



**STAFF REPORT
ACTION REQUIRED**

**387- 403 Bloor Street East and 28 Selby Street
Zoning By-law Amendment Application - Request for
Directions Report**

Date:	July 3, 2015
To:	City Council
From:	City Solicitor
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	12 290796 STE 27 OZ & 13 157626 STE 27 RH

SUMMARY

This report has been prepared in consultation with City Planning.

A Zoning By-law amendment application was submitted on December 7, 2012 requesting permission for a 49-storey building that included an 8-storey base that stepped down to 2-storeys at Bloor Street East and a 12-storey building fronting Selby Street with a height of 41 metres. The application proposed 44,455 square metres of residential gross floor area and 1,395 square metres of commercial gross floor area with a total floor space index of 20.1. This application also proposed to demolish 14 existing dwelling units at 387-403 Bloor Street East, which contain 3 residential rental units. A landscaped privately owned publicly accessible space (POPS) is proposed in front of the Selby Street building.

The applicant appealed the Zoning By-law amendment application to the Ontario Municipal Board (OMB) on December 9, 2014 due to Council's failure to make a decision with respect to the applications within the time prescribed by the *Planning Act*. A pre-hearing was held at the OMB on April 2, 2015 and the OMB has scheduled a second pre-hearing on July 18, 2015.

On April 15, 2015, the applicant submitted revised plans to the City for a 52-storey (175.8 metres, including the mechanicals) and a 10-storey mixed-use commercial/residential building (36.5 metres) containing 487 residential units, 188 hotel suites with retail uses on the first two floors of the taller tower (the "Revised Proposal").

An associated Rental Housing Demolition application (13 157626 STE 27 RH) has also been submitted to demolish the 3 residential rental units at 403 Bloor Street East under Section 111 of

the *City of Toronto Act*. The City's decision on the Rental Demolition application is not subject to appeal to the OMB.

Attachment 1 of this report is the planning review, prepared by the City Planning Division, of the Revised Proposal submitted on April 15, 2015.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize staff to attend the Ontario Municipal Board in support of the Revised Proposal at 387-403 Bloor Street East and 28 Selby Street based on the following:
 - a. The owner entering into and registering an agreement under Section 37 of the *Planning Act* to secure the following payments and/or capital improvements to be included in the zoning by-law amendment, all to the satisfaction of the Chief Planner, Executive Director, City Planning and the City Solicitor:
 - i) The provision of a financial contribution to the City in the amount of \$3,300,000, prior to the issuance of the first above-grade building permit for the subject site, with the contribution to be used by the City towards the following capital improvements, all to the satisfaction of the Chief Planner, Executive Director, City Planning in consultation with the local Councillor:
 - A) a cash payment of \$330,000 for the capital improvement of existing or the creation of new affordable housing Ward 27;
 - B) a cash payment of \$330,000 for the capital improvement of existing or the creation of new community and/or cultural space in Ward 27;
 - C) a cash payment of \$640,000 for capital improvements of local parkland; and
 - D) a cash payment of \$2,000,000 for local area streetscape improvements.
 - ii) In the event any of the cash contribution in Recommendation 1.a.i. A. to D. above have not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the

Toronto Official Plan and will benefit the community in the vicinity of the subject site.

- iii) The required cash contributions pursuant to Recommendation 1.a.i. A.to D. above are to be indexed upwardly in accordance with the Statistics Canada Non- Residential building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the day the payment is made.
 - iv) Prior to the issuance of any permit for all or any part of the property at 403 Bloor Street East, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage building as are acceptable to the Manager, Heritage Preservation Services the owner shall provide full documentation of the existing building, including archival quality photographs of all exterior elevations and features keyed to a location map to the satisfaction of the Manager Heritage Preservation Services.
 - v) The owner shall provide for the tenant relocation and assistance for the tenants of this rental property to the satisfaction of the Chief Planner, Executive Director, City Planning.
- b. The Revised Proposal must comply with the parking provisions in Zoning By-law 569-2013, Policy Area 1, or alternatively, the owner must submit acceptable documentation to Transportation Services to justify the proposed reduced parking ratio.
2. City Council authorize the City Solicitor to request that the OMB withhold its Order on the Zoning By-law amendment appeal pending:
- a. Receipt of confirmation from the City Solicitor that the final form of the Zoning By-law amendment is to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
 - b. Receipt of confirmation from the City Solicitor that the owner and the City have executed the Section 37 Agreement as required in Recommendation 1.a.;
 - c. Receipt of confirmation from the City Solicitor that the owner has submitted a Functional Servicing Report satisfactory to the Executive Director of Engineering and Construction Services and the owner has made satisfactory arrangements with the City's Engineering and Construction Services division for the construction of any required improvements to the municipal infrastructure to support this development, according to the Functional Servicing Report accepted by the Executive Director of Engineering and Construction Services;
 - d. Receipt of confirmation from the City Solicitor that the owner has submitted acceptable documentation regarding the nature of the private right-of-way that

runs along the easterly property limits from Selby Street that demonstrates that access rights have been granted to the site over this private right-of-way and whether it is still required as a result of the development proposal and whether construction of the development is permitted within the private right-of-way, all to the satisfaction of the Executive Director of Engineering and Construction Services;

- e. Receipt of confirmation from the City Solicitor that the owner has submitted all applicable legal documents and/or registered instruments for the rights-of-way identified above Recommendation 2.d;
 - f. Receipt of confirmation from the City Solicitor that the owner has issued a letter to the satisfaction of Toronto Transit Commission (TTC) indicating that the owner acknowledges and agrees to satisfy all of the TTC's technical requirements through TTC's Technical Review Process during the site plan stage, and enter into any agreements that may be required, and that should a situation arise where the design of the development may need to be altered to address TTC's concerns, the TTC will not be responsible in any way including any costs that may be incurred; and
 - g. Receipt of confirmation from the City Solicitor that the owner has agreed that warning clauses regarding TTC operations shall be inserted in all offers to purchase, agreements of purchase and sale or agreements to lease, and condominium declaration document(s) for each affected residential or commercial unit, and/or lot and/or block within the proposed development. Such warning clauses shall advise of the potential for noise, vibration, smoke, particulate matter, electromagnetic interference and stray current impacts on the proposed development, and that the TTC accepts no responsibility for such effects.
3. The owner is required to pay for and construct any improvements to the municipal infrastructure in connection with the site servicing assessment, should it be determined that upgrades are required to the infrastructure to support this development.
 4. The owner is required to transfer an easement to the City for public use of the 260 square metre publicly accessible open space within the external forecourt in front of the Selby Street building, with appropriate signage in accordance with the Privately Owned Publicly-Accessible Space Guidelines. The transfer of the easement is to occur before such time that any residential unit is occupied.
 5. The owner is requested to conduct a traffic queuing analysis and recommend mitigating measures that can be implemented to improve the operation of the intersection of Bloor Street East and Sherbourne Street including the northbound queuing activity.
 6. City Council authorize the City Solicitor, in consultation with the Chief Planner and Executive Director of City Planning, to make such stylistic and technical changes to the

draft Zoning By-law amendment as may be required to give effect to the intent of the recommendations contained in this report.

7. City Council authorize the City Solicitor and appropriate staff to continue discussions with the applicant respecting a final version of the Zoning By-law amendment.

Financial Impact

The recommendations will have no financial impact beyond what has already been approved in the current year's budget.

Decision History

A previous application was submitted in 2010 for a portion of the subject site (395-403 Bloor Street East) to permit a two tower, mixed-use development consisting of 40 and 42-storey tower, with 386 residential units and 1,080 square metres of commercial retail space at grade and on the second floor. A Preliminary Report dated July 13, 2010, identified a number of deficiencies with the proposal, including a general lack of fit with its existing and planned context and concluded that Planning Staff could not support the development in its current form. On August 17, 2010, Toronto and East York Community Council meeting adopted the Preliminary Report and directed staff to hold a community meeting. The community meeting was held on January 27, 2011. The application was withdrawn on December 7, 2012 when the current application was filed.

The current Zoning By-law amendment application was submitted on December 7, 2012. A preliminary staff report was issued on January 21, 2013, which identified concerns with the proposal such as, the height of the proposed Selby Street building, setbacks from adjacent buildings and the need for greater compliance to the Downtown Tall Building Guidelines. The community consultation meeting was held on April 9, 2013. On November 13, 2014, the application was heard at the City of Toronto Design Review Panel. The Panel echoed staff's concerns regarding the lack of an appropriate separation distance, among other issues discussed.

On December 9, 2014, the applicant filed an appeal of the Zoning By-law amendment application to the OMB, citing Council's failure to make a decision on the application within the prescribed timelines of the *Planning Act*. An OMB pre-hearing took place on April 2, 2015 and another pre-hearing is scheduled for July 16, 2015. On April 15, 2015, the applicant submitted the Revised Proposal to the City.

Comments

The purpose of this report is to seek Council's direction for the appeal of this application to the OMB. It is Planning Staff's opinion that the Revised Proposal is appropriate in its current built form and site design. Staff are recommending that the Revised Proposal be supported, subject to the conditions in the Recommendations Section of this report.

CONTACT

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SIGNATURE

Anna Kinastowski, City Solicitor

ATTACHMENTS

Attachment 1 -	City Planning Division Review
Attachment 2 -	Site Plan (Revised Proposal)
Attachment 3 to 6 -	Elevations (Revised Proposal)
Attachment 7 -	Zoning
Attachment 8 -	Application Data Sheet

Attachment 1: City Planning Division Review
Zoning By-law Amendment File No.: 12 290796 STE 27 OZ & 13 157626 STE 27 RH

Revised Proposal

The applicant's proposal has changed from the original submission in December, 2012. A summary of the revisions are outlined below. The applicant is now proposing to construct a 52-storey and a 10-storey mixed-use commercial/residential building containing 487 residential units, 188 hotel suites and retail use on the first two floors of the taller tower. The proposed height of the tallest point is 167.3 excluding mechanical equipment (an increase from 155 metres), and the height of the Selby Street building has been reduced to 36.5 metres from 41 metres. The main tower floor plate has been reduced and reoriented relative to adjacent and future potential buildings.

Table 1 – Summary of Revisions to the Application

Category	First Submission December 12, 2012	Revised Proposal April 15, 2015
Site Area	2,479.8 square metres	2,479.8 square metres
Proposed Tower Setbacks above podium		
Bloor Street Tower	6.3 m from the west property line 6.1m from the east property line 6.6 m from the south property line	10 m from the west property line 6 m from the east property line Ranges from 4.9 m to 6.4 m from the south property line Ranges from 0.9 m to 3 m from the north property line
Selby Street Building	0 m from the east and west property lines	0 m from the east and west property lines
Proposed Base Setback on Ground Floor		
Bloor Street Tower	0 m from east, south and west property lines 0.9 m from the north property line	0 m from the south, east and west property lines Ranges from 1.3 to 1.7 metres from the north property line

Selby Street Building	0 m from all property lines	0 m from the north, east and west property lines Average of 18 m from the south property line
Tower Floor Plate	750 square metres	738 square metres
Floor Space Index	17.42	17.42
Residential Gross Floor Area	42,042 square metres	29,504 square metres
Non-Residential Gross Floor Area	1,162 square metres	13,700 square metres
Total Gross Floor Area	43,204 square metres	43,204 square metres
Number of Units	553	487
Hotel Suites	0	188
Indoor Amenity Space	887 square metres	974 square metres
Outdoor Amenity Space	517 square metres	595 square metres

There are three loading spaces (1 Type G, 1 Type C and 1 Type B) located on the ground floor and accessible from Selby Street. The indoor and outdoor amenity space is located on the 10th – 11th floors. Proposed balconies along the east elevation of the tower begin at the 17th-storey.

The overall proposal consists of 487 residential units. The proposed residential unit breakdown is as follows:

Unit Type	Number of Units
Studio	41
One bedroom	255
Two bedroom	191
Three bedroom	0

Although there are no three-bedroom units proposed, approximately 5% of the units will be larger than 850 square feet and have the ability to be converted into three-bedroom units.

The Selby Street building is set back an average of 18 metres from the lot line, which will create a 260 square metre outdoor privately-owned public space (POPS). The sidewalk width of along Bloor Street East ranges from 6.0 to 6.5 metres and is approximately 7 metres along Selby Street. The 10-storey Selby Street building contains hotel suites and is attached to the 52-storey tower.

Site and Surrounding Area

The properties at 395 to 403 Bloor Street contain low-rise commercial buildings. The property at 387 Bloor Street East contains a 6-storey residential condominium building with 10 residential condominium units and commercial space at grade. The property located at 403 Bloor Street East is listed on the City's Heritage Register. The property at 28 Selby Street is a surface parking lot. The north portion of the property is crossed by the TTC Bloor Danforth subway tunnel. The overall development site is irregular in shape, with frontage on both Bloor Street East and Selby Street, and has a total site area of 2,280 square metres.

Surrounding Uses:

South: Selby Street is south of the site. Directly across on Selby Street is the Clarion Hotel & Selby Suites property located at the southwest corner of Sherbourne Street and Selby Street, one block south of Bloor Street East. A development application has been approved to permit a 50-storey (165 metre) tall residential tower including a 3-storey base with grade related units along Selby Street.

Also south of the site is the James Cooper Heritage Mansion, which is a 32-storey residential tower building.

Directly southwest of the site is an area designated *Neighbourhoods* in the Official Plan with low-rise 2 to 3-storey house form dwellings. Some of the dwellings have been converted to bed and breakfast uses. Further west on Jarvis Street are existing and recently approved residential towers ranging from 27 to 49-storeys in height. Southeast of the site is an existing 10-storey medical condominium office building.

West: A 20-storey commercial office tower is located on the south side of Bloor Street East, and just west of this property towards Jarvis Street is a 26-storey residential building.

East: Directly east of the site is a 16-storey residential condominium building. On the east side of Sherbourne Street are low rise mixed-use commercial retail and residential uses, heritage rowhouses at 603 to 607 Sherbourne Street, St. James Town West Park and Trinity Evangelical Lutheran Church. Northeast of the site, at the southeast corner of Bloor Street East and Sherbourne Street is an office building of approximately 10 storeys and the Sherbourne Subway Station. Further northeast is the Rosedale Valley ravine. A development application on the east side of Sherbourne approved by the OMB consists of 3 towers ranging in height from 37 to 50 storeys.

North: An 18-storey residential condominium building (388 Bloor Street East – Rosedale Condominiums and the 17-storey residential condominium (360 Bloor Street East) as well as the bank building at the northwest corner of Bloor Street East and Sherbourne Street. Further north is the Rosedale Valley ravine.

Planning Act, 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 carrying out its responsibilities, including: the orderly development of safe and healthy communities; the conservation of features of significant architectural, cultural and historical interest; the adequate provision of employment opportunities; and the appropriate location of growth and development.

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and

healthy communities. The PPS recognizes that local context and character is important. Policies are outcome-oriented and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan places the site within the Downtown and Central Waterfront on Map 2 "Urban Structure". The site is designated "*Mixed Use Areas*" on Map 18 – Land Use Plan in the Official Plan. This designation permits a range of residential, commercial and institutional uses. The Plan includes criteria that directs the form and quality of development in this land use designation. The criteria state that: new buildings shall provide a transition between areas of different intensity and scale, including appropriate setbacks and/or a stepping down of heights towards lower scale *Neighbourhoods*; shadow impacts shall be minimized; and an attractive, safe and comfortable pedestrian environment shall be provided, among other criteria. Generally, it is intended that development will:

- create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- provide for new jobs and homes for Toronto's growing population on underutilized lands;
- locate and mass new buildings to provide a transition between areas of different development intensity and scale, to achieve the objectives of the Plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- locate and mass buildings to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
- locate and mass buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- provide an attractive, comfortable and safe pedestrian environment;
- have access to schools, parks, community centres, libraries, and childcare;
- take advantage of nearby transit services;

- provide good site access and circulation and an adequate supply of parking for residents and visitors;
- locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

The Official Plan policies regarding heritage resources set out directions for conserving our heritage through listing properties, designating them and entering into conservation agreements. Once a property is listed on the City's *Inventory of Heritage Properties* it is to be conserved and any development proposal on it requires a Heritage Impact Statement. Development adjacent to properties on the City's *Inventory of Heritage Properties* will respect the scale, character and form of heritage buildings and landscapes.

The Official Plan also contains policies addressing the need to preserve and increase the City's supply of rental and affordable housing. The Official Plan includes housing policies that encourage the provision of a full range of housing in terms of form, tenure and affordability, and the protection of rental housing units.

Area Specific Policy 211 (Bloor Yorkville/ North Midtown Area)

Area Specific Policy 211 of the Official Plan recognizes that the Bloor-Yorkville/North Midtown Area comprises a broad mix of districts with differing intensities, scales and heights in a diversity of building forms. The area includes *Neighbourhoods*, *Apartment Neighbourhoods*, *Mixed Use Areas*, Areas of Special Identity and *Parks and Open Space* provided by parks and ravines. The Area forms the north edge of the Downtown and requires transition in density and scale. The subject site is located within the 'Height Ridge' as illustrated in Policy 211, where the building heights descend from the 'Height Peak' area at Yonge and Bloor.

Zoning

The site is zoned CR T4.0 C2.0 R4.0 which permits a wide range of uses including residential uses, retail, offices, private clubs, and restaurants. The site has a total density permission of 4.0 times the lot area, 2.0 times the lot area for commercial uses and 4.0 times the lot area for residential uses. The height permission is 30 metres.

Bloor – Yorkville/ North Midtown Urban Design Guidelines

The Bloor- Yorkville/ North Midtown Urban Design Guidelines approved by Council in 2004 seek to improve the physical quality of the area and ensure that new development respects its special character.

The main planning objectives of these local Design Guidelines include:

- enhancement of Areas of Special Identity and historic buildings;
- protection of residential areas from adverse impacts of commercial and/or higher density development;

- improvement of public realm and publicly accessible areas; and
- excellence in urban design, architecture, and landscaping.

The Bloor-Yorkville/North Midtown area is comprised of a number of precincts and corridors, each defined by its attributes in terms of function, built form and character. The subject site is located within the Bloor Street Corridor. The centre of the Bloor Street Corridor, at the Yonge and Bloor intersection, is referred to as a 'Height Peak', where the tallest buildings in the area are concentrated. The remainder of the corridor is referred to as a 'Height Ridge' where building heights step down from the peak.

Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to implement these Guidelines in the evaluation of all new and current tall building development applications. The guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure that they fit within their context and minimize their local impacts. The city-wide Guidelines are available at <http://www.toronto.ca/planning/urbdesign/blooryorkville.htm>

The Official Plan (Section 5.3.2: Implementation Plans and Strategies for City- Building, Policy 1) states that Guidelines will be adopted to advance the vision, objectives and policies of the Plan. Urban Design Guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas." The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3.1 (The Built Environment) and other policies within the Plan related to the design and development of tall buildings in Toronto.

This project is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the City-Wide Tall Building Guidelines May 2013). This document identifies specific Downtown streets that are most suitable for tall buildings, establishes a height range along these streets and provides a set of supplementary Downtown specific design guidelines which address Downtown built form and context. The Downtown Building Design Guidelines were used together with the City-Wide Tall Building Guidelines in the evaluation of this proposal. The Downtown Guidelines are available at: <http://www.toronto.ca/planning/tallbuildingstudy.htm#guidelines>

The application is located on Bloor Street East, which is identified as a High Street on Map 1 of the Guidelines. This portion of Bloor Street East falls within the 62 metres to 107 metres height range on Map 2, is identified as a Tower-Base Form Typology on Map 3 and is identified as a Retail Street on Map 4.

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. 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. The By-law also allows for conditions to be applied with respect to the impact on tenants of a rental property, including relocation or other assistance. Proposals involving six or

more rental housing units or where there is a related application for a Zoning By-law amendment require a decision by City Council under Section 111 of the City of Toronto Act.

Under Chapter 667 a building or related group of buildings containing one or more rental units, where there are six or more dwelling units, is defined as a Residential Rental Property and a rental housing demolition application is required to be filed "without delay" when there is a related planning application to the City. Failure to submit an application, the knowing provision of false or misleading information, or interference with a tenant's reasonable enjoyment of a rental unit is an offence under this Chapter and may be subject to penalty.

Council may refuse an application, or approve the demolition with conditions that must be satisfied before a Section 111 demolition permit is issued. The conditions are based on the Official Plan policies and established practices the City has in place when considering rental housing demolition. Approval of related planning applications, such as a zoning by-law amendment, should be conditional upon the applicant receiving a Section 111 permit.

If the demolition of rental housing is approved under Municipal Code 667, approval to issue a demolition permit for residential buildings under Municipal Code 363 and Section 33 of the *Planning Act* is also required. The by-law provides for the co-ordination of these approvals and issuance of the permit. Typically, City Council receives a joint report on the related planning applications as well as the application under Municipal Code 667 so that the decisions on demolition and redevelopment may be made at the same meeting. Unlike *Planning Act* applications, City Council decisions to approve or refuse rental housing demolitions under Section 111 of the *City of Toronto Act* are not subject to any appeal to the Ontario Municipal Board. In cases where the OMB is making the final decision on the planning application, a separate Section 111 Staff Report must also be submitted to City Council for decision.

Site Plan Control

The proposed development is subject to Site Plan Control approval. The Site Plan application has not been submitted to date.

Reasons for Application

The Zoning By-law Amendment application proposes a development that exceeds the permitted height of 30 metres by approximately 137.3 metres on Bloor Street and 6.5 metres on Selby Street.

The permitted density on the site is 4.0 times the lot area. The development is comprised of a total gross floor area of 43,204 square metres, resulting in a density of 17.42 times the lot area. A Zoning By-law amendment is required. A number of additional areas of non-compliance with the Zoning By-law have been identified.

Community Consultation

A community consultation meeting was held by City Planning staff on April 9, 2013 with the area residents along with the applicant and the Ward Councillor.

The following issues were raised by members of the public:

- Traffic and congestion;
- The proposed height of the tower podium;
- Unit sizes and the number of three-bedroom units;
- The community benefits to be secured through a Section 37 agreement; and
- The location of the Selby Street building.

In addition to the community meeting, the applicant, Planning staff and the Ward Councillor met with members of the different residents' associations to present the settlement plans filed in April 2015.

Agency Circulation

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

COMMENTS

Provincial Policy Statement and Provincial Plans

The 2014 PPS promotes new development through intensification in keeping with municipal Official Plans, where such intensification recognizes the development's local context and has a well-designed built form. This application provides a built form that fits within its local context and is consistent with the 2014 PPS.

The Growth Plan for the Greater Golden Horseshoe designates the site within the urban growth centre. The Growth Plan recognizes urban growth centres as areas for development to accommodate intensification, to provide for a range of housing options and to provide for appropriate transition of built form to adjacent areas. This application accommodates intensification and provides an acceptable transition of built form to adjacent areas. As such, this application does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use

Planning staff are satisfied that the proposed residential and non-residential uses, including retail and hotel uses are acceptable. These uses are permitted within the *Mixed Use Areas* of the Official Plan as well as the CR district in the Zoning By-law. The Official Plan states that development in *Mixed Use Areas* will create a balance of high quality commercial, residential, institutional, and open space uses that reduce automobile dependency and meet the needs of the local community. In addition, the Tall Buildings Guidelines identify Bloor Street as a priority retail street and the Urban Design Guidelines identify Bloor Street as a Highly Animated Street where the primary use is retail and commercial uses.

Density, Height and Built Form

The Official Plan Area Specific Policy 211 and the Bloor-Yorkville/Midtown Urban Design Guidelines set out areas called the 'Height Peak', 'Height Ridges' and 'Low-Rise Areas'. The intent of these local policies and guidelines is to direct the tallest buildings around the Yonge and

Bloor Streets intersection, known as the 'Height Peak'. The 'Height Ridge' provides a transition in scale with lesser height and physical scale than the 'Height Peak', and in a form compatible with adjacent areas. The site is located in the 'Height Ridge', east of the 'Height Peak'. The proposed height of 52 storeys (167.3 metres) provides adequate transition from the approved and built building heights of the 'Height Peak' area and maintains the intent of the area policies within the "Height Ridge".

There are existing and recently approved tall buildings within the existing context. The heights of these developments are as follows:

Address	Height (Storeys)	Height (Metres)
592 Sherbourne Street	50	165.6
603 Sherbourne Street	50	164
Corner of Bloor and Parliament Streets	37 & 45	116 & 139

The original proposal, had tower setbacks from the east and west property lines of 6.1 metres and 6.3 metres, as well as a 0 metre setback of the mid-rise building to the Selby Street property line, which represented an inappropriate response to the constraints of the site.

The site is unusually shaped. The siting of the tower and the floor plate orientation in the settlement offer has been evaluated in its context vis- à-vis other existing and potential tall buildings. The tower setback to the west property line has been increased from 6.3 metres to 10 metres, with a separation of 14.5 metres to the windows of the office building. The Tall Buildings Guidelines recommends a minimum of 25 metres separation distance between two towers, with setbacks of 12.5 metres from the property line. The current proposal will be setback 10 metres from the west property line. It is also noted that the office building is 103.7 metres shorter than the proposed 52-storey tower. While not fully meeting the Tall Buildings Guidelines, Staff find this particular condition acceptable as any future redevelopment of the office building to the west will be able to provide sufficient setbacks on its own lot.

The existing 16-storey condominium building to the east which is 113.86 metres shorter than the proposed building, is set back less than 1 metre from its western property line and contains a blank wall condition along the western elevation. The proposed separation distance of 6.0 metres to the east property line has been maintained. While this condition is not ideal, it will result in a reduction of light and skyview for a small number of units located within the mid-portion of the west elevation from the 12th - 16th storeys, as the first 9 storeys of the tower contain hotel suites and the proposed indoor amenity space is located within the 10th-11th floors. The floor plate has also been beneficially adjusted to reflect this context.

The tower is setback 6.4 metres from the south property line. The site to the south east of the subject site could potentially accommodate a tall building, however, staff have evaluated the potential massing of the site and have determined that a building and appropriate floor plate with sufficient separation distance can be achieved if redeveloped.

The Selby Street building has been set back an average of 18 metres from the lot line, creating a 260 square metre outdoor privately-owned public space (POPS).

Planning staff find the overall height and density appropriate as it fits within the existing and planned character.

Sun, Shadow, Wind

Section 3.1.2.3 (e) (Built Form) and Sections 4.5.2 (d) and (e) of the Official Plan include policies that tall buildings must minimize the negative impact of shadows on adjacent open spaces.

The applicant has submitted a Shadow Analysis to show the shadow of the proposed 52-storey building. During the September 21 equinox, the proposed 52-storey tower will cast a shadow on parts of the Rosedale Valley Ravine from approximately 11:18 a.m. to 5:18 p.m. The existing/approved buildings the area cast similar shadows within the same timeframe.

The shadow study shows minimal shadow impacts on the *Neighbourhoods* designation to the north of the site. During the September 21 equinox at 3:18 p.m., the shadow of the proposed tower brushes the rear elevation of the 3-storey apartment building on Glen Road. Also, at 4:18 p.m. the shadow grazes the west elevation of the 3-storey apartment building on Dale Avenue. Due to the slender shape of the proposed tower its incremental shadows move quickly.

Planning staff have assessed the proposed development in terms of the incremental impact resulting from the proposed 52-storey tower and are satisfied that it adequately limits shadow on the *Neighbourhoods*, shadow-sensitive areas, parks, publicly accessible open spaces and natural areas.

Loading, Parking and Traffic

Three loading spaces are proposed, one Type G, one Type C and one Type B located on the ground floor and accessible from Selby Street. The loading space supply is acceptable and satisfies the minimum requirements.

The application proposes a parking ratio of 0.18 parking spaces per residential unit, resulting in a total of 180 vehicular parking spaces in 5 levels of underground garage consisting of 92 shared commercial and visitor spaces and 88 residential parking spaces.

The proposed residential parking supply does not meet the requirements of the Zoning By-law. The Zoning by-law requires 291 residential, 48 visitor and 27 commercial parking spaces. The applicant is providing sufficient commercial and visitor parking spaces, however are short approximately 203 residential spaces.

Transportation Services have not accepted the proposed parking ratio and recommend a minimum number of residential parking spaces on the site to serve this development based on the following ratios:

Unit Type	Spaces Per Unit
------------------	------------------------

Bachelor	0.3
1-bedroom	0.5
2-bedroom	0.8
3-bedroom	1.0

Given the above, unless acceptable documentation is provided which justifies the proposed parking ratio, Transportation Services require that the proposal comply with the parking provisions of the Zoning By-law.

With regards to traffic impact, concerns have been raised by area residents about the northbound queues at the intersection of Bloor Street East and Sherbourne Street that routinely extend southerly during the peak hours past Howard Street, thus affecting its operations. The Owner's Traffic Impact Study analyses suggested that this is not a problem, save and except for the 95th percentile queue for the northbound right-turn lane at the intersection. Transportation Services is requesting the owner's transportation consultant to conduct a queuing analysis and to recommend mitigating measures that can be implemented to improve the operation of this intersection including the northbound queuing activity.

Servicing

Staff is reviewing the functional servicing report prepared by Riaboy Engineering Ltd. to ensure that the existing City infrastructure has adequate capacity to support the development proposal and that the proposal meets City standards.

The costs of any municipal services upgrades required to support the development will be borne by the applicant. These measures will be secured as part of approval conditions provided to the OMB.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

This application is for both 29,504 m² of residential space with 487 units as well as 188 hotel suites sharing 13,700 m² of space with retail on the ground floor.

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 6,493 m² or 383 % 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 185 m².

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as there is no suitable location for an on-site parkland dedication.

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

Heritage

The property located at 403 Bloor Street East is listed on the City of Toronto's Heritage Register. This one and a half storey house was listed by Toronto City Council on July 14, 1983 for architectural reasons. The Official Plan heritage policies require that properties on the Heritage Register be conserved in a manner that is consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada. The proposal calls for the complete demolition of this heritage property.

Heritage Preservation Services has reviewed the Heritage Impact Assessment (HIA) submitted in support of the planning application prepared by ERA Architects Inc. dated December 5, 2012. The HIA notes that key features on the front elevation have been significantly compromised by successive interventions over time. These features include the original entrance, the original windows, the window surrounds on the second floor, and the gingerbread detailing. The HIA finds that due to these alterations the property lacks the heritage integrity to warrant its designation under Part IV of the Ontario Heritage Act. Heritage Preservation Services has assessed the property and agrees with these findings.

In keeping with the City of Toronto Official Plan policies, prior to the demolition of the listed house, the property owner will be required to undertake thorough documentation of the heritage resources. This documentation will serve as a final record of the property and will be submitted to the City of Toronto Archives.

Rental Housing

The development site contains 14 existing dwelling units at 387 and 403 Bloor Street East of which 3 are rental units. The existing rental units are located at 403 Bloor Street East and consist of 1 two-bedroom and 2 one-bedroom units at affordable rents. The rental property also contains 8 rented condominium units at high-end rents and 3 owner-occupied condominium units. Under Official Plan Policy 3.2.1.6, replacement of the three existing rental housing units is not required because there are less than 6 rental units.

As a related group of buildings containing one or more rental units, the City's Rental Housing Demolition and Conversion By-law applies. An application under Chapter 667, pursuant to Section 111 of the *City of Toronto Act*, was submitted for the demolition of the 3 existing residential rental units.

Eleven of the 14 dwelling units were occupied by tenants at the time of application. The City's practice has been to secure that all tenants, including in a mixed-tenure property like this, receive the appropriate tenant relocation and assistance to lessen the hardship of relocation. The owner has agreed to provide tenant relocation assistance beyond what is required under provincial legislation for tenants of the existing rental property. Tenants will receive a longer notice period for the demolition and eligible tenants will receive additional financial assistance relative to their rent and length of tenure.

Staff are satisfied with the proposed tenant relocation and assistance plan. At such time, as the OMB makes a decision on the rezoning application and grants approval, staff will seek Council's decision on the Rental Housing Demolition application and recommend that the matters above be secured as a condition of approval.

Section 37

Section 37 of the Planning Act allows the City to enter into an agreement with an applicant to grant a height and/or density increase for a particular project that is greater than what the zoning by-law would otherwise permit in return for community benefits. Details of a Section 37 Agreement between the applicant and the City are established in consultation with the Ward Councillor, if the project is considered to be good planning and recommended for approval.

The application in its current form should be subject to Section 37 contributions under the Planning Act. The Ward Councillor has been consulted in regard to these matters. The community benefits recommended to be secured in the Section 37 Agreement are as follows:

1. The provision of a financial contribution to the City in the amount of \$3,300,000, prior to the issuance of the first above-grade building permit, for the subject site, indexed upwardly from the date of the Section 37 Agreement to the date of each such payment, with the contribution to be used by the City towards the following capital improvements, all to the satisfaction of the Chief Planner in consultation with the local Councillor:
 - a. a cash payment of \$330,000 for the capital improvement of existing or the creation of new affordable housing in the ward;
 - b. a cash payment of \$330,000 for the capital improvement of existing or the creation of new community and/or cultural space in Ward 27;
 - c. a cash payment of \$640,000 for capital improvements of local parkland;
 - d. a cash payment of \$2,000,000 for local area streetscape improvements;

with provision that in the event any of the above required Section 37 cash contributions have not been used for the intended purpose within three years of the by-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the subject site.

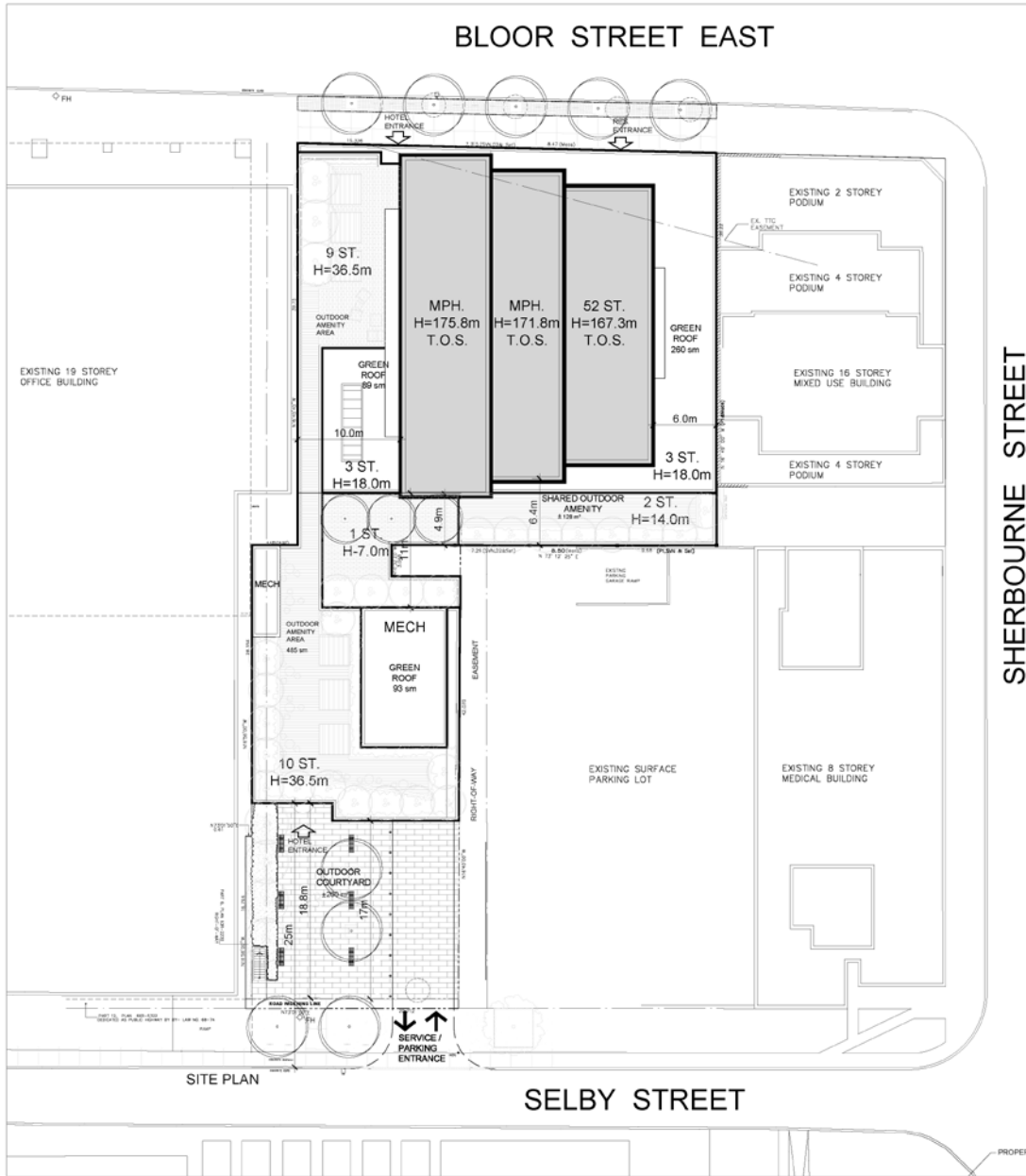
Conclusion

The Revised Proposal by the applicant represents an improvement to the proposal in comparison to the original application and more fully responds to the context and range of issues raised during the application review. Staff recommend accepting the Revised Proposal provided that the proposal complies with the parking provisions of the Zoning By-law or unless acceptable documentation is provided Transportation Services which justifies the proposed reduced parking ratio.

CONTACT

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E-mail: jrenaud2@toronto.ca

Attachment 2: Site Plan



Site Plan

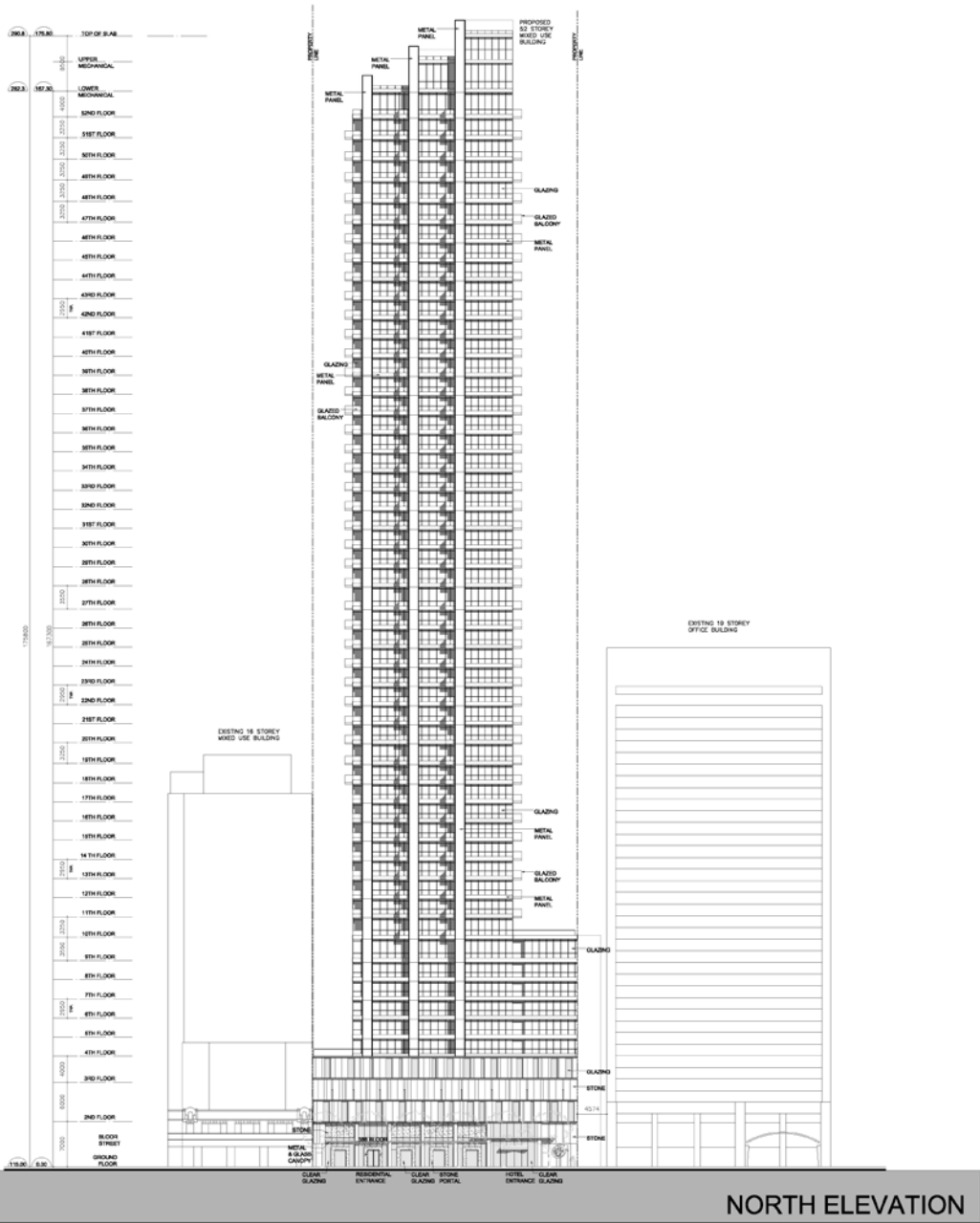
387-403 Bloor Street East & 28 Selby Street

Applicant's Submitted Drawing

Not to Scale 06/25/2015

File # 12 290796 STE 27 0Z

Attachment 3: North Elevation



Elevations

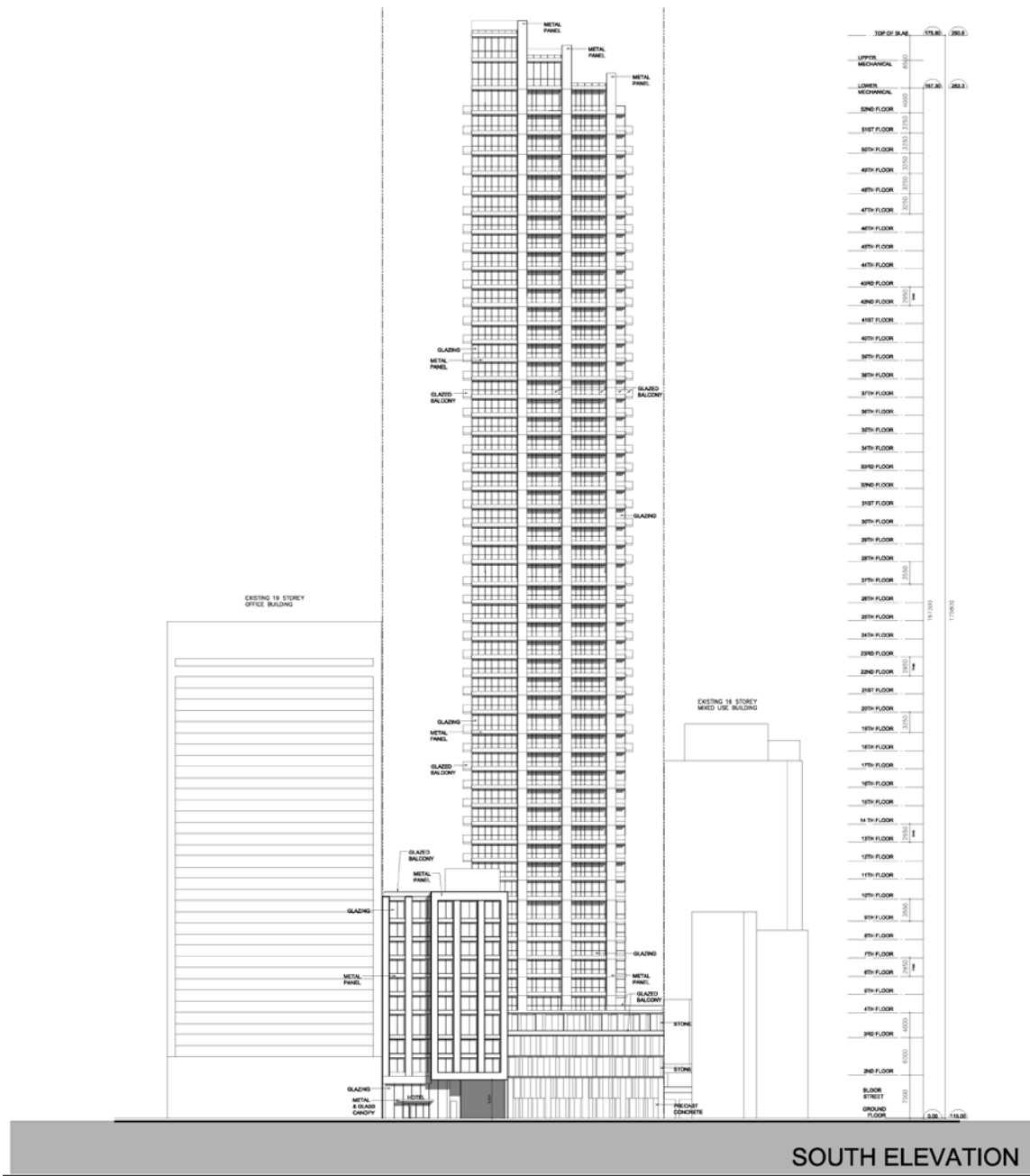
Applicant's Submitted Drawing

Not to Scale
06/25/2015

387-403 Bloor Street East & 28 Selby Street

File # 12 290796 STE 27 02

Attachment 4: South Elevation



Elevations

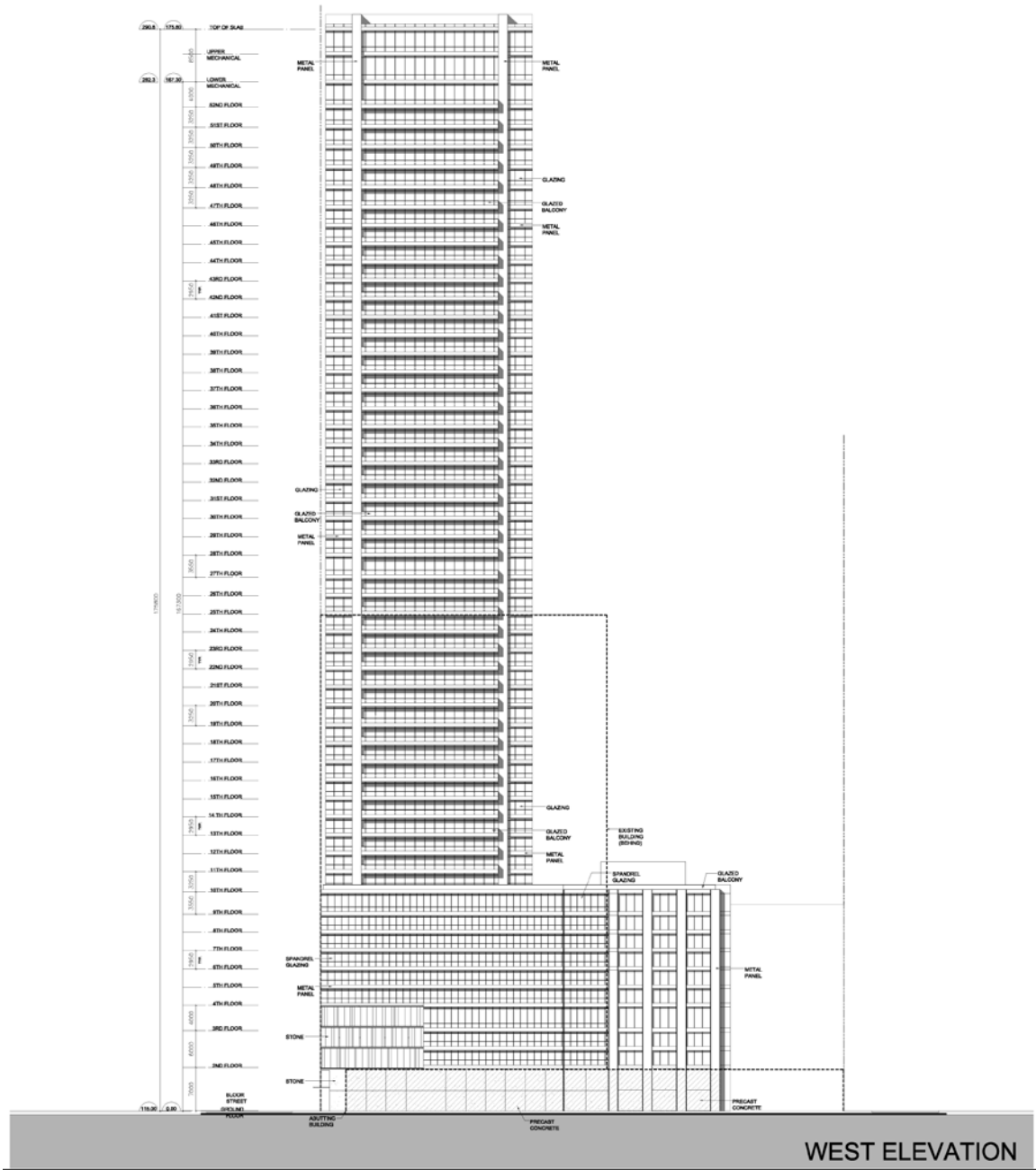
387-403 Bloor Street East & 28 Selby Street

Applicant's Submitted Drawing

Not to Scale
06/25/2015

File # 12 290796 STE 27 0Z

Attachment 5: West Elevation

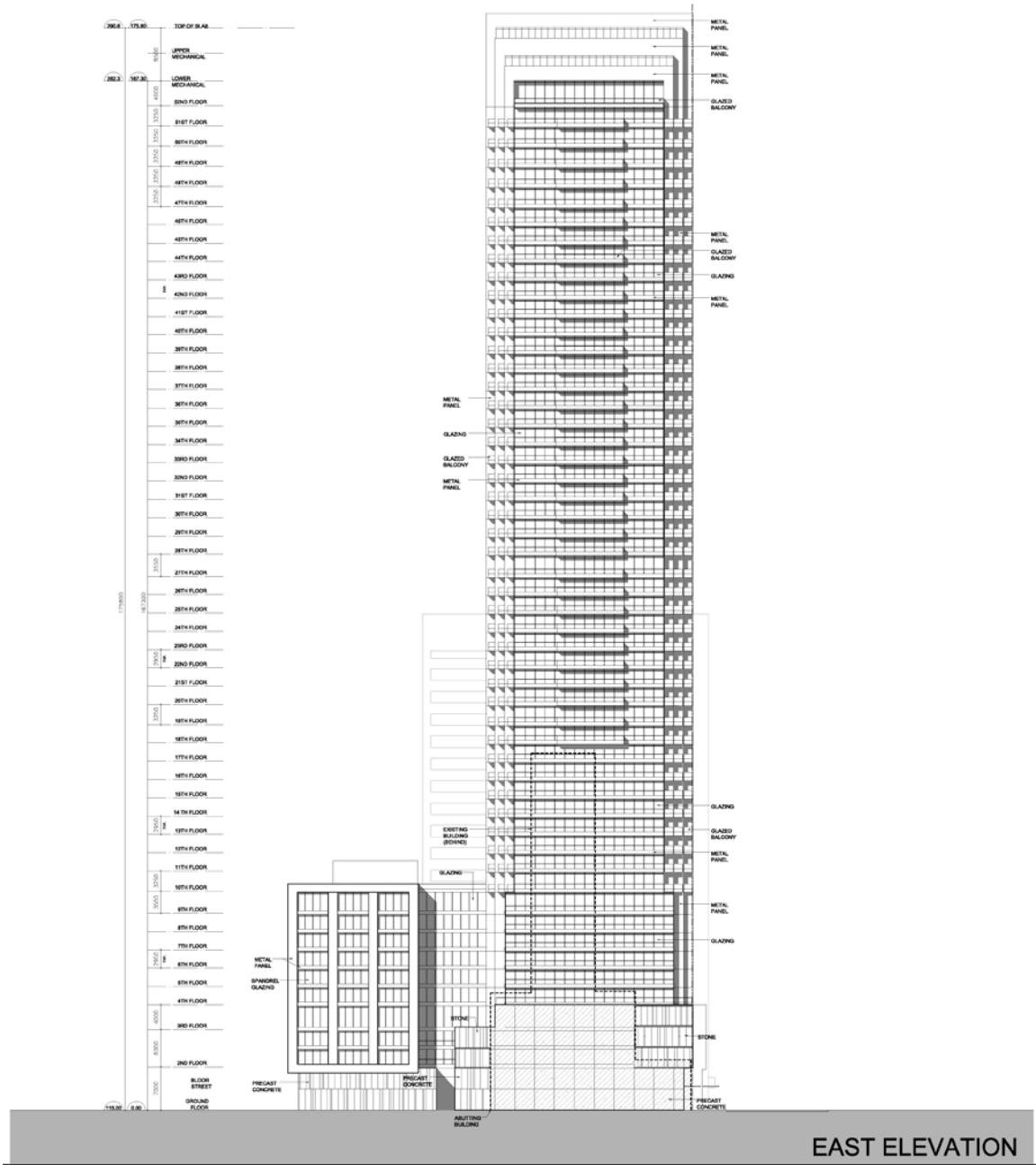


Elevations
 Applicant's Submitted Drawing
 Not to Scale
 06/25/2015

387-403 Bloor Street East & 28 Selby Street

File # 12 290796 STE 27 0Z

Attachment 6: East Elevation



Elevations

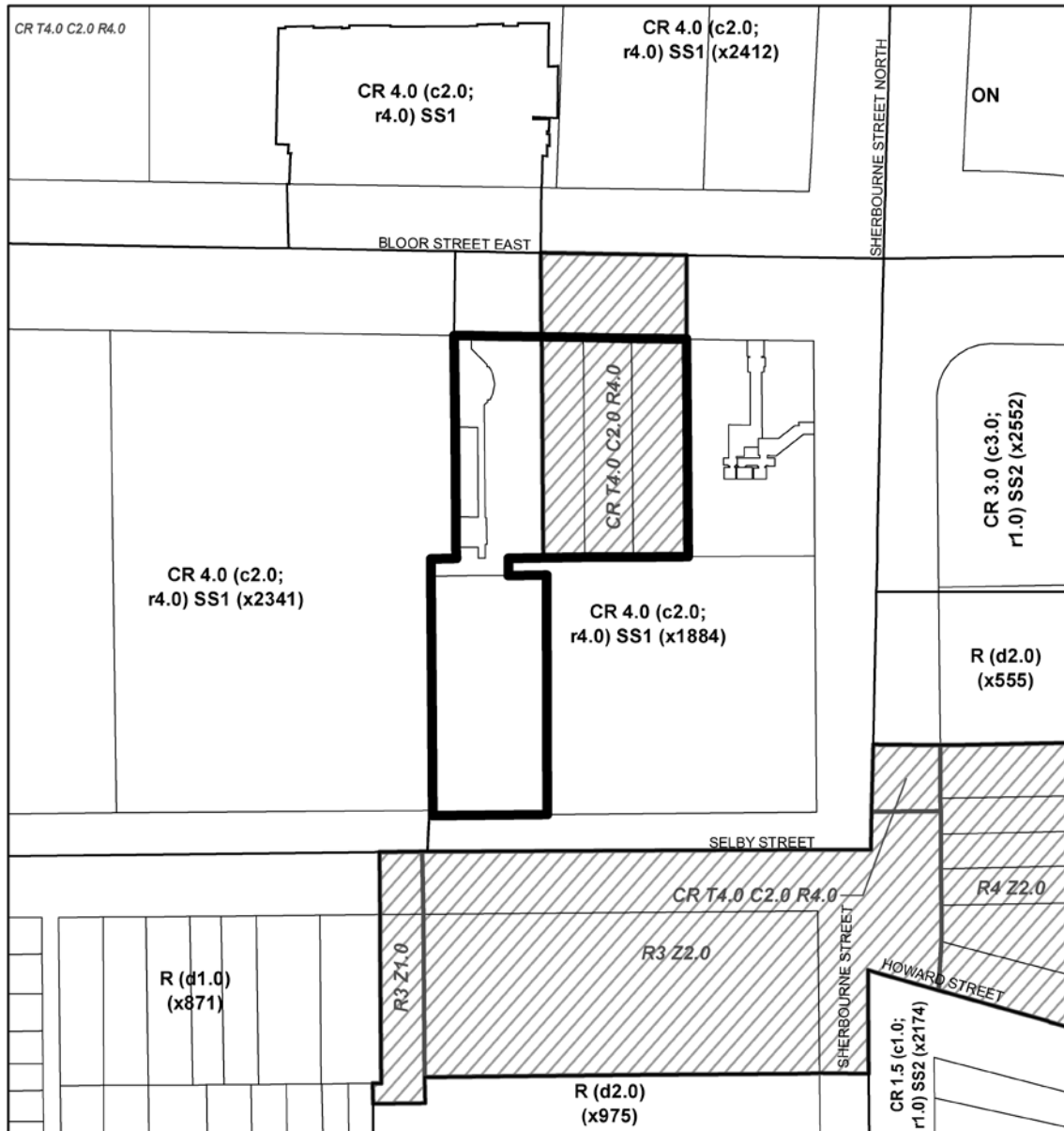
Applicant's Submitted Drawing

Not to Scale
06/25/2015

387-403 Bloor Street East & 28 Selby Street

File # 12 290796 STE 27 0Z

Attachment 7: Zoning



Zoning By-Law No. 569-2013

387-403 Bloor Street East & 28 Selby Street

File # 12 290796 STE 27 0Z

Location of Application

R Residential

CR Commercial Residential
ON Open Space Natural



See Former City of Toronto By-Law No. 438-86

R3 Residential District
R4 Residential District
CR Mixed-Use District



Not to Scale
Extracted: 08/25/2015

Attachment 8: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	12 290796 STE 27 OZ
Details	Rezoning, Standard	Application Date:	December 7, 2012
Municipal Address:	387 BLOOR STREET EAST		
Location Description:	PLAN 132A PT LOT 11 RP 66R18739 PT PART 2 **GRID S2708		
Project Description:	Revised submission: 52-storey mixed-use tower on Bloor Street and a 10-storey building on Selby. The revised development includes 487 residential units, 188 hotel suites and 1.162 square metres of at-grade retail space.		

Applicant:	Agent:	Architect:	Owner:
BOUSFIELDS INC. 2 Church St., Suite 200 Toronto, Ontario M5E 1M2	Aird & Belis LLP 181 Bay St., Suite 1800 Toronto, Ontario M5J 2T9	Page & Steele IBI Architects 95 St. Clair Ave W. Toronto, Ontario M4V 1N6	572550 ONTARIO LTD. 3100 Steeles Ave. E., Suite 601 Makham, Ontario L3 8T3

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	CR T4.0 C2.0 R4.0	Historical Status:
Height Limit (m):	0, 0, 0	Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):	2479.8	Height:	Storeys:	52
Frontage (m):	39.5		Metres:	175.8
Depth (m):	81.5			
Total Ground Floor Area (sq. m):	2091			Total
Total Residential GFA (sq. m):	29504		Parking Spaces:	180
Total Non-Residential GFA (sq. m):	13700		Loading Docks	3
Total GFA (sq. m):	43204			
Lot Coverage Ratio (%):	84			
Floor Space Index:	17.42			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	41
1 Bedroom:	255
2 Bedroom:	191
3 + Bedroom:	0
Total Units:	487

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	29504		0
Retail GFA (sq. m):	13091		609
Office GFA (sq. m):	0		0
Industrial GFA (sq. m):	0		0
Institutional/Other GFA (sq. m):	0		0

CONTACT:	PLANNER NAME:	Jennifer Renaud, Planner
	TELEPHONE:	416-392-7554