DA TORONTO

REPORT FOR ACTION

4926 Bathurst Street– Official Plan Amendment, Zoning Amendment Applications– Preliminary Report

Date: January 25, 2021 To: North York Community Council From: Acting Director, Community Planning, North York District Ward: York Centre

Planning Application Number: 20 219407 NNY 06 OZ

Notice of Complete Application Issued: December 16, 2020

Current Use(s) on Site: Gas station with a coffee shop and convenience store

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application located at 4926 Bathurst Street. Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 4926 Bathurst Street together with the Ward Councillor.

2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

FINANCIAL IMPACT

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

ISSUE BACKGROUND

Application Description

This application proposes to amend the Official Plan and Zoning By-law for the property at 4926 Bathurst Street to permit a 26-storey mixed-use building with retail uses atgrade. The proposed building would have a total gross floor area ("GFA") of 21,205 square metres, including 900 square metres of retail GFA on the ground floor. The resulting density is 8.54 times the area of the lot. A summary of the application's statistics can be found in the table below:

Site Frontage	Bathurst Street: 31 metres
	 Finch Avenue West: 40 metres
Site Area	2,483 square metres
Proposed GFA	Residential: 20,305 square metres
	 Retail: 900 square metres
	Total: 21,205 square metres
Proposed Floor Space Index	8.54 times the area of the lot
Proposed Number of Units	 Studio: 3 unit (1.1%)
	 One-Bedroom: 106 units (40.3%)
	 Two-Bedroom: 127 units (48.3%)
	 Three-Bedroom: 27 units (10.3%)
	Total: 263 units (100%)
Proposed Building Height	26-storeys/ 89.5 metres to top of
	mechanical penthouse
Building Setbacks	North (Finch Avenue West): 1.5 metres
Ũ	to the ground floor
	• South: 5.5 metres to the 5-storey base
	building
	• East (Bathurst Street): 1.5 metres to
	the ground floor
	West: 0.0 metre to the ground floor
Proposed Vehicular Parking Supply	Residents: 158 spaces
	• Visitors: 39 spaces (11 to be shared
	with retail uses)
	Total: 197 spaces within 3 levels of
	underground parking
Proposed Bicycle Parking Supply	 Long-Term: 179 spaces
	Short-Term: 19 spaces
	Total: 198 spaces
Proposed Loading Space	1 Type 'G/B'
Proposed Indoor Amenity Space	528 square metres
	(2.01 square metres/unit)
Proposed Outdoor Amenity Space	528 square metres
	(2.01 square metres/unit)

The proposed 26-storey mixed-use building would have a 5-storey base building with a height of 19 metres that would wrap both the Finch Avenue West and Bathurst Street frontages and would be setback 0.5 metres from both the north and east property lines. The ground floor would provide active retail uses along the majority of the Finch Avenue West frontage and a portion of the Bathurst Street frontage. Entrances to the retail uses would be from both street frontages and at the corner where an enhanced landscaped feature is proposed. The residential lobby would be located off Bathurst Street, at the southeast corner of the building.

In addition to the retail uses and the residential lobby, the ground floor would also include the Type 'G/B' loading space, garbage storage area, and a mezzanine with 430 square metres of storage space for lockers and bicycle parking. All levels above the ground floor are used exclusively for residential uses and amenity space.

The tower portion of the proposed building, from the 6th to 25th levels, would be setback 12.5 metres from the southern property line, 22.5 metres from the west property line, and 3.0 metres from the north and east property lines. The 26th level of the building would step back an additional 2.5 metres on all sides from the extent of the tower portion below.

Both the loading and parking would be accessed from a driveway off Bathurst Street, towards the southern limit of the site. The Type 'G/B' loading space and access to the three levels of underground parking would be enclosed within the building's massing. There are 11 visitor parking spaces proposed adjacent to the driveway which would be for users of the retail uses.

Detailed project information is found on the City's Application Information Centre at:

https://www.toronto.ca/city-government/planning-development/application-informationcentre/

See Attachments 1 and 2 of this report, for a three dimensional representation of the project in context.

Provincial Policy Statement and Provincial Plans

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

Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on August 28, 2020. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2019.

The Growth Plan (2020) 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 (2020) establishes policies that require implementation through a Municipal Comprehensive Review (a "MCR"), which is a requirement pursuant to section 26 of the *Planning Act*.

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

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected 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 (2020), 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 (2020) 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 (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

Toronto Official Plan Policies and Planning Studies

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

The segment of Finch Avenue West in which the site fronts is designated *Avenues* on Map 2 of the Official Plan. *Avenues* are considered important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and employment opportunities. The Official Plan recognizes that each *Avenue* is different in terms of lot sizes and configurations, street width, existing uses, neighbouring uses, transit service, and streetscape potential. Reurbanizing the *Avenues* will be achieved through the preparation of *Avenue* Studies for strategic mixed use segments of the corridors shown on Map 2 of the Official Plan. Not all *Avenues* can be studied at once, and some, which may not need further study at all. Ultimately, all *Avenues* should serve as "main streets" that are focal points for the local community with attractive and bustling sidewalks and become meeting places for local neighbours and the wider community. A framework for change will be tailored to the context of each *Avenue* through a local *Avenue* Study that will contain a vision and an implementation plan to show:

- How the streetscape and pedestrian environment can be improved;
- Where public open spaces can be created and existing parks improved;
- Where trees should be planted; and
- How use of the road allowance can be optimized and transit service enhanced.

Development on *Avenues* prior to an *Avenue* Study has the potential to set a precedent for the form and scale of the reurbanization along the *Avenue*. *Avenue* Segment Studies will address the larger context and examine the implications for the segment of the *Avenue* in which the proposed development is located. Policy 2.2.3.4 of the Official Plan identifies that the course of an *Avenue* Segment Study will:

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

Map 5 of the Official Plan identifies both Bathurst Street and Finch Avenue West as Expansion Elements, Transit Priority Segments. Section 2.2 of the Official Plan addresses the integration of land use and transportation within the City. The Plan protects the integrity of the City's transportation network and provides for its planned expansion through the designation of public rights-of-way and transit corridors as described in the maps and schedules, which includes Map 5. Policy 2.2.3 states that the City's transportation network will be maintained and developed to support the growth management objectives of this Plan which includes increasing transit priority throughout the City by giving buses and streetcars priority at signalized intersections and by introducing other priority measures on selected bus and streetcar routes, including those identified on Map 5.

The subject site is designated *Apartment Neighbourhoods* on Map 16 of the Official Plan. *Apartment Neighbourhoods* are made up of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that the serve the needs of area residents. *Apartment Neighbourhoods* typically contain taller buildings and higher densities than *Neighbourhoods* and are considered to be physically stable. Development in *Apartment Neighbourhoods* will be consistent with this objective and will respect the criteria contained in Section 4.2 and other relevant sections of the Official Plan. While *Apartment Neighbourhoods* are not areas of significant growth on a citywide basis, development in *Apartment Neighbourhoods* may also include redevelopment of underutilized or vacant sites.

Zoning By-laws

The subject site is currently zoned C1 General Commercial (C1) under the former City of North York Zoning By-law 7625. The C1 zone permits a wide range of commercial uses including but not limited to, business and professional offices, restaurants, retail stores, personal service shops, banks, studios, dry-cleaning and laundry establishments, fitness centres, gas stations, as well as a variety of residential uses, including apartment house dwellings. Some institutional uses are also permitted, including home for the aged, crisis care facility, day nursery, and college.

The C1 zones permits a Floor Space Index of 1.0 times the area of the lot, a maximum height of 9.2 metres or three-storeys for a commercial building having dwelling units above the first floor, and a maximum lot coverage of 33.3 percent.

The subject site is currently exempt from the City-wide Zoning By-law 569-2013.

The City's Zoning By-law 569-2013 can be found here: <u>https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/</u>

Design Guidelines

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

- City-wide Tall Building Design Guidelines;
- Growing Up: Planning for Children in New Vertical Communities; and
- Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings.

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

Site Plan Control

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

COMMENTS

Reasons for the Application

The application to amend the Official Plan was submitted to permit the proposed scale of retail uses proposed. The *Apartment Neighbourhoods* designation permits small-scale retail, service, and office uses that serve the needs of the area residents, however, the Official Plan doesn't define "small-scale." As a result, and in an abundance of caution, an application to amend the Official Plan was submitted to permit the proposed 900 square metres of retail GFA.

The application to amend the Zoning By-law is required to permit the proposed development. While the proposed mixed-use building is a permitted building type, the proposal requires amendments to permit the proposed height and density as well as other site specific permissions related to building setbacks, parking requirements, and other zoning provisions.

The application also proposes to bring the subject site into the City-wide Zoning By-law 569-2013 through site specific zoning permissions and policy overlay provisions.

ISSUES TO BE RESOLVED

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

Avenue Study

For sites where an *Avenue* Study has not yet been completed, Policy 2.2.3.4 of the Official Plan requires that an *Avenue* Segment Study be submitted to examine impacts from the incremental redevelopment of the street with other development at a similar scale. The same policy also identifies that development in *Mixed Use Areas* on *Avenues* has the potential to set a precedent for the form and scale of reurbanization along the *Avenue*. Although the subject site is designated *Apartment Neighbourhoods*, not *Mixed Use Areas*, an *Avenue* Segment Study has been submitted in support of the application as an *Avenue* Study has not been completed for this segment of Finch Avenue West.

The study area of the *Avenue* Segment Study prepared by the applicant was determined in consultation with Planning staff. The study area is bounded by Arnott Avenue to the west, Ancona Street to the east, Brenthall Avenue to the north, and Yorkview Drive to the south. The study area focuses on properties designated *Mixed Use Areas* and *Apartment Neighbourhoods* that front Finch Avenue West. The study identifies five soft sites, which exhibit reasonable redevelopment potential in the short to long-term. The Study submitted by the applicant identifies soft sites to be "underutilized and/or vacant sites fronting on *Avenues* where opportunities to redevelop to a more intense, urban and transit-oriented land use and built form exists."

The *Avenue* Segment Study concludes that the five soft sites all have fairly significant opportunities for intensification in the short to medium term. Of the five sites analyzed, the Study has identified that three can accommodate more than one tall building and the approximate built form on these sites that each provide for is between 29,640 square metres to 55,800 square metres of GFA. While staff are in agreement with the soft sites identified and recognize these sites can accommodate a certain degree of intensification, staff have concerns with the level of redevelopment the Study contemplates in an area with limited transit access, apart from bus service. Although Map 5 of the Official Plan identifies this segment of Bathurst Street and Finch Avenue West as a transit priority segment, the improvements that result are largely related to giving buses priority, not that these areas are identified as being appropriate for higher order transit. In addition, part of staff's review will also include whether there is sufficient infrastructure capacity to accommodate the degree of intensification contemplated in the *Avenue* Segment Study.

Official Plan Conformity

Map 16 of the Official Plan designates the subject site as *Apartment Neighbourhoods*. The Healthy Neighbourhoods section of the Official Plan states that while *Apartment Neighbourhoods* are not areas of significant growth on a city-wide basis there is opportunity for the redevelopment of vacant or underutilized sites that meet the needs of the Official Plan's policies to create new housing options in Toronto.

In addition to the *Apartment Neighbourhoods* designation, the segment of Finch Avenue West in which the site fronts is shown as an *Avenue* on Map 2 of the Official Plan. The Official Plan further recognizes that not all lands that fall within *Avenues* are designated for growth. The *Avenues* have been identified at a broad scale to help assess urban design, transit and service delivery issues. Growth and redevelopment of the Avenues should be supported by high quality transit services, including priority measures for buses and streetcars, combined with urban design and traffic engineering practices that promote a street that is safe, comfortable and attractive for pedestrians and cyclists.

Policy 2.2.3.7 of the Official Plan states that "the land use designations in Chapter Four of this Plan apply to and prevail on lands broadly shown on Map 2 as *Avenues*." As staff continue their review of the subject application, the *Apartment Neighbourhoods* policies will be assessed together with the *Avenues* policies. Should the policy direction of these two sections conflict, the policies of the *Apartment Neighbourhoods* section will prevail.

Staff will continue to consider if a site designated *Apartment Neighbourhoods* is appropriate for setting a new development context to both this portion of the *Avenue* and the surrounding area recognizing that infill development within lands designated *Apartment Neighbourhoods* is required to be sensitive. Staff are concerned that the level of intensification currently contemplated through the subject application is not sensitive infill, particularly since it would introduce a built form and density not yet seen in the area surrounding the subject site on either Bathurst Street or Finch Avenue West.

Built Form, Planned and Built Context

Staff are also assessing the proposed development against the City-wide Tall Building Design Guidelines, Growing Up: Planning for Children in New Vertical Communities, and Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings. In addition, staff are reviewing the proposal against the public realm and built form policies.

On September 21, 2020 the Minister of Municipal Affairs and Housing issued Notices of Decision approving Official Plan Amendment ("OPA") 479 (Public Realm) and 480 (Built Form). OPA 479 and 480 were part of the Five-Year Official Plan Review pursuant to subsection 17(34) of the *Planning Act*. The OPAs replace Sections 3.1.1, 3.1.2, and 3.1.3 of the Official Plan with new and revised policies for the public realm, built form, and built form types. Staff are assessing the proposed development against the relevant built form and public realm policies, as amended.

The height of the proposed building would exceed the width of the adjacent right-ofways in which it fronts and as a result is considered a tall building. The Built Form-Building Types section of the Official Plan includes policies related to the design of tall buildings and are further expanded upon in the City-wide Tall Building Design Guidelines. A number of criteria are listed for the evaluation of tall building proposals.

Of greatest concern is the proposed building's height and density. The application proposes a 26-storey tall building in an area where the existing context is largely characterized by low to mid-rise buildings. The proposed development, at present, would be the tallest and most dense development in the surrounding Bathurst and Finch area. The introduction of this development scale will be assessed as part of the *Avenue* Segment Study, however, part of staff's review will also include assessing ways in which the proposed height and density can be reduced to provide a transition in scale between the adjacent sites with differing heights and intensities.

In the absence of an area specific policy framework for the subject site and surrounding area, for example, a Secondary Plan, the Official Plan is to provide policy direction related to the planned context. In addition, the *Avenue* Segment Study prepared by the applicant in support of the application provides staff with another tool to assess future development opportunities within the surrounding area. While staff acknowledge that the subject site is an underutilized site and appropriate for redevelopment, staff are assessing the appropriateness of the proposed built form and whether it is of an intensity and scale that fits within the existing and planned context. The Official Plan's direction for sensitive infill on underutilized *Apartment Neighbourhoods* will, in part, form the basis of assessing the appropriateness of the built form.

As part of staff's analysis of whether the proposed built form fits and how the proposed height and density can be reduced, staff will consider whether an alternate built form is more appropriate. Given the planned 36 metre right-of-way widths of both Bathurst Street and Finch Avenue West, the site could accommodate a sizeable mid-rise building which may fit better within the existing and planned context, a further analysis shows that due to the configuration of the right of way at this intersection, a larger than typical "mid-rise" building could be constructed without exceeding the rights-of-way.

Staff, however, acknowledge that a large mid-rise building may result in an undesirable massing and will therefore work through the built form options with the applicant.

As staff, together with the applicant, continue to test the most appropriate built form on the subject site, particular consideration will be given to mitigating any height and massing impacts. The sun and shadow study will be updated to reflect any changes to the built form to ensure any resulting shadow on Bathurst Street, Finch Avenue West, open spaces including outdoor amenity spaces, and lower-scale *Neighboourhoods* to the east of the subject site is adequately limited.

Modifications to reduce the extent of the built form, building height, and massing, as currently proposed, should in theory, result in a reduction to the proposed density. Since the maximum permitted density isn't explicitly defined through, for example, Secondary Plan policies, an appropriate built form that reasonably mitigates any impacts, will inform the appropriate density.

Community Services and Facilities

Community Services and Facilities ("CS&F") are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures used for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions. They include recreation, libraries, childcare, schools, public health, human services, cultural services and employment services, etc. The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

Strategic directions to guide investment in parks and recreation facilities are set out in the Parks and Recreation Facilities Master Plan (the "FMP"), adopted by City Council in November of 2018. The report can be viewed here: http://app.toronto.ca/tmmis/viewAgendaltemHistory.do?item=2017.EX28.2

The community recreation priorities for this neighbourhood will be determined as the study proceeds. The CS&F Study submitted by the applicant concludes that many service sectors have sufficient existing capacity to accommodate the estimated population increase that would be generated from the proposed development. The Study does indicate, however, facilities such as school and childcare may face accommodation pressures depending on the overall population growth. Staff are reviewing the conclusions of the Study and will work with the applicant and other City departments to determine how to best respond to the CS&F needs of the area.

Section 37 Community Benefits

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

Section 5.1.1 allows the City to approve height and/or density greater than permitted by the zoning by-law pursuant to section 37 of the *Planning Act* for developments which exceed 10,000 square metres and increase the permitted density by at least 1,500 square metres and/or significantly increase the permitted height. The application proposes an FSI of 8.54, whereas, the Zoning By-laws permit an FSI of 1.0. Therefore, the proposed development meets the criteria for eligibility of section 37 benefits.

Infrastructure and Servicing Capacity

The applicant submitted a Functional Servicing and Stormwater Management Report, a Hydrogeological Review Report, and a Geotechnical Engineering Report. The Functional Servicing Report is intended to evaluate the effects of the development on the City's municipal servicing infrastructure and watercourses and to identify the need for any new infrastructure and upgrades to existing infrastructure necessary to provide for adequate servicing for the proposed development. Staff are reviewing the application to determine if there is sufficient infrastructure capacity to accommodate the proposed development, in addition to the potential cumulative impact of all proposed applications in the area of this application.

Toronto Green Standard

City Council has adopted the four-tier Toronto Green Standard (the "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 intended to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

Staff are reviewing the TGS Checklist submitted by the applicant for compliance with the Tier 1 performance measures. The applicant will be encouraged to pursue a higher level of sustainability through the application review process.

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

CONTACT

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SIGNATURE

Al Rezoski, AICP Acting Director, Community Planning, North York District

ATTACHMENTS

City of Toronto Drawings

Attachment 1: 3D Model of Proposal in Context (View Looking Northeast) Attachment 2: 3D Model of Proposal in Context (View Looking Southwest) Attachment 3: Location Map Attachment 4: Site Plan Attachment 5: Official Plan Map



Attachment 1: 3D Model of Proposal in Context (View Looking Northeast)



Attachment 2: 3D Model of Proposal in Context (View Looking Southwest)





Attachment 4: Site Plan



Attachment 5: Official Plan Map

