

## **155 Antibes Dr – Zoning By-law Amendment Application – Decision Report - Approval**

Date: June 7, 2024

To: North York Community Council

From: Director, Community Planning, North York District

Wards: Ward 6 - York Centre

**Planning Application Number:** 21 234538 NNY 06 OZ

**Related Planning Application Number:** 23 124738 NNY 06 SA

### **SUMMARY**

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This application proposes to rezone the subject lands located at 155 Antibes Drive to permit an infill development with an 8-storey (33.3 metre) building, a 32-storey (101.3 metre) building, and a 36 storey (113.1 metre) building in addition to the existing 16 storey building on the property.

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 buildings represent an appropriate level of intensification on the site and provides for new and improved amenities while providing the majority of the future multi-use path connection which will benefit residents of the site and the surrounding community.

### **RECOMMENDATIONS**

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The Director, Community Planning North York District recommends that:

1. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 155 Antibes Drive substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to this report.
2. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

3. City Council allow the owner to convey to the City a 6.1-metre wide strip of land for a Multi-Use Pathway to the satisfaction of the Chief Planner and Executive Director, City Planning, as an in-kind contribution pursuant to subsection 37(6) of the Planning Act, in accordance with the following terms:

- a. The Multi-Use Pathway will be comprised of a 6.1-metre wide strip of land with an area of approximately 1,050 square metres and located along the northern boundary of the site;
- b. the Multi-Use Pathway will be provided in accordance with the terms to be set out in the In-Kind Contribution Agreement identified in Recommendation 4 below to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.

4. City Council authorize the Chief Planner and Executive Director, City Planning to enter into an Agreement pursuant to subsection 37(7.1) of the Planning Act (the "In-kind Contribution Agreement") to address the provision of the in-kind contribution identified in Recommendation 3 above to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor, including that:

- a. the owner will provide a letter of credit in an amount sufficient to guarantee 120 percent of the estimated cost of the land, to the satisfaction of the Chief Financial Officer and Treasurer, and will be provided to the City prior to the issuance of the first above grade building permit for the development, to secure the Multi-Use Pathway; upon handover of the land to the City, the letter of credit shall be returned to the owner of 155 Antibes Drive; with such agreement to be registered on title to the Site, which agreement shall be evidence of arrangements for the provision of the in-kind contribution that are satisfactory to City Council.

5. 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 on-site parkland dedication, having a minimum size of 563 square metres, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor.

6. City Council approve the acceptance of on-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; the Owner may propose the exception of encumbrances of tiebacks, where such an encumbrance is deemed acceptable by the General Manager, Parks, Forestry and Recreation, in consultation with the City Solicitor; and such an encumbrance will be subject to the payment of compensation to the City, in an amount as determined by the General Manager, Parks, Forestry and Recreation and the Executive Director, Corporate Real Estate Management; and,

7. 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.

8. City Council recommend to the Chief Planner and Executive Director, City Planning that the following be secured through the Site Plan Control approval for the proposed development, pursuant to Section 114 of the City of Toronto Act, 2006, and secured in a Site Plan Agreement with the City as follows:

a. The owner shall continue to provide and maintain the existing 259 rental units at 155 Antibes Drive as rental housing for a period of at least 20 years commencing from the date the Zoning By-law Amendment comes into force and effect, with no application for demolition or conversion to condominium ownership or from residential rental use during the 20-year period, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;

b. The owner shall undertake improvements to the existing rental apartment building at 155 Antibes Drive, at its sole expense and at no cost to the tenants, and to be finalized at Site Plan Control review as follows:

- i. A dedicated, enclosed loading space with indoor access to the existing rental apartment building;
- ii. An east facing entrance lobby;
- iii. Barrier-free accessibility for the existing west facing lobby entrance;
- iv. Upgrades to, and expansion of the existing locker rooms;
- v. A dedicated bicycle parking area with maintenance station and outdoor access;
- vi. A minimum of 139 square metres of dedicated indoor amenity area with outdoor access;
- vii. Upgrades to, and expansion of the mail room, including a new parcel storage room;
- viii. Upgrades to, and expansion of the laundry room;
- ix. Barrier-free accessibility for the newly renovated residential common areas;
- x. Outdoor children's play area and community garden;
- xi. Improved outdoor lighting and security features; and
- xii. Upgrades to existing residential terraces at grade.

9. Prior to the Statement of Approval for Site Plan Control, City Council require the owner to:

- a. Submit a construction mitigation and Tenant Communication Plan, including an interim parking plan to mitigate the impacts of construction of the development on the tenants of the existing rental apartment building, all to the satisfaction of the Chief Planner and Executive Director, City Planning;
- b. Submit a Parking Plan that provides at least 1 parking space on-site for each tenant of 155 Antibes Drive who had a parking space at the time of the first tenant notice for the rezoning application, dated October 27, 2021 and indicates the access to, and location of the parking spaces, all to the satisfaction of the Chief Planner and Executive Director, City Planning.
- c. Enter into a financially secured Development Agreement for the construction of the required improvements to the municipal infrastructure required to support this development as outlined in the Functional Servicing and Stormwater Management Report, accepted by the Chief Engineer & Executive Director of Engineering and Construction Services.

## **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 meeting was held on March 17, 2021. The current application was submitted on November 5, 2021 and deemed complete on April 27, 2022. A Preliminary Report on the application was adopted by North York Community Council on June 28, 2022 authorizing staff to conduct a Community Consultation Meeting (CCM).

The Preliminary Report is available at:

<https://www.toronto.ca/legdocs/mmis/2022/ny/bgrd/backgroundfile-227220.pdf>.

Staff held the Community Consultation Meeting on July 4, 2023. Community consultation is summarized in the Comments section of this Report.

## **The Site and Surrounding Area**

The subject lands have a site area of 6,654 square metres. and are bounded by Bathurst Street to the east, Antibes Drive to the west and south (known as Don Lake Gate to the south) and two apartment buildings to the north. The site is generally flat with berms over the existing underground parking garage fronting onto Bathurst Street. A driveway from Antibes Drive provides access to a pickup-dropoff (PUDO) and surface parking and another driveway accesses additional surface parking and the underground

parking garage. Mature trees line the north, east, and south property lines. The site is in an established *Apartment Neighbourhood* with building heights generally ranging from 10 to 28 storeys.

Abutting uses include:

**North:** A 12-storey apartment building at 5950 Bathurst Street and a 13-storey apartment building at 25 Cedarcroft Boulevard. A Zoning By-law Amendment application for a 29-storey infill apartment building has been approved at 5950 Bathurst Street.

**East:** Bathurst Street, a 10-storey apartment building, townhouses, a 3-storey retirement home, and a 2-storey commercial building.

**South:** Antibes Drive (known as Don Lake Gate), Don Lake Parkette, and a 26-storey apartment building.

**West:** Antibes Drive, townhouses, and the Antibes Community Centre.

## THE APPLICATION

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### Description

**Height:**

Building A: 36 storeys (113.1 metres). The 35th and 36th storeys are wrapped around the mechanical penthouses.

Building B: 32 storeys (101.3 metres). The 31st and 32nd storeys are wrapped around the mechanical penthouses.

Building C: 8 storeys with a partial 9th storey for amenities at the mechanical level (33.3 metres).

The existing 16-storey building is proposed to be retained.

**Density:** 4.46 times the lot area.

**Unit count:** A total of 1,151 dwelling units as follows:

Building A: 432 units

Building B: 355 units

Building C: 105 units

Existing building: 259 units

**Non-residential gross floor area:** 873 square metres of retail, including 389 square metres in Building A and 451 square metres in Building B.

**Access, Bicycle parking, Vehicle Parking and Loading:**

Vehicle parking consists of 804 underground parking spaces, including 744 resident parking spaces, 56 visitor parking spaces, and 4 car-share spaces. 953 bicycle parking spaces are proposed, including 840 long term spaces and 113 short term spaces.

Vehicle access is consolidated to one driveway from Antibes Drive to the north of the existing building, consolidating the number of vehicle access points from three to one. All vehicle parking will be moved into an expanded underground parking garage. A new multi-use path will connect Antibes Drive to Bathurst Street along the north property line.

Each building has an internal loading space, including the existing building. The loading space for the existing building is proposed to be added to the south side of the building so that garbage pickup and loading can be internalized.

**Site layout:** The proposal includes an 870 square metre Privately-Owned Publicly Accessible Space (POPS) along Bathurst Street. At the west end of the site along Antibes Drive, the existing lawns, parking, and driveway are proposed to be replaced by a community garden, ornamental garden, playground, and walkways. A 560 square metre public park is located at the northwest corner of the site.

**Setbacks:** Buildings A and B are set back 3.0 metres from Bathurst Street. Building C is set back 3.0 metres from the future multi-use path and 5.0 metres from the proposed public park.

**Additional information:** See Attachments [1-5](#) of this report for a location map, Application Data sheet, three dimensional representations of the project in context and a site plan of the proposal. The Application Data Sheet contains additional details on the proposal including: site area and dimensions; floor area; unit breakdowns; and parking counts.

All plans and reports submitted as part of the application can be found on the City's Application Information Centre at: [www.toronto.ca/155antibes](http://www.toronto.ca/155antibes).

## Reasons for Application

An application for Zoning By-law Amendment was submitted to permit the proposed built form and to create an appropriate set of performance standards to accommodate the proposed development.

## APPLICATION BACKGROUND

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### Application Submission Requirements

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

- Architectural Plans

- Civil and Utilities Plans
- Landscape Cost Estimate
- Water Distribution Analysis Report
- Multi-Use Path Concept Plan
- Sanitary Analysis
- Servicing Report
- Functional Servicing and Stormwater Management Report
- Downstream Storm Capacity Analysis Report
- Transportation Report
- 3D Modelling
- Draft Zoning By-law
- Energy Strategy Report
- Phase 1 and 2 Environmental Site Assessments
- Geotechnical Engineering Report
- Housing Issues Report
- Hydrogeological Report
- Foundation Drainage Summary
- Landscape Plans
- Water Distribution Analysis Report
- Pedestrian Level Wind Study
- Planning Rationale
- Sun/Shadow Study
- Topographical Survey
- Toronto Green Standards Statistics
- Tree Inventory and Preservation Plan

### **Agency Circulation Outcomes**

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

### **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 AND REGULATION CONSIDERATIONS**

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### **Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans**

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 (“PPS”), and shall conform to provincial plans, including A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the “Growth Plan”).

## **Toronto Official Plan**

This application has been reviewed against the policies of the City of Toronto Official Plan as follows:

The subject site is designated *Apartment Neighbourhoods* on Map 16 of the Official Plan. [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 Residential Apartment Commercial RAC (f30.0; a1375; d1.5) under Zoning By-law 569-2013. The zoning permits residential and non-residential uses. The site specific exception permits a minimum lot frontage of 30.0 metres, a minimum lot area of 1,375 square metres, maximum floor space index (FSI) of 1.5.

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

## **Design Guidelines**

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

- Tall Buildings Design Guidelines;
- Avenues and Mid-rise Buildings Study and Performance Standards;
- Growing Up: Planning for Children in New Vertical Communities Design Guidelines; and
- Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings.

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**

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 development is subject to Site Plan Control. A Site Plan Control application has been submitted under file number 23 124738 NNY 06 SA.

## **Community Consultation**

A community consultation meeting (CCM) was held for this proposal on July 4, 2023. Approximately 30 community members attended the CCM, providing feedback on various aspects of the development. The majority of the residents present at the meeting attended to seek information on the proposal and to express their concerns. Major concerns included traffic impacts, height and density, safety in the new public spaces, and construction impacts.

A tenant survey was administered in July 2023 to the tenants at 155 Antibes to provide feedback on ways to improve the amenities, common areas and condition of the existing rental apartment building.

These concerns and comments have been taken into consideration while evaluating the merits of the proposal. City staff have concluded that the proposal will have minimal impact in terms of traffic and the height and density are supportable. Public safety will be enhanced by the buildings framing these spaces creating "eyes on the street" through unit overlook and building and unit entrances, consistent with the principles of Crime Prevention Through Environmental Design (CPTED). The new POPS, public park, and multi-use path will benefit the community.

The Owner proposes improvements to the existing building, including an indoor loading space, a new lobby, expanded locker and laundry facilities, improved amenity space, accessibility improvements, an outdoor play area and community garden, and improved terraces. These improvements will be finalized during Site Plan Control review.

## **Statutory Public Meeting Comments**

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

## **COMMENTS**

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### **Provincial Policy Statement and Provincial Plans**

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020).

Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan (2020) as follows:

The proposal conforms to the policy objectives of the Provincial Policy Statement (PPS) and Growth Plan by providing an appropriate level of intensification on a site along a major street that is underutilized given the existing land use designation and development on site, while contributing to the mix of housing types and providing a mix of residential and non-residential land uses. The proposed development supports active transportation through the adequate provision of bicycle parking spaces and reduced vehicular parking to residential unit ratio.

## **Land Use**

This application has been reviewed against the official plan policies described in the Policy Consideration Section of the Report as well as the policies of the Toronto Official Plan as a whole. The proposed construction of three additional apartment buildings on the property are supported by the policies of the Plan. The introduction of additional apartment units re-enforces the predominant existing land use in the area of residential apartment buildings.

The proposed development provides for compatible infill development that also conforms with the general intent of Policies 4.2.2, 4.2.3 and 4.2.4, which provides that infill development in *Apartment Neighbourhoods* will locate and mass new buildings to frame the edges of streets with good proportions, ensure that infill developments are compatible with the scale of adjacent apartment buildings on and adjacent to the site, and maintain or replace and improve indoor and outdoor residential amenities on site. As stated in the Community Consultation section, improvements to the existing building include an indoor loading space, a new lobby, expanded locker and laundry facilities, improved amenity space, accessibility improvements, an outdoor play area and community garden, and improved terraces.

## **Built Form, Density, Height and Massing**

Planning staff have reviewed the proposed built form, including density, height and massing, against the policies of the Official Plan and relevant design guidelines.

### **Built Form**

This application has been reviewed against the Official Plan policies and design guidelines described in the Policy Consideration Section of the Report. The Official Plan requires that new development will be located and massed to fit within the existing and planned context, define and frame the edges of the public realm with good street proportion, fit with the existing character and ensure access to direct sunlight and daylight on the public realm by providing street wall heights and setbacks that fit harmoniously with the existing and/or planned context and stepping back building mass and reducing building foot prints above the street wall height.

The proposed buildings generally fit within the existing context which presently supports building forms up to 28 storeys in height at 80 and 100 Antibes Drive. While the proposed 32 and 36 storey buildings are slightly taller than these existing buildings, the visual bulk is reduced through smaller floorplates of up to 776 square metres. The proposed building provides for an appropriate separation of 29 metres between the existing building and Building A. The separation between the existing building and Building B is only 22 metres, however Building B is positioned to be staggered in relation to the existing building so that they are not directly opposite each other. The separation between Buildings A and B is 56.55 metres between the podiums and 88.73 metres between the towers.

To the north, Buildings A and C have a proposed setback from the current property line of 9.1 metres to the podium and 12.1 metres to the tower of Building A. After the conveyance of the multi-use path, the podium and tower setbacks will be 3.0 metres and 6.1 metres respectively.

Building A is directly across from the approved townhouses at 5950 Bathurst Street, with a separation of 18.35 metres at the podium. Building C is separated from the approved tower at 5950 Bathurst Street by 18.2 metres at grade and 22.1 metres at the 8th floor. The separation from 25 Cedarcroft Boulevard is 15.6 metres at grade and 20.0 metres at the 8th floor.

## Density

The proposed density of 4.46 times the area of the lot after the conveyance of the park and right-of-way for a portion of a future multi-use path is appropriate for the site in the context of other developments approved along Bathurst Street.

## Height and Massing

The proposed 32-storey (101.3 metre) and 36-storey (113.1 metre) buildings are located to the east of the existing 16-storey apartment building on the site. Both buildings provide for a six-storey podium along Bathurst Street, dropping to four storeys for the portion of the building podiums next to the POPS. Both towers are stepped back 3.0-4.0 metres from their respective podiums. The 8-storey building is located north and northwest of the existing building to provide a transition to and appropriately frame the proposed public park and multi-use path. The proposed height is compatible with other existing buildings in the area including the 28-storey buildings on the property to the south. The proposed development conforms with the intention of policies 4.2.2, 4.2.3 and 4.2.4 of the Official Plan that provides for proposed development in *Apartment Neighbourhoods* to frame the edges of streets and parks with good proportions, and be compatible with the scale of the existing apartment buildings on and adjacent to the site.

The proposed buildings are massed to fit with their surrounding context. Although the proposed apartment buildings are taller than the tallest existing buildings in the immediate vicinity, the height is appropriate given the surrounding *Apartment Neighbourhoods* context and the layout of the proposed buildings in relation to each

other and existing development. The proposed tall buildings are adequately set back from the existing building, and the four to six-storey podium heights along the Bathurst Street frontage project an appropriate pedestrian scale on the streets.

Staff are satisfied that the density, height and massing conform with Official Plan policies.

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

This application has been reviewed against the Official Plan policies and design guidelines described in the Policy Consideration Section of the report. Official Plan Built Form Policies 3.1.2.3 require that new development provide adequate light and limit shadows on streets, properties and open spaces. The Official Plan states that development will be located and massed to fit within the existing and planned contexts, define and frame the edges of the public realm with good street proportion, fit with the character, and ensure access to direct sunlight and daylight on the public realm by providing street wall heights and setbacks that fit harmoniously with the existing and/or planned context and/or step back building mass above the street wall height.

The applicant has provided a shadow study illustrating the shadow impacts during the fall and spring equinoxes. Planning staff have reviewed the shadow study and agree that the shadow impacts resulting from the proposed development are acceptable. Combined with the built form comments noted above, the proposed buildings have been designed to sufficiently minimize potential shadow impacts on existing adjacent buildings, any future development in the area as well as nearby residential areas. The new buildings introduce limited net new shadows on the public park early in the day between the March and September equinoxes. The multi-use path will experience a mix of sun and shadows throughout the day. Some net new shadows will be created on the *Neighbourhood* east of Bathurst Street in the afternoon. These shadows are considered to be minor.

The applicant provided a Pedestrian Level Wind Study as part of the application. The study states that wind conditions over surrounding sidewalks, parks, vehicle PUDO areas, and the daycare at 5950 Bathurst Street will experience acceptable wind conditions. A further review of the wind conditions will be undertaken as part of the Site Plan Control application. If any mitigation measures are identified through this review, they will be secured through the Site Plan Control application.

### **Traffic Impact**

The applicant's transportation consultant, RJ Burnside, submitted a Transportation Study report dated August 2021 and most recently updated in April 2024. The consultant concludes that all studied intersections will continue to operate with excess capacity, with the exception of some movements at the intersection of Bathurst Street and Don Lake Gate. These movements will be improved with optimized signal timings. The proposed timing changes are subject to review and comments from Traffic Operations Section and Traffic Signals Section through the Site Plan Control

application. The applicant will be responsible for all costs associated with the proposed changes if the changes are deemed acceptable by Transportation Services Division and will be secured through the Site Plan Control application.

Cycle tracks are planned by the City on both sides of Bathurst Street and Don Lake Gate. These tracks are currently being designed and will be installed by the City. The applicant has submitted a preliminary functional plan showing a preliminary design, pavement markings, and signage for the cycle tracks and the multi-use path.

## **Access**

The proposed dwelling units in Building C will have front doors and pedestrian access directly onto the multi-use path and a walkway along the public park frontage. The ground floor of Buildings A and B will consist of retail units with direct access to Bathurst Street. The retail units also overlook the POPS. Additional retail entrances are located at the multi-use path at the north end of the site and at the corner of Bathurst Street and Don Lake Gate at the south end.

The primary vehicular access to the site is from a 6.0 metre wide driveway from Antibes Drive at the western edge of the site. This driveway leads east into the site, including PUDO and loading areas for Building C and connecting to an existing parking garage entrance. It then turns south and continues between the existing building and the new Buildings A and B. The new parking garage entrance, PUDO and loading areas for the remaining buildings, and a 3-point turning area for emergency vehicles are located on this section of the driveway. The existing driveway at the west side of the existing building will be removed.

Transportation Services is generally in acceptance of the proposed driveway access and egress to the proposed development as well as the internal circulation proposed. The final details of the design of the pick-up/drop-off areas and their function will be secured through the Site Plan Control application.

## **Parking**

The applicant's proposal to provide 804 vehicular parking spaces, made up of 744 residential parking spaces, 4 car-share spaces, and 56 visitor parking spaces is acceptable. The proposal for 953 bicycle parking spaces, including 840 long term spaces and 113 short term spaces, is also acceptable. One Type C loading space is proposed to service Building C, and one Type G loading space is proposed for each of the other buildings. Transportation Services staff accepts the parking and loading spaces proposed for the development.

## **Road Widening**

Conveyances for road widening are not required as part of this application in accordance with the City of Toronto Official Plan.

The conveyance of a 6.0 metre corner rounding at the corner of Bathurst Street and Don Lake Gate is required, free of any obstructions. This conveyance has been identified on the Site Plan drawing and will be secured through the Site Plan Control application.

## **Streetscape**

The proposed development responds appropriately to the Public Realm policies of the Official Plan. A new 2.1 metre public sidewalk is proposed along the Bathurst Street, Don Lake Gate, and Antibes Drive frontages of the proposed development, which will improve pedestrian safety and comfort on the streetscape, consistent with policy 3.1.1 6 (b) of the Official Plan on giving full consideration to the needs of pedestrians, cyclists and public transit users. As previously identified, the applicant is providing land for a portion of the new public multi-use path right-of-way along the northern property boundary.

The entrance lobbies of Buildings A and B extend through the centre of each building and are accessible both from Bathurst Street and the driveway at the rear. The front wall of the lobby includes transparent glazing in order to create opportunities for visual connections with the streetscape, and to promote the Crime Prevention Through Environmental Design (CPTED) principle of "eyes on the street". The entrance lobby of Building C is accessed from the entrance driveway and similarly includes transparent glazing. The retail units in Buildings A and B primarily face Bathurst Street but also wrap around the corner of each building to address the multi-use path, POPS, and Don Lake Gate.

CPTED principles have also contributed to the design of the public park, POPS, and multi-use path. Dwelling units on the ground floor of Building C face the public park and have entrances onto a path next to the park. Building C also has ground floor units overlooking and accessed from the multi-use path. The approved building at 5950 Bathurst Street addresses the path in a similar manner.

New trees and plantings along all three street frontages, the POPS, open space, and outdoor amenity space will help improve the appearance of the streetscapes surrounding the proposed development. Staff will continue working with the applicant on streetscape improvements to be secured through the site plan control process.

## **Servicing**

The applicant has provided a Functional Servicing and Stormwater Management Report, a Downstream Sanitary Capacity Analysis Report, a Downstream Storm Capacity Analysis Report, and a Water Distribution Analysis Report all prepared by Lithos Group Inc. The reports have been reviewed by Engineering and Construction Services staff, who are satisfied that the development would be adequately serviced and there is capacity for the proposed development upon completion of the municipal sanitary sewer capacity mitigation measures outlined in the above reports, which are

being undertaken by the Owner at no cost to the City. Staff will work with the Owner to financially secure the necessary improvements to the municipal infrastructure, at no cost to the City, during the site plan control process.

## **Housing Issues**

Official Plan Policies 3.2.1.5 and 4.2.3 permit compatible infill development on sites containing existing rental buildings provided the existing rental tenure is secured and redevelopment will result in an improvement to the site condition.

The owner has agreed to maintain the existing building as rental housing for a period of at least 20 years from the date the Zoning By-law Amendment comes into force and effect. The owner has also agreed to construct and provide improvements to the existing rental building of which the costs shall not be passed on to tenants of the existing building in any form, including by way of an application to the Ontario Landlord and Tenant Board for the purpose of obtaining an increase in residential rent above the applicable guideline.

In response to the tenant survey that was conducted, the owner has agreed to construct and provide the following improvements to the existing site:

- A dedicated, enclosed loading space with indoor access to the existing rental apartment building;
- An east facing entrance lobby;
- Barrier-free accessibility for the existing west facing lobby entrance;
- Upgrades to, and expansion of the existing locker rooms;
- A dedicated bicycle parking area with maintenance station and outdoor access;
- A minimum of 139 square metres of dedicated indoor amenity area with outdoor access;
- Upgrades to, and expansion of the mail room, including a new parcel storage room;
- Upgrades to, and expansion of the laundry room;
- Barrier-free accessibility for the newly renovated residential common areas;
- Outdoor children's play area and community garden;
- Improved outdoor lighting and security features; and
- Upgrades to existing residential terraces at grade.

City Planning staff are satisfied that the proposed improvements to the existing rental housing address the intent of Policy 3.2.1.5 of the Official Plan. The location, layout, and/or specifications of the above improvements will need to be finalized prior to a Site Plan Control approval for the new development, all to the satisfaction of the Chief Planner and Executive Director, City Planning.

As part of the recommendations to Council, the applicant will also be required to develop a Construction Mitigation Strategy and Tenant Communication Plan to address construction impacts on existing residents, and a Parking Plan that will identify the access and location of a minimum of one parking space for tenants who had leased a

parking space prior to receiving notice of the development application. The development of both plans will be required prior to the issuance of a statement of approval for the Site Plan Control application.

## **Parkland**

In accordance with [Section 42 of the Planning Act](#), the applicable alternative rate for on-site parkland dedication is 1 hectare per 600 net residential units to a cap of 5 percent of the development site as the site is less than five (5) hectares, and is outside of the Parkland Acquisition Priority Area as defined in Chapter 415 Article III of the Toronto Municipal Code, with the non-residential uses subject to a 2% parkland dedication. The total parkland dedication requirement is 560 square metres.

The Owner is required to satisfy the parkland dedication requirement through an on-site dedication. The park is to be in the northeast portion of the site and comply with Policy 3.2.3.8 of the Official Plan.

The applicant has proposed an on-site parkland dedication of 560 square metres, located in the northwest portion of the site and generally triangular in shape, with a 5 metre setback proposed between the park boundary and the adjacent building face, which is acceptable.

This report seeks direction from City Council on authorizing a credit of the Parks and Recreation component of the Development Charges in exchange for Above Base Park Improvement to be provided by the Owner upon agreement with the City. The development charge credit shall be in an amount that is the lesser of the cost to the Owner of installing 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 Bylaw, as may be amended from time to time. The Owner will be required to enter into an agreement with the City to provide for the design and construction of the improvements and will be required to provide financial security to ensure completion of the works.

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

A privately-owned publicly accessible open space (POPS) of approximately 870 square metres is proposed on the east side of the site along Bathurst Street between Buildings A and B. This space is described in the Landscape Plan as a cycling hub and includes a central hardscaped gathering area, seating, tables, bicycle parking, and planting beds. The POPS is flanked on two sides by retail and indoor amenity space in Buildings A and B to help animate the space. Staff consider the proposed POPS to be a positive element of the proposal. It strengthens the Bathurst Street public realm while providing a central outdoor space for the site, including patios for retail customers and informal seating for the general public. Staff recommend that the final design be secured through the Site Plan Control approval process.



## **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). Urban Forestry staff comments on proposals to remove, preserve or protect street and private trees. An arborist report was submitted in support of the proposal.

Urban Forestry requires extensive tree plantings to replace the 47 private trees proposed for removal. In particular, the large, mature trees along Bathurst Street are proposed to be removed and must be replaced with generous tree plantings on the west side of the site.

## **Amenity Space**

Every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents of the development. Bylaw No. 569-2013 requires a combined amenity space of 4.0 square metres per dwelling unit, typically evenly split between indoor and outdoor space. The proposal provides for an indoor amenity space of 1,337 square metres (1.5 square metres per unit) and outdoor amenity space of 1,782 square metres (2.0 square metres per unit). New indoor amenity space is proposed to be provided as follows:

- Existing building, P1 level;
- Building A, P1 and ground, 5th, and 35th floors;
- Building B, ground, 5th, and 31st floors; and
- Building C, 9th floor.

The indoor amenity space at the 5th and 9th floors will be adjacent to outdoor amenity areas on a roof-top terrace. The ground floor amenity space will be adjacent to outdoor spaces such as walkways and the POPS. While the indoor amenity space does not meet the typical minimum of 2.0 square metres per unit, all the amenity spaces will be accessible to residents of the existing and proposed residential buildings and are a substantial improvement to the existing available amenities for residents of the existing building. Further, the proposal will result in improved landscaping around the entirety of the existing and new buildings, removed surface parking, a new public park, and new usable outdoor space for tenants of the existing and proposed buildings.

## **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 2050 or sooner. Performance measures for the Tier 1 development features will be secured through the site plan approval process.

### **Community Services Assessment**

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

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

The City's Official Plan Policy 2.3.1.7 identifies that community and neighbourhood amenities will be enhanced where needed by improving and expanding facilities, creating new facilities and adapting existing services to changes in the needs of the neighbourhood. Section 3.2.2 of the Official Plan calls for adequate and equitable access to community services and local institutions, and sets out a policy framework that, among other things, encourages the inclusion of community service facilities as part of private development.

Community Services & Facilities staff recommend an on-site childcare facility and/or financial contributions towards the provision of recreation facilities such as new artificial ice rinks, splash pads, or skate parks. These recommendations were made before Section 37 of the Planning Act was amended to replace the old Section 37 benefits with the new Community Benefits Charge (CBC). Due to these amendments, the CBC is the sole mechanism to secure on-site benefits. In this regard, the provision of on-site contribution must be assessed based on the prescriptions of the CBC By-law. See the Community Benefits Charges (CBC) section below for additional details.

### **Community Benefits Charges**

Section 37 of the Planning Act authorizes the City to adopt a community benefits charge (CBC) by-law and collect CBCs to pay for the capital costs of facilities, services and matters that are required to serve development and redevelopment. CBC funding will help support complete communities across Toronto. CBCs are collected on developments and redevelopments that are at least five storeys in height and that add at least ten residential units. The City enacted By-law 1139-2022 to adopt a Community Benefits Charge By-law on August 15, 2022.

As part of the approval of the Zoning By-law Amendment application for 5950 Bathurst Street, lands and a cash contribution were secured to construct a multi-use path in the future with the intent of connecting Antibes Drive to Bathurst Street. It is appropriate in this regard to secure for the balance of the lands to form this multi-use path from the subject lands. In this regard, the community benefits recommended to be secured in the Section 37 Agreement are as follows:

Prior to issuance of the first above grade building permit, convey a 6.1-metre wide strip of land along the northern boundary of the site with an area of approximately 1,050 square metres for the purposes of a future Multi-Use Pathway connecting Bathurst Street and Antibes Drive, to be combined with lands to be conveyed in the future from adjacent properties to complete the Multi-Use Pathway.

Real Estate Services has estimated the valuation of the lands to be conveyed for a Multi-Use Path to be approximately 4.0% of the valuation of the subject lands as a whole, or 100% of the amount available for the CBC contribution.

## **Conclusion**

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and conforms with the Growth Plan (2020).

Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to development in *Apartment Neighbourhoods*. Staff worked

with the applicant and the community to address and resolve the following key concerns: built form, provision of on-site parkland, and benefits for existing residents and the larger community. Staff recommend that Council support approval of the application.

## **CONTACT**

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Marty Rokos, Senior Planner, Community Planning, Tel. No. 416-395-7127

E-mail: [Marty.Rokos@toronto.ca](mailto:Marty.Rokos@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

**Applicant Submitted Drawings**

Attachment 6: Site Plan

Attachment 7: East and North Elevations

Attachment 8: West Elevations

## Attachment 1: Application Data Sheet

Municipal Address: 155 ANTIBES DR Date Received: November 5, 2021

Application Number: 21 234538 NNY 06 OZ

Application Type: Rezoning

**Project Description:** Zoning By-law amendment for three residential buildings. Building A is a 36-storey tower (113.1 metres including MPH) with a six-storey podium, Building B is a 32-storey tower (101.3 metres including MPH) with a six-storey podium, and Building C is an 8-storey building with a 9th mechanical/amenity level (33.3 metres including MPH). Building A will contain 432 residential units and 389 square metres of retail space. Building B will contain 355 residential units and 451 square metres of retail space. Building C will contain 105 residential units. The development will also include indoor and outdoor amenity space, loading and servicing space, and at-grade entrances to the underground parking garage. In total, the Subject Site will accommodate 1,151 residential dwelling units including 892 new apartment dwelling units and 259 retained rental apartment units, and 848 square metres of retail space. The proposed residential gross floor area for the new development is 57,087 square metres.

**Applicant**  
URBAN  
STRATEGIES INC

**Agent**

**Architect**

**Owner**  
ZAGJO HOLDINGS  
LIMITED

### EXISTING PLANNING CONTROLS

**Official Plan Designation:** Apartment Neighbourhood

**Site Specific Provision:**

**Zoning:** RAC (f30.0;  
a1375; d1.5)

**Heritage Designation:**

**Height Limit (m):**

**Site Plan Control Area:** Y

### PROJECT INFORMATION

**Site Area (sq m):** 19,014      **Frontage (m):** 180      **Depth (m):** 100

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,654	1,654	3,625	5,279
Residential GFA (sq m):	26,731	26,731	57,727	84,760

Non-Residential GFA (sq m):			848	
Total GFA (sq m):	26,731	26,731	58,575	84,760
Height - Storeys:	16	16	36	36
Height - Metres:	52	52	113.1	113.1

Lot Coverage Ratio (%) 27.77 Floor Space Index: 4.46

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	84,542	208
Retail GFA:	848	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	259	259	892	1,151
Freehold:				
Condominium:				
Other:				
Total Units:	259	259	892	1,151

#### Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:			1	96	162
Proposed:		1	497	306	88
Total Units:		1	498	402	250

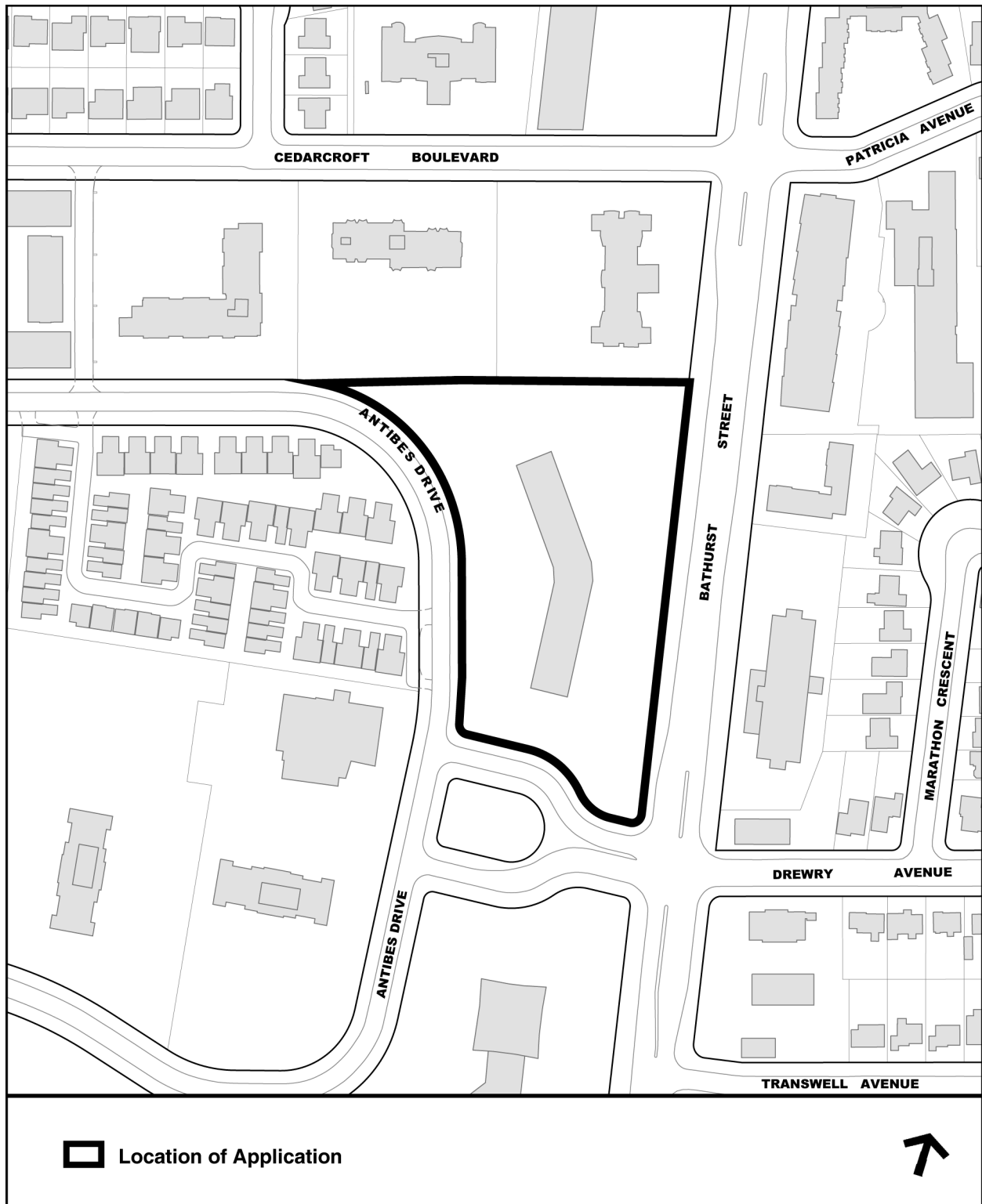
#### Parking and Loading

Parking Spaces: 804 Bicycle Parking Spaces: 953 Loading Docks: 4

#### CONTACT:

Marty Rokos, Senior Planner, Community Planning  
(416) 395-7127  
Marty.Rokos@toronto.ca

## Attachment 2: Location Map



# Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #16

155 Antibes Drive

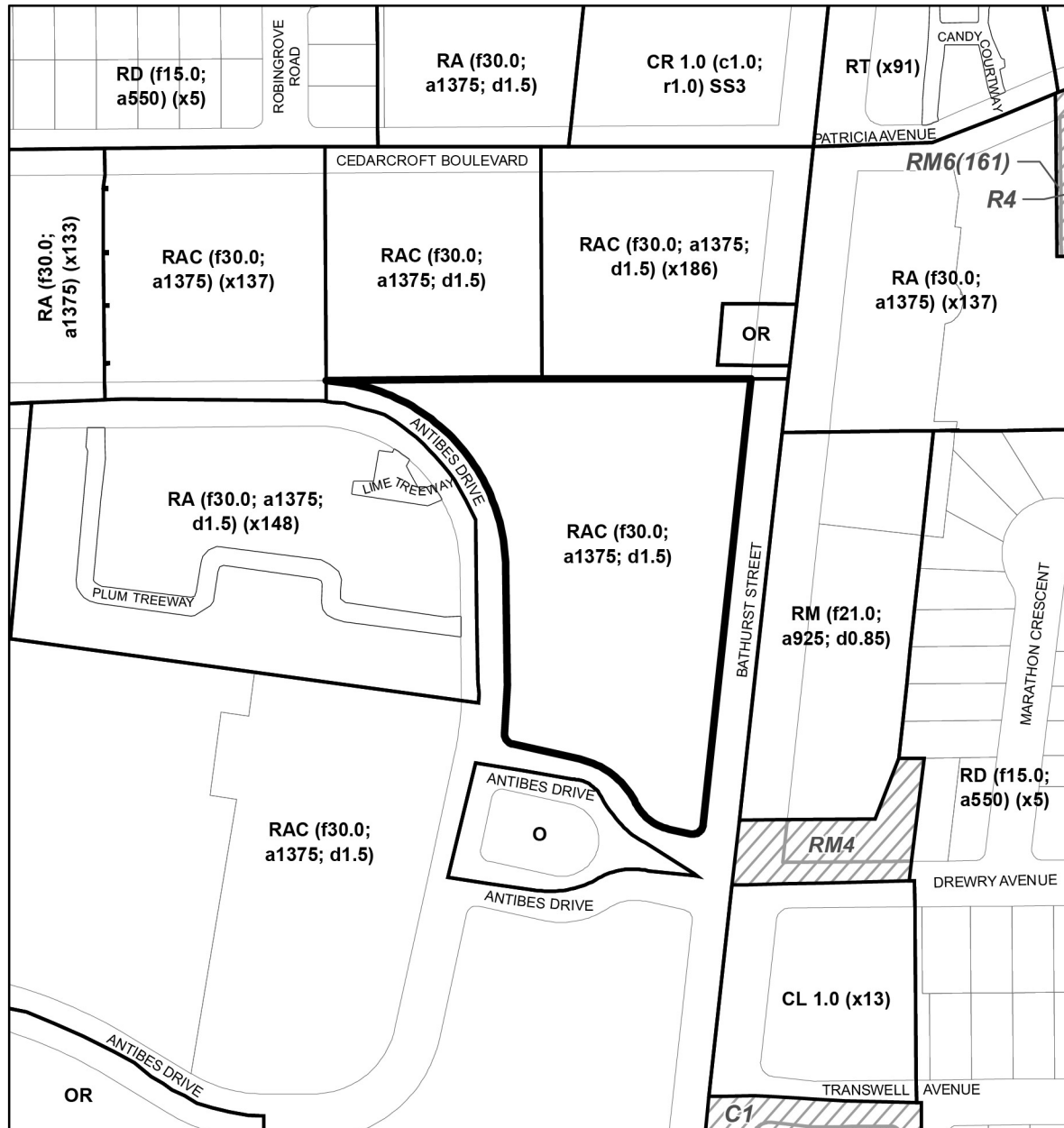
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## Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

155 Antibes Drive

File # 21 234538 NNY 06 02



Location of Application

<b>RD</b>	Residential Detached	<b>RAC</b>	Residential Apartment Commercial
<b>RT</b>	Residential Townhouse	<b>CL</b>	Commercial Local
<b>RM</b>	Residential Multiple	<b>CR</b>	Commercial Residential
<b>RA</b>	Residential Apartment	<b>O</b>	Open Space
		<b>OR</b>	Open Space Recreation



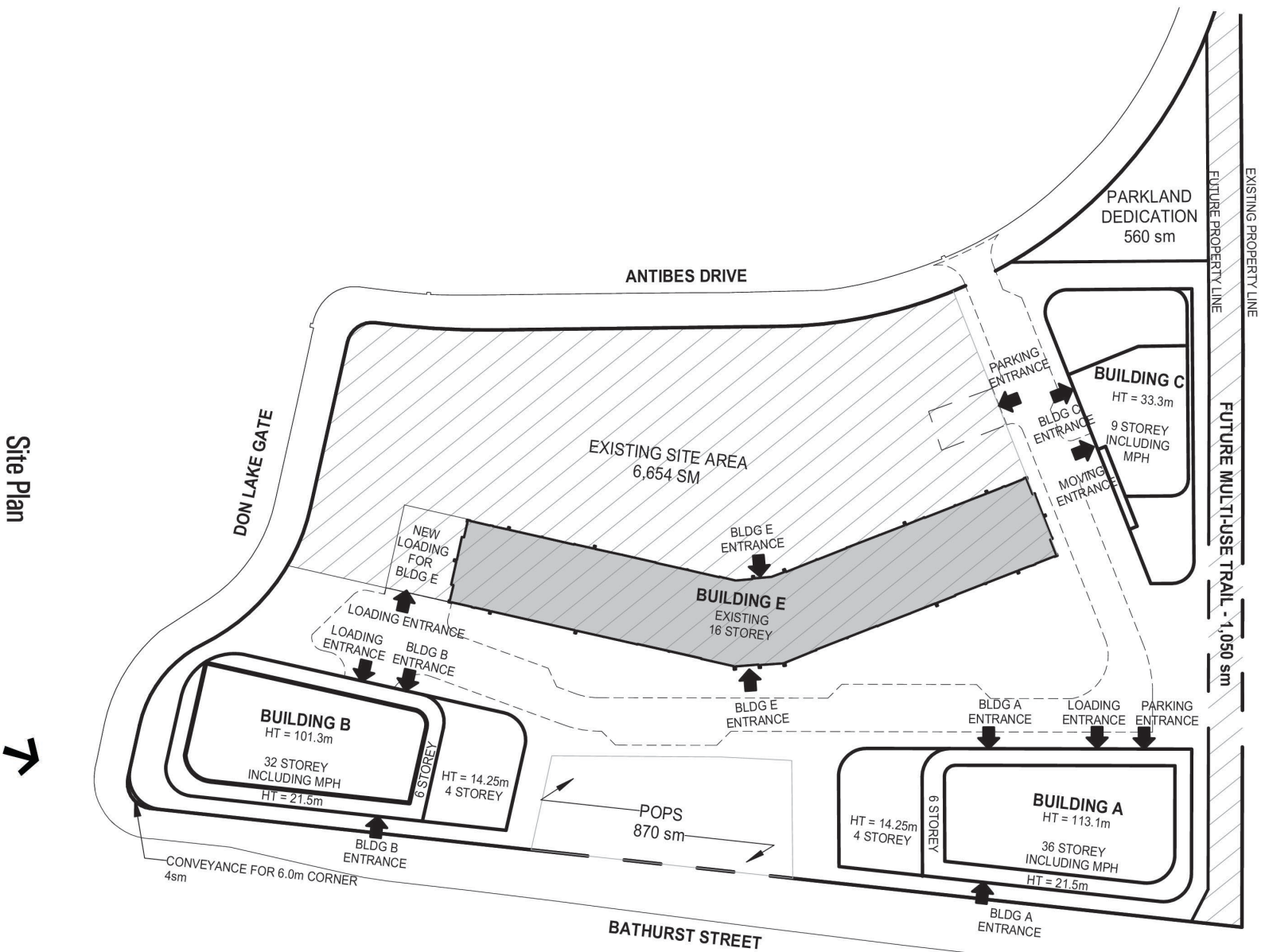
See Former City of North York By-law No. 7625

<b>R4</b>	One-Family Detached Dwelling Fourth Density Zone
<b>RM4</b>	Multiple-Family Dwellings Fourth Density Zone
<b>RM6</b>	Multiple-Family Dwellings Sixth Density Zone
<b>C1</b>	General Commercial Zone

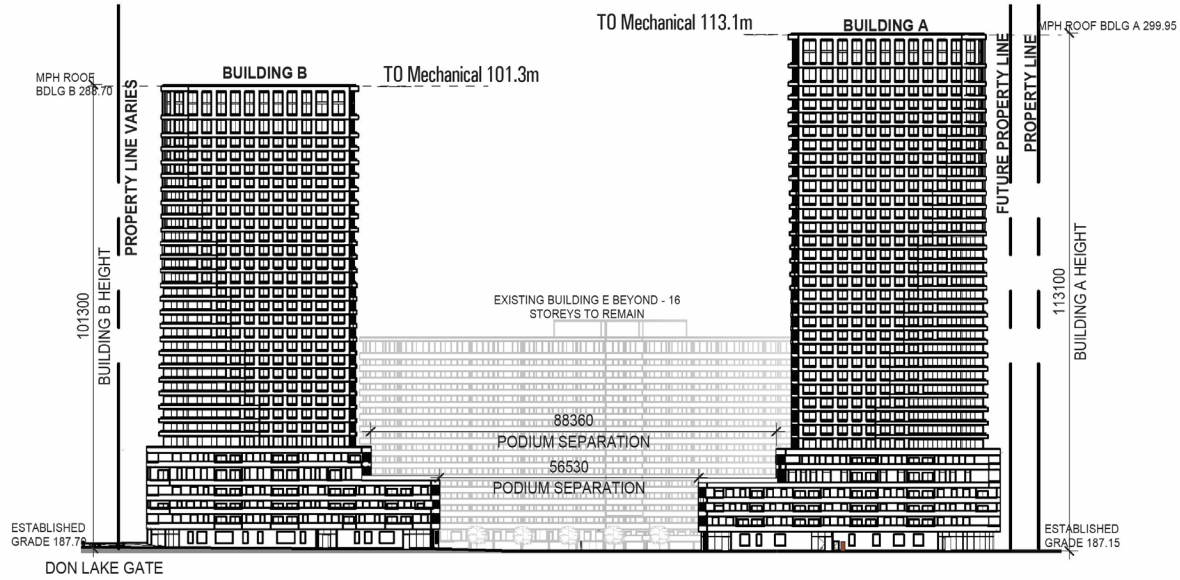


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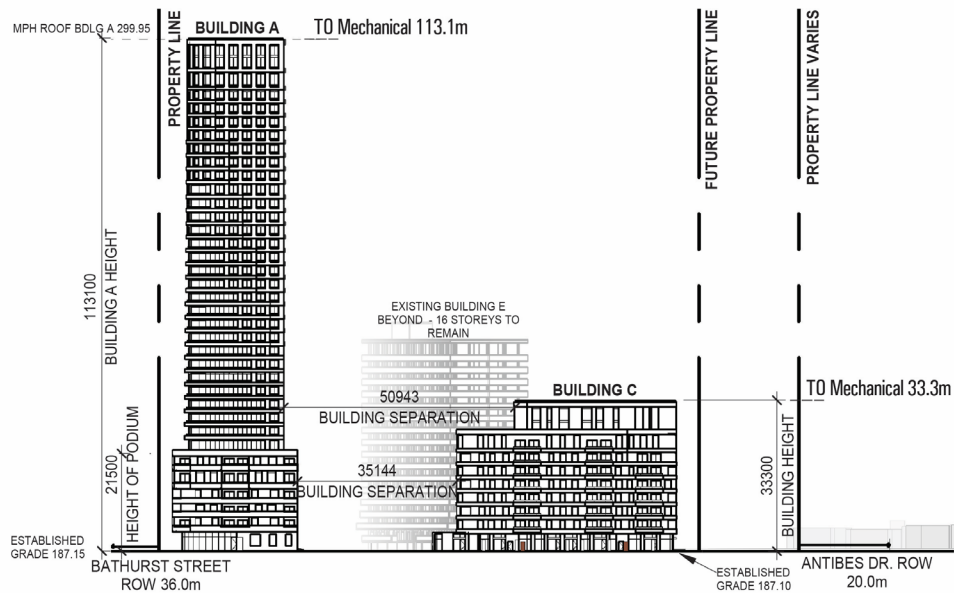
## Attachment 5: Draft Zoning By-law Amendment



## Attachment 7: East and North Elevations



East Elevation



North Elevation

## Attachment 8: West Elevation

