



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

3429 Bloor Street West – Official Plan Amendment and Zoning By-law Amendment Application – Request for Directions Report

Date: July 5, 2019

To: City Council

From: City Solicitor

Wards: Ward 3 Etobicoke-Lakeshore

REASON FOR CONFIDENTIAL INFORMATION

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

SUMMARY

DCMS Realty (Bloor-Islington) Inc. (the "Owner") is the owner of lands known municipally as 3429 Bloor Street West. On June 27, 2017 the Owner applied for an Official Plan Amendment and Zoning By-law Amendment with respect to the subject lands in order to permit an 18-storey mixed-use building containing retail uses at-grade, office uses on the 2nd level and a retirement facility above.

On November 10, 2017 and January 15, 2018, the applicant filed appeals of the Zoning By-law Amendment and Official Plan Amendment applications, respectively, to the Local Planning Appeal Tribunal ("LPAT"), citing Council's failure to make a decision on the applications within the prescribed timelines of the *Planning Act*. The LPAT has held two pre-hearing conferences in this matter, the first on April 5, 2018 and the second on October 9, 2018. An 8-day hearing is scheduled to begin on September 3, 2019.

On June 17, 2019 the City received "with prejudice" revised plans from the applicant's solicitor on the appealed application. The purpose of this report is to seek further instruction for the LPAT hearing of the appeals.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential recommendations contained in Confidential Attachment 1.

2. City Council authorize the public release of the recommendations contained in the Confidential Attachment 1, if adopted by City Council, but that the remainder of the Confidential Attachment 1 remain confidential at the discretion of the City Solicitor, as it contains advice which is subject to solicitor-client privilege.

FINANCIAL IMPACT

Adopting this report will have no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

On June 26, 27, 28, and 29, 2018 City Council authorized the City Solicitor, together with City Planning and other appropriate staff to appear at the LPAT hearing in opposition to the application as it then was. Council further set out a request that the LPAT withhold its Order, should the application be approved, until several conditions were satisfied. Most notably, Council sought a section 37 contribution in the amount of \$1,370,000. The report and decision document can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.EY31.7>

COMMENTS

On June 17, 2019 "with prejudice" revised plans were submitted to the City. The applicant has indicated they will be presenting this revised development at the LPAT hearing of the appeal.

Revised Proposal

The applicant's proposal has been revised since the original submission in June, 2017. In the initial submission, the subject site consisted of the property at 3429 Bloor Street West, which comprised a lot area of 1,938 square metres. The applicant subsequently acquired a property to the immediate east, municipally known as 3411 Bloor Street West, which added 390 square metres to the site area. With the newly consolidated site, the revised development proposal would encompass the entirety of the block face on Bloor Street.

The applicant has reduced the proposed building height from 18-storeys (70 metres in height, including mechanical penthouse) to 14-storeys (54.6 metres in height, including mechanical penthouse). The number of proposed retirement residence units has been decreased from 176 to 153, the proposed retail gross floor area has been reduced to 609 square metres and the office component proposed as part of the initial submission has been eliminated. The proposed density has been reduced from 8.7 times the area of the lot to 6.48 times the area of the lot, which is a result of both a reduction of gross floor area and an increase in the site area. The applicant has lowered the height of the proposed base building by 4.1 metres and the tower component of the revised building

has been shifted to the western portion of the site. A summary of the revisions to the application are outlined in Table 1 below.

Table 1 – Summary of Revisions to the Application

Category	Original Submission – June 2017	Revised Submission - June 2019
Site Area	1,938 square metres	2,328 square metres
Building Height	18-storeys 70 metres, including mechanical penthouse	14-storeys 54.6 metres, including mechanical penthouse
Base Building Height	6-storeys 26.5 metres	5-storeys 22.4 metres
Gross Floor Area Retail Gross Floor Area Office Gross Floor Area Retirement Gross Floor Area Total Gross Floor Area	622 square metres 851 square metres 15,353 square metres 16,826 square metres	609 square metres 0 square metres 14,246 square metres 14,855 square metres
Floor Space Index	8.7 times the area of the lot	6.48 times the area of the lot
Number of Units	176	153
Typical Tower Floor Plate Size	770 square metres	752 square metres
Tower Setback from Property Line to Building Face Rear Property Line Boor Street West Property Line Green Lanes Property Line Clissold Road Property Line	 4.56 metres 2.21 metres 5.4 metres 21.9 metres	 4.56 metres 2.21 metres 4.3 metres 33.5 metres
Amenity Space Indoor Amenity Space Outdoor Amenity Space	1,036 square metres 695 square metres	1,321 square metres 625 square metres
Number of Vehicular Parking Spaces	72	54
Bicycle Parking	28	30

The applicant proposes to widen the existing rear public lane by a 1.21 metre stratified widening along the length of the site to facilitate a 2-way travel along the entire the entire laneway. The applicant has eliminated one level of proposed underground parking.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Public Attachment 1 - Settlement Offer Letter from Aird & Berlis, dated June 17, 2019

Public Attachment 2 - Revised With Prejudice Architectural Drawings dated June 14, 2019 (On file with the City Clerk for the purpose of the July 16 and 17 City Council meeting)

Confidential Attachment 1 - Confidential Report from City Solicitor