

Authority: Toronto and East York Community Council Item TE20.5, adopted as amended,
by the City of Toronto Council on December 13, 14 and 15, 2016

CITY OF TORONTO

BY-LAW No. 1282-2016

To adopt Amendment No. 349 to the Official Plan for the City of Toronto with respect to the lands along Bathurst Street, Markham Street, Lennox Street and Bloor Street West municipally known in 2016 as 738-840 Bathurst Street on the west side, 769-843 Bathurst Street on the east side, 559-595 Bloor Street on the south side, 520-580 Bloor Street on the north side, 586-612 Markham Street on the west side, 581-659 Markham Street on the east side and 29 Lennox Street on the north side.

Whereas authority is given to Council under the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

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

The Council of the City of Toronto enacts:

1. The attached Amendment No. 349 to the Official Plan is adopted pursuant to the *Planning Act*, as amended.

Enacted and passed on December 15, 2016.

Frances Nunziata,
Speaker

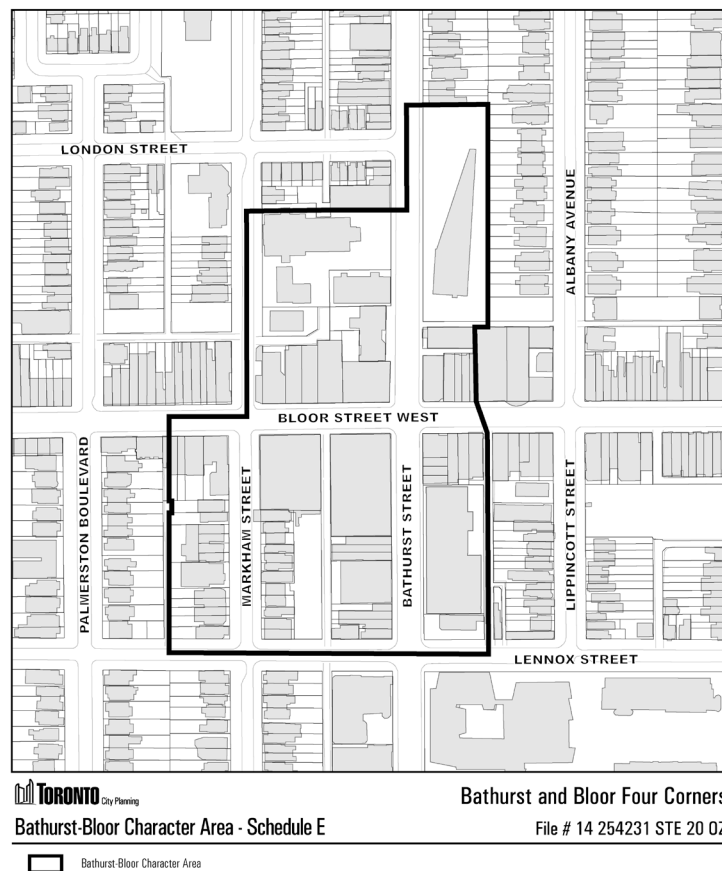
Ulli S. Watkiss,
City Clerk

(Seal of the City)

**AMENDMENT NO. 349 TO THE OFFICIAL PLAN
LANDS MUNICIPALLY KNOWN IN THE YEAR 2016 AS 738-840 BATHURST
STREET ON THE WEST SIDE, 769-843 BATHURST STREET ON THE EAST SIDE,
559-595 BLOOR STREET ON THE SOUTH SIDE, 520-580 BLOOR STREET ON THE
NORTH SIDE, 586-612 MARKHAM STREET ON THE WEST SIDE, 581-659
MARKHAM STREET ON THE EAST SIDE AND 29 LENNOX STREET**

The Official Plan of the City of Toronto is amended as follows:

- Chapter 7, Site and Area Specific Policy No. 465, Bathurst Street between Queen Street West and Dupont Street, Schedule E Bathurst-Bloor Special Study is deleted and replaced with Schedule E Bathurst-Bloor Character Area as follows:



- Chapter 7, Site and Area Specific Policy No. 465, Bathurst Street between Queen Street West and Dupont Street, Policy 9. to Policy 9.3.2 inclusive for the Bathurst-Bloor Character Area is deleted and replaced with the following policy and Schedules for the lands along Bathurst Street, Markham Street, Lennox Street and Bloor Street West as follows:

9. Bathurst-Bloor Character Area

- 738-840 Bathurst Street on the west side;
- 769-843 Bathurst Street on the east side;
- 559-595 Bloor Street on the south side;
- 520-580 Bloor Street on the north side;
- 586-612 Markham Street on the west side;
- 581-659 Markham Street on the east side; and
- 29 Lennox Street on the north side.

9.1 General

9.1.1 The lands affected by the Bathurst-Bloor Character Area Policy are shown on Schedule E and are subject to the policies in Section 9 Bathurst-Bloor Character Area of Site and Area Specific Policy No. 465. The boundaries as shown on Schedule E are approximate. Where the intent of this Site and Area Specific Policy is maintained, minor adjustments to such boundaries will not require amendment to this Site and Area Specific Policy.

9.1.2 This Policy refers to Pedestrian Shopping Areas. These areas front onto Markham Street south of Bloor Street West, Bathurst Street, and Bloor Street West and are designated *Mixed Use Areas*. Pedestrian Shopping Areas have a typical built form comprised of a fine grain of pedestrian-oriented commercial, retail or service uses on the ground floor at the street edge with residential, retail, office or service uses above.

9.2 Objectives

The objectives of this Policy are to:

- 9.2.1** Conserve the heritage value and attributes of heritage properties in the Bathurst-Bloor Character Area;
- 9.2.2** Acknowledge and reference the character and function of Markham Street, Lennox Street, Bathurst Street and Bloor Street West while allowing contextually appropriate redevelopment which supports Pedestrian Shopping Areas;
- 9.2.3** Guide and shape public and private development and investment within the Bathurst-Bloor Character Area;
- 9.2.4** Direct improvements to the public realm; and
- 9.2.5** Ensure an appropriate and gradual transition in the scale of development to *Neighbourhoods* and to other areas of lower scale adjacent to the Character Area.

9.3 Vision Statement

The Bathurst-Bloor Character Area is a diverse, historic and walkable hub of activity located at the edge of four established *Neighbourhoods*. The rhythm of small-scale storefronts frames the public realm at a human scale and creates a sense of place and opportunities for the spontaneous and casual interactions which support public life. It is a place where people can meet while shopping or on the way to a park, event, or cultural activity.

9.4 Public Realm

- 9.4.1** Existing public and private open spaces will be conserved, enhanced, and where possible, expanded and the creation of new open spaces will be explored.
- 9.4.2** New public spaces will be designed and programmed for community gathering and cultural activities, such as flexible space to allow for live theatre, farmers markets, festivals and other activities which support and enhance public life, while mitigating impacts of these uses on the adjacent residential communities.
- 9.4.3** The City will improve the public realm within the Character Area by securing amenities through the development review process such as places to sit and gather and community gardens.
- 9.4.4** Development will increase the number of trees on both public and private land, where possible, within the Character Area.

Parks

- 9.4.5** The City will secure parkland in the areas shown on Schedule F - Public Realm and Pedestrian Improvements through the redevelopment of land.
- 9.4.6** The City will prioritize the provision of parkland to satisfy parkland dedication requirements, pursuant to Section 42 of the *Planning Act*. For development sites larger than 5,000 square metres the City will prioritize on site parkland. For adjacent sites smaller than 5,000 square metres in area the City will prioritize the provision of off-site parkland or contiguous parkland dedication on adjacent sites.
- 9.4.7** The City will consider improvements to Ed and Anne Mirvish Parkette as one of the priorities for money secured by the City through cash payments in lieu of parkland dedication.
- 9.4.8** New shadows will not be permitted on parkland beyond those shadows created by the as-of-right zoning height as in force at the date of the passing of this by-law and existing buildings between March 21 and September 21, between the hours of 11:00 a.m. and 4:00 p.m.
- 9.4.9** The City will secure connections between new and existing parks and the surrounding neighbourhoods through the creation of pedestrian and cycling links

and laneways as illustrated on Schedule F - Public Realm and Pedestrian Improvements through the development review process.

Streets/ Sidewalks/Pedestrian and Cycling Improvements

- 9.4.10** Sidewalks will be widened, except where in situ conservation of heritage properties prevent widening, as shown on Schedule F - Public Realm and Pedestrian Improvements.
- 9.4.11** Pedestrian crossings will be improved through the redevelopment process and public initiatives generally in the locations shown on Schedule F - Public Realm and Pedestrian Improvements.
- 9.4.12** Publicly accessible midblock connections, generally in accordance with those shown on Schedule F - Public Realm and Pedestrian Improvements, will be secured through redevelopment and civic improvements.
- 9.4.13** A coordinated and unified streetscaping treatment will be applied throughout the Character Area in consultation with Business Area Improvement Areas and Resident Associations, and secured through the development review process and any planned civic improvements.
- 9.4.14** Streetscape improvements in the Character Area will be designed to allow for future complete streets and will be designed to support and / or include:
- 9.4.14.1** Multi-modal transportation options, including active transportation;
 - 9.4.14.2** Space on the roads for pedestrians, cyclists and public transit vehicles;
 - 9.4.14.3** Improvements to transit stops including weather protection and seating will be required as part of any redevelopment adjacent to a stop; and
 - 9.4.14.4** Accommodation of green infrastructure.
- 9.4.15** Where provided in development, car share parking, bicycle share parking, and bicycle parking will be encouraged to locate in proximity to elevators and pedestrian entrances, for residents, employees and visitors.

9.5 Land Use

- 9.5.1** Pedestrian Shopping Areas within the Character Area are intended to continue to function as retail shopping streets. Pedestrian Shopping Areas will be designed as safe and comfortable for pedestrians and provide opportunities for small business.
- 9.5.2** The scale of retail spaces located on the ground floor should generally maintain the scale and rhythm of existing storefronts on the streets.
- 9.5.3** Office uses are encouraged to be located within the Character Area.

- 9.5.4 Support for small scale arts, culture and business uses are encouraged through the provision of affordable and adaptable non-residential spaces.
- 9.5.5 The ground floor street frontages in *Mixed Use Areas* are reserved for active pedestrian-oriented uses. Residential uses, excepting entrances to residential lobbies, will not be permitted on the ground floor street frontages in *Mixed Use Areas*.
- 9.5.6 The provision of affordable rental and/or ownership housing within the Bathurst Bloor Character Area will be encouraged in development.
- 9.5.7 A minimum of 20 percent two bedroom units and 10 percent three bedroom or larger units will be required within all new residential development.
- 9.5.8 The provision of, or contribution to, affordable child care spaces is encouraged within development.

9.6 **Built Form**

- 9.6.1 Development on and adjacent to heritage properties as shown on Schedule G - Heritage will be massed to conserve the scale and heritage character of those properties on the City's Heritage Register.
- 9.6.2 Development fronting Bloor Street West and Bathurst Street will include building articulation, windows and entrance locations that reference the prevailing pedestrian shopping characteristics of these main streets.
- 9.6.3 Where development is located at an intersection of two streets, buildings will be designed to address both streets with entrances and design features which reflect each street.

Scale and Transition

- 9.6.4 Maximum building heights are shown in Schedule I. Development will achieve appropriate transition in building height and massing and the stepping down of heights toward the adjacent areas of lower scale in *Mixed Use Areas*.
- 9.6.5 Development will transition gradually and appropriately through setbacks and the stepping down of building height and massing toward adjacent *Neighbourhoods*.
- 9.6.6 Development will only be permitted beneath a 45-degree angular plane measured from grade at the property line of any property designated *Neighbourhoods* on Map 18 in the Official Plan. The angular plane is illustrated in Schedule H - Built Form.
- 9.6.7 Any increase in height or density in the Character Area will transition generally downwards in scale away from the intersection of Bathurst Street and Bloor Street West to reflect and protect the fine grain character of the Pedestrian Shopping

Area on Bloor Street and Bathurst Street, and in the Seaton Village-West Annex and Palmerston-Harbord Character Areas adjacent to the Bathurst-Bloor Character Area. The transition shall be achieved within the Character Area boundary and shall not rely on properties outside the study area.

Ground Floor Height

- 9.6.8** The ground floor of any development with frontage on Bathurst Street, Lennox Street, and/or Bloor Street West will be sized or architecturally expressed at a maximum height of generally 4.5 metres or to correspond to the height of abutting heritage properties, whichever is the lesser. Ground floor retail units with a ceiling height taller than 4.5 metres may be considered closer to the intersection of Bathurst Street and Bloor Street West.

Street Wall

- 9.6.9** Street wall dimensions are an important determinant in the way a building is experienced at the pedestrian scale and how a building relates to its surroundings. Accordingly:
- 9.6.9.1** The articulation and width of retail bays at the street frontage will be consistent with the rhythm of existing small scale retail frontages which are characteristic of Pedestrian Shopping Streets;
- 9.6.9.2** The maximum street wall heights will be generally highest near the intersection of Bloor Street West and Bathurst Street and transition downward in height away from the intersection.
- 9.6.9.3** The height of the street wall for development abutting a heritage property will be generally between the existing heritage building height and a height of 13.5 metres.
- 9.6.9.4** In addition, the height of the street wall for development will be generally 13.5 metres on the east side of Bathurst Street, on the west side of Bathurst Street north of Bloor Street, and on Bloor Street east of Bathurst Street. The streetwall heights will vary on both sides of Bloor Street West between Markham Street and Bathurst Street. The average height of the street wall fronting Bloor Street West between Markham Street and Bathurst Street will be a maximum of 16.5 metres, generally not exceeding a height of 20 metres in any one location, and transition downward toward the west to a streetwall height of generally 13.5 metres at the western boundary of the Character Area.

Step back above the Street Wall

- 9.6.10** Development on or abutting heritage properties on Bathurst, Bloor and Lennox Streets will be stepped back a minimum of 5 metres from all public street frontages, conserving the scale, form and massing of the heritage properties.

9.6.11 Above the height of the street wall, development will step back a minimum of 3.0 metres when not abutting or on a heritage property.

9.6.12 Development will step back above the streetwall height, and will continue to stepback to fit underneath a 45° angular plane measured from a height of 16 metres at the front property line as illustrated in Schedule H - Built Form.

Sunlight

9.6.13 Maintaining direct sunlight on main streets is vital to a successful public realm. In order to ensure appropriate sunlight on the sidewalks, development will provide a minimum of five hours of continuous sunlight between March 21 and September 21 during the mid-day hours on the Bathurst Street sidewalks and on the north sidewalk on Bloor Street West.

9.7 Southwest Quadrant

9.7.1 In addition to the preceding policies contained in Section 9.0 - 9.6 for the Bathurst Bloor Character Area, the following policies in Section 9.7 apply specifically to the southwest quadrant of the Character Area. In instances where there is inconsistency between the preceding policies in Section 9.0 - 9.6, policies below for the Southwest Quadrant will prevail.

Provision of Community Benefits and Other Attributes in the Southwest Quadrant

9.7.2 The Southwest Quadrant provides opportunity for a greater level of intensification and a greater level of investment in area community benefits and other attributes, provision of new park space, improvement to public space, provision of a range of new housing, and conservation of heritage properties. These investments should respond to the anticipated level of growth, be delivered prior to, or in conjunction with development, and secured through the use of Zoning By-laws, and Section 37 and 42 of the *Planning Act* and other planning approvals including Site Plan and Heritage Permits. Therefore development in the southwest quadrant of the Bathurst-Bloor Character Area will provide a full range of community attributes and benefits to be determined by a Zoning By-law Amendment, and which may be above Section 37 and Section 42 requirements, such as:

9.7.2.1 New on-site parkland;

9.7.2.2 Improved and increased area community services and facilities;

9.7.2.3 Commercial units suitable for small businesses, including affordable commercial spaces;

9.7.2.4 Affordable artist and studio spaces in the redevelopment of lands abutting Markham Street, south of Bloor Street West;

9.7.2.5 Units designed flexibly to accommodate both living and working;

- 9.7.2.6 Public art component;
- 9.7.2.7 Programmable, publically-accessible open space;
- 9.7.2.8 Increased tree canopy on site and significant soft landscaping within the public realm;
- 9.7.2.9 A bike parking and storage strategy;
- 9.7.2.10 A range of affordable and mid-range housing with a minimum 20 percent of proposed affordable units as two bedroom units and a minimum 10 percent of the proposed affordable units as 3 bedroom units or larger;
- 9.7.2.11 Development and execution of a heritage interpretation plan;
- 9.7.2.12 Enhanced measures of environmental sustainability; and
- 9.7.2.13 Develop and implement a construction management plan in consultation with the city, ward councillor, and representatives of the surrounding community.

Side and Rear 45 Degree Angular Plane From the *Neighbourhoods*

- 9.7.3 In the south-west quadrant, not all buildings will achieve the maximum height that can be achieved under the 45-degree angular plane illustrated in Schedule H as maximizing the heights may result in an overall height and massing that are not appropriate for the quadrant.
- 9.7.4 The maximum height of development will be determined through a Zoning By-law amendment.
- 9.7.5 On the property east of Markham Street, taller building elements will be situated behind the retained heritage buildings fronting Markham Street and will be much lower than what a 45-degree angular plane illustrated in Schedule H from the west would otherwise allow, to better relate to the scale of the retained heritage buildings on Markham Street. The exact height of any taller element in this area will be determined through a Zoning By-law amendment.
- 9.7.6 For the area of the block, east of Markham Street and closer to the Bathurst Bloor intersection, minor encroachment may be considered only for a portion of the top floor of tall buildings into the angular plane illustrated in Schedule H through a Zoning By-law Amendment application, provided that it is demonstrated through a planning and urban design rationale that demonstrates that the encroachments are minor in nature, and have no appreciable impact on shadowing of the public realm or diminishment of sky view. The dimensions of any encroachments will be determined through a Zoning-By-law amendment, along with securing other planning objectives for the south-west quadrant.

Development on Markham Street, south of Bloor Street West

- 9.7.7** Development on Markham Street south of Bloor Street West will respect and reference the existing house-form building scale and character.
- 9.7.8** At the intersection of Markham and Bloor Streets, the base of development at the corner fronting Bloor Street West will be scaled appropriately and designed architecturally to relate to the adjacent heritage properties on Bloor Street West.
- 9.7.9** All portions of additions to conserved heritage properties on Markham Street will be situated behind the original rear walls of the house-form buildings.
- 9.7.10** On the east side of Markham Street south of Bloor Street West development not fronting Bloor Street West will transition downward in scale to the house form buildings on Markham Street and to the *Neighbourhoods* located to the west of Markham Street by stepping down significantly in height and scale from development on Bathurst Street and on Bloor Street West and have a maximum height which is significantly less than the height of an angular plane measured from the property line of any property designated *Neighbourhoods* as shown on Map 18 of the Official Plan.
- 9.7.11** Despite Policy 9.6.6, development on the west side of Markham Street fronting Bloor Street West may encroach into a 45-degree angular plane illustrated in Schedule H provided the development is at a lower scale than development on the east side of Markham Street and does not exceed a height of 9 storeys.
- 9.7.12** Development on the west side of Markham Street fronting onto Markham Street and/or Bloor Street West will: step down in height and scale toward lower scale areas designated *Neighbourhoods* and *Mixed Use Areas*; be situated and massed in a manner which limits impacts to light, view and privacy on adjacent properties and streets; include the conservation of the heritage building at the southwest corner of Markham Street and Bloor Street West; and generally not exceed a street wall height of 13.5 metres on Bloor Street West.

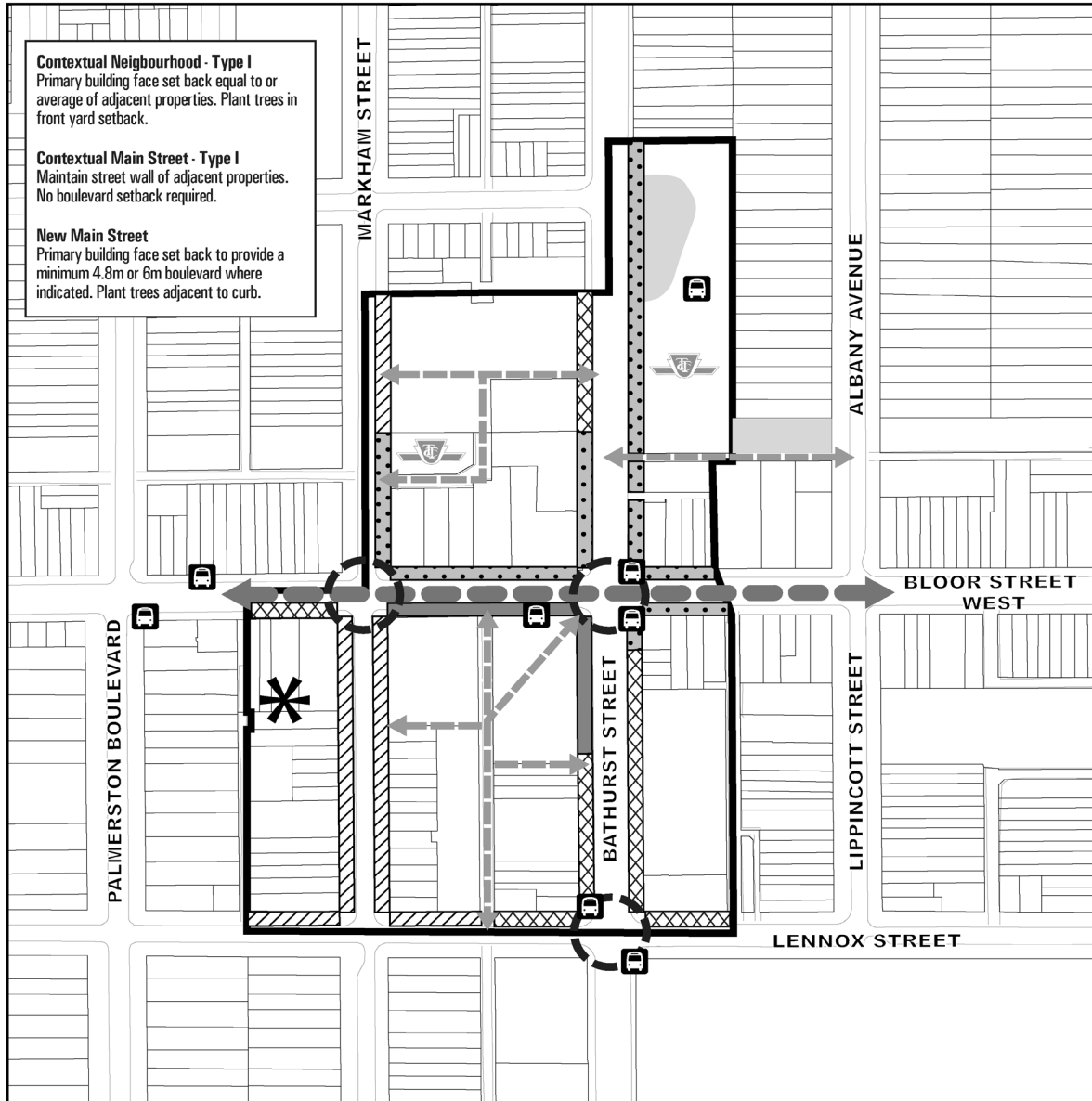
Additional Built Form Policies in the Southwest Quadrant

- 9.7.13** Development in the southwest quadrant of the Bathurst Bloor Character Area will:
- 9.7.13.1** Provide a minimum 25 metre separation distance between facing tall buildings;
- 9.7.13.2** Ensure that all tall buildings are set back a minimum of 12.5 metres from rear and side lot lines, with the exception that a lesser minimum separation from rear or side lot lines may be considered where appropriate, through a Zoning By-law amendment;

- 9.7.13.3** Design and mass all tall buildings to a maximum tower floorplate of 600 square metres, inclusive of all interior floor space, mechanical, and storage areas, but exclusive of projecting or inset balconies;
- 9.7.13.4** Be designed and massed to limit shadow impact on the Bathurst Street sidewalks between the hours of 11:00 a.m. and 4:00 p.m. from March 21 to September 21 and ensure that not less than 50 percent of the sidewalk area on the north side of Bloor Street West within the length of sidewalk between Albany Avenue and Palmerston Boulevard is in direct sunlight generally between the hours of 11:00 a.m. and 4:00 p.m. from March 21 to September 21;
- 9.7.13.5** Include street wall heights which vary, designed generally as follows, with appropriate dimensions to be secured in a zoning By-law amendment:
- a. The maximum height of the street wall for development will not generally exceed a height of 13.5 metres abutting a heritage property.
 - b. The average height of the street wall fronting Bloor Street West between Markham Street and Bathurst Street will be a maximum of 16.0 metres, not generally exceed a maximum height of 20 metres, and generally transition downward toward the west to a streetwall height of 13.5 metres at the western boundary of the Character Area.
 - c. The average height of the street wall fronting Bathurst Street between Bloor Street West and the north property line of 760 Bathurst Street will be an average of 16.0 metres and will not generally exceed a maximum height of 20 metres.
 - d. The average height of the street wall fronting Bathurst Street between the north property line of 760 Bathurst Street and the southern limit of the Character Area will be an average of 13.5 metres, not exceed a maximum height of 16.0 metres at any point, and transition to 13.5 metres at the southern limit of the Character Area.
 - e. The maximum height of the street wall on Lennox Street east of the existing laneway will relate to the height of 736 Bathurst Street and transition appropriately to on-site heritage buildings and will not generally exceed 16.0 metres.
 - f. The maximum height of the street wall on Lennox Street west of the existing laneway will transition down in height appropriately to the houses fronting Markham Street.

9.7.14 Where there are tall buildings, development will step back a minimum of 3.0 metres at the height of the street wall when not abutting or on a heritage property. Where projections may be considered, such projections should have no appreciable impact on the pedestrian experience or on the overall perception of the streetwall height. The dimensions of any projections will be determined through a Zoning-By-law amendment, along with securing other planning objectives for the south-west quadrant.













Schedule F - Public Realm Improvements



Bathurst and Bloor Four Corners

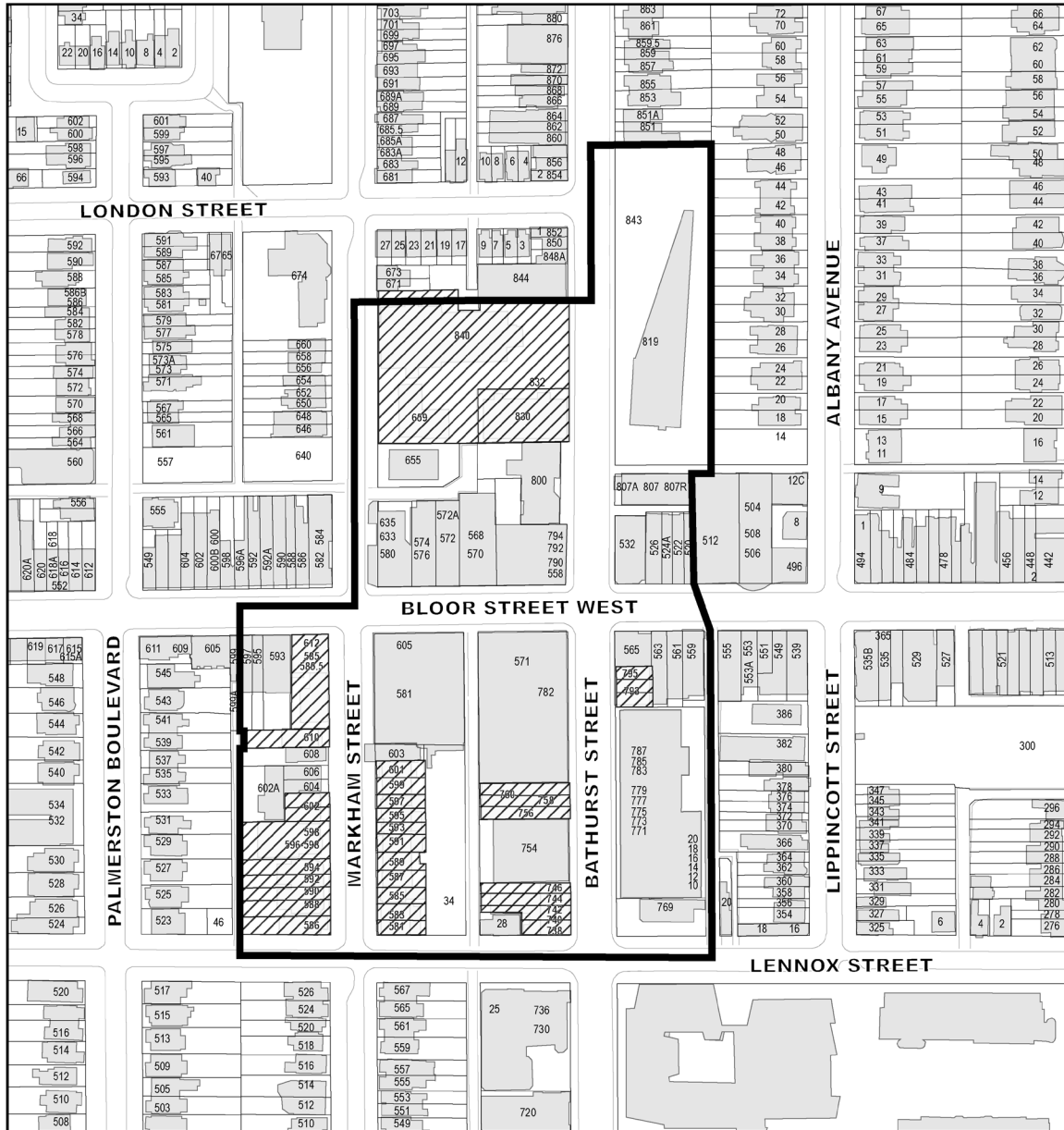
Public Realm Improvements - Schedule F

File # 14 254231 STE 20 0Z

 Bathurst-Bloor Character Area	 Existing TTC Entrances (for information purposes only)	 Existing TTC Stops (for information purposes only)	 Approximate Location of New Park
 Existing Park	 Potential & Existing Mid Block Connection	 Pilot Bike Lane	 Potential Pedestrian / Bicycle Crossing Improvements
 Contextual Neighbourhood - Type I	 Contextual Main Street - Type I	 New Main Street (4.8m)	 New Main Street (6m)

↑
Not to Scale
10/18/2016

Schedule G - Heritage



Bathurst and Bloor Four Corners

Properties on the City's Heritage Register - Schedule G

File # 14 254231 STE 20 0Z

Bathurst-Bloor Character Area

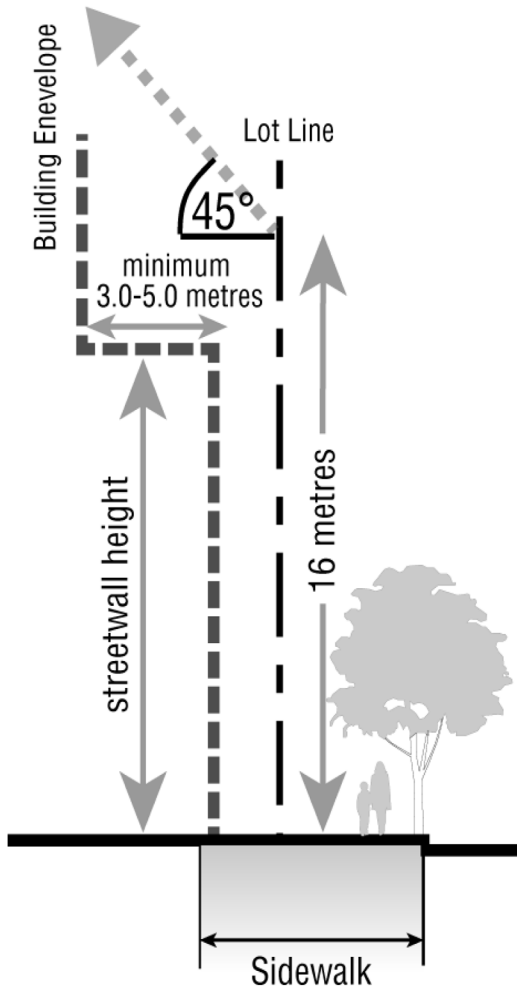
Heritage Properties



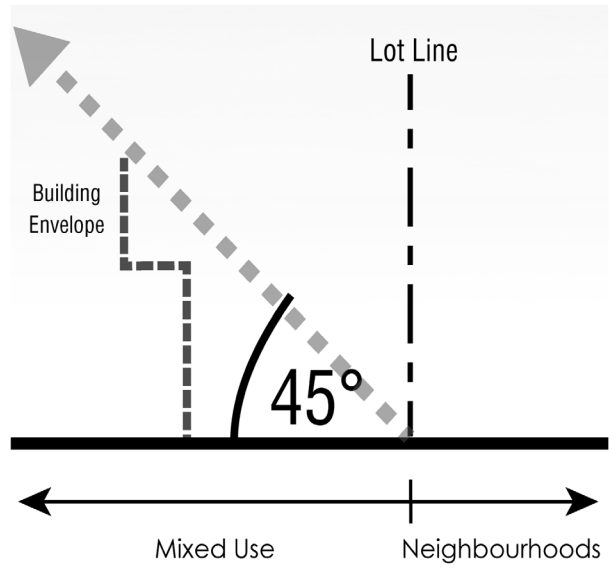
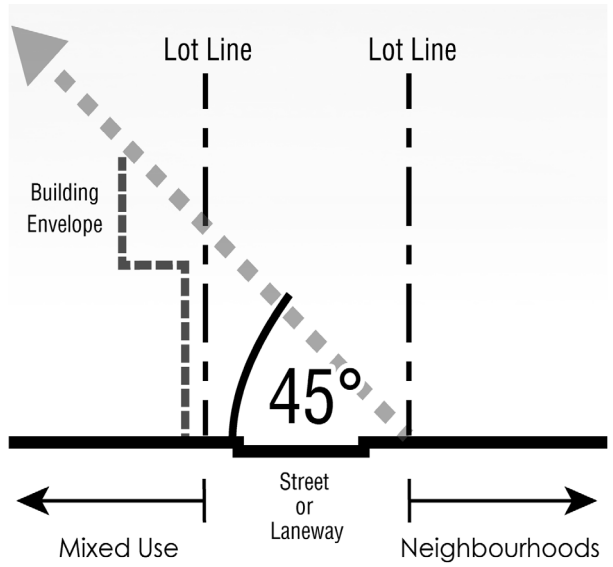
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Schedule H - Built Form

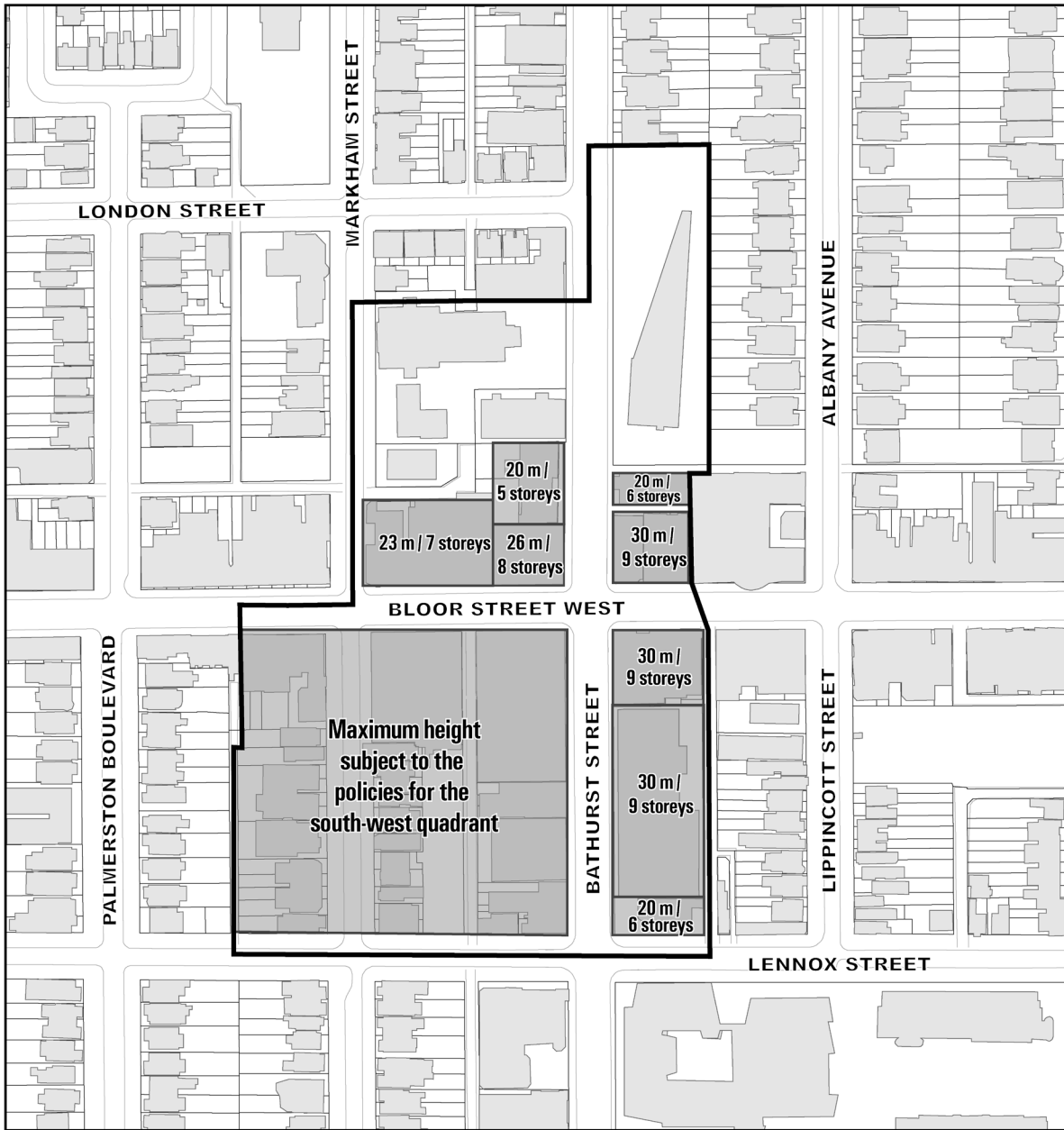
**Streetwall and Base Building Stepbacks
Underneath 45 Degree Angular Plane**



Rear and Side 45 Degree Angular Plane From the Neighbourhoods



Schedule I - Maximum Building Heights



Maximum Building Heights - Schedule I

Bathurst and Bloor Four Corners

File # 14 254231 STE 20 02

 Bathurst-Bloor Character Area


Not to Scale
10/18/2016