

**2265-2279 Bloor Street West and 116 and 240 Durie Street - Official Plan Amendment, Zoning By-law Amendment and Rental Housing Demolition and Conversion Applications – Request for Direction Report**

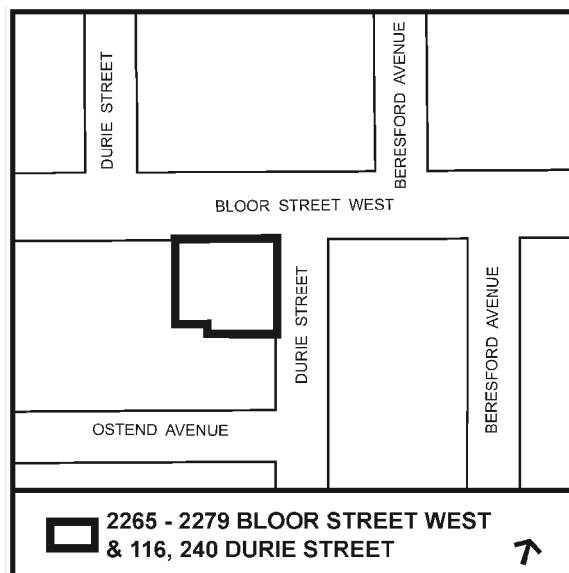
<b>Date:</b>	August 1, 2014
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York District
<b>Wards:</b>	Ward 13 – Parkdale-High Park
<b>Reference Number:</b>	13 271048 WET 13 OZ and 13 271055 WET 13 RH

**SUMMARY**

The Official Plan and Zoning By-law Amendment applications propose to redevelop the lands at 2265-2279 Bloor Street West and 116 and 240 Durie Street with a 9-storey mixed use building, comprised of 83 residential dwelling units, 19 of which would be replacement residential rental units, as well as 1,200 m<sup>2</sup> of office and retail floor area.

To accommodate this, the applicant proposes the demolition of two multi-unit rental buildings containing 17 units, and a single detached house that contains 2 rental units. The applicant has therefore submitted a Rental Housing Demolition and Conversion application under Section 111 of the *City of Toronto Act*, as the proposal involves a related group of buildings with 6 or more residential rental units.

On May 25, 2014, the Zoning By-law Amendment application was appealed by the applicant to the Ontario Municipal Board (OMB), citing City Council’s failure to render a decision within the time period prescribed by the *Planning Act*. Similarly,



on July 14, 2014, the applicant appealed the Official Plan Amendment application to the OMB, citing lack of decision by City Council within the time period prescribed by the *Planning Act*. A hearing date for these appeals has yet to be scheduled.

The purpose of this report is to outline issues with the proposed development from an Official Plan policy and built form perspective and seek City Council's direction for attendance at the Ontario Municipal Board hearing to oppose the appeals of the Official Plan and Zoning By-law Amendment applications.

## **RECOMMENDATIONS**

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

1. City Council authorize the City Solicitor, City Planning staff and other appropriate City staff to attend the Ontario Municipal Board to oppose the appeal of the Official Plan Amendment and Zoning By-law Amendment applications for 2265-2279 Bloor Street West and 116 and 240 Durie Street in their current form.
2. City Council authorize City staff to continue discussions with the applicant to negotiate an appropriate development proposal for the subject lands.
3. City Council direct staff to advise the Ontario Municipal Board of City Council's position that any redevelopment of the lands must also include the full replacement of the existing 19 rental dwelling units and a Tenant Relocation and Assistance Plan, including the right of tenants to return to the new rental units in accordance with the Official Plan be secured, to the satisfaction of the Chief Planner and Executive Director, City Planning.
4. In the event the Ontario Municipal Board allows the appeals in whole or in part, City Council direct staff to request that the Board withhold its order on the Official Plan and Zoning By-law Amendment application appeals for the subject lands until such time as the City and the owner have presented a draft Zoning By-law Amendment to the Board that provides for the provision and securing of the rental housing matters as outlined in Recommendation 3 of this report and a Section 37 Agreement incorporating these matters has been executed.

### **Financial Impact**

There are no financial implications resulting from the adoption of this report.

## **DECISION HISTORY**

On February 25, 2014 Etobicoke York Community Council considered a Preliminary Report regarding the applications for the lands. Community Council directed staff to schedule a community consultation meeting and to expand the circulation area for the

community consultation meeting notice to 240 m. Community Council's decision and a link to the Preliminary Report can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.EY31.5>

## **ISSUE BACKGROUND**

### **Proposal**

The proposed redevelopment has not been modified since the applications were submitted on November 27, 2013. The proposed 9-storey mixed-use building would have a height of 27 m (30 m to the top of the mechanical penthouse) at the Bloor Street frontage and terrace down to the lower density lands to the south. Retail, service and office uses would be located on the first and second floors (partial mezzanine level) of the building, with residential uses above. A commercial parking use is also proposed as part of the overall parking supply to be provided in a below-grade parking garage.

The building would have 83 dwelling units (9-bachelor, 56 one-bedroom and 18 two-bedroom units), of which 19 dwelling units (7 bachelor, 11 one-bedroom, and 1 two-bedroom unit) are proposed to be replacement rental units. The building would contain 1,200 m<sup>2</sup> of retail, office and service space, and 166 m<sup>2</sup> of indoor amenity area to serve the building residents. No outdoor amenity space is proposed.

A total of 86 bicycle parking spaces and 124 vehicular parking spaces in 4 below-grade levels are proposed to serve the development, of which approximately 72 parking spaces are proposed to be operated for public parking (commercial parking lot). Access to parking and service areas would be via a driveway behind the building from Durie Street (see Attachment 1 – Site Plan and Attachment 2 - Elevations).

The lands have an area of 1,560 m<sup>2</sup>. The total floor area for the building would be approximately 6,675 m<sup>2</sup>, representing a Floor Space Index of approximately 4.3 times the area of the lot (see Attachment 5 –Application Data Sheet).

The proposal involves the demolition of three existing buildings, a three-storey mixed use building and a two storey mixed use building with 17 residential rental units between them and a two-storey detached dwelling containing 2 additional rental units. The applicant is proposing to replace the 19 existing units in the new development at similar rents. All the residential rental replacement units will offer affordable and mid-range rents to which the current tenants will have the right to return to as well as being provided with a Tenant Assistance and Relocation Plan, the details of which have not been finalized.

### **Site and Surrounding Area**

The lands are relatively flat and located on the southwest corner of Bloor Street West and Durie Street. Currently, the lands are occupied with three-storey mixed use buildings and a two-storey restaurant along Bloor Street West, and a two-storey detached dwelling on

Durie Street. There are currently 17 affordable rental dwelling units, comprised of 7 bachelor and 10 one bedroom units, contained within the Bloor Street buildings and another 2 mid-range rental units within the detached dwelling on Durie Street.

The site has approximately 41 m of frontage on Bloor Street West, 39 m of frontage along Durie Street and a lot area of approximately 1,560 m<sup>2</sup>.

Land uses surrounding the subject site are as follows:

- North: mixed use commercial and residential buildings fronting the north side of Bloor Street West, ranging in heights from 1 to 3 storeys.
- South: residential neighbourhood (Swansea), predominately consisting of two-storey detached and semi-detached dwellings, and the rear yards of single detached dwellings on Ostend Avenue.
- East: a two-storey mixed use building containing a ground floor café, outdoor patio and residential uses above, on the opposite side of Durie Street, with two-storey detached and semi-detached dwellings to the south.
- West: a one-storey commercial building ("Flowers"), followed by two-storey mixed use buildings and a Place of Worship.

The lands subject to these applications are located in the Bloor West Village area. There have been five recent development applications on Bloor Street West located on the periphery of the Bloor West Village. These developments include 1 and 2 Old Mill Drive, 2442 Bloor Street West, 1990 Bloor Street West and 1844 Bloor Street West. There is also an application within the Bloor West Village that is currently under review at 2114-2130 Bloor Street West. These developments range in building heights from 10 to 14 storeys.

## **Provincial Policy Statement (2014) and Provincial Plans**

The 2014 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong and healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. 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 *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## Official Plan

The lands fronting Bloor Street West are located within an *Avenues* area on Map 2 - Urban Structure. These lands are also designated *Mixed Use Areas* on Map 14 - Land Use Plan. *Avenues* are corridors along major streets where reurbanization is anticipated and encouraged in order to accommodate growth. A portion of the lands, municipally known as 116 Durie Street is designated *Neighbourhoods*, also on Map 14, and is located within the Swansea Secondary Plan area (see Attachment 4 – Official Plan).

The *Mixed Use Areas* designation provides for a range of residential, commercial and institutional uses, and provides criteria to direct the form and quality of development. It is one of four designations identified in the Official Plan providing opportunities for increased jobs and/or population. The Official Plan states that “*Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service employment in Toronto in the coming decades, as well as much of the new housing.” However, not all *Mixed Use Areas* will experience the same scale or intensity of development. The policies of *Mixed Use Areas* require new development to provide a transition between areas of different development intensity and scale.

Official Plan Policy 2.2.3.3(b) states that “Development in *Mixed Use Areas* located on *Avenues*, prior to the completion of an Avenue Study has the potential to set a precedent for the form and scale of reurbanization along the *Avenues*. In addition to the policies of the Plan for *Mixed Use Areas*, proponents of such proposals will also address the larger context and examine the implications for the segment of the Avenue in which the proposed development is located.

This review will:

- include an assessment of the impacts of the incremental development of the entire Avenue segment at a similar form, scale and intensity, appropriately allowing for distinguishing circumstances;
- consider whether incremental development of the entire Avenue segment as identified in the above assessment would adversely impact any adjacent *Neighbourhoods*;
- consider whether the proposed development is supportable by available infrastructure; and
- be considered together with any amendment to the Official Plan or Zoning By-law at the statutory public meeting for the proposed development.”

Further, “development in *Mixed Use Areas* on *Avenues* that precedes the completion of an Avenue Study will:

- support and promote the use of transit;
- contribute to the creation of a range of housing options in the community;

- contribute to an attractive, safe and comfortable pedestrian environment that encourages walking and strengthens local retailing;
- provide universal physical access to all publicly accessible spaces and buildings;
- conserve heritage properties;
- be served by adequate parks, community services, water and sewers, and transportation facilities; and
- be encouraged to incorporate environmentally sustainable building design and construction practices.”

Development requiring a rezoning will not be allowed to proceed prior to completion of an Avenue Study unless a review is undertaken that demonstrates to Council’s satisfaction that subsequent development of the entire Avenue segment will have no adverse impacts within the context and parameters of the review.

An Avenue Segment Study for Bloor Street West from Jane Street in the west to Harcourt Road in the east, was submitted in support of this 9-storey mixed-use proposal, to address Official Plan Policy 2.2.3.3 (b).

The Official Plan contains polices addressing the need to preserve and increase the City’s supply of rental and affordable housing.

Policy 3.2.1 of the Official Plan includes housing policies that encourage the provision of a full range of housing in terms of form, tenure and affordability. Policy 3.2.1.6 applies to applications proposing to demolish six or more residential rental units, except where all the rents are above the mid-range rent category. Redevelopment applications are required to secure the replacement of the rental units with at least the same number, size and type of rental housing units for 20 years and maintain them with rents similar to the rents of existing units on the site for at least ten years. An acceptable tenant relocation and assistance plan is also required to address moving related costs, alternative accommodation and other assistance to lessen hardship.

Official Plan Policy 4.5.2 cites Development Criteria for *Mixed Use Areas*, which include, but are not necessarily limited to:

- creating a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- providing for new jobs and homes for Toronto’s growing population on underutilized lands;
- locating and massing new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*;

- locating and massing new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
- locating and massing 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 spaces;
- providing an attractive, comfortable and safe pedestrian environment;
- taking advantage of nearby transit services;
- providing good site access and circulation and an adequate supply of parking for residents and visitors;
- locating and screening service areas, ramps and garbage storage to minimize their impact on adjacent streets and residences; and
- providing indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

*Neighbourhoods* designated lands are considered physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys. Parks, low scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in *Neighbourhoods*.

A key objective of the Official Plan is to guide new development to respect and reinforce the general physical patterns in a *Neighbourhood*.

The Official Plan also contains development criteria for assessing new development in *Neighbourhoods*. Specifically, Policy 4.1.5 states that development in established *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood, including in particular:

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

Further, Policy 4.1.5 states that no changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the neighbourhood. The Policy notes that the prevailing building type will be the predominant form of development in the neighbourhood and that some *Neighbourhoods* will have more than one prevailing building type.

The Swansea Secondary Plan states that where the Zoning By-law permits apartment buildings in areas designated as *Neighbourhoods*, any apartment building will respect the zoned height and density limits.

Other Official Plan policies have provided guidance in the review, assessment and evaluation of this application, including the Healthy Neighbourhoods Policy 2.3.1.3 related to intensification on lands adjacent to a neighbourhood. Further guidance has been provided through policies in Chapter 3 of the Official Plan related to the Public Realm and Built Form.

To review these and all sections of the Toronto Official Plan, refer to the City's website at: [www.toronto.ca/planning/official\\_plan/introduction.htm](http://www.toronto.ca/planning/official_plan/introduction.htm).

## **Rental Housing Demolition and Conversion By-Law**

Section 111 of the *City of Toronto Act, 2006* authorizes City Council to regulate the demolition and conversion of residential rental properties in the City. By-law 885-2007 (also known as the Rental Housing Demolition and Conversion By-law), which was enacted by City Council on July 19, 2007, implemented this provision. The By-law established Chapter 667 of the Municipal Code,

The By-law makes it an offence amongst other things, to demolish, or cause to be demolished, the whole or any part of a residential rental property unless approval has been granted for a Section 111 permit for the demolition of the residential rental property. In addition, approval of related planning applications, such as a rezoning dependent on such demolition should be conditional upon the applicant receiving a Section 111 permit.

Where an application for rezoning triggers an application under Section 111 for rental demolition or conversion, City Council typically considers both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council under By-law 885-2007 to refuse or approve a Section 111 permit under the Municipal Code are not subject to appeal to the Ontario Municipal Board.

City Council may refuse an application, or approve the demolition with conditions. Conditions such as the replacement of rental housing and tenant assistance may be imposed on the approval of a Section 111 permit. These conditions are based on the Official Plan policies and established practices the City has in place when considering rental housing demolition.



The applicant has made an application for a Section 111 permit to demolish the 17 affordable residential rental units and the 2 mid-range units in the house form building on Durie Street and proposes to replace all 19 units in the new development. The applicant has also proposed to secure the rents for a minimum of 10 years and the tenure for 20 years in accordance with the City's policies. Staff are reviewing the Housing Issues Report and working with the applicant to hold the required meetings under Chapter 667, and to secure an appropriate rental unit replacement proposal with an acceptable tenant assistance plan.

A permit under Section 111 of the *City of Toronto Act* is a prerequisite for a finalized Zoning By-law Amendment which would result in the demolition of rental units.

## **Zoning**

The lands fronting Bloor Street West are zoned "CR 2.5 (C2.0; R2.0) SS2 (x1978)" by City-wide Zoning By-law No. 569-2013. The CR zone permits a mix of commercial and residential uses, including public parking, subject to conditions, up to a maximum density of 2.5 times the area of the lot, of which a maximum of 2.0 times the area of the lot is permitted to be commercial uses only or solely residential use. The maximum permitted height for the site is 14 m. The lands were previously zoned MCR T2.5 C2.0 R2.0 under the former City of Toronto Zoning By-law No. 438-86, which had identical height and density limits.

The property at 116 Durie Street, having a lot frontage of approximately 7.6 m, is zoned R(f 7.5; u2; d 0.6) (x798), which permits detached, semi-detached and rowhouse dwellings, at a density of 0.6 times the area of the lot (see Attachment 3 – Zoning)

## **Site Plan Control**

The proposed development is subject to Site Plan Control. A Site Plan application for this development has yet to be filed, but staff have been advised by the applicant that an application will be submitted by the end of August 2014.

## **Tree Preservation**

Three private trees would be removed in the area proposed for construction. The Arborist Report also identifies three street trees along Bloor Street West and two private trees located on adjacent lands to the south, which are proposed to be preserved.

## **Reasons for the Applications**

The Official Plan Amendment application was submitted to address the inclusion of the *Neighbourhoods* designated property (116 Durie Street) as part of the overall development site, with a proposed below-grade parking area and an access driveway located in this area.

The Zoning By-law Amendment application is required to address the proposed height and density of the proposed building as well as other areas of zoning non-compliance.

A Section 111 permit is required to demolish the existing rental units.

## **Community Consultation Comments**

A community consultation was held on April 10<sup>th</sup>, 2014, that was attended by approximately 120 people, including the Ward Councillor, the applicant and consultants, and City staff. The following issues were raised by area residents and community associations:

- a. School Board Accommodation
  - Schools are considered currently at or above capacity.
  - New development will bring additional pressure on schools for pupil accommodation.
- b. TTC Capacity on Subway Line 2 (Bloor-Danforth)
  - Area residents feel that the Bloor Danforth subway line and the area subway stations are at capacity during peak hours.
  - Area residents believe that additional development will add to the existing capacity pressures.
- c. Traffic and Parking
  - Concerns were expressed that the proposed development would create additional pressure on the existing shortage of on-street parking for visitor and on-street parking permits on Durie Street.
  - The development would add to the high volumes of traffic in the neighbourhood and on Bloor Street West, especially with the commercial parking, and have adverse impacts on left turns from Durie Street to Bloor Street West.
  - Concern was expressed that the proposed commercial parking use would generate excessive noise and traffic throughout the day with constant in and out movements.
- d. Context and Compatibility
  - Comments were made regarding maintaining the small scale local main street that is characterized by buildings of 1 to 4 storeys, and that the proposed 9 storey building would jeopardize the vibrant and successful main street. Comments noted that the proposed development would not fit with the Bloor West Village in terms of excessive height, mass, size of retail user, as well as building materiality, resulting in compatibility issues.
- e. Reinforcement of the Neighbourhood Character

- The house proposed to be demolished on Durie Street is within the *Neighbourhoods* designation in the Official Plan. The Plan speaks to reinforcing the physical character of the neighbourhood. Concerns were raised regarding the “creep” of the main street into the neighbourhood and that landscape buffers do not reinforce character. The neighbouring property owner to the south on Durie Street expressed concerns related to potentially being the first property in from Bloor Street West, whereas they are currently the second, with another dwelling providing the start of the neighbourhood.
- f. Bloor Street Character and Possible Heritage Conservation District
- Comments were made regarding the Bloor Street West Village character, being a small scale, local, main street commercial area, with 1 to 4 storey buildings providing a street wall condition, which is not represented in the proposed development.
- g. Compromising the Official Plan
- The proposed Official Plan Amendment to the permit the lands at 116 Durie Street to be used to facilitate the mid-rise building on Bloor Street West was viewed as potentially undermining the Official Plan.
- h. Proposed Building Height, Volume, Materials and Articulation
- Comments were made regarding the proposed building height, mass and volume as well as the amount of glazing being inconsistent with the built form character of Bloor West Village.
- i. Car Emissions and Effects on Respiratory System
- Concerns were expressed that traffic congestion and the proximity of the proposed driveway to the neighbourhood, may result in adverse respiratory conditions, especially for children.

## COMMENTS

### Provincial Policy Statement and Provincial Plans

The 2014 Provincial Policy Statement (PPS) identifies the Official Plan as the most important vehicle for implementing the PPS. The proposed development is located within two land use designations, being *Mixed Use Areas* along Bloor Street West and a *Neighbourhoods* designation for a portion of the lands fronting Durie Street, which is not a growth designation in the Official Plan.

The *Mixed Use Areas* designation anticipates and encourages growth, while the *Neighbourhoods* designation of the Official Plan requires development to reinforce the established physical character of the surrounding area. An Official Plan Amendment application was submitted to address the non-conforming elements of the proposed development in relation to the *Neighbourhoods* policies of the Plan.

The Growth Plan provides a framework for managing future growth in order to build strong prosperous communities. The Growth Plan directs a significant portion of new growth to built-up areas of the community through intensification to ensure and maximize the viability of existing and planned infrastructure. The proposed development optimizes the use of land, while utilizing existing services and infrastructure in an efficient manner that is consistent with Official Plan policies.

## **Official Plan and Land Use**

The portion of the lands designated *Neighbourhoods* is currently occupied with a detached dwelling. The applicant has proposed to demolish the dwelling in order to provide below-grade parking to serve the proposed mixed use building and provide an element of commercial public parking. A portion of the proposed service lane would be located within the existing *Neighbourhoods* designated lot, as well as a walkway and landscaping.

The Official Plan guides new development to respect and reinforce the general physical patterns in *Neighbourhoods*. The grade related detached dwelling that is proposed to be demolished establishes the start of physical context from the *Mixed Use Areas* on Bloor Street West, to the neighbourhood to the south. The north side lot line of this residential zoned lot is the definitive edge, where the neighbourhood starts with the physical pattern of lots and grade related dwellings on those lots. The proposed demolition of the existing dwelling would not serve to respect and reinforce the physical patterns in the neighbourhood, as the physical start of the neighbourhood would be removed and the context of the lands shifted to the *Mixed Use Areas* designation, by way of the proposed driveway.

Policy 4.1.5 of the Official Plan states that no changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the neighbourhood. The proposed demolition of the existing detached house and replacement with a driveway and a landscape buffer to serve the adjacent 9-storey building is not in keeping with the physical character of the neighbourhood.

The proposed development would use lands that the Official Plan identifies as stable, but not static, to support an area that is identified for intensification and growth. The development proposes to reconcile these conflicting policy directions by introducing a landscape buffer area to transition and create interface between the two separate and distinct areas. The benefit to the development relates to the area from where rear yard setbacks and angular planes are taken. By including or moving *Neighbourhoods* lands into *Mixed Use Areas*, the proposed building would be allowed to be deeper, resulting in greater floor area and mass.

Planning staff have concerns with the inclusion of the *Neighbourhoods* lands into the mixed use development, as some elements identified by the Official Plan that respect and

reinforce the existing physical character are compromised by the proposal. These elements include the patterns of blocks and lanes, as the existing service lane is proposed to be shifted into the *Neighbourhoods* area and the Bloor Street West block will also extend to the south. The merging of the 116 Durie Street lot with the Bloor Street West properties affects the size and configuration of the lots.

Staff have provided an alternative that would address Official Plan policies related to *Neighbourhoods*, where the applicant could reconstruct a replacement detached dwelling and shift the access driveway further to the north of the site. The new driveway location would also be closer in alignment to where the existing driveway is located, thereby limiting the impact of vehicle headlights on the property on the opposite side of Durie Street.

To date, the applicant has not demonstrated conformity with the Official Plan *Neighbourhoods* policies.

### **Density, Height and Massing**

The proposed building would have a total gross floor area of 6,675 m<sup>2</sup>, which would result in a Floor Space Index of 4.28 times the area of the lot. Although the as-of-right density is 2.5 times the area of the lot, recently approved mixed-use buildings on Bloor Street West have densities ranging from 5.3 times the area of the lot for 1844 Bloor Street West to 6.85 times the area of the lot for 2490 Bloor Street West. A recent settlement on an appealed application to the OMB for 1990 Bloor Street West will have a density of approximately 7 times the area of the lot.

Although the proposed density is not inconsistent with recently approved density levels in the area, a portion of the density results from the inclusion of lands that are not identified for growth in the Official Plan. As previously noted in this report, staff have concerns and object to inclusion of these lands to provide for a greater scale of the proposed development.

A maximum building height of 14 m is permitted by City-wide Zoning By-law 569-2013. The proposed building height is 27 m on the Bloor Street frontage, which equals the Bloor Street West right-of-way width, in accordance with the guidance provided by the City's Mid-Rise Design Guidelines. The Guidelines assist in establishing the planned context for *Avenues* as identified on Map 2 of the Official Plan, which includes this segment of Bloor Street West.

The proposed angular planes and setbacks are being taken from the south side lot line of 116 Durie Street, which forms part of *Neighbourhoods* designated lands, resulting in the east portion of the building mass having more bulk by way of depth into the rear yard than the west portion. Staff continue to express concerns with the principle of including these lands and the affects they have on the proposed building. While the proposal addresses much of the guidance provided through the City's Mid-Rise Guidelines, certain

elements of the mass have been identified as a concern by staff, as well as the inclusion of the *Neighbourhoods* lands related to the rear angular plane. These elements include:

- a. angular plane penetrations resulting in shadows on the north side of Bloor Street;
- b. appropriate building articulation at a level that recognizes and integrates the existing physical context of Bloor Street West with the proposed building;
- c. balcony projection in the rear elevation of the building; and
- d. building transition along Durie Street from Bloor Street West to the neighbourhoods properties to the south.

## **Mid-Rise Buildings Design Guidelines**

The proposed 9<sup>th</sup> storey penetrates the 45 degree angular plane taken from the front lot line at the height equal to 80% of the Bloor Street West right-of-way width of 27 m, being 21.6 m. The mechanical penthouse also penetrates the angular plane at the front and rear of the building. It was recommended by staff that all portions of the proposed building should be modified to eliminate the penetrations into the angular plane.

The proposed blank party wall condition on the west elevation could benefit from further articulation, as could the proposed blank wall on the ground floor facing Durie Street.

Balconies on the rear façade should be setback to a minimum of 10 m from the rear lot line and within the required rear angular planes to better address privacy and overlook conditions related to the *Neighbourhoods* lands to the south.

## **Sun and Shadow**

The applicant submitted a shadow analysis, which illustrates there would be shadows cast onto the north side of Bloor Street West on March and September 21<sup>st</sup>, from 9:18 a.m. to 12:18 p.m. Shadow analysis from 12:18 p.m. to 3:18 p.m. was omitted from the submission. Staff will seek to ensure that the shadows cast from the proposed building onto the north side of Bloor Street are adequately limited.

## **Outdoor Amenity**

The proposed development does not include the provision of any outdoor amenity. The Zoning By-law standard for outdoor amenity is 2 m<sup>2</sup> per dwelling unit. The proposed amount of outdoor amenity space is 0 m<sup>2</sup>, which staff cannot support.

## **Traffic Impact, Access and Parking**

A Traffic Impact Study prepared by BA Consulting, dated November, 2013, was submitted in support of the Official Plan and Zoning By-law Amendment applications.

The study concludes that the proposed mixed-use building would generate traffic on the order of 25 peak direction (inbound) trips in the morning peak hour and 25 peak direction (outbound) trips in the afternoon peak hour.

The study also notes the subject lands are located approximately 250 m east of the TTC Runnymede Subway Station.

Transportation Services staff advise that they concur with the findings of the Traffic Impact Study that the proposed mixed-use development is not expected to have an unacceptable or adverse impact on the level-of-service of the area road network.

The existing driveways to Durie Street from the rear of the existing mixed-use building at 2265 Bloor Street West and the existing dwelling at 116 Durie Street are proposed to be closed. A 6.4 m wide rear driveway to Durie Street is proposed to serve the new mixed-use development. The specifics of the design and location of the driveway access and site circulation would be finalized during the Site Plan review process should the current proposal be approved.

Transportation Services staff have reviewed the parking requirements for the proposed development as required by City-wide Zoning By-law No. 569-2013 and note the following minimum residential requirement:

- 0.50 parking spaces for each bachelor and one-bedroom dwelling unit;
- 0.75 parking spaces for each dwelling unit with two or more bedrooms;
- 0.06 visitor parking spaces for each dwelling unit.

Using the ratios above, required resident parking spaces for the current proposal would be as follows:

- 65 bachelor/1-bedroom dwelling units at 0.50 parking spaces per dwelling unit = 32 parking spaces
- 18 two-bedroom dwelling units at 0.75 parking spaces per dwelling unit = 13 parking spaces

Total Resident Parking = 45 parking spaces

- 83 dwelling units (total) at 0.06 visitor parking spaces per dwelling unit = 4 parking spaces

Total Visitor Parking = 4 parking spaces

Transportation Services staff note that Exception 900.11.10(2) of City-wide Zoning By-law No. 569-2013 does not appear to specifically address retail-commercial parking. However, for 'retail uses' in Policy Areas 1 through 4, the minimum parking requirement

is one parking space per 100 m<sup>2</sup> of gross floor area. On this basis, the 1,200 m<sup>2</sup> of proposed retail space would require 12 on-site parking spaces.

The applicant has identified 46 parking spaces for the resident parking, however, three of these parking spaces are illustrated as 'compact' spaces with depths of 5 metres that do not comply with the requirements of City-wide Zoning By-law No. 569-2013. On this basis, Transportation Services staff note that 43 parking spaces are provided, whereas 45 resident spaces are required.

The balance of the proposed parking supply includes 78 parking spaces, however, six parking spaces are also 'compact' having depths of 5.0 m. Similar to the resident parking spaces, only 72 non-resident parking spaces will comply with the required parking space dimensions.

While the 72 parking spaces are sufficient to address the requirements for 4 visitor parking spaces and 12 retail parking spaces, according to the submitted TIS, the applicant proposes to allocate all of these parking spaces to a privately operated commercial parking facility. This facility would charge fees to retail patrons and visitors. This proposal does not comply with Zoning By-law parking requirements.

Matters related to parking layout, site circulation and waste management will be evaluated through the Site Plan review process should the development be approved.

## **Servicing**

A Functional Servicing Report (FSR), prepared Cole Engineering was submitted for review. A detailed list of matters to be revised and updated in the FSR was provided to the applicant in a memorandum dated January 15, 2014, from the City's Engineering and Construction Services staff. These matters are still outstanding.

## **Rental Housing**

The applicant has been in discussions with Planning staff to satisfy Official Plan Policy 3.2.1.6 of appropriately replacing the rental housing units proposed to be demolished. At the time of this report, a satisfactory replacement plan is still outstanding. The applicant has proposed that residents of the existing rental dwelling units would have the right to return to the new building at similar rents and that appropriate assistance would be provided and secured in the Tenant Assistance Plan.

There are 19 dwelling units (7 bachelor, 11 one-bedroom, and 1 two-bedroom) that are proposed to be replaced as part of the development.

The 7 bachelor units and 10 one-bedroom units in the Bloor Street West buildings are currently at affordable rents and the building is tenanted. The two units in the house-form building, a one bedroom and a two bedroom, are at mid-range rents and are also



tenanted. The applicant proposes to secure the rental replacement units for a period of 20 years, at similar rents to the current units and subject to annual rent increases equivalent to the Provincial statutory guideline for the first ten years.

A tenant assistance plan is currently proposed by the applicant which includes: additional assistance for relocation costs; compensation for interim accommodation costs; and provisions for long-term tenants or those with special needs as well as a longer notice period prior to vacant possession being required, above and beyond the minimum requirements of the *Residential Tenancies Act*.

Additional discussions with the applicant and consultations with the tenants are necessary to resolve issues related to the replacement units and amenities which are to be provided. Detailed terms regarding tenant relocation and assistance would need to be established and a tenant assistance plan would be prepared after further consultation with the tenants.

Staff concerns with the current rental replacement proposal include the possibility of interior bedrooms, physical size and provisions for amenity space for the rental tenants. The applicant has advised that additional material including suite layout plans will be submitted by the end of August 2014, to address staff concerns.

The current proposal does not yet conform to the Official Plan Housing policies, and since no final zoning has been approved, it is recommended that City Council direct staff to advise the Ontario Municipal Board of the City Council's position in regard to these matters and to request that the provision of these rental housing matters be secured to the satisfaction of the Chief Planner and Executive Director, City Planning, should the OMB allow the appeals in whole or in part.

The terms of, and recommendations on the conditions of the Section 111 demolition permit must be brought forward to City Council if the Zoning By-law Amendment application is approved and would form part of a Section 37 Agreement for the lands.

## **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.43-0.79 ha of parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland. The site is in a parkland priority area.

The application proposes a total of 83 residential dwelling units and 1,200 m<sup>2</sup> of commercial space on a site area of approximately 0.16 ha. At the alternative rate of 0.4 ha per 300 units, parkland levies would equal 0.11 ha or 78% of the proportionate residential site area. By-law 1020-2010 states that sites with an area of less than 1 ha, are subject to a minimum of 5% to a cap of 10% for residential use and 2% for non-

residential (commercial) use. The 19 rental replacement units are exempt when calculating the parkland dedication. Therefore, the total parkland dedication required is 0.013 ha.

Parks, Forestry and Recreation staff advise that the applicant proposes to satisfy the parkland dedication requirement by cash-in-lieu and this is acceptable as the parkland dedication associated with the development would be too small to create a serviceable park. In addition, the site is in proximity to existing parkland including High Park, George Chatter Park and Neil McLellan Park.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit by Facilities and Real Estate staff, should the development be approved.

## **Toronto Green Standard**

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

Should the proposed development be approved by the Ontario Municipal Board, the City would request the OMB to order that the Tier 1 standards of the TGS be secured in a Section 37 Agreement.

## **Conclusion**

Planning staff have identified concerns with the proposed development and non-conforming matters with the Official Plan. The inclusion of the 116 Durie Street lot, which is designated *Neighbourhoods* is not supportable. It has also resulted in some building mass that is inappropriate from a building transition and interface perspective, which would alter the existing physical context of the immediate area.

Staff provided an alternative manner to address non-conformity with the Official Plan policies to the proponent, which included the proposed below-grade parking being sought. The alternative included the replacement of a detached dwelling at-grade on the 116 Durie Street lot, and the shifting of the service driveway northerly, to be in the general area of the exiting driveway. The easterly portion of the proposed building mass would be reduced accordingly, resulting in less overall floor area, but this would be partially offset by the additional floor area of the replaced detached dwelling. The applicant has chosen to maintain the proposal as initially submitted to the City.

Staff are not in a position to support the proposed development in its current form and are recommending that Council authorize staff to oppose the appeals. However, staff are of

the opinion that the matters of concern raised can be addressed and mitigated through an alternate development proposal. Therefore, staff also recommend that Council authorize ongoing discussion with the applicant to address these matters.

The applicant is also working with Planning staff on an adequate rental housing replacement proposal and staff are confident that any approved building envelope could accommodate the rental replacement units. However, as a final agreement on the plans has not been reached, appropriate consultation with the tenants has not yet occurred to determine the details of tenant assistance. The terms of, and a recommendation for, a Section 111 demolition permit must be brought forward to City Council if the Official Plan and Zoning By-law Amendments are approved.

## **CONTACT**

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Fax No. 416-394-6063  
E-mail: pcarval@toronto.ca

## **SIGNATURE**

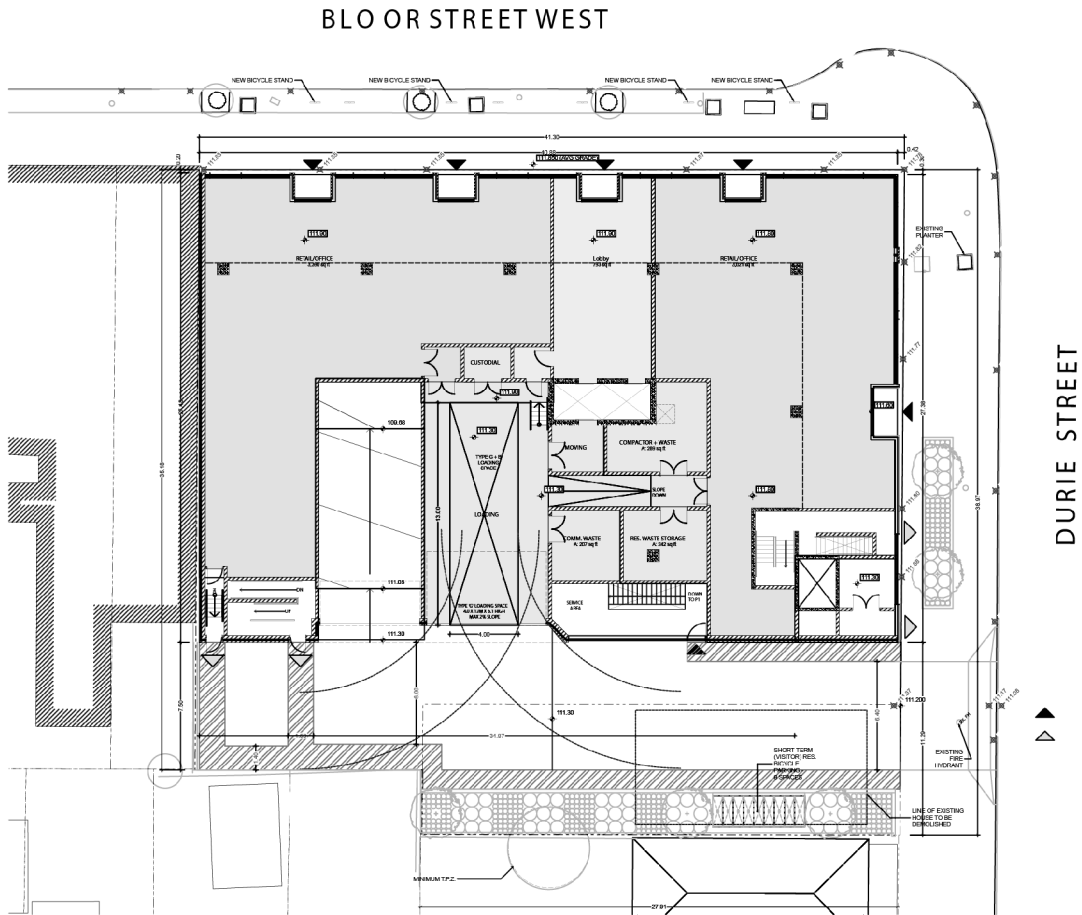
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Neil Cresswell, MCIP, RPP  
Director, Community Planning  
Etobicoke York District

## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2a-b: Elevations  
Attachment 3: Zoning  
Attachment 4: Official Plan  
Attachment 5: Application Data Sheet

# Attachment 1: Site Plan



## Site Plan

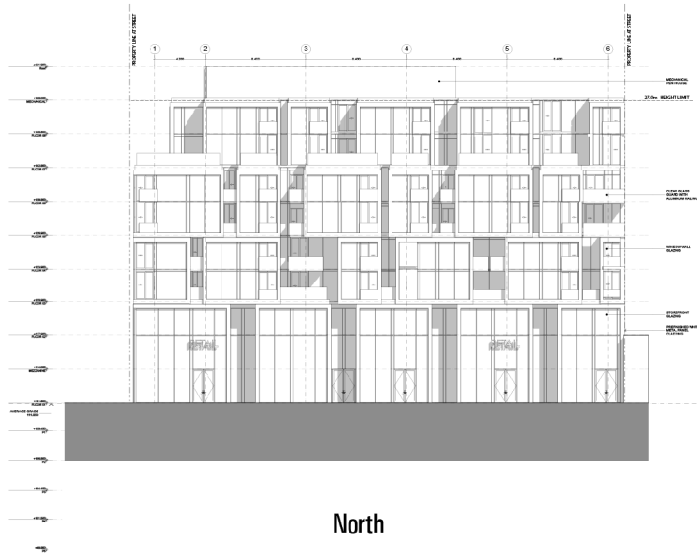
Applicant's Submitted Drawing

Not to Scale 

2265, 2271, 2273, 2277, 2279 Bloor Street West  
& 116, 240 Durie Street

File # 13 271048 WET 13 0Z

## Attachment 2a: Elevations



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### Elevations

Applicant's Submitted Drawing

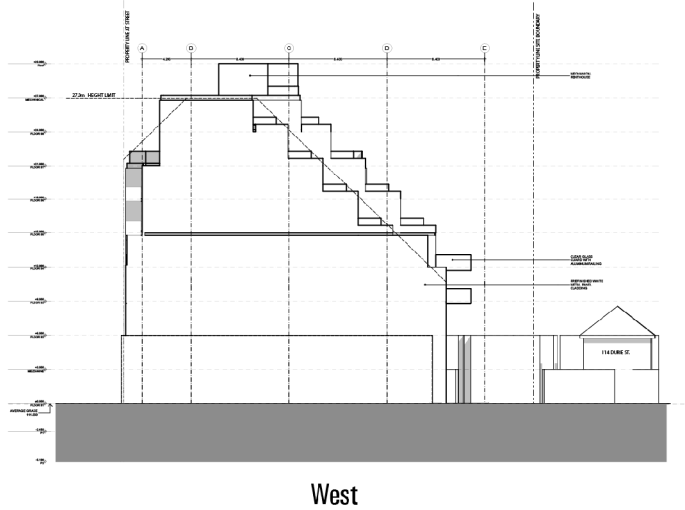
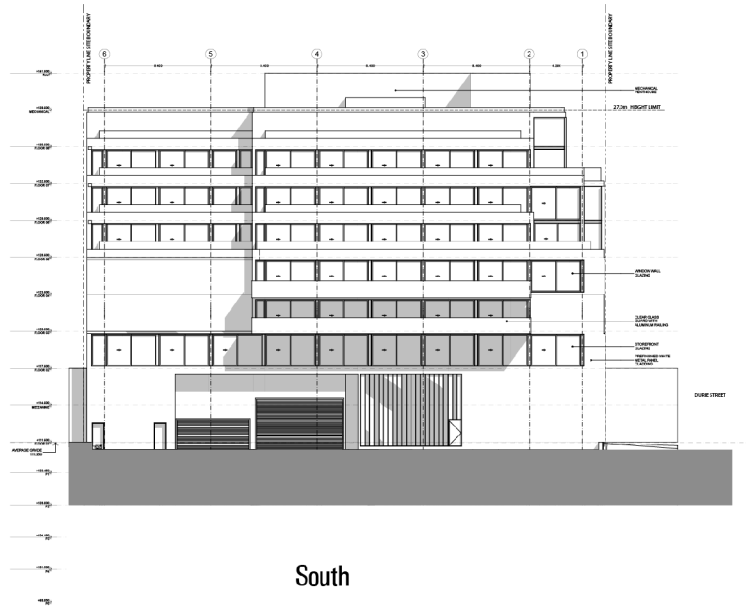
Not to Scale  
01/07/14

2265 - 2279 Bloor Street West  
& 116, 240 Durie Street

File # 13 271048 WET 13 0Z

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## Attachment 2b: Elevations



### Elevations

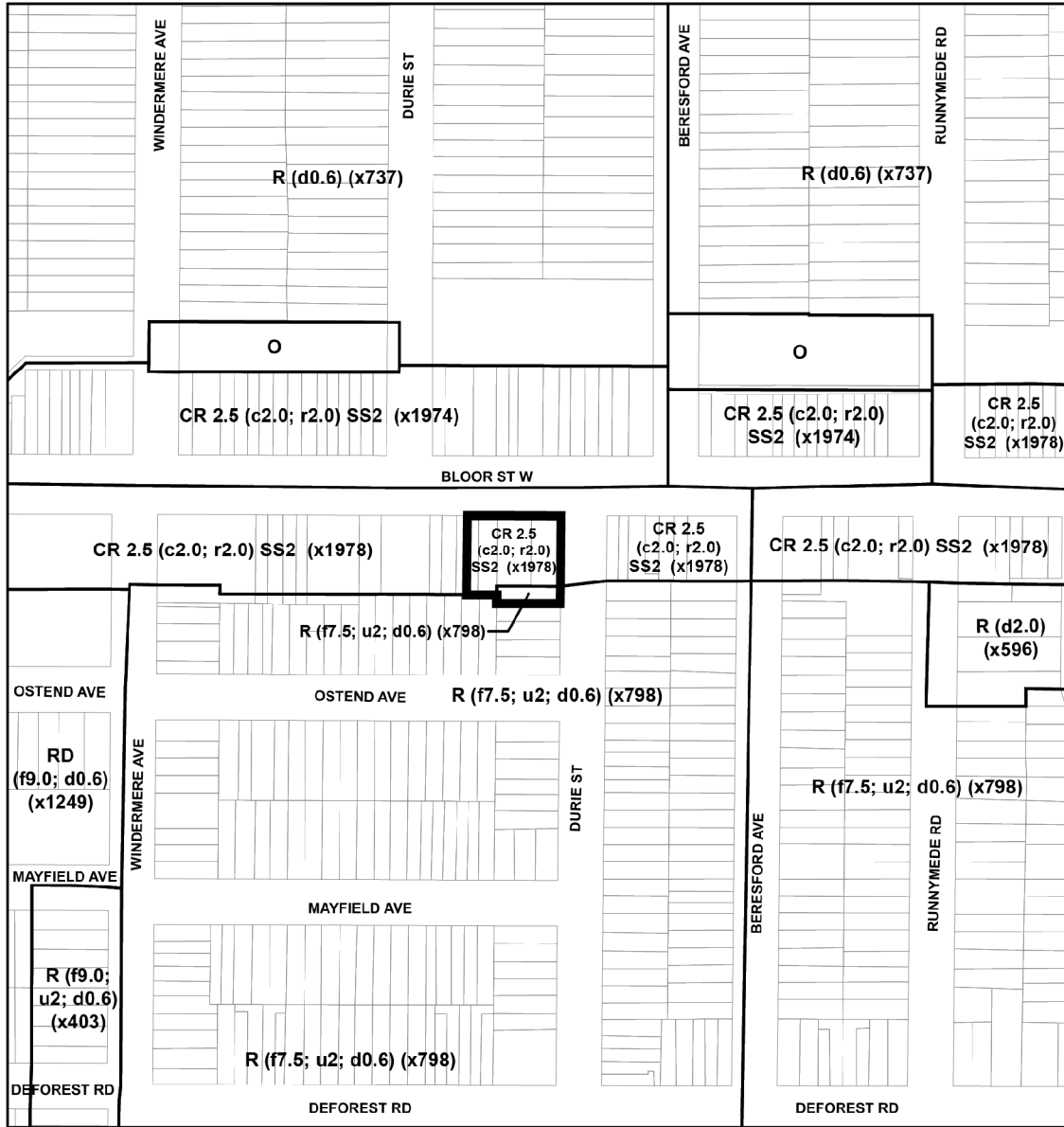
Applicant's Submitted Drawing

Not to Scale  
01/17/14

**2265 - 2279 Bloor Street West  
& 116, 240 Durie Street**

File # 13 271048 WET OZ

### Attachment 3: Zoning




**TORONTO** City Planning

2265-2279 Bloor Street West & 116, 240 Durie Street

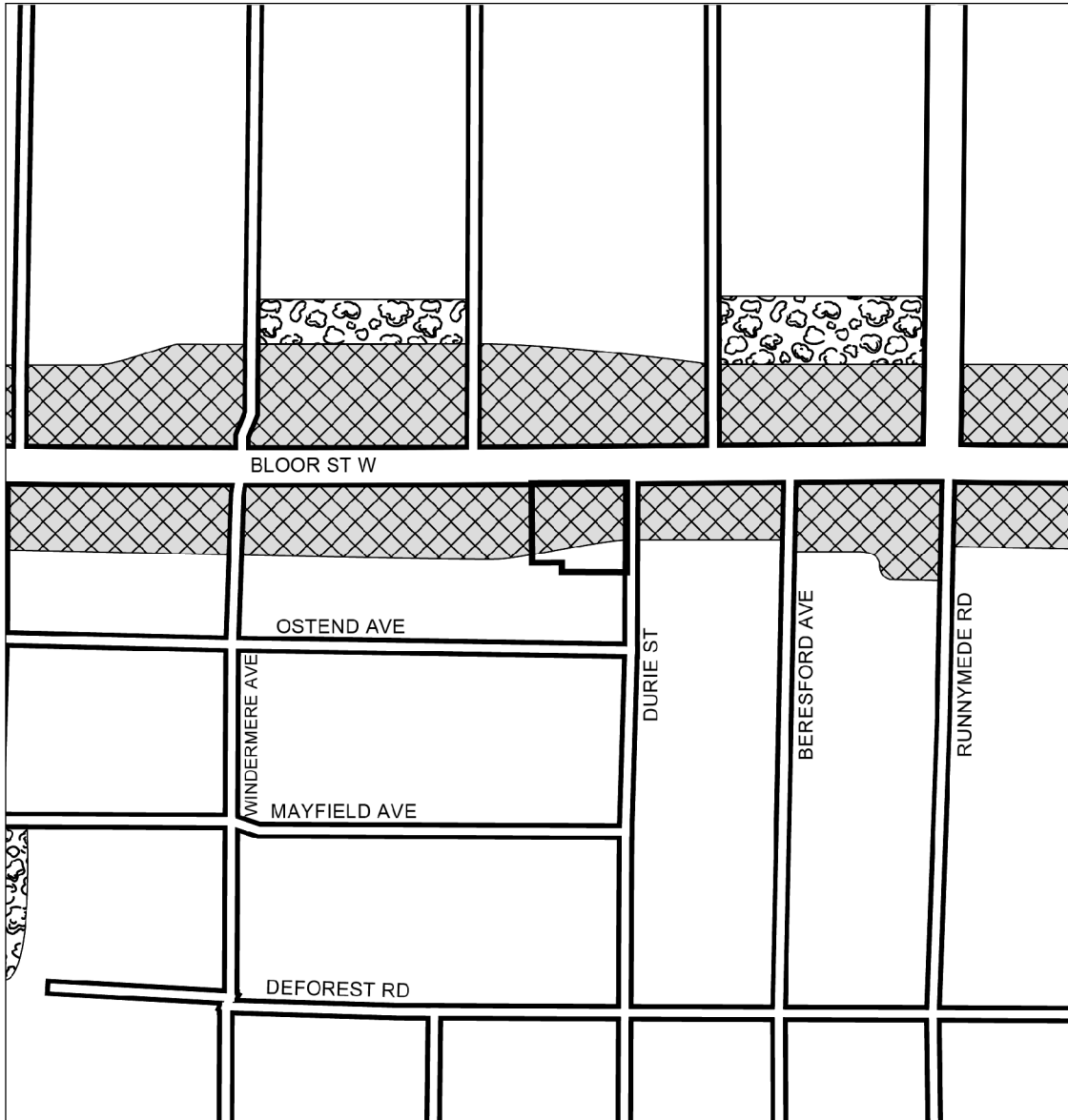
Zoning By-law 569-2013

File # 13 271048 WET 13 0Z

-  Location of Application
- R Residential
- RD Residential Detached
- CR Commercial Residential
- O Open Space

  
Not to Scale  
Extracted 1/17/2014

## Attachment 4: Official Plan



**Toronto** City Planning  
**Official Plan**

**2265 - 2279 Bloor Street West  
 & 116,240 Durie Street**  
 File # 13 271048 WET 13 0Z

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

  
 Not to Scale  
 01/22/2014



## Attachment 5: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	13 271048 WET 13 OZ
Details	OPA & Rezoning, Standard	Application Date:	November 27, 2013

Municipal Address: 2265 BLOOR ST W  
 Location Description: PLAN 551 BLK N PT LOTS 42 TO 45 RP 64R13760 PARTS 3 AND 5 \*\*GRID W1309  
 Project Description: Proposed amendments to the Official Plan and Zoning By-law to permit the redevelopment of the lands with a 9-storey mixed-use building.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
TACT ARCHITECTURE (PRISHAM JAIN)			UKRANIAN CREDIT UNION LIMITED.

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	MCR	Historical Status:	
Height Limit (m):	14	Site Plan Control Area:	Yes

### PROJECT INFORMATION

Site Area (sq. m):	1559	Height:	Storeys:	9
Frontage (m):	41		Metres:	27
Depth (m):	39			
Total Ground Floor Area (sq. m):				<b>Total</b>
Total Residential GFA (sq. m):	5475		Parking Spaces:	124
Total Non-Residential GFA (sq. m):	1200		Loading Docks	0
Total GFA (sq. m):	6675			
Lot Coverage Ratio (%):	0			
Floor Space Index:	4.28			

### DWELLING UNITS

Tenure Type:	Condo
Rooms:	
Bachelor:	9
1 Bedroom:	56
2 Bedroom:	18
3 + Bedroom:	0
Total Units:	83

### FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	5475	0
Retail GFA (sq. m):	1200	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Philip Carvalino, Senior Planner</b>
	<b>TELEPHONE:</b>	<b>416-394-8233</b>