

1109 Bathurst Street and 246-248 Albany Road – Zoning Amendment Application – Preliminary Report

Date: August 24, 2020

To: Toronto and East York Community Council

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

Ward: 11 - University-Rosedale

Planning Application Number: 20 159922 STE 11 OZ

Date Application Deemed Complete: June 24, 2020

Current Uses on Site: A one-storey commercial building operating as a carwash at 1109 Bathurst Street, and a pair of semi-detached residential buildings at 246-248 Albany Road.

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application for a 9-storey commercial self-storage warehouse building located at 1109 Bathurst Street and 246-248 Albany Road. Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 1109 Bathurst Street and 246-248 Albany Road together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

FINANCIAL IMPACT

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.

CONSULTATION WITH APPLICANT

Pre-application meetings were held on December 13, 2018, July 16, 2019, November 25, 2019, and March 4, 2020. The focus of discussion at the meetings was the proposal's conformity with the Official Plan, proposed built form related to height, massing, scale, density, and public realm.

ISSUE BACKGROUND

Site Description

The site is comprised of three lots at 1109 Bathurst Street and 246-248 Albany Road. The assembled lots form a rectangular lot with a frontage of 30.48 metres on both Bathurst Street and Albany Road, and a depth of 61.09 metres abutting the Canadian Pacific (CP) Rail corridor to the north and the rear property lines the adjacent lots fronting Dupont Street. The area of the lot is approximately 1,864 square metres or 0.186 hectares.

Bathurst Street at this location, has a change of grade to pass under the CP Rail corridor in order to allow for vehicular clearance; however, the sidewalk elevation along Bathurst Street does not change across the site and continuing under the CP Rail corridor.

A concrete retaining wall runs across the north property line and the CP Rail corridor, with a chain link fence on top of the retaining wall.

Application Description

This application proposes a 9-storey commercial self-storage warehouse building with a height of 32.3 metres to the top of the elevator penthouse. The proposed total gross floor area is approximately 13,567 square metres, resulting in a density of 7.28 times the lot area. The ground floor will contain 89 square metres of administrative office space to support the operation of the self-storage warehouse.

A one-way 4.6 metre wide internalized driveway will extend from Bathurst Street to Albany Road, utilizing the existing Bathurst Street curb cut. The driveway will be in-bound only from Bathurst Street and out-bound only to Albany Avenue. This driveway will provide vehicular access to the 12 parking (including 1 accessible barrier free) and 2 Type 'B' loading spaces contained within the building. 4 short-term and 2 long-term bicycle parking spaces will also be provided.

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

See Attachment Nos. 1 - 5 of this report, for Location Map, a three dimensional representation of the project in context, location, Site Plan, and Application Data Sheet.

Application Submission Requirements

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

- Survey Plan;
- Architectural Plans, Elevations and Sections;
- Landscape Plans;
- Arborist Report and Tree Preservation Plan;
- Civil Plans;
- Sun/Shadow Study;
- Planning Rationale Report;
- Public Consultation Strategy Report;
- Archeological Assessment
- Pedestrian Wind Study;
- Urban Transportation Considerations Report;
- Functional Servicing and Stormwater Management Report;
- Hydrogeological Review Summary and Report;
- Noise and Vibration Impact Study;
- Derailment Protection Report and Derailment Protection Plan;
- Energy Modelling Report;
- Draft Zoning By-law Amendments;
- Toronto Green Development Standards Checklist; and
- Digital copy of the Building Massing Model.

All submission materials can be found at the following link: <https://aic.to/1109BathurstSt>

The application was deemed complete as of June 24, 2020.

Provincial Policy Statement and Provincial Plans

Land use planning in the Province of Ontario is a policy led system. Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2020) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) and, where applicable, the Greenbelt Plan (2017). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

Toronto Official Plan Policies and Planning Studies

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

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

The site is split designated, with the southern 10-metre portion of the site designated *Mixed Use Areas* and the northern 20-metre portion of the site designated *General Employment Areas* on Map 17 of the Official Plan.

The application is subject to Site and Area Specific Policy 212 which provides policies for land use, built form, transportation, streetscape, rail safety, noise and vibration, among other matters, for properties on the north side of Dupont Street between Kendall Avenue and Ossington Avenue. There is a height limit of 9-storeys for the portion of properties within the *Mixed Use Areas* designation.

The Downtown Plan

City Council adopted OPA 406 at its meeting on May 22-24, 2018. OPA 406 included amendments to the Downtown section of the Official Plan and Map 6 of the Official Plan and brought forward a new Secondary Plan for the entire Downtown area.

On August 9, 2018 the City's application under Section 26 of the Planning Act was sent to the Minister of Municipal Affairs and Housing for approval. The Ministry issued its decision regarding OPA 406 on June 5, 2019. Since this application was submitted on June 3, 2020, OPA 406, the new Downtown Secondary Plan, applies to this application.

The southern 10-metre portion of the site is designated Mixed Use Areas 3 - Main Street in the Downtown Plan. Development in Mixed Use Areas 3 will have will include buildings up to a mid-rise scale with good access to mid-day sunlight in the spring and fall to support a comfortable public realm.

Zoning By-laws

The site is subject to area specific Zoning By-law 1011-2014 which amended the former City of Toronto Zoning By-law 438-86. The site is designated Mixed Commercial Residential (MCR) for the 10-metre southern portion of the site and Industrial Commercial (IC D2) for the 20-metre northern portion of the site adjacent to the CP rail corridor. The MCR designation has a maximum permitted height of 9-storeys or 35 metres and the IC designation has a height limit of 18 metres.

The MCR designation permits a range of residential and non-residential uses including retail and office uses. The maximum density within the IC designation is 2.0 times the area of the lot. The IC designation permits a berm; storage warehouse; parking garage; loading spaces; open space; and any required rail safety, noise or vibration mitigation structures.

The site is not currently subject to Zoning By-law 569-2013.

Design Guidelines

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

- Dupont Street Regeneration Study Urban Design Guidelines; and,
- Mid-rise Buildings Guidelines 2010 & Addendum 2016.

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

Guidelines for Development Close to Rail Corridors and Yards

The Federation of Canadian Municipalities, in conjunction with the Railway Association of Canada, released the Guidelines for New Development in Proximity to Railway Operations (the "FCM Guidelines") in 2013. The guidelines have not been adopted by the Province of Ontario or Toronto City Council, however, they do provide guidance for planners and developers with respect to development in proximity to railways. These guidelines have also been taken into consideration in the City's study on rail adjacent development and the recommendations in the consultant's final report.

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application has been submitted (20 159926 STE 11 SA).

COMMENTS

Reasons for the Application

The application proposes to amend Zoning By-law 438-86, as amended, to permit a storage warehouse use, and to vary performance standards including: height, density, setbacks, loading, vehicular and bicycle parking. Additional amendments to the Zoning By-law will be identified as part of the application review.

ISSUES TO BE RESOLVED

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

Provincial Policies and Plans Consistency/Conformity

Staff will continue to evaluate this planning application for consistency with the PPS (2020) and conformity with the Growth Plan (2019).

Official Plan Conformity

Staff will continue to evaluate this planning application against the Official Plan to determine the application's conformity to the Official Plan.

Built Form, Planned and Built Context

Staff will continue to assess the suitability of the proposed height, massing, and other built form issues based on Provincial policies, the City's Official Plan, and Design Guidelines.

Staff will continue to assess:

- the proposed building's height, density, setbacks, massing, and materials, in relation to the area's existing built form character and scale;
- the proposed streetscape along Bathurst Street and Albany Road; and,
- the potential impacts associated with the proposed massing, including but not limited to privacy, wind, and incremental shadowing of nearby parks, and open spaces.

Sun, Shadow and Wind

The Official Plan requires development to limit shadowing on streets, properties and open spaces and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks to preserve their utility. It also requires new development to maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

Shadow studies were prepared in support of the proposal which show the extent of the shadow from the proposed building on March 21, June 21 and September 21. A Pedestrian Wind Study was also submitted.

Staff will evaluate:

- The potential for shadow impacts on nearby parks and open spaces, such as the Green Line, which is a planned linear park on the north side of the CP Rail corridor, and wind impacts of the proposed building on outdoor amenity spaces and adjacent sidewalks.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law). The applicant has submitted an Arborist Report and a Tree Inventory and Preservation Plan.

Staff will continue to assess:

- The applicant's tree replacement plan which proposes the removal of two privately-owned neighbouring trees having trunk diameters of 30 cm or greater to accommodate the development, and the appropriateness of cash-in-lieu of the replacement of the removed trees.

Infrastructure/Servicing Capacity

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

The applicant has submitted the following studies and reports which have been reviewed by Engineering and Construction Services staff: a Functional Servicing and Stormwater Management Report; Geotechnical Study, Hydrogeological Review Summary and Report; and Urban Transportation Considerations Report.

- Staff will review the Servicing Report provided by the applicant, to evaluate the effects of the development on the City's municipal servicing infrastructure and identify and provide the rationale for any new infrastructure and upgrades to existing infrastructure, necessary to provide adequate servicing to the proposed development.
- Staff will continue to assess the application to evaluate the effects of the development on the City's infrastructure, including the transportation system, and determine if improvements to the existing infrastructure are required.

Rail Safety and Mitigation

The site is adjacent to the CP railway corridor. The operation of rail corridors is under Federal jurisdiction, however, the City is responsible for land use decisions and development approvals on properties adjacent to rail corridors.

City Council has directed City Planning to require the submission of Derailment Safety Reports and Plans as part of any planning application for sites that abut a rail corridor. The Derailment Safety Reports and Plans are peer reviewed by a third-party railway safety consultant as well as CP Railway.

A Derailment Protection Report and Derailment Protection Plan have been submitted for review by CP Railway and a third-party peer reviewer on behalf of the City.

The following is being reviewed:

- The adequacy of the proposed derailment safety measures given the site's proximity to the CP railway;
- Mitigation measures to address any noise and vibration impacts on the proposal due to the site's proximity to the CP railway;

- Appropriateness of the proposed uses and built form within the 20 metres set back from the CP railway corridor with a vertical crash wall; and,
- Assessment of whether proposed uses within the 20 metres set back from the CP railway corridor are low-occupancy.

Archaeological Assessment

An archaeological resource assessment identifies and evaluates the presence of archaeological resources also known as archaeological sites. Whether a property has archaeological resource potential can be confirmed at the searchable database TO maps.

- The applicant has submitted a Stage 1 Archeological Assessment.
- Staff will continue to assess the Archeological Assessment to determine if there are archaeological resources on the site.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement.

- The applicant has submitted the required Toronto Green Standards Version 3 Checklist for Mid to High Rise Residential and all New Non-Residential Development.
- Staff will continue to assess the TGS Checklist submitted by the applicant for compliance with Tier 1 performance measures and work with the applicant to encourage compliance with Tier 2 or higher.

Section 37 Community Benefits

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

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

Other Matters

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

CONTACT

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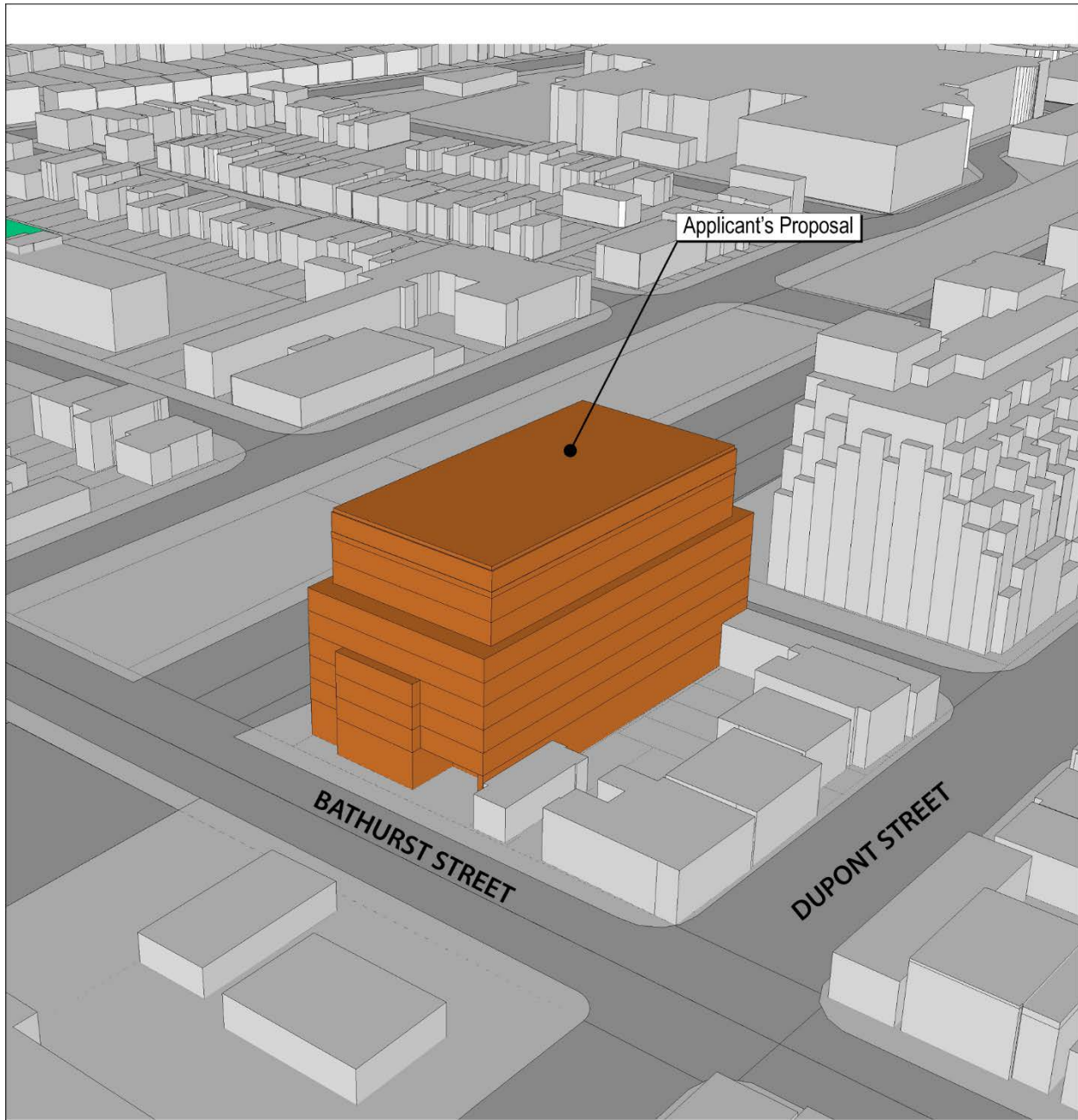
SIGNATURE

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

ATTACHMENTS

Attachment 1: 3D Model of Proposal in Context
Attachment 2: Location Map
Attachment 3: Site Plan
Attachment 4: Official Plan Map
Attachment 5: Application Data Sheet

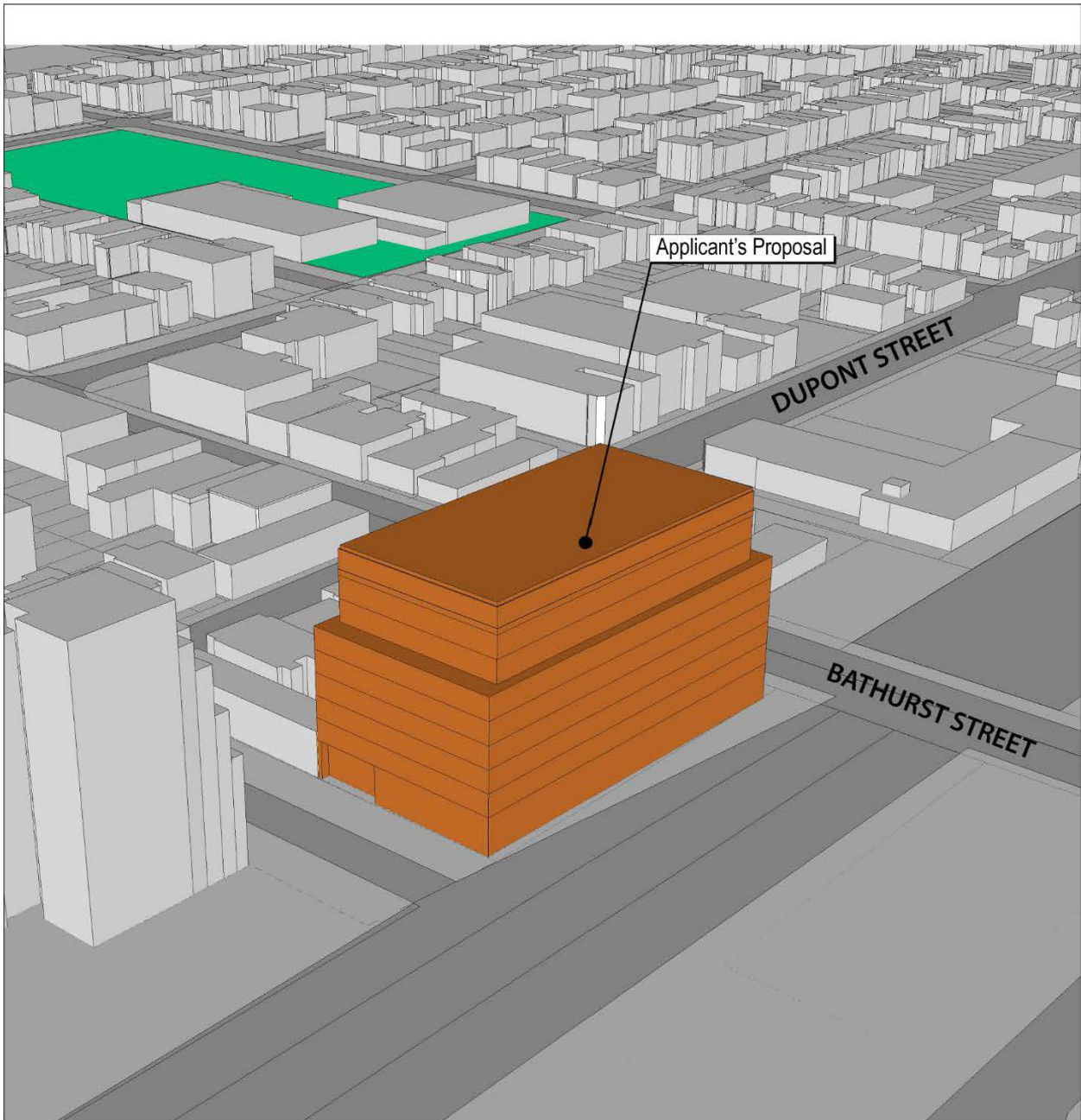
Attachment 1: 3D Model of Proposal in Context



View of Applicant's Proposal Looking Northeast



08/11/2020



View of Applicant's Proposal Looking Southwest

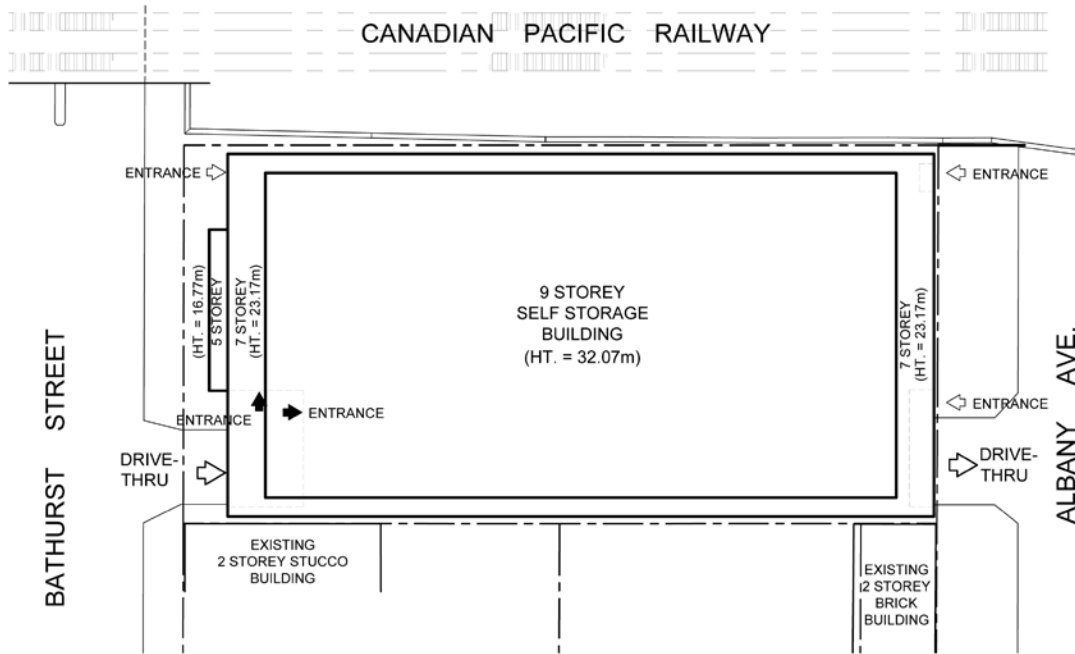


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Attachment 2: Location Map



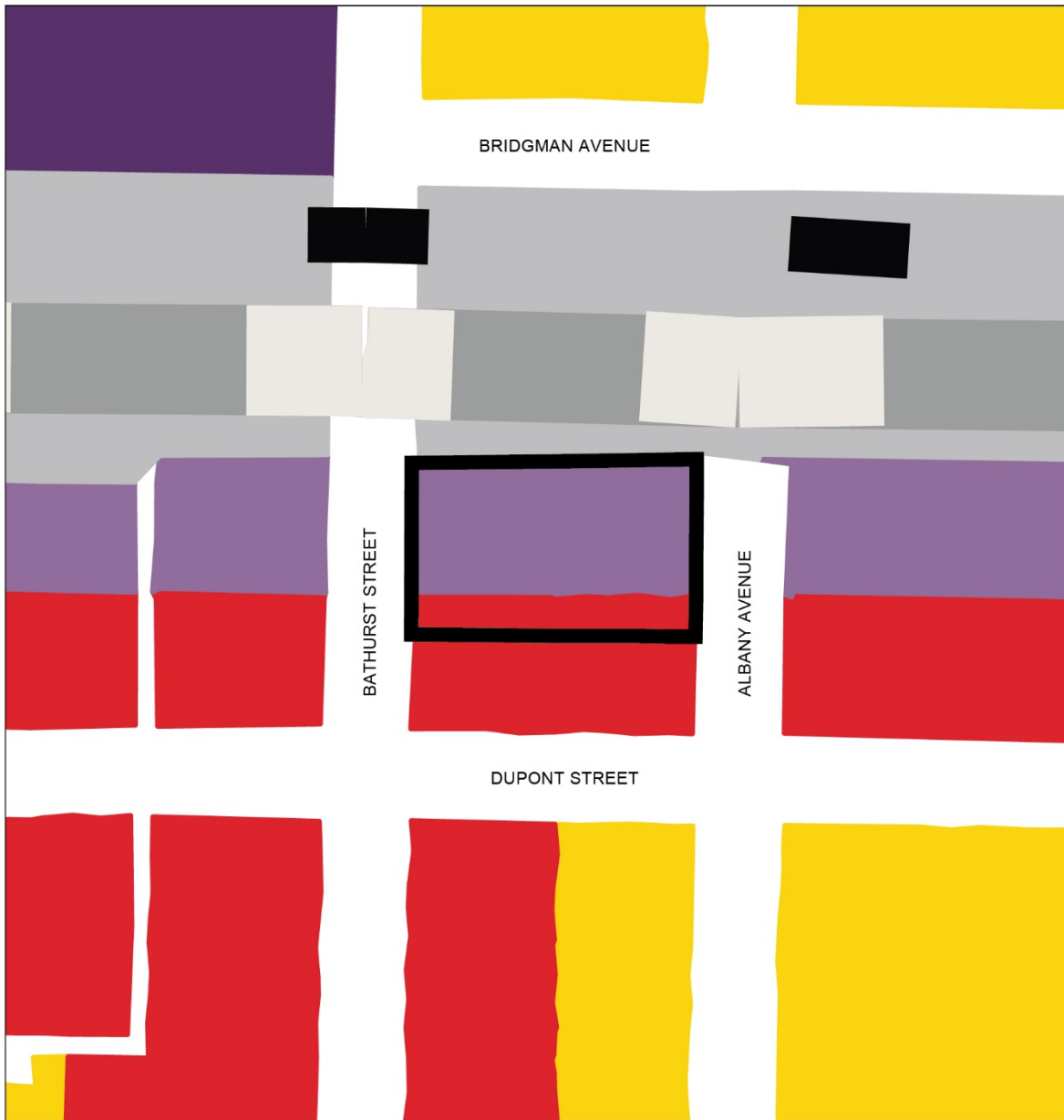
Attachment 3: Site Plan



Site Plan









Attachment 4: Official Plan Map



1109 Bathurst Street and 246-248 Albany Avenue

Official Plan Land Use Map #17

File # 20 159922 STE 11 OZ

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|---|---|--|
|  Location of Application |  Utility Corridors |  General Employment Areas |
|  Neighbourhoods |  Core Employment Areas | |
|  Mixed Use Areas | | |

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Not to Scale
08/12/2020

Attachment 5: Application Data Sheet

Municipal Address: 1109 Bathurst St and 246-248 Albany Rd
Date Received: June 24, 2020

Application Number: 20 159922 STE 11 OZ

Application Type: Rezoning

Project Description: A 9-storey non-residential building containing commercial self-storage uses. A total of 13,567 square metres of non-residential floor area is proposed.

Applicant	Agent	Architect	Owner
Bousfields Inc	Bousfields Inc	Paul Hastings Architect and Rich Brown & Associates Inc.	1701807 Ontario Limited

Existing Planning Controls

Official Plan Designation:	Mixed Use Areas and General Employment Areas	Site Specific Provision:	OPA 406, OPA 271 (SASP 212) and OPA 231
Zoning:	MCR and IC D2	Heritage Designation:	n/a
Height Limit (m):	35, 14	Site Plan Control Area:	Y

Project Information

Site Area (sq m): 1,864 Frontage (m): 31 Depth (m): 61

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):		0	1,634	1,634
Residential GFA (sq m):		0	n/a	n/a
Non-Residential GFA (sq m):		0	13,567	13,567
Total GFA (sq m):		0	13,567	13,567
Height - Storeys:	2	n/a	9	9
Height - Metres:		n/a	32	32

Lot Coverage Ratio (%): 87.65 Floor Space Index: 7.28

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	n/a	n/a
Retail GFA:	n/a	n/a
Office GFA:	89	n/a
Industrial GFA:	n/a	n/a
Institutional/Other GFA:	13,478	n/a

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	n/a	n/a	n/a	n/a
Freehold:	n/a	n/a	n/a	n/a
Condominium:	n/a	n/a	n/a	n/a
Other:	2	n/a	n/a	n/a
Total Units:	2	n/a	n/a	n/a

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:	n/a	n/a	n/a	n/a	n/a
Proposed:	n/a	n/a	n/a	n/a	n/a
Total Units:	n/a	n/a	n/a	n/a	n/a

Parking and Loading

Parking Spaces: 12 Bicycle Parking Spaces: 6 Loading Docks: 2

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