

## **64-86 Bathurst Street – Zoning Amendment and Rental Housing Demolition Applications – Final Report**

Date: August 5, 2020

To: Toronto and East York Community Council

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

Ward 10: Spadina - Fort York

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

### **SUMMARY**

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This zoning amendment application proposes a 17-storey mixed-use building with 2,394 square metres of retail space located on the ground level, 5,100 square metres of office space located on levels two and three, and 21,477 square metres (307 units) of rental residential space on the remaining levels. A total of 349 bicycle parking spaces, four loading spaces and 78 vehicle parking spaces are proposed within a three-level underground garage.

The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with the Growth Plan for the Greater Golden Horseshoe (2019).

The Rental Housing Demolition Application under Chapter 667 of the Toronto Municipal Code (Section 111 of the City of Toronto Act) proposes to demolish seven existing rental dwelling units and provide replacement of all seven rental dwelling units within the proposed building.

The proposal represents an appropriate redevelopment of the site with a mix of uses, built form and public realm that are compatible with the surrounding context. Since its initial submission, the proposal has been revised to address the City's comments by reducing the height of the building, mitigating the massing impact along Bathurst Street, and internalizing the loading spaces.

This report reviews and recommends approval of the Zoning By-law Amendment Application, Rental Housing Demolition Application under Chapter 667 of the Toronto Municipal Code and Residential Demolition Application under Chapter 363 of the Toronto Municipal Code, to demolish seven rental dwelling units, subject to conditions.

## RECOMMENDATIONS

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The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86, for the lands at 64-86 Bathurst Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to this report.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 64-86 Bathurst Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to this report.
3. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
4. City Council approve the application for a Rental Housing Demolition Permit in accordance with Chapter 667 of the Toronto Municipal Code to allow for the demolition of 7 existing rental dwelling units located at 64, 66, and 82 Bathurst Street, subject to the following conditions:
  - a. The owner shall provide and maintain 8 replacement rental dwelling units, comprising 4 two-bedroom units and 4 three-bedroom units, on the subject site for a period of at least 20 years beginning from the date that each such replacement dwelling unit is first occupied and as generally shown on the plans submitted to the City Planning Division dated February 6, 2020. Any revision to these plans must be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
  - b. The owner shall provide and maintain at least 2 two-bedroom and 1 three-bedroom replacement rental dwelling units at affordable rents and at least 2 two-bedroom 1 three-bedroom replacement rental dwelling unit at mid-range rents for a period of at least 10 years, beginning from the date that each replacement rental dwelling unit is first occupied. The 2 remaining three-bedroom replacement rental dwelling units will have unrestricted rents;
  - c. The owner shall provide all 8 replacement rental dwelling units with a balcony or terrace;
  - d. The owner shall provide all 8 replacement rental dwelling units with ensuite laundry and central air conditioning;
  - e. The owner shall provide tenants of the replacement rental dwelling units with access to all indoor and outdoor amenities on the site at no extra charge. Access and use of these amenities shall be on the same terms and conditions as any other building resident;

f. The owner shall provide tenants of replacement rental dwelling units with access to all bicycle parking, car parking, visitor parking and storage lockers on the same terms and conditions as any other building resident;

g. The owner shall provide tenant relocation and assistance to all eligible tenants, including the right to return to a replacement rental dwelling unit, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

h. The owner shall enter into and register on title to the subject site one or more agreement(s) to secure the conditions outlined in (a) through (g) above, all to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division, including a Section 111 Agreement pursuant to Section 111 of the City of Toronto Act, 2006 and a Section 37 Agreement pursuant to the *Planning Act*.

5. City Council authorize the Chief Planner and Executive Director, City Planning Division, to issue Preliminary Approval for the Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code for the demolition of the 7 existing rental dwelling units 64, 66, and 82 Bathurst Street after all of the following have occurred:

a. the satisfaction or securing of the conditions in Recommendation 4 above;

b. the site-specific Zoning By-law Amendments have come into full force and effect;

c. the issuance of the Notice of Approval Conditions for site plan approval by the Chief Planner and Executive Director, City Planning Division, or their designate, pursuant to Section 114 of the City of Toronto Act, 2006;

d. the issuance of excavation and shoring permits for the proposed mixed-use building on the subject site;

e. vacant possession of all 7 existing rental dwelling units has been provided to the owner; and

f. the execution and registration of a Section 37 Agreement pursuant to the *Planning Act*, as a matter legal convenience, to secure Recommendation 4.a through (h) and any other requirements of the Zoning-Bylaw Amendment.

6. City Council authorize the Chief Building Official to issue the Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code after the Chief Planner and Executive Director, City Planning Division, has given Preliminary Approval referred to in Recommendation 5 above.

7. City Council authorize the Chief Building Official to issue a Residential Demolition Permit under Section 33 of the *Planning Act* no earlier than the issuance of the excavation and shoring permit for the proposed development, and after the Chief

Planner and Executive Director, City Planning Division, has issued the Preliminary Approval referred to in Recommendation 4, which may be included in the demolition permit for Chapter 667 under 363-6.2, of the Toronto Municipal Code, on condition that:

- a. The owner shall remove all debris and rubble from the site immediately after demolition;
- b. The owner shall erect solid construction hoarding to the satisfaction of the Chief Building Official and Executive Director, Toronto Building;
- c. The owner erects a mixed-use building on site no later than 3 years from the day demolition of the existing buildings is commenced; and
- d. Should the owner fail to complete the new building within the time specified in condition 7.c above, the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal taxes, the sum of twenty thousand dollars (\$20,000.00) for each rental dwelling unit for which a demolition permit is issued, and that each sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.

8. City Council authorize the appropriate City officials to take such actions as are necessary to implement the foregoing, including execution of the Section 111 Agreement.

9. Before introducing the necessary Bills to City Council for enactment, require the owner to enter into an Agreement pursuant to Section 37 of the *Planning Act* as follows:

- a. Prior to the issuance of the first above-grade building permit, a cash contribution of \$265,000 towards the provision of new rental housing units, to be directed to the Capital Revolving Fund for Affordable Housing, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.
- b. Prior to the issuance of the first above-grade building permit, a cash contribution of \$265,000 towards the Toronto Community Housing revolving capital fund for repairs to Toronto Community Housing properties in Ward 10, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.
- c. Prior to the issuance of the first above-grade building permit, a cash contribution of \$1,060,000 towards community services and facilities in the vicinity of the site, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.
- d. Prior to the issuance of the first above-grade building permit, a cash contribution of \$1,060,000 towards streetscape and/or public realm improvements

in the vicinity of the site, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor;

e. All cash contributions referred to in Recommendation 9.a-d shall be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of registration of the Section 37 Agreement to the date the payment is made.

f. In the event the cash contributions referred to in Recommendation 9.a-d have not been used for the intended purposes within 3 years of the By-laws 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 Division, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in Ward 10.

g. Submission, and thereafter implementation, of a construction management plan by the owner of 64-86 Bathurst Street to address such matters as wind, noise, dust and street closures during construction. Such plan to be to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the ward Councillor and shall be completed prior to final Site Plan Approval.

h. Submission of a lighting plan indicating the location, height and type of lighting and ground level signage on the proposed building. Such plan to be to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and to be completed as part of the Site Plan application.

10. Prior to the issuance of any above grade building permits, the owner shall submit landscape plans to the satisfaction of the Chief Planner and Executive Director, City Planning, and the Supervisor, Tree Protection & Plan Review, Urban Forestry.

11. Before introducing the necessary Bills to City Council, require the applicant to address comments identified in the Engineering & Construction Services memo to City Planning, dated January 6, 2020.

## **FINANCIAL IMPACT**

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The City Planning Division confirms that there are no financial implications resulting from the recommendations included in the report in the current budget year or in future years.

## PROPOSAL

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This application proposes a mixed-use rental apartment building with a height of 17-storeys (61.3 metres excluding the mechanical penthouse and amenity space). The proposal includes retail uses on the ground floor, with two floors of office space above, amenity space on the fourth floor, and residential uses on floors 5-17.

The proposed density is 8.78 times the area of the lot. A total of 349 bicycle parking spaces and 78 vehicular parking spaces are proposed within 3 levels of underground parking. Four loading spaces (two Type C and one each of Type G and B) are proposed to be provided within the building envelope. Vehicular access to the site is proposed from Wellington Street West, with a ramp leading down to the below grade levels and loading spaces.

The proposed building incorporates protruding and recessed elements which contribute to a varied façade through a variety of setbacks and stepbacks. The proposed base of the building would be 3 storeys in height and set back between 6.9 and 11.2 metres to the west property line, and between 0.01 and 0.85 metres from the north property line. Along Bathurst Street the base building would be set back between 1.8 and 2.9 metres, while the setback from the Wellington Street West property line would be between 0.5 and 1.1 metres. The proposed distance from the curb to the building face on the Bathurst Street frontage is 7.7 metres, while the proposed distance on the Wellington Street West side is 6.2 metres.

The setback from the west property line for the proposed building's taller element would range from 5.9 metres to 12.2 metres, while on the north side, the proposed setback ranges from 5.5 and 5.9 metres. Along Bathurst Street, the setback of the tower element from the property line would range from 3 metres to 4.5 metres, while along Wellington Street West, the setback would be between 2.5 metres and 2.8 metres.

The applicant is proposing a total of 307 residential units, of which 78 (25%) are to be studio units, 135 (44%) are to be 1-bedroom, 63 (21%) are to be 2-bedroom, and 31 (10%) are to be 3-bedroom. The applicant is also proposing a total of 1,228 square metres of indoor amenity space (4 square metres per unit) and 2,150 square metres of outdoor amenity space (7 square metres per unit) located on the 4th floor and rooftop terrace.

This application proposes the demolition of 5 buildings on the site which collectively contain 7 rental dwelling units. The development would require the demolition of these buildings. The applicant proposes to provide 8 replacement rental units and has proposed a tenant relocation and assistance plan to address tenant impacts imposed by the redevelopment, including financial compensation and offering existing eligible tenants the right to return.

Detailed project information is found on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-informationcentre/>

See Attachments 1-2 and 7-13 of this report for a three dimensional representation of the project in context, the proposed site plan, the location map and application data, respectively.

### **Reasons for Application**

Amendments to the former City of Toronto Zoning By-law No. 438-86 and Zoning By-law 569-2013 are required to implement the proposed performance standards for the development, including height and density. The height limit in the zoning by-law is 36 metres, while the proposal is requesting 61.3 metres, exclusive of the mechanical penthouse and amenity space. The current density permitted is 3 times the area of the lot, while the requested density is 8.78 times the area of the lot.

The applicant has also submitted an application for a Rental Housing Demolition and Conversion Permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition of the existing residential rental properties the subject lands contain 6 or more residential dwelling units, of which at least one is rental.

## **APPLICATION BACKGROUND**

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A Preliminary Report on the application was adopted by Toronto and East York Community Council on March 19, 2019 authorizing staff to conduct a community consultation meeting. The report can be accessed at the following link: <https://www.toronto.ca/legdocs/mmis/2019/te/bgrd/backgroundfile-130266.pdf>.

### **Application Submission Requirements**

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

- Planning Rationale
- Architectural Plans, Elevations and Sections
- Survey Plan
- Civil and Utilities Plan
- Transportation Impact Study
- Heritage Impact Statement
- Housing Issues Report
- Toronto Green Standard Checklist and Statistics Template
- Geotechnical Investigation
- Hydrogeological Investigation
- Noise Impact Study
- Pedestrian Level Wind Study

- Functional Servicing and Storm Water Management Report
- Arborist/Tree Preservation Report
- Landscape Plan
- Archaeological Assessment – Stages 1 and 2
- Sun/Shadow Study
- Energy Strategy Report
- Public Consultation Plan

The application was submitted on June 12, 2018 and deemed complete on July 16, 2018.

### **Agency Circulation Outcomes**

The application, together with the applicable reports noted above, has 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.

### **Site and Surrounding Area**

The site is located at the northwest corner of Bathurst Street and Wellington Street West, and is generally rectangular in shape, with an area of approximately 3,300 square metres. The site consists of 5 consolidated lots and has a frontage of approximately 91 metres along Bathurst Street and approximately 35 metres along Wellington Street West.

The site currently contains: a 2-storey retail/office building at 86 Bathurst Street, a 2-storey building at 82 Bathurst Street with a restaurant on the ground level and one residential rental unit above, a 1-storey gym facility at 74 Bathurst Street, a surface parking lot at 70-72 Bathurst Street, another 1-storey gym facility at 68 Bathurst Street, and a 3-storey semi-detached building at 64-66 Bathurst Street with a total of 6 rental units. According to the Housing Issues Report provided by the applicant and site visit observations, the existing rental dwelling units have bedroom type and rent classifications as follows:

- Four two-bedroom units: 2 with affordable rents and 2 with mid-range rents;
- Two three-bedroom units: 1 with mid-range rents and 1 with high-end rents; and
- One four-bedroom unit with high-end rent.

Surrounding uses include:

North: Directly north of the site, at the southwest corner of King Street West and Bathurst Street, is a 3-storey mixed-use building at 667 King street West, known as the Wheat Sheaf Tavern, which operates as a restaurant on the lower level with residential units above, and is listed on Toronto's Heritage Register. Adjacent to the Wheat Sheaf Tavern is a 3-storey building (671-679 King Street West) comprised of retail and commercial space, and a vacant lot at 689 King Street West that is the subject of a



development proposal for a 13-storey office building, filed under application number 19 115906 STE 10 OZ. Across King Street West is a 13-storey mixed-use building at 700 King Street West, referred to as the Westside Lofts, with retail on the ground level and residential above.

East: On the southeast corner of King Street and Bathurst Street at 647, 663-665 King street West, 69-73 Bathurst Street and 58-60 Stewart Street is currently occupied by 3 buildings ranging in height from 1 to 4-storeys, including the Banknote Pub building which is listed on the City's Heritage Register. These buildings have recently been subject of an approved rezoning application for a 19-storey mixed-use building that partially retains the heritage building.

Directly east across Bathurst Street is the Thompson Hotel and Residences, a 15-storey E-shaped building which includes the 2-storey Thompson Diner building on the ground level fronting Bathurst Street. On the southeast corner of Bathurst Street and Wellington Street West is a 5-storey brick and beam office building, which was constructed in 1912 and is listed on City's Heritage Register. Behind the office building is Victoria Memorial Square, which is listed on the City's Heritage Register and is part of the Fort York National Historic site.

South: Directly south of the site, across Wellington Street West is an 11-storey residential building (60 Bathurst Street). Further south of this building are two-storey predominantly residential buildings and the Stackt Market (28 Bathurst Street), a temporary complex of micro-retail units on a future park site.

West: Immediately west is a 14-unit 3-storey townhouse complex. Further west are additional 3-storey townhouse units and a 20-storey L-shaped residential building referred to as The Summit.

## **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 (2020)**

The Provincial Policy Statement (2020) (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 4.6 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.

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 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 spaces and green spaces that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2019) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the 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 with the Growth Plan (2019). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

## **Toronto Official Plan**

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

### **Chapter 4- Land Use Designations**

The land use designation boundaries of the site were reviewed and it was determined that the subject site is designated Mixed Use Areas. This designation permits a broad range of commercial, residential and institutional uses and includes policies and development criteria to guide development and its transition between areas of different development intensity and scale.

The development criteria in Mixed Use Areas include, but are not limited to:

- Creating a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- Providing for new jobs and homes for Toronto's growing population on underutilized lands;
- Locating and massing new buildings to provide a transition between areas of different development intensity and scale;
- Locating and massing new buildings to frame the edges of streets and parks;
- Providing an attractive, comfortable and safe pedestrian environment;
- Providing good site access and circulation and an adequate supply of parking for residents and visitors;
- Locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- Providing indoor and outdoor recreation space for building residents in every significant multi-residential development.

### **Chapter 2 - Shaping the City**

The Healthy Neighbourhoods Section of the Official Plan (Section 2.3.1) identifies that the intensification of land adjacent to neighbourhoods will be carefully controlled so that neighbourhoods are protected from negative impact. The plan also states that developments in Mixed Use Areas that are adjacent or close to Neighbourhoods will, among other matters, be compatible with those Neighbourhoods, provide a gradual transition of scale and density and maintain adequate light and privacy for residents in those Neighbourhoods.

### **Chapter 3 - Building a Successful City**

In addition to the specific land use policies, and the Healthy Neighbourhood Policies, Section 3.1.2 of the Official Plan contains Built Form Policies. This section of the Plan identifies that our enjoyment of streets and open spaces largely depends upon the visual quality, activity, comfortable environment, and perceived safety of these spaces. These qualities are largely influenced by the built form of adjacent buildings.

#### **Section 3.2.1 Housing**

Section 3.2.1 of the Official Plan includes policies that encourage the provision of a full range of housing, in terms of form, tenure and affordability, and the protection of rental housing units.

Rental replacement Policy 3.2.1.6 states that new development that would result in the loss of six or more rental housing units will not be approved unless all of rental housing units have rents that exceed mid-range rents at the time of application, or in cases where planning approvals other than site plan are sought, the following secured:

- At least the same number, size and type of rental housing units are replaced and maintained with similar rents to those in effect at the time the redevelopment application was made;
- For a period of at least 10 years, rents for replacement units will be the rent at first occupancy, increased annually by not more than the Provincial Rent Increase Guideline or a similar guideline as Council may approve from time to time; and
- An acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement rental units at similar rent, the provision of alternative accommodation at similar rents and other assistance to lessen the hardship of relocation.

### **Chapter Five - Implementation**

Chapter Five provides guidance to understand and interpret the Official Plan. In particular, Section 5.6, Policy 1 indicates that the Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework. Additionally, Section 1.5, How to Read this Plan, in Chapter One indicates that the Official Plan is a comprehensive and cohesive whole.

Section 37 of the Planning Act allows the City to grant increased density and/or height in exchange for community benefits. Section 5.1.1.6 of the Official Plan details that community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include: affordable housing, parkland and/or park improvements above and beyond the parkland dedication; public art; streetscape improvements on the public boulevard not abutting the site. Section 37 may also be used as may otherwise be agreed upon, subject to the policies contained in Chapter 5 of the Official Plan. The proposal has been evaluated against the policies described above as well as the policies of the Official Plan as a whole.

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

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

Section 111 of the City of Toronto Act, 2006 authorizes Council to regulate the demolition and conversion of residential rental properties in the City. Chapter 667 of the Toronto Municipal Code, the Rental Housing Demolition and Conversion By-law, implements Section 111. Chapter 667 prohibits the demolition or conversion of rental housing units in buildings containing six or more residential dwelling units, of which at least one unit is rental, without obtaining a permit from the City and requires a decision by either City Council or, where delegated, the Chief Planner and Executive Director, City Planning.

Pursuant to Chapter 667, City Council may refuse an application, or approve the demolition and may impose conditions, including conditions that must be satisfied before a demolition permit is issued. These conditions further the intent of the City's Official Plan policies protecting rental housing.

Pursuant to the City's Residential Demolition Control By-law Chapter 363 of the Toronto Municipal Code, City Council approval of the demolition of residential dwelling units under Section 33 of the *Planning Act* is also required where 6 or more residential dwelling units are proposed for demolition, before the Chief Building Official can issue a permit for demolition under the Building Code Act.

Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion and an application under Chapter 363 for residential demolition control, City Council typically considers both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council under Chapter 667 are not appealable to the Local Planning Appeal Tribunal (LPAT).

On June 12, 2018 the applicant made an application for a Rental Housing Demolition Permit pursuant to Chapter 667 of the Toronto Municipal Code.

## **Garrison Common North Secondary Plan**

The site is within the Garrison Common North Secondary Plan Area. The Secondary Plan's major objectives include:

- Ensuring that new development be integrated into the established city fabric in terms of streets, blocks, uses, density patterns;
- Permitting a variety of land uses and densities;
- Providing community services and facilities;
- Protecting industrial and communications uses; and

- Providing of a range of housing types in terms of size, type, affordability and tenure through new development.

There are no site and area specific policies from the Garrison Common North Secondary Plan that apply to the subject site. The Garrison Common North Secondary Plan Secondary Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

## **Zoning**

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

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

The property is not subject to City-Wide Zoning By-law 569-2013, however one of the recommendations of the report is to bring the proposal into Zoning By-law 569-2013 as a site-specific amendment.

## **City-Wide Tall Building Design Guidelines**

City Council has adopted city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The link to the guidelines is here: <https://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>.

## **Growing Up: Planning for Children in New Vertical Communities**

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

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

## **Pet Friendly Design Guidelines for High Density Communities**

The City of Toronto has completed the Pet Friendly Design Guidelines for high Density Communities. The purpose of the guidelines is to guide new development in a direction that is more supportive of a growing pet population, considering opportunities to reduce the current burden on the public realm, and provide needed pet amenities for high density residential communities. The Pet Friendly Design Guidelines were considered in the review of this proposal. The guidelines are available on the City's website at: <https://www.toronto.ca/wp-content/uploads/2019/12/94d3-CityPlanning-Pet-Friendly-Guidelines.pdf>

## **Community Consultation Meeting**

Planning held a community consultation meeting on June 3rd, 2019 at the Fort York Visitor Centre (250 Fort York Boulevard). The local Councillor, the applicant and approximately 40 members of the public attended the meeting. At the meeting, the initially submitted plans were presented and didn't include the applicant's revisions, which notably reduced the height from 20 to 17-storeys. The concerns raised by residents with respect to the proposed development were generally related to the following matters:

- Proposed height and shadow impact on adjacent townhouses and Victoria Memorial Square;
- Appropriateness of the proposed vehicle entrance off Wellington Street West;
- General safety concerns for pedestrians, cyclists and vehicles at the Bathurst Street and Wellington Street West intersection;
- Light pollution onto adjacent residential buildings,
- Privacy and overlook issues onto adjacent residential buildings; and
- The capacity of existing infrastructure to support future development in the area;
- Need for a construction management plan to address concerns regarding the impacts during construction of the project.

These issues have been considered in the review of the application.

## **Tenant Consultation**

On February 19, 2020, City Planning staff hosted a Tenant Consultation Meeting. The purpose of the meeting was to review the impact of the proposal on tenants, present the City's rental housing policies, and provide information on the proposed redevelopment of the site. City Planning presented a typical Tenant Relocation and Assistance Plan and explained how these plans are designed to address the impact on tenants incurred



because of the need to move and find alternative accommodation during the construction of replacement units.

This meeting was attended by City Planning staff, the applicant and seven tenants. During the meeting, tenants asked specific questions about the proposed replacement rental units (unit layouts, amenities, location), whether or not the applicant would assist with finding alternative accommodations during construction, and expected length of construction. Feedback from the meeting was used to inform the proposed tenant relocation and assistance plan between the City and the applicant.

### **Site Plan Control**

A Site Plan application was filed on January 9th, 2020 and is currently under review.

## **COMMENTS**

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

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2019). Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan as follows:

The PPS (2020) requires provisions to be made for an appropriate range of housing types and densities to meet projected requirements of current and future residents. This policy for healthy, livable and safe communities is achieved, amongst other means, by accommodating a range of residential, employment, institutional and other uses to meet long-term needs, facilitating all forms of residential intensification and redevelopment, promoting densities for new housing which effectively use land, resources, infrastructure and public services, and support the use of public transit. Specifically, the PPS requires growth and development to focus in settlement areas, and promotes the use of appropriate development standards to support intensification and redevelopment while mitigating risks to public health and safety.

Policy 1.4.3 outlines that one of the ways planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents is by directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs.

Policy 1.3 requires provision to be made for an appropriate mix and range of employment opportunities to provide a diversified economic base. This policy also encourages compact, mixed-use development which incorporates compatible employment uses to support liveable and resilient communities.

Policy 1.6.7.4 promotes a land use pattern, density and mix of uses that minimizes the length and number of vehicle trips and supports current and future use of transit and active transportation modes.

The proposed development complies with the above policies and other relevant policies of the PPS by: making efficient use of the existing infrastructure; proposing an appropriate mix of housing types and uses, including employment, and by being located close to streetcar routes on Bathurst Street and King Street West to the north.

The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe. Section 2.2.1.2 of the Growth Plan directs the vast majority of growth to occur within settlement areas that have a delineated built boundary, have existing or planned municipal infrastructure including water and waste water systems, and that can support the achievement of complete communities.

Section 2.2.1.4 of the Growth Plan provides further direction on the achievement of complete communities. It articulates a set of objectives including a diverse mix of land uses, and range and mix of housing options to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes. Convenient access to a range of transportation options, public service facilities, and open spaces and recreational facilities is also highlighted as a key component of complete communities. Furthermore, this section directs that complete communities ensure the development of high quality, compact built form, an attractive and vibrant public realm, including open spaces, through site design and urban design standards.

The proposed development is consistent with the above sections and other relevant sections of the Growth Plan. The proposal provides for a high quality compact built form and meets applicable urban design standards. The proposed development conforms to the Growth Plan.

## **Land Use**

The proposed development would result in a mixed-use building comprised of: 2,394 square metres of retail space, 5,100 square metres of office space and 21,477 square metres of residential space. The proposed uses comply with the policies of the Official Plan for development in Mixed Use Areas, within the Garrison Common North Secondary Plan and with the provisions of the MCR Zoning which currently applies the site.

Additional office development in the Garrison Common North Secondary Plan area will have a positive impact by adding employment uses in a neighbourhood which has seen a significant amount of residential growth, but relatively little additional gross floor area added for employment uses. Employment uses are critical to ensuring that the Garrison Common North area continues to be able to function as a complete community where residents can both live and work.

## Height, Massing and Transition

The proposed height and massing have been considered within the existing and planned context, and in conjunction with the Tall Building Design Guidelines.

The application proposed a height of 61.3 metres, exclusive of the mechanical penthouse and amenity space. The existing context includes two existing residential buildings in close proximity of the site at 705 and 700 King Street West (The Summit and Westside Lofts condo buildings), in addition to the recently approved proposal on the Banknote Pub property, with heights of approximately 58 metres. The subject application, although slightly taller than the aforementioned buildings, includes two floors of purpose-built office space. Office space, which is encouraged within the Garrison Common North Secondary Plan area, requires higher floor to ceiling heights than residential floors. As a result, a building which includes purpose built office space floors would generally be taller than a residential building with the same number of storeys. Given the existing context, and the importance of the proposed office space, City Planning staff are satisfied with the proposed height.

The base building is proposed to be 3 storeys in height (approximately 15 metres) which fits harmoniously with the adjacent buildings at the south-west corner of King Street West and Bathurst Street, and the base buildings in the larger developments across the street. Above the base building, the tower element utilizes push-pull elements in its design that translate into stepbacks from the face of the base building along Bathurst Street that vary in distance from 3 to 4.5 metres. The variety in the stepback distances along Bathurst Street will mitigate the visual impact of the building by breaking up the front façade and creating an appearance of multiple buildings above the base building. The height of the base building and the proposed stepbacks conform with the Tall Building Design Guidelines.

On the north and west sides, the proposed massing should be considered within the context of the existing zoning by-law permissions for the site. The existing zoning permits a building to be built to the rear (west) and north property lines. At the rear, towards the Neighbourhoods, the 36 metre maximum height is required to be contained within a 60 degree angular plane measured at a height of 16 metres, while on the north side no angular plane is required. The subject application proposes a rear setback that ranges between 6.9 and 11.2 for the base building, and 5.9 and 12.2 metres for the tower element. The proposed setback from the adjacent properties designated Neighbourhoods in the Official Plan is consistent with several existing mixed-use buildings within the Garrison Common North Secondary Plan. The setback range is mainly due to the irregularly shaped property boundaries at the rear. On the north side, the proposed base building would be built virtually to the property line, while the tower element would be set back between 5.5 and 5.9 metres from the property line. Planning staff are of the opinion that both the west and north side massing provides a better transition to the neighbouring properties than what is currently permitted in the zoning by-law, and respects and reinforces the existing and planned context of buildings within the Garrison Common North Secondary Plan.

The current proposal incorporates a number of changes from the original proposal submitted in June, 2018. The revisions include reducing the height from the initially proposed 70 metres; stepping back the tower element a minimum of three metres from the base building along the Bathurst frontage, and increasing the tower element setback on the north side. Staff are of the opinion that the revisions have addressed the built form concerns of the originally submitted proposal.

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

As discussed in the Official Plan, new development is required to adequately limit any resulting shadowing of neighbouring streets, having regard for the varied nature of such areas. In addition, the Official Plan requires that new development in Mixed Use Areas locate and mass new buildings to limit shadows on streets, properties and open spaces, while minimizing additional shadowing on neighbouring parks to preserve their utility

The sun shadow study submitted with the applicant's original proposal showed that the original mass and height of the building created a slight shadow on Victoria Memorial Square at 4:18 pm during the spring and fall equinoxes. In the applicant's revised proposal, the building height was reduced from 20-storeys to 17-storeys, which completely removed the shadowing off Victoria Memorial Park during the equinoxes. The shadow impact on the Neighbourhoods at the rear is minimal and does not exceed what is permitted to be built under the existing zoning permissions.

### **Privacy and Overlook**

One of the concerns raised by the community was overlook from the balconies and outdoor amenity space terraces on the west side of the building towards the backyards of the townhouse complex. These concerns will be mitigated by providing privacy screens and/or planting beds on the patios and balconies facing the west. The details of these screens and planting beds will be secured through the Site Plan application process.

### **Amenity Space**

The proposal includes 7 square metres of outdoor residential amenity space per residential unit which is located on a terrace outside the fourth floor of the building and on the rooftop. The indoor residential amenity space is located on the fourth floor and amounts to 4 square metres per residential unit. The proposed outdoor and indoor amenity space meets the City-wide zoning by-law requirements.

### **Streetscape and Tree Preservation**

On the east elevation of the building facing Bathurst Street, the ground floor is set back 7.7 metres from the curb, while on the Wellington Street West side, the proposed setback is 6.2 metres. In both cases, the proposed setbacks allow for a sidewalk width in excess of the recommended 6 metre minimum sidewalk width identified in the Tall Building Guidelines, providing ample space for street furniture, a pedestrian clearway

and street trees, which will be secured through the Site Plan application. The proposed retail uses on the ground floor, and office uses on the second and third floors will further animate the public realm and provide eyes on the street at various times of the day.

The proposed development requires the removal of 7 trees in the City right-of-way along Bathurst Street and eight trees on private property at the rear of the site. The application proposes to replace the 7 City owned trees with 10 new trees along Bathurst Street and 5 new trees along Wellington Street West. While the 8 privately owned trees are proposed to be replaced with seven new trees at the rear of the property.

City staff are in support of the proposed tree replacement plan, however, given the amount of below-grade utilities along this section of Wellington Street West, further study needs to be conducted to ensure that the trees along the City right-of-way are designed with sufficient soil volume. As such, this report recommends that the owner submit landscape plans to the satisfaction of the Chief Planner and Executive Director, City Planning, and the Supervisor, Tree Protection & Plan Review, Urban Forestry prior to the issuance of any above grade building permits.

### **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 0.43 to 0.79 hectares of local parkland per 1,000 people. The site is in the second lowest 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.

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

### **Lighting**

During the public consultation process, members of the public had concerns regarding the potential lighting impact of the proposal on adjacent residential buildings. As part of the Site Plan application, the owners will be required to submit a lighting plan indicating the location, height and type of lighting and ground-level signage on the proposed building. City Planning staff will review the plan to ensure that lighting spillover effects on adjacent residential buildings is limited.

### **Housing Issues**

The applicant proposes to provide eight replacement rental dwelling units within the new mixed-use building consisting of 4 two-bedroom units and 4 three-bedroom units. The

building would also contain a mix of market rental units and an appropriate unit mix for families.

Upon completion, the total gross floor area for the 8 replacement rental dwelling units would be equal to the total gross floor area for the 7 existing rental dwelling units and will provide an additional three-bedroom unit secured at affordable rent.

The replacement rental dwelling units will all have a balcony or terrace, in-suite laundry and central air-conditioning. Tenants of the replacement rental units would have access to all indoor and outdoor amenity space provided within the building. Bicycle, car parking, and visitor parking would be provided to tenants of the replacement rental dwelling units on the same terms and conditions as other residents of the building.

The Section 37 and Section 111 Agreements will secure all details regarding minimum unit sizes and future tenants' access to all facilities and amenities.

### **Tenure and Rents for Replacement Units**

The applicant has agreed to provide and maintain the 8 replacement rental dwelling units within the proposed mixed tenure rental building for at least 20 years, beginning from the date that each replacement rental dwelling unit is first occupied, and until the owner obtains approvals for a Zoning By-law Amendment removing the requirement for the replacement rental dwelling units to be maintained as rental units.

At the time of application, the existing buildings contained:

- 2 affordable units: 2 two-bedroom units
- 3 mid-range units: 2 two-bedroom units and 1 three-bedroom unit; and,
- 2 high-end units: 1 three-bedroom unit and 1 four-bedroom unit;

The replacement units will include:

- 3 affordable units: 2 two-bedroom units and 1 three-bedroom unit;
- 3 mid-range units: 2 two-bedroom units and 1 three-bedroom unit; and,
- 2 high-end units: 2 three-bedroom units;

The applicant has agreed to secure the rents for the 3 affordable and 3 mid-range replacement rental units for at least 10 years. Staff are satisfied with the proposed tenure and rents for replacement units.

### **Tenant Relocation and Assistance Plan**

The owner has agreed to provide tenant relocation and assistance to all tenants residing at 64, 66 and 82 Bathurst Street, all of which would be to the satisfaction of the Chief Planner and Executive Director, City Planning. This would be secured through the Section 37 and Section 111 Agreements with the City.

The Tenant Relocation and Assistance Plan will assist affected tenants to obtain alternative accommodations while the replacement rental dwelling units are being constructed. As part of this plan, all pre-application eligible tenants would receive:

- At least 6 months' notice of the date that they must vacate their rental unit;
- The right to return to a replacement rental unit in the new building, with rent protected for at least to 20 years;
- Compensation equal to 3 month's rent pursuant to the Residential Tenancies Act;
- A move-out moving allowance and a move-back moving allowance if they exercise their right to return to a replacement rental dwelling unit;
- Additional compensation based on length of tenure and rent paid; and
- Special needs compensation as determined by the Chief Planner and Executive Director, City Planning.

Staff are satisfied with the applicant's proposed Tenant Relocation and Assistance Plan as it is in line with the City's current practices and will be secured through one or more agreements with the City.

### **Servicing**

Engineering & Construction Services staff have requested minor revisions to the plans and additional information regarding the submitted Functional Servicing Report in their memo to City Planning, dated January 6, 2020. The most recent submission from the applicant is still under review by Engineering & Construction Services. The applicant will be required to address the comments in this memo prior to City Council enacting the site specific zoning by-laws for this application.

### **Transportation: Pedestrians, Bikes, Cars/Trucks**

Concerns about safety for pedestrians, cyclists and motorists at the Bathurst Street and Wellington Street West intersection has been raised by the community. In response, at their November 26, 2019 meeting, City Council authorized the installation of traffic control signals at the intersection, in addition to additional traffic control measures intended to improve safety at this intersection. The Council decision can be accessed here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE10.43>

The development includes 349 bicycle parking spaces, of which 324 will be located in the P2 level, and 25 will be located on the ground level. The proposal also includes a total of 78 vehicular parking spaces (58 for residents, 20 shared between non-residential uses) within a two level underground parking facility, whereas Zoning By-law 438-86 requires a minimum of 250 vehicular parking spaces. The applicant's Transportation Impact Study justifies the reduced vehicular parking supply based on the site's proximity to public transit infrastructure, extended cycling network in the area and other contributing factors. Transportation Services staff find the proposed vehicular parking supply acceptable.

Access and egress to the proposed four loading spaces is provided via a private driveway at the southwest corner of the property accessed from Wellington Street West. The larger Type G loading spaces are enclosed within the building on the ground level, while the 2 Type C loading spaces and the Type B loading space are located on the first below-grade parking level. Transportation Services staff have reviewed the applicant's original Transportation Impact Study (dated May 2018) and the Transportation Impact Study Update (dated November 2019) and find the traffic impacts of the proposal acceptable. The proposed loading supply and turning movements to access the loading space are also satisfactory.

### **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 Amendment, 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. Staff will encourage the applicants to pursue a higher TGS Tier. The TGS performance measures are secured on site plan drawings and through a Site Plan Agreement.

The applicant is required to meet Tier 1 of the TGS. The site specific Zoning By-law will secure performance measures for the following Tier 1 development features: cycling infrastructure and bird friendly design. Other applicable TGS performance measures will be secured through the Site Plan Approval process. Staff will work to achieve Tier 2 or higher through the Site Plan Approval process.

### **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 limits of the existing Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and constitutes good planning.

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

- a. Prior to the issuance of the first above-grade building permit, a cash contribution of \$265,000 towards the provision of new rental housing units, to be directed to the Capital Revolving Fund for Affordable Housing, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.
- b. Prior to the issuance of the first above-grade building permit, a cash contribution of \$265,000 towards the Toronto Community Housing revolving capital fund for repairs to Toronto Community Housing properties in Ward 10, to



the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.

c. Prior to the issuance of the first above-grade building permit, a cash contribution of \$1,060,000 towards community services and facilities in the vicinity of the site, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.

d. Prior to the issuance of the first above-grade building permit, a cash contribution of \$1,060,000 towards streetscape and/or public realm improvements in the vicinity of the site, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor;

e. All cash contributions shall be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of registration of the Section 37 Agreement to the date the payment is made.

f. In the event the cash contributions referred to in Recommendation a-d have not been used for the intended purposes within 3 years of the By-laws 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 Division, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in Ward 10.

## **Conclusion**

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2019), the Toronto Official Plan and the Garrison Common North Secondary Plan. Staff are of the opinion that the proposal is consistent with the PPS and conforms with Growth Plan. Furthermore, the proposal is in keeping with the conforms of the Toronto Official Plan and the Garrison Common North Secondary Plan.

The proposal presents an appropriate redevelopment of an underutilized site which currently consists of a 3-storey apartment building, an automotive sales and repair buildings, a semi-detached residential dwelling, a surface parking lot, and a 3-storey mixed-use building. The application proposes a mixed-use building with retail, office and rental residential space, an enhanced streetscape along Bathurst Street and Wellington Street West, sufficient bike and vehicle parking, and residential amenity space that meets the City-wide zoning by-law requirements.

Planning Staff recommend approval of the proposed Zoning By-law Amendments. City Planning Staff have reviewed the Rental Housing Demolition Application 64-84 Bathurst Street and recommend that City Council approve, with conditions, this Rental Housing Demolition Permit Application in accordance with Chapter 667 of the Toronto Municipal Code to allow for the demolition of the 7 existing rental dwelling units on the subject site.

## CONTACT

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## SIGNATURE

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

## ATTACHMENTS

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### **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
- Attachment 5: Draft Zoning By-law Amendment to By-law 438-86
- Attachment 6: Draft Zoning By-law Amendment to By-law 569-2013
- Attachment 7: Site Plan
- Attachment 8: North Elevation
- Attachment 9: East Elevation
- Attachment 10: South Elevation
- Attachment 11: West Elevation
- Attachment 12: 3D Model of Proposal in Context Looking Northwest
- Attachment 13: 3D Model of Proposal in Context Looking Southeast

Attachment 1: Application Data Sheet

**APPLICATION DATA SHEET**

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

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

**Application Type:** Rezoning and Rental Housing Demolition

**Project Description:** This zoning amendment application proposes a 17-storey mixed-use building with 2,394 square metres of retail space on the ground level, 5,100 square metres of office space on levels two and three, and, 21,477 square metres (307 units) of rental residential space on the remaining levels. A total of 349 bicycle parking spaces, four loading spaces and 78 vehicle parking spaces are proposed within a three-level underground garage.

<b>Applicant</b>	<b>Agent</b>	<b>Architect</b>	<b>Owner</b>
HNC BATHURST STREET LP	THE PLANNING PARTNERSHIP	3XN ARCHITECTS	DEMESCO REALTY INC

**EXISTING PLANNING CONTROLS**

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	No
Zoning:	MCR3.0	Heritage Designation:	No
Height Limit (m):	36 metres	Site Plan Control Area:	Yes

**PROJECT INFORMATION**

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

<b>Building Data</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Ground Floor Area (sq m):			2,150	<b>2,150</b>
Residential GFA (sq m):	361		21,477	<b>21,477</b>
Non-Residential GFA (sq m):	2,795		7,494	<b>7,494</b>
<b>Total GFA (sq m):</b>	<b>3,156</b>		<b>28,971</b>	<b>28,971</b>
Height - Storeys:	2		17	<b>17</b>
Height - Metres:			62	<b>62</b>

Lot Coverage Ratio 65.15 Floor Space Index: 8.78  
 (%):

<b>Floor Area Breakdown</b>	<b>Above Grade (sq m)</b>	<b>Below Grade (sq m)</b>
Residential GFA:	21,117	360
Retail GFA:	1,423	971
Office GFA:	5,100	
Industrial GFA:		
Institutional/Other GFA:		

<b>Residential Units by Tenure</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Rental:	7		307	307
Freehold:				
Condominium:				
Other:				
<b>Total Units:</b>	<b>7</b>		<b>307</b>	<b>307</b>

**Total Residential Units by Size**

	<b>Rooms</b>	<b>Bachelor</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3+ Bedroom</b>
Retained:					
Proposed:		78	135	63	31
<b>Total Units:</b>		<b>78</b>	<b>135</b>	<b>63</b>	<b>31</b>

**Parking and Loading**

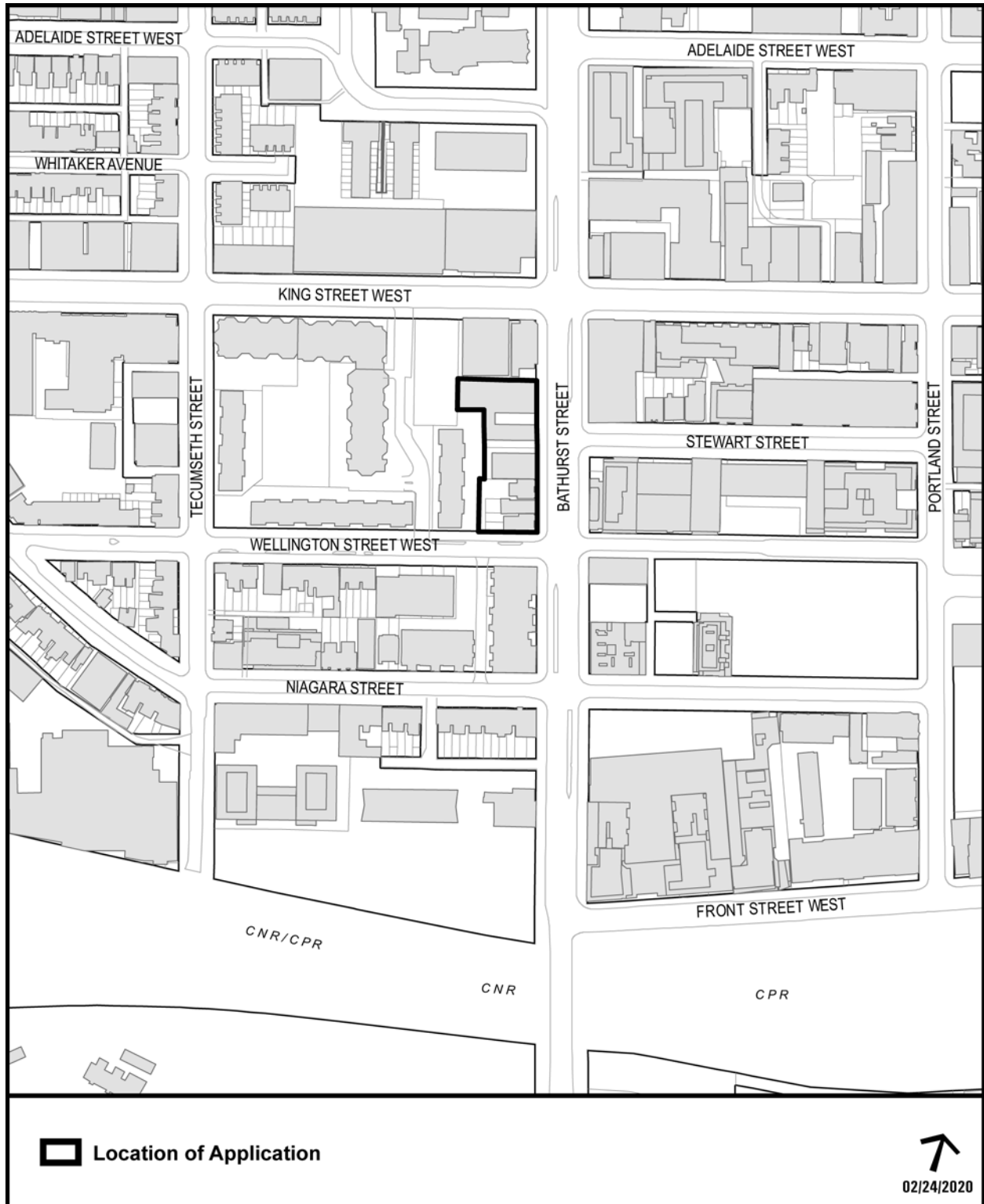
Parking Spaces: 78 Bicycle Parking Spaces: 349 Loading Docks: 4

**CONTACT:**

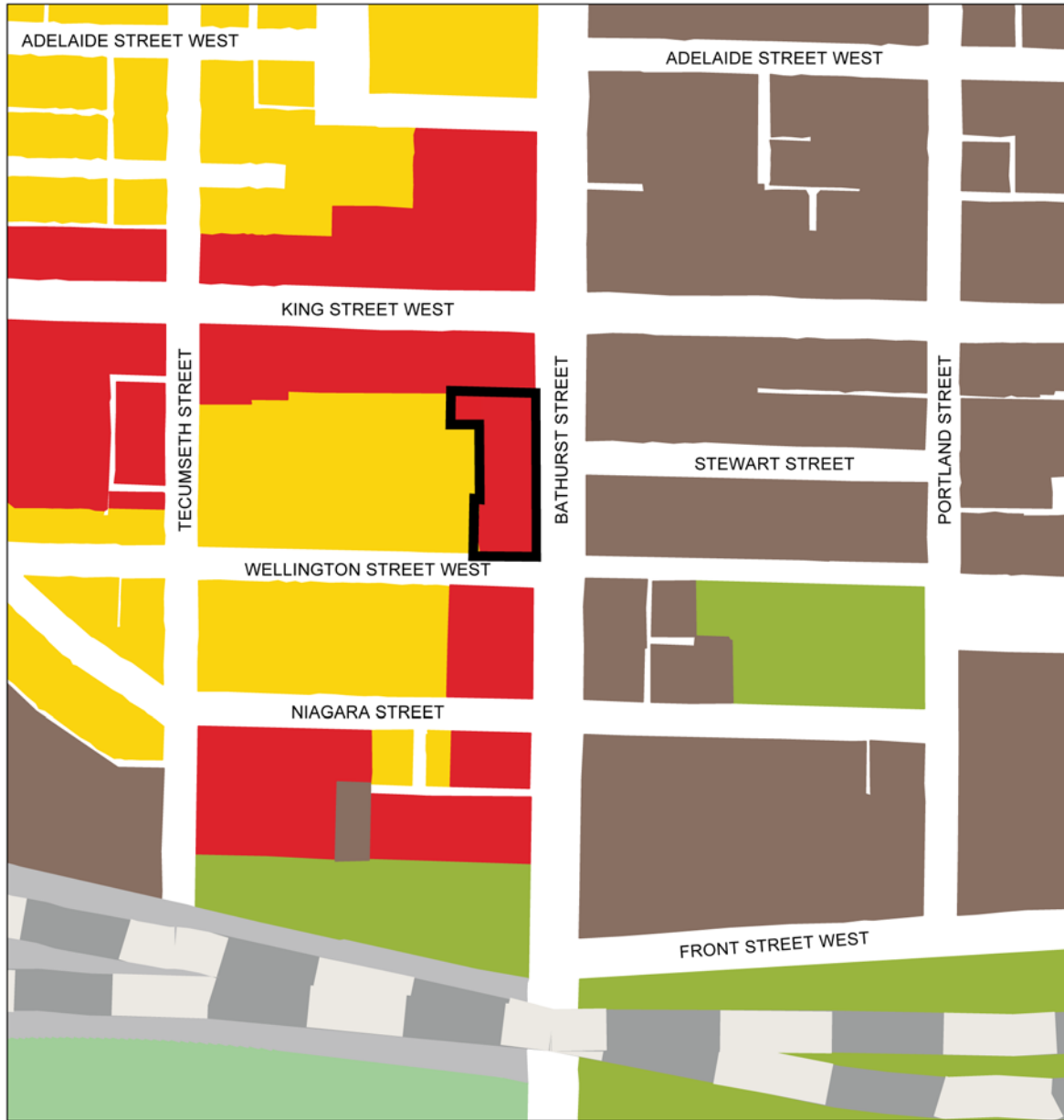
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## Attachment 2: Location Map



### Attachment 3: Official Plan Land Use Map



64-86 Bathurst Street

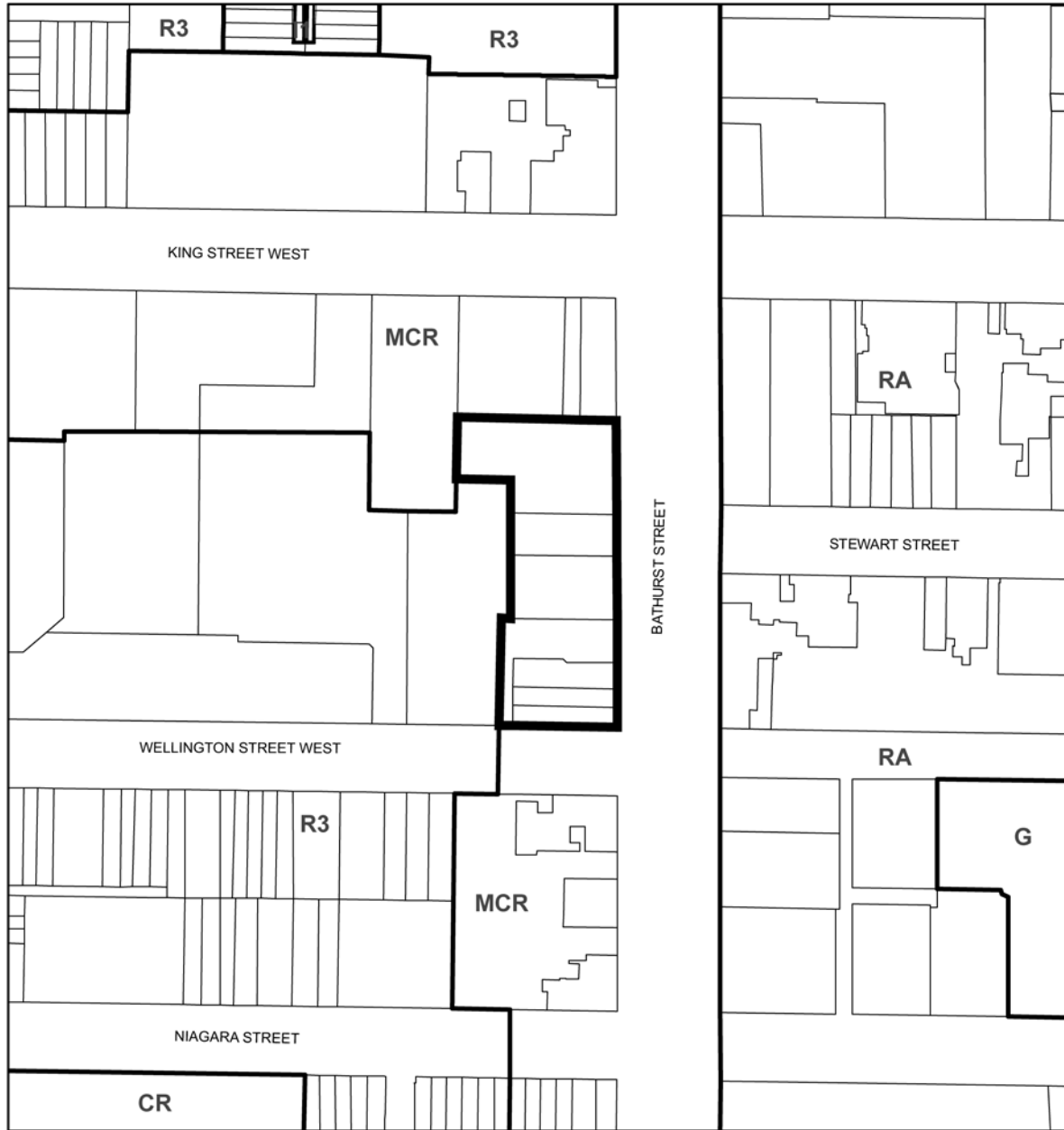
### Official Plan Land Use Map #18

File # 18 176812 STE 19 0Z

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

↑  
Not to Scale  
02/25/2020


# Attachment 4: Existing Zoning By-law Map




**Zoning By-law 438-86**

**64-86 Bathurst Street**

File # 18 176812 STE 19 0Z

 Location of Application

<b>R3</b> Residential	<b>I1</b> Employment Industrial	<b>MCR</b> Commercial
<b>G</b> Open Space	<b>CR</b> Commercial	<b>RA</b> Commercial

  
 Not to Scale  
 Extracted: 03/11/2020

## **Attachment 5: Draft Zoning By-law Amendment 438-86**

**Authority:** Toronto and East York Community Council Item XXXX as adopted by City of Toronto Council on XXXX

### **BY-LAW No. XXXX-2020**

#### **To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to lands municipally known in the year 2019 as 64-86 Bathurst Street**

WHEREAS authority is given to Council of the City of Toronto 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*; and,

Whereas the Official Plan for the City of Toronto contains 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, 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, 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 569-2013, as amended, is permitted in return for the provisions of the facilities, services and matters set out in this By-law that are secured by one or more agreements between the owner of the land and the City of Toronto;

Therefore, By-law No. 438-86, the former General Zoning By-law of the former City of Toronto, as amended, is further amended as follows:

1. Pursuant to Section 37 of the Planning Act, the heights and density of development permitted in this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the owner of the lot of the facilities, services and matters set out in Appendix 1 hereof, the provisions of which shall be secured by an agreement or agreement's pursuant to Section 37(3) of the Planning Act.
2. Upon execution and registration of an agreement or agreements with the owner of the lot pursuant to Section 37 of the Planning Act securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the lot is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility,



service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements.

3. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the City pursuant to Section 37 of the Planning Act, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
4. None of the provisions of Section 2 with respect to the definitions of *bicycle parking spaces – occupant*, *bicycle parking spaces – visitor*, *grade*, *height*, *lot*, *non-residential gross floor area*, *residential gross floor area*, and *residential amenity space*, and Sections 4(2)(a) and (b), 4(3), 4(4), 4(6), 4(10), 4(12), 4(13), 4(16), 4(17), Sections 8(1)(f)(a) and (b), 8(2)(7)(b), 8(3)(Part I), 8(3)(Part II)(1)(b)(ii), 8(Part II)(4), Sections 12(2)(270)(a), 12(2)(340) and 12(2)(341) of Zoning By-law No. 438-86, as amended, of the former City of Toronto being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", and By-law No. 345-79, shall apply to prevent the erection or use of a *mixed-use building* containing residential and/or non-residential uses, including a *commercial parking garage*, on the *lot*, provided that:
  - (a) The *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
  - (b) The combined total *gross floor area* of all buildings and structures erected or used on the *lot* shall not exceed 30,000 square metres, of which a minimum of 2,500 square metres shall be for office uses, and a maximum of 8,000 square metres is permitted for all non-residential uses;
  - (c) *Gross floor area* for non-residential uses will be limited to the ground, second, and third floors, with the exception of such space provided for in subsection (l) below;
  - (d) Notwithstanding subsection (b) above, the area of the buildings and structures occupied by the *commercial parking garage* shall be excluded from the calculation of *gross floor area*;
  - (e) Not more than 320 *dwelling units* are erected on the *lot*;
  - (f) Of the total number of *dwelling units* provided:
    - (i) A minimum of 20% shall be provided as *two-bedroom dwelling units*; and
    - (ii) A minimum of 10% shall be provided as *three-bedroom dwelling units* or larger;
  - (g) No portion of any building or structure erected on the *lot* shall be located otherwise than wholly within the heavy black lines identified on Map 2 attached to and forming part of this By-law, with the exception that the following elements of a building or structure may encroach into a required minimum building setback and a required minimum main wall separation distance as follows:

- (i) Lighting fixtures, cornices, sills, eaves, parapets, balustrades, ornamental and architectural features, bay windows, gas and hydro meters, and window washing equipment attached to a **building** or **structure** may project a maximum distance of 3.0 metres beyond the heavy lines shown on Map 2;
  - (ii) Lighting fixtures, railings, privacy screens, balustrades, bollards, stairs and related enclosures, underground garage ramps and associated structures, walls and safety railings, wind mitigation elements, trellises, guards, guardrails, retaining walls, wheelchair ramps, air intakes and vents, ventilating equipment, bike share facilities, outdoor **amenity** space elements, ornamental or architectural features, including planters, green energy and renewable energy elements, gas and hydro meters, and art installations may be located at ground level beyond the heavy lines shown on Map 2, in accordance with the height limits set out in Section (l) below of this exception;
  - (iii) Canopies and awnings attached to a **building** or **structure** may project horizontally a maximum of 5.0 metres beyond the heavy lines shown on Map 2;
  - (iv) Architectural privacy screens and balconies attached to a **building** or **structure** may project horizontally a maximum of 2.0 metres beyond the heavy lines shown on Map 2; and
  - (v) Structures, elements or enclosures permitted by subsection (g) below;
- (h) No part of a building or structure erected or used on the lot above *grade* shall exceed the *height* limits specified by the numbers following the symbol 'H' shown on the attached Map 2, with the exception of:
- (i) Structures, elements or enclosures listed in subsection (f) above;
  - (ii) Parapets to a maximum *height* of 1.5 metres;
  - (iii) Pool lip or surround to a maximum *height* of 1.0 metre;
  - (iv) Canopy or trellis, including supporting structure, on a roof provided that the maximum *height* of such structure is no higher than 3.0 metres above such roof;
  - (v) Window washing equipment to a maximum *height* of 7.0 metres;
  - (vi) **Structures** on any roof used for mechanical equipment, chimneys, vents, stacks, mechanical fans, cooling towers, elevators and related structural elements, roof assemblies, and structures and elements associated with green energy and renewable energy facilities located on any roof, which may have a maximum vertical projection above the permitted height limits specified of Map 2 of 1.5 metres;
  - (vii) **Structures** on any roof used for maintenance, safety, wind or green roof purposes, outdoor **amenity space** or open air recreation, including architectural screens, and vestibules providing access to outdoor **amenity**

**space**, and lightning rods, provided that the maximum height of such elements is no higher than 3.0 metres above the height limits specified on Map 2;

- (viii) **Structures** at ground level, including bollards, guards, guardrails, wheel chair ramps, gas and hydro meters, green energy and renewable energy facilities, air intakes and vents, and ventilating equipment provided that the maximum height of such elements is no higher than 1.2 metres above ground level;
  - (ix) **Structures** at ground level, including underground garage ramps and associated structures, walls and safety railings, privacy screens, retaining walls, balustrades, stairs and related enclosures, fences, bike share facilities, outdoor **amenity space** elements, and safety railings, provided that the maximum height of such elements is no higher than 2.0 metres above ground level; and
  - (x) **Structures** at ground level, including lighting fixtures, ornamental, architectural or landscape features, including planters, wind mitigation elements, trellises, and art installations provided that the maximum height of such elements is no higher than 4.0 metres above ground level;
- (i) Above the height of 61.5 metres, that portion of the building subject to a height limit of 68.5 metres and labelled MPH on Map 2 of By-law XXXX-2020 may only be used for a mechanical penthouse, elements for the functional operation of the building, including a fence, wall or structure enclosing such elements, or *residential amenity space*;
  - (j) Above the height of 61.5 metres, that portion of the building subject to a *height* limit of 64.5 metres and labelled H=64.5M on Map 2 of By-law XXXX-2020 may only be used for stairs and related enclosures;
  - (k) Above the height of 61.5 metres, that portion of the **building** subject to a height limit of 66.5 metres and labelled H=66.5M on Diagram 7 of By-law XXXX-2020 may only be used as an enclosed structure for mechanical equipment and operations associated with the outdoor pool, storage associated with **amenity space** equipment, such as, but not limited to, patio furniture, and may be designed to permit tiered-style seating, including associated structural supports and safety railings;
  - (l) A minimum of 4.0 square metres per *dwelling unit of residential amenity space* shall be provided as follows:
    - (i) A minimum of 2.0 square metres per *dwelling unit* shall be provided as indoor *residential amenity space*; and
    - (ii) A minimum of 40 square metres of outdoor *residential amenity space* shall be provided in a location adjoining or directly accessible to the indoor *residential amenity space*; and
    - (iii) The change and shower facilities provided as part of the indoor *residential amenity space* may be accessible to the non-residential uses of the building;

- (m) *Parking spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:
  - (i) A minimum of 0.19 *parking spaces* per *dwelling unit* must be provided for residents; and
  - (ii) A minimum of 20 *parking spaces* shall be provided on a shared non-exclusive basis for residential visitors and non-residential uses;
- (n) Three (3) *parking spaces* shall be provided on the *lot* as accessible *parking spaces* as follows:
  - (i) Each accessible *parking space* shall have the following minimum dimensions:
    - A. Length of 5.6 metres;
    - B. Width of 3.4 metres;
    - C. Vertical clearance of 2.1 metres; and
    - D. A 1.5 metre width accessible barrier-free aisle or path is required along the entire length of an accessible *parking space* and such aisle or path may be shared by two accessible *parking spaces*;
- (o) Loading spaces shall be provided as follows:
  - (i) A minimum of one *loading space- type G*;
  - (ii) A minimum of one *loading space-type B*; and
  - (iii) A minimum of two *loading spaces- type C*;
- (p) *Bicycle parking spaces* shall be provided and maintained on the *lot* in accordance with the following minimum standards:
  - (i) For *dwelling units*: a minimum of 0.90 *bicycle parking spaces* for each *dwelling unit*, allocated as *bicycle parking spaces – occupant*, and
  - (ii) For residential visitors: a minimum of 0.10 *bicycle parking spaces* for each *dwelling unit* allocated as *bicycle parking spaces – visitor*;
  - (iii) For retail uses: a minimum of 0.2 *bicycle parking spaces - occupant/100 square metres of retail gross floor area*;
  - (iv) For office uses: a minimum of 0.2 *bicycle parking spaces - occupant/100 square metres of office gross floor area*;
  - (v) For retail and office uses: no *bicycle parking spaces – visitor* are required to be provided on the *lot*;

- (vi) A *bicycle parking space – occupant* or *bicycle parking space – visitor* may be provided in either a vertical or horizontal position or in a *bicycle stacker*, and

5. For the purposes of this By-law, each word or expression that is italicized in the By-law shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended, except for the following:

(a) “*bicycle parking space*” means an area used for storing bicycles having the following minimum dimensions:

- (i) Where the bicycles are to be parked on a horizontal surface, has a minimum length of 1.8 metres, a minimum width of 0.6 metres and a minimum vertical dimension from the ground of at least 1.9 metres;
- (ii) Where the bicycles are to be parked in a vertical position, has a minimum length or horizontal clearance from the wall of 1.2 metres, a minimum width of 0.6 metres and a vertical dimension of at least 1.9 metres; and
- (iii) Where the bicycles are to be parked in a *bicycle stacker*, has a minimum width of 0.45 metres, a minimum of length of 1.8 metres and a minimum vertical clearance of 1.2 metres for each *bicycle parking space*;
- (iv) “*bicycle parking space – occupant*” means a *bicycle parking space* for use by the occupants or tenants of a building;
- (v) “*bicycle parking space – visitor*” means a *bicycle parking space* for use by visitors to a building;
- (vi) “*bicycle stacker*” means a device where by a *bicycle parking space* is positioned above or below another *bicycle parking space* and is accessed
- (vii) “*grade*” means 86.50 M Canadian Geodetic Datum;
- (viii) “*gross floor area*” means the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior main wall of each floor level, exclusive of any areas in a building or structure used for:
  - A. Parking loading and bicycle parking below-ground;
  - B. Required *loading spaces* at the ground level and required *bicycle parking spaces* at or above-ground;
  - C. Storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms below-ground;
  - D. Shower and change facilities required by the By-law for required *bicycle parking spaces*;
  - E. *Residential amenity space* to a maximum of 4.0 square metres per *dwelling unit*;

- F. Elevator shafts;
- G. Garbage shafts;
- H. Mechanical penthouse; and
- I. Exit stairwells in the building or structure;

- (ix) “*height*” means the highest point of the building or structure above *grade*, except for those elements prescribed by this By-law;
- (x) “*lot*” means in aggregate the lands outlined by heavy lines on Map 1 of this By-law; and
- (xi) “*residential amenity space*” means 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; and

6. Notwithstanding any severance, partition or division of the *lot*, the provisions of this By-law and By-law 438-86, as amended, with the exception of By-law No. 345-79, shall apply to the whole of the *lot* as if no severance, partition or division had occurred.
7. 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 Map 2 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.
8. 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.
9. The owner shall not use, or permit the use of, a building or structure erected with an increase in height and/or density pursuant to this By-law unless all provisions of Schedule A are satisfied.
10. Within the lands shown on Map 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 on the lot line and the following provisions are complied with:
  - (a) all water mains and sanitary sewers, and appropriate appurtenances have been installed and are operational.

ENACTED AND PASSED this \_\_\_\_ day of \_\_\_\_\_, A.D. 202

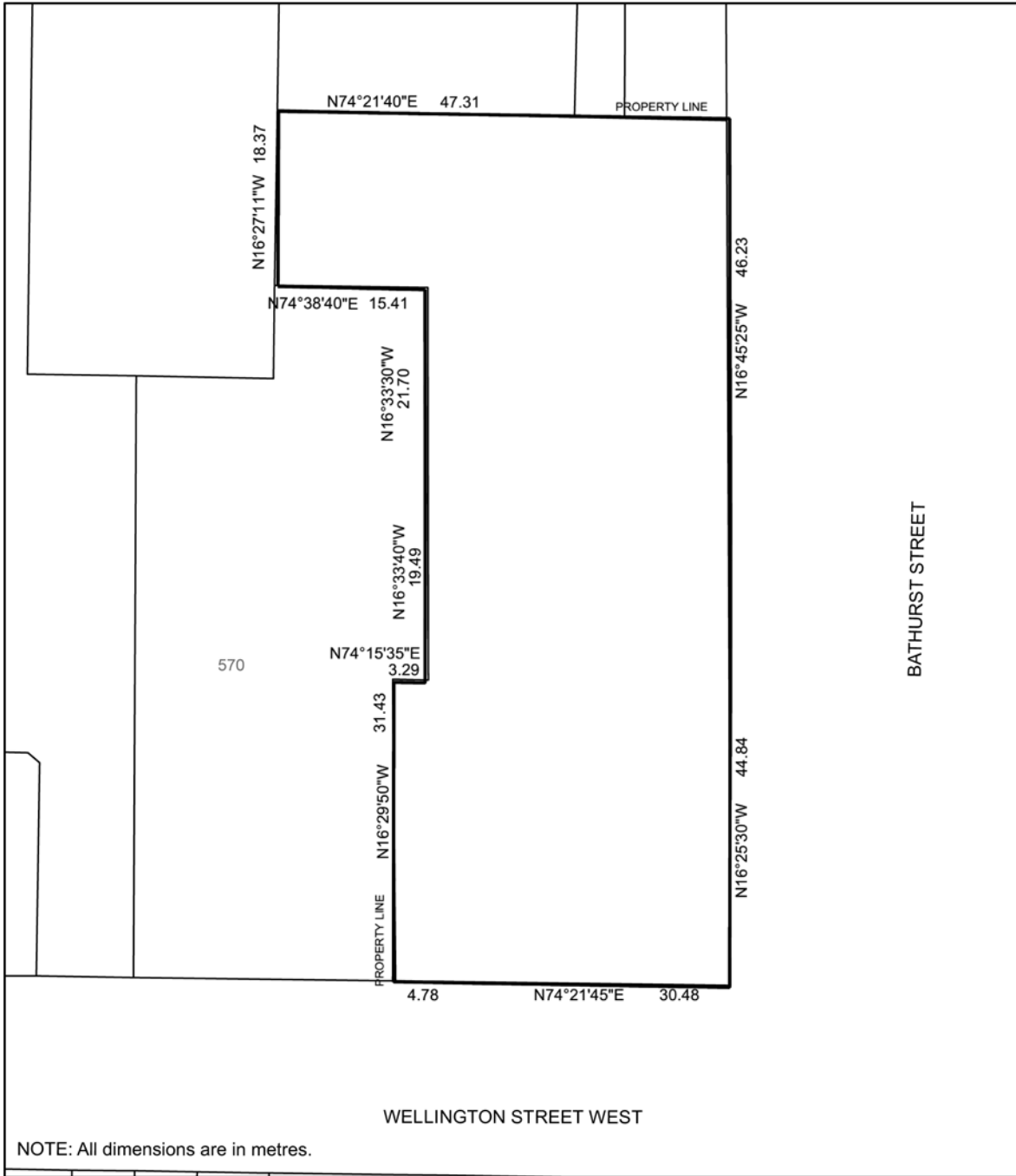
JOHN TORY,

Mayor

(Corporate Seal)

ULLI S. WATKISS,

City Clerk

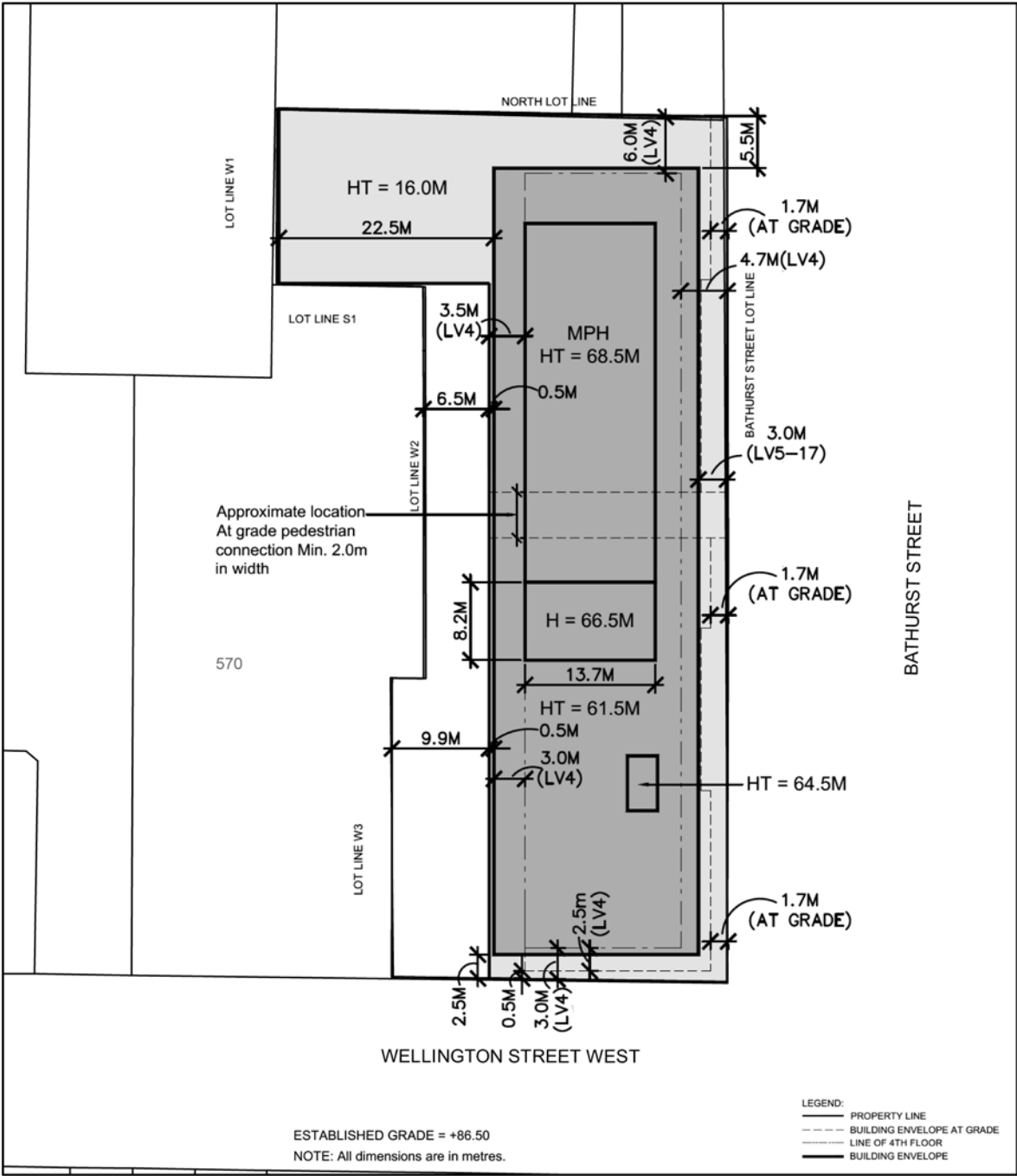


# 64-86 Bathurst Street

File # 18 176812 STE 19 0Z



City of Toronto By-law 438-86  
Not to Scale  
07/29/2020





## **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 lot and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

1. Prior to the issuance of the first above-grade building permit, a cash contribution of \$265,000 towards the provision of new rental housing units, to be directed to the Capital Revolving Fund for Affordable Housing, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor;
2. Prior to the issuance of the first above-grade building permit, a cash contribution of \$265,000 towards the Toronto Community Housing revolving capital fund for repairs to Toronto Community Housing properties in Ward 10, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor;
3. Prior to the issuance of first above-grade building permit, a cash contribution of \$1,060,000 towards community services and facilities in the vicinity of the site, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor;
4. Prior to the issuance of the first above-grade building permit, a cash contribution of \$1,060,000 towards streetscape and/or public realm improvements in the vicinity of the site, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor;
5. All cash contributions referred to in Recommendation 10 (A) to (D) shall be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of registration of the Section 37 Agreement to the date the payment is made;
6. In the event the contributions referred to in Recommendation 10 (A) to (D) have not been used for the intended purposes within three (3) years of the By-laws 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 Division, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in Ward 10;
7. Submission, and thereafter implementation, of a construction management plan by the owner of 64-86 Bathurst Street to address such matters as wind, noise, dust and street closures during construction. Such plan to be to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the ward Councillor and shall be completed prior to final Site Plan Approval.

## **Attachment 6: Draft Zoning By-law Amendment 569-2013**

Authority: Toronto and East York Community Council Item TE●, adopted as amended, by City of Toronto Council on ●, 2020

### **CITY OF TORONTO**

### **BY-LAW XXXX-2020**

#### **To amend the General Zoning By-law 569-2013, as amended, of the City of Toronto with respect to the lands municipally known in the year 2019 as 64-86 Bathurst Street**

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the Planning Act, R.S.O. 19990, 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; and

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, 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 569-2013, as amended, is permitted in return for the provisions of the facilities, services and matters set out in this By-law that 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. 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 569-2013, Chapter 800 Definitions.

3. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the zone label CR 3.0 (c1.0;r2.5) SS2 (x 273) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Area Overlay Map in Section 995.10.1, and applying the following Policy Area label to these land: PA-4, as shown on Diagram 3, attached to this By-law.
5. Zoning by-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1, and applying the following height label to these lands: HT 36.0 as shown on Diagram 4 attached to this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Lot Coverage Overlay Map in Section 995.30.1, with no label, as shown on Diagram 5 attached to this By-law.
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Rooming House Overlay Map in Section 995.40.1, and applying the following label to these lands: B3 as shown on Diagram 6 attached to this By-law.
8. Zoning By-law 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number CR273 so that it reads:

#### **Exception CR 273**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

#### Site Specific Provisions:

- (A) On lands municipally known in the year 2019 as 64-86 Bathurst Street, if the requirements of Section 10 and Schedule (A) of By-law XXXX-2020 [Clerks to insert number] are complied with, a **building** or **structure** may be erected and used in compliance with (B) to (AA) below;
- (B) The **lot** comprises the lands delineated by heavy lines on Diagram 1 of By-law XXXX-2020 [Clerk to insert number];
- (C) Despite Regulations 40.10.20.20(1), and 40.10.20.100(7), (8), (9), and (10), **public parking** is a permitted use;
- (D) Despite Regulation 40.10.40.40(1), the permitted maximum **gross floor area** of all **buildings** and **structures** is 30,000 square metres, of which:

- i. A minimum of 2,500 square metres must be for office uses;
  - ii. A maximum of 8,000 square metres is permitted for all non-residential uses;
  - iii. Despite Regulation (D)(ii) above, and in addition to Regulation 40.5.40.40(3), the area of the **buildings** and **structures** occupied by **public parking** are excluded from the calculation of **gross floor area**; and
  - iv. **Gross floor area** for non-residential uses will be limited to the ground, second and third floors, with the exception of such space provided for in Regulation (N) below;
- (E) The permitted maximum number of **dwelling units** is 320;
- (F) Of the total number of **dwelling** units provided:
- i. A minimum of 20 percent must be two-bedroom **dwelling units**; and
  - ii. A minimum of 10 percent must be three-bedroom **dwelling units** or larger;
- (G) Despite Clauses 40.10.40.70 and 40.10.40.80, the required minimum **building** setbacks and the required minimum separation distances between **main** walls of **buildings** or **structures** above ground level is shown on Diagram 7 of By-law XXXX-2020 [Clerks to insert number];
- (H) Despite Clauses 40.5.40.60, 40.10.40.60, and Regulation (G) above, the following elements of a **building** or **structure** may encroach into a required minimum **building setback** and a required minimum **main wall** separation distance as follows:
- (i) Lighting fixtures, cornices, sills, eaves, parapets, balustrades, ornamental and architectural features, bay windows, gas and hydro meters, and window washing equipment attached to a **building** or **structure** may project a maximum distance of 3.0 metres beyond the heavy lines shown on Diagram 7;
  - (ii) Lighting fixtures, railings, privacy screens, balustrades, bollards, stairs and related enclosures, underground garage ramps and associated structures, and safety railings, wind mitigation elements, trellises, guards, guardrails, wheelchair ramps, air intakes and vents, ventilating equipment, bike share facilities, outdoor **amenity** space elements, ornamental or architectural features, including planters, green energy and renewable energy elements, gas and hydro meters, and art installations may be located at ground level beyond the heavy lines shown on Diagram 7, in accordance with the height limits set out in Section (I) below of this exception;
  - (iii) Canopies and awnings attached to a **building** or **structure** may project horizontally a maximum of 5.0 metres beyond the heavy lines shown on Diagram 7;

- (iv) Balcony dividers, privacy screens and/or partitions and balconies attached to a **building** or **structure** may project horizontally a maximum of 2.0 metres beyond the heavy lines shown on Diagram 7; and
- (v) Structures, elements or enclosures permitted by subsection (I) below;
- (I) Despite Regulations 40.5.40.10(1) and (2), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum elevation of 86.50 metres and the highest point of the **building** or **structure**;
- (J) Despite Regulation 40.10.40.10(2), the permitted maximum height of each portion of a **building** or **structure** on the **lot** is the height in metres as specified by the numbers following the symbol HT as shown on Diagram 7 attached to By-law XXXX-2020 [Clerks to insert number];
- (K) Despite Regulations 40.5.40.10(3), (4), (5), (6), (7) and (8) and Regulation (J) above, the following elements may exceed the permitted maximum height:
  - (i) **Structures**, elements or enclosures listed in Regulation (H) above;
  - (ii) Parapets to a maximum height of 1.5 metres;
  - (iii) Pool lip or surround to a maximum height of 1.0 metre;
  - (iv) Canopy or trellis, including supporting structure, on a roof provided that the maximum height of such structure is no higher than 3.0 metres above such roof;
  - (v) Window washing equipment to a maximum height of 7.0 metres;
  - (vi) **Structures** on any roof used for mechanical equipment, chimneys, vents, stacks, mechanical fans, cooling towers, elevators and related structural elements, roof assemblies, and structures and elements associated with green energy and renewable energy facilities located on any roof, which may have a maximum vertical projection above the permitted height limits specified of Diagram 7 of 1.5 metres;
  - (vii) **Structures** on any roof used for maintenance, safety, wind or **green roof** purposes, outdoor **amenity space** or open air recreation, including architectural screens, and vestibules providing access to outdoor **amenity space**, and lightning rods, provided that the maximum height of such elements is no higher than 3.0 metres above the height limits specified on Diagram 7;
  - (viii) **Structures** at ground level, including bollards, guards, guardrails, wheel chair ramps, gas and hydro meters, green energy and renewable energy facilities, air intakes and vents, and ventilating equipment provided that the maximum height of such elements is no higher than 1.2 metres above ground level;

- (ix) **Structures** at ground level, including underground garage ramps and associated structures, walls and safety railings, privacy screens, retaining walls, balustrades, stairs and related enclosures, fences, bike share facilities, outdoor **amenity space** elements, and safety railings, provided that the maximum height of such elements is no higher than 2.0 metres above ground level; and
- (x) **Structures** at ground level, including lighting fixtures, ornamental, architectural or landscape features, including planters, wind mitigation elements, trellises, and art installations provided that the maximum height of such elements is no higher than 4.0 metres above ground level;
- (L) Above the height of 61.5 metres, that portion of the **building** subject to a height limit of 68.5 metres and labelled MPH on Diagram 7 of By-law XXXX-2020 may only be used for a mechanical penthouse, elements for the functional operation of the **building**, including a fence, wall or structure enclosing such elements, or **amenity space**;
- (M) Above the height of 61.5 metres, that portion of the **building** subject to a height limit of 64.5 metres and labelled HT=64.5M on Diagram 7 of By-law XXXX-2020 may only be used for stairs and related enclosures;
- (N) Above the height of 61.5 metres, that portion of the **building** subject to a height limit of 66.5 metres and labelled HT=66.5M on Diagram 7 of By-law XXXX-2020 may only be used as an enclosed structure for mechanical equipment and operations associated with the outdoor pool, storage associated with **amenity space** equipment, such as, but not limited to, patio furniture, and may be designed to permit tiered-style seating, including associated structural supports and safety railings;
- (O) Despite Clause 40.10.40.50, a minimum of 4.0 square metres per **dwelling unit** of **amenity space** must be provided on the **lot** as follows:
  - i. A minimum of 2.0 square metres per **dwelling unit** must be provided as indoor **amenity space**;
  - ii. A minimum of 40 square metres of outdoor **amenity space** must be provided in a location that adjoins or is directly accessible from indoor **amenity space**; and
  - iii. The change and shower facilities provided as part of the indoor **amenity space** may be accessible to the non-residential users of the **building**;
- (P) Despite Regulation 40.5.40.40(3)(E), indoor **amenity space** up to a maximum of 4.0 square metres/dwelling unit is exempt from the calculation of **gross floor area**;
- (Q) Despite Regulations 200.5.10.1(1), (5), and (6), and Table 200.5.10.1, **parking spaces** must be provided and maintained on the **lot** in accordance with the following requirements:
  - i. A minimum of 0.19 **parking spaces** per **dwelling unit** for residents; and

- ii. A minimum of 20 **parking spaces** must be provided on a shared non-exclusive basis for residential visitors and non-residential uses;
- (R) Despite Section 200.15, 3 **parking spaces** must be provided on the **lot** as accessible **parking spaces** as follows:
- i. Each accessible **parking space** must have the following minimum dimensions:
    - a) *Length of 5.6 metres;*
    - b) *Width of 3.4 metres;*
    - c) *Vertical clearance of 2.1 metres; and*
    - d) *A 1.5 metre wide accessible barrier-free aisle or path is required along the entire length of one side of an accessible **parking space**, and such aisle or path may be shared by 2 accessible **parking spaces**;*
- (S) Despite Regulations 220.5.1 (2), 220.5.1.10(5), and 220.5.10.1(1), (2), (3), and (5), loading spaces must be provided as follows:
- i. A minimum of 1 Type “G” **loading space**;
  - ii. A minimum of 1 Type “B” **loading space**; and
  - iii. A minimum of 2 Type “C” **loading space**;
- (T) Regulation 40.10.40.1(1) with respect to the location of residential lobby access functions in a **mixed-use building** does not apply;
- (U) Regulation 40.10.40.1(6) with respect to the location of entrances when abutting residential zones does not apply;
- (V) Regulations 40.10.50.10(3) with respect to **landscaping** abutting a residential zone do not apply;
- (W) Regulations 40.10.20.100(1) with respect to cumulative size of **eating establishments** does not apply;
- (X) Regulation 40.10.20.100(21)(D) with respect to the location of an **outdoor patio** does not apply;
- (Y) The change and shower facilities provided in accordance with Regulation (J)iii. above may be used to satisfy the requirements of Regulation 230.5.1.10(7)(B);

- (Z) Regulation 230.5.1.10(9) with respect to the location of “long-term” **bicycle parking spaces** within a building does not apply;
- (AA) Regulation 230.5.10.1(1) and Table 230.5.10.1(1) with respect to the provision of “short-term” bicycle parking spaces for retail and office uses do not apply; and

Prevailing By-laws and Prevailing Sections:

(None Apply)

- 9. Despite any existing or future severance, partition or division of the lands shown on Diagram 1 of By-law XXXX-2020, [Clerks to insert number], the provisions of this By-law and By-law 569-2013, shall apply to the whole of the lands as one **lot** as if no severance, partition or division had occurred.
- 10. 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 1 of By-law XXXX-2020 [Clerks to insert number] 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 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 in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

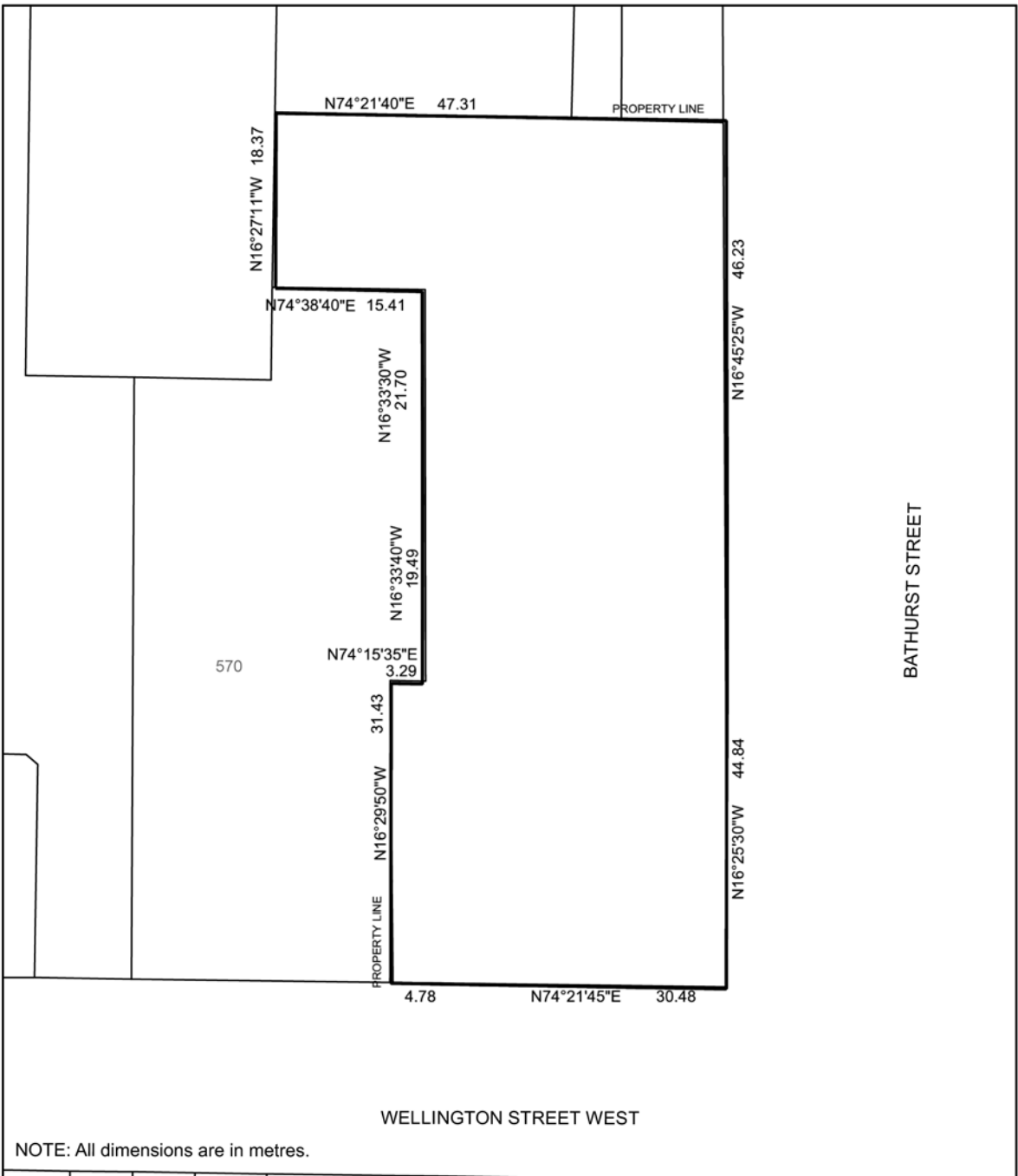
Enacted and passed on ●, 2020.

Frances Nunziata,  
Speaker

Ulli S. Watkiss  
City Clerk

(Seal of the City)



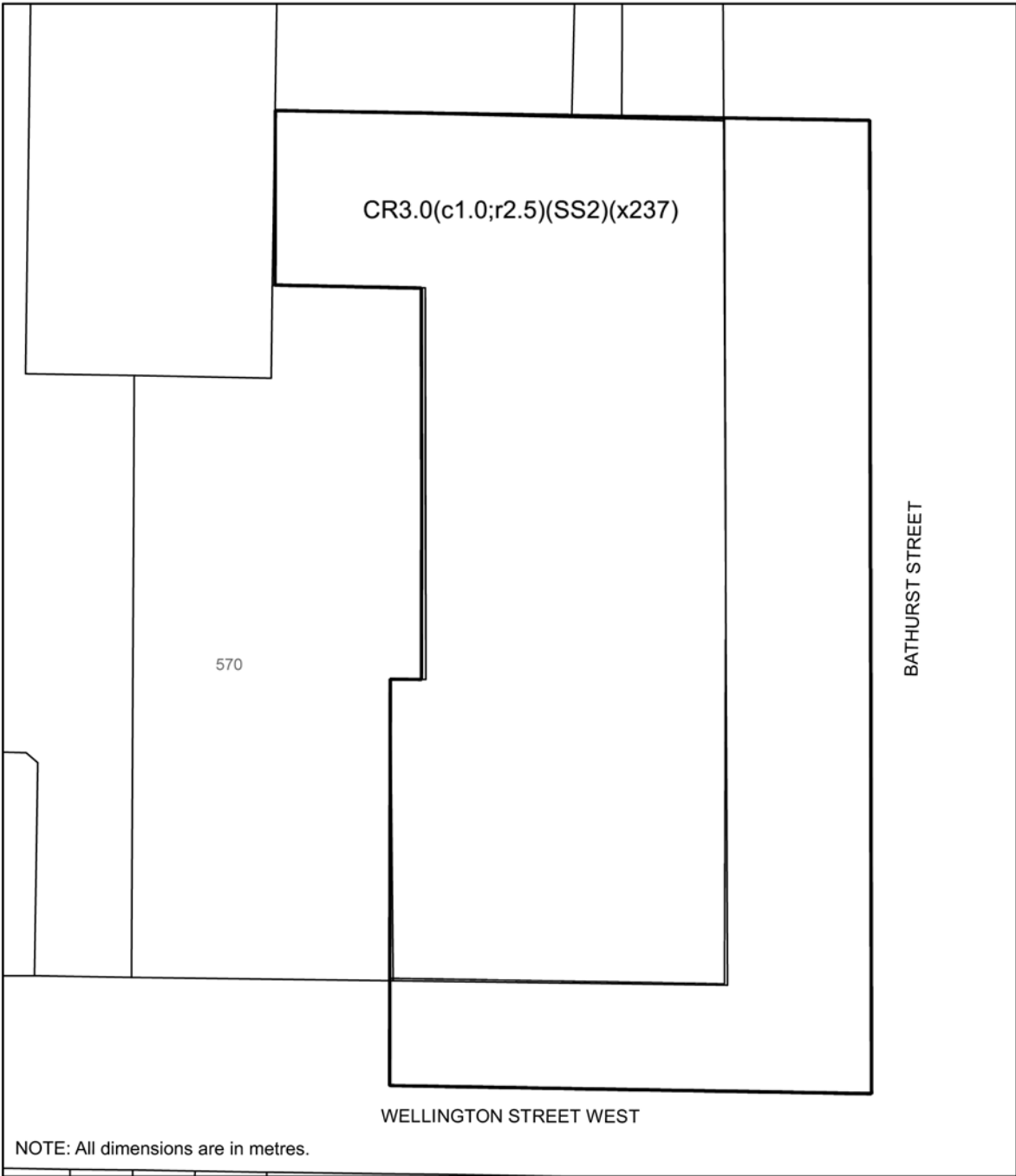


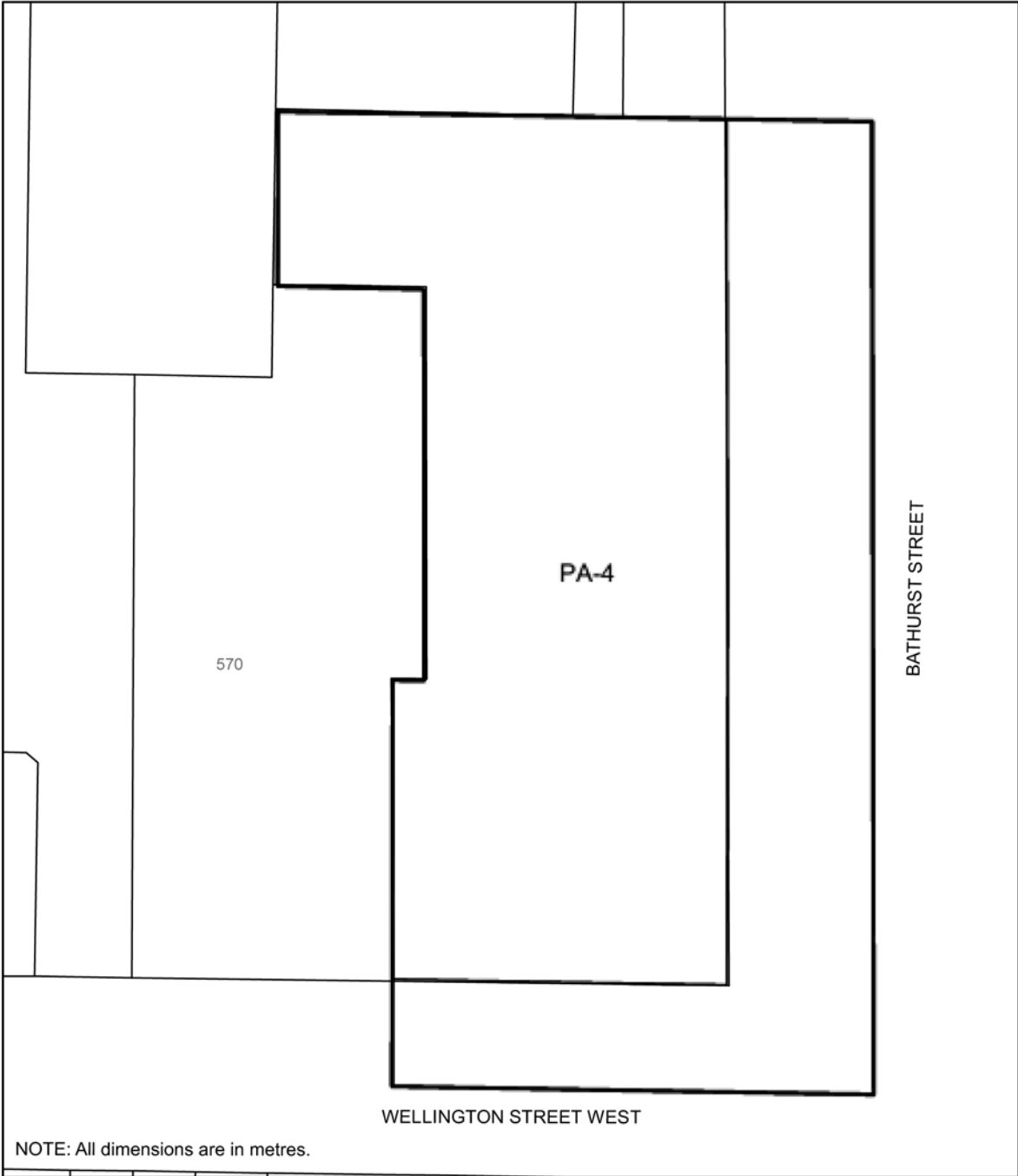
## 64-86 Bathurst Street

File # 18 176812 STE 19 0Z



City of Toronto By-law 569-2013  
Not to Scale  
07/29/2020





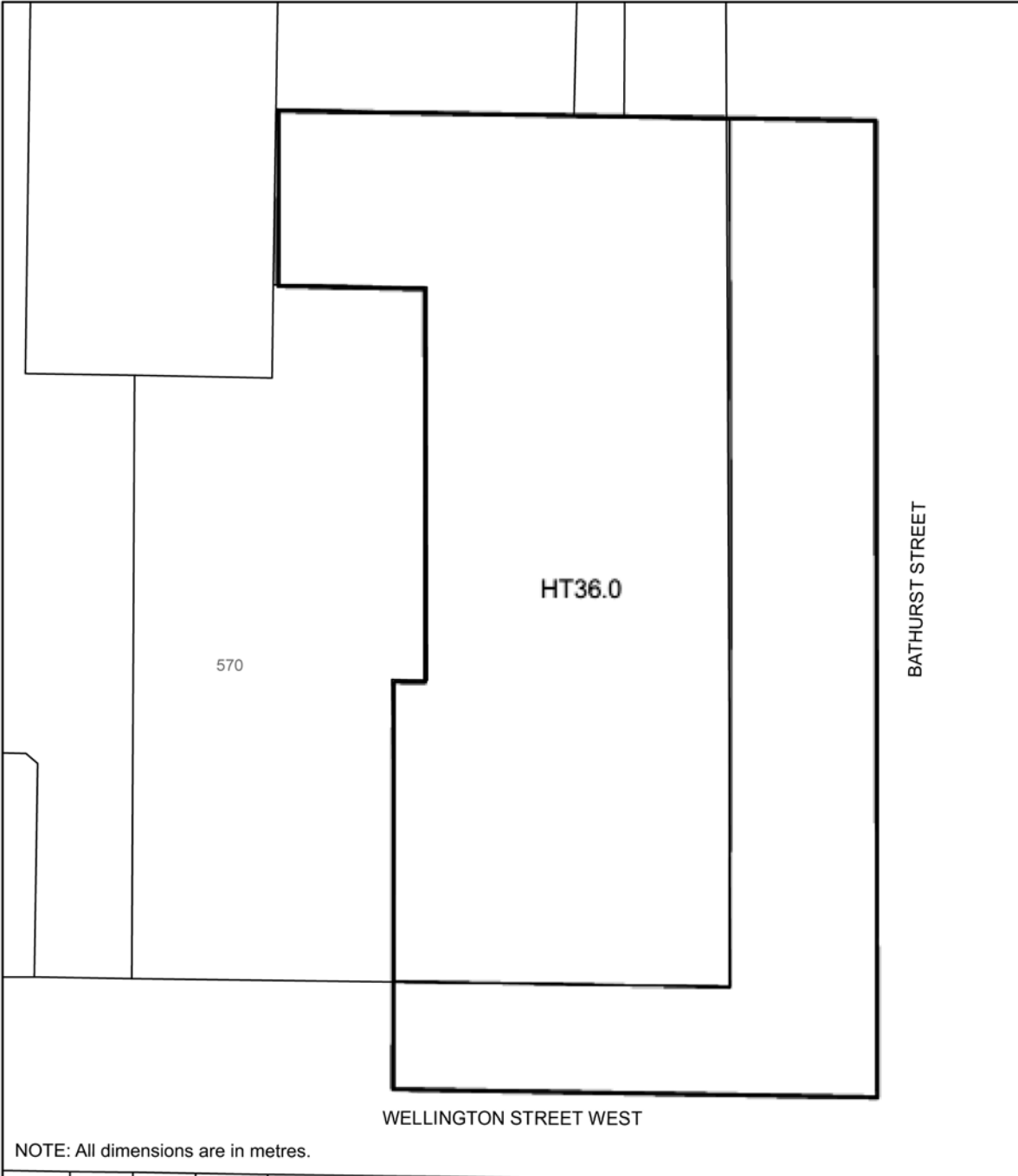
 **TORONTO**  
**Diagram 3**

**64-86 Bathurst Street**

File # 18 176812 STE 19 0Z



City of Toronto By-law 569-2013  
 Not to Scale  
 07/29/2020



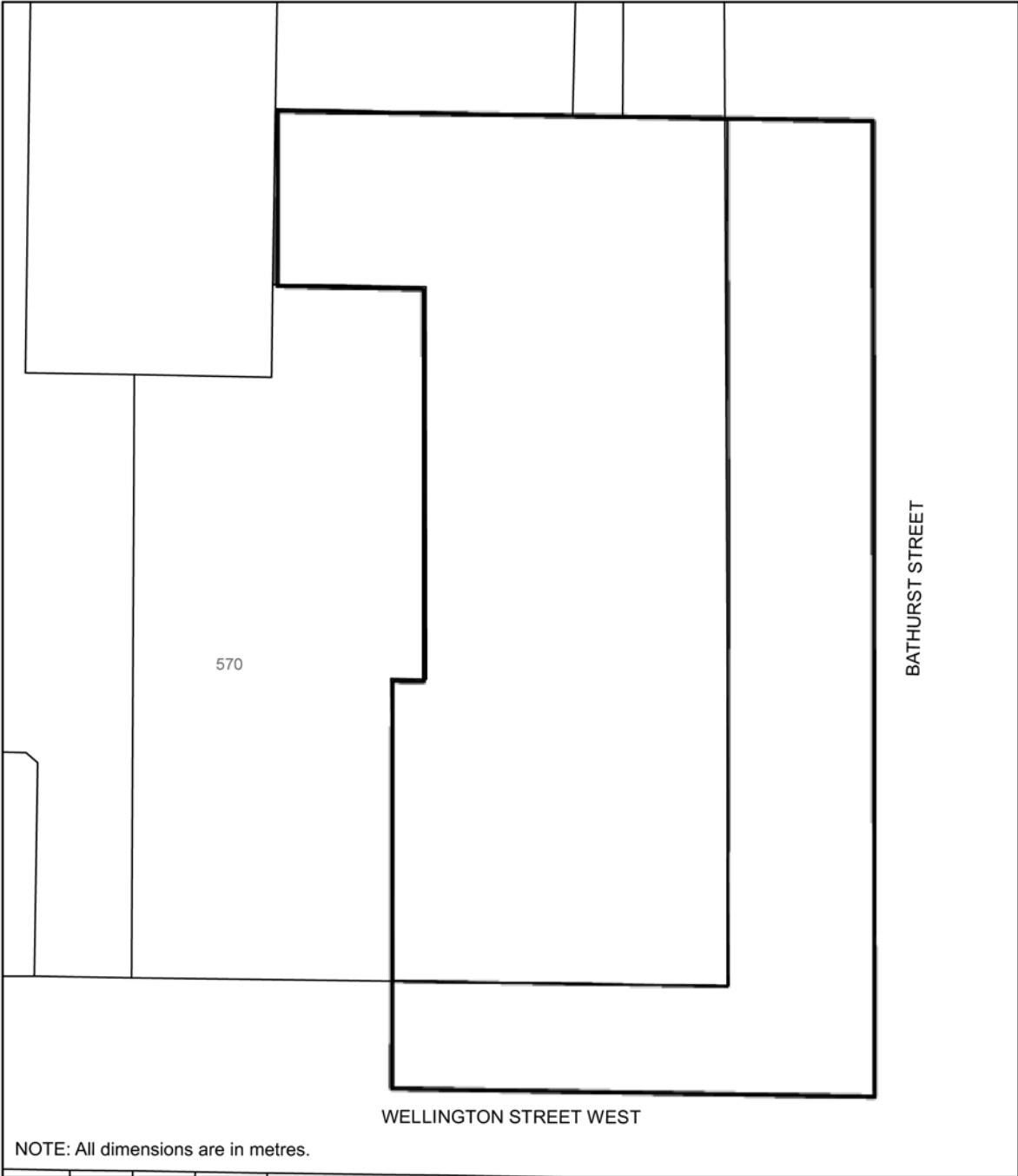
 **TORONTO**  
Diagram 4

**64-86 Bathurst Street**

File # 18 176812 STE 19 0Z



City of Toronto By-law 569-2013  
Not to Scale  
07/29/2020



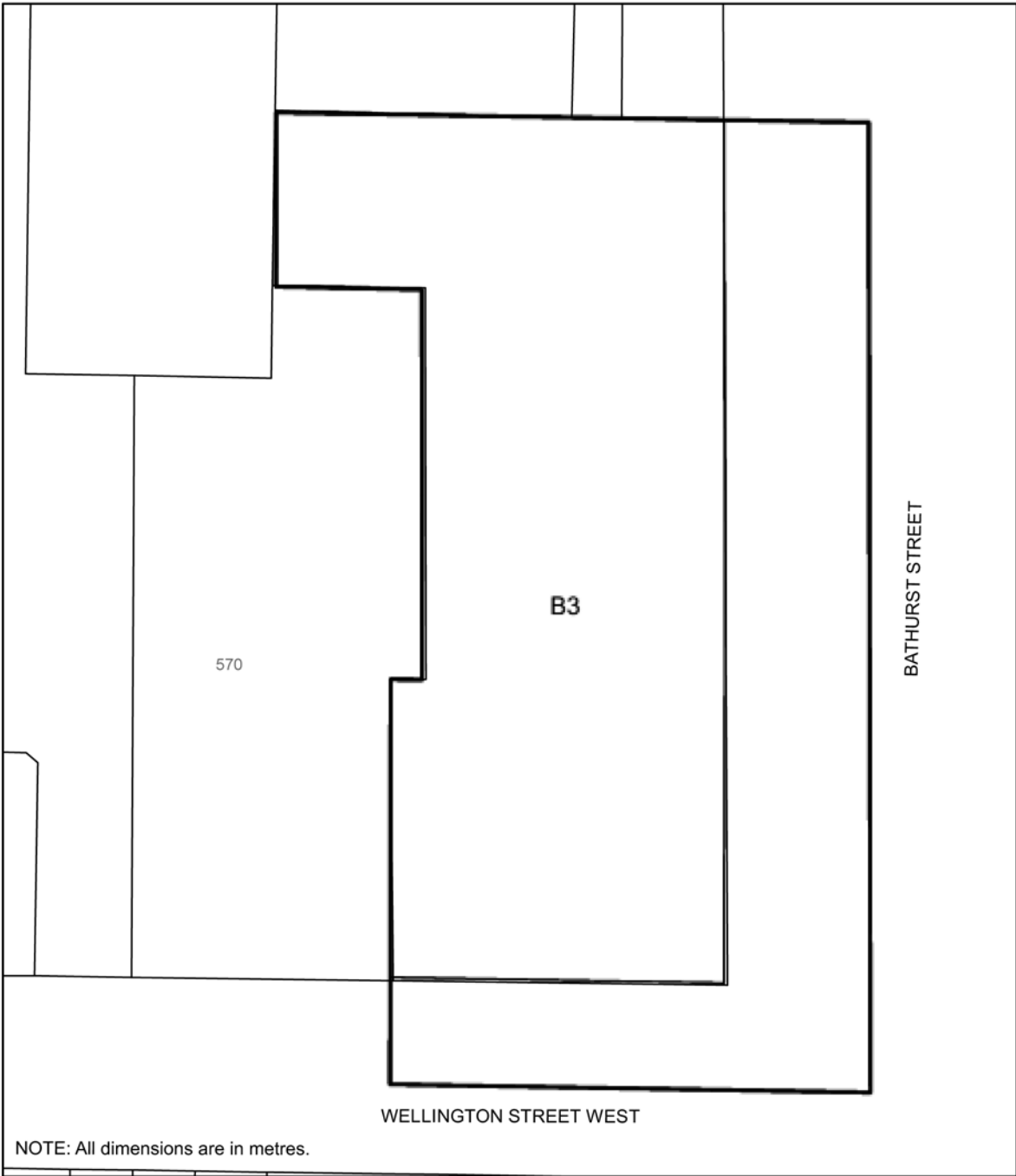
 **TORONTO**  
Diagram 5

**64-86 Bathurst Street**

File # 18 176812 STE 19 0Z



City of Toronto By-law 569-2013  
Not to Scale  
07/29/2020



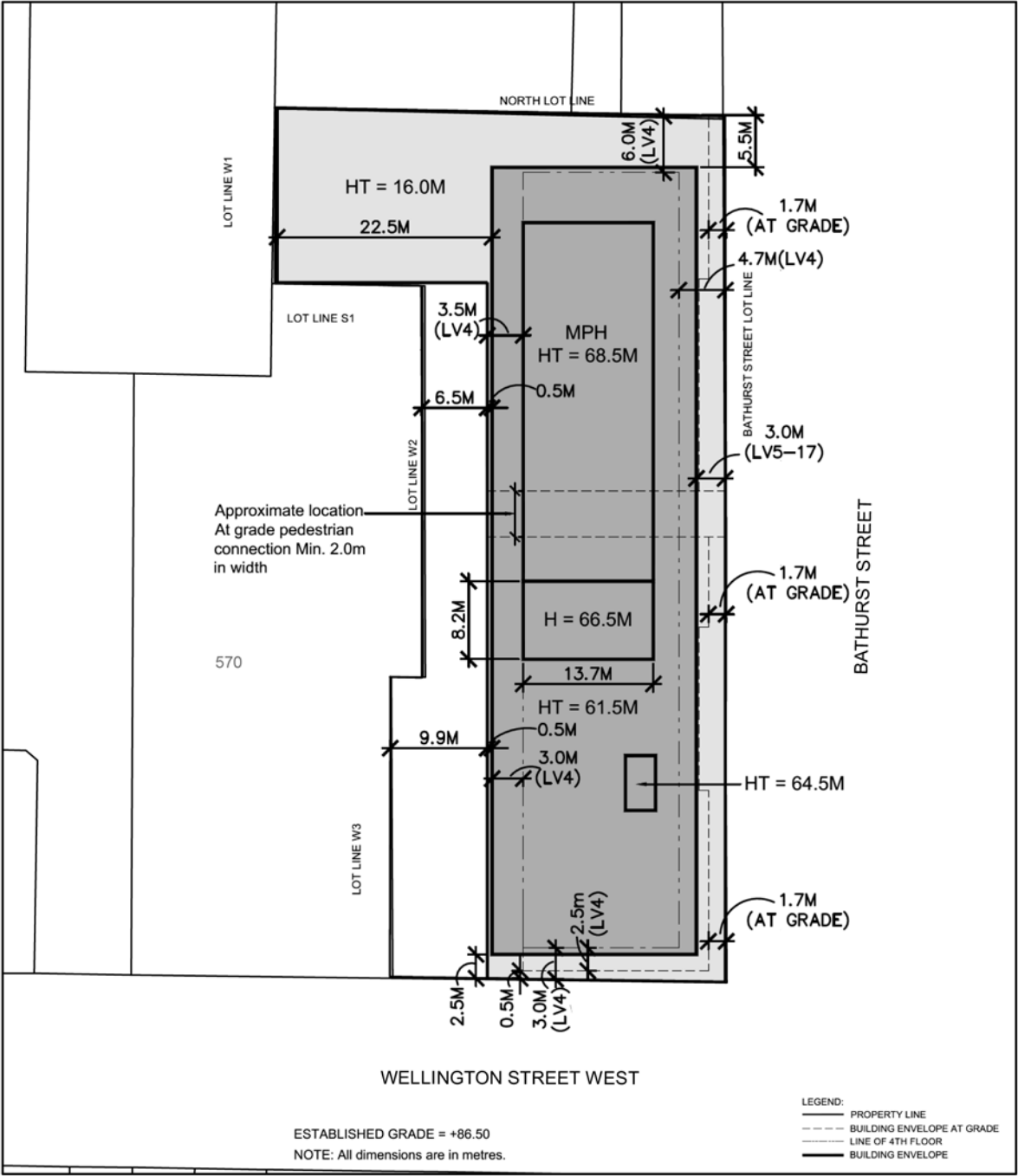
 **TORONTO**  
Diagram 6

**64-86 Bathurst Street**

File # 18 176812 STE 19 0Z



City of Toronto By-law 569-2013  
Not to Scale  
07/29/2020



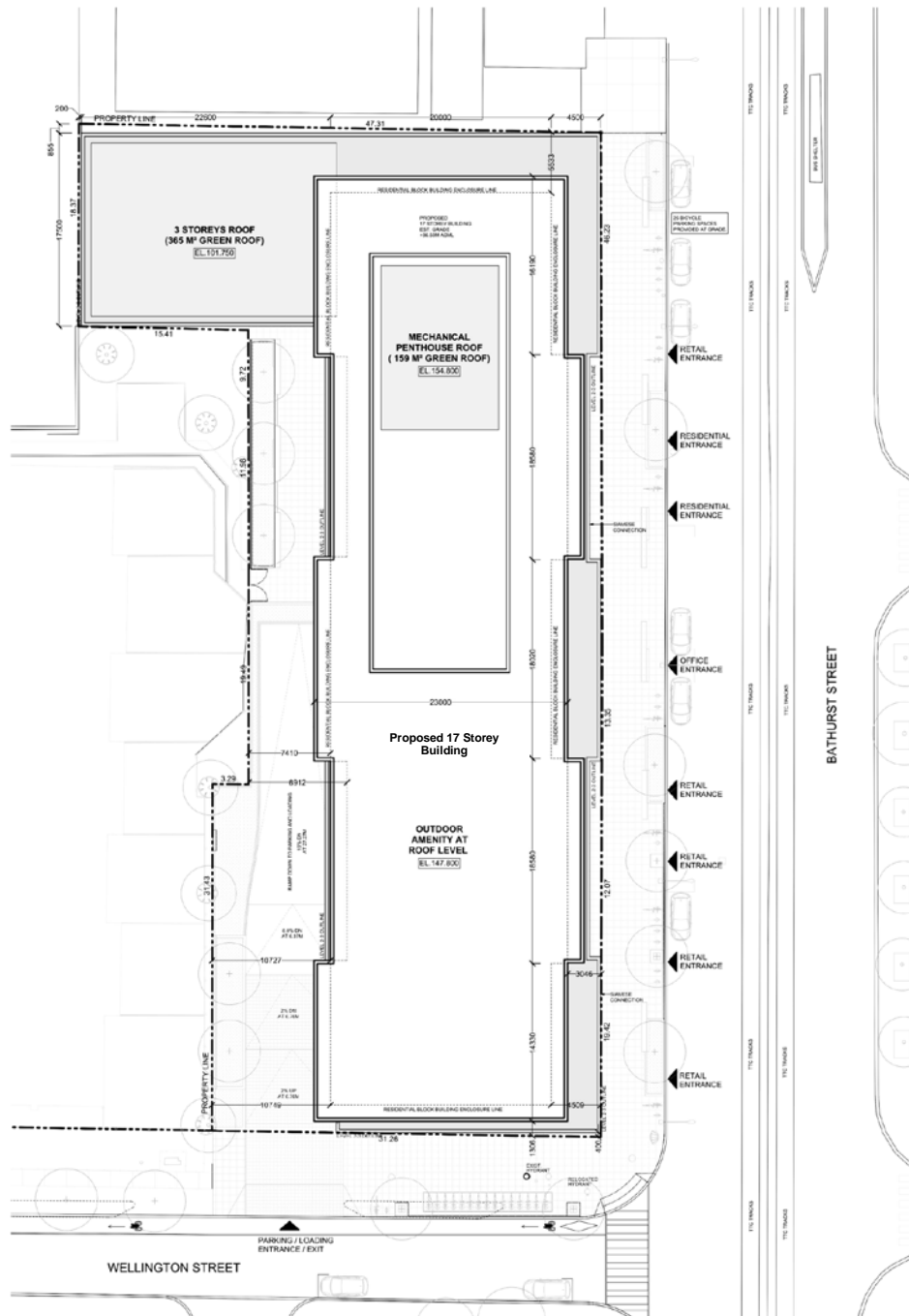
**SCHEDULE A**  
**Section 37 Provisions**

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 3 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 the issuance of the first above-grade building permit, a cash contribution of \$265,000 towards the provision of new rental housing units, to be directed to the Capital Revolving Fund for Affordable Housing, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor;
2. Prior to the issuance of the first above-grade building permit, a cash contribution of \$265,000 towards the Toronto Community Housing revolving capital fund for repairs to Toronto Community Housing properties in Ward 10, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor;
3. Prior to the issuance of first above-grade building permit, a cash contribution of \$1,060,000 towards community services and facilities in the vicinity of the site, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor;
4. Prior to the issuance of the first above-grade building permit, a cash contribution of \$1,060,000 towards streetscape and/or public realm improvements in the vicinity of the site, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor;
5. All cash contributions referred to in Recommendation 10 (A) to (D) shall be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of registration of the Section 37 Agreement to the date the payment is made;
6. In the event the contributions referred to in Recommendation 10 (A) to (D) have not been used for the intended purposes within three (3) years of the By-laws 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 Division, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in Ward 10;
7. Submission, and thereafter implementation, of a construction management plan by the owner of 64-86 Bathurst Street to address such matters as wind, noise, dust and street closures during construction. Such plan to be to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the ward Councillor and shall be completed prior to final Site Plan Approval.



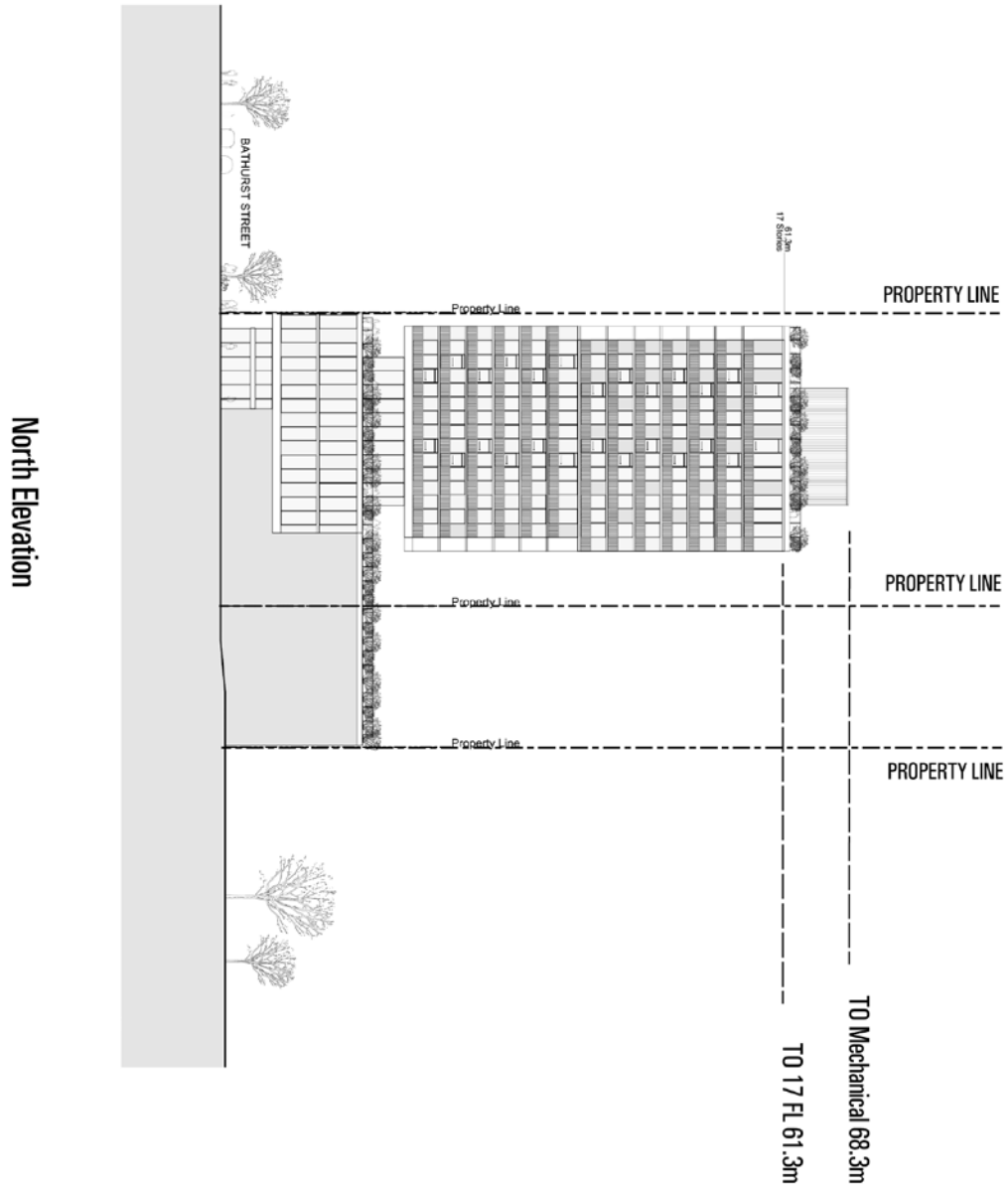
# Attachment 7: Site Plan



Site Plan

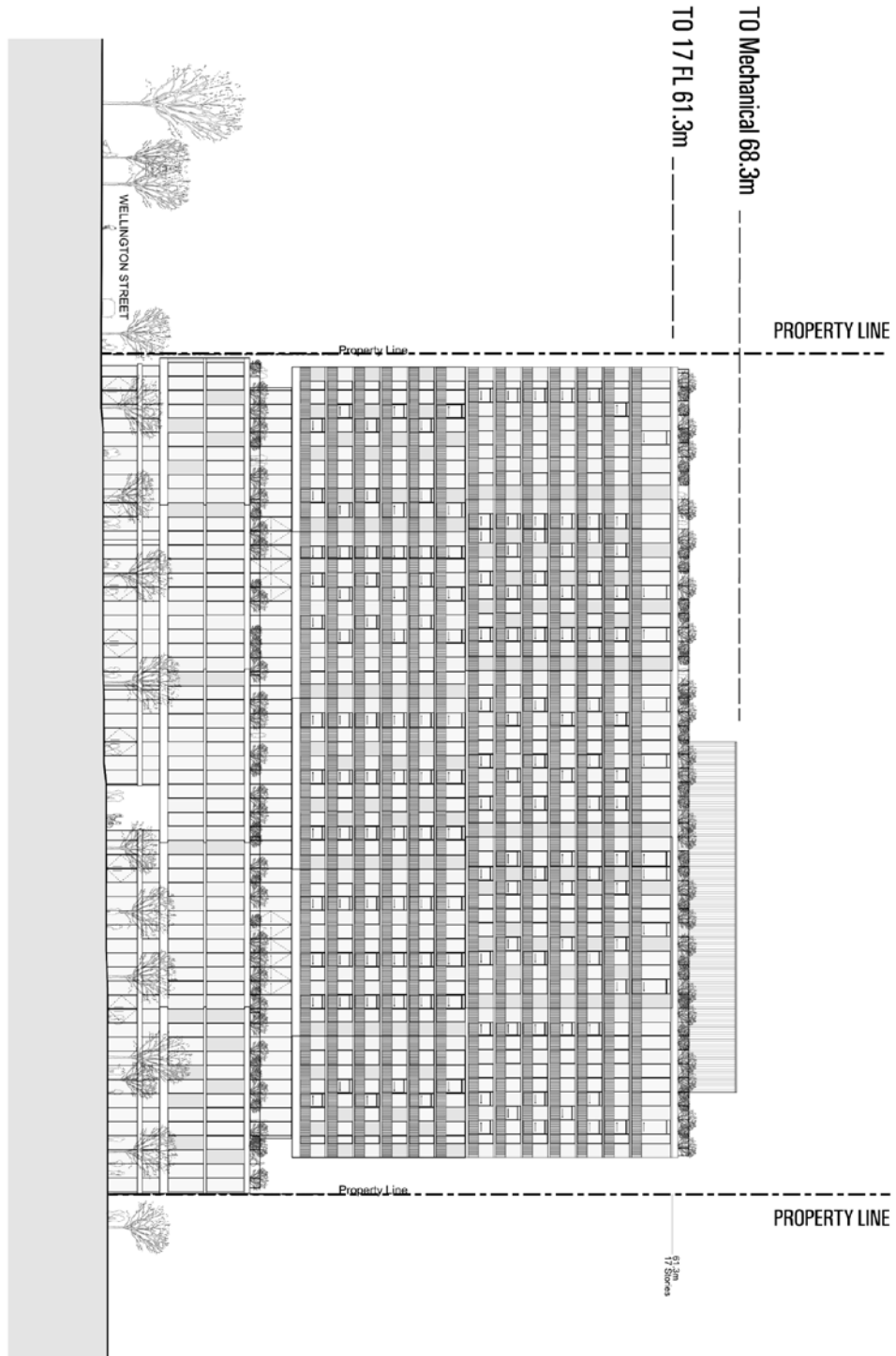


# Attachment 8: North Elevation

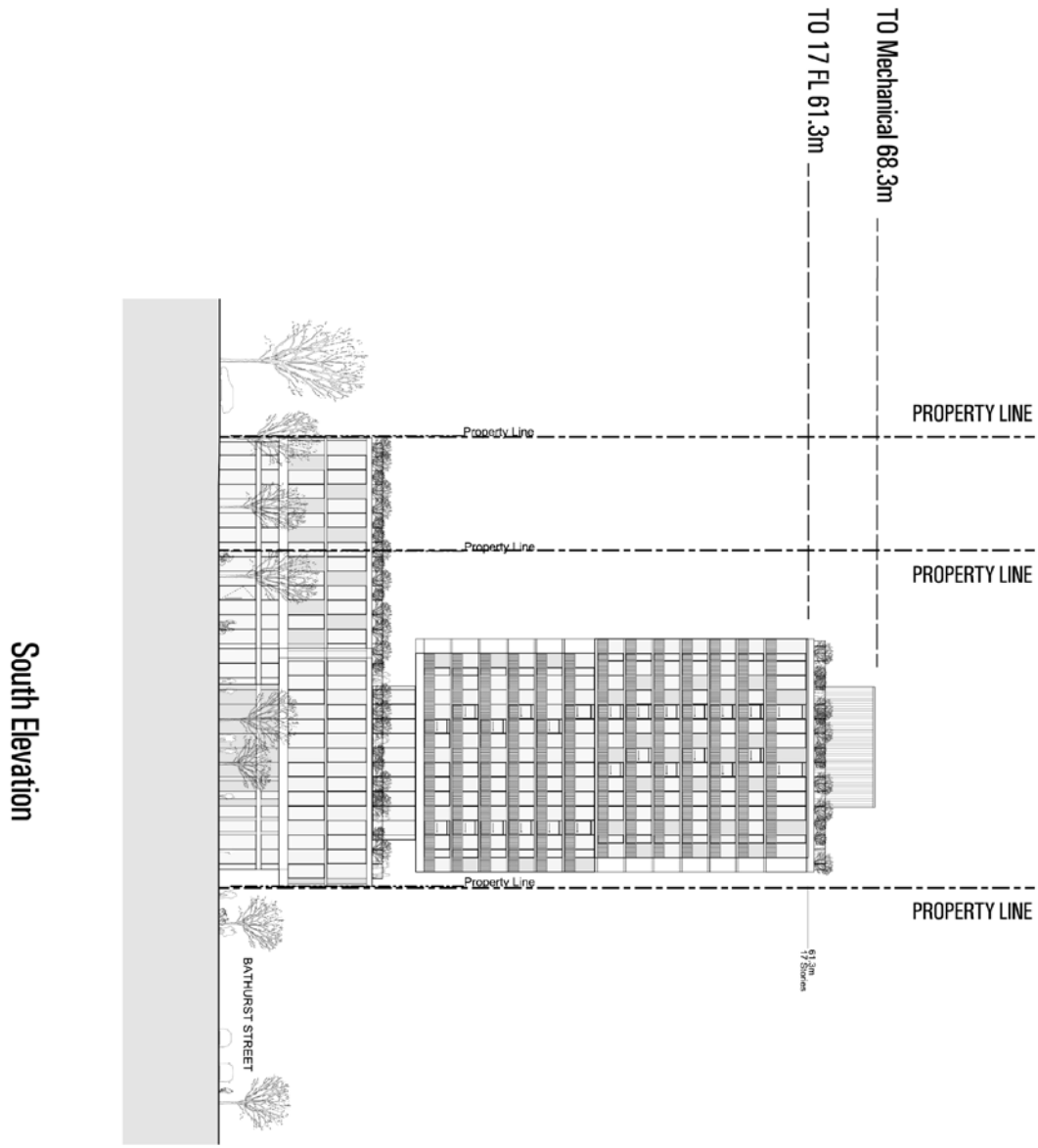


# Attachment 9: East Elevation

## East Elevation

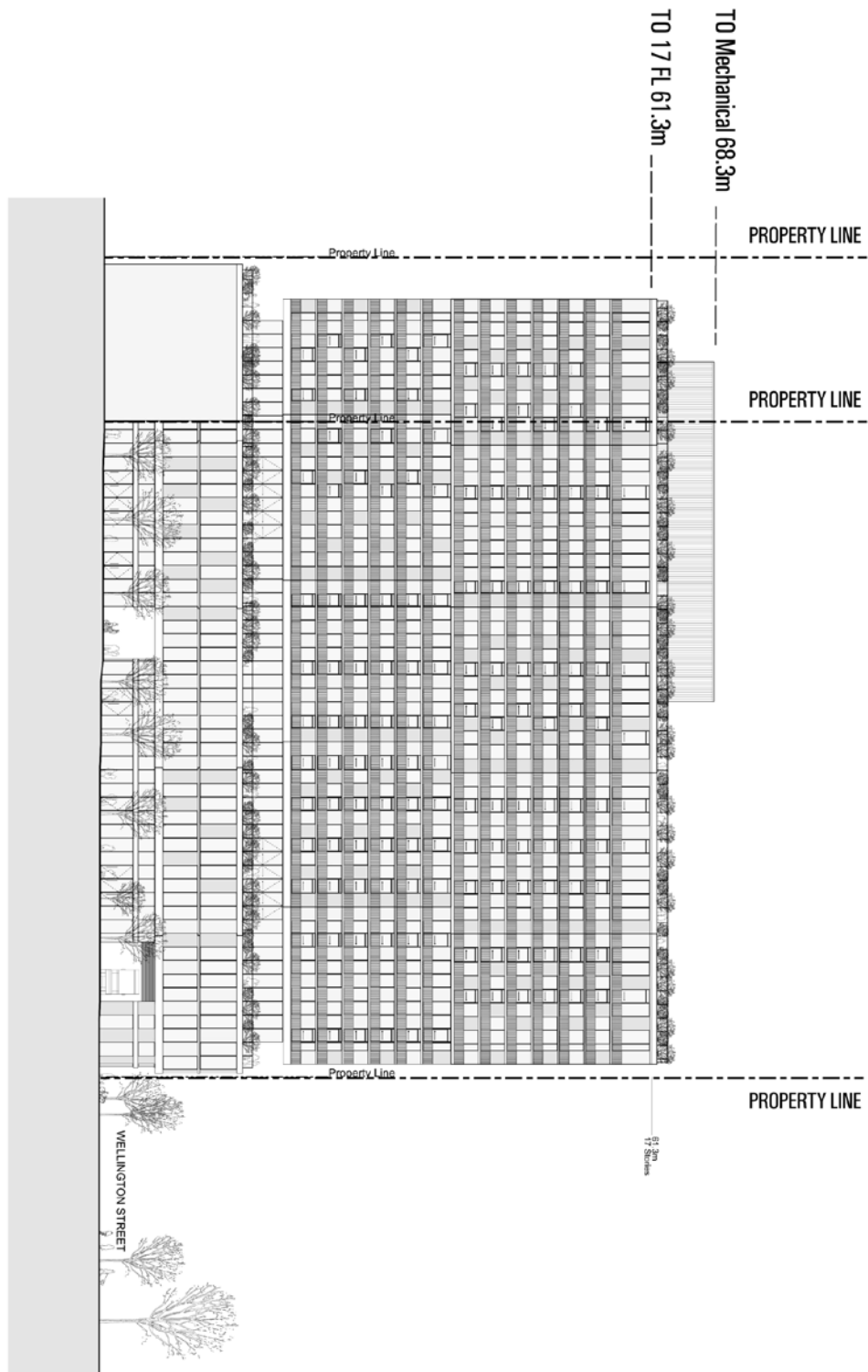


# Attachment 10: South Elevation

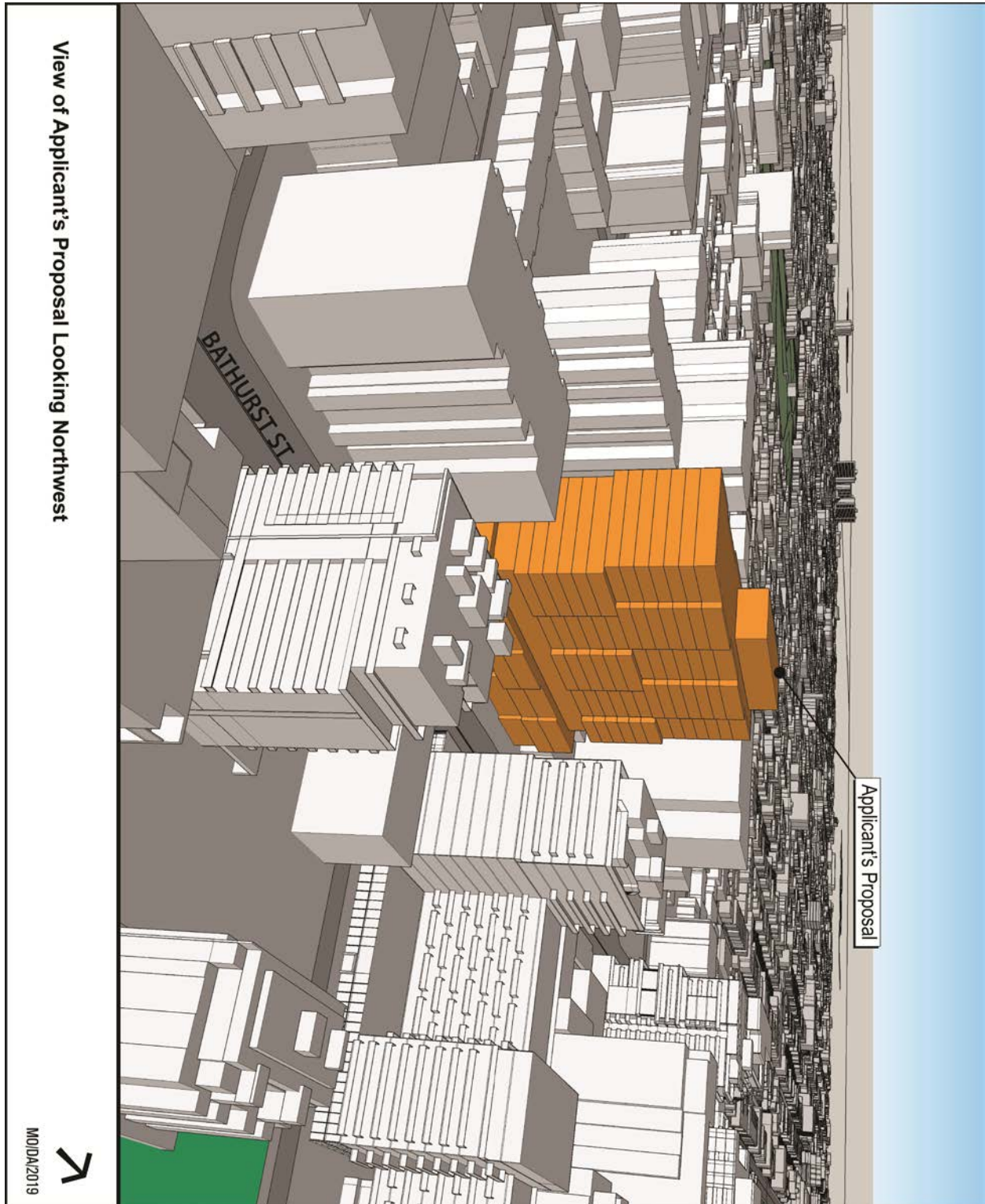


# Attachment 11: West Elevation

## West Elevation



# Attachment 12: 3D Model of Proposal in Context Looking Northwest



View of Applicant's Proposal Looking Northwest

Applicant's Proposal

MOIDA/2019

## Attachment 12: 3D Model of Proposal in Context Looking Southeast

