

2800 Bloor Street West - Official Plan and Zoning By-law Amendments and Rental Housing Demolition and Conversion Application - Supplementary Report

Date:	October 23, 2009
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 5 – Etobicoke-Lakeshore
Reference Number:	07 246603 WET 05 OZ, 08 103657 WET 00 RH and 09 137818 WET 05 OZ

SUMMARY

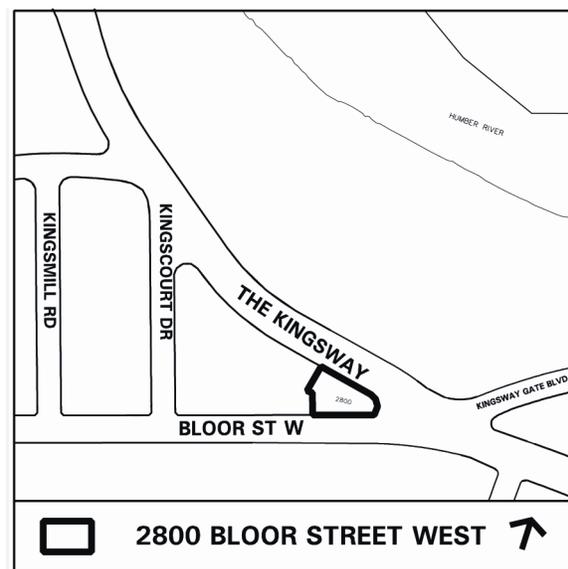
This report provides supplementary information on the revised development proposal submitted by the applicant in May 2009, as directed by Etobicoke York Community Council on February 9, 2009 and May 14, 2009.

Staff has reviewed the revised applications and find that the built form of the proposal now generally conforms with the applicable Official Plan policies for Apartment Neighbourhoods, Built Form and Healthy Neighbourhoods. However, staff continue to have concerns with the applicant’s rental replacement proposal and continue to recommend refusal as it does not conform with the Official Plan Housing policies.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the Official Plan and rezoning applications as the revised development proposal does not conform to the Official Plan.



2. City Council refuse the application to demolish the rental housing units under Municipal Code Chapter 667 as the proposal does not conform to the Official Plan.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On February 9, 2009, Etobicoke York Community Council passed a motion that deferred consideration of the Refusal Report (January 22, 2009) from the Director, Community Planning, Etobicoke York District, indefinitely and requested the applicant to submit a revised application. Etobicoke York Community Council directed the Director, Community Planning, Etobicoke York District, to process and review a revised application, if submitted, and to submit a report to Etobicoke York Community Council at a future date with applicable notice to the surrounding community.

<http://www.toronto.ca/legdocs/mmis/2009/ey/decisions/2009-02-09-ey24-dd.pdf>

On May 14, 2009, the Etobicoke York Community Council passed a motion directing the Director, Community Planning, Etobicoke York District to: review the revised application for the Zoning By-law Amendment and Rental Housing Demolition and Conversion Application for 2800 Bloor Street West as received on May 4, 2009; host a community meeting to present the revised plans; provide notice for a statutory public meeting; and report back to its September 15, 2009 meeting. Further Community Council directed the Director, Community Planning, Etobicoke York District to consider the alternative as proposed in the revised submission for three (3) rental housing replacement units.

<http://www.toronto.ca/legdocs/mmis/2009/ey/decisions/2009-05-14-ey27-dd.htm>

In accordance with the February 9, 2009 and the May 14, 2009 directions of the Etobicoke York Community Council, the applicant submitted a revised development proposal on May 4, 2009 for the proposed building that will primarily be used as a retirement residence for seniors. Also, on May 13, 2009 the applicant submitted an application to amend the Official Plan since they are proposing to provide 3 rental replacement units in the building instead of 10 rental replacement units. There are 10 existing units intended to be demolished in the existing 3 storey rental apartment building on the site.

On September 15, 2009, the Etobicoke York Community Council considered an information report dated August 20, 2009 from the Director, Community Planning, Etobicoke York District advising Community Council that the final report on the revised proposal will be provided to the Etobicoke York Community Council meeting on October 13, 2009. Since certain comments necessary for the report were not received until recently, the report could not be prepared for the October 13, 2009 Etobicoke York Community Council meeting.

ISSUE BACKGROUND

Proposal

On May 4, 2009, the applicant submitted revised plans to construct a building primarily to be used for a senior citizens retirement residence to the City for review. The revised proposal includes 86 rooms (with no kitchens) to be rented to senior citizens and 3 rental bachelor units (with kitchens). The revised proposal includes the following changes from the original proposal:

- a decrease in the height of the proposed building from 8 storeys to 7 storeys. The seventh floor of the building would provide amenity space. A mechanical penthouse is located above the seventh floor;
- a decrease in the height of the building from 25 metres to 21.5 metres;
- a decrease in the number of seniors rooms from 92 to 86;
- a decrease in the number of replacement rental dwelling units from 10 to 3;
- a 1.89 metre at-grade building setback from Bloor Street West;
- the relocation of the driveway access to the underground parking garage from The Kingsway to Bloor Street West;
- a decrease in the number of underground parking spaces in the building from 26 parking spaces to 25 parking spaces;
- the driveway for service vehicles and resident drop-off has been changed to only permit vehicular access to the site from Bloor Street West with vehicles exiting onto The Kingsway, instead of vehicular access from The Kingsway as originally proposed;
- added building setback/terracing of the 5th storey and 6th storey and the west elevation;
- added landscaping on the Bloor Street West boulevard and a landscaped terrace on the second and penthouse floors;
- an increase in the landscaping on The Kingsway Boulevard;
- added a green roof to the proposed building;
- a reduction in the size of the mechanical penthouse (by approximately 30%); and
- enhanced architectural detail to the building.

The applications propose to demolish the existing 3-storey, 10-unit rental apartment building on the site. The new retirement residence will be a rental building that will be owned and operated by Forum Developments (Kingsway) Inc.

The interior layout of the proposed ground floor of the building will have common amenity space, such as a dining room, library, social rooms and administrative offices. The retirement units will not be self-contained apartments as they will contain no kitchen facilities. They will consist of bachelor, one bedroom and one bedroom plus den units.

Meals, daily housekeeping services, laundry services, and pill administration will be provided to the residents.

The three rental replacement units are intended to be located on the 2nd or 3rd floor of the building and will not be part of the senior's retirement home program, but designed for seniors. The rental units will all be bachelor apartments of 362 square feet in size.

The roof top penthouse of the proposed building will be used for a garden amenity terrace, multi-purpose room, chapel, salon, lounge and exercise room. The applicant has advised that some of the space and activities in the building may be available to the wider community for their use.

Attachment 1 shows the revised site plan for the proposed building. For a summary of the application, please refer to Attachment 8, the Application Data Sheet.

Site and Surrounding Area

The site is located immediately west of the intersection of Bloor Street West and The Kingsway. The Kingsway is located on the north side of the site and Bloor Street West is located on the south side of the property. The site is approximately 0.16 hectares in size and is triangular in shape. A 3-storey rental apartment building with 10 rental apartment units currently exists on the site.

The surrounding uses are as follows:

North: Single-detached dwellings

South: an 8-storey residential condominium apartment building

East: Kingsway Gate Boulevard Parkette, the intersection of The Kingsway and Bloor Street West and low-rise apartment buildings on the north side of Bloor Street West

West: 2½ storey apartment buildings and single detached dwellings

The site is located close to the Old Mill subway station. The Bloor-Danforth subway tunnel is partially located under the northerly portion of the site.

Community Consultation

On March 5, 2008, a Community Consultation Meeting was held to discuss the original development proposal with residents and business/property owners of the community. On November 5, 2008, planning staff and the Ward councillor met with the tenants of the existing apartment building on the site to discuss matters related to the original applications.

Another Community Consultation Meeting was held on June 16, 2009 in order to provide residents and business/property owners with an opportunity to review the revised

development proposal, as well as an initial concept plan for improvements to The Kingsway Gate Parkette. Twenty-nine persons signed-in at the meeting.

The following comments/concerns were raised at the meeting:

- (a) the revised proposal was an improvement from the original proposal;
- (b) the proposed building is still too high;
- (c) the proposal lacks conformity with the existing architecture in the surrounding homes;
- (d) concerned about the private use of the public boulevard along The Kingsway by the development proposal;
- (e) concerned about the replacement rental housing in the proposed building;
- (f) interest in The Kingsway road to be narrowed to create more greenspace along the boulevard and increase safety;
- (g) the lack of parking associated with the proposal;
- (h) concerned that it may not be necessary to spend money upgrading the parkette as no one will use the parkette; and
- (i) the parkette improvement plan is contingent upon the re-configuration of the adjacent intersection.

Agency Circulation

The revised proposal was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the applications and proposal and to formulate appropriate by-law standards.

COMMENTS

Built Form

Staff commented on the original 8-storey proposal in its report dated January 22, 2009 in regard to the Built Form policies of the Official Plan. Staff concluded in that report that the original form of the proposal including its height and massing was not supportable. Planning staff suggested that the development proposal would be more appropriate and desirable for the site and would better fit the existing planned context if the following design measures were implemented:

- (i) the stepping back/terracing of the proposed building near the west and north-west property boundaries to create a more desirable transition to the low density residential neighbourhood;
- (ii) a maximum building height of seven stories which could include the proposed amenity space on the seventh floor. A mechanical penthouse could be above the seventh floor provided it was appropriately massed and incorporated carefully into the design of the building;

- (iii) increased building setback at-grade from the property line along Bloor Street West; and
- (iv) enhancements to the public realm on Bloor Street West and The Kingsway, while maintaining the vehicular entrance to the underground garage from The Kingsway.

The revised proposal uses a combination of stepbacks/terracing, building setback and reduction in height to reduce the excessive massing of the original proposal in order to create a more appropriate fit of the proposed building in the existing planned neighbourhood context. A building setback of 1.89 metres is proposed from the existing Bloor Street West property line. This setback facilitates a conveyance for a future road allowance that is required by the City. The setback enables the proposed building to frame the street edge in order to create prominence at this visible intersection, while allowing landscaping on the Bloor Street West frontage (boulevard) of the site to create a more attractive transition between the public and private realm.

Further, the revised proposal increases the stepbacks/terracing of the upper floors of the proposed building. The revised proposal has increased the stepbacks/terracing on the 5th floor at the northwest corner of the building, the 6th floor western elevation and The Kingsway elevation by 3 metres, 4 metres and 2.1 metres, respectively. An increase in stepback at the second floor has also occurred. The reduction of the proposed building by one floor helps to provide a better transition to the neighbouring lower scale residential buildings and further assists in minimizing shadows. The reduction in the height of the building together with the stepbacks helps to minimize the impact of overall height of the building at this prominent location, taking into account the change in elevation.

The revised proposal also creates a more harmonious fit with the existing adjacent residential buildings to the north and west of the site through enhanced articulation of the westerly building façade. The original west building elevation lacked harmony and consistency with the Bloor Street West and The Kingsway building facades. The revised westerly building façade is now more in keeping with the architecture and rhythm of The Kingsway and Bloor Street West building facades. This balance assists in the transition between the proposed building and the existing residential buildings. Overall, the revised proposal contributes to developing an appropriate transition and scale with the adjacent low density residential properties.

Shadow Impacts

The applicant submitted shadow studies with the revised development proposal. The study shows that shadowing will occur on the two residential properties located along The Kingsway to the immediate north-west of the site in the morning of March 21 and September 21 and the shadows will clear the two properties shortly after noon time. Some shadowing will also occur on the apartment building located to the immediate west of the site at this same time. Given the grade changes, the width of The Kingsway right-of-way and the context, this impact is considered minimal.

Official Plan Housing Policies

The Official Plan provides for a full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods. The City has well-established practices set out for the protection of rental housing in the case of redevelopment. Applications to demolish 6 or more units (except where all rents are above mid-range) need to replace the same number, size and type of rental housing units. These units must be maintained with similar rents as are existing. As well, the proposal must include an acceptable tenant relocation and assistance plan.

Specifically, Official Plan Policy 3.2.1.6 states:

New development that would have the effect of removing all or a part of a private building or related group of buildings, and would result in the loss of six or more rental housing units will not be approved unless:

- a) all of the rental housing units have rents that exceed mid-range rents at the time of application, or
- b) in cases where planning approvals other than site plan are sought, the following are secured:
 - i) at least the same number, size and type of rental housing units are replaced and maintained with rents similar to those in effect at the time the redevelopment application is made;
 - ii) for a period of at least 10 years, rents for replacement units will be the rent at first occupancy increased annually by not more than the Provincial Rent Increase Guideline or a similar guideline as Council may approve from time to time; and
 - iii) an acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement units at similar rents, the provision of alternative accommodation at similar rents, and other assistance to lessen hardship, or
- c) in Council's opinion, the supply and availability of rental housing in the City has returned to a healthy state and is able to meet the housing requirements of current and future residents...

City Council has not declared that the supply and availability of the rental market has returned to a healthy state. Specifically, rental market data demonstrates the following information: the supply of primary rental housing has not increased since 1996; almost half of all households in the City of Toronto are renters; and growth forecasts show that the demand for rental housing is projected to increase. However, almost all housing

completions are for ownership housing. In addition, data on the vacancy rate in the City for 2008 shows that the rate has declined to two percent, demonstrating that the rental market has constricted since 2007.

The proposed retirement dwelling rooms do not meet the definition of rental replacement as they do not replace the existing rental with similar rental units. Further, the proposed rental replacement plan does not meet policy 3.2.1.6 as the applicant has proposed to replace only three bachelor units out of the 10 two-and three-bedroom units existing on the site.

City of Toronto Act, Section 111

Section 111 of the new City of Toronto Act, 2006 authorizes 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 established Chapter 667 of the Municipal Code, was enacted by City Council on July 19, 2007. For most related applications under the Planning Act, the By-law is retroactive to January 1, 2007.

The By-law makes it an offence 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, should be conditional upon the applicant receiving a Section 111 permit. Conditions such as replacement of rental housing and tenant assistance may be imposed on the approval of the 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 City's decisions on refusal or approval of a Section 111 permit are not subject to appeal to the Ontario Municipal Board.

As this application involves more than 6 rental units, it is subject to Council approval. The applicant submitted a Rental Housing Demolition and Conversion Application on January 18, 2008. The applicant's current proposal is to replace three of the existing 10 rental units in the new development. This is far below the number of existing rental units on the site and does not meet the unit threshold the City requires when securing rental replacement.

Rental Housing Replacement

The existing three storey apartment building on the site contains 10 apartment units made up of eight two-bedroom and two three-bedroom units, ranging in size from approximately 1,000 to 1,200 square feet.

Five of the 10 rental units continue to be occupied by tenants. Monthly rents are on average just under \$1,200 for a two-bedroom unit and \$1,300 for a three-bedroom unit.

Based on the City's Official Plan definitions for rent levels, one unit is considered to be in the affordable range and nine units are mid-range.

The applicant has proposed to replace the existing 10 two-and three-bedroom units with three bachelor units designed for seniors. The units will be approximately 362 square feet in size. This proposal is far less and of a significantly smaller bedroom type and size than what currently exists on the site. Further, it is far less than what was originally proposed by the applicant, which while unsatisfactory due to the size and number of bedrooms, proposed the replacement of all 10 rental units. As such, the proposal is well below the criteria set out in the Official Plan policy on rental demolition, as the same number, size and bedroom type of rental units will not be replaced. In addition to the fact that the three replacement units would be of a lesser number of bedrooms and size, the loss of seven two-and three-bedroom units would result in a negative impact to the rental housing market.

The City does not secure the replacement of rental units where the number of units to be replaced is less than six. This is due to the need to ensure that units continue to be protected under the City's Official Plan policies and the City's by-law on rental demolition and conversion. Both the Official Plan and by-law set six units as the threshold criteria for applying rental housing protection measures. If fewer than six units are replaced, those units may be demolished or converted from residential rental to non-residential or non-rental purposes in the future without triggering the City's Official Plan policies or by-law.

Tenant Relocation and Assistance Plan

Official Plan policy 3.2.1.6 also secures an acceptable tenant relocation and assistance plan that addresses: the right to return to occupy a rental replacement unit at similar rents; the provision of alternative accommodation at similar rents; and other assistance to lessen hardship.

As the applicant has proposed to replace only three of the existing rental units and designed these units to be for seniors, the existing tenants will not have the option to return to replacement housing. Tenants will have to look for new rental housing, which will likely be more expensive than what they are currently paying in rent. They will also face having to cover expenses related to moving, including packing and moving costs, costs to cancel and re-activate utilities, forwarding of mail and so forth.

The intent of the tenant assistance plan is to lessen the hardship experienced by tenants who are displaced from their housing due to demolition. City policy and practice directs that assistance be provided above and beyond the requirements set out in the Residential Tenancies Act (RTA).

The existing tenants provided a detailed request to the City and owner outlining their anticipated expenses that will be incurred due to the demolition of their rental units. The

tenants will not have the option to move back into replacement housing. They will be faced with the greater hardship of having to find permanent replacement housing that is comparable to the amenities they currently enjoy and with similar rents. The applicant has proposed a tenant assistance plan that provides: 240 days notice; compensation of 8 months rent; and moving costs in the amount of \$1,500. Should City Council choose to approve these applications, this tenant assistance plan is acceptable to staff as it would provide the tenants with a sufficient level of compensation to cover the additional costs associated with moving and finding permanent replacement accommodation. A notice period of 240 days provides the tenants with a reasonable amount of time to look for housing that is comparable to their current housing.

Parkland Dedication

The following comments are provided on parkland dedication should City Council choose to approve these applications.

The site is in the second lowest quintile of current provision of parkland, as per Map 8B/C of the Official Plan. The site is in a parkland priority area, as per Alternative Parkland Dedication Rate By-law 1420-2007. The applicant proposes to satisfy the parkland dedication requirements by cash-in-lieu which is acceptable to the City's Parks, Forestry and Recreation Division.

While these comments are premised on the existing provisions set out in the City of Toronto Municipal Code in addition to the former City of Etobicoke Parkland dedication By-law which still remains in full force and effect, the City of Toronto is currently undertaking a comprehensive review of the parkland dedication provisions that exist in the City including those from the former municipalities. Therefore, these applications may be subject to a new parkland dedication rate at the time of issuance of the first above grade building permit.

The actual determination of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Site Plan Control

Should City Council approve the proposal, the applicant is required to submit a Site Plan Application. The application should address site plan matters and other related permits and approvals noted in both the January 22, 2009 report and this report.

Conclusion

City Planning staff have reviewed the revised proposal for conformity with the Official Plan policies. The revised proposal generally conforms to the Apartment Neighbourhoods, Built Form and Healthy Neighbourhoods policies of the Official Plan. However, the rental housing replacement proposal of 3 rental replacement housing units

does not conform to the Housing policies of the Official Plan. As such, staff is recommending refusal of the revised applications and proposal.

Redevelopment of the property and the demolition of the 10 rental dwelling units should not be approved unless it meets the City's Official Plan requirement for full replacement of the rental housing units. Should City Council choose to approve a lesser number of rental replacement units, the minimum number of units should be at least six units. Without the replacement of at least six units, the rental replacement units will not be protected by the City's Official Plan or By-law on rental demolition and conversion, and as such, may be taken out of the rental market without triggering the City's policies and legislation for the protection of rental housing.

Notwithstanding staff's January 22, 2009 recommendation that the original application and proposal be refused by Council, staff were directed by the Etobicoke York Community Council to process and review the revised built form submission and rental replacement proposal for three units and give applicable notice to the surrounding community. As such, a draft Official Plan amendment is attached to this report. A draft amending zoning by-law is being reviewed by City Divisions and will be distributed at the Community Council meeting.

Section 37 of the Planning Act allows municipalities to obtain community benefits for developments with an increase in height or density. The benefits are generally capital projects and must bear a planning relationship to the proposed project. Section 37 requirements have been developed in consultation with the local Councillor and the applicant given the preparation of Notices and draft bills as directed by Community Council.

Given the Community Council direction, should this application be approved despite the refusal recommendations of this report, Council may wish to consider imposing the following requirements for community benefits in exchange for the increase in height and density, all to be secured by way of a Section 37 agreement between the owner and the City, to be executed and registered prior to the introduction of any bills:

- 1) Prior to the issuance of any above-grade building permit, the owner provide a cash contribution in the amount of \$150,000 toward the following community benefits:
 - a) improvements to the Kingsway Gate Boulevard Parkette;
 - b) improvements to The Kingsway boulevard fronting the subject site associated with modifications to the intersection geometry at Bloor Street West and The Kingsway; and
 - c) restoration of the existing stone gates located in the Kingsway Gate Boulevard Parkette

with said cash contribution to be indexed in accordance with the Construction Price Index from the time to Agreement is signed to the time the benefits are received.

The protection and stabilization of the existing stone gates during building construction, as well as their conservation, must be addressed.

The distribution of the aforementioned cash contribution will be determined by The Chief Planner and Executive Director, City Planning, in consultation with the General Manager, Parks, Forestry and Recreation and the Ward Councillor.

- 2) The owner shall provide and maintain on the site not less than three bachelor rental housing units designed for seniors, comprising one affordable rental dwelling unit and two rental dwelling units with mid-range rents, in accordance with more detailed terms as set forth in the Section 37 Requirements attached as Attachment 7;
- 3) The owner shall provide a tenant relocation and assistance plan for the existing tenants in the building, including the provision of: 240 days prior notice of the termination of their tenancy for demolition; 8 months rent as compensation; and \$1,500 in moving expenses, in accordance with more detailed terms as set forth in the Section 37 Requirements attached as Attachment 7.

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

- 4) Prior to site plan approval, the owner shall convey a road widening approximately 1.89 metres wide for future road allowance improvement purposes along the Bloor Street West frontage of the property, to the satisfaction of the Executive Director, Technical Services;
- 5) Prior to the issuance of any building permit, including a demolition permit or below grade permit, the owner shall complete a Toronto Transit Commission ("TTC") Technical Review of the proposed development as applicable to the particular permit under application, and obtain the TTC's written acknowledgement that the owner has satisfied all of the conditions arising out of the review. As part of the review process, the owner shall provide the requisite information, and pay the associated review fee to the TTC.
- 6) The owner shall insert warning clauses regarding the TTC right-of-way in all offers to purchase, agreements of purchase and sale or agreements to lease, and condominium declaration document(s) for each affected residential unit, and/or lot and/or block within the proposed development. Such warning clauses shall advise of the potential for noise, vibration, smoke, particulate matter, electromagnetic interference and stray current impacts on the proposed development, and that the TTC accepts no responsibility for such effects.

Further, should Council approve the proposal, the following matters should be required to be undertaken prior to the passing of the Bills by Council:

- a) The owner shall enter into any necessary agreements pursuant to Section 111 of the City of Toronto Act, 2006 to secure any terms or conditions of rental demolition approval as determined by Council, to the satisfaction of the City Solicitor, including those listed in Attachment 7 to this report;
- b) The owner shall enter into and register a Section 118 Restriction under the Land Titles Act agreeing not to transfer or charge any part of the lands, including, if applicable, the off-site replacement lands, to the satisfaction of the City Solicitor, without the written consent of the Chief Planner and Executive Director, City Planning Division or his designate, to assist with securing the Section 111 Agreement against future owners and encumbrancers of the lands;
- c) The owner shall submit a satisfactory Functional Servicing Report prepared by a Professional Engineer to the City Technical Services Division. If, an upgrade in the existing municipal system is required to accommodate the proposed development, the applicant is required to provide financial securities for the design and construction of the required upgrades to the satisfaction of the Executive Director of Technical Services.

CONTACT

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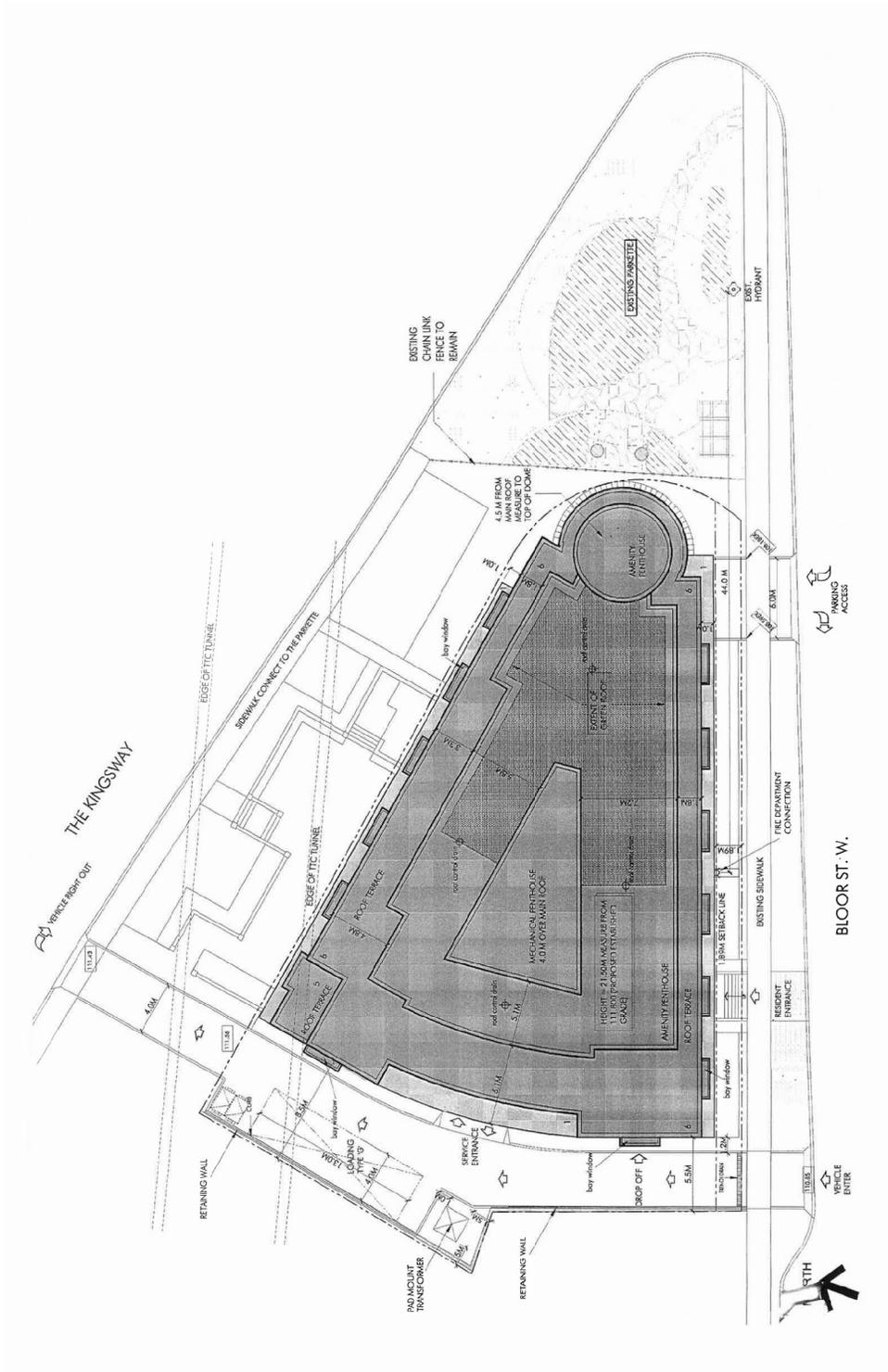
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Gregg Lintern, MCIP, RPP
Director, Community Planning
Etobicoke York District

ATTACHMENTS

- Attachment 1: Site Plan (Revised)
- Attachment 2a: Ground Floor Plan
- Attachment 2b: Seventh Floor Plan (Penthouse Level)
- Attachment 3a: Bloor Street Elevation
- Attachment 3b: East Elevation
- Attachment 3c: The Kingsway Elevation
- Attachment 3d: West Elevation
- Attachment 4: Official Plan
- Attachment 5: Zoning
- Attachment 6: Draft Official Plan Amendment
- Attachment 7: Section 37 Requirements
- Attachment 8: Application Data Sheet

Attachment 1: Site Plan (Revised)

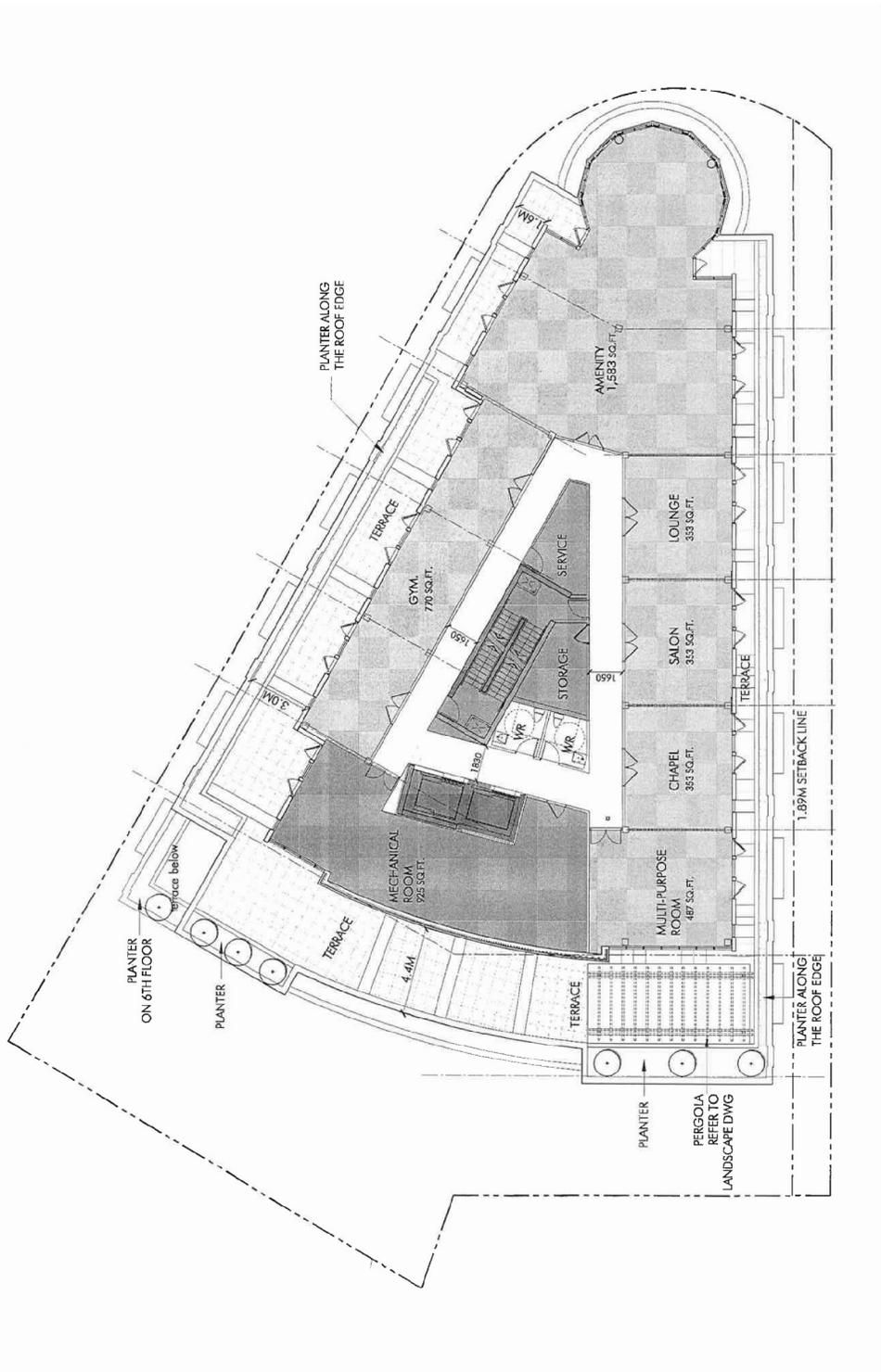


Site Plan
 Applicant's Submitted Drawing
 Not to Scale
 10/19/09

2800 Bloor Street West

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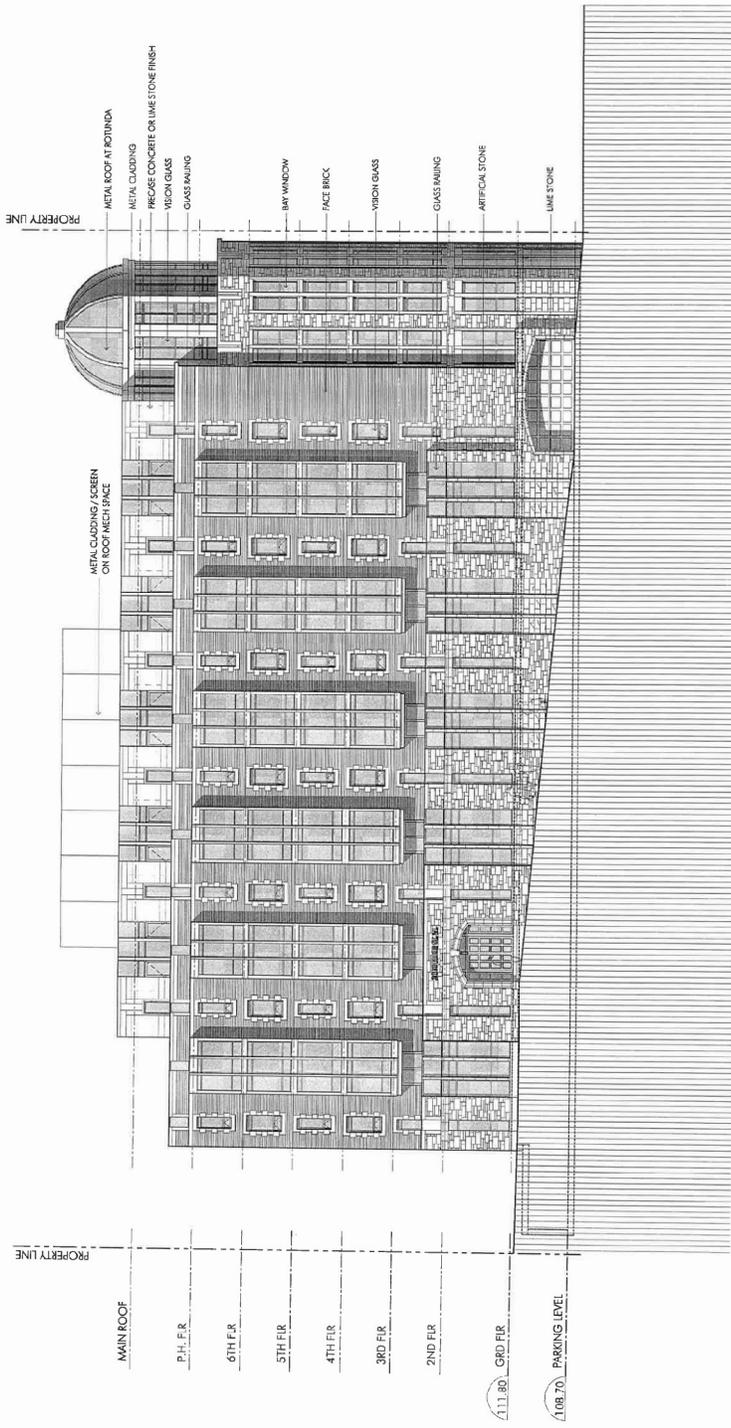
Attachment 2b: Seventh Floor Plan (Penthouse Level)



Seventh Floor Plan - Penthouse Level
 Applicant's Submitted Drawing
 Not to Scale
 10/19/09

2800 Bloor Street West
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Attachment 3a: Bloor Street Elevation



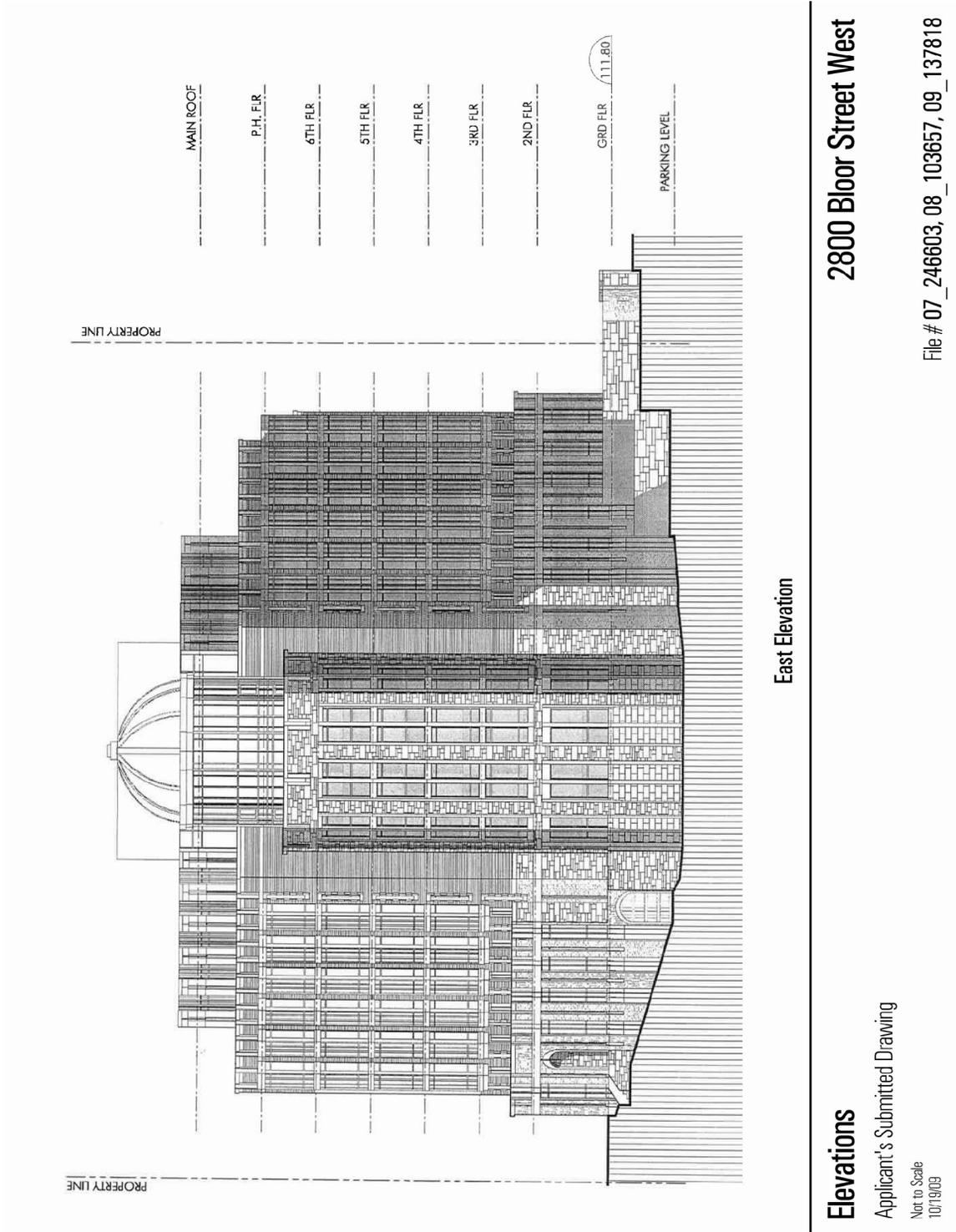
Bloor Street Elevation

Elevations
 Applicant's Submitted Drawing
 Not to Scale
 10/19/09

2800 Bloor Street West

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Attachment 3b: East Elevation



East Elevation

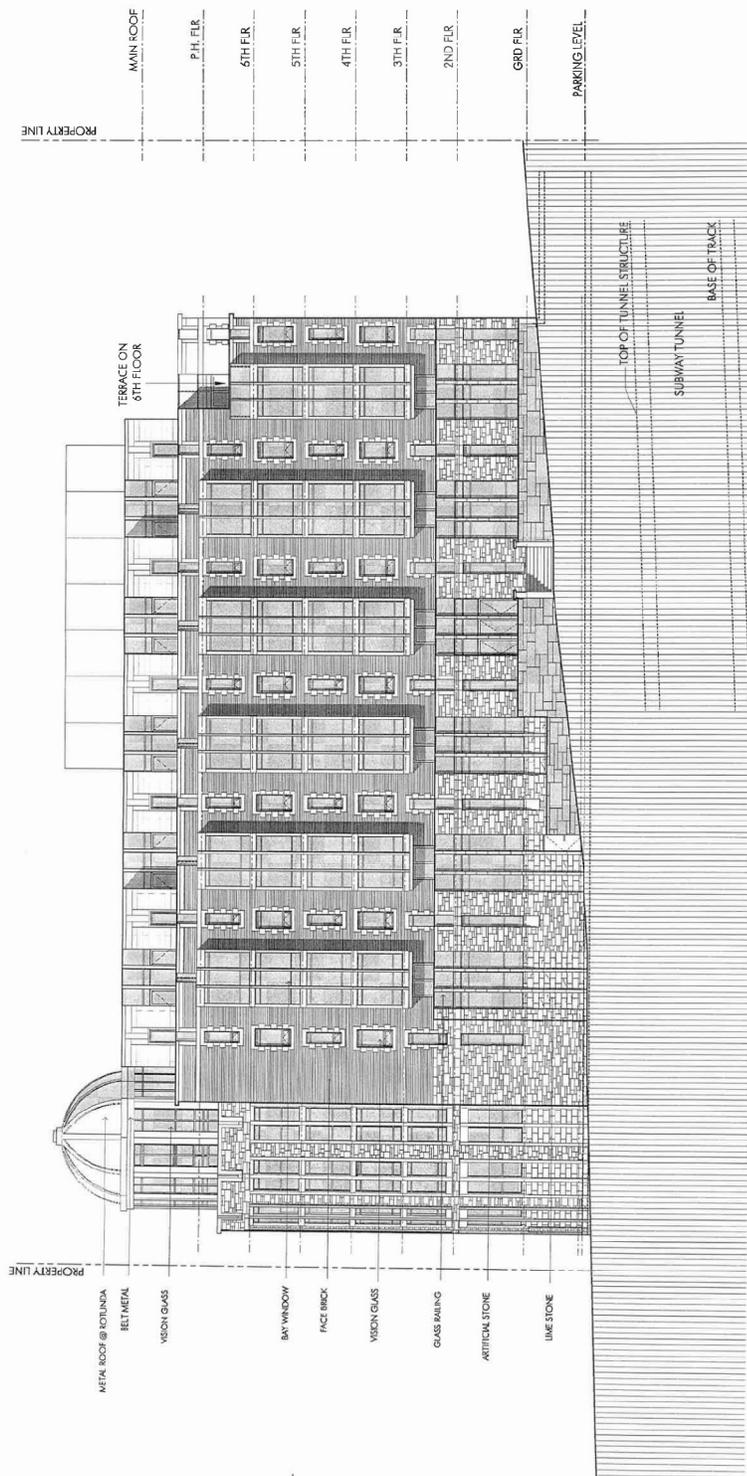
Elevations
2800 Bloor Street West

Applicant's Submitted Drawing

Not to Scale
10/19/09

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Attachment 3c: The Kingsway Elevation



The Kingsway Elevation

2800 Bloor Street West

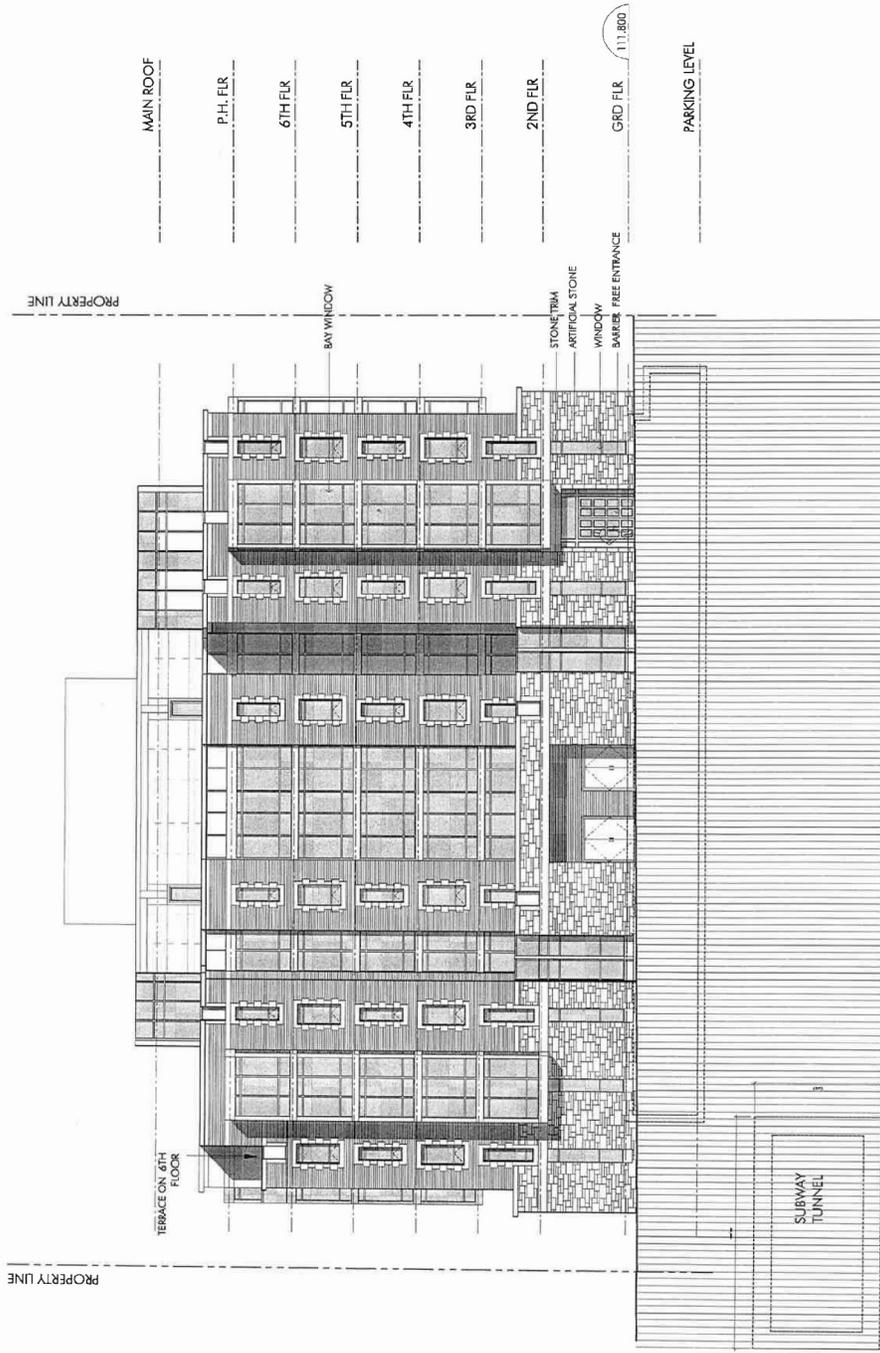
Elevations

Applicant's Submitted Drawing

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10/19/09

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Attachment 3d: West Elevation



West Elevation

2800 Bloor Street West

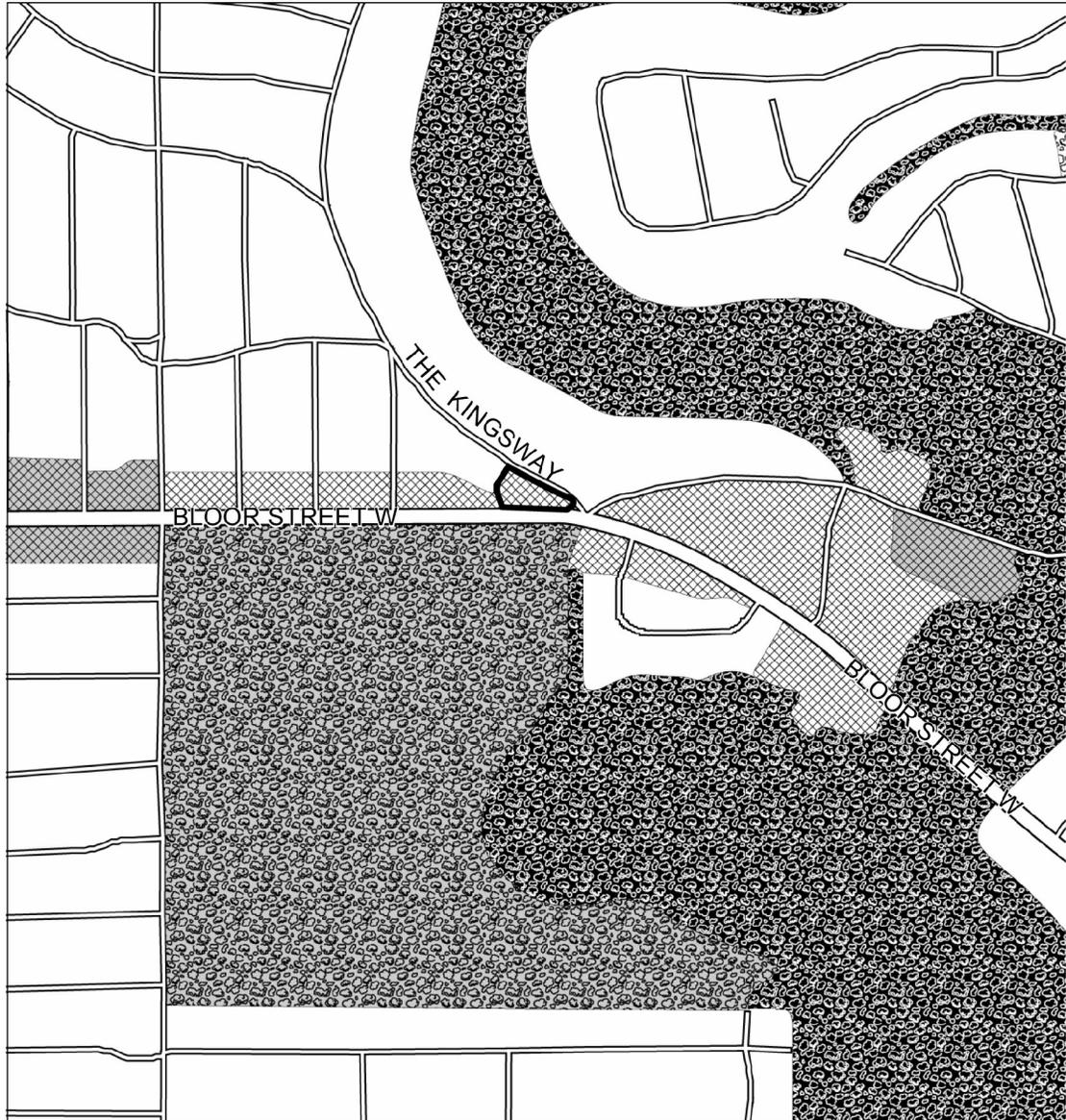
Elevations

Applicant's Submitted Drawing

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Attachment 4: Official Plan



TORONTO City Planning
Official Plan

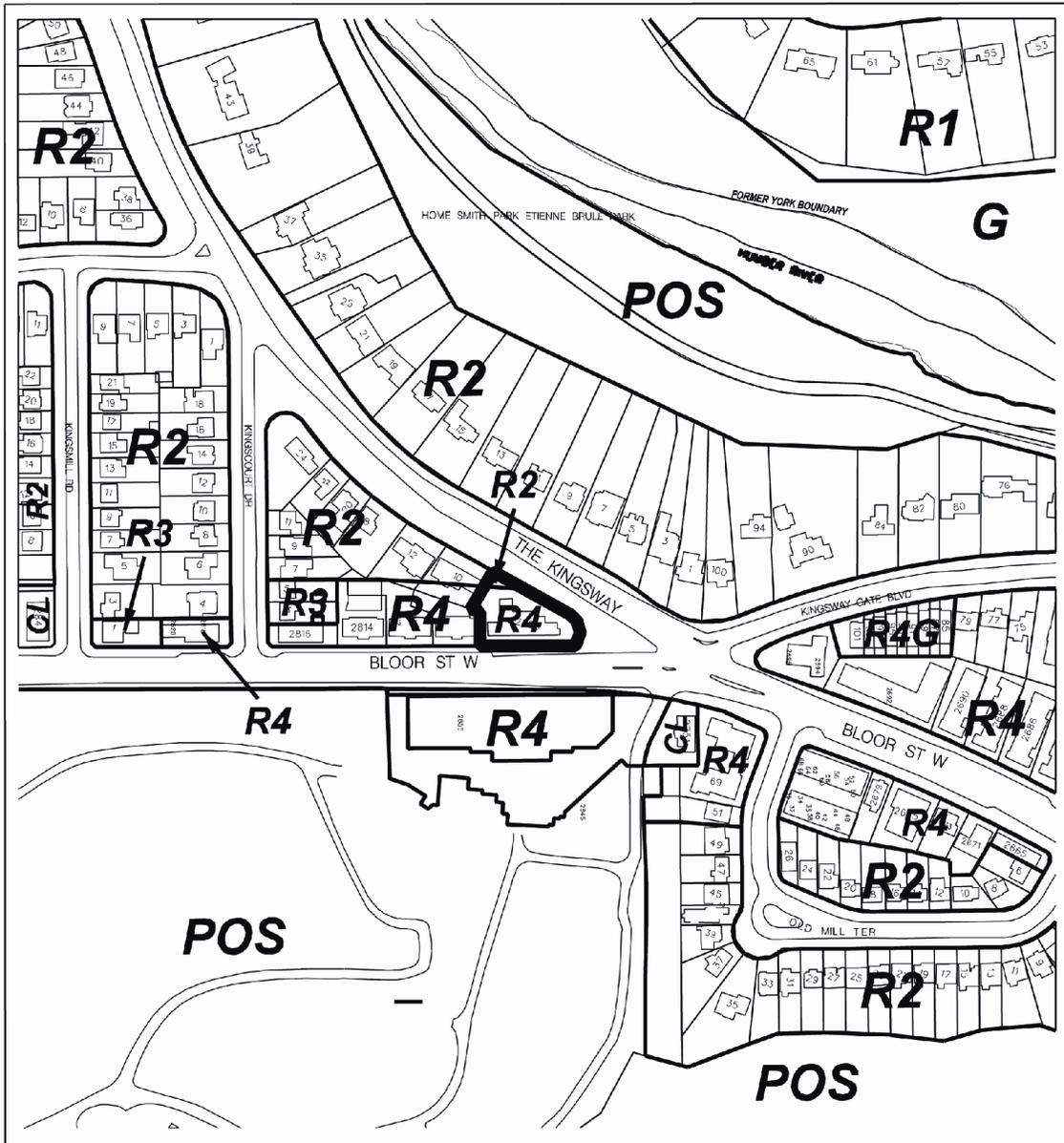
2800 Bloor Street West

File # 07_246603, 08_103657, 09_137818



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Attachment 5: Zoning



TORONTO City Planning
Zoning

2800 Bloor Street West
File # 07_246603, 08_103657, 09_137818

Former Etobicoke

Former York Zoning By-law 1-83

R2 Residential Second Density
R3 Residential Third Density
R4 Residential Fourth Density

R4G Residential Fourth Density Group
POS Private Open Space
CL Commercial Limited

G Green Open Space
R1 Residential Zone

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Not to Scale
Zoning By-law 11,737 as amended
Extracted 01/17/08 - MH

Attachment 6: Draft Official Plan Amendment

Authority: Etobicoke York Community Council Item ~ [or Report No. ~, Clause No. ~] as adopted by City of Toronto Council on ~, 2009

Enacted by Council: ~, 2009

CITY OF TORONTO

BY-LAW No. ~-2009

To adopt Amendment No. to the Official Plan respecting the lands municipally known as, 2800 Bloor Street West.

WHEREAS authority is given to Council under the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, to pass this By-law;

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 Council of the City of Toronto HEREBY ENACTS as follows:

1. The attached Amendment No. to the Official Plan is hereby adopted pursuant to the *Planning Act*, R.S.O. 1990, c.P. 13, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 2009.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

AMENDMENT NO.
TO THE CITY OF TORONTO OFFICIAL PLAN

2800 Bloor Street West

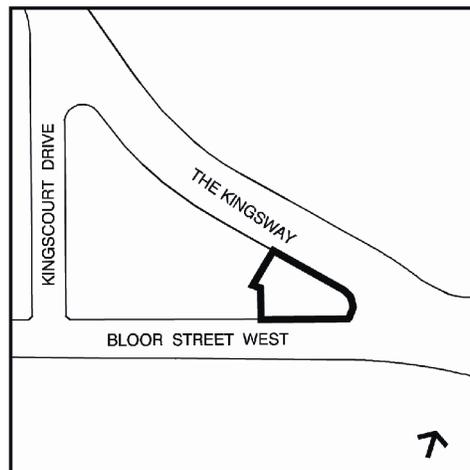
To adopt Amendment No. to the Official Plan respecting the lands municipally known as, 2800 Bloor Street West.

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

1. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. to certain lands municipally known as 2800 Bloor Street West, as follows:

“2800 Bloor Street West:

- a) The replacement of the same number and type of rental housing units is not required, provided at least 3 rental replacement units are included in the new development.”
- b) Map 26, Site and Area Specific Policies, is amended by adding the lands municipally known as 2800 Bloor Street West, as shown on the map as Site and Area Specific Policy No.



Attachment 7: Section 37 Requirements

The facilities, services and matters set out herein are the matters required to be provided by the owner of the lot at its expense to the *City* to be secured in an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the City Solicitor with provisions for indexing escalation of both the financial contributions and letters of credit, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

- 1) Prior to the issuance of any above-grade building permit, the owner provide a cash contribution in the amount of \$150,000 toward the following community benefits:
 - a) improvements to the Kingsway Gate Boulevard Parkette;
 - b) improvements to The Kingsway boulevard fronting the subject site associated with modifications to the intersection geometry at Bloor Street West and The Kingsway; and
 - c) restoration of the existing stone gates located in the Kingsway Gate Boulevard Parkette

with said cash contribution to be indexed in accordance with the Construction Price Index from the time to Agreement is signed to the time the benefits are received.

The protection and stabilization of the existing stone gates during building construction, as well as their conservation, must be addressed.

The distribution of the aforementioned cash contribution will be determined by The Chief Planner and Executive Director, City Planning, in consultation with the General Manager, Parks, Forestry and Recreation and the Ward Councillor.

- 2) the *owner* shall provide and maintain not less than 3 new replacement rental *dwelling units*, comprising 1 affordable rental *dwelling unit* and 2 rental *dwelling units* with mid-range rents which units all of which shall consist of bachelor units of approximately 362 sq. ft., to the satisfaction of the City's Chief Planner and Executive Director, City Planning Division, subject to the following:
 - (a) the 3 replacement rental *dwelling units* shall be provided entirely on the *lot*
 - (b) the replacement rental *dwelling units* shall be maintained as rental units for at least 20 years, beginning with the date that each unit is occupied and until the *owner* obtains approval for a zoning by-law amendment removing the requirement for the replacement rental units to be maintained as rental units;

- (c) the 3 replacement rental *dwelling units* shall be ready and available for occupancy no later than, the date by which not more than 60% of the other *dwelling units* erected on the *lot* are available and ready for occupancy;
 - (d) the *owner* shall provide and maintain affordable rents charged to the tenants who rent each of the 1 designated affordable replacement rental *dwelling units* during the first 10 years of its occupancy, such that the initial rent shall not exceed an amount based on the most recent Fall Update Canada Mortgage and Housing Corporation Rental Market Report average rent for the City of Toronto by unit type, and, upon turn-over, the rent charged to any new tenant shall not exceed the greater of the most recently charged rent or the most recently reported Rental Market Report average rent for the City of Toronto by unit type and over the course of the 10 year period, annual increases shall not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases;
 - (e) the *owner* shall provide and maintain rents no greater than mid-range rents charged to the tenants who rent the 2 designated replacement rental *dwelling units* with mid-range rents on the same basis as in (d) except that the maximum mid-range rent shall not exceed an amount that is 1.5 times average market rent by unit type;
 - (f) rents charged to tenants occupying an affordable replacement rental *dwelling unit* or a mid-range replacement rental *dwelling unit* at the end of the 10 year period set forth in (d) shall be subject only to annual increases which do not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, so long as they continue to occupy their *dwelling unit* or until the expiry of the rental tenure period set forth in (b) with a phase-in period of at least three years for rent increases;
 - (g) rents charged to tenants newly occupying a replacement rental *dwelling unit* after the completion of the 10 year period set forth in (d) will not be subject to restrictions by the City of Toronto under the terms of the Section 37 Agreement that is required in 4) below;
- 3) the owner shall provide additional assistance to the tenants of the site over and above the minimum levels required under the *Residential Tenancies Act*, as follows:
- a) the owner shall provide tenants residing in a rental unit existing on the site at least 240 days prior notice of the termination of their tenancy for demolition;
 - b) all tenants residing in a rental unit shall receive financial assistance in an amount equal to at least 5 months rent compensation in addition to compensation required under the *Residential Tenancies Act*, and compensation in the amount of \$1,500 for expenses related to moving to be paid at least one month prior to vacating their unit.

- 4) the *owner* of the *lot* enters into and registers on title to the *lot* one or more agreements with the City pursuant to Section 37 of the *Planning Act*, to the satisfaction of the City Solicitor, in consultation with the Chief Planner and Executive Director, City Planning Division, to secure the facilities, services and matters set forth in this Appendix 7.

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

- 1) Prior to site plan approval, the owner shall convey a road widening approximately 1.89 metres wide for future road allowance improvement purposes along the Bloor Street West frontage of the property, to the satisfaction of the Executive Director, Technical Services;
- 2) Prior to the issuance of any building permit, including a demolition permit or below grade permit, the owner shall complete a Toronto Transit Commission ("TTC") Technical Review of the proposed development as applicable to the particular permit under application, and obtain the TTC's written acknowledgement that the owner has satisfied all of the conditions arising out of the review. As part of the review process, the owner shall provide the requisite information, and pay the associated review fee to the TTC.
- 3) The owner shall insert warning clauses regarding the TTC right-of-way in all offers to purchase, agreements of purchase and sale or agreements to lease, and condominium declaration document(s) for each affected residential unit, and/or lot and/or block within the proposed development. Such warning clauses shall advise of the potential for noise, vibration, smoke, particulate matter, electromagnetic interference and stray current impacts on the proposed development, and that the TTC accepts no responsibility for such effects.

Attachment 8: Application Data Sheet

Application Type	Rezoning Rental Housing Official Plan Amendment	Application Numbers:	07 246603 WET 05 OZ 08 103657 WET 00 RH 09 137818 WET 05 OZ
Details	Rezoning, Standard (OZ) Demolition, Not Delegated (RH) Official Plan Amendment (OZ)	Application Dates:	July 24, 2007 (OZ) January 18, 2008 (RH) May 13, 2009
Municipal Address:	2800 BLOOR ST W		
Location Description:	PL 1686 PT LTS 185 & 186 RP 64R2711 PTS 1 & 2 **GRID W0503		
Project Description:	The revised application proposes to demolish the existing 3-storey, 10-unit rental apartment building on the site and construct a 7-storey (with mechanical penthouse and roof top amenity) building primarily to be used for a senior citizens retirement residence having 86 rooms and 3 rental dwelling units.		

Applicant:	Architect:	Owner:
ALAN SLOBODSKY	Page + Steele	FORAM (KINGSWAY) INC.

PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhoods	Site Specific Provision:	N/A
Zoning:	R2 and R4	Historical Status:	N/A
Height Limit (m):	11 and 14	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	1,567	Height:	Storeys:	7	
Frontage (m):	51.8		Metres:	21.5	
Depth (m):	28				
Total Ground Floor Area (sq. m):	1,107				Total
Total Residential GFA (sq. m):	5,240		Parking Spaces:	25	
Total Non-Residential GFA (sq. m):	0		Loading Docks	1	
Total GFA (sq. m):	5,240				
Lot Coverage Ratio (%):	58.5				
Floor Space Index:	4.4				

DWELLING UNITS

Tenure Type:	Other
Rooms:	86
Bachelor:	3
1 Bedroom:	
2 Bedroom:	
3 + Bedroom:	
Total Units:	3

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	5,240	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT:	PLANNER NAME:	Greg Hobson-Garcia, Planner
	TELEPHONE:	(416) 394-2615