



## REPORT FOR ACTION

# **3736, 3742, 3748, 3750 Bathurst St and 11-15 Richelieu Road –Zoning Amendment Application - Decision Report - Approval**

Date: January 8, 2024

To: North York Community Council

From: Director, Community Planning, North York District

Wards: Ward 6 - York Centre

**Planning Application Number:** 22 212546 NNY 06 OZ

### **SUMMARY**

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This application proposes to amend the Zoning By-law to permit a mixed use development with a 10 storey (34.1 metres) mid-rise building fronting onto Wilson Street and a 32 storey (100.5 metres) residential building connected by a base building that is six storeys in height.

The total gross floor area is approximately 37,540 square metres with 479 residential units and 853 square metres of non-residential/retail uses on the ground floor of the base building. The overall Floor Space Index of 7.24.

The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020).

This report reviews and recommends approval of the application to amend the Zoning By-law. The proposed development provides for an appropriate off-site parkland dedication and conforms to the relevant policies of the Official Plan. This report recommends a holding provision ("H") be included in the proposed Zoning By-law, to remain in place until such time as the owner has delivered updated servicing reports, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

## RECOMMENDATIONS

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The Director, Community Planning, North York District recommends that:

1. City Council amend Zoning By-law 569-2013 for the lands at 3736, 3742, 3748, 3750 Bathurst St and 11-15 Richelieu Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 5 to this report, including a hold for the following:

a. The Sanitary Sewer System Upgrades (City Project # 19-32 (Contract 19ECS-LU-12FP), 19-03 (19-03C2 per T.O.INview) (Contract 21ECS-LU-04FP) and 19-06 (19-06D per T.O.INview), all of which are located within Basement Flooding Protection Program Map Area 19, which works are being undertaken by the City of Toronto, Engineering & Construction Services, Design & Construction, Linear Underground Infrastructure, have been designed, constructed and operational to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager of Toronto Water;

b. The owner has provided an acceptable alternative solution to address the outstanding municipal sanitary sewer capacity issues to the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water and such acceptable solution has been implemented by the owner(s) at their sole cost to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water;

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

3. City Council approve that in accordance with Section 42 of the Planning Act, prior to the First Above Grade Building Permit, the Owner shall convey to the City an off-site parkland dedication to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor;

4. City Council approve the acceptance of an off-site parkland dedication, subject to the owner transferring the parkland to the City free and clear, above and below grade, of all easements, encumbrances, and encroachments, in an acceptable environmental condition;

5. City Council direct that should the cost of acquiring the land for the off-site dedication, including the purchase price, less reasonable real estate commissions of five (5) percent, land transfer tax, and typical closing adjustments incurred, to the satisfaction of the General Manager, Parks, Forestry and Recreation, be less than the value of the parks levy calculated upon the submission of an application for the first above-grade

building permit, the difference will be paid as cash in lieu to the City prior to the issuance of the first above-grade building permit for the development; and,

6. 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.

## **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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A pre-application consultation (PAC) meeting was held on June 13, 2022. The current application was submitted on October 3, 2022 and deemed complete on November 10, 2022. Staff conducted a Community Consultation Meeting for the application on April 24, 2023. Additional consultations took place with the applicant during the summer and fall of 2023. Community consultation is summarized in the Comments section of this Report.

## **SITE AND SURROUNDING AREA**

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**Description:** The site is located at the southwest corner of Bathurst Street and Wilson Avenue. It has frontage of approximately 73 metres on Bathurst Street, 40 metres on Wilson Avenue and 100 metres on Richelieu Road and backs onto the Highway 401.

**Existing Use(s):** It is a consolidation of six properties that include a former gas station, a former retail store, a coffee shop, and two single detached dwellings that front onto Richelieu Road. There are two TTC bus stops located in front of the property, one along the front on Wilson Avenue and one along the Bathurst frontage.

**North:** On the opposite side of Wilson Avenue are a number of two and three storey commercial plazas with front yard parking consisting of retail and service uses on the ground floor and residential uses above. To the north of these retail uses that front onto Wilson Avenue is a low rise mostly residential development.

**East:** On the northeast corner of Bathurst and Wilson is a bank and a large format grocery store and associated parking. On the east side of Bathurst Street, is the

Bathurst and Wilson Parkette, a designated City park consisting of trees and some seating along the street frontages.

**South:** To the south of the site is the Highway 401 off-ramp exiting onto Wilson Avenue.

**West:** To the west of the site, on the opposite side of Richelieu Road and fronting onto Wilson Avenue is a six storey office building and associated parking area. Further south along the west side of Richelieu Road are a number of single detached dwellings that are part of a development application for a 10 storey residential building with retail on the ground floor that is under review by staff (File 22 213129 NNY 06 OZ).

## **PROPOSAL**

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The original application submitted in 2022 was for a mixed-use development consisting of an 11-storey mid-rise building along Wilson Avenue and a 30-storey tower located closer to Highway 401 connected by a 7-storey base building. The total gross floor area is approximately 37,430 square metres with 479 residential units 853 square metres of non-residential/retail uses on the ground floor of the mid-rise building along Wilson Avenue and Bathurst Street. The overall Floor Space Index is 7.22.

Through the review of the development proposal the application has been revised to a 10-storey mid-rise building along Wilson Avenue and a 32-storey tower which share a 6 to 8 storey base building. The total gross floor area is approximately 37,540 square metres with 479 residential units and 853 square metres of non-residential/retail uses on the ground floor of the base building. The overall Floor Space Index is 7.24. A total of 958 square metres of indoor amenity area and a total of 958 square metres of outdoor amenity area are also proposed as part of the development. Please refer to Attachment 6 for the site plan and Attachment 7 for the elevations.

A total of 129 parking spaces are proposed, and two loading spaces, one Type "G" and one Type "B". A total of 512 bicycle parking spaces are proposed. Vehicular access is proposed from Richelieu Road which would lead to the underground parking garage and enclosed service area. A secondary right-in/right-out access is also proposed on Bathurst Street. Please refer to Attachment 1 for the Application Data Sheet which includes additional project data.

### **Reasons for Application**

An amendment to the Zoning By-law is required to permit the proposed building height, density, and building setbacks and to vary other performance standards.

The City's Zoning By-law 569-2013 does not apply to this site but City Planning will take the opportunity to bring the site into Zoning By-law 569-2013.

## **APPLICATION BACKGROUND**

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### **Application Requirements**

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

- Accessibility Design Checklist
- Stage 1 Archaeological Background Study
- Architectural and Landscape Plans
- Block Context Plan
- Community Services and Facilities Study
- Compatibility and Mitigation Study
- Civil Plans
- Energy Strategy Report
- Environmental Site Assessment - Phase 1
- Environmental Site Assessment - Phase 2
- Geotechnical Study
- Hydrogeological Study
- Noise Impact Study
- Pedestrian Level Wind Study
- Planning Rational
- Public Consultation Strategy Report
- Sanitary Servicing Capacity Report
- Functional Servicing and Stormwater Management Report
- Sun/Shadow Study
- Toronto Green Standards Checklist
- Transportation Impact Study

The plans, reports and studies submitted by the applicant are available on the City's Application Information Centre (AIC):

<https://www.toronto.ca/city-government/planning-development/application-information-centre>.

### **Agency Circulation Outcomes**

The application together with the applicable plans and 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 had an opportunity to view the oral submissions made at the statutory public meeting held by the North York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

## **POLICY & REGULATION CONSIDERATIONS**

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### **Provincial Land-Use Policies**

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (2020), and shall conform to provincial plans, including the Growth Plan (2020) for the Greater Golden Horseshoe, the Greenbelt Plan, and others.

### **Official Plan**

The Official Plan Urban Structure Map 2 identifies the site as along an *Avenue*. The land use designation for the site is Mixed Use Areas. See Attachment 3 of this report for the Land Use Map. 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.

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

### **Zoning**

The subject site is zoned AV-MU Avenues Mixed Use under former City of North York Zoning By-law 7625. The Avenues Mixed Use zoning category permits multiple unit buildings and a number of retail and service type uses. See Attachment 4 of this report for the existing Zoning By-law Map.

The subject site is not subject to City-wide Zoning By-law 569-2013, however it is proposed to bring the site into the City-wide Zoning By-law through this application.

### **Design Guidelines**

The following design guidelines have been used in the evaluation of this application:

- City-Wide Tall Buildings Design Guidelines;
- Mid-rise Building Performance Standards Addendum (2016);
- Growing Up Guidelines - Planning for Children in New Vertical Communities (2020);
- Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings; and
- Wilson Avenue Revitalization Study Urban Design Guidelines (2004).

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

### **Toronto Green Standard**

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.

## Site Plan Control

The proposal is subject to Site Plan Control. An application for site plan control has not been submitted to date.

## COMMENTS

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### Provincial Policy Statement and Provincial Plans

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the current proposal for consistency with the Provincial Policy Statement (2020) and conformity with the Growth Plan (2020).

The PPS and the Growth Plan (2020) encourage intensification and redevelopment in urban areas and direct planning authorities to identify appropriate locations for growth. Policy 4.6 of the PPS recognizes that the Official Plan is the most important vehicle for implementation of the PPS. The City of Toronto Official Plan establishes areas for intensification and includes policies that encourage intensification, provided that the proposal demonstrates conformity with other applicable Official Plan policies. This application has been reviewed against the Official Plan policies described in the Policy Considerations Section of the Report as well as the policies of the Toronto Official Plan as a whole.

The site is located in a *Mixed Use Areas* designation along an *Avenue* where reurbanization and growth are anticipated. The proposal for a mixed use development on a site currently occupied by the remains of a gas station and one storey, auto-oriented buildings located at the intersection of Bathurst and Wilson Avenues, is an appropriate location for intensification and is consistent with the PPS. The application supports active transportation through the adequate provision of bicycle parking spaces and reduced vehicular parking to residential unit ratio. The proposal also adds to the range and mix of housing options in the area in accordance with Provincial policy.

Staff find the proposal to be consistent with the PPS and conforms with the Growth Plan.

### Land Use

This application has been reviewed against the Official Plan policies described in the Policy and Regulation Considerations Section of the Report as well as the policies of the Official Plan as a whole.

The proposed residential and retail uses are permitted uses within the Mixed Use Areas designation of the Official Plan. Mixed Use Areas are expected to absorb much of the City's anticipated growth in commercial, retail and housing, so that a broad array of uses are available in the same area, or even in the same building. The site is located on the southwest corner of Wilson Avenue and Bathurst Street. Both of those streets are identified with an Avenues overlay. 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, and shopping opportunities for area residents.

The lands are subject to the Wilson Avenue Revitalization Study Urban Design Guidelines which sets out a vision for lands predominately located along Wilson Avenue. This area is identified as a gateway node and a location with intensification opportunities.

Staff concludes that the proposal provides an opportunity for reurbanization of a key *Mixed Use Areas* site along an *Avenue* overlay, bringing new housing and retail opportunities to an underutilized site. The proposal is transit supportive, compatible with neighbouring land uses and contributes to the housing options in the community. The proposed land uses conform with the Official Plan Mixed Use Areas and Avenue policies.

### **Density, Height, Massing**

This application has been reviewed against the Official Plan policies and design guidelines described in the Policy and Regulation Considerations Section of the Report. The Built Form policies of the Official Plan provide that new development should fit within its existing and planned contexts, and limit its impact on neighbourhood streets, parks, open spaces and nearby properties. The *Mixed Use Areas* policies of the Official Plan provide that the location and massing of new buildings should achieve transition between areas of different development intensity and scale. The site has been designed appropriately to address the requirement for transition to lower scale *Neighbourhoods* as the tallest building component (the 32-storey tower) is proposed to be located at the rear of the site, adjacent to Highway 401 and the off-ramp to Wilson Avenue. It is furthest away from the nearest *Neighbourhoods* lands, which are to the north of Wilson Avenue, approximately 110 metres (360 feet) away, and the height falls under a 45 degree angular plane projected from the *Neighborhoods* designation. Furthermore, the mid-rise building fronts onto Wilson Avenue, reinforcing the mid-rise development character of Wilson Avenue.

The site is unique as it is bordered on three sides by public streets and by Highway 401. The ground floor of the building is setback 4.5 metres along all street frontages (Bathurst, Wilson and Richelieu) while the upper part of the proposal is setback 3 metres from all street frontages and 14 metres from the MTO property line. The setbacks allow for additional public realm space including spill out space such as patios for the non-residential uses and for additional landscaping. The entire southern boundary is encumbered by a 14-metre MTO building setback requirement which provides an open space area along the highway.

Retail/non-residential space is proposed at grade within the mid-rise building located at along Wilson Ave, Bathurst Street and Richelieu Road and the retail entrance is proposed to be at the corner of Wilson Avenue and Bathurst Street, which promotes pedestrian activity along the sidewalk and provides easy access to/from the bus stops



that are located in front of the site. The main entrance to the residential building is located on Richelieu Road.

The mid-rise building at 10 storeys is 34.1 metres in height and generally fits within the 1:1 height relationship of Wilson Ave which has a planned right-of-way of 36 metres at this intersection. The mid-rise building frames the street with a 6 storey streetwall condition and then steps back 3 metres to the 10th storey.

The tower sits on top of a six storey base building, and steps back 3 metres from the base building along the Richelieu and Bathurst frontages providing an appropriately scaled base building relating to the street, and 2.5m from the base building along the MTO setback. The base building falls within a 45-degree angular plane measured from the property lines from the streets, at a height equal to 80 percent of the right-of-way width.

The tower component is connected to the 10 storey mid-rise fronting onto Wilson Avenue, by a 6 storey base building, which steps up to 8 storey with a stepback of 3 metres. The base building between the tower and the mid-rise building provides a location for the outdoor rooftop amenity area. The separation distance between the tall building and mid-rise building is 20m, providing adequate separation for privacy and access to light.

City Planning staff consider the proposed building heights appropriate for this site. The greatest heights on the site are at the southwest corner, at Bathurst Street and Highway 401 and the 10 storey mid-rise building fronting on Wilson Avenue, with a six to eight storey base building height provides for an appropriately scaled building. Staff supports the proposed building massing and heights.

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

Shadow impacts affect the thermal comfort and enjoyment of being outside as well as the provision of adequate light. Shadows are impacted by the size, location, and shape of building floor plates, building height, building setbacks, as well as the time of year and angle of the sun.

The Official Plan contains a number of policies that address appropriate sun and shadow impacts that direct the adequate provision of light and adequately limiting shadows on streets, properties, and open spaces. The *Mixed Use Areas* development criteria also require that development locate and mass buildings to adequately limit impacts, such as shadows, on adjacent *Neighbourhoods*, streets, parks and open spaces, and to frame the edges of streets and parks, with a focus on generating comfortable conditions through adequate sunlight provision. Additionally, new development is to maintain good proportion and sunlight for pedestrians by providing an attractive, enjoyable, and safe pedestrian environment on adjacent parks, streets, and open spaces.

The City-wide Tall Building Design Guidelines contain performance standards intended to assist in the design and orientation of buildings to minimize their shadow impact on publicly accessible parks, open space, natural and other shadow sensitive areas. The applicant prepared and submitted a shadow study that illustrates the extent of shadowing that would result from the proposed development in March, June, September, and December.

The shadow study shows that the proposed development will cast net new shadow on properties on Richelieu Road and Wilson Avenue, however, these shadows move quickly between 9:18 a.m. and 5:18 p.m. There is some shadowing on the Bathurst Wilson Parkette between 4:18 p.m. and 6:18 p.m. during the Spring Equinox. The proposed development would minimally shadow four *Neighbourhoods* property, north of Wilson Avenue, for one hour during the morning (three properties for one hour at 9:18 a.m. and one property at 10:18 a.m.) of the Spring Equinox and only two properties in the Fall Equinox. Approximately seven houses have shadows cast on them for 1 hour at 6:18 p.m. during the Spring Equinox.

There is no shadow expected to impact *Neighbourhoods* properties north of Wilson Avenue during the Summer Solstice (June 21). During the Summer Solstice, the shadow analysis indicates that the proposed development would only begin to shadow three of the *Neighbourhoods* properties on the east side of Bathurst Street at 6:18 p.m. Similarly, during the Summer Solstice, there is some shadow that quickly moves along the Bathurst Wilson Parkette, between 4:18 p.m. to 6:18 p.m.

The Pedestrian Level Wind Study and subsequent addendums in support of this application investigated pedestrian wind comfort and safety within and surrounding the subject site, and identified any areas where wind conditions might interfere with certain pedestrian activities as well as the outdoor amenity and proposed appropriate mitigation measures for such impacts. The study concluded that the predicted wind conditions over most grade-level pedestrian wind-sensitive areas, within and surrounding the subject site, are predicted to be acceptable for the intended uses throughout the year.

However, in order to achieve more comfortable conditions that are seasonally suitable for the intended use mitigation is recommended for the retail patios along the northern and eastern façades of the mid-rise building, as well as for the proposed drop-off and retail entrances to the proposed Development and the 8th level Outdoor Amenity Space that include windscreens. The wind mitigation is subject to further site plan details to be secured through Site Plan Control.

Staff are of the opinion the shadow and wind impacts from the proposed development would be adequately limited as directed in the Official Plan and Tall Building Design Guidelines.

### **Streetscape**

The Official Plan requires that new development enhance the existing streetscape by massing new development to define edges of streets with good proportion. The Official

Plan also requires that attention be given to the streetscape by ensuring that these areas are attractive, comfortable and functional for pedestrians through landscaping and setbacks that create attractive transitions from the public to the private realms. The proposal would eliminate one of the two existing vehicular accesses from Bathurst Street, and two of the existing three accesses from Richelieu Road to the sites which supports efforts to minimize pedestrian conflict with vehicular traffic.

New sidewalks of at least 2.1 metres in width are to be provided along all street frontages as well as reconstructed bus stops platforms and shelters. The ground floor setback of 4.5 metres also provides for an enhanced pedestrian realm. Staff are of the opinion that the proposed development would improve the existing streetscape condition and enhance the public realm along both Wilson Avenue and Bathurst Street. Streetscaping details including locations of bus shelters, tree plantings, and sidewalks will be finalized and secured through the Site Plan Control process.

### **Housing Issues**

The Official Plan directs that a full range of housing in terms of form, tenure and affordability be provided to meet the current and future needs of residents. This proposal is for a mixed use development with a unit mix that meets the City's Growing Up Guidelines.

Affordable Housing is a significant priority for the City and City Planning staff advocate for the inclusion of affordable housing units on any project where possible. The applicant will be subject to a Community Benefit Charge (CBC) requirement at the time of Building Permit issuance. The CBC can be satisfied by a cash payment or an in-kind contribution, provided both the applicant and City agree to the proposal.

The City requested for the applicant to consider incorporating a minimum of 6 affordable housing units. The proposal, to date, does not propose any affordable housing units. The CBC contribution from this proposal is recommended to be a cash payment to be directed towards growth-related capital facilities and matters consistent with the CBC Strategy adopted by City Council on August 15, 2022.

### **Growing Up Guidelines**

The Council-adopted Growing Up: Planning for Children in New Vertical Communities urban design guidelines provide guidance on the proportion and size of larger units recommended in new multi-residential developments.

Guideline 2.1 of the guidelines states that a building should provide a minimum of 25% large units (10% of the units should be three-bedroom units and 15% of the units should be two-bedroom units). The application proposes to provide 126 (26%) of the 479 new dwelling units as two-bedroom and/or two-bedroom plus den units and 50 (10.0%) of the new units as three-bedroom units, which satisfies the unit mix objectives of guideline 2.1 of the Growing Up Guidelines.

## **Amenity Space**

The Built Form policies of the Official Plan state that new indoor and outdoor amenity spaces are to be provided as part of multi-unit residential developments and are to consider the needs of residents of all ages and abilities over time and through the year.

The development proposes 958 square metres of indoor amenity space (2 square metres per unit) and 958 square metres of outdoor amenity space (2 square metres per unit) within the new building, which meets the requirements of Zoning By-law 569-2013.

## **Traffic Impact, Access, Parking**

The Applicant's transportation consultant submitted an updated Transportation Impact Study (TIS) (January 2023) in support of the proposal. The report estimates that the proposed development will generate approximately 130 and 110 new two-way trips during the weekday AM and PM peak hours, respectively. Taking into account the removal of existing site traffic as a result of the proposed redevelopment, the consultant concludes that a reduction of traffic volumes previously generated by the site will occur and will result in a net reduction in traffic volumes. Total net new site traffic is anticipated in the order of -55 and -25 two-way trips during the weekday morning and afternoon peak hour periods respectively. Transportation Services has requested some revisions to the TIS report, however as noted below parking, loading, and access have been addressed. At the time of the Site Plan Control application, an updated TIS will be required.

### *Access*

Access to the site is proposed via one full-movement driveway on Richelieu Road and one right-in/right-out access on Bathurst Street. The site driveway will provide access to the proposed underground parking garage, loading facility, and pick-up/drop-off loop facility. Transportation Services finds the sightlines for the proposed access to be accessible, however they require with the updated TIS a finalized design of the extended curb on Bathurst Street as well as proper object marking signs on an updated functional plan.

### *Parking*

Based on the updated parking standards in Zoning By-law 569-2013 (introduced through By-law 89-2022), under Parking Zone B and all other areas, a minimum of 25 visitor parking spaces are required for the proposed development. The maximum permitted parking supply is 484 spaces, including 398 resident spaces and 86 non-resident spaces. The application is proposing 129 parking spaces (comprised of 104 resident and 25 visitor parking spaces) which meets the minimum parking requirement. Furthermore, 12 of these parking spaces are to be provided as accessible parking spaces per the Zoning By-law requirements. Transportation Services accepts the proposed on-site parking supply.

## **Road Widening**

In order to satisfy the Official Plan requirement of a 36 metre right-of-way for this segment of Wilson Avenue, a 3.27 metre road widening dedication along the Wilson Avenue frontage of the subject site, as well as a 6.0 metre corner rounding along the corner frontage of Wilson Avenue and Bathurst Street is required and is proposed to be conveyed to the City with this application.

## **Servicing**

A Functional Servicing Report, Hydrogeological Assessment Report, and Sanitary Capacity Assessment were submitted in support of the application. The objective of these reports is to identify the municipal servicing and storm water requirements for this development and to demonstrate how each service would be accommodated by the existing infrastructure. Engineering and Construction Services staff as well as Toronto Water have requested revisions to the sanitary capacity assessment to ensure consistency with the City's modelling requirements. At present the sanitary system located downstream of this site is at capacity. The City is in the process of constructing several construction contracts to upgrade the sanitary sewer system in this area (City Projects 19-32, 19-03 and 19-06D). As of the date of this report, the work contained in City Project #19-32 has been completed and is undergoing final inspection and clearances. City Project #19-03 is under construction and anticipated to be complete Q1 2024, and City Project #19-06D is tendered and construction is expected to commence in 2024. However, until the above projects are completed there is no available capacity. As such, staff are recommending that a holding (H) symbol be placed on the zoning to be lifted upon acceptance of an updated Functional Servicing Report (including Sanitary Capacity Assessment) and/or the completion and operation of the sewer upgrades to the sewer system, thereby demonstrating servicing capacity availability for this development.

## **Parkland**

The City of Toronto [Parkland Strategy](#) (PLS) is a 20-year strategic city-wide plan that guides long-term planning for new parks, park expansions and improvements, and improved access to existing parks. The PLS assesses parkland provision, using the baseline of residential population against the area of parkland available across the city. According to the 2022 draft update to the PLS methodology, the development site is currently in an area with 0 - 4 square metres of parkland per person, which is well below the City-wide average provision of 28 square metres of parkland per person (2022).

In this instance and as per the [Toronto Municipal Code Chapter 415-26](#), Parks, Forestry & Recreation would accept the conveyance of lands off-site to create a new park as the required parkland dedication. The off-site dedication is to comply with Policy 3.2.3.8 of the Toronto Official Plan. The size and location of the off-site conveyance would be subject to the approval of the General Manager, Parks, Forestry & Recreation, with conveyance of parkland required prior to the issuance of the First above Grade Building Permit. The applicant has worked with Parks Development to identify and provisionally secure an agreed upon off-site property.

As per [Toronto Municipal Code Chapter 415-29](#), the appraisal of the parkland levy will be determined under the direction of the Executive Director, Corporate Real Estate Management. Should the value of the off-site dedication not fulfill the value of the on-site dedication, the remaining value shall be provided in cash-in-lieu, prior to the issuance of the First Above Grade Building Permit.

### **Archaeological Assessment**

An archaeological assessment identifies and evaluates the presence of archaeological resources also known as archaeological sites. A Stage 1 Archaeological Background Study was submitted with the application and reviewed by City staff. The report has determined that there are no further archaeological concerns regarding the subject property. Advisory comments will be applicable to the future Site Plan Control application such as if deeply buried or previously undocumented archaeological remains be encountered during construction activities, the Heritage Planning Unit at the City as well as the Ministry of Citizenship and Multiculturalism are to be immediately notified.

### **Tree Preservation**

The applicant submitted an Arborist Report and Tree Protection Plan dated August 2022 in support of the application. The report identified 19 City street trees and 9 private trees for removal, and one private tree for injury.

Twenty-seven (27) private tree plantings are required as compensation for the proposed removal of (9) private trees. A proposed planting plan has been provided that shows potential utility conflicts along the right-of ways and confirmation is required from the utility companies on whether the proposed clearances are acceptable. All of the proposed new private trees (17 trees) are located within the MTO setback. Urban Forestry requires confirmation from MTO that the proposed planting plan is acceptable. MTO has stated that they have no concerns with the proposed rezoning application and will provide further detailed comments through the Site Plan Control.

Through the Site Plan review process, the applicant will be required to address all outstanding comments from Urban Forestry, which include utility clearances for the ultimate tree planting locations, ensuring soil volumes are met and obtaining the required tree permit application approval.

### **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. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2040 or sooner. Performance measures for Tier 1 development features secured through the zoning by-law process including automobile infrastructure, cycling infrastructure, and the storage and collection of recycling and organic waste.

At present, the applicant has agreed to provide the following transit reduction TDM measures:

- Provision of preloaded PRESTO passes for first time residents,
- Contribution to Bike Share Toronto contribution

Staff recommend that prior to Site Plan Approval, the owner submit financial securities for the aforementioned TDM measures. Other applicable TGS performance measures will be reviewed further during the Site Plan review process and secured in the Site Plan Agreement.

### **Noise Impact Study**

The Official Plan requires that development adjacent to, or nearby, transportation corridors will be appropriately designed, buffered, and/or separated from transportation sources, as necessary, to mitigate any adverse impacts of these sources on the new development, and vice versa. The Ministry of Environment, Conservation and Parks (MECP) have established noise guidelines and air quality regulations to achieve these objectives. Among other matters, the guidelines provide advice on sound level limits and guidance that may be used when land use planning decisions are made under the Planning Act. The guidelines are intended to minimize the potential conflict between noise sensitive land uses and sources of noise emissions.

A Noise Compatibility/Mitigation Study and Noise and Vibration Impact Statement, both dated September 2022 was submitted in support of the application. The study identifies that the significant transportation noise sources in the vicinity of the site are Highway 401, Bathurst Street and Wilson Avenue. There are no significant stationary sources of noise in the vicinity. In order to mitigate the transportation noise sources and meet the applicable MECP noise guideline limits the following mitigation measures are proposed:

- Mandatory air conditioning in all residential suites;
- Upgraded exterior wall construction and exterior windows with sound isolation performance; and
- Sound barrier parapet wall for the rooftop amenity area.

The City retained a third party professional consultant to peer review the applicant's study, with the cost borne by the applicant. The peer reviewer concludes the Noise Study provided sufficient information and found to be satisfactory at the rezoning stage. Several items should be considered during site plan approval stage, such as the mitigation measures noted above.

Staff recommends that prior to Site Plan Approval, a further revised Noise and Vibration Impact Study be submitted and further peer reviewed, to the satisfaction of the Chief Planner and Executive Director, City Planning. The final design and mitigation measures would be secured through the Site Plan application process.

### **Compatibility and Mitigation Study**

Given the site's proximity to Highway 401, an Air Quality: Compatibility and Mitigation Assessment was submitted in support of the application. The report recommends a number of mitigation measures to protect indoor air quality such as orienting the building away from Highway 401 and locating outdoor recreational areas as far away from the Highway as possible, using vegetative buffers adjacent to the highway, and locate air intake vents to preferentially use air that is the least impacted by the Highway. The report also recommends that no schools, day care facilities and long-term care facilities be within the proposed development.

The City retained a third party professional consultant to peer review the applicant's study, with the cost borne by the applicant. The peer reviewer has requested further information of any industrial/commercial operations within 300 metres of the site to ensure that all activities and permits associated with nearby industrial uses and facilities have been assessed.

Staff recommends that prior to Site Plan Approval, a further revised Compatibility Mitigation Study, which also includes a review of the detailed design including location of air intake vents, be submitted and further peer reviewed, to the satisfaction of the Chief Planner and Executive Director, City Planning. The final design and mitigation measures would be secured through the Site Plan application process.

### **School Boards**

The Toronto District School Board (TDSB) schools currently assigned to this development are Faywood Arts-Based Curriculum School and William Lyon Mackenzie Collegiate Institute. TDSB staff have determined that there is insufficient capacity to accommodate students from new residential developments at these local schools by the time this development is occupied. To address accommodation challenges that may arise, the Board may need to use portables to accommodate students or engage in studies to explore options for creating space at a local school.

The TDSB has advised that they may request warning clauses in all offers of purchase and sale/lease/rental/tenancy agreements to inform new residents of the student accommodation situation during the Site Plan control process.

The Toronto Catholic District School Board has advised that the local elementary school (St. Margaret Catholic School) is operating at capacity however the TCDSB has successfully been granted approval to construct a new Catholic elementary school on the site of the former Baycrest Public School to address accommodation pressures in the area. As per the TCDSB Capital Plan Dante Alighieri Academy has been approved



for a 1,300 pupil place replacement school with occupancy anticipated for 2024. The TCDSB has recommended that warning clauses notifying potential new residents that space may be limited be included as conditions of Site Plan approval.

## **Community Consultation**

A virtual community consultation meeting was held on April 24, 2023. City staff, the Ward Councillor, the applicant and approximately 10 members of the public attended the meeting virtually.

Comments and areas of concern identified by the community, during the meeting and through written correspondence include:

- Height of the proposal and potential impacts to sunlight and overlook;
- Units appear to be too small to accommodate families;
- Additional traffic in the area from the proposal and from the access onto Bathurst Street;
- Not enough parking being proposed, will lead to overuse of street parking;
- Too many bicycle parking spaces which may be used on the sidewalk and interfere with pedestrian sidewalk use; and
- Impacts from construction such as noise, odour and dust.

Some of the comments were also in favor of the proposal as it was seen to provide more housing options in the area.

## **Conclusion**

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), and the Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and conforms with the Growth Plan (2020). Furthermore, the proposal is in keeping with the intent of the Official Plan, particularly as it relates to development in *Mixed Use Areas*. Staff worked with the applicant to address and resolve concerns around providing parkland opportunities in this area and improving the base building and the articulation of the mid-rise building along Wilson Avenue. Staff recommend that Council support approval of the application.

## **CONTACT**

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Valeria Maurizio, Senior Planner, Community Planning, Tel. No. 416-395-7052, E-mail: Valeria.Maurizio@toronto.ca

## **SIGNATURE**

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David Sit, MCIP, RPP  
Director, Community Planning, North York District

## **ATTACHMENTS**

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### **City of Toronto Data/Drawings**

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map
- Attachment 5: Draft Zoning By-law Amendment [under separate cover]

### **Applicant Submitted Drawings**

- Attachment 6: Site Plan
- Attachment 7: Elevations

## Attachment 1: Application Data Sheet

Municipal Address: 3750 BATHURST ST Date Received: October 3, 2022

Application Number: 22 212546 NNY 06 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Rezoning Application to permit a mixed-use development consisting of a 10-storey mid-rise building and a 32-storey tower which share a 6-8 storey podium. The total gross floor area of the residential area is approximately 36, 687 square metres with 479 residential units, and the building includes 853 square metres of at-grade retail space .The overall Floor Space Index of 7.24.

Applicant  
GRMADA  
HOLDINGS INC

Agent

Architect

Owner  
2226396 ONTARIO  
INC

### EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision:

Zoning: AV-MU Heritage Designation:

Height Limit (m): Site Plan Control Area: Y

### PROJECT INFORMATION

Site Area (sq m): 5,188 Frontage (m): 42 Depth (m): 83

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			1,721	1,721
Residential GFA (sq m):	205		36,687	36,687
Non-Residential GFA (sq m):	754		853	853
Total GFA (sq m):	959		37,540	37,540
Height - Storeys:	2		32	32
Height - Metres:			93	93

Lot Coverage Ratio  
(%): 33.22

Floor Space Index: 7.24

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	36,687	
Retail GFA:	853	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:	2			
Condominium:			479	479
Other:				
Total Units:	2		479	479

#### Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		91	212	126	50
Total Units:		91	212	126	50

#### Parking and Loading

Parking Spaces:	129	Bicycle Parking Spaces:	512	Loading Docks:	2
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#### CONTACT:

Valeria Maurizio, Senior Planner, Community Planning  
416-395-7052  
Valeria.Maurizio@toronto.ca

## Attachment 2: Location Map



## Attachment 3: Official Plan Land Use Map



**3736-3750 Bathurst St And 11-15 Richelieu Road**  
**Official Plan Land Use Map #16**  
**File # 22 212546 NNY 06 0Z**



Not to Scale  
 Extracted: 10/11/2022

## Attachment 4: Existing Zoning By-law Map



Zoning By-law 7625

3736-3750 Bathurst St And 11-15 Richelieu Road

File # 22 212546 NNY 06 02



Location of Application

R4 One-Family Detached Dwelling Fourth Density Zone  
 R6 One-Family Detached Dwelling Sixth Density Zone  
 RM3 Multiple-Family Dwellings Third Density Zone  
 RM5 Multiple-Family Dwellings Fifth Density Zone  
 RM6 Multiple-Family Dwellings Sixth Density Zone

C1 General Commercial Zone  
 AV-MU Avenue Mixed Use Zone



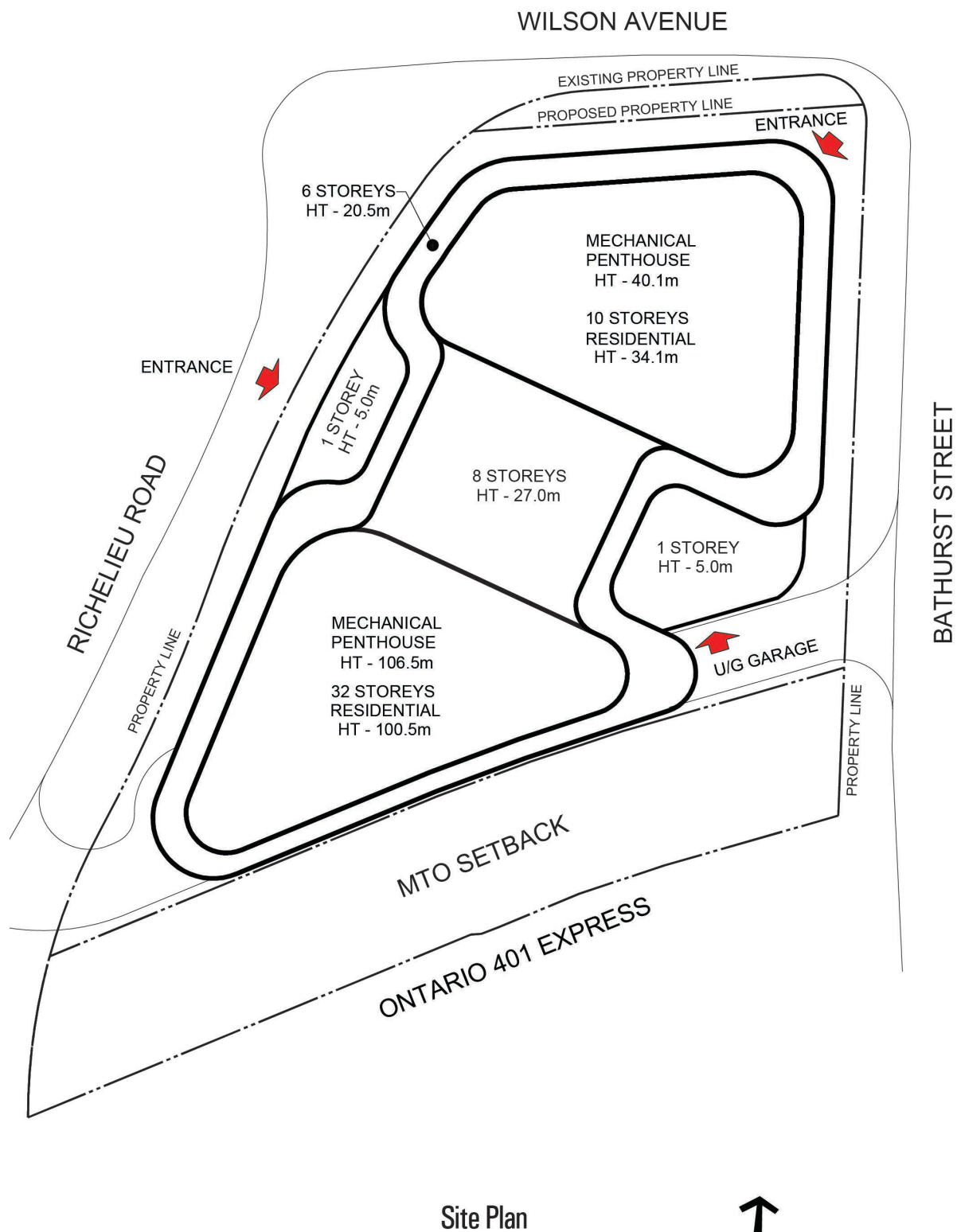
Not to Scale  
 Extracted: 10/11/2022

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

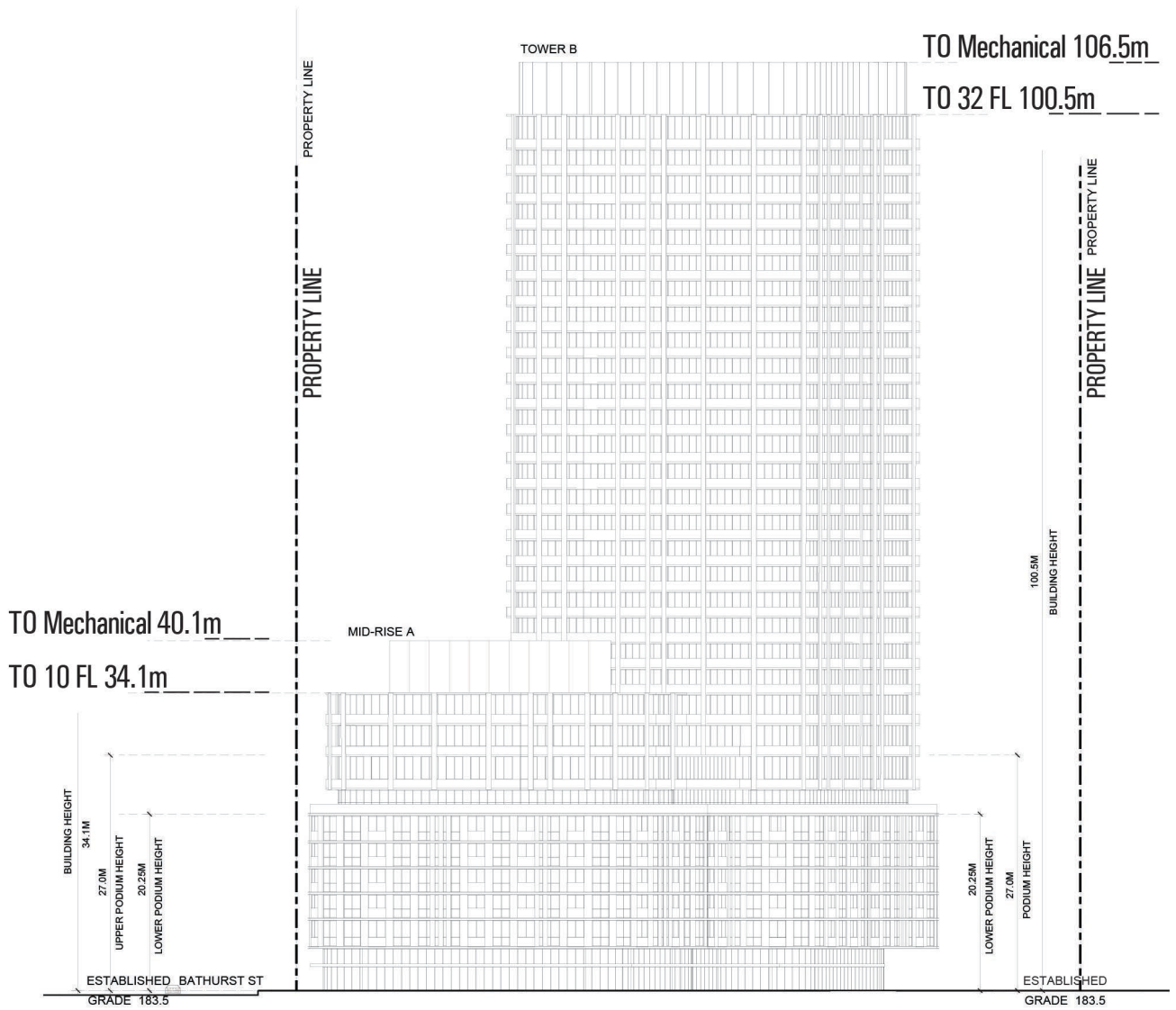
[under separate cover]



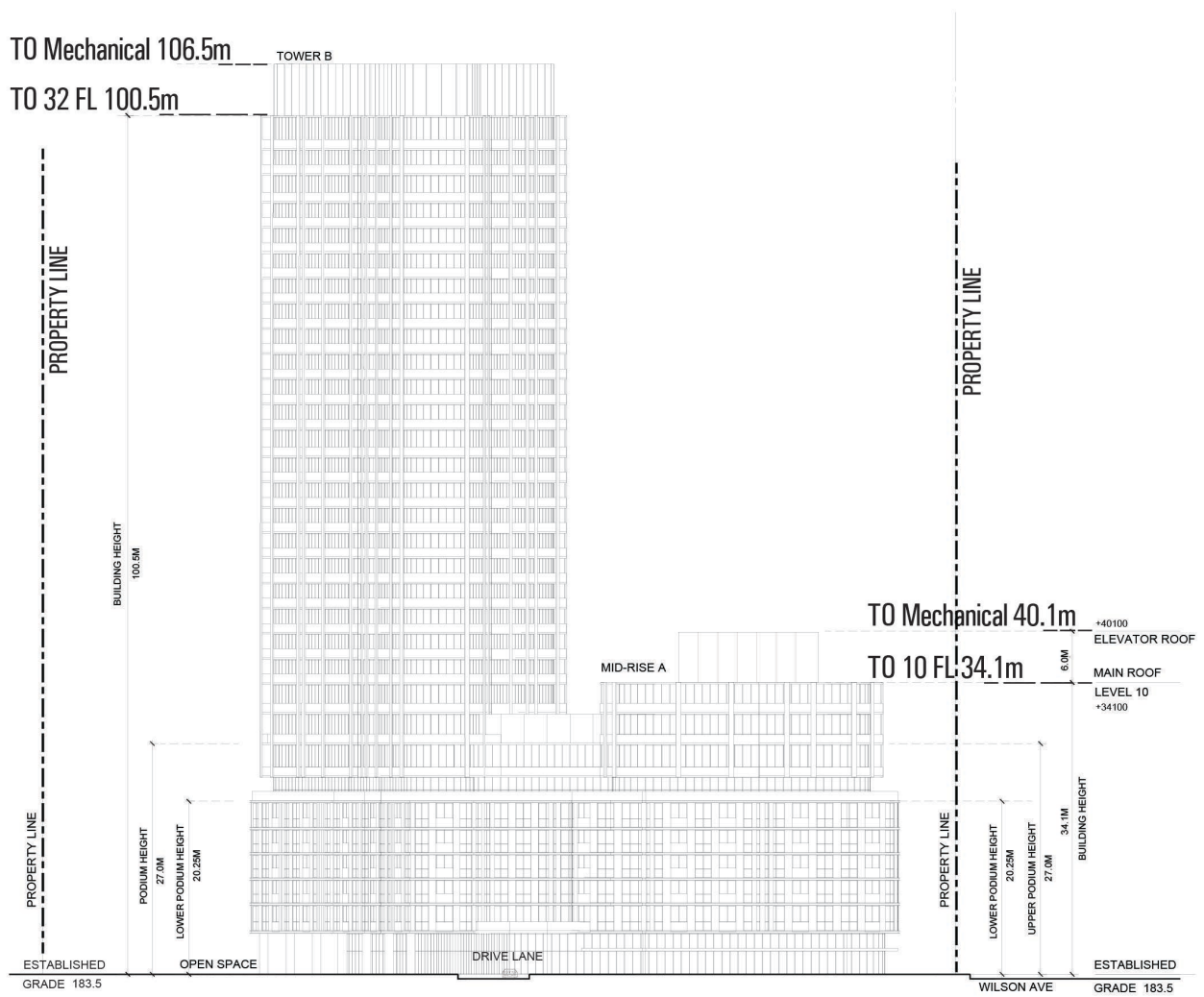
## Attachment 6: Site Plan



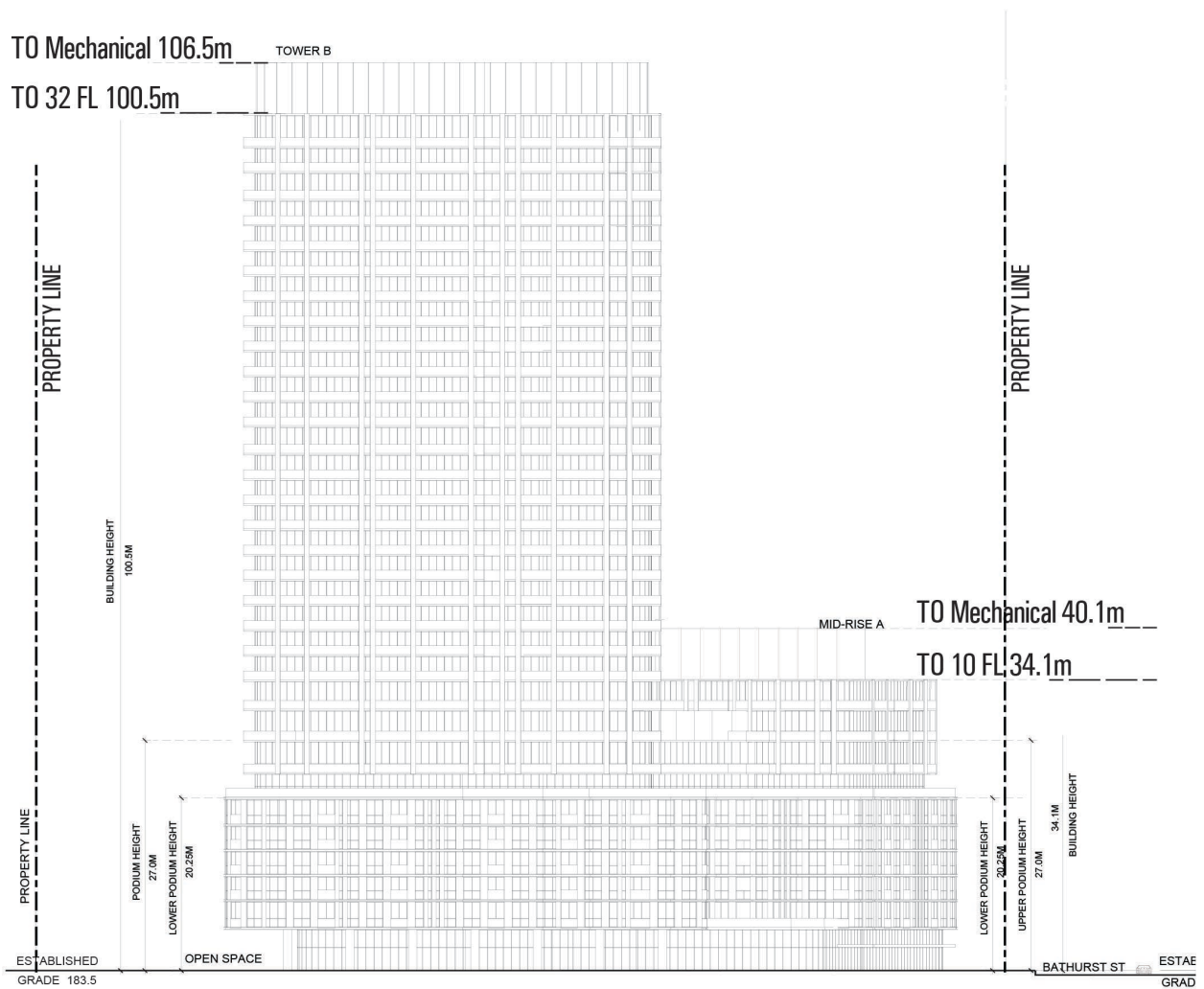
## Attachment 7: Elevations



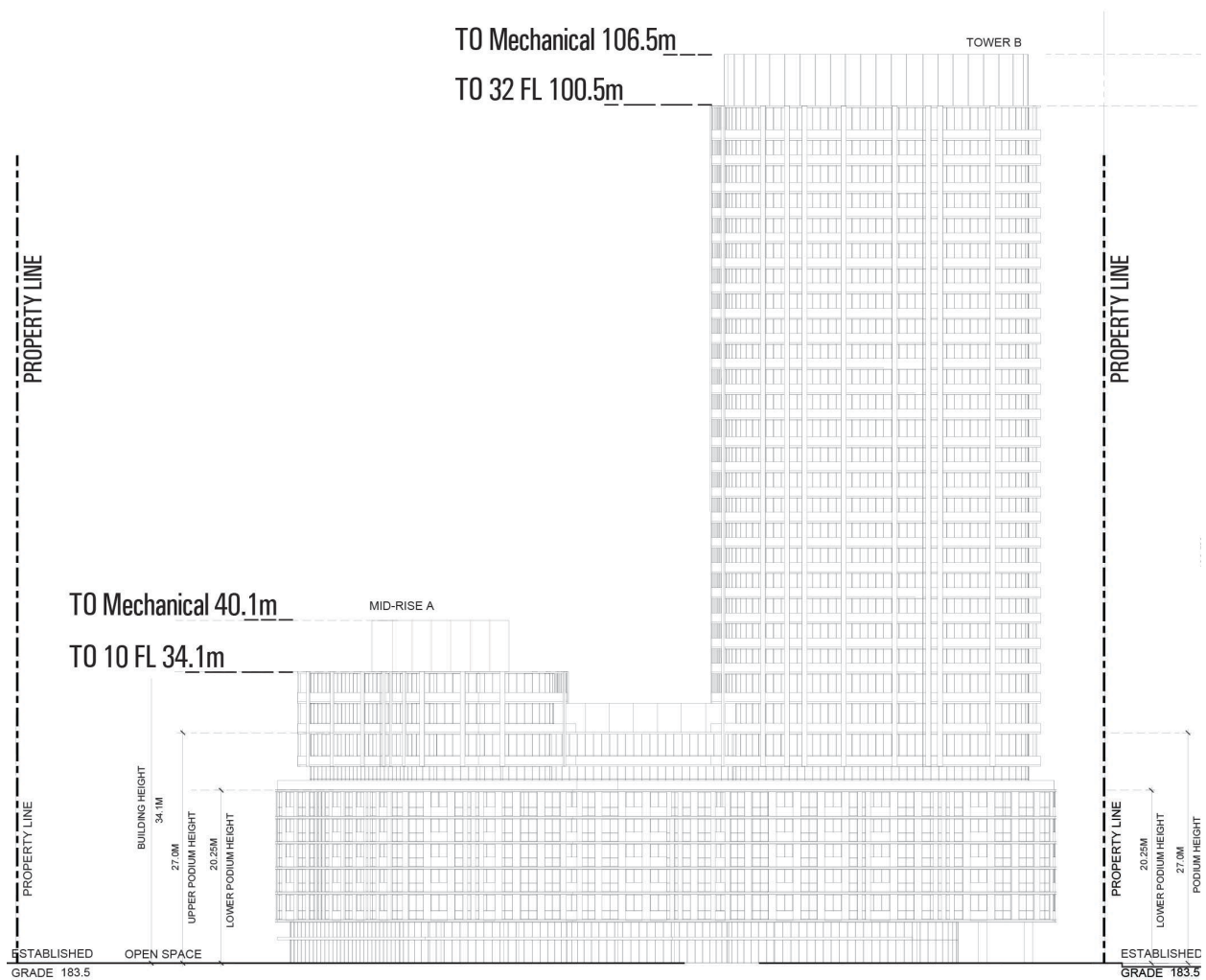
North Elevation



## East Elevation



## South Elevation



## West Elevation