

Schedule "A" - City Planning Analysis

SUMMARY

This application proposes to amend the Zoning By-law at 95-131 and 155 Balliol Street to permit a new 25-storey residential apartment building with a daycare facility on the ground floor. The proposed development would include 142 parking spaces. A 902 square metre public park is proposed on the west side of the subject site. The western portion of the site is currently occupied by a 19-unit, 2-storey townhouse complex that would be demolished to accommodate the proposed development. The existing 18-storey apartment building on the eastern portion of the site would be retained.

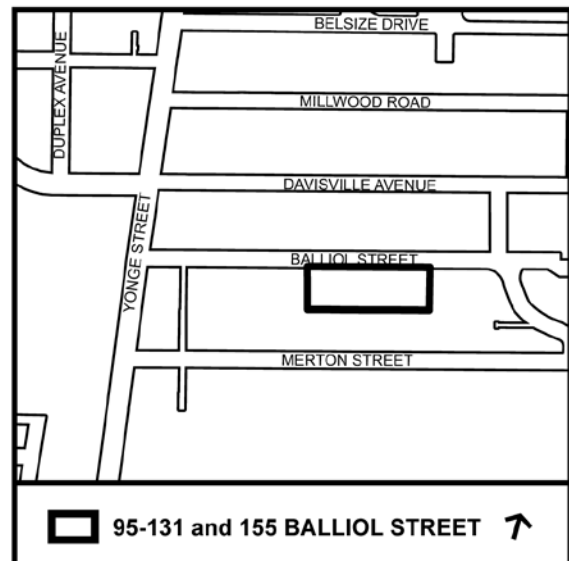
An associated application for Rental Housing Demolition seeks approval to demolish and replace the 19 rental units.

This report provides preliminary information and responds to an application where staff are currently not in a position to provide a Final Report to Council, but which could be appealed to the Local Planning Appeal Tribunal (the "LPAT") due to a lack of decision.

A community consultation meeting is scheduled for December 20, 2018. A final report will be submitted for Council's consideration following the resolution of outstanding issues related to this application and the holding of a statutory Public Meeting under the *Planning Act*.

Pre-Application Consultation

Pre-application consultation meetings were held with the applicant on November 20th, 2017 and April 11th, 2018 to discuss complete application submission requirements. City Planning staff also raised concerns with the proposed height of the proposal floor plate on the lower portion of the tower.



DECISION HISTORY

City Council adopted an update to the Yonge-Eglinton Secondary Plan (OPA 405 / Midtown in Focus) with amendments on July 23, 2018. The amendments included a City Council reducing the maximum building height on this site this from City Planning's recommended 19-storeys to 15-storeys. City Council also endorsed a Parks and Public Realm Plan and Community Services and Facilities Strategy for Midtown. OPA 405 has been submitted to the Ministry of Municipal Affairs and Housing (MMAH) for review and approval pursuant to Section 26 of the Planning Act.

Site and Surrounding Area

The subject site at 95-131 and 155 Balliol Street is approximately 9,853 square metres (0.98 hectares) in size with a frontage of approximately 166 metres on Balliol Street and

a depth of approximately 59 metres. The site is generally flat and rectangular in shape, with a slightly irregular boundary along the west property line due to the location of the ramp to the underground garage for the adjacent development.

The site contains an 18-storey residential apartment building with 267 rental units at 155 Balliol Street and a row of 19 townhouse units on the western portion of the site at 95-131 Balliol Street. Indoor amenity space is available in the existing tower at 155 Balliol Street and includes a pool which was under renovation when the City site visit occurred. The pool has direct access to an adjacent outdoor area which appears to have been recently upgraded, programmed with tables and seats. Two gymnasium rooms are located in the basement with associated change rooms and washrooms.

The rental building to be retained has the following unit mix:

- Bachelor: 30
- One-bedroom: 137
- Two-bedroom: 85
- Three-bedroom: 15

Of these units, 64 have affordable rents and 168 have mid-range rents being between 1 and 1.5 times the average market rents recorded by Canadian Mortgage and Housing Corporation for the City of Toronto and none have high-end rents (being above 1.5 times average market rents).

The unit type mix of the townhouse dwellings at 95-131 Balliol Street includes eight two-bedroom and 11 three-bedroom units. Two units have mid-range rents. The remaining 17 units have high-end rents.

The surrounding development and land uses are as follows:

North: The area immediately north of the site contains high-rise apartment buildings including the recently developed Balliol Park Apartments which includes two apartment buildings at 14 and 30 storeys in height. Northwest of the subject site is a 28-storey apartment building.

South: The areas directly south of the site contain a combination of mid-rise apartments and office buildings along Merton Street, with Mount Pleasant Cemetery beyond.

East: To the immediate east of the site is a 4-storey apartment building and the Toronto Tennis City, a private tennis club.

West: West of the site is a two-storey townhouse complex. Further west is an 18-storey apartment building on Balliol Street and an 11-storey office building on Yonge Street.

ISSUE BACKGROUND

Proposal

The site is comprised of the properties at 95-131 and 155 Balliol Street. The properties at 95-131 Balliol Street are currently occupied by 19 rental townhouses which are proposed to be demolished as part of the development application. The property at 155 Balliol Street contains an 18-storey (52.2 metres to the top of the mechanical penthouse) rental apartment building with 267 rental apartment units. The existing 18-storey rental apartment building and rental units would be retained.

A 25-storey (84.0 metres to the top of the mechanical penthouse) rental apartment building with 270 rental units is proposed within the lands currently occupied by the 19 townhouse rental dwelling units. The proposed development consists of a 5-storey base building and a tower above. The proposed base building contains two-storey grade related units along the north, west and south side of the building. The proposal also includes a daycare facility on the ground floor with access from the street and from an internal corridor.

The proposed 5-storey (14.1 metres) base building is set back 7.5 metres from Balliol Street. The building then steps back 3.8 metres along the north elevation, 4 metres on the south elevation, 9.1 metres on the east elevation. The base building also has projecting balconies approximately 1.2 metres in depth on the north, south and west sides.

The tower component of the building extends from floor 6 to 25. From floors 6 through 10, the proposed tower has a floor plate of 890 square metres of gross floor area or approximately 919 square metres of gross construction area. From floors 11 through 25, the proposed tower has a floor plate of 700 square metres of gross floor area or approximately 730 square metres of gross construction area.

The proposed development includes 733 square metres of indoor amenity space and 347 square metres of outdoor amenity space. The indoor and outdoor amenity space is proposed to be located on floors four and six.

The applicant is also proposing a 902 square metre unencumbered public park at the west end of the site which is above the parkland dedication requirement of 432 square metres.

The proposed development also includes a daycare facility at ground level at the northwest corner of the building with frontage on Balliol Street. The daycare facility would serve both residents of the building as well as the broader community. The proposed daycare is approximately 135 square metres in size within the building and an outdoor area of 83 square metres.

The applicant is proposing 132 parking spaces in a two-level underground garage and 11 surface parking spaces. Of the 143 parking spaces proposed, 7 would be for visitors, the remainder would be for residential, accessory office and daycare uses.

Vehicular access to the site is proposed from two entrances on Balliol Street. Access to the underground garage would be from the existing driveway and ramp currently used for the 155 Balliol Street apartment building. The applicant is proposing to demolish a

portion of the underground wall in the parking facility at 155 Balliol Street to allow access to the new underground parking garage that would be located directly beneath the proposed building. A new driveway is proposed west of the existing driveway to access the proposed vehicle surface parking spaces.

A total of 270 bicycle parking spaces are proposed with 243 spaces for residents and 27 for visitors. The spaces would be located with the two level underground parking garage and on the second floor of the building. Visitor bicycle parking spaces would also be located outside along the eastern edge of the property line between the development site and the 155 Balliol Street property.

One new type "G" loading space is proposed at ground level within the development. The proposed loading area would be accessed from the new driveway and the entrance to the internal space would be from the east side of the proposed building. The loading area would serve as staging area for delivery, moving and waste collection.

Pedestrian access to the development would be from the north, south and west side of the building at ground level for the grade related units and from Balliol Street for the daycare. Access to the 2-storey grade related units and the daycare would also be provided through an internal corridor. The main lobby is proposed to be located on the east side of the building.

Statistics for the proposal are shown in the following table. Further information can be found in Attachments 1-5 and 9 of this report.

Category	
Site Area (square metres)	
95-133 Balliol St (development site)	4,362
155 Balliol St	5,490
Total	9,853 (2.43 acres or 0.98 hectares)
Building Height	
Existing Building	18 storeys - approx. 44.3 metres (52.2 metres to top of mechanical penthouse)
Proposed Building	25 storeys – 79.0 metres (84.0 metres to top of mechanical penthouse)
Building Setbacks at Ground Level - Proposed Building (metres)	
North Lot Line	7.52
To South Lot Line	7.75
East Lot Line	9.29 to 17.74 (to 155 Balliol Street)
West Lot Line	20.46 to 23.73

Category	
Tower Setbacks -Proposed Building (metres)	11.34
North Lot Line	11.80
To South Building	23.31 (floors 5-8), 27.98 (floors 9-24)
East Lot Line	21.66
West Lot Line	
Tower Floor Plate - Proposed Building (square metres)	approx. 919
Floors 6-10	approx. 730
Floors 11-25	
Gross Floor Area (square metres)	
Existing Building	21,525
Proposed Building	19,650 (residential) 230 (non-residential)
Total	41,405
Floor Space Index	
Proposed Building Site	4.5
Total Existing and Proposed Building Site	4.2
Unit Mix	
Studio	17 (6.3%)
1 bedroom	127 (47.0%)
2 Bedroom	72 (26.7%)
3 Bedroom	44 (16.3%)
Town House	10 (3.7%)
Total	270
Ground Floor Height (metres)	3.4
Vehicle Parking	
Existing at 155 Balliol Street	285
Proposed Building (residential/non-residential: visitor)	143 (136:7)
Bicycle Parking (Proposed Building)	
long-term	243
short-term	27
Total	270
Loading Spaces (Proposed Building)	1 Type-G
Amenity Space (Proposed Building)	
Indoor	733 square metres
Outdoor	347 square metres

**Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans
Provincial Policy Statement (2014) ("PPS")**

All decision-makers within the Province's land use planning and development system shall have regard to matters of provincial interest set out in Section 2 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended (the "*Planning Act*"). Matters of provincial interest include the promotion of built form that (i) is well-designed; (ii) encourages a sense of place; (iii) and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

The PPS provides direction on matters of provincial interest related to land use planning and development within Ontario. All decisions affecting land use planning matters must be consistent with the PPS as required by section 3(5) of the *Planning Act*.

The PPS is to be read as a whole, which is emphasized by Policy 4.4 of the PPS which states: "This Provincial Policy Statement shall be read in its entirety and all relevant policies are to be applied to each situation."

The City is a settlement area for the purposes of the PPS. With respect to settlement areas, the PPS states the vitality of these areas is critical to the long-term economic prosperity of our communities. Policy 1.1.3.2 states land use patterns within settlement areas shall be based on: (a) densities and a mix of land uses which: (1) efficiently use land and resources; (2) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; (3) minimize negative impacts to air quality and climate change, and promote energy efficiency; (4) support active transportation; and (5) are transit-supportive, where transit is planned, exists or may be developed; and (b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in Policy 1.1.3.3, where this can be accommodated.

Policy 1.1.3.3 states: "Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this 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."

Under Section 1.5 – Public Spaces, Recreation, Parks, Trails and Open Space, Policy 1.5.1 states "Healthy, active communities should be promoted by: (a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity."

Under Section 1.7 – Long-Term Economic Prosperity, Policy 1.7.1 states long-term economic prosperity should be supported by: (d) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes.

The proposed development is consistent with the above policies and other relevant policies of the PPS. The proposal is in a compact form that is close to transit, active transportation options, and a proposed public park, which helps to minimize the need for, and length of, automobile trips.

Growth Plan for the Greater Golden Horseshoe (2017)

All decisions affecting land use matters shall conform with the Growth Plan as required by section 3(5) of the *Planning Act*. The Growth Plan came into effect on July 1, 2017. All decisions affecting land use matters made on or after this date must conform with the Growth Plan as required by section 1.2.2 of the document.

The achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime is a Guiding Principle of the Growth Plan (Section 1.2.1).

The Growth Plan builds on the policy foundations of the PPS and provides additional and specific land use planning policies for the Greater Golden Horseshoe. The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe.

Policies respecting the Management of Growth state that applying the policies of the Growth Plan will support the achievement of complete communities that: (d)(i) expand convenient access to a range of transportation options, including options for the safe, comfortable and convenient use of active transportation; and (e) ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards (Policy 2.2.1.4).

Several definitions in this Policy are important and they are all found in Section 7 of the Growth Plan. A complete community is defined as: "Places such as mixed use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities of daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts."

Compact built form is defined as: "A land use pattern that encourages the efficient use of land, walkable neighbourhoods, mixed land uses (residential, retail, workplace, and institutional) all within one neighbourhood, proximity to transit and reduced need for infrastructure. Compact built form can include detached and semi-detached houses on small lots as well as townhouses and walk-up apartments, multi-storey commercial developments, and apartments or offices above retail. Walkable neighbourhoods can be characterized by roads laid out in a well connected network, destinations that are easily accessible by transit and active transportation, sidewalks with minimal interruptions for vehicle access, and a pedestrian-friendly environment along roads to encourage active transportation."

Active transportation is defined as: "Human-powered travel, including but not limited to, walking, cycling, inline skating and travel with the use of mobility aids, including motorized wheelchairs and other power-assisted devices moving at a comparable speed."

Policy 2.2.2.4 of the Growth Plan directs all municipalities to develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will: (a) encourage intensification generally to achieve the desired urban structure; (b) identify the appropriate type and scale of development and transition of built form to adjacent areas; (d) ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities; (f) be implemented through official plan policies and designations, updated zoning and other supporting documents.

Policy 5.2.5.6 states, in order to achieve the minimum intensification and density targets in this Growth Plan, municipalities will develop and implement urban design and site design official plan policies and other supporting documents that direct the development of a high quality public realm and compact built form.

Official Plan

The subject site is designated *Apartment Neighbourhoods* on Map 17 – Land Use Plan and is within the Yonge-Eglinton Secondary Plan area. The site is within the Davisville Apartment Neighbourhood land use designation in OPA 405, the update to the Yonge-Eglinton Secondary Plan, also known as Midtown in Focus.

Chapter 2 – Shaping the City

Section 2.3.1 Healthy Neighbourhoods

Apartment Neighbourhoods are considered to be physically stable areas. Development within *Apartment Neighbourhoods* will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas.

Community and neighbourhood amenities will be enhanced where needed by: improving and expanding existing parks, recreation facilities, libraries, local institutions, local bus and streetcar services and other community services; and by creating new community facilities and local institutions, and adapting existing services to changes in the social, health and recreational needs of the neighbourhood.

Chapter 3 – Building a Successful City

Section 3.1.2 Built Form

The Official Plan states that architects and developers have a civic responsibility to create buildings that not only meet the needs of their clients, tenants and customers, but also the needs of the people who live and work in the area who will encounter the building in their daily lives. New development in Toronto will be located and organized to fit with its existing and/or planned context. To do this, development will generally be located parallel to the street or along the edge of a park or open space, have a consistent front yard setback, acknowledge the prominence of corner sites, locate entrances so they are clearly visible and provide ground floor uses that have views into and access from streets. New development will also locate and organize vehicle parking and access to minimize their impacts on the public realm. Furthermore, new

development will create appropriate transitions in scale to neighbouring existing and/or planned buildings, limit shadowing on streets, properties and open spaces, and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks to preserve their utility.

New development will be massed to define the edges of streets, parks and open spaces to ensure adequate access to sky view for the proposed and future uses. New development will also provide public amenity, enhance the public realm through streetscape improvements and ensure that significant new multi-unit residential development provides indoor and outdoor amenity space for residents of the new development.

Section 3.1.3 Built Form – Tall Buildings

Tall buildings come with larger civic responsibilities than buildings of a smaller scale. Tall building proposals will address key urban design considerations, including:

- meeting the built form principles of this Plan;
- demonstrating how the proposed building and site design will contribute to and reinforce the overall City structure;
- demonstrating how the proposed building and site design relate to the existing and/or planned context;
- taking into account the relationship of the site to topography and other tall buildings;
- providing high quality, comfortable and usable publicly accessible open space areas; and
- meeting the other goals and objectives of this Plan.

Section 3.2.1 Housing

The Official Plan includes policies that encourage the provision of a full range of housing, in terms of form, tenure and affordability, and the protection of rental housing units.

Policy 3.2.1.5 states that significant new development on sites containing six or more rental units, where existing rental units will be kept in the new development will secure:

the existing rental housing units which have affordable rents and mid-range rents; and any needed improvements and renovations to the existing rental housing, in accordance with and subject to Section 5.1.1 of this Plan, without passing-through of such costs in the rents to tenants.

Policy 3.2.1.6 states that new development that would result in the loss of six or more rental housing units will not be approved unless all of rental housing units have rents that exceed mid-range rents at the time of application, or in cases where planning approvals other than site plan are sought, the following secured:

- at least the same number, size and type of rental housing units are replaced and maintained with similar rents to those in effect at the time the redevelopment application was made;
- 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
- an acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement rental units at similar rent, the provision of alternative accommodation at similar rents and other assistance to lessen the hardship of relocation.

Chapter 4 – Land Use Designations

Section 4.2 Apartment Neighbourhoods

The proposed development is located in an area designated as *Apartment Neighbourhoods* on Map 17 - Land Use Plan of the City's Official Plan which are made up of apartment buildings, parks, local institutions, cultural and recreation facilities, small scale retail service and office uses.

Apartment Neighbourhoods are stable areas of the City and are generally not intended for significant growth. Compatible infill, however, is contemplated on sites containing existing apartment buildings that have underutilized land.

New and infill development will improve the quality of life of new and existing residents in *Apartment Neighbourhoods* by massing new buildings to provide a transition between areas of different development intensity and scale. New and infill development will also frame the edges of streets and parks, screen service areas, limit shadow and mitigate wind on parks and open spaces as well as *Neighbourhoods*. It will also enhance the safety, amenity and animation of adjacent streets and open spaces.

OPA 320

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment 320 (OPA 320) on December 10, 2015. OPA 320 strengthens and refines the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods and to allow limited infill on underutilized apartment sites in *Apartment Neighbourhoods*.

The Minister of Municipal Affairs modified and approved OPA 320 on July 4, 2016. As OPA 320 has been appealed in its entirety to the Local Planning Appeal Tribunal, it is relevant but not determinative in terms of the Official Plan policy framework.

Chapter 5 – Implementation: Making Things Happen

5.2.1 Secondary Plans

The site is within the Yonge-Eglinton Secondary Plan area south of the Urban Growth Centre (see Attachment No. 6)

Policy 5.2.1.2 identifies that Secondary Plans may be prepared for a number of reasons. Of particular note for the Yonge-Eglinton area, the Official Plan directs that Secondary Plans will be prepared for areas where development is occurring, or proposed, at a scale, intensity or character which necessitates reconsideration or reconfiguration of local streets, block plans, public works, open space or other public services or facilities. Where Council has determined that a Secondary Plan is necessary, no amendment to the Zoning By-law in the area will be made without prior or concurrent adoption of a Secondary Plan, provided that the Secondary Plan is adopted within a reasonable period of time.

In June 2016, City Council directed staff to consider and review Official Plan amendment and rezoning applications in the Yonge-Eglinton Secondary Plan in the context of the City Council directed Midtown in Focus: Growth, Built Form and Infrastructure Review.

At its December 5, 2017 meeting, Council reaffirmed this direction for applications submitted prior to November 15, 2017, and also directed staff to assess the cumulative impact of development in the area on the availability of the necessary infrastructure to support continued development, and land use planning mechanisms, including holding provisions, as necessary to ensure that growth and infrastructure needs are aligned.

City Council adopted the update to the Yonge-Eglinton Secondary Plan (OPA 405 / Midtown in Focus) with amendments on July 23, 2018. OPA 405 has been submitted to the Ministry of Municipal Affairs and Housing (MMAH) for review and approval pursuant to Section 26 of the *Planning Act*.

Chapter 6 – Secondary Plans

21. Yonge-Eglinton

A primary objective of the Yonge-Eglinton Secondary Plan is to maintain and reinforce the stability of *Neighbourhoods* and to minimize conflicts among *Mixed Use Areas*, *Apartment Neighbourhoods*, *Neighbourhoods* and *Parks and Open Space Areas* in terms of land use, scale and vehicular movement. The Secondary Plan also requires a full range of housing options (form, tenure) in the Yonge-Eglinton area suitable for family and other households that is: "contextually appropriate and compatible with existing residential uses and residential built form."

The *Mixed Use Areas* in the Secondary Plan contain a mix of retail, service commercial, office and residential uses with the highest concentration at Yonge Street and Eglinton Avenue and a lesser concentration near the Yonge/Davisville subway station.

The Secondary Plan identifies that Yonge-Eglinton *Apartment Neighbourhoods* are largely built-up and considered physically stable. New development will promote architectural excellence while providing for improvements in the public realm. New, flexible, community services facilities and social infrastructure will be provided in a

timely manner in the Yonge-Eglinton Secondary Plan area. New parks and open spaces will be secured in the Secondary Plan area along with improvements to existing parks and open spaces and the public realm.

OPA 405

City Council adopted an update to the Yonge-Eglinton Secondary Plan (OPA 405 / Midtown in Focus) with amendments on July 23, 2018. OPA 405 has been submitted to the Ministry of Municipal Affairs and Housing (MMAH) for review and approval pursuant to Section 26 of the *Planning Act*.

The Council approved plan identifies the subject site as located within the Davisville Apartment Neighbourhood Character Area. The Midtown Apartment Neighbourhoods are defined by a variety of building types including mid-century apartment towers, walk-up apartment buildings and townhouses, all set in an open, generously-scaled landscaped setting. Infill development and redevelopment will be designed and located to complement the existing built form fabric and reinforce the characteristic openness at grade and between buildings to maximize sunlight on streets, parks and open spaces.

The policies for the Davisville Character Area recognize the area consists of a diversity of tower-in-the-park buildings, mid-rise buildings and townhouses set within abundant landscaped open spaces. New mid-rise buildings and tall buildings with a consistent, modest height will respect and reinforce the area's physical character, building spacing, landscaped setbacks and characteristic green qualities.

The policies in OPA 405 that are relevant to the review of this application include the following:

- new development will respect and reinforce existing character including building spacing, landscaped setbacks, and characteristic green qualities;
- new development will provide grade-related residential units or community service facilities;
- a 6 metre building setback at and above grade is required to support landscaping, including tree and understory planting, forecourts and Privately Owned Publicly-accessible Spaces (POPS);
- the maximum building height is 15 storeys and 46.5 metres;
- the minimum ratio of open space on a site to the footprint of a tall building in the Apartment Neighbourhood Character Areas, inclusive of its base building, will generally be 55:45 respectively;
- the maximum base building height is 4-storeys and 13.5 metres;
- an additional storey may be allowed on base building provided the additional storey steps back 3 metres on all sides provided there will be no additional shadow impacts created on the public realm;
- open space on all sides of a building inclusive of side yard setbacks will generally be no less than 7.5 metres;
- the maximum floor plate for a tower is 750 square metres measured from the exterior of the main walls at each floor above the base building (gross construction area), excluding balconies;

- the minimum tower separation distances between residential tall buildings will be 30 metres in the Apartment Neighbourhood Character areas;
- the provision of parkland is an essential element of complete communities. New parkland will be provided to support and be concurrent with growth; and
- development containing more than 80 residential units will include a minimum of 15 percent 2-bedroom units, 10 percent 3-bedroom units, and an additional 15 percent of either two or three-bedroom units.

Rental Housing Demolition By-law

Section 111 of the *City of Toronto Act, 2006* authorizes Council to regulate the demolition and conversion of residential rental properties in the City. Chapter 667 of the City's Municipal Code, the Rental Housing Demolition By-law, implements Section 111. Chapter 667 prohibits the demolition or conversion of rental housing units in buildings containing six or more residential dwelling units, of which at least one unit is rental, without obtaining a permit from the City and requires a decision by either City Council or, where delegated, the Chief Planner and Executive Director, City Planning.

Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. These conditions implement the City's Official plan policies protecting rental housing. Council approval of demolition under Section 33 of the *Planning Act* may also be required where six or more residential units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the *Building Code Act*.

Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion, City Council typically considers both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council under By-law 885-2007 are not appealable to the Local Planning Appeal Tribunal.

On June 7, 2018 the applicant made an application for a Rental Housing Demolition Application pursuant to Chapter 667 of the City of Toronto Municipal Code. The application was deemed complete on September 26, 2018. The application proposes to demolish and replace 19 rental dwelling units. A Housing Issues Report has been submitted with the required application and is currently under review for consistency with the Official Plan.

As per Chapter 667-14, a tenant consultation meeting shall be held to review the impact of the proposal on tenants of the residential rental property and other matters under Section 111. The meeting has not yet been scheduled.

Zoning

Zoning By-law 438-86

The site is zoned R2, Z 2.0 in City of Toronto Zoning By-law 438-86, as amended. This is a residential zoning designation which allows for apartment buildings and a daycare. The Zoning By-law permits a maximum density of 2.0 times the site, and a minimum requirement of 539 parking spaces. The maximum permitted height is 38 metres.

Zoning By-law 569-2013

The site is also zoned R(d2.0) (x917) in city-wide Zoning By-law 569-2013. This is a residential zoning designation. The permissions and restrictions in 569-2013 are largely the same as those in 438-86 (see Attachment 8).

Site Plan Control

A site plan application is required for the proposal but has not been submitted.

Tall Building Design Guidelines

In 2013, City Council adopted the updated Tall Building Design Guidelines and directed City Planning staff to use them in the evaluation of tall building applications. The Guidelines establish a unified set of performance measures for tall buildings to ensure they fit within their context and minimize their local impacts.

The application has been reviewed by staff against the Tall Building Design Guidelines described above.

Tree Preservation

The applicant has submitted an arborist report and tree preservation plan indicating that the proposed development would require the removal of 19 trees protected under the provisions of the Private Tree By-law, which would require 57 replacement trees to be planted. The applicant is also proposing to remove one City-owned street tree which is protected under the provisions of the City's Street Tree By-law. If approved, the applicant will be responsible for removing the tree and for the value and replacement costs associated with the tree. The proposed tree removal is under review by Urban Forestry.

Reason for the Application

The Zoning By-law Amendment application is required to increase the maximum permitted density from 2 times the area of the site to 4.5 times the area of the site and to increase the maximum permitted height from 38 metres to 79 metres (84 metres including the mechanical penthouse). The application is also required to establish the appropriate development standards.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Planning Rationale
- Archaeological Assessment
- Community Services and Facilities Study

- Pedestrian Level Wind Study
- Sun/Shadow Study
- Toronto Green Standards Checklist
- Functional Servicing Report
- Housing Issues Report
- Green Development Standards Checklist
- Stormwater Management Report
- Transportation Impact Study
- Geotechnical Engineering Report
- Arborist/Tree Preservation Report
- Hydrogeological Investigation
- Computer Generated Building Mass Model

A Notification of Incomplete Application was issued on July 6, 2018 and identifies that a complete Housing Issues Report was required for a complete application.

The outstanding material was submitted on August 3 2018. A Notification of Complete Application was issued on October 2, 2018.

Housing

Official Plan Policy 3.2.1.5 (a) requires the securing of existing rental units which have affordable and mid-range rents.

All rental dwelling units in the residential complex either have affordable or mid-range rents. The Housing Issues Reports identifies and confirms that all 267 existing and retained rental housing units would have their rental tenure secured for at least 20 years without application to demolish or convert to individual ownership tenure.

Official Plan Policy 3.2.1.5 (b) requires the identification and securing of needed improvements to the existing rental housing, without pass through of costs to tenants.

The Planning Rationale identifies and proposes the following as new amenities and facilities within and adjacent to the rental apartment building which would be accessible to tenants in the existing rental building, which includes:

- indoor swimming pool
- gym
- lounge
- flexible use indoor amenity spaces
- yoga and relaxation room
- outdoor amenity space on the ground floor directly adjoining the proposed building.
- indoor bike parking racks.

The Housing Issues Report has not identified any new improvements to the existing building and has confirmed that the costs of the new amenities improvements would not be passed through to the tenants in any way, such as through rent increases.

Staff will continue to work with the applicant to identify needed improvements, in consultation with existing tenants.

Issues to be Resolved

The application has been circulated to City divisions and public agencies for comment. There are a number of outstanding issues associated with the application and as such, Planning Staff are not in a position to support the proposal. Issues to be addressed include the following:

- the height of the proposed base building is 5 storeys (14 metres) whereas OPA 405 identifies a maximum base building height of 4 storeys (13.5 metres);
 - the overall height of the proposed building is 25 storeys whereas the maximum building height identified in OPA 405 is 15 storeys;
 - the proposed tower floor plate size of floors six through ten is 919 square metres whereas the maximum floor plate size identified in OPA 405 is 750 square metres;
 - the proposed tower steps back 1.5 metres from the face of the building above the ninth storey adjacent to the proposed park whereas OPA 405 requires a minimum tower step back of 3 metres adjacent to parks;
- insufficient depth of the base building setbacks on west elevation;
- need for mitigation of wind impacts on adjacent streets and properties;
- assessment of sufficient infrastructure capacity, specifically water, sanitary, and storm water capacity;
- insufficient school capacity to accommodate any additional students resulting from the proposed development;
 - securing rental tenure, by legal agreement, for the existing retained rental dwelling units with affordable and mid-range affordable rents, which encompasses all units;
 - consulting with tenants to identify potential rental housing improvements and construction mitigation measures for tenants;
 - identifying and securing, by legal agreement, needed improvements to the existing rental building without pass through of costs to existing tenants;
- consultation with the community to identify additional issues;
- developing a tenant construction effects mitigation and communications plan;
- and
- identification and securing of public benefits pursuant to Section 37 of the *Planning Act*, should the proposal in some form be approved. Potential community benefits include:
- public realm improvements in the Yonge-Eglinton Secondary Plan area; and/or
 - community services and facilities in the Yonge-Eglinton Secondary Plan area; and
 - any matters to be secured as a matter of convenience.

CONCLUSION

Given the break in Council's meeting schedule (July to December 2018), City Planning have been unable to present a preliminary report to Community Council on the proposed development and hold a community consultation meeting to present the

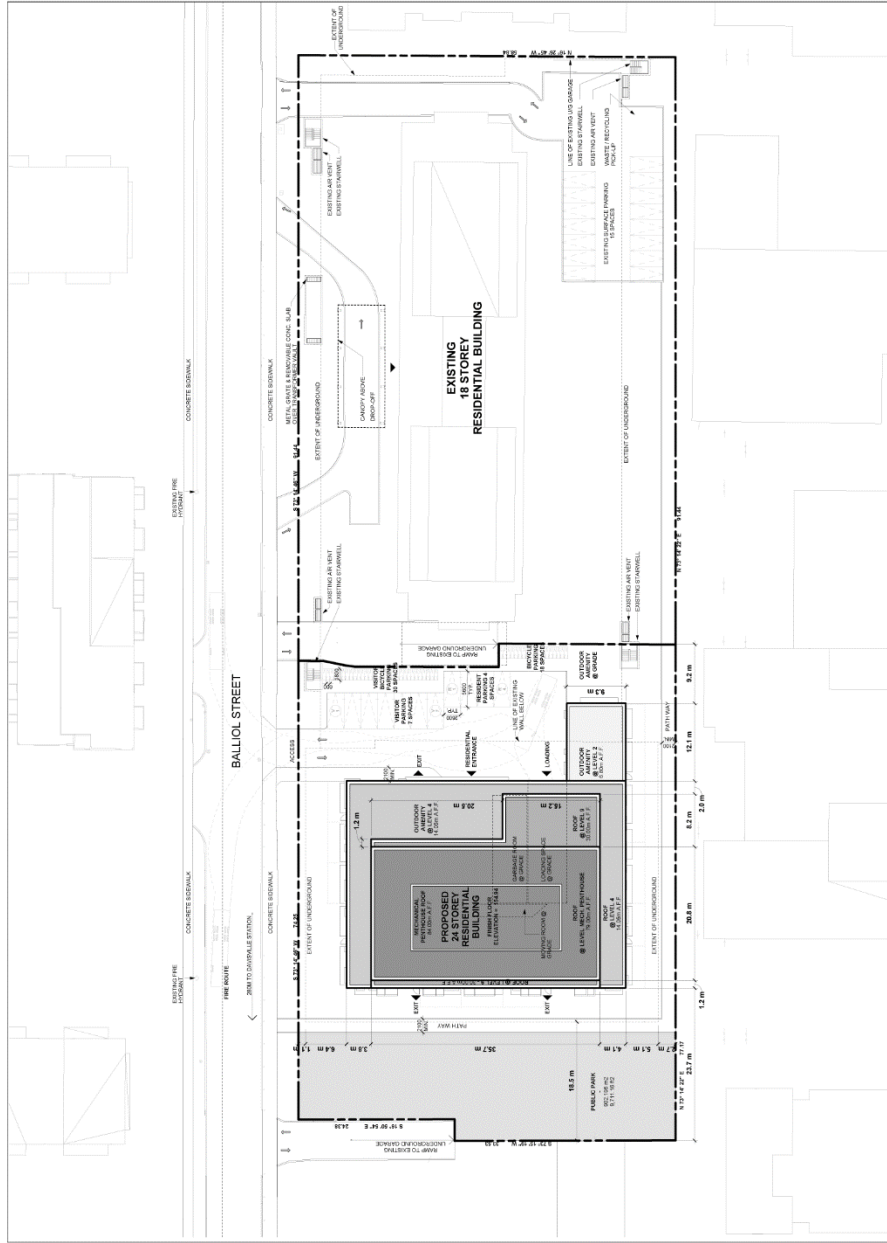
proposed development to the community and complete our review of the proposed development. As such, staff are not in a position to bring forward a Final Report on the application.

City staff will work with the applicant through the review of the proposal to resolve the concerns with the application and align the proposal with the policies in the Council adopted OPA 405 update to the Yonge-Eglinton Secondary Plan (Midtown in Focus).

ATTACHMENTS

- Attachment 1: Site Plan
- Attachment 2: North Elevation
- Attachment 3: South Elevation
- Attachment 4: East Elevation
- Attachment 5: West Elevation
- Attachment 6: Yonge-Eglinton Secondary Plan
- Attachment 7: OPA 405 - Land Use Plan
- Attachment 8: Zoning
- Attachment 9: Application Data Sheet

Attachment 1: Site Plan



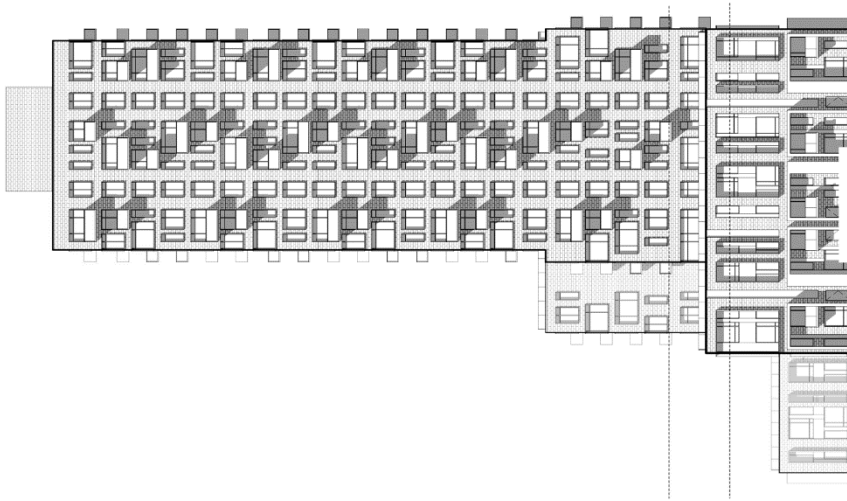
95-131 and 155 Balliol Street

Site Plan
Applicant's Submitted Drawing

Not to Scale
11/26/2018

File # 18 173481 STE 22 0Z

Attachment 2: North Elevation



North Elevation

Applicant's Submitted Drawing

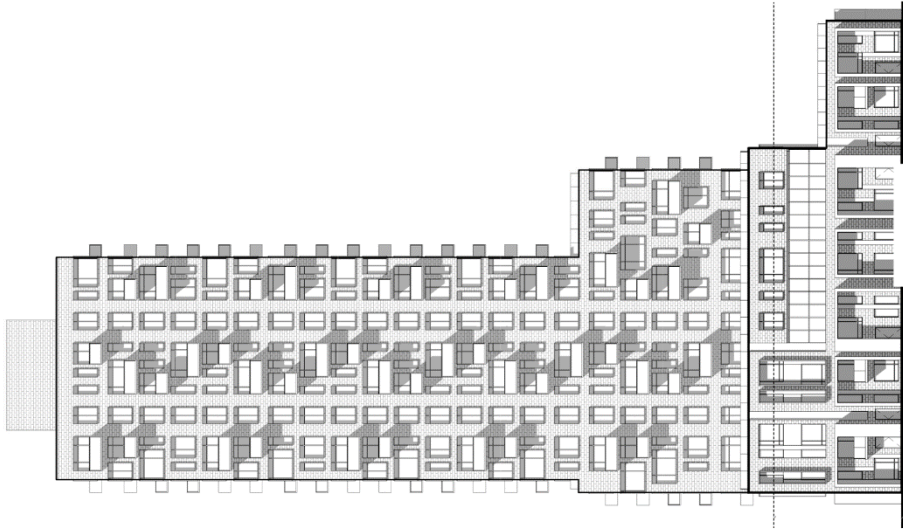
Not to Scale
11/26/2018



95-131 and 155 Balliol Street

File # 18 173481 STE 22 0Z

Attachment 3: South Elevation



95-131 and 155 Balliol Street

South Elevation

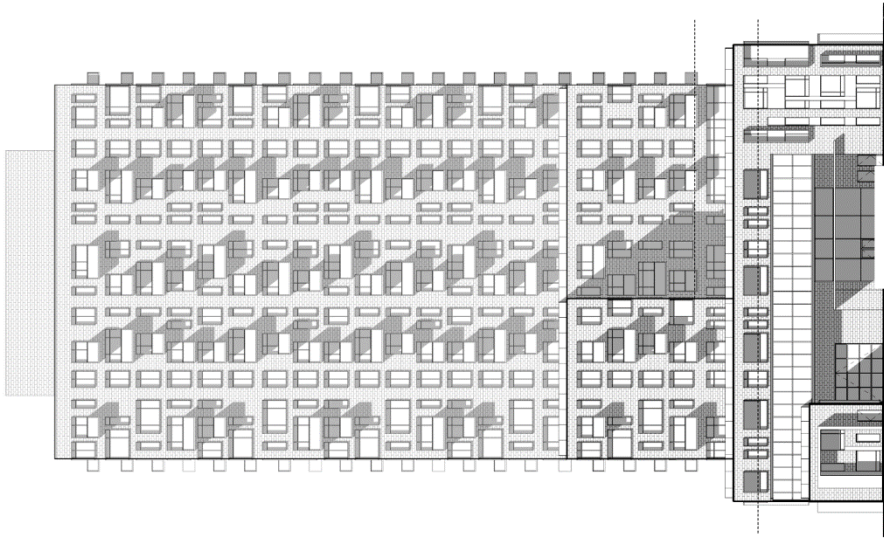
Applicant's Submitted Drawing

Not to Scale
11/26/2018



File # 18 173481 STE 22 0Z

Attachment 4: East Elevation

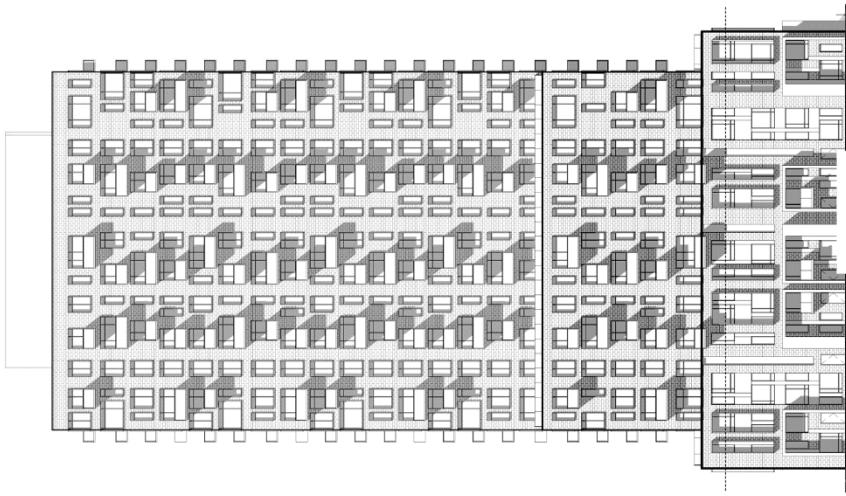


95-131 and 155 Balliol Street

East Elevation
Applicant's Submitted Drawing
Not to Scale
11/26/2018

File # 18 173481 STE 22 0Z

Attachment 5: West Elevation



West Elevation

Applicant's Submitted Drawing

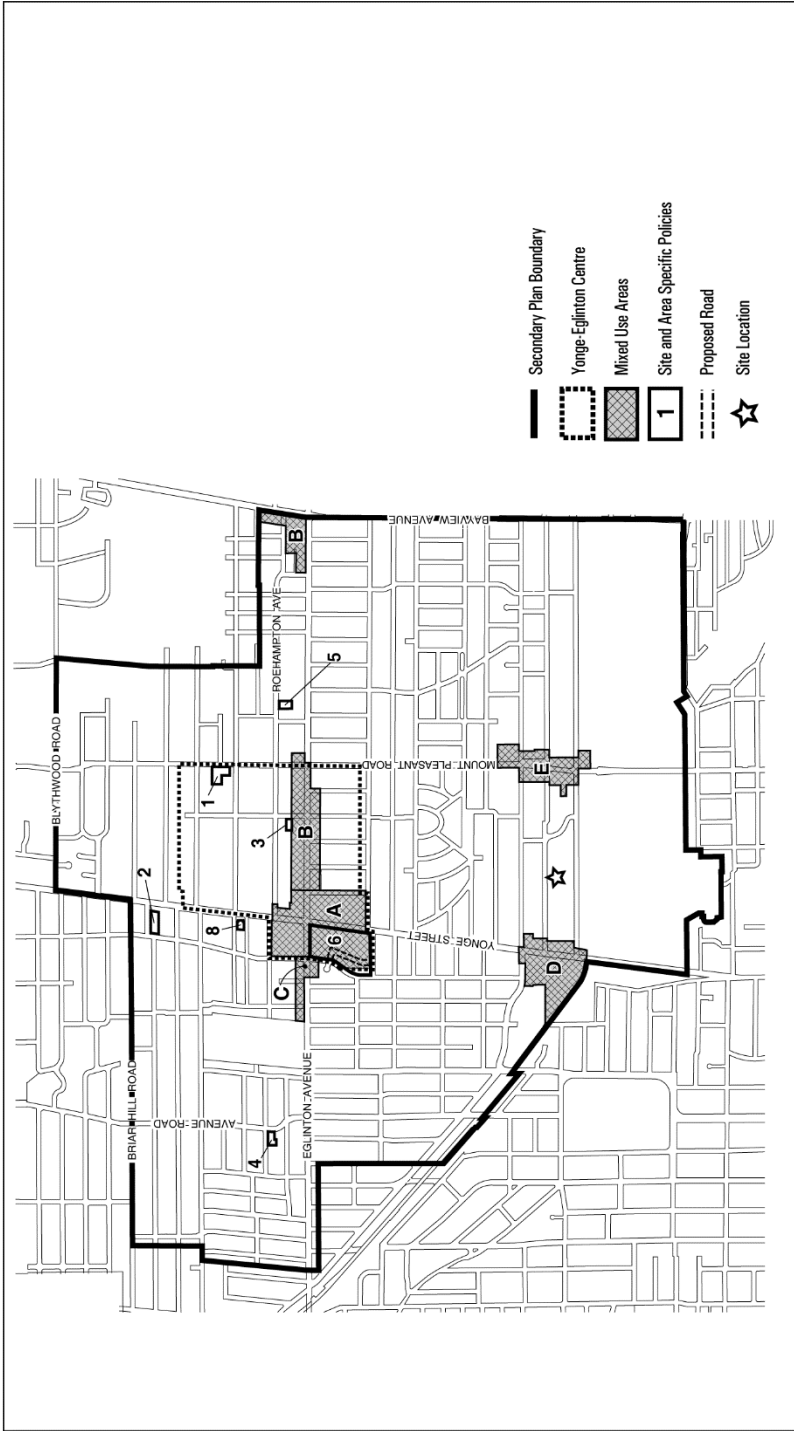
Not to Scale
11/26/2018



95-131 and 155 Balliol Street

File # 18 173481 STE 22 0Z

Attachment 6: Yonge-Eglinton Secondary Plan



Toronto
Yonge-Eglinton Secondary Plan

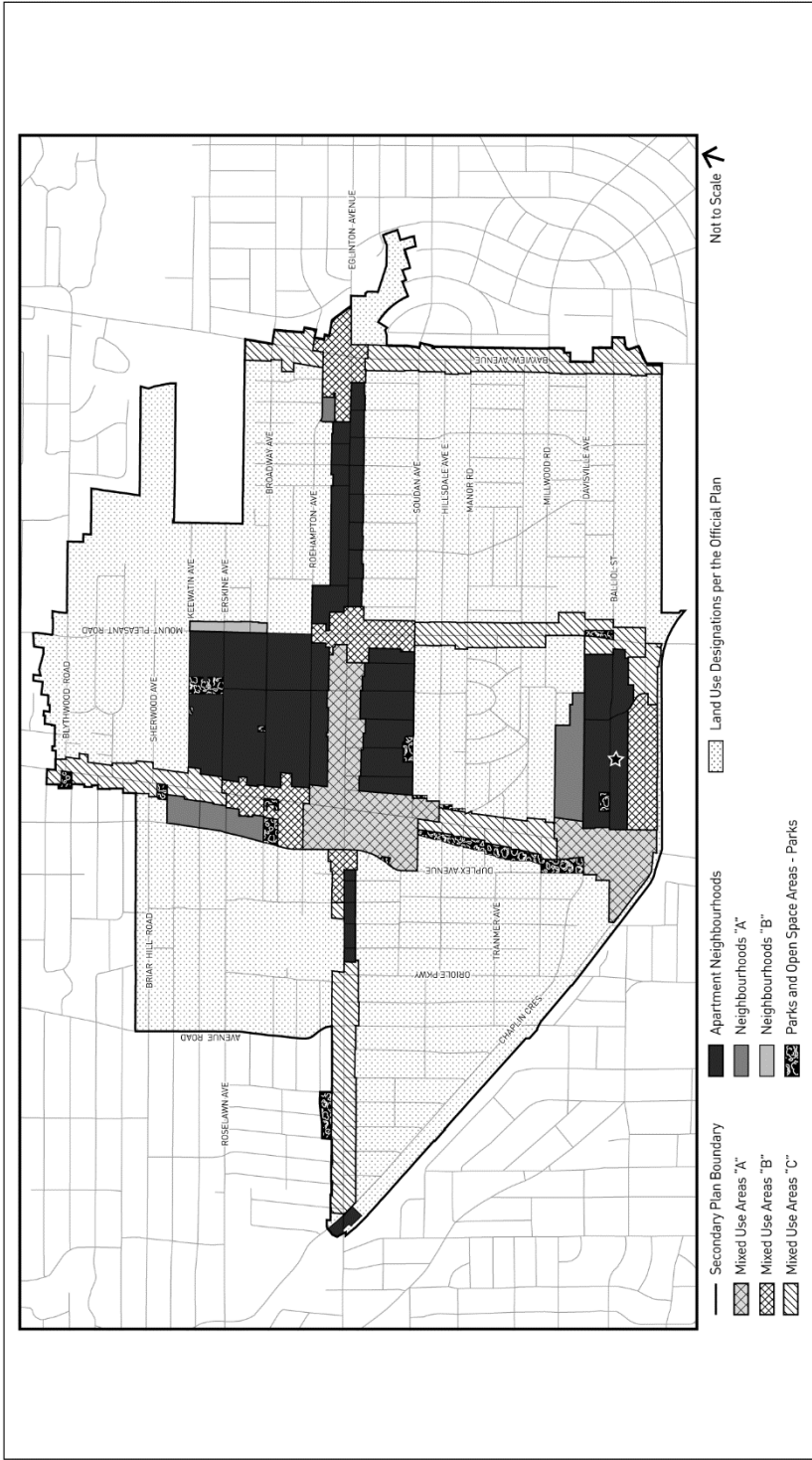
Toronto
Yonge-Eglinton Secondary Plan

95-131 and 155 Balliol Street

File # 18 173481 STE 22 0Z

☆ Site Location

↑
Not to Scale
11/27/2018



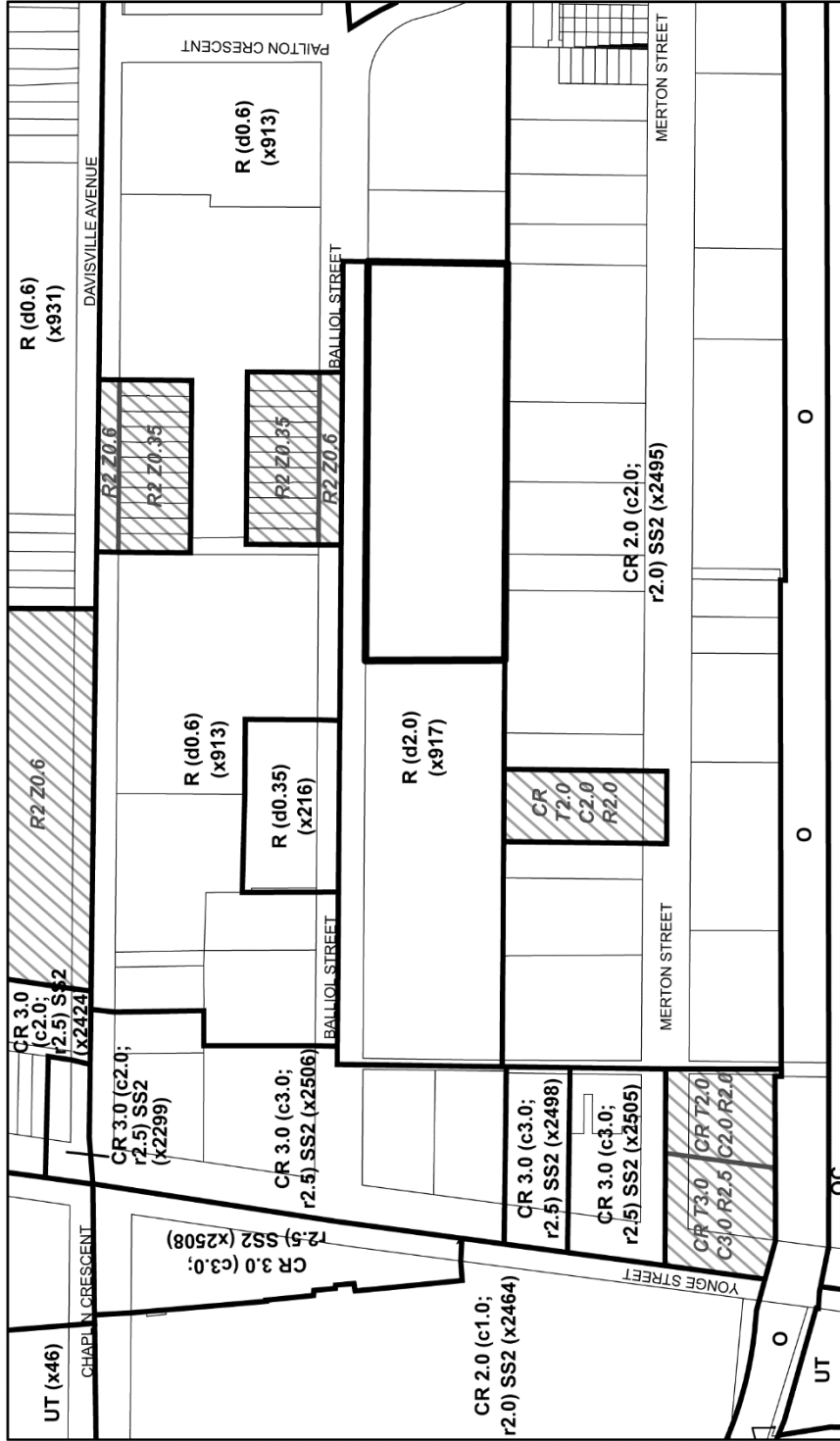
Toronto
Yonge-Eglinton Secondary Plan - MAP 21-4 Land Use Plan
95-131 and 155 Balliol Street

File # 18 173481 STE 22 0Z

★ Site Location

↑
 Not to Scale
 11/27/2018

Attachment 8: Zoning



Zoning By-law 569-2013

95-131 and 155 Balliol Street

File # 18 173481 STE 22 0Z

Location of Application

- Residential
- Commercial Residential
- Open Space
- Open Space Cemetery
- Utility and Transportation



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

- Residential District
- Mixed-Use District



Not to Scale
Extracted: 11/26/2018

Attachment 9: Application Data Sheet

Municipal Address: 95-131 and 155 Balliol Street
 Date Received: June 7, 2018
 Application Number: 18 173481 STE 22 OZ and 18 173492 STE 22 RH
 Application Type: Zonign By-law Amendment and Rental Housing Demolition

Project Description: The Zoning By-law Amendment application proposes to permit a 24-storey (84 metres in height) rental apartment building with a daycare facility on the ground floor. The proposed development would include 142 parking spaces. A 902 square metre public park is proposed on the west side of the subject site. The western portion of the site is currently occupied by a 2-storey townhouse complex containing 19 residential rental unit that would be demolished to accommodate the proposed development. The existing 18-storey apartment building on the eastern portion of the site would be retained.

Applicant	Agent	Architect	Owner
MHBC Planning Ltd, 7050 Weston Rd, Suite 230, Woodbridge ON, L4L 8G7	MHBC Planning Ltd, 7050 Weston Rd, Suite 230, Woodbridge ON, L4L 8G7	Kircor Architects and Planners, 20 Martin Ross Ave., Toronto ON, M3J 2K8	401700 Ontario Limited, 155 Balliol St., Suite 1, Toronto ON, M4S 1C4

EXISTING PLANNING CONTROLS

Official Plan Designation: Apartment Neighbourhood Site Specific Provision: No
 Zoning: R (d2.0,x917) Heritage Designation: No
 Height Limit (m): 38 Site Plan Control Area: Yes

PROJECT INFORMATION

Site Area (sq m):	9,853	Frontage (m):	165	Depth (m):	58
Building Data	Existing	Retained	Proposed	Total	
Ground Floor Area (sq m):			1,165	1,165	
Residential GFA (sq m):			19,650	19,650	
Non-Residential GFA (sq m):			230	230	
Total GFA (sq m):			19,880	19,880	
Height - Storeys:			25	25	
Height - Metres:			84	84	

Lot Coverage Ratio (%) 11.82 Floor Space Index: 2.02

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	19,650	
Retail GFA:		
Office GFA:	95	
Industrial GFA:		
Institutional/Other GFA:	1,350	

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	286	267	270	537
Freehold:				
Condominium:				
Other:				
Total Units:			270	270

Total Residential Units by Size (Proposed Building)

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:	17	127	72	44	
Total Units:	17	127	72	44	

Parking and Loading (Proposed Building)

Parking Spaces:	141	Bicycle Parking Spaces:	270	Loading Docks:	1
-----------------	-----	-------------------------	-----	----------------	---

CONTACT:

Alex Teixeira, Senior Planner
 (416) 392-0459
 Alex.Teixeira@toronto.ca