TORONTO

REPORT FOR ACTION

126 - 130 Avenue Road - Zoning By-law Amendment, Application – Decision Report – Approval

Date: June 19, 2025

To: Toronto and East York Community Council

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

Ward: 11 - University-Rosedale

Planning Application Number: 23 119287 STE 11 OZ

Related Planning Application Number: 23 119299 STE 11 RH

SUMMARY

This Report reviews and recommends approval of an application to amend the Zoning By-law to permit an 11-storey mixed-use building at 126-130 Avenue Road containing a total of 60 dwelling units (including 11 rental replacement units), 169 square metres of at-grade retail, an underground parking garage containing 18 vehicular parking spaces, and 66 bicycle parking spaces.

The application proposes the demolition of the three existing buildings at 126, 128, and 130 Avenue Road. The existing buildings are located within the East Annex Heritage Conservation District (EAHCD) and are not considered to be "of heritage significance at this time". An approval report for the application to demolish the designated properties under Section 42 of the Ontario Heritage Act will be presented to the Toronto Preservation Board on June 30, 2025, and will be considered concurrently with this report at the July 8, 2025 Toronto and East York Community Council meeting.

A related Rental Housing Demolition and Conversion application (23 119299 STE 11 RH) has also been submitted as the proposed development includes the demolition of 11 rental dwelling units. The proposal includes replacement of all 11 units with new units of the same type and of similar size, and a Tenant Assistance Plan that addresses the right for eligible tenants to return to replacement rental dwelling units at similar rents and financial assistance to lessen hardship. An approval report for the Rental Housing Demolition application has been advanced concurrently with this Zoning By-law Amendment approval report.

RECOMMENDATIONS

The Director, Community Planning Toronto and East York District recommends that:

- 1. City Council amend City of Toronto Zoning By-law 569-2013 for the lands municipally known as 126-130 Avenue Road substantially in accordance with the draft Zoning By-law Amendment included as Attachment 5 to this Report.
- 2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
- 3. Before introducing the necessary Bills to City Council for enactment, City Council require:
 - a. that City Council has approved the Rental Housing Demolition Application (23 119299 STE 11 RH) under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act, 2006, to permit the demolition of 11 existing rental dwelling units;
 - b. the owner submit a revised Functional Servicing and Stormwater Management Report, ("Engineering Reports"), and supporting plans, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; and/or;
 - c. the owner enter into a financially secured agreement with the City to secure the construction of any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Engineering Reports to support the development, if any, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

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.

THE SITE

Description

The site is located on the northwest corner of Avenue Road and Bernard Avenue, one block south of Davenport Road. The overall site has an area of 756 square metres with an approximate frontage of 21.3 metres along Avenue Road and a depth of 35.5 metres. See Attachment 2 for the Location Map.

Existing Uses

The 2-storey corner building at 126 Avenue Road contains two retail stores at-grade along Avenue Road and Bernard Avenue with residential uses on the second floor. The adjacent property at 128-130 Avenue Road is a 3-storey building with two retail stores at-grade and residential units above. The three retail stores along Avenue Road are all currently occupied by flower stores and one retail unit with access on Bernard Avenue contains a personal grooming business. There are a total of 11 residential rental dwelling units on site.

THE APPLICATION

Description

An 11-storey (37.14 metres, excluding the mechanical penthouse) mixed-use building containing 60 dwelling units (including 11 rental replacement units) and 169 square metres of retail at-grade fronting onto Avenue Road and Bernard Avenue.

Density

The proposal has a density of 5.48 times the area of the lot.

Existing Rental Housing and New Dwelling Units

The existing buildings at 126-130 Avenue Road contain a total of 11 rental dwelling units consisting of 1 studio unit, 4 one-bedroom units, and 6 two-bedroom units. All 11 units are proposed to be replaced within the new development with the same unit types and sizes.

The proposal includes 49 new residential units with a unit mix of 20 studio units (41%), 14 one-bedroom units (29%), 10 two-bedroom units (20%), and 5 three-bedroom units (10%).

Retail

The proposal includes a total of 169 square metres of ground floor retail space, comprised of two units.

Amenity Space

The proposal includes 246 square metres of amenity space, with 120 square metres of indoor amenity space and 120 square metres of outdoor space.

Access, Parking and Loading

The primary pedestrian entrances to the residential lobby and retail units are both located on Avenue Road, with an additional entrance to one of the retail units along Bernard Avenue. Vehicular access for loading and parking is provided through the rear of the site from Bernard Avenue. One Type-C loading space is proposed at-grade, and

a total of 18 vehicular residential parking spaces are located within two levels of underground parking accessed by a car elevator. A total of 66 bicycle parking spaces are proposed, with 12 short-term spaces on the ground floor level and 54 long-term space below-grade.

Additional Information

See the attachments of this Report for the Application Data Sheet, Location Map, site plan, elevations, and 3D massing views 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: www.toronto.ca/126AvenueRd

Reasons for Application

The proposal requires an amendment to Zoning By-law 569-2013 to vary performance standards, including building height, density, setbacks, maximum projections, landscaping requirements and loading and vehicular parking requirements, among other standards.

POLICY & REGULATION 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 Planning Statement (2024), and shall conform to Provincial Plans.

Official Plan

The site is designated Mixed Use Areas and is located within the Downtown and Central Waterfront Area on the Urban Structure Map 2 of the Official Plan. See Attachment 3 of this Report for the Official Plan Land Use Map.

Downtown Secondary Plan:

The site is designated Mixed Use Areas 3 – Main Street. Avenue Road is identified as a Great Street and a Priority Retail Street, and the site is located within the Annex Park District.

Zoning

The site is zoned CR 1.5 (c1.0; r1.0) SS2 (x1895) with a height limit of 12 metres under the City of Toronto Zoning By-law 569-2013. The Commercial Residential zoning category permits a wide range of uses including commercial and residential uses. See Attachment 4 of this report for the existing Zoning By-law Map.

Heritage

The site is within the East Annex Heritage Conservation District (EAHCD) and is designated under Part V, Section 42 of the Ontario Heritage Act through Designation By-law 1994-0520.

Design Guidelines

The following <u>design guidelines</u> have been used in the evaluation of this application:

- Mid-Rise Building Design Guidelines
- Growing Up Guidelines for Children in Vertical Communities
- Pet Friendly Design Guidelines for High Density Communities
- Retail Design Manual
- Toronto Accessibility Design Guidelines

Toronto Green Standard

The <u>Toronto Green Standard</u> (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 TGS.

COMMUNITY CONSULTATION

Community Consultation

A Virtual Community Consultation Meeting was hosted by City staff on May 10, 2023. Approximately 32 people attended, as well as a representative of the Ward Councillor. Following a presentation by City staff and the applicant, the following comments and issues were raised:

- concerns regarding overall compatibility and fit with the surrounding area and impact on adjacent properties, with inadequate transition to the low scale neighbourhood;
- loss of the flower shop block characteristic, and concerns about whether the
 existing retail and residential tenants would be able to return to the new
 development;
- appropriate conservation of buildings within the East Annex Heritage Conservation District and limited ability to widen sidewalk due to heritage retention;
- inadequate servicing, loading, and pick-up/drop-off areas for both residential and retail uses;
- rental replacement and desire for more affordable housing in proximity to transit;
 and
- concerns regarding traffic congestion.

In addition to the formal community consultation meeting, City staff have hosted additional meetings with the Annex Residents Association and ABC Residents Association. The following additional comments and issues were raised through these meetings:

- concerns regarding the narrow sidewalk along Avenue Road and the need for a wider sidewalk and improved streetscape design;
- need for short-term parking for retail and deliveries; and
- concern with not providing a Type G loading space and using curbside waste pickup, and the impact on vehicular and pedestrian movement on Bernard Avenue and affect on the public realm because of staging area requirements for solid waste pickup.

The issues raised through community consultation have been considered through the review of the application. Comments with respect to the proposed height, massing, setbacks, heritage, access, parking, and loading are addressed in the Comments section below.

Tenant Consultation

On May 9, 2024, staff held an in-person consultation meeting with impacted tenants to provide an overview of the City's housing policies, the impact of the rental demolition proposal on tenants, and the proposed Tenant Assistance Plan. The meeting attended by 10 tenants, representatives of the applicant, City Planning and Development Review staff.

Tenants asked questions and raised concerns related to the project timeline, the proposed replacement rental units, eligibility requirements for the proposed tenant relocation and assistance plan, access to parking and amenities in the new building, and how rent will be calculated in the new building.

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members have an opportunity to hear the oral submissions made at the statutory public meeting held by the Toronto and East York_Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

COMMENTS

Provincial Planning Statement and Provincial Plans

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the current proposal for consistency with the PPS (2024). Staff find the proposal consistent with the PPS (2024).

Official Plan Policies and Design Guidelines

This application has been reviewed against the Official Plan policies, including Downtown Plan policies, and design guidelines described in the Policy and Regulation Considerations Section of this Report.

Land Use

The proposed residential and commercial uses are permitted in the Mixed Use Areas designation and support key objectives of the Official Plan and Downtown Plan. The proposal conforms to the development criteria of the applicable Official Plan policies by providing a mix of residential and non-residential uses.

The reintroduction of retail units at-grade is a positive element that provides opportunity for continued local retail along Avenue Road, which is identified in the Downtown Plan as both a Great Street and a Priority Retail Street.

The replacement of 11 rental dwelling units and introduction of an additional 49 residential units supports the City's rental replacement policies and helps to address the need for additional housing.

Built Form

The proposal conforms with the applicable policies in the Official Plan and Downtown Plan, meets the intent of the Mid-Rise Building Design Guidelines with respect to built form, massing and transition to adjacent Neighbourhoods, and is compatible with the existing and planned context of the site and surrounding area.

The proposed height of 11-storeys (37.14 metres, excluding the mechanical penthouse) is appropriate and fits within the height context of the Avenue Road corridor south of Davenport Road and north of Elgin Avenue, with building heights in the area ranging from 2-12 storeys.

The proposed building has a streetwall height of 3-storeys (12.0 metres) along Avenue Road, with a setback of 3.0 metres from the property line. The upper portion of the building is setback a minimum of 4.78 metres from the Avenue Road property line.

Along Bernard Avenue the building is built to the property line with a streetwall height of 3-storeys (12.0 metres), dropping to 2-storeys (7.0 metres) for the west portion of the building. A 1.5 metre stepback is provided above the 3rd floor. Above the 6th floor, the upper portion of the building is setback a minimum of 1.5 metres with the setback increasing to 3.1 metres to the west. On the south elevation, each floor above the second floor contains inset balconies which breaks up the facade.

The proposed streetwall height of 2 to 3-storeys is consistent with the height of the adjacent buildings, reinforcing a pedestrian scale that is characteristic of the existing streetscape and has been designed to respond to the existing built form surrounding the site and is appropriate.

The proposed building provides appropriate transition in scale to the adjacent low-rise neighbourhood to the west. The Mid-Rise Design Guidelines call for a 7.5-metre setback to adjacent neighbourhoods, with an additional stepback of 2.5 metres above the 6th floor. The proposal provides a 7.5 metre setback from the Neighbourhood to the west, with an additional 2.5 metre stepback above the 6th floor.

Streetscape and Public Realm

Staff are satisfied that the proposal conforms with the applicable public realm policies of the Official Plan.

The proposed development includes the demolition of the existing buildings within the East Annex Heritage Conservation District. The properties are located along a portion of Avenue Road that has a substandard sidewalk width between 1.51 to 1.63 metres and a constrained streetscape.

The proposed building is setback 3 metres from the Avenue Road property line providing approximately 4.8 metres between the curb and building face. This setback improves the existing condition by expanding the narrow sidewalk to allow for a 2.1 metre pedestrian clearway and creates the opportunity for additional streetscaping designs.

Along Bernard Avenue, the proposal maintains the existing zero lot line condition with a 5.5 metre setback from the curb to building face. The proposed 5.5 metre setback provides space for an appropriate pedestrian clearway, soft landscaping and tree planting, and a staging area to accommodate multiple garbage bins on waste collection days.

Solid Waste Management staff have reviewed the proposal and advised that the development is eligible for the City's multi-residential curbside solid waste collection services for new buildings under 12-storeys with 60 or less residential units, subject to compliance with all Solid Waste Management requirements. Staff have confirmed that the development could be serviced with curbside pickup twice a week to limit the number of bins to be placed by the curb and reduce the required staging area compared to one day a week pickup.

Further detailed public realm and streetscape design will be addressed during the Site Plan Control review process.

Heritage Conservation

The proposed development site is located within the East Annex Heritage Conservation District (EAHCD) and is designated under Part V, Section 42 of the Ontario Heritage Act. The existing 2 and 3 storey buildings are within a row of buildings on the West side of Avenue Road between Bernard Avenue and Davenport Road that are identified within the EAHCD Plan and are assigned a category "X" rating.

The EAHCD Plan allows for the demolition of category "X" buildings provided that the replacement building design complies with the guidelines for new buildings in the Plan.

Heritage staff are satisfied that the proposal for a new 11-storey building complies with applicable heritage policies and guidelines, is consistent with the EAHCD Plan's guidelines, and would not detract from rated heritage buildings to the west of the development site.

A corresponding report recommending City Council approve the application to demolish the designated properties under Section 42 of the Ontario Heritage Act will be presented to the <u>Toronto Preservation Board</u> at the upcoming meeting on June 30, 2025 and will also be considered at the same July 8, 2025 Toronto and East York Community Council meeting as this report.

Housing and Rental Housing Demolition and Replacement

A related Rental Housing Demolition application will be considered at the July 8, 2025 Toronto and East York Community Council meeting concurrently with this report. The Rental Housing Demolition Decision Report includes review and analysis of the rental housing demolition and replacement matters, including replacement of the existing rental housing and assistance to impacted tenants.

Unit Mix

Planning staff are satisfied with the proposed unit mix of the 49 new residential units. A total of 20 studio units (41%),14 one-bedroom units (29%),10 two-bedroom (20%), and 5 three-bedroom units (10%) are proposed. The unit mix meets the policy direction of the Official Plan to provide a full range of housing and exceeds the unit mix of objectives of the Growing Up Guidelines to provide a minimum of 15% two-bedroom units and 10% three-bedroom units within the new development.

Tree Preservation

The submitted Arborist and Tree Preservation Report identifies two street trees on Bernard Avenue that are subject to the City of Toronto's "Street Tree by-law". The application proposes to retain one and remove one. One new street tree is proposed to be planted within the Bernard Avenue right-of-way and with no additional trees proposed on private property, which does not meet the tree replacement policies. An application will be required to permit the removal of the street tree. Additional information is needed to assess the preservation methods and anticipated impacts on the remaining street tree and may require an application to injure a tree depending on the extent of the impact. Permits will be secured through the tree permit process to the satisfaction of Urban Forestry, Tree Protection and Plan Review, Environment, Climate and Forestry Division.

Forestry staff have advised that the applicant is required to explore feasible options to increase the soil volume and create planting areas along the perimeter of the site that can support large growing trees. Staff will continue to work with the applicant through the Site Plan Approval process to demonstrate compliance with the requirements of TGS Version 4 and tree planting requirements under the City's Street Tree by-law.

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 value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. Payment will be required prior to the issuance of the first above grade building permit.

Shadow Impact

The applicant-submitted shadow studies show the extent of the shadow from the proposed building on the spring and fall equinox (March 21 and September 21) and the summer solstice (June 21). The shadow impacts resulting from the proposal are acceptable. The proposal adequately limits shadow impacts on Neighbourhoods and parks, particularly during the spring and fall equinoxes.

Wind Impact

A Pedestrian Level Wind Study was submitted in support of the application. The wind study indicates that wind conditions at all grade-level pedestrian wind-sensitive areas within and surrounding the site will be acceptable for the intended uses throughout the year. The Level 4 outdoor amenity terrace will be suitable for sitting during the typical use period (May to October), without the need for mitigation. Planning staff are satisfied with the assessment and recommendations contained within the study.

Access, Vehicular and Loading

A Transportation Impact Study was submitted to assess the traffic impact, access, vehicular and bicycle parking and loading arrangements for this development.

Vehicular access to the site is proposed through a driveway on Bernard Avenue, along the western edge of the site, leading to one Type C loading space and a car elevator servicing a two-level underground parking garage containing a total of 18 vehicular parking spaces for residents including 1 accessible space. While there are no visitor or retail parking spaces proposed on site, the driveway open area at the rear of the building can accommodate space for queuing for the car elevator and a pick-up and drop-off space, which is acceptable to Transportation Review staff.

A total of 66 bicycles parking spaces are proposed, including 12 short-term visitor spaces to be provided on the ground floor and 54 stacked long-term spaces for residents are provided underground on level P1 with access to a bicycle repair station. Of the 54 long-term spaces, 9 (15%) will be equipped with an energized outlet and an additional area for cargo bicycle storage has been allocated on level P2.

The proposed development has been designed to accommodate a future connection to the private laneway abutting the north property line that gains access to Davenport Road, should the property to the north redevelop. Additional comments related to site access arrangements, site circulation and layout, design of the proposed site entrance driveway, layout of the proposed parking supply including ingress/egress provided and requirements for electric vehicle infrastructure will also be provided through the Site Plan Control review process.

Servicing

Development Engineering staff have reviewed the Functional Servicing and Stormwater Management Report submitted in support of the application and have identified outstanding items for review and requested additional information in relation to stormwater management and servicing for the site. Should it be determined that upgrades are required to support the development, the owner would be required to enter into a financially secured agreement to secure the construction of any improvements to the municipal infrastructure. Staff are recommending that these matters be addressed prior to the enactment of bills by City Council for the proposed Zoning By-law Amendment.

Amenity Space

A total of 246 square metres of amenity space is proposed, with 120 square metres of indoor amenity space (2 square metres per unit) and 120 square metres of adjoining outdoor amenity space (2 square metres per unit). In addition to the amenity space provided on the fourth floor, the proposal includes a dog washing station and an outdoor pet relief area at-grade. The proposed amenity space satisfies the zoning by-law performance standard of 4 square metres of total amenity space per unit and is acceptable to staff.

Toronto Green Standard

The applicant is required to meet Tier 1 of the TGS in force at the time of a complete application for Site Plan Control. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2040 or sooner.

CONTACT

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SIGNATURE

Alex Teixeira, MCIP, RPP Acting Director, Community Planning Toronto and East York District

ATTACHMENTS

City of Toronto Information/Drawings

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: Draft Zoning By-law Amendment

Applicant Submitted Drawings

Attachment 6: Site Plan

Attachment 7: Ground Floor Plan Attachment 8-11: Elevations

Attachment 12-13: 3D Massing Model

Attachment 1: Application Data Sheet

Municipal Address: 126-130 Avenue Date Received: March 2, 2023

Road

Application Number: 23 119287 STE 11 OZ

Application Type: Zoning By-law Amendment

Project Description: An 11-storey mixed-use building

Applicant Agent Architect Owner

WND Associates Andrew Ferancik Icon Architects 126 Avenue Road

Investments Ltd.

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision: N/A

CR 1.5

Zoning: (c1.0; r1.0) SS2 Heritage Designation: Y

(x1895)

Height Limit (m): 12 Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 756 Frontage (m): 35 Depth (m): 21

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	621		517	517
Residential GFA (sq m):	1,224		3,968	3,968
Non-Residential GFA (sq m):	329		170	170
Total GFA (sq m):	1,554		4,138	4,138
Height - Storeys:	3		11	11
Height - Metres:	9		37	37

Lot Coverage Ratio 68.4 Floor Space Index: 5.48

(%):

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)

Residential GFA: 3,908 60

Retail GFA: 170

Office GFA:

Industrial GFA:

Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	11		11	11
Freehold:				
Condominium:			49	49
Other:				
Total Units:	11		60	60

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		21	19	15	5
Total Units:		21	19	15	5

Parking and Loading

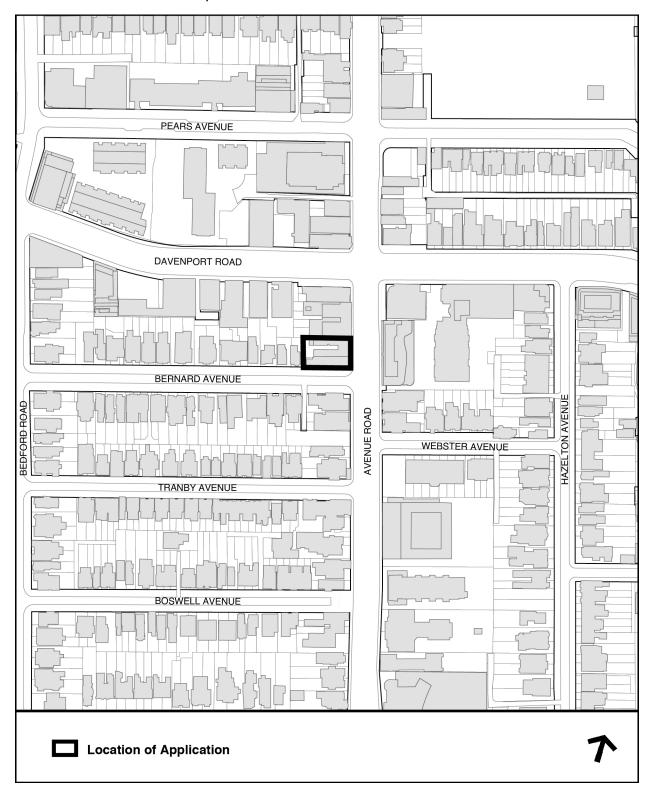
Parking Spaces: 18 Bicycle Parking Spaces: 66 Loading Docks: 1

CONTACT:

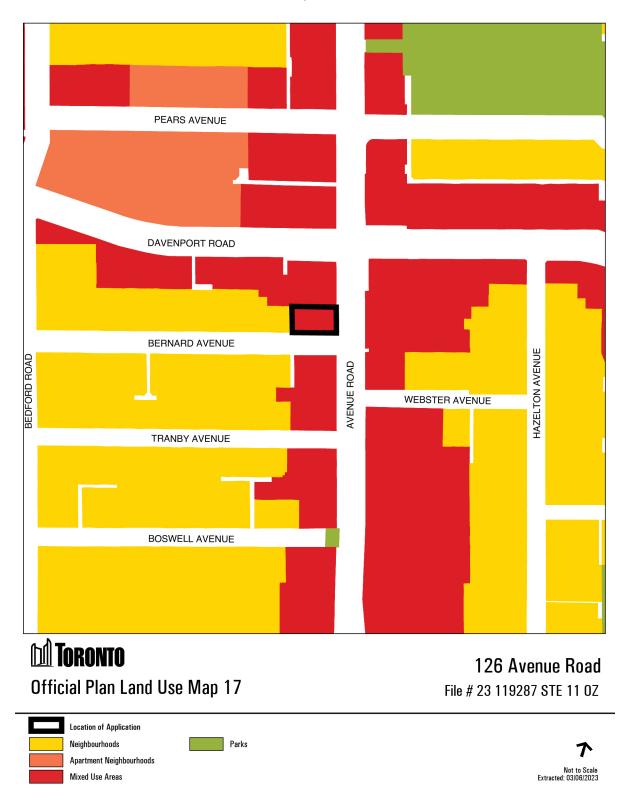
Aviva Pelt, Senior Planner, Community Planning 416-392-0877

Aviva.Pelt@toronto.ca

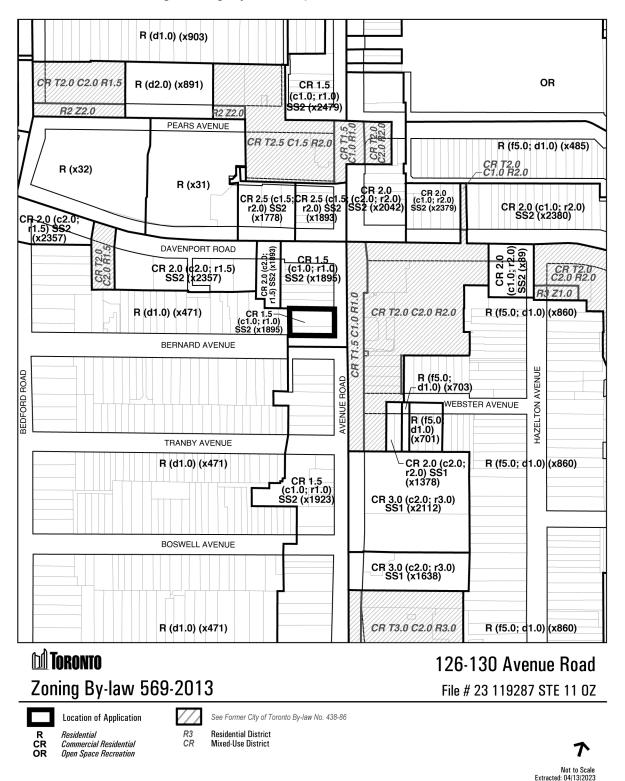
Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map

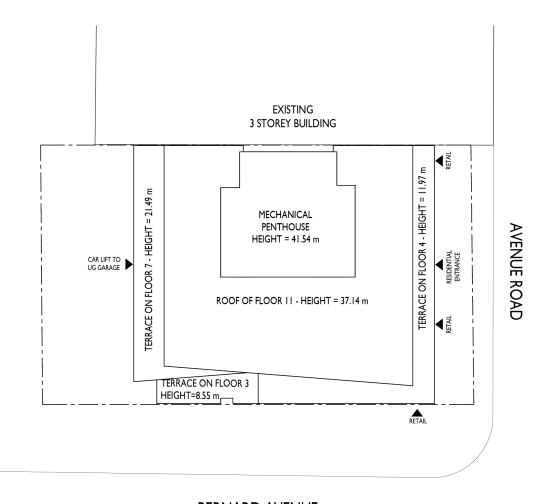


Attachment 4: Existing Zoning By-law Map

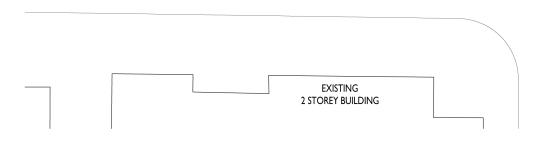


Attachment 5	5:
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Draft Zoning By-law Amendment will be available prior to the July 8, 2025, Toronto and East York Community Council Meeting.



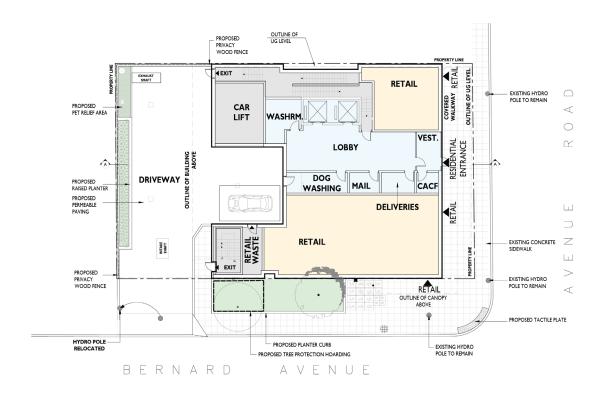
BERNARD AVENUE



Site Plan

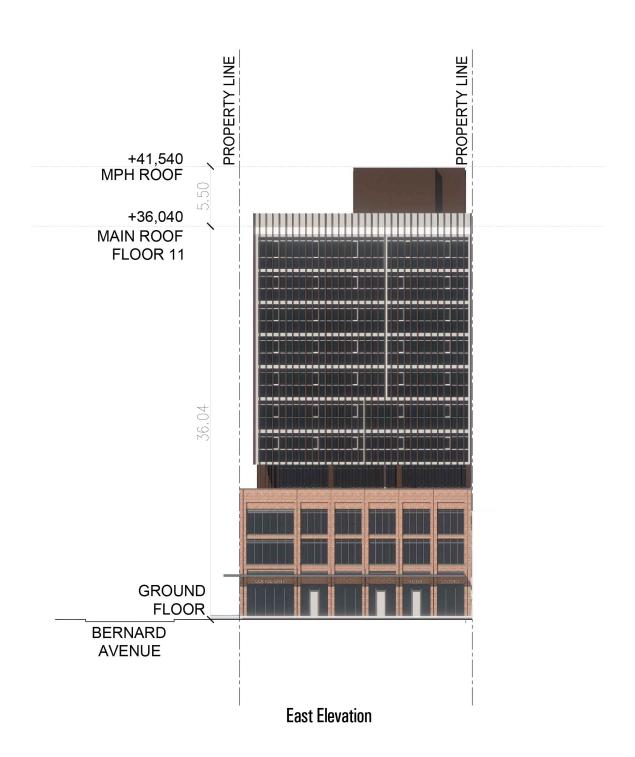


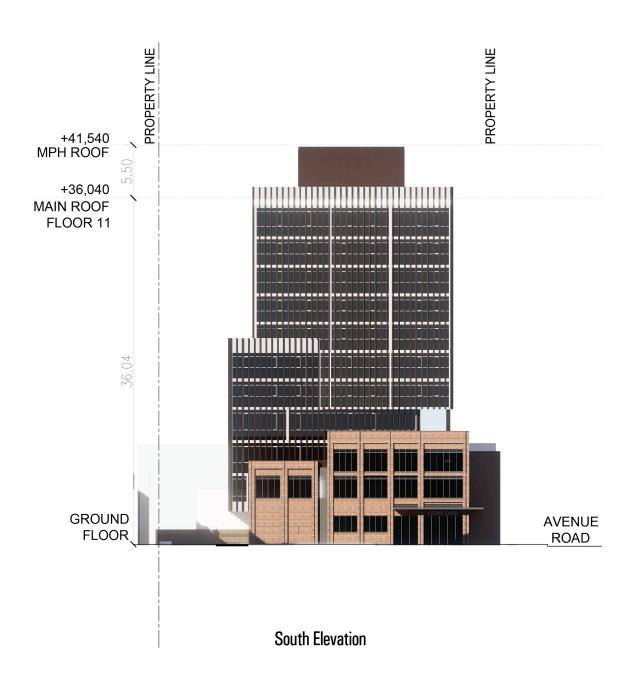
Attachment 7: Ground Floor Plans

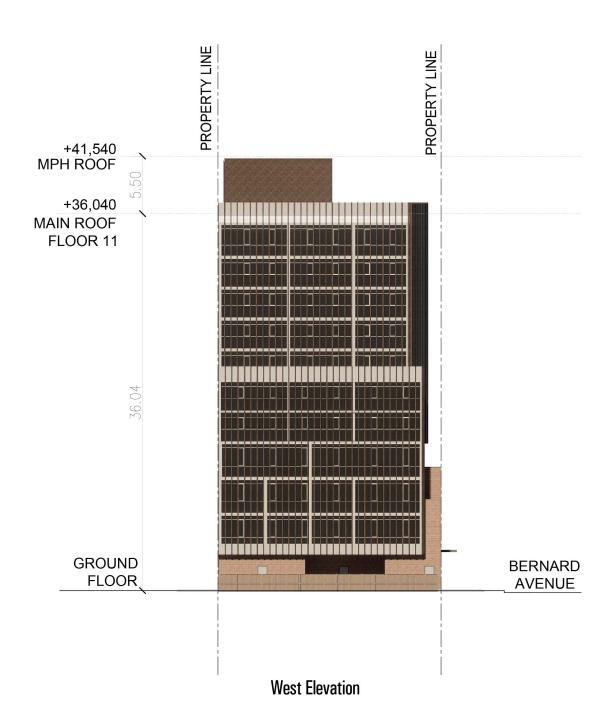


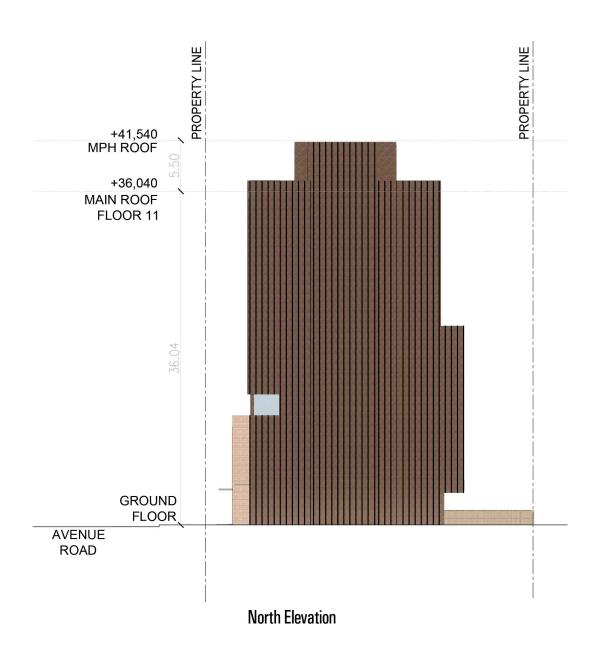
Ground Floor Plan



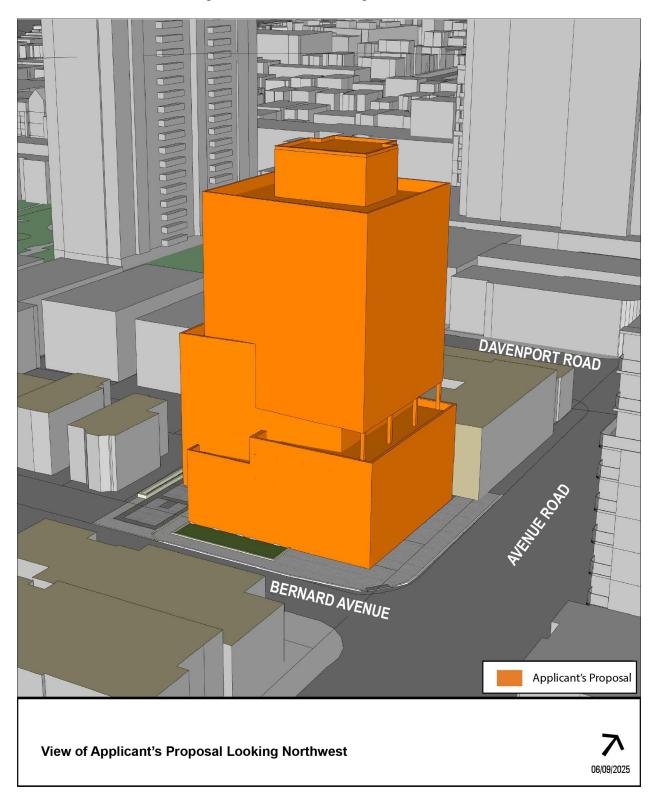








Attachment 12: 3D Massing Model – View looking Northwest



Attachment 13: 3D Massing Model – View looking Southeast

