

438-440 Avenue Road and 169, 171A, and 171B Balmoral Avenue – Official Plan Amendment, Zoning Amendment, and Rental Housing Demolition Applications – Preliminary Report

Date: September 23, 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: 21 177893 STE 12 OZ

Rental Housing Demolition Application Number: 21 177901 STE 12 RH

Current Use(s) on Site: Five low-rise detached residential buildings between two and three-storeys, containing 10 rental dwelling units.

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the Official Plan and Zoning By-law Amendment, and Rental Housing Demolition applications respecting 438-440 Avenue Road and 169-171B Balmoral Avenue. The applications propose to demolish five low-rise detached residential buildings containing 10 rental dwelling units and to permit the construction of a 24-storey residential apartment building containing 223 dwelling units with four levels of below-grade parking.

The applications have been circulated to all appropriate agencies and City divisions for comment. City Planning 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 at 438-440 Avenue Road and 169-171B Balmoral Avenue 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.

THE APPLICATION

Complete Application Submission Date

July 9, 2021

Description

The application proposes to amend the Official Plan and Zoning By-law to permit a 24-storey (79.1 metre, plus a 6-metre mechanical penthouse) residential building containing 223 dwelling units and 870 square metres of amenity space. The total proposed gross floor area of the proposal is 17,326 square metres, which represents a density of 8.9 times the area of the lot. The proposed residential unit mix includes 167 one-bedroom units (75%), 33 two-bedroom units (15%), and 23 three-bedroom units (10%).

A four-level parking garage is proposed on the site and 138 vehicular and 236 bicycle parking spaces would be provided.

The Rental Housing Demolition application proposes to demolish the 10 existing rental dwelling units on the site and does not propose any rental dwelling replacement. As of the date of this application, the rental units were tenanted. The breakdown of the existing rental units by unit type and rent classification, according to the housing issues report submitted by the applicant, is as follows:

Table 1: Breakdown of Existing Rental Units by Unit Type and Rent Classification

Unit Type	Affordable	Mid-Range	Above Mid-Range	Total
Studio	1	0	0	1
One-Bedroom	1	1	0	2
Two-bedroom	0	4	0	4
Three- Bedroom or More	0	0	3	3
Total	2	5	3	10

See Attachments 2, 3, and 6 of this report, for a three dimensional representation of the project in context, a site plan of the proposal, and the Application Data Sheet, respectively.

Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at: www.toronto.ca/438AvenueRd

Reason for the Applications

The Official Plan Amendment Application proposes to redesignate the western portion of the site from Neighbourhoods to Apartment Neighbourhoods and to permit a cash-in-lieu payment in place of rental replacement.

The Zoning By-law Amendment Application proposes to amend City-wide Zoning By-law 569-2013 and former City of Toronto Zoning By-law 438-86 to vary performance standards, including: building height, gross floor area, setbacks, driveway width, landscaping, amenity space, and parking space requirements. Additional amendments to the Zoning By-laws may be identified as part of the application review.

The Rental Housing Demolition application under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act, 2006 has been submitted to demolish the 10 existing rental housing units on the lands.

Site Plan Control

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

POLICY CONSIDERATIONS/PLANNING FRAMEWORK

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) (the "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.

Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan") came into effect on August 28, 2020. The Growth Plan continues to provide 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 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 an 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, 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 take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Toronto Official Plan Policies

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. The PPS recognizes the Official Plan as the most important document for its implementation.

The Official Plan contains policies related to building complete communities, including heritage preservation and environmental stewardship. The Official Plan also provides for the use of Section 37 of the Planning Act to pass by-law for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision of community benefits in the form of capital facilities and local improvements. In the

event the applicant provides in-kind benefits pursuant to Section 37 of the Planning Act, the City's Fair Wage Policy and Labour Trades Contractual Obligations will apply to such work.

The Official Plan contains policies pertaining to the provision, maintenance, and replacement of rental housing. Policy 3.2.1.6 states that new development that would have the effect of removing all or a part of a building or related group of buildings and would result in the loss of 6 or more rental housing units will not be approved unless all of the units have rents that exceed mid-range rents at the time of application, or, where planning approvals other than site plan are sought, at least the same number, size, and type of rental units are replaced and maintained with rents similar to those in effect at the time of application. The policy also requires an acceptable tenant relocation and assistance plan, addressing the right for existing tenants to return to a replacement unit at similar rent and other assistance to mitigate hardship.

It should be noted that the applicant has submitted an Official Plan Amendment application to permit cash-in-lieu instead of replacing rental units.

The site is designated Apartment Neighbourhoods and Neighbourhoods on Land Use Map 17. See Attachment 4 of this report for the Official Plan Land Use Map.

Toronto Official Plan policies may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

Official Plan Amendment 479 and 480 - Public Realm and Built Form Official Plan Policies

On September 21, 2020, the Ministry of Municipal Affairs and Housing issued Notices of Decision approving OPA 479 and OPA 480. OPA 479 (Public Realm) and OPA 480 (Built Form) as part of the Five-Year Official Plan Review. 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, which respond to Council's direction to amend the urban design policies of the Official Plan.

The Official Plan Amendment can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH11.4>

Zoning By-laws

The majority of the site is zoned R (d2.0) (x814), with a portion on the western side zoned RD (f12.0; d0.6) (x1424) by City of Toronto Zoning By-law 569-2013. Likewise, the majority of the site is zoned R4 Z2.0, with a portion on the western side zoned R1 Z0.6 under former City of Toronto Zoning By-law 438-86.

The maximum permitted height is 10 metres. The maximum permitted density on the majority of the site along Avenue Road is 2 times the lot area, while the western portion within the Neighbourhoods is 0.6 times the lot area.

See Attachment 5 of this report for the Zoning By-law Map.

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/>

Affordable Housing

The Official Plan states that a full range of housing, including affordable housing, will be provided and maintained to meet the needs of current and future residents. The Growth Plan also contains policies to support the development of affordable housing and the provision of a range of housing options to accommodate the needs of all household sizes and incomes.

Urban Forestry/Environment

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).

Design Guidelines

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

- Tall Buildings Design Guidelines;
- Growing Up Guidelines Planning for Children in New Vertical Communities;
- Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings;
- Best Practices for Bird-Friendly Glass;
- Best Practices for Effective Lighting; and
- Toronto Accessibility Design Guidelines.

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

Toronto Green Standard (Climate Mitigation and Resilience)

Climate change mitigation and resilience are key concerns of the City. On October 2, 2019, City Council declared a Climate Emergency and set a new goal to achieve net zero greenhouse gas emissions by 2050 or sooner. In 2021, an updated TransformTO Net Zero Strategy will be presented to Council, outlining the necessary climate action to reach net zero GHG emissions community-wide. In June 2019, the Resilience Strategy was published, which set out that new development should be resilient to a changing climate.

The Toronto Green Standard (the "TGS") sets out the key sustainable performance measures new developments are required to meet to address climate mitigation and resilience. The TGS is a critical component of the City's efforts to achieve zero

emissions buildings by 2030, to meet 2050 citywide greenhouse gas reduction targets, and to build a more resilient city. The TGS also supports other City-wide strategies related to environmental sustainability, including Transform TO, the Resilience Strategy, Ravine Strategy and Biodiversity Strategy.

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 TGS. Tier 1 performance measures are secured on site plan drawings and through a site plan agreement or registered plan of subdivision. Tiers 2+ are voluntary higher levels of performance with financial incentives (post-construction development charge refunds) intended to facilitate the foregoing objectives. Applicants are strongly encouraged to pursue higher tiers of the TGS wherever possible.

Applications must use the documentation required for the version of the TGS in effect at the time of the initial site plan application. TGS Version 3.0 applies to new applications submitted on or after May 1, 2018. TGS Version 4.0 will apply to all new applications submitted on or after May 1, 2022.

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

Rental Housing Demolition and Conversion By-law

Section 111 of the *City of Toronto Act, 2006* authorizes the City to regulate the demolition and conversion of residential rental properties. Chapter 667 of the Toronto Municipal Code, the Residential Rental Property Demolition and Conversion Control By-law, implements Section 111. The By-law prohibits the demolition of rental housing in any building or related group of buildings containing six or more residential units, of which at least one 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.

City Council may refuse a Rental Housing Demolition 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 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. Decisions by City Council under Chapter 667 are not appealable to the Ontario Land Tribunal (OLT).

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 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 this site requires Council approval under both Chapters 363 and 667 of the Toronto Municipal Code because it involves the demolition of at least 6 dwelling units and at least 1 rental unit. On July 9, 2021, an application for a Section 111 permit was submitted under Chapter 667 of the Toronto Municipal Code to demolish 10 rental dwelling units on the site. As per Chapter 667-14, a tenant consultation meeting will be held to review the impact of the proposal on existing tenants of the residential rental property and matters under Section 111.

Replacement of all rental units is typically a condition of Council approval under the City's Residential Rental Property Demolition and Conversion Control By-law.

COMMENTS

ISSUES TO BE RESOLVED

City Planning staff have identified a number of preliminary issues with the proposed development and will work with the applicant to address these concerns and achieve a proposal which is compatible with its surrounding context.

Provincial Policies

Revisions may be required to ensure that the proposed development conforms with the Growth Plan, and is consistent with the PPS.

Official Plan

The application proposes to amend the Official Plan. Staff will review and assess the appropriateness of the proposal to ensure that it meets the objectives the relevant policies in the Official Plan.

Built Form, Planned and Built Context

Staff will assess the suitability and appropriateness of the proposed height, massing and other built form issues based on applicable Provincial policies; the City's Official Plan policies; the Downtown Plan; and the City's Design Guidelines.

The following preliminary issues have been identified:

- Appropriateness of the proposed height and massing in the existing and planned context;
- Compatibility with adjacent Neighbourhoods and adequate transition of scale and density or maintain adequate light and privacy;
- Conformity with the tall building performance policies or guidelines, particularly with respect to tower floor plate, tower setbacks, step-backs, or streetwall height;
- Proposed unit sizes;

- The location and design of the townhouse elements along Avenue Road and at the intersection of Avenue Road and Balmoral Avenue; and
- Appropriate location and design of vehicle access to the site.

Public Realm

- Provide adequate space for trees, landscaping and green infrastructure, or other street elements;
- Adequate public realm improvements, including appropriate setbacks along both frontages and at the intersection of Avenue Road and Balmoral Avenue;
- Parkland Dedication under Section 42 of the Planning Act ;
- Suitability of shadow impacts on Brown Junior Public School and the public realm; and
- Suitability of the impacts of the proposal on pedestrian-level wind conditions.

Heritage

Heritage Planning staff are reviewing the Heritage Impact Assessment and proposed drawings provided by the applicant and will evaluate the heritage value of the property. Staff will also assess the impact of the proposal on adjacent properties, including 177 Balmoral Avenue and 2 Clarendon Avenue which are both included on the City's Heritage Register.

Rental Housing Issues

The Housing Issues Report submitted with the Rental Housing Demolition application identifies that at least 7 of the existing rental dwelling units on the site have either affordable or mid-range rents. Thus, the applicant is required replace all 10 of the existing rental dwelling units proposed to be demolished within the proposed development (Official Plan Policy 3.2.1.6). Currently, replacement of the units are not proposed.

City staff will work with the applicant to develop a detailed rental replacement proposal and an acceptable tenant relocation and assistance plan to mitigate hardship for existing tenants. A site visit by City staff will also be required as part of the application assessment.

Affordable Housing

Staff will engage in discussions with the applicant, the Ward Councillor, and City staff to evaluate potential opportunities for the provision of affordable housing.

Toronto Green Standard

City Planning staff will review the TGS Checklist submitted by the applicant for compliance with the Tier 1 performance measures. Staff will encourage the applicant to pursue Tier 2, 3, or 4.

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 would be subject to Section 37 contributions under the Planning Act. Section 37 benefits have not yet been discussed. City staff intend to apply Section 37 provisions of the Planning Act should the proposal be approved in some form.

Additional Issues

The application has been circulated to City divisions and public agencies for comment. Additional issues may be identified through the review of the application, agency comments and the community consultation process.

NEXT STEPS

City Planning staff will host a Community Consultation Meeting.

City staff will work with the applicant to resolve the preliminary issues discussed in this report and any additional issues that may be identified by staff and the public. City Planning staff will report back at the appropriate time in the review of the application. If a Final Report is prepared, the report will proceed to the Toronto and East York Community Council meeting which will serve as the Statutory Public Meeting as required by the Planning Act, before being considered by City Council for a decision.

CONTACT

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SIGNATURE

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

ATTACHMENTS

Attachment 1: Location Map

Attachment 2: 3D Model of Proposal in Context

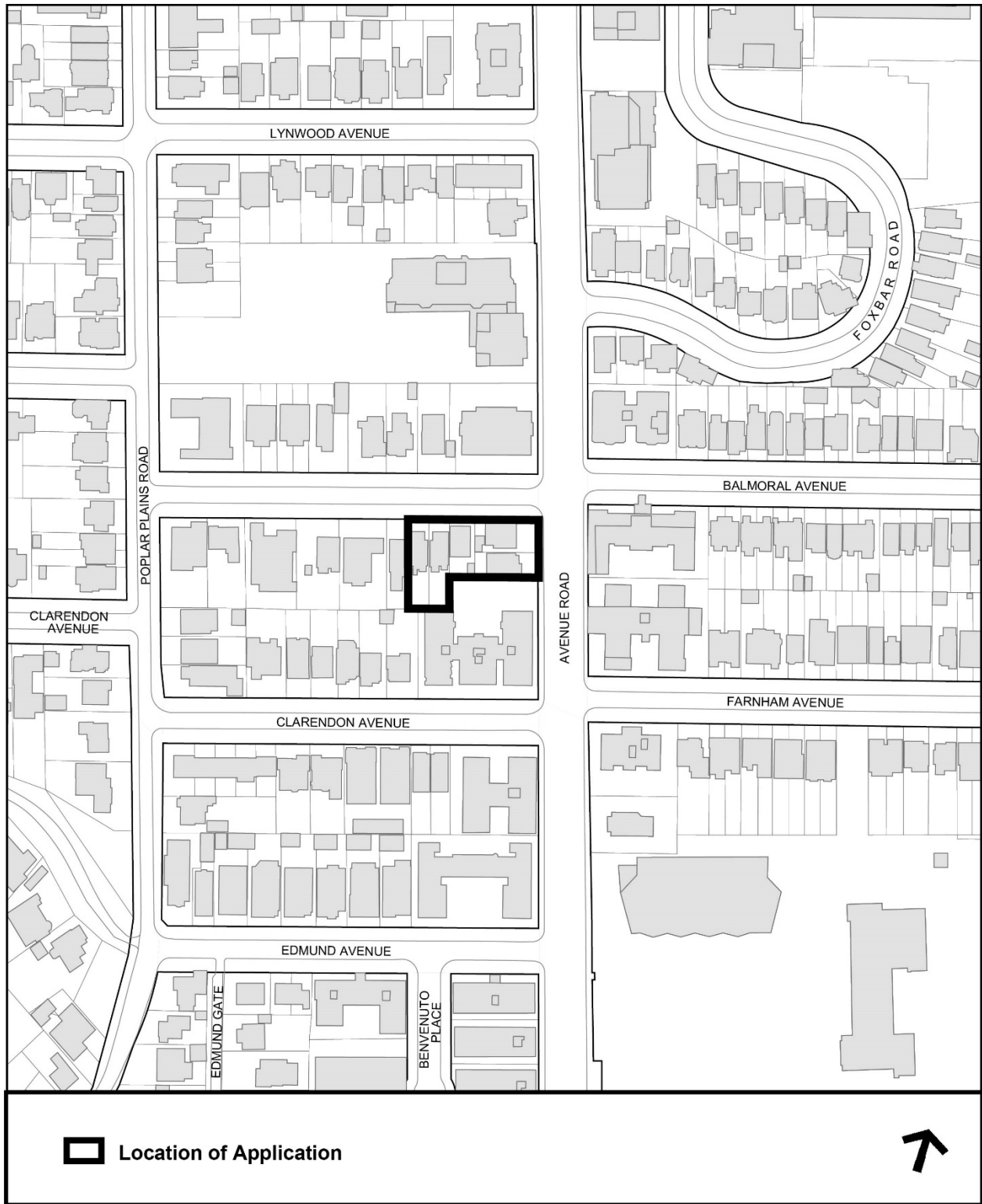
Attachment 3: Site Plan

Attachment 4: Official Plan Map

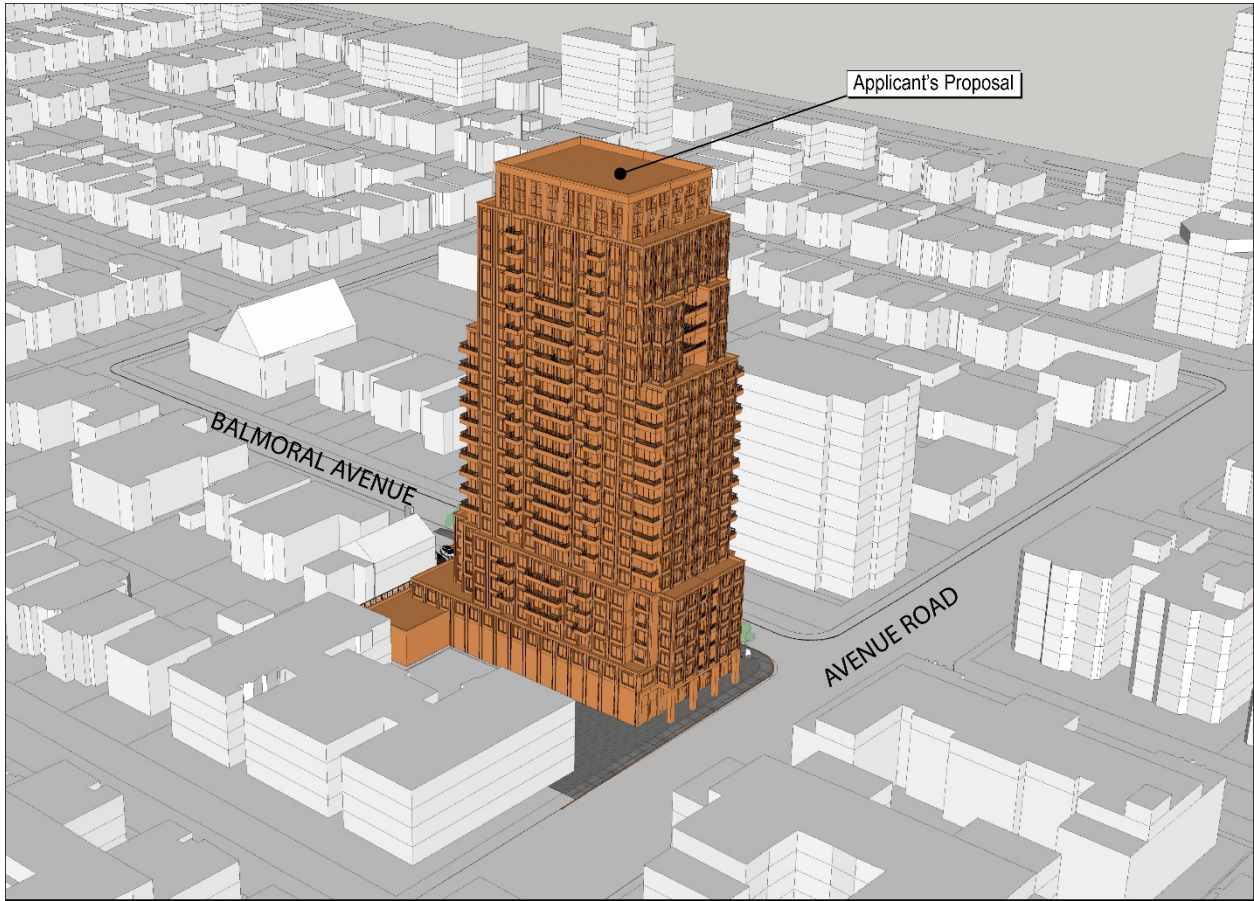
Attachment 5: Zoning By-law Map

Attachment 6: Application Data Sheet

Attachment 1: Location Map



Attachment 2: 3D Model of Proposal in Context

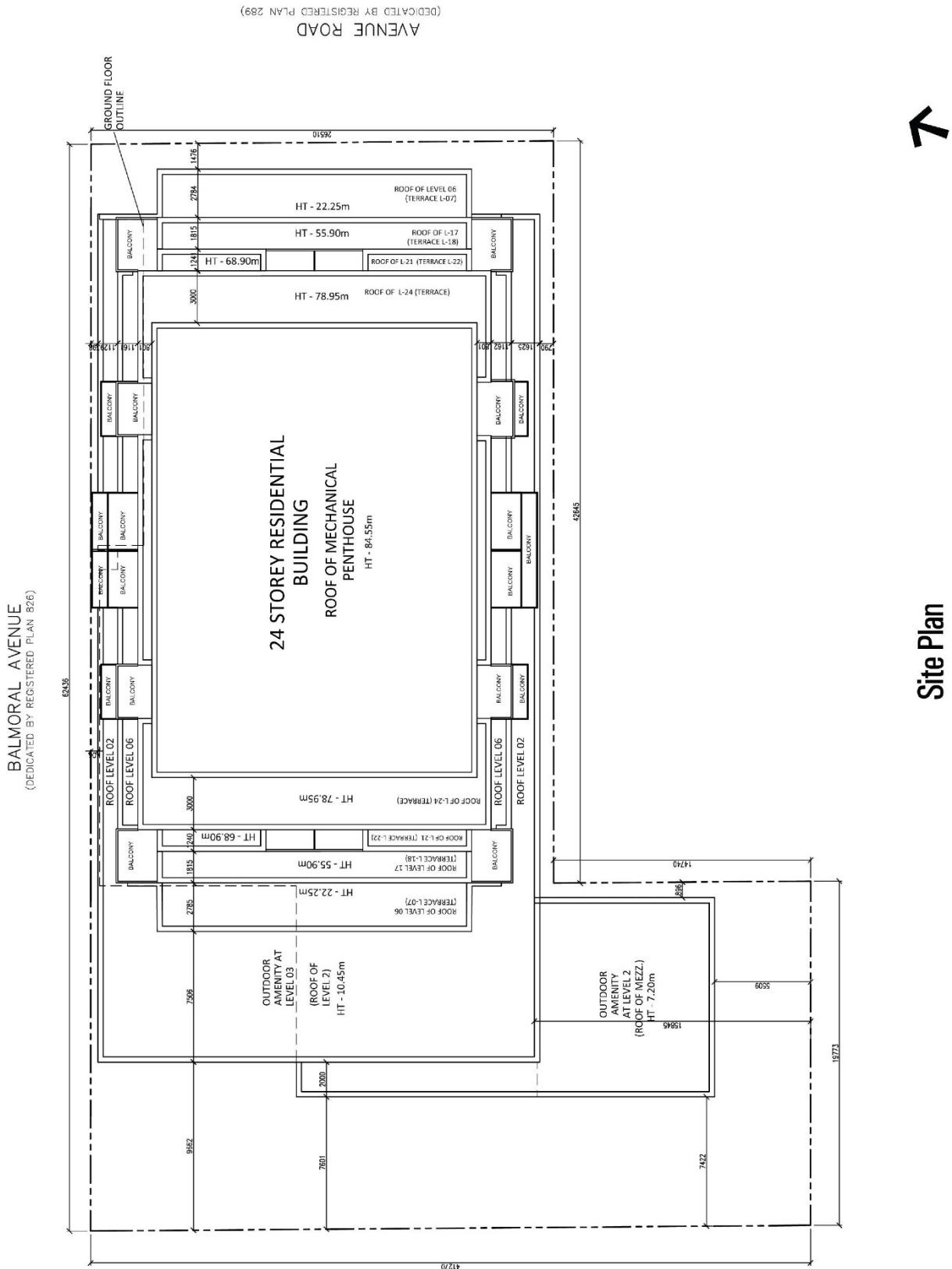


View of Applicant's Proposal Looking Northwest

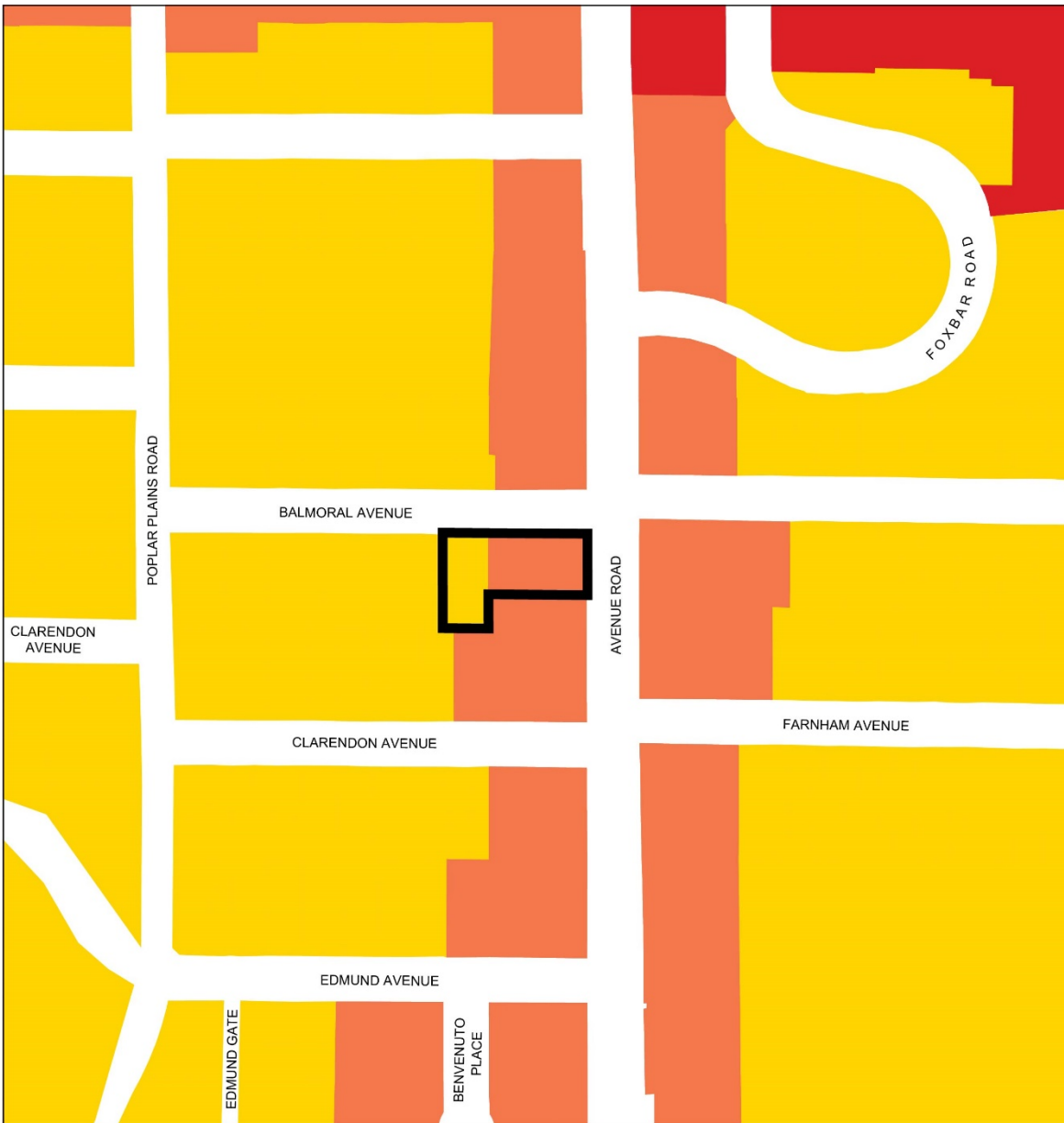


09/17/2021

Attachment 3: Site Plan





Attachment 4: Official Plan Map



Official Plan Land Use Map #17

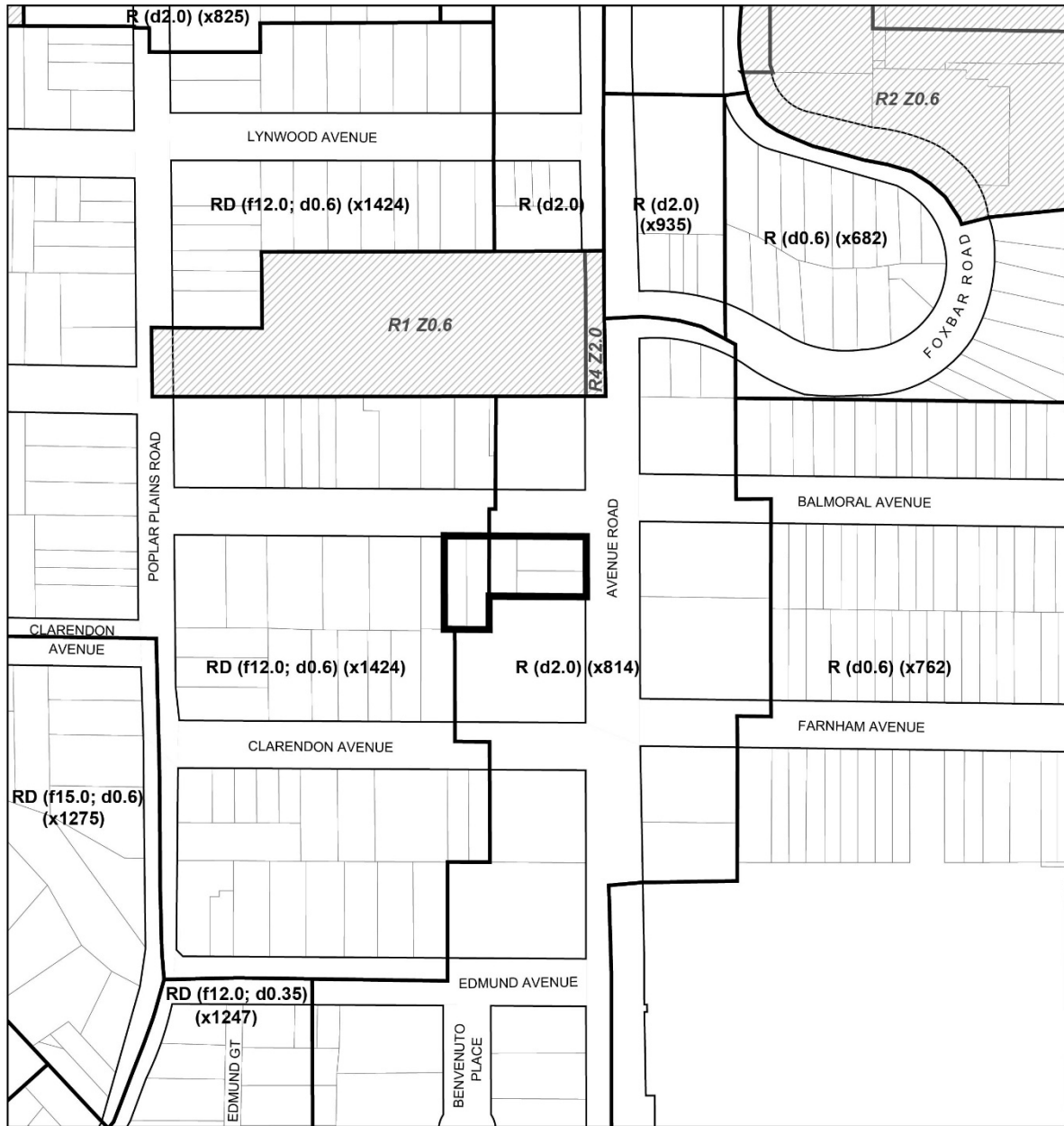
438-440 Avenue Road and
169, 171A, 171B Balmoral Avenue

File # 21 177893 STE 12 0Z

-  Location of Application
-  Neighbourhoods
-  Apartment Neighbourhoods
-  Mixed Use Areas


Not to Scale
Extracted: 27/08/2021

Attachment 5: Zoning By-law Map



Zoning By-law 569-2013

438-440 Avenue Road and
169, 171A, 171B Balmoral Avenue
File # 21 177893 STE 12 0Z

 Location of Application
R Residential
RD Residential Detached

 See Former City of Toronto By-law No. 438-86
R1 Residential District
R2 Residential District
R4 Residential District



Not to Scale
Extracted: 27/08/2021

Attachment 6: Application Data Sheet

Municipal Address: 438-440 Avenue
Road and 169-171B
Balmoral Avenue

Date Received: July 9, 2021

Application Number: 21 177893 STE 12 OZ

Application Type: Rezoning

Project Description: Proposal for a 24-storey residential apartment building containing 223 dwelling units with four levels of below-grade parking.

Applicant	Architect	Owner
Gala Developments	IBI	Augend Investments Ltd et al.

EXISTING PLANNING CONTROLS

Official Plan Designation: *Apartment Neighbourhoods and Neighbourhoods*

Zoning: R (d2.0) (x814); RD (f12.0; d0.6) (x1424)

Height Limit (m): 14

Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 1,948 **Frontage (m):** 62.4 **Depth (m):** 26.5

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):				
Residential GFA (sq m):			17,326	17,326
Non-Residential GFA (sq m):			0	0
Total GFA (sq m):			17,326	17,326
Height - Storeys:			24	24
Height - Metres:			85.10	85.10

Lot Coverage Ratio (%):

Floor Space Index: 8.9

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)

Residential GFA:

Retail GFA:

Office GFA:

Industrial GFA:

**Institutional/Other
GFA:**

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	10	0	0	0
Freehold:				
Condominium:			223	223
Other				
Total Units:			223	223

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:	0		167	33	23
Total Units:	0		167	33	23

Parking and Loading

Parking Spaces: 138 Bicycle Parking Spaces: 204 Loading Docks: 1