

1540 Bloor Street West - Rezoning & Site Plan Applications - Request for Direction Report

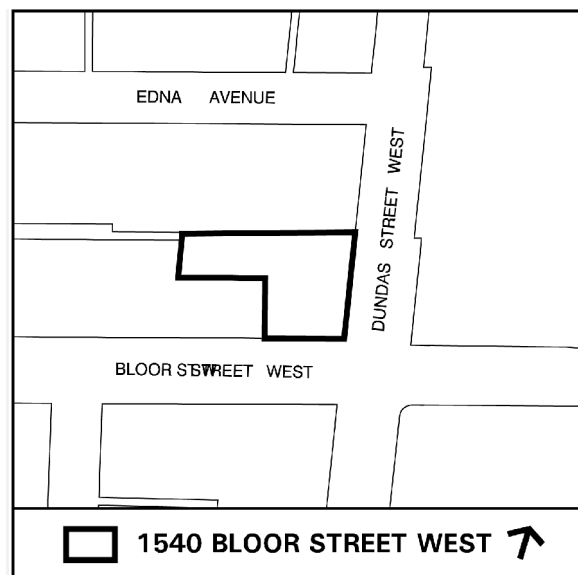
Date:	October 20, 2009
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 14 – Parkdale-High Park
Reference Number:	07 238234 STE 14 OZ (Rezoning) and 07 238225 STE 14 SA (Site Plan Control)

SUMMARY

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

The applicant has appealed the Zoning By-law amendment and Site Plan Control applications to the Ontario Municipal Board (OMB) due to Council's failure to make a decision on the applications within the time allotted by the Planning Act. The applications propose to demolish the existing one and two-storey commercial and residential buildings including nine residential rental units located at 1540 Bloor Street West to be replaced with a 27-storey (82.5 metres plus 10.0 metres for mechanical), 254-unit, residential condominium with retail at grade. The applicant has not proposed to replace the rental housing units in the redevelopment.

The purpose of this report is to seek City Council's direction for the City Solicitor to oppose the proposal in its current form at the OMB and to advise the OMB of Council's position regarding the appropriate form of development on the site.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate staff to attend the Ontario Municipal Board (OMB) hearing of the owner's appeal to oppose the current applications.
2. City Council direct the City Solicitor to advise the Ontario Municipal Board that City Council's position is that any redevelopment of the site at 1540 Bloor Street West must:
 - a. comply with the zoning by-law implementing the Bloor-Dundas Avenue Study;
 - b. satisfy the requirements of Section 3.2.1.6 of the City's Official Plan as set out in this report;
 - c. secure services, facilities or matters pursuant to Section 37 of the Planning Act, as may be required by the Chief Planner and Executive Director;
 - d. satisfy the Chief Planner and Executive Director with respect to site plan matters, including the approval of plans and drawings and site plan conditions; and
3. City Council authorize the City Solicitor and City staff to take any necessary steps to implement the foregoing.

Financial Impact

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

ISSUE BACKGROUND

Proposal

On June 29, 2007 the applicant submitted Zoning By-law amendment and Site Plan Control applications to redevelop the property at 1540 Bloor Street West. The applications proposed to demolish the existing two-storey commercial and residential building and construct a 29-storey (90.0 metres plus 5.0 metres for mechanical) residential condominium building with an 8-storey podium consisting of 293 residential units with commercial uses on the ground and second floors. The total gross floor area for the proposal was 25,768.70 square metres of which 1,384.79 consisted of commercial uses resulting in a density of 13.3 times the area of the lot.

On August 4, 2009 the applicant submitted revised plans proposing a 27-storey (82.5 metres plus 10.0 metres for mechanical) residential condominium. The proposed 8-

storey podium was reduced to 6-storeys and the proposed western extension was removed. The total number of proposed units was reduced from 293 to 254 and the overall gross floor area was reduced to 21,949.19 square metres resulting in a density of 16.08 times the area of the lot. The increase in the density from the original proposal was the result of the removal of the proposed western portion of the site from the lot area thereby reducing the area of the site. This part of the site will remain vacant. The original and revised proposals involve the demolition of the residential rental dwelling units with no rental replacement rental housing to be provided.

The following table and description compare the permitted and proposed densities and heights for the subject site and its context: [Note: This table would be revised upon the coming into force of the zoning by-law implementing the Bloor-Dundas Avenue Study.]

	Permitted	Proposed
Total Density	4,095.9 square metres	21,949.19 square metres
Residential Density	2,730.6 square metres	20,735.71 square metres
Commercial Density	1,365.30 square metres	1,213.48 square metres
Height	16.0 metres	82.5 metres
Streetwall Height	13.0 metres	22.4 metres

Indoor amenity spaces are provided on the second level of the proposed building. A total of 508 square metres of indoor amenity space is provided. A total of 298.3 square metres of outdoor amenity space is provided consisting of two terraces accessed from the indoor amenity space (35.8 and 6.5 square metres each) and a 256 square metre patio on the roof. The rooftop patio is accessible by a single elevator.

The building is to be setback 6.0 metres from the north property line (TTC Dundas Station), 1.7 metres from the east property line (Dundas Street West), 0 metres from the south property line (Bloor Street West), and 0 metres from the west property line (1542 Bloor Street West).

The applicant is proposing 110 vehicular parking spaces, including 100 residential and 10 visitor parking spaces, in four levels of underground parking. Three parking spaces will be provided for car-share vehicles. Vehicular access is proposed from the public lane located to the east of the property and a secondary access for loading and service vehicles on Dundas Street West. Two hundred and twelve resident bicycle parking spaces are provided on the P2, P3, and P4 parking levels and 38 visitor bicycle parking spaces on the P1 level. Zero bicycle parking spaces are proposed at-grade.

Site and Surrounding Area

The revised site is regular in shape and has a 31.02 metres fronting onto the north side of Bloor Street West, 41.77 metres fronting on Dundas Street West and an area of 1,365 square metres. The site currently accommodates a two-storey mixed use building along Bloor Street West with commercial uses on the ground floor and apartments above. The existing buildings are vacant with the exception of the sales centre for the proposed

condominium. The rear of the site has a one-storey building with multiple commercial units. The applicant intends to demolish the existing buildings.

The site is surrounded by the following uses:

North: The TTC Dundas West Subway Station which has streetcar, bus and pedestrian entrances north of the site.

South: A 13-storey mixed use building (2333 Dundas Street West, approximately 41 metres in height) is located across the street on the south side of Bloor Street West.

East: Two 29-storey apartment buildings known as “The Crossways” (2340-2360 Dundas Street West, approximately 81 metres in height) which are located on the east side of Dundas Street West. The two buildings are connected at their base by an indoor mall within a two-storey podium.

West: Two-storey mixed use buildings are located to the west of the site along the north side of Bloor Street West.

Provincial Planning Framework

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council’s planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council’s planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The property is located within the *Avenues* area on Map 2 – Urban Structure and is designated *Mixed Use Area* on Map 18 – Land Use Plan. This designation permits a range of residential, commercial and institutional uses in single or mixed use buildings as well as parks, open spaces and utilities and provides criteria to direct the form and quality of development. *Mixed Use Areas* will absorb most of the anticipated increases in retail, office, and service employment in Toronto in the coming decades, as well as much of the new housing.

Avenues – Section 2.2.3

The *Avenues* are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents. As noted in Section 2.2.3 of the City's Official Plan, the framework for new development on each *Avenue* within the City is to establish by an implementing zoning by-law and design guidelines created in consultation with the local community.

City Planning recently completed an Avenue Study for Bloor Street West between Parkside Drive/Keele Street to the CNR/GO railway corridor and Dundas Street between Glenlake Avenue and Boustead Avenue. At the time of writing this report, it is anticipated that the implementing zoning by-law will be considered by the Toronto and East York Community Council on November 10, 2009 with City Council consideration at its meeting to be held on November 30 and December 1, 2009. This application has therefore been assessed with regard to the recommendations of the Chief Planner and Executive Director regarding the implementing zoning by-law.

However, the Official Plan also notes 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*. Therefore, in addition to the policies of the Official Plan for *Mixed Use Areas*, proponents of such proposals must also address the larger context and examine the implications for the segment of the Avenue in which the proposed development is located. As part of the original submission, the applicant submitted an Avenue Segment Study for Bloor Street West from Parkside Drive/Keele Street to Dundas Street West. That Study has been reviewed and comments are provided elsewhere in this report.

Mixed Use Designation – Section 4.5

The plan provides a list of criteria which is intended to direct the design and orientation of new development proposal within *Mixed Use Areas*. The proposed development has been evaluated with respect to the full list of criteria found in Section 4.5.2, which are to be considered in concert with the policies for *Avenue*, *Healthy Neighbourhoods*, *Public Realm*, *Built Form* and all other relevant Official Plan policies.

The Official Plan includes Development Criteria in *Mixed Use Areas*, which include, but are not 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;
- locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale Neighbourhoods;

- locate and mass new buildings so as to adequately limit shadow impacts on adjacent Neighbourhoods, particularly during the spring and fall equinoxes;
- locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- provide an attractive, comfortable and safe pedestrian environment;
- take advantage of nearby transit services;
- provide good site access and circulation and an adequate supply of parking for residents and visitors;
- locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

Built Form – Section 3.1.2

The Official Plan provides policies that are aimed at ensuring that the built form of new development fits within the context of the neighbourhood and the City. Policies are included in Sections 3.1.2.1 to 3.1.2.6.

Housing – Section 3.1.2

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 six or more rental units, except where all rents are above the mid-range, must be replaced with the same number, size, and type of rental housing units and maintained with similar rents comparable to the existing rental units on the site.

The Toronto Official Plan is available on the City's website at:

www.toronto.ca/planning/official_plan/introduction.htm

Zoning

The property is zoned MCR T3.0 C1.0 R2.0. The MCR zoning classification permits a mix of commercial and residential uses up to a total density of 3.0 times the area of the lot, of which a maximum of 1.0 times the area of the lot is permitted to be commercial and 2.0 times the area of the lot residential. The maximum permitted height for the property is 16.0 metres. These zoning requirements would be revised upon coming into force of the zoning by-law implementing the Bloor-Dundas Avenue Study.

Site Plan Control

The proposed development is subject to site plan control. An application for site plan approval (07-238225 STE 41 SA) was submitted and is being reviewed concurrently with the Zoning By-law amendment application.

Bloor Visioning and Bloor-Dundas Avenue Study

Bloor Visioning Initiative

In response to community and development interest, City Planning staff with the Ward Councillor began the Bloor Visioning initiative in October 2007. The intent of the visioning initiative was to inform and engage the community to assist City Planning staff by examining the larger context and the implications of development within the Avenue Segment in the absence of an Avenue Study. The Bloor Visioning initiative produced seven guiding principles that are intended to promote responsible intensification, to foster and support a compact, complete community that is well designed and offers transportation choices. These principles include:

1. Encourage community vitality through a mix of uses that includes retail/commercial at-grade;
2. Enhance the pedestrian and cyclist experience along Bloor Street West.
3. Encourage opportunities to green the public and private realms;
4. Improve and integrate transit services and facilities;
5. Encourage development at an appropriate scale and density that is compatible with the existing built form, street width and neighbourhood context;
6. Encourage high quality architecture that builds upon the positive attributes of the area; and
7. Protect existing Neighbourhoods from negative impacts.

The report on the Bloor Visioning initiative recommended that City Council forward the results of the initiative to the retained consultant to inform the *Avenue* Study for the Bloor Street West and Dundas Street West area. A copy of the Bloor Visioning report is available on the City's website at:

<http://www.toronto.ca/legdocs/mmis/2008/te/bgrd/backgroundfile-14044.pdf>

Bloor Dundas Avenue Study

At its March 2008 meeting, City Council approved an *Avenue* Study for the portion of Bloor Street West between Keele Street and Dundas Street West and for Dundas Street West between Glenlake Avenue and Boustead Avenue.

City Planning staff and the consulting team established and consulted with a Local Advisory Committee (LAC). The LAC is comprised of local stakeholders including residents, business owners and property owners. The role of the LAC is to advise City Planning staff and the consulting team of issues and opportunities within the area and to provide feedback throughout the study process. The LAC met on four occasions between June 2008 and March 2009 to discuss issues specific to the development of the *Avenue* Study and to review and comment on the evolving built form recommendations.

The *Avenue* Study provides a long-term plan for the area that integrates a community vision. It also creates an updated and defensible policy framework for assessing future

development applications. As noted above, at the time of writing this report, it is anticipated that the implementing zoning by-law will be considered by the Toronto and East York Community Council on November 10, 2009 with City Council consideration at its meeting to be held on November 30 and December 1, 2009. This application has therefore been assessed with regard to the recommendations of the Chief Planner and Executive Director regarding the implementing zoning by-law.

The final report on the Bloor Dundas Avenue Study is available on the City's website at:

<http://www.toronto.ca/planning/bloordundas.htm>

Community Consultation

Prior to submission of the application, the applicant met with the community on two occasions; in May, 2007 and September, 2007. The first meeting was to discuss the proposal, while the second focused on the required Avenue Segment Study. A Community Consultation meeting was held on April 8, 2008 at Lithuanian Hall and was attended by approximately 110 people. At the conclusion of this meeting, a Working Group was established to try to address the concerns raised at the community meeting. The Working Group consisted of the Ward Councillor, City staff, the owner and applicant, local residents and representatives of local resident associations and the Business Improvement Association.

Issues and concerns raised through the community consultation process and work group includes:

- The proposed height and massing of the building and the relationship of the building to the scale and character of its context.
- The precedent set by the introduction of a tower on the rest of the street.
- Pedestrian, TTC streetcar, cyclist and vehicle conflicts along Dundas Avenue West related to a proposed curb cut and entrance at the north-east corner of the site.
- Traffic congestion created by the additional residential units.
- The loss of on-street parking spaces in the neighbourhood.
- The effect on wind patterns at the intersection of Bloor Street West and Dundas Street West.
- The width of the sidewalk along Bloor Street West and Dundas Street West.
- The architectural quality of the exterior of the proposed building.
- The provision of affordable housing units within the proposed building.
- The possibility of the incorporation of a connection to the Dundas West TTC subway station.
- Environmental features incorporated into the building design such as green roofs and LEED certification.

Agency Circulation

The application was circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in the evaluation of the application.

Reasons for the Application

The applicant has submitted a rezoning application to permit a building that exceeds the 16.0 metre maximum permitted height for the site by 66.6 metres, as well as the 3.0 times total density by 13.08 times the area of the lot or 17.853.29 square metre and the angular plane requirements as set out in Zoning By-law 438-86. In addition, the proposal does not comply with the zoning requirements related to rooftop projections, minimum number of parking spaces, and parking space dimensions. As noted, these reasons for the application will have to be revised upon the coming into force of the zoning by-law implementing the Bloor-Dundas Avenue Study.

Ontario Municipal Board Appeal

On August 17, 2009 the City Clerk's Office received notification that the applicant filed an appeal of the Zoning By-law Amendment and Site Plan applications to the Ontario Municipal Board, citing Council's failure to make a decision on the application within the prescribed timelines as per the Planning Act.

COMMENTS

Land Use and the Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (2005) includes policies to manage and direct land use to achieve efficient development and land use patterns. Municipal planning decisions are required to be "consistent with" the PPS. The PPS promotes wise management of change and promotes efficient land use and development patterns. Efficient land use and development patterns support strong, liveable and healthy communities, protect the environment and public health and safety, and facilitate economic growth.

This includes ensuring that a range of land uses are provided and that intensification and redevelopment opportunities are identified and promoted. The PPS promotes intensification and redevelopment opportunities through a more compact building form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities. Although the PPS encourages intensification, it also refers to the wise management of change and promotion of healthy, liveable communities. This proposal does not set a positive precedent for intensification in this context.

The Growth Plan for the Greater Golden Horseshoe prepared by the Ministry of Public Infrastructure Renewal guides decisions on a wide range of issues such as transportation, infrastructure planning, land-use planning, urban form, housing, natural heritage and resource protection. City Council's decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Under the Growth Plan, the site generally meets the definition of a *greyfield site*, is located in an area that is classified as a *Built Up Area* on Schedule 2, is located in close proximity to several *Improved Higher Order Transit* lines such as the Bloor-Danforth Subway and two GO rail lines and within a *Major Transit Station Area*.

Section 2.2.5 states that *Major Transit Station Areas* and *Intensification Corridors* will be planned to achieve: (a) increased residential and employment densities that support and ensure the viability of existing and planned transit service levels, and (b) a mix of residential, office, institutional, and economic development wherever appropriate.

The redevelopment and intensification of this site represents the type of development that is consistent with the intent of the Growth Plan for the Greater Golden Horseshoe, however, the proposed built form is not consistent with the built form policies contained within the Official Plan. Staff is supportive of redevelopment of the site in a manner that is consistent with the objectives of the Growth Plan, however the built form must be respectful of its existing and planned contexts.

Avenue Segment Study (ASR)

In response to *Avenue* policy 2.2.3.3 in the Official Plan, the applicant submitted the Bloor – Dundas Avenue Segment Study prepared by Walker, Nott, Dragicevic Associates Limited on November 12, 2007 in support of their rezoning application. The study area included Bloor Street West from Keele Street/Parkside Drive to the CN/GO Railway corridor and Dundas Street West from Boustead Avenue to Glenlake Avenue. The study area was divided into three segments roughly defined as Bloor Street from Keele Street/Parkside Drive to Dundas Street West (Segment A), Dundas Street north of Bloor Street (Segment B) and Dundas Street south of Bloor Street (Segment C).

The intent of requiring an ASR is to ensure that the proposed development will establish a positive precedent for the reurbanization of the *Avenue*, with particular regard to building form, massing and intensity. Policy and Research staff provided comments in response to the applicant's ASR in their memo dated May 22, 2008 which are reflected below. The ASR submitted by the applicant did not provide justification for the built form and intensity of the proposal and suggested that this level of intensity would not be appropriate for similar sites in the surrounding context.

Avenue Segment, Incremental Development Impact

The applicants Avenue Segment Review identified 14 possible soft sites for redevelopment within the ASR study area. The policy requires the ASR methodology to consider development scenarios for the soft sites that is similar to what is being proposed for the subject site and to demonstrate that the proposal will set a positive precedent for the development of the Avenue. The ASR provided by the applicant did not provide development scenarios for the soft sites that are a similar form, scale and intensity to what is being proposed on the subject site and therefore did not make a compelling argument that a 29-storey building at the subject site is an appropriate built form condition. For example: for soft sites along Bloor Street West, the applicant proposed development scenarios ranging between 6 to 18 storeys with net densities of 3 to 8 times thereby representing a different form and intensity than the proposed 29-storey building with a density of 13.3 (or 16.08 as currently proposed) times the lot area.

Adverse impact on adjacent *Neighbourhoods* and *Apartment Neighbourhoods*

The ASR provided by the applicant failed to consider whether incremental development of the entire *Avenue* segment would adversely impact any adjacent *Neighbourhoods*. If a similar form and intensity of development was proposed for the soft sites identified in the ASR, there would be shadow impacts on the adjacent *Neighbourhoods*. Similarly, there would be impacts on local community facilities and services. The ASR provided by the applicant states that the census data between 2001 to 2006 indicates that there was a population decrease in the study area, but does not identify or provide an inventory of the existing facilities and whether they are at capacity or near capacity despite the population decrease.

Precedent

The ASR provided by the applicant indicates that The Crossways (circa 1978), the proximity of Dundas West Subway Station along with the Growth Plan for the Greater Golden Horseshoe, Provincial Policy Statement, and the general trend toward taller buildings as evidenced by 1700 Bloor Street West (circa 1983) set the precedent for justifying a 29-storey building. The ASR provided by the applicant further states that the proposed 29-storey building will not set a precedent for the *Avenue* segment. However, these assumptions are contradictory to each other and do not provide a clear rationale for the appropriateness of the proposal on the subject site.

City-Initiated Avenue Study

The Official Plan recognizes that *Avenues* such as Bloor Street West and Dundas Street West are to develop incrementally and that each *Avenue* is different. A framework for change will be tailored to the situation of each *Avenue* through a local *Avenue* Study that will involve local residents, businesses and other stakeholders.

At its March 2008 meeting, City Council approved the undertaking of the Bloor Dundas *Avenue* Study for the portion of Bloor Street West between Keele Street and Dundas Street West and Dundas Street West between Glenlake Avenue and Boustead Avenue. The subject site and the area identified by the applicant's ASR are wholly contained within the *Avenue* Study area. The study outlines the appropriate scale and intensity for development along the *Avenues* for the area as outlined in Section 2.2.3.1 and 2.2.3.2 of the Official Plan. The *Avenue* Study builds on the seven guiding principles developed through the Bloor Visioning Initiative.

The Bloor Dundas *Avenue* Study was prepared by BMI/Pace in association with Poulos + Chung Ltd. in consultation with the Ward Councillor, City Planning staff, local stakeholders including residents, business owners and property owners. The *Avenue* Study establishes a Community Framework which provides for significant intensification across the Study Area. It directs that new development should be designed in a context-appropriate and sensitive manner, while building upon the area's existing urban fabric to create a vibrant, mixed use, mid-rise community. While the Community Framework identifies opportunities for some additional height in the form of taller mid-rise buildings (10-15 storeys) at specific locations, it otherwise recommends a 20 metre (6-storey) building envelope for the Study Area. This approach provides for significant

intensification in a manner that is consistent with the City's desire for focused urban growth along Bloor Street West and Dundas Street West. Intensification will be in a form that supports the City's focus on investment in quality of life, the promotion of transit use, and the preservation and enhancement of adjacent stable neighbourhoods.

The *Avenue* Study identifies the subject property and additional properties to the west of the site (overall opportunity site dimensions are 62 metres by 23 metres) as an Opportunity Site for redevelopment. The consolidated Opportunity Site would be appropriate for an increase in height above the maximum allowable height because it is at a major intersection and would have sufficient frontage along Bloor Street West to allow it to incorporate a transition downward in height to the prevailing planned height along the *Avenue* to the west. The proposed height limit in the *Avenue* Study references the existing 13-storey (41 metre) mixed use building at the southwest corner of Bloor Street West and Dundas Street West (2333 Dundas Street West).

Development criteria recommended by the *Avenue* Study for this Opportunity Site include:

- The maximum height at the corner of Bloor Street West and Dundas Street West would be 46.5 metres (15 storeys), stepping down to 31.5 metres (10 storeys) on the western portion of the site; [Note: This is predicated on the assembly of a larger lot, otherwise the maximum height is 10-storeys at 31.5 metres.]
- Step-backs of 5.0 metres should apply to the Bloor Street West frontage and 2.5 metres to the side street frontage above three storeys (side step-backs as per the recommendations in Section 5.2.3);
- Because of the proximity to the TTC station entrance at this location, vehicular access and servicing must be located so as not to impede transit service and pedestrian movement along Dundas Street West; and
- The rear 7.5 metre setback should apply.

It should be noted that the *Avenue* Study defines the site as larger than the site that is proposed as part of the application. If the site was limited to what is proposed under this application, a height of 31.5 metres (10-storeys) would apply. It is staff's position that the proposal should comply with the standards and criteria established by the Bloor Dundas *Avenue* Study.

Rental Housing

On August 30, 2007, City staff, the owner and applicant inspected the existing building to confirm the configuration of the interior, specifically the configuration of the second floor residential units. The inspection found that the second floor had nine residential rental dwelling units comprising of one bachelor unit, five 1-bedroom units and three 2-bedroom units. All units were vacant at the time of inspection but it has been indicated that all units were rented in the past.

According to the applicant, at the time the units were rented, the approximate rents ranged from \$600 to \$650 per month. Based on the Official Plan's definition for rent levels, all units would be considered affordable. Affordable rental units are defined as those where the total monthly shelter cost is below the average City of Toronto rent by unit type.

The Official Plan specifies that all rental housing units must be replaced in applications proposing to demolish six or more rental units.

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 including: 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 dropped to 2 percent, demonstrating that the rental market has constricted since 2007. The 2008 vacancy rate was the lowest rate since 2001.

The applicant has suggested that it is likely that a percentage of the new condominium units will be rented out, thereby in effect replacing the rental units that will be demolished. The City does not accept this line of argument for a number of reasons mentioned below. Nor does the City secure the replacement of rental units with condominium registered units as these units do not in any way replace the characteristics or long-term rental nature of the rental units that, once demolished, are taken out of the rental market permanently. In any event, there is no certainty that any of the condo units will be rented out.

Condominium units that are rented out do not at all provide the same level of tenant protection in terms of security of tenure, nor would the rate of rent increases be regulated in the same manner as the majority of conventional rental units. Condominium units that are rented are temporary in nature, forming part of the City's secondary rental market; they tend to be brought in and out of the rental market, and do not provide on-going and stable rental housing. Additionally, rents for new condominium units tend to be considerably higher and would not provide similar rents, particularly as the subject property contains all affordable rental units.

Based on the above and the determination that all nine units are affordable residential rental housing, policy 3.2.1.6 applies. As such, any approved redevelopment of the site must include the replacement of nine affordable residential rental units of the same bedroom type mix and size.

Approval of this application would therefore contravene the approved noted policies of the Official Plan unless the applicant is required to provide full replacement of the rental housing with the same number, size and type of rental housing units at similar rents. This would have to be secured in an appropriate agreement, probably secured under Section 37 of the Planning Act, registered on title and binding on future owners.

City of Toronto Act, Section 111

By-law No. 885-2007 (passed under Section 111 of the new City of Toronto Act, 2006) would apply to the demolition of the existing building. Section 111 authorizes Council to regulate the demolition and conversion of residential rental properties in the City. By-law No. 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 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.

The applicant was advised on December 4, 2007 that the building is subject to Section 111 of the City of Toronto Act and as such, the submission of a Rental Housing Demolition and Conversion Application was required. Staff followed up with the applicant on multiple occasions to communicate that submission of an application is required as per the by-law. The By-law specifies that an application must be submitted without delay if a related planning application has been filed and/or a person wishes to demolish residential rental housing. To date, the applicant has not submitted this application.

Density

The proposed development would result in a density of 16.08 times the area of the lot (21,949.19 square metres). Of the permitted 3.0 time total density currently permitted by the zoning by-law, a maximum of 1.0 times the area of the lot is permitted to be commercial and 2.0 times the area of the lot is permitted to be residential. The applicant is proposing a commercial density of 0.88 times the area of the lot (1213.48 square metres) and a residential density 15.19 times the area of the lot (20,735.71 square metres). The area generally contains densities ranging from 1.0 times the area of the lot to 5.0 times the area of the lot. This proposal represents a significant increase in density over the existing buildings which is not appropriate in the form and intensity proposed and represents over-development of the site.

Height and Massing

In its current form, the proposed 27-storey building does not adequately respect and relate to its existing context. The Official Plan directs new buildings to be designed to fit harmoniously into their existing and/or planned contexts by ensuring that the massing of new buildings is appropriate in relationship to neighbouring development (Policy 3.1.2.1). The proposed siting, height and massing of the proposed building does not provide an adequate transition in scale to existing buildings along Bloor Street and fails to provide a transition to the low-density neighbourhood to the north. This proposal will set a negative precedent for future development in this area.

Podium

The applicant is proposing a podium height of 22.4 metres (6-storeys). Staff has generally been supportive of a podium height as high as 20 metres (6-storeys) in this instance for a number of reasons. Studies have resulted in as-of-right building heights adjacent to the street of 20 metres and, while it is not consistent with the Built Form recommendations contained within the *Avenue* Study, it is not significantly inappropriate. It is consistent with the as-of-right height proposed by the study for mid-block buildings along Bloor Street West and as such, the podium height would be compatible with portions of the future development along the *Avenue*.

The ground floor is articulated with a two level glass curtain wall storefront on the Bloor Street West and Dundas Street West elevations with four levels of residential units above. The podium is clearly delineated from the tower of the building by pre-cast concrete banding and a step-back on the south and west elevations. Generally, staff is satisfied with the design and configuration of the podium. However, the design has not been reviewed in detail, largely because the issue of massing has not been resolved. Typically, the applicant is responsible for providing 1:50 elevations of critical samples of elevations facing streets at grade. Currently, insufficient information related to exterior materials and finishes and the rhythm of the ground level has been submitted to accept the design of the podium as proposed.

Tower

The height of the proposal is 27-storeys (82.5 metres plus mechanical). The applicant states that the proposed height is consistent with the heights and massing of the buildings located in its immediate vicinity, specifically the buildings located to the east (The Crossways).

However, the Crossways is an anomaly within its surrounding context and is the exception in terms of building height, massing and relationship to street frontage. The complex consists of two 29-storey (81 metre) residential towers above a two-storey podium and has a total density of 4.95 times the area of the lot. It relates poorly to its surrounding context and representative of poorly executed development. With the drafting of Zoning By-law 438-86, enacted in 1986 and updated in 1993, lower maximum building heights were imposed in the area to prevent buildings similar to the Crossways. It is for this reason that staff are of the opinion that the Crossways cannot be used as a precedent for height at the subject site. It should be noted that the Crossways sit on a large site and has a significant lower density than what is proposed for the subject site (4.95 vs. 16.08).

As noted above, the *Avenue Study* defines the site as larger than the site that is proposed as part of the application. If the site was limited to what is proposed under this application, the standard height of 20 metres (6-storeys) would apply. It is staff's position that the proposal should comply with the standards and criteria established by the Bloor-Dundas *Avenue Study*.

Sun, Shadow, Wind

The Built Form policies of the Official Plan require that new development will be massed to fit harmoniously into its existing and/or planned context, and it will limit its impacts on neighbourhood streets, parks, open spaces and properties by adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, and minimizing any additional shadowing on neighbouring parks.

During the spring and fall equinoxes, a shadow is cast over the residential properties on the north side of Edna Avenue and between 9:18am and 1:18pm. Properties on Dorval

Road between Edna Avenue and Chelsea Avenue and the Chelsea Avenue Playground will be in shadow for approximately one hour between 9:18am and 10:18am.

Policy 4.5.2 of the Official Plan includes Development Criteria in *Mixed Use Areas* which states that development will locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes. Staff is of the opinion that the excess massing and height of the building does not adequately limit the shadow impacts on the properties located in the *Neighbourhood* to the north of the site.

A wind study prepared by F.H. Theakston Environmental Control Inc. was submitted by the applicant as part of the application. The objective of the study is to determine the areas of higher than normal wind velocities induced by the shape and orientation of the proposed building and surroundings. In order to obtain an objective analysis of the wind conditions for the property, the wind environment was tested in two configurations: the existing and proposed configurations of the building.

Approximately 32 different locations around the site were tested. The consultant's summary explained that with mitigation measures including landscape planting, not accounted for by the study undertaken, the resulting conditions would be "suitable for the intended use". The consultant did not describe where on the site a wind mitigating planting could be located. In the opinion of staff the site does not afford this opportunity.

Pages 34 to 41 of the wind study compare wind conditions for pedestrians on the street broadly described as being acceptable for "sitting", "standing", "walking", "uncomfortable" or "severe". These diagrams described winter conditions as worsening from acceptable for "walking" to "uncomfortable" at the north west corner of Bloor and Dundas for the full length of the subject site, the south west corner of Edna Avenue and Dundas and on the west side of Dundas Street at 2323 Dundas across from Bishop Marrocco Secondary School. Conditions degrade most during the winter months. In the Spring, conditions changed from comfortable for "walking" to "uncomfortable" on the north east corner of Bloor and Dundas and on the west side of Dundas Street between the Bloor / Dundas intersection and the entrance to the TTC. Conditions improved on Bloor Street west of the subject site at Bloor and Alhambra, and Bloor and Dorval. However, the massing tested by the wind study included a building along the north side of the property extending the width of 4 properties west of the current site.

It would be impossible to determine, without another wind study, whether these improvements would be preserved without this now eliminated "bar building" on the west portion of the site. During the summer months conditions generally deteriorated from being acceptable for standing to being acceptable for walking, but in the fall we again see improvements west of the subject site along Bloor Street. Again, staff cannot know whether these improvements would survive the alterations to the built form, but staff assume that there would still be a degrading of wind conditions as shown adjacent to the tower at the Bloor and Dundas intersection.

Traffic, Access, Parking and Loading

Pedestrian access to the residential units above is off Dundas Street West with access to the ground floor commercial units of Bloor Street West. Vehicle access to the residential parking garage is off the rear lane to the west of the site and service vehicles access is from Dundas Street West.

Parking

The proposal includes 100 resident parking spaces and 10 visitor parking spaces in a four-level parking garage. The zoning by-law requires a total of 154 resident parking spaces and 15 visitor parking spaces.

The site is well-served by public transportation facilities including the Dundas West TTC station and the Bloor GO Train station. Metrolinx has also identified this location as a future mobility hub and possible location for new transit routes. A reduction in the proposed parking requires appropriate analysis and justification and is subject to the review and approval by Technical Services staff.

Access

The Built Form section of the Official Plan includes a number of policies which are intended to direct the design and functioning of vehicular access to the site, including:

- new development will locate and organize vehicle parking, vehicle access, properties and improve the safety and attractiveness of adjacent streets, parks and open spaces by:
- using shared service areas where possible within development blocks including public and private lanes, driveways and service courts; and
- consolidating and minimizing the width of driveways and curb cuts across the public sidewalk; and
- providing underground parking where possible.

Vehicular access will be provided from the existing public lane which runs east/west and abuts the north/west corner of the site. Due to the limited width of the lane in some locations, a traffic control device should be required where two cars cannot safely pass each within the lane. “Type G” and “Type B” loading spaces internal to the building are provided from an access driveway from Dundas Street West. Technical Services has identified loading and access as outstanding issues to be resolved. Due to the limited width of the lane to the west of the site, staff is supportive of limited and controlled access from Dundas Street West for loading and service vehicles only. This access should be controlled by gates or signage to prevent residents from using this access and creating conflicts with peak hour pedestrian movements.

A supplemental report on traffic, access, parking and loading will be provided.

Servicing

A Functional Servicing Report and Stormwater Management Report and Grading Plan was submitted with the application and circulated to Technical Services for review.

Technical Services advised the applicant on April 28, 2008 that further revisions are required.

Toronto Green Standard

The Toronto Green Standard contains performance targets and guidelines that relate to site and building design to promote better environmental sustainability of development in Toronto. The Toronto Green Standard Checklist was submitted as part of the application package.

Section 37

Section 37 of the Planning Act allows the City to authorize increased density and/or height in return for the provision of services, facilities or matters. The Official Plan contains provisions authorizing these Section matters, provided the density and/or height increase are consistent with the objectives of the Official Plan regarding building form and physical environment. Section 5.1.1.4 of the Plan allows Section 37 to be used for development with more than 10,000 square metres of gross floor area where the zoning by-law amendment increases the permitted density by at least 1,500 square metres and/or significantly increases the permitted height.

Given the increase in proposed height, the Official Plan would require the provision of Section 37 matters. Discussions regarding Section 37 benefits between the applicant and the City did not occur as there was not an agreement on appropriate development for the site. However, as this matter has been appealed to the OMB, the City Solicitor would need to address Section matters in the event the OMB approved development on this site. This report therefore recommends that the City Solicitor secure such services, facilities or matters including the replacement of rental housing pursuant to Section 37 of the Planning Act, as may be required by the Chief Planner if a development is approved for the site.

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 to 0.42 hectares of local parkland per 1,000 people. The site is located in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Parkland Dedication By-law 1420-2007.

The application proposes 254 residential units on a site of 0.1937 hectares (1,937 square metres.) At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.3386 hectares (3,386.6 square metres). However, a cap of 10% applies and hence the parkland dedication for the residential component of the development would be 0.01937 hectares (193.7 square metres.)

The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site parkland dedication requirement of 0.01937

hectares (193.7 square metres) would not be of a useable size and the site would be encumbered with below grade parking.

The actual amount of cash-in-lieu to be paid would be determined at the time of issuance of the building permit if an approval of the project is granted.

Tenure

All units are proposed to be part of a condominium corporation. An application for draft plan of condominium approval will be required.

Development Charges

It is estimated that the development charges for this project if approved would be \$1,709,446.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit if an approval of the project is granted.

Conclusion

The site is located within close proximity to transit, retail, service and entertainment facilities and to places of employment. The *Avenue* and *Mixed Use Areas* designation speak to the intensification and reurbanization of this site in a manner that is consistent with its existing and planned context. The Bloor-Dundas *Avenue* Study identifies the site as an Opportunity Site and allocates additional height and density, provided it is assembled with other sites, in recognition to its prominent location and proximity to public transportation facilities.

City Planning staff are supportive of the redevelopment of the site but only in a manner that is respectful of the existing and evolving context. Staff have evaluated the applicant's Avenue Segment Study and completed an Avenue Study of the same area to determine the appropriate building form for this area. Staff's conclusion is that on a larger site at the same location, a 15-storey building is supportable and represents significant intensification and reurbanization and the protection of the existing neighbourhood and planned contexts.

Staff do not support the proposed 27-storey building at this location as it does not meet the City's built form and housing policies and is not consistent with the findings of the Bloor Dundas *Avenue* study. The proposal does not adequately respect and relate to its existing context. The height and massing of the tower portion of the building does not fit harmoniously into the existing and planned context and creates excessive shadows on the *Neighbourhood* to the north of the site. The proposed height and density would, if approved, create a negative precedent and generate certain negative impacts on adjacent properties. In addition, the redevelopment of the site absent a strategy for the replacement of the nine existing residential rental units is not consistent with the housing policies contained within the Official Plan. It is for these reasons that staff recommend that the application be refused in its current form and that staff be directed to attend the OMB hearing in defence of this position.

This report also recommends that any redevelopment of the site should comply with the new Bloor-Dundas *Avenue* by-law and be conditional upon: securing Section 37 matters, satisfaction of the replacement rental housing policies, and appropriate site plan conditions.

CONTACT

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SIGNATURE

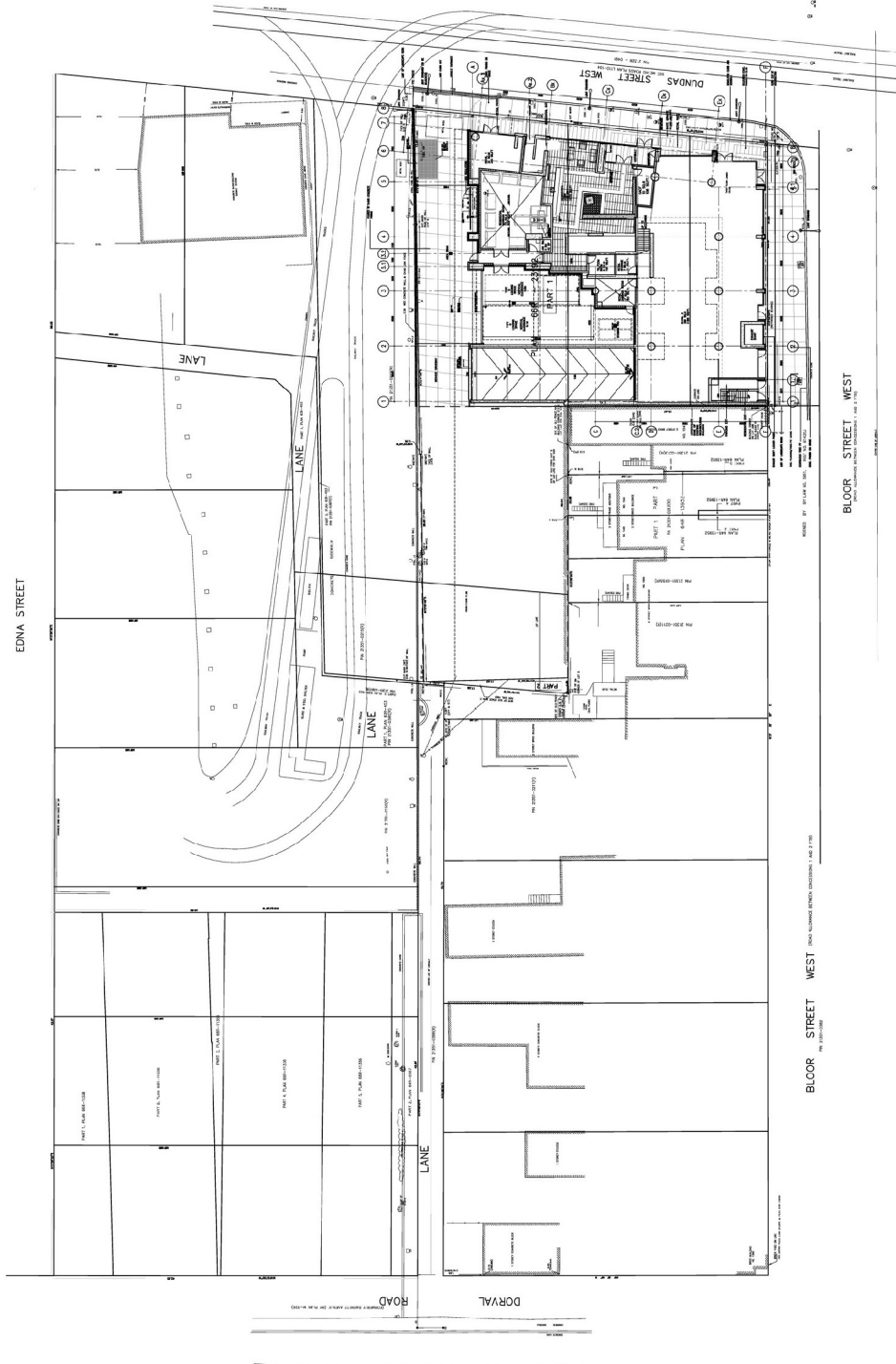
Raymond David, Director
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: North Elevation
Attachment 3: South Elevation
Attachment 4: East Elevation
Attachment 5: West Elevation
Attachment 6: Zoning
Attachment 7: Application Data Sheet

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

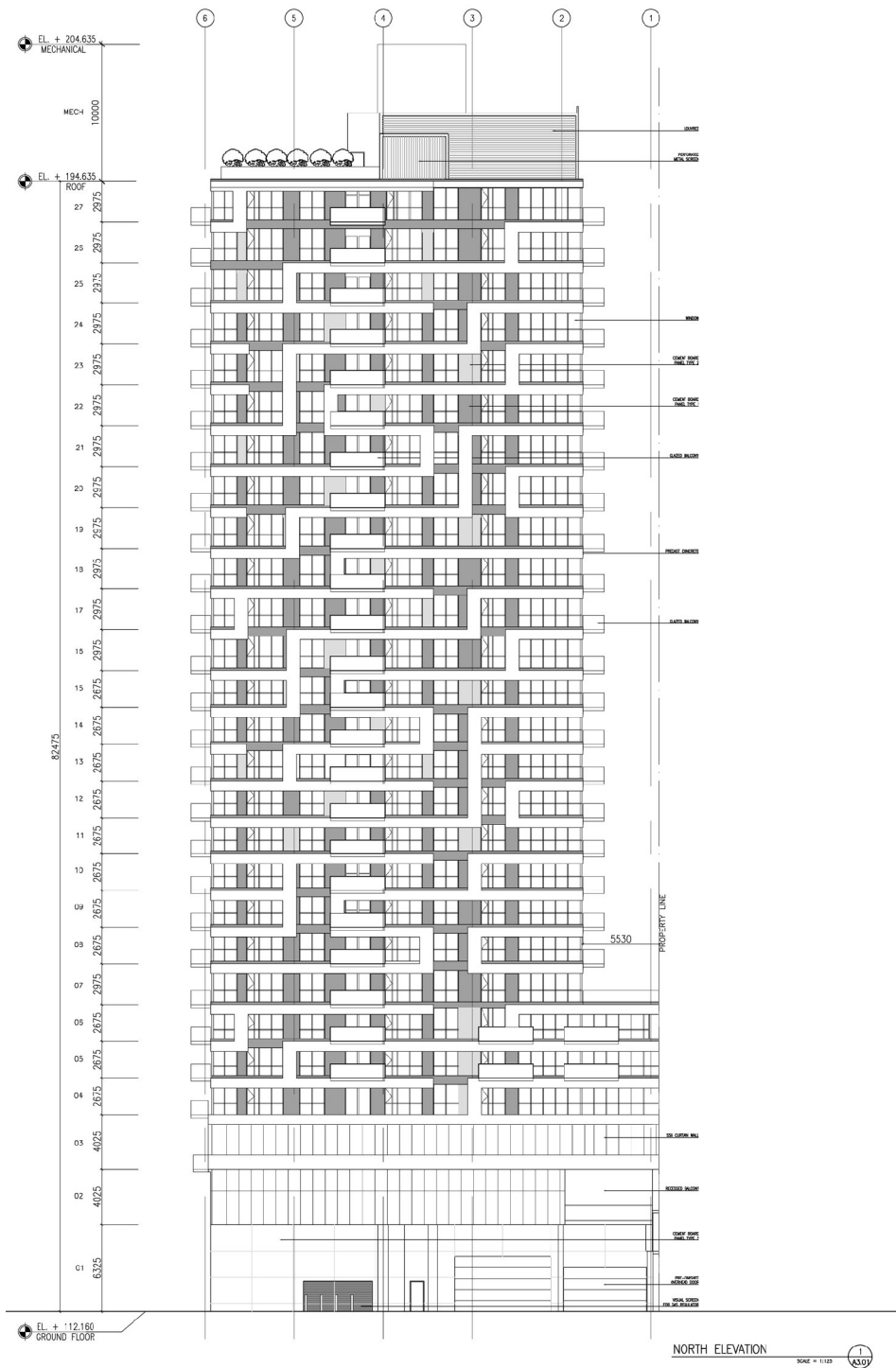
Not to Scale
09/08/09



1540 Bloor Street West

File # 07_2338234

Attachment 2: North Elevation



1540 Bloor Street West

North Elevation
Applicant's Submitted Drawing

File # 07_2338234

Not to Scale
09/08/09

Attachment 3: South Elevation



1540 Bloor Street West

South Elevation

Applicant's Submitted Drawing

Not to Scale
09/08/09

File # 07_2338234

Attachment 4: East Elevation



1540 Bloor Street West

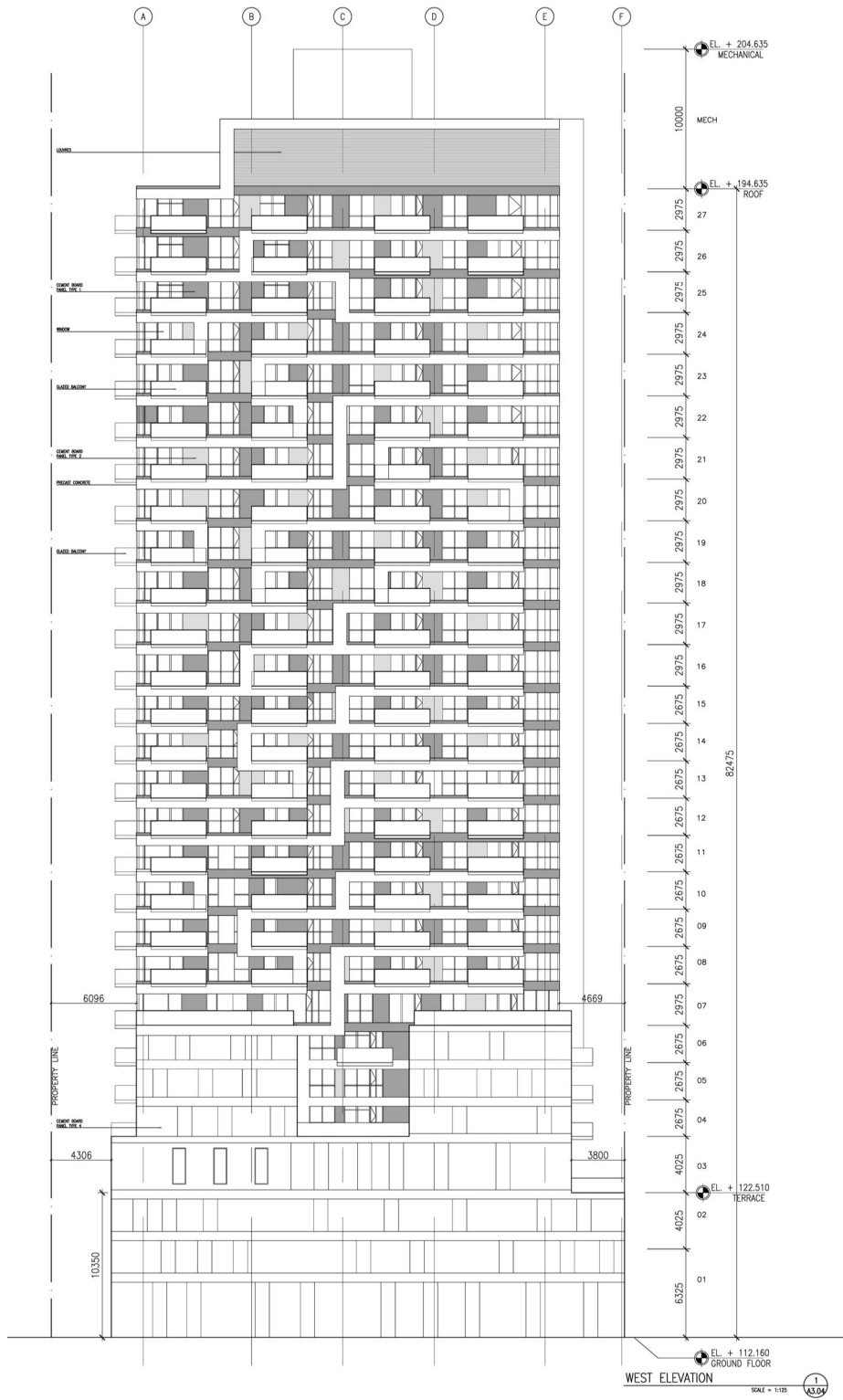
East Elevation

Applicant's Submitted Drawing

Not to Scale
09/09/09

File # 07_2338234

Attachment 5: West Elevation



1540 Bloor Street West

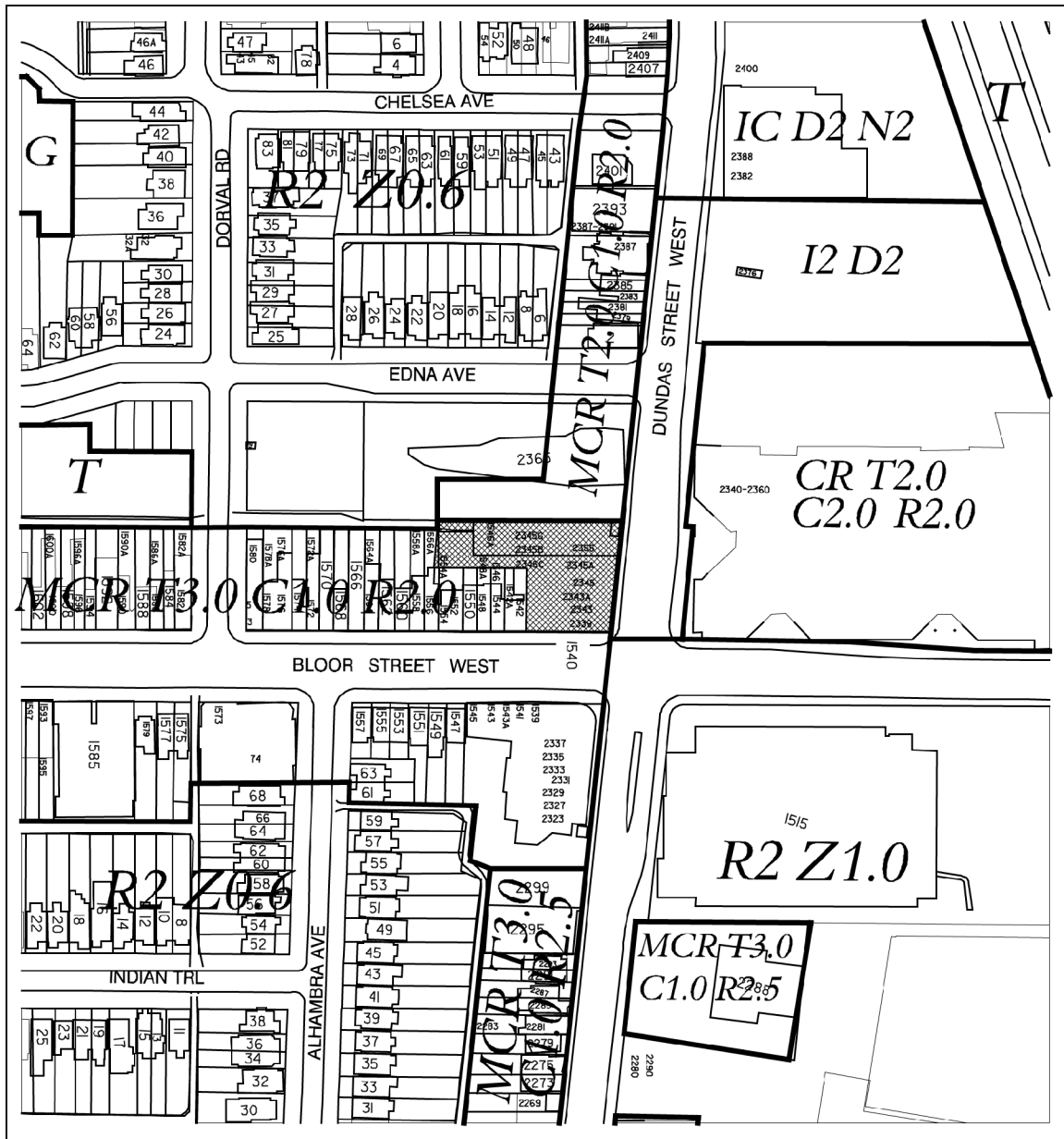
West Elevation

Applicant's Submitted Drawing

Not to Scale
09/08/09

File # 07_2338234

Attachment 6: Zoning



TORONTO City Planning
Zoning

1540 Bloor Street West

File # 07_238234

G	Parks District	I2	Industrial District
R2	Residential District	IC	Industrial District
CR	Mixed-Use District	T	Industrial District
MCR	Mixed-Use District		



Not to Scale
Zoning By-law 438-86 as amended
Extracted 09/08/09 - NRS

Attachment 7: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	07 238234 STE 14 OZ
Details	Rezoning, Standard	Application Date:	June 29, 2007
Municipal Address:		1540 BLOOR ST W	
Location Description:		PL 946 LTS 1 & 2 PL 417 PT LTS 1, 18 & 19 **GRID S1401	
Project Description:		Proposal for a 27-storey (82.5 metres plus 10.0 metres for mechanical) residential building with retail at grade with a total gross floor area of 21,949.19 square metres and total of 254 residential units.	
Applicant:	Agent:	Architect:	Owner:
SHERMAN BROWN DRYER KAROL		TEEPLE ARCHITECTS	A & G MERCOURIS INC

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	MCR T3.0 C1.0 R2.0	Historical Status:	N
Height Limit (m):	16	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1365.3	Height:	Storeys:	27
Frontage (m):	31.02		Metres:	82.5
Depth (m):	41.77			
Total Ground Floor Area (sq. m):	773.11			Total
Total Residential GFA (sq. m):	20735.71		Parking Spaces:	137
Total Non-Residential GFA (sq. m):	1213.48		Loading Docks	2
Total GFA (sq. m):	21949.19			
Lot Coverage Ratio (%):	56.6			
Floor Space Index:	16.08			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	20735.71	0
Bachelor:	21	Retail GFA (sq. m):	1213.48	0
1 Bedroom:	125	Office GFA (sq. m):	0	0
2 Bedroom:	106	Industrial GFA (sq. m):	0	0
3 + Bedroom:	2	Institutional/Other GFA (sq. m):	0	0
Total Units:	254			

CONTACT:	PLANNER NAME:	Christopher Dunn, Community Planner
	TELEPHONE:	(416) 397-4077