

28 Bathurst Street - Official Plan Amendment and Zoning Amendment Applications - Preliminary Report

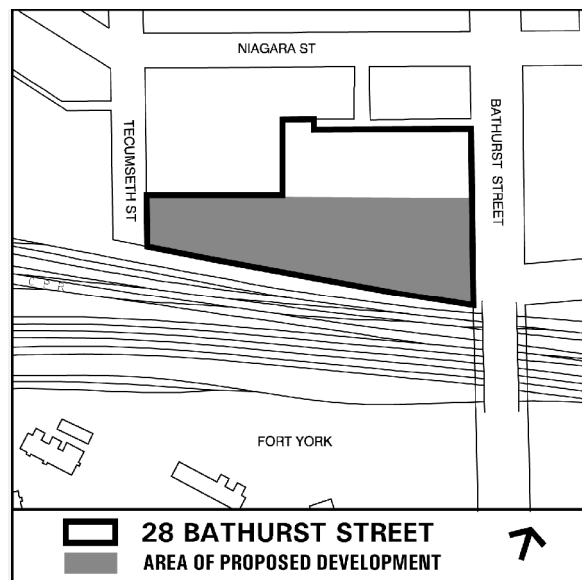
Date:	March 13, 2013
To:	Planning and Growth Management Committee
From:	Chief Planner & Executive Director, City Planning Division
Wards:	Ward 19 – Trinity-Spadina
Reference Number:	P:\2013\Cluster B\PLN\PG13029 (12 297477 STE 19 OZ)

SUMMARY

This application proposes a mixed-use development at 28 Bathurst Street consisting of three residential towers at 19, 16 and 16 storeys situated on a two-storey base containing non-residential uses at the east end of the site and street related residential units at the west end of the site. The three tower elements are connected by 14-storey buildings. A new public street is proposed to be constructed on the north part of the subject lands which will connect Tecumseth Street with Bathurst Street. A new public park is also proposed on the west part of the site adjacent to the railway corridor.

While the subject application for a Zoning By-law amendment is considered by staff to be complete, the application is also considered to be premature, as it proposes residential uses, within an area designated 'Employment Areas' by the City of Toronto Official Plan. An Official Plan Amendment application has been submitted to the City for review.

This report provides preliminary information on the above-noted application and seeks Planning and Growth Management Committee's direction on further processing of the application and on the community consultation process.



A final report on this proposed development cannot be brought forward for consideration until the applicant's Official Plan Amendment application to permit residential uses within an 'Employment Lands' designation has been considered through the City's ongoing 5-year Municipal Comprehensive Review of the Official Plan.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to review the development proposal respecting 28 Bathurst Street concurrently and in the context of the statutory Five Year Review of the Official Plan, which includes a Municipal Comprehensive Review, that is being undertaken by the City Planning Division.
2. Staff, upon completion of the Five-Year Official Plan and Municipal Comprehensive Review, be directed to:
 - (i) Schedule a community consultation meeting for the lands at 28 Bathurst Street together with the Ward Councillor.
 - (ii) Issue notice for the community consultation meeting to landowners and residents within 120 metres of the site.
 - (iii) Ensure that notice for the public meeting under the Planning Act be given according to the regulations of the Planning Act.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In 2001, a site plan application (file 01035624 STE 19 SA) to permit the development of a transitional housing building and a day nursery was approved at the north end of the 28 Bathurst lands. The proposed development does not affect the lands on which these two buildings are currently situated.

Pre-Application Consultation

A pre-application consultation meeting took place on June 11, 2012, with the applicant to discuss complete application submission requirements.

ISSUE BACKGROUND

Proposal

This application proposes a mixed-use development consisting of three residential towers at 19, 16 and 16 storeys situated on a two-storey podium (approximately 12.8 metres in height) containing non-residential uses at the east end of the site and street related residential units to the west end of the site. The three tower elements are connected by 14-storey buildings. A new public street is also proposed to be constructed on the north part of the subject lands which will connect Tecumseth Street with Bathurst Street. A new public park is proposed adjacent to the railway corridor.

The development is proposed in two phases:

Phase One: includes the proposed development of the east portion of the site with a 19-storey building stepping down to a height of 14 storeys towards the west (see attachments 1-3). Non-residential uses fronting Bathurst Street are proposed in this phase.

Phase Two: includes the proposed development of the west portion of the site with two 16-storey buildings connected by a 14-storey building element. Phase 2 is also connected to the 14-storey building element from Phase One. No non-residential uses are proposed in Phase Two.

Development Statistics for both Phases One and Two are as follows:

Retail uses, totalling 2,636 square metres of gross floor area are proposed on the ground floor of the 19-storey building fronting Bathurst Street.

A total of 564 residential units, totalling 57,400 square metres of gross floor area, are proposed as follows:

Studio:	25 units	(4% of total)
One Bedroom:	351 units	(62% of total)
Two Bedroom:	184 units	(33% of total)
Three Bedroom:	4 units	(1% of total)

The proposed common indoor and outdoor amenity space is as follows:

Outdoor Amenity Space:	1,137 square metres
Indoor Amenity Space:	1,240 square metres

The proposed development includes 363 vehicle parking spaces in 3 levels of underground parking. Parking spaces are allocated as follows:

Residents:	300 vehicle parking spaces
Visitors /Office/Retail:	56 vehicle parking spaces
Car Share:	7 vehicle parking spaces

The proposed development includes 206 bicycle parking spaces which are allocated as follows:

Residents:	200 bicycle spaces
Visitors:	6 bicycle spaces

Site and Surrounding Area

While the property at 28 Bathurst Street includes additional lands upon which existing men's shelter and day nursery buildings are situated, they are not proposed to be affected by the proposed development. For the purpose of this report the term 'subject site' will only pertain to the portion of the site proposed for development. (Attachment #1)

The subject site is located on the west side of Bathurst Street at the end of Front Street West. It is roughly triangular in shape with a lot area of 9,560 square metres, 69.4 metres of frontage on Bathurst Street and 29.7 metres of frontage on the end of Tecumseth Street.

The site is currently occupied by a surface parking lot.

North: Existing day nursery and men's shelter are situated on the north portion of 28 Bathurst. Low rise residential units are situated further to the north. A proposed development at 109 Niagara consisting of two residential buildings proposed at 12 and 14 storeys and the renovation of the interior of the heritage building on-site to include live-work and residential uses. (File No. 12 130868 STE 19 OZ)

South: CN Rail, GO Transit railway corridor. The Fort York National Historic Site is situated on the south site of the railway line.

East: An approved development consisting of 8 to 18-storey mixed-use buildings containing non-residential floor space and 1200 residential units. (File No. 11 230641 STE 20 OZ)

West: Quality Meat Packers Ltd. – an existing abattoir is located immediately west of the site, with a City of Toronto works yard located further to the west.

Planning Act

Section 2 of the *Planning Act*, which deals with Provincial Interests, requires councils of municipalities to have regard to matters of provincial interest such as:

- (k) the adequate provision of employment opportunities;
- (l) the protection of the financial and economic well-being of the province and its municipalities;

- (o) the protection of health and safety; and
- (p) the appropriate location of growth and development.

Section 26 of the *Planning Act* requires municipalities to review all the policies contained within their in-force Official Plans every five years. As part of the Five-Year review process, Section 26 (1) (b) of the *Planning Act* requires municipalities to revise the Official Plan if it contains policies dealing with areas of employment, including, without limitation, the designation of areas of employment in the official plan and policies dealing with the removal of land from areas of employment, to ensure that those policies are confirmed or amended.

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 establishes the policy foundation for regulating the use and development of land. City Council's planning decisions are required to be consistent with the PPS. The PPS requires the City to promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and taking into account the needs of existing and future businesses;
- c) planning for, protecting and preserving *employment areas* for current and future uses; and
- d) ensuring the necessary *infrastructure* is provided to support current and projected needs.

The PPS defines *employment areas* as those areas designated in an Official Plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

Section 1.3.2 of the PPS states that the City may only give consideration to converting lands within employment areas to non-employment uses when a *comprehensive review* has met the following two-part test:

- (i) the land is not required for employment purposes over the long-term; and
- (ii) that there is a need for the conversion.

Growth Plan for the Greater Golden Horseshoe

The Growth Plan 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.

The Growth Plan requires the City to maintain an adequate supply of lands providing locations for a variety of appropriate employment uses in order to accommodate the employment growth forecasts of the Plan. The Plan requires municipalities to promote economic development and competitiveness by:

- a) providing for an appropriate mix of employment uses including industrial, commercial and institutional uses to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) planning for, protecting and preserving *employment areas* for current and future uses; and
- d) ensuring the necessary infrastructure is provided to support current and forecasted employment needs.

The definition of an *employment area* in the Growth Plan is the same as that used in the PPS.

Official Plan

The subject property is within an *Employment District*, as noted on Map 2, and designated *Employment Areas*, as noted on Map 18, of the Toronto Official Plan. (Attachment #4)

The Official Plan Policy 2.2.4.1 states that *Employment Districts* are intended to be protected and promoted to be used exclusively for economic activity with the objective to provide a range of employment opportunities, a good overall balance between population and employment growth by creating job opportunities for Toronto residents, and creating and sustaining well-paid, stable, safe and fulfilling employment opportunities for all Torontonians.

The Official Plan Policy 4.6.1 describes *Employment Areas* as places of business and economic activity consisting of uses such as offices, manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, parks, hotels,

retail outlets ancillary to the preceding uses, and restaurants and small scale stores and services that serve area businesses and workers.

The subject property is contained within the Garrison Common North Secondary Plan and is subject to Policy Area 2 of this Secondary Plan.

Policy Area 2 provides for a mix of employment and residential uses, provided that employment uses are restricted to those compatible with adjacent and neighbouring residential uses in terms of emissions, odour, noise and generation of traffic.

Zoning

The subject site is subject to two different zone categories (Attachment #5), MCR T3.0 C1.0 R2.5, a mixed-use zone category and I1 D3 an employment zone category, by City of Toronto Zoning By-law No. 438-86, as amended.

The lands zoned MCR T3.0 C1.0 R2.5 affect the lands from the Bathurst Street frontage to 30.5 metres west into the site and permit a mix of commercial, retail and service uses. The zoning allows for a total site density of 3.0 times the lot area, of which a maximum of 1.0 times the lot area may be used for non-residential uses, while a maximum of 2.5 times the lot area may be used for residential uses. The maximum building height on this portion of the subject property is 36.0 metres.

Excepting the lands noted above, the remaining western portion of the subject lands are zoned I1 D3, which permits employment uses such as, but not necessarily limited to, warehousing, workshops and studio type uses, as well as some community retail and service uses. The maximum building height on this portion of the subject property is 18.0 metres.

Site Plan Control

This property is subject to the city-wide Site Plan Control By-law No.774-2012. An application for site plan approval has not yet been submitted.

Planning Act / Five-Year Review

In May 2011, the City Planning Division commenced the statutory Five-Year Review of the Official Plan, which includes a Municipal Comprehensive Review as set out in the Growth Plan. Until the Five-Year Review process is complete, refusal or approval of the subject applications would be premature. It is therefore recommended that the applications be reviewed concurrently and in the context of the Five-Year Review of the Official Plan and the Municipal Comprehensive Review.

On November 8, 2012, Planning and Growth Management Committee considered a Report from the Chief Planner which outlined proposed City-wide Employment Areas policy directions. Although the Municipal Comprehensive Review has not been completed, a preliminary assessment based on the criteria in the Growth Plan and Provincial Policy Statement has determined that these lands could be removed from Site Staff report for action – Preliminary Report - 28 Bathurst Street

and Area Specific Policy 2, which permits residential uses in the Garrison Common North Secondary Plan. The preliminary assessment indicates that the lands may be converted to a *Regeneration Area*, with the creation of a new Site and Area Specific Policy in the above noted Secondary Plan, and be subject to the applicable criteria in Section 4.7 of the Official Plan. The proposed policy would only permit employment uses on the lands and consider residential uses along the Bathurst Street frontage provided the lands have been environmentally remediated to requirements as established by the Ministry of the Environment.

City Planning and Economic Development staff are continuing to review the request to convert the subject lands to permit non employment uses. It is anticipated that this review will be complete in the fall of 2013.

City of Toronto Tall Building Guidelines

The Tall Building Guidelines provide direction on matters related to the scale of buildings, building floor plates and spatial separation. Key criteria in the Guidelines are minimum facing distances of 25 metres between towers in order to achieve appropriate light and privacy, minimum side and rear yard tower setbacks of 12.5 m, and articulation of tower floor plates that are larger than 743 sq. m. to break down the massing of the building.

Reasons for the Applications

The applicant has submitted an Official Plan Amendment Application to permit residential uses in an Employment areas designation. The Official Plan amendment is being reviewed within the context of the City's Five-Year Official Plan and Municipal Comprehensive Review.

The applicant has also submitted a Zoning By-law Amendment application to permit a mixed use building including residential uses in an Industrial Zone. The proposed building also exceeds the permitted maximum building height of 18 metres and 36 metres. In addition, the proposed building does not comply with other provisions within the Zoning By-law.

COMMENTS

Application Submission

The following reports/studies were submitted with the applications:

- Planning Rationale
- Draft Official Plan Amendment
- Boundary Plan of Survey
- Context Plans
- Architectural Plans
- Landscape and Tree Preservation Plans

- Community Services and Facilities Report
- Stage 1 Archaeological Resource Assessment
- Pedestrian Level Wind Study
- Air Quality and Odour Assessment
- Transportation Impact Study/ Parking Study
- Site Servicing Assessment
- Arborist Report
- Shadow and Building Massing Study
- Toronto Green Standard Checklist
- Arborist / Tree Preservation Plan
- Noise/Vibration Impact Study
- 2004 Ground Water Sampling Program
- 2006 Ground Water Sampling Program
- 2007 Groundwater Monitoring and Sampling Program
- 2009 Groundwater Monitoring and Sampling
Subject: Groundwater Monitoring Program
- 2011 Groundwater Monitoring and Sampling
- Supplemental Phase II Environmental Site Assessment
- In-Situ Remedial Options Review
- Phase One Environmental Site Assessment
- Interim Phase II Environmental Site Assessment

A Notification of Complete Application was issued on January 21, 2013.

Issues to be Resolved

Site Contamination and Remediation Strategy

The subject site is significantly contaminated from previous industrial uses, including the storage of coal gas in two large above ground gasometers, and a lead smelting facility (Toronto Smelting and Refining Ltd.) from approximately 1900 until the late 1980s.

As part of the review process for this application, City staff will require a detailed plan regarding remediation activities, including fill removal, timing, and construction management to ensure that no adjacent properties are adversely affected as a result of site remediation. As this development is proposed to be phased, Planning staff will also have regard for the timing of phase one construction related to site remediation measures.

In order to allow interested residents to review the submitted environmental documents, in addition to other items submitted in support of this application, the City has set up the following website where copies of the submission items can be downloaded and reviewed: www.toronto.ca/planning/28bathurst

Fort York National Historic Site

The lands immediately to the south of the CN rail corridor adjacent the subject site are occupied by the Fort York National Historic Site. The relationship of the proposed

buildings, including setbacks, stepbacks, overall building massing and the resulting views to and from Fort York National Historic Site, will be considered through the review of these applications.

Other Issues

Other issues to be resolved include, but are not limited to:

- Conformity with the policies of the Official Plan and the Garrison Common North Secondary Plan;
- Suitability of introducing new residential uses and the mix of uses proposed in the building;
- Compliance with the City-wide Tall Building Design Guidelines;
- Height and massing relationships with the immediate area and with abutting properties;
- Building design;
- Potential wind, view and shadow impacts;
- Proposed green roof area;
- Provision and type of on-site amenity space;
- Heritage considerations;
- Traffic, site servicing, and impacts on the pedestrian realm;
- Proposed building setbacks and stepbacks;
- Location, design, and relation of existing and proposed buildings to the proposed public road;
- Vehicular and pedestrian access and circulation.
- Adequacy of indoor and outdoor on-site amenity area, including location, size and programming;
- Connectivity to the lands to the west;
- Compliance with Development Infrastructure Policy and Standards (DIPS);
- Appropriateness of the number and allocation of the proposed parking spaces;
- Noise and vibration impacts from the adjacent rail corridor; and,
- Adequacy of the separation distance between residential uses and the rail corridor.

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

Toronto Green Standard

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.

Section 37

Should this project proceed to approval in some form community benefits will be secured through Section 37 of the Planning Act.

Conclusion

A decision on whether to convert employment lands to allow non-employment uses will be made in the context of the Five-Year Official Plan and Municipal Comprehensive Review. In the meantime, staff will review the technical aspects of the proposal and provide preliminary comments on the built form characteristics of the proposal.

CONTACT

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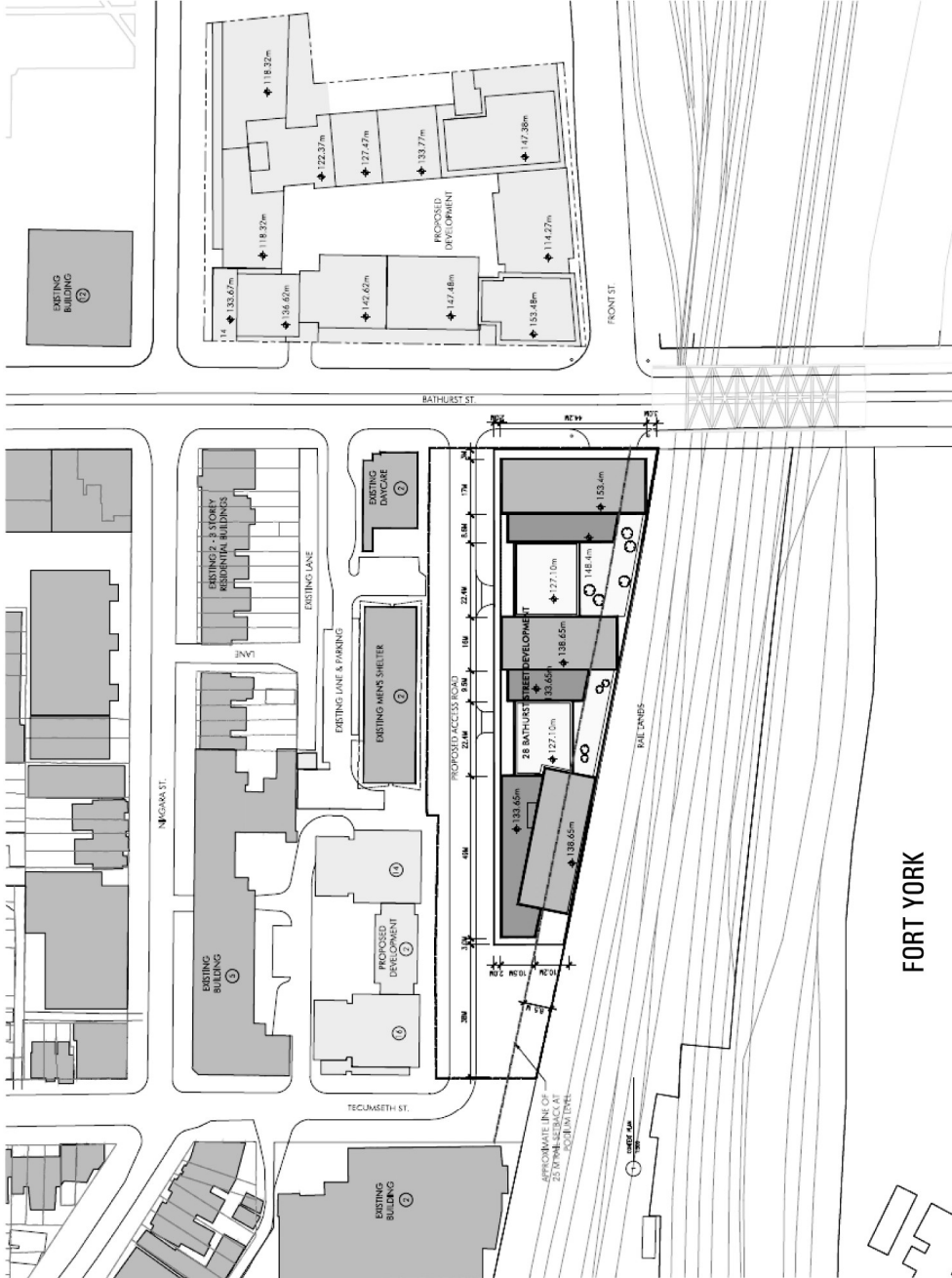
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Jennifer Keesmaat, MES, MCIP, RPP
Chief Planner and Executive Director
City Planning Division

ATTACHMENTS

Attachment 1: Context Plan
Attachment 2: Site Plan
Attachment 3: Rendering and Building Elevations
Attachment 4: Official Plan Excerpt
Attachment 5: Zoning By-law 438-86 Excerpt
Attachment 6: Application Data Sheet

Attachment 1: Context Plan



28 Bathurst Street

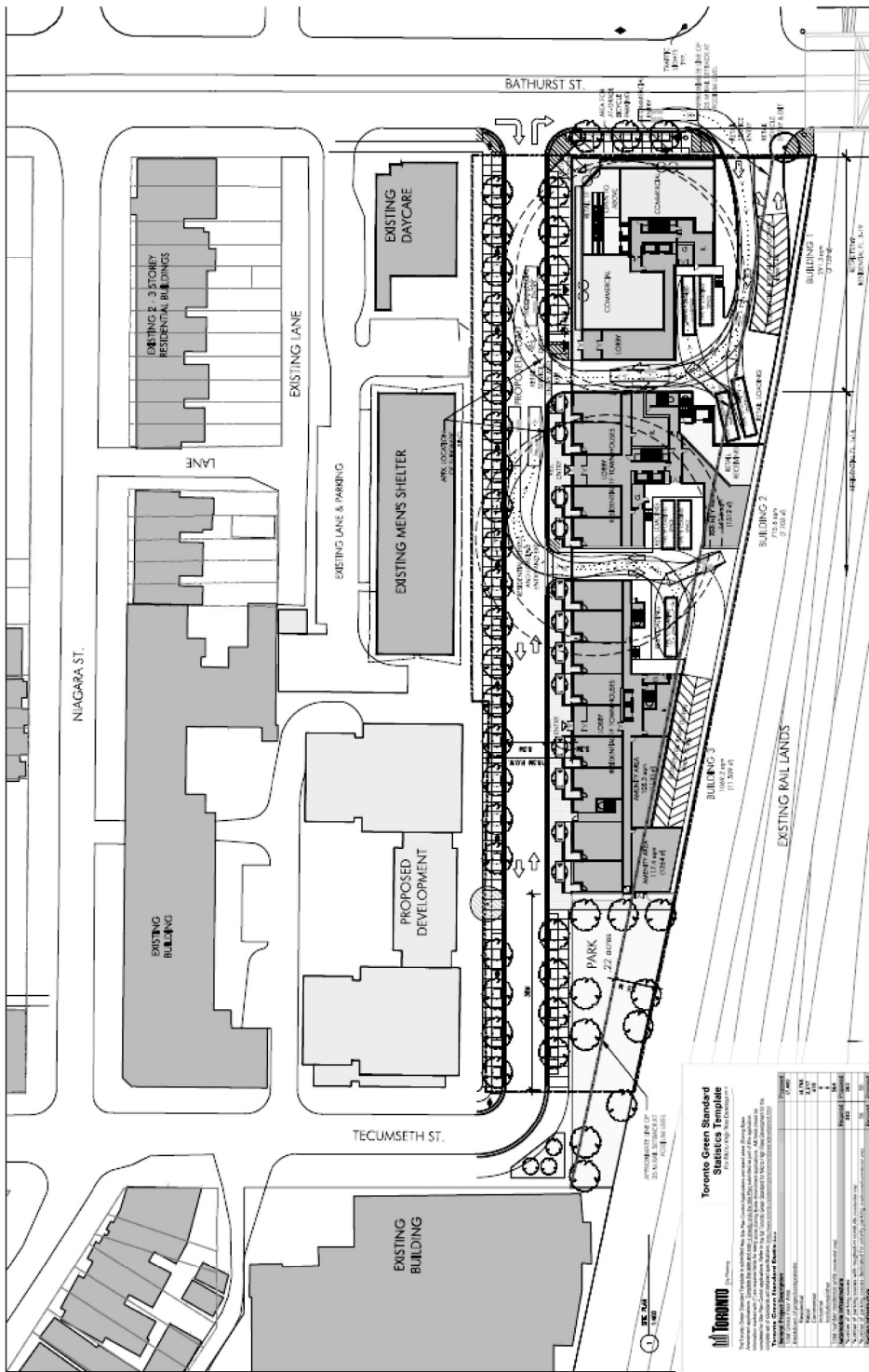
File # 12 297477 0Z

Context Plan

Applicant's Submitted Drawing

Not to Scale
03/12/2013

Attachment 2: Site Plan



28 Bathurst Street

File # 12 297477 0Z

Site Plan

Applicant's Submitted Drawing

Not to Scale
03/12/2013

Attachment 3: Rendering and Building Elevations



Massing - View looking Northwest

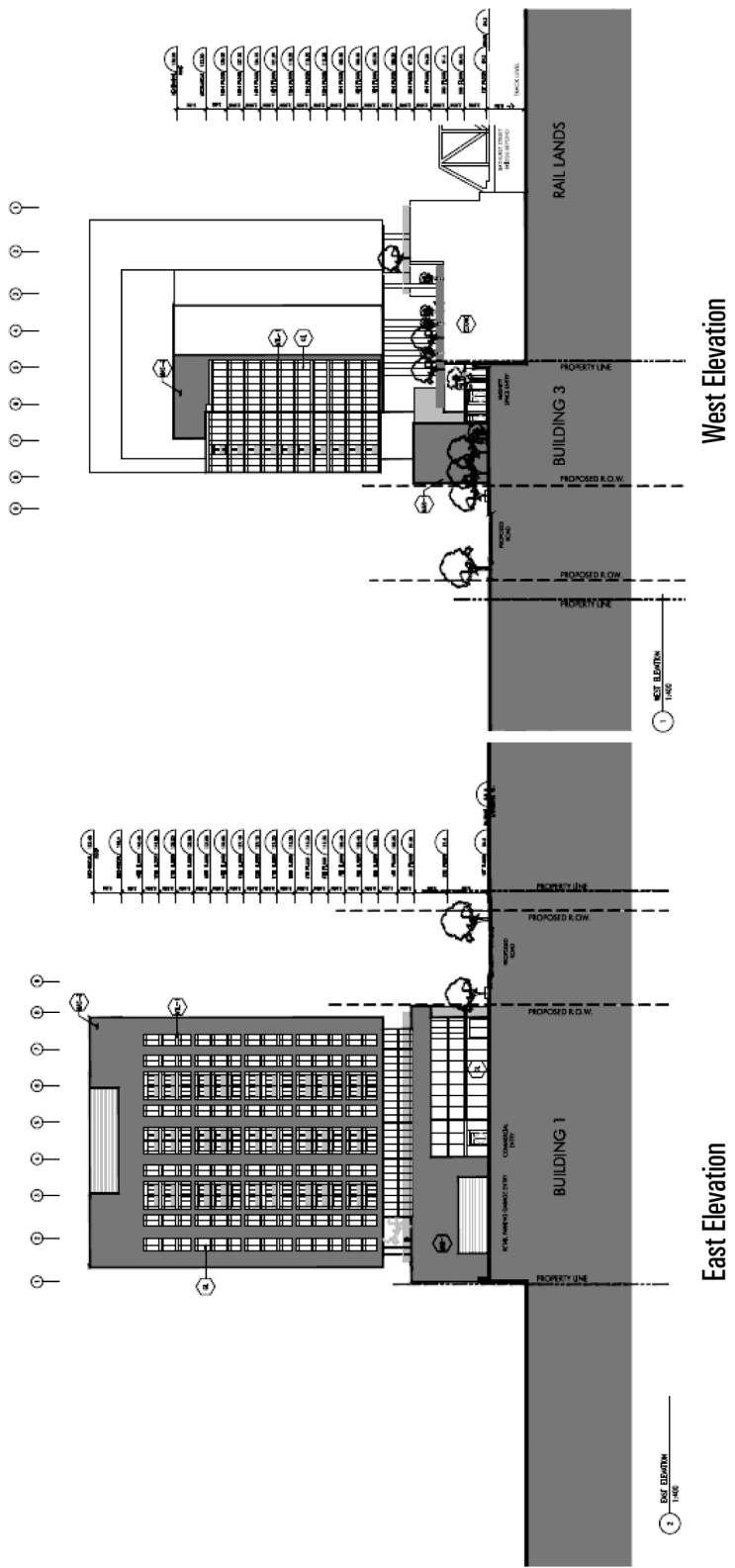
Applicant's Submitted Drawing

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28 Bathurst Street

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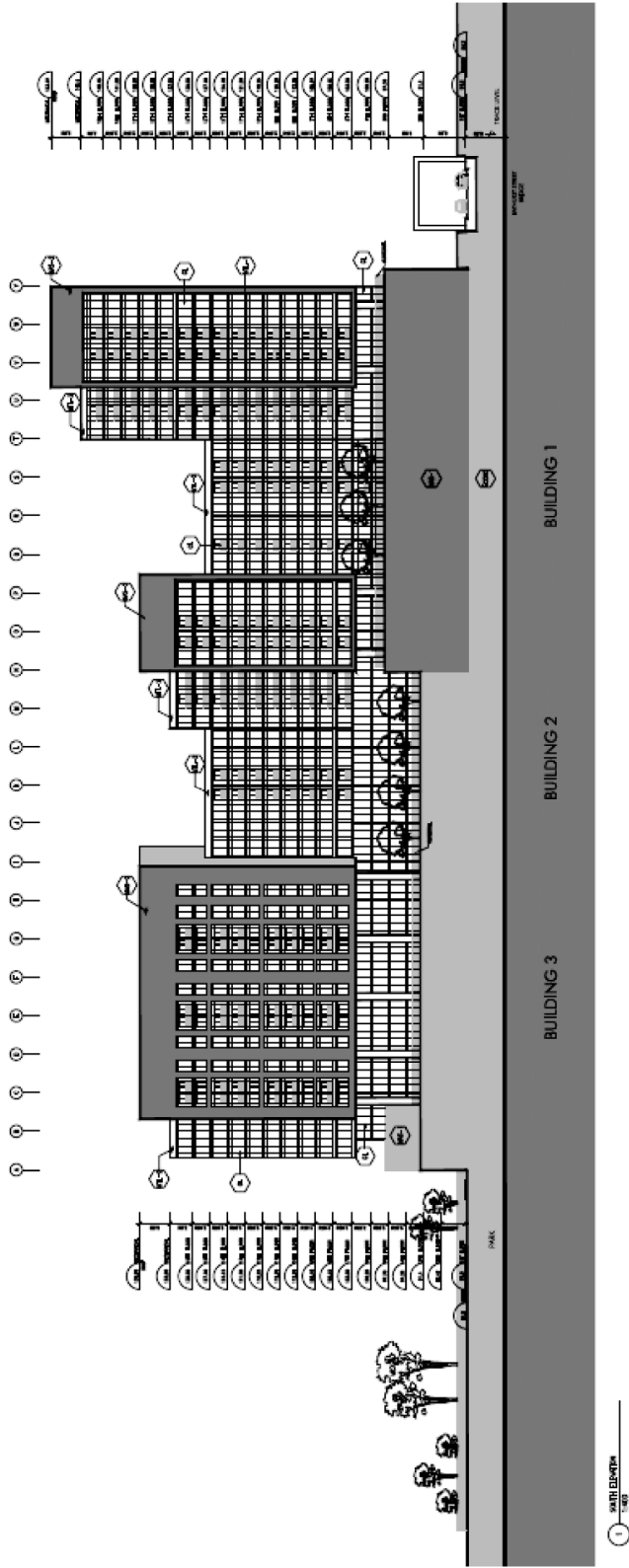
28 Bathurst Street

East and West Elevations

Applicant's Submitted Drawing

Not to Scale
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File # 12 297477 0Z



South Elevation

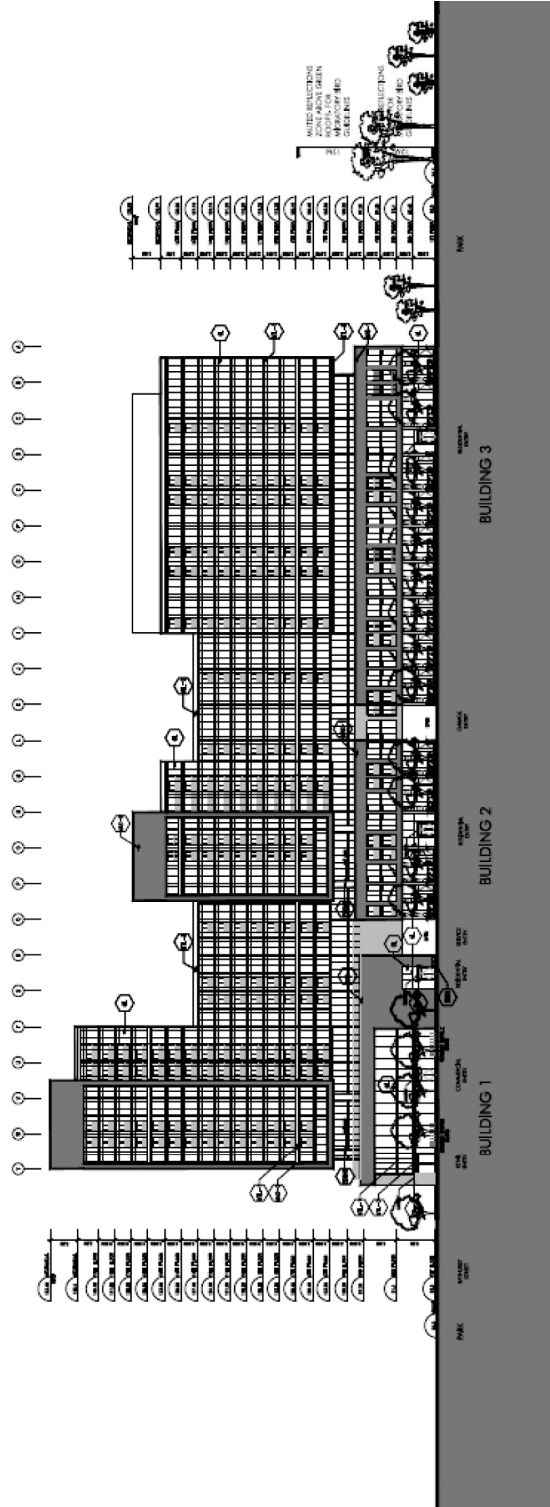
South Elevation

Applicant's Submitted Drawing

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28 Bathurst Street

File # 12 297477 0Z



North Elevation

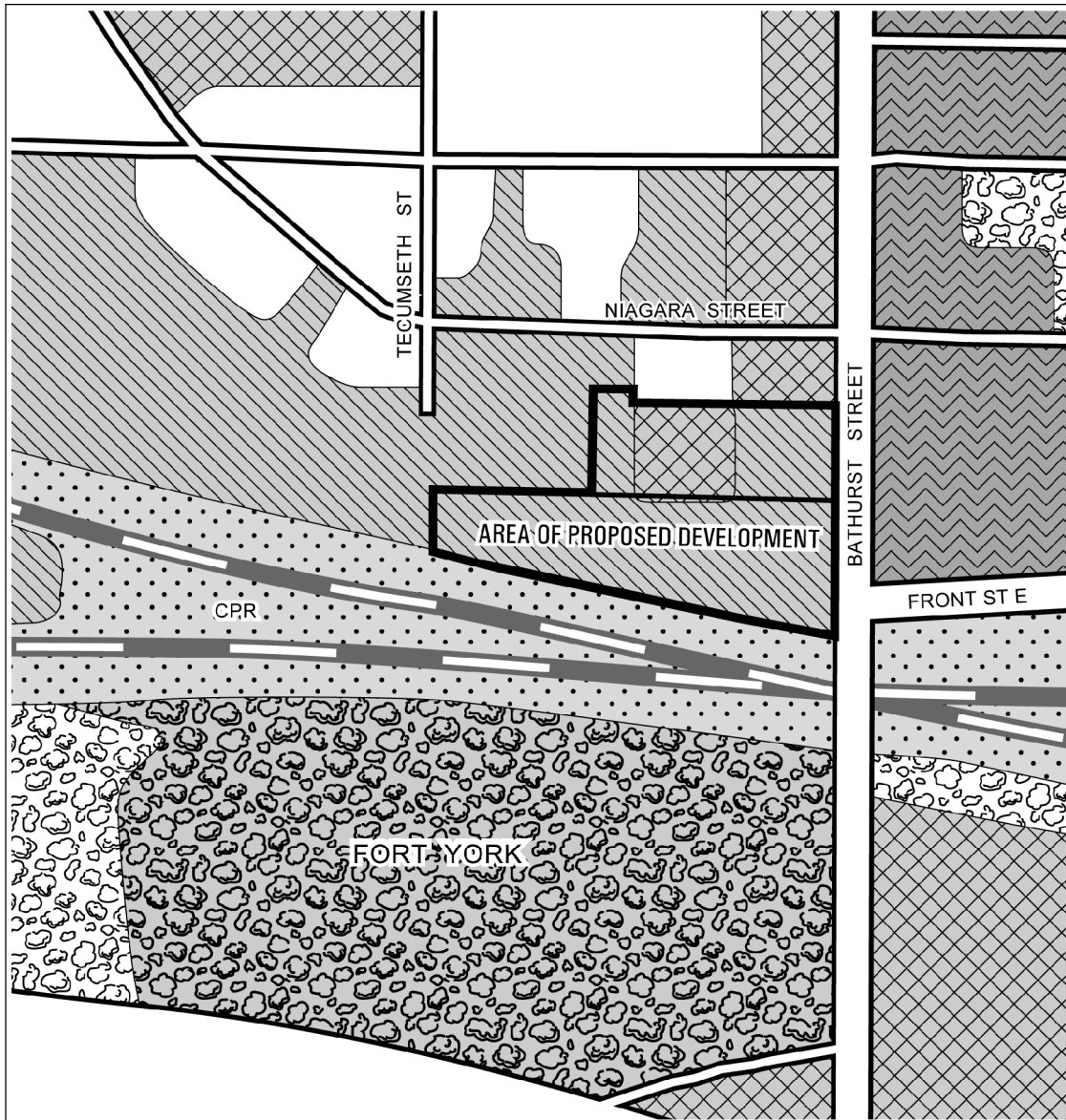
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Applicant's Submitted Drawing

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File # 12 297477 0Z

Attachment 4: Official Plan Excerpt



TORONTO City Planning
Official Plan

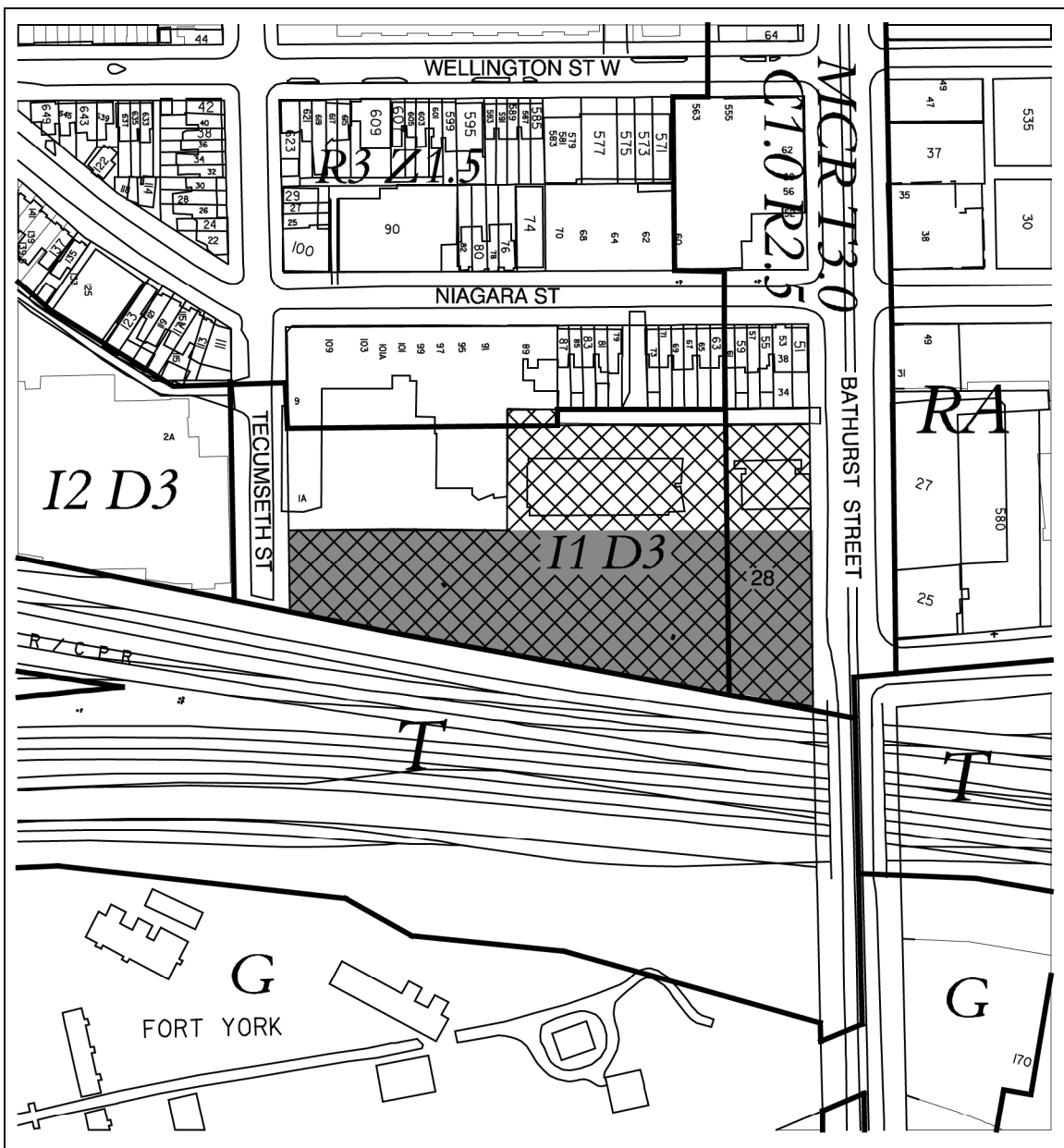
28 Bathurst Street

File # 12 297477 0Z

Site Location	Parks & Open Space Areas	Institutional Areas	Utility Corridors
Neighbourhoods	Parks	Regeneration Areas	
Apartment Neighbourhoods	Other Open Space Areas	Employment Areas	
Mixed Use Areas			



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Attachment 5: Zoning By-law Excerpt



28 Bathurst Street

File # 12_297477 0Z

G	Parks District	I1	Industrial District		Area of Proposed Development
R4	Residential District	I2	Industrial District		28 Bathurst Street
MCR	Mixed-Use District	T	Industrial District		
RA	Mixed-Use District				



Not to Scale
Zoning By-law 438-86 as amended
Extracted 03/12/2013

Attachment 6: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	12 297477 STE 19 OZ
Details	OPA & Rezoning, Standard	Application Date:	December 21, 2012
Municipal Address:	28 BATHURST ST		
Location Description:	PLAN 507 PT LOTS 13 AND 14 PLAN 655 BLKS B AND D PT BLK A RP 64R15954 PARTS 1 6 14 18 AND 20 RP 64R16673 PARTS 1 TO 4 **GRID S1909		
Project Description:	Official Plan Amendment and rezoning to permit the development of two new 16-storey residential buildings and one new 19-storey building with retail/commercial uses on the lower two floors and residential units on the upper floors. The entire development contains a total of 564 residential units and 2636m ² of commercial floor area. There will be a total of 363 parking spaces located below grade. A new east-west public road and new public park are also being proposed.		

Applicant:	Agent:	Architect:	Owner:
MILLWARD AND ASSOC	Build Toronto	Montgomery Sisam	City of Toronto

PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:	No
Zoning:	I1 D3	Historical Status:	No
Height Limit (m):	18 and 36 metres	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	9560	Height:	Storeys:	19
Frontage (m):	29.7		Metres:	64.2
Depth (m):	190			
Total Ground Floor Area (sq. m):	2777			Total
Total Residential GFA (sq. m):	54764		Parking Spaces:	363
Total Non-Residential GFA (sq. m):	2636		Loading Docks	5
Total GFA (sq. m):	57400			
Lot Coverage Ratio (%):	29			
Floor Space Index:	6			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	25
1 Bedroom:	351
2 Bedroom:	184
3 + Bedroom:	4
Total Units:	564

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	54764	54764	0
Retail GFA (sq. m):	2636	2636	0
Office GFA (sq. m):	0	0	0
Industrial GFA (sq. m):	0	0	0
Institutional/Other GFA (sq. m):	0	0	0

CONTACT:	PLANNER NAME:	Graig Uens, Planner
	TELEPHONE:	416-397-4647