

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

Date:	October 31, 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

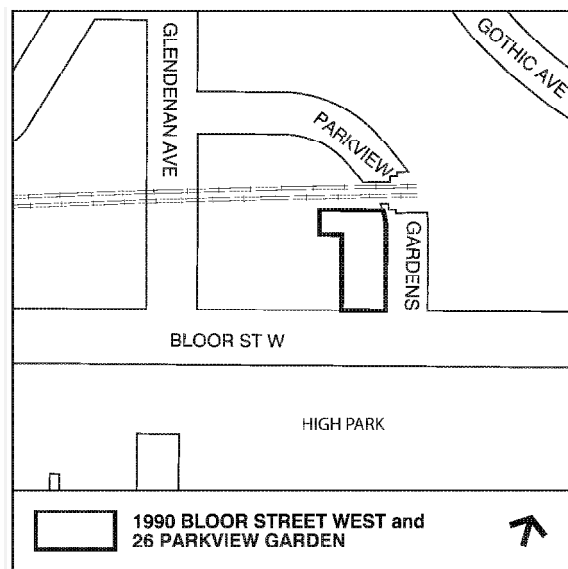
SUMMARY

The purpose of this report is to request direction for settlement of the appeal to the Ontario Municipal Board (OMB) of the Zoning By-law Amendment application for the lands located at 1990 Bloor Street West and 26 Parkview Gardens. The settlement is based on formal revisions to the proposed development received on October 16, 2013.

This application was the subject of a Request for Direction Report dated March 20, 2013, which referred to the original proposal, followed by a Supplemental Request for Direction Report dated April 29, 2013, related to modifications made to the original proposal.

On May 7, 2013, City Council adopted the recommendations of the April 29, 2013 Planning report, which included a recommendation that staff appear at the OMB hearing to oppose the application.

An OMB Pre-Hearing Conference was held on May 28, 2013, to establish the parties and participants for a nine day hearing scheduled to commence on December 2, 2013.



Since the May 28, 2013 Pre-Hearing Conference, several meetings have been held between City staff, the proponent and area residents and their representatives. These meetings resulted in the proponent making further changes to the proposed development, to address outstanding concerns noted in the two Request for Direction Reports. These further revisions are illustrated in revised plans submitted to the City on October 16, 2013 as a settlement offer.

RECOMMENDATIONS

The City Planning Division recommends that City Council:

1. Instruct the City Solicitor, the Chief Planner and Executive Director, City Planning and any other appropriate City staff to attend the OMB hearing and not to oppose the approval of the revised Zoning By-law Amendment for 1990 Bloor Street West and 26 Parkview Gardens as a settlement of the appeal, provided that it is in accordance with the revised proposal received by the City on October 16, 2013.
2. Instruct the City Solicitor to advise the Ontario Municipal Board of City Council's position that the redevelopment of the lands must also include the full replacement of the 24 existing rental dwelling units and that a Tenant Relocation and Assistance Plan, including the right of tenants to return to the new rental units in accordance with the Official Plan, be provided to the satisfaction of the Chief Planner and Executive Director, City Planning. Further, that the City Solicitor request the Board to withhold any order approving a Zoning By-law Amendment 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 and the owner has executed a Section 37 and/or Section 111 Agreement(s) to give effect thereto.
3. Instruct the City Solicitor to request the Ontario Municipal Board to withhold any order approving a Zoning By-law Amendment for the subject lands until a Natural Heritage Impact Study is completed by the applicant and a favourable peer review of the study is completed, at the sole expense of the applicant and to the satisfaction of the Chief Planner and Executive Director, City Planning.

Financial Impact

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

DECISION HISTORY

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>

On September 26, 2012, the solicitors representing the owner appealed the subject Zoning By-law Amendment application to the OMB, citing City Council's failure to make a decision within the time prescribed by the *Planning Act*.

On April 2, 2013, subsequent to a March 20, 2013 Request for Direction Report from the Director of Community Planning, Etobicoke York District, a revised proposal was submitted to amend the subject application. The applicant's solicitor submitted a letter dated April 8, 2013 to Etobicoke York Community Council presenting the revised proposal and requesting that Community Council defer consideration of the application until a report on the revised proposal was submitted to Community Council.

On April 9, 2013, Etobicoke York Community Council considered the March 20, 2013 Request for Direction Report. This report can be viewed at the following link: <http://www.toronto.ca/legdocs/mmis/2013/ey/bgrd/backgroundfile-56943.pdf>

Community Council requested that the Director, Community Planning, Etobicoke York District, report directly to City Council on May 7, 2013, on the revised proposal.

On May 7, 2013, City Council considered a Supplemental Request for Direction Report dated April 29, 2013, and adopted the recommendation that staff appear at the OMB hearing to oppose the applicant's appeal. This report can be viewed at the following link: <http://www.toronto.ca/legdocs/mmis/2013/cc/bgrd/backgroundfile-58192.pdf>

An OMB Pre-Hearing Conference was held on May 28, 2013. The applicant, City staff and Bloor West Village Ratepayers Association were identified as parties. A nine day hearing was scheduled to commence on December 2, 2013, but in light of ongoing settlement discussions, a request to postpone the hearing to February 12-14, 2014 has been submitted by the applicants solicitor to the OMB, on consent of all the parties to the hearing. A decision on this request has yet to be released.

COMMENTS

Revised Proposal

The proposed development has been amended to address the issues identified in the previous two Request for Direction Reports. These include the mass and height of the building, minimizing shadows cast onto Parkview Gardens Parkette, improving the amount and location of indoor and outdoor amenity area, and increasing the number of proposed parking spaces.

The building mass has been modified by incorporating the mechanical penthouse into the 11th floor of the proposed building, with residential floor area in both the front and rear elevations to mask the penthouse. This modification has resulted in the reduction of the penthouse height by 3 m. The rear elevation was further sculpted to limit the mass on the north side of the building to provide greater transition through further stepping of the

building at the 8th, 9th and 11th floors. The overall height of the building, as it relates to Parkview Gardens, is now more consistent with the mass and height of the rear portion of the building municipally known as 20 Gothic Avenue, which is located on the east side of Parkview Gardens.

The modifications to the building mass would reduce and minimize the amount of shadows cast onto the Parkview Gardens Parkette to an acceptable limit. In the spring and fall equinoxes, the shadows would not reach the north side of Parkview Gardens, and the parkette should now experience sunlight in the morning hours.

With respect to outdoor amenity space, staff considered the concerns with noise and privacy raised by residents of the abutting property to the west at 2000 Bloor Street West, and the opportunities for outdoor amenities provided by High Park, the Parkview Gardens Parkette and the vibrant public realm of Bloor West Village to the west. The outdoor amenity proposed is 137 m² in size (1.3 m² per unit). However, the green roof requirement has been increased from 30% (158 m²) to 49% (260 m²). An indoor amenity area of 177 m² is being proposed (1.7 m² per dwelling unit). Although marginally less than the 208 m² (2 m² per dwelling unit) that is usually desired, the amount of indoor amenity area is considered to be acceptable.

On-site parking has been increased from 67 parking spaces to 76 parking spaces. Details regarding the operation of the proposed parking stackers and car share spaces are still being assessed by City staff, but it is anticipated this will be finalized prior to the OMB Hearing. The proposal also contains 118 bicycle parking spaces, whereas 107 would typically be required.

A summary of key modifications to the proposal is provided below:

	March 29, 2012 Original Submission	April 2, 2013 Revised Submission	October 16, 2013 Current Proposal
Total Gross Floor Area (m ²)	10, 213	9, 226	8, 432
Floor Space Index	8.5	7.7	7.04
Building Height As-of-Right is 23m on Bloor Street West	39m plus 5m mechanical penthouse (12 storeys)	36m plus 4.7m mechanical penthouse (11 storeys)	37.7m including the mechanical penthouse within the 11 th storey
No. Dwelling Units (inclusive of 24 rental replacement dwelling units)	131	108	104

Site Plan Control

The proposed development is subject to Site Plan Control approval. A Site Plan application was submitted, but has not been appealed. A formal resubmission reflecting the October 16, 2013 settlement offer is expected to be submitted in the near term.

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 cannot 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. A report on this application will be forthcoming when the outcome of the Zoning By-law Amendment application appeal is determined.

OVERVIEW COMMENTS

The modifications made to the proposal have generally addressed many of the outstanding concerns raised by staff and supported by Council in the previous two Request for Direction Reports.

The overall density and number of units proposed has been reduced to a level that is no longer considered overdevelopment of the lands, with many of the requirements to accommodate the density now being provided at acceptable levels. This reduction in density was the result of sculpting the building mass to address the physical context of the area and limit impacts on residential and parkland properties to the north.

Incorporating the mechanical penthouse into the 11th floor and the additional stepping of the north elevation at the 8th, 9th and 11th floors would minimize the shadows cast onto the neighbourhoods and parkette to the north. The overall height of the proposed building is now similar to the height of the western end of the 20 Gothic Avenue building on the east side of Parkview Gardens.

The proposed building would be located and massed to provide transition between areas of different intensity and scale, adequately limit shadows, and provide sufficient off-street motor vehicle and bicycle parking as cited in the *Apartment Neighbourhoods Policies* of the Official Plan.

The Built Form and Healthy Neighbourhoods Policies of the Official Plan would also be satisfied by the modifications made to the proposal, by addressing issues related to transition of scale and compatibility, including shadow minimization and the accommodation of on-site requirements to limit off-site impacts.

The recommendations of this report also address two outstanding matters.

The applicant has continued to confirm that the owner will satisfy all City requirements related to replacement of the existing the rental housing. To ensure this occurs, this report recommends that the Ontario Municipal Board be advised of City Council's position that the redevelopment of the lands must also include the full replacement of the 24 existing rental dwelling units and that a Tenant Relocation and Assistance Plan, including the right of tenants to return to the new rental units in accordance with the Official Plan, be provided to the satisfaction of the Chief Planner and Executive Director, City Planning. It is also recommended that the Board be requested to withhold any order approving a Zoning By-law Amendment 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 and the owner has executed a Section 37 and/or Section 111 Agreement(s) to give effect thereto.

At the May 28, 2013 Pre-Hearing Conference, area residents raised a concern regarding the impacts of the building on the natural heritage features and environment of High Park. Staff have consulted with City Environment staff, the Toronto and Region Conservation Authority and the applicant to formulate a process to address the issue. This report recommends that the Ontario Municipal Board be requested to withhold any order approving a Zoning By-law Amendment for the subject lands until a Natural Heritage Impact Study is completed by the applicant and a favourable peer review of the study is completed, at the sole expense of the applicant and to the satisfaction of the Chief Planner and Executive Director, City Planning. The applicant has concurred with this process.

Conclusion

The applicant appealed the Zoning By-law Amendment application to the OMB on the basis that City Council had not made a decision within the timeframes prescribed by the *Planning Act*. The applicant has modified the proposed development to address the concerns noted in the previous two Request for Direction Reports and staff are recommending these revisions be used as a settlement of the appeal. The recommendations of this report also address the City's rental housing replacement policies and the Natural Heritage Impact matters raised by area residents at the OMB Pre-Hearing Conference.

CONTACT

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SIGNATURE

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

ATTACHMENTS

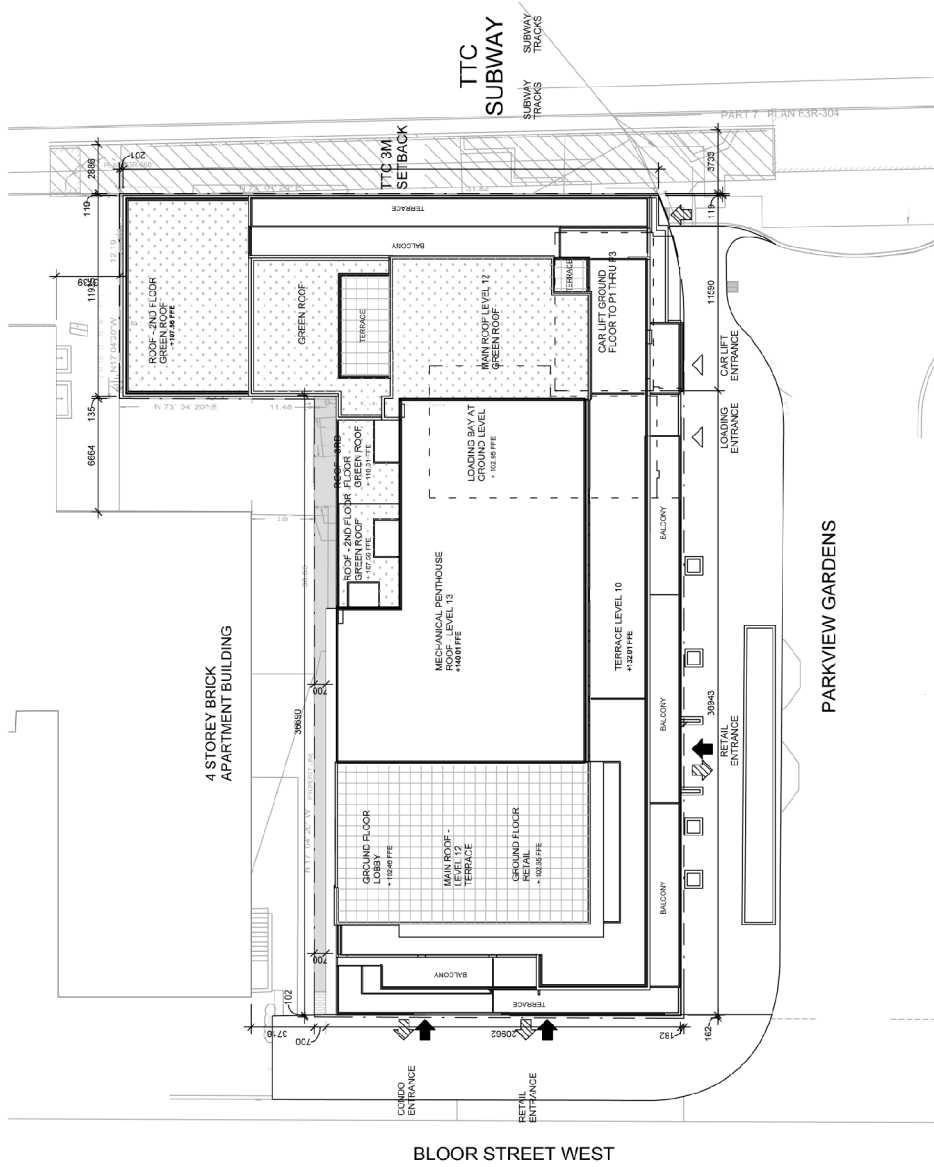
Attachment 1: Site Plan

Attachments 2a-d: Elevations

Attachment 3: Zoning

Attachment 4: Application Data Sheet

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

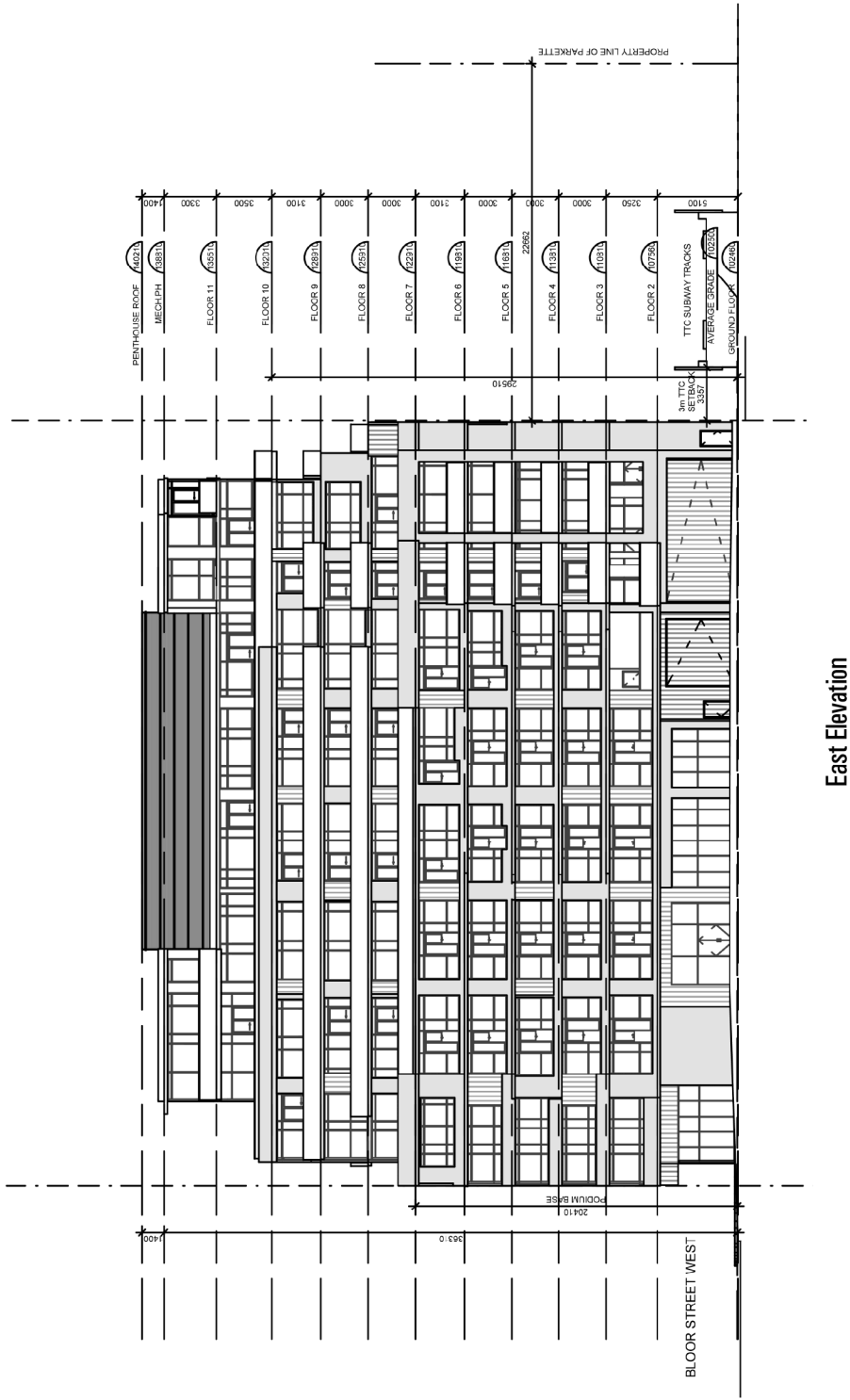
Not to Scale
10/30/2013



1990 Bloor Street West and
26 Parkview Gardens

File # 12 144955 WET 13 0Z

Attachment 2a: Elevations



1990 Bloor Street West and
26 Parkview Gardens
File # 12 144955 WET 13 0Z

Elevations
Applicant's Submitted Drawing
Not to Scale
10/30/2013

Attachment 2b: Elevations



Elevation

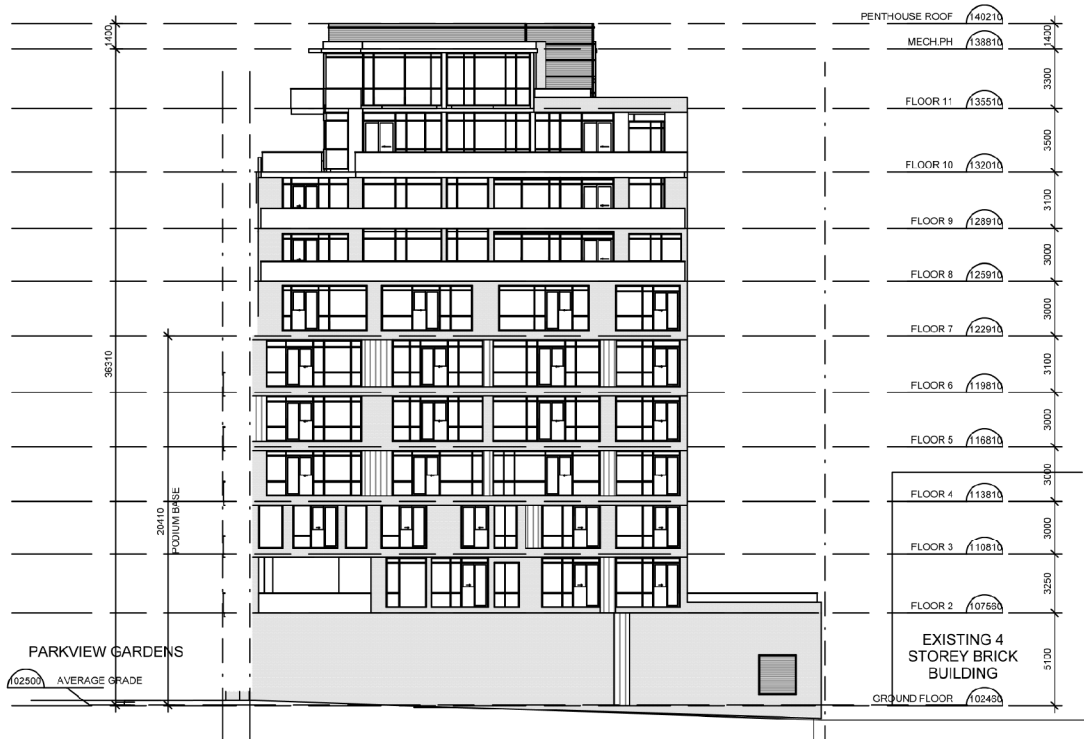
Applicant's Submitted Drawing

Not to Scale
10/30/2013

**1990 Bloor Street West and
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Attachment 2c: Elevations



North Elevation

Elevation

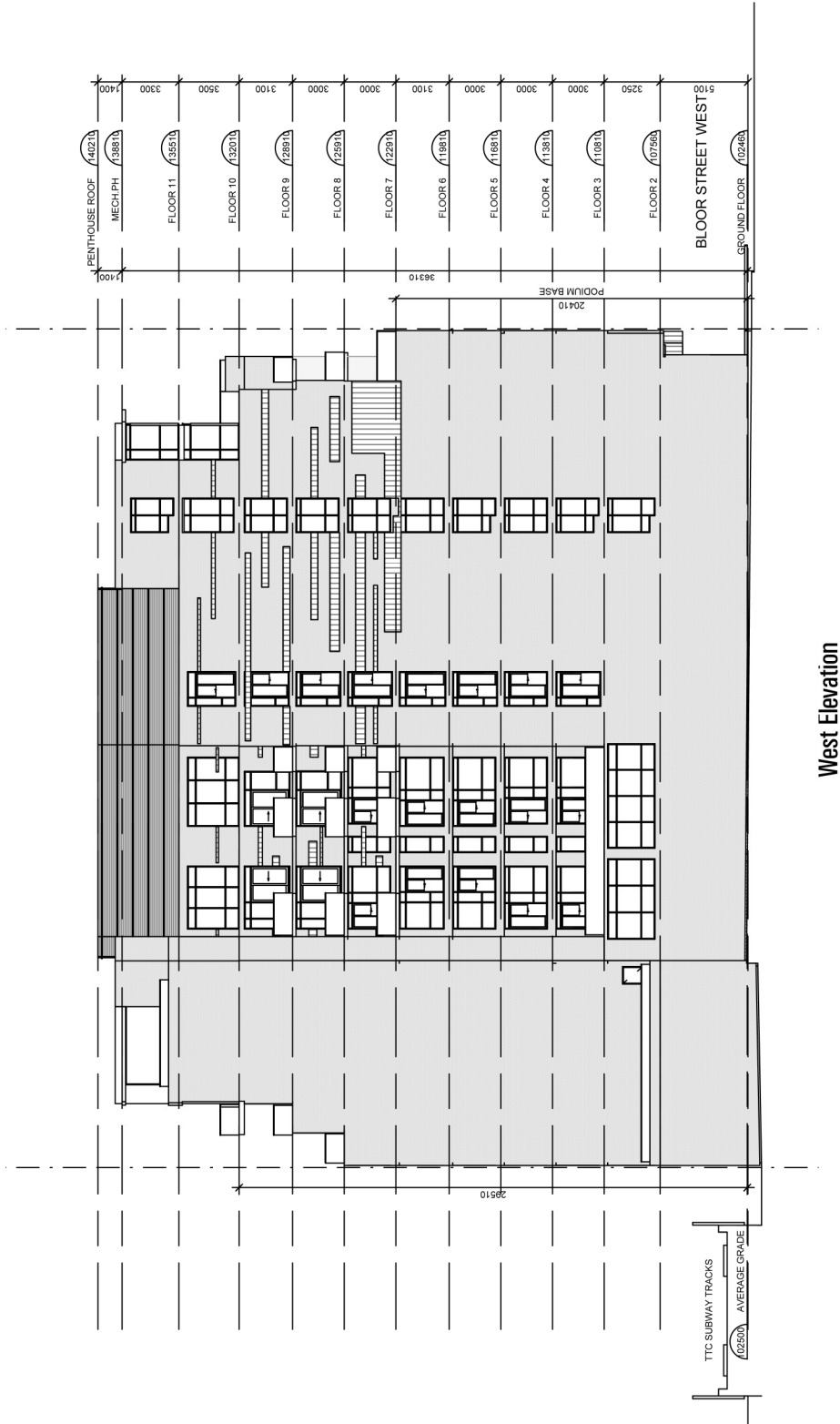
Applicant's Submitted Drawing

Not to Scale
10/30/2013

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

File # 12 144955 WET 13 0Z

Attachment 2d: Elevations

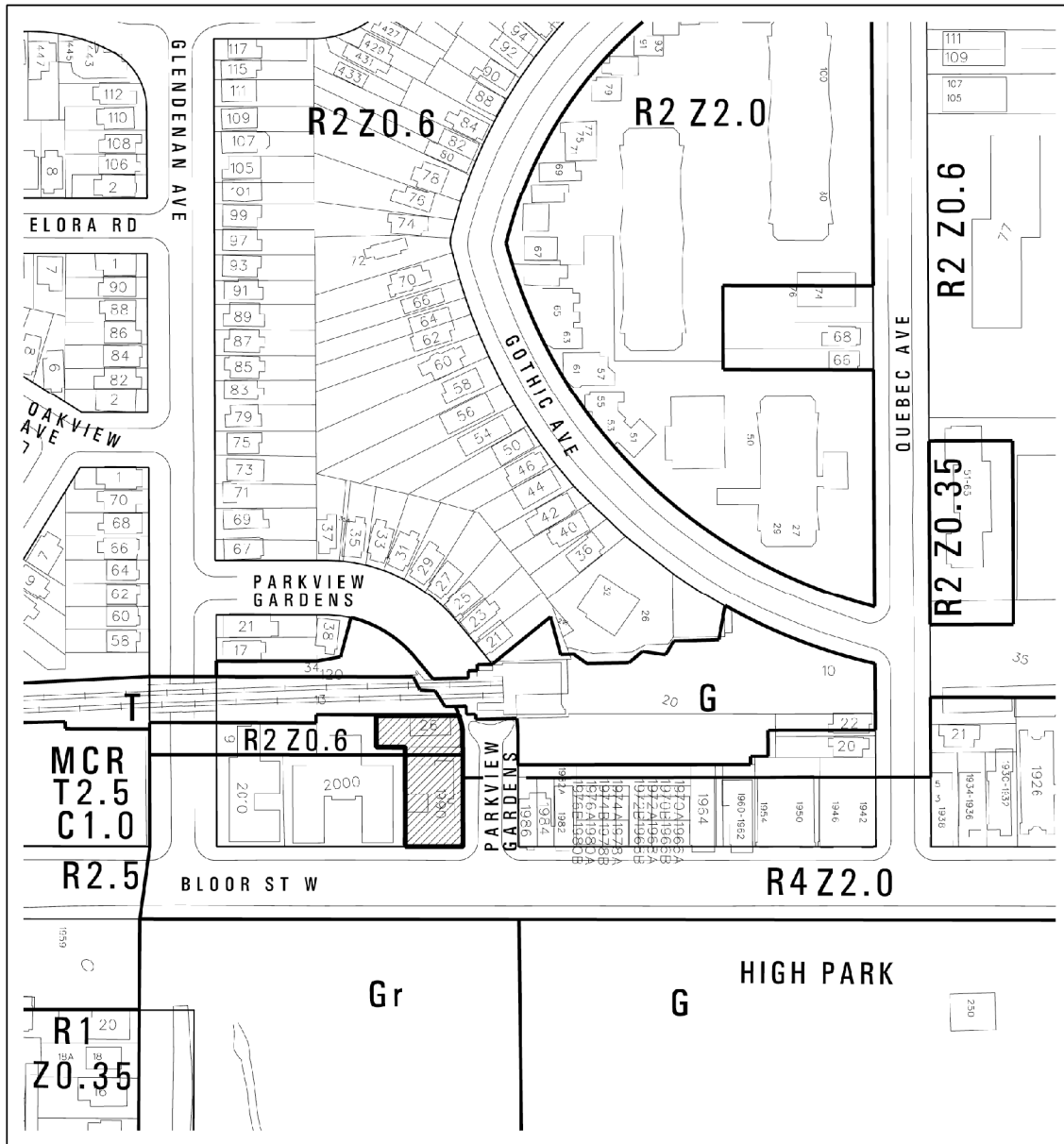


West Elevation

1990 Bloor Street West and
26 Parkview Gardens
File # 12 144955 WET 13 0Z

Elevations
Applicant's Submitted Drawing
Not to Scale
10/30/2013

Attachment 3: Zoning



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

- | | |
|--------------------------|-----------------------|
| R1 Residential District | T Industrial District |
| R2 Residential District | Gr Parks District |
| R4A Residential District | |
| MCR Mixed-Use 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 an 11 storey mixed use building

Applicant:	Agent:	Architect:	Owner:
MOIZ BEHAR			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):	23	Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):	1198	Height:	Storeys:	11
Frontage (m):	21.8		Metres:	36.31
Depth (m):	48.8			
Total Ground Floor Area (sq. m):	1140.2			Total
Total Residential GFA (sq. m):	8108		Parking Spaces:	76
Total Non-Residential GFA (sq. m):	324		Loading Docks	1
Total GFA (sq. m):	8432			
Lot Coverage Ratio (%):	95.1			
Floor Space Index:	7.04			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	13
1 Bedroom:	66
2 Bedroom:	25
3 + Bedroom:	0
Total Units:	104

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	8108	8108	0
Retail GFA (sq. m):	324	324	0
Office GFA (sq. m):	0	0	0
Industrial GFA (sq. m):	0	0	0
Institutional/Other GFA (sq. m):	0	0	0

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