TORONTO

REPORT FOR ACTION

95-131 and 155 Balliol Street – Zoning Amendment and Rental Housing Demolition Applications – Preliminary Report

Date: September 16, 2020

To: Toronto and East York Community Council

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

Ward: 12 - Toronto-St. Pauls

Planning Application Numbers: 20 155678 STE 12 OZ, 18 173492 STE 22 RH

Notice of Complete Application Issued: July 23, 2020

Current Uses on Site: 18-storey rental apartment building and 19 rental townhouse

units

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application to replace 19 two-storey townhouses with a new 38-storey residential building located at 95-131 and 151 Balliol Street. The existing 18-storey rental building would be retained. Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

RECOMMENDATIONS

The City Planning Division recommends that:

- 1. Staff schedule a community consultation meeting for the application located 95-131 and 155 Balliol Street together with the Ward Councillor.
- 2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

On June 7, 2018 a Zoning By-law Application (File No. 18 173481 STE 22 OZ) was submitted to permit a new 25-storey residential apartment building with a daycare facility and a 902 square metre public park on the west side of the subject site.

On December 4, 2018 City Council adopted an Interim request for Directions Report on the application should the application have been appealed to the Local Planning Appeal Tribunal (the "LPAT") due to a lack of decision. The report can be found at the following link: http://app.toronto.ca/tmmis/viewAgendaltemHistory.do?item=2019.CC1.28

On June 10, 2020 the applicant withdrew their Zoning By-law Amendment Application (File No. 18 173481 STE 22 OZ).

ISSUE BACKGROUND

Site Description

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 properties at 95-131 Balliol Street are 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.

Application Description

A new 38-storey apartment building (129.6 metres to the top of the mechanical penthouse) consisting of a 4-12 storey base building and a tower above is proposed on the lands currently occupied by the 19 townhouse rental dwelling units. The existing 18-storey rental apartment building and rental units would be retained. The proposed base building contains two-storey grade related units with private patio space along the north, west and south side of the building and a private courtyard in the centre of the site.

The proposed base building is set back between 6-14 metres from Balliol Street, 6.2 metres from the west property line, 7.5 metres from the rear property line and 8.5 metres from the east property line. Above the fourth storey (16.6 metres), the building steps back 3 metres on the north and west portion of the site adjacent to the 38-storey tower. On the east portion of the site, the proposed base building steps back 9 metres from the fourth storey along Balliol Street, rises to the 11th storey and steps back an additional 9.4 metres before stepping up to 12 storeys (44.6 metres).

The proposed tower is located on the west side of the site and has a floor plate of 750 square metres.

The proposal includes 1,426 square metres of indoor amenity space and 1,110 square metres of outdoor amenity spaces. The overall total amenity space provided is 2,536 square metres or 4.5 square metres per unit. In addition to amenity space, residents would have access to a landscaped courtyard, dog run and dog relief area at ground level.

The applicant is proposing 286 parking spaces in a 3-level underground garage. Of the 286 parking spaces proposed, 23 would be for visitors, the remainder would be for residential uses. The proposal includes one Type-C and one Type-G loading space both located on the ground floor internal to the building.

Vehicular access to the site is proposed from two access points on Balliol Street. Access to the parking and loading areas would be from the east side of the site.

The application proposes 56 short-term bicycle parking spaces located outdoors and 500 long-term bicycle parking spaces on P1 through P3.

Pedestrian access to the development would be from the walkways on the north, south and west side of the building for the ground-level units and internal access for all units from a lobby off the main courtyard.

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 Nos. 1 - 4 of this report, for Location Map, a three dimensional representation of the project in context, Site Plan, and Application Data Sheet.

Application Submission Requirements

The following reports/studies were submitted in support of the application:

- Survey Plan;
- Architectural Plans, Elevations and Sections;

- Landscape Plans;
- Arborist Report;
- Archeological Assessment;
- Tree Preservation Plan;
- Civil Plans:
- Sun/Shadow Study;
- Planning Rationale Report;
- Public Consultation Strategy Report;
- Pedestrian Level Wind Study;
- Transportation Impact Study;
- Functional Servicing and Stormwater Management Report;
- Hydrogeological Report;
- Energy Strategy Report;
- Draft Zoning By-law Amendments;
- Housing Issues Report;
- Toronto Green Development Standards Checklist; and
- Digital copy of the Building Massing Model.

The application was deemed complete as of July 9, 2020.

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 (2020) (PPS), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) 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.

Major Transit Station Areas

The Growth Plan (2020) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs achieve appropriate densities.

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-quidelines/official-plan/

The application is located on lands designated *Apartment Neighbourhoods* on Map 17 of the Official Plan. See Attachment No. 5: Official Plan Map

The site is located within the Yonge-Eglinton Secondary Plan area. On July 23, 2018, City Council adopted OPA 405 to replace in its entirety the former Yonge-Eglinton Secondary Plan. The Minister of Municipal Affairs and Housing modified and approved OPA 405 on June 5, 2019.

The Secondary Plan designates the site as *Apartment Neighbourhoods* and is located within the Davisville Apartment Neighbourhood Character Area and Secondary Zone of the Transit Node associated with the Davisville Subway Station. The site is also located within the Balliol Green Street public realm improvement area.

The Davisville Apartment Neighbourhoods Character Area is planned to have an anticipated height range of 25 to 40 storeys, with heights generally decreasing with increasing distance from the Davisville subway station.

The Secondary Zone to the Davisville Subway Station ensures that transit-supportive development in a compact urban form and mix of uses are included on all sites within 250-500 metres of Midtown Transit Stations.

The Balliol Greet Street is characterized by tall buildings and will continue to be a pleasant and tranquil connection for pedestrians through the Yonge-Davisville area and a landscaped setting for apartment buildings. Development on both sides of the street will provide a reasonable setback at grade and above grade to support landscaping, including tree and understory plantings, forecourts and POPS.

Zoning By-laws

The site is zoned Residential R2, Z2.0 under Zoning By-law 438-86, as amended, and Residential R (d2.0, x917), with site exception x917. The R and R2 zones permit a range of residential building types, including apartment buildings. The site has a maximum permitted height of 38.0 metres and a maximum permitted density of 2.0 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/

See Attachment No. 6: Existing Zoning By-law Map.

Midtown Zoning Review

As part of the approval of Midtown in Focus in July 2018, City Planning was directed by Council to initiate a zoning review for Midtown's 22 Character Areas to implement the directions of the Secondary Plan. The intent of the zoning review is to establish specific heights in the Zoning By-law as set out in Policy 5.4.3 of the Secondary Plan. It will also provide clarity on the location, scale and form of appropriate development within each Character Area and implement other policy directions within the approved Secondary Plan.

Such a review, as provided for in Policy 2.3.1.4 of the Official Plan, will be used to create an area specific Zoning By-law. It is to be determined whether the area specific Zoning by-law will apply to this block or a broader geography.

Design Guidelines

The following design guidelines will be used in the evaluation of this application:

- Tall Building Design Guidelines;
- Growing Up: Planning for Children in New Vertical Communities;
- Bird Friendly Guidelines; and
- Pet-Friendly Design Guidelines.

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 site is subject to Site Plan Control. A Site Plan Control application has not been submitted.

Rental Housing Demolition and Conversion 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 and Conversion By-law, implements Section 111. The By-law prohibits the demolition or conversion of rental housing in buildings containing 6 or more residential units, of which at least 1 unit is a rental unit, 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 Division.

Council may refuse an application or approve an application with conditions, including conditions requiring an applicant to replace the rental units proposed to be demolished and/or to provide tenant relocation and other assistance, which must be satisfied before a demolition permit is issued. These conditions implement the City's rental housing protection policies in the Official Plan. However, unlike *Planning Act* applications, decisions made by City Council under Chapter 667 are not appealable to the Local Planning Appeal Tribunal (LPAT).

Section 33 of the *Planning Act* also authorizes Council to regulate the demolition of residential properties. Section 33 is implemented through Chapter 363 of the Toronto Municipal Code, the Building Construction and Demolition By-law, which requires Council approval of the demolition of any residential property that contains six 6 or more dwelling units (irrespective of whether any are rental) before the Chief Building Official can issue a demolition permit under the *Building Code Act*.

The proposal for 95-131 and 155 Balliol Street requires Council approval under both Chapters 363 and 667 of the Toronto Municipal Code because it involves the demolition of at least six dwelling units and at least one rental unit.

On June 7, 2018, a Rental Housing Demolition application was submitted to demolish the existing rental townhouse block comprised of 19 rental dwelling units at 95-131 Balliol Street. On June 12, 2020, the applicant submitted revised materials in support of their Rental Housing Demolition application, proposing to replace the 19 existing rental townhouse units within a condominium building rather than the originally proposed purpose-built rental building. As per Chapter 667-14, a tenant consultation meeting will be held to review the impact of the proposal on tenants of the residential rental property and other rental housing matters.

COMMENTS

Reasons for the Application

The application proposes to amend Zoning By-laws 438-86 and 569-2013 for the properties at 95-133 and 15 Balliol Street to vary performance standards including but not limited to: building height; density; depth, parking standards, and building setbacks. Through the review of the application, staff may identify additional areas of noncompliance with the Zoning By-laws.

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 (2020) and conformity with the Growth Plan (2019).

Official Plan Conformity

Staff will continue to evaluate this planning application to determine its conformity to the Official Plan and Yonge-Eglinton 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 Provincial policies, the City's Official Plan and Secondary Plan, and Design Guidelines including the Tall Building, Growing Up, and Pet-Friendly Design Guidelines.

Staff will continue to assess:

- the location and configuration of an on-site park as previously proposed for the site;
- the proposed building's height, density, and massing, in relation to the area's existing and planned built form character and scale;
- the demolition and replacement of the 19 existing townhouses on the site;
- the location of the tower on the site;
- the tower setbacks and separation distances:
- the potential impacts associated with the proposed massing, including but not limited to privacy, wind, and incremental shadowing of nearby parks, and open spaces;
- the proposed public realm including building setbacks, alignment with adjacent properties, and treatment of the public right-of-way in relation to the Balliol Green Street public realm improvement area;
- pedestrian connectivity on and through the site;
- 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;
- 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;
- the mix and size of dwelling units; and,
- the provision of high quality building materials and landscaping.

Infrastructure/Servicing Capacity

Staff and commenting agencies are 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 are being reviewed by Engineering and Construction Services staff: a Functional Servicing and Stormwater Management Report; Hydrogeological Report; and Transportation Impact 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.

Community Services and Facilities

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures used for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions. They include recreation, libraries, childcare, schools, public health, human services, cultural services and employment services, etc. The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

Staff will evaluate:

the impact of the proposed development and local development activity on community services and facilities, including assessment of existing capacity to support the proposed future population; and

the need for an on-site daycare, as proposed in the previous proposal.

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 Preservation Plan. Staff will continue to assess:

- the applicant's tree removal which proposes the removal of 1 City-owned tree and 21 privately-owned trees to accommodate the development; and
- The appropriate number and location of replacement tress on site.

Rental Housing

The latest Zoning By-law Amendment application proposes to redevelop the lands with a new residential condominium building rather than a new purpose-built rental building, as previously proposed by the initial Zoning By-law Amendment application. Consequently, the application no longer contributes new private rental housing supply, as encouraged by Section 3.2.1. of the Official Plan.

Pursuant to Policy 3.2.1.5 of the Official Plan, City Planning staff will need to secure the rental tenure of the building to be retained at 155 Balliol Street, as well as needed improvements and renovations to extend the life of the building and/or to improve amenities for the building's residents.

The new Housing Issues Report (dated June 2020) submitted with the latest Zoning By-law Amendment application does not include details on current rents for the 267 existing rental units at 155 Balliol Street, nor does it confirm that the rental tenure of the building would be secured to satisfy Policy 3.2.1.5(a). However, the rent rolls and original Housing Issues Report (dated August 2018) submitted with the Rental Housing Demolition application in 2018 confirmed that 232 of the 267 existing rental units at 155 Balliol Street had either affordable or mid-range rents, and that the rental tenure of the building would be secured for a period of at least 20 years.

Through the application review process, improvements or renovations to the existing rental building at 155 Balliol Street will need to be addressed in order to improve and/or extend the life of the building. A construction mitigation plan and tenant communications strategy will also need to be developed in order to mitigate the impacts of the construction of the new building on existing tenants.

Pursuant to Policy 3.2.1.6 of the Official Plan, the 19 existing rental townhouses at 95-131 Balliol Street that are proposed to be demolished will be replaced in the new development. Information contained in the latest Housing Issues Report indicates that eight of the 19 existing townhouse units have mid-range rents, while the remaining 11 rental townhouse units have high-end rents. The Report confirms that the replacement rental units will be provided in townhouse form within the base of the new building, and at rents similar to those that are currently in effect.

The replacement rental units, as currently proposed, are significantly smaller than the existing units to be demolished, which does not address the Official Plan policy

requirement that they be replaced with units of the same size. The latest Housing Issues Report also proposes a Tenant Relocation and Assistance Plan that only addresses the minimum requirements of the *Residential Tenancies Act, 2006* (RTA) and does not adequately address the hardship that tenants would face by having to move due to demolition.

Revisions to the sizes of the rental replacement units and the provision of an acceptable tenant relocation and assistance plan will need to be addressed through the application review process.

Growing Up Guidelines

The application proposes to provide 45 (8.4%) of the 536 new dwelling units (non-replacement rental units) as 3-bedroom units, which does not satisfy Guideline 2.1 of the Growing Up guidelines. In addition, none of the proposed new 2-bedroom units are 87-90 square metres in area and none of the proposed new 3-bedroom units are 100-106 square metres in area, which does not adequately support Guideline 3.0.

City Planning staff will work with the applicant to apply the Growing Up Guidelines to this development in order to provide more 3-bedroom units and larger-sized 2- and 3-bedroom units that could accommodate a broader range of households, including families with children.

Affordable Housing

Affordable Housing and Smart Urban Growth are key Strategic Actions for the City of Toronto. Section 3.2.1 of the City's Official Plan states that a full range of housing will be provided and maintained to meet the needs of current and future residents. The Growth Plan (2019) also contains policies 2.2.1.4, 2.2.4.9 and 2.2.6.4 to support the development of affordable housing and a range of housing to accommodate the needs of all household sizes and incomes.

Further discussions with the applicant, the Ward Councillor and City staff will be required to determine opportunities for the provision of on-site or nearby off-site affordable housing.

Archaeological Assessment

The subject site has archaeological resource potential. An archaeological assessment has been submitted and is currently under review.

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. Through the Site Plan approval process, staff will work with the applicant to achieve Tier 2 or higher.

Staff will continue to assess the TGS Checklist submitted by the applicant for compliance with the Tier 1 performance measures.

Section 37 Community Benefits

The Official Plan provides for the use of Section 37 of the Planning Act to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision by the applicant of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement which is then registered on title.

The proposal, at its current height and density, will be subject to Section 37 contributions under the Planning Act. Further discussion with the Ward Councillor, City staff, residents, and the applicant will be required to determine the extent and nature of the required Section 37 community benefits should the application be approved in some form.

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

CONTACT

Alex Teixeira, Senior Planner, Community Planning

Tel. No. (416) 392-0459

E-mail: Alex.Teixeira@toronto.ca

SIGNATURE

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

ATTACHMENTS

City of Toronto Drawings

Attachment 1: Location Map

Attachment 2: 3D Model of Proposal in Context

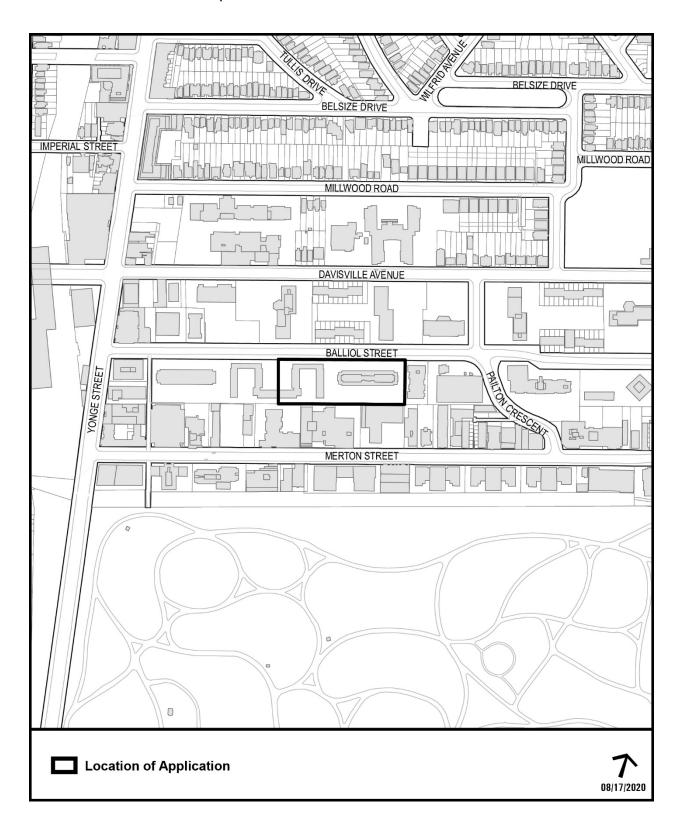
Attachment 3: Site Plan

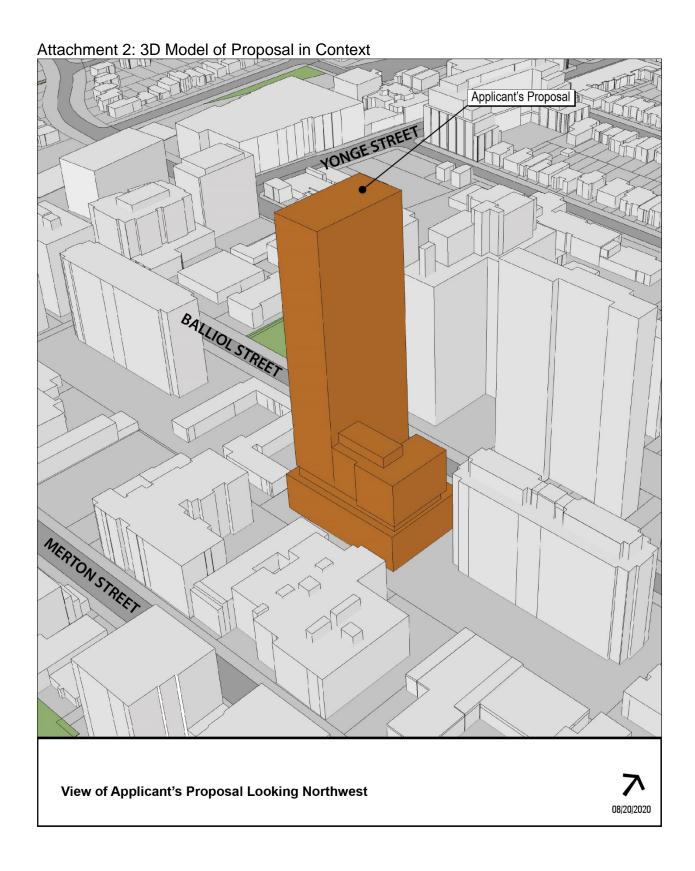
Attachment 4: Application Data Sheet

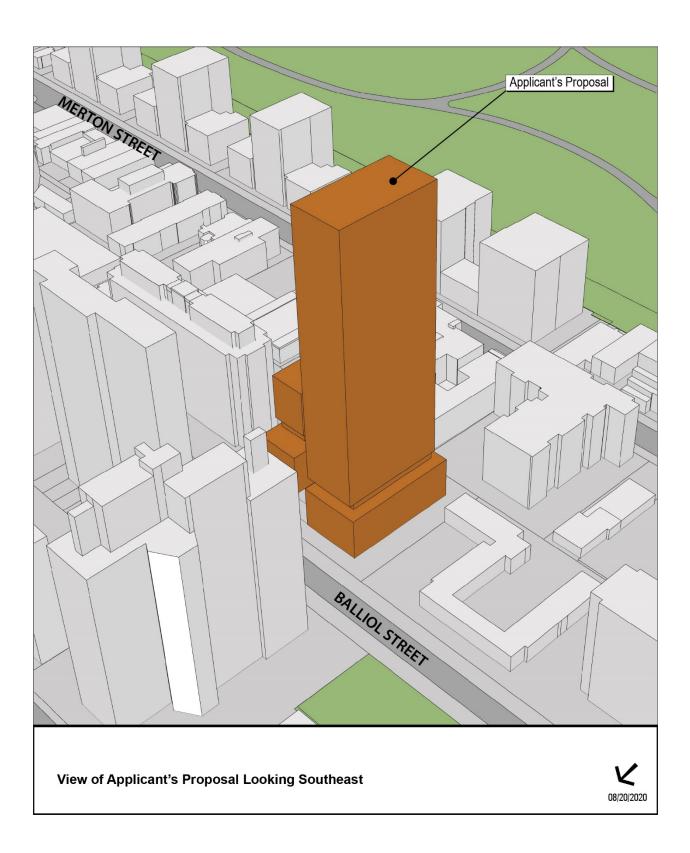
Attachment 5: Official Plan Map

Attachment 6: Existing Zoning By-law Map

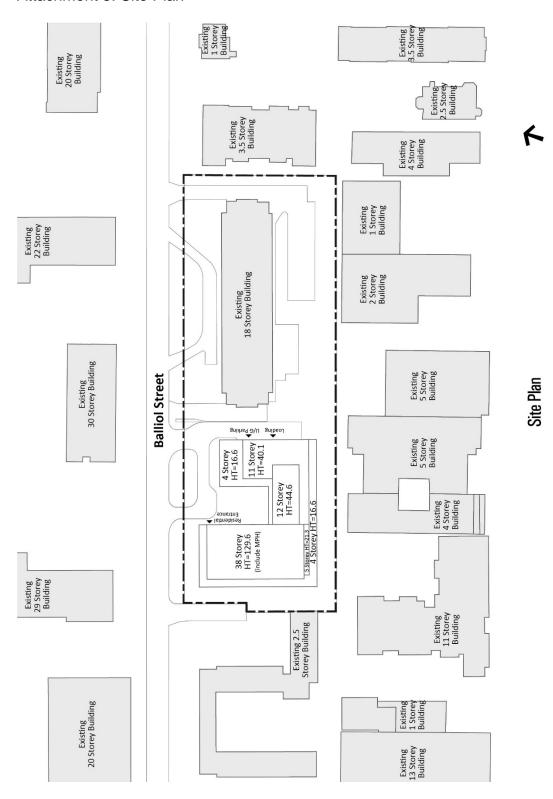
Attachment 1: Location Map







Attachment 3: Site Plan



Attachment 4: Application Data Sheet

Municipal Address: 95-131 and 155 Date Received: June 12, 2020

Balliol Street

Application Number: 20 155678 STE 12 OZ, 18

173492 STE 22 RH

Application Type: Rezoning, Rental Housing Demolition

Project Description: 38-storey residential building with a residential gross floor area

of 37,789 square metres and 536 new residential dwelling units. The existing 2-storey townhouse building containing 19 units

would be demolished and the existing 18-storey rental

apartment building would be maintained.

Applicant Agent Architect Owner

McNaughton McNaughton Quadrangle 401701 Ontario

Hermsen Britton Hermsen Britton Architects Limited Limited

Clarkson Planning Ltd Clarkson Planning Ltd

EXISTING PLANNING CONTROLS

Official Plan Designation: Apartment Site Specific Provision: N

Neighbourhood

Zoning: R (d2.0) (x917) Heritage Designation: N

Height Limit (m): 38 Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 9,853 Frontage (m): 166 Depth (m): 59

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):		1,266	1,626	2,892
Residential GFA (sq m):		21,525	37,789	59,314
Non-Residential GFA (sq m):				
Total GFA (sq m):		21,525	37,789	59,314
Height - Storeys:	18	18	38	38
Height - Metres:			129.6	129.6

Lot Coverage Ratio

29.35

Floor Space Index: 6.02

Floor Area Breakdown

Above Grade (sq m)

Below Grade (sq m)

Residential GFA:

57,552

1,762

Retail GFA:

(%):

Office GFA:

Industrial GFA:

Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	286	267	19	286
Freehold: Condominium:			536	536
Other:				
Total Units:	286	267	555	822

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:		30	137	93	7
Proposed:		60	275	163	57
Total Units:		90	412	256	64

Parking and Loading

Parking 286 Spaces:

Bicycle Parking Spaces:

556

Loading Docks: 2

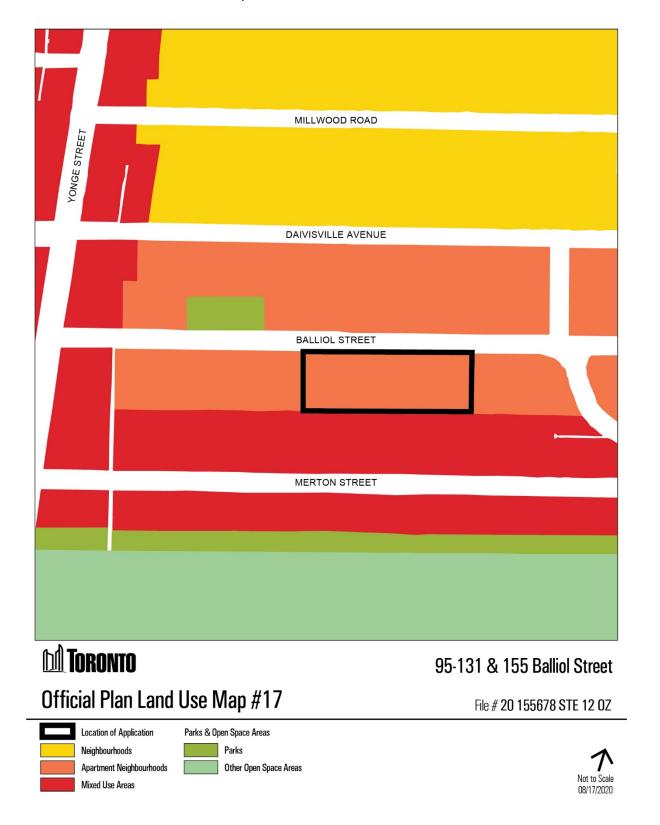
CONTACT:

Alex Teixeira, Senior Planner, Community Planning

(416) 392-0459

Alex.Teixeira@toronto.ca

Attachment 5: Official Plan Map



Attachment 6: Existing Zoning By-law Map

