 new replacement trees, including 7 new trees along Bathurst Street and 8 trees within the side and rear landscaped areas of the site. The new trees consist of large-growing shade species, such as silver maple, freeman maple, street keeper honey locust, red oak and princeton sentry maidenhair trees. Urban Forestry staff find the number, location and species of replacement trees acceptable. As Urban Forestry's standard compensation ratio for the removal of healthy trees is 3:1, the applicant will be required to provide a cash-in-lieu payment for the outstanding replacement trees which are not being planted on the site due to space constraints. The total value of the cash-in-lieu payment will be determined through the Site Plan review process upon issuance of the Notice of Approval Conditions.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the residential nature of this proposal is subject to a 10% parkland dedication. The applicant is required to satisfy the parkland dedication requirement through the payment of cash-in-lieu. The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. Payment will be required prior to the issuance of the first above-grade building permit.

Amenity Space

The proposal includes adjoining indoor and outdoor amenity areas on the fourth floor. The proposed rooftop amenity terrace is oriented to face Bathurst Street and is centred and set back away from surrounding residential properties to mitigate potential overlook and noise impacts. Additional indoor amenity space is provided at the ground floor.

Private outdoor amenity space is proposed to be provided in the form of patios at ground level for the 11 grade-related units at the front and rear of the property. For the remaining 64 upper level units, private outdoor amenity is provided in the form of balconies and terraces on the front and rear elevations of the building.

Zoning By-law 438-86 requires a minimum of 2.0 square metres per unit each of indoor and outdoor amenity space, and Zoning By-law 569-2013 requires a combined amenity space of 4.0 square metres per unit. A total of 228 square metres (3.04 square metres per unit) of indoor amenity space and 150 square metres (2.0 square metres per unit) of outdoor amenity space on the fourth floor is proposed, for a combined total of 378 square metres of amenity space (5.04 square metres per unit). Planning staff are satisfied with the supply of amenity space in the proposed development. The layout and design of amenity areas will be further refined through the Site Plan review process, taking into consideration recommendations for family-friendly amenity design outlined in the Growing Up Guidelines.

Family Size Units

The City's Growing Up Guidelines includes performance standards which represent tangible measures to accommodate the growing demand for family-oriented housing in vertical communities. The Guidelines recommend that a building provide a minimum of 25% large units: 10% of the units should be 3-bedroom units and 15% of the units should be 2-bedroom units. Furthermore, the Guidelines outline an ideal range of unit size to represent a diversity of bedroom sizes while maintaining sufficient common space to ensure their functionality. Two-bedroom units should have a floor area of 87 to 90 square metres and 3-bedroom units should have a floor area of 100 to 106 square metres.

The proposal meets and exceeds the requirements for minimum number of family-sized dwelling units: of the 75 proposed dwelling units, 27 are two-bedroom (36%) and 29 are three-bedroom units (39%). City Planning staff are satisfied with the unit mix within the development. The proposed unit sizes also meet or exceed the unit size range outlined in the Growing Up Guidelines.

Rental Housing Demolition

The five (5) existing 3-storey rental apartment buildings at 1637, 1639, 1641, 1643 and 1645 Bathurst Street contain a total of 25 rental dwelling units, comprised of one (1) one-bedroom unit, three (3) two-bedroom units, and twenty (20) three-bedroom units. The applicant has proposed to provide and maintain twenty-seven (27) replacement rental dwelling units on the first and second floors of the proposed residential building. The unit mix for the proposed replacement rental dwelling units will have two additional units, one two-bedroom and one three-bedroom unit.

These twenty-seven (27) replacement rental dwelling units will have the following unit mix and rent classification:

- two (2) two-bedroom, and two (2) three-bedroom replacement rental dwelling units at affordable rents;

- two (2) one-bedroom, two (2) two-bedroom, and eleven (11) three-bedroom replacement rental dwelling units at mid-range rents; and,
- eight (8) three-bedroom replacement rental dwelling units with unrestricted rents.

Staff are satisfied with the proposed unit mix. The average unit size and total gross floor area of the replacement rental dwelling units will be slightly lower than the existing rental dwelling units. Two additional units are proposed, one two-bedroom unit with affordable rents and one three-bedroom unit with mid-range rents, to address the reduced unit sizes. The replacement rental dwelling units are well configured with functional layouts. Ensuite laundry and central air conditioning will also be provided in each replacement rental dwelling unit at no additional cost to tenants.

Tenants of the replacement rental units will have access to all indoor and outdoor amenities and long-term bicycle parking spaces on the same terms and conditions as residents of the remainder of the building, with dedicated access to fifteen (15) parking spaces, twenty (20) storage lockers and long term bicycle storage spaces. The monthly storage fee for returning tenants shall not exceed what they previously paid during their tenancy.

One or more agreements pursuant to the *Planning Act* and *City of Toronto Act* will secure all details regarding the replacement rental housing, including the number of replacement units, minimum unit sizes, and future tenants' access to all facilities and amenities.

Tenure and Rents for the Replacement Rental Dwelling Units

The applicant has agreed to provide and maintain the twenty-seven (27) replacement rental dwelling units within the proposed building for at least 20 years, beginning from the date that each replacement rental dwelling unit is first occupied and until the owner obtains approvals for a Zoning By-law Amendment removing the requirement for the replacement rental dwelling units to be maintained as rental units.

The applicant has also agreed to secure the rents for nineteen (19) of the twenty-seven (27) replacement rental dwelling units for at least 10 years, beginning from the date that each replacement rental dwelling unit is first occupied. The remaining eight (8) replacement rental dwelling units will have unrestricted rent as they are replacing eight (8) existing rental dwelling units that had high-end rents at the time of application.

Tenant Relocation and Assistance Plan

The owner has agreed to provide tenant relocation and assistance which will be to the satisfaction of the Chief Planner and secured through the Section 37 and Section 111 Agreements with the City. The tenant relocation and assistance plan will assist tenants in finding and securing alternative accommodations while the replacement rental dwelling units are being constructed. As part of this plan, eligible tenants will receive the following:

- At least 6 months' notice of the date that they must vacate their rental dwelling unit;

- The right to return to one of the replacement rental dwelling units in the new building;
- Compensation equal to 3 months' rent pursuant to the *Residential Tenancies Act*;
- A move-out moving allowance and a move-back moving allowance if they exercise their right to return to a replacement rental dwelling unit;
- A rental leasing agent available upon request;
- Additional compensation based on length of tenure; and
- Any special needs compensation as determined by the Chief Planner.

As part of this plan, post application tenants will receive the following:

- At least 6 months' notice of the date that they must vacate their rental dwelling unit;
- Compensation equal to 3 months' rent pursuant to the *Residential Tenancies Act*, and,
- A rental leasing agent available upon request.

City Planning staff are satisfied with the applicant's proposed tenant relocation and assistance plan as it is in line with the City's standard practices.

Toronto Green Standard

City 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 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 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 will be secured through the Site Plan Control process. Staff will continue to work with the applicant through the Site Plan approval process to achieve higher levels of sustainability.

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*. Section 37 may be used for development, excepting non-profit developments, with more than 10,000 square metres of gross floor area where the zoning by-law amendment increases the permitted density by at least 1,500 square metres and/or significantly increases the permitted height. The proposed gross floor area of 8,503 square metres falls below the density threshold.

The following matters related to the Rental Housing Demolition application are recommended to be secured in a Section 37 Agreement as a legal convenience to support development:

1. The owner shall provide and maintain twenty-seven (27) replacement rental dwelling units on the subject site for a period of at least 20 years beginning from the date that each replacement rental dwelling unit is first occupied and, during which time, no application may be submitted to the City for condominium registration, or for any other conversion to a non-rental housing purpose, or for demolition without providing for replacement during the, at minimum, aforesaid 20 year period; the twenty-seven (27) replacement rental dwelling units shall be comprised of two (2) one-bedroom units, four (4) two-bedroom units, and twenty-one (21) three-bedroom units as generally illustrated in the plans submitted to the City Planning Division dated August 31, 2020. Any revision to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

2. Of the twenty-seven (27) replacement rental dwelling units required in Item 1 above, the owner shall provide at least two (2) two-bedroom, and two (2) three-bedroom replacement rental dwelling units at “affordable rents”, as such term is currently defined in the City's Official Plan, and two (2) one-bedroom, two (2) two-bedroom, and eleven (11) three-bedroom replacement rental dwelling units at “mid-range rents”, as such term is currently defined in the City's Official Plan, all for a period of at least 10 years beginning, respectively, from the date of first occupancy of each respective unit. The rent charged for the remaining eight (8) replacement rental dwelling units shall be unrestricted;

3. The owner shall provide an acceptable tenant relocation and assistance plan for all Eligible Tenants of the twenty-five (25) existing rental dwelling units proposed to be demolished at 1637, 1639, 1641, 1643 and 1645 Bathurst Street, addressing the right to return to occupy one of the replacement rental dwelling units at similar rents and other assistance to mitigate hardship. The tenant relocation and assistance plan shall be developed in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning Division;

4. The owner shall provide an acceptable tenant relocation and assistance plan to all Post Application Tenants, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

5. The owner shall provide tenants of all twenty-seven (27) replacement rental dwelling units with access to, and use of, all indoor and outdoor amenities in the proposed new residential building at no extra charge. Access to, and use of, these amenities shall be on the same terms and conditions as any other resident of the building without the need to pre-book or pay a fee, unless specifically required as a customary practice for private bookings;

6. The owner shall provide ensuite laundry in each replacement rental dwelling unit within the residential building at no additional cost to tenants;

7. The owner shall provide central air conditioning in each replacement rental dwelling unit within the proposed residential building;

8. The owner shall provide and make available for rent at least fifteen (15) vehicle parking spaces to tenants of the replacement rental dwelling units. Such parking

spaces shall be made available firstly to returning tenants who previously rented a vehicle parking space, secondly to returning tenants who did not previously rent a vehicle parking space, and thirdly to new tenants of the rental replacement dwelling units;

9. The owner shall provide tenants of the twenty-seven (27) replacement rental dwelling units with access to all bicycle and visitor parking on the same terms and conditions as any other resident of the proposed residential building;

10. The owner shall provide ten (20) storage lockers to available for rent to tenants of the replacement rental dwelling units; and

11. The owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site. The owner shall construct and maintain the development in accordance with Tier 1.

Conclusion

The application is consistent with the PPS (2020) and conforms with the Growth Plan (2020). Furthermore, the proposal conforms with the policies of Toronto Official Plan, particularly as it relates to *Neighbourhoods* and Built Form. Staff worked with the applicant to address and resolve the following key concerns: re-grading of the site to improve the streetscape on Bathurst Street; reduced building height and massing; increased north and south side lot line setbacks; compliance with a rear angular plane; improved on-site landscaped open space; and improved transition to the surrounding low-rise residential properties to the east, north and south. The proposal fits within the existing and planned context of the neighbourhood. City Planning recommends that Council approve the Zoning By-law Amendment and Rental Housing Demolition applications.

CONTACT

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SIGNATURE

Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA
Director, Community Planning,
Toronto and East 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: Existing Zoning By-law Map
Attachment 5: Draft Zoning By-law Amendment to By-law 438-86
Attachment 6: Draft Zoning By-law Amendment to By-law 569-2013

Applicant Submitted Drawings

Attachment 7: Site Plan
Attachment 8: North and South Elevations
Attachment 9: East Elevation
Attachment 10: West Elevation
Attachment 11: Section G-G - East-West Cross Section with 108 Richview Avenue
Attachment 12: Section C-C - East-West Cross Section with 112 Richview Avenue
Attachment 13: Section D-D - East-West Cross Section with 116 Richview Avenue
Attachment 14: 3D Model of Proposal in Context Looking Northeast
Attachment 15: 3D Model of Proposal in Context Looking Southwest

Attachment 1: Application Data Sheet

Municipal Address: 1637-1645 Bathurst St. **Date Received:** February 9, 2018

Application Number: 18 115438 STE 21 OZ & 18 182198 STE 21 RH

Application Type: Rezoning and Rental Housing Demolition Permit

Project Description: 4-storey residential building containing 75 units and 93 vehicular parking spaces in two levels of underground parking.

Applicant	Architect	Owner
Walker Nott Dragiicevic Associates Ltd.	WZMH Architects.	IMH 1637-1645 Bathurst Ltd. (Corp. # 002475670)

EXISTING PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	None
Zoning:	R (u2; d1.0) (x946)	Heritage Designation:	No
Height Limit (m):	10	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m.): 4,161 **Frontage (m.):** 106 **Depth (m.):** 39

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq. m.):	1,507		2,083	2,083
Residential GFA (sq. m.):	4,481		8,503	8,503
Non-Residential GFA (sq. m.):				
Total GFA (sq. m.):	4,481		8,503	8,503
Height - Storeys:	3		4	4
Height - Metres:	13		16.53	16.53

Lot Coverage Ratio (%): 50.06 **Floor Space Index:** 2.04

Floor Area Breakdown	Above Grade (sq. m.)	Below Grade (sq. m.)
Residential GFA:	8,503	

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	25		75	75
Freehold:				
Condominium:				
Other:				
Total Units:	25		75	75

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			19	27	29
Total Units:			19	27	29

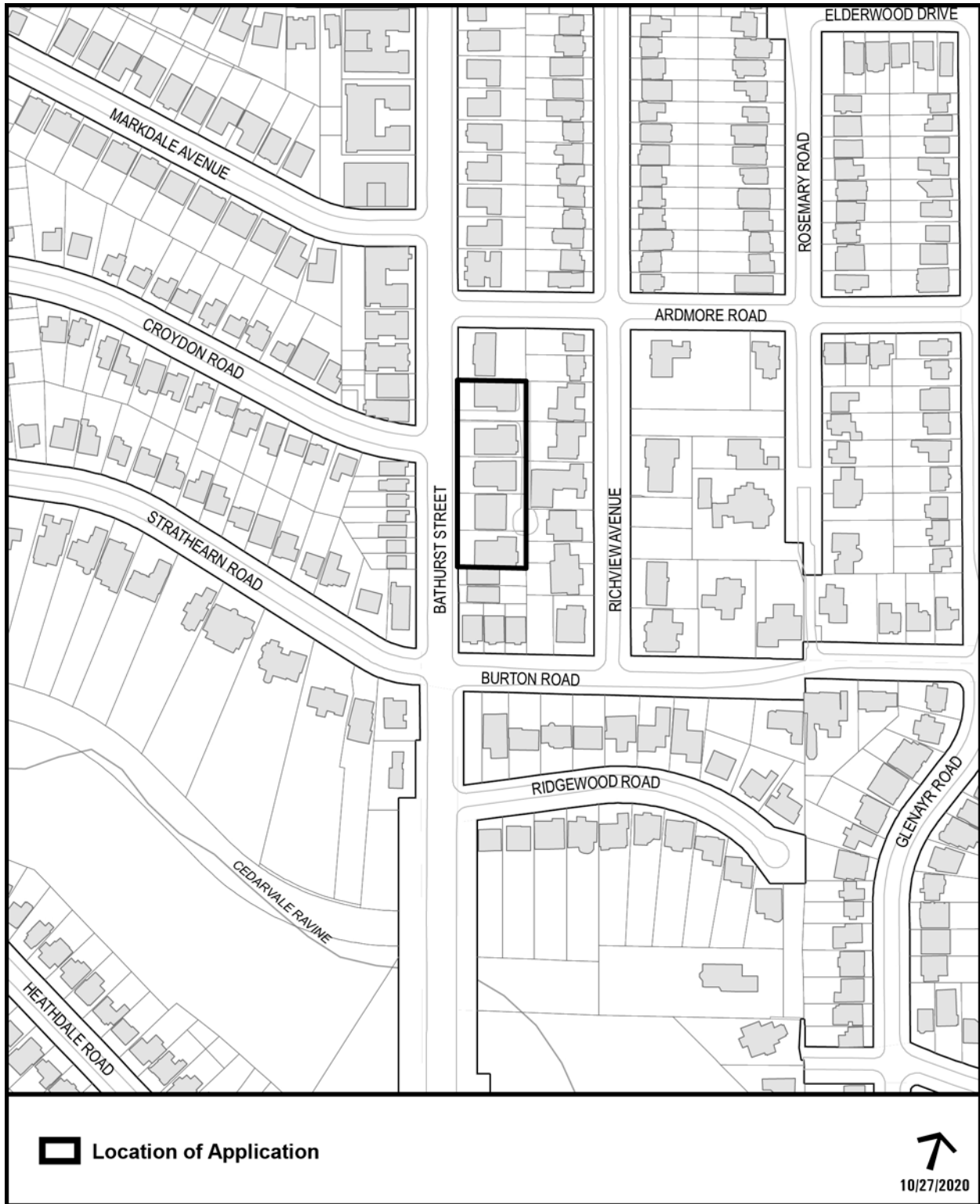
Parking and Loading

Parking Spaces: 93 Bicycle Parking Spaces: 76 Loading Docks: 1

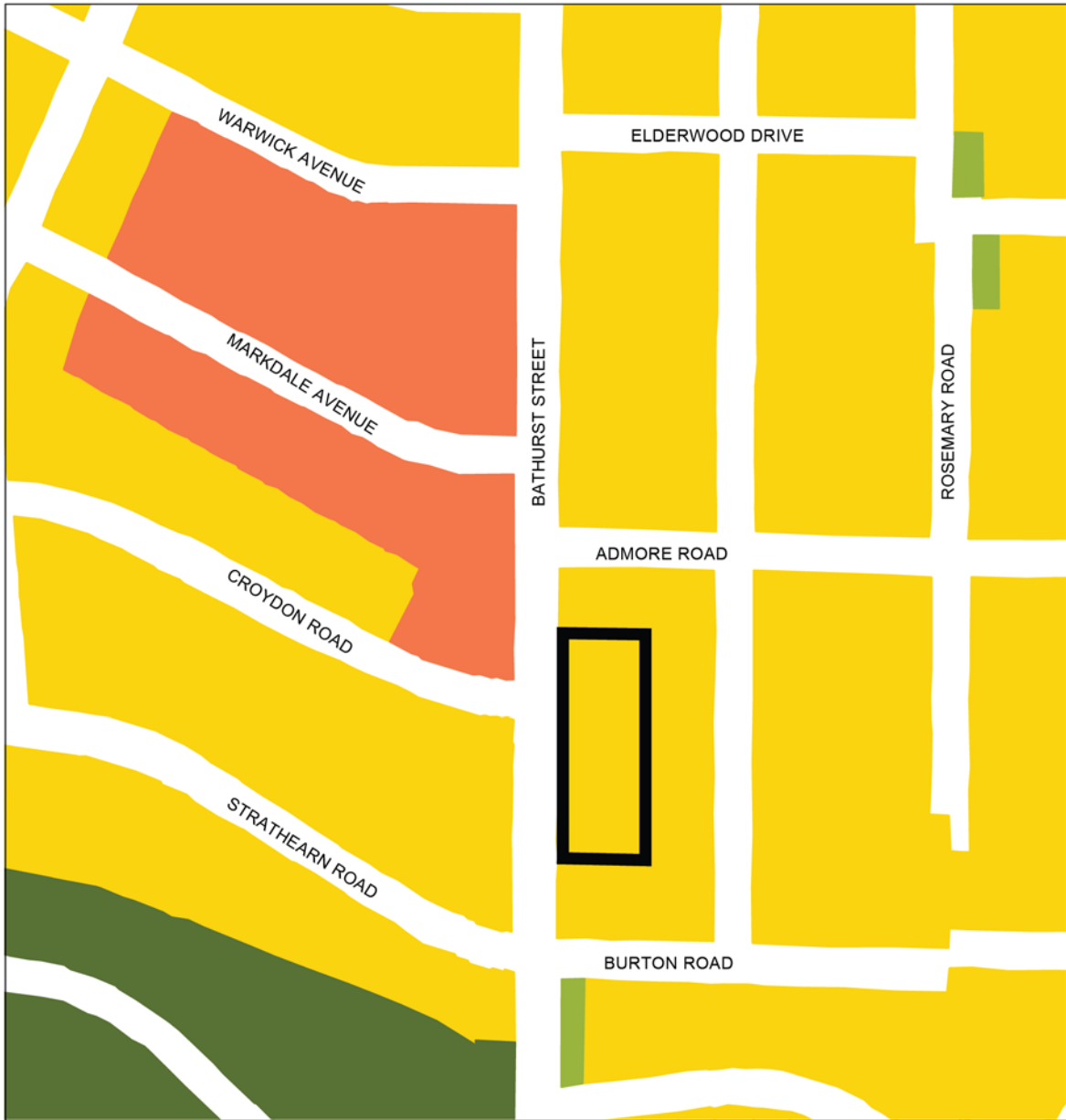
CONTACT:

Carla Tsang, Senior Planner
(416) 395-7137
Carla.Tsang@toronto.ca

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



1637-1645 Bathurst Street

Official Plan Land Use Map #17

File # 18 115438 STE 21 OZ

- | | |
|--|--|
|  Location of Application |  Parks & Open Space Areas |
|  Neighbourhoods |  Natural Areas |
|  Apartment Neighbourhoods |  Parks |

↑
Not to Scale
10/27/2020

Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

1637-1645 Bathurst Street

File # 18 115438 STE 21 0Z

Location of Application

- R** Residential
- RD** Residential Detached
- RM** Residential Multiple
- O** Open Space
- ON** Open Space Natural



Not to Scale
Extracted: 10/27/2020

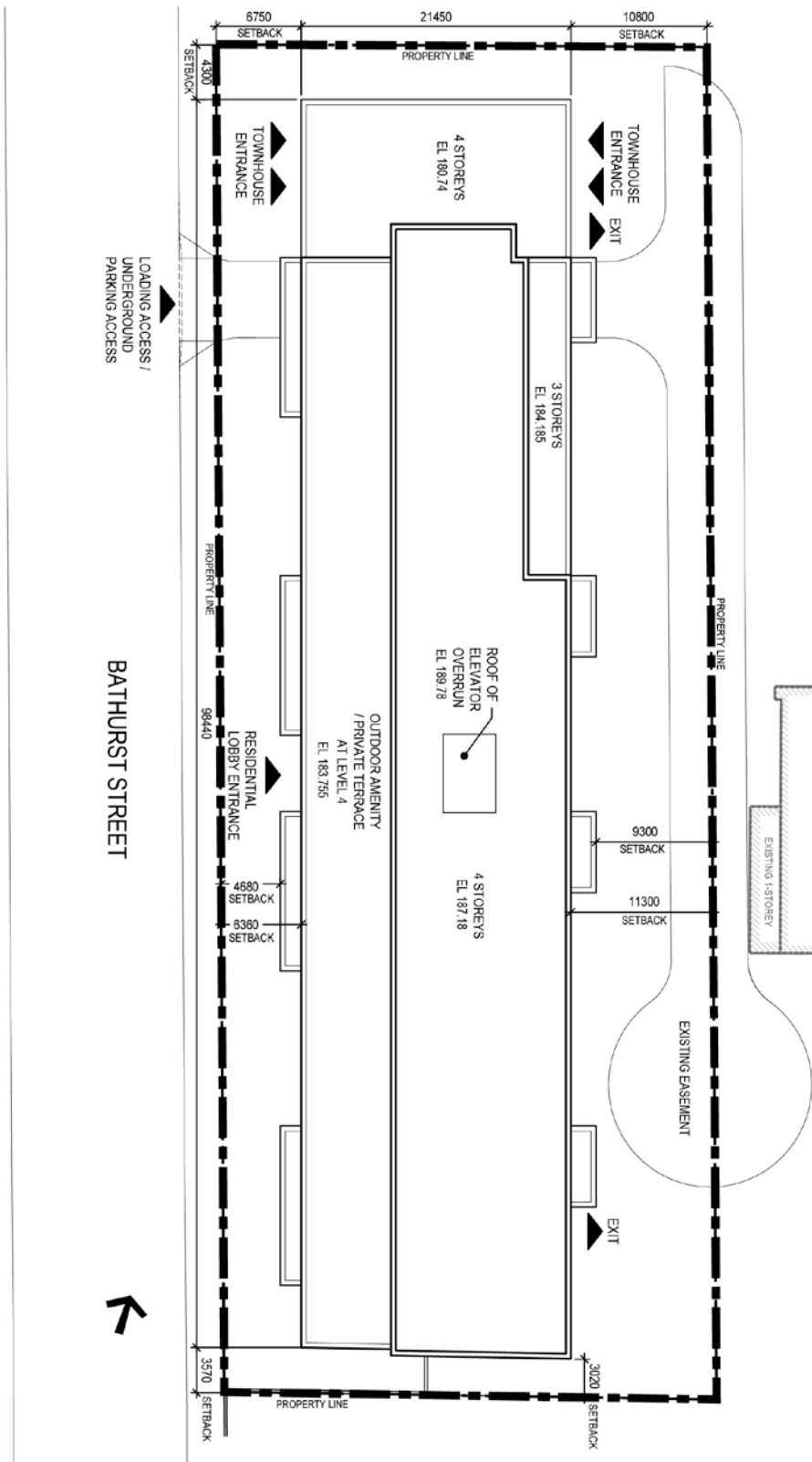
Attachment 5: Draft Zoning By-law Amendment to By-law 438-86

To be available prior to the December 2, 2020 Toronto and East York Community Council Meeting

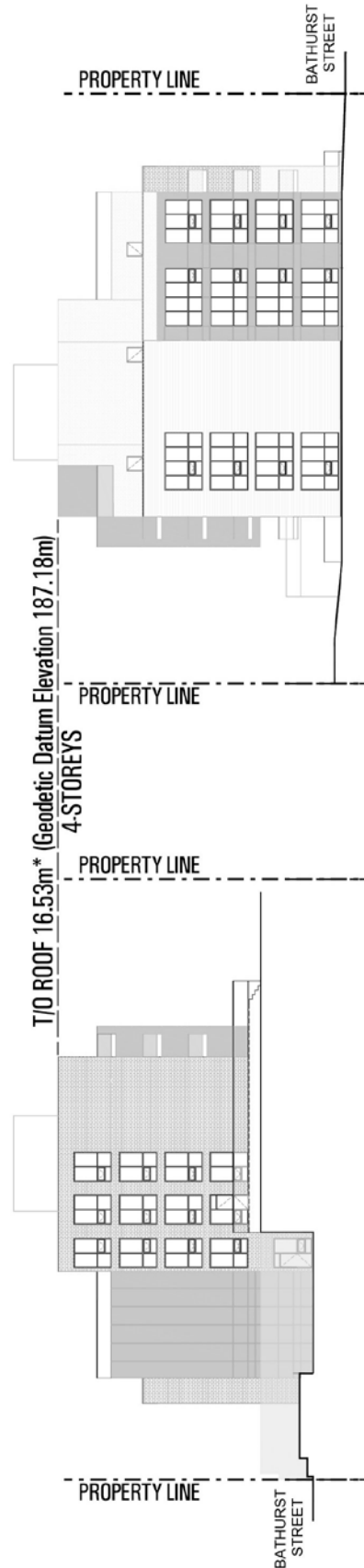
Attachment 6: Draft Zoning By-law Amendment to By-law 569-2013

To be available prior to the December 2, 2020 Toronto and East York Community Council Meeting

Attachment 7: Site Plan



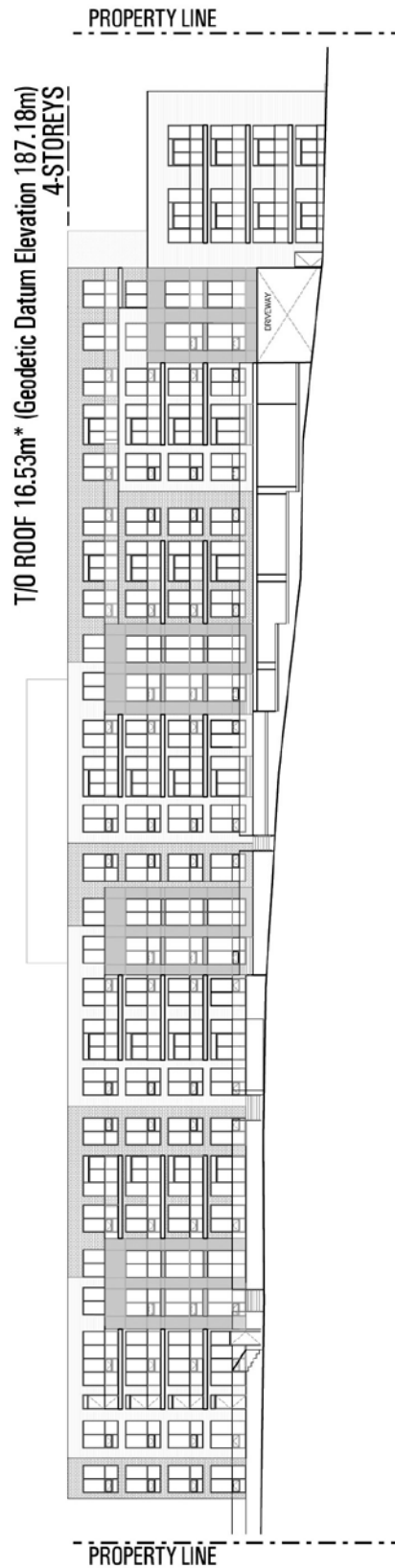
Attachment 8: North and South Elevations



South Elevation
** Building height is measured from the grade on Bathurst Street, at the midpoint of the site (Geodetic Datum Elevation of 170.65 metres)*

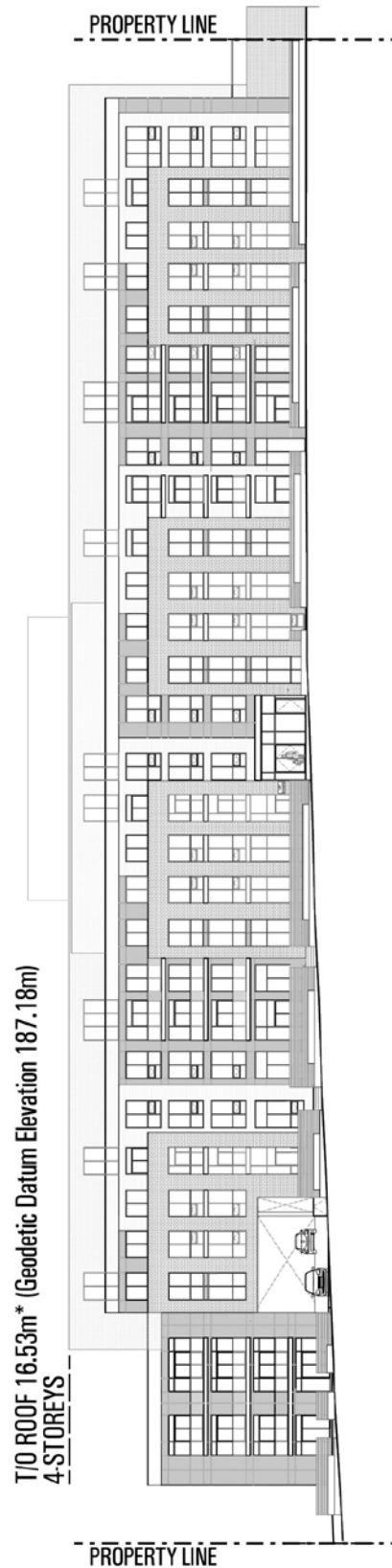
North Elevation
(Geodetic Datum Elevation 187.18m)

Attachment 9: East Elevation



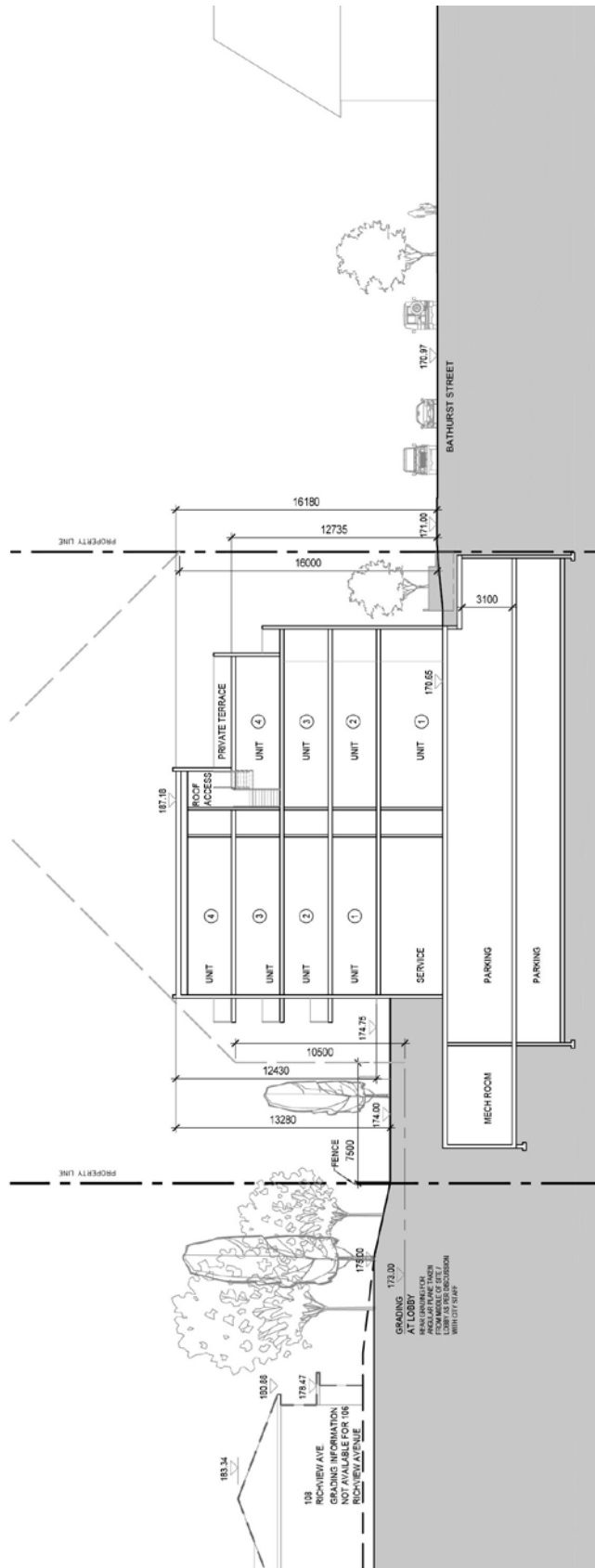
East Elevation
** Building height is measured from the grade on Bathurst Street, at the midpoint of the site (Geodetic Datum Elevation of 170.65 metres)*

Attachment 10: West Elevation



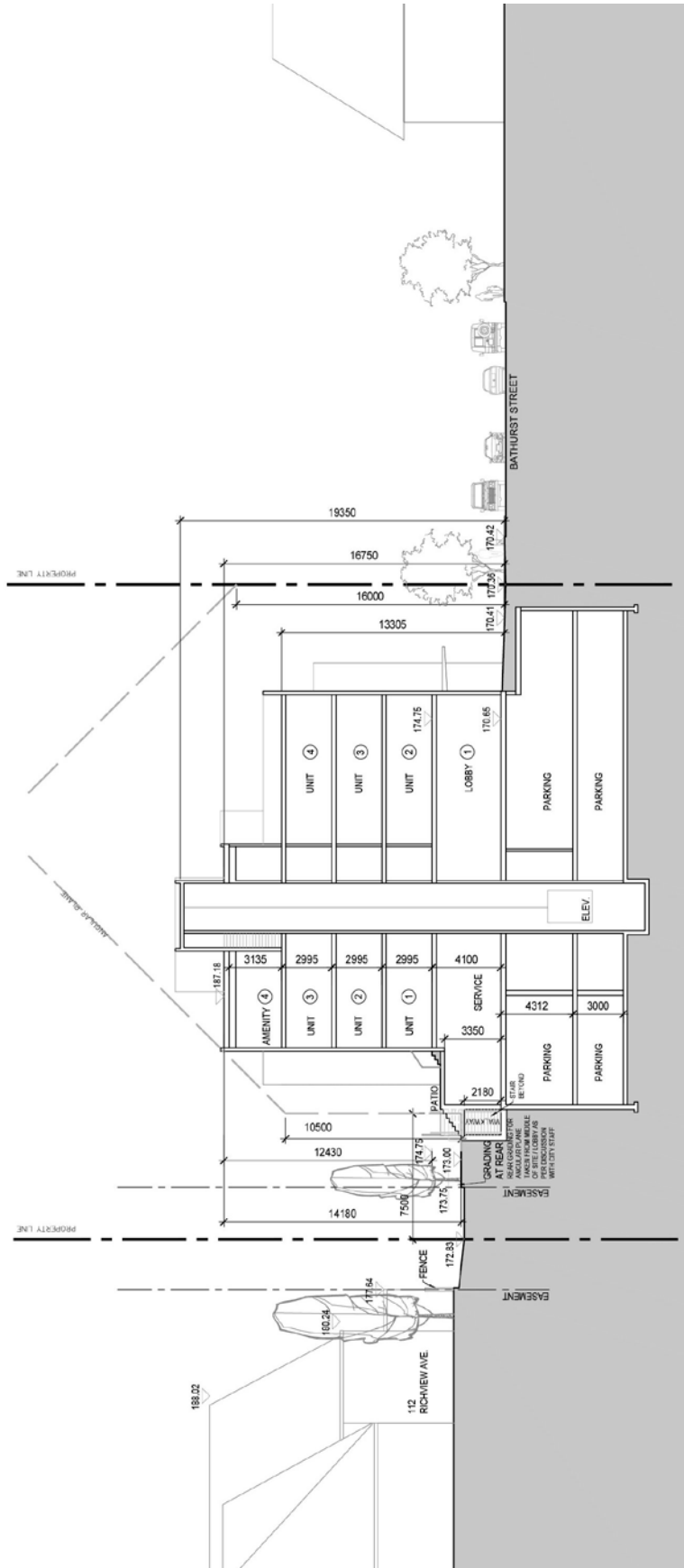
West Elevation
** Building height is measured from the grade on Bathurst Street, at the midpoint of the site (Geodetic Datum Elevation of 170.65 metres)*

Attachment 11: Section G-G - East-West Cross Section with 108 Richview Avenue



Section G-G: East-West Cross Section with 108 Richview Avenue

Attachment 12: Section C-C - East-West Cross Section with 112 Richview Avenue

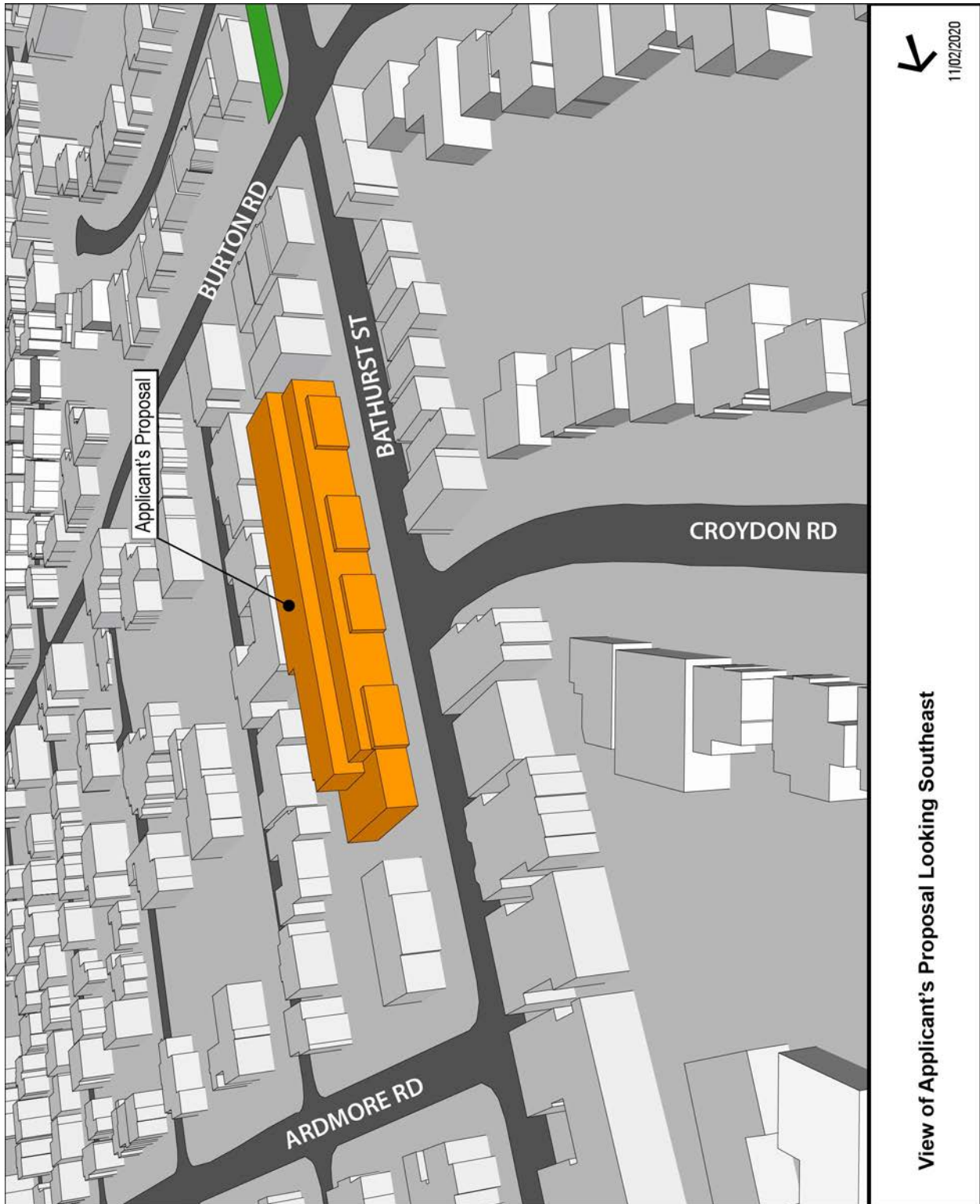


Section C-C: East-West Cross Section with 112 Richview Avenue

Attachment 14: 3D Model of Proposal in Context Looking Northwest



Attachment 15: 3D Model of Proposal in Context Looking Southeast



View of Applicant's Proposal Looking Southeast