

**219 and 221 Bathurst Street - Official Plan Amendment
and Zoning Amendment Applications
Refusal Report**

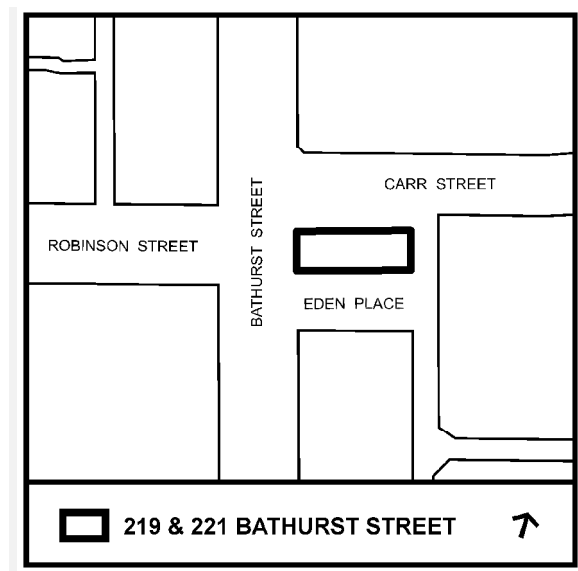
Date:	January 31, 2014
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	13 176166 STE 20 OZ (Official Plan and Zoning By-law Amendment)

SUMMARY

The subject applications propose to amend the City of Toronto Official Plan and Zoning By-law No. 438-86, as amended and No. 569-2013, in order to permit a 9-storey, 28-unit mixed-use development with non-residential space located on the ground floor, indoor amenity space located in the basement, outdoor amenity space located on the roof level, 28 bicycle spaces, zero parking spaces, and an overall density of 8.26 times the lot area at 219 and 221 Bathurst Street.

Two existing semi-detached buildings on site contain 11 rental units. The applicant is proposing to replace 7 of these existing 11 rental units within the proposed development. A Rental Housing Demolition and Conservation application is required, but has not been submitted.

This report recommends refusal of the Official Plan and Zoning By-law Amendment applications and seeks Council's direction for staff to attend the Ontario Municipal Board in opposition to the development should the applications be appealed.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the proposed Official Plan Amendment and Zoning By-law Amendment applications at 219 and 221 Bathurst Street for the reasons outlined in the report (January 31, 2014) from the Director, Community Planning, Toronto and East York District.
2. In the case that the applications are appealed to the Ontario Municipal Board, City Council authorize the City Solicitor and appropriate City Staff to appear before the Ontario Municipal Board in support of Council's refusal.
3. In the case that the applications are appealed to the Ontario Municipal Board, City Council request the Chief Planner and Executive Director, City Planning Division to hold an information meeting in the community to discuss the application and to notify owners and tenants within 120 metres of the site and the Ward 20 Councillor and adjacent Ward 19 Councillor.
4. In the case that the applications are appealed to the Ontario Municipal Board, City Council direct the City Solicitor to advise the Board that any redevelopment of the land must include replacement of the existing rental dwelling units and the submission of a Tenant Relocation and Assistance Plan in accordance with the Official Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
5. In the event that Ontario Municipal Board allows the appeal in whole or in part, City Council direct the City Solicitor to request that the Board withhold any Order to approve the Zoning By-law Amendment application for the subject lands until such time as the City and the owner have presented to the Board a Draft Zoning By-law that secures the rental housing matters as outlined in Recommendation 4 above and a Section 37 Agreement addressing matters as outlined in this report, have been provided to the satisfaction of the City.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

There are no previous applications or decisions related to the subject property.

Pre-Application Consultation

Several pre-application consultation meetings were held with the applicant from 2011 to 2013 to discuss complete application submission requirements. During these meetings, and in pre-application correspondence to the applicant, City Planning staff noted

significant concerns with regard to the proposed building height, setbacks, lack of parking, density, and rental housing replacement.

Community Consultation

A community consultation meeting for this application was held at Scadding Court Community centre on November 19, 2013. Approximately 50 people attended the meeting. Concerns regarding proposed building height, setbacks, lack of parking, density, and rental unit replacement were raised by the community. Attendees also noted that the development of these lands could improve the aesthetic character of this area of Bathurst Street and improve area safety.

ISSUE BACKGROUND

Proposal

The applications propose the development of a 9-storey, 28-unit mixed-use development with 2,517.22 square metres (27,096 sqft) of gross floor area. The development proposes a floor space index of 8.26 times the lot area.

While the submitted plans are not completely dimensioned, it appears that there are no setbacks provided from any lot line at-grade. A 1.68 metre setback is provided at the 8th storey from Bathurst Street, and setbacks, which are not dimensioned, are also provided at the 6th, 7th and 8th storey from the rear of the property.

The proposed building height, noted on the submitted plans at 28.27 meters (92 feet), is only dimensioned to the top of the 9th storey. A rooftop mechanical penthouse, which appears to be an additional 5.5 metres in height (Approx. 18 feet) would increase the total building height to approximately 33.7 metres (Approx. 110 feet).

Pedestrian access to the building for both the residential and non-residential component is proposed from Bathurst Street.

The application proposes 28 residential units, of which, seven (7) are proposed to replace the existing rental units on site. However, it is unclear from the applicant's submission how many rental units are currently located on site. The applicant's Planning Rationale notes that there are seven (7) rental units, whereas the Housing Issues Report and Transportation and Traffic Study both note that there are currently eleven (11) rental units on-site.

Office floor space, totalling 300 square metres (3,222 sqft), is noted as being on floors 2 and 3, but only appears on floor 2 in the submitted floor plans. Retail space, totalling 53 square metres (572 sqft) is proposed on the ground floor.

A common elevator serves both the residential floors and office floors. A separate staircase from Bathurst Street also provides direct access to the basement level.

The proposed development includes 28 bicycle parking spaces located in the basement. Indoor common amenity space is also proposed on the basement level. Outdoor amenity space is proposed on the roof of the 9th storey.

No loading space is proposed. Garbage and recycling storage is proposed on the ground floor with the only access being via the south façade of the building. Curbside solid waste collection for all 28 units is proposed.

Zero vehicle parking is being proposed.

Site and Surrounding Area

The subject site is located on the east side of Bathurst Street between Queen Street West and Dundas Street West. The site is surrounded by roads, being bordered on the north by Carr Street, the east by a public laneway, the south by Eden Place and the west by Bathurst Street. The site is relatively flat with an area of 310 square metres (3,340 sqft). A 2 ½ storey semi detached is currently situated on site.

Surrounding land uses are as follows:

North: Several 3½ to 4-storey stacked townhouse dwellings are situated immediately to the north of Carr Street with Alexandra Park being located further to the north.

East: Several 3½ to 4- storey apartment dwellings are situated east of the subject site.

South: Two and 2½-storey townhouse dwellings are situated to the south of the subject site. A TTC streetcar turnaround loop is located further to the south.

West: Two-storey and three-storey commercial and mixed use buildings, as well as one-storey and two-storey residential dwellings are located west of the subject site fronting the west side of Bathurst Street.

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.

Development must be consistent with the PPS and the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject site is located within the *Downtown* as shown on Map 2 of the City of Toronto Official Plan. The Official Plan identifies the *Downtown* as an area intended to accommodate a vibrant mix of residential and employment growth. The Official Plan states that the *Downtown* will continue to evolve as a healthy and attractive place to live and work, as new development that supports the reurbanization strategy and the goals for *Downtown*, is attracted to the area. In particular, Section 2.2.1.1 of the Plan identifies that the *Downtown* policies of the Plan will shape the City's future by accommodating development that:

- builds on the strength of *Downtown* as the premier employment centre in the GTA;
- provides a full range of housing opportunities for *Downtown* workers and reduces the demand for in-bound commuting; and

Although the Plan identifies the *Downtown* as one of the areas which can accommodate growth, Section 3.1.4 notes that a full range of housing opportunities be encouraged through residential intensification in 'Mixed Use Areas' and Regeneration Areas, and through sensitive infill within *Downtown Neighbourhoods* and *Downtown Apartment Neighbourhoods*.

While it is anticipated that the *Downtown* will accommodate growth, this growth will not be spread uniformly across the whole of *Downtown*. In fact, there are many residential communities *Downtown* that will not experience much physical change at all, nor should they. While the population mix within these communities will change over time, their physical setting will generally remain largely unchanged.

The City of Toronto Official Plan also designates the subject site as *Neighbourhoods*. *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 4-storeys. Parks, low scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in *Neighbourhoods*. The Plan directs that any development will respect and reinforce the existing physical character of the neighbourhood as represented by the following traits:

- patterns of streets, blocks and lanes;
- lot size;
- building heights,
- building massing,
- scale and dwelling type of nearby residential properties;

- prevailing building types, or predominant forms of development in the neighbourhood; and,
- prevailing patterns of rear and side yard setbacks and landscaped open space.

The Healthy *Neighbourhoods* Section of the Official Plan (Section 2.3.1) identifies that the intensification of land adjacent to *Neighbourhoods* will be carefully controlled so that *Neighbourhoods* are protected from negative impact. The plan also states that developments in *Mixed Use Areas* that are adjacent or close to *Neighbourhoods* will, among other considerations, be compatible with those *Neighbourhoods*, provide a gradual transition of scale and density and, maintain adequate light and privacy for residents in those *Neighbourhoods*.

Section 3.1.2 of the Official Plan contains Built Form Policies which state that the enjoyment of streets and open spaces largely depends upon the visual quality, activity, comfortable environment, and perceived safety of these spaces. These qualities are largely influenced by the built form of adjacent buildings. The Plan identifies that developments must be conceived not only in terms of individual building site, but how that site, building and facades fit within the existing and/or planned context of the *Neighbourhood* and the City. Policy 3.1.2.3 (a) states that new development will be massed to fit harmoniously within its existing and/or planned context, and will limit its impacts on neighbouring streets, parks, and open spaces by massing buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportions.

The Official Plan also contains policies addressing the need to preserve and increase the City's supply of rental and affordable housing. Policy 3.2.1 of the Official Plan includes housing policies that encourage the provision of a full range of housing in terms of form, tenure and affordability. Policy 3.2.1.6 provides that applicants proposing to demolish six or more residential rental units (*except where all the rents are above the mid-range rent category*) are required to replace the rental units with the same number, size and type of rental housing units and maintain them with rents similar to the rents of existing units on the site. Tenant assistance, including the right to return to replacement units, is also required. If the rental units are not replaced, the policy states that such applications that result in the loss of six or more units will not be approved.

Policy 4.1.7 of the Official Plan states the proposals for intensification of land on major streets in *Neighbourhoods* are not encouraged. Where a more intense form of residential development than that permitted by existing zoning on a major street in a *Neighbourhood* is proposed, the application will be reviewed in accordance with Policy 4.1.5, having regard to both the form of development along the street and its relationship to adjacent development in the *Neighbourhood*.

Zoning

The subject site is zoned R3 Z1.0 by Zoning By-law No. 438-86, as amended, which generally permits low-density residential uses and group homes. The maximum permitted building height is 12 metres and the maximum density is 1.0 times the lot area.

The subject site is zoned R(d1.0) x853 by Zoning By-law No. 569-2013, which permits low density residential uses and apartment buildings with a maximum building height of 12 metres and the maximum density of 1.0 times the lot area.

Site Plan Control

The proposed development is subject to Site Plan Control. At this time, a Site Plan Control Application has not been submitted for review.

Rental Housing Demolition and Conversion

The Rental Housing Demolition and Conversion By-law (885-2007), established Chapter 667 of the City's Municipal Code, is one of the tools which implement the City's Official Plan policies protecting rental housing. The By-law prohibits demolition or conversion of rental housing units without obtaining a permit from the City issued under Section 111 of the *City of Toronto Act, 2006*.

The By-law makes it an offence to demolish the whole or any part of a residential rental property where there are six or more dwelling units, unless approval has been granted for a Section 111 permit for demolition. In addition, it requires that an application under the By-law be submitted without delay when a related planning application, such as a zoning amendment, has been submitted. Any planning approval in such matters should be conditional upon, among other matters, the applicant obtaining a Section 111 permit. City Council may impose conditions on the approval of a Section 111 permit, which typically involve the replacement of the rental housing and assistance to any tenants affected by the proposed demolition. City Council's decisions on the refusal or approval of a Section 111 permit are not subject to appeal to the Ontario Municipal Board.

The application proposes to demolish 11 existing rental units within the proposed redevelopment. Thus, a Rental Housing Demolition and Conversion, and required supporting documents, is required to be submitted.

Reasons for the Applications

An amendment to the Official Plan is required as the proposal does not comply with the policies of the Official Plan including the "*Neighbourhoods*" policies.

An amendment to the Zoning By-law is required to permit the proposed building height, setbacks, parking rate, density and commercial uses.

A Rental Housing Demolition and Conversion Application is required to review and secure for the replacement of the existing rental units on the subject site.

If the applicant does not incorporate the replacement of the 11 residential rental dwelling units, an application to amend the Official Plan is also required, pursuant to policy 3.2.1.6.

Bathurst Street Built Form and Land Use Study

In response to recent development proposals along Bathurst Street, the City has initiated a study to develop a built form and land use vision for Bathurst Street between Queen and Dupont Streets. The subject property is contained within the study area.

The purpose of the study is to develop a planning and urban design framework that addresses land use, built form, heritage, and the public realm to ensure that new developments along Bathurst Street reflect the community's vision for the area.

A final report on this study is targeted for the second quarter of 2014.

The following links to the Study webpage -

<http://www1.toronto.ca/wps/portal/contentonly?vnextoid=72e30621f3161410VgnVCM10000071d60f89RCRD>

COMMENTS

Application Submission

The redevelopment of lands in an established urban setting requires consideration of the immediate site context and the larger neighbourhood. Developments should respond to the defining urban characteristics of the area into which they are proposed and should seek to complement the established urban form consistent with the policies of the Official Plan. New development must relate, enhance and contribute to its surroundings. This proposal before Council fails to meet these objectives, and should be refused for the reasons outlined in more detail below.

Proposed Land Use

Section 4.5 of the Provincial Policy Statement states that municipal Official Plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas. Section 1.1.3.3 states that planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

The Official Plan directs growth to certain areas of the City, and the areas which can best accommodate growth are shown on Map 2, Urban Structure of the Official Plan. The areas for growth have been identified as the *Downtown*, the *Centres*, the *Avenues* and *Employment Districts*.

The subject is located within the *Downtown* area as shown on Map 2. However, Official Plan Policy 4.1.7 states that proposals for intensification of land on major streets in *Neighbourhoods* are not encouraged. Where a more intense form of residential development than that permitted by existing zoning on a major street in a *Neighbourhood* is proposed, the application will be reviewed in accordance with Policy 4.1.5, having regard to both the form of development along the street and its relationship to adjacent development in the *Neighbourhood*.

Considering the Proposal with Regard for the Neighbourhoods Designation

The site is designated *Neighbourhoods* in the City's Official Plan. This land use designation is intended to protect and reinforce the existing physical character of the area and has not been identified as an area for growth despite being situated in the *Downtown*. Physical changes to established *Neighbourhoods* must be sensitive, gradual, and generally fit the existing physical character. A key objective of the Official Plan is to ensure that new development respects and reinforces the general physical patterns in a *Neighbourhood*. Buildings within the *Neighbourhood* designation are generally intended to not exceed heights of 4 storeys.

As noted in the above section, more intense forms of development proposed on major streets within a *Neighbourhood* designation are to be reviewed in accordance with Official Plan Policy 4.1.5. This Policy states that development in established *Neighbourhoods* will respect and reinforce the existing physical character of the *Neighbourhood*, including in particular:

- a) patterns of streets, blocks and lanes, parks and public building sites;
- b) size and configuration of lots;
- c) heights, massing, scale and dwelling type of nearby residential properties;
- d) prevailing building type(s);
- e) setbacks of buildings from the street or streets;
- f) prevailing patterns of rear and side yard setbacks and landscaped open space;
- g) continuation of special landscape or built-form features that contribute to the unique physical character of a neighbourhood; and
- h) conservation of heritage buildings, structures and landscapes.

Policy 4.1.5 goes on to state that the prevailing building type will be the predominant form of development in the neighbourhood. The prevailing building type in the surrounding neighbourhood is that of 1½ to 4 storey residential buildings, the majority of which have grade-related entrances, with some 3-4 storey residential apartments to the east.

The proposed development consists of 9 storeys, plus a mechanical penthouse. This does not respect the existing physical character of the neighbourhood, or represent the prevailing building type within the neighbourhood. Therefore, The proposed development does not meet the intent of the Official Plan for development within a *Neighbourhoods* designation. The subject Official Plan Amendment application to

redesignate the lands from *Neighbourhoods* to *Mixed Use Areas* is also not supportable for the reasons outlined below.

Considering the Proposal with Regard for the Mixed Use Areas Designation

While it has been established that the proposal does not conform to the intent of the *Neighbourhoods* designation, Staff have also considered this proposal within the scope of the *Mixed Use Areas* designation. The subject Official Plan Amendment application proposes to re-designate the subject site from *Neighbourhoods* to the more intensive land use designation of *Mixed Use Areas*.

The reason for this re-designation is to increase the allowable height on the site, as noted in the Planning Rationale, dated March 2013 by Martindale Planning Services submitted in support of the subject applications, "the *Neighbourhoods* designation limits the height of apartment buildings to four storeys".

Section 4.5 of the Official Plan contains policies to govern the built form of new development in *Mixed Use Areas* that are adjacent or close to *Neighbourhoods*. The Plan states that development in *Mixed Use Areas* will:

- locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;

The Planning rationale submitted in support of the proposed development considers the building to be compatible and providing a gradual transition to the adjacent *Neighbourhood* "...since it is adjacent to low-rise apartment buildings to the north and east and is buffered from those developments, as well as the two semi-detached dwellings to the south, by public roads (north and south) and a lane (east). It also steps back on the east elevation, starting from the 6th floor, in order not to overwhelm the 4-storey Alexandra Park co-op across the lane from the subject property".

In general, the re-designation of lands to a more intensive land use should recognize and respect the defining urban characteristics of the subject area, seek to complement the established urban form, and respond to the City's land use planning framework for the subject area, rather than be used as a tool to achieve a greater permitted building height. While Planning Staff are considering re-designating the subject site to *Mixed Use Areas* through the Bathurst Street Built Form and Land Use Study, detailed on Page 14 of this Staff Report, the proposal fails to address the development criteria for *Mixed Use Areas* that are adjacent or close to *Neighbourhoods* as outlined in the Official Plan.

The proposed development fails to provide an adequate transition to the east and does not attempt to provide a transition to the north or south, apart from the existing right-of-way widths. The proposal does not achieve adequate transition to the *Neighbourhoods* designation. The proposal also fails to recognize and respond to the defining urban characteristics of the area or complement the established urban form. Therefore, the proposed development does not meet the intent of the Official Plan for development within a *Mixed Use Area* adjacent to areas designated *Neighbourhoods*.

The proposed 9-storey building exceeds the planned width of the Bathurst Street right-of-way (20 metres), does not achieve the 45-degree angular plane from the rear of the site, and provides no setbacks from the north or south facades to attempt to provide a transition to adjacent *Neighbourhoods*. The proposal does not conform with the City's Performance Standards for Midrise Buildings.

Precedent

The subject site is surrounded by lands designated *Neighbourhoods* to the north, east and south and on the west side of Bathurst Street to the northwest. Several parcels are designated *Mixed Use Areas* on the west side of Bathurst Street to the southwest of the subject site, but these lots are not connected physically, or related in terms of use or built form, with the subject site.

The surrounding neighbourhood context is predominantly comprised of low density residential uses and 3-4 storey apartments and stacked townhouses, as well as small scale 2-3 storey mixed-use buildings fronting Bathurst Street. Having regard for the surrounding character of the neighbourhood, City Planning staff have determined that the proposal will adversely impact the stability of the area as it does not respect the following elements of physical character: density, prevalent building type, and building height.

If the subject property were to redevelop as proposed, the physical character of the surrounding neighbourhood would be altered and destabilized.

Rental Housing Replacement

The application proposes to include seven (7) residential rental units intended to replace the existing rental units on site. It is unclear from the applicant's submission how many rental units are currently located on site. The applicant's Planning Rationale notes that there are seven (7) rental units, whereas the Transportation and Traffic Study and Housing Issues Report note that there are currently eleven (11) rental units on-site.

The Housing Issues Report, prepared by Frank Rotondo, Urban Design Consultant, dated March 2013, notes that the eleven (11) existing residential rental units are "illegal residential units" in terms of the Ontario Building Code and also the City of Toronto requirements likely re: zoning and other issues." This report further states that "In a series of meetings and discussions with City Planning Staff the applicant has agreed to provide 7 rental units inside the new building." While City Planning staff have noted, on

several occasions, the replacement of rental units on-site as a requirement for this application to be considered, at no time was there an agreement, in writing or verbally, between the City and the applicant, regarding the replacement of a specific number of existing rental units less than the 11 existing units. Further, the materials submitted by the applicant were deficient in information on the existing rental units, rental replacement proposal and required tenant assistance. As such, staff are unable to make any determination on an appropriate rental replacement proposal.

The City's Official Plan Section 3.2.1.6 of the Official Plan provides that applicants proposing to demolish 6 or more residential rental units, except where all rents are above the City's mid-range rent threshold, are required to replace the rental units with the same number, size, and type of rental housing units and maintain them with similar rents as are existing on the site. Tenant assistance, including the right to return to replacement units, is also required. The current application falls within this criterion, and in its current form, does not satisfy the Official Plan requirements for rental housing replacement.

Proposed Building Height

The applicant is proposing to develop the site with a 9-storey mixed use building which will have an approximate total height of 31.7 metres (104 feet), which includes a 5.5 metre mechanical penthouse. The proposed height is more than twice that permitted by the Zoning By-law, and significantly higher than any structure in the immediate area.

The proposed height of the subject development is greater than any of the recent development proposals approved by Council which are located in the vicinity of the site.

The only other area development application of note is a proposed 7-storey, 22.2 metres (72.8 feet) inclusive of mechanical penthouse, mixed-use development at 202-204 Bathurst Street (File No. 12 196322 STE 19 OZ), situated south and west of the subject site. This proposal was supported by City Planning staff, but amended by City Council on July 16, 2013 to increase the transition to the adjacent *Neighbourhood*, effectively reducing the overall building height. The application is currently under appeal to the Ontario Municipal Board. However, the development at 202-204 Bathurst Street does not represent a comparable development to the subject application. Unlike the subject property, the lands at 202-204 Bathurst are already within the *Mixed Use Areas* designation, zoned Mixed Use (CR), and bordered on the north and south by similarly designated and zoned properties.

The significant variation between the height of the proposed building and the height of the adjacent neighbourhood fails to reflect the lower scale consistent with the surrounding area.

In addition, the proposed development significantly penetrates the 45-degree angular plane requirements which would typically be applied to a building in a Mixed Commercial Residential zone. If the property was rezoned to Mixed Use as requested by

the applicant, the required angular plane would reduce the permitted height of the building and require greater articulation of the building via stepbacks and terracing.

Proposed Density

At 8.26 times density, the proposal exceeds the permitted density under current planning controls for the site. The residential zoning subject to the site and surrounding area to the north, northwest, east and south, limits the maximum permitted density to 1.0 times the lot area. A number of properties fronting the west side of Bathurst Street to the southwest of the subject site are zoned Mixed Use (CR), and are subject to a total density of 2.0 and 2.5 times the lot area.

The above-noted 7-storey mixed-use development at 202-204 Bathurst Street (File No. 12 196322 STE 19 OZ), situated south and west of the subject site proposes an overall density of 5.19 times the lot area. This proposal was supported by Planning staff, but amended by City Council on July 16, 2013 to increase transition to the adjacent *Neighbourhood*, effectively reducing the overall density. As noted above, the development at 202-204 Bathurst Street does not represent a comparable development to the subject application.

The proposed density of 8.26 times the lot area is significantly higher than that permitted, or proposed, on any lot within the immediate area and would result in a development that does not respect or reinforce the existing physical character of the neighbourhood or the existing character of Bathurst Street. The proposal represents overdevelopment of the site.

Proposed Parking

Comments from the City's Transportation Services Division indicate that the current Zoning By-law standards require on-site parking spaces, including non-residential, residential, and visitor, to serve this development according to the following parking rates provided in By-law 569-2013, as applicable to Policy Area PA-1:

- | | |
|--|---|
| • Bachelor Units (Up to 45 square metres) | 0.3 spaces per unit |
| • Bachelor Units (Greater than 45 square metres) | 1.0 spaces per unit |
| • 1-Bedroom Units | 0.5 spaces per unit |
| • 2-Bedroom Units | 0.8 spaces per unit |
| • 3-Bedroom Units | 1.0 space per unit |
| • Residential Visitors | 0.1 spaces per unit |
| • Office | 0.35 for each 100 square metres of gross floor area |

As per the above standards, the development is required to provide a total of 20 spaces, comprised of 17 resident spaces, two (2) visitor spaces and one (1) office space.

The subject applications propose zero on-site parking facilities.

City Planning staff have raised concerns about the proposed zero parking on a number of occasions in meetings with the applicant, in phone conversations and through written correspondence.

In response to these concerns, the applicant has submitted a Transportation and Traffic Study for this development, dated March 22, 2013, and prepared by Mr. Frank Rotondo, an Urban Design consultant. While the report concludes that the site will operate satisfactorily with zero parking, City Staff note that this report does not provide any supporting information regarding trip generation, trip distribution, and travel demand management for the subject site.

Planning staff acknowledge that the lowest rates of car ownership and use are generally found in the Downtown. Data from the 2006 Travel Tomorrow Survey, for example, shows an average rate of around 0.5 cars per household in the Downtown. The Downtown rates for parking provision are also generally the lowest in the City. A study of multi-unit residential parking standards undertaken by Cansult Limited (February, 2007), for inclusion in the new Zoning By-law, confirmed the continued appropriateness of applying the Downtown standards. The Cansult survey also noted car ownership rates to be somewhat above this average for newer condominium buildings.

The multi-unit residential parking standards proposed in the new Zoning By-law reflect the varying patterns of car ownership in the City, with the required standards generally increasing as one moves away from the Downtown and areas well served by transit.

To assume that a residential development of this project's scale might be totally car-free runs counter to expert study and experience. Although there are many households in the Downtown without cars, it would be highly unlikely to find 28 of them permanently concentrated in one building. The proposed development would result in an under-supply of parking for its residents. Exempting the project from the City's parking standards would create a negative precedent that undermines the integrity of the parking provisions of the Zoning By-law and the performance of the City's on-street parking supply.

Although City staff is open to considering a reduction in parking for this project, in conjunction with a reduction in scale and density, providing zero parking spaces on-site is not supportable.

Bathurst Street Study Built Form and Land Use Study

In response to recent development proposals along Bathurst Street, on May 9 2013, the City initiated a study to develop a built form and land use vision for Bathurst Street between Queen Street West and Dupont Street. The subject property is contained within the study area. The subject applications were submitted in June 2013, after City staff were directed to initiate the Study.

Two community consultation meetings regarding the Study were held in June 2013. In October 2013, the Draft Conclusions of the Study were presented at a follow-up community meeting.

Based on these Draft Conclusions, the subject property is noted within the 'Bathurst/Queen West Main Street Area'. This area is proposed to be redesignated from 'Neighbourhoods' to 'Mixed Use Areas'. Lands to the north and east of the subject property would remain designated as 'Neighbourhoods'. A maximum building height of 16 metres (5 storeys), with a step back at 10 metres, (3 storeys) is proposed to the subject site. It is also recommended that the existing building on the subject site be added to the City's Heritage Inventory as a listed building. This would allow Heritage Preservation Services to review any proposed development and building applications. Public realm improvements along Bathurst Street are also recommended along the frontage of the subject property.

The subject proposal significantly exceeds the Bathurst Street Built Form and Land Use Study's draft recommended maximum building height and does not achieve appropriate stepbacks. The proposal is not consistent with the emerging direction and Draft recommendations of the Bathurst Street Built Form and Land Use Study.

Conclusions

City Planning staff have communicated to the applicant that they are willing to continue to work collaboratively on this proposal should revised plans be submitted which are consistent with the City's Official Plan Policies, the character of the surrounding neighbourhood, and the emerging direction of the Bathurst Street Built Form and Land Use Study. The applicant has noted that they do not wish to amend their plans.

City Planning therefore recommends refusal of the subject applications on the basis that the proposal:

- does not meet the intent of the Official Plan Section 2.2.1.4 which encourages "sensitive infill within *Downtown Neighbourhoods*";
- does not meet the intent of the Plan for development within or adjacent to stable residential *Neighbourhoods*;
- does not meet the intent of Policy 3.1.2.3 for new developments to be massed to fit within the existing and/or planned context of the neighbourhood;
- consists of a density, building type, building height, and lack of transition which do not reinforce or respect the physical character of the existing neighbourhood or the planned and existing character of this section of Bathurst Street;
- is significantly inconsistent with the draft recommendations and emerging direction of the Bathurst Street Built Form and Land Use Study;

- will destabilize the existing building stock and result in more intensive land uses in an area not identified for this level of growth;
- does not adequately address Policy 3.2.1.6 for rental housing replacement of the Official Plan; and
- proposes a total of zero parking spaces, which is not adequately justified or supported by the applicant's Transportation and Traffic Study and is inconsistent with the recent Cansult Limited study (February, 2007) which informs the parking standards for the new Zoning By-law 569-2013.

Staff have concluded that this proposal does not represent good planning and recommend that City Council refuse the proposal, and that Staff support Council's refusal of the proposed development should the application be appealed to the Ontario Municipal Board.

CONTACT

Graig Uens, Planner,
Community Planning, Toronto and East
York District
Tel. No. 416-397-4647
Fax No. 416-392-1330
E-mail: guens@toronto.ca

Kirsten Stein, Planner,
Strategic Initiatives and Policy Analysis
Tel. No. 416-392-0421
Fax No. 416-392-1330
E-mail: kstein@toronto.ca

SIGNATURE

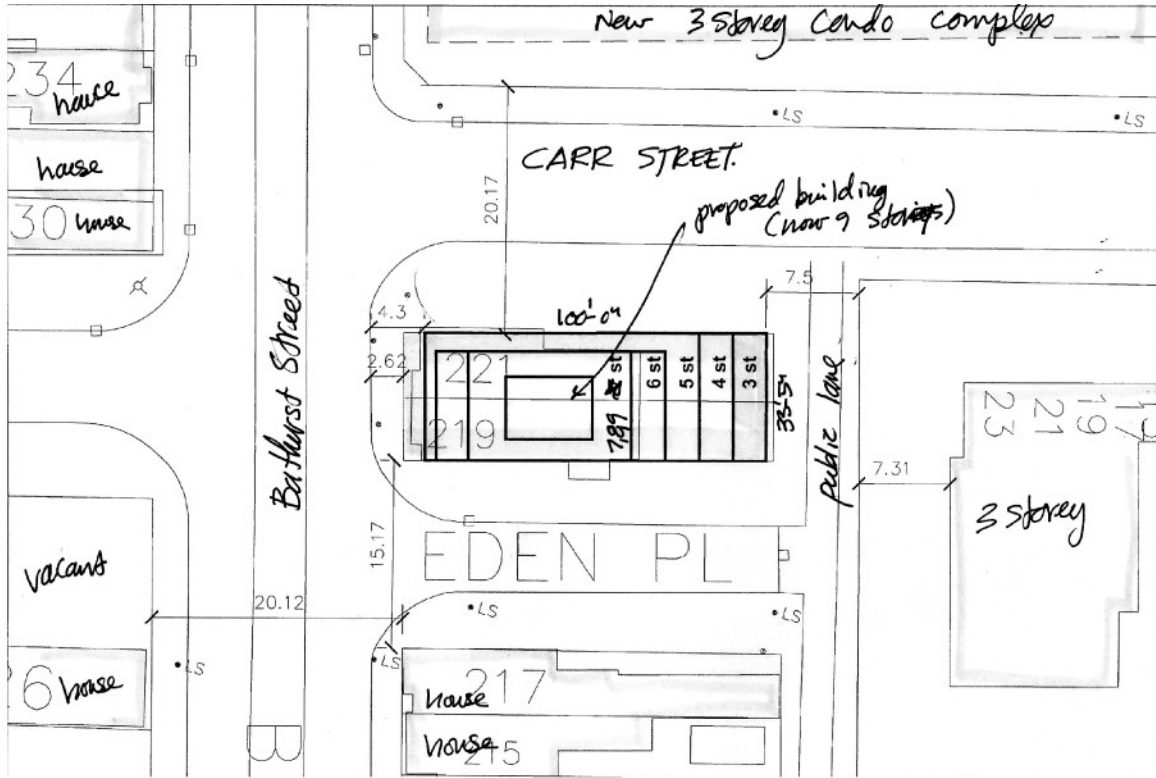
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Official Plan Excerpt - Map 18
Attachment 4: Zoning By-law 569-2013 Excerpt
Attachment 5: Application Data Sheet

Attachment 1: Site Plan



Site Plan

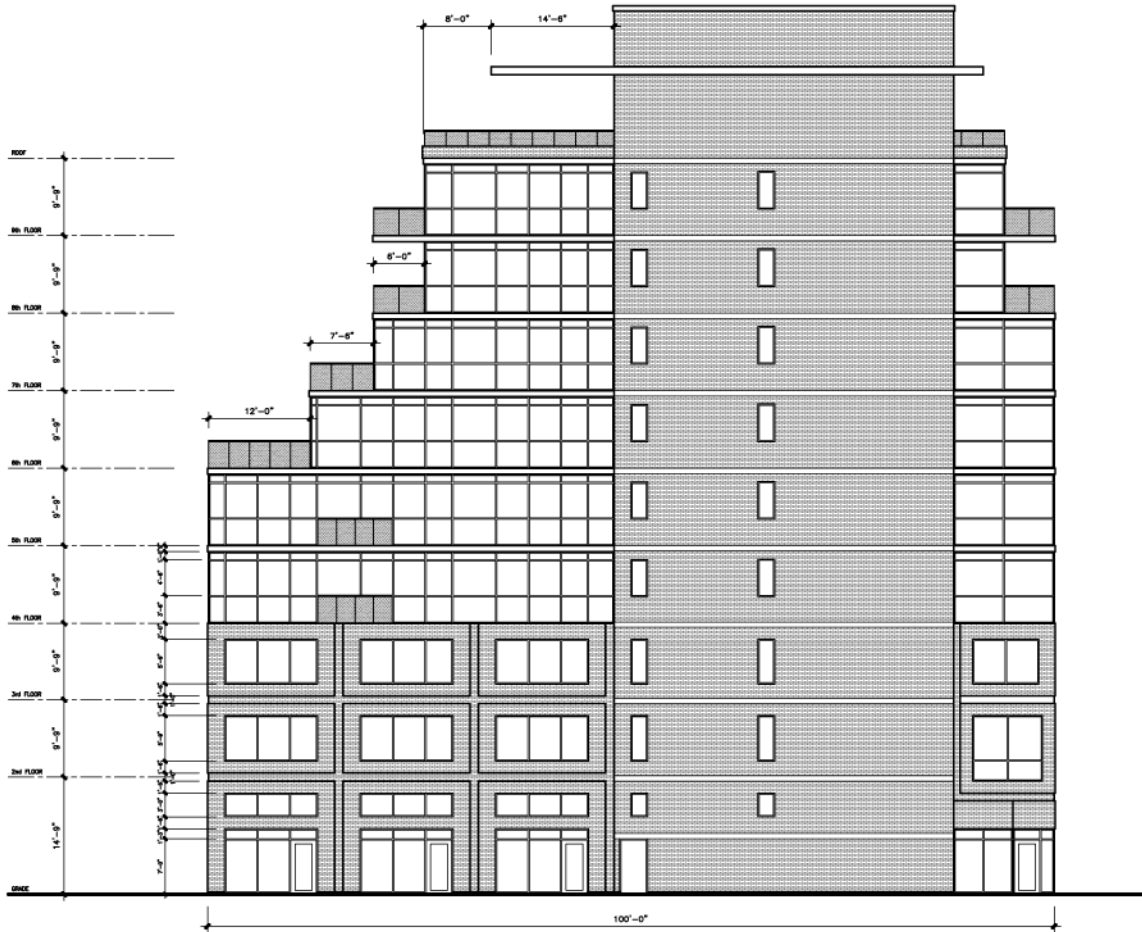
219 and 221 Bathurst Street

Applicant's Submitted Drawing

Not to Scale 

File # 13_176166

Attachment 2: North Elevation



North Elevation

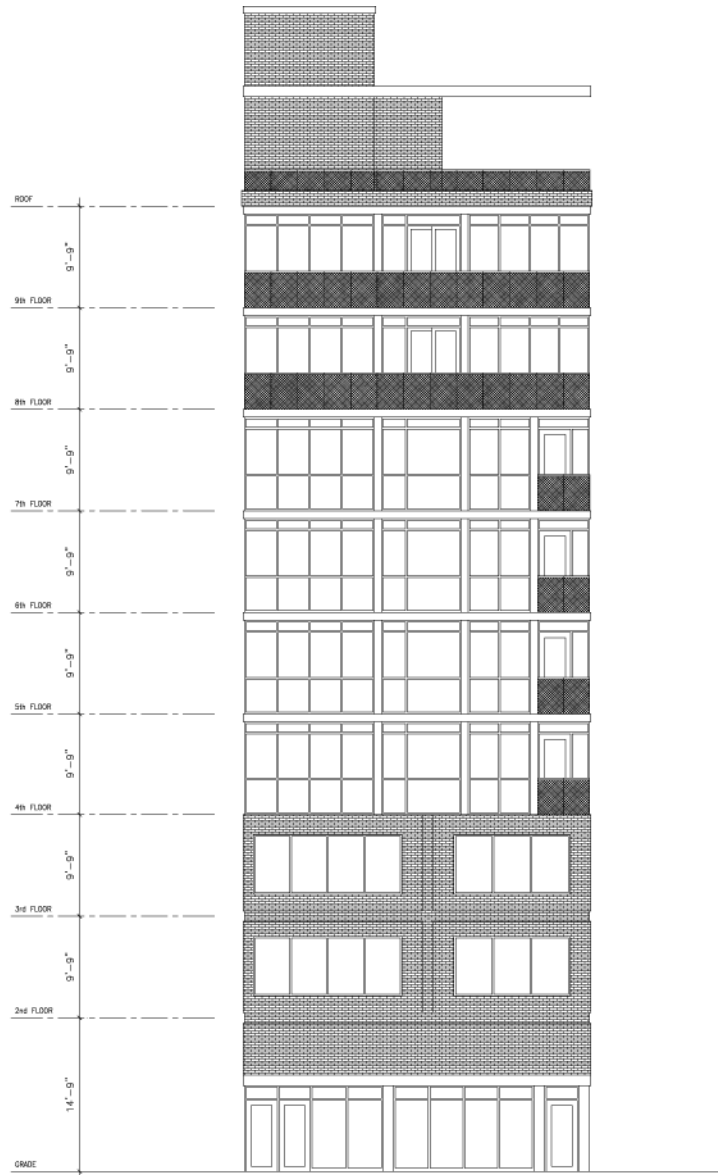
219 and 221 Bathurst Street

Applicant's Submitted Drawing

Not to Scale
08/01/2013

File # 13_176166

Attachment 2: West Elevation



West Elevation

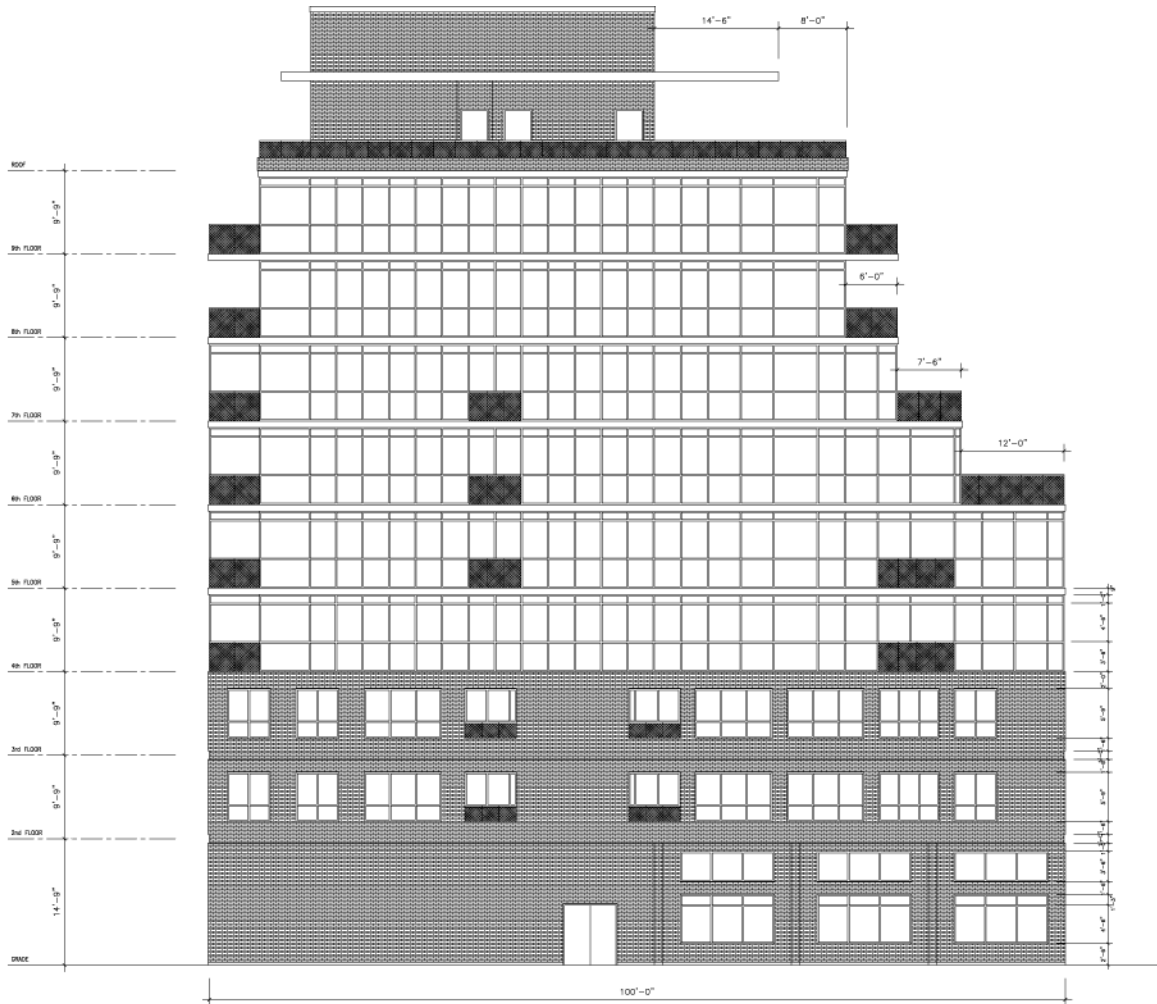
Applicant's Submitted Drawing

Not to Scale
08/01/2013

219 and 221 Bathurst Street

File # 13_176166

Attachment 2: South Elevations



South Elevation

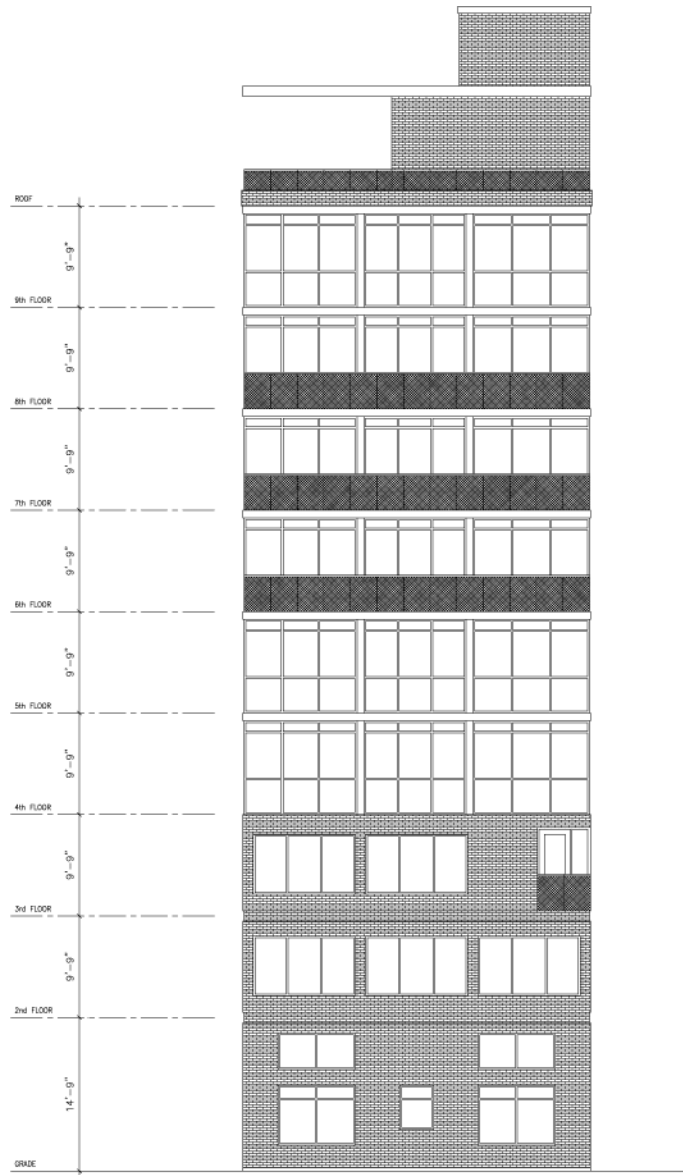
219 and 221 Bathurst Street

Applicant's Submitted Drawing

Not to Scale
08/01/2013

File # 13_176166

Attachment 2: East Elevation



East Elevation

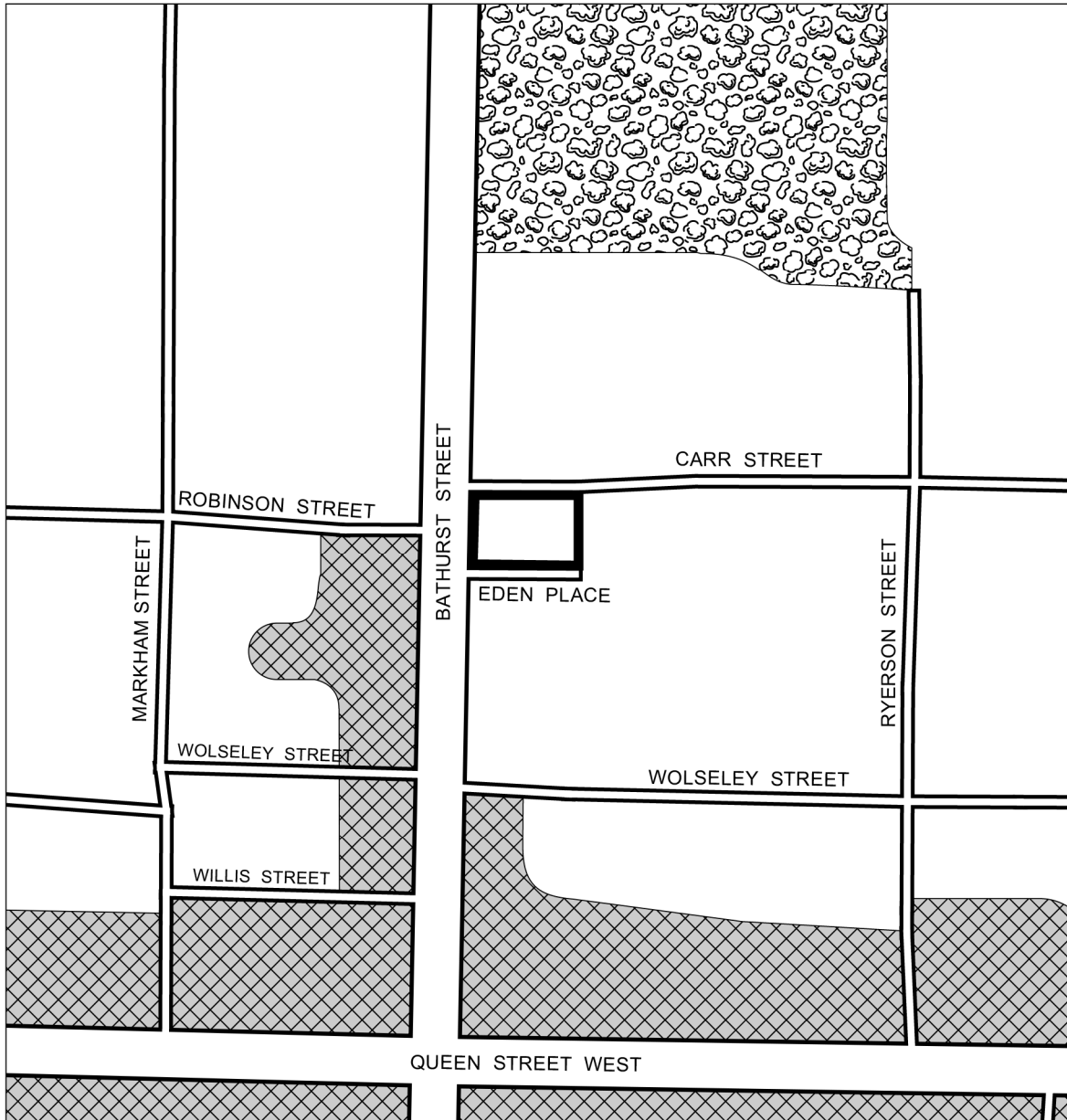
Applicant's Submitted Drawing

Not to Scale
08/01/2013

219 and 221 Bathurst Street

File # 13_176166






Attachment 3: Official Plan Excerpt - Map 18



TORONTO City Planning
Official Plan

219 & 221 Bathurst Street

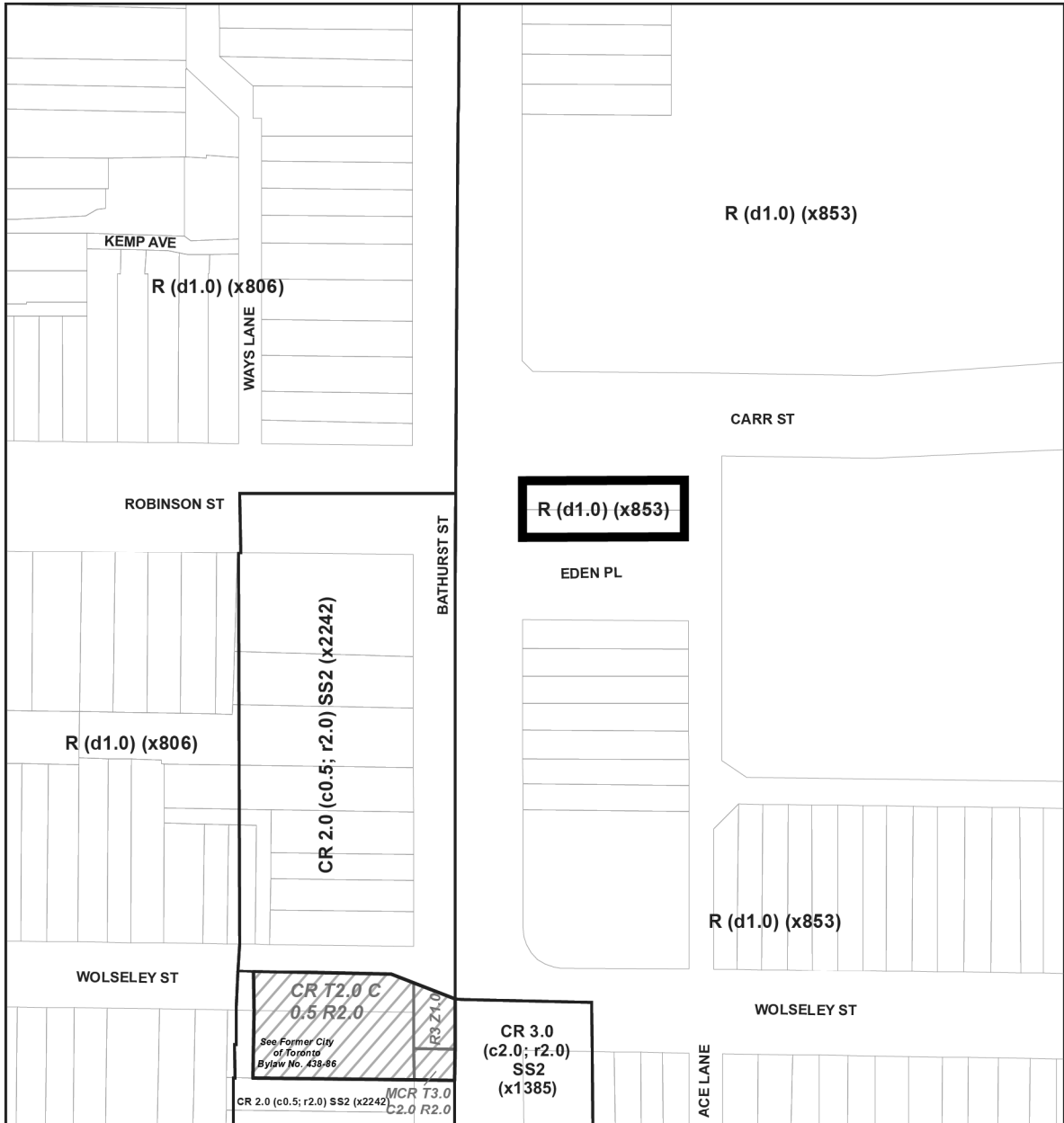
File # 13 176166 STE 20 0Z

- | | |
|---|--|
|  Site Location |  Parks & Open Space Areas |
|  Neighbourhoods |  Parks |
|  Mixed Use Areas | |



Not to Scale
 07/19/2013

Attachment 4: Zoning By-law 569-2013 Excerpt



TORONTO City Planning
Zoning By-law 569-2013

219 & 221 Bathurst Street
 File # 13 176166 STE 20 0Z

- Location of Application
- See Former City of Toronto Bylaw No. 438-86
- R** Residential
- CR** Commercial Residential
- R3** Residential District
- CR** Mixed-Use District
- MCR** Mixed-Use District

Not to Scale
 Extracted 07/19/2013

Attachment 5: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	13 176166 STE 20 OZ
Details	OPA & Rezoning, Standard	Application Date:	May 28, 2013

Municipal Address: 219 BATHURST ST
 Location Description: PLAN D164 PT LOT 12 **GRID S2010
 Project Description: Application for Official Plan Amendment and Re-Zoning for a proposed mixed use building containing commercial uses and 28 residential dwelling units with a total density of 8.26 times the lot area and a height of 26.10 metres.

Applicant:	Agent:	Architect:	Owner:
FERDINAND WAGNER		FERDINAND WAGNER	913255 ONTARIO INC

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	
Zoning:	R3 Z1.0	Historical Status:	
Height Limit (m):	12	Site Plan Control Area:	YES

PROJECT INFORMATION

Site Area (sq. m):	310.286	Height:	Storeys: 9
Frontage (m):	10.18		Metres: 28.27
Depth (m):	30.48		
Total Ground Floor Area (sq. m):	310.286		Total
Total Residential GFA (sq. m):	2173.86	Parking Spaces:	0
Total Non-Residential GFA (sq. m):	448.59	Loading Docks	0
Total GFA (sq. m):	2622.45		
Lot Coverage Ratio (%):	1		
Floor Space Index:	8.5		

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Rental, Condo			
Rooms:	0	Residential GFA (sq. m):	2032.26	141.6
Bachelor:	1	Retail GFA (sq. m):	53.14	0
1 Bedroom:	16	Office GFA (sq. m):	299.32	0
2 Bedroom:	10	Industrial GFA (sq. m):	0	0
3 + Bedroom:	1	Institutional/Other GFA (sq. m):	40.13	56
Total Units:	28			

CONTACT: PLANNER NAME: Graig Uens, Planner
TELEPHONE: 416-397-4647