

Repeal of Official Plan Amendment No. 510 - 2280 and 2290 Dundas Street West (High Park)

(City Council on December 14, 15 and 16, 1999, adopted this Clause, without amendment.)

The Toronto Community Council recommends the adoption of the following report (November 3, 1999) from the Acting Commissioner of Urban Planning and Development Services:

Purpose:

To request Council to repeal By-law 37-90, which adopted Official Plan Amendment 510, concerning lands located southeast of the intersection of Bloor and Dundas Streets West.

Financial Implications and Impact Statement:

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

Recommendation:

It is recommended that Council authorize the City Solicitor to introduce a Bill in Council to repeal Official Plan Amendment 510.

Background:

The site is located at the southeast corner of the intersection of Bloor and Dundas Streets West and currently contains a mix of uses including a plaza, a school, and a small apartment building.

It was the subject of Site Specific By-law 37-90 which adopted Official Plan Amendment 510 and implementing Zoning By-law 38-90.

Both by-laws were appealed to the Ontario Municipal Board by the then major owners of the site, Manufacturers Life and the Oshawa Group. (Since the time of the appeal, Manufacturers Life has sold its property to Loblaws which occupies one of the two larger stores in the plaza.) The Oshawa Group also appealed a number of sections of the former City of Toronto Official Plan (Cityplan) with respect to this site. These appeals were subsequently withdrawn.

As part of the Cityplan process, By-law 38-90 was repealed on July 20, 1993 and integrated into the Cityplan Zoning Amendment By-law, as a new Section 12(1) 271.

In 1998, the Ontario Municipal Board requested that the City resolve the remaining outstanding appeal of Official Plan Amendment 510.

Comments:

As outlined in the attached chart, the provisions contained within OPA 510 were substantially enacted in Cityplan. A comparison of these provisions indicates that the primary difference occurs in the 'High Density Residence Area' where OPA 510 permitted a residential density of two times the area of the lot only if a social housing component was included. Cityplan permits a residential density of two times as-of-right with the stipulation that Council have regard for a number of factors including street/lane patterns, wind and sun penetration, pedestrian and vehicular circulation. Given the controls provided by the Part I Plan, and the absence of available social housing programs, the Cityplan provision is reasonable.

The total density permission for the area designated 'Low Density Mixed Commercial Residential Area' differs by 0.5 times the lot area in the two documents. OPA 510 permitted a maximum total density of 2.5 times the lot area with a maximum of 2.0 times the lot area for either commercial or residential uses. Cityplan permits a total density of 3 times the lot area with no individual maximum for commercial and residential density. I am of the opinion that the impacts of the additional density on the surrounding area can be adequately mitigated by appropriate design measures.

The remaining requirement outlines the conditions under which existing non-conforming uses may be permitted. The primary difference is related to existing auto uses which are permitted to remain and expand under Cityplan and are not permitted under OPA 510. Given that there is an auto related use on site, the provisions of Cityplan are pertinent and should remain in place.

Conclusions:

As the attached chart indicates, the differences between OPA 510 and Cityplan are not extensive and since the Cityplan Official Plan provisions are more recent and are in force, it is now appropriate to repeal OPA 510.

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Attachment No. 1

Table 1: Comparison of the Provisions of OPA 510 and Cityplan

Topic	By-law 37-90 (OPA 510)	Cityplan
Low Density Mixed Commercial Residential Area (LDMCRA)	Section (2) 11.255 A (a), (b), (c): Mixing Formula = 2.5x combination of commercial/residential/institutional uses. Maximum Residential Density: 200 units per hectare or 2.0x density Maximum Commercial/Institutional Density: 2.0x	Section 13.3: Mixing Formula = 3.0x combination of residential and commercial densities. Individual maximum densities for residential and commercial uses are stipulated in the Zoning By-law.
High Density Residence Area (HDRA)	Section 11.255 B (a) (b) Residential Density: 1.0x as-of-right 1.5x with satisfactory urban design concept plan (traffic, parking, wind and sunlight, noise, vibration, air pollution, social and community service needs) 2.0x with social housing component	Section 12.6 (d) Residential Density: 2.0x as-of-right Section 12 (f): Council shall have regard for: street/lane pattern, relationship to adjacent buildings, street edge, wind and sun penetration, pedestrian and vehicular circulation, municipal services, impact on adjacent area.
Residence Areas: General Policies		Section 12.1 General Character Residence Areas shall be regarded as neighbourhoods which are pleasant, attractive, and provide municipal services, schools, parks, playgrounds and community services, adequate for the needs of the residents. Residence Areas shall be free of uses which are incompatible with good living conditions.
Permitted Uses and Conditions of Expansion	Section 11.255 (c): Council may permit C1 uses, with the exception of office and auto related uses, in 2280 and 2290 Dundas Street West with a size condition.	Section 12.7: Council may permit: (a) existing auto uses in HDRA to remain and to expand with conditions; (b) retail stores, service shops, dry cleaning distributing stations, hairdressers, banks/trust companies, recreation/entertainment/athletic uses with conditions; (c) bed and breakfast establishments with conditions

MAP 1
2280 and 2290 Dundas Street West

MAP 2
2280 and 2290 Dundas Street West