

**1990 Bloor Street West and 26 Parkview Gardens -
Zoning By-law Amendment Application - Request for
Direction Report**

Date:	March 20, 2013
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 13 – Parkdale-High Park
Reference Number:	12 144955 WET 13 OZ

SUMMARY

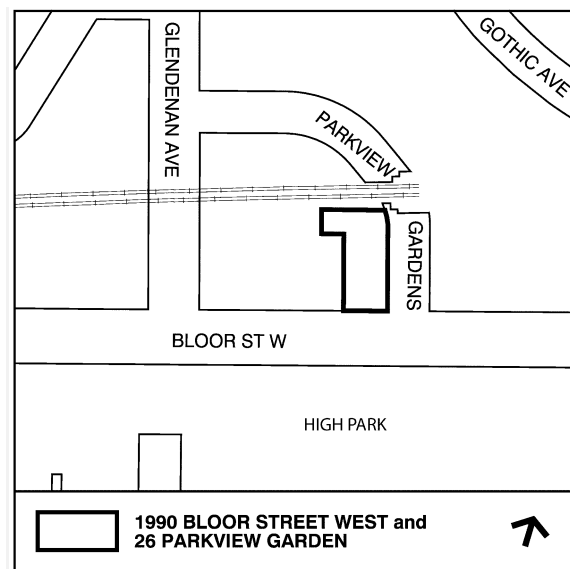
A Preliminary Report outlining this application was presented to the Etobicoke York Community Council on June 13, 2012. The Preliminary Report can be viewed at the following link:

<http://www.toronto.ca/legdocs/mmis/2012/ey/bgrd/backgroundfile-47658.pdf>

The application has not been formally revised since the initial submission.

On September 26, 2012, the solicitors representing the owner of the lands municipally known as 1990 Bloor Street West and 26 Parkview Gardens, appealed the subject Zoning By-law Amendment application to the Ontario Municipal Board (OMB), citing Council's failure to make a decision within the time prescribed by the *Planning Act*. A Pre-Hearing Conference is scheduled for May 28, 2013, at which time a hearing date will be scheduled.

The application proposes a 12 storey mixed use building, containing 131 residential dwelling units, of which 24 replacement rental units are included, as well as 359 m² of at-grade commercial space.



The applicant has also submitted an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition of the existing rental units.

The purpose of this report is to seek City Council's direction for the City Solicitor to oppose the applicant's proposal at the OMB.

It is staff's opinion the proposal represents an over-development of the site. The proposed building does not provide adequate transition to its surroundings, resulting in shadow impacts on *Neighbourhoods* designated properties, the Parkview Gardens Parkette to the north and the Parkview Gardens public realm. Further, the proposed building height, mass and density are not in keeping with the existing or planned context for this segment of Bloor Street West, nor recently approved developments in the surrounding area.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff, to oppose the applicant's appeal respecting the Zoning By-law Amendment application for 1990 Bloor Street West and 26 Parkview Gardens, and retain such experts as the City Solicitor may determine are needed in support of the position recommended in this report.
2. Staff advise the Ontario Municipal Board of City Council's position that any redevelopment of the lands must also include the full replacement of the 24 existing rental dwelling units and a Tenant Relocation and Assistance Plan, including the right of tenants to return to the new rental units in accordance with the Official Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
3. In the event the Ontario Municipal Board allows the appeal in whole or in part, City Council direct staff to request that the Board withhold any order to approve a Zoning By-law for the subject lands until such time as the City and the owner have presented to the Board a draft by-law that provides for securing the rental housing matters as outlined in Recommendation 2 above, and a Section 37 Agreement has been executed.
4. In the event the Ontario Municipal Board allows the appeal in whole or in part, City Council direct the City Solicitor to request that a Section 37 community benefit contribution in the amount of \$450,000 be made to provide for capital improvements to day nurseries in Ward 13, Parkview Gardens Parkette and local parks in the area and streetscape improvements in the area, such benefits to be included in a draft by-law and an executed Section 37 Agreement.

Financial Impact

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

DECISION HISTORY

On October 30, 31 and November 1, 2012, City Council approved a Member Motion made by the Ward 13 Councillor (MM27.5), which states:

"City Council request the Chief Planner and Executive Director, City Planning to undertake an Avenue Study along Bloor Street West between Runnymede Road and Keele Street."

This segment of Bloor Street West has experienced recent development activity and the proposed development is within this area. The Ontario Municipal Board recently approved a 14 storey mixed use development at 1844 Bloor Street West, which is located approximately 500 m to the east of the subject site. Although the 1844 Bloor Street West proposal was 14 storeys in height, the building was sculpted to reduce its massing, resulting in building elements having heights of 8 to 14 storeys. The site's width and depth warranted consideration for additional building height in the rear centred portion of the lot, with appropriate building step backs from Bloor Street West and both the west and east sides.

Another application for a 10 storey mixed-use building at 2114-2130 Bloor Street West that is approximately 250 m west of the subject site is currently under review.

ISSUE BACKGROUND

Proposal

The proposed development consists of a 12 storey (38.9 m in height plus a 5 m mechanical penthouse) mixed-use building containing 131 residential units and approximately 359 m² of at-grade commercial space.

The proposed building would provide minimal setbacks of approximately 20 cm from the Bloor Street West and Parkview Gardens lot lines, 14 cm from the rear lot line abutting the TTC corridor, 24 cm from the west side lot line adjacent to the 2000 Bloor Street West building and 15 cm from the west side lot behind a portion of the building at 2000 Bloor Street West.

The proposed building would step back 1.5 m from Bloor Street West at the 7th floor, followed by a 1.8 m and a 2.1 m step back at the 9th and 11th floors, respectively. Step backs of 1.8 m are also proposed for the same floors on the east elevation, fronting Parkview Gardens. The north elevation abutting the TTC subway corridor (see Attachment 1 – Site Plan and Attachment 2 - Elevations), proposes a 1.8 m step back at the 9th floor and another 1.8 m step back at the 11th floor. The west elevation (next to 2000 Bloor Street West) would provide for a recessed amenity area of 53.2 m² at the second floor.

Vehicular access to underground parking and the loading area is proposed to be located on the east side of the building, via Parkview Gardens. A total of 67 below-grade parking spaces and 176 bicycle spaces are proposed for the development (see Attachment 4 – Application Data Sheet).

The proposed development would contain 131 residential dwelling units, of which 24 dwelling units are proposed to be rental replacement units. The proposed unit mix is 4 three-bedroom units, 34 two-bedroom units, 79 one-bedroom units (20 being rental units), and 14 bachelor units (4 being rental units). The rental replacement units would be located on the second to sixth floors and range in size from 36 m² to 49 m². The Floor Space Index for the proposal is approximately 8.5 times the area of the lot.

Site and Surrounding Area

The lands consist of two properties. The property at 26 Parkview Gardens is occupied by a professional office use in a house-form building and 1990 Bloor Street West is occupied with a three-storey 24 unit rental apartment building, which is subject to Section 111 of the *City of Toronto Act, 2006*, related to rental housing demolition and replacement.

The lands are generally flat in the immediate area, with a slight decrease in grade from east to west along Bloor Street West. The grades increase in elevation towards Gothic Avenue to the northeast from both Bloor Street West and Parkview Gardens.

The lands have a frontage of approximately 22 m on Bloor Street West, 49 m of lot depth and an area of 1,198 m². The 26 Parkview Gardens lands extend westerly approximately 11.5 m behind part of the abutting property to the west, being 2000 Bloor Street West (see Attachment 1 – Site Plan).

Land uses surrounding the subject site are as follows:

North: the Bloor-Danforth TTC subway tracks (at-grade), with an entrance to the High Park subway station and a pedestrian connection to the residential neighbourhood to the north, which is comprised of 2 and 3 storey dwellings, and the Parkview Gardens Parkette.

West: a 4 storey apartment building at 2000 Bloor Street West followed by a 3 storey apartment building at Clendenan Avenue. West of Clendenan Avenue is a 6 to 8 storey residential apartment building (The Grenadier).

South: High Park across Bloor Street West.

East: fronting Bloor Street West are 2 storey mixed-use buildings followed by 3 storey townhouses. On the east side of Parkview Gardens is the rear side of an 8 storey apartment building at 20 Gothic Avenue, which has the appearance of an additional three floors on Parkview Gardens due to the underground parking

structure that is visible at the building's west elevation, due to the difference in grade from Gothic Avenue and Parkview Gardens.

Provincial Policy Statement and Provincial Plans

Section 2 of the *Planning Act* sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities under the *Planning Act*, such as:

- a) the orderly development of safe and healthy communities;
- b) the adequate provision of a full range of housing;
- c) the protection of the financial and economic well-being of the Province and its municipalities;
- d) the resolution of planning conflicts involving public and private interests;
- e) the protection of public health and safety;
- f) the appropriate location of growth and development; and
- g) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians.

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. Key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety.

Policies of the PPS give specific direction to municipalities on a variety of issues including the provision of an appropriate range of housing types and densities to meet projected requirements of current and future residents. Land use 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 to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The lands are located within an *Avenues* area on Map 2 - Urban Structure and are designated *Apartment Neighbourhoods* on Map 17 - Land Use Plan. *Avenues* are important corridors along major streets where reurbanization is anticipated and encouraged to accommodate growth, while improving the pedestrian environment, streetscape and transit service for the community. Development within the *Avenues* should have appropriate massing, scale and organization of buildings and provide streetscape improvements while implementing transit-supportive measures that restrict auto-oriented retailing and services.

Official Plan Policy 2.2.3.3(a) applies to the development lands. The policy states that "development may be permitted on the *Avenues* prior to an Avenue Study and will be considered on the basis of all of the policies of this Plan. Development on the *Avenues* prior to an Avenue Study will implement the policies of the Plan for the relevant designation area(s)." In this instance, the designation of the lands is *Apartment Neighbourhoods* and the relevant policies of this designation are Policy 4.2.1, which sets out the land uses that are provided for in *Apartment Neighbourhoods* and Policy 4.2.2 which sets out criteria to evaluate development in *Apartment Neighbourhoods*.

At present, there is no *Avenue* Study for this segment of Bloor Street West. As such, this mixed use proposal is to be evaluated using the *Avenues* criteria, outlined in Official Plan Policies 2.2.3.3 (b) and (c).

Policies 2.2.3.3 (b) and (c) require the proposal to address the larger context for the area and examine the implications for the related segment of the Avenue where the lands are located. The assessment must demonstrate that impacts of incremental development at a similar scale and intensity along the Avenue Segment will not adversely impact any adjacent *Neighbourhoods* or *Apartment Neighbourhoods*. An Avenue Segment Study has been submitted in support of this application and an evaluation of the study is outlined later in this report.

Further, the proposal must demonstrate that the sustainable development, design, transit, accessibility, physical and community services objectives cited in Policy 2.2.3.3 (c) are satisfied.

Official Plan policies in Section 2.3.1 "Healthy Neighbourhoods" are also applicable. These policies require new developments in *Apartment Neighbourhoods* to respect and reinforce the physical character of buildings, streetscapes and open space patterns. They also provide guidance for developments in close proximity to *Neighbourhoods*, in order to carefully control intensification and protect these areas from negative impacts.

As well, Chapter Three – Building a Successful City, identifies that most of the City's future development will be infill and redevelopment, which must respect and reinforce the character of the surrounding area. Section 3.1.2 "Built Form" provides policies that are aimed at ensuring that new development fits within and supports its surrounding context. Policies 3.1.2.1 to 3.1.2.4 seek to ensure that development is located, organized and massed to fit harmoniously with existing and/or planned context; frames and appropriately defines streets, parks and open spaces at good proportion; and limits impacts of servicing and vehicular access on the property and neighbouring properties.

Section 3.2.1 of the Official Plan includes housing policies that encourage the provision of a full range of housing in terms of form, tenure and affordability. It also requires the protection of rental housing units. Policy 3.2.1.6 directs that new development resulting in the loss of six or more rental housing units will not be approved unless certain measures and objectives as outlined in the policy are satisfied.

The proposed development is in close proximity to the Parkview Gardens Parkette. As such Parks and Open Spaces Policy 3.2.3.3 is applicable. This policy states:

"The effects of development from adjacent properties, including additional shadows, noise, traffic and wind on parks and open spaces will be minimized as necessary to preserve their utility."

Mid-Rise Buildings Guidelines

City Council on July 6, 7 and 8, 2010, adopted the recommendations of the Avenues and Mid-Rise Buildings Study and Action Plan, which can be viewed at the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.PG39.9> .

The study developed performance standards to guide the development of well designed mid-rise buildings on the *Avenues* that minimize potential adverse impacts related to light, views and privacy, while promoting an appropriate scale, mass and transition of built form. These performance standards were used to evaluate the proposal.

The Guidelines also provide a tool to assist in the assessment of transition from the site, which is designated *Apartment Neighbourhoods*, to the *Neighbourhoods* and *Parks* designated lands to the north.

Zoning

Zoning By-law 438-86 for the former City of Toronto zones the property at 1990 Bloor Street West "R4 Z2.0 H23", and the 26 Parkview Gardens property "R2 Z0.6 H10.0". These residential zone categories permit a variety of residential building types including: a detached house, semi-detached house, row house, duplex, and an apartment building. A maximum density of 2 times the lot area and a maximum building height of 23 m is permitted on the 1990 Bloor Street West property and a maximum density of 0.6 times the lot area and a maximum height of 10 m is permitted on the 26 Parkview Gardens property (see Attachment 3 – Zoning).

Site Plan Control

The proposed development is subject to Site Plan Control approval. A Site Plan application was submitted, but has not been appealed. It remains under review.

Rental Housing Demolition and Conversion By-law

The Rental Housing Demolition and Conversion By-law (885-2007), established Chapter 667 of the City's Municipal Code. It is one of the tools which implement the City's Official Plan policies protecting rental housing. The By-law prohibits demolition or conversion of rental housing units without obtaining a permit from the City issued under Section 111 of the *City of Toronto Act, 2006*.

Proposals in which six or more rental housing units will be affected require a decision by City Council. Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. Council approval

of demolition under Section 33 of the *Planning Act* may also be required where six or more residential units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the *Building Code Act*.

Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion, City Council typically decides on both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council under By-law 885-2007 may not be appealed to the OMB. The applicant has submitted an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition of the existing rental units. The application remains under review.

COMMENTS

Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe

The proposal is generally consistent with the Provincial Policy Statement (PPS), which is a comprehensive, integrated and long-term policy approach to planning, that recognizes linkages among policy areas. PPS Policy 4.5 recognizes the Official Plan as the most important vehicle for implementing the Provincial Policy Statement.

The proposed development is located in an *Avenues* area, which is identified as an appropriate location to direct intensification and accommodate redevelopment. However, the proposed height, scale and density of the proposal is not appropriate, within the existing and planned context for this segment of Bloor Street West. Further, the proposed building height, density and mass, are not appropriate for the subject lands given their size and configuration, as well as their proximity to the public open space and *Neighbourhoods* designated properties to the north, on the other side of the transit corridor.

Policy 1.1.3.4 of the PPS refers to appropriate development standards which facilitate intensification, redevelopment and compact form, while maintaining appropriate levels of public health and safety. This report provides an evaluation of the proposed development, which concludes that the proposal represents an over development of the lands, and is not an appropriate height, scale and density for the lands.

Growth Plan for the Greater Golden Horseshoe

The proposed development is generally consistent with the Growth Plan for the Greater Golden Horseshoe. The lands are located on an *Intensification Corridor* and thus an *Intensification Area*, in very close proximity to a *Major Transit Station Area*, in which intensification is promoted through the efficient use of land and existing infrastructure, as well as transit. However, Policy 7 (f) recognizes that *Intensification Areas* should be planned and designed to achieve an appropriate transition of built form to adjacent areas. The proposed development does not appropriately achieve this transition, as it relates to Official Plan policies outlined in the next section of this report.

Official Plan

As previously noted in this report, the lands are designated *Apartment Neighbourhoods* and the Official Plan criteria to evaluate development in this designation is set out in Policy 4.2.2, which requires that:

Development in *Apartment Neighbourhoods* will contribute to the quality of life by:

- a) locating and massing 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 setbacks from, and/or a stepping down of heights towards, lower-scale Neighbourhoods.

The proposed development does not provide an appropriate transition. With the exception of recessed entries and building access areas, the ground floor proposes building setbacks of 15 cm to 24 cm from lot lines. The proposed building step backs do not adequately sculpt the bulk or mass of the building to achieve the objectives of the Plan.

- b) locating and massing new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*, particularly during the spring and fall equinoxes.

The proposed building would have a setback of approximately 14 cm from the rear lot line up to the 9th floor (26 m above grade), where a step back of 1.8 m is proposed, with another 1.8 m set back at the 11th floor. The proposed building mass in close proximity to the rear lot line would not serve to adequately limit shadows cast to the north onto *Neighbourhoods* properties and the Parkview Gardens Parkette. This is further discussed in the Shadow Analysis later in this report.

- d) including sufficient off-street motor vehicle and bicycle parking for residents and visitors.

Transportation Services staff are of the opinion that the proposed number of off-street motor vehicle parking spaces is insufficient. Parking ratios for comparable new apartment building developments in close proximity to public transit are typically higher than is being proposed by this development.

- e) locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences.

The development includes a double-vehicle elevator entrance from Parkview Gardens that would provide access to a three-level underground parking garage. A hydraulically-operated system is proposed that has a much longer operating time and reduced capacity than a standard free flow garage ramp. The Traffic Impact and Parking Study submitted in support of the application does not provide any information regarding the processing time and queuing analysis associated with this type of garage access system.

Transportation Services staff are of the opinion that the vehicle traffic generated by this 131-unit residential building can be expected to create unacceptable vehicle queuing and spill-back onto Parkview Gardens and Bloor Street West during peak demand periods.

- f) providing indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

By-law 438-86 cites the requirements for both indoor and outdoor amenity areas at a minimum rate of 2 m² per dwelling unit for each type of amenity. The proposed indoor amenity area is 223 m², whereas 262 m² would be required, and 53 m² of outdoor amenity is proposed, whereas 262 m² would be required. It is staff's opinion that the proposed amount of both indoor and outdoor amenity area is insufficient to meet the needs of future residents.

Official Plan policies in Section 2.3.1 "Healthy Neighbourhoods" are also applicable in this instance. The relevant policies are as follows:

1. *Neighbourhoods* and *Apartment Neighbourhoods* are considered to be physically stable areas. Development within *Neighbourhoods* and *Apartment Neighbourhoods* will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas.

The proposed development does not respect or reinforce the existing or planned physical character, streetscape and open space character of the area. The proposed building setbacks are not consistent with those established in the area, while the height, mass and bulk of the proposal is in excess of the planned context as provided for in the Mid-Rise Performance Standards. Staff are of the opinion that the development site is not large enough to accommodate the proposed building height, bulk and mass.

2. Developments in *Mixed Use Areas*, *Regeneration Areas* and *Apartment Neighbourhoods* that are adjacent or close to *Neighbourhoods* will:

- a) be compatible with those *Neighbourhoods*.

A mixed use building that is appropriately massed to protect *Neighbourhoods* would be compatible. However, the proposed building would not adequately limit shadows being cast onto *Neighbourhoods* properties, Parkview Gardens Parkette and the Parkview Gardens public realm.

- b) provide a gradual transition of scale and density, as necessary to achieve the objectives of this Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*.

The proposed rear yard setback of approximately 14 cm for up to the 9th floor and the two 1.8 m step backs do not provide an adequate and appropriate transition of scale or density to the *Neighbourhoods* area to the north.

- c) maintain adequate light and privacy for residents in those *Neighbourhoods*.

The proposed building does not adequately limit shadows onto the neighbourhood park.

3. Intensification of land adjacent to neighbourhoods will be carefully controlled so that neighbourhoods are protected from negative impact. Where significant intensification of land adjacent to a *Neighbourhood* or *Apartment Neighbourhood* is proposed, Council will determine, at the earliest point in the process, whether or not a Secondary Plan, area specific zoning by-law or area specific policy will be created in consultation with the local community following an Avenue Study, or area based study.

As noted previously, City Council has requested that an Avenue Study be undertaken along Bloor Street West between Runnymede Road and Keele Street. Although this request does not affect this application, City Council's decision demonstrates the need to appropriately address and plan for the intensification pressures in this area.

The evaluation of the proposed development in relation to the Built Form policies in Section 3.1.2 of the Plan is as follows:

1. New development will be located and organized to fit with its existing and/or planned context. It will frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces from the development by:
 - a) generally locating buildings parallel to the street or along the edge of a park or open space with a consistent front yard setback. On a corner site, the development should be located along both adjacent street frontages and give prominence to the corner. If located at a site that ends a street corridor, development should acknowledge the prominence of that site.

The proposed building is not consistent with front yard setbacks on Bloor Street West. There are limited opportunities to provide an appropriate proportion to the public realm that reinforces and transitions with the existing and planned context this area at the corner of Parkview Gardens and Bloor Street West.

2. New development will locate and organize vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces by:

- b) consolidating and minimizing the width of driveways and curb cuts across the public sidewalk:

Vehicular and service access is proposed from two locations on Parkview Gardens. A singular access point on Parkview Gardens could serve service areas and access to parking in the rear of the building (north elevation), minimizing curb cuts and vehicular traffic over a wider portion of the Parkview Gardens sidewalk.

- 3. New development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by:

- a) massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion.

The building mass does not frame the adjacent streets in a manner that respects the existing or planned context. The proposed building setbacks, building height and proposed step backs result in excess building mass in proportion to the streets. The planned context for the Avenue is guided by the Council adopted Mid-Rise Performance Standards. The proposal exceeds many of these standards.

- c) creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan.

The proposed development would not have an appropriate relationship or transition to abutting building at 2000 Bloor Street West.

- d) providing for adequate light and privacy.

The proposed development does not provide an adequate side yard setback from the abutting property to the west, which has existing windows facing the mutual side lot line. Further, an outdoor amenity area is proposed on the second floor in close proximity to a number of these existing windows.

- e) adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas.

The proposal does not adequately limit shadowing on neighbouring streets, properties and open spaces.

- f) minimizing any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

The proposal does not minimize additional shadows onto Parkview Gardens Parkette.

4. New development will be massed to define the edges of streets, parks and open spaces at good proportion. Taller buildings will be located to ensure adequate access to sky view for the proposed and future use of these areas.

The proposed building mass does not represent an appropriate deployment or good proportion of the mass and would not adequately limit shadows on Parkview Gardens or Parkview Gardens Parkette.

5. New development will provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians by providing:
 - b) co-ordinated landscape improvements in setbacks to create attractive transitions from the private to public realms.

As a result of the proposed building setbacks, landscape improvements are proposed to be implemented almost entirely within the City's rights-of-way. There is little opportunity for transition to the private realm due to the proposed building coverage.

- c) weather protection such as canopies, and awnings.

No weather protection elements are proposed due to the proposed minimal building setbacks. At-grade entrances are proposed to be recessed into the building.

- d) landscaped open space within the development site.

There is virtually no opportunity for at-grade landscaped open space on the site as a result of the proposed minimal building setbacks.

6. Every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents of the new development. Each resident of such development will have access to outdoor amenity spaces such as balconies, terraces, courtyards, rooftop gardens and other types of outdoor spaces.

The proposal does not provide adequate indoor amenity area for the future residents as required by the Zoning By-law, which has been achieved and accommodated by other new developments in the area.

Official Plan policies related to Parks and Open Spaces, specifically Policy 3.2.3.3 states that "The effects of development from adjacent properties, including additional shadows, noise, traffic and wind on parks and open spaces will be minimized as necessary to preserve their utility." The proposed development generates a significant amount of additional shadows onto the Parkview Gardens Parkette, through much of the morning to early afternoon, adversely impacting its enjoyment.

Avenue Segment Study/ Mid-Rise Performance Standards

The applicant has submitted an Avenue Segment Study in accordance with Official Plan policies. In reviewing the Segment Study it is evident that redevelopment of the soft sites in the study area at a similar form, scale and intensity as the current proposal would result in adverse impacts on adjacent *Neighbourhoods*, streets, parks and open spaces.

The proposed scale of development, including the height and massing, would not contribute to an attractive, safe and comfortable pedestrian environment along this segment of Bloor Street West nor would it provide for a gradual transition of scale and density to adjacent *Neighbourhoods*.

Developing the soft sites with the height and mass of the current proposal would not maintain adequate light and privacy for residents in the adjacent *Neighbourhoods* and would not limit the adverse impact of shadowing on neighbourhood streets, parks and open spaces. The proposed scale of development would not respect the existing or the planned street proportion and may result in shadowing and uncomfortable wind conditions, particularly where pedestrians are likely to spend some time, such as the entrance to the High Park subway station.

The proposals illustrated for the subject site and for the soft sites along this segment of the Avenue do not incorporate the Performance Standards that are included in the Avenues and Mid-Rise Buildings Study. The building envelopes developed through the study would ensure that appropriately scaled development would be provided along this segment of Bloor Street West that would not negatively impact the pedestrian environment of the Avenue and would not negatively impact the adjacent residential *Neighbourhoods*.

Rental Housing Demolition and Replacement

The owner's proposal involves the demolition of the existing rental building with 24 rental units, consisting of 6 bachelor and 18 one-bedroom apartments, and the full replacement of all 24 rental units within the proposed building. The proponent has proposed a Tenant Relocation and Assistance Plan for the affected tenants that includes the right to return to the replacement units, and financial assistance at the time of move-out for the demolition

The owner also submitted an application under Municipal Code Chapter 667 for a Section 111 permit (pursuant to the *City of Toronto Act*) for the demolition of the rental building. If redevelopment is approved, then it will be necessary for Planning staff to finalize the terms of the replacement rental housing and all related facilities, as well as tenant assistance. Recommendations 2 and 3 of this report will serve to ensure these matters are secured, should the Ontario Municipal Board approve the proposed development in full or in part.

These terms, and a recommendation on the Section 111 demolition permit must be brought forward to City Council if the Zoning By-law Amendment application is approved.

Shadow Analysis

The Official Plan outlines policies related to the limitation of shadows generated by new developments. Shadows can affect the thermal comfort (enjoyment) of the exterior environment. In the case of a park, shadows affect passive park use. Shadows are reflective of the size and shape of building height, step backs and setbacks as well as the time of year and angle of the sun.

The shadow study submitted with the application illustrates the anticipated extent and duration of shadows cast by the proposed development. The illustrations demonstrate the proposed development would have unacceptable shadow impacts on the Parkview Gardens Parkette and on the Parkview Gardens public realm.

The study illustrates March 21/September 21 as following:

- 9:18 a.m.: the shadow would extend to the west side of Clendenan Avenue and some front yards of *Neighbourhoods* properties; to the rear yards of the *Neighbourhoods* properties fronting onto the west side Clendenan Avenue and the south side of Parkview Gardens; and to approximately two thirds the Parkview Gardens Parkette.
- 10:18 a.m.: more of the parkette would be in shadow (except the northeast corner); as would the rear yards of the *Neighbourhoods* properties fronting the south side of Parkview Gardens.
- 11:18 a.m.: almost all of the parkette would be in shadow.
- 12:18 p.m.: approximately half the parkette would be in shadow.

By 3:18 p.m., only a portion in the southwest corner of the parkette would still be in shadow. However, the Parkview Gardens right-of-way would experience shadows over approximately 75% of the public street, with the shadows covering more as the afternoon continues.

The shadow study illustrates an increase in shadowing that would have an unacceptable effect on the enjoyment and use of the Parkview Gardens Parkette and the Parkview Gardens public street, south of the High Park subway entrance.

Mid-Rise Performance Standards, Massing and Design

As noted earlier, the performance standards in the Mid-Rise Guidelines encourage intensification on *Avenues* that minimizes potential adverse impacts related to light, views and privacy, while promoting an appropriate scale, mass and transition of built form. The proposed development does not comply with many of the standards, including the maximum allowable height, which should be no taller than the width of the *Avenues* right-of-way (27 m), the height and angular plane requirements for corner sites, setbacks from widows on existing development, and the rear transition to neighbourhoods.

The existing buildings within the block along Bloor Street West between Clendenan Avenue and Parkview Gardens maintain consistent 1.4 m a front yard setback to the

Bloor Street right-of-way. A similar front yard setback for the proposed building would be appropriate along Bloor Street in order to respect the existing condition.

The adjacent 4 storey apartment building to the west at 2000 Bloor Street West, has primary windows of residential units facing east towards the mutual side lot line. The existing building with side wall windows should not be negatively impacted by the new development, therefore, a minimum 5.5 m setback to the existing building wall would be appropriate, as outlined in the Mid-Rise Performance Standard.

Driveways and service entrances should be limited along the Parkview Gardens frontage, and where possible, relocated to the rear of the site adjacent to the TTC corridor rather than locating these features along Parkview Gardens which has a civic function as an access to the High Park subway station. This would enhance the quality and utility of the public street.

The proposed building mass is not consistent with the planned context for Avenues development in this location, as outlined in the Mid-Rise Guidelines Performance Standards. The standards would require articulation of the street facing facades at the fourth storey providing for a comfortable pedestrian perception zone. The building should then have a maximum height of 21.6 m along the street frontage, representing 80% of the 27 m street right-of-way width. Above this height, the building should be contained within a 45 degree angular plane.

In accordance with the Mid-Rise Performance Standards, the maximum height of the building should not to exceed 27 m to limit shadowing of the adjacent Parkview Gardens Parkette and Neighbourhood to the north.

Section 37

The proposed development has not satisfied the threshold test in the Official Plan and City Council's approved Section 37 protocol. This test requires that the proposed development represent good planning prior to initiating discussions regarding Section 37 community benefits. However, the proposal does satisfy Official Plan Policy 5.1.1.4 in terms of the size of the proposal. Therefore, should the Municipal Board approve the proposal, Recommendation 4 seeks direction to secure community benefits at the hearing. There are three main community benefits that are required in this area as identified through detailed assessments and consultation with the local Councillor; being capital improvements to day nurseries and public parks, and streetscape improvements.

Following the Section 37 community benefit protocol and using recent examples of approved new developments on Bloor Street West (2490 and 2500 Bloor Street West and 1844 Bloor Street West) where community benefits have been identified and secured, staff are recommending that an amount of \$450,000 be requested to provide for capital improvements as identified in Recommendation 4.

Staff are recommending that a full replacement of rental dwelling units and a tenant relocation and assistance plan be provided, to the satisfaction of the Chief Planner and

Executive Director, City Planning, as noted in Recommendations 2 and 3 in this report. These elements should also be secured in the Section 37 Agreement and Zoning By-law, if the appeal is allowed.

Also, with respect to Official Plan Public Art Policy 3.1.4.1 (e), the proposal is situated in a prominent location on Bloor Street West, across the street from High Park and is of sufficient size to warrant participation in the City's Public Art Program. Staff will encourage the owner to participate in the program should the appeal be allowed, and secure any commitments through a Section 37 Agreement.

Conclusions

The proposed development does not conform to Official Plan policies relating to massing, shadowing and transition, among others matters. Staff are of the opinion that the proposal does not respect or reinforce the planned or existing physical character for the area and represents an over intensification of development on this site. As such, the proposal cannot be supported and staff should be directed to attend the Ontario Municipal Board hearing in support of this position.

CONTACT

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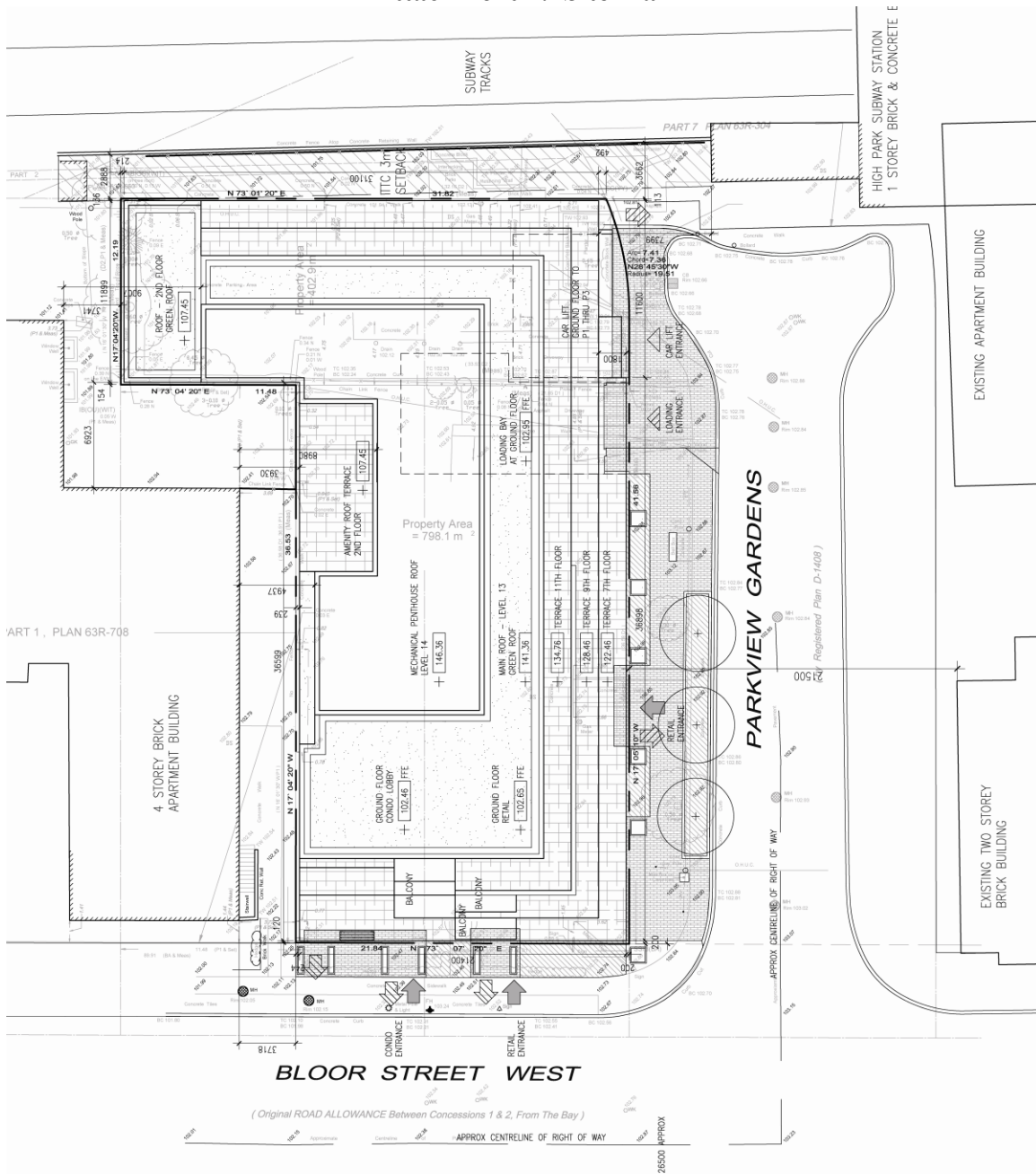
SIGNATURE

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

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2A: South Elevation – Bloor Street West
Attachment 2B: North Elevation
Attachment 2C: West Elevation
Attachment 2D: East Elevation – Parkview Gardens
Attachment 3: Zoning Map
Attachment 4: Application Data Sheet

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

Not to Scale

04/12/2012

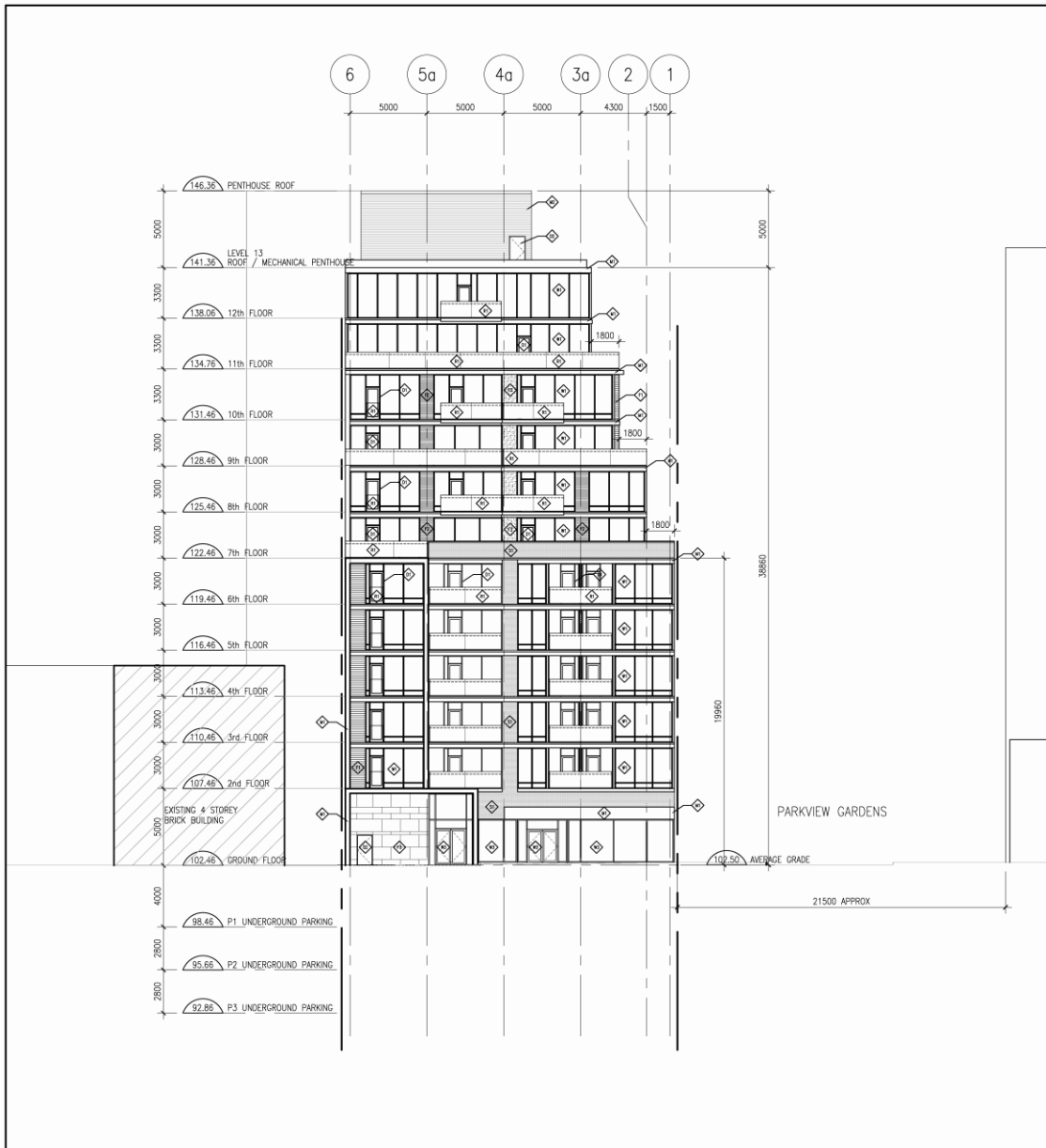


1990 Bloor Street West and

26 Parkview Gardens

File # 12 144899WET 13 OZ

Attachment 2A: South Elevation – Bloor Street West



1 South Elevation - Bloor Street West
A401 SCALE: 1:200

Elevations

Applicant's Submitted Drawing

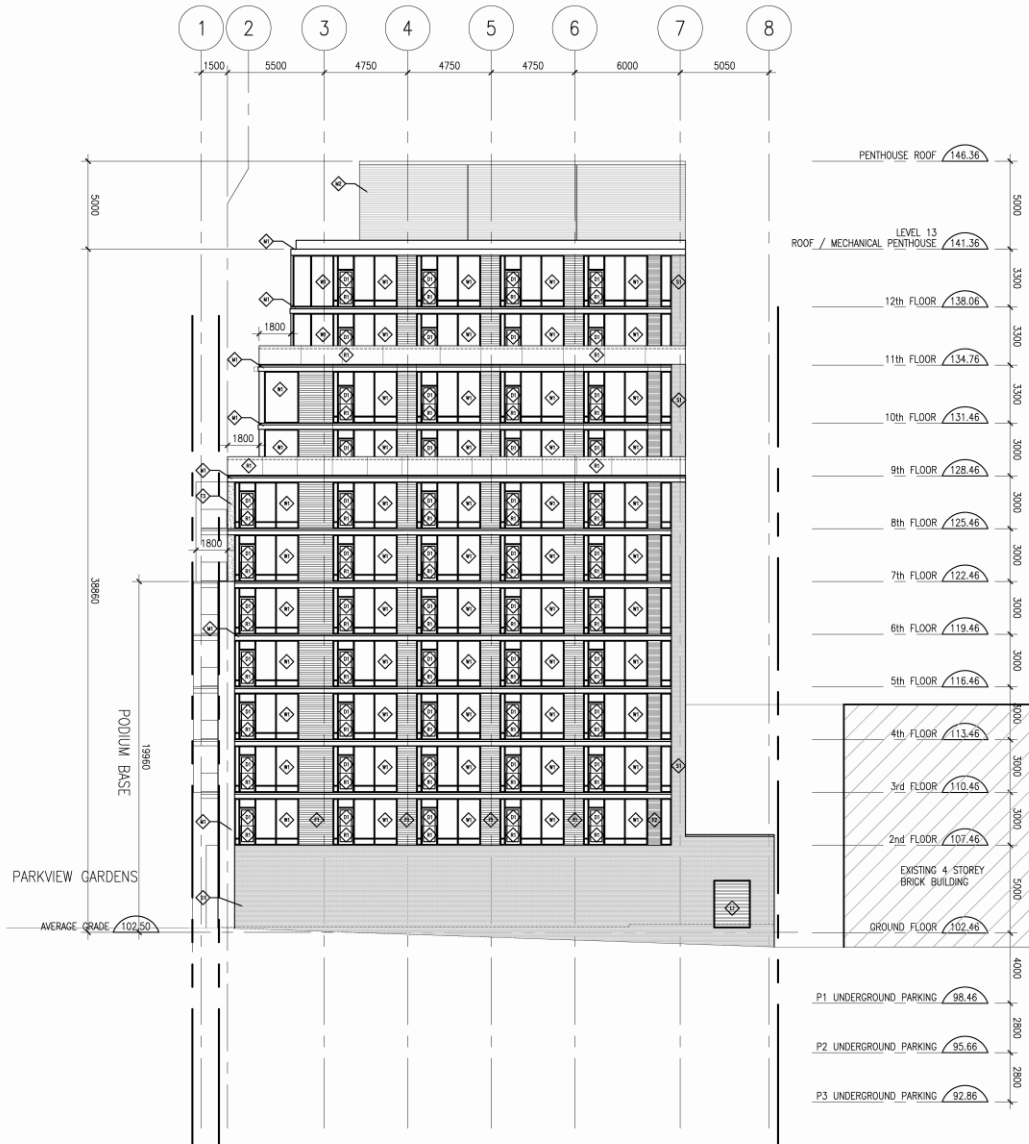
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04/12/2012

**1990 Bloor Street West and
26 Parkview Gardens**

File # 12 144899WET 13 OZ

Attachment 2B: North Elevation

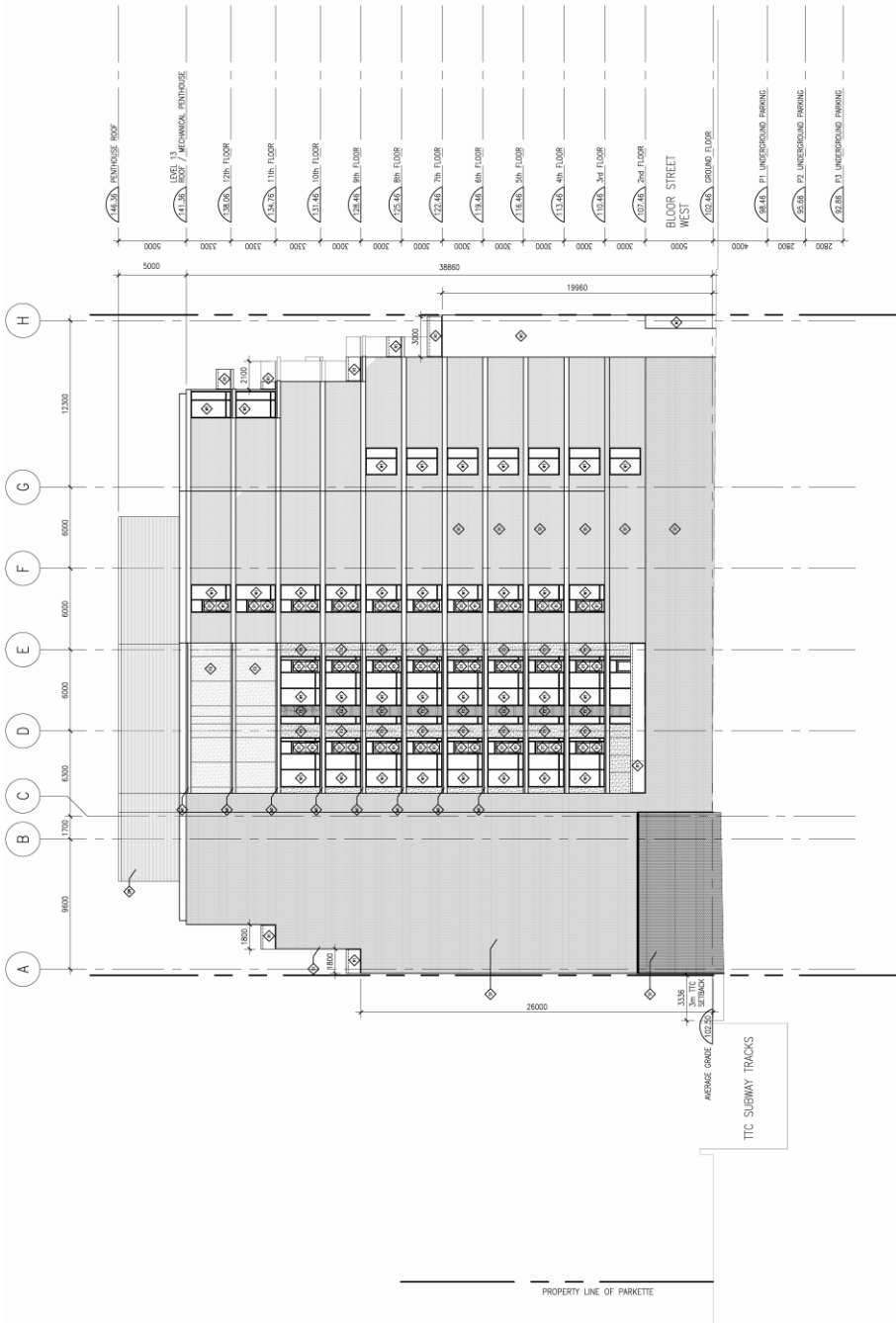


2 North Elevation
A401 SCALE: 1:200

Elevations
Applicant's Submitted Drawing
Not to Scale
04/12/2012

**1990 Bloor Street West and
26 Parkview Gardens**
File # 12 144899WET 13 OZ

Attachment 2C: West Elevation



1 West Elevation
A403 SCALE: 1:200

Elevations

Applicant's Submitted Drawing

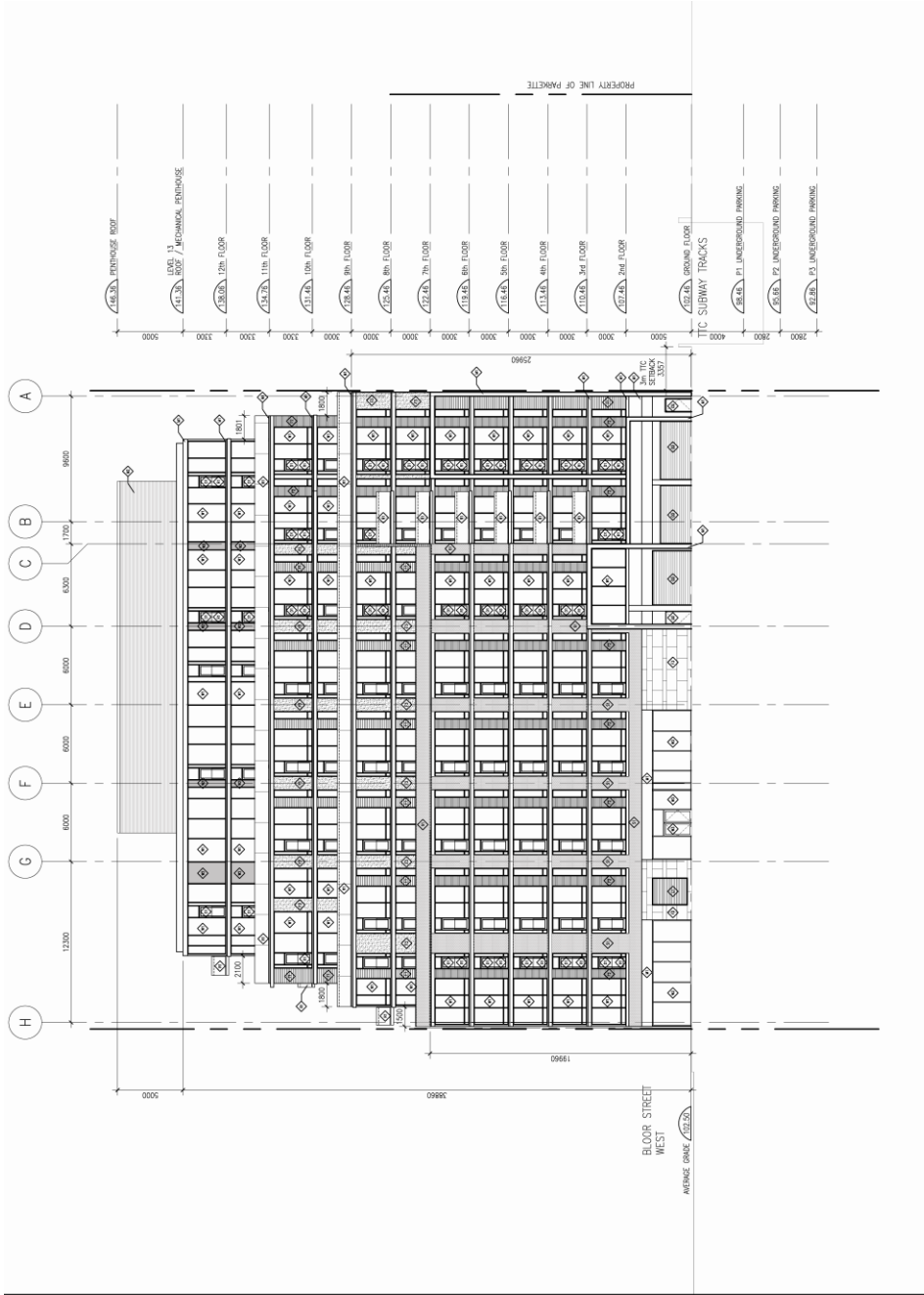
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04/12/2012

1990 Bloor Street West and 26 Parkview Gardens

File # 12 144955 WET 13 0Z

Attachment 2D: East Elevation – Parkview Gardens

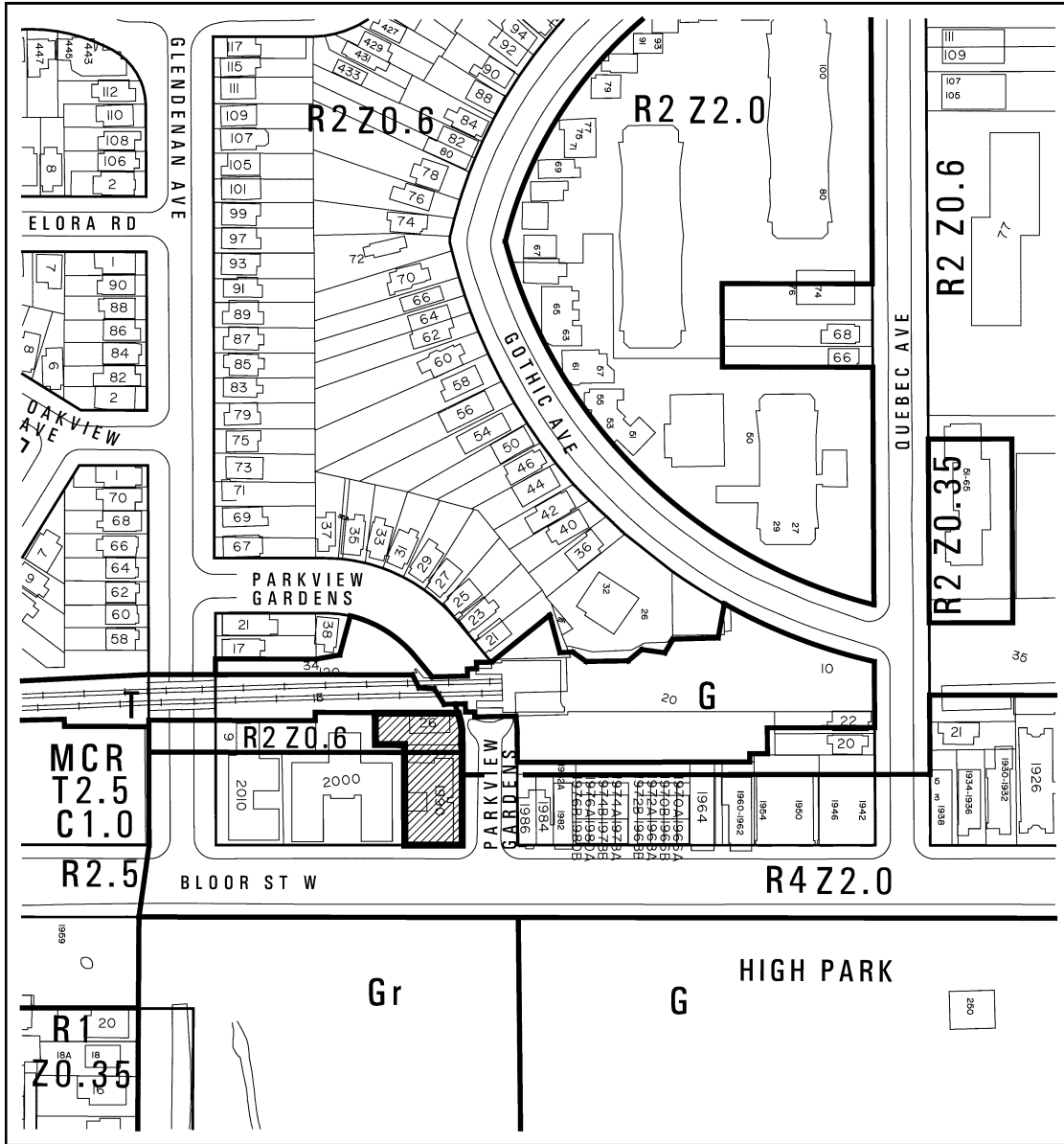


1990 Bloor Street West and
26 Parkview Gardens
File # 12 144955 WET 13 OZ

1 East Elevation - Parkview Gardens
SCALE: 1:200

Elevations
Applicant's Submitted Drawing
Not to Scale
04/12/2012

Attachment 3: Zoning



TORONTO City Planning
Zoning

1990 Bloor Street West and
26 Parkview Garden
File # 12 144 955 WET 13 0Z

- R1 Residential District
- R2 Residential District
- R4 Residential District
- MCR Mixed-Use District
- T Industrial District
- Gr Parks District



Not to Scale
Former Toronto Zoning By-law 438-86
Extracted 04/12/2012

Attachment 4: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	12 144955 WET 13 OZ
Details	OPA & Rezoning, Standard	Application Date:	March 28, 2012

Municipal Address: 1990 BLOOR ST W

Location Description: PLAN 660 PT LOTS 56 & 57 **GRID W1308

Project Description: Proposed amendment to Zoning By-law 438-86 to permit the development of a 12 storey mixed use building (residential gfa = 9 854 m²; at grade commercial gfa = 359 m²). The building would accommodate 131 residential apartment units, including 24 replacement rental units.

Applicant:	Agent:	Architect:	Owner:
MOIZ BEHAIR		Quadrangle Architects	NDI (1990 BLOOR STREET WEST) INC

PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:
Zoning:	R4 Z2.0	Historical Status:
Height Limit (m):		Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):	1198	Height:	Storeys:	12	
Frontage (m):	21.8		Metres:	38.9	
Depth (m):	48.8				
Total Ground Floor Area (sq. m):	1140.2				Total
Total Residential GFA (sq. m):	9854		Parking Spaces:	67	
Total Non-Residential GFA (sq. m):	359		Loading Docks	0	
Total GFA (sq. m):	10213				
Lot Coverage Ratio (%):	95.1				
Floor Space Index:	8.5				

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	14
1 Bedroom:	79
2 Bedroom:	34
3 + Bedroom:	4
Total Units:	131

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	9854	0
Retail GFA (sq. m):	359	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT: PLANNER NAME: Philip Carvalino, Senior Planner