



PLANNING AND URBAN DESIGN

27 January 2023

Chair Perks and Members of the Planning and Housing Committee
Toronto City Council
City Hall, 100 Queen Street West,
Toronto, ON
M5H 2N2

Attention: Members of Planning and Housing Committee

**RE: Zoning for Midtown Apartment Neighbourhoods
Draft Zoning By-law Amendment
45 and 57-93 Balliol Street – Site-Specific Comment Submission
Item 2024 - PH9.1
WND File: 21.523**

WND Associates has been retained by G.R Feldman Investments Ltd as the planning consultant for the lands municipally known as 45 and 57-93 Balliol Street in the City of Toronto (“the Subject Site”). The Subject Site is within the boundary of Official Plan Amendment 405 (“OPA 405”) as per the June 2019 approval of the Yonge-Eglinton Secondary Plan (“the Secondary Plan”) by the Ministry of Municipal Affairs and Housing.

On 30 November 2023, City Planning released a Draft Zoning By-law Amendment (“the Draft By-law”) relative to the Apartment Neighborhoods Character Areas of the Yonge-Eglinton Secondary Plan (“the Secondary Plan”). On 8 January 2024 Notice of the Statutory Public Meeting of the 29 January 2024 Planning and Housing Committee was received. This letter provides comments to Planning and Housing Committee in advance of its meeting on January 29 and highlights issues with the proposed zoning standards relative to the property at 45 and 57-93 Balliol Street.

Subject Site

The Subject Site is a generally rectangular-shaped lot along the south side of Balliol Street in the Mount Pleasant West neighbourhood of the City of Toronto, and within 200 metres of the Davisville TTC Station. The Subject Site is currently comprised of 19 two-storey rental townhouses with underground parking and landscaping (57-93 Balliol Street), and an 18-storey residential apartment building which also has underground parking (45 Balliol Street). The Subject Site is of 9,808 square metres in area, with 169.55 metres of frontage on Balliol Street, and a lot depth of 58.86 metres.



Figure 1: Aerial photograph of 45 & 57-93 Balliol Street

Application History

On 1 November 2021, concurrent Zoning By-Law Amendment, Site Plan Control, Rental Housing Demolition, and Plan of Subdivision applications were submitted for the property at 45 and 57-93 Balliol Street, and deemed complete on 8 November 2021. At the 16 February 2022 meeting of Toronto and East York Community Council, the recommendations contained in a Preliminary Report prepared by Planning Staff were adopted by Community Council (TE31.36), including Staff's recommendation to proceed with a Community Consultation Meeting. A Community Consultation Meeting was held on 10 May 2022, and presentations were made by Planning Staff and the applicant team.

Following the feedback heard from residents and City Staff, SPA and ZBA applications were resubmitted on 3 January 2023. After the application proceeded through the City's review process, the Proposed Development was brought forward to the June 22 Toronto and East York Community Council for approval through Item TE6.12 – 45, 57-93 Balliol Street - Zoning By-law Amendment, and Rental Housing Demolition Applications - Decision Report – Approval, where it was adopted without amendments. The Item was then brought to City Council on 19 July 2023 where the recommendations to approve the Rental Housing Demolition Application and Zoning By-law Amendment, with conditions, were adopted.

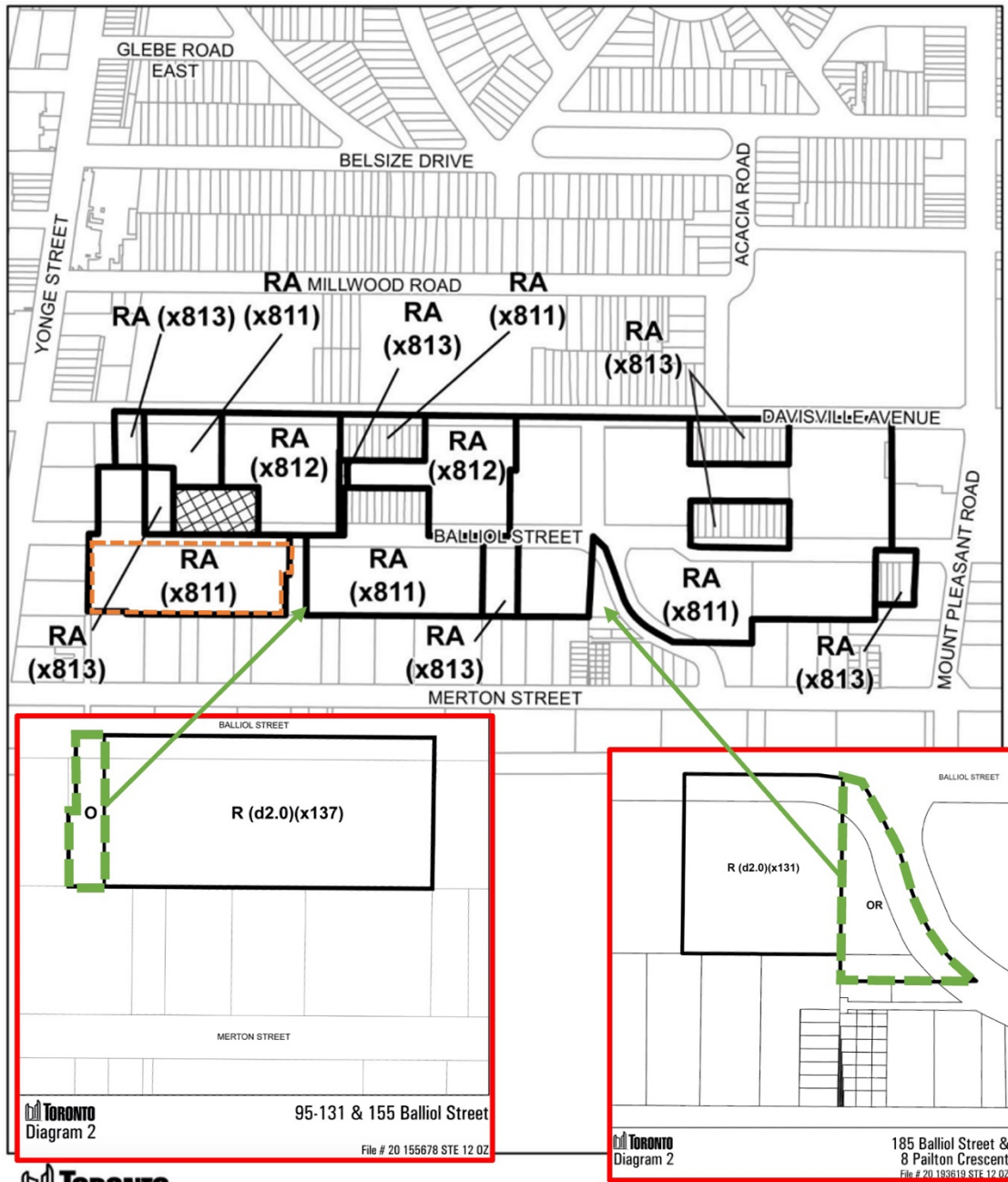
After a final resubmission to address outstanding Engineering and Construction Services' conditions of approval, the Bills associated with By-law 2023-0983 were presented and adopted by City Council on 12 October 2023. By-law 2023-0983 came into force and effect for the Subject Site on 16 November 2023, after no appeals to the Ontario Land Tribunal were made.

The site-specific zoning by-law provides permissions for a tall building form with a maximum height of 129.0 metres (41 storeys) building with up to 34,000 square metres of gross floor area. In addition, as a result of the site-specific zoning by-law amendment, the eastern portion of the Subject Site has been rezoned to Open Space as the application included an on-site parkland dedication. Please see Appendix A for a copy of By-law 983-2023, and Item TE10.16 on the 24 January 2024 Toronto and East York Community Council agenda for more information.

Comments on Draft By-law



Pursuant to our comments submitted to City Planning during the consultation period associated with the Draft By-law, we appreciate the efforts made by City staff to upload a revised Draft By-law on 26 January 2024 (Item PH9.1 – Revised Attachment 6) which refers to the site-specific by-law in-force and effect for the Subject Site (By-law 983-2023) within Section 21 – Prevailing By-laws and Prevailing Sections. Despite this, our client has concerns with the corresponding Maps, specifically Maps 1D, 3E, and 4D, which do not exclude the eastern portions of the Subject Site that were rezoned to Open Space as a result of the above-described development process.

Removing the portions of the Subject Site that were rezoned to Open Space (see Appendix A – Diagram 2) from the lands affected by the Draft By-law would be consistent with other Open Space exclusions within the immediate area. For example, the lands that were conveyed to the City and subsequently rezoned to Open Space at 95-131 & 155 Balliol Street, and separately, 185 Balliol Street & 8 Pailton Crescent, are excluded from Maps 1D, 3E, and 4D of the Draft By-law. Please refer to **Figure 2** below for an example.



TORONTO
 Diagram 3E

File #: 18 244598 CPS 00 OZ

-  Lands not part of this by-law
-  SUBJECT SITE


 City of Toronto By-law 569-2013
 Not to Scale
 01/12/2024


Figure 2: Diagram 3E of the Draft By-law

Therefore, for consistency purposes, we formally request that the eastern portions of the Subject Site that were rezoned to Open Space be excluded from the lands affected by the Draft By-law.

We trust that the information included within this comment letter is complete and comprehensive, and sufficient to allow for further review of the Draft By-law prior to advancing the project to Council. Should you have any questions, please do not hesitate to contact the undersigned. We request that the undersigned of our office be circulated on any Notice(s) of Decision with respect to this matter.

Yours very truly,

WND associates
planning + urban design



Andrew Ferancik, MCIP, RPP
Principal



APPENDIX A



Authority: Toronto and East York Community Council
Item TE6.13, as adopted by City of Toronto Council on
July 19 and 20, 2023
City Council voted in favour of this by-law on October 12,
2023
Written approval of this by-law was given by Mayoral
Decision 19-2023 dated October 12, 2023

CITY OF TORONTO

BY-LAW 983-2023

To amend the City of Toronto Zoning By-law 569-2013, as amended, with respect to the lands known municipally as 45 and 57-93 Balliol Street, in the year 2023.

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

Whereas pursuant to Section 39 of the Planning Act, as amended, the council of a municipality may, in a by-law passed under Section 34 of the Planning Act, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited in the by-law;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy blacklines from a zone label of R (d2.0) (x917) to a zone label of R (d2.0) (x168) and O, as shown on Diagram 2 attached to this By-law.
4. Zoning By-law 569-2013, as amended, is further amended by adding Exception Number 168 to Article 900.2.10 so that it reads:

(168) Exception R 168

The lands, or a portion thereof as noted below, are subject to the following Site-Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- A. On 57-93 Balliol Street, if the requirements of By-law 983-2023 are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with (B) to (Q) below;
- B. For the purposes of this exception:
- i. **lot** means the lands outlined by black lines outlining the boundaries of "Area A" and "Area B" and the lands identified as "Parkland", as shown on Diagram 1 of By-law 983-2023;
 - ii. each of "Area A" and "Area B" identified on Diagram 1 of By-law 983-2023 are a **lot**; and
 - iii. "lot line" is defined to include the boundaries of "Area A" and "Area B", identified on Diagram 1 of By-law 983-2023;
- C. Despite regulation 10.10.40.40(1)(A), the permitted maximum **gross floor area** is 34,000 square metres on "Area B" on Diagram 1 of By-law 983-2023;
- D. Regulation 10.10.40.30(1)(B) regarding maximum permitted **building depth** does not apply to "Area B" as shown on Diagram 1 of By-law 983-2023;
- E. Regulation 10.10.40.1(2) regarding the maximum number of residential **buildings** on a **lot** does not apply;
- F. Despite Clause 10.10.40.70, the required minimum **building setbacks** for **buildings** and **structures** for "Area B" are as shown in metres on Diagram 3 of By-law 983-2023;
- G. Despite (F) above and Clause 10.5.40.60, the following elements may encroach into the required **building setbacks**:
- i. parapets, antennae, gas meters, fire department connections, flagpoles, satellite dishes, weather vanes, eaves, cornices, columns, landscape and wheelchair ramps, light fixtures, stairs and stair enclosures, balustrades, guardrails, bollards, awnings, arcades, canopies, raised planters, patios, retaining walls, fences, vents, screens, wind mitigation screens and features, underground parking ramp and associated **structures**, damper equipment, window washing equipment to a maximum of 2.0 metres;
 - ii. balconies and bay windows to a maximum of 2.0 metres;
 - iii. **structures** used for outside or open air recreation, safety or wind protection, to a maximum of 1.6 metres; and

- iv. ornamental, decorative or architectural elements to a maximum of 2.0 metres;
- H. Despite Regulation 10.5.40.10(1), the height of a **building** or **structure** is the distance between the Canadian Geodetic Datum of 154.94 metres and elevation of the highest point of the **building** or **structure**;
- I. Despite regulation 10.10.40.10(1)(A), the permitted maximum height of a **building** or **structure** in "Area B" is the number following the HT symbol in metres as shown on Diagram 4 of By-law 983-2023;
- J. Despite (I) above, Regulations 10.5.40.10(2), (3) and (4), and 10.10.40.10(8) and (9), equipment and **structures** may project beyond the permitted maximum height of a **building** for "Area B" as follows:
 - i. parapets, roof access, chimneys, vents, ducts, pipes, roof drainage, antennae, terraces and terrace platforms, telecommunication equipment, satellite dishes, guard rails, railings, dividers, screens, balustrades, unenclosed **structures** providing safety or wind protection, privacy and wind screens, elements of a **green roof**, pergolas, trellises, light fixtures, landscape elements and landscape planters, architectural features, retaining walls, thermal and waterproofing assembly located at each of the roof levels of the **building**, **structures** on the roof of any part of the **building** used for outside or open air recreation, noise mitigation elements and partitions dividing outdoor recreational areas, all of which may project up to a maximum of 3.5 metres;
 - ii. structural/non-structural architectural columns/piers/bands, mechanical penthouses, equipment used for the functional operation of the **building**, such as cooling tower, electrical, utility, mechanical and ventilation equipment, stair and elevator enclosures and overruns, stair access, window washing equipment, lightning rods, exhaust flues, vents, ventilating equipment, chimney stack, air shafts, gas metres, garbage chute overruns and **structures** that enclose, screen or cover the equipment, **structures** and parts of a **building** listed in this section, all of which may project up to a maximum of 6.0 metres; and
 - iii. wind mitigation measures to a maximum of 2.5 metres;
- K. Despite regulation 10.10.40.50(1)(A) & (B), **amenity space** must be provided and maintained within "Area B" as follows:
 - i. Indoor **amenity space** for use by the residents of the **dwelling units** must be provided at a minimum of 1.95 square metres per **dwelling unit**;

- ii. Outdoor **amenity space** for use by the residents of the **dwelling units** must be provided at a minimum of 2.0 square metres per **dwelling unit**; and
- iii. At least 40.0 square metres of outdoor **amenity space** must be in a location adjoining or directly accessible to the indoor **amenity space**;
- L. Despite Clause 220.5.10.1, A minimum of one (1) Type "C" and one (1) Type "G" **loading space** must be provided and maintained within "Area B" as shown on Diagram 1 of By-law 983-2023;
- M. Despite Regulation 10.5.100.1(4)(B), the maximum width of a **driveway** is 7.0 metres;
- N. Regulations 10.5.50.10(4) and (5) regarding **landscaping** and **soft landscaping** do not apply;
- O. Despite Regulation 200.5.10.1(1) and Tables 200.5.10.1, and 970.10.15.5, **parking spaces** must be provided and maintained within "Area B" as follows:
 - i. No minimum for residential occupant **parking spaces** applies;
 - ii. A minimum of 0.04 residential visitor **parking spaces** per **dwelling unit**;
 - iii. A minimum of 3 "car-share parking spaces" must be provided and maintained;
 - iv. For the purpose of this exception, "car-share" means the practice whereby a number of people share the use of one or more motor **vehicles** and such "car-share" motor **vehicles** are made available to at least the occupants of the **building** for short-term rental, including hourly rental; and
 - v. For the purpose of this exception, "car-share parking space" means a **parking space** exclusively reserved and signed for a **vehicle** used only for "car-share" purposes;
- P. Despite Clause 200.15.10.10, a minimum of 4 of the **parking spaces** required in (O) above must be accessible **parking spaces**;
- Q. The provision of **dwelling units** for "Area B" is subject to the following:
 - i. a minimum of 15 percent of the total number of **dwelling units** must contain two or more bedrooms;

- ii. a minimum of 10 percent of the total number of **dwelling units** must contain three or more bedrooms;
- iii. an additional 10 percent of the total number of dwelling units will be any combination of two bedroom and three bedroom **dwelling units**, or **dwelling units** that can be converted into any combination of two and three bedroom **dwelling units**;
- iv. **Dwelling units**, as described in (Q)(iii) above, may be converted using accessible or adaptable design measures such as knock- out panels; and
- v. if the calculation of the number of required **dwelling units** in (Q)(i) to (iii) above results in a number with a fraction, the number may be rounded down to the nearest whole number.

Prevailing By-laws and Prevailing Sections:

(A) On "Area A" as shown on Diagram 1 of By-law 983-2023, former City of Toronto By-law 22120.

- 5. Despite any existing or future consent, severance, partition or division of the lot, the provisions of this by-law shall apply to the lands, as identified on Diagram 1, as if no consent, severance, partition or division occurred.
- 6. Temporary Use(s)

None of the provisions of By-law 569-2013, as amended, apply to prevent the erection and use of a temporary sales office on the lot for a period of not more than 3 years from the date this By-law comes into full force and effect.

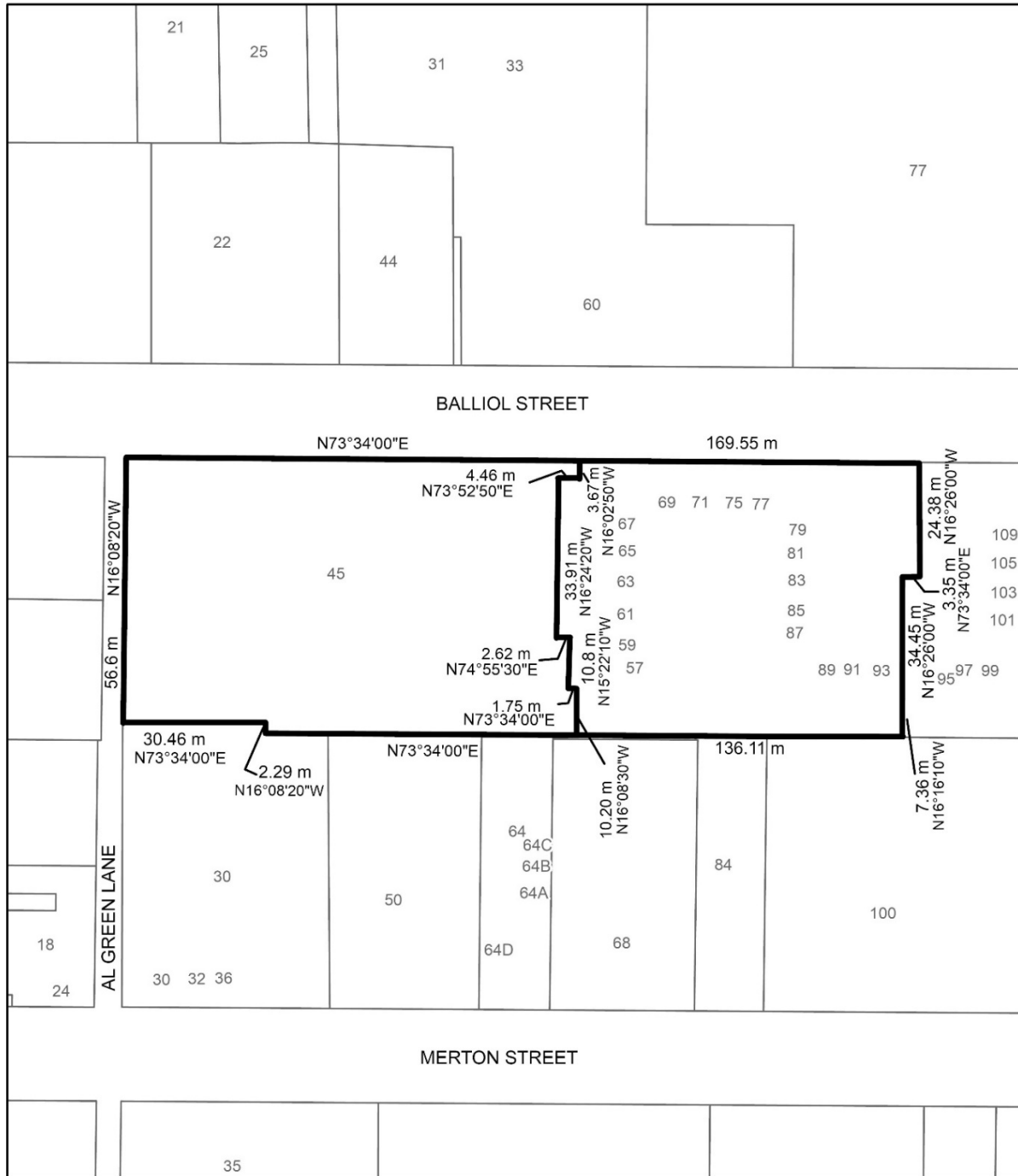
Enacted and passed on October 12, 2023.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)

Diagram 1



45 & 57-93 Balliol Street

File # 21 235311 STE 12 0Z

Diagram 2



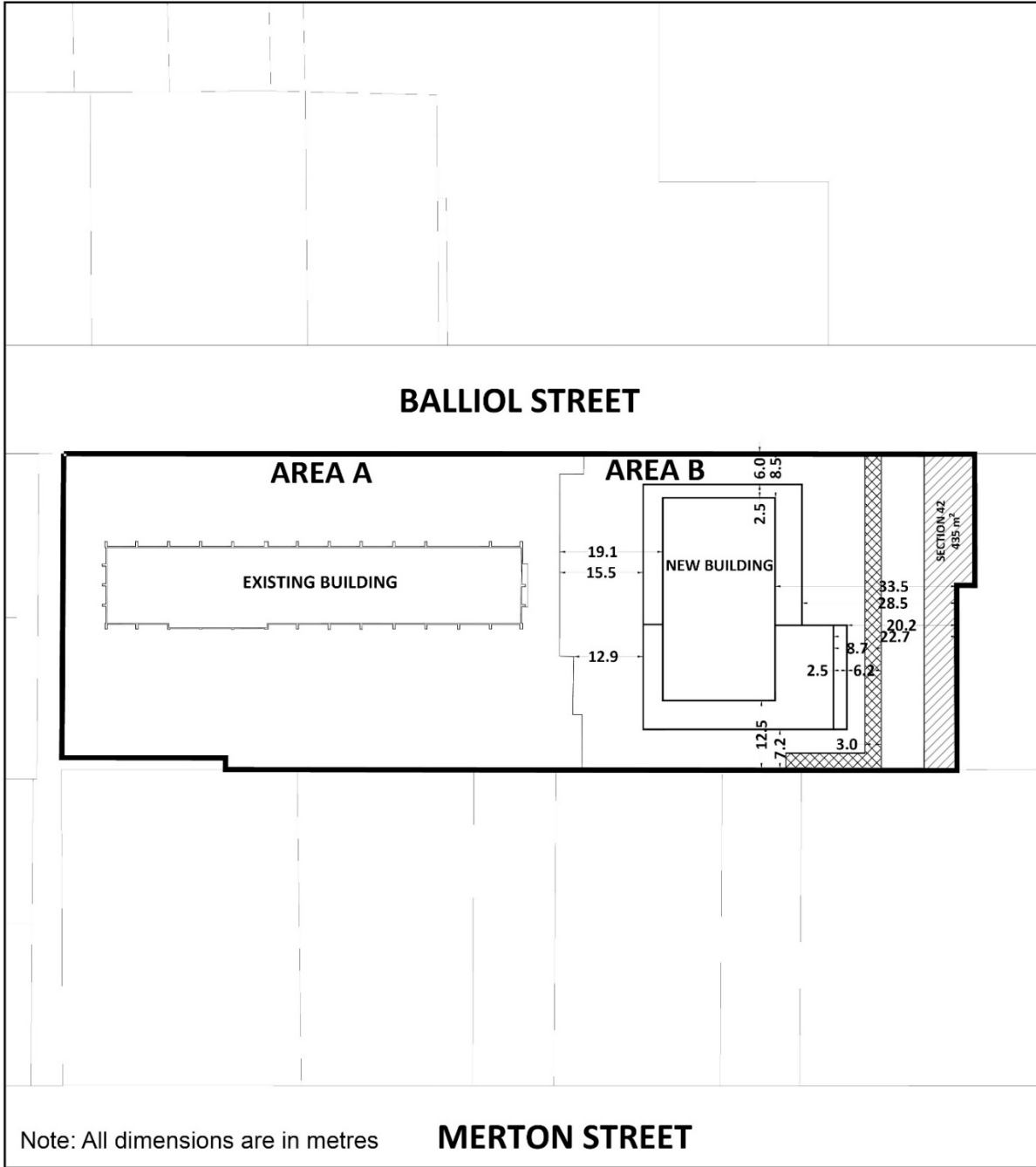
45 & 57-93 Balliol Street

File # 21 235311 STE 12 OZ

- Area affected by this by-law
- Area of Proposed Public Park

City of Toronto By-law 569-2013
Not to Scale
06/13/2023

Diagram 3



- Area affected by this by-law
- Area of Mid Block Connection
(Note: Final location and alignment of Mid Block Connection to be determined)
- Area of Parkland – Section 42 On-site Dedication (435 m²)

Diagram 4

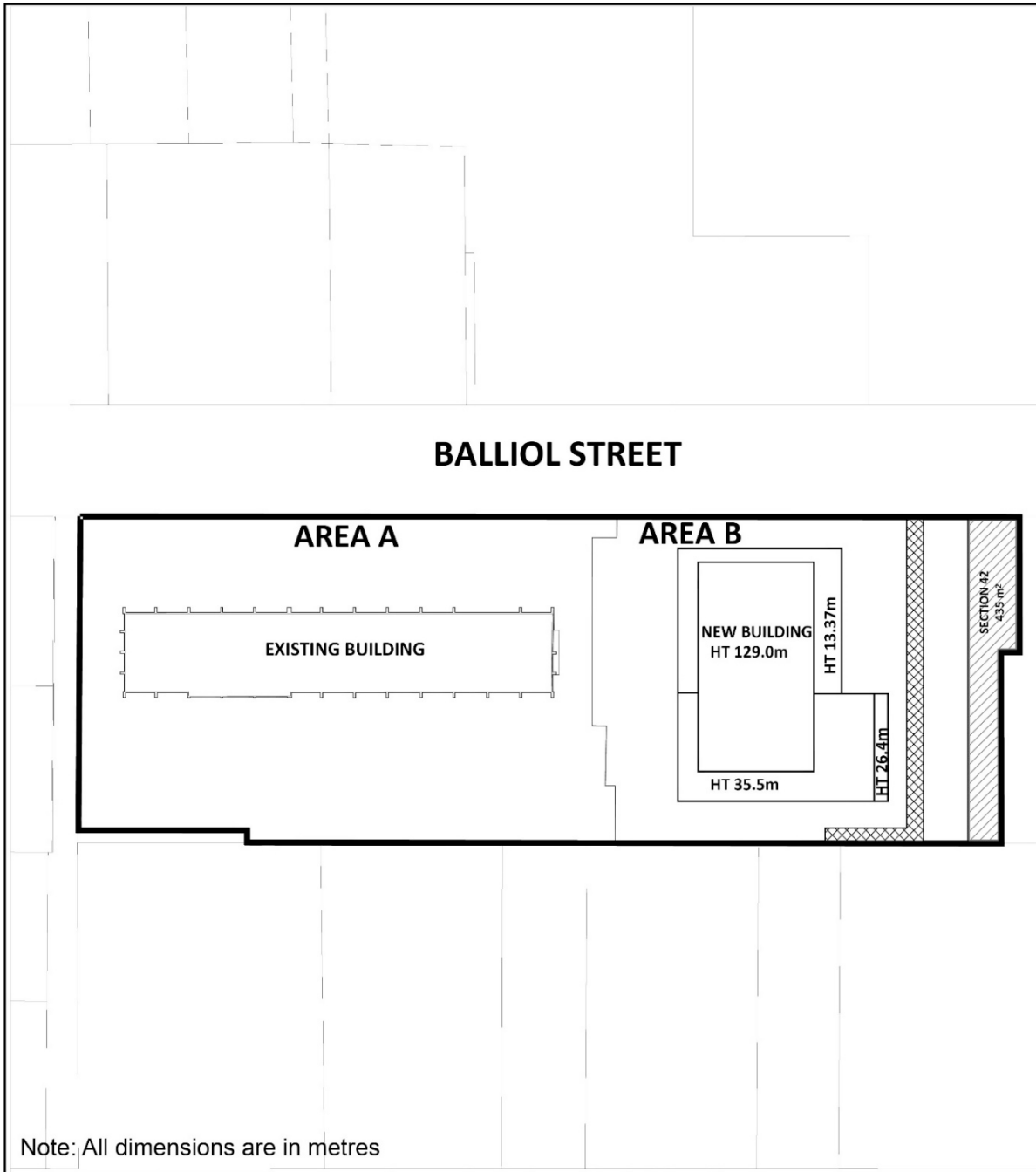



Diagram 4

45 & 57-93 Balliol Street

File # 21 235311 STE 12 OZ

-  Area affected by this by-law
-  Area of Mid Block Connection
(Note: Final location and alignment of Mid Block Connection to be determined)
-  Area of Parkland – Section 42 On-site Dedication (435 m²)


City of Toronto By-law 569-2013
Not to Scale
06/12/2023