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DEAD ON ARRIVAL?

Matt Durnan

An infill development proposal that sought to develop one three-storey, nine-unit residential building and one two-storey, two-unit laneway suite on a large residential lot near Bloor and Bathurst was denied by the City of Toronto

committee of adjustment for the second time in four months, leading to mounting frustration for the development applicants and local affordable housing advocates alike. The short history of the project and its failure to garner support at the committee of adjustment makes some industry stakeholders wonder what good a policy for expanding housing options in neighbourhoods is if it is impossible to implement.

At its August 14 meeting, Toronto and East York committee of adjustment denied **GreenStreet Flats'** minor variance application for a site at 91 Barton Avenue on the edges of the city's Annex neighbourhood. GreenStreet, a local real estate developer that focuses specifically on missing middle housing projects is proposing to develop a three-storey apartment building that would accommodate nine

residential units, along with a two-storey laneway suite accommodating two residential units, on the site.

"We purchased this property in September 2023. And the idea from the get-go was to redevelop it. This property is 170-feet deep, and currently has four garages along the laneway, so the idea was to use that depth to add housing to an area that sorely needs it,"

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Side-by-side photo of the existing site (left) and rendering of proposed redevelopment of a site (right) at 91 Barton Avenue where GreenStreet Flats is proposing to develop a three-storey multi-unit residential building and a two-storey multi-unit laneway suite. The photo on the left shows the existing condition of the site, which is occupied by a vacant single-family home. The rendering on the right shows a proposed three-storey apartment building that would accommodate nine residential units, including one affordable housing unit. GreenStreet's minor variance application for the site was denied by Toronto and East York committee of adjustment on August 14. It was the committee's second refusal of the application in four months.

SOURCE: CITY OF TORONTO
ARCHITECT: CRAIG RACE ARCHITECTURE



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GreenStreet Flats president **Leo Kotov** told *NRU*.

Currently the site accommodates four garages along the laneway and a vacant single-detached home at the front of the property, fronting Barton Avenue, all of which would be demolished to make way for the two new buildings.

The August 14 committee of adjustment meeting marks the second time that requested minor variances for this project have been denied, after having first being brought before the committee in April 2024. Despite GreenStreet's having made a number of adjustments and tweaks to the project based on feedback from the April meeting—including eliminating proposed rooftop patios, adjusting the width of the laneway suites to pull them further back from the adjacent garages in the laneway, and adding one affordable housing unit to the project—its minor variance application was denied again.

“This site is within two PMTSAs (protected major transit station areas). You're walking distance from two subway stations that are around 200 metres away (Bathurst and Christie). You have Christie Pits park around the corner. You have bike lanes. You're walking distance from a school that

needs more enrollment because the population of the area is decreasing,” Kotov said.

“There's a site that is abutting a laneway, so there's no direct neighbour on the east side. If you're not going to do a project where you're bringing housing density on this site, then where do you do it? How do you expect any developers at this scale to make any inroads?”

The **City of Toronto** has been working to introduce policies to facilitate the development of more missing middle housing in residential neighbourhoods, much like the area where the 91 Barton site is located.

In May 2023, city council adopted official plan and zoning by-law amendments to permit multiplexes citywide as part of the City's Expanding Housing Options in Neighbourhoods (EHON) initiative (See: “Missing Units:

City's New Multiplex By-law is Good, Experts Say, But Not Yet Good Enough”, *NRU Toronto*, Friday, May 26, 2023).

Despite efforts like the EHON initiative, affordable housing advocates like **HousingNowTO** technical lead **Mark Richardson** say that permitting multiplexes city-wide does little to move the needle when it comes to affordable housing.

“From the very beginning of the EHON conversation, there's always been a push about whether this will create affordable rental housing. And it's been the same arguments about garden suites and laneway suites,” Richardson told *NRU*.

“We've always said that creating one or two or three or four or even six extra units on the site of a bungalow, the math almost never works to create any affordable units, even if everyone has the best intentions. Whereas if you take a bungalow and turn it into 10 or 12 units, you can probably get one or two of those units as affordable.”

One is exactly the number

of units that HousingNowTO, the applicants, and the City of Toronto were able to work towards with the 91 Barton site, managing to add one affordable housing unit to the mix within the proposed three-storey, nine-unit, multiplex building, increasing the proposed unit total from the 10 proposed in GreenStreets' April minor variance application that was denied to 11 units proposed at the August meeting. Once again, at the second meeting, the revised application was denied.

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Side-by-side photo (left) of the existing condition of the rear of the site and rendering (right) of proposed redevelopment of the rear of the site at 91 Barton Avenue where GreenStreet Flats is proposing to develop a three-storey multi-unit residential building and two-storey multi-unit laneway suite. The photo on left shows the four garages that exist on the site currently. The garages would be demolished to make way for a two-storey laneway suite that would occupy the same footprint as the existing garages. The rendering on the right shows the proposed two-storey laneway suite at the rear of the site that would accommodate two residential units.

SOURCE: CITY OF TORONTO
ARCHITECT: CRAIG RACE ARCHITECTURE



DEAD ON ARRIVAL?

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To get this one affordable unit into GreenStreet's proposal, Richardson and HousingNowTO were able to partner with **Kehilla Residential**, a not-for-profit affordable housing organization and were eventually able to reach an agreement with the developer to include a one-bedroom affordable rental unit in the project for 25 years at 100 per cent of average market rent.

That one unit would fall into the affordable range thanks to a commitment from Kehilla to provide a \$400 per month subsidy for the length of the affordability agreement (25 years), bringing the monthly rent on the unit to between \$1,100 and \$1,300.

Despite a suite of changes to the minor variances application, including the addition of an affordable housing unit, the committee of adjustment still denied GreenStreet's minor variance requests, and Kotov says the project is now at some risk of dying in the water.

Some of the frustration of the applicant team stems from its sense that a project that offers an ideal housing option for this site is somewhat caught in the middle of being a bit too complex of a proposal to go through committee of

adjustment, but too small-scale of a project to pursue a full re-zoning application.

"We made a number of changes to the proposal (from the April proposal that was denied) to try to make it land better on this site. We addressed concerns about the building scale, adjacency and everything else. We added an affordable unit, and we're working to try to get more affordable units in there, but the City didn't come the table with the Open Door commitment to do that," **Batory Planning + Management** director of planning **Graig Uens** told *NRU*.

"What makes this project that much better is that there are a bunch of two and three-bedroom units and one-bedroom rentals as well, so there's a range of housing in a good form, near transit and in an area where provincial and city policy intends for growth. I think one of the problems is that it's probably too complicated an application for the committee of adjustment process. The thing that I think would be really meaningful in addressing the City's encouraging of missing middle housing, whether multiplexes or low-rise apartments, is a process that's not quite a zoning amendment, because that's

costly and time consuming, but a little more nuanced than a minor variance application."

Uens worked in the City of Toronto's planning division for 13 years before joining Batory, and says that the City's zoning process has come a long way with adopting policies permitting laneway and garden suites and multiplexes, but the process of getting these housing types approved is still somewhat flawed.

"The *Planning Act* allows for staff to make determinations about minor relief from zoning. Council has to authorize that, but it is possible," Uens said.

"That, to me, is sort of the basis for some kind of a reformed process that better acknowledges the City's strategic objectives around housing and their clear intent to support infill missing middle housing in neighbourhoods."

While Uens, Kotov and Richardson all acknowledge that the planning process is an iterative one, there is mounting concern that the project may end up as a martyr of sorts in the push to make the process of getting this type of housing built more easy to achieve.

"We're actively in the midst of working out exactly what we'll be doing, and I don't really want to comment on our plan because we haven't fully materialized that yet. But I mean, this project could be a failure because of this, but we're kind of figuring it out," Kotov said.

Richardson drew some comparisons between this

project and the fight to remove parking minimums in the city. He is hopeful that this project will not have to fail in order for council to see the light.

"Sometimes having a project fail is what it takes to make [council] see the light. That was our experience with parking minimums. We had to sort of go to city council and lay the body on the table of the failed and dead affordable housing projects, and as part of the autopsy, point to parking minimums as the thing that killed the project," Richardson said.

"Hopefully, this isn't a sacrificial lamb, but this is the problem where programs are not flexible and innovative and are designed to be box-checking exercises. There is so much diversity within Toronto when it comes to lot sizes, build costs, local zoning by-laws, site-specific area plans. You need to enable staff to be nimble and make deals that make sense and result in good outcomes, rather than making it incredibly prescriptive where you have to check a box." 🌱