

TORONTO

LAND USE

Report

ABOUT TORONTO'S LAND USE COMMITTEE

FEBRUARY 25, 1987 AGENDA

VOL. 4 No. 4

DEPUTATIONS

COURT DECISION BROADENS INTERPRETATION OF OFFICIAL PLAN BY COMMITTEE OF ADJUSTMENT. [Item J] Director **Dan Burns** chose his words quite carefully, as he advised the Land Use Committee that a Divisional Court decision the previous day (Feb. 24) on a case involving 101 Richmond West would require Planning staff to reconsider their advice about a pending Committee of Adjustment decision to permit enclosure of balconies at 66 Avenue Rd.-4 Lowther Ave. In the 101 Richmond decision, the court found that the Committee of Adjustment could increase density through variance procedures, if they determined that the variance followed the general intent of the Official Plan, any numbers limiting total density notwithstanding. **Burns** took pains to differentiate the differences in facts between the Richmond and Avenue Road situations, so the Committee would not anticipate the gist of the Planning reconsiderations. **Burns** stated, as confirmed by staff from the City Solicitor, that words to the effect 'densities are fixed and rigid' in the Official Plan may no longer be considered binding. Thus, numbers specifying maximum densities in the Official Plan (or site specific amendments) may be raised through variance procedures, if the Committee of Adjustment determines higher densities to be within the Official Plan's general intent.

Solicitor **Jack Winberg** appeared for the owner of the parcel south of 66 Avenue Road to state that his client was indifferent to Council's position regarding the Committee of Adjustment approval of enclosed balconies, provided the added density was not subtracted from his client's density permission (the 2 sites are linked in a site-specific by-law). **Winberg** advised the Committee that he also was the solicitor for 101 Richmond West. In his opinion, the Divisional Court decision didn't cast any shadow on the Official Plan's numerical limits, insofar as they set limits to Council's ability to approve zoning by-laws. Rather, the court decision 'unfettered' Committee of Adjustment from the 'fixed and rigid' numbers in the Official Plan.

On Ward **Alderman Nadine Nowlan's** motion, consideration was deferred on requesting Committee of Adjustment not to permit a variance to enclose the balconies (the 15,844 sq. ft. would exceed the Official Plan density limit), so that Planning can report in 2 weeks (to the next Committee meeting). In the past, the City Solicitor has advised that changes increasing densities beyond Official Plan limits should be processed as Official Plan and zoning amendments, not variance applications (and that Committee of Adjustment shouldn't be considering such applications). **Alderman Paul Christie** pointed out his related concern that Committee of Adjustment has been known to grant variances for uses not permitted by the zoning by-law.

LID TO BE KEPT ON NIGHT MEETINGS. [not an agenda item] Chairman **Alderman Michael Walker** opened up a contentious issue, when he decided to fill some free moments between deputations with a discussion of the proliferation of night Committee meetings, with particular reference to the Sealtest rezoning application, just south of the Casa Loma. According to **Walker**, night meetings should be limited to issues of Citywide significance, such as the Quinquennial Review of the Central Area Plan. Aldermanic evenings were heavily committed, and quorums were hard to achieve at night. Ward **Alderman Nadine Nowlan** pronounced **Walker's** concern premature, as she is confident that the Planning Advisory Committee won't be making recommendations to Land Use for a while [See 'Casa Loma Area Development, Final Report Deferred', Feb. 11 issue, p.9]. She also announced that the issue of views of and from Casa Loma are Citywide in significance, a position which **Alderman Michael Gee** supported. **Gee** also pointed out that the Planning Advisory Committee can consider zoning amendments of Citywide significance, too.

In response to **Alderman Paul Christie's** concern that Land Use not impinge on the Planning Advisory Committee, **Alderman Nowlan** was quite firm that "the real decision will be made by the Land Use Committee" and that a public meeting by the Planning Advisory Committee "does not get us off the hook" (**Christie** started to rebut, then stopped himself twice with the phrase "We're hairsplitting"). Other Aldermen, notably **Alderman Tony O'Donohue** were clearly opposed to holding evening public meetings (**Nowlan** included). After the Committee agreed not to try to reach a decision on the premature issue, **Chairman Walker** closed the discussion by announcing that, in future, he would make the decisions about holding (or not holding) night meetings.

DEPUTATIONS

PARKDALE BACHELORETTE REZONING DEFERRED OVER RENTAL HOUSING PROTECTION ACT QUESTION. [Item C] A rezoning application for 28 Maynard Ave., deferred from January 28, was deferred another 2 weeks, so Legal can report on the implications of reducing the number of affordable housing units (in this case by 25%) vis`a vis regulations under the Rental Housing Protection Act. In response to a question from **Alderman Dale Martin**, a representative of the City Solicitor suggested that Council would be barred from reducing the number of units (from 20 to 15, with units to be enlarged). Any such action could be appealed to the **Ontario Municipal Board**. According to **Martin**, the regulations under the Act can't be met, as there would be a net reduction in units, with no replacement (Neighbourhoods Committee, not Land Use, normally considers issues related to the Rental Housing Protection Act). According to the owner of the building, changing the locations of walls is a heavy-handed way of dealing with kitchen sinks installed illegally 10 years ago.

INFILL HOUSING DEVELOPMENT APPROVED DESPITE LOCAL OBJECTIONS. [Item I] Despite strong objections from local area residents (high density, lack of parking, loss of mature trees, narrow lane for fire access, loss of privacy, inadequate landscaping, unresolved questions about converting existing residences to condos) this time articulated by architect **Bruce Burman**, ward **Alderman Barbara Hall**'s motion to approve a development by **Fong and Fong Holdings** on Wellesley East, opposite St. James Town, carried. **Hall**'s motion included an amendment that the Ward Councillor and Alderman meet with City staff to review the impact of the Rental Housing Protection Act, with Planning to report to the March 9 meeting of City Council. A 10-room rooming house will be converted to 7 units, and 8 2-storey condo townhouses will be built in the interior of the block bounded by Wellesley-Rose-Prospect-Ontario.

COMMUNICATIONS

MORE REPORTS REQUESTED ON HARBOURFRONT UNDERWATER GARAGE. [Item 17] Not content with reports produced in response to requests made at the previous meeting [See 'No Permits issued but Structure Completed' Feb. 11 issue, p. 10, 'Plan Amendments for Underwater Parking Structure, Spadina Quay', Feb. 11 issue, p. 12], **Alderman Tony O'Donohue** wanted to know why the **Toronto Harbour Commissioners** apparently sidestepped responsibility for providing extra protection from ships barging an underwater parking garage at Harbourfront. **Alderman Tom Clifford** (a THC commissioner) was quick to defend the THC role, pointing out that THC staff had pointed out the risk from shipping at the last Committee meeting.

In response to **O'Donohue's** motion for a report from Buildings and Inspections, **Demir Delen** said that the Department was dealing with the problem as part of the building permit process (though the structure was completed without permits) and that the issue was separate from the Spadina Quay Subarea Plan amendments. No building permit would issue until development review approval was given (no development review application has been made, either). Several meetings with **Harbourfront** and the THC had been held, and more information will be provided about area hydrographics and ship movements. Enhanced protection around the building is the only technical matter outstanding (the underwater berm may be raised 0.9 metres).

Delen stated that structural drawings for the underground garage had been reviewed, even though no application had been made. Ward **Alderman Dale Martin** pointed out that a 10-storey (or thereabouts) building appeared on drawings on part of the pier and wanted to know if the structural analysis included the forthcoming building. **Martin's** motion to defer consideration of the Official Plan amendments until a development review application comes forward passed, as did **O'Donohue's** motion for a report from Buildings.

O'DONOHUE WANTS PHASING OF BUILDING PERMITS. [Item 29] Citing the loss of time under present procedures, which require development review approval before excavation permits can issue, **Alderman Tony O'Donohue** requested that the City Solicitor, along with Planning and Development and Buildings and Inspections "report back to the next use of Land Use Committee on how the City could entertain the phasing of permits". **O'Donohue** cited seasonality, scarcity of trades, finances, and losses in time as reasons for his concern. His letter suggest that "If the builder assumes all liabilities and risk and is committed either through a bond or cash payment, the builder could secure a foundation permit which would permit the structure to be built to grade".

MARTIN CRITICAL OF MAYOR'S PROPOSED APPOINTEES TO HARBOURFRONT REVIEW COMMITTEE. [Item 24] Ward **Alderman Dale Martin** said that he wasn't sure why the land use review of **Harbourfront** needs 3 businessmen, who don't have any direct relationship to the area. **Mayor Art Eggleton** had recommended appointment of **James Fleck**, Chairman of the Board of **Harbourfront's Art Gallery**, and **Greg McNight**, vice president, marketing of the **Metro Toronto Visitors and Convention Association**, with a third person from "the arts, tourism and business communities at Harbourfront" to be recommended shortly. In a related letter, **Juanne Hemsol**, vice president of the **Confederation of Resident and Ratepayer Associations** asked to remain on the review committee, based on demonstrated interest and previous membership. **Alderman Martin** indicated that the review committee was huge already.

COMMUNICATIONS

MIXED USE BUILDING FOR LIMOUSINE SERVICE. [Item 6] A numbered Ontario limousine company has applied for a rezoning to build a 3-storey (2 underground parking levels) mixed commercial-industrial building at 1 Defries St. The applicant presently operates from a 1-storey building on the site. Defries is in the River-Bayview area, north of Queen.

2 MORE PARKING SPACES FOR 452 COLLEGE ST. [Item 7] A supplementary report on a mixed residential-church development on the northwest corner of Bathurst and College has recommended that 82 rather than 80 parking spaces be required, in response to a Committee request made in January. A third level of underground parking was termed overly expensive at \$12,000 per space.

DEVELOPMENT REVIEW FOR CITYHOME, 101 HANSON. [Item 11] Approval has been recommended for the **Jerome Markson Architects** design of a 5-storey 128-unit apartment building 2 double duplexes, 1 double triplex, and a detached triplex at 101 Hanson, east of Coxwell and abutting the CNR tracks. The report refers to a compromise between **Cityhome** and **Canadian National**, "which resulted in the building being shifted to the north". Several variances (set-backs, height, number of units) are being considered by the **Committee of Adjustment**.

MIXED USE BUILDING, BLOOR NEAR BRUNSWICK. [Item 13] A development review report recommends approval of a 3-storey restaurant-residential building at 394 Bloor West. Architect is **Stan Mako**. The existing 2½ storey building will be demolished. The **Committee of Adjustment** reduced the parking requirement from 5 to 3 spaces last December.

CONDO APPROVAL RECOMMENDED, 251 QUEENS QUAY WEST. [Item 14] Approval for condo registration has been recommended for the residential tower portion (61 units) of the **Admiral Hotel** development, just north of the **Metro Toronto Police** marine unit facility at **Harbourfront**. The building is nearing completion, according to the Planning report.

NO SPECIAL TREATMENT FOR ATWELL FLEMING PROPERTY, 31 PRINCESS ST. [Item 16] A Planning report has recommended "that the owners of Atwell Fleming Printing Ltd. submit a proposal for development of their property at 31 Princess Street" for residential (@2 times density) or mixed industrial-residential (@3 times density). The site is on the **Arts Block** block and "a mixed commercial/residential development should be considered in the same manner as the **Opera Company** and **Bilrite** projects", i.e., site-specific Official Plan and zoning amendments controlling details of the development. Consultant **Bob Truman** has asked for consideration of residential density comparable to Medium Density Mixed Commercial-Residential and the **St. Lawrence Neighbourhood Co-ops**.

UNIVERSITY OF TORONTO LIAISON COMMITTEE TO BE REACTIVATED. [Item 18] A liaison committee between the City, the University of Toronto, and local resident groups, which ceased to exist in 1975, has been proposed for reactivation. The need for the committee has been triggered by the development review application for the University's Natural Resource Centre on **Huron** and **Willcocks Sts.**, according to the report [See also Item 19 below].

PARKING REQUIREMENTS PROPOSED FOR UNIVERSITY OF TORONTO ST. GEORGE CAMPUS. [Item 19] A joint report by Public Works and Planning and Development has recommended a zoning amendment that would require the University of Toronto to provide a minimum of 2,030 parking spaces on the **St. George** campus, plus 20 parking spaces at 124 **Edward**. Any development review application would include recommendations on "the number of new parking spaces that should be provided for the project".

OBSERVATIONS

WHAT QUINQUENNIAL REVIEW? by Alan Demb. When the background documentation has more meat than the policy report, then you really shouldn't expect too much from the Quinquennial [5 year] Review of Toronto's Central Area Plan. In fact, a close reading of the recently released documentation - actually it's been made available to the public in two stages, the overview and four background studies, with four more background studies to follow - is more indicative of material suitable to Metroplan than to the City's Official Plan.



What's even more intriguing is the list of contentious policy issues not really addressed in the review. Items like large lot, long distance density transfers, private self administered density transfers through lot consolidations, and the historic building preservation bonus policy. On the residential development side, the bulking problem caused by condos on **Bay St.** due to the inadequacies of both the units-per-hectare and the floor space index approaches, also the continuation of residential development 'potential' in the **Financial District** aren't mentioned.

The review concedes that some policies have been more successful than others, that affordable housing targets haven't been reached and that the Central Area Plan's office potential really was never limited by the carrying capacities of the highways and mass transit facilities. Still, when the review concludes with a listing of further studies instead of revised policies, you have to wonder whether the Quinquennial Review is worth supporting, or opposing - or even reading.

COMMUNICATIONS

INTERCITY REZONING APPLICATION. [Item 1] A preliminary report recommends approval of the Toronto portion (39 units) of a 67-unit townhouse development, to be built on a private street between St. Clair West and Henrietta Ave. in the City of York. (A similar rezoning application has been made for the York portion.) Applicant is the **Co-operative Housing Federation of Toronto**, who got the land under the **Toronto Board of Education's** first offer for assisted housing policy. The vacant site was once the the St. Clair Avenue public school. The rezoning will increase density from 0.6 to 1.0 times, also permit houses to face a private street.

MIXED USE BUILDING FOR ROYAL CANADIAN INSTITUTE. [Item 3] A preliminary report recommends further processing of an Official Plan and zoning amendment application, which would create 4 2-bedroom units above offices for the **Royal Canadian Institute** at 65 Henry St., just south of College. 9 parking spaces will be provided for the 3-storey Victorian style building. According to the report, the Institute "has established a historical presence", having been in the neighbourhood for over 80 years, on College St. Next step is a Planning Advisory Committee public hearing.

MIXED USE BUILDING PROPOSED FOR 720 BATHURST. [Item 4] **Hemson Consulting Ltd.**, on behalf of **Kasol Investments**, has applied for Official Plan and zoning amendments to permit office and retail uses in an existing building at 720 Bathurst, 1½ blocks south of Bloor. The 4-storey building is presently legal nonconforming, as the zoning is R4 Z3. The application also asks that the Central Area parking and loading provisions apply to the site (which abuts but is outside the Central Area boundary). The Planning report indicates that the parking request "seems reasonable". A public meeting will be held by the Planning Advisory Committee.

RESIDENTIAL ADDITION TO ESSEX PARK HOTEL, JARVIS ST. [Item 5] **Tregaron Holdings Ltd.** has applied for a rezoning for a revised application to increase the residential component of a 2-tower development from 99 to 124 units, also to make use of a 0.5 times historic bonus. The hotel is opposite the west side of Allan Gardens. The lower 2 floors of the 18-storey residential tower will be used for "hotel meeting rooms and a restaurant", according to the preliminary report. The application also involves a reduction in parking spaces from 142 (in the current site plan by-law) to 98. The hotel will be historically designated shortly by the **Toronto Historical Board**.

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