

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: May 28, 2021

CASE NO(S): PL141074

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 17(36) of the Planning Act, R.S.O. 1990, c. P.13, as amended

Appellant:	Torgan Management Inc.
Appellant:	University Health Network
Subject:	Proposed Official Plan Amendment No. 246
Municipality:	City of Toronto
OMB Case No.:	PL141074
OMB File No.:	PL141074
OMB Case Name:	Torgan Management Inc. v. Toronto (City)

Heard: April 1, 2021 by video hearing and in writing on
May 21, 2021

APPEARANCES:

Parties

Counsel

University Health Network

K. Lyons

Torgan Management Inc.

M. Flynn-Guglietti

City of Toronto

J. Braun

**DECISION DELIVERED BY HUGH S. WILKINS AND N.P. ROBINSON AND ORDER
OF THE TRIBUNAL**

[1] These proceedings consist of two site-specific appeals of City of Toronto (“City”) Official Plan Amendment No. 246 (“OPA No. 246”):

- a. an appeal by University Health Network (“UHN appeal”) as it relates to the application of OPA No. 246 to the site of the Toronto Western Hospital at 347 and 399 Bathurst Street and 60 Leonard Avenue (“Toronto Western Hospital property”); and
- b. an appeal by Torgan Management Inc. (“Torgan appeal”) relating to the application of OPA No. 246 to Torgan’s property at 844 Bathurst Street.

[2] OPA No. 246 sets out a framework for development of lands located on Bathurst Street between Dupont Street and Queen Street West. It is intended to ensure that new development fits in with the character of the area by providing requirements on appropriate transitions to adjacent areas of lower scale development, limiting development impacts, enhancing the public realm, and ensuring appropriately scaled retail areas. It envisions modest levels of development without significant intensification.

[3] On March 1, 2021, the City informed the Tribunal that it had reached a proposed settlement with UHN, which envisions amendments to OPA No. 246 as it relates to the Toronto Western Hospital property. The City also seeks an Order bringing OPA No. 246 into force for all of the other lands covered by it, save and except for the lands related to the Torgan appeal.

[4] No settlement has been reached regarding the Torgan appeal.

[5] On April 1, 2021, the Tribunal held a settlement hearing to address the proposed resolution of the UHN appeal and the bringing into force of other aspects of OPA No. 246. Subsequent to the settlement hearing, the Parties made revisions to the proposed

amendments to OPA No. 246. The proposed revisions and a supporting affidavit were filed on consent with the Tribunal on May 21, 2021.

Evidence

[6] At the settlement hearing on April 1, 2021, the Tribunal heard opinion evidence on behalf of the City from Graig Uens, who is a land use planner with the City. The Tribunal qualified Mr. Uens to provide opinion evidence as an expert in land use planning. The City filed an affidavit affirmed by Mr. Uens, dated March 16, 2021, and then a supplementary affidavit affirmed by Mr. Uens, dated May 20, 2021, in support of the proposed amendments to OPA No. 246.

[7] Mr. Uens stated that the Toronto Western Hospital property is located within the Downtown and Central Waterfront Area as set out in the City's Official Plan Map 2 on Urban Structure. He stated that most of the property is designated as "Institutional Area" under the City's Official Plan and that a small portion at the intersection of Dundas Street West and Bathurst Street is designated "Mixed Use Area". Mr. Uens said the property also is identified under OPA No. 246 as being within the Palmerston-Nassau Character Area, which is intended as a pedestrian shopping area with new buildings in mixed use areas limited to a maximum height of four storeys and with widened setbacks to facilitate pedestrian use. He stated that the area surrounding the property is dominated by lower scale retail and residential buildings.

[8] Mr. Uens stated that the multi-storey institutional buildings on the Toronto Western Hospital property are arranged in a campus-type set up with some buildings reaching up to 15 storeys in height. He said the building type, height and density of these buildings are unique in the area and that it is appropriate for the property to be subject to distinct requirements under OPA No. 246 from those required for the surrounding area. He stated that the proposed amendment to OPA No. 246 would:

- a. recognize that the Toronto Western Hospital has built form characteristics that differ from other properties within the Palmerston-Nassau Character area;
- b. stipulate that policy 4 (Mixed Use Areas), policy 5.1 (Built Form), and Schedule D, Map 3 of OPA No. 246 shall not apply to the Toronto Western Hospital property and appropriate setbacks and stepbacks will be determined through a Zoning By-law amendment; and
- c. stipulate that, notwithstanding policy 2.1 of OPA No. 246, Toronto Western Hospital is not precluded from additions or expansions to the existing hospital use on the lands municipally known as 399 Bathurst Street.

[9] Mr. Uens stated that OPA No. 246 policies 4 and 5.1 and Schedule D encourage the development of pedestrian shopping areas, encourage vertical additions to buildings instead of building replacement, and require setbacks to facilitate pedestrian improvements. Given the nature and form of the existing structures on the Toronto Western Hospital property, he stated that these policies are not appropriate for the site. He stated that any redevelopment of the Toronto Western Hospital property would require a comprehensive review and design process, including on pedestrian areas, which would ensure appropriate development. He opined that the Toronto Western Hospital, including the mixed use area, should not be precluded from necessary future expansions.

[10] Mr. Uens provided his opinion regarding the application of the relevant planning policies to the proposed amendment to OPA No. 246 and the remainder of OPA No. 246, apart from those policies that relate to the Torgan appeal. He opined that the proposed amendments and the remainder of OPA No. 246 address the matters of provincial interest set out in s. 2 of the *Planning Act*. He stated that they have regard to the orderly development of safe and healthy communities, the adequate provision of employment opportunities, and the promotion of appropriate built form. He said OPA

No. 246 provides for a variety of uses on a major street that is well served by public transit and it allows for contextually appropriate growth and development.

[11] Mr. Uens opined that the proposed amendments and the remainder of OPA No. 246 are consistent with the Provincial Policy Statement, 2020 (“PPS”). He stated that they support efficient development patterns, ensure that necessary infrastructure and public service facilities would be available to meet current and future needs, provide for efficient use of land and resources, and support appropriate densities and uses. He said they allow for efficient and contextually appropriate growth in regard to housing, infrastructure and public transit.

[12] Mr. Uens opined that the proposed amendments and the remainder of OPA No. 246 conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (“Growth Plan”). He stated that they focus growth in areas with existing or planned public service facilities, assist in the achievement of complete communities with a diverse mix of land uses, and ensure that new public service facilities are appropriately located.

[13] Mr. Uens opined that the proposed amendments and the remainder of OPA No. 246 conform with the purpose and intent of the City’s Official Plan. He stated that they safeguard future institutional uses and support the growth of major health institutions. He said OPA No. 246 directs growth to the Downtown area, provides for access to public transit, services and amenities, and ensures that development will fit in with the existing and planned context.

[14] Mr. Uens opined that the proposed amendments and the remainder of OPA No. 246 constitute good planning.

Findings

[15] Based on Mr. Uens' uncontroverted opinion evidence, the Tribunal finds that the proposed amendment to OPA No. 246 and the remainder of OPA No. 246, apart from those policies that relate to the Torgan appeal, have regard to the matters of provincial interest set out in s. 2 of the *Planning Act*, are consistent with the PPS, and conform with the Growth Plan and the City's Official Plan. The Tribunal finds that they facilitate the orderly development of safe and healthy communities, promote appropriate built form, promote efficient development patterns, help achieve complete communities, and facilitate the growth of necessary health institutions.

ORDER

[16] The Tribunal allows the UHN's appeal, in part.

[17] The Tribunal approves OPA No. 246 as modified in accordance with Schedule 1 to this Order and Decision, save and except for the lands located at 844, 848, 848A, 850, 850A, 852 Bathurst Street and 1, 3, 5, 7, 9 London Street.

[18] The Tribunal orders that the Torgan appeal of OPA No. 246 in regard to the lands located at 844, 848, 848A, 850, 850A, 852 Bathurst Street and 1, 3, 5, 7, 9 London Street remains live.

[19] The Tribunal directs the City and Torgan to provide an update in writing to the Tribunal's Case Coordinator by **Thursday, May 27, 2021** regarding the status of the Torgan appeal.

"Hugh S. Wilkins"

HUGH S. WILKINS
MEMBER

"N.P. Robinson"

N.P. ROBINSON
MEMBER

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Local Planning Appeal Tribunal

A constituent tribunal of Ontario Land Tribunals

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

SCHEDULE 1

Authority:

CITY OF TORONTO

BY-LAW 1060-2014

To adopt Amendment No. 246 to the Official Plan of the City of Toronto with respect to the lands along Bathurst Street generally bounded by Queen Street West to the south and Dupont Street to the north, municipally known in 2014 as 194 to 1100 Bathurst Street; 179 to 1095 Bathurst Street; 449 to 451 Dupont Street, 1A Vermont Avenue, 1A and 2A Olive Avenue, 2, 2A, 2B and 3 Follis Avenue and 10 to 18 Barton Avenue; 15 to 33 Barton Avenue; 2 to 10 London Street; 1 to 9 London Street; 520 to 566 Bloor Street West; 559 to 605 Bloor Street West; 25 and 28 Lennox Street, 203 to 215 Harbord Street, 89 and 104 Ulster Street and 440 to 460 College Street; 429 to 455 College Street; 750 to 752 Dundas Street West; 707 to 757 Dundas Street West; 2 Robinson Street, 107 and 109 Wolseley Street and 576 to 592 Queen Street West and 649 to 657 Queen Street West.

Whereas the Local Planning Appeal Tribunal, by its Decision issued XXX and Order issued XXX in Tribunal File PL141074, determined to amend and pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

The Local Planning Appeal Tribunal enacts:

- 1.** The attached Amendment 246 to the Official Plan is hereby adopted pursuant to the Planning Act, as amended.

Enacted and passed on xxx

AMENDMENT 246 TO THE OFFICIAL PLAN

Lands Municipally Known In The Year 2020 As 1100 To 194 Bathurst Street On The West Side; 1095 To 179 Bathurst Street On The East Side; 451 To 449 Dupont Street, 1a Vermont Ave, 1a And 2a Olive Ave, 2, 2a, 2b And 3 Follis Ave, And 10 To 18 Barton Ave On The North Side; 15 To 33 Barton Ave On The South Side; 2 To 10 London Street On The North Side; 1 To 9 London Street On The South Side; 520 To 566 Bloor Street West On The North Side; 559 To 605 Bloor Street West On The South Side; 25 And 28 Lennox Street, 203 To 215 Harbord Street, 89 And 104 Ulster Street, And 440 To 460 College Street On The North Side; 429 To 455 College Street On The South Side; 750 To 752 Dundas Street West On The North Side; 707 To 757 Dundas Street West On The South Side; 2 Robinson Street, 107 And 109 Wolseley Street, And 576 To 592 Queen Street West On The North Side; And 649 To 657 Queen Street West On The South Side As Detailed In Schedule A Attached To This By-Law.

The Official Plan of the City of Toronto is amended as follows:

1. Map 18, Land Use Plan, is amended by re-designating the lands known municipally as 720-736 Bathurst Street on the west side of Bathurst from *Neighbourhood Areas* to *Mixed Use Areas* as shown on the attached Schedule B.
2. Map 2, Urban Structure, is amended by deleting the Avenue overlay along the west side of Bathurst Street from Bloor Street to Dupont Street.
3. Chapter 7, Site and Area Specific Policies, is amended by deleting the portion of Site and Area Specific Policy 334 (c) (v) and replacing it with the following:

v) Bathurst Node

Development will be consistent with the policies in Site and Area Specific No. 465. Proposals for buildings with heights that are greater than the width of the right-of-way will only be assessed after an area-specific study to determine whether increased height is appropriate. The area specific study will include, but not be limited to, recommendations for public realm improvements, pedestrian and bicycle connections, heritage conservation, location of a new park and/or open spaces in the southwest portion of the study area, relationship of the transit station with its surrounding context, built form and land use.

4. Chapter 7, Site and Area Specific Policies, and Map 29 are amended by adding Site and Area Specific Policy 465 for the lands along Bathurst Street between Queen Street West and Dupont Street as follows:

465. Bathurst Street between Queen Street West and Dupont Street

- (a) 1100 to 194 Bathurst Street on the west side, save and except for 844, 848, 848A, 850, 850A, 852 Bathurst Street;
- (b) 1095 to 179 Bathurst Street on the east side;
- (c) 451 to 449 Dupont Street, 1A Vermont Ave, 1A and 2A Olive Ave, 2, 2A, 2B and 3 Follis Ave, and 10 to 18 Barton Ave on the north side;

- (d) 15 to 33 Barton Ave on the south side;
- (e) 2 to 10 London Street on the north side;
- (f) 520 to 566 Bloor Street West on the north side;
- (g) 559 to 605 Bloor Street West on the south side;
- (h) 25 and 28 Lennox Street, 203 to 215 Harbord Street, 89 and 104 Ulster Street, and 440 to 460 College Street on the north side;
- (i) 429 to 455 College Street on the south side;
- (j) 750 to 752 Dundas Street West on the north side;
- (k) 707 to 757 Dundas Street West on the south side;
- (l) 2 Robinson Street, 107 and 109 Wolseley Street, and 576 to 592 Queen Street West on the north side; and
- (m) 649 to 657 Queen Street West on the south side.

1. Vision

The following policies are intended to reinforce the existing character and function of Bathurst Street, respect and conserve the cultural heritage, ensure an appropriate transition between new development and existing dwellings and uses in adjacent *Neighbourhood Areas* and to support pedestrian oriented retail in *Pedestrian Shopping Areas*. This area-specific policy establishes a planned context for each Character Area on Bathurst Street by recognizing and providing for its distinct residential and/or *Pedestrian Shopping Area* character and allowing for a generally modest built form that is in keeping with the prevailing local, fine grain, low scale character of Bathurst Street.

2. General

- 2.1** This Policy area is not intended to experience significant intensification.
- 2.2** This Policy will be used to provide direction for the future built form, land use, heritage conservation, private and public realm investment opportunities and priorities.
- 2.3** The intent of this Policy is to reinforce the existing character and function of the street, respect the cultural and built form heritage, and ensure an appropriate transition between new development and existing dwellings in adjacent *Neighbourhood Areas*.
- 2.4** This Policy refers to Pedestrian Shopping Areas. These areas front onto Bathurst Street and are designated *Mixed Use Areas*. Pedestrian Shopping Areas have a typical built form comprised of a fine grain of pedestrian-oriented commercial, retail or service uses on the ground floor at the street edge with residential, retail, office or service uses above.

- 2.5 The existing sidewalks are relatively narrow in much of the Policy area and provide few amenities for pedestrians. It is a priority to improve the pedestrian experience along Bathurst Street, to widen the sidewalks and to plant trees in the private and public realm.
- 2.6 The existing public and private spaces that abut Bathurst Street should be conserved and improved and new open spaces that are accessible to the public should be created.
- 2.7 The Character Areas are shown in Schedule C of this Policy.
- 2.8 The Pedestrian Improvements Map, showing the required new minimum sidewalk widths, the required front setbacks, the proposed laneway extensions and proposed mid-block connections comprises Schedule D of this Policy.

3. Neighbourhood Areas

- 3.1 In addition to Official Plan Policies 4.1.5 to 4.1.10, all new development in *Neighbourhood Areas* along the Bathurst Street will:
 - 3.1.1 include building articulation, windows and entrances that are generally consistent with the prevailing building characteristics;
 - 3.1.2 include building materials that are complementary to the materials used on existing buildings along Bathurst Street; and
 - 3.1.3 respect and reinforce the existing character of the area.
- 3.2 The house form buildings that front onto Bathurst Street are an important defining character that will be maintained.
- 3.3 Each residential unit on the ground floor will have a pedestrian entrance from Bathurst Street.

4. Mixed Use Areas

- 4.1 Mixed Use Areas are intended to be Pedestrian Shopping Areas and new development will support this objective.
- 4.2 Pedestrian Shopping Areas will be vital and viable pedestrian shopping areas that are centres of community activity that are safe and comfortable for pedestrians and provide local opportunities for small businesses.
- 4.3 New non-residential uses in the portion of the lands designated as *Mixed Use Areas* will be compatible with the existing residential uses in the surrounding *Neighbourhood Areas*.
- 4.4 Offices uses are encouraged on Bathurst Street. Office uses are encouraged to be located on the upper floors of buildings to preserve the ground floor for active pedestrian-oriented uses.

- 4.5** In addition to Official Plan Policy 4.5.2, all new development in *Mixed Use Areas* along Bathurst Street will:
- 4.5.1** include building articulation, windows and entrances that are generally consistent with the prevailing building characteristics;
 - 4.5.2** include building materials that are complementary to the materials used on existing buildings along Bathurst Street; and
 - 4.5.3** respect and reinforce the existing character of the area including providing a transition in scale to adjacent *Neighbourhood Areas*.
- 4.6** The footprint of any uses on the ground floor should maintain the scale and rhythm of lot sizes within each Character Area.
- 4.7** Individual pedestrian entrances from Bathurst Street will be provided to each ground floor unit.
- 4.8** Dwelling units fronting onto Bathurst Street may not be permitted on the ground floor of new buildings in some Character Areas as set out in this Policy.

5. Built Form

- 5.1** To respect the existing character of Bathurst Street, vertical additions to existing buildings will be encouraged, rather than replacing an entire building. Applications for vertical additions may be considered for relief from other built form criteria on a site by site basis, provided the development demonstrates that the intent of the policies in this Site and Area Specific policy is met.
- 5.2** Where Bathurst Street intersects with Dupont Street, Bloor Street, College Street, Dundas Street West or Queen Street West, buildings will be designed to create two building frontages and will address both streets with entrances and design features which reflect each street.

6. Public Realm/Open Space/Parkland

- 6.1** Given the confined and narrow character of the public realm on Bathurst Street, opportunities to create open spaces on adjacent side streets to Bathurst Street will be pursued and the greening of areas which flank onto Bathurst Street is encouraged.
- 6.2** Improvements to transit stops including weather protection and seating will be encouraged and required as part of any redevelopment adjacent to a stop.
- 6.3** The priority for money secured by the City through cash payments in lieu of parkland dedication, include improvements to Alexandra Park and Ed and Anne Mirvish Parkette.

6.4 Opportunities to make better use of the significant open space frontages at Central Technical School and King Edward Public School, will be pursued. In particular, emphasis will be placed on the intersection of Harbord and Bathurst Streets as a community space.

6.5 The priority areas for new parks and public spaces are:

6.5.1 the southwest corner of Bathurst and College Streets;

6.5.2 the TTC turning loop on the east side of Bathurst Street at Wolseley north of Queen Street West; and

6.5.3 within the Bloor-Bathurst Character Area.

7. Bathurst Dupont Character Area

7.1 New buildings will have a maximum building height of 5-storeys and will have a stepback above the 3rd storey.

7.2 Dwelling units are not permitted on the ground level of any new building.

8. Seaton Village / West Annex Character Area

8.1 The building at the northwest corner of Bathurst and Barton Streets does not reflect the prevailing character of this Character Area and should not be considered a precedent for new development.

8.2 New buildings on properties designated as *Mixed Use Areas* will have a maximum height of 4-storeys and will have a stepback above the 3rd storey.

8.3 New buildings on properties designated as *Neighbourhoods* will have a maximum height of 4-storeys.

9.0 Bathurst-Bloor Character Area

738-840 Bathurst Street on the west side;

769-843 Bathurst Street on the east side;

559-595 Bloor Street on the south side;

520-580 Bloor Street on the north side;

586-612 Markham Street on the west side;

581-659 Markham Street on the east side

9.1 General

9.1.1 The lands affected by the Bathurst-Bloor Character Area Policy are shown on Schedule E and are subject to the policies in Section 9 Bathurst-Bloor Character Area of Site and Area Specific Policy 465. The boundaries as shown on Schedule E are approximate. Where the intent of this Site and Area Specific Policy is

maintained, minor adjustments to such boundaries will not require amendment to this Site and Area Specific Policy.

- 9.1.2 This Policy refers to Pedestrian Shopping Areas. These areas front onto Markham Street south of Bloor Street West, Bathurst Street, and Bloor Street West and are designated *Mixed Use Areas*. Pedestrian Shopping Areas have a typical built form comprised of a fine grain of pedestrian oriented commercial, retail or service uses on the ground floor at the street edge with residential, retail, office or service uses above.

9.2 General

The objectives of this Policy are to:

- 9.2.1 Conserve the heritage value and attributes of heritage properties in the Bathurst-Bloor Character Area;
- 9.2.2 Acknowledge and reference the character and function of Markham Street, Lennox Street, Bathurst Street and Bloor Street West while allowing contextually appropriate redevelopment which supports Pedestrian Shopping Areas;
- 9.2.3 Guide and shape public and private development and investment within the Bathurst-Bloor Character Area;
- 9.2.4 Direct improvements to the public realm; and
- 9.2.5 Ensure an appropriate and gradual transition in the scale of development to Neighbourhoods and to other areas of lower scale adjacent to the Character Area.

9.3 Vision Statement

The Bathurst-Bloor Character Area is a diverse, historic and walkable hub of activity located at the edge of four established Neighbourhoods. The rhythm of small-scale storefronts frames the public realm at a human scale and creates a sense of place and opportunities for the spontaneous and casual interactions which support public life. It is a place where people can meet while shopping or on the way to a park, event, or cultural activity.

9.4 General

The objectives of this Policy are to:

- 9.4.1 Existing public and private open spaces will be conserved, enhanced, and where possible, expanded and the creation of new open spaces will be explored.

- 9.4.2 New public spaces will be designed and programmed for community gathering and cultural activities, such as flexible space to allow for live theatre, farmers markets, festivals and other activities which support and enhance public life, while mitigating impacts of these uses on the adjacent residential communities.
- 9.4.3 The City will improve the public realm within the Character Area by securing amenities through the development review process such as places to sit and gather and community gardens.
- 9.4.4 Development will increase the number of trees on both public and private land, where possible, within the Character Area.

Parks

- 9.4.5 The City will secure parkland in the areas shown on Schedule F – Public Realm and Pedestrian Improvements through the redevelopment of land.
- 9.4.6 The City will prioritize the provision of parkland to satisfy parkland dedication requirements, pursuant to Section 42 of the Planning Act. For development sites larger than 5,000 square metres the City will prioritize on site parkland. For adjacent sites smaller than 5,000 square metres in area the City will prioritize the provision of off-site parkland or contiguous parkland dedication on adjacent sites.
- 9.4.7 The City will consider improvements to Ed and Anne Mirvish Parkette as one of the priorities for money secured by the City through cash payments in lieu of parkland dedication.
- 9.4.8 New shadows will not be permitted on parkland beyond those shadows created by the as-of-right zoning height as in force at the date of the passing of this by-law and existing buildings between March 21 and September 21, between the hours of 11:00 a.m. and 4:00 p.m.
- 9.4.9 The City will secure connections between new and existing parks and the surrounding neighbourhoods through the creation of pedestrian and cycling links and laneways as illustrated on Schedule F - Public Realm and Pedestrian Improvements through the development review process.

Streets/ Sidewalks/Pedestrian and Cycling Improvements

- 9.4.10 Sidewalks will be widened, except where in situ conservation of heritage properties prevent widening, as shown on Schedule F - Public Realm and Pedestrian Improvements.

- 9.4.11 Pedestrian crossings will be improved through the redevelopment process and public initiatives generally in the locations shown on Schedule F - Public Realm and Pedestrian Improvements.
- 9.4.12 Publicly accessible midblock connections, generally in accordance with those shown on Schedule F - Public Realm and Pedestrian Improvements, will be secured through redevelopment and civic improvements.
- 9.4.13 A coordinated and unified streetscaping treatment will be applied throughout the Character Area in consultation with Business Area Improvement Areas and Resident Associations, and secured through the development review process and any planned civic improvements.
- 9.4.14 Streetscape improvements in the Character Area will be designed to allow for future complete streets and will be designed to support and/or include:
- 9.4.14.1 Multi-modal transportation options, including active transportation;
 - 9.4.14.2 Space on the roads for pedestrians, cyclists and public transit vehicles;
 - 9.4.14.3 Improvements to transit stops including weather protection and seating will be required as part of any redevelopment adjacent to a stop; and
 - 9.4.14.4 Accommodation of green infrastructure.
- 9.4.15 Where provided in development, car share parking, bicycle share parking, and bicycle parking will be encouraged to locate in proximity to elevators, and pedestrian entrances, for residents, employees and visitors.

9.5 Land Use

- 9.5.1 Pedestrian Shopping Areas within the Character Area are intended to continue to function as retail shopping streets. Pedestrian Shopping Areas will be designed as safe and comfortable for pedestrians and provide opportunities for small business.
- 9.5.2 The scale of retail spaces located on the ground floor should generally maintain the scale and rhythm of existing storefronts on the streets.
- 9.5.3 Office uses are encouraged to be located within the Character Area.

- 9.5.4 Support for small scale arts, culture and business uses are encouraged through the provision of affordable and adaptable non-residential spaces.
- 9.5.5 The ground floor street frontages in Mixed Use Areas are reserved for active pedestrian-oriented uses. Residential uses, excepting entrances to residential lobbies, will not be permitted on the ground floor street frontages in Mixed Use Areas.
- 9.5.6 The provision of affordable rental and/or ownership housing within the Bathurst Bloor Character Area will be encouraged in development.
- 9.5.7 A minimum of 20 percent two bedroom units and 10 percent three bedroom or larger units will be required within all new residential development.
- 9.5.8 The provision of, or contribution to, affordable child care spaces is encouraged within development.

9.6 Built Form

- 9.6.1 Development on and adjacent to heritage properties as shown on Schedule G - Heritage will be massed to conserve the scale and heritage character of those properties on the City's Heritage Register.
- 9.6.2 Development fronting Bloor Street West and Bathurst Street will include building articulation, windows and entrance locations that reference the prevailing pedestrian shopping characteristics of these main streets.
- 9.6.3 Where development is located at an intersection of two streets, buildings will be designed to address both streets with entrances and design features which reflect each street.

Scale and Transition

- 9.6.4 Maximum building heights are shown in Schedule H. Development will achieve appropriate transition in building height and massing and the stepping down of heights toward the adjacent areas of lower scale in Mixed Use Areas.
- 9.6.5 Development will transition gradually and appropriately through setbacks and the stepping down of building height and massing toward adjacent Neighbourhoods.
- 9.6.6 Development will only be permitted beneath a 45-degree angular plane measured from grade at the property line of any property designated Neighbourhoods on Map 18 in the Official Plan. The angular plane is illustrated in Schedule I.

9.6.7 Any increase in height or density in the Character Area will transition generally downwards in scale away from the intersection of Bathurst Street and Bloor Street West to reflect and protect the fine grain character of the Pedestrian Shopping Area on Bloor Street and Bathurst Street, and in the Seaton Village-West Annex and Palmerston-Harbord Character Areas adjacent to the Bathurst-Bloor Character Area. The transition shall be achieved within the Character Area boundary and shall not rely on properties outside the study area.

Ground Floor Height

9.6.8 The ground floor of any development with frontage on Bathurst Street, Lennox Street, and/or Bloor Street West will be sized or architecturally expressed at a maximum height of generally 4.5 metres or to correspond to the height of abutting heritage properties, whichever is the lesser. Ground floor retail units with a ceiling height taller than 4.5 metres may be considered closer to the intersection of Bathurst Street and Bloor Street West.

Street Wall

9.6.9 Street wall dimensions are an important determinant in the way a building is experienced at the pedestrian scale and how a building relates to its surroundings. Accordingly:

9.6.9.1 The articulation and width of retail bays at the street frontage will be consistent with the rhythm of existing small scale retail frontages which are characteristic of Pedestrian Shopping Streets;

9.6.9.2 The maximum street wall heights will be generally highest near the intersection of Bloor Street West and Bathurst Street and transition downward in height away from the intersection.

9.6.9.3 The height of the street wall for development abutting a heritage property will be generally between the existing heritage building height and a height of 13.5 metres.

9.6.9.4 In addition, the height of the street wall for development will be generally 13.5 metres on the east side of Bathurst Street, on the west side of Bathurst Street north of Bloor Street, and on Bloor Street east of Bathurst Street. The streetwall heights will vary on both sides of Bloor Street West between Markham Street and Bathurst Street. The average height of the street wall fronting Bloor Street West between Markham Street and Bathurst Street will be a maximum of 16.5 metres, generally not exceeding a height of 20 metres in any one location, and transition downward

toward the west to a streetwall height of generally 13.5 metres at the western boundary of the Character Area.

Step back above the Street Wall

- 9.6.10 Development on or abutting heritage properties on Bathurst, Bloor and Lennox Streets will be stepped back a minimum of 5 metres from all public street frontages, conserving the scale, form and massing of the heritage properties.
- 9.6.11 Above the height of the street wall, development will step back a minimum of 3.0 metres when not abutting or on a heritage property.
- 9.6.12 Development will step back above the streetwall height, and will continue to stepback to fit underneath a 45° angular plane measured from a height of 16 metres at the front property line as illustrated in Schedule I – Built Form.

Sunlight

- 9.6.13 Maintaining direct sunlight on main streets is vital to a successful public realm. In order to ensure appropriate sunlight on the sidewalks, development will provide a minimum of five hours of continuous sunlight between March 21 and September 21 during the mid-day hours on the Bathurst Street sidewalks and on the north sidewalk on Bloor Street West.

9.7 Southwest Quadrant

- 9.7.1 In addition to the preceding policies contained in Section 9.0 - 9.6 for the Bathurst Bloor Character Area, the following policies in Section 9.7 apply specifically to the southwest quadrant of the Character Area. In instances where there is inconsistency between the preceding policies in Section 9.0 - 9.6, policies below for the Southwest Quadrant will prevail.

Provision of Community Benefits and Other Attributes in the Southwest Quadrant

- 9.7.2 The Southwest Quadrant provides opportunity for a greater level of intensification and a greater level of investment in area community benefits and other attributes, provision of new park space, improvement to public space, provision of a range of new housing, and conservation of heritage properties. These investments should respond to the anticipated level of growth, be delivered prior to, or in conjunction with development, and secured through the use of Zoning By-laws, and Section 37 and 42 of the Planning Act and other planning approvals including Site Plan and Heritage Permits. Therefore development in the southwest quadrant of the Bathurst-Bloor Character Area will provide a full range of community

attributes and benefits to be determined by a Zoning By-law Amendment, and which may be above Section 37 and Section 42 requirements, such as:

- 9.7.2.1 New on-site parkland;
- 9.7.2.2 Improved and increased area community services and facilities;
- 9.7.2.3 Commercial units suitable for small businesses, including affordable commercial spaces;
- 9.7.2.4 Affordable artist and studio spaces in the redevelopment of lands abutting Markham Street, south of Bloor Street West;
- 9.7.2.5 Units designed flexibly to accommodate both living and working;
- 9.7.2.6 Public art component;
- 9.7.2.7 Programmable, publically-accessible open space;
- 9.7.2.8 Increased tree canopy on site and significant soft landscaping within the public realm;
- 9.7.2.9 A bike parking and storage strategy;
- 9.7.2.10 A range of affordable and mid-range housing with a minimum 20 percent of proposed affordable units as two bedroom units and a minimum 10 percent of the proposed affordable units as 3 bedroom units or larger;
- 9.7.2.11 Development and execution of a heritage interpretation plan;
- 9.7.2.12 Enhanced measures of environmental sustainability; and;
- 9.7.2.13 Develop and implement a construction management plan in consultation with the city, ward councillor, and representatives of the surrounding community.

Side and Rear 45 Degree Angular Plane From the *Neighbourhoods*

- 9.7.3 In the south-west quadrant, not all buildings will achieve the maximum height that can be achieved under the 45-degree angular plane illustrated in Schedule I as maximizing the heights may result in an overall height and massing that are not appropriate for the quadrant.

- 9.7.4 The maximum height of development will be determined through a Zoning By-law amendment.
- 9.7.5 On the property east of Markham Street, taller building elements will be situated behind the retained heritage buildings fronting Markham Street and will be much lower than what a 45-degree angular plane illustrated in Schedule I from the west would otherwise allow, to better relate to the scale of the retained heritage buildings on Markham Street. The exact height of any taller element in this area will be determined through a Zoning By-law amendment.
- 9.7.6 For the area of the block, east of Markham Street and closer to the Bathurst Bloor intersection, minor encroachment may be considered only for a portion of the top floor of tall buildings into the angular plane illustrated in Schedule I through a Zoning By-law Amendment application, provided that it is demonstrated through a planning and urban design rationale that demonstrates that the encroachments are minor in nature, and have no appreciable impact on shadowing of the public realm or diminishment of sky view. The dimensions of any encroachments will be determined through a Zoning-By-law amendment, along with securing other planning objectives for the south-west quadrant.

Development on Markham Street, south of Bloor Street West

- 9.7.7 Development on Markham Street south of Bloor Street West will respect and reference the existing house-form building scale and character.
- 9.7.8 At the intersection of Markham and Bloor Streets, the base of development at the corner fronting Bloor Street West will be scaled appropriately and designed architecturally to relate to the adjacent heritage properties on Bloor Street West.
- 9.7.9 All portions of additions to conserved heritage properties on Markham Street will be situated behind the original rear walls of the house-form buildings.
- 9.7.10 On the east side of Markham Street south of Bloor Street West development not fronting Bloor Street West will transition downward in scale to the house form buildings on Markham Street and to the Neighbourhoods located to the west of Markham Street by stepping down significantly in height and scale from development on Bathurst Street and on Bloor Street West and have a maximum height which is significantly less than the height of an angular plane measured from the property line of any property

designated Neighbourhoods as shown on Map 18 of the Official Plan.

9.7.11 Despite Policy 9.6.6, development on the west side of Markham Street fronting Bloor Street West may encroach into a 45-degree angular plane illustrated in Schedule I provided the development is at a lower scale than development on the east side of Markham Street and does not exceed a height of 9 storeys.

9.7.12 Development on the west side of Markham Street fronting onto Markham Street and/or Bloor Street West will: step down in height and scale toward lower scale areas designated Neighbourhoods and Mixed Use Areas; be situated and massed in a manner which limits impacts to light, view and privacy on adjacent properties and streets; include the conservation of the heritage building at the southwest corner of Markham Street and Bloor Street West; and generally not exceed a street wall height of 13.5 metres on Bloor Street West.

Additional Built Form Policies in the Southwest Quadrant

9.7.13 Development in the southwest quadrant of the Bathurst Bloor Character Area will:

- 9.7.13.1 Provide a minimum 25 metre separation distance between facing tall buildings;
- 9.7.13.2 Ensure that all tall buildings are set back a minimum of 12.5 metres from rear and side lot lines, with the exception that a lesser minimum separation from rear or side lot lines may be considered where appropriate, through a Zoning By-law amendment;
- 9.7.13.3 Design and mass all tall buildings to a maximum tower floorplate of 600 square metres, inclusive of all interior floor space, mechanical, and storage areas, but exclusive of projecting or inset balconies;
- 9.7.13.4 Be designed and massed to limit shadow impact on the Bathurst Street sidewalks between the hours of 11:00 a.m. and 4:00 p.m. from March 21 to September 21 and ensure that not less than 50 percent of the sidewalk area on the north side of Bloor Street West within the length of sidewalk between Albany Avenue and Palmerston Boulevard is in direct sunlight generally between the hours of 11:00 a.m. and 4:00 p.m. from March 21 to September 21;

9.7.13.5 Include street wall heights which vary, designed generally as follows, with appropriate dimensions to be secured in a zoning By-law amendment:

- a. The maximum height of the street wall for development will not generally exceed a height of 13.5 metres abutting a heritage property.
- b. The average height of the street wall fronting Bloor Street West between Markham Street and Bathurst Street will be a maximum of 16.0 metres, not generally exceed a maximum height of 20 metres, and generally transition downward toward the west to a streetwall height of 13.5 metres at the western boundary of the Character Area.
- c. The average height of the street wall fronting Bathurst Street between Bloor Street West and the north property line of 760 Bathurst Street will be an average of 16.0 metres and will not generally exceed a maximum height of 20 metres.
- d. The average height of the street wall fronting Bathurst Street between the north property line of 760 Bathurst Street and the southern limit of the Character Area will be an average of 13.5 metres, not exceed a maximum height of 16.0 metres at any point, and transition to 13.5 metres at the southern limit of the Character Area.
- e. The maximum height of the street wall on Lennox Street east of the existing laneway will relate to the height of 736 Bathurst Street and transition appropriately to on-site heritage buildings and will not generally exceed 16.0 metres.
- f. The maximum height of the street wall on Lennox Street west of the existing laneway will transition down in height appropriately to the houses fronting Markham Street.

9.7.14 Where there are tall buildings, development will step back a minimum of 3.0 metres at the height of the street wall when not abutting or on a heritage property. Where projections may be considered, such projections should have no appreciable impact on the pedestrian experience or on the overall perception of the

streetwall height. The dimensions of any projections will be determined through a Zoning-By-law amendment, along with securing other planning objectives for the south-west quadrant.

9.8 570, 572, 574, AND 576 BLOOR STREET WEST

9.8.1 In addition to the preceding policies contained in Section 9.0 - 9.6 for the Bathurst Bloor Character Area, the following policies in Section 9.8 apply specifically to the properties known municipally on January 1, 2019, as 570, 572, 574, and 576 Bloor Street West. In instances where there is inconsistency between the preceding policies in Section 9.0-9.6, the policies of this Section 9.8 will prevail.

Height & Angular Planes

9.8.2 Development will achieve appropriate transition in building height and massing and the stepping down of heights toward the adjacent lands designated as Neighbourhoods.

9.8.3 Development will only be permitted:

9.8.3.1 Beneath a 45-degree angular plane measured from grade at the north property line of the adjacent Toronto Transit Commission property known municipally on January 1, 2019, as 655 Markham Street;

9.8.3.2 Beneath a 45-degree angular plane measured from a height of 16 metres along the Bloor Street property line;

9.8.3.3 Beneath a 45-degree angular plane measured from grade along the west property line of Markham Street; and,

9.8.3.4 Illustrations of the foregoing height limits are provided in Schedule I – Built Form, except that the maximum streetwall height of a building on Bloor Street and Markham Street may not exceed 4 storeys or 14.5 metres and the minimum building setback above that shall be 3 metres.

9.8.4 Notwithstanding Section 9.8.3.2 and 9.8.3.3, encroachments into the prescribed angular planes may be considered through an application to amend the Zoning By-law, provided that it is demonstrated through a planning and urban design rationale that the encroachments have an appropriately limited impact with regard to additional incremental shadowing of the public realm and diminishing of sky view associated with the form and scale of development, and that the extent of any building encroachments

into angular planes will be limited to a maximum of two storeys, and may also include portions of the mechanical penthouse.

Additional Built Form Policies

- 9.8.5 Development fronting Bloor Street West and fronting or flanking Markham Street will include building articulation, windows and entrance locations that reference the prevailing pedestrian shopping characteristics of these streets.
- 9.8.6 The ground floor at the street edge on the Bloor Street West, Bathurst Street, and Markham Street frontages shall be used exclusively as Pedestrian Shopping Areas designed as safe and comfortable for pedestrians and providing opportunities for small businesses with residential, retail, office or services uses above. Residential uses, except for residential lobby entrances, will not be permitted on the ground floor street frontages.
- 9.8.7 The scale of retail, personal service, and service commercial spaces located on the ground floor should generally maintain the scale and rhythm of existing storefronts on the streets by providing a minimum of 3 distinct retail spaces located on the ground floor, within a development that includes each of the properties at 570, 572, 574, and 576 Bloor Street West, with dimensions of these retail spaces to be secured through an application to amend the Zoning By-law.
- 9.8.8 The Bloor Street West frontage and the Markham Street frontage will be active commercial spaces and be enhanced with soft landscaping, sitting areas, including patio spaces, and/or greening of public space.
- 9.8.9 Development of any portion of the properties at 570, 572, 574, and 576 Bloor Street West will provide adequate separation to the east by providing a minimum 5.5 metre setback above a height of 4 storeys abutting the east property line.
- 9.8.10 As illustrated on Schedule F – Public Realm and Pedestrian Improvements, opportunities for enhanced landscaping around the existing TTC station and to improve pedestrian connectivity between Markham Street and Bathurst Street may be sought through an application to amend the Zoning By-law.
- 9.8.11 The maximum height of a development of the properties at 570, 572, 574, and 576 Bloor Street West, whether developed individually or jointly, will be 10 storeys, not including the mechanical penthouse and rooftop mechanical equipment and outdoor amenity space.

Residential Units

9.8.12 A development of the properties at 570, 572, 574, and 576 Bloor Street West, either individually or jointly, will provide a minimum of 10 percent of the total number of residential units having a minimum of three bedrooms and an additional 20 percent of the total number of residential units having two bedrooms.

10. Palmerston-Harbord Character Area

- 10.1 Any development in proximity to the buildings in this Character Area built between 1880 and 1919 will be compatible with the architectural styles of these historic buildings.
- 10.2 The properties at 720-736 Bathurst Street do not reflect the prevailing character of Bathurst Street and should not be considered as precedents for new development in this Character Area.
- 10.3 New buildings on properties designated as *Neighbourhoods* will have a maximum height of 4-storeys.

11. Bathurst-College Character Area

- 11.1 New buildings will have a maximum height of 9-storeys with a strong street wall height of 5-storeys.
- 11.2 Dwelling units are not permitted on the ground level of any new building.

12. Palmerston-Nassau Character Area

- 12.1 The desired character of this Character Area will be a new and revitalized *Pedestrian Shopping Area* with a generous pedestrian realm that connects College Street and Dundas Street West.
- 12.2 New buildings on properties designated as *Neighbourhoods* will have a maximum height of 4-storeys.
- 12.3 New buildings on properties designated as *Mixed Use Areas* will have a maximum height of 4-storeys.
- 12.4 The area on the southeast corner of the Bathurst Street and Dundas Street West intersection of this Policy is a Special Study Area.
- 12.5 New development in *Mixed Use Areas* is encouraged to have multiple uses in the same building.
- 12.6 Dwelling units are not permitted on the ground level of any new building within *Mixed Use Areas*.

12.7 The Toronto Western Hospital, located 347 and 399 Bathurst Street and 60 Leonard Avenue:

12.7.1. Has built form characteristics that differ from other properties within the Palmerston-Nassau Character area;

12.7.2. Is not subject to Policy 4 Mixed Use Areas, Policy 5.1 Built Form, and Schedule D, Map 3 of Site and Area Specific Policy 465 and appropriate setbacks and stepbacks will be determined through a Zoning By-law amendment; and,

12.7.3. despite general policy 2.1 of Site and Area Specific Policy 465, is not precluded from additions or expansions to the existing hospital use.

13. Alexandra Park West Character Area

13.1 New development will respect and respond to Alexandra Park as a significant green space and cultural resource in the City.

13.2 The townhouse development a Carr and Bathurst Streets does not reflect the prevailing character of this Character Area and should not be considered as a precedent for new development in this Character Area.

13.3 New buildings on properties designated as *Neighbourhoods* will have a maximum height of 4-storeys.

13.4 The Scadding Court Community Centre and library at the southeast corner of Bathurst and Dundas Street West will be the subject of a further study based on the set of principles outlined in the Final Report for the Scadding Court Community Centre Revitalization as adopted by City Council on November 27, 2012.

14. Bathurst-Queen Character Area

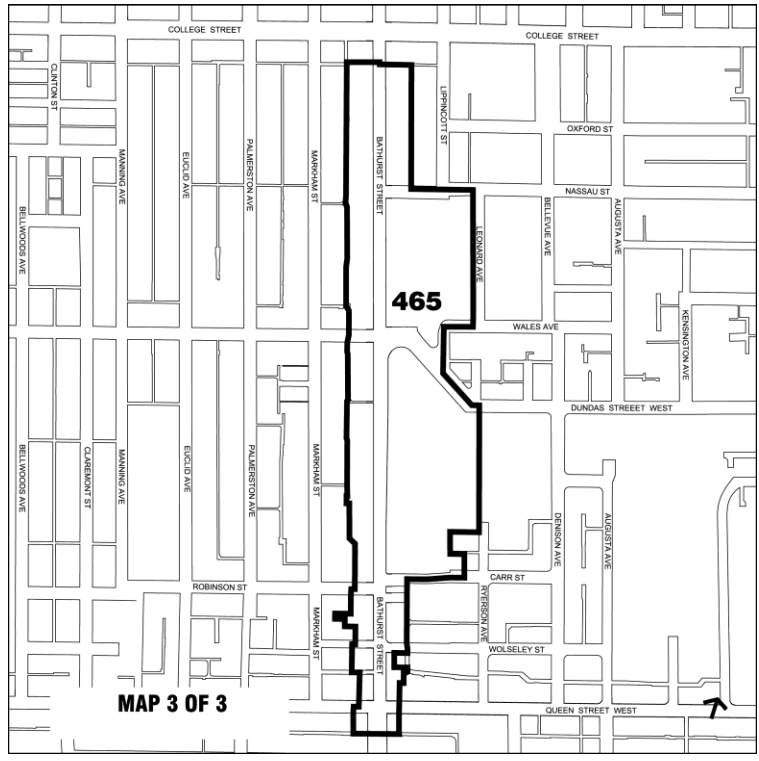
14.1 New development will consider the heritage resources in this Character Area, including the Queen Street West Heritage Conservation District.

14.2 Any development at the corner of Bathurst Street and Queen Street West will conform to the Queen Street West Heritage Conservation District.

14.3 Dwelling units are not permitted on the ground level of any new building.

14.4 New buildings on properties designated as *Neighbourhoods* will have a maximum height of 4 storeys.

14.5 New buildings on properties designated as *Mixed Use Areas* will have a maximum height of 5 storeys with a street wall height of 4-storeys.

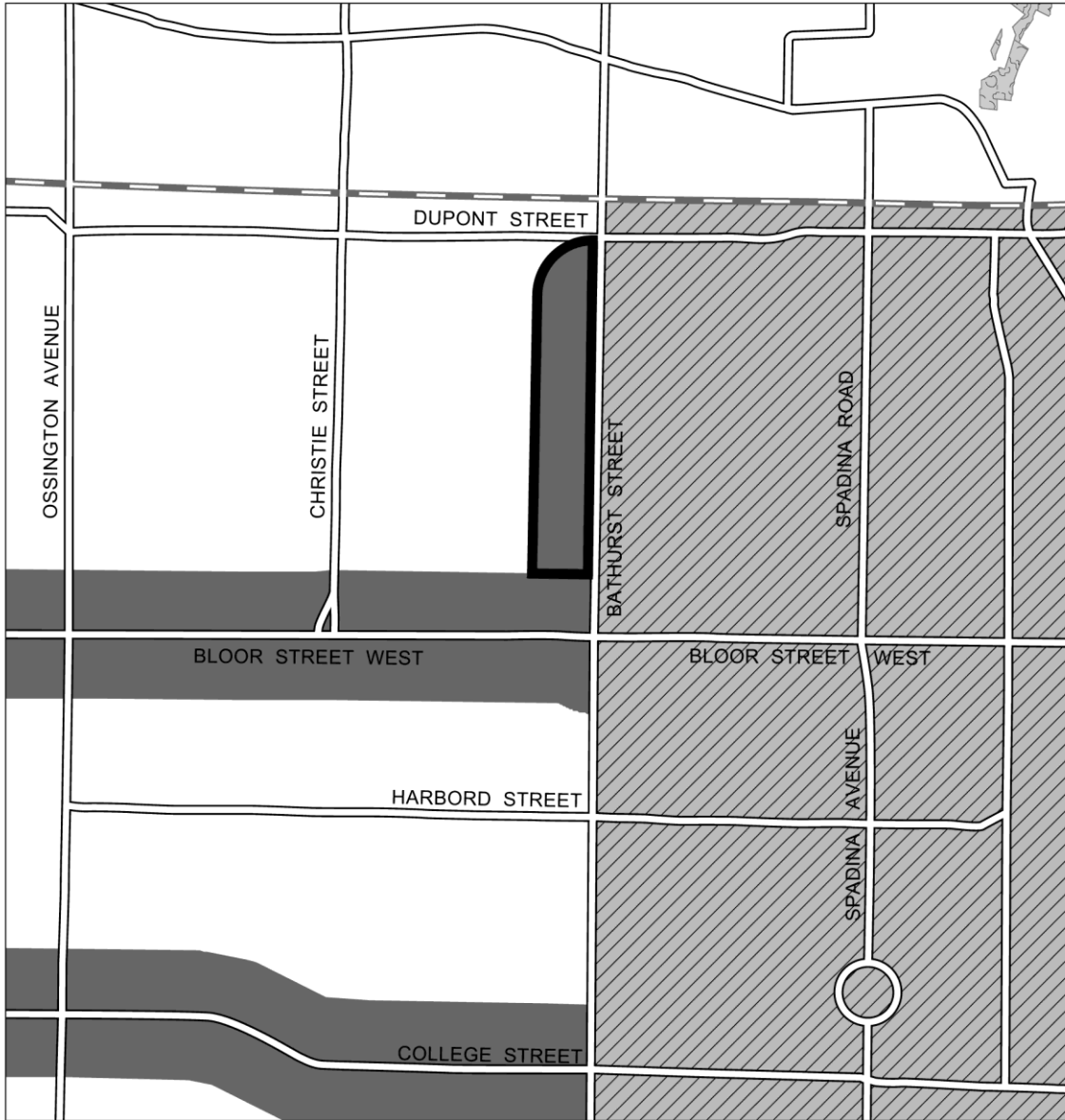


MAP 3 OF 3

465

Schedule B

Redesignation Map - 720-736 Bathurst Street






720-736 Bathurst Street



Official Plan Amendment #246

Revisions to Map 2 Urban Structure to remove Avenues designation

File # 12 235201

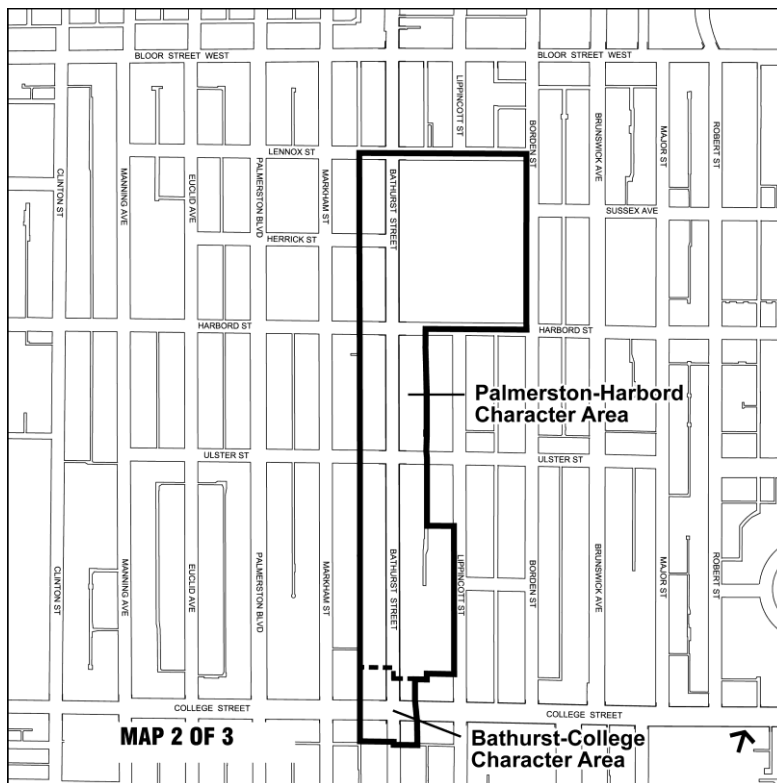
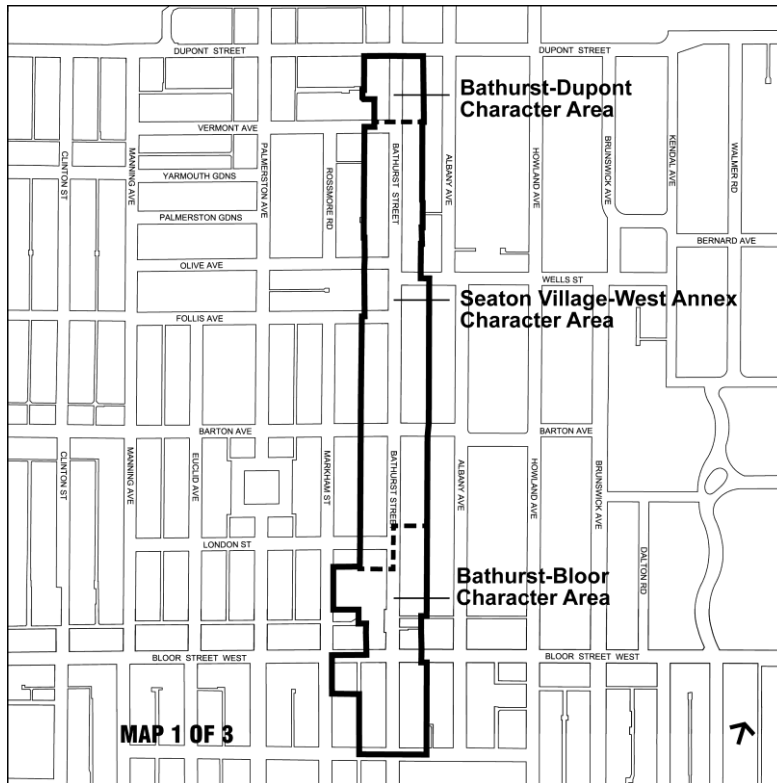
-  Area where Avenues designation is to be removed
-  Avenues
-  Downtown and Central Waterfront

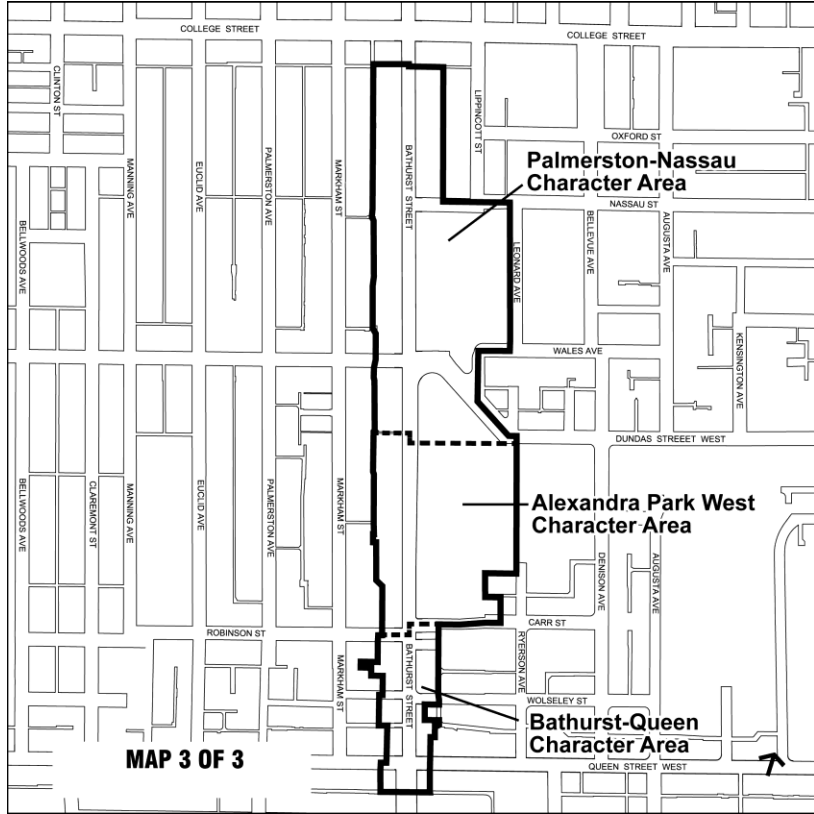


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Schedule C

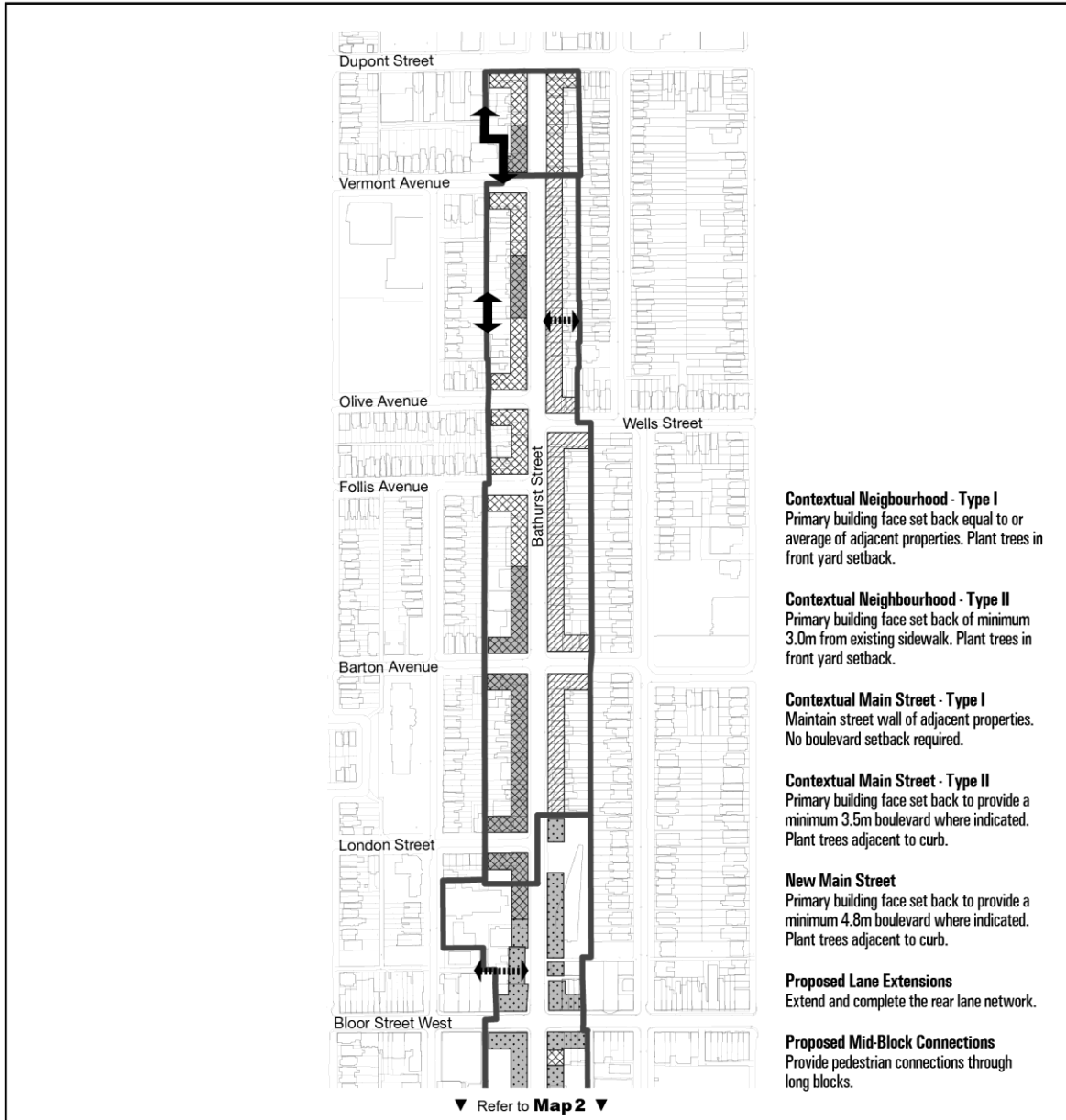
Character Areas





Schedule D

Pedestrian Improvements



Contextual Neighbourhood - Type I
Primary building face set back equal to or average of adjacent properties. Plant trees in front yard setback.

Contextual Neighbourhood - Type II
Primary building face set back of minimum 3.0m from existing sidewalk. Plant trees in front yard setback.

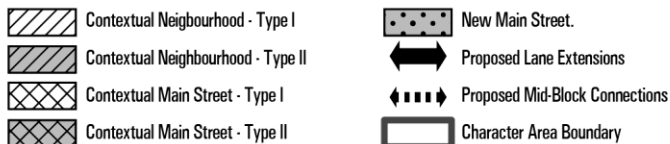
Contextual Main Street - Type I
Maintain street wall of adjacent properties. No boulevard setback required.

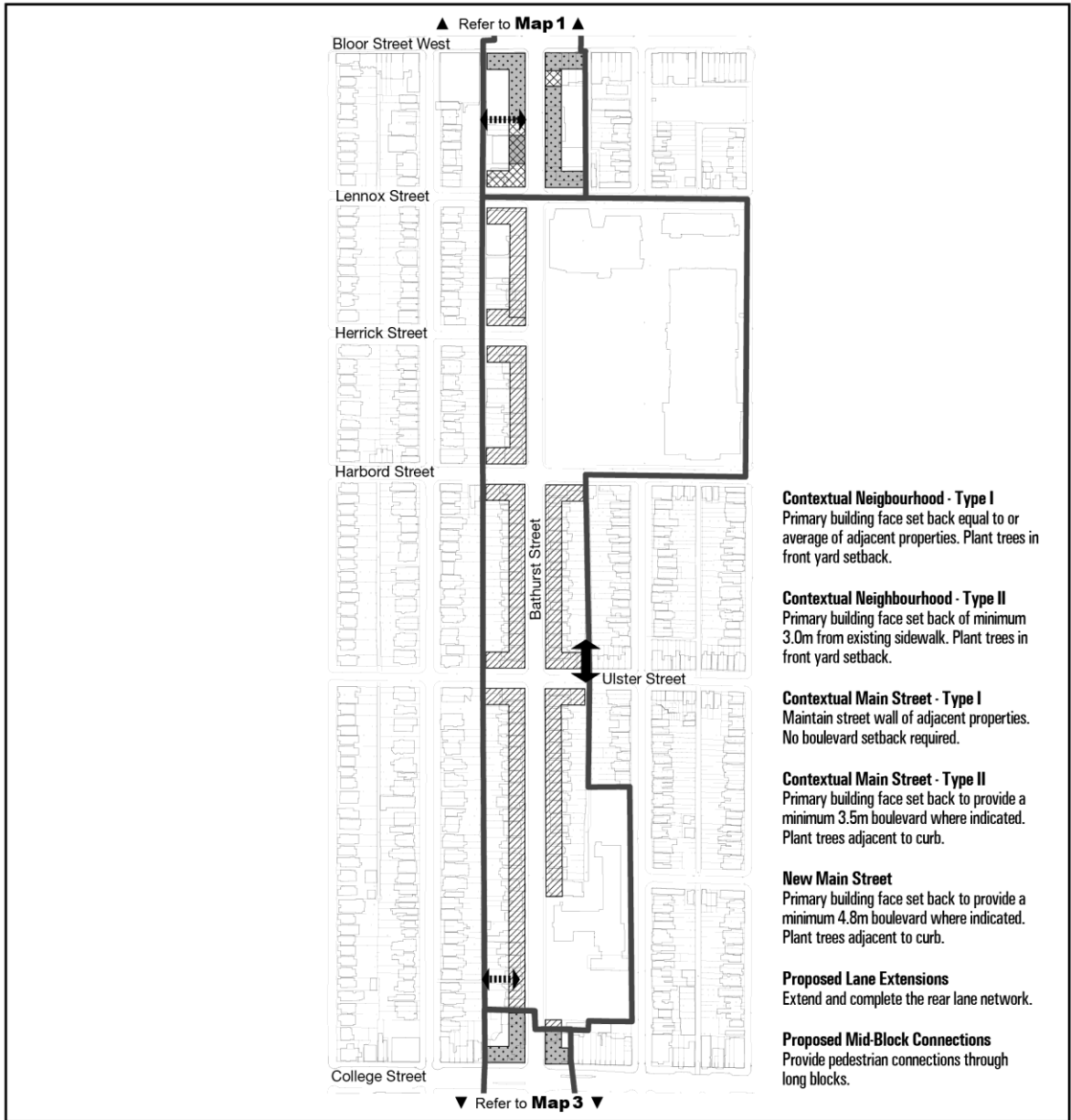
Contextual Main Street - Type II
Primary building face set back to provide a minimum 3.5m boulevard where indicated. Plant trees adjacent to curb.

New Main Street
Primary building face set back to provide a minimum 4.8m boulevard where indicated. Plant trees adjacent to curb.

Proposed Lane Extensions
Extend and complete the rear lane network.

Proposed Mid-Block Connections
Provide pedestrian connections through long blocks.





Contextual Neighbourhood - Type I
 Primary building face set back equal to or average of adjacent properties. Plant trees in front yard setback.

Contextual Neighbourhood - Type II
 Primary building face set back of minimum 3.0m from existing sidewalk. Plant trees in front yard setback.

Contextual Main Street - Type I
 Maintain street wall of adjacent properties. No boulevard setback required.

Contextual Main Street - Type II
 Primary building face set back to provide a minimum 3.5m boulevard where indicated. Plant trees adjacent to curb.

New Main Street
 Primary building face set back to provide a minimum 4.8m boulevard where indicated. Plant trees adjacent to curb.

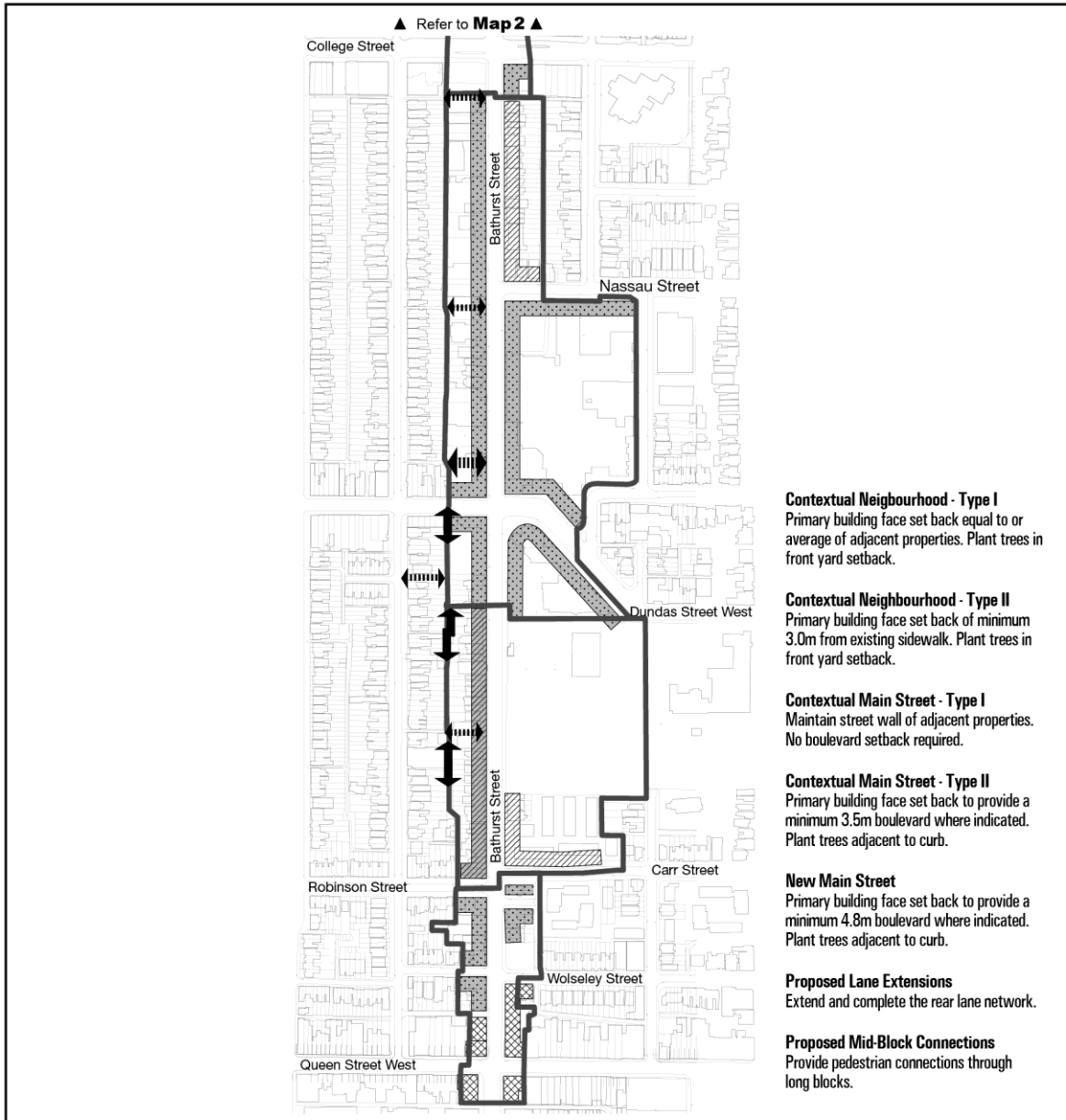
Proposed Lane Extensions
 Extend and complete the rear lane network.

Proposed Mid-Block Connections
 Provide pedestrian connections through long blocks.

- Contextual Neighbourhood - Type I
- Contextual Neighbourhood - Type II
- Contextual Main Street - Type I
- Contextual Main Street - Type II
- New Main Street.
- Proposed Lane Extensions
- Proposed Mid-Block Connections
- Character Area Boundary



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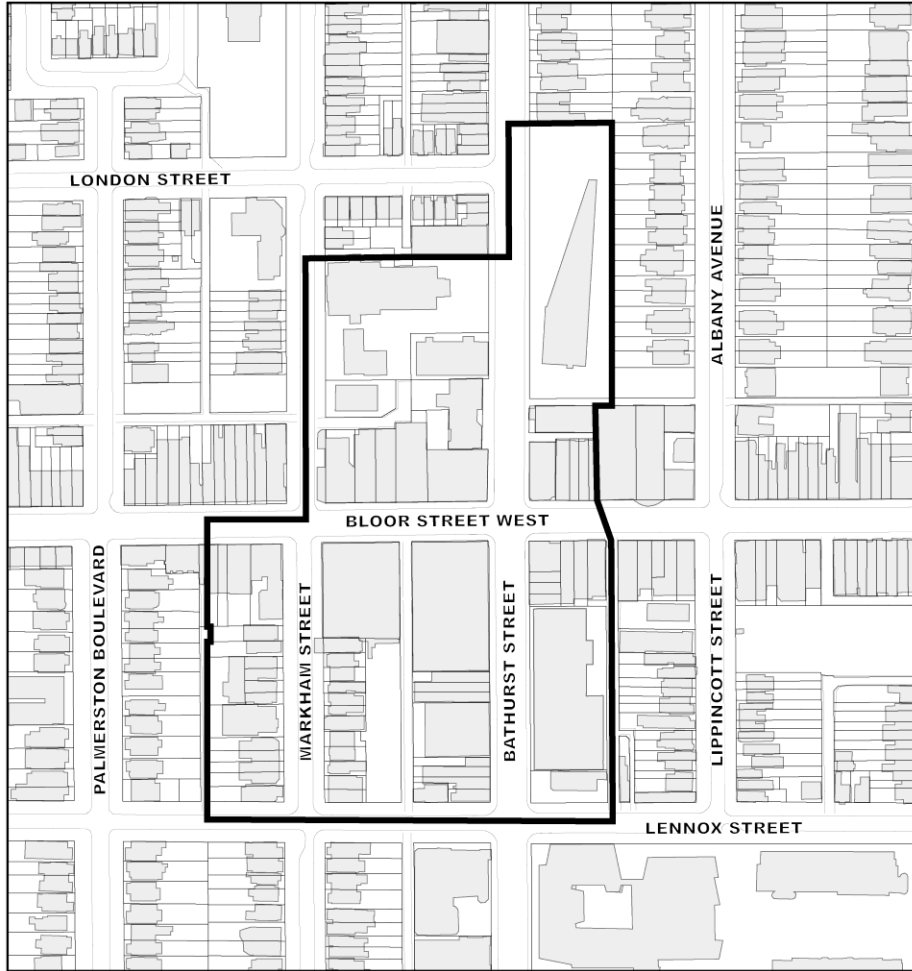


	Contextual Neighbourhood - Type I		New Main Street.
	Contextual Neighbourhood - Type II		Proposed Lane Extensions
	Contextual Main Street - Type I		Proposed Mid-Block Connections
	Contextual Main Street - Type II		Character Area Boundary



Schedule E

Bathurst-Bloor Character Area



Bathurst-Bloor Character Area - Schedule E

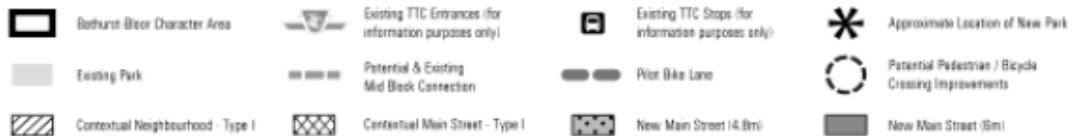
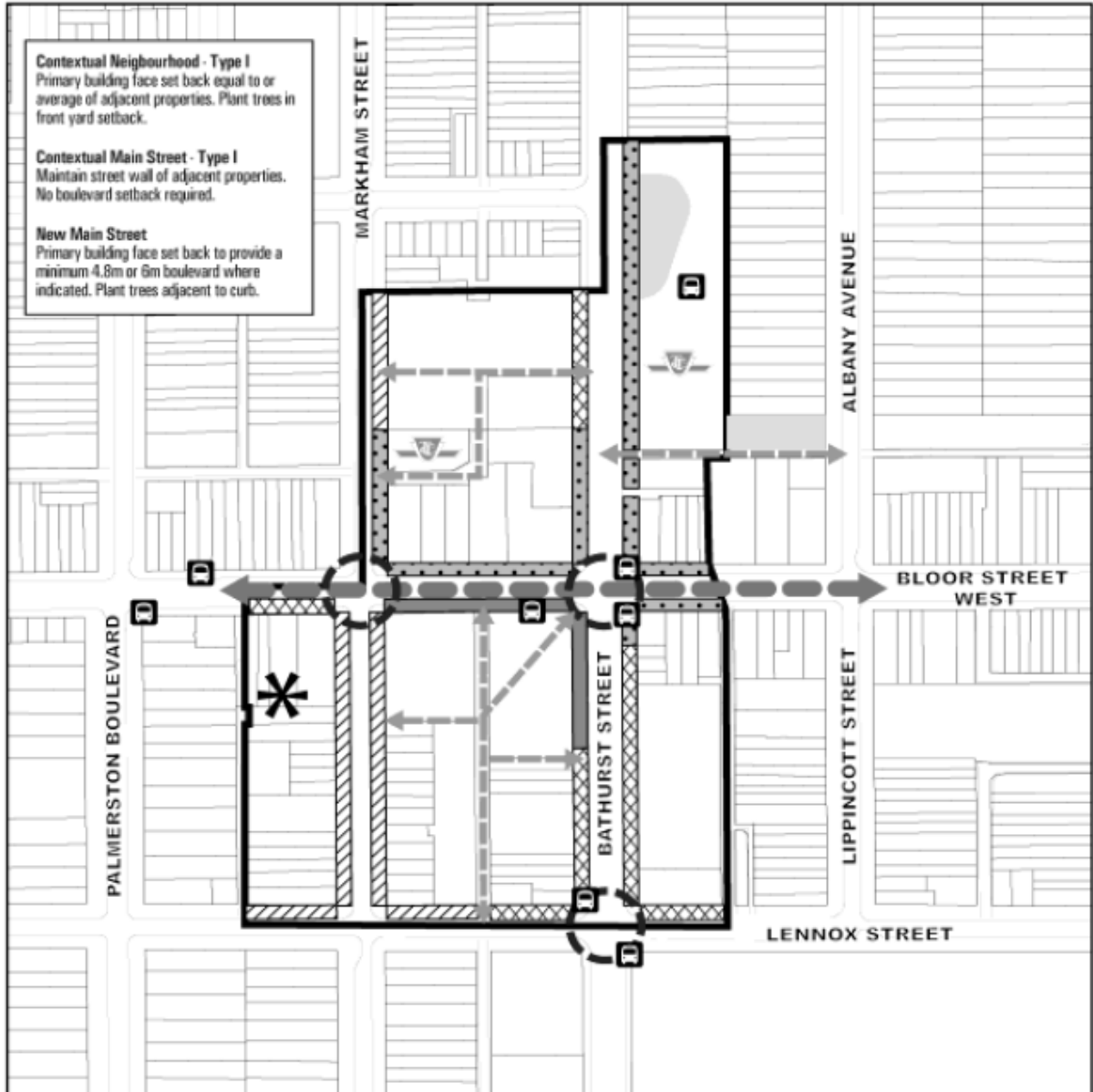
Bathurst and Bloor Four Corners

File # 14 254231 STE 20 0Z

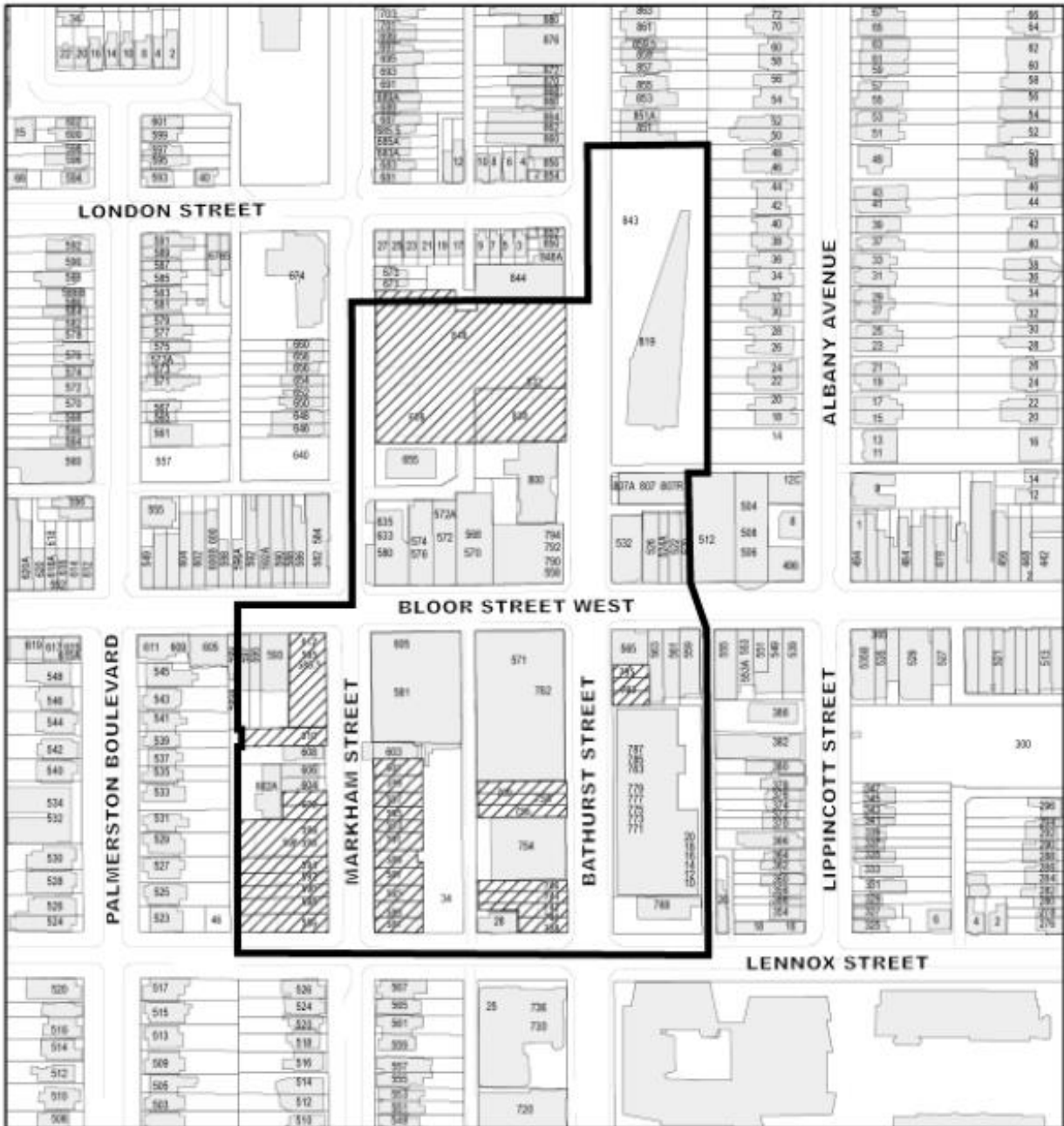
 Bathurst-Bloor Character Area


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Schedule F - Public Realm Improvements



Schedule G - Heritage



Properties on the City's Heritage Register - Schedule G

Bathurst and Bloor Four Corners

File # 14 254231 STE 20 0Z



Bathurst-Bloor Character Area

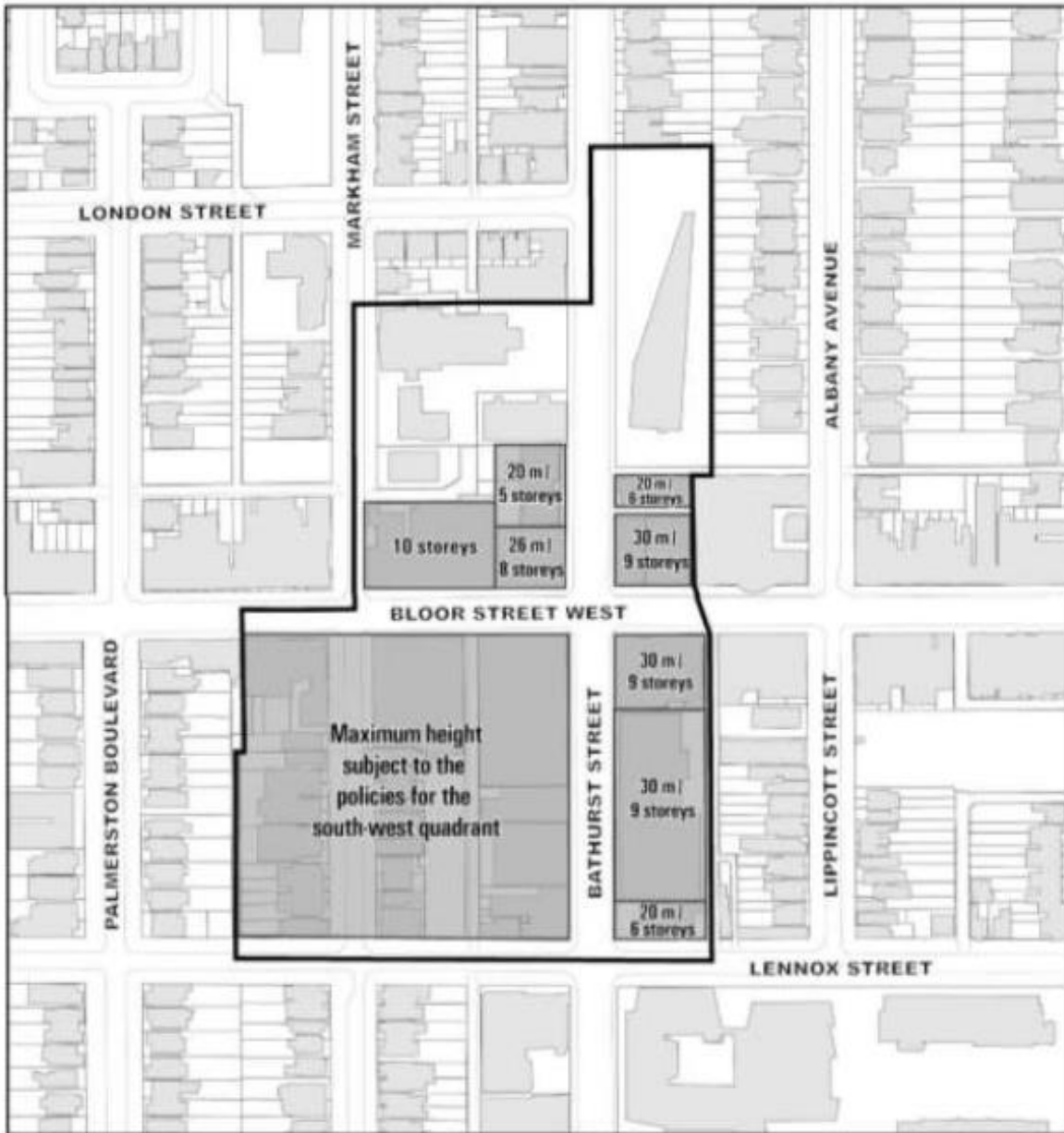


Heritage Properties



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Schedule H – Maximum Building Height



Maximum Building Heights - Schedule I

Bathurst and Bloor Four Corners

File # 14 254231 STE 20 0Z

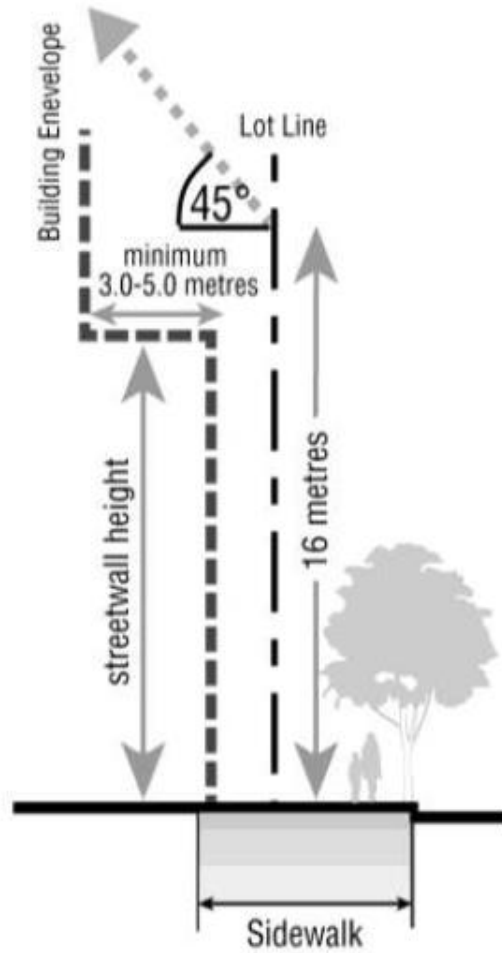
 Bathurst-Bloor Character Area


Not to Scale
10/18/2016

Schedule H – Maximum Building Height

Schedule I – Built Form

Streetwall and Base Building Stepbacks
Angular Underneath 45 Degree Angular Plane
Neighbourhoods



Rear and Side 45 Degree
Plane From the

