

26-40 Birch Avenue – Zoning By-law Amendment Application – Preliminary Report

Date: January 28, 2019

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward: 12 - St. Paul's

Planning Application Number: 18 212287 STE 22 OZ

Related Applications: 18 212297 STE 22 SA and B0099/18TEY

Date Complete Application Submitted: August 20, 2018

Current Use(s) on Site: 1-storey commercial building with surface parking at west side

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application located at 26-40 Birch Avenue. Staff is currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. A community consultation meeting was held on December 17, 2018.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Additional mailing costs resulting from an expanded notification area for the community consultation meeting held on December 17, 2018 beyond 120 metres of the site be borne by the applicant.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposal Description

A 4-storey (17.36 metres, including mechanical penthouse and rooftop staircase enclosures) residential building containing a total of 27 dwelling units (18 two-bedroom units and 9 three-bedroom units), 6,894 square metres of residential floor area, 52

resident parking spaces, and 6 visitor parking spaces are proposed. Six dwelling units will have at grade entrances facing Birch Avenue. The FSI for the development is 2.64 times the area of the lot.

Detailed project information is found on the City's Application Information Centre at:

<https://www.toronto.ca/city-government/planning-development/application-information-centre/>

See Attachment 1 of this report, for a three dimensional representation of the project in context.

Provincial Policy Statement and Provincial Plans

Land use planning in the Province of Ontario is a policy led system. Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2014) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: the Growth Plan for the Greater Golden Horseshoe (2017) and, where applicable, the Greenbelt Plan (2017). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

Toronto Official Plan Policies and Planning Studies

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from The Planning Act of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies may be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The site is located on lands shown as Neighbourhoods on Land Use Map 17 of the Official Plan and within the Yonge-St. Clair Secondary Plan.

Zoning By-laws

The property is zoned R2 Z1.0 under Zoning By-law 438-86, as amended, and R (d1.0) (x745) under Zoning By-law 569-2013. These zones permit a range of residential building types including detached houses, semi-detached houses, townhouses, duplexes, triplexes, fourplexes and apartments. The site has a maximum permitted height of 11 metres and a maximum permitted density of 1.0 times the area of the lot.

The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

Design Guidelines

The following design guideline(s) will be used in the evaluation of this application:

- Townhouse and Lowrise Apartment Guidelines; and
- Growing Up: Planning for Children in New Vertical Communities.

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application has been submitted and is under review.

Pedestrian Easement

A consent application has been filed with the Committee of Adjustment to establish an easement for pedestrian access in favour of the residential properties abutting the subject site to the north. These properties include 23, 29, 33, 37 and 39 Alcorn Avenue. The application is under review.

Community Consultation

A community meeting was held on December 17, 2018 at 255 Spadina Road (Toronto Archives) and attended by 25 members of the public. At the meeting City staff and the applicant's team gave presentations on the site and surrounding area, the existing planning framework, and the proposed 4-storey building. Following the presentations, City staff led a town hall format question and answer period.

The attendees asked questions and expressed a number of comments, issues and concerns, including:

- the proposed building is too tall and too dense for the street and neighbourhood;
- the architectural style is not in keeping with the character of the area;
- the proposed massing will result in shadow impacts on adjacent properties;
- the size of the building footprint is too large and results in reduced landscaped open space for the site;
- the traffic generated as a result of the proposed development will add to an already congested street;
- there are issues with the methodology and conclusions of the submitted Traffic Impact Assessment; and
- new dwelling units will increase TTC ridership on a subway line that seems to be at capacity.

COMMENTS

Reasons for the Application

The application proposes to amend Zoning By-laws 438-86 and 569-2013 for the property at 26-40 Birch Avenue to vary performance standards including: building height; density; building depth; bicycle parking supply; building setbacks; landscaped open space; and communal amenity space.

ISSUES TO BE RESOLVED

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified:

Provincial Policies and Plans Consistency/Conformity

Staff will continue to evaluate this planning application for consistency with the PPS (2014) and conformity with the Growth Plan (2017).

- Given the explicit link between Provincial Policy and the Official Plan, conformity with the PPS and the Growth Plan will be largely determined by conformity with the Official Plan.

Official Plan Conformity

Staff will continue to evaluate this planning application against the Official Plan to determine the application's conformity to the Official Plan including the Yonge-St. Clair Secondary Plan.

Built Form, Planned and Built Context

Staff will continue to assess the suitability of the proposed height, massing, and other built form issues based on Section 2 q. and r. of the *Planning Act*, the Growth Plan (2017), the City's Official Plan policies and the City's Design Guidelines including the Townhouse and Lowrise Apartment Guidelines.

Staff will continue to assess:

- the appropriate building height and streetwall height for the existing context;
- the potential for negative impacts of the proposed building to adjacent properties;
- the appropriateness of the proposed side yard setbacks;
- the provision of adequate landscaped open space;
- the appropriateness and suitability of the proposed public realm including building setback, alignment with adjacent properties, and treatment of the public right-of-way;
- the provision of adequately sized pedestrian walkways from Birch Avenue along the west side and rear lot lines, ensuring good connectivity and access for rear ground floor units and adjacent properties to the north;
- the layout of the site including reviewing the site plan in relation to Crime Prevention Through Environmental Design (CPTED) principles; and

- the provision of high quality building materials.

Additional issues may be identified through the review of the application including further review from City divisions and agencies and the public consultation process.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law). The applicant has submitted an Arborist Report and a Tree Inventory and Preservation Plan, as prepared by Cohen and Master Tree and Shrub Services.

Staff will continue to assess:

- the appropriateness of the applicant's tree replacement plan which proposes the removal of six City-owned street trees and seven protected private trees and replaced with six new street trees and eleven new on-site trees.

Urban Forestry staff has requested an on-site meeting with the applicant's Arborist and construction project manager to discuss the potential impacts of the design and construction related activities associated with the development as proposed on any trees to be maintained.

Infrastructure/Servicing Capacity

Staff is reviewing the application to determine if there is sufficient infrastructure capacity (roads, transit, water, sewage, hydro, community services and facilities, etc.) to accommodate the proposed development. The applicant has submitted the following studies and reports which have been reviewed by Engineering and Construction Services staff: a Functional Servicing and Stormwater Management Report; Hydrogeological Investigation; Geotechnical Investigation; and Traffic Impact and Parking Study.

Staff will continue to assess:

- the Servicing Report provided by the applicant, to evaluate the effects of the development on the City's municipal servicing infrastructure and identify and provide the rationale for any new infrastructure and upgrades to existing infrastructure, necessary to provide adequate servicing to the proposed development; and
- the Transportation Impact Study submitted by the applicant, to evaluate the effects of the development on the transportation system, and to identify any transportation improvements that are necessary to accommodate the travel demands and impacts generated by the development.

Revisions and additional details have been requested of the applicant to satisfy Engineering Construction and Servicing staff. Further information is also required at the site plan control stage of the application.

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.

Staff will continue to assess:

- the TGS Checklist submitted by the applicant for compliance with the Tier 1 performance measures.

Other Matters

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

CONTACT

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SIGNATURE

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

ATTACHMENTS

City of Toronto Drawings

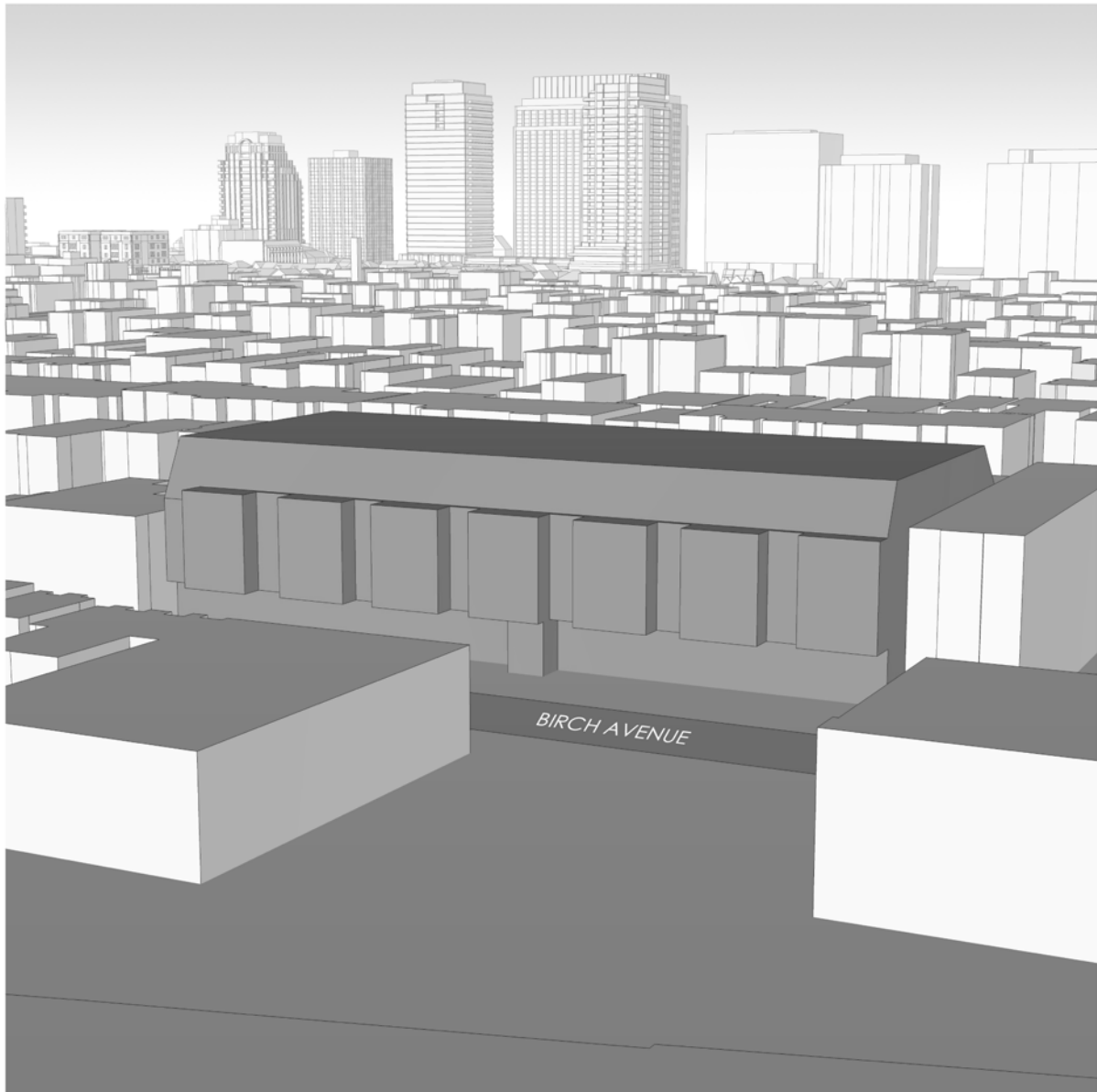
Attachment 1: 3D Model of Proposal in Context

Attachment 2: Location Map

Attachment 3: Site Plan

Attachment 4: Official Plan Map

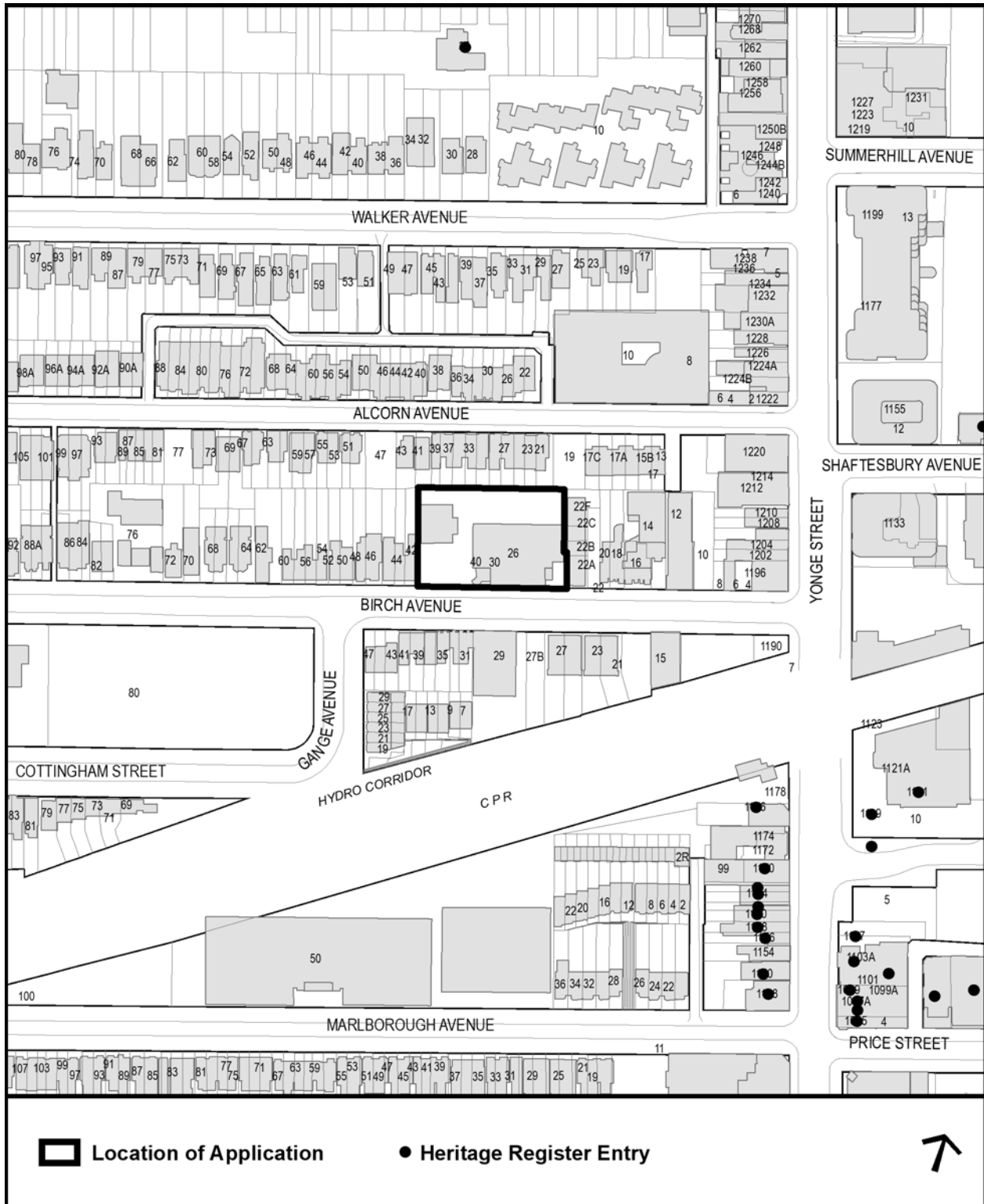
Attachment 1: 3D Model of Proposal in Context



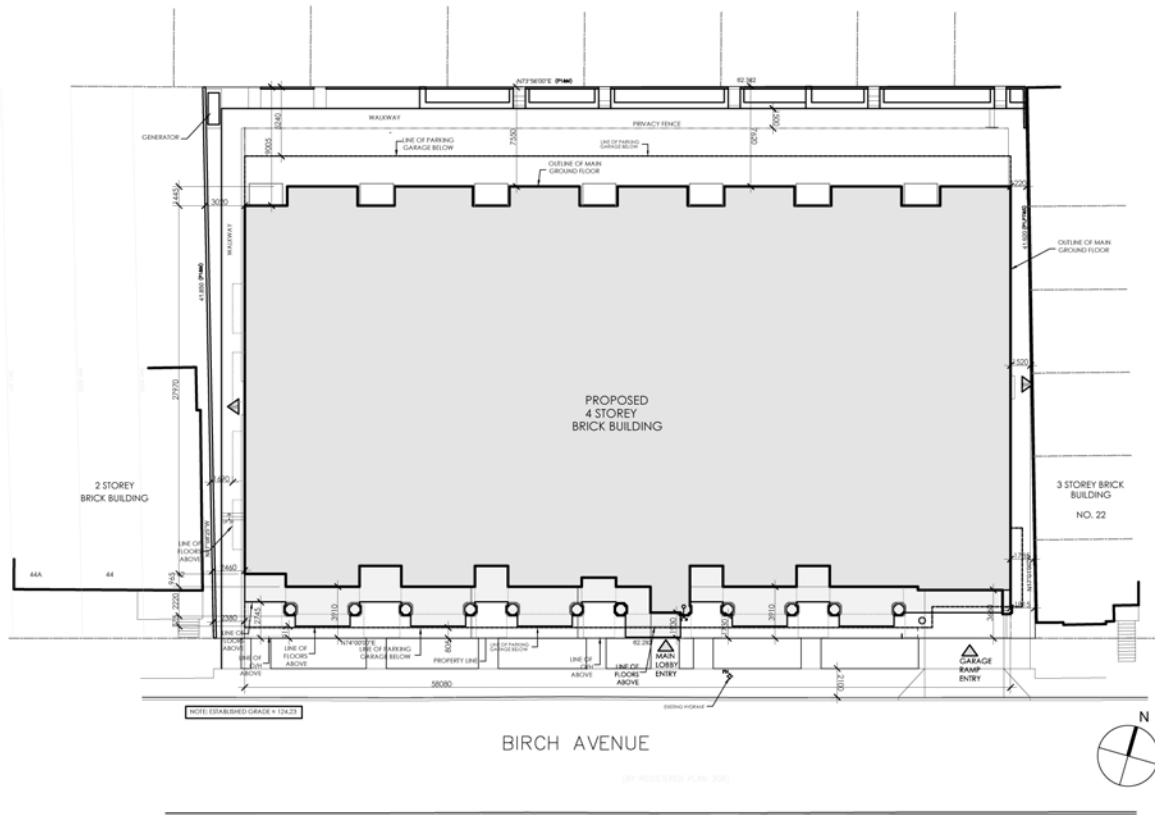
View of Applicant's Proposal Looking Northwest



Attachment 2: Location Map



Attachment 3: Site Plan



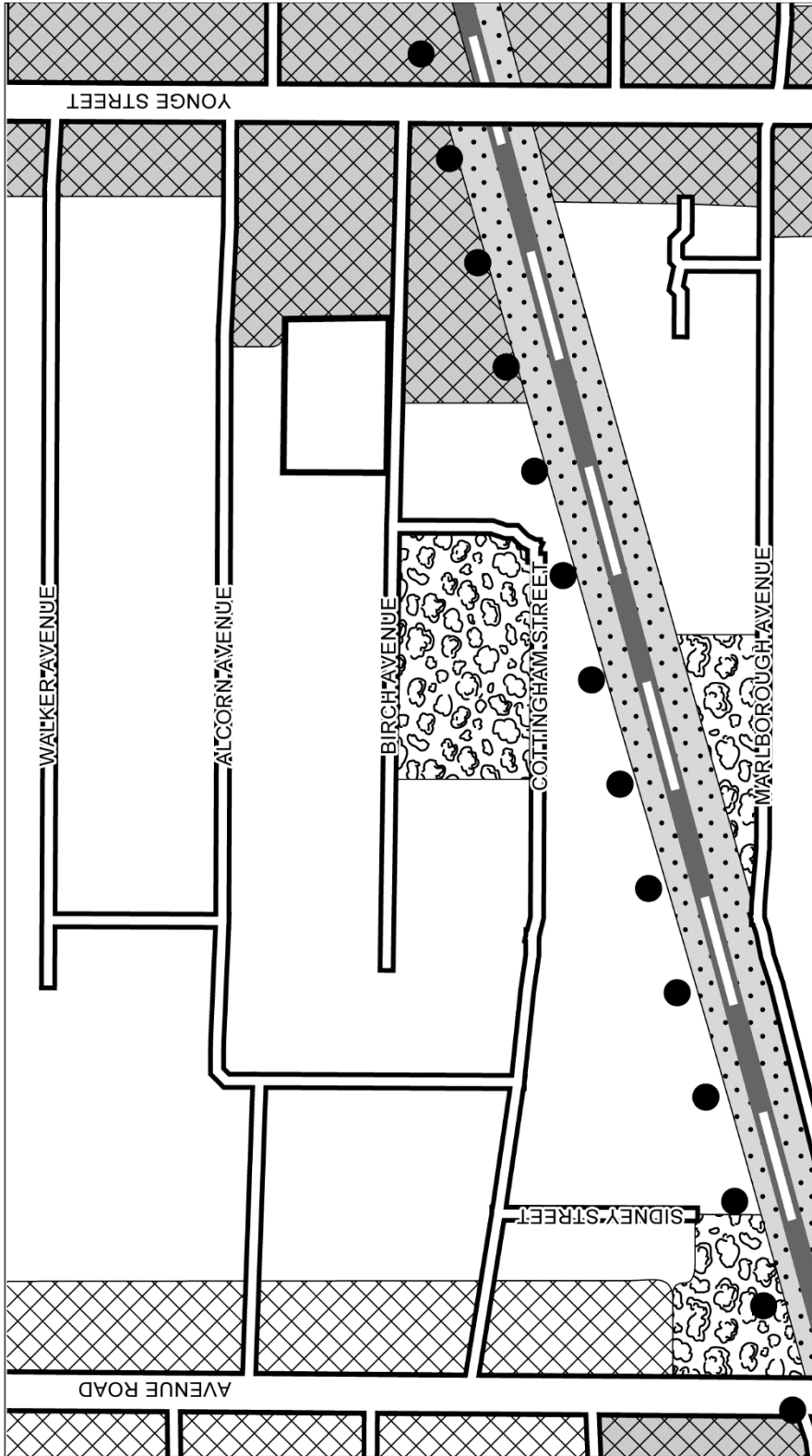
Site Plan

Applicant's Submitted Drawing

Not to Scale
01/29/2019

26-40 Birch Avenue







File # 18 212287 STE 22 OZ



26-40 Birch Avenue

TORONTO
Official Plan Land Use Map

File # 18 212287 STE 22 0Z

-  Location of Application
-  Neighbourhoods
-  Apartment Neighbourhoods
-  Mixed Use Areas
-  Parks & Open Space Areas
 -  Parks
 -  Other Open Space Areas
-  Utility Corridors

↑
Not to Scale
11/23/2018