

**Bathurst Street – Queen Street West to Dupont Street:
Zoning Amendment and Official Plan Amendment
Direction – Final Report**

Date:	May 29, 2014
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 19 – Trinity-Spadina Ward 20 – Trinity-Spadina
Reference Number:	14 155462 STE 19 OZ

SUMMARY

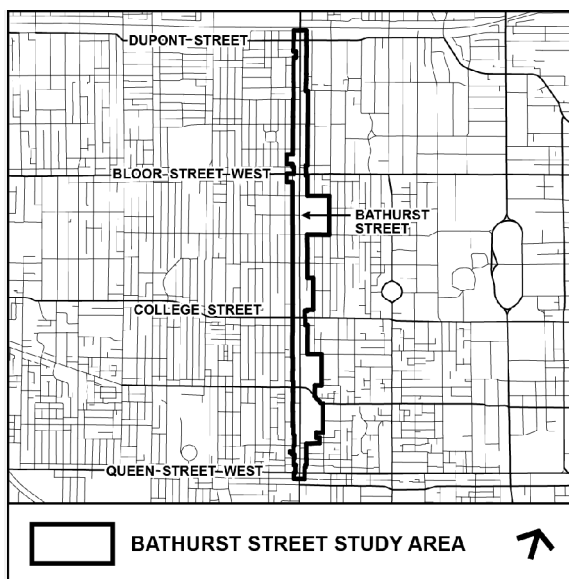
City Planning has completed the Council-directed planning study focussing on built form and land use on both sides of Bathurst Street from Dupont to Queen Street ("Better Bathurst Study"). One of the key objectives of the study is to better define the role Bathurst plays as a boundary between the area formally designated as "Downtown and Central Waterfront" (Official Plan Chapter 2, Map 2) and the rest of the City.

The motion can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.TE17.57>

The study examined the land uses, built-form, heritage, retail characteristics, public realm, and policy framework. Community consultation included four community meetings, one community workshop for the whole corridor, a visioning workshop for the Bathurst and Bloor four corners, and a survey on retail use and shopping patterns.

The outcome of the Study is a recommendation to amend Zoning By-law 438-86 Section 12(2)270 to regulate retail and service uses. In



addition, an Official Plan Amendment is recommended to introduce a site and area-specific Official Plan Policy that defines the existing elements of the street to be retained and enhanced along with direction for areas of the street that can accommodate change.

In summary, the draft policy reinforces the prevailing fine grain character of the street while providing more emphasis on public realm and streetscape, heritage, character of the street, intersections with *Avenues* and with Dupont Street, and transition to adjacent residential uses.

This report discusses the methodology, considerations, and community comments that informed the planning study and provides the planning rationale for the draft area-specific Official Plan policy.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council repeal Interim Control Bylaw No.963-2013 for Bathurst Street from Queen Street West to Dupont Street and amend the retail and service uses in Section 12(2) 270 of By-law 438-86 by adopting the draft zoning by-law amendment found in Attachment 1 to the report (May 29, 2014), from the Director, Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-Law as may be required.
3. City Council request the Director, Community Planning, Toronto and East York District to initiate a study of the Bloor-Bathurst four corners area found in Attachment 2 to the report (May 29, 2014) from the Director, Community Planning, Toronto and East York District.
4. City Council authorize a Heritage Conservation District (HCD) Study under Section 40.(1) of the *Ontario Heritage Act* for the area on Markham Street known as Markham Village, as shown in Attachment 2 to the report (May 29, 2014) from the Director, Community Planning, Toronto and East York District.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At the City Council meeting held on July 11, 12, and 13, 2012, City Council adopted a motion that directed City Planning to:

- a. initiate a study focussing on built form and land use of both sides of Bathurst Street from Queen Street West to the Dupont Street train tracks with a report back to Toronto and East York Community Council in the first quarter of 2013;
- b. begin that study with an immediate focus on Bathurst Street from College Street to Dundas Street with a report back in fourth quarter of 2012 once the community comments have been incorporated; and

- c. work with the Ward Councillors to establish a community consultation process for this study.

The City Council decision can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.TE17.57>

Reasons for Study

Bathurst Street's existing character includes varied *Neighbourhood* and commercial frontages, and a number of significant intersections at Dupont, Bloor, College, Dundas Streets and Queen Street. It is therefore important to evaluate the existing policy framework to ensure that it both protects the character of existing *Neighbourhoods* and *Mixed Use* areas, and outlines appropriate criteria by which to assess development applications for new development. This is not an *Avenue* Study. The recommendations of this study aim to balance development pressure with the local context.

The current Official Plan and Zoning By-law provisions generally reflect the built form and land uses that exist on Bathurst Street today. The Study Area along Bathurst Street is subject to a range of Official Plan policies. However, often one side of the street has a different policy framework than the other. The east side of the street is identified as *Downtown and the Central Waterfront* on the Urban Structure Map 2 whereas the west side is not. North of Bloor Street, the west side has an *Avenue* overlay whereas the east side does not. Land use designations include *Neighbourhood*, *Mixed Use*, *Institutional*, and *Employment*, and in a number of locations the land is *Neighbourhood Area* on one side of the street and *Mixed Use Area* on the other. The height permissions in the Zoning By-law for the east and west sides of the street are not always the same.

This inconsistent planning framework has added to the challenge of responding to development applications. The Bathurst Study was initiated largely in response to recent development applications on Bathurst Street. The community raised concerns about new development having negative impacts on nearby houses and the character of Bathurst Street, and that proposed retail use was of a size that would have negative impacts on nearby pedestrian shopping areas. Recent development applications from south to north include: 202-204 Bathurst Street (Origami Lofts) and 219 Bathurst Street north of Queen Street, 410-446 Bathurst Street (former Kromer Radio site between Dundas and College Streets) 783 Bathurst Street (B-Street Condos south of Bloor Street), and 1000-1002 Bathurst Street three blocks south of Dupont Street.

Interim Control By-Law No.963-2013

The Bathurst Street Built Form and Land Use Study includes a review of retail and service permissions. Section 12(2) 270(a) of Zoning By-law 438-86 sets out the permissions for non-residential land uses on any lot in any CR, MCR, RA, I or IC district. This permission is carried forward in the new City-wide Zoning By-law 569-2013 and applies to the Bathurst Street Built Form and Land Use Study Area. Given the need to study the impact of the as-of-right permissions in this area, Interim Control By-Law No.963-2013 was enacted by Council on July 19, 2013 to prohibit a gross floor area of non-residential uses that is greater than that which lawfully existed on July 19, 2013. This By-law expires in July 2014, one year from the date of its enactment by Council.

Description of Study Area

The study area, which includes all properties fronting on Bathurst Street between Dupont Street and Queen Street West, has a total length of approximately 3 kilometres. Bathurst Street slopes gently downwards from north to south.

Building Typologies, Blocks and Parcels

The majority of properties fronting Bathurst Street are narrow and relatively shallow, with a significant number of single and semi-detached houses and *Mixed Use* buildings with residential uses above the ground floor retail. These properties typically have building depths in the range of 20 to 40 metres with narrow building frontages of between 4.5 and 8.5 metres for residential properties and between 5 and 10 metres for commercial-retail buildings. Taken together, the typical low scale of buildings, rhythm of narrow frontages, and house-form residential buildings are defining characteristics of Bathurst Street.

The built form in the study area is comprised largely of two and three storey residential building types, including single family or semi-detached houses, townhouses and walk-up apartments. *Mixed Use* buildings, usually also two or three storeys; and purpose-built commercial or institutional buildings are generally located in proximity to the *Avenues* which cross Bathurst Street (Bloor Street West, College Street, Dundas Street West, and Queen Street West) and Dupont Street.

The blocks are generally long in the north-south direction, averaging approximately 250 metres between cross streets. Not all east-west streets cross Bathurst Street and the presence of lanes is inconsistent, most noticeably lacking on the east side, north of Bloor Street West. Larger properties are associated with commercial, institutional and park uses.

The west side of Bathurst Street, between College Street and Dundas Street West, is an anomaly, characterized by larger lots, more surface parking and warehouse-style buildings.

Height

Within the study area, 91% of the buildings have a height of 2 to 3.5 storeys. This reflects the dominant residential land use along the corridor, as well as the many low scale commercial buildings. Buildings greater than 6 storeys represent only 0.5% of the properties within the Study Area and are generally located at the intersections with *Avenues*, and at the Toronto Western Hospital Site.

Public Realm

The existing width of the right-of-way is 20 metres. Street trees are absent from the majority of the public right-of-way and the sidewalks are typically narrow. Trees are generally located on private property, in the front yards of residential properties. Utilities in the public right-of-way include a gas line below the sidewalk and overhead transmission cables above.

Land Use

An analysis of existing uses on the street revealed that a significant majority (78.5% of approximately 550 properties) contain residential uses. Of these:

- 54% are classified as Residential Singles
- 21% are Residential Townhouses
- 25% are Residential Apartments

The dominant low-rise residential character occurs within areas of the corridor designated as *Neighbourhood* in the Official Plan. Exceptions include the new apartment building, B Streets Condos at 783 Bathurst Street (9 storeys) located south of the intersection with Bloor Street West, and the apartment building at 914 Bathurst Street (7 storeys).

Commercial land uses are present on approximately 14% of the lots within the Study Area. With the exception of the west side of Bathurst Street between College and Dundas Street where the frontages are generally wider, commercial uses generally have a frontage on Bathurst Street in the range of 4.5 and 6 metres. While such uses are mainly found on lots within the *Mixed Use* Areas, there are instances where commercial uses occur in *Neighbourhoods*, sometimes operating at grade within traditional house-form buildings.

Institutional uses comprise approximately 3% of the lots on the Bathurst Street corridor; however, it should be noted that these are among the largest lots with the widest frontages along the corridor – Central Technical School, King Edward School, Toronto Western Hospital and the Toronto Public Library’s Sanderson Branch/Scadding Court Community Centre.

The remaining 4.5% of the lots are parking lots, open spaces, transit/ utilities, or are vacant.

The following uses surround the study area:

North: The north side of Dupont Street is *Employment Area* and includes the Canadian Pacific North Toronto Subdivision Rail Corridor. These lands are part of a separate planning study.

South: The east side of Bathurst south of Queen Street West borders the West Precinct of the King-Spadina Secondary Plan Area and the King Street West /Niagara Neighbourhood and is a designated *Regeneration Area* and includes a mix of low to mid-rise buildings. The west side of Bathurst is *Neighbourhood* generally characterized by low rise buildings with the exception of the mid-rise development fronting King Street West.

West: Two and three storey houses are located behind most of the properties on the west side of Bathurst Street. The exception is Mirvish Village on Markham Street between Bloor and Lennox Streets, which is comprised of heritage-era houses that have largely been converted into commercial uses.

East: Two and three storey houses are located behind the properties on the east side of Bathurst Street. The exception is the Kensington Market area located between College Street and Dundas Street West which is comprised of predominantly heritage-era houses that have a consistent pattern of ground floor commercial uses. Toronto Western Hospital and Alexandra Park are located to the north and south of Dundas Street respectively.

POLICY FRAMEWORK

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required to be consistent with the PPS.

The proposed Zoning By-Law Amendment described subsequently in this report is consistent with the Provincial Policy Statement (PPS). The PPS generally requires the efficient use of land, infrastructure and resources, as is generally being achieved in the study area.

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.

Official Plan

Bathurst Street is a boundary line between the Official Plan's *Downtown and Central Waterfront* area and the rest of the city to the west. The Official Plan policies pertaining to the *Downtown* strive to strengthen and improve the livability and investment opportunities in the city's core, while respecting and reinforcing its quality features. In particular, priority is placed on maintaining and upgrading public amenities and infrastructure, including streets, parks and open spaces, preserving architectural and cultural heritage, and improving transit and the pedestrian environment. Residential intensification is generally encouraged in *Mixed Use Areas* and *Regeneration Areas* within the Downtown, with sensitive residential infill within *Downtown Neighbourhoods*.

Apart from where Bathurst Street intersects with the *Avenues* of Bloor Street West, College Street, Dundas Street West and Queen Street West, the only portion of Bathurst that is an *Avenue* is located on the west side, between Bloor Street West and Dupont Street. The *Avenues* overlay recognizes opportunities to intensify and reurbanize existing arterial corridors as a means of accommodating Toronto's growth. The Official Plan also states, "each *Avenue* is different in terms of lot sizes and configuration, street width, existing uses, neighbouring uses, transit service and streetscape potential" (Section 2.2.3, page 2-15), signaling that redevelopment must be sensitive to its particular context and physical characteristics.

The study area is designated *Mixed Use Areas* and *Neighbourhoods*, with the exception of properties north of Dupont Street which are *Employment* and Toronto Western Hospital and Central Technical School which are *Institutional Areas*.

Chapter 2 – Shaping the City recognizes that *Neighbourhoods* and open spaces are to be protected from development pressures. Policy 2.2(2) directs growth to the *Centres, Avenues*,

Employment Districts and the *Downtown* in order to efficiently use municipal infrastructure while protecting *Neighbourhoods*.

Section 4.5 of the Official Plan contains policies on *Mixed-Use Areas* in the Official Plan. The *Mixed Use Area* designation permits a broad range of commercial, residential and institutional uses and includes policies and development criteria to guide development and its transition between areas of different development intensity and scale. Not all *Mixed Use Areas* will experience the same scale or intensity of development.

Parts of Bathurst are traditional pedestrian shopping streets. Policy 3.5.3(2) on the Future of Retailing states that such streets "will be improved as centres of community activity by encouraging quality development of a type, density and form that is compatible with the character of the area and with adjacent uses", by "improving public amenities such as transit, parking facilities, street furniture and landscaping", and by "encouraging and supporting effective business associations in these areas". Policy 3.5.3(3) states that retail development along the *Avenues* is encouraged and will suit the local context of built form and support the establishment of a high quality pedestrian environment." Policy 3.5.3(4) states that "in order to provide local opportunities for small businesses and maintain the safety, comfort and amenity of shopping areas, zoning regulations for ground floor commercial retail uses in new buildings in new *Neighbourhoods* or in *Mixed Use Areas* along pedestrian shopping strips where most storefronts are located at the streetline, may provide for a maximum store or commercial unit size... "

Zoning

Under the former City of Toronto Zoning By-law 438-86, the study area includes areas zoned *Mixed Use* (MCR and CR), residential (R), parks (G), and industrial commercial (IC). With respect to retail permission, Section 12(2) 270(a) of By-law 438-86 contains restrictive permissions for any lot in any CR, MCR, RA, I or IC district. This permission is carried forward in the new City-wide Zoning By-law 569-2013 and applies within the former City of Toronto. Section 12(2) 270(a) of By-law 438-86 states:

"270. (a) No person shall, on any *lot* in any CR, MCR, RA, I or IC district, erect or use any building or construct an addition to an existing building, for any purpose permitted in sections 8(1)(f)(b)(iv) or 9(1)(f)(b)(iv) and (xi), where the total *non-residential gross floor area* used for such purpose is: (1994-0532) (1994-0540) (1996-0238)

- (i) greater than the amount which existed on the *lot* in July 20, 1993, plus an additional 1800 square metres; and
- (ii) provided the total *non-residential gross floor area* is not greater than the amount permitted on the *lot* by sections 8(3) PART I 2 and 9(3) PART I 2 and 3; and (1994-0540)
- (iii) provided no single retail or service use, unless existing on August 29, 1994, shall exceed a *non-residential gross floor area* of 8 000 square metres. (1994-0540)

The provisions of this paragraph, other than in respect of a *retail-warehouse*, shall not apply to *lots* located within the areas outlined by heavy lines on the following maps. (1994-0540) (425-93)

Technical amendment is required to remove the word "and".

COMMENTS

Study Framework and Community Consultation

The study consisted of significant community consultation and a review of existing uses, built-form, physical context, heritage, and Official Plan policies, to determine if changes should be made to the current planning framework. Following approval by Council in 2012, the study process was initiated in May, 2013 with the hiring of a consultant team, and the consultant final report submitted in February, 2014. The study team was led by DTAH and included consultants that focused on the following four key subject areas: Built Form, Land Use Planning, Heritage, and Public Realm Design. A Transportation Working Group, including representatives from Transportation Planning, Cycling Infrastructure, Toronto Transit Commission, and the Public Realm Section was established to provide input and comment to the study.

The consultant study was carried out over three phases and included two invited stakeholder meetings comprised of residents, BIAs and other community groups; two broader public meetings; and one design charrette. The first phase ("Understand Bathurst Street") was carried out in May and June and the second phase ("Generate, Test and Confirm Ideas") was undertaken from June to October. The third phase ("Synthesis and Final Report") was undertaken from October to December. All of the engagement activities were well attended and represented a broad cross-section of the community and are fully documented in the consultant's report. In addition the local councillors led the Bloor and Bathurst Four Corners Visioning session on October 5, 2013.

Concurrently JC Williams Group was hired to conduct a Retail Study to review the existing zoning permissions for retail and service uses on Bathurst Street, as well as these same provisions which apply to the former City of Toronto, and to advise on any changes to the retail and service provisions. The provisions are contained in Sections 8(1)(f)(b)(iv) and 9(1)(f)(b)(iv) and (xi) and Section 12(2) 270(a) of By-law 438-86. These sections regulate the total gross floor area (GFA) of retail and service use permitted on a property, their density, and when permitted by the as-of-right GFA and density limit, and sets a maximum of 8,000 square metres for a single retail use.

The consultant reports are available at:
<http://www.toronto.ca/planning/bathurst.htm>

City Planning held a stakeholder meeting in the winter of 2014 (February 26, 2014) and a broader community meeting on March 3, 2014 to review the consultants' recommendations for land use, public realm, heritage, built form, retail and service uses. On May 26, 2014 City Planning held a final community consultation meeting to review the proposed direction proposed Site and Area Specific Official Plan Amendment direction and the draft zoning by-law amendment.

Community input was also received through a comprehensive consumer satisfaction survey that was undertaken by JC Williams as part of the Retail Study to capture consumers' attitudes and behaviours related to traditional pedestrian shopping areas. The survey was delivered to residents who live between the Humber River and Yonge Street and from St. Clair Avenue West to Lake Ontario. There were 368 respondents. They were asked specific questions about pedestrian shopping areas in the west end of Toronto that they had visited. If respondents had visited specific districts including Little Italy, Kensington Market, Dufferin Mall, and The Stockyards, they were given further questions on visitation, changing shopping patterns, attitudes, and shopping district ratings.

Community Consultation

The local community provided substantial input and feedback into the study, with up to 200 people at community meetings. Consultation has been a major contributor in shaping the proposed area-specific Official Plan policy. In addition, Economic Development and Legal Services have provided comments that have informed the proposed policy.

The following key messages emerged from the community discussions:

1. Bathurst is eclectic and maintaining this eclecticism is important to the vision for the street. Bathurst Street contains many different communities, places of interest, and destinations, and many participants felt that this was one of the street's most valuable assets. Most participants expressed a vision for Bathurst Street as a collection of villages or nodes, while others felt that each individual property and place expressed a distinct character.
2. Most participants felt that new development should respect the low-scale, fine-grained context of Bathurst Street. Citing concerns about the proposed heights, scale of uses, and urban design of recent development proposals for Bathurst Street, participants felt that the vision for the street should respect and take cues from the existing context. Many participants also identified the small-scale and independent retail as an important part of the street's character and were concerned with the as-of-right gross floor area permitted for single retail use.
3. Most participants identified an increase in green spaces, wider sidewalks, greenery and landscaping as priority public realm improvements.
4. Most participants identified the heritage character of the streets as important, character-defining elements of the Street.
5. The most contentious issue was the proposed height of 20 metres on the west side of Bathurst Street, between College Street and Dundas Street. This issued stemmed largely from the size of retail (12,000 square metres) originally proposed in the application for 410-446 Bathurst Street (the former Kromer Radio site) and the proximity of this portion of the street to Kensington Market.

These community comments have been fully considered in the policy direction for the street.

Site and Area Specific Policy for Bathurst Street

The City Council direction for the planning study called for the review of the existing planning framework and, if necessary, recommendations for changes to that framework.

This section describes the proposed direction for the area-specific Official Plan policy. The direction is based on the Bathurst Built Form and Land Use Study, existing policy framework, the physical characteristics and context of the study area, comments from the community, and feedback from other City departments.

The preamble below describes the overall intent of the draft policy. The policy direction reflects community comments to "preserve" the character of street, including existing uses, heritage, and built-form (in terms of architecture, size, height, and articulation). Any new development will build upon and be compatible with the existing residential and pedestrian shopping areas character. This will allow the continued organic evolution of the street in accordance with the area-specific policy.

Preamble

The following policies are intended to reinforce the existing character and function of Bathurst Street, respect and conserve the heritage, ensure an appropriate transition between new development and existing dwellings and uses in adjacent *Neighbourhoods*, and to support pedestrian shopping areas. This area-specific policy establishes a planned context for each character area on Bathurst Street by recognizing and providing for its distinct identity and allowing for a generally modest built-form scale that is consistent with the prevailing local, fine grain, low scale character of Bathurst Street.

Corridor-Wide Policies

The "corridor-wide" policies apply to Bathurst Street from Dupont to Queen Street West, whereas policies in each "character area" refer to a specific segment of Bathurst Street. The "corridor-wide" policies include A) General Policies, B) Principles, C) Built Form, D) Heritage, E) Public Realm, and F) Land Use. The following highlights some of the key policy directions.

A) General Policies

- This area is not intended to experience significant intensification.
- Pedestrian shopping areas are identified that front onto Bathurst Street and are designated as Mixed Use. These have a fine grain of pedestrian-oriented commercial, retail or service uses on the ground floor with residential, retail, office or service uses above.
- Policy will reinforce the existing character and function of the street, to respect the cultural and built heritage, to ensure an appropriate transition between new development and existing dwellings in adjacent Neighbourhood Areas; and to ensure that any new development fits within the context of the existing Neighbourhood Area and pedestrian shopping area built form character on both sides of Bathurst Street.
- Official Plan policies for locations that are designated as Mixed Use and/or are located in the Downtown and Central Waterfront or on an Avenue can be interpreted to be intensification areas; however, the new Bathurst Study area-specific policies will moderate general intensification of the corridor.

B) Principles

The corridor-wide policies implement a vision for Bathurst Street according to the following principles:

- Area-Appropriate Built Form and Use
- Reinforce the Existing Scale and Character
- Heritage Conservation
- Improve the Public Realm

The principles establish a vision for Bathurst Street that generally maintains the existing fine-grained and low-scale character of the street and identifies heritage conservation and public realm improvements as priorities. New development is directed to appropriate locations at the intersections with Dupont Street and with the *Avenues* of Bloor Street, College Street, and Dundas Street West and to a portion of the west side of the street between College Street and Dundas Street West where the lot size is generally larger than other parts of Bathurst Street.

C) Land Use

The proposed policy will remove the *Avenue* overlay north of Bloor Street in order to make it clear that Bathurst Street is not an area of intensification.

North of Bloor Street West, where the west side of the street is an *Avenue* and the east side is a *Neighbourhood* in the *Downtown*, the Urban Structure framework has the potential to result in built form and land uses which are inconsistent on opposite sides of the street.

Character Areas within Neighbourhood Areas

Development within *Character Areas* designated as *Neighbourhood Areas* will reinforce the existing fine grain character of low scale buildings and narrow frontages at the street edge and will be compatible with the low scale character and form of existing buildings in the surrounding *Neighbourhood Areas*. While the prevailing house form character is an important defining feature that will be maintained, the Official Plan policy for *Neighbourhood Areas* permits interspersed walk-up apartments of up to four storeys. The prevailing character within each character area will determine the appropriate built form of new residential development.

The intent of the policy above is to maintain the existing residential character within *Neighbourhood Areas*

Character Areas within Mixed Use Areas

The intent of the policies below is to support and reinforce pedestrian shopping areas. *Mixed Use Areas* are intended to be pedestrian shopping areas and new development will support this objective to ensure that they:

- Are economically viable;
- Are centres of community activity that are safe and comfortable for pedestrians
- Meet the shopping and service needs of the local community, particularly convenience needs
- Provide local opportunities for small businesses
- Policies will limit the size of retail so as to protect nearby shopping areas and require retail impact assessment studies to be completed for retail projects which may be larger than the Zoning By-law permission.

D) Built Form

The intent of the policy below is to respect the existing fine grain rhythm of architectural treatment and articulation that reflects the historic lot pattern characterized generally by narrow frontages and the built form characterized generally by a pedestrian-oriented, human scale:

- New development will respect the existing uses, scale and fine-grained character of the existing parcels, buildings and facades.
- The frontage width for each house or residential unit located on the ground floor will be set out in the zoning by-law of generally between 4.2 and 12 metres depending on the prevailing character within the Character Area.
- New development will provide an appropriate front, rear and side transition towards existing buildings and towards the street in conformity with the following built form criteria:
 - a minimum front yard setback that will implement the public realm policies;
 - a minimum rear yard setback of generally 7.5 metres, measured from the lot line of the nearest property designated Neighbourhoods;
 - a minimum rear yard angular plane in compliance with the Avenues and Mid-Rise Guidelines;

New development in Mixed Use Areas will:

- Adopt a fine grain, pedestrian shopping area built form and will be designed to reflect Bathurst Street's rhythm of narrow frontages and multiple retail units;
- Contain a fine grain of uses on the ground floor that is characterized by a rhythm of narrow bays of generally between 4 and 6.5 metres wide.

E) Heritage

The heritage policy is intended to result in the evaluation of important parts of the City's nineteenth to mid-twentieth century cultural heritage resources for listing or designation and conservation consistent with established heritage policies. This includes properties currently listed on the City of Toronto Heritage Register and designated under the Ontario Heritage Act, potential heritage properties on Bathurst Street that require further study for listing or designation, Alexandra Park, and the area on Markham Street between Bloor and Lennox Streets, known as Mirvish Village, which qualifies for a Heritage Conservation District (HCD) Study:

- Heritage properties will be conserved in accordance with the Standard and Guidelines for the Conservation of Historic Places in Canada.
- The heritage policies in the Official Plan continue to apply. This includes but is not limited to:
 - a. Development and alterations will respect, conserve and maintain the integrity of the existing and potential cultural heritage properties and be of a scale, form, material and character that supports and complements these resources.
 - b. Heritage Impact Assessments will be required for development applications that affect existing and potential heritage properties within this policy area.
 - c. Properties identified as having the potential to contain cultural heritage value or interest will be evaluated and conserved as appropriate, either by the City or through the planning process.

F) Public Realm

The policy is intended to result in streetscape improvements in the public rights-of-way and adjacent private lands to create a comfortable pedestrian environment:

- Boulevard width standards and set back dimensions will be set out in the implementing Zoning By-law to achieve:
 - a. New buildings will be setback to create wider sidewalks.
 - b. In new pedestrian shopping areas and where possible elsewhere on Bathurst Street, development setbacks and boulevard standards will accommodate new street furniture, bicycle parking and tree planting.

Character Areas

The proposed Official Plan direction for Bathurst Street creates 8 character areas, the boundaries of which are based on existing patterns of land use and built form and on the future vision for Bathurst Street (Attachment 3). The Character Area policies are to be read and interpreted together with the corridor-wide policies.

The character areas are generally comprised of a) pedestrian shopping areas which are characterized by fine grain, pedestrian-oriented, mixed commercial-residential buildings, and b) substantially residential areas. The pedestrian shopping areas correspond in the most part with the *Mixed Use* land use designation in the Official Plan and the residential areas correspond

generally with the *Neighbourhoods* designation in the Official Plan. Most of the pedestrian shopping areas occur at the intersections with Dupont Street, Bloor Street West, College Street, Dundas Street West and Queen Street West, as well as along the west side of Bathurst Street, between Bloor Street West and Lennox Street, College Street to just south of Dundas Street West, and from Robinson Street to Wolseley Street.

The character areas from north to south are:

Bathurst-Dupont

Dupont Street defines the northern limit of the study area. The north side of Dupont Street is designated as an *Employment Area* in the Official Plan and therefore exhibits a contextual and built form character that is different from the rest of Bathurst Street. This portion of Dupont Street is not included in the character area because it is part of the Dupont Study, which will be reported on separately.

South of Dupont Street this character area is made up of mostly narrow lots and a regular pattern of 2-to-3 storey buildings on both sides of the street which are typical to Bathurst Street. The buildings are predominately narrow, and typically contain residential uses above a commercial ground floor, making them largely consistent in character and scale to Toronto's traditional pedestrian shopping areas. The ground floor building frontage is generally in the order of 6 metres wide. Rear lanes are either absent (east side) or incomplete (west side).

To maintain the fine-grain pedestrian shopping area of Bathurst-Dupont, the maximum building height will generally be 16 metres (5 storeys) and the building will step back at a height of generally 10 metres (3 storeys) to create a streetwall height that is consistent with the existing conditions.

West Annex – Seaton Village

The east side of the street (*West Annex Neighbourhood*) is characterized by 2.5 storey residential buildings of brick construction, with small front yards that in many cases serve as driveways. Typical ground floor frontages are between 4.5 and 6 metres. Along with sections of the Bathurst-Dupont Character Area south of Dupont, this is one of the only sections of the study area lacking a rear lane.

The west side of the street (Seaton Village pedestrian shopping area) is similar in built form to the south section of Bathurst-Dupont Character Area and often contains a mix of residential and commercial uses within buildings. However, the presence of ground floor commercial uses is less consistent than Bathurst-Dupont, the streetwall is more varied, heights are typically between 2 and 3 storeys, and occasional apartment buildings and 2.5 storey house form buildings intersperse with mixed-use buildings.

On the west side, the eclectic mix of uses and building types are a defining feature of this side of the street and should be maintained. The maximum building height will generally be 13 metres (4 storeys) and the building will step back at a height of generally 10 metres (3 storeys) to create a streetwall height that is consistent with a fine grain pedestrian shopping area.

The east side of the street will continue to be a primarily residential *Neighbourhood Area* which may evolve over time through the incremental addition of local, grade-related retail, service and commercial uses. The maximum building height will generally be 12 metres (4 storeys) which creates a consistency with scale on the east side of the street.

Bathurst -Bloor

This area is an eclectic character area characterized by a variety of mixed use buildings, medical offices, and the TTC station. Buildings at the intersection of Bathurst Street and Bloor Street West are 2 to 3 storeys in height. The large retail store (Honest Ed's) on the south west corner has evolved over time to introduce individual storefronts on the Bloor and Bathurst Frontages that is generally consistent with a fine grain traditional pedestrian shopping area character, and the signage on the building is considered by many residents to be a landmark. This character area is also the site of a new 9-storey condominium south of Bloor Street on the east side.

The opportunity to define this area's full potential requires further study. The proposed area-specific study for the Bathurst-Bloor four corners area will define the vision for the area. Among other key approaches, new development will incorporate active ground floor uses and provide public amenities to animate and enrich the pedestrian realm on Bloor Street and on Bathurst Street. New development will reinforce the existing pedestrian shopping areas.

Palmerston-Harbord

This area is a stable *Neighbourhood* with narrow lots and rear lanes, characterized by 2.5 storey residential properties constructed between 1880 and 1919 and three major institutional facilities – Central Technical School, King Edward School and the former Methodist Church. The strong and consistent residential *Neighbourhood* character defined by narrow lots of generally between 5 and 8.5 metres wide and residential house-form character are important and defining elements of Palmerston-Harbord.

The residential house-form character is an important and defining element of this *Character Area* that will be maintained. The lands at 720-736 Bathurst Street will be re-designated from *Neighbourhood Area* to *Mixed Use Area* in order to reflect the current land use; however, redevelopment of these properties is not contemplated. The maximum building height will generally be 12 metres (4 storeys).

Bathurst - College

This area is characterized by "Little Italy" and generally reflects the character of College Street. The church on the north-west corner has been converted into residential uses (at a height of 24 metres, which reflects the wider 30 metre right-of-way width on College Street). Low-scale commercial buildings are located on the east side of the intersection. The south-west corner is used as a surface parking lot.

This Character Area is an important mixed-use intersection for both College Street and Bathurst Street corridors. New development will incorporate active ground floor uses, improve the public realm, and enhance public amenities to animate and enrich the pedestrian realm. The south-west corner of College and Bathurst Streets is identified as a priority for a new park or open space. The street wall height of generally 16 metres (5 storeys) and height of generally 30 metres (9 storeys) in this Character Area are different from the rest of the Bathurst Street corridor. These heights reflect the 30 metre width of the right-of-way on College Street.

Palmerston-Nassau

Buildings range widely in height, from 1 storey to the 62metres at Toronto Western Hospital. On the west side, existing heights are between 10 and 19 metres and the mid-block contains low-scale former industrial-warehouse buildings with lot sizes that are larger than the rest of the Bathurst Study area. The east side north of Nassau Street contains one block of residential housing defined by narrow lots, a continuous rear lane, and consistent 2 to 3 storey residential-house form buildings including newer townhouses.

The *Neighbourhood Area* is a transition area between the *Mixed Use* character of the west side of Bathurst Street and the adjacent *Neighbourhood Area* to the east. The house form buildings are an important defining character and will be maintained. The maximum building height will generally be 12 metres. The zoning by-law will be amended to expand the list of uses within certain Residential Zones to permit local small-scale retail, service and office uses within the existing house form buildings as-of-right provided these uses are consistent with the *Neighbourhoods* policy.

The east side is envisioned as a new pedestrian shopping area where the maximum building height will generally be 20 metres (6 storeys) and the building will step back at a height of generally 16 metres (5 storeys) to create a streetwall height that is consistent with this vision.

Alexandra Park West

Alexandra Park is located on the east side of this area with 2 to 3 storey residential buildings from the 1880-1919 period on the west side. The strong and consistent residential *Neighbourhood* character defined by narrow lots of generally between 4 and 6.5 metres wide and residential house-form character are important and defining elements of Alexandra Park West.

The strong and consistent residential *Neighbourhood* character will be maintained. New development will respect and respond to Alexandra Park as a significant green space and cultural resource in the City and the maximum building height in will generally be 12 metres (4 storeys).

Bathurst -Queen

This area is characterized by a mixture of 2-3 storey residential and commercial properties built between 1880-1919, with infill development from the post-1960 period. The Queen Street West Heritage Conservation District terminates at the intersection of Bathurst Street.

This Character Area will respond to and conserve existing heritage resources including the Queen Street West Heritage Conservation District, which terminates at Bathurst Street.

Opportunity to create a new park or open space at the TTC turning loop on the east side of Bathurst Street will be pursued. Residential uses will not be permitted on the ground floor of new development in *Mixed Use Areas* and new development will be required to contain active ground floor uses in order to animate the ground floor and to create a consistent Pedestrian Shopping Area condition on both sides of the street. The maximum building height in *Mixed Use Areas* will generally be 16 metres (5 storeys) and the building will step back at a height of generally 10 metres (4 storeys).

The Bathurst-Bloor Area-Specific Study

The Bathurst-Bloor Character Area includes a significant *Mixed Use* intersection for both the Bloor Street West and Bathurst Street corridors and the proposed policies are intended to reinforce the pedestrian shopping areas of both streets. This Character Area is part of the larger area proposed for an area-specific study for the lands generally between Lennox Street, Markham Street, London Street, and Bathurst Street as shown in Attachment 2. The draft policy below is intended to allow for an area-specific study for the Bloor-Bathurst Area Specific Study to be completed by the City prior to any significant new development:

- The area-specific study will include but not be limited to recommendations for public realm improvements, pedestrian and bicycle connections, heritage conservation, location of a new park and/or open space, relationship of the transit station with its surrounding context, built form, and land use, active ground floor uses, and public amenities to animate and enrich the pedestrian realm on Bloor Street and on Bathurst Street.
- The area-specific study will include a Heritage Conservation District Study for Markham Village.
- Proposals for buildings taller than 6 storeys or with heights that are greater than the width of the right-of-way, or with a streetwall height that is greater than 16 metres (5 storeys) will only be assessed after the area-specific study is complete in order to determine whether increased height is appropriate.

Changes to retail and service permissions

Pedestrian shopping areas are *Mixed Use*, walking-scale retail strips where the ground floor contains storefronts within a rhythm of narrow frontages and the storeys above contain residential or non-residential uses.

As the Study has progressed, the research has shown that the street is primarily composed of small lots with narrow retail frontages that are typically not more than 12 metres wide on Bathurst Street. Existing commercial-retail properties which front onto Bathurst Street are generally small scale: 78% are 400 square metres or less on the ground floor.

In the context of the Bathurst Study, pedestrian shopping areas exist in all or a portion of the following Character Areas:

Bathurst-Dupont
West Annex – Seaton Village
Bathurst -Bloor
Bathurst-College
Palmerston – Nassau
Bathurst - Queen Street

Official Plan Policy Direction

The proposed Site and Area Specific Policy includes additional provisions to regulate retail use on Bathurst Street such as limits on the amount of new retail space and individual stores in order to support vital and viable pedestrian shopping areas and to ensure that retail uses are compatible with the character of Bathurst Street.

In addition, the draft policy provides a series of considerations with which to assess a proposal for an increase to the proposed zoning by-law limits on additional retail space and the size of a single store. The assessment will address:

- The potential impacts on the vitality and viability of the "pedestrian shopping areas", generally within a ten minute walk or a 500 metre radius from the site.
- The benefits of healthy competition in the commercial retail sector in the impacted areas,
- The gradual evolution of the commercial-retail structure and character of the impacted areas.
- Demographic and socio-economic change in the local community;
- Trends in consumer behaviour, retail formats and retail real estate development; and
- The potential benefits of retail development including:
 - Provision of job opportunities for community residents,
 - Its ability to attract other stores to support a viable and healthy local retail sector.

Zoning By-Law Amendment

In order to support vital and viable main street shopping areas, zoning regulations may limit the amount of new commercial retail floorspace and the size of individual establishments in areas in or near pedestrian shopping areas. The existing zoning provides for an additional 1,800 square metres of retail commercial space to a store or on a lot that existing in 1993 as long as it does not exceed the density limits. Permission for large single stores of up to 8,000 square metres is provided as-of-right within the density limit.

The detailed Retail Study undertaken by the City's consultants reviewed the existing Zoning By-law permissions and concluded that though in principle, they were supportable, the 8,000 square metre permission for a single retail unit has the potential to have a negative effect on nearby shopping streets and smaller scale retailers. As a result, staff is recommending changes to the Zoning By-law as outlined below.

The proposed by-law retains the existing provision for an additional 1,800 square metres of retail commercial GFA to allow relatively small scale incremental additions to the retail fabric. The proposed by-law reduces the maximum permitted size of a single retail unit from 8,000 to 3,500 square metres provided that the proposal does not exceed the density permissions for non-residential uses. Proposed stores larger than 3,500 square metres will require submission of a full assessment of their impacts.

Example of how the new zoning by-law will be used to assess a development application:

- A 200 square metre lot has a non-residential density limit of 2.0 times the area of the lot, or 400 square metres.
- In 2014, the lot has a retail use of 100 square metres.
- Any increase above an additional 300 square metres of retail requires relief from the non-residential density limit in the zoning by-law. This application would proceed as either a minor variance or a rezoning application depending on the scale of the increase proposed.
- An additional 1,800 square metres is not permitted as-of-right because this amount exceeds the non-residential density of 400 square metres. A rezoning application is required for an additional 1,800 square metres. A retail impact analysis is not required.
- A single store over 3,500 square metres requires relief from the non-residential density limit. It also requires separate relief from the limit of 3,500 square metres of retail for a single store. A retail impact analysis would be required as part of the assessment of such a proposal.

In addition to the above, the proposed zoning by-law amendment introduces a maximum retail frontage of 12 metres wide per retail use on the ground floor in order to ensure that the fine grain character of Bathurst Street is maintained. This restriction allows for the retail use to expand above the ground floor, and when the lot depth is sufficient, to expand the ground floor retail at the back of the building provided individual stores of not more than 12 metres wide each front onto Bathurst.

410-446 Bathurst Street

The properties at 410-446 Bathurst Street are excluded from the proposed by-law amendment to Section 12(2)270. An application for site plan and zoning by-law amendment has been appealed by the applicant to the Ontario Municipal Board (OMB) and a settlement offer has been reached. The OMB hearing date has been set for July 15, 2014. It is anticipated that the OMB will order a site-specific zoning-amendment for 410-446 Bathurst Street that will replace the existing zoning permission for the site, including Section 12(2)270. The settlement allows for a single retail store of 4,200 square metres located on the second floor. The size of retail is based on the analysis of an independent review by JC Williams Consulting of the retail proposal for the site which concluded that the scale of retail could be supported at the subject site.

The City Council decision on the application can be found at:

<http://www.toronto.ca/legdocs/mmis/2014/te/bgrd/backgroundfile-67107.pdf>

CONCLUSION

The policy direction outlined in this report lays the foundation for a site and area specific policy that will be recommended by staff at the August 12, 2014 Community Council meeting. The proposed Zoning By-Law Amendment to regulate retail and service uses on Bathurst Street reflects the new vision for pedestrians shopping areas on Bathurst Street and removes the Interim Control By-Law from the street. The proposed area-specific study for the Bloor-Bathurst will allow for a plan in advance of significant development, including a review of heritage resources.

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SIGNATURE

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Toronto and East York District

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ATTACHMENTS

Attachment 1: Draft Zoning By-law Amendment
Attachment 2: Bathurst-Bloor Area-Specific Study
Attachment 3: Character Areas

Attachment 1: Draft Zoning By-Law Amendment

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To amend Zoning By-law No. 438-86, as amended,

With respect to the lands generally bounded by Queen Street West to the south and Dupont Street to the north, municipally known in 2014 as 1100 to 194 Bathurst Street on the west side, 1095 to 179 Bathurst Street on the east side, 451 to 449 Dupont Street, 1A Vermont Ave, 1A and 2A Olive Ave, 2, 2A, 2B and 3 Follis Ave, 10 to 18 Barton Ave on the north side and 15 to 33 on the south side, 2 to 10 London Street on the north side and 1 to 9 London Street on the south side, 520 to 566 Bloor Street West on the north side and 559 to 605 Bloor Street West on the south side, 25 and 28 Lennox Street, 203 to 215 Harbord Street, 89 and 104 Ulster Street, 440 to 460 College Street on the north side and 429 to 455 College Street on the south side, 750 to 752 Dundas Street West on the north side and 707 to 757 Dundas Street West on the south side, 2 Robinson Street, 107 and 109 Wolseley Street, 576 to 592 Queen Street West on the north side and 648 to 592 Queen Street West on the south side as detailed on Maps 1, 2 and 3 attached to this By-law.

WHEREAS authority is given to Council by Section 34 [Section 39 for Temporary Use By-law] of 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 HEREBY ENACTS as follows:

1. Section 12(2)270(a) of By-law 438-86 is amended to by adding to the introductory paragraph the phrase "other than those lands identified in (c) below," so that it reads:

270. (a) No person shall, "other than those lands identified in (c) below," on any *lot* in any CR, MCR, RA, I or IC district, erect or use any building or construct an addition to an existing building, for any purpose permitted in sections 8(1)(f)(b)(iv) or 9(1)(f)(b)(iv) and (xi), where the total *non-residential gross floor area* used for such purpose is: (1994-0532) (1994-0540) (1996-0238)

2. Section 12(2)270(c) is amended by removing the word "Reserved" and adding:

(c) With the exception of those lands known municipally as 410-446 Bathurst Street in the year 2014, no person shall, within the area outlined by the heavy lines on Maps 1, 2 and 3 at the end of this exception, on any lot in any CR, MCR, RA, I or IC district erect or use any building or construct an addition to an existing building, for any purpose permitted in sections 8(1)(f)(b)(iv)

and 9(1)(f)(b)(iv) and (xi), where the total *non-residential gross floor area* used for such purpose is

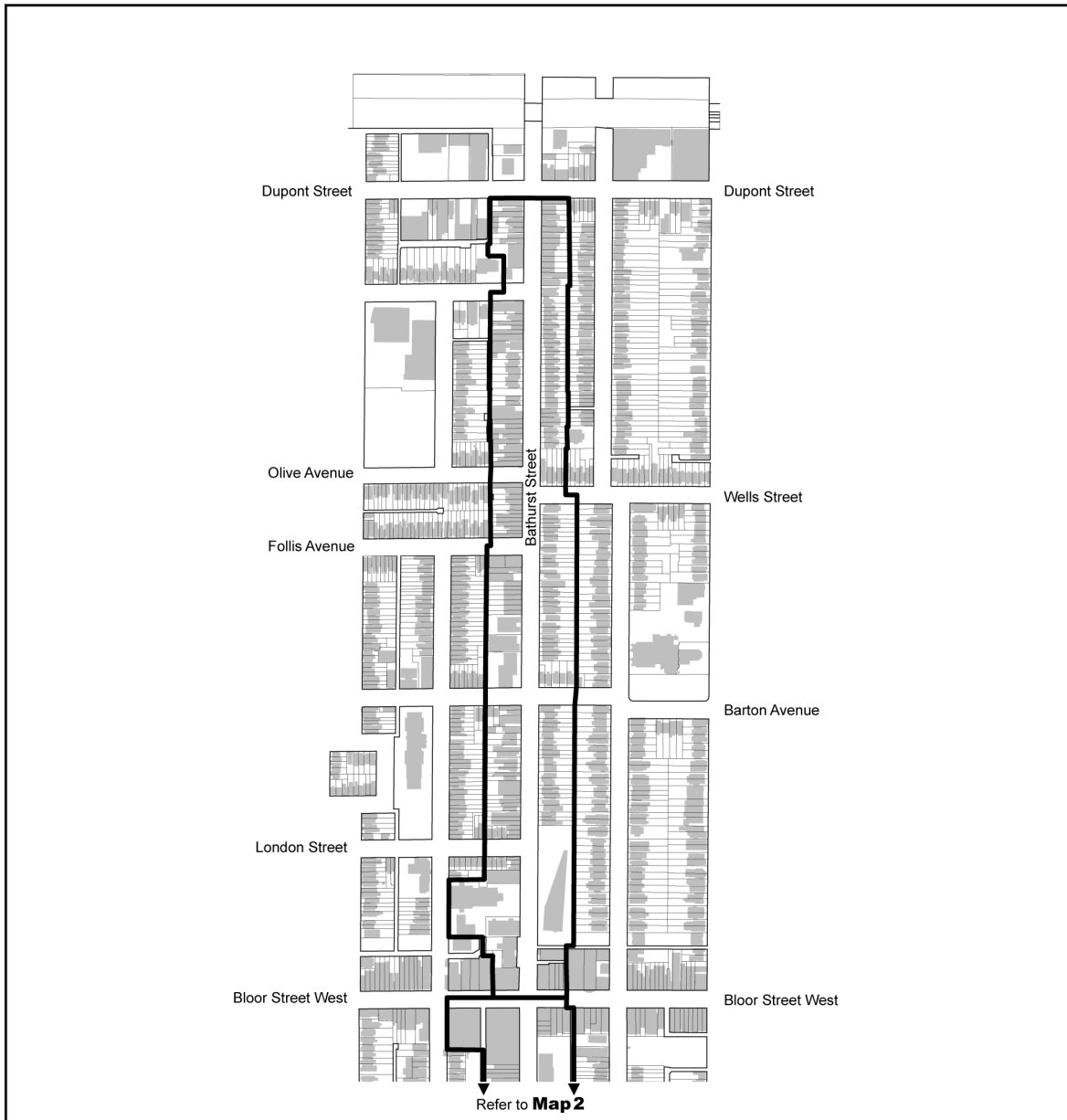
- i. greater than the amount which existed on the lot on July [date of enactment] 2014, plus an additional 1,800 square metres; and
- ii. provided the total non-residential gross floor area in (i) is not greater than the amount permitted on the lot by sections 8(3) PART I 2 and 9 (3) PART I 2 and 3; and
- iii. provided no single retail or service use exceed a *non-residential gross floor area* of 3,500 square metres; and
- iv. provided no single retail or service use on the ground floor exceed a width of 12 metres of the lot line on Bathurst Street.

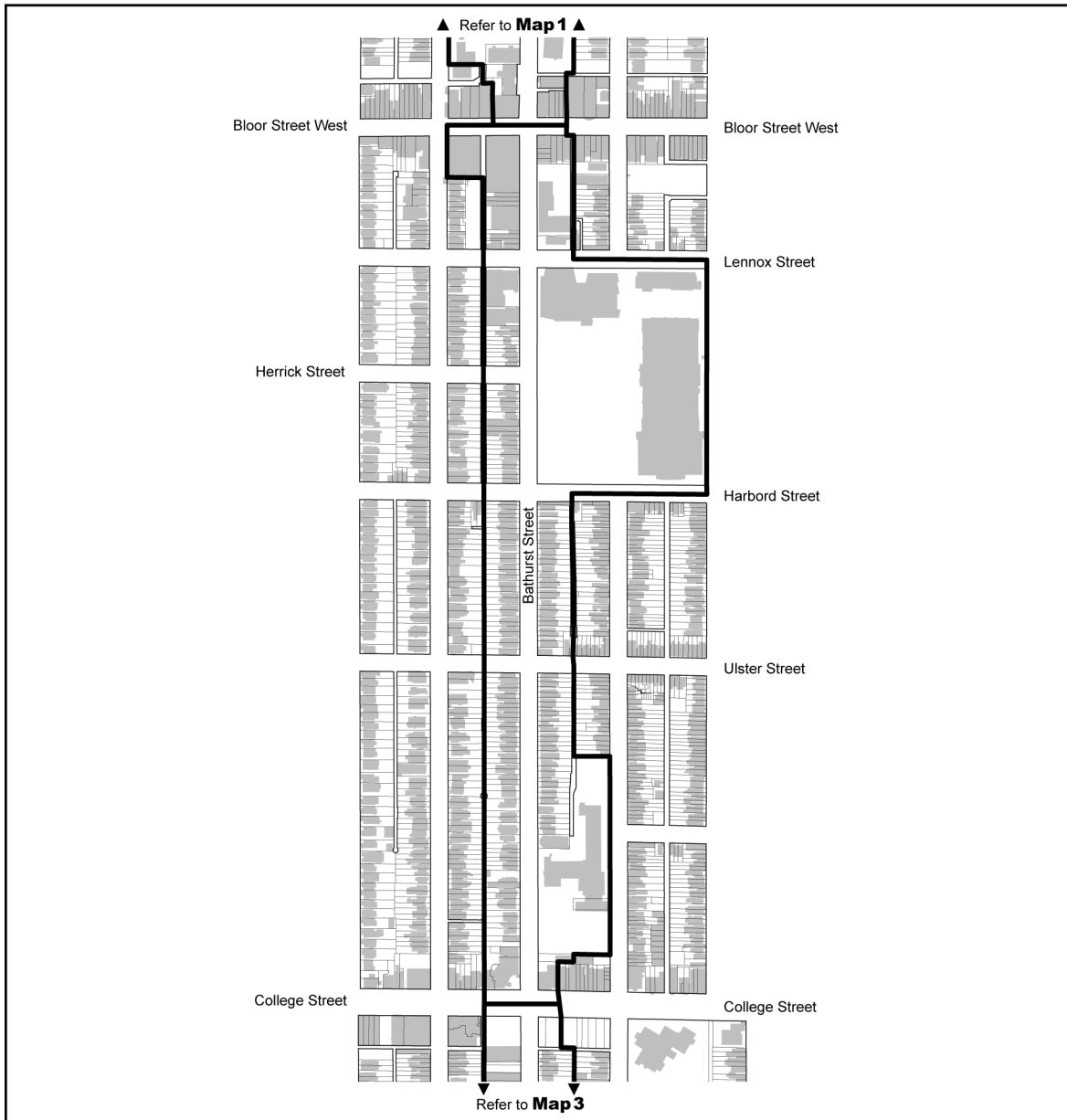
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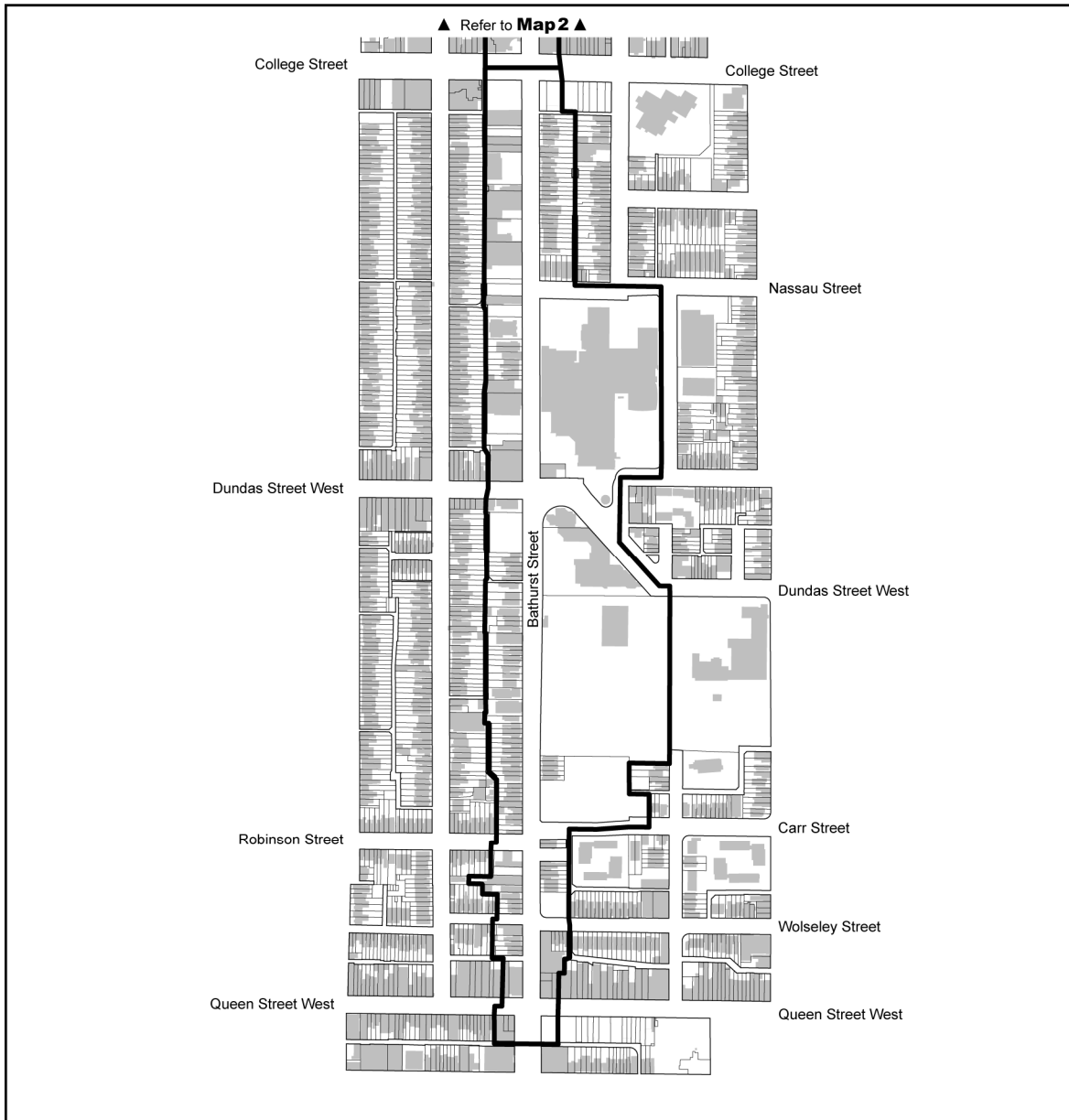
ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

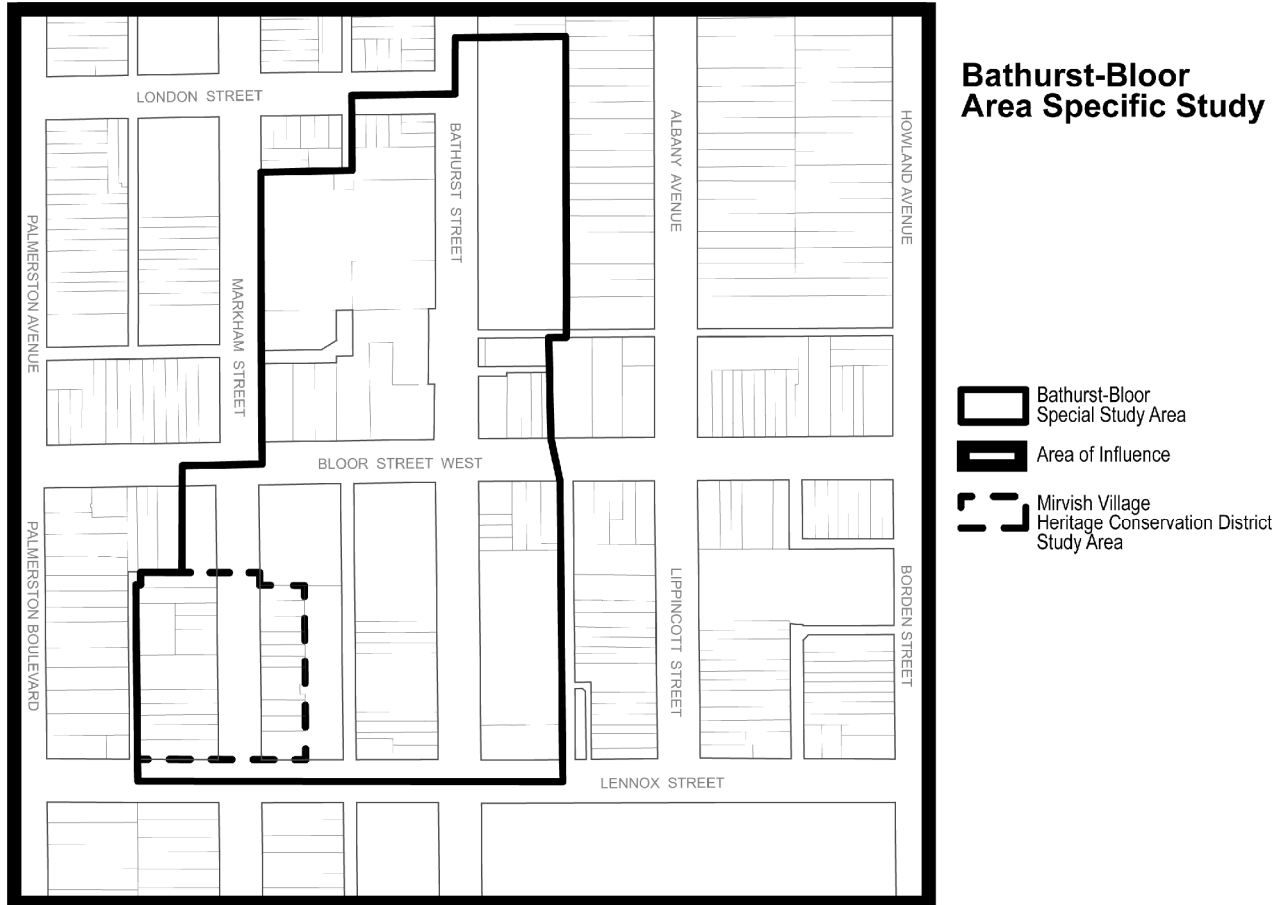
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Attachment 2: Bathurst-Bloor Area-Specific Study



Attachment 3: Character Areas

