



**STAFF REPORT
ACTION REQUIRED**

225 Birmingham Street – Zoning By-law Amendment and Draft Plan of Subdivision Applications – Preliminary Report

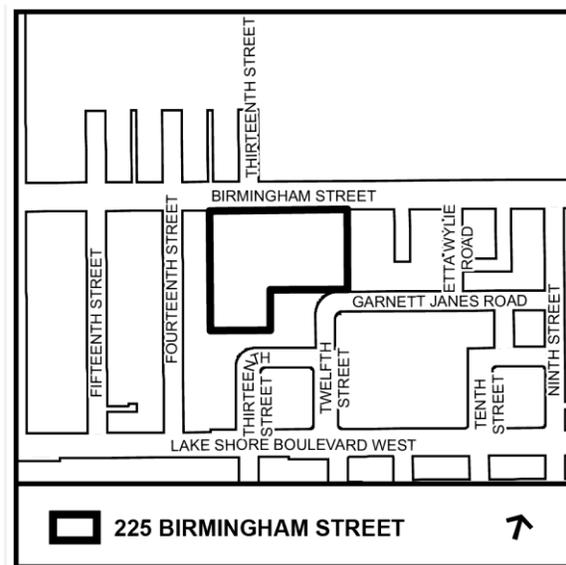
Date:	May 16, 2016
To:	Planning and Growth Management Committee
From:	Chief Planner and Executive Director, City Planning Division
Wards:	Ward No. 6 – Etobicoke-Lakeshore
Reference Number:	P:\2016\Cluster B\PLN\PGMC\PG16078

SUMMARY

The Zoning By-law Amendment application proposes to amend the Etobicoke Zoning Code and City of Toronto Zoning By-law No. 569-2013 to permit the development of twelve stacked townhouse blocks at 225 Birmingham Street. The development would contain 226 units, have a total gross floor area of 26,233 m² and an overall density of 1.3 times the area of the lands. Two levels of underground parking containing 275 parking spaces are proposed. Also, public parkland, a private outdoor amenity space and a new public road (an extension of Twelfth Street to Birmingham Street) are included in the proposal. A Draft Plan of Subdivision application has been submitted to create the new public street, the public park block and the development block for the townhouses.

This report provides preliminary information on the above-noted applications and seeks Planning and Growth Management Committee's directions on further processing of the applications and on the community consultation process.

This site was considered as part of the City's Municipal Comprehensive Review which resulted in Official Plan Amendment



231 (OPA 231). OPA 231 redesignated the lands as *Core Employment Areas*. The owner has filed a site specific appeal to OPA 231 seeking residential land use permissions on the property.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be authorized to schedule a community consultation meeting for the lands at 225 Birmingham Street together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. Notice for the public meeting under the *Planning Act* be given according to the regulations of the *Planning Act* following the resolution of the site specific appeal of OPA 231 for the lands municipally known as 225 as Birmingham Street.
4. The Chief Planner and Executive Director, City Planning submit the Final Report to Planning and Growth Management Committee following the resolution of the site specific appeal of OPA 231 for the lands municipally known 225 as Birmingham Street.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

OPA 231 was adopted by City Council on December 18, 2013 and contains new economic policies and new policies and designations for *Employment Areas* as part of the Official Plan and Municipal Comprehensive Reviews (MCR). OPA 231 was forwarded to the Minister of Municipal Affairs and Housing for approval on January 2, 2014 and on July 9, 2014, the Minister issued a Notice of Decision approving OPA 231 with modifications, none of which directly affect the subject site. OPA 231 was appealed to the Ontario Municipal Board (OMB) on behalf of numerous parties, one of which is the owner of the subject site.

On June 22, 2015, the OMB issued an order partially approving OPA 231. The partial approval brings into effect the redesignation of sites from *Employment Areas* to other land use designations, as well as a number of Official Plan policies. Under OPA 231, the subject site is designated *Core Employment Areas*, which would not provide for the proposed residential uses. Although a majority of the policies contained in OPA 231, along with the land use designations, are under appeal, they are illustrative of Council's adopted policy direction for *Employment Areas*.

On July 29, 2014, the property owner appealed OPA 231. The appellant is requesting through the appeal that the site be redesignated from *Employment Areas* to *Mixed Use Areas* and *Neighbourhoods* through the MCR process. It is noted that the appellant did not submit a conversion request during the MCR process.

Without prejudice discussions have been held between the City and the applicant regarding their appeal of OPA 231.

On February 19, 2016, the applicant submitted applications for a Zoning By-law Amendment and a Draft Plan of Subdivision for the proposed development.

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant on July 27, 2015 to discuss complete application submission requirements. Staff provided the applicant with a list of necessary plans and studies for an application to be deemed complete.

ISSUE BACKGROUND

Proposal

The proposed development consists of 226 units in 12 stacked and back-to-back style townhouse blocks above a two level underground parking garage. The development would have a total gross floor area of 26,233 m² and an overall density of 1.3 times the area of the lands. At this time, the units are proposed to be condominium in tenure. A public park of approximately 2,745 m² and a private outdoor amenity space of approximately 835 m² are also included in the application (see Attachment 2: Site Plan).

Three of the twelve blocks, being stacked townhouses, would front on Birmingham Street. These blocks are proposed to incorporate live-work/home occupation uses on the ground floor. Seven other blocks (of which one would be stacked with the remaining being a stacked, back-to-back style) are proposed to have some units fronting on a private driveway. The remaining two blocks would front both the proposed public street (Twelfth Street extension) and the landscaped outdoor amenity area. All townhouse blocks would be 4 storeys in height, with the first level partially below grade (see Attachment 4b: Elevations – Stacked Back-to-Back Townhouse Block).

The development proposes a landscaped open space of approximately 835 m² which would be centrally located on the site. This amenity space would be comprised of hard and soft elements and incorporate design features including seating, lawn and walkways. Proposed within the landscaped open space is a small building which would house an elevator for the entire development to access the underground parking garage. Four stairwells are also proposed and would be interspersed throughout the site for underground parking garage access.

Vehicular access to the site is proposed via a private driveway from Birmingham Street. The north-south driveway would be centrally located on the site, providing access to the underground parking garage and a loading space. It would also function as the fire route

for the development. Although an extension of Twelfth Street is proposed, it would not provide direct vehicular access to the development. A total of 275 parking spaces are proposed; consisting of 240 occupant and 35 visitor spaces. Eleven of the 275 parking spaces would be surface parking along the private driveway. No bicycle parking spaces are proposed for the development. One Type G loading space with an associated staging area is proposed. Three garbage rooms are proposed within the underground garage.

Site and Surrounding Area

The subject site is approximately 2.02 ha in size and its topography is relatively flat. The site has a frontage of approximately 169 m on Birmingham Street and is approximately 136 m deep on the western half and 99 m deep on the eastern half. There is an existing vacant 2-storey industrial building on the site.

The surrounding land uses include:

North: Immediately north of the site across Birmingham Street is large parcel of industrial land which also fronts New Toronto Street and is occupied by a 1-storey building which houses a courier service company. To the northwest of the subject site, west of Thirteenth Street are one storey commercial buildings.

South: There is a 13-storey residential building and 2 blocks of townhouses immediately south of the site. Further south are townhouse blocks fronting on Lake Shore Boulevard West.

East: A mix of high-rise residential buildings and townhouse blocks. Located to the southeast of the site is Lakeshore Village Park.

West: A mix of one storey and two storey single detached and semi-detached houses fronting on Fourteenth Street.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) 2014 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 objectives include: building strong, healthy communities; wise use and management of resources; and protecting public health and safety. 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 by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The lands are designated as *Employment Areas* on Land Use Map 15 in the Official Plan (see Attachment 5: Official Plan). *Employment Areas* are places of business and economic activity. Some of the permitted uses within this designation include offices, manufacturing, warehousing, parks, industrial uses, hotels, restaurants as well as small scale stores and services that serve area businesses and workers.

The Official Plan includes Public Realm policies, which state that new streets should be public streets. Private streets, where they are appropriate, should be designed to integrate into the public realm and meet the design objectives for new streets (Policy 3.1.1.15). These design objectives are set out in the Council approved Development Infrastructure Policy and Standards.

Official Plan and Municipal Comprehensive Reviews

The site was reviewed as part of the Official Plan and Municipal Comprehensive Reviews (MCR). OPA 231 was adopted by City Council on December 18, 2013. OPA 231 designated the site as *Core Employment Areas*. Given that OPA 231 as it applies to the subject site is currently under appeal by the property owner, the in-force designation of *Employment Areas* continues to apply to the site.

Infill Townhouse Design Guidelines

The City-wide Infill Townhouse Design Guidelines were approved by City Council in 2003. The Guidelines articulate and clarify the City's interest in addressing the impact of townhouse development, with a focus on improved integration and reducing impacts of new developments on existing housing patterns and character. The Guidelines consider matters such as open spaces, building location, built form, street proportion, relationships between grade and building height, pedestrian connections, light, privacy, location of parking, servicing and utilities for applications proposing low-rise, grade related, and townhouse developments. There is also direction on how to enhance streetscapes and active transportation connections between the private and public realms. The Guidelines will be used to evaluate the proposed development. The City-wide Guidelines are available at the link below:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=db664074781e1410VgnVCM10000071d60f89RCRD&vgnextchannel=4b2752cc66061410VgnVCM10000071d60f89RCRD>

Townhouse and Low-Rise Apartment Design Guidelines

The City is in the process of producing a City-wide, "Townhouse and Low-Rise Apartment Design Guidelines" as not all of the standards and guidelines contained in the, "Infill Townhouse Design Guidelines", are appropriate for stacked townhouses. The

guidelines will build upon and replace the "Infill Townhouse Design Guidelines" which have been in use by the City of Toronto for over 10 years.

The purpose of these Guidelines is to assist in achieving the appropriate design of low-rise, primarily residential buildings for a range of building types from townhouses, through to stacked and back-to-back townhouses and low-rise apartment buildings. The Guidelines will address infill townhouse developments, developments in mid to larger sites and more complex developments in terms of site context, site organization, building massing, detailed design and private and public realm. The Guidelines will inform the evaluation of the application. Although the Guidelines have yet to be approved by Council, they provide a framework specific to stacked townhouse developments and will inform the review of the application. Below is the link to the website for additional information on the guidelines:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=db664074781e1410VgnVCM10000071d60f89RCRD&vgnextchannel=4b2752cc66061410VgnVCM10000071d60f89RCRD>

Zoning

On May 9, 2013, Toronto City Council enacted City of Toronto Zoning By-law No. 569-2013. The City-wide Zoning By-law is currently under appeal to the Ontario Municipal Board. The site is zoned Employment Industrial Zone (E1.0 x54) under Zoning By-law No. 569-2013 (see Attachment 6a: Zoning By-law No. 569-2013). A wide range of commercial and industrial uses are permitted within this zone category. The proposed residential use is not permitted.

The site is zoned Industrial Class 2 (I.C2) in the Etobicoke Zoning Code (see Attachment 6b: Etobicoke Zoning Code). Similar to the City-wide Zoning By-law, a wide range of commercial and industrial uses are permitted including manufacturing, institutional, commercial/recreational facilities and limited ancillary retail.

Site Plan Control

The proposal is subject to Site Plan Control. A Site Plan Control application has yet to be submitted.

Draft Plan of Subdivision

A Draft Plan of Subdivision Application has been submitted to create the new public street, the public park block and the development block for the townhouses (see Attachment 3: Draft Plan of Subdivision).

Tree Preservation

This application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees by-law) and III (Private Tree by-law). The application proposes the removal of 3 City-owned trees and 6 private trees. The applicant has submitted an Arborist Report, which is currently under review by staff.

Reasons for the Application

The existing Official Plan designation and both Zoning By-laws for the site do not permit residential uses. An amendment to the Official Plan and the Zoning By-laws is required to permit the proposed residential uses and also to establish appropriate development standards such as building height, density and building setbacks for the proposed development. Although an Official Plan Amendment is required, one has not been submitted pending the outcome of the site specific appeal to OPA 231.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Planning Rationale
- Community Services and Facilities Report
- Functional Servicing Report
- Transportation Impact Study
- Arborist Report
- Stage 1 and 2 Archaeological Assessment
- Noise Feasibility Study
- Preliminary Geotechnical Investigation Report

A Notification of Complete Application was issued on November 25, 2015. The notification indicated that although the application was complete from the *Planning Act* and the Toronto Official Plan perspective, the proposed residential use is not permitted on lands designated *Employment Areas*. The notification also noted that given that the lands are subject to a site specific appeal of OPA 231 at the OMB, Planning staff would not be in a position to submit a Final Report to Planning and Growth Management Committee or hold a statutory Public Meeting regarding the proposed Zoning By-law Amendment until the site specific appeal is resolved.

Issues to be Resolved

The subject site is intended for employment uses in the Official Plan given the current *Employment Areas* designation and the proposed *Core Employment Areas* designation under OPA 231. It is noted that an Official Plan Amendment application has not been submitted, pending the resolution of the site specific appeal to OPA 231. A hearing date on the site specific appeal has not been set. Through the site specific appeal of OPA 231, the applicant is seeking a redesignation of the lands from *Employment Areas* to *Mixed Use Areas* and *Neighbourhoods* to permit residential uses on the site.

The following issues have been identified and would need to be addressed should the site specific appeal to OPA 231 result in the applicant's requested conversion:

- Conformity with all applicable Official Plan Policies, including in particular the *Mixed Use Areas* and *Neighbourhoods* policies and Development Criteria and Built Form policies in Chapter 3;
- The inclusion of an appropriate buffer from the employment uses on the north side of Birmingham Street, including the potential for non-residential uses along the Birmingham Street frontage;
- An appropriate building height transition along the west property limit to minimize impacts on neighbouring properties fronting on Fourteenth Street;
- Consideration and evaluation of potential environmental impacts from adjacent employment uses, including but not limited to noise and air quality;
- Adequacy of community services and facilities to accommodate the residents of the proposed development;
- Compliance with the Infill Townhouse Design Guidelines as well as the Townhouse and Low-Rise Apartment Design Guidelines (draft);
- Site design, organization and layout with respect to the relationship between vehicular access/circulation, loading, pedestrian circulation and connection to the landscape areas and the public realm;
- Transportation impacts arising from the development;
- The provision of public streets and the determination of appropriate right-of-way widths within the proposed development;
- Determination of on-site parkland dedication requirements and the appropriate size and location of a public park;
- Adequacy of existing infrastructure to support the proposed residential density and identification of any required improvements;
- Public Art; and
- The applicability of Section 37 of the *Planning Act* to secure appropriate community benefits should the application be recommended for approval.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

Toronto Green Standard

The Toronto Green Standard (TGS) is a tool to implement the broader environmental policies of the Official Plan. Several of the natural environment policies of the Official Plan encourage green development. These policies are intended to reduce the negative impacts of development on the natural environment through practices such as improved stormwater management, water and energy efficiency, and waste reduction and recycling. These policies also promote development that enhances the natural environment and support green industry.

The TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

CONTACT

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SIGNATURE

Jennifer Keesmaat, M.E.S., MCIP, RPP
Chief Planner and Executive Director,
City Planning Division

ATTACHMENTS

Attachment 1: 3D Perspective

Attachment 2: Site Plan

Attachment 3: Draft Plan of Subdivision

Attachment 4a: Elevations (Stacked Townhouse Block)

Attachment 4b: Elevations (Stacked Back-to-Back Townhouse Block)

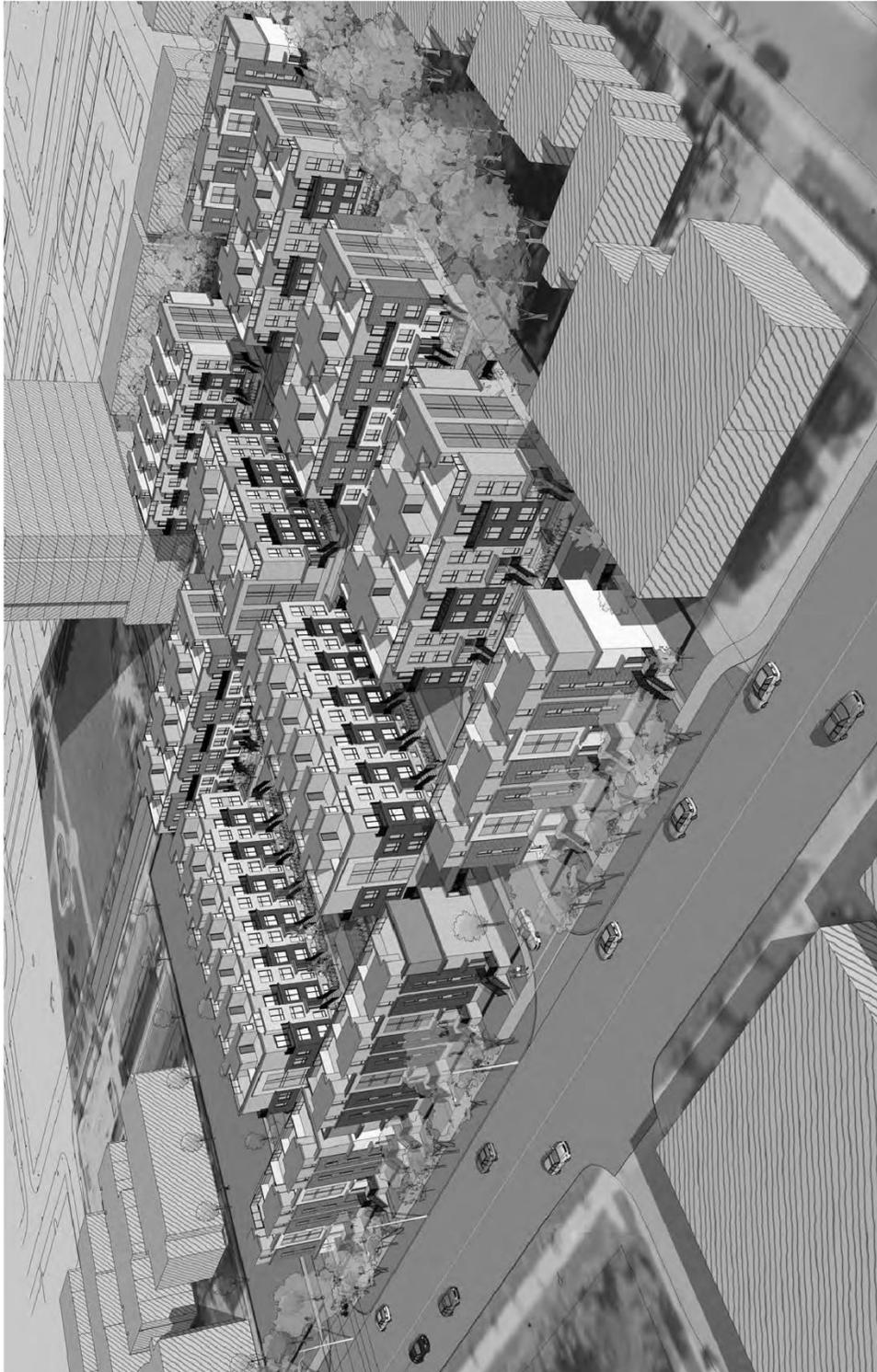
Attachment 5: Official Plan

Attachment 6a: Zoning (City of Toronto By-law No. 569-2013)

Attachment 6b: Zoning (Etobicoke Zoning Code)

Attachment 7: Application Data Sheet

Attachment 1: 3D Perspective



Perspective

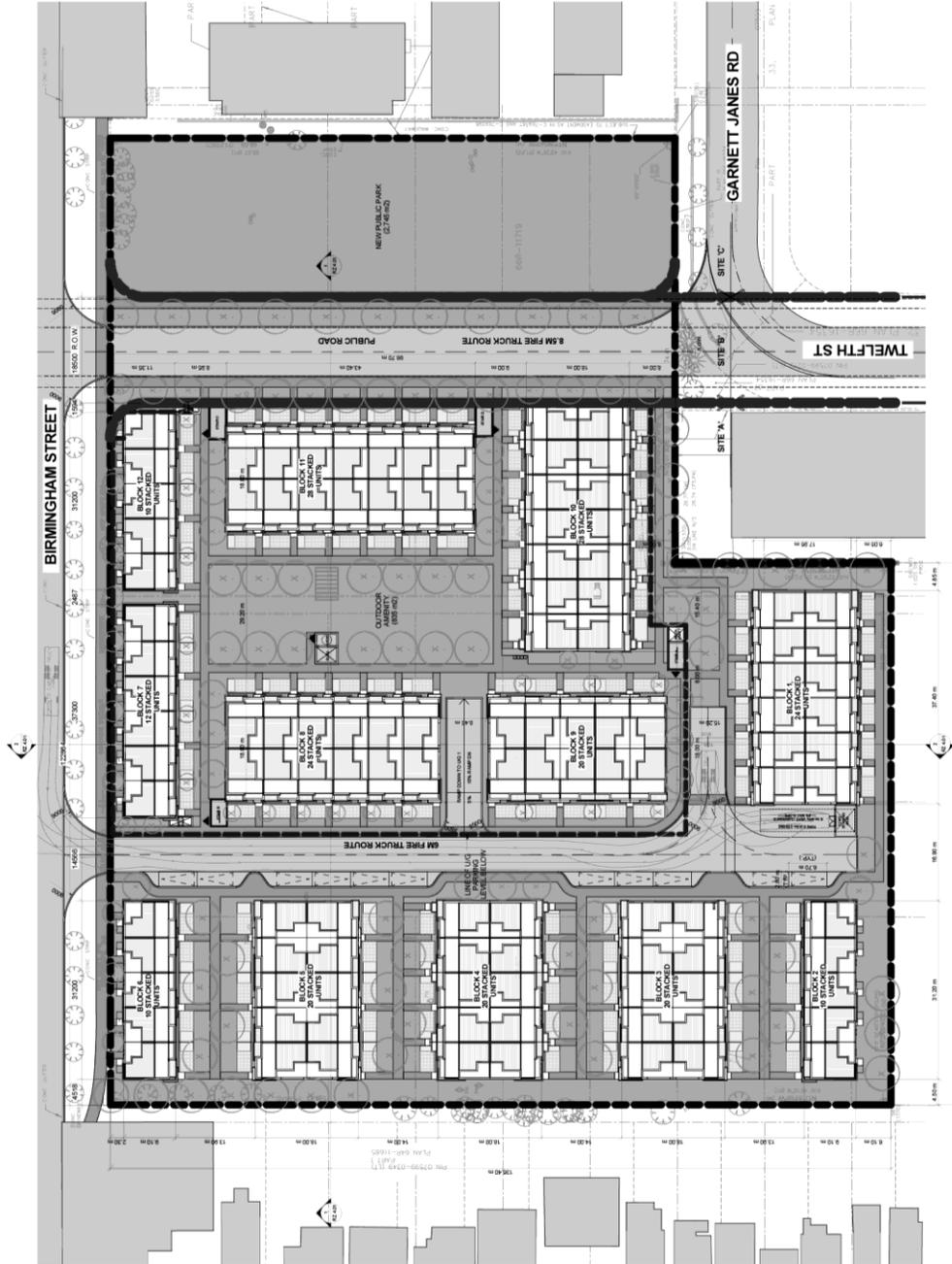
Applicant's Submitted Drawing

Not to Scale
04/04/16

225 Birmingham Street

File # 16 118661 WET 06 0Z, 16 118656 WET 06 0Z

Attachment 2: Site Plan



225 Birmingham Street

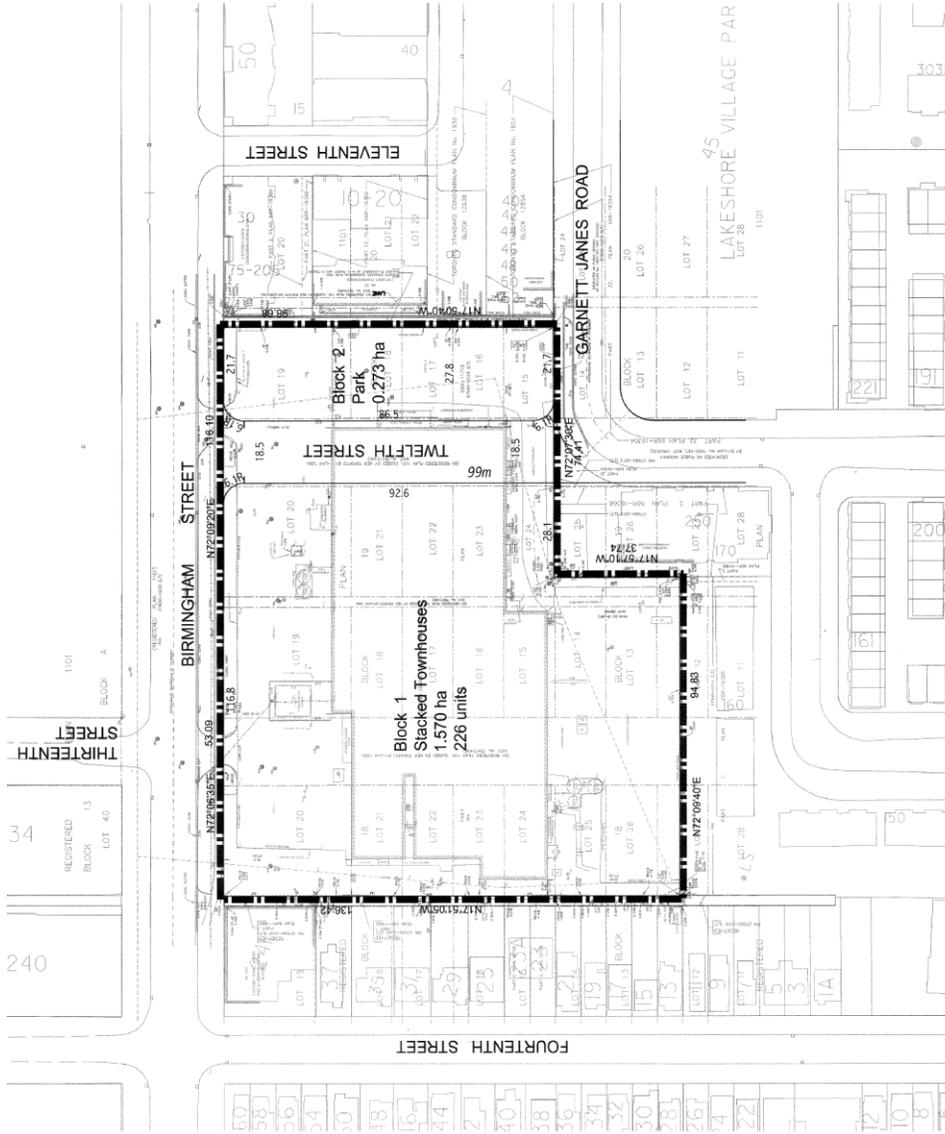
Site Plan
 Applicant's Submitted Drawing

File # 16 118661 WET 06 0Z, 16 118656 WET 06 0Z

Not to Scale
 04/04/16



Attachment 3: Draft Plan of Subdivision



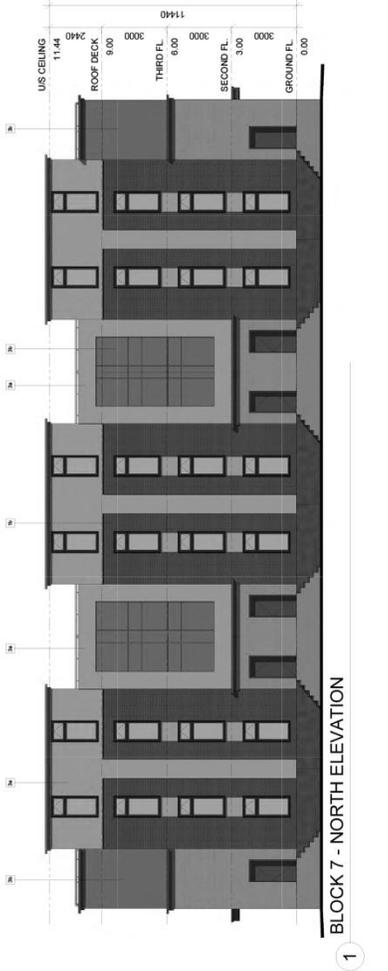
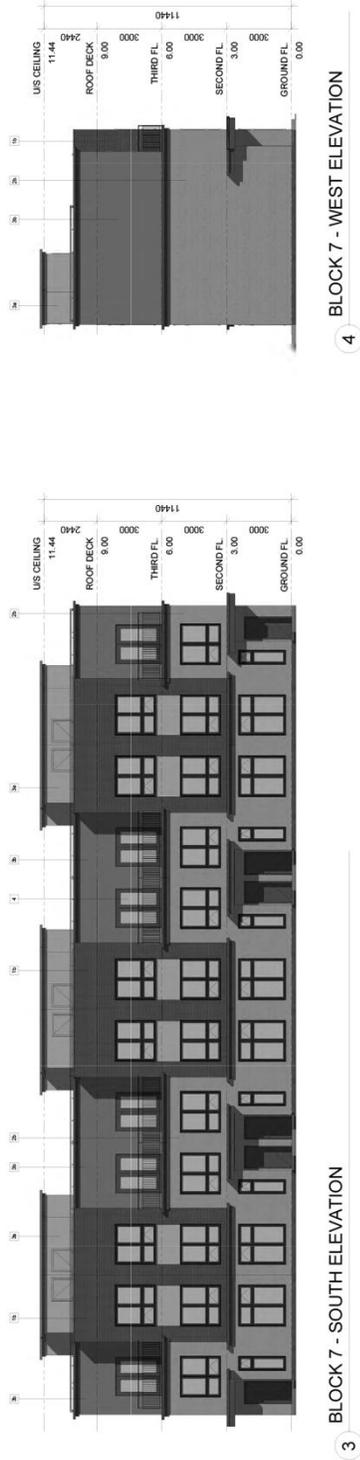
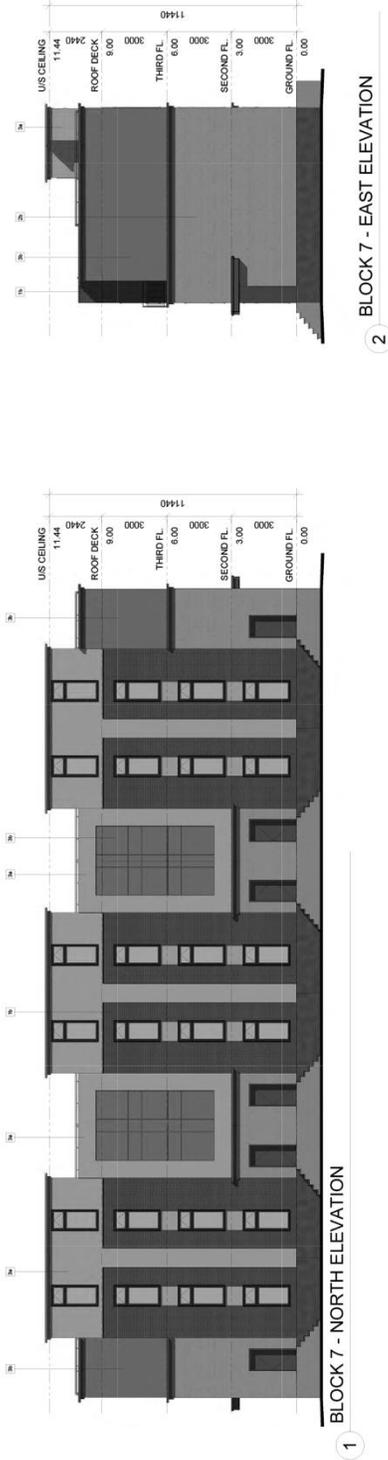
225 Birmingham Street

Plan of Subdivision
 Applicant's Submitted Drawing

Not to Scale
 04/04/16

File # 16 118661 WET 06 0Z, 16 118656 WET 06 0Z

Attachment 4a: Elevations - Stacked Townhouse Block



Elevations
 Applicant's Submitted Drawing
 Not to Scale
 04/04/16

225 Birmingham Street

File # 16 118661 WET 06 0Z, 16 118656 WET 06 0Z

Attachment 4b: Elevations - Stacked Back-to-Back Townhouse Block



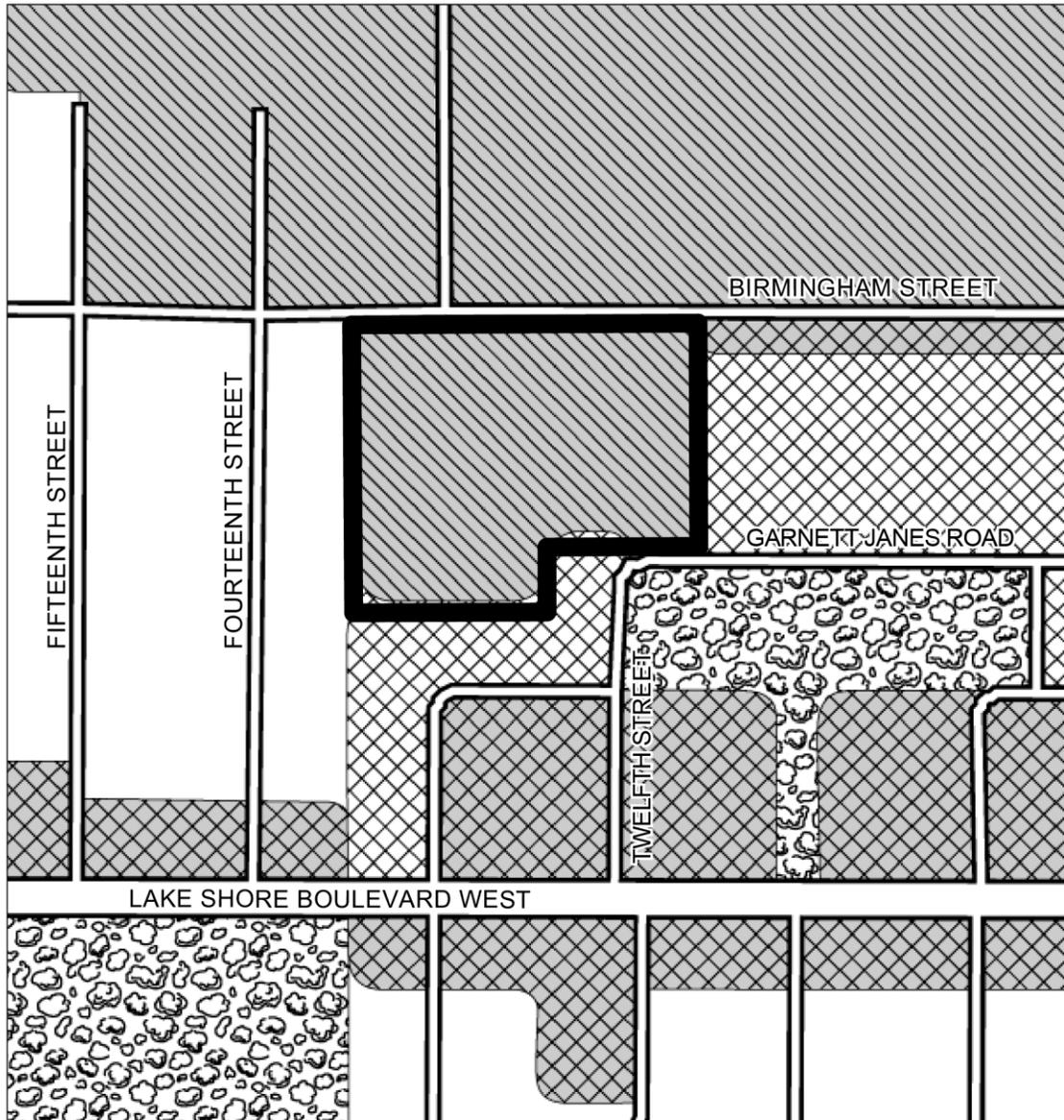
225 Birmingham Street

Elevations
 Applicant's Submitted Drawing

File # 16.118661 WET 06 0Z, 16.118656 WET 06 0Z

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Attachment 5: Official Plan



TORONTO City Planning
Official Plan

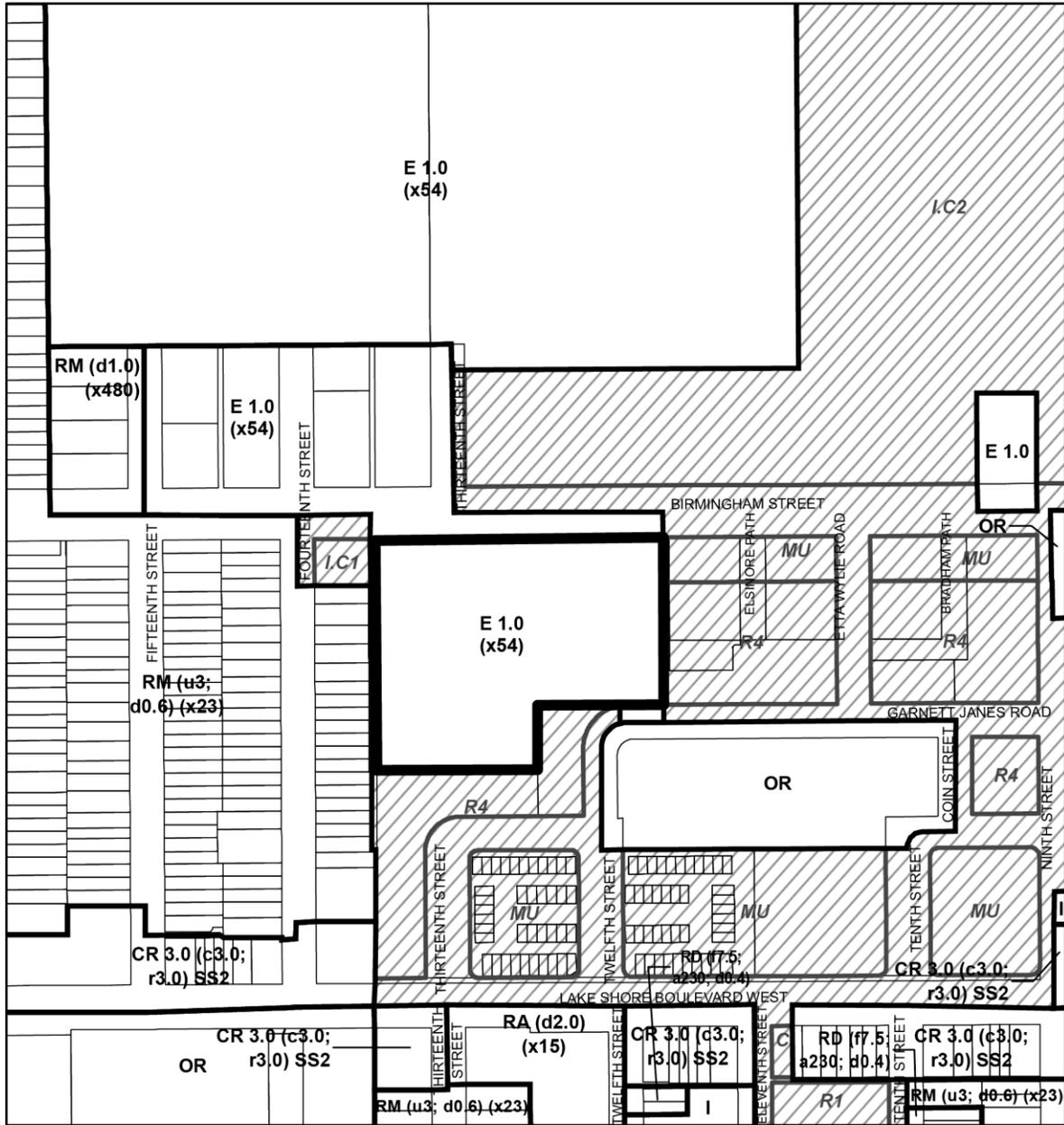
225 Birmingham Street

File # 16 118661 WET 06 OZ, 16 118656 WET 06 OZ

- | | | |
|---|--|--|
|  Site Location |  Employment Areas |  Parks & Open Space Areas |
|  Neighbourhoods | |  Parks |
|  Mixed Use Areas | | |


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Attachment 6a: Zoning (City of Toronto By-law No. 569-2013)



225 Birmingham Street

Zoning By-Law No. 569-2013

File # 16 118661 WET 06 0Z, 16 118656 WET 06 0Z



Location of Application



See Former City of Etobicoke By-Law No. 11,737

RD Residential Detached
RM Residential Multiple
RA Residential Apartment

CR Commercial Residential
E Employment Industrial
I Institutional
OR Open Space Recreation

I.C2 Class 2 Industrial

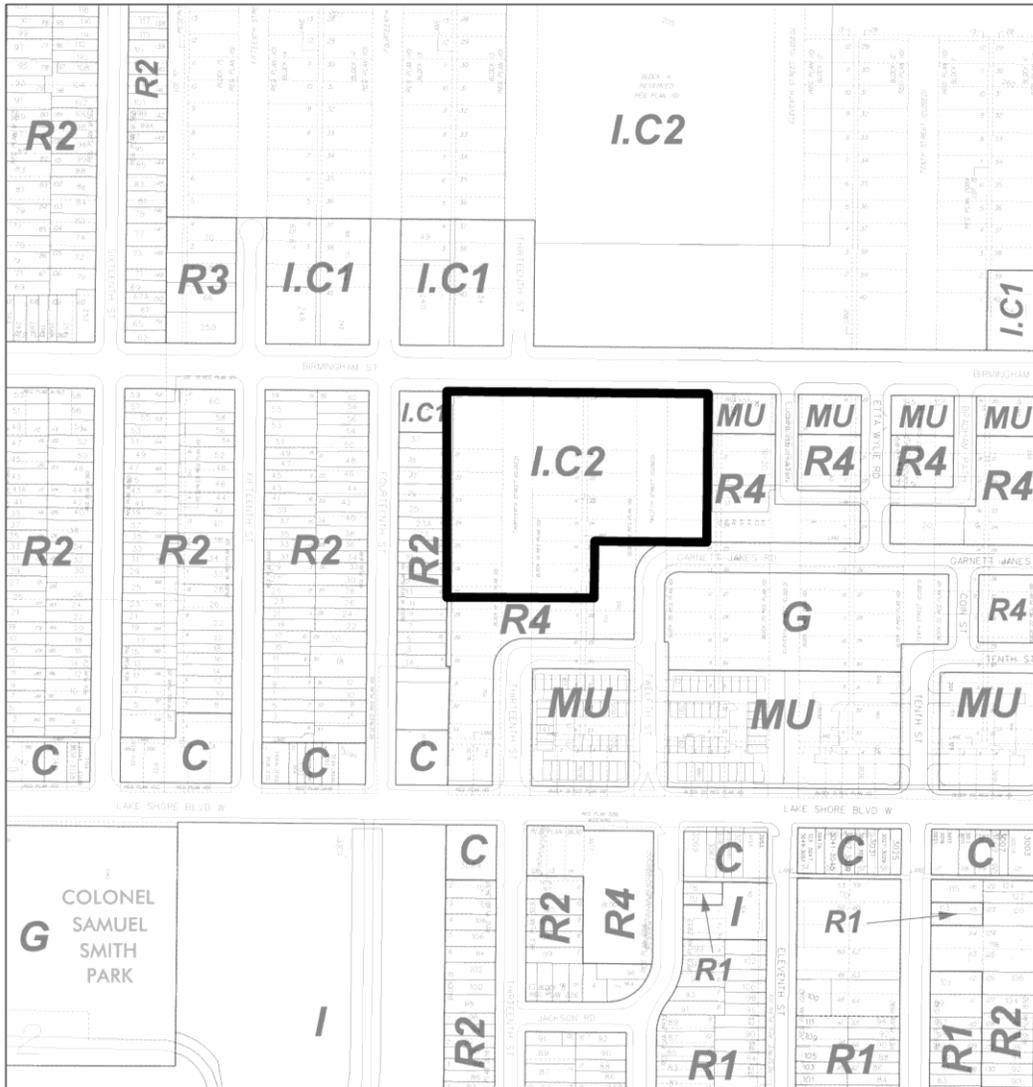
See Former City of Etobicoke (New Toronto) By-Law No. 2215

R1 First Density Residential
R4 Fourth Density Residential
C Commercial
MU Mixed Use
I.C1 Class 1 Industrial



Not to Scale
Extracted: 04/01/2016

Attachment 6b: Zoning (Etobicoke Zoning Code)



TORONTO City Planning
Zoning

225 Birmingham Street

File # 16 118661 WET 05 0Z, 16 118656 WET 06 0Z

<p> Site Location</p> <p>R1 First Density Residential</p> <p>R2 Second Density Residential</p> <p>R3 Third Density Residential</p> <p>R4 Fourth Density Residential</p>	<p>C Commercial</p> <p>CPP Planned Commercial Preferred</p> <p>I.C1 Industrial Class 1</p> <p>I.C2 Industrial Class 2</p>	<p>MU Mixed Use</p> <p>I Industrial</p> <p>G Greenbelt</p>	<p>↑</p> <p>Not to Scale</p> <p>04/01/16</p>
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Attachment 7: Application Data Sheet

Application Type	Rezoning, Subdivision	Application Number:	16 118661 WET 06 OZ 16 118656 WET 06 SB
Details	Rezoning, Standard	Application Date:	February 19, 2016

Municipal Address: 225 BIRMINGHAM STREET

Location Description: PLAN 1101 BLK 18 LOTS 20 TO 26 PT LOT 27 BLK 19 LOTS 13 TO 23 PT LOTS 12 24 TO 27 BLK 20 P TLOTS 15 TO 19 PT LANE PT TWELFTH ST PT **GRID W0606

Project Description: Rezoning application to develop 226 stacked townhouse dwelling units within 12 blocks above a shared two level underground parking structure, accessed via a private driveway from Birmingham Street.

Applicant:	Agent:	Architect:	Owner:
SHERMAN BROWN			MENKES 225 BIRMINGHAM STREET INC.

PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:
Zoning:	I.C2 1996-2009 339 339-2012	Historical Status:
Height Limit (storeys):	5	Site Plan Control Area: Yes

PROJECT INFORMATION

Site Area (sq. m):	20,275	Height:	Storeys:	4
Frontage (m):	169		Metres:	11.4
Depth (m):	136			
Total Ground Floor Area (sq. m):	6,139			Total
Total Residential GFA (sq. m):	26,233		Parking Spaces:	275
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	26,233			
Lot Coverage Ratio (%):	0			
Floor Space Index:	1.3			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	
Bachelor:	0
1 Bedroom:	0
2 Bedroom:	113
3 + Bedroom:	113
Total Units:	226

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	26,233	0
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: Cynthia Owusu-Gyimah, Planner
TELEPHONE: (416) 394-2608