

## **1601 - 1603 Bathurst Street – Official Plan and Zoning Amendment Applications – Preliminary Report**

Date: October 18, 2019

To: Toronto and East York Community Council

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

Ward: 12 - Toronto-St. Paul's

**Planning Application Number:** 19 211934 STE 12 OZ

**Notice of Complete Application Issued:** August 26, 2019

**Current Use(s) on Site:** At 1601 Bathurst Street, there is an existing 4-storey apartment building with 9 rental units. At 1603 Bathurst Street, there is an existing 6-storey apartment building with 73 rental units.

### **SUMMARY**

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This report provides information and identifies a preliminary set of issues regarding the application for an 8-storey apartment building located at 1601 - 1603 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**

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The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 1601-1603 Bathurst Street together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the 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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### Application Description

This application proposes to demolish a 4-storey apartment building at 1601 Bathurst Street containing 9 rental units (1 bachelor, 4 one-bedroom units and 4 three-bedroom units) and replace it with a 8-storey apartment building with 79 rental units comprising of 55 one-bedroom units (70%), 20 two-bedroom units (25%) and 4 three bedroom units (5%) and to maintain a 6-storey apartment building with 73 rental units at 1603 Bathurst Street.

The proposed 8-storey apartment building at 1601 Bathurst Street has a total gross floor area (GFA) of 5,992 square metres with 18 resident parking spaces indoor on the ground floor and 10 visitor parking spaces outside the building. A total of 87 bicycle parking spaces are proposed in the new apartment building (79 resident and 8 visitor). Proposed is a total of 179.51 square metres of indoor amenity space on level 1 and 395.80 square metres of outdoor amenity space on the roof in the new apartment building. The new apartment building is located partially on the property of 1603 Bathurst Street. The floor space index (FSI) of the new building development is 4.58 times the area of the new lot.

The existing 6-storey rental apartment building at 1603 Bathurst Street containing 73 rental units is to be maintained in its current form. There are a total of 65 parking spaces at 1603 Bathurst Street (60 resident below grade and 5 visitor at grade). Some minor site alterations will be required, including the relocation of the existing driveway, to be shared between both buildings.

All together, the floor space index (FSI) of the two buildings is 1.52 times the area of the combined lot, with a total of 152 units.

Detailed project information is found on the City's Application Information Centre at: <https://www.toronto.ca/aic>

See Attachment 1 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 (2019). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

## **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan, 2019 establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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 (2019) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the Greater Golden Horseshoe region. The policies of the Growth Plan (2019) 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 planning matters that are provided by Council shall also conform with the Growth Plan.

The Growth Plan (2019) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs achieve appropriate densities.

The site is within 800 metres of the St. Clair West subway station.

### **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/official-plan/>

The site is designated as *Neighbourhoods* on Map 17 of the Official Plan, as depicted in Attachment 4 of this report.

*Neighbourhoods* are considered physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys.

The edge of the site is within the City's *Natural Heritage System* as shown on Map 9 of the Official Plan. The Official Plan provides policy direction on how these areas should be protected and enhanced. Of note, the Official Plan contains policies that require development to be set back at least 10 metres from the top-of-bank of valleys, ravines and bluffs.

### **Official Plan Amendment 320**

The Local Planning Appeal Tribunal issued an Order on December 7, 2018 to approve and bring into force Official Plan Amendment 320 (OPA 320). The approved policies reflect the policies endorsed by Council at its meetings of June 26 to 29, 2018 and July 23 to 30, 2018 in response to mediation and settlement offers from OPA 320 Appellants. In its Order that approved OPA 320, the LPAT found that the OPA 320 policies are consistent with the PPS and conform with the Growth Plan (2017), which was in force at the time.

OPA 320 was adopted as part of the Official Plan Five Year Review and contains new and revised policies on Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods*. The approved amendments uphold the Plan's goals to protect and

enhance existing neighbourhoods that are considered stable but not static, allow limited infill on underutilized *Apartment Neighbourhood* sites and help attain Tower Renewal Program goals.

### **Zoning By-laws**

The site is zoned R2 Z1.0 under former City of Toronto Zoning By-law 438-86 and R (d1.0) (x546) under City of Toronto Zoning By-law 569-2013, which permits a maximum density of 1.0 times. A site specific provision allows the replacement of any building existing as of February 28, 1977 to have a height exceeding the 11.0 metre, 3 storey height limit that is prescribed by the Zoning By-law 569-2013 on these lands, if the height of the new building does not exceed the height of the building being replaced.

The City's Zoning By-law 569-2013 may be found here: <http://www.toronto.ca/zoning>

### **Design Guidelines**

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

- Townhouse & Low-Rise Apartment Guidelines
- Mid-Rise Design Guidelines
- Mid-Rise Building Performance Standards Addendum
- Growing Up: Planning for Children in New Vertical Communities

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

### **Site Plan Control**

The proposal is subject to Site Plan Control. A Site Plan Control application (19 211943 STE 12 SA) has been submitted and is being reviewed concurrently with this application.

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

The proposal will require a Section 111 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 Section 111. A Rental Housing Demolition and Conversion Application has not been submitted.

## COMMENTS

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### Reasons for the Application

The application proposes to amend the Official Plan to allow for an eight storey building in lands designated as *Neighbourhoods*.

Additional amendments to the Official Plan may be identified as part of the application review including conformity to the Natural Environment policies.

The application proposes to amend Zoning By-law 438-86 and Zoning By-law 569-2013 for the property at 1601 and 1603 Bathurst Street to vary performance standards including: building height; number of storeys; floor space index, building depth, building setbacks; porch encroachment and parking supply.

Additional amendments to 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 for consistency with the PPS (2014) and conformity with the Growth Plan (2019).

- Given the explicit link between Provincial Policy and the Official Plan, conformity with the PPS (2014) and the Growth Plan (2019) 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 with the *Neighbourhoods* policies. In particular, this will include:

- The appropriateness of allowing an Official Plan Amendment to permit an 8 storey building in an area designated as *Neighbourhoods* where buildings are generally limited to four storeys in height. as *Neighbourhoods*; and,
- The appropriateness of the proposal within the 10 metre setback to the top-of-bank of the adjacent ravine.

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

Staff will evaluate and assess:

- The suitability of the proposed height, massing and other built form issues based on Section 2 e), h), i), j), p), q), and r) of the Planning Act; the PPS (2014) and Growth Plan (2019); the City's Official Plan policies, and the Townhouse & Low-Rise Apartment Guidelines and Mid-Rise Building Guidelines;
- The proposed setback and setbacks to Bathurst Street and the adjacent building to the south;
- The location of the proposed indoor and outdoor amenity space;
- The unit mix and whether there is a sufficient number of family-sized units to attract a range of residents to the area;
- The access from Bathurst Street;
- The location of loading and parking;
- The location and accessibility of bicycle parking;
- The impact of wind and shadow; and,
- The appropriateness of the public realm and streetscaping.

## **Ravine Protection**

Portions of the subject lands are within the Toronto and Regional Conservation Authority (TRCA) Regulated Area.

The proposed 8-storey building is shown to be setback 10 metres from the top of bank and TRCA Drip Line and Long-Term Stable Top of Slope. However, there are portions of the revised driveway, parking spaces and sidewalks associated with the new building that are within the 10 metre setback to the Long-Term Stable Top of Slope.

The existing 6-storey building at 1603 Bathurst Street is located outside the TRCA Top of Bank and TRCA Drip Line, but is located within the Long-Term Stable Top of Slope.

Staff will continue to assess:

- The applicability of the policies of Ontario Regulation 166/06 (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) and to determine if the proposed development may require a permit from the TRCA; and,
- The applicability of the City of Toronto's 'Ravine and Natural Feature Protection By-law'.

## **Natural Heritage Protection**

The subject lands are near a Natural Heritage Area as identified on Map 9 of the Official Plan.

A natural heritage impact study has been submitted by the applicant and is under review by TRCA and Urban Forestry Ravines and Natural Features Protection staff.

Staff will continue to assess:

- The suitability of the proposed development to ensure that there are no negative impacts to natural features and functions that have been identified on and adjacent to the development site.

## **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 Tree Preservation Plan, which proposes the removal of 7 of the 12 private trees, to be replaced by 14 new private trees, and the preservation of 97 ravine trees, with none of which are proposed to be removed.

Staff will assess:

- The suitability of the tree removals and replacements and the applicability of the Street Tree and Private Tree By-laws, and the Ravine and Natural Feature Protection By-law.

## **Housing**

Housing policy 3.2.1.6 in the Official Plan requires any new development resulting in the loss of six or more rental housing units to replace the same number, size and type of rental housing units with rents similar to those in effect at the time the redevelopment application is made. Furthermore, the proposed development is subject to Section 111 of the City of Toronto Act, which gives the City enhanced authority to protect rental housing in the City.

Nine rental units exist in the building proposed to be demolished consisting of 1 bachelor unit, 4 one-bedroom units and 4 three-bedroom units. Nine replacement units are proposed within the proposed building containing the same unit type with comparable rents. A Housing Issues Report has been submitted and is under review.

Staff will evaluate and assess:

- The appropriateness of the rental replacement units to ensure that they are the same unit type with comparable rents to the units that are being demolished; and,
- The appropriateness and suitability of the relocation, communication and assistance plan for affected tenants.



## **Archaeological Assessment**

The subject site is located in an area that has archaeological resource potential. The applicant has submitted a Stage 1 and Stage 2 archaeological assessment that is under review.

## **Community Services and Facilities**

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures used for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions. They include recreation, libraries, childcare, schools, public health, human services, cultural services and employment services, etc.

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

The applicant submitted a Planning Rationale with an assessment of the CS&F in the immediate vicinity of the application and is currently under review.

Staff will assess:

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

## **Infrastructure/Servicing Capacity**

The applicant has submitted the following studies and reports which are being reviewed by Engineering and Construction Services staff: a Functional Servicing and Stormwater Management Report; Geotechnical Investigation Report; Hydrogeological Assessment Report; and Transportation Study Report.

Staff will review:

- If there is sufficient infrastructure capacity (roads, water, sewage, hydro etc.) to accommodate the proposed development.
- The effects of the development on the City's infrastructure, including the transportation system, and determine if improvements to the existing infrastructure are required.

## **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 has submitted the required Toronto Green Standard Version 3 Checklist for Mid to High Rise Residential and all New Non-Residential Development and a Design Development Stage Energy Report.

Staff will continue to assess:

- The TGS Checklist and Design Development Stage Energy Report submitted by the applicant for compliance with Tier 1 performance measures.

## **Other Matters**

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

## **CONTACT**

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E-mail: Jason.Tsang@toronto.ca

## **SIGNATURE**

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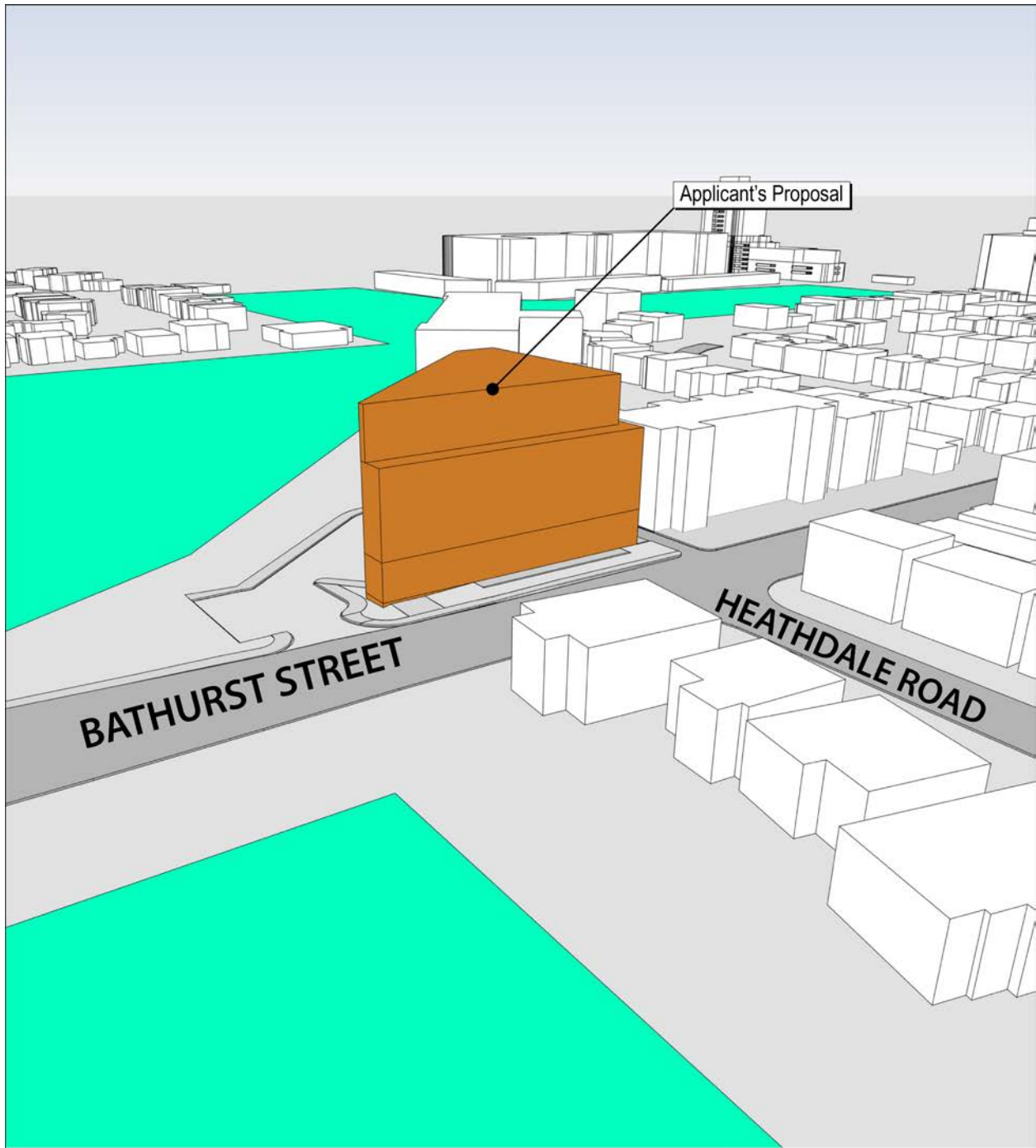
Lynda H Macdonald, MCIP, RPP, OALA, FCSLA  
Director, Community Planning  
Toronto and East York District

## **ATTACHMENTS**

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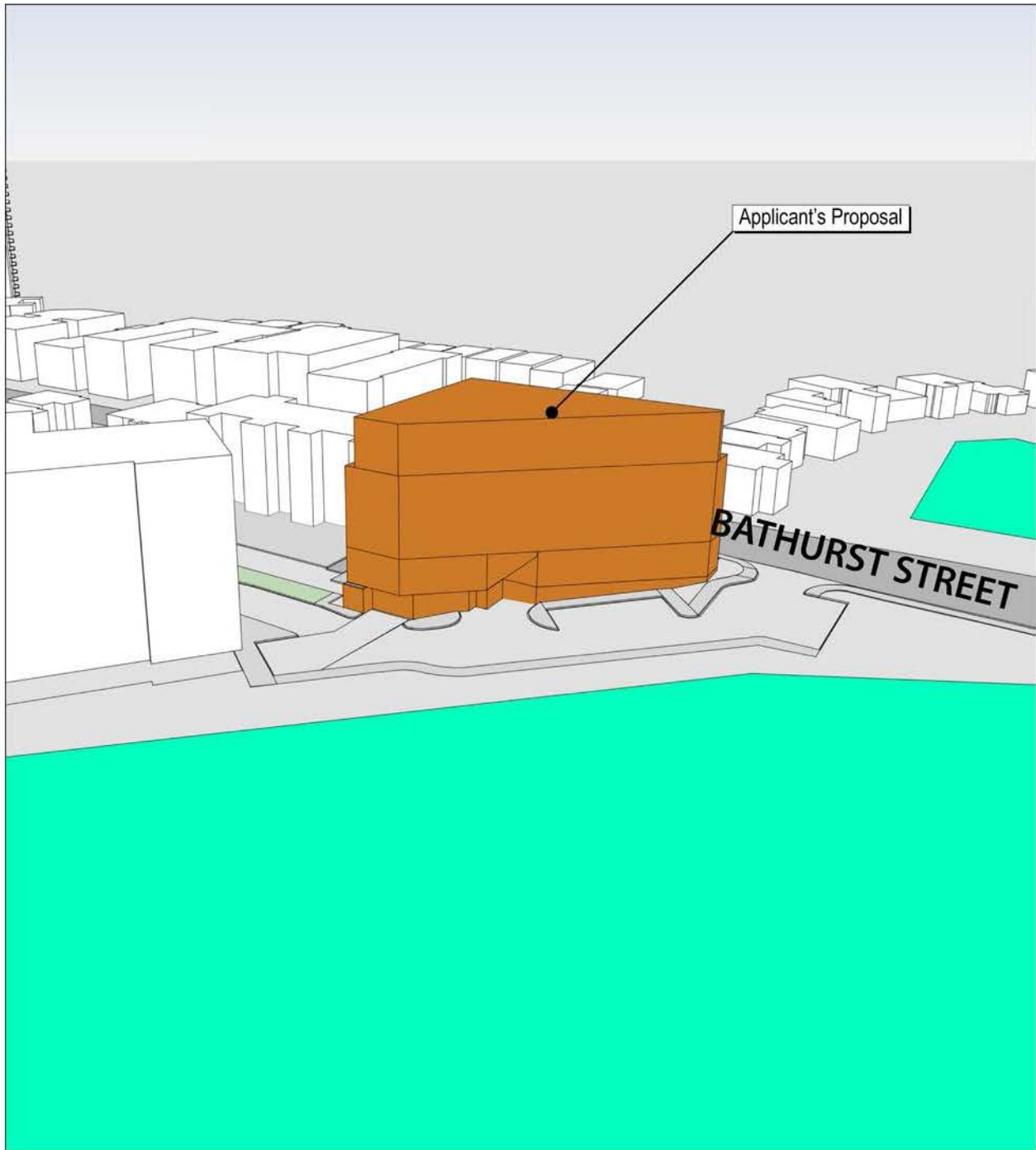
Attachment 1: 3D Models of Proposal in Context  
Attachment 2: Location Map  
Attachment 3: Site Plan  
Attachment 4: Official Plan Map

# Attachment 1: 3D Models of Proposal in Context



View of Applicant's Proposal Looking Southeast

10/15/2019

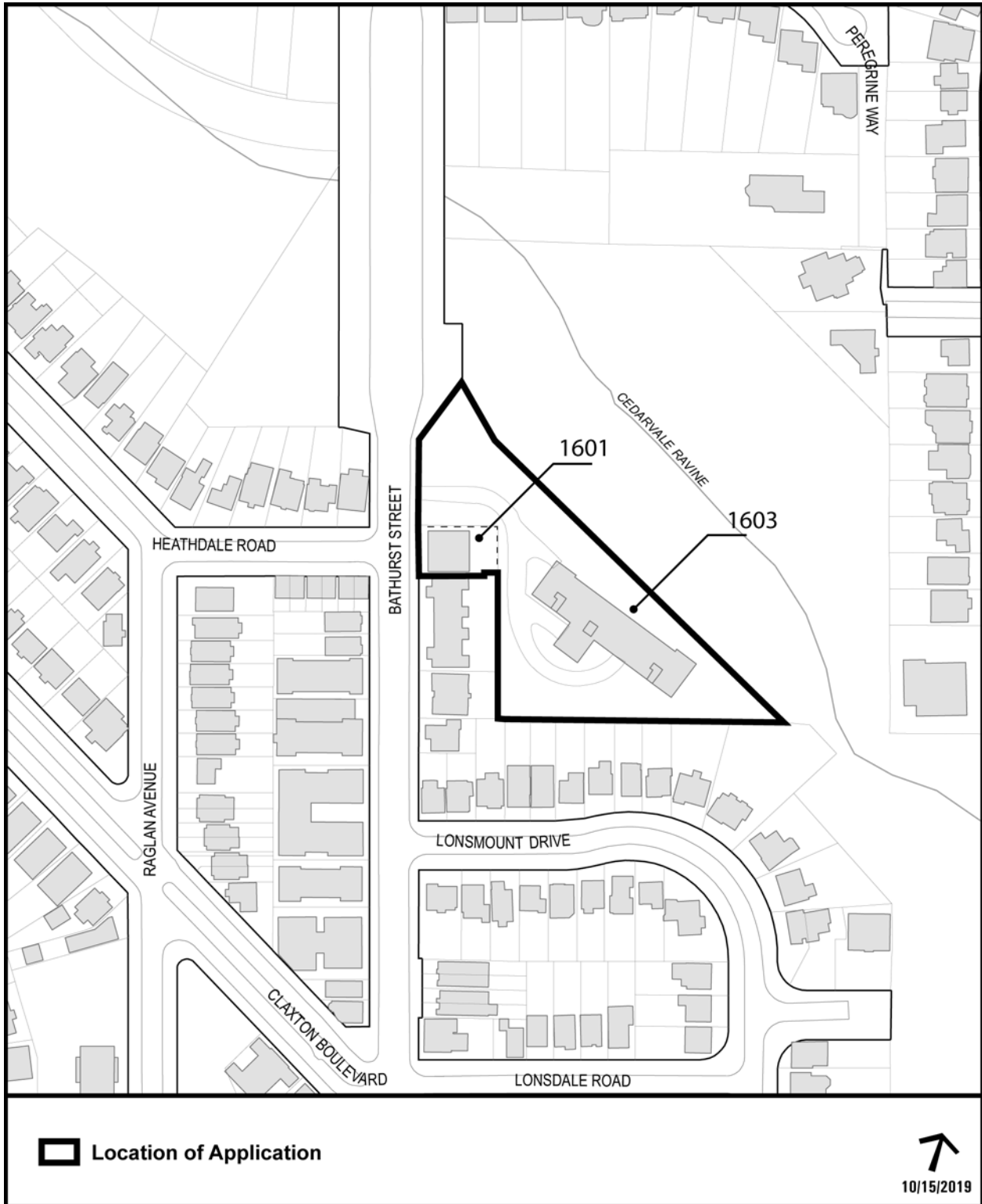


**View of Applicant's Proposal Looking Northwest**

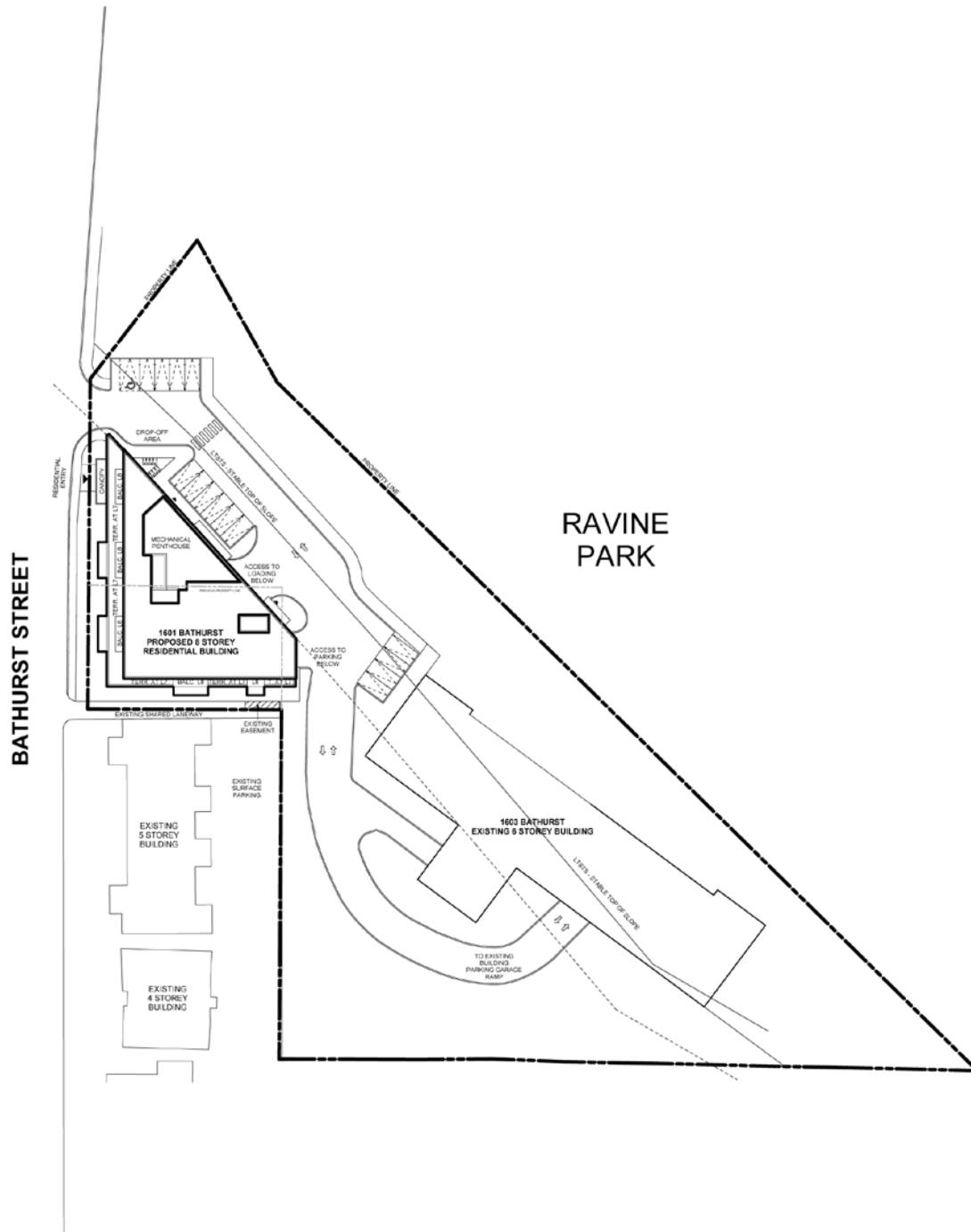


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## Attachment 2: Location Map



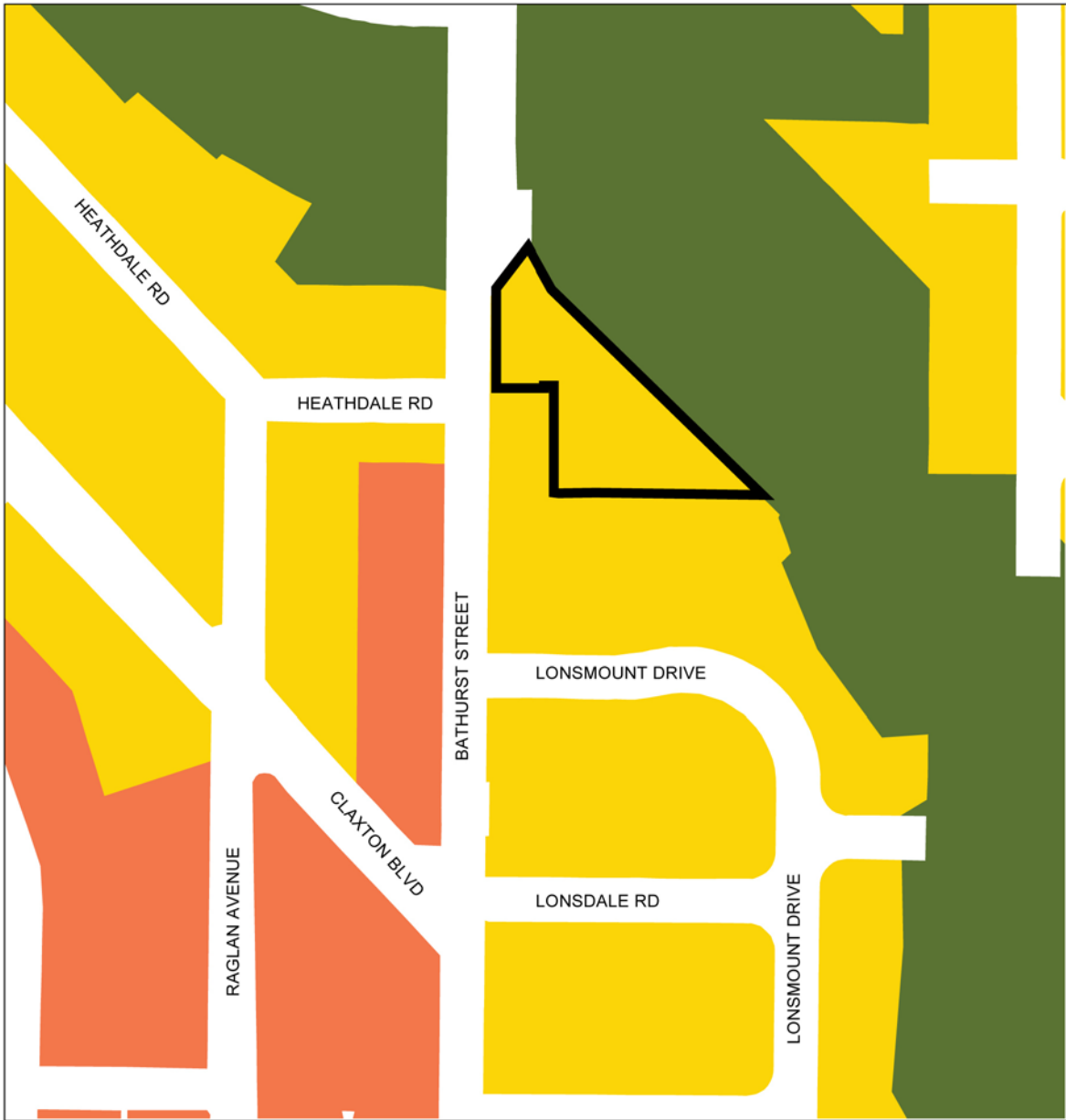
# Attachment 3: Site Plan



Site Plan



**Attachment 4: Official Plan Map**



**Official Plan Land Use Map #17**

**1601-1603 Bathurst Street**

File # 19 211934 STE 12 0Z

-  Location of Application
-  Neighbourhoods
-  Apartment Neighbourhoods
-  Parks & Open Space Areas
-  Natural Areas



Not to Scale  
10/15/2019