

Toronto Public Library Status at Ontario Municipal Board Hearings – Development Applications for Sites Adjacent to Northern District Branch

Date:	April 28, 2014
To:	Toronto Public Library Board
From:	City Librarian

SUMMARY

The purpose of this report is to advise the Toronto Public Library Board of proposed developments adjacent to Library property at 40 Orchard View Blvd. and to seek approval for participant status at the upcoming Ontario Municipal Board (OMB) hearing.

Toronto Public Library was notified of prehearing conferences regarding KCAP Helendale Inc. (2360 Yonge Street) and Comare Holdings Inc. (31, 33, 35, 37 Helendale Avenue) because the Library is the owner of land within 120 metres of the sites and is an owner with a possible interest in the matter. These applications are for property immediately adjacent to the east of Northern District Branch.

A representative from the Library attended the prehearing conference on March 17, 2014 and advised that the Library was seeking participant status. In order to be granted participant status at further prehearings and hearings, the Library has been requested to provide Toronto Public Library Board approval for participation at the hearing.

RECOMMENDATIONS

The City Librarian recommends that the Toronto Public Library Board:

1. requests participant status at the OMB hearings related to Comare Holdings Inc. and KCAP Helendale Inc.; and
2. authorizes the City Librarian or delegate to convey the Library's position regarding the proposed developments, including:
 - a. adherence to the Council-approved Yonge, Duplex, Helendale and Orchard View Urban Design Guidelines;
 - b. maintenance of the setback distance of 12.5 meters and separation distance of 25 meters as per the City of Toronto Tall Building Guidelines for the Comare

- Holdings Inc. development at 31, 33, 35 and 37 Helendale in relation to 40 Orchard View Blvd.;
- c. separation distances to be calculated on the basis of the future development potential of 40 Orchard View Blvd. for the Comare Holdings Inc. development at 31, 33, 35 and 37 Helendale;
 - c. west podium property line setback distance of 4.5 meters for the Comare Holdings Inc. development at 31, 33, 35 and 37 Helendale in relation to 40 Orchard View Blvd.;
 - d. no direct oversight from townhouse and podium into Library offices and tenant suites for the Comare Holdings Inc. development at 31, 33, 35 and 37 Helendale in relation to 40 Orchard View Blvd.;
 - e. ground floor setbacks to provide opportunities for soft landscaping and walkways for the Comare Holdings Inc. development at 31, 33, 35 and 37 Helendale in relation to 40 Orchard View Blvd. and in accordance with the Council approved Yonge, Duplex, Helendale and Orchard View Urban Design Guidelines.

FINANCIAL IMPACT

There are no financial impacts resulting from the Toronto Public Library Board's adoption of this recommendation beyond what has already been approved in the current year's operating budget.

The Director, Finance and Treasurer has reviewed this financial impact statement and is in agreement with it.

ISSUE BACKGROUND

There is substantial condominium development taking place in the Yonge/Eglinton community. The Library property at 40 Orchard View Blvd., including Northern District Branch comprises approximately 50% of the block it is situated on at Yonge Street, Orchard View Boulevard, Duplex and Helendale Avenues. Currently there is a 22-story condominium building under construction next to the Library on the north-west corner of the block. Two more applications to the north-east of the Library are underway.

A Yonge, Duplex, Helendale, Orchard View Planning Study was initiated in June 2012 by the North York Community Council in response to these two applications within the study block area: 31-37 Helendale Avenue and 2360-2378 Yonge Street.

Through a community engagement process that included a stakeholder working group with Library staff participating, guidelines for future development and improvements within the area were identified. The urban design guidelines and bylaw amendment to the official plan were adopted by City Council in December 16, 2013:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.NY28.31>

Toronto Public Library was notified of prehearing conferences regarding KCAP Helendale Inc. (2360 Yonge Street) and Comare Holdings Inc. (31, 33, 35, 37 Helendale Avenue) because it is the owner of land within 120 metres of the Site and is an owner with a possible interest in the matter. These applications are for properties in close proximity to Northern District branch.

Appeals have been made to the Ontario Municipal Board by the developers because Council did not make a decision on the applications within the prescribed period under the Planning Act. In the case of KCAP Helendale Inc. the development application is to build a 22-story tower over a six-story podium base containing 234 residential units. Comare Holdings Inc. is proposing a 24-story apartment building, including a five-story base building and four levels of below grade parking. The preliminary reports for these two applications are available at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.NY17.41>
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.NY17.40>

A representative from the Library attended the prehearing conference on March 17, 2014. In order to be granted participant status at further prehearings and hearings, the Library has been requested to provide Toronto Public Library Board approval and has asked for an extension of the 30-day time limit to gain approval in order to seek Board approval at the April 28, 2014 meeting.

At the prehearing conference on March 17, 2014, dates were set for an additional pre-hearing conference on July 17 and 18, 2014 and for the hearing which will begin November 12, 2014.

COMMENTS

Toronto Public Library staff have been actively involved in the Block Planning Study which resulted in the Council-approved by-law amendment and urban design guidelines. Library concerns about the Comare Holdings Inc. development on Helendale Avenue, which is adjacent to Library property were communicated to City Planning during the review of development applications.

It is important in terms of protecting the value and future development potential of the Library property that the setback distance of 12.5 metres and separation distance of 25 meters in the City of Toronto Tall Building Guidelines be maintained. If at a future date, two or three towers were constructed on the Library property, upholding all setback requirements on adjacent property is of great importance.

The 31-37 Helendale application calls for a west podium property line setback distance of three metres. The tower portion has a west property line setback of four metres. The Yonge, Duplex, Helendale, Orchard View Urban Design Guidelines propose that new buildings adjacent to the Library property have a minimum setback of 4.5 metres. Upholding the minimum setbacks in the Urban Design Guidelines is of great importance to the Library.

The proposed separation distance in the application is 15 metres from the existing Stanley Knowles Co-op above the Library podium. Such allowances would further restrict the value and redevelopment potential of the Library property, already impacted by the Neon building, which is built to the property line on the west side of the Library. The Library would like to see separation distances calculated on the basis of future development potential.

The Library wants to ensure that the townhouse and outdoor amenity areas do not provide direct oversight into Library offices and tenant suites. Future owners and tenants in the proposed development may have similar concerns about privacy.

Ground floor setbacks also need to provide opportunities for soft landscaping and walkways. The value of the public realm is of great importance to the community and features prominently in the Yonge, Duplex, Helendale and Orchard View Urban Design Guidelines and in the Midtown in Focus discussions about the public realm.

Through its work with the community and the local councillor, Section 37 funds have been allocated to the Library and incorporated into the capital budget for improvements in the outdoor areas of the Library property. Detailed plans have been developed and two public consultations have been held. The Library will be implementing the first phase of improvements in 2014. These plans also meet the requirements of the Yonge, Duplex, Helendale and Orchard View Urban Design Guidelines.

It is important that the Library participate in the OMB hearing regarding adjacent developments in order to protect the Library's interest in 40 Orchard View Blvd. There are two ways that the Library could be involved in the OMB proceedings. As a party, the Library would have the right to participate throughout by presenting evidence, questioning witnesses and making final arguments. The Library would require outside legal counsel and would incur potential liabilities and legal costs.

As a participant in the OMB proceedings, the Library would attend the hearings and make a statement to the Board. Participant status is recommended. It will enable the Library to make a statement outlining its concerns about the proposed developments and indicate its support for the Council-approved Yonge, Duplex, Helendale and Orchard View Block Planning Study and Urban Design Guidelines. This would ensure that the OMB hears directly of Library concerns, involvement in the Block Planning Study and support for Urban Design Guidelines as they apply to the Library. Further, the Library's position is closely aligned to that of the City. Legal representation would not be required and the Library would not be liable.

CONTACT

Anne Bailey; Director, Branch Libraries; Tel: 416-397-5944;
abailey@torontopubliclibrary.ca

SIGNATURE

Jane Pyper
City Librarian