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Our File No. 158561

VIA EMAIL: [clerk@toronto.ca](mailto:clerk@toronto.ca)

Mayor John Tory and Members of Council  
City of Toronto  
100 Queen Street West  
Toronto, ON  
M5H 2N2

Attention: Councillor Josh Matlow

Dear Mayor Tory and Members of Council:

**Re: Council Agenda Item TE26.87 - 1467 Bathurst Street-Related Contamination Reporting Request**

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Please be advised that Aird & Berlis LLP has been retained by 490 St. Clair West Limited Partnership (the "Client") in respect of its mixed-use development at the North East corner of Bathurst Street and St. Clair Avenue West.

More specifically our Client's mixed-use development at 1467 Bathurst Street / 490 St. Clair Avenue West (490 St. Clair Ave W) is part of a multi-tower development for which a Zoning By-Law Amendment was recommended for approval by City staff in May 2020 following a comprehensive public planning process.

On July 29, 2020 City Council accepted the staff recommendation and adopted By-law 648-2020. With respect to the nature of the land use proposed, including residential and community uses the staff report (attached) concluded as follows:

**The application has been reviewed against the Official Plan, Site and Area Specific Policy 226, and planning frameworks as well as the policies of the Toronto Official Plan as a whole. Given the existing and the planned context for the subject property and the surrounding area, Planning staff are of the opinion that the proposed mix of residential and non-residential uses are appropriate for the site.**

**The proposed uses are permitted within the Mixed Use Areas of the Official Plan and in the MCR zone of both Zoning By-laws.**

**The development will create a balance of high quality residential, commercial and open space uses that meet the needs of the local community as anticipated in the Official Plan for Mixed Use Areas, the Tall Building Guidelines, and the St. Clair Avenue West and Bathurst Street Planning Framework. The new public park, fronting onto St. Clair Avenue West and Bathurst Street, will further contribute to a highly animated street by providing a new public open space adjacent to a mix of uses.**

The approval contained specific provisions to ensure the orderly development of the lands, including matters related to the environmental conditions of the site, be secured through the Site Plan Approval (SPA) process as is customary in the City of Toronto. Our Client was not involved in the above noted Zoning By-Law Amendment process, having just recently purchased the lands in May 2021.

Since our Client's purchase of the lands, they have engaged in productive and collaborative discussions with City Planning and Councillor Matlow's office. A Pre-Application Consultation (PAC) meeting was held with senior City staff on May 27, 2021 to initiate the SPA process, during which no environmental concerns were noted. Our Client also met with staff from Councillor Matlow's office prior to the PAC meeting to ensure the collective vision for the site is executed on in a manner that fits within the community context and meets the community's needs. Once again, no issues or concerns related to the environmental condition of the lands were raised by the Councillor's office during that meeting. Subsequent to that meeting, further positive communication has occurred and our Client has agreed to work with the City to schedule a community working group prior to a SPA submission. The SPA design will implement the approved ZBA and deliver important community benefits including a Parkland Dedication, POPS, Private Landscaped Open Space, Childcare Space, Community Agency Space and affordable housing units.

On June 21, 2021 our Client received correspondence from the Casa Loma Residents Association (CLRA) requesting environmental data and reports related to the site (attached). Our Client consulted with the prior owner Suncor, who are responsible for the remediation of petroleum hydrocarbons related to the site. Suncor's representatives provided a response via email on June 24, 2021 (attached which set out the status of the remediation work being undertaken, including in accordance with MECP requirements and providing information as to where publicly accessible reports could be obtained. A copy of that correspondence is provided here.

On June 22, 2021 Councillor Matlow's office responded indicating his support for the CLRA's request.

Our Client was surprised and disappointed to learn, a mere two (2) days later on the morning of June 24, 2021 that Toronto and East York Community Council had voted on the following motion:

The Toronto and East York Community Council recommends that:

1. City Council request relevant City staff to obtain from the current property owner of 1467 Bathurst Street (the site), the Ontario Ministry of the Environment, Conservation and Parks (MECP), and all relevant third parties (including without limitation past site owners and operators) all information in support of the Record of Site Condition filing for the site that Ontario Ministry of the Environment, Conservation and Parks (MECP) is reviewing and that such information be publicly disclosed where permitted.
2. City Council request that relevant City staff make available for public disclosure any report prepared following a peer review undertaken for the City in relation to the parkland dedication required for 1467 Bathurst Street.

3. City Council request that the Chief Building Official, Toronto Buildings not issue any conditional building permits that authorize construction, other than works required for environmental site remediation, at 1467 Bathurst Street (the site) prior to a Record of Site Condition for the site is acknowledged by the Ministry of the Environment, Conservation and Parks.

Our Client was given no notice that the motion was being tabled and therefore had no opportunity to provide any input or response to the motion, which we are now providing in this correspondence.

Firstly, we observe that the report accompanying the motion makes specific reference to the fact that City Legal had been consulted on the motion. We can only assume that City Legal would have confirmed that the Chief Building Official ("CBO") is independent of City Council and cannot be directed by Council. We note the wording of the motion is to "request" the CBO not issue certain permits. Notwithstanding this wording, it appears that the motion attempts to do indirectly what City Council cannot do directly, namely to interfere with the CBO's independent role in carrying out its duties pursuant to the *Ontario Building Code Act, 1992*.

Second, and as illustrated in the attached correspondence, and in the above summary of what has occurred to date, there is no need for this highly unusual and problematic motion. The material referenced in the motion is both publicly available and means to access it has already been communicated to the CLRA. What is more, materials filed with the City of Toronto as part of the SPA process, including the City's peer review of any environmental reports filed as part of that process, will also be part of the public record.

Our Client is in the early days of this significant development at this location which includes many community benefits as outlined above. Our Client's actions to date illustrate its commitment to working with the City and the community, including the CLRA and Councillor Matlow's office, to ensure the orderly development of these lands. That commitment includes ensuring the ongoing environmental work by Suncor proceeds transparently and in accordance with the legislative framework, including the SPA process and in consultation with City staff and the CBO.

Yours truly,

Aird & Berlis LLP



Eileen P. K. Costello  
EPKC/cg

Encl.



## REPORT FOR ACTION

# 1467 Bathurst Street – Zoning Amendment – Final Report

Date: May 28, 2020

To: Toronto and East York Community Council

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

Wards: 12 - Toronto-St. Paul's

**Planning Application Number:** 17 278700 STE 21 OZ

## SUMMARY

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This application proposes to amend the Zoning By-law to permit a mixed-use development with three towers and a new public park. The proposal consists of: a new 772 square metre public park at the intersection of St. Clair Avenue West and Bathurst Street; a 36-storey tower fronting onto Bathurst Street (Tower 1), a privately-owned publicly-accessible open space (POPS), and two 30-storey towers (Towers 2 and 3) joined by a 6 and 9-storey base building. A 464 square metre community agency space and a 513 square metre non-profit child care facility with a 192 square metre outdoor playground are proposed.

Proposed are 825 residential units, with approximately 2% of the units being affordable rental units. A total of 2,137 square metres of non-residential gross floor area, and 884 vehicle parking spaces are proposed including 575 residential and 309 non-residential parking spaces.

The proposal is consistent with the Provincial Policy Statement (2020), conforms with the Growth Plan for the Greater Golden Horseshoe (2019), conforms with all relevant policies of the Official Plan and Site and Area Specific Policy 226, and is consistent with the Tall Building Guidelines, and the St. Clair Avenue West and Bathurst Street Planning Framework. The proposed development conforms with the development criteria for *Mixed Use Areas* and fits within the existing and planned context.

This report reviews and recommends approval of the application to amend the Zoning By-law.

## RECOMMENDATIONS

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The City Planning Division recommends that:

1. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 1467 Bathurst Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to the report (May 28, 2020) from the Director, Community Planning, Toronto and East York District.
2. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. Before introducing the necessary Bills to Council for enactment, City Council direct that the owner be required to enter into an Agreement pursuant to Section 37 of the Planning Act, and any other necessary agreements, satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor, with such Agreement to be registered on title to the lands at 1467 Bathurst Street in a manner satisfactory to the City Solicitor to secure the following community benefits at the owner's expense, including:
  - a. the design, construction, and finishing of a non-profit licensed child care facility on the ground floor of the base building of Towers 2 and 3 (which may be relocated within the lands or lot during the term of the lease, subject to the approval of the Chief Planner and Executive Director, City Planning and the General Manager, Children's Services) to accommodate 49 children, including infants, toddlers and preschoolers, comprising of 513 square metres of interior space and a minimum of 192 square metres of exterior space adjacent to the interior space, including outdoor storage, and the provision for a child pick-up and drop-off area;
  - i. the entering into a lease agreement with the City for 99 years for the child care facility; and such facility shall be free of all rent, the cost of all utilities and municipal services supplied to the facility, caretaking costs (of the building common areas), repair and maintenance costs (excluding wear and tear), property damage, and local improvement charges;
  - ii. a letter of credit in the amount sufficient to guarantee 120% of the estimated cost of the design, construction and handover of the Child Care Centre complying with the specifications and requirements of the Section 37 Agreement, to the satisfaction of the General Manager of Children's Services and the Chief Financial Officer, will be provided to the City prior to the issuance of the first above grade building permit for non-residential uses to secure the child care facility pursuant to 3(a) above, with such child care facility to be made available to the City within 12 months of residential occupancy of the base building for Towers 2 and 3;
  - iii. a one-time cash contribution in the amount of \$90,000.00 to the Child Care Facility Replacement Reserve Fund to replace appliances and large

equipment due to wear and tear, to be paid prior to the child care facility being made available to the City;

iv. a one-time cash contribution in the amount of \$135,000.00 towards Start-Up Operating Costs for the defrayment of operational deficits during the first year of operation, to be paid prior to the child care facility being made available to the City;

v. a one-time cash contribution in the amount of \$150,000.00 towards toys, furnishing and equipment in accordance with provincial and municipal standards based on a mutually agreeable inventory list provided by the Child Care Centre Operator and/or the General Manager of Children's Services, which will be finalized and approved by the General Manager of Children's Services;

vi. one parking space will be provided free-of-charge for the use of the supervisor of the child care facility. A parking pass will be provided for officials conducting inspections of the child care facility. An appropriate pick-up/drop-off facility will be identified through the site plan approval process;

vii. all cash contributions shall be indexed upwardly in accordance with the Construction Price Index, calculated from the date of the Section 37 Agreement to the date of payment;

b. the design, construction, finishing and furnishing of a Community Agency Space a minimum of 465 square metres on the at-grade lobby and mezzanine level of Tower 1 [total = 419 square metres at mezzanine level + 45 square metres at lobby at-grade] at no cost to the City and provided in accordance with the City's Community Space Tenancy Policy and Base Building Conditions, with the terms and specifications to be finalized and secured in the Section 37 Agreement, all satisfactory to Executive Director, Corporate Real Estate Management, the Executive Director, Social Development, Finance and Administration, the Chief Planner and Executive Director, City Planning, and the City Solicitor;

i. the entering into a lease agreement with the City at no cost for 99 years for the Community Agency Space and such facility shall be free of all rent, caretaking costs (of the building common areas), repair and maintenance costs (excluding wear and tear), structural and servicing elements, property damage, and utilities for a period of (25) years;

ii. a letter of credit in the amount sufficient to guarantee 120% of the estimated cost of the design, construction and handover of the Community Agency Space complying with the specifications and requirements of the Section 37 Agreement, to the satisfaction of the Executive Director, Corporate Real Estate Management, the Executive Director, Social Development, Finance and Administration, the Chief Planner and Executive Director, City Planning, and the City Solicitor; will be provided to the City prior to the issuance of the first above grade building permit for non-

residential uses to secure the Community Agency Space pursuant to 3(b) above, with such Community Agency Space to be made available to the City within 12 months of residential occupancy of the Tower 1;

c. the provision and maintenance of at least sixteen (16) dwelling units as *affordable rental dwelling units* in the mixed-use building. The sixteen units will include at least six (6) one-bedroom units, eight (8) two-bedroom units and two (2) three-bedroom units. The *affordable rental dwelling units* shall be provided in contiguous groups of at least six (6) dwelling units. The general configuration and layout of the sixteen (16) *affordable rental dwelling units* shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

i. the owner shall provide and maintain the sixteen (16) *affordable rental dwelling units* as rental dwelling units for at least twenty-five (25) years, beginning with the date each such unit is first occupied. No *affordable rental dwelling unit* shall be registered as a condominium or any other form of ownership such as life lease or co-ownership which provide a right to exclusive possession of a dwelling unit, and no application for conversion for non-rental housing purposes, or application to demolish any *affordable rental dwelling unit* shall be made for at least twenty-five (25) years from the date of first occupancy. When the twenty-five (25) year period has expired, the owner shall continue to provide and maintain the *affordable rental dwelling units* as rental dwelling units, unless and until such time as the owner has applied for and obtained all approvals necessary to do otherwise;

ii. the owner shall provide and maintain the *affordable rental dwelling units* at *affordable rents* for at least fifteen (15) years, beginning with the date that each such unit is first occupied. During the first fifteen (15) years of occupancy, increases to initial rents charged to tenants occupying any of the *affordable rental dwelling units* shall be in accordance with the *Residential Tenancies Act* and shall not exceed the Provincial rent guideline.

d. tenants of the affordable rental dwelling units shall have access to all amenities, car parking, bicycle parking and visitor parking on the same terms and basis as all other residents of the building.

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

i. the owner shall provide, at its own expense, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, a minimum area of 640 square metres north of the new public park, between Towers 1 and 2, with a minimum 5.0 metre wide pedestrian clearway, as a Privately-Owned Publicly-Accessible Space (POPS) and shall provide to the City for nominal consideration POPS easements subject to public access easements for use of the POPS by members of the general public. Such easements to be conveyed to the City prior to the issuance of the Statement of Approval, and with the configuration and design to be determined to the

satisfaction of the Chief Planner and Executive Director, City Planning Division in the context of site plan approval. The owner shall, operate, maintain and repair the POPS and install and maintain signs, at its own expense, stating that members of the public shall be entitled to use the POPS at all times of the day and night, 365 days of the year. The owner shall have completed the construction of the POPS prior to the earlier of any new commercial or any residential use of the site;

ii. the owner shall provide, to the satisfaction of the Chief Planner and Executive Director, City Planning, a minimum area of 232 square metres and a minimum of 165 square metres to the east and west of the POPS respectively, as per 3(e)(i) as private landscaped outdoor space;

iii. the owner shall provide, prior to the earlier of Site Plan Approval or the issuance of any foundation permit, a more detailed Pedestrian Level Wind Study, including wind tunnel analysis report, to the satisfaction of the Chief Planner and Executive Director, City Planning, which identifies recommendations for the pedestrian realm, new public park, and the outdoor areas of the base buildings and outdoor amenity areas to mitigate wind impacts year-round, and the owner will implement and maintain in support of the development all recommended mitigation measures to the satisfaction of the Chief Planner and Executive Director, City Planning;

iv. the owner shall at its expense provide and maintain public access easements to the City for the following: a minimum 9.0 metre wide publicly-accessible pedestrian landscaped walkway on the north side of St. Clair Avenue West and a minimum 2.5 metre pedestrian clearway; a minimum 5.0 metre wide publicly-accessible pedestrian landscaped walkway on the east side of Bathurst Street and a minimum 2.1 metre pedestrian clearway; a minimum 5.0 metre wide publicly-accessible pedestrian landscaped walkway on the south side of the east-west private driveway to the north and a minimum 2.1 metre pedestrian clearway; and a publicly-accessible pedestrian walkway on the west side of the north-south private driveway to the east with a minimum 2.1 metre pedestrian clearway. Public access easements shall be conveyed to the City prior to the issuance of the Statement of Approval.

v. the owner shall at its expense provide and maintain an accessible, indoor, east-west publicly-accessible route, with knock out panel identified in Recommendation 3(vi) to facilitate a climate-controlled pedestrian connection to the TTC subway station, and provide public access easements, for nominal consideration, to the City, such easement to be conveyed to the City prior to the earlier of the issuance of any Site Plan Approval or the issuance of any foundation permit for the site, to accommodate linkages through the site for the publicly-accessible underground pedestrian network to the satisfaction of the Chief Planner and Executive Director, City Planning Division. Public access to the publicly-



accessible route would be granted at the time that the entire route connecting to the TTC subway station is secured;

vi. the owner shall at its expense provide a minimum of one knock-out panel along the P2 level of the east wall of the underground garage for potential future underground pedestrian network connection to the TTC subway station, to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

vii. the owner is required at its expense to secure, construct and maintain a below-grade publicly-accessible underground pedestrian tunnel, under the north-south private driveway to the east, from the knock out panel(s) at the east end of the site to the adjacent property further east (currently Joe Fresh), when the lands to the east of the north-south private driveway are redeveloped, to complete a climate-controlled pedestrian route from Bathurst Street and St. Clair Avenue West to the TTC subway station. The location, configuration and design will be determined in consultation with the City and the adjacent property owner east of the north-south private driveway. The construction of the tunnel would occur at the time when the entire publicly-accessible route connecting to the TTC subway station is secured;

viii. provide documentation demonstrating that there is an agreement with the adjacent property owner to provide a pedestrian tunnel below the north-south private driveway to the east, and necessary public easements to the satisfaction of the Chief Planner and Executive Director of the City Planning Division and the City Solicitor prior to Site Plan Approval or the issuance of any foundation permit;

ix. for greater certainty, and without limiting the generality of the foregoing the owner agrees that the provision of the pedestrian tunnel includes the following: the cost of designing, administering, and constructing pedestrian tunnel; the cost of constructing the publicly-accessible pedestrian pathway through the site and any associated loss of revenue in order to accommodate the publicly-accessible pedestrian pathway; the cost of appropriate wayfinding signage above and below grade indicating the pedestrian pathway; the cost of designing, administering and constructing any required relocation of existing utilities and municipal infrastructure; the cost of design and construction of sidewalks, curbs and roadways on completion of the tunnel, any cost of design by a third party as may be required; the cost of peer review of design, the cost of diversion of transit facilities as well as the costs associated with the implementation of any required traffic control measures during construction; and the cost of all engineering and professional services and related permits;

x. the owner shall construct and maintain the development of the Site in accordance with Tier 1 performance measures of the Toronto Green Standard, and the owner will be encouraged to achieve Toronto Green Standard, Tier 2 or higher, where appropriate;

xi. the owner shall provide a minimum of 10% three-bedroom units;

4. The owner shall provide a Construction Management Plan and Neighbourhood Communication Strategy, prior to the issuance of Site Plan Approval, to the satisfaction of the Chief Planner and Executive Director, City Planning Division in consultation with the General Manager of Transportation Services and the Ward Councillor;

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

6. City Council require that the conditions related to the conveyance of the required parkland dedication having an area of 772.58 square metres be satisfied prior to the issuance of the first above grade building permit for the lands, to the satisfaction of General Manager, Parks, Forestry and Recreation, the Director, Real Estate Services and the City Solicitor.

7. City Council direct the City Solicitor to secure such matters as outlined in the memorandum from Parks, Forestry and Recreation dated February 28, 2020, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor.

## **FINANCIAL IMPACT**

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

## **DECISION HISTORY**

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There has been a number of approved development proposals for the site starting in the early 1990s. The current zoning generally implements a development proposal approved by the City of York in 1991 and amended in 1992, 1996 and 1998 by the Ontario Municipal Board (OMB), and is split into two Zoning By-laws as the site spans the boundary of the former City of York and City of Toronto.

The approved 1991 development proposal was generally comprised of the subject site, and the Joe Fresh and Loblaws site as they exist today. It proposed a two-phased development with a number of mid-rise and tall buildings integrated on top of a 5-storey podium that covered the majority of the site. The development included affordable housing units specifically geared to seniors.

The 1996 OMB decision approved a revised plan and indicated changes were due to extensive negotiations, market changes, changes in provincial funding for affordable housing, and that the western parcel had returned to the ownership of the Basilian Fathers of St. Michael's College School (SMC). The revised proposal had similar elements to the original proposal.

The 1996 OMB decision approved Exception 333 to the former City of York Zoning By-law 1-83, amending the zoning category to "MCR" (Main Street Commercial Residential Zone) to the lands municipally known as 1467 Bathurst Street and 480 St. Clair Avenue West and included the subject site and the "Joe Fresh" site. Generally, the Zoning By-law allows a 7-storey building at the corner of Bathurst Street, followed by two 25-storey towers (no metric height limit) integrated atop a 7-storey base building that covers the site, and a 2-storey building further east.

A 1998 OMB decision amended former City of Toronto By-law 438-86. Zoning By-law 358-1998 (OMB) applies to the lands then municipally known as 354, 370 and 480 St. Clair Avenue West. These lands comprise a 17-metre deep "strip" of land along the north side of St. Clair Avenue West. Generally, the Zoning By-law is divided into an east and west parcel and reflects the previous approvals.

## CONSULTATION WITH APPLICANT

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A pre-application meeting was held on July 24, 2017. The focus of discussion at the meetings was the proposal's conformity with the Official Plan, Site and Area Specific Policy 226 and compatibility with the existing planning framework for the area.

The Zoning By-law Amendment application was submitted on December 22, 2017 and deemed complete on February 2, 2018.

After the submission of the application, consultation meetings with the applicant were held throughout 2018, 2019, and 2020 to discuss concerns and resolve issues identified during the review of the application.

## SITE AND SURROUNDING AREA

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The site is located at the northeast corner of St. Clair Avenue West and Bathurst Street. Approximately half of the site is currently being used as a surface parking lot for St. Michael's College School (SMC), and the other half is vacant land. Previously the site was occupied by a gas station and car wash. There is a retaining wall along St. Clair Avenue West frontage resulting in a substandard sidewalk width.

The site is approximately 7,726 square metres in size and is roughly rectangular in shape with approximately 175 metres of frontage along St. Clair Avenue West and 66 metres of depth along Bathurst Street. The site has a change in grade of approximately 2 metres from the highest point at the northeast corner of the site to the lowest point at the southwest corner of the site.

Uses and structures near the site include:

**North:** of the subject site is an east-west private driveway used to access SMC's main entrance and parking lot. To the north of the driveway is the SMC campus consisting of connecting 2-3 storeys institutional buildings including a theatre and arena, and fenced open spaces. Further north, along Tichester Road are a mix of high-rise apartment buildings and Tichester Park on the south side and 4-storey walk-up apartments on the north side. A secondary entrance to the TTC St Clair West subway station is located on the north side of Tichester Road adjacent to the entrance to the Cedarvale Ravine.

**South:** of the subject site is a recently constructed 23-storey mixed-use building at the southeast corner of St. Clair Avenue West and Bathurst Street. Further east is a 3-storey walk up apartment building, Wells Hill Park, a low-rise neighbourhood and the Nordheimer Ravine. Further south is the Wychwood Public Library. On the southwest corner of St. Clair Avenue West and Bathurst Street is a 3-storey medical office building with retail stores at the ground level. Further southwest is a 23-storey apartment building that sits on top of a large one-storey base building with a number of retail and commercial units.

The dedicated streetcar right-of-way traverses St. Clair Avenue West from Yonge Street (east) to Keele Street/Gunns Road (west) with station stops adjacent to the site.

**East:** of the subject site is a north-south private driveway used to access SMC's main entrance and parking lot. East of the driveway is a one-storey retail store ("Joe Fresh") and a ground-level and above-grade parking lot. Further east is a driveway with a pedestrian bridge above. East of the driveway is the Loblaws grocery store and pedestrian entrance to the TTC's St. Clair West subway station and the streetcar transfer platform. At the end of the block is the Parish Hall and Holy Rosary Church and School. The neighbourhood further east consists of a mix of mid-rise and high-rise apartment buildings with large open spaces.

**West:** of Bathurst Street, on the north side of St. Clair Avenue West are two towers at 23 and 19 storeys and a series of 2 to 3-storey mixed use buildings. North along Bathurst Street is a 4-storey office building, an 18-storey residential tower, a 12-storey residential building, and a series of 4 to 6-storey apartment buildings.

See Attachment 2 for the Location Map.

## PROPOSAL

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This application proposes to amend the Zoning By-law to permit a mixed-use development with three towers and a new public park. The proposal consists of: a new 772 square metre public park at the intersection of St. Clair Avenue West and Bathurst Street; a 36-storey tower fronting onto Bathurst Street (Tower 1), a privately-owned publicly-accessible open space (POPS), and two 30-storey towers (Towers 2 and 3) joined by a 6 and 9-storey base building. A 464 square metre community agency space and a 513 square metre non-profit child care facility with a 192 square metre outdoor playground are proposed.

### *Public Park*

The new public park is proposed at the southwest corner of the site fronting onto St. Clair Avenue West and Bathurst Street. It will be approximately 772 square metres in size, rectangular in shape and approximately 40 metres in length and 19 metres in depth.

### *Tower 1*

Tower 1 is located on the west portion of the site nearest to the intersection of St. Clair Avenue West and Bathurst Street, and fronts onto Bathurst Street to the north of the new park. Tower 1 is 36-storeys or 126.5 metres to the top of the mechanical penthouse and has a floor plate of approximately 773 square metres. The building will have retail uses at the ground floor that front onto the proposed park and a residential lobby fronting onto Bathurst Street.

The ground floor of Tower 1 is set back between 3.6 and 5.7 metres from the west lot line, approximately 7.5 metres from the north lot line, and 5.3 metres from the new public park. Above the ground floor, the tower cantilevers to the north and south, and is set back

between 0.5 and 1.2 metres from the north lot line and 4.2 metres from the new public park. Tower 1 has a tower separation of 24.4 metres from Tower 2 to the east. A canopy will project between 3.0 and 3.6 metres around the east, south and west sides of the building above the ground floor as a wind mitigation measure.

#### *Community Agency Space*

A City-owned community agency space is proposed in Tower 1 with an area of approximately 464 square metres, located on the mezzanine level and accessed from Bathurst Street.

#### *Open Space and Public Realm*

To the east of Tower 1 and the new public park is a proposed POPS, which is designed as a pedestrian mid-block connection from St. Clair Avenue West to the private driveway to the north and SMC. It is approximately 40.0 metres in length with a minimum width of 17 metres, including a 5-metre wide pedestrian clearway. Both retail and residential units including the residential lobby for Tower 2 front onto the POPS. The POPS will also connect to a below-grade pedestrian pathway extending to the east property line, which in the future can connect to the St. Clair West subway station.

A 9-metre wide sidewalk along St Clair Avenue West is proposed, including a 2.5 metre pedestrian clearway. Along Bathurst Street and along the east-west private driveway to the north, the proposed sidewalks are approximately 5.0 metres in width, including minimum 2.1 metre pedestrian clearways. To the east, on the west side of the north-south private driveway, the sidewalk is a minimum of 2.5 metres in width with a minimum 2.1 metre pedestrian clearway.

#### *Towers 2 and 3 and Base Building*

Towers 2 and 3 are each 30-storeys or 106.3 metres to the top of the mechanical penthouse. Towers 2 and 3 have a separation distance of 23.5 metres. The towers will be connected by a U-shaped base building that varies from 6-storeys (21-metres) beneath Tower 2, to 9-storeys (31 metres) beneath Tower 3 along St. Clair Avenue West and 2-storeys (6.6 metres) in between Towers 2 and 3 at the rear along the private east-west driveway to the north. Towers 2 and 3 have floor plates of approximately 753 and 782 square metres, respectively.

At the ground floor, the west portion of base building is set back a minimum of 2.3 metres from the new public park, 10.5 metres from the north lot line, and 5.3 metres from the south lot line. The east portion of the base building is set back approximately 10.1 metres from the north lot line, 5.3 metres from the south lot line, and between 5.0 and 8.0 metres from the east property line.

Above the second floor, the base building cantilevers to the north and south, with setbacks of 3.0 and 5.1 metres from the north and south lot lines, respectively, on the east portion, and 3.9 and 5.1 metres from the north and south lot lines, respectively, on the west portion.

The base building will have retail uses on the ground floor that front onto St. Clair Avenue West, and the new public park and POPS to the west. The residential lobby for Tower 2

and grade-related dwelling units will front onto the POPS. The residential lobby for Tower 3 is located on the east portion of the base building and fronts onto St. Clair Avenue West and the private driveway to the east of the site.

The ground floor also includes accessible public access to the P2 parking level where a pedestrian pathway is proposed to lead to a future underground concourse that will eventually connect to the TTC's St. Clair West subway station. The applicant has agreed to construct and maintain a tunnel at a future date, which will run underneath the private driveway and connect to the property to the east.

Above the 6th floor of the base building, Tower 2 steps back 9.0 metres from the north, 6.0 metres from the south, and 3.0 metres from the east and west. Tower 2 is set back approximately 12.0 metres from the north lot line, and 11.1 metres from the south lot line.

Tower 3 is setback 5.4 metres from the north lot line, 18.6 metres from the south lot line and varies in setback from the east lot line from 7.7 metres on the south side to 6.4 metres on the north side. It has a 1.5 metre, 14.8 metre, 3.0 and 3.0 metre, stepback above the 9th storey from the north, south, west and east sides of the base building, respectively.

#### *Non-Profit Child Care Facility*

A 513 square metre City-owned non-profit child care facility and associated 192 square metre outdoor playground is proposed on the ground floor of the Tower 2 and 3 base building with the entrance to the facility accessed from the east-west private driveway.

#### *Amenity Space*

The amenity space required for the proposal is spread across all three towers and residents from each tower will have access to all amenity spaces. The combined indoor and outdoor amenity space is 3,300 square metres or 4.0 square metres per unit.

The roof level at the 36th storey of Tower 1 will contain a large indoor amenity space approximately 292 square metres in size that is contiguous with two separate outdoor amenity spaces that are 97 square metres and 193 square metres.

The base building for Towers 2 and 3 contains 622 square metres of interior amenity on the second floor that is contiguous with a 312 square metre outdoor amenity space that faces north. The fourth floor of the base building has a 313 square metres indoor amenity space proposed.

Amenity space is also proposed on the 9th floors of Towers 2 and 3 which include separate indoor amenity spaces that open up to a shared outdoor amenity terrace (approximately 747 square metres) with views to the south. The 15th floor of Tower 2 has a 154 square metre outdoor amenity space and the 30th floor of Tower 3 consists of two indoor amenity spaces and a 140 square metres outdoor amenity space.

#### *Parking and Loading*

The 5-level underground parking garage is located underneath the entire site, save and except for the new public park. It will be accessed from the north-south private driveway on the east side of the site, and will contain a total of 884 parking spaces including 575

residential and 309 non-residential parking spaces. SMC will require 110 spaces for their exclusive use. The Child Care Facility and Community Agency Space will require 2 spaces and 1 space, respectively, to be provided free-of-charge. A total of 10 accessible spaces and 2 car share spaces are provided. Loading spaces for the entire site will be provided in the base building of Towers 2 and 3 and will be accessed from the north-south private driveway.

#### *Proposal Statistics*

The proposal includes a total of 2,137 square metres of non-residential gross floor area and 825 dwelling units (of which 16 are affordable rental housing units). The total density for the site is 10.66 times the area of the lot. The unit mix is as follows: 291 one-bedroom (35%), 418 two-bedroom (51%), and 116 three-bedroom (14%).

The following chart provides further details regarding floor area for the proposed development:

Table No. 1: Proposal Statistics

	Residential Units	Gross Floor Area (square metres)			
		Residential	Non-Residential		
			Retail	Daycare	Community Centre
Tower 1	305	26,045.8	446	N/A	465
Base building	155	21,541.5	675	513	N/A
Tower 2	197	16,884.0	N/A	N/A	N/A
Tower 3	168	16,580.4	N/A	N/A	N/A
TOTAL	825	81,904	1,121	513	465

See Attachment 1 for Application Data Sheet, Attachment 7 for the Context Plan, Attachment 8 for the Site Plan, and Attachment 9-12 for the elevations.

#### **History of Revisions to Proposal**

The proposal was revised twice since the original submission on December 22, 2017. Plans were revised and resubmitted on November 26, 2019 and February 20, 2020.

The following chart provides a comparison of the statistics of the original proposal, the 2nd submission, and the 3rd submission (current proposal).

Table No. 2: Revised Submission Comparison



Statistics	1st Submission	2nd Submission	3rd Submission (Current Plan)
Residential Floor Area (square metres)	82,215	80,873	80,254
Non-residential Floor Area (square metres)	2,264	1,561	2,137
Total GFA (square metres)	84,479	82,434	82,391
Number of Units	944	866	825
Affordable Housing units (%)	0%	0%	2%
Unit Mix (%)			
1-bedroom	578 (61%)	314 (36%)	291 (35%)
2-bedroom	265 (28%)	453 (52%)	418 (51%)
3-bedroom	101 (11%)	99 (11%)	116 (14%)
Number of Towers	3	3	3
Max Height	3 x 30-storeys (103.5 m)	2 x 30-storeys (106.3 m) and 35-storeys (126.5 m)	2 x 30-storeys (106.3 m) and 36-storeys (126.5 m)
Vehicle Parking Spaces	531	901	851
Non-Profit Child Care Facility	No	Yes (650 square metres)	Yes (513 square metres)
Community Agency Space	No	No	Yes (465 square metres)
Public Park (square metres)	831	772.5	772.5
POPS	No	Yes	Yes
9.0 metre sidewalk on St. Clair Avenue West	No	Yes	Yes
Underground pathway to future TTC subway connection	No	Yes	Yes

### Reasons for Application

The application proposes three mixed-use towers with heights of 36, 30, and 30 storeys (126.5 metres, 106.3 metres, and 106.3 metres including mechanical penthouse), and a density of 10.66 times the area of the lot. The overall proposed height and density exceeds the previous approval for two 25-storey towers (over a larger site) with a 7-storey base building covering the site, a density of 4.0 times the area of the lot and a maximum of 570 residential units, among other matters.

### APPLICATION BACKGROUND

## **Application Submission Requirements**

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

- Survey Plan;
- Architectural Plans, Elevations, Sections;
- Landscape Plans;
- Sun/Shadow Study;
- Arborist Report;
- Energy Efficiency Report;
- Community Services and Facilities Study;
- Draft Zoning By-law Amendments;
- Hydrogeological Report;
- Pedestrian Level Wind Study;
- Planning Rationale;
- Public Consultation Strategy Report;
- Functional Servicing and Stormwater Management Report;
- Toronto Green Standard Checklist;
- Transportation Impact Study;
- Phase One and Phase Two Environmental Site Assessments.

All submission materials can be found at the following link:

<http://app.toronto.ca/AIC/index.do?folderRsn=TSB1AL78XqnAYTFsTVrbAw%3D%3D>

## **Agency Circulation Outcomes**

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards.

## **Statutory Public Meeting Comments**

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

## **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 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

### **Provincial Plans**

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

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

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

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

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

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

## Toronto Official Plan

This application has been reviewed against the policies of the City of Toronto Official Plan and Site and Area Specific Policy 226, as follows:

The Official Plan locates the subject site on an *Avenue*, as shown on Map 2, the Urban Structure map of the Official Plan, and designates it as *Mixed Use Areas*, as shown on Map 17.

Policy 2.2(2) directs growth to the *Downtown, Centres, Avenues, and Employment Areas* in order to efficiently use existing infrastructure, create a concentration of jobs and people in areas well served by transit, and facilitate cultural and economic activity.

The *Avenues* are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents (Policy 2.2.3).

The *Mixed Use Areas* designation in the Official Plan provides for a broad range of commercial, residential and institutional uses, in single or mixed-use buildings, as well as parks and open spaces and utilities. Development in *Mixed Use Areas* is subject to a number of development criteria. In *Mixed Use Areas*, developments will: locate and mass new buildings to provide a transition between areas of different development intensity and scale; provide appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*; locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods* particularly during the spring and fall equinoxes; provide good site access and circulation and an adequate supply of parking for residents and visitors; provide an attractive, comfortable and safe pedestrian environment; locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

The Built Form policies in the Official Plan (3.1.2) state that new development will be located and organized to fit with its existing and/or planned context. The Built Form Tall Building Policies (3.1.3) state that tall buildings come with larger civic responsibilities and obligations than other buildings. To ensure that tall buildings fit within their existing and/or planned context and limit local impacts, built form principles will be applied to the location and design of tall buildings. Proposals will demonstrate how the building and site design will contribute to and reinforce the overall City structure and relate to the existing and/or planned context.

Section 5.6 provides guidance as to the understanding and interpretation of the Official Plan. Policy 1 indicates the Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making. Further, Section 1.5 – "How to Read the Plan" indicates the Official Plan is a comprehensive and cohesive whole. This proposal has been reviewed against the policies described above as well as the policies of the Official Plan as a whole.

See Attachment No. 3: Official Plan Land Use Map.

### **Site and Area Specific Policy 226 - Land Bounded by St. Clair Avenue West, Bathurst Street and Tichester Road**

This Site and Area Specific Policy states that educational, commercial retail and apartment residential uses are permitted and provides public realm and built form criteria for development. Specifically, the SASP states that development will provide for:

- a pedestrian walkway and landscape features to establish a physical link between the Nordheimer and Cedarvale Ravines and a mid-block pedestrian connection between Tichester Road and St. Clair Avenue West;
- expansion of Tichester Park south to gain full frontage on any new east-west street in the development connection with Bathurst Street;
- direct and attractive grade related pedestrian links from Bathurst Street to the St. Clair West subway station; and
- a retail component along St. Clair Avenue West that frames the street and encourages pedestrian activity.

The application has been reviewed against the Official Plan policies described above as well as the policies of the Official Plan as a whole.

### **Zoning**

The site is bisected by two different Zoning By-laws: former City of Toronto By-law 438-86 and former City of York By-law 1-83.

Former City of Toronto By-law 438-86 applies to a strip of land approximately 17 metre in depth along the north side of St. Clair Avenue West. This portion of the site is zoned Mixed Commercial Residential - MCR T3.0 C2.0 R2.0 which permits a mix of residential and non-residential uses with a total density of 3.0 times the lot area.

The rear portion of the site is subject to the OMB approved Exception # 333 which amends the former City of York By-law 1-83 and is zoned Main Street Commercial Residential - MCR. Exception # 333 permits: a building north-east of Bathurst Street and St. Clair Avenue West with a maximum height of 7-storeys; continuing east, two 25-storey (no metric heights) towers on top of 7-storey base building; and further east, a 2-storey building. One of the 25-storey towers and the 2-storey building is located outside the property line of the subject application.

An overall maximum density of 4 times the lot area and a maximum residential GFA of 74,500 square metres is permitted. A maximum of 570 residential units are permitted, of which 25% shall be "affordable housing units".

See Attachment No. 4: Existing Zoning By-Law Map

### **St. Clair Avenue West and Bathurst Street Planning Framework**

City Council adopted the St. Clair Avenue West and Bathurst Street Planning Framework on July 16, 2019. The Planning Framework applies to an area that extends out from the St. Clair Avenue West and Bathurst Street intersection generally between Vaughan Road and Walmer Road. To the south this generally includes the triangle bounded by Bathurst Street and Vaughan Road and to the north the study area extends to Tichester Road with a portion extending further northwest of Bathurst Street. The Planning Framework is founded on a vision, goals and principles for the pedestrian environment and future redevelopment in the defined character areas.

The Planning Framework envisions the public realm in the St. Clair Avenue West and Bathurst Street area as a well-connected network that expands with new developments and improves access to parks, ravines, POPS and other open spaces. It includes a Public Realm Network Plan that will ensure that the green, landscaped character of the entire area is maintained and enhanced, and that a high-quality public realm and streetscape is created to improve the vitality and quality of life in the area.

The subject site is located in Character Area D - Station District. The Station District will be transformed into a vibrant area with *Mixed-Use*, *Apartment Neighbourhood* and *Park* land uses centered around a transit station area. Intensification within the Station District will occur in a diverse range of building typologies and scales. It will function as a community node consisting of a mix of residential, office, institutional, and cultural uses.

The *Mixed-Use* designated part of the Station District will contain the buildings with the greatest heights and densities of the entire Planning Framework boundary. This area will consist of transit supportive development in a compact urban form and a mix of uses.

The Station District will contain a number of pedestrian and public realm improvements. The intent is to contribute to place-making, liveability, active transportation, and resiliency within this Character Area.

New development, including infill development within the Station District will:

- A. Ensure that a cluster of landmark tall buildings, with a mix of uses, that are distinctive in form and detail, mark the St. Clair Avenue West and Bathurst Street intersection and along St. Clair Avenue West;
- B. Consist of the tallest buildings in the entire Planning Framework Area which will be located on the corners of the St. Clair Avenue West and Bathurst Street intersection and on St. Clair Avenue West on top of the subway station entrance;
- C. Transition down in height and massing to other adjacent Character Areas with lower heights and densities;
- D. Be strategically placed to allow for the implementation of the Public Realm Network Plan which contains numerous Special Features which will define the Station District;

E. Provide built form within *Apartment Neighbourhoods* that is at a scale and form of intensification which is less than in the *Mixed-Use* areas and transitions down to *Neighbourhoods*;

F. Conserve and respect the heritage attributes of listed buildings;

G. Ensure access to sunlight on school play areas during school hours;

H. Reduce, consolidate and eliminate existing vehicular curb cuts, limiting the introduction of new curb cuts and designing adjacent buildings, structures and open spaces to promote visibility at driveways and laneway intersections in order to reduce the impact of vehicular, loading and servicing activities on the public realm;

I. Co-ordinate and share access and servicing areas between properties where possible;

J. Mitigate the impact of wind on the public realm through measures including but not limited to building orientation and massing, base buildings, canopies or weather protection, natural features such as trees, and structures such as public art or at-grade screens;

K. Frame POPS, parks and other open spaces with retail and other uses in order to create vibrant public spaces that encourage public life;

L. Include space within buildings to accommodate new community services or facilities including a community centre and a daycare;

M. Provide a well-lit, accessible, visible, and well-designed entrance and connection to the underground pedestrian concourse that contains retail or other active uses wherever possible as indicated on Public Realm Maps 1 and 2; and,

N. Provide 9.0 metre wide sidewalks along St. Clair Avenue West.

The Planning Framework includes a Public Realm Network Plan that sets out a comprehensive and shared vision for the public realm in the Planning Framework Area and establishes a path to achieving an expanded, connected and improved public realm system.

The Public Realm Network Plan consists of two maps that identify and illustrate "General Features" and "Special Features".

The "General Features" form the foundation of the network and are found on Public Realm Network Map 1. General Features help achieve the area-wide public realm objectives. The subject site has the following General Features: an east-west mid-block connection from Bathurst Street to Tweedsmuir Avenue; opportunity for a park or POPS along St. Clair Avenue West; opportunity for an underground pedestrian connection to the TTC station; main street sidewalks along St. Clair Avenue West; and a green boulevard along Bathurst Street.



The Public Realm Network Map 2 identifies seven "Special Features" which build upon the General Features. The Special Features are intended and needed to: improve movement, connectivity, accessibility, comfort, and safety for pedestrians; provide essential green landscaped linkages between open spaces; and create vibrant, animated and equitable spaces where people of the community can gather and interact.

The subject site has the following Special Features: Station District Connector B from Bathurst Street to Tweedsmuir Avenue; Station District Parks and POPS; Station District Sidewalks (9.0 metres) along St. Clair Avenue West; and Station District Pedestrian Concourse.

## **Design Guidelines**

### **Bathurst-St. Clair Design Guidelines**

The Bathurst - St. Clair Design Guidelines correspond to the Site and Area Specific Policy 226 and provide guidelines for public realm, massing and site organization for the lands generally bound by St. Clair Avenue West, Bathurst Street, Tichester Road, and Tweedsmuir Avenue.

The Guidelines have general area design references and certain site-specific provisions. This includes a network of open spaces and pedestrian linkages, existing and new streets and two residential towers of approximately 25-storeys in height including a 7-storey podium along St. Clair Avenue West.

### **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>.

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

On July 4, 2017 City Council directed City Planning staff to use these draft Guidelines in the evaluation of new and under review multi-unit residential development proposals. The Guidelines direct how new development can better function for larger households at three scales: the unit, the building and the neighbourhood.

The link to the draft Growing Up Guidelines is here:

<https://www.toronto.ca/citygovernment/planning-development/planning-studies-initiatives/growing-up-planning-forchildren-in-new-vertical-communities/>

## **Site Plan Control**

The application is subject to Site Plan Control. A Site Plan Control application has not been submitted.

## **COMMUNITY CONSULTATION**

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An initial community meeting was held on March 7, 2018 and attended by approximately 80 members of the public. At the meeting City staff and the applicant's team gave presentations on the site and surrounding area, the planning framework, and the original proposal. The attendees expressed a number of concerns including the height and density of the original proposal, traffic generated by the development adding to existing congestion, lack of green space, and the need for community space and facilities.

Subsequent to the initial community meeting, a community steering committee was formed and four meetings were scheduled over the summer of 2018. At each meeting the following topics were discussed with the applicant's design team: public realm, built form, transportation and community services.

The applicant presented revised plans to the steering committee on November 13, 2019. Committee members expressed overall support for the revised proposal. Outstanding concerns included lack of affordable housing, potential worsening of existing traffic congestion and a lack of a community centre or community space.

A final community meeting occurred on December 4, 2019 which 74 residents attended. At the meeting City staff and the applicant's team gave presentations on the site and surrounding area, the new planning framework endorsed by Council in July 2019, and the revised proposal. Round table discussions were conducted so that attendees could engage in conversations regarding what they liked about the proposal and any remaining concerns or issues with the revised design.

A majority of tables responded that the revised proposal was an improvement from the original application and elements of the proposal such as the 9.0 metre sidewalk along St. Clair Avenue West, the POPS, the proposed daycare and public park were significant enhancements to the proposal. The significant building setbacks, increase in open space allowing for significant tree planting, landscaping, seating and retail patios were all cited as desirable elements of the proposal. The ground floor retail spaces were received positively and viewed as a necessary element to make the open spaces animated and lively.

Some tables responded that the proposed heights and massing fit in with the local context of the area, while others still wanted a reduction of tower heights. Much of the objection to the proposed heights was related to the associated number of vehicles that would be entering and exiting the site. Many residents felt that the existing traffic congestion would be exacerbated due to the proposal.

Other concerns included:

- lack of a community centre or space (specifically for seniors)
- lack of affordable housing units
- wind impact on the public realm

- traffic related to site circulation (deliveries, taxis, daycare drop of etc.)
- traffic related to the TTC bus stops
- size of retail spaces (smaller stores preferred)
- impact on local infrastructure
- on-site soil contamination and remediation plans
- sustainability and near-net zero buildings - Toronto Green Standard Tier 2 and 3

Planning staff reviewed the above comments with the applicant and further revisions were made to the proposal to address some of the outstanding concerns including the provisions of a community space, affordable housing units and a potential new TTC bus bay as well as multiple lay-bys for drop off/pick up and deliveries on both private driveway, and a large canopy above the ground floor on Tower 1 and wind screens at some building corners to mitigate wind impact.

## **COMMENTS**

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Staff are recommending Zoning By-law amendments for the site that represent good planning. The existing Site Specific Zoning By-law applies to an area larger than the subject site and permits a 7-storey base building, two 25-storey towers with provisions for a mid-block connection, retail along St. Clair Avenue West and pedestrian connections to the St. Clair West subway station.

Through the development review process the applicant improved the proposal by: significantly increasing the amount of open space by relocating the public park, introducing a POPS that connects to the park and acts as a mid-block connection and increasing sidewalk widths around the entire site; introducing a non-profit child care facility and community agency space; providing 16 affordable housing units; and providing an interior pedestrian pathway to a future connection to the St. Clair West subway.

### **Planning Act**

It is staff's opinion that the proposed development has regard for the relevant matters of provincial interest, including: the orderly development of safe and healthy communities; the adequate provision of a full range of housing; the appropriate location of growth and development; the supply, efficient use and conservation of energy and water; the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems; and the promotion of a built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

These provincial interests are further articulated through the PPS (2020) and the Growth Plan (2019).

## **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 (2020) and conforms with the Growth Plan (2019).

The proposal is consistent with the PPS (2020). The proposed intensification and redevelopment can be accommodated, subject to the recommendations in this report in securing the appropriate upgrades/improvements, as necessary, to public infrastructure and securing appropriate community benefits to accommodate the increased density on the site (Policy 1.1.3.3). The intensification will meet appropriate development standards (Policy 1.1.3.4) discussed further in this report.

The PPS requires provisions to be made for an appropriate range of housing types and densities to meet projected requirements of current and future residents. The PPS states that healthy, livable and safe communities are 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. The proposal to provide a mix of residential, including affordable housing units, retail space and community services such as a non-profit child care facility and a community agency space, is consistent with accommodating a mix of uses to meet long-term needs.

Policy 1.5.1 (b) of the PPS indicates that healthy, active communities should be promoted by "planning and providing for a full range of equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas...". The proposal provides an on-site parkland dedication which connects to and expands an existing and planned network of parks and open spaces, which is encouraged through the St. Clair Avenue West and Bathurst Street Planning Framework.

In regard to efficient use of infrastructure and transportation systems, the proposal is located in close proximity to St. Clair Avenue West subway station including the transfer station for St. Clair Avenue West streetcar line, and has a bus stop for the 24-hour Bathurst Street bus adjacent to Tower 1. It promotes a land use pattern, density and mix of uses that limits vehicle trips, and through the inclusion of new open space including a 9.0 metre wide sidewalk along St. Clair Avenue West and the first segment of an interior, underground pedestrian pathway to a TTC subway connection, provides for increased pedestrian connectivity supporting the use of transit and active transportation as stated in Policy 1.6.7.4.

Policy 4.7 of the PPS indicates that the Official Plan is the most important vehicle for implementation of the PPS and that Official Plans shall identify provincial interests, as identified in Section 2 of the *Planning Act*, which includes the promotion of a well-designed built form. The proposed development is consistent with Official Plan policies and provides a well-designed built form and provides intensification and redevelopment in an appropriate location in a built form that has respect for its local context.

Growth Plan Policy 2.2.1(4) states that applying the policies of the Growth Plan will support the achievement of complete communities through, among other matters, providing a diverse mix of land uses, providing a more compact built form and a vibrant public realm, including public open spaces. The proposed development provides a mix of uses including residential, including affordable housing units, retail, and community services such as a non-profit child care facility and a community agency space, and provides a compact built form with new public open spaces supporting the achievement of complete communities.

Growth Plan Policy 2.2.2 (3) requires municipalities to develop a strategy to achieve the minimum intensification target and intensification through delineated built-up areas, which will, among other things, encourage intensification generally to achieve the desired urban structure, identify strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development, and identify the appropriate type and scale of development and transition of built form to adjacent areas. The proposal represents an appropriate level of intensification on this site that will ensure and optimize the viability of existing and planned infrastructure as implemented through the City's Official Plan and other implementation tools.

This proposal is consistent with the PPS (2020) and conforms with the Growth Plan (2019). The proposal provides healthy, livable and safe communities that make a substantial contribution to the parks and open space system of the area.

### **Site Organization**

The site organization is acceptable. The proposal is appropriately massed and situated within the St. Clair Avenue West and Bathurst Street area to fit within the urban structure and existing and planned context, while minimizing potential impacts and improving pedestrian access and comfort.

The new public park, POPS and 9.0 metre wide sidewalks along St. Clair Avenue West achieve the public realm vision set out in the St. Clair Avenue West and Bathurst Street Planning Framework, by increasing the pedestrian connectivity between the new public park and the neighbourhoods and the Cedarvale Ravine to the north, as well as opportunities for high-quality landscaping and places for people to gather and interact. The POPS located between Towers 1 and 2, and the pedestrian access along the north-south private road provides two mid-block connections that complement and provide access and views to the SMC's open space at school building.

The private driveways to the north and east of the site conceal the "back of house" activities such as vehicle access, drop off/pick up, parking, loading mitigating unattractive views from St. Clair Avenue West and Bathurst Street.

### **Land Use**

The application has been reviewed against the Official Plan, Site and Area Specific Policy 226, and planning frameworks as well as the policies of the Toronto Official Plan as a whole. Given the existing and the planned context for the subject property and the

surrounding area, Planning staff are of the opinion that the proposed mix of residential and non-residential uses are appropriate for the site.

The proposed uses are permitted within the *Mixed Use Areas* of the Official Plan and in the MCR zone of both Zoning By-laws.

The development will create a balance of high quality residential, commercial and open space uses that meet the needs of the local community as anticipated in the Official Plan for *Mixed Use Areas*, the Tall Building Guidelines, and the St. Clair Avenue West and Bathurst Street Planning Framework. The new public park, fronting onto St. Clair Avenue West and Bathurst Street, will further contribute to a highly animated street by providing a new public open space adjacent to a mix of uses.

### **Density, Height,**

The heights of the proposed towers and the density of the proposal are acceptable as the proposal fits with the existing and planned context while minimizing the impacts relating to height, and conform with the policies of the Official Plan.

The St. Clair Avenue West and Bathurst Street Planning Framework identifies the site as within the Station District character area and states that the Station District will consist of the tallest buildings in the entire Planning Framework Area and be located on the corners of the St. Clair Avenue West and Bathurst Street intersection and along St. Clair Avenue West to the subway station. It also states that new development in the Station District will ensure that a cluster of landmark tall buildings, with a mix of uses, that are distinctive in form and detail, mark the St. Clair Avenue West and Bathurst Street intersection and along St. Clair Avenue West.

Tower 1 is the tallest of the proposed towers at 36-storeys or 126.5 metres to the top of the mechanical penthouse and is located at the St. Clair Avenue West and Bathurst Street intersection, north of the proposed public park. Tower 1 also has a distinct design that will differentiate itself from existing tall buildings at the intersection and Towers 2 and 3.

Towers 2 and 3 are 106.3 metres or 30-storeys in height and are located further east on the site, closer to the St. Clair West subway station. The proposed towers are taller than the existing towers on the southeast and northwest corners of St. Clair Avenue West and Bathurst Street which are different character areas in the Planning Framework. Two existing towers located within the Station District, at 310 and 320 Tweedsmuir Avenue, are similar in height at 98.7 metres or 30-storeys.

The proposed density is 10.66 times the area of the lot. The proposed density is higher than the existing towers on the southeast and northwest corners of St. Clair Avenue West and Bathurst Street which is anticipated as per the Planning Framework.

Approximately 53% of the site is open space. This open space, in addition to the new Park at the southwest corner of the site, as well as widened sidewalks all around the site, helps to mitigate the impacts of the density by providing high-quality open space that expands the public realm and establishes a pedestrian-oriented context.

The height and density of the proposed development are acceptable as the proposal fits with the existing and planned context while mitigating the impacts relating to the height.

## **Massing**

### *Base building*

Planning staff are satisfied with the massing and design of the base building portion of the proposed towers. The Official Plan states that base buildings shall be massed to support the appropriate scale of adjacent streets, parks and open spaces, and to minimize the impacts of parking and servicing uses.

Towers 2 and 3 will be connected by a U-shaped base building that varies from 6-storeys (21 metres) beneath Tower 2, to 9-storeys (31 metres) beneath Tower 3 along St. Clair Avenue West and 2-storeys (6.6 metres) in between Towers 2 and 3 at the rear.

The base building beneath Tower 2 has an appropriate height of 6-storeys which is a scale that appropriately responds to both the adjacent Park and POPS to the west. It helps define the edges of adjacent street and private driveway, public park, and open space at good proportion, and maintains access to sunlight and sky view for pedestrians and neighbouring properties.

The 2-storey portion of the base building located at the rear helps mitigate the impact of sky view for the outdoor playground for the proposed child care facility provides transition to the low-scale school building to the north.

The varied height of the base building along St. Clair Avenue West from 6 to 9-storeys helps break up the street wall and provides opportunities for architectural expression through articulation that can further mitigate the impact on the public realm and pedestrian views.

The design of the base building will be further reviewed through the Site Plan approval process to ensure that impacts on the public realm are mitigated.

### *Middle Portion of the Towers*

Planning staff are satisfied with the massing and design of the middle portion of the proposed towers. The Official Plan states that the design, floor plate size and shape of the middle component shall have appropriate dimensions for the site. Towers shall be located and oriented in relation to the base building and adjacent buildings to fit within the existing and planned context.

Tower 1 has been massed to achieve a distinct design that responds to its prominent location at the intersection of Bathurst Street and St. Clair Avenue West and allows for a significant amount of open space on all sides of the tower. The tower is setback 4.2 metres from the new south property line (the north boundary of the new public park) and provides for a widened sidewalk and public boulevard that varies in width between 5.0 and 8.3 metres along Bathurst Street. A canopy will project between 3.0 and 3.6 metres around the east, south and west sides of the tower above the ground floor to help mitigate

wind impacts to the public realm. An additional wind study and further mitigation measure will be required and reviewed during the Site Plan Application process.

The Tall Building Guidelines requires a minimum 25 metre tower separation distance to all nearby towers and recommends a variation in tower setbacks and orientation. Tower 1 has a 24.4 metre separation distance from Tower 2. Tower 2 is separated between 23.5 and 25 metres from Tower 3. Tower 3 is located between 12.1 and 12.5 metres from the east lot line of the 6.1 metre wide north-south private driveway. The proposed tower setbacks and orientation are varied and the tower separate distances between towers are appropriate and help mitigate negative impacts on the public realm, ensure adequate sky view, daylighting and privacy.

Section 3.2.1 of the Tall Building Guidelines states that the tower floor plate should be limited to 750 square metres or less per floor, including all built area within the building, but excluding balconies. Towers 1 and 2 have tower floorplates of 773 square metres and 753 square metres, respectively. Tower 3 has 782 square metre floorplate, with the 30th floor floorplate being 584 square metres. These tower floorplates are acceptable.

Towers 2 and 3 have been located and massed with appropriate dimensions for the site given the policy and surrounding context including SMC to the north of the site and private driveways to the north and east of the site, which are 7.5 metres and 6.1 metres wide respectively.

Tower 2 is set back approximately 12.0 metres from the north lot line, 19.5 metres from SMC south property line, and 11.1 metres from the south lot line. Tower 3 is setback 5.4 metres from the north lot line, 12.9 metres from SMC south property line, 18.6 metres from the south lot line and varies in setback from the east lot line from 7.7 metres on the south side to 6.4 metres on the north side. Tower 3 varies in setback from the west property line of the adjacent lot (Joe Fresh) from 12.1 metres to 12.5 metres. The varying setbacks of Towers 2 and 3 from the property lines around the site help mitigate the physical impact on adjacent properties and visual perception of the towers. The askew orientation of the towers reduces the appearance of the overall tower bulk and improves shadow and wind impacts, sky view for pedestrians and interior daylighting and privacy for future residents.

#### *Tower Top*

Planning staff are satisfied with the top portion of the proposed towers. An appropriate design for the top of a tall building is influenced by many factors, which may include location, height, built form composition, architectural expression, and overall 'fit' within the existing context of the city skyline.

The proposed top of the towers is a simple design, which suits the overall architecture of the tower and fits within the St. Clair Avenue West and Bathurst Street skyline. The mechanical penthouse and roof top outdoor amenity space designs will be further reviewed and secured through the Site Plan Application process.

### **Public Realm**

Section 3.1 of the Official Plan directs that high quality architectural, landscape and urban design and construction will be promoted within new developments to enhance the quality



of the public realm. The Built Form policies require that new development will provide amenity for adjacent streets and open spaces. The Built Form – Tall Building policies requires that tall buildings will provide high-quality and usable publicly accessible open space areas. The *Mixed Use Areas* policies further reinforce the importance of the public realm.

The proposed development advances the Official Plan's public realm policy objectives, and the objectives of the St. Clair Avenue West and Bathurst Street Planning Framework in a number of ways including wider sidewalks, a new public park, a POPS, and pedestrian connections. The proposal has been designed to provide a high-quality public realm along with the proposed buildings. Attachment 5 illustrates the proposed public realm.

#### *Park*

A 772 square metre public park is proposed at the southwest corner of the site fronting onto St. Clair Avenue West and Bathurst Street. The park completes the public realm vision set out in the St. Clair Avenue West and Bathurst Street Planning Framework Public Realm Network Plan as detailed in Map 1 - General Features and Map 2 - Special Features.

#### *Privately Owned Publicly-Accessible Open Space (POPS)*

To the east of Tower 1 is the proposed POPS which is designed as a pedestrian mid-block connection from St. Clair Avenue West to the private east-west driveway to the north and SMC. Connected to the park, the POPS extends the open space through the site and to the north. A minimum 5.0 metre wide pedestrian clearway is proposed.

The POPS will be animated with both retail and residential units including the residential lobbies for Towers 1 and 2. It is intended to consist of high-quality landscaping and elements, seating, and wind mitigation measure that can also function as art features. The POPS also forms the ground level pedestrian pathway from the Bathurst Street bus stop to an underground interior pedestrian pathway that in the future will continue to the east and connect to the TTC St. Clair West subway station.

The proposed POPS is a positive element of the proposal. The POPS achieves the public realm vision set out in the Planning Framework and its Public Realm Network Plan. Staff recommend that the POPS be secured in the Section 37 Agreement and its final design be secured through the Site Plan Application process.

#### *Pedestrian Connection*

A ground level pedestrian pathway from the Bathurst Street bus stop to an underground interior pedestrian pathway is proposed. The interior publicly-accessible pathway is accessed from a public elevator on the north side of the base building. The pedestrian pathway continues on P2 level of the underground garage to the eastern wall of the garage. The proposal includes a knock-out panel that provides a potential connection to a future tunnel through the property to the east. Any future development on the properties to the east will be required to continue this pedestrian pathway to the TTC subway.

The interior pedestrian pathway and future tunnel achieves the public realm vision set out in the Planning Framework and its Public Realm Network Plan. Staff recommend that the public access to interior pedestrian pathway and provision to construct, maintain the tunnel in the future including a public easement, be secured in the Section 37 Agreement and its final design be secured through the Site Plan Approval process.

### *Streetscape*

The development criteria for *Mixed Use Areas* call for development to provide an attractive, comfortable and safe pedestrian environment, and to locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets.

The Official Plan states that new development will provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians.

The proposed development satisfies the Official Plan policies by locating the parking and loading access from the existing private driveways to the north and east of the site, and providing for a safe, pedestrian friendly streetscape. Tower 1 has varying setbacks to the west property line on the ground floor. The setback is 5.3 metres at the south end of the tower, 3.2 metres midway resulting from the proposed TTC bus bay and 4.9 metres at the north end of Tower 1. The width of the public boulevard is between 5.0 and 8.1 metres on Bathurst Street and a minimum 2.1 metre pedestrian clearway is maintained along the Bathurst Street frontage. A public easement will be required for a portion of the Bathurst Street sidewalk located on private property to accommodate the potential TTC bus bay on Bathurst Street.

The St. Clair Avenue West sidewalk will be increased to 9.0 metres. The intent is to continue the widened sidewalk through the proposed new public park to the intersection. The publicly-accessible sidewalk along the east-west private lane on the north side of the site will range from 6.0 metres to 7.5 metres wide. The publicly-accessible sidewalk along the north-south private lane to the east side of the site will be a minimum of 2.5 metres.

Staff recommend that the pedestrian easements required to create the 9.0-metre wide sidewalk along St. Clair Avenue West be secured in the Section 37 Agreement and its final design be secured through the Site Plan Approval process.

Planning staff are satisfied that the proposed interface with the pedestrian realm, including the new public park, POPS and mid-block connection, widened sidewalks and pedestrian connection. This new public park and pedestrian connections will contribute to place making within the rapidly changing St. Clair Avenue West and Bathurst Street neighbourhood. Final landscape details and streetscape treatments will be discussed with a Local Stakeholder Working Group and secured through Site Plan Control.

### **Sun, Shadow**

The shadow impact resulting from the proposal is acceptable. The Official Plan states that development in *Mixed Use Areas* will locate and mass new buildings so as to adequately

limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes.

The shadow studies demonstrate that the proposal has no impact on any low-rise residential *Neighbourhoods* or existing public parks (i.e. Tichester Park or Wells Hill Park) during the spring/fall equinoxes.

Planning staff have assessed the proposed development in terms of the incremental impact resulting from the proposed 36, 30 and 30-storey towers and are satisfied that it adequately limits shadow on shadow sensitive areas, parks, publicly-accessible open spaces, SMC's open space and school field, and natural areas.

## **Wind**

Planning staff are satisfied with the wind conditions resulting from the proposed development, subject to further assessment during the Site Plan Approval process for additional mitigation strategies.

The applicant submitted a Pedestrian Level Wind Study and an addendum, dated December 15, 2017 and November 25, 2019, prepared by RWDI, based on wind tunnel testing. The study involves wind tunnel measurements of pedestrian wind speeds using a physical scale model, combined with meteorological data integration, to assess pedestrian comfort and safety at key areas within and surrounding the development site.

Grade-level pedestrian areas considered in this study include surrounding sidewalks, private driveways, building access points, transit stops, open space, and parks. Wind conditions are also measured on the levels 9, 15 and 30 outdoor amenity spaces.

The study finds the wind conditions within and surrounding the site will be acceptable for the intended pedestrian uses on a seasonal basis.

The study finds the wind comfort in the new public park is acceptable for sitting and standing during the summer months, and for a mix of standing, strolling or better throughout the rest of the year. Proposed mitigation measures result in wind comfort that is acceptable for sitting during the summer months at the child care facility entrance and playground, and most areas around the base building,.

All of the corners at the intersection of St Clair Avenue West and Bathurst Street, the sidewalks on both the east and west side of Bathurst Street and north and south side of St. Clair Avenue West, and the sidewalks along the private driveways will be at a standing comfort level or better for pedestrians in the summer months with proposed mitigation measures. The wind impact is unchanged from existing conditions except for the southwest corner of Bathurst Street at St. Clair Avenue West which is improved by these measures.

In the winter months, wind mitigation measures such as wind screens, canopies and landscaping, have been proposed to improve the pedestrian comfort levels on various areas. The corners at the intersection of St Clair Avenue West and Bathurst Street will be

at a strolling comfort level for pedestrians which is an improvement from the existing condition. The southeast corner wind comfort level does not change from the existing condition. The sidewalks on both the east and west side of Bathurst Street will have a strolling comfort level for pedestrians which is unchanged from existing conditions or slightly improved (on the east side). Sidewalks on north of St. Clair Avenue West will have a strolling or better comfort level which is a significant improvement from existing conditions, and strolling comfort level on the south side of St. Clair Avenue West which is generally unchanged from existing conditions. The sidewalks along the private driveways have mostly standing comfort levels which is unchanged or a slight decreased in comfort from existing conditions. Addition mitigation measures will be studied at the Site Plan Approval for areas such as building corners and the POPS to improve pedestrian comfort.

Wind conditions comfortable for sitting and standing are predicted on the Level 2 outdoor amenity area, throughout the year, which is appropriate. On the Level 9, Level 15 and Level 30 outdoor amenity spaces, wind speeds are predicted to be slightly higher than those desirable for sitting and standing during the summer and winter. Wind mitigation considerations will be required to bring these spaces into acceptable comfort levels for outdoor amenity space usage, especially in the summer, and will be further explored during the review of the Site Plan Approval application.

### **Traffic Impact Assessment**

The applicant submitted a Transportation Impact Study and an addendum, dated December 19, 2017 and November 21, 2019, prepared by BA Group, in support of their application. Given the level of estimated trip generation, the consultant concludes that the proposal can be appropriately accommodated on the area road network.

Based on a review of the documentation provided by the consultant, and taking into account the nature of the applications for this project, Transportation Services staff agree with the above-noted conclusion.

### **Parking**

The site is located within Policy Area PA-2, as defined in Zoning By-law 569-2013 and requires a minimum of 821 parking spaces consisting 725 residential and 86 non-residential spaces. A total of 884 parking spaces are proposed in a 5-level underground garage and will be accessed from the private north-south driveway to the east.

A total of 590 residential parking spaces are proposed on the lower three parking levels (P3 to P5 levels) of the underground parking garage. A total of 311 parking spaces is proposed (including two car share spaces) within the commercial portion of the garage on the upper three parking levels (P1, P2 and partial P3 parking level) to accommodate the parking demands for the retail units, child care facility, community agency space, off-site St. Michael's College parking, non-residential uses and residential visitor uses.

The 110 parking spaces for St. Michael's College parking spaces, 2 parking spaces for the child care facility, and one parking space for the community agency space will be provided on an exclusive basis while the remaining balance of non-resident parking spaces within a

commercial parking facility on a non-exclusive basis. A total of 10 accessible parking spaces are incorporated into the non-residential parking supply. These spaces are located in close proximity to the residential and non-residential elevator cores.

The applicant's transportation consultant has justified the reduction in the residential parking supply given that the proposed parking supply is well within the range of parking demands measured and approved at similar buildings in the City of Toronto and in particular for rental buildings recognizing that rental buildings tend to have lower parking demands than that of condominium buildings within a similar context.

A total of 832 bicycle parking spaces are proposed, including 734 resident bicycle parking spaces and 83 residential visitor bicycle spaces.

#### *Temporary Parking for Drop off / Pick up*

The proposal includes three lay-bys to accommodate deliveries, drop off and pick up for residents, and clients of the child care facility and community space. Two of the lay-bys are located along the east-west private driveway to the north of the site near the residential lobbies for Towers 1 and 2 and entrance to the child care facility and one lay by is located along the north-south private driveway to the east of the site near the residential lobby for Tower 3.

The lay-by closest to the entrance of the child care facility will be a dedicated drop off / pick up area between 7:00 am-9:30 am and 3:00pm-6:00 pm". Appropriate signage will be required.

Transportation Services staff have reviewed the submitted studies and accept the proposed parking supply.

### **Loading**

The proposal will have a total of two (2) loading spaces consisting of one Type B and one Type G loading spaces within a consolidated loading area to support the loading, moving, delivery and refuse collection needs of all three towers. Access to the proposed loading facility will be provided from the existing private driveway to the east of the site.

The two loading spaces will service the residential garbage collection for the entire development, the moving and delivery needs related to the residential component of Tower 3 and the servicing needs related to the non-residential components of the site.

Transportation Services staff have determined that the proposed number of loading spaces, their location and orientation are acceptable. Additional comments related to the proposed loading spaces will be provided through the Site Plan Approval process.

### **Transit**

A TTC bus stop with a partial shelter is located adjacent to the site on Bathurst Street just north St. Clair Avenue West. Currently, the bus remains within northbound traffic when it stops to load and off-load passengers.

TTC staff requested that the applicant include a new farside bus bay on frontage of the subject site. A new bus platform and large transit shelter is also proposed and will accommodate the high volume of daily passengers using this stop.

Transportation Services staff have not had an opportunity to fully study the impact of the proposed bus bay and have highlighted concerns including: the proximity of the proposed below grade garage to the city roadway and potential bus bay; increased pedestrian crossing distances; and the elimination of the pedestrian boulevard due to bus bay design.

The provision, impact and design of the proposed bus bay will be further studied at the Site Plan Approval process.

If a bus bay is supported, a 2 to 3-metre land conveyance, at and below-grade, may be required as a condition of Site Plan Control to provide a public boulevard east of the bus bay. The detailed design considerations will be explored in consultation with TTC and Transportation Services as part of the Site Plan Approval process. This also has potential impacts on the proposed new public park.

### **Below-Grade Pedestrian Connections**

Currently, there is no existing below-grade publicly-accessible pedestrian access to the St. Clair West subway station (similar to the PATH system downtown) in the surrounding area. The St. Clair Avenue West and Bathurst Street Planning Framework and Public Realm Network Plan identifies below-grade publicly-accessible pedestrian access to the subway as a Special Feature - Station District Underground Pedestrian Concourse.

The below-grade publicly-accessible pedestrian pathway will start on P2 level of the underground garage at a public elevator and continues to the eastern wall of the garage. The below-grade publicly-accessible pedestrian pathway will be constructed at the time that the lands to the east of the private driveway are redeveloped to facilitate an underground pedestrian connection to the TTC subway station. The removal of approximately 11-12 non-residential parking spaces will be required to accommodate the pathway. Until that time, the potential future pathway will compromise of non-residential parking spaces.

The proposal includes one knock out panel that will connect to a future tunnel that will then connect to the property to the east. Any future development on the properties to the east will be required to continue this below-grade publicly-accessible pedestrian pathway through to the TTC subway.

The pedestrian pathway on P2 and tunnel will be construct at the expense of the owner, at the time of the development of the property east of the north-south private driveway to properly align the tunnel.

The interior pedestrian pathway achieves the public realm vision set out in the Planning Framework and its Public Realm Network Plan. Staff recommend that the proposed pathway, knock out panel(s) and future tunnel (under the north-south driveway) as well as

continuous public access be secured in the Section 37 Agreement and its final design be secured through the Site Plan Approval process.

### **Servicing**

The applicant has submitted a Functional Servicing Report, prepared by Odan Detech Consulting Engineers, dated December 22, 2017 and revised on July 19, 2018 and November 25, 2019, and a Hydrogeological Investigation, prepared by Terraprobe, dated December 19, 2017, all in support of the proposal. Engineering and Construction Services and Toronto Water staff have reviewed the submitted materials and determined they are acceptable.

### **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 0.0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

The application proposes 2,137 square metres of non-residential gross floor area and 80,254 square metres of residential gross floor area comprising of 825 units.

The applicant is required to satisfy the parkland dedication requirement through an on-site dedication in order to enhance the provision of and access to public parkland.

A 772.58 square metre on-site parkland dedication is proposed on the southwest corner of the site. This size and configuration of parkland is acceptable to Parks, Forestry and Recreation and achieves the public realm plan as envisioned in the St. Clair Avenue West and Bathurst Street Planning Framework.

### **Indoor/Outdoor Amenity Space**

Zoning By-law 438-86 requires a minimum of 2.0 square metres per unit each of indoor and outdoor amenity space, and Zoning By-law 569-2013 requires a combined amenity space of 4.0 square metres per unit.

The applicant is proposing a total of 1,650 square metres (2.0 square metres per unit) of indoor amenity space, and 1,650 square metres (2.0 square metres per unit) of outdoor amenity space is proposed on the roof of the base building, accessible from the indoor amenity space. The total amenity space proposed is 3,300 square metres (4.0 square metres per unit).

There are amenity spaces located in each building and the majority of the proposed indoor amenity space is connected to the outdoor amenity spaces. Planning staff are satisfied with the amount and location of amenity space proposed.

## **Family-Sized Units**

The proposed development includes 825 residential units. The proposed unit breakdown includes 291 one-bedroom units (35%), 418 two-bedroom units (51%), and 116 three-bedroom units (14%). Staff seek to secure a minimum of 25% of units as two-bedroom units and 10% of units as three-bedroom units, consistent with Official Plan objectives to create a diversity of unit types. This is also consistent with the City's draft Growing Up Guidelines which emphasizes the need to accommodate the growing demand for family housing in vertical communities. A minimum of 10% three-bedroom units will be secured in the Zoning By-law and Section 37 Agreement.

## **Tree Preservation**

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813, Trees, Articles II (Trees on City Streets) and III (Private Tree Protection), commonly referred to as the 'Street Tree By-law' and the 'Private Tree By-law'. An Arborist Report, Tree Protection and Removal Plan, and Tree Planting and Soil Volume Plan were submitted by the applicant.

The applicant proposes to remove three City-owned trees regulated by the Street Tree By-law, one privately-owned tree regulated by the Private Tree By-law, and one privately-owned tree not regulated by the Private Tree By-law along St. Clair Avenue West. Urban Forestry staff have received an application to permit the removal of the four By-law protected trees.

The applicant will be required to provide a minimum of 3 new trees on the City road allowance and 3 new trees on private property. The Tree Planting and Soil Volume Plan indicates the planting of 40 new trees across the subject site with additional trees proposed within the new public park, well exceeding the replacement tree requirement.

The final number and location of replacement trees will be determined as part of the Site Plan Application to the satisfaction of the General Manager of Parks, Forestry and Recreation.

## **Toronto Green Standard**

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

The applicant is required to meet Tier 1 of the TGS and their performance measures will be secured through the Site Plan Approval process. Opportunities to achieve Tier 2 or higher will be explored.



## **Community Services Assessment**

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

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community. The proposed development will contribute towards the community service and facility needs of the area by providing a number of community benefits, under Section 37 of the *Planning Act*, including:

### *Non-Profit Child Care Facility*

The Community Services and Facilities Study determined that there is a general need for additional, affordable childcare facilities in the area. The opportunity to incorporate a child care facility into the proposal was identified. City staff support this conclusion and the applicant has worked with Children's Services staff to include a new 513 square metre non-profit child care facility and outdoor playground within the proposed base building on the ground floor to fill an important service gap in the area.

### *Community Agency Space*

The Community Services and Facilities Study determined that there is a general need for multi-purpose community agency space for the delivery of locally-based community. The public consultations with local residents also identified this need and there was a strong request for community space to be incorporated into this development proposal.

A 465 square metre community space is proposed to be located on the mezzanine level of Tower 1 including a visible entrance and lobby area from Bathurst Street. The space will be leased to the City at no cost for 99 years, and tenanted to an eligible community agency under the City's Community Space Tenancy policy. The provision of seniors-focused services and programs has been identified as a first priority.

## **Tenure**

It has been proposed that all 825 residential dwelling will be rental. This achieves the vision in the Planning Framework for a community with a full range of housing options to support a diverse population.

## **Affordable Housing**

The applicant has agreed to construct 2% or 16-units within the proposed development as part of their Section 37 contribution, six of which will be one-bedroom units, eight two-

bedroom units, and two three-bedroom units, as "Affordable Rental Housing", as defined in the Official Plan, for 25 years.

The affordable rental units will be integrated within the proposal. Tenants of the affordable units will have access to all amenities, parking, bicycle parking, and other services on the same terms and basis as all other residents of the building.

The applicant will be required to submit a tenant access plan to assist the City in assuring that tenants who need affordable rents are those that get access to the affordable units.

The proposed affordable housing units will be secured through the Section 37 Agreement.

This provision of new affordable rental will support the creation of complete communities as encouraged by the Growth Plan (2019), PPS (2020) and the City's Official Plan.

### **Section 37**

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

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

- A 465 square metre public child care facility and 192 square metres outdoor playground;
- A 513 square metres community space; and
- 16 affordable rental housing units (or 2% of total residential units) secured and provided for a period of 25-years.
  
- The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
  - A POPS not less than 640 square metres, north of the new public park between Towers 1 and 2 extending to the east-west private driveway;
  - A Pedestrian Level Wind Study, including wind tunnel analysis, submitted as part of the Site Plan Approval process, with the mitigation recommendations to be implemented and maintained by the owner;
  - A minimum 9.0 metre wide public boulevard along St. Clair Avenue West;
  - Pedestrian easements along the north-south and east-west private driveways, and the widened sidewalks along St. Clair Avenue West and Bathurst Street;
  - The provision of a future indoor pedestrian tunnel and pedestrian pathway from the northeast entrance of base building, to the P2 level and pathway to knock-out panel(s) and the necessary public easements and permissions; and
  - The provision of a knock-out panel(s) on the P2 east wall to provide a future connection to a pedestrian pathway that will connect to the TTC subway station.

## **Conclusion**

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2019), and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and conforms with the Growth Plan (2019). Furthermore, the proposal conforms to the Toronto Official Plan, including the applicable Site and Area Specific Policies, particularly as it relates to *Mixed Use Areas*.

Staff worked with the applicant to ensure that the development includes a significant contribution of open space to achieve the Public Realm Network Plan as detailed and illustrated in the St. Clair Avenue West and Bathurst Street Planning Framework. Staff find that this proposal fits in with the existing and planned context of the St. Clair Avenue West and Bathurst Street area and is appropriate. Section 37 contributions have also been agreed upon and will be secured in a Section 37 Agreement. City Planning recommends that Council approve the Zoning Amendment application.

## **CONTACT**

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Sipo Maphangoh, Senior Planner  
Tel. No. 416-338-2478  
E-mail: Sipo.Maphangoh@toronto.ca

## **SIGNATURE**

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

## **ATTACHMENTS**

### **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: Proposed Public Realm Plan
- Attachment 6: Draft Zoning By-law Amendment

### **Applicant Submitted Drawings**

- Attachment 7: Context Plan
- Attachment 8: Site Plan
- Attachment 9: Elevations
- Attachment 10: Elevations

## Attachment 1: Application Data Sheet

**Municipal Address:** 1467 BATHURST ST **Date Received:** December 22, 2017

**Application Number:** 17 278700 STE 21 OZ

**Application Type:** Zoning Amendment

**Project Description:** Three towers a 36-storeys, and two 30-storey towers on top of a 6 to 9-storey base building; 825 units, including 16 affordable rental housing units; proposed community agency space and City-owned non-profit child care facility; proposed public park and POPS.

**Applicant:**  
1467 BATHURST  
INC

**Architect:**  
Quadrangle  
Architects

**Owner:**  
1467 BATHURST  
HOLDINGS INC

### EXISTING PLANNING CONTROLS

**Official Plan Designation:** Mixed Use Areas **Site Specific Provision:** SASP 226

**Zoning:** MCR T3.0 C2.0 **Heritage Designation:** N

**Height Limit (m):** 25-storeys **Site Plan Control Area:** Y

### PROJECT INFORMATION

**Site Area (sq m):** 7,726 **Frontage (m):** 175 **Depth (m):** 66

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	n/a		4,786	4,786
Residential GFA (sq m):	n/a		80,254	80,254
Non-Residential GFA (sq m):	n/a		2,137	2,137
Total GFA (sq m):	n/a		82,391	82,391
Height - Storeys:	n/a		36/30/30	
Height - Metres:	n/a		126.5/106.3/ 106.3	

**Lot Coverage Ratio (%):** 61.94

**Floor Space Index:** 10.66

<b>Floor Area Breakdown</b>	<b>Above Grade (sq m)</b>	<b>Below Grade (sq m)</b>
Residential GFA:	80,254	
Retail GFA:	1,159	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:	978	

<b>Residential Units by Tenure</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Rental:			825	825
Freehold:				
Condominium:				
Other:				
<b>Total Units:</b>			<b>825</b>	<b>825</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:			291	418	116
<b>Total Units:</b>			<b>291</b>	<b>418</b>	<b>116</b>

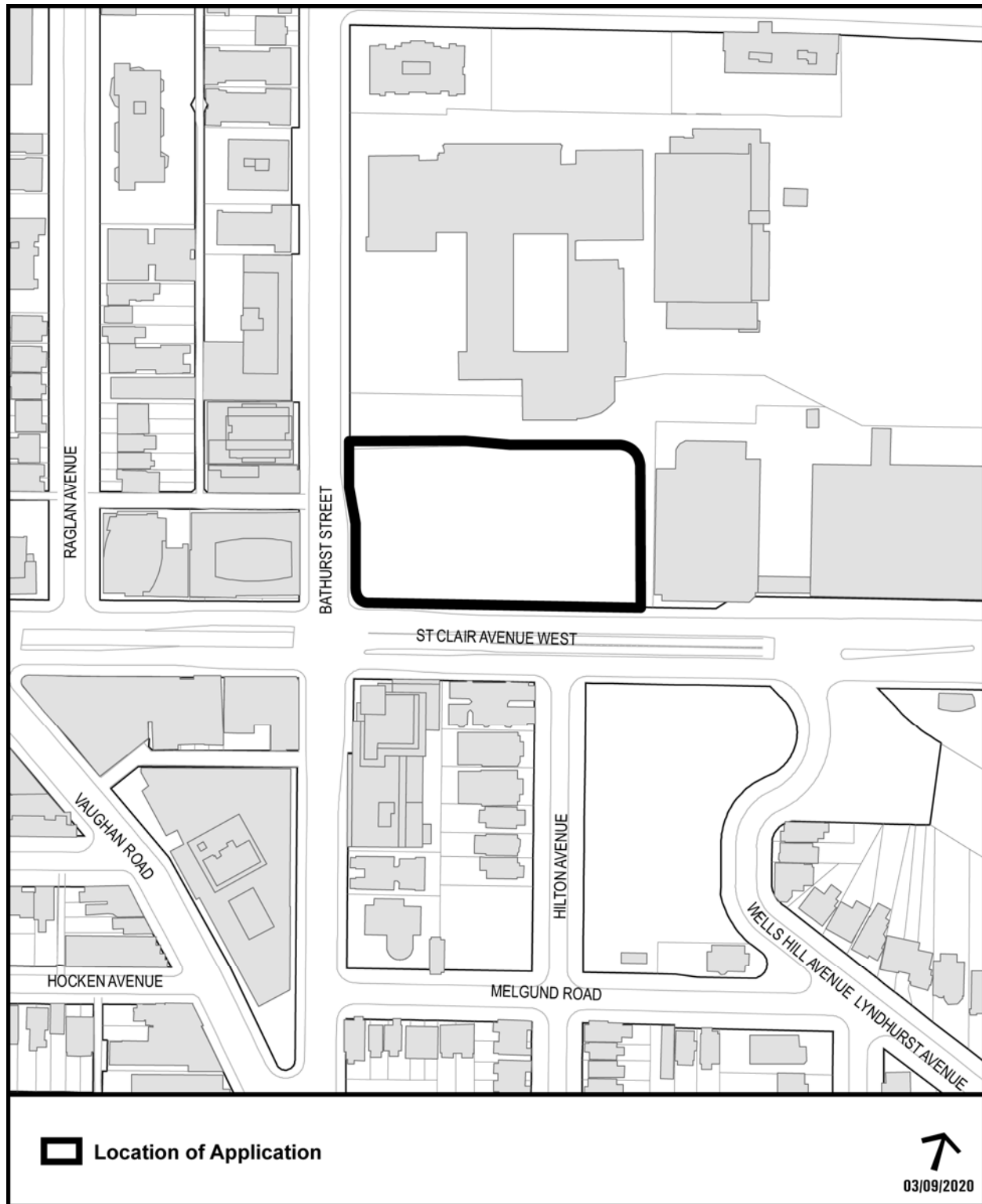
#### **Parking and Loading**

Parking Spaces:	851	Bicycle Parking Spaces:	841	Loading Docks:	2
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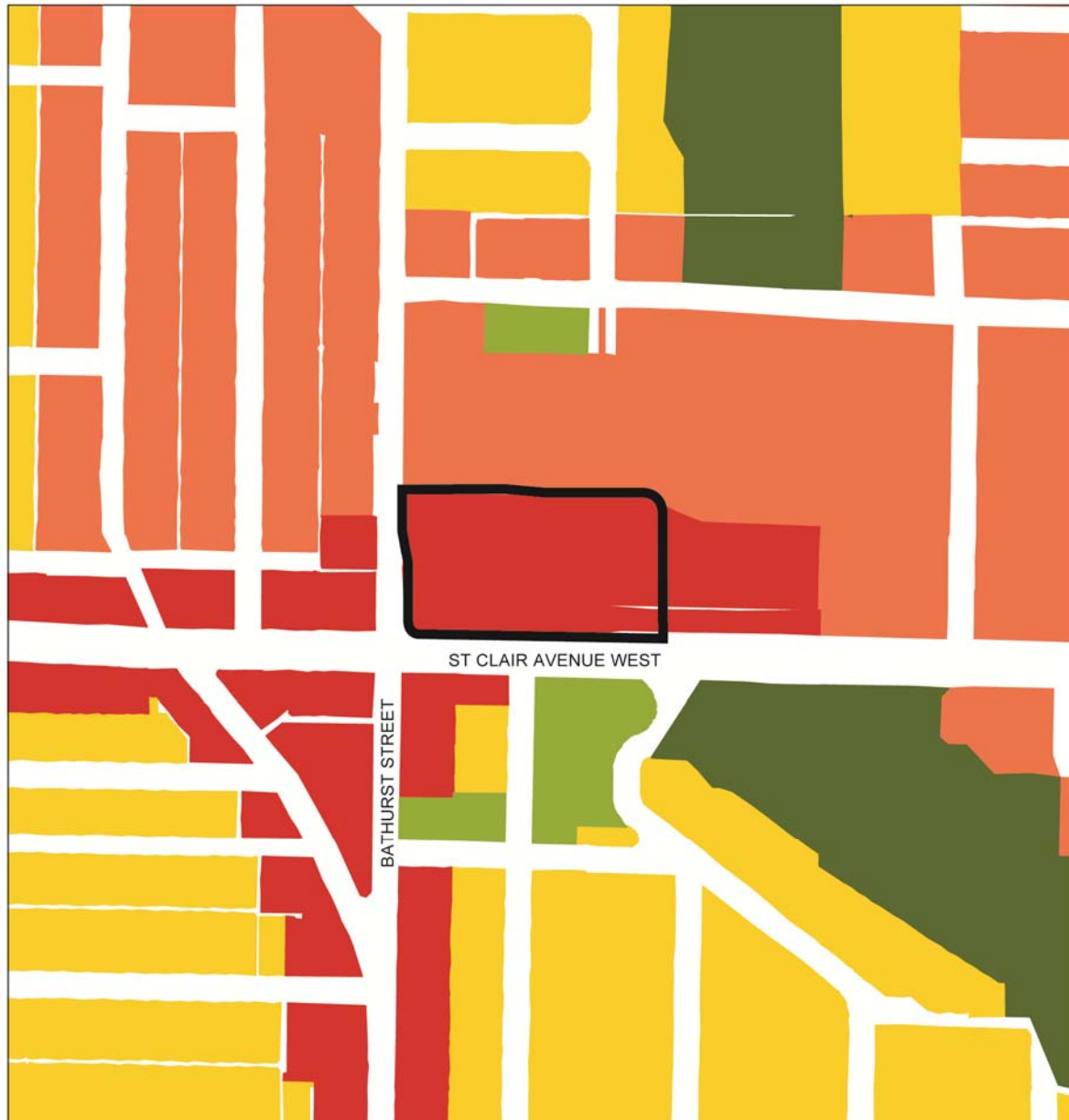
#### **CONTACT:**

Sipo Maphangoh, Senior Planner  
416-338-2478  
Sipo.Maphangoh@toronto.ca

## Attachment 2: Location Map



### Attachment 3: Official Plan Land Use Map





 **Toronto**

1467 Bathurst Street

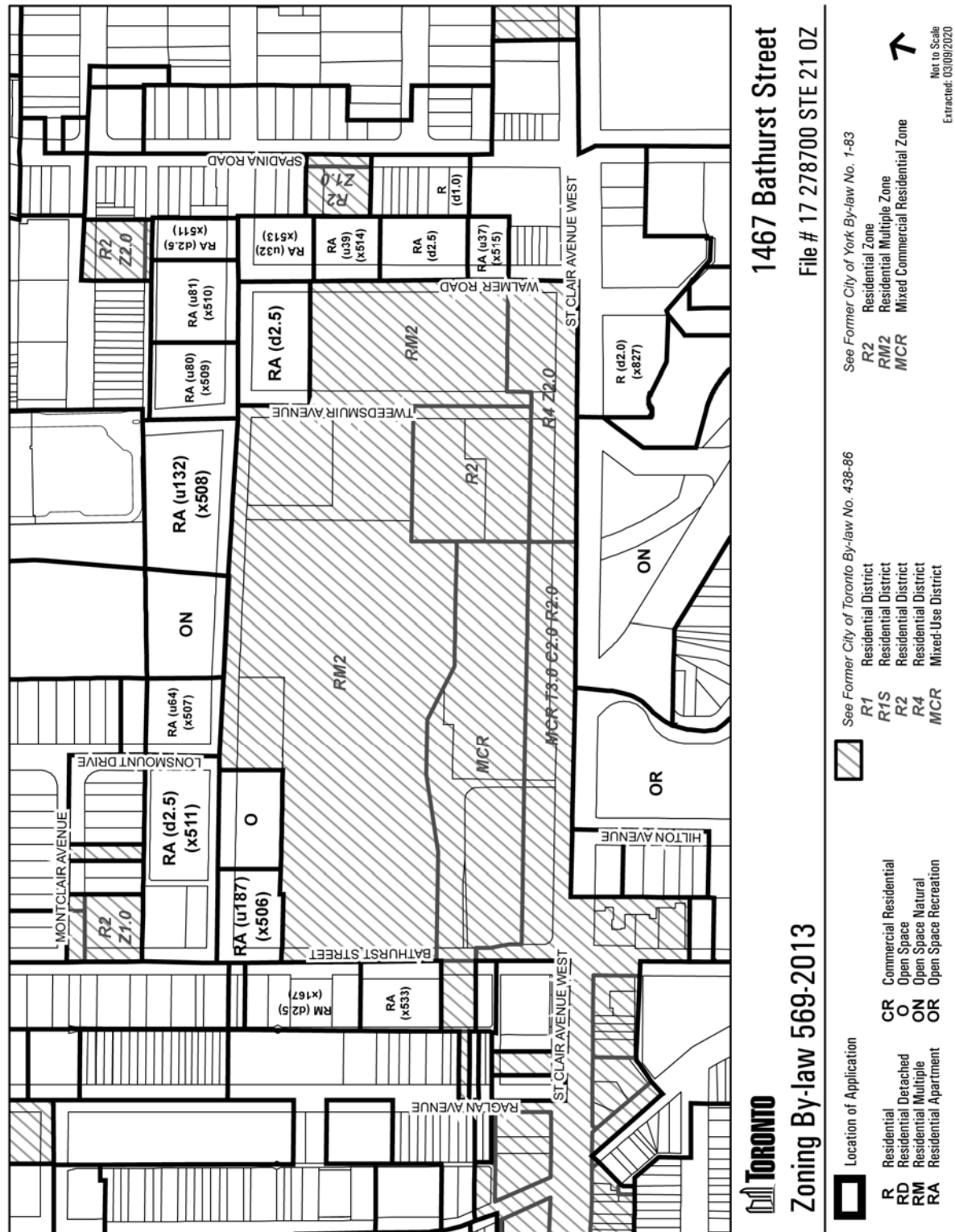
**Official Plan Land Use Map #17**

File # 17 278700 STE 21 0Z

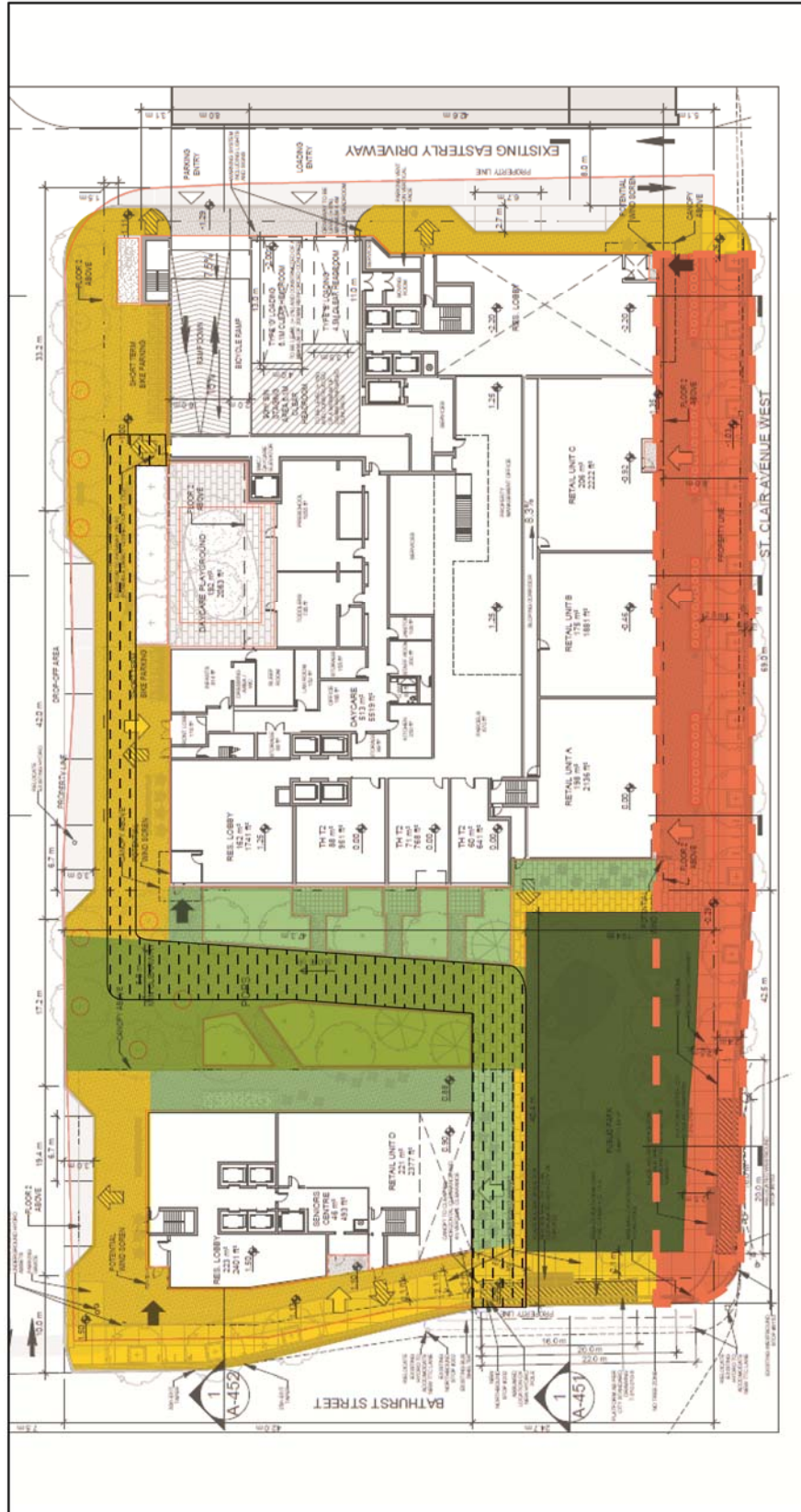
	Location of Application		Parks & Open Space Areas
	Neighbourhoods		Natural Areas
	Apartment Neighbourhoods		Parks
	Mixed Use Areas		

  
Not to Scale  
03/09/2020





# Attachment 5: Proposed Public Realm Plan



**Toronto**  
**1467 Bathurst Street**  
 File # 17 278700 STE 21 0Z

**Proposed Public Realm Plan**

↑  
 Not to Scale  
 05/25/2020

Attachment 6: Draft Zoning By-law Amendment (569-2013)

Authority: Toronto and East York Community Council Item - as adopted by City of Toronto Council on \_\_\_\_\_, 2020

Enacted by Council: \_\_\_\_\_, 2020

**1. CITY OF TORONTO**

**Bill No.**

By-law [Clerks to insert By-law No.]

**To amend the City of Toronto Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known as 1467 Bathurst Street and 490 St Clair Avenue West.**

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

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

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

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

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

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

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

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 No. 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 following zone label to these lands: CR 3.0 (c2.0; r2.0) SS2 (x261) as shown on Diagram 2 attached to this By-law; and
4. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Section 995.10.1, and applying the following Policy Area label to these lands: PA3, as shown on Diagram 3 attached to this Bylaw; and
5. Zoning By-law No. 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, as shown on Diagram 4 attached to this By-law;
6. Zoning By-law No. 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 16.0, as shown on Diagram 5 attached to this Bylaw; and,
7. Zoning By-law No. 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, as shown on Diagram 6 attached to this By-law;
8. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number x261 so that it reads:

#### **Exception CR x261**

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 1467 Bathurst Street and 490 St Clair Avenue West, if the requirements of Section 13 and Schedule A of By-law ###-2020 are complied with, **buildings** and **structures** in compliance with (B) to (BB) below;
- B. The **lot** consists of those lands shown on Diagram 1 of By-law ###-2020;
- C. 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 157.34 metres in the year 2020 and the elevation of the highest point of the **building** or **structure**;

D. Despite regulation 40.10.40.10(2), no portion of a **building** or **structure** erected on the lands may exceed the height in metres specified by the numbers following "HT" on Diagram 7 of By-law [Clerks to insert By-law] as follows;

E. Despite (D) above, and regulations 40.5.40.10(4), (5), (6) & (7) and 40.5.75.1(2)(A)(ii), the following elements of a **building** may project above the permitted maximum **building** heights shown on Diagram 7 of By-law [Clerks to insert By-law ]:

i. **structures** and elements related to outdoor flooring and roofing assembly, safety railings, guard rails, railings, parapets, terraces, planters, balustrades, bollards, stairs, **ancillary structures**, retaining walls, and ornamental or architectural features by no more than 2.0 metres;

ii. elements on the roof of the **building** or **structure** used for **green roof** technology and related roofing material may project above the height limits by no more than 2.0 metres;

iii. equipment used for the functional operation of the **building**, such as electrical, utility, mechanical and ventilation equipment, garbage chutes, emergency generators and lighting fixtures by no more than 2.5 metres;

iv. elevator overrun, acoustical barriers, landscape features, privacy screens, terrace dividers, covered stairs or stair enclosures, and fences by no more than 2.75 metres;

v. cabanas and trellises by no more than 3.6 metres;

vi. wind mitigation features by no more than 3.0 metres;

vii. mechanical screening and heating/cooling towers by no more than 8.0 metres;

viii. window washing equipment, lightning rods, decorative lighting canopy and public art features; and,

F. Despite regulations 40.10.40.70(2) and 40.10.40.80(2), the required minimum **building setbacks** and above ground separation distance between **main walls** in metres are as shown on Diagram 7 of By-law [Clerks to insert By-law No.];

G. Despite (F) above and regulations 5.10.40.70(1) and 40.10.40.60(2) to (9), the following encroachments are permitted into the required minimum **building setbacks** and above ground separation distance between **main walls** on Diagram 7 of By-law XXXX-2020:

i. balconies may encroach no more than 2.0 metres;

ii. cladding, wind mitigation features, awnings, **building** cornices, window washing equipment, terraces lighting fixtures, ornamental elements, lightning rods, trellises, eaves, window sills, stairs, stair enclosures, air intakes and vents, ventilating equipment, landscape and green roof elements, partitions dividing outdoor recreation areas, privacy screens, acoustical walls, wind mitigation elements, chimney stack, exhaust flues may encroach no more than 2.5 metres;

- iii. canopies may encroach no more than 4.0 metres; and,
- iv. public art features;

H. Despite regulation 40.10.40.40(1), the **total gross floor area** of all **buildings** and **structures**, must not exceed 82,750 square metres, provided:

- i. the residential **gross floor area** must not exceed 80,500 square metres; and,
- ii. the non-residential **gross floor area** must not exceed 2,250 square metres;

I. A minimum of 10 percent of the total number of **dwelling units** must contain at least three bedrooms.

J. Despite regulation 200.5.10.1(1) and (2), and Table 200.5.10.1, **parking spaces** must be provided as follows:

- i. A minimum of 0.5 **parking spaces** per **dwelling unit** for residents;
- ii. A minimum of 0.06 **parking spaces** per **dwelling unit** for residential visitors;
- iii. A minimum of 1 **parking space** must be provided for a **day nursery use**;
- iv. A minimum of 1 **parking space** must be provided for a **community centre use**;
- v. A minimum of 110 **parking spaces** for a **private school** located at 1515 Bathurst Street;
- vi. with the exception of (J)(iii) to (J)(iv), no **parking spaces** are required for non-residential uses on the **lot**;
- vii. the **parking spaces** required by (J)(ii) may be provided on a non-exclusive basis within a **public parking** facility;
- viii. the **parking spaces** required by (J)(iii) to (J)(v) must be provided on an exclusive basis within a **public parking** facility;

K. Despite Section (J) above, a reduction of four resident **parking spaces** is permitted for each on-site 'car-share parking space' provided, up to a maximum of 1 'car-share parking space' per 60 **dwelling units**;

L. **parking spaces** must comply with the **parking space** dimensions in regulation 200.5.1.10 with the exception that no more than 10 **parking spaces** may have a minimum width of 2.6 metres when obstructed on one side;

M. Despite clause 200.15.1, accessible **parking spaces** must be provided as follows:

- i. accessible **parking spaces** must have the following minimum dimensions:

- (a) length of 5.6 metre;
- (b) width of 3.4 metres; and,
- (c) vertical clearance of 2.1 metres;

- ii. the entire length of an accessible **parking space** must be adjacent to a minimum 1.5 metre wide accessible barrier free aisle or path; and,

- iii. despite regulation 200.15.1(4), a maximum of 10 accessible **parking spaces** do not need to be the shortest route to the passenger elevator;

N. Despite regulation 40.10.40.1(1), residential use portions of the **building** may also be located on the same level or below non-residential use portions;

O. Despite regulation 230.5.1.10(4)(A), a horizontal **bicycle parking space** must have a minimum width of at least 0.4 metres and a minimum length of at least 1.6 metres;

P. Despite regulation 230.5.1.10(4)(B), a vertical **bicycle parking space** must have a minimum width of at least 0.4 metres and a minimum horizontal clearance from the wall of at least 1.1 metres;

Q. Despite regulation 230.5.1.10(7), no shower and change facilities are required;

R. Despite regulation 230.5.1.10(9), long term and short term **bicycle parking spaces** for **dwelling units** or for non-residential uses may be located anywhere above or on the P1 and P2 levels in the **building**;

S. Despite regulation 230.5.1.10(10), long term and short term **bicycle parking spaces** for **dwelling units** or for non-residential uses may be provided in any combination of vertical, horizontal or stacked positions;

T. Despite regulations 230.5.10.1(1), (2) and (5):

i. at least 0.9 **bicycle parking spaces** per **dwelling unit** must be allocated as long-term **bicycle parking spaces** for the **dwelling units**;

ii. at least 0.1 **bicycle parking spaces** per **dwelling unit** must be allocated as short-term **bicycle parking spaces** for the dwelling units;

iii. at least 1 **bicycle parking space** per 562 square metres of non-residential **gross floor area** must be allocated as long-term **bicycle parking spaces** for the non-residential uses;

iv. at least 1 **bicycle parking space** per 281 square metres of non-residential **gross floor area** must be allocated as short-term **bicycle parking spaces** for the non-residential uses; and,

v. The number of required **bicycle parking spaces** must be rounded down when the calculation results in a fraction;

U. Despite regulation 230.40.1.20(2), a short-term **bicycle parking space** may be located more than 30 metres from a pedestrian entrance to the **building** and may be located in a secured room or an unsecured room;

V. Despite the requirements of clause 220.5.10.1, **loading spaces** must be provided and maintained as follows:

i. one (1) Type "G" **loading space**; and,

ii. one (1) Type "B" **loading space**;

W. Despite regulation 40.10.100.10(1)(C), more than one **vehicle** access is permitted;

X. In addition to the **building** elements listed in regulation 40.5.40.40(3), the **gross floor area** of a **mixed use building** is also reduced by the areas in a **building** used for:

i. All open to below areas;

ii. **public parking** below ground, inclusive of ramps and aisles above and below ground;

iii. Hallways and elevator vestibules below ground; and,

iv. Electrical, utility, mechanical and ventilation rooms on any level of the **building**;

Y. Despite regulation 40.10.40.10(5), the minimum height of the first **storey** that contains **dwelling units** and the ground floor of the westerly tower must be at least 3 metres;

Z. Despite regulation 40.10.20.100(21)(B), the maximum area of an **outdoor patio** is 500 square metres;

AA. Despite regulation 40.10.20.100(33) and clause 150.100, there is no maximum **interior floor area** for an **eating establishment**;

BB. Despite regulations 40.5.40.60(1) and 40.10.20.100(1), the height limitation of 5.0 metres related to canopies does not apply;

Prevailing By-laws and Prevailing Sections:

(A) None apply.

(B) By-laws 358-1998(OMB), former City of Toronto Zoning By-law 438-86, and former City of York Zoning By-law 1-83 shall not apply to the **lot** shown on Diagram 1 of By-law ###-2020

**9.** Despite any existing or future severance, partition, or division of the lands, the provisions of this By-law will continue to apply to the whole of the lands shown on Diagram 1 attached to this By-law as if no severance, partition, or division occurred;

**10.** For the purposes of interpreting By-law [Clerks to insert By-law No.]:

A. “car-share” means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars to be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;

B. “car-share parking space” means a parking space that is reserved and actively used for car-sharing



**11.** Nothing in this By-law will apply to prevent the phased construction of the development, provided that the minimum requirements of the By-law are complied with upon full development;

**12.** A Phasing Plan for the development in a form and content satisfactory and acceptable to the Chief Planner and Executive Director, City Planning in consultation with the General Manager, Transportation Services, General Manager, Parks, Forestry and Recreation, Chief Engineer and Executive Director, Engineering and Construction Services, the Toronto Transit Commission; Director, Real Estate Services and the City Solicitor which will be provided in a satisfactory and acceptable manner to the City prior to Site Plan Approval;

**13. 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/or density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;

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

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

ENACTED AND PASSED this ~ day of ~~~~, A.D. 2020.	
HIS WORSHIP, JOHN TORY, MAYOR	ULLI S. WATKISS, City Clerk

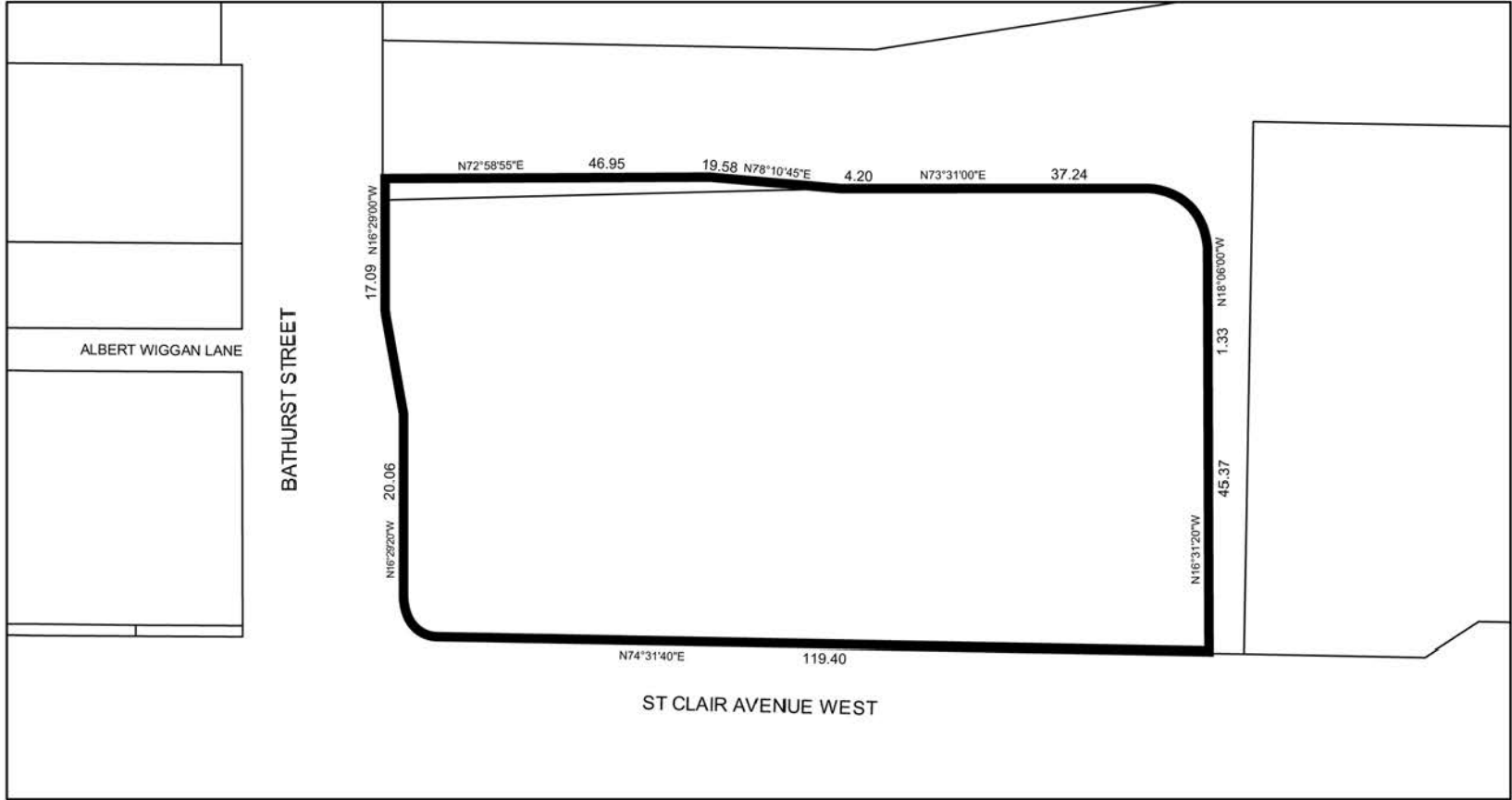
(Corporate Seal)

## SCHEDULE A

### Section 37 Provisions

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


See recommendation 3 of the report dated May 28, 2020 from the Director, Community Planning, Toronto and East York District.

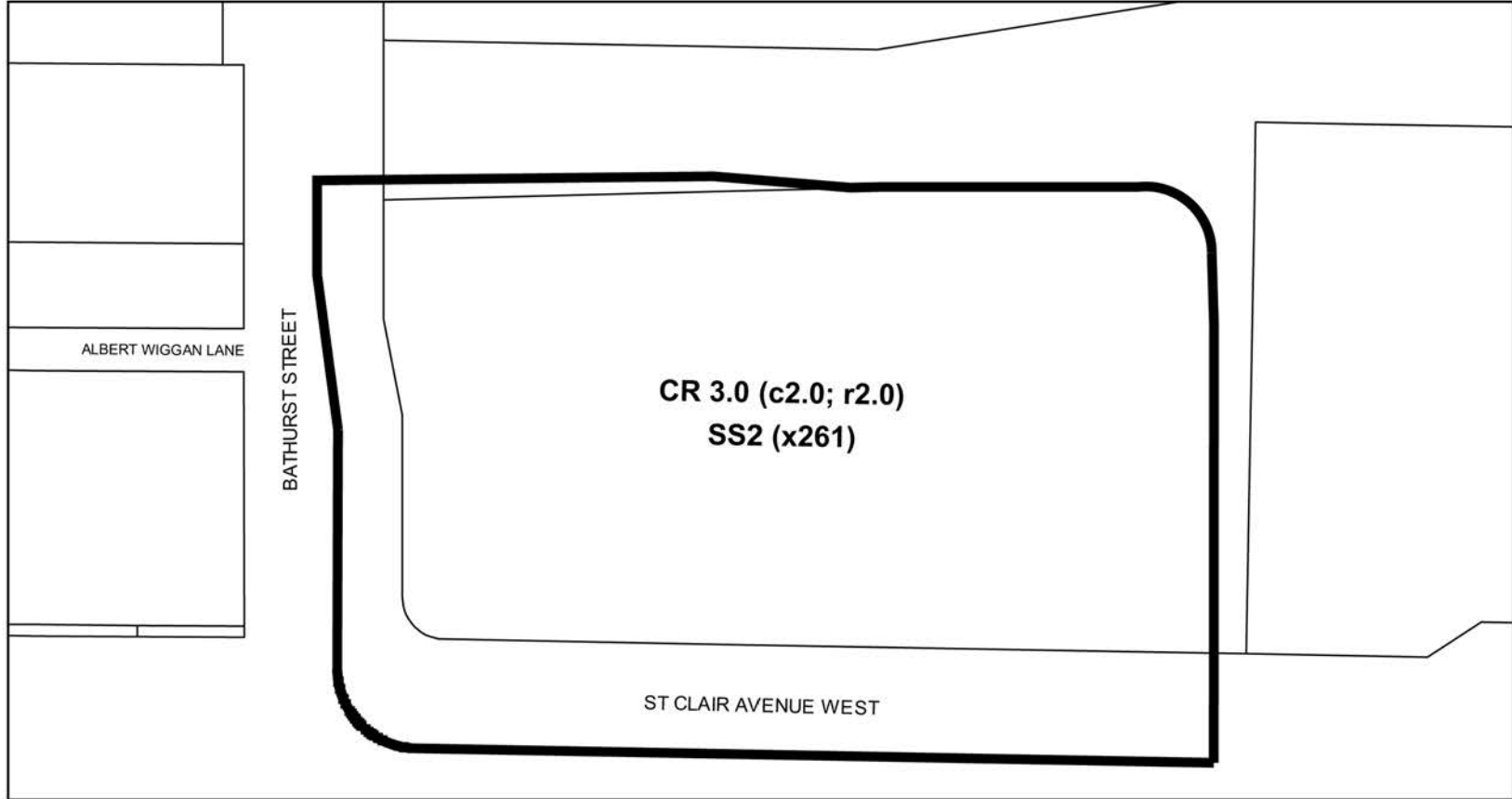


 **Toronto**  
Diagram 1

1467 Bathurst Street

File # 17 278700 STE 21 OZ

  
City of Toronto By-law 569-2013  
Not to Scale  
03/09/2020

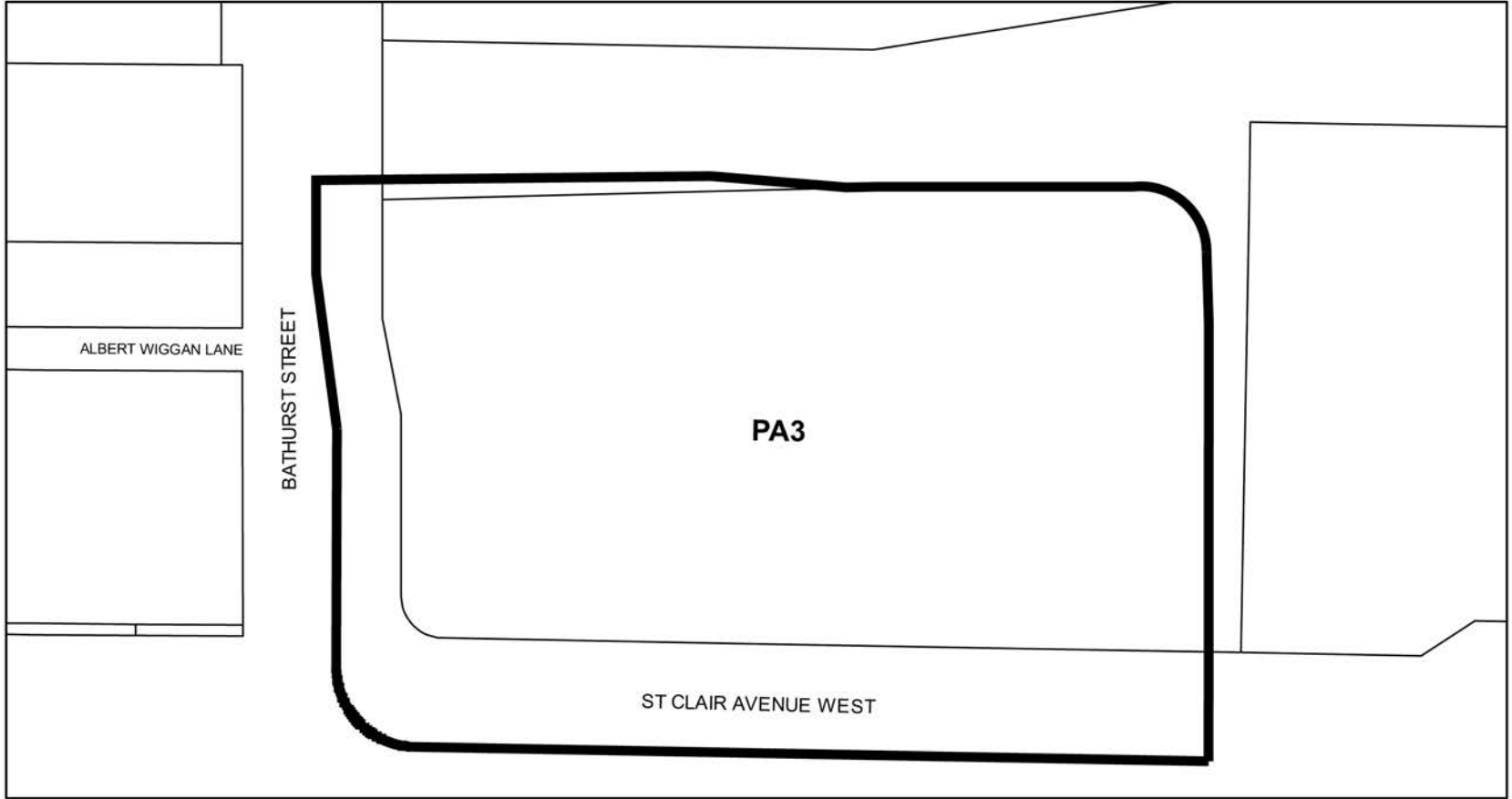


 **TORONTO**  
Diagram 2

1467 Bathurst Street

File # 17 278700 STE 21 0Z

  
City of Toronto By-law 569-2013  
Not to Scale  
05/22/2020



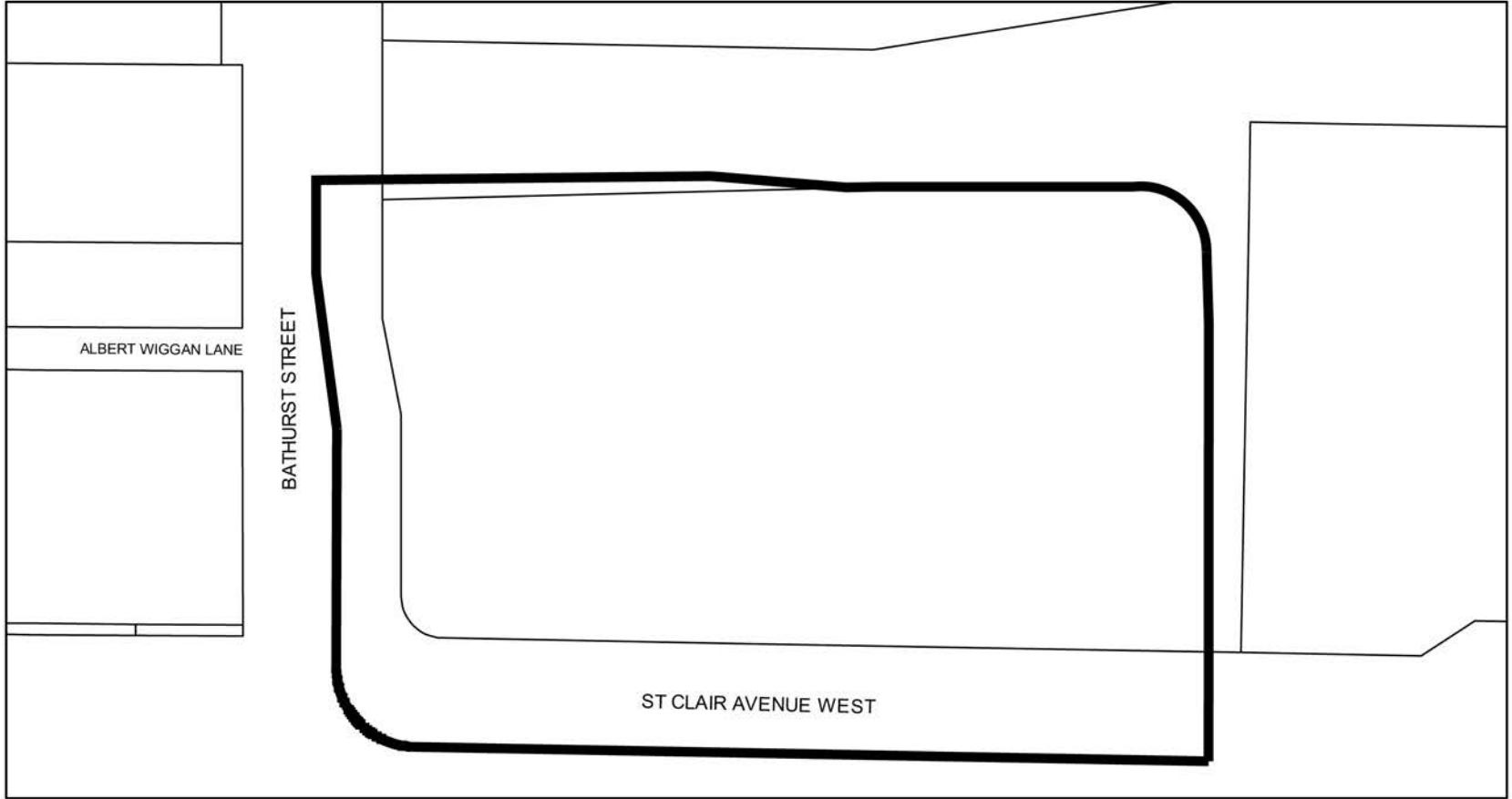
 **Toronto**  
Diagram 3

1467 Bathurst Street

File # 17 278700 STE 21 0Z

City of Toronto By-law 569-2013  
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03/09/2020




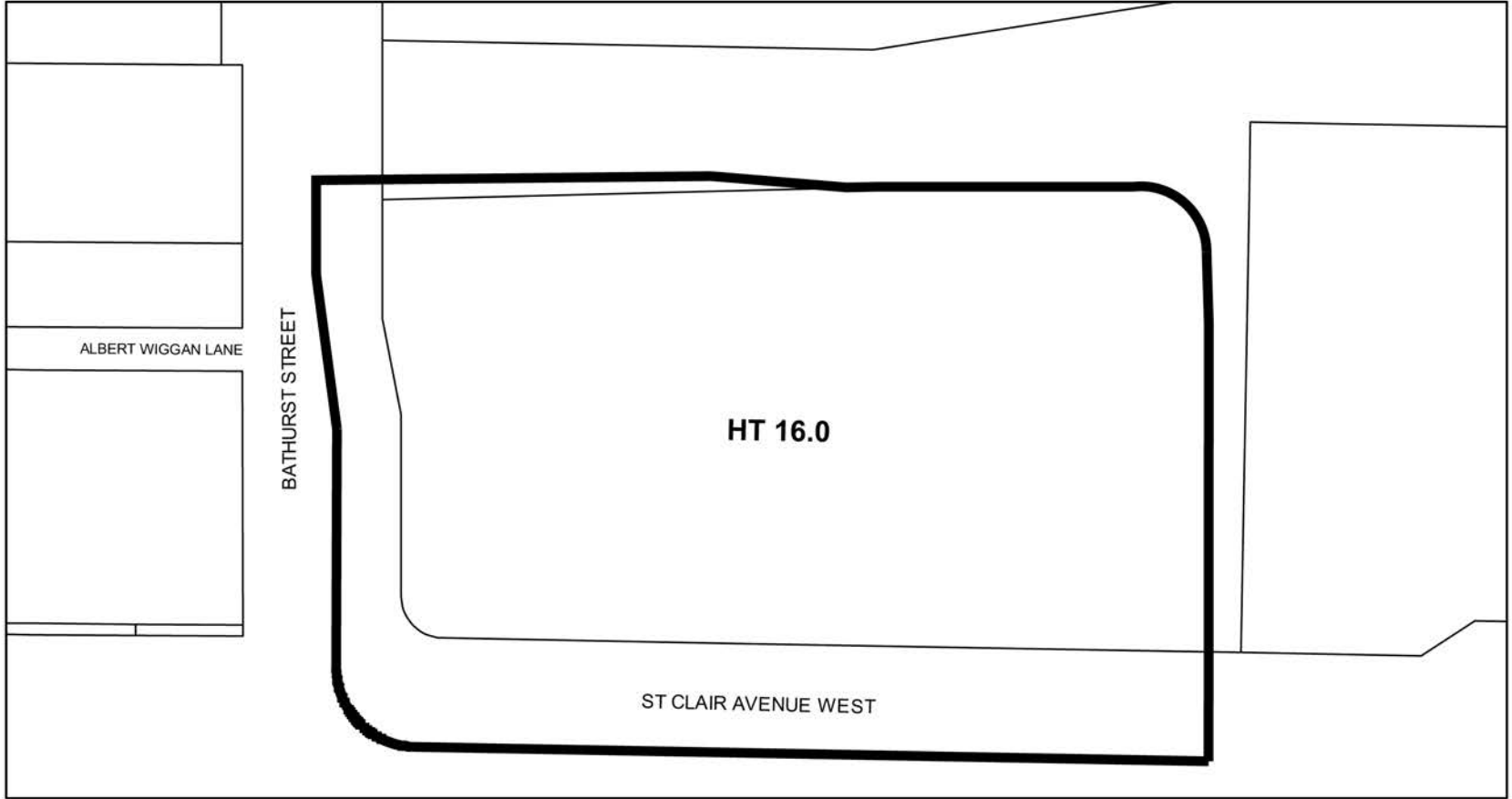


 **Toronto**  
Diagram 4

1467 Bathurst Street

File # 17 278700 STE 21 OZ


  
City of Toronto By-law 569-2013  
Not to Scale  
05/22/2020

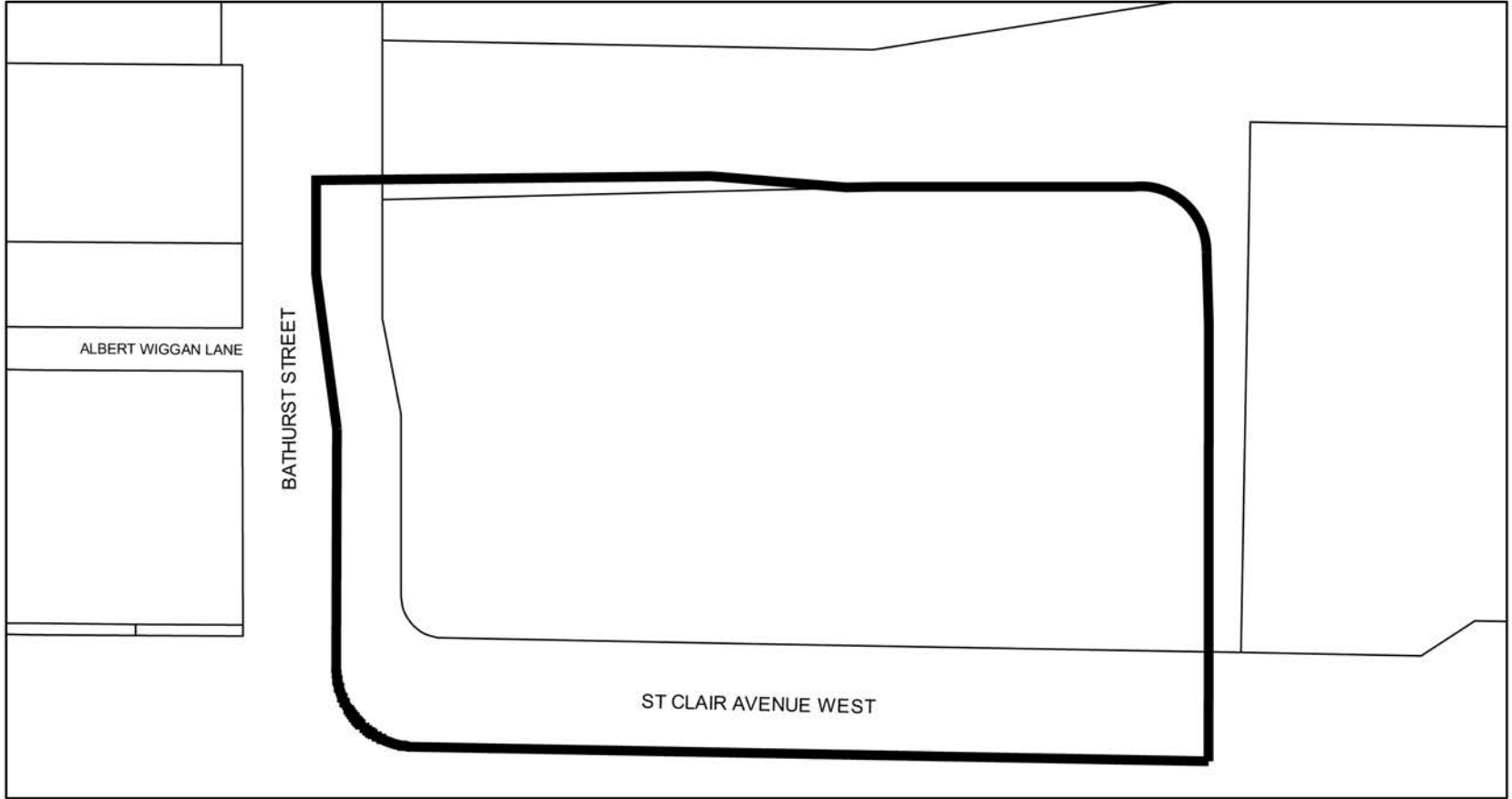


 **Toronto**  
Diagram 5

1467 Bathurst Street

File # 17 278700 STE 21 0Z


  
City of Toronto By-law 569-2013  
Not to Scale  
03/09/2020



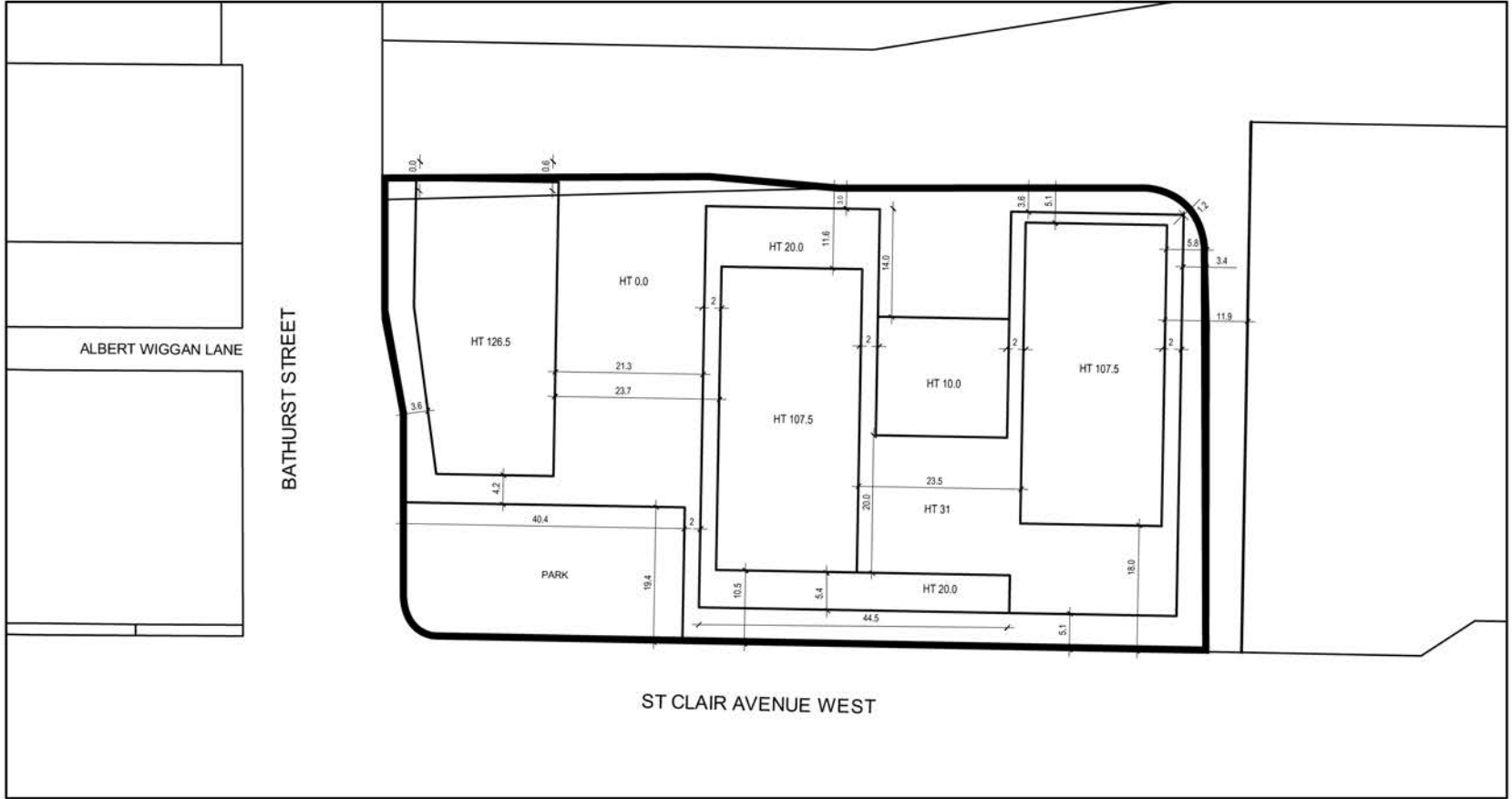
 **Toronto**  
Diagram 6

1467 Bathurst Street

File # 17 278700 STE 21 0Z

  
City of Toronto By-law 569-2013  
Not to Scale  
05/22/2020





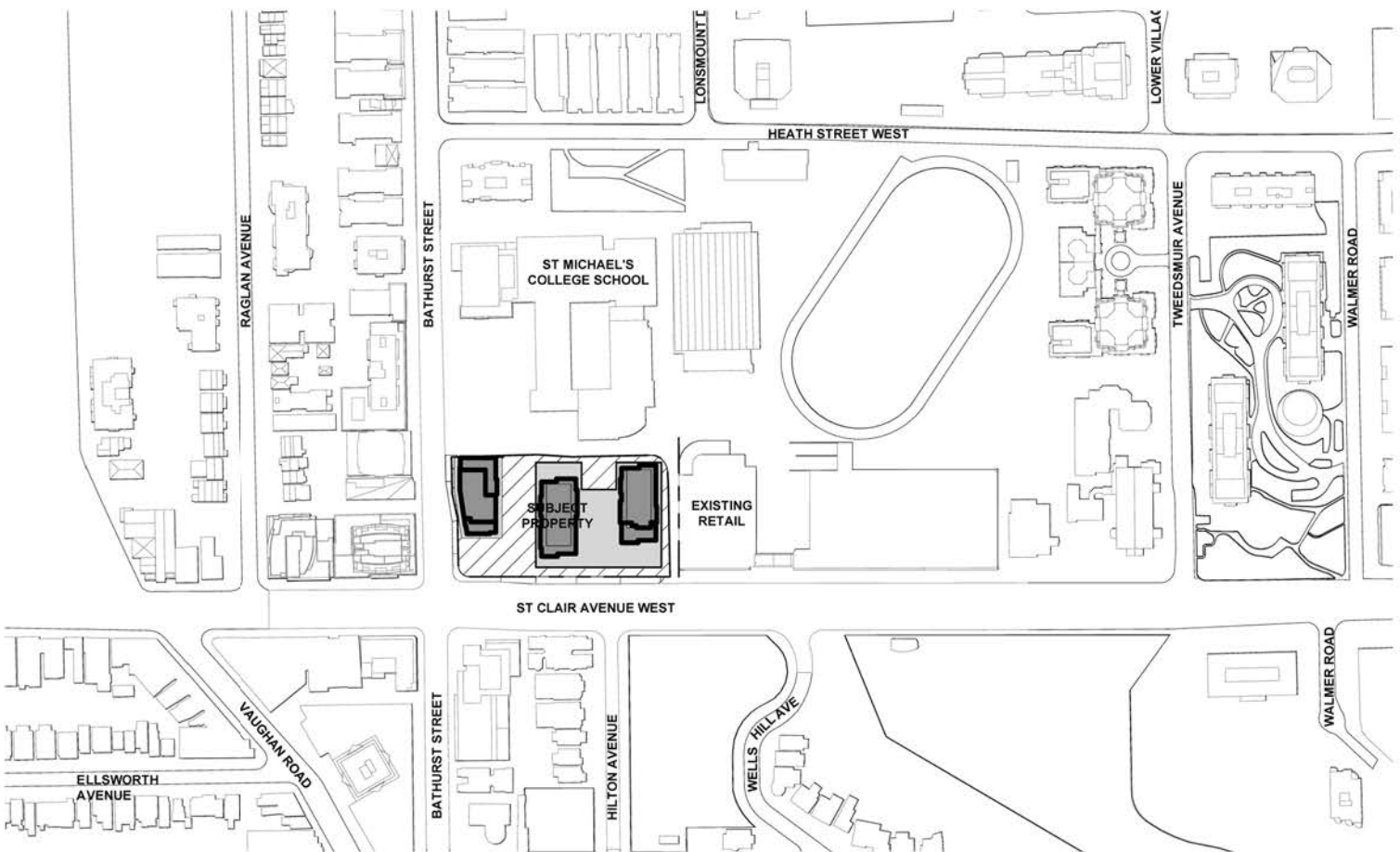
 **Toronto**  
Diagram 7

1467 Bathurst Street

File # 17 278700 STE 21 OZ



City of Toronto By-law 569-2013  
Not to Scale  
05/22/2020



## Context Plan

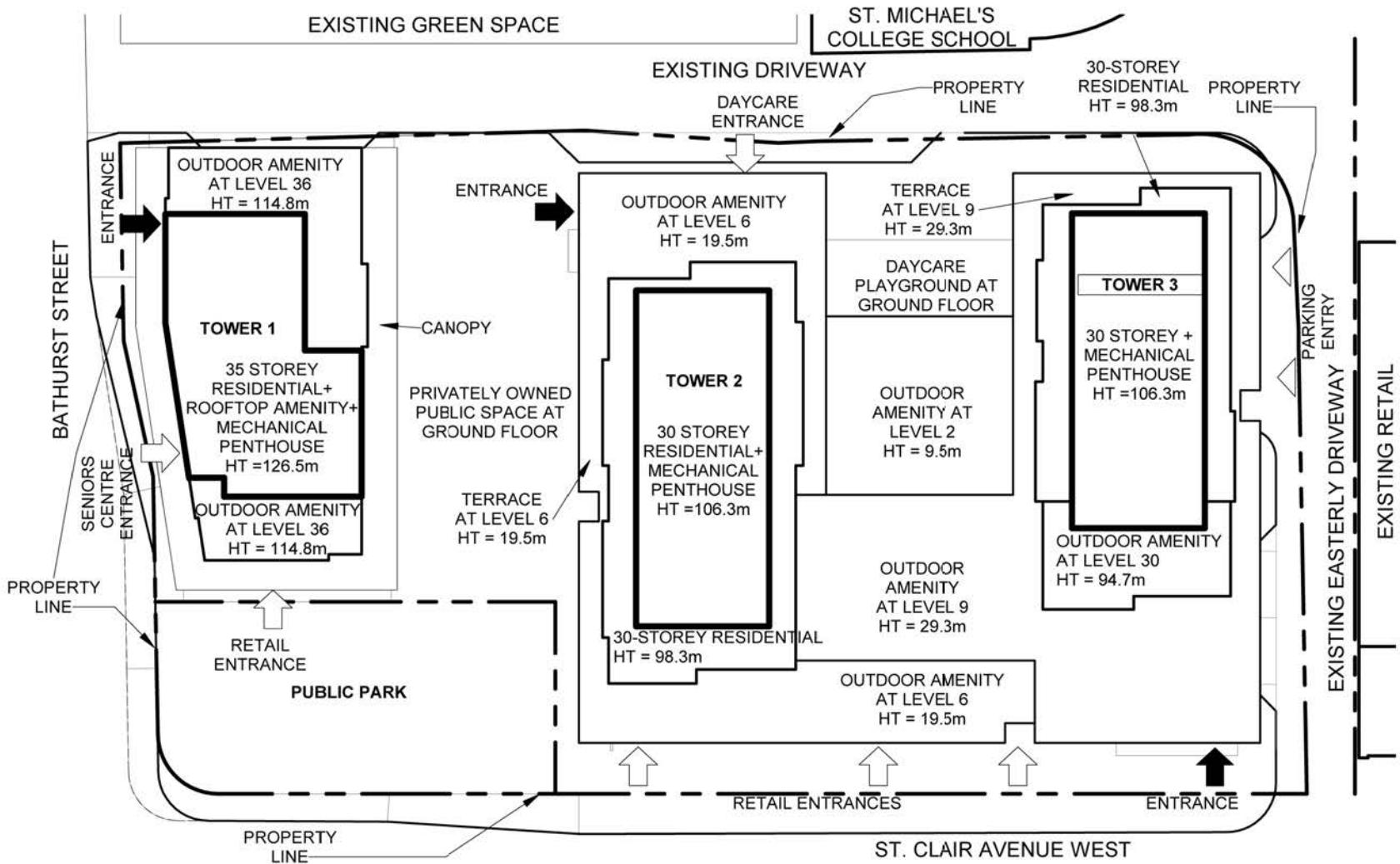
Applicant's Submitted Drawing

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03/12/2020



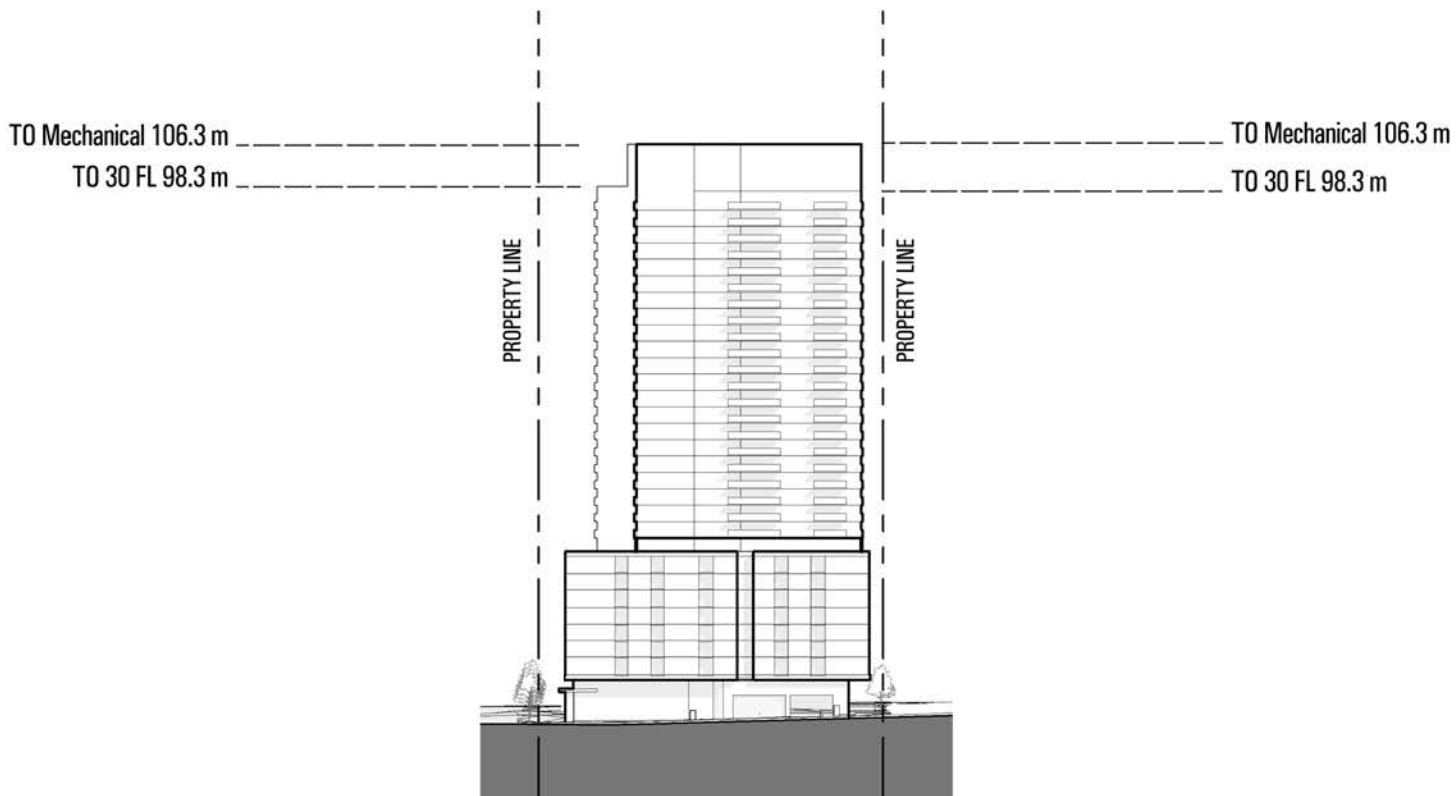
1467 Bathurst Street

File # 17 278700 STE 21



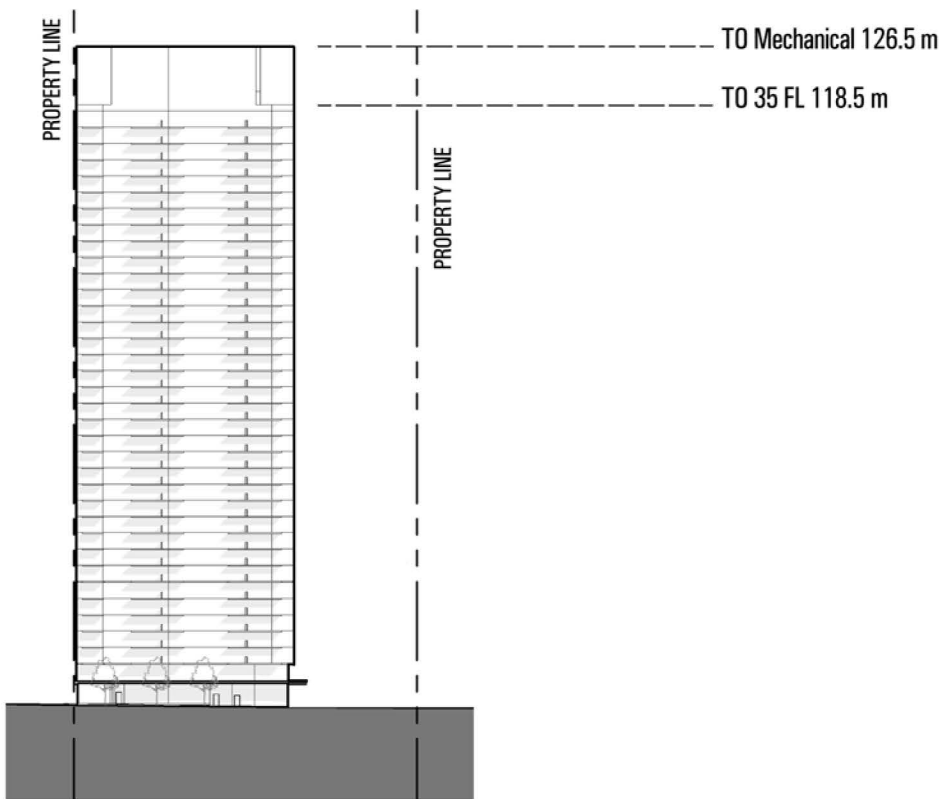
Site Plan



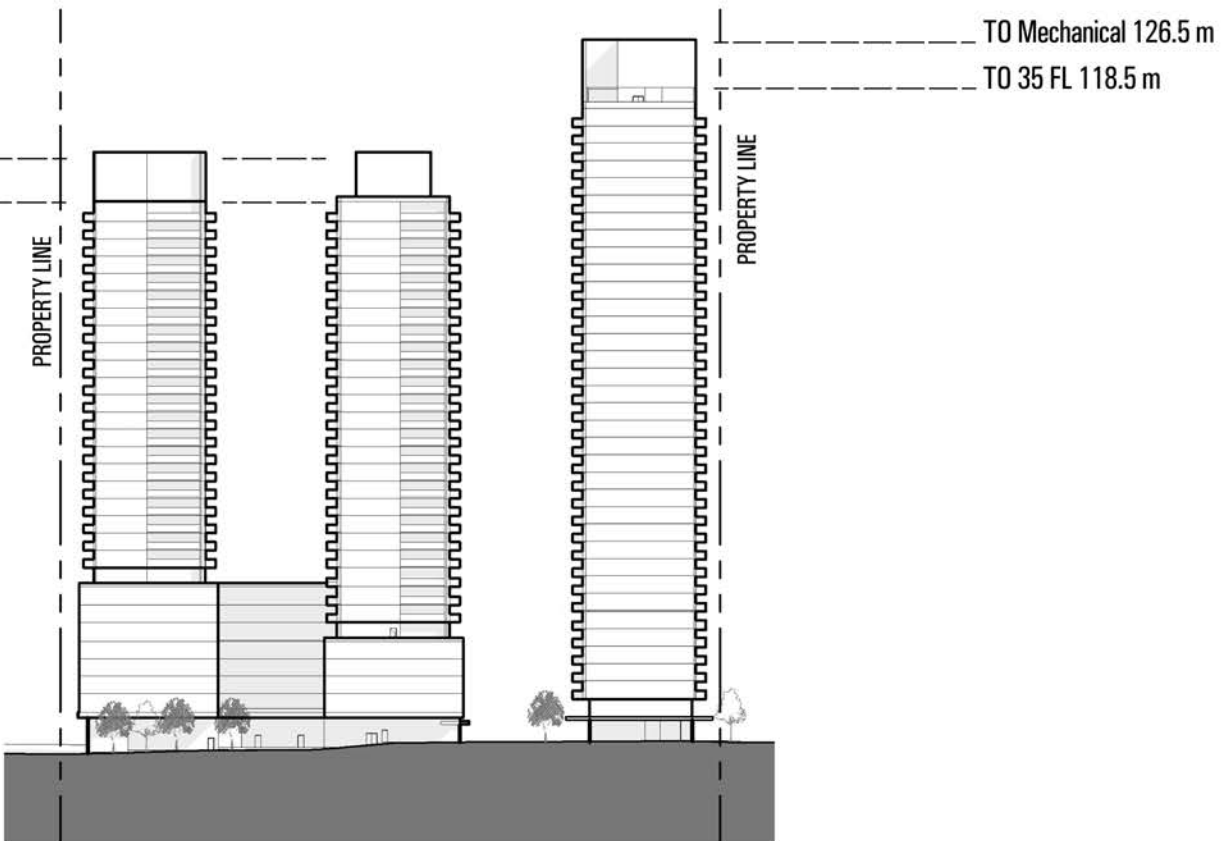


East Elevation

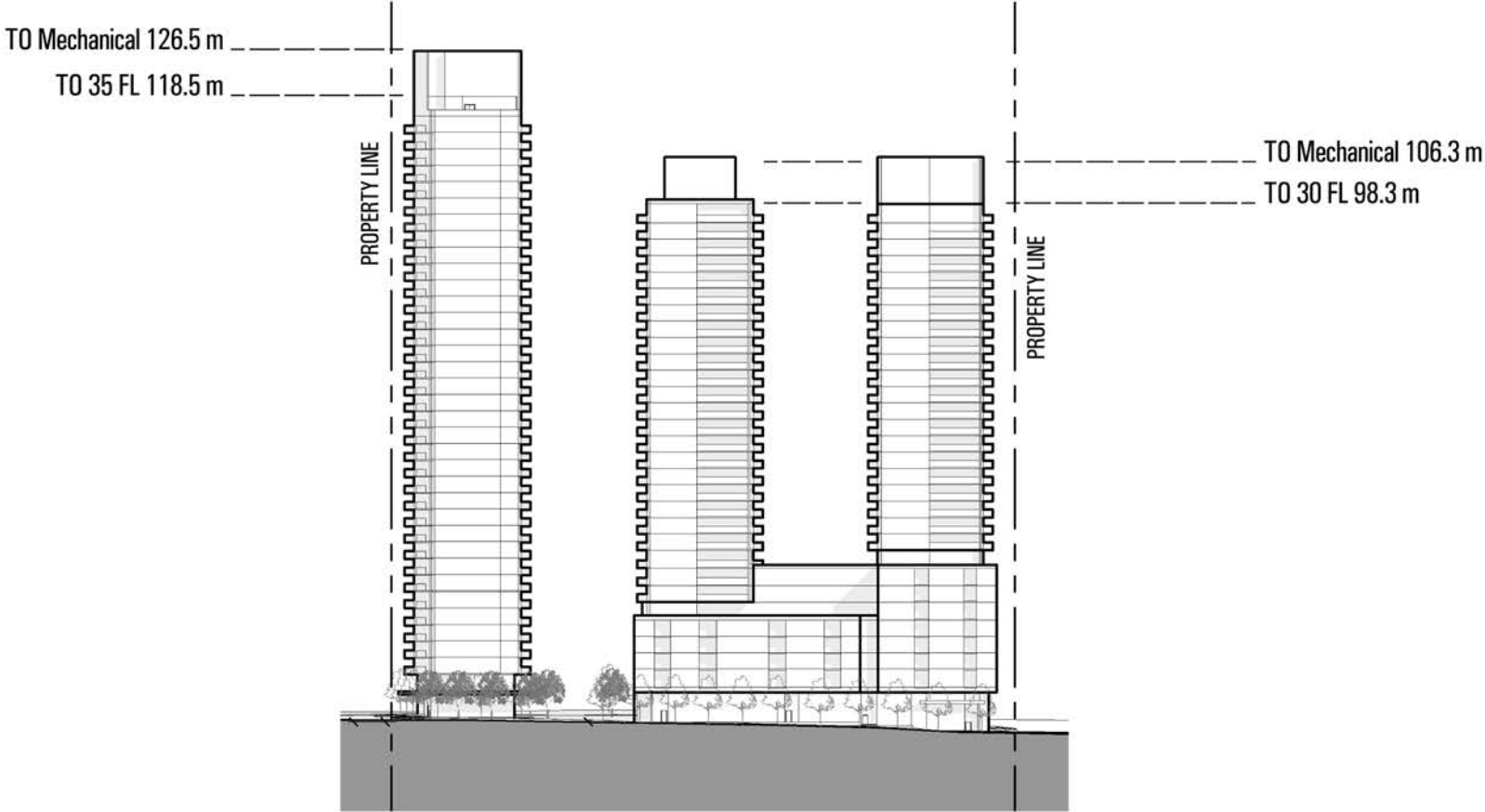
Attachment 10: West Elevation



West Elevation



North Elevation



South Elevation



■ TORONTO ■ VAUGHAN ■ OSHAWA

STEVENSON WHELTON LLP  
15 Toronto Street, Suite 200  
Toronto ON M5C 2E3  
416.599.7900

Richard Macklin  
Direct Dial: 647-847-3822  
[rmacklin@swlawyers.ca](mailto:rmacklin@swlawyers.ca)

June 21, 2021

**SENT BY EMAIL**

Mark Little  
President and CEO  
Suncor Energy  
P.O. Box 2844  
150 - 6 Avenue S.W.  
Calgary, AB T2P 3E3

Martha Hall Findlay  
Chief Sustainability Officer  
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Jon Love  
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Toronto, ON M5H 3Y2

Brett Miller  
CEO  
Canderel  
400-1075 Bay Street  
Toronto, ON M5S 2B1 Canada

Dear Sirs/Mesdames:

**Re: 1467 Bathurst Street**

We have been consulted with by the Casa Loma Residents Association.

Our members are concerned about the potential for remaining contamination on public lands downgradient of 1467 Bathurst (the "Lands"), including roads, parkland and the ravine, and the potential for health and ecological risks.

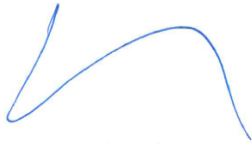
We are engaged in a public consultation process with the City of Toronto and Councillor Josh Matlow in regard to the Lands. Please provide us with copies of your current environmental data (including Risk Assessments and Monitoring Reports) pertaining to the Lands.

Please contact me if you have any questions.



Yours truly,

**Stevenson Whelton LLP**



**Richard Macklin**

Certified Specialist (Civil Litigation)

RM/am

cc: Councillor Josh Matlow  
Jade Leung  
Barbara Chernin - The Environmental Group

## Cailey Gregoire

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**To:** Eileen Costello  
**Subject:** RE: 1467 Bathurst, Toronto

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**From:** Robert Simpson <[rosimpson@suncor.com](mailto:rosimpson@suncor.com)>

**Sent:** June 24, 2021 1:51 PM

**To:** [rmacklin@swlawyers.ca](mailto:rmacklin@swlawyers.ca)

**Cc:** Mark Little <[mlittle@suncor.com](mailto:mlittle@suncor.com)>; Martha Hall Findlay <[mhallfindlay@suncor.com](mailto:mhallfindlay@suncor.com)>; Dana Roebuck <[droebuck@canderel.com](mailto:droebuck@canderel.com)>; Colin Baryliuk ([CBaryliuk@kingsettcapital.com](mailto:CBaryliuk@kingsettcapital.com)) <[CBaryliuk@kingsettcapital.com](mailto:CBaryliuk@kingsettcapital.com)>; Christopher Hustwick <[chustwick@Suncor.com](mailto:chustwick@Suncor.com)>

**Subject:** 1467 Bathurst, Toronto

Mr. Macklin

Further to your letter dated June 21, 2021 addressed to Mr. Mark Little, Ms. Martha Hall Findlay, and representatives of Kingsett and Canderel, we wish to make the following comments:

1. As we have advised your client on August 24, 2020, Suncor has provided copies of the environmental reports it has prepared to both the Ministry of Environment, Conservation and Parks ("MECP") and the City of Toronto. Your client may wish to request these reports from either party if they have not already done so.
2. As we also advised your client, Suncor does not provide this information to third parties that do not own a property in question or are not directly affected. Please note that all of Suncor's environmental work completed on this project has been completed by an independent Qualified Professional.
3. Suncor continues to ensure that our regulatory obligations are met and that includes actively monitoring the environmental conditions to ensure there are no adverse health or ecological concerns.

Please do not hesitate to contact me to discuss any of this further. Thank you.

**Bob Simpson**

Suncor Energy Services Inc. - Legal Services | 2489 North Sheridan Way, Mississauga, Ontario, L5K 1A8

Email: [rosimpson@suncor.com](mailto:rosimpson@suncor.com) | Phone: 905- 804-4525 | Fax: 905-855-8344

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