

## **438-440 Avenue Road and 169-171B Balmoral Avenue – Official Plan and Zoning Amendment Application and Rental Housing Demolition Application – Request for Direction Report**

Date: May 3, 2022

To: Toronto and East York Community Council

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

Ward: 12, Toronto-St. Paul's

**Planning Application Numbers:** 21 177893 STE 12 OZ

**Related Applications:** 21 177901 STE 12 RH

### **SUMMARY**

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On July 9, 2021, an Official Plan and Zoning By-law Amendment application was submitted to permit a 24-storey residential apartment building containing 223 dwelling units. A Rental Housing Demolition application was submitted to permit the demolition of 10 rental dwelling units on the site.

On March 3, 2022, the Applicant appealed the Official Plan and Zoning By-law Amendment application to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the 120-day time frame in the Planning Act.

This report recommends that the City Solicitor with the appropriate City staff attend the OLT 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 Ontario Land Tribunal in opposition to the current application regarding the Official Plan and Zoning By-law Amendment appeals for the lands at 438-440 Avenue Road and 169-171B Balmoral Avenue and to continue discussions with the Applicant in an attempt to resolve outstanding issues.

2. In the event that the Ontario Land 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 and content of the draft Official Plan and Zoning By-laws are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;

b) the owner has provided confirmation of water, sanitary and stormwater capacity to the satisfaction of 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;

c) City Council has approved the Rental Housing Demolition Application (file 21 177893 STE 12 RH) in accordance with Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act, 2006, which allows for the demolition of the ten (10) existing rental dwelling units on the site;

d) if applicable, 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.

3. City Council authorize the City Solicitor, if appropriate, to request the issuance of any final Orders prior to the owner entering into a Section 37 Agreements referenced in Recommendation 2.d.

4. City Council authorizes 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 October 14, 2021, 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=2021.TE28.24>

## THE SITE

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Site Description and Dimensions: The site is located at the south west corner of the intersection of Avenue Road and Balmoral Avenue. The irregularly shaped site is 1,948 square metres in size, has a frontage of 26.5 metres on Avenue Road and 62.4 metres on Balmoral Avenue.

**Existing Use:** Five single-detached houses, 2-3 storeys in height, containing 10 rental dwelling units and one owner-occupied unit.

### **Surrounding uses include:**

**North:** of the site along Balmoral Avenue is a twelve-storey tower at 160 Balmoral Avenue, a row of 8 detached and semi-detached houses, and St. John's Evangelical Lutheran Latvian Church of Toronto. Immediately north of Balmoral Avenue is Brown Junior Public School and Community Centre (454 Avenue Road), and the Avenue Road Arts School (460 Avenue Road), low-rise dwellings on Lynwood Avenue, an 8-storey apartment building (2 Lynwood Avenue), and a 19-storey residential building (155 St. Clair Avenue West) at the intersection of St. Clair Avenue West and Avenue Road.

**East:** of the site is a recent zoning approval for a 13-storey retirement and nursing home for seniors (145-155 Balmoral Avenue). To the northeast is a 6-storey residential building (150 Balmoral Avenue), low-rise residential dwellings along Foxbar Road, a 4-5 storey retirement home (54 Foxbar Road), and taller buildings fronting onto St. Clair Avenue West with a dedicated streetcar right-of-way and a variety of uses. To the south east is a 5-storey apartment building (150 Farnham Avenue), an 8-storey building (425 Avenue Road), a 14-storey building (423 Avenue Road), and a private school campus (De La Salle College, 131 Farnham Avenue).

**South:** of the site along Avenue Road is a 4-storey heritage listed apartment building (2 Clarendon Avenue), a 7-storey apartment building (1 Clarendon Avenue), an 4-storey apartment building (400 Avenue Road), a group of 6-storey apartments (394-398 Avenue Road), a 9-storey apartment building (1 Benvenuto Place), and a group of 3 to 4-storey apartment buildings (320, 326, 330, 340, and 342 Avenue Road).

**West:** of the site is a low-rise Neighbourhood and Sir Winston Churchill Park.

## THE APPLICATION

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### **Description**

**Height:** 24-storey (79 metres, excluding a 6.0 metre mechanical penthouse) residential building.

**Density (Floor Space Index):** 8.9 times the area of the lot.

**Unit count:** 223 dwelling units (167 one-bedroom units (75%), 33 two-bedroom units (15%) and 23 three-bedroom units (10%)).

**Rental Housing:** 10 existing rental dwelling units (1 bachelor unit, 2 one-bedroom units, 4 two-bedroom units, 1 three-bedroom unit, and 2 four-bedroom units) and 1 owner-occupied unit. Of these units, 2 have affordable rents, 5 have mid-range rents, and 3 have high-end rents.

### **Additional Information**

See Attachments 1-4 of this report for a location map, Application Data sheet, a three dimensional representation of the project in context, and a site plan of the proposal. The Application Data Sheet contains additional details on the proposal including: site area and dimensions; floor area; unit breakdowns; and parking counts.

All plans and reports submitted as part of the application can be found on the City's Application Information Centre at:

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

### **Reasons for Application**

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

## **POLICY CONSIDERATIONS**

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**Official Plan Designation:** The site is designated Apartment Neighbourhoods and Neighbourhoods on Map 17 of the Official Plan.

**Official Plan Housing Policy:** The Official Plan states that new development that would have the effect of removing all or 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 the 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.

**Zoning:** The site is subject to Zoning By-law 569-2013. The eastern portion of the site is zoned R (d2.0) (x814) and the western portion is zoned RD (f12.0; d0.6) (x1424). Likewise, the eastern portion of the site is zoned R4 Z2.0 and the western portion is zoned R1 Z0.6 under former City of Toronto Zoning By-law 438-86.

The eastern portion of the site has a density of 2 times the area of the lot and the western portion of the site has a density of 0.6 times the area of the lot. The entire site has a maximum height limit of 10 metres.

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

Section 111 of the City of Toronto Act, 2006 authorizes the City to regulate the demolition 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 and Executive Director, City Planning. Decisions under Chapter 667 are final and not appealable to the Ontario Land Tribunal.

### **Additional Information**

See Attachment 5 for applicable policy documents.

## **COMMUNITY CONSULTATION**

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A Virtual Community Consultation Meeting was hosted by City staff on November 23, 2021. Approximately 76 people participated, as well as the Ward Councillor. Following a presentation by City staff and the Applicant, the following comments and issues were raised:

- proposal disregards the planning policies for the area and does not fit within existing and planned framework;
- appropriateness of the proposed height, density, and massing;
- inadequacy of the site to accommodate a tower;
- compatibility and fit with adjacent residential areas, including transition, setbacks, built form and streetscape;

- shadowing on adjacent low-rise residential areas and Brown Junior Public School;
- insufficient setbacks and step backs;
- environmental impact of the building;
- impact on traffic congestion and location of the access to the parking garage;
- excessive number of vehicular parking spaces;
- lack of community consultation;
- capacity of infrastructure to support the proposed development; and
- construction impacts.

City staff also met with representatives from the South Hill Homeowners' Association, the Deer Park Residents' Association, Brown Junior Public School, and other adjacent property owners and renters at a meeting on January 25, 2022. Additional comments provided by attendees at that meeting related to concerns about height, building typology, redesignation of Neighbourhoods, and shadow impacts on Brown Junior Public School.

The issues raised through community consultation have been considered through the review of the application. The detailed building design, including proposed materials, and the construction management plan will be addressed during the Site Plan Control review process.

## **COMMENTS**

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### **Provincial Framework**

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the current proposal for consistency with the Provincial Policy Statement, and conformity with the Growth Plan. Staff find the proposal to be consistent with the PPS and conforms with the Growth Plan. All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS, and shall conform to provincial plans.

### **Built Form**

City Planning staff have reviewed the proposed built form, including height, massing and transition, against the policies of the Official Plan as well as relevant design guidelines.

The proposal does not conform to the Official Plan. The proposed 24-storey building does not fit within the existing and planned context and the massing, including setbacks, step backs, and separation distances, is not acceptable. The proposal has not demonstrated how a tall building can be appropriately accommodated on the site.

## **Sun and Shadow**

The shadow impacts resulting from the proposal are unacceptable and do not conform with the policies of the Official Plan.

The proposal does not adequately limit shadow impacts on properties in adjacent lower-scale Neighbourhoods or ensure access to direct sunlight and daylight on the public realm. The proposal has an unacceptable impact on Brown Junior Public School, casting significant net-new shadow on the school property and playground throughout the day (before 9:18 am to after 12:18 pm) during both the spring and fall equinoxes.

## **Wind**

The wind impacts resulting from the proposal are not acceptable and do not meet the policies of the Official Plan and the intent of the Tall Buildings Guidelines.

A Pedestrian Level Wind Study prepared by RWDI, dated June 17, 2021, shows a number of areas on the site and in the adjacent public realm that will be negatively impacted by the proposed development.

## **Streetscape**

The proposed streetscapes along Avenue Road and Balmoral Avenue are unacceptable. The proposed setbacks on Balmoral Avenue are not in keeping with the character of the area and the setbacks on the Avenue Road and the cantilevered second floor do not provide sufficient space to facilitate the planting of street trees.

Additional landscaping and public realm improvements are needed along Balmoral Avenue and at the intersection of Avenue Road and Balmoral Avenue.

## **Servicing**

A Functional Servicing and Stormwater Management Report and associated plans have been submitted for the site and are currently under review by Engineering and Construction Services.

In the event that the OLT 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. The site is not in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code. The applicant is required to satisfy the parkland dedication requirement through a cash-in-lieu payment.

The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted upon the submission of an application for the first above ground building permit and is valid for six months. Payment will be required prior to the issuance of the permit.

### **Rental Housing**

The application proposes to replace zero of the 10 demolished rental housing units and proposes a cash-in-lieu payment instead. The provision of cash-in-lieu of replacement rental housing does not meet the Official Plan rental replacement policy. A tenant relocation and assistance plan addressing the right to return to occupy a replacement rental unit at similar rents and other assistance to lessen tenant hardship is also required.

### **Heritage Impact**

Heritage Planning staff have reviewed the submitted Heritage Impact Assessment prepared by GBCA Architects and dated June 14, 2021. This property is not designated under the Ontario Heritage Act or included on the City's Heritage Register. Heritage Planning has determined that the site does not have cultural heritage significance under O.Reg. 9/06.

### **Tree Preservation**

The Application is subject to the provisions of the City of Toronto Municipal Code. An Arborist Report and Tree Inventory and Preservation Plan were submitted by the Applicant. The Applicant proposes to remove 3 City-owned trees regulated by the Parks By-law, and 1 privately-owned tree regulated by the Private Tree By-law. An exemption for 1 additional privately-owned tree regulated by the Private Tree By-law has been approved on account of it being dead.

Staff require replacement of all three City-owned street trees along the City road allowance and the planting of three additional trees on the subject site.

### **Indoor/Outdoor Amenity Space**

Zoning By-law 438-86 requires a minimum of 2.0 square metres per unit each of indoor and outdoor amenity space, and Zoning By-law 569-2013 requires a combined amenity space of 4.0 square metres per unit. The proposal includes 401 square metres of indoor amenity space (1.8 square metres per unit) and 469 square metres of outdoor amenity space (2.1 square metres per unit). The proposed amenity space is generally acceptable.

### **Parking and Loading**

A total of 138 vehicle parking spaces are proposed in a 4-level below-grade parking garage, accessed from Balmoral Avenue. A type-G loading space is proposed at grade.

An Urban Transportation Considerations Report was submitted for the site and is currently under review by Transportation Services and Engineering and Construction Services.

### **Section 37**

Recent changes to Section 37 of the Planning Act through the proclamation of Bill 108 will shortly replace increased height and/or density bonusing with a new growth funding tool called the Community Benefits Charge (CBC), subject to transition rules. The City is in the process of enacting a CBC By-law, which is anticipated to come into force prior to September 18, 2022.

Section 37 benefits have not been discussed in the absence of an agreement on the built form proposed by this application. If applicable, City Planning staff recommend that staff be authorized to negotiate an appropriate agreement for Section 37 community benefits, including any in-kind contributions, with the applicant, in consultation with the Ward Councillor.

### **Further Issues**

City Planning continues to receive additional information regarding this application as the result of ongoing review by City commenting divisions, materials submitted in support of the proposal, and through deputation made by members of the public to Community Council. Planning staff may also be required to evaluate supplementary or revised plans and supporting materials submitted by the applicant after the date of this report. As a result City Planning staff may continue to identify further issues or supplement the reasons provided in this report. Where substantive changes to the proposal are made by the applicant, Staff may report back to City Council as necessary.

## **CONCLUSION**

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The application has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Official Plan, and applicable City guidelines intended to implement Official Plan policies. As currently proposed, the proposal does not conform to the Official Plan and the Tall Building Design Guidelines.

This report recommends that the City Solicitor, with appropriate staff, attend the OLT 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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## **SIGNATURE**

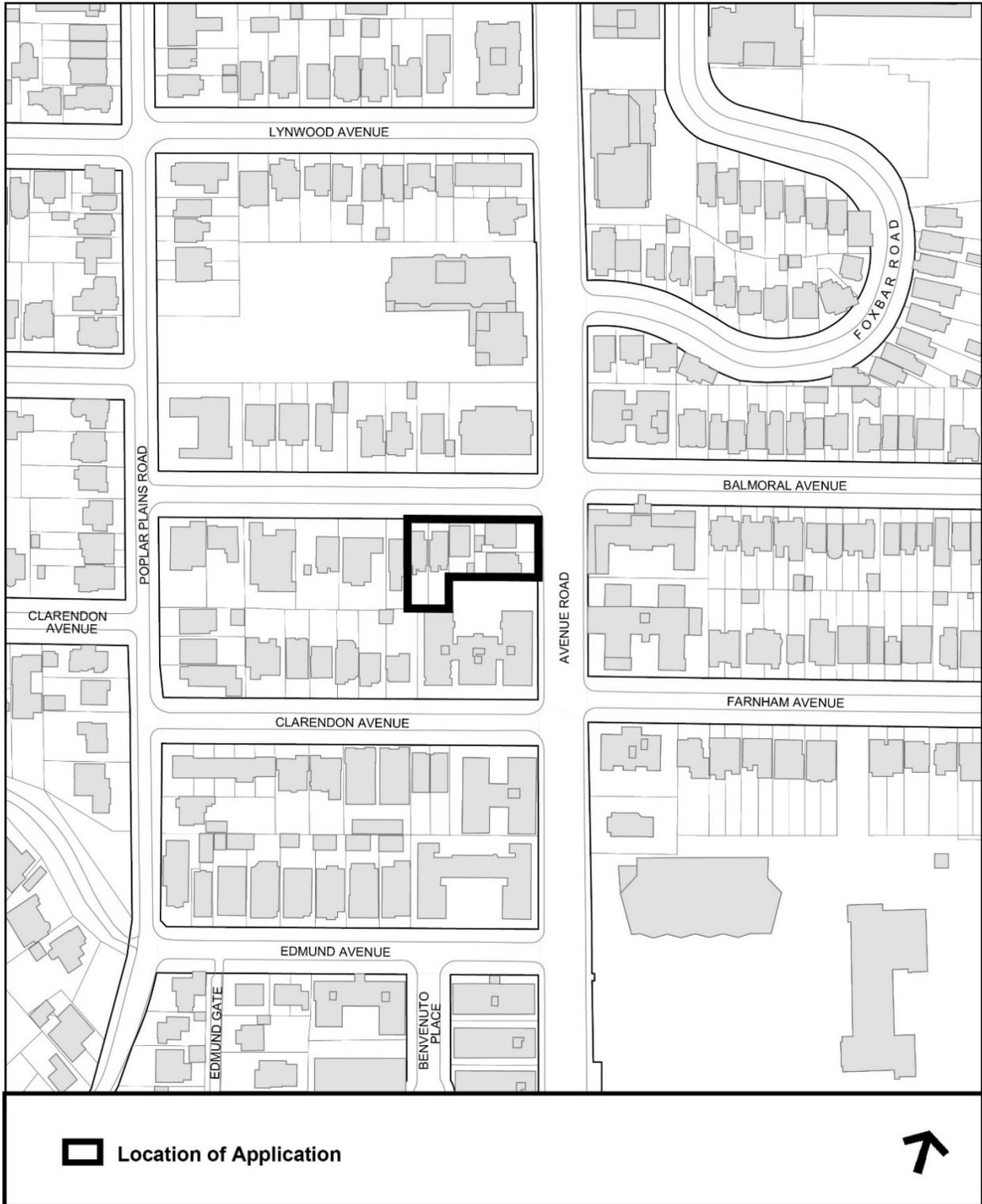
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Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA  
Director, Community Planning  
Toronto and East York District

## **ATTACHMENTS**

Attachment 1: Location Map  
Attachment 2: Application Data Sheet  
Attachment 3: 3D Model of Proposal in Context Looking Northwest  
Attachment 4: Site Plan  
Attachment 5: Policy Considerations  
Attachment 6: Official Plan Land Use Map  
Attachment 7: Zoning By-law Map

Attachment 1: Location Map



Attachment 2: Application Data Sheet

**Municipal Address:** 438-440 Avenue  
Road and 169-171B  
Balmoral Avenue  
**Application Number:** 21 177893 STE 12 OZ and  
21 177901 STE 12 RH  
**Application Type:** Official Plan, Zoning By-law Amendment and Rental Housing  
**Project Description:** A 24-storey residential building containing 223 dwelling units with four levels of below-grade parking.

<b>Applicant</b>	<b>Architect</b>	<b>Owner</b>
Gala Developments	IBI	Augend Investments Ltd et al.

**EXISTING PLANNING CONTROLS**

<b>Official Plan Designation:</b>	<i>Apartment Neighbourhoods and Neighbourhoods</i>		
<b>Zoning:</b>	R (d2.0) (x814); RD (f12.0; d0.6) (x1424)		
<b>Height Limit (m):</b>	14	<b>Site Plan Control Area:</b>	Y

**PROJECT INFORMATION**

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

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

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

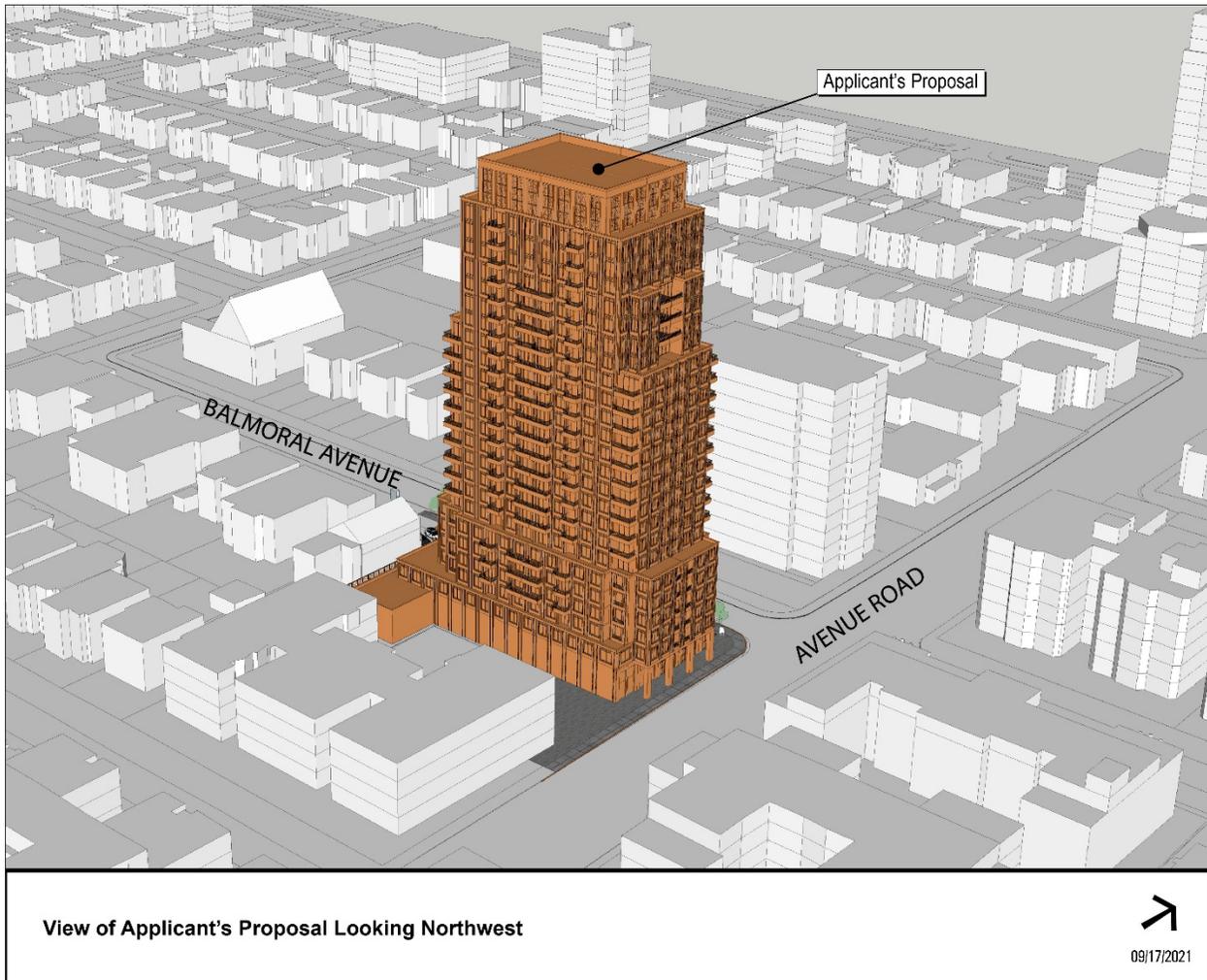
**Total Residential Units by Size**

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

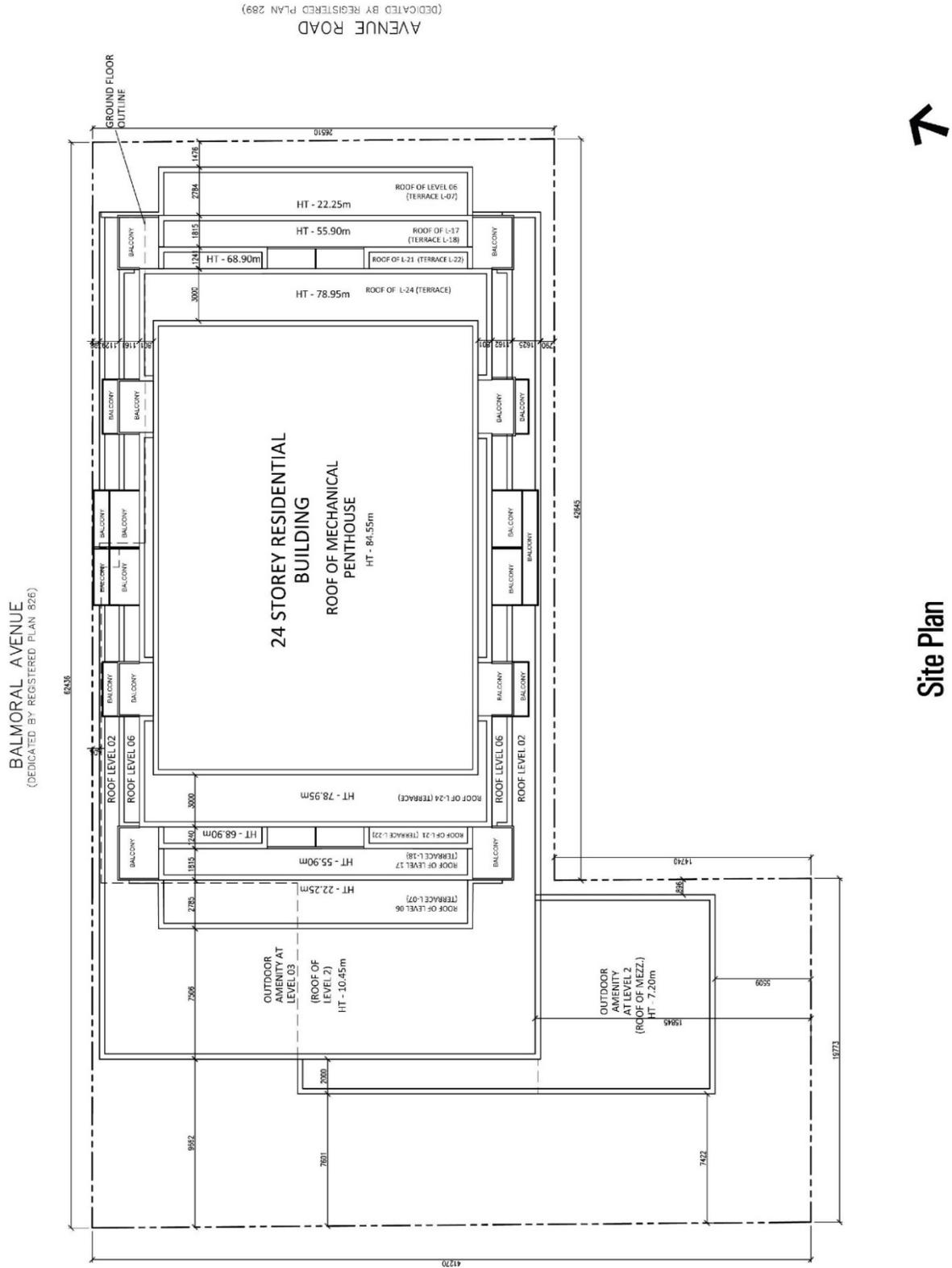
**Parking and Loading**

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

Attachment 3: 3D Model of the Proposal in Context Looking Northwest



Attachment 4: Site Plan



## Attachment 5: Policy Considerations

### **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 is issued under Section 3 of the Planning Act and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

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."

### **Provincial Plans**

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 that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

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

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on August 28, 2020. This was an amendment to the 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) 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.

## **Official Plan**

The 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.

The Official Plan contains policies related to building complete communities, heritage preservation, community services, transportation, and environmental stewardship. The Official Plan also 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 of community benefits in the form of capital facilities.

The site is designated Apartment Neighbourhoods and Neighbourhoods as shown on Land Use Map 17. See Attachment 6 of this report for the Official Plan Land Use Map.

## **Housing**

The Official Plan contains policies stating that the existing housing stock will be maintained, improved and replenished, and that the supply of new housing will be encouraged through intensification and infill that is consistent with the Official Plan. The Official Plan states that significant new development on sites 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.

## **Zoning By-laws**

The site is subject to Zoning By-law 569-2013. The eastern portion of the site is zoned R (d2.0) (x814) and the western portion is zoned RD (f12.0; d0.6) (x1424). Likewise, the eastern portion of the site is zoned R4 Z2.0 and the western portion is zoned R1 Z0.6 under former City of Toronto Zoning By-law 438-86.

The eastern portion of the site has a density of 2 times the area of the lot and the western portion of the site has a density of 0.6 times the area of the lot. The entire site has a maximum height of 10 metres.

See Attachment 7 of this report for the existing Zoning By-law Map.

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

## **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). City staff will work with the applicant to preserve as many trees as possible and find opportunities to increase the tree canopy on this site.

## **Design Guidelines**

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

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

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

## **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/bgrd/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 guidelines may be found here:

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

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

The purpose of the Pet Friendly Design Guidelines 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/citygovernment/planning-development/planning-studies-initiatives/pet-friendly-designguidelines-for-high-density-communities/>

### **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.

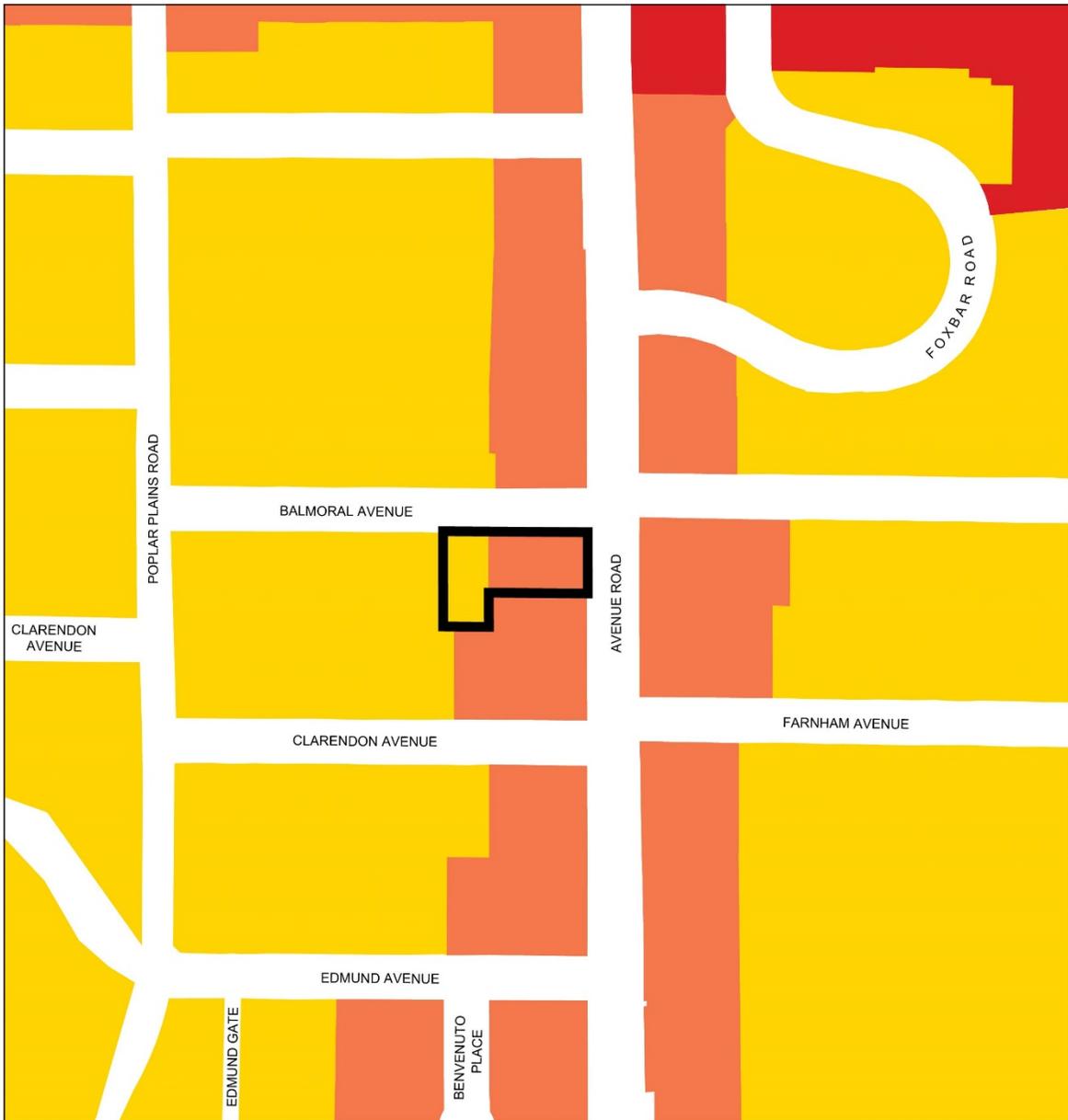
TGS Version 4.0 applies to new Site Plan Applications submitted on or after May 1, 2022.

The TGS can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/>

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

The applicant submitted an application on June 30, 2021, for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition of the existing rental housing units, as the lands subject to the application contain six or more residential units, or which at least one is rental. As per Chapter 667-14, a tenant consultation meeting will be held to review the impact of the proposal on tenants of the residential rental property and matters under Section 111. Replacement of the 10 existing rental units, including the high-end units, is required.

Attachment 6: Official Plan Map



Official Plan Land Use Map #17

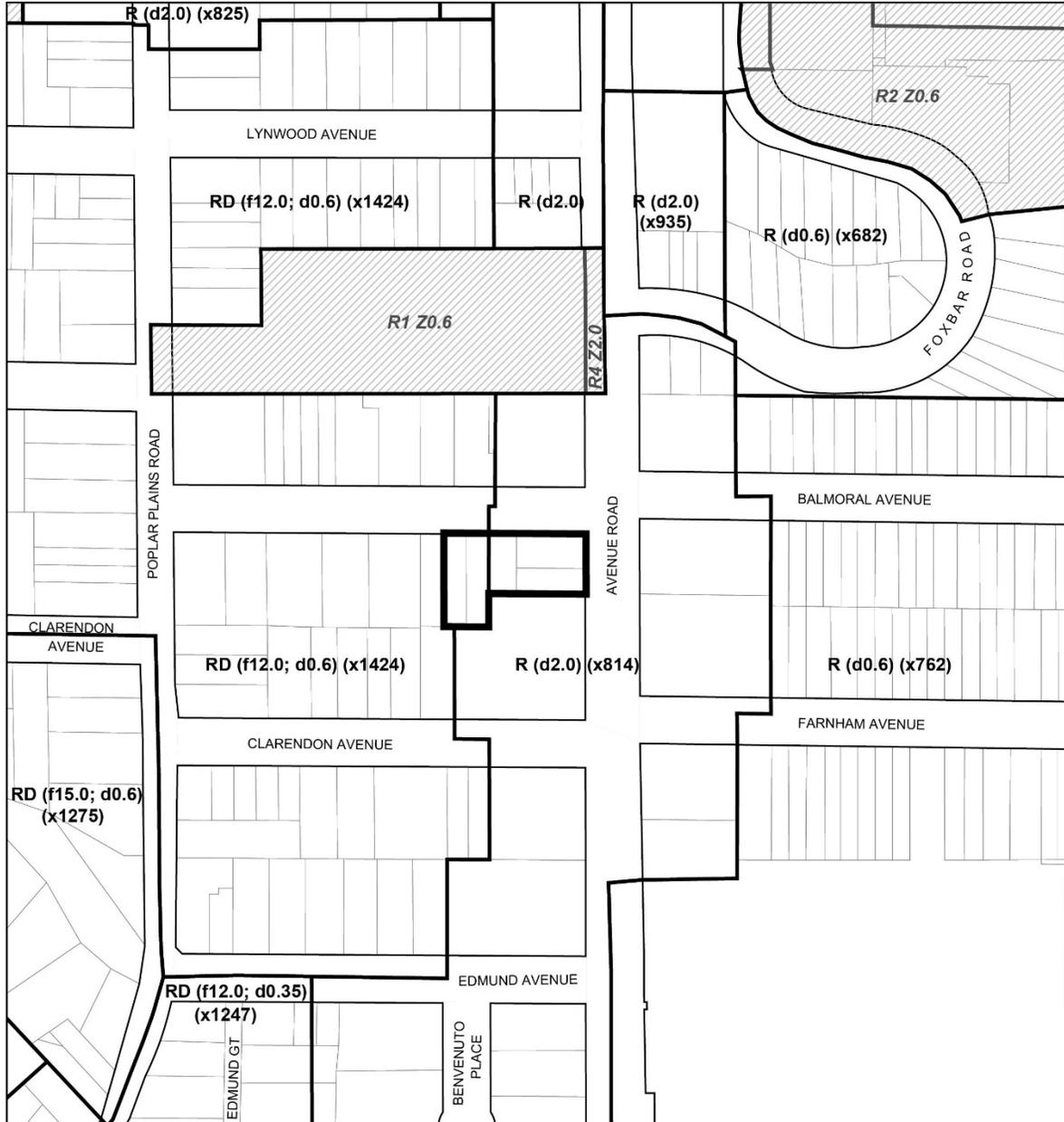
438-440 Avenue Road and  
169, 171A, 171B Balmoral Avenue

File # 21 177893 STE 12 02

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

  
Not to Scale  
Extracted: 27/08/2021

Attachment 7: 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