

**103-111 Bathurst Street, Zoning Amendment Application
– Request for Directions Report**

Date:	February 5, 2013
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	11-289519 STE 20 OZ and 11 289522 STE 20 SA

SUMMARY

The purpose of this report is to request direction from City Council regarding the appeals filed by the owner to the Ontario Municipal Board based on the lack of a decision by City Council for the Rezoning and Site Plan Approval applications for 103-111 Bathurst Street.

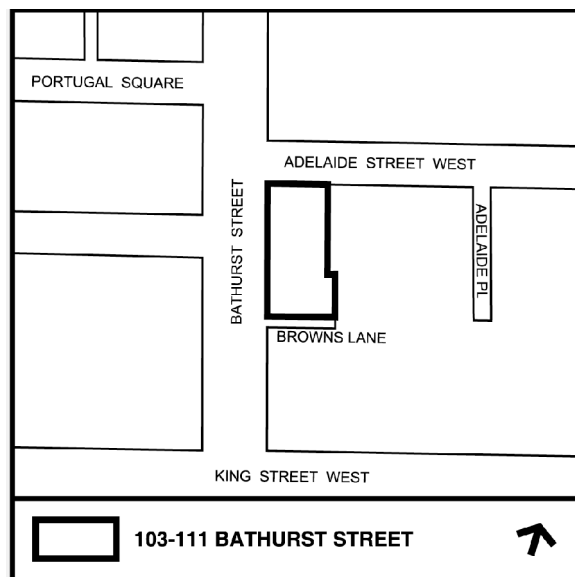
This application proposes to amend the former City of Toronto Zoning By-law 438-86 to permit the development of a 17-storey mixed-use building with 2 stories of commercial uses (retail and office) and 255 residential units above. Included in the proposal are 194 parking spaces in five levels of underground parking to serve the project. Two parking spaces would be dedicated for carshare purposes.

This report recommends that staff be directed to support the proposed development at the OMB hearing, provided the owner modifies the proposal, to reduce the overall height, increase the tower setback along the adjacent laneway and increase the amount of amenity space to be provided.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor and appropriate staff to attend



the Ontario Municipal Board hearing in support of the proposed Zoning By-law Amendment for 103-111 Bathurst Street West (File No. 11-317575 STE 14 OZ), provided that the proposal is changed to reduce overall height, and setbacks and increase amenity space, as outlined in this report, to the satisfaction of the Chief Planner.

2. City Council authorize the City Solicitor to request the Ontario Municipal Board withhold any final Order approving the Zoning By-law Amendment until such time as the Site Plan Notice of Approval Conditions has been issued by the Director of Community Planning, Toronto and East York District, and all pre-approval conditions are met, including an executed Site Plan Agreement.
3. City Council direct staff to recommend to the Ontario Municipal Board that the Board's order for the approval of the site plan control application be subject to appropriate conditions as described in the report dated February 5, 2013 from the Director, Community Planning, Toronto and East York District and authorize the City Solicitor to request the Ontario Municipal Board to withhold any final Orders approving the Zoning By-law Amendment until such time as the Owner has entered into and registered a Section 37 Agreement to the satisfaction of the City Solicitor
4. City Council authorize the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, to secure services, facilities or matters pursuant to Section 37 of the *Planning Act*, as may be required by the Chief Planner, should the proposal be approved in some form by the Ontario Municipal Board.
5. City Council authorize the City Solicitor and other City staff to take any necessary steps to implement the foregoing.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

There have been no recent development applications filed on the subject properties.

ISSUE BACKGROUND

Proposal

The site is located on the south-east corner of Bathurst Street and Adelaide Street West. The applicant proposes to construct a 17-storey mixed-use building comprised of a 5-storey base building with a mix of retail, office and residential uses (including a double height ground floor with a retail mezzanine) and 12-stories of residential including wrapped mechanical elements. The building would have a gross floor area of 20,113 m² and would include 255 residential units. The applicant is proposing 1,398 m² of office space (located on the 2nd level) and 945 m² of retail uses (located at grade and in the mezzanine level). The height of the proposed building is 55.6 metres, which includes mechanical elements. The proposed density would be approximately 10.5 times the lot area.

Vehicular access is proposed from the private driveway shared with the adjacent property to the east at 525 Adelaide Street West. Access would be right-in/right-out given Adelaide Street's one-way eastbound traffic flow. Servicing and loading would be located at the back of the property adjacent to

this driveway. The proposal includes a total of 194 parking spaces. Of this total, 153 parking spaces are proposed for residents. Two car-share spaces are also proposed for the use of residents. A total of 39 parking spaces are proposed as commercial parking to satisfy the demands for visitor, retail and commercial parking. The parking would be provided in four levels of underground parking with a partial fifth floor. Most of the commercial parking and the car-share spaces would be located on the first floor of the parking garage. The proposal includes 276 bicycle parking spaces (including resident, visitor, retail and commercial bicycle parking spaces). Indoor and outdoor amenity space at 0.66 metres per unit and 0.59 metres per unit is proposed, which is below the By-law requirement of 2.0 metres per unit. See Attachment 6 – Application Data Sheet for additional statistics.

Site and Surrounding Area

The subject site is located at the south-east corner of Adelaide Street West and Bathurst Street. The property is rectangular in shape with approximately 28.4 metres of frontage on Adelaide Street West and approximately 63.0 metres of frontage on Bathurst Street. The site is presently occupied by a two-storey building occupied by an office furniture company (Cooper's) and related surface parking.

The site is surrounded by the following uses:

- North: The northern edge of the site is defined by Adelaide Street West which has a right-of-way of 20 metres. Immediately north of the site at the north-east corner of Bathurst Street and Adelaide Street West is the Factory Theatre, a house form building with a four-storey addition designated under the *Ontario Heritage Act*. To the east of the Factory Theatre is Evangel Hall Mission, a 7-storey contemporary building. Further to the east is a self storage facility and a surface parking lot.
- South: The southern edge of the site is defined by Brown's Lane, a slightly sub-standard (5.14 metre wide) public lane. To the south of the lane is a mixed-use development at 650 King Street West which is comprised of connected buildings at 10-storeys and 16-storeys.
- West: The site is bounded by Bathurst Street to the west. This portion of Bathurst Street has a right-of-way of 30 metres. Immediately to the west of the site at the view terminus of Adelaide Street West is Saint Mary's Church. To the north and south of the church are mid-rise buildings of 9-storeys and 11-storeys respectively.
- East: To the east of the subject site is a commercial parking lot beyond which is located a five-storey building. There is a substandard private laneway with mutual right-of-ways for the subject site and the adjacent property which form the eastern boundary of the site. The adjacent properties at 525, 525A and 523 Adelaide Street West are the subject of an application for a 19-storey mixed-use building with ground floor commercial uses and 440 residential units (file no. 12 117029 STE 20 OZ). This proposed development would share the private driveway with the development on the subject property.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and

management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan locates the subject site within the *Downtown*. Chapter Two – Shaping the City identifies that the downtown area offers opportunities for substantial employment and residential growth, but that this growth is not anticipated to be uniform. Rather, it is expected that the physical setting of many areas will remain unchanged and that design guidelines specific to districts of historic or distinct character will be implemented to ensure new development fits into the context of existing built form, streets, setbacks, heights and relationship to landmark buildings.

Chapter Three – Building a Successful City identifies that most of the City's future development will be infill and redevelopment and, as such, will need to fit in, respect and improve the character of the surrounding area. Section 3.1.2 Built Form provides policies that are aimed at ensuring that new development fits within and supports its surrounding context. Policies 3.1.2.1 to 3.1.2.4 seek to ensure that development is located, organized and massed to fit harmoniously with existing and/or planned context; frames and appropriately defines streets, parks and open spaces at good proportion; and limits impacts of servicing and vehicular access on the property and neighbouring properties. Meeting these objectives requires creating consistent setbacks from the street, massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion, creating appropriate transitions in scale to neighbouring existing and/or planned buildings, and limiting shadow and wind impacts on streets, open spaces and parks.

Section 3.1.3 contains specific policies on tall buildings and built form principles to be applied to the location and design of tall buildings. The background text in Section 3.1.3, which provides context for the policies, is clear in stating that tall buildings do not belong everywhere. Tall buildings are generally limited to areas in which they are permitted by a Secondary Plan, an area specific policy, a comprehensive zoning by-law, or site specific zoning. Tall buildings will only be permitted in other areas on the basis of appropriate planning justification consistent with the policies of the Official Plan.

Policy 3.1.3.1 indicates that where a tall building is appropriate, it should have a base at an appropriate scale for the street and that integrates with adjacent buildings, a middle with a floor plate size and shape with appropriate dimensions for the site, and a top that contributes to the skyline character. Policy 3.1.3.2 requires new tall development to address key urban design considerations, including:

- meeting the built form principles of the Official Plan;
- demonstrating how the proposed building and site design will contribute to and reinforce the overall City structure;
- demonstrating how the proposed building and site design relate to the existing and/or planned context;

- taking into account the relationship of the site to topography and other tall buildings;
- providing high quality, comfortable and usable publicly accessible open space areas; and
- meeting other objectives of the Official Plan.

The site is designated as a *Regeneration Area*, the boundaries of which correspond with the boundaries of the King-Spadina Secondary Plan Area. The *Regeneration Area* designation permits a wide range of uses, including the proposed residential and commercial uses. Section 4.7.2 of the Official Plan provides development criteria in Regeneration Areas, which is to be guided by a Secondary Plan. The Secondary Plan will provide guidance through urban design guidelines related to each *Regeneration Area*'s unique character, greening, community improvement and community services strategies, and a heritage strategy identifying important resources, conserving them and ensuring new buildings are compatible with adjacent heritage resources, and environmental and transportation strategies.

King-Spadina Secondary Plan

The subject site is located within the King-Spadina Secondary Plan area. The King-Spadina Secondary Plan (Chapter 6.16 of the Official Plan) provides a framework for reinvestment and development, the fundamental intent of which is to encourage reinvestment for a wide range of uses in the context of a consistent built form that relates to the historic building stock and the pattern of streets, lanes and parks.

In particular the policies of Section 3.6 – General Built Form Principles specify that:

- buildings are to be located along the front property line to define edges along streets; lower levels are to provide public uses accessed from the street;
- servicing and parking should be accessed from lanes rather than streets and minimize pedestrian/vehicular conflicts;
- new buildings should be sited to provide adequate light, view and privacy; compatibility with the built form context;
- new buildings should achieve a compatible relationship with their built form context through consideration of such matters of building height, massing, scale, setbacks, stepbacks, roof line and profile and architectural character and expression;
- new buildings should provide appropriate proportional relationships to streets and open spaces; and minimize wind and shadow impacts on streets and open spaces;
- new buildings should provide coordinated streetscape and open space improvements; and
- new buildings should provide high quality open spaces.

The Urban Structure Plan identifies a number of “Significant Streets”. Bathurst Street is identified as a Significant Street. Its quality and character is intended to be enhanced through zoning, design guidelines and streetscape improvement programs.

King-Spadina Urban Design Guidelines

The King-Spadina Urban Design Guidelines (2006) support the implementation of the King-Spadina Secondary Plan.

Tall buildings, where appropriate, must meet the policies of the Official Plan and Urban Design Guidelines, achieve adequate light, privacy and views, and maintain the potential for adjacent sites to develop in a similar manner. New development should reinforce a street wall height that reflects the character and scale of the area.

The Guidelines point out that accommodations in tall buildings tend to be small, so access to natural light and reasonable views will be particularly important in improving the liveability of these units. Protecting privacy is also important in a high density neighbourhood. Light, view and privacy are described as "quality of life" issues, which must be evaluated based on the existing and potential development.

With regard to separation distances (facing distances) between towers, the Guidelines refer to the standard of 25 metres between towers or a distance of 12.5 metres between the tower and the property line, as called for in the City's Design Criteria for the Review of Tall Buildings Proposals.

Design Criteria for the Review of Tall Building Proposals

The City's 'Design Criteria for the Review of Tall Building Proposals' provide guidelines for the design and evaluation of tall buildings in the City. Aimed to implement the built form policies of the City's Official Plan, they include measurable criteria and qualitative indicators to assist in the review of tall building proposals. Criteria and indicators are related to four main areas; site context, site organization, building massing and the pedestrian realm.

In considering site context, in addition to requirements for master plans on larger sites, tall building proposals must address concerns related to transitions between taller buildings and lower scale features nearby. Measures such as height limits, setbacks, stepbacks and angular planes are used to achieve appropriate transitions in scale and the protection of sunlight and sky views.

Zoning

The site is zoned Reinvestment Area (RA) by Zoning By-law 438-86, as amended (see Attachment 5 - Zoning Map, By-law No. 438-86). The RA Zone permits a range of residential uses, as well as commercial, institutional and limited industrial uses. As part of the RA zoning controls, density standards were replaced by built form objectives expressed through height limits and setbacks.

The Zoning By-law permits a maximum building height of 26 metres for this site. Portions of the proposed building above 22 metres in height are to be located within a 44 degree angular plane. An additional 5 metres is permitted for rooftop mechanical elements.

Site Plan Control

The proposed development is subject to site plan approval. An application for Site Plan Control has been submitted. The Site Plan Control application has also been appealed to the Ontario Municipal Board.

Reasons for Application

The applicant has submitted a Zoning By-law Amendment application to permit a building with a proposed height of 55.6 metres (inclusive of the mechanical penthouse), which exceeds the permitted maximum building height of 26 metres. In addition, the proposed building does not comply with other restrictions that are in effect on the lands.

Ontario Municipal Board Appeal

On December 21, 2012 the City Clerk's Office received notification that the applicant filed an appeal of the Zoning By-law Amendment and Site Plan Control applications to the OMB, citing Council's failure to make a decision on the application within the prescribed timelines of the *Planning Act*. The hearing for these matters has been scheduled for April 23-26, 2013.

Community Consultation

A Community Consultation meeting was held on June 12, 2012. The meeting was attended by the local Councillor, City Planning staff, the applicant and approximately 30 area residents. The concerns raised by residents with respect to the proposed development were generally related to the following matters:

- Concerns were expressed about the impact of the proposed development (and other nearby developments proposed and approved) on St. Mary's Church. Concerns included the amount of resident and visitor parking
- Will the office space be retained by the developer, sold as a unit or offered as condominium units?
- How is the car-share space (at the time only one such space was proposed) to be secured?
- Why the applicant was proposing (at the time of the meeting) to place solar panels on the roof as opposed to incorporating a green roof?
- What will happen to the Coopers Office Furniture office which had occupied the site?
- What is the impact of the development on sunlight on Adelaide Street West?

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

Staff have reviewed the proposal and have determined that it is consistent with the Provincial Policy Statement and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use

The proposed mix of residential and commercial uses is consistent with the land use provisions of the Official Plan and Zoning By-law No. 438-86.

Density, Height, Massing

Overall Height

The applicant proposes a 17-storey building at 55.6 metres (with the upper floor mechanical elements incorporated into the top floor along with residential units) which is taller than the adjacent building to the south at 650 King Street West, at 16-storeys and 52.6 metres in height (including mechanical elements). City Planning staff recommend that the height of the proposed building be limited to 16-storeys at 52.6 metres (a reduction of one storey or 3.0 metres in height) to match the height of the approved project at 650 King Street West to the south.

The West Precinct of the King-Spadina Secondary Plan area is characterized by a predominantly a mid-rise neighbourhood with the significant majority of approvals under 35 metres to the top of the main roof. Staff are prepared to consider slightly taller buildings on Bathurst Street within the 26 metre height limit (as opposed to the 23 metre height limit which applies to the interior portions of the Precinct). However, the proposed building at 55.6 metres would be taller than the building to the south at 650 King Street West (52.6 metres) and taller than the building at 51 Bathurst Street/550 Wellington Street West (the Thompson Hotel) at 52.0 metres on Bathurst Street (including mechanical elements). The Thompson Hotel was subject to a heritage density bonus under the provisions of the King-Spadina Secondary Plan which allows for additional height to be approved where the conservation, restoration or maintenance of heritage structures is secured. Heights beyond those approved at 52 metres are not supportable. The approval of incremental increases in height on a project by project basis can undermine the planning framework for the West Precinct of the King-Spadina area, as there is on-going pressure to incrementally increase the permitted heights in the West Precinct.

Tower Setback on Adjacent Laneway

The applicant proposes that the taller portion of the building (the 12-storeys located above the 5-storey base building) is to be set back 6.5 metres from the centreline of the laneway to the south of the property. Staff recommend that a tower setback of 10 metres from the centre line of the laneway would be appropriate as it would allow for a facing distance of 13.0 metres between south facing units on the subject site and north facing units in the approved development at 650 King Street West. The development at 650 King Street West was approved with a setback of only 3.0 metres from the laneway (Brown's Lane) on the north side of that site directly opposite the applicants proposed building. That project was approved through a minor variance application process in 2008.

City Planning staff are of the opinion that the applicant's proposal for a tall building (the 12-storeys proposed above the 5-storey base building) would result in an inadequate facing distance between the north facing units in the existing building at 650 King Street West and the south facing units on the applicants proposed building. This standard was compromised on the site to the south (650 King Street West) where a 3.0 metre separation distance was approved by the Committee of Adjustment. As such, the approval of the tall portion of the applicants proposed building only 6.5 metres from the mid-point of the laneway (3.5 metres from the property line after the required laneway conveyance) creates an unacceptably small separation distance between the units on either side of Brown's Lane of only 9.5 metres. The recommended 10.0 metre setback reflects the fact that the proposal is a tall building and should meet the separation distance of 12.5 metres from a tower to the lot line as set out in the City's

Design Criteria for the Review of Tall Buildings Proposals. However, staff are willing to accept a separation distance of 10.0 metres in light of the size of the site.

The 2006 King-Spadina Urban Design Guidelines noted that in a high density neighbourhood such as the East Precinct of King-Spadina, access to natural light and reasonable views will be particularly important for quality of life. This is particularly true given the small size of many of the units proposed in King-Spadina. The applicants floor plans for the south facing units in the taller portion of the building show three units on the south side of the proposed building from the 7th to the 16th floor (opposite the north facing units on the south side of Brown's lane). The units on either end of this side of the building at 106 m² (1,136 ft.²) and 75 m² (804 ft.²) have windows facing east and west respectively. The middle unit on this side of the proposed building is only 36 m² (390 ft.²) and will have very limited access to sunlight, privacy or sky views.

The King-Spadina Urban Design Guidelines and the City's Design Criteria for the Review of Tall Buildings Proposals contain provisions related to the importance of protecting privacy in a high density neighbourhood. Light, view and privacy are described as "quality of life" issues, which must be evaluated based on the existing and potential development. Equally important is the skyview, access to light and air that this skyview provides on the street. The proposed substandard tower separation spacing compromises the quality of the public realm on adjacent streets.

Amenity Space

The applicant proposes to provide 169 m² (1,819 ft.²) of indoor amenity space and 150.6 m² (1,621 ft.²) of outdoor amenity space. This works out to 0.66 metres per unit and 0.59 metres per unit respectively, which is well below the By-law requirement of 2.0 metres per unit. There is no compelling reason for providing so little amenity space. Staff are recommending that a minimum of 1 square metre of amenity space (both indoor and outdoor amenity space) be provided, acknowledging the difficulty of providing the full 2.0 metres per unit as required by the By-law on this particular site.

Sun, Shadow

Shadow studies submitted by the applicant showed increased shadows beyond the 31.0 metre as of right building for properties to the west (both St. Mary's Church and the 11-storey building to the south of the Church) in the morning during the summer (June 21st) and Spring and Fall (March 21st and September 21st) seasons. The mid-day shadows, however did not impact on the sidewalk on the west side of Bathurst Street or the north side of Adelaide Street West in the summer (June 21st) and did not impact on these sidewalks beyond the shadows cast by an as-of-right building during the Fall and Spring.

The proposed building does cast additional shadows beyond those cast by an as-of-right building on properties to the east during the Spring, Summer and Fall, particularly during the late afternoon and evening.

The impact of the incremental shadows cast by the proposed building are generally acceptable in this context.

Traffic Impact, Access, Parking

The applicants Traffic Study has provided sufficient information to satisfy Transportation Services staff with regard to the traffic and transportation impacts associated with the proposal.

With regard to site access, the applicant is proposing to use the existing shared right-of-way off Adelaide Street West on the east side of the property to provide driveway access to the site for both passenger and servicing vehicles. Access would be right-in/right-out given Adelaide Streets one-way eastbound traffic flow. The 19-storey mixed-use building proposed for the adjacent property to the east at 525 Adelaide Street West (12 117029 STE 20 OZ) has also proposed to use this mutual laneway to provide vehicular access to their proposed project. The existing mutual right-of-way has a width of approximately 3.6 metres. The applicant has proposed to provide a driveway with a width of 6.0 metres to a depth of approximately 38 metres from the Adelaide Street frontage of the property to meet the City's minimum requirement for driveway width. Transportation Services staff are requiring that the applicant provide documentation to demonstrate that appropriate right-of-ways and easements have been secured in order to provide vehicular access.

A laneway conveyance of 0.86 metres is required on the south side of the subject site (Brown's Lane) to satisfy the requirement for a 6.0 metre wide public lane. The applicant is proposing to extend their underground parking garage below the future lane widening. Engineering and Construction Services staff have confirmed that a strata conveyance will be acceptable to the City.

The applicant is proposing to provide a total of 194 parking spaces for the project, consisting of 153 residential spaces, 2 car-share spaces and 39 commercial spaces. A minimum of 172 parking spaces are required based upon Zoning By-law No. 438-86, consisting of 152 spaces for residents, 15 spaces for residential visitors and 5 spaces for office users. There is no requirement for parking associated with the retail component of the building. The applicants proposal for 39 commercial parking spaces exceeds the required non-residential parking requirement by 19 spaces. The proposed parking is acceptable.

With regard to site plan approval, Transportation Services staff have provided a number of comments regarding issues to be addressed prior to the approval of the site plan control application, which has also been appealed to the OMB. These include information in support of the required laneway conveyance and proof of the right-of-ways over the proposed vehicular driveway. These comments have been provided to the applicant and will be presented to the Board as pre-approval conditions to be satisfied by the applicant prior to the approval of the site plan control application.

Servicing

The applicants recently revised Functional Servicing and Stormwater Management Report (submitted Dec. 13, 2012) has addressed a number of outstanding site servicing matters. A comprehensive review of the outstanding site servicing requirements based upon the submission of December 13, 2012 was provided to the applicant on January 28, 2013. The remaining site servicing issues identified by Engineering and Construction Services staff are required to be addressed by the applicant at the site plan stage. As the applicant has also appealed the site plan control application to the OMB, staff will be recommending that these requirements be addressed prior to the approval of the site plan control application.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.42 to 0.78 hectares of local parkland per 1,000 people. The site is in the second lowest quintile of current

provision of parkland. The site is in a parkland priority area, as per City-Wide Parkland Dedication By-law 1020-2010.

The application proposes 255 residential units and 2,343 m² of non-residential uses on a site with a net area of 1,932 m². At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication is 0.34 hectares, or 175.9% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% is applied to the residential uses while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication is 175 m².

The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site parkland dedication requirement of 175 m² would not be of a useable size and the parkland would be encumbered with below grade parking. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Tree Preservation

There are five City-owned trees located on the boulevard adjacent Bathurst Street which have been identified in the applicants Arborist report as being recommended for removal. These trees are described as being located in the same areas as utilities (hydro lines) and are recommended for removal based on their location and the likelihood of damage to the roots during construction. The applicant will be required to submit an application to remove these trees which are regulated under the City of Toronto Street Tree By-law to the Urban Forestry Services Division. There are no trees regulated by the City's Private Tree By-law on the property.

Streetscape

The applicant is proposing the planting of nine street trees within the public boulevard on both Bathurst Street and Adelaide Street West. The street trees are proposed to be planted in continuous soil trenches as per City of Toronto Standard. Urban Forestry staff have requested that the tree species proposed on the applicants landscape plan be replaced with more shade tolerant species.

Urban Forestry staff will be providing additional comments regarding the proposed street trees through a more detailed review of the applicants proposed landscape plan. These comments will be provided to the applicant and the Board as part of the City's conditions to be addressed through the site plan control process. The applicants current proposed landscape plan call for a 1.8 metre wide tree planting zone and a 3.09 metre wide sidewalk on Bathurst Street and a 1.8 metre tree planting zone and a 1.82 metre sidewalk on Adelaide Street West. Engineering and Construction Services staff have advised the applicant that the streetscape improvements shall be evaluated based upon the City's Vibrant Streets design guidelines.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. Comments have been provided to the applicant based upon their initial submission on October 13, 2011 regarding the changes required to meet the Tier Staff report for action – Request for Directions Report – 103 - 111 Bathurst Street

1 TGS requirements. The applicants' amended submission (received December 21, 2012) is being reviewed for compliance with the TGS.

The site specific zoning by-law will secure performance measures for automobile and cycling infrastructure. Other applicable TGS performance measures will be secured through the Site Plan Approval process.

Required Changes to the Zoning By-law

The following changes are recommended by staff to the applicant's proposal:

- the height of the building should be reduced from 17-storeys and 55.7 metres to 16-storeys and 52.6 metres to prevent incremental height creep that will compromise the scale and character of this area;
- the tower portion of the building (above the 5-storey base building) should be set back an additional 3.5 metres to achieve a 10.0 metre setback from the centre line of the laneway (Brown's Lane) in general compliance with the Design Criteria for the Review of Tall Buildings Proposals; and
- the indoor and outdoor amenity space should be increased to at least 1.0 metres per unit (one-half of the current By-law standard) to serve the residents, particularly given the limited amount of community space in the area.

Section 37

Section 37 of the *Planning Act* allows the City to authorize increased density and/or height in return for the provision of services, facilities or matters. The Official Plan contains provisions authorizing these Section 37 matters, provided the density and/or height increase are consistent with the objectives of the Official Plan regarding building form and physical environment.

Given the proposed increase in height and density, the provision of Section 37 matters in this case would be appropriate. As this matter has been appealed to the OMB, the City Solicitor would need to address Section 37 matters in the event the OMB approved development on this site. This report therefore recommends that the City Solicitor secure such services, facilities or matters pursuant to Section 37 of the *Planning Act*, as may be required by the Chief Planner if a development is approved for the site.

Conclusion

City Planning staff are supportive of the redevelopment subject to the changes as recommended in this report. Site Plan control matters still need to be resolved to the satisfaction of the Chief Planner and Executive Director of City Planning. Staff will compile a list of the relevant issues to be addressed through the site plan Control process and will recommend to the Ontario Municipal Board that the approval of the applicants Site Plan application be subject to these conditions. Staff will continue to work with the applicant to resolve outstanding issues.

This report also recommends that any redevelopment of the site should be conditional upon securing Section 37 matters.

CONTACT

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SIGNATURE

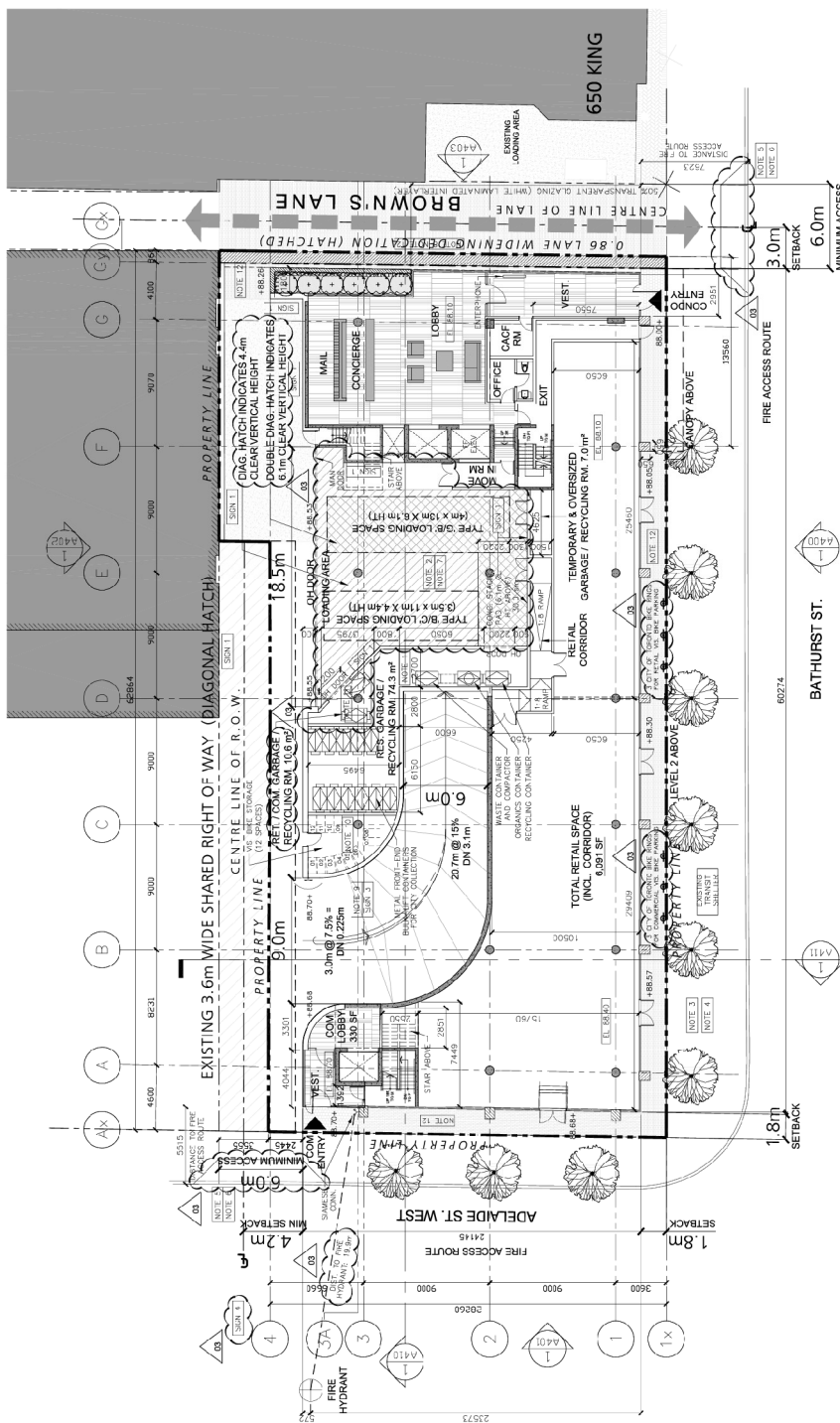
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: West Elevation
Attachment 3: North and South Elevations
Attachment 4: East Elevation
Attachment 5: Zoning
Attachment 7: Application Data Sheet

Attachment 1: Site Plan



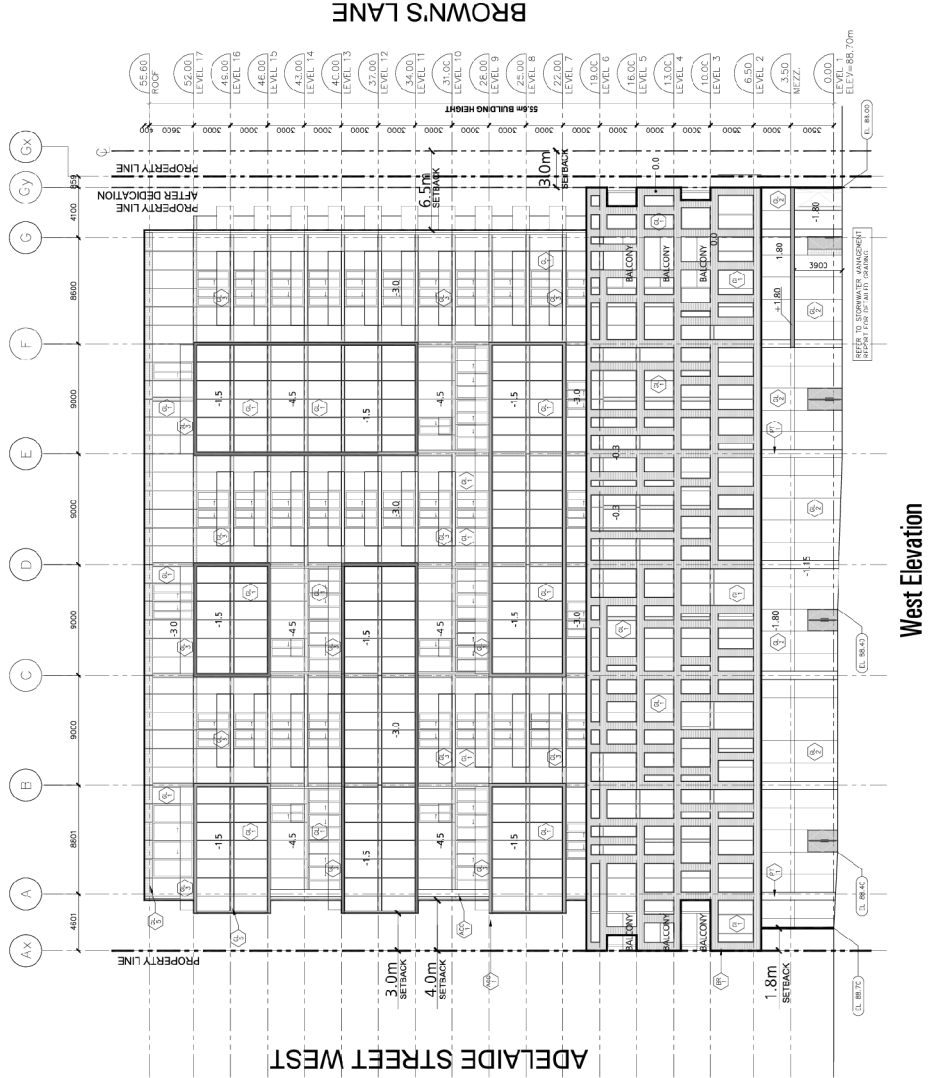
103-111 Bathurst Street

Site Plan
 Applicant's Submitted Drawing

Not to Scale
 01/25/2013

File # 11 289519.0Z

Attachment 2: West Elevation



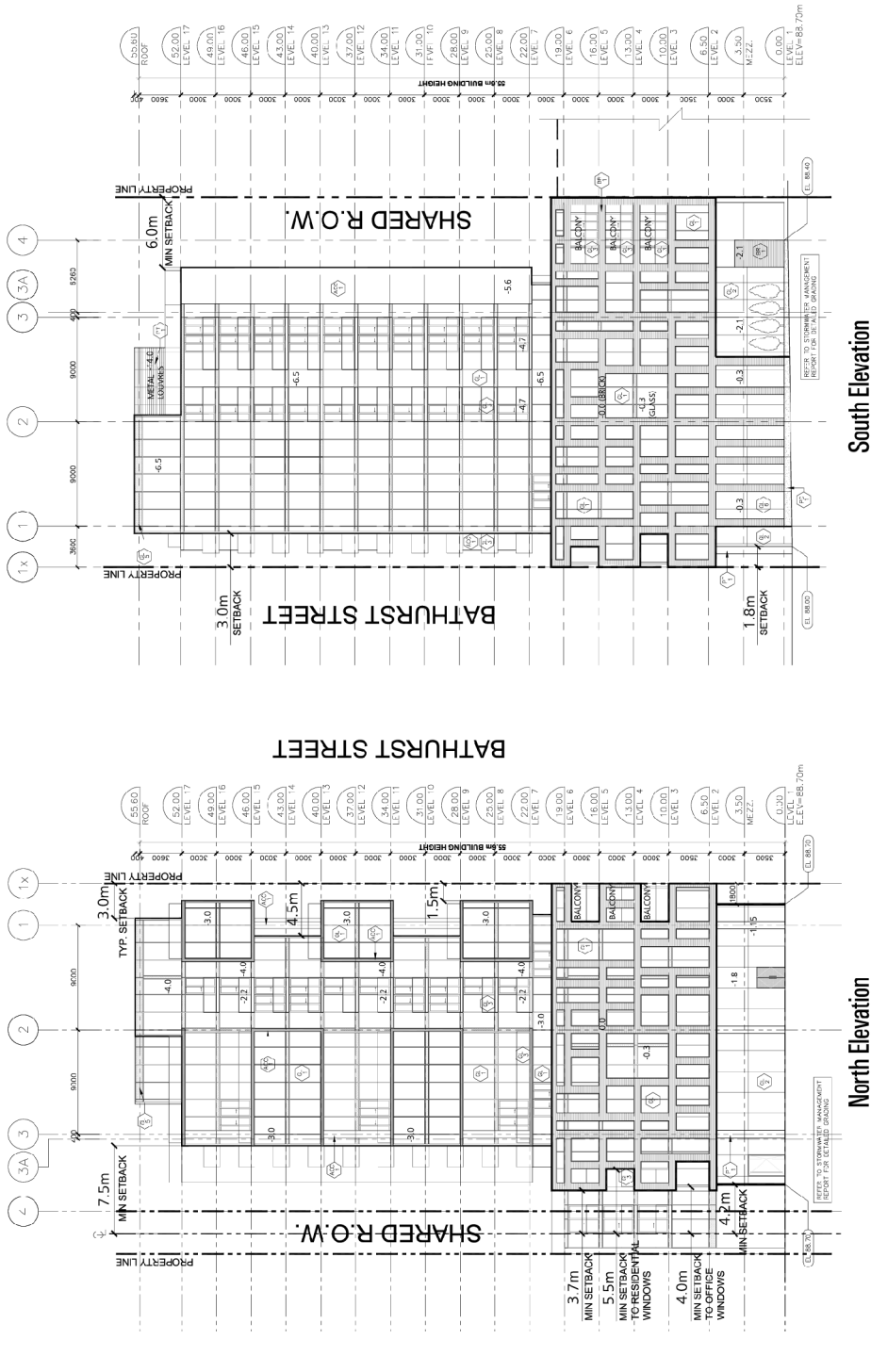
103-111 Bathurst Street

Elevations
 Applicant's Submitted Drawing

Not to Scale
 01/25/2013

File # 11 289519 0Z

Attachment 3: North and South Elevations



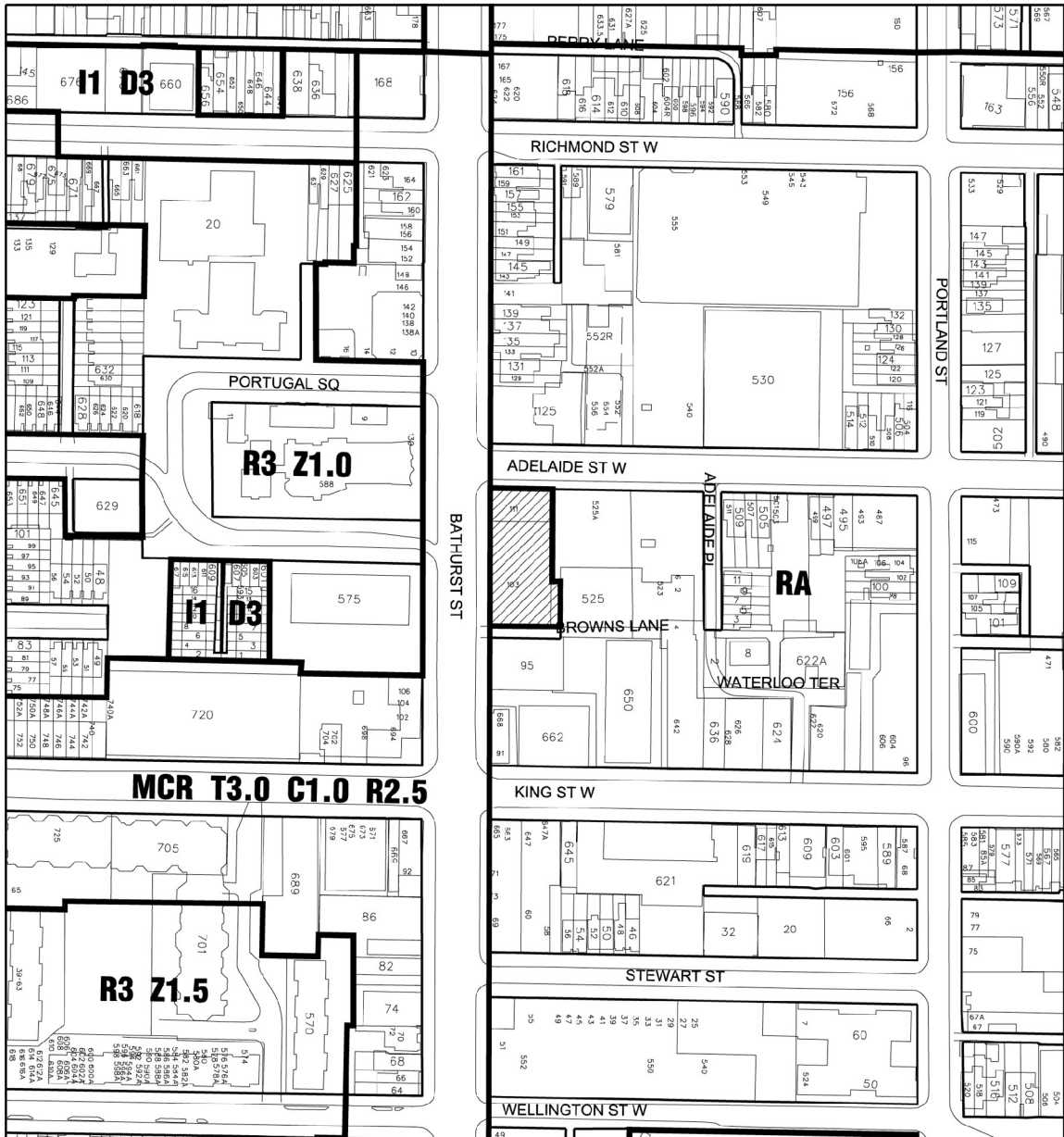
103-111 Bathurst Street

Elevations
Applicant's Submitted Drawing

Not to Scale
01/25/2013

File # 11 289519 0Z

Attachment 5: Zoning



103-111 Bathurst Street

File # 11 289519 0Z

- RA Mixed-Use District
- R3 Residential District
- MCR Mixed-Use District
- I1 Industrial District



Not to Scale
Zoning By-law 438-86 (as amended)

Attachment 6: Application Data Sheet

Application Type	Rezoning	Application Number:	11 289519 STE 20 OZ
Details	Rezoning, Standard	Application Date:	October 7, 2011
Municipal Address:	103 BATHURST ST		
Location Description:	PLAN D1327 PT LOT 12 **GRID S2014		
Project Description:	Zoning by law amendment to permit the redevelopment of the lands for a new 17 storey mixed use building complete with 2 stories of commercial floor area (2343m ²) and 255 residential units above. Included in the proposal is 194 parking spaces to serve the project located in a below grade parking facility, 2 of which would be dedicated for autoshare purposes.		

Applicant:	Agent:	Architect:	Owner:
Kim Kovar–Aird & Berlis		Core Architects	500672 Ontario Limited

PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:	
Zoning:	RA	Historical Status:	
Height Limit (m):	26	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1932.8	Height: Storeys:	17
Frontage (m):	30.2	Metres:	55.6
Depth (m):	62.1		
Total Ground Floor Area (sq. m):	1421		Total
Total Residential GFA (sq. m):	17740	Parking Spaces:	194
Total Non-Residential GFA (sq. m):	2343	Loading Docks	2
Total GFA (sq. m):	20083		
Lot Coverage Ratio (%):	73.5		
Floor Space Index:	10.39		

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	17740	0
Bachelor:	13	Retail GFA (sq. m):	945	0
1 Bedroom:	183	Office GFA (sq. m):	1398	0
2 Bedroom:	33	Industrial GFA (sq. m):	0	0
3 + Bedroom:	26	Institutional/Other GFA (sq. m):	0	0
Total Units:	255			

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