

# **TORONTO** STAFF REPORT

November 2, 2005

To: Toronto and East York Community Council

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

Subject: Final Report  
OPA & Rezoning Application 04 133889 STE 29 OZ  
Applicant: Tony Volpentesta, Bousfields Inc.  
Architect: Nick Rassenti, Page & Steele Architects  
1042-1048 Broadview Avenue  
Ward 29 - Toronto-Danforth

## Purpose:

This report reviews and recommends approval of an application to amend the former Borough of East York Official Plan and Zoning By-law 6752, as amended, to permit the construction of a 22-storey residential apartment building plus a one-storey mechanical penthouse/amenity space with 4 live-work units at grade and 5 levels of underground parking just north of the intersection of Broadview Avenue and Pottery Road.

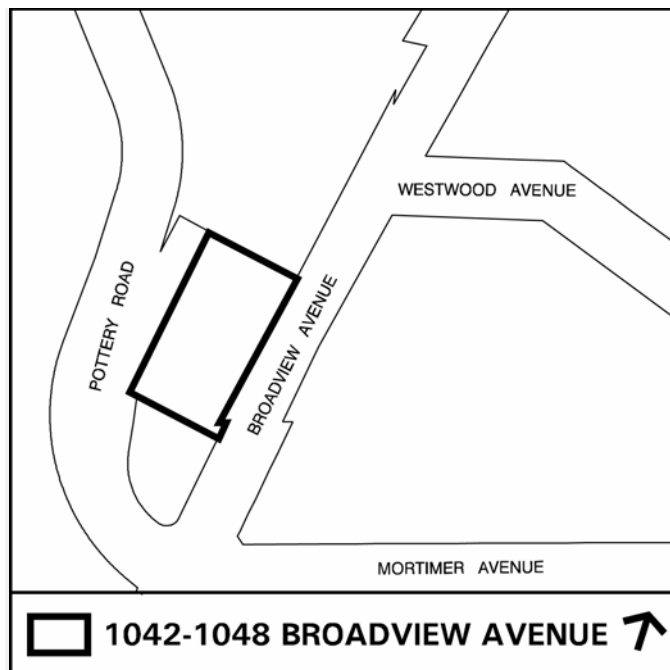
## Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

## Recommendations:

It is recommended that City Council:

- (1) amend the Official Plan for the former Borough of East York substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 7;
- (2) amend the Zoning By-law 6752, as amended, for the former Borough of East York substantially in accordance with the draft Zoning By-law



Amendment attached as Attachment No. 8;

- (3) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required before introducing the necessary Bills to City Council for enactment;
- (4) direct the City Solicitor to request the Ontario Municipal Board to modify the Official Plan of the City of Toronto substantially in accordance with Attachment No. 9;
- (5) require the owner to submit to the Executive Director of Technical Services for review and acceptance, a site servicing assessment before introducing the necessary Bills to City Council for enactment;
- (6) require the owner to submit to the Executive Director of Technical Services for review and acceptance, final approved drawings of the development to enable the preparation of building envelope plans before introducing the necessary Bills to City Council for enactment;
- (7) before introducing the Official Plan and Zoning Bills to City Council for enactment, require the owner to enter into a Section 37 Agreement satisfactory in form to the City Solicitor and have same registered on title; and
- (8) require the owner, at their expense, to provide and maintain an irrigation system for any proposed trees within the public road allowance, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the Executive Director of Technical Services, including requirements to maintain in good order and operation.

Background:

On May 11, 2004 Page and Steele Architects submitted an application to amend the Official Plan and Zoning By-law for a 23-storey apartment building at 1042-1048 Broadview Avenue. The application was received by the City Planning Division, but was not a complete application under the STAR program.

On January 10, 2005, required studies with the exception of the Planning Rationale, were submitted. The application was then circulated to internal Divisions and to external Agencies.

Proposal

The proposal is to demolish the existing 1-storey commercial strip plaza and to construct a 22-storey plus one-storey mechanical penthouse/amenity space, 186-unit residential building to include 4 live-work units at grade. The proposal will have a total gross floor area of 16,425 square metres and a density of 8.47 times the lot area. The applicant is also proposing a 5-level below-grade parking structure. The total number of proposed parking spaces is 216 (193 for residents and 23 for visitors).

## Site and Surrounding Area

The property is located on the west side of Broadview Avenue, just north of Pottery Road and is currently occupied by a 1-storey commercial strip plaza. The site area is approximately 1,938 square metres. The property has a frontage of 59 metres and a depth of 31 metres. Access to the site is from Broadview Avenue.

The site was once occupied by a service station in the 1950's and the existing use has been on-site since 1986.

North: High-rise residential building

South: Commercial building – Dairy Queen and High-rise residential building further south

East: Commercial buildings – Sobey's grocery store and walk-up service commercial establishments

West: Pottery Road, ravine lands, and Todmorden Mills

## Metro Plan

Policy 61 identifies that proponents of development that abuts the Metropolitan Green Space System must demonstrate to the Province, TRCA, and to any other relevant authorities that the development shall minimize the potential for loss of life or damage to the property by avoiding increased susceptibility of a slope to erosion or flooding on or beyond the affected site, and shall:

- Protect and maintain the ecological functions, natural features or the physical extent of significant natural areas. Proposed uses or activities should contribute to the rehabilitation or restoration of natural features or processes; and
- Maintain or enhance the scenic quality and visual and physical continuity of the Metropolitan Green Space System and public access to and through it.

Policy 62 encourages use of the Site Plan Control provisions of the Planning Act to facilitate implementation of the objectives and policies of the Plan for the Metropolitan Green Space System.

Policy 64 indicates, among other issues, that lands below the crest of the slope shall not be used for the purposes of calculating permissible density.

## Former Borough of East York Official Plan

The former Borough of East York Official Plan designates the property as Main Streets Commercial/Residential and directs development on lands so designated to include pedestrian related commercial uses, together with multiple unit housing in the form of medium rise structures. The maximum building height in a Main Streets Commercial/Residential designated area is restricted to four floors.

The proposed height of the residential condominium is for 22-storeys plus a 1-storey mechanical penthouse/amenity space; the proposed height exceeds the four floor maximum and does not comply with the former Borough of East York Official Plan.

The site is adjacent to a Valley and Stream Corridor. Amongst other matters, the owner may be required to maintain and preserve the ecological function, natural features and landforms or the physical extent of significant natural areas. Proposals may be required to enhance or rehabilitate the natural features, landforms or functions and to prevent the loss of life or damage to property by avoiding areas prone to slope instability, erosion or slumping on or beyond the site of the proposed development and maintain or enhance the scenic quality and visual and physical continuity of the greenspace system, and where appropriate and feasible, provide public access to the site.

Programs to clean up, rehabilitate and protect valley and stream corridors and other natural areas in the Borough are encouraged by Council.

#### New Toronto Official Plan

At its meeting of November 26, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board and the hearing has commenced.

The new City of Toronto Official Plan designates the property as Mixed Use Areas and permits a broad range of commercial, residential, and institutional uses, in single use or mixed-use buildings. The Natural Heritage system is shown on Map 9 of the Official Plan. This development proposal is partially located within the Natural Heritage system. A modification to the new Official Plan would be necessary because development is proposed within 10 metres of the top-of-bank.

The Natural Heritage policies in the Official Plan guide development in areas within and that abut the Natural Heritage system.

Where the underlying land use designation provides for development in or near the natural heritage system, development will:

- recognize natural heritage values and potential impacts on the natural ecosystem as much as is reasonable in the context of other objectives for the area; and
- minimize adverse impacts and when possible, restore and enhance the natural heritage system.

Proposals for new development may need to be accompanied by a study assessing their impact on the natural environment and proposed measures to reduce negative impacts on, and where possible, improve the natural environment.

Development will set back at least 10 metres from the top-of-bank of valleys, ravines and bluffs; and other locations where slope instability, erosion, flooding, or other physical conditions present a significant risk to life or property. Also, land below top-of-bank, or other hazard lands,

may not be used to calculate permissible density in the zoning by-law or used to satisfy parkland dedication requirements.

Protecting, restoring and enhancing the natural heritage system will recognize the joint role of, and opportunities for, partnerships among public and private landowners, institutions and organizations.

### Zoning

The property is zoned “C” (Commercial) in Section 8.0 of the former Borough of East York Zoning By-law 6752. The proposal is for residential units, including 4 grade-related live-work units; this use is not listed as a permitted use in “C” zones. The zoning restricts buildings that contain commercial and residential uses to 3-storeys and the proposed building will be 22 storeys.

### Site Plan Control

An application for Site Plan Control has been filed for the property and is currently under review.

### Ravine Control

A large portion of these properties is protected under the City of Toronto Municipal Code, Chapter 658 - Ravine Protection. Ravine protection applies to all existing trees, regardless of size and existing grades. A Ravine Permit is required for development within the ravine-protected portion of the site.

The rear west side of the existing building is situated near the rear lot line, which is also the top of slope. The proposed development would maintain the existing development limits established by the existing strip plaza. TRCA have no objections to the approval of this proposal subject to the applicant applying for and receiving a permit under Ontario Regulation #158 (Fill, Construction, and Alteration) prior to the issuance of a building permit.

### Reasons for the Application

An Official Plan Amendment is required because the applicant is proposing to construct a 22-storey residential apartment building; whereas, the Official Plan of the former Borough of East York permits 4 storeys with a maximum height of 14.5 metres in areas designated Main Streets Commercial Residential.

A Zoning By-law Amendment is required to permit a building of this height and number of units. As well, other zoning standards particular to this proposal must be implemented.

## Community Consultation

A Community Consultation meeting was held on June 7, 2005. The local Councillor was in attendance along with City Planning staff and the owner, his agent, and the agent's consulting team. Approximately 120 people were in attendance at the meeting. Letters have also been received from community members.

Issues raised by members of the community regarding the proposed building include:

- physical impacts on surrounding houses, such as height, density, shadowing and setbacks;
- environmental impacts, such as increased pollution from traffic;
- impact on hydrology, wildflowers and other native species that are located between Pottery Road and the site;
- need to incorporate fatal light awareness standards into design, in order to address the issue of birds becoming disoriented by the building glass;
- slope stability issues arising from construction of the proposed 5 level underground parking lot;
- safety issues arising from increased traffic;
- congestion from increased traffic volume;
- lack of parking in area; and
- lack of space in local schools.

## Agency Circulation

The application was circulated to all appropriate agencies and City Departments. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

## Comments:

### Land Use and Physical Impact

The Main Streets Commercial Residential policies of the former East York Official Plan encourage commercial uses at grade. This has been achieved through the introduction of live-work units at grade.

Staff have reviewed the physical and visual impacts of the proposed building on surrounding residential and commercial buildings as well as on the adjacent Todmorden Mills. Although the proposed building is significant, the building will be representative of the character of development in the neighbourhood and will enhance the existing streetscape by providing compatible uses at-grade and by providing landscaping along Broadview Avenue. The building would be a point tower designed with glass and balconies, which would contribute aesthetically to the Broadview streetscape.

## Ravine

The site abuts the Don Valley and the rear west side of the existing building is situated near the rear lot line, which is also the top of slope. The proposed development would maintain the existing development limits established by the existing strip plaza.

The application has been reviewed by TRCA and Urban Forestry in conjunction with the following: Environmental Assessment Report, Geotechnical Report, Search for Closed Waste Disposal Site, Arborist Report, Shadow Studies, Planting Plan, and a Tree Conservation Plan.

TRCA has no objections to the approval of this proposal subject to the applicant applying for and receiving a permit under Ontario Regulation #158 (Fill, Construction, and Alteration) prior to the issuance of a building permit.

Urban Forestry has no objections to the approval of the OPA and Rezoning proposal. As a condition of Site Plan Approval, Urban Forestry requires submission and acceptance of a landscape plan or a ravine management plan for the slope to the west side of the proposed building. Further, a reforestation specialist should consult with the project geotechnical engineer concerning appropriate native species planting that will enhance slope stability. Shrub planting is acceptable to Urban Forestry.

## Environment

A Record of Site Condition is required to be submitted to the Executive Director of Technical Services and acknowledged and registered with the Ministry of the Environment prior to the issuance of a building permit.

## Density, Height, Massing

The proposed building is located at the northwest intersection of Broadview Avenue and Pottery Road and is consistent with the unit count and height of surrounding high-rise apartment buildings immediately to the north and south. The proposed building design is appropriate for this location and is consistent with other high-rise buildings in the immediate area. The proposed building frames the street, has visible main entrances, and allows for views onto the street from above and from at-grade.

## Shadowing

Shadow studies were submitted with the application and indicate that the neighbouring houses located east of Broadview and on the north side of Mortimer Avenue will not be shadowed. There will however, be limited shadowing to a small portion of the rear yards of the above-noted properties in the early evening during the summer months. Limited shadowing would also be evident to the south side of the high-rise building located directly north of the site during the fall months.

## Landscaping

The applicant proposes 372 square metres of indoor amenity space and 330 square metres of landscaped outdoor amenity space. Several hard landscaped areas will be located to the north, southwest, and east of the building and will include soft landscaping features. The landscaped area located at the north side of the site will screen the entrance to the underground parking area and will provide a design feature on-site.

Further soft landscaping features will be added at the southwest side of the building, adjacent to a protected ravine and as such, landscaping in this area will consist of the requirements imposed by the City Arborist.

Landscaping to be located in front of each live-work unit will be provided in accordance with the Landscape Plan submitted by the applicant.

Landscaping of the public boulevard immediately abutting the lot on the west side of Broadview Avenue will be provided, including the planting of additional street trees, where possible.

All landscaping details will be provided, reviewed and secured at the Site Plan Approval stage. Improvements to the public boulevard will specifically be required as a section 37 requirement.

## Traffic Impact, Access, Parking

Access to the below-grade parking garage is located at the northwest corner of the building from Broadview Avenue. The access point from Broadview is at the furthest point from the Broadview Avenue and Pottery Road intersection, which is consistent with the Transportation Division's requirements.

A significant traffic impact from the proposed development is not expected. The Technical Services Division is satisfied with the Traffic Impact Study that was provided by the applicant. Although the proposed study and access points are acceptable, changes may be required as a result of the detailed review of the application through the Site Plan process, which could include work within the public right-of-way.

The proposal will provide 216 parking spaces (193 residential and 23 visitor), which exceeds the parking requirements of the former East York Zoning By-law. The provision of 216 parking spaces satisfies the expected parking demand generated by the proposal and satisfies the standards typically applied to residential buildings in this area. The Transportation and Technical Services Divisions are satisfied with the provided parking in light of the proposal's proximity to public transit.

The proposal also provides 22 bicycle parking spaces.



## Streetscape

The proposed building would enhance the existing streetscape along Broadview Avenue by contributing street front commercial, along with improved streetscaping along the Broadview Avenue frontage.

## Trees

The Arborist Report submitted with this application indicates that outside of the area covered by the Ravine By-law there are no protected trees on-site and that there are no private trees greater than 30cm in diameter on-site. Trees within the designated Ravine will be further assessed as part of the submitted Slope Stabilization Study, in consultation with the City Arborist. Nine of the ten trees shown on the Landscape Plan will be retained.

## Development Charges

It is estimated that the Development Charges for this project will be \$918,784. This is an estimate and the actual charge is assessed and collected upon issuance of the Building permit.

## Section 37

Section 37 of the Planning Act permits the City to grant increased density and/or height in exchange for facilities, services and matters that are set out in the by-law. The new City of Toronto Official Plan and the former Borough of East York Official Plan both contain provisions authorizing such an exchange. Agreements securing community benefits will promote the City-building objectives of the Official Plan and provide for the needs of the new residents, workers, and local communities. The owner has agreed to enter into a Section 37 Agreement with the City to secure public benefits required as a condition of the increases in height and density. The proposed public benefits will provide cash contributions toward enhanced natural areas and upgrades to school properties in close proximity to the site and which will be accessible to the public. The Section 37 Agreement will be executed and registered on title prior to the introduction of the Bills at Council.

The following represents the package of benefits, including contributions that the owner has agreed to provide as a condition of the increase in height and density and that will be payable upon execution of the Section 37 Agreement:

### Chester and Westwood Schools Property Improvement

A \$78,000.00 cash contribution toward improvements to outdoor amenity areas, sports or playground facilities at the Chester Elementary School and Westwood Middle School that will be accessible to the public and that are to be determined in consultation with the local Councillor, the Toronto and District School Board and the General Manager Parks, according to the Master Plan-Legend designed by Victor Ford & Associates Inc., under contract with the Toronto District School Board;

#### Natural Systems Connection Project

A \$65,000.00 cash contribution toward upgrades to the bike trail/sidewalk that run alongside Pottery Road from Broadview Avenue to Bayview Avenue;

#### Charles Sauriol Parkette

A \$2,000.00 cash contribution toward improvements to Charles Sauriol Parkette, to include shrubs for the planting beds, ornamental grasses and picnic tables;

#### Trail Extension

A \$100,000.00 cash contribution toward the extension of the Don Valley Woodland Trail for connection to the public entrance located between the apartment buildings at 980 and 1000 Broadview Avenue;

#### Pottery Road Trailhead

A \$25,000 cash contribution toward redevelopment of a formalized trailhead feature at the Pottery Road access to the Lower Don Valley Woodland Trail System. A formalized trailhead at this location would provide opportunities for outreach to trail users including user guidelines, maps and other pertinent information. Ecological enhancements would also be incorporated, through tree planting, and possible wetland creation;

#### Invasive Species Control along Pottery Road

A \$25,000.00 cash contribution toward the control of invasive species along Pottery Road (to the rear of the subject property). There is a dense hedge of Common Buckthorn on the north side of Pottery Road that provides a seed source of unwanted Buckthorns in the Preserve that need to be removed and replanted with native species;

#### Interpretive Signage for the Preserve

A \$5,000.00 cash contribution toward preparation and installation of interpretive signage (entrance signs and an interpretive trail marking system) for the Todmorden Mills Wildflower Preserve; and

#### Landscaping of the Public Boulevard

The owner will be responsible for providing landscaping of the public boulevard immediately abutting the lot on the west side of Broadview Avenue, including the planting of street trees, where possible that is consistent with the approved on site landscaping. The Landscaping Plan for the public boulevard will be approved at the time of Site Plan Approval, pursuant to Section 41 of the Planning Act.

Conclusions:

Staff recommend approval of the Official Plan Amendment and Zoning By-law Amendment to permit the construction of the 22-storey residential apartment building with 4 live-work units at grade, provided that all conditions are met and that the applicant provides the requested information to the appropriate departments, prior to the introduction of the Bills at Council.

The proposed building will be a positive addition to the Broadview streetscape and will help to add life to the street by the addition of compatible uses at-grade. The proposal is acceptable in terms of use, design, addition of landscaping, and is also acceptable in terms of density and height. The proposal will contribute to the revitalization of the site itself and will enhance the overall character of the street.

Contact:

Heather Hood, Planner  
Ph: (416) 392-9337  
Fax: (416) 392-1330  
Email: hhood@toronto.ca

---

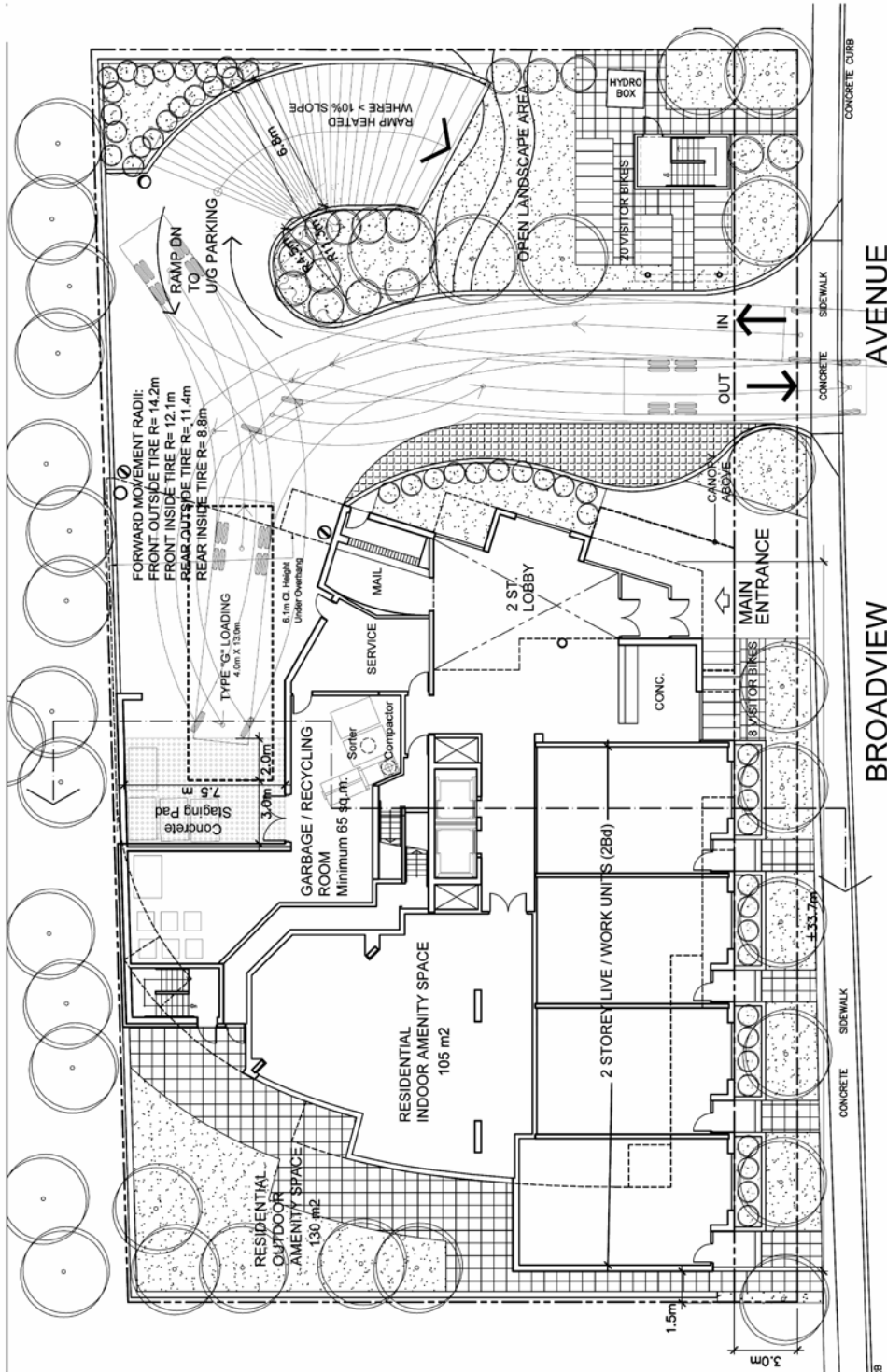
Gary Wright  
Director, Community Planning, Toronto and East York District

29607891048

List of Attachments:

Attachment 1:	Site Plan
Attachment 2:	Elevations – North and South
Attachment 3:	Elevations – East and West
Attachment 4:	Official Plan Map
Attachment 5:	Zoning Map
Attachment 6:	Application Data Sheet
Attachment 7:	Draft Official Plan Amendment
Attachment 8:	Draft Zoning By-law Amendment
Attachment 9:	Modification to the new Official Plan

Attachment 1: Site Plan



Site / Ground Floor Plan

1042-1048 Broadview Avenue

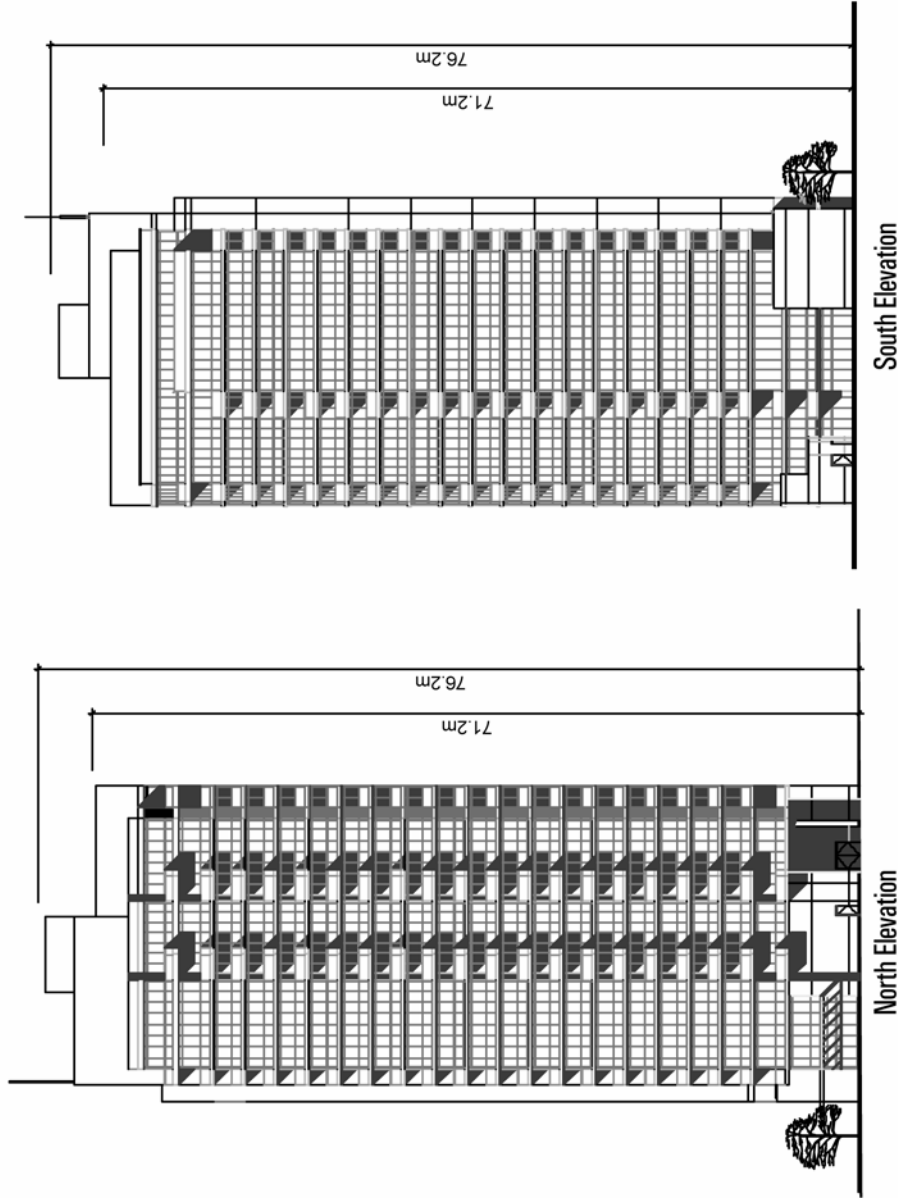
Applicant's Submitted Drawing

Not to Scale  
11/01/05



File # 04\_133889

Attachment 2: Elevation 1 (North and South)



Elevations

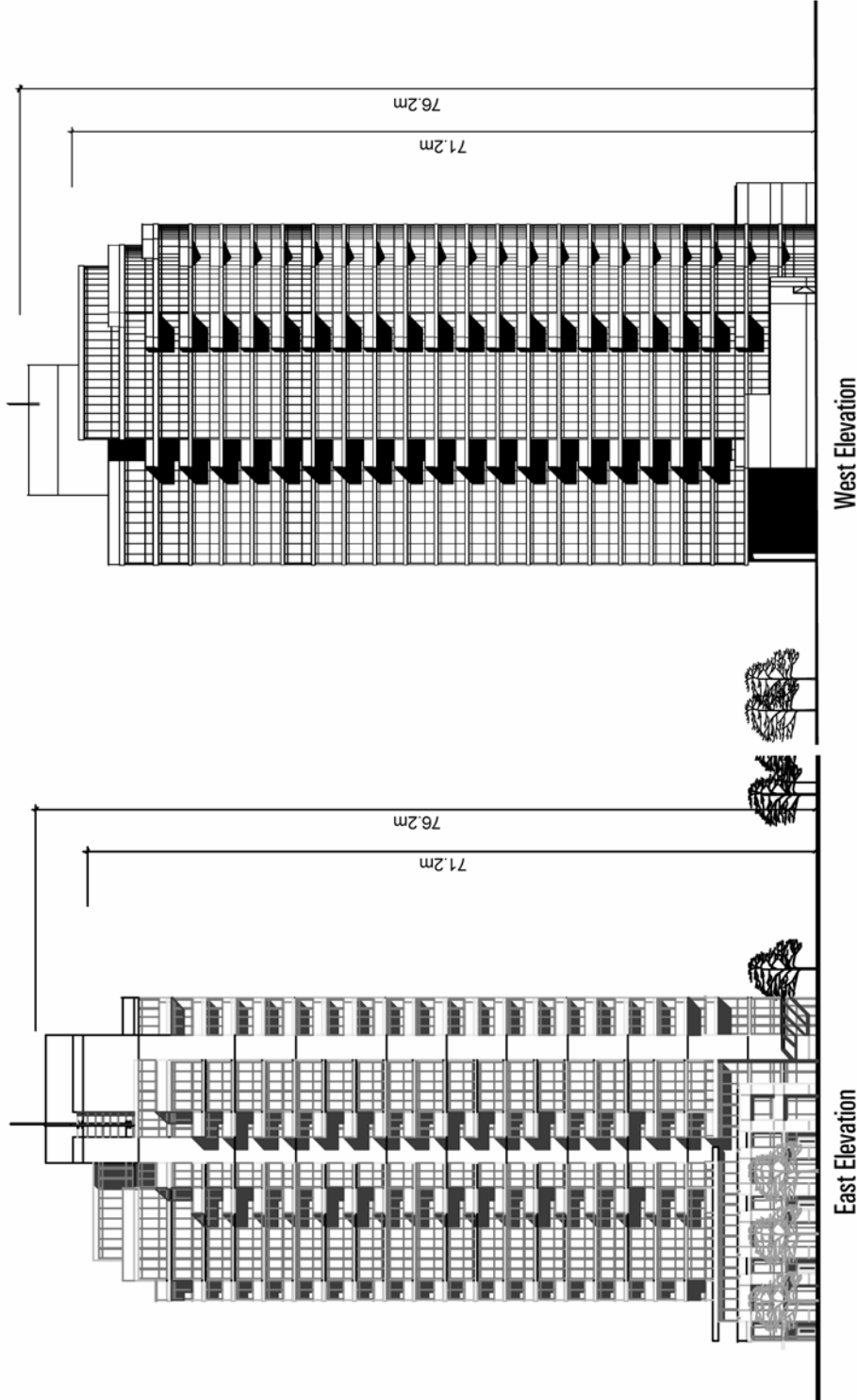
Applicant's Submitted Drawing

Not to Scale  
02/24/05

1042-1048 Broadway Avenue

File # 04\_133889

Attachment 3: Elevation 2 (East and West)



Elevations

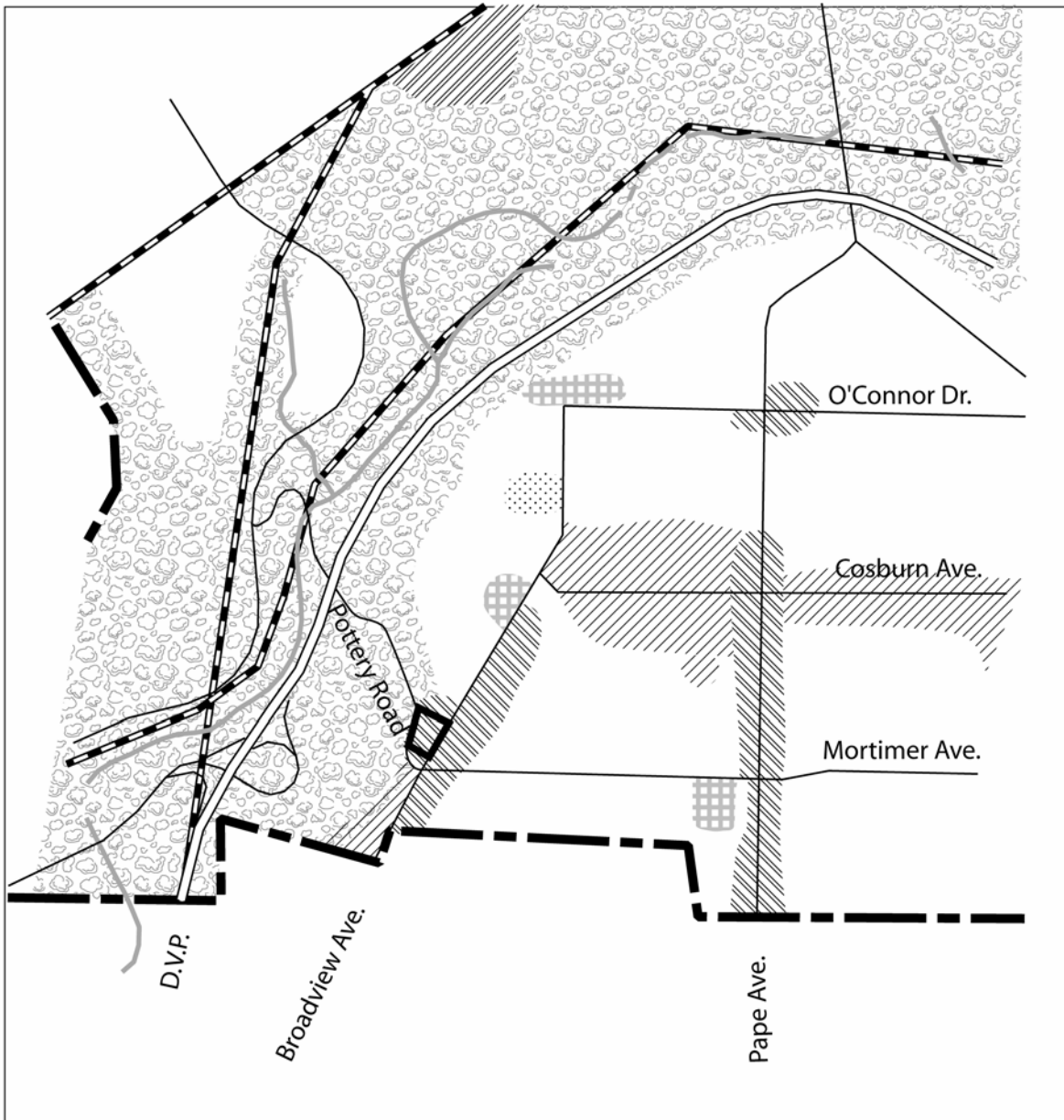
Applicant's Submitted Drawing

Not to Scale  
02/24/05

1042-1048 Broadview Avenue

File # 04 133889

### Attachment 4: Official Plan (Map)



 **Toronto** Urban Development Services

1042 - 1048 Broadview Avenue

## Official Plan Amendment # 38 - Predominant Land Use Map 2

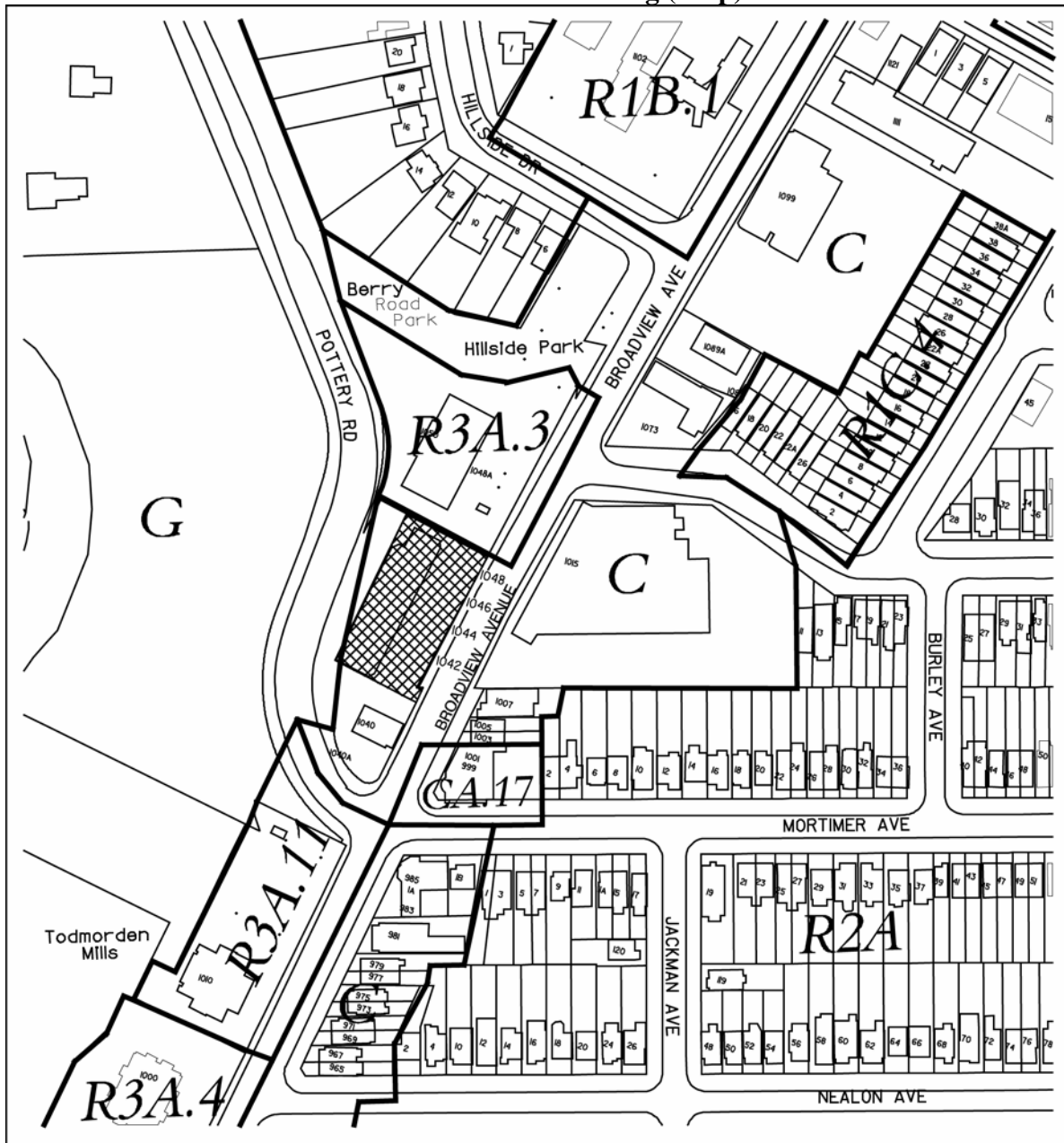
File # 04\_133889

 Site	 High Density Residential	 Industrial Special Purpose Commercial
 Low Density Residential	 Main Streets Commercial / Residential	 Open Space
 Medium Density Residential	 Major Institutional	



Not to Scale  
11/01/05

# Attachment 5: Zoning (Map)



**Toronto** Urban Development Services  
Zoning

R1B	Low Density Residential	C	Commercial
R1C	Low Density Residential	G	Conservation
R2A	Medium Density Residential		
R3A	High Density Residential		

1042 - 1048 Broadview Avenue

File # 04\_133889



Not to Scale  
East York Zoning By-law 6752  
as amended  
Extracted 02/16/05 - NRS



### Attachment 6: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	04 133889 STE 29 OZ
Details	OPA & Rezoning, Standard	Application Date:	May 11, 2004

Municipal Address: 1042-1048 BROADVIEW AVE, TORONTO ON

Location Description: CON 2 FB PT LT13 PL 1221 PT BLK A RP64R 10588 PT 3 \*\*GRID S2902

Project Description: Proposed redevelopment of existing 1 storey commercial strip plaza to 23 storey, 186 unit residential tower, including 4 live-work units. Forestry and TRCA involvement.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
BOUSFIELDS INC. TONY VOLPENTESTA		PAGE & STEELE ARCHITECTS NICK RASSENTI	NIN JIOM HOLDINGS INC

### PLANNING CONTROLS

Official Plan Designation:	Main Streets Commercial/Residential	Site Specific Provision:
Zoning:	"C" Commercial	Historical Status:
Height Limit (m):	4 floors (OP) 3 storeys (Zoning By-law)	Site Plan Control Area: Y

### PROJECT INFORMATION

Site Area (sq. m):	1938.1	Height:	Storeys:	23
Frontage (m):	59.35		Metres:	71.2
Depth (m):	33.69			
Total Ground Floor Area (sq. m):	726			<b>Total</b>
Total Residential GFA (sq. m):	16416		Parking Spaces:	215
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	16416			
Lot Coverage Ratio (%):	37.5			
Floor Space Index:	8.47			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo	<b>Above Grade</b>	<b>Below Grade</b>
Live-work:	4	Residential GFA (sq. m):	16416
Bachelor:	1	Retail GFA (sq. m):	0
1 Bedroom:	78	Office GFA (sq. m):	0
2 Bedroom:	103	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0
Total Units:	186		

**CONTACT: PLANNER NAME: Heather Hood, Community Planner**

**TELEPHONE: (416) 392-9337**

**Attachment 7: Draft Official Plan Amendment**

Authority: Toronto and East York Community Council Report No. \_\_\_\_\_,  
Clause No. \_\_\_\_\_ as adopted by City of Toronto Council on \_\_\_\_\_, 2005  
Enacted by Council: \_\_\_\_\_, 2005

**CITY OF TORONTO BY-LAW No. \_\_\_\_-2005**  
**To adopt Amendment No. 38 to the Official Plan of the former**  
**Borough of East York with respect to lands known municipally**  
**as 1042-1048 Broadview Avenue.**

WHEREAS authority is given to Council by the *Planning Act*, R.S.O. 1990, c.P.13, as amended to pass this By-law; and

WHEREAS the Council of the City of Toronto conducted a public meeting under Sections 17 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, regarding the proposed Official Plan Amendment; and

WHEREAS the Council of the City of Toronto, at its meeting held on \_\_\_\_\_, 2005, determined to amend the Official Plan of the Borough of East York;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The text and maps annexed hereto as Part Two – The Amendment is hereby adopted as an amendment to the Official Plan for the former Borough of East York.
2. This is Official Plan Amendment No. 38 and shall take effect upon the By-law becoming final under the provisions of the Planning Act.

ENACTED AND PASSED this \_\_\_\_<sup>th</sup> day of \_\_\_\_\_, A.D. 2005.

---

DAVID R. MILLER,  
Mayor

---

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

## **PART ONE**

### **PREFACE AND EXPLANATORY NOTES TO AMENDMENT NO. 38 TO THE OFFICIAL PLAN OF THE BOROUGH OF EAST YORK**

#### **1. TITLE**

This is Amendment No. 38 to the Official Plan of the Former Borough of East York.

#### **2. PURPOSE**

The purpose of this amendment is to add site-specific policies for 1042-1048 Broadview Avenue to permit a high-rise residential development consisting of 186 units in a 22-storey residential apartment building plus a one-storey mechanical penthouse/amenity space and including at-grade live-work units. As a result of increased height and density, the amendment also identifies matters, services and facilities to be provided pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended.

#### **3. LOCATION**

The lands affected by this Amendment are located on the west side of Broadview Avenue, just north of Pottery Road, and are outlined in heavy black lines identified as "Area Subject to Amendment", on Schedule 'A' attached hereto.

#### **4. BASIS**

The lands affected by this Amendment are designated Main Streets Commercial Residential in the Official Plan of the Former Borough of East York.

On May 11, 2004, an Official Plan Amendment application was submitted by Nin Jiom Holdings Inc. to provide for the redevelopment of this site for a high-rise residential development including 2-storey live-work units at grade.

On June 7, 2005 the City Planning Division and the local Councillor held a Community Consultation meeting to present the proposal to the public. A formal Public Meeting under the Planning Act was held on November 15, 2005.

## **PART TWO**

### **THE AMENDMENT**

1. All of this Part of the document entitled “Part Two – The Amendment” consisting of the following text and the attached maps designated as schedules 'A' and 'B' constitute Amendment No. 38 to the Official Plan for the former Borough of East York.
2. The lands affected by this Amendment are shown on Schedule “A” to this Amendment as the “Area Subject to Amendment”.

### **DETAILS OF THE AMENDMENT**

3. The text of the Official Plan for the Former Borough of East York is hereby amended by adding a new Section 3.15.38 immediately following Section 3.15.37 as follows:

“3.15.38        Special Policy Area 38

3.15.38.1        For those lands located at 1042-1048 Broadview Avenue and designated as Special Policy Area 38 on Map 7a of this Plan, the following additional policies shall apply:

3.15.38.2        The lands designated as Special Policy Area 38 shall only be developed as an apartment house having:

- (a) A maximum residential gross floor area of 16,425m<sup>2</sup> of which a maximum of 486 m<sup>2</sup> located on the ground floor may be used for commercial uses associated with live-work units;
- (b) A restriction that the ground floor areas of each of the live-work units to be used for commercial uses may not be combined;
- (c) A maximum of 186 residential units, four of which shall be two-storey live-work units with entrances directly accessible to the street at grade; and
- (d) A maximum height of 23 storeys (71.5m) including a one- storey mechanical penthouse and amenity area with a maximum height of 5.0 m.

3.15.38.3        The implementing zoning by-law shall establish applicable development standards, including maximum building height, maximum number of units, maximum gross floor area, amenity space and minimum number of parking spaces.

3.15.38.4        For the purpose of these policies, reference to a live-work unit shall mean a dwelling unit that is also used for work related purposes by a resident of such accommodation as well as any number of other persons and the

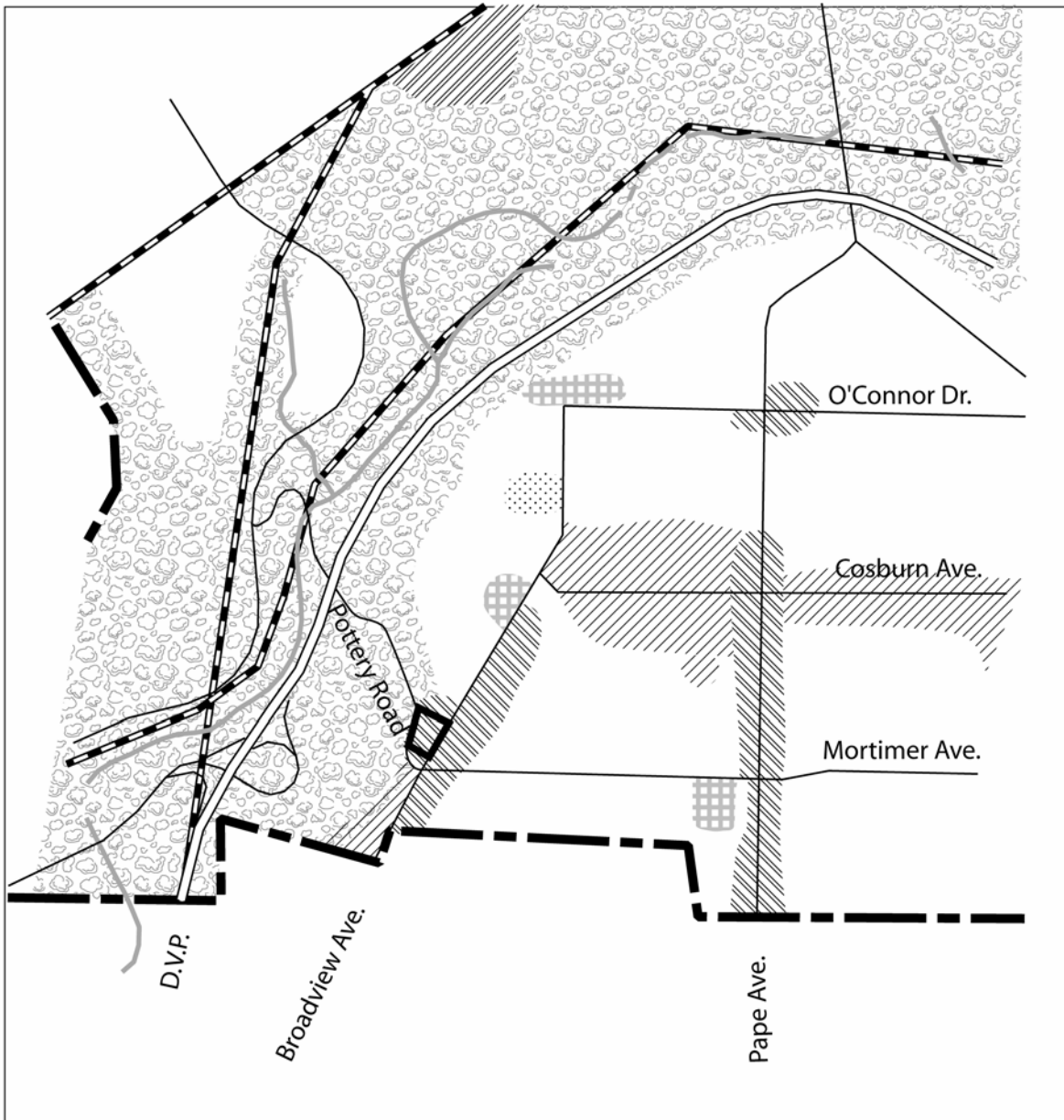
implementing zoning by-law shall include a definition of live-work unit and shall identify the uses within the Main Streets Commercial Residential area that may or may not be permitted in association with such live-work units.

- 3.15.38.5 Consistent with Section 4.3.2 of this Plan which contains provisions relating to increases in height and density of proposed development beyond that otherwise permitted, Council may in the implementing zoning by-law authorize an increase in height and/or density as contemplated in 3.15.38.2 hereof and require the owner to provide such facilities, services and matters as are considered appropriate.
- 3.15.38.6 Council may require the owner to provide the following facilities, services or matters specific to the subject lands or off-site:
- (a) a \$65,000.00 cash contribution toward upgrades to the bike trail/sidewalk extending along Pottery Road from Broadview Avenue to Bayview Avenue;
  - (b) a \$2,000.00 cash contribution toward improvements to Charles Sauriol Parkette;
  - (c) a \$78,000.00 cash contribution toward improvements to outdoor amenity areas, sports or playground facilities at the Chester Elementary School and Westwood Middle School that will be accessible to the public and that are to be determined in consultation with the Ward Councillor, the Toronto and District School Board and the General Manager Parks according to the Master Plan-Legend designed by Victor Ford & Associates Inc., under contract with the Toronto District School Board;
  - (d) a \$100,000.00 cash contribution toward the extension of the Don Valley Woodland Trail for connection to the public entrance between the apartment buildings at 980 and 1000 Broadview Avenue;
  - (e) a \$25,000 cash contribution toward redevelopment of a formalized trailhead feature at the Pottery Road access to the Lower Don Valley Woodland Trail System;
  - (f) a \$5,000.00 cash contribution toward preparation and installation of interpretive signage for the Todmorden Mills Wildflower Preserve;
  - (g) a \$25,000.00 cash contribution toward the control of invasive species along Pottery Road; and

- (h) landscaping of the public boulevard immediately abutting the lot on the west side of Broadview Avenue in a manner consistent with landscaping approved for the lot in the site plan approval process pursuant to Section 41 of the Planning Act.

3.15.38.7 Map 7a of this Plan is hereby amended in accordance with Schedule 'B' attached hereto.

Draft Official Plan Schedule A



 **Toronto** Urban  
Development Services

1042 - 1048 Broadview Avenue

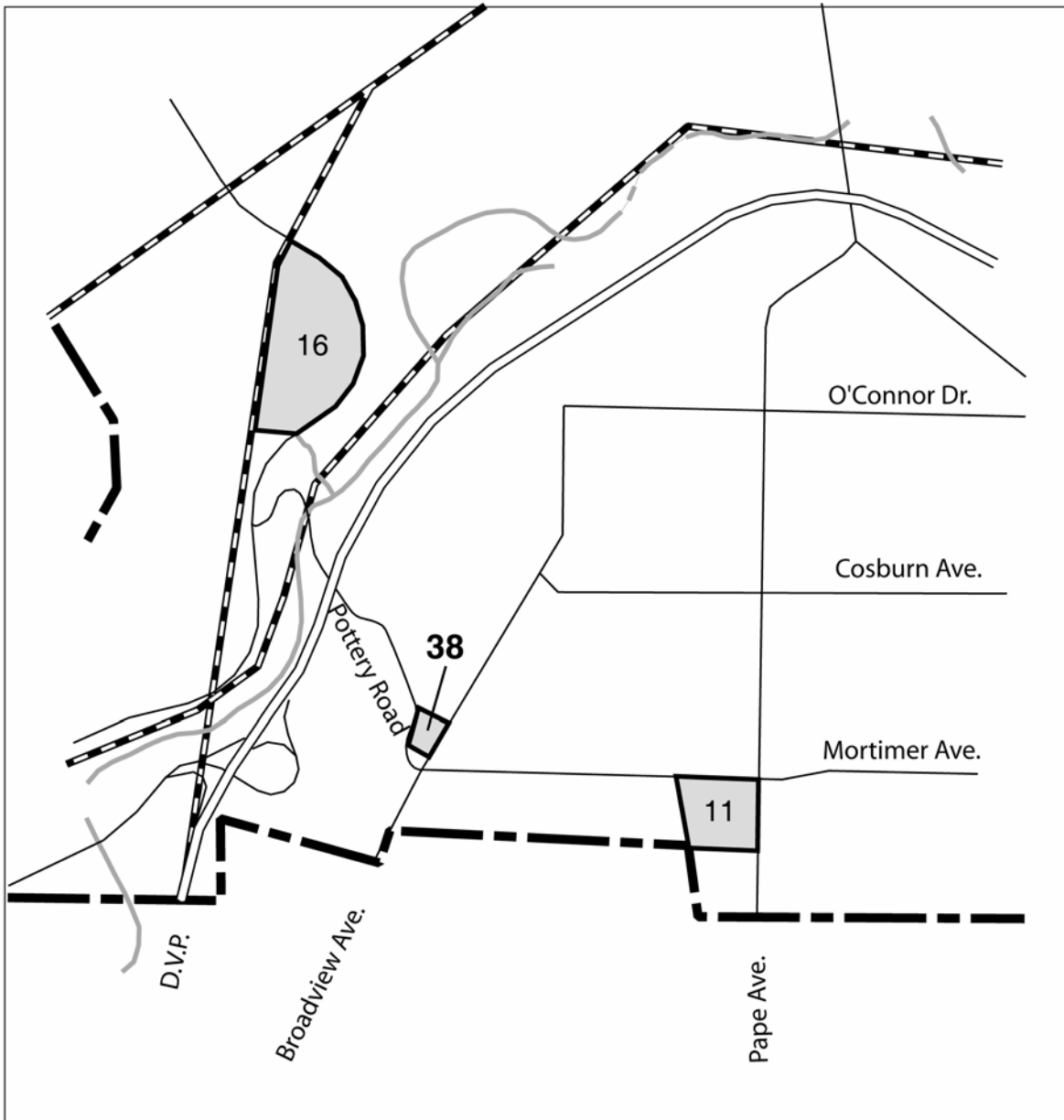
Official Plan Amendment # 38 - Predominant Land Use Map 2

File # 04\_133889



Not to Scale  
11/01/05

Draft Official Plan Schedule B



 **Toronto** Urban Development Services

1042 - 1048 Broadview Avenue

Official Plan Amendment # 38 - Special Policy Areas Map 7A

File # 04\_133889

 Site	 High Density Residential	 Industrial Special Purpose Commercial
 Low Density Residential	 Main Streets Commercial / Residential	 Open Space
 Medium Density Residential	 Major Institutional	



Not to Scale  
11/01/05



**Attachment 8: Draft Zoning By-law (Text)**

Authority: Toronto and East York Community Council Report No. \_\_\_\_, Clause No. \_\_\_\_\_,  
As adopted by City of Toronto Council on \_\_\_\_\_, 2005

Enacted by Council: \_\_\_\_\_, 2005

**CITY OF TORONTO**

**BY-LAW No. \_\_\_\_-2005**

**Being a by-law to amend By-law No. 6752, as amended, of the  
former Borough of East York, in respect of lands municipally known as  
1042-1048 Broadview Avenue.**

WHEREAS authority is given to Council by Sections 34 and 37 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

WHEREAS Section 4.3.2 of the Official Plan of the former Borough of East York contains provisions relating to the authorization of increases in height and/or density of development;

WHEREAS pursuant to Section 37 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, the Council of the municipality may, in a By-law passed under Section 34 of the Planning Act, authorize increases in the height and density of development otherwise permitted by the By-law that will be permitted in return for the provision of such facilities, services and matters as are set out in the By-law;

WHEREAS Section 37(3) of the Planning Act, R.S.O. 1990, c.P. 13 provides that where an owner of land elects to provide facilities, services or matters in return for an increase in height and density of development, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters;

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters hereinafter set forth;

WHEREAS the increase in density and height and development permitted hereunder, beyond that otherwise permitted on the aforesaid lands by the By-law No. 6752, as amended, is to be permitted in return for the provisions of the facilities, services and matters set out in this By-law, which are to be secured by one or more agreements between the owner of such lands and the City of Toronto; and

WHEREAS the City of Toronto has required the owner of the aforesaid lands to enter into one or more agreements having been executed dealing with certain facilities, services and matters in

City of Toronto By-law No. \_\_\_\_\_-2005

return for the increase in density and height in connection with the aforesaid lands as permitted by this By-law.

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The lands subject to this By-law are those lands outlined by a heavy black line and identified as “Area Subject to Amendment” as shown on Schedule “A” attached hereto.
2. Schedule “A” to Zoning By-law No. 6752, as amended, is hereby further amended by changing the zoning category for the lands identified as “Area Subject to Amendment” on Schedule ‘1’ of this By-law from “C (Commercial) Zone” to “R3A.25 (Residential Site Specific) Zone.”
3. Zoning By-law No. 6752, as amended, is hereby further amended by adding a new Section 7.7.5.25 immediately after Section 7.7.5.24 of the By-law as follows:

“7.7.5.25        1042-1048 Broadview Avenue (R3A.25 Zone)

7.7.5.25.1      Area Restricted

The provisions of this section shall only apply to those lands being Part Lot 13 Concession 2 from the Bay and part of Lot A Registered Plan 1221, City of Toronto (formerly Borough of East York) designated R3A.25 on Schedule “A” of this By-law.

7.7.5.25.2      General Provisions

On those lands referred to in Section 7.7.5.25.1 of this By-law, no person shall use, occupy, erect, alter, cause to be used, occupied, erected or altered, any Building, structure or land or part thereof, except in accordance with the following provisions:

(1)      Developable Area

For the purpose of this by-law, development will be located above top-of-bank.

(2)      Permitted Uses

- (a)      Apartment House;
- (b)      Live-Work Units; and
- (c)      Temporary Sales Office

(3) Minimum Floor to Ceiling Heights for Ground Floor

For the purpose of this by-law, the minimum floor to ceiling height for the ground floor shall be 2.74 metres.

(4) Maximum Gross Floor Area for Live-Work Units

For the purpose of this by-law, the maximum gross floor area for live-work units, including the residential and commercial portion, shall be restricted to 486 square metres with the area devoted to commercial uses to be located on the ground floor.

(5) Development Requirements

(a)	Minimum Lot Area	1,930 m <sup>2</sup>
(b)	Maximum No. of Residential Units (Including Live-Work Units)	186 units
(c)	Number of Live-Work Units	4
(d)	Maximum Gross Floor Area	16,425m <sup>2</sup>
(e)	Maximum Residential Gross Floor Area	16,425m <sup>2</sup>
(f)	Maximum Lot Coverage	50%
(g)	Minimum South Side Setback	Schedule "2"
(h)	Minimum West Side Setback	Schedule "2"
(i)	Minimum North Side Setback	Schedule "2"
(j)	Minimum East Side Setback	Schedule "2"
(k)	Maximum Height	Schedule "2"
(l)	Maximum No. of Storeys	22 Storeys (plus one-storey (5m) mechanical penthouse/amenity space)
(m)	Minimum No. of Resident Parking	193 spaces at 1.03/unit including 1 space for the disabled
(n)	Minimum No. of Visitor Parking	22 spaces at 0.11 spaces/unit including 1 space for the disabled
(o)	Minimum No. of Bicycle Parking	22
(p)	Minimum Parking Stall Dimension	2.6m x 5.9m (15.34m <sup>2</sup> )
(q)	Minimum Disabled Stall Dimension	3.65m x 5.9m 21.53m <sup>2</sup>
(r)	Indoor Amenity Area	2m <sup>2</sup> /residential and

- |     |                      |  |
|-----|----------------------|--|
| (s) | Outdoor Amenity Area | live-work unit<br>1.7m <sup>2</sup> /residential and<br>live-work unit |
| (t) | Loading              | 1 Type 'G' loading<br>space  |
| (u) | Balconies            | Minimum 75% of all<br>residential units to<br>contain balconies        |

(6) Section 37 Requirements

Pursuant to Section 37 of the Planning Act, the heights and density of development permitted by this by-law are permitted in return for the provision by the owner of the following facilities, services and matters to the City, at the owner's sole expense, in accordance with and subject to compliance with the provisions of an agreement between the owner and the City pursuant to Section 37 of the Planning Act, which agreement is executed and registered on title to the lands outlined in heavy black lines on Schedule "A" attached hereto:

- (a) the owner shall make the following cash contributions to the City payable upon execution of the Section 37 Agreement:
  - (i) a \$65,000.00 cash contribution toward upgrades to the bike trail/sidewalk extending along Pottery Road from Broadview Avenue to Bayview Avenue;
  - (ii) a \$2,000.00 cash contribution toward improvements to Charles Sauriol Parkette;
  - (iii) a \$78,000.00 cash contribution toward improvements to outdoor amenity areas, sports or playground facilities at the Chester Elementary School and Westwood Middle School that will be accessible to the public and that are to be determined in consultation with the Ward Councillor, the Toronto and District School Board and the General Manager Parks according to the Master Plan-Legend designed by Victor Ford & Associates Inc., under contract with the Toronto District School Board;
  - (iv) a \$100,000.00 cash contribution toward the extension of the Don Valley Woodland Trail for connection to the public entrance between the apartment buildings at 980 and 1000 Broadview Avenue;

- (v) a \$25,000 cash contribution toward redevelopment of a formalized trailhead feature at the Pottery Road access to the Lower Don Valley Woodland Trail System;
- (vi) a \$5,000.00 cash contribution toward preparation and installation of interpretive signage for the Todmorden Mills Wildflower Preserve; and
- (vii) a \$25,000.00 cash contribution toward the control of invasive species along Pottery Road.
- (b) If the purpose for which the cash contribution referred to in a) cannot be achieved, either in whole or in part, within a reasonable period of time, the monies paid may be used for other appropriate public purposes in the vicinity of the subject property and in the sole discretion of the General Manager Parks.
- (c) The owner shall landscape the public boulevard immediately abutting the lot on the west side of Broadview Avenue in a manner consistent with landscaping approved for the lot in the site plan approval process pursuant to Section 41 of the Planning Act.
- (d) The owner shall pay for any improvements to the municipal infrastructure required in connection with the development contemplated in this by-law, including sanitary, sewer, water, storm, facilities or other external services.
- (7) Notwithstanding the foregoing, in the interim until construction of the development approved in this By-law occurs, the zoning permission shall be as it existed the day before the passing of this By-law, with the following use exclusions:
  - (a) automobile service station;
  - (b) motor vehicle repair shop; and
  - (c) automated, coin operated or ride through car washing establishment
- (8) For the purpose of this By-law:
  - a. “*front lot line*” shall mean the *lot line* that divides the subject lot from Broadview Avenue;
  - b. “*Commercial*” shall have the meaning given to that term in By-law No. 6752, as amended, but does not include the following: animal hospital, automobile service station, motor vehicle repair shop, automated, coin operated or ride

through car washing establishment, restaurants, restaurants take-out, and restaurants drive-in (including catering establishments selling food not on premises).

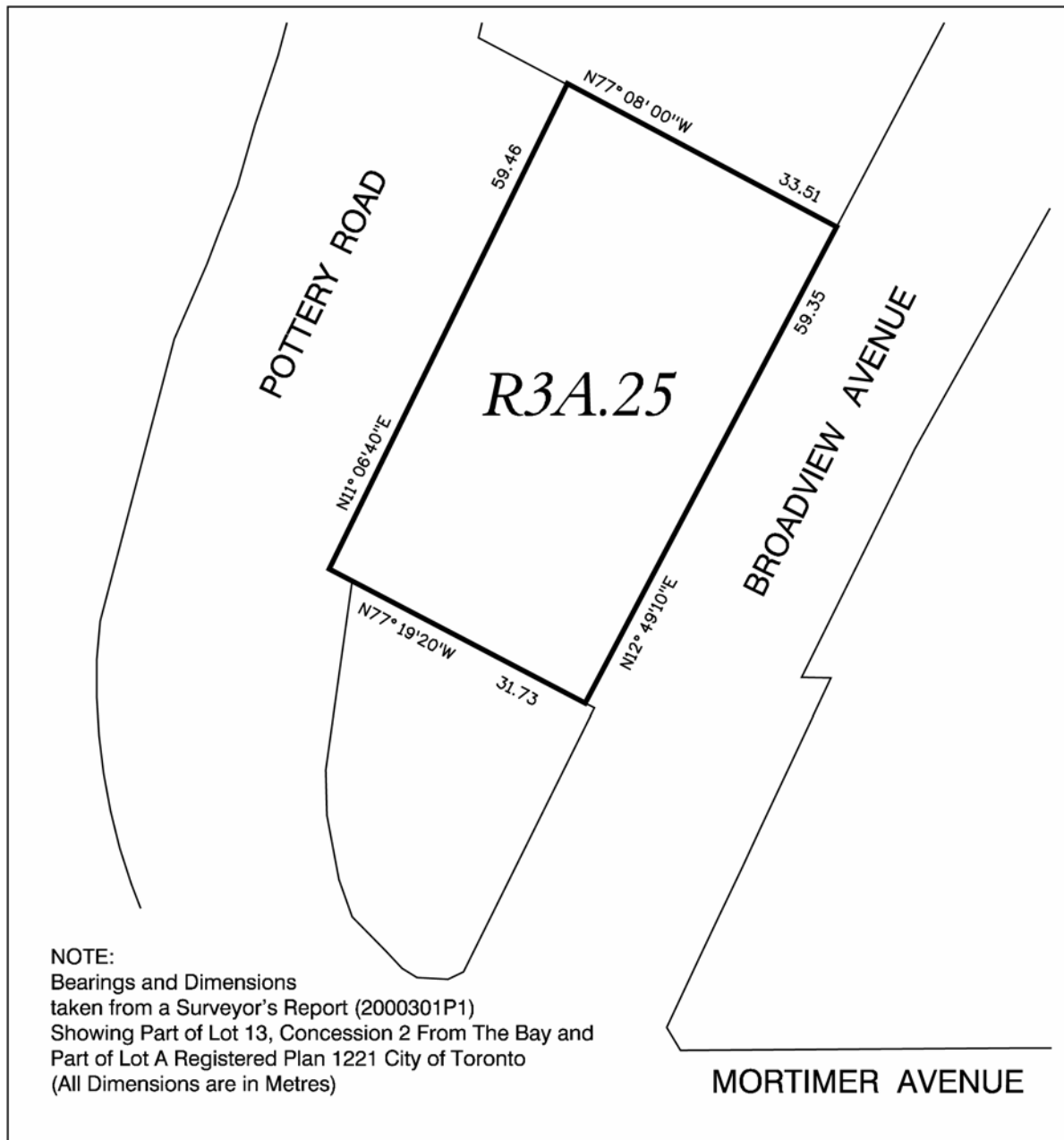
- c. "*Live-Work Unit*" shall mean a *dwelling unit* that may be used for Commercial work purposes by a resident of such accommodation as well as by any number of other persons and which unit is two storeys in height with an entrance and ground floor directly accessible at grade and where the commercial portion of the live-work unit shall only be located on the ground floor;
- d. "*Temporary Sales Office*" shall mean temporary buildings or structures erected and used for the purpose of selling the residential units contemplated by this by-law; and
- e. with the exception of the words or expressions referred to in subparagraphs (a) to (c) above, each word or expression which is italicized, shall have the same meaning as the said word or expression has for the purposes of the aforesaid By-law No. 6752, as amended.

ENACTED AND PASSED this \_\_\_\_\_<sup>th</sup> day of \_\_\_\_\_, A.D., 2005.

\_\_\_\_\_  
DAVID R. MILLER,  
Mayor

(Corporate Seal)

\_\_\_\_\_  
ULLI S. WATKISS  
City Clerk




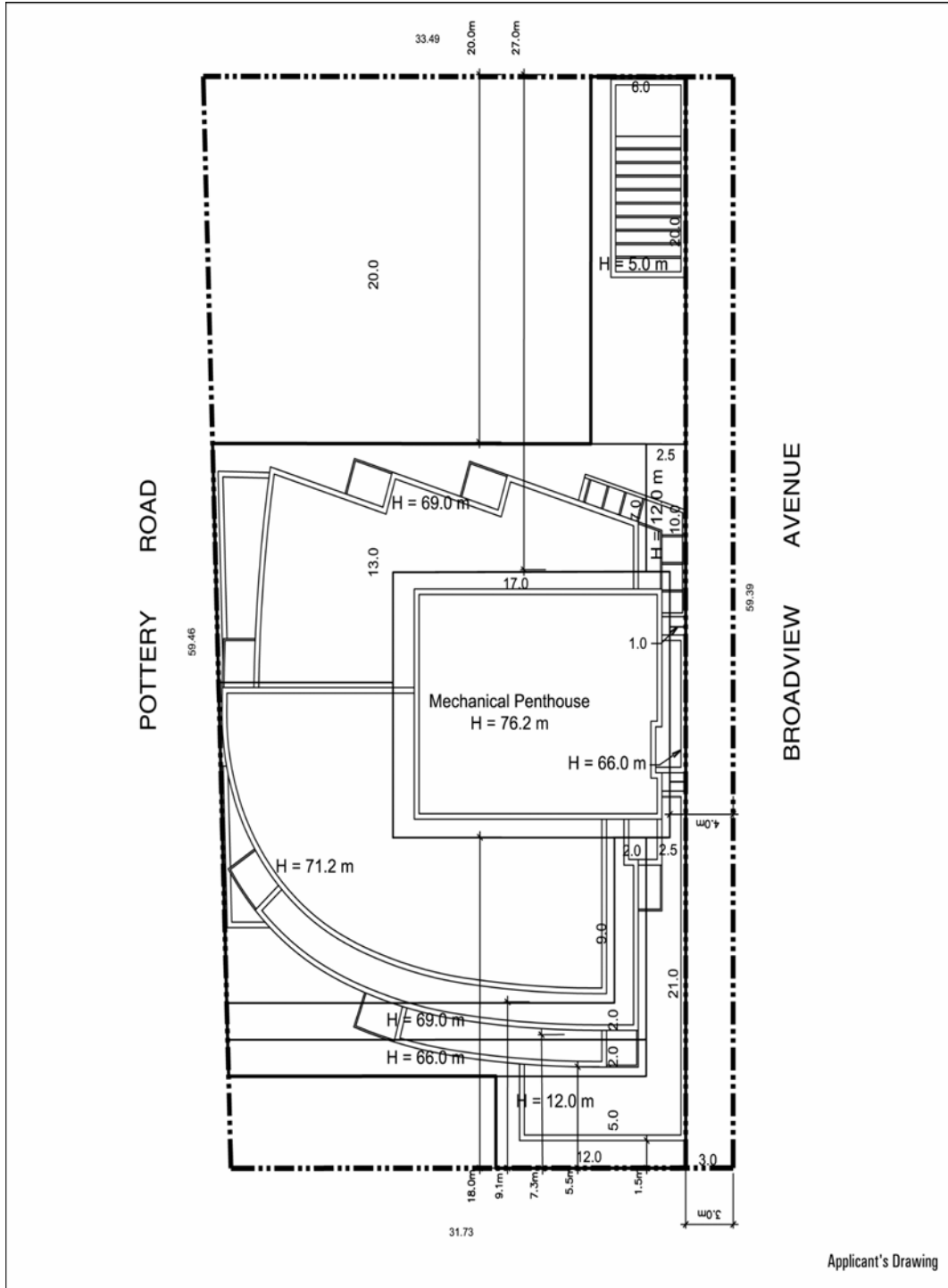
NOTE:  
Bearings and Dimensions  
taken from a Surveyor's Report (2000301P1)  
Showing Part of Lot 13, Concession 2 From The Bay and  
Part of Lot A Registered Plan 1221 City of Toronto  
(All Dimensions are in Metres)

 **Toronto** City Planning  
Division  
**Schedule 'A' By-Law**

1042 - 1048 Broadview Avenue

File # 04\_133889

  
Not to Scale  
Zoning By-law 6752 as amended  
11/02/05 - DR





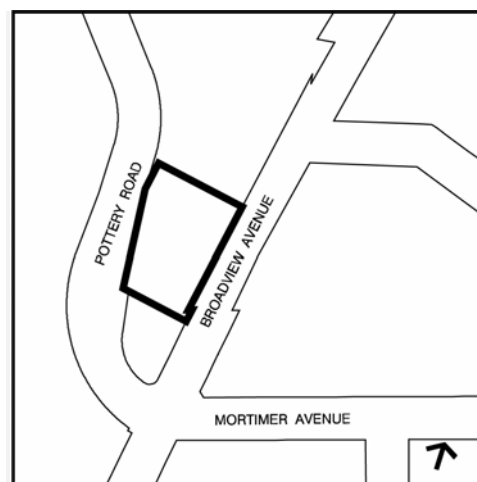
## **Attachment 9 – Proposed Modification to the Toronto Official Plan**

The Official Plan of the City of Toronto is modified as follows:

1. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. \_\_\_\_ for the lands known municipally as 1042-1048 Broadview Avenue, as follows:

‘ \_\_\_\_ .     1042-1048 Broadview Avenue

Development may be considered within  
10 metres of the top-of-bank of the  
valley.’



2. Map 22, Site and Area Specific Policies, is modified for the lands known municipally as 1042-1048 Broadview Avenue as shown on the map above as Site and Area Specific Policy.