

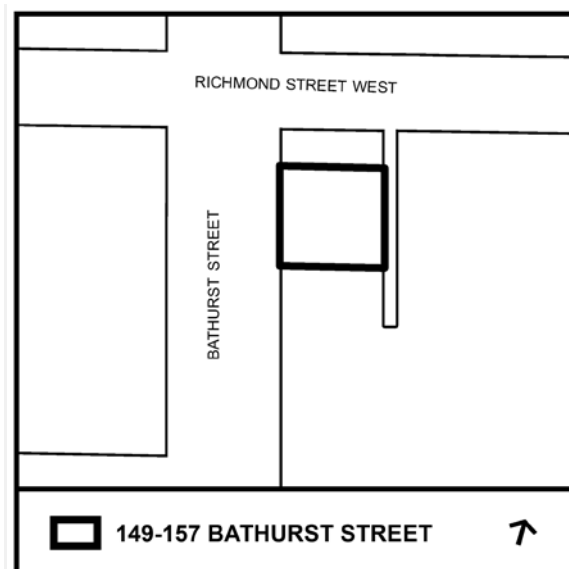
149 – 157 Bathurst Street – Zoning Amendment and Rental Housing Demolition Applications – Request for Direction Report

Date:	June 25, 2018
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	16 191733 STE 20 OZ

SUMMARY

This application proposes to amend the Zoning By-law to permit the redevelopment of the site at 149-157 Bathurst Street containing five rowhouse buildings, with a 16-storey mixed-use building containing retail uses at grade, 88 residential units above and 18 parking spaces accommodated in a parking stacker. The building will have a height of 49.5 metres (52 metres including the mechanical penthouse). As proposed, this application would require the demolition of 7 existing dwelling units (3 rental dwelling units and 4 owner occupied dwelling units) and one formerly licensed rooming house containing 6 dwelling rooms.

On March 16, 2017, the applicant appealed the Zoning By-law Amendment application to the former Ontario Municipal Board, now Local Planning Appeal Tribunal, citing Council's failure to make a decision within the time prescribed by the *Planning Act*. At its October 2, 2017 meeting, City Council adopted a Request for Direction Report including a recommendation that City Planning continue discussions with the applicant to resolve outstanding issues with the proposal. Over a number of months, City Planning staff and the applicant met to discuss revisions to the proposal. On May



23, 2018, the applicant submitted a proposed settlement of its Zoning By-law appeal as outlined in the revised plans, dated, May 17, 2018, and attached as Attachments 1 – 5 to this report. This is a revision from the original proposal submitted on July 15, 2016, for a 19-storey mixed-use building with a height of 58 metres (62 metres including mechanical penthouse).

The revised proposal is consistent with the Policy Statement (2014) and conforms with the Growth Plan for the Greater Golden Horseshoe (2017). The revised proposal also conforms with the policies of the Official Plan, the King-Spadina Secondary Plan, the Council-adopted King-Spadina Urban Design Guidelines (2006), King-Spadina Secondary Plan Review and the King-Spadina Heritage Conservation District.

This report reviews and recommends that City Council authorize the City Solicitor and appropriate City staff, to attend before the Local Planning Appeal Tribunal in support of a settlement of the Zoning By-law Amendment appeal for the site, subject to conditions as outlined in the Recommendations section of this report.

An application for Rental Housing Demolition under Chapter 667 of the Toronto Municipal Code has been filed to permit the demolition of three existing rental units at 149-157 Bathurst Street. City Planning staff recommend that Council withhold from making a decision on the Rental Housing Application, as the proposed development is the subject of an appeal at the Local Planning Appeal Tribunal. Should the Tribunal approve the Zoning By-law Amendment appeals in whole or in part, the Chief Planner and Executive Director, City Planning, would have delegated authority under Chapter 667 of the Toronto Municipal Code to approve the Rental Housing Demolition permit application and impose conditions.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor and appropriate City staff to attend before the Local Planning Appeal Tribunal (LPAT) respecting the Zoning By-law Amendment appeal for 149-157 Bathurst Street in support of revisions made to the proposed development as described in the Issue Background section and appended as Attachment 1-5 to the report (June 25, 2018) from the Acting Director, Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor and the Acting Director, Community Planning, Toronto and East York District to prepare and present a settlement, to be presented to the LPAT jointly with the applicant, based on the following:
 - a. A maximum height of 49.5 metres (52 metres including the mechanical penthouse) and the other usual permitted projections such as parapets, vents, stacks, exit hatch, and window washing equipment to the satisfaction of the Acting Director, Community Planning, Toronto and East York District;

- b. A total combined gross floor area of 6,250 square metres;
 - c. A minimum provision of 10% of all units as three bedroom units; and,
 - d. Which is substantially in accordance with the settlement materials dated May 17, 2018 (June 21, 2018 for Drawing A201), prepared by RAW Design, subject to revisions as required by Recommendation 4 and 5 of this report.
3. City Council direct the City Solicitor to request the LPAT to withhold its final Order until such time as:
- a. The final form of the Zoning By-law amendment is to the satisfaction of the Acting Director, Community Planning Toronto and East York District and the City Solicitor;
 - b. Confirmation is received by the City Solicitor that the owner / applicant has withdrawn site-specific appeals to OPA 352 (Downtown Tower Separation) and the associated zoning by-laws (1106-2016 and 1107-2016); and
 - c. The owner has submitted a construction management plan to the satisfaction of the Acting Director, Community Planning, Toronto and East York District, in consultation with the Ward Councillor, and thereafter shall implement the plan during the course of construction. The Construction Management Plan will include, but not be limited to, the size and location of construction staging areas, location and function of gates, information on concrete pouring, lighting details to ensure that safety lighting does not negatively impact adjacent residences, construction vehicle parking and queuing locations, refuse storage, site security, site supervisor contact information, a communication strategy with the surrounding community, and any other matters requested by the Acting Director, Community Planning, Toronto and East York District, in consultation with the Ward Councillor.
4. City Council direct the City Solicitor to request the LPAT to withhold its final Order until such time as the following revisions/additional information are provided by the applicant to the satisfaction of the Director, Solid Waste Management, Collections and Litter Operations:
- a. Revised drawings removing all annotations pertaining to City of Toronto waste collection;
 - b. Revised drawings annotating that the Site Plan Agreement and Condominium Declaration will include conditions identifying that the building must use private waste collection;
 - c. Revised drawings demonstrating that sufficient space for storage of the roll off bin is provided;

- d. Revised drawings annotating that a flagman or a spotter will be present during reversal of the collection vehicle into and out of laneway; and,
 - e. Revised drawings indicating a warning system to caution motorists leaving the parking garage of heavy vehicles when loading and reversal operations are occurring. This warning system should include lights, signage/mirrors and audible warning signals.
5. City Council direct the City Solicitor to request the LPAT to withhold its final Order until such time as the following revisions/additional information are provided by the applicant to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services:
- a. Identify on all applicable drawings the 1.43 metre wide strip of land along the west limit of the site abutting the public lane as "lands to be conveyed to the City for road widening purposes";
 - b. Identify on all applicable drawings a pedestrian clearway with a minimum width of 2.1 metres along Bathurst Street;
 - c. Submit a revised Functional Servicing Report to address the comments as described in the memorandum from the Manager, Development Engineering, dated September 6, 2016, and further updated on June 25, 2018;
 - d. Address the comments of Toronto Water, Environmental Monitoring and Protection Unit (EM&P) dated August 29, 2016, related to groundwater and discharging into the City's sewer system;
 - e. Show an updated location of the storm tank on the Site Plan drawing A100 and P1 level of the Parking Plan A101, to be consistent with the submitted Site Servicing and Grading Plan; and,
 - f. Eliminate any encroachments from the City's right-of-way on Bathurst Street and the municipal laneway of the exterior walls of the underground garage on Site Plan drawing A100.
6. City Council withhold from making a decision on Rental Housing Demolition Application No. 16250035 STE 20 RH under Chapter 667 of the Toronto Municipal Code to demolish three existing rental dwelling units at 149-157 Bathurst Street.
7. In the event that the LPAT allows the appeal in whole or in part, City Council direct the City Solicitor to request the LPAT to withhold the issuance of any Order on the Zoning By-law Amendment appeal for the subject lands until such time as:

- a. The Chief Planner and Executive Director, City Planning, under delegated authority, has dealt with the Rental Housing Demolition application No. 16 250035 STE 20 RH under Chapter 667 of the Toronto Municipal Code to demolish three existing rental dwelling units at 149-157 Bathurst Street; and
 - b. The applicant has agreed to provide an acceptable Tenant Relocation and Assistance Plan, all to the satisfaction of the Chief Planner and Executive Director, City Planning.
8. City Council authorize the City Solicitor and other City staff to take such necessary steps, as required, to implement the foregoing.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A pre-application meeting was held with City staff and the applicant on December 21, 2015, followed by a Pre-application Community Consultation meeting on June 27, 2016 to consider a proposal for a 19-storey mixed-use building with a height of 58 metres (62 metres including mechanical penthouse).

Comments provided by both City staff and the community raised concerns related to the overall height of the building, the lack of a formal base building that corresponds to the width of the street, lack of stepbacks from the side property lines and proposed loading from the lane. Additionally, a search of City records indicated the existence of a licensed rooming house at 149 Bathurst Street, however, it is the understanding of staff that this rooming house is no longer occupied.

The Zoning Amendment application was submitted on July 15, 2016, for a proposal which was quite similar to that presented by the applicant at the pre-application consultation meeting. Also submitted at this time was an application for Rental Housing Demolition and Conversion under Section 111 of the *City of Toronto Act* (Chapter 667 of the Municipal Code) to permit the demolition of the three existing rental dwelling units at 149 to 157 Bathurst Street.

Staff prepared a preliminary report for the February 22, 2017, meeting of the Toronto and East York Community Council. The report identified a number of issues raised by the proposal.

The Zoning Amendment application was then appealed to the LPAT on March 16, 2017, due to Council's failure to make a decision within the time prescribed by the *Planning Act*. A pre-hearing conference was held on August 22, 2017, and subsequently, a Request for Direction Report was adopted by City Council on October 2, 2017. The Request for Direction report can be viewed at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.20>

A two week hearing at the LPAT is scheduled to commence on September 24, 2018.

The August 14, 2017 Request for Direction report recommended that staff continue discussions with the applicant to resolve the following issues:

- Reducing the proposed height and massing to avoid overdevelopment of the site and to limit the negative impacts on adjacent properties;
- Improving compliance with Council's approved planning framework for the area including the King-Spadina Urban Design Guidelines (2006);
- Improving consistency with the draft King-Spadina Heritage Conservation District Plan;
- Housing issues; and
- Provision of an on-site Type-G loading space.

Between October 2017 and May 2018, City Planning staff held numerous meetings with the applicant to work through the issues noted above. The result of those meetings was the submission of revised plans by the applicant on May 23, 2018, addressing staff's concerns as discussed further below in this report.

ISSUE BACKGROUND

Proposal

This revised proposal, submitted on a with prejudice basis on May 23, 2018, proposes to redevelop the site with a 16-storey mixed-use building including retail uses at grade, 88 residential units above and 18 parking spaces accommodated in a parking stacker. The building will have a height of 49.5 metres (52 metres including the mechanical penthouse). The original proposal incorporated a pattern of stepbacks and cantilevers along the front façade that pushed the mass away from Bathurst Street, but then brought it back towards the street. The original proposal was also located right on the north and south property lines for the full height of the building. In comparison, the revised proposal incorporates a number of setbacks and stepbacks as follows:

Bathurst Street:

The ground floor and second storey of the revised proposal is setback 2.5 metres to 3.0 metres from the front property line, aligning the building with the front façade of the adjacent heritage building to the north at 159 Bathurst Street. This also results in a curb to building face distance of 8 metres. Above the second storey, the building steps back an additional 3 metres for floors 3 to 8 and, another 1.5 metres beyond this for floors 9 to 15.

North Property Line

Along the north property line, the ground and second storey of the revised proposal are located right on the property line. To address the two-storey height of the adjacent heritage building, the proposal then provides a 5.5 metre stepback along the north façade starting at the third storey. Small elements of the building project 1.5 metres into this 5.5 metre stepback in an alternating pattern, alternating between storeys.

South Property Line

Along the south property line, the building is located on the property line for the first eight storeys (up to a height of 26 metres), above which a 5.5 metre stepback is provided for floors 9 to 15. Similarly as along the north façade, small elements of the building project 1.5 metres into this 5.5 metre stepback in an alternating pattern, alternating between storeys.

Rear Property Line

The proposed building is located 5.5 metres from the centreline of the lane starting at the second storey.

The proposed revisions have resulted in a building that is shorter and has a smaller floor plate from that which was originally proposed. The revisions between the original July 2016 proposal and the revised May 2018 proposal are summarized in the chart below:

	July 2016 Submission	May 2018 Submission
Height	19 storeys - 58 metres (62 metres including mechanical penthouse)	16 storeys - 49.5 metres (52 metres including mechanical penthouse)
Floor Space Index	12.5	8.3
Gross Floor Area	9,363 square metres - 9,191 m ² residential - 172 m ² non-residential	6,226 square metres - 6,055 m ² residential - 171 m ² non-residential
Unit Count	155 units - 10 - bachelor (6%) - 120 - 1 bedroom (77%) - 16 - 2 bedroom (10%) - 9 - 3 bedroom (6%)	88 units - 16 - bachelor (18%) - 54 - 1 bedroom (61%) - 9 - 2 bedroom (10%) - 9 - 3 bedroom (10%)
Amenity Area	Indoor – 269 square metres - 1.74 m ² per unit Outdoor – 193 square metres - 1.24 m ² per unit	Indoor – 172 square metres - 1.95 m ² per unit Outdoor – 173 square metres - 1.97 m ² per unit

	July 2016 Submission	May 2018 Submission
Parking	24 spaces - 0.15 spaces per unit	18 spaces - 0.20 spaces per unit
Stepbacks from Bathurst Street	- 2.5 to 3 metres for floors 1-3 - 0.0 metres for floors 4-6 - 4 metres for floors 7-8 - 1 metre for floors 9-18 - 7 metres for floor 19	- 2.5 to 3 metres for floors 1-2 - 3 metres for floors 3-8 - 4.5 metres for floors 9-15
Stepbacks from North Lot Line	- No stepbacks proposed	- 0.0 metres for floors 1-2 - 5.5 metres for floors 3-15 (with small projections of 1.5 metres into the 5.5 metre stepback)
Stepbacks from North Lot Line	- No stepbacks proposed	- 0.0 metres for floors 1-8 - 5.5 metres for floors 9-15 (with small projections of 1.5 metres into the 5.5 metre stepback)
Stepbacks from the Public Lane (south lot line)	- 0.0 metres for floors 1-2 - 5.5 metres from the centreline of the lane for floors 3-10 - 7.5 metres from the centreline of the lane for floors 11-18 - 8.5 metres from the centreline of the lane for floors 11-18	- 0.0 metres at grade - 5.5 metres from the centreline of the lane for floors 2-15

Site and Surrounding Area

The site is located on the east side of Bathurst Street, two properties south of Richmond Street West and is comprised of five individual rowhouse properties that have been assembled to accommodate the development proposal. The site has a frontage and depth of approximately 26 metres and 30 metres respectively, for a total lot area of 790 square metres.

According to the information provided by the applicant and obtained during City Planning's April 22, 2016 site visit, the 5 residential rental properties contain 3 rental dwelling units (1 bachelor and 2 one-bedroom units), 4 owner occupied dwelling units and one formerly licensed rooming house containing 6 dwelling rooms. At the time of the site visit, only one of the 3 rental dwelling units was occupied by a tenant. All other rental dwelling units and dwelling rooms were vacant. As of the date of this report, the occupancy status of the existing rental units and owner occupied dwelling units is unknown.

The site is surrounded by the following uses:

East: A north-south public lane abuts the site at the rear which intersects with Richmond Street West and terminates just south of the site. A private lane located at 141 Bathurst Street provides access onto Bathurst Street. At the intersection of the public lane and the driveway at 141 Bathurst Street, is a two-storey commercial building which has been identified as a contributing property in the King-Spadina Heritage Conservation District and is included on the City's Heritage Register.

On the opposite side of the lane, fronting Richmond Street, is a two-storey house-form building at 579 Richmond Street West which is also included on the City's Heritage Register. This is followed by a 5-storey and a 12-storey office building. The southwest corner of Richmond and Portland Streets is occupied by a surface parking lot and a two-storey commercial building which is subject to a recent (former) Ontario Municipal Board approval for a 15-storey mixed-use building and a public park.

South: To the immediate south of the site is 147 Bathurst Street West which makes up the southern half of the semi-detached house located at 149 Bathurst Street (which is the southern limit of the subject site). Another semi-detached building is located to the south of this followed by the private driveway and small parking lot at 141 Bathurst Street.

South of the driveway are three two-and-a-half-storey house-form buildings as well as a three-storey designated heritage building, the John Mulvey House, constructed in 1869, located at the northeast corner of Bathurst and Adelaide Streets, which is home to the Factory Theatre. The three houses and the John Mulvey House are identified as contributing in the King Spadina HCD Plan included on the City's Heritage Register.

On the south side of Adelaide Street West is a recently constructed 17-storey mixed-use building.

North: To the immediate north of the site are two properties containing townhouses at 159 and 161 Bathurst Street, of which the former shares a party wall with the existing townhouse at 157 Bathurst Street (which is part of the subject site) and the latter flanks Richmond Street West. Both of these buildings are identified as contributing in the King-Spadina HCD Plan and included on the City's Heritage Register.

Farther north, at the northeast corner of Bathurst Street and Richmond Street West is a six-storey office building constructed in the early 1900s. Just east of this, also on the north side of Richmond Street west, is the site of the recently (former) Ontario Municipal Board approved development for a 14-storey mixed-use building at 604-618 Richmond Street West, followed by a seven-storey mixed-use building at the northwest corner of Richmond and Portland Streets.

West: To the west, on the opposite side of Bathurst Street, south of Richmond Street, are a number of 2-3 storey row houses (154-164 Bathurst Street), which include a mix of retail, commercial and residential uses. Farther south, at the northwest corner of Bathurst Street and Portugal Square, is a development including a 9-storey residential building (140 Bathurst Street) and two 2-storey semi-detached units (146-148 Bathurst Street), known as Adelaide Square. Across Portugal Square is St. Mary's Roman Catholic Church at 130 Bathurst Street, located at the westerly view terminus from Adelaide Street. To the south, at the southwest corner of Bathurst Street and Adelaide Street West, is an 11-storey apartment building (575 Adelaide Street West).

Provincial Policy Statement and Provincial Plans

Section 2 of the *Planning Act* sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities, including: the orderly development of safe and healthy communities; the conservation of features of significant architectural, cultural and historical interest; the promotion of built form that is well designed and encourages a sense of place; and the appropriate location of growth and development.

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site 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; recreation, parks and open space; and 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 provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe ("GGH") region, of which Toronto forms an integral part, including:

- Establishing minimum density targets within strategic growth 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 a 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.

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.

In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff have reviewed the proposed revision to the Zoning Amendment application for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). The outcome of staff analysis and review are summarized in the Comments section of this Report.

Official Plan

The site is situated in the *Downtown* and *Central Waterfront* and is designated *Regeneration Areas* on Map 18 in the Official Plan.

Chapter 2 – Shaping the City

Chapter 2 sets out a range of policies to guide growth and change, ensuring appropriate measures are taken to maintain Toronto's health, liveability and prosperity.

Downtown and Central Waterfront Policies

Section 2.2.1 provides direction on *Downtown* as a growth area that will continue to evolve as a healthy and attractive place to live and work. As an area where growth is anticipated and encouraged, the Official Plan provides for new development in the *Downtown* that: achieves a minimum combined growth target of 400 jobs and residents per hectare, builds on the strength of the area as an employment centre, provides for a range of housing opportunities and focuses on the Financial District as the prime location for the development of prestige commercial office buildings and landmark buildings that shape the skyline.

The Official Plan directs growth to the *Downtown* in order to achieve multiple City objectives. Among other matters, it promotes efficient use of municipal services and infrastructure, concentrates jobs and people in areas well served by transit, provides increased opportunity for living close to work, to encourage walking and cycling, all in keeping with the vision for a more liveable city.

While *Downtown* is identified as an area offering opportunities for substantial employment and residential growth, this growth is not anticipated to be uniform. Design guidelines specific to districts of historic or distinct character will be implemented to ensure new development respects the context of such districts in terms of the development's fit with existing streets, setbacks, heights and relationship to landmark buildings.

The Official Plan recognizes that as the population of the *Downtown* increases, ensuring that public amenities and infrastructure are maintained and upgraded, enhancing existing parks and acquiring new parks, and preserving and strengthening the range and quality of social, health, community services and local institutions are essential to improve the quality of life for *Downtown* residents.

Chapter 3 – Building a Successful City

Policy directions on matters that improve quality of life are contained in Chapter 3 of the Official Plan.

Built Form and Public Realm

The Public Realm policies of Section 3.1.1 of the Official Plan recognize the essential role of our streets, open spaces, parks and other key shared public assets in creating a great City. These policies aim to ensure that a high level of quality is achieved in architecture, landscape architecture and urban design in public works and private developments to ensure that the public realm is functional, beautiful, comfortable, safe and accessible. The policies provide that new parks and open spaces should connect and extend wherever possible to existing parks, natural areas and other open spaces such as school yards.

The Official Plan recognizes that most of the City's future development will be infill and as such will need to fit in, respect and improve the character of the surrounding area. As a result, the Built Form policies of Section 3.1.2.2 seek to ensure that new development is located, organized and massed to fit harmoniously with the existing and/or planned context and will limit its impacts on neighbouring streets, parks, open spaces and properties. Among other provisions, this harmony is achieved by: massing new buildings to frame adjacent streets in a way that respects the existing and/or planned street proportion; creating appropriate transitions in scale to neighbouring or existing planned buildings, providing for adequate light and privacy and adequately limiting any resulting shadowing of, and uncomfortable wind conditions, on neighbouring streets and properties.

Due to the larger civic responsibility and obligations associated with tall buildings, the built form policies of Section 3.1 provide additional design direction to ensure that tall buildings fit into the existing and planned context and limit local impacts. Policy 3.1.3.2 requires new tall building developments to address key urban design considerations set out in the Plan.

Heritage Conservation

Section 3.1.5, Heritage Conservation, contains policies related to the conservation of Toronto's cultural heritage, significant buildings, properties, districts, landscapes and archeological sites. On May 12, 2015, the former Ontario Municipal Board approved Official Plan Amendment 199 to provide further policy direction on development adjacent to heritage properties. In particular, Policy 3.1.5.4 states that heritage resources on the City's Heritage Register will be conserved and maintained. Additionally, Policy

3.1.5.26 states that, when new construction on, or adjacent to, a property on the Heritage Register does occur, it will be designed to conserve the cultural heritage values, attributes and character of that property, and will mitigate visual and physical impact on it. Finally, Policies 3.1.5.32-33 deal specifically with development within Heritage Conservation Districts (HCD) to ensure the integrity of the district's heritage values, attributes and character are conserved in accordance with the HCD Plans.

Housing

Section 3.2.1 provides direction on housing. Strong communities are the foundation of a healthy city and the Official Plan recognizes that opportunities for adequate and affordable housing are essential to the supporting quality of life, economic competitiveness and social cohesion. Policy 3.2.1.1 encourages the provision of a full range of housing in terms of form, tenure and affordability to meet the current and future needs of residents.

Parks and Open Space

The parks and open spaces and other natural and recreation areas that comprise the Green Space System in Toronto are essential elements of complete communities. The Official Plan recognizes that the City's Green Space system is vital to our quality of life, social wellbeing, and to the health of the natural ecosystem. These areas provide opportunities for recreation, relaxation and experiencing nature and offer unique experiences for residents and visitors from across the region and elsewhere.

The Official Plan recognizes that as Toronto grows and changes the parks and open space system will need to expand. The policies of Section 3.2.3 of the Official Plan, seek to ensure that as the city grows our Green Space System is strengthened by actions such as: adding new parks and amenities, particularly in growth areas; maintaining, improving and expanding existing parks; designing high quality parks and their amenities to promote user comfort, safety, accessibility and year round use, and to enhance the experience of place. The Plan seeks to ensure that the effects of development including additional shadows, noise, traffic and wind on existing parks and open space are minimized to preserve their utility.

Chapter 4 – Land Use Designations

Regeneration Areas

A broad mix of commercial, residential, light industrial, parks and open space, institutional, live/work and utility uses are permitted within *Regeneration Areas* to promote reinvestment and revitalization. The framework for new development within *Regeneration Areas* is set out in a Secondary Plan intended to promote the desired type and form of physical development for an area.

The policies of Section 4.7.1 provide for the restoration, re-use and retention of existing buildings that are economically adaptable for re-use, particularly heritage buildings and structures in *Regeneration Areas*. Section 4.7.2 sets out the intent of Secondary Plans for *Regeneration Areas* and provides that they will guide the revitalization of the area through among other matters:

- urban design guidelines related to the unique character of the area;
- strategies to promote greening and community improvements; and
- a heritage strategy identifying important heritage resources, conserving them and ensure new buildings are compatible with adjacent heritage resources.

The site is located within the King-Spadina Secondary Plan area.

King-Spadina Secondary Plan (2006)

The site is situated within the West Precinct of the King-Spadina Secondary Plan Area found in Chapter 6.16 of the Official Plan. The King-Spadina Secondary Plan emphasizes reinforcement of the characteristics and qualities of the area through special attention to built form, heritage and the public realm. The major objectives of the Plan include the policy that heritage buildings and other important buildings within the King-Spadina Area, including the West Precinct, will be retained, restored and re-used.

The policies of Section 3 – Built Form and in particular the policies of Section 3.6 – General Built Form Principles specify that:

- Buildings are to be located along the front property line to define edges along streets and lower levels are to provide public uses accessed from the street;
- Servicing and parking are encouraged to be accessed from lanes rather than streets to minimize pedestrian/vehicular conflicts;
- New buildings will be sited for adequate light, view and privacy and compatibility with the built form context;
- New buildings will achieve a compatible relationship with their built form context through consideration of such matters as building height, massing, scale, setbacks, stepbacks, roof line and profile, and architectural character and expression;
- Appropriate proportional relationships to streets and open spaces will be provided, and wind and shadow impacts will be maintained on streets and open spaces;
- The streetscape and open space improvements will be coordinated in new development; and,
- High quality open spaces will be provided.

Additionally, the policies of Section 4 – Heritage – specify that:

- Heritage buildings in the King Spadina Area are essential elements of physical character. In this regard, the City will seek the retention, conservation, rehabilitation, re-use and restoration of heritage buildings by means of one or more appropriate legal agreement.

A major objective of the King-Spadina Secondary Plan is to use the historic fabric of the area as the context within which to assess new development. Additionally, achieving a mixture of compatible land uses, and retaining and promoting commercial and light industrial uses is another major objective of the Plan.

The King Spadina Secondary Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

King Spadina Secondary Plan Review

The King-Spadina Secondary Plan Review began as the "King-Spadina East Precinct Built Form Study", however, at its meeting on July 7, 2015, City Council expanded the boundary to also include the Spadina Precinct. At its meetings on August 25, 2014 and July 7, 2015, City Council endorsed a number of directions for the King-Spadina East Precinct to be used in reviewing current and future development applications including a downward gradation of tower heights from east to west from University Avenue towards Spadina Avenue, employing the city-wide Tall Buildings Guidelines to evaluate towers, particularly with regard to tower spacing and tower floor plates, and protecting the network of mid-block connections and laneways as a defining feature of the public realm, and expanding these connections to further the pedestrian network.

The geographic boundaries of the study were further expanded to include the West Precinct, thereby including the entire King-Spadina Secondary Plan Area by Toronto and East York Community Council at its September 6, 2017 meeting, through their consideration of the Draft Policy Directions Report. Draft policy direction includes:

- Proposed land use redesignation from *Regeneration Areas* to *Mixed Use Areas*;
- Public realm strategy;
- Urban design guidelines;
- Built form policies; and,
- Provision of infrastructure.

The Community Council decision and staff report, which provides a detailed background of the decision history of studies within this Secondary Plan area can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.60>.

King-Spadina is one of the highest growth areas in the City of Toronto. The King-Spadina Secondary Plan Review recognizes that this area has evolved from an area of employment (non-residential uses) into an area with a range of uses including residential. The updated Secondary Plan will recognize that while the area will continue to grow and change, it must do so in a way that positively contributes to liveability, is better supported by hard infrastructure and community infrastructure, and more carefully responds to the strong heritage and character of the area.

Staff anticipate that the Draft King Spadina Official Plan policies will be posted on the City Planning web site in 2018. A Final Report outlining the proposed Secondary Plan Amendments will be considered at a public meeting of the Toronto and East York Community Council under the *Planning Act*, after a consultation period to allow for public input on the draft policies.

King Spadina Urban Design Guidelines (2006)

Urban Design guidelines, in conjunction with the Official Plan policies, work together to achieve optimal building siting and design that enhances the public realm, while respecting and reinforcing the surrounding built environment and context. Guidelines are crucial planning tools that assist in testing the appropriateness of development applications in the policy context. They are intended to assist in the implementation of the Official Plan policies for built form, and serve as a unified set of directions for the evaluation of development applications.

The Official Plan (Section 5.3.2: Implementation Plans and Strategies for City-Building, Policy 1) states that Guidelines will be adopted to advance the vision, objectives and policies of the Plan. Urban Design Guidelines, specifically, are intended "to provide a more detailed framework for built form and public improvements in growth areas."

The King-Spadina Urban Design Guidelines support the implementation of the King-Spadina Secondary Plan. These Guidelines state that new development should be compatible with existing heritage buildings in terms of massing, height, setbacks, stepbacks and materials. New development, within the context of existing adjacent buildings, should define and contribute to a high quality public realm. Development should reinforce the character and scale of the existing street wall in the immediate surrounding area. In addition, the scale of the building brought to the sidewalk should respond proportionally to the width of the right-of-way.

Section 4.3.3 Built Form of the Guidelines recognizes that new development in the West Precinct has a distinguishing character of uniform height, scale and massing, producing an effect of a maturing mid-rise neighbourhood, which is different from Spadina Avenue and the East Precinct.

Section 5 contains the built form guidelines that expand on Section 4. Section 5.2.1 emphasizes that the street wall should be designed to ensure pedestrian comfort and adequate light penetration. This can be achieved through a 1:1 ratio of building height

relative to street width. New development should reinforce the continuity of the street wall of a particular street using existing building heights and setbacks as the basis for the design of the street frontage.

Further, Section 5.4.1 Building Heights affirms that the West Precinct is characterized by a homogenous form of low to mid-rise warehouse, office and mixed-use building patterns. The Guidelines state that applications displaying portions of buildings above the height limit set out in the Zoning By-law will be required to demonstrate no undue impacts on light, view, privacy and sunlight access on nearby properties.

Section 5.4.3 Angular Planes and Stepbacks stipulates that where buildings are permitted to be higher than the street wall height, a setback will be required that is large enough to ensure that the higher portion does not overwhelm and detract from the consistency of the street wall from the perspective of the pedestrian experience. This section also considers that, even in situations where a particular development meets angular plane requirements and does not cause significant wind or shadow impacts, the height may still not necessarily be acceptable within its context.

Section 5.4.4 Light, View and Privacy states that taller building elements (i.e. above the as-of-right height permissions) should be evaluated on their ability to achieve optimum proximity, light, view and privacy conditions, as well as on their impact on other properties on the same block with similar potentials.

King-Spadina Heritage Conservation District Study

At its meeting of October 2, 2012, Toronto City Council directed Heritage Preservation Services (HPS) staff to undertake a Heritage Conservation District (HCD) study of the King-Spadina area. A team led by Taylor-Hazell Architects undertook the study and was subsequently retained to prepare the Plan. The first phase of the HCD Study was concluded in the spring of 2014 and recommended that the area merited designation under Part V of the *Ontario Heritage Act* as an HCD on the basis of its historical, associative, physical, contextual, and social and community values.

In the fall of 2014 HPS initiated the second (HCD Plan) phase of the study, which resulted in the development of the statements of objectives, statements of cultural heritage value, boundaries, policies and guidelines, and community and stakeholder consultation.

The HCD Plan was endorsed by the Toronto Preservation Board on June 22, 2017, followed by the September 6, 2017 Toronto and East York Community Council and was adopted at the October 2-4, 2017 meeting of City Council, thereby designating the King-Spadina Heritage Conservation District Plan under Part V of the *Ontario Heritage Act*. The final report and decision of City Council are available at <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.14>.

The HCD Plan is currently under appeal to the LPAT.

The overall objective of the King-Spadina HCD Plan is the protection, conservation and management of its heritage attributes, including contributing properties, so that the District's cultural heritage value is protected in the long-term.

The properties identified as contributing in the HCD Plan were listed on the City's Heritage Register, adopted by City Council on December 5, 6, 7 and 8, 2017. This includes the following properties immediately adjacent to the subject site: 141 Bathurst Street and 159-161 Bathurst Street.

TOcore: Planning Downtown

At its meeting on October 2-4, 2017, City Council considered the Proposed Downtown Plan and directed Staff to undertake stakeholder and public consultation on that document and its proposed policies, leading to the Downtown Plan Official Plan Amendment.

OPA 406 – Downtown Plan

At its May 1, 2018 meeting, Planning and Growth Management (PGM) Committee held a Special Public Meeting pursuant to Section 26 of the *Planning Act* and adopted a staff report entitled 'TOcore: Downtown Plan Official Plan Amendment', as amended, that recommended adoption of the Downtown Plan Official Plan Amendment (OPA 406). OPA 406 includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new Downtown Plan. Future amendments to existing Secondary Plans and Site and Area Specific Policies located within the Downtown area are recommended to be implemented once OPA 406 comes into force and effect.

At its May 22-24, 2018 meeting, City Council adopted OPA 406, as amended. The Council decision is available here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG29.4>

Pursuant to Section 26 of the *Planning Act*, the Downtown Plan will be forwarded to the Minister of Municipal Affairs for approval. Council has directed Staff to use the policies contained with the Downtown Plan to inform evaluation of current and future development applications in the Downtown Plan area while the OPA is under consideration by the Minister.

The OPA – in conjunction with the associated infrastructure strategies that address water, energy, mobility, parks and public realm and community services and facilities – is the result of a three-year study called TOcore: Planning Downtown. The TOcore study area is generally bounded by Lake Ontario to the south, Bathurst Street to the west, the mid-town rail corridor and Rosedale Valley Road to the north and the Don River to the east.

OPA 406 provides a comprehensive and integrated policy framework to shape growth in Toronto's fast-growing Downtown over the next 25 years. It provides the City with a blueprint to align growth management with the provision of infrastructure, sustain liveability, achieve complete communities and ensure there is space for the economy to grow.

As part of the City of Toronto's Five Year Official Plan Review under Section 26 of the *Planning Act*, OPA 406 is a component of the work program to bring the Official Plan into conformity with the Growth Plan. The OPA is consistent with the Provincial Policy Statement (2014), conforms with the Growth Plan and has regard to matters of provincial interest under Section 2 of the *Planning Act*.

Map 41-3 of the Downtown Plan designates the site as *Mixed Use Areas 2 - Intermediate*. Policies 6.25 and 6.26 of the Downtown Plan detail that within *Mixed Use Areas 2* development will include building typologies that respond to their site context, including low-rise, midrise and some tall buildings, and that the scale and massing of buildings will respect and reinforce the existing and planned context of the neighbourhood. Further, Policy 6.27 sets out that development within *Mixed Use Areas 2* will provide for a diverse range of uses, including retail, service, office, institutional and residential.

The site is also located within the King-Spadina *Cultural Precinct*, where Policy 12.4 identifies that the adaptive re-use of properties on the Heritage Register as *cultural spaces* will be encouraged. Policies 12.5 and 12.6 promote uses that encourage the cultural and creative industries, and provide facilities for such uses, while also encouraging buildings that support the spatial requirement of cultural industries and allow for flexible use of the spaces.

Map 41-15 locates the site within the *Downtown Film Precinct*, where policies within section 12.14 encourage the provision of physical infrastructure to support the film industry, built-in infrastructure to reduce the need for generators and areas for temporary film trailer parking, pick-up/drop-off areas, accessible loading zones and motor coach parking zones.

OPA 352 – Downtown Tall Building Setback Area

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area (currently under appeal). The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of tall buildings Downtown. At the same meeting, City Council adopted area-specific Zoning By-laws 1106-2016 and 1107-2016 (also under appeal), which provide the detailed performance standards for portions of buildings above 24 metres in height.

The applicant appealed both OPA 352 and the implementing By-laws as they apply to the site. City Planning recommends that the City Solicitor receive confirmation that the owner / applicant has withdrawn its site-specific appeals to OPA 352 (Downtown Tower Separation) and the associated zoning by-laws (1106-2016 and 1107-2016) prior to the LPAT issuing its final Order on the Zoning By-law Amendment appeal.

Further background information can be found at www.toronto.ca/tocore.

City-Wide Tall Building Design Guidelines

City Council has adopted city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The link to the Guidelines is here:

<https://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>

Growing Up: Planning for Children in New Vertical Communities

In July 2017, Toronto City Council adopted the Growing Up Draft Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals. The objective of the Growing Up Draft Urban Design Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale. The Growing Up Draft Urban Design Guidelines were considered in the review of this proposal.

The Council decision and draft Guidelines are available on the City's website at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG21.3>

Chapter 667 - Rental Demolition and Conversion By-Law

Section 111 of the *City of Toronto Act, 2006* authorizes Council to regulate the demolition and conversion of residential rental properties in Toronto. Chapter 667 of the City's Municipal Code, the Rental Housing Demolition and Conversion By-law, implements Section 111. Chapter 667 prohibits the demolition or conversion of rental housing 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, where delegated, the Chief Planner and Executive Director, City Planning.

Pursuant to Chapter 667, Council or, where delegated, the Chief Planner and Executive Director, City Planning may refuse an application, or approve the demolition and may impose conditions, including conditions that must be satisfied before a demolition permit is issued.

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 or, where delegated, by the Chief Planner and Executive Director, City Planning under Chapter 667 are not appealable to the LPAT.

On May 10, 2016, the applicant made an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code.

Zoning

Former City of Toronto By-law 438-86 zones the site RA "Reinvestment Area" which permits a range of uses including residential, commercial, office and retail. As part of the RA zoning controls, density standards were replaced by built form objectives expressed through height limits and setbacks. The maximum height permitted is 26 metres with a maximum base building height of 22 metres above which a 44 degree angular plane must be applied.

The site is also subject to Zoning By-law 569-2013 and is zoned CRE (x81) (Commercial Residential Employment) which is substantially the same with regards to use, density and height as the former City By-law (Attachment 6).

Site Plan Control

The development proposal is subject to Site Plan Control. A Site Plan Approval application has not been submitted to date.

Reasons for Application

Zoning By-law 569-2016 permits a height limit of 26 meters which the proposal exceeds by 23.5 metres which would result in a building height of 49.5 metres (52 including the mechanical penthouse). Other areas of non-compliance include, but are not limited to, reduced building setbacks, number of vehicular parking spaces and the provision of a Type G loading space.

The application proposes to demolish three existing rental dwelling units. A Rental Demolition Permit pursuant to Chapter 667 of the City of Toronto Municipal Code is required to permit this demolition as the subject lands contain six or more residential units.

Community Consultation

A community consultation meeting hosted by the City Planning staff was held on December 5, 2016. Some of the issues raised included an interest in retaining the existing house-form buildings on the site, concern regarding the overall height of the building as well as the streetwall height, lack of setbacks from the front and side property lines, need for an on-site loading space and concern over the limited number of parking spaces. There was also an interest in seeing more details regarding building materials. The local Councillor also indicated a need for a construction management plan.

Tenant Consultation

As per Chapter 667-14, a tenant consultation meeting is required to be held to review the impact of the proposal on tenants residing in the existing rental dwelling units proposed to be demolished.

A tenant consultation meeting has not yet been held. Should any of the existing rental dwelling units still be occupied by tenants, City Planning staff would work with the applicant to organize a tenant consultation meeting.

Agency Circulation

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

COMMENTS

Provincial Policy Statement and Provincial Plans

Section 2 of the *Planning Act* requires municipalities to have regard for matters of provincial interest, including, as noted in Section 2(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest and in 2(r), the promotion of a built form that is well-designed and encourages a sense of place. The proposed development has regard for these policies of the *Planning Act* as it results in a well-designed built form, which, at a height of just below 50 metres (52 metres including the mechanical penthouse) and provision of a significant setback from Bathurst Street for the first two storeys to address the adjacent heritage context, and appropriate setbacks for taller elements from all four property lines, addresses the existing and planned built form context of the King-Spadina West Precinct.

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2017). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Issue Background section of this report.

Policy documents including the PPS, the Growth Plan and City's Official Plan must be read in their entirety and relevant policies must be applied to each situation. To this end, staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan, as is discussed below.

The PPS encourages intensification and efficient development, and requires that sufficient land be made available for intensification and redevelopment, however, it recognizes that local context is important and that well-designed built form contributes toward long-term economic prosperity. Policy 1.7.1 d) states that long-term economic prosperity shall be supported by encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources.

Policy 4.7 indicates that the Official Plan is the most important vehicle for implementing the PPS. Further, Policy 1.1.3.3 indicates planning authorities shall identify appropriate locations for intensification and redevelopment. In this context, the Official Plan further implements the direction of the PPS to require appropriate built form to fit harmoniously into its existing and planned context.

The Official Plan, which includes the King-Spadina Secondary Plan, contains clear, reasonable and attainable policies that protect provincial interests and direct development to suitable areas while taking into account the existing building stock, including numerous heritage buildings, and protects the character of the area, consistent with the direction of the PPS. In this context, the revised proposal represents intensification in a manner which fits harmoniously into its existing and planned context, is consistent with key objectives of the Official Plan (as discussed further below) and, thereby, is consistent with the PPS.

The Growth Plan builds on the policy foundation established by the PPS and provides more specific land use policies related to managing growth and providing environmental protection for the Greater Golden Horseshoe. Section 2.2.1 provides policies for managing growth and setting minimum density targets and Section 1.2.1, Guiding Principles, speaks to achieving complete communities, making efficient use of land and transit, and providing economic opportunities. Section 1.2.1 also speaks to conserving and promoting cultural heritage resources to support the social, economic and cultural well-being of communities. Furthermore, Section 4.2.7 indicates that cultural heritage resources will be conserved in order to foster a sense of place and benefit communities.

The Growth Plan identifies the Downtown as an Urban Growth Centre (UGC), which is a regional focal point for accommodating population and employment growth in complete communities that are well designed to meet people's needs for daily living throughout an entire lifetime. The Growth Plan builds on Section 2(r) of the *Planning Act*, which recognizes the promotion of built form that is well-designed, encourages a sense of place and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant to be a provincial interest that municipalities and the LPAT shall have regard for in making their decisions. The Growth Plan policies also build on PPS Policy 1.7.1(d), which states that long term economic prosperity will be supported by encouraging a sense of place by promoting well-designed built form.

Policy 2.2.2.4 of the Growth Plan directs municipalities to develop a strategy to achieve minimum intensification targets which will identify the appropriate type and scale of development as well as transition of built form towards adjacent areas. Policy 5.2.5.6 states that, in planning to achieve the minimum intensification and density targets of the Plan, municipalities will develop and implement urban design and Official Plan policies, including other supporting documents, which direct the development of a high quality public realm and compact built form.

The King-Spadina area is located in the Downtown UGC, which is on track to achieve or exceed the UGC density target of 400 jobs and residents per hectare by 2031. The target is the average for the entire Downtown UGC area, and it is not for any one particular area within Downtown to meet this target. The increased density that results from the proposed development is not required to meet the minimum growth figures set out in the Growth Plan for the Greater Golden Horseshoe. Therefore, while the proposal does help contribute towards the growth targets of the Growth Plan, this is not an influential factor

in staff's recommendation that City Council support the proposed settlement of the Zoning By-law appeal.

The Official Plan, the King-Spadina Secondary Plan, the King-Spadina Secondary Plan review, the King-Spadina HCD Study, the King-Spadina Urban Design Guidelines (2006), provide direction on the appropriate scale, massing, height and separation distances between buildings within the King-Spadina area. This proposal addresses these policy directions of the Official Plan and its supporting documents, and, thereby, conforms with the Growth Plan.

Conformity with the Planning Framework for King-Spadina

The application has been assessed in the context of the planning framework for King-Spadina, which includes the Official Plan, the King-Spadina Secondary Plan and supporting King-Spadina Urban Design Guidelines, the ongoing King-Spadina Secondary Plan Review and the King-Spadina HCD Plan.

The proposal meets the King-Spadina planning framework in terms of both height and massing as is discussed below.

Density, Height, Massing

The proposed building is located on a midblock site adjacent to two-storey house-form buildings to the north and the south, both of which share party walls with the existing buildings on the site. Additionally, the buildings to the north are identified as contributing buildings in the King-Spadina Heritage Conservation District Plan and are included on the City's Heritage Register. As required by the King-Spadina Secondary Plan Built Form Policies, in particular Policy 3.6. e) , as well as the Urban Design Guidelines, new buildings are to achieve a compatible relationship with their built form context through consideration of such matters as height, massing, scale, setbacks, stepbacks and architectural expression. New development should reinforce the character and scale of the existing street wall and the base of the building should respond proportionally to the width of the street so as to reinforce the existing building rhythm of the street.

In addition, Official Plan Policy 3.1.5.2 requires that development adjacent to properties on the City's Heritage Register will respect the scale, character and form of the heritage buildings and landscapes. Further, Policy 3.1.5.26 states that new construction on, or adjacent to, a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of that property, and to mitigate visual and physical impact on it. Similarly, the King-Spadina Heritage Conservation District Plan advises that, in order to respect the character and pattern of the street-wall frontage and height of the adjacent contributing heritage built form, a base building height is to be established which will be consistent with the streetwall height of the adjacent buildings.

To conform with these policies, the proposal has changed significantly from the original 2016 submission which was for a 19-storey building that did not achieve a compatible relationship with the surrounding built form context as it did not appropriately stepback

from Bathurst Street, did not establish an appropriate base building height, was located right on the north and south property lines, and did not respect the character of the adjacent heritage resources. The changes made to the proposal are described below.

Height

The height of the original proposal, at 58 metres (62 metres including the mechanical penthouse), was too tall for the surrounding context. The King-Spadina Secondary Plan review and its emerging policies, as it relates to the West Precinct, seeks to provide a planning framework for the King-Spadina West Precinct which recognizes the existing context established through numerous recently approved development proposals, while at the same time seeks to preserve the historic, midrise warehouse character of the West Precinct. To this end, the Secondary Plan review identifies a 'tall midrise' built form typology for the West Precinct and establishes a height of 45 metres, including mechanical elements, as the appropriate maximum height for the West Precinct. The 45 metre height limit can be achieved in conjunction with other built form considerations including the provision of an appropriately scaled base building and stepping of taller elements above.

The revised proposal has a height of 49.5 metres (52 metres including the mechanical penthouse). In this instance, as Bathurst Street forms the western boundary of the West Precinct, it contains some slightly taller buildings and has a right-of-way width of 30 metres (whereas the remaining streets in the West Precinct are 20 metres wide), it is the opinion of staff that the proposed height, in conjunction with the proposed stepbacks and setbacks, is appropriate for the site.

Stepbacks and Setbacks

In the original proposal, the first three storeys of the building stepped back 2.5 to 3 metres from the Bathurst Street property line, however, the building then cantilevered back to the Bathurst Street property line for floors four to six. This pattern of stepping back and then projecting out towards Bathurst Street continued for the remainder of the height of the building. While the setback of the first three floors was incorporated into the building design so as to align the proposed building with the adjacent heritage buildings and establish a consistent streetwall, the visual impact of this was negated through the provision of the cantilevers above.

Additionally, the proposed building was located right on the north and south side property lines for the full height of the building. However, in order to achieve an appropriate separation distance between buildings on adjacent lots and protect for sunlight, sky views and privacy, a stepback of 5.5 metres above the height of the base building from any property line that is not a street line or from the centreline of the lane, is typically required for this scale of building in the West Precinct. This establishes an 11 metre separation distance between buildings on adjacent lots. Such stepbacks are typically incorporated above the height of the base building.

The original proposal therefore was not only too tall for the West Precinct context, but also lacked an appropriate base building with stepping of taller elements above. The

cantilevers along the Bathurst Street façade and the location of the building on the north and south property lines essentially resulted in a canyon-like building which rose straight up the full height of the building, without the provision of an appropriately scaled streetwall height.

The revised proposal continues to incorporate a building setback of 2.5 metres to 3 metres from the Bathurst Street property line, however, where the original proposal included a cantilever over this setback starting at floor four, the revised proposal provides for an additional stepback from the front façade of 3.0 metres, beginning at floor three. This establishes a two-storey streetwall height which is appropriate for this site as it corresponds to the height of the adjacent heritage buildings.

As well, the revised proposal now includes a stepback from the north side lot line of 5.5 metres, also starting at floor three. Small elements of the building have been permitted to project 1.5 metres into this stepback in an alternating pattern, alternating between floors. The proposed stepbacks from the front façade and from the north side lot line work together to conserve the cultural heritage values, attributes and character of the adjacent heritage property, and mitigate the visual and physical impact created by the proposed development.

On the south side, stepbacks of 5.5 metres starting at floor nine are proposed with some elements projecting 1.5 metres into this stepback in an alternating fashion. As noted above, the width of the Bathurst Street right-of-way is 30 metres, thereby, the height at which the stepbacks are provided (at 26 metres), is appropriate as this corresponds to the width of right-of-way and fits with the surrounding context towards the south.

Land Use

The proposed residential and retail land uses are appropriate for the site and consistent with the *Downtown* and *Regeneration Areas* policies in the Official Plan, and the policies in the King-Spadina Secondary Plan.

Sun, Shadow, Wind

Wind

A Quantitative Pedestrian Level Wind Assessment completed by Gradient Wind Engineering Inc. was submitted with the original application in July 2016 and recommended some wind mitigating measures to be incorporated into the building design to improve wind conditions experienced within the outdoor amenity space which at the time was located on the 19th storey. The revised submission included an Addendum to the Pedestrian Level Wind Assessment, dated May 22, 2018. The Addendum evaluated the new proposed location of the outdoor amenity area above the third storey, and concluded that some wind mitigation barriers, measuring 1.6 metres in height, will be required to achieve comfortable conditions suitable for sitting or more sedentary activities during the warmer months. The design and location of the wind mitigation barriers will be secured as part of the Site Plan Approval.

Shadow

Shadow studies submitted by the applicant with the original submission in July 2016 showed that there is no impact on the Queen Street West HCD during any time of the day at the spring and fall equinox or during the summer months. There are no parks within the vicinity of this site which experience shadow resulting from this development. Given that the revised proposal has a lower height and smaller floor plate size, the resultant shadow impact on the surrounding context will be further reduced.

Parking and Access

The revised proposal includes the provision of 18 parking spaces accommodated in a parking stacker accessed via the lane at the rear of the site. This results in a parking ratio of .20 spots per residential unit. While the original proposal included 24 parking spaces, it also proposed a greater number of residential units therefore, resulted in a parking ratio of 0.15 spaces per unit.

Given the location of the site within the *Downtown* and the physical constraints of the site, Transportation Services staff concur with the applicant's findings in the submitted Transportation Assessment, Parking and Functional Loading Review Updated, dated May 25, 2018, supporting the proposed parking reduction from the required 55 spaces to 18 spaces. Additionally, given the impracticality of providing visitor parking with car elevator access, Transportation Services is also accepting of the non-provision of visitor parking.

Servicing

With the original application dated July 15, 2016, the applicant submitted a Functional Servicing Report prepared by Exp Services Inc, dated June 28, 2016, and a Preliminary Geotechnical Investigation prepared by SPL consultants Ltd., dated December 2, 2015. Engineering and Construction Services staff, in their memorandum dated September 6, 2016, and in the letter from Toronto Water, Environmental Monitoring and Protection Unit (EM&P), dated August 29, 2016, outlined a number of deficiencies/revisions to the submitted material, and requested updated material from the applicant.

This information has not been provided by the applicant to date and therefore, City Planning staff recommend that the LPAT be requested to withhold its Order until such time as this information is submitted to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, as identified in the Recommendation 5 of this report.

Loading

The City requires that a Type G loading space, measuring 4 metres by 13 metres be provided on site, with a City of Toronto solid waste collection vehicle entering and exiting the site in a forward motion. The original application showed the provision of a loading space within the public lane which is not permitted by the City.

The revised proposal shows a loading space re-located to the ground floor of the building. However, the proposed loading space size of 2.8 metres by 11 metres does not meet the

Type G size requirements and thereby is ineligible for City of Toronto waste collection services and must receive private collection. The applicant submitted a Transportation Assessment, Parking and Functional Loading Review Update report by LEA Consulting Ltd., dated May 25, 2018, which provides a justification for the inability of a standard Type G loading space to be provided on site. The report also demonstrates the ability of a private waste collection vehicle to manoeuvre into the loading space in a reverse motion with the waste collection bin already elevated to a height of 1.2 metres via a staging pad. As the bin will already be elevated to this height, it can be quickly transferred into the back of the waste collection vehicle without any lifting. The waste collection vehicle can then exit the site in a forward motion.

While the City typically does not accept proposals for private pick up, based on the information provided, the City will grant a one-time exemption for this site, subject to the following revisions/additional information provided by the applicant, as identified in the Recommendation 4 of this report:

- a. Revised drawings removing all annotations pertaining to City of Toronto waste collection;
- b. Revised drawings annotating that the Site Plan Agreement and Condominium Declaration will include conditions identifying that the building must use private waste collection;
- c. Revised drawings demonstrating that sufficient space for storage of the roll off bin is provided;
- d. Revised drawings annotating that a flagman or a spotter will be present during reversal of the collection vehicle into and out of laneway; and,
- e. Revised drawings indicating a warning system to caution motorists leaving the parking garage of heavy vehicles when loading and reversal operations are occurring. This warning system should include lights, signage/mirrors and audible warning signals.

Provision of Family-Sized Units

The proposed development includes 88 residential units. The proposed unit breakdown includes 16 bachelor units (18%), 54 one-bedroom units (61%), 9 two-bedroom units (10%), and 9 three-bedroom units (10%). Staff generally seeks to secure a minimum 10% of all units as three-bedroom units consistent with Official Plan objectives to create a diversity of unit types and accommodate families. This is also consistent with the City's "Growing Up" study which emphasizes the need to accommodate the growing demand for family housing in vertical communities. The applicant's original proposal fell short of the minimum requirement for three-bedroom units, however, based on requested revisions by staff, the application now proposes to meet this minimum threshold. The Zoning By-law Amendment will secure the percentage of two and three-bedroom units.

Rental Housing Replacement

The applicant's proposal to demolish three existing rental dwelling units at 149-157 Bathurst Street requires a permit under Chapter 667 of the Toronto Municipal Code. Should the Zoning By-law Amendment application be approved by the LPAT in whole or in part, the Chief Planner and Executive Director, City Planning would have the delegated authority to issue the preliminary approval for the rental housing demolition permit and the authority to impose conditions.

Official Plan policy 3.2.1.6 (rental housing demolition and replacement) does not apply to the proposed development and replacement of the three demolished rental dwelling units is not required as a condition of approval because fewer than six rental dwelling units are proposed to be demolished.

Tenant Relocation and Assistance

As a condition of approval for the rental housing demolition permit, the applicant would be required to provide impacted tenants residing in the three existing rental dwelling units proposed to be demolished with Tenant Relocation and Assistance to the satisfaction of the Chief Planner and Executive Director, City Planning. Should the LPAT approve the Zoning By-law Amendment application in whole or in part, City Planning staff would continue to work with the applicant and impacted tenants to develop an acceptable tenant relocation and assistance plan to help mitigate tenant hardship.

Amenity Space

Zoning By-law 438-86 requires a minimum of 2 square metres per unit each of indoor and outdoor amenity space, and By-law 569-2013 requires a combined amenity of 4 square metres per unit. The revised proposal provides 172 square metres of indoor amenity space (1.95 square metres per unit) and 173 square metres of outdoor amenity space (1.97 square metres per unit), which is acceptable to staff. The indoor and outdoor amenity spaces are proposed to be connected and both are located on the third floor. The design and configuration of the amenity space will be secured as part of the Site Plan Approval process, and staff recommend that the design of the amenity spaces incorporate both indoor and outdoor areas for children and youth, in keeping with the Growing Up Guidelines.

Pet-Friendly Facilities

Given the current rise in dog population in the Downtown area, and particularly within condominiums, the applicant is expected to provide on-site dog amenities with proper disposal facilities for the building residents and dog relief stations within the building. This will help to alleviate some of the pressure on the existing neighbourhood parks. The location of pet-friendly facilities will be reviewed and secured as part of the Site Plan Approval process

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. The site is in the highest quintile of

current provision of parkland, and, in accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The non-residential nature of this proposal is subject to a 2% parkland dedication, while the residential will be subject to a 10% parkland dedication.

The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. Payment will be required prior to the issuance of the first above grade building permit.

Streetscape

With the proposed building setback from the Bathurst Street property line of 2.5 metres to 3 metres, the resulting curb to building face distance is approximately 8 metres. The applicant proposes to plant three street trees and install bicycle rings within this increased sidewalk zone. As part of the Site Plan Approval process, staff will seek to secure the following elements in compliance with the City's Vibrant Streets design guidelines:

- A 0.6 metre wide buffer strip along the curb edge;
- A furnishing/planting zone between 1.0 and 2.2 metres wide (a minimum 1.2 metres is required for tree planting); and,

- A 2.1 metre wide Pedestrian Clearway.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement.

The applicant is required to meet Tier 1 of the TGS. The site specific zoning by-law will secure performance standards for the provision of bicycle parking. Other applicable TGS performance measures will be secured through the forthcoming Site Plan Approval process.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits for increases in height and/or density for a use pursuant to Section 37 of the *Planning Act*. Generally, a Section 37 benefit is required for developments with more than 10,000 square metres of gross floor area. The application at 149 – 157 Bathurst Street does not meet this criteria as it is below the 10,000 square metre threshold.

Conclusion

The proposed settlement of the Zoning By-law appeal for the site as outlined in the revised plans, dated, May 17, 2018, and appended as Attachments 1 – 5 to this report has regard for Section 2 of the *Planning Act*, is consistent with the Provincial Policy Statement (2014), conforms with the Growth Plan for the Greater Golden Horseshoe (2017), and conforms with the Official Plan and the King-Spadina Secondary Plan. City Planning staff recommend that City Council authorize the City Solicitor and appropriate City staff to attend before the LPAT respecting the Zoning By-law Amendment appeal for 149-157 Bathurst Street in support of revisions made to the proposed development and that the LPAT withhold its Order until such time as the matters set out in the Recommendations 2-7 of this report have been satisfied by the applicant.

CONTACT

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E-mail: Joanna.Kimont@toronto.ca

SIGNATURE

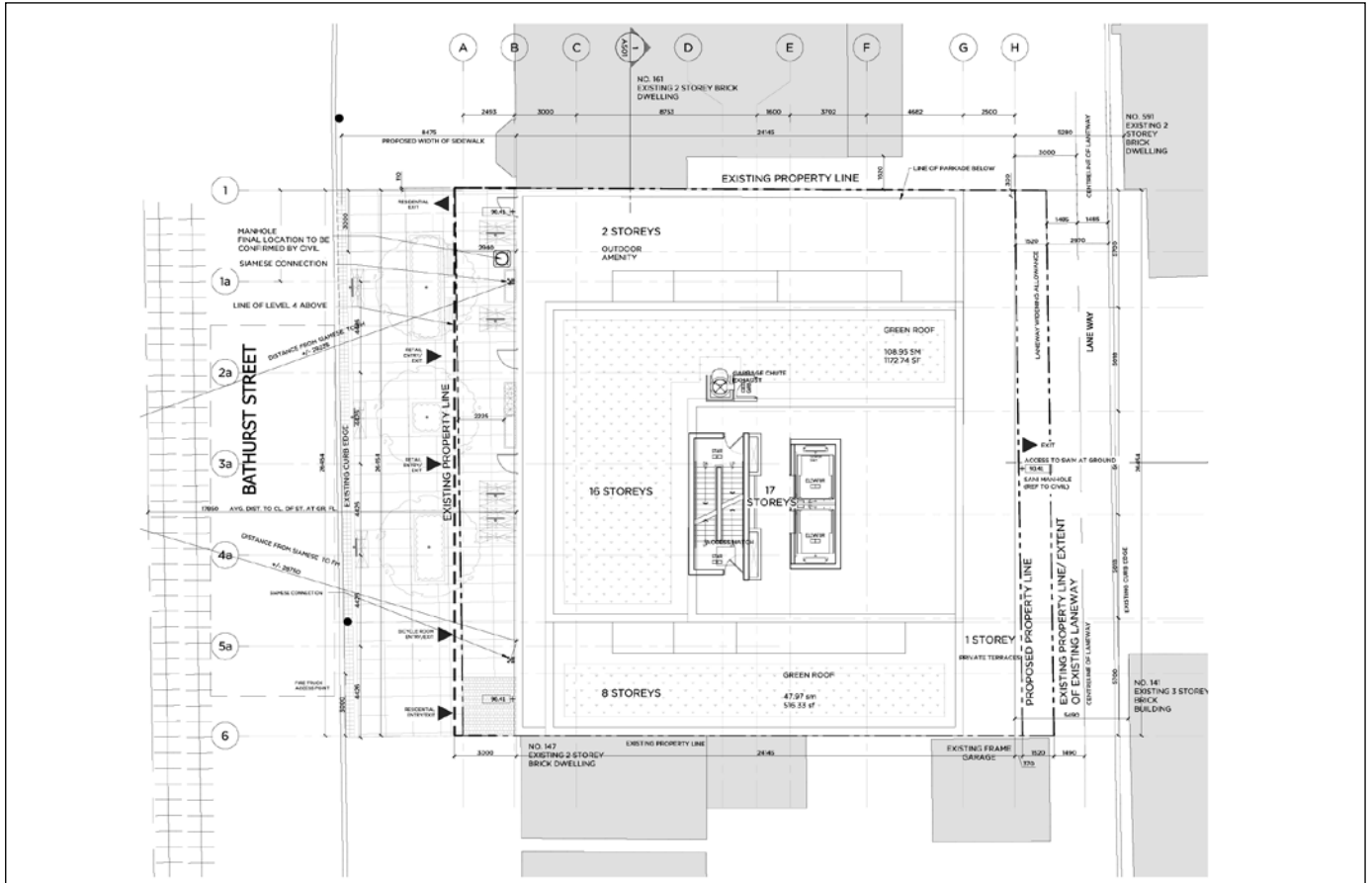
Lynda H Macdonald
Acting Director, Community Planning
Toronto and East York District

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ATTACHMENTS

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

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

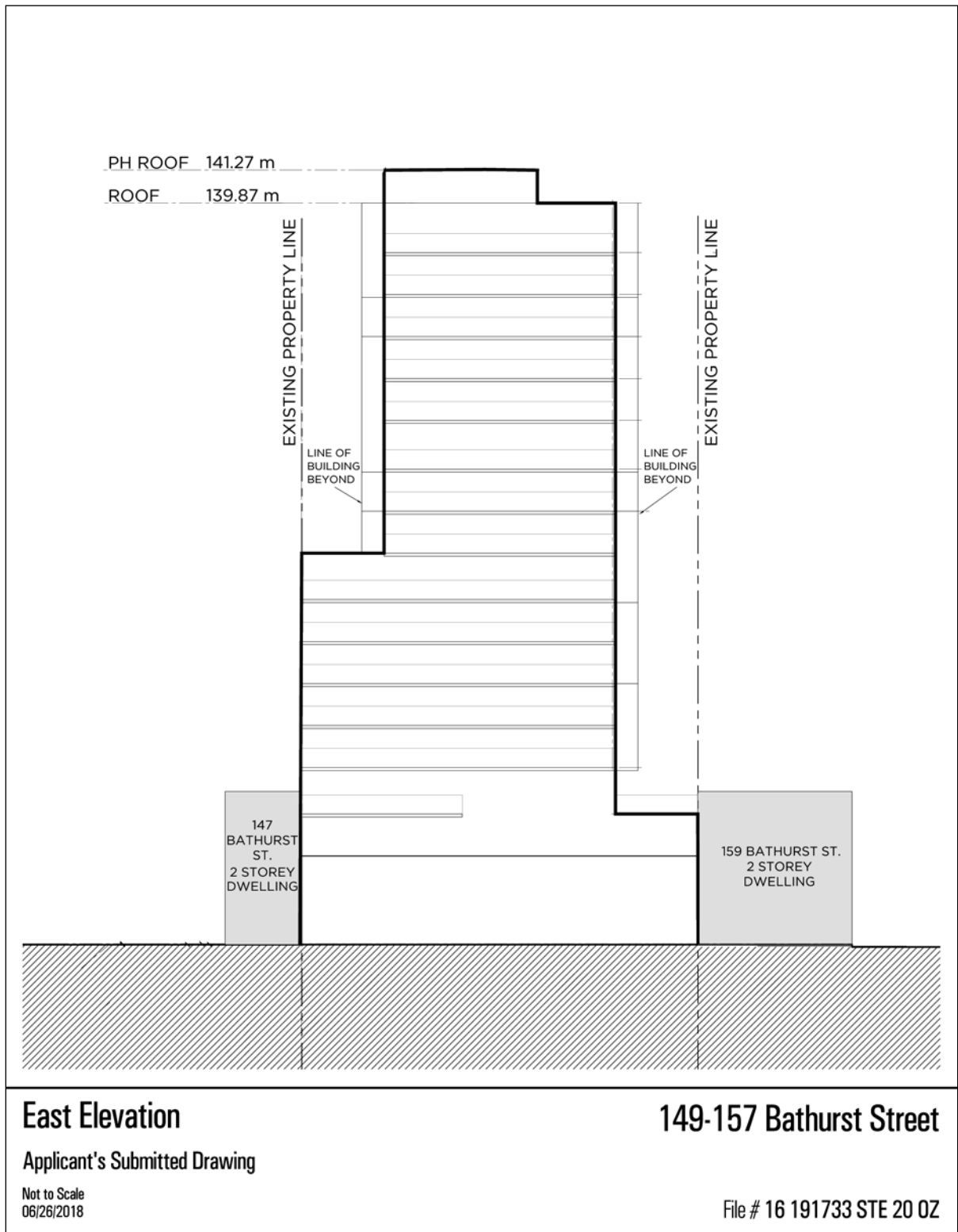
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06/26/2018



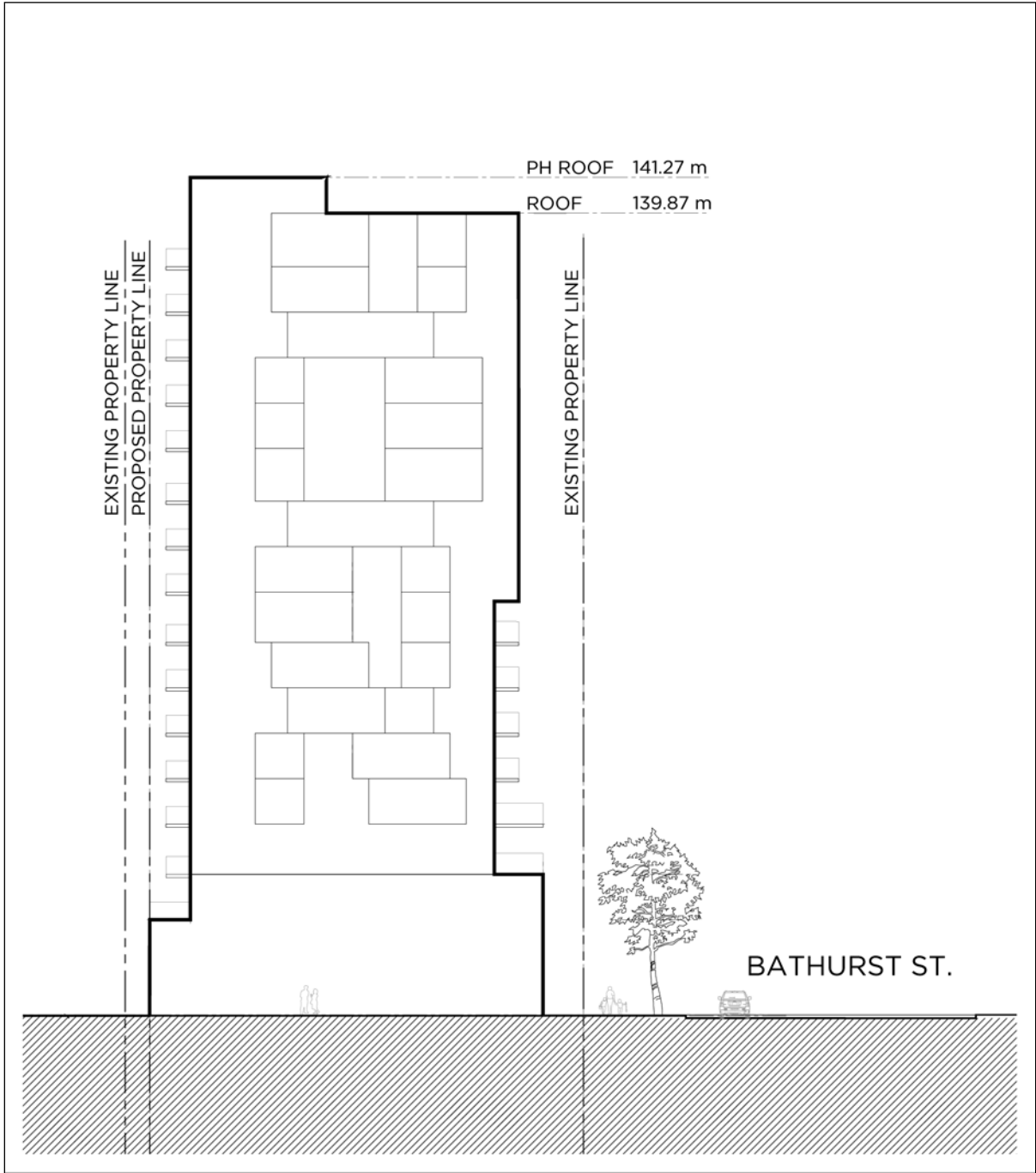
149-157 Bathurst Street

File # 16 191733 STE 20 0Z

Attachment 2: East Elevation



Attachment 3: North Elevation



North Elevation

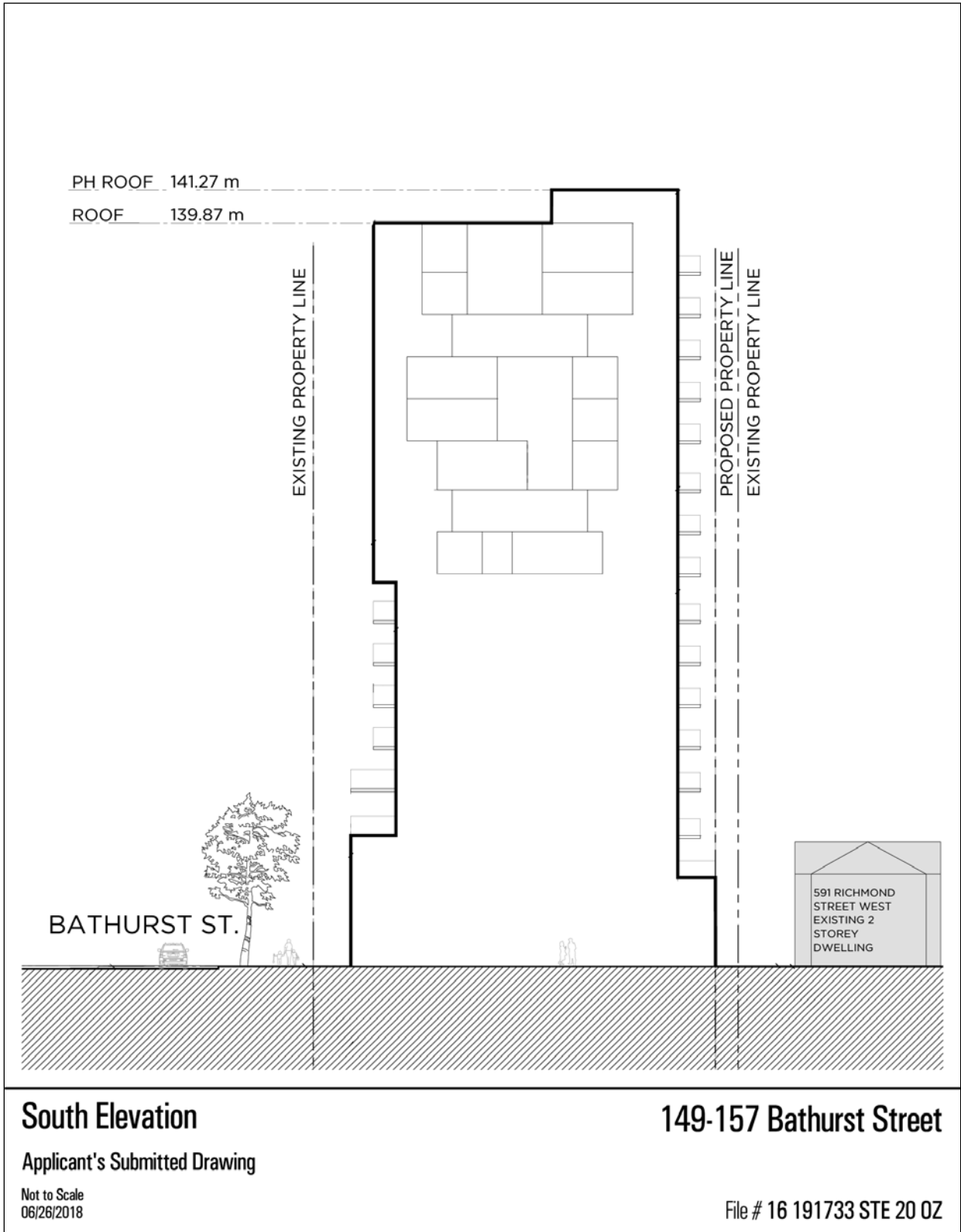
149-157 Bathurst Street

Applicant's Submitted Drawing

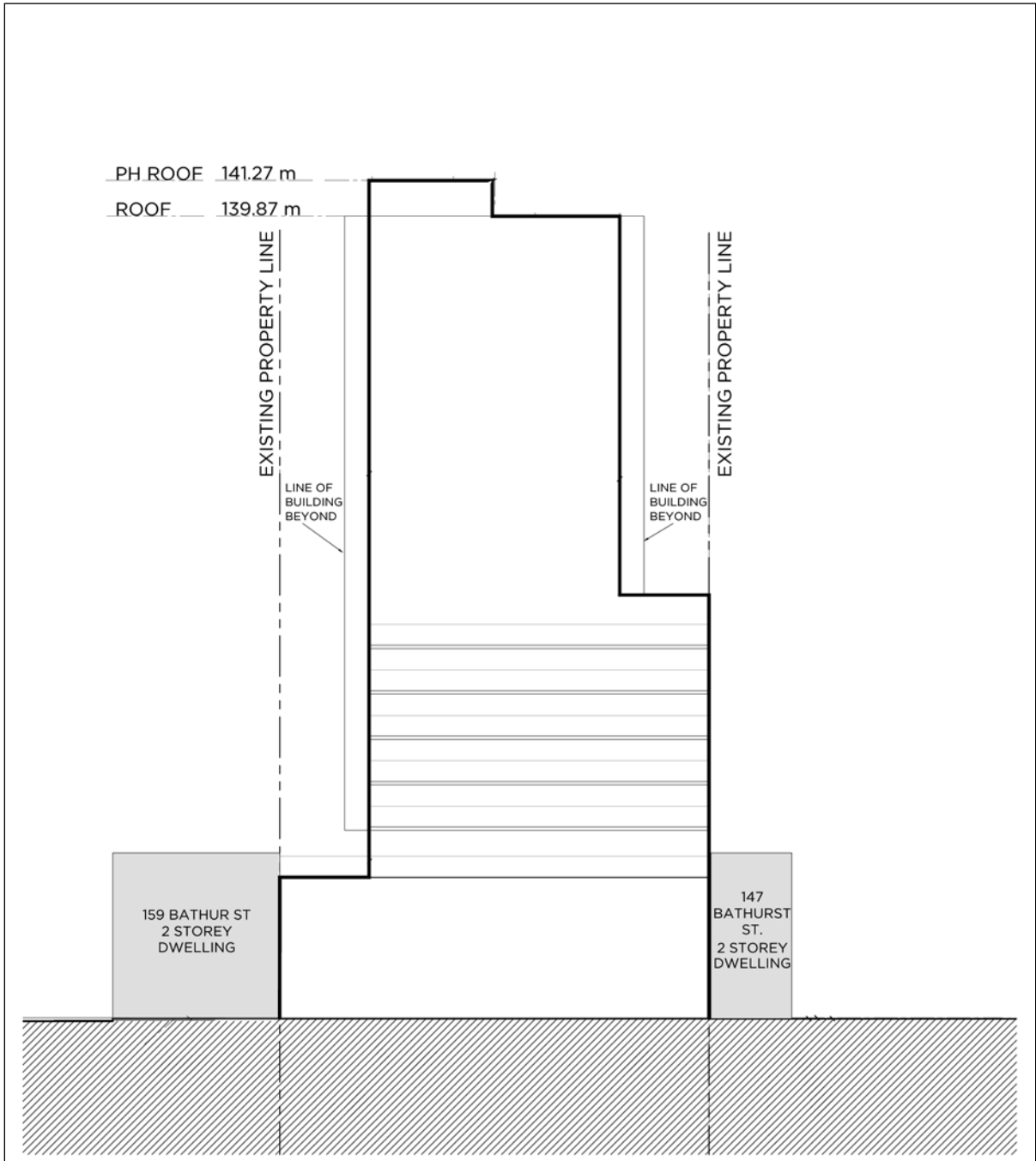
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File # 16 191733 STE 20 0Z

Attachment 4: South Elevation



Attachment 5: West Elevation



West Elevation

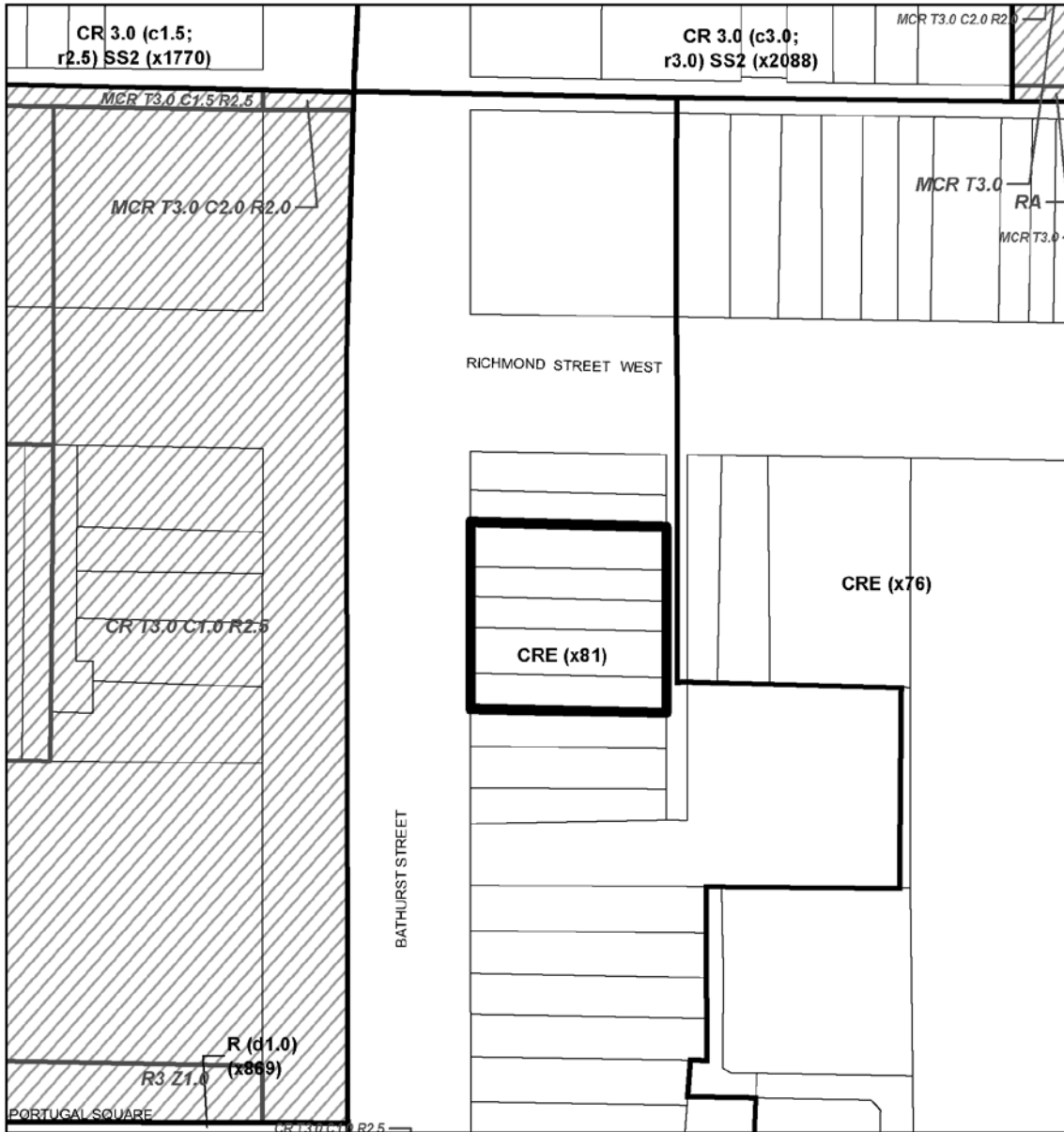
149-157 Bathurst Street

Applicant's Submitted Drawing

Not to Scale
06/26/2018

File # 16 191733 STE 20 OZ

Attachment 6: Zoning By-law Map



TORONTO City Planning

Zoning By-Law No. 569-2013

149-157 Bathurst Street

File # 16 191733 STE 20 OZ

Location of Application

R Residential

CR Commercial Residential
 CRE Commercial Residential Employment

See Former City of Toronto By-Law No. 438-86

R3 Residential District
 CR Mixed-Use District
 MCR Mixed-Use District
 RA Mixed-Use District
 I1 Industrial District



Not to Scale
 Extracted: 12/02/2016

Attachment 7: Application Data Sheet

Municipal Address: 149 BATHURST ST **Date Received:** July 15, 2016

Application Number: 16 191733 STE 20 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Zoning Amendment application to redevelop the site at 149 to 157 Bathurst Street containing 4 house-form buildings with a 16-storey mixed-use building having a total height of 51 metres, including the mechanical penthouse. The building will contain retail at grade, 88 residential units above and 18 vehicular parking spaces in a below-grade garage.

Applicant	Agent	Architect	Owner
BOUSFIELDS INC	BOUSFIELDS INC	RAW DESIGN	CCB BATHURST STREET LIMITED PARTNERSHIP

EXISTING PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:
Zoning:	RA	Heritage Designation:
Height Limit (m):	26	Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq m): 749 Frontage (m): 27 Depth (m): 29

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			516	516
Residential GFA (sq m):			6,055	6,055
Non-Residential GFA (sq m):			171	171
Total GFA (sq m):			6,226	6,226
Height - Storeys:			16	16
Height - Metres:			52	52
Lot Coverage Ratio (%):	68.89	Floor Space Index:	8.31	

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	6,055	
Retail GFA:	171	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:			88	88
Freehold:				
Condominium:				
Other:				
Total Units:			88	88

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:					
Total Units:		16	54	9	9

Parking and Loading

Parking Spaces: 69 Bicycle Parking Spaces: 88 Loading Docks:

CONTACT:

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