

## 3180 Bathurst Street – Rezoning Application – Refusal Report

<b>Date:</b>	July 29, 2010
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 15 – Eglinton-Lawrence
<b>Reference Number:</b>	09 169984 NNY 15 OZ

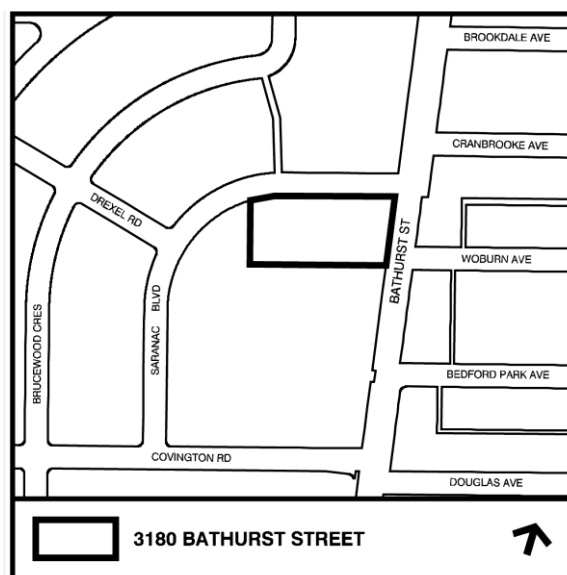
### SUMMARY

This application was submitted on September 17, 2009 and is subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

This application proposes to amend the Zoning By-law for 3180 Bathurst Street to allow for a 13 storey (42.15 m) building with 349 residential units and a small commercial space at grade fronting Bathurst Street. A total of 28,251 m<sup>2</sup> of residential gross floor area is proposed with 126 m<sup>2</sup> of commercial gross floor area and 2,000 m<sup>2</sup> of gross floor area associated with the retained place of worship building. The proposed gross site density is 4.2 times the area of the lot.

This report reviews and recommends refusal of the application to amend the Zoning By-law in its current form for the following reasons:

- The scale and massing of the proposed residential building is inappropriate given the site and area context;
- The application represents an inappropriate level of intensification for the site; and
- the development could establish a negative precedent for future development along the *Avenue*.



City Planning is supportive of the retention of the 1958 portion of the Asbury and West United Church located on the northern portion of the site. City Planning would be supportive of a redevelopment of the site that respects the existing and planned context in the area as set out in this report.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council refuse the application in its present form for the reasons set out in this report.
2. City Council direct the Director, Community Planning, North York District to continue discussions with the applicant and local Councillor on a revised proposal which would be consistent with City policies and guidelines, as identified in this report, and on the provision of appropriate community benefits to be secured through Section 37 of the *Planning Act*.
3. Should the application be appealed to the Ontario Municipal Board, City Council authorize the City Solicitor and City staff to appear before the Ontario Municipal Board in support of this refusal.

### **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

A Preliminary Report was adopted by North York Community Council in January 2010 authorizing staff to conduct a community consultation meeting with notification given to an expanded area. This report can be accessed via the following link:

<http://www.toronto.ca/legdocs/mmis/2010/ny/bgrd/backgroundfile-25644.pdf>.

At this meeting, North York Community Council also directed that:

- The applicant be asked to consider including a mikvah (public ritual bath) among the amenities.
- The applicant be advised that notwithstanding any concessions that may be granted with respect to development charges or levies, the project will be subject to the City's TTC Metropass policy which will not be waived.
- The applicant be further advised that the City is prepared to work with the applicant to develop a protocol that will allow larger units to be built in a way that will allow them to not be negatively impacted by the HST.

## **Pre-Application Consultation**

City staff met with the owner and applicant on several occasions prior to the submission of a rezoning application. At these meetings, staff identified issues with the height, massing and scale of various proposals and also discussed the heritage attributes of the Asbury and West United Church. Despite staff concerns with the built form of the proposal, the application was submitted in September, 2009.

## **ISSUE BACKGROUND**

### **Proposal**

The application was originally submitted on September 17, 2009 and was revised to respond in part to concerns raised by City staff. The current proposal, filed on May 14, 2010, consists of a single 'L' shaped residential building that transitions in height from 4 to 13 storeys (42.15 m including the rooftop mechanical equipment). The 13-storey tower element above the ninth storey is proposed to have a 1,415 m<sup>2</sup> floorplate and is located along the south and west portions of the site. The building would have its main entrance within the interior of the block accessed from a private driveway off Saranac Boulevard.

A total of 349 residential units and 28,251 m<sup>2</sup> of residential gross floor area is proposed with 126 m<sup>2</sup> of commercial gross floor area for a total gross floor area of 28,377 m<sup>2</sup>. The applicant advises that the residential units would be affordable ownership units. The ground floor of the proposed building would contain a total of 446 m<sup>2</sup> of common indoor amenity area for residents. A rooftop terrace (513 m<sup>2</sup>) would be provided at the tenth floor of the building. Including the proposed building and the 2,000 m<sup>2</sup> of gross floor area associated with the retained church, a gross density of 4.2 times the area of lot is proposed.

All parking is proposed to be provided in three levels of underground parking for a total of 306 parking spaces. 261 bicycle parking spaces are also proposed. Access to the below-grade parking would be from Saranac Boulevard. The loading area would be at grade fronting Saranac Boulevard.

The key changes to the proposal from the September 2009 submission include:

- a single residential building, whereas two residential towers – one 13 storeys and the other 14 storeys – connected by a one-storey podium was originally proposed;
- a reduction in the number of storeys of the residential building from 14 to 13 storeys with the overall building height being reduced from 42.78 metres to 42.15 metres;
- a reduction of the seven-storey expression (20.15 m) to four storeys (12.9 m) along Bathurst Street and Saranac Boulevard;
- a reduction in the total unit count from 398 units to 349 units. The applicant had also previously proposed 40 large units (4-5 bedroom units) and is now proposing 18 large units should there be demand for these units;

- the frontyard setback of the building from Bathurst Street increased to 13.5m from the 3m originally proposed and the setback was also increased on the Saranac Boulevard frontage;
- a 1.5 m stepback above the fourth floor of the apartment building and a further stepback of 26 m above the ninth floor along the Bathurst Street frontage. Stepbacks on the Saranac Boulevard frontage are 3.3 metres above the fourth floor and 7.6 metres above the ninth floor;
- in response to North York Community Council direction, the applicant has advised that the requested mikvah could be located within the 126 m<sup>2</sup> commercial space;
- a 1.5 to 4.75 m setback along the south property limit and a proposed 5.5 m easement on a portion of the TCHC property to the south, as well as a 4.9 m setback proposed along the west property limit whereas 0 m setbacks and a 4 m easement were previously proposed; and
- vehicular and service access is proposed from a private driveway accessed from Saranac Boulevard. The driveway no longer has through access to Bathurst Street. The loading and service area is now located in the setback between the Saranac Boulevard and the proposed residential building.

The following table provides a comparison between the original proposal, a revised submission filed in March 2010 and the current proposal:

	<b>Original Proposal September 2009</b>	<b>Revised Submission March 2010</b>	<b>Current Submission May 14, 2010</b>
<b>Building Height</b>	13 and 14 Storeys (39.98 and 42.63m)	14 storeys (42.78m)	13 storeys (42.15m)
<b>Gross Floor Area</b>	35,576 m <sup>2</sup> total Church: 2,185 m <sup>2</sup> Residential: 33,205 m <sup>2</sup> Retail: 186 m <sup>2</sup>	33,478 m <sup>2</sup> total Church: 2,000 m <sup>2</sup> Residential: 31,353 m <sup>2</sup> Retail: 125 m <sup>2</sup>	30,377 m <sup>2</sup> total Church: 2,000 m <sup>2</sup> Residential: 28,251 m <sup>2</sup> Retail: 126 m <sup>2</sup>
<b>Density</b>	5.0 FSI	4.7 FSI	4.2 FSI
<b>Dwelling Units</b>	398	367	349
<b>Parking Spaces</b>	334 (includes 5 car-share and 70 shared visitor spaces for the church, daycare and condominium use)	315 (includes 5 car-share and 71 shared visitor spaces for the church, daycare and condominium use)	306 (includes 5 car-share and 78 shared visitor spaces for the church, daycare and condominium use)

Retention and restoration of the two-storey, 1958 portion of the Asbury and West United Church located on the northern portion of the site (2,000 m<sup>2</sup> of gross floor area) is still proposed. The existing 173 space for-profit day care facility located in the existing church would be upgraded in the retained portion of the church. The upgrading of the facility would reduce the capacity of the day care facility to 100 spaces. The proposed site plan and additional site statistics for the current proposal are presented in Attachments 1 and 5 respectively.

## Site and Surrounding Area

The site is located on the west side of Bathurst Street north of Lawrence Avenue West. The site has a frontage of 60 metres on Bathurst Street, a depth of 125 metres and an area of 7,190 m<sup>2</sup>. Bathurst Street is a busy four lane arterial with 24-hour bus service.

The existing development on site consists of a two-storey place of worship with surface parking provided to the south and west of the existing building. The place of worship structure consists of the remaining elements of the original 1899 Asbury Church, an administrative wing that was constructed in 1951 and a sanctuary built in 1958. The building is currently not listed on the City of Toronto's Inventory of Heritage Properties or designated under the *Ontario Heritage Act*. A separate report before North York Community Council is recommending designation of the 1958 portion of the Asbury and West United Church.

Land uses surrounding the site are as follows:

*North:* Two to three storey walk-up apartment buildings are located on the north side of Saranac Boulevard directly across from the subject site. Further to the north is a residential building that steps in height from four to eight storeys.

*East:* Two-storey mixed use buildings are located on the east side of Bathurst Street directly opposite the subject site.

*South:* Directly to the south of the site is a 12 storey residential building owned by Toronto Community Housing Corporation with a 3 storey townhouse component (3174 Bathurst Street). Further to the south is the Crystal Towers consisting of a 14-storey apartment building (2 Covington Road) and a 15-storey apartment building (8 Covington Road) and the Lawrence Plaza at the northwest corner of the Bathurst Street and Lawrence Avenue intersection.

*West:* The Bais Yaakov School and a playground are located to the southwest and west of the subject site.

A rezoning application was submitted in 2007 for an 11-storey retirement residence in the vicinity of this application at 3101 and 3137 Bathurst Street. That application is currently under review.

### *Priority Neighbourhoods*

The City of Toronto has placed increasing emphasis on identifying vulnerable neighbourhoods and targeting resources to improve outcomes for their residents. Thirteen neighbourhoods were identified for priority infrastructure investment due to the lack of Community Services and Facilities.

The subject site is located in the Lawrence Heights Priority Neighbourhood. The neighbourhood of Lawrence Heights is bounded by Lotherton Pathway and Eugene Street to the west, Bathurst Street to the east, Highway 401 to the north and Briar Hill Avenue

to the south. Attachment 4 illustrates the Lawrence Heights Priority Neighbourhood boundary.

#### *Lawrence-Allen Revitalization Project*

The subject site is also located within the Lawrence-Allen Revitalization Project study area. A staff report and the Lawrence Allen Revitalization Plan (LARP) were before City Council on July 6 and 7, 2010. The report can be found at [www.toronto.ca/legdocs/mmis/2010/ny/bgrd/backgroundfile-30947.pdf](http://www.toronto.ca/legdocs/mmis/2010/ny/bgrd/backgroundfile-30947.pdf).

The Lawrence Allen Revitalization Plan (LARP) is a 20-year plan for the evolution of the Lawrence-Allen area and the Lawrence Heights neighbourhood at its core. It articulates a vision for the area, lays out a new physical plan and recommends short- and long-term directions for a Secondary Plan. Work undertaken for this study has been used to assess the impacts and implications of the redevelopment of the subject site and the Avenue Segment Study submitted with this application.

### **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 by the *Places to Grow Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

### **Official Plan**

The City's Official Plan is the most important vehicle for implementing the PPS and the Places to Grow Growth Plan. It is also the City's long-term vision for how the City should grow.

#### **Avenues**

The Official Plan sets out the City's growth management strategy which guides reurbanization and directs job and population growth to certain 'growth' areas shown on Map 2, Urban Structure. The growth areas are the *Downtown and Central Waterfront, Centres, Avenues* and *Employment Districts*. The *Avenues* are important corridors along major streets where re-urbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the appearance of the street, shopping opportunities and transit service for community residents.

The Official Plan identifies that development along the *Avenues* will generally be at a much lower scale than in the *Downtown* and generally at a lower scale than in the *Centres*. Bathurst Street is identified as an *Avenue* on Map 2 of the Official Plan. The Official Plan also identifies that development on *Avenues* prior to the City undertaking an Avenue Study has the potential to set a precedent for the form and scale of re-urbanization along the *Avenue*.

For this reason, proponents of such proposals are required to address the larger context and examine the implications for the segment of the *Avenue* in which the proposed development is located. Policy 2.2.3.3(b) of the Official Plan, sets out the criteria that must be examined in an Avenue Segment Study. The policy requires the Segment Study to consider development scenarios for the soft sites that are similar to the subject site, taking into account distinguishing circumstances, and to demonstrate that the proposal will set a positive precedent for the development of the *Avenue*.

### ***Mixed Use Areas and Built Form Policies***

Land use designations are among the Official Plan's key implementation tools for achieving the vision established in the Plan. The Official Plan designates the subject site as *Mixed Use Areas*, one of four land use designations intended to accommodate growth. The *Mixed Use Areas* designation encourages a broad range of commercial, residential, institutional and open space uses to accommodate increases in population and jobs along transit lines and reduce automobile dependency. The Plan also contains policies which require a full range of housing, in terms of form, tenure and affordability, across the City.

The Official Plan establishes criteria for development in *Mixed Use Areas* including a requirement for buildings to be located and massed to provide a transition between areas of different development intensity, providing setbacks for, and stepping down of, building heights towards existing lower scale development. The Plan also contains requirements to locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open space. This criteria is supplemented by additional development criteria in the Official Plan's Built Form policies, including built form policies that deal specifically with "tall buildings".

The Official Plan identifies that "tall buildings" are typically buildings whose height is greater than the width of the adjacent road allowance. They are generally limited to parts of the *Downtown*, *Centres* and other areas where they are specifically permitted by a Secondary Plan or Zoning By-law.

### ***Heritage Resources***

The Official Plan's Heritage Resources policies identifies that significant heritage resources will be conserved by listing properties of architectural and/or historic interest on the City's Inventory of Heritage Properties, designating them under the *Ontario Heritage Act* and entering into conservation agreements with owners of designated heritage properties. A separate report before North York Community Council is recommending designation of the 1958 portion of the Asbury and West United Church.

The Official Plan also identifies that development adjacent to properties on the City's *Inventory of Heritage Properties* will respect the scale, character and form of the heritage buildings and landscapes.

### **Section 37**

The Official Plan provides for the use of Section 37 of the *Planning Act* to secure the provision of community benefits in return for an increase in height and/or density of a development provided the density and/or height increases are consistent with the objectives of the Official Plan regarding built form and the physical environment.

### **Tall Building Guidelines**

Similar to the Official Plan, the City's Tall Building Guidelines defines tall buildings as generally buildings whose height is greater than the width of the right-of-way of the principal street on which it is located. The guidelines provide a number of criteria for tall building development proposals related to site context, organization, massing and the pedestrian realm.

### **Zoning**

The site is currently zoned Single Detached Dwelling Fifth Density (R5) zone, by the former City of North York Zoning By-law No. 7625. The R5 zone permits single-detached dwellings and accessory buildings with a minimum lot frontage of 15 meters and maximum lot coverage of 30%. Home occupations, recreational and institutional uses, including places of worship, are also permitted.

### **Avenue Segment Study**

In accordance with Policy 2.2.3.3 of the Official Plan, the applicant submitted an *Avenue Segment Study* for Bathurst Street from Prince Charles Drive to just south of Lawrence Avenue West.

The Segment Study prepared by the applicant identified seven soft sites within the segment that had potential for reurbanization in accordance with the *Avenue* policies. Six of the soft sites are located on the east side of Bathurst Street, with one site, consisting of the Bathurst Street frontage of the Lawrence Plaza site, on the west side of Bathurst Street. The Segment Study acknowledges that the Lawrence Plaza site and the subject site differed in form and character than the properties on the east side of Bathurst Street.

The review applied a number of guiding principles to the soft sites to establish the potential built form scenarios. The resulting built form on the east side of Bathurst Street are 8 to 10 storey buildings. The Lawrence Plaza site on the west side of Bathurst Street is shown to have four buildings – two nine-storey buildings, one 14-storey building and one 15-storey building. The 14 and 15 storey buildings have a built form similar to the proposed development.



The Segment Study concludes that:

- The densities across the soft sites would range from 3.9 to 5.3 times the area of the lot which could result in approximately 1,962 new residential units, including the proposal at 3180 Bathurst Street, a population of approximately 4,120 people and 15,000 m<sup>2</sup> of commercial gross floor area;
- The site and area are well served by existing community services and facilities;
- The additional traffic generated by the redevelopment sites could be accommodated on the existing road network; and
- The servicing infrastructure is adequate to serve the proposed development on the subject site.

## Tenure

The applicant advises the proposed residential units would be affordable home ownership housing developed by Options for Homes. Under the Options for Homes model, homebuyers form non-profit co-operative housing corporations to construct their projects. They retain Options for Homes as their development consultant. The project is then registered as a condominium and units are sold as such. Applications for draft plan of condominium approval will be required. Using second mortgages, which are payable at the time of resale, each project creates a reserve fund of the difference between market value and purchase price. That difference is paid off when a suite is sold and the proceeds are used to fund additional housing projects.

Affordable ownership housing is defined in the Official Plan as housing which is priced at or below an amount where the total monthly shelter cost equals the average City of Toronto rent by unit type. The Official Plan definition of affordable ownership housing calculates prices based in part on average market rents in the City of Toronto surveyed by CMHC, and reported in the year-end Rental Market Report.

Options for Homes provided estimated prices for the units. The prices provided include the second mortgage supplied through Options for Homes and as such are lower than the market value. The prices are shown below in comparison with the Official Plan's current affordable price limit. The Options for Homes prices, with the exception of the bachelor units, would all exceed the Official Plan's affordable price limits if the second mortgage is excluded.

UNIT TYPE	OPTIONS FOR HOMES ESTIMATED PRICE (\$) <i>*Market price would be ~ 15% higher</i>	OFFICIAL PLAN AFFORDABLE PRICE LIMIT (\$)
Bachelor Apartment	96,483	120,621
1-Bedroom Apartment	132,471	146,098
2-Bedroom Apartment	167,208	173,619
3-Bedroom Apartment	202,900	203,185
4 Bedroom (or more) Unit	< 250,000	222,843

## **Site Plan Control**

The proposal is subject to Site Plan Control approval. An application has not been submitted to date.

## **Reasons for Application**

An amendment to the Zoning By-law is required to permit the proposed mixed-use development and establish development standards regarding height, density, vehicle and bicycle parking, residential amenity space and other matters.

## **Community Consultation**

A community consultation meeting was held on February 13, 2010 and was attended by the local Councillor, representatives of the applicant, City staff and approximately 125 members of the public. Attendees were largely in support of the project and the large units proposed. Some concerns raised related to:

- the requirement to retain the heritage building;
- whether the existing day care and other church programs would be continued;
- traffic;
- vehicular access and left turns from Bathurst Street;
- maintaining the green space on the site; and
- how speculation could be prevented.

Written feedback, by way of comment sheets and e-mails, was also received, some of which echoed the sentiments at the community meeting. Comments related to:

- maintaining the lawn around the Asbury and West United Church;
- support for the green initiatives proposed;
- including a variety store or small grocer in the building;
- some concerns over the requirement of conserving the heritage building while others were concerned about whether the building was going to be conserved; and
- support for the proposed affordable ownership and large units.

## **Agency Circulation**

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

## **COMMENTS**

### **Land Use**

The *Mixed Use Areas* designation encourages a broad range of commercial, residential, institutional and open space uses to enable Torontonians to live, work and shop in the same area. The proposed use is primarily residential and is permitted in a *Mixed Use Areas* designation.

The proposal would provide a small commercial space, identified for the mikvah, along a portion of the Bathurst Street frontage. A residential unit occupies the remaining Bathurst Street frontage. More active and transparent uses along Bathurst Street, such as a secondary lobby entrance or second commercial space, would improve the Bathurst Street streetscape and provide more animated uses at-grade.

This proposal also meets the Official Plan's requirement to provide a range of residential housing options in terms of form, tenure and affordability. While the Official Plan places emphasis on providing purpose-built rental housing and affordable low-rise ownership housing for large families, the potential for eighteen large units and the high-rise affordable ownership opportunities proposed would assist in diversifying the housing stock in the area.

### **Height, Built Form and Massing**

The desire to achieve intensification on this site and to diversify the housing stock in the area must be balanced with a respect for existing site conditions and the surrounding area context. Any proposed redevelopment should provide a high-quality built form that does not negatively impact the existing heritage structure or associated open space, adjacent development or undermine the desirability and attractiveness of the *Avenue*. The Official Plan requires that new buildings be sited, massed and scaled to fit harmoniously into the existing and planned context and that development limit its impact on neighbouring streets and properties.

### **Existing Context**

Understanding the development history, existing built form fabric and structure of Bathurst Street and the surrounding area is insightful in determining appropriate massing and scale for new buildings along this street.

The vision contemplated for Bathurst Street in the former City of North York Official Plan had the highest density development contemplated at the Bathurst Street and Lawrence Avenue intersection, which was designated a Sub-Centre. This is reflected in development permissions approved in the 1990s for the Lawrence Plaza shopping centre and the Crystal Towers site. The Sub-Centre designation was not carried forward into the City's Official Plan.

North of this intersection, building heights were then to be reduced to generally between three and six storeys, except at major street intersections where heights of buildings could be as high as the planned right-of-way of Bathurst Street. North of Prince Charles Drive, building heights were limited to six storeys by the South Bathurst Area Secondary Plan. The six-storey height limit for this portion of Bathurst Street was carried forward into the City's Official Plan as an area specific policy.

While the vision for Bathurst Street was not fully realized, the overall structure and character that has emerged on the street in the vicinity of the subject site is reflective of this vision and consists of a mix of office, commercial and residential buildings in low- to mid-rise form. The tallest buildings on the street are located on the west side of Bathurst

Street in proximity to the Bathurst Street and Lawrence Avenue intersection, as identified above. It is a vibrant commercial street servicing the local community. Stable low-rise residential neighbourhoods, designated either *Neighbourhoods* or *Apartment Neighbourhoods*, are located within the interior of the blocks.

It is also important to note there is a distinct character to the block where the subject site is located, between Covington Road and Saranac Boulevard. This block has been the site of the Asbury and West United Church since 1899. It was also the site of the Saranac Annex, a public school constructed in 1921, which was converted to a media centre for the school board in 1957. These two buildings were placed in a park like setting and served an important institutional role for the area.

A portion of the school site was declared surplus in the 1970s and sold to Metropolitan Housing Company Limited, now TCHC. A twelve storey seniors building was constructed on this surplus land. This building is sited in a way that respects the historical open space setting of the block and provides visual access to the Asbury and West United Church. While the Crystal Towers development deviates from the original park like setting of the block, the building adjacent to Bathurst Street maintains a landscaped corridor along the Bathurst Street frontage that terminates at the church and included the Barbara Frum Library on the site.

### **Built Form Discussions**

City Planning commentary on the original submission centred around a mid-rise built form with an appropriate base condition. It was identified that the height of the building needed to be proportionate to the planned Bathurst Street right-of-way width and as such should not exceed 27 metres. It was believed this would better respect the general form of development along Bathurst Street, which generally does not exceed a mid-rise built form. The base condition, at seven storeys, was too high and needed to better respond to the surrounding built form fabric and provide a positive pedestrian experience along Bathurst Street. The building also needed to maintain the generous landscape setback of the retained heritage building.

It was also identified that increased setbacks and a built form that was lower in scale should be provided on the Saranac Boulevard frontage to reflect the generous landscaped setbacks on the opposite side of the street and ensure an appropriate transition to the low-rise apartment buildings to the north of the site. It was suggested that an angular plane and a suitable base condition should be provided to appropriately respond to the existing built form fabric of the low-rise apartment buildings.

Through discussions with the applicant, City Planning eventually concluded that a taller building element could be introduced above a mid-rise component given the depth of the site and the distinct context of the block where the site is situated with taller buildings located immediately to the south. However, this taller building element had to be restricted to a small floorplate, as identified in the City's Tall Building Guidelines, and confined to the southwest corner of the site to lessen the building's impact on the place of

worship and associated open space, the low-rise residential buildings to the north on Saranac Boulevard and to limit the building mass on Bathurst Street.

### **Proposed Building**

The applicant made a number of revisions to the original proposal that in part addressed City Planning's built form concerns. The height of the base condition was reduced from seven to four storeys, a 9 storey (26.15 metre) mid-rise component was introduced above the base condition and the setbacks on the Bathurst Street and Saranac Boulevard frontages were increased. The proposal would also appear to achieve an angular plane regularly used in the City (45 degrees) to the opposite sides of both Bathurst Street and Saranac Boulevard.

Notwithstanding these changes, the proposed development is an overdevelopment of the site and does not respect the existing context. The bulky building would detract from the appearance and setting of the heritage church and associated open space, would not provide appropriate transitions in scale to surrounding development and would result in the loss of sky view and negative shadow impacts within the site.

The proposal is also not consistent with the City's Tall Building Guidelines. These guidelines define tall buildings as generally buildings whose height is greater than the width of the right-of-way of the principal street on which it is located. These guidelines were developed to guide built form discussions for taller buildings and implement policy directions of the Official Plan. Bathurst Street has a planned right-of-way width of 27 metres and Saranac Boulevard has a right-of-way width of 20 metres. The height of the proposed building is 42.15 metres and is considered a tall building. In particular, the proposal does not:

- avoid big, boxy, dominant massing;
- provide a distinctive profile for the uppermost floors of the building;
- minimize the floorplate of the tall building element or provide architectural articulation of the proposed floorplate to minimize shadows, reduce the loss of sky view or to break down the mass of the building;
- align the front façade of the base building consistent with adjacent building facades;
- locate the primary entrance of the building on the public street frontage; and
- integrate services and utility functions within the building.

The proposed development could also set a negative built form precedent for the *Avenue*. The Segment Study provided by the applicant illustrates a built form predicated on a number of guiding principles. In many instances, these guiding principles are unacceptable or have not been applied consistently to the proposed development or vice versa. It is also important to note that a similar built form to the proposed development could be achieved on the Bathurst Street frontage of the Lawrence Plaza site should this site redevelop.

### **Additional Required Revisions**

City Planning is supportive of a redevelopment of the site that is consistent with City policies and guidelines and would like to continue discussions with the applicant in this regard. The proposed residential building's impacts could be mitigated by:

- Maintaining the setting of the heritage building by retaining the generous landscaped setback area of the church and reflecting the distinctive character of the block. This would respect the character and form of the heritage building and landscape, reinforcing this heritage structure as a neighbourhood landmark, integrate the development with the other buildings and open spaces on the block and would meet the intent of the Official Plan and design guidelines by maintaining the setbacks in this area.
- Reducing the height of the base building to three storeys (10.5 metres) to better reflect the retained heritage building on the site and the low-rise apartment buildings to the north on Saranac Boulevard. The applicant is proposing a four-storey (12.9 m) base building.
- Providing a 5 metre stepback above the third storey on the Bathurst Street frontage. This would create an appropriate transition to the heritage building. A 1.5 metre stepback above the fourth floor of the building along the Bathurst Street frontage is proposed.
- Providing a small floorplate for the taller building element restricted to the southwest corner of the site. This would significantly reduce the scale and mass of the building which in its current form overpowers and overshadows the important heritage building and its associated open space. The proposed floorplate of the taller building element is 1,415 m<sup>2</sup>.
- The main residential entrance should be located close to Saranac Boulevard with a door that faces and connects to the street directly. A secondary lobby and entrance to the residential component could also be provided at Bathurst Street instead of the ground floor residential unit currently proposed. This would provide a more active, transparent use, provide for pedestrian convenience as well as provide a visible address on both Bathurst Street and Saranac Boulevard. The main entrance is proposed to be located in the centre of the site, facing a drop-off driveway. It is approximately 90 metres from the Bathurst Street property line and approximately 35 metres from the Saranac Boulevard property line.
- An outdoor loading and servicing area is proposed between Saranac Boulevard and the residential building. This does not maintain the generous landscaped setbacks prevalent on the opposite of the street. In its current location, there is insufficient room for appropriate screening of this servicing area, resulting in a negative impact on the streetscape. Through the re-organization of the building's ground floor uses, the loading and servicing area could be located internally within the site or within the

building itself. This would also provide the opportunity of locating the main building entrance on Saranac Boulevard.

### **Sun and Shadow Impacts**

The applicant has submitted a Shadow Study for the proposal that demonstrates the shadow impacts of the project on the public realm on Bathurst Street and Saranac Boulevard would be acceptable. There would be at least five hours of sunlight on the opposite sides of these streets during the Spring/Fall equinoxes. However, the proposed building casts significant shadows on the central pedestrian route through the site and the church with its associated open space. Further reductions in the massing and additional sculpting of this building would improve daytime sunlight conditions for these spaces.

### **Pedestrian Comfort/Wind Study**

The applicant has provided a Pedestrian Wind Study which concludes that generally pedestrian wind conditions will be moderate, with some mitigation required along the Saranac Boulevard frontage and open space area associated with the church. Dense coniferous plantings are recommended to mitigate wind conditions in these areas. Mitigation is also recommended for the proposed 10<sup>th</sup> floor rooftop outdoor amenity area.

### **Density**

The submitted *Avenue* Segment Study does not provide a rationale for the level of density proposed nor does it identify what would be a suitable intensity of development for this segment given its location within the larger area, lack of proximity to higher order transit or the existing or planned contexts within the area. Rather, the Segment Study identifies a density for each soft site resulting from development scenarios based on guiding principles identified in the study. The resulting site densities, between 3.9 and 5.3 F.S.I, are significantly higher than densities elsewhere in the community and reflects densities typically associated with subway related development elsewhere in North York.

Subway station locations are an appropriate location for higher density development and density should generally diminish as distance from a subway station increases. Bathurst Street is not located within close proximity to higher order transit, such as a subway, nor is the street identified as a Higher Order Transit Corridor on Map 4 of the Official Plan. Moreover, the Official Plan identifies that development along the *Avenues* will generally be at a much lower scale than in the *Downtown* and generally at a lower scale than in the *Centres*. The subject site is not located within the *Downtown* or a *Centre*.

The site and its location on a major street is appropriate for residential intensification. However, staff are of the opinion that the proposed intensity of development exceeds what would be normally contemplated in this area. Moreover, the current proposal is an overdevelopment of this site. If the proposal were to address the built form, massing and setback concerns outlined above, the resulting density would be reduced and could be in keeping with densities appropriate for this area given its context and lack of higher order transit service within close proximity to the site.

## **Community Services and Facilities**

The submitted Segment Study includes an overview of existing community services and facilities serving the area. The Segment Study concludes the site and area are well served by existing community services and facilities. However, recent work undertaken as part of the Lawrence-Allen Revitalization Project suggests that service gaps exist for parks, recreation, child care, schools and human service sectors. Additionally, the Segment Study area is located within a priority neighbourhood which is an area targeted for investment and resources due to a lack of community services and facilities.

## **Amenity Space**

The Official Plan requires that new development provide adequate indoor and outdoor recreation space for building residents. The applicant has identified 446 m<sup>2</sup> (1m<sup>2</sup> per unit) of indoor amenity space and 513 m<sup>2</sup> (1.5m<sup>2</sup> per unit) of outdoor amenity space on the roof of the ninth floor.

Typically, indoor amenity space is provided in the form of lounge areas, exercise and change rooms and/or meeting/party rooms. Outdoor amenity space can be provided in the form of landscaped gardens and open space and gardens on rooftops of base buildings. For similar developments in North York, 1.5m<sup>2</sup> of indoor amenity area per dwelling unit and approximately 1.5m<sup>2</sup> of outdoor amenity space per dwelling have been provided. The proposal should be revised to provide a minimum of 1.5 m<sup>2</sup> of indoor amenity area.

## **Vehicular Access**

The proposal provides a single driveway access to the church and proposed residential building from Saranac Boulevard. The driveway access from Saranac Boulevard has been reviewed by staff and is acceptable.

## **Traffic Impact and Parking**

The applicant provided a study entitled *Urban Transportation Considerations* dated August, 2009, a letter dated February 26, 2010 and a further letter dated May 18, 2010 addressing traffic impacts and parking. The study and letters conclude the adjacent street network can accommodate the forecast volume of traffic this development would generate, including future area background traffic, without significant impact on the level of service of adjacent roadways. Transportation Services reviewed the information and advise they concur with the analysis.

A total of 306 parking spaces in 3 levels of underground parking are proposed to serve the proposed residential units, visitor parking, place of worship and upgraded for-profit day care facility, as follows:

- Shared parking spaces: 78 spaces
- Residential parking spaces: 223 spaces
- Car-share: 5 spaces



The total required parking under the existing Zoning By-law (No. 7625) would be 611 parking spaces. Transportation Services advise they can support the reduced parking rates for this specific proposal based on parking data provided from other Option for Homes sites at Keele Street and Dundas Avenue and 650 Lawrence Avenue West and parking utilization analysis done for the place of worship.

## **Servicing**

The applicant has provided a Functional Servicing Report and a Sanitary Servicing Study for the subject development. The Functional Servicing Report identifies that municipal mains are situated to provide sufficient service for the proposed development and that there is capacity to accommodate the development. The Sanitary Servicing Study identifies that the proposed development would not have a significant impact in the area. Technical Services has completed their review and advise they do not oppose the subject development.

## **Heritage**

The existing church structure on the site consists of the remaining elements of the 1899 Asbury Church; an administrative wing that was constructed in 1951; and the 1958 sanctuary. The administrative wing was constructed in a late Gothic revival style and incorporated portions of the 1899 church in conjunction with major alterations which have adversely impacted the architectural integrity of that earlier structure. In addition, the 1899 church structure was moved further back on the site from the Bathurst Street frontage to accommodate the construction of the new 1951 wing.

The main sanctuary of the Asbury and West United Church was constructed in 1958 and designed by Douglas Kertland, a well respected Canadian architect. Kertland (1886 – 1982) was born in Toronto, but received his architectural training in England. Asbury and West United Church is exemplar of Kertland's style with its Modern Gothic exterior consisting of steep roof lines and a combination of rock face limestone, stucco and buff brick. The interior is defined by modern materials including structural Douglas Fir glulam beams and decorative cinder block fretwork at the apse which provide the modern contrast to the traditional exterior. The property is currently not listed on the City of Toronto's *Inventory of Heritage Properties*.

The 1951 administrative wing does not exhibit sufficient architectural design, associative or contextual integrity to be considered either for designation or for physical conservation. The 1958 building contains contextual, physical and associative value in relation to criteria established in Regulation 9/06 of the *Ontario Heritage Act*. As noted previously, a separate report is before North York Community Council recommending designation of the 1958 building.

A Heritage Impact Assessment prepared E.R.A. Architects, dated September 16, 2009, has been reviewed by staff. The report identifies a number of heritage attributes associated with the 1958 structure to be conserved which staff support. While the development proposal would conserve significant elements of this structure and the applicant addressed some of staff's concerns such as providing an entrance to the

sanctuary building which would front onto a public street, staff have concerns with the proposed residential development adjacent to the 1958 sanctuary building that have not been appropriately addressed, including:

- Providing an enhanced setback that is consistent with the existing setbacks of the sanctuary building and the property to the south which would improve public views of the sanctuary building and open space and enhance appreciation of the original character of the site; and
- The development should better respect the scale, character and form of the sanctuary building and associated landscape, which could be achieved by addressing the built form concerns outlined previously. The proposed development overwhelms the heritage building and casts shadows over the site for the majority of the day.

Alterations are also proposed to the sanctuary building to accommodate the church and upgraded day care facility. The most recent alterations proposed were submitted to the City on May 14, 2010 and consist of, among others, a sunken entrance area on the Bathurst Street frontage and an entrance addition on the north elevation. Staff met with the applicants on July 8, 2010 to discuss concerns with the proposed alterations to ensure they are designed in a manner which is sympathetic to the 1958 building and that will not diminish the character and attributes of the heritage building. Agreement in principle was reached at this meeting and the applicant was to make further revisions to address staff's concerns.

Should the application be approved, the following is required prior to the passing of bills:

- the submission of a revised Heritage Impact Assessment which measures the impact of the additional alterations proposed to the sanctuary building in the May 14, 2010 submission and any further revisions;
- full documentation of the 1899 Asbury Church elements and the 1951 administrative wing by digital photographs to record existing conditions prior to removal;
- any alterations to the heritage building must be to the satisfaction of the Manager, Heritage Preservation Services; and
- the owner will be required to enter into a Heritage Easement Agreement with the City as required by Official Plan policy.

## **Archaeological Resources**

The subject site is located in an area of archaeological potential as identified in the City's Archaeological Master Plan. A Stage 1 Archaeological Assessment was submitted to the City on December 14, 2009. The Stage 1 assessment included a land use history of the site which identified an earlier church dating to 1845 and a house associated with the Mulholland family having been located on the site. The site is also located in proximity to a registered archaeological site, the De Geer site. The Stage 1 assessment identified that a Stage 2 Archaeological Assessment would be required as it was determined there was historical archaeological potential on the site.

On July 7, 2010, the Stage 2 Archaeological Assessment was submitted to the City. The Stage 2 assessment subjected the areas with archaeological potential to Stage 2 test pitting. This assessment identifies that architectural artifacts and significant archaeological deposits related to the Mulholland site have been recovered from the site. The Stage 2 assessment recommends proceeding to a Stage 3 Archaeological Assessment and potentially Stage 4 mitigation of the site.

Should the application be approved, all required archaeological assessment work should be completed prior to the passing of bills.

### **Tree Preservation**

Urban Forestry have reviewed the plans and arborist report submitted with the application and determined that the proposed tree removals are generally acceptable subject to the submission of permit applications and written consent from impacted adjacent property owners. However, Urban Forestry also advises that the large healthy silver fir tree located within the open space in front of the Asbury and West United Church (identified as Tree No. 5604 in the arborist report), could be retained and afforded protection as it does not conflict with underground parking areas or the proposed building.

### **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 Official Plan shows the local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.8-1.56 hectares of local parkland per 1,000 people. The site is in the middle quintile of current parkland provision. The site is in a parkland priority area as per the Alternative Parkland Dedication By-law 1420-2007.

The application proposes 349 residential units on the 4,953 m<sup>2</sup> site (site area excluding the retained portion for the 1958 sanctuary building). At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.47 hectares or 95% of the site. However, as the site area is less than 1 hectare, a cap of 10% applies. As a result, the residential portion of the application is subject to a parkland dedication of 495 m<sup>2</sup>. The parkland associated with the retail component is negligible. The required parkland dedication would be 495 m<sup>2</sup>.

The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu. Parks, Forestry and Recreation advises this is appropriate as the land dedication would be too small to be of functional use.

### **Toronto Green Standard**

The Green Standard contains site and building performance targets that promote better environmental sustainability in new developments. The applicant has indicated the proposed development will incorporate a number of the minimum Tier 1 standards.

## **Section 37**

The applicant has identified the proposed development would provide a number community benefits including the upgrade of a for-profit day-care, providing affordable ownership housing and conserving the 1958 portion of the Asbury and West United Church as part of the redevelopment of the site. The affordable ownership housing and the upgrading of the for-profit daycare are not eligible community benefits identified in the Official Plan that may be secured in a Section 37 agreement.

New affordable ownership housing may only be secured by way of Section 37 when fulfilling policy requirements of the Official Plan for large sites or new neighbourhoods, and for-profit child care facilities are not eligible community benefits.

For lots containing a conserved heritage building, the Official Plan identifies that the conservation of heritage resources are considered a community benefit. The Official Plan permits additional gross floor area on a lot with a conserved building provided the additional gross floor area does not exceed the floor area of the retained heritage building, which in this case is 2,000m<sup>2</sup>, the quality, character and three-dimensional integrity of the conserved building is maintained and that by-laws are enacted at the same time as the approval of the site plan for the entire site. Should the application be approved in its current form, site plan approval and appropriate legal agreements should be completed prior to the passing of bills.

Given the increase in proposed height and density, the proposed development may be subject to the securing of community benefits under Section 37 provided the density and/or height increase are consistent with the objectives of the Official Plan regarding built form and physical environment. Discussions between the applicant and the City on potential Section 37 benefits did not occur as there was not an agreement on appropriate development for the site.

## **Provincial Policy Statement and Provincial Plans**

### **Provincial Policy Statement**

The PPS promotes intensification and redevelopment opportunities through a more compact building form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities and encourages a range of housing options. While the proposal achieves a number of these objectives and is generally consistent with the PPS, the PPS also refers to promoting opportunities for intensification taking into account existing areas and further identifies that significant built heritage resources and cultural heritage landscapes shall be conserved.

Development may be permitted on lands adjacent to protected heritage properties where it has been demonstrated that the heritage attributes of the heritage property will be conserved. While the proposal conserves the 1958 heritage building which staff support, the proposed residential component of the development is overdeveloped and has a negative impact on the character and setting of the heritage building.

### **Places to Grow Growth Plan**

Similar to the PPS, the Growth Plan identifies the importance of intensification for accommodating growth within the built-up area and it identifies that municipal official plans and other supporting documents should have policies which encourage and identify intensification areas.

The Growth Plan identifies that intensification areas are required to be planned to attract population and employment, provide a diverse and compatible mix of land uses, provide high quality public open spaces with site design and urban design standards that create attractive and vibrant spaces, support transit, generally achieve higher densities than the surrounding areas, and ensure an appropriate transition of built form to adjacent areas.

This proposal does not adequately address a number of these policy objectives. While the proposal would achieve higher densities, the level of intensification is more in keeping with densities for *major transit station areas* or *growth centres* and is not appropriate for the site's context. The proposal also does not address a number of the City's site and urban design standards and does not provide appropriate transitions to adjacent areas, particularly to the heritage building and associated landscape.

### **Development Charges**

It is estimated the development charges for this project will be \$1.97 million. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

### **CONTACT**

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Tel. No. (416) 395-7053  
Fax No. (416) 395-7155  
E-mail: [critz@toronto.ca](mailto:critz@toronto.ca)

### **SIGNATURE**

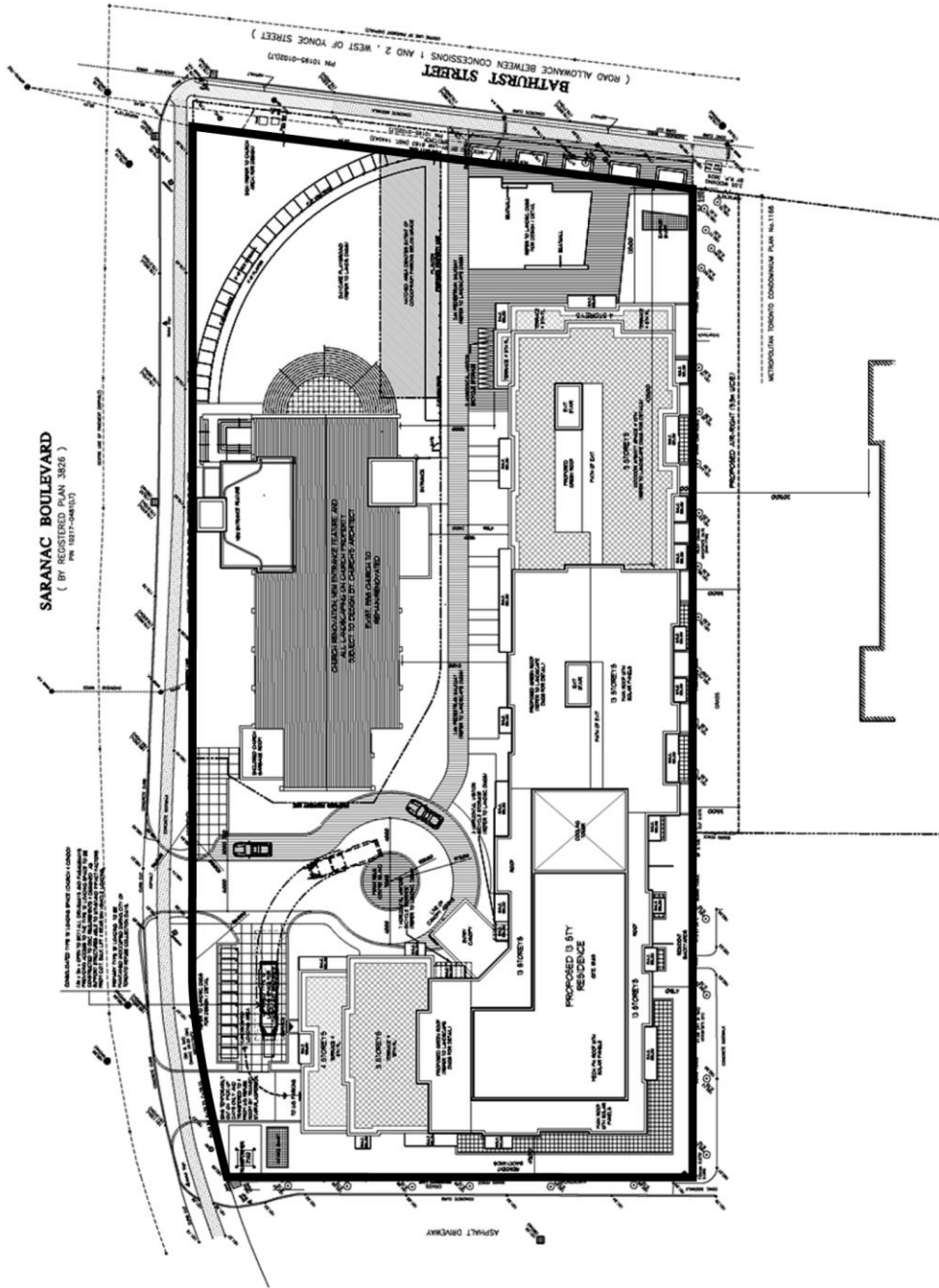
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Thomas C. Keefe, Director  
Community Planning, North York District

### **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: Elevations  
Attachment 3: Zoning  
Attachment 4: Lawrence Heights Priority Neighbourhood Boundary  
Attachment 5: Application Data Sheet

# Attachment 1: Site Plan



3180 Bathurst Street

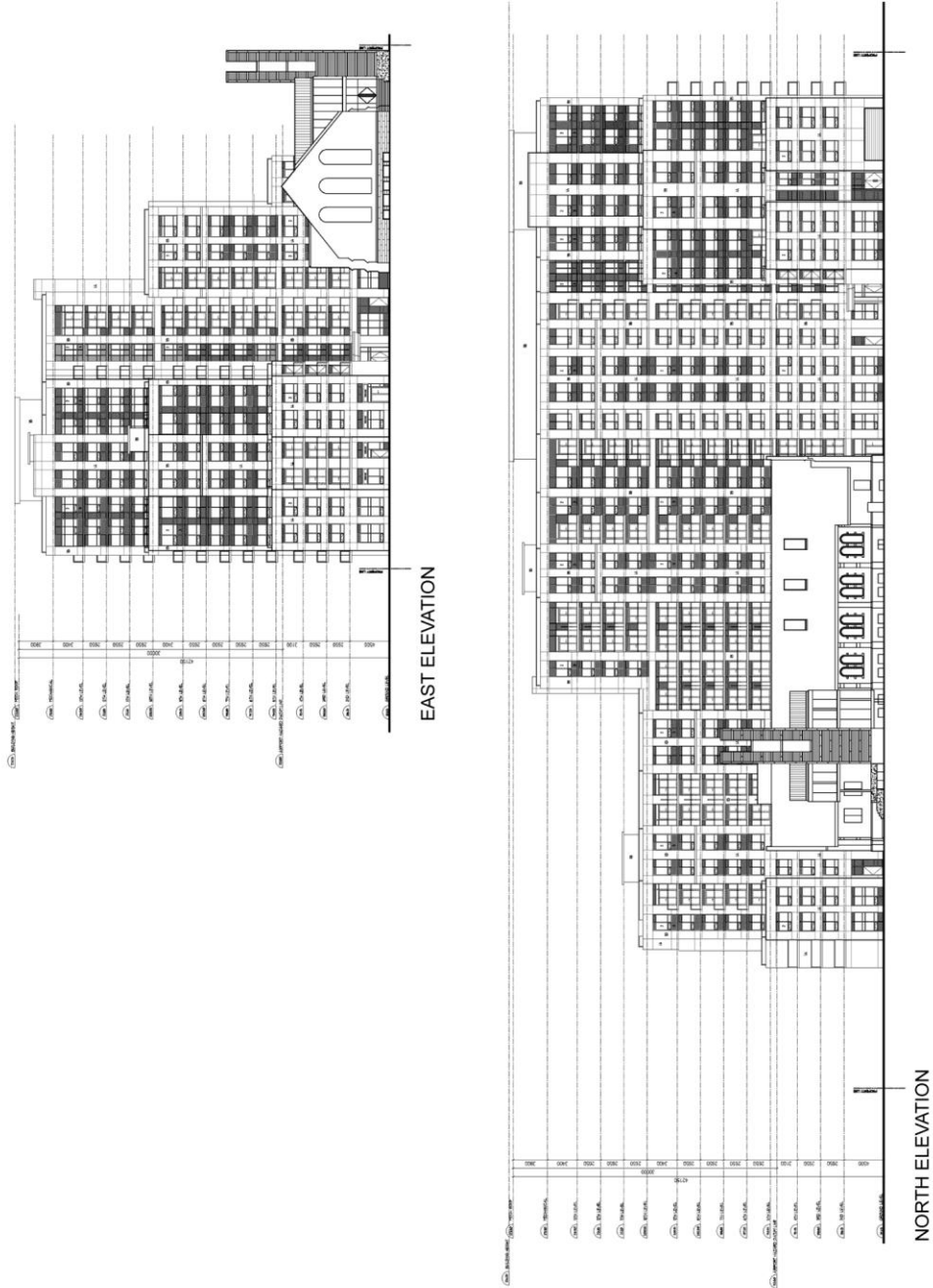
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Site Plan

Applicant's Submitted Drawing

Not to Scale  
07/13/10

## Attachment 2: Elevations



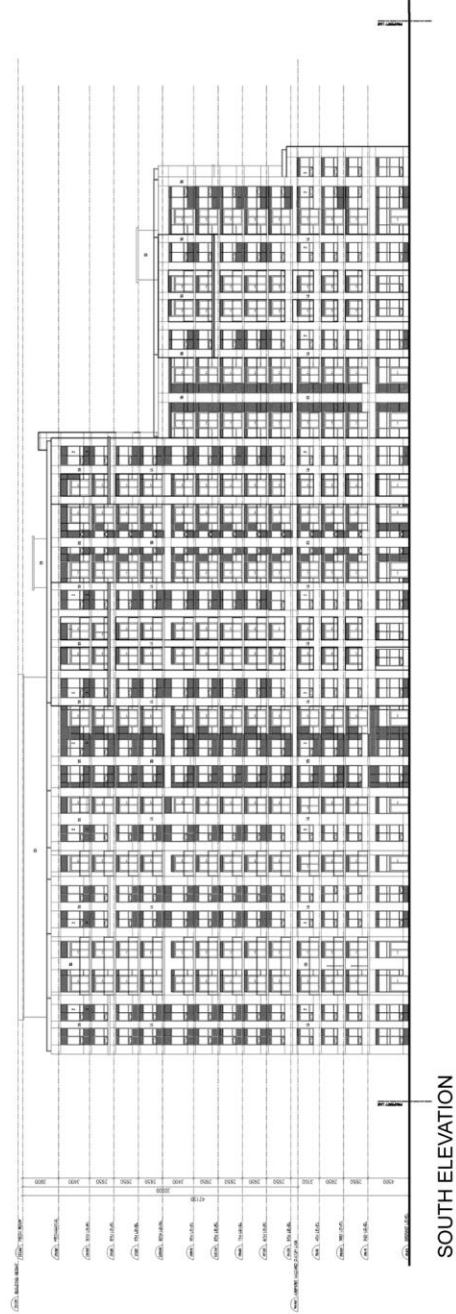
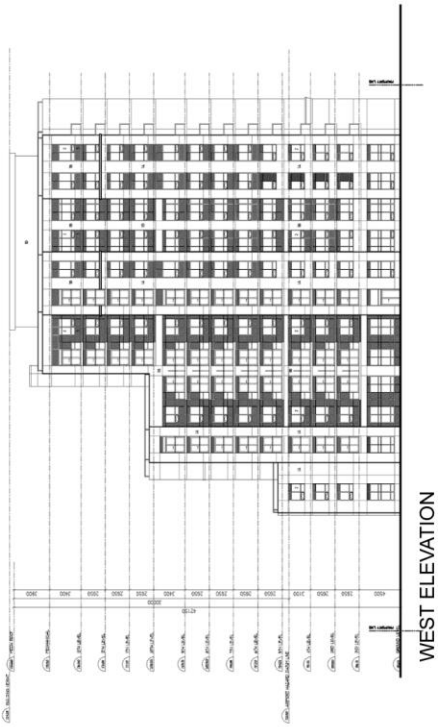
### Elevation

Applicant's Submitted Drawing

Not to Scale  
07/13/10

3180 Bathurst Street

File #09\_169984



## Elevation

Applicant's Submitted Drawing

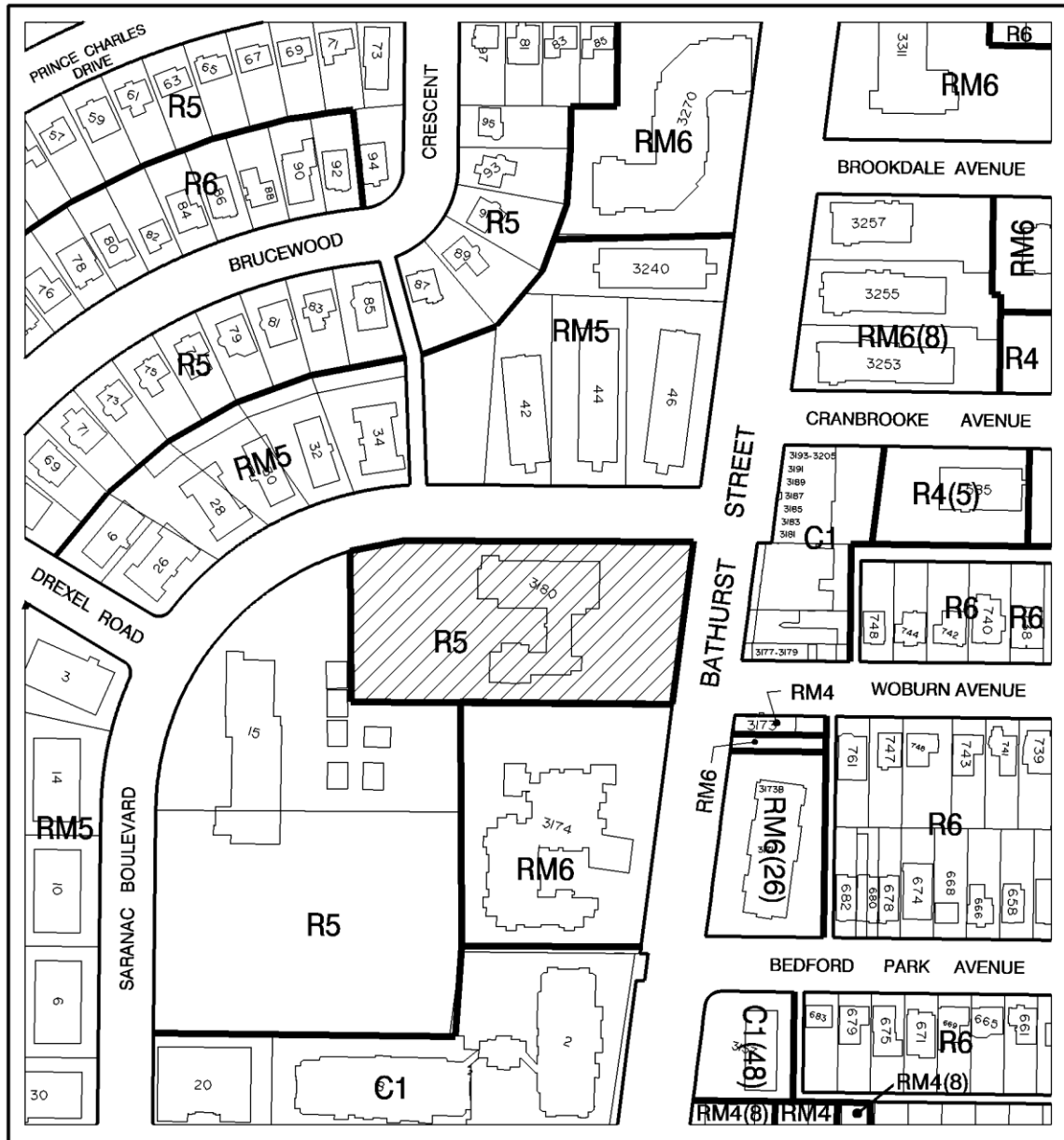
Not to Scale  
07/13/10

3180 Bathurst Street

File #09\_169984



### Attachment 3: Zoning



**TORONTO** City Planning  
Zoning

3180 Bathurst Street

File # 09\_169984

R4 One-Family Detached Dwelling Fourth Density Zone  
R5 One-Family Detached Dwelling Fifth Density Zone  
R6 One-Family Detached Dwelling Sixth Density Zone  
RM4 Multiple-Family Dwellings Fourth Density Zone  
RM5 Multiple-Family Dwellings Fifth Density Zone

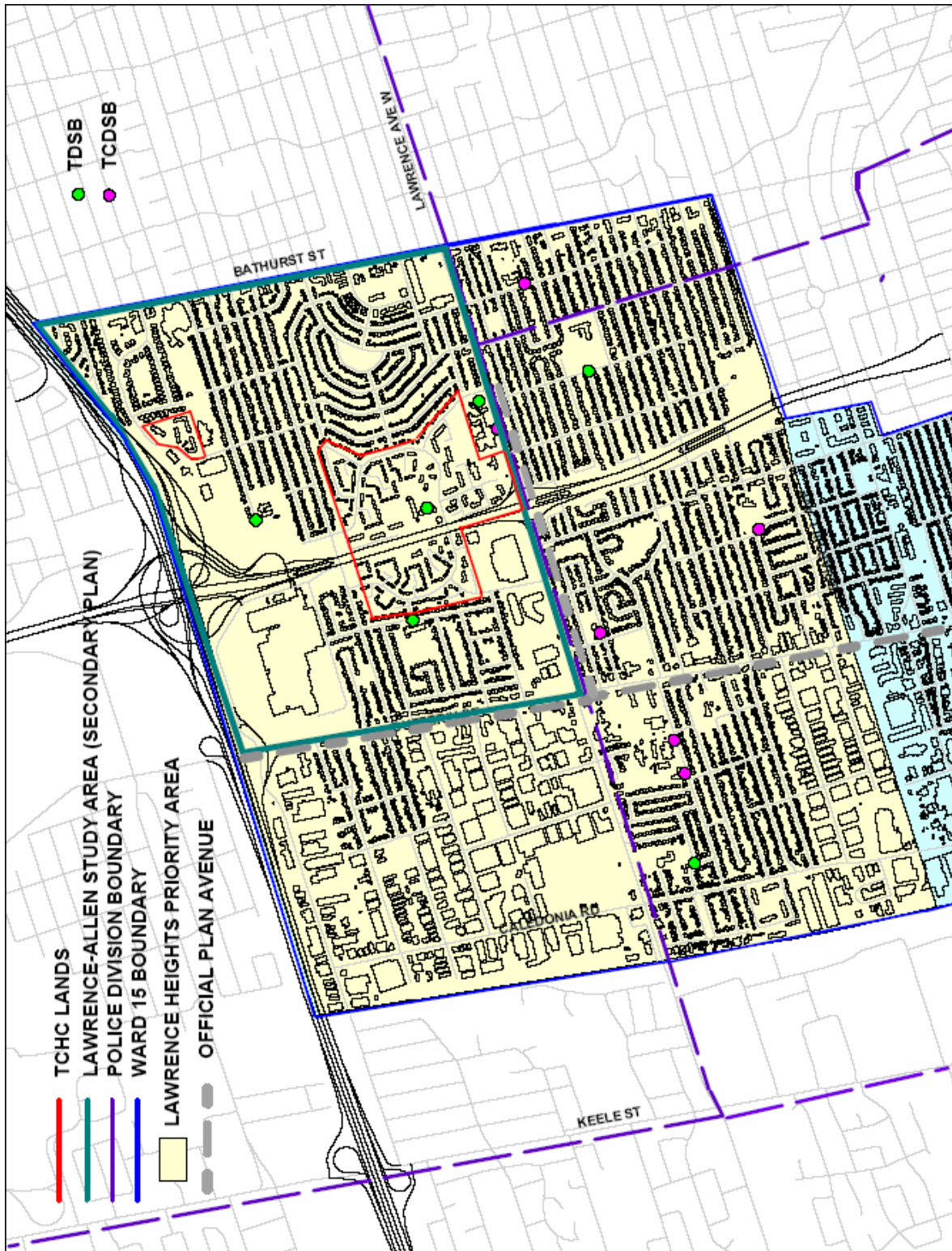
RM6 Multiple-Family Dwellings Sixth Density Zone  
C1 General Commercial Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category



Not to Scale  
Zoning By-law 7625  
Extracted 10/27/2009

#### Attachment 4: Lawrence Heights Priority Neighbourhood Boundary



#### Attachment 5: Application Data Sheet

Application Type	Rezoning	Application Number:	09 169984 NNY 15 OZ
Details	Rezoning, Standard	Application Date:	September 17, 2009
Municipal Address:	3180 BATHURST ST		
Location Description:	CON 2 WY PT LOT 6 PT LOT 3826 PTBLK G **GRID N1502		
Project Description:	A 13 storey (42.15m) residential building fronting Bathurst Street and Saranac Boulevard totaling 28,251 m <sup>2</sup> of residential GFA and 349 residential units of ownership housing. 126 m <sup>2</sup> of retail space at grade is proposed along Bathurst Street. Retention and restoration of the 1958 sanctuary building of the Asbury and West United Church is proposed.		
<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
PINO DI MASCIO			UNITED CHURCH CANADA ASBURY AND WEST CHURCH

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	R5	Historical Status:
Height Limit (m):	8.8	Site Plan Control Area: Y

### PROJECT INFORMATION

Site Area (sq. m):	7190	Height:	Storeys:	13
Frontage (m):	125		Metres:	42.15
Depth (m):	124			
Total Ground Floor Area (sq. m):	3242.09			<b>Total</b>
Total Residential GFA (sq. m):	28251.16		Parking Spaces:	306
Total Non-Residential GFA (sq. m):	2125.57		Loading Docks	2
Total GFA (sq. m):	30376.73			
Lot Coverage Ratio (%):	45.09			
Floor Space Index:	4.22			

### DWELLING UNITS

Tenure Type:	Condo, Other
Rooms:	0
Bachelor:	18
1 Bedroom:	219
2 Bedroom:	91
3 + Bedroom:	21
Total Units:	349

### FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	26229.23	2021.93
Retail GFA (sq. m):	125.57	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	2000.4	0

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Cassidy Ritz, Planner</b>
	<b>TELEPHONE:</b>	<b>(416) 395-7053</b>