

**110, 114 and 120 Broadway Avenue - Zoning By-law Amendment and Rental Housing Demolition Applications - Preliminary Report**

<b>Date:</b>	October 27, 2017
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 25 – Don Valley West
<b>Reference Number:</b>	17 218847 NNY 25 OZ and 17 218856 NNY 25 RH

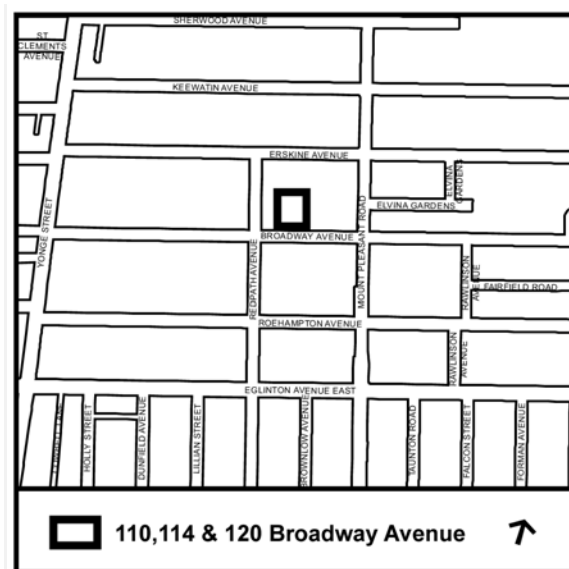
**SUMMARY**

The Zoning By-law Amendment application proposes the development of a 28-storey (92 metres) tower and 35-storey (112 metres) tower connected by a six storey base building on the lands at 110-120 Broadway Avenue. The proposed development would consist of 822 residential units, including 121 rental replacement units and 261 parking spaces in two levels of underground parking. The resulting density would be 9.45 times the lot area.

An associated application for Rental Housing Demolition and Conversion under Section 111 of the City of Toronto Act (Chapter 667 of the Municipal Code) seeks approval to demolish the three existing buildings on the subject lands containing 121 rental units.

This report provides preliminary information on the above-noted applications and seeks Community Council's directions on further processing of the applications and on the community consultation process.

A community consultation meeting scheduled by staff in consultation with the



Ward Councillor is intended to be held in the fourth quarter of 2017. A Final Report and statutory public meeting under the *Planning Act* to consider the applications will be scheduled provided issues identified are satisfactorily addressed, and the applicant submits all required information in a timely manner.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. Council withhold any approvals on the application until the adoption of the revised Yonge-Eglinton Secondary Plan as part of the City-initiated Midtown in Focus: Growth, Built Form and Infrastructure Review.
2. Staff be directed to schedule a community consultation meeting for the lands at 110-120 Broadway Avenue together with the Ward Councillor.
3. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
4. Notice for the public meeting under the Planning Act be given according to the regulations of the *Planning Act*.

### **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

### **Pre-Application Consultation**

A pre-application consultation meeting was held with the applicant on June 5, 2017 to discuss complete application submission requirements. The proposal presented at the meeting was for two towers; 28 and 33 storeys, connected by a six storey base building.

Staff expressed concern with the proposed tower height and base building height, separation distances, building setbacks and the need to transition to adjacent buildings. Staff also raised concern about the need for onsite parkland dedication and the need to ensure that proposed buildings do not cast additional shadows on Redpath Parkette. Additionally, staff raised concern about address for the rear tower including access and visibility from the street. Adherence to the emerging policy framework for the Midtown in Focus land use study was also raised by staff.

## **ISSUE BACKGROUND**

### **Proposal**

The Zoning By-law Amendment application proposes the development of a 28-storey (92 metres) tower and 35-storey (112 metres) tower connected by six storey base building on

the lands at 110-120 Broadway Avenue. The proposed development would consist of 822 residential units, including 121 rental replacement units. Two levels of underground parking would contain 261 parking spaces for the development. The proposed development would have a total Gross Floor Area of 53,625 square metres and a density (floor space index) of 9.45 times the area of the lands.

The base building would consist of three different heights. At the front of the site, the base building would be four storeys (17 metres). The middle portion of the base building connecting the two towers would be six storeys (23.4 metres) and the remaining portion of the base building would be eight storeys (30.25 metres) at the rear. A one storey extension of the base building would project seven metres into the proposed nine metre setback from the north property line. The ground floor height would be seven metres including a mezzanine floor. A 27-metre building separation distance is proposed between the two towers. Both towers would have floor plates of approximately 792 square metres (see Attachment 1: Site Plan and Attachments 2a and 2b: Elevations).

The main entrance for the entire development would be located at the east side of the site off a covered courtyard, approximately 23 metres from the south (Broadway Avenue) property line. The ground floor of the south building would be comprised of units along the south and north elevations, Tower A lobby and a mail room. Indoor amenity space would occupy the entire middle portion of the base building. The northern base building at the ground level would be comprised of the entrance for Tower B, underground garage ramp, mechanical room, staging area, loading area, garbage room and bicycle storage (see Attachment 1b: Ground Floor Plan). A total of 1,120 square metres of indoor amenity space and 965 outdoor amenity space is proposed. A portion of the outdoor amenity space would be located at grade between the proposed towers and the remaining space would be located on the roof of the base building between the proposed towers. The main indoor amenity space, approximately 1,046 square metres, would be located in the base building at grade adjacent to the outdoor amenity space. The remaining indoor amenity space would be located on the seventh floor adjacent to the outdoor amenity space. This would result in 1.3 square metres of indoor amenity space per unit and 1.1 square metres of outdoor amenity space per unit for the proposed development.

A total of 261 vehicular parking spaces (212 for residents and 49 for visitors) are proposed for the development all within two levels of underground parking garage. A total of 826 bicycle parking spaces including 740 residential and 86 visitor spaces are proposed. All the visitor bicycle spaces and 346 of the resident bicycle spaces would be located at grade. The remaining resident bicycle spaces would be located within the underground garage. Vehicular access to the site is proposed off Broadway Avenue along the western portion of the site which leads to the underground garage ramp.

The Rental Housing Demolition application proposes to demolish 121 rental units located in two, four-storey buildings and one free-standing house in order to construct the proposed buildings. All rental units have either affordable or mid-range affordable rents. The applicant proposes to provide and maintain all 121 replacement rental dwelling units in the new buildings on the second, third and fourth floors. Tenant relocation and

assistance would also be required for all affected tenant households living within the rental dwelling units. The applicant has also proposed to secure all existing rental dwellings with affordable and mid-range rents.

### Summary of Proposed Development

Category	110-120 Broadway Avenue
Site Area	5,675 square metres
Building Height	
North Tower	28 storeys/98 metres (including 6 metre mechanical)
South Tower	35 storeys / 118 metre including 6 metres mechanical)
Tower Setbacks	
South Tower	
Broadway Avenue - South	10.5 metres
East Property Line	12.5 metres
West Property Line	12.5 metres
North Tower	
North Property Line	12.5 metres
East Property Line	12.5 metres
West Property Line	12.5 metres
Base Setback on Ground Floor	
Broadway Avenue - South	7.5 metres
Tower Floor plate	
North Tower	792 square metres (approximately)
South Tower	792 square metres (approximately)
Gross Floor Area	
Total Residential	53,625 square metres
Non-Residential	0
Total	53,625 square metres
Floor Space Index	9.45 (per By-law 569-2013)

Category		110-120 Broadway Avenue
Number of Units	Studio	26 (3.2%) – 24 existing to be replaced
	1 Bedroom	524 (63.7%) – 73 existing to be replaced
	2 Bedroom	255 (31%) – 24 existing to be replaced
	3 Bedroom	17 (2.1%)
	Total	822 (701 new & 121 existing to be replaced)
Proposed Vehicular Parking (residential: visitor)		(212:49) 261 Total
Proposed Bicycle Parking (residential: visitor)		(740:86) 826 Total
Loading Spaces	Description	1 Type G loading 1 Type C loading
Amenity Space	Indoor	965 square metres
	Outdoor	1,120 square metres
	Total	2,085 square metres

### Unit Breakdown

	Studio	1 Bedroom	2 Bedroom	3 Bedroom	Total
<b>Rental Replacement</b>	24 (19.8%)	73 (60.4%)	24 (19.8%)	0 (0%)	121 (100%)
<b>Condominium</b>	2 (0.3%)	451 (64.3%)	231 (33%)	17 (2.4%)	701 (100%)
<b>Total</b>	26 (3.2%)	524 (63.7%)	255 (31%)	17 (2.1%)	822 (100%)

### Site and Surrounding Area

The subject site is rectangular in shape and approximately 5,765 square metres. It has a frontage of approximately 61 metres on Broadway Avenue and depth of 93 metres.

There are three existing buildings on the site comprised of a 3.5-storey building at 110 Broadway Avenue, a 2.5-storey detached house at 114 Broadway Avenue and a four storey building at 120 Broadway Avenue. The site is relatively flat and mostly paved, with little vegetation.

All of the 121 residential units on site are rental units with the following unit type and rent classifications (according to information provided by the applicant):

- 24 studio rental units:
  - 9 affordable rents
  - 15 mid-range rents
  
- 73 one-bedroom rental units:
  - 44 affordable rents
  - 29 mid-range rents
  
- 24 two-bedroom rental units:
  - 15 affordable rents
  - 9 mid-range rents.

All but five of the rental units were occupied at the time of the rental housing application being made.

Land uses surrounding the site are as follows:

North: To the immediate north of the site is a curved-shaped 14-storey high-rise building on the south side of Erskine Avenue at 141 Erskine Avenue. This building is "listed" on the City's Heritage Registry. North of this building on the north side of Erskine Avenue is a 29-storey high rise building at 160 Erskine Avenue. To the west of this building is Redpath Avenue Parkette.

South: Immediately south of the site is Broadway Avenue. On the south side of Broadway Avenue are two sites subject to recent development applications. To the southwest is the Ontario Municipal Board approved development of two, 34-storey buildings now under construction at 95-97 Broadway Avenue and 197 Redpath Avenue. To the southeast is 117-127 Broadway Avenue on which an application for 34 and 35-storey towers is currently appealed to the Ontario Municipal Board (File No. 15 228738 STE 22 OZ).

East: To the immediate east is a 3.5-storey residential building at 124 Broadway Avenue. East of that is a six to seven storey building at 136 Broadway Avenue and 19-storey building north of that at 900 Mount Pleasant Road.

West: To the immediate west of the subject site is 100 Broadway Avenue occupied by a 10-storey rental apartment building and a semi detached house at 223 and 225 Redpath Avenue. These two sites are the subject of a rezoning application which is currently appealed to the Ontario Municipal Board for a 36-storey mixed use building (File No. 228723 NNY 25 OZ). North of these sites is a two storey semi-detached house at 227 and 229 Redpath Avenue. North of this semi-detached house is a two storey detached house at 231 Redpath Avenue and a 10-storey residential building beyond that at 241 Redpath Avenue.

## **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) (2014) provides policy direction Province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing types and affordability to meet projected requirements of current and future residents
- Recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The City of Toronto uses the PPS to guide its Official Plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement. The Provincial Policy Statement (2014) provides direction on land use planning and development related to cultural heritage matters province wide.

Policy 2.6.1 of the Provincial Policy Statement (PPS) states that significant built heritage resources and significant cultural heritage landscapes shall be conserved. Furthermore, under Policy 2.6.3, the PPS states that planning authorities shall not permit development and site alteration on adjacent lands to a protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (GGH) (2017) builds upon the policy foundation provided by the Provincial Policy Statement (2014) and provides more specific land use planning policies to address issues facing the GGH region. The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; providing housing options to meet the needs of people at any age; and protecting natural systems and cultivating a culture of conservation. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning

matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

The Growth Plan for the Greater Golden Horseshoe (2017) provides clear direction on heritage matters identifying that cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas. Among other things, the Plan requires municipalities to work with stakeholders in developing and implementing official plan policies and strategies for the identification, wise use and management of cultural heritage resources. The Planning Act (2017) also describes matters of Provincial Interest requiring municipalities to have regard for, among other matters, the conservation of features of significant architectural, cultural, historical, archaeological and scientific interest.

Staff will review the proposed development for consistency with the Provincial Policy Statement (2014) and for conformity with the Growth Plan for the Greater Golden Horseshoe (2017).

## **Official Plan**

The City's Official Plan sets out a broad strategy for managing future growth by identifying an urban structure of areas where development is appropriate and areas where little physical change is expected to occur. The Official Plan directs growth to the *Downtown*, the *Centres*, *Avenues* and *Employment Areas*. The subject site is located in the *Yonge and Eglinton Centre*, as identified on Map 2 of the Official Plan. Centres are places with excellent transit accessibility where jobs, housing and services will be concentrated in dynamic mixed use settings with different levels of activity and intensity. The site is also designated *Apartment Neighbourhoods* on Map 17 - Land Use Plan in the Official Plan (see Attachment 3 – Official Plan).

## **Healthy Neighbourhood Policies**

The Healthy Neighbourhoods policies of the Official Plan (Policies 2.3.1.1 and 2.3.1.2) provide guidance for development in *Apartment Neighbourhoods* that are adjacent or close to *Neighbourhoods*. Policy 2.3.1.1 states that "*Neighbourhoods* and *Apartment Neighbourhoods* are considered to be stable". It also states that "development within *Neighbourhoods* and *Apartment Neighbourhoods* will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns".

Policy 2.3.1.2 identifies the following criteria when considering development in *Apartment Neighbourhoods* adjacent to or close to *Neighbourhoods*. The proposal will:

- a) be compatible with those *Neighbourhoods*;
- b) provide a gradual transition of scale and density, as necessary to achieve the objectives of the Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*;
- c) maintain adequate light and privacy for residents in those *Neighbourhoods*; and



- d) attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*.

The Healthy Neighbourhoods policies require that "intensification of land adjacent to neighbourhoods will be carefully controlled so that neighbourhoods are protected from negative impact". It further states that "where significant intensification adjacent to a *Neighbourhood* or *Apartment Neighbourhood* is proposed, Council will determine, at the earliest point in the process, whether or not a Secondary Plan, area specific zoning by-law or area specific policy will be created in consultation with the local community following an *Avenue Study*, or area based study."

The ongoing Midtown in Focus: Growth, Built Form and Infrastructure Review is satisfying the Official Plan requirements for an area based study for this portion of the Yonge-Eglinton Secondary Plan area.

### **Section 3.1.1- Public Realm**

The Plan recognizes the importance of good design as it relates to the creation of a great City by the look and quality of its squares, parks, streets, and public spaces and the buildings that frame and define these spaces. The policies contained in this section emphasize the need for new development to improve the public realm (streets, sidewalks and open spaces) for pedestrians.

### **Section 3.1.2 – Built Form**

The Built Form policies, contained in Section 3.1.2 of the Official Plan, emphasize the importance of ensuring that new development fits within its existing and/or planned context, while limiting impacts on neighbouring streets, parks and open spaces. New buildings are required to provide appropriate massing and transition in scale that will respect the character of the surrounding area. Additionally, developments are to locate main building entrances so that they are clearly visible and directly accessible from the public sidewalk. Specifically, Policy 3.1.2.3 states that "new development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by:

- a) massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion;
- b) incorporating exterior design elements, their form, scale, proportion, pattern and materials, and their sustainable design, to influence the character, scale and appearance of the development;
- c) creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan;
- d) providing for adequate light and privacy;

- e) adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas; and
- f) minimizing any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility."

### **Section 3.1.3 – Built Form – Tall Buildings**

Tall buildings come with larger civic responsibilities and obligations than other buildings. In addition to specific built form characteristics related to the base, middle and top of the building, proposals for tall buildings should: demonstrate how the proposed building and site design contribute to and reinforce the overall City structure; demonstrate how the proposed building and site design relate to the existing and/or planned context; take into account the relationship of the site topography and other tall buildings; and provide high quality, comfortable and usable publically accessible open space areas.

### **Section 3.2.1 – Housing Policies**

Section 3.2.1 of the Official Plan includes policies that encourage the provision of a full range of housing, in terms of form, tenure and affordability, and the protection of rental housing units.

Rental replacement Policy 3.2.1.6 states that new development that would result in the loss of six or more rental housing units will not be approved unless all of rental housing units have rents that exceed mid-range rents at the time of application, or in cases where planning approvals other than site plan are sought, the following secured:

- at least the same number, size and type of rental housing units are replaced and maintained with similar rents to those in effect at the time the redevelopment application was made;
- for a period of at least 10 years, rents for replacement units will be the rent at first occupancy, increased annually by not more than the Provincial Rent Increase Guideline or a similar guideline as Council may approve from time to time; and
- an acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement rental units at similar rent, the provision of alternative accommodation at similar rents and other assistance to lessen the hardship of relocation.

### **Section 3.1.5 – Heritage Conservation**

The City of Toronto's Official Plan contains a number of policies related to the conservation and protection of cultural heritage. On April 4, 2013, Council adopted Official Plan Amendment 199 (OPA 199) which introduced new Heritage and Public

Realm policies in the Official Plan, including stronger provisions for properties included on the City's Heritage Register:

- Section 3.1.5 addresses the evaluation and conservation of heritage resources.
- Policy 3.1.5 (2) of the Official Plan state that properties of potential cultural heritage value or interest will be identified and evaluated to determine their cultural heritage value or interest consistent with provincial regulations, where applicable, and will include the consideration of cultural heritage values including design or physical value, historical or associative value and contextual value.
- Policy 3.1.5 (3) states heritage properties of cultural heritage value or interest properties will be protected by being designated under the Ontario Heritage Act and/or included on the Heritage Register.
- Policy 3.1.5 (4) states that Properties on the Heritage Register (listed and designated under the Ontario Heritage Act) will be conserved and maintained consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada (adopted by Toronto City Council in 2008 as the official framework for planning, stewardship and conservation of heritage resources within the City of Toronto).
- Policy 3.1.5 (5) requires that any proposed development adjacent to designated heritage properties will ensure that the integrity of the heritage property's cultural heritage value and attributes is retained and is to the satisfaction of the City.
- Policy 3.1.5 (26) identifies that new construction on, or adjacent to, a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of that property and will mitigate visual and physical impacts with respect to the heritage property.

#### **Section 4.2 - Apartment Neighbourhoods**

In addition to the policies in Chapters 2 and 3, the Plan contains policies in Section 4.2, specific to lands designated *Apartment Neighbourhoods*. *Apartment Neighbourhoods* are comprised of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents. The Official Plan states that *Apartment Neighbourhoods* are distinguished from low-rise *Neighbourhoods* because a greater scale of buildings is permitted and different scale-related criteria are needed to guide development.

The Plan includes criteria that direct the form and quality of development in this land use designation. The development criteria in *Apartment Neighbourhoods*, as cited in Policies 4.2.2 and 4.2.3, include but are not limited to:

- a) locating and massing new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives

- of the Plan, through means such as providing setbacks from, and/or a stepping down of heights towards lower-scale *Neighbourhoods*;
- b) locating and massing new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*, particularly during the spring and fall equinoxes;
  - c) locating and massing new buildings to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
  - d) including sufficient off-street motor vehicle and bicycle parking for residents and visitors;
  - e) locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences;
  - f) providing indoor and outdoor recreation space for building residents in every significant multi-unit residential development;
  - g) providing ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces; and
  - h) providing buildings that conform to the principles of universal design, and wherever possible contain units that are accessible or adaptable for persons with physical disabilities.

Policy 4.2.3 states that although significant growth is generally not intended within developed *Apartment Neighbourhoods*, compatible infill development may be permitted on a site containing an existing apartment building that has sufficient underutilized space to accommodate one or more new buildings while providing good quality of life for both new and existing residents. Policy 4.2.3 (a) continues that when compatible infill development is considered, it must meet the development criteria set out in Policy 4.2.2.

### **Section 37**

Policy 5.1.1 of the Official Plan allows for an increase in height and/or density in return for the provision of community benefits for a proposed development, in accordance with Section 37 of the *Planning Act*. The proposed density meets the Official Plan's threshold for Section 37 considerations, therefore this development proposal would be subject to the Section 37 policies of the Official Plan should City Council approve the application.

All other relevant Official Plan and Secondary Plan policies will be considered in the evaluation of this development proposal. The Toronto Official Plan can be found here: [www.toronto.ca/planning/official\\_plan/introduction.htm](http://www.toronto.ca/planning/official_plan/introduction.htm)

### **Official Plan Amendment 320**

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment (OPA) No. 320 on December 10, 2015. OPA 320 strengthens and refines the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods and to allow limited infill on underutilized apartment sites in *Apartment Neighbourhoods*. OPA 320, as approved by Council, is available on the City's website at: <http://www.toronto.ca/legdocs/bylaws/2015/law1297.pdf>

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016. The Ministry received 57 appeals to OPA 320 and it has been appealed in its entirety. As a result, OPA 320 as approved and modified by the Minister is relevant but not determinative in terms of the Official Plan policy framework.

The Minister's approval and modification can be found at:

<http://www1.toronto.ca/City%20of%20Toronto/City%20Planning/SIPA/Files/pdf/N/MM/A%20Notice%20of%20Decision.OPA%20320.July%204%202016.pdf>

### **Yonge-Eglinton Secondary Plan**

The residential areas in the Yonge-Eglinton Secondary Plan contain a full range of housing forms and tenures suitable for families and other households. A primary objective of the Secondary Plan is to maintain and encourage a full range of housing forms and tenure suitable for families and other households in a manner that is contextually appropriate and compatible with existing residential uses and residential built form.

In order to ensure that the form of buildings promotes a compatible physical and land use relationship between development within the various land use designations and between sites in abutting land use designations, and that all new buildings within the Secondary Plan area form a positive visual relationship to the street, it is an objective of the Secondary Plan to: secure a transition in height and scale from developments in *Mixed Use Areas* and *Apartment Neighbourhoods* to *Neighbourhoods* and, in particular, to those sites which abut *Neighbourhoods*; and direct higher density residential development proposals within the *Apartment Neighbourhoods* to sites with nearby subway station access.

New development will be required to provide an adequate supply of parking and loading to meet site requirements while balancing the City's goal to reduce reliance on automobile use. Parking requirements may be reduced for the development in *Mixed Use Areas* and *Apartment Neighbourhoods* which are in close proximity to subway and light rapid transit access provided it can be demonstrated how projected travel can be accommodated by other modes. The purpose of such relief is to: reduce reliance on automobiles; reduce conflicts between vehicular traffic and on-street servicing; and maximize the utilization of existing parking facilities.

New development will promote architectural excellence and environmentally sustainable and innovative design. Improvements to the public realm throughout the area will be encouraged including enhancements to streetscapes, existing open spaces and wider sidewalks. When a new development is proposed on a major street, the possibility of a building setback to provide a wider sidewalk will be considered.

### **Midtown in Focus: Parks, Open Space and Streetscape Plan and OPA 289**

On August 25, 2014, City Council adopted the Midtown in Focus – Parks, Open Space and Streetscape Plan ("Public Realm Plan") for the Yonge-Eglinton Area. The following is the link to the study webpage:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=d421bf26585a2410VgnVCM10000071d60f89RCRD>

The Midtown in Focus Public Realm Plan is a framework for improvements within the Yonge-Eglinton area to the network of parks, open spaces, streets and public buildings to create an attractive, safe, and comfortable network of public spaces. The Public Realm Plan recognized that the study area has a distinct quality and character, consisting of a vibrant mixed use community with an open and green landscaped character. The Plan also has five Place-Making Moves that, together with other streetscape improvements and the enhancement and expansion of parkland in the area, will form a thriving system of parks, open spaces and streets.

On June 10, 11, 12, 2015, City Council adopted Official Plan amendments to the Yonge Eglinton Secondary Plan (OPA 289) that incorporate, among other matters, the urban design and public realm policies of the Midtown in Focus Public Realm Plan. The following is the link to the final report on OPA 289:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG4.2>

The adopted Secondary Plan amendments outline a comprehensive public realm strategy and a system of improvements that will be implemented as part of any new development in the Yonge Eglinton Secondary Plan Area. Section 2.16 requires that improvements be made to both the private and public realm as part of any new development including but not limited to: enhancements to streetscapes; provision of wider sidewalks and the establishment of multi-purpose promenades; provision of mid-block pedestrian connections; and the integration, extension and enhancement of existing and proposed landscaped open spaces. Another objective of the amendments is to maintain and enhance the open, green, landscaped character of the area, improve and expand the network of parks, open spaces, and streetscapes, respect, reinforce and extend the landscaped open space setbacks of buildings from the streets that are prevalent in the area and create a high-quality public realm to ensure the continued vitality and quality of life in the area.

The Plan stipulates that all development will be located and designed to protect access to sunlight on the existing and proposed expansion of Redpath Avenue Parkette.

The five Place-Making Moves include the Park Street Loop focused on Broadway and Roehampton Avenues. The Park Street Loop links a number of existing recreational and community amenities. The Park Street Loop will be designed as a publicly accessible, multi-purpose green promenade with wide pedestrian clearways, cycling facilities and landscaping that provides green linkages connecting Eglinton Park to community amenities and open spaces in neighbourhoods to the east. On Broadway Avenue, all buildings will be setback a minimum of 7.5 metres at grade and above established grade from the property line. The location and design of underground parking facilities on properties abutting the Park Street Loop will provide sufficient space and soil depth to establish and maintain a permanent, high branching tree canopy.

Official Plan Amendment 289 has been appealed to the Ontario Municipal Board. OPA 289 is relevant but not determinative in terms of the Official Plan policy framework. It represents the latest planning directions of City Council and of City Planning and is part of the emerging policy context.

Pre-Hearing conferences were held on July 12, 2016 and February 24, 2017 to identify parties to the hearing. A third pre-hearing is scheduled for November 7, 2017. The latest Board Order issued on March 22, 2017 arising from the February 27, 2017 Pre-Hearing conference can be found here:

<http://www.omb.gov.on.ca/e-decisions/pl150678-Mar-22-2017.pdf>

### **Midtown in Focus: Growth, Built Form and Infrastructure Review**

The City Planning Division is leading an inter-divisional review of growth, built form and infrastructure issues in the Yonge-Eglinton Secondary Plan area, referred to as Midtown in Focus: Growth, Built Form and Infrastructure Review (the Review). The Review builds on the Midtown in Focus Public Realm Plan and its response to the rapid intensification and change underway in parts of the Yonge-Eglinton Secondary Plan area. The objective of the Review is to ensure that growth positively contributes to Midtown's continued livability and vitality by establishing a clear and up-to-date planning framework and ensuring that local transportation, municipal servicing and community infrastructure keeps pace with development.

The Review began in late 2015, based on City Council's direction, and includes the following activities:

- **Growth Analysis**, including development of near, medium and long term growth estimates to inform the infrastructure assessments.
- A **Built Form Study** to document area character and development trends, develop built form principles and a built form vision, undertake built form testing, visualize a future built form concept and identify policy directions to better guide the area's evolution.
- A **Cultural Heritage Resource Assessment** to document the area's archaeological and development history, identify properties of cultural heritage value or interest for listings and designations and identify additional recommendations for conservation and further study.

- A **Community Services and Facilities Study** to inventory existing services and facilities, assess needs and opportunities in the context of future growth and demographic change and outline an implementation strategy for priority community infrastructure projects.
- **Transportation and Municipal Servicing Assessments** to document the performance and capacity of existing transportation and municipal servicing infrastructure, evaluate priority areas and identify potential capital upgrades required to support continued growth in the Secondary Plan area.
- An area-wide **Parks Plan** and **public realm strategy for the Davisville area** to complement the 2014 Public Realm Plan for lands in and around the Yonge-Eglinton Centre.

On July 12, 2016, City Council adopted the recommendations in the report from the Chief Planner titled: "Midtown in Focus: Growth, Built Form and Infrastructure Review – Status Report". The report provided Council with an update on the overall progress of the study, and included recommended draft built form principles as well as a draft character area structure that organizes sub areas of Midtown according to common physical attributes, development histories and policy directions. The recommendations adopted by Council directs staff to:

- Consider and review applications within the context of the Review, in light of both the Avenue policies and in force policy 2.3.1.3 of the Official Plan;
- Consider the draft built form principles contained in the report in the review of the development applications in the Yonge-Eglinton Secondary Plan Area. The recommendation also directed staff to continue to refine the principles in consultation with landowners and the community; and
- To identify opportunities on City-owned lands for new community infrastructure and secure community infrastructure space, as appropriate, as part of the development application review process.

Within the context of the Review, the subject property is in an area identified as being within a "Midtown Apartment Neighbourhood" character area, specifically the Redpath Park Street Loop character area. The "Midtown Apartment Neighbourhoods" typically accommodate high-density residential communities within an open, landscaped setting. A key objective for these areas is to reinforce the unique open space amenity and spaciousness currently enjoyed, by ensuring abundant landscaping at grade, generous building spacing and, in some cases, generous setbacks from the street.

The draft built form principles developed for the Review, and endorsed by Council, are organized into four categories: Area Structure, Public Realm and Open Space, Walkability and Comfort, and Heritage and Landmarks. Principles that are applicable to the review of this application include:

#### **Area Structure**

- Organize growth to achieve a hierarchy of intensity of use, building heights, densities and scale tied to proximity of rapid transit service, with greatest heights



and densities located at the Yonge-Eglinton Crossroads where two rapid transit lines intersect.

### **Public Realm and Open Space**

- Support active street life and informal surveillance by ensuring the built form frames and animates streets, parks, squares and open spaces with active uses at grade.

### **Walkability and Comfort**

- Locate, design and mass buildings to preserve sky view, allow daylight and sunlight to penetrate to the street and lower building levels and ensure good wind conditions in all seasons, with enhanced standards along the Midtown Villages, Park Street Loop, Eglinton Green Line, major pedestrian routes and parks and open spaces;
- Create a human-scaled public realm where buildings define and support streetscapes; and
- Ensure fine-grained pedestrian circulation between and through sites and blocks through the placement and orientation of buildings.

City staff will report to Planning and Growth Management Committee on November 15, 2017 with a Proposals Report that outlines the proposed update to Yonge –Eglinton Secondary Plan as well as other emerging directions related to the infrastructure assessments and strategies. City staff will undertake additional consultation on the proposed plan in preparation for a final recommended plan to be presented to City Council in the second quarter of 2018.

### **City-Wide Tall Building Design Guidelines**

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>

### **Heritage**

The Ontario Heritage Act is the legislative framework that provides municipalities with enhanced powers to conserve and protect cultural heritage in Ontario.

The property located at 141 Erskine Avenue is listed on the City's Heritage Register and situated to the north of the property subject to this application. Known as the Americana Apartments the building is 13 storeys in height and was designed by the renowned Toronto Architect Uno Prii and completed in 1963. As such, the City's Official Plan heritage policies concerning adjacencies apply to this application, requiring new construction on, or adjacent to a property on the Heritage Register be designed to conserve the cultural heritage values, attributes and character of that property and to

mitigate visual and physical impact. A Heritage Impact Assessment was also submitted with the application and is being reviewed by Heritage Preservation Services Staff.

The buildings on the subject site have been identified for their heritage potential as part of the background study for the Midtown in Focus. City staff (Heritage Preservation Services) will undertake a heritage evaluation of the property to determine if the property merits inclusion on the City's Heritage Register. The City's determination of the property's cultural heritage value and interest will help inform and guide the property owner and City Planning's analysis of the proposed development.

### **Midtown in Focus: Cultural Heritage Resource Assessment (CHRA)**

Midtown in Focus, an inter-divisional initiative led by City Planning, is a response to the rapid intensification and change underway in parts of the Yonge-Eglinton Secondary Plan area. The study seeks to ensure that growth positively contributes to the vitality and quality of life in one of Toronto's most dynamic neighbourhoods. In September 2015, City staff along with its consultants Taylor Hazel Architects and Timmins Martelle Heritage Consultants, initiated the CHRA, a comprehensive assessment and documentation of cultural heritage resources, including built heritage, cultural heritage landscapes and archaeological resources, in the Apartment Neighbourhoods and Mixed-Use Areas within the Midtown in Focus Study Area.

The CHRA includes a historical overview for Midtown, provides a Stage I archaeological assessment and, applying provincial criteria, identifies potential cultural heritage resources for the Heritage Register, including individual properties, Heritage Conservation Districts, and Cultural Heritage Landscapes. For the purpose of identification of properties with potential cultural heritage value or interest, the scope of work was limited to the boundaries of the growth centre, which includes the areas designated in the Official Plan as *Apartment Neighbourhoods* and *Mixed-Use Areas*. The City's consultants completed the CHRA in April 2017. City Staff conducted further analysis and requested revisions were made where appropriate.

With the completion of the CHRA and in preparing this report, City staff conducted a further field survey of the growth centre and identified additional properties for inclusion on the City's Heritage Register. In total 331 properties in the Midtown in Focus study area have been identified as properties with potential cultural heritage value.

City staff will bring forward future listing and designation reports in Q1 2018 for the additional properties identified as having potential heritage value in the Midtown in Focus study area, including a review of the properties identified within this application to assess their heritage potential.

### **Rental Housing Demolition and Conversion**

Section 111 of the *City of Toronto Act, 2006* authorizes Council to regulate the demolition and conversion of residential rental properties in the City. Chapter 667 of the City's Municipal Code, the Rental Housing Demolition and Conversion By-law, implements Section 111. The By-law prohibits the demolition or conversion of rental

housing units in buildings containing six or more residential units, of which at least one unit is rental, without obtaining a permit from the City and requires a decision by either City Council or the Chief Planner.

Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. These conditions implement the City's Official Plan policies protecting rental housing. City Council approval of demolition under Section 33 of the *Planning Act* may also be required where six or more residential units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the *Building Code Act*.

Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion, City Council typically considers both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council under By-law 885-2007 are not appealable to the Ontario Municipal Board.

On August 18, 2017, the applicant made an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code to demolish all 121 rental housing units. A Housing Issues Report has been submitted with the required application and is currently under review for consistency with the Official Plan. As per Chapter 667-14, a tenant consultation meeting shall be held to review the impact of the proposal on tenants of the residential rental property and matters under Section 111.

### **Tree Preservation**

City of Toronto By-laws provide for the protection of trees situated on both private and City lands. An Arborist Report was submitted with the application. The report proposes the removal of seven privately owned trees and three city-owned trees. Two of the private trees are located on the subject site and the remaining five are located on the property line or neighbouring property. In addition, three privately-owned trees are proposed to be injured. The Arborist Report is currently under review by Urban Forestry staff.

### **Zoning**

The subject site is zoned R2 Z2.0 in Zoning By-law No. 438-86, as amended, with a permitted height of 38.0 metres and a maximum density of 2 times the area of the site. The R2 zoning permits a variety of residential uses including apartment buildings. The site is also zoned R (d2.0) (x912) in Zoning By-law No. 569-2013. The permissions are largely the same in By-law No. 569-2013 as in By-law No. 438-86, as amended (see Attachment 4: Zoning By-law No. 569-2013 and Attachment 5: Zoning By-law No. 438-86).

### **Site Plan Control**

The proposal is subject to Site Plan Control. An application for Site Plan Control has not been submitted.

## **Reasons for the Application**

Amendments to By-law No. 438-86 and By-law No. 569-2013 are required to permit the proposed height and density on the lands and to develop appropriate development standards for the proposed development.

## **COMMENTS**

### **Application Submission**

The following reports/studies were submitted with the application:

- Planning Rationale;
- Housing Issues Report;
- Energy Strategy Report;
- Geotechnical Investigation Report;
- Public Consultation Strategy;
- Pedestrian Level Wind Study;
- Urban Design Brief;
- Arborist Report;
- Shadow Study;
- Community Services and Facilities Study;
- Heritage Impact Assessment;
- Green Development Standards Checklist and Statistics;
- Functional Servicing and Stormwater Management Report; and
- Urban Transportation Considerations.

A Notification of Complete Application was issued on September 27, 2017 for the Zoning By-law Amendment application and September 19, 2017 for the Rental Housing application.

### **Parkland**

City staff require the applicant to satisfy the parkland dedication requirement through an on-site dedication. The park is to be square-like shape with dimensions of approximately 24 metres by 24 metres and abutting the property at 124 Broadway Avenue and fronting Broadway Avenue.

### **Issues to be Resolved**

The Midtown in Focus Review has incorporated extensive consultation and detailed analysis of existing conditions, area character, development trends, infrastructure capacity and more to establish a clear and up-to-date planning framework for the area. This framework will include a vision and objectives to guide the physical evolution of the Secondary Plan area and up-to-date policy direction regarding growth targets, land use and the location, scale and form of tall buildings. In addition, the plan will provide detailed direction in terms of priorities for parkland improvement and expansion, public

realm improvements and community, transportation and servicing infrastructure as well as specific development criteria for the identified character areas.

Any changes to the planned context of the area are best addressed comprehensively in accordance with in-force Official Plan policy and the emerging direction from the Review, rather than on a site-specific basis. Given the ongoing status of Midtown in Focus Review, staff are not in a position to report on the application until the adoption of the revised Yonge-Eglinton Secondary Plan as part of the City-initiated Midtown in Focus: Growth, Built Form and Infrastructure Review.

On a preliminary review of the proposed development, staff have concerns related to the overall scale of the development and placement of a tower behind a tower. Primary concerns related to the proposed building massing and site organization include building heights and setbacks; scale of base building; tower separation distances; lack of onsite parkland; shadowing on adjacent lands; lack of landscape open space; and site and access and visibility to the proposed rear tower. Whether or not the proposed site is large enough to accommodate two towers requires careful analysis by Staff as well as resolution of the issues outlined below. Further review of the application and a public consultation process are recommended to assist in the determination of the nature and extent of changes to the application that would be required. The application has been circulated to City divisions and public agencies for comment. Additional issues to be addressed include the following:

- Conformity with all applicable Official Plan Policies, including in particular the Healthy Neighbourhoods policies, the Built Form policies, Housing policies, Heritage Conservation policies, Parks and Open Space policies and *Apartment Neighbourhoods* policies and Development Criteria.
- Implementation of the Midtown in Focus Public Realm Plan and OPA 289, related to building setbacks, streetscape improvements, Mid-block Connections, mitigating shadow impacts resulting from the proposed development on adjacent sites, public sidewalks and parks and overall conformity with Yonge-Eglinton Secondary Plan. Additionally, staff will review the application for consistency with the draft built form principles and the emerging vision, objectives and policy direction of the Midtown in Focus: Growth, Built Form and Infrastructure Review.
- Requirement for on-site parkland dedication and possible provision of community infrastructure within the proposal in order to address the ongoing shortfall within the Yonge-Eglinton. Staff will review the Community Services and Facilities report to identify required services and facilities to service the proposed development.
- Provision of adequate indoor and outdoor amenity space for the proposed development.

- Built Form: appropriateness the proposed height and density of the development. As currently contemplated, the proposal does not include an onsite parkland dedication. Further analysis is required to determine the appropriate built form for the site which incorporates an on-site park and conforms to City design guidelines including City-Wide Tall Buildings Design Guidelines.
- Impacts on Tenants: provision of rental unit replacement including appropriate replacement unit layout and size; the development of a Tenant Assistance and Relocation Plan and communication and consultation for the tenants currently living in the three existing buildings.
- Site design, organization and layout related to street presence for buildings and the locations of vehicular access, loading, pedestrian circulation/connections to the public realm and landscape areas.
- Assessment of stormwater management and site servicing to support the proposed development.
- Review of the transportation impact arising from the additional residential density including adequate supply of parking for existing tenants and future occupants.
- Provision of larger (3 bedroom) units suitable for broader range of households, including families with children.
- Provision of a mix of housing tenures types and affordability.
- Review of the TGS Checklist for compliance with Tier 1 performance measures.

Section 37 of the Planning Act allows the City to enter into an agreement with an applicant to grant an increase in height and/or density for a development that is greater than the Zoning By-law would otherwise permit in return for community benefits. Should staff consider the project to be good planning and recommend it for approval, the details of an appropriate Section 37 contribution would be negotiated with the applicant during the review of the application and through consultation with the Ward Councillor.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

## **CONTACT**

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## **SIGNATURE**

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Joe Nanos, Director  
Community Planning, North York District

## **ATTACHMENTS**

Attachment 1a: Site Plan

Attachment 1b: Ground Floor Plan

Attachment 2a: North and West Elevations

Attachment 2b: South and East Elevations

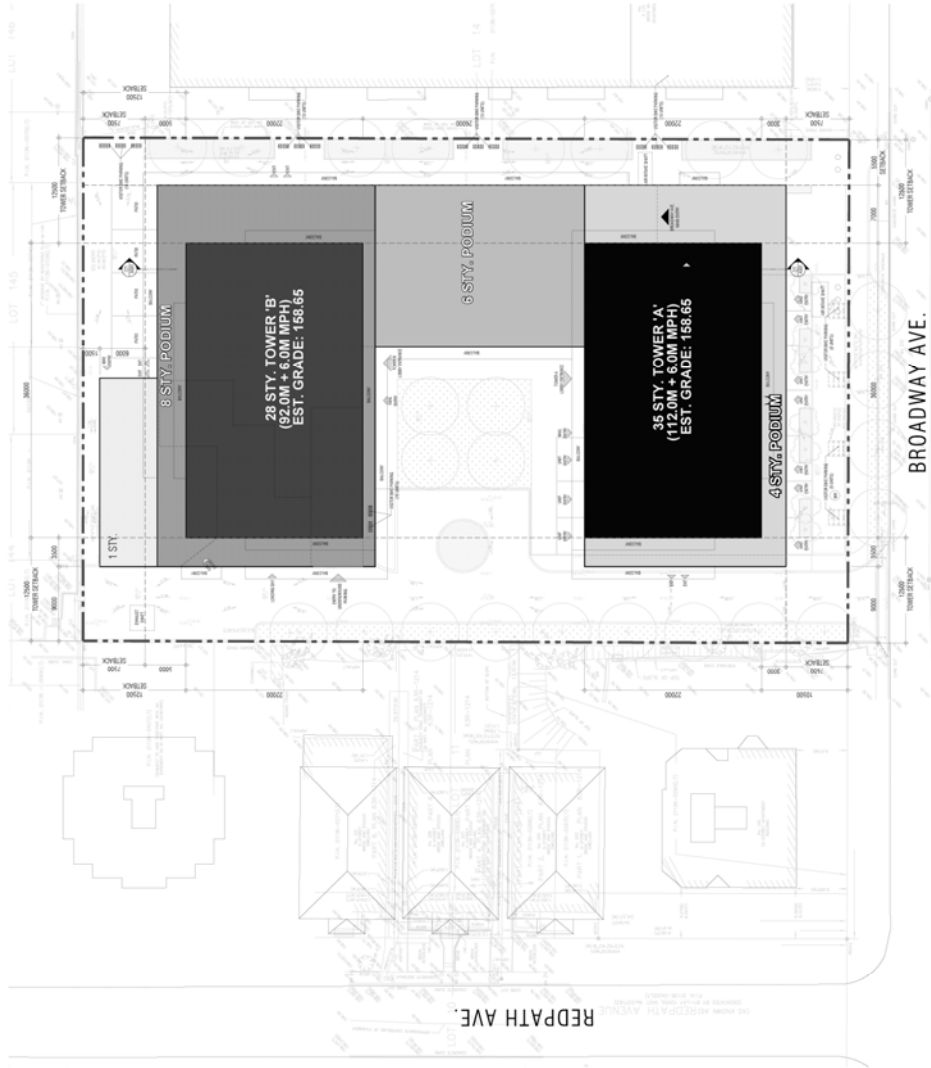
Attachment 3: Official Plan

Attachment 4: Zoning By-law No. 569-2013

Attachment 5: Zoning By-law No. 438-86

Attachment 6: Application Data Sheet

**Attachment 1a: Site Plan**



**110, 114 & 120 Broadway Avenue**

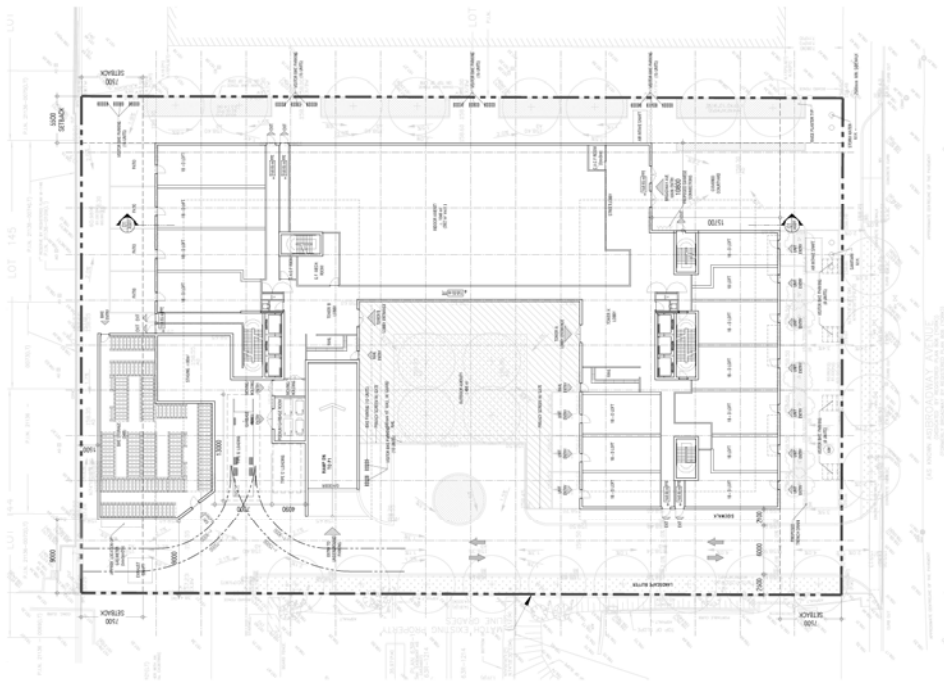
**Site Plan**  
 Applicant's Submitted Drawing

Not to Scale  
 9/21/2017

File # 17 218847 NWY 25 0Z



**Attachment 1b: Ground Floor Plan**

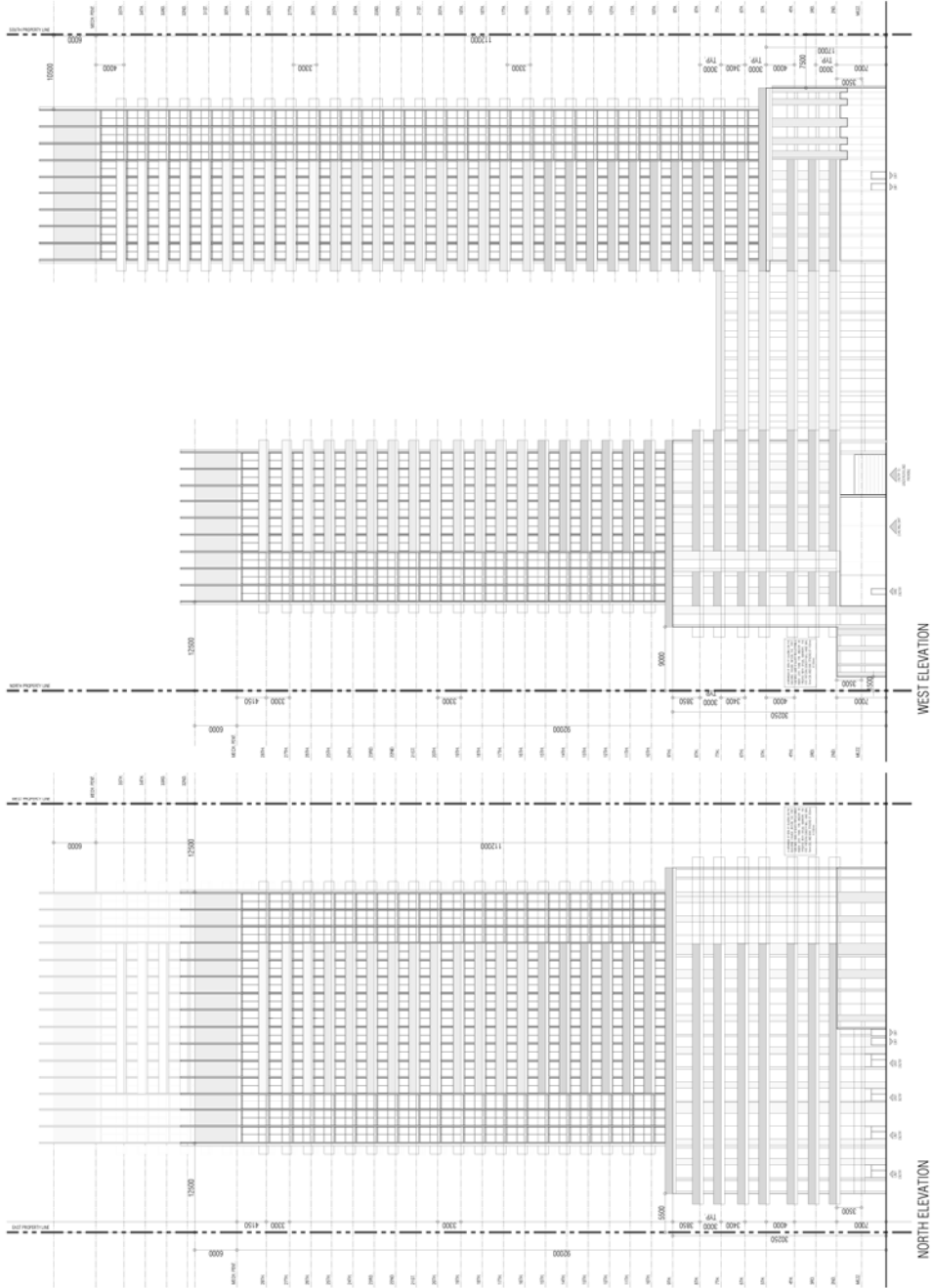


**110,114 & 120 Broadway Avenue**

File # 17 218847 NNY 25 0Z

**Site Plan**  
Applicant's Submitted Drawing  
Not to Scale  
9/21/2017

**Attachment 2a: North and West Elevations**



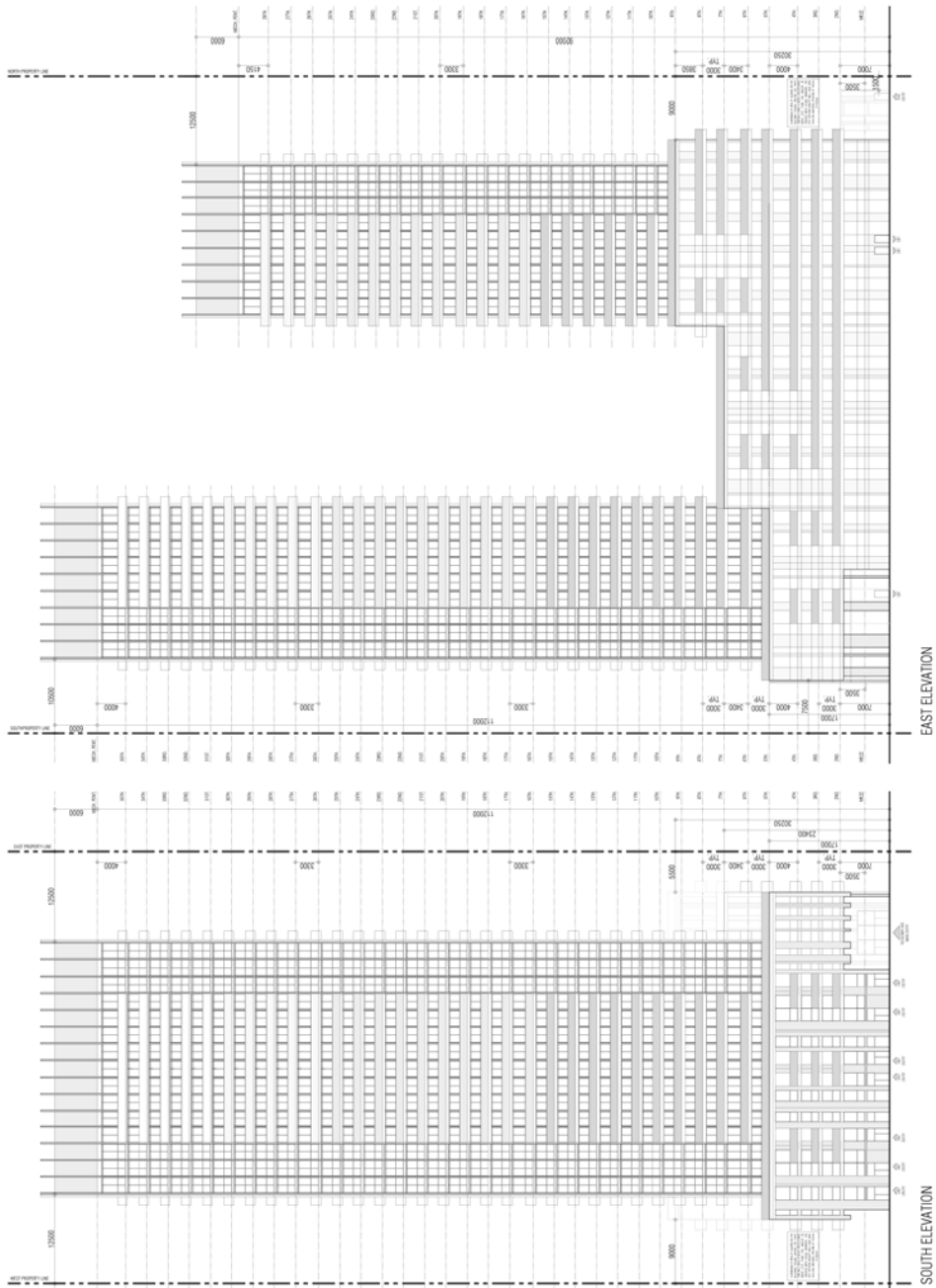
**110, 114 & 120 Broadway Avenue**

**Elevations**  
Applicant's Submitted Drawing

Not to Scale  
9/2/1/2017

File # 17 218847 NNY 25 0Z

# Attachment 2b: South and East Elevations



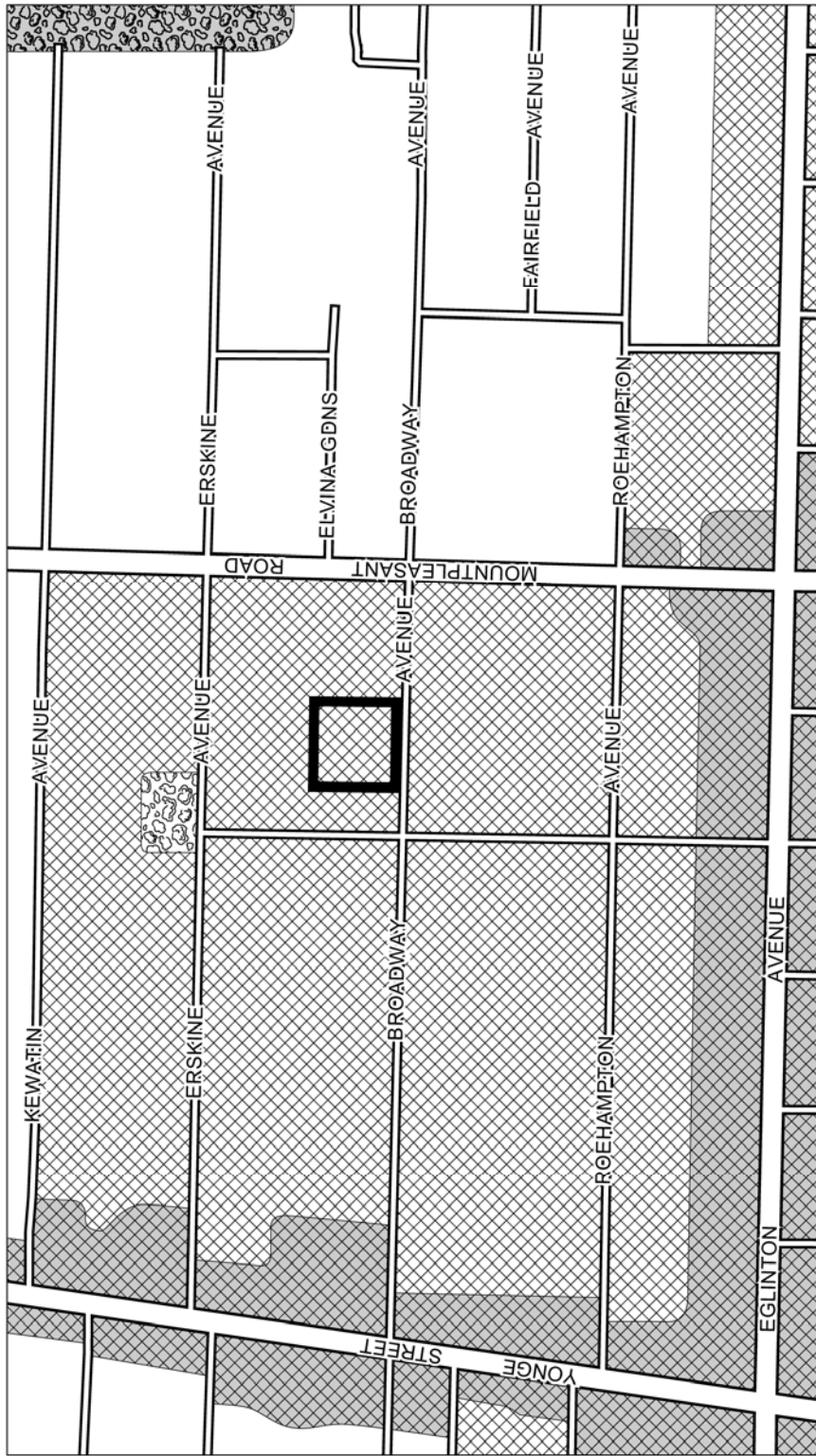
## 110, 114 & 120 Broadway Avenue

**Elevations**  
Applicant's Submitted Drawing

Not to Scale  
9/21/2017

File # 17 218847 NNY 25 0Z

### Attachment 3: Official Plan



Extract from Official Plan

110, 114 & 120 Broadway Avenue

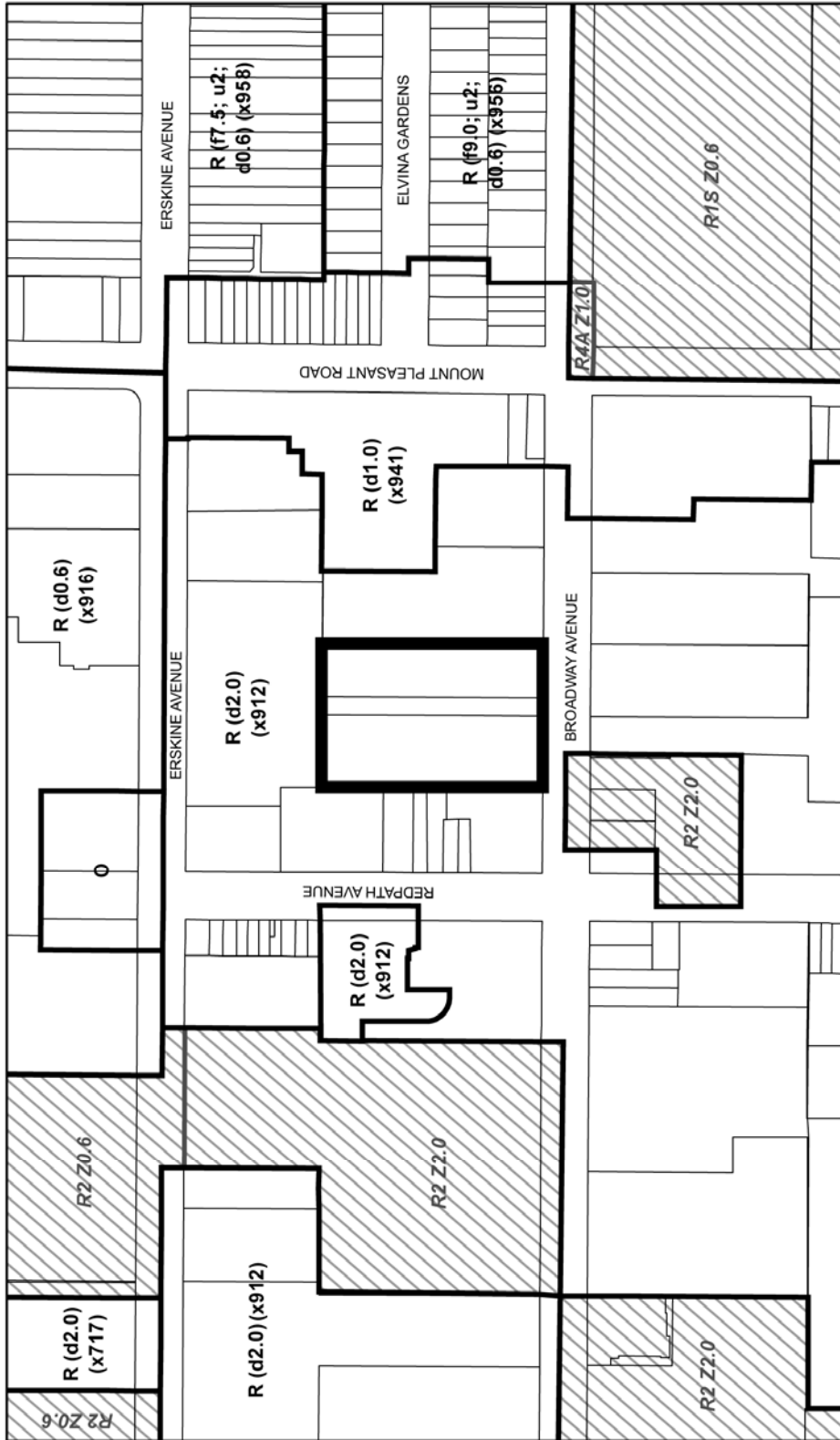
File # 17 218847 NMY 25 0Z

-  Site Location
-  Neighbourhoods
-  Apartment Neighbourhoods
-  Mixed Use Areas
-  Parks & Open Space Areas
-  Other Open Space Areas
-  Parks



Not to Scale  
09/20/2017

Attachment 4: Zoning By-law No. 569-2013

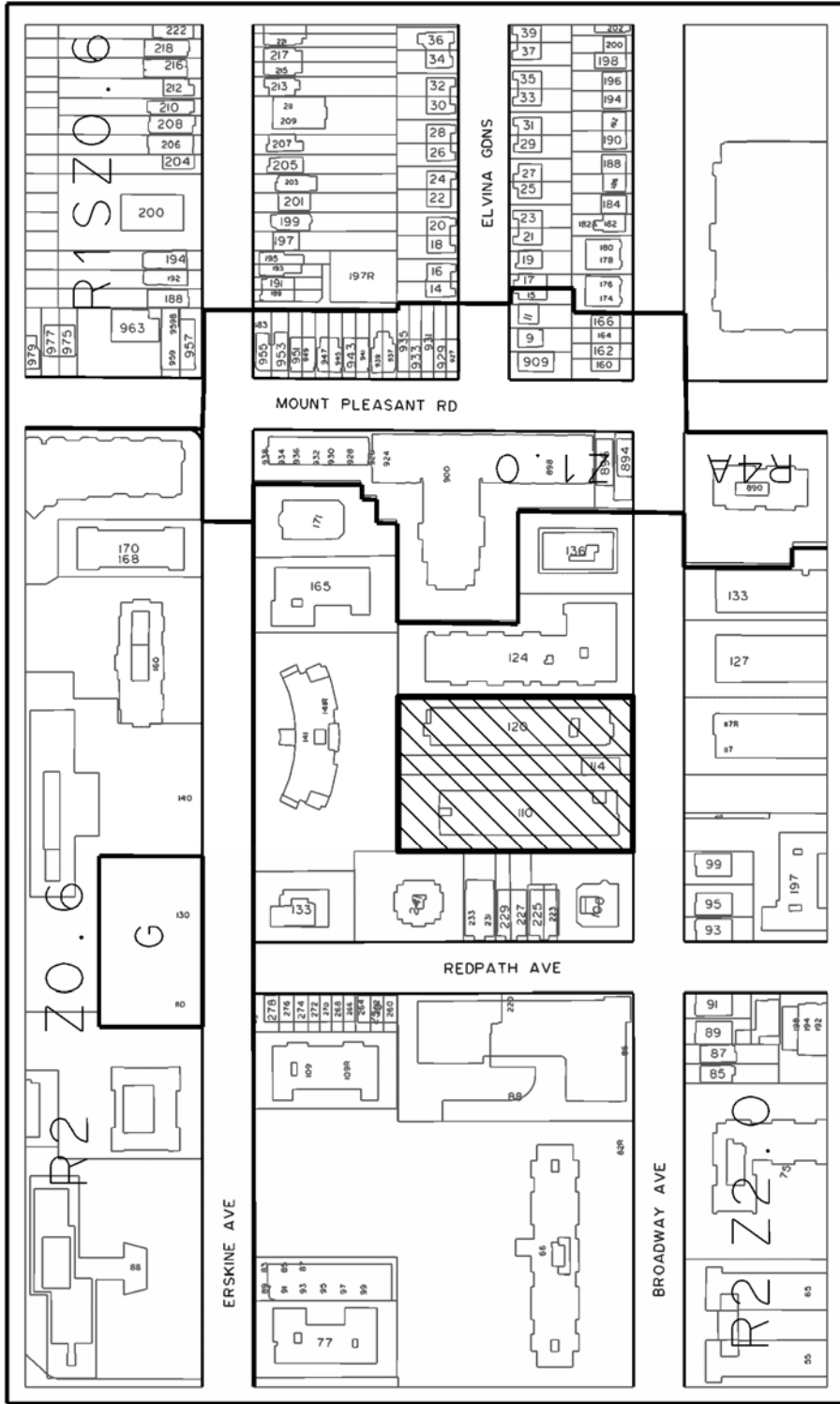


**Toronto**  
**Zoning By-Law No. 569-2013**  
**110,114 & 120 Broadway Avenue**  
**File # 17 218847 NNY 25 0Z**

- Location of Application
- Residential District
- Open Space
- See Former City of Toronto By-Law No. 438-86
- R1S Residential District
- R2 Residential District
- R4A Residential District

↑  
 Not to Scale  
 Extracted: 09/19/2017

Attachment 5: Zoning By-law No. 438-86



**Toronto**  
**Zoning By-Law No. 438-86**  
 110, 114 & 120 Broadway Avenue  
 File # 17 218847 NNY 25 02

R1 Residential District  
 R2 Residential District  
 R4 Residential District



Subject Site



Not to Scale  
 Extracted 09/21/2017

## Attachment 6: Application Data Sheet

Application Type	Rezoning and Rental Housing	Application Number:	17 218847 NNY 25 OZ 17 218856 NNY 25 RH
Details	Rezoning, Standard	Application Date:	August 18, 2017
Municipal Address:	110-120 BROADWAY AVENUE		
Location Description:	PLAN 806 LOT 12 **GRID N2507		
Project Description:	Proposed Zoning By-law Amendment and Rental Housing/Demolition applications to permit the development of 28 storey and 35 storey buildings containing 822 units at 110-120 Broadway Avenue. Proposal includes 121 required rental replacement units.		
<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Craig Hunter Hunter and Associates 555 Richmond Street West Suite 405, P.O. Box 702 Toronto, ON M5V 3B1	Craig Hunter Hunter and Associates 555 Richmond Street West Suite 405, P.O. Box 702 Toronto, ON M5V 3B1	Graziani + Corazza Architects Ltd. 1320 Shawson Drive, Suite 100 Mississauga, ON L4W 1C3	Eleni Basilios Ifandis & Vasilio Dimitrio Ifandis, 114 Broadway Inc. and Berkelhammer Holdings Ltd. 110 Eglinton Avenue East, Suite 500 Toronto, ON M4P 2Y1

### PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhoods	Site Specific Provision:	No
Zoning:	R (d2.0)(x912)	Historical Status:	No
Height Limit (m):	38	Site Plan Control Area:	Yes

### PROJECT INFORMATION

Site Area (sq. m):	56,75.9	Height:	Storeys:	28 and 35
Frontage (m):	61		Metres:	92 & 112
Depth (m):	93			
Total Ground Floor Area (sq. m):	3,200			<b>Total</b>
Total Residential GFA (sq. m):	53,625		Parking Spaces:	261
Total Non-Residential GFA (sq. m):	0		Loading Docks	2
Total GFA (sq. m):	53,625			
Lot Coverage Ratio (%):	56.4			
Floor Space Index:	9.45			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Rental & Condo		Above Grade	Below Grade
Rooms:		Residential GFA (sq. m):	53,625	0
Studio:	26 (3.2%)	Retail GFA (sq. m):	0	0
1 Bedroom:	524 (63.7%)	Office GFA (sq. m):	0	0
2 Bedroom:	255 (31%)	Industrial GFA (sq. m):	0	0
3 + Bedroom:	17 (2.1%)	Institutional/Other GFA (sq. m):	0	0

Total Units: 822

**CONTACT:** **PLANNER NAME:** Cynthia Owusu-Gyimah, Senior Planner  
**TEL./EMAIL:** (416) 395-7126 / [cynthia.owusu-gyimah@toronto.ca](mailto:cynthia.owusu-gyimah@toronto.ca)