

175-195 St. Clair Avenue West and 273 Poplar Plains Road – Official Plan and Zoning By-law Amendment and Rental Housing Demolition Applications – Request for Direction Report

Date: June 13, 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: 20 220123 STE 12 OZ

Related Applications: 21 111463 STE 12 RH

SUMMARY

On November 19, 2020, an Official Plan and Zoning By-law Amendment application was submitted to permit a 13 to 15-storey residential building containing 206 dwelling units. The proposal has since been reduced to an 11 to 13-storey residential building containing 164 dwelling units. A Rental Housing Demolition application was submitted to permit the demolition of 1 rental dwelling unit on the site on February 2, 2021.

On February 15, 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 of 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

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 175-195 St. Clair Avenue West and 273 Poplar Plains Road, 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 (21 111463 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 one (1) existing rental dwelling unit 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 Agreement referenced in Recommendation 2.d), above.

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

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

A Preliminary Report was adopted by Toronto and East York Community Council on February 24, 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.TE23.50>

SITE AND SURROUNDING AREA

Description: The site is located at the southeast corner of St. Clair Avenue West and Poplar Plains Road, west of Avenue Road. The irregularly shaped site is approximately 4,720 square metres in size, has an approximate frontage of 120.3 metres on St. Clair Avenue West and 31.7 metres on Poplar Plains Road.

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

See Attachment 5 of this report for the Official Plan Map.

Site and Area Specific Policy 221 ("SASP 221"): Applies to lands that front onto St. Clair Avenue West from west of Avenue Road to west of Spadina Road, including the subject site. SASP 221 limits building heights to 9 storeys, that transition down in height, through the use of a 45 degree angular plane to the adjacent *Neighbourhoods* and a maximum streetwall height of 5 storeys.

Zoning: The site is zoned Residential (R4 Z2.0) under Zoning By-law 438-86 and Residential (R (d2.0) (x825)) under Zoning By-law 569-2013. Both Zoning By-laws permit a maximum density of 2.0 times the area of the lot and a maximum height of 14 metres. This residential zone generally allows a wide range of residential uses including apartment buildings.

See Attachment 6 of this report for the existing Zoning By-law Map.

Existing Uses: a one-storey place of worship with a double to triple storey atrium, soon to be formerly occupied by the First Unitarian Congregation, is located at 175 St. Clair Avenue West. Three 2.5-storey detached house form buildings are located at 183, 185 and 187 St. Clair Avenue West, with commercial or formerly commercial uses. A 5-storey residential building is located at 195 St. Clair Avenue West. The property at 273 Poplar Plains Road is occupied by a vacant 2.5-storey detached dwelling.

Rental Housing: There is at least six dwelling units, and at least one rental unit on the lands at 273 Poplar Plains Road.

Surrounding uses include:

North: is a 12-storey residential building located at 200 St. Clair Avenue West adjacent to Glenn Gould Park at 480 St. Clair Avenue west. Further north are 2 and 3-storey detached dwellings on large lots. Fronting on Avenue Road, are residential apartment buildings ranging in height from 12 to 20 storeys.

East: is an 19-storey residential building at 155 St. Clair Avenue West at the corner of Avenue Road and St. Clair Avenue West, with an element that steps down to 4-storeys on the west side of the site. Further east is a 14-storey office building at the southeast corner of Avenue Road and St. Clair Avenue West. Further east again is a 27-storey residential building under construction, which retains the north portion of an existing heritage designated church at 111 St. Clair Avenue West.

South: is a 5-storey residential building at 265 Poplar Plains Road. Further south, are 2 and 3-storey detached and semi-detached dwellings.

West: is a 12-storey residential building at 213, 215, 217, 219 and 223 St. Clair Avenue West. A 10-storey residential building is located at 268 Poplar Plains Rd. Further west, is a 5-storey residential building at 235 St. Clair Avenue West.

THE APPLICATION

Description: A 12 (48 metres, including the mechanical penthouse) and 13-storey (51.6 metres, including the mechanical penthouse) residential building, with an 11-storey base (39.4 metres).

Density: 5.76 times the area of the lot, for a gross floor area of 27,174.4 square metres.

Dwelling Units: 164 dwelling units, 59 one-bedroom units (36%), 83 two-bedroom units (51%) and 22 three-bedroom units (13%).

Amenity Space: A total of 656 square metres of amenity space (4.0 square metres per unit) is proposed of which 328 square metres is indoor (2 square metres) and the remaining 328 square metres is outdoor (2 square metres).

Access, Parking and Loading: A total of 194 vehicular parking spaces are proposed, including 178 for residents and 16 for visitors, accessed by a driveway from St. Clair Avenue West to a rear covered ramp which leads to a 2-level underground parking garage. A Type G loading space located in the rear is also accessed by the driveway.

A total of 165 bicycle parking spaces, including 148-resident and 17-visitor are proposed.

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/>

Rental Housing Demolition and Conversion By-law

On February 2, 2021, an application was submitted for a Section 111 of the *City of Toronto Act* permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition of one rental housing unit on the site.

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.

If it is confirmed that there are less than six rental units proposed to be demolished, replacement of the existing rental units are not required according to Official Plan Policy 3.2.1.6. a). Official Plan Policy 3.2.1.12 requires that new development resulting in the loss of one or more rental units or dwelling rooms will secure an appropriate tenant relocation and assistance plan to lessen hardship for existing tenants.

Reasons for Application

The Official Plan Amendment proposes to permit a building greater than 9-storeys, as well as changes to the angular plane provisions and sidewalk shadowing criteria found in SASP 221.

The Zoning By-law Amendment proposes to vary performance including: building height; building setbacks; gross floor area; parking access location and parking space and bicycle parking space provisions.

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 one existing rental housing unit on the lands.

Site Plan Control

The proposal is subject to Site Plan Control. A Site Plan Control application was submitted on September 29, 2021 and is under review.

COMMUNITY CONSULTATION

A Virtual Community Consultation Meeting was hosted by City staff on March 23, 2021. Approximately 80 people participated, as well as the Ward Councillor.

A total of five Working Group Meetings were held on April 28, 2021, May 18, 2021, June 21, 2021, July 7, 2021, and September 15, 2021, to which between 13 to 22 interested community members attended. At each meeting, potential revisions to the proposal were presented by the applicant.

City staff also met with representatives from the Rational Development in South Hill Group and the South Hill District Homeowners Association, and other adjacent residents at a meeting on March 8, 2022.

The comments and issues raised by the community are summarized below:

- appropriateness of the proposed height, density, and massing;
- compatibility and fit with adjacent residential areas, including transition, setbacks, built form and privacy impact mitigation;
- loss of view from development on north side of St. Clair Avenue West;
- insufficient setbacks and step backs from St. Clair Avenue West and properties to the south;
- insufficient streetscape improvements;
- tree preservation, quality and quantity of onsite landscaping, including room and soil volume to accommodate new large growing trees;
- lack of retail or community space to serve surrounding community;
- capacity of local schools and infrastructure to support the proposed development;
- impact of development on traffic congestion, and pedestrian safety;
- location of servicing including driveway, ramp, and loading consolidation, relocation and redesign is desired;
- excessive number of vehicular parking spaces;
- lack of affordable housing;
- desire to have a mix of units, particularly larger units for families;
- pedestrian wind conditions;
- lack of community consultation; and
- construction impacts.

The issues raised through community consultation have been considered through the review of the application.

COMMENTS

Provincial Framework

In review of this application City Planning staff has had regard for the relevant matters of provincial interest set out in the *Planning Act*. 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. The proposal is consistent with the PPS and conforms with the Growth Plan.

Built Form

City Planning staff have reviewed the proposed built form, including height, massing and transition, against the policies of the Official Plan, SASP 221, as well as the Avenues and Mid-Rise Buildings Study and Mid-Rise Performance Standards Addendum.

The proposal does not conform to the Official Plan or SASP 221. As proposed the application does not fit within the existing and planned context. Overall, elements of the massing are too tall, and transition to the adjacent *Neighbourhoods* needs to be improved.

Sun and Shadow

The shadow impacts resulting from the proposal are unacceptable and do not conform with the policies of the Official Plan or SASP 221. The proposal would result in shadows on the sidewalk on the north side of St. Clair Avenue West, as well as Glenn Gould Park, casting significant net-new shadow on the park property during both the spring and fall equinoxes.

Wind

A Pedestrian Level Wind Study was submitted as part of this application. Staff are reviewing this study and have requested more information on wind impacts on buildings located within 480 metres of the development site.

Streetscape

The proposed streetscape along St. Clair Avenue West is not acceptable. Additional landscaping and public realm improvements are needed along St. Clair Avenue West frontage to achieve ample space for tree planting, pedestrian clearway, street furniture and lighting, as well as for landscaped open space.

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.

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However, the applicant is required to satisfy the parkland dedication requirement through an on-site dedication. The parkland dedication requirement is 472 square metres.

A 464 square metre park is proposed at the corner of St. Clair Avenue West and Poplar Plains Road. While the size of the park is generally acceptable, the proposed setback between the proposal and the park is not satisfactory.

Rental Housing

The application does not replace the rental housing unit proposed to be demolished.

Heritage Impact

Heritage Planning staff are reviewing the submitted Heritage Impact Assessment prepared by ERA Architects Inc. The Heritage Impact Assessment assessed the cultural heritage value of the properties at 175, 183 and 185 St. Clair Avenue West. None of the properties on this development site are designated under the *Ontario Heritage Act* or included on the City's Heritage Register. In 2007, Heritage staff had recommended that 175 St. Clair Avenue West (First Unitarian Church) be included on the City's Heritage Register, but Council ultimately did not include the property in that listing.

Tree Preservation

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

An Arborist Report and Tree Management Plan were submitted in support of the application. The Arborist Report indicates that a total of eight City trees and fourteen private trees would require removal, and one private tree would require a permit to injure.

The Street Tree By-law requires replacement of all 8 City-owned street trees along the City road allowance. The Private Tree By-law would require the planting of 42 trees on the subject site.

A detailed Landscape Plan is required to determine if the proposed landscaping would meet the requirement and be acceptable. A permit to injure or remove the trees will need to be issued by Urban Forestry before any private or public trees can be affected.

Indoor/Outdoor Amenity Space

The Zoning By-law requires an apartment building with 20 or more dwelling units to provide a minimum of 4.0 square metres of amenity space per unit, of which 2.0 square metres must be indoor amenity space. The proposal includes 328 square metres of indoor amenity space (2.0 square metres per unit) and the same amount of outdoor amenity space. The proposed amount of amenity space is generally acceptable.

Parking and Loading

A total of 194 vehicle parking spaces are proposed in a 2-level below-grade parking garage, accessed from St. Clair Avenue West. A type-G loading space is proposed at grade.

An Urban Transportation Considerations transportation 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 deputations made by members of the public to Community Council. City 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

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, including SASP 221.

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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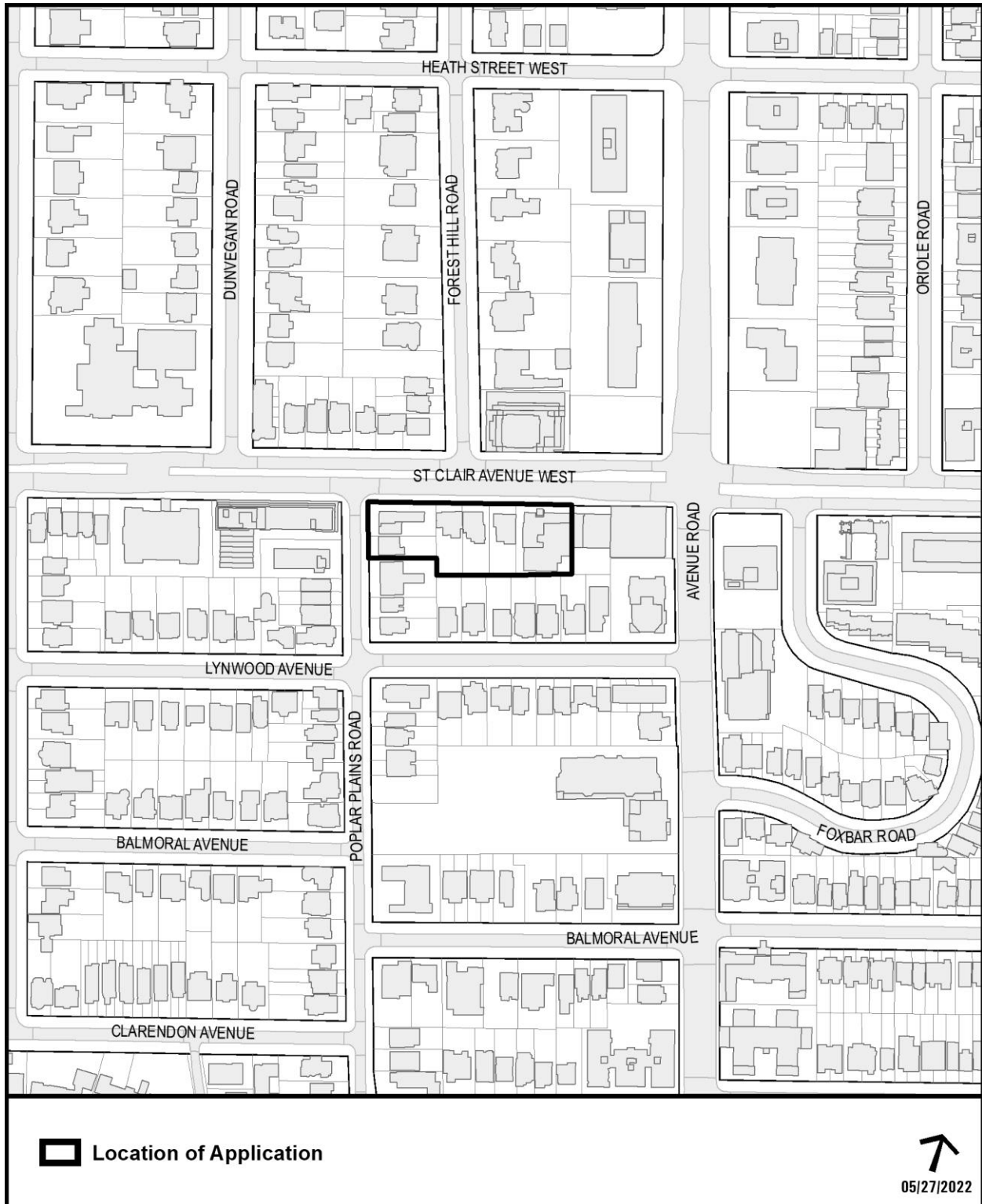
SIGNATURE

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 (Southeast and Northwest views)
Attachment 4: Site Plan
Attachment 5: Official Plan Land Use Map
Attachment 6: Zoning By-law Map

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 175-195 St Clair Ave W And 273 Poplar Plains Rd **Date Received:** September 29, 2021

Application Number: 20 220123 STE 12 OZ

Application Type: OPA / Rezoning, OPA & Rezoning

Project Description: Proposal for a 13-storey residential building having a gross floor area of 27,328.6 square metres. A total of 164 dwelling units are proposed.

Applicant	Architect	Owner
Bousfields Inc	Richard Wengle Architect Inc.	St Clair & Main Developments Inc.

EXISTING PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhoods	Site Specific Provision:	SASP 221
Zoning:	R (d2.0) (x825)	Heritage Designation:	
Height Limit (m):	14	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 4,721 Frontage (m): 120 Depth (m): 35

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			2,589	2,589
Residential GFA (sq m):	1,552		27,174	27,174
Non-Residential GFA (sq m):	3,124			
Total GFA (sq m):	4,677		27,174	27,174
Height - Storeys:			13	13
Height - Metres:			47	47

Lot Coverage Ratio (%): 54.84 Floor Space Index: 5.76

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	27,174	0
Retail GFA:	0	0
Office GFA:	0	0
Industrial GFA:	0	0
Institutional/Other GFA:	0	0

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	1	0	0	0
Freehold:	0	0	0	0
Condominium:	7	0	164	164
Other:	0	0	0	0
Total Units:	8	0	164	164

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:	0	0	0	0	0
Proposed:	0	0	59	83	22
Total Units:	0	0	59	83	22

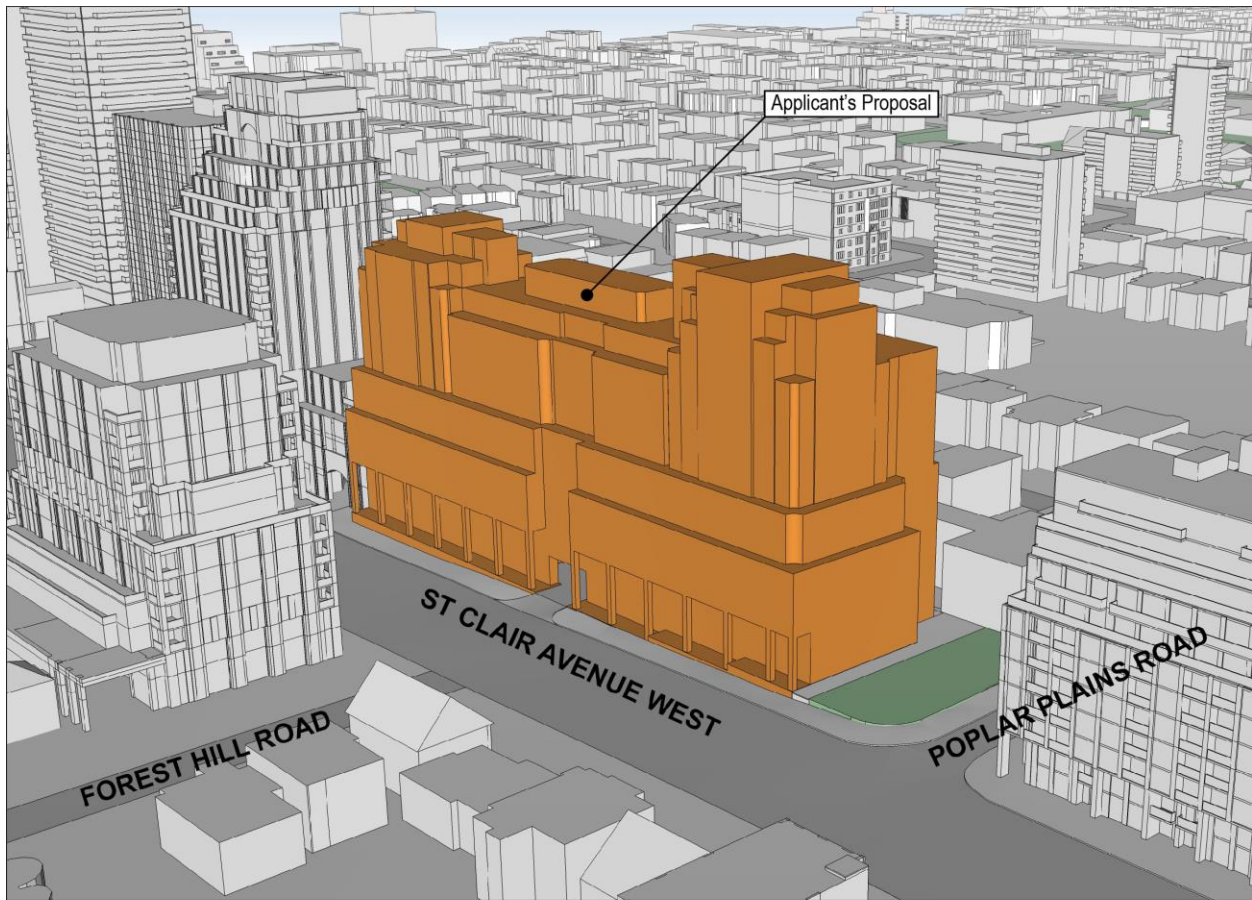
Parking and Loading

Parking Spaces: 194 Bicycle Parking Spaces: 165 Loading Docks: 1

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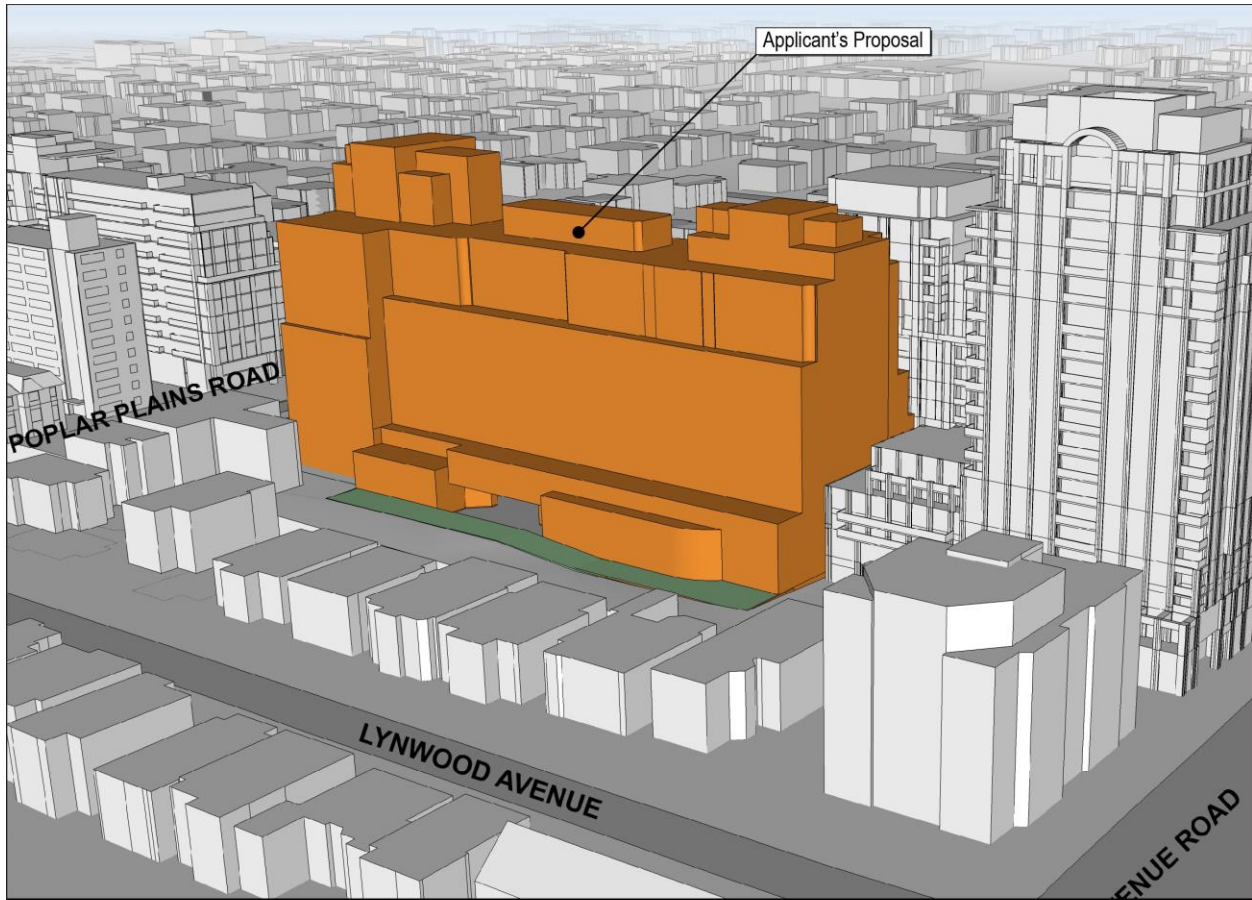
Attachment 3: 3D Model of the Proposal in Context Looking Southeast



View of Applicant's Proposal Looking Southeast

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06/03/2022

3D Model of the Proposal in Context Looking Northwest

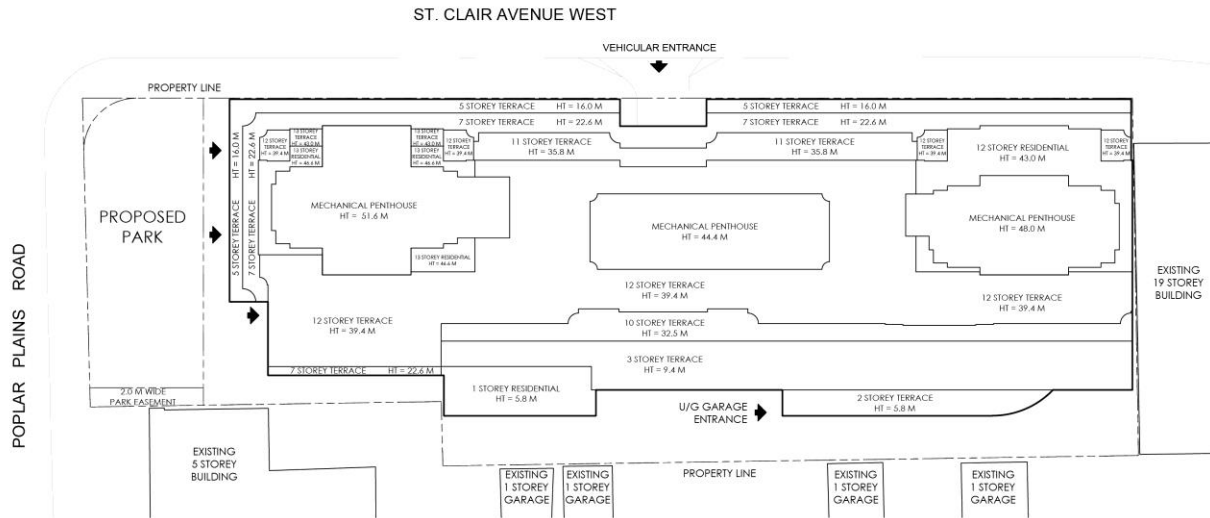


View of Applicant's Proposal Looking Northwest



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Attachment 4: Site Plan



Site Plan



Attachment 5: Official Plan Map



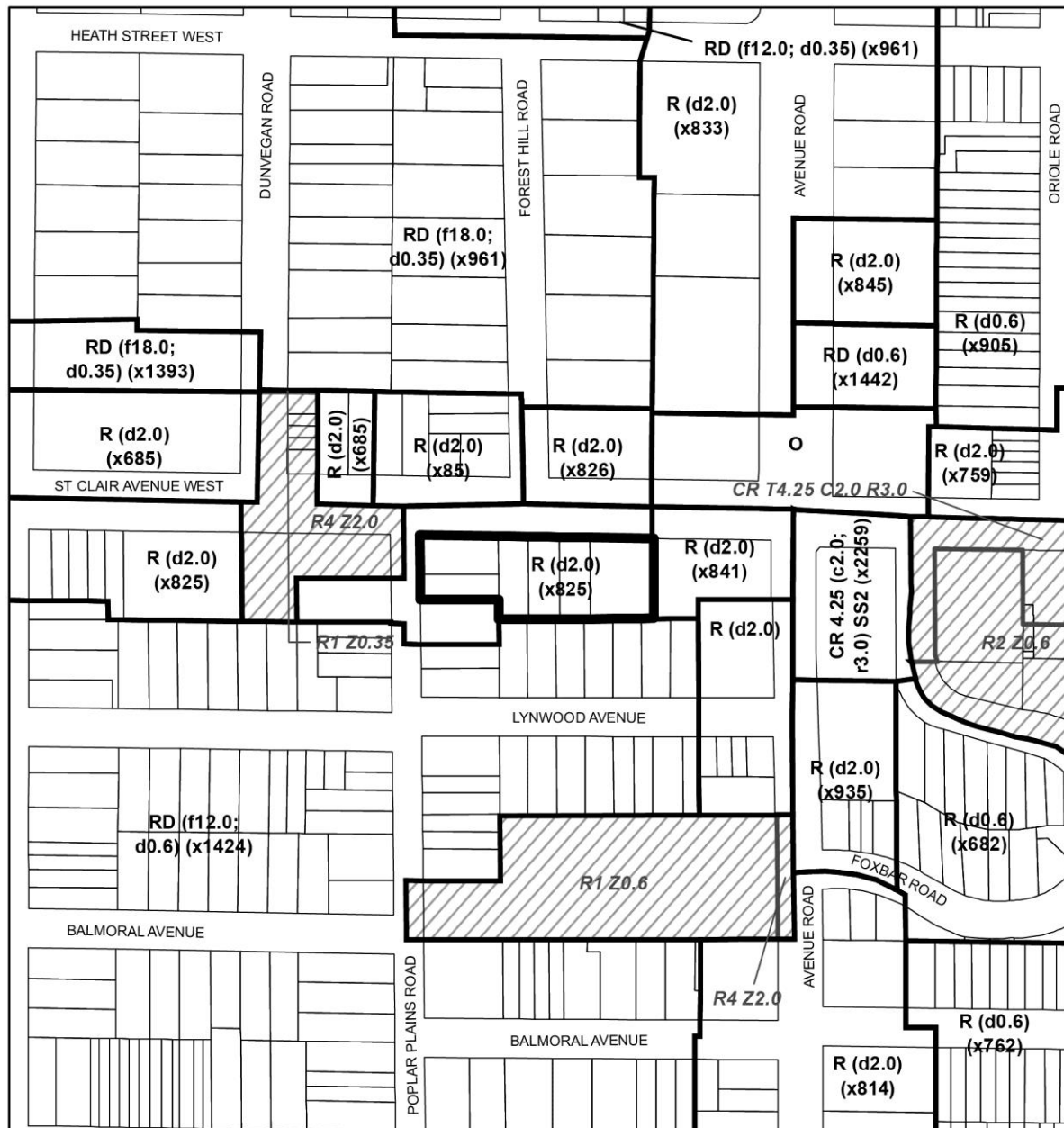
Official Plan Land Use Map

**175-195 St Clair Avenue West &
273 Poplar Plains Road**
File # 20 220123 STE 12 OZ

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


Not to Scale
05/26/2022

Attachment 6: Zoning By-law Map



175-195 St. Clair Avenue West & 273 Poplar Plains Road

Zoning By-law 569-2013

File # 20 220123 STE 12 0Z



Location of Application

- R Residential
- RD Residential Detached
- CR Commercial Residential
- O Open Space

See Former City of Toronto By-law No. 438-86

- R1 Residential District
- R2 Residential District
- R4 Residential District
- CR Mixed-Use District



Not to Scale
Extracted: 05/26/2022