

DECISION AND ORDER

Decision Issue Date Wednesday, October 30, 2019

PROCEEDING COMMENCED UNDER Section 45(12), subsection 45(1) of the Planning Act, R.S.O. 1990, c. P.13, as amended (the "Act")

Appellant(s): BELINDA JOAN JAMES, ANITA BOUDREAU

Applicant: ANDREW DALES

Property Address/Description: 1079 BATHURST ST

Committee of Adjustment Case File: 18 149278 STE 20 MV

TLAB Case File Number: 19 173727 S45 11 TLAB October

Hearing date: Wednesday, October 23, 2019

DECISION DELIVERED BY STANLEY MAKUCH

APPEARANCES

Name	Role	Representative
Andrew Dales	Applicant	
Old Orchard Properties Inc.	Party/Owner	Max Laskin
Belinda Joan James	Appellant	Alan Heisey
Anita Boudreau	Appellant	Alan Heisey
Andrew Dales	Expert Witness	
Peter Kuntz	Expert Witness	
Peter Simon	Participant	
Terri Chu	Participant	
Brenda Simon	Participant	

INTRODUCTION

This is an appeal, by a neighbouring property owner, of a decision approving minor variances to permit the construction of a mixed use building containing seven dwelling units with basement and ground floor retail on a site at 1079 Bathurst Street (subject property) on the east side of Bathurst St., south of Dupont St.

BACKGROUND

The parties settled the appeal before the Hearing. The minutes of settlement provide for the conveyance of disputed land to the appellant and include conditions to be imposed upon the granting of the variances. As a result of the settlement the site becomes approximately one half to one metre shorter in length and slightly smaller in area. However, conditions in the minutes relate to the building, and to tree protection provisions in an arborist report. Certain variances need to be revised as a result of the alteration to the boundary although there are no changes to the proposed building itself. The revisions to the variances are attached as Appendix 1. The conditions agreed to are attached as Appendix 2; the plans are attached as Appendix 3; and the arborist's report as Appendix 4.

MATTERS IN ISSUE

As a result of the detailed minutes of settlement submitted by legal counsel, Mr. Heisey and Mr. Laskin dealing with all matters in dispute, there are no issues outstanding between the parties.

JURISDICTION

A decision of the Toronto Local Appeal Body ('TLAB') must be consistent with the 2014 Provincial Policy Statement ('PPS') and conform to the Growth Plan for the Greater Golden Horseshoe for the subject area ('Growth Plan').

In considering the applications for variances from the Zoning By-laws, the TLAB Panel must be satisfied that the applications meet all of the four tests under s. 45(1) of the Act. The tests are whether the variances:

- maintain the general intent and purpose of the Official Plan;
- maintain the general intent and purpose of the Zoning By-laws;
- are desirable for the appropriate development or use of the land; and
- are minor.

EVIDENCE

The evidence was presented orally and in writing by Mr. Dales, a qualified land use planner. His excellent evidence left no doubt whatsoever that the revised variances should be approved and that no new notice is required as a result of the revisions as set out in subsection 45(18.1.1) of the *Planning Act*.

It is clear that the building itself was not changing as a result of the revised variances and that the revisions were only the result of the minor change, of approximately one half to one metre, in the location of the rear property line. No one was impacted by that change other than the two parties in the Hearing.

Mr. Dales' thorough examination of the relevant provincial policies and plans clearly demonstrated that the proposal met all provincial requirements. His examination of the City's Official Plan and OPA 246 (Bathurst /Dupont Character Area) further demonstrated in detail that the variances individually and cumulatively met the general intent of the Official Plan. Moreover, his evidence was very clear that, similarly, the variances met the general intent of the zoning bylaw, were desirable for the appropriate development of the property, and were minor. His evidence that the proposed five storey mixed use building, with front and rear step backs, was well designed to fit in Bathurst St./ Dupont St. Area and provided needed housing, could not be challenged.

ANALYSIS, FINDINGS, REASONS

Given the high quality of the evidence and legal presentation there is no doubt that the variances as revised should be approved subject to the conditions agreed to by the parties. They individually and cumulatively meet all provincial requirements and the four tests of s. 45 of the *Planning Act*.

DECISION AND ORDER

The appeal is dismissed, and the revised variances set out in Appendix 1 are approved subject to the conditions set out in Appendix 2. This order does not come into force and effect until notice has been filed with TLAB, by the Appellants and Applicant, that the conveyance of the boundary lands has been registered in accordance with the minutes of settlement. I may be spoken to if there is any concern regarding this order.

X 

S. Makuch
Panel Chair, Toronto Local Appeal

APPENDIX 1

October 15, 2019 Variance Approved by Committee of Adjustment	Required Revisions Based on Settlement
<p>1. Combined Non-Residential and Residential Floor Space Index/Gross Floor Area</p> <p>569-2013: Maximum permitted is 2x (550m²) Proposed is 3.19x (876.53m²) 438-86: Maximum permitted is 2x (550m²) Proposed is 3.75x (1,031.83m²)</p>	<p>569-2013: Maximum permitted is 2x (537.6m²) Proposed is 3.26x (876.53m²) 438-86: Maximum permitted is 2x (537.6m²) Proposed is 3.84x (1,031.83m²)</p>
<p>2. Residential Floor Space Index/Gross Floor Area</p> <p>569-2013: Maximum permitted is 1.5x (412.5m²) Proposed is 2.21x (607.6 m²) 438-86: Maximum permitted is 1.5x (412.5m²) Proposed is 2.59x (711.9m²)</p>	<p>569-2013: Maximum permitted is 1.5x (403.2m²) Proposed is 2.26x (607.6m²) 438-86: Maximum permitted is 1.5x (403.2m²) Proposed is 2.65x (711.9m²)</p>
<p>3. Non-Residential Floor Space</p> <p>438-86: Maximum permitted 1.0x (275m²) Proposed is 1.16x (319.93m²) – typo in No. 3 of PHN (139.93)</p>	<p>438-86: Maximum permitted 1.0x (268.8m²) Proposed is 1.19x (319.93m²)</p>
<p>4. Parking</p> <p>569-2013: Minimum required is three (3) spaces Proposed is zero (0) spaces 438-83: Minimum required is six (6) spaces Proposed is zero (0) spaces</p>	<p>569-2013: No revision required 438-86: No revision required</p>
<p>5. Building Height</p> <p>569-2013: Maximum permitted is 12 meters Proposed is 18.245 meters 438-83: Maximum permitted is 12 meters Proposed is 18.245 meters</p>	<p>569-2013: No revision required 438-86 No revision required</p>
<p>6. Distance of Platform above Grade</p> <p>569-2013: At front wall, no platforms below forth storey permitted At front wall, platforms below forth storey proposed</p>	<p>569-2013: No revision required</p>

7. Angular Plane 569-2013: Building may not penetrate angular plane Building will penetrate angular plane 438-83: Building may not penetrate angular plane Building will penetrate angular plane	569-2013: No revision required 438-86: No revision required
8. Rear Yard Setback 438-86: Minimum required is 7.5m Proposed is 6.8m (bay window to rear lot line)	569-2013: Minimum required is 7.5m Proposed is 6.47m (rear wall to rear lot line) 438-86: Minimum required is 7.5m Proposed is 5.77m (bay window to rear lot line)

APPENDIX 2

- 1) Any exterior lighting located on the subject property shall be positioned so that they are not directed to and do not cast direct light into adjacent properties on Albany Avenue.
- 2) Any security cameras located on the subject property shall be positioned so that they are not directed to and cannot view into adjacent properties on Albany Avenue.
- 3) There shall be no above grade platforms, sundecks, porches, deck, or balconies other than those shown on the architectural plans dated October 17, 2019 and attached as Appendix 3.
- 4) All above grade platforms, sundecks, porches, decks or balconies shall be constructed and maintained with a privacy screen of at least 42 inches in height, with semi-opaque glass as shown on page ZC-19 of the architectural plans dated October 17, 2019 and attached as Appendix 3.
- 5) The building shall be constructed substantially in accordance with the site plan and elevations included in the architectural plans dated October 17, 2019 and attached as Appendix 3.
- 6) The applicant will construct and maintain a wood fence of approximately 2.0 metres in height on the west side of the revised rear lot line that complies with the construction and height standards as set forth in the Toronto Municipal Code Chapter 447 - Fences.
- 7) The applicant shall follow the recommendations in the Tree Inventory and Preservation Plan Report dated September 17, 2019 and attached as Appendix 4 with respect to Tree 4 (as identified in that report).

8) There shall be a maximum of 2 unit air conditioners/condensers located in the rear yard of the property. There shall be no window air conditioning or fan units on the rear wall of the building.

APPENDIX 3

Plans and elevations filed by M. Laskin October 18, 2019

APPENDIX 4

Tree Inventory and Prevention plan report filed October 18, 2019

By Toronto Local Appeal Body



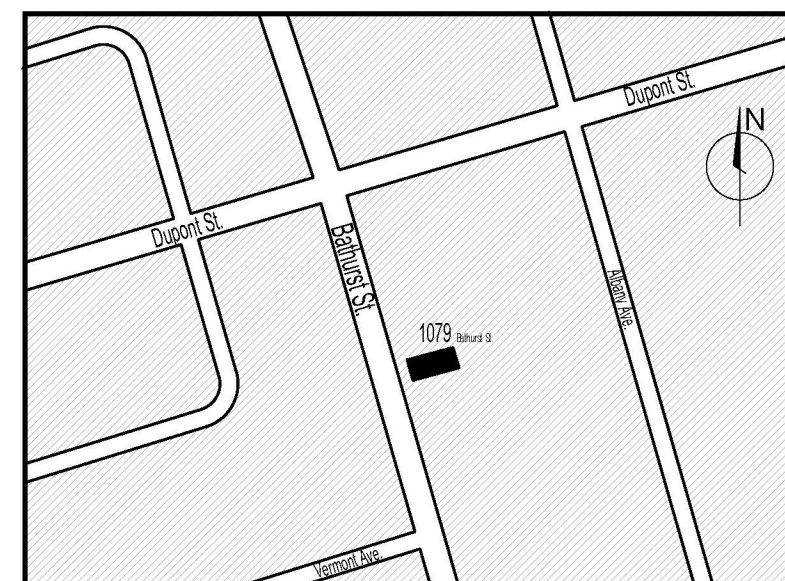
1079 Bathurst Street
Plan 324, BLK A PT LOT 17

January 2019



Revisions:

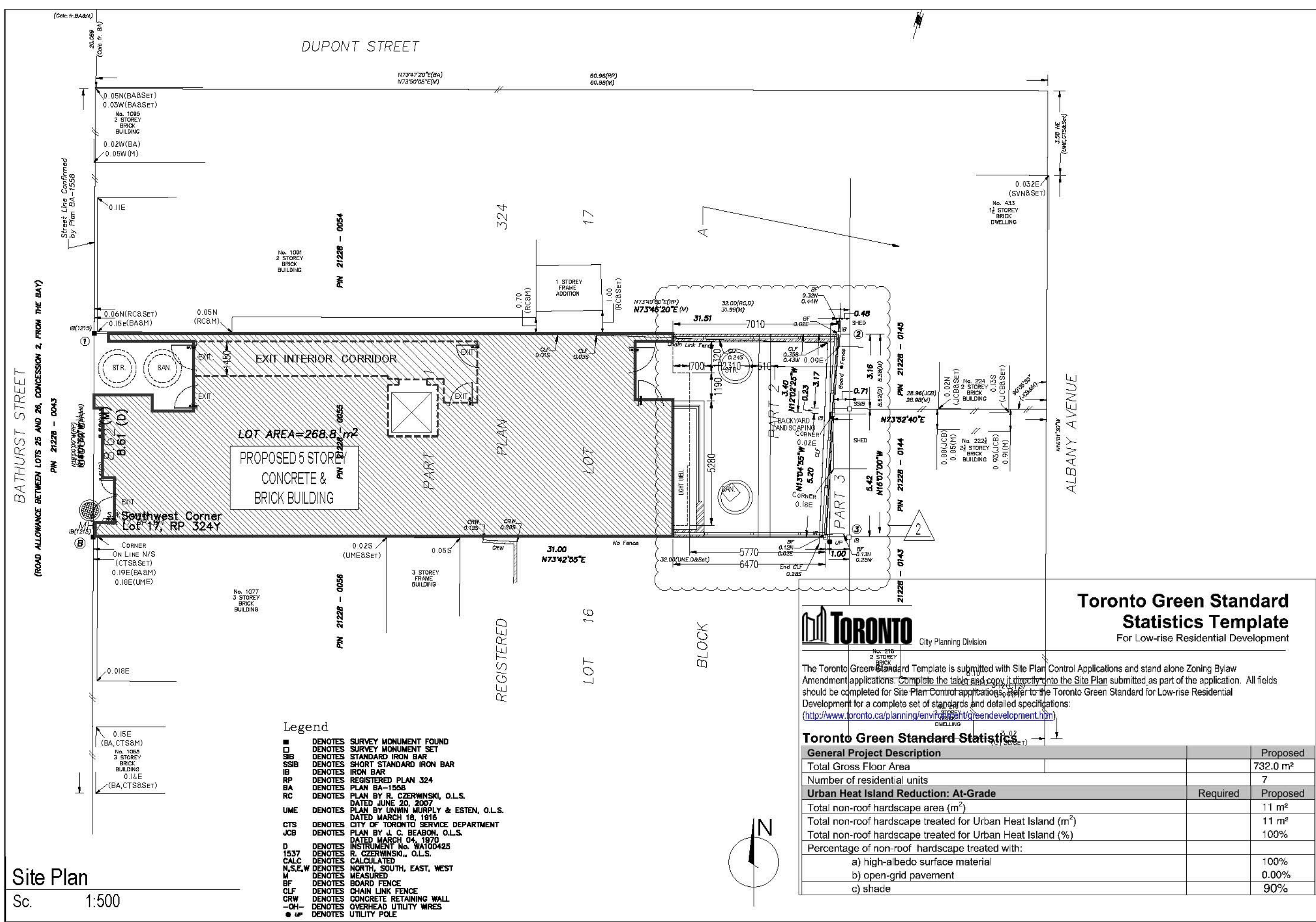
1 August 2019

2 October 2019



Street View Rendering / Perspective

 <p>2938A Bloor Street West Toronto Ontario M8X 1B6 Tel: 416-368-4225 info@melilloarchitects.ca www.melilloarchitects.ca</p>	PROJECT NAME 1079 Bathurst Street		NO. DATE: 2019.01.30 2019.08.28 2019.10.17	ISSUED FOR: PPR Zoning Cert. Submission Package Revision Package Revision
	PROJECT ADDRESS 1079 Bathurst Street, Toronto			
	DRAWING TITLE 5 Storey Building Development			
	Cover Sheet			
STAMP  <p>BRUNO F. MELILLO LICENCE 3847</p>				
SCALE: NTS				
PROJECT # 21608				
DRAWING # ZC-01				



Site Plan
Sc. 1:500

Toronto Green Standard Statistics Template
For Low-rise Residential Development

The Toronto Green Standard Template is submitted with Site Plan Control Applications and stand alone Zoning Bylaw Amendment applications. Complete the table and copy it directly onto the Site Plan submitted as part of the application. All fields should be completed for Site Plan Control applications. Refer to the Toronto Green Standard for Low-rise Residential Development for a complete set of standards and detailed specifications:
(<http://www.toronto.ca/planning/environment/greendev/greendev.htm>)

Toronto Green Standard Statistics	
General Project Description	
Total Gross Floor Area	Proposed 732.0 m ²
Number of residential units	7
Urban Heat Island Reduction: At-Grade	
Total non-roof hardscape area (m ²)	Required 11 m ²
Total non-roof hardscape treated for Urban Heat Island (m ²)	Proposed 11 m ²
Total non-roof hardscape treated for Urban Heat Island (%)	100%
Percentage of non-roof hardscape treated with:	
a) high-albedo surface material	100%
b) open-grid pavement	0.00%
c) shade	90%

PROJECT NAME		ISSUED FOR:	
1079 Bathurst Street		NO.	DATE:
PROJECT ADDRESS		2019.01.30	PPR Zoning Cert. Submission
1079 Bathurst Street, Toronto		2019.08.28	Package Revision
DRAWING TITLE		2019.10.17	Package Revision
5 Storey Building Development			
Site Plan			

2338A Bloor Street West
Toronto Ontario M6X 1B5
Tel: 416-363-4225
info@mellilloarchitects.ca
www.mellilloarchitects.ca

BRUNO P. MELLILLO
LICENCE 3847

SCALE	PROJECT #
NTS	21608
DRAWING #	ZC-03

SITE STATISTICS	
MUNICIPAL ADDRESS:	1079 BATHURST STREET, TORONTO, ONTARIO
ZONING:	CR 2.0 (c1.0; r1.5) SS2 (X1922)
O.B.C. OCCUPANCY CLASS:	SECTION 3.2.2.43 Group C, UP TO 6 STOREY, SPRINKLERED, NONCOMBUSTIBLE CONSTRUCTION
LOT AREA:	2,893 f ² – 268.8 m ² <div>2</div>
BUILDING AREA:	<div><div>BASEMENT:</div><div>GROUND FLOOR:</div><div>2ND FLOOR:</div><div>3RD FLOOR:</div><div>4TH FLOOR:</div><div>5TH FLOOR:</div><div>TOTAL PROPOSED:</div><div>78.53 m² (COMMERCIAL / RETAIL) + 25.0 m² (BASEMENT CORRIDOR) + 12.34 (RES./COMM. WASTE AREAS)</div><div>136.21 m² (COMMERCIAL / RETAIL) + 19.23 m² (RESIDENTIAL ACCESS / CORRIDOR)</div><div>153.0 m² (RESIDENTIAL) + 10.15 m² (CORRIDOR) + 6.71 m² (BALCONIES)</div><div>153.0 m² (RESIDENTIAL) + 10.15 m² (CORRIDOR) + 6.71 m² (BALCONIES)</div><div>112.8 m² (RESIDENTIAL) + 10.15 m² (CORRIDOR) + 33.35 m² (BALCONIES)</div><div>79.26 m² (RESIDENTIAL) + 9.0 m² (CORRIDOR) + 21.01 m² (BALCONIES)</div><div>876.53 m²</div></div>
G.F.A.:	
DENSITY: (FLOOR SPACE INDEX)	<div><div><div>GENERAL CR:</div><div>PERMITTED: 2.0 FAR (537.6 m²)</div><div>PROPOSED: 3.26 FAR (876.53 m²)</div></div><div>2</div><div><div>COMMERCIAL (C):</div><div>PERMITTED: 1.0 (268.8 m²)</div><div>PROPOSED: 1.0 (268.9 m²)</div></div><div>2</div><div><div>RESIDENTIAL (R):</div><div>PERMITTED: 1.5 (403.2 m²)</div><div>PROPOSED: 2.26 (607.6 m²)</div></div><div>2</div></div>
HEIGHT:	<div><div>PERMITTED: 12m</div><div>PROPOSED: 18.245m (to top of the building)</div><div>17.3m (to top of parapet wall)</div></div>
SETBACKS:	<div><div><div>REAR:</div><div>REQUIRED: 7.5m TO RES. ZONE</div><div>PROPOSED: 5.77m</div></div><div>2</div><div><div>SIDES:</div><div>REQUIRED: 0.0m NO OPENINGS</div><div>PROPOSED: 0.0m NO OPENINGS</div></div><div><div>FRONT:</div><div>REQUIRED: 0.0m</div><div>PROPOSED: 0.0m</div></div><div><div>45° ANGULAR PLANE (REAR YARD SETBACK):</div><div>REQUIRED: STARTING AT THE HEIGHT OF 10.5m TO RES. ZONE</div><div>PROPOSED: STARTING AT THE HEIGHT OF 10.5m</div></div><div><div>45° ANGULAR PLANE (FRONT SETBACK):</div><div>REQUIRED: STARTING AT THE HEIGHT OF 13.0m</div><div>PROPOSED: STARTING AT THE HEIGHT OF 13.0m</div></div></div>
PARKING:	<div><div>REQUIRED: 3</div><div>PROPOSED: NONE</div></div> <div>2</div>
NUMBER OF UNITS:	<div><div>PROPOSED COMMERCIAL / RETAIL UNITS : 1</div><div>PROPOSED RESIDENTIAL UNITS : 7</div></div>

Site Statistics

Sc. no scale

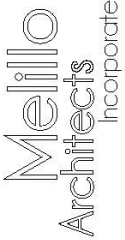
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		2019.08.28
		2019.10.17
PROJECT NAME 1079 Bathurst Street PROJECT ADDRESS 1079 Bathurst Street, Toronto DRAWING TITLE 5 Storey Building Development Site Statistics	NO.	
<div><div>Melillo Architects Incorporated</div><div>2838A Bloor Street West Toronto, Ontario M6X 1B6 tel: 416-368-4225 info@melilloarchitects.ca www.melilloarchitects.ca</div></div>		
<div><div>ONTARIO ASSOCIATION OF ARCHITECTS</div><div>BRUNO P. MELILLO</div><div>LICENCE 3847</div></div>		
SCALE: NTS		
PROJECT #	21608	
DRAWING #	ZC-03	

EXTERIOR MATERIAL LEGEND:


- M01:
DARK GREY FIBER REINFORCED CEMENTITIOUS PANELS / FIBER CEMENT PANELS FROM SWISSPEARL OR SIMILAR
- M02:
LIGHT GREY FIBER REINFORCED CEMENTITIOUS PANELS / FIBER CEMENT PANELS FROM SWISSPEARL OR SIMILAR
- M03:
WOOD TEXTURED / COLOURED STRIP FIBER REINFORCED CEMENTITIOUS PANELS / FIBER CEMENT PANELS FROM SWISSPEARL OR SIMILAR
- M04:
RESERVED
- M05 & M05P (PATTERNED):
80mm thk. BLACK COLOUR BRICK VENEER
- M06 & M06P (PATTERNED):
80mm thk. LIGHT GREY COLOUR BRICK VENEER
- M07:
STEEL CLADDING SLOPED ROOF, DARK GREY COLOUR TO MATCH WALL PANELS
- M08:
METAL FLASHING, DARK GREY COLOUR TO MATCH WALL PANELS
- M09:
LIGHT GREY ANODIZED ALUMINUM FRAME WINDOWS W. TRIPLE LAYER DARK TINTED GLAZING

- M10:
10mm DARK GREY TINTED GLASS GURD/RAILINGS W. STEEL FRAMING / SUPPORT
- M11:
POURED - IN - PLACE CONC. LANDING
- M12: ROOF DECK & TERRACE PAVERS
24"X12"X2" LIGHT GREY COLOUR, CONCRETE PAVER TILE ON 1" BEDDING SAND & 0.25" PROTECTION BOARD ON RAISED INSULATION & WATERPROOF MEMBRANE ON ROOF CONC. SLAB.
- M13: BALCONIES MATERIAL
TEXTURED / NON SLIP SURFACE, DARK BROWN COLOUR, WPC / WOOD-POLYMER COMPOSITE DECKING BOARDS ON 4" SUB-STRUCTURE OF SIMILAR MATERIAL OR PRESSURE-TREATED LUMBER.
- M14:
GREEN AREAS: LANDSCAPE / GREEN ROOF
- M15:
WOODEN FENCE
- M16: PEDESTRIAN WALKWAY
POURED - IN - PLACE CONC.

PROJECT NAME 1079 Bathurst Street PROJECT ADDRESS 1079 Bathurst Street, Toronto DRAWING TITLE 5 Storey Building Development Exterior Material Legend	ISSUED FOR:	PPR Zoning Cert. Submission
	NO.	DATE:
		2019.01.30
		2019.08.28
	2019.10.17	Package Revision
		Package Revision

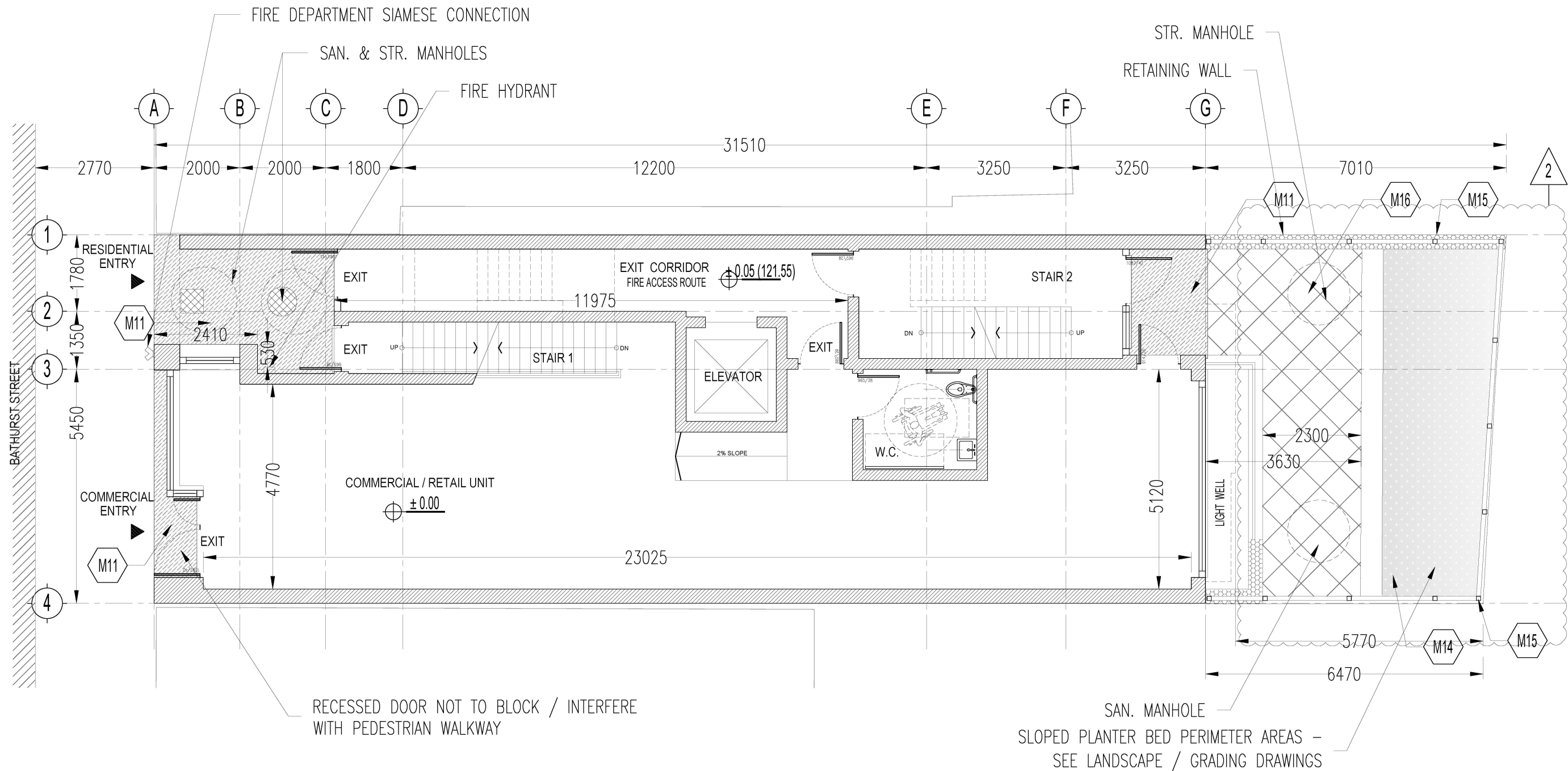


2838A Bloor Street West
Toronto, Ontario M6K 1B6
tel: 416-368-4225
info@melloarchitects.ca
www.melloarchitects.ca



ONTARIO ASSOCIATION
OF
ARCHITECTS
BRUNO P. MELILLO
LICENCE
3847

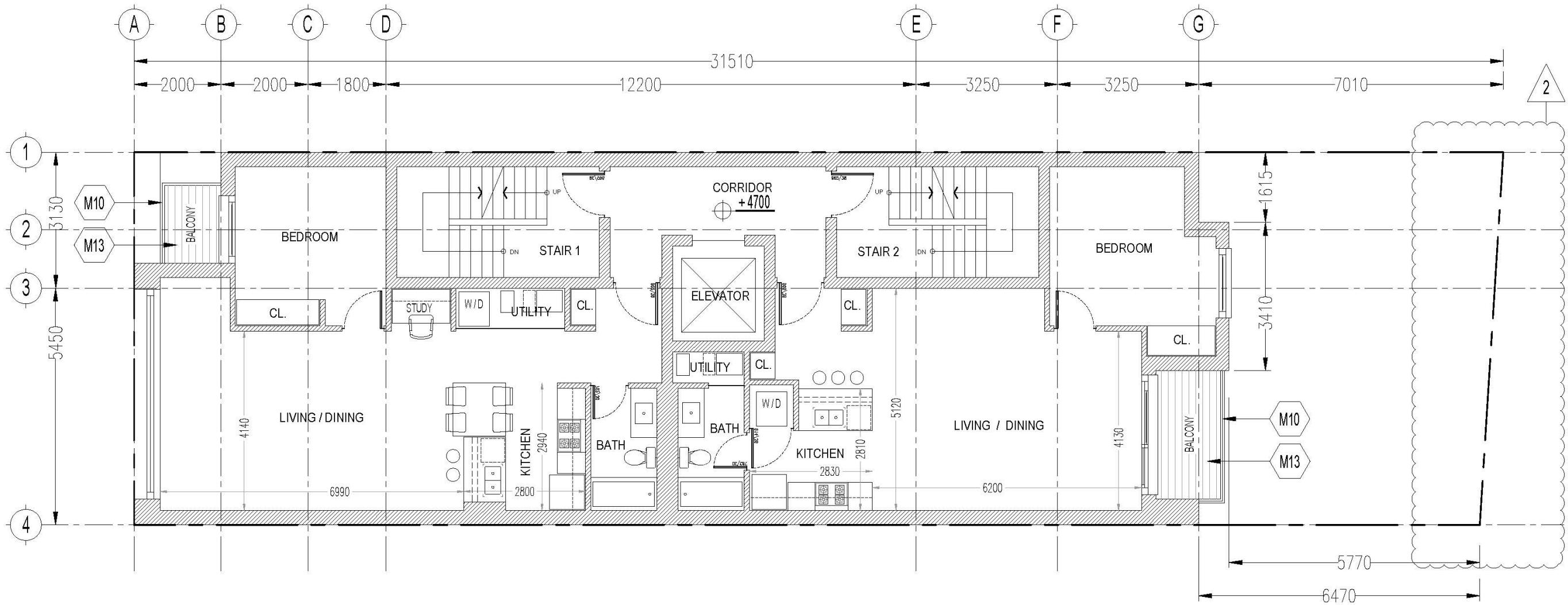
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PROJECT #	21608
DRAWING #	ZC-05

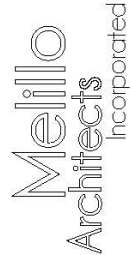


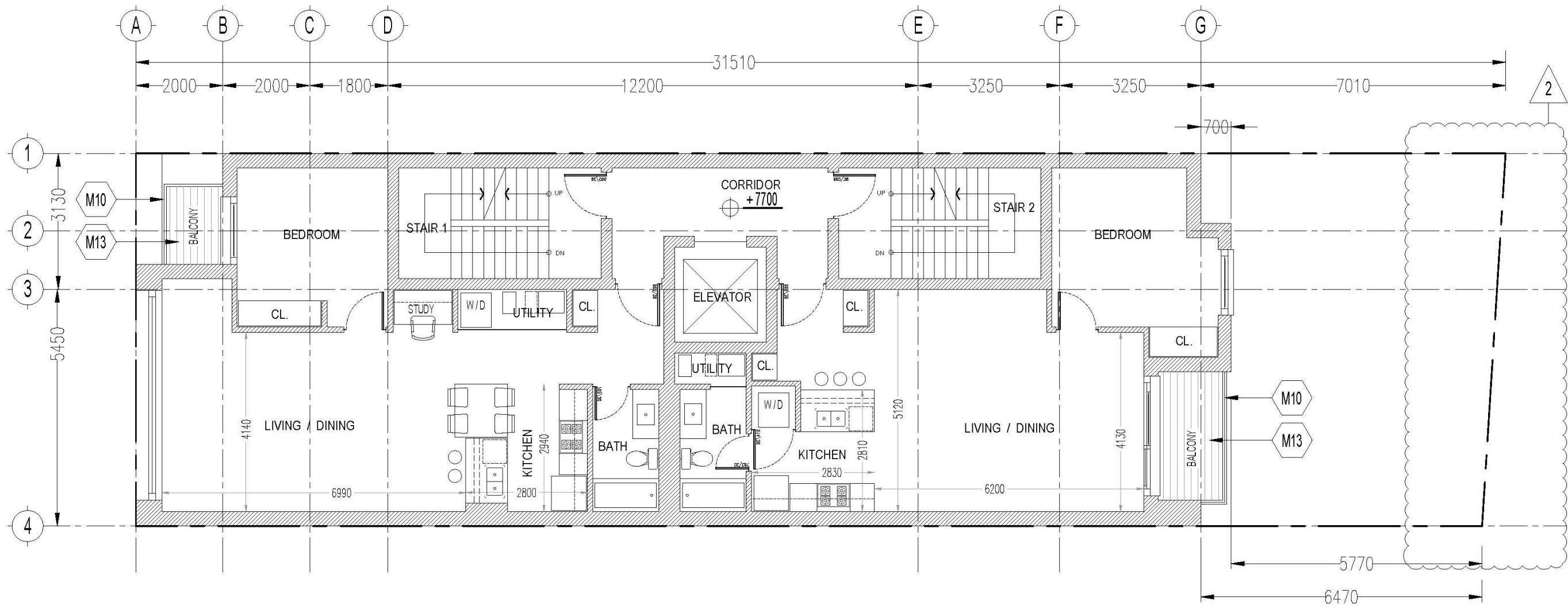
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	NO.	DATE:
		2019.01.30
		2019.08.28
		2019.10.17
Mello Architects incorporated 2838A Bloor Street West Toronto Ontario M8X 1B6 tel: 416-368-4225 info@melloarchitects.ca www.melloarchitects.ca	STAMP	ONTARIO ASSOCIATION OF ARCHITECTS BRUNO P. MELILLO LICENCE 3847
	SCALE:	1:100
	PROJECT #:	21608
	DRAWING #:	ZC-07

2nd Floor Plan

Sc. 1:100




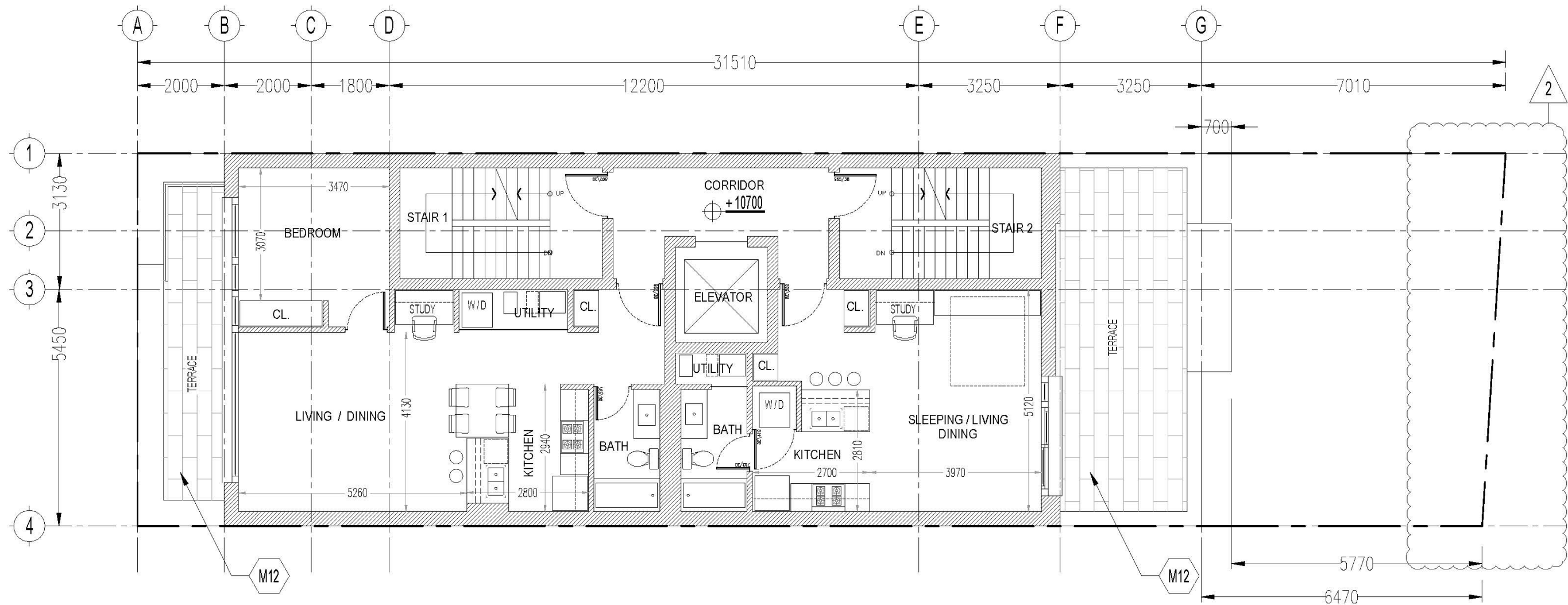
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	NO.	DATE:	2019.01.30
			2019.08.28
			2019.10.17
 2338A Bloor Street West Toronto, Ontario M6X 1B6 tel: 416-368-4225 info@melloarchitects.ca www.melloarchitects.ca	SCALE:	1:100	
	PROJECT #	21608	
	DRAWING #	ZC-08	



3rd Floor Plan


Sc. 1:100

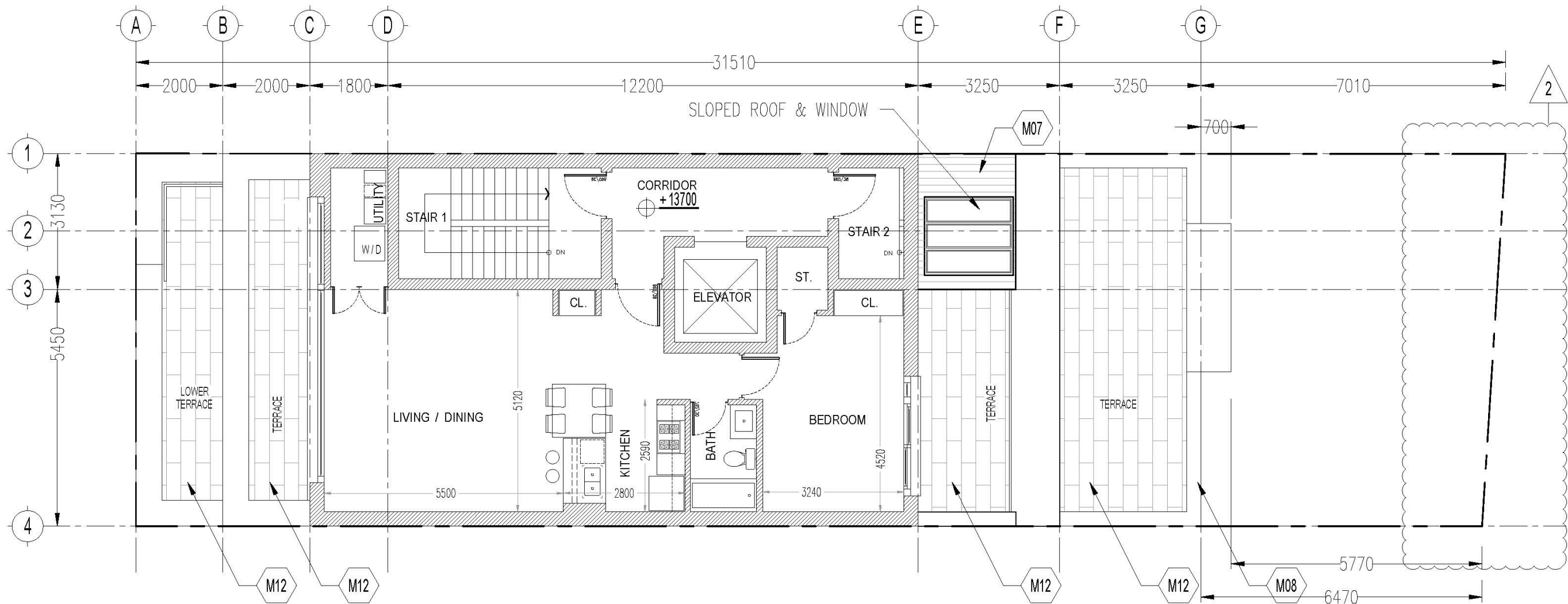
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			2019.08.28
			2019.10.17
 2338A Bloor Street West Toronto, Ontario M6K 1B6 tel: 416-368-4225 info@melloarchitects.ca www.melloarchitects.ca	SCALE:	1:100	
	PROJECT #	21608	
	DRAWING #	ZC-09	



4th Floor Plan



Sc. 1:100

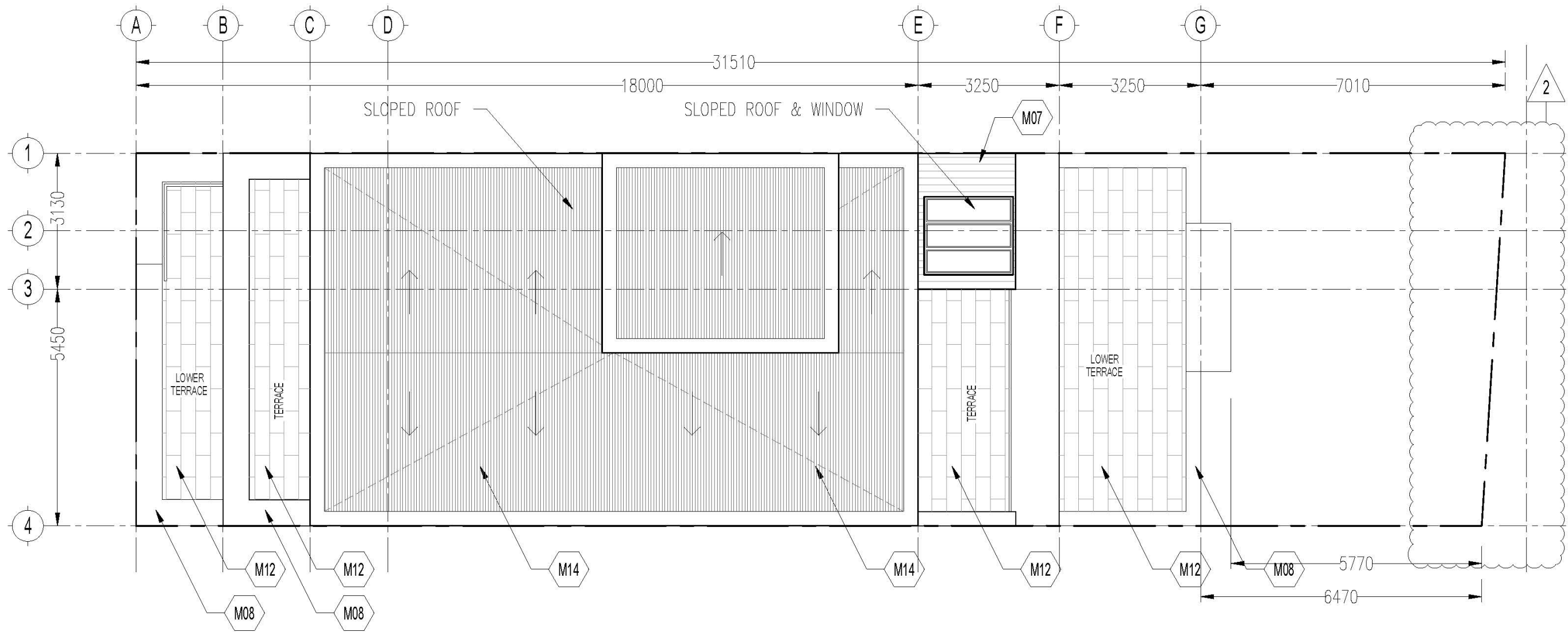
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			2019.08.28
			2019.10.17
 2338A Bloor Street West Toronto, Ontario M6X 1B6 tel: 416-368-4225 info@melloarchitects.ca www.melloarchitects.ca	SCALE:	1:100	
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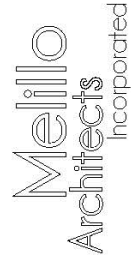
5th Floor Plan


Sc. 1:100

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	PPR Zoning Cert. Submission		2019.01.30
	Package Revision		2019.08.28
	Package Revision		2019.10.17
 2338A Bloor Street West Toronto, Ontario M6X 1B6 tel: 416-368-4225 info@melloarchitects.ca www.melloarchitects.ca	STAMP  BRUNO P. MELILLO LICENCE 3847		
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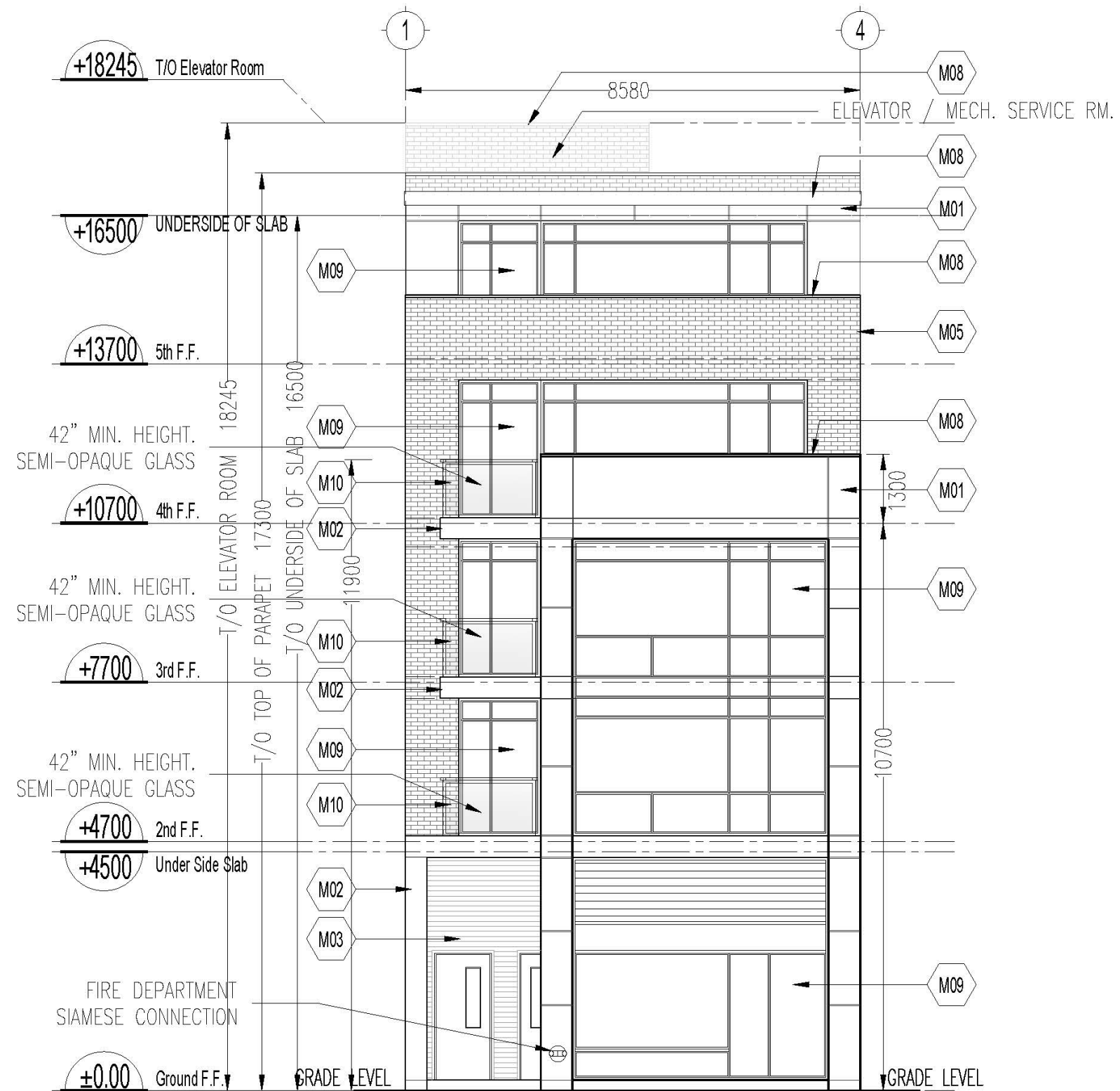


Roof Plan
Sc. 1:100

PROJECT NAME 1079 Bathurst Street PROJECT ADDRESS 1079 Bathurst Street, Toronto DRAWING TITLE 5 Storey Building Development Roof Plan	ISSUED FOR:	PPR Zoning Cert. Submission
	NO. DATE:	2019.01.30
		2019.08.28
		2019.10.17
 2338A Bloor Street West Toronto, Ontario M6X 1B6 tel: 416-368-4225 info@melloarchitects.ca www.melloarchitects.ca	SCALE: 1:100	
	PROJECT # 21608	
DRAWING # ZC-12		





BRUNO P. MELILLO
LICENCE 3847

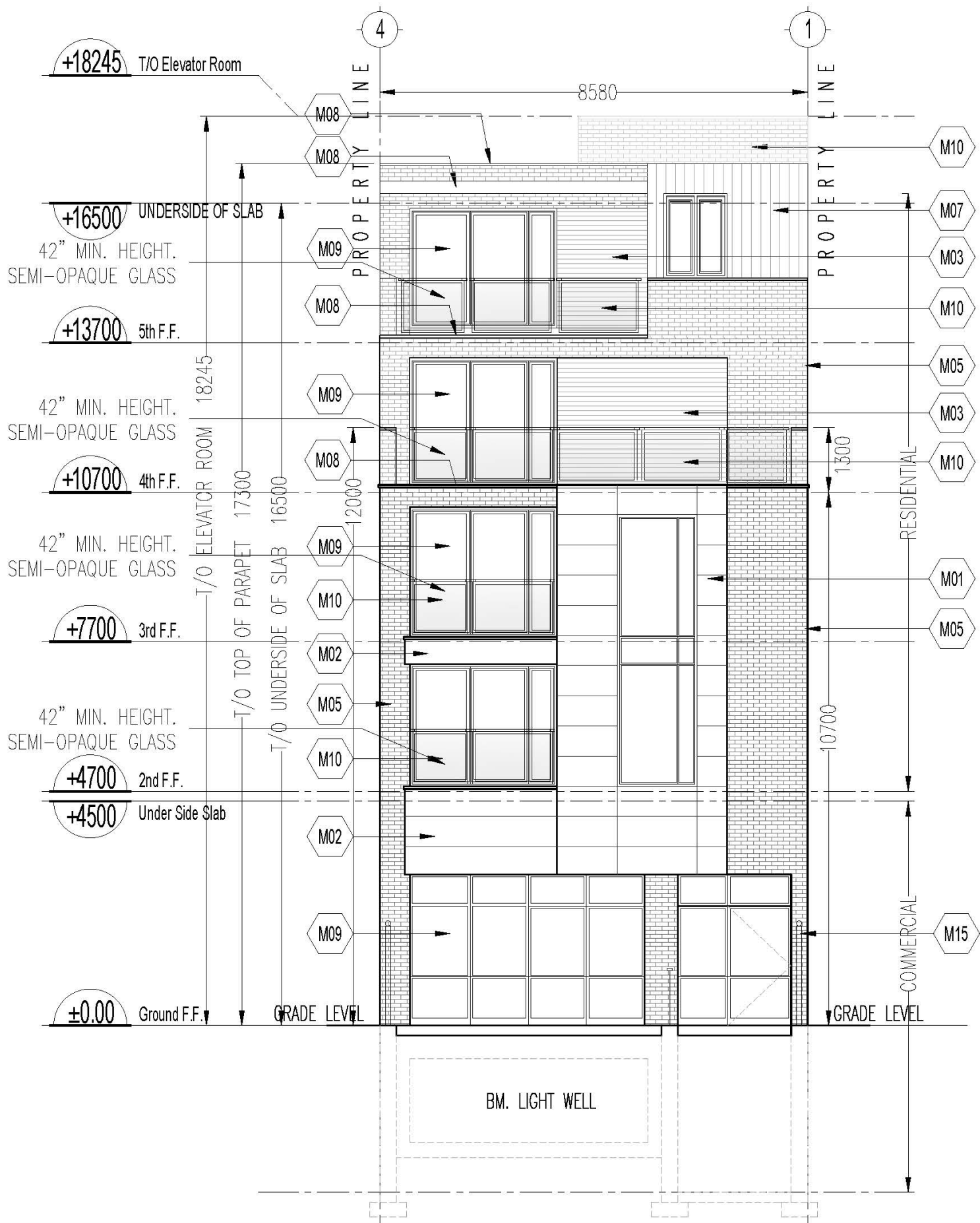


Front Elevation

Sc.

1:100

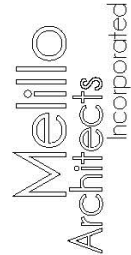

 <p>2938A Bloor Street West Toronto Ontario M8X 1B6 tel: 416-368-4225 info@melilloarchitects.ca www.melilloarchitects.ca</p>	<p>PROJECT NAME 1079 Bathurst Street</p> <p>PROJECT ADDRESS 1079 Bathurst Street, Toronto</p>		NO.	DATE:	ISSUED FOR:
				2019.01.30	PPR Zoning Cert. Submission
				2019.08.28	Package Revision
				2019.10.17	Package Revision
		<p>DRAWING TITLE: 5 Storey Building Development Front Elevation</p>			
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<p>PROJECT # 21608</p> <p>DRAWING # ZC-13</p>					

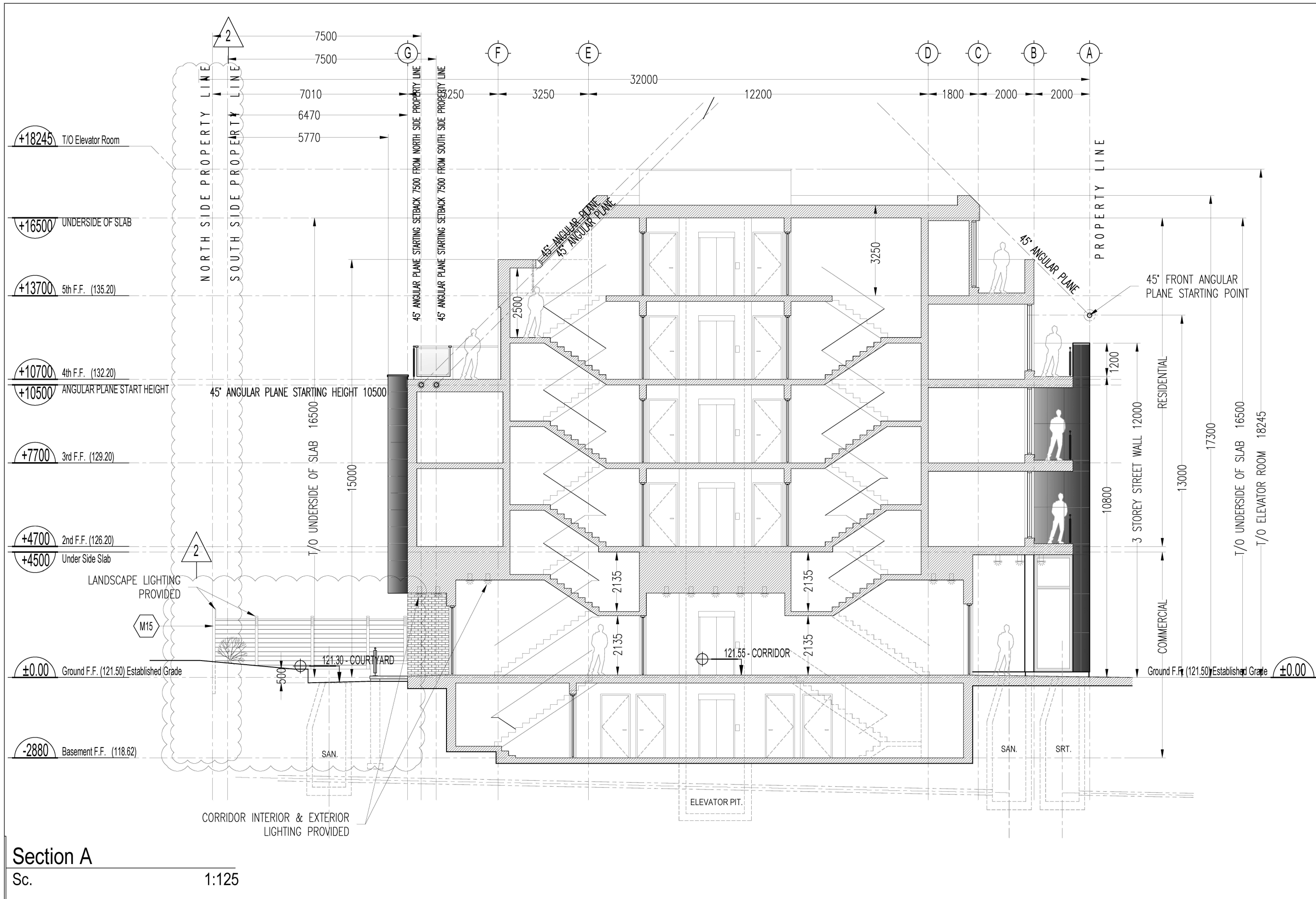


Rear Elevation

Sc.

1:100

PROJECT NAME 1079 Bathurst Street PROJECT ADDRESS 1079 Bathurst Street, Toronto DRAWING TITLE 5 Storey Building Development Rear Elevation	ISSUED FOR:	PPR Zoning Cert. Submission
	NO. DATE:	2019.01.30 2019.08.28 2019.10.17
		Package Revision Package Revision
 2338A Bloor Street West Toronto, Ontario M8X 1B6 Tel: 416-368-4225 info@melloarchitects.ca www.melloarchitects.ca	STAMP	
	SCALE:	1:100
	PROJECT #	21608
	DRAWING #	ZC-14



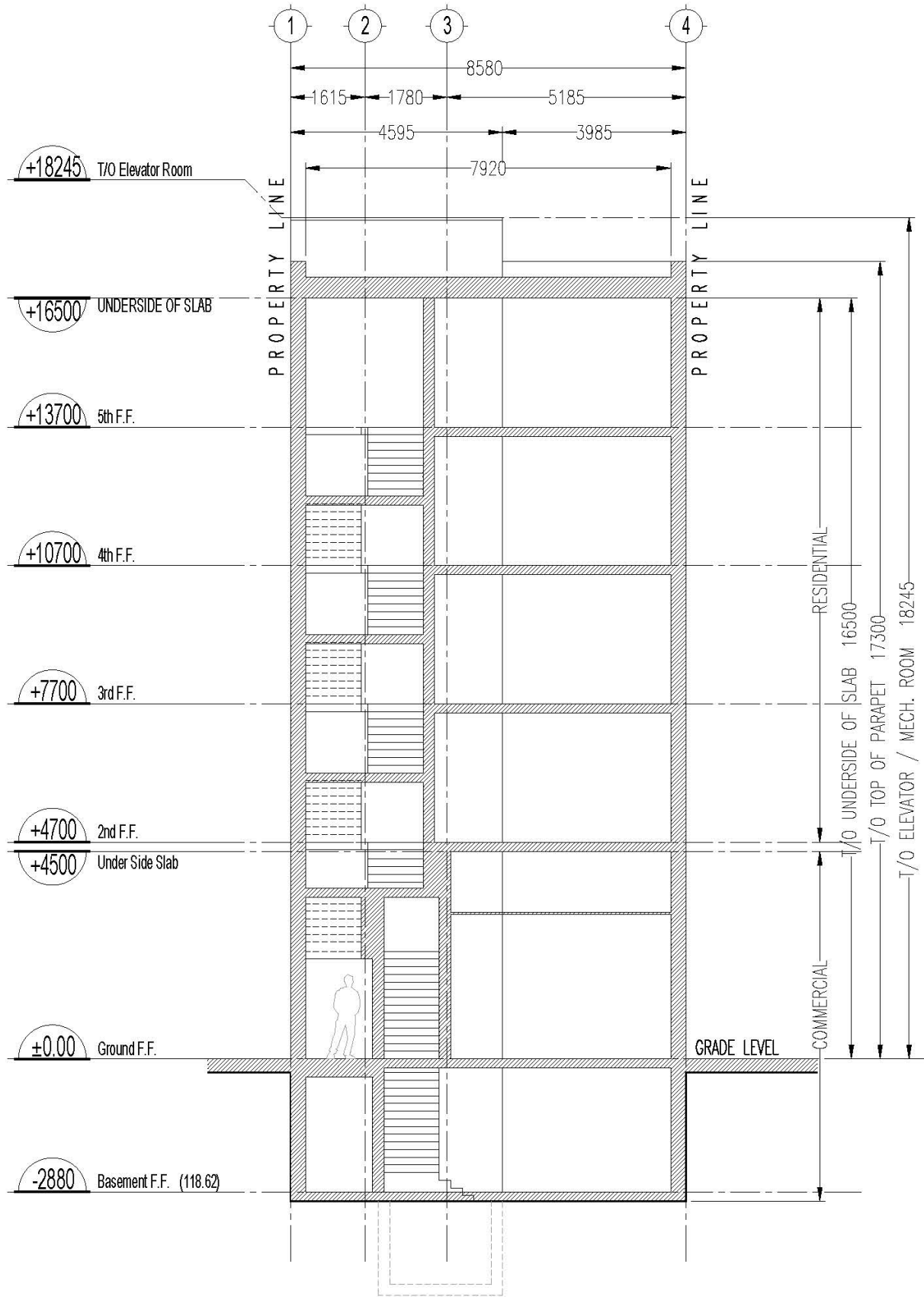
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PROJECT NAME 1079 Bathurst Street PROJECT ADDRESS: 1079 Bathurst Street, Toronto DRAWING TITLE: 5 Storey Building Development Section A	ISSUED FOR:	PPR Zoning Cert. Submission
	NO. DATE:	2019.01.30
		2019.08.28
		2019.10.17
Mello Architects Incorporated 2838A Bloor Street West Toronto Ontario M8X 1B6 tel: 416-368-4225 info@melloarchitects.ca www.melloarchitects.ca	Package Revision	
	Package Revision	
STAMP ONTARIO ASSOCIATION OF ARCHITECTS BRUNO P. MELILLO LICENCE 3847	SCALE:	1:125
	PROJECT #:	21608
DRAWING #:		ZC-17

Section B

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PROJECT NAME 1079 Bathurst Street PROJECT ADDRESS 1079 Bathurst Street, Toronto DRAWING TITLE: 5 Storey Building Development Section B	NO.	DATE:	ISSUED FOR:		
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Melillo
Architects

Incorporated

2338A Bloor Street West
Toronto Ontario M6X 1B6
tel: 416-368-4225
info@mellilloarchitects.ca
www.mellilloarchitects.ca

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OF
ARCHITECTS



BRUNO P. MELILLO
LICENCE
3847

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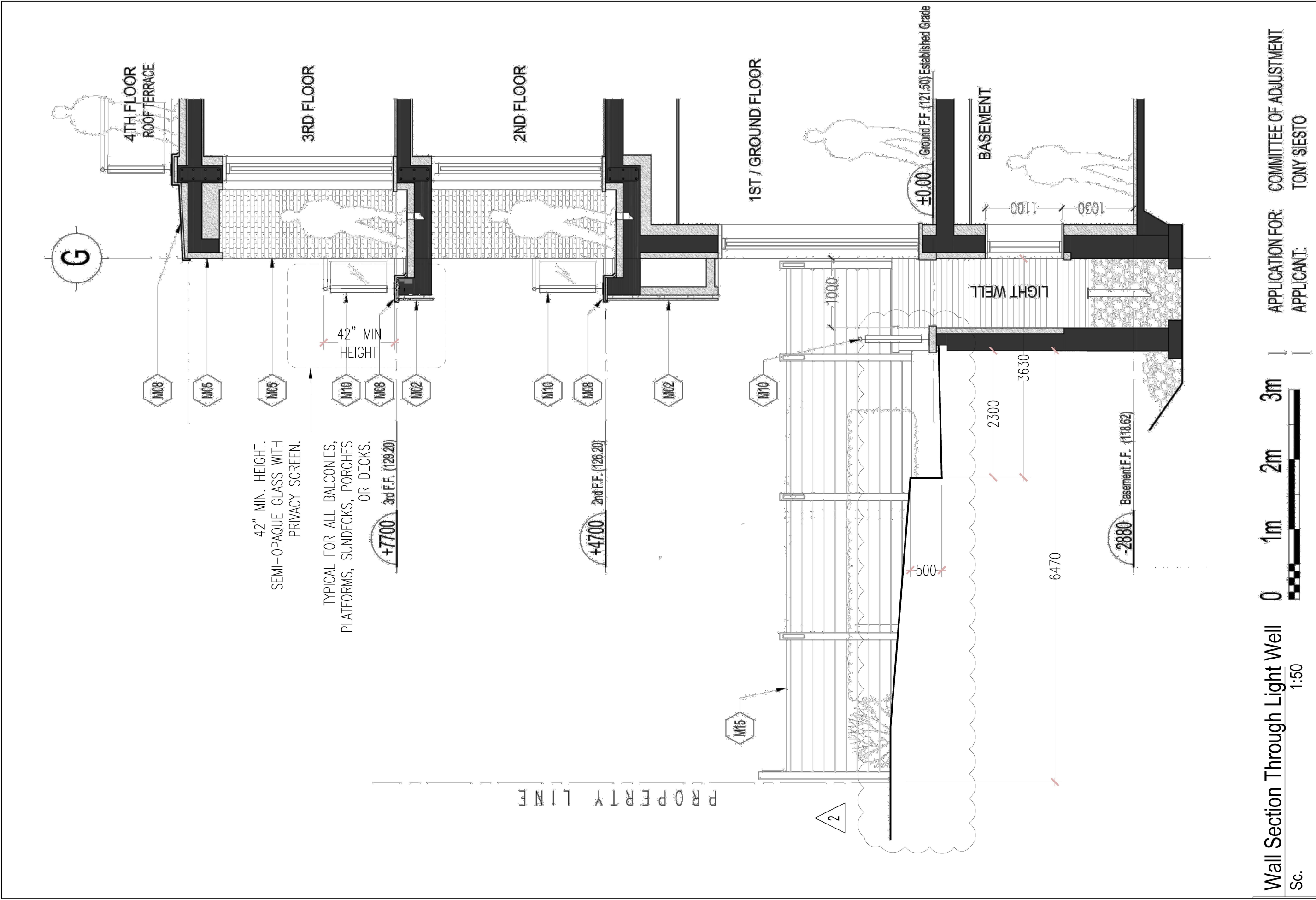
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ZC-18




Wall Section Through Light Well

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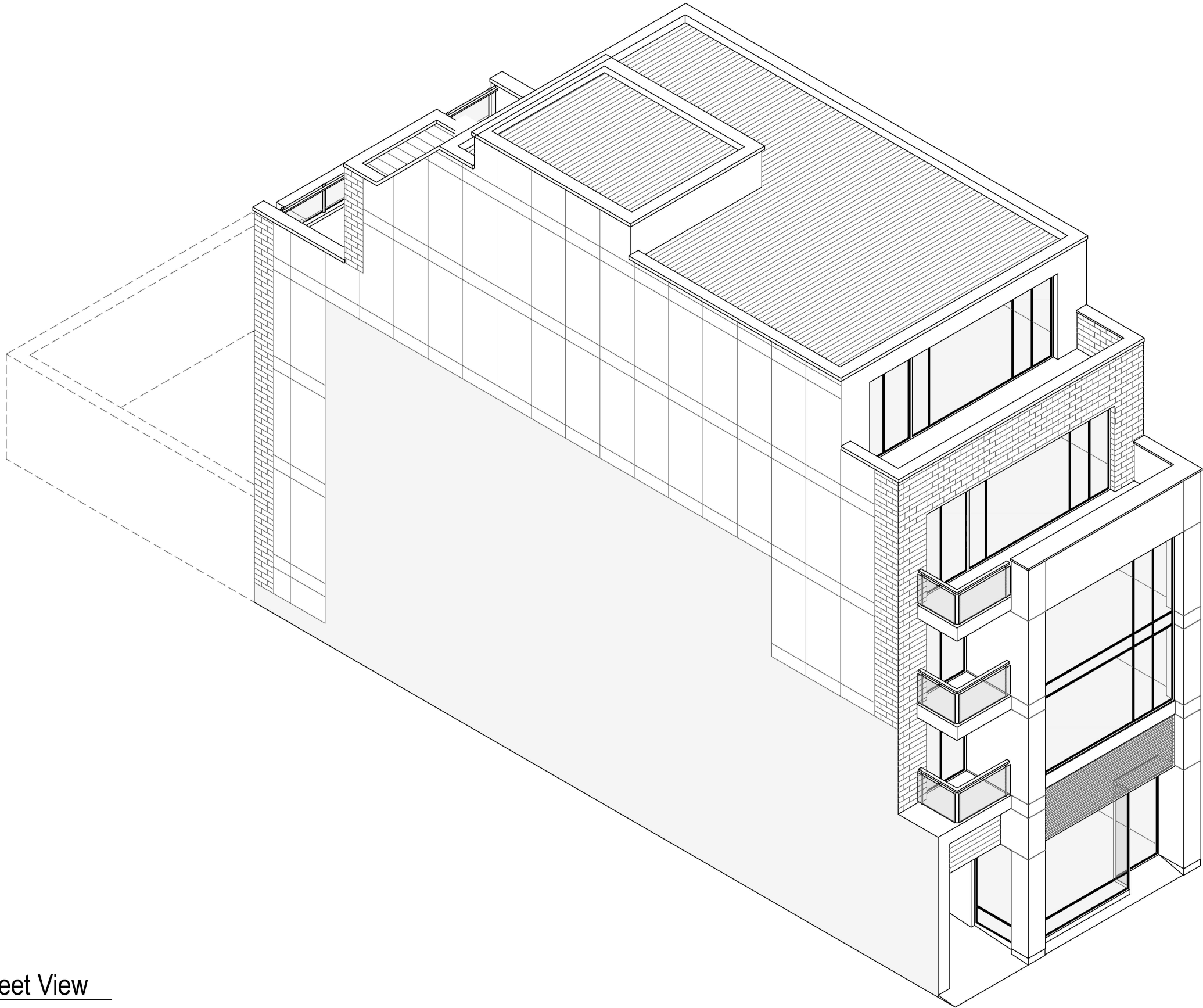
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Application for: COMMITTEE OF ADJUSTMENT

Applicant: TONY SIESTO

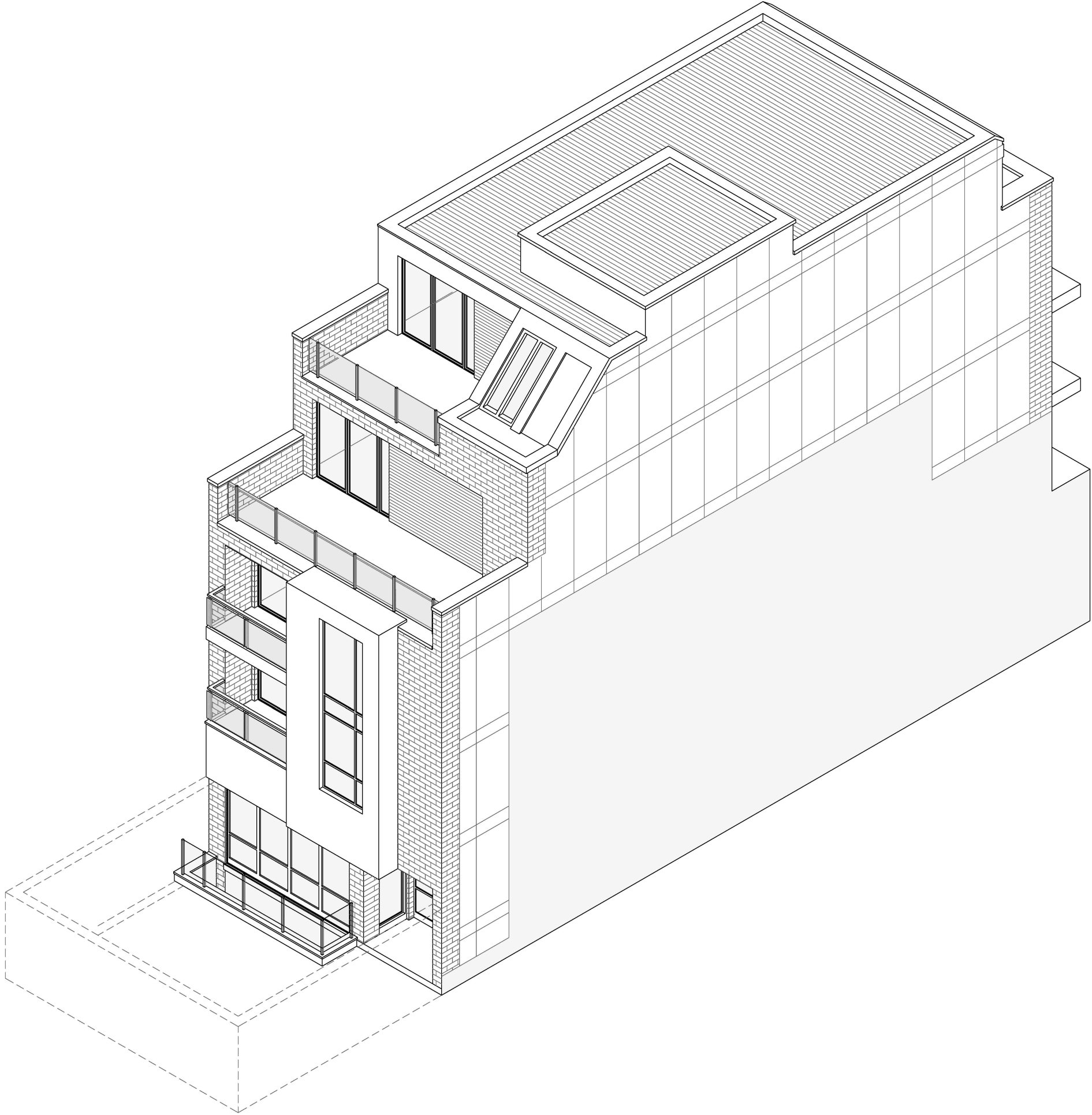
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SCALE:				
PROJECT #:		21608		
DRAWING #:		ZC-19		


Axonometric Street View
Sc.



<div>PROJECT NAME 1079 Bathurst Street</div> <div>PROJECT ADDRESS 1079 Bathurst Street, Toronto</div> <div>DRAWING TITLE 5 Storey Building Development Axonometric Street View</div>	NO.	DATE:	ISSUED FOR:
		2019.01.30	PPR Zoning Cert. Submission
		2019.08.28	Package Revision
		2019.10.17	Package Revision
<div>Melillo Architects Incorporated</div> <div>2838A Bloor Street West Toronto Ontario M8X 1B6 Tel: 416-368-4225 info@melilloarchitects.ca www.melilloarchitects.ca</div>	STAMP		
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SCALE: NTS			
PROJECT #:		21608	
DRAWING #:		ZC-20	

Axonometric Rear View
Sc.



PROJECT NAME 1079 Bathurst Street PROJECT ADDRESS 1079 Bathurst Street, Toronto DRAWING TITLE 5 Storey Building Development Axonometric Rear View		NO.	DATE:	ISSUED FOR:	
			2019.01.30	PPR Zoning Cert. Submission	
			2019.08.28	Package Revision	
			2019.10.17	Package Revision	
<div><div>Melillo Architects Incorporated</div><div>2838A Bloor Street West Toronto Ontario M8X 1B6 tel: 416-368-4225 info@melilloarchitects.ca www.melilloarchitects.ca</div></div> <div><div>STAMP</div><div><div>ONTARIO ASSOCIATION OF ARCHITECTS</div><div></div><div>BRUNO P. MELILLO LICENCE 3847</div></div></div>		SCALE:		NTS	
		PROJECT #:		21608	
		DRAWING #:		ZC-21	



Street View



Rear View Perspective



Rear Elevation



Front Elevation

Renderings
Sc.

PROJECT NAME 1079 Bathurst Street PROJECT ADDRESS 1079 Bathurst Street, Toronto DRAWING TITLE 5 Storey Building Development Renderings	ISSUED FOR:	
	NO.	DATE:
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		2019.08.28
		2019.10.17
	PPR Zoning Cert. Submission	
	Package Revision	
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<div>STAMP</div> <div></div>		
SCALE NTS		
PROJECT # 21608		
DRAWING # ZC-22		

RECEIVED

October 18, 2019

By Toronto Local Appeal Body

**Tree Inventory and Preservation Plan Report
1079 Bathurst Street
Toronto, Ontario**

prepared for

Dales Consulting

147 Liberty St., Suite 216 | Toronto | Ontario | M6K 3G3 | Canada

prepared by



146 Lakeshore Road West
PO Box 1267 Lakeshore W PO
Oakville ON L6K 0B3
t: 289.837.1871 f: 866.693.6390
e: consult@kuntzforestry.ca

9 September 2019, revised 17 September 2019

KUNTZ FORESTRY CONSULTING Inc. Project P2167

Introduction

Kuntz Forestry Consulting Inc. was retained by Andrew Dales of Dales Consulting, to complete a Tree Inventory and Preservation Plan with respect to a development application for a property located at 1079 Bathurst Street in Toronto, Ontario. The subject property is located on the east side of Bathurst Street, south of Dupont St., within a mixed commercial / residential area.

The work plan for this tree preservation study included the following:

- Prepare inventory of the tree resources greater than 15cm DBH on private lands and trees of all sizes on road right-of-way on and within six metres of the subject property;
- Evaluate potential tree saving opportunities based on proposed work; and,
- Document the findings in a Tree Inventory and Preservation Plan Report.

Tree resources were assessed utilizing the following parameters:

Tree # - number assigned to tree that corresponds to Figure 1.

Species - common and botanical names provided in the inventory table.

DBH - diameter (centimeters) at breast height, measured at 1.4 m above the ground.

Crown Spread – diameter of live crown in meters.

Estimated Tree Height – height of tree in meters.

Condition - condition of tree considering trunk integrity, crown structure, crown vigor and root zone environment. Condition ratings include poor (P), fair (F) and good (G).

Crown Dieback – percentage of crown that has died.

Comments - additional relevant detail.

The results of the evaluation are provided below.

City of Toronto Private Tree By-Law

Tree resources located on the subject property and on neighboring properties are regulated by the City of Toronto Tree Protection By-law (Chapter 813, Article 3 of the Municipal Code). The Private Tree-By-law regulates tree injury and destruction of individual trees. Preliminary information is acquired on individual trees which are then categorized in compliance with the by-law in support of development applications (refer to Table 1). Tree categories range from one through five and are as follows:

Categories

- 1. Trees with diameters of 30 cm or more, situated on private property on the subject site.*
- 2. Trees with diameters of 30 cm or more, situated on private property, within 6 m of the subject site.*
- 3. Trees of all diameters situated on City owned parkland within 6 m of the subject site.*
- 4. On lands designated under City of Toronto Municipal Code, Chapter 658, Ravine and Natural Features Protection, trees of all diameters situated within 10 meters of any construction activity.*
- 5. Trees of all diameters situated within the City road allowance adjacent to the subject site*

(City of Toronto, 2008)

Methodology

Trees greater than 15cm DBH on private lands and trees of all sizes on the road right-of-way on and within 6m of the subject property were included in the tree inventory. Trees were located using topographic survey provided for the subject property. Trees included in the inventory were numbered 1-7 (9 trees including Trees 3a & 3b). See Table 1 for the results of the inventory.

Existing Site Conditions

The subject property is currently vacant. Tree resources exist in the form of landscape trees and natural generation.

Individual Tree Resources

The tree inventory was conducted on 14 August 2019. The inventory documented 7 trees on and within 6m of the subject property. Refer to Table 1 for the full tree inventory and Figure 1 for the location of trees reported in the tree inventory.

Tree resources were comprised of Tree-of-Heaven (*Ailanthus altissima*), Silver Maple (*Acer saccharinum*), Manitoba Maple (*Acer negundo*) and Canada Yew (*Taxus sp.*).

Proposed Work

Construction of a mixed-use building is proposed for the site. Refer to Figure 1 for the proposed site plan.

Discussion

The following sections provide a discussion and analysis of tree impacts and tree preservation relative to the proposed development and existing conditions.

Development Impacts/Tree Removal

The removal of Tree 1 is recommended regardless of the site plan due to its poor condition. Crown-die-back of Tree 1 is 95%. The tree is near dead. This tree is a hazard tree and must be removed and as such, a permit is not required.

The Tree Preservation Zone (TPZ) of Tree 4 extends onto the subject property at the rear. This tree is owned by the neighbor to the rear at 222^{1/2} Albany Avenue. Mitigation measures as described herein and on Figure 1 would allow for preservation of this tree.

Very minor encroachment into the TPZ of Tree 7 is required. However, given the presence of the patio of the existing building at 1077 Bathurst Street and other uses in the TPZ, the impacts to this tree of grade changes to the property line on the subject property will be minor and adverse effects to this tree are not expected.

Refer to Figure 1 for the location of recommended tree removals and Appendix A for the photographs of the trees recommended for removal and Tree 4.

Tree Preservation

Preservation of remaining 8 trees will be possible with the use of appropriate tree protection measures as indicated on Figure 1. Tree protection measures will have to be implemented prior to the proposed work to ensure tree resources designated for retention are not impacted by the proposed development. Refer to Figure 1 for the location of required tree preservation fencing, general Tree Protection Plan Notes, tree preservation fence details and special mitigation measures prescribed for Tree 4.

Tree 4

Encroachment into the TPZ of Tree 4, a large specimen Silver Maple with a calculated diameter of 121cm DBH, is required to accommodate the proposed plan. If the following mitigation measures are employed before, during and after construction, long-term adverse effects are not anticipated for the tree and its health is expected to be preserved.

1. All activity within the TPZ of Tree 4 to be conducted by hand/manually using manual tools and in such a manner as to prevent damage to any tree roots over 5 cm in diameter.
2. The soil (fill) placed within the agreed-upon TPZ will be removed by hand and a protective mulch layer of 75mm of course clean wood chips over the surface to mitigate any impacts of project-related work (compaction).
3. Air-Spade technology will be used to excavate a 1m deep trench along the east face of soil disturbance associated with the unit pre-cast wall as proposed, and running the total length of the wall, as shown on the current Tree Preservation Plan.
4. Roots are to be pruned inside the trench (east side of trench). All soils used to backfill the trench or plant within the TPZ will be of loamy sand to sandy loam texture.
5. TPZ fencing to be erected on the side of trench where roots were pruned (east side of trench).
6. All works to be conducted by a Certified Arborist and in accordance of Good Arboricultural Standards.
7. Construction of the retaining to be completed with dry laid stone.
8. A plan for the required pruning/removal of branches in the crown of the tree will be completed and details outlined in the tree preservation prescription submitted to Urban Forestry as associated with the application for a permit to injure Tree 4.
9. Following completion of construction, the soil within the TPZ will be drill hole aerated in a grid pattern of 1m, holes to a depth of 45cm using a 5cm diameter soil auger.

Summary and Recommendations

Kuntz Forestry Consulting Inc. was retained by Dales Consulting to complete a Tree Inventory and Preservation Plan in support of a development application for the property at 1079 Bathurst Street in Toronto. A tree inventory was conducted and reviewed in the context of the proposed site plan.

The findings of the study indicate a total of 9 trees on and within 6m of the subject properties. The removal of 1 tree is recommended due to its poor condition. The remaining 8 trees can be saved provided appropriate tree protection measures are installed prior to development.

The following recommendations are suggested to minimize impacts to trees identified for preservation. Refer to Figure 1 for special mitigation measures for Tree 4, general Tree Protection Plan Notes and tree preservation detail.

- Tree protection barriers and fencing shall be erected at locations as prescribed on Figure 1. All tree protection measures shall follow the guidelines as set out in the tree preservation plan notes and the tree preservation fencing detail.
- No construction activity including surface treatments, excavations of any kind, storage of materials or vehicles, and / or disposal of any substances toxic to tree roots such as petroleum products or solvents, is permitted within the area identified on Figure 1 as a tree protection zone (TPZ) at any time during or after construction.
- Branches and roots that extend beyond prescribed tree protection zones that require pruning must be pruned by a qualified Arborist or other tree professional. All pruning of tree roots and branches must be in accordance with Good Arboricultural Standards.
- Site visits, based upon reasonable milestones of key phases of the project pre-, during and post construction by either a certified consulting arborist (I.S.A.) or registered professional forester (R.P.F.) will be conducted to ensure that the methods prescribed for the preservation of trees identified for preservation as set out in this report, or otherwise prescribed by the City of Toronto Urban Forestry document entitled "Tree Protection Policy and Specifications for Construction Near Trees – July 2016", are followed.

Respectfully Submitted,
Kuntz Forestry Consulting Inc.

Peter Kuntz

Peter Kuntz, BScF, RPF
Principal, Consulting Professional Forester
Office: 289-837-1871, Cell: 298-259-5958

References

City of Toronto, 2008. Private Tree Protection. Chapter 813, Article III. Adopted September 30, 2004 by By-law No. 780-2004; last amended February 21, 2013 by By-law No. 248-2013.

Table 1. Tree Inventory

Tree #	Common Name	Scientific Name	DBH	Crown Spread (m.)	Est. Height (m.)	TI	CS	CV	RZE	CDB	mTPZ	cat.	Comments	Action
1	Tree-of-Heaven	<i>Ailanthus altissima</i>	45	12	19	G	F	VP	P	95	3	1	Co-dominant stems at 6 meters, poor form (H), fill in root zone (50%) with 10-15 cm of sandy loam => Hazard	REMOVE
2	Silver Maple	<i>Acer saccharinum</i>	26	7.5	15	G	F	F-G	P-F	10	1.8	n/a	Co-dominant stems at 5 meters, minor deadwood, hangers, debris at base, crowded, pruning wounds (M), poor form (L)	retain
3	Tree-of-Heaven	<i>Ailanthus altissima</i>	46.5	10	17	G	F	F-G	F		3	2	Three stems, co-dominant at 0.5 and 3 meters, cabled, pruning wounds (H), poor form (H), asymmetrical crown (M)	retain
3A	Tree-of-Heaven	<i>Ailanthus altissima</i>	36.5	12	19	G	F	F-G	G		2.4	2	Pruning wounds (M)	retain
3B	Manitoba Maple	<i>Acer negundo</i>	24	12	11	P-F	P-F	F	F		1.8	n/a	Lean (H), poor form (H)	retain
4	Silver Maple	<i>Acer saccharinum</i>	79, 65, 65 [121]	25	23	G	G	F	F		7.8	2	Three stems, co-dominant at 0.5 and 3 meters, cabled (rigid / drilled) with eye bolt, chlorosis (L), sparse crown (L), 35% of root zone covered with fresh fill (sandy loam) to back property line	retain
5	Tree-of-Heaven	<i>Ailanthus altissima</i>	53.5	15	21	G	F	P-F	P-F	20	3.6	2	Co-dominant stems at 5 meters, clothesline, utility line adjacent, 40% of root zone covered with fresh fill (sandy loam)	retain
6	Yew	<i>Taxus sp.</i>	8, 8, 7, 6 [15]	5.5	4	G	G	G	G		1.8	n/a	Pruned (utility cable), multi-stem, 40% of root zone covered with fresh fill (sandy loam)	retain
7	Silver Maple	<i>Acer saccharinum</i>	~60	14	23	F	F	F	F	30	3.6	2	Branches lean toward subject site, poor form (L), sweep (H), cavity at base (M)	retain

Codes		
DBH	Diameter at Breast Height	(cm)
TI	Trunk Integrity	(G, F, P)
CS	Crown Structure	(G, F, P)
CV	Crown Vigor	(G, F, P)
CDB	Crown Die Back	(%)
RZE	Root Zone Environ.	(G, F, P)
CDB	Crown Die Back	(%)
mTPZ	minimum Tree Protection Zone based on City of Toronto's standard	(m), radius from outside edge of tree base
cat.	City of Toronto Tree By-law Category	1-5
~ = estimate; (VL) = very light; (L) = light; (M) = moderate; (H) = heavy; (VH) = very heavy		

Appendix A. Photographs of Trees for Removal



Image 1. Tree 1



Image 2. Tree 4, upper section (crown)



Image 3. Tree 4, lower section (multiple trunks)

