

# **152-164 Bathurst Street and 621-627 Richmond Street West – Official Plan Amendment, Zoning By-law Amendment and Rental Housing Demolition Applications – Preliminary Report**

**Date:** November 3, 2021

**To:** Toronto and East York Community Council

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

**Ward:** 10 - Spadina-Fort York

**Planning Application Number:** 21 181257 STE 10 OZ

**Related Applications:** 21 181261 STE 10 RH

**Current Uses on Site:** A 3-storey semi-detached dwelling at 623 and 625 Richmond Street West; a 3-storey detached dwelling at 627 Richmond Street West; a 3-storey mixed-use heritage building at 621 Richmond Street West and 164 Bathurst Street; two vacant lots at 160 and 162 Bathurst Street; a 2-storey commercial retail building at 156-158 Bathurst Street; and, a 2-storey mixed-use building at 152-154 Bathurst Street.

## **SUMMARY**

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This report provides information and identifies a preliminary set of issues regarding the application located at 152-164 Bathurst Street and 621-627 Richmond Street West to permit a 17-storey mixed-use building with 217 residential units. A total of 522 square metres of non-residential gross floor area, and 15,615 square metres of residential gross floor area is proposed.

The heritage building at 621 Richmond Street West and 164 Bathurst Street is proposed to be retained and the remaining buildings on the site are proposed to be demolished.

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**

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The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 152-164 Bathurst Street and 621-627 Richmond Street West 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**

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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.

## **DECISION HISTORY**

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On February 5, 2020, Toronto and East York Community Council approved the demolition of an unrated building at the adjacent property at 162 Bathurst Street following damage from a fire in 2019.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE13.11>

On October 6, 2021, the Toronto Preservation Board recommended that City Council designate the property at 164 Bathurst Street under Part IV, Section 29 of the Ontario Heritage Act.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.PB27.1>

## **THE APPLICATION**

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### **Notice of Complete Application Issued: August 11, 2021**

#### **Description**

The application proposes to incorporate the heritage building at 164 Bathurst street into a 17-storey (47.6 metres including the mechanical penthouse) mixed-use building with a non-residential gross floor area of 522 square metres and a residential gross floor area of 15,615 square metres. A total of 217 residential dwelling units are proposed and a Floor Space Index (FSI) of 8.19 times the area of the lot.

The proposed development includes 51 resident and 18 visitor parking spaces within a 2-level below grade parking garage . Parking and loading access is proposed off Richmond Street West at the west end of the site. Vehicles would access the site through a parkade in the building, with the ramp entrance located within the open space at the southwest corner of the site. 244 bicycle parking spaces are also proposed.

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

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

### **Reasons for the Application**

The Official Plan Amendment seeks to change the land use designation on the western portion of the subject site (625 and 627 Richmond Street West) from Neighbourhoods to Mixed Use Areas.

The Zoning By-law Amendment application seeks to amend the former City of Toronto Zoning By-Law No. 438-86 and bring it into City-wide Zoning By-law 569-2013, to increase the permitted height and density, as well as to revise other development standards as necessary to accommodate the proposal.

The Rental Housing Demolition application proposes to demolish the 12 existing rental dwelling units on the site and replace them within the proposed development. All units exceed the mid-range rent, according to the housing issues report submitted by the applicant.

### **Site Plan Control**

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

## **POLICY CONSIDERATIONS/PLANNING FRAMEWORK**

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### **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 (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).

### **Planning for Major Transit Station Areas**

The Growth Plan (2020) as amended 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 (2020) 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 are planned for the prescribed densities.

The site is located approximately 1.5 kilometres from Osgoode Station. The site is also approximately 235 metres from the planned King/Bathurst Station, and 640 metres of the planned Queen/Spadina Station on the Ontario Line subway.

### **Toronto Official Plan Policies and Planning Studies**

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and

facilities. Authority for the Official Plan derives from The Planning Act of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies may be found here:

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

The site is located in the Downtown and Central Waterfront on Map 2 of the Official Plan with of a portion of the site designated of Mixed Use Areas and another portion Neighbourhoods on Land Use Plan Map 18, as shown on Attachment 4.

### **Garrison Common North Secondary Plan**

The site is within the Garrison Common North Secondary Plan. The Secondary Plan's major objectives include ensuring that new development is integrated into the established City fabric, and that a variety of land uses and densities are permitted, while being sensitive to and protecting employment uses. Additional objectives relate to new developments providing community services and facilities, and providing a range of housing types in terms of size, type, affordability and tenure.

### **Official Plan Amendment 479 and 480 – Public Realm and Built Form Official Plan Policies**

On September 11, 2020, the Ministry of Municipal Affairs and Housing approved OPA 479 and OPA 480. OPA 479 (Public Realm) and OPA 480 (Built Form) were adopted as part of the Five-Year Official Plan Review. 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, which respond to Council's direction to amend the urban design policies of the Official Plan.

The Official Plan Amendment can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH11.4>

### **Zoning By-laws**

Under the former City of Toronto By-law 438-86, as amended (Attachment 6), a portion of the site is zoned CR T3.0 C1.0 R2.5 (Commercial-Residential), with a maximum permitted height of 25.0 metres. The remainder of the site is zoned R3 Z1.0.

Under the CR zoning category, a broad range of commercial and residential uses are permitted, including but not limited to apartment buildings, livework studios, retail and restaurant uses, service shops and offices. Under the R3 zoning category, a broad range of residential uses are permitted.

The applicable zoning states that a building on a lot having a height limit of less than 18.0 metres must be contained within 45-degree angular plane projected over the lot from the lot lines which abut a street (other than a lane) at an elevation of 13.0 metres above the average elevation of the ground.

A number of permissive and restrictive exceptions apply to the site. The relevant exceptions include Section 12(2) 270, which generally limits the total retail and service commercial gross floor area to the amount existing on the lot in the year 1993, plus an additional 1,800 square metres, with a maximum gross floor area of 8,000 square metres for individual retail and service commercial uses.

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

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

Section 111 of the City of Toronto Act, 2006 authorizes the City to regulate the demolition and conversion of residential rental properties. Chapter 667 of the Toronto Municipal Code, the Residential Rental Property Demolition and Conversion Control Bylaw, implements Section 111. The By-law prohibits the demolition of rental housing in any building or related group of buildings containing six or more residential units, of which at least one is a rental unit, without obtaining a permit from the City and requires a decision by either City Council or, where delegated, the Chief Planner. City Council may refuse a Rental Housing Demolition application or approve an application with conditions, including conditions requiring an applicant to replace the rental units proposed to be demolished and/or to provide tenant relocation and assistance, which must be satisfied before a demolition permit is issued. These conditions implement the City's rental housing protection policies in the Official Plan. Decisions by City Council under Chapter 667 are not appealable to the Ontario Land Tribunal (OLT).

Section 33 of the Planning Act also authorizes Council to regulate the demolition of residential properties. Section 33 is implemented through Chapter 363 of the Toronto Municipal Code, the Building Construction and Demolition By-law, which requires Council approval of the demolition of any residential property that contains 6 or more dwelling units (irrespective of whether any are rental) before the Chief Building Official can issue a demolition permit under the Building Code Act.

The proposal requires Council approval under both Chapters 363 and 667 of the Toronto Municipal Code because it involves the demolition of at least 6 dwelling units and at least 1 rental unit. On August 17, 2021, an application for a Section 111 permit was submitted under Chapter 667 of the Toronto Municipal Code to demolish 12 rental dwelling units on the site. As per Chapter 667-14, a tenant consultation meeting will be held to review the impact of the proposal on existing tenants of the residential rental property and matters under Section 111.

### **Affordable Housing**

Affordable Housing and Smart Urban Growth are strategic actions for the City of Toronto. Section 3.2.1 of the City's Official Plan states that a full range of housing, including affordable housing, will be provided and maintained to meet the needs of current and future residents. The Growth Plan also contains policies to support the development of affordable housing and the provision of a range of housing options to accommodate the needs of all household sizes and incomes.

## **Design Guidelines**

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

- Tall Building Design Guidelines;
- Growing-up Design Guidelines;
- Pet Friendly Design Guidelines;
- Retail Design Guidelines;
- Design Guidelines for Privately Owned Publicly-Accessible Space;
- Best Practices for Bird-Friendly Glass;
- Best Practices for Effective Lighting; and
- Toronto Accessibility Design Guidelines

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

## **Toronto Green Standard (Climate Mitigation and Resilience)**

Climate change mitigation and resilience are key concerns of the City. On October 2, 2019, City Council declared a Climate Emergency and set a new goal to achieve net zero greenhouse gas emissions by 2050 or sooner. In 2021, an updated TransformTO Net Zero Strategy will be presented to Council, outlining the necessary climate action to reach net zero GHG emissions community-wide. In June 2019, the Resilience Strategy was published, which set out that new development should be resilient to a changing climate.

The Toronto Green Standard (the "TGS") sets out the key sustainable performance measures new developments are required to meet to address climate mitigation and resilience. The TGS is a critical component of the City's efforts to achieve zero emissions buildings by 2030, to meet 2050 City-wide greenhouse gas reduction targets, and to build a more resilient city. The TGS also supports other City-wide strategies related to environmental sustainability, including TransformTO, the Resilience Strategy, Ravine Strategy and Biodiversity Strategy.

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 TGS. Tier 1 performance measures are secured on site plan drawings and through a site plan agreement or registered plan of subdivision. Tiers 2+ are voluntary higher levels of performance with financial incentives (post-construction development charge refunds) intended to facilitate the foregoing objectives. Applicants are strongly encouraged to pursue higher tiers of the TGS wherever possible.

Applications must use the documentation required for the version of the TGS in effect at the time of the initial site plan application. TGS Version 3.0 applies to new applications submitted on or after May 1, 2018. TGS Version 4.0 will apply to all new applications submitted on or after May 1, 2022.

Visit

<https://www.toronto.ca/city-government/planning-development/official-planguidelines/toronto-green-standard/>.

## **COMMENTS**

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### **ISSUES TO BE RESOLVED**

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

#### **Provincial Policies and Plans Consistency/Conformity**

Staff will continue to evaluate the application's consistency with the PPS and conformity with the Growth Plan (2020) as amended.

#### **Official Plan**

The application is proposing to change a portion of the site's Official Plan land use designation from Neighbourhoods to Mixed Use Areas. City Planning staff will review the proposed Official Plan Amendment and assess the application for conformity with other Official Plan policies.

#### **Built Form, Planned and Built Context**

Planning staff are evaluating the proposed layout, height, massing and other built form issues based on Section 2 q. and r. (Provincial interest) of the Planning Act; the PPS (2020), the Growth Plan (2020) as amended, the City's Official Plan, the Zoning By-law, and the City's Design Guidelines.

Staff will assess issues including but not limited to the following:

- Compatibility with the low-rise Neighbourhood to the west;
- The proposed height and massing, including setbacks, step-backs and balcony encroachments;
- Transition of scale and density, adequate light and privacy;
- Appropriate unit mix and sizes;
- Provision of affordable housing;
- Adequate provision of outdoor amenity area;
- Streetscape and public realm; and
- Pedestrian level wind conditions along adjacent street frontages and in outdoor amenity areas. A Pedestrian Level Wind Study was submitted and is currently under review by City Planning staff.



## **Heritage Impact & Conservation**

Heritage Planning staff have determined that the property at 164 Bathurst Street meets Ontario Regulation 9/06 – the criteria prescribed for municipal designation under Part IV, Section 29 of the Ontario Heritage Act – for its design/physical and contextual values.

A Heritage Impact Assessment (HIA) was submitted with the application and is currently being reviewed by City staff.

## **Rental Housing**

The Housing Issues Report submitted with the Rental Housing Demolition application identifies that twelve rental units will be removed, all of which exceed the mid-range rent, according to the City of Toronto 2021 Affordability threshold.

A site visit by City staff will be required as part of the application assessment.

## **Affordable Housing**

Staff will engage in discussions with the applicant, the Ward Councillor, and City staff to evaluate potential opportunities for the provision of affordable housing.

## **Infrastructure/Service Capacity**

The applicant has submitted the following studies and reports which are being reviewed by Engineering and Construction Services staff: a Functional Servicing & Stormwater Management Report, Geotechnical Report, Hydrogeological Report and a Transportation Impact Study.

Staff will continue to review the application to determine if there is sufficient infrastructure capacity (roads, transit, water, sewage, hydro, community services and facilities, etc.) to accommodate the proposed development. Staff will review these studies in the context of the potential cumulative impact of all proposed applications in the area of this application.

## **Tree Preservation**

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law).

There are six street trees along Bathurst Street which will either be protected and conserved, or replaced. The applicant has submitted an Arborist Report/Tree Preservation Plan, and it is currently under review by City staff.

## **Archaeological Assessment**

An archaeological resource assessment identifies and evaluates the presence of archaeological resources also known as archaeological sites. An Archaeological Assessment has been submitted and is under review.

## **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.

Staff will evaluate the impact of the proposed development and local development activity on community services and facilities, including assessment of existing capacity to support proposed future population.

## **Section 37 Community Benefits**

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

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

## **Other Matters**

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

## **Next Steps**

City Planning staff will host a Community Consultation Meeting.

City staff will work with the applicant to resolve the preliminary issues discussed in this report and any additional issues that may be identified by staff and the public. City Planning staff will report back at the appropriate time in the review of the application. If a Final Report is prepared, the report will proceed to the Toronto and East York

Community Council meeting which will serve as the Statutory Public Meeting as required by the Planning Act, before being considered by City Council for a decision.

## **CONTACT**

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E-mail: Tommy.Karapalevski@toronto.ca

## **SIGNATURE**

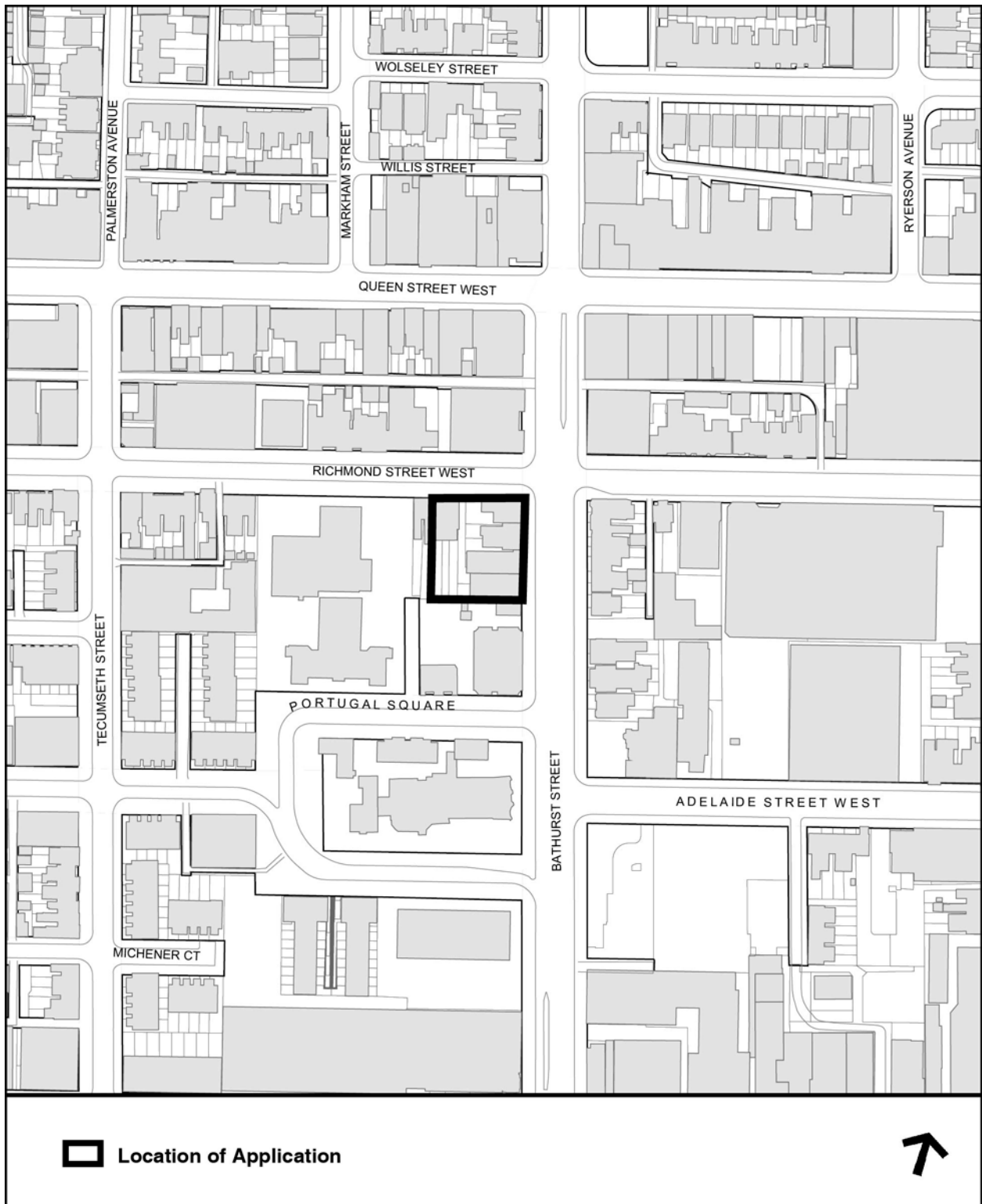
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Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA  
Director, Community Planning, Toronto and East York District

## **ATTACHMENTS**

City of Toronto Drawings  
Attachment 1: Location Map  
Attachment 2: 3D Model of Proposal in Context  
Attachment 3: Site Plan  
Attachment 4: Official Plan Map  
Attachment 5: Zoning  
Attachment 6: Application Data Sheet

Attachment 1: Location Map



Attachment 2: 3D Model of Proposal in Context

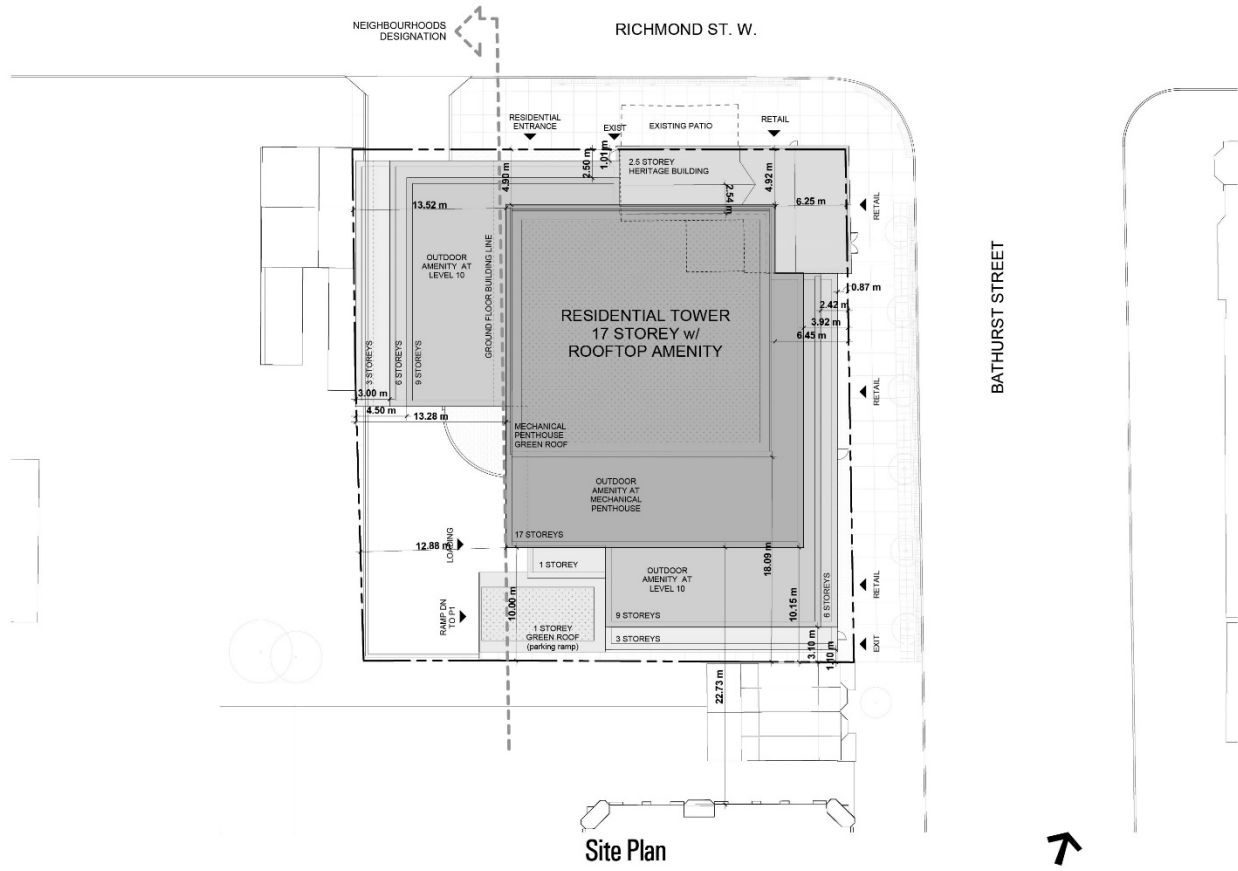


**View of Applicant's Proposal Looking Southwest**



10/20/2021

Attachment 3: Site Plan



Site Plan



Attachment 4: Official Plan Map




Official Plan Land Use Map #18

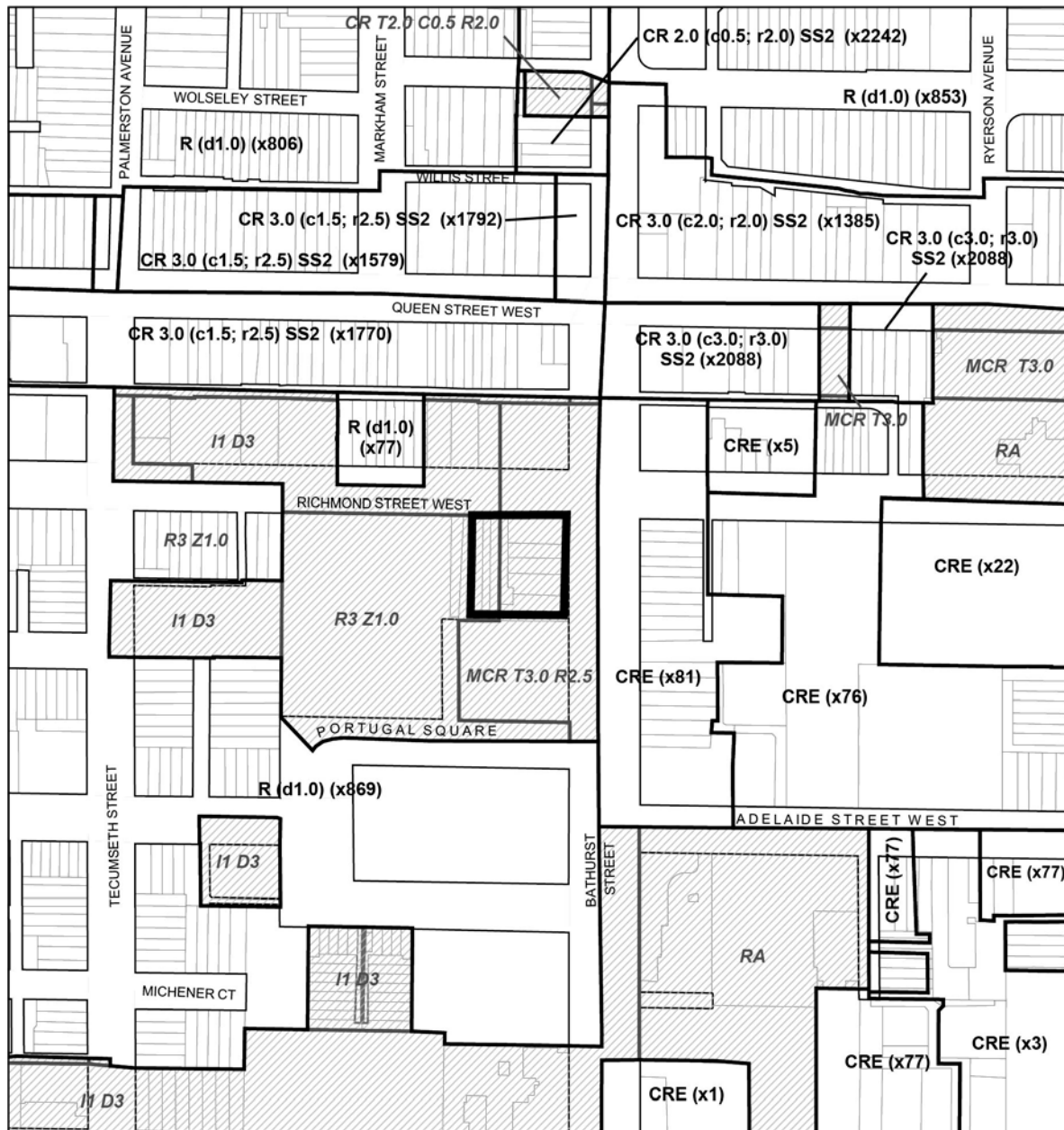
152-164 Bathurst St & 621-627 Richmond Street West

File # 21 181257 STE 10 OZ

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

  
 Not to Scale  
 Extracted: 07/12/2021

Attachment 5: Zoning




152-164 Bathurst St 7 621-627 Richmond Street West

Zoning By-law 569-2013

File # 21 181257 STE 10 OZ

-  Location of Application
- R** Residential
- CR** Commercial Residential
- CRE** Commercial Residential Employment

-  See Former City of Toronto By-law No. 438-86
- R3** Residential District
- RA** Mixed-Use District
- I1** Industrial District



Not to Scale  
Extracted: 07/12/2021



Attachment 6: Application Data Sheet

**APPLICATION DATA SHEET**

**Municipal Address:** 152-164 Bathurst St & 621-627 Richmond St W      **Date Received:** July 12, 2021

**Application Number:** 21 181257 STE 10 OZ

**Application Type:** OPA & Rezoning, Rental Housing Demolition

**Project Description:** A 17-storey mixed-use building with 217 residential dwelling units are proposed.

<b>Applicant</b>	<b>Agent</b>	<b>Architect</b>	<b>Owner</b>
Bousfields Inc		Kirkor Architects	Originate (Bathurst & Richmond) Inc

**EXISTING PLANNING CONTROLS**

<b>Official Plan Designation:</b>	Mixed Use Areas	Site Specific Provision:
<b>Zoning:</b>	CR T3.0 C1.0 R2.5	Heritage Designation: Y
<b>Height Limit (m):</b>	18, 25	Site Plan Control Area: Y

**PROJECT INFORMATION**

**Site Area (sq m):** 1,969      **Frontage (m):** 45      **Depth (m):** 44

<b>Building Data</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Ground Floor Area (sq m):	1,167	191	1,304	1,495
Residential GFA (sq m):			15,615	15,615
Non-Residential GFA (sq m):			522	522
<b>Total GFA (sq m):</b>			<b>16,137</b>	<b>16,137</b>
Height - Storeys:			18	18
Height - Metres:			65	65

**Lot Coverage Ratio (%):** 75.93      **Floor Space Index:** 8.2

<b>Floor Area Breakdown</b>	<b>Above Grade (sq m)</b>	<b>Below Grade (sq m)</b>
Residential GFA:	15,615	
Retail GFA:	522	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

<b>Residential Units by Tenure</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Rental:				
Freehold:				
Condominium:			217	217
Other:				
<b>Total Units:</b>			217	217

**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:			18	96	22
<b>Total Units:</b>			18	96	22

**Parking and Loading**

Parking Spaces:	69	Bicycle Parking Spaces:	244	Loading Docks:	1
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**CONTACT:**

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