

## **4949 Bathurst Street – Zoning By-law Amendment – Decision Report – Approval**

Date: August 29, 2025

To: North York Community Council

From: Director, Community Planning, North York District

Ward: 18 - Willowdale

**Planning Application Number: 24 207996 NNY 18 OZ**

### **SUMMARY**

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This report recommends approval for a Zoning By-law Amendment for a 26 storey mixed use building (revised from the originally submitted amendment of 39 storeys) located at 4949 Bathurst Street. The revised building would measure 92.45 metres in height.

The revised proposed building includes retail, office, and private daycare space within the 6-storey podium and residential units in the podium and tower above. The total gross floor area (GFA) is 27,192 square metres, resulting in a Floor Space Index (FSI) of 7.3.

The proposal also includes 2,789 square metres of retail/commercial uses which includes 507 square metres of daycare space on the second floor. The number of units, amenity space and parking will be reflected as a ratio or percentages in the by-law.

### **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 municipally known as 4949 Bathurst Street substantially in accordance with the draft Zoning By-law Amendment included as Attachment (5) to this Report.
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 request that the owner make reasonable commercial efforts to convey off-site parkland to the City equal to the value of the on-site parkland dedication, in fulfilment of the parkland dedication requirements pursuant to Section 42 of the Planning Act, with the off-site parkland dedication to be acceptable to the General Manager, Parks and Recreation, and free and clear of any above or below grade easements, encumbrances, and encroachments, in an acceptable environmental

condition, to be conveyed prior to the issuance of the first above grade building permit and;

- a. in the event that the off-site parkland dedication is less than the value of the on-site parkland dedication, then the owner will pay cash-in-lieu of parkland to make up for the shortfall in parkland dedication, prior to the issuance of the first above grade building permit;
  - b. in the event that the owner is unable to provide an acceptable off-site parkland dedication to the City, the owner will be required to satisfy the parkland dedication requirement through the payment of cash-in-lieu; and
  - c. the value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services and payment will be required prior to the issuance of the first above grade building permit.
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 up to 5 percent, land transfer tax, and typical closing adjustments incurred, to the satisfaction of the General Manager, Parks 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.
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, and Recreation. 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, Parks and Recreation, 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 Development Review 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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### Official Plan Amendment (OPA 778)

As the first phase of the Avenues Policy Review under the Housing Action Plan 2022–2026, City Council adopted OPA 778 on February 5, 2025, enacted on February 11, 2025, through By-law 103-2025. OPA 778 updates Section 2.2.3 of the Official Plan by adding 283 km of *Avenues* to Map 2, removing the requirement for Avenue Segment Reviews and new Avenue Studies, directing mid-rise growth along *Avenues* with greater intensification within 500–800 metres of higher-order transit, and providing guidance on ground-floor activation and small business displacement. Initially appealed to the Ontario Land Tribunal (OLT-25-000221), the OLT confirmed on July 24, 2025, that the majority of OPA 778 came into effect on March 14, 2025, under *Planning Act* s.17(27). The amendment is now in full force, except for the site-specific and the city-wide appeal of the sidebar titled “*Activating the Ground Floor on Avenues.*”

OPA 778 is available here: <https://www.toronto.ca/legdocs/bylaws/2025/law0103.pdf>

The site is located at the corner of Bathurst and Finch which are both Avenues on Map 2.

## THE SITE AND SURROUNDING LANDS

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### Description

The subject site is located at the northeast corner of Bathurst Street and Finch Avenue West intersection. The site has a total lot area of approximately 3,750 square metres (0.93 acres), with approximately 55 metres of frontage along Finch Avenue West and 35 metres of frontage along Bathurst Street.

The site currently contains a 2-storey commercial building occupied by retail and service uses, with surface parking on the western portion of the property. See Attachment 2 for the Location Map.

### Surrounding Uses

North: 6 storey apartment building and detached low-rise residential dwellings

South: A 1-2 storey commercial plaza

East: 4-storey apartment buildings

West: Bathurst Street, with mixed-use and Northview Heights Secondary School on the other side of Bathurst Street.

Southwest: 5 to 10 Storey apartment buildings and a one storey gas station on the corner of Bayview Avenue and Finch Avenue West.

## **THE APPLICATION**

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### **Description**

The application proposes a 39-storey mixed-use building at 4949 Bathurst Street, with a 6-storey podium and a residential tower above. The development includes retail and office space on the ground floor, with a private daycare provided on the second floor, with residential units in the podium and tower. In total, the proposal provides a GFA of 37,036 square metres, resulting in a FSI of 9.88.

### **Density**

The original application proposed a total gross floor area of 37,072 square metres, consisting of 34,247 square metres of residential GFA, 2,282 square metres of commercial/retail GFA, and 507 square metres of private daycare space.

The Staff modified version of the proposal would have a total GFA of 27,192 square metres, consisting of 24,403 square metres of residential GFA, 2,282 square metres of commercial/retail GFA, and 507 square metres of private daycare space GFA, totalling 2789 square metres of non-res GFA.

### **Residential Component**

The original application proposes 491 dwelling units, comprised of 261 one-bedroom units (53%), 182 two-bedroom units (37%), and 48 three-bedroom units (10%). These numbers will be revised as a result of the updated Zoning By-law amendment found in Attachment 5.

### **Non-Residential Component**

The podium levels include 2,282 square metres of commercial/retail GFA, and 507 square metres of private daycare space. Indoor and outdoor amenity areas are also proposed to serve residents, located within the podium and at upper levels.

### **Access, Parking and Loading**

The proposed pedestrian access to retail is from Finch Avenue West and Bathurst Street, while residential, office, and the private daycare pedestrian access is from Brenthall Avenue. Vehicular access is provided by a 6-metre-wide driveway on the north side of the site from Brenthall Avenue, leading to the two-level underground parking garage, one Type “G” loading space, one Type “B” loading space, and approximately visitor parking spaces at grade (to be determined at the site plan stage). In total, two

levels of below-grade parking are proposed, with bicycle parking provided at grade and below grade. Loading and drop-off functions are located on the ground level and accessed from Brenthall Avenue.

### **Additional Information**

See the attachments of this report for the Application Data Sheet (Attachment 1), Location Map (Attachment 2), site plan (Attachment 6), ground floor plan (Attachment 7), and 3D massing views of the proposal (Attachment 8). Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at: [www.toronto.ca/4949BathurstSt](http://www.toronto.ca/4949BathurstSt)

### **Reasons for Application**

A Zoning By-law Amendment is needed in order to establish site-specific provisions for height, density, setbacks, stepbacks and other development standards.

## **APPLICATION BACKGROUND**

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A pre-application consultation (PAC) meeting was held on December 12, 2023, wherein the details of this proposal and the application requirements were discussed.

The application was submitted on September 4, 2024, and deemed complete on November 20, 2024 satisfying the City's minimum application requirements. The reports and studies submitted in support of this application are available on the Application Information Centre at: [www.toronto.ca/4949BathurstSt](http://www.toronto.ca/4949BathurstSt)

### **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 amendments.

## **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 Planning Statement (2024), and shall conform to applicable provincial plans.

## Official Plan

The site is designated *Mixed Use Areas* on Map 16 of the Official Plan (OP) and is located along two *Avenues*, Finch Avenue West and Bathurst Street (as designated by OPA 778), shown on the Urban Structure Map, Map 2. The OP directs growth to *Mixed Use Areas* and *Avenues*, which are identified as key corridors intended to accommodate increased intensity of development given their access to higher-order transit and the existing road network. The *Mixed Use Areas* designation supports this vision by permitting a broad range of commercial, residential, and institutional uses in both single-use and mixed-use buildings, together with parks, open spaces, and essential utilities. See Attachment 2 of this report for the Land Use Map. As well, the site is located on a Transit Corridor as identified on Map 4, and Surface Transit Priority Network on Map 5.

Section 2.2.2 states growth will be directed to the *Centres, Avenues, Employment Areas, and the Downtown*, as identified on Map 2, to ensure the efficient use of municipal land, infrastructure, and services. Concentrating jobs and residents in these locations supports access to surface transit and higher-order transit stations, supports population growth, and encourages mixed-use development that enables people to live closer to work while promoting walking and cycling for local trips.

Section 2.2.3 – *Avenues: Reurbanizing Arterial Corridors* of the OP provides direction for the reurbanization of key arterial corridors that are well served by transit and the existing road network. These corridors, including Finch Avenue West and Bathurst Street are identified on Map 2 of the OP. Development along the *Avenues* is intended to support increased intensity, create new housing and employment opportunities, improve the pedestrian environment, enhance streetscapes, promote retail activity, and strengthen transit service. Growth along these corridors should be supported by suitable infrastructure, pedestrian-friendly design, and safe cycling facilities, while considering impacts on adjacent *Neighbourhoods* and *Apartment Neighbourhoods*. *Avenues* policies were recently modified by OPA 778 which will be discussed further below. As a result of OPA 778, Bathurst Street is designated as an *Avenue*.

Section 3.1.1 – *The Public Realm* policies of the OP establishes that new development must contribute to the quality, safety, and accessibility of streets, parks, and open spaces. Developments are expected to create safe, attractive, and comfortable pedestrian environments, minimizing adverse microclimatic impacts such as wind, and ensuring direct, well-designed connections to transit stops and stations. The public realm should also support opportunities for urban canopy growth through the planting of large shade trees with sufficient soil volume and by ensuring continuity of green space along streets. Servicing, utilities, and related infrastructure are to be located and designed in ways that minimize impacts and enhance safety and attractiveness.

Section 3.1.3 – *Built Form* of the OP contains policies related to site organization, building form, and public realm improvements to ensure that new development fits within both existing and planned contexts. Development should frame streets, lanes,

parks, and open spaces to enhance pedestrian safety and comfort, with main entrances oriented to public areas and ground-floor uses providing visual access. Vehicle parking, access, and servicing should be organized to minimize impacts on the public realm, with underground or integrated solutions preferred. Buildings should be massed and scaled to provide transitions with adjacent properties, define edges of the public realm, and ensure sunlight and daylight access, particularly near parks and open spaces. Developments should also enhance the public realm through landscaping, street trees, canopies, awnings, seating, and other amenities, while indoor and outdoor amenity spaces should be high quality, accessible, and provide privacy, daylight, sunlight, and comfort in all seasons.

Section 3.1.4 – *Built Form: Building Types* of the OP includes policies specific to tall buildings. Tall buildings are buildings which are generally taller than the width of the adjacent right-of-way and should be designed to integrate with their surroundings. The base should reinforce street proportions and pedestrian scale while providing active, grade-level uses. The tower should minimize physical and visual impacts, limit shadows on streets and neighbouring properties, maximize sunlight and sky views, mitigate pedestrian-level wind, and protect interior daylight and privacy, achieved through stepbacks, floorplate modulation, alignment with the street, separation from other buildings, and balcony design. The top should enhance the skyline, integrate rooftop mechanical systems, and avoid excessive lighting.

Policies in Section 4.5.2 – Contains policies which guide development in *Mixed Use Areas*. Policy 4.5.2(c) requires new buildings to be located and massed to provide appropriate transitions between areas of differing development intensity and scale, including through setbacks or stepped-down heights, especially adjacent to lower-scale designated *Neighbourhoods*. Policy 4.5.2(d) directs that buildings be designed and massed to limit shadow impacts on adjacent *Neighbourhoods*, while Policy 4.5.2(e) emphasizes that buildings should frame streets and parks with proper proportions, maintaining sunlight and comfortable wind conditions for pedestrians. Policy 4.5.2(f) further requires developments to create an attractive, comfortable, and safe pedestrian environment.

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.

### **Official Plan Amendment (OPA 778)**

Official Plan Amendment 778, enacted on February 11, 2025, updates Section 2.2.3 of the Official Plan. On July 24, 2025, the OLT confirmed that the majority of OPA 778 came into effect on March 14, 2025, under *Planning Act* s.17(27). The amendment is now in full force, except for the site-specific and the city-wide appeal of the sidebar titled “*Activating the Ground Floor on Avenues*.” Of note, OPA 778 added 283 kilometres of *Avenues* to Map 2, including the portion of Bathurst Street where the subject site is located. This portion of Finch Avenue West was an *Avenue* prior to OPA 778. In alignment with these policies, the proposal introduces increased residential density on

an *Avenue* with access to transit, supporting OPA 778's objectives for growth and intensification. The planned built form along *Avenues* is mid-rise buildings.

## **Zoning**

The lands are currently zoned Commercial Residential (CR 1.0 (c1.0; r1.0) SS3) under City of Toronto Zoning By-law 569-2013. This zone permits a mix of residential and non-residential uses but limits height to 10.5 metres and 3 storeys and permits a maximum FSI of 1.0. The proposed 39-storey building exceeds the permitted height and density and requires a Zoning By-law Amendment to establish site-specific standards for height, density, massing, and other performance standards.

Zoning By-law 569-2013 is available at [www.toronto.ca/zoning](http://www.toronto.ca/zoning).

Please see Attachment 4 of this Report for the Zoning By-law Map.

## **Design Guidelines**

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

- Toronto Tall Building Design Guidelines
- Growing Up: Planning for Children in New Vertical Communities
- Pet Friendly Design Guidelines

## **Toronto Green Standard**

The Toronto Green Standard (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 TGS. Tiers 2 and above are voluntary, higher levels of performance with financial incentives (partial development charges refund). Tier 1 performance measures are secured in zoning by-laws, on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

## **PUBLIC ENGAGEMENT**

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### **Community Consultation**

Community Planning Staff hosted a virtual community consultation meeting ('CCM') on February 3, 2025, which was attended by approximately 48 people, including the local ward councillor.

At the CCM, Community Planning Staff provided an overview of the site context, the in effect and emerging policy framework, as well as an overview of the application review



process; the applicant gave a presentation on the development proposal. Comments and questions raised at the CCM generally focused on the following:

- Questions about the proposed height;
- Questions about the proposed unit types and sizes;
- Concerns about increased density and local school capacity;
- Concerns about increased traffic that may be caused as a result of this development;
- Questions and concerns about the existing businesses on site and where they will go;
- Questions about the timing of construction;
- Questions about stormwater drainage during construction and once built;
- Questions about shadow impact on Northview height SS; and
- Questions about shadow impact on neighbouring properties.

The issues raised through the community consultation process have been considered through the review of the application and commented on as necessary in the body of this Report.

### **Statutory Public Meeting Comments**

In making their decision with regard to this application, Council members have an opportunity to hear 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 Planning 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 Planning Statement ("PPS") (2024). Staff find the proposal consistent with the PPS (2024).

The PPS (2024) supports the creation of complete communities with an appropriate range and mix of housing by introducing new housing options and densities within previously developed areas. Housing policy 2.2.1 supports development which results in a net increase in residential units and optimizes proximity to existing public services, infrastructure and transit networks. The subject site is located near a variety of public services within a 15 minute walk, such as multiple bus routes, Antibes Community Centre, public schools (TDSB, and TCDSB), Ester Shiner Civic Stadium, North York Civic Soccer Fields, and multiple public parks (West Don Parkland, Ailsa Craig Parkette, Robert Hicks, Stafford, Ancona, and Charlton Park).

Section 2.4 of the PPS (2024) states: “Planning authorities are encouraged to identify and focus growth and development in *strategic growth areas*” and 2.4.1.3 states that planning authorities should identify the appropriate type and scale of development in strategic growth areas and the transition of built form to adjacent areas.

Policy 2.4.3 of the PPS also states that “Planning authorities shall plan for intensification on lands that are adjacent to existing and planned frequent transit corridors where appropriate”. Policy 2.2.1 d) also directs planning authorities require transit supportive development and prioritizes intensification in proximity to transit, including corridors and stations.

The revised Zoning By-law Amendment is consistent with these policies as the site is located within two *Avenues* as shown on Map 2 of the Official Plan which are *strategic growth areas*; Secondly the site is located in an area adjacent to transit corridors as shown on Maps 4 and 5 of the Official Plan. Lastly, the level of intensification that is being recommended is consistent with policy 2.4.1.3 as the scale of development appropriately transitions to adjacent areas. This has been achieved through a height reduction and also responds to the existing and planned context for the area.

## **Official Plan**

This application has been reviewed against the Official Plan policies described in the Policy and Regulation Considerations Section of this report.

Staff are of the opinion that elements of the original proposal conflicts with aspects of the Official Plan, notably, 3.1.3 *Built Form*, 3.1.4 *Built Form – Building Types* and 4.5.2 - *Mixed Use Areas*. The specifics of each conflict will be discussed in detail below.

Staff have modified the proposed draft Zoning By-law Amendment to reflect a reduced building height of 26 storeys which Staff consider more appropriate and better aligned with the objectives of the Official Plan (Attachment 5).

## **Land Use**

The site is designated *Mixed Use Areas* in the Official Plan, which supports a broad range of commercial, residential, and institutional uses in single-use or mixed-use buildings, as well as parks, open spaces, and essential utilities. The proposed development includes new residential units, commercial space, and a daycare, which are consistent with the uses envisioned for *Mixed Use Areas*.

Given the site’s *Mixed Use Areas* designation and its location along two *Avenues* additional height and density than what exists currently is appropriate and aligns with both Provincial and City policies as these target *Avenues* for reurbanization and growth. However, while additional height and density is appropriate in this location, it is the

scale of that height and density that needs to be reduced in order to better align with the intent of the official plan.

## **Housing**

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 would result in a mixed-use building with a unit mix that meets the Growing Up Guidelines. The minimum percentage of 2 and 3 bedroom units are included in the recommended by-law amendment.

## **Density, Height, Massing**

Staff are recommending that there be a reduction in the overall building height from 39 storeys to 26 storeys. This height will respond better to adjacent areas and is of a height that is generally consistent with a site located at 4926 Bathurst street in the area.

The proposed site is located directly south of a designated *Neighbourhoods* designation. Policy 4.5.2 (c) and (d) of the Official Plan directs that new buildings be located and massed to provide appropriate transitions between areas of differing development intensity and scale, through means such as providing appropriate setbacks or stepped-down heights, particularly adjacent to lower-scale *Neighbourhoods*. Policy (d) indicates that development will locate and mass new buildings so as to adequately limit shadow impacts on adjacent neighbourhoods. Policy 3.1.3.6 states that development will be required to provide good transition in scale between areas of different building heights and/or intensity of use in consideration of the both the existing and planned contexts of neighbouring properties and the public realm.

At 39 storeys, the existing or planned context does not support a tower of this height. Surrounding buildings within a 250-metre radius are all 10 storeys or lower, with the majority under 4 storeys. The tallest nearby buildings are a 10-storey building approximately 230 metres southwest at Bathurst and Finch and a 26-storey building on Antibes Drive, approximately 700 metres north. Both are located within areas designated *Apartment Neighbourhoods* and are not adjacent to designated *Neighbourhoods*.

The planned context includes a 26-storey building approved by the Ontario Land Tribunal, with a subsequent Committee of Adjustment approval increasing it to 29 storeys at 4926 Bathurst Street.

The proposed building height reduction will provide a more reasonable transition to the adjacent *Neighbourhoods* designation and will align better with the site located at 4926 Bathurst Street. At 26 storeys, the building will be a tall building and represents a reasonable amount of intensification that already exceeds the *Avenue* policies as it goes beyond a midrise built form. While the site is adjacent to transit, it is also not

within a major transit station area, nor is there higher order transit being proposed, in the form of an LRT, subway or GO station.

The original tower's height at 39 storeys results in impacts on the public realm, including uncomfortable wind conditions along adjacent streets and open spaces, and shadowing over Northview Heights Secondary School's field and adjacent designated *Neighbourhoods* lands. The proposed development would cast shadows on the existing school field at Northview Secondary School from before 9:00 a.m. until approximately 12:00 p.m. during the spring, summer, and fall. This means the school field would be in the building's shadow during the school operational hours, and seasons students are most likely to use the field. Shadows would also extend over the adjacent neighbourhood from roughly 2:00 p.m. to 5:00 p.m. in the spring and fall. Section 3.1.3 of the official plan requires development to fit within the existing and planned context, ensure access to direct sunlight on the public realm. Further, amongst the policies in Section 3.1.4.10 the tower portion of the tall building are to be designed to reduce the physical and visual impacts of the tower onto the public realm; limit shadow impacts on the public realm and surrounding properties; and limit and mitigate pedestrian level wind impacts.

The reduction in building height will improve the conditions for both the public realm and surrounding properties by reducing the size of the shadow and ultimately reducing the length of time the shadow is casting over the school field and designated *Neighbourhoods*.

### **Public Realm & Streetscape**

The Official Plan directs that development in areas designated *Mixed Use Areas* should frame streets and parks with appropriately massed buildings while maintaining sunlight and comfortable wind conditions for pedestrians. Section 3.1.1 – *The Public Realm* discuss how development will enhance the quality, safety, and comfort of the public realm, ensuring that streets, sidewalks, and entrances provide safe and attractive pedestrian spaces, particularly around transit stops.

Along Bathurst street a 3.0 metre setback from the property line will be provided and on Finch a 1.5 metre setback is provided. These setbacks are acceptable, however staff will continue to explore with the applicant, if additional setbacks can be considered to improve comfort on the public realm and also provide additional room for tree planting.

### **Servicing**

Solid Waste Management will provide on-site collection services with shared bins for all residents to this development for garbage, recycling and organics in the Type 'G' loading space, provided that the development is built in accordance with the "Requirements for Garbage, Recycling and Organics Collection Services for New Developments and Redevelopments" and Chapter 844, Solid Waste of the Municipal Code.

The proposal demonstrates consistency with Official Plan policies 4.5.2(i). The site access and circulation is suitable, providing efficient entry and exit for service vehicles. Additionally, service areas, ramps, and garbage storage are appropriately located and screened.

### **Access, Vehicular and Bicycle Parking and Loading**

The proposed pedestrian access to the retail space is from Finch Avenue West and Bathurst Street, while access to residential, office, and daycare uses is provided from Brenthall Avenue. Vehicular access to the site is proposed via a 6-metre-wide driveway on the north side of the property from Brenthall Avenue, providing entry to the two-level underground parking garage, one Type “G” loading space, one Type “B” loading space, and at grade visitor parking spaces.

The applicant initially proposed a through-access connection from Brenthall Avenue to Finch Avenue West. In response to Staff comments, the Finch Avenue West access has been removed due to traffic safety and operational concerns. Site access is now consolidated to a single full-movement, unsignalized driveway on Brenthall Avenue, which is considered appropriate. The proposal demonstrates consistency with Official Plan policies 4.5.2(i) and (j), as site access and circulation provide efficient entry and exit for residents, visitors, and service vehicles, while the underground parking garage ensures adequate parking. Service areas, ramps, and garbage storage are also appropriately located and screened to minimize impacts on adjacent streets and nearby residences.

The proposed underground parking garage contains a total of 178 vehicular spaces, including 94 resident spaces and 84 visitor spaces, which are shared with the commercial uses. Bicycle parking is provided on the P1, P2, and Ground levels, totaling 385 spaces, including 338 long-term and 47 short-term spaces, meeting the requirements of the Zoning By-law. The recommended zoning by-law requires parking spaces in the form of a ratio, ensuring sufficient parking would be supplied for the reduced building.

With respect to pick-up and drop-off (PUDO), Staff do not support the proposed layby PUDO spaces on Brenthall Avenue within the public right-of-way, as on-street parking should remain available for public use and not be dedicated to the subject site’s PUDO activities. Instead, at-grade surface parking should be minimized, with any remaining spaces serving PUDO needs and visitor or commercial parking accommodated underground. Removing unnecessary surface parking would also allow for enhanced landscaping, increased soil volume, and additional street trees, contributing to compliance with the Toronto Green Standard. Dedicated on-site PUDO and delivery spaces with safe pedestrian connections must be identified in the Site Plan and secured through Site Plan Control.

One Type “G” and one Type “B” loading space are proposed, resulting in a shortfall of one Type “C” loading space. However, with Staff’s modifications reducing the building height, the development is expected to contain fewer than 400 dwelling units, and a Type “C” loading space would no longer be required. Accordingly, Staff have no concerns regarding the proposed loading spaces.

### **Traffic Impact**

The applicant’s traffic engineering consultant, LEA Consulting Ltd., submitted a Transportation Impact Study (TIS) dated February 2024, followed by a revised submission dated May 2025 to address some of City Staff comments. Staff require further information related to Traffic Demand Management (TDM) measures which will be addressed through the Site Plan Control 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). The Official Plan, Chapter 3 provides direction for how developments should preserve, incorporate, and plan for trees on site.

The Arborist Report and Tree Preservation Plan submitted by the applicant identified the removal of three City street trees in the initial proposal. City review determined that these trees would need to be removed due to planned City works, including cycling lanes and a TTC bus queue jump lane, and are not a result of the proposed development. The applicant had initially proposed using the Bathurst Street right-of-way (ROW) to provide street trees and meet soil volume requirements, but this is no longer feasible due to the planned City construction. Street trees along Bathurst Street would require an additional one-metre setback from the west property line on private property to allow adequate growth, resulting in a total four-metre setback, which has not been proposed.

The proposed building setbacks provide sufficient space for on-site tree planting along Finch Avenue West, Brenthall Avenue, and the rear landscape buffer. The application proposes a total of 14 new City street trees, six of which are along Bathurst Street. Considering the ROW limitations, this results in eight (8) new City street trees and six (6) private trees. There is also the potential to add two to three more trees along Brenthall Avenue during the Site Plan Control process, replacing the proposed pick-up/drop-off area in the City ROW, which Staff do not support. All new trees will be secured through the Site Plan Control process.

### **Toronto Green Standard**

Council has adopted the four-tier Toronto Green Standard (TGS), which sets performance measures for sustainable development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision, and Site Plan Control are required to meet

Tier 1 of TGS Version 4. Tiers 2, 3, and 4 are voluntary and offer higher performance levels with financial incentives to support the City's resilience goals and achieve net-zero emissions by 2040 or sooner. Tier 1 measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The proposed development meets some, but not all, Tier 1 requirements. The City is using the Bathurst Street right-of-way (ROW) for future cycling lanes and a TTC bus queue jump lane. The applicant had proposed using this ROW to meet the soil volume requirement and provide street trees, but this is no longer feasible. Street trees along Bathurst Street would require an additional 1-metre setback, totalling a 4-metre setback, from the west property line on the private side of the property line to allow adequate growth, which has not been proposed. The development also includes a pick-up/drop-off space in the Brenthall ROW, which Staff do not support. This space can be removed during the Site Plan stage and replaced with soil volume to meet the requirement. Adequate soil volume is essential to support healthy on-site tree growth. Further, while street trees are not being provided along Bathurst Street, the proposal does provide street trees on Finch Avenue West and Brenthall Avenue. Other Tier 1 measures, including cycling infrastructure and electric vehicle parking, will be secured through applicable zoning by-law standards. Additional TGS performance measures will be addressed and secured through the Site Plan Approval process.

## **Parkland**

In accordance with Section 42(3) of the *Planning Act*, the applicable alternative rate for on-site parkland dedication is 1 hectare per 600 residential units to a cap of 10% of the development site as the site is less than five hectares, with the non-residential uses subject to a 2% parkland dedication rate. In total, the parkland dedication requirement is 364.3 square metres.

In this instance and as per the Toronto Municipal Code Chapter 415-26, Parks and Recreation would accept the conveyance of lands off-site that would expand an existing park or create a new park as the required parkland dedication.

The off-site dedication shall 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 and Recreation and would be subject to this Division's conditions for conveyance of parkland prior to the issuance of the First Above Grade Building Permit.

Should the parkland dedication requirement not be able to be satisfied through a suitable off-site parkland dedication, payment of cash-in-lieu would be accepted. The value of the cash-in-lieu of parkland dedication would be appraised through Real Estate Services. The appraisal would be conducted upon the submission of an application for the first Above Grade Building Permit and payment would be required prior to the issuance of said permit.

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, Parks and Recreation, 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. 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.

## **CONTACT**

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Julia Covelli, Planner, Tel. No. 416-338-9070, E-mail: [julia.covelli@toronto.ca](mailto:julia.covelli@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 Information/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: Applicant Proposal Site Plan
- Attachment 7: Applicant Proposal Elevations
- Attachment 8: 3D Massing Model



## Attachment 1: Application Data Sheet

### APPLICATION DATA SHEET

**Municipal Address:** 4949 BATHURST ST **Date Received:** September 4, 2024

**Application Number:** 24 207996 NNY 18 OZ

**Application Type:** Rezoning

**Project Description:** Zoning By-law Amendment for a 39-storey mixed-use building, containing 491 Dwelling units and commercial uses on the first and second floors.

<b>Applicant</b>	<b>Agent</b>	<b>Architect</b>	<b>Owner</b>
DAVID MCKAY			4949 BATHURST GP LIMITED

### EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	CR 1.0 (c1.0; r1.0) SS3	Heritage Designation:	N/A
Height Limit (m):	10.5	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq m):	3,750	Frontage (m):	55	Depth (m):	35
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<b>Building Data</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Ground Floor Area (sq m):	1,260	0	2,523	<b>2,523</b>
Residential GFA (sq m):	0	0	34,247	<b>34,247</b>

Non-Residential GFA (sq m):	2,520	0	2,789	<b>2,789</b>
<b>Total GFA (sq m):</b>	<b>2,520</b>	<b>0</b>	<b>37,036</b>	<b>37,036</b>
Height - Storeys:	2		39	<b>39</b>
Height - Metres:			131	<b>131</b>

Lot Coverage Ratio (%)      0.67      Floor Space Index:    9.88

**Floor Area Breakdown    Above Grade (sq m)    Below Grade (sq m)**

Residential GFA:      34,247  
Retail GFA:      1,346  
Office GFA:      936  
Industrial GFA:  
Institutional/Other GFA:    507

<b>Residential Units by Tenure</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Rental:				
Freehold:				
Condominium:			491	<b>491</b>
Other:				
<b>Total Units:</b>			<b>491</b>	<b>491</b>

**Total Residential Units by Size**

	<b>Rooms</b>	<b>Bachelor</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3+ Bedroom</b>
Retained:					
Proposed:			261	182	48

<b>Total Units:</b>	<b>261</b>	<b>182</b>	<b>48</b>
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### **Parking and Loading**

Parking Spaces:	178	Bicycle Parking Spaces:	385	Loading Docks:	2
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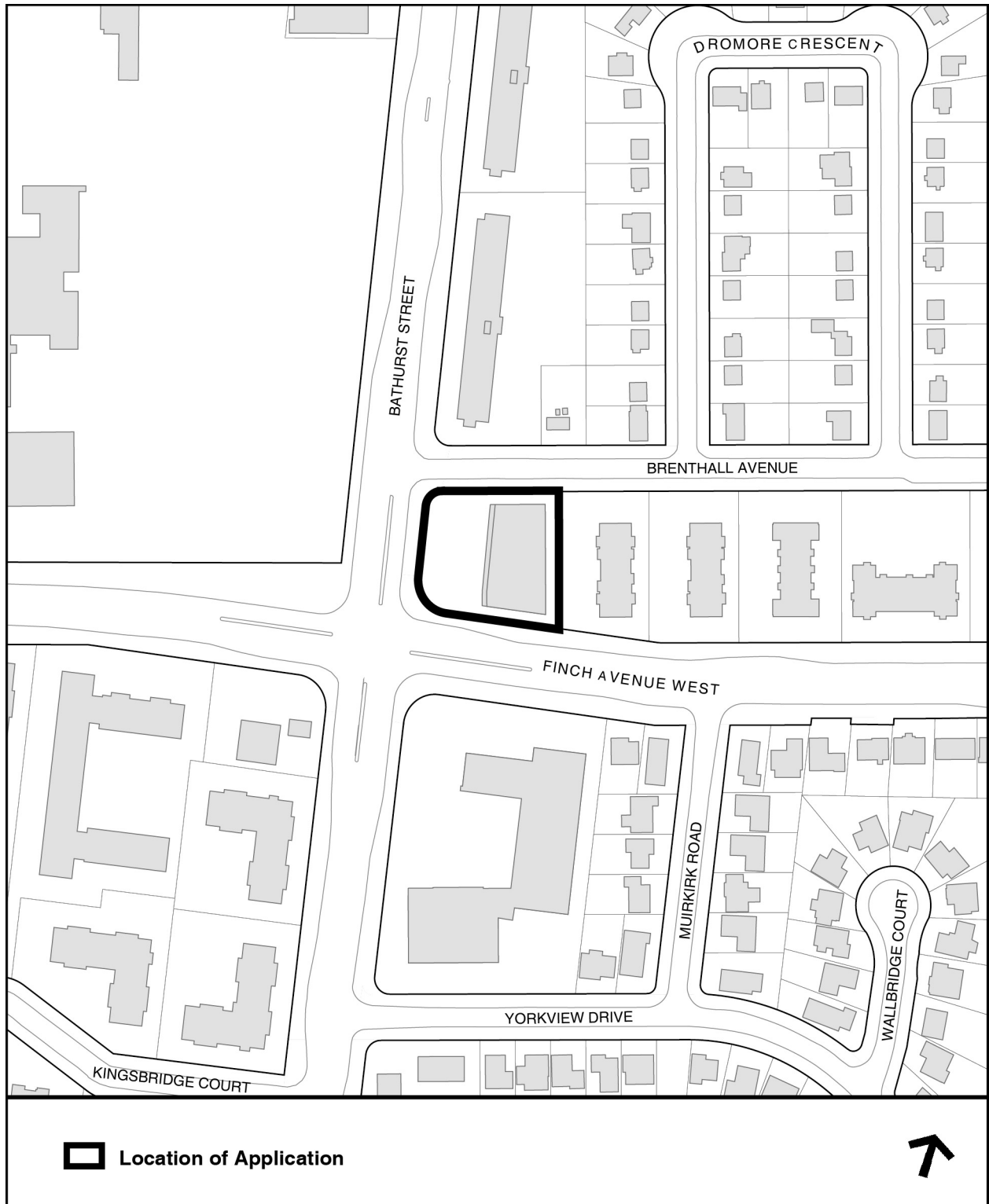
### **CONTACT:**

Julia Covelli, Planner

416-338-9070

[julia.covelli@toronto.ca](mailto:julia.covelli@toronto.ca)

## Attachment 2: Location Map



# Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #16

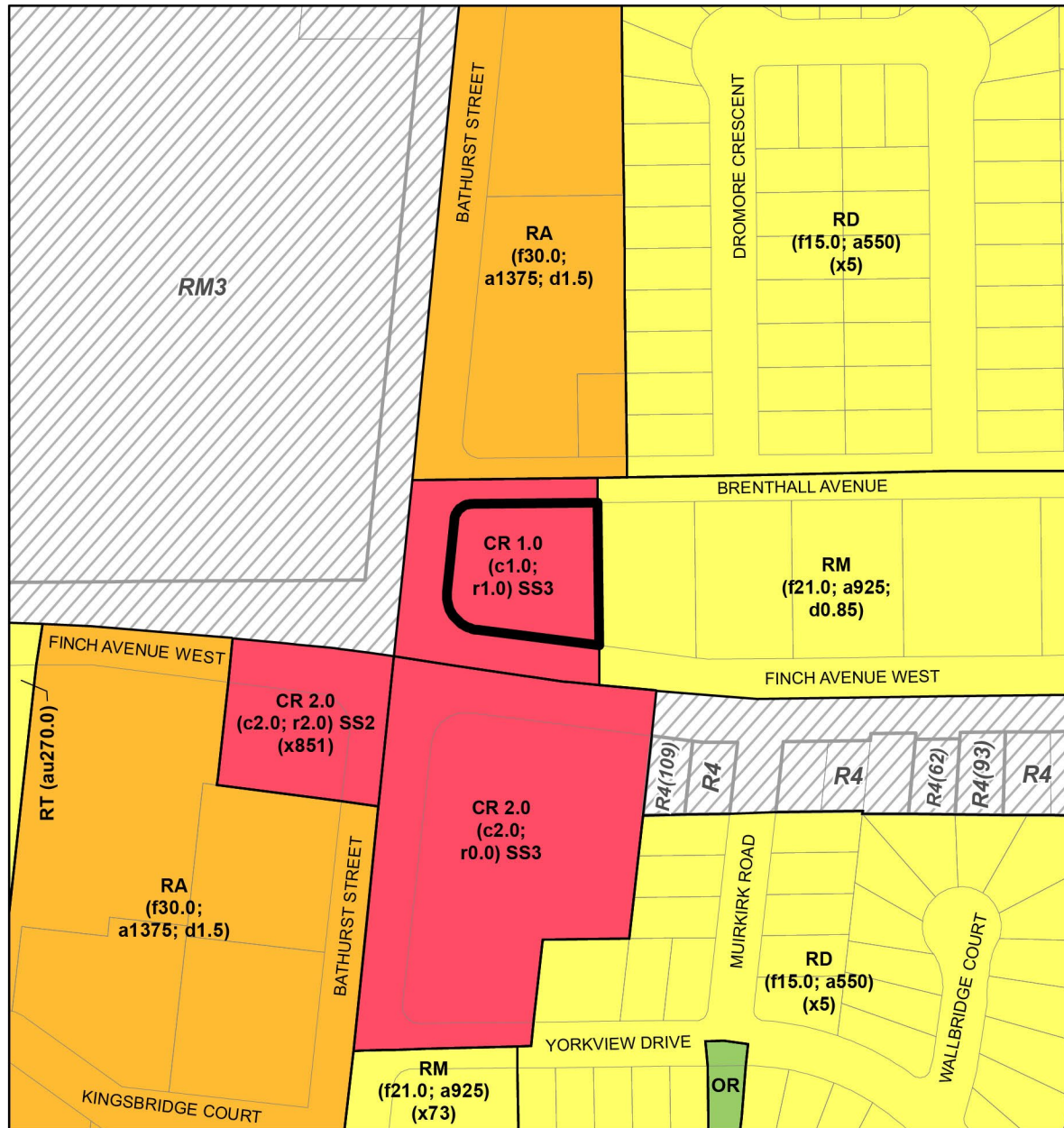
4949 Bathurst Street

File # 24 207996 NNY 18 0Z



Not to Scale  
 Extracted: 09/09/2024

## Attachment 4: Zoning By-law Map



**Zoning By-law 569-2013**

**4949 Bathurst Street**

**File # 24 207996 NNY 18 02**

	Location of Application
	<b>RD</b> Residential Detached
	<b>RT</b> Residential Townhouse
	<b>RM</b> Residential Multiple
	<b>RA</b> Residential Apartment
	<b>CR</b> Commercial Residential
	<b>OR</b> Open Space Recreation

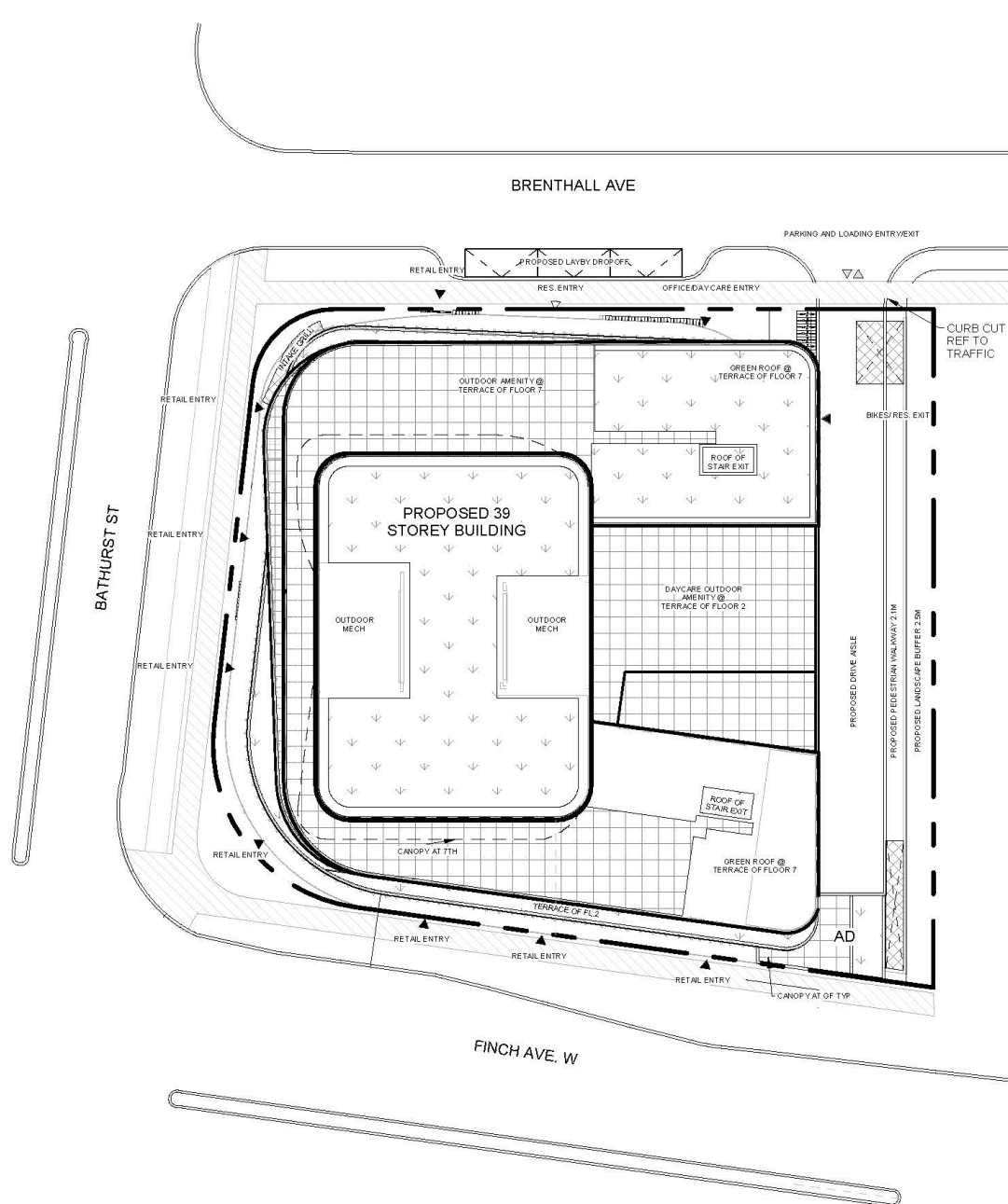
	See Former City of North York By-law No. 7625
	<b>R4</b> One-Family Detached Dwelling Fourth Density Zone
	<b>RM3</b> Multiple-Family Dwellings Third Density Zone



Not to Scale  
Extracted: 05/22/2025

Attachment 5: Draft Zoning By-law Amendment  
(under separate cover)

## Attachment 6: Applicant Proposal Site Plan

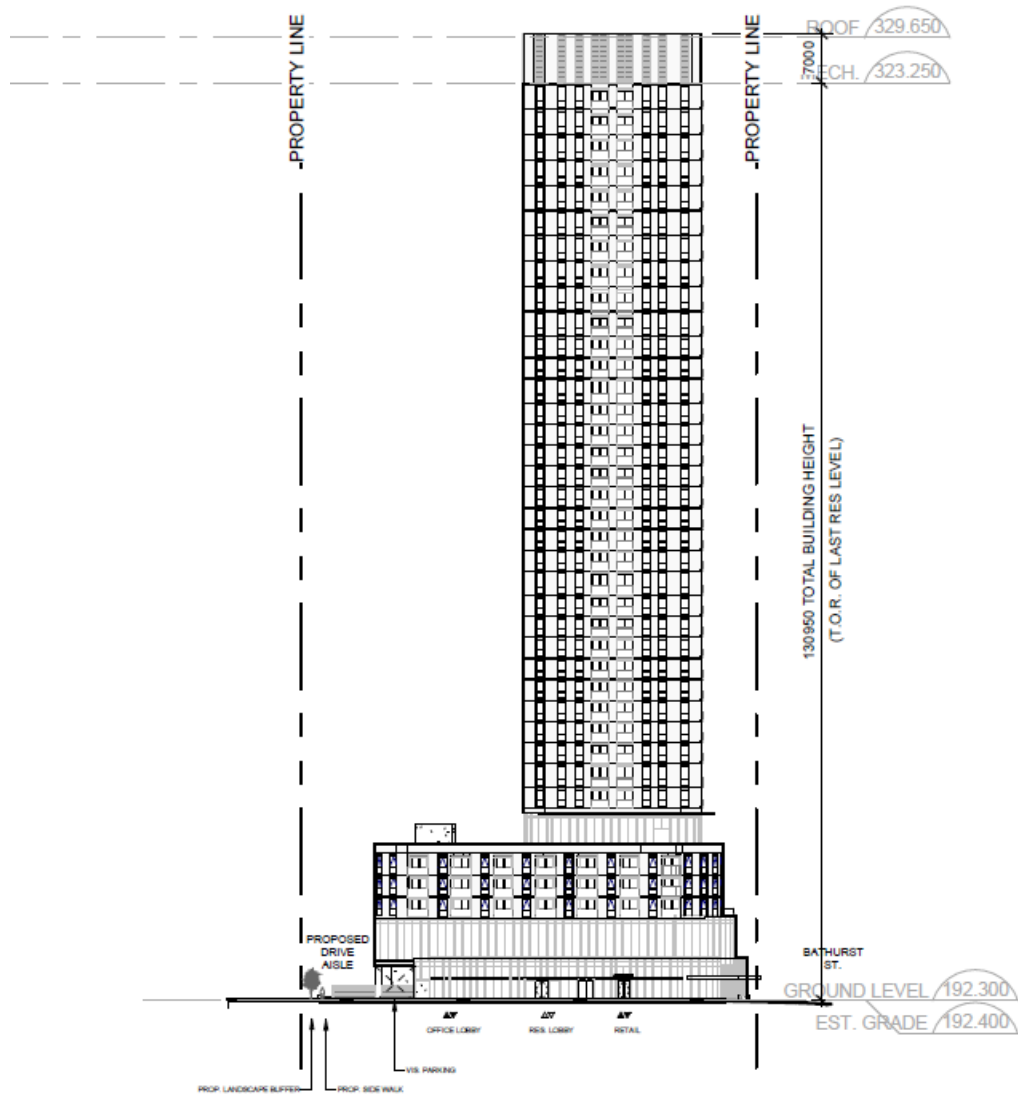


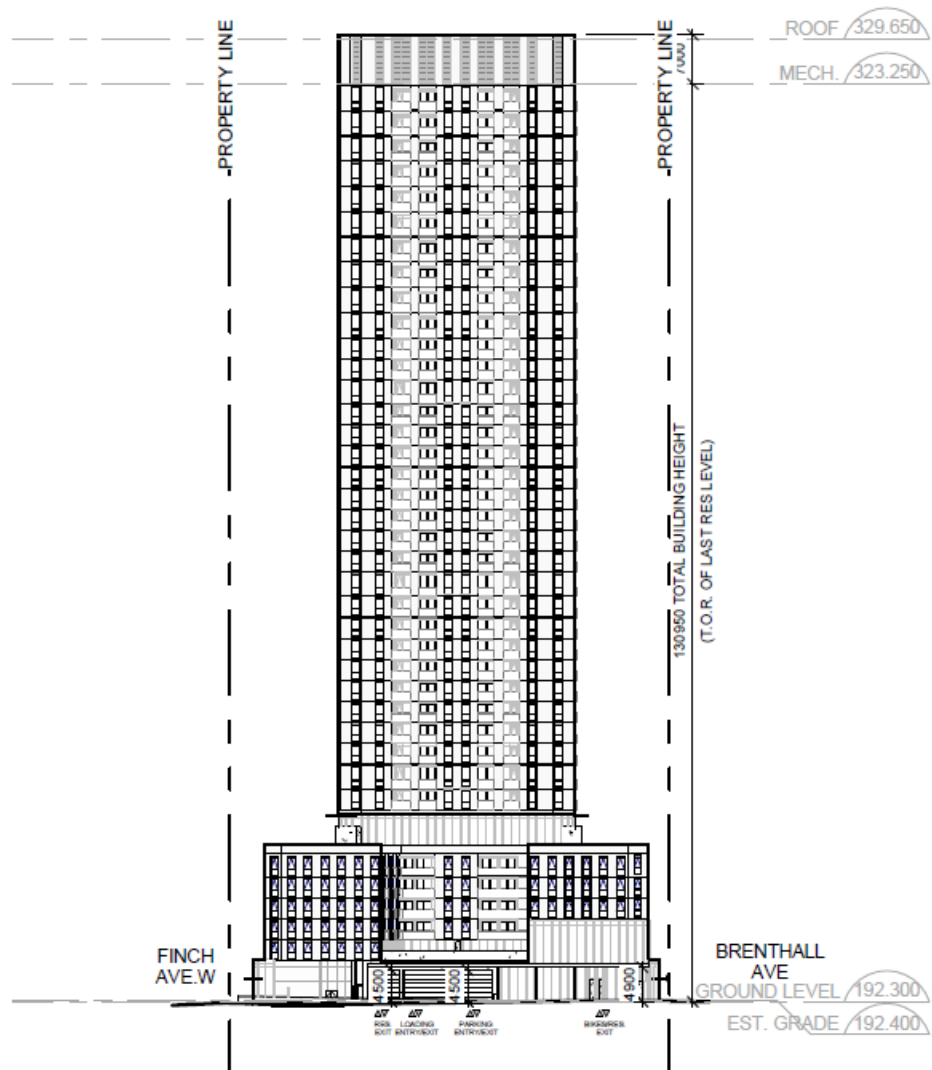
SITE PLAN

1 : 500



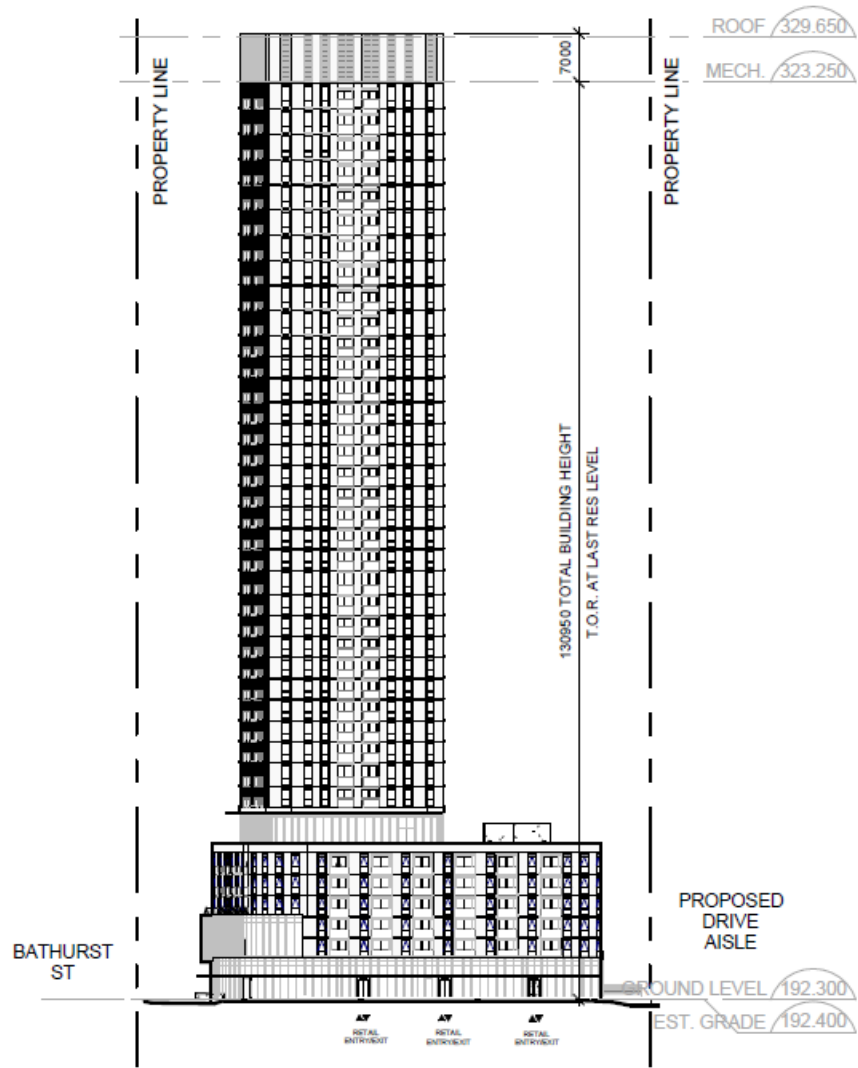
## Attachment 7: Applicant Proposal Elevations





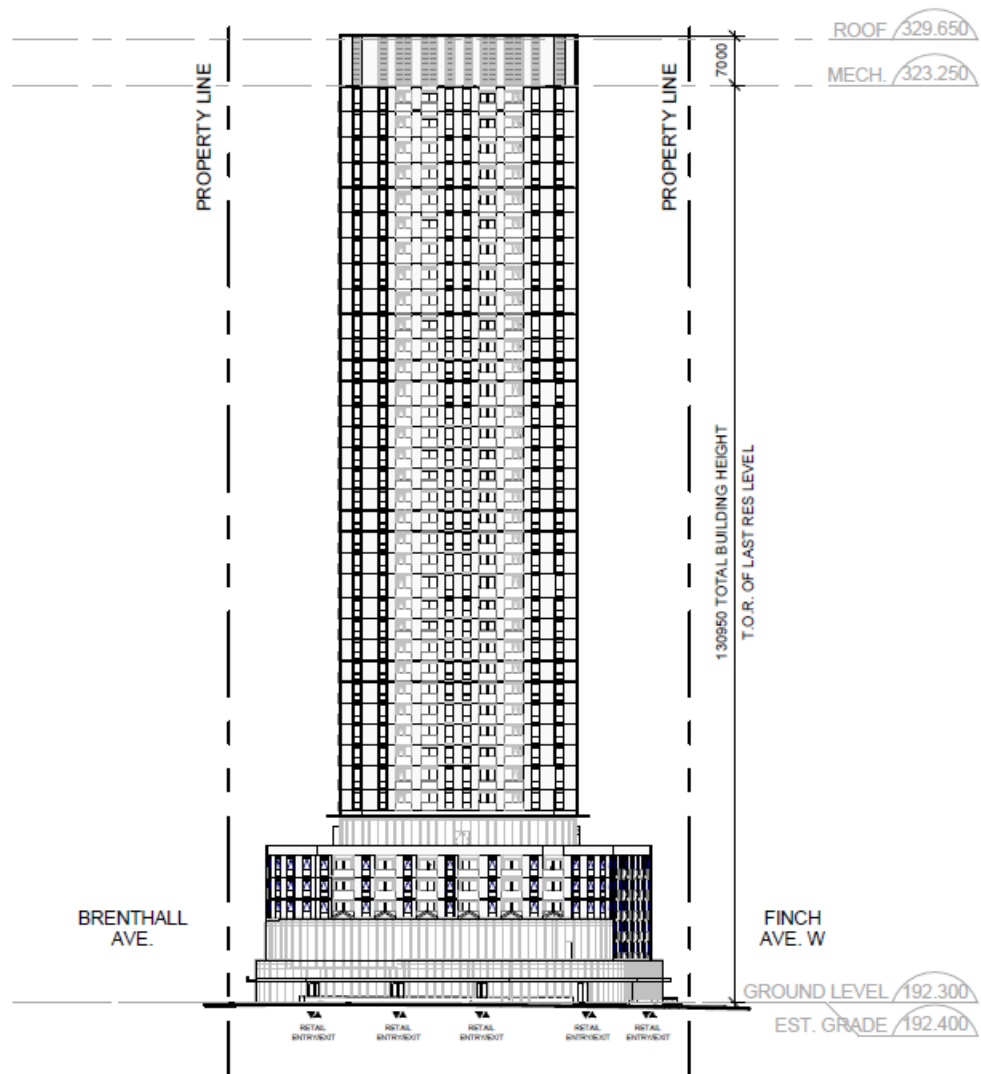
ELEVATIONS EAST

1 : 750



ELEVATIONS SOUTH

1 : 750



ELEVATIONS WEST

1 : 750

## Attachment 8: 3D Massing Model

