



PLANNING AND URBAN DESIGN

27 January 2024

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  
207, 209, 213, 225 Davisville Avenue & 224, 226, 228, 236,  
240 Balliol Street – Site-Specific Comment Submission  
Item 2024 - PH9.1  
WND File: 23.597**

WND Associates has been retained by Abraham J. Green (225 Davisville Avenue) Ltd as the planning consultant for the lands municipally known as 225 Davisville Avenue, and 207, 209, 213 Davisville Avenue & 224, 226, 228, 236, 240 Balliol Street (owned by separate but affiliated ownership entities) 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 properties at 207, 209, 213, 225 Davisville Avenue & 224, 226, 228, 236, 240 Balliol Street.

### Subject Site

The Subject Site is designated *Apartment Neighborhoods* in the City-wide Official Plan and within the *Davisville* Character Area of the Yonge-Eglinton Secondary Plan (the “Secondary Plan”). Policy 5.4.3.h sets out the following anticipated height range for the *Davisville* Character Area: “25 to 40 storeys, with heights

generally decreasing with increasing distance from the Davisville subway station". An aerial photograph of the Subject Site can be found in **Figure 1**.

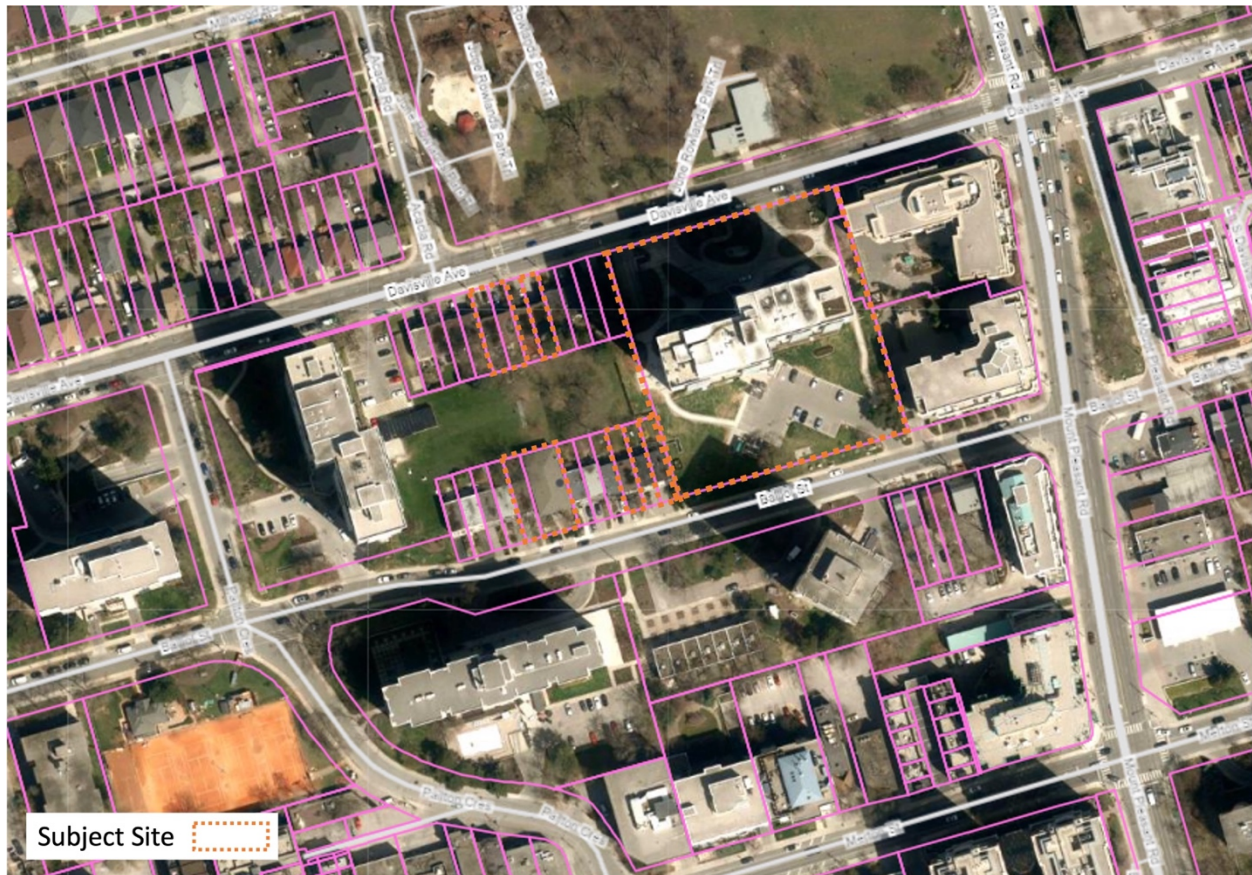


Figure 1: Aerial photograph of Subject Site

### Analysis of Draft By-law

The Subject Site is proposed to be zoned **Residential Apartment (RA) Exception 811 and RA 813** according to Map 3E of the Draft By-law (**Figure 2**). The Subject Site is also shown on Map 4D (**Figure 3**) as having a proposed maximum permitted height of 20 storeys (63 metres) for its southern portions, and 10 storeys (30 metres) for its northern portions.

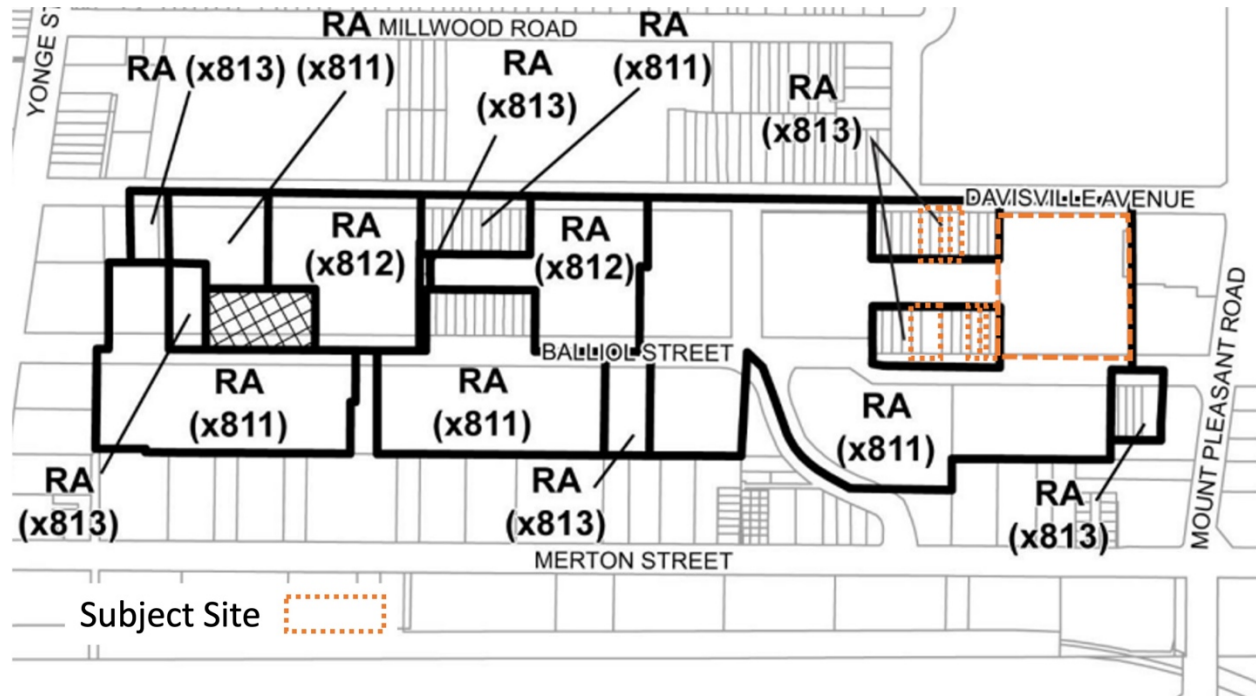
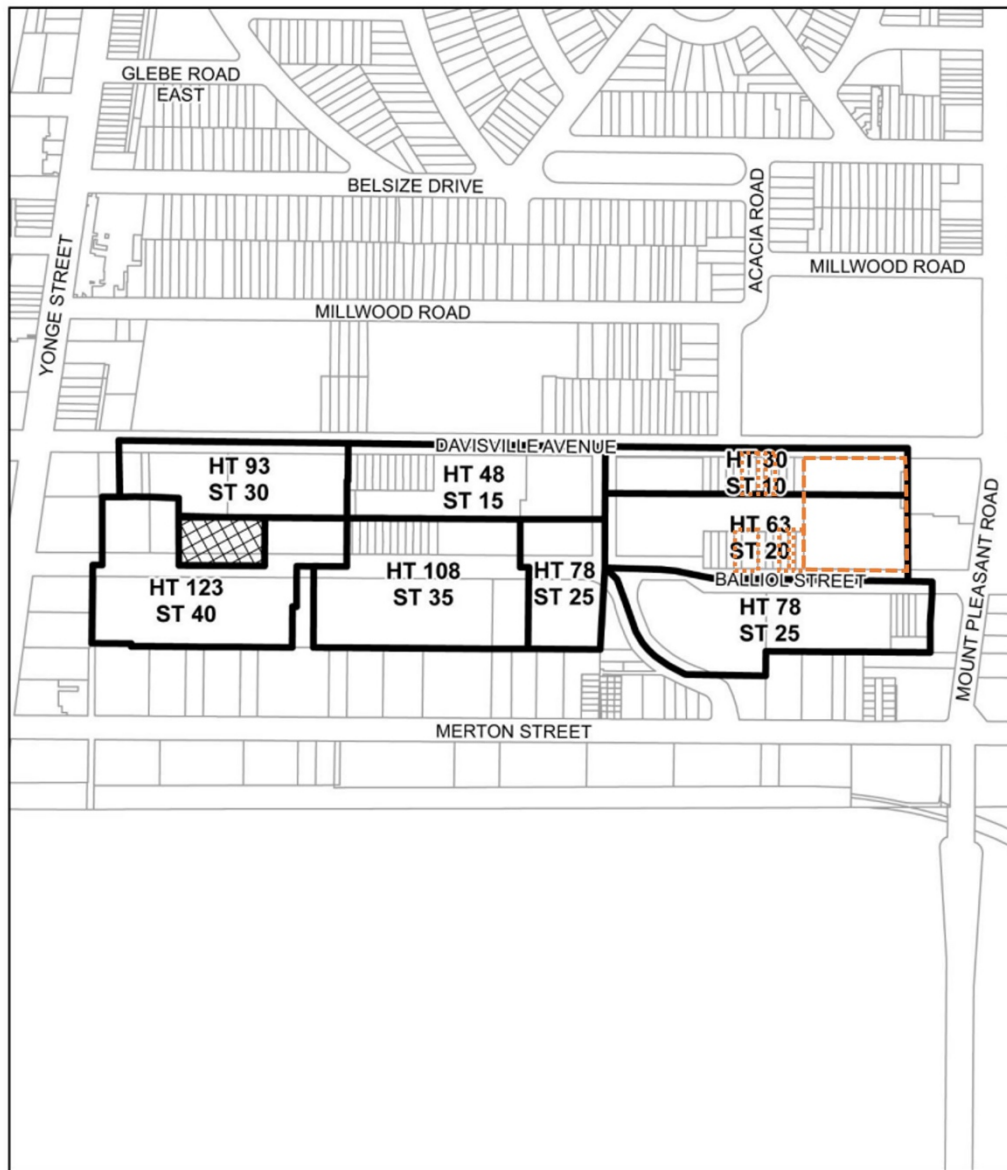




Figure 2: Subject Site in context of proposed Block-specific RA Zoning Category.



  
**Diagram 4D**

File #: 18 244598 CPS 00 0Z

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

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

Figure 3: Subject Site in context of proposed By-law height overlay.

The following sections provide our review and analysis of the proposed Zoning By-law Amendment:

### **1. Minimum landscaping requirements**

Regulation 8.(B) of the Draft By-law sets out the following minimum landscape requirements:

- *Despite 15.5.50.10 (1), a lot in the Residential Apartment Zone category must have:*
  - *A minimum of 40% of the area of the lot for landscaping; and*
  - *A minimum of 65% of the landscaping required in (i), above, must be soft landscaping;*

Approved applications including 45 & 57-93 Balliol Street, 95-131 & 155 Balliol Street, and 185 Balliol Street & 8 Pailton Crescent do not meet the above proposed regulations, and generally speaking it is common to expect and achieve reduced landscape standards through development applications within *Apartment Neighborhoods*, especially in this area of the Secondary Plan that is intended to accommodate intensification. If 40% of the lot were to be provided as landscaping as contemplated by this draft regulation, the tower potential of the Subject Site would be severely limited, insofar as conflicting with the height mapping of the Draft By-law which recognizes the Subject Site's tower potential. This proposed standard also would perpetuate a "tower-in-the-park" typology that has been recognized as an outdated form of development.

### **2. Minimum and maximum building heights**

Map 4D of the Draft By-law proposes to introduce new maximum height permissions. The Subject Site is within an area where the permitted height is a maximum 10 storeys (30 metres) for its northern portion, and 20 storeys (63 metres) for its southern portion.

Although it is generally positive that the south portion of the Subject Site is being recognized as having potential for a tower, the proposed heights do not align with the Secondary Plan's anticipated height range for the *Davisville* Character Area, and generally speaking, is also inconsistent with the Secondary Plan policies that contemplate a transition of buildings heights down as distance increases from Davisville Station (with no such policy regulating heights from north to south). The anticipated height range for the *Davisville* Character Area (Policy 5.4.3.h) is 40 to 25 storeys with heights transitioning down as distance increases from Davisville Station. The Subject Site is located at the eastern boundary of the area for which this policy applies to. As such, at a minimum, the maximum permitted height for the Subject Site should be revised to 25 storeys (78 metres) across the entirety of the property to be consistent with the Secondary Plan.

### **3. Regulating Building Entrances**

Regulations 8.(O) and (P) of the Draft By-law set out regulations requiring pedestrian entrances to lobbies and residential units to "*face and be directly accessible from*" public streets and pedestrian walkways.

In our opinion, this level of detailed design control is not necessary, may not reflect the best design solution for individual sites, and is subject to unpredictable interpretation by City Planning and Building

---

staff. This suggested regulation also eliminates the potential for pedestrian mews form of building entrances which is a common design solution to access grade-related units within side and rear yards. Moreover, detailed entrance design and location details are matters which could be reasonably dealt with through the Site Plan Control Application process and should be left out of zoning standards to allow for greater flexibility at this later stage.

#### **4. Setting minimum setbacks**

Regulation 8. (J) sets out the following minimum street yard setbacks in the RA Zone as follows:

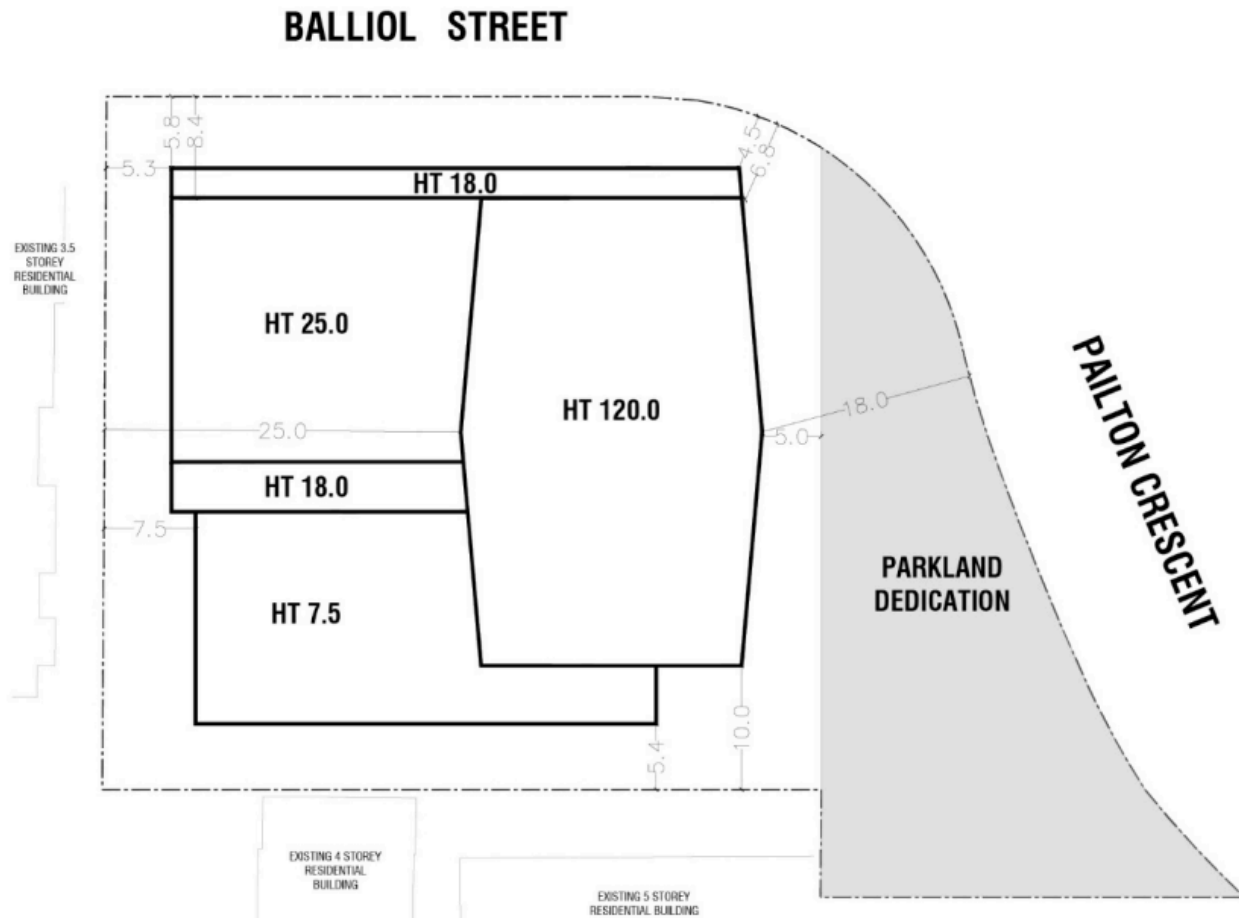
- i) *6.0 metres for lots abutting Keewatin Avenue, Davisville Avenue, Balliol Street, Soudan Avenue, Holly Street, Dunfield Avenue, Lillian Street, Redpath Avenue, and Brownlow Avenue [emphasis added];*

Similarly, draft Regulation 8. (L) provides a minimum rear lot line setback requirement of 7.5 metres.

There are three recently-approved Zoning By-law Amendment applications within the *Davisville* Character Area which provide permissions for minimum street yard setbacks below 6.0 metres, with the lowest value being 5.5 metres. These examples also provide a minimum rear yard setback distance of 5.0 metres, and their approved zoning by-law diagrams with minimum yard setbacks are found within **Figures 4 to 6** below. When taking the Draft By-law's proposed street and rear yard setbacks together, along with the proposed tower setbacks from the podium, tower separation distances, and tower setbacks from the side property lines, the Subject Site's potential to accommodate meaningful redevelopment would be severely impacted.

In our opinion, it is inappropriate to enforce rear and street yard setback distances that will create an incohesive building pattern along the streets within the *Davisville* Character Area, while at the same time unnecessarily limiting meaningful development on large sites near a subway station. As such, the minimum street yard and rear yard setbacks should align with the minimum distances within the recently approved, and staff supported, examples featured in **Figures 4 to 6**. In this case, the minimum street yard setback distance for lots abutting Keewatin Avenue, Davisville Avenue, Balliol Street, Soudan Avenue, Holly Street, Dunfield Avenue, Lillian Street, Redpath Avenue, and Brownlow Avenue would be 5.5 metres, while the minimum rear yard setback distance would be 5.0 metres.

---



 **TORONTO**  
Diagram 3

**185 Balliol Street &  
8 Pailton Crescent**  
File # 20 193619 STE 12 0Z


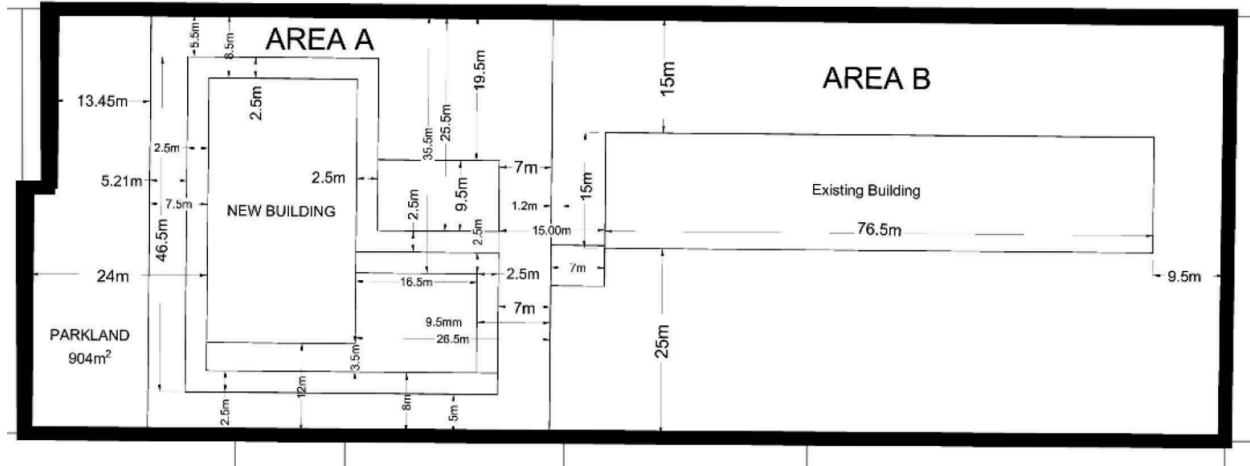
  
City of Toronto By-law 569-2013  
Not to Scale  
05/31/2022

Figure 4: Zoning By-law Diagram for 185 Balliol St & 8 Pailton Cres



 **TORONTO**  
Diagram 3

95-131 & 155 Balliol Street

File # 20 155678 STE 12 OZ

  
City of Toronto By-law 569-2013  
Not to Scale  
08/04/2022

Figure 5: Zoning By-law Diagram for 95-131 & 155 Balliol Street



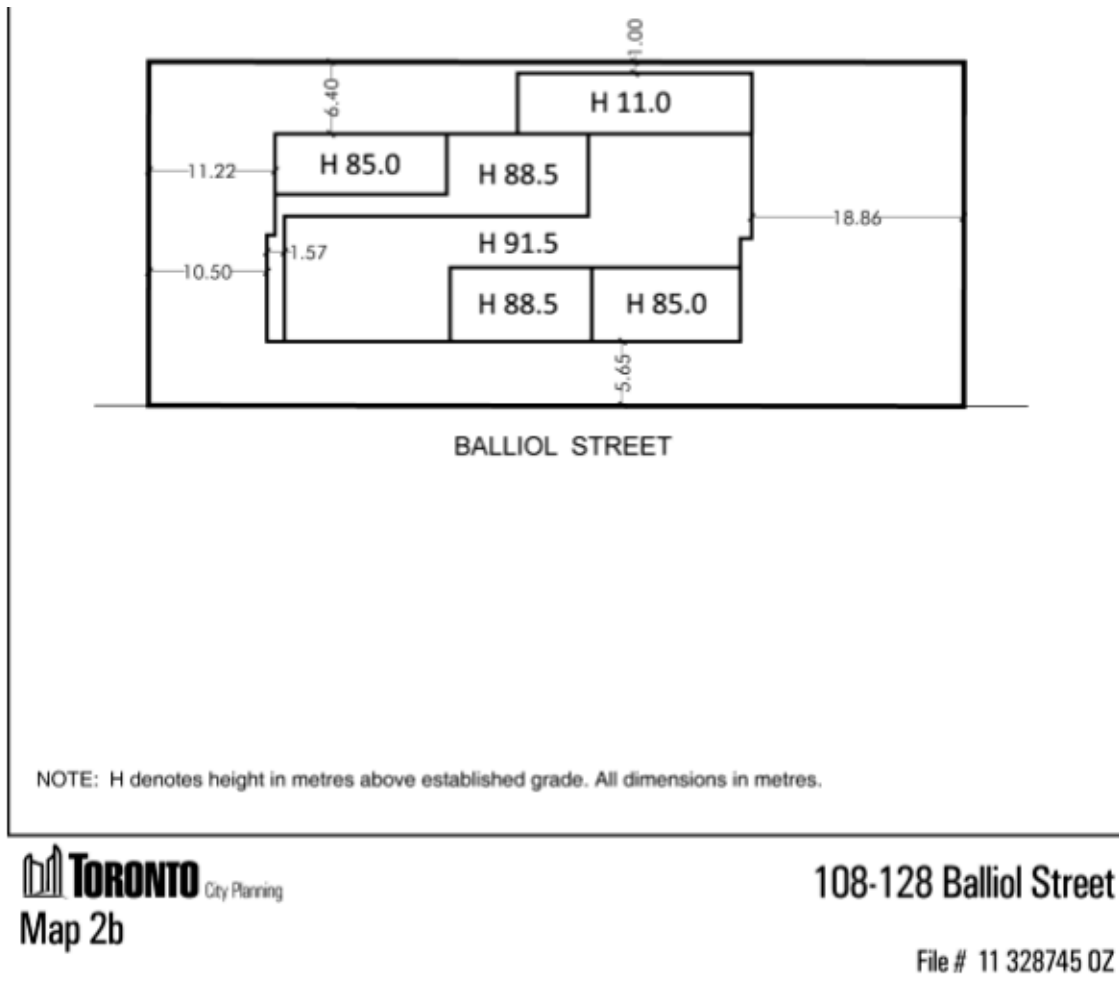


Figure 6: Zoning By-law Diagram for 108-128 Balliol Street

↑  
Not to Scale  
06/24/2013

### 5. Setting minimum building step backs

The Draft By-law sets out the following regulations requiring the tower portion of a tall building to be stepped back from its base building:

- “(Q) Every building with a height greater than 20.0 metres plus the required front yard setback must comply with the requirements of (R) to (U) below for the portions of a building which collectively enclose the entirety of a storey above the following heights:
  - i) the 4th storey of a building; or
  - ii) a height of 15.0 metres, whichever is less;...
- “(T) Any part of a building identified in (Q) must be set back:

- i) *at least 3.0 metres from the building setback of the highest storey of the building located below that point”*

The proposed zoning standards would seek to secure a uniform four-storey base building on the Subject Site with greater tower setbacks than the values associated with recently approved, and staff-supported, applications in the same Character Area which deviate from these proposed standards, and in particular, the examples within **Figures 4 and 6**. These examples achieve a minimum street-facing tower setback distance of 2.5 metres. It is further noted that an additional example at 45 & 57-93 Balliol Street also achieves a minimum street-facing tower setback of 2.5 metres (By-law 983-2023). Additionally, Policy Section 5.3.38 of OPA 405 sets out that base building heights may exceed the four storeys generally considered for the *Apartment Neighbourhoods* Character Area (Policy Section 5.3.34).

#### **6. Setting minimum building separation distances between tall buildings**

Draft Regulations (R) and (S) set out the following proposed standards for minimum tower setbacks and separation distances:

- *(R) Despite regulations 15.10.40.70(2), (3), and (4), the required minimum side yard setback and rear yard setback for the portion of the building specified in (Q) is 15.0 metres;*
- *(S) Despite regulations 15.10.40.80(1) and (2), if a line projected at a right angle from a main wall of a building intercepts another main wall, the required minimum above-ground separation distance between the main walls for the portion of the building specified in (Q) above is 30.0 metres from:
  - i) *another building on the same lot; and*
  - ii) *another main wall of the same building.**

In our view, this proposed standard for 30-metre minimum tower setbacks is inconsistent with: i) the policy intent of the Secondary Plan to intensify underutilized *Apartment Neighborhoods* sites with new compact development forms, ii) the Tall Building Guidelines which generally recommend tower setbacks of 12.5 metres for 25 metres of separation (on the same site), and iii) many recent pre- and post-Secondary Plan development approvals in the Secondary Plan’s *Apartment Neighborhoods* which have established tower setbacks much less than what is being proposed by the Draft By-law, including the examples found within **Figures 4 to 6**, and 45 & 57-93 Balliol Street. In our opinion, it is inappropriate to seek to apply new standards that are not based on any policies or guidelines, and not generally achieved on most development across the City, even for new tall buildings.

#### **7. Setting a maximum floorplate size for tall buildings**

Regulation 8. (U) proposes the following regulation with respect to maximum tower floorplate size:

- *“(U) The permitted maximum floor area for each storey of a building containing residential uses, as specified in (Q) above, is 750 square metres, measured from the*
-

*exterior of the main wall of each floor level and inclusive of the entire floor, excluding inset and projecting balconies.”*

The Secondary Plan provides flexibility for floorplate areas to exceed 750 square metres without an amendment to the plan when other urban design considerations are satisfied, as set in the following policy:

- *“5.3.41. The middle (tower) floor plate of residential tall buildings and the residential portion of mixed-use tall buildings will generally have slender proportions and not exceed 750 m<sup>2</sup>. Increases to the floor plate size may be considered without amendment to this Plan when it is demonstrated that the impacts of the larger floor plate, including but not necessarily limited to pedestrian comfort, shadow, transition, sky view and wind, can be appropriately addressed.”*

Furthermore, the Tall Building Design Guidelines acknowledge that 750 square metres may be exceeded on a site-specific basis:

- On a site-specific basis where adequate tower separation, setbacks, and stepbacks are achieved, flexibility in the maximum floor plate size may be considered for the tower, or a portion thereof:
  - *“to make the interior layout of non-residential uses, such as commercial-only buildings, commercial-only floors of mixed-use buildings, institutional buildings, and hotels, economically viable; or*
  - *to accommodate modest increases from additional servicing and structural requirements for very tall buildings (e.g. residential or mixed-use buildings greater than 50 to 60 storeys)....”*

Setting a maximum floorplate area of 750 square metres is inconsistent with the Secondary Plan and the Tall Building Design Guidelines which otherwise provide policy and guideline direction for this value to be exceeded. Moreover, there are many examples of floorplates which exceed 750 square metres within the Secondary Plan *Apartment Neighborhoods* areas, including the examples featured in **Figures 4 to 6**, 45 & 57-93 Balliol Street, and the Council-adopted (24 January 2024) application at 33 Davisville Avenue and 60 Balliol Street which contains a floorplate of 802 square metres.

#### **8. Setting minimum requirements for 2- and 3-bedroom units**

Regulation 8.(X) seeks to secure the following:

- *(X) A building containing 80 dwelling units or greater must comply with the following: (i) a minimum of 15 percent of the total number of dwelling units in a building on the lot must contain two bedrooms; (ii) a minimum of 10 percent of the total number of dwelling units in a building on the lot must contain three or more bedrooms; (iii) in addition to the requirements of (i) and (ii)*
-

- above, an additional 15 percent of the total number of dwelling units in a building on a lot must include a minimum interior floor area of 87 square metres; and (iv) for the purposes of applying i),*
- *ii), and iii), dwelling units that are required to be replaced, including pursuant to Section 3.2.1.6. of the City of Toronto Official Plan and/or secured through s.111 of the City of Toronto Act, are excluded from the above calculation;*

The Province eliminated the minimum unit size requirement from the nearby Downtown Secondary Plan (OPA 406) when it was approved with modifications in June 2019. Additionally, securing a minimum unit size for a certain amount of units is, in our opinion, inconsistent with the directives of the Secondary Plan's housing policies (Section 7.1) which sets out the following policy direction that supports the use of design measures as opposed to securing minimum unit areas: *7.1.c. an additional 15 per cent of the total number of units will be a combination of 2-bedroom and 3-bedroom units, or units that can be converted to 2-bedroom and 3-bedroom units through the use of adaptable design measures.*

Securing minimum unit composition and sizes further interferes with the City's ability to achieve its Housing Pledge to the Province of 285,000 new homes by 2031, and is also inconsistent with the Federal Housing Accelerator Fund's directives for the City to seek to eliminate policy and zoning barriers to create new housing opportunities of all sizes and forms. The additional 15% of units being 87 square metres in size or greater may achieve unintended consequences as it incentivizes large-format one bedroom units which is counterintuitive to current market trends and the relative affordability of smaller and yet functional one bedroom units.

### Conclusion

Due to the issues identified above, we request the following:

1. Revise the minimum street yard and rear yard setbacks to align with the minimum distances within the recently approved examples feature in **Figures 4 to 6**. In this case, the minimum street yard setback distance for lots abutting Keewatin Avenue, Davisville Avenue, Balliol Street, Soudan Avenue, Holly Street, Dunfield Avenue, Lillian Street, Redpath Avenue, and Brownlow Avenue would be 5.5 metres, while the minimum rear yard setback distance would be 5.0 metres;
  2. Remove the maximum floorplate area regulation, or increase it to align more closely with recently approved applications which contain floorplates between 750 and 850 square metres, Secondary Plan policies, and the Tall Building Design Guidelines;
  3. Reduce the street-facing tower setback requirement from 3.0 metres to 2.5 metres to align more closely with recently approved applications which contain values of 2.5 metres in more than one instance;
  4. Revise height Diagram 4D to reflect permissions for, at a minimum, 25 storeys (78 metres) across the entirety of the Subject Site to reflect its proximity to the Davisville subway station, and to be consistent with the lower end of the height range provided by Policy 5.4.3.h of the Secondary Plan;
-

5. The minimum landscape requirement of 40% of lot area be revised to better reflect an urban environment, specifically one supported by a subway station, and recently approved examples within the same Character Area;
6. The proposed tower setback standard of 15.0 metres between the main wall of a tower and the lot line be reduced to 12.5 metres to align more closely with recently approved examples within the same Character Area, the Secondary Plan, and the Tall Building Design Guidelines;
7. The proposed 30 metres of total tower separation between two towers located on the same, or adjacent, sites be reduced to 25 metres to align more closely with recently approved examples within the same Character Area, the Secondary Plan, and the Tall Building Design Guidelines; and
8. Clarify if the intent of the regulations pertaining total bedrooms requirements are to include rental replacement units;

When taken together, the above draft regulations, in our view, would preclude tall building forms of development on various stand-alone *Apartment Neighbourhood*-designated sites within the *Davisville* Character Area. The standards proposed by the City with respect to upper-storey setbacks, base building height, and in particular, tower separation distance, do not adequately take into account the surrounding area's existing and planned context, which includes an array of pre- and post-OPA 405 approvals that do not meet these measures. Moreover, the ground floor setbacks and minimum landscape requirement of 40% of site area would further limit the development yield of an as-of-right scenario.

The draft regulations would also preclude lot consolidation opportunities for which tall building forms of development could be achieved, as presented within **Appendix A** of this letter. **Appendix A** illustrates that with the adoption of the proposed revised standards listed above, the consolidation of the Subject Site and sites to the east could accommodate three new tower forms, and a new midrise form, that could be achieved on the basis of the policy framework and guidelines in place today, but which the proposed zoning would not facilitate (without amendment).

We would be pleased to meet with City staff to discuss alternative site-specific standards for our client's property that more fulsomely recognize its potential to accommodate intensification commensurate with the Yonge-Eglinton Secondary Plan, the existing and planned context, and to mutually achieve a zoning outcome for the property which reinforces of an efficient pattern of high-rise development within the block context. We also formally request this item be sent back to City Planning staff for additional review prior to City Council consideration.

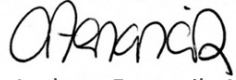
We trust that the information included within this comment letter is complete and comprehensive, and sufficient to allow for further review of the Draft By-law prior to advancing the project to Council. Should you have any questions, please do not hesitate to contact the undersigned. We request that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

Yours very truly,

---

**WND associates**

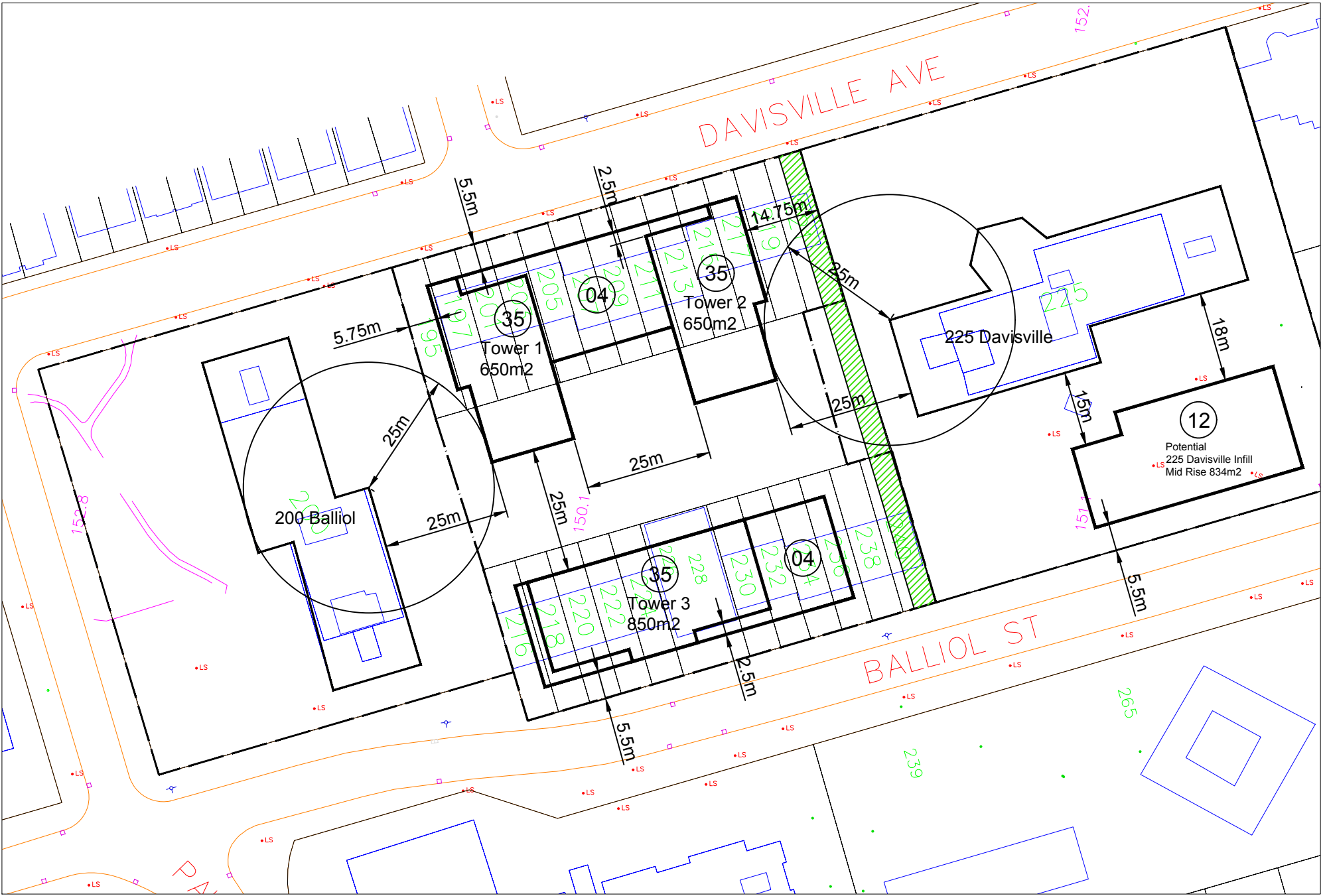
planning + urban design

A handwritten signature in black ink, appearing to read "A Ferancik".

Andrew Ferancik, MCIP, RPP  
Principal

# APPENDIX A





Acronym Urban Design and Planning  
 Mark Sterling Consulting Inc.  
 804-383 Sorara Avenue  
 Toronto, ON M6R 0A4  
 (416) 995-6177  
 info@acronymto.ca

**Project:** Davisville Balliol Assembled Properties  
**Project No:** 2319  
**Drawing:** Preliminary Urban Design Proposal - Site Plan

**Scale:** 1:1000  
**Date:** 13 Dec. 2023  
**Drawing No:** SK4b