



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

2442-2454 Bloor Street West and 1-9 Riverview Gardens, Official Plan and Zoning By-law Amendment Applications - Request for Direction regarding Local Planning Appeal Tribunal Appeal

Date: June 19, 2018

To: City Council

From: City Solicitor

Wards: 13 – Parkdale-High Park

REASON FOR CONFIDENTIAL INFORMATION

This report is about litigation or potential litigation that affects the City or one of its agencies or corporations.

This report contains advice or communications that are subject to solicitor-client privilege.

SUMMARY

The owner of the property at 2442-2454 Bloor Street West and 1-9 Riverview Gardens (the "Site") made Zoning By-law and Official Plan Amendment applications to the City to permit a mixed use building on the Site. The matter was appealed to the former Ontario Municipal Board on May 15, 2017 due to City Council's failure to make a decision on the application within the time allotted by the *Planning Act*. Two Pre-Hearing Conferences have been held at the Local Planning Appeal Tribunal (the "LPAT"): one in September 2017, and another in February 2018, with a third Pre-Hearing Conference scheduled for June 28, 2018. At the first Pre-Hearing Conference, party status was granted to two abutting neighbours to the site and two residents' associations in the area.

The purpose of this report is to seek instructions for the LPAT hearing in the above-noted matter. No hearing has been scheduled yet.

This report has been prepared in consultation with City Planning.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the Recommendations contained in Confidential Attachment 1 to this report.
2. City Council authorize the public release of Appendix A and of the Confidential Recommendations contained in Confidential Attachment 1 if the Recommendations are adopted by City Council, but that the balance of Confidential Attachment 1 remain confidential at the discretion of the City Solicitor.

FINANCIAL IMPACT

There is no financial impact arising from the adoption of the Confidential Recommendations.

DECISION HISTORY

In April 2008, City Council approved a proposal to permit the redevelopment of lands at 2442 Bloor Street West. These lands form part of the overall consolidated Site subject to the current application, where the Humber Odeon Cinema is currently located. The 2008 development proposal (the "2008 Approval") consisted of a ten-storey mixed-use building, having 49 residential units, 960 square metres of retail space on the ground floor fronting Bloor Street West and a 2,030 square metre health club on floors 2 and 3. The proposal set out in the 2008 Approval was never constructed. The Final Report on this 2008 Approval can be viewed at the following link:

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

The current application was filed by the owner of the Site in 2016 and sought permission for a fourteen storey mixed-use building with 28,617 square metres of gross floor area, 244 dwelling units and 4,991 square metres of retail floor area (the "Original Proposal"). The Original Proposal would have resulted in a floor space index of 8.25 times the area of the land.

On December 5, 2017, City Council adopted a Request for Directions Report from City Planning which recommended that the Original Proposal be opposed at the LPAT as it would constitute overdevelopment of the Site and negatively impact the OP-designated Neighbourhoods to the north of the Site. Concerns over building height, massing and shadow impacts were expressed in the report.

For a more detailed Decision History, see the November 3, 2017 Request for Directions report from the Director, Community Planning, Etobicoke District, at the following link:

In accordance with Recommendation #2 of the November 3, 2017 Request for Directions report from the Director, Community Planning, Etobicoke District, the City and the applicant continued discussions in relation to the proposal. The other parties to the hearing were also consulted by the applicant.

On May 2, 2018, the applicant submitted a revised proposal for the site to the LPAT, indicating that they would be seeking Zoning By-law and Official Plan amendments in accordance with the revised plans, elevations and project statistics (the "Revised Proposal"). The plans related to the Revised Proposal are on file with the City Clerk for the purpose of the City Council meeting commencing June 26, 2018.

In response to the concerns raised by City staff in numerous meetings with the applicant, and in response to concerns raised by residents and residents' groups, the Revised Proposal includes a number of modifications. The summary chart below compares the Original Proposal with the Revised Proposal:

Site Statistics	Original Proposal (Date)	Revised Proposal (May 2, 2018)
Building Height	14-Storeys (51.8 metres)	12-storeys (42.2 metres)
Number of Residential Dwelling Units	244	195
Dwelling Unit Mix	1 bedroom: 90 2 bedroom: 129 3 bedroom: 25	1 bedroom: 73 2 bedroom: 103 3 bedroom: 19
Floor Space Index (GFA)	8.24 (28,617 square meters)	6.8 (23,599 square meters)
Non Residential GFA	4991 square meters	4869 square meters
Vehicle Parking	331 parking spaces	256 parking spaces
Bicycle Parking	273 bicycle parking spaces	224 parking spaces
Amenity Area	Indoor: 504 square meters Outdoor: 574 square meters	Indoor: 677 square meters Outdoor: 350 square meters
Parkland Dedication	Yes (cash-in-lieu)	Yes (cash-in-lieu)

The Revised Proposal has redeployed building mass so that the 12-storey component at the southeast corner of the site steps down to a shallow 10-storey component, which then steps down to an 8-storey base building, which transitions to the north with a step down to 6 storeys. The Revised Proposal also introduces three building elements along Bloor Street West having heights of 6, 7 and 8 storeys, escalating from east to the west to animate and articulate the front façade along the main street and emphasize the ground floor retail.

The base building in the Revised Proposal has been designed to emphasize the taller building elements of the southeast portion of the building, with the western two thirds of the building designed to emphasize an eight storey condition, by introducing a 10-metre setback from Bloor Street for the 9th and 10th floors.

COMMENTS

This report is about ongoing litigation before the LPAT and contains advice or communications that are subject to solicitor-client privilege. The attachment to this report contains confidential information and should be considered by City Council *in camera*.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Public Attachment 1 - Revised Plans (on file with the City Clerk for the purpose of the City Council meeting commencing June 26, 2018)
2. Confidential Attachment 1
3. Confidential Appendix A