

**2800 Bloor Street West - Zoning By-law Amendment Application, Rental Housing Demolition and Conversion Application and Site Plan Control Application - Request for Direction Report**

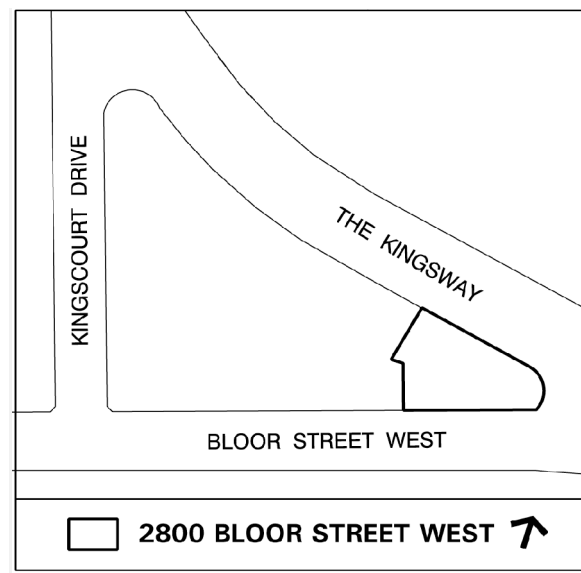
<b>Date:</b>	August 1, 2014
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York District
<b>Wards:</b>	Ward 5 – Etobicoke-Lakeshore
<b>Reference Number:</b>	13 185427 WET 05 OZ , 13 185456 WET 05 RH and 14 143971 WET 05 SA

**SUMMARY**

The Zoning By-law Amendment and Rental Housing Demolition applications propose to demolish the existing 3-storey residential rental building containing 10 affordable and mid-range residential rental units and replace it with a residential condominium building at 2800 Bloor Street. The Site Plan Control application proposes to implement the proposed development.

The purpose of this report is to obtain City Council's direction on a revised development proposal for the lands submitted on July 30, 2014 involving a Zoning By-law Amendment application, a Site Plan Control application and an application for permission to demolish the existing rental housing on the subject lands.

The original application submitted on June 11, 2013 proposed to demolish the existing residential rental building and replace it with a 9-storey, 8,692 m<sup>2</sup> residential condominium building containing 44 dwelling units, of which 3 units were proposed to be non-condominium registered rental replacement dwellings.



In April 2014, the applicant submitted a revised development concept for an 8-storey, 7,708 m<sup>2</sup> residential condominium building containing 41 dwelling units of which 3 units were proposed to be non-condominium registered rental replacement dwellings. The April 2014 resubmission was accompanied by a Site Plan Control approval application for the revised development concept.

On May 22, 2014 the applicant appealed the subject Zoning By-law Amendment application to the Ontario Municipal Board (OMB), citing Council's failure to make a decision within the time prescribed by the *Planning Act* as well as an appeal to the related Site Plan Control application. A Pre-Hearing Conference, as requested by the appellant, has yet to be scheduled by OMB.

On July 30, 2014 the applicant submitted a further revised development concept. This submission maintains the 8-storey and 41 residential unit proposal, of which 3 units are proposed to be non-condominium registered rental replacement dwellings but incorporates built form refinements and modifies indoor and outdoor on-site amenity space for the proposed development. The total gross floor area of this July 30, 2014 resubmission is 7,250 m<sup>2</sup>.

The applicant has also submitted an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition of the existing 10 residential rental units, comprising 7 two-bedroom and 3 three-bedroom units. City decisions made pursuant to Section 111 of the *City of Toronto Act, 2006*, as to whether or not to allow the demolition or conversion of existing residential rental units under c.667 of the Municipal Code are not appealable to the OMB. The proposal for the rental housing replacement is to replace the existing 10 units with 3 units, comprised of 2 one-bedroom and 1 two-bedroom units at mid-range rents that are not to be condominium registered.

The July 2014 proposal provides for a building height, massing and form that Planning staff do not have any objection to from a built form perspective. However, the proposal is not consistent with the Provincial Policy Statement 2014, does not have regard to Section 2(j) of the *Planning Act*, and does not maintain the intent of the Official Plan policies with respect to housing. In particular, the application requires the demolition of 10 existing rental dwelling units having affordable and mid-range rents and proposes only three rental replacement dwelling units with mid-range rents. The resulting development would negatively impact the provision of an appropriate range of housing, particularly rental and affordable housing. On this basis, staff are recommending refusal of the Zoning By-law Amendment application.

This report also recommends the related Site Plan Control application not be approved until issues and concerns as detailed in this report have been addressed and in the event the OMB were to allow the zoning appeal, it is recommended that any Board Order respecting the Site Plan Control application be held to allow for resolution of the site plan issues.

This report also recommends refusal of the Rental Housing Demolition application for a permit under Municipal Code chapter 667 to demolish the 10-unit residential rental unit apartment building at 2800 Bloor Street West due to the proposed loss of rental and affordable housing.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council authorize the City Solicitor, together with City Planning staff and other appropriate staff to attend the Ontario Municipal Board hearing to oppose the appeal of the Zoning By-law Amendment for 2800 Bloor Street West in its current form.
2. City Council authorize the City Solicitor and the Chief Planner and Executive Director, City Planning, to continue discussions with the applicant in an attempt to resolve outstanding matters related to rental housing replacement.
3. City Council refuse the current application to demolish rental housing units under Municipal Code Chapter 667 as the proposal does not provide for satisfactory replacement by number, size, type and at similar rents for the 10 existing affordable and mid-range units and would not provide for the right of return to any tenants who had been unduly displaced during the process.
4. In the event the applicant modifies the applications to address the issues described in Recommendation 3 and set out in this report of the Director of Community Planning, Etobicoke York District dated August 1, 2014, to the satisfaction of the Chief Planner and Executive Director, City Planning, City Council authorize the City Solicitor to settle all or part of the appeal of the Zoning By-law Amendment as applicable, and attend at the Ontario Municipal Board to take steps as required to implement any such settlement.
5. In the event that the OMB allows the appeals, in whole or in part, City Council direct the City Solicitor to request that the OMB withhold its order on the Zoning By-law Amendment application pending:
  - a) Receipt of confirmation from the City Solicitor that the final form of the amendment to the former City of Etobicoke Zoning Code is to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
  - b) The submission of a Functional Servicing Report to the satisfaction of the Executive Director of Engineering and Construction Services; and

- c) The owner making satisfactory arrangements with Engineering and Construction Services for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development, according to the Functional Servicing Report accepted by the Executive Director of Engineering and Construction Services.
6. Request that the OMB withhold its order on the Site Plan Control application pending the following conditions being addressed:
- a) The Conditions of Site Plan Approval set out in Attachment 10 to this report being fulfilled to the satisfaction of the Chief Planner and Executive Director, City Planning; and
  - b) The applicant entering into and registering a Site Plan Agreement pursuant to Section 114 of the *City of Toronto Act, 2006* with such Agreement to include the Conditions of Site Plan Approval set out in Attachment 10 to this report.
7. City Council authorize City officials to take all necessary steps, including the execution of agreements and documents, to give effect to the above recommendations.

### **Financial Impact**

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

### **DECISION HISTORY**

In January of 2009, Planning staff reported to the Etobicoke York Community Council recommending refusal of applications respecting the lands at 2800 Bloor Street West for Official Plan and Zoning By-law amendments, and for permission to demolish the existing 10-unit residential rental building pursuant to c. 667 of the Toronto Municipal Code (pursuant to Section 111 of the *City of Toronto Act, 2006*) to permit the redevelopment of the site as a senior citizens' retirement facility.

The Etobicoke York Community Council passed a motion that deferred consideration of the Refusal Report (January 22, 2009) from the Director, Community Planning, Etobicoke York District, indefinitely, requested the then applicant to submit a revised application and directed Planning staff to process, review and report to the Community Council on a revised application, if submitted.

In October 2009, in a Supplementary report to the Etobicoke York Community Council, based on the lack of conformity with the Official Plan housing policies, Planning staff recommended refusal of a revised application for Official Plan and Zoning by-law Amendments and refusal of the related rental housing demolition application for the existing rental building. The revised application was for a replacement building for a senior citizens retirement facility having 86 rooms (with no kitchens) to be rented to senior citizens and 3 rental bachelor dwelling units (with kitchens). Some of the revisions

involved a reduction in rental replacement units from 10 to 3 dwelling units, the provision of a 7<sup>th</sup> floor rooftop amenity space and changes to the built form including a reduction in building height from 8 storeys (25 m) to 7 storeys (21.5 m). The three rental replacement units were all to be bachelor apartments of 33.6 m<sup>2</sup> (362 ft<sup>2</sup>) in size, located on the 2<sup>nd</sup> or 3<sup>rd</sup> floor of the building and would not be part of the senior's retirement home program, but would be designed for seniors.

On November 30, December 1, 2, 4 and 7, 2009, City Council approved applications to amend the Official Plan and the former City of Etobicoke Zoning Code to permit a 7-storey senior citizens' retirement home facility having not more than 86 rooms and 3 rental replacement dwelling units designed primarily for seniors at 2800 Bloor Street West. City Council also conditionally approved a related application for Rental Housing Demolition and Conversion to demolish the existing 10-unit residential building on the site.

The November 30, December 1, 2, 4 and 7, 2009 City Council approval and related staff report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2009.EY31.13>.

Official Plan Amendment No. 110 and site-specific Zoning By-law 1160-2010 were enacted to implement the approval to permit the 7-storey senior citizens' retirement home facility. Site and Area Specific Policy 340 was enacted for the subject lands in the above described context to permit the senior citizens retirement facility allowing for a reduced number of rental replacement units under the circumstances of the development approval.

A Section 37 and Section 111 Agreement between the City and Foram (Kingsway) Inc., the previous owner of the lands, was executed to secure community benefits and the terms and conditions of rental demolition approval. Community benefits that were secured through the Section 37 agreement were for funds towards the improvement of Kingsway Gate Boulevard Parkette, The Kingsway boulevards and associated modifications to the intersection geometry at Bloor Street West and The Kingsway and restoration of the Kingsway Gates to their original location and design, if feasible.

## **ISSUE BACKGROUND**

### **Proposal**

The original (June 2013) development proposal was for a 9 storey condominium building consisting of 44 residential dwelling units, of which 3 units were proposed to be non-condominium registered replacement rental units. A revised application was submitted in April 2014 for an 8-storey condominium building consisting of 41 residential dwelling units, of which 3 units were proposed to be non-condominium registered replacement rental units. On July 30, 2014, the applicant submitted a further revised application. This application maintains the 8-storey building and 41-unit with three rental replacement unit proposal however incorporates built form refinements and modifies indoor and outdoor on-site amenity space. The original (June 2013) and revised (July 2014) development statistics are summarized in the table below.

Vehicular access to the development would be at the northwest end of the site, from The Kingsway. All of the proposed 64 vehicle and 43 bicycle parking spaces would be located underground. The loading and servicing area would also all be internalized, located beside the ramp to the underground garage.

The site is located close to the Old Mill subway station and an easement for the Bloor - Danforth subway tunnel is located under the northwest portion of the site. No above or below ground portions of the building are proposed within the area of the TTC easement.

Attachment 1: Site Plan illustrates the revised July 2014 submission. A summary of the original and revised development submissions is as follows:

	Original Submission (June 2013)	Revised Submission (July 2014)
Total Gross Floor Area	8,691.77m <sup>2</sup>	7,249.24m <sup>2</sup>
Floor Space Index	5.55	4.63
Number of Storeys	9	8
Building Height	33.3m (top of mechanical)	28.6m (top of mechanical)
Total dwelling units	44	41
Proposed Number, type, size and affordability of rental units	1 one-bedroom (48m <sup>2</sup> ) at mid-range rent. 1 one-bedroom with a second internal bedroom/den (75m <sup>2</sup> ) at midrange rent. 1 two-bedroom (80m <sup>2</sup> ) at a midrange rent.	1 one-bedroom (48m <sup>2</sup> ) at mid-range rent. 1 one-bedroom plus den (76m <sup>2</sup> ) at mid-range rent. 1 two-bedroom (80m <sup>2</sup> ) at mid-range rent.
Amenity Area	214m <sup>2</sup> (indoor) 41.5 m <sup>2</sup> (outdoor)	80.97 m <sup>2</sup> (indoor) 58 m <sup>2</sup> (outdoor)

## Site and Surrounding Area

The site is located immediately west of the three-way intersection of Bloor Street West, The Kingsway and Old Mill Road. The Kingsway is located on the north side of the site and Bloor Street West is located on the south side. The site is approximately 0.16 ha in size and is triangular in shape. The site slopes down from west to east towards the intersection.

A vacant 3-storey rental apartment building currently exists on the site. The building has 10 units of which the applicant has stated that 7 are two-bedroom units approximately 60 m<sup>2</sup> in size and 3 are three-bedroom units approximately 79 m<sup>2</sup> in size.

In the processing of the previous application on this building, it was reported in 2009 that the two-bedroom units were approximately 94 m<sup>2</sup> and the three bedroom units were approximately 112 m<sup>2</sup>. Six of the two-bedroom units and two of the three-bedroom units had affordable rents. Most recently, six of the two-bedroom units and two of the three-

bedroom units had affordable rents as submitted in the application. Insufficient evidence has been offered on some of the rents for the current rental housing demolition and conversion application to make a conclusive determination of most recent rent levels, and utility costs.

The surrounding uses are as follows:

North: Single-detached dwellings.

South: An 8-storey residential condominium apartment building.

East: Kingsway Gate Boulevard Parkette, the intersection of The Kingsway and Bloor Street West and low-rise 3 and 4 storey apartment buildings on the north side of Bloor Street West.

West: low-rise (2½) storey apartment buildings and single detached dwellings.

### **The Planning Act**

Section 2 (j) of the *Planning Act* lists "the provision of a full range of housing, including affordable housing" as a matter of provincial interest that municipalities shall have regard for when making planning decisions under the *Planning Act*.

### **The Residential Tenancies Act**

The *Residential Tenancies Act* sets forth minimum requirements for the related rights and responsibilities of tenants in rental buildings throughout the province and requires that tenants be given at least four months' notice and three months' compensation prior to eviction for renovation or demolition. Consistent with the *Residential Tenancies Act*, the City strongly encourages that notice to terminate tenancies should not be given until after the necessary redevelopment and building/demolition approvals have been granted. Otherwise tenants may leave unnecessarily or prematurely, which is not in the public interest as, amongst other matters, it leaves units unnecessarily vacant in a rental housing market with low vacancy rates.

### **Provincial Policy Statement and Provincial Plans**

The 2014 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS provides for planning authorities to identify appropriate locations and promote opportunities for intensification and redevelopment where it can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. The PPS also ensures that healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential, employment, institutional, recreation, park and open space, and other uses to meet long-term needs.

The recently updated housing policies of the PPS require planning authorities to provide for an appropriate range of housing, including affordable housing, to meet the needs of current and future residents. The PPS recognizes that local context and character is important. The new 2014 PPS, through Policy 1.2.1 h, directs municipalities to address housing needs in accordance with the Ontario Housing Policy Statement (OHPS). The OHPS was introduced as part of the Province's "Long-Term Affordable Housing Strategy" and is referred to under the *Housing Services Act, 2011*. The *Housing Services Act* states that it is a matter of provincial interest that there be a system of housing and homelessness services. Such a system should among other matters, address the housing needs of individuals and families, and allow for a range of housing options to meet this broad range of needs.

The purpose of the OHPS is to provide additional policy context and guide service managers in the preparation of their housing and homelessness plans to meet this provincial interest. The City's housing and homelessness plan, which is already in place, is known as "Housing Opportunities Toronto: An Affordable Housing Action Plan". Toronto's service manager, for this purpose, is the City's Shelter, Support and Housing Administration Division.

By specifically referring to the OHPS, the 2014 PPS places additional emphasis on the need for municipalities to plan for and encourage the provision of affordable housing through both housing programs and land-use planning.

The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required to be consistent with the PPS.

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. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe. City Council's planning decisions are required by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The lands are designated *Apartment Neighbourhoods* on Map 15 – Land Use Plan in the Official Plan. *Apartment Neighbourhoods* provide for apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents. The Official Plan seeks to ensure that residents of *Apartment Neighbourhoods* have a high quality urban environment, safety, quality services and residential amenities.

The section of Bloor Street West within which this site is located is shown as an *Avenue* on the Urban Structure Map (Map 2) of the Toronto Official Plan. Avenues are important

corridors along major streets where re-urbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents. The Official Plan does not require an Avenue Study for Avenue sites that are not in *Mixed Use Areas*.

Significant growth is generally not intended within developed *Apartment Neighbourhoods*. However, the Official Plan recognizes that opportunities for additional infill development on underutilized sites exist in the City and the Plan includes criteria to evaluate these situations. These criteria are set out in Policy 4.2.2 and include the following:

- locating and massing new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Plan, through means such as providing setbacks from, and/or a stepping down of heights towards, lower-scale *Neighbourhoods*; adequately limiting shadow impacts on properties in adjacent lower-scale *Neighbourhoods*, particularly during the spring and fall equinoxes; framing the edge of streets and parks with good proportion and maintaining sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- including sufficient off-street motor vehicle and bicycle parking for residents and visitors and locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- providing indoor and outdoor recreation space for building residents in every significant multi-unit residential development, and providing ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces.

The *Apartment Neighbourhoods* policies are supported by the Healthy Neighbourhoods policies of the Official Plan. Healthy Neighbourhoods Policy 2.3.1.1 considers *Neighbourhoods* and *Apartment Neighbourhoods* to be physically stable areas and that development within *Neighbourhoods* and *Apartment Neighbourhoods* will be consistent with this objective. Development will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas. The Healthy Neighbourhoods policies also identify that development in *Apartment Neighbourhoods* that are adjacent or close to *Neighbourhoods* will be compatible with those neighbourhoods, provide a gradual transition of scale and density through stepping down of buildings and setbacks, maintain adequate light and privacy for residents and attenuate resulting traffic and parking impacts on adjacent neighbourhood streets.

The Built Form policies contained in Section 3.1.2 of the Official Plan, amongst other matters, require that new development will be located, organized and massed to fit harmoniously within its existing and/or planned context.

The Official Plan also contains policies addressing the need to preserve and increase the City's supply of rental and affordable housing. Section 3.2.1 of the Official Plan addresses the need to preserve existing rental housing. Policy 3.2.1 states in the general direction that "as long as there is no new supply to meet the demand for rental housing, our existing stock of affordable rental housing is an asset that must be preserved. In this sense, rental housing is not unlike our heritage buildings – we need to do all we can to prevent losses".

Policy 3.2.1 states that "A full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods, will be provided and maintained to meet the current and future needs of residents."

Policy 3.2.1.6 states that, "New development that would have the effect of removing all or a part of a private building or related group of buildings, and would result in the loss of six or more rental housing units will not be approved unless:

- a) all of the rental housing units have rents that exceed mid-range rents at the time of application, or
- b) in cases where planning approvals other than site plan are sought, the following are secured:
  - i) at least the same number, size and type of rental housing units are replaced and maintained with rents similar to those in effect at the time the redevelopment application is made;
  - ii) for a period of at least 10 years, rents for replacement units will be the rent at first occupancy increased annually by not more than the Provincial Rent Increase Guideline or a similar guideline as Council may approve from time to time; and
  - iii) an acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement units at similar rents, the provision of alternative accommodation at similar rents, and other assistance to lessen hardship, or
- c) in Council's opinion, the supply and availability of rental housing in the City has returned to a healthy state and is able to meet the housing requirements of current and future residents. This decision will be based on a number of factors, including whether:
  - i) rental housing in the City is showing positive, sustained improvement as demonstrated by significant net gains in the supply of rental housing including significant levels of production of rental housing, and continued projected net gains in the supply of rental housing;

- ii) the overall rental apartment vacancy rate for the City of Toronto, as reported by the Canada Mortgage and Housing Corporation, has been at or above 3.0% for the preceding four consecutive annual surveys;
- iii) the proposal may negatively affect the supply or availability of rental housing or rental housing sub-sectors including affordable units, units suitable for families, or housing for vulnerable populations such as seniors, persons with special needs, or students, either in the City, or in a geographic sub-area or a neighbourhood of the City; and
- iv) all provisions of other applicable legislation and policies have been satisfied.

The housing policies of The Official Plan define rental housing to be a building or related group of buildings containing one or more rented residential units, including vacant units that have been used for rented residential purposes. "Affordable" is considered to be the average market rent of a unit by type at the last point of occupancy at or before application.

In the context of the 2007 application for a form of seniors' housing, the City Council decision allowed for some relief from Official Plan policy 3.2.1.6 which requires the replacement of at least the same number, size and type of units with similar rents. Site and Area Specific Policy 340, which was passed in 2009, states that "The replacement of the same number and type of rental housing units is not required, provided "at least" 3 rental replacement units are included in the new development."

## **Performance Standards for Mid-Rise Buildings**

City Council on July 6, 7 and 8, 2010, adopted the recommendations of the Avenues and Mid-Rise Buildings Study and Action Plan. The study developed performance standards for mid-rise buildings to support the development of well designed mid-rise buildings on the *Avenues*. Relevant performance standards, such as, transition to neighbourhoods and front façade building alignment have been used in the review and evaluation of this application.

## **Zoning**

The site is zoned Fourth Density Residential Zone (R4) subject to site-specific Zoning By-law 1160-2010 in the former City of Etobicoke Zoning Code. Zoning By-law 1160-2010 permits the land to be used only for a Senior Citizens' Retirement Home Facility containing 86 senior citizens' retirement home facility rooms and 3 rental replacement dwelling units.

The development standards in the site-specific Zoning By-law permit a maximum building height of 7 storeys (22 m) plus an additional 6 m for a mechanical

room/penthouse, a total gross floor area of 6,900 m<sup>2</sup> and a maximum floor space index (FSI) of 4.7. Outdoor amenity area is required to be provided at a rate of 2 m<sup>2</sup> per unit based on the total number of units for both senior citizens' retirement home facility units and the three rental replacement units.

Zoning By-law 1160-2010 also sets out specific Section 37 community benefits and rental housing replacement matters that were secured as part of the approval of the development application for a senior citizens' retirement home and the associated rental housing replacement requirements and tenant assistance. These Section 37 community benefit provisions included a cash contribution of \$150,000 to be paid prior to the issuance of any above-grade building permit to secure improvements to Kingsway Boulevard Parkette, modifications to the Kingsway Boulevard and intersection geometry of Bloor Street West and The Kingsway and the restoration of the Kingsway Gates to their original location and design, if feasible.

As the site is subject to site-specific Zoning By-law 1160-2010 under the former City of Etobicoke Zoning Code, it is exempt from the new City-wide Zoning By-law No. 569-2013.

### **Site Plan Control**

The proposed development is subject to Site Plan Control approval. A Site Plan Control approval application was submitted by the applicant to the City on April 16, 2014 and has been reviewed concurrently with the Zoning By-law Amendment application.

### **Tree Preservation**

City of Toronto By-laws provide for the protection of trees situated on both private and City property. An Arborist report and Tree Preservation Plan was reviewed by City staff.

### **Rental Housing Demolition and Conversion**

Section 111 of the *City of Toronto Act, 2006* authorizes Council to regulate the demolition and conversion of residential rental properties in the City where there are 6 or more dwelling units on the site of a related group of buildings, of which at least one unit comprises rental housing.

By-law 885-2007, also known as the Rental Housing Demolition and Conversion By-law, established Chapter 667 of the Municipal Code. The By-law makes it an offence to demolish, or cause to be demolished, the whole or any part of a residential rental property containing at least 6 dwelling units of which at least 1 unit is a rental dwelling unit unless approval has been granted by the City for a Section 111 permit for the demolition of the residential rental property. Under the City's delegation by-law, Chapter 667 of the Municipal Code, proposals in which six or more rental housing units will be affected require a decision by City Council as to whether to permit the applied for demolition. Council may refuse an application, or approve the demolition with conditions. Typically these conditions include, when the removal of an existing building of at least 6 rental units is proposed, the full replacement by size and type of the rental units to be removed, replacement rents similar to those in the existing rental building on the site, as well as

tenant assistance and the right for tenants to return. Unlike a Zoning By-law or Official Plan amendment application, the City's decision to refuse or approve the issuance of a Section 111 permit and the conditions imposed by the City on any such approval, are not subject to appeal to the Ontario Municipal Board.

The applicant has submitted the required Rental Housing Demolition and Conversion Application under Chapter 667 of the Municipal Code for the City's review, as 10 residential rental units are to be demolished in the existing building on the site. A Housing Issues Report has been submitted with the required application and is currently under review for consistency with amongst other matters, such as the *Planning Act*, the PPS, and the Growth Plan for the Greater Golden Horseshoe as well as the Official Plan. Typically, the related applications, in this case the application for rezoning and the application for the demolition of the existing building are considered at the same time.

### **Reasons for the Applications**

A Zoning By-law Amendment is required to permit a residential apartment building use and to establish appropriate development standards. A Site Plan Control application is required to implement the proposed development and address matters such as site organization and layout, landscaping and the Toronto Green Standards.

Implementation of the proposed development would require the demolition of the existing rental building on the site which contains 10 rental dwelling units. Accordingly, a Section 111 permit is required under Chapter 667 of the *City of Toronto Act, 2006* to permit the proposed demolition of the existing rental building on the subject site at 2800 Bloor Street West as six or more dwelling units, at least one of which is rental are proposed for demolition.

### **Community Consultation**

A Community Consultation Meeting was held on December 3, 2014. The purpose of the meeting was to present and provide an opportunity for comment on the original 9-storey development proposal. As well, as per the direction from Community Council at the adoption of the preliminary report at the meeting of September 10, 2013, a Rental Housing Matters meeting under Chapter 667 was held consecutively as part of the broader community meeting regarding the proposed development.

Approximately 50 people attended the meeting. Also in attendance was the Ward Councillor, the landowners and their planning consultant and architect.

Comments and concerns raised at the community meeting were as follows:

- (a) 9 storeys is too high (going beyond the zoning by-law height limit);
- (b) shadow impacts of the proposed building on the adjacent properties;
- (c) more vehicle traffic impact on The Kingsway due to access to the site from The Kingsway and not Bloor Street West;
- (d) the view of the mechanical system on the roof;

- (e) the amount of amenity space proposed;
- (f) that this development, if approved, would lead to more "development creep" along Bloor Street West;
- (g) setbacks of building to property line; and
- (h) future improvements to the Bloor Street West and The Kingsway intersection that might be required as a result of this development;

Also, a petition signed by 26 residents was submitted to the Ward Councillor in opposition to the original 9 storey residential development proposal. Seventeen of the residents who signed the petition reside on Kingscourt Drive.

For the Rental Housing Matters portion of the meeting, City staff discussed the policy framework of the City of Toronto in regards to rental housing and how Chapter 667 implements part of that framework. The existing building as a purpose-built rental building was illustrated through powerpoint slides showing the local context versus the broader City of Toronto's rental stock. The site-specific Official Plan provision for the securing of at least 3 rental replacement units in the new development was mentioned.

Some audience members expressed that the area needs good quality rental for homeowners to downsize to as well as questioning how and why the proposed 3 units are to be integrated into a high-end condo building. At the end of the meeting, a few tenants who reside in nearby rental buildings expressed concern that the loss of this building would make it harder for others to find similar accommodations in the area and concern that this would set a precedent of not replacing rental units when buildings were demolished.

Several residents wrote letters expressing concern on the rental housing matters that the loss of the rental units was a "bait and switch" tactic of going from a seniors' rental residence to an upscale condominium and retaining both the built form permissions and that the reduction of rental units was not reasonable and questioned why the general policy of replacing all the units in a new development was not being upheld.

### **Agency Circulation**

The applications were circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the applications.

## **COMMENTS**

### **The Planning Act**

The *Planning Act* identifies "the adequate provision of a full range of housing, including affordable housing" as a provincial interest that City Council shall have regard to in making any decision under the *Planning Act*. The current proposal of 38 very large condominium units and three mid-range rental replacement units does not have regard to the provincial interest in Section 2(j) of the *Planning Act*, given that the current use of the

site as an existing 10 unit large two and three bedroom affordable and mid-range rental building.

## **The Residential Tenancies Act**

*The Residential Tenancies Act (RTA)* provides that tenants are afforded protections in cases where rental buildings are proposed to be demolished to enable a new development. The Official Plan complements this with policies that allow tenants to return to the units and enjoy rents similar to those of the previous units to not displace communities. Further, there is a practice to extend the notice period to tenants expecting to vacate for demolition and to provide them with compensation to mitigate against the hardship of displacement.

The City's practice is to encourage owners to not prematurely vacate buildings prior to all the development permissions being received and the redevelopment of the site being imminent. This is to lower the pressure on the vacancy rate of the City, but also to encourage the continued maintenance of buildings in the City as well as providing for continued occupancy should an application be refused or the building or the property not being redeveloped as per the permissions.

The City's practice is also to provide tenants with more than the RTA minimum of 4 months' notice and 3 months' rent compensation to mitigate the hardship of displacement.

This development was vacated by the previous owner prior to sale. City Staff have reports from the tenants that the last tenants left the building on less than the agreed-upon notice with the previous owner/applicant, and no confirmation has been provided, as requested, to Staff as to whether the departing tenants received adequate compensation as required by the previous conditions to the 2009 s.111 decision of City Council or the statutory provincial requirements.

## **Provincial Policy Statement and Provincial Plans**

The 2014 Provincial Policy Statement (PPS) ensures that healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential, employment, institutional, recreation, park and open space, and other uses to meet long-term needs. Residential uses include the provision of a range and mix of housing including affordable housing and housing for older persons as part of building healthy, safe and livable communities. While flexibility in interpretation is provided for, and intensification is encouraged in areas with appropriate infrastructure, the integrity of provincial interests is to be upheld.

This application is a proposal to change the use of this land from the existing use, as an affordable and mid-range residential rental building, and to change the existing zoning permissions for a seniors'-oriented residential facility to a high-end market condominium building with very large units. The applicant's proposal to replace the current 10 rental units with only three residential rental units is not consistent with the Provincial Policy Statement.

Rental housing in the City of Toronto has traditionally formed an important part of the variety of choice in housing for residents. Purpose-built rental housing has formed an important part of that stock as it provides choice and security of tenure to renter-households who are almost half the population of the City at 45.5% in the 2011 census. Affordability in this market is also a concern as according to the 2011 census figures 43.5% of renter households paid more than 30% of their income on rent. Vacancy rates have remained low at 1.7% according to the CMHC2012 Fall Market Survey and in particular for two and three bedroom units which were at 1.4% and 1.3% vacancy respectively. As purpose-built rental building has not kept pace with ownership tenure building in the City over the last twenty years, tenants have been left with fewer options and rising rents. In accommodating a range and mix of uses, the current building provides an important part of the diversity of the rental stock by type, tenure and affordability.

Policy 4.7 of the PPS recognizes that the Official Plan is the most important vehicle for implementation of the Provincial Policy Statement. The PPS states that comprehensive, integrated and long-term planning is best achieved through official plans.

Staff have evaluated the proposed development, and are of the opinion that the proposed 8-storey residential building does not provide for the retention or appropriate replacement of the large affordable and mid-range rental units and as such, does not conform to the PPS.

## **Growth Plan for the Greater Golden Horseshoe**

The affordable and mid-range existing rental building with large two and three bedroom units is located on an *Intensification Corridor* and thus an *Intensification Area*, in very close proximity to a *Major Transit Station Area*, in which intensification is promoted through the efficient use of land and existing infrastructure, as well as transit. The intensification of the site is appropriate as long as other principles of the Growth Plan are adhered to, such as the inclusion of rental replacement units at appropriate rents.

## **Official Plan Housing Policies**

The direction of the Official Plan's rental housing policies are consistent with the direction of *the Planning Act*, the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe and the *Residential Tenancies Act*. Official Plan Policy 3.2.1 states that "A full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods, will be provided and maintained to meet the current and future needs of residents."

The previous application of 2007 for a senior citizens' retirement home facility that was proposed to be similar to rental tenure was the subject of a site-specific Official Plan Amendment arising in the context of the specific development proposal. The previous Zoning By-law and combined Section 37/Section 111 Agreement describe the then-proposed development's use explicitly, although the site specific Official Plan Amendment did not. In the context of the 2007 application, the City Council decision

was to allow some flexibility from Official Plan policy 3.2.1.6 which requires the replacement of at least the same number, size and type of units with similar rents. It is clear from the Zoning By-law and registered agreements that the intent of the site-specific amendment was not to reduce the full replacement of rental housing requirement from this site regardless of the development proposal. The site-specific Official Plan Amendment was not intended to relieve the site from the obligations of the broader Official Plan, under any circumstances. It is not a meaningful interpretation of the Official Plan housing policies to suggest that the intent of the Official Plan was to allow the demolition of the existing 10 unit rental building and its replacement with only 3 rental units regardless of circumstances. The circumstances of the current proposal are different than for the senior citizens' retirement home facility. Further, the site specific amendment reads " The replacement of the same number and type of rental housing units is not required, ... provided at least 3 rental replacement units are included in the new development." Requiring more than 3 rental replacement units would also comprise "at least 3 rental replacement units". The general Official Plan provisions and the site-specific Official Plan Amendment should be read together and interpreted in a meaningful manner with cognizance of the circumstances.

There is no reason in the circumstances of the current proposal that replacement rental in accordance with Policy 3.2.1.6 of the Official Plan cannot or should not be provided. The replacement of only 3 rental housing units as proposed by the applicant does not comprise good planning and in all of the circumstances does not meet the intent of the Official Plan nor adequately respond to the housing policy framework.

### **Existing Building Context**

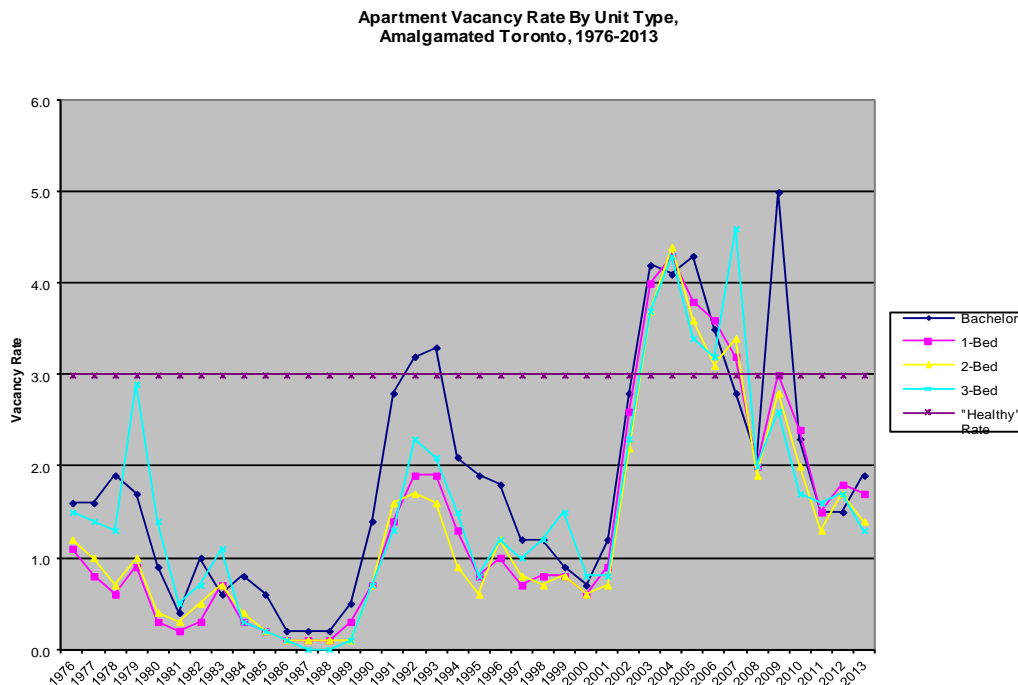
The existing building is a residential rental building that was at affordable and mid-range rents and had seven two-bedroom and 3 three-bedroom units, some with balconies, centrally located in a neighbourhood with many local services, full parking, on-site laundry, a fairly large treed lot with benches and excellent public transit accessibility. It provided affordable housing for families and provides an important part of satisfying the City's goals in providing a variety and range of housing in type and tenure across the City and within neighbourhoods.

The previous owner(s) evicted at least one of the most recent tenants prior to sale of the existing building, and requests made by staff for evidence of proper notice and compensation to the remaining tenants was not provided after being requested.

The Official Plan's rental housing replacement policies list some of the criteria to be considered when evaluating a rental housing replacement. This site does not qualify for relief from this policy in that:

- a) not all of the existing units are high-end. The applicant has provided some rental information and previous tenants have spoken to staff and several of the units have been confirmed as being affordable or mid-range;

- c) i) the rental market in the City of Toronto, while some new rental units are proposed to be built voluntarily, they are not a significant portion of the units being built. Rather, the City has seen losses year over year in the proportion of rental units as a ratio to purpose built units to a significant degree. It cannot be said that “significant gains” have been made in this area at this time;
- c) ii) The CMHC rental vacancy rate has not been over 3% in 4 consecutive market surveys. The average vacancy rate is low, at 1.7% and further as per the chart below, the vacancy rates per bedroom type for two and three-bedroom units is also low.



- c) iii) The loss of these units will negatively affect the subsectors of affordable housing, the local geographic market area and currently, through the provision of larger units, provide a type of unit that is valued in multi-unit residential properties. Uncharacteristically, of this age of building, the three bedroom units have two bathrooms and while it is difficult to characterize “family-units”, according to tenants, at least one family lived here at the time of the sale of the building.

## The Rental Replacement Proposal

The applicant has offered to provide 3 units, which, shown on the most recent plans are 1 one-bedroom, 1 two-bedroom and 1 one-bedroom plus den. Only one of the proposed

units has a balcony and one of the units may not have windows that can be opened due to the proposed distance from the lot-line. Acceptable floor-plans with confirmed areas of the existing units were never received and only estimates are available for the existing unit sizes. The applicant has proposed that the rents be mid-range as per the chart below:

Table 3: Proposed Rental Replacement Chart

	Existing	Proposed
Number of Units	10	3
Bedroom Type	7 two bedroom 3 three bedroom	1 one bedroom 1 one bedroom+den 1 two bedroom
Average Size	Two bedroom = 60.4 m <sup>2</sup> (apx.) Three bedroom= 79 m <sup>2</sup> (apx.)	48 m <sup>2</sup> 75.8 m <sup>2</sup> 79.9 m <sup>2</sup>
Rent Threshold	6 Affordable 4 Mid-range	3 Mid-range

These two one-bedroom units and the one two-bedroom units are not contiguous and if this proposal was accepted, would not be in keeping with the Official Plan Policies, or the City's practice in replacing rental housing units. In the future, the 3 proposed rental replacement units, comprising a building with less than 6 rental units, these proposed replacement units would not enjoy the protections of the Official Plan from future demolition or conversion. Similarly, as a building with less than 6 dwelling units, the 3 proposed rental replacement units may not be protected from demolition or conversion by s.111 of the *City of Toronto Act, 2006* (c.667 of the Municipal Code). Further, tenants would not be covered by the same protections under the *Residential Tenancies Act* as compared to tenants in a complex with six or more residential rental units. The applicant has not provided information on what facilities and amenities would be provided in the development to support the rental housing such as the provision of laundry, parking or access to the proposed amenity space(s). Property management of less than three units in the building is also of concern to City staff in the implementation of any operating agreements as is the lack of contiguity of the units to be provided.

### **Tenant Relocation and Assistance Plan**

The applicant has not proposed a Tenant Relocation and Assistance Plan. However, due to the fact that the building was vacated prior to sale, with the express interest to redevelop the lands, we would consider that the previous/last tenants would possibly have the right to return to a new development that is not a seniors' oriented development. As it is unconfirmed whether prior tenants received proper notice or compensation as the prior amounts were set under a previous application, with proper documentation, it may be appropriate for the final tenants to be eligible for the right to return and the possibility of compensation given the early dismissal from their units. This is consistent with City practice.

The application, under consideration, should be able to provide for the replacement of the existing building of approximately 660 m<sup>2</sup> of rentable floor space, with new units of the same number, size, and type, as well as rent level. A rental replacement proposal of more units, at larger sizes and similar rents to the previous units than is provided for in the current proposal, is needed in order for staff to be able to recommend support of the proposal at the OMB.

Policy 3.2.1.6 is clear in its requirements for replacement rental housing –the same number, size and type and similar rents. OPA 110 was enacted within a context of permitting a specific development comprising a form of senior's rental housing (although the non-replacement rental units were not required to have affordable or mid-range rents, nor to be the same type of unit, which was specified in the zoning by-law) and requires "at least 3 rental replacement units". Given all of the policy context, and the fact that the current proposal is for large condominium dwelling units, the applicant's current proposal to provide only 3 rental replacement units of smaller sizes and types than the average of the existing building does not conform with nor does it maintain the intent of the Official Plan or the housing policy framework. As such it should be refused or alternatively any approval should be conditional on the provision of rental replacement in the usual manner pursuant to Policy 3.2.1.6. Compliance with both policies should be required in the circumstances as it is both appropriate and consistent with the PPS, has regard to section 2(j) of the *Planning Act* and maintains the intent of the Official Plan.

In the event the Zoning By-law Amendment application is approved by the Ontario Municipal Board, the City will request that the OMB withhold their final order until the City Solicitor confirms that the Zoning By-law Amendment incorporates requirements for appropriate rental replacement, including that the owner has entered into and registered a Section 37 Agreement, to the satisfaction of the City Solicitor in consultation with the Chief Planner and Executive Director, City Planning.

## **Rental Housing Demolition Control**

City's decisions respecting Rental Demolition and Conversion Control, pursuant to Chapter 667 of the Municipal Code, are not appealable to the OMB and City Council may impose conditions on the issuance of demolition or conversion permits under the provision as previously discussed. The applicant's proposal for replacement is not consistent with the general City practice of requiring full replacement within the development as a condition of demolishing an existing rental building of generously sized affordable and mid-range rental units.

As an appeal has been filed respecting the Zoning By-law Amendment and Site Plan Control application, City Council's direction is sought to oppose the appeal and to attend a hearing before the Ontario Municipal Board in opposition to such an appeal, based on the lack of conformity to the housing policies contained in section 3.2.1 of the City's Official Plan and the housing policy framework of the *Planning Act*.

In connection with the Rental Housing Demolition Application, staff are recommending refusal of the application unless and until such time as the applicant comes forward with a proposal satisfactory to the Chief Planner and Executive Director, City Planning to provide for and secure the replacement of the existing rental units, for at least 20 years with rents set at similar levels for at least 10 years and the right of eligible tenants to return, in accordance with the general City practice on these matters.

The proposal is not consistent with City practice.

## **Built Form**

The *Apartment Neighbourhoods*, Built Form and Healthy Neighbourhoods policies of the Official Plan require new development to fit harmoniously into the existing and/or planned context.

This Official Plan objective can be achieved, for instance, through appropriate massing, the stepping back/terracing of the upper storeys of a building and appropriate building setbacks at grade. Through the use of these design techniques, other built form objectives of the Official Plan, such as, minimizing shadow impacts upon existing neighbouring properties, the provision of adequate light and privacy and appropriate transition in scale to existing properties can be achieved.

In November 2013 the original 9-storey building proposal was considered by the Design Review Panel (DRP). The DRP unanimously agreed that the proposed massing of the 9-storey building did not achieve an appropriate transition to the adjacent residential low density neighbourhood located to west of the site and recommended that greater setbacks from the west property boundary, as well as stepbacks at mid-point of the building could be established to enhance transition to the low density neighbourhoods.

Through the review of the application City Planning identified built form concerns and has worked with the applicant to evaluate and determine a built form that would conform to the Official Plan with respect to scale, transition and shadow impacts as well as the provision of on-site amenity space. Although the April 2014 revised proposal reduced the overall building height, staff continued to have concerns with a lack of transition, particularly related to the northwest corner of the site closest to the *Neighbourhoods* designated lands. As well, the April 2014 resubmission eliminated on-site outdoor amenity space which was identified as a concern. The July 2014 revised development proposal incorporates additional built form refinements and modifies the on-site amenity space as follows:

1. the establishment of increased building stepbacks at the north-west portion of the building for floors 3 to 5. The modified design incorporates an additional 1.72 m building stepback at the north-west portion of the building wall for the third, fourth and fifth floors;

2. the establishment of increased building setbacks at the north-west portion of the building for floors 6 and 7. The modified design would incorporate an additional 11.84 m building setback from the north-west portion of the building wall for the sixth and seventh floors;
3. the incorporation of a building setback of 1 m starting at the 3<sup>rd</sup> floor and extending up to the 7<sup>th</sup> floor along the proposed building façade located along Bloor Street West; and
4. The provision of indoor amenity space (80.97 m<sup>2</sup>) on the third floor of the building directly adjacent and accessible to an outdoor amenity space (58 m<sup>2</sup>) on the podium of the 2-storey portion of the north end of the proposed building.

The proposed refinements to built form of the July 2014 resubmission would achieve an appropriate scale of development and transition to the *Neighbourhoods* designated lands adjacent to the site and to the public realm on Bloor Street West and The Kingsway. The proposed modifications to on-site amenity space would provide an acceptable amount and location of amenity area for the proposed development.

The July 2014 revised development proposal would result in an 8-storey (28.6 m to top of mechanical) building with a total development density of 4.63 times the area of the site. Staff are of the opinion that the built form, as proposed by the July 2014 resubmission, would provide for an overall building height, massing and scale that is appropriate for the site and would conform to the relevant built form policies of the Official Plan.

### **Shadow Study**

The shadow study submitted by the applicant for the revised 8-storey proposal was reviewed by staff. The shadow study identifies that the proposal would not result in significant shadow impact. At the spring and autumnal equinoxes there would be some early morning (9:00 a.m.) shadow on the residence to immediate northwest of the subject site. At June 21, the shadow study identified early morning (7:00 a.m. to 9:00 a.m.) shadow on the apartment building and residence to the immediate west and northwest of the site. At December 21 there will be shadow impacts on the front of four residential properties to the immediate north of the subject site, across The Kingsway, during the periods of 11:00 a.m. and 3:00 p.m.

Staff are of the opinion that the shadow impact that would be generated by the proposed development is minimal and acceptable.

### **Wind Study**

A Pedestrian Level Wind Study was submitted for the original development proposal. The wind study concluded that all of the ground level areas of the development site and the adjacent public streets are acceptable for their intended pedestrian uses throughout the year, with the exception of potentially limited deficiency conditions along Bloor Street West during the winter months. This potential winter condition would be reviewed and

addressed through Site Plan Approval to determine appropriate mitigation measures such as an entrance canopy or weather protection.

The wind study also provided findings for wind conditions on the adjacent parkette and concluded that conditions would be suitable and acceptable for sitting, standing and walking throughout the summer, autumn and winter seasons. Attachment 10 - Site Plan Control Approval Conditions includes a condition regarding the review and acceptance of the Wind Study.

### **Noise and Vibration Study**

A Noise and Vibration Feasibility Study was submitted with the original proposal. The study found that road traffic on Bloor Street West would be the primary noise source for the site. The study recommends the following noise mitigation measures to achieve Ministry of Environment guidelines for acceptable noise levels: central air conditioning for all units; upgraded window glazing and façade construction for some elevations; and warning clauses registered on title and in all purchase and tenancy agreements.

The study also identified that there is vibration associated with subway pass-bys. The study recommends that suitable isolation measures be integrated into the design of the foundation in order to limit the intrusions to within or close to reasonable criteria for residential occupancies. With the use of suitable controls integrated into the building plans, the proposed development would be anticipated to meet Ministry of Environment Guidelines and American National Standards Institute (ANSI) standards from the perspective of traffic noise and vibration impact. This is a preliminary recommendation that would be refined as the structural design is further developed. The study also recommends certain warning clauses to be included in development agreements registered on title, and in all purchase and sale and tenancy agreements.

The study recommends that all recommendations of the noise and vibration study be secured as conditions of Site Plan Control approval or through other appropriate agreements satisfactory to the City. Attachment 10 - Site Plan Control Approval Conditions includes a condition that the Noise and Vibration Feasibility Study recommendations be secured as part of site plan approval.

### **Engineering and Construction Services**

Engineering and Construction Services staff has reviewed the Functional Servicing Study and Stormwater Management report submitted with the application and recommends that, should the OMB approve the Zoning By-law Amendment application, that the OMB withhold its order until a Functional Servicing Report has been submitted to the satisfaction of the Executive Director of Engineering and Construction Services and, further, the owner be required to make satisfactory arrangements with Engineering and Construction Services for the construction of any improvements to the municipal infrastructure should it be determined that upgrades are required to the infrastructure to support this development.

Engineering staff has also advised that certain technical revisions and additional information related to transportation, fire and servicing matters, for instance, are required to the plans and documentation submitted with the applicant's rezoning and site plan application submission. The revisions and additional information is detailed in the memorandum dated June 30, 2014 from the Manager of Development Engineering on the rezoning and site plan control applications.

### **Transportation Services**

The applicant submitted a traffic impact and parking study prepared by Cole Engineering, dated June, 2013. The study, based upon the previously-proposed 44-unit condominium apartment building, identified no level-of-service/operational impacts based on the assignment of site-generated trips at the adjacent intersections analysed. Transportation Services staff has advised that the current submission proposes 41 dwelling units, which is a slight reduction from the previously-proposed 44-unit proposal, will result in a nominal reduction in the number of vehicle trips generated by the site. Transportation Services staff concur with the findings of the traffic impact study that the subject residential development will not negatively impact the level-of-service of the area road network.

Transportation Services staff require the following parking and loading zoning standards to be incorporated into the Zoning By-law should the OMB approve the applicant's appeal of the Zoning By-law Amendment application:

1. Vehicle parking for the proposed *condominium* units in the proposed apartment building shall be provided at the following minimum ratios.
  - Bachelor dwelling units at 0.60 parking spaces per dwelling unit;
  - One-bedroom dwelling units at 0.70 parking spaces per dwelling unit;
  - Two-bedroom dwelling units at 0.90 parking spaces per dwelling unit;
  - Dwelling units with three or more bedrooms at 1.00 parking space per dwelling unit; and
  - Residential visitor parking at 0.10 parking spaces per dwelling unit.
2. Vehicle parking for the proposed *rental* units in the proposed apartment building shall be provided at the following minimum ratios.
  - Bachelor dwelling units at 0.40 parking spaces per dwelling unit;
  - One-bedroom dwelling units at 0.50 parking spaces per dwelling unit;
  - Two-bedroom dwelling units at 0.70 parking spaces per dwelling unit;
  - Dwelling units with three or more bedrooms at 0.80 parking spaces per dwelling unit; and
  - Residential visitor parking at 0.10 parking spaces per dwelling unit.
3. One loading space shall be provided for the proposed apartment building with minimum dimensions of 13.0 m long, 4.0 m wide with a 6.1 m vertical clearance.

Transportation Services staff also advises that a 1.89 m road widening along the Bloor Street West frontage of the subject site is required. This would be secured as part of Site

Plan Control approval and is secured in Attachment 10 - Site Plan Control Approval conditions.

## **Toronto Transit Commission**

The Toronto Transit Commission (TTC) has advised that a portion of the Bloor-Danforth subway tunnel travels under the north part of the site and is subject to an easement. The TTC has provided conditions of Site Plan Control approval which are included in Attachment 10.

## **Parkland**

Parks, Forestry and Recreation staff advise that the site is in the second lowest quintile of current provision of parkland, as per Map 8B/C of the Official Plan. The site is in a parkland priority area, as per Alternative Parkland Dedication Rate By-law 1020-2010. Parks, Forestry and Recreation staff advise that a cash-in-lieu payment would be acceptable for this development application given the size of the dedication required. The actual determination of cash-in-lieu to be paid would be determined at the time of issuance of the building permit.

Parks, Forestry and Recreation staff also advise that as the development site abuts the Kingsway Gate Boulevard Parkette, the owner may be required to enter into a Limiting Distance Agreement with the City prior to the issuance of building permit to achieve the required building setback with respect to the Ontario Building Code and compensation may be a requirement of that Agreement.

Parks staff further advise that the Parkette is under the ownership portfolio of Transportation Services. Should any improvements be proposed to the Parkette as part of this application, such improvements must be approved by City Planning and Transportation Services in consultation with Parks, Forestry and Recreation.

Attachment 10 - Site Plan Control Approval Conditions contains Parks, Forestry and Recreation conditions and advisory comments related to these matters.

## **Street Trees and Private Trees**

Urban Forestry staff advise that there appear to be 17 City trees that would be impacted by this development proposal and require applications for permission to injure or destroy the trees in question. Urban Forestry has further advised that there are 9 private trees that will require a permit for removal.

Based on the proposal, the owner would be required to plant 27 new 'large growing native shade' trees. The applicant's plans do not show enough new trees to satisfy the required plantings on private property.

Urban Forestry advises that the applicant should work with staff to identify options for tree replacement, which may include increased boulevard planting and cash-in-lieu payment. This matter would be finalized and implemented as part of Site Plan Control Approval and relevant conditions are included in Attachment 10 - Site Plan Control Approval Conditions.

## **Site Plan**

Conditions of Site Plan Control Approval are included as Attachment 10 to this report. These Conditions may be modified through finalization of Site Plan Review. This report recommends that staff request the OMB to withhold issuance of its Order on the Site Plan Control application appeal until the applicant has addressed site plan matters to the City's satisfaction.

## **Toronto District School Board**

The Toronto District School Board has advised that a significant impact on local schools is not anticipated as a result of this development proposal. The TDSB has further commented that there is sufficient space at the local schools to accommodate students from this proposed development. Although, the local elementary school is operating at capacity, the impact from this development is insufficient to require any warning clauses, which would normally be requested.

## **Toronto Green Standard**

On October 27, 2009, City Council adopted the two-tiered Toronto Green Standard (TGS). 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.

The applicant is required to meet Tier 1 of the TGS. Should the OMB approve the applicant's appeal of the Zoning By-law Amendment application, Tier 1 measures related to bicycle parking would be secured in the Zoning By-law. Additional measures pertaining to Tier 1 requirements such as building design materials, stormwater retention and urban forestry will be secured through the site plan approval process.

## **Conclusion**

The applicant has appealed the Zoning By-law Amendment application to the OMB on the basis that City Council had not made a decision within the timeframes prescribed by the *Planning Act*. The applicant's July 2014 resubmission would provide for a form of development on the site that conforms to the relevant built form policies of the Official Plan.

As the proposal for 3 rental replacement units does not meet the requirements of the housing policy framework and does not provide mitigation for hardship to the last

tenants, the Zoning By-law Amendment application does not comprise good planning and it is recommended that City staff attend the OMB hearing in opposition to the appeals. This report also recommends refusal of the Rental Housing Demolition Application.

## **CONTACT**

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## **SIGNATURE**

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

## **ATTACHMENTS**

Attachment 1: Site Plan (Revised)

Attachment 2: South Elevation

Attachment 3: North Elevation

Attachment 4: North-West Elevation

Attachment 5: West Elevation

Attachment 6: Bloor Street West Rendering

Attachment 7: The Kingsway Rendering

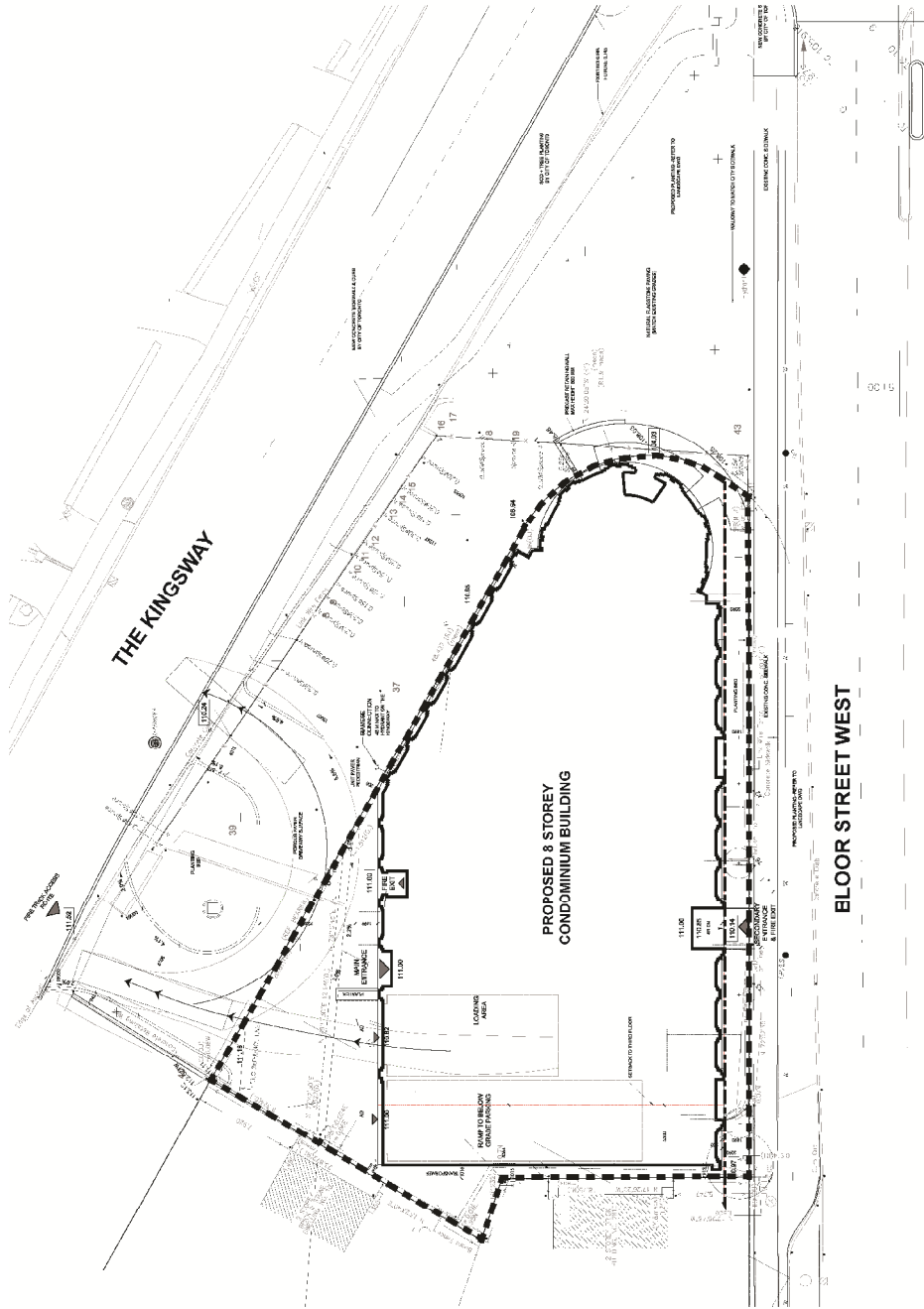
Attachment 8: The Kingsway –Northwest Building Stepping Rendering

Attachment 9: Zoning

Attachment 10: Site Plan Control Conditions

Attachment 11: Application Data Sheet

# Attachment 1: Site Plan (Revised)



2800 Bloor Street West

Site Plan

Applicant's Submitted Drawing

File # 13 185427 WET 05 02

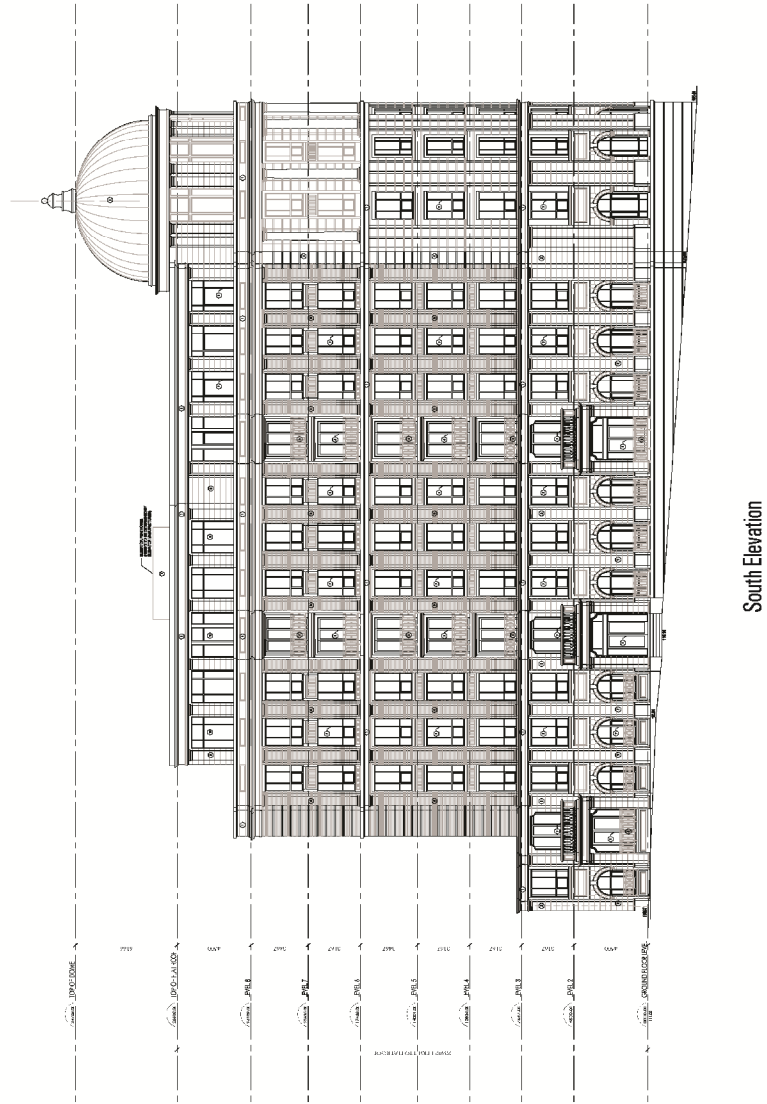
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File # 13 185456 WET 05 RH



07/15/2014

## Attachment 2: South Elevation



2800 Bloor Street West

File # 13 185427 WET 05 02

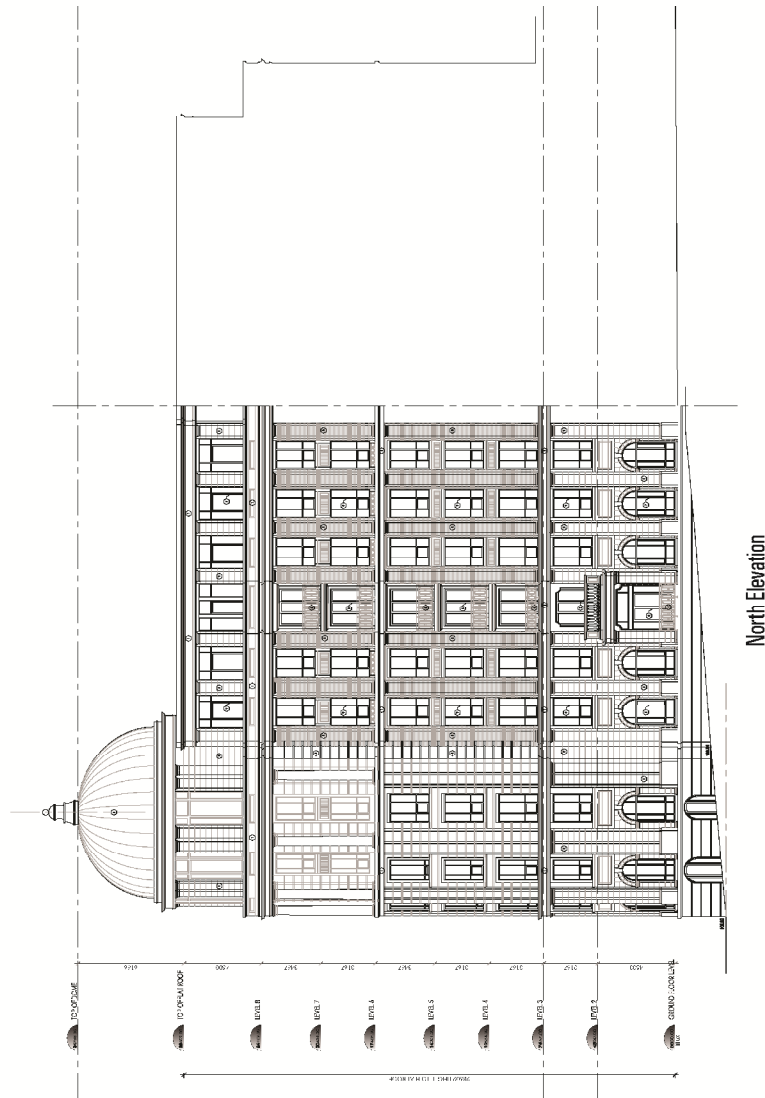
File # 13 185456 WET 05 RH

Elevations

Applicant's Submitted Drawing

Not to Scale  
08/11/2014

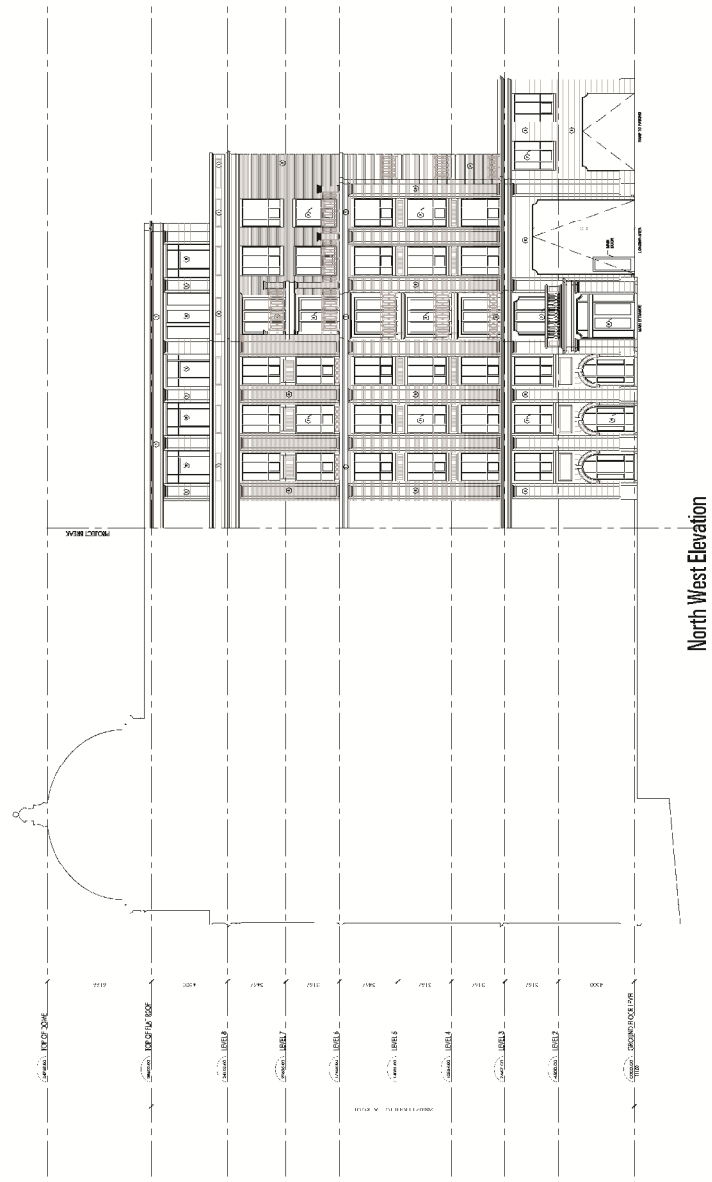
### Attachment 3: North Elevation



**Elevations**  
 Applicant's Submitted Drawing  
 Not to Scale  
 08/12/2014

**2800 Bloor Street West**  
 File # 13 185427 WET 05 02  
 File # 13 185456 WET 05 RH

## Attachment 4: Northwest Elevation



### Elevations

Applicant's Submitted Drawing

Not to Scale  
08/12/2014

### 2800 Bloor Street West

File # 13 185427 WET 05 02

File # 13 185456 WET 05 RH

## Attachment 5: West Elevation



<b>Elevations</b>	<b>2800 Bloor Street West</b>
Applicant's Submitted Drawing	File # 13 185427 WET 05 02
No to Scale 08/12/2014	File # 13 185456 WET 05 RH

**Attachment 6: Bloor Street West Rendering**



**Rendering View from Bloor Street West**

**2800 Bloor Street West**

Applicant's Submitted Drawing  
Not to Scale  
07/31/2014

File # 13 185427 WET 05 OZ  
File # 13 185456 WET 05 RH

## Attachment 7: The Kingsway Rendering



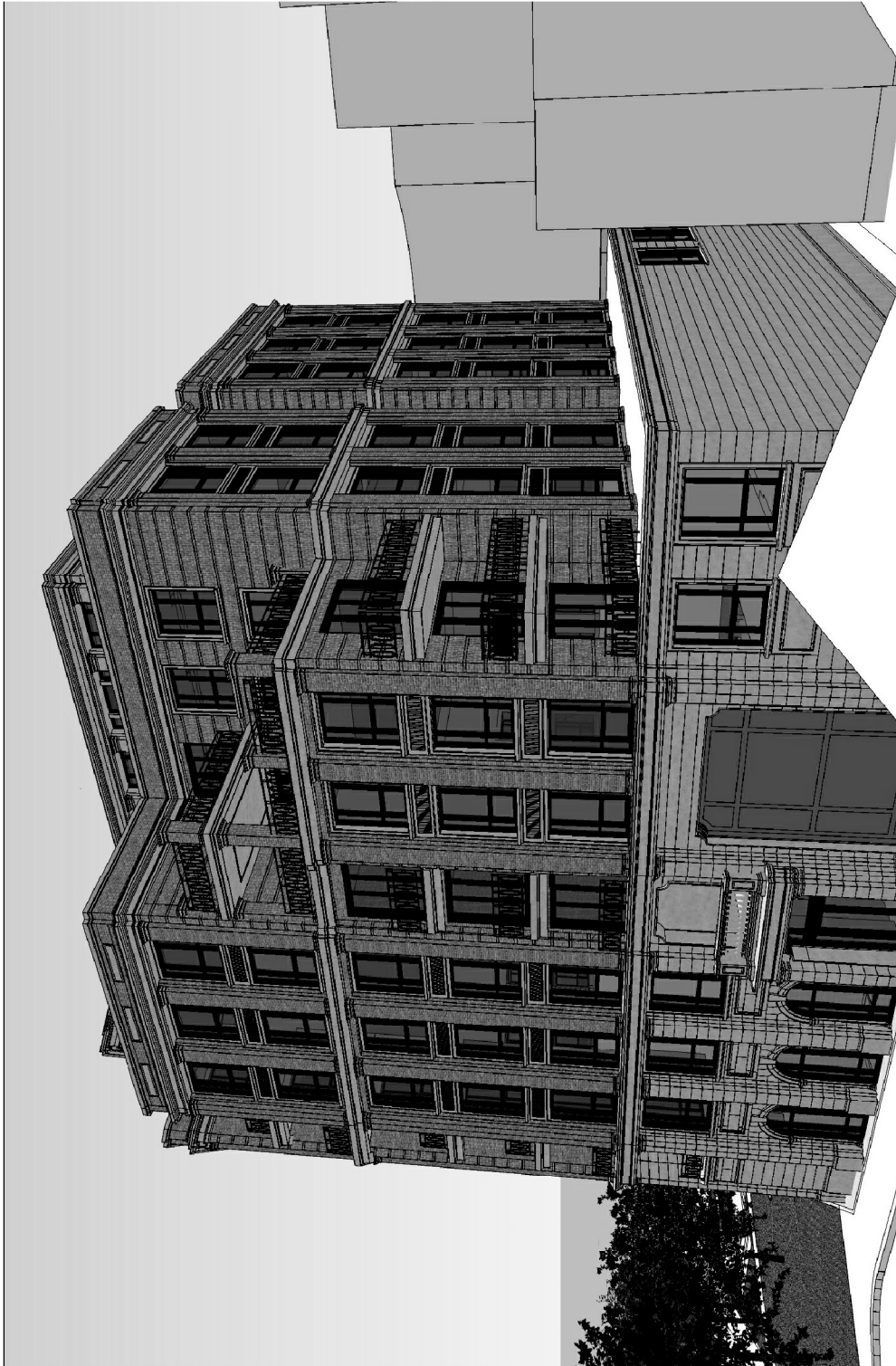
Rendering View from The Kingsway

Applicant's Submitted Drawing  
Not to Scale  
07/31/2014

2800 Bloor Street West

File # 13 185427 WET 05 OZ  
File # 13 185456 WET 05 RH

## Attachment 8: The Kingsway –Northwest Building Stepping Rendering



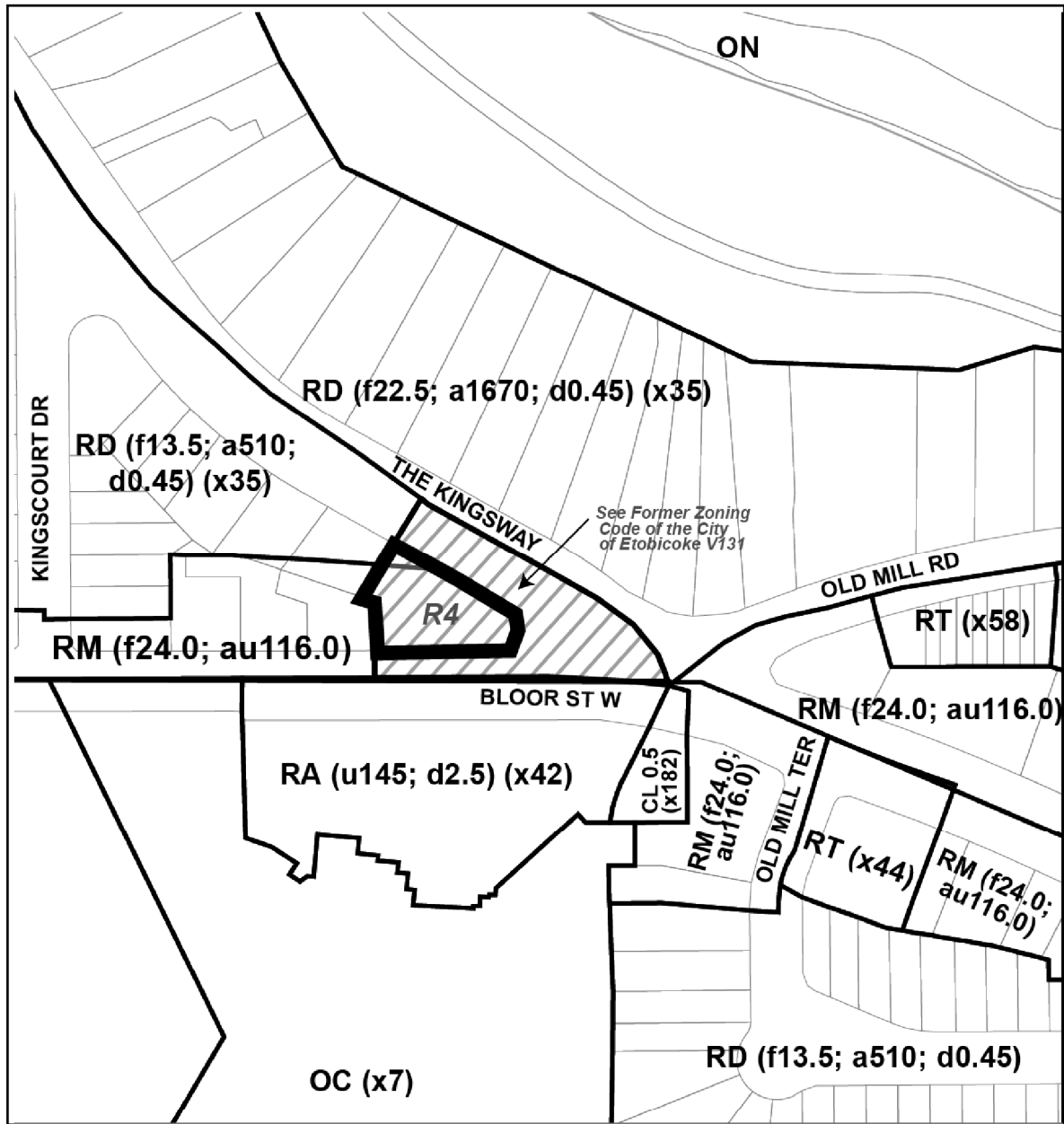
**Rendering Showing Revised Stepping  
at North-West Building Corner**  
Applicant's Submitted Drawing  
Not to Scale  
07/31/2014

**2800 Bloor Street West**

File # 13 185427 WET 05 OZ

File # 13 185456 WET 05 RH

## Attachment 9: Zoning Map



**TORONTO** City Planning

**Zoning By-law 569-2013**

**2800 Bloor Street West**

File # 13 185427 WET 05 0Z

File # 13 185456 WET 05 RH

Location of Application

RD Residential Detached  
RT Residential Townhouse  
RM Residential Multiple  
RA Residential Apartment

ON Open Space Natural  
OC Open Space Cemetery

See Former Zoning Code of the City of Etobicoke V131

R4 Residential Fourth Density



Not to Scale  
Extracted 07/30/13

## **Attachment 10: Site Plan Control Approval Conditions**

### **A. PRE-APPROVAL CONDITIONS**

#### **LEGAL SERVICES**

1. Enter into the City's standard site plan agreement to and including registration of the site plan agreement on title to the subject lands by the City at the owner's expense.

#### **ENGINEERING AND CONSTRUCTION SERVICES**

1. Prepare all documents and convey to the City, at nominal cost, 1.89-metre widening along the Bloor Street West frontage of the subject site, in fee simple, such lands to be free and clear of all physical and title encumbrances, and subject to a right-of-way for access in favour of the Grantor until such time as said lands have been dedicated as a public highway, all to the satisfaction of the Executive Director, Engineering and Construction Services and the City Solicitor;
2. Submit a draft Reference Plan of Survey to the Executive Director of Engineering and Construction Services, for review and approval, prior to depositing it in the Land Registry Office. The plan should:
  - (a) be in metric units and integrated to the 1983 North American Datum (Canadian Spatial Reference System and the 3 degree Modified Transverse Mercator Projection);
  - (b) delineate by separate PARTS the lands to be conveyed to the City, the remainder of the site and any appurtenant rights-of-way and easements; and
  - (c) show the co-ordinate values of the main corners of the subject lands in a schedule on the face of the plan;
3. Pay all costs for registration and preparation of reference plan(s); and
4. The applicant/owner shall undertake the revisions and additional information required for site plan, studies and drawings as detailed in the memorandum dated June 30, 2014 from the Manager of Development Engineering on the rezoning and site plan control applications.

## **CITY PLANNING**

1. The owner shall submit financial securities in the form of a Letter of Credit or certified cheque to guarantee the provision of landscape works as detailed on the approved Landscape Plans.
2. That the Pedestrian Level Wind Study and Noise and Vibration Feasibility Study be satisfactory to the Director, Community Planning, Etobicoke York District.

## **URBAN FORESTRY (TREE PROTECTION & PLAN REVIEW)**

1. The applicant/owner shall address the revisions and additional information required by the Supervisor-Tree Protection & Plan Review, Etobicoke York District in his comments dated June 23, 2014 to the satisfaction of the Supervisor-Tree Protection & Plan Review, Etobicoke York District. The applicant/owner shall make payments by certified cheque or money order as required by the Supervisor-Tree Protection & Plan Review, Etobicoke York District.

## **PARKS, FORESTRY AND RECREATION – PARKS DEVELOPMENT AND CAPITAL PROJECTS**

1. Prior to any Site Plan Approval, the owner will post a Letter of Credit as security for the on-site landscaping equal to 120% of the value to the satisfaction of City Planning and in consultation with Transportation Services and Parks, Forestry and Recreation, should the owner be required to make alterations to the parkette and/or remove the existing fencing and/or install landscaping to delineate the property line.

## **TORONTO TRANSIT COMMISSION**

1. Prior to site plan approval, the owner shall complete a Toronto Transit Commission ("TTC") Level 3 Technical Review of the proposed development. As part of the review process, the owner shall provide the required information, and pay the associated Level 3 review fee to the TTC. Prior to starting any demolition or construction, or the issuance of the first or any building permit including shoring, the owner must obtain TTC's written acknowledgement that the owner has satisfied all of the conditions arising out of the review. Additional fees beyond the Technical Review may be incurred in connection with the proposed development and should there be significant changes made to the proposed development and/or construction method the Technical Review may be re-categorized and the TTC reserves the right to do so.

## **B. POST APPROVAL CONDITIONS**

In addition to the above pre-approval conditions, the following post approval conditions are to be fulfilled by the owner following site plan approval and will be incorporated into a site plan agreement:

The proposed development shall be carried out and maintained in accordance with the plans and drawings referred to herein, to the satisfaction of the City of Toronto.

## **ENGINEERING AND CONSTRUCTION SERVICES**

1. The applicant/owner shall remove all existing accesses, curb cuts, traffic control sign, etc. along the development site frontage that are no longer required and reinstate the boulevard within the right-of-way, in accordance with City standards and to the satisfaction of the Executive Director of Engineering and Construction Services.
2. The applicant/owner shall construct and maintain all facilities necessary to permit bulk lift City collection of solid waste and recyclable materials in accordance with Chapter 844 of the City of Toronto Municipal Code, Waste Collection, Residential Properties.
3. The applicant/owner shall construct and maintain stormwater management measures/facilities and site grading as recommended in the accepted Functional Servicing Report/Stormwater Management Report and Site Grading Plan, Drawing No. SG1, prepared by Cole Engineering;
4. The applicant/owner shall construct and maintain site servicing indicated on the accepted Site Servicing Plan, Drawing No. SS1, prepared by Cole Engineering;
5. The applicant/owner shall provide certification to the Executive Director of Engineering and Construction Services by the Professional Engineer who designed and supervised the construction that the stormwater management facilities and site grading have been constructed in accordance with the accepted Stormwater Management Report and the accepted Grading Plans.
6. The applicant/owner shall provide certification to the Executive Director of Engineering and Construction Services by the Professional Engineer who designed and supervised the construction, that the site servicing facilities have been constructed in accordance with the accepted drawings.

## **CITY PLANNING**

1. The owner shall affix or inscribe on the building at a location near the main entry or prominent façade of the structure recognition of the Architect(s) of Record, or primary Design Architect of the building; and that the lettering for this recognition cover an area of at least 0.2m by 0.3m, or 0.06 square metres.

2. The recommendations in the Noise and Vibration Feasibility Study are to be secured in the site plan agreement.

### **TORONTO TRANSIT COMMISSION**

1. The owner agrees that warning clauses regarding the Toronto Transit Commission right-of-way shall be inserted in all offers to purchase, agreements of purchase and sale or agreements to lease, and condominium declaration document(s) for each affected residential unit, lot, and/or lot and/or block within the proposed development. Such warning clauses shall advise of the potential transmissions for noise, vibration, smoke, particulate matter, electromagnetic interference and stray current impacts on the proposed development, and that the Toronto Transit Commission accepts no responsibility for such effects.

### **SITE PLAN ADVISORY COMMENTS**

1. Road Allowance Permits.

The applicant/owner must obtain the necessary authorizations and permits from the City's Right-of-Way Management Unit before excavating within or encroaching into the municipal road allowance. The applicant/owner is advised to contact the Right - of-Way Management Unit at 416-394-8348 regarding site-specific permit and licensing requirements.

The applicant/owner is required to contact City's inspector (Robin Ehambaram, 416-659-9231) prior to commencing any work within the City's right-of-way.

In order to obtain approval for work in the City's right-of-way the applicant/owner will be required to provide up to date stake out information for most construction related work, For further information, please contact Ontario One at 1-800-400-2255 to arrange for an appointment;

2. Construction Management Plans.

The applicant/owner must submit a Construction Management Plan for each stage of the construction process provided to the satisfaction of this Division. The applicant/owner is not allowed to use the rights-of-way for storing construction equipment/materials or for parking purposes. The applicant/owner is advised to contact the Development Engineering Unit (Yu Lay Aung at 416-394-8471) regarding detailed requirements.

3. Conveyance

We advise the applicant/owner to contact Mr. J. House, Supervisor of Property Records, at (416) 392-8338 to obtain an exact description of the required conveyance(s).

4. Encroachments

The applicant/owner is advised that any physical or landscaping features that they propose to introduce in the municipal right-of-way are subject to the requirements of Chapter 743 of the Toronto Municipal Code. Depending on the type of encroachment as specified in Article IV of Chapter 743, it may require an encroachment agreement with the City of Toronto as well as Community Council approval. The applicant/owner is responsible for the costs of installing/planting these encroachments, and the encroachment must be maintained at the owner's expense pursuant to Article V of Chapter 743. For further information regarding encroachment agreements, please contact Don Pardoe, Right-of-Way Management Unit at 416-394-8422.

5. Toronto Hydro Approval.

The applicant/owner shall obtain approval from Toronto Hydro Street Lighting Incorporated, THSLI, for removing and/or relocating any utility with attached municipal street lighting and for any upgrades. The applicant/owner is advised to contact THSLI (416-542-3195) or [www.torontohydro.com/streetlighting](http://www.torontohydro.com/streetlighting) for comment and cost estimates for required fieldwork.

6. Fire Services

As established by Toronto By-Law, Chapter 880, it is required that an approved fire access route be provided. (Application shall be submitted to Toronto Fire Services prior to occupancy)

7. Utilities

The applicant/owner is financially responsible for all costs associated with the excavation, improvement, removal and/or relocation of any above or below-grade public or private utility resulting from the development of this property.

8. Site Servicing Connections

The applicant/owner will be required to make an application to Toronto Water Division, North York Civic Centre, 5100 Yonge Street, 2<sup>nd</sup> Floor, for the installation of any proposed services within the City right-of-way after acceptance of the stormwater management report and site servicing plan. For further information, please contact Toronto Water at 416-395-6082.

9. Green Roof

The applicant/owner is advised that the Green Roof By-law (By-law No. 583-2009) (Chapter 492 of the City of Toronto Municipal Code) including Article IV the Toronto Green Roof Construction Standard, may be applicable to the proposed development. For further information, please contact Rose Borg, Toronto Building at (416) 394-8018.

10. Toronto Transit Commission

The applicant/owner is advised that if any subsurface testing including borehole testing is required to complete studies prior to Zoning By-law enactment and/or through the development approvals process that may affect TTC infrastructure, the TTC must be informed.

11. Archaeological

In the event that deeply buried archaeological remains are encountered on the property during construction activities, the Heritage Operations Unit of the Ministry of Tourism, Culture and Sport, be notified immediately at (416) 314-7146 as well as the City of Toronto, Heritage Preservation Services Unit (416) 338-1096.

In the event that human remains are encountered during construction, the proponent should immediately contact both the Ministry of Tourism, Culture and Sport, and the Registrar or Deputy Registrar of Cemeteries at the Cemeteries Regulation Unit, Ministry of Government Services, (416) 326-8393.

If any expansions to the boundaries of the subject property are proposed, further archaeological assessment work may be required.

## Attachment 11: Application Data Sheet

Application Type	Rezoning & Rental Housing Demolition and Conversion Site Plan Control Application	Application Number:	13 185427 WET 05 OZ 13 185456 WET 05 RH 14 143971 WET 05 SA
Details	Rezoning, Standard	Application Date:	June 11, 2013
Municipal Address:	2800 BLOOR STREET WEST		
Location Description:	PLAN 1686 PT LOTS 185 & 186 RP 64R2711 PARTS 1 & 2 **GRID W0503		
Project Description:	Zoning Amendment to the former City of Etobicoke Zoning code to permit the development of an 8-storey, 41-unit residential building, including 3 rental replacement units.		
<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
GOODMANS LLP		Richard Wengle	NDI (2800 BLOOR STREET WEST) INC

### PLANNING CONTROLS

Official Plan Designation:	<i>Apartment Neighbourhoods</i>	Site Specific Provision: Zoning By-law No. 1160-2010
Zoning:	R4 Fourth Density Residential	Historical Status: N/A
Height Limit (m):	22 (+ 6m for mechanical)	Site Plan Control Area: Yes

### PROJECT INFORMATION

Site Area (sq. m):	1567	Height:	Storeys:	8
Frontage (m):	51.786		Metres:	28.6 (includes mechanical)
Depth (m):	48.39			
Total Ground Floor Area (sq. m):	1048.83			<b>Total</b>
Total Residential GFA (sq. m):	7249.24		Parking Spaces:	64
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	7249.24			
Lot Coverage Ratio (%):	76.16			
Floor Space Index:	4.63			

### DWELLING UNITS

Tenure Type:	Other
Rooms:	0
Bachelor:	0
1 Bedroom:	1
2 Bedroom:	39
3 + Bedroom:	1
Total Units:	41

### FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	7059.47	189.77
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

**CONTACT:**      **PLANNER NAME:**      **Greg Hobson-Garcia, Planner, 416-394-2615**