

## **63-91 Montclair Avenue – Zoning By-law Amendment and Rental Housing Demolition Applications – Request for Direction Report**

Date: March 25, 2021

To: Toronto and East York Community Council

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

Ward: 12 - Toronto-St. Paul's

**Planning Application Number:** 20 160786 STE 12 OZ

**Rental Housing Application Number:** 20 160792 STE 12 RH

### **SUMMARY**

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On June 26, 2020, a Zoning By-law Amendment and Rental Housing Demolition Application were submitted to demolish the existing buildings, with two residential rental units, and to allow two new residential buildings at 21 and 23-storeys with a shared 5 and 8-storey base building.

On December 23, 2020, the Applicant appealed the Zoning Amendment Application to the Local Planning Appeal Tribunal ("LPAT"), due to Council not making a decision within the 90-day time frame in the *Planning Act*. A case management conference ("CMC") is scheduled for June 18, 2021.

This report recommends that the City Solicitor with the appropriate City staff attend the LPAT hearing to oppose the Application in its current form and to continue discussions with the Applicant to resolve outstanding issues.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Local Planning Appeal Tribunal in opposition to the current Application regarding the Zoning By-law Amendment appeal for the lands at 63-91 Montclair Avenue and to continue discussions with the Applicant in an attempt to resolve outstanding issues.
2. The Chief Planner and Executive Director, City Planning defer making a decision on the Rental Housing Demolition Application, for the lands at 63-91 Montclair Avenue, until such time as a Local Planning Appeal Tribunal decision has been issued regarding the Zoning By-law Amendment application.

3. In the event that the Local Planning Appeal Tribunal allows the appeals in whole or in part, City Council authorize the City Solicitor to request that the issuance of any final Orders be withheld until such time as the City Solicitor advises that:

a. the final form of the Zoning By-law Amendments are satisfactory to the Chief Planner and Executive Director, City Planning, and the City Solicitor;

b. the owner has submitted an updated Transportation Study and a Transportation Demand Management Plan to the satisfaction of the General Manager, Transportation Services;

c. the owner has addressed all outstanding issues raised by Engineering and Construction Services as they relate to the Zoning By-law Amendment Application, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;

d. the owner has submitted a revised Functional Servicing and Stormwater Management Report and associated financial securities, if required, for improvements to the existing municipal infrastructure satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services, and the General Manager, Toronto Water;

e. 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; and,

f. the Chief Planner and Executive Director, City Planning has approved the Rental Housing Demolition Application for the demolition.

4. City Council authorize the City Solicitor and City staff to take any necessary steps to implement City Council's decision.

## **FINANCIAL IMPACT**

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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**

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A Preliminary Report was adopted by Toronto and East York Community Council on September 16, 2020 authorizing staff to conduct a community consultation meeting with an expanded notification area. The decision of the Toronto and East York Community Council can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE18.38>

## SITE AND SURROUNDING AREA

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The rectangular-shaped site is 3,466 square metres in size, has a frontage of 95 metres along Montclair Avenue to the north and Bantry Avenue to the south, and a depth of approximately 36.5 metres ("the Site"). The Site is comprised of fifteen detached and semi-detached houses and includes two rental dwelling units. Montclair Avenue and Bantry Avenue are east-west oriented and terminate at a dead-end to the west of the Site. The Site slopes downwards from east to west by approximately 4.5 metres. In addition, the Site sits lower than its surrounding properties, including 1.6 metres below the property to the west, and 2.7 metres below the properties to the south.

Uses and structures near the Site include:

**North:** of Montclair Avenue is a 6-storey apartment building (80 Montclair Avenue), an 8-storey residential condominium building (70 Montclair Avenue) and a 6-storey residential condominium building (60 Montclair Avenue). Further north are a mix of 6 and 7-storey apartment buildings and detached and semi-detached dwellings on the south side of Lonsdale Road.

**South:** of Bantry Avenue are two 17-storey residential buildings, connected by a one-storey podium (240 and 250 Heath Street East) and, to the southwest is the 17-storey Village Terrace condominium (260 Heath Street). The ground floor of properties fronting Heath Street, are approximately 6 metres higher in grade than Bantry Avenue and the Site. On the south side of Bantry is the concrete wall of the parking structure for buildings fronting onto Heath Street. Further south are two 24-storey apartment buildings, two 30-storey residential buildings, and a 15-storey residential building.

The main entrance of the St. Clair West subway station is approximately 400 metres away from the site.

**East:** of the Site is a 6-storey apartment building (55 Montclair Avenue). Further east is a 3-storey house-form building, and a mix of single and semi-detached dwellings fronting on the west side of Spadina Road. At the northeast corner of Spadina Road and Montclair Avenue is Montclair Avenue Parkette. The Forest Hill Village, a main street commercial strip, is to the northeast along Spadina Road.

**West:** of the Site is a retaining wall along the west property line. Beyond the retaining wall, and at a higher elevation, is a private driveway extension of Lower Village Gate, and a security-controlled gate for the "Lower Village Gate" development, a large (approximately 2 hectares) site comprised of two 7-storey residential condominium buildings and townhouses abutting the Cedarvale Ravine. The secondary entrance of the St. Clair West subway station is approximately 150 metres from the site fronting onto Heath Street East/Tichester Road.

Refer to Attachment 1 for the Location Map.

## THE APPLICATION

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The Zoning By-Law Amendment Application proposes to amend the applicable Zoning By-laws to permit two residential buildings at 21-storeys (72.65 metres including mechanical penthouse) on the east half and 23-storeys (80 metres including mechanical penthouse) on the west half of the Site with a shared 5-storey base building increasing to 8-storeys. The proposal has a gross floor area of 39,003 square metres resulting in a Floor Space Index of 11.3 times the area of the Site.

The proposal consists of 634 dwelling units, with a unit breakdown of 61 bachelor units (10%), 378 one-bedroom units (60%), 129 two-bedroom units (20%), and 66 three-bedroom units (10%). The proposal includes 1,580 square metres of indoor amenity space, and 956 square metres of outdoor amenity space.

Proposed is 635 bicycle parking spaces and 205 vehicle parking spaces within a 2.5-storey below ground garage. Access to the vehicular parking would be from Bantry Avenue. One shared Type G/C loading space is proposed and would be accessed from Montclair Avenue in a manner that allows for trucks to enter and exit in a forward motion. Also proposed is a publicly-accessible walkway that rises north to south from Montclair Avenue, through the Site along the west lot line, allowing pedestrians to access Lower Village Gate.

The Rental Housing Demolition Application proposes to demolish two existing residential rental units located on the Site, including one one-bedroom basement unit and one four-bedroom row/townhouse unit (81 and 81A Montclair Avenue).

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 - 5 of this report, for Location Map, Application Data Sheet, Site Plan, and Elevations.

## POLICY CONSIDERATIONS

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### **Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans**

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 (2020)**

The Provincial Policy Statement (2020) (the "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 use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

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 encourages new development that has a compact form and allows the efficient use of land and infrastructure while avoiding safety concerns. It further directs that healthy, active communities should be promoted by planning public streets and spaces to be safe, and meet the needs of pedestrians.

The PPS states that efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.

The PPS encourages the support of energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which promote design and orientation which considers the mitigating effects of vegetation and green infrastructure and maximize vegetation within settlement areas.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. 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 PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority and comments, submissions or advice affecting a planning matter shall be consistent with the PPS.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)**

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 and all comments, submissions or advice affecting a planning matter that are provided by Council shall conform with Provincial Plans.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on August 28, 2020. The Growth Plan (2020) provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2020), establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act*.

Policies not expressly linked to a MCR can be applied as part of the review process for development Applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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 (2020), builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020), take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

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 (2020) requires that at the time of the next MCR, the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs plan for the prescribed densities.

The guiding principles of the Growth Plan supports the achievement of complete communities that are designed to support healthy and active living and meet people's daily needs throughout an entire lifetime. It supports the prioritization of intensification

and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability.

Policies of the Growth Plan are to be applied to support the achievement of complete communities that feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities; provide a diverse range and mix of housing options to accommodate people at all stages of life; to accommodate the needs of all household sizes and incomes; and 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.

### **Toronto Official Plan**

The City's Official Plan sets out a broad strategy for managing future growth by identifying areas where development is appropriate, and areas where little physical change is expected to occur.

The Site is designated *Apartment Neighbourhoods* on Map 17 – Land Use Plan of the City of Toronto Official Plan.

### **Healthy Neighbourhoods**

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.

The Official Plan states that *Apartment Neighbourhoods* are residential areas with taller buildings and higher density than Neighbourhoods. *Apartment Neighbourhoods* are considered physically stable however infill development or redevelopment of vacant or underutilized sites, that meets the development criteria in Section 4.2.2 and other relevant Official Plan policies, can create new housing options.

The Official Plan provides direction that development in *Apartment Neighbourhoods* adjacent to *Neighbourhoods* is compatible, provides gradual transition, and maintains adequate light and privacy. In addition, impacts to *Neighbourhoods* should be minimized by screening service and amenity areas and attenuating resulting traffic impacts.

The Official Plan provides that local streets in *Apartment Neighbourhoods* be improved by minimizing through traffic on local streets and providing new streets that extend the local street network into larger sites.

The Official Plan provides that environmental sustainability be promoted in neighbourhoods by investing in naturalization and landscaping improvements, tree planting and preservation, sustainable technologies for stormwater management and energy efficiency, and programs for reducing waste and conserving water and energy.

## **Public Realm and Built Form**

Official Plan Amendments ("OPA") 479 (Public Realm) and 480 (Built Form) were adopted as part of the Five-Year Official Plan Review pursuant to Section 26 and Subsection 17(34) of the Planning Act. On September 21, 2020 the Minister of Municipal Affairs and Housing issued Notices of Decision approving OPA 479 and OPA 480. The OPAs replace Sections 3.1.1, 3.1.2, and 3.1.3 of the Official Plan with new and revised policies for the public realm, built form, and built form types. The policies reflect the continuous evolution of the application of urban design principles to achieve critical city building objectives, defining the roles and relationships of the public realm and new development to ensure that buildings and their surrounding public spaces work together to achieve a high standard of design.

While not in force at the time the application was submitted, understanding this continuing evolution of urban design principles is relevant to the review of the application.

Chapter 3 of the Official Plan contains policies that guide growth by integrating social, economic and environmental perspectives in decision making to create an attractive Toronto with a strong economy and complete communities. The policies focus on the built environment, the human environment, the natural environment, economic health and new neighbourhoods. All applications for development are to be evaluated against the policies and criteria in the Chapter to ensure the best possible development choices are made.

The Official Plan emphasizes that beautiful, comfortable, safe and accessible streets, parks, open spaces and public buildings are a key shared asset. The Official Plan also provides that the public realm be enhanced by promoting quality architecture, landscape and urban design. Design measures which promote pedestrian safety will be applied to streetscapes, parks, public and private open spaces, and all new and renovated buildings.

The Official Plan, as updated by OPA 479, states that "The preservation, long-term growth and increase in the amount of healthy trees will be a priority for all new development. Development proposals will demonstrate how the protection, provision and maintenance of trees and their growing spaces above and below ground will be achieved."

The updated Public Realm policies also specifies that POPS provided through development will generally be publicly accessible, designed and programed for a variety of users, highly visible locations, connect into the broader public realm and include new trees, seating, public art, landscaping.

The Built Form policies in the Official Plan provides that new development be located and organized to fit with its existing and/or planned context, and frame and support adjacent streets, parks and open spaces, and that:



- Buildings be located parallel to the street with a consistent front yard setback;
- Main entrances be located so that they are clearly visible and directly accessible from the public sidewalk;
- Ground floor uses have views into, and access to adjacent streets, parks and open spaces; and,
- Preserving existing mature trees are preserved wherever possible and incorporated them into landscaping designs

Vehicular parking, vehicular access, service areas and utilities in new development should be located and organized to minimize their impact on the property and on surrounding properties, and to improve the safety and attractiveness of adjacent streets, parks, and open space.

The Official Plan states that new development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by:

- massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion;
- incorporating exterior design elements, their form, scale, proportion, pattern and materials, and their sustainable design, to influence the character, scale and appearance of the development;
- creating appropriate transitions in scale to neighbouring existing and/or planned buildings;
- providing for adequate light and privacy;
- adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas; and,
- minimizing any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

The policies in the Official Plan provide that tall buildings fit within their existing and/or planned context and limit local impacts. Additional built form principles applied to the location and design of tall buildings, include:

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

The Official Plan, as updated by OPA 480, provides that new development will frame and support streets, promote the use of the public realm, and improve safety and pedestrian comfort by preserving existing mature trees wherever possible and incorporating them into the development site.

## **Land Use Designation**

The Site is located on lands shown as *Apartment Neighbourhoods* on Map 17 of the Official Plan. See Attachment 3: Official Plan Land Use Map.

*Apartment Neighbourhoods* are distinguished from low-rise *Neighbourhoods* because a greater scale of buildings is permitted and different scale-related criteria are used to guide development. The Official Plan, as updated by OPA 320, states that "While built up *Apartment Neighbourhoods* are stable areas of the City where significant growth is not anticipated on a city-wide basis, opportunities exist for additional townhouses or apartments on underutilized sites, including new rental housing."

The *Apartment Neighbourhoods* designation provides for 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. All land uses provided for in the *Neighbourhoods* designation are also permitted in *Apartment Neighbourhoods*.

New development in *Apartment Neighbourhoods* is subject to criteria respecting: location; massing; transition; streetscapes; and shadow impacts, among others. New buildings are required to be located and massed to: provide transition between areas of different development intensity and scale; limit shadow impacts in adjacent *Neighbourhoods*; frame the edge of streets and parks with good proportion; and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks, and open spaces.

## **Height and/or Density Incentives**

The Official Plan provides for the use of Section 37 of the *Planning Act* to secure the provision of community benefits in return for an increase in height and / or density of a development. The City may require the Applicant to enter into an agreement to secure these matters. Policy 5.1.1.6 provides that Section 37 community benefits are capital facilities and / or cash contributions toward specific capital facilities, above and beyond those that would otherwise be provided under the provisions of the *Planning Act* or the Development Charges Act or other statute, including rental housing to replace demolished rental housing. The proposed density meets the Official Plan's threshold for Section 37 considerations.

## **Implementation**

Policy 1 in Section 5.3.2 - Implementation Plans and Strategies for City-Building of the Official Plan states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan.

Section 5.6 provides guidance as to the understanding and interpretation of the Official Plan. Policy 1 indicates the Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making. Policy 1.1 indicates the goal of the Official Plan is to balance and reconcile a range of diverse objectives affecting land use planning in the City.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

## **Rental Housing Demolition By-law**

Section 111 of the *City of Toronto Act*, 2006 authorizes Council to regulate the demolition and conversion of 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 units in a building containing six or more residential units, of which at least one unit is rental, without obtaining a permit from the City after a decision by either City Council or the Chief Planner and Executive Director, City Planning.

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

## **Zoning By-law**

The Site is zoned R(d2.0) (x894) under Zoning By-law 569-2013 and R2 (Residential) Z2.0 under Zoning By-law 438-86.

This zone permits 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 21 metres and a maximum permitted density of 2.0 times the area of the lot.

General provisions applicable to the Site require a minimum front yard setback of 6.0 metres, a minimum rear yard setback of 7.5 metres, and minimum side yard setbacks of 7.5 metres for an apartment building with a height of more than 12.0 metres. The Site is also subject to permissive and restrictive exceptions in Sections 12(1)61, 12(1)320 and 12(2)274.

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 4: Existing Zoning By-law Map.

## **Design Guidelines**

The following design guidelines were used in the evaluation of this Application:

- City-wide Tall Building Design Guidelines
- Growing Up Guidelines: Planning for Children in New Vertical Communities
- Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings

The City's Design Guidelines may be found here:

<https://www.toronto.ca/citygovernment/planning-development/official-planguidelines/design-guidelines/>

### **City-Wide 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 may be found here:

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

### **Growing Up Guidelines: Planning for Children in New Vertical Communities**

In July 2020, City Council adopted updated Growing Up 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 greater than 20 residential units and future city-wide and area-based planning frameworks. The objective of the Growing Up 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 link to the Growing Up Guidelines may be found here:

<https://www.toronto.ca/citygovernment/planning-development/planning-studies-initiatives/growing-up-planning-forchildren-in-new-vertical-communities/>

### **Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings**

The City of Toronto has completed the Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings. The purpose of this document is to guide new developments in a direction that is more supportive of a growing pet population, considering opportunities to reduce the current burden on the public realm, and provide needed pet amenities for high density residential communities.

The link to the guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/pet-friendly-design-guidelines-for-high-density-communities/>

## Site Plan Control

The Application is subject to Site Plan Control. A Site Plan Control Application has not been submitted.

## COMMUNITY CONSULTATION

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A Virtual Community Consultation Meeting was hosted by City staff on October 15, 2020. Approximately 274 people participated, as well as the Ward Councillor. Following a presentation by City staff and the Applicant, the following issues for the proposed development were raised by community members:

- conformity with Official Plan;
- appropriateness of the proposed height, density and massing;
- compatibility and fit with adjacent residential areas, including building type, transition, setbacks, built form and streetscape;
- location, orientation of the proposed building and site organization including access, circulation, and loading;
- dead-end condition of Montclair Avenue and Bantry Avenue;
- potential overlook and privacy issues with adjacent properties;
- adequate provision of vehicular and bicycle parking spaces;
- adequacy of the proposed landscaped open space;
- proposed unit count, size and mix;
- shadow impacts on adjacent buildings, public areas, private outdoor amenity areas, and Montclair Parkette;
- wind impacts;
- precedence setting on other sites north of Heath Street West;
- impact on transit capacity;
- impact on community infrastructure including daycares and schools;
- impact of development on water infrastructure and overland flooding;
- impact of development on ravine system and its wildlife;
- traffic implications on Montclair Avenue and Spadina Road, including emergency vehicle access and snow clearing;
- increased use of Bantry Avenue;
- sidewalk capacity for pedestrians and parking for patrons of businesses in Forest Hill Village;
- environmental and sustainability concerns;
- impacts resulting from increased population;
- pedestrian safety, especially seniors; new residents traversing the east-west private street (Lower Village Gate) to access secondary entrance of St. Clair West station on Heath Street West;
- preservation of existing mature trees and front yard landscaping;
- impact to character of area and Forest Hill Village; and,
- construction impacts.

Comments in support of the Application included:

- more residents should live in this neighbourhood located in close proximity to subway, parks and ravines and Forest Hill Village; and,
- Increase in pedestrians will have positive impact on local businesses.

### **Working Group**

A Working Group was organized by the Ward Councillor comprising approximately sixteen residents representing adjacent buildings, the Forest Hill Village BIA, and the South Forest Hill Residents Association. Working Group meetings were held on November 12 and 26, 2020.

At the initial meeting, residents provided feedback on the proposal and detailed suggested revisions.

At the second meeting, the Applicant demonstrated how concerns raised in the initial meeting could be addressed. The Working Group continued to raise concerns regarding the proposed building heights and overall density.

### **COMMENTS**

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The proposal has been reviewed against the Planning Act, PPS, Growth Plan and Official Plan policies, planning studies and design guidelines.

The current proposal is generally consistent with the PPS (2020) and generally conforms to the Growth Plan (2020).

#### **Planning Act**

The review of this application has had regard for the relevant matters of provincial interest set out under Section 2 of the *Planning Act*.

#### **Provincial Policy Statement (2020)**

Planning Staff have reviewed the current proposal against the policies of the PPS, as described in the Policy Considerations Section in this report and find the proposal is generally consistent with the PPS. A City Council decision to oppose the current proposal given the non-conformity to the Official Plan as described below is also consistent with the PPS.

#### **Growth Plan (2020)**

Planning Staff have reviewed the current proposal against the policies of the Growth Plan, as described in the Policy Considerations Section in this report and find the proposal generally conforms with the Growth Plan. A City Council decision to oppose the current proposal given the non-conformity to the Official Plan as described below conforms with the Growth Plan.

## **Land Use**

The proposed residential use aligns with the Site's *Apartment Neighbourhoods* designation and the underlying Zoning By-laws.

## **Rental Housing Demolition**

The Application proposes to demolish 15 residential units, of which two are rental dwelling units. No replacement rental units are proposed. Based on information submitted to date, replacement of the existing rental dwelling units in accordance with Official Plan Policy 3.2.1.6 will not be required, as the Site contains fewer than 6 rental dwelling units. However, a tenant relocation and assistance plan will be sought for the impacted tenants. Also, as per Chapter 667-14, a tenant consultation meeting is required to review the impact of the proposal on tenants of the residential rental property and matters under Section 111 of the *City of Toronto Act*. A tenant meeting would take place before a decision is made on the Rental Housing Demolition Application.

This report recommends that the Chief Planner and Executive Director, City Planning defer making a decision on the Rental Housing Demolition Application until such time as a decision has been made on the Zoning By-law Amendment Application by the LPAT.

In the event that the LPAT allows the appeal in whole or in part, it is recommended that City Council direct the City Solicitor to request that LPAT withhold its final Order until the Chief Planner and Executive Director, City Planning has approved the Rental Housing Demolition Application; and until the owner has entered into and registered on title one or more agreements with the City securing the rental housing matters.

## **Height and Massing**

The proposed massing is not acceptable and does not achieve the policies of the Official Plan or the Tall Building Guidelines.

Overall, elements of the massing are too tall, and reductions are required to improve shadow and sky view impacts.

New buildings in *Apartment Neighbourhoods* should be located and massed to provide transition to lower-scale *Neighbourhoods*, frame the edge of streets, maintain sunlight for pedestrians, and minimize the impact of ramps and servicing areas.

The proposed front yard setback is unacceptable and the base building does not fit within the character of the street.

Montclair Avenue has a strong character of generous setbacks in the front yards of apartment buildings that contain existing mature public trees and landscaping. The *Apartment Neighbourhoods* development criteria speaks to new development contributing to the quality of life in an area by locating new buildings to frame streets with good proportion and provide setback as a method of transition.

The tall building massing and siting is not acceptable.

The Tall Building Guidelines state that tall buildings should be placed away from streets and neighbouring properties to reduce visual and physical impacts. It further outlines that to reduce and mitigate impacts, tower placement should be coordinated with other towers to maximize access to sunlight and sky view, and a tower step back from the base building along street frontages.

The Tall Building Guidelines state that the minimum separation distances of 25 metres between tall buildings are established to ensure tall buildings achieve the protection of sky view, privacy, and daylighting. It directs further analysis on the cumulative effect within the context of other tall buildings. These guidelines support the Official Plan policies that speak to built form design principles of tall buildings and development criteria in *Apartment Neighbourhoods*.

## **Transportation**

### *Road Widening*

Montclair Avenue and Bantry Avenue are not identified in the Official Plan as roads to be widened.

### *Traffic Impact*

The Applicant submitted in support of the proposal, a Transportation Impact Study (TIS) report prepared by LEA Consulting Ltd., dated June 2020. In general, Transportation Services accepts the methodology and estimated trip generation outlined in the TIS report. In principle, the traffic impact generated by the site is acceptable.

### *Driveway Access and Site Circulation*

The proposed driveway access and site circulation is not acceptable. The proposal includes a (north) driveway from Montclair Avenue providing access to the loading area only. A (south) driveway is proposed from Bantry Avenue providing two-way access to the underground parking garage on the Site. The proposed driveways are not designed to circulate vehicles between Montclair Avenue and Bantry Avenue which is not acceptable.

Montclair Avenue functions as a residential street with access to residential driveways and on-street parking. Bantry Avenue, however, operates like a laneway and provides vehicular access to parking garages and loading areas along the lane. Lower Village Gate is a north-south public street just west of the Site, at a higher elevation, and becomes a private road north of a security gate.

Due to elevation differences, both east-west streets terminate at a retaining wall, and have no connection to, Lower Village Gate. There is a pedestrian ramp connecting Montclair Avenue and Lower Village Gate, however this pedestrian connection is gated, with public access controlled by the Lower Village Gate condo corporation.

### *Parking*

Proposed is 205 vehicular parking spaces (190 residents, and 15 visitors) within a two-level underground garage. The Zoning By-law requires 722 parking spaces (596 residents and 126 visitors).



The Applicant's TIS includes a review of parking and car ownership trends, modal split information, other recent approvals, and public parking locations (both on- and off-street) in the area.

While Transportation Services generally agree that some parking supply reduction for the Site can be considered, the proposed parking provisions cannot be accepted at this time. Further justification of the proposed parking rates via parking surveys are required. Staff have also requested a Transportation Demand Management Plan to better understand the rationale for the proposed modal-split.

#### *Loading and Servicing*

One Type-G loading space has been proposed on the Site. Transportation Services requests that a Type-C loading space be required in addition to the Type-G loading space to better facilitate pick-up/drop-off, moving trucks and deliveries. Further revisions are required so that the Type-G loading space meets the Zoning By-law requirements.

#### *Fire Services*

Fire Services will review the proposal through the review of the Site Plan Control Application, when submitted.

### **Tree Preservation**

The Application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813, Trees, Articles II (Trees on City Streets) and III (Private Tree Protection), commonly referred to as the 'Street Tree By-law' and the 'Private Tree By-law'.

An Arborist Report and Tree Inventory and Preservation Plan were submitted by the Applicant.

The Applicant proposes to remove eight City-owned trees regulated by the Street Tree By-law, nine privately-owned trees regulated by the Private Tree By-law, and eleven privately-owned trees not regulated by the Private Tree By-law on the Site.

Urban Forestry does not support the removal of seven of the City-owned trees regulated by the Street Tree By-law and requires revisions to the plans to accommodate the preservation of these trees. Urban Forestry has also requested a Pruning Plan and the submission of a complete "Application to Injure or Remove Trees" and associated Application fees.

### **Streetscape**

#### *Montclair Avenue*

The proposed streetscape along Montclair Avenue includes a setback of approximately 6.5 metres from curb to building face, shrubs and street tree planting as well as feature paving and private patio space. The setback, however, is not consistent with the established building setback pattern along the street. This proposed setback negatively impacts the character of the street and results in the removal of the existing mature trees and other landscaping on the Site.

An increased setback would allow the majority of the existing mature trees to be maintained, preserving the green landscaped character of the street.

Sidewalks and boulevards should be designed to provide safe, attractive, interesting and comfortable spaces for users of all ages and abilities by providing well-designed and coordinated tree planting, landscaping, amenity spaces, setbacks, green infrastructure, pedestrian scale lighting, street furnishings and decorative paving as part of street improvements.

While the proposal provides the minimum 2.1-metre wide sidewalk, a wider sidewalk is appropriate, if there is no conflict with street trees, given the pedestrian connections to transit and a commercial main street (Forest Hill Village).

### *Bantry Avenue*

The proposal shows units and amenity space facing onto Bantry Avenue. While Bantry Avenue currently has no sidewalks and therefore little pedestrian activity, intensification of the Site may result in more activity. Pedestrian safety and beautification measures need to be incorporated along Bantry Avenue including a well-designed pedestrian pathway from Bantry Avenue to Montclair Avenue. The terminus of Bantry Avenue also requires a special treatment.

### **Pedestrian Ramp / Privately-Owned Publicly Accessible Open Space (POPS)**

POPS are a key part of the city's public realm network, providing open space in much needed locations across the city and complementing existing and planned publicly-owned parks, open spaces and natural areas.

There is an existing pedestrian ramp connecting Montclair Avenue and the private portion of Lower Village Gate, however this connection is private, with public access controlled by the Lower Village Gate condominium corporation.

The Application proposes a new 1.2-metre wide pedestrian ramp rising from the Montclair Avenue public sidewalk on the northwest corner of the Site to the public sidewalk on Lower Village Gate.

The pedestrian ramp and mid-block connection is a positive feature but the design is unacceptable. As an important pedestrian connection that leads to the TTC subway station to the west and the Forest Hill Village commercial strip to the east, the walkway ramp area should be widened into a POPS with a wider clearway, seating and landscaping. The design must also minimize the impact to adjacent existing privately-owned and City-owned trees and accommodate their retention.

This important pedestrian connection would provide connectivity to the TTC subway station to the west and the Forest Hill Village commercial strip to the east.

### **Sun/Shadow and Wind**

The shadow and wind impacts resulting from the proposal are unacceptable.

The Official Plan states that Development in *Apartment Neighbourhoods* will contribute to the quality of life by locating and massing new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale Neighbourhoods, particularly during the spring and fall equinoxes; and locating and massing new buildings to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

Similar direction on shadow and wind impacts can be found in the Tall Building Guidelines, which has a guiding principle related to minimize shadowing and wind impacts, and protect sunlight and sky view, for streets, parks, public and private open space, and neighbouring properties.

New shadow is cast within the ravine and on a portion of the Lower Village Gate interior court yard at 9:18am at both the spring and fall equinoxes. The shadow is off of the ravine at 10:18am and entirely off of the Lower Village Gate, designated *Neighbourhoods*, at 12:18pm during both the spring and fall equinoxes. There is also some new shadow on the edge of Montclair Avenue Parkette, located on the northeast corner of Montclair Avenue and Spadina Road at 5:18pm during the spring equinox.

The 8-storey portion of the base building cast shadow on the sidewalk and front yards of buildings on the north side of Montclair Avenue.

A Pedestrian Level Wind Study prepared by Gradient Wind, dated June 15, 2020, found a number of areas on the Site and in the surrounding area that will be negatively impacted by the proposed development.

Proposed winter wind conditions impact the entrances of 80 Montclair Avenue, Lower Gate Village and the proposal's entrances to ground floor units. The study also indicates some proposed outdoor amenity spaces that are not suitable for sitting at all times during summer and spring/fall months.

## **Servicing**

A Functional Servicing and Stormwater Management Report and associated plans have been submitted for the Site. A number of amendments to the report and revisions to plans have been identified. The Functional Servicing and Stormwater Management Report must be revised to the satisfaction of the Executive Director of Engineering and Construction Services.

In the event that the LPAT allows the Zoning By-law Amendment appeal in whole or in part, the final Order should be withheld pending the confirmation of water, sanitary and stormwater capacity from the Chief Engineer and Executive Director, Engineering and Construction Services, or the determination of whether holding provisions are required in the Zoning By-law amendment.

## **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 Site is approximately 200 metres from Cedarvale Ravine, a 7.4 ha park. The Site is in an area with 28-plus square metres of local parkland per person which is comparable to the City-wide average provision of 28 square metres of parkland per person in 2016.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the Applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The residential component of this proposal is subject to a cap of 10% parkland dedication.

Given the current rise in dog-owning populations, the Applicant should provide on-site dog amenities with proper disposal facilities such as dog relief stations within the building to accommodate future residents' needs. This will also help alleviate pressure on existing parks.

## **Amenity Areas**

Official Plan states that every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents of the new development.

Zoning By-law 438-86 and 569-2013 which respectively require a minimum of 2.0 square metres of indoor and 2 square metres of outdoor amenity space for each unit; and a minimum of 4 square metres of amenity space for each unit (of which at least 2.0 square metres shall be indoor).

The development proposes a total of 2,536 square metres of indoor and outdoor amenity space for a total of 4.0 square metres per unit. A total of 1580 square metres of indoor space and 956 square metres of outdoor space is proposed. While the proposal meets the minimum total amount of amenity space required, more indoor amenity space and less outdoor amenity space has been provided than is required. It is recommended that 2.0 square metres of indoor and 2.0 square metres of outdoor amenity space per unit be provided.

The proposed dog run with an associated indoor wash/grooming station, as per the Pet-Friendly Guidelines, is a positive feature. Incorporating family and child-friendly areas within outdoor amenity areas as per the Growing Up Guidelines is recommended.

## **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 is required to meet Tier 1 of the TGS. The Applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Some performance measures for the Tier 1 development features will be secured through the zoning by-law process. Other applicable TGS performance measures will be secured through the Site Plan Approval process.

### **Community Services Assessment**

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions, such as recreation, libraries, childcare, schools, public health, human services, cultural services and employment services.

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 neighbourhoods. 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.

The following potential CS&F contributions should be considered as part of any Section 37 Agreement should the project proceed to approval in some form:

- Contributions towards local recreation amenities and improvements such as a new outdoor basketball court/multi-sport court or a new community skate park as identified in the PF&R Facilities Master Plan; and
- Contributions towards new non-profit, licensed child care facilities and/or capital improvements to existing child care facilities within the vicinity of the Site.

### **Section 37**

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the *Planning Act*. Planning staff has not met with the Applicant or Ward Councillor regarding Section 37 contributions. Section 37 contributions should be secured in the event of an approval in some form by the LPAT.

### **Conclusion**

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Toronto Official Plan, as well as the Tall Building Guidelines, and Growing Up Guidelines. The current proposal does not conform with the Toronto Official Plan, particularly as it relates to Healthy Neighbourhoods, Public Realm, Built Form and *Apartment Neighbourhood* policies and development criteria.

This report recommends that the City Solicitor, with appropriate staff, attend the LPAT in opposition to the Application in its current form and to continue discussions with the Applicant in an attempt to resolve outstanding issues. This recommendation is consistent with the PPS and conforms with the Growth Plan.

## **CONTACT**

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Sipo Maphangoh, Senior Planner  
Tel. 416-338-2478  
E-mail: Sipo.Maphangoh@toronto.ca

## **SIGNATURE**

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

## **ATTACHMENTS**

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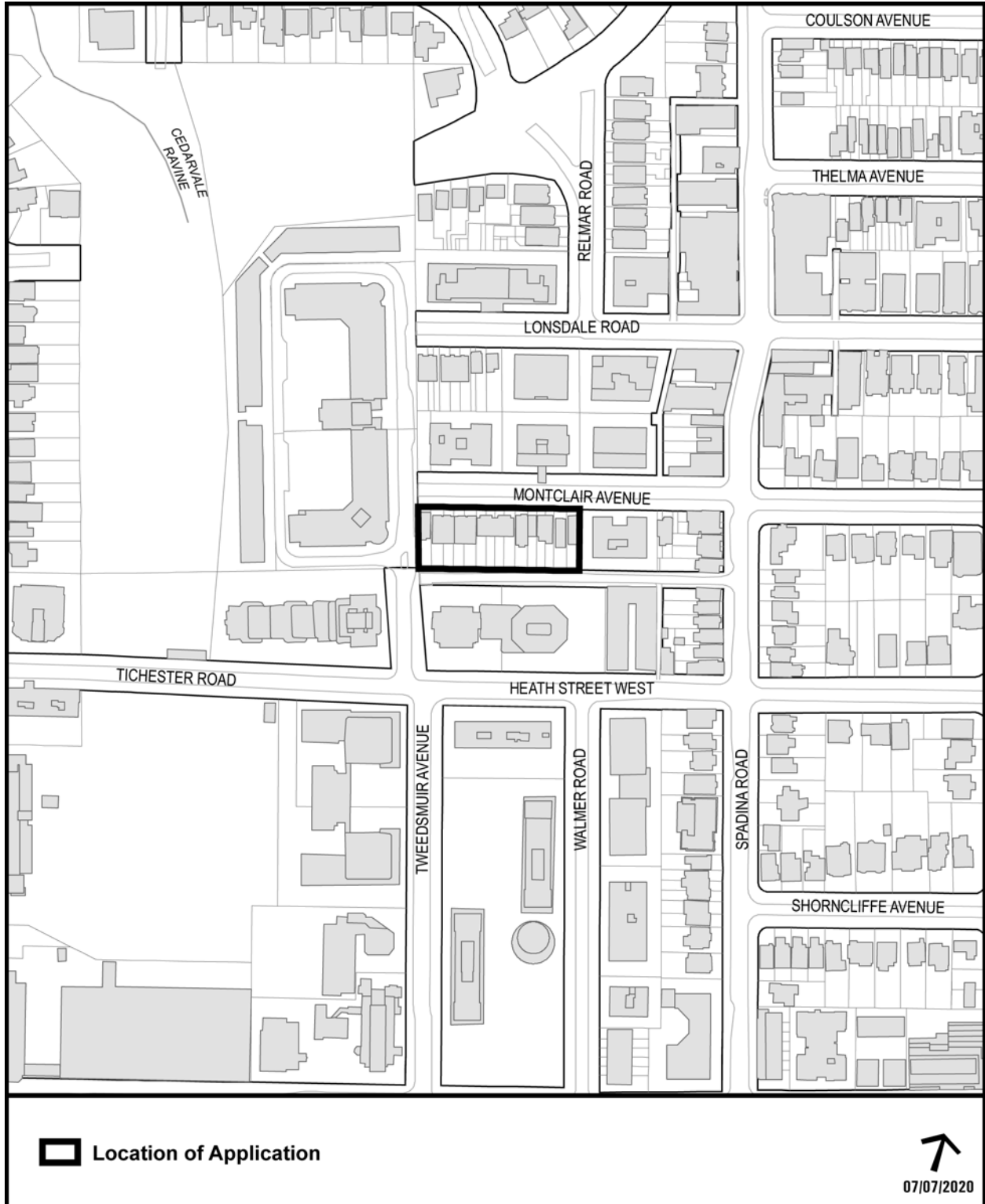
### **City of Toronto Data/Drawings**

Attachment 1: Location Map  
Attachment 2: Application Data Sheet  
Attachment 3: Official Plan Land Use Map  
Attachment 4: Existing Zoning By-law Map

### **Applicant Submitted Drawings**

Attachment 9: Site Plan  
Attachment 10: Elevations

Attachment 1: Location Map



## Attachment 2: Application Data Sheet

**Municipal Address:** 63-91 Montclair Ave      **Date Received:** June 26, 2020

**Application Number:** 20 160786 STE 12 OZ

**Application Type:** Rezoning

**Project Description:** A 21 and 23-storey residential building connected by a 5-8 storey podium.

<b>Applicant</b>	<b>Architect</b>	<b>Owner</b>
Bousfield Inc.	IBI Group	Montclair Developments # 1 Inc.

### EXISTING PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhoods	Site Specific Provision:	N
Zoning:	R(d2.0) (x894)	Heritage Designation:	N
Height Limit (m):	21	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq m): 3,466      Frontage (m): 95      Depth (m): 37

<b>Building Data</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Ground Floor Area (sq m):	1,290		2,300	2,300
Residential GFA (sq m):	4,190		39,003	39,003
Non-Residential GFA (sq m):				
Total GFA (sq m):	4,190		39,003	39,003
Height - Storeys:	3		23	23
Height - Metres:	9		68	68

**Lot Coverage Ratio (%)**: 66.36      **Floor Space Index**: 11.25

<b>Floor Area Breakdown</b>	<b>Above Grade (sq m)</b>	<b>Below Grade (sq m)</b>
Residential GFA:	39,003	
Retail GFA:		
Office GFA:		
Industrial GFA:		



Institutional/Other GFA:

<b>Residential Units by Tenure</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Rental:	2			
Freehold:	14			
Condominium:			634	634
Other:				
<b>Total Units:</b>	<b>16</b>		<b>634</b>	<b>634</b>

**Total Residential Units by Size**

	<b>Rooms</b>	<b>Bachelor</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3+ Bedroom</b>
Retained:					
Proposed:		61	378	129	66
<b>Total Units:</b>		<b>61</b>	<b>378</b>	<b>129</b>	<b>66</b>

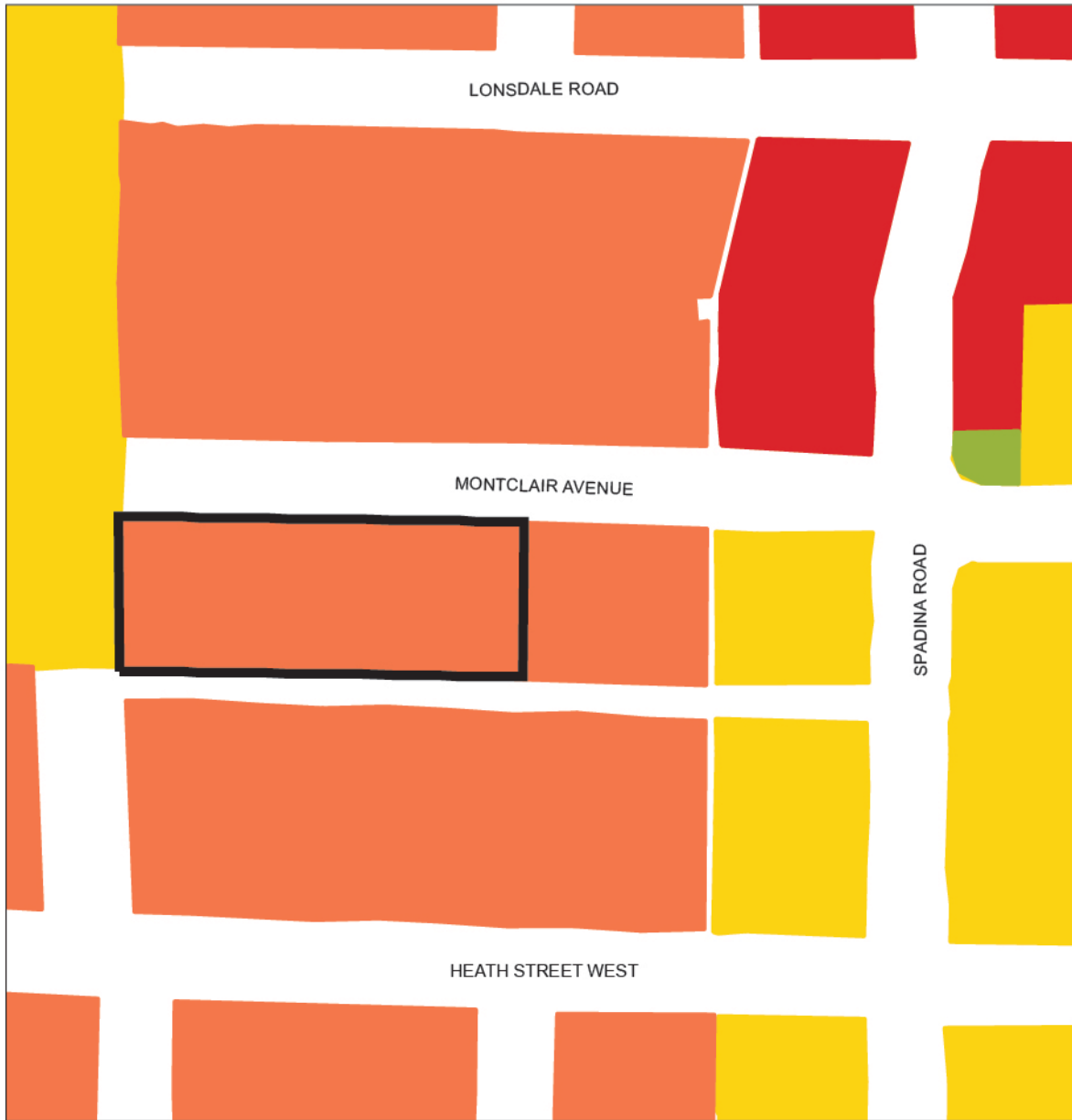
**Parking and Loading**

Parking Spaces: 205      Bicycle Parking Spaces: 635      Loading Docks: 1

**CONTACT:**

Sipo Maphangoh, Senior Planner  
416-338-2478  
Sipo.Maphangoh@toronto.ca

Attachment 3: Official Plan Land Use Map



63-91 Montclair Avenue

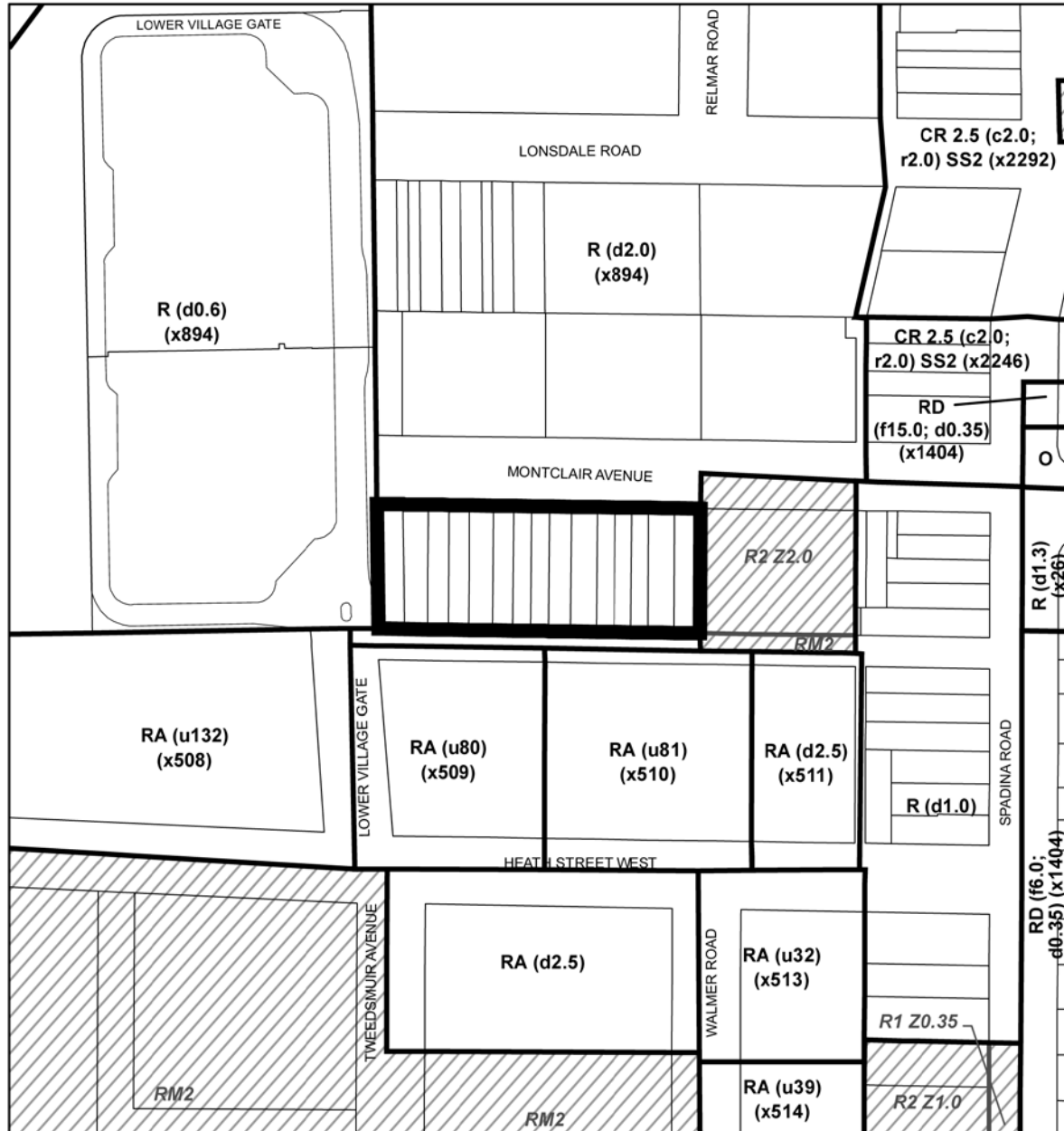
Official Plan Land Use Map #17

File # 20 160786 STE 12 OZ

- |  |  |
|--|--|
|  Location of Application  |  Parks & Open Space Areas |
|  Neighbourhoods           |  Parks                    |
|  Apartment Neighbourhoods |  |
|  Mixed Use Areas          |  |

  
Not to Scale  
07/09/2020

# Attachment 4: Existing Zoning By-law Map



**Zoning By-law 569-2013**

**63-91 Montclair Avenue**

**File # 20 160786 STE 12 OZ**

Location of Application

- R Residential
- RD Residential Detached
- RA Residential Apartment
- CR Commercial Residential
- O Open Space
- ON Open Space Natural

See Former City of Toronto By-law No. 436-86

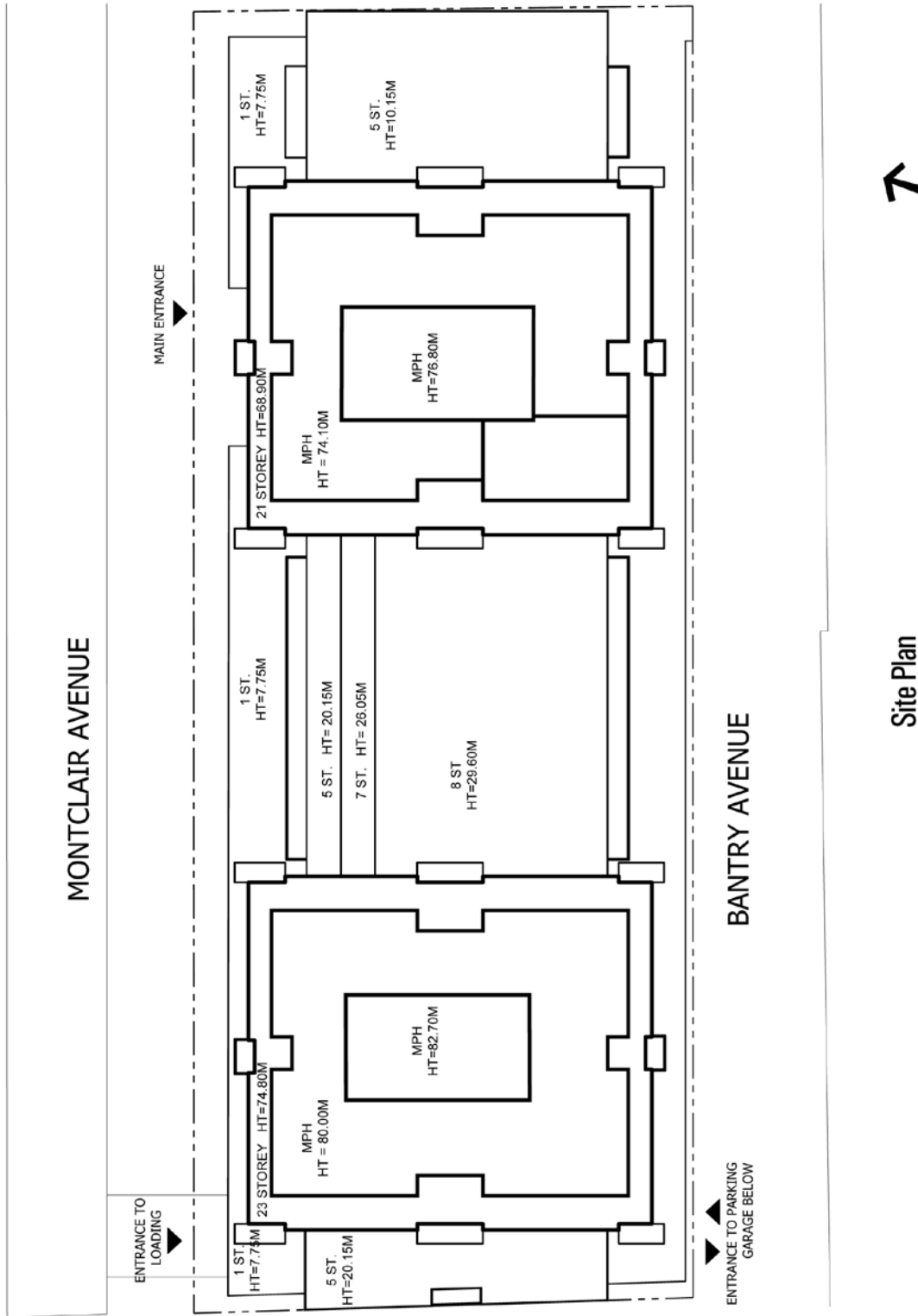
- R1 Residential District
- R2 Residential District
- CR Mixed-Use District

See Former City of York By-law No. 1-83

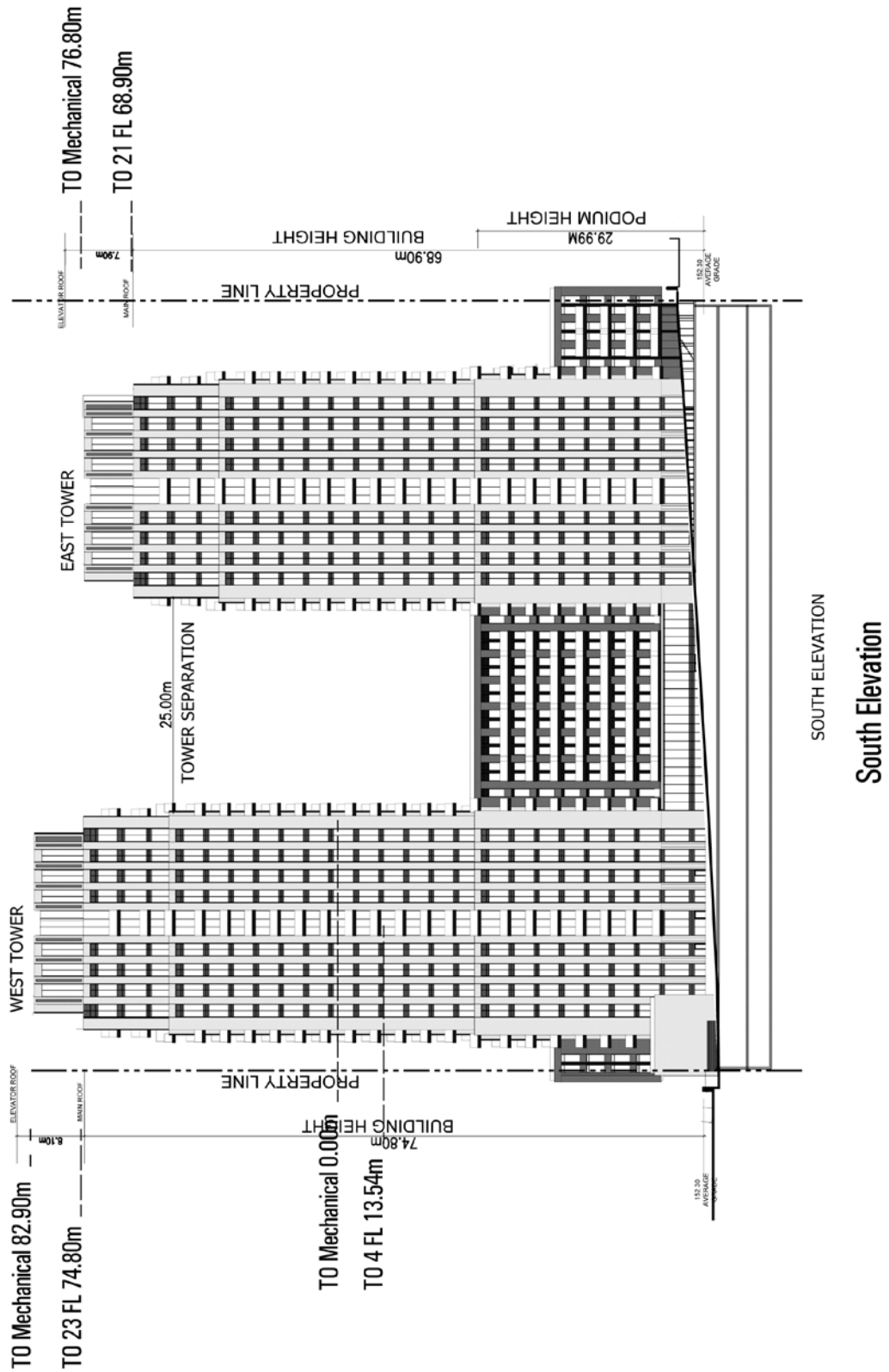
- RM2 Residential Multiple Zone

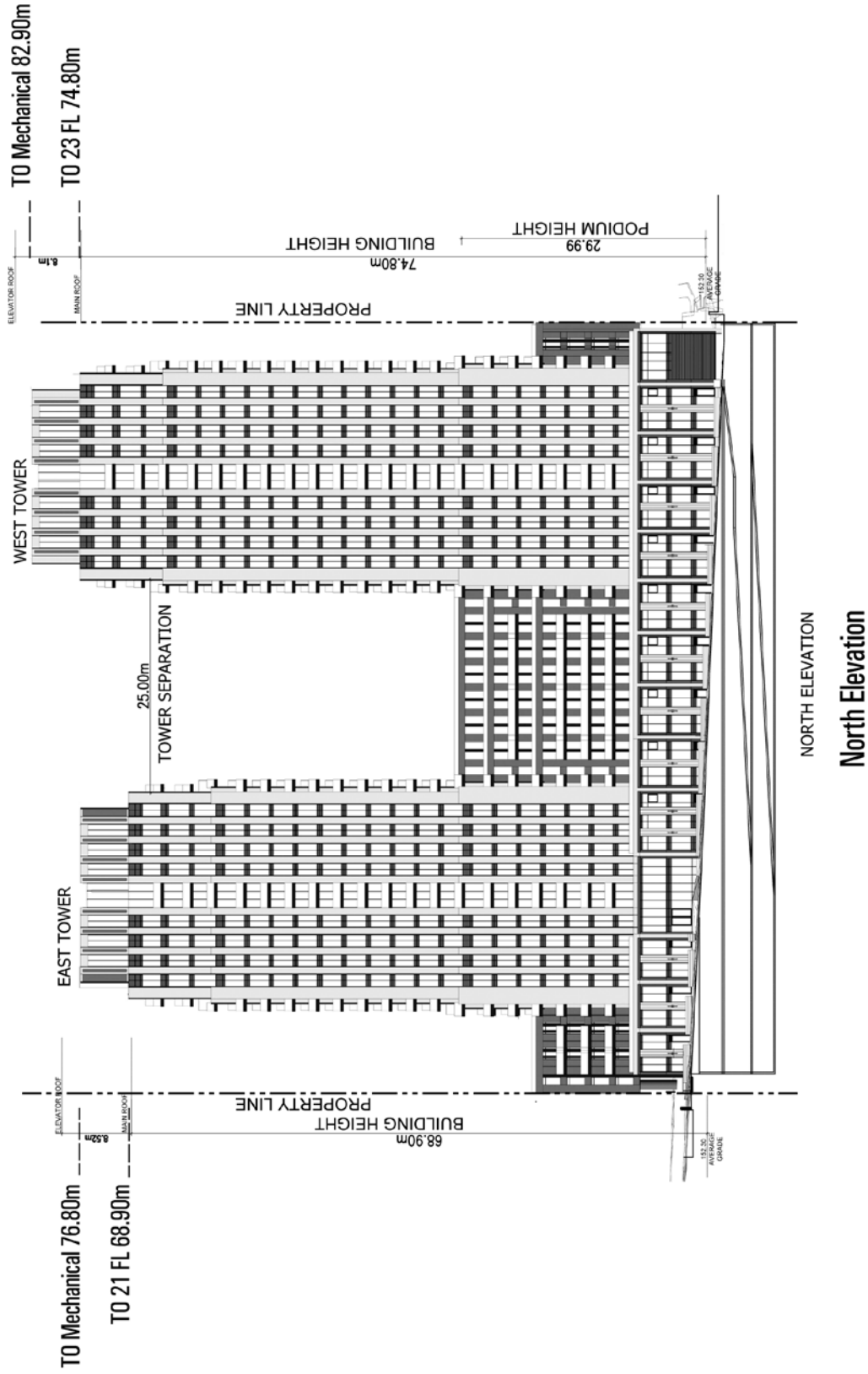


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Extracted: 07/08/2020



Attachment 6: Elevations





NORTH ELEVATION  
North Elevation