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September 15, 2025

North York Community Council
North York Civic Centre
5100 Yonge St, Ground Floor
Toronto, ON
M2N 5V7

Dear Sir/Madame;

**RE: COMMENTS ON ZONING BY-LAW AMENDMENT DECISION REPORT
4949 BATHURST STREET, TORONTO
CITY FILE NO.: 24 207996 NNY 18 OZ
OUR FILE: 17277D**

We are the Planning Representatives for 4949 Bathurst GP Limited (the "Owner"), the owner of the lands municipally known as 4949 Bathurst Street (the "Subject Lands") in the City of Toronto, who currently have a Zoning By-law Amendment (the "ZBA") Application in circulation with the City. The ZBA Application was submitted on August 27, 2024 and has proceeded through an iterative process with a ZBA Resubmission submitted on May 28, 2025.

The ZBA Application was submitted to permit the redevelopment of the Subject Lands with a 39-storey mixed-use building containing an approximate gross floor area ("GFA") of 37,072 square metres ("sq m") which includes 2,282 sq m of commercial/office uses and 553 sq m of daycare space on the bottom 2 floors and 491 residential units above (the "Proposal"). For the reasons indicated in our August 2024 Planning and Urban Design Rationale Report, the Proposal represents good planning and is in the public interest as it is consistent with the Provincial Planning Statement, conforms to the City Official Plan, and has appropriate regard for the City's Urban Design Guidelines. The Proposal provides for appropriate density that is transit supportive and located along existing transit infrastructure investment, and that will efficiently utilize existing infrastructure including municipal water and sewage services and utilities, which are already available to the Subject Lands. In addition, it provides intensification and growth in a modern urban format that is compact, vibrant, and pedestrian-oriented for under-utilized lands. Further, it provides mixed-use amenities and additional housing units that will assist in meeting housing objectives of the Province and City and will contribute to the City's ability to meet the growth targets recently set by the Province to address the ongoing housing crisis.

City Planning Staff have now prepared a Decision Report dated August 29, 2025, which includes a recommendation to amend City of Toronto Zoning By-law 569-2013 for the Subject Lands substantially in accordance with the draft Zoning By-law Amendment which, among other things,

limits the proposed building height to 26-storeys (92.45 metres ("m")). This is a reduction of 13 storeys from the submitted proposal. This reduction results in a reduced total GFA of 27,192 sq m and a Floor Space Index ("FSI") of 7.3. The non-residential GFA of the proposed retail, office, and private daycare space within the 6-storey podium building remains the same as previous at 2,789 sq m.

We have reviewed the Decision Report and based on our review we understand that the four reasons identified why the City recommends 26 storeys instead of 39 storeys are as follows:

1. More appropriate for area context: The Report states the following:

"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."

2. More reasonable transition to the neighbourhood to the northeast: The Report states the following:

"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."

3. Less pedestrian level wind impacts on the public realm: The Report states the following:

"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.... The reduction in building height will improve the conditions for both the public realm."

4. Less shadow impacts on the public realm and surrounding properties: The Report states the following:

"The original tower's height at 39 storeys results in impacts on the public realm, including ... 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.

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."

Given the above, City Staff are recommending approval of a 26 storey building height. In our opinion, the 39 storey proposed building height is more appropriate than the 26 storey building height recommended by City staff for the following reasons:

1. While the tallest buildings within the surrounding area context may be 26 and 29 storeys, the proposed building height of 39 storeys conforms to the in-effect City Official Plan and meets the intent of the City Tall Building Design Guidelines. In addition, in our opinion, the incremental difference of 13 storeys to allow a 39 storey building will not cause any additional adverse shadow, sky view, wind or other adverse impacts as has been demonstrated in our Planning and Urban Design Rationale Report. Further, the additional building height will make more efficient use of this underutilized site and will better address the broader Provincial policy objectives to increase the supply of housing units during this housing crisis and optimize existing and planned transit and public infrastructure investment.
2. In regards to the transition towards the neighbourhood to the northeast, there is no material difference between a 26 storey tower and the proposed 39 storey tower given the podium of the building, the tower setbacks, and the site landscaping are not changing. The tower continues to be located at the southwest portion of the building, furthest away from the neighbourhood, while landscaping provides a landscape buffer to the east. The only exception would be the length of the shadow of the tower onto this neighbourhood which would be minimally longer, as discussed in further detail below, but the shadow passes quickly and is located over any one place in this extended area for no more than one hour.
3. We have confirmed with the Owner's Wind Consultant, Gradient Wind, that a 26 storey building would likely experience calmer wind conditions than the 39 storey building without mitigation in place; however, the wind impacts would both be acceptable with proper mitigation measures in place. Therefore, the conclusions of their Pedestrian Level Wind Study in support of the ZBA Application would continue to apply. This Study indicated that the majority of grade-level pedestrian wind-sensitive areas within and surrounding the Subject Lands are expected to be acceptable for the intended uses on a seasonal basis with the implementation of various mitigation measures. Therefore, **there would be no material difference in wind impacts resulting from the incremental difference of 13 storeys between a 26 storey and a 39 storey building as both would be acceptable with proper mitigation measures in place.**

4. It is unclear whether the Northview Heights Secondary School's field referred to in the City Staff Report is referring to the large green area to the east of the school or to the Sports Field to the north of the school. Given that the large green area to the east of the school is designated *Mixed Use Areas* in the City Official Plan and, in our opinion, would not be considered part of the public realm, as per Policy 3.1.1.1 of the City Official Plan, Policy 3.1.3.5 would not apply to this area.

The submitted Shadow Study shows shadows from the proposed 39 storey tower onto 8.8% of the Sports Field, designated *Parks* in the City Official Plan, only during 9:18 am in March and September. When compared to a proposed 26 storey tower, these shadows do not reach this Sports Field. Therefore, **the difference in shadow impact on the Sports Field resulting from the incremental difference of 13 storeys between a 26 storey and a 39 storey building is only 8.8%.** Therefore, in our opinion, this indicates that the Proposal adequately limits shadows onto this area and there would be minimal difference resulting from the incremental difference of 13 storeys between a 26 storey and a 39 storey building.

In regards to the neighbourhood to the east, the only difference between the 26 and 39 storey buildings would be that the length of the shadow of the 39 storey tower would be minimally longer. Based on our review of the anticipated shadows, **the difference in shadow impact on the neighbourhood resulting from the incremental difference of 13 storeys between a 26 storey and a 39 storey building is 40.33 m-64.26 m or an additional three properties maximum at any given time.** This difference is minimal and due to the slender floor plate size this is a smaller, fast-moving shadow which is located over any one place in this extended area for no more than one hour.

Based on the above, in our opinion, the 39 storey proposed building height is more appropriate than the City staff recommended 26 storey building height. We therefore request Council support for the 39 storey Proposal, which includes public and commercial investments within the community and will also contribute to providing much needed community services and facilities for the community in the form of the daycare space being proposed. According to the Owner, lowering the height to 26 storeys would lead to the loss of these uses. We will be monitoring the Community Council meeting on September 17, 2025, but should you have any questions, please do not hesitate to contact the undersigned.

Yours truly,

MHBC



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cc. Density Group Limited