

## **2788 Bathurst Street and 515 Glencairn Avenue - Zoning Amendment Application – Final Report**

Date: January 20, 2020

To: North York Community Council

From: Director, Community Planning, North York District

Wards: Ward 8 - Eglinton-Lawrence

**Planning Application Number:** *18 153780 NNY 15 OZ*

### **SUMMARY**

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This report reviews and recommends approval of the application to amend the City's Zoning By-law 569-2013 and Zoning By-law 7625 for the former City of North York for the property at 2788 Bathurst Street and 515 Glencairn Avenue. The application proposes to construct a mixed-use mid-rise 9 storey building with a height of 33.5 metres (excluding mechanical penthouse). The building would have a total floor area of approximately 24,700 square metres, consisting of 1,000 square metres of street related retail space, approximately 1,600 square metres of hotel space with 23 suites, and 22,110 square metres of residential space with a total of 120 residential dwelling units resulting in a net density 5.05 times the area of the lot. The density of the lot including the area to be dedicated as parks and for the road widening (gross density) is 3.9 times the area of the lot. A large number of two and three bedroom units are proposed with large unit sizes. Grade related townhouses and approximately 200 square metres of retail space would face a proposed public park on the west portion of the site. The development would include approximately 1,000 square metres of indoor amenity space and 650 square metres of outdoor amenity space. The applicant is proposing an on-site park dedication of 1,250.50 square metres on the west side of the site whereas a parkland dedication of 563.15 square metres is required; this represents a 687.35 square metre over dedication of parkland.

The proposed development is consistent with the Provincial Policy Statement (2014) as it provides residential intensification on site and a mix of land uses which efficiently uses land and resources in an area identified as appropriate for growth in the City's Official Plan.

The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) as it provides a compact built form in an area identified as appropriate for growth in the City's Official Plan. The development would be located and massed to provide a transition to the neighbouring properties through appropriate

setbacks and stepping down of height toward the *Neighbourhoods* to the west to adequately limit impacts on those adjacent lower scale residential areas. A mix of uses including residential, commercial and the provision of a new public park are proposed on site which contribute to the creation of a complete community in this area.

This report reviews and recommends approval of the application to amend the Zoning By-laws. The development is contributing to the mix of uses and variety of housing types available on an *Avenue* in the City of Toronto with the provision of an on-site public park, contributing to the creation of a complete community in this area.

## **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council amend Zoning By-law 7625 for the lands at 2788 Bathurst Street and 515 Glencairn Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to this report.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 2788 Bathurst Street and 515 Glencairn Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7 to this report.
3. City Council authorizes the City Solicitor to make such stylistic and technical changes to the Zoning By-law Amendments as may be required.
4. Before introducing the necessary Bills to City Council for enactment, the Owner shall:
  - a. submit a revised Functional Servicing Report to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
  - b. make arrangements to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to support the development, based on the revised Reports in 4 a. above accepted by the Chief Engineer and Executive Director, Engineering and Construction Services;
  - c. Enter into a financially secured agreement for the construction of any required improvements to the municipal infrastructure, should it be determined that upgrades are required to support the development based on the revised Reports in 4 a. above accepted by the Chief Engineer and Executive Director, Engineering and Construction Services;
  - d. enter into and register on title one or more agreements pursuant to Section 37 of the Planning Act, at no expense to the City, and secure such in the implementing Zoning By-law Amendments all to the satisfaction of the Chief

Planner and Executive Director, City Planning and the City Solicitor the following community benefits:

i. Prior to issuance of a foundation permit the owner shall pay to the City a cash contribution of \$1,300,000.00.

ii. The amounts secured in (i) above will be used towards the following community benefits:

- The expansion and/or improvements to local parks within the Ward to the satisfaction of the General Manager, PF&R and in consultation with the local Councillor; and

- Streetscaping and public realm improvements nearby the site, (Better Bathurst) within the Ward in accordance with the Streetscape Manual to the satisfaction of the Chief Planner and Executive Director, City Planning and in consultation with the local Councillor;

iii.. On site parkland dedication of 687.35 square metres in excess of the required parkland dedication to be conveyed to the satisfaction of the General Manager, PF&R;

iv. The financial contribution referred to in Recommendation 4 d. above shall be indexed upwardly in accordance with the Statistics Canada Residential Building or Non-Residential Building Construction Price Index, as the case may be, for the Toronto Census Metropolitan Area, reported by Statistics Canada in the Building Construction Price Indexes Publication 327-0058, or its successor, calculated from the date of the Section 37 Agreement to the date the payment is made;

v. In the event the cash contribution referred to in Recommendation 4 d. above has not been used for the intended purpose within three (3) years of the implementing Zoning By-law Amendment coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the local Councillor, provided that the purposes are identified in Toronto's Official Plan and will benefit the community; and

e. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

i. Prior to the issuance of the first above-grade building permit, the owner shall make arrangements to convey the parkland dedication to the satisfaction of the General Manager, Parks, Forestry and Recreation;

ii. the Owner shall be required to secure the design and construction, and provide financial securities for, at no cost to the City, any upgrades or required improvements to the existing municipal infrastructure identified in

the accepted Functional Servicing Report and Stormwater Management Report and Hydrological Review, and related engineering reports ("Engineering Reports"), to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements or upgrades are required to support the development, according to the accepted Engineering Reports;

iii. A cash contribution of \$50,000.00 (the value of one station) to the expansion of the City's bike share program within the Ward; and

iv. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard.

5. City Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the Owner of the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry & Recreation (PF&R). The development charge credit shall be in an amount that is the lesser of the cost to the Owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, PF&R, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.

6. Prior to the issuance of the first above grade building permit, the Owner shall be required to convey the 0.12505 hectares (1,250.50 square metres) portion of the development site for public parkland purposes to the satisfaction of the General Manager PF&R.

7. The subject parkland conveyance is to be free and clear, above and below grade of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, PF&R.

## **FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

## **DECISION HISTORY**

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A pre-application meeting was held on February 6, 2018. The current application was submitted on May 24, 2018 and deemed complete as of May 24, 2018. A Preliminary Report on the application was adopted by North York Community Council on July 4, 2018 authorizing staff to conduct a community consultation meeting with an expanded notification area.

The preliminary report can be found at the following link:  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.NY32.21>

## PROPOSAL

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A nine storey "C" shaped mixed-use building, 33.5 metres in height (39 metres including the mechanical penthouse) with 120 residential units, 23 hotel suites and approximately 1,000 metres of commercial floor space is proposed. The proposal is a tiered building, with the highest portion abutting Bathurst Street. A new public park of 1250.50 square metres is proposed on the west side of the site, this represents a 687.35 square metre over dedication of parkland. The proposed mix of dwelling units includes 16 one-bedroom units (14%), 94 two-bedroom units (78%), 4 three-bedroom units and 6 three bedroom townhouse units (combined 8%). A total gross floor area (GFA) of 24,700 square metres is proposed resulting in a net density of 5.05 times the area of the lot, excluding the parkland and road widening dedication. The gross density of the entire site, including the area to be dedicated as parks and road widening would be 3.9 times the area of the lot. Additional site and development statistics are included in the Application Data Sheet in Attachment 1.

Uses proposed within the ground floor include retail and commercial uses at the corner of Bathurst Street and Glencairn Avenue and along the Bathurst Street frontage. Retail is also proposed on south west corner of the building facing Hillmount Avenue and the new public park, at the west end of the site. Entrances to the residential component of the building are proposed along the Glencairn Avenue frontage and the southern portion of the Bathurst Street frontage. An entrance to the hotel component of the building is proposed along the Hillmount Avenue frontage; townhouses are proposed to face the new public park on the west side of the site. Residential amenity space, loading and garbage storage are also proposed on the ground floor.

The north façade, fronting Glencairn Avenue would be 3 storeys in height with 2.5 metre stepbacks at the 4th, 8th and 9th floors. The side of the three storey townhouses abutting Glencairn Avenue would be setback 2.5 metres from the property line at the ground floor, extending to the lot line at the second and third floors. The remainder of the proposed building is built to the new lot line on the ground floor along the northern, eastern and southern lot lines. The Bathurst Street frontage would consist of a continuous street wall with a variation of materials, balconies and recesses.

The east façade fronting on Bathurst Street, is proposed at three storeys in height along the entire frontage. A 2.5 metre setback from Bathurst Street is proposed at the 4th, 8th and 9th floor. The south façade, fronting on Hillmount Avenue, would be 3 storeys in height with a minimum of 2.5 metre stepbacks at the 4th, 8th and 9th floors.

The western building face would be setback 6 metres at the ground floor from the public park and 21 metres from the *Neighbourhood* to west and would consist of 3 storey townhouses connected to the remainder of the building. The centre of the western

elevation would be broken up and open to a central courtyard. The courtyard would provide pedestrian access to the public park and would also provide access to the underground parking. The north and south wings of the building would have 2.3 metre to 3 metre setbacks from the public park at the 3rd, 4th, 8th and 9th floors. The 9th floor of the building would be setback 45 metres from the adjacent *Neighbourhood* to the west at the south side of the building and setback 32 metres at the north side.

Approximately 1,100 square metres of indoor amenity space is proposed on the ground floor, mezzanine level, and on the 9th floor. This is in excess of the 2.0 metres/unit required by the 569-2013 zoning by-law. Almost 650 square metres of outdoor amenity area is proposed in the form outdoor terraces on the 2nd and 9th floors.

Residential lobbies are proposed on Glencairn Avenue and on Bathurst Street providing pedestrian access to the residential component of the building. Pedestrian access to the hotel is proposed on Hillmount Avenue. Retail entrances are proposed at the corner of Bathurst Street and Glencairn Avenue along Bathurst Street and from the proposed public park on the west side of the site. Pedestrian access to the proposed townhomes facing the new public park would be from a private north-south walkway abutting the proposed park. Vehicular access to the site would be from Glencairn Avenue on the north end and Hillmount Avenue on the south end. From Glencairn Avenue, vehicles would enter the courtyard and proceed down the ramp to the underground parking through the mezzanine floor. Vehicles entering from Hillmount Avenue, would enter the building at the mezzanine level due to the lower grade toward the southern end of the site. Vehicle parking is proposed in three levels of underground parking providing 240 spaces. Long term and short term bicycle parking totalling 129 spaces is proposed.

Revisions to the proposal from the original submission and the November 2019 submission include:

- The height has been reduced from 10 to 9 storeys;
- The building has been further sculpted with a 2.5 metre building setback introduced at the 4th storey along the north, east and south sides and an increased setback of 0.5 metres 8th floor along the north, east south sides;
- Reduced residential and hotel gross floor area;
- Increased number of units with the introduction of 16 (14%) one bedroom units and an increased number of two bedroom units to 94 (78%);
- Increased amount of indoor and outdoor amenity space, both exceeding the performance standards in By-law 569-2013; and
- Increased amount of vehicle parking resulting in an additional level of underground parking.

**Table 1: Summary Chart of Revisions**

	Original Submission (May 2018)	Addendum (December 2019)
<b>Site Area</b>		
Existing Site Area	6,324.75 sq.m.	6,324.75 sq.m.
Parkland Dedicated Area	1,250.50 sq.m.	1,250.50 sq.m.
<b>GFA</b>		
Total Proposed GFA	26,000 sq.m.	24,700 sq.m.
<b>Floor Space Index (FSI)</b>		
Proposed FSI	5.3 net 4.1 gross	5.04 net 3.9 gross
Height	10 storeys	9 storeys
<b>Total Suites</b>		
1BR		
2BR	0	16 (14%)
3BR	52 (46%)	94 (78%)
3 BR (Towns)	61 (54%)	4 (3%) 6 (5%)
Total Units	113	120
<b>Building Setbacks (metres)</b>		
<b>North Side</b>		
- ground floor	0	0 & 2.5
- 4th floor	0	2.5
- 8th floor	4.5	5.0
- 9th floor	7	7.5
- 10th floor	9.5	N/A
<b>East Side</b>		
- ground floor	0	0
- 4th floor	0	2.5
- 8th floor	4.5	5.0
- 9th floor	7	7.5
- 10th floor	9.5	N/A
<b>South Side</b>		
- ground floor	0	0
- 4th floor	0	2.5
- 8th floor	4.5	5
- 9th floor	9	8
- 10th floor	N/A	N/A
<b>West Side (from new park)</b>		
<b>North Wing</b>		
- ground floor	6	6
- 3rd floor	8	8.3
- 5th floor	10	N/A

- 7th floor	1	11.3
	Original Submission (May 2018)	Addendum (December 2019)
- 8th floor	14	14.3
- 9th floor	16	17.3
- 10th floor	20	N/A
South Wing		
- ground floor	6	6
- 3rd floor	8	8.3
- 5th floor	10	N/A
- 7th floor	12	11.3
- 8th floor	14	14.3
- 9th floor	30	30
- 10th floor	N/A	N/A
Amenity Space		
Indoor Amenity Space	226 sq.m.	1,105 sq.m.
Outdoor Amenity Space	226 sq.m.	645 sq.m.
Proposed Vehicular Parking		
Residential Vehicular Parking	128	192
Visitor/Commercial Vehicular Parking	50	48
Total	178	240

## Site and Surrounding Area

The subject site is located on the west side of Bathurst Street between Glencairn Avenue and Hillmount Avenue. The site has an 82 metre frontage on Bathurst Street, a 74 metre frontage on Hillmount Avenue, and an 80 metre frontage on Glencairn Avenue. There is a significant grade drop of approximately 5 metres from Glencairn Avenue to Hillmount Avenue.

The portion of the development site municipally known as 2788 Bathurst Street consisted of a 4 to 5-storey commercial office building with a bowling alley, approximately 5,680 square metres of rentable space, and a large surface parking area at the rear of the building. The 515 Glencairn Avenue portion of the development site currently consists of a single detached dwelling.

North - Directly across from the subject site, on the north side of Glencairn Avenue, there is a 5-storey residential building with street related retail space with frontage on Bathurst Street. Further north on Bathurst Street is a 7-storey apartment building.



South - Directly across for the subject site, on the south side of Hillmount Avenue, there is the 2-3 storey Bialik Hebrew Day School with a surface parking lot abutting Bathurst Street and Hillmount Avenue. Further south on Bathurst Street is the 2 storey Torah Emeth Jewish Centre, the 2-3-storey Eitz Chaim Day School and a 10 storey residential building.

West - The area to the west of the subject site is comprised of an established low rise single detached dwelling residential neighbourhood.

East - Directly across from the subject site, on the east side of Bathurst Street, is 491 Glencairn Avenue, which is primarily a vacant site with three single family dwellings fronting Strathallan Wood, and was subject to Ontario Municipal Board Hearing. The Ontario Municipal Board directed the owner to revise the proposal to a maximum 8-storey mid-rise building (File No: 14 102565 NNY 16 OZ and Ontario Municipal Board Case Number PL151148). At the north east corner of Bathurst Street and Glencairn Avenue at 2795 Bathurst Street a proposed 9 storey development was settled at the Local Planning Appeal Tribunal (LPAT) (Case Number PL170696 and PL180719). A site plan application will be submitted to facilitate this development. A Committee of Adjustment decision approved a further two stories in addition to the existing one storey building at 2793 Bathurst Street (File No. 17 176902 NNY 16 MV)

Bathurst Street is a two way, four lane street with a designated right-of-way width of 27 metres, as per Map 3 of the Official Plan.

Glencairn subway station along Line 1 of the TTC subway network is located approximately 1 km west of the site. The site is served by two bus routes 7 and 14 and is approximately 1.2 km north of the proposed Eglinton Crosstown Forest Hill LRT station at Eglinton Avenue West and Bathurst Street.

See Attachment 2: Location Map.

### **Reasons for Application**

The proposed public park on the western portion of the site conforms to the *Neighbourhoods* designation. The proposed mixed-use development on the eastern portion of the site abutting Bathurst Street complies with the *Mixed Use Areas* designation within the Official Plan, as such an official plan amendment is not required.

The proposal requires an amendment to the City of Toronto Zoning By-law 569-2013, as amended, and By-law 7625 of the former City of North York, as amended, to permit the proposed building height of 33.5 metres and to permit the proposed net density of 5.05 times the area of the lot. As well, site specific amendments are required to implement performance standards to allow the proposed development. The Zoning By-law Amendment will also limit the use on the west portion of the site to a proposed park.

As well amendments to the parking rate are required to permit the proposed parking on site.

## **APPLICATION BACKGROUND**

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### **Application Submission Requirements**

The following reports/studies were submitted in support of the application:

- Architectural Plans;
- Landscape Plans;
- Sun/ Shadow Study;
- Pedestrian Level Wind Assessment/Study;
- Traffic Impact Study;
- Arborist Report and Tree Preservation Report;
- Green Development Standards Checklist;
- Draft Zoning By-laws;
- Computer generated building mass model;
- Planning and Urban Design Rationale;
- Community Services and Facilities Report;
- Public Consultation Plan;
- Energy Strategy;
- Contaminated Site Assessment; and
- Avenue Segment Study.

The following is a link to the submission materials:

- <https://aic.to/2788BathurstSt>

### **Agency Circulation Outcomes**

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 and to formulate appropriate Zoning By-law standards.

### **Statutory Public Meeting Comments**

In making their decision with regard to this application, Council members have been given an opportunity to view the oral submissions made at the statutory public meeting held by the North York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

### **Community Consultation**

City staff hosted a Community Consultation Meeting on February 13th 2019 at the Torah Emath Jewish Centre at 1 Viewmount Avenue. Approximately 50 members of the public were in attendance as well as the Ward Councillor. Following a presentation by City staff and the applicant the attendees asked questions and expressed a number of concerns including:

- Existing traffic congestion in the area and the projected traffic volumes to be generated by the proposed development;
- The lack of surface and accessible parking proposed;
- Pedestrian safety and comfort in the area;
- A lack of food stores in the neighbourhood;
- Support for providing a greater diversity of housing options in the neighbourhood and the hotel;
- Concerns that the units proposed would not be affordable;
- The built form and massing, concerns that the proposal is too tall and too dense could shadow adjacent neighbourhoods; and
- Questions as to how neighbourhood character along Glencairn Avenue is assessed by Planning staff.

These issues are explored and analysed below.

## **POLICY CONSIDERATIONS**

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### **Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans**

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 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 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."

### **Provincial Plans**

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.

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.

### **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. Municipalities are expected to update their official plans through a Municipal Comprehensive Review by 2022.

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;
- 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 GGH 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 to the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform to the Growth Plan.

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 to 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.

Section 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 development for consistency with the PPS (2014) and for conformity with the Growth Plan (2019). The outcome of staff analysis and review are summarized in the Comments section of the Report.

### **Toronto Official Plan**

This application has been reviewed against the policies of the City of Toronto Official Plan as follows:

This portion of Bathurst Street is identified as an *Avenue* on Map 2 - Urban Structure Map of the Official Plan; is an existing Major Street with a designated right of way width of 27 meters on Map 3 - Right of Way Widths Associated with Existing Major Streets and is identified as a transit priority segment on Map 5 - Surface Transit Priority Network. The Avenues are considered important corridors along major streets where

re-urbanization is anticipated to create new housing and job opportunities, while improving the pedestrian environment. The growth management policies of the Official Plan direct growth to identified areas on Map 2, which includes *Avenues*, where transit services and other infrastructure are available. An Avenue Study has not been completed for this portion of Bathurst Street.

The Official Plan designates the former office building site as *Mixed Use Areas* on Map 17 - Land Use Plan. The single detached residential property at 515 Glencairn Avenue is designated *Neighbourhoods* in the Official Plan.

Official Plan Policy 2.2.3.3 b) states that development in *Mixed Use Areas* on *Avenues*, prior to an Avenue Study has the potential to set a precedent for the form and scale of re-urbanization along the *Avenue*. In addition to the policies of the Plan for *Mixed Use Areas*, proponents of such proposals will also address the larger context and examine the implications for the segment of the Avenue in which the proposed development is located. This review will:

- include an assessment of the impacts of the incremental development of the entire Avenue segment at a similar form, scale and intensity, appropriately allowing for distinguishing circumstances;
- consider whether incremental development of the entire Avenue segment as identified in the above assessment would adversely impact any adjacent *Neighbourhoods* or Apartment *Neighbourhoods*;
- consider whether the proposed development is supportable by available infrastructure; and
- be considered together with any amendment to the Official Plan or Zoning By-law at the statutory public meeting for the proposed development.

The applicant has prepared an Avenue Segment Study.

#### Chapter 2 - Shaping the City

Developments that are adjacent or close to *Neighbourhoods* must demonstrate a transition in height, scale and intensity as necessary to ensure that adjacent neighbourhood areas are not adversely affected. Policy 2.3.1.2 provides criteria for development in *Mixed Use Areas* that are adjacent to *Neighbourhoods* including, among other criteria, that new development must: be compatible with those *Neighbourhoods*; provide a gradual transition of scale and density through the stepping down of buildings towards and setbacks from those *Neighbourhoods*; maintain adequate light and privacy for residents in those *Neighbourhoods*; and ensure that lighting, amenity areas, traffic and parking impacts on *Neighbourhoods* are minimized and mitigated. Policy 2.3.1.6 states that community and neighbourhood amenities will be enhanced where needed by other items, the improvement and expansion of existing parks.

#### Chapter 3 - Building a Successful City

The Public Realm policies in the Official Plan (3.1.1) speak to the design and function of Toronto's streets, parks, sidewalks and other open spaces. City streets are significant public open spaces which connect people and places and support the development of sustainable and complete communities and will balance the needs and priorities of

various users. These policies aim to ensure that a high level of quality is achieved in landscaping, urban design and architecture in public works and private developments to ensure that the public realm is beautiful, comfortable, safe and accessible.

The Official Plan recognizes that most of the City's future development will be infill areas 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 seek to ensure that that new development will be located and organized to fit within its existing and/or planned context and will limit its impacts on neighbouring streets, parks, open spaces and properties. Among other things, this harmony is achieved by: massing new buildings to frame adjacent streets, creating appropriate transitions in scale to neighbouring or existing and/or planned buildings, providing for adequate light and privacy and adequately limiting any resulting shadowing on neighbouring streets and properties.

The Parks and Open Spaces policies (3.2.3) state that Toronto's systems of parks and open spaces will continue to be a necessary element of City building as the City grows and that parkland acquisition strategies will take into account a range of factors including the amount of existing parkland.

#### Chapter 4 - Land Use Designations

The *Mixed Use Areas* designation permits a broad range of commercial, residential and institutional uses, in single or mixed use buildings, as well as parks and open spaces and utilities are permitted within *Mixed Use Areas*. *Mixed Use Areas* are identified as areas appropriate for intensification with development that will create animated and safe districts along transit routes and reduce automobile dependency. The Official Plan recognizes that not all *Mixed Use Areas* will experience the same scale or intensity of development.

Development criteria in *Mixed Use Areas* in Section 4.5.2 include that new development: will locate and mass new buildings to provide a transition between areas of different development intensity and scale; frame the edges of the street with good proportion; provide good site access and circulation; take advantage of nearby transit services; and provide an attractive comfortable and safe pedestrian environment.

Section 4.1.1 of the Official Plan states that *Neighbourhoods* are considered physically stable areas, which include residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes, townhouses and walk-up apartments. Parks, local institutions, home occupations, cultural and recreational facilities and small scale retail service and office uses are also provided for in *Neighbourhoods*.

The Official Plan states that no changes will be made through rezoning that are out of keeping with the physical character of the neighbourhood. In addition, physical changes to established *Neighbourhoods* must be sensitive and fit its existing context and physical character. Policy 4.1.5 of the Official Plan requires development in established *Neighbourhoods* to respect and reinforce the existing physical character of the neighbourhood, including in particular:

- Size and configuration of lots;
- Heights, massing, scale and dwelling type of nearby residential properties;
- Prevailing building type(s);
- Setbacks of buildings from the street or streets;
- Continuation of special landscape or built-form features that contribute to the unique physical character of a neighbourhood; and
- Prevailing patterns of rear and side yard setbacks and landscaped open space.

See Attachment 3: Official Plan Land Use Map.

## **Section 37**

Policy 5.1.1 of the Official Plan allows for an increase in height and/or density in return for the provision of community benefits for a proposed development, in accordance with Section 37 of the *Planning Act*. The proposal meets the minimum 10,000 square metre gross floor area threshold in the Official Plan for Section 37 considerations.

## **Official Plan Amendment 320**

The lands are subject to a site specific appeal of Official Plan Amendment No. 320 (OPA 320) and a hearing date has not been scheduled by the Local Planning Appeal Tribunal (LPAT). OPA 320 was adopted by Council in 2015 as part of the Official Plan Five Year Review of the Healthy Neighbourhoods, Neighbourhoods and Apartment Neighbourhoods policies. The Minister's 2016 decision to approve OPA 320 was appealed in its entirety by multiple parties. On December 7, 2018 the LPAT approved OPA 320 with policies that were modified in part by settlements reached between the City and appellants.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The outcome of staff analysis and review of relevant Official Plan policies and designations are summarized in the Comments section of the Report.

## **Zoning By-Laws**

### **Former City of North York By-law 7625**

In the former City of North York By-law 7625, the site is zoned C1 General Commercial Zone on the eastern portion (2788 Bathurst Street) and R4 One-family Detached Dwelling Fourth Density Zone on the western portion (515 Glencairn Avenue).

The C1 zone permits a wide range of commercial uses, including restaurants, retail stores, personal service shops, banks, and professional office uses. The C1 zone also permits residential uses that are permitted in a R5 Zone or RM5 zone, including apartment house dwellings and multiple attached dwellings, subject to compliance with the R5 and RM5 provisions. Permitted institutional uses include, a lodge, fraternity or



sorority house, labour union hall, a home for the aged, or hospital, subject to certain provisions of the by-law.

Buildings or structures in "C1" Zones are subject to various development standards, including maximum lot coverage, minimum yard setbacks and a maximum height. Most of the standards are based on the type of use being proposed.

The R4 zone permits detached residential dwellings and accessory buildings incidental thereto. Home occupations, recreational uses (including parks), and institutional uses, such as schools and places of worship, are also permitted subject to certain provisions of the by-law.

R4 Development Standards include:

- 15 metre minimum frontage, for serviced lots;
- 550 square metre minimum lot area, for serviced lots;
- 7.5 metre minimum front yard setback;
- 1.8 metre minimum side yard setback (or 1.2 metre to an attached garage);
- 9.5 metre minimum rear yard setback;
- Maximum 30% lot coverage; and
- Maximum 2 storey dwellings with 8 metre maximum building height to a flat roof, 8.8 metre to all other roof types.

### **City of Toronto By-law 569-2013**

In the City of Toronto By-law 569-2013, the site is zoned Commercial Residential Zone "CR 1.0 (c.1.0; r1.0) SS3" on the eastern portion and Residential Detached Zone "RD (f15.0; a550) (x5)" on the western portion.

The Commercial Residential Zone permits a maximum height of 3-storeys and a maximum density of one times Floor Space Index (FSI). Commercial uses permitted include, but are not limited to, retail store, personal services shop, medical office, and financial institutions. Residential uses permitted include dwelling units, hospices, nursing homes, religious residences, residential care homes, respite care facilities, retirement homes and student residences. Building types permitted included apartment buildings and mixed use buildings.

The Residential Detached Zone permits a maximum height of 2-storeys and a maximum coverage of 35%. Dwelling units within a single detached house are permitted as well as parks. Additional uses are permitted subject to conditions.

All uses and building types are subject to various provisions of By-law 569-2013.

See Attachments 4 and 5 : Existing Zoning By-law Maps.

## **Design Guidelines**

### **Avenues and Mid-rise Buildings Study and Performance Standards**

Toronto City Council, at its meeting of July 8, 2010, adopted the recommendations contained in the staff report prepared by City Planning entitled "Avenues and Mid-Rise Buildings Study", with modifications. The main objective of the Avenues and Mid-Rise Buildings Study is to encourage future intensification along Toronto's Avenues that is compatible with the adjacent neighbourhoods through appropriately scaled and designed mid-rise buildings. Mid-Rise Building Guidelines identify a list of best practices, categorize the Avenues based on historic, cultural and built form characteristics, establish a set of performance standards for new mid-rise buildings, and identify areas where the performance standards should be applied. The study notes that the intention of the Study is to provide Performance Standards and recommendations for mid-rise buildings on the *Avenues*.

In June 2016, City Council approved the Mid-Rise Building Performance Standards Addendum. The Addendum is to be used by City Staff together with the 2010 approved Mid-Rise Building Performance Standards during the evaluation of development applications where mid-rise buildings are proposed and the Performance Standards are applicable. They identify a list of best practices and establish a set of performance standards for new mid-rise buildings. Key issues addressed include maximum allowable building heights, setbacks and step backs, sunlight and sky view, pedestrian realm conditions, transition to Neighbourhoods and Parks and Open Space Areas and corner sites.

The link to the guidelines is here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/mid-rise-buildings.pdf>

Mid-Rise Building Performance Standards Addendum may be found here:

<http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>

### **Draft Growing Up Urban Design Guidelines**

In July 2017, Toronto City Council adopted the Draft Growing Up 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 Guidelines is for developments to increase liveability for larger households, including families with children, at the neighbourhood, building and unit scale. The draft Guidelines are available at: <https://www.toronto.ca/city-government/planningdevelopment/planningstudiesinitiatives/growing-up-planning-for-children-in-new-verticalcommunities>

### **Site Plan Control**

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

## COMMENTS

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### **Section 2 of the Planning Act**

The Planning Act governs land use planning in Ontario and sets out the means by which a municipality must implement land use planning decisions. In particular, section 2 of the Planning Act requires that municipalities, when carrying out their responsibility under the Act shall have regard to matters of provincial interest including, 2 (p) the appropriate location of growth and development, (q) the promotion of development that is designed to support public transit and to be oriented to pedestrians and (r) 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.

These matters, which all approval authorities shall have regard for in carrying out their responsibilities under the Planning Act, are relevant to this proposal. The proposed development appropriately addresses these matters by proposing a well-designed built form on a major street well served by higher order transit, improves the adjacent public realm with new sidewalks and landscaped buffers and provides for housing intensification in an appropriate location.

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

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2019). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Issue Background section of the Report.

Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan as follows:

The PPS provides for a coordinated and integrated approach to planning matters within municipalities. The PPS includes policies to direct land use to achieve efficient and resilient development and land use policies. Policy 1.1 of the PPS focuses on "Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns". Policy 1.1.1.a) requires that efficient development and land use patterns be promoted which sustain the financial well being of the Province and municipalities over the long term. Policy 1.1.1 e) requires the promotion of cost effective development patterns and standards to minimize land consumption and servicing costs.

The proposed development adequately addresses Policy 1.1.1 objectives with a built form that promotes efficient development patterns and utilizes existing municipal infrastructure to optimize efficiency. The proposed development is a compact form providing an appropriate transition to the adjacent neighbourhood. The site is located in an area in close proximity to community services, commercial and office uses and higher order transit. The proposed building would provide a variety of one, two and three bedroom units, a new on-site public park, hotel suites and commercial uses at grade. The site has access to local commercial and retail space with the Lawrence

Plaza located approximately 800 metres north at Bathurst Street and Lawrence Avenue West. The location and mix of uses have the potential to minimize the length and number of vehicle trips and supports transit and energy conservation.

Policy 1.1.3.1 states that "settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted". Policies 1.1.3.3 and 1.1.3.4 direct the City to identify appropriate locations and promote opportunities for growth where it can be accommodated and to establish appropriate development standards to facilitate such appropriate intensification.

The proposed development is within a settlement area on Bathurst Street which is considered a major street in the City's Official Plan. The portion of the site where development is proposed is designated as *Mixed Use Areas*, which is a designation considered appropriate for intensification. The development proposes an acceptable density of 5.05 times the area (after the road widening and parkland dedication) of the lot with a height and massing that provides an appropriate transition to the lower scale adjacent *Neighbourhood*.

Policy 1.6.7.2) states that efficient use shall be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible. With respect to transportation systems, Policy 1.6.7.4) promotes a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and support the current and future use of transit and active transportation. The proposed development will support greater pedestrian and transit use with a mix of uses on site and access to higher order transit that will assist in the reduction of vehicle usage.

Policy 1.8.1 of the PPS requires that planning authorities support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and climate change adaptation through land use and development patterns which: promote compact form and a structure of nodes and corridors; promote the use of active transportation and transit in and between residential, employment and other areas; and improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion.

The site is well served by existing and planned transit infrastructure. The Glencairn TTC subway station is located approximately 1 km to the west and the site is served by two surface TTC bus routes: Route 14 and Route 7. Route 14 feeds into the Davisville and Glencairn subway stations, both on line 1. Route 7 feeds into the Bathurst subway station on line 2. A future Eglinton Crosstown LRT Forest Hill station, planned to open in 2022, is approximately 1.1 km to the south of the site.

In summary, the proposed zoning by-law amendments are consistent with the applicable policies of the Provincial Policy Statement.

The Growth Plan (2019)

The Guiding Principles of the Growth Plan (2019) support, among other matters, the achievement of complete communities that are designed to support healthy and active

living and meet people's daily living throughout an entire lifetime and to provide intensification and higher densities in strategic growth areas.

The Growth Plan (2019) identifies the site within a Built-up Area. Section 2.2.2.(3) c) (Delineated Built-up Areas) states that all municipalities will encourage intensification generally throughout the delineated built-up area. The proposal conforms to this policy in that the proposed development intensifies Bathurst Street which is in a delineated built-up area of Toronto. The portion of the site where development is proposed is designated *Mixed Use Areas* where mid-rise buildings are considered to be an appropriate form of development.

The development supports the Growth Plan's directive to achieve complete communities by contributing to a mix of housing, and providing a pedestrian-friendly environment on a site with convenient access to local stores and businesses, public service facilities, and existing subway and bus public transportation. The proposed development includes an on-site public park which will contribute to the creation of a complete community in the area. The proposed development is located on Bathurst Street, a street identified as a Major Road in the City's Official Plan; is approximately 1 km from the Glencairn subway station, is served by surface bus routes and is within 800 metres of commercial and office uses to the north. The provision of on-site parkland will expand the local park network. The proposal improves the adjacent streetscape with new sidewalks and a landscaped boulevard between the roadway and the public sidewalk, thereby supporting greater pedestrian activity.

The proposal will also assist in diversifying the mix and range of housing options for residents in the neighbourhood and provide new residential units in a location that will support the existing community infrastructure, public open spaces, and public transportation.

Policy 2.2.4.10 of the Growth Plan states that lands adjacent to or near existing and planned frequent transit should be transit-supportive. The proposed mid-rise development will house additional residents that will become potential transit riders for the existing and planned bus and subway transit service. The proposed development will be connected to the neighbourhood sidewalk network to ensure pedestrian connectivity, and public realm improvements that will provide an attractive and comfortable pedestrian environment to encourage walk-ability for existing and future residents.

Based upon the forgoing analysis, it is the opinion of staff that the proposed zoning by-law amendments conform to and do not conflict with A Place to Grow; Growth Plan for the Greater Golden Horseshoe, 2019.

### **City of Toronto's Official Plan**

This application has been reviewed against the Official Plan policies described in the Issue Background Section of the Report as well as the policies of the Toronto Official Plan as a whole.

## Land Use

The Official Plan designates the property known as 515 Glencairn Avenue on the North West portion of the site as *Neighbourhoods* on Map 17, Land Use Plan; the remainder of the site is designated as *Mixed Use Areas*. The Official Plan calls for development in *Mixed Use Areas* to absorb most of the anticipated increase in retail, office and service employment as well as housing. Specifically, Policy 4.5.2(a) states that *Mixed Use Areas* will create a balance of high quality commercial, residential and institutional uses that reduce automobile dependency and meet the needs of the local community. *Mixed Use Areas* can accommodate different forms of intensification including mid-rise and tall buildings, depending on the planned and built context.

The Official Plan states the policy direction for *Neighbourhoods* designated land use is intended to respect and reinforce the existing physical character of the area. Policy 4.1.1 states that *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 no higher than four storeys.

The proposal is for a development with a mix of residential and retail uses to be built within the *Mixed Use Areas* portion of the site with a new public park proposed for the western portion of the site, including the portion of the site designated *Neighbourhoods*. The proposed public park within the portion of the site designated as *Neighbourhoods* is a permitted use, and is appropriate in this context. The park would provide community recreation space and provide a pedestrian connection across the block and would provide a transition from the *Mixed Use Areas* along Bathurst Street to the *Neighbourhoods* area to the west.

The context of this site is along a street designated as an *Avenue* along a transit priority segment with good access to transit, community facilities and commercial uses. The lands to the east, north and south of the site on Bathurst Street are designated as *Mixed Use Areas*. A variety of building types, including mid-rise buildings, are existing and planned within the area. The area to the west of the site is an established detached house neighbourhood. A mixed use mid-rise built form abutting Bathurst Street with a public park on the western portion of the site is appropriate for this location. The proposed mix of uses on the site are permitted within the *Mixed Use Areas* and *Neighbourhoods* Official Plan designations. The proposal would provide transit supportive density and a mix of housing types in close proximity public transit and is consistent with the planned context of this area. As such, staff are satisfied with the proposed land uses.

## Site Organization and Building Location

Built form Policy 3.1.2 requires new development to be located and organized to fit with its existing and/or planned context. It should frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces. Main building entrances are to be located so they are clearly visible and directly accessible from the public sidewalk. Vehicle parking and vehicular access

should be located to minimize their impact on the property and surrounding properties. All multi-unit residential developments will provide indoor and outdoor amenity space for residents of the new building.

The public park is proposed along the entire western edge of the site (incorporating the property at 515 Glencairn Avenue which is designated as *Neighbourhoods*) for a width of 15.3 metres. The proposed building is setback 6 metres from the park, providing a distance of 21 metres from the building at the ground level to the adjacent neighbourhood to the west.

The proposed development would be parallel to all street frontages supporting the adjacent streets and the new public park. The building is located on the portion of the site designated as *Mixed Use Areas*. All building entrances would be clearly visible and accessible from the public sidewalk providing animation and overlook to the streets and the new public park. The main lobby entrance to the residential building would be located on the Glencairn Avenue frontage, with retail entrances facing Bathurst Street and the public park. The hotel lobby and a retail entrance would face Hillmount Avenue. Entrances to the townhouse style units face the park and would be accessed by a 2.1 metre north-south pedestrian walkway which extends across the entire site from the public sidewalk on Glencairn Avenue to the north to the public sidewalk on Hillmount Avenue to the south. Pedestrian access to a central courtyard would also face the park on the west side of the building.

The building would be built up to the new property line along Bathurst Street which, following the required road widening, would be setback 3.44 metres from the existing property line on the south portion of the Bathurst Street frontage and 0.6 metre on the north portion. This provides for an expanded public boulevard of 6 metres along Bathurst Street. This also would provide an opportunity for a 3 metre pedestrian sidewalk and a planted landscaped boulevard adjacent to Bathurst Street. Staff are satisfied this is appropriate and provides an improved pedestrian condition. The proposed building would be built to the property line on the north and south frontages of the proposed building with the exception of the side of the townhouse units abutting Glencairn Avenue which would be setback 2.5 metres from the property line. The public boulevards along Hillmount Avenue and Glencairn Avenue are approximately 5 metres providing opportunities for a landscaped streetscape and a 2.1 metre public sidewalk.

Vehicle parking would be provided in three levels of underground parking accessed from driveways on Glencairn Avenue and Hillmount Avenue. Loading and garbage storage are internalized within the building.

The site organization and building location are satisfactory.

### **Height, Massing and Density**

Staff have reviewed the proposal against policies from the Official Plan and the pertinent performance standards from the Mid Rise Guidelines, including the performance standards addendum.

The building is proposed on the east portion of the site which is identified on Map 2 of the Official Plan as an *Avenue* and is designated as *Mixed Use Areas*, both of which are growth areas in the Official Plan. A variety of built forms are appropriate in *Mixed Use Areas* including mid-rise and tall buildings; all *Mixed Use Areas* will not experience the same scale or intensity of development. On this site a mid-rise building, massed to provide appropriate transition to the adjacent *Neighbourhoods* to the west, is appropriate. The site is on a Major Street on Map 3 with a planned right of way of 27 metres, is well served by transit and is identified as a transit priority segment. There is a variety of built forms including mid-rise buildings existing and planned in the area.

Official Plan Section 2.3.1 - Healthy Neighbourhoods provides policy direction on development in *Mixed Use Areas* that are adjacent or close to *Neighbourhoods*. Policy 2.2.1.2 (b) states that development will provide a gradual transition of scale and density, as necessary to achieve the objectives of the Plan through the stepping down of buildings towards and setbacks from those neighbourhoods. The performance standards of the Mid-Rise Guidelines provide guidance pertaining to building size, shape and quality that are intended to implement this section of the Official Plan.

The tallest elements of the proposed building are proposed along the Bathurst Street frontage with several stepbacks on the west side of the building. The 9th floor has been sculpted to have a smaller floor plate. The 9th floor is setback approximately 35 metres from the neighbourhood to the west and is stepped back a minimum of 7 metres from the new property line along Bathurst Street. The sculpting and setback of the taller elements of the building minimize the impact of the proposed building on the adjacent neighbourhood to the west and the Bathurst Street streetscape. The road widening along Bathurst Street ensures the building is properly proportioned to the planned right of way width of the street.

The Mid-Rise Guidelines establish that the building be no taller than the adjacent street's planned right of way width to achieve a building that is moderate in height and allows for sunlight on the street. The planned right of way for Bathurst Street in this location is 27 metres. Although there is a 6.5 metre difference between the guideline and the proposed height of 33.5 metres (excluding mechanical penthouse) staff have concluded that the building's location and orientation on the site, the change in elevation, the site's location at the corner of Bathurst Street and Glencairn Avenue and the stepbacks and massing of the building described above provide a building with an appropriate street proportion which is in keeping with the intent of the 1:1 height ratio.

As a measure for providing a gradual transition to the *Neighbourhoods* designated properties at the rear, the Mid-Rise Guidelines recommend that buildings meet a 45 degree angular plane. The proposed development meets the 45 degree angular plane measured from the neighbourhood to the west with the exception of a minor intrusion of the top of the mechanical penthouse. Meeting this performance standards ensures a lower building at the rear of the property with a gradual transition of height from the adjacent neighbourhood.

The Mid-Rise Guidelines recommend that buildings meet a 45-degree angular plane along the front façade, measured at a height of 80% of the right of way width in order to



ensure a building envelope that allows for 5 hours of sunlight on the opposite sidewalk as well as ensuring the street wall is in proportion to the planned right of way width of the street. The proposed building generally meets this performance standard along Bathurst Street with building setbacks provided at the 4th, 8th and 9th floors. There are minor intrusions into the angular plane on levels 7-9. The height and massing of the proposal is appropriate for this location on the Bathurst Street Avenue and provides appropriate transition to the Neighbourhood to the west and the *Mixed Use Areas* to the north, south and east and meets the guideline of providing a minimum of 5 hours of sunlight on the opposite sidewalk.

The resulting net density of 5.05 times the area of the lot (3.9 gross density) is acceptable for this site which is designated *Mixed Uses Areas* and located on a Major Street within the *Avenue* designation, both growth designations in the Official Plan. Recently approved development applications at 491 Glencairn Avenue (across the street) and 2795 Bathurst Street (on the north east corner of Bathurst Street and Glencairn Avenue) have similar gross densities of 3.6 and 4.1 times the area of the lot. The existing and planned context surrounding this site includes mid-rise buildings. The site is well served by transit with two bus routes which provide direct access to TTC subway stations on Lines 1 and 2. A public park is proposed on the west side edge of the site which will contribute to a complete community in this area.

### **Sun, Shadow, Wind**

Section 4.2.2(b) and (c) of the Official Plan require that new development in *Mixed Use Areas* be located and massed so as to adequately limit shadows on properties in lower-scale Neighbourhoods particularly during the spring and fall equinoxes; and that new buildings be located and massed to frame the edges of streets and parks to maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

A shadow study dated May 2019 indicates the shadows cast by the proposed building at the spring equinox casts a shadow on the backyards of 4 properties to the west of the building from 9am-10am and on the new park to the west from 9am-11am. The west side of Bathurst Street would be in the shadow of the proposed building from 4pm onwards, with the shadow extending further east from at 5pm and 6pm. The standard of 5 hours of sunlight on adjacent streets is met with the proposed building. The proposed massing of the building with the stepping back of higher floors results in minimal shadow impacts on adjacent properties and the public realm.

The potential sun and shadow impacts of the proposal on adjacent properties and the adjacent streets are acceptable to staff.

A pedestrian level wind study dated May 2018 found wind conditions on and around the proposed development are predicted to be suitable for walking, standing (or better) year round, with the exception of the retail entrance at the north east corner of the building. Mitigation such as recessing the entrance or providing a wind barrier at the north of the entrance may be required. Mitigation for the outdoor amenity area on the 9th floor is

indicated along the north and east ends. The design of the any necessary mitigation will be reviewed and secured through the Site Plan Control application.

### **Amenity Space**

The proposed development would provide 645 square metres each of indoor and 1,105 square metres of outdoor amenity space; both in excess of what is required by the standards in the City of Toronto Zoning By-law 569-2013. Indoor amenity space is proposed at grade, on the mezzanine level, and on the 9th floor. The outdoor amenity space is proposed on the 2nd and 9th floor, additionally an on-site parkland dedication is proposed.

### **Traffic Impact, and Access**

An Urban Transportation Considerations report, dated April 2018 by BA Group was submitted in support of the proposed development. The consultant estimates in this study that the proposed development will generate approximately 45 and 40 new two-way trips during the morning and afternoon peak hours.

Given the removal of the site traffic generated by the former uses on the site, the proposed development is expected to have minimal impacts on the road network, with fewer trip during the pm peak hours. In general, Transportation Services accepted these conclusions with regards to traffic impact.

On June 13, 2019 and September 2019 Addendums to the report were submitted to address changes to the development proposal. An additional five (5) two-way trips in the afternoon peak hour resulted from the proposed revisions. The conclusions of the report with respect to traffic impacts have not changed as a result of the addendums and remain acceptable to Transportation Services.

Vehicular access to the site is proposed via two new all-moves access driveways. The first is on the north frontage of the site onto Glencairn Avenue, in the approximate location of one of the three existing curb cuts currently on-site. The second is on the south frontage of the site onto Hillmount Avenue.

In general, Transportation Services accepts this access arrangement, a more detailed review of the site driveway and underground ramp design will be conducted though the review of a future Site Plan Control application.

### **Parking and Loading**

The proposed development would have 240 spaces in a three-level underground garage. The parking supply includes the provision for 192 resident spaces, and a total of 48 visitor/commercial spaces for shared use between the residential visitors, hotel and retail users.

The parking requirements for the project are governed by the applicable parking provisions contained in Zoning By-law 569-2013 as outlined for Policy Area 4, as defined in the By-law.

Given the above, the proposed site will meet the minimum by-law parking requirements outlined in Zoning By-law No. 569-2013, however as proposed, the site exceeds the overall maximum number of permitted parking by 10 spaces. A total of 192 resident vehicle parking spaces are proposed whereas a maximum of 157 vehicle spaces are permitted. There is no maximum permitted visitor parking rate for the site.

The consultant has submitted an additional addendum (dated September 2019) outlining a justification for the over-supply of parking. In this instance, the site includes 1- to 3-bedroom and townhouse units of an average size of 154.96 sq. m. (1,668 sq. ft.). This is double the standard average for most condominium units. Applying the By-law parking rates to a standard-sized mix of residential units produces a minimum parking requirement of 266 spaces. This comparison is provided to illustrate the atypical size of the units based on gross floor area. Given the number and size of units Transportation Services accepts the conclusion that the over-supply of vehicle parking on site will not adversely impact the adjacent road network.

As mentioned, this proposal will be subject to further comments as part of a future Site Plan application. More detailed comments will be provided at that time with regards to the design and configuration of the proposed parking.

A total of 129 bike parking spaces are proposed, 120 for residents and 9 for commercial. The bike parking spaces are proposed on the ground floor and on the P1 level, the exact location of bike parking will be reviewed and secured through the Site Plan Control application.

The loading space supply requirements for the project are governed by the provisions contained in the Zoning By-law No. 569-2013. As such, and before any sharing of loading spaces is considered, one Type G and two Type B loading space are required for the project. With sharing provisions, Transportation Services can support the inclusion of one Type G and one Type B space on-site.

The applicant is proposing to provide one Type G and one Type B loading space with the appropriate dimensions for each. In addition, the applicant has submitted acceptable vehicle turning diagrams showing a heavy vehicle entering and exiting the site in a forward motion. In general, Transportation Services accepts this proposed loading configuration, more detailed comments may be provided during the review of the future Site Plan Control application.

## **Transportation Demand Management**

Transportation Demand Measures recommended include a financial contribution of \$50,000 (value of one station) to the expansion of the City's bike share program within the ward, to meet auto vehicle trip reductions identified in TGS v3 and the provision of

low emissions vehicle/carpool dedicated spaces. The location of these spaces will be determined through the Site Plan Control Application.

## **Road Widening**

In order to satisfy the Official Plan requirement of a 27 metre right-of-way for this segment of Bathurst Street a 3.44 metre road widening dedication along the south portion and a 0.6 metre road widening along the north portion of the Bathurst Street frontage of the subject site is required. This conveyance to the City is in conformance with the City's Official Plan policies regarding road widening and will be secured through the site plan approval process. The proposed site plan layout reflects this required road widening.

## **Streetscape**

The Official Plan Public Realm policies in Section 3.1.1(6) require that sidewalks and boulevards be designed to provide safe, attractive and comfortable spaces for pedestrians. The proposal would include the provision of a minimum of 2.1 metre sidewalks along all street frontages. The Bathurst Street frontage would have a curb to building distance of 5.5 metres which would include a 3.0 metre sidewalk pedestrian clearway adjacent to the building with a 2.0 metre buffer to the roadway including new street trees proposed in planters. There is a 5 to 6 metre curb to building distance proposed including a 2.1 metre sidewalk along the Hillmount Avenue frontage with the preservation of three existing trees and two new street trees in a planted boulevard area, providing a landscaped streetscape. A proposed 5 metre curb to building distance along Glencairn Avenue would include a 2.1 metre sidewalk with two new street trees as well as a new TTC bus platform. The design of the streetscape, including weather protection at the ground floor will be further refined through the Site Plan Control Application.

## **Servicing**

The applicant has submitted a Functional Servicing Study, most recently dated November 5, 2019. The report concludes there is not sufficient servicing capacity due to surcharging in the sanitary sewer system. Engineering and Construction Services staff have advised that further analysis that incorporates the required sanitary system with adequate capacity is required. Planning staff recommend that prior to introducing Bills to City Council for enactment, the applicant be required to submit a revised Functional Servicing Study, to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services and that the Owner enter into a financially secured agreement (prior to Bill enactment) for any required improvements determined through the accepted Engineering Reports by the Chief Engineer and Executive Director of Engineering and Construction Services.

## **Housing Issues**

The proposed unit mix provides for 10 three-bedroom units (8% of the total proposed units), and 102 two-bedroom units (78 % of the total proposed units). The proposed

unit sizes are large. An on-site public parkland is proposed as well as an indoor play space. The site is connected to the local sidewalk network with the pedestrian clearway buffered from the adjacent roadway along the Bathurst Street frontage. The proposed unit sizes and mix, as well as the provision of a public park and amenity space for children supports the objectives of the Growing Up Guidelines, Official Plan housing policies and the Growth Plan's policies to accommodate within new development a broad range of households, including families with children.

### **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.80 to 1.56 hectares of local parkland per 1,000 people. The site is in the middle quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

At the alternative rate of 0.4 hectare per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 1,600 square metres or 29.08 % of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 563.15 square metres. The applicant is required to satisfy the parkland dedication requirement through an on-site dedication.

The applicant has proposed an on-site parkland dedication of 1,250.50 square metres which traverses north-south through the entire block, with frontage on Hillmount Avenue and Glencairn Avenue. This represents a 687.35 square metre over-dedication of parkland, which is captured as a Section 37 community benefit. The parkland shall be conveyed to the satisfaction of the General Manager, PF&R, and shall comply with Policy 3.2.3.8 of the Toronto Official Plan.

The design and programming of the park will be finalized through the City's process, which includes consultation with the Landscape Architecture Unit and the Local Councillor. Public consultation may be warranted for this scale of a park, which will also influence the park programming.

### **Site Plan Control**

This site is subject to site plan control and an application has not yet been submitted for review. The proposed building provides glazing and entrances on the street to provide pedestrian activity and overlook. A variety of materials are proposed which help to articulate the building. Matters which will be further refined and secured through this application include: building materials; design of balconies and terraces to address privacy concerns to the *Neighbourhood* to the west; streetscape detailed design; landscaping and lighting, and the location of bike parking.

## **Tree Preservation**

The development 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).

An Arborist Report and Tree Inventory and Preservation Plan, dated October 2019 and a Landscape Plan dated October 4, 2019 were submitted. These plans indicate preservation of 5 trees within the City's right of way and the planting of 11 new trees within the City's right of way. The removal of 2 privately owned trees having diameters of over 30cm are proposed. The planting of 6 new replacement trees is proposed on site which satisfies the 1:1 replanting requirement.

The applicant is to submit a tree planting deposit to ensure the planting and survival of 11 new City trees. In addition, Forestry requires a tree Security Deposit for the preservation of 5 trees within the City's right of way. Further landscape details will be secured through Site Plan Control.

## **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 or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS. The Zoning By-law would secure performance measures for the following Tier 1 development features: provision of space for bicycles and Low Emitting Vehicle Spaces. Other performance measures such as sidewalk space and pedestrian connectivity, Waste Collection and Sorting, building design to achieve energy efficiency, landscaped areas with water efficient plants and native species and a green roof will be secured through the site plan control application.

## **Section 37**

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the Planning Act. While the proposed development exceeds the height and density limits of the existing Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

The community benefits recommended to be secured in the Section 37 Agreement are as follows:

1. Prior to issuance of a foundation permit, the owner shall pay to the City a cash contribution of \$1,300,000.00 for;

- The expansion and/or improvements to local parks within the Ward to the satisfaction of the General Manager, PF&R and in consultation with the local Councillor; and
- Streetscaping and public realm improvements nearby the site, (Better Bathurst) within the Ward in accordance with the Streetscape Manual to the satisfaction of the Chief Planner and Executive Director, City Planning and in consultation with the local Councillor.

2. On site parkland dedication of 687.35 square metres in excess of the required parkland dedication.

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

1. Prior to the issuance of the first above-grade building permit, the owner shall make arrangements to convey the parkland dedication to the satisfaction of the General Manager, Parks, Forestry and Recreation;
2. The Owner shall be required to secure the design and construction, and provide financial securities for, at no cost to the City, any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing Report and Stormwater Management Report and Hydrological Review, and related engineering reports ("Engineering Reports"), to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements or upgrades are required to support the development, according to the accepted Engineering Reports;
3. A cash contribution of \$50,000.00 (the value of one station) to the expansion of the City's bike share program within the Ward; and
4. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of item PG23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time.

## **Conclusion**

The proposal for a 9 storey mixed use building has been reviewed against the policies of the PPS (2014), the Growth Plan (2019), and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2014) and does not conflict with the Growth Plan (2019). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to intensifying a *Mixed Use Areas* and

*Avenues* site within good access to higher order transit, providing a range and mix of housing types and the provision of public parkland. The proposed development would provide residential intensification in an area which is identified for growth in the Official Plan. The proposal includes a mix of residential, retail and commercial uses and a public park on site which would contribute towards a complete community in the area. The site has access to transit with two bus routes on providing direct access to two subway stations. The proposed development would provide an appropriate transition to the neighbourhood to the west and an improved public realm along all three street frontages with new sidewalks and landscaping. Staff worked with the applicant and the community to address and resolve the following key concerns: the height and massing of the building has been reduced and improved to minimize overlook and shadow concerns, permission for retail space on the ground floor of the building will allow for the opportunity to provide a mix of uses in the area, and the design of the adjacent streetscape will contribute to pedestrian comfort and safety.

Staff recommend that Council approve this application.

#### Contact

Seanna Kerr, Senior Planner  
Tel. No. 416-395-7053  
E-mail: Seanna.Kerr@toronto.ca

#### **SIGNATURE**

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Giulio Cescato, MCIP, RPP, Acting Director  
Community Planning, North York District

#### **ATTACHMENTS**

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##### **City of Toronto Data/Drawings**

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map By-law 7625
- Attachment 5: Existing Zoning Map By-law 569-2013
- Attachment 6: Draft Zoning By-law Amendment By-law 7625
- Attachment 7: Draft Zoning By-law Amendment By-law 569-2013

##### **Applicant Submitted Drawings**

- Attachment 8: Site Plan
- Attachment 9: North Elevation
- Attachment 10: East Elevation
- Attachment 11: South Elevation
- Attachment 12: West Elevation



Attachment 1: Application Data Sheet

Municipal Address: 2788 BATHURST ST AND 515 GLENCAIRN AVENUE Date Received: May 4, 2018

Application Number: 18 153780 NNY 15 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: This application proposes to construct a mixed-use mid-rise building with a height of 9-storeys (33.5 metres excluding the mechanical penthouse, 39 metres including the penthouse). The building would have a total floor area of approximately 24,700 square metres, consisting of 1,000 square metres of street related retail space, a 1,600 square metre hotel with 23 suites, and 22,110 square meters. of residential space with a total of 120 residential dwelling units. Grade related townhouses are proposed to face the new linear park space at the west edge of the site. Vehicular access to the site would be from Glencairn Avenue and Hillmount Avenue.

Applicant	Agent	Architect	Owner
AIRD & BERLIS, LLP 181 Bay Street, Ste 1800 Toronto, ON M5J 2T9	None	IBI Group 55 St Clair Ave W Toronto, ON M4V 2Y7	LANTERRA 2811 Dufferin Street Toronto, ON M6B 3R9

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas and Neighbourhoods CR 1.0 (c1.0; r1.0) SS3 and RD (f15; a550)(x5)	Site Specific Provision:	N
Zoning:		Heritage Designation:	N
Height Limit (m):	3 storeys	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 6,325 Frontage (m): 74 Depth (m): 82

Building Data	Existing	Retained	Proposed	Total
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Ground Floor Area (sq m):	2,770	2,770
Residential GFA (sq m):	22,110	22,110
Non-Residential GFA (sq m):	2,590	2,590
Total GFA (sq m):	24,700	24,700
Height - Storeys:	9	9
Height - Metres:	39	39

Lot Coverage Ratio  
63.5 (%)

Floor Space Index: 5.04

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	22,110	
Retail GFA:	1,000	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:	1,590	

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:	1			
Condominium:			120	120
Other:				
Total Units:	1		120	120

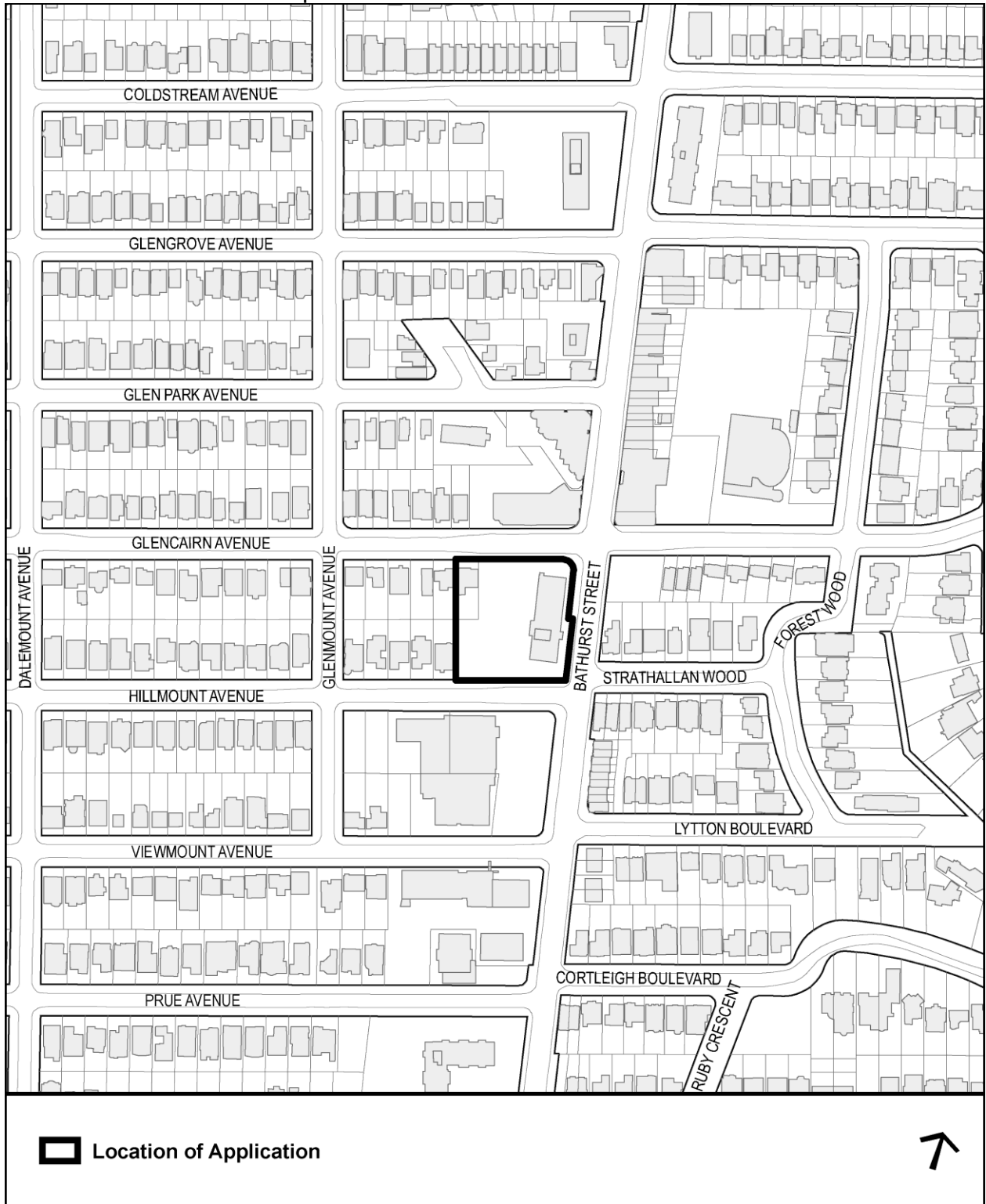
#### Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			16 (14%)	94 (78%)	10 (8%)
Total Units:			16	94	10

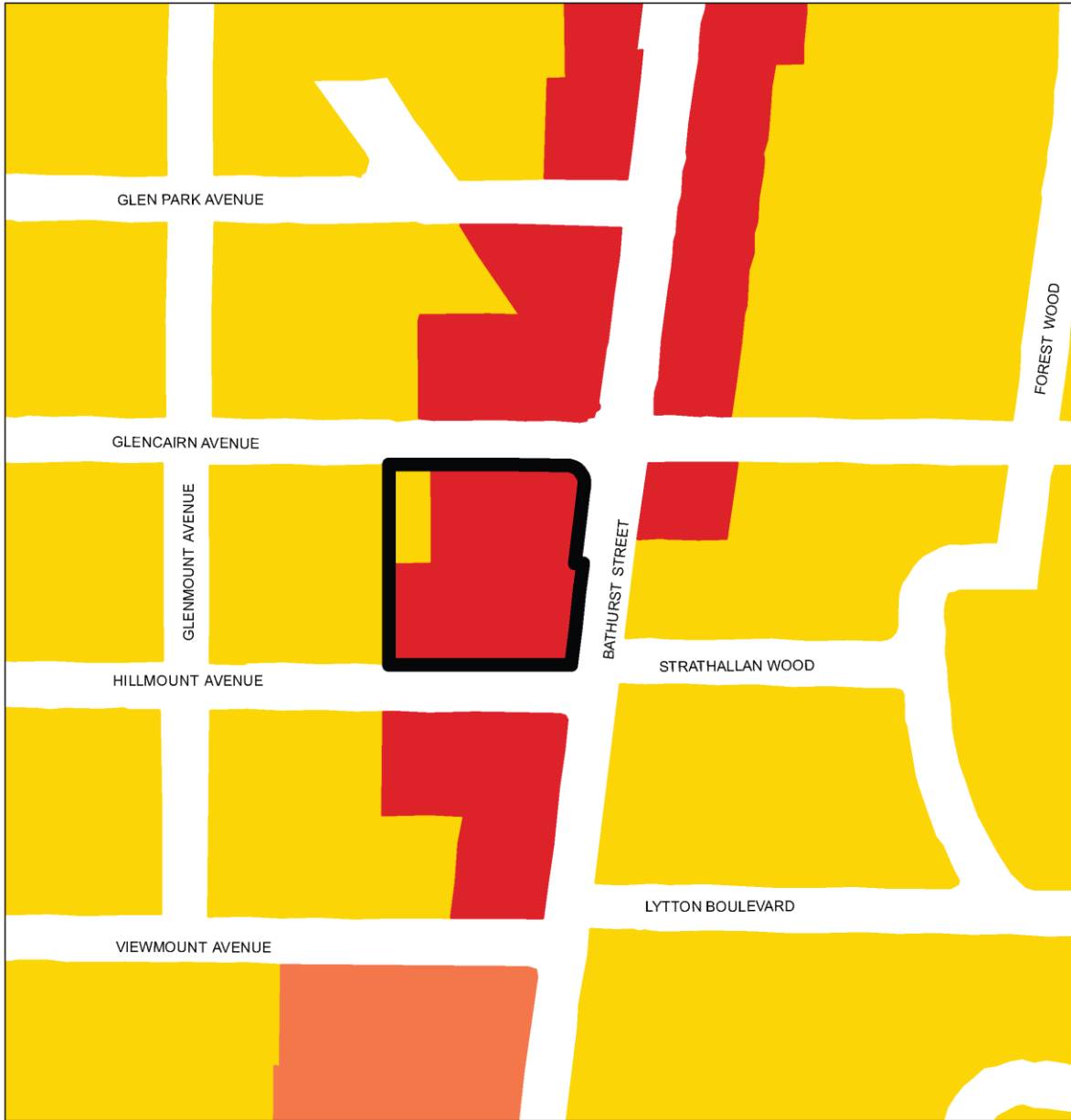
#### Parking and Loading

Parking Spaces:	240	Bicycle Parking Spaces:	129	Loading Docks:	3
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Attachment 2: Location Map




Attachment 3: Official Plan Land Use Map



2788 Bathurst Street & 515 Glencairn Avenue

Official Plan Land Use Map #17

File # 18 153780 NNY 15 0Z

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

  
Not to Scale  
11/28/2019

Attachment 4: Existing Zoning By-law Map 7625



2788 Bathurst Street & 515 Glencairn Avenue


Zoning By-law 7625

File # 18 153780 NNY 15 0Z

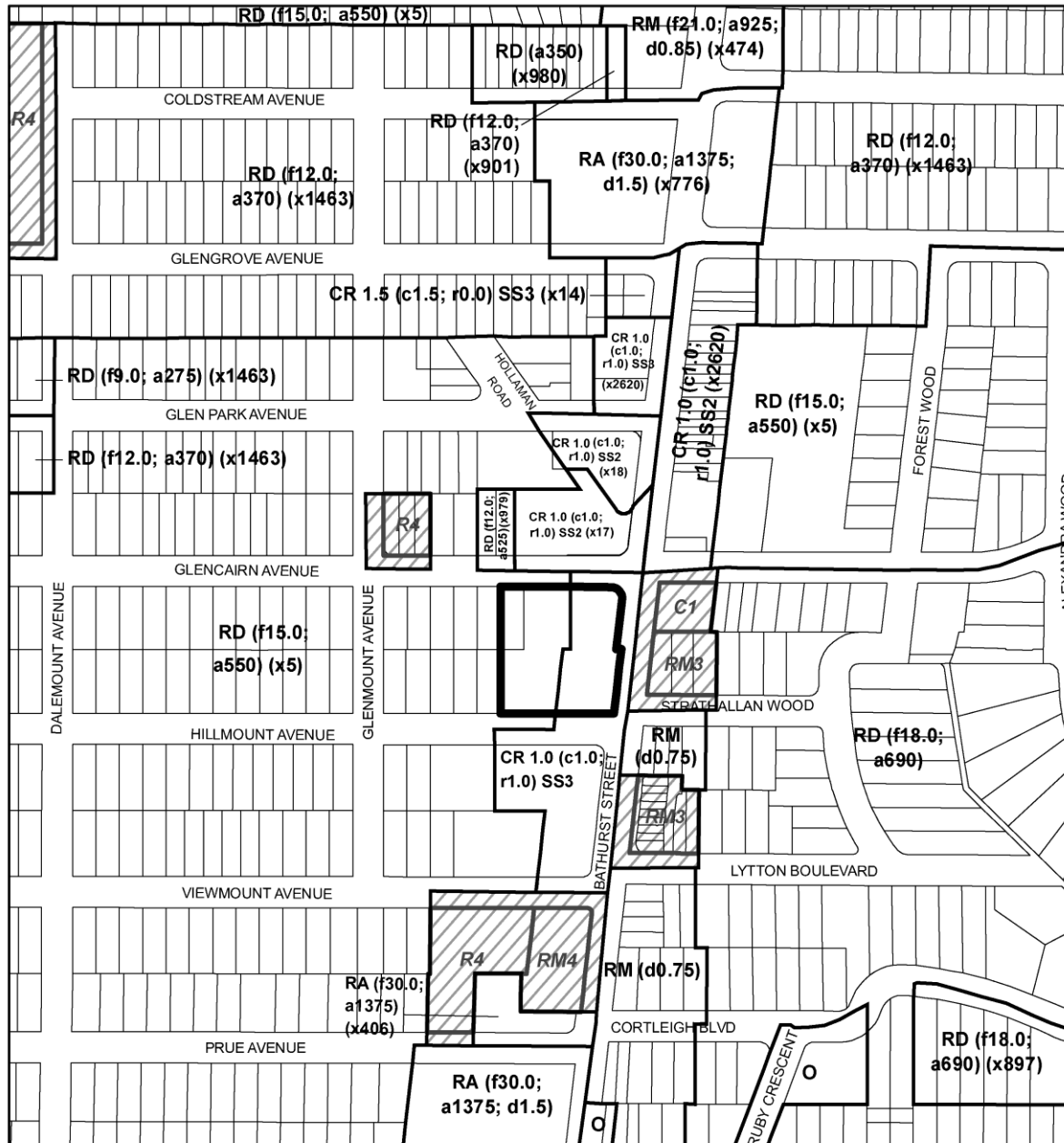
 Location of Application

- R3 *One-Family Detached Dwelling Third Density Zone*
- R4 *One-Family Detached Dwelling Fourth Density Zone*
- R6 *One-Family Detached Dwelling Sixth Density Zone*
- R7 *One-Family Detached Dwelling Seventh Density Zone*

- RM3 *Multiple-Family Dwellings Third Density Zone*
- RM4 *Multiple-Family Dwellings Fourth Density Zone*
- RM6 *Multiple-Family Dwellings Sixth Density Zone*
- C1 *General Commercial Zone*

  
 Not to Scale  
 Extracted: 11/28/2019

Attachment 5: Existing Zoning By-law Map By-law 569-2013



2788 Bathurst Street & 515 Glencairn Avenue

Zoning By-law 569-2013

File # 18 153780 NNY 15 0Z



Location of Application



See Former City of North York By-Law No. 7625

- RD Residential Detached
- RM Residential Multiple
- RA Residential Apartment
- CR Commercial Residential
- O Open Space

- R4 One-Family Detached Dwelling Fourth Density Zone
- RM3 Multiple-Family Dwellings Third Density Zone
- RM4 Multiple-Family Dwellings Fourth Density Zone
- C1 General Commercial Zone



Not to Scale  
Extracted: 11/28/2019

Attachment 6: Draft Zoning By-law Amendment By-law 7625

Authority: North York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~  
Enacted by Council: ~, 20~

## **CITY OF TORONTO**

### **BY-LAW No. <\*>**

#### **To amend former City of North York Zoning By-law No. 7625, as amended, with respect to lands municipally known in the year 2019 as 2788 Bathurst Street and 515 Glencairn Avenue**

Whereas authority is given to Council by Section 34 of the Planning Act, R. S. O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

Whereas the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, authorize increases in the height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matter as are set out in the by-law; and

Whereas subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 7625, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law which are secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. Schedules "B" and "C" of By-law No. 7625 of the former City of North York, as amended, are amended in accordance with Schedule 1 and Schedule 2 attached to this By-law.
2. Section 64.23 of By-law 7625 of the former City of North York, as amended, is amended by adding the following :

## 64.23(XXX) C1(XXX)

### DEFINITIONS

(a) For the purpose of this exception the following definitions will apply:

i. “amenity space” shall mean indoor or outdoor space on a lot that is communal and available for use by the occupants of a building on the lot for recreational or social activities.

ii. “apartment house dwelling” shall mean a building containing more than four (4) dwelling units each unit having access only from an internal corridor system except that ground related dwelling units may have access from an internal corridor system and directly from outside.

iii. “building height” shall mean the vertical distance measured in metres between established grade and the highest point of the building, exclusive of all accessory components such as but not limited to, mechanical penthouses, elevator overruns and associated enclosures, cornices, canopies, balconies, lighting fixtures, awnings, ornamental elements, parapets, trellises, eaves, window sills, window washing equipment, guardrails, balustrades, safety railings, stairs, stair enclosures, bollards, wheel chair ramps, vents, stacks, fences, wind or privacy screens, landscape elements (including green roofs), terraces, thermal insulation and roof ballast, skylights, flues, access roof hatch, outdoor furniture, chimneys, ramp enclosures, structures on the roof used for outside or open air recreation (including pools and pool decks), sukkahs, decorative or architectural features, heating, cooling or ventilating equipment or a fence, wall or structure enclosing such elements.

iv. “established grade” shall mean Canadian Geodetic Datum of 177.7 m.

v. “gross floor area” shall mean the area of all floors in a building, above or below grade, measured from the outside exterior walls but excluding:  
parking, loading and bicycle parking located below grade;  
required loading spaces at the ground level and required bicycle parking spaces at or above grade;  
storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms located below or above grade;  
indoor amenity space;  
elevator shafts;  
garbage shafts;  
mechanical penthouses; and  
exit stairwells.

vi. “lot” shall mean the lands subject to this exception as contained within the heavy lines shown on Schedule 1 to this By-law.

vii. “type ‘B’ loading space” shall mean a loading space having a minimum length of 11.0 m, a minimum width of 3.5 m, and a minimum vertical clearance of 4.0 m.



viii“type ‘C’ loading space” shall mean a loading space having a minimum length of 6.0 m, a minimum width of 3.5 m, and a minimum vertical clearance of 3.0 m.

ix. “type ‘G’ loading space” shall mean a loading space having a minimum length of 13.0 m, a minimum width of 4.0 m and a minimum vertical clearance of 6.1 m.

## **PERMITTED USES**

(b) In addition to the uses permitted in the C1 zone, apartment house dwellings and accessory uses thereto and the following use are also permitted uses on the lot:

i. temporary rental and/or sales office for the purposes of the marketing and sale or lease of units located or to be located on the lot, which shall be exempt from all development standards and regulations in this exception and By-law No. 7625.

## **EXCEPTION REGULATIONS**

### **MAXIMUM GROSS FLOOR AREA**

(c) The maximum residential gross floor area on the lot shall not exceed 22,250 square metres.

(d) The maximum non-residential gross floor area on the lot shall not exceed 2,750 square metres.

(e) The provisions of Section 22.10 (Gross Floor Area) shall not apply.

### **LOT COVERAGE**

(f) The provisions of Section 23.2.1 (Lot Coverage) shall not apply.

### **REQUIREMENTS FOR DWELLINGS IN COMMERCIAL BUILDINGS**

(g) The provisions of Section 23.2.4 (Requirements for Dwellings in Commercial Buildings) shall not apply.

### **BUILDING HEIGHT**

(h) Building height shall not exceed the height limits in metres above established grade as shown on Schedule 2 which forms part of this exception.

### **BUILDING ENVELOPE AND YARD SETBACKS**

(i) Subject to the permitted projections listed below, the minimum yard setbacks, building step backs and separation distances shall be as shown on Schedule 2 which forms part of this exception:

- guardrails, railings, stair enclosures, stairways, wheelchair ramps, porches, patios, privacy screens, lighting fixtures, underground garage ramps, bicycle parking infrastructure, window washing equipment, green roof, landscape elements, and decorative or architectural features, which may project without limitation;
- belt courses, cornices, eaves, gutters, pilasters, sills, awnings, bay windows, and trellises which may project a maximum of 1.8 metres;
- balconies which may project a maximum of 3.0 metres; and
- canopies and awnings which may project a maximum of 2.0 metres.

(j) There are no minimum yard setbacks for underground parking structures.

(k) The provisions of Section 23.2.2 (Yard Setbacks) shall not apply.

## PARKING AND LOADING

(l) Parking and Loading shall be provided on the following basis:

- Notwithstanding Section 6A(2) (Parking Requirements) of By-law 7625, the minimum number of parking spaces shall be calculated in accordance with the following:
  - Residential units -
    - 0.8 space per one bedroom dwelling unit;
    - 0.9 space per two bedroom dwelling unit;
    - 1.1 spaces per three or more bedroom dwelling unit;
  - Residential visitor parking - 0.15 space per dwelling unit;
  - Hotel - 0.2 space per 100 square metres of gross floor area; and
  - All other non-residential uses – 1.0 space for each 100 square metres of gross floor area.
- Bicycle
  - Resident (long term)
  - 0.90 space per residential unit
  - Visitor (short term)
  - 0.10 spaces/unit
- Notwithstanding (i) above, the maximum number of residential vehicle parking spaces shall be 192.
- The provisions of Section 6A(6)(e) and (g) Non-Residential Parking Regulations shall not apply.
- Notwithstanding Section 6A(16) Loading Space Requirements) a minimum of 1 type 'B' and 1 type 'G' loading space shall be provided for all uses on the lot.

## AMENITY SPACE

(m) A minimum of 2.0 square metres of outdoor amenity space per residential dwelling unit shall be provided on the lot.

(n) A minimum of 2.0 square metres of indoor amenity space per residential dwelling unit shall be provided on the lot.

#### SEVERANCE

(o) Notwithstanding any severance or division of the lands subject to this exception, the regulations of this exception shall continue to apply to the whole of the lands as though no severance or division has occurred.

### 3. SECTION 37 AGREEMENT

Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Schedule 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.

Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.

The owner shall not use, or permit the use of, a building or structure erected with an increase height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

4. Within the lands shown on Schedule 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

(a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and

(b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,           ULLI S. WATKISS,  
Mayor City Clerk

(Corporate Seal)

SCHEDULE A  
Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Schedule 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

(1) Prior to issuance of a foundation permit the owner shall pay to the City a cash contribution of \$1,300,000.00, with such amount to be indexed upwardly in accordance with the Statistics Canada Apartment Building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.

(2) The amounts secured in (i) above will be used towards the following community benefits:

(i) the expansion and/or improvements to local parks within the Ward to the satisfaction of the General Manager, PF&R and in consultation with the local Councillor; and

(ii) streetscaping and public realm improvements nearby the site, (Better Bathurst) within the Ward in accordance with the Streetscape Manual to the satisfaction of the Chief Planner and Executive Director, City Planning and in consultation with the local Councillor; and/or

(iii) on site parkland dedication of 687.35 square metres in excess of the required parkland dedication to be conveyed to the satisfaction of the General Manager, PF&R;

(4) The owner shall provide the following to support the development of the lands;

(a) Prior to the issuance of the first above-grade building permit, the owner shall make arrangements to convey parkland dedication to the satisfaction of the General Manager, Parks, Forestry and Recreation.

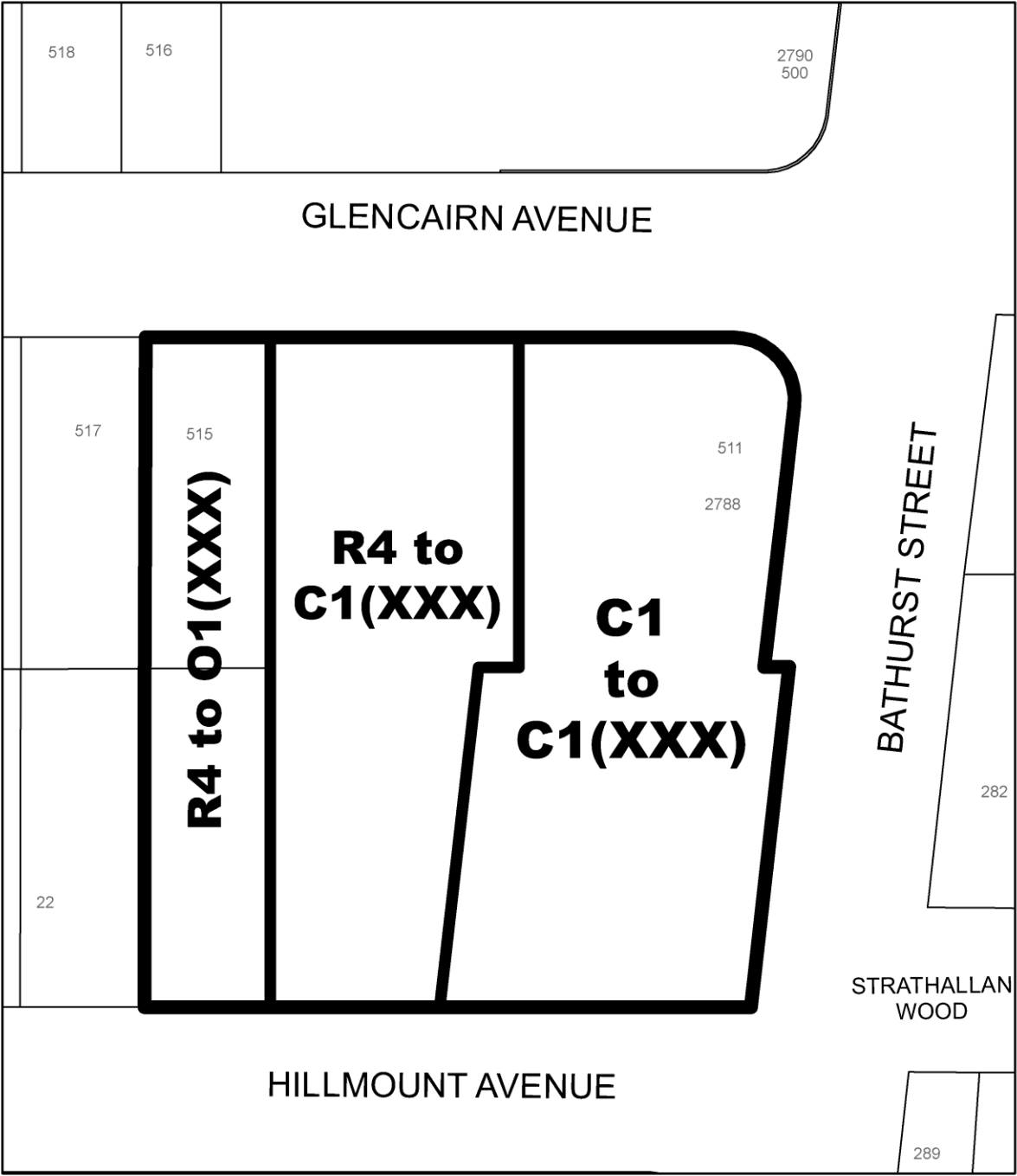
(b) the Owner shall be required to secure the design and construction, and provide financial securities for, at no cost to the City, any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing Report and Stormwater Management Report and Hydrological Review, and related engineering reports ("Engineering Reports"), to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements or upgrades are required to support the development, according to the accepted Engineering Reports; and

(c) A cash contribution of \$50,000.00 (the value of one station) to the expansion of the City's bike share program within the Ward; and

(d) The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard.

(5) In the event the cash contribution(s) referred to in Section (1) has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councilor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

(6) The owner agrees to design and construct the above base park improvements to the new park for a development charge credit against Parks and Recreation component of the Development Charges By-law to the satisfaction of the General Manager, Parks, Forestry and Recreation. The development charge credit shall be in an amount that is the lesser of the cost to the owner of installing the above base park improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of Development Charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.







Attachment 7: Draft Zoning By-law Amendment By-law 569-2013

Authority: North York Community Council Item ##, as adopted by City of Toronto Council on ~, 20~

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. XXXX-2019**

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2019 as, 2788 Bathurst Street and 515 Glencairn Avenue

Whereas Council of the City of Toronto has the authority to pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development;

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

Whereas pursuant to Section 39 of the Planning Act, the Council of a Municipality may, in a by-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the by-law;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR1.0 (c1.0; r1.0) SS2 (X##) and OR as shown on Diagram 2 attached to this By-law.
4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number [###] so that it reads:

Exception CR1.0(c1.0; r1.0) [####]

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions.

Site Specific Provisions:

- (a) On 2788 Bathurst Street and 515 Glencairn Avenue, if the requirements of Section 6 and Schedule A of By-law [Clerks to supply by-law ##] are complied with, the erection or use of a building, structure, addition or enlargement is permitted in compliance with (B) to (Q) below:
- (b) Despite regulation 40.5.40.10 (1) and (2), the height of a building or structure on the lands is measured as the vertical distance between Canadian Geodetic Datum elevation 177.7 and the highest point of the building or structure.
- (c) Despite Clause 40.5.40.10 the height of a pool and pool enclosure may exceed the maximum height for that building by 2.5 metres;
- (d) Despite clause 40.10.20.40 a townhouse is a permitted building type.
- (e) Despite 40.10.20.100 (4), a hotel room or suite may be located in the same storey as a dwelling unit;
- (f) Despite regulation 40.10.30.40 and the lot Coverage Overlay Map in Section 995.30.10 the maximum lot coverage is 81%;

(g) Despite regulation 40.10.40.1(1) residential use portions may be permitted on the first storey of a mixed use building if the dwelling units have direct access to a street which is not a major street on the Policy Areas Overlay Map.

(h) Despite regulation 40.10.40.10 (2) the permitted maximum height of a building or structure is the height in metres specified by the numbers following the symbol "HT" on Diagram 3 of By-law [Clerks to supply by-law #];

(i) Despite regulation 40.10.40.10(7), the permitted maximum number of storeys is not limited by this regulation;

(j) Despite regulation 40.10.40.10 (5) the required minimum height of first storey does not apply to residential uses or hotel suites.

(k) Despite regulation 40.10.40.40 (1), the maximum gross floor area of all buildings and structures is 25,000 square metres of which:

i. the permitted maximum gross floor area for residential uses is 22,250 square metres; and

ii. the permitted maximum gross floor area for non-residential uses is 2,750 square metres;

(L) Despite Clause 40.10.40.70 the minimum required building setbacks are as shown on Diagram 3 of By-law [Clerks to supply by-law #];

(O) Despite 40.10.100.10(1)(C), and 40.10.90.40(3)(B), two vehicle accesses are permitted;

(P) Despite regulation 200.5.10.1(1) and Table 200.5.10.1, the provision of parking spaces is subject to the following:

for all non-residential uses, other than a hotel, parking spaces must be provided at a minimum rate of 1.0 for each 100 square metres of gross floor area; any maximum parking rates do not apply.

(Q) Despite 220.5.10.1, loading spaces must be provided and maintained on the lot as follows:

(i) One (1) type "G" loading space; and

(ii) A minimum of one (1) type "B" loading space;

Prevailing By-laws and Prevailing Sections: (None Apply)

## 5. Section 37 Provisions

(A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram [--] in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3)

of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.

(B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.

(C) The owner shall not use, or permit the use of, a building or structure erected with an increase height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on month ##, 20##.

Name, Ulli S. Watkiss,  
Speaker      City Clerk

(Seal of the City)

## SCHEDULE A

### Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

(1) Prior to issuance of a foundation permit the owner shall pay to the City a cash contribution of \$1,300,000.00, with such amount to be indexed upwardly in accordance with the Statistics Canada Apartment Building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.

(2) The amounts secured in (i) above will be used towards the following community benefits:

(i) the expansion and/or improvements to local parks within the Ward to the satisfaction of the General Manager, PF&R and in consultation with the local Councillor; and

(ii) streetscaping and public realm improvements nearby the site, (Better Bathurst) within the Ward in accordance with the Streetscape Manual to the satisfaction of the Chief Planner and Executive Director, City Planning and in consultation with the local Councillor; and/or

(iii) on site parkland dedication of 687.35 square metres in excess of the required parkland dedication to be conveyed to the satisfaction of the General Manager, PF&R;

(4) The owner shall provide the following to support the development of the lands;

(a) Prior to the issuance of the first above-grade building permit, the owner shall make arrangements to convey parkland dedication to the satisfaction of the General Manager, Parks, Forestry and Recreation.

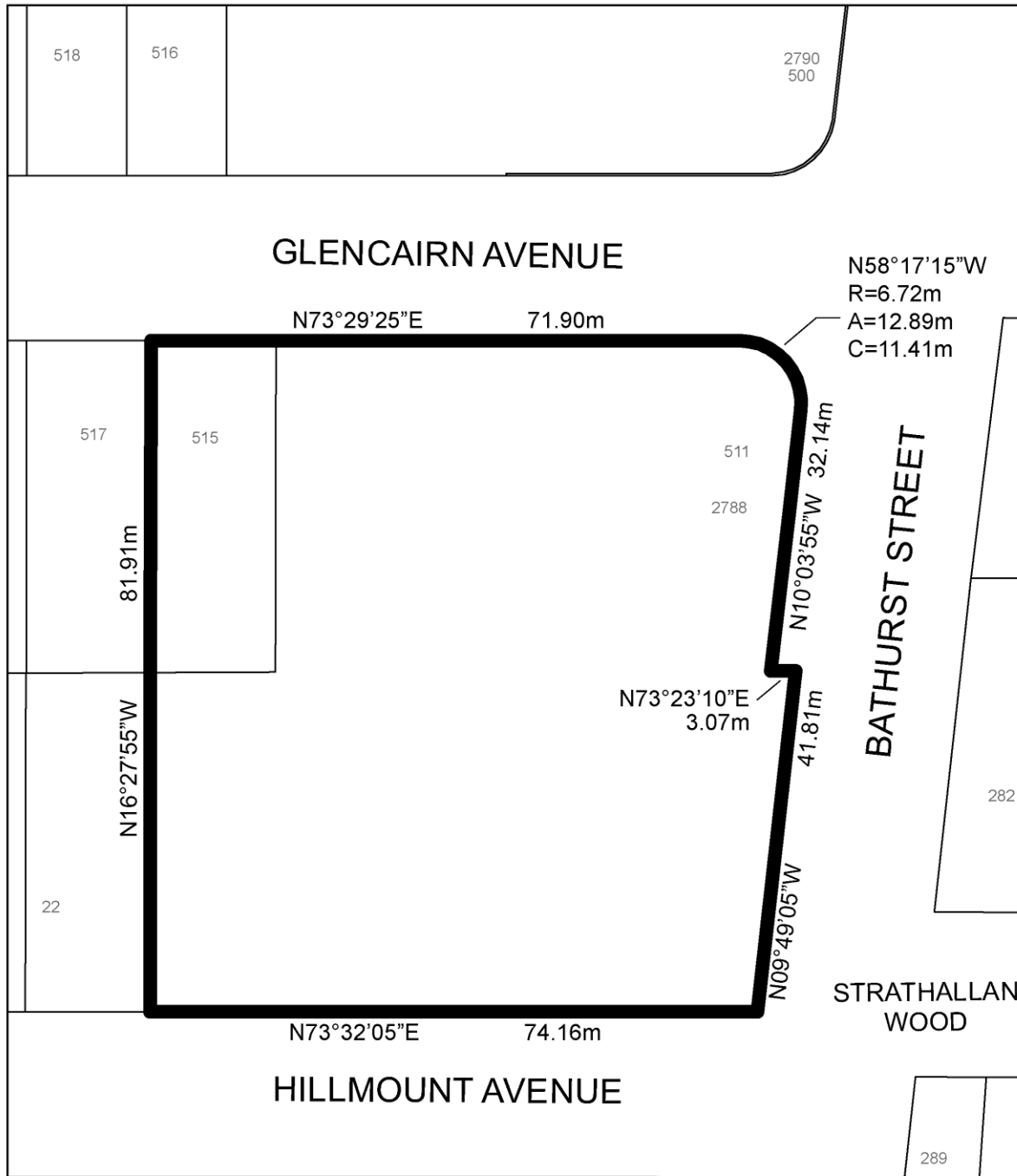
(b) the Owner shall be required to secure the design and construction, and provide financial securities for, at no cost to the City, any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing Report and Stormwater Management Report and Hydrological Review, and related engineering reports ("Engineering Reports"), to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements or upgrades are required to support the development, according to the accepted Engineering Reports; and

(c) A cash contribution of \$50,000.00 (the value of one station) to the expansion of the City's bike share program within the Ward.

(d) The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard.

(5) In the event the cash contribution(s) referred to in Section (1) has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councilor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

(6) The owner agrees to design and construct the above base park improvements to the new park for a development charge credit against Parks and Recreation component of the Development Charges By-law to the satisfaction of the General Manager, Parks, Forestry and Recreation. The development charge credit shall be in an amount that is the lesser of the cost to the owner of installing the above base park improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of Development Charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.

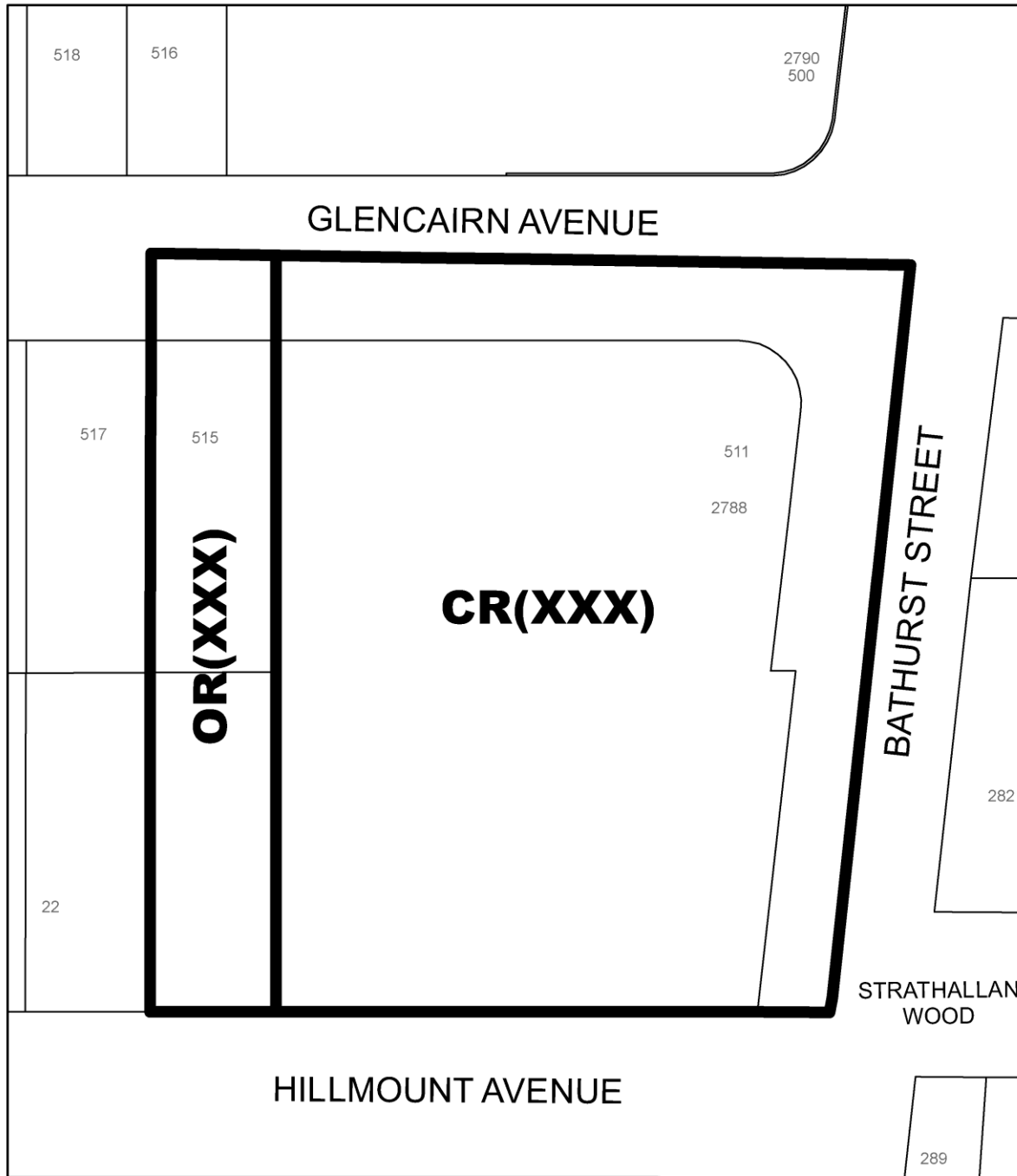


**TORONTO**  
Diagram 1

**2788 Bathurst Street & 515 Glencairn Avenue**

File # 18 153780 NNY 15 0Z

City of Toronto By-law 569-2013  
Not to Scale  
11/28/2019



**Toronto**  
Diagram 2

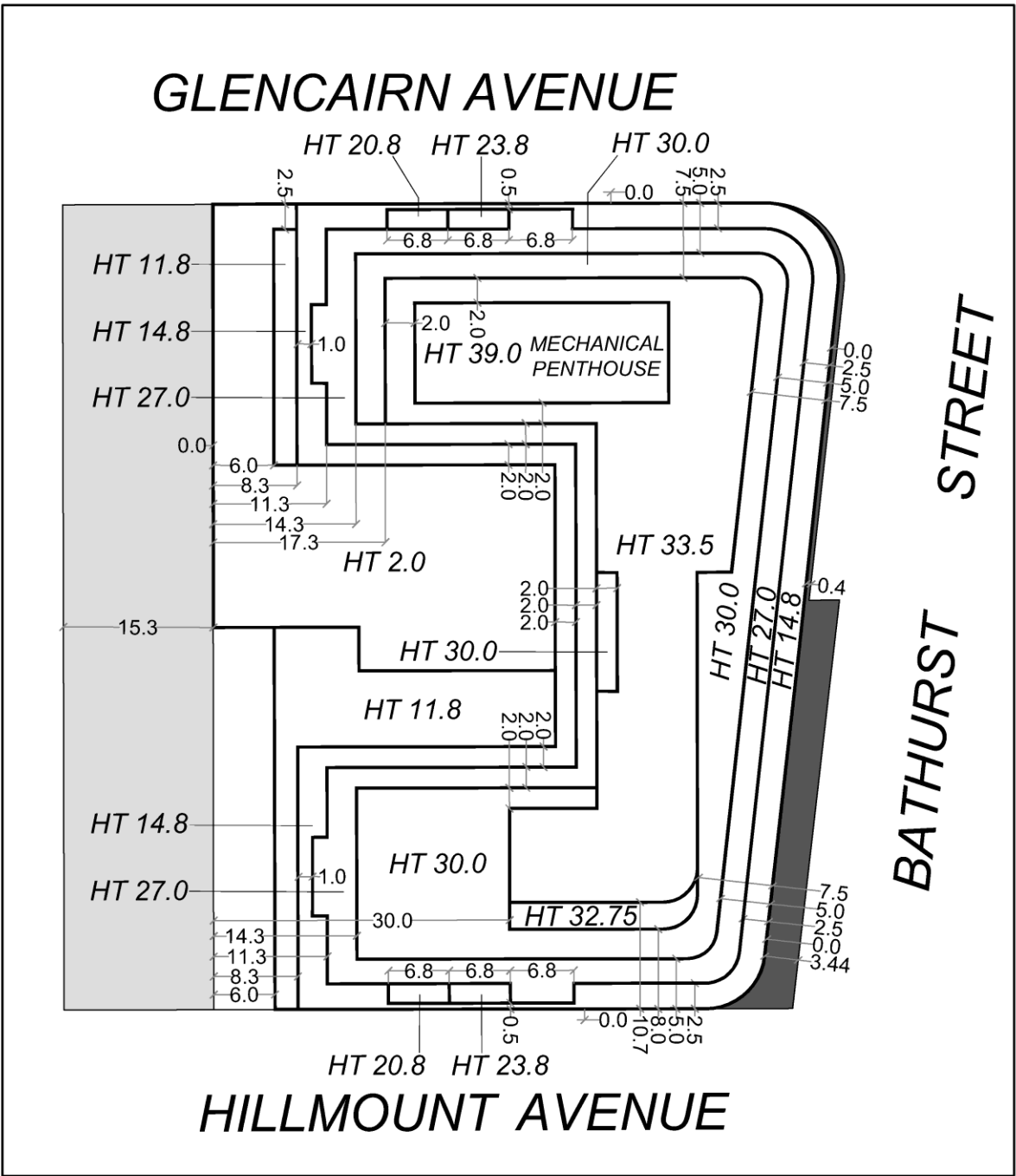
**2788 Bathurst Street & 515 Glencairn Avenue**

File # 18 153780 NNY 15 0Z

City of Toronto By-law 569-2013  
Not to Scale  
01/15/2020







**TORONTO**  
Diagram 3

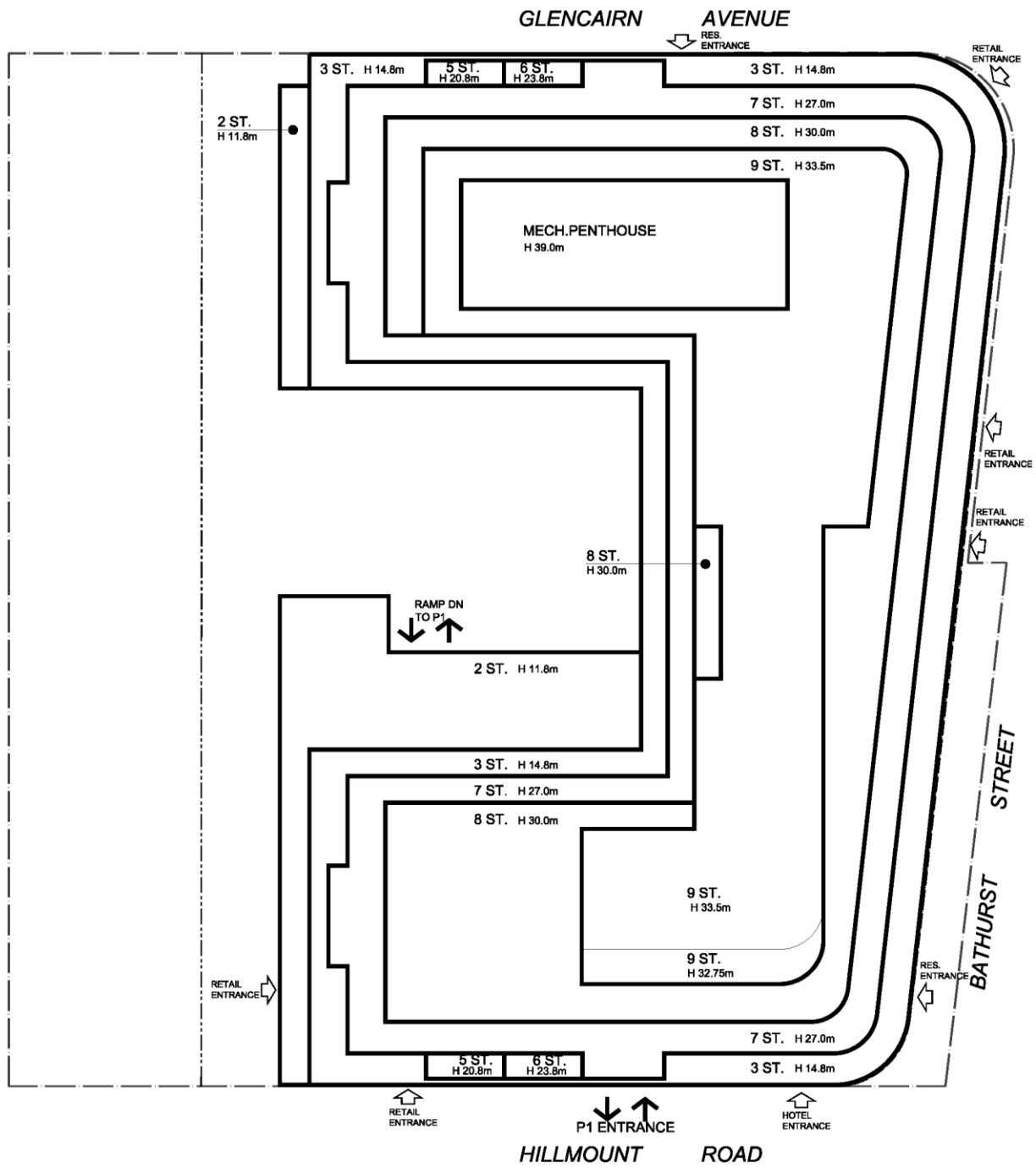
2788 Bathurst Street & 515 Glencairn Avenue

File # 18 153780 NNY 15 0Z

- Parkland dedication
- Road widening

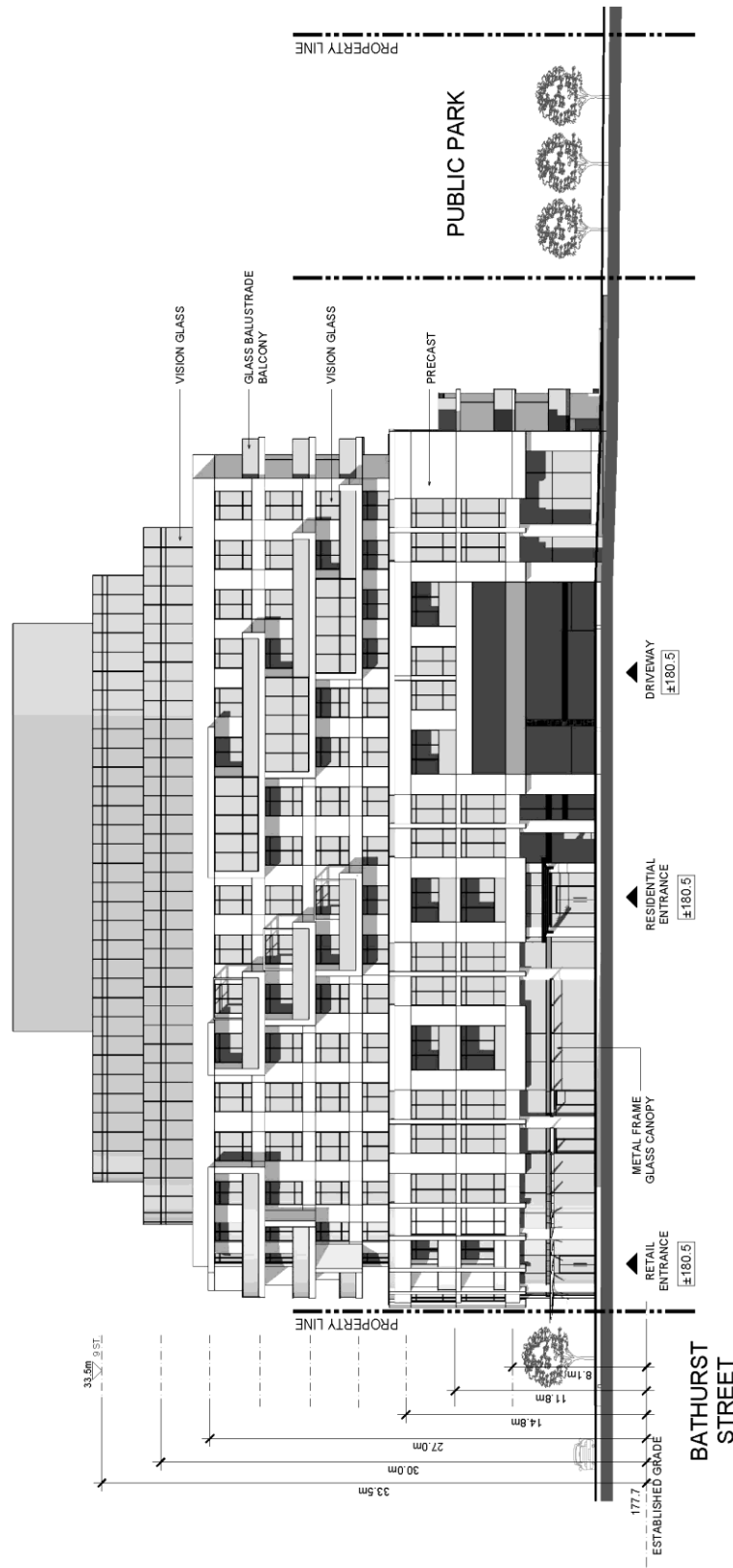
↑  
City of Toronto By-law 569-2013  
Not to Scale  
01/15/2020

Attachment 8: Site Plan



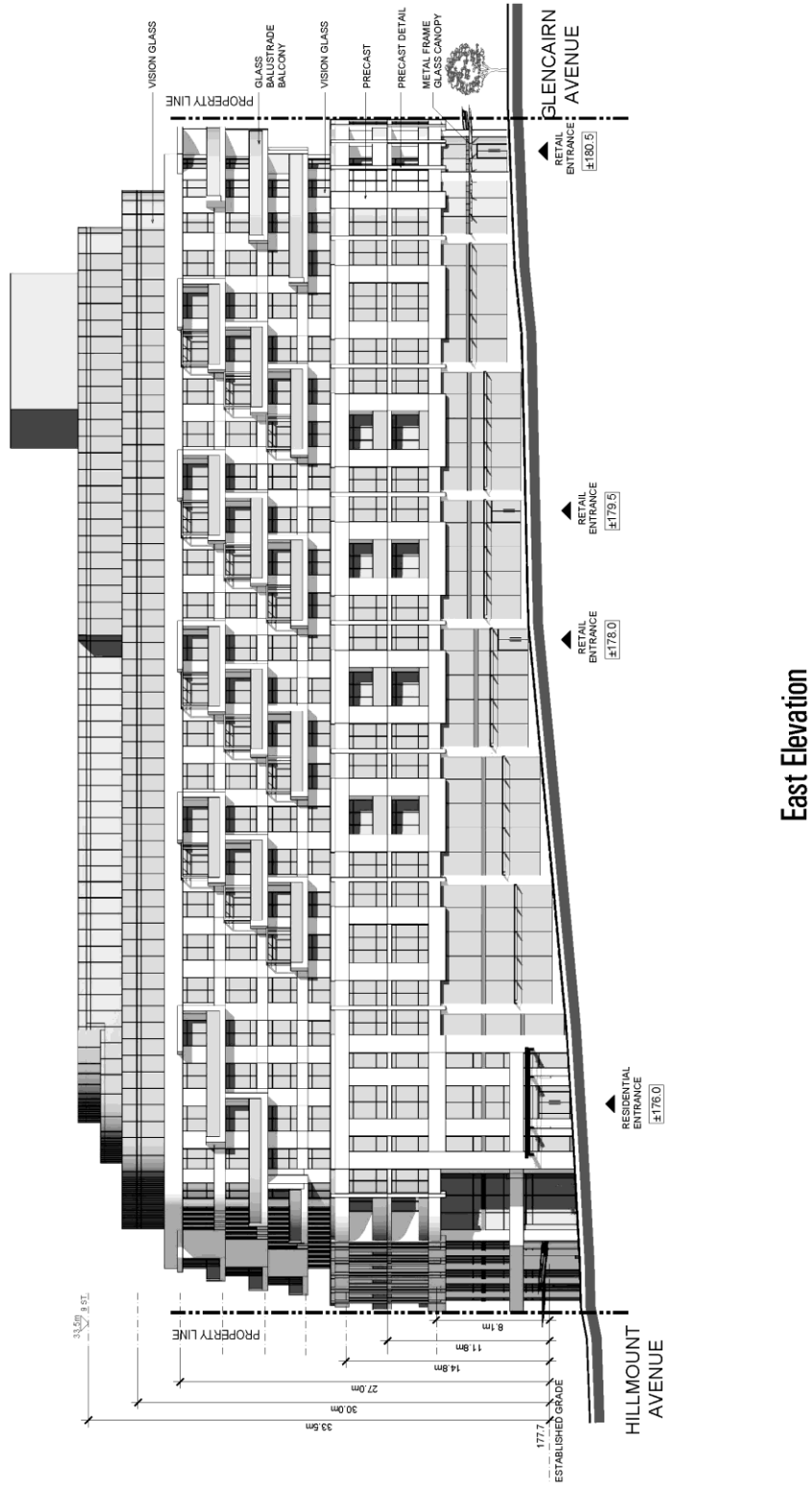
Site Plan 

Attachment 9: North Elevation

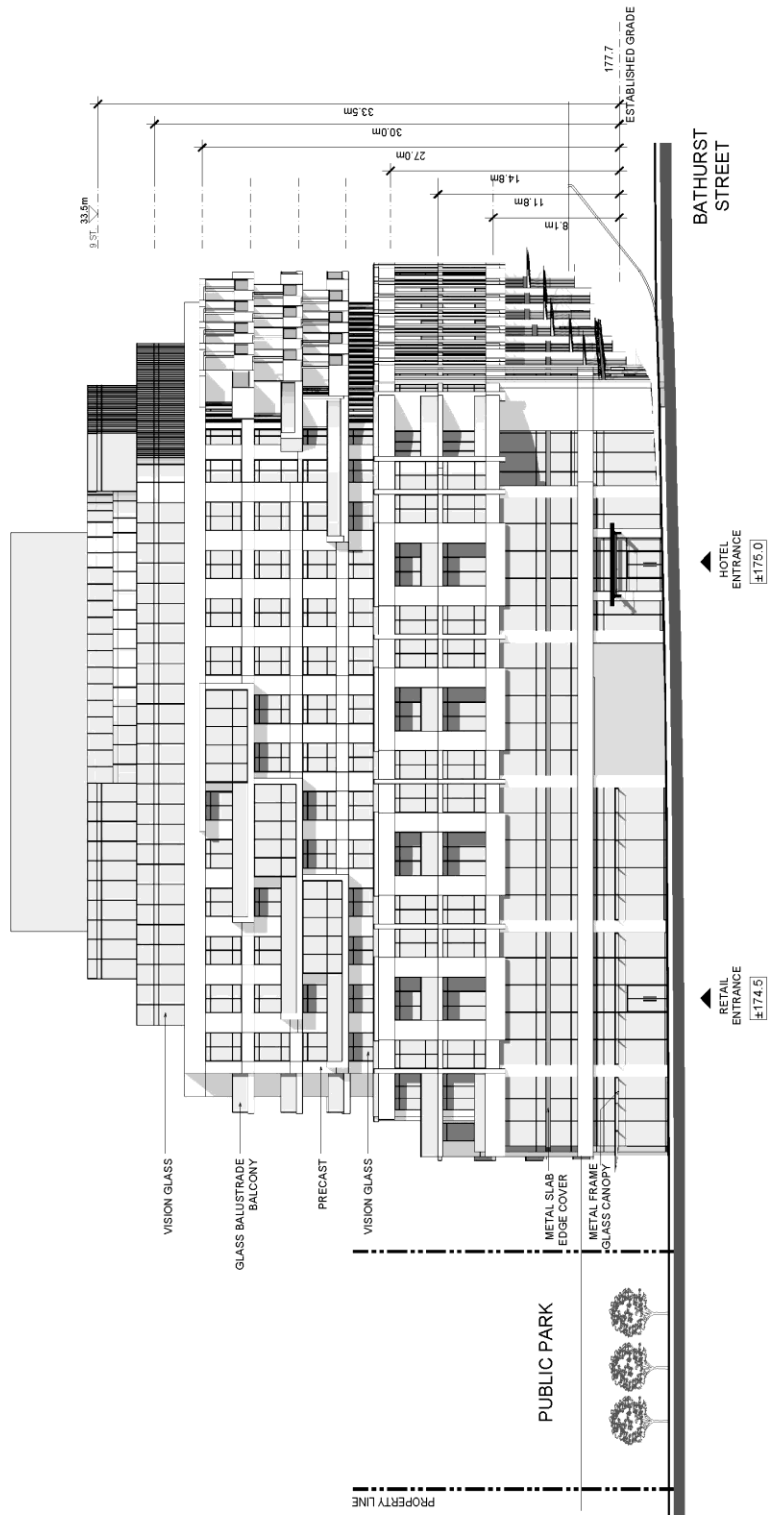


North Elevation

Attachment 10: East Elevation

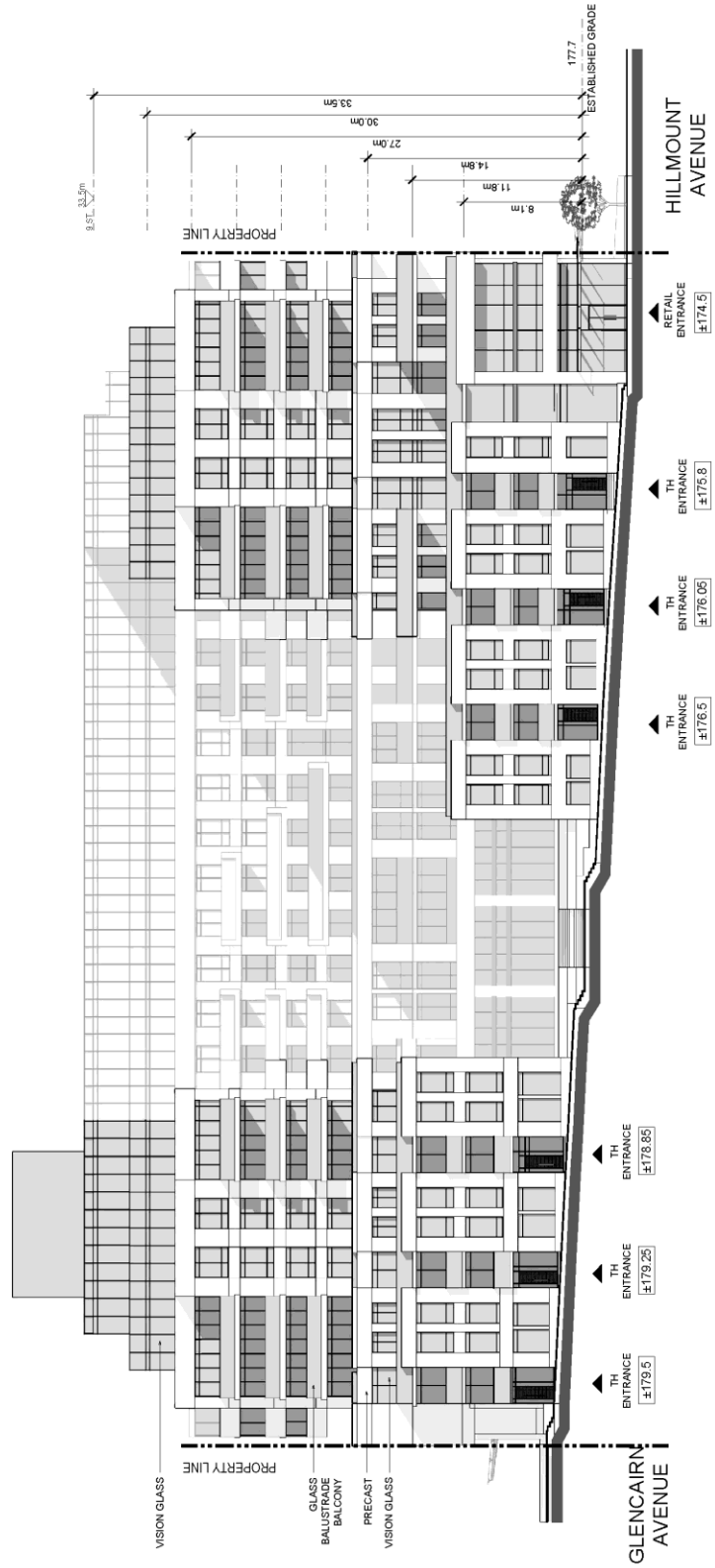


Attachment 11: South Elevation



South Elevation

Attachment 12: West Elevation



West Elevation