

## **2010-2016 Bathurst Street – Official Plan Amendment and Zoning Amendment Applications – Preliminary Report**

Date: January 22, 2019

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward: Ward 12 - St. Paul's

**Planning Application Number:** 18 246984 STE 21 OZ

**Notice of Complete Application Issued:** November 13, 2018

**Anticipated City Council Meeting Date:** May 14, 2018

**Current Use(s) on Site:** a two-storey mixed-use building and two-storey house-form building containing a dentist office with parking at the rear accessed by a public laneway.

### **SUMMARY**

---

This report provides information and identifies a preliminary set of issues regarding the application located at 2010-2016 Bathurst Street. Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

### **RECOMMENDATIONS**

---

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 2010-2016 Bathurst Street in consultation with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

## **FINANCIAL IMPACT**

---

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

---

The Phase 1 (Part 1) Implementation Report for the Eglinton Connects Planning Study was considered by City Council at its meeting of July 8, 2014. From this report, City Council adopted Official Plan Amendment No. 253 that included, among other things, a Site and Area Specific Policy No. 476 requiring the provision of a public laneway extension at the rear of the site with laneway access from Peveril Hill Road North to the west and Dewbourne Avenue to the south, as part of a public rear laneway system along sections of Eglinton Avenue west of Yonge Street. City Council also adopted a resolution directing staff to implement the Eglinton Connects Streetscape Plan as development proceeds along Eglinton Avenue West. The applicant and a number of other parties have appealed OPA No. 253 to the Local Planning Appeal Tribunal.

The report and Council's direction are available on the City's website at:  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG34.1>.

## **ISSUE BACKGROUND**

---

### **Proposal Description**

This application proposes an 8-storey (33.7 metres including a mechanical penthouse), mixed-use apartment building with 26 residential units and 276 square metres of retail space on the ground floor. The overall density is 4.94 times the area of the lot. A total of 40 vehicular parking spaces are proposed within 3 levels of underground parking. Entry to the underground garage is proposed at the southwest corner of the building from the adjacent public laneway which will be widened by 0.58 metres as a condition of the development proposal. No vehicle access will be provided from Bathurst Street. A total of 32 bicycle parking spaces are proposed with 22 of those spaces provided at-grade. The main pedestrian entrances to the building will be located on the Bathurst Street frontage.

The applicant is proposing that 23% of the residential units are 1-bedroom and 77% are 2- and 3-bedroom units. The applicant is also proposing a total of 82 square metres of indoor amenity space and 46 square metres of outdoor amenity located on the ground floor at the rear of the building.

Detailed project information is found on the City's Application Information Centre at:

<https://www.toronto.ca/city-government/planning-development/application-information-centre/>

See Attachment 1a and b of this report, for a three dimensional representation of the project in context.

## **Provincial Policy Statement and Provincial Plans**

Land use planning in the Province of Ontario is a policy led system. Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2014) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: the Growth Plan for the Greater Golden Horseshoe (2017) and, where applicable, the Greenbelt Plan (2017). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

## **Toronto Official Plan Policies and Planning Studies**

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from The Planning Act of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies may be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The site is located on lands shown as Map 17 of the Land Use Map of the Official Plan and is designated as a *Mixed Use Area*.

The site is subject to Site and Area Specific Policy No. 44 – 2000-2010 Bathurst Street - which states that commercial uses will be restricted to offices in house form buildings.

## **Zoning By-laws**

The site is subject to City of Toronto Zoning By-law 569-2013 and has two different designations that apply. The southern portion of the site (2010-2012 Bathurst Street) is designated RM (u3) (x253). The designation permits detached, semi-detached and triplex building types, and a maximum permitted height of 10 metres. The site specific provision restricts building type, lot frontage, building height, FSI and setbacks.

The northern portion of the site (2014-2016 Bathurst Street) is designated CR SS2 (x2630). The CR designation permits dwelling units in apartment buildings, mixed-use buildings and townhouses and has a maximum permitted height of 24 metres or 8-storeys. The site specific provision permits a height of 25.5 metres, regulates building setbacks for buildings that front Eglinton Avenue West, and restricts uses on the first floor of a building.

The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

The site is also subject to the former City of York Zoning By-law Zoning 1-83 and has two different designations that apply. The southern portion of the site (2010-2012

Bathurst Street) is designated R3 and permits detached houses, duplexes, townhouses, triplexes, and double duplexes and triplexes.

The northern portion of the site (2014-2016 Bathurst Street) is designated MCR S16(123) which permits townhouses, apartments, commercial/retail, institutional and office uses.

## **Design Guidelines**

The following design guidelines will be used in the evaluation of this application:

- Mid-rise Buildings Guidelines 2010 & Addendum 2016
- Growing Up: Planning for Children in New Vertical Communities 2017

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

## **Site Plan Control**

The application is subject to Site Plan Control. A Site Plan Control application has not been submitted.

## **COMMENTS**

---

### **Reasons for the Application**

The applicant has submitted a Zoning By-law Amendment application to obtain relief from the development criteria described in both Zoning By-law 569-2013 and Zoning By-law 1-83 including those related to height, density, building type, and setbacks. Additional variances to the Zoning By-law will be identified as part of the application review.

An Official Plan Amendment application was submitted because the proposal does not conform to Site and Area Specific Policy No. 44 – 2000-2010 Bathurst Street which requires commercial uses to be in a house-form building type.

### **ISSUES TO BE RESOLVED**

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified:

### **Provincial Policies and Plans Consistency/Conformity**

Staff will continue to evaluate this planning application to establish consistency with the PPS (2014) and conformity with the Growth Plan (2017).

- Given the explicit link between Provincial Policy and the Official Plan, conformity with the PPS and the Growth Plan (2017) will be largely determined by conformity with the Official Plan.

## **Official Plan Conformity**

Staff will continue to evaluate this planning application against the Official Plan to determine the application's conformity to the Official Plan and the applicable Site and Area Specific Policy.

- Listed below are revisions required to bring the Zoning Amendment application into conformity with the Official Plan.
- Staff have no objection to the proposed amendment to Official Plan Site and Area Specific Policy No. 44.

## **Built Form, Planned and Built Context**

Staff will continue to assess the suitability of the proposed height, massing, and other built form issues based on Section 2 q. and r. of the Planning Act; the Growth Plan (2017), the City's Official Plan policies and Design Guidelines including the Avenues and Mid-rise Buildings Study, and the Mid-Rise Building Performance Standards and Addendum.

The following issues have been identified:

- The suitability of the proposed building height and massing, including setbacks, stepbacks and angular plane adherence, against the City's Official Plan policies and the Avenues and Mid-rise Buildings Study, as well as the Mid-Rise Building Performance Standards and Addendum.
- Conformity with the City's Official Plan policies for *Mixed-Use Areas*.
- The potential for negative impacts of the proposed building to the adjacent building to the north, at the rear.
- The suitability of the built form measures proposed in order to provide transition to the low-scale *Neighbourhoods* to the rear.
- The appropriateness and suitability of the proposed public realm including building setback, alignment with adjacent properties, and treatment of the public right-of-way.
- The suitability of the outdoor amenity space in terms of amount and location.
- The appropriateness of shadow impact on *Neighbourhoods* from the proposed building.

Additional issues may be identified through the review of the application including further review from City divisions and agencies and the public consultation process.

## **Tree Preservation**

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law). Forestry staff have reviewed the Arborist Report and accepted the proposed tree preservation plan.

- The applicant has submitted an Arborist Report and proposes to remove one City-owned street tree and retain four existing trees on private property.

- Forestry has provided conditions to be satisfied at the site plan control stage of the application.

### **Community Services and Facilities**

Staff will evaluate the impact of the proposed development and local development activity on community services and facilities, including assessment of existing capacity to support proposed future population.

### **Section 37 Community Benefits**

The Official Plan provides for the use of Section 37 of the Planning Act to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision by the applicant of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement which is then registered on title.

- Further discussion with the Ward Councillor, City staff, residents, and the applicant will be required to determine the extent and nature of the required Section 37 community benefits should the proposal proceed to approval in some form.

### **Infrastructure/Servicing Capacity**

Staff will continue to review the application to determine if there is sufficient infrastructure capacity (roads, transit, water, sewage, hydro, community services and facilities, etc.) to accommodate the proposed development.

- The applicant has submitted the following studies and reports which have been reviewed by Engineering and Construction Services staff: a Functional Servicing & Stormwater Management Report; Hydrogeological Report; Geotechnical Study; Phase 1 Environmental Site Assessment; and Transportation Impact Study.
- Revisions and additional detail has been requested of the applicant to satisfy Engineering Construction and Servicing staff.
- A total of 40 parking spaces are proposed for the development which meets the by-law requirement.

### **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 and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement.

- The applicant has submitted the required Toronto Green Standards Checklist for Mid to High Rise Residential Development.
- The checklist is being reviewed for conformity with Tier 1 requirements and full compliance will be required prior to approval of the requested applications.

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

## **CONTACT**

Sipo Maphangoh, Senior Planner, 416-338-2478, Sipo.Maphangoh@toronto.ca

## **SIGNATURE**

---

Lynda H. Macdonald MCIP, RPP, OALA  
Director, Community Planning, Toronto and East York District

## **ATTACHMENTS**

### **City of Toronto Drawings:**

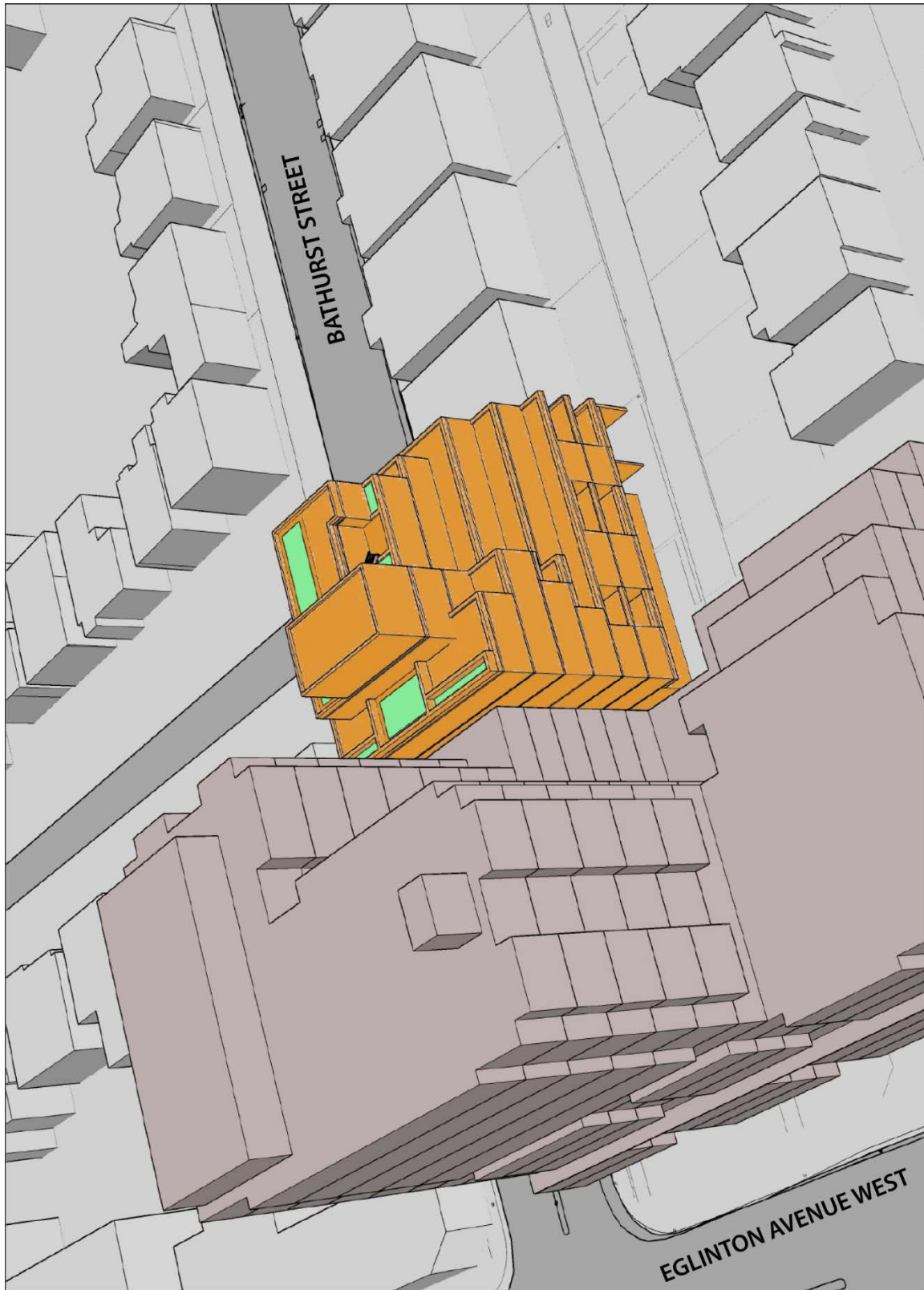
Attachment 1a and b: 3D Models of Proposal in Context

Attachment 2: Location Map

Attachment 3: Site Plan

Attachment 4: Official Plan Map

**Attachment 1a: 3D Model of Proposal in Context**

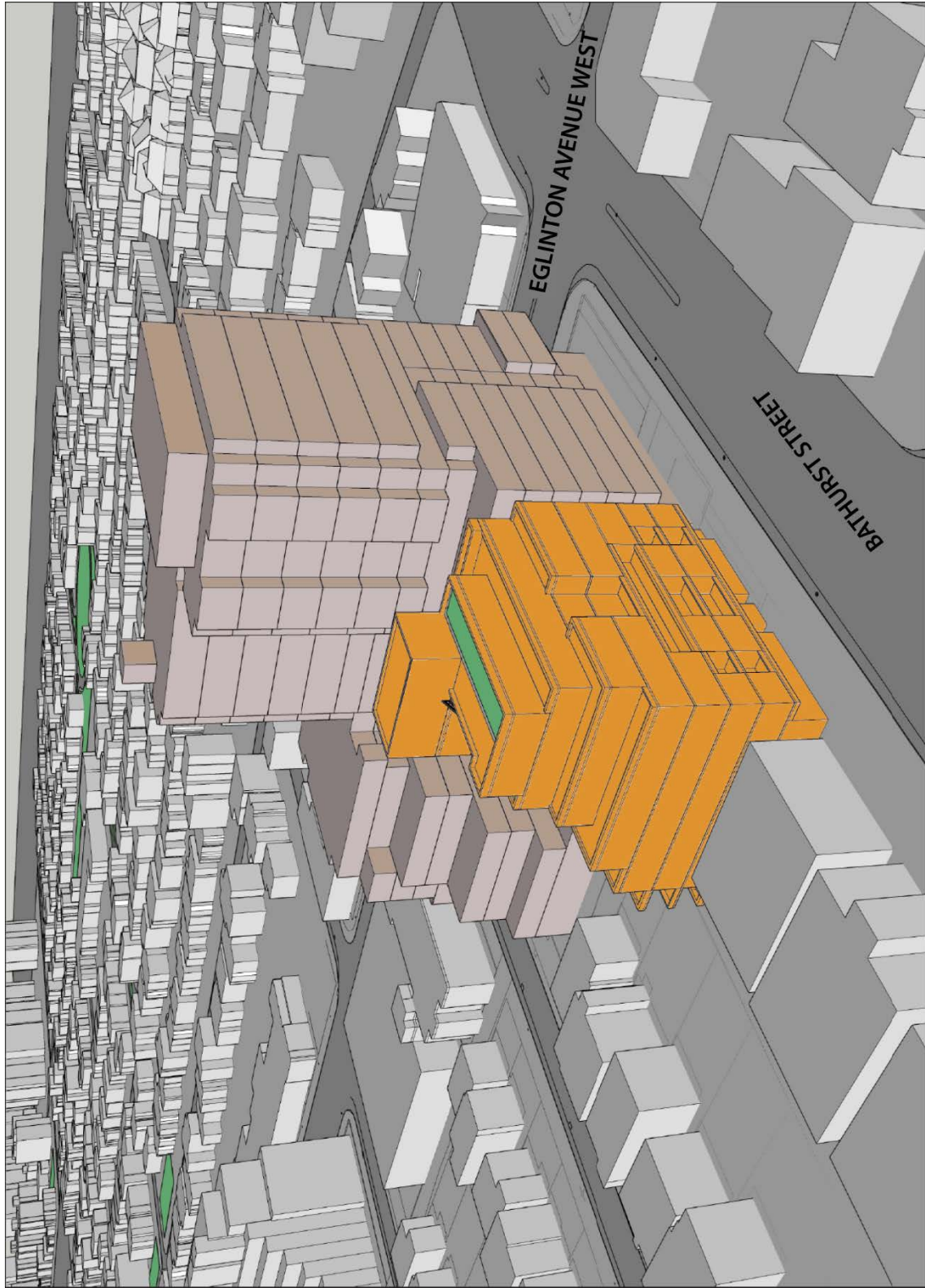


01/21/2019

**View of Applicant's Proposal Looking South-east**



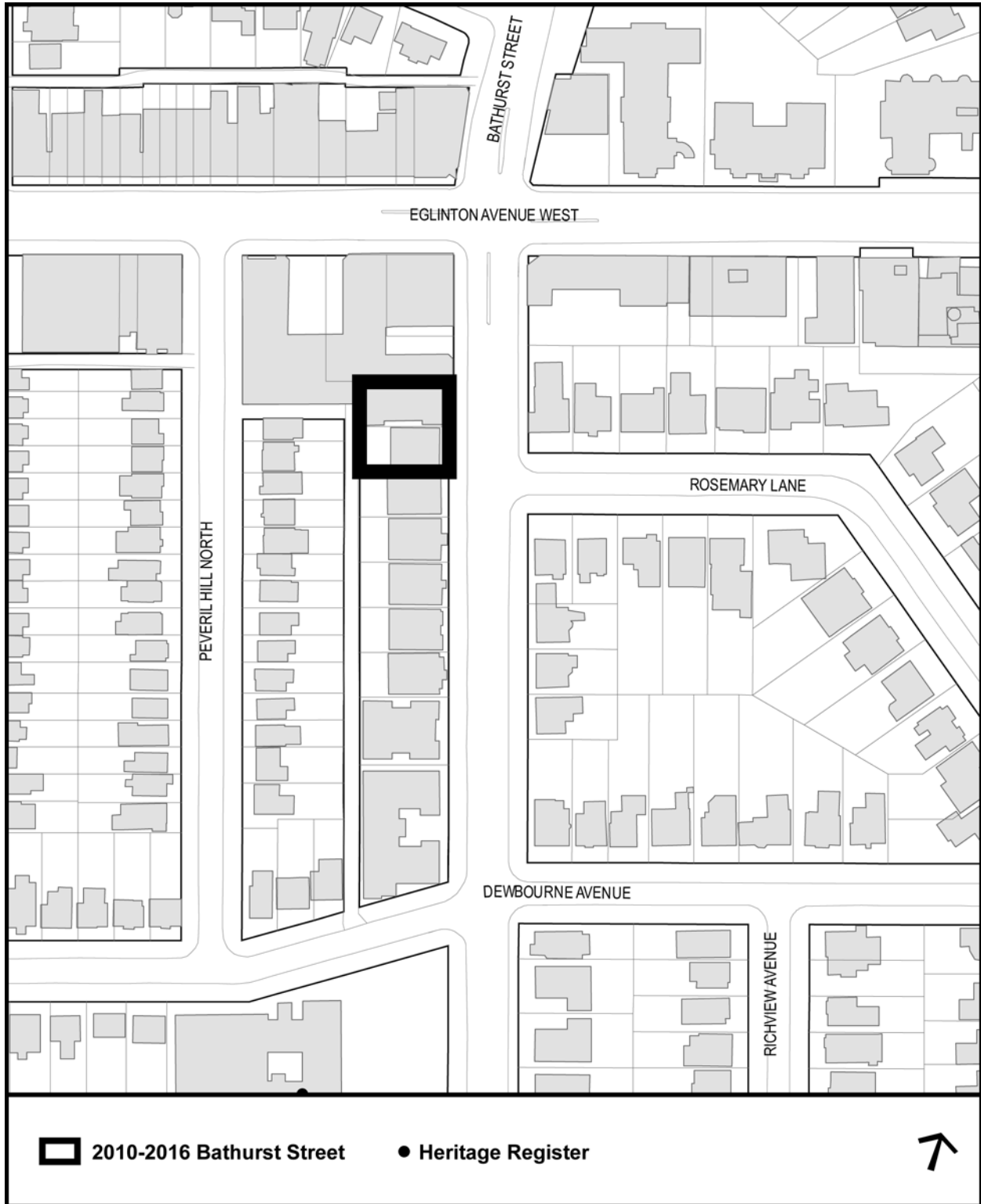
**Attachment 1b: 3D Model of Proposal in Context**

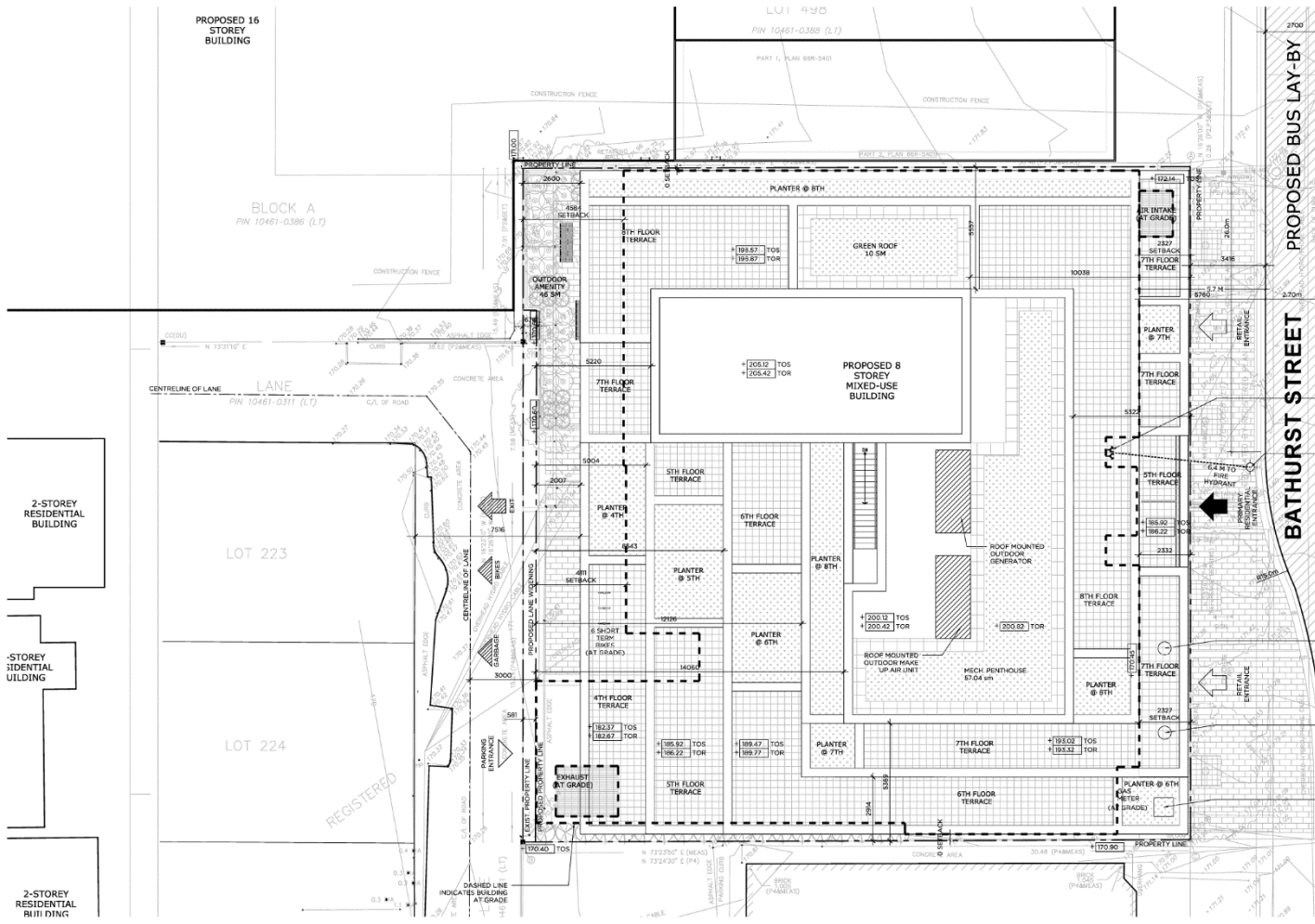


MOIDA/2019

**View of Applicant's Proposal Looking North-west**

## Attachment 2: Location Map





# Site Plan

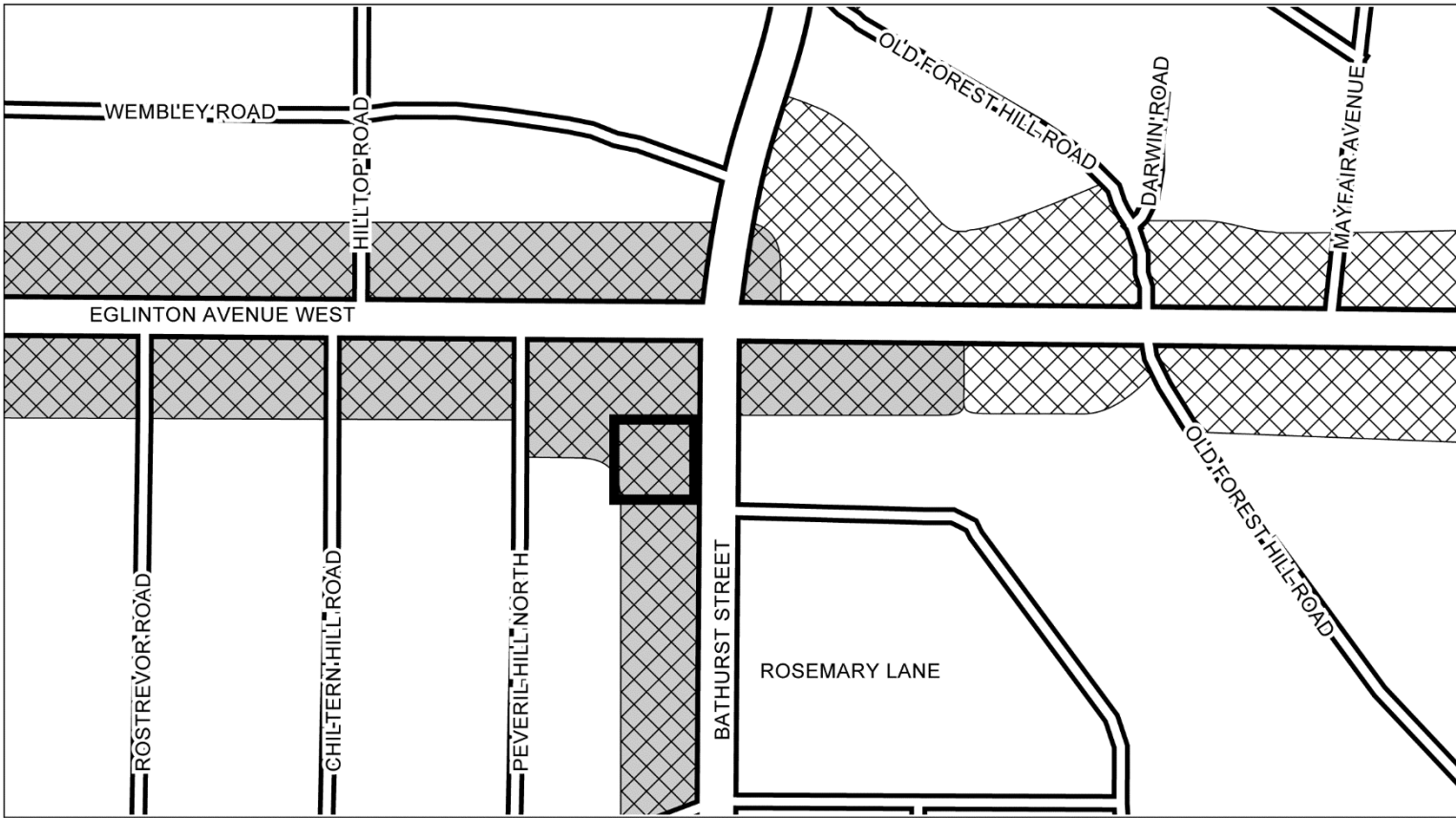
Applicant's Submitted Drawing

Not to Scale  
01/21/201



# 2010-2016 Bathurst Street

File # 18 246984 STE 21 OZ



Official Plan Land Use Map #17

2010-2016 Bathurst Street

File # 18 246984 STE 0Z

-  Location of Application
-  Neighbourhoods
-  Apartment Neighbourhoods
-  Mixed Use Areas



Not to Scale  
01/21/2019