

351 to 365 Royal York Road – Zoning By-law Amendment Application – Preliminary Report

Date: January 27, 2022

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Wards: 3 - Etobicoke-Lakeshore

Planning Application Number: 21 196590 WET 03 OZ

Related Applications: 21 228022 WET 03 SA

Notice of Complete Application Issued: August 11, 2021

Current Use on Site: The development site is an assembly of eight properties, each occupied by a one-storey detached dwelling with a driveway accessed off of Royal York Road. Six of the properties also contain a rear detached garage.

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application to amend city-wide Zoning By-law 569-2013 for the lands municipally known as 351 to 365 Royal York Road. The application proposes to permit a 10-storey mixed use building (approximately 39.6 metres in height, including the mechanical penthouse) containing 282 dwelling units, 870 square metres of retail space on the ground floor and two levels of below-grade parking. The eight detached dwellings and associated detached garages that currently occupy the development site would be demolished.

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 at 351-365 Royal York Road 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

Pre-Application Consultation

A pre-application consultation meeting was held between City Planning staff and the applicant on December 18, 2020 to discuss complete application submission requirements and preliminary comments related to the proposal. At the meeting, a proposal similar to the current application was discussed, with the existing detached dwellings on the site proposed to be demolished to accommodate a 10-storey mixed use building with approximately 258 dwelling units, commercial space on the ground floor and two levels of below-grade parking.

ISSUE BACKGROUND

Application Description

This application proposes to amend city-wide Zoning By-law 569-2013 to permit a 10-storey mixed use building (approximately 39.6 metres in height, including the mechanical penthouse) containing 870 square metres of retail space on the ground floor and 282 dwelling units. The proposed development would have a total gross floor area of 20,525 square metres, resulting in a proposed Floor Space Index of 5.32 times the lot area.

Of the proposed 282 dwelling units, six (two percent) are studio units, 178 (63 percent) are one-bedroom units, 71 (25 percent) are two-bedroom units and 27 (10 percent) are three-bedroom units. A total of 990 square metres of outdoor amenity space would be provided through two terraces, one located on the second storey and the other on the rooftop level of the building. The proposal also includes 564 square metres of indoor amenity space that would adjoin the outdoor amenity areas on the second storey and rooftop level.

Vehicular and loading access to the proposed building would be provided by a new driveway entrance on Royal York Road along the south side of the site. A total of 206 vehicular parking spaces are proposed within a two level below-grade garage and one

Type "G" loading space is proposed at-grade within the building. A total of 288 bicycle parking spaces are proposed in the below-grade garage and at-grade.

A road widening of 3.44 metres fronting Royal York Road is proposed to be conveyed to the City in order to satisfy the Official Plan requirement of a 27-metre wide right-of-way in this area.

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 Attachments 1 and 2 of this report for a three dimensional representation of the project in context and Attachment 4 for the proposed site plan drawing.

Site and Surrounding Area

The site is located on the east side of Royal York Road, north of Newcastle Street (see Attachment 3: Location Map). The site is rectangular in shape with an area of approximately 3,858 square metres with a proposed 3.44-metre wide conveyance along Royal York Road for the required road widening. The development site is an assembly of eight properties municipally known as 351, 353, 355, 357, 359, 361, 363 and 365 Royal York Road. Each property is currently occupied by a one-storey detached dwelling with a driveway accessed off of Royal York Road. Six of the properties also contain a rear detached garage.

Surrounding land uses include:

North: Immediately north of the site and south of Portland Street are three one-storey detached dwellings and a three-storey mixed use building. North of Portland Street on the east side of Royal York Road are eight two-storey duplexes.

East: Abutting the site to the east, at the southwest corner of Windsor Street and Portland Street, is a large one-storey industrial building that is currently occupied by several businesses. South of the industrial building is an associated outdoor storage area. Further south, at the northwest corner of Windsor Street and Newcastle Street, is a two-storey industrial building occupied by a pasta manufacturer. Further east, on the east side of Windsor Street, are one and two-storey industrial buildings.

South: Immediately south of the site is a three-storey mixed use building with commercial uses at-grade and residential uses above. Further south, south of Newcastle Street, are four blocks of three-storey townhouses, the Christ Church St. James Memorial Garden and Cemetery, and a vacant property at 315 and 327 Royal York Road that is the subject of a development application (File No. 19 232985 WET 03 OZ), which proposes a transit-oriented development integrated with the Mimico GO Station comprised of two towers, 34 and 40 storeys in height.

West: On the west side of Royal York Road, between Newcastle Road and Simpson Avenue, are two-storey mixed use buildings with commercial uses at-grade and residential units above, as well as a one-storey car dealership and service centre with a

surface parking lot fronting Royal York Road. Further north, north of Simpson Street along Royal York Road, are two-storey buildings with commercial uses at-grade and residential uses above. To the southwest, south of Newcastle Street, there is a 16-storey residential apartment building and Coronation Park.

Provincial Policy Statement and Provincial Plans

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). 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 (2020)") came into effect on August 28, 2020. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) 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 (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. 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 (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

Planning for Major Transit Station Areas

The Growth Plan (2020) as amended 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 subject site is located within approximately 200 metres of the Mimico Station on the GO – Lakeshore Line.

The Growth Plan (2020) 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 plan for the prescribed densities. On June 29, 2020, City Council approved a work plan (Item No. PH14.4) for the Growth Plan Conformity and MCR of the Toronto Official Plan and established August 4, 2020 as the commencement of the City's MCR. Regarding MTSAs, the MCR work plan includes a three-phased implementation approach to delineate and set density targets for the 180+ MTSAs in Toronto. The Minister has set July 1, 2022 as the deadline for the MCR to be completed.

Delineated Protected Major Transit Station Areas (PMTSAs) will be a subset of all 180+ MTSAs that the City can delineate before the MCR is concluded. In order to delineate PMTSAs before the MCR is concluded, the City must put into place a detailed planning framework for PMTSAs that identifies permitted uses of land and minimum densities with respect to buildings and structures within the delineated area. The level of specificity is akin to provisions contained within an area zoning by-law, which is not required for MTSAs. Bill 108 allows municipalities to apply Inclusionary Zoning to PMTSAs. The Mimico GO Station area is included in Phase 2 of the MTSAs implementation as a PMTSA.

Toronto Official Plan Policies and Planning Studies

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

The current application is located on lands designated *Mixed Use Areas* on Map 13 – Land Use Plan of the Official Plan. See Attachment 5 for the land use designation of the

Official Plan. The application is also located immediately adjacent to the Mimico-Judson Secondary Plan area.

Zoning By-laws

The subject site is zoned Commercial Residential [CR 3.0 (c3.0; r2.2) SS2 (x869)] under city-wide Zoning By-law 569-2013. The zoning permits a range of commercial and residential uses and a maximum Floor Space Index of 3.0 times the lot area. A maximum building height of 14.0 metres is permitted. Site Specific Exception 869 permits dwelling units only above the first floor.

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 6 for the applicable zoning category of the site.

Design Guidelines

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

- Mid-rise Building Performance Standards and Addendum;
- Mimico-Judson Urban Design Guidelines;
- Growing Up: Planning for Children in New Vertical Communities;
- Retail Design Manual;
- Pet Friendly Design Guidelines for High Density Communities;
- Toronto Green Standard; and
- Bird Friendly Development Guidelines.

The application may be subject to further Design Guidelines as the review of the application progresses.

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

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application (File No. 21 228022 WET 03 SA) has been submitted and is under review.

COMMENTS

Reasons for the Application

The proposal requires an amendment to city-wide Zoning By-law 569-2013 in order to vary several performance standards as they relate to density, height, setbacks and parking spaces, among others.

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

The application will be evaluated against the policies and objectives of the *Planning Act*, PPS and the Growth Plan (2020). In particular, the proposal will be evaluated in regards to the promotion of well-designed built form, providing for a range of housing options and mixture of uses that is compatible with surrounding industrial uses, and whether the proposal complies with the municipal direction for growth.

Official Plan Conformity

The Official Plan states that *Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service employment in Toronto in the coming decades, as well as much of the new housing. However, not all *Mixed Use Areas* will experience the same scale or intensity of development.

Staff are reviewing the application to determine its conformity to the Official Plan. Key Official Plan policies that will be used to evaluate this application include, but are not limited to: the Public Realm, Built Form, and Housing policies in Chapter 3; and the development criteria for *Mixed Use Areas* in Chapter 4.

Built Form, Planned and Built Context

The suitability of the proposed height and massing or other built form issues will be assessed based on applicable Provincial policies, the City's Official Plan policies, the Mid-rise Building Performance Standards and Addendum and other City Urban Design Guidelines. An evaluation will be made to confirm whether the proposal fits within its planned and built context. In particular, staff will be evaluating:

- Appropriateness of the proposed building height and density;
- Appropriateness of the proposed building massing including transition to adjacent lower scale development, angular planes, setbacks and stepbacks, and ensuring residential uses are adequately mitigated from any adverse impacts of existing industrial uses nearby;
- Potential shadow impacts of the development, particularly on the public realm, outdoor amenity areas and lands designated Neighbourhoods;
- Appropriateness of the site organization, including location of driveway and building entrances; and
- Potential wind impacts on the development and any required mitigation measures.

Residential Unit Mix

On July 28, 2020, City Council adopted the Growing Up: Planning for Children in New Vertical Communities Urban Design Guidelines ("Growing Up Guidelines"). The objective of the Guidelines is to steer the delivery of multi-unit tall building proposals

that increases liveability for larger households, including families with children at the neighbourhood, building and unit scale. In particular, the Growing Up Guidelines direct development to provide a minimum of 25 percent of its total residential unit count towards large units, with a minimum of 10 percent being three-bedroom units. The Guidelines also direct two-bedroom units be in the range of 87 to 90 square metres and three-bedrooms be in the range of 100 to 106 square metres. The application currently proposes 71 (25 percent) two-bedroom units and 27 (10 percent) three-bedroom units. Staff will continue to review the proposal against applicable policies and guidelines in supporting a broad range of households.

Infrastructure/Service Capacity

The application will be reviewed to determine if there is sufficient infrastructure capacity to accommodate the proposed development. The applicant submitted a Functional Servicing and Stormwater Management Report prepared by R.J. Burnside and Associates Limited, and a Hydrogeological Investigation and Preliminary Geotechnical Investigation prepared by DS Consultants Limited. The purpose of these reports is to evaluate existing subsurface conditions and the effects of the development on the City's municipal servicing infrastructure and watercourses, and to identify and provide the rationale for any new infrastructure or upgrades to existing infrastructure necessary to adequately service the proposed development. The studies were reviewed by City staff and revisions are required.

Traffic Impact, Vehicular Access and Parking

The applicant submitted a Transportation Impact Study prepared by LEA Consultants Limited. The purpose of the study is to evaluate the effects of a development on the transportation system and identify transportation improvements that are necessary to accommodate the travel demands and impacts generated by the development, as well as access the proposed parking and loading provisions. The study was reviewed by City staff and revisions are required. In particular, a revised parking analysis is required, as well as revisions to the site plan in order to relocate the proposed driveway and provide a dedicated pick-up/drop-off turning circle or additional at-grade parking to accommodate ride sharing and food/package deliveries.

Land Use Compatibility

The subject site is located within proximity to various industrial operations to the east and south. The applicant submitted a Land Use Compatibility Assessment prepared by Gradient Wind Engineering Incorporated. The purpose of this report is to identify land use compatibility issues between the nearby facilities and the proposed sensitive land uses, and evaluate and recommend measures to eliminate or mitigate the adverse effects.

A separate Transportation Noise Feasibility Assessment prepared by Gradient Wind Engineering Incorporated was submitted to identify and evaluate the transportation, stationary and on-site noise sources that may adversely impact the proposed sensitive uses on the site.

The Land Use Compatibility and Transportation Noise Feasibility Assessments will require peer reviews be conducted on behalf of the City by a third party consultant(s) at the applicant's expense.

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 submitted an Arborist Report and Landscape Plans prepared by The MBTW Group. The report indicates that the proposal would result in the removal of 24 private trees. City staff have reviewed the documents. Revisions and additional information including a Soil Volume Plan and Tree Protection Plan/Tree Inventory Plan are required.

Archaeological Assessment

A Stage 1 and 2 Archeological Assessment prepared by AS&G Archaeological Consulting was submitted with the application and is under review by staff.

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.

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.

City staff have determined that a CS&F Study is not required to be provided for this application as the City has up-to-date information on the community services and facilities in the area from the Mimico-Judson Regeneration Areas Study. Should community benefits be considered as part of the evaluation of the proposed development, Staff have identified the following priorities:

- Provision of child care space;
- Provision of community agency space, which the owner is to design, construct, finish and convey to the City a minimum of 5,000 square feet; and
- Contribution to Mimico Centennial and/or Humber Bay Public Library.

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 intended to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant has submitted the TGS Checklist indicating that they are pursuing Tier 1 performance measures. Staff are reviewing the TGS Checklist submitted by the applicant for compliance with the Tier 1 performance measures. City Planning staff will encourage the applicant to pursue Tier 2 or higher performance measures through the application review process.

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*. Section 37 benefits have not yet been discussed. City staff may apply Section 37 provisions of the *Planning Act* should the proposal be approved in some form. 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.

Other Matters

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

CONTACT

Olivia Antonel, Senior Planner, Community Planning
Tel. No. 416-394-6008
E-mail: Olivia.Antonel@toronto.ca

SIGNATURE

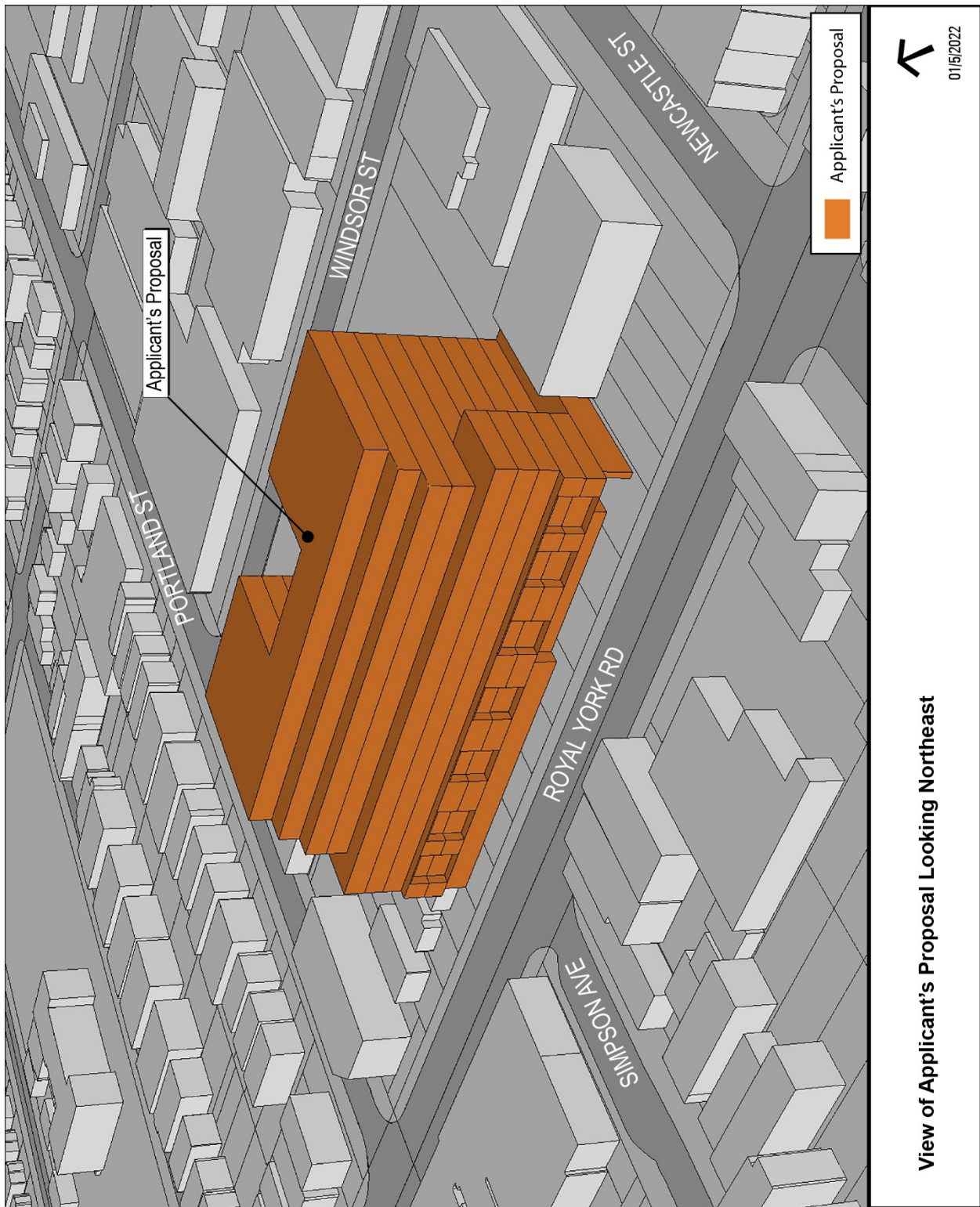
Michael Mizzi, MCIP, RPP
Director, Community Planning
Etobicoke York District

ATTACHMENTS

City of Toronto Drawings

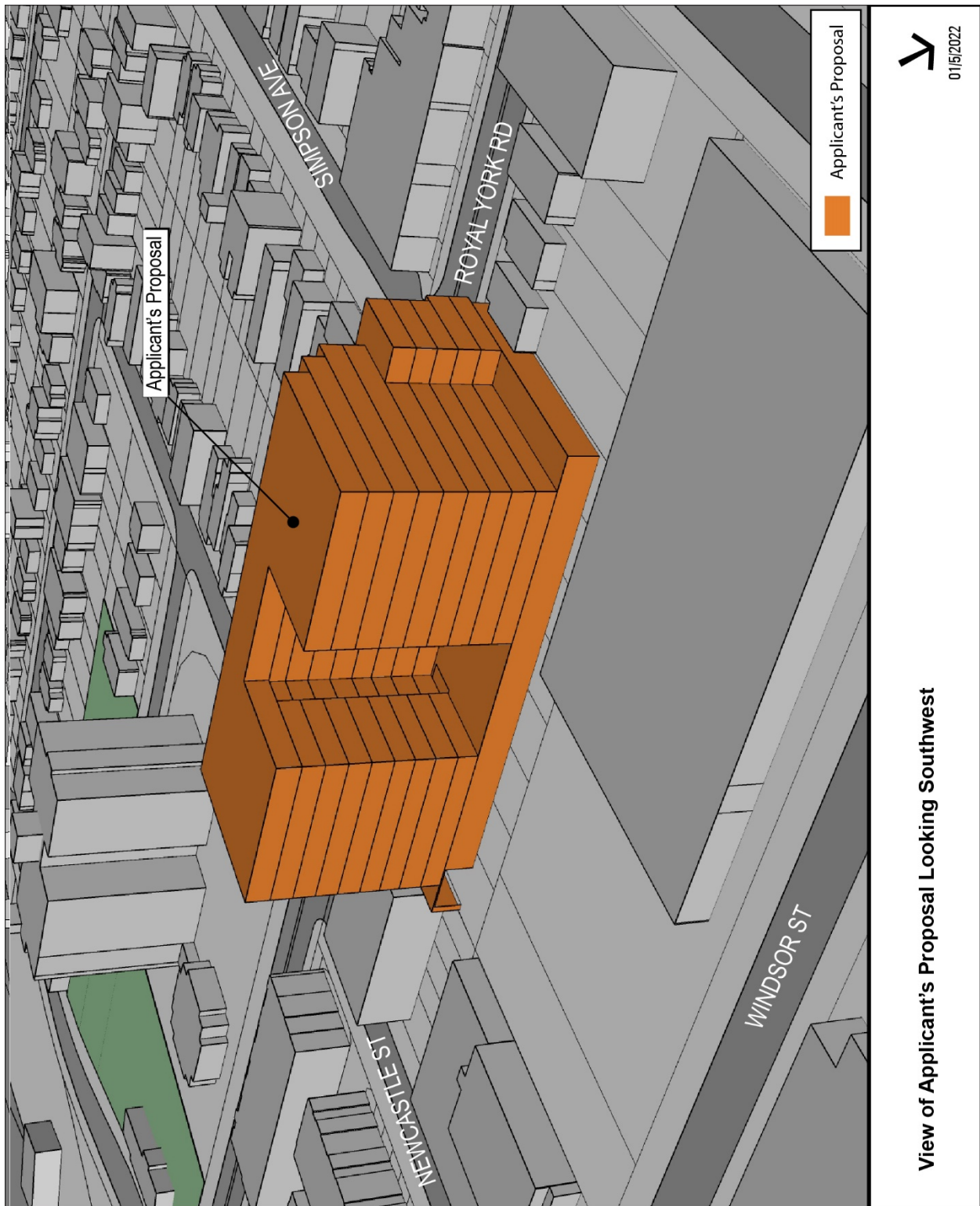
- Attachment 1: 3D Model of Proposal in Context, Looking Northeast
- Attachment 2: 3D Model of Proposal in Context, Looking Southwest
- Attachment 3: Location Map
- Attachment 4: Site Plan
- Attachment 5: Official Plan Land Use Map
- Attachment 6: Zoning Map

Attachment 1: 3D Model of Proposal in Context, Looking Northeast

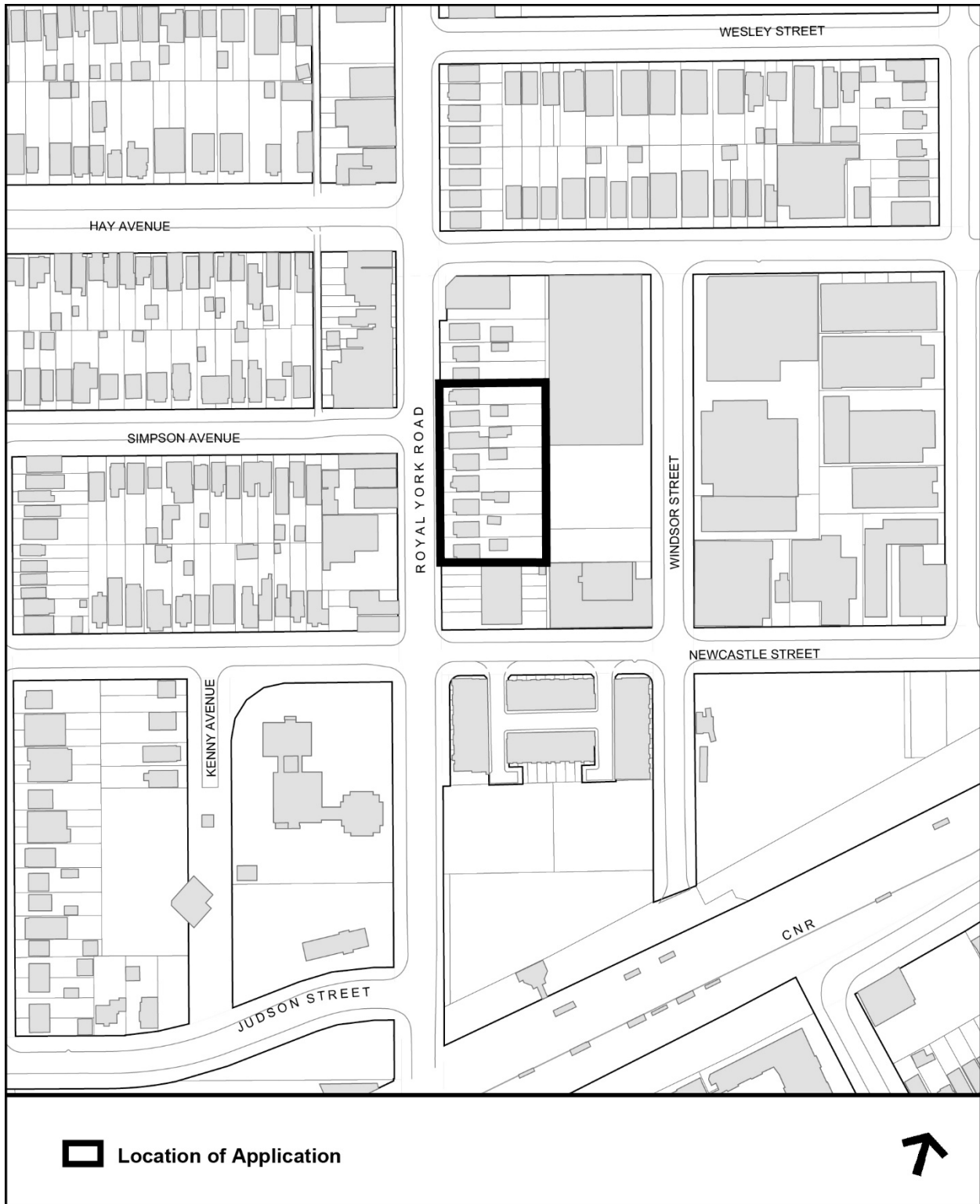


View of Applicant's Proposal Looking Northeast

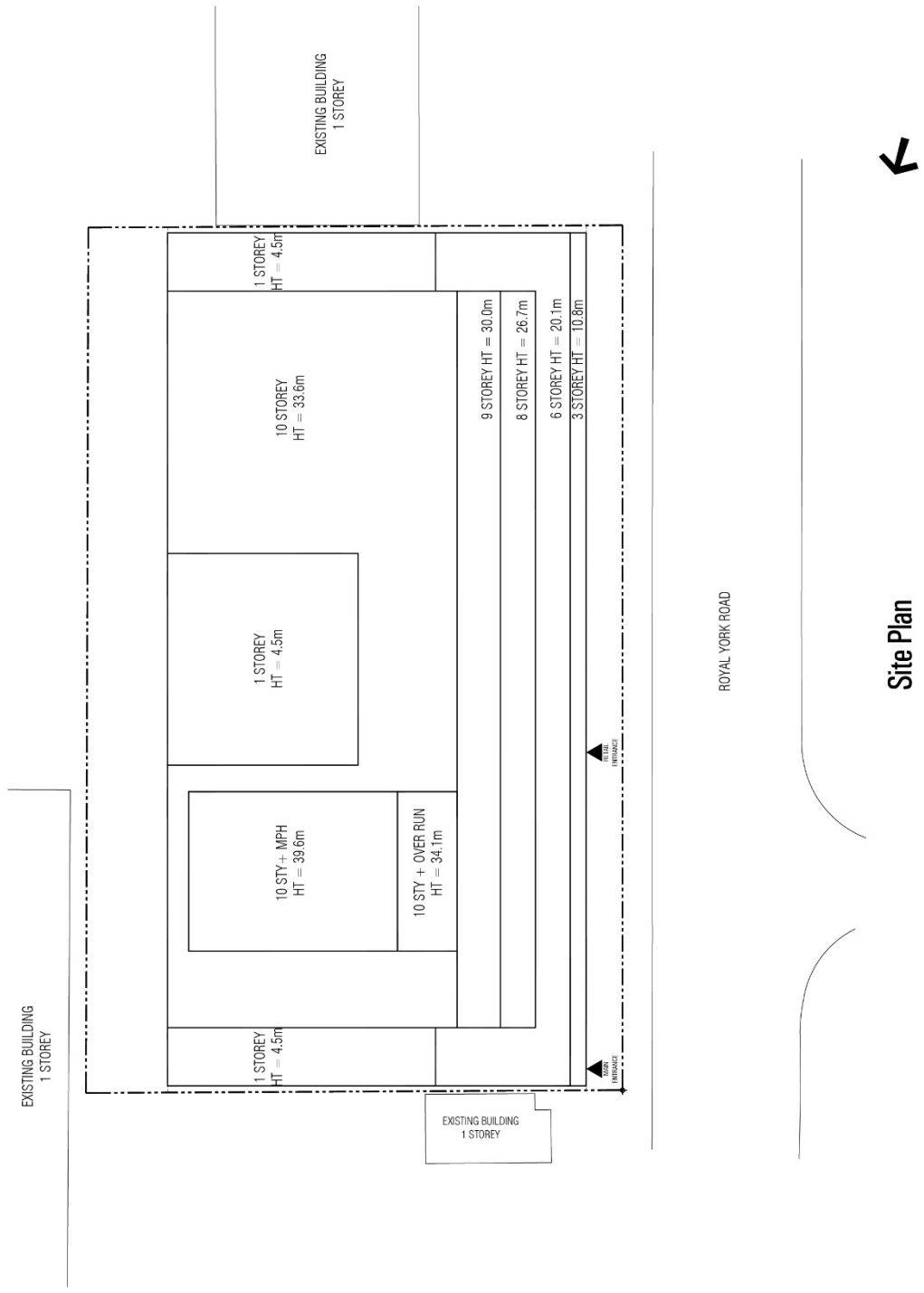
Attachment 2: 3D Model of Proposal in Context, Looking Southwest



Attachment 3: Location Map



Attachment 4: Site Plan



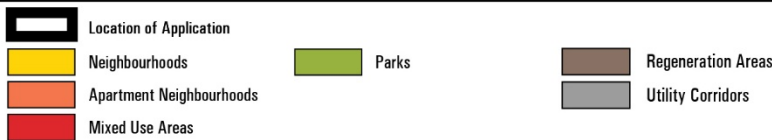
Attachment 5: Official Plan Land Use Map



Official Plan Land Use Map #15

351-365 Royal York Road

File # 21 196590 WET 03 0Z



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Not to Scale
Extracted: 08/16/2021

Attachment 6: Zoning Map



Zoning By-law 569-2013

351-365 Royal York Road

File # 21 196590 WET 03 0Z



Location of Application

- RT** Residential Townhouse
- RM** Residential Multiple
- RA** Residential Apartment
- CR** Commercial Residential
- E** Employment Industrial
- O** Open Space

- OR** Open Space Recreation
- UT** Utility and Transportation



See Former City of Etobicoke By-Law No. 11,737

- R2** Second Density Residential Zone
- R4** Fourth Density Residential Zone
- I.C1** Class 1 Industrial Zone
- I.C1** Class 1 Industrial Zone



Not to Scale
Extracted: 08/16/2021