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STAFF REPORT ACTION REQUIRED

2915-2917 Bloor Street West - Zoning By-law Amendment Application - Request for Direction Report

Date:	April 21, 2017
То:	Etobicoke York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 5 – Etobicoke-Lakeshore
Reference Number:	16 141156 WET 05 OZ

SUMMARY

This application proposes a 9-storey mixed use development at 2915-2917 Bloor Street West, consisting of commercial uses at grade and 126 residential units above.

The applicant has appealed the Zoning By-law Amendment application to the Ontario Municipal Board (OMB) and this report seeks direction regarding opposing the application at the OMB hearing and continuing negotiations with the applicant to resolve the issues identified in this report.

Planning staff oppose this application in its current form as it does not conform to the policies of the Official Plan. The proposed development does not fit within its existing and planned context or respect and reinforce the existing physical character of the area.

Staff are of the opinion the current proposal constitutes an over-development of the site. Planning staff have been in discussions with the applicant about revising the proposal in an effort to develop a proposal that is more appropriate to its context.



RECOMMENDATIONS

The City Planning Division recommends that:

- 1. City Council authorize the City Solicitor, together with Planning staff and other appropriate staff to attend the Ontario Municipal Board hearing to oppose the applicant's appeal respecting the Zoning By-law Amendment application for 2915-2917 Bloor Street West in its current form, and retain such experts as the City Solicitor may determine are needed in support of the position recommended in this report.
- 2. City Council authorize the Chief Planner and Executive Director, City Planning, to continue negotiations with the applicant with the goal of developing a proposal that addresses the issues outlined in the report dated April 18, 2017, from the Director, Community Planning, North York District.
- 3. In the event that the OMB allows the appeal, in whole or in part, City Council direct the City Solicitor to request the OMB withhold its Order on the Zoning By-law Amendment until:
 - a) A draft Zoning By-law Amendment is submitted to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.
 - b) The owner has entered into an Agreement under Section 37 of the *Planning Act* with the City for the purpose of securing community benefits to the satisfaction of the City Solicitor in consultation with City Planning staff and the Ward Councillor.
 - c) The owner has submitted a Functional Engineering Report to the satisfaction of the Executive Director of Engineering and Construction Services. The report will determine whether the existing municipal water, sanitary and storm sewer systems can support the proposed development or upgrades are required.
 - d) The owner has entered into a financially secured agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to support the development, according to the Functional Servicing Report accepted by the Executive Director of Engineering and Construction Services.
 - e) The owner has submitted a Hydrogeological Report to the satisfaction of the General Manager of Toronto Water.
 - f) The owner has provided space within the development for installation of maintenance access holes and sampling ports on the private side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the Sewers By-law Chapter 68-10.

4. City Council authorize the City Solicitor and other 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.

DECISION HISTORY

A Preliminary Report outlining the initial application for rezoning to permit an 8-storey mixeduse development with commercial space at grade and 90 dwelling units above was considered by Etobicoke York Community Council on September 7, 2016. The Preliminary Report can be viewed at:

http://www.toronto.ca/legdocs/mmis/2016/ey/bgrd/backgroundfile-95484.pdf

Ontario Municipal Board Appeal

On January 16, 2017, the City Clerk received notification that the applicant had filed an appeal of the Zoning By-law Amendment application to the Ontario Municipal Board, citing Council's failure to make a decision on the application within the prescribed timelines in the *Planning Act*. A prehearing conference is scheduled for June 29, 2017. A full hearing will likely be scheduled at the prehearing.

ISSUE BACKGROUND

Proposal

The revised application, submitted January 5, 2017, proposes to amend the Zoning By-law to permit a 9-storey (28.4 metre) mixed use development, with parapets and mechanical overrun above. The proposed development includes commercial uses at grade $(1,180 \text{ m}^2)$ and 126 residential units above $(10,317 \text{ m}^2)$. The residential units would consist of 85 one bedroom units and 41 two bedroom units. Commercial space and residential amenity space would be located on the ground floor.

The building would have 103 vehicle parking spaces in 2 underground levels to serve the development, and a total of 96 bicycle parking spaces. Vehicular access to the underground parking would be from the one-way public laneway at the rear of the site. The proposed 103 underground vehicular parking spaces would include 87 for residents, 16 for residential visitors and 0 for commercial occupants and customers. A total of 104 bicycle parking spaces are proposed. Of these, 96 are for residential use (34 long-term at-grade, 53 long-term below-grade and 9 short-term below-grade) and 8 for commercial use (2 long-term and 6 short-term).

The total floor area of the building would be approximately 11,497 m², representing a floor space index of approximately 4.96 times the area of the lot (see Attachment 5 - Application Data Sheet).

Revised drawings were submitted illustrating the revised, 9-storey proposal, but other accompanying studies and reports were not revised and continue to reflect the initial 8-storey proposal.

Site and Surrounding Area

The subject site is a rectangular and relatively flat $2,319 \text{ m}^2$ property, with a frontage of 59.4 metres and a depth of 36.7 metres. There is a one-storey building on the site, housing medical offices, an optometrist and a pharmacy, and a surface parking lot.

Surrounding uses include:

North: Bloor Street West, and 2-storey street-related commercial and mixed use buildings on the north side of the street.

South: Single detached houses, separated from the site by a public laneway

East: 1, 2 and 3-storey mixed use buildings

West: 2-storey commercial and mixed use buildings

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) 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. 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. City Council's planning decisions are required, by the *Planning Act*, 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, as the case may be, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The lands at 2915-2917 Bloor Street West are located within an *Avenues* area on Map 2 – Urban Structure of the Official Plan. *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 appearance of the street, shopping opportunities and transit service for community residents. Development within the *Avenues* should have appropriate massing, scale and organization of buildings and provide streetscape improvements while implementing transit-supportive measures.

The framework for new development on each *Avenue* will be established through an *Avenue* Study, resulting in appropriate zoning and design guidelines created in consultation with the local community. Further, the Plan provides that development requiring a rezoning will not be allowed to proceed prior to completion of an Avenue Study unless the review demonstrates to Council's

satisfaction that subsequent development of the entire Avenue segment will have no adverse impacts within the context and parameters of the review. For development within a Mixed Use Area that precedes an Avenue Study, Section 2.2.3.3c) outlines requirements that must be satisfied in addition to all other policies of the Plan including in particular the neighbourhood protection policies.

An *Avenue* Segment Study was submitted in support of the original 8-storey application, providing an opinion about how the increase from a 6-storey building height to an 8-storey building height and increase in density from 3.0 times the area of the lot to an average of 4.7 times the area of the lot on this site and surrounding sites could be expected to impact Bloor Street West between Royal York Road and Prince Edward Drive. The *Avenue* Segment Study has not been updated to reflect the proposed 9-storey building.

The subject lands are also designated *Mixed Use Areas* on Map 14-Land Use Plan. The *Mixed Use Areas* designation provides for a range of residential, commercial and institutional uses, and provides criteria to direct the form and quality of development. The Official Plan states that "*Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service employment in Toronto in the coming decades, as well as much of the new housing." However, not all *Mixed Use Areas* will experience the same scale or intensity of development. The policies of *Mixed Use Areas* require new development to provide a transition between areas of different development intensity and scale.

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. Policy 3.1.2.3 states that "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;
- b) Incorporating exterior design elements, their form, scale, proportion, pattern and materials, and their sustainable design, to influence the character, scale and appearance of the development;
- c) Creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan;
- d) Providing for adequate light and privacy;
- 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; and
- f) Minimizing any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

Policy 3.1.2.4 states that "New development will be massed to define the edges of streets, parks and open spaces at good proportion."

Policy 3.1.2.5 sets out policies for adjacent streets, to ensure they are attractive, interesting, comfortable and functional for pedestrians.

Policy 3.1.2 Built Form in the Official Plan requires the evaluation of development proposals in the context of both the existing and/or planned context. The Bloor-Kingsway Urban Design Guidelines and implementing Avenues Zoning By-law 914-2003 describe and implement the planned context for the area.

At its meeting of December 16, 17 and 18, 2013, City Council adopted amendments to the Official Plan (OPA 231) to implement the results of the Official Plan and Municipal Comprehensive Review for Economic Health and Employment Lands Policies and Designations and Recommendations of Conversion Requests. OPA 231 was approved by the Minister of Municipal Affairs and Housing in July 2014. Portions of the amendment are under appeal at the Ontario Municipal Board.

Although not in full force and effect for the subject lands, OPA 231 represents Council's longterm land use planning direction for the lands. Among other matters, OPA 231 introduced amendments aimed to stimulate the growth of new office space and maintain current concentrations of office space near rapid transit, such as the subject site. Specifically, Policy 3.1.5.9 requires the replacement and increase of office space on properties that have more than 1,000 square metres of existing office space; if the new development includes a residential component; and if the property is located in a *Mixed Use Area* and within 500 metres of an existing subway station. Where site conditions and context do not permit an increase in office area on the same site, the required replacement of office floor space may be constructed on a second site prior to or concurrent with the residential development. This policy is under appeal to the OMB. Thus, it is relevant, but not determinative in terms of the Official Plan policy framework.

Zoning

The Bloor-Kingsway Avenue Zoning was implemented in 2003, establishing the planned context for the local area. The lands are zoned Limited Commercial – Avenues (AV) in the Etobicoke Zoning Code (By-law No. 914-2003). The AV zone permits a wide range of commercial uses and residential dwelling units located above commercial uses.

The Bloor-Kingsway AV zone permits buildings up to 6 storeys in height (18 metres) with a maximum density of 3.0 times the area of the lot. The Bloor/Kingsway Avenues zoning regulations also require the building to be within a 45 degree angular plane from the low density residential area to the south, a 3.0 metre stepback on all sides of the building above the 5th floor and a 2nd storey expression.

The Bloor-Kingsway AV zone would require a minimum of 126 parking spaces for the proposed 9storey development, of which 101 would be for residential vehicles and 25 would be shared between residential visitors and commercial parking.

The application does not meet the Bloor-Kingsway AV zoning requirements for height in storeys (9 storeys vs. 6 storeys), height in metres (28.4 metres vs. 18 metres) and density (4.96 times vs. 3.0 times), among other things.

City-wide Zoning By-law 569-2013 does not apply to this site.

Site Plan Control

The proposed development will be subject to site plan control. However, no application for site plan control has yet been filed.

Bloor-Kingsway Urban Design Guidelines

The Bloor-Kingsway Urban Design Guidelines were adopted in 2000. The guidelines envision more intense development than what currently exists along this stretch of Bloor Street, while requiring development to respect the existing context and maintain and improve the pedestrian retail strip.

In response to the predominantly 2-storey existing built form along this stretch of Bloor Street West, the guidelines recommend a maximum building height of 6 storeys (18 metres) along Bloor Street West.

The guidelines recommend further measures intended to reduce the visual and shadow impacts of the upper storeys of new buildings and to ensure new buildings are compatible with the existing context. These include, among other things:

- a strong 2-storey base building condition, which is visually separate from the upper storeys, with cornice line and/or 0.6 metre stepback at approximately 7.0 metres;
- a stepback of 3.0 metres above the fifth storey height on all sides;
- a second cornice line at a height of 14 metres;
- the use of canopies and/or awnings and changes in materials to reduce the visual impact of this additional height; and
- the possibility of additional stepbacks for buildings on the south side of Bloor Street West.

The guidelines recommend additional measures to enhance the pedestrian realm and retail environment, including a continuous retail edge along Bloor Street West, a 1.2 metre setback from Bloor Street West, and a rhythm of structural bays which reflects the traditional width of existing storefronts.

Mid-Rise Buildings Design Guidelines

This section of the Bloor Street *Avenues* was excluded from the *Avenues and Mid-Rise Buildings Study and Action Plan* (Mid-Rise Guidelines), as shown on the *Avenues* and Mid-Rise Buildings Study – Map 1, revised in July 2010. The Mid-Rise Guidelines, in Section 2.1 "Where the Recommendations Apply" sets out in Map 1 where certain lands are excluded from the applicability of the Mid-Rise Guidelines. This stretch of Bloor Street West is one of the excluded street sections. Reasons why certain segments have been excluded include: portions of *Avenues* where an *Avenues* Study is completed or underway, portions of an *Avenue* within a Secondary Plan Area and portions of an *Avenue* that have been subject to other City-led studies that have resulted in an Official Plan Amendment and/or new Zoning By-law. Where the Mid-Rise Guidelines do not apply, they continue to represent good principles of urban design and can be used to augment local guidelines, particularly to address aspects of new development that were not addressed in previously developed local guidelines.

City Council on July 6, 7 and 8, 2010, adopted the recommendations of the *Avenues* and Mid-Rise Buildings Study and Action Plan, with modifications. The main objective of this City-wide study is to encourage future intensification along Toronto's *Avenues* that is compatible with the adjacent neighbourhoods through appropriately scaled and designed mid-rise buildings. The report can be viewed at the following link:

http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.PG39.9.

The *Avenues* and Mid-Rise Buildings Study identifies a list of best practices, categorizes the *Avenues* based on historic, cultural and built form characteristics, establishes a set of Performance Standards for new mid-rise buildings and identifies areas where the Performance Standards should be applied.

The Performance Standards assist in the implementation of Official Plan policies for *Avenues* and *Mixed Use Areas*, ensuring among other matters, quality and comfortable streetscapes along the *Avenues*, which are to be framed and defined by buildings that allow for a minimum of 5 hours of sunlight on the sidewalks from March 21 to September 21; streetwall stepbacks, which mitigate the pedestrian perception of building height along the street; and an acceptable relationship between midrise buildings and the adjacent *Neighbourhoods* and *Parks and Open Space Areas*, which the Official Plan policies are explicit in their intent to protect through appropriate transitions. The Performance Standards provide guidance about the size, shape and quality of mid-rise development and are intended to respect Section 2.3.1 of the Official Plan.

Mid-Rise Building Performance Standards: Addendum

In June 2016, City Council approved the Mid-Rise Building Performance Standards Addendum (April 20, 2016). The Addendum is to be used together with the 2010 approved Mid-Rise Building Performance Standards during the evaluation of development applications where midrise buildings are proposed and the Performance Standards are applicable.

Among other matters, the Addendum provides clarification regarding use of the Guidelines within Secondary Plan Areas, as well as specific land use and street frontage criteria which must be met prior to applying the Performance Standards to mid-rise proposals not located on an *Avenue*.

The Addendum is approved as an interim supplement to the 2010 Performance Standards until such time as City Council considers and adopts updated Mid-Rise Building Design Guidelines. Refer to the Council Decision http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7 and Attachment 1: Mid-Rise Building Performance Standards Addendum (April 20, 2016)

http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf.

The Addendum will be considered together with the Mid-Rise Building Performance Standards in the evaluation of the application. Under the section "Applicability of Performance Standards", it is noted that the Performance Standards are not intended to be used to challenge Council-approved studies or Area-specific policies, by-laws or guidelines, particularly with respect to building heights and matters of transition.

Green Roof By-law

On May 26, 2009 City Council adopted the Green Roof By-law (By-law 583-2009). The By-law requires new buildings to provide a green roof if a new residential development has a gross floor area of $2,000m^2$ or greater and a height of greater than six storeys. The applicant is providing a total of 253 m² of green roof on a portion of the roof of the 9 storey element, which meets the by-law requirement.

Reasons for the Application

The applicant has filed the application to amend the Zoning By-law to permit a more intense mixed use development than is currently permitted by the Etobicoke Zoning Code in the Bloor-Kingsway AV zone. The proposed development requires amendments to increase building height from 18 metres to 28.4 metres, increase density from 3.0 times the area of the lot to 4.96 times the area of the lot and eliminate the requirement for 3.0 metre stepbacks above the 5th storey level on the sides and front of the building. The zoning bylaw amendment application would also require reduction in vehicular parking requirements, outdoor amenity space and other aspects of the existing zoning bylaw.

Community Consultation

Staff held a community consultation meeting on October 26, 2016 to present the original, 8-storey, 90 dwelling unit proposal to the public. Approximately 60 members of the public attended. Members of the community present at the meeting and the more than 100 letters and phone calls to City Planning staff were predominantly opposed to the proposal and raised a number of concerns.

A large majority of meeting attendees and individuals expressed strong opposition to the thenproposed 8-storey building height. Local residents described the proposal as too high and not appropriate for the local context. Members of the public raised concerns because the buildings exceeded the 6-storey height limit in the Bloor-Kingsway Urban Design Guidelines and implementing Avenues Zoning.

Meeting attendees also raised concerns about the transition at the rear of the building to the single detached homes across the lane, privacy impacts on rear windows and rear yards, concerns regarding the increase in traffic due to the proposed development in both the laneway and on the local street network and whether dog relief facilities would be provided.

Members of the public, through emails and phone calls, also raised concerns with the precedent to be set if an 8-storey building were to be approved, and what the cumulative impact would be on Bloor Street West's built form, local traffic patterns and local services and facilities if other "soft sites" along this stretch of Bloor Street West were to redevelop in a similar fashion, exceeding the existing 6-storey limits.

The community raised concerns with respect to the capacity of existing physical and social infrastructure to accommodate the development. In particular, concerns were raised about local transportation infrastructure, including a pinch point on the existing laneway adjacent to the site, the local street network, sewer capacity and local school capacity.

Residents were also concerned about the loss of the existing medical offices due to demolition, and requested replacement of the medical offices.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

Application Submission

The following reports/studies were submitted with the Zoning Amendment application, referencing the original proposed development for an 8-storey mixed-use building with commercial uses at grade and 90 residential units above:

- a. Planning and Urban Design Rationale, including Community Services and Facilities Study
- b. Avenue Segment Study;
- c. Draft Zoning By-law Amendment
- d. Transportation Impact Study
- e. Sun/Shadow Study
- f. Stormwater Management Report
- g. Toronto Green Standard Checklist
- h. Tree Inventory and Arborist Report.

None of the above reports/studies has been updated to reflect the revised proposal for a 9-storey mixed use development including 126 residential units.

A Notification of Complete Application was issued on May 26, 2016 for the Zoning By-law Amendment Application.

COMMENTS

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 and the Growth Plan for the Greater Golden Horseshoe are high-level and broad reaching documents. The City is a development area and infill is encouraged under these policies. However, both the PPS and the Growth Plan indicate that planning authorities are responsible for identifying appropriate locations for growth. Intensification and redevelopment is to be provided in areas that take into account the local context, and availability of infrastructure and public service facilities that meet projected needs.

The proposal is generally consistent with the Provincial Policy Statement 2014 in regards to accommodating a range and mixture of uses. However, the Provincial Policy Statement recognizes the local context is important, and that a well-designed built form contributes toward overall long-term economic prosperity and healthy communities. Policy 4.7 indicates the Official Plan is the most important vehicle for implementation of the PPS. Further, policy 1.1.3.3 indicates planning authorities shall identify appropriate locations for intensification and redevelopment. In this context, the Official Plan implements the direction of the PPS to require appropriate built form to fit harmoniously into its existing and planned context, with the requirement that new development be integrated into the existing city fabric in terms of streets and blocks, uses, and density patterns.

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, and the adjacent *Neighbourhoods*. The Official Plan also requires consideration of the impact of cumulative development on an *Avenue*, through an *Avenue* Segment Study, where an *Avenue* Study has not been completed. The *Avenue* Segment Study provided by the applicant has not demonstrated that no adverse impacts will result from subsequent development of the entire Avenue segment.

The proposal is generally not in conflict with the Growth Plan for the Greater Golden Horseshoe (GPGGH). The subject site is located in an intensification corridor, as it is designated *Avenues* in the Official Plan. However, Section 2.2.3.6 of the GPGGH directs the City's Official Plan and supporting documents, such as Design Guidelines, to establish policies to identify appropriate scale of development. Further, section 2.2.3.7 of the GPGGH directs development within intensification areas to provide an appropriate transition of built form to adjacent areas. In this context, the Official Plan and the Bloor/Kingsway Urban Design Guidelines provide direction on the appropriate height and stepbacks. This proposal has not addressed the policy direction of the Official Plan and its supporting documents, including the Bloor/Kingsway Urban Design Guidelines.

Height, Massing and Density

Official Plan Policy 3.2.1.3 a) and e) set out requirements relating to building height, street proportion and resulting shadowing, among other things. This policy states, "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;
- b) Incorporating exterior design elements, their form, scale, proportion, pattern and materials, and their sustainable design, to influence the character, scale and appearance of the development;
- c) Creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan;
- d) Providing for adequate light and privacy;
- 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; and
- f) Minimizing any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility."

The planned street proportion for this section of Bloor Street West is expressed by the Bloor/Kingsway Urban Design Guidelines and the implementing zoning bylaw for the Bloor-Kingsway Avenues (AV) zone. After a study considering local conditions, the Bloor-Kingsway AV zone regulations were enacted with a height limit of 15 metres at the street edge and 18

metres overall. The width of the right-of-way is 26.2 metres, with a planned right-of-way width of 27 metres. The planned street proportion, based on building height divided by right-of-way width, for this stretch of Bloor Street West is therefore 0.56 at the street edge and 0.67 overall. The proposed development has an overall street proportion of 1.05. The proposed building height, at 28.4 metres, is 58% taller than the building height of the planned context, expressed through the Bloor-Kingsway Urban Design Guidelines and implementing Boor-Kingsway Avenues Zoning By-law. The proposed north-facing balconies and terraces the visual impact of the building height and reduce the benefit of the proposed north-facing stepbacks. The projecting balconies and terraces detract from the north-facing stepbacks and limit the ability of the stepbacks to mitigate pedestrian perceptions of building height.

The proposed height and density of the proposed development significantly exceeds the densities of the majority of sites within the Bloor-Kingsway AV zone, and also exceeds the heights and densities of more recently constructed mid-rise buildings within the Bloor-Kingsway AV zone. For instance, the proposed development has a height of 28.4 metres (plus mechanical penthouse) and a density of 4.96 times the area of the lot. In comparison, other previously constructed and approved buildings within the Bloor-Kingsway area have much lower height and density. For instance, the development at 3085 Bloor Street West is only 20.0 metres in height (plus mechanical penthouse) with a density of 2.6 times the area of the lot. The development at 3009 Bloor Street West has a height of 20.7 metres (plus mechanical penthouse) and a density of 3.75 times the area of the lot. These are much closer to the maximum density of 3.0 times the area of the lot in the Bloor-Kingsway AV zone regulations. The proposed height and density are out of character with both the existing and planned context for this area.

Sun and Shadow

In addition to Official Plan Policy 3.2.1.3 e) quoted above, Section 4.2.2(b) and (c) of the Official Plan requires that: new development in *Mixed Use Areas* be located and massed so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods* particularly during the spring and fall equinoxes; and that new buildings be located and massed to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

Sunlight conditions are important for the health and vitality of retail uses on main streets. Sunlight hours on the north sidewalk on Bloor Street West will be considerably reduced, should the proposed 9-storey development be constructed, in comparison to the sunlight conditions of the planned context, as expressed by the building envelope permitted by the Bloor/Kingsway Urban Design Guidelines and its implementing zoning in By-law No. 914-2003.

On March 21, the proposed 9-storey development would shadow the north sidewalk from 9:00am to noon, providing approximately 6 hours of sunlight on the sidewalks. The applicant's shadow study does not illustrate the incremental shadow impact of the proposed development compared to the asof-right building envelope in the Bloor-Kingsway AV zone.

The *Avenue* Segment Study does not show the cumulative shadow impacts of the proposed development on this site and anticipated development along this stretch as illustrated in the applicant's Avenue Segment Study, at heights, densities and built form similar to what is proposed

for this site, and does not compare those shadows to the shadows cast by the as-of-right development expressed by the current zoning.

The performance standards for mid-rise buildings give guidance about the size, shape and quality of mid-rise buildings and are intended to respect Section 2.3.1 of the Official Plan. *Avenues* are to be framed and defined by buildings that allow for a minimum of 5 hours of sunlight on the sidewalks from March 21 to September 21.

The shadows cast by the proposal will adversely affect the pedestrian condition on the north side of Bloor Street West.

Transition and Angular Planes

At the rear of the building, several building elements (portions of storeys and terraces) protrude into the rear 45 degree angular plane and do not allow for an appropriate transition to the Neighbourhood to the south. The proposed 9-storey building projects into the rear angular plane according to the planned context expressed by the Bloor-Kingsway Urban Design Guidelines and implementing Bloor-Kingsway Avenues Zoning By-law, at the 4th storey and above. For comparison purposes, while the Mid-Rise Guidelines do not apply to this site, portions of the building, including balconies at the 6th, 7th, 8th, and 9th storeys and part of the mechanical penthouse also project into the rear 45 degree angular plane set out by the Mid-Rise Guidelines for shallow sites, which begins not at the residential lot line but from a point 10.5 metres above ground and 7.5 metres away from the south side of the laneway. The projections into the rear angular plane, coupled with the increased height and density and deep balconies, raise privacy, overlook and massing concerns.

For the front of the site, requirements for stepbacks and maximum height limits are used in the Bloor-Kingsway AV zone regulations and the Bloor-Kingsway Urban Design Guidelines instead of angular plane requirements. For comparison purposes, at the front of the building, portions of the 9th storey and 9th storey balconies project into the angular plane set out in the Mid-Rise Guidelines.

According to the Bloor-Kingsway Urban Design Guidelines and Bloor-Kingsway AV zone regulations, there should also be a transition to the properties on either side of the site. These call for a 2-storey expression line, and for 3.0 metre stepbacks above the 5th storey on the side of the building, at approximately 14 metres. The proposed development includes 5.5 metre side stepbacks, but at a height of 22 metres, above the 7th storey. The proposed development neither expresses a strong 2-storey base, nor the stepbacks according to the Bloor-Kingsway AV zoning and Bloor-Kingsway Urban Design Guidelines.

Public Realm

Policy 3.1.2.5 of the Official Plan sets out policies for adjacent streets, to ensure they are attractive, interesting, comfortable and functional for pedestrians. The Bloor-Kingsway AV zone requires a minimum setback from Bloor Street West of 1.2 metres. The Mid-Rise Performance Standards seek to achieve 4.8 metres from the curb to the building face, to accommodate tree planting, street furniture and pedestrian clearway. The proposed development includes several columns which extend into the 4.8 metres from the curb. Newer

AODA guidelines recommend 3.0 metres of pedestrian clearway for arterial roads. The applicant is proposing a 4.8 metre setback at grade, but with building structures (columns, etc.) extending into that 4.8 metre section, obstructing the pedestrian area. The proposed setback at grade along Bloor Street West does meet the requirement in the Bloor-Kingsway AV Zone, and provides a 2.1 metre pedestrian clearway but does not satisfy the Mid-rise Performance Standards.

Bloor-Kingsway Urban Design Guidelines

The Bloor-Kingsway Urban Design Guidelines make recommendations for new development to fit with the planned character of this stretch of Bloor Street West. The objectives of the guidelines include strengthening the street's retail character, ensuring good sunlight conditions on sidewalks and good street proportion, and ensuring buildings have a strong 2-storey base. Some key elements of the guidelines are summarized in the table below, and compared to the proposed development.

Several key aspects of the proposed development do not follow the key principles of the Bloor-Kingsway Urban Design Guidelines. The guidelines recommend a building height maximum of 6 storeys (18 metres). The proposal exceeds this height by more than 50%, with the proposed development of 9 storeys (28.4 metres plus mechanical penthouse). The proposed development's upper-level stepbacks are not in keeping with the stepbacks outlined in the Bloor-Kingsway Urban Design Guidelines. Their depth and location do not appropriately mitigate the building's overall height impacts. The proposed development does not include an expression of a strong 2-storey base building.

Criteria	Bloor-Kingsway Guideline	Proposed Development			
Height Limit	18 metres	28.4 metres			
Upper-Level Stepbacks	All sides: 3.0 metres deep, above the 5 th floor (14 m)	North: 2.26 metres deep, above the 1 st storey) and 0.94 metres deep, above the 7 th storey. South: Multiple stepbacks, above the 1 st , 4 th , 6 th -8 th storeys. East: 5.5 metres deep, above the 7 th storey West: 5.5 metres deep, above the 7 th storey.			
Expression of 2-storey base	Cornice line above 2 nd storey and/or Stepback of 0.16 m at a height of approximately 7.0 m	No 2-storey expression. and No stepback above the 2 nd storey			
Setback At Grade from Bloor Street West	1.2 m	1.7 m from Bloor, after 0.4 m widening			

Performance Standards for Mid-Rise Buildings

The proposed 9-storey building exceeds the building envelope set by the maximum height, mechanical penthouse permissions and angular plane requirements in the Mid-rise Design Guidelines. The proposed 9-storey development does include stepbacks from the *Neighbourhoods* to the rear of the site. However, these stepbacks are not sufficient on a building of this height to meet the performance standards for transition; the building projects into both the front and rear angular planes. The proposed stepbacks do not sufficiently address pedestrian perceptions of height and massing. Furthermore, the proposed deep balconies of up to 3.2 metre depth along the entire Bloor Street West frontage largely negate the impact of the stepbacks.

The performance standards for mid-rise buildings recommend a minimum 4.8 metre distance from curb to building face at grade. At multiple points along the façade, various building elements protrude, limiting the distance from curb to building face to 4.0 metres. In other locations, the distance is greater, up to 5.2 metres.

Cumulative Impact

Official Plan Policy 2.2.3.3 b) states "Development in Mixed Use Areas on *Avenues*, prior to an Avenue Study, has the potential to set a precedent for the form and scale of reurbanization along the Avenue. In addition to the policies of the Plan for Mixed Use Areas, proponents of such proposals will also address the larger context and examine the implications for the segment of the Avenue in which the proposed development is located. This review will:

- i. include an assessment of the impacts of the incremental development of the entire Avenue segment at a similar form, scale and intensity, appropriately allowing for distinguishing circumstances;
- ii. consider whether incremental development of the entire Avenue segment as identified in the above assessment would adversely impact any adjacent Neighbourhoods or Apartment Neighbourhoods;
- iii. consider whether the proposed development is supportable by available infrastructure; and
- iv. be considered together with any amendment to the Official Plan or Zoning By-law at the statutory public meeting for the proposed development.

City Planning staff do not concur with the findings of the Avenue Segment Study. The applicant's Avenue Segment Study states: "The density permitted as-of-right by By-law 941-2003 is far greater than what currently exists. We believe that the density produced under the application of the Avenues and Mid-Rise Buildings Study guidelines would not be significantly different from that permitted under the by-law. Furthermore, the 20 year horizon being assumed for full build-out would provide adequate time to upgrade the physical infrastructure, including transportation and sanitary sewerage." First, the density proposed at this site (initially 4.17 and now 4.96 times the area of the lot) is significantly greater than the density permitted as-of-right by By-law 941-2003 (3.0 times the area of the lot). City Planning staff disagree with applicant's planning consultant's statement that a 40% increase in density is not significant. The revised proposal now seeks a 65% increase in density.

Second, the Avenue Segment Study submitted does not reflect development on the entire Avenue Segment as if it were developed at a similar form, scale and intensity as proposed for the subject site. An Avenue Segment Study was submitted by the applicant, as part of the original submission. The Avenue Segment Study proposed similar densities on "soft sites" between Royal York and Prince Edward Drive as for the original 8-storey building with a density of 4.17 times the area of the lot, resulting in an estimated total of 1161 additional residential units on "soft sites".

The applicant has not revised the Avenue Segment Study to consider whether the revised proposal (at 9-storeys, with shallow stepbacks fronting onto Bloor Street West and with a density of 4.96 times the area of the lot, being 19% more density than the original proposal) would result in any further impacts than those described in the *Avenue* Segment Study (based on the less intense development). If the Avenue Segment Study were revised to indicate the 65% increase above the density permissions in By-law 914-2003 (as opposed to the 40% increase described in the applicant's segment study), a proportionate increase in units would result in a total of 1,381 units, much more than the 829 units which could be accommodated on those same soft sites based on the density maximums in By-law 914-2003 at 3.0 times the area of the lot.

Third, the Avenue Segment Study provides very limited consideration of the cumulative impacts of the incremental development of the entire Avenue segment at similar form, scale and intensity, on water, storm and sanitary sewers, transportation impacts, schools, parks and other community services and facilities. The *Avenue* Segment Study provided by the applicant lists local schools, but does not provide any analysis of the capacity of those schools to accommodate an increase in students. The Toronto District School Board has advised that warning clauses are warranted, indicating that children living at the new residence may not be accommodated in local schools, due to cumulative impact from all development in school attendance areas. Neither the massing nor the shadow studies provided by the applicant illustrate the cumulative impact of development at the height and scale of the current proposal on the character of the area.

Fourth, the Avenue Segment Study provides a chart of projects "constructed and/or approved within the segment over the last five years". One of them (2955-2961 Bloor Street West) is neither constructed nor approved, but rather only at the review stage. The other (2800 Bloor Street West) is not within the segment and has different underlying zoning and Official Plan designation than the subject site.

The proposed height and density increases would have a negative impact on the character of Bloor Street West and it has not been demonstrated that sufficient infrastructure is available to accommodate the increase in density.

Traffic Impact, Access, Parking and Loading

The Official Plan calls for a 27 metre road width on this section of Bloor Street West. To achieve this, the applicant is required to provide a road widening of 0.4 metres. The applicant has not illustrated this road widening on the site plan.

An update to the Transportation Impact Study is required. The original Transportation Impact Study addressed the trip generation due to the original 90 unit proposal, and does not reflect the increase to 126 units. The applicant's transportation consultant is required to update and confirm the trip generation numbers.

The applicant's *Avenue* Segment Study does not address the cumulative impact of increasing the density along this stretch of Bloor Street West from 3.0 times the area of the lot, as per the Bloor-Kingsway AV zone, to approximately 5.0 times the area of the lot, should other sites along this Avenue Segment redevelop at densities similar to this proposal.

The revised submission proposes 103 vehicular parking spaces, including 87 for residents and 16 for residential visitors and none for the commercial use. The Traffic Impact Study submitted by the applicant with the initial proposal specified that the development would meet the requirements of the City-wide Zoning Bylaw 569-2013, Policy Area 4, which is acceptable to Transportation Services staff. However, the requirement under Policy Area 4 would be for 140 spaces in total, including 104 for residents, 18 spaces for residential visitors and 18 spaces for commercial uses. This amount, which is acceptable to Transportation Services staff, exceeds the amount shown on the revised drawings by 37 spaces. The applicant must either increase the number of parking spaces to meet the Policy Area 4 requirements as outlined in the applicant's Transportation Impact Study, or submit a revised parking study for review.

It should be noted that the current Bloor-Kingsway AV zone would require 126 vehicular parking spaces for the proposed development, of which 101 would be for residential vehicles and 25 would be shared between residential visitors and commercial parking.

The proposed development includes 104 bicycle parking spaces, of which 96 are for residents (87 long-term and 9 short-term) and 8 are for the commercial component (2 long-term and 6 short-term).

The existing laneway at the rear of the site is undersized from a few metres west of this site to Prince Edward Drive, with a width of 3.66 metres. Further west, to Grenview Boulevard Drive, the lane width is 6.0 metres. The proposed development would convey land for a lane widening of 1.67 metres, providing a lane width at the rear of this site of 5.33 metres. The Official Plan calls for lane widths of 6.0 metres serving commercial sites to allow two-way operation. The remaining 0.67 metre widening would be acquired if and when the residential properties on the south side of the lane seek planning approvals.

The proposal includes one Type G loading space located at the rear of the site, parallel to the public lane, as widened, to be shared between the residential and retail components of the development. However, in order to confirm its functionality, the applicant's transportation consultant will be required to provide truck turning diagrams demonstrating the truck movements to and from the public lane intersections at Prince Edward Drive and Grenview Boulevard South.

Land Use and Office Replacement

OPA 231, which represents Council's long-term planning direction, requires the replacement and increase of office space on properties that have more than 1,000 square metres of existing office space, where the new development includes a residential component and where the property is located in a *Mixed Use Area* and within 500 metres of an existing subway station.

The subject site is situated approximately 300 metres east of Royal York Station and accommodates a medical office building that is over 1,000 sq.m. in size. The proposal includes 1,180 m² of non-residential (retail) space in addition to a residential component. The applicant's draft Zoning By-law Amendment states that a maximum of 1,200 m² of non-residential space will be

permitted, but neither includes a minimum non-residential requirement nor specifies a minimum requirement for office space. The current proposal does not include any replacement office space.

Servicing

Technical Services staff have requested that the Functional Engineering Report be revised, to the satisfaction of the Executive Director of Engineering and Construction Services, prior to the approval of the rezoning application. The report will need to determine whether the existing municipal water, sanitary and storm sewer systems can support the proposed development or if upgrades are needed. If necessary, staff recommend that the owner enter into a financially secured agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to support the development. A hydrogeological report, addressing how the proposed development will deal with any groundwater issues, is also required.

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 0.80 to 1.56 hectares of local parkland per 1,000 people. The site is in the middle quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 1,680 m² or 80.1% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 213 m².

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as a dedication of 213 m^2 is not of a suitable size to develop a programmable park within the existing context of this development site.

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

Amenity Space

The drawings submitted for the proposed development show 253 m² of indoor amenity space and 98 m² of outdoor amenity space. The proposed draft by-law, however, does not include a minimum amenity space required. The Etobicoke Zoning Code and the Bloor-Kingsway AV zone do not include any indoor or outdoor amenity space requirements. However, Official Plan Policy 3.1.2.6 requires that every significant multi-unit residential development include indoor and outdoor amenity space. City Planning staff recommend that 2.0 m² of indoor amenity space and 2.0 m² of outdoor amenity space be required, on a per unit basis. This would translate into a minimum of 252 m² of indoor amenity space and 252 m² of outdoor amenity space for the proposed development.

Unit type

The revised proposal includes 85 1-bedroom units (67%) and 41 2-bedroom units (33%). No 3-bedroom units are proposed.

Tree Preservation

The Arborist Report and Tree Preservation Plan submitted in support of this application indicates that the removal of 1 City-owned tree on the road allowance will be required. The Arborist Report and Tree Preservation Plan also states: "There are a row of trees on adjacent properties, to the south of the subject property. It is unknown at this time whether the Minimum Protection Distances for these trees extend onto the subject property." There are several mature trees with large canopies located just south of the lane, in the rear yards of houses. The driplines of several large trees extend over the subject site. Permits, a revised Arborist Report and a revised Tree Preservation Plan would be required if construction of the proposed development warrants potential injury to the canopy and root system of the trees involved.

Toronto Green Standard

On October 27, 2009, City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment. The applicant has indicated they will pursue Tier 1 of the TGS.

Section 37

No meetings have taken place between the applicant and staff to discuss the provision of Section 37 funds, given that the proposal does not represent appropriate development. In the event that the Ontario Municipal Board (OMB) considers additional density and/or height beyond what is permitted in the Zoning By-law, the City will request that the OMB withhold their final order until the City has secured the appropriate community benefits.

The Official Plan and City Council's approved Section 37 protocol includes a test that requires that the proposed development represent good planning and meet a minimum size requirement of $10,000 \text{ m}^2$ and an increase in density of at least $1,500 \text{ m}^2$. The revised development, at $11,497 \text{ m}^2$ and increase in density of $4,539 \text{ m}^2$, meets the size and threshold requirements. Therefore, should the Ontario Municipal Board approve the proposal, staff recommend securing community benefits at the hearing.

Through preliminary consultation with the Councillor and City Divisions and agencies, the following community benefits have been identified as being required in this area:

- 1. streetscape improvements in Ward 5; and
- 2. parks improvements in Ward 5.

Conclusions

The proposed development does not conform to Official Plan policies relating to height and massing, shadowing and transition, among other matters. Staff is of the opinion that the proposal does not respect or reinforce the planned or existing physical character of the area and represents an over-intensification of development on this site. As such, the proposal cannot be supported and the City Solicitor and appropriate staff should be directed to attend the Ontario Municipal Board hearing to oppose the application in its current form.

CONTACT

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SIGNATURE

Joe Nanos Director, Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan Attachment 2: Elevations Attachment 3: Section Attachment 4: Official Plan Attachment 5: Zoning By-law Attachment 6: Application Data Sheet



Attachment 1: Site Plan



Staff report for action – Zoning By-law Amendment Application - Request for Direction - 2915-2917 Bloor St W









Attachment 3: Section

Staff report for action – Zoning By-law Amendment Application - Request for Direction - 2915-2917 Bloor St W

Attachment 4: Official Plan





Attachment 5: Zoning By-law

Attachment 6: Application Data Sheet

Application TypeRezoningDetailsRezoning, S		-			Application Number: Application Date:			16 141156 WET 05 OZ April 15, 2016			
Details Rezonnig, S		s, stan	Application Date.			с.	April 13, 2010				
Municipal Address:	2915-291	2915-2917 BLOOR ST W									
Location Description:	-										
Project Description:		Rezoning application for a proposed 9-storey 126 unit condominium project with retail at grade located at 2915-2917 Bloor Street West.									
Applicant:	Applicant: Agent:			Architect:				Owner:			
FIELDGATE HOMES			TACT Architecture				2915 BLOOR DEVELOPMENTS LIMITED				
PLANNING CONTROLS	5										
Official Plan Designation:	Mixed U	se Area	reas Site Specific Provisi		on:	941-2003 358-2004					
Zoning:	AV			Historical	Historical Status:						
Height Limit (m):	18			Site Plan	n Control Area:		Yes				
PROJECT INFORMATI	ON										
Site Area (sq. m):		2319		Height:	Storeys:		9				
Frontage (m):		59.4			Metres:		28.4				
Depth (m):		36.7									
Total Ground Floor Area (sq. m): 1180							Tota	al			
Total Residential GFA (sq.	m):	10317	7	Parking Spac			es: 103				
Total Non-Residential GFA (sq. m): 118					Loading	Docks	1				
Total GFA (sq. m):			7								
Lot Coverage Ratio (%):		50									
Floor Space Index:		4.96									
DWELLING UNITS			FLOOR AR	EA BREAK	DOWN (upon pr	oject comp	letion)			
Tenure Type:	Condo					Abov	e Grade	Below Grade			
Rooms:	0		Residential GI	FA (sq. m):		10317	7	0			
Bachelor:	0		Retail GFA (so	q. m):		1180		0			
1 Bedroom:	85		Office GFA (s	q. m):		0		0			
2 Bedroom:	41		Industrial GFA	A (sq. m):		0		0			
3 + Bedroom:	0		Institutional/O	ther GFA (se	q. m):	0		0			
Total Units:	126										
	NER NAME: PHONE:		Elise Hug, Sen 416-338-2560	ior Planner,	, Commun	ity Pla	nning				