

**1637-1645 Bathurst Street - Zoning Amendment
Application - Preliminary Report**

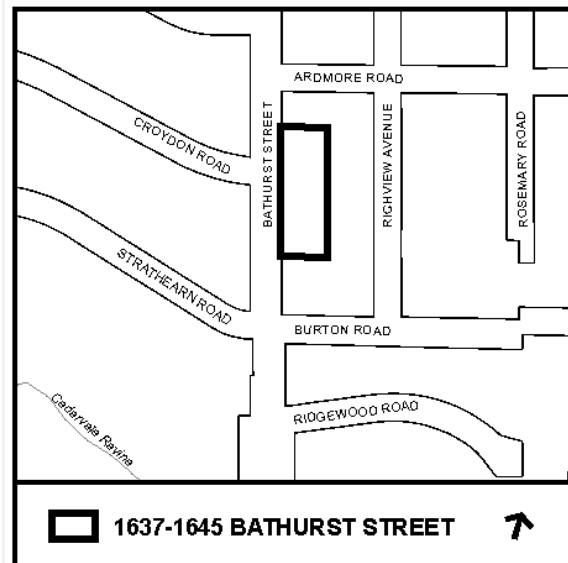
Date:	April 16, 2018
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 21 – St. Paul's
Reference Number:	18 115438 STE 21 OZ

SUMMARY

This application proposes to demolish five existing residential rental buildings containing 25 units and construct a new 4-storey apartment building (15.4 metres, excluding mechanical penthouse) with 67 units at 1637-1645 Bathurst Street. The proposed development includes 102 vehicular parking spaces. The site is subject to the rental housing provisions in Section 111 of the *City of Toronto Act*. A Rental Housing Demolition & Conversion application is required, however, one has not been submitted.

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

A community consultation meeting is anticipated to be held in the second quarter of 2018. A final report is targeted for the second quarter of 2019, assuming the applicant provides all required information in a timely manner.



RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 1637-1645 Bathurst Street together with the Ward Councillor.
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 of the *Planning Act*.

Financial Impact

The recommendations in this report have no financial impact.

Pre-Application Consultation

Pre-application consultation meetings were held on May 25, 2017 and March 8, 2018 with the applicant to discuss the proposal and complete application submission requirements. Preliminary issues identified during the meetings included the proposed location and design of the parking area; building length, setbacks and stepbacks; rental housing demolition and replacement; and the height and number of storeys at the north end of the building.

ISSUE BACKGROUND

Proposal

This application proposes to demolish five existing rental buildings and construct a new 4-storey rental apartment building (18.65 metres, including mechanical penthouse) with a total of 67 rental units within 8,190 square metres of gross floor area. The overall proposed density is 1.97 times the area of the lot (See Attachment No. 7: Application Data Sheet). There are currently 25 rental units on the site which would be demolished and replaced in the proposal.

There is a retaining wall along the sidewalk on the east side of Bathurst Street and the grade of the subject property is elevated from the existing sidewalk. There is also a substantial grade change on the site, with the topography generally sloping down from south to north. The existing retaining wall, sidewalk and relationship with Bathurst Street is proposed to be maintained. At the north end of the property, the building is effectively five storeys in height due to the grade change. This part of the building includes six 2-storey, grade-related townhouse style units with separate entrances fronting onto Bathurst Street.

Access to parking and servicing is provided at the existing driveway location off Bathurst Street, with a drive aisle which runs through the building and connects to an existing, shared private driveway at the rear of the property (See Attachment No. 2: Ground Floor Plan). The proposal includes 86 resident parking spaces in a stacker parking system and one Type-G loading space. The parking stackers and servicing area are located within the building on the south portion of the site where the natural grade is the highest. There are 64 resident bicycle parking spaces located in a room adjacent to the parking stackers, and 8 visitor bicycle parking spaces at the front of the building on the north end of the site.

A rear yard setback of 9.78 metres is provided from the east lot line. Half of the existing shared private driveway which terminates in a cul-de-sac is located within this setback, and is proposed to be maintained and resurfaced. The driveway provides access to the underground parking garage and loading space, and 16 visitor and accessible surface parking spaces located at the rear of the building.

The residential unit mix for the application is summarized below.

Type of Residential Unit	Number	Percentage
1 Bedroom	9	13%
2 Bedroom	22	33%
3 Bedroom	36	54%
Total:	67	100%

The proposal includes 119 square metres of indoor amenity space on the second floor. The applicant will determine the programming of the space through further consultation with tenants of the existing buildings. A total of 131 square metres of outdoor amenity space is proposed on two terraces. One is located at the fourth floor and the second is contiguous to the proposed indoor amenity area on the second floor.

Site and Surrounding Area

The site is located on the east side of Bathurst Street, midblock between Ardmore Road and Burton Road. The property is rectangular in shape, has a total lot area of 4,161 square metres, a frontage of 106 metres along Bathurst Street and a depth of 39 metres.

The property is elevated from the existing sidewalk along Bathurst Street with a retaining wall. A number of large, mature trees at the top of the retaining wall obscure the view of the existing buildings from the sidewalk. There is a substantial grade change of approximately 5.5 metres, with the property sloping down from south to north.

The site is currently occupied by five 3-storey rental apartment buildings (known municipally as 1637, 1639, 1641, 1643 and 1645 Bathurst Street) with 25 rental dwelling units. The rental units have the following bedroom type and rent classifications:

Existing Rental Unit Bedroom Type	Number of Units	Rent category	Number of Units
One-bedroom	1	Mid-range rents	1
Two-bedroom	4	Mid-range rents	2
		High-end rents	2
Three-bedroom	20	Affordable rents	1
		Mid-range rents	11
		High-end rents	8

(Source: Housing Issues Report Appendix A)

The buildings share a private driveway (with access from Bathurst Street) and a rear parking area. The driveway at the rear of the site terminates in a cul-de-sac and extends beyond the east property line onto the adjacent properties to the east. The right-of-way access is subject to an easement agreement.

The site is surrounded by the following uses:

North: To the immediate north is a 2-storey building (1647 Bathurst Street) containing four residential units. North of Ardmore Road are 2- and 3- storey walk-up apartment buildings on the east side of Bathurst Street. Northwest of the site are a number of walk-up apartment buildings ranging from 3 to 6-storeys in height and two synagogues.

South: To the immediate south are 3-storey residential buildings and Ridgewood Parkette on the south side of Burton Road, with the Cedarvale Ravine located further south on Bathurst Street.

East: To the immediate east are 2-storey detached dwellings fronting onto Richview Avenue, as part of a low-rise residential neighbourhood.

West: Across from Bathurst Street are 2- to 3-storey residential buildings, as part of a low-rise residential neighbourhood.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (2014) (the "PPS") provides policy direction Province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;

- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing types and affordability to meet projected requirements of current and future residents;
- Recreation, parks and open space;
- Transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The City of Toronto uses the PPS to guide its Official Plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council affecting land use planning matters "shall be consistent with" the PPS. The PPS identifies the Official Plan as the most important vehicle for its implementation.

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and

- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

Like other provincial plans, the Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the *Planning Act* to conform with the Growth Plan.

Staff will review the proposed development application for consistency with the PPS and conformity with the Growth Plan.

Official Plan

The Official Plan designates the site as *Neighbourhoods*, which are considered physically stable areas made of up residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes, and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys. Parks, low scale institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in *Neighbourhoods*.

Section 4.1 of the Official Plan includes policies and development criteria to ensure physical changes to established neighbourhoods are sensitive, gradual and generally "fit" the existing physical character. A key objective for new development is to respect and reinforce the general physical patterns in a *Neighbourhood*.

Policy 4.1.5 in the Official Plan states: "Development in established *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood, including in particular:

- a) patterns of streets, blocks and lanes, parks and public building sites;
- b) size and configuration of lots;
- c) heights, massing, scale and dwelling type of nearby residential properties;
- d) prevailing building type(s);
- e) setbacks of buildings from the street or streets;
- f) prevailing patterns of rear and side yard setbacks and landscaped open space;
- g) continuation of special landscape or built-form features that contribute to the unique physical character of a neighbourhood; and
- h) conservation of heritage buildings, structures and landscapes."

Policy 4.1.7 states that where a more intense form of residential development than that permitted by existing zoning on a major street in a *Neighbourhood* is proposed, the application will be reviewed in accordance with Policy 5, having regard to both the form of development along the street and its relationship to adjacent development in the *Neighbourhood*.

Chapter Three of the Plan identifies that, for the most part, future development will be built on infill and redevelopment sites and will need to fit in, respecting and improving the character of the surrounding area. Section 3.1.2 outlines that new development will be located, organized and massed to fit harmoniously with the existing and/or planned context. Development will limit its impacts on neighbouring properties and the public realm by respecting street proportions, creating appropriate transitions in scale, providing for adequate light and privacy, limiting impacts of servicing and vehicular access on the property and neighbouring properties; and limiting shadow and wind impacts.

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 3.2.1.6 requires that new development that would result in the loss of six or more rental housing units which have affordable or mid-range rents will not be approved unless the following are secured:

- 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;
- for a period of at least 10 years, rents for replacement units will be the rent at first occupancy increased annually by not more than the Provincial Rent Increase Guideline or a similar guideline as Council may approve from time to time; and
- 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.

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment No. 320 on December 10, 2015. OPA 320 strengthens and refines the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods and to allow limited infill on underutilized apartment sites in *Apartment Neighbourhoods*. The Minister of Municipal Affairs modified and approved OPA 320 on July 4, 2016. OPA 320 is currently under appeal in its entirety.

The Official Plan must be read as a whole. Staff will review the proposed development for consistency with the Official Plan with respect to the policies noted above and all other pertinent policies.

Townhouse and Low-Rise Apartment Guidelines

The updated Townhouse and Low-Rise Apartment Guidelines (January 2018) clarify and expand upon the 2003 Council-approved Infill Townhouse Guidelines to address current policy directions and best practices for a broad range of multi-dwelling developments up to four storeys in height. The Guidelines assist in the implementation of Official Plan policies with a focus on preserving and enhancing streetscapes, respecting and reinforcing the prevailing physical character of the surrounding context and mitigating the impact of new development on adjacent properties and the public realm. The Guidelines provide an evaluation framework for site design and built form matters to achieve high quality urban design outcomes for low-rise buildings and grade-related residential units.

The most recent version of the Townhouse and Low-Rise Apartment Guidelines (January 2018) was approved by City Council on March 26, 2018.

Zoning

The site is zoned R(u2; d1.0)(x946) in the City-wide Zoning By-law 569-2013, which permits residential uses including apartment buildings up to a density of 1.0 times the lot area, a maximum of two dwelling units and a maximum height of 10 metres.

Site Plan Control

The proposal is subject to Site Plan Control. An application has not yet been submitted.

Rental Housing Demolition By-law

The proposed development is subject to Section 111 of the *City of Toronto Act, 2006*, which authorizes Council to regulate the demolition and conversion of residential rental properties in the City. Chapter 667 of the City's Municipal Code, the Rental Housing Demolition and Conversion Control By-law, implements Section 111. The By-law prohibits the demolition or conversion of residential rental units in buildings containing six or more residential dwelling units, of which at least one unit is rental, without obtaining a permit from the City and requires a decision by either City Council or the Chief Planner, Executive Director, City Planning Division.

Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. These conditions implement the Official Plan policies protecting rental housing.

Under the City's demolition control by-law, Chapter 363 of the Municipal Code (Section 33 of the *Planning Act*), Council approval is required to demolish dwelling units before the Chief Building Official can issue a demolition permit under the *Building Code Act* if six or more residential dwelling units are proposed to be demolished.

Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion, City Council typically considers both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council under Chapter 667 are not appealable to the Local Planning Appeal Tribunal (LPAT).

The proposed demolition requires approval under both Municipal Code Chapter 667 and Chapter 363 because the application involves at least six residential dwelling units and at least one rental dwelling unit. Municipal Code Section 363-11.1 provides for the coordination of these two processes. The Chief Building Official may issue one demolition permit for the purposes of Section 33 of the *Planning Act* and Chapter 667 of the Municipal Code.

The applicant has not yet made an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code.

Tree Preservation

The application is subject to the City's Private Tree By-law. The applicant's arborist report identifies 10 privately-owned trees which are to be removed to facilitate the proposal. The arborist report and tree preservation plan have been circulated to Urban Forestry for review.

Reasons for the Application

The proposed apartment building is within a residential zone with a maximum permitted density of 1.0 times the area of the lot and a height limit of 10 metres. The proposed density is 1.97 times the area of the lot and, the proposed height is 15.4 metres (18.65 metres including the mechanical penthouse and rooftop access). The proposed density and height exceed the maximums permitted in both Zoning By-law 438-86 and 569-2013. Therefore, a Zoning By-law Amendment is required. Through the review of the application, staff may identify additional areas of non-compliance with the Zoning By-laws.

An application to permit the demolition of 25 residential rental dwelling units is required under Chapter 667 of the Toronto Municipal Code as there are more than 6 dwelling units and at least one of which is a rental dwelling unit.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Architectural Plans and Elevations;
- Landscape Plans
- Geotechnical Investigation Report;
- Stormwater Management and Servicing Report;
- Geohydrological Assessment;
- Traffic Impact Assessment;
- Public Consultation Strategy;
- Planning Rationale;
- Housing Issues Report;
- Arborist Report and Tree Preservation Plan;
- Toronto Green Standards Checklist; and
- Shadow Studies.

The Zoning By-law Amendment application was complete as of February 9, 2018. A Notification of Complete Application was issued on April 9, 2018. A Rental Housing Demolition & Conversion application is required as a part of this proposal. An application has not yet been submitted.

Issues to be Resolved

The proposal will be reviewed with respect to the following issues:

- Conformity with the Official Plan policies and development criteria for *Neighbourhoods*, including consideration of OPA 320;
- Compatibility with the Townhouse and Low-Rise Apartment Guidelines;
- Height, density and massing, particularly in relation to the scale of the building from Bathurst Street at the north end of the site, as well as providing transition to adjacent residential properties;
- Potential shadow impacts and overlook issues onto adjacent residential properties;
- The appropriateness of the proposed size and design of indoor and outdoor amenity space for the building;
- Design and location of the parking and servicing areas;
- Site-grading on the property;
- Appropriateness of the rental replacement size and other rental replacement issues including tenant relocation and assistance;
- Streetscape and pedestrian environment on Bathurst Street, with respect to the existing grading, retaining wall, sidewalk widths, landscaping, building access and safety; and
- Protection of existing private trees.

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

CONTACT

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SIGNATURE

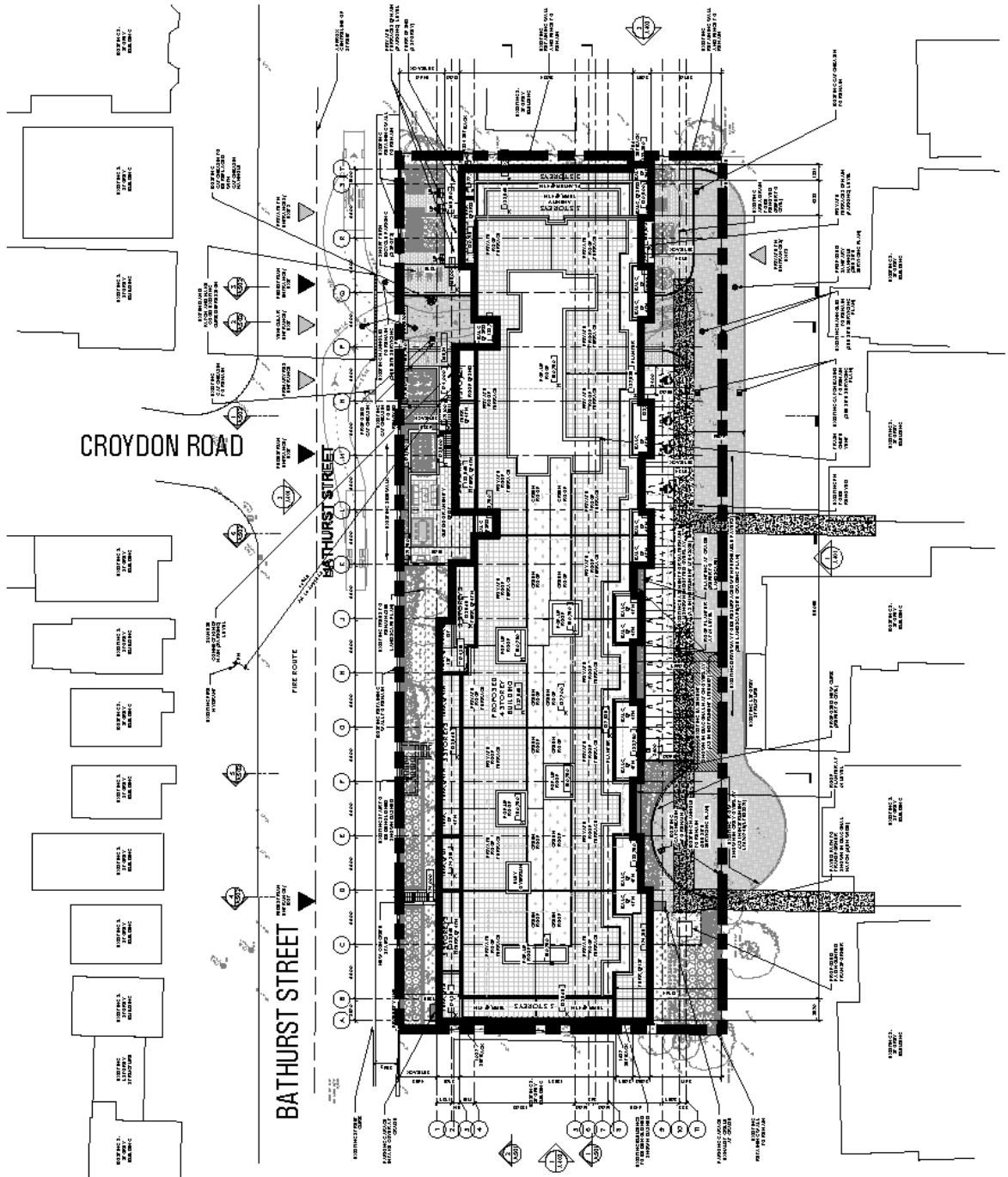
Lynda H. Macdonald
Acting Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Ground Floor Plan
Attachment 3: East and West Elevations
Attachment 4: North and South Elevations
Attachment 5: Zoning
Attachment 6: Official Plan
Attachment 7: Application Data Sheet

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

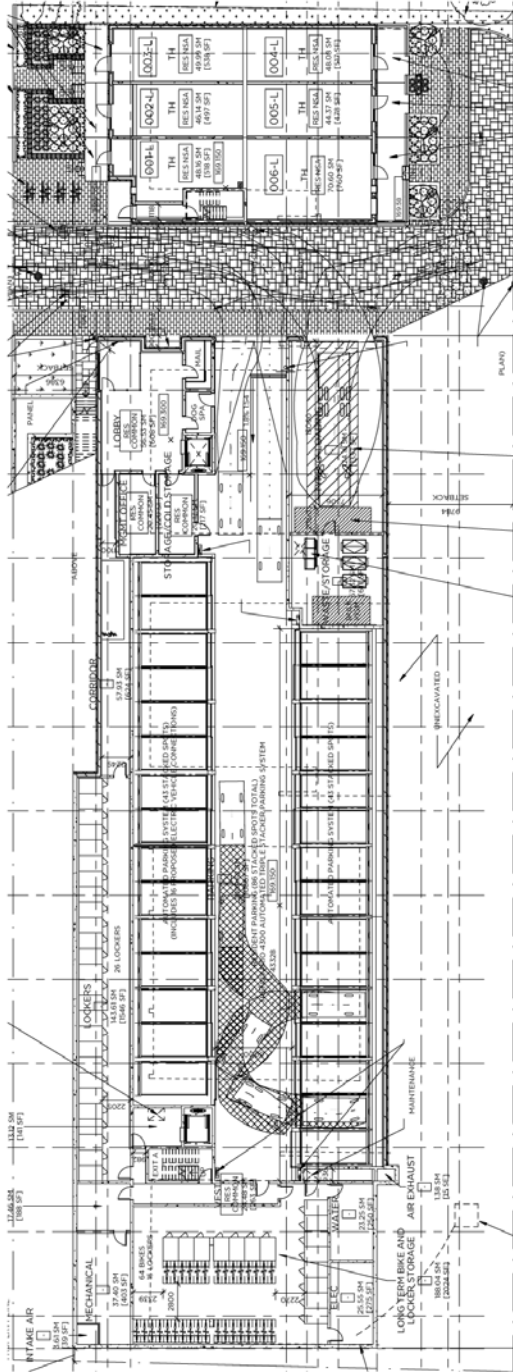
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1637-1645 Bathurst Street

File # 18 115438 STE 21 OZ

Attachment 2: Ground Floor Plan



Ground Floor Plan

Applicant's Submitted Drawing

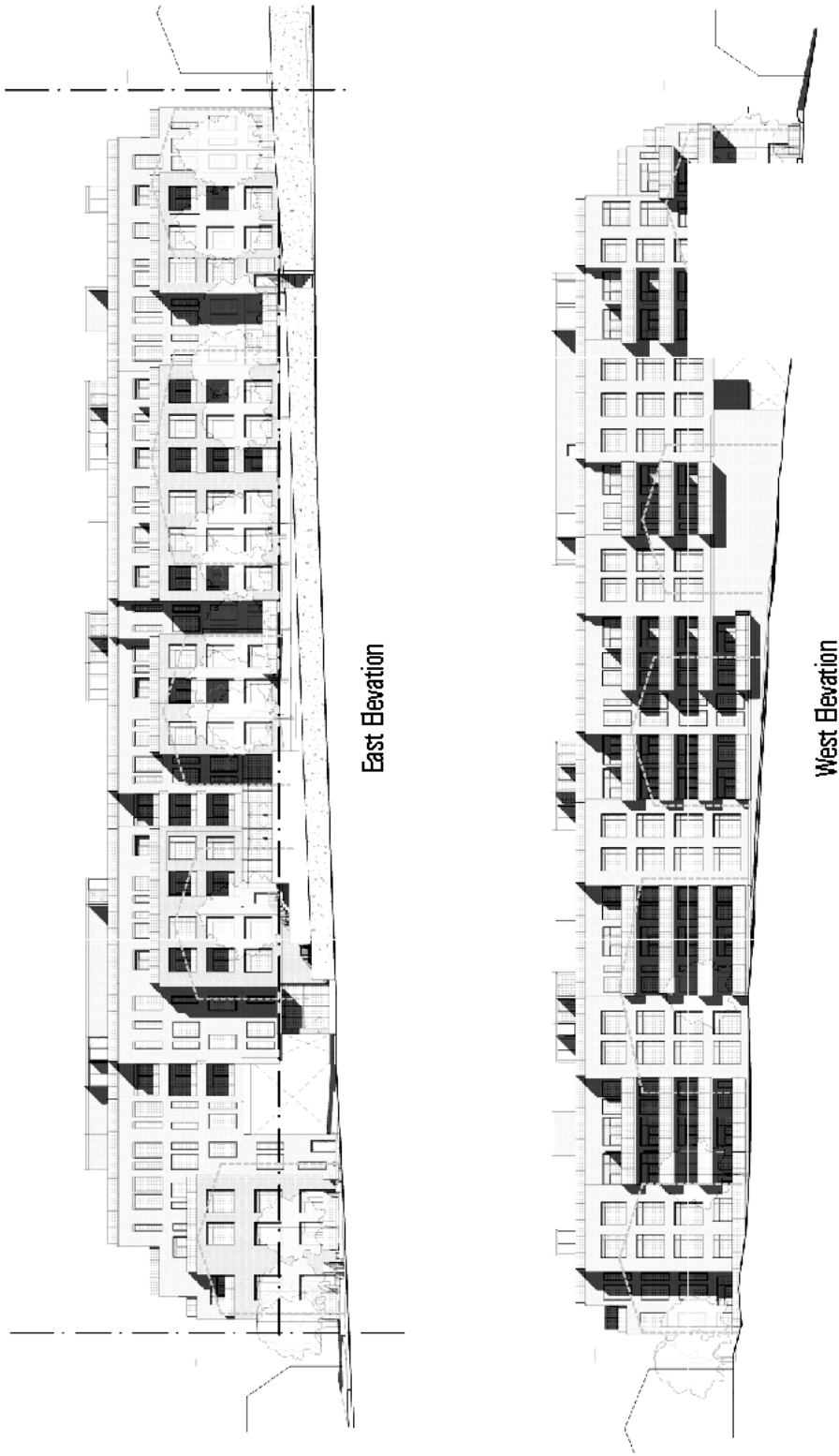
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1637-1645 Bathurst Street

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Attachment 3: East and West Elevations



1637-1645 Bathurst Street

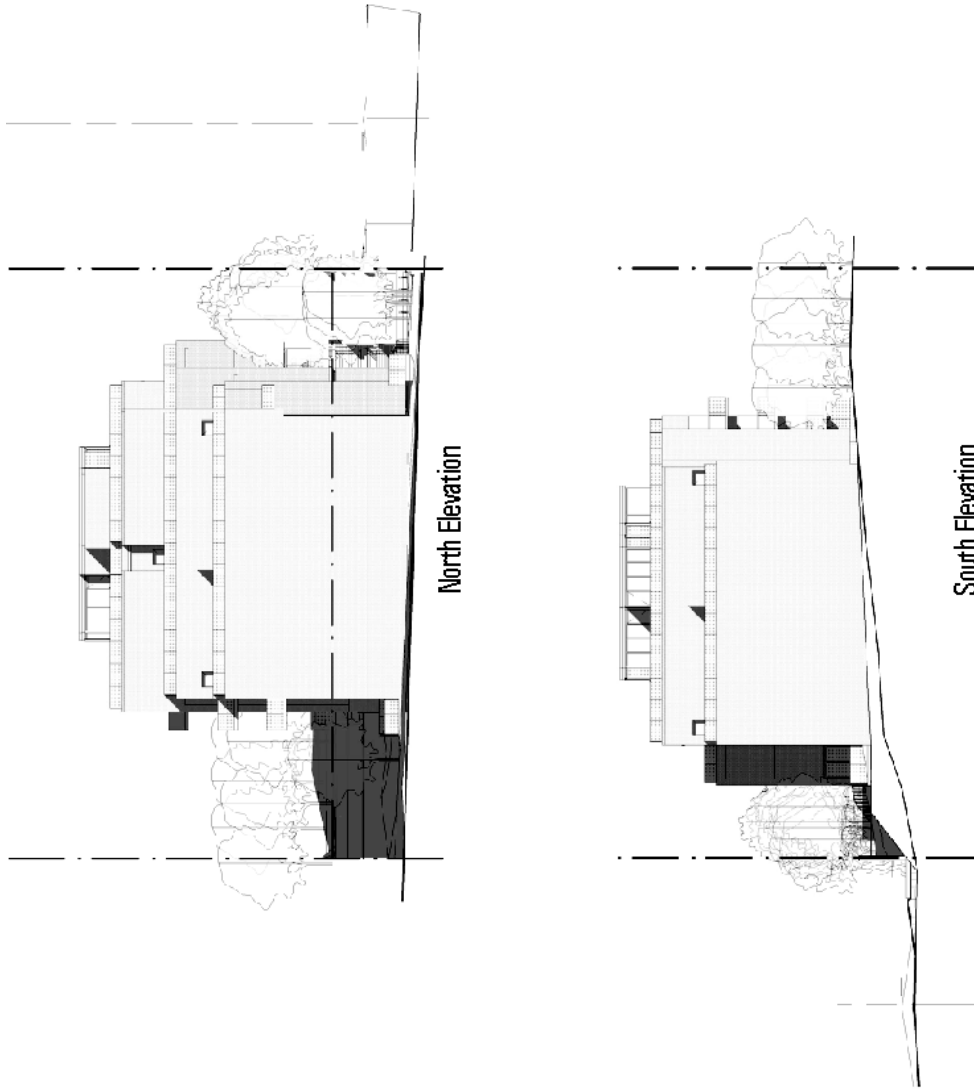
Elevations

Applicant's Submitted Drawing

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Attachment 4: North and South Elevations



Elevations

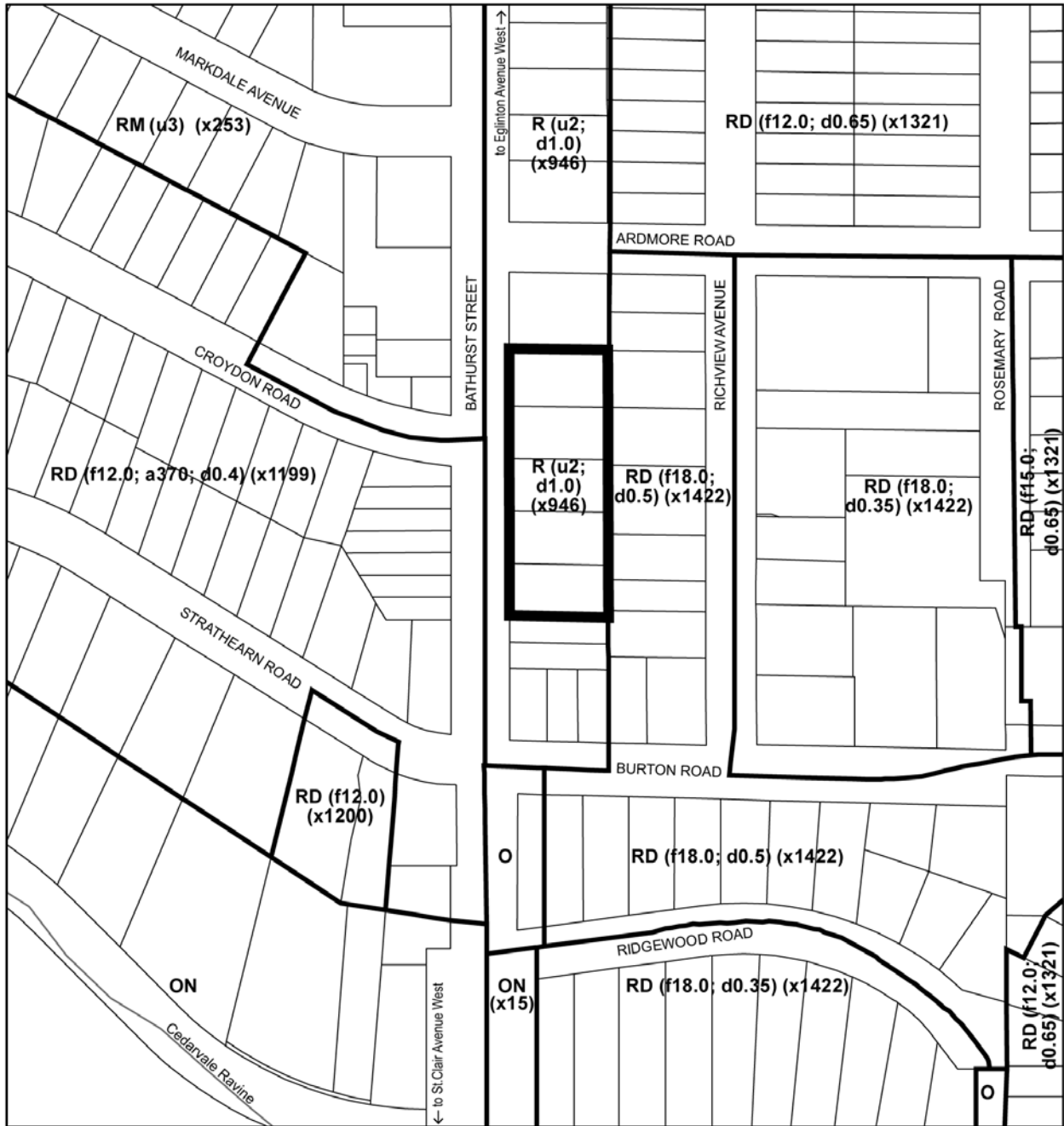
Applicant's Submitted Drawing

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File # 18 115438 STE 21 0Z

Attachment 5: Zoning



Zoning By-law 569-2013

1637-1645 Bathurst Street

File # 18 115438 STE 21 0Z

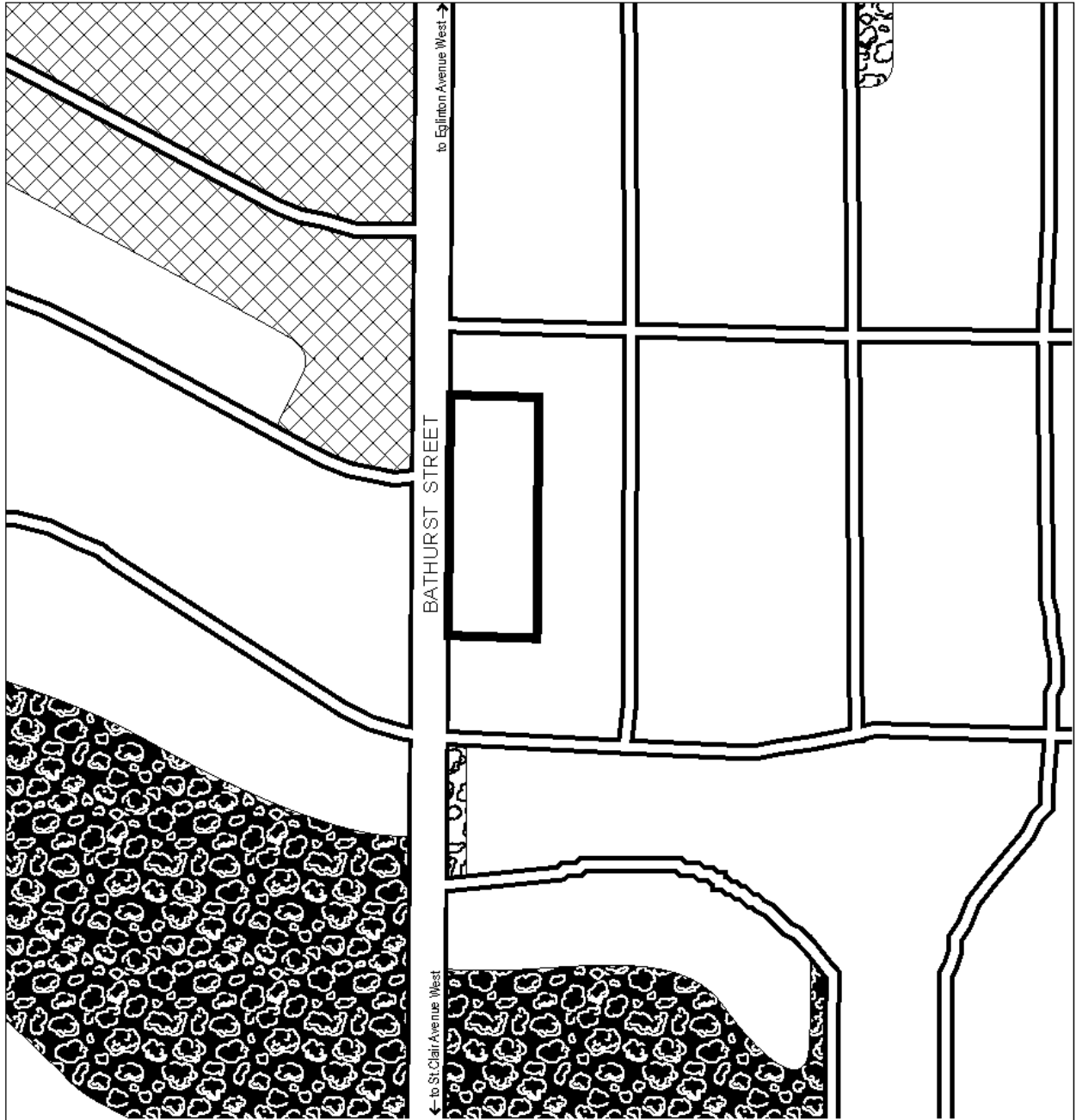
Location of Application

- | | | | |
|----|----------------------|----|----------------------|
| R | Residential | RM | Residential Multiple |
| RD | Residential Detached | O | Open Space |
| | | ON | Open Space Natural |



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Attachment 6: Official Plan



Extract from Official Plan

1637-1645 Bathurst Street

File # 18 115438 STE 21 0Z

	Site Location		Parks & Open Space Areas
	Neighbourhoods		Natural Areas
	Apartment Neighbourhoods		Parks

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