TORONTO

REPORT FOR ACTION

1601-1603 Bathurst Street – Official Plan and Zoning By-law Amendment Applications – Appeal Report

Date: May 20, 2025

To: Toronto and East York Community Council

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

Ward: 12 - Toronto-St. Paul's

Planning Application Number: 19 211934 STE 12 OZ

Related Planning Application Number: 22 148358 STE 12 RH

SUMMARY

On August 26, 2019, an Official Plan and Zoning By-law Amendment application was submitted to permit an 8-storey residential building of rental tenure containing 79 dwelling units. The new building would be located at 1601 Bathurst Street as well as a portion of 1603 Bathurst Street. The existing 4-storey rental building containing 9 rental units at 1601 Bathurst Street would be demolished, while the existing 6-storey rental building at 1603 Bathurst Street would be retained. A related Rental Housing Demolition application has been submitted.

On May 3, 2022, the applicant submitted a revised application for a 7 storey building. A further revised application was submitted on April 12, 2024, reducing the number of units from 79 to 74 and reducing the street wall height from 6 storeys to 5 storeys.

On March 5, 2025, the applicant appealed the Official Plan and Zoning By-law Amendment applications to the Ontario Land Tribunal due to Council not making a decision within the statutory timeframe outlined by the *Planning Act*.

This report recommends that the City Solicitor and appropriate City staff attend the Ontario Land Tribunal in opposition to the application in its current form and continue discussions with the applicant to resolve the outstanding issues.

RECOMMENDATIONS

The Director, Community Planning Toronto and East York District recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the current application regarding the Official Plan and Zoning By-law Amendment appeals for the lands at 1601-1603 Bathurst Street.

- 2. City Council direct the City Solicitor and appropriate City staff to continue discussions with the applicant to attempt to resolve the outstanding issues.
- 3. In the event that the Ontario Land Tribunal allows the Official Plan and Zoning By-law Amendment appeals, in whole, or in part, City Council authorize the City Solicitor to request that the issuance of any final Order(s) be withheld until such time as the City Solicitor advises that:
 - a. the final form and content of the draft Official Plan Amendment and Zoning Bylaw Amendment are to the satisfaction of the City Solicitor and the Executive Director, Development Review;
 - b. the owner has, at their sole cost and expense, completed the following:
 - 1. submitted a revised Functional Servicing Report and Stormwater Management Report, Hydrogeological Review, including the Foundation Drainage Report ("Engineering Reports") to the satisfaction of the Chief Engineer and Executive Director, Development Engineering, in consultation with the General Manager, Toronto Water;
 - 2. secured the design and provided financial securities in respect of any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Engineering Reports, to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water, should it be determined that improvements or upgrades are required to support the development, according to the Engineering Reports accepted by the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water unless otherwise secured through a holding provision in the by-law; and,
 - 3. ensured that implementation of the accepted Engineering Reports does not require changes to the proposed amending By-law or that any required changes have been made to the proposed amending By-law to the satisfaction of the Executive Director, Development Review, and the City Solicitor, including the use of a Holding ("H") By-law symbol regarding any new municipal servicing infrastructure or upgrades to existing municipal servicing infrastructure, as may be required.
 - c. any necessary studies, including those related to pedestrian level wind impacts and sun and shadow, have been completed, and their recommendations addressed to the satisfaction of the Chief Planner and Executive Director, City Planning and the Executive Director, Development Review;
 - d. the applicant has addressed all outstanding issues raised by the Toronto and Region Conservation Authority, including achieving the appropriate development setback from the erosion hazard associated with the Cedarvale Ravine Park;

- e. the applicant has addressed all outstanding issues raised by Ravine and Natural Feature Protection and Tree Protection and Plan Review as they relate to the Zoning By-law Amendment application;
- f. City Council has approved the Rental Housing Demolition Application 22 148358 STE 12 RH in accordance with Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act, 2006, to permit the demolition of the 9 existing rental dwelling units at 1601 Bathurst Street, and the owner has entered into, and registered on title to the lands, one or more agreements with the City, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, securing all rental housing-related matters necessary to implement City Council's decision including:
 - 1. replacement of the existing 9 rental housing units, including the same number of units, bedroom type and size and with similar rents; and
 - 2. an acceptable Tenant Assistance Plan addressing the right for existing tenants to return to a replacement rental unit.
- 4. City Council request the Executive Director, Development Review, in consultation with the Chief Planner and Executive Director, City Planning, to secure through the Site Plan Control application for the lands, pursuant to Section 114 of the City of Toronto Act, 2006, the owner's obligation to:
 - a. continue to provide and retain the existing 73 rental dwelling units at 1603 Bathurst Street as rental housing units for 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 from residential rental use during the 20-year period, all to the satisfaction of the City Solicitor and the Executive Director, Development Review; and,
 - b. undertake improvements to the existing rental building, at its sole expense and at no cost to tenants, at 1603 Bathurst Street, with such improvements and related timing for the improvements to be undertaken, informed by a tenant survey, and identified by the owner to the satisfaction of the Executive Director, Development Review prior to Site Plan Approval for the development.
- 5. Prior to Site Plan Approval for the development, City Council requests the Executive Director, Development Review, in consultation with the Chief Planner and Executive Director, City Planning, to require the owner to develop a Construction Mitigation and Tenant Communication Plan to mitigate the impacts of construction of the development on tenants of the existing rental building.
- 6. City Council authorizes the City Solicitor and City staff to take any necessary steps to implement City Council's decision.

FINANCIAL IMPACT

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.

THE SITE

Description

The site is located on the east side of Bathurst Street, approximately 700 metres north of St. Clair Avenue West and the St. Clair West Subway Station. The combined site consisting of both 1601 and 1603 Bathurst Street is roughly triangular shaped, with a frontage of 50 metres along Bathurst Street and a combined lot area of approximately 9,200 square metres. The rear portion of the site abuts the Cedarvale Ravine, which contains a tributary of the Don River.

See Attachment 2 for the Location Map.

Existing Uses

At 1601 Bathurst Street, there is a 4-storey rental-apartment building with 9 units and 15 parking spaces.

At 1603 Bathurst Street, there is a 6-storey rental-apartment building with 73 units and 60 parking spaces.

THE APPLICATIONS

Description

The current proposal is to demolish the existing 4-storey apartment building at 1601 Bathurst Street containing 9 rental units (1 studio, 4 one-bedroom units and 4 three-bedroom units), and construct a 7-storey (23.73 metres including mechanical penthouse) rental-apartment building with 74 units, which would include the 9 rental replacement units. The building is proposed to have a mechanical penthouse wrapped with indoor amenity space.

Density

Approximately 5,455 square metres of gross floor area is proposed, resulting in the proposed building having a Floor Space Index of 1.46 times the area of the lot over the combined site area.

Unit Mix

The current proposal includes 74 rental dwelling units, comprised of 18 (24%) studio, 24 (32%) one-bedroom, 19 (26%) two-bedroom, and 4 (5%) three-bedroom units.

Amenity Space

The application is proposing 177 square metres of indoor amenity space (2.4 square metres per unit) and 385 square metres of outdoor amenity space (5.2 square metres per unit), for a total of 562 square metres (7.6 square metres per unit) of amenity space.

Access, Parking and Loading

The proposal includes a total of 18 vehicular parking spaces consisting of surface and covered surface-level parking, a total of 76 bike parking spaces, and 1 loading space. Access to the site is proposed from a consolidated driveway north of the existing driveway for both the newly proposed building and the existing building to be retained.

Additional Information

See Attachments 1-6 of this report for the location map, application data sheet, Official Plan Land Use Map, Existing Zoning By-law Map, Site Plan and Elevations. Detailed project information, including all plans and reports submitted as part of the application, can be found on the City's Application Information Centre.

Rental Housing

The subject lands contain a total of 82 rental dwelling units of which 9 are proposed to be demolished and 73 retained. The redevelopment of the site proposes replacement of the 9 rental dwelling units within the new residential building. A related Rental Housing Demolition application (22 148358 STE 12 RH) was submitted and is currently under review.

Reasons for Applications

The application proposes to amend the Official Plan to allow for a 7-storey building with a mechanical penthouse that is wrapped with indoor amenity space on *Neighbourhoods* designated lands.

Additional amendments to the Official Plan may be identified as part of the application review including conformity to the Natural Environment policies.

The application proposes to amend Zoning By-law 438-86 and Zoning By-law 569-2013 for the property at 1601 and 1603 Bathurst Street to vary performance standards including: building height, floor space index, building depth, building setbacks, and parking supply.

Additional amendments to the Zoning By-laws may be identified as part of the application review.

Site Plan

A Site Plan Control application has been submitted and has been appealed to the Ontario Land Tribunal.

APPLICATION BACKGROUND

The application was submitted on August 26, 2019, and deemed complete as of that date, having satisfied the City's minimum application requirements.

Agency Circulation Outcomes

The application, together with the submitted reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application.

POLICY AND REGULATION CONSIDERATIONS

Provincial Land-Use Policies

All decisions of Council in respect of the exercise of any authority that affects planning matters shall be consistent with the Provincial Planning Statement (2024) and shall conform to provincial plans.

Official Plan

The City's Official Plan Right-of-Way Widths Associated with Existing Major Streets Map 3 categorizes the site as located on a Major Street.

The site is designated as *Neighbourhoods* on Map 17 of the Official Plan, as depicted in Attachment 3 of this report.

Neighbourhoods are considered physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys.

The edge of the site is within the City's *Natural Heritage System* as shown on Map 9 of the Official Plan. The Official Plan provides policy direction on how these areas should be protected and enhanced. The Official Plan contains policies that require development to be set back at least 10 metres from the top-of-bank or toe-of slope of valleys, ravines and bluffs.

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/planningdevelopment/official-plan-guidelines/official-plan/

Zoning

The site is zoned Residential (R (d1.0) (x546)) under City of Toronto Zoning By-law 569-2013, which permits a maximum density of 1.0 times the area of the lot. A site-specific provision allows the replacement of any building existing as of February 28, 1977 to have a height exceeding the 11.0 metres and 3-storey height limit that is prescribed by Zoning By-law 569-2013 on these lands, if the height of the new building does not exceed the height of the building being replaced.

See Attachment 4 of this Report for the existing Zoning By-law Map.

Design Guidelines

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

- Mid-Rise Building Design Guidelines;
- Growing Up: Planning for Children in New Vertical Communities; and
- Pet Friendly Design Guidelines for High Density Communities.

The City's Design Guidelines may be found here:

https://www.toronto.ca/citygovernment/planning-development/official-planguidelines/design-guidelines/

Avenues

On February 5, 2025, City Council adopted OPA 778 which would extend and introduce new Avenues in proximity to transit to unlock more opportunities for residential housing units as part of the Housing Action Plan. OPA 778 would reinforce that the planned built form of Avenues is mid-rise, except areas that are in proximity to higher-order transit stations. OPA 778 proposes to add the area on Bathurst Street from St. Clair Avenue West and Eglinton Avenue West as an Avenue. OPA 778 has been appealed to the Ontario Land Tribunal and is not yet in-effect. The decision report and OPA can be found here: https://secure.toronto.ca/council/agenda-item.do?item=2025.PH18.5

On December 5, 2024, the Planning and Housing Committee (PHC) adopted the draft updated Mid-Rise Building Design Guidelines. The PHC requested the Executive Director, Development Review and the Chief Planner and Executive Director, City Planning use the updated Guidelines when evaluating mid-rise development proposals. The PHC also requested the Chief Planner and Executive Director, City Planning to continue to consult the public and stakeholders on the consolidated Mid-Rise Building Design Guidelines, in conjunction with the on-going Official Plan and Zoning By-law work programs for Avenues, and report back in 2025 with any recommended modifications. The decision can be found here:

https://secure.toronto.ca/council/agenda-item.do?item=2024.PH17.10

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 on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

PUBLIC ENGAGEMENT

Community Consultation

On February 12, 2020, a community consultation meeting was held by City staff. The meeting was in-person at the Forest Hill Jewish Centre and was attended by the Ward Councillor's office and the applicant. City staff and the applicant's team gave presentations and answered questions from participants.

The comments received at the meeting related to the following:

- Concerns around the overall scale and massing, specifically height;
- Concerns about the impact of the development on the adjacent ravine;
- Concerns around the proposed vehicular access for both the new building and the existing building; and,
- Concerns about the impact of the development on the people currently living in the buildings on site.

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.

Community Council and Council Comments

In making their decision with regard to this application, Council members have an opportunity to hear the oral submissions made at the Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

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 have reviewed the current proposal for consistency with the Provincial Planning Statement (2024).

Official Plan Policies and Design Guidelines

This application has been reviewed against the Official Plan policies, planning studies, and design guidelines described in the Policy and Regulation Considerations Section of this Report.

Land Use

Further review is required to determine if the land use, and in particular, the proposed height, is appropriate, subject to addressing the balance of the comments of this Report.

Density, Height, Massing

Community Planning staff have reviewed the proposed built form, including height, massing and transition, against the policies of the Official Plan and relevant guidelines. The scale of the proposal is generally acceptable; however, significant issues remain on key elements such as access, servicing and setback from the ravine that will have an impact on the final built form.

Shadow Impact

The submitted sun and shadow study shows that the proposed building will cast shadows onto natural heritage areas to the west, north and east throughout the day at the spring and autumn equinoxes except at 10:18 am, with marginal shadows cast at 11:18 am and 12:18 pm. Further review is required to determine if the shadow impact can be reduced.

Wind Impact

The wind impact study has not been updated to reflect the revised building proposal. Further review is required to determine if the wind impact is acceptable.

Servicing

A Functional Servicing and Stormwater Management Report, Hydrogeological Report, and associated plans have been submitted in support of the application, and have been reviewed by Development Engineering. Revisions and additional information have been requested.

In the event the Ontario Land Tribunal allows the Official Plan and Zoning By-law Amendment appeal, in whole or in part, the final Order should be withheld pending the provision of a satisfactory set of engineering reports that provide confirmation of water, sanitary, and stormwater capacity from the Chief Engineer and Executive Director, Development Review, including implementation of any required upgrades which may be secured through the use of holding provisions.

Traffic Impact

The Transportation Impact Study submitted in support of the application concludes that the projected site traffic will have minimal impacts on area intersections and no additional improvements to the traffic network are required.

Access, Vehicular and Bicycle Parking and Loading

Vehicular access from Bathurst Street is proposed to be consolidated for both the existing and proposed building and relocated closer to the ravine and significant natural features identified by the submitted Natural Heritage Impact Statement. This is unacceptable as a naturalized buffer measured from the extent of the identified natural features is required.

A total of 24 (18 long-term and 6 visitor) vehicular parking spaces are proposed. The 6 visitor parking spaces would be shared between the proposed building, and the existing building to be retained. A total of 76 (68 long-term, 8 short-term) bicycle parking spaces are proposed. The short-term bicycle parking spaces will be provided at ground level outdoors. The long-term bicycle parking spaces will be provided on the ground level in the garage. One internalized Type 'G' loading space is proposed.

The proposed parking and loading supply are generally acceptable.

Ravine Protection

The rear of the 1603 Bathurst Street lot is regulated by Toronto Regional Conservation Authority (TRCA) with respect to the erosion hazard associated with a valley slope of the Don River valley corridor, specifically Cedarvale Ravine and a tributary to the Don River. The application will be reviewed to ensure that it is consistent with TRCA policies, in particular, the vehicular access as described above.

The rear of the 1603 Bathurst Street lot is also within the City of Toronto Ravine and Natural Feature Protection By-law area. Future revisions will need to show the accurate location of the Ravine and Natural Feature Protection Limit to determine if the development is entirely outside of the 10-metre buffer setback from the long term stable top of slope, in particular, the vehicular access as described above.

Archaeological Assessment

An archaeological resource assessment identifies and evaluates the presence of archaeological resources on specific sites. The site is located in an area of archaeological resource potential.

An archaeological assessment was submitted with this application and was reviewed by City staff. City staff have concurred with the conclusions of the report stating that there are no archaeological concerns regarding the site.

Parkland

In accordance with Section 42 of the *Planning Act*, the owner is required to satisfy the parkland dedication requirement through cash-in-lieu. As per Toronto Municipal Code Chapter 415-29, the appraisal of the cash-in-lieu will be determined under the direction of the Executive Director, Corporate Real Estate Management. Additionally, the Toronto Municipal Code Chapter 415-28, requires that the payment be made prior to the issuance of the first above-ground building permit for the land to be developed.

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) as well as the Ravine and Natural Feature Protection By-law area.

Further review is required before it can be determined if the Street Trees By-law and Private Tree By-law can be satisfied.

The applicant is required to identify the stable top of slope to determine if there are trees within the Ravine and Natural Feature Protection By-law area.

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 unit mix that generally meets the Growing Up Guidelines.

The application involves the intensification of an existing apartment building site. In accordance with policy 3.2.1.5, the proposal is required to identify needed improvements and renovations to the existing rental building at 1603 Bathurst Street without pass-through costs to tenants and to secure the rental tenure of affordable and mid-range rental units for a period of 20 years.

A Construction Mitigation and Tenant Communication Plan should also be submitted prior to the issuance of any building permits for the new building in order to identify and mitigate construction impacts on existing tenants.

Rental Housing Demolition

This application involves the demolition of rental housing. Official Plan Policy 3.2.1.6 requires new development that would result in the loss of six or more rental dwelling units to replace at least the same number, size, and type of rental units at similar rents to those in effect at the time of application. The policy also requires the applicant to provide an acceptable tenant relocation and assistance plan, addressing the right of existing tenants to return to the replacement units at similar rents and other assistance to lessen hardship.

The current application proposes to demolish the 9 existing rental dwelling units and replace them within the proposed 7-storey building. Details on whether rental replacement proposal, including the unit layouts and proposed tenant assistance to lessen hardship to existing tenants, satisfy the requirements of Policy 3.2.1.6 of the Official Plan. are still to be resolved.

Should the Ontario Land Tribunal allow the appeals in whole or in part, City staff recommend that the City Solicitor request that the Tribunal withhold its final Order until it has been advised that City Council has approved the Rental Housing Demolition application and secured the replacement rental housing and tenant relocation and assistance plan in a Section 111 agreement. Prior to a decision by Council on the Rental Housing Demolition application, a tenant consultation meeting will be held to review the impact of the proposal on tenants of the residential rental property.

Toronto Green Standard

The applicant is required to meet Tier 1 of the TGS in-force at the time of a complete application for Site Plan Control. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2040 or sooner.

Community Services and Facilities

The Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Community services and facilities are the building blocks of our neighbourhoods, foundational to creating complete communities and include matters such as recreation, libraries, childcare, schools, public health, and human and cultural services. Providing for a full range of community services and facilities in areas that are inadequately serviced or experiencing growth is a shared responsibility.

Further Issues

Staff continue to receive additional information regarding this application as the result of ongoing review by City commenting divisions, materials submitted in support of the proposal, and through deputations made by members of the public to Community Council. Development Review staff may also be required to evaluate supplementary or revised plans and supporting materials submitted by the applicant after the date of this report. As a result, Community Planning staff may continue to identify further issues or supplement the information provided in this report.

CONTACT

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SIGNATURE

Alex Teixeira, MCIP, RPP Acting Director, Community Planning Toronto and East York District

ATTACHMENTS

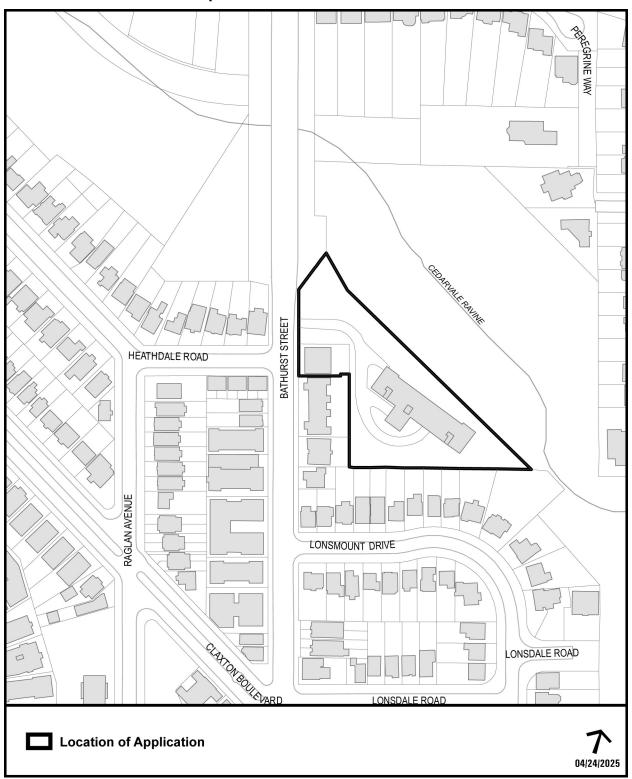
City of Toronto Information/Drawings

Attachment 1: Location Map

Attachment 2: Application Data Sheet
Attachment 3: Official Plan Land Use Map
Attachment 4: Existing Zoning By-law Map

Attachment 5: Site Plan Attachment 6: Elevations

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 1601-1603 Bathurst St. August 26, 2019 Date

Received:

Application Number: 19 211934 STE 12 OZ

Application Type: Official Plan and Zoning By-law Amendment

Project Description: a 7-storey residential building with 74 units including 9 rental

replacement units.

Applicant Architect Owner

Weston Consulting Kirkor Architects 1212765 Ontario and Planners

Limited and

1212763 Ontario

Limited

EXISTING PLANNING CONTROLS

Official Plan Designation: Neighbourhoods Site Specific Provision: Ν

Heritage Designation: Zoning: R (d1.0) (x546) Ν

Site Plan Control Area: Height Limit (m): 10 Υ

PROJECT INFORMATION

Site Area (sq m): 9,291 Frontage (m): 119 Depth (m): 110

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	0	0	564	564
Residential GFA (sq m):	8,128	8,128	5,456	13,584
Non-Residential GFA (sq m):	0	0	0	0
Total GFA (sq m):	8,128	8,128	5,456	13,584
Height - Storeys:	4 and 6	6	8	8
Height - Metres:	n/a	n/a	22	22

Lot Coverage Ratio 6.07 Floor Space Index: 1.46

(%):

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	13,584	0
Retail GFA:	0	0
Office GFA:	0	0
Industrial GFA:	0	0
Institutional/Other GFA:	0	0

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	82	73	74	147
Freehold:	0	0	0	0
Condominium:	0	0	0	0
Other:	0	0	0	0
Total Units:	82	73	74	147

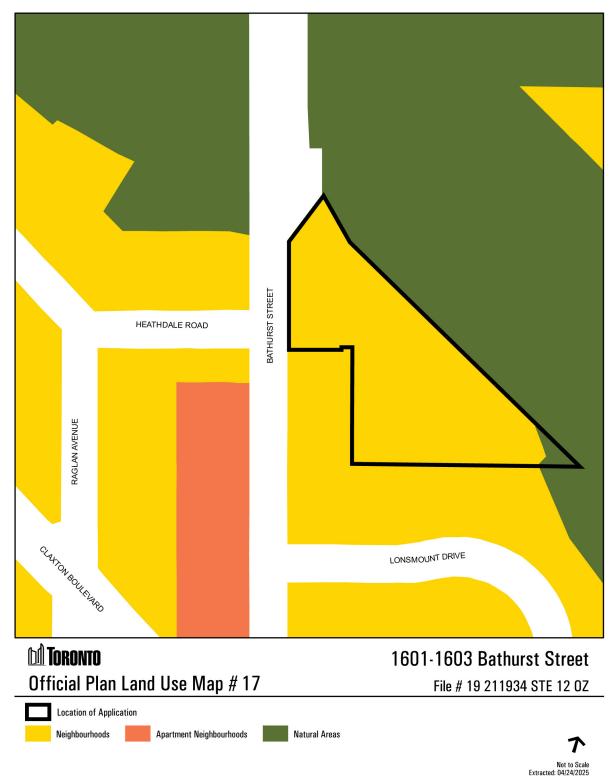
Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:		1	49	15	8
Proposed:		18	27	21	8
Total Units:		19	76	36	16

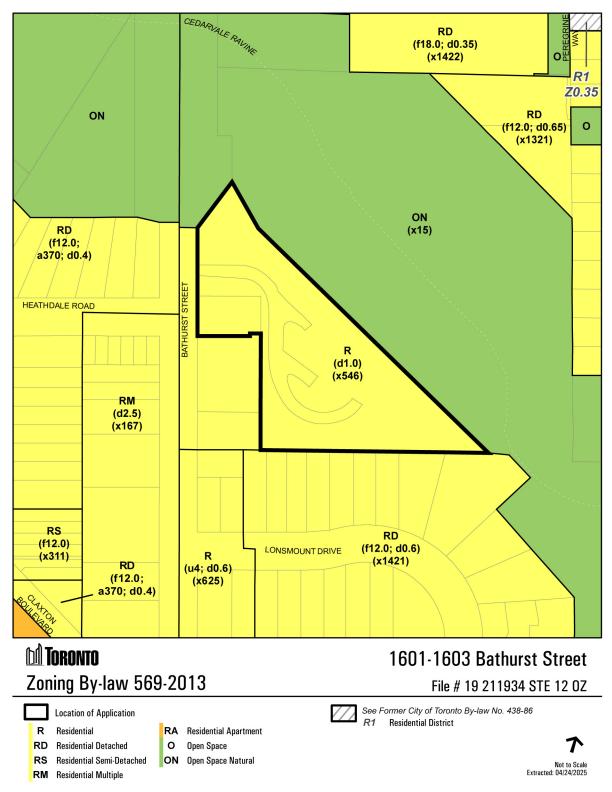
Parking and Loading

Parking Spaces: 88 Bicycle Parking Spaces: 75 Loading Docks: 1

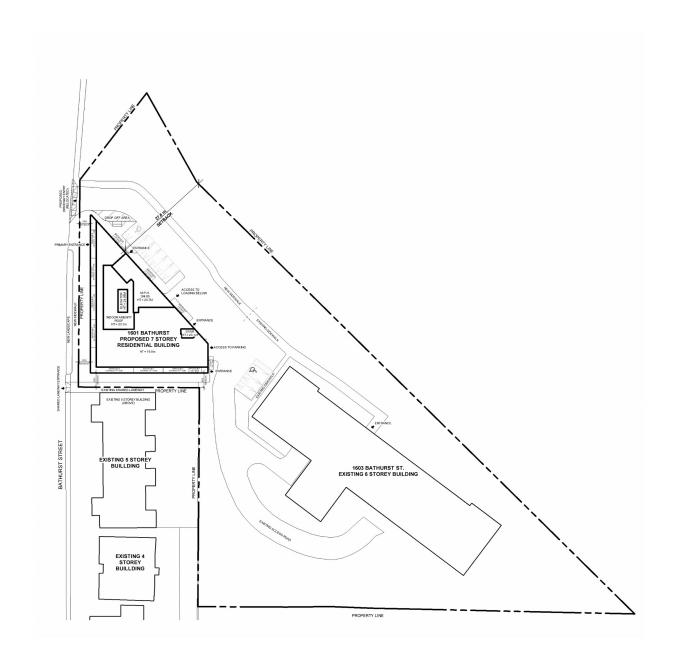
Attachment 3: Official Plan Land Use Map



Attachment 4: Existing Zoning By-law Map



Attachment 5: Site Plan



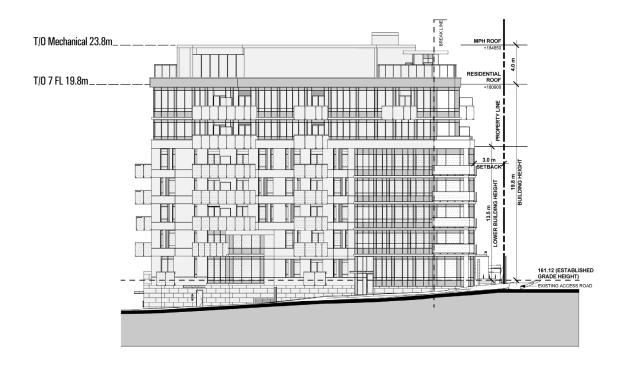
Site Plan



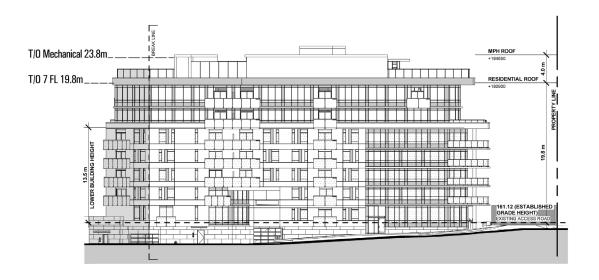
Attachment 6: Elevations



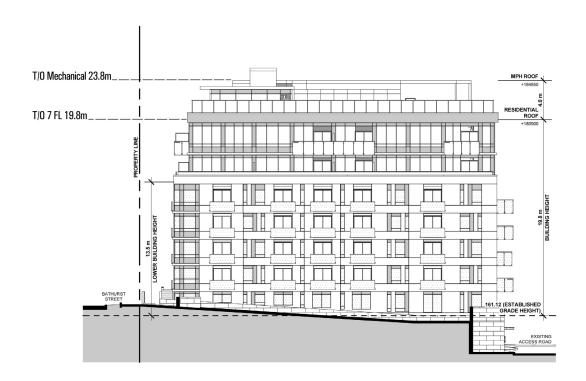
West Elevation



North Elevation



East Elevation



South Elevation