

**2400 Bathurst St – Official Plan Amendment and Zoning Amendment Applications - Preliminary Report**

<b>Date:</b>	January 24, 2012
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 21 – St. Paul's
<b>Reference Number:</b>	11 284939 STE 21 OZ & 11 32644 STE 21 OZ

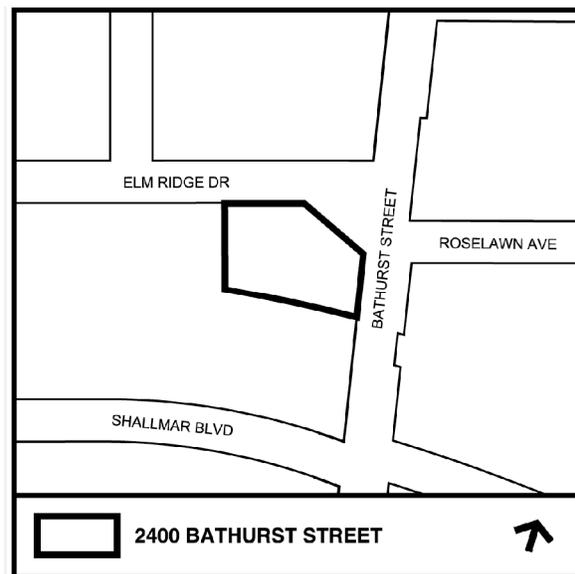
**SUMMARY**

These applications propose to demolish an existing 5-storey rental building with 31 rental units, and construct a new 20-storey residential building with 197 units (28 rental and 169 condominium units), and 4 levels of below-grade parking with 222 parking spaces, at 2400 Bathurst Street. A Rental Housing Demolition and Conversion application, under Section 111 of the *City of Toronto Act*, was also submitted.

This report provides preliminary information on the above-noted applications and seeks Community Council's directions on further processing of the applications and on the community consultation process.

The next step is to undertake a community consultation meeting, to enable the public to review and provide input on the application and ask questions of City staff and the applicant. A community consultation meeting will be held once revised plans are submitted by the applicant and reviewed by staff.

A Final Report is targeted for the second quarter of 2012. This target date assumes the applicant will provide all required information in a timely manner.



## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. Staff be directed to schedule a community consultation meeting for the lands at 2400 Bathurst Street together with the Ward Councillor once revised plans are submitted by the applicant and reviewed by staff.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. Notice for the public meeting under the Planning Act be given according to the regulations under the Planning Act.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **Pre-Application Consultation**

A number of pre-application consultation meetings were held with the applicant to discuss preliminary designs and complete application submission requirements.

The applicant initially presented a proposal for a 16-storey building. Staff indicated that the proposal was generally within the existing scale and texture of the area.

In a subsequent meeting, the applicant presented a proposal for a 22-storey building. Staff advised that the proposal significantly exceeded the height limits and that it could not be supported in its current form. Staff recommended that development in the area should be of a sensitive, infill nature that is respectful of and complementary to the prevailing character and which limits the impacts on the adjacent low-rise neighbourhood.

In a final meeting, the applicant presented a revised proposal for a 20-storey building, and proceeded with this proposal in their formal submission.

Issues discussed at all meetings included: replacement of the existing 31 rental units and an acceptable Tenant Relocation and Assistance Plan; height and massing; transition to and compatibility with the adjacent low-rise neighbourhood; shadow impact on the low rise neighbourhood; building orientation; and the impact to trees along the Kay Gardner Beltline trail.

A developer-hosted open house was held on November 22, 2011. City Planning staff attended, as did the local Councillor. The site plans were on display and the applicant's architect was available to speak to attendees. About 20 people attended the open house. Comments included concerns about rental replacement issues, height, parking and traffic.

A meeting with the applicants was held in November 2011, subsequent to the Rezoning application submission on September 30, 2011, to clarify the outstanding items required as per the Incomplete Application Notice issued on November 16, 2011. At this meeting, staff indicated that an Official Plan Amendment application was required since the proposal did not include replacement of all 31 rental units, nor did it include replacement with the same unit mix. Official Plan policy 3.2.1.6 states that new development that involves the demolition of 6 or more rental units will not be approved unless “at least the same number, size and type of rental housing units are replaced and maintained with rents similar to those in effect at the time the redevelopment application is made”.

Staff also indicated that staff only support exceptions to this policy where all of the affected rental units have rents that exceed mid-range rents or if Council has determined that the supply and availability of rental housing in the City has returned to a healthy state. As these conditions do not apply in this case, the requirements of policy 3.2.1.6 apply to the redevelopment.

The property at 2400 Bathurst Street currently consists of one 5-storey rental building with a total of either 31 residential units comprising at least 6 one-bedroom units, 23 two-bedroom units and 1 three-bedroom unit. Staff’s preliminary assessment was that at least 28 of the units fall into either the affordable or mid-range category. The proposal submitted provides for only 28 replacement units of which 3 are studio units, 15 are one-bedroom units, and 10 are two-bedroom units.

UNIT TYPE	EXISTING	PROPOSED
Studio	1	3
One-Bedroom	6	15
Two Bedroom	23	10
Three Bedroom	1	0
Total	31	28

The required number of replacement units is 31. The proposed number of replacement units on site is 28, which, in combination with the proposed change to the unit mix, does not meet the Official Plan criteria of replacement of all the rental housing units with at least the same number, size and type (by bedroom type) as the existing rental units.

Staff advised that City Planning would likely not be able to support such an Official Plan Amendment and recommended that the applicant revise the proposal to conform to the Official Plan policy, by replacing at least the same number, size and type of rental housing units.

The applicant submitted an Official Plan Amendment application on December 15, 2011.

## **ISSUE BACKGROUND**

### **Proposal**

The proposal is to demolish the existing 5-storey rental apartment building containing 31 rental units, and construct a 20-storey (68 m including mechanical penthouse) residential building with 197 residential units (28 rental and 169 condominium units), 10 of which are townhouses. The proposal includes replacement of 28 of the 31 rental units, and indicates a unit mix and unit sizes for these replacement units that vary from what currently exists. The proposal also includes the provision of tenant relocation assistance and the right for the existing tenants to return to rental units in the new development. The rental replacement units are proposed to be located on the first four floors. Rental tenants will access the building from Bathurst Street and condominium residents will access the building from a separate lobby on the Elm Ridge Drive frontage.

The proposed total unit breakdown is:

- 3 bachelor units - (3 rental units)
- 88 one-bedroom units – (includes 15 rental units)
- 78 two-bedroom units – (includes 10 rental units)
- 18 three-bedroom units
- 10 townhouses

A total of 664 square metres of common amenity space (333 sq m of which is indoors) is proposed. A total of 144 sq metres (66 sq m of which is indoors) is proposed for the exclusive use by rental tenants.

Also proposed are 4-levels of below grade parking consisting of 222 parking spaces and 148 bicycle parking spaces. Access to parking and loading facilities is proposed from the existing driveway location on Elm Ridge Drive.

The total gross floor area for the proposal is 17,704 square metres, which represents a density of 6.43 times the area of the lot.

For a summary of the application, please refer to the Application Data Sheet in Attachment 4. Attachments 1 and 2 show the proposed site plan and elevations for the building.

### **Site and Surrounding Area**

The subject site is irregularly shaped and approximately 2,754 square metres (29,645 square feet) in size. The frontages on Bathurst Street and Elm Ridge Drive are approximately 30.5 metres and 74.4 metres respectively. There is currently a 5-storey apartment building on the site.

The following uses about the property:

North: Directly north is a 10-storey apartment building. Further north are apartment buildings ranging from 4 to 10 storeys in height. A low-rise neighbourhood is northwest of the subject site.

South: Directly south is the Kay Gardner Beltline trail. Further south, are apartment buildings ranging from 4 to 11 storeys in height and low-rise residential buildings.

East: Apartment buildings ranging from 5 to 10 storeys in height.

West: Low-rise residential houses.

The site is not flat. It rises approximately 2.5 m from the south property line to the north property line and approximately 3.0 metres from the east property line to the west property line.

### **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 to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

### **Official Plan**

The City's Official Plan designates the subject site as an *Apartment Neighbourhood* on Map 17 – Land Use Plan. Apartment Neighbourhoods are made up of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents (Policy 4.2.1). The Official Plan indicates that residents in *Apartment Neighbourhoods* should have a high quality urban environment, safety, quality services and residential amenities.

The Official Plan also includes Development Criteria (Policy 4.2.2) to help guide new development in *Apartment Neighbourhoods*, including in particular:

- Locating and massing new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives

of this Plan, through means such as providing setbacks from, and/or a stepping down of heights towards, lower-scale *Neighbourhoods*;

- Locating and massing new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*, particularly during the spring and fall equinoxes;
- Locating and massing new buildings to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- Including sufficient off-street motor vehicle and bicycle parking for residents and visitors;
- Locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences;
- Providing indoor and outdoor recreation space for building residents in every significant multi-unit residential development;
- Providing ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces; and,
- Providing buildings that conform to the principles of universal design, and wherever possible contain units that are accessible or adaptable for persons with physical disabilities.

Policy 4.2.3 informs that significant growth is generally not intended within developed *Apartment Neighbourhoods*. However, compatible infill development may be permitted on a site containing an existing apartment that has sufficient underutilized space to accommodate one or more new buildings while providing good quality of life for both new and existing residents.

Chapter Three – Building a Successful City identifies that most of the City’s future development will be infill and redevelopment and, as such, will need to fit in, respect and improve the character of the surrounding area. Section 3.1.2 Built Form provides policies that are aimed at ensuring that new development fits within and supports its surrounding context. Policies 3.1.2.1 to 3.1.2.4 seek to ensure that development is located, organized and massed to fit harmoniously with existing and/or planned context; frames and appropriately defines streets, parks and open spaces at good proportion; and limits impacts of servicing and vehicular access on the property and neighbouring properties. Meeting these objectives requires creating consistent setbacks from the street, massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and /or planned street proportion, creating appropriate transitions in scale to neighbouring existing and/or planned buildings, and limiting shadow impacts on streets, open spaces and parks.

Section 3.1.3 contains specific policies on tall buildings and built form principles to be applied to the location and design of tall buildings. The proposed building is considered a tall building as its height is greater than the width of the adjacent road allowance. Tall buildings are generally limited to parts of the *Downtown, Centres*, and other areas in which they are permitted by a Secondary Plan, an area specific policy, a comprehensive zoning by-law, or site specific policies. Tall buildings will only be permitted in other areas on the basis of appropriate planning justification consistent with the policies of the Plan.

Policy 3.1.3.1 indicates that where a tall building is appropriate, it should have a base at an appropriate scale for the street and that integrates with adjacent buildings, a middle with a floor plate size and shape with appropriate dimensions for the site. Policy 3.1.3.2 requires new tall development to address key urban design considerations, including:

- meeting the built form principles of the Official Plan;
- demonstrating how the proposed building and site design will contribute to and reinforce the overall City structure;
- demonstrating how the proposed building and site design relate to the existing and/or planned context;
- taking into account the relationship of the site to topography and other tall buildings;
- providing high quality, comfortable and usable publicly accessible open space areas; and,
- meeting other objectives of the Official Plan.

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 6 requires that new development that would result in the loss of six or more rental housing units will not be approved unless:

- a. all the rental housing units have rents that exceed mid-range rents; or
- b. the following are secured:
  - i. at least the same number, size and type of rental housing units are replaced and maintained with rents similar to those at the time the redevelopment application is made;
  - ii. for at least 10 years, rents for replacement units will be the rent at first occupancy with annual increases subject to specific limits; and
  - iii. an acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement units at similar rents, the provision of alternative accommodation at similar rents, and other assistance to lessen hardship; or
- c. in Council's opinion, the supply and availability of rental housing in the City has returned to a healthy state.

Bathurst Street is identified as having a Right-of-Way width of 27 metres. Also, the site is identified as a Transit Priority Segment on Map 5 – Surface Transit Priority Network.

Staff will use these Official Plan policies to evaluate the proposal.

### **Tall Building Guidelines**

The City's 'Design Criteria for the Review of Tall Building Proposals' provide guidelines for the design and evaluation of tall buildings in the City. Intended to implement the built form policies of the City's Official Plan, they include measurable criteria and qualitative indicators to assist in the review of tall building proposals. Criteria and indicators are related to four main areas; site context, site organization, building massing and the pedestrian realm.

In considering site context, tall building proposals must address concerns related to transitions between taller buildings and lower scale features nearby. Measures such as height limits, setbacks, stepbacks and angular planes are used to achieve appropriate transitions in scale and the protection of sunlight and sky views. Design criteria related to site organization address issues of building placement and orientation, location of building entrances, servicing and parking requirements, enhancement of adjacent streets and open spaces, and respect for heritage buildings. New tall buildings are expected to enhance the public realm by providing active frontages, and high quality streetscape and landscape design elements. To reduce negative impacts of taller buildings elements, a minimum stepback of 5 metres for the tower from the street edge of the base building is required. Other considerations include weather protection, limiting shadowing impacts and uncomfortable wind condition on nearby streets, properties and open spaces.

Staff will use these guidelines to evaluate the proposal.

### **Zoning**

The property is currently zoned in City of Toronto By-law 438-86 as a Residential District –R2 Z2.0– which permits a range of residential uses, including an apartment, up to a total density of 2.0 times the area of the lot. The height limit is 21.0 metres.

### **Site Plan Control**

The proposed development is subject to site plan control. An application for site plan control has not yet been submitted, but will be required.

### **Rental Housing Demolition and Conversion By-law**

The Rental Housing Demolition and Conversion By-law (885-2007), contained in Chapter 667 of the City's Municipal Code, implements the City's Official Plan policies protecting rental housing. The By-law prohibits demolition or conversion of rental housing units without obtaining a permit from the City issued under Section 111 of the City of Toronto Act. Proposals involving the loss of six or more residential units, where one or more of the units are rental, require the submission of a Section 111 application. Council may refuse an application, or approve the demolition with conditions that must

be satisfied before a demolition permit is issued under the Building Code Act. Any conditions, such as rental replacement and tenant relocation assistance will be secured in one or more legal agreements.

Usually, where a related application such as an Official Plan amendment or rezoning triggers an application under Chapter 667 for rental demolition or conversion, City Council decides on both applications at the same time. Unlike Planning Act applications, decisions made by the City under By-law 885-2007 are not appealable to the OMB.

The applicant has submitted an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition of the existing rental units.

### **Toronto Green Standard**

The Toronto Green Standard (TGS) is a tool to implement the broader environmental policies of the Official Plan. Several of the natural environment policies of the Official Plan encourage green development. These policies are geared to reduce the negative impacts of development on the natural environment through practices such as improved stormwater management, water and energy efficiency, and waste reduction and recycling. These policies also promote development that enhances the natural environment and support green industry.

The TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

### **Reasons for the Application**

The proposed development requires an application to amend the former City of Toronto's Zoning By-law to permit greater height and density. Also required is an Official Plan Amendment to allow the demolition of the existing rental units while providing for replacement of the units with a lower number of rental units and a different unit mix. This replacement proposal is not consistent with the requirements of Official Plan policy 3.2.1.6.

Additional areas of non-compliance with the Zoning By-law or Official Plan may be identified as part of the application review process.

## **COMMENTS**

### **Application Submission**

The following reports/studies were submitted with the application:

- Planning Rationale Report and Community Facilities Study, prepared by Walker Nott Dragicevic Associates Ltd.;
- Housing Issues Report, prepared by Walker Nott Dragicevic Associates Ltd.;
- Traffic Impact and Parking Study, prepared by BA Group;
- Functional Servicing Report, prepared by Fabian Papa;

- Pedestrian Level Wind Study, prepared by Gradient Microclimate Engineering;
- Arborist Report and Tree Inventory, prepared by Kelly's Tree Care;
- Sun/Shadow Studies, prepared by RAW Architects; and,
- Toronto Green Standards Checklist, prepared by RAW Architects.

A Notification of Incomplete Application issued on November 16, 2011, identified the outstanding material required for a complete application submission as follows: a Revised Housing Issues Report (containing complete information) and an Official Plan Amendment application.

All outstanding material was submitted on December 19, 2011 and a Notification of Complete Application was subsequently issued on December 21, 2011.

### **Issues to be Resolved**

Prior to presenting a Final Report to the Toronto and East York Community Council, the following issues, as well as any other issues that may be identified by staff and the public, will need to be reviewed and addressed:

#### **Official Plan Amendment and Rental Housing Replacement**

The issues of number, size and type of replacement rental units must be resolved, along with an acceptable tenant relocation and assistance plan.

Replacement of the rental housing and the provision of a Tenant Relocation and Assistance Plan will be secured in a Section 37 Agreement if the demolition and redevelopment is approved.

#### **Height and Massing**

Closer adherence to the permitted height and density limit under the City of Toronto Zoning Bylaw 438-86 is required.

Conformity with Official Plan policies, particularly with respect to the sections on Built Form and Built Form for Tall Buildings.

The appropriateness of the proposal's scale and massing in terms of overall height and built form arrangement on the site, including compatibility, interface and transition with the surrounding context.

#### **Orientation**

The proposed building orientation is skewed and setback compared to nearby existing apartment buildings on Bathurst Street. The building should be brought closer to the Bathurst St frontage and oriented so that the streetscape corridor (building edges) are continuous and aligned.

**Shadows**

The impact on the low-rise neighbourhood from shadows resulting from this development should be reduced. The shadowing of front and rear yards should be limited or eliminated.

**Trees**

A more detailed Landscape Plan has been requested by Forestry to address the planting of trees within the Kay Gardner Beltline trail and on both City Road allowances.

**Section 37 of the Planning Act**

The Official Plan includes policies pertaining to the exchange of public benefits for the increased height and density for new developments pursuant to Section 37 of the Planning Act. Details of a Section 37 agreement between the applicant and the City will be established if Planning staff recommends approval of the proposed development.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

**CONTACT**

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**SIGNATURE**

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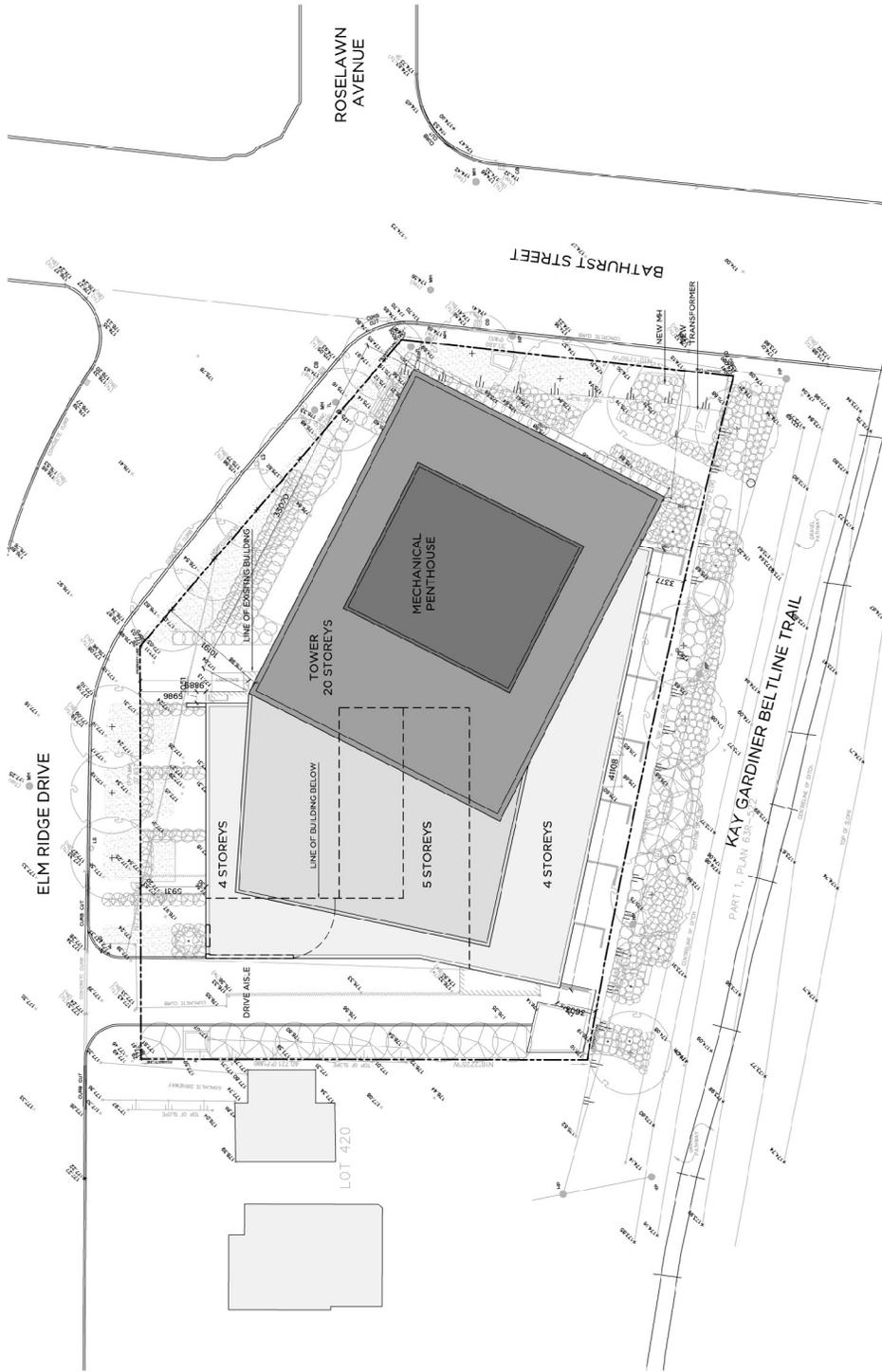
Gregg Lintern, MCIP, RPP  
Director, Community Planning Toronto and East York District

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**ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: East Elevation  
Attachment 3: North Elevation  
Attachment 4: West Elevation  
Attachment 5: South Elevation  
Attachment 6: Zoning  
Attachment 7: Application Data Sheet

Attachment 1: Site Plan



2400 Bathurst Street

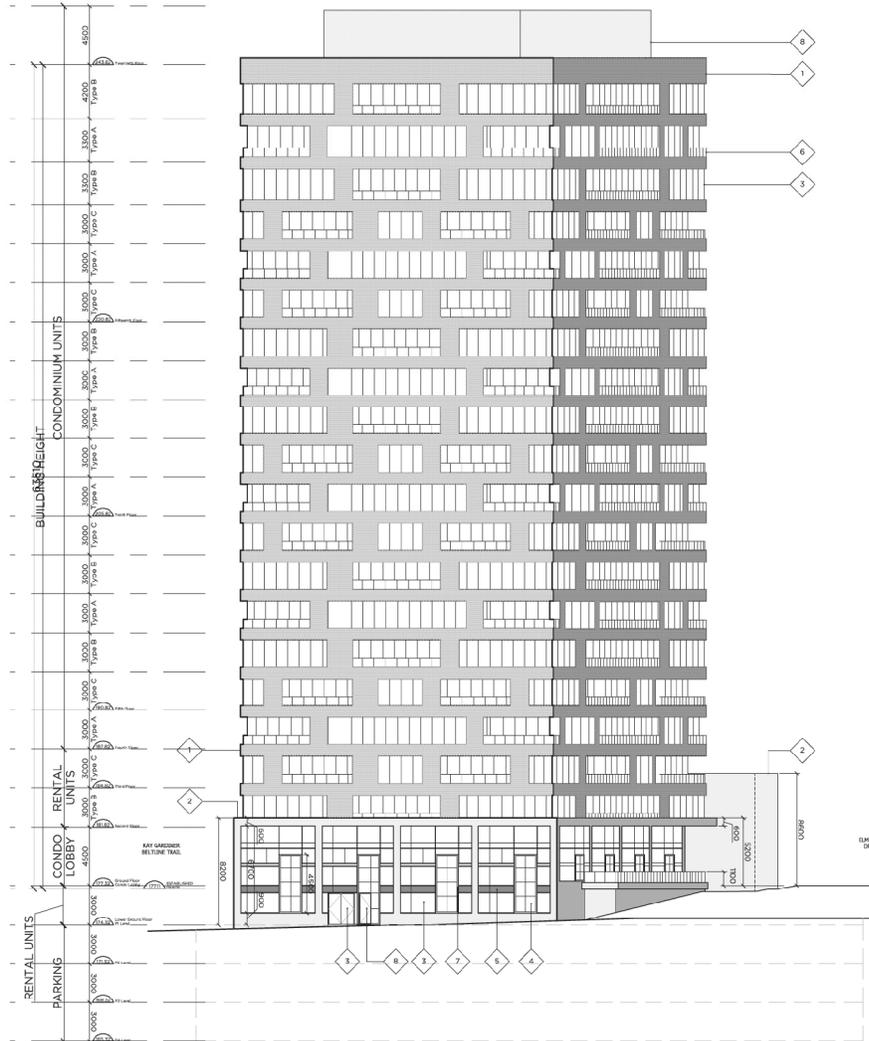
Site Plan

Applicant's Submitted Drawing

Not to Scale  
11/01/2011

File # 11 284939 0Z

## Attachment 2: East Elevation



East Elevation

### Elevations

Applicant's Submitted Drawing

Not to Scale  
11/01/2011

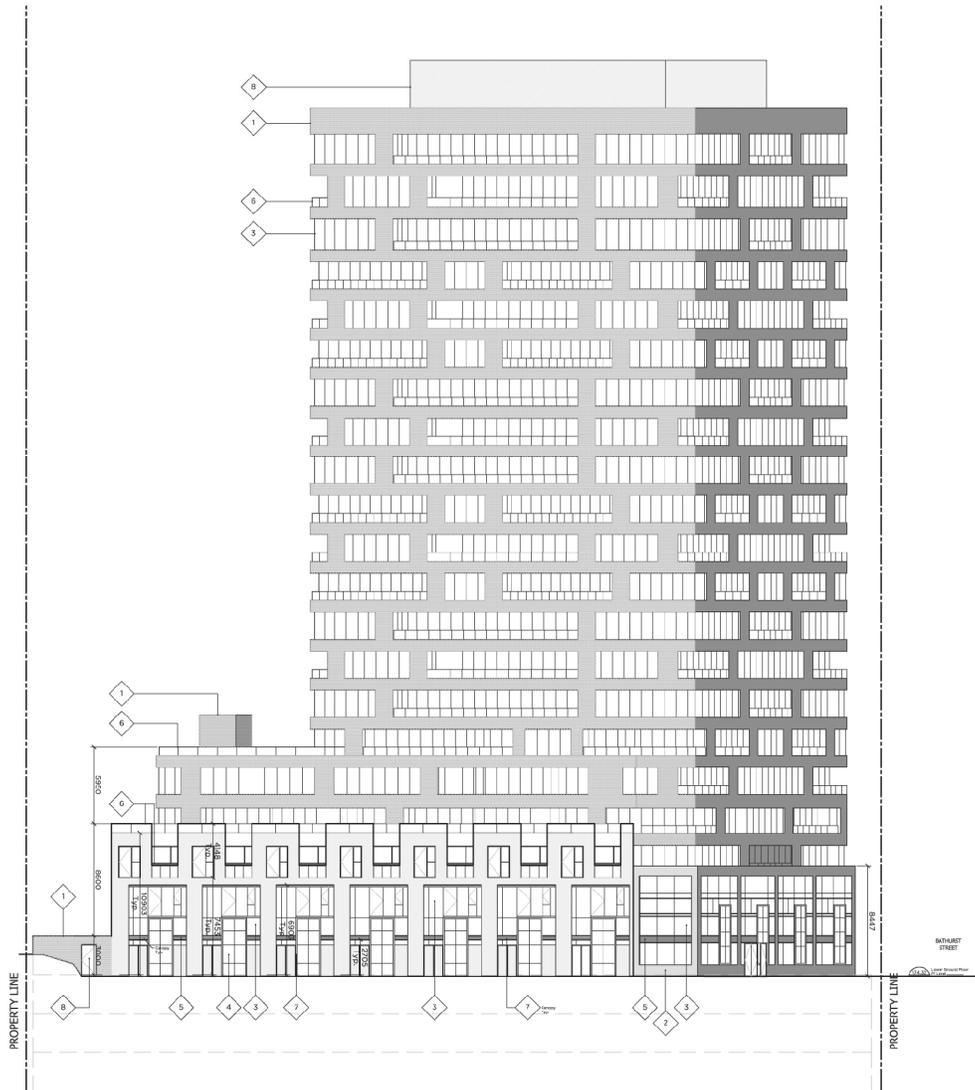
2400 Bathurst Street

File # 11 284939 0Z





## Attachment 5: South Elevation



South Elevation

### Elevations

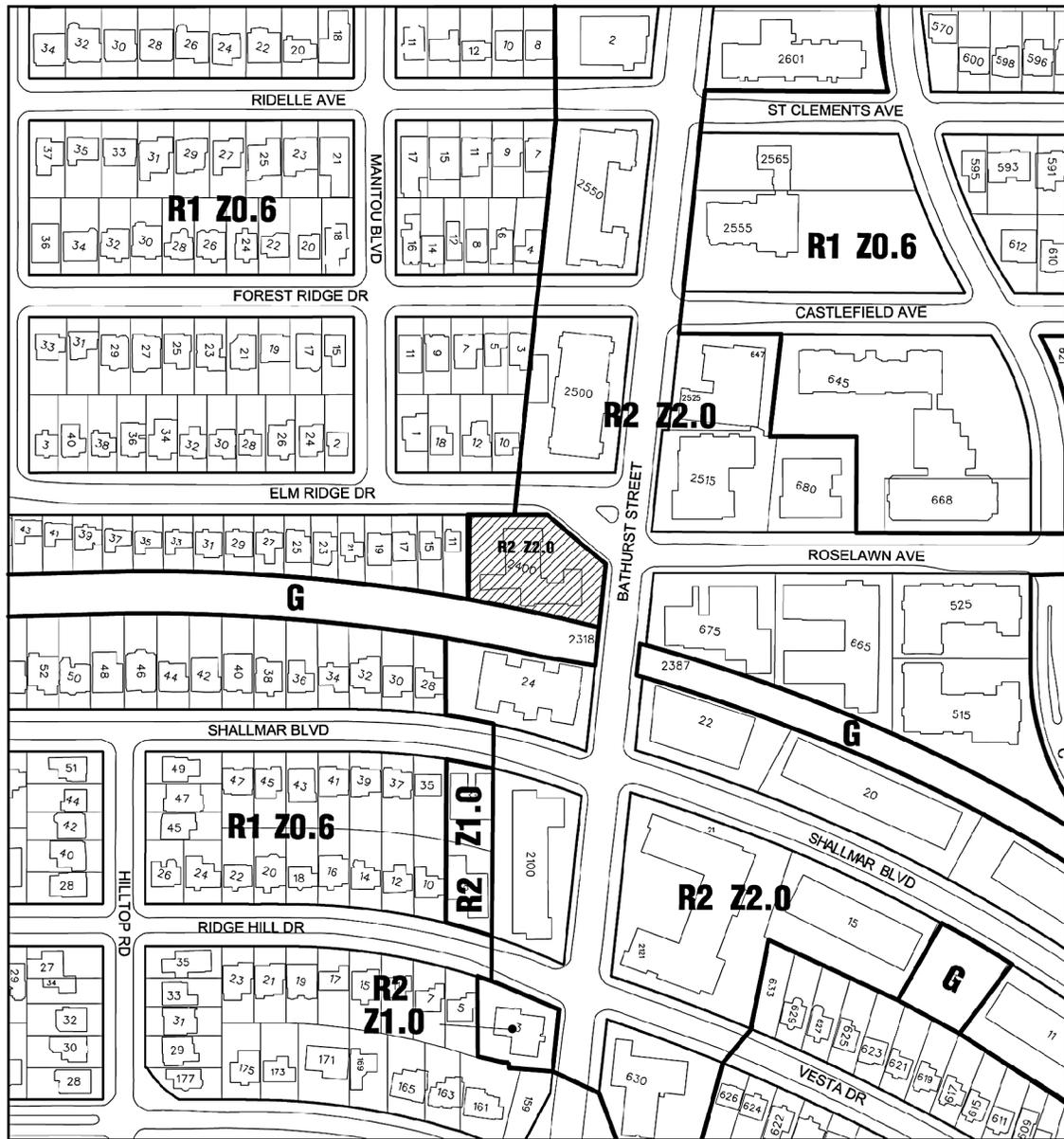
Applicant's Submitted Drawing

Not to Scale  
11/01/2011

2400 Bathurst Street

File # 11 284939 0Z

## Attachment 6: Zoning



**TORONTO** City Planning  
Zoning

**2400 Bathurst Street**

File # 11 284939 0Z

- R1 Residential District
- R2 Residential District
- G Parks District

  
 Not to Scale  
 Zoning By-law 438-86 (as amended)  
 Extracted 11/01/2011

## Attachment 7: Application Data Sheet

Application Type	Rezoning	Application Number:	11 284939 STE 21 OZ
Details	Rezoning, Standard	Application Date:	September 30, 2011
Municipal Address:	2400 BATHURST ST		
Location Description:	PLAN 1769 LOTS 422 TO 425 PT LOTS 421 426 TO 428 **GRID S2101		
Project Description:	Rezoning application to demolish existing 5 storey rental building with 30 rental units and construct new 20 storey residential building with 197 units. 28 rental and 169 condo units - 4 levels below grade parking - 222 parking spaces - 148 bicycle parking spaces - 12 above grade.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
WALKER NOTT DRAGICEVIC ASSOCIATES LTD			UPPER FOREST HILL SUITES II LTD

### PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:
Zoning:	R2 Z2.0	Historical Status:
Height Limit (m):	21	Site Plan Control Area:

### PROJECT INFORMATION

Site Area (sq. m):	2754	Height:	Storeys:	20	
Frontage (m):	30.5		Metres:	63.51	
Depth (m):	63.8				
Total Ground Floor Area (sq. m):	1247				<b>Total</b>
Total Residential GFA (sq. m):	17704		Parking Spaces:	222	
Total Non-Residential GFA (sq. m):	0		Loading Docks	1	
Total GFA (sq. m):	17704				
Lot Coverage Ratio (%):	45.3				
Floor Space Index:	6.43				

### DWELLING UNITS

Tenure Type:	Rental, Condo
Rooms:	0
Bachelor:	3
1 Bedroom:	88
2 Bedroom:	78
3 + Bedroom:	28
Total Units:	197

### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	17704	0	0
Retail GFA (sq. m):	0	0	0
Office GFA (sq. m):	0	0	0
Industrial GFA (sq. m):	0	0	0
Institutional/Other GFA (sq. m):	0	0	0

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Sipo Maphangoh, Planner</b>
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