

46R, 46-52 & 52R Laing Street – Official Plan Amendment & Zoning By-law Amendment Applications – Appeal Report

Date: August 24, 2023

To: Toronto and East York Community Council

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

Ward: 14 - Toronto-Danforth

Planning Application Number: 22 242126 STE 14 OZ

Related Application: 22 242125 STE 14 SA

SUMMARY

On December 23, 2023, Official Plan Amendment, Zoning By-law Amendment and Site Plan Control applications were submitted seeking to permit two apartment buildings at four and seven storeys for the site at 46R, 46-52 and 52R Laing Street.

On May 8, 2023, the Applicant appealed the Official Plan Amendment and Zoning By-law Amendment applications to the Ontario Land Tribunal ("OLT") on account of City Council not making a decision on the application within the timeframe legislated by the Planning Act.

Since receipt of the appeal, the Applicant has submitted a revised proposal, having acquired the properties known municipally as 46-48 Laing Street. The revised proposal is for two seven-storey apartment buildings. The revised proposal is currently under review by City staff and is now the subject of the appeal.

This report recommends that the City Solicitor and appropriate City staff attend the OLT hearing to oppose the applications in their current form and continue discussions with the applicant in an attempt 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 applications regarding the Official Plan and Zoning By-law Amendment appeals for the lands at 46R, 46-52 & 52R Laing Street 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 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 Amendment is to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;

b) the final form and content of the draft Zoning By-law is to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;

c) the required plans and studies have been revised to the satisfaction of the Chief Planner and Executive Director, City Planning, the Chief Engineer and Executive Director, Engineering and Construction Services, the General Manager, Transportation Services, the General Manager, Solid Waste Management Services, Director, Urban Forestry, Tree Protection and Plan Review, and the General Manager, Parks, Forestry and Recreation with revisions, as may be necessary, implemented as part of the amending Zoning By-law(s), to the satisfaction of the Chief Planner and Executive Director, City Planning; and

d) should one or more existing rental units be confirmed on-site, the Owner has provided an acceptable Tenant Relocation and Assistance Plan to address Official Plan Policies 3.2.1.6, as applicable, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning; and

e) should six or more existing rental units be confirmed on-site, City Council has approved a Rental Housing Demolition application under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act, 2006 to permit the demolition of the existing rental dwelling units on the lands and the Owner has entered into, and registered on title an agreement pursuant to Section 111 of the City of Toronto Act, 2006 to secure all rental-housing related matters necessary to implement City Council's decision, including replacement rental housing and an acceptable Tenant Relocation and Assistance Plan to address Official Plan Policies 3.2.1.6, as applicable.

3. City Council authorizes 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

The OLT has scheduled a Case Management Conference (CMC) for the appeal on September 6, 2023. It is anticipated at the CMC that any additional parties and participants will be identified. The CMC will discuss opportunities for resolving one or more issues, including the possible use of mediation or other dispute-resolution processes.

SITE AND SURROUNDING AREA

Description: The site is bounded by Maple Leaf Forever Park to the north, Laing Street to the east, Sears Street to the south and an unnamed public lane to the west. The site is rectangular and has frontages of 27 metres along Laing Street and the public lane and a 112 metres along Maple Leaf Forever Park and Sears Street.

Existing Uses: The site contains a semi-detached dwelling on the properties at 46-48 Laing Street. There is a single-detached dwelling each on the properties at 50 and 52 Laing Street. The properties known municipally as 46R and 52R Laing Street are vacant.

THE APPLICATION

Description of Application

Height: Two seven-storey apartment buildings (Buildings A and B, both at 23.3 metres including the mechanical penthouse).

Density: 4.40 times the area of the lot.

Dwelling Units, Affordable Housing and Amenity Space: The proposal includes 13,493 square metres of residential gross floor area (GFA). A total of 227 rental dwelling units are proposed, comprising of 63 (28%) studios, 77 one-bedroom units (34%), 57 (25%) two-bedroom units and 28 (12%) three-bedroom and two (0.9%) four-bedroom units. No on-site affordable housing is proposed. The proposed amount of amenity space exceeds the requirements of the Zoning By-law with 557 square metres of indoor (2.45 square metres per unit) and 454 square metres of outdoor amenity space (2 square metres per unit) proposed.

Access, Parking and Loading: Pedestrian access to the proposed apartment buildings is from Sears Street. Vehicular access to the site is proposed along Sears Street and the unnamed public lane to the west. A total of 16 vehicular parking spaces (13 resident and 3 visitor spaces) are proposed through a stacking system at the western side of Building A. One Type “G” loading space is provided from Sears Street in Building A.

Bicycle Parking: A total of 251 bicycle parking spaces are proposed (205 long term and 46 short term). All bicycle parking spaces are in the basement levels of Buildings A and B.

Additional Information

See Attachments 1 through 6 of this report for a location map, Application Data Sheet, three-dimensional representations of the project in context, site plan, ground floor plan and elevations of the proposal. Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at:

<https://www.toronto.ca/city-government/planning-development/application-details/?id=5211491&pid=240986>.

Reasons for Application

An Official Plan Amendment has been submitted to redesignate the site from Neighbourhoods to Apartment Neighbourhoods in order to permit a building height greater than four storeys.

A Zoning By-law Amendment has been submitted to increase the permitted height and density, and to establish other provisions to accommodate the proposed development.

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application was also submitted on December 23, 2023 and is under review. The Site Plan Control application is not subject to the appeal.

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 Neighbourhoods which currently permit a range of low-density, small-scale residential dwellings, including apartment buildings no higher than four storeys.

The site is also located on lands within the Lower Don: Don River Special Policy Area. This Special Policy Area permits development within the area on condition that the development is flood protected to at least the 1:350 year level. Until removal of the site from the floodplain, the proposed development will require approval from both the

Ministry of Municipal Affairs and Housing and the Ministry of Northern Development, Natural Resources and Forestry, along with permits from the Toronto & Region Conservation Authority (TRCA).

Zoning

The site is zoned under the City of Toronto Zoning By-law 569-2013. The properties known municipally as 46R, 50, 52 and 52R Laing Street are zoned Residential (R (d1..0) (x449)). The permitted maximum height is 12 metres with a permitted density of one times the lot area.

The properties at 46-48 Laing Street are zoned Residential site-specific (R (x124)) as a result of a previously approved Zoning By-law Amendment that permitted a seven-unit townhouse block. The maximum permitted height is 12.9 metres with a permitted density of 2.05 times the lot area.

The Zoning By-law Amendment application proposes to rezone the entire site to permit two seven-storey apartment buildings.

Design Guidelines

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

- Mid-rise Building Performance Standards;
- Growing Up Guidelines: Planning for Children in New Vertical Communities;
- Pet Friendly Design Guidelines;
- Best Practices for Bird-Friendly Glass;
- City's Complete Streets and Pedestrian Priority Guidelines;
- 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/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/citygovernment/planning-development/official-plan-guidelines/toronto-green-standard/>

COMMUNITY CONSULTATION

A Community Consultation Meeting was held on July 12, 2023. A variety of issues were raised, including but not limited to:

- Organization of building massing, height and density on the site;
- Ensuring appropriate transitions to surrounding *Neighbourhoods*;
- Opportunities for on-site affordable housing;
- Mitigating impacts of privacy and overlook, including provisioning for greater setbacks and setbacks;
- Opportunities for improved streetscaping;
- Ensuring better interface between public and private realms along Maple Leaf Forever Park; and
- Opportunities for tree preservation and replacement.

COMMENTS

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 have reviewed the current proposal for consistency with the Provincial Policy Statement and conformity with the Growth Plan. Staff find that while the proposed intensification and land uses are generally consistent with the PPS and conform with the Growth Plan, the proposal is not consistent with PPS policies concerning appropriate development standards and their implementation through the Official Plan and other supporting documents. 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 are currently reviewing the revised proposal, including its built form and public realm. Anticipated comments will cover appropriate massing and transition to adjacent Neighbourhoods lands, along with appropriate setbacks from the property lines and setbacks at the upper storeys and the cantilevering massing for both buildings that begin at the third storey. City staff will provide further direction for the proposed development to be contextually appropriate and provide a better fit within the planned and built context, to be appropriately implemented through policy and zoning tools.

City staff will also determine if the upper-storey connections between the two proposed apartment buildings is appropriate and whether the proposed north and south elevations are appropriately massed and articulated in order to mitigate their proposed length.

Additionally, City staff will review the submitted Shadow Study to determine if the proposed built form will negatively impact the ability for neighbouring public spaces and Maple Leaf Forever Park to receive adequate amounts of sunlight throughout the year.

Parkland

In accordance with Chapter 415, Article III of the Toronto Municipal Code, Parks, Forestry and Recreation staff have determined that the applicant will be required to satisfy the parkland dedication requirement through off-site dedication to expand Maple Leaf Forever Park.

The applicant has engaged with the owners of 56 and 58 Laing Street to acquire those properties as part of the off-site parkland dedication to allow for the expansion of the abutting Maple Leaf Forever Park.

Streetscape and Public Realm

The proposed buildings are set back 1.97 metres from the eastern property line (along Laing Street), 2.1 metres from the southern property line (along Sears Street), 2.45 metres from the western property line (along the unnamed public lane) and between 1.27 to 3.21 along the northern property line (along Maple Leaf Forever Park).

A total of 13 new trees are proposed to be planted: nine within the site on private lands and four within the Laing Street right-of-way. Those planted on private lands are proposed to be small, compact tree species and those planted in the Laing Street right-of-way are proposed as large shade trees.

City staff, in their review, will seek to ensure a safe, comfortable public realm with sufficiently sized sidewalk zones for this context, appropriate landscaping and sufficient demarcation between public and private lands.

Tree Preservation

The proposal is subject to the provisions of the City of Toronto Municipal Code. The Arborist Report submitted in support of the applications indicate there are 41 trees in total, both privately-owned and City-owned trees in respect of the development application. A total of 24 trees meet the criteria for protection under the City's Private Tree By-law. Urban Forestry has provided comments for the original proposal, including the total number of trees to be replaced and the value of cash-in-lieu payment for not providing any large-growing shade trees.

The same Arborist Report (dated 2022) was submitted for both the original and revised proposals. Further confirmation is required to ascertain the total number of trees on-site, with the acquisition of 46-48 Laing Street. The Arborist Report and Landscape Plan for the previously approved Zoning By-law Amendment application at 46-48 Laing Street identified an additional tree within the rear yard of 46 Laing Street, close to the northern property line. Upon confirmation, the total amount of trees to be replaced and the required cash-in-lieu payment may be subject to change.

Land Use

The proposal contains solely residential uses. The site, being designated as Neighbourhoods, permits apartment buildings to a maximum height of four storeys. As a result, an Official Plan Amendment application was submitted to permit the proposed seven-storey buildings.

Rental Housing

Housing Policy staff are reviewing the applications to confirm the total number of rental units on-site. Official Plan Policy 3.2.1.6 requires new development that would result in the loss of six or more rental dwelling units to replace at least the same number, size, and type of rental units at similar rents to those in effect at the time of application. The policy also requires the applicant to provide an acceptable tenant relocation and assistance plan, addressing the right of existing tenants to return to the replacement units at similar rents and other assistance to mitigate hardship.

Housing Policy staff will determine if a tenant relocation and assistance plan and possible Rental Housing Demolition application is required to be submitted for review. Should it be determined that the latter is required and should the OLT allow the appeals in whole or in part, City staff recommend that the City Solicitor request the OLT to withhold its final Order until it has been advised that City Council has approved the Rental Housing Demolition application under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act, 2006.

Affordable Housing

Affordable Housing is a significant priority for the City and City Planning staff advocate for the inclusion of affordable housing units on any project where it is possible. The applicant will be subject to a Community Benefit Charge (CBC) requirement at the time of Building Permit. The CBC can be satisfied by a cash payment or the City may allow for affordable housing to be provided as a CBC in-kind contribution, provided both the applicant and City agree to the proposal. At this time, the applicant has not indicated that affordable housing will be offered as an in-kind CBC contribution, however staff have requested that the applicant consider this and will continue to pursue this possibility before the OLT..

Dwelling Unit Mix

The proposal includes 13,493 square metres of residential gross floor area (GFA). A total of 227 dwelling units are proposed, comprising of 63 (27.8%) studios, 77 one-bedroom units (33.9%), 57 (25.1%) two-bedroom units and 28 (12.3%) three-bedroom and two (0.9%) four-bedroom units. A total of 29 units, comprised of studios and one-bedroom units, are located in the basement.

The proposed unit mix meets the policy direction of the Official Plan to provide a full range of housing in terms of unit mix, however, the proposed sizes for two- and three-bedroom units is smaller than those recommended in the City's Growing Up Guidelines. City staff will review the unit sizes and configurations, along with their distribution across all floors to ensure they are functional and well designed.

Amenity Space

Provisions within Zoning By-law 569-2013 for an apartment building, require 4 square metres of amenity space per unit, of which 2 square metres per unit must be indoor amenity space and at least 40 square metres is outdoor amenity space.

The proposed amount of amenity space exceeds the requirements of the Zoning By-law with 557 square metres of indoor (2.45 square metres per unit) and 454 square metres of outdoor amenity space (2 square metres per unit) proposed.

Transportation

Transportation Services staff reviewed the Transportation Impact Study submitted for the first proposal and have generally accepted its findings, including the supply of the proposed 16 vehicular spaces. A review of the revised proposal is currently under way. The proposed bike parking supply meets the intent of the Zoning By-law and the Toronto Green Standard. Staff will conduct a more detailed review of the location and layout of the bike parking at the Site Plan Control stage.

Servicing

A Functional Servicing and Stormwater Management Report and associated plans have been submitted for the revised proposal and are being reviewed by Engineering and Construction Services. Review of the first proposal identified several necessary revisions with additional information also required.

Solid Waste

Solid Waste Management Services is currently reviewing the revised proposal. Review of the first proposal identified several issues, including size requirements and appropriate buffers for the Type "G" loading space.

Toronto Green Standard

All applications are required to meet Tier 1 of the Toronto Green Standard, Version 4. City staff encourage the applicant to meet a higher tier to support the City's objectives for resilience and achieving net-zero emissions by 2040 or sooner.

Further Issues

As previously mentioned, the revised proposal is currently under review by City staff. As part of staff's review, further issues and details may be identified to 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 Official Plan Amendment and Zoning By-law Amendment applications, in their current form, are not supportable by City Planning staff. The applications have been reviewed against the policies of the PPS, Growth Plan, Official Plan and applicable City guidelines intended to implement Official Plan policies. As currently proposed, staff are of the opinion that the applications are not consistent with certain Official Plan policies and guidelines, in particular: the proposed built form and massing; mitigating impacts of privacy and overlook; provisioning for greater setbacks and stepbacks; and providing a better interface between public and private realms.

Staff recommend that City Council direct the City Solicitor, together with the appropriate City staff, to attend the OLT in opposition of the appeals and to continue discussions with the applicant to address the issues outlined in this report and comments from review of the revised proposal.

CONTACT

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SIGNATURE

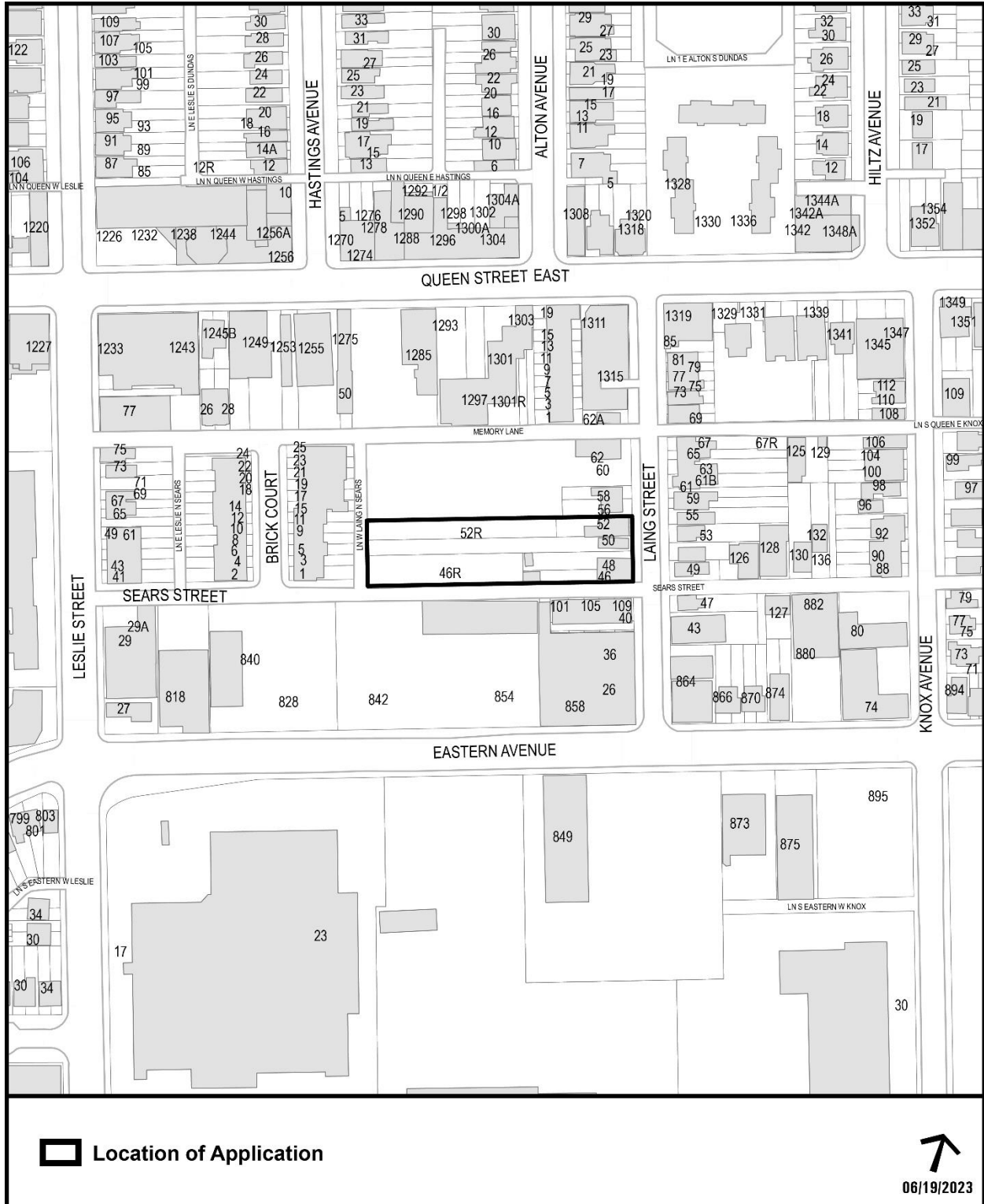


Willie Macrae, BA, MES, MCIP, RPP
Acting Director, Community Planning
Toronto and East York District

ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Application Data Sheet
Attachment 3: 3D Model of Proposal in Context looking Southeast
Attachment 4: 3D Model of Proposal in Context looking Northwest
Attachment 5: Site Plan
Attachment 6: Ground Floor Plan
Attachment 7: North Elevation
Attachment 8: East Elevations
Attachment 9: South Elevation
Attachment 10: West Elevations
Attachment 11: Official Plan Land Use Map
Attachment 12: Existing Zoning By-law Map

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 46R, 46-52 & 52R LAING ST **Date Received:** December 23, 2022

Application Number: 22 242126 STE 14 OZ

Application Type: OPA / Rezoning, OPA & Rezoning

Project Description: Official Plan Amendment and Zoning By-law Amendment applications that propose two 7-storey (23.3 metres including mechanical penthouses) apartment buildings with a total of 227 dwelling units. A total of 16 vehicular and 251 bicycle parking spaces are proposed.

Applicant	Agent	Architect	Owner
BOUSFIELDS INC		GABRIEL FAIN ARCHITECTS	LIANG SEARS HOLDINGS INC

EXISTING PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	Lower Don Special Policy Area
Zoning:	R (d1.0) (x449) R (x124)	Heritage Designation:	N
Height Limit (m):	12.9	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 3,063.3 Frontage (m): 27 Depth (m): 112

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	164		1,614.5	1,614.5
Residential GFA (sq m):	220		13,493	13,493
Non-Residential GFA (sq m):	0		0	0
Total GFA (sq m):	220		13,493	13,493
Height - Storeys:	2		7	7
Height - Metres:			23.3	23.3
Lot Coverage Ratio (%):	78.6%			
		Floor Space Index:	4.40	

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	12,140.3	1,352.7
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	TBD	0	227	227
Freehold:				
Condominium:				
Other:				
Total Units:			227	227

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:		0	0	0	0
Proposed:		63	77	57	30
Total Units:		63	77	57	30

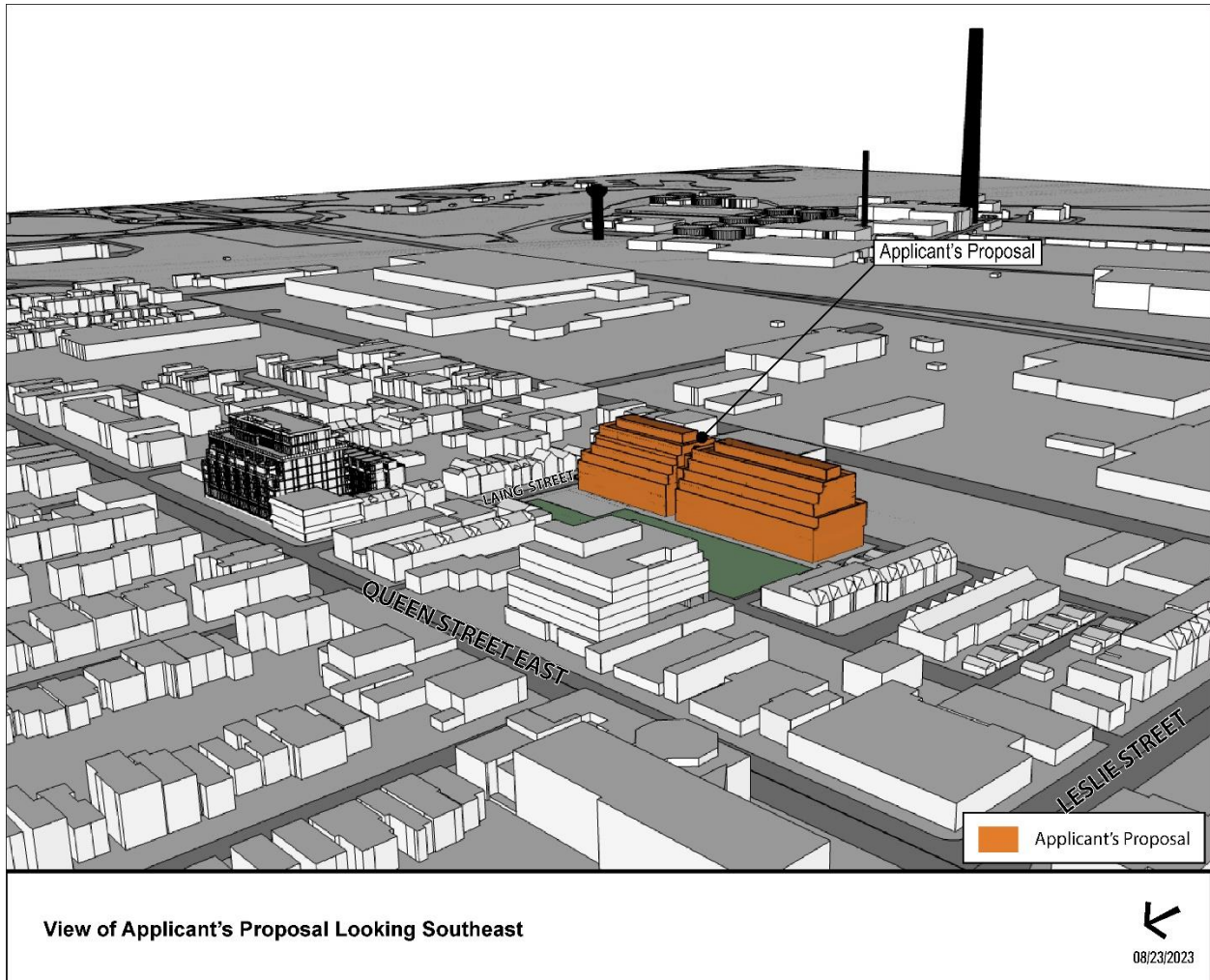
Parking and Loading

Parking Spaces: 16 Bicycle Parking Spaces: 251 Loading Docks: 1

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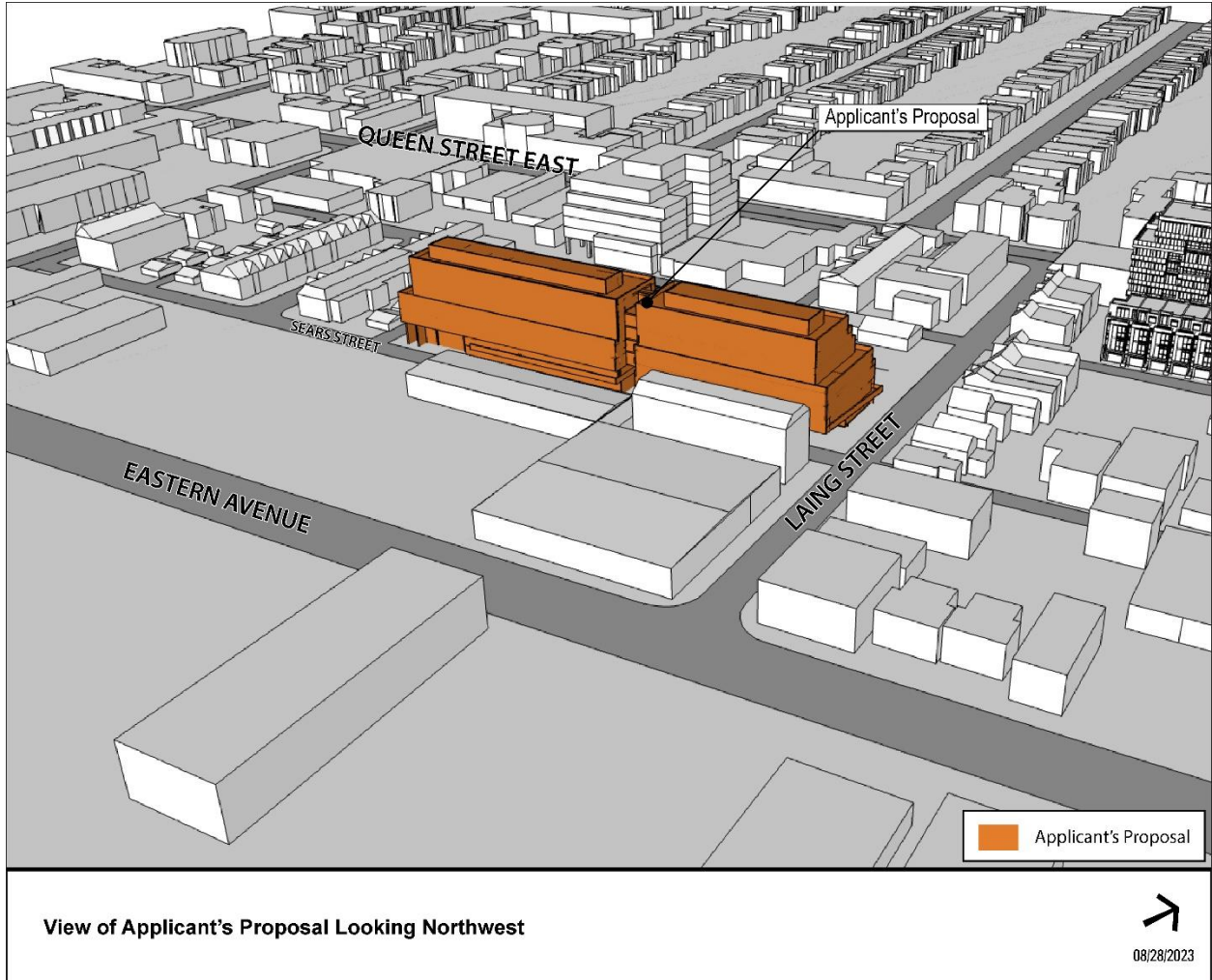
Attachment 3: 3D Model of Proposal in Context looking Southeast



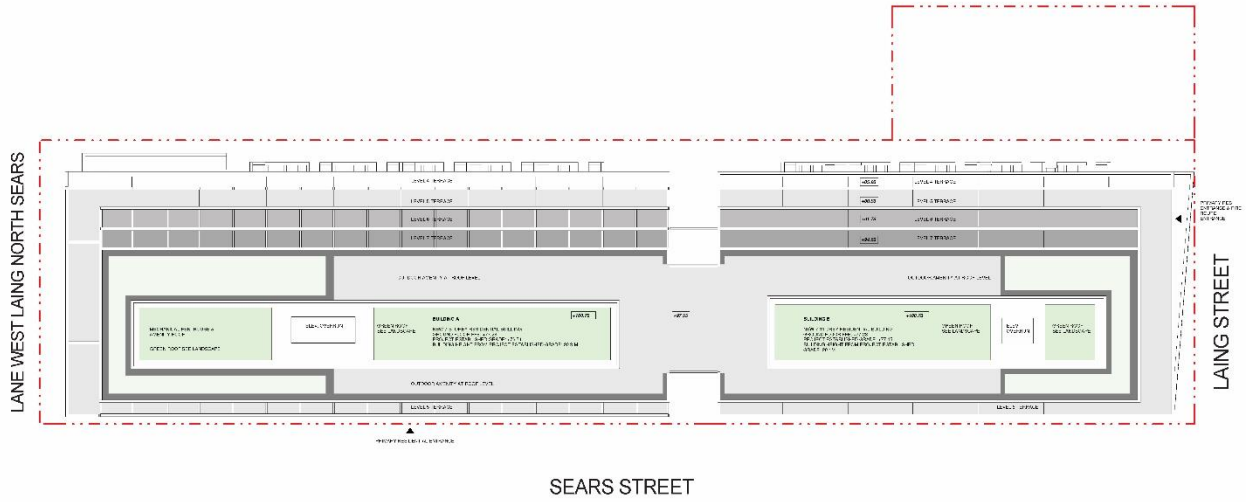
View of Applicant's Proposal Looking Southeast

08/23/2023

Attachment 4: 3D Model of Proposal in Context looking Northwest



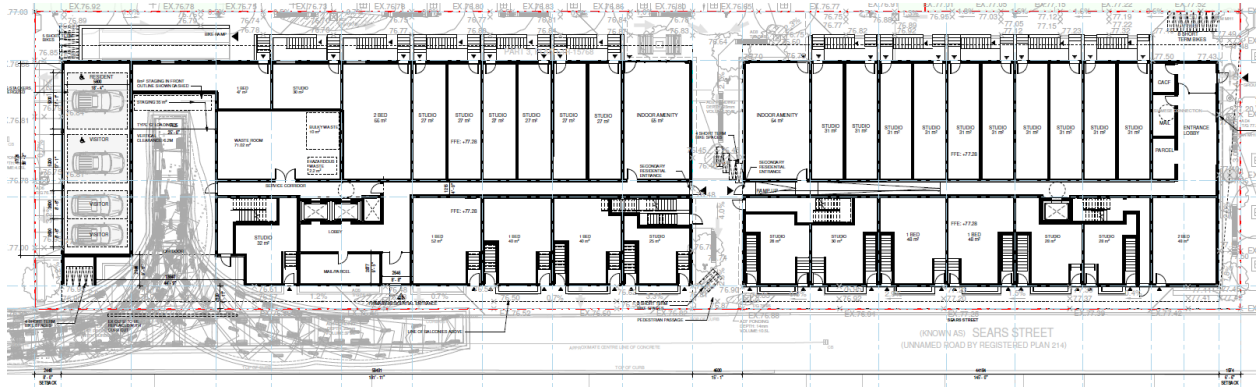
Attachment 5: Site Plan



Site Plan



Attachment 6: Ground Floor Plan

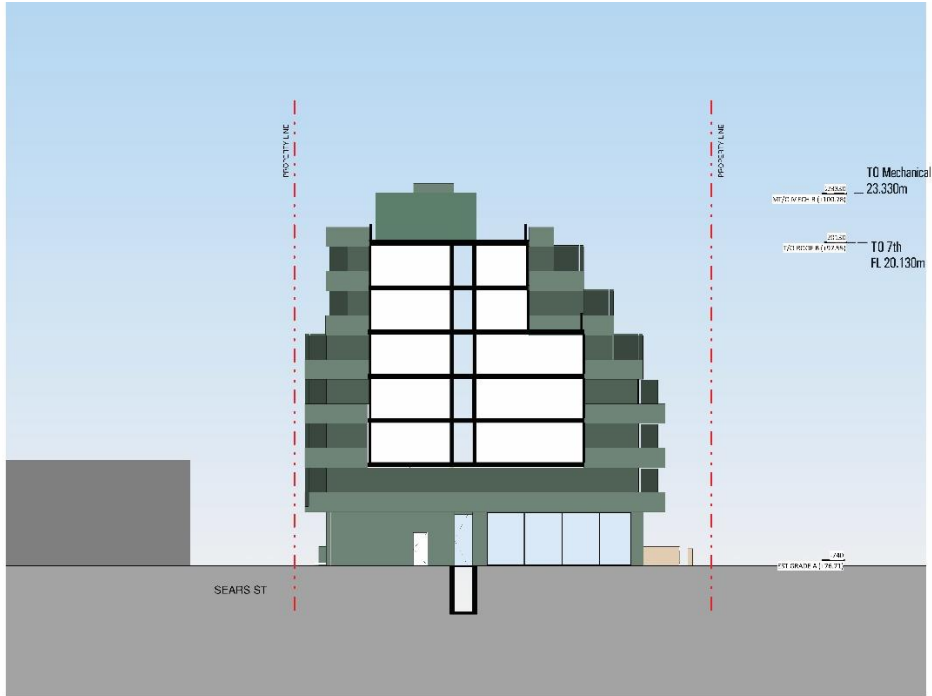


Attachment 7: North Elevation

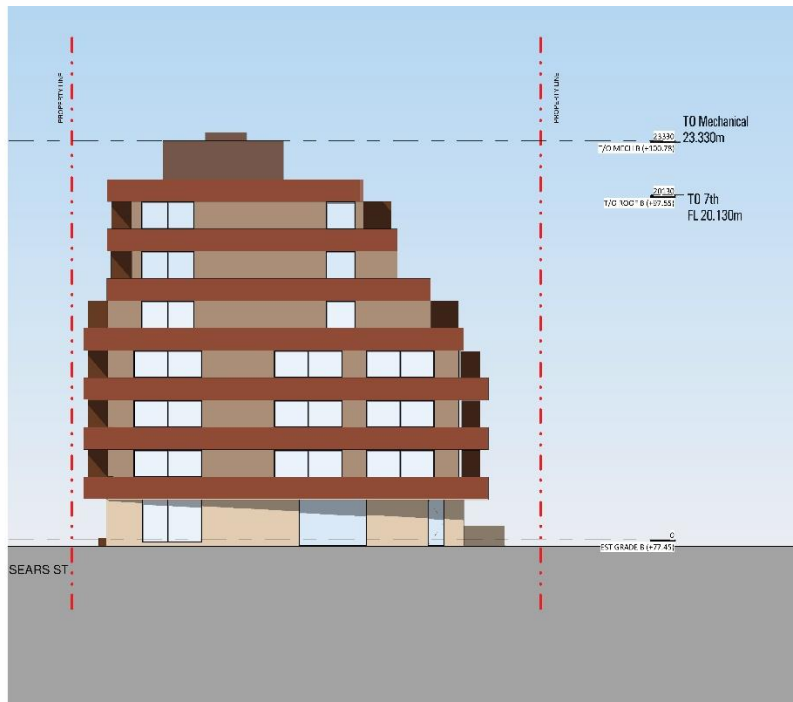


North Elevation

Attachment 8: East Elevations



East Elevation Building A



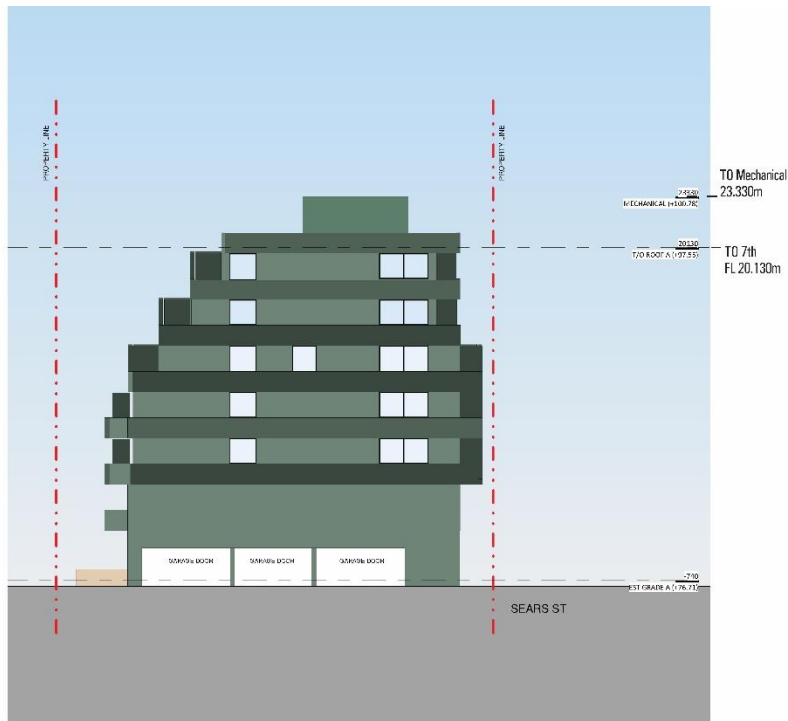
East Elevation Building B

Attachment 9: South Elevation

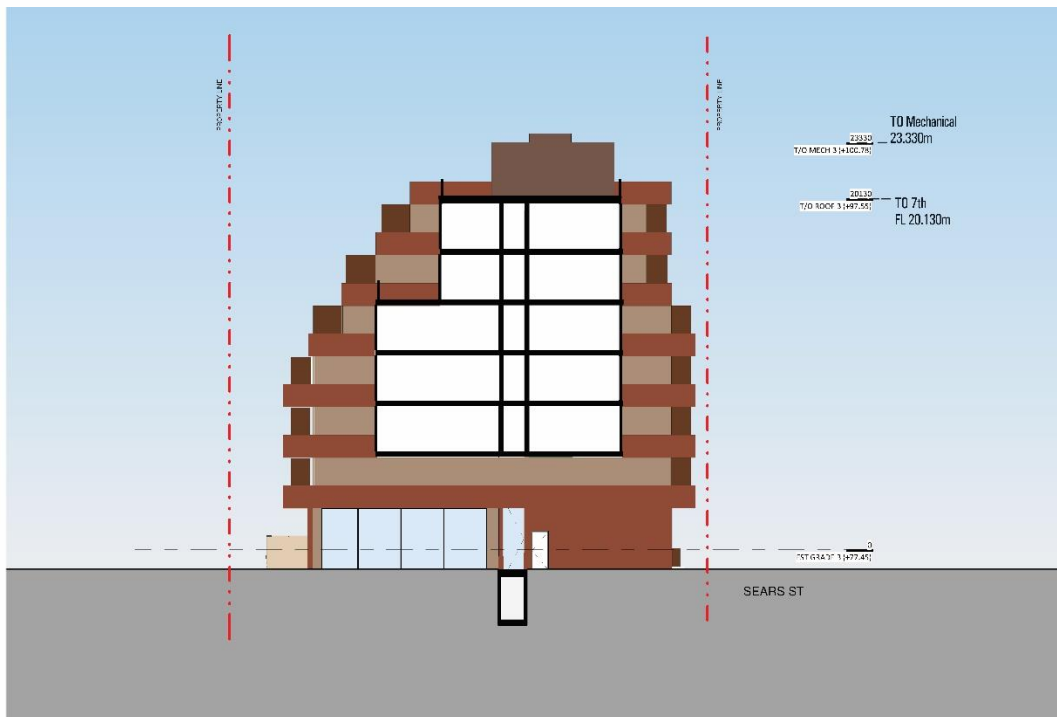


South Elevation

Attachment 10: West Elevations



West Elevation Building A



West Elevation Building B

Attachment 11: Official Plan Land Use Map



Official Plan Land Use Map #21

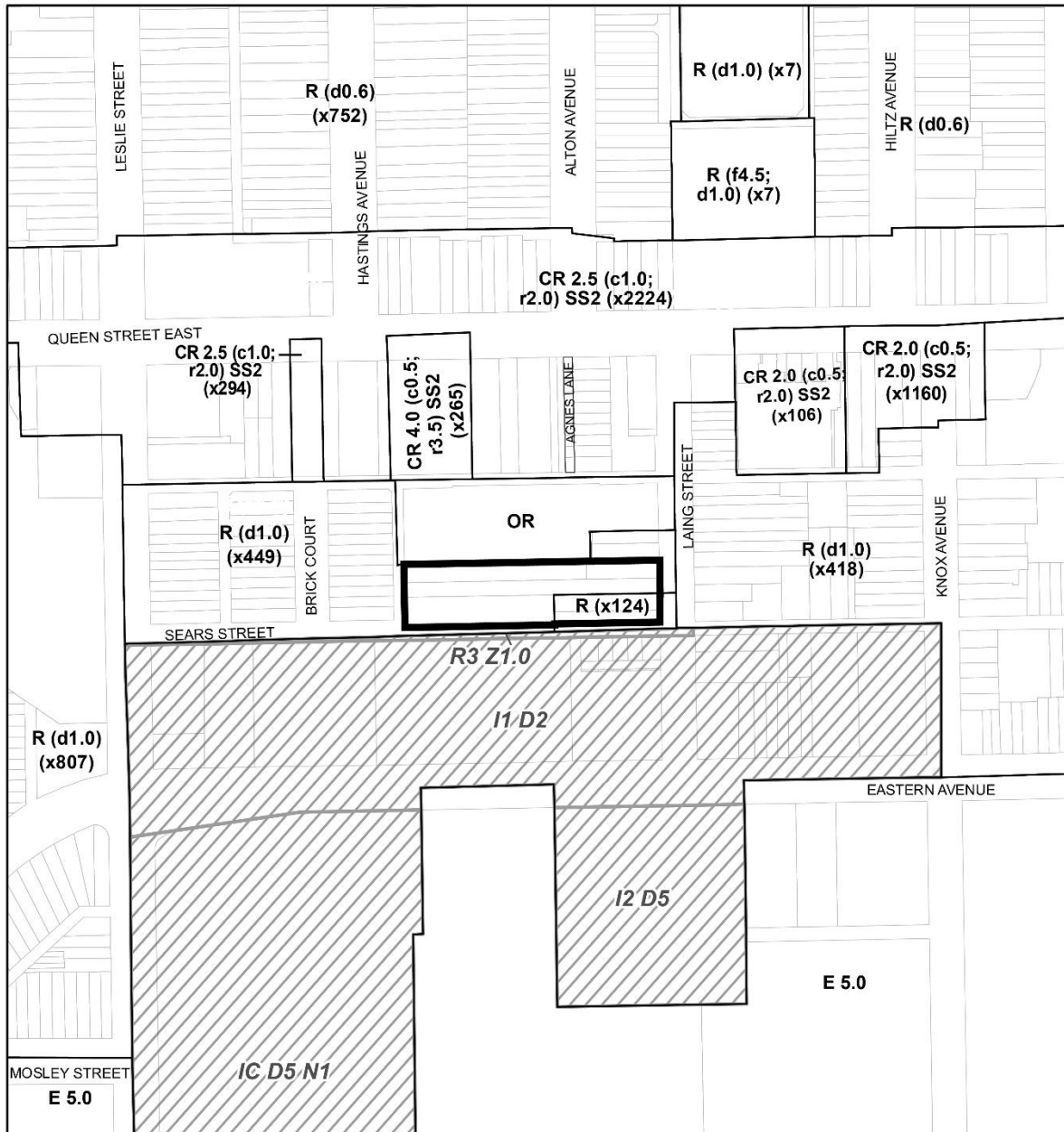
46R, 46-52 & 52R Laing Street

File # 22 242126 STE 14 0Z

- Location of Application
- Neighbourhoods
- Mixed Use Areas
- Parks
- General Employment Areas
- Core Employment Areas

Not to Scale
 Extracted: 06/19/2023

Attachment 12: Existing Zoning By-law Map



Zoning By-law 569-2013

46R, 46-52 & 52R Laing Street

File # 22 242126 STE 14 0Z

Location of Application

R Residential
CR Commercial Residential
E Employment Industrial
OR Open Space Recreation

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

R3 Residential District
I1 Industrial District
I2 Industrial District
IC Industrial District



Not to Scale
 Extracted: 06/19/2023