



STAFF REPORT ACTION REQUIRED

22 Balliol Street - Zoning Amendment - Request for Direction Report

Date:	December 17, 2018
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 12 – Toronto-St. Paul's
Reference Number:	16 119794 STE 22 OZ

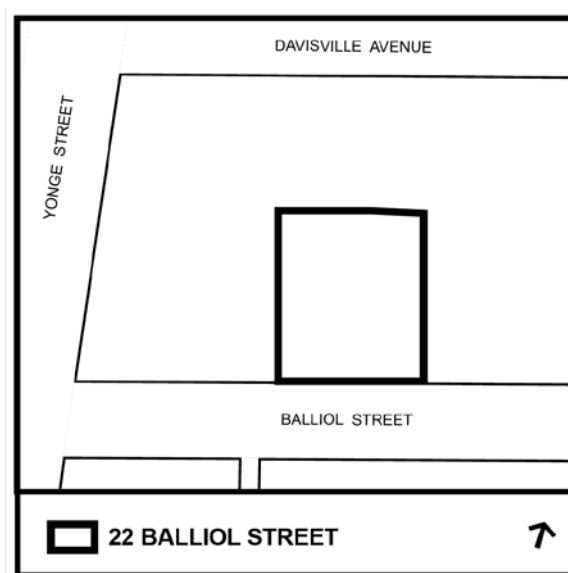
SUMMARY

On February 23, 2016 a Zoning By-law Amendment application was submitted to permit a 38-storey (119.25 m not including the mechanical penthouse) mixed-use (retail and residential) rental building at 22 Balliol Street containing 425 dwelling units.

On October 26, 2017, the applicant appealed to the Local Planning Appeal Tribunal (LPAT), citing Council's failure to make a decision on the application within the timeframe prescribed by the *Planning Act*.

A pre-hearing conference occurred on November 6, 2018 at which the LPAT directed the parties, including the City, to submit all documentation related to the appeal on or before March 1, 2019.

This report recommends that the City Solicitor together with Planning Staff and other appropriate Staff be directed to oppose the application in its current form at the LPAT. The proposed building does not fit within the character of the *Apartment Neighbourhood* along this section of Balliol Street in terms of height and density and does not transition appropriately away from the adjacent *Mixed Use Area*. It is not consistent with the Provincial Policy



Statement (2014), does not conform with the Growth Plan for the Greater Golden Horseshoe (2017) and does not conform to the Official Plan.

The proposed development does not adequately address the Midtown in Focus: Growth, Built Form and Infrastructure Review / Draft Built Form Principles.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and City Staff, as appropriate, to attend the Local Planning Appeal Tribunal to oppose the Zoning By-law Amendment application for 22 Balliol Street for the reasons set out in the report (December 17, 2018) from the Director, Community Planning, Toronto and East York District.
2. City Council authorize the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, to secure services, facilities or matters pursuant to Section 37 of the *Planning Act*, should the proposal be approved in some form by the Local Planning Appeal Tribunal.
3. In the event that the Local Planning Appeal Tribunal allows the appeal in whole or in part, City Council authorize the City Solicitor to request the Local Planning Appeal Tribunal to withhold the issuance of any Order(s) until such time as the Local Planning Appeal Tribunal has been advised by the City Solicitor that:
 - a. the final form of the Zoning By-law Amendments are to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
 - b. the owner has provided an updated Functional Servicing and Stormwater Management Report to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
 - c. the owner has provided an updated Hydrogeological Report and supporting documents addressing any on-site groundwater to the satisfaction of the General Manager, Toronto Water; and
 - d. community benefits and other matters in support of the development are secured in a Section 37 Agreement executed by the owner and registered on title to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.

Financial Impact

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

DECISION HISTORY

A pre-application consultation meeting was held on December 17, 2015. Staff raised concerns with the proposed floor plate size, the proximity of the tower to the east property line, the base building height, the treatment of the building at grade and the overall height of the development. At a subsequent pre-application meeting of February 22, 2016, staff reiterated its concerns.

A Preliminary Report on the application was adopted by Toronto and East York Community Council on May 10, 2016 authorizing staff to conduct a community consultation meeting.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE16.34>

On July 12, 2016 City Council adopted the recommendations in the report from the Chief Planner and Executive Director, City Planning, titled: "Midtown in Focus: Growth, Built Form and Infrastructure Review – Status Report". The recommendations direct staff to use the draft built form principles in the report in the review of development applications in the Yonge-Eglinton Secondary Plan area. Planning staff were also directed to use the emerging community infrastructure priorities that have been identified, as part of the development application review process.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG13.1>

On December 5, 2017 City Council adopted the recommendations in the report from the Acting Chief Planner and Executive Director, City Planning titled: "Midtown in Focus: Proposals Report". Staff were directed to continue to consider and review applications submitted prior to November 15, 2017 in the context of the City Council directed Midtown in Focus: Growth, Built Form and Infrastructure Review.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG24.10>

On July 23, 2018, City Council adopted Official Plan Amendment 405 (Midtown in Focus) with modifications and authorized the Chief Planner and Executive Director, City Planning to seek the approval of the Minister of Municipal Affairs of Ontario for Official Plan Amendment 405.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG31.7>

ISSUE BACKGROUND

Proposal

This application proposes a 38-storey mixed-use (retail and residential) rental building (see Attachments 6-9) with a 3-storey base building which rises to an 8-storey base building at the southwest corner. The proposed tower is sited at the southeast corner of the site. The building is proposed to contain 429 residential units with retail uses on the ground floor. The proposed development incorporates four levels of below-grade parking

comprising 155 parking spaces (20 associated with the retail use, 108 associated with the residential use, and 29 associated with visitor use). Access to the below-grade facility is provided by a driveway on the western portion of the site and a single curb-cut on Balliol Street. A total of 529 bicycle parking spaces are proposed, distributed among the four levels of below-grade parking and the ground floor and mezzanine above-grade.

Category	Metric
Site Area	1,892 sq. m.
Proposed Tower Setbacks (from lot lines) Balliol Street North Property Line East Property Line West Property Line	0 m to 3.01 m (east to west) 16 m to 15 m (east to west) 0.77 to 0.88 m (north to south) 12.8 m
Proposed Base Setback on Ground Floor	4 m
Tower Floor Plate	813 sq. m.
Gross Floor Area Total Residential Total Non-Residential Grand Total	26,742.3 sq. m. 1,882.4 sq. m. 28,623.6 sq. m.
Floor Space Index	16.7
Number of Units Studio 1 Bedroom 2 Bedroom 3 Bedroom Total	35 (8%) 315 (74%) 70 (17%) 5 (1%) 425
Ground Floor Height	6 m
Sidewalk Width (Balliol Street)	6.5 m (partially on subject property)
Proposed Vehicular Parking (Residential : Visitor : Non-residential)	155 (108 : 28 : 19)
Proposed Bicycle Parking (Long Term : Short Term)	510 (459 : 51)
Loading Spaces	1 Type-G; 1 Type-B; 1 Type-C

Amenity Space	<div>Interior</div> <div>Exterior</div> <div>Total</div>	<div>878 sq. m.</div> <div>1,066 sq. m.</div> <div>1,943.8 sq. m.</div>
Building Height		38 storeys; 125.25 metres (including mechanical penthouse)

Site and Surrounding Area

The site is located on the north side of Balliol Street just east of Yonge Street (see Attachment 2). It is approximately square in shape with an area of 1,892 square metres. The site is currently occupied by a single-storey food store and a boxing gym located underground.

To the north are apartment towers on the south side of Davisville Avenue and a mix of uses on Yonge Street. On the north side of Davisville Avenue is the play area of Davisville Junior Public School. Davisville Junior Public School is the site of a proposed new replacement school as well as a new aquatic centre.

To the east is a three and a half storey apartment building at 44 Balliol Street. Continuing east is Balliol Parkette, a 0.22 acre privately owned park leased by the City of Toronto. The park provides a pedestrian connection between Davisville Avenue and Balliol Street. Continuing east are rental apartment towers of 14 storeys (99 Davisville Avenue) to 30 storeys (77 Davisville Avenue and 118 Balliol Street). A variety of rental apartment buildings from 20 to 25 storeys are on the north side of Balliol Street.

To the south of Balliol Street is a mix of high-rise, mid-rise and townhouse buildings. Directly south of the buildings is an 18-storey residential building at 45 Balliol Street. Southeast of the site is a 2-storey townhouse complex. Further southeast is an 18-storey residential building at 155 Balliol Street. To the southwest, is a cluster of commercial and mixed-use buildings. Continuing south on Yonge Street is a 9-storey commercial building, an 8-storey mixed-use building, an 11-storey mixed-use building and a recently completed 24-storey apartment building at 1815 Yonge Street. South of it is the Kay Gardner Beltline Trail and Mount Pleasant Cemetery.

To the west is a service lane and then a 7-storey mixed-use building at 1881 Yonge Street. On the west side of Yonge Street is the Davisville Subway Station which includes the TTC headquarters. West of the TTC rail yard are single-detached and semi-detached houses as well as apartment towers.

Provincial Policy Statement and Provincial Plans

Section 2 of the *Planning Act* sets out matters of provincial interest, which City Council shall have regard to in carrying out its responsibilities. The matters include:

- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (k) the adequate provision of employment opportunities;
- (p) the appropriate location of growth and development;
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- (r) the promotion of a built form that,
 - (i) is well designed;
 - (ii) encourages a sense of place;
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive, and vibrant

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014) (PPS) provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

The Growth Plan for the Greater Golden Horseshoe (2017) (Growth Plan) provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the Greater Golden Horseshoe region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth

Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). The outcome of staff analysis and review are summarized in the Comments section of the Report.

Toronto Official Plan

The site is designated *Apartment Neighbourhoods* on Map 17 – Land Use Plan of the City's Official Plan and is located in the Yonge-Eglinton Secondary Plan area. To the west, on properties fronting Yonge Street are lands designated *Mixed Use Area*. *Apartment Neighbourhoods* are made up of apartment buildings and parks, local institutions, cultural and recreational facilities and small-scale retail, service and office uses that serve the needs of area residents.

Apartment Neighbourhoods policies in the Official Plan (4.2) state that development will contribute positively to quality of life by having respect for: location; massing; transition to lower scale *Neighbourhoods* and areas of different development intensity; framing the street edge with good proportion; providing sufficient off street vehicle and bicycle parking; screening service areas; providing amenity space; and minimizing shadow and wind impacts, among others. *Apartment Neighbourhoods* are considered to be stable areas of the City where significant growth is generally not anticipated, however, the Plan recognizes that there may be opportunities for new development or infill on underutilized sites and sets out criteria to evaluate these situations.

The Public Realm policies in the Official Plan (3.1.1) speak to the design and function of Toronto's streets, parks, sidewalks, and other open spaces that residents and visitors use to get around the city and connect with each other. Streets, sidewalks, and other open spaces should be designed to be safe, accessible, enjoyable, connected, and related appropriately to adjacent and nearby buildings. The Built Form policies (3.1.2) state that

new development will be located and organized to fit with its existing and/or planned context. The Built Form Tall Building Policies (3.1.3) state that tall buildings come with larger civic responsibilities and obligations than other buildings. To ensure that tall buildings fit within their existing and/or planned context and limit local impacts, built form principles will be applied to the location and design of tall buildings. Proposals will demonstrate how the building and site design will contribute to and reinforce the overall City structure and relate to the existing and/or planned context.

Official Plan Amendment 320

The Local Planning Appeals Tribunal issued an Order on December 7, 2018 to approve and bring into force OPA 320. The approved policies reflect the policies endorsed by Council at its meetings of June 26 to 29, 2018 and July 23 to 30, 2018 in response to mediation and settlement offers from OPA 320 Appellants.

OPA 320 was adopted as part of the Official Plan Five Year Review and contains new and revised policies on Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods*. The approved amendments uphold the Plan's goals to protect and enhance existing neighbourhoods that are considered stable but not static, allow limited infill on underutilized *Apartment Neighbourhood* sites and help attain Tower Renewal Program goals.

In its Order that approves OPA 320, the LPAT found that the OPA 320 policies are consistent with the Provincial Policy Statement (2014) and conform with the Growth Plan for the Greater Golden Horseshoe (2017).

Yonge-Eglinton Secondary Plan

The site is located in the Yonge-Eglinton Secondary Plan area (see Attachment 4). 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 that a full range of housing options (form, tenure) be provided in the Yonge-Eglinton area that is suitable for family and other households in that manner that is: "contextually appropriate and compatible with existing residential uses and residential built form."

New development in the Yonge-Eglinton Secondary Plan area will protect the scale of development in *Neighbourhoods* while minimizing impacts (shadowing, overlook, loss of skyview) on lower scale built form in *Neighbourhoods*. New development will transition in height and scale from developments in *Mixed Use Areas* and *Apartment Neighbourhoods* to *Neighbourhoods*, particularly when higher density designations abut a *Neighbourhood*. A *Neighbourhood* designated area is located on the north side of Davisville Avenue.

The Yonge-Eglinton Secondary Plan states that the highest densities will be located in *Mixed Use Area 'A'*, located at Yonge and Eglinton, with developments of a lesser scale

located in *Mixed Use Areas* 'B', along Eglinton Avenue East, 'C', along Eglinton Avenue West, and 'D', at the intersection of Yonge and Davisville immediately adjacent to the subject site. Higher density development is permitted in *Apartment Neighbourhoods* with nearby subway station access than in those *Apartment Neighbourhoods* not nearby subway station access. Reduced parking requirements are permitted in the Yonge-Eglinton Secondary Plan area where it can be demonstrated that projected travel can be accommodated by means other than the automobile. Bicycle linkages, facilities and new pedestrian connections will also be encouraged.

New development will promote architectural excellence while also providing for improvements in the public realm. New, flexible, community service facilities and social infrastructure will be provided in a timely manner in the Secondary Plan area. New parks and open spaces will also be secured in the Yonge-Eglinton Secondary Plan area along with improvements to the existing parks and open spaces as well as the public realm.

The Yonge-Eglinton Secondary Plan can be found here: <https://www.toronto.ca/wp-content/uploads/2017/11/97ea-cp-official-plan-SP-21-YongeEglinton.pdf>

Official Plan Amendment 405

Official Plan Amendment (OPA) 405 is proposed to replace in its entirety the Yonge-Eglinton Secondary Plan to provide a comprehensive update to the land use policy framework for the Secondary Plan area.

Map 21-2 identifies the subject site as falling within the Davisville Apartment Neighbourhood Character Area, described as consisting of a diversity of tower-in-the-park buildings, mid-rise buildings and townhouses set within abundant landscaped open spaces. As per Policy 1.3.3 (d) speaking to the Davisville Character Area, new tall buildings with a consistent, modest height will respect and reinforce the area's physical character, building spacing, landscaped setbacks and characteristics green qualities.

Map 21-6 identifies the subject site as fronting onto the Balliol Green Street public realm move. Policy 3.2.11 speaks to the Balliol Green Street and describes a vision for the street as a pleasant and tranquil connection for pedestrians through the Yonge-Davisville area and a landscaped setting for apartment buildings. A six-metre setback at- and above-grade is required to accomplish this goal to support landscaping, forecourts, and other open spaces.

Map 21-14 identifies the subject site as a "Midtown Tall Buildings" site with an associated height permission of 15 storeys or 46.5 metres. Among the development criteria articulated in Policies 5.3.28 to 5.3.47 which speak to Midtown Tall Buildings, are the following:

- A maximum height of four storeys (13.5 metres) for base buildings;
- A minimum stepback of three metres above the base building;
- A maximum floorplate of 750 square metres; and

- A separation distance to adjacent residential tall buildings of 30 metres in *Apartment Neighbourhoods* and 25 metres in *Mixed Use Areas*.

Midtown in Focus Studies and Policy Summary

Over the years leading to the adoption of OPA 405, staff developed and delivered multiple iterations of studies, draft policies, and principles for the Yonge-Eglinton area. At several points during this period, Council directed staff to review development applications against these studies, draft policies, and principles as described in the decision history.

Consequently, depending on when a development application was submitted, reviewed, and/or appealed, the Council-directed policy framework for the Yonge-Eglinton area was evolving. Until such time that the Ministry of Municipal Affairs and Housing approves OPA 405, it will remain "relevant but not determinative" in the context of any appeal processes for proposed development projects.

Given the application for 22 Balliol Street was submitted, and subsequently appealed, prior to November 15, 2017, the application has been considered in the context of OPA 405 and the in-force Secondary Plan and the emerging policies at that time.

Zoning

The site is zoned R2 Z0.6 in Zoning By-law 438-86, as amended. There is a permitted height of 38.0 metres and a density of 0.6 FSI. The site is subject to site specific by-law 798-85 which permits commercial uses on the site. The R2 zoning permits a variety of residential uses. The site is also zoned R (d0.6) (x913) in Zoning By-law 569-2013, as amended (see Attachment 5). The permissions are largely the same in 569-2013 as in 438-86.

Tall Building Design Guidelines

City Council has adopted city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts.

The link to the guidelines is here:

<https://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>

Growing Up: Planning for Children in New Vertical Communities

In July 2017, Toronto City Council adopted the Growing Up Draft Urban Design Guidelines and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals. The objective of the Growing Up Draft Urban Design Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale.

The Council Decision and draft guidelines are available on the City's website at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG21.3>

Site Plan Control

The proposed development is subject to site plan control. A site plan control application has not been submitted.

Reasons for the Application

A Zoning By-Law Amendment is required because the proposed development, among other matters, exceeds the height and density permissions in the in-force Zoning By-Law.

Community Consultation

A community consultation meeting was held on July 4, 2016 at Christ Church Deer Park and several communications were received via e-mail. Feedback on the proposal included concerns regarding the loss of the grocery store, concerns regarding the intensity of the development, and concerns regarding deficiencies in the public realm including sidewalks and green space.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2017) including Policy 5.1 of the Growth Plan as described in the Issue Background section of the Report.

Staff have determined that the proposal is not consistent with the PPS and does not conform to the Growth Plan for the following reasons:

The Provincial Policy Statement, 2014 (PPS) provides for a coordinated and integrated approach to planning matters within municipalities. The PPS recognizes that local context and character is important. Policy 1.1.3.2 states that 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*; (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 and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs. And 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."

Policy 1.7.1(d), speaking to the need for long-term economic prosperity, recognizes that this is supported by creating "a sense of place, by promoting well-designed built form. Although the PPS does not specify the requirements for defining "well-designed built form", it does identify in Policy 4.7 that "the Official Plan is the most important vehicle for implementation" and directs municipalities to provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

The proposed development in its current form does not meet the aforementioned policies of the PPS. While the proposed development is dense, that does not equate to efficient. The proposed development neither adequately considers the availability or capacity of local infrastructure or public service facilities nor addresses the impact of climate change by, for example, integrating sufficient green infrastructure at the ground floor. The proposed removal of a midblock connection does not support active transportation. The overdevelopment of the site fails to create a sense of place and does not constitute a well designed built form.

The Growth Plan (2017) reinforces the PPS 2014's goal of sustaining long-term economic prosperity via land use planning. One of the Growth Plan's primary objectives is to achieve "complete communities", described in part by Policy 2.2.1.4 as places that:

- provide a diverse range and mix of housing options;
- 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;
- mitigate and adapt to climate change impacts, build resilience, reduce greenhouse gas emissions, and contribute towards the achievement of low-carbon communities; and
- integrate green infrastructure and low impact development.

Section 2.2.2.4, speaking to managing growth within Delineated Built-up Areas such as Toronto, states that intensification will be managed in part by identifying the appropriate type and scale of development and transition of built form to adjacent areas through official plan policies and designations and other supporting documents such as design guidelines.

Recognizing that housing is an important component of creating complete communities and managing growth, the Growth Plan also states in Section 2.2.6.3 that municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes. The proposal does not provide a range of household sizes with only 1% three-bedroom units and over 80% studio and one-bedroom units. The Council-adopted Growing Up: Planning for Children in New Vertical Communities design guidelines also provide guidance on the proportion and size of larger units recommend in new multi-unit residential developments.

The challenge of mitigating and adapting to climate change is addressed by the Growth Plan as well, stating in Section 4.2.10 that municipalities will develop policies in their official plans that include:

- supporting the achievement of complete communities;
- reducing dependence on the automobile and supporting existing and planned transit and active transportation; and
- incorporating appropriate green infrastructure and low impact development

The proposed development is out of scale with the existing or planned character of the area, does not create a sense of place, and does not have adequate regard to addressing the challenge of climate change. As such, the proposed development is neither consistent with the PPS nor conforms to the Growth Plan. Moreover, both the PPS and the Growth Plan identify that the Official Plan is the most important implementation tool for their respective policy goals. As the proposed development does not conform to the policies of the Toronto Official Plan, including the Healthy Neighbourhood, Built Form, *Apartment Neighbourhoods*, or Yonge-Eglinton Secondary Plan policies, the proposed development is not consistent with the PPS and does not conform to the Growth Plan.

Land Use

The proposed development is located in an area designated *Apartment Neighbourhoods* on Map 17 of the Toronto Official Plan. The residential and retail uses proposed in the development are permitted in areas designated *Apartment Neighbourhoods* as well as by the applicable Zoning By-laws. Therefore, the proposed land use is acceptable.

Unit Mix

The Official Plan encourages the provision of a full range of housing in terms of form, tenure and affordability to meet current and future needs of residents. The Growing Up Guidelines and OPA 405 provide direction for a range of unit types in large developments. The proposed development provides an insufficient unit mix, in particular providing only 1% of 3-bedroom units and over 80% studio and one-bedroom units. A minimum of 10% 3-bedroom units, and a more balanced mix of studio, one- and two-bedroom units, will be sought and secured in the Zoning By-law and Section 37 Agreement.

Density, Height, Massing

The Official Plan directs growth primarily to the *Centres, Avenues, Employment Areas*, and the *Downtown* identified on Map 2. Although growth is expected and can be accommodated outside of those areas, such as in *Neighbourhoods* and *Apartment Neighbourhoods*, the Official Plan requires that intensification to "respect and reinforce" the existing physical character of buildings, streetscapes and open space patterns in these areas. There are a variety of ways this goal can be achieved. Development should be massed to fit harmoniously into its existing and/or planned context and limit its impact on its neighbours by relating to the proportion of the street, creating appropriate transitions in scale to neighbouring existing and/or planned buildings, and ensuring adequate access to sky view. Tall building proposals in particular must demonstrate how the proposed building and site design will contribute to and reinforce the overall City structure and how they relate to the existing and/or planned context including other tall buildings. Development criteria for proposals in *Apartment Neighbourhoods* described in Section 4.2 of the Official Plan rearticulate these principles.

Both the Yonge-Eglinton Secondary Plan and the Midtown in Focus: Growth, Built Form and Infrastructure Review / Draft Built Form Principles identify that the highest intensity development is to be located at the Yonge-Eglinton intersection and within *Mixed Use Areas*. High density development is anticipated outside of those areas, but both frameworks speak to progressively reduced heights and densities away from those peaks. In sum, both the existing and the planned policy for the Midtown area create a vision of a hierarchy of scale and height that responds appropriately to the local context.

The Tall Buildings Design Guidelines provide direction for how proposed development should respond to the need for transition and a contextually-appropriate built form. The Tall Buildings Design Guidelines recommend the following approaches to sculpting the built form of a tall building such as the one proposed:

With regard to the massing of the lower portion of the proposed development, the height of a base building should be between 10.5 and 24 metres, depending on the local context, in order to frame the street and create a consistent pedestrian-scaled streetwall. A portion of the proposed base building, at eight storeys (30.75 metres) exceeds by approximately two storeys the direction described in the Tall Buildings Design Guidelines and is therefore not acceptable.

With regard to the massing of the middle portion of the proposed development, the guidelines suggest that the tower floor plate should be approximately 750 m², excluding balconies, and that the tower should step back approximately three metres from the face of the base building. The proposed tower floor plate of approximately 813 m² exceeds the performance standard of 750 m², particularly between the fourth and eighth storeys, and is therefore not acceptable. The tower portion should also be sufficiently separated from adjacent properties not only to provide privacy, light, and sky view for tower residents but also to enhance the quality of the public realm by providing light, air, and sky view between buildings and helping to mitigate wind conditions through the articulation of the tower and base building components. The Tall Buildings Design Guidelines indicate that

a setback of 12.5 metres or more on each property for adjacent properties (for a total separation of 25 metres) is appropriate for these purposes. The tower separation distances, although achieved on the west side, are not acceptable on the east side of the subject site, being only 0.77 to 0.88 metres. At a width of approximately 40 metres, the subject site could accommodate a viable tower with an approximate width of 15 metres and address the Tall Buildings Guidelines.

At a height of 38 storeys (119.25 metres not including the mechanical penthouse), the proposed development would be the tallest building in the Yonge and Davisville area. The existing tower on the south side of Balliol Street (45 Balliol Street) is 18 storeys tall, the building to the northeast (33 Davisville Avenue) is 21 storeys tall, the building at 99 Davisville Avenue is 30 storeys tall, and the existing buildings fronting Yonge Street adjacent to the subject site (1901 and 1881 Yonge Street) are 9 and 7 storeys tall, respectively, and which are located in *Mixed Use Area "D"* of the Yonge-Eglinton Secondary Plan. The proposed development is too tall given the local planned and built form context.

It is the opinion of Planning Staff that the proposal constitutes an overdevelopment of the subject site and does not respect and reinforce the existing and/or planned context of the area. As such, the proposed building neither complies with the Healthy Neighbourhoods, Built Form, or *Apartment Neighbourhoods* policies of the Official Plan nor conforms to the planned or existing policy framework as described in the Yonge-Eglinton Plan and the Midtown in Focus study. The proposed building also does not adequately address the City's Tall Building Design Guidelines, or the intent of those guidelines.

The proposed building does not align with the policy framework described in OPA 405, which requires a separation distance of 30 metres within *Apartment Neighbourhoods*, a base building height of no more than four storeys, and a floor plate of no more than 750 m².

Sun, Shadow, Wind

Staff concerns with regard to sunlight access and skyview as affected by the proposed development's massing and orientation are described in the previous section. However, staff are also concerned that the proposed development, at the height currently sought, will create unacceptable shadow impacts on nearby properties (see Attachment 10). In its current form, the proposed development will create additional shadow on the Davisville Junior Public School's existing and planned play area during the in-school hours between 11:18 AM and 1:18 PM except during the summer months when school is not in session. The proposed shadowing is unacceptable given its negative impact on the safety and enjoyment of childrens' play spaces particularly during the lunch hour.

With regard to wind impacts, the Pedestrian Wind Assessment Letter of Opinion submitted by the applicant states that "accelerated winds and potentially unsafe wind conditions are predicted, on the south side of the building [and] similar conditions are expected on the above-grade amenity areas due to their elevation and exposure to the prevailing winds". Planning staff note that the south side of the building is the primary

frontage of the building from which both residential and retail access are provided. A built form that results in "potentially unsafe wind conditions" is unacceptable. Moreover, Planning staff note that a Letter of Opinion does not represent an adequate level of rigour for determining the potential wind impact of a proposed development.

Traffic Impact, Access, Parking and Servicing

The proposed development incorporates four levels of below-grade parking comprising 155 parking spaces (20 associated with the retail use, 108 associated with the residential use, and 29 associated with visitor use). Access to the below-grade facility is provided by a driveway on the western portion of the site and a single curb-cut on Balliol Street. A total of 529 bicycle parking spaces are proposed, distributed among the four levels of below-grade parking and the ground floor and mezzanine above-grade.

Comments provided by Engineering and Construction Services staff requested additional information and revised drawings be provided to the City. For example, Transportation Services staff requested that justification be provided for the sought reduction to the Zoning By-law parking requirements as well as further detail with regard to the design and configuration of the below-grade parking facility while Solid Waste Management staff requested revisions to the proposed loading spaces. A revised Functional Servicing and Stormwater Management Report was also required. No revisions were submitted prior to the appeal.

Streetscape and Public Realm

The character of apartment neighbourhoods like those east of Yonge Street and south of Davisville Avenue are defined in part by generous landscaped open spaces between and around apartment buildings. The Midtown in Focus study recognized this characteristic in the Public Realm and Open Space category and recommended that the unique open space amenity and spaciousness provided by the Midtown Apartment Neighbourhoods is reinforced by ensuring abundant landscaping at grade and generous building spacing. Public realm and built form policies in the Official Plan note the mutually-supportive relationship between buildings and the streets, open spaces, and parks they front. New development serves as an opportunity to improve sidewalks, conserve mature trees and plant new ones, and create additional connections to enhance the pedestrian network.

The landscape plans submitted by the applicant propose the removal of six existing trees on the subject site while proposing no new trees. While a narrow strip of grass is proposed within the sidewalk area on Balliol Street, no soft landscaping is proposed within the proposed development's front setback. The existing midblock connection at the east side of the subject site which facilitates north-south movement from Balliol Street and Davisville Avenue is proposed to be removed, removing an off-street pedestrian route from the local active transportation network. For these reasons, the proposed development does not conform to the Built Form, Public Realm, and *Apartment Neighbourhoods* policies of the Official Plan.

The proposed building also does not align with the development criteria articulated in OPA 405, which requires a minimum six-metre setback at- and above-grade on Balliol Street to accomplish the Balliol Green Street public realm move.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 5,667 m² or 321% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 179 m².

The owner is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as 179 m² is not of a suitable size to develop a programmable park within the existing context of this development. The site is also less than 300 m from Oriole Park, which contains a baseball diamond, community garden, picnic site, tennis court, and a splash pad.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Facilities for Dogs

Given the current rise in dog population in the downtown area, especially within condominium towers, the applicant is expected to provide on-site dog amenities with proper disposal facilities for the building residents or dog relief stations within the building. This will help to alleviate some of the pressure on the existing neighbourhood parks.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant has submitted the required Toronto Green Standards Checklist for Mid to High Rise Residential and all New Non-Residential Development. The checklist will be reviewed for conformity with Tier 1 requirements and full compliance will be required prior to approval of the requested applications.

Section 37

Section 37 of the *Planning Act* allows the City to enter into an agreement with an applicant to grant an increase in height and/or density (over and above that permitted by the Zoning By-law) in return for community benefits to be provided by the applicant. Details of a Section 37 Agreement between the applicant and the City would be established if the project is ultimately approved by the LPAT.

Since this application is not considered good planning and is not supported by City staff, there has been no discussion with the applicant about the quantum of the community benefits. In the event the LPAT grants additional density and/or height beyond that which is permitted in Zoning By-law, the City will request that the LPAT withhold its final order until the City has an agreement with the applicant to secure the appropriate community benefits. Such benefits could include contributions (as deemed appropriate by City Council) for:

- i. public realm improvements in the Yonge-Eglinton Secondary Plan area; and/or
- ii. community services and facilities in the Yonge-Eglinton Secondary Plan area in accordance with emerging infrastructure priorities identified in the Yonge-Eglinton Secondary Plan Review;
- iii. any matters to be secured as a matter of convenience

Conclusion

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2017), the Toronto Official Plan, the Yonge-Eglinton Secondary Plan, the Midtown in Focus: Growth, Built Form and Infrastructure Review / Draft Built Form Principles, and the Tall Buildings Guidelines.

Staff are of the opinion that the proposal is not consistent with the PPS (2014) and does not conform with the Growth Plan (2017). The proposal does not conform to the Toronto Official Plan, particularly as it relates to Healthy Neighbourhoods, Public Realm, Built Form, and *Apartment Neighbourhoods* policies. The proposal also does not relate to the

direction provided in the Yonge-Eglinton Secondary Plan or the principles of the Midtown in Focus study. Further, the proposed development does not adequately address the City's Tall Building Design Guidelines, or the intent of those guidelines.

The proposal does not represent good planning and is not in the public interest. Therefore, staff recommend that Council provide authority for the appeal of the application to be opposed at the LPAT.

CONTACT

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SIGNATURE

Lynda H. Macdonald, OALA, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Application Data Sheet
Attachment 2: Location Map
Attachment 3: Official Plan Land Use Map
Attachment 4: Yonge-Eglinton Secondary Plan Map
Attachment 5: Existing Zoning By-law Map
Attachment 6: Site Plan
Attachment 7: 3D Massing Model
Attachment 8: North and East Elevations
Attachment 9: South and West Elevations
Attachment 10: Sun/Shadow Study Extract

Attachment 1: Application Data Sheet

Application Type	Rezoning	Application Number:	16 119794 STE 22 OZ
		Application Date:	February 23, 2016

Municipal Address:	22 BALLIOL ST
Location Description:	PLAN 1187 LOTS 3 TO 6 W PT LOT 3 PLAN 830E PT LOT 3 PLAN 284E PT LOTS 18 & 19 RP 63R3448 PART 4 **GRID S2208
Project Description:	Proposal for rezoning amendment related to a 38 storey mixed use building with 425 residential rental units with retail on ground floor and underground parking

Applicant:	Agent:	Architect:	Owner:
Maurice Wager	Maurice Wager	gh3	Melco Realty Group Ltd

PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhoods	Site Specific Provision:
Zoning:	R (d0.35)(x216)	Historical Status:
Height Limit (m):	38.0 metres	Site Plan Control Area:

PROJECT INFORMATION

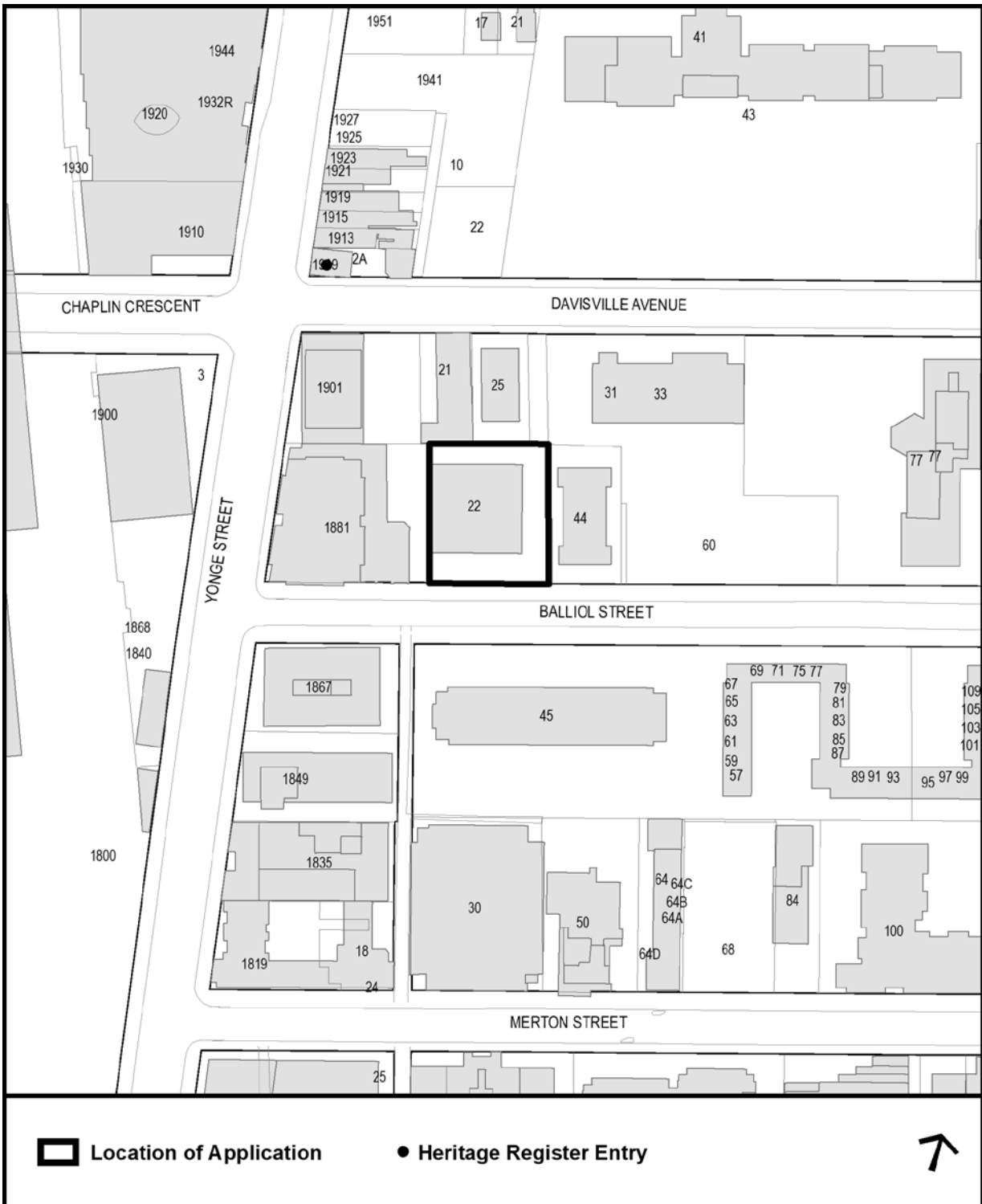
Site Area (sq. m):	1,892	Height:	Storeys:	38
Frontage (m):	40.21		Metres:	119.25
Depth (m):	40.15			
Total Ground Floor Area (sq. m):	1216.5			Total
Total Residential GFA (sq. m):	2,6742.3		Parking Spaces:	155
Total Non-Residential GFA (sq. m):	1,882.3		Loading Docks	3
Total GFA (sq. m):	28,264.6			
Lot Coverage Ratio (%):	64.3			
Floor Space Index:	15.13			

DWELLING UNITS

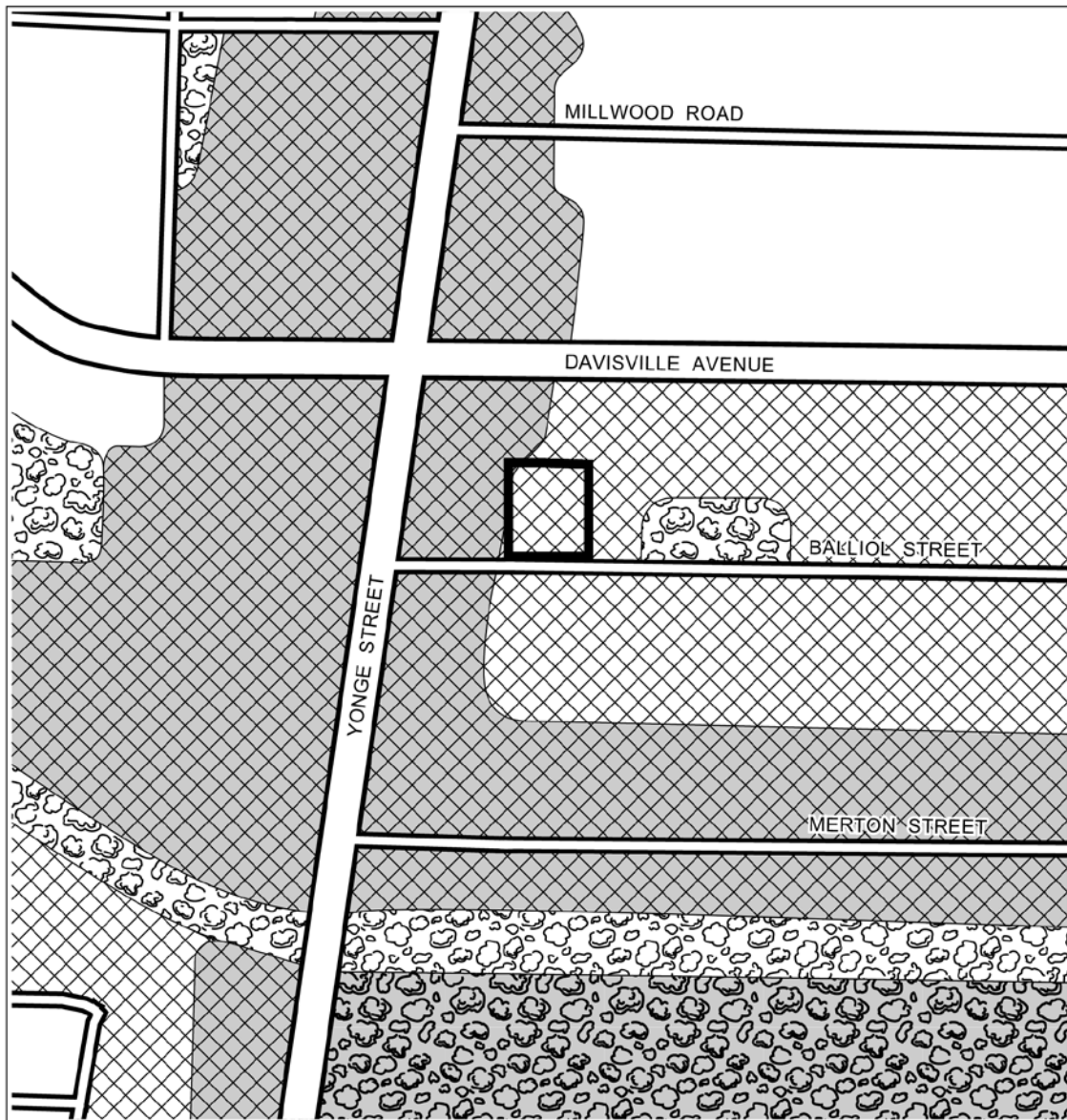
FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Rental		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	26742.3	0
Bachelor:	35	Retail GFA (sq. m):	1882.3	0
1 Bedroom:	315	Office GFA (sq. m):	0	0
2 Bedroom:	70	Industrial GFA (sq. m):	0	0
3 + Bedroom:	5	Institutional/Other GFA (sq. m):	0	0
Total Units:	425			

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



TORONTO City Planning

22 Balliol Street

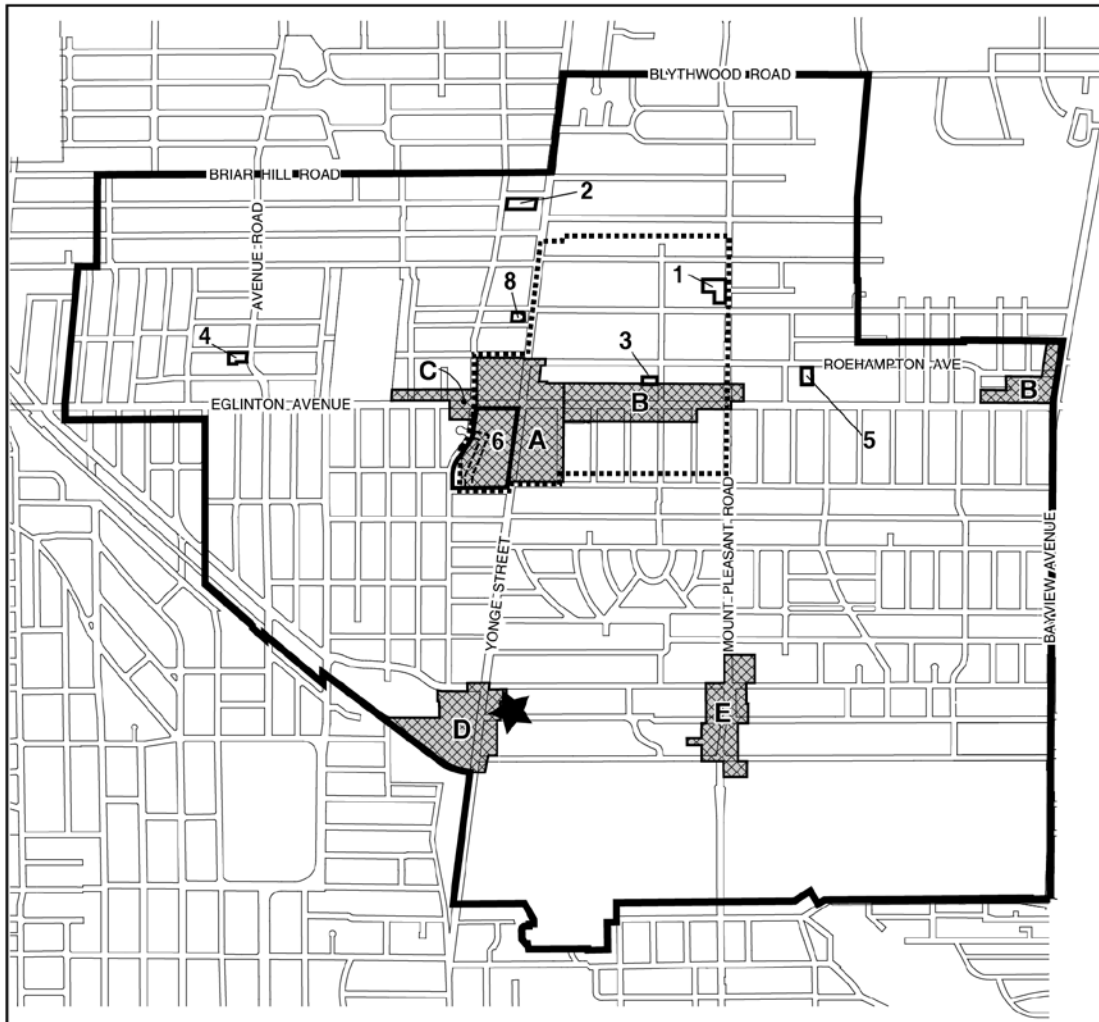
Official Plan

File # 16_119794_STE 22 02

Site Location	Parks & Open Space Areas	Institutional Areas	Utility Corridors
Neighbourhoods	Natural Areas	Regeneration Areas	
Apartment Neighbourhoods	Parks	Employment Areas	
Mixed Use Areas	Other Open Space Areas		

↑
Not to Scale
03/14/2016

Attachment 4: Yonge-Eglinton Secondary Plan Map



★ SUBJECT SITE - 22 BALLIOL STREET

— Secondary Plan Boundary

--- Yonge-Eglinton Centre

■ Mixed Use Areas

1 Site and Area Specific Policies

--- Proposed Road

Yonge-Eglinton Secondary Plan

MAP 21-1 Land Use Plan

July 2014

Yonge Eglinton Secondary Plan

Applicant's Submitted Drawing

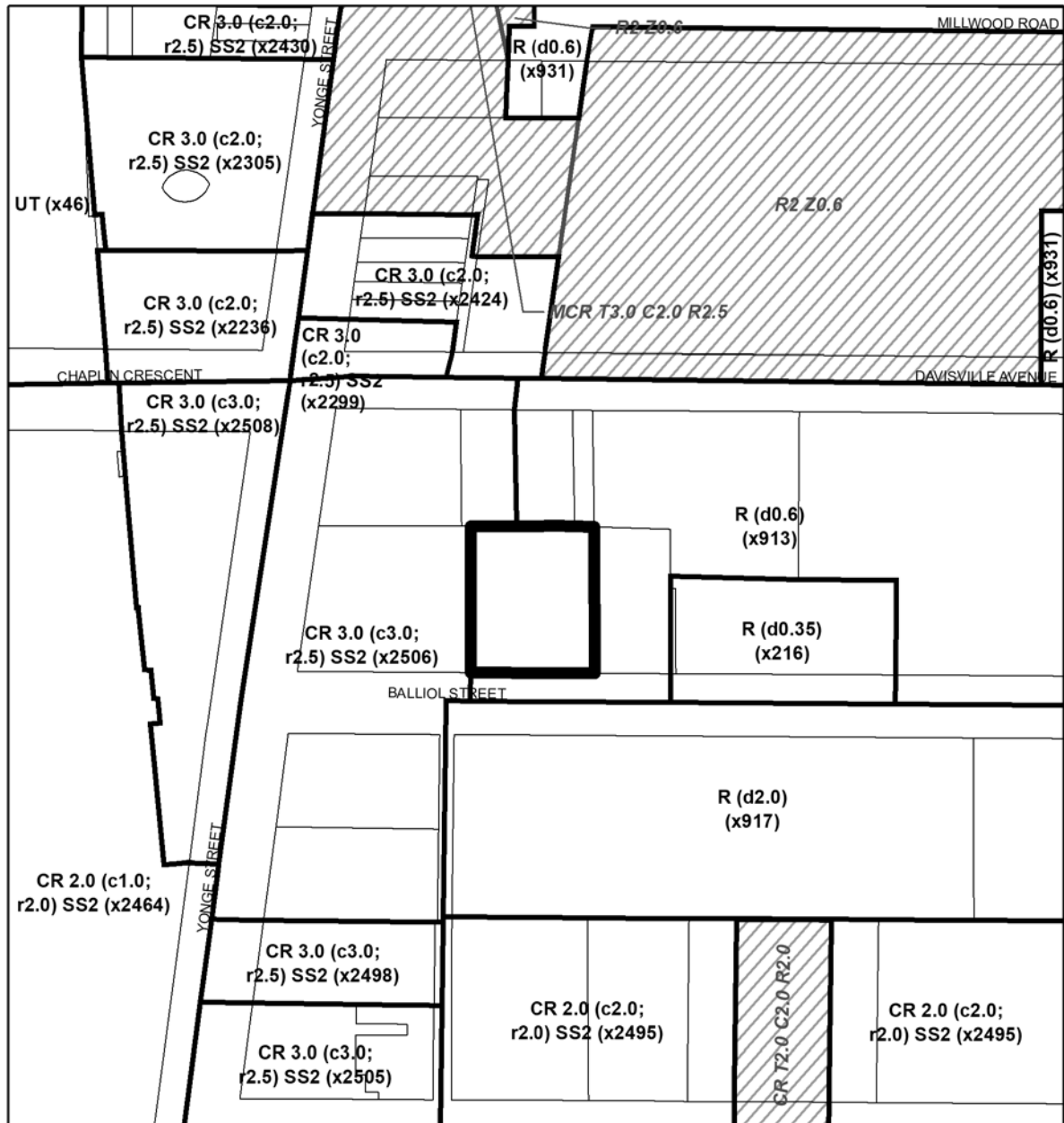
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03/14/2016



22 Balliol Street

File # 16_119794_STE 22 0Z

Attachment 5: Existing Zoning By-law Map



Zoning By-law 569-2013

22 Balliol Street

File # 16 119794 STE 22 0Z



Location of Application

R Residential CR Commercial Residential
UT Utility and Transportation



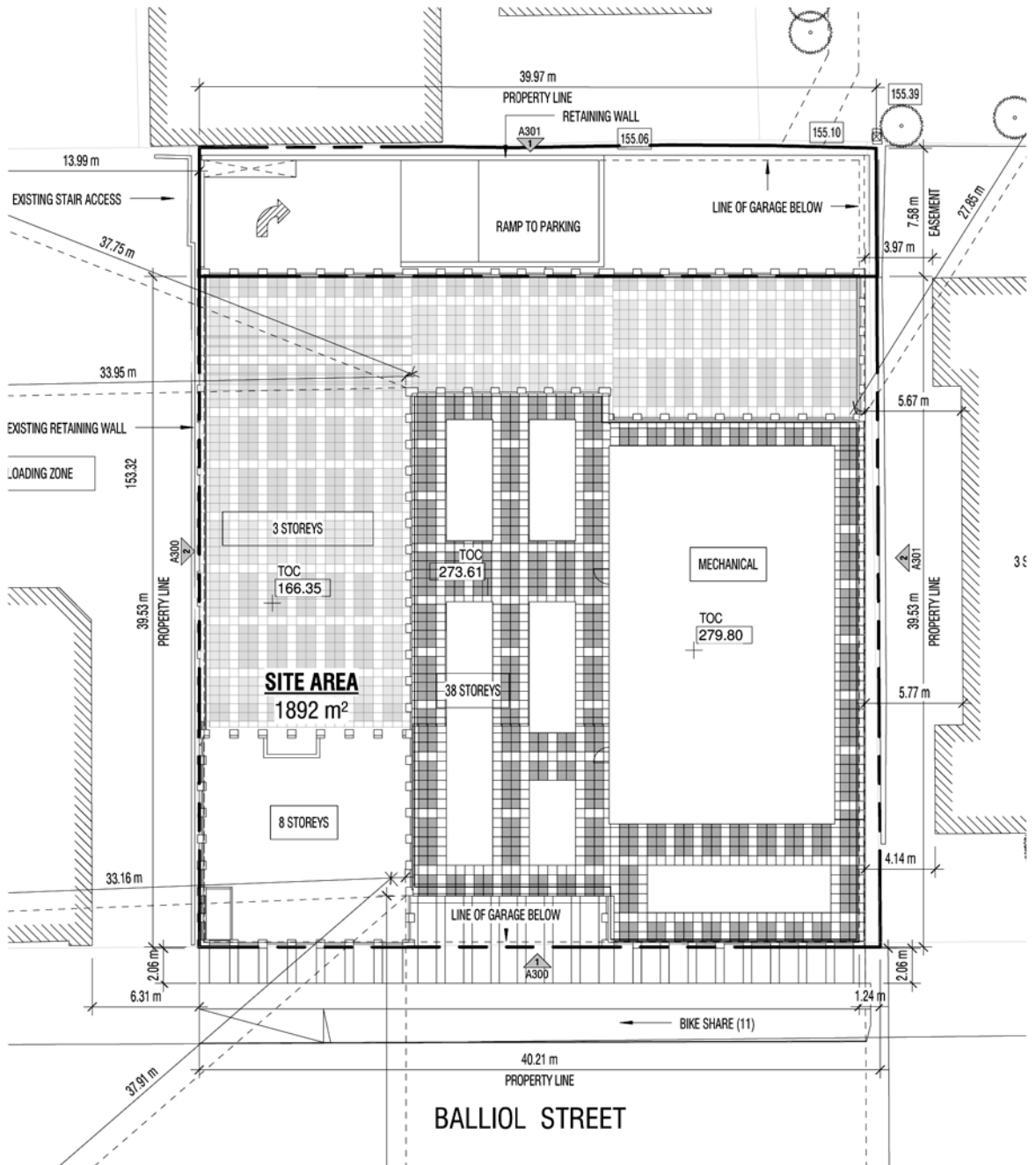
See Former City of Toronto By-Law No. 438-86

R2 Residential District
CR Mixed-Use District
MCR Mixed-Use District



Not to Scale
Extracted: 11/26/2018

Attachment 6: Site Plan



Site Plan

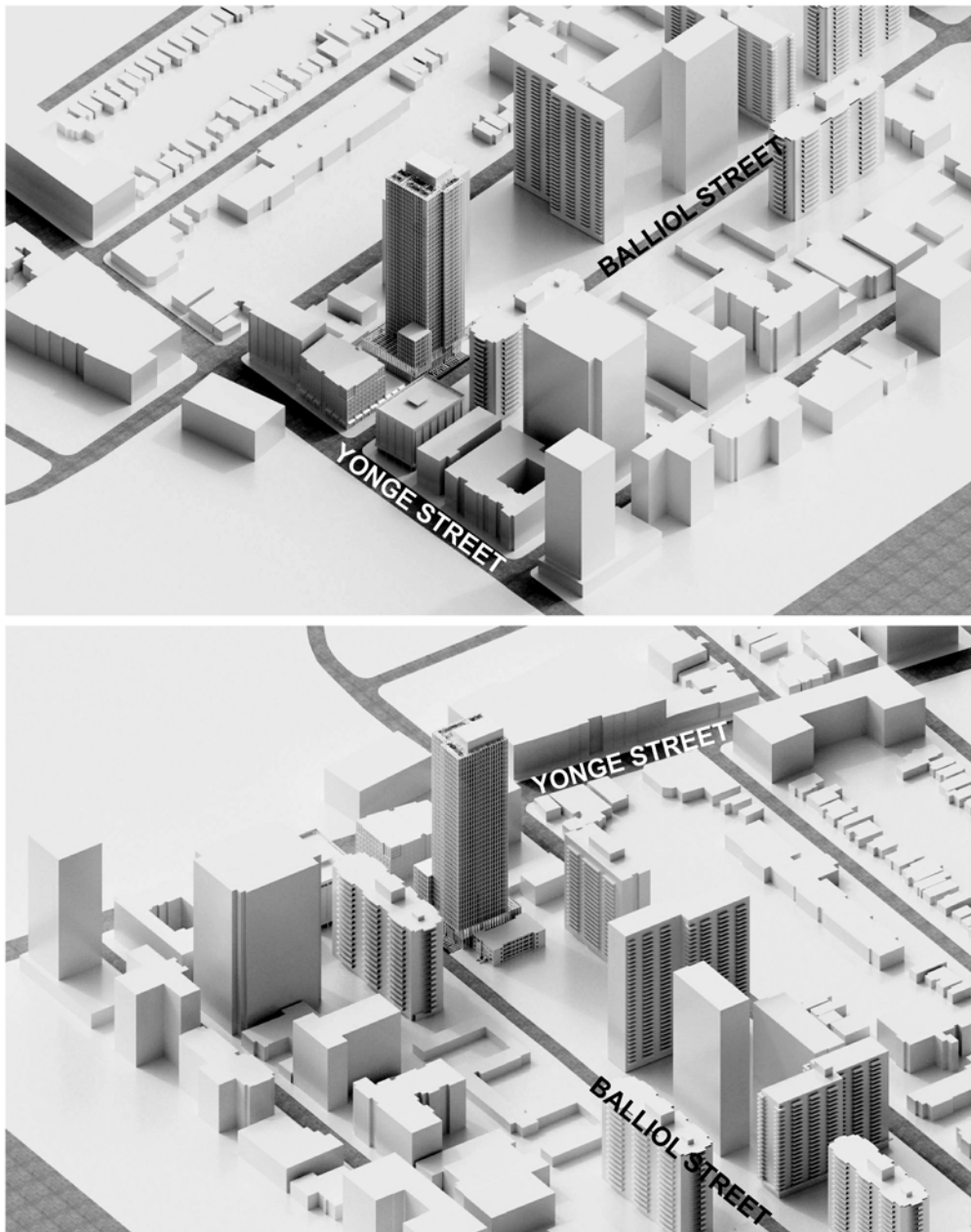
22 Balliol Street

Applicant's Submitted Drawing

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11/23/2018

File # 16 119794 STE 22 02

Attachment 7: 3D Massing Model



3D Model

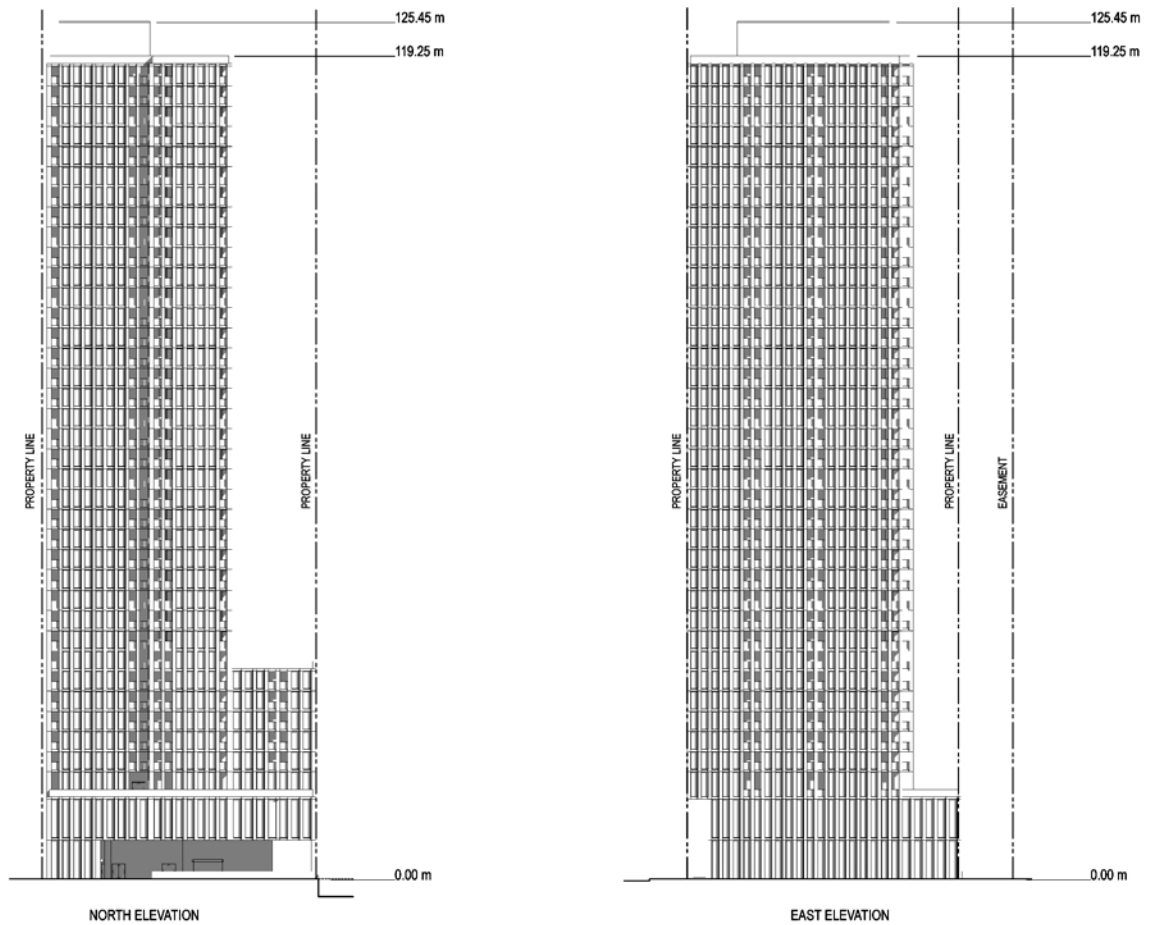
Applicant's Submitted Drawing

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11/23/2018

22 Balliol Street

File # 16 119794 STE 22 02

Attachment 8: North and East Elevations



North & East Elevations

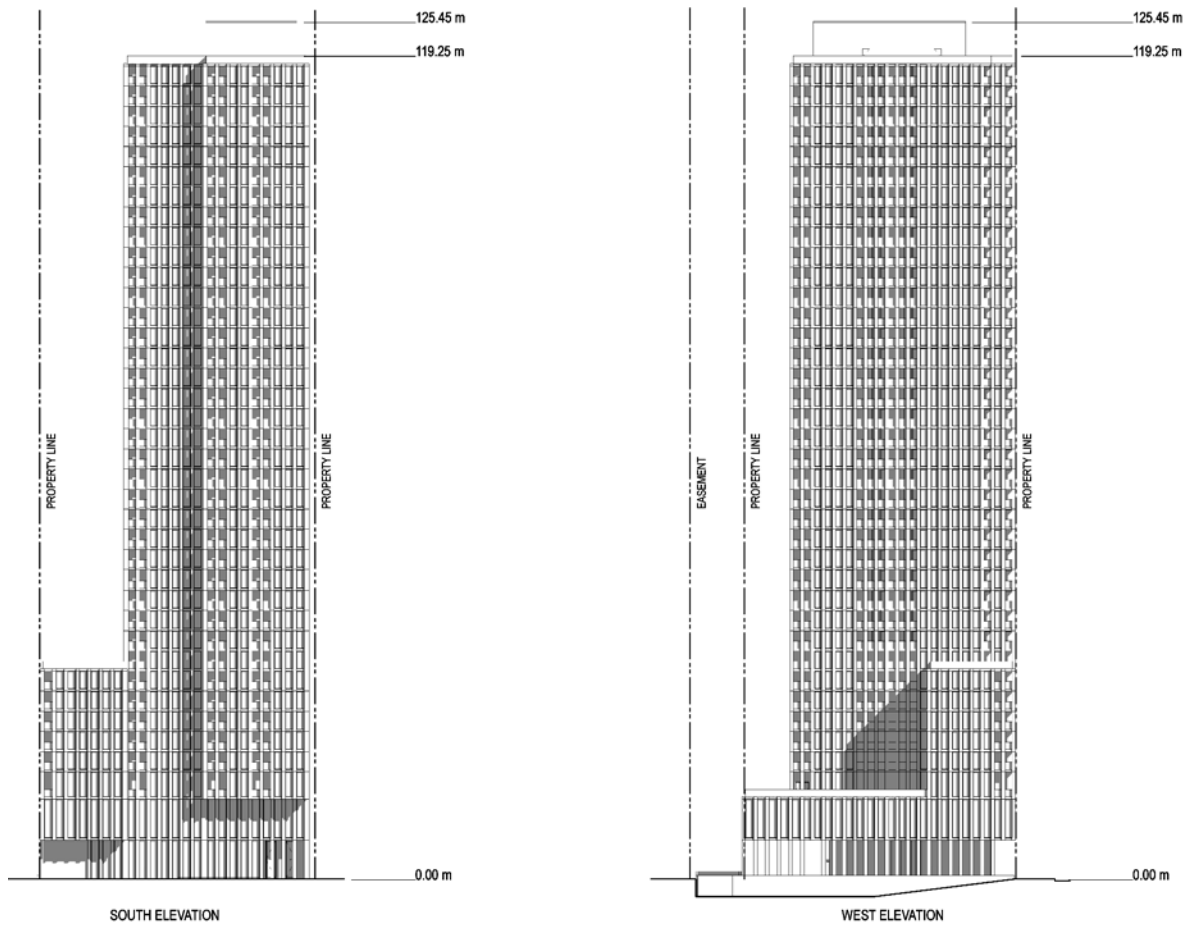
Applicant's Submitted Drawing

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11/23/2018

22 Balliol Street

File # 16 119794 STE 22 02

Attachment 9: South and West Elevations



South & West Elevations

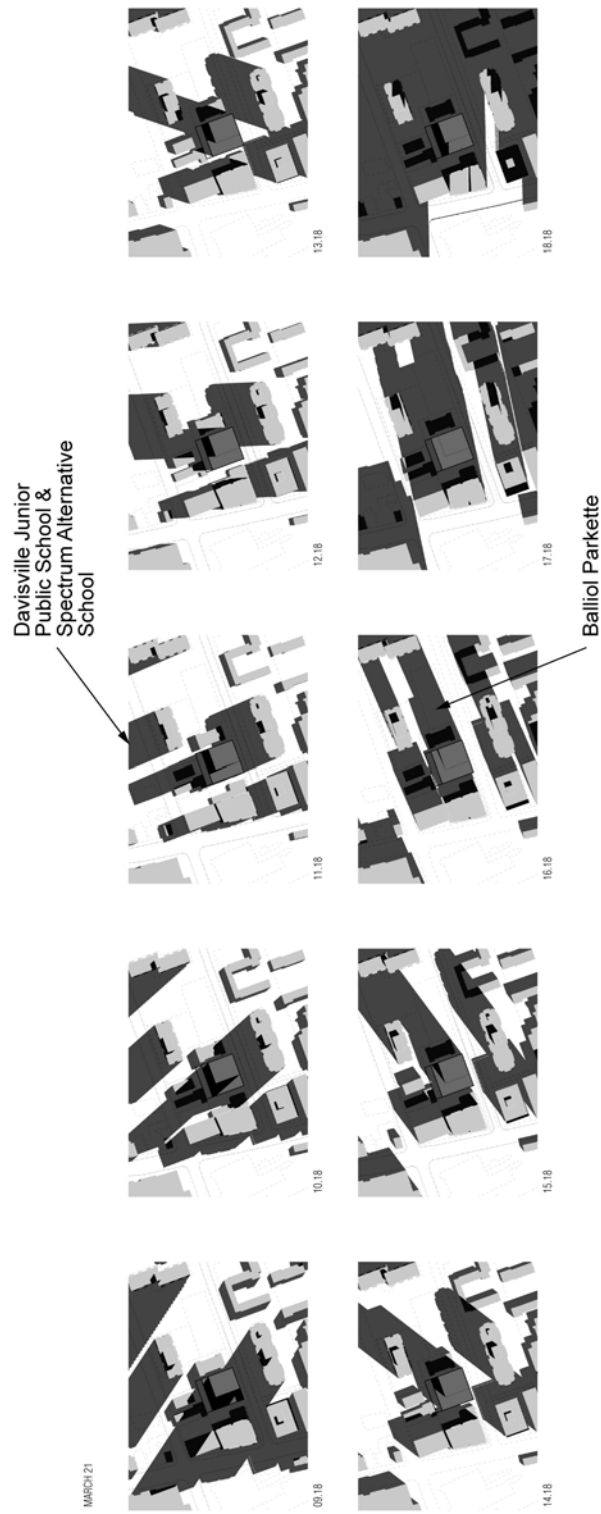
22 Balliol Street

Applicant's Submitted Drawing

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11/23/2018

File # 16 119794 STE 22 02

Attachment 10: Sun/Shadow Study Extract



22 Balliol Street

File # 16 119794 STE 22 0Z

Shadow Studies

Applicant's Submitted Drawing

Not to Scale
11/26/2018

