

**1486 Bathurst St - Zoning Amendment and Site Plan Control Applications - Request for Directions Report**

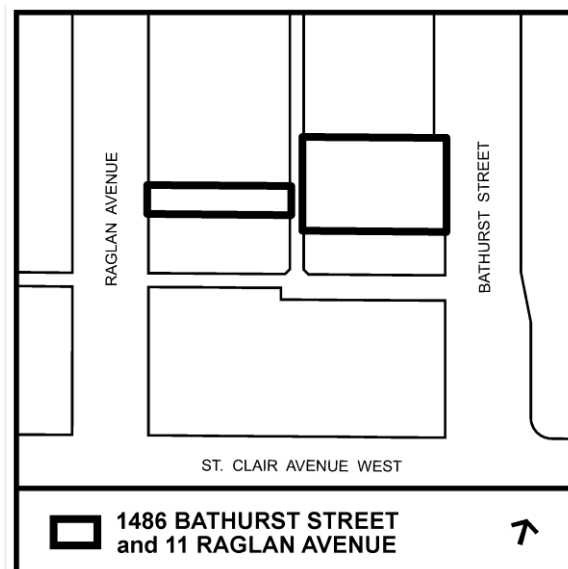
<b>Date:</b>	March 11, 2014
<b>To:</b>	City Council
<b>From:</b>	City Solicitor
<b>Wards:</b>	Ward 21 – St. Paul's
<b>Reference Number:</b>	12 293366 STE 21 OZ & 12 293351 STE 21 SA

**SUMMARY**

Zoning By-law amendment and Site Plan Control applications were submitted on December 13, 2012 requesting permission for an 18-storey (56.2 metres plus a 5.5 metre mechanical penthouse) residential (8404 m<sup>2</sup>) and commercial (148 m<sup>2</sup>) mixed-use building at 1486 Bathurst Street. The proposed building provided a total of 105 residential units and 59 parking spaces. Access to the underground parking garage and loading space was from a driveway over 11 Raglan Avenue. The applicants appealed the Zoning By-law Amendment and Site Plan Control applications to the Ontario Municipal Board (OMB) on June 14, 2013 due to Council's failure to make a decision with respect to the applications within the time prescribed by the *Planning Act*.

The OMB has scheduled a 5-day hearing starting May 5, 2014. The applicant submitted revised plans to the City on February 25, 2014.

Attachment 1 of this report is the planning review, prepared by the City Planning Division, of the revised applications submitted on February 25, 2014.



## RECOMMENDATIONS

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The City Solicitor recommends that:

1. City Council support the zoning by-law amendment application of The Goldman Group Ltd for the reasons set out in Appendix 1 of this report, subject to the following conditions being addressed to the satisfaction of the City Solicitor;

- a) The height of the proposed development is limited to 18 storeys and 60 metres plus 5.5 metre mechanical penthouse;
- b) The maximum gross floor area is in the range of: residential GFA 8,510 m<sup>2</sup>, non-residential GFA 130 m<sup>2</sup> and total GFA 8,640 m<sup>2</sup>;
- b) The owner provides a 1.52 metre lane widening at the rear of 1486 Bathurst Street, and at the rear of 5, 11, and 13 Raglan Avenue.
- c) Provide and maintain a minimum number of parking spaces on the site to serve this development in accordance with the following minimum ratios:

Bachelor units	0.3 spaces per unit
1-bedroom units	0.72 spaces per unit
2-bedroom units	0.81 spaces per unit
3-bedroom units	0.81 spaces per unit
Residential visitors	0.1 spaces per unit

Subject to:

- i) A reduction of four residential visitor parking spaces will be permitted for each of up to two car-share parking spaces provided on the lot; and
  - ii) A reduction of up to two residential visitor parking spaces will be permitted for the provision of a Bixi bicycle station in the vicinity of the site, at the cost of the owner, at an estimated cost of \$30,000, to be secured in the Section 37 Agreement, or other such agreement as may be acceptable to the City Solicitor;
- d) On floors 6-18 inclusive, balconies are to be set back a minimum of 3.4 metres from the east property line, 7.5 metres from the west property line, 0.9 metres from the south property line, and 1.0 metres from the north property line.
  - e) On the 6<sup>th</sup> storey and on all storeys above, the total amount of clear glazing on each of the north and south façades is limited to 35% based on linear measurement.

- f) On floors 1-16 inclusive, on the north and south facades windows are to be setback a minimum of 2.45 metres from the side lot lines.
  - g) A Site Servicing Assessment is provided to the satisfaction of the Director of Development Engineering.
  - h) The owner will provide community benefits, pursuant to section 37 of the *Planning Act*, having a value to be determined by Planning staff in consultation with the local Councillor, indexed in accordance with City practice, prior to the first above-grade building permit. Such funds shall be used by the City for local improvements to Wychwood Library and local streetscape improvements. The community benefits will be secured in an agreement pursuant to section 37 of the Act in a form satisfactory to the City Solicitor.
2. City Council authorize the City Solicitor, in consultation with the Chief Planner and Executive Director of City Planning, to draft the Zoning By-law Amendment as may be required to give effect to the intent of the recommendations contained in this report.
  3. City Council authorize the City Solicitor and appropriate staff to continue discussions with the applicant respecting a final version of the zoning by-law, and the final site plan and conditions of site plan approval.
  4. City Council authorize the City Solicitor, the Chief Planner and City officials to take all necessary steps, including attending the Ontario Municipal Board hearing, as necessary, and the execution of agreements and documents, to give effect to the above-noted recommendations.

### **Financial Impact**

The recommendations will have no financial impact beyond what has already been approved in the current year's budget.

### **Decision History**

The Zoning By-law Amendment and Site Plan Control applications were submitted on December 13, 2012 requesting permission for an 18-storey residential building, plus mechanical penthouse, with retail at grade. The applications were appealed to the Ontario Municipal Board (OMB) on June 14, 2013. At its September 10<sup>th</sup>, 2013 meeting, Toronto and East York Community Council received a Request for Directions Report on the application. Community Council forwarded the report to City Council without recommendations. At its October 8<sup>th</sup>, 2013 meeting, City Council received the Request for Directions Report on the application as well as a Supplementary Report. City Council directed the City Solicitor and appropriate staff to attend the Ontario Municipal Board (OMB) to oppose the owner's zoning appeals and site plan referral respecting the property at 1486 Bathurst Street and 11 Raglan Avenue.

The Request for Directions Report is available at:

<http://www.toronto.ca/legdocs/mmis/2013/te/bgrd/backgroundfile-60740.pdf>

The Supplementary Report is available at:

<http://www.toronto.ca/legdocs/mmis/2013/cc/bgrd/backgroundfile-62374.pdf>

## **Comments**

The purpose of this report is to seek Council's direction for the appeal of these applications to the OMB. It is staff's opinion that the revised proposal is appropriate, on a settlement basis, in its current built form and site design. Staff is recommending that the application be supported, subject to the conditions in the Recommendations Section of this report.

## **Contact**

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## **SIGNATURE**

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Anna Kinastowski, City Solicitor

## **ATTACHMENTS**

- Attachment 1: City Planning Division Review
- Attachment 2: Site Plan (Revised Proposal)
- Attachment 3-6: Elevations (Revised Proposal)
- Attachment 7: Zoning
- Attachment 8: Application Data Sheet (Revised Proposal)

**Attachment 1: City Planning Division Review**  
**Zoning By-law Amendment File No.: 12 293366 STE 21 OZ**  
**Site Plan Control File No.: 12 293351 STE 21 SA**

**Original Proposal**

The original proposal, submitted on December 13, 2012, was to construct an 18-storey (56.2 metres plus 5.5 metre mechanical penthouse) mixed-use building at 1486 Bathurst Street, consisting of 105 residential units, 56 parking spaces, and with a driveway located at 11 Raglan Avenue.

The Request for Directions Report for the original proposal is available at:  
<http://www.toronto.ca/legdocs/mmis/2013/te/bgrd/backgroundfile-60740.pdf>

**Revised Proposal**

The revised proposal, submitted on February 25, 2014, is to construct an 18-storey (59.8 metres plus 5.5 metre mechanical penthouse) mixed-use building at 1486 Bathurst Street consisting of 93 residential units and 77 parking spaces. The property at 11 Raglan Avenue is no longer part of the development site, and as such the access to the underground parking garage and loading space has been revised so that it will be accessed from the rear public laneway. A lane widening of 1.52 metres will be provided at the rear of the subject site, as well as at the rear of 5, 11, and 13 Raglan Avenue.

The base of the proposed building is now set back 3.8 metres from the front property line, approximately 0.2 metres from the north and south property lines, and 0.0 metres from the widened rear laneway. Above the 5<sup>th</sup> floor the building is now set back approximately 8.5 metres from the widened public laneway to the rear, 4.4 metres from the front property line, 0.99 metres from the south property line, and 1.0 metres from the north property line. The 17<sup>th</sup> and 18<sup>th</sup> floors have been fully set back 2.5 metres from the south and north property lines. The tower portion of the building will be approximately 12.7 metres from the 13-storey residential building to the north, and 26 metres from the 23-storey residential building to the south.

The residential units on the 5<sup>th</sup> through 18<sup>th</sup> floors have been oriented to face east and west with only secondary windows on the north and south façade. The total amount of windows on each of the north and south façade has been limited to 33% for floors 6 through 18. The portion of the tower closest to the north and south lot lines will not have any windows, with the closest windows being 2.5 metres from the lot line.

The revised proposed development consists of 8,504 square metres of residential gross floor area, plus 126 square metres of commercial retail space at the ground floor. There will be a total of 93 residential units consisting of 39 one-bedroom units, 46 two-bedroom units, and 8 three-bedroom units. The Gross Floor Area of the tower floor plate will be less than 490 square metres (5274 square feet) per floor. The proposed Floor Space Index is 8.6.

Residential parking will now be accessed by two car elevators which will be located off of the City-owned laneway at the rear of the building. Parking will be provided in a 3-level underground parking garage, at grade, and at the rear of the second and third floors. A total of 77 parking spaces will be provided, including 2 car share spaces located at grade. A Type G loading space will be provided. A total of 97 bicycle parking spaces will be provided, including 12 outdoor spaces.

## **Site and Surrounding Area**

The subject site is located north of St. Clair Avenue West on the west side of Bathurst Street. The site is approximately 1003.8 square metres (10,804 square feet) in area, with a frontage of 25.6 metres on Bathurst Street. The site is currently occupied by an at-grade commercial parking lot. The property at 11 Raglan is no longer part of the development site. The following uses about the property:

**North:** To the north is a 13-storey residential apartment building with a 1-storey base containing retail and office uses. On the roof of the 1-storey base is the outdoor amenity area for the apartment building, with a pool located on the south-west portion of the roof.

**South:** To the south of the site is a 4-storey office building. Further to the south fronting onto St. Clair Avenue West are two mixed-use residential buildings 23 and 19-storeys in height. The 19-storey building is at the north-east corner of St. Clair Avenue West and Raglan Avenue, and the 23-storey building is at the north-west corner of St. Clair Avenue West and Bathurst Street.

**East:** To the east of the site is a gas station at the north-east corner of St. Clair Avenue West and Bathurst Street. To the north of the gas station is St. Michaels College School.

**West:** To the west of the site are 2 and 3-storey detached and semi-detached dwellings fronting onto Raglan Avenue.

## **Zoning**

The current zoning for the site in former City of York Zoning By-law 1-83 is RM2. This is a residential zoning designation that allows a number of residential and non-residential uses, including an apartment building, having a gross floor area of up to 2.5 times the lot area. The maximum permitted height is 5 storeys or 16.0 metres. The minimum required side yard setback is 4.5 metres. The zoning map is included in Attachment 6.

## **Tall Building Guidelines**

The Tall Building Design Guidelines provide policy recommendations for tall buildings on issues of transition, building placement and orientation, entrances, massing of base buildings, tower floor plate sizes, tower setbacks and separation distances, pedestrian realm considerations and sustainable design. This document has been used in the evaluation of the proposed development.

## **Site Plan Control**

A Site Plan application is required and was submitted by the applicant at the same time as the Rezoning application. The Site Plan application was appealed to the Ontario Municipal Board along with the Zoning By-law Amendment application.

## **Reasons for Application**

The revised proposal has a density of 8.6 times the area of the lot, which exceeds the maximum total density of 2.5 times the area of the lot permitted by the Zoning By-law. At 18-storeys (59.8 m plus a 5.5 m mechanical penthouse), the proposal exceeds the maximum 16 metre height limit permitted by the Zoning By-law.

## **Agency Circulation**

The revised application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the revised proposal.

## **COMMENTS**

### **Built Form and Separation Distance**

Through further review and through design changes, the applicant has addressed issues that were previously raised with regard to the relationship to adjacent properties and separation distances to existing tall buildings.

The proposed development at 1486 Bathurst has been revised to improve the relationship with the existing 13-storey building to the north, which is an older slab style apartment building with an end wall condition on the south side facing the development site. The end wall contains a single window on each of the 2<sup>nd</sup> through 13<sup>th</sup> floors. The revised proposal will not have any windows facing north on the 2<sup>nd</sup> to 4<sup>th</sup> floors, and above the 4<sup>th</sup> floor the units have been oriented to face east and west to improve privacy. The total amount of windows on the north façade has been limited to 33% for floors 6 through 18. The windows will be secondary windows and offset from the windows on the existing building to the north. The windows will be set back a minimum of 2.5 metres from the property line.

Staff have reviewed the property immediately to the south of the subject site and determined that due to its proximity to the existing 23-storey residential building at 500 St Clair Avenue West, which has primary windows and units that face directly north, the site is not appropriate as a tall building site. The proposal has been revised in order to permit appropriate future development on the adjacent property to the south. The proposal at 1486 Bathurst Street has a blank wall on the south side for the first 5 storeys. Above the 5<sup>th</sup> floor a portion of the proposed building has a blank south wall 0.99 metres from the lot line with all windows set back 2.5 metres from the south lot line. Again the units have been oriented to face east and west to protect for privacy. The revised proposal will not limit the adjacent property to the south from developing within existing Zoning By-law permissions for the site.

The revised proposal has improved the privacy and relationship with the existing 23-storey tall building to the south (500 St Clair Avenue West). The proposed tower will have a separation distance of approximately 26 metres from the existing tower to the south. The 23-storey tower at 500 St Clair Ave West has an existing separation distance of approximately 20 metres from the 19-storey tower to the west at 530 St Clair Avenue West. The units have been oriented to face east and west with only secondary windows facing south. The total amount of windows on the south façade has been limited to 33% for floors 6 through 18. The 17<sup>th</sup> and 18<sup>th</sup> floors have been fully set back 2.5 metres from the south and north property line.

The relationship of the proposed building to the adjacent properties to the west has been improved as the base of the building has been set back an additional 1.52 metres to accommodate the widening of the public laneway. There will be no windows facing north for the first 3 storeys of the building. The 4<sup>th</sup> and 5<sup>th</sup> floors have been set back 2.5 metres from the rear property line, plus the 1.52 metre lane widening. Above the 5<sup>th</sup> floor the tower portion of the building is set back 8.5 metres from the widened laneway.

The proposal as revised, with its unusually small floor plate, has improved the relationship to adjacent buildings, and in this particular instance taking into consideration the likely form of future development, provides acceptable privacy for adjacent properties and for the residents of the proposed development.

### **Vehicular Access**

The proposal has been revised so that vehicle access is no longer provided by way of a driveway over 11 Raglan Avenue, which was previously identified as a concern by area residents. The revised vehicle access to the proposed building will be via the existing north-south lane which is currently 3.05 metres in width (10 feet). On the east side of the lane, the applicant proposes to convey to the City a widening of 1.52 m (5 feet) at the rear of 1486 Bathurst Street. This conveyance will be stratified to a depth of 1.2 metres, as the applicant will retain ownership below that depth for purposes of constructing its underground parking garage.

The applicant also owns three properties on Raglan Avenue, which back on to the west side of the lane, numbers 5, 11 and 13. The applicant proposes to convey three strips of land from the rear of these properties to allow for further widening of the lane.

The rear of 5 Raglan Avenue is at the corner of the intersection of the north-south lane and an existing east-west lane north of St. Clair West. The applicant proposes to fully convey the land to the City for a day light triangle necessary for larger vehicles, such as garbage trucks, to provide access to the north-south lane from the rear of 5 Raglan, with no stratification.

Staff from the Transportation Planning and Engineering & Construction Services divisions continue to discuss and negotiate issues associated with these conveyances. If these proposed lane widenings are satisfactory then this aspect of the proposal would be settled.



## **Parking**

The revised proposal has increased the number of parking spaces from 59 parking spaces (including 3 car share spaces) to 77 parking spaces (including 2 car share spaces).

Development Engineering staff have reviewed the revised proposal and determined that the proposed parking supply is acceptable.

## **Servicing**

Engineering & Construction Services has requested that the applicant provide an updated analysis of the capacities of the existing storm and sanitary sewer systems in the vicinity of the proposed development to determine whether or not the existing municipal infrastructure is adequate or needs to be upgraded to accommodate the development. Further comments and direction will be needed from Engineering & Construction Services, as well as Toronto Water. A satisfactory Site Servicing Assessment will be required to finalize this aspect of the proposal.

## **Open Space/Parkland**

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

## **Section 37**

The owner will provide community benefits, pursuant to Section 37 of the *Planning Act*, having a value to be determined by Planning staff in consultation with the local Councillor, indexed in accordance with City practice, prior to the first above-grade building permit. Such funds shall be used by the City for local improvements to Wychwood Library and local streetscape improvements. The community benefits will be secured in an agreement pursuant to Section 37 of the Act in a form satisfactory to the City Solicitor.

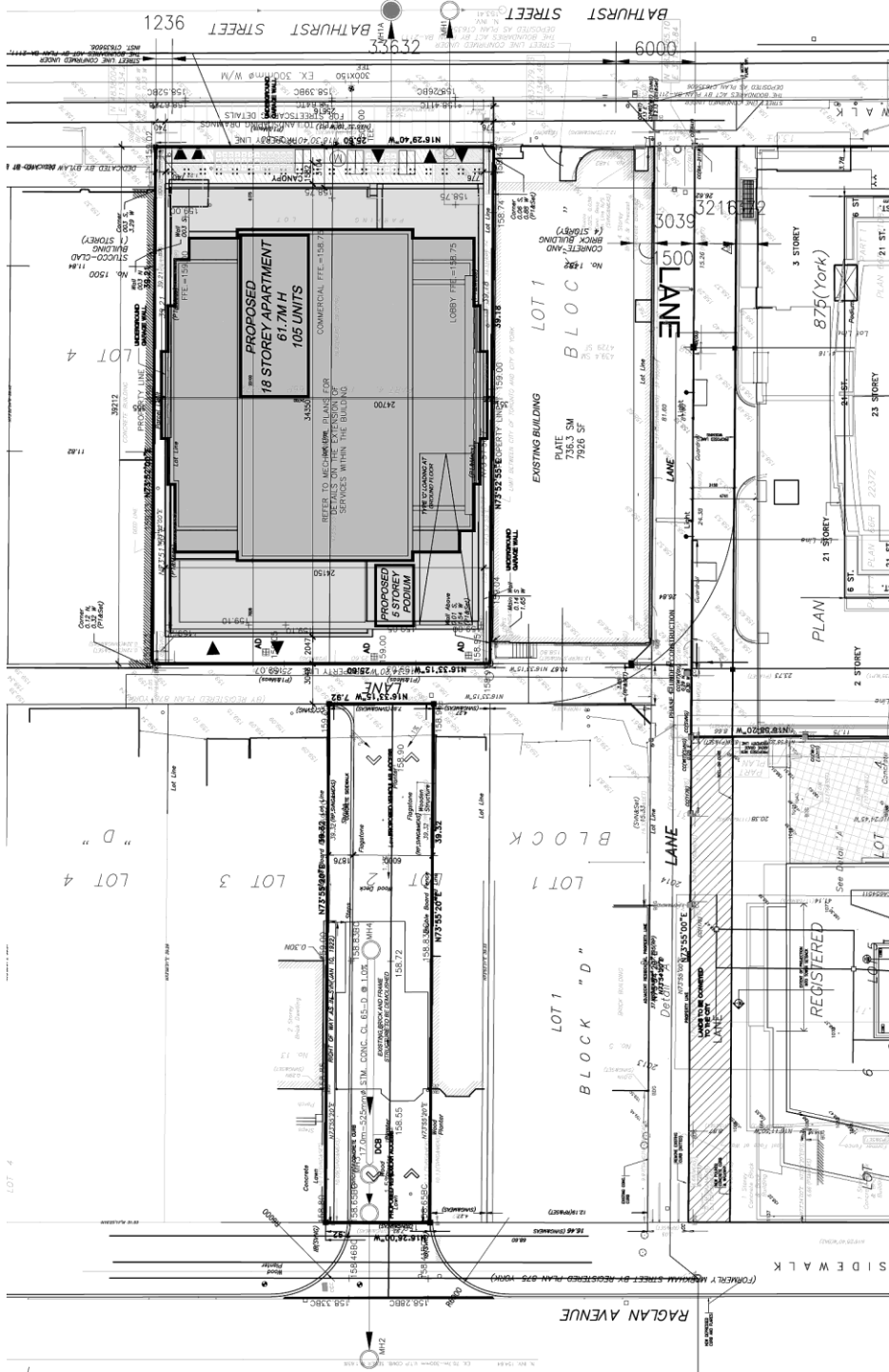
## **Conclusion**

The proposed development as revised and the required Zoning By-law amendment are acceptable, on a settlement basis, subject to the conditions in the Recommendations section of this report. The building has been revised to improve its relationship with adjacent buildings and to reduce negative impacts on sky views, shadow and privacy. The vehicular access has been revised to mitigate its impact on adjacent properties and streets.

## **CONTACT**

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Tel. No. 416-392-7613  
Fax No. 416-392-1330  
E-mail: ddriedg@toronto.ca

# Attachment 2: Site Plan (Revised Proposal)



**Site Plan**

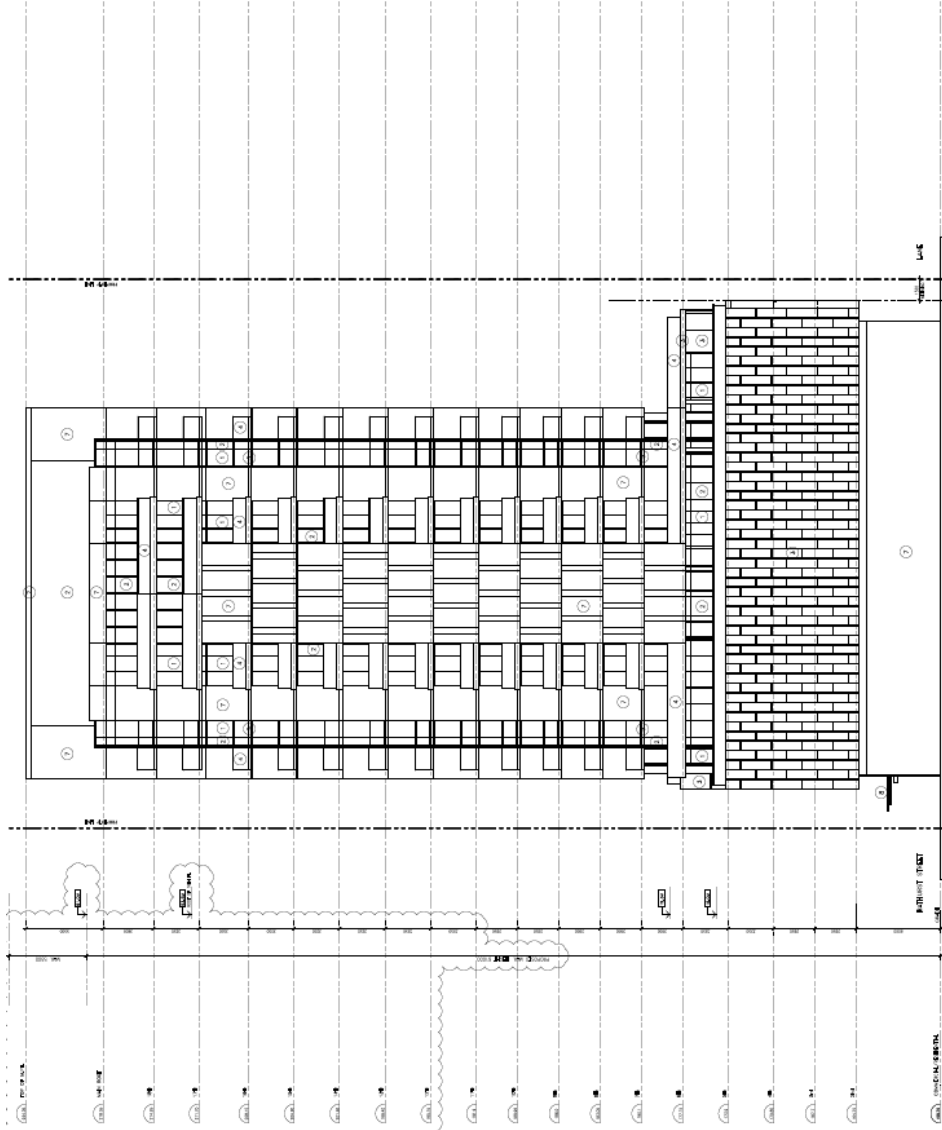
Applicant's Submitted Drawing

Not to Scale  
03/04/2013

File # 12 293366 0Z

**1486 Bathurst Street**

**Attachment 3: North Elevation (Revised Proposal)**

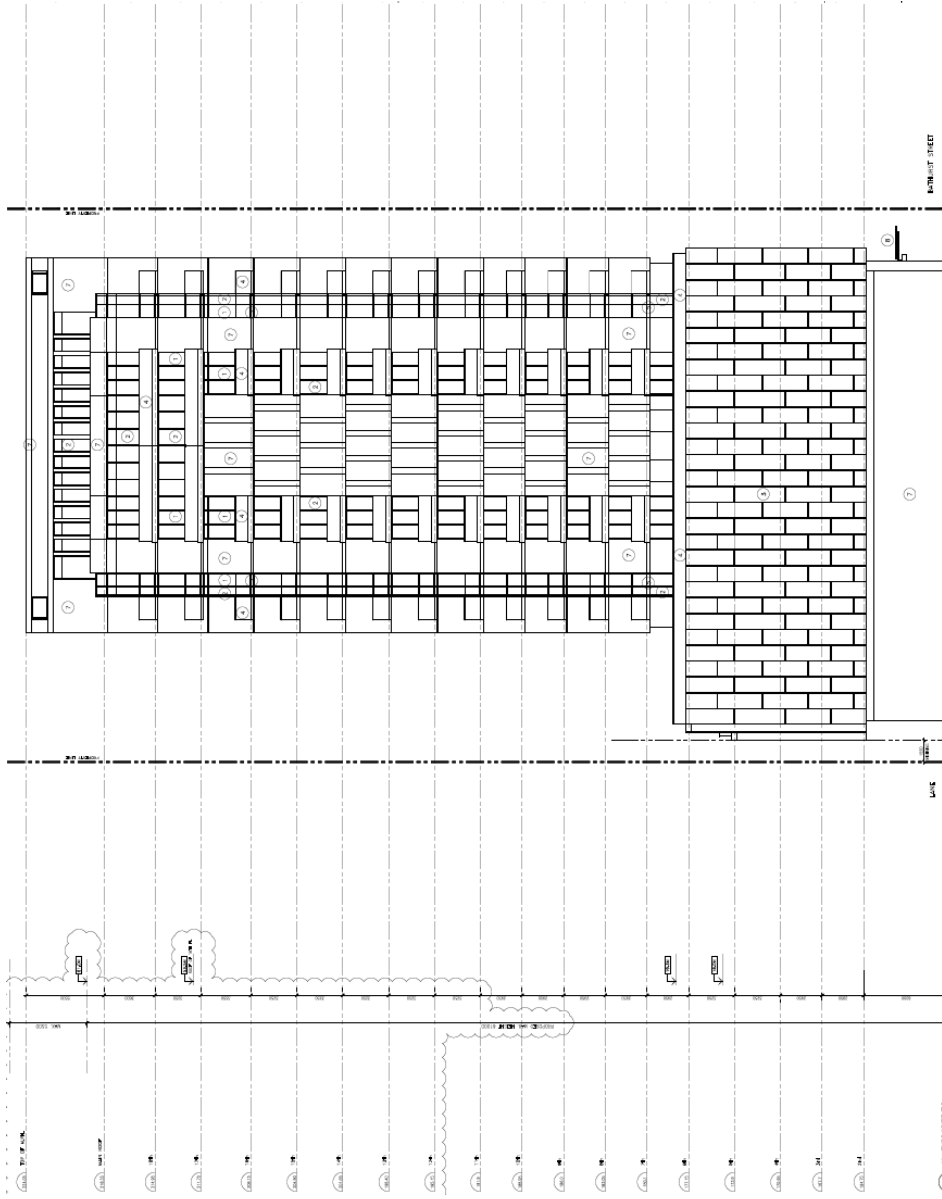


**1486 Bathurst Street**

**Elevations**  
Applicant's Submitted Drawing  
Not to Scale

File # 12 2933366 0Z

**Attachment 4: East Elevation (Revised Proposal)**

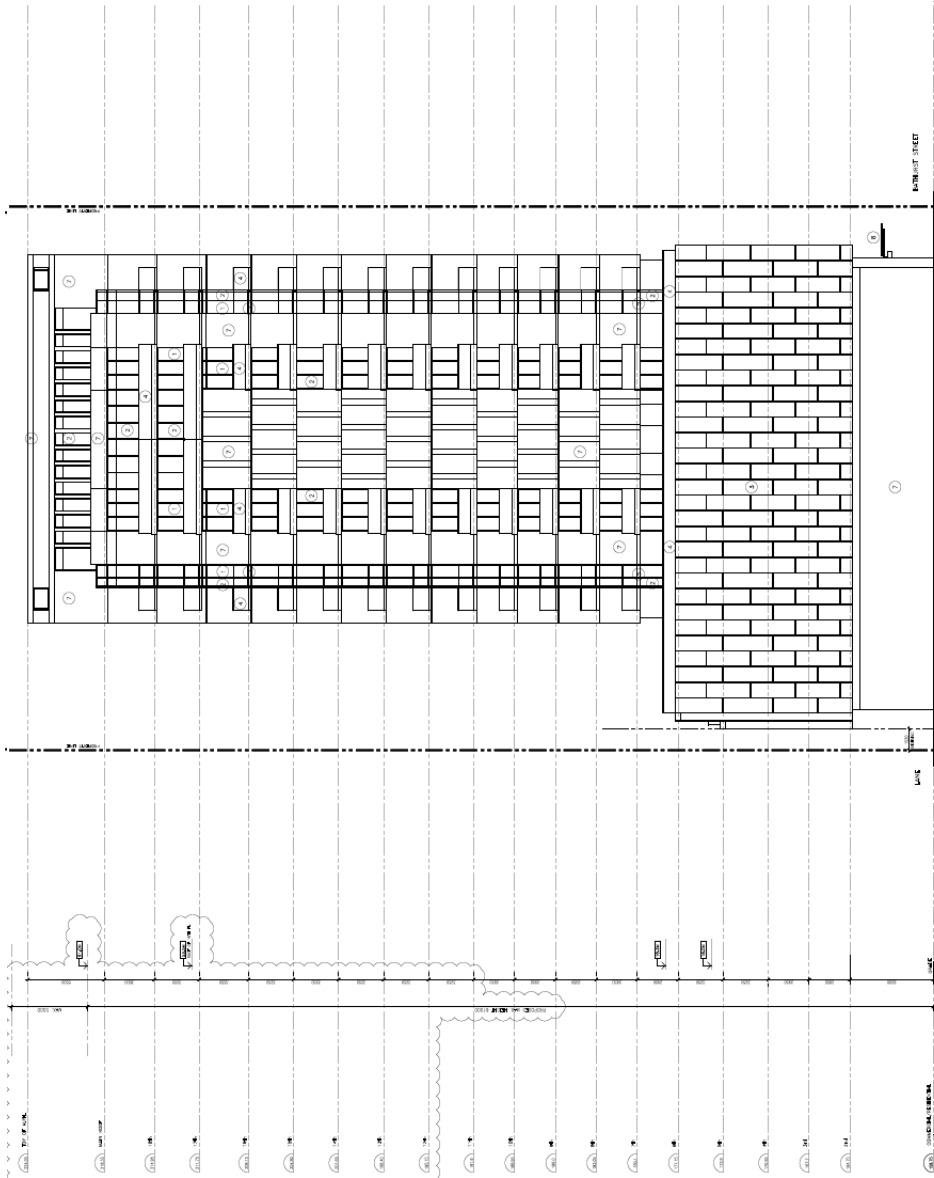


**1486 Bathurst Street**

**Elevations**  
Applicant's Submitted Drawing  
Not to Scale

File # 12 293366 0Z

**Attachment 5: South Elevation (Revised Proposal)**

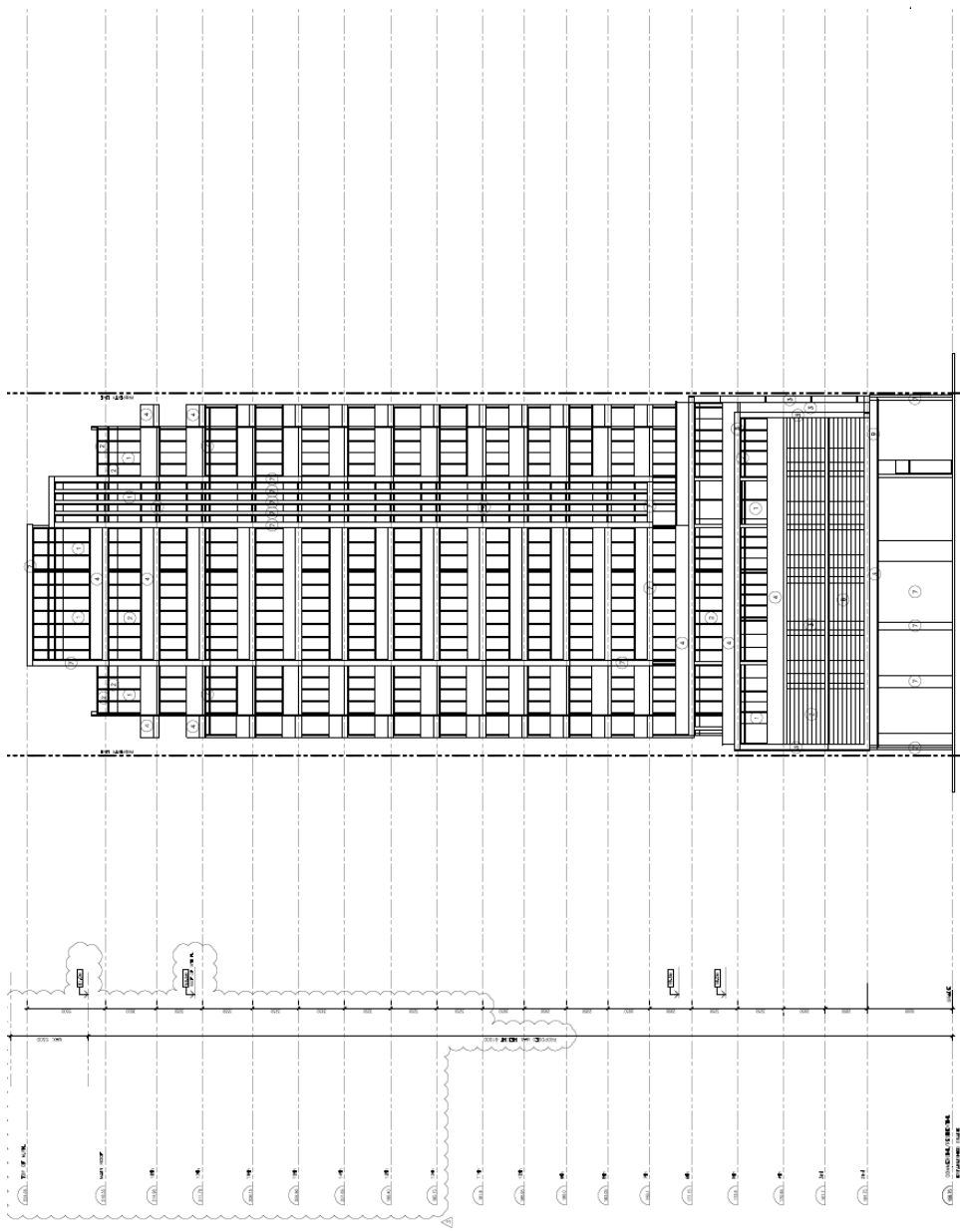


**1486 Bathurst Street**

**Elevations**  
Applicant's Submitted Drawing  
Not to Scale

File # 12 293366 0Z

**Attachment 6: West Elevation (Revised Proposal)**

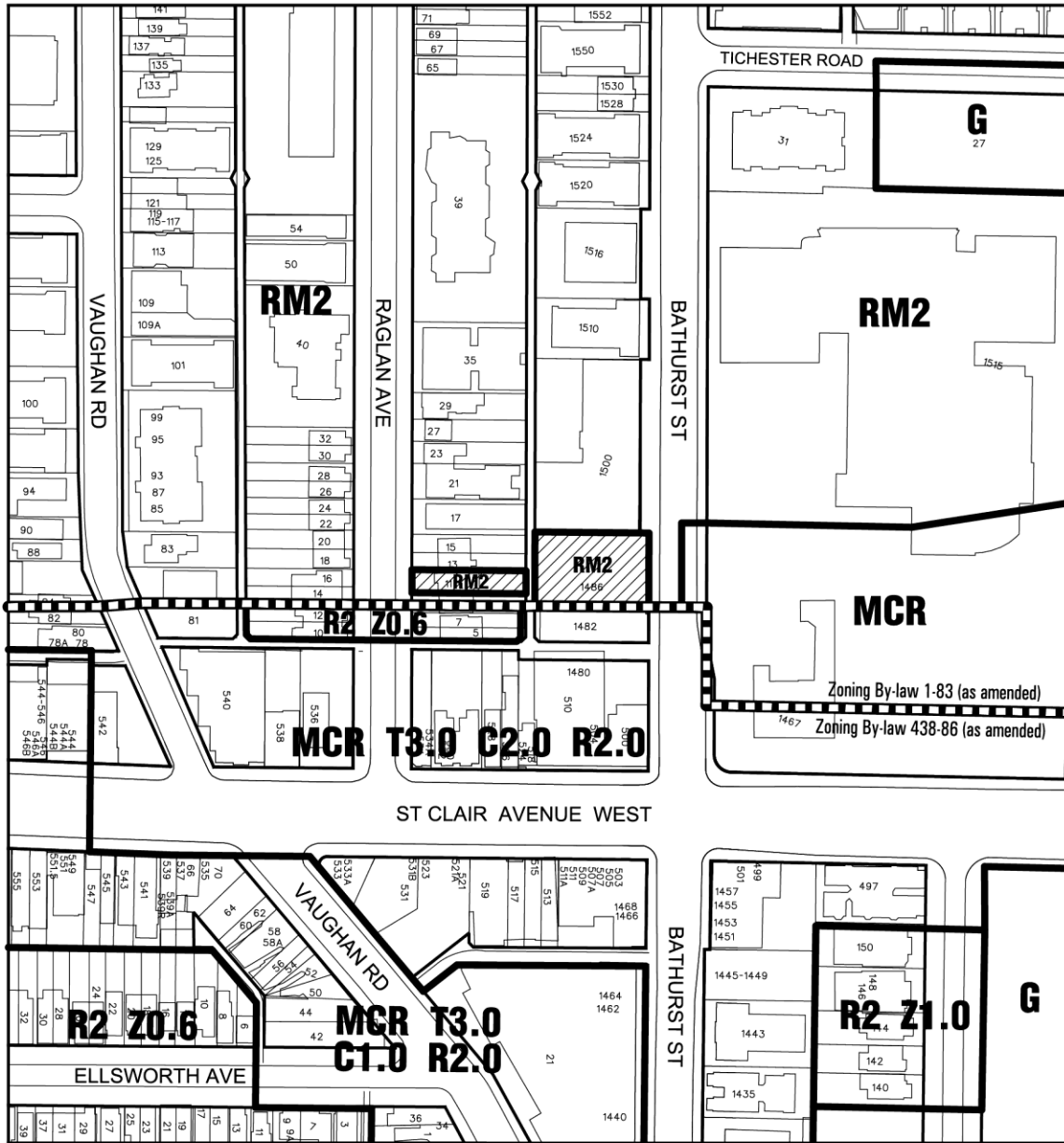


**1486 Bathurst Street**

**Elevations**  
Applicant's Submitted Drawing  
Not to Scale

File # 12 293366 0Z

## Attachment 7: Zoning



**1486 Bathurst Street and 11 Raglan Avenue**

File # 12 293366 0Z

Zoning By-law 1-83 (as amended)  
 RM2 Residential Multiple Zone  
 MCR Mixed Commercial Zone  
 G Green Open Space Zone

Zoning By-law 438-86 (as amended)  
 MCR Mixed-Use District  
 R2 Residential District  
 G Parks District



Extracted 03/04/2013

## Attachment 8: Application Data Sheet (Revised Proposal)

Application Type	Rezoning	Application Number:	12 293366 STE 21 OZ
Details	Rezoning, Standard	Application Date:	December 13, 2012
Municipal Address:	1486 BATHURST ST		
Location Description:	PLAN 875 BLK C LOTS 2 AND 3 PT LOT 4 RP 66R22372 PART 4 **GRID S2105		
Project Description:	An application to amend the Zoning By-law to permit the construction of an 18-storey (56.2 metres plus a 5.5 metre mechanical penthouse) residential (8404 sq.m.) and commercial (148 sq.m.) mixed-use building at 1486 Bathurst Street. The building will contain a total of 105 residential units and 59 parking spaces. Access to the underground parking garage and loading space will be from 11 Raglan Avenue. See associated Site Plan Control 12-293351.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
The Goldman Group, 55 St. Clair Ave. W. Suite 240, Toronto, ON M4V 2Y7	The Goldman Group, 55 St. Clair Ave. W. Suite 240, Toronto, ON M4V 2Y7		440179 Ontario Limited, 55 St Clair Ave. W. Suite 240, Toronto, ON M4V 2Y7

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas (1486 Bathurst St)	Site Specific Provision:	
Zoning:	RM2	Historical Status:	
Height Limit (m):	16 m (5 storeys)	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	1003.8	Height:	Storeys:	18	
Frontage (m):	25.6		Metres:	65.5	
Depth (m):	39.21				
Total Ground Floor Area (sq. m):	437.2				<b>Total</b>
Total Residential GFA (sq. m):	8504.4		Parking Spaces:	77	
Total Non-Residential GFA (sq. m):	126		Loading Docks	1	
Total GFA (sq. m):	8630.4				
Lot Coverage Ratio (%):					
Floor Space Index:	8.6				

### DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	39
2 Bedroom:	46
3 + Bedroom:	8
Total Units:	93

### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	8504		0
Retail GFA (sq. m):	126		0
Office GFA (sq. m):	0		0
Industrial GFA (sq. m):	0		0
Institutional/Other GFA (sq. m):	0		0

**CONTACT:      PLANNER NAME:      David Driedger, Planner      TELEPHONE: 416-392-7613**