

## **64-86 Bathurst Street – Official Plan Amendment, Zoning Amendment, and Rental Housing Demolition Applications – Preliminary Report**

Date: February 27, 2019

To: Toronto and East York Community Council

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

Ward 10: Spadina - Fort York

**Planning Application Numbers:** 18 176812 STE 19 OZ & 18 176824 STE 19 RH

**Notice of Complete Application Issued:** June 12, 2018

**Current Uses on Site:** Two 2-storey commercial buildings, two 1-storey commercial buildings, a surface parking lot, and a 3-storey semi-detached residential building.

### **SUMMARY**

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This report provides information and identifies a preliminary set of issues regarding the application located at 64-86 Bathurst Street. Staff are currently reviewing the application, which has been circulated to all appropriate agencies and City divisions for comment. It is City Planning staff's opinion that the building is not supportable in its current form. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 64-86 Bathurst Street together with the Ward Councillor; and
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**

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The recommendations in this report have no financial impact.

## ISSUE BACKGROUND

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### Proposal Description

This application proposes a mixed-use rental apartment building spanning the entire width of the site with a height that ranges from 20-storeys (77 metres, including the mechanical penthouse) at the north portion of the site, to 17-storeys (60.5 metres, including the mechanical penthouse) at the south portion. The proposal includes at-grade retail units, with two floors of office space above, and residential uses on floors 4-20.

The proposed density is 9.61 times the area of the lot. A total of 150 vehicular parking and 374 bicycle parking spaces are proposed within 3 levels of underground parking. Vehicular access to the site is proposed from Wellington Street West, with a large staging area that would provide manoeuvring space, a type G loading space and bin staging before a ramp leading down to the below grade parking and loading area.

The proposed base of the building would be 4-storeys in height and setback between 7.9 and 13 metres to the *Neighbourhoods* area to the west, and between 0.01 and 0.9 metres from the north property line. Along Bathurst Street the base building would be setback between 1.8 and 2.9 metres, while the setback from the Wellington Street West property line would be between 0.9 and 1.1 metres. The proposed distance from the curb to the building face on the Bathurst Street frontage would 7.7 metres, while the proposed distance on the Wellington Street West side is 6.2 metres.

The proposed building's tower element would be setback 5.3 metres from the northern lot line and a minimum of 12.5 metres from the Bathurst Street and Wellington Street West right-of-way centre lines. The setback of the tower element from the Bathurst Street and Wellington Street West property lines would range between 1.5 and 1.8 metres.

The applicant is proposing a total of 333 residential units, of which 231 (70%) are to be 1-bedroom, 68 to be 2-bedroom (20%) and 34 to 3-bedroom (10%). The applicant is also proposing a total of 1,408 square metres of indoor amenity space located at the 4th, 18th and 19th floors, and 2,219 square metres of outdoor amenity located at the 4th floor and on the rooftop terraces.

This application proposes the demolition of five buildings which collectively contain seven rental dwelling units. City Planning staff will work with the applicant to determine an acceptable rental replacement proposal during the review process.

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

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

See Attachments 1a and b, 3 and 5 of this report for a three dimensional representation of the project in context, the proposed site plan and application data, respectively.

### **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). 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/>

A portion of the subject site is identified on Map 2 of the Official Plan as being within an *Avenue* (running east to west along King Street West) and is designated *Mixed Use Areas* on Map 17 of the Land Use Map (see attachment 4).

The site is also located within the Garrison Common North Secondary Plan Area.

### **Zoning By-laws**

The site is zoned Mixed Commercial Residential (MCR) by Zoning By-law 438-86, as amended. The MCR Zone permits a range of residential uses, as well as commercial, office, institutional and community services uses. The Zoning By-law permits a maximum building height of 36 metres and a combined density of 3 times the lot area for mixed-uses.

The MCR Zone permits a range of residential uses including apartment buildings. The CR Zone also permits non-residential and community uses, including office, retail stores, service, community centres, day nursery and place of worship.

The property is not subject to City-Wide Zoning By-law 569-2013.

### **Design Guidelines**

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

- Tall Building Urban Design Guidelines; and
- 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.

### **Rental Housing Demolition and Conversion By-law**

The applicant submitted an application on June 12, 2018, for a Rental Housing Demolition permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition of the existing rental housing units, as the lands subject to the application contain six or more residential units, of which at least one is rental. As per Chapter 667-14, a tenant consultation meeting will be held to review the impact of the proposal on tenants of the residential rental property and matters under the Rental Housing Demolition By-law.

## **COMMENTS**

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### **Reasons for the Application**

The application includes a proposed Official Plan Amendment with the intention of adding a new Site and Area Specific Policy (SASP) for the site. The proposed SASP would provide for additional height and density, and an alternative approach to the transition to the *Neighbourhoods* to the west.

The Zoning By-law Amendment application seeks to obtain relief from the development criteria in Zoning By-law 438-86, as amended, including those related to height, density, and setbacks. Additional deviations from the Zoning By-law may be identified as part of the application review.

### **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 against the PPS (2014) and the applicable Provincial Plans (2017) to establish the application's 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 will be largely determined by conformity with the Official Plan.

### **Official Plan Conformity**

Staff will continue to evaluate this planning application to determine the application's conformity to the Official Plan and the Garrison Common North Secondary Plan. The proposal in its current form does not conform to the Official Plan as explained below.

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

Staff will continue to assess 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 the City's Design Guidelines, particularly the Tall Building Design Guidelines.

Staff have assessed the application and have identified the following issues:

- The suitability of the proposed building height and massing, including setbacks and stepbacks in relation to the existing and planned context;
- The appropriateness of the proposed density of 9.61 times the area of the lot;
- The suitability of the proposed transition to the low-scale *Neighbourhoods* to the rear;
- The appropriateness of the proposed 90 metre wide building mass along Bathurst Street;
- The impact of the proposed shadows on the public realm and adjacent properties;
- Lack of on-site parkland dedication;
- The suitability of the proposed mid-block connection;
- The appropriateness of the proposed vehicle entrance off Wellington Street West; and
- The wind impacts of the development and the appropriate mitigation measures.

### **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). The applicant has submitted an Arborist Report and a Tree Inventory and Preservation Plan. Staff will assess the appropriateness of the applicant's Preservation Plan, which currently proposes removal of seven City trees, two private trees, and two neighbouring trees. The 7 City trees are proposed to be replaced with 15 trees along Bathurst Street and Wellington Street West and 5 trees on private property.

### **Housing**

The applicant has submitted a Housing Issues Report. Staff will continue to assess the applicant's rental replacement proposal against the City's rental demolition and

replacement policy and work with the applicant and tenants to develop an acceptable Tenant Relocation and Assistance Plan.

The provision of 68 (20%) two-bedroom units and 34 (10%) three-bedroom units supports the unit mix objectives of the Growing Up guidelines, Official Plan housing policies, and the Growth Plan's growth management and housing policies to accommodate within new development a broad range of households, including families with children.

As the detailed design of the site progresses, the applicant should provide additional information on the proposed unit sizes to evaluate the application in the context of the Growing Up guidelines.

### **Archaeological Assessment**

An archaeological resource assessment identifies and evaluates the presence of archaeological resources also known as archaeological sites. An Archaeological Assessment has been submitted and is under review.

### **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.

### **Infrastructure/Servicing Capacity**

Staff are reviewing 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 are being reviewed by Engineering and Construction Services: a Functional Servicing and Stormwater Management Report; Hydrogeological Investigation; Geotechnical Investigation; and Traffic Impact and Parking Study.

Staff will continue to assess:

- The Servicing Report provided by the applicant, to evaluate the effects of the development on the City's municipal servicing infrastructure and identify and provide the rationale for any new infrastructure and upgrades to existing infrastructure, necessary to provide adequate servicing to the proposed development; and
- The Transportation Impact and Parking Study submitted by the applicant, to evaluate the effects of the development on the transportation and parking systems, and to identify any transportation and parking improvements that are necessary to accommodate the travel demands and impacts generated by the development.

Revisions and additional details have been requested of the applicant by Engineering Construction and Servicing staff.

## **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.

## **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.

## **Conclusion**

On a preliminary basis, City Planning staff have identified concerns with the proposed massing, density and lack of parkland dedication. As such, the application is not supportable in its current form. Additional issues may be identified through the review of the application, agency comments and the community consultation process.

## **CONTACT**

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## **SIGNATURE**

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

## **ATTACHMENTS**

### **City of Toronto Drawings**

Attachment 1a: 3D Model of Proposal in Context Looking Northwest

Attachment 1b: 3D Model of Proposal in Context Looking Southeast

Attachment 2: Location Map

Attachment 3: Site Plan

Attachment 4: Official Plan Map

Attachment 5: Application Data Sheet



Attachment 1a: 3D Model of Proposal in Context Looking Northwest



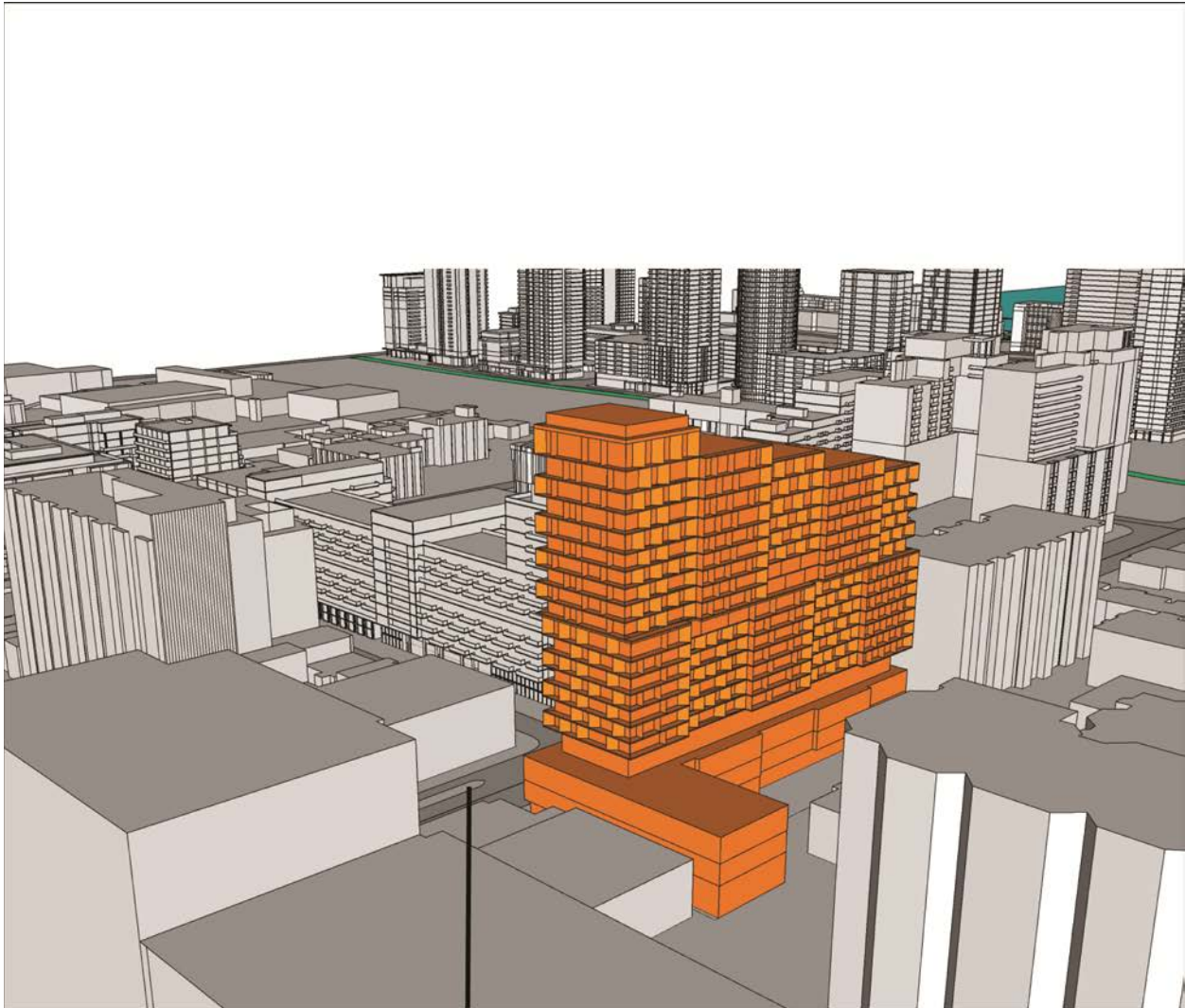
BATHURST STREET

View of Applicant's Proposal Looking Northwest



02/11/2019

Attachment 1b: 3D Model of Proposal in Context Looking Southeast



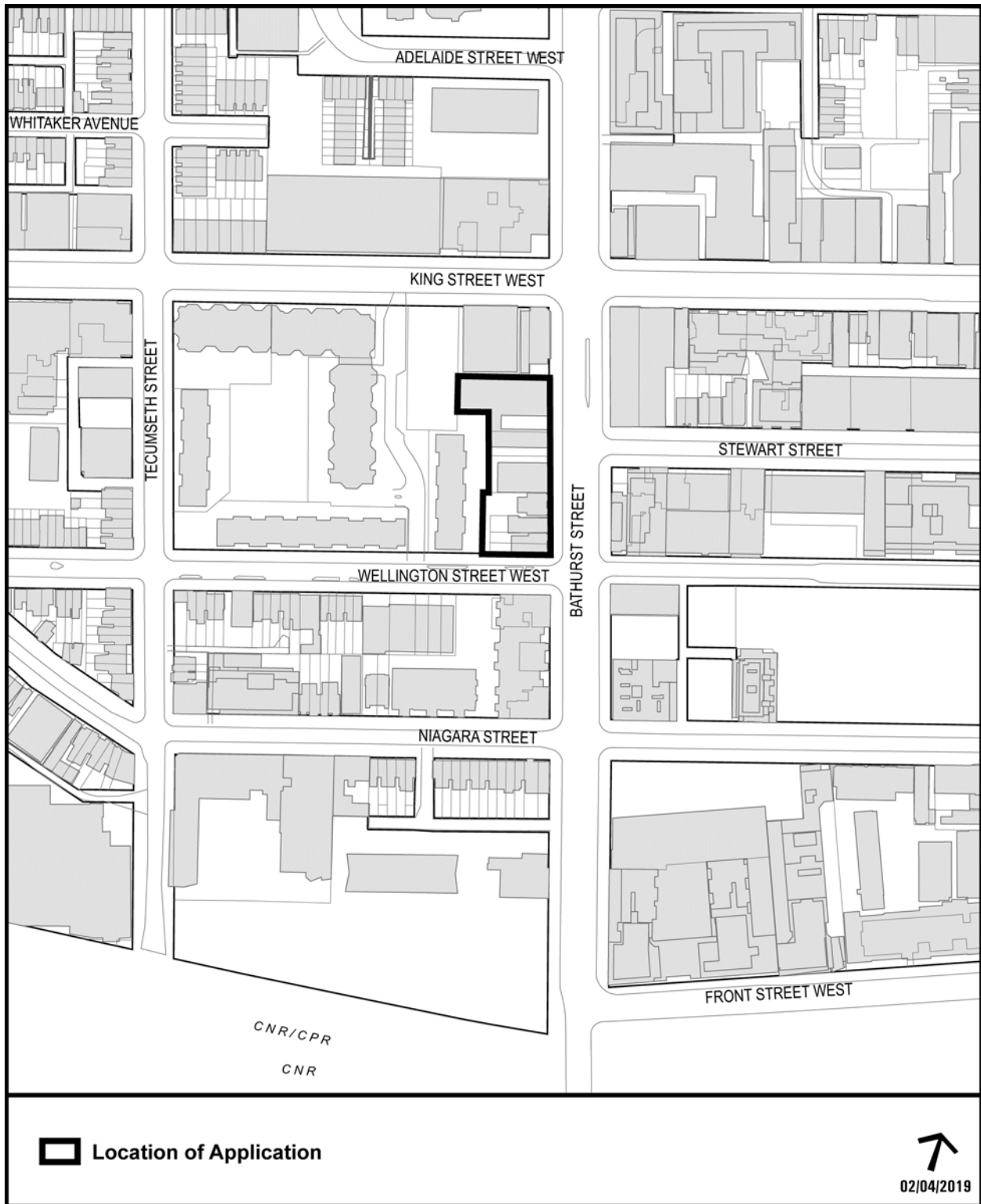
BATHURST STREET

View of Applicant's Proposal Looking Southeast

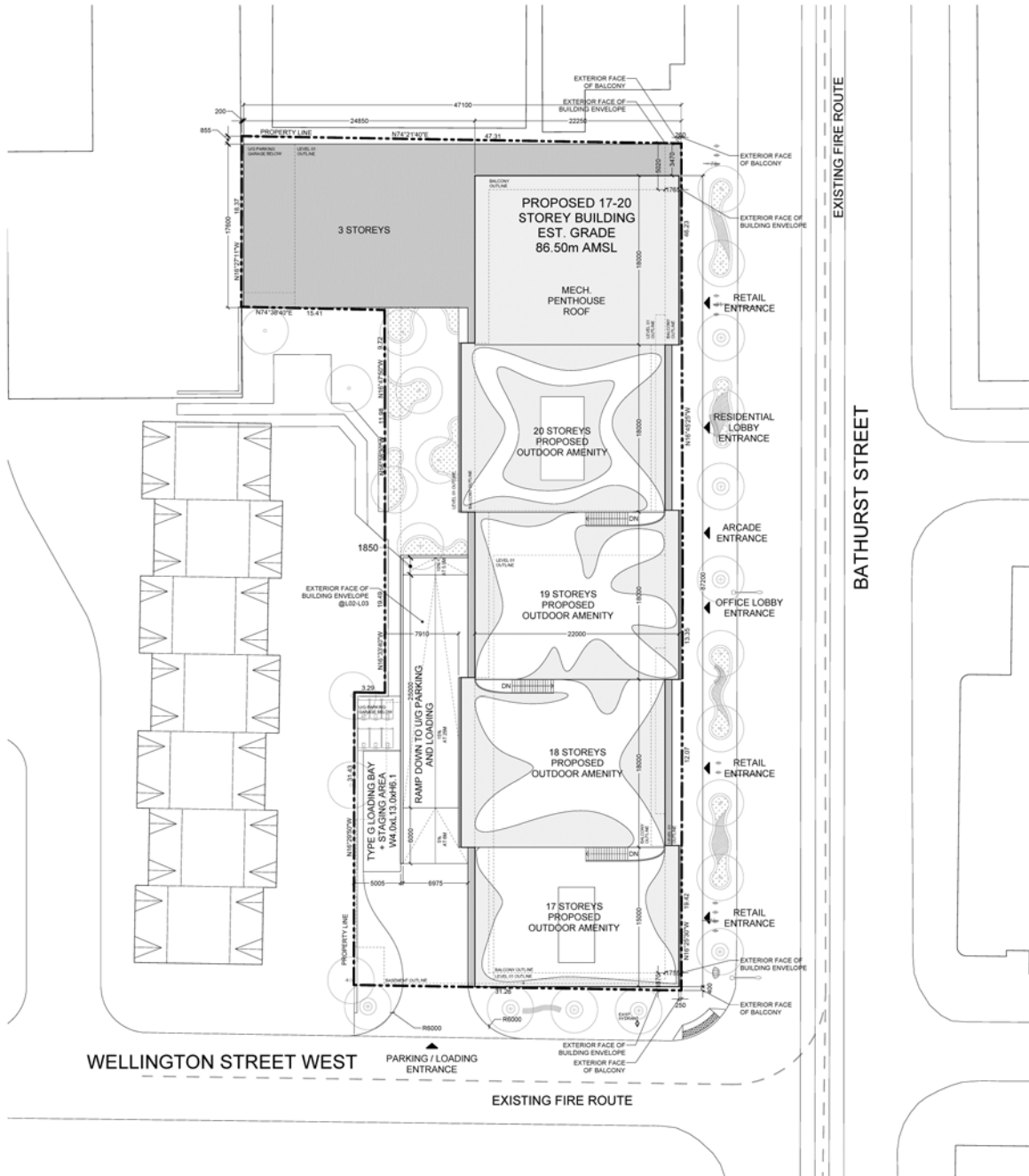


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Attachment 2: Location Map



Attachment 3: Site Plan



Site Plan

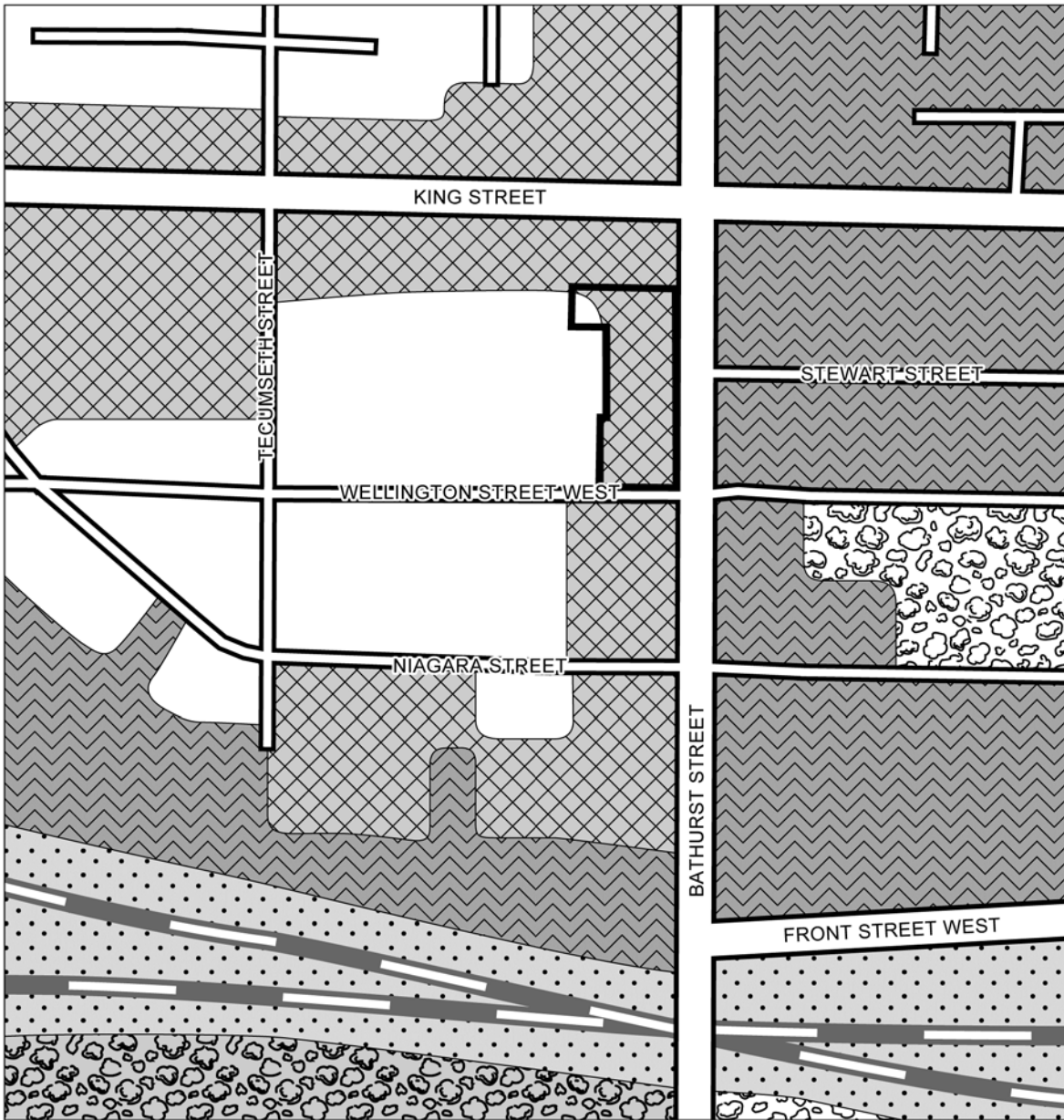
64-86 Bathurst Street

Applicant's Submitted Drawing

Not to Scale   
01/04/2019

File # 18 176812 STE 19 0Z

Attachment 4: Official Plan Map



**TORONTO**  
**Official Plan Land Use Map**

**64-86 Bathurst Street**

File # 18 176812 STE 19 02

- |   |  |  |   |
|---|--|--|---|
|  Location of Application |  Parks                  |  Regeneration Areas |  Utility Corridors |
|  Neighbourhoods          |  Other Open Space Areas |  |   |
|  Mixed Use Areas         |  |  |   |

↑  
 Not to Scale  
 02/04/2019

## Attachment 5: Application Data Sheet

**Municipal Address:** 64 BATHURST ST      **Date Received:** June 12, 2018

**Application Number:** 18 176812 STE 19 OZ

**Application Type:** OPA / Rezoning, OPA & Rezoning

**Project Description:** Official Plan Amendment and Zoning By-law Amendment application to facilitate the redevelopment of the site for a tiered 17 to 20-storey (77 metres including mechanical penthouse) mixed-use building, providing 333 residential units, 7,574 square metres of non-residential floor space, 150 vehicular parking spaces and 374 bicycle parking spaces within four below grade levels.

<b>Applicant</b>	<b>Agent</b>	<b>Architect</b>	<b>Owner</b>
HNC Bathurst Street LP	Planning Partnership	3XN Architects	Demesco Realty Inc.

### EXISTING PLANNING CONTROLS

Official Plan Designation:	<i>Mixed Use Areas</i>	Site Specific Provision:	0
Zoning:	MCR	Heritage Designation:	N
Height Limit (m):	36 metres	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq m): 3,300      Frontage (m): 91      Depth (m): 35

<b>Building Data</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Ground Floor Area (sq m):			2,083	<b>2,083</b>
Residential GFA (sq m):			24,125	<b>24,125</b>
Non-Residential GFA (sq m):			7,574	<b>7,574</b>
<b>Total GFA (sq m):</b>			<b>31,699</b>	<b>31,699</b>
Height - Storeys:			20	<b>20</b>
Height - Metres:			71	<b>71</b>

Lot Coverage Ratio (%) 63.12 Floor Space Index: 9.61

<b>Floor Area Breakdown</b>	<b>Above Grade (sq m)</b>	<b>Below Grade (sq m)</b>
Residential GFA:	24,125	248
Retail GFA:	2,691	1,171
Office GFA:	4,883	

<b>Residential Units by Tenure</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Rental:			333	333
Freehold:				
Condominium:				
Other:				
<b>Total Units:</b>			<b>333</b>	<b>333</b>

**Total Residential Units by Size**

	<b>Rooms</b>	<b>Bachelor</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3+ Bedroom</b>
Retained:					
Proposed:		55	176	68	34
<b>Total Units:</b>		<b>55</b>	<b>176</b>	<b>68</b>	<b>34</b>

**Parking and Loading**

Parking Spaces: 146 Bicycle Parking Spaces: 374 Loading Docks: 4

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