

1728 Bloor Street West – Zoning By-law Amendment Application – Appeal Report

Date: January 8, 2024

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward: 04 – Parkdale-High Park

Planning Application Number: 23 119823 STE 04 OZ

Related Application: 23 119833 STE 04 SA

SUMMARY

On March 9, 2023, a Zoning By-law Amendment application was submitted seeking approval to construct a 19-storey mixed use building with retail space on the ground floor and 99 residential units above.

On October 4, 2023, the applicant appealed the Zoning By-law Amendment application to the Ontario Land Tribunal (OLT) due to Council not making a decision within the statutorily prescribed time frame in the Planning Act.

This report recommends that the City Solicitor, with appropriate City staff, attend the OLT hearing to oppose the application in its current form and to continue discussions with the applicant to address outstanding issues.

RECOMMENDATIONS

The Director, Community Planning, Toronto and East York District recommends that:

1. City Council directs the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal to oppose the current Zoning By-law Amendment application appeal for the lands at 1728 Bloor Street West and to continue discussions with the applicant in an attempt to resolve outstanding issues.
2. In the event that the Ontario Land Tribunal allows the appeal in whole or in part, City Council authorize the City Solicitor to request the Tribunal withhold any Order on the proposed appeals until such time as the City Solicitor advises that:

- a. The final form and content of the draft Zoning By-law Amendment is satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;
 - b. the applicant has provided a revised Functional Servicing Report to demonstrate the site can be adequately serviced to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, or the Chief Engineer and Executive Director, Engineering and Construction Services has determined that holding provisions are required in the Zoning By-law Amendment;
 - c. the owner has made satisfactory arrangements with the City and has entered into the appropriate agreement(s) for the design and construction of any improvements to municipal infrastructure, should it be determined that upgrades and/or road improvements are required to support the development, according to the accepted Engineering Reports and Traffic Impact Study accepted by the Chief Engineer and Executive Director, Engineering and Construction Services, and the General Manager, Transportation Services; and,
 - d. necessary studies, including those related to pedestrian level wind impacts, sun shadow, noise and vibration have been completed and their recommendations addressed to the satisfaction of the Chief Planner and Executive Director, City Planning.
3. City Council authorizes the City Solicitor and City staff to take any necessary steps to implement City Council's decision.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

THE SITE

Description: The site is located at the northeast corner of Bloor Street West and Indian Grove. The site is generally square in shape with an approximate area of 455 square metres and has a 15 metre frontage along Bloor Street West and a 29 metre frontage along Indian Grove.

Existing Uses: The site consists of a single-use retail building (Tim Hortons) with a parking area providing driveway access to Indian Grove and Bloor Street West.

THE APPLICATION

Height: A 19 storey (67.6 metres in height, including a 6.0 metre mechanical penthouse) mixed-use building.

Density: 15.01 times the area of the lot.

Dwelling Units: Of the 99 dwelling units proposed, the proposed unit mix would be eight studio (8%), 63 one-bedroom units (64%), 20 two-bedroom units (20%), and eight three-bedroom units (8%) and be entirely condominium tenure.

Access, Parking and Loading: Pedestrian lobby access from Bloor Street West. Vehicular access from Indian Grove. A Type 'G' loading space would be provided with maneuvering proposed in the public Right-of-Way and 14 vehicular parking spaces in three underground parking levels accessed by a mechanical stacking system.

Bicycle Parking: The proposed development includes a total of 132 bicycle parking spaces, comprised of 100 long term and 20 short term spaces, located on the ground floor level. An additional 12 short term bike parking spaces are proposed within the public boulevard.

Additional Information

See Attachments 1 through 5 of this report for a location map, Application Data Sheet, three dimensional representations of the project in context, site plan / ground floor plan of the proposal. Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-informationcentre/>.

Reason for the Application

The Zoning By-law Amendment application proposes to bring the lands into Zoning By-law 569-2013 from Zoning By-law 438-38 and amend Zoning By-law 569-2013 performance standards for the site including: building height; building setbacks; loading space requirements; and vehicular and bicycle parking space requirements.

Site Plan Control

A Site Plan Control application (File Number 23 119833 STE 04 SA) was submitted on March 9, 2023. The application has also been referred to the OLT. Under the Municipal Code, Site Plan approval is delegated to the Chief Planner or his/her designates. The Chief Planner has the authority to direct Legal staff on the referral to the OLT.

POLICY CONSIDERATIONS

Provincial Land-Use Policies

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (PPS) and shall conform to provincial plans.

Official Plan Designation

The site is identified as being on an Avenue in the Official Plan. The lands are designated Mixed Use Areas in the Official Plan.

Bloor - Dundas Avenue Study

The Bloor - Dundas Avenue Study was adopted by Council on December 4, 2009, and implemented site-specific zoning requirements within the Study area, including the subject lands. It identifies specific sites suitable for taller forms of development beyond a mid-rise typology along Bloor Street West from Keele Street to Dundas Street West and additional sites on Dundas Street West north and south of Bloor Street West. The subject lands were not identified for additional height and density through the Study.

Zoning

The site is zoned Mixed-Use District (MCR T4.0 C1.5 R3.0), with a maximum permitted height of 20 metres. The MCR District permits a variety of commercial and residential uses.

COMMUNITY CONSULTATION

A Virtual Community Consultation Meeting was hosted by City staff on June 6, 2023. The meeting was attended by approximately 78 members of the public, as well as the Ward Councillor and the applicant's team. An in-person Community Meeting hosted by the Councillor's office and residents of Vilnius Manor (1700

Bloor Street West) on July 18, 2023 was attended by approximately 43 members of the public and City Planning staff.

Concerns raised by members of the public included:

- The proposed building height and massing in the context of the immediate neighbourhood;
- Impacts to the groundwater system;
- Indirect impacts on the natural heritage system in High Park;
- Limited vehicular parking spaces;
- Functionality of garbage collection;
- Programming of the ground floor and public realm;
- Shadow and overlook impacts onto 1700 Bloor Street West;
- Wind Impacts;
- Need for affordable housing;
- Construction impact, including large vehicle traffic, on adjacent properties; and
- Increased traffic conflicts.

The issues and feedback raised through community consultation have informed staff's approach to assessing the application and the identification of issues to be resolved.

COMMENTS

Provincial Framework

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff have reviewed the current proposal for consistency with the Provincial Policy Statement and conformity with the Growth Plan. Staff find that the proposal is not generally consistent with the Provincial Policy Statement (PPS) and conforms with the Growth Plan. Policies relating the achievement of complete communities and optimizing the use of land and infrastructure have not been achieved.

Built Form

The proposed building massing and height in relation to the size and configuration of the site, is not acceptable in its current form.

The building is proposed to be built to the south, east and west property lines up to a height of approximately 61 metres, excluding the mechanical equipment.

This would result in a large blank wall condition to the abutting east property along Bloor Street West. No stepbacks have been proposed to provide a distinct base building podium from the main tower portion of the building.

Streetscape

The proposed building would be set back 0.3 metres from the south (front) property line which would result in a minimum distance of 5.11 metres from building face to curb. New development provides an opportunity to improve the established streetscape. The proposal should provide for a consistent building ground level setback with 1700 Bloor Street West for an approximate 5.4m building face to curb distance to the south (front) property line.

Tree Preservation

The Landscape Plan submitted in support of the application indicates that 1 City-owned tree to the west of the subject property is proposed to be preserved on Indian Grove. The Plan also proposes the planting of no new street trees, which is not acceptable to staff. Additional opportunities for tree planting should be explored.

Housing Issues

The Official Plan directs that a full range of housing in terms of form, tenure and affordability be provided to meet the current and future needs of residents. This proposal is for a mixed use development with 99 condominium units consisting of eight (8%) studio, 63 one-bedroom (64%), 20 two-bedroom (20%), and eight three-bedroom (8%) units. The housing unit mix that generally meets the Growing Up Guidelines. The unit mix does not meet the policy direction of the Official Plan to provide a full range of housing and does not meet the unit mix requirements of the Growing Up Guidelines, to provide a minimum 15% two-bedroom units and 10% three-bedroom units.

Amenity Space

Zoning By-law 569-2013 requires a combined amenity space of 4 square metres per unit, of which at least 2 square metres should be outdoor space. Amenity space is proposed to be provided at a rate of 3 square metres of amenity space per dwelling unit, with 0.67 square metres per dwelling unit for outdoor amenity space. Additional outdoor amenity space should be provided in the proposal.

Traffic Impact, Access, Parking, and Loading

The Transportation Impact Study submitted in support of the application concludes that a slight increase in Peak Hour trips to and from the site are acceptable and no additional improvements to the traffic network are required. The proposal includes three levels of underground parking for 14 vehicle spaces,

accessed by a motorized elevator. Given the location of the site in close proximity to Keele Subway Station, staff have requested that parking be substantially decreased to eliminate the need for underground parking.

The proposal shows servicing vehicles using the right-of-way of Indian Grove to maneuver into the building which is not acceptable. Transportation Services staff have requested that revisions be made to ensure a Type “G” loading space be provided internal to the building, allowing servicing vehicles to enter and exit in a forward motion.

Servicing

A Functional Servicing and Stormwater Management Report and associated plans have been submitted for the site and have been reviewed by Engineering and Construction Services. Revisions and additional information is required. In the event that the OLT allows the Zoning By-law Amendment appeal in whole or in part, the Final Order should be withheld pending the confirmation of water, sanitary and stormwater capacity from the Chief Engineer and Executive Director, Engineering and Construction Services, or the determination of whether holding provisions and/or the posting of securities are required in the Zoning By-law amendment.

Toronto Green Standard

The applicant is required to meet Tier 1 of the Toronto Green Standard, and is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and achieving net-zero emissions by 2040 or sooner. Should the proposal be approved in some form by the OLT, applicable performance measures for the Tier 1 development features would be secured in the site-specific Zoning By-law at a minimum and others through the Site Plan Control application.

Further Issues

City Planning continues to receive additional information regarding this application as a result of ongoing review by City commenting divisions and materials submitted in support to the proposal, and through deputations made by members of the public to Community Council. Planning staff may also be required to evaluate supplementary or revised plans and supporting materials submitted by the applicant after the date of this report. As a result, Planning staff may continue to identify further issues or supplement the reasons provided in this report. Where substantive changes to the proposal are made by the applicant, staff may report back to City Council as necessary.

CONTACT

Melanie Schneider, Senior Planner
Tel. No. 416-397-7569
E-mail: melanie.schneider@toronto.ca

SIGNATURE

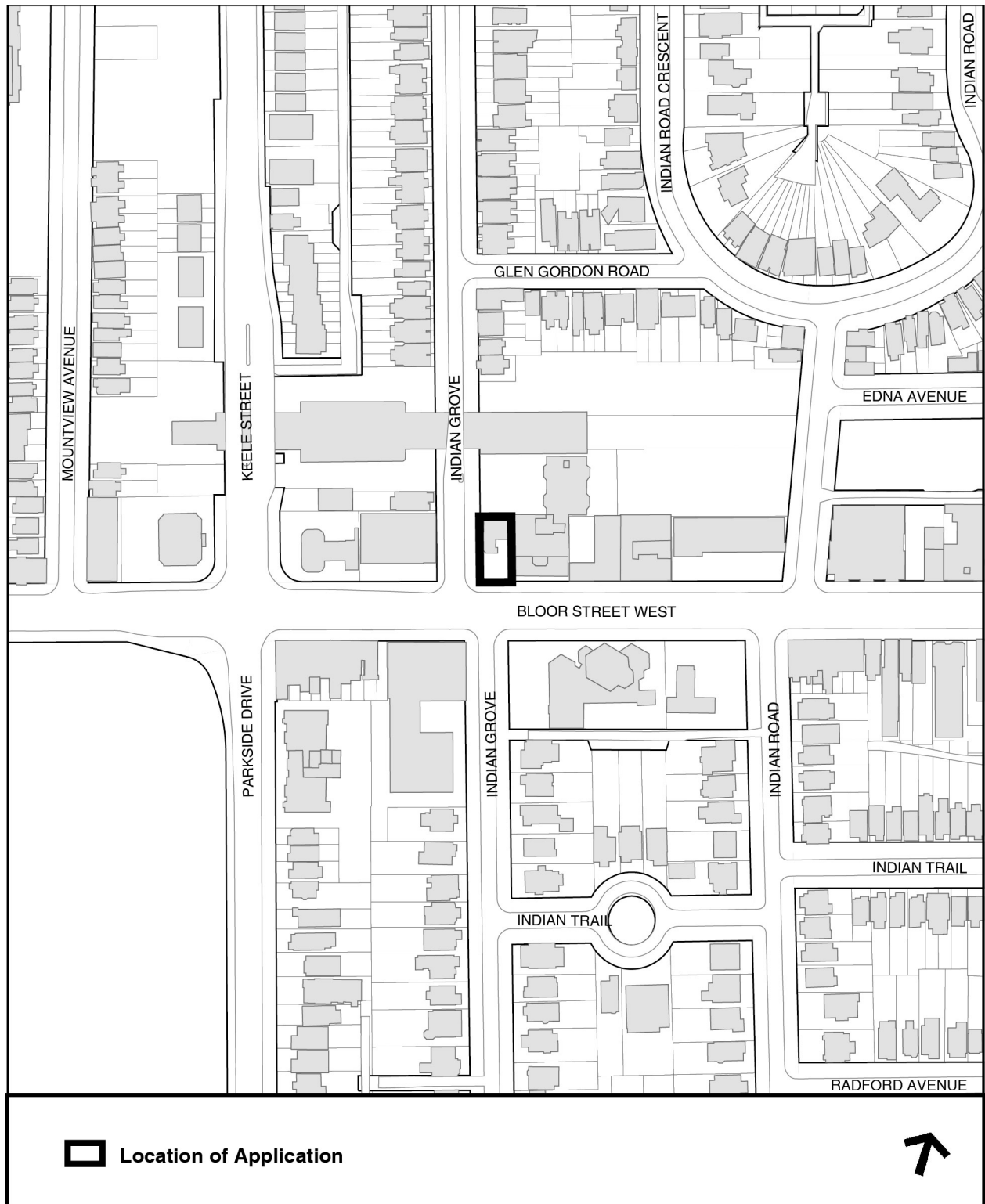


Carly Bowman, MSc.PI., MCIP, RPP
Director, Community Planning
Toronto and East York District

ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Application Data Sheet
Attachment 3: 3D Model of Proposal in Context Looking Southeast
Attachment 4: 3D Model of Proposal in Context Looking Northeast
Attachment 5: Site Plan / Ground Floor Plan
Attachment 6: Official Plan Land Use Map
Attachment 7: Existing Zoning By-law Map

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 1728 BLOOR ST W Date Received: March 3, 2023
 Application Number: 23 119823 STE 04 OZ
 Application Type: Rezoning
 Project Description: Zoning By-law Amendment for a 19 storey mixed-use building with a total of 99 new dwelling units. The building will have a total gross floor area (GFA) of 6860 square metres, including a retail gross floor area of 86.8 square metres, resulting in a total density of 15.27 FSI. The total building height is 61.6 metres, exclusive of mechanical penthouse. Fourteen vehicle parking spaces are proposed in three levels of underground parking using a car elevator and stacking system.

Applicant	Agent	Architect	Owner
Andrew Ferancik, WND & Associates		Gabriel Fain Architects	1728 Bloor West Dev Inc

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	Bloor Dundas Avenue Study
Zoning:	MCR T4.0 C1.5 R3.0	Heritage Designation:	N
Height Limit (m):	20	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m):	456	Frontage (m):	15	Depth (m):	30
-------------------	-----	---------------	----	------------	----

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	100		422	422
Residential GFA (sq m):			6,773	6,773
Non-Residential GFA (sq m):	100		87	87
Total GFA (sq m):	100		6,860	6,860
Height - Storeys:	1		19	19
Height - Metres:			62	62

Lot Coverage Ratio (%):	92.52	Floor Space Index:	15.05
-------------------------	-------	--------------------	-------

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	6,728	45
Retail GFA:	87	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			99	99
Other:				
Total Units:			99	99

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		8	63	20	8
Total Units:		8	63	20	8

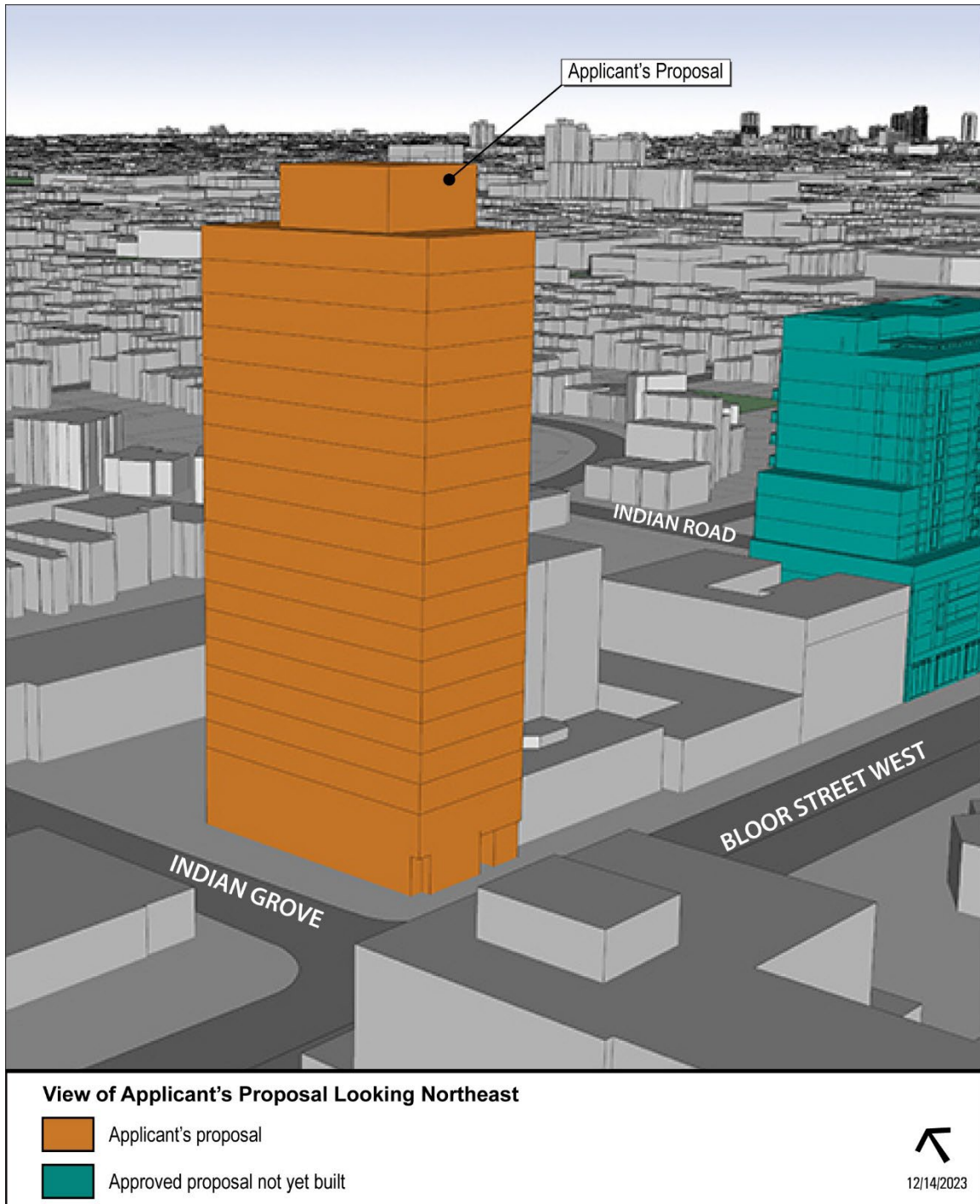
Parking and Loading

Parking Spaces: 14 Bicycle Parking Spaces: 120 Loading Docks: 1

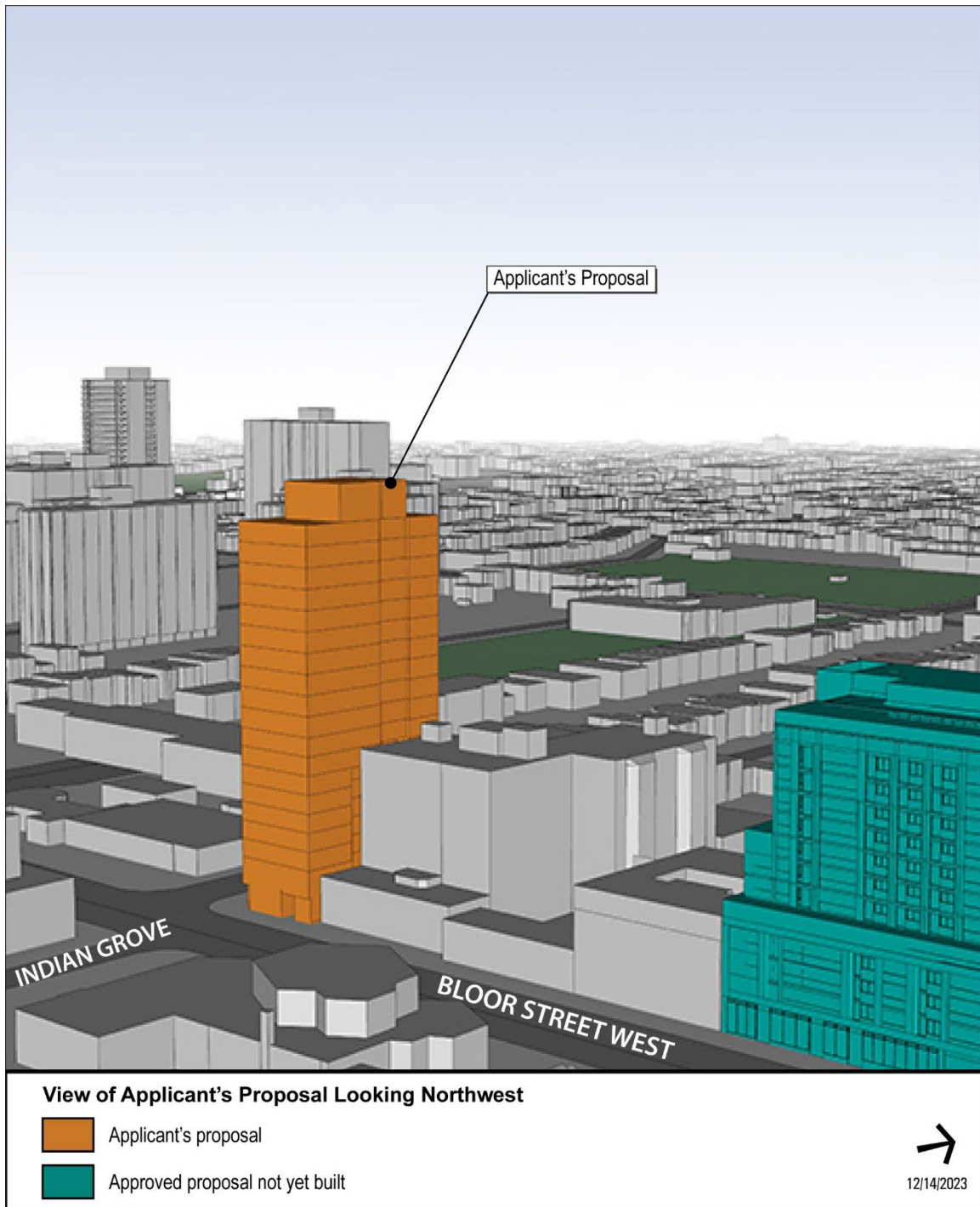
CONTACT:

Melanie Schneider, Senior Planner
416-397-7569
Melanie.Schneider@toronto.ca

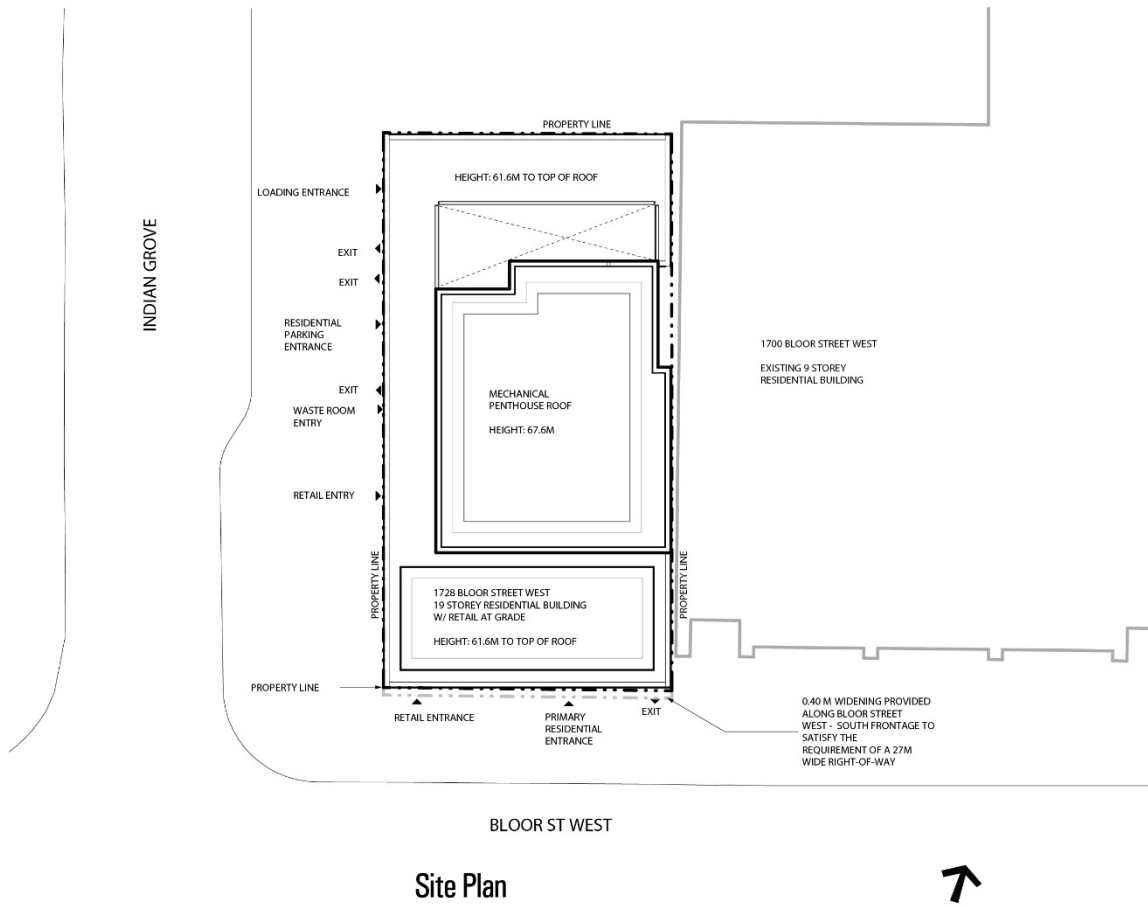
Attachment 3: 3D Model of Proposal in Context Looking Northeast



Attachment 4: 3D Model of Proposal in Context Looking Northwest



Attachment 5: Site Plan



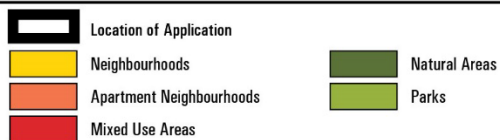
Attachment 6: Official Plan Land Use Map



Official Plan Land Use Map 17

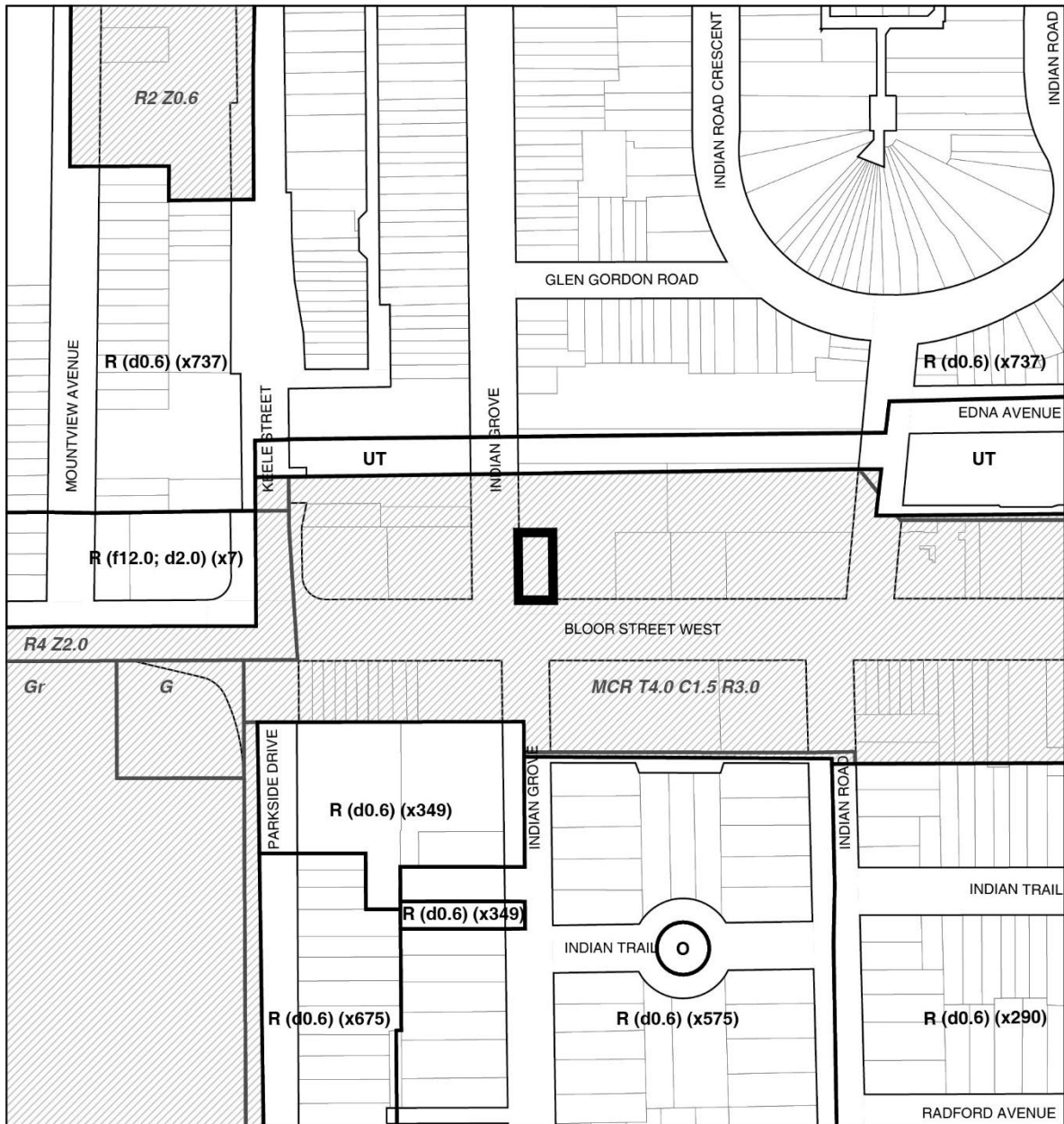
1728 Bloor Street West

File # 23 119823 STE 04 02



Not to Scale
Extracted: 03/06/2023

Attachment 7: Existing Zoning By-law Map



Zoning By-law 569-2013

1728 Bloor Street West

File # 23 119823 STE 04 0Z

Location of Application

R Residential
O Open Space
OR Open Space Recreation
UT Utility and Transportation

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

R4 Residential District
MCR Mixed-Use District
T Industrial District
Gr Parks District



Not to Scale
 Extracted: 03/06/2023