

**Final Report
Zoning By-law Amendment Application
3101 and 3157 Bathurst Street**

Date:	June 3, 2011
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 16 – Eglinton-Lawrence
Reference Number:	07 132192 NNY 16 OZ

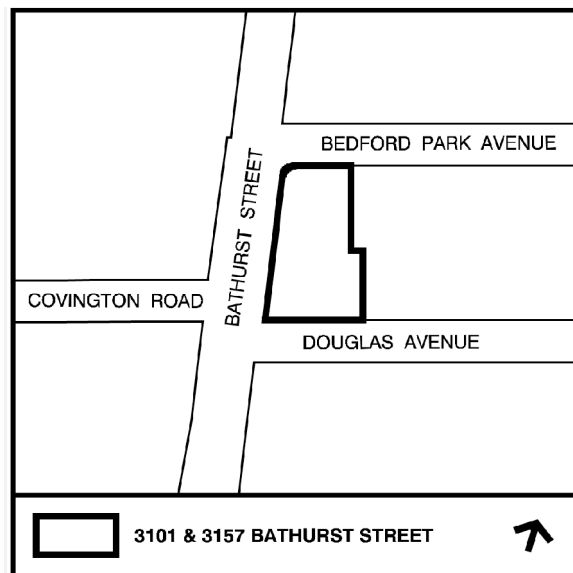
SUMMARY

This application proposes to amend the Zoning By-law to permit a 180-unit Retirement Residence at 3101 and 3157 Bathurst Street. The proposed building would have a maximum height of nine storeys (26.10m) stepping down to eight, seven and six storeys from Bathurst Street and an overall gross floor area of 15,475m². A two level underground parking garage would accommodate 136 parking spaces.

The draft By-law provides flexibility in that the upper three floors could be used for office uses.

The redevelopment proposal supports the Official Plan goal to encourage a diversity of office, commercial, institutional and residential uses along an *Avenue* while protecting the abutting lower scale residential uses to the east.

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



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 7625 for the former City of North York substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
3. Before introducing the necessary Bills to City Council for enactment, require the owner to enter into a Section 37 Agreement to the satisfaction of the City Solicitor pursuant to Section 37 of the Planning Act to provide the following services, facilities or matters:
 - a. Prior to the issuance of any above-grade building permit, a monetary contribution of \$215,000 which shall be used towards the improvement of Woburn Park; and
 - b. A requirement that the proposed Retirement Residence will remain a rental facility for a period of twenty years.
4. Before introducing the necessary Bills to City Council for enactment, require that the Site Plan be to the satisfaction of the Director, Community Planning, North York District.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

The initial proposal included an abutting residential lot at 683 Bedford Park Avenue and consisted of an eleven (11) storey, 190-unit building with a height of 33.16 metres, not including the mechanical penthouse, with 77 parking spaces provided in a one-level underground garage. The density of the proposal was 4.5 times the land area. A Preliminary Report dated June 12, 2007 recommended that a Community Consultation Meeting not occur until the applicant revised the proposal to be more in keeping with the surrounding neighbourhood. This report can be found at:

<http://www.toronto.ca/legdocs/mmis/2007/ny/bgrd/backgroundfile-4599.pdf>

The application was revised a number of times since mid-2007 with the residential lot at 683 Bedford Park Avenue being removed from the proposal and the height and unit count of the proposed building being reduced. Two Community Consultation Meetings were held in 2008.

Proposal

The current proposal is for a 180-unit, nine (9) storey terraced building stepping down to six storeys from Bathurst Street with a total of 15,475m² of gross floor area. The proposed density is 5.5 times the lot area and the proposed height is 26.1 metres excluding the mechanical

penthouse. While the amount of proposed total gross floor area has not changed from the initial application, the site area has been reduced as a result of the property known as 683 Bedford Park Avenue being removed from the application. As a result, the proposed density has increased while the height of the building has gone down. The site plan for the current proposal is presented in Attachment No. 1.

The building is proposed to contain a variety of one- and two-bedroom suites as a Retirement Residence. The ground floor would contain common areas for residents including a dining area. An at-grade covered terrace accessible from the common areas would be provided on the Bathurst Street frontage.

All parking would be provided underground in a two-level structure with a total of 136 parking spaces, including two handicapped spaces. Entrance to the below-grade parking would be from a two-way driveway accessible from both Douglas Avenue and Bedford Park Avenue at the rear of the building. The loading area and garbage room would be located at grade adjacent to the rear driveway.

The applicant has requested flexibility in the use of the upper 3 floors in the event the market does not lend itself to the entire building being used as a retirement residence. This would result in a proposal that would comprise of the top 3 floors being used for offices while 120 retirement residence suites would occupy the first 6 floors. A separate entrance and elevators would be provided for the office component.

The site statistics are presented on the Application Data Sheet (Attachment No. 6).

Site and Surrounding Area

The 0.28 hectare site is located on the east side of Bathurst Street, comprising the block between Bedford Park Avenue and Douglas Avenue. The property has 68.2 metres of frontage on Bathurst Street, a frontage of approximately 50 metres on Douglas Avenue, and a frontage of approximately 27.0 metres on Bedford Park Avenue.

The northern portion of the site is a former service station property which has been vacant for some time. The southern portion of the site contains a 6 storey office building, and underground parking garage, which is still occupied. This building would be demolished.

Land uses surrounding the subject site are as follows:

- North: 6-storey apartment building (3171 Bathurst Street);
- South: 3-storey office building with at-grade retail and surface parking at the southeast corner of Bathurst Street and Douglas Avenue (3067-3097 Bathurst Street);
- East: Detached homes along Bedford Park Avenue and Douglas Avenue; and
- West: a 14-storey apartment building (2 Covington Road), a 15-storey apartment building (8 Covington Road) and a 12-storey apartment building with 3-storey townhouses (3174 Bathurst Street).

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan designates the subject site *Mixed Use Areas*. The *Mixed Use Areas* designation identifies areas intended for growth for both population and jobs, encouraging a broad range of commercial, residential, institutional and open space uses.

The Official Plan also identifies areas that are well served by public transit and the existing road network and which have a number of properties with redevelopment potential that can best accommodate growth. These areas are shown on Map 2, Urban Structure and are identified by four categories including the *Avenues* identifier. The *Avenues* are important corridors along major streets where re-urbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the appearance of the street, shopping opportunities and transit service for community residents. The Bathurst Street frontage of the site is identified as an *Avenue*.

Development in *Mixed Use Areas* on *Avenues* prior to an Avenue Study has the potential to set a precedent for the form and scale of re-urbanization along the *Avenue*. For this reason, proponents of such proposals are required to address the larger context and examine the implications for the segment of the *Avenue* in which the proposed development is located. Section 2.2.3, Policy 3b sets out the criteria that must be examined in such an Avenue Segment Review.

The Official Plan requires that development in *Mixed Use Areas* that are adjacent to *Neighbourhoods* will be compatible with those *Neighbourhoods* and provide a gradual transition in height, scale and intensity to ensure the stability and general amenity of the adjacent residential area is not adversely affected. Appropriate transition in scale can be achieved with many geometric relationships and design methods in different combinations including angular planes, stepping height limits, appropriate location and orientation of the building and the use of setbacks and stepbacks of building mass. Given the *Mixed Use Areas* designation of the two properties located on the north side of Douglas Avenue immediately east of the subject site, this transition in scale would be from the east boundary of these properties.

The Official Plan also contains policies which require a full range of housing, in terms of form, tenure and affordability, across the City.

The Official Plan provides for the use of Section 37 of the *Planning Act* to secure the provision of community benefits in return for an increase in height and/or density of a development. The City may require the owner to enter into an agreement to secure these matters.

Zoning By-law No. 7625 of the Former City of North York

The vacant northern portion of the site is zoned “C1(48)” zone. This General Commercial Exception Zone specifically permits the service station use that previously occupied the site.

The southern portion of the site where the 6 storey office building is located is zoned “RM4(8)” and “RM4”. The Multiple Family Dwellings Fourth Density Exception Zone permits the existing office building in terms of height, gross floor area and building setbacks. The “RM4” zone permits a variety of residential, institutional, recreational and home occupation uses.

Site Plan Control

An application for Site Plan Control Approval has been submitted and is being reviewed concurrently with the Zoning By-law Amendment application. Issues such as access, screening, landscaping and pedestrian amenities will be reviewed through the site plan control approval process.

Reasons for Application

An amendment to both Zoning By-laws is required as the proposal does not comply with the land use permissions of the various zones applying to the subject site. The draft Zoning By-laws presented in Attachments No. 7 and 8 would establish appropriate development standards to permit the proposal.

Community Consultation

A community consultation meeting was held on May 8, 2008 at the Barbara Frum Library. The meeting was attended by approximately 60 members of the community. A second community consultation meeting was held on November 11, 2008 at the Barbara Frum Library. The meeting was attended by approximately 40 members of the community.

The following issues were raised at both meetings:

- The proposed building height and shadow impacts;
- The anticipated increase in traffic in the area generated from the new development;
- The appropriateness of the density;
- Concern as to whether sufficient parking spaces would be provided to accommodate residents, guests and staff; and
- Concern as to what will happen to the existing trees on site.

The issues raised at the Community Consultation meetings are addressed in the Comments section below.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS as it promotes intensification utilizing existing infrastructure. This development would provide for a range of unit sizes intended for an aging population on a major road with bus service thus promoting additional ridership for the system.

The proposal conforms, and does not conflict, with the Growth Plan for the Greater Golden Horseshoe. It promotes intensification along a major arterial corridor which is well served by public transit.

Avenue Segment Study

The applicant has submitted an *Avenue* Segment Study dated March 2007 and Addendum Studies dated September 2, 2008 and January 30, 2009 for the proposal.

The *Avenue* Segment Study boundary runs between Lawrence Avenue West and Fairlawn Avenue. The applicant chose 4 soft sites in the immediate vicinity of the subject lands. The study contemplated the highest heights and densities at the corner of Bathurst Street and Lawrence Avenue with 13 storeys in that location. Proposed heights got lower northward with 5 storeys being contemplated on a soft site between Woburn Avenue and Cranbrooke Avenue. As discussed further in this report, staff find the height of the proposed development acceptable. Staff do not, however, accept the conclusions of the *Avenue* Segment Study including the proposed heights along Bathurst Street. Any further development along Bathurst Street would need to be considered on its own merit including a new *Avenue* Segment Study. The *Avenue* Segment Study does not affect the built-form proposed for the subject site.

The applicant has provided a Community Services and Facilities (CS & F) Report as part of the submitted Segment Study. The applicant's CS & F work addresses the requirements as identified in the Toronto Development Guide, and indicates that the site and area are well served by existing community services and facilities, including a variety of public parks, schools, recreation and child care facilities. City Planning staff have accepted the submitted CS & F Study for this application.

Land Use

The site is designated *Mixed Use Areas* in the Official Plan. Lands so designated are intended to accommodate most of the anticipated growth in the City in terms of retail and service employment as well as much of the new housing. The applicant is proposing a retirement residence, a use geared towards an independent, but older, population. The building will contain 180 units in a building form which addresses the Official Plan in encouraging the provision of a full range of housing, in terms of form, tenure and affordability, across the City to meet the current and future needs of residents. The proposed development will take advantage of existing

public infrastructure and encourage additional ridership on public transit. The proposed development conforms to the land use provisions of the Official Plan and the site is appropriate for residential intensification.

Height and Massing

The submission of this application precedes the *Avenues* and Mid-Rise Buildings Study (May 2010) which was approved by City Council on July 6,7 and 8, 2010 for use in the evaluation of all new and current mid-rise development proposals on the *Avenues*. However, the proposal is generally in conformity with the performance standards contained in that document.

The Mid-Rise Building Performance Standards recommend that the maximum allowable height of a building be no more than the width of the abutting *Avenue* right-of-way. In this case the proposed building is 26.1 metres high which is not higher than the width of the Bathurst Street right-of-way in this location at 27.0 metres.

The Performance Standards also recommend that at a building height equivalent of 80% of the width of the right-of-way, an angular plane will be taken and subsequent storeys must fit within a 45-degree angular plane from this point. This Performance Standard results in a building envelope that allows for 5-hours of sunlight access on the opposite sidewalk during the spring and fall equinoxes as well as ensuring that the street wall height is in proportion with the right-of-way. For this particular site, a 45-degree angular plane would commence on the building façade at a point 21.7 metres above grade. The proposal does not conform to this standard. Due to the building articulation of the façade, the expectation of sunlight on the opposite sidewalk is close to the standard in the guideline and is acceptable.

Additionally, the applicant has been aware of the *Avenues* and Mid-Rise Building Study guidelines in the architecture of the building and has incorporated features to visually minimize the building height and the length of the building which is a full block long. Masonry brickwork in a series of panels would stop at the top of the eighth floor with the ninth floor and mechanical penthouse being clad with glass to minimize the appearance of the upper floors. This glass extends down to the ground floor at both intersections on Bathurst Street creating a strong urban identity for the corners. The sections of masonry brickwork over glass and the bay windows along Bathurst Street would provide articulation and further break up the length of the building. The introduction of horizontal elements such as cornice lines at the first and second floors would integrate the development with existing low scale buildings on the street and provide a pedestrian scale base to this mid-rise building.

The Performance Standards recommend a minimum ground floor height of 4 metres while the proposed development has been provided with a ground floor height 3.3 metres. This is appropriate for the proposed ground floor uses which include a residential lobby, the amenity areas for the Retirement Residence and a potential office lobby.

Density

The floor space index (FSI) is a measure of the level of intensity that arises from the gross floor area of the lot divided by the lot area. The applicant has addressed City Planning staff's concerns with height, massing and transition to the abutting lower scale *Neighbourhoods* as

described above. The proposed density is 5.5 times the lot area which is higher than would normally be anticipated on an *Avenue*. Because of the L-shaped lot and the fact that the two abutting properties on Douglas Avenue are designated *Mixed Use Areas* additional height, in the form of a 6-storey wing along Douglas Avenue, is enabled. This wing results in a higher density on-site than would occur if the entire length of the site's eastern boundary was adjacent lands designated *Neighbourhoods*. As noted above the built form and massing has addressed the Performance Standards of the *Avenues* and Mid-Rise Buildings Study. The terracing of the building along Bathurst Street from 9 to 6 storeys and the east wing along Douglas Avenue provides an appropriate transition to the abutting properties.

This site is proposed as a rental Retirement Residence with a maximum of 180 suites which is a relatively low intensity use. Therefore based on the proposed massing and height and the proposed use the resulting density is acceptable.

Sun and Shadow

The applicant's architect prepared a shadow analysis of the proposal and found that the shadowing of the project on adjacent properties would be minimal. In particular siting the building as close to Bathurst Street as possible, and stepping the building from the eastern property line, would minimize shadow impacts on the properties to the east within the *Neighbourhoods* areas. The shadow study has been reviewed by City staff and its findings are acceptable.

Traffic Impact, Access and Parking

The applicant has submitted a Traffic Impact Study prepared by LEA Consulting Limited. The Traffic Impact Study indicates that the existing road network can accommodate the expected vehicular traffic of the proposed development. The Transportation Services Division has reviewed the study and advises its findings are acceptable.

Vehicular access to the site would be provided by a two-way drive aisle from both Douglas Avenue and Bedford Park Avenue at the rear of the development site. The building would provide one loading area and a total of 136 parking spaces on the site. All parking spaces, including 2 handicapped spaces, would be located in a two level underground parking structure. The loading area would be located at grade at the rear of the building. In the event that the top three floors of the building are used for non-residential uses, an interior commercial loading space has been provided for, also at the rear of the building.

The parking requirement would be highest if the first 6 floors are used for a retirement home and the top 3 floors are used for non-residential uses. The parking requirement in that instance would be 136 spaces. The applicant is proposing 136 spaces, however, two of those parking spaces are substandard in size and will not be supported. The applicant will have to provide 136 parking spaces that meet the City's standard size. This issue will be resolved through the Site Plan Control process.

The proposal would provide 27 bicycle lockers in the first level of the underground parking garage and 81 bicycle lockers in the second level. This complies with the City of Toronto standard.

Servicing

The applicant has provided a Functional Servicing Stormwater Management Report and a Grading Plan prepared by R. J. Burnside & Associates Limited. These reports conclude there are no servicing issues with respect to the proposed development. These findings have been accepted by Technical Services staff.

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 site which is the subject of this application is in an area with 0.43 – 0.79 hectares of local parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland and is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

If the parkland dedication requirements change prior to the issuance of building permits, the new approved requirements shall apply. The application proposes 180 residential units on the 2,822m² site. The required parkland dedication would be equivalent to 56m² or 2% of the net site area.

Parks, Recreation and Forestry staff advise the parkland dedication would be satisfied through cash-in-lieu as the required parkland dedication is too small to create a functional park.

Toronto Green Development Standard

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

The current application was submitted prior to the Toronto Green Standard being in effect. The applicant has not completed and submitted a Green Development Standards checklist with this application. However, staff will pursue the implementation of the standard through the review of the Site Plan Control Approval application.

Section 37

Community benefits are typically acquired through the application of Section 37 policies which have been incorporated into the Official Plan. The City's opportunity to utilize Section 37 is through an implementing Zoning By-law permitting a height and/or density increase for a specific development. This is the case for the current proposal which is requesting increases in both height and density.

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

1. Prior to the issuance of any above-grade building permit, a monetary contribution of \$215,000 which shall be used towards the improvement of Woburn Park.

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

1. A requirement that the proposed Retirement Residence will remain a rental facility for a period of twenty years.

Tenure

The applicant has advised that all proposed retirement suites would be rental units. As noted above, this will be secured in the Section 37 Agreement.

Development Charges

It is estimated the development charges for this project will be \$6.6 million dollars. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

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E-mail: cfergus@toronto.ca

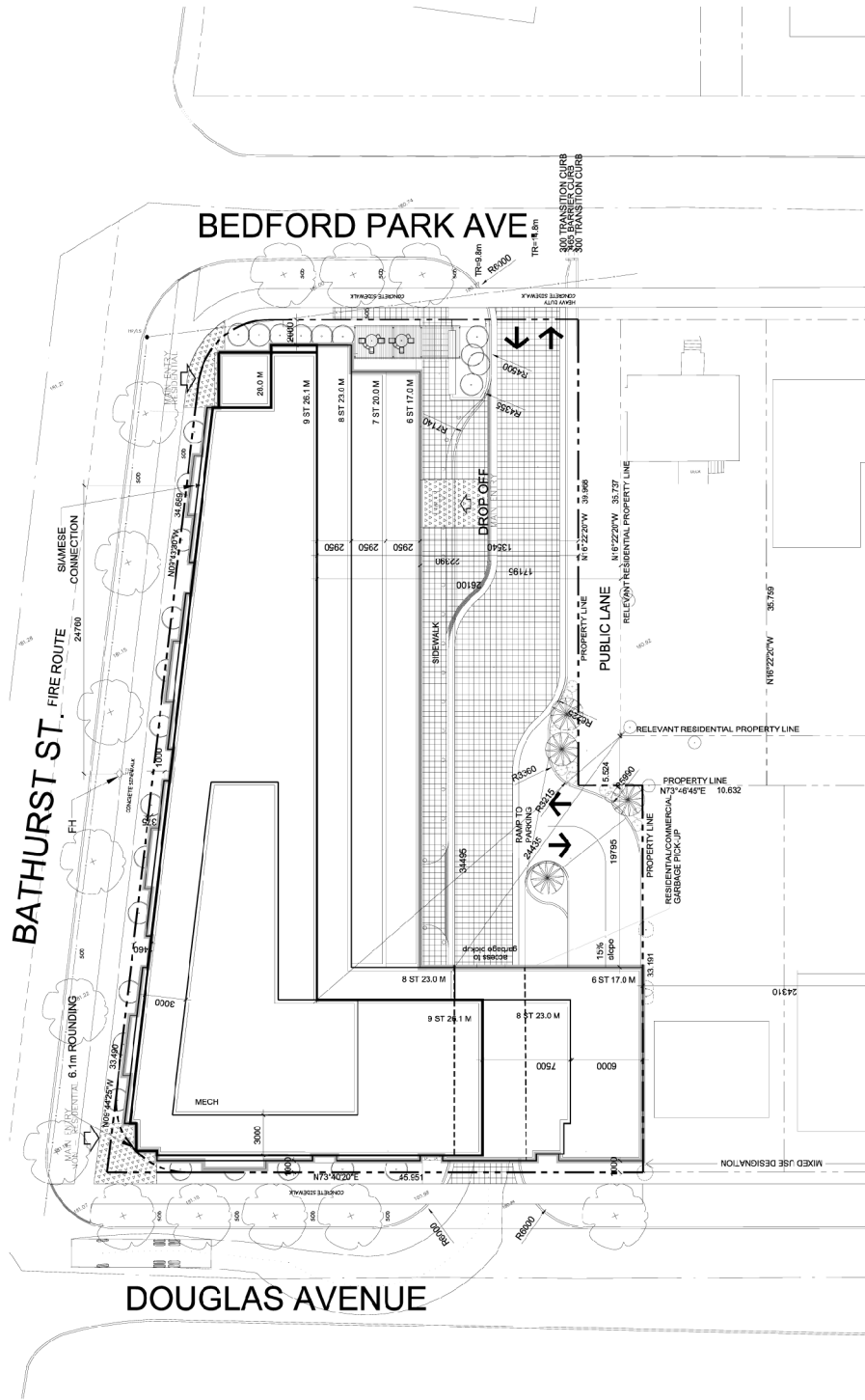
SIGNATURE

Allen Appleby, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan for 3101 and 3157 Bathurst Street
Attachment 2: Perspective from Bathurst Street Facing Southeast
Attachment 3a: West Elevation (Bathurst Street)
Attachment 3b: North Elevation (Bedford Park Avenue)
Attachment 3c: South Elevation (Douglas Avenue)
Attachment 3d: East Elevation
Attachment 4: Zoning (Former City of North York Zoning By-law No. No. 7625)
Attachment 5: Official Plan
Attachment 6: Application Data Sheet
Attachment 7: Draft Zoning By-law Amendment (former City of North York Zoning By-law 7625)

Attachment 1: Site Plan



3101 Bathurst Street

Site Plan
 Applicant's Submitted Drawing

File # 07 132192 NMY 16 0Z

Not to Scale
 05/09/2011

Attachment 2: Perspective from Bathurst Street Facing Southeast



Perspective

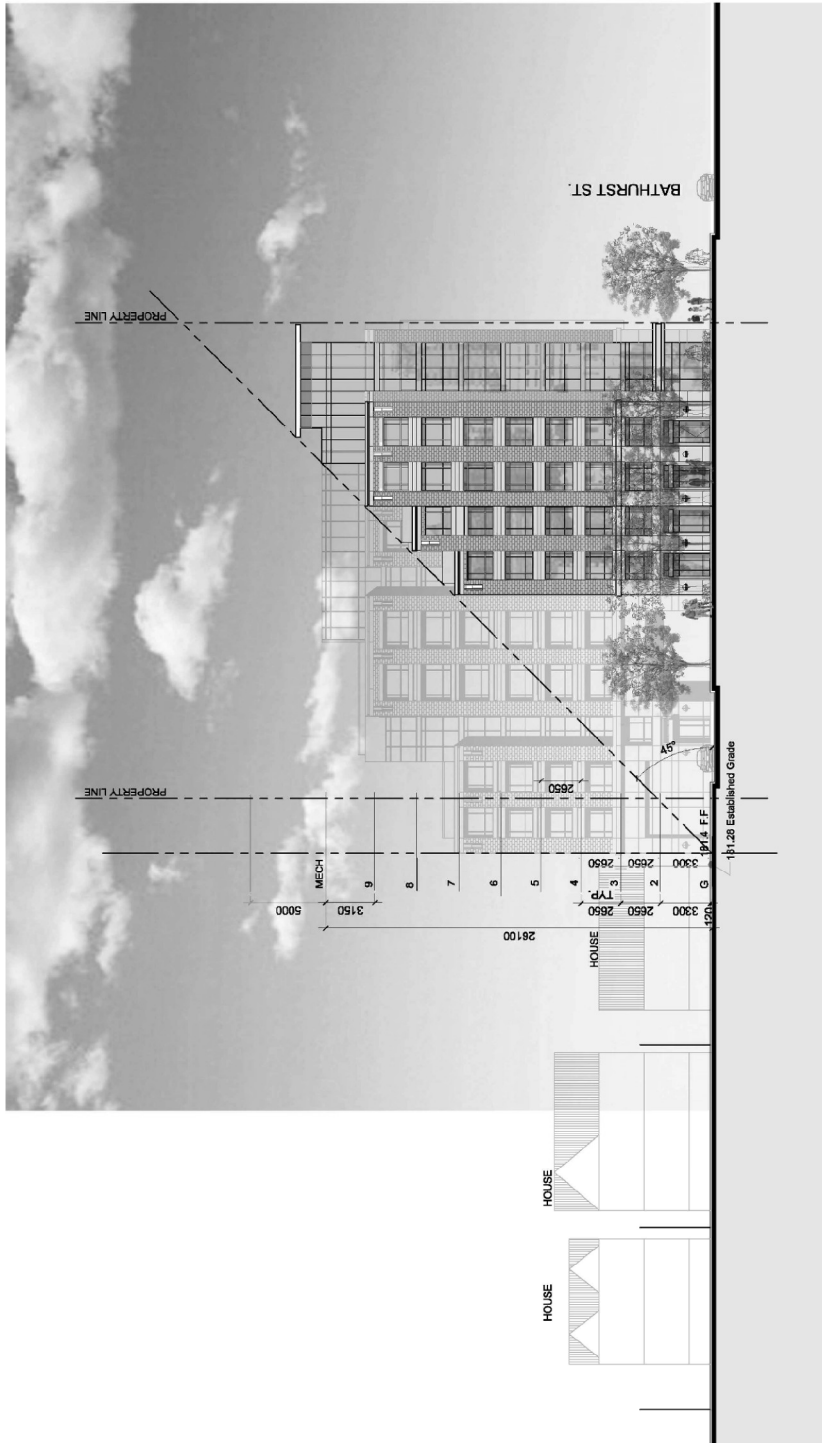
Applicant's Submitted Drawing

Not to Scale
05/09/2011

3101 Bathurst Street

File # 07 132192 NINY 16 0Z

Attachment 3b: North Elevation (Bedford Park Avenue)



NORTH ELEVATION

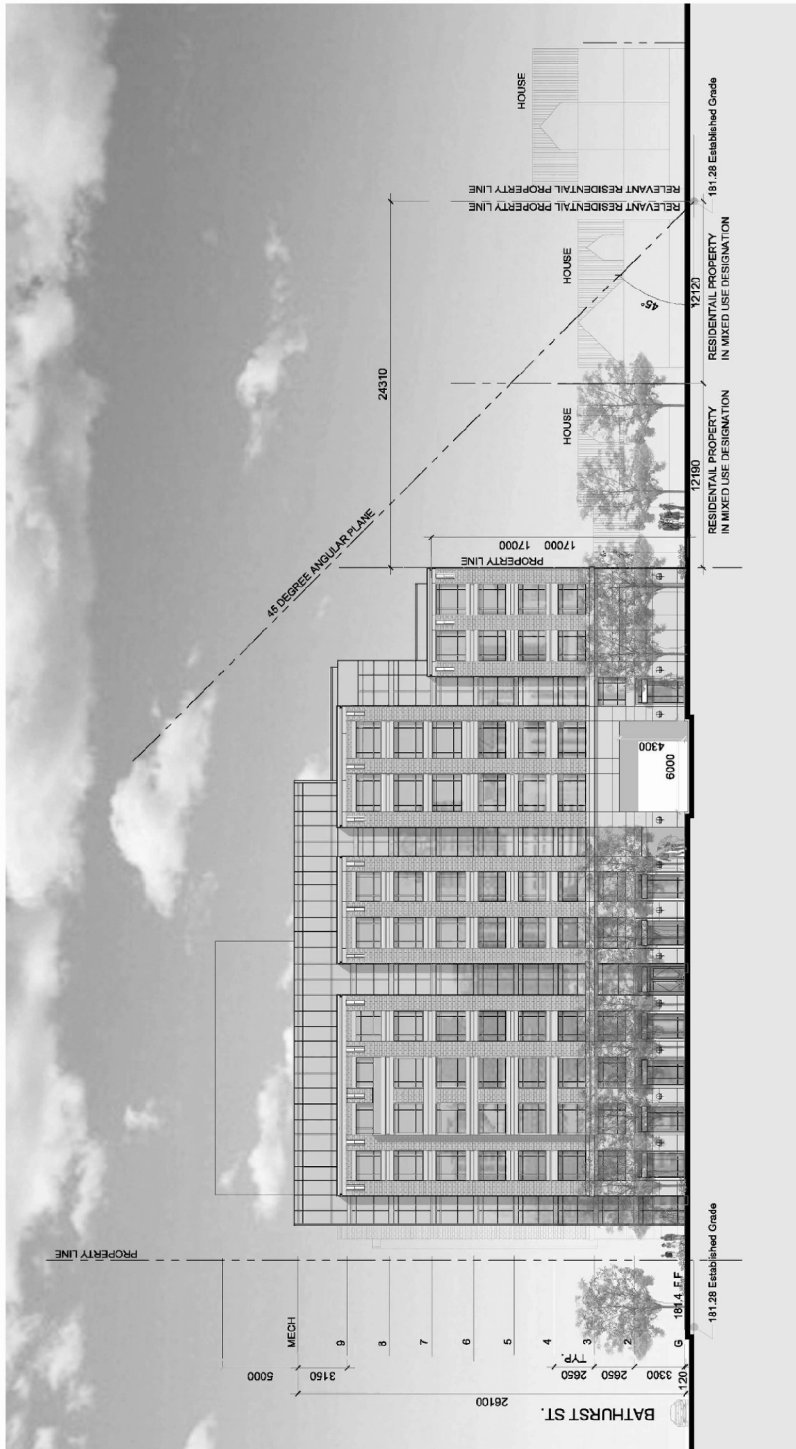
3101 Bathurst Street

Elevations
 Applicant's Submitted Drawing

File # 07 132192 NNY 16 0Z

Not to Scale
 05/09/2011

Attachment 3c: South Elevation (Douglas Avenue)



SOUTH ELEVATION

Elevations
 Applicant's Submitted Drawing
 Not to Scale
 05/09/2011

3101 Bathurst Street

File # 07 132192 NNY 16 0Z

Attachment 3d: East Elevation



EAST ELEVATION

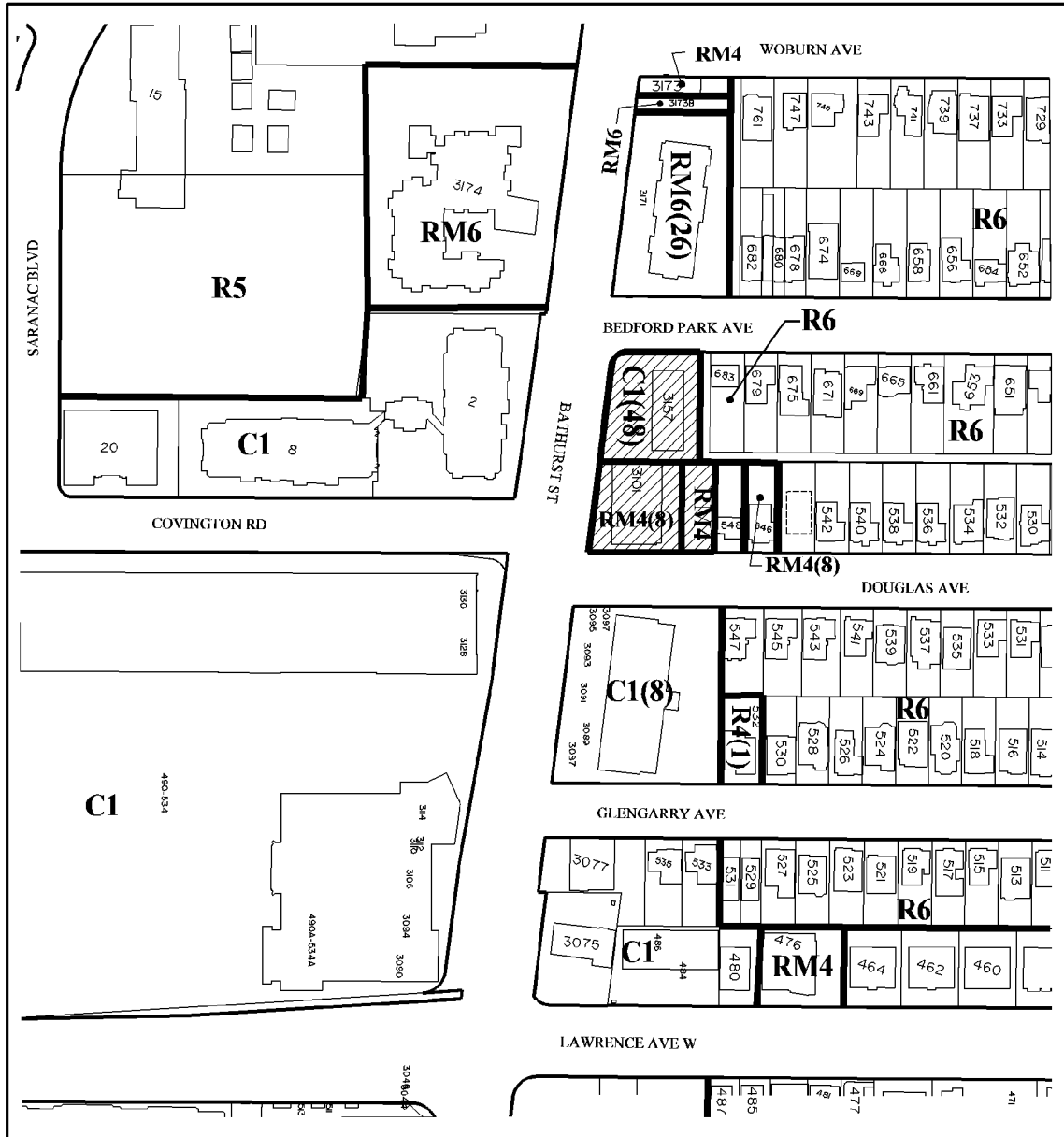
3101 Bathurst Street

Elevations
 Applicant's Submitted Drawing

File # 07 132192 NNY 16 0Z

Not to Scale
 05/09/2011

Attachment 4: Zoning (Former City of North York Zoning By-law No. 7625)



TORONTO City Planning
Zoning

3101 & 3157 Bathurst Street

File # 07_132192

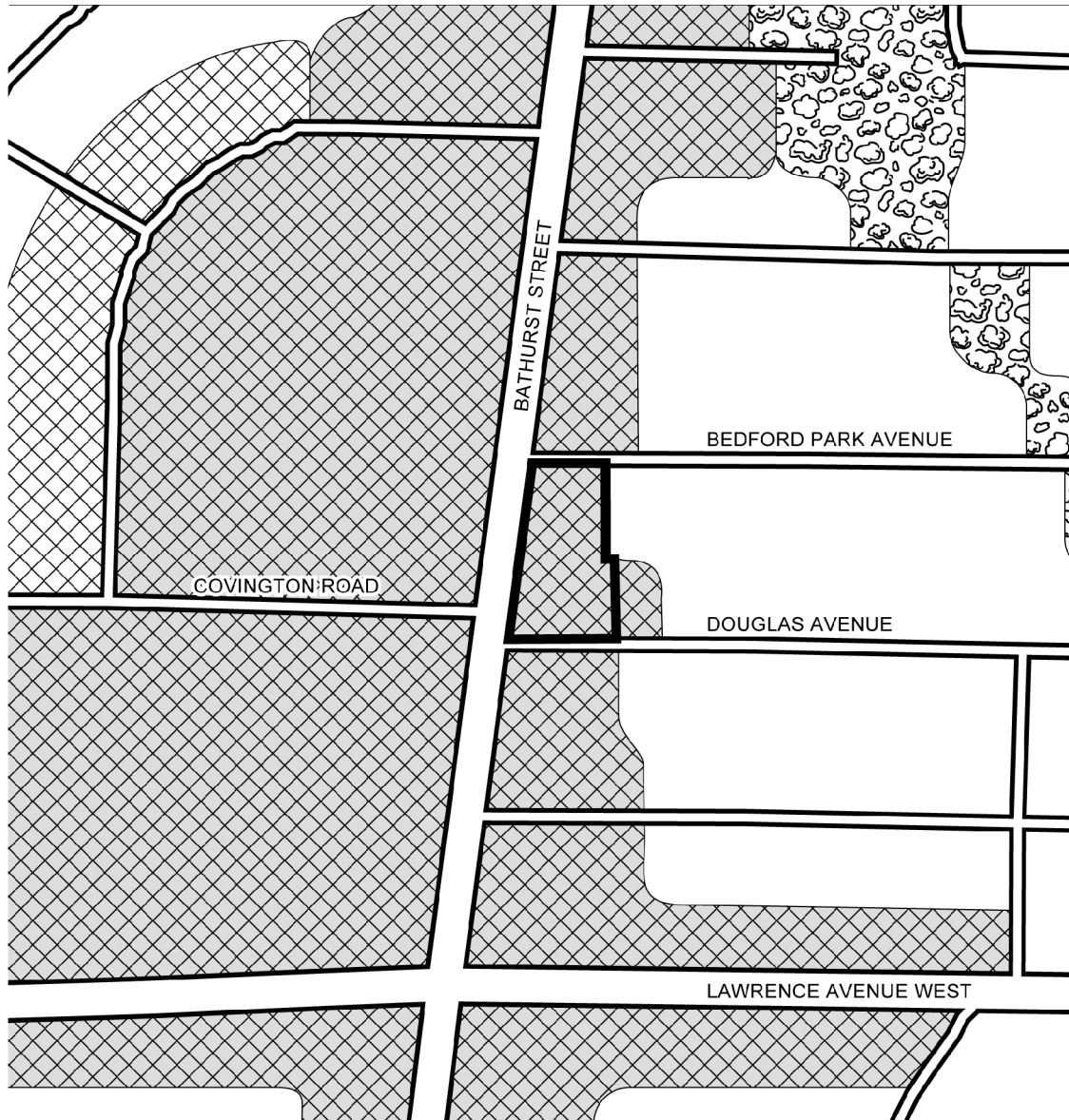
- R4 One-Family Detached Dwelling Fourth Density Zone
- R5 One-Family Detached Dwelling Fifth Density Zone
- R6 One-Family Detached Dwelling Sixth Density Zone
- RM4 Multiple-Family Dwellings Fourth Density Zone
- RM5 Multiple-Family Dwellings Fifth Density Zone

- RM6 Multiple-Family Dwellings Sixth Density Zone
- C1 General Commercial Zone



Not to Scale
Zoning By-law 7625
Extracted 05/10/07

Attachment 5: Official Plan



TORONTO City Planning
Official Plan

3101 & 3157 Bathurst Street

File # 07 132192 NNY 16

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


 Not to Scale
 05/04/2011

Attachment 6: Application Data Sheet

Application Type	Rezoning	Application Number:	07 132192 NNY 16 OZ
Details	Rezoning, Standard	Application Date:	March 30, 2007

Municipal Address: 3101 and 3157 Bathurst Street
 Location Description: PLAN 1537, LOT 970 **GRID N1602
 Project Description: 9-storey retirement home containing 180 units or a 6 storey retirement home with 3 floors of offices at the upper portion of the building

Applicant:	Agent:	Architect:	Owner:
SHERMAN BROWN DRYER KAROL GOLD LEBOW ADAM BROWN		Page and Steele IBI Group Architects	3101 BATHURST HOLDINGS LTD

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	RM4(8), RM4, C1(48)	Historical Status:
Height Limit (m):		Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	2822	Height:	Storeys:	9
Frontage (m):	68.2		Metres:	26.1
Depth (m):	irregular			
Total Ground Floor Area (sq. m):	1450			Total
Total Residential GFA (sq. m):	15475		Parking Spaces:	136
Total Non-Residential GFA (sq. m):	0		Loading Docks	2
Total GFA (sq. m):	15475			
Lot Coverage Ratio (%):	51.4			
Floor Space Index:	5.5			

DWELLING UNITS

Tenure Type:	Rental
Rooms:	0
Bachelor:	0
1 Bedroom:	135
2 Bedroom:	45
3 + Bedroom:	0
Total Units:	180

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	15725	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0