



## REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

# 1405, 1407, 1409 & 1409A Bloor Street West and 229, 231 & 231A Sterling Road - Official Plan and Zoning By-law Amendment Applications - Request for Direction Report

**Date:** March 17, 2023

**To:** City Council

**From:** City Solicitor

**Wards:** Ward 9 - Davenport

### REASON FOR CONFIDENTIAL INFORMATION

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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

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On October 6, 2020, an application to amend the Official Plan and Zoning By-law was submitted for the properties at 1405-1409A Bloor Street West and 229-231A Sterling Road, in order to redevelop the lands with an 18-storey mixed use building with an overall building height of 67.5 metres, inclusive of the mechanical penthouse.

The applicant appealed City Council's neglect or failure to make a decision on the applications for Official Plan and Zoning By-law Amendment to the Ontario Land Tribunal (the "OLT") on April 8, 2021.

On March 16, 2023, the City Solicitor received a with prejudice Settlement Offer, consisting of the correspondence attached to this report as Public Appendix "A" and the architectural plans and drawings attached to this report as Public Appendix "B" (the "Settlement Offer") which proposes to modify the Applications.

The City Solicitor requires instructions on the Settlement Offer for the OLT hearing scheduled to commence on July 4, 2023.

## RECOMMENDATIONS

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The City Solicitor recommends that:

1. City Council adopt the confidential recommendations contained in the Confidential Attachment 1 to this report from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations contained in Confidential Attachment 1, to this report from the City Solicitor, only at the discretion of the City Solicitor if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 to this report from the City Solicitor is to remain confidential at the discretion of the City Solicitor, as it contains advice which is subject to litigation and solicitor-client privilege.

## FINANCIAL IMPACT

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There is no financial impact arising from the adoption of the Confidential Recommendations beyond what has already been approved in the current year's budget.

## DECISION HISTORY

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At its meeting of July 28 and 29, 2020, City Council directed the Chief Planner and Executive Director, City Planning to undertake an area study for the area generally bounded by Bloor Street West to the north, St. Helen's Avenue to the east, the Kitchener GO Rail corridor to the west, and Sterling Road to the south to develop a planning framework, including: an evaluation of appropriate built form, transportation and pedestrian networks, an overall public realm strategy including parks and open spaces, and potential heritage sites. An Official Plan Amendment or a Site and Area Specific Policy to implement the findings of the Planning Framework would be addressed as a second phase of the Study.

<http://app.toronto.ca/tmmis/view/AgendaItemHistory.do?item=2020.TE16.77>

A Preliminary Report on the application was adopted by Toronto and East York Community Council on January 12, 2021, which directed staff to conduct a community consultation meeting. The link to the Preliminary Report can be found here:

<http://app.toronto.ca/tmmis/view/AgendaItemHistory.do?item=2021.TE22.11>

At its meeting on July 14, 2021, City Council endorsed the City-initiated Bloor Street West: St. Helen's Avenue to Perth Avenue Planning Framework and directed staff to review all current and future development applications against the Planning Framework.

<http://app.toronto.ca/tmmis/view/AgendaItemHistory.do?item=2021.TE26.31>

November 9, 2021, City Council directed the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the appeals regarding the requested Official Plan and Zoning By-law Amendments for the lands at 1405-1409A Bloor Street

West and 229-231A Sterling Road, and to continue discussions with the applicant in an attempt to resolve the issues outlined in the report (November 14, 2022) from the Director, Community Planning, Toronto and East York District.  
<https://secure.toronto.ca/council/agenda-item.do?item=2023.TE1.2>

## COMMENTS

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This report has been prepared in consultation with staff from City Planning.

On September 29, 2020, Official Plan and Zoning By-law Amendment applications (the "Application") were submitted for the properties at 1405 -1409A Bloor Street West and 229-231A Sterling Road (the "subject site"), to permit the redevelopment of the lands with an 18-storey mixed use building, with an overall height of 67.5 metres, inclusive of the mechanical penthouse (the "MPH") with a total gross floor area (GFA) of 21,384 square metres, consisting of 21,147 square metres of residential GFA, 237 square metres of non-residential GFA, and 326 residential units.

The Application, as originally submitted, proposed an 18-storey mixed-use building fronting Bloor Street West, which stepped down to 12 and 4-storeys as the building extended south across the subject site. The tower, fronting Bloor Street West, would have a 6-storey base building with a stepback from the north of 3 metres and a stepback from the east of 1.5 metres, above the six-storey base building. The tower would be setback approximately 5.5 metres from the western property line for levels seven to 18.

The 12-storey portion of the proposed building would be located within lands designated *Neighbourhoods* on Map 18 of the City's Official Plan, however, the Application proposed to redesignate this portion of the *Neighbourhoods* to *Mixed Use Areas* in order to permit the 12-storey portion of the proposed building.

The 12-storey portion of the building would step down to four-storeys, approximately where Ruttan Street terminates in a cul-de-sac.

The Application did not propose the conveyance of any land to widen and/or extend Ruttan Street south to Sterling Road, as contemplated in the Bloor Street Study: St. Helen's Avenue to Perth Avenue Planning Framework.

The Application proposed a potential future on-site park located towards the southern limit of the subject site, with a size of approximately 400 square metres.

On April 8, 2021, the owner appealed City Council's failure to make a decision, within the timeframes legislated by the *Planning Act*, on the applications for Official Plan and Zoning By-law Amendment to the OLT.

On January 5, 2023, the applicant submitted revised plans to the OLT, pursuant to the Procedural Order issued in respect of the appeals.

The proposed 19-storey building would front Bloor Street West and would step down to nine and four-storeys. The tower, fronting Bloor Street West, would have a 4-storey base building (counting the mezzanine as one storey) with a minimum setback from the north and east of 1.5 metres, above the 4-storey base building. From levels 5 to 14, the west elevation would be setback 5.5 metres from the western property line and above level 14, the building would step back an additional 2 metres, resulting in a 7.5 metre setback between levels 15 and 19. The tower portion of the building would have a floorplate of 682 square metres.

The 9-storey portion of the proposed building would have a length of approximately 14.7 metres, a width of approximately 13 metres, and would be setback a minimum of 7.5 metres from the western property line.

The 4-storey portion of the proposed building would have a length of approximately 77.7 metres, would narrow in width as it extends south, and would also be setback a minimum of 7.5 metres from the western property line. The 4-storey portion of the building would continue towards the new southerly property line, before extending west towards Sterling Road, in which the 4th floor steps back 3 metres from the street.

The Settlement Offer proposes the conveyance of land to widen and extend Ruttan Street south to Sterling Road, in co-ordination with the adjacent landowner at 221-227 Sterling Road through applications 21 151444 STE 09 OZ and 21 151438 STE 09 SB. The Settlement Offer proposes to amend the Official Plan to widen Ruttan Street from 15 metres to 16.5 metres, for approximately 73.5 metres, south of Bloor Street West. The road widening, in conjunction with the proposed road dedication from 221-227 Sterling Road would result in a 16.5 metre right-of-way. The Settlement Offer also proposes a 299.15 square metre conveyance at the south end of the subject site which would connect the widened and extended Ruttan Street right-of-way to Sterling Road.

The Settlement Offer proposes an on-site parkland dedication of approximately 85.35 square metres, which would be located on the south side of the Ruttan Street extension and an off-site dedication of approximately 276.3 square metres at 221-227 Sterling Road. The parkland dedication requirements of the Application would be assembled in co-ordination with the parkland dedication requirements of the proposed development at 221-227 Sterling Road, which would result in one consolidated new public park. In the event the co-ordination of the off-site parkland dedication referenced above is not feasible, the Settlement Offer provides the option to work with City Staff to satisfy the parkland dedication requirements.

This table provides a comparison of the Application, as originally submitted, and the Settlement Offer:

<b>Category</b>	<b>Original Application submitted on September 29, 2020</b>	<b>Settlement Offer submitted on March 16, 2023</b>
<b>Gross Floor Area</b>	Residential: 21,147 square metres Non-Residential: 237 square metres <b>Total: 21,384 square metres</b>	Residential: 20,948 square metres Non-Residential: 350 square metres <b>Total: 21,298 square metres</b>
<b>Building Height</b>	18-storey portion: 67.5 metres 12-storey portion: 41.6 metres 4-storey portion: 13.15 metres	19-storey portion: 69.8 metres 9-storey portion: 32 metres 4-storey portion: 13.85 metres
<b>Residential Units</b>	Studio: 49 units (15 percent) 1-Bedroom: 197 units (60.4 percent) 2-Bedroom: 43 units (13.2 percent) 3-Bedroom: 37 units (11.3 percent) <b>Total: 326 units (100 percent)</b>	Studio: 24 units (7 percent) 1-Bedroom: 210 (65 percent) 2-Bedroom: 58 units (18 percent) 3-Bedroom: 34 units (10 percent) <b>Total: 326 units (100 percent)</b>
<b>Vehicular Parking Supply</b>	Resident Parking: 101 spaces Visitor Parking: 0 spaces Commercial Parking: 0 spaces <b>Total: 101 spaces</b>	Resident Parking: 117 spaces Visitor Parking: 0 spaces Commercial Parking: 0 spaces <b>Total: 117 spaces</b>
<b>Bicycle Parking Supply</b>	Long-Term Spaces: 296 spaces Short-Term Spaces: 34 spaces <b>Total: 330 spaces</b>	Long-Term Spaces: 294 spaces Short-Term Spaces: 33 spaces <b>Total: 327 spaces</b>
<b>Loading</b>	1 Type 'G' Loading Space	1 Type 'G' Loading Space
<b>Amenity Space</b>	Indoor: 665 square metres Outdoor: 769 square metres <b>Total: 1,434 square metres</b>	Indoor: 656 square metres Outdoor: 838 square metres <b>Total: 1,494 square metres</b>

<b>Category</b>	<b>Original Application submitted on September 29, 2020</b>	<b>Settlement Offer submitted on March 16, 2023</b>
<b>Road Conveyance</b>	Widening of Ruttan St: no widening proposed Extension of Ruttan St to Sterling Rd: no extension proposed	Widening of Ruttan St: 1.5 m widening (98.51 square metres) Extension of Ruttan St to Sterling Rd: 299.15 square metres
<b>Parkland Dedication</b>	On-Site: 400.26 square metres	On-Site: 85.35 square metres Off-Site: 276.3 square metres Total: 361.65 square metres

The Settlement Offer is conditional upon staff reporting to City Council at its meeting, commencing on March 29, 2023 on the Settlement Offer and the City attending the OLT hearing in support of the Settlement Offer commencing on July 4, 2023.

**CONCLUSION**

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The City Solicitor requires further instructions. Part of this report is about litigation before the OLT and contains advice or communications that are subject to solicitor-client and litigation privilege.

**CONTACT**

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**SIGNATURE**

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Wendy Walberg  
City Solicitor

## **ATTACHMENTS**

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1. Public Appendix "A" - Settlement Proposal, Letter from Aird & Berlis LLP dated March 16, 2023
2. Public Appendix "B" - Architectural Plans and Drawings prepared by architectsAlliance and dated January 4, 2023
3. Confidential Attachment 1 - Confidential Recommendations and Confidential Information