

99 Birmingham Street and 210 Islington Avenue – Zoning By-law Amendment Application – Appeal Report

Date: December 17, 2024

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York

Wards: Ward 3 – Etobicoke-Lakeshore

Planning Application Number: 23 228917 WET 03 OZ

SUMMARY

On November 29, 2023, the applicant applied to amend the Zoning By-law to permit a 26-storey mixed-use tower with a six-storey base building containing a total of 352 dwelling units with retail uses at grade at 99 Birmingham Street and 210 Islington Avenue.

On October 18, 2024, the applicant appealed the Zoning By-law Amendment application to the Ontario Land Tribunal (OLT) citing City Council's failure to make a decision on the application within the time period prescribed under the *Planning Act*. A Case Management Conference (CMC) has been scheduled for January 28, 2025. City staff require direction from City Council in advance of the CMC. A full OLT hearing has not been scheduled.

This report recommends that Council direct the City Solicitor, together with appropriate City staff, to attend the CMC and any future OLT hearing to oppose the application in its current form and to continue discussions with the applicant to resolve outstanding issues.

RECOMMENDATIONS

The Director, Community Planning, Etobicoke York District recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal to oppose the appeal of the Zoning By-law Amendment application for 99 Birmingham Street and 210 Islington Avenue and to continue discussions with the applicant to resolve outstanding issues.

2. If the Ontario Land Tribunal allows the appeals, 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 final form and content of the Zoning By-law Amendment is satisfactory to the Executive Director, Development Review, and the City Solicitor;

b. The owner or applicant, at their sole cost and expense, has submitted a revised Functional Servicing and Stormwater Management Report to demonstrate that the existing sanitary sewer system and watermain and any required improvements to them, have adequate capacity and supply to accommodate the development of the lands to the satisfaction of the Director, Engineering Review;

c. If the accepted Functional Servicing and Stormwater Management Report requires any new municipal infrastructure or upgrades to existing municipal infrastructure to support the development, then either:

1. The owner or applicant has secured the design, construction, and provision of financial securities for any new municipal infrastructure, or any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing and Stormwater Management Report, to support the development, in a financial secured agreement, all to the satisfaction of the Director, Engineering Review; or,

2. The required new municipal infrastructure or upgrades to existing municipal infrastructure to support the development in the accepted and satisfactory Functional Servicing and Stormwater Management Report are constructed and operational, all to the satisfaction to the Director, Engineering Review;

d. The owner has addressed all outstanding issues identified in the Engineering and Construction Services' correspondence, dated June 28, 2024, to the satisfaction of the Director, Engineering Review;

e. The owner has provided a revised Transportation Impact Study to the satisfaction of the General Manager, Transportation Review;

f. The owner has provided a revised Pedestrian Level Wind Study including a Wind Tunnel Study, to the satisfaction of the Executive Director, Development Review and Chief Planner and Executive Director, City Planning;

g. The submitted Compatibility/Mitigation Study and Roadway Traffic Noise Feasibility Assessment, both dated September 20, 2023, and prepared by Gradient Wind Engineering Inc. have been peer-reviewed by a third-party consultant retained by the City at the owner's expense, and the owner agrees to

implement any necessary control measures and recommendations identified by the peer review, with the control measures to be secured through the Site Plan Control process, to the satisfaction of the Executive Director, Development Review; and

h. The owner has addressed all outstanding issues raised by Urban Forestry, Tree Protection and Plan Review, as they relate to the application, to the satisfaction of the General Manager of Parks, Forestry and Recreation.

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 Development Review 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 Pre-application Consultation (PAC) meeting was held on February 16, 2023. The Zoning By-law Amendment application was submitted on November 29, 2023 and deemed complete on June 3, 2024, after the submission of additional material. A Preliminary Summary of the application is available here: www.toronto.ca/99BirminghamSt.

THE SITE AND SURROUNDING LANDS

Description

The site is an assembly of two properties municipally known as 99 Birmingham Street and 210 Islington Avenue. The site is generally rectangular in shape with an area of approximately 2,628 square metres, a frontage on Islington Avenue of approximately 37 metres, a frontage on Birmingham Street of approximately 76 metres, and a frontage on Eighth Street of approximately 37 metres. The site is currently occupied by a three-storey place of worship with associated surface parking area. Surrounding land uses include:

North: Birmingham Street, with one- to two-storey buildings that contain various employment uses as a part of the *Core Employment Areas* designation in the Official Plan.

East: Islington Avenue, with low-rise residential and mixed-use buildings oriented along Islington Avenue as a part of the *Neighbourhoods* designation in the Official Plan.

South: An existing two-storey commercial building with associated surface parking. Further south, there is a four-storey residential building.

West: Eighth Street, beyond which there is a public park containing a skateboard area located at the southwest corner of Eighth Street and Birmingham Street. Located south of the park is 150 Eighth Street, which was a recently approved six-storey residential building (File No. 22 216985 WET 03 SA).

THE APPLICATION

Description

The Zoning By-law Amendment application proposes to amend Zoning By-law 569-2013 to permit a new 26-storey mixed-use building with retail uses at-grade and residential uses on the remaining levels. The proposed height is 80.5 metres from the established grade, exclusive of the five-metre-high mechanical penthouse.

Density

The total Gross Floor Area (GFA) is approximately 23,203 square metres, with a total net Floor Space Index (FSI) of 8.8 times the area of the lot. The proposed development comprises 1,000 square metres of commercial GFA and 22,203 square metres of residential GFA.

Unit Breakdown

The residential component of the building will contain a total of 352 dwelling units, comprising of 54 studio units, 201 one-bedroom units, 58 two-bedroom units, and 39 three-bedroom units. Attachment 1 summarizes key project data.

Access, Parking and Loading

Vehicle and loading access to the proposed building will be provided from Eighth Street via a 6.3-metre-wide driveway located along the southern property line. Pedestrian access is intended to be provided directly from the sidewalks along Eighth Street, Birmingham Street, and Islington Avenue.

The proposed 147 vehicular parking spaces would be located within the three levels of underground parking. A total of 265 bicycle parking spaces are proposed. One Type G is proposed.

Amenity Space

The proposal contains 704 square metres of indoor amenity space (2.0 square metres/unit) and 786.5 square metres of outdoor amenity space (2.2 square metres/unit).

Road Widening Dedication

A 3.44-metre-wide land conveyance along the Islington Avenue frontage of the site is required to satisfy the requirement of a 27-metre-wide right-of-way.

Additional Information

Site Plan, Elevations, and 3D Models of the proposed development are included as attachments to this report. 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 www.toronto.ca/99BirminghamSt.

Reasons for Application

The proposal requires amendment to city-wide Zoning By-law 569-2013 to bring the lands into the By-law and to permit the proposed height and number of dwelling units and revise other development standards as necessary to reflect the proposal.

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application has not yet been submitted.

POLICY CONSIDERATIONS

Provincial Land Use Policies

All decisions of Council in respect of the exercise of any authority that affects planning matter shall be consistent with the Provincial Planning Statement 2024 (PPS 2024). The Provincial Planning Statement was issued under Section 3 of the Planning Act and came into effect on October 20, 2024. It replaces the Provincial Policy Statement that came into effect on May 1, 2020.

Official Plan

The site is designated as *Mixed Use Areas* on Map 15 of the Official Plan (see Attachment 3 - Official Plan Land Use Map) and is subject to Site and Area Specific Policy 784 (SASP 784). The Official Plan includes development criteria for *Mixed Use Areas* that direct this form of development in this land use designation.

The Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority-setting and decision-making. The Official Plan can be found here: [Official Plan](#).

Site and Area Specific Policy 784

SASP 784 applies to the site and requires that a mixed-use and mixed-income development be permitted provided that a minimum of 1,000 square metres of employment GFA is developed. The employment GFA shall be comprised of *Core Employment Areas* and/or *General Employment Area* uses that are compatible with residential uses and are developed prior to or concurrent with residential uses on site.

Further, new development containing residential units on the lands will be required to secure, through agreements with the City, a minimum amount of affordable housing as follows:

- If a condominium development is proposed, a minimum of 10 percent of the total new residential GFA shall be secured as affordable ownership housing or a minimum of seven percent of the total new residential GFA shall be secured as affordable rental housing; or
- If a purpose-built rental development is proposed after 2025, a minimum of five percent of the total new residential GFA shall be secured as affordable rental housing.
- The affordable housing shall be secured at affordable rents or affordable ownership prices for a period of at least 99 years from the date of first residential occupancy of the unit; and
- The unit mix of the affordable housing shall reflect the market component of the development, as appropriate, to achieve a balanced mix of unit types and sizes and support the creation of affordable housing suitable for families.

Zoning

The site is zoned within the former City of Etobicoke (New Toronto) By-law 2215. The site is not zoned within the current city-wide Zoning By-law 569-2013. The site is zoned Class I Industrial (I.C1) and Commercial (C), which permits a range of retail, service, office, institutional uses, as well as dwellings over commercial uses and private home day care associated with such residential use.

A Zoning By-law Amendment application will bring the subject site into city-wide Zoning By-law 569-2013. See Attachment 4 of this report for the Zoning Map.

Design Guidelines

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

- Mid-Rise Building Performance Standards and Addendum.
- Tall Building Design Guidelines.
- Streetscape Manual.
- Retail Design Manual.
- Growing Up: Planning for Children in New Vertical Communities.
- Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings.

The City's Design Guidelines may be found here: [Design Guidelines](#).

Toronto Green Standard

The Toronto Green Standard ("TGS") is a set of performance measures for green development. Applications for Zoning By-law Amendments and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the TGS. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. The TGS can be found here: www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/.

COMMUNITY CONSULTATION

A virtual community consultation meeting took place on July 24, 2024 and was attended by approximately 20 members of the public.

Following a presentation by City staff and the applicant, the following issues and comments were raised by community members:

- The height, massing and density of the proposed development does not fit with the surrounding context.
- The proposed number of vehicle and bicycle parking spaces may not be adequate.
- Limited transit service in the area and high wait times for public transit services.
- Concerns about the affordability of potential housing units.
- Concerns about shadow impacts on *Neighbourhoods*.
- Concerns about the traffic impacts.

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

COMMENTS

Provincial Policy Statement and Provincial Plans

Staff have reviewed the current proposal for consistency with the PPS (2024). The Official Plan, as amended, is consistent with the PPS and outlined below is a detailed assessment of the proposed development against the policies of the Official Plan.

Official Plan Policies and Design Guidelines

This application has been reviewed against the Official Plan policies, and Secondary Plan policies, and planning studies, and design guidelines described in the Policy and Regulation Considerations section of this report.

Land Use

The Official Plan identifies *Mixed Use Areas* as being made up of a broad range of residential, commercial and institutional uses, in single use or mixed-use buildings, as well as parks and open spaces and utilities, meeting the needs of the local community. *Mixed Use Areas* should provide new jobs and homes in underutilized lands. In doing so, Official Plan Policy 4.5.2 requires development to locate and mass new buildings to create a good transition between areas of different development intensity and scale by providing appropriate setbacks and/or stepping down of heights, to locate and mass new buildings to frame the edges of streets with good proportion, and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces, as well as limit shadow impact on *Neighbourhoods Areas*.

The proposed residential and commercial uses are appropriate for the site subject to addressing the comments discussed in this Report, particularly, the compatibility of the

proposal with surrounding *Employment Areas* as contained in compatibility studies submitted in support of the application.

Land Use Compatibility/Mitigation – Vibration and Air Quality Studies

The application is proposing a large-scale residential use development within proximity of *Employment Areas*. Official Plan policies 2.2.4.5 and 2.2.4.6 require such proposals to provide a Compatibility/Mitigation Study in accordance with the Terms of Reference provided by the City to demonstrate that the proposal is appropriately designed, buffered and/or separated from *Employment Areas*.

To address these concerns, the applicant submitted a Compatibility/Mitigation Study and a Roadway Traffic Noise Feasibility Assessment, both dated September 20, 2023, and prepared by Gradient Wind Engineering Inc. These studies are to be peer reviewed by a third-party consultant retained by the City at the owner's expense to ensure there are no land use compatibility issues, and so that appropriate mitigation measures can be determined and included in the proposed development.

As such, in the event that the application is approved in principle, the City will request that the OLT withhold its final Order until the City advises that the results of the submitted studies have been validated by a qualified third-party consultant to the satisfaction of the Executive Director, Development Review.

Housing

The Official Plan directs that a full range of housing in terms of form, tenure and affordability be provided to meet the current and future needs of residents. Further, SASP 784 requires that new development containing residential units on the lands will need a minimum amount of affordable housing. The application is proposing 352 condominium units which requires a minimum of 10 percent of the total new residential GFA to be secured as affordable ownership housing or a minimum of seven percent of the total new residential GFA shall be secured as affordable rental housing. The affordable housing shall be secured at affordable rents or affordable ownership prices for a period of at least 99 years from the date of first residential occupancy of the unit; and the unit mix of the affordable housing shall reflect the market component of the development, as appropriate, to achieve a balanced mix of unit types and sizes and support the creation of affordable housing suitable for families.

Further, the Council-adopted Growing Up: Planning for Children in New Vertical Communities provide guidance on the proportion and size of larger units in new multi-unit residential developments. Of the total 352 condominium units proposed, 255 units are studio or one-bedroom units, 58 units are two-bedroom units (16.5 percent), and 39 units are three-bedroom units (11.1 percent). The proposed unit mix meets the thresholds set out in the Growing Up Guidelines. However, the proposed unit sizes are below the recommended minimums for GFA and opportunities to increase the size of family-sized units need be explored. The proposed unit sizes should be consistent with the Growing Up Guidelines and very narrow and deep units should be avoided so as to prevent inefficient layouts and depths that limit penetration of natural light to the interior

spaces. Staff recommend revising the floor plan layout to mitigate issues pertaining to the quality of the family-sized units and enable layout flexibility as much as possible.

Density, Height and Scale

Policy 3.1.3 (1) of the Official Plan requires that development be located and organized to fit with its existing and planned context. Further, Official Plan Policy 4.5.2 requires development to locate and mass new buildings to create a good transition between areas of different development intensity and scale by providing appropriate setbacks and/or stepping down of heights, to locate and mass new buildings to frame the edges of streets with good proportion, and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces, as well as limit shadow impact on *Neighbourhoods Areas*.

Islington Avenue is characterized as an emerging and existing main street with a mix of primarily low-rise residential, commercial and industrial buildings. The Expanding Housing Options in Neighbourhoods (EHON) Major Streets permissions, as approved by City Council and once in full force and effect, would support up to six storeys along Islington Avenue and on lands designated *Neighbourhoods*. Similarly, Birmingham Street is predominately low-rise residential with two blocks of five-storey mid-rise, mixed-use buildings on the south side and large-scale low-rise employment to the north side of the street. Eighth Street consists of low-rise residential apartments up to four storeys, approved six-storey mid-rise and low-rise commercial buildings. Further, the site is directly adjacent to Eighth Street Park, a local neighbourhood amenity.

In the broader context area, the tallest buildings range from 13 to 14 storeys and are located within the master planned community (former Goodyear lands) to the west within the central area of the block.

There is no Secondary Plan or policy direction for a tall building development at this location.

Based on the existing and planned context, the proposed 26-storey building does not fit within the existing and planned context and is not appropriate. The proposed tall building does not provide good transition in scale to the existing and planned low-to-mid-rise context of all surrounding land uses, including other *Mixed Use Areas*, *Neighbourhoods* and *Parks*.

Staff provided feedback during the pre-application and application review process stages indicating that the height and scale of the proposed development is of concern and must be reduced to provide better fit and transition within the existing and planned context.

Shadow Impact

The Official Plan requires development to locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces. The Official

Plan further requires tall building proposals to limit shadows on the public realm and surrounding properties, and development in *Mixed Use Areas* is to adequately limit shadow impacts on adjacent *Neighbourhoods*.

Icon Architects prepared a Sun and Shadow Study, dated April 18, 2023. The proposed tall building and elongated floorplate parallel to Birmingham Street, will cast extensive shadows. The Birmingham Street cross-section is designed as an important active transportation corridor for the area with an improved public realm including generous sidewalks, street tree planting and cycling facilities. The proposed building casts shadows on the adjacent northern sidewalk and boulevard along Birmingham Street from 9:18 am to 4:18 pm on March 21 and September 21. The study shows that shadows are cast into the low-rise *Neighbourhood* and along Islington Avenue to the east during the afternoon hours on March 21 and September 21.

Wind Impact

The Pedestrian Level Wind Study prepared by GradientWind, dated September 20, 2023 and revised March 15, 2024, indicates that wind mitigation measures are required on the proposed terrace, retail entrances along the north elevation, the sidewalk on Birmingham Street and Eighth Street to address the criteria from the Terms of Reference.

If the appeal is allowed by the OLT (in whole or in part), staff recommend the OLT withhold the issuance of any Orders that may approve the application until such time as the owner has provided an updated Pedestrian Level Wind Study with mitigation measures to address the elevated wind conditions on the proposed terrace, retail entrances along the north elevation, and the sidewalks on Birmingham Street and Eighth Street.

Public Realm and Streetscape

Revised massing must include appropriate setbacks and building design to frame the street, particularly Birmingham Street and Islington Avenue, to ensure an attractive, comfortable pedestrian environment with adequate site access, appropriately sized pedestrian clearways, adequate tree canopy and soil volume, weather protection, ground floor animation, and space for pedestrian and vehicular circulation.

The proposed streetscape does not meet the public and private area standards for street tree planting. The minimum horizontal and vertical clearances from the tree trunk to the property line and building are not achieved. In addition, only two large-growing street trees are proposed on the Birmingham Street frontage, one large-growing street tree along Islington Avenue and no large-growing street trees on Eighth Street.

The site should accommodate more large-growing and high branching deciduous street trees based on the size of the site and soil volume achieved. Small canopy trees are not acceptable within the municipal right-of-way. Street trees should be planted along the frontages with appropriate spacing and have regard to the site conditions to have access to minimum soil volume per tree. The tree planting area and soil depth is

undersized and not adequate for planting conditions. Additional front yard setbacks may be required to accommodate street trees of the minimum standards and should be coordinated with the utilities and road widening.

Amenity Space

The Official Plan policies, Growing Up Guidelines, and Pet Friendly Guidelines provide guidance for the provision of amenity areas. The proposal contains 704 square metres of indoor amenity space (2.0 square metres/unit) and 786.5 square metres of outdoor amenity space (2.2 square metres/unit). The overall amount of amenity space is satisfactory.

The proposal does not allocate sufficient amenity space for pet amenities. A development of this scale should provide an outdoor pet relief area of five square metres minimum, a pet wash station of six square metres minimum, and an outdoor off-leash area of approximately 40 square metres or five percent of the total outdoor amenity space, whichever is larger. These items should be incorporated into the proposal per the Pet Friendly Guidelines and Best Practices for New Multi-Unit Buildings. Detailed design of the amenity space, including provisions for households with children and pets will be reviewed and secured through the Site Plan Control review process, should the zoning be approved.

Servicing

The applicant submitted a Functional Servicing and Stormwater Management Report prepared by Husson, dated May 24, 2024, a Geotechnical Investigation prepared by SOLA Engineering, dated September 7, 2023, and a Hydrogeological Assessment prepared by S2S Environmental Inc., dated May 28, 2024, to support the proposal.

If the application is approved in principle, the City requests that the OLT should withhold its final Order until such time that Engineering Review staff are satisfied with the submitted materials and as the City advises that there is sufficient water, sanitary and stormwater capacity to support the proposal.

Road Widening

To satisfy the Official Plan requirement of a 27-metre right-of-way for this segment of Islington Avenue, a 3.44-metre-wide road widening dedication is required and is proposed to be conveyed to the City.

Traffic Impact

A Transportation Impact Study (TIS) dated November 15, 2023 was submitted for the site and reviewed by Transportation Review. Overall, the TIS states that the study area intersection movements in the future total traffic conditions will operate within capacity and the proposed development will have minimal impact on the local road network.

Access, Vehicular and Bicycle Parking and Loading

Access to the proposed development is proposed via a full-moves driveway from Eighth Street at the southwest corner of the subject site. The driveway is proposed as 6.3-

metre-wide and leads to a loading space and the ramp to the underground garage. There are concerns with the slope and length of the transition ramps to the underground garage for parking access which should be addressed.

A total of 147 vehicular parking spaces are proposed for the site, with 127 residential parking spaces and 20 visitor parking spaces. The proposed visitor parking supply meets the minimum requirements set out in Zoning By-law 569-2013, as amended by By-law 89-2022, and is deemed acceptable. While there is no minimum residential parking supply rate due to By-law 89-2022, Transportation Review staff have reviewed the justification for 127 residential parking spaces and are satisfied that 0.36 residential parking spaces per dwelling unit, as currently proposed, are acceptable.

Bicycle parking will be provided on the site with 240 long-term and 27 short-term bicycle parking spaces per the submitted architectural plans. There are inconsistencies between the provided materials with regards to the proposed bicycle parking spaces which need to be clarified and the minimum 25 short-term bicycle parking spaces and 240 long-term bicycle parking spaces must be met.

One Type G loading space is proposed for the site. The site requires one Type G loading space and one Type B loading space for the number of residential units and commercial space. Transportation Services staff require a loading study or other documentation ensuring that the waste collection needs of both the residential and commercial uses can be provided with the one Type G loading space.

The Toronto Transit Commission (TTC) northbound bus stop at Eighth Street and Birmingham Street intersection is located on the frontage of the site. This area of the site is required to be of adequate size to ensure there is enough room for the operation of accessible ramps and space for a bus shelter. TTC Wheel-Trans will also serve the site on-street on Birmingham Street in front of the principal entrance to the proposed building and consideration to the building design must be given to ensure sufficient space for safe operation of the Wheel-Trans passenger pick-ups and drop-offs.

If the application is approved in principle, the City request that the OLT to withhold its final Order until such time that Transportation Review staff are satisfied with the submitted materials to determine whether adequate parking and loading spaces are provided to support the development.

Parkland

In accordance with Section 42 of the Planning Act, the owner is required to satisfy the parkland dedication requirement through cash-in-lieu. As per Toronto Municipal Code Chapter 415-29, the appraisal of the cash-in-lieu will be determined under the direction of the Executive Director, Corporate Real Estate Management. Additionally, the Toronto Municipal Code Chapter 415-28, requires that the payment be made prior to the issuance of the first above-ground building permit for the land to be developed.

Archaeological Assessment

A Stage 1 Archaeological Assessment report, dated July 25, 2023, was submitted in support of this proposal. Staff concur with the recommendations of the report that there are no archaeological concerns and no further archaeological assessment is required.

Tree Preservation and Planting

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

The applicant submitted an Arborist Report prepared by Odessa Design Inc., dated August 16, 2023, Landscape Concept Plan, prepared by Odessa Design Inc., dated April 17, 2024, and a Tree Protection Plan, prepared by Odessa Design Inc., dated April 17, 2024 along with other supporting materials which were reviewed by Urban Forestry staff.

The Tree Protection Plan indicates that the development will impact one by-law-protected City-owned tree. A City-owned London Plane tree located at the northwest corner of the site must be included in a revised Tree Protection plan and Arborist Report. Furthermore, a revised report with updated tree data, that also includes a City-owned tree that is proposed to be removed that is currently not identified in the submitted materials is required.

The submitted Landscape Concept Plan indicates that seven trees are to be planted on the private property and three trees within the public road allowance; however, the associated Soil Volume Plan does not specify how the minimum required soil volume of 30 cubic metres per tree will be attained. Revisions to the landscape plans are required to state the dimensions used for calculating soil volumes to support satisfactory tree growth.

The following must be addressed to the satisfaction of Urban Forestry prior to the approval of the Zoning By-law Amendment application:

- The absence of street trees along Eighth Street must be justified.
- The proposed street trees on the landscape plans must meet the City of Toronto standards for compensation and/or street tree planting, including tree spacing, tree species, soil volumes, and clearances.
- The proposed private trees on the landscape plans must meet Urban Forestry standards, including tree spacing, tree species, soil volumes, and clearances.
- Toronto Green Standards version 4.0 pertaining to Tree Planting Areas and Soil Volume, Trees Along Street Frontages, Watering and Maintenance Program, Native and Pollinator Supportive Species, and Invasive Species are not met.

Revisions to the submitted materials are required to address Urban Forestry comments in the memorandum dated June 24, 2024.

Should the OLT approve the application in principle, staff request that the final Order

should be withheld until such revisions have been made.

School Boards

The Toronto Catholic District School Board (TCDSB) notes that the proposed development falls within the fixed attendance boundary of The Holy Trinity Catholic School. The closest secondary schools serving this area are Bishop Allen Academy and Father John Redmond Catholic Secondary School and Regional Arts Centre. The TCDSB requests that the proponent should be required to erect signs that if schools are oversubscribed, students may need to be accommodated in portable classrooms or be redirected to a school located outside the area, and that warning clauses be included in all agreements of purchase and sale.

Toronto District School Board (TDSB) staff have determined that there is sufficient capacity to accommodate students from new residential developments at the local schools, based on the data available at this time. The local schools are Second Street Junior Middle School and Lakeshore Collegiate Institute.

CONCLUSION

This report recommends that Council direct the City Solicitor, together with appropriate City staff, to attend the Case Management Conference and any future OLT hearing to oppose the application in its current form and to continue discussions with the applicant to resolve outstanding issues.

CONTACT

Jaspreet Deol, Planner, Community Planning
Telephone: 416-394-5779
E-mail: Jaspreet.Deol@toronto.ca

SIGNATURE

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

ATTACHMENTS

Attachment 1: Application Data Sheet
Attachment 2: Location Map
Attachment 3: Official Plan Land Use Map
Attachment 4: Existing Zoning By-law Map
Attachment 5: Site Plan
Attachment 6a: North Elevation
Attachment 6b: South Elevation
Attachment 6c: East Elevation
Attachment 6d: West Elevation
Attachment 7a: 3D Model of Proposal in Context (Looking Southwest)

Attachment 7b: 3D Model of Proposal in Context (Looking Northeast)

Attachment 1: Application Data Sheet

Municipal Address: 99 Birmingham Street and 210 Islington Avenue Date Received: November 23, 2023

Application Number: 23 228917 WET 03 OZ

Application Type: Zoning By-law Amendment

Project Description: The proposed development consists of a 26-storey mixed-use building, containing 352 dwelling units with retail uses at-grade. The proposed net density is 8.83 times the area of the lot. The total building height is 80.5 metres, exclusive of mechanical penthouse. A total of 147 vehicular parking spaces are proposed in underground parking levels and 265 bicycle parkings spaces are proposed on ground level and the first underground level.

Applicant	Agent	Architect	Owner
WND Associates c/o Andrew Ferancik 90 Eglinton Avenue East, Suite 970 Toronto, ON M4P 2Y3	WND Associates c/o Andrew Ferancik 90 Eglinton Avenue East, Suite 970 Toronto, ON M4P 2Y3	ICON Architects 4789 Yonge Street Toronto, ON M2N 0G3	1989627 Ontario Inc. c/o Mohsen Taheri 397 Hillcrest Avenue Toronto, ON M2N 3R2

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision: 784

Zoning: I.C1 and C Heritage Designation: N

Height Limit (m): N Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 2,628 Frontage (m): 37 Depth (m): 76

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	518	0	1,476	1,476
Residential GFA (sq m):	-	0	22,203	22,203
Non-Residential GFA (sq m):	846	0	1,000	1,000
Total GFA (sq m):			23,203	23,203
Height - Storeys:	3	0	26	26
Height - Metres:	-	0	81	81
Lot Coverage Ratio (%):	56.17		Floor Space Index:	8.83

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	22,203	-
Retail GFA:	1,000	-
Office GFA:	-	-
Industrial GFA:	-	-
Institutional/Other GFA:	-	-

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	-	0	0	0
Freehold:	-	0	0	0
Condominium:	-	0	352	352
Other:	-	0	0	0
Total Units:	-	0	352	352

Total Residential Units by Size

	Rooms	Studio	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:		0	0	0	0
Proposed:		54	201	58	39
Total Units:		54	201	58	39

Parking and Loading

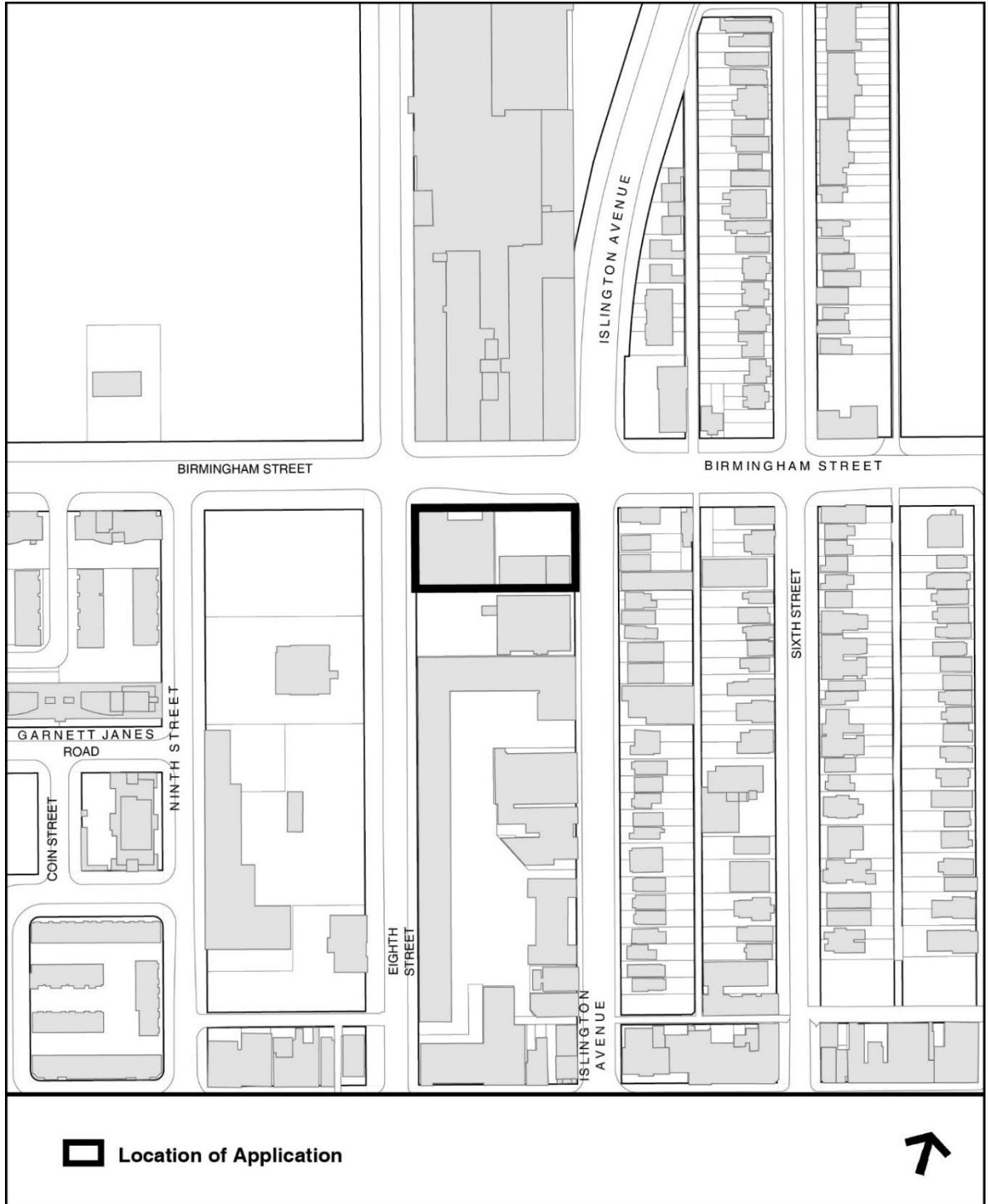
Parking Spaces: 147 Bicycle Parking Spaces: 265 Loading Docks: 1

CONTACT:

Jaspreet Deol, Planner, Community Planning
416-394-5779

Jaspreet.Deol@toronto.ca

Attachment 2: Location Map



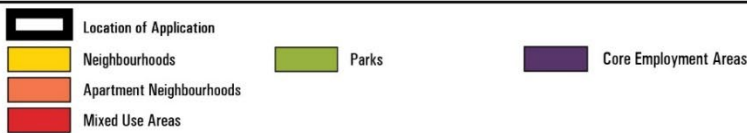
Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #15

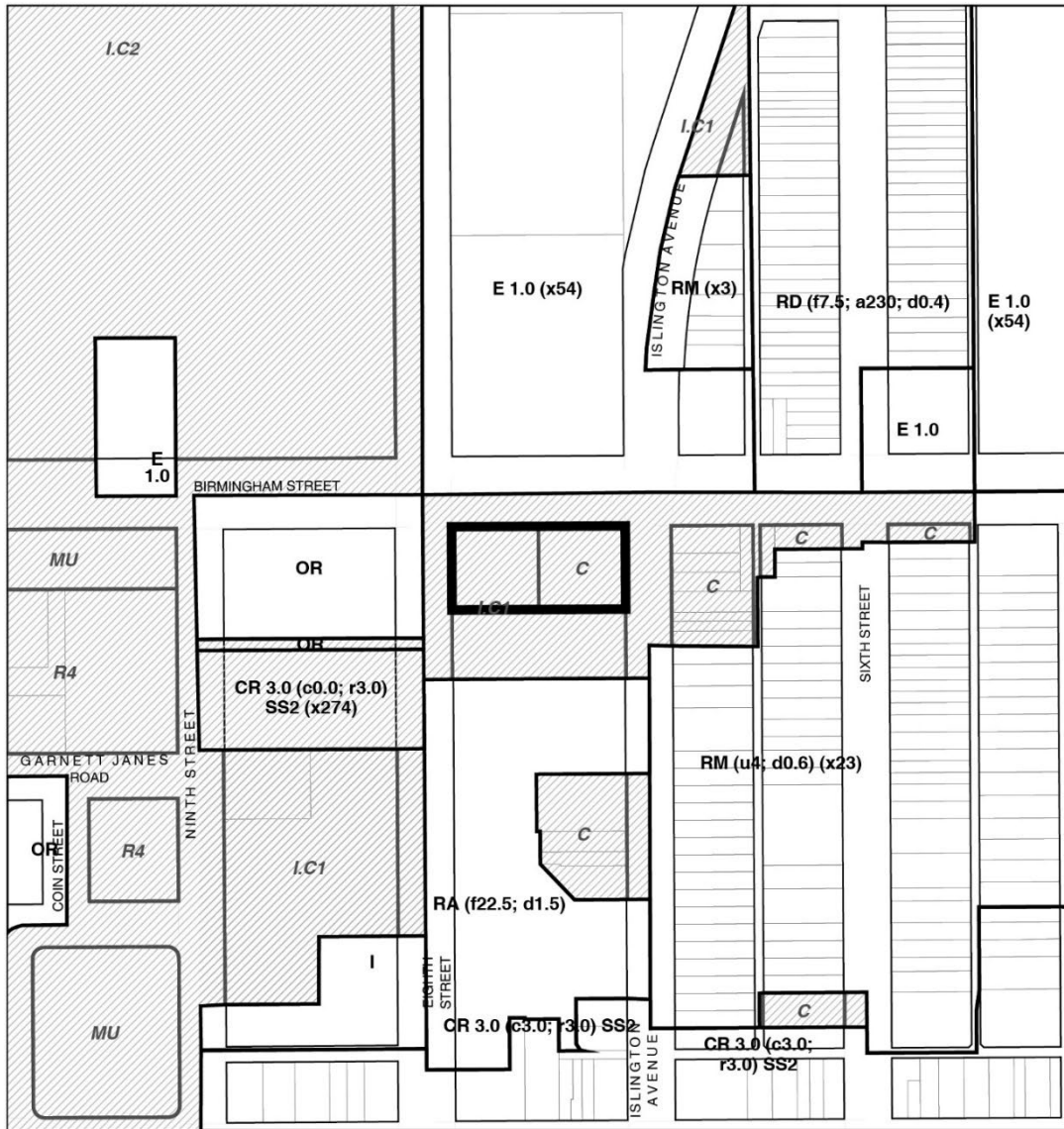
99 Birmingham Street & 210 Islington Avenue

File # 23 228917 WET 03 OZ



↑
Not to Scale
Extracted: 06/17/2024

Attachment 4: Existing Zoning By-law Map




99 Birmingham Street & 210 Islington Avenue

Zoning By-law 569-2013

File # 23 228917 WET 03 0Z

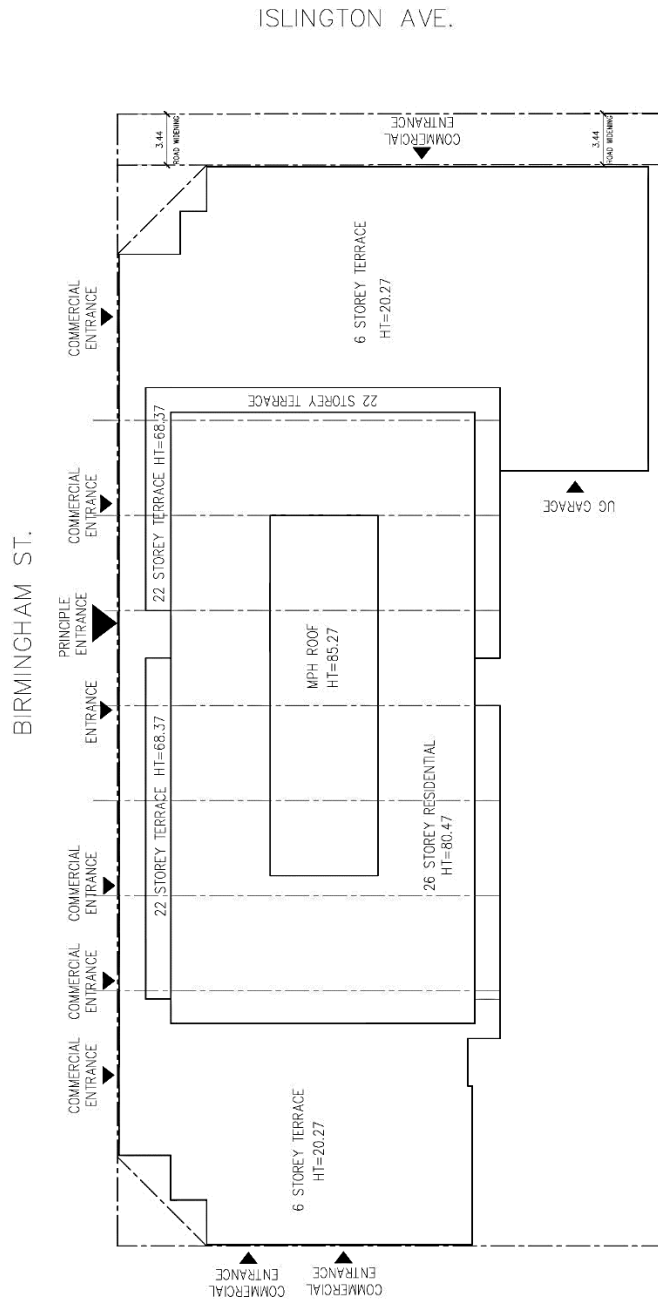
-  Location of Application
- RD** Residential Detached
- RM** Residential Multiple
- RA** Residential Apartment
- CR** Commercial Residential
- E** Employment Industrial
- I** Institutional

OR Open Space Recreation

-  See Former City of Etobicoke (New Toronto) By-Law No. 2215
- R4** Fourth Density Residential
- C** Commercial
- MU** Mixed Use
- IC2** Class 2 Industrial Zone
- IC1** Class 1 Industrial Zone

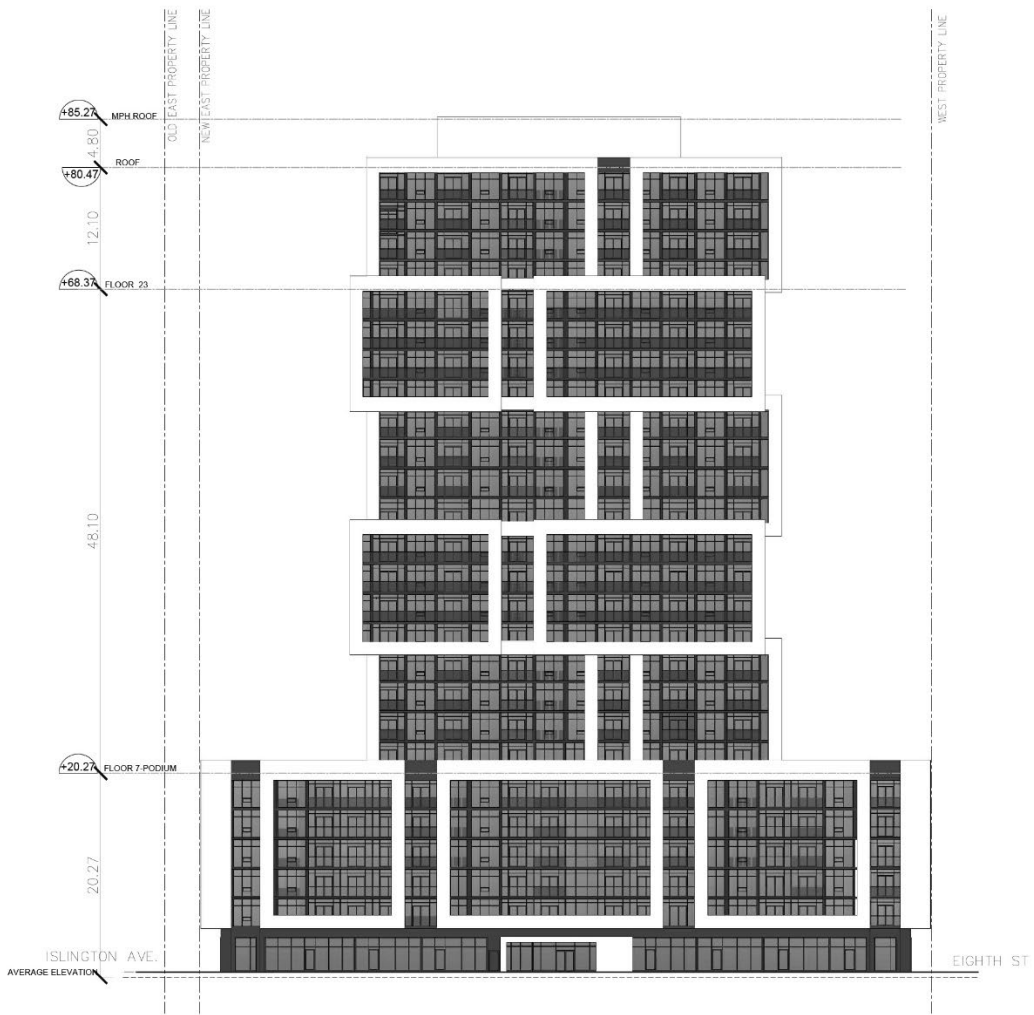

Not to Scale
Extracted: 06/17/2024

Attachment 5: Site Plan



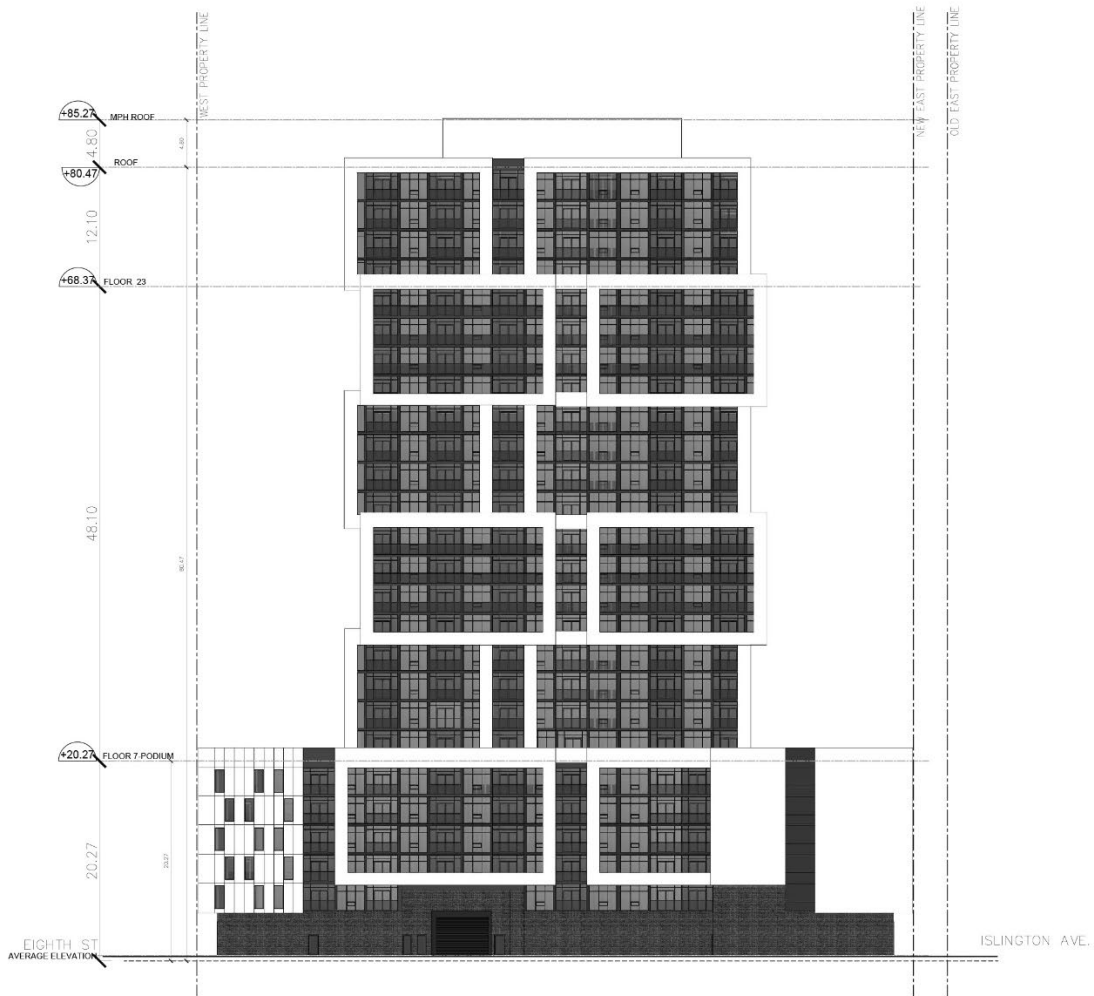
Site Plan

Attachment 6a: North Elevation



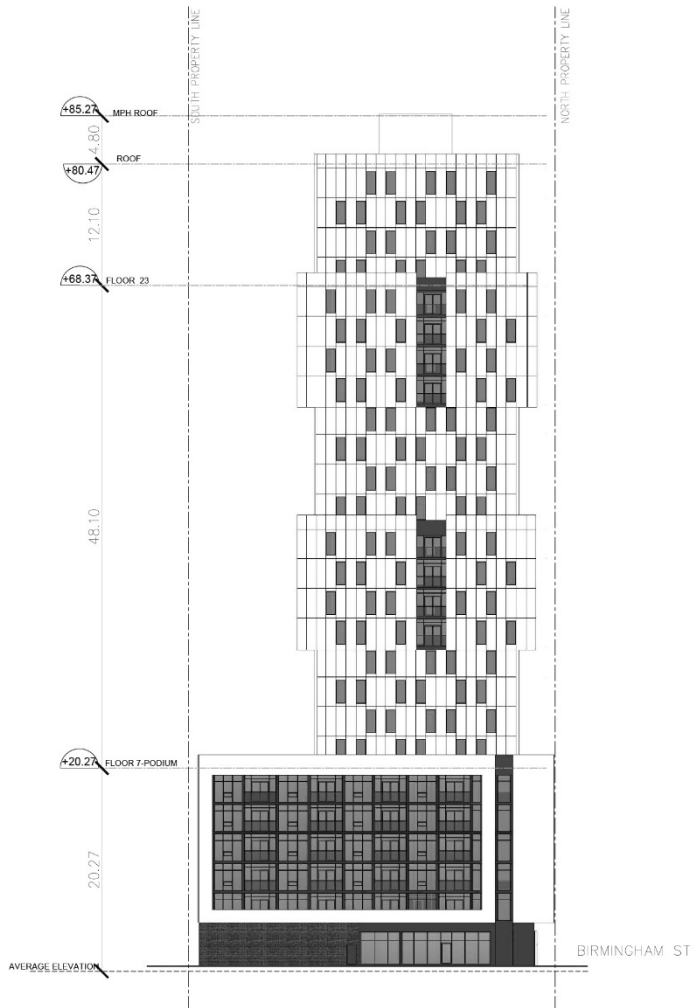
North Elevation

Attachment 6b: South Elevation



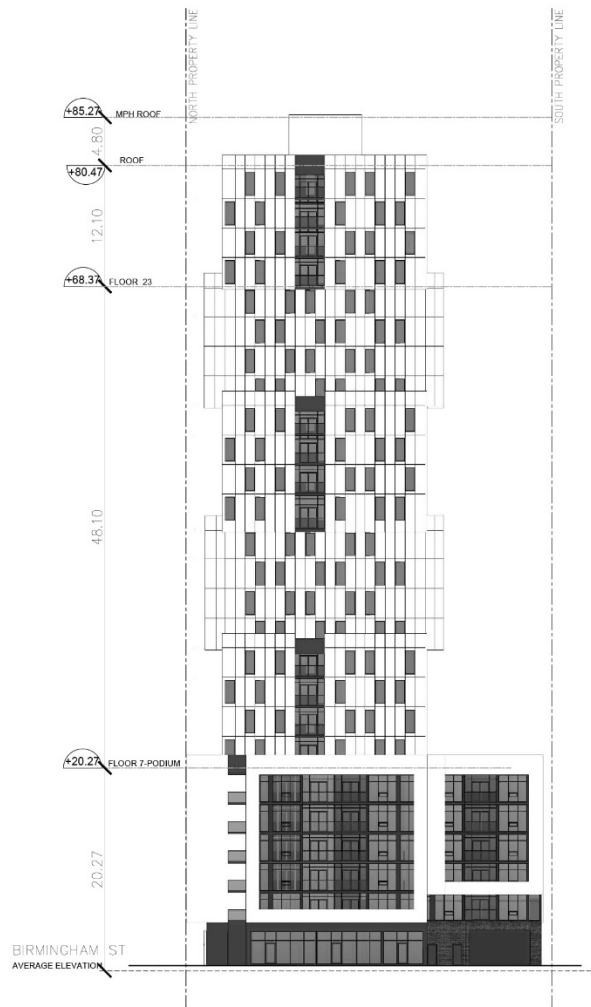
South Elevation

Attachment 6c: East Elevation



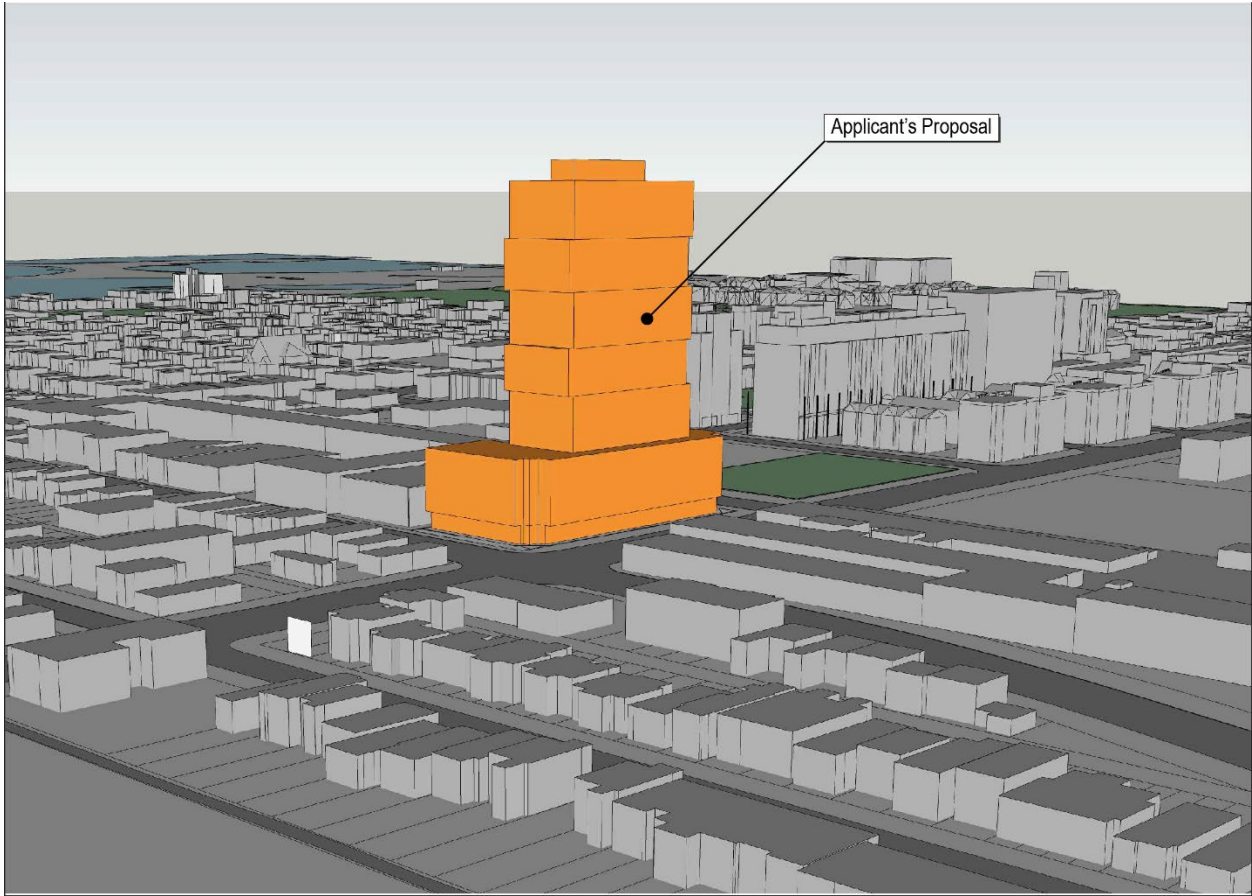
East Elevation

Attachment 6d: West Elevation



West Elevation

Attachment 7a: 3D Model of Proposal in Context (Looking Southwest)



View of Applicant's Proposal Looking Southwest

↙
06/20/2024

Attachment 7b: 3D Model of Proposal in Context (Looking Northeast)

