

**2442-2454 Bloor Street West and 1-9 Riverview Gardens-
Official Plan and Zoning By-law Amendment Application
- Request for Direction Report**

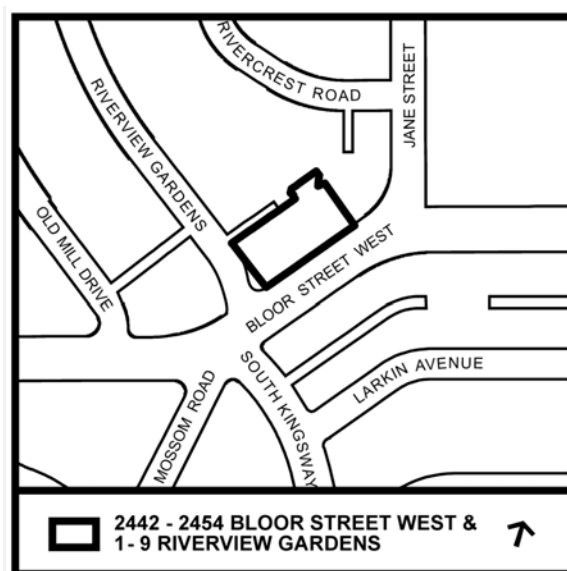
Date:	November 3, 2017
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 13 – Parkdale-High Park
Reference Number:	16 148149 WET 13 OZ

SUMMARY

The Official Plan and Zoning By-law Amendment application proposes to redevelop the lands at 2442 – 2454 Bloor Street West and 1 – 9 Riverview Gardens with a fourteen storey mixed-use building. The proposal includes 28,617 m² of gross floor area, including 244 dwelling units and 4,991m² of retail floor area located on the ground floor and lower floor (B1). This would result in a floor space index of 8.25 times the area of the land. A total of 331 vehicle parking spaces are proposed in 4 levels of below grade parking.

To accommodate the proposal, the applicant proposes the demolition of the existing buildings, including the Humber Odeon Cinema, as well as the two-storey retail and office use buildings west of the Humber Cinema to Riverview Gardens.

On May 15, 2017, the Official Plan and Zoning By-law Amendment application was appealed by the applicant to the Ontario Municipal Board (OMB) pursuant to Subsections 22(7) and 34(11) of the *Planning Act*, citing City Council's failure to render a decision within the prescribed period of time.



A Pre-Hearing Conference (PHC) was held on September 28, 2017 before the OMB, with a second PHC scheduled for February 7, 2018.

Although a hearing date for the appeal has yet to be scheduled, the proponent has asked for Board Assisted Mediation with the Parties identified at the September 28, 2017 PHC.

The purpose of this report is to outline issues with the proposed development from an Official Plan policy and built form perspective and seek City Council's direction for attendance at the Ontario Municipal Board hearing to oppose the appeal of the Official Plan and Zoning By-law Amendment application.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, City Planning staff and other appropriate City staff to attend the Ontario Municipal Board to oppose the appeal of the Official Plan and Zoning By-law Amendment application for 2442 - 2454 Bloor Street West and 1 - 9 Riverview Gardens in the proposal's current form.
2. City Council authorize City staff to continue discussions with the applicant to negotiate an appropriate development proposal for the subject lands.
3. In the event the Ontario Municipal Board allows the appeal in whole or in part, City Council direct the City Solicitor to request that the Board withhold its order on the Official Plan and Zoning By-law Amendment application appeal for the subject lands until such time as the City notifies the Board that it is satisfied with the final form of the Official Plan and Zoning By-law Amendments. The Zoning By-law Amendment shall provide for the provision and securing of any required transportation and servicing infrastructure upgrades and appropriate Section 37 community benefits.

Financial Impact

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

DECISION HISTORY

In April 2008, City Council approved Official Plan Amendments 169 and 362 (to the former City of Toronto and the former City of York Official Plans) and Zoning By-laws 357-2008 and 355-2008 (to former City of York Zoning By-law No. 1-83 and former City of Toronto Zoning By-law No. 438-86), to permit the redevelopment of the lands at 2442 Bloor Street West. These lands form part of the overall consolidated lands subject to the current application, where the Humber Odeon Cinema is currently located.

The approved development consisted of a ten storey mixed-use building, having 49 residential units, 960 m² of retail space on the ground floor fronting Bloor Street West

and a 2,030 m² health club on floors 2 and 3. The Final Report on this proposal can be viewed at the following link:

<http://www.toronto.ca/legdocs/2006/agendas/committees/et/et060404/it069.pdf>

In July 2014, City Council directed the Chief Planner and Executive Director, City Planning to undertake an Avenue Study of Bloor Street West from the Humber River to Keele Street. The Avenue Study is currently underway, with a Final Report expected to be submitted to Etobicoke York Community Council early in 2018. The City Council direction can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.MM54.16>

On September 7, 2016, Etobicoke York Community Council considered a Preliminary Report regarding the subject application. Staff were directed to schedule a Community Consultation Meeting and to provide Notice of the Public Meeting in accordance with the *Planning Act*. The Etobicoke York Community Council decision can be viewed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EY16.1>

ISSUE BACKGROUND

Proposal

The proposed development envisions the demolition of five existing buildings, and the redevelopment of the lands with a 14-storey mixed-use building (see Attachment 1: Site Plan). The proposed building would have a height of 51.81 m (53.86 m including mechanical penthouse) at the average grade along Bloor Street West (see Attachment 2 – Elevations). Retail uses, building service uses and access to the proposed four levels of underground parking would be provided in the first lower level of the building, where the grade of the site could accommodate direct access to the rear of the building. Retail uses and the residential lobby would occupy the main level of the building, being at-grade with Bloor Street West, with residential uses and amenity spaces proposed for the levels above.

The building would contain 244 dwelling units, comprised of 90 one-bedroom, 129 two-bedroom and 25 three-bedroom units. A total of 331 vehicle parking spaces in four underground parking levels are proposed, along with 273 bicycle parking spaces throughout the site. The building would also provide 504 m² and 574 m² of indoor and outdoor amenity area, respectively for the use of future residents.

A total of 28,617 m² of gross floor area is proposed, including 4,991 m² of non-residential floor area, resulting in a floor space index of 8.25 times the area of the lands (see Attachment 5 – Application Data Sheet).

Site and Surrounding Area

The lands are located on the north side of Bloor Street West between Riverview Gardens and Jane Street.

The lands are an assembly of properties municipally known as 2442-2454 Bloor Street West and 1-9 Riverview Gardens, having an approximate frontage of 79 metres on Bloor Street West and a lot depth of approximately 48.7 metres along Riverview Gardens. The assembled land area is approximately 3,466 m².

The topography of the lands slopes downward to the north and to the west. The highest elevation is located at the southeast corner of the site, sloping downwards approximately 2 metres along Bloor Street West to Riverview Gardens, as well as sloping downwards to the north by 3 to 5 metres.

The lands are currently occupied by a cinema (2442 Bloor Street West), three two-storey non-residential buildings (2444, 2446 and 2448-2450 Bloor Street West), and a two storey mixed-use building containing three rental residential dwelling units and office floor area (2452-2454 Bloor Street West and 1-9 Riverview Gardens).

Surrounding land uses are as follows (note that Bloor Street West at this location runs in a southwest to northeast orientation):

North: A public lane, a Toronto Parking Authority parking lot, with detached dwellings beyond, and the Toronto Transit Authority (TTC) subway line (below-grade).

South: On the south side of Bloor Street West are two storey commercial/office buildings and a gas station.

West: In August 2010, City Council approved a proposal at 1 and 2 Old Mill Drive, comprised of a 12 storey mixed-use building and a 10 storey residential building, respectively. The approved development included a total of 408 residential units and 973 m² retail space for both buildings. These sites are immediately west of the subject lands, west of Riverview Gardens and Old Mill Drive respectively. The City Council decision can be viewed at the following link:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.EY39.4>

East: A five storey office building, then Jane Street with one to four storey mixed commercial/residential buildings, a junior school and the Jane Street Subway Station.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (2014) (the "PPS") provides policy direction Province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;

- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The City of Toronto uses the PPS to guide its Official Plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council affecting land use planning matters "shall be consistent with" the PPS.

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

Like other provincial plans, the Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

Official Plan

The lands are located within an *Avenues* area on Map 2 - Urban Structure and are designated both *Mixed Use Areas* (lower southwest quadrant of the lands) and *Neighbourhoods* (upper northeast quadrant of the lands) on Map 14 - Land Use Plan (see Attachment 3 – Official Plan). The lands designated *Mixed Use Areas* are also within the Swansea Secondary Plan area, although none of the policies of this Secondary Plan apply to the subject lands.

The dual land use designations affecting the lands, generally follows the previous municipal boundary between the former City of Toronto and the former City of York.

With respect to *Avenues* properties, they are lands typically located on corridors along major streets where reurbanization is anticipated and encouraged in order to accommodate growth, in accordance with Official Plan policies. An Avenue Study is currently underway in this area and is discussed later in this report.

The Official Plan states that lands designated *Neighbourhoods* are considered physically stable areas comprised of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys. Parks, low scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in *Neighbourhoods*. In *Neighbourhoods*, development must be sensitive, gradual and generally "fit" the existing physical character by respecting and reinforcing the general physical patterns in the neighbourhood.

The *Mixed Use Areas* designation permits a range of residential, commercial and institutional uses, and provides criteria to direct the form and quality of development and is identified in the Official Plan as providing opportunities for increased jobs and/or population. 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.

Official Plan Policy 2.2.3.3(b) states that "Development in *Mixed Use Areas* located on *Avenues*, prior to the completion of an Avenue Study has the potential to set a precedent for the form and scale of reurbanization along the *Avenues*. 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:

- 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;
- Consider whether incremental development of the entire Avenue segment as identified in the above assessment would adversely impact any adjacent *Neighbourhoods*;
- Consider whether the proposed development is supportable by available infrastructure; and
- Be considered together with any amendment to the Official Plan or Zoning By-law at the statutory public meeting for the proposed development.

Further, “development in *Mixed Use Areas* on *Avenues* that precedes the completion of an Avenue Study will:

- Support and promote the use of transit;
- Contribute to the creation of a range of housing options in the community;
- Contribute to an attractive, safe and comfortable pedestrian environment that encourages walking and strengthens local retailing;
- Provide universal physical access to all publicly accessible spaces and buildings;
- Conserve heritage properties;
- Be served by adequate parks, community services, water and sewers, and transportation facilities; and
- Be encouraged to incorporate environmentally sustainable building design and construction practices.”

Development requiring a rezoning will not be allowed to proceed prior to completion of an Avenue Study unless a review is undertaken that 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.

An Avenue Segment Study for Bloor Street West from the Humber River in the west to Windermere Avenue in the east was prepared and submitted in support of the proposed fourteen storey mixed-use building, to address Official Plan Policy 2.2.3.3(b).

With respect to the dual land use designations on the lands, the Official Plan provides guidance to interpret circumstances where land use designations do not coincide with physical features such as lanes and roads or property boundaries. Section 5.6 “Interpretation” of the Official Plan, Policy 5 states:

“Boundaries of land use designations on Maps 13-23 inclusive are general except where delineated by a defined Secondary Plan or area specific policy, or where they coincide with fixed distinguishable features such as roads, public laneways, utility corridors, railroads, watercourses or other clearly defined physical features.

In all other instances, the boundaries of land use designations will be determined by a review of:

- a) Existing zoning by-laws;
- b) Prevailing lot depths;
- c) Orientation of lot frontages;
- d) Lot patterns; and
- e) Land use patterns.”

Other Official Plan policies have provided guidance in the review, assessment and evaluation of this proposal, including the Healthy Neighbourhoods Policy 2.3.1 related to intensification on lands adjacent to a neighbourhood. Further guidance has been provided through policies in Chapter 3 of the Official Plan related to the Public Realm and Built Form.

The Toronto Official Plan is available for viewing on the City's website at:
www.toronto.ca/planning/official_plan/introduction.htm.

Bloor West Village Avenue Study

As noted previously, City Council directed the Chief Planner and Executive Director, City Planning to undertake a planning study of Bloor Street West from the Humber River to Keele Street. As this area of Bloor Street West is identified as *Avenues* on to Map 2 – Urban Structure, an Avenue Study has been initiated for the sites fronting on Bloor Street West between the Humber River and Keele Street.

The study commenced on December 2016, and has included extensive community consultation with ratepayers, interested parties, residents, neighbourhood associations and the Bloor West Village BIA. The study has also included a Local Advisory Committee comprised of local stakeholders and the study was presented to the City’s Design Review Panel on April 21, 2017.

The study is expected to be completed by early 2018, but has identified the segment of Bloor Street that includes the subject lands as having a distinct character. This area is differentiated from the avenue east of it due to its slightly wider right-of-way width at 30 metres in this location vs. 27 metres for the remainder of the avenue travelling eastwards. The Bloor West Village Character Area also demonstrates a more irregular lot pattern, and experiences a significant drop in grade from Jane Street travelling westwards.

Zoning

The lands were not included within City-wide Zoning By-law No. 569-2013 as this area is subject to complicated zoning that is split between former City of York Zoning By-law No. 1-83 and former City of Toronto Zoning By-law No. 438-86.

There are two zones that generally correspond to the land use designations covering the lands. The southwest quadrant is zoned CR T2.5 C2.0 R1.5 by former City of Toronto

Zoning By-law No. 438-86. The CR zone permits a mix of commercial and residential uses up to a total density of 2.5 times the area of the lot. A maximum of 2.0 times the area of the lot is permitted for solely commercial uses, while a maximum of 1.5 times the area of the lot is permitted for stand-alone residential uses. The maximum permitted height for the lands is 14.0 metres.

The northeast quadrant of the lands is zoned R1 by former City of York Zoning By-law No. 1-83, which corresponds generally to the *Neighbourhoods* designation covering this area. This zone permits detached dwellings, schools, day nurseries and other non-residential neighbourhood uses to a maximum height of 11 metres for residential uses and 14 metres for non-residential uses (see Attachment 4 - Zoning).

Site Plan Control

The proposed development is subject to Site Plan Control, but an application in this regard has yet to be submitted.

TRCA and Ravine Control

A rear portion of the lands is subject to the Ravine and Natural Features Protection By-law. City staff have assessed and coordinated the review with Toronto and Region Conservation Authority staff, as the north portion of the lands is also within the regulation limits, but have not raised any concerns related to their regulations.

Mid-Rise Building Design Guidelines

Toronto 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 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 are intended to be used as tools to implement both the Official Plan's *Avenues* and *Neighbourhoods* policies, maintaining a balance between reurbanization and stability and ensuring quality and comfortable streetscapes along the *Avenues* framed and defined by buildings that allow for a minimum of 5 hours of sunlight on the sidewalks from March 21 to September 21, pedestrian perception stepbacks which mitigate the pedestrian perception of building height along the *Avenues* and an acceptable relationship between mid-rise buildings and the adjacent *Neighbourhoods* and *Parks and Open Spaces* which the Official Plan policies are explicit in their intent to protect with appropriate transitions. The Performance Standards provide guidance about the size, shape and quality of mid-rise buildings and are intended to respect Section 2.3.1 of the Official Plan.

Reasons for the Application

The proposed development requires an Official Plan Amendment as a result of the split (dual) land use designations affecting the lands. The *Neighbourhoods* policies of the Official Plan would not permit the proposed mixed-use building. The applicant is proposing to redesignate the portion of the lands currently designated *Neighbourhoods* to *Mixed Use Areas*.

The proposed development does not comply with the as-of-right zoning permissions regulating the lands. The proposed development exceeds the allowable height, massing and other zoning regulations including building form and land use. Additional areas of non-compliance may be identified through the on-going review of the application.

Community Consultation

The proposed development was presented at a Community Consultation Meeting on September 29, 2016 at St. Pius X Catholic Elementary School, which was attended by approximately 100 people. A second consultation meeting was held on October 17, 2016 for the residents of 1 Old Mill Drive, as a result of an issue with the Notice of the original consultation meeting. Issues raised by residents included:

- New development was creating a canyon/wall along Bloor Street West;
- The proposed building is too tall and should comply with the City's Tall Building Guidelines;
- The proposed development could create an unacceptable and negative precedent;
- The building would have adverse shadow impacts;
- Concern with the amount retail space where retail is currently struggling;
- Disappointment with the loss of the theater;
- Concerns with additional pressures on school capacity;
- Concerns with the lack of parkland to accommodate additional population;
- The building does not fit the existing physical character of the area;
- Concerns were raised with respect to the rear mass of the building being too great as the change in grade would exaggerate the perception of the building mass;
- Potential impact on the migratory birds and chimney swift habitat;
- Concerns with additional traffic in the area; and
- Concern with the services in the area such as sewer capacity and hydro.

Design Review Panel

The proposed development was reviewed by the City of Toronto Design Review Panel on two occasions. The first review took place on November 23, 2016. A second revised proposal was presented to the Panel on April 21, 2017. For the first review, while recommendations for specific changes varied, Panel members were unanimous in advising that the massing proposal was "too bulky" and needed to be revised. Panel members also advised that the existing buildings to the west, 1 and 2 Old Mill Drive, should not be used as precedents to emulate, given the "bulky" massing that has negatively impacted the neighbourhood and street.

At the second review, Panel comments continued to focus on reducing the overall height and massing of the building, and provided specific input on how the building may improve its transition to the surrounding context. Although there were a number of strategies offered to improve the design of the building, the overarching concerns of height and massing remained.

The minutes of the two meetings can be viewed at:

<https://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/Urban%20Design/Files/pdf/DRP/DRP%202016/FINAL%20MINUTES%20Nov23.pdf>

and

https://web.toronto.ca/wp-content/uploads/2017/08/981b-final_DRP_minutes_apr212017.pdf

COMMENTS

Planning staff identified numerous issues to be resolved related to the proposed development in the Preliminary Report considered by Etobicoke York Community Council on September 7, 2016, many of which remain outstanding. These are:

- Compliance with the Avenues and Mid-Rise Buildings Study design criteria;
- Fit of the proposed development within its existing and planned context;
- Impacts on the adjacent *Neighbourhoods* designated lands to the north and northeast;
- Impacts of the proposed height, bulk and mass of the building on adjacent streets;
- Appropriate proportion of building height to street width;
- Appropriate transition in scale to neighbouring lands including setbacks, stepbacks and angular planes;
- Impacts on neighbouring context with regard to light, skyview and privacy;
- Location of the building in relation to streets and building setbacks to ensure safe, attractive, interesting and comfortable boulevards and sidewalks, including street tree planting and enhanced streetscaping;
- Assessment of traffic and transportation impacts;
- Assessment of the proposed site servicing, adequacy of existing municipal infrastructure and identification of required improvements to support the proposed increase in density; and
- Identification of appropriate community benefits under Section 37 of the *Planning Act*, should the proposal be approved by the Ontario Municipal Board.

The concept of a mixed use building fronting on Bloor Street West generally conforms with the goals and objectives of the Official Plan, and is a location where growth is anticipated and encouraged.

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However, the magnitude, intensity and massing of the proposed development is excessive, and does not conform with Official Plan Policies that protect *Neighbourhoods* and provide clear direction for new developments to fit within the existing and planned context of an area.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Key objectives include building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS states that the planning authorities shall identify appropriate locations for intensification and that an appropriate range and mix of housing types and densities be provided.

Section 4 of the PPS outlines methods for how the PPS should be implemented and interpreted. Policy 4.7 states that a municipality's "official plan is the most important vehicle for implementation of the Provincial Policy Statement" and that "comprehensive, integrated and long-term planning is best achieved through official plans". Furthermore, it directs municipalities to provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

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. The Growth Plan strives, among other things, to direct growth to areas of urban intensification. It requires municipalities to set clear targets for population and employment growth.

The Official Plan identifies a land use structure of areas where intensification is appropriate and directs growth to certain areas of the City. The Official Plan provides clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas. The areas which can best accommodate growth are shown on Map 2, Urban Structure of the Official Plan. The growth areas are identified as the Downtown, Centres, Avenues and Employment Districts.

The proposal in its current form does not comply with Official Plan Healthy Neighbourhoods (2.3.1.2) and Mixed Use Areas (4.5) Policies related to matters such as transitioning between areas of different intensity and scale, through appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*, which assist in the provision of adequate light and privacy, while adequately limiting shadow impacts. As such, the current proposal is inconsistent with the PPS.

Land Use

The Official Plan Amendment proposes to redesignate the portion of the subject lands that are presently designated *Neighbourhoods* to *Mixed Use Areas*. These *Neighbourhoods* designated lands are physically separated from the balance of the

Neighbourhoods district by a public lane and a parking lot. A previous approval on the 2442 Bloor Street West lands (Humber Odeon Theatre site only), resulted in the *Mixed Use Areas* designation being located abutting the rear yards of *Neighbourhoods* properties that front on Rivercrest Road.

The Official Plan provides guidance to interpret circumstances where land use designations do not coincide with physical features such as lanes and roads or property boundaries. Section 5.6 “Interpretation” of the Official Plan, Policy 5 states:

“Boundaries of land use designations on Maps 13-23 inclusive are general except where delimited by a defined Secondary Plan or area specific policy, or where they coincide with fixed distinguishable features such as roads, public laneways, utility corridors, railroads, watercourses or other clearly defined physical features.

In all other instances, the boundaries of land use designations will be determined by a review of:

- a) Existing zoning by-laws;
- b) Prevailing lot depths;
- c) Orientation of lot frontages;
- d) Lot patterns; and
- e) Land use patterns.

Planning staff have reviewed the elements noted above and considered the Official Plan Amendment for the 2442 Bloor Street West lands and are of the opinion that the proposed Official Plan Amendment is appropriate for the redesignation of the *Neighbourhoods* designated portion of the lands to be changed to *Mixed Use Areas*. The proposed designation would recognize the extent of the existing lot depths and normalize the land use condition up to the abutting public laneway, which would represent a physical edge that limits the *Mixed Use Areas* designation and be consistent with the other properties in this segment of Bloor Street West.

The proposed development seeks to implement the Policies of the Official Plan through a Zoning By-law Amendment, to permit the development of a mixed use building. The Official Plan, if amended to designate the lands *Mixed Use Areas* in their entirety, would anticipate and encourage mixed use development along this segment of Bloor Street West, as it is identified as an Avenue on Map 2.

However, the Official Plan must be considered comprehensively and as a cohesive whole, as the Plan states “everything is connected to everything”. With respect to the proposed Zoning By-law Amendment which would permit the proposed development, *Mixed Use Areas* Policies 4.5.2 c) and d), as well as Healthy Neighbourhoods Policies 2.3.1.2 a) and b), are not achieved.

Although the proposed land use is appropriate for the lands, it is the proposed density, building height and scale of the proposed development that do not conform to the Official Plan Policies associated with matters such as transitioning between areas of different intensity and scale, through appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*, which assist in the provision of adequate light and privacy, while adequately limiting shadow impacts. These Policies seek to protect *Neighbourhoods* areas through transition in heights, scale and density, provide appropriate growth and fit, within the planned context, while recognizing the existing physical context. A more detailed assessment of density, height and massing, as well as shadows, is addressed later in this report.

Avenue Segment Study

In order to satisfy and conform with Official Plan Policy 2.2.3.3, the proponent submitted an Avenue Segment Study. Although Planning staff disagree with some elements of the Study, the application was deemed complete and a Notice of Complete Application was issued on June 28, 2016.

The review of the Study resulted in concerns with elements of the study methodology, specifically with the use of angular planes that are not taken from lot lines and lands designated *Neighbourhoods*. Further, staff also do not concur with the applicant's methodology that has been applied to the areas identified as "stable areas". Staff noted that the angular plane affecting the subject lands was being taken from the north lot line of the parking lot north of the subject site. The land use designation of the parking lot is *Neighbourhoods*, and thus the angular plane should be taken from the south lot line, which is immediately north of the public laneway that abuts the subject lands, which is consistent with the City's Mid-Rise Buildings Design Guidelines.

Planning staff are of the opinion that the proposal does not meet the angular planes set out in the Mid-Rise Buildings Design Guidelines. As a result, the proposal does not create a suitable transition of building heights and creates inappropriate visual and shadow impacts on the lower-scale *Neighbourhoods* area to the north and northeast.

Planning staff have also expressed the opinion that although the use of a different rear angular plane may have been used for 1 and 2 Old Mill Drive, it would not be appropriate to use on the subject site and throughout the Avenue Segment Study.

The proponent was also requested to further clarify and define the areas described as "stable areas" and what differentiates them from "soft sites". This additional information remains outstanding.

Density, Height and Massing

There has been a considerable amount of development pressure experienced along Bloor Street West, between the Humber River and Keele Street. A City-initiated Avenue Study is currently underway. A summary of the recent development on Bloor Street West is provided below:

Address	Height	GFA	Lot Area	FSI	By-law or File No.	Land Use (OP)
1 Old Mill Dr.	39.95m (12 Storeys)	27,700 m ²	4,070 m ²	6.8	1163-2010	Mixed Use Areas
2 Old Mill Dr.	32.55 m (10 Storeys)	20,150 m ²	4,119 m ²	4.9	1162-2010	Mixed Use Areas
2265 Bloor St. W.	25m (8 Storeys)	6,075 m ²	1,559 m ²	3.9	PL 140435 (OMB)	Mixed Use Areas
2114 Bloor St. W.	32.7m (9 Storeys)	7,150 m ²	1,396 m ²	5.1	PL 150122 (OMB)	Mixed Use Areas
2115 Bloor St. W.	27m (8 Storeys)	6,500 m ²	1,499 m ²	4.3	96-2017 & 97-2017	Mixed Use Areas
1990 Bloor St. W.	36.6m (11 Storeys)	8,450 m ²	1,198 m ²	7.1	107-2015 (OMB)	Apartment Neighbourhoods
1830 Bloor St. W.	47.5m (14 Storeys)	34,900 m ²	6,535 m ²	5.3	1429-2013 (OMB)	Apartment Neighbourhoods
Subject Site	51.8m (14 Storeys)	28,617 m ²	3,466 m ²	8.25		Mixed Use Areas and Neighbourhoods

This chart illustrates the extent of excess height and density proposed, especially when compared to developments in *Mixed Use Areas*, where the planned and physical characters are most comparable.

The existing immediate physical context is the 1 Old Mill Drive property to the west. Compared to this development, the proposal in its current form is significantly taller, with more bulk and density. However, the subject site is smaller, shallower and closer to *Neighbourhoods* designated properties.

The proposed density, height and massing are excessive for the site and result in inappropriate transition and shadowing to the neighbourhood to the north.

Sun, Shadow and Wind

The applicant has provided a shadow study of the proposed development to allow staff to assess the shadow impacts that the proposed building would cast on neighbouring properties, as required by the Official Plan. The study illustrates the position of the shadows every hour from 9:18 a.m. to 6:18 p.m. on March 21 and September 21. The study also includes shadows on June 21 and December 21.

Planning staff are of the opinion that although the duration of the shadows into the existing residential community are limited to 9:18am-10:18am on March 21st, and to 9:18am on September 21, the length of the shadows into the community to the north is extensive. A reasonable reduction in height and massing would eliminate any shadow into this community on the March and September equinox. With consideration for the distance of the subject property from the nearest residential dwelling, a reduction of any shadowing onto the residential dwellings during both equinox times is achievable. The

Toronto Parking Authority (TPA) lot, which is designated *Neighbourhoods*, would experience significant and prolonged shadows throughout the March and September.

On March 21 at 9:18 a.m., the shadow from the proposed building would extend into the front yards of the nine dwellings on the west side of Riverview Gardens, as well as the front and rear yards of the first 6 dwellings on the east side. The TPA lot would be in complete shadow. By 10:18 a.m., only the first dwelling on the east side of Riverview Gardens would be partially in shadow and the TPA lot would appear to remain in complete shadow. By 11:18 a.m., sunlight would begin to appear on the northern portion of the TPA lot, with shadows being cast on the rear yards of four *Neighbourhoods* properties on the west side of Rivercrest Road. By 12:18 p.m., all but one property on Rivercrest Road would be free from shadows.

Planning staff are of the opinion that the shadows cast from the proposed building would be inappropriate and not be sufficiently limited to satisfy the goals and objectives of the Official Plan, especially as the shadows relate to the *Neighbourhoods* designated lands currently occupied by the TPA lot.

The applicant also submitted a Pedestrian Wind Assessment, which concluded the following:

1. Wind comfort at all grade-level pedestrian-sensitive locations within and surrounding the study site is expected to be acceptable for the anticipated uses, without mitigation. These areas include surrounding sidewalks and building entrances.
2. For the existing bus stop at the northeast corner of Bloor Street West and Riverview Gardens, moderately stronger wind speeds unsuitable for prolonged periods of standing may occur. If wind conditions are found to be uncomfortable for standing at this location, the installation of a bus shelter to protect pedestrians from northwesterly winds is recommended.
3. Wind conditions at the second level outdoor amenity terrace are expected to be calm and suitable for sitting during the spring, summer and autumn.
4. The introduction of the proposed building is not expected to significantly influence pedestrian wind comfort at neighbouring areas beyond the development site. More specifically, building entrances and sidewalks will continue to experience wind conditions similar to those that presently exist without the proposed building in place.

Planning staff would require an update to the Pedestrian Wind Assessment through the Site Plan Control process, that reflects any changes to the proposed development, should the current proposal be approved.

Traffic Impact, Access, Parking and Loading

The applicant submitted a Traffic Impact Study in support of the proposed development, which estimated the proposal would generate 90, 190 and 250 two-way trips during the weekday morning, weekday afternoon and Saturday peak hour periods, respectively, including pass-by trips.

Transportation Services staff do not concur with the conclusions of the Study. The applicant has been advised that they must submit the following additional information to the City for review and approval:

- a. More complete Synchro summaries that illustrate signal timing information such as splits, phases, all-red, yellow phases, 'flashing-don't walk' and 'walk' time, etc.;
- b. All signal timing plans for the signalized intersections in the study area that were received from the City's Traffic Signal Control Centre;
- c. Summary tables showing the 50th and 95th percentile queues for all movements at the study area intersections, along with available storage areas. This information is required for all traffic conditions assessed in the study;
- d. The existing traffic signal timing parameters were maintained for the analysis of existing and future conditions; however, these timings were optimized "as appropriate" under future conditions. The consultant must indicate any proposed modifications to signals timing, including any adjustments or additional phases;
- e. The signalized intersection summary table must summarize all critical movements and the Level-of-Service for each movement;
- f. Further explanation is required as to the methodology for obtaining the "Adjusted ITE 820" trip rates used for the retail trips;
- g. The 'pass-by' trips were included in the traffic analysis. An explanation is required as to the reasoning behind the inclusion of 'pass-by' trips;
- h. Additional information is required as to the methodology to account for "sneakers" in the HCM analysis; and
- i. For the 'existing' northbound and southbound turning movements at the Bloor Street West/Windermere Avenue intersection, the volumes provided in the TIS are substantially lower than the City's May 18, 2011 turning movement count information; i.e., 15 northbound morning peak through movements in the TIS versus 149 northbound morning peak through movements in the City's counts. Although the City's counts are over five years old, staff are concerned about this discrepancy and require the consultant to address this matter.

Access to the proposed mixed-use building's motor court, underground parking access and loading facilities would be directly from the 6.1 m wide public lane abutting the lands to the north, which intersects with Riverview Gardens.

The parking assessment outlined in the Traffic Impact Study recommends that the proposed condominium apartment units provide parking based on the minimum apartment dwelling unit parking ratios for Policy Area 3, in accordance with Zoning By-law No. 569-2013. As the proposed development would be located approximately 150 metres west from the TTC Jane Subway Station entrance, Transportation Services staff agree with the applicability of these minimum resident/visitor parking ratios.

On this basis, Transportation Services staff recommended that residential parking for the proposed apartment building be provided at the following minimum ratios:

- Bachelor dwelling units at 0.60 spaces per dwelling unit;
- One-bedroom dwelling units at 0.70 spaces per dwelling unit;
- Two-bedroom dwelling units at 0.90 spaces per dwelling unit;
- Dwelling units with three or more bedrooms at 1.00 space per dwelling unit; and
- Parking allocated for visitors at 0.10 spaces per dwelling unit.

The proposed dwelling unit breakdown is 90 one-bedroom units, 129 two-bedroom units and 25 three-bedroom units. Based upon the above minimum parking ratios, Transportation Services staff calculated a total of 204 resident parking spaces and 24 visitor parking spaces would be required.

Given the proximity to high-order transit and on-site/off-site parking options (the site is in close proximity to two Toronto Parking Authority pay parking facilities), Transportation Services staff concur with the recommended application of By-law No. 569-2013 parking standards. With respect to the proposed retail use, a minimum of 49 parking spaces are required, based upon the proposed 4,991 m² retail floor area.

A total of 331 parking spaces are proposed within a four-level underground parking area, which would appear to satisfy the development's requirements and anticipated parking demand. However, a detailed review of the access and parking space locations would be conducted as part of the Site Plan Control process, should the current proposal be approved.

With respect to loading, the applicant proposes the following:

- one Type 'G' (13.0 metres long, 4.0 metres wide, minimum vertical clearance of 6.1 metres) loading space; and
- one Type 'B' (11.0 metres long, 3.5 metres wide, minimum vertical clearance of 4.0 metres) loading space.

This loading space provision is acceptable to Transportation Services staff. However, sufficient manoeuvring room must be provided for moving, delivery trucks and solid waste vehicles that would typically service the proposed development to access each loading space and exit the site in a cab-forward manner. Truck manoeuvres would also be reviewed in detail through the Site Plan Control process, should the current proposal be approved.

Servicing

The applicant submitted a Functional Servicing and Storm Water Management Report in support of the application. Engineering and Construction Services staff have advised that further information is necessary to determine whether the existing municipal water, sanitary and storm sewer systems can support the proposed development, or if upgrades are required. Wastewater capacity at area pump stations may not be sufficient to accommodate the proposed development. However, the additional information to assess infrastructure availability remains outstanding.

Trees

An Arborist Report and landscape plans were submitted with this application and have been reviewed by Urban Forestry staff. The plans and report indicate that the applicant proposes to remove two (2) protected private trees and 15 City-owned trees. The report also indicates that the development would require encroachment onto the tree protection zone of a protected private tree. Urban Forestry staff identified that the applicant would be required to submit an Application to Injure or Destroy Trees. The applicant was advised that submitting an application does not guarantee that a permit will be issued.

Should the permit be issued, the standard 3:1 replacement requirement of a minimum of six (6) new trees on private property to compensate for the loss of the above noted two (2) protected private trees would be required. Only large growing shade trees are acceptable as replacement trees. Where tree planting to replace trees to be removed is not physically possible on site, the General Manager of Parks, Forestry and Recreation may accept a cash in lieu payment in an amount equal to 120 percent of the cost of replanting and maintaining the trees for a period of two years.

The proposed tree planning includes 10 new trees within the City road allowance and none on private property. Urban Forestry staff acknowledge that there are six (6) trees proposed on the second floor terrace, however trees planted on roof terraces cannot be considered as replacement trees. Therefore, Urban Forestry would require a payment in lieu of planting six (6) trees on the site, should the current application be approved.

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 0.43 to 0.79 hectares of local parkland per 1,000 people. The site is in the second lowest 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.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant would be required to satisfy the parkland dedication requirement through cash-in-lieu. The residential component of this proposal would be subject to a 10% parkland dedication.

The value of the cash-in-lieu of parkland dedication would be appraised through Real Estate Services. Payment would be required prior to the issuance of the first above grade building permit.

Toronto Green Standard

In 2013 City Council updated the two-tiered Toronto Green Standard (TGS) that was adopted by City Council on October 27, 2009. 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. Any future development of the subject lands would be required to meet Tier 1 of the TGS.

Section 37

The proposed development would be subject to a Section 37 community benefits contribution as outlined in Official Plan Policy 5.1.1, but due to the timing of the appeal and the lack of agreement on an appropriate development proposal, the process to identify appropriate community benefits has not been completed.

Planning staff have commenced the process to determine the appropriate community benefits and the quantum of the benefits prior to the OMB hearing.

This report recommends that, in the event the Ontario Municipal Board allows the appeal in whole or in part, City Council direct the City Solicitor to request that the Board withhold its order on the Official Plan and Zoning By-law Amendment application appeal for the subject lands until such time as the City and the owner have presented an Official Plan Amendment to the Board as well as a draft Zoning By-law Amendment that provides for the provision and securing of any required transportation and servicing infrastructure upgrades and appropriate Section 37 community benefits.

School Capacity

The Toronto District School Board (TDSB) has indicated there is insufficient space at the local schools to accommodate students anticipated from the proposed development and others in the area.

The TDSB has also indicated that the status of local school accommodation should be conveyed to potential purchasers as well as communicated to the existing community to

inform them that children from the proposed development will not displace existing students at local schools. In addition, alternative arrangements will be identified consistent with optimizing enrolment levels at schools across the TDSB. However, at this time the schools anticipated to serve this development are unknown.

The Toronto Catholic District School Board (TCDSB) was also circulated the application but did not provide any comments.

Conclusion

Planning staff recommends that City Council authorize the City Solicitor, City Planning staff and other appropriate City staff to attend the Ontario Municipal Board to oppose the appeal of the Official Plan Amendment and Zoning By-law Amendment application for 2442 - 2454 Bloor Street West and 1 - 9 Riverview Gardens in the proposal's current form and to authorize City staff to continue discussions with the applicant to negotiate an appropriate development proposal for the subject lands.

Also, in the event the Ontario Municipal Board allows the appeal in whole or in part, Planning staff recommends that City Council direct the City Solicitor to request that the Board withhold its order on the Official Plan and Zoning By-law Amendment application appeal for the subject lands until such time as the City and the owner have presented a draft Official Plan Amendment, as well as a draft Zoning By-law Amendment that provides for the provision and securing of any required transportation and servicing infrastructure upgrades and appropriate Section 37 community benefits.

CONTACT

Philip Carvalino, Senior Planner
Tel. No. 416-394-8233
E-mail: Philip.Carvalino@toronto.ca

SIGNATURE

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

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Official Plan
Attachment 4: Zoning
Attachment 5: Application Data Sheet

File # 16 148149 WET 13 0Z

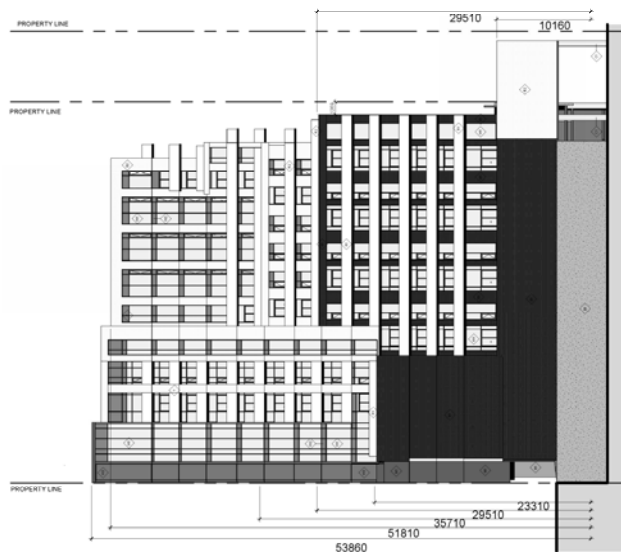
Applicant's Submitted Drawing

Not to Scale
05/17/2016

Attachment 2: Elevations



West Elevation



East Elevation

Building Elevations

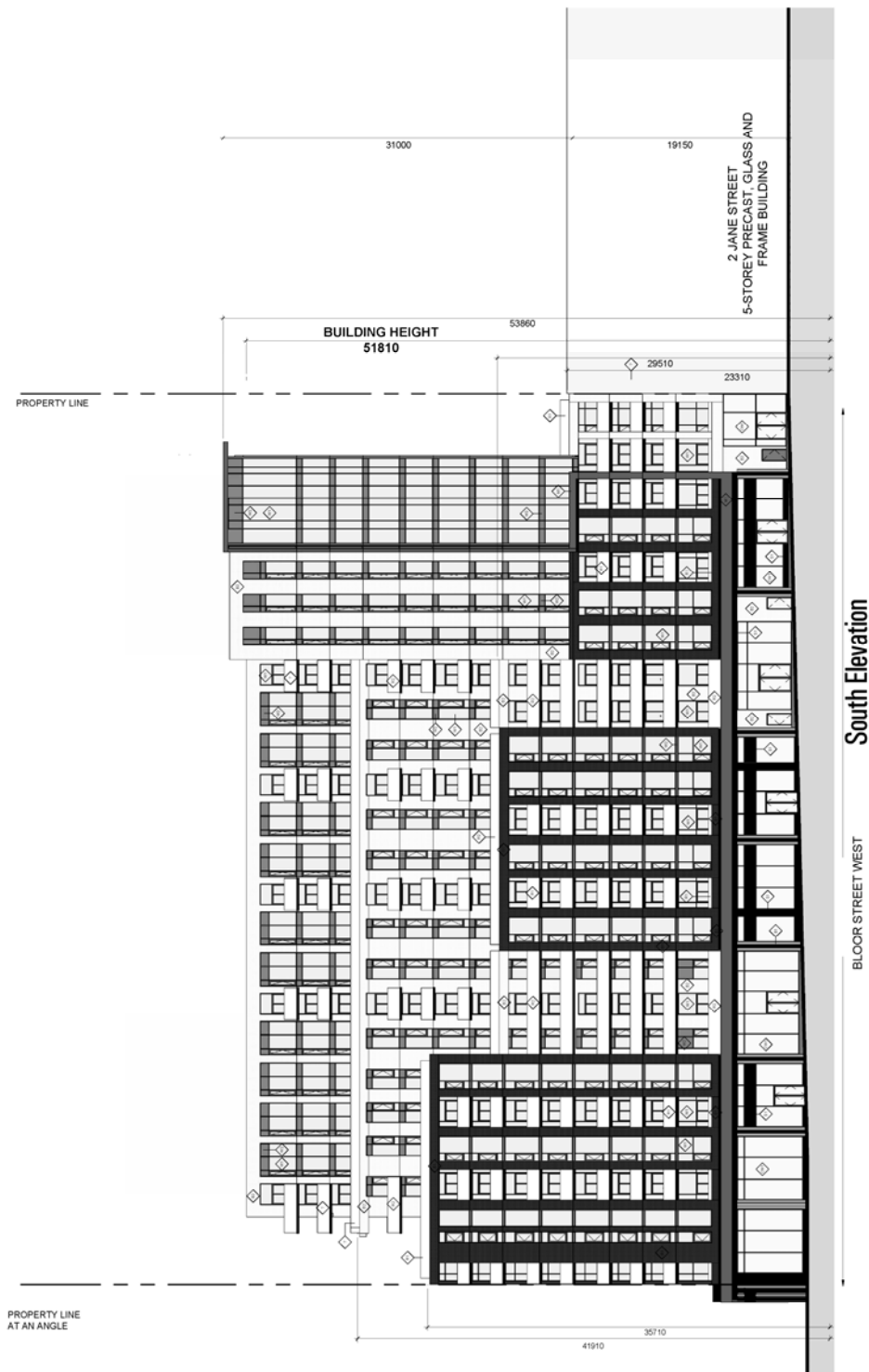
2442 - 2454 Bloor Street West & 1 - 9 Riverview Gardens

File # 16 148149 WET 13 0Z

Elevations

Applicant's Submitted Drawing

Not to Scale
05/17/2016



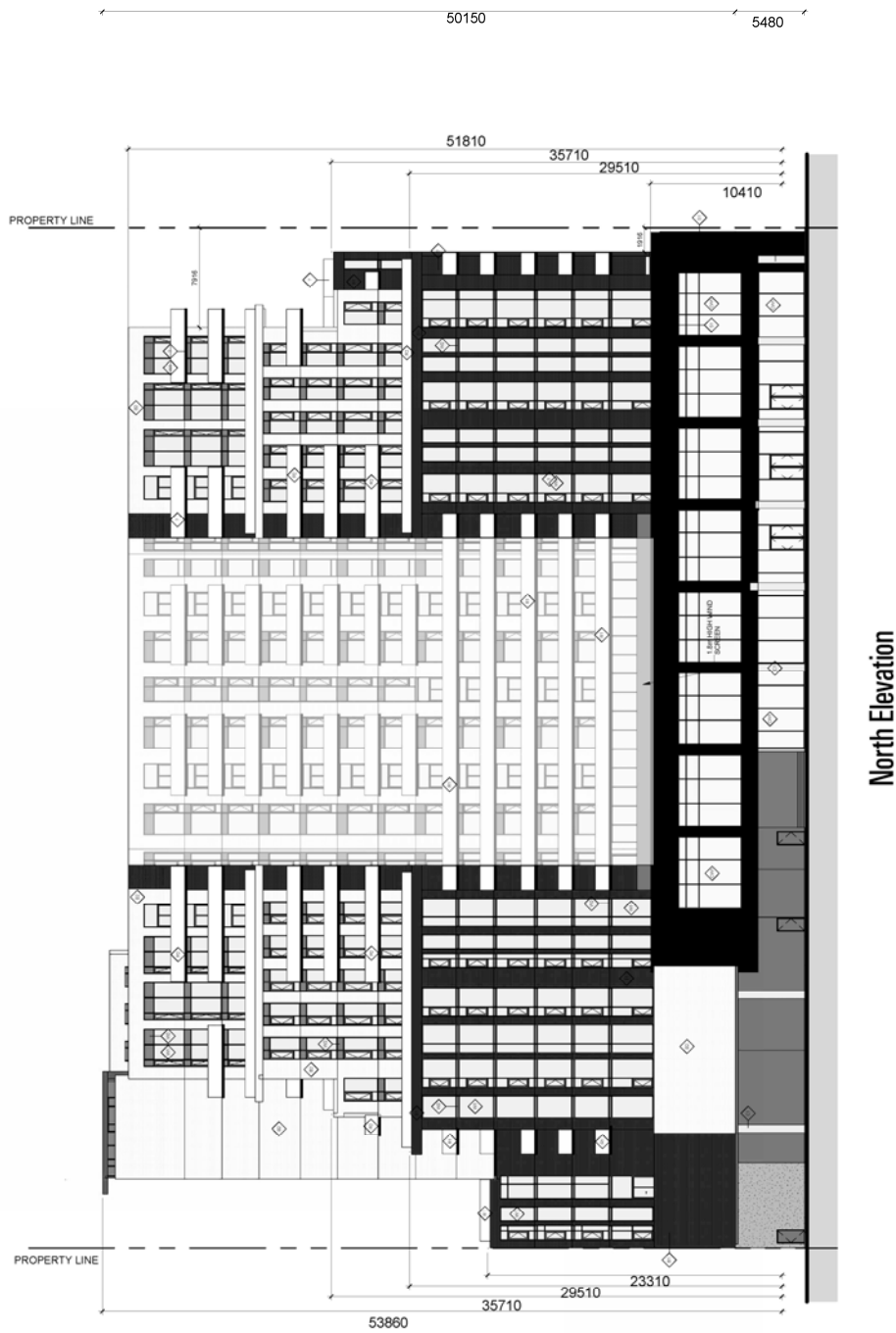
Elevations

2442 - 2454 Bloor Street West & 1 - 9 Riverview Gardens

Applicant's Submitted Drawing

Not to Scale
05/17/2016

File # 16 148 149 WET 13 0Z



Elevations

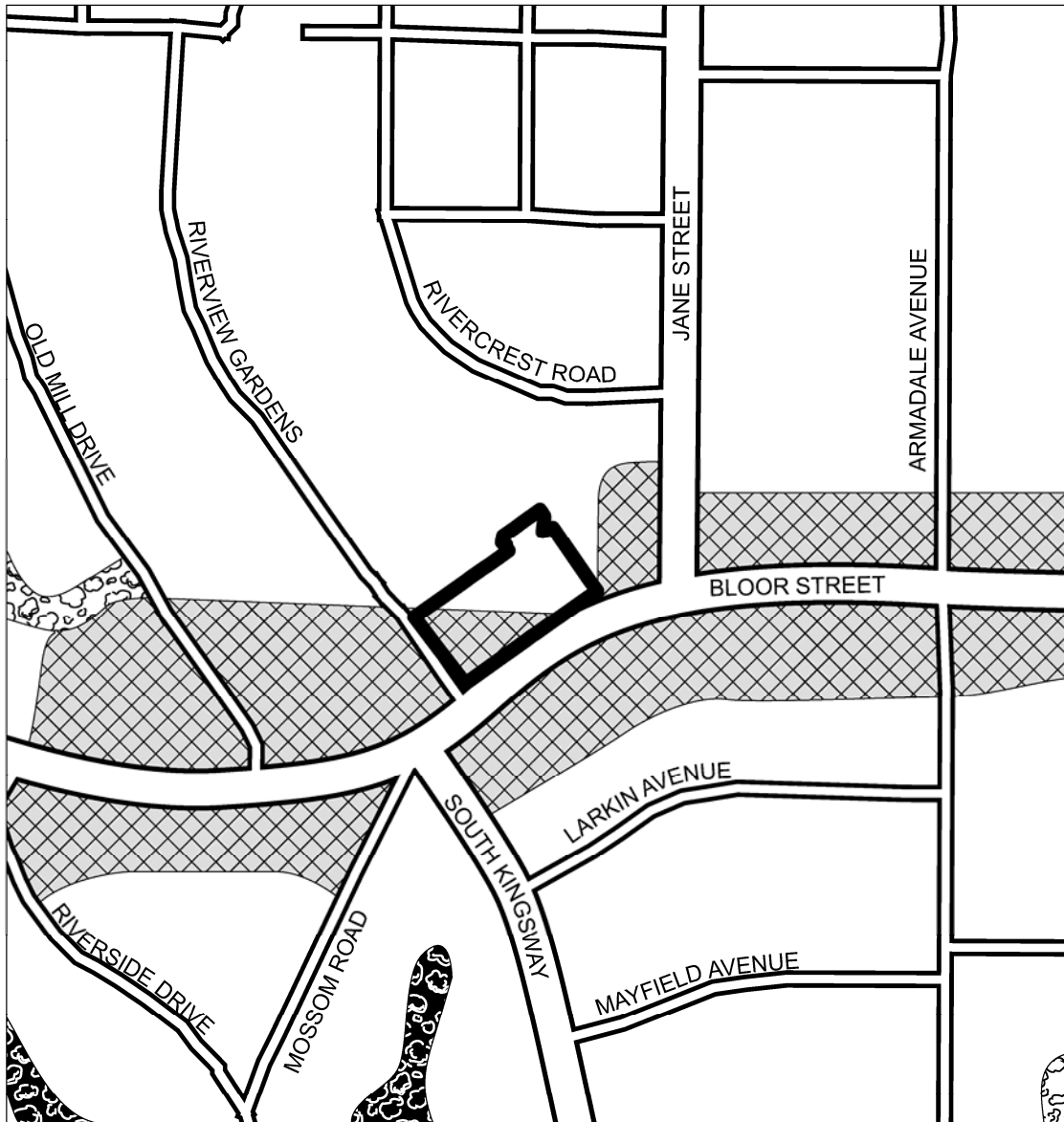
Applicant's Submitted Drawing

Not to Scale
05/17/2016

2442 - 2454 Bloor Street West &
1 - 9 Riverview Gardens

File # 16 148149 WET 13 0Z

Attachment 3: Official Plan



Toronto City Planning
Official Plan

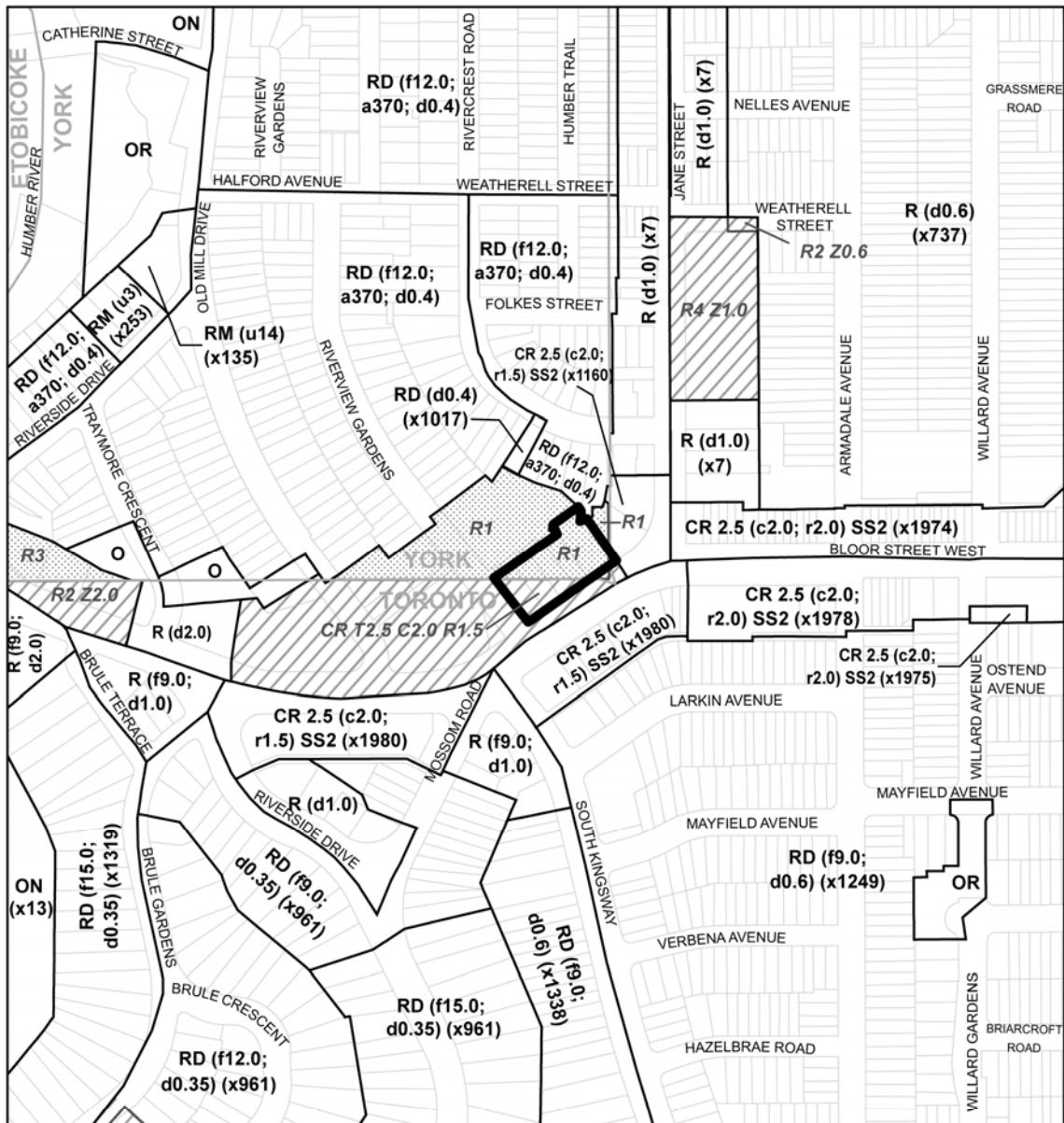
**2442 - 2454 Bloor Street West &
1 - 9 Riverview Gardens**

File # 16 148149 WET 13 02



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Not to Scale
05/18/2016

Attachment 4: Zoning



Zoning By-Law No. 569-2013

**2442 - 2454 Bloor Street West &
1 - 9 Riverview Gardens
File # 16 148149 WET 13 02**



Location of Application

R
RD
RM

Residential
Residential Detached
Residential Multiple

CR
O
ON
OR

Commercial Residential
Open Space
Open Space Natural
Open Space Recreation



See Former City of York By-Law No. 1-83

R1

Residential Zone

R3 Residential Zone



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

R1

Residential District

R4 Residential District

R2

Residential District

CR Mixed-Use District



Not to Scale
Extracted: 05/17/2016

Attachment 5: Application Data Sheet

Application Type	Official Plan/Zoning Amendment	Application Number:	16 148149 WET 13 OZ
Details	OPA & Rezoning, Standard	Application Date:	April 29, 2016

Municipal Address:	2442-2454 BLOOR STREET WEST and 1- 9 RIVERVIEW GARDENS
Location Description:	PLAN 2705 PT BLK K NOW RP 64R2913 PART 1 PLAN M521 PT BLK Y NOW RP 66R6879 PART 1 **GRID W1309
Project Description:	Proposed Official Plan and Zoning By-law amendment to permit a fourteen (14) storey mixed-use building with 244 residential dwelling units and 4,991 m ² of ground floor retail space.

Applicant:	Agent:	Architect:	Owner:
Hunter & Associates Ltd 555 Richmond Street W. Suite 405 Toronto ON M5V 3B1		Quadrangle Arch. 380 WELLINGTON ST W Toronto ON M5V 1E3	2454 Bloor St. West Ltd. 27 Verwood Avenue Toronto, ON M3H 2K6

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods/Mixed Use Areas	Site Specific Provision:	Yes
Zoning:	R1/CR	Historical Status:	
Height Limit (m):	11m and 14m	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	3,466	Height:	Storeys:	14
Frontage (m):	79.3		Metres:	53.86
Depth (m):	48.7			
Total Ground Floor Area (sq. m):	2,739			Total
Total Residential GFA (sq. m):	23,626		Parking Spaces:	331
Total Non-Residential GFA (sq. m):	4,991		Loading Docks	2
Total GFA (sq. m):	28,617			
Lot Coverage Ratio (%):	79			
Floor Space Index:	8.25			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:			
Rooms:	Residential GFA (sq. m):	23,626	0
Bachelor:	Retail GFA (sq. m):	4,991	0
1 Bedroom:	Office GFA (sq. m):	0	0
2 Bedroom:	Industrial GFA (sq. m):	0	0
3 + Bedroom:	Institutional/Other GFA (sq. m):	0	0
Total Units:	244 (100%)		

CONTACT: PLANNER NAME: Philip Carvalino, Senior Planner, Tel.: (416) 394-8233