

351 to 365 Royal York Road – Zoning By-law Amendment Application – Request for Direction Report

Date: January 4, 2023

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: 3 - Etobicoke-Lakeshore

Planning Application Number: 21 196590 WET 03 OZ

SUMMARY

On August 11, 2021, a Zoning By-law Amendment application was submitted to permit the development of an 11-storey residential building (the 11th storey contains only a small indoor amenity area at mechanical penthouse level), 39.6 metres in height including mechanical penthouse, with 282 dwelling units at 351, 353, 355, 357, 359, 361, 363, and 365 Royal York Road. The existing eight detached dwellings and associated garages were proposed to be demolished. The proposal included 206 vehicle parking spaces in two levels of underground parking and 288 bicycle parking spaces. The total proposed gross floor area is 20,525 square metres, resulting in a floor space index of 5.32 times the area of the lot.

On June 9, 2022, the applicant appealed the Zoning By-law Amendment application to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the prescribed time frames set out 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, if possible.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the OLT in opposition to the current application regarding the Zoning By-law Amendment appeal for the lands at 351, 353, 355, 357, 359, 361, 363, and 365 Royal York 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 appeal, in whole or in part, City Council authorize the City Solicitor to request that the Ontario Land Tribunal withhold the issuance of any final Order(s) until such time as the Ontario Land Tribunal has been advised by the City Solicitor that:

- a. The form and content of the Zoning By-law Amendments are to the satisfaction of the City Solicitor and Chief Planner and Executive Director, City Planning;
- b. The owner has resolved all outstanding issues raised by Engineering and Construction Services as they relate to the Zoning By-law Amendment application to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, or the Chief Engineer and Executive Director, Engineering and Construction Services has determined that holding provisions are required in the Zoning By-law Amendment;
- c. The owner has provided financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the acceptable Functional Servicing Report and Stormwater Management Report, to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and General Manager, Toronto Water, should it be determined that improvements or upgrades are required to support the development;
- d. The owner has addressed all outstanding issues raised by Urban Forestry, Tree Protection and Plan Review, as they relate to the Zoning By-law Amendment application, to the satisfaction of the General Manager, Parks, Forestry and Recreation;
- e. The owner has provided a revised Transportation Impact Study to the satisfaction of the General Manager, Transportation Services; and
- f. The submitted Noise Feasibility Assessment and Compatibility/Mitigation Study has been peer reviewed by a qualified third-party consultant retained by the City at the owner's expense, to the satisfaction of the Chief Planner and Executive Director, City Planning.

3. City Council authorize the City Solicitor and other 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](#) on the application, dated January 27, 2022, was considered by [Etobicoke York Community Council on February 24, 2022](#) authorizing staff to conduct a Community Consultation Meeting, together with the Ward Councillor. Community consultation is summarized in the Comments section of this report.

SITE AND SURROUNDING AREA

Site Description and Dimensions:

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.

Existing Use: Eight one-storey detached dwellings.

Surrounding Uses:

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. This property and others in the area have a [Ministerial Zoning Order \(MZO\) for six tall buildings](#).

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.

Refer to Attachment 1 for the Location Map.

THE APPLICATION

Description: An 11-storey (39.6 metres including mechanical penthouse) mixed-use building with 282 dwelling units and 870 square metres of ground floor commercial space at 351-365 Royal York Road. The ground floor height is 4.5 metres.

Density (Floor Space Index): 5.32 times the area of lot.

Unit Breakdown: A total of 282 dwelling units, of which 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.

Parking: The development proposes two levels of underground parking with a total of 206 vehicular parking spaces and 288 bicycle parking spaces.

Amenity Space: 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.

Additional Information

See Attachment 1 of this report for the location map, Attachment 5 for the site plan, Attachment 6 for the elevations of the proposal, and Attachment 7 for the three-dimensional representations of the project in context.

All plans and reports submitted as part of the application can be found on the [City's Application Information Centre](#).

Reasons for 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.

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.

POLICY CONSIDERATIONS

Provincial Land-Use Policies

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (PPS), and shall conform to provincial plans.

Official Plan Designation

The site is designated as *Mixed Use Areas* on Land Use Map 13 of the Official Plan (See Attachment 3). It is located within the Mimico Protected Major Transit Station Area, established by Council in Site and Area Specific Policy (SASP) 692. The application is also located immediately adjacent to the Mimico-Judson Secondary Plan area.

City-wide Zoning By-law 569-2013

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.

Design Guidelines

The following design guidelines have been used in the evaluation of this application:

- Mimico-Judson Urban Design Guidelines (for adjacent planned context);
- Mid-Rise Building Performance Standards and Addendum;
- Growing Up: Guidelines Planning for Children in New Vertical Communities;
- Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings;
- Retail Design Manual; and
- Toronto Accessibility Design Guidelines.

The City's Design Guidelines can be found here:

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

Toronto Green Standard

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

COMMUNITY CONSULTATION

An virtual Community Consultation Meeting was hosted by City staff in coordination with the Ward Councillor on May 31, 2022 to discuss the proposal. Following a presentation by City staff and the applicant, the following issues were raised by the community:

- Traffic generated as a result of the proposed development;
- Location of the retail spaces;
- Adequacy of bicycle infrastructure;
- Provision of affordable units; and

- The appropriateness of the proposed parking supply.

COMMENTS

The proposal has been reviewed against the *Planning Act*, Provincial Policy Statement ("PPS"), Growth Plan and Official Plan policies, planning studies and design guidelines.

Provincial Framework

Review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff have reviewed the proposal for consistency with the Provincial Policy Statement and conformity with the Growth Plan. Staff find that the proposal is generally consistent with the PPS and conforms with the Growth Plan.

Land Use

The residential and commercial land uses proposed at 351-365 Royal York Road are consistent with the *Mixed Use Areas* designation in the Official Plan.

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. Particular concerns include side yard building setbacks, building setbacks to accommodate soil volume for successful tree planting and achieving mid-rise built form with good street proportion. The height of the proposed building is 33.6 metres, exceeding the 27-metre planned width of the right-of-way for this segment of Royal York Road. Elements of the building penetrate the 45-degree angular plane. The rear elevation balconies are within the rear yard setback, potentially creating overlook and privacy impacts on adjacent properties. The proposed height and massing in its current form does not conform to the Official Plan or meet the intent of the Mid-Rise Performance Standards and Addendum.

Sun/Shadow

A sun and shadow study was prepared by Graziani + Corazza Architects Inc., dated July 2021. The surrounding land uses are *Mixed Use Areas* and the impact on the public realm is generally acceptable, however, a further refinement of the built form to address the policy and guideline concerns noted above would minimize shadow impacts on Royal York Road sidewalks and neighbourhoods properties.

Pedestrian Level Wind

A Pedestrian Level Wind Study was prepared by Gradient Wind Engineering Inc., dated July 22, 2021. The wind impacts of the proposal are acceptable.

Unit Mix

The Council-adopted Growing Up: Planning for Children in New Vertical Communities Urban Design Guidelines ("Growing Up Guidelines") provide guidance on the proportion and size of larger units in new multi-unit residential developments.

Staff have reviewed the applicant's proposal and note that the provision of 71 (25%) two-bedroom units and 27 (10%) three-bedroom units generally support the unit mix objectives of the Growing Up Guidelines, Official Plan housing policies, and the Growth Plan's growth management and housing policies. However, while the unit type distribution meets the recommendations, further confirmation is needed for the respective unit sizes in the provided project data sheet and plans. The Guidelines for unit sizes are 87 to 90 square metres for two-bedroom units and 100 to 106 square metres for three-bedroom units. The applicant should provide additional information on the proposed unit sizes and unit layouts, including a table outlining unit sizes and size ranges by bedroom type, to evaluate the application in the context of the Growing Up Guidelines.

Transportation

Road Widening

A 3.44-metre road widening is required along the Royal York Road frontage to satisfy the road width requirement of a 27-metre wide right-of-way in the Official Plan. This road widening requirement was reflected in the proposal.

Driveway Access and Site Organization

The site is proposed to be served by one access onto Royal York Road at the south end of the site, with a driveway that leads to the underground parking garage entrance and the Type 'G' loading space located within the ground floor. This configuration does not conform with Official Plan policies to minimize the impact of vehicular access or meet the intent of the Mimico-Judson Urban Design Guidelines, which require access to new development to be coordinated through a rear laneway network. Within the block that the subject site is located on, the Guidelines propose an east-west laneway to accommodate rear access to the site. Staff have requested the applicant explore establishing an easement agreement with the adjacent landowners to provide vehicular access through a private laneway off of Newcastle Street or Windsor Street. In the event such agreement cannot be reached, an alternative driveway location shifted north to align with Simpson Avenue is being sought.

Transportation Services also requires the inclusion of a dedicated pick-up/drop-off turning circle or additional at-grade parking in order to accommodate ride sharing and food/package deliveries to ensure such activities are not on the public street. On-site vehicular activity is to be enclosed within the building mass and/or located internal to the development site screened from public view.

Traffic Impact

A Transportation Impact Study ("TIS") prepared by LEA Consulting Ltd., dated July 28, 2021, was submitted as part of the Zoning By-law Amendment application.

Transportation Services has concluded that under future background conditions in the p.m. peak period, the intersection of Royal York Road and Newcastle Street intersection is operating over capacity. This impacts driveway access to the site. This requires the access be located further north to prevent queue lengths from blocking the entrance/exit to the site, or replacing the proposed access with a rear laneway accessed via Newcastle Street, as addressed in the Driveway Access and Site Organization comments.

Parking, Loading and Bicycle Parking Spaces

The application is proposing 165 vehicle parking spaces for the residential use, 28 visitor spaces, nine retail spaces, and four car-share spaces. City-wide Zoning By-law 569-2013 requires 267 residential spaces, 56 visitor spaces, and 13 retail parking spaces for this proposal. Additional justification in an updated TIS is required for the parking space shortfall to the satisfaction of the General Manager, Transportation Services. One Type G loading space is proposed that is not satisfactory, as a Type B loading space is required for the retail portion of the building. A total of 288 bicycle parking spaces are proposed on site which is satisfactory.

In the event that the application is approved in principle, the City will request that the OLT withhold its final Order until such time as the City advises the TIS has been revised to the satisfaction of the General Manager, Transportation Services.

Servicing and Stormwater Management

A Functional Servicing and Stormwater Management Report and associated plans have been submitted and reviewed by Engineering and Construction Services. A number of revisions and additional information are required. In addition to clarifications and corrections, a revised Functional Servicing and Stormwater Management Report, Servicing Plan, and Grading Plan are required. Specific issues include:

- The water demand calculations need to be revised;
- Detailed water demand calculations and fire content loading calculations are required;
- A discharge chamber is required for the stormwater management vault;
- It must be demonstrated that the internal drains and piping have adequate capacity;
- A more detailed annual water balance approach must be provided;
- Supporting evidence on the capacity of the existing watermain, sanitary sewer, and storm sewer capacity must be provided; and
- The boulevard grades must be adjusted to meet City standards.

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.

Noise Assessment and Compatibility/Mitigation Study

The applicant submitted a Transportation Noise Feasibility Assessment prepared by Gradient Wind dated July 22, 2021 to determine potential noise impacts on the proposed development, and to ensure compliance with provincial regulations and guidelines. The applicant also submitted a Compatibility/Mitigation Report prepared by Gradient Wind in support of the application.

City staff will be retaining a third-party consultant to undertake a peer review of the studies, at the cost of the applicant, to verify the conclusions and recommendations outlined in the report. As such, in the event that the application is approved in principle, the City will request that the OLT withhold its final Order until such time as the City advises that the Noise Feasibility Assessment and Compatibility/Mitigation Study results have been validated by a qualified third-party to the satisfaction of the Chief Planner and Executive Director, City Planning.

Streetscape

Transportation Services requires that a new 2.1-metre sidewalk be installed along Royal York Road, and Toronto Green Standard requirements include shared walkways of the same width to accommodate pedestrian access throughout the site, including the rear yard, along the driveway and potential future laneway connection and to access the at-grade residential units. This requirement has not been satisfied.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code. An Arborist Report prepared by MBTW Group dated May 7, 2021 was submitted. A Tree Protection Plan/Tree Inventory Plan has not been submitted indicating the location of the trees proposed to be removed. The applicant proposes to remove 24 trees requiring a permit, 22 of which are private trees and two are City-owned trees. Staff require replacement of these trees. Currently, the applicant is proposing 18 replacement trees at ground level.

The applicant will have to provide a total of 701 square metres of high quality soil, in order to achieve the TGS tree planting targets. The proposal in its current form includes 567 square metres at ground level.

As such, in the event that the application is approved in principle, the City will request that the OLT withhold its final Order until such time as the City advises that the owner has addressed all issues raised by Urban Forestry, Tree Protection and Plan Review, as they relate to the Zoning By-law Amendment application, to the satisfaction of the Supervisor, Tree Protection and Plan Review.

Toronto Green Standard

The applicant is required to meet Tier 1 of the Toronto Green Standard, and is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and achieving net-zero emissions by 2040 or sooner.

School Boards

The Toronto Lands Corporation in consultation with the Toronto District School Board ("TDSB") has determined that the local junior elementary school is currently presenting accommodation challenges. The Toronto Lands Corporation and TDSB will continue to monitor the residential development within the local area to understand the cumulative impact on local schools and to determine where prospective students will attend. In the interim, the TDSB has requested that appropriate signage be erected on site and appropriate warning clauses be included in all lease, rental, sale and tenancy agreements. The TDSB has also requested at least six months prior notice of the occupancy date. Should the application be approved by the OLT in some form, the status of local school accommodation should be communicated to new and existing residents to inform them that students from the new development will not displace existing students at local schools. This requirement will be secured through the Site Plan Control application.

Further Issues

City Planning continues to receive additional information regarding this application as the result of ongoing review by City commenting divisions, recent materials submitted in support of the proposal, and through deputations made by members of the public to Etobicoke York 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, 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, as well as applicable City guidelines intended to implement Official Plan policies. As currently proposed, the application does not conform to the Official Plan and does not meet the intent of the applicable Urban Design Guidelines, including the Mid-Rise Performance Standards and Addendum. 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.

CONTACT

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SIGNATURE

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

ATTACHMENTS

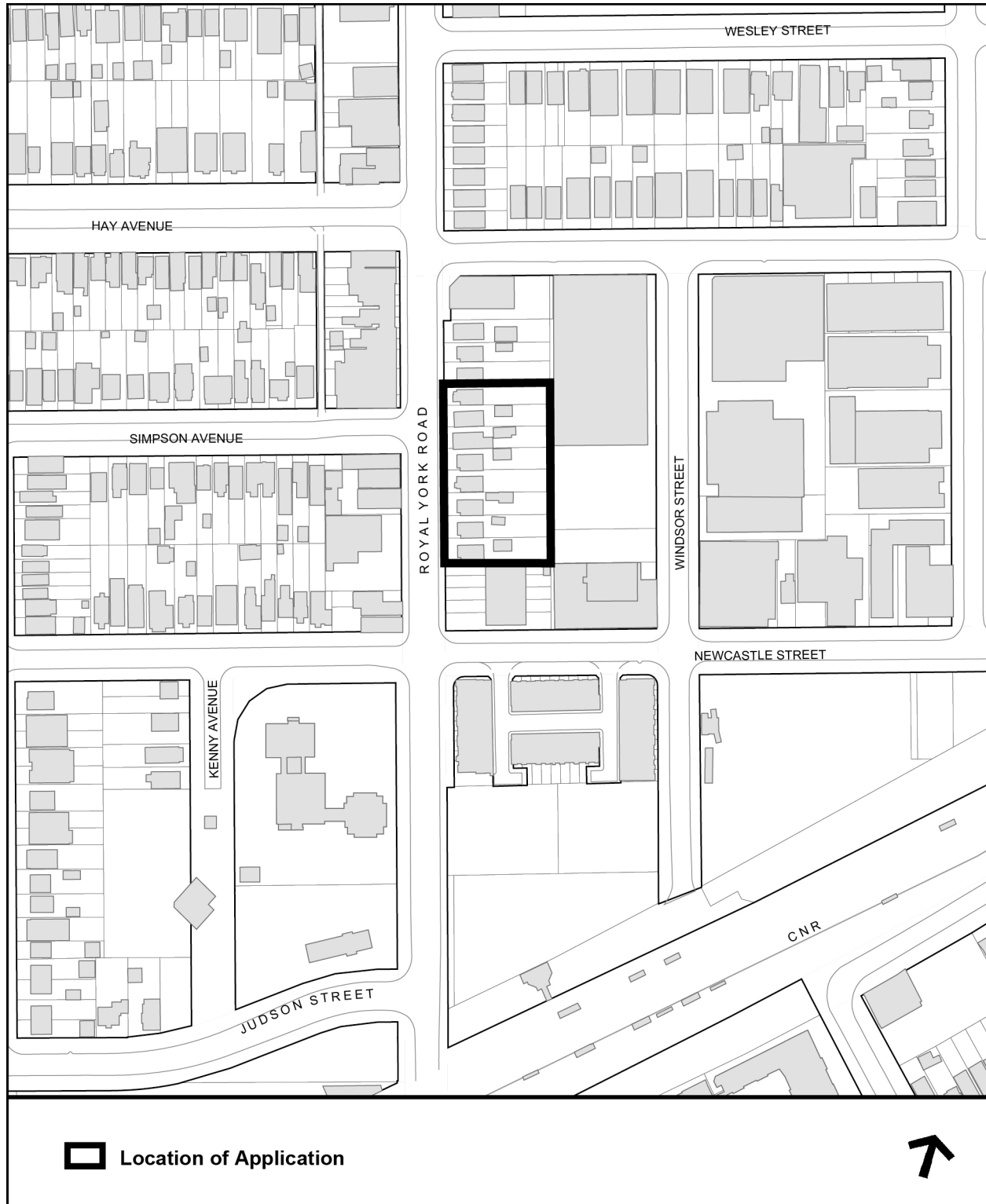
City of Toronto Data/Drawings

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

Applicant Submitted Drawings

Attachment 5: Site Plan
Attachment 6a: Elevation – North
Attachment 6b: Elevation – East
Attachment 6c: Elevation – South
Attachment 6d: Elevation – West
Attachment 7a: 3D Model of Proposal in Context Looking Northwest
Attachment 7b: 3D Model of Proposal in Context Looking Southeast

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 351 to 365 ROYAL YORK RD
Date Received: August 11, 2021
Application Number: 21 196590 WET 03 OZ
Application Type: OPA / Rezoning, Rezoning
Project Description: Zoning By-law Amendment for the development of an 11-storey mixed-use building including a total of 282 dwelling units, 870 square metres of non-residential gross floor area and 206 parking spaces within a two-level underground garage. The proposal includes a total gross floor area of 20,525 square metres, resulting in a density of 5.32 times the area of the lot.

Applicant	Architect	Owner
DAVID MORSE 200- 3 CHURCH ST TORONTO, ON M5E 1M2	ENZO CORAZZA 300- 8400 JANE STREET, BUILDING-D CONCORD, ON L4K 4L8	2711895 ONTARIO INC 401 VAUGHAN VALLEY BLVD WOODBIDGE, ON L4H 3B5

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N
Zoning:	By-law 569 2013CR 3.0 (c3.0; r2.2) SS2 (x869)	Heritage Designation:	N
Height Limit (m):	14	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 3,858 Frontage (m): 82 Depth (m): 51

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			2,685	2,685
Residential GFA (sq m):			19,655	19,655
Non-Residential GFA (sq. m):			870	870
Total GFA (sq. m):			20,525	20,525
Height - Storeys:			11	11
Height - Metres:			34	34

Lot Coverage Ratio (%): 69.61 Floor Space Index: 5.32

Floor Area Breakdown	Above Grade (sq. m)	Below Grade (sq. m)
Residential GFA:	19,655	
Retail GFA:	870	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:	8	0		
Condominium:			282	282
Other:				
Total Units:	8	0	282	282

Total Residential Units by Size

Rooms	Studio	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:				
Proposed:	6	178	71	27
Total Units:	6	178	71	27

Parking and Loading

Parking Spaces: 206 Bicycle Parking Spaces: 288 Loading Docks: 1

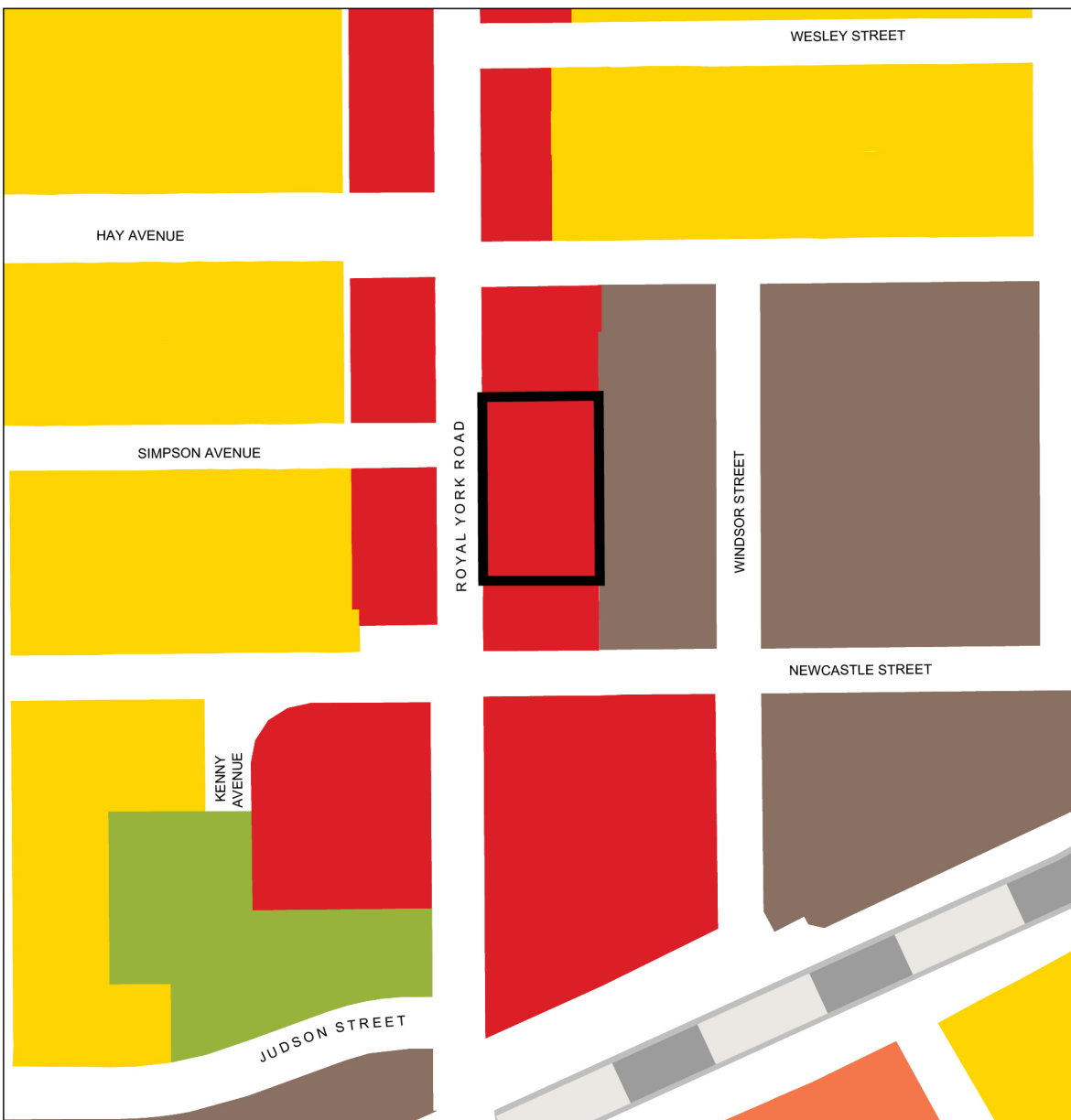
CONTACT:

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(416) 394-8878

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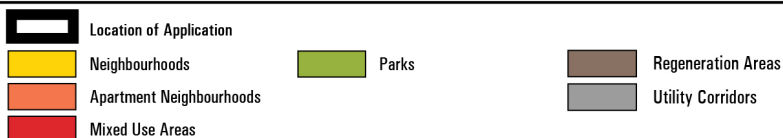
Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #15

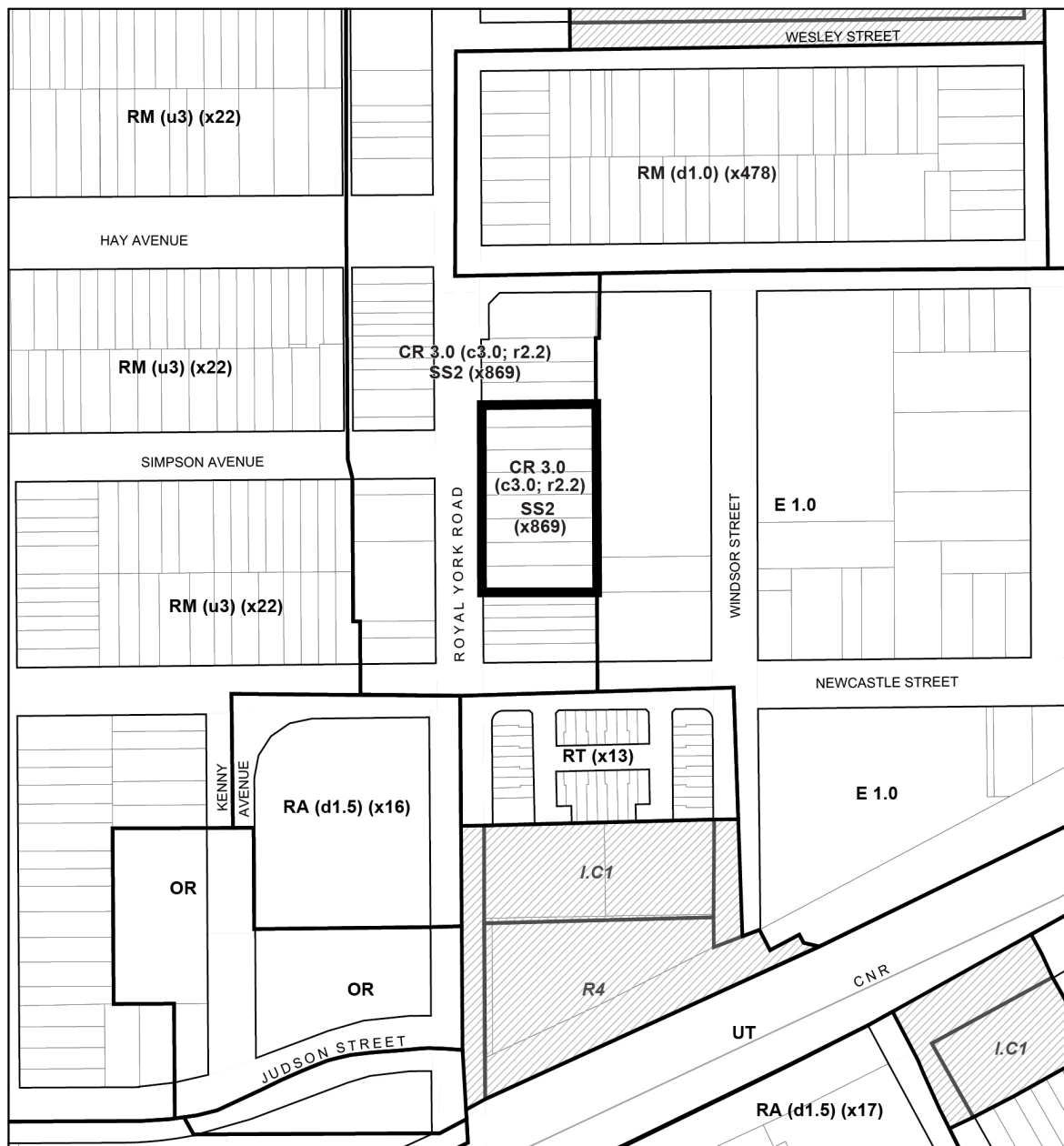
351-365 Royal York Road

File # 21 196590 WET 03 02



Not to Scale
 Extracted: 08/16/2021

Attachment 4: Zoning By-law Map



Zoning By-law 569-2013

351-365 Royal York Road

File # 21 196590 WET 03 02



Location of Application

RT
RM
RA
CR
E
O

Residential Townhouse
Residential Multiple
Residential Apartment
Commercial Residential
Employment Industrial
Open Space

OR
UT

Open Space Recreation
Utility and Transportation

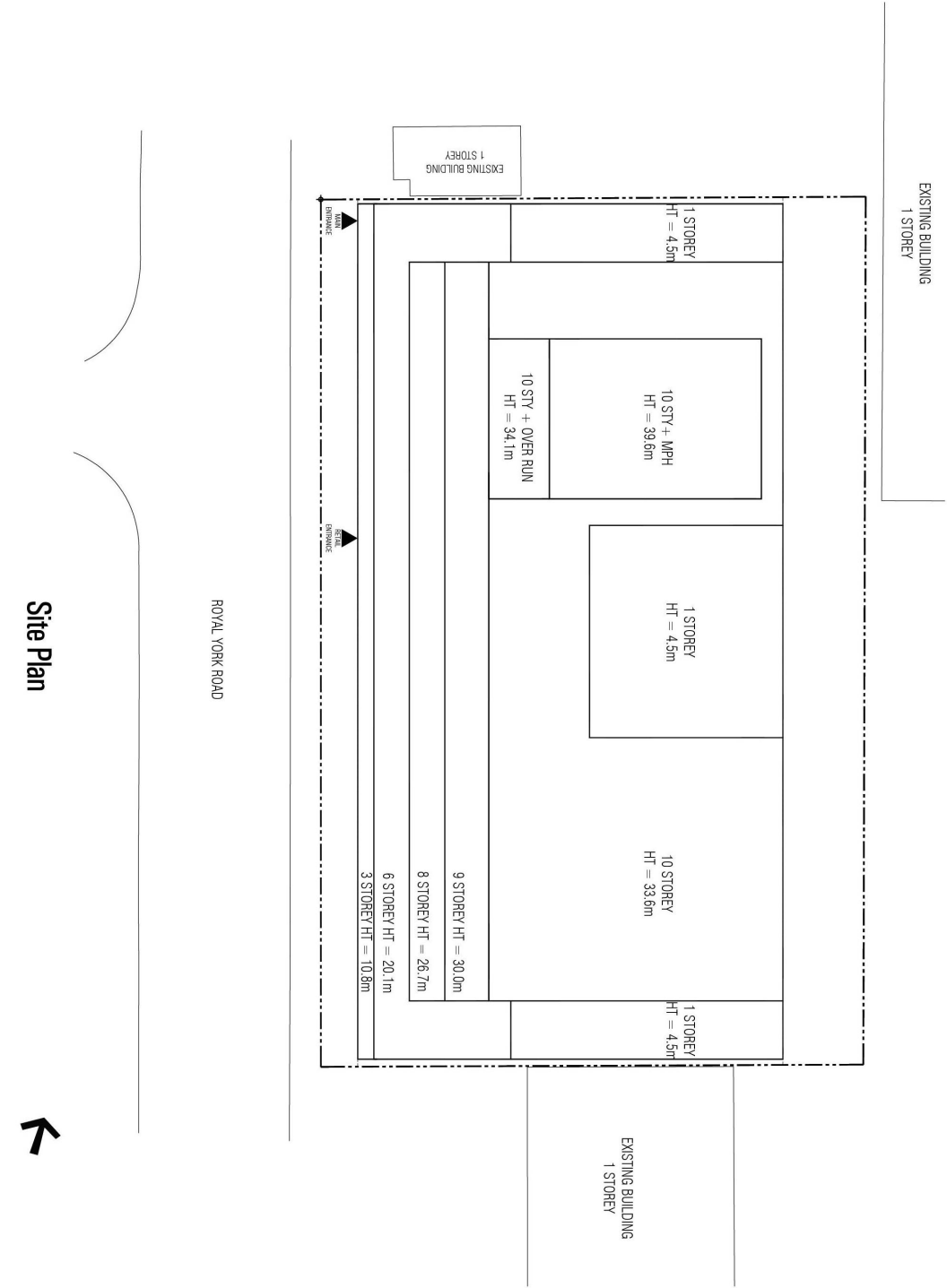


See Former City of Etobicoke By-Law No. 11,737

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



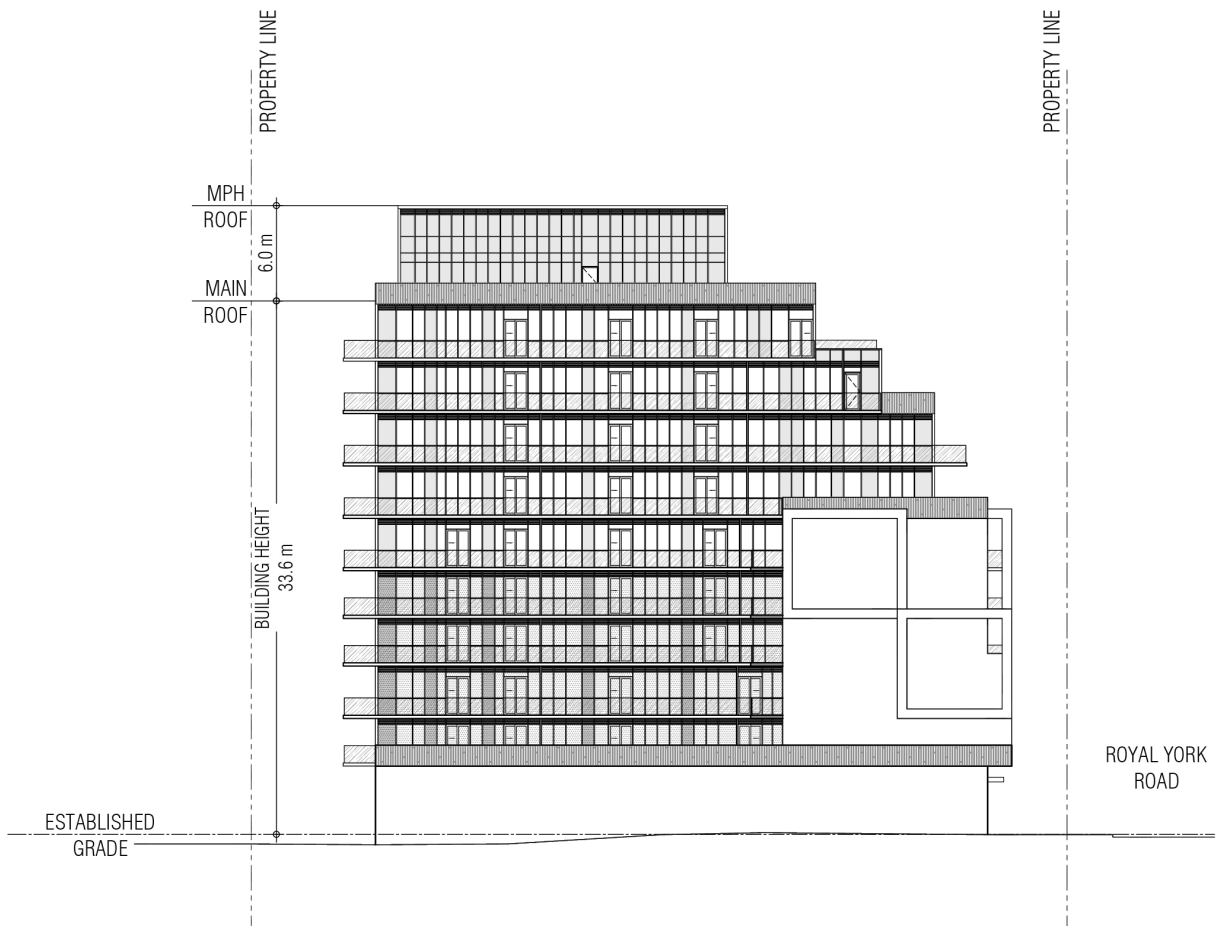
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Attachment 6a: Elevation - North

TO Mechanical 39.6m

TO 10 FL 33.6m

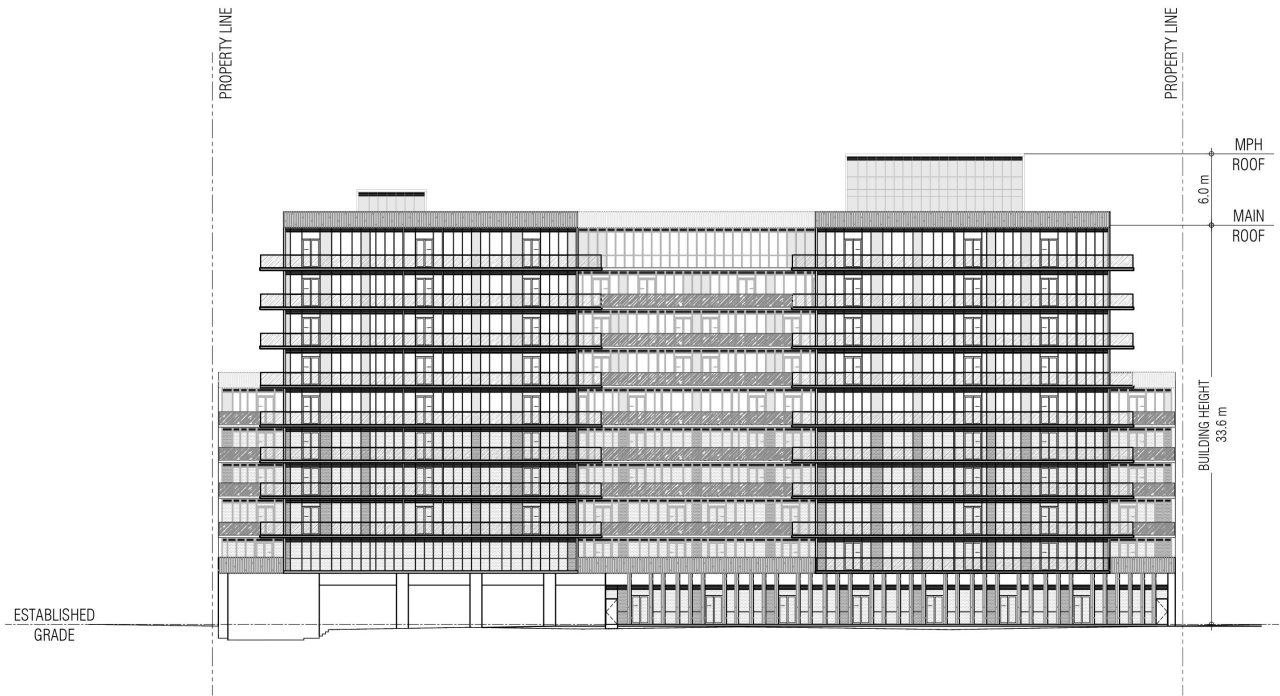


North Elevation

Attachment 6b: Elevation – East

TO Mechanical 39.6m

TO 10 FL 33.6mz

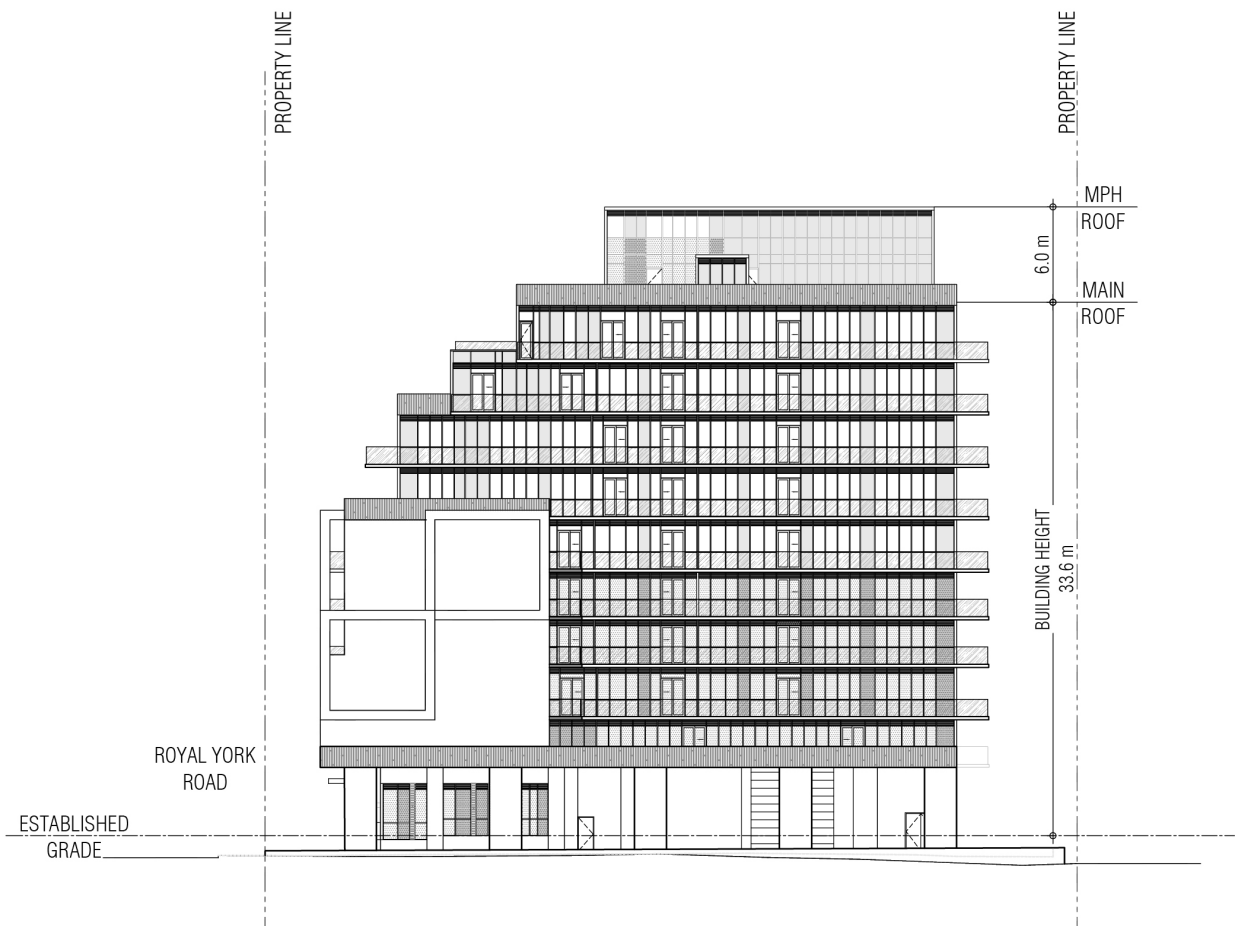


East Elevation

Attachment 6c: Elevation – South

TO Mechanical 39.6m

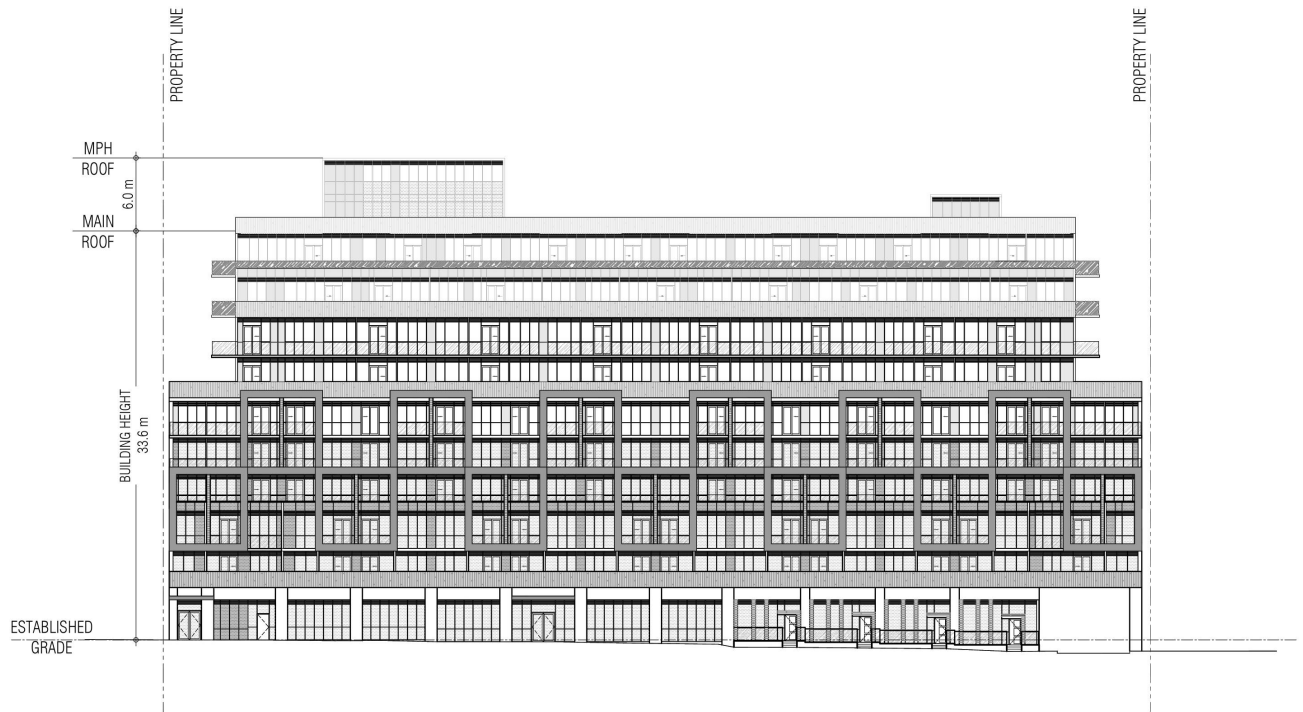
TO 10 FL 33.6m



South Elevation

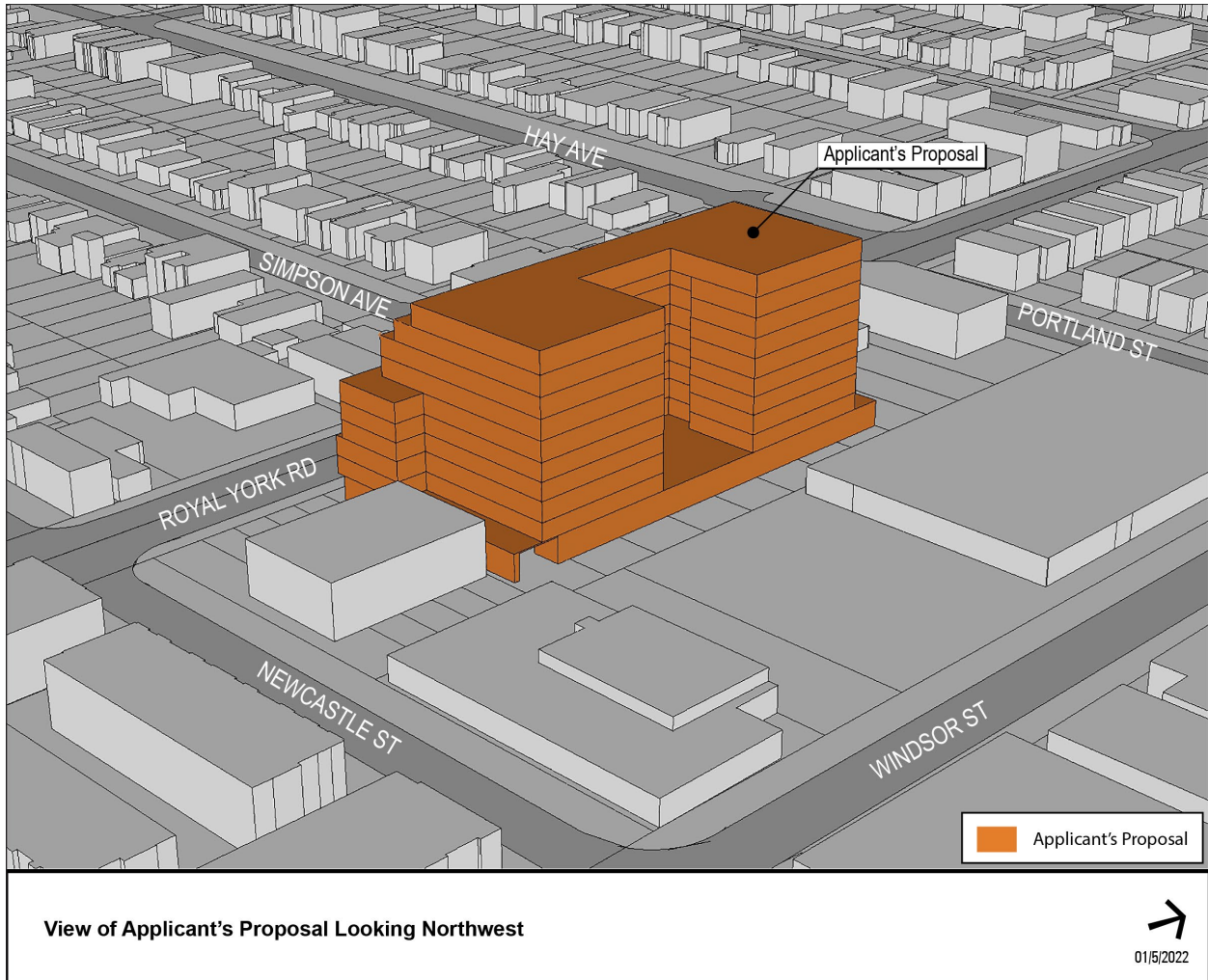
Attachment 6d: Elevation – West

TO Mechanical 39.6m
TO 10 FL 33.6m



West Elevation

Attachment 7a: 3D Model of Proposal in Context Looking Northwest



Attachment 7b: 3D Model of Proposal in Context Looking Southeast

