



STAFF REPORT ACTION REQUIRED

117-127 Broadway Avenue – Zoning Amendment and Rental Housing Demolition Applications – Request for Direction Report

Date:	August 15, 2017
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 22 – St. Paul's
Reference Number:	15-228738 STE 22 OZ and 15-233435 STE 22 RH

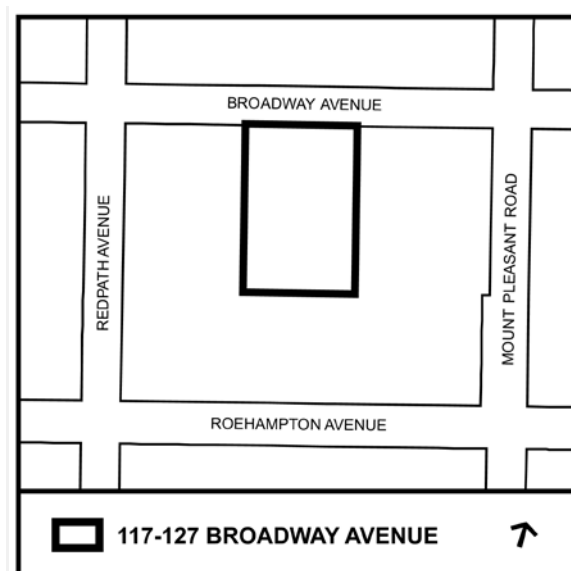
SUMMARY

This application proposes a residential development of two 36 and 37-storey towers linked by a 9-storey base building. The north 36-storey tower has a 6-storey base building, while the south 37-storey tower has an 8-storey base building.

The proposed development contains 990 dwelling units, including 131 replacement rental dwelling units. 441 vehicular parking spaces are proposed in a 3-level underground garage. The application proposes off-site parkland dedication approximately 120 metres to the east at 174-180 Broadway Avenue.

The two existing rental apartment buildings on the site, containing 131 existing rental dwelling units, would be demolished. An application for Rental Housing Demolition and Conversion under Section 111 of the *City of Toronto Act* (Chapter 667 of the Municipal Code) has been filed to permit the demolition of the existing rental dwelling units. The applicant proposes to replace all 131 rental dwelling units within the new development on the site.

The applicant appealed its Zoning By-law Amendment application to the Ontario Municipal Board due to Council's failure to



make a decision within the time prescribed by the *Planning Act*. This report recommends that Council direct the City Solicitor, together with appropriate City Staff, to oppose the appeal at the Ontario Municipal Board. The proposal, as revised, is not supported by Planning staff for the reasons outlined in this report.

Planning staff have considered the application within the context of the in force policy framework, including the Official Plan. In addition, the emerging planning policy direction of the Yonge - Eglinton Secondary Plan Review (Midtown in Focus) has been considered.

The proposed built form does not conform to the Healthy Neighbourhoods, Public Realm, Built Form or *Apartment Neighbourhoods* policies of the Official Plan. As well, the built form does not adequately address Council-endorsed Midtown in Focus built form principles to reinforce the unique open space amenity and spaciousness in Midtown Apartment Neighbourhoods and minimize shadow impacts, in particular on key open spaces. Further, the built form does not meet the requirements of, or maintain the intent of, the City's Tall Building Design Guidelines.

Staff recommends that Council defer its decision on the application for Rental Housing Demolition under Chapter 667 of the Municipal Code pursuant to Section 111 of the *City of Toronto Act*. Council's decision on the Rental Housing Demolition application is not appealable to the Ontario Municipal Board. Following the Ontario Municipal Board decision on the Zoning By-law Amendment appeal, the Rental Housing Demolition permit application may return to Council for consideration.

The proposed site for off-site parkland dedication for this application, at 174-180 Broadway Avenue, is currently occupied by two 2-storey rental apartment buildings with approximately 9 rental dwelling units. For the off-site parkland dedication to proceed at 174-180 Broadway Avenue, the applicant must apply for Rental Housing Demolition under Chapter 667 of the Municipal Code, and the replacement of these existing rental dwelling units would be required in accordance with Official Plan policy 3.2.1.6.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with appropriate staff, to attend the Ontario Municipal Board hearing to oppose the applicant's appeal respecting the Zoning By-law Amendment application for 117 and 127 Broadway Avenue.
2. The City Solicitor and appropriate staff be authorized to continue discussions with the applicant to address the issues outlined in this report and to report back to City Council on the outcome of discussions, if necessary.
3. City Council defer making a decision at this time on application No. 15 233435 STE 22 RH under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006* to demolish the 131 existing rental dwelling units at 117 and

127 Broadway Avenue and instruct staff to report on the Rental Housing Demolition and Conversion Application to Toronto and East York Community Council at such time as an Ontario Municipal Board decision has been issued regarding the Zoning By-law Amendment appeal, if necessary.

4. In the event that the Ontario Municipal Board allows the appeals in whole or in part, City Council direct the City Solicitor to request the Ontario Municipal Board to withhold the issuance of any Order(s) on the Zoning By-law Amendment appeal for the subject lands until such time as the City Solicitor in consultation with the Chief Planner and Executive Director, City Planning and the owner have provided draft by-laws to the Board in a form and with content satisfactory to the Director, Community Planning, Toronto East York District and the City Solicitor, including securing the 131 replacement rental dwelling units at 117 and 127 Broadway Avenue and rents, tenant assistance and any other rental related matters at least in conformity with Section 3.2.1.6 of the Official Plan, and the owner has entered into and registered a Section 37 Agreement with the City incorporating such replacement rental dwelling units, rents, tenant assistance, any other rental related matters and other Section 37 matters, all to the satisfaction of the City Solicitor.
5. In the event that the Ontario Municipal Board allows the appeal in whole or in part, City Council direct the City Solicitor to request the Ontario Municipal Board withhold the issuance of any Order(s) on the Zoning By-law Amendment appeal for the subject lands pending City Council approval of application No. 15 233435 STE 22 RH under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006* to demolish the 131 existing rental dwelling units at 117 and 127 Broadway Avenue.
6. In the event that the Ontario Municipal Board allows the appeal in whole or in part and the Chief Planner and Executive Director, City Planning and the owner agree to the provision of off-site parkland dedication at 174-180 Broadway Avenue:
 - a. City Council direct the City Solicitor to request the Ontario Municipal Board to withhold the issuance of any Order(s) on the Zoning By-law Amendment appeal for the subject lands pending City Council approval of the Rental Housing Demolition Application under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006*; to demolish the approximately 9 existing rental dwelling units at 174-180 Broadway Avenue, and provide off-site replacement for these rental dwelling units within the proposed development at 117 and 127 Broadway Avenue.
 - b. City Council direct the City Solicitor to request the Ontario Municipal Board to withhold the issuance of any Order(s) on the Zoning By-law Amendment appeal for the subject lands until such time as the City Solicitor in consultation with the Chief Planner and Executive Director, City Planning and the owner have provided draft by-laws to the Board in a form and with content satisfactory to the Director, Community Planning, Toronto East York District and the City Solicitor, including

securing the approximately 9 replacement rental dwelling units and rents, tenant assistance and any other rental related matters at least in conformity with Section 3.2.1.6 of the Official Plan, and the owner has entered into and registered a Section 37 Agreement with the City incorporating the approximately 9 replacement rental dwelling units, rents, tenant assistance, any other rental related matters and other Section 37 matters, all to the satisfaction of the City Solicitor.

7. In the event the Ontario Municipal Board approves the Zoning By-law Amendment application, in whole or in part, that on-site parkland dedication pursuant to Section 42 of the *Planning Act* be required by City Council to be conveyed to the City to the satisfaction the General Manager, Parks, Forestry and Recreation, and that City Council agrees to a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction, by the owner, of Above Base Park Improvements for an on-site parkland dedication, all to the satisfaction of the General Manager, Parks, Forestry and Recreation (PFR). The development charge credit to be in an amount that is the lesser of the cost to the owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, Parks Forestry and Recreation, and the Parks and Recreation component of development charges payable for such development in accordance with the City's Development Charges By-law, as may be amended from time to time.
8. In the event that the Ontario Municipal Board allows the appeal in whole or in part, City Council direct the City Solicitor to request the Ontario Municipal Board to withhold the issuance of any Order(s) on the Zoning By-law Amendment appeal for the subject lands pending confirmation of water, sanitary and stormwater capacity from the Executive Director, Engineering and Construction Services, and pending receipt of a satisfactory Functional Servicing Report.
9. In the event that the appeal is allowed in whole or in part by the Ontario Municipal Board, City Council authorize the Chief Planner and Executive Director, City Planning to secure services, facilities or matters pursuant to Section 37 of the Planning Act, in consultation with the Ward Councillor, for:
 - public realm improvements in the Yonge-Eglinton Secondary Plan Area; and/or
 - additional community services and facilities in the Yonge-Eglinton Secondary Plan Area in accordance with emerging infrastructure priorities identified in the Yonge-Eglinton Secondary Plan Review, together with any matters to be secured as a matter of convenience.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On August 25, 2014, City Council adopted Midtown in Focus – Parks, Open Space and Streetscape Plan for the Yonge-Eglinton Area ("Public Realm Plan").

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

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. As OPA 289 is currently under appeal at the Ontario Municipal Board (OMB), it is relevant but not determinative in terms of the Official Plan policy framework.

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

On December 10, 2015, City Council adopted Official Plan Amendment No. 320. 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*.

At its meeting of January 19, 2016, the Toronto and East York Community Council considered a preliminary planning report with respect to a Zoning By-law Amendment application for two 34 and 35-storey residential towers at 117-127 Broadway Avenue. The report is available at:

<http://www.toronto.ca/legdocs/mmis/2016/te/bgrd/backgroundfile-87101.pdf>

On July 4, 2016, the Minister of Municipal Affairs approved and modified OPA 320. OPA 320 has been appealed in its entirety to the OMB. OPA 320 as approved and modified by the Minister is relevant but not determinative in terms of the Official Plan policy framework.

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 recommendations direct staff to use the draft built form principles in the report in the review of the development applications in the Yonge-Eglinton Secondary Plan Area. Planning staff were also directed to use the emerging community infrastructure priorities that have been identified, as part of the development application review process.

<http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-93903.pdf>

ISSUE BACKGROUND

Proposal

This application proposes a residential development of two towers linked by a 9-storey base building. The north tower along Broadway Avenue is 36 storeys, while the south tower in the rear of the property is 37 storeys. The north and south towers have 6 and 8-storey base buildings, respectively.

The proposed development contains 990 dwelling units, including 131 replacement rental units. 441 parking spaces are proposed in a 3-level underground garage on the site. A child care facility is proposed on the ground floor of the building. Refer to the chart below and Attachments 1-5 and 9 of this report for further information.

Category	First Submission September 25, 2015	Second Submission August 15, 2016
Site Area	5,637 square metres	5,637 square metres
Building Height North Tower South Tower	34-storeys/112.00 metres (including mechanical) 35-storeys/114.95 metres (including mechanical)	36-storeys /110.00 metres (including mechanical) 37-storeys/112.8 metres (including mechanical)
Tower Setbacks North Tower Broadway Avenue East Property Line West Property Line South Tower South Property Line East Property Line West Property Line	8 metres 14 metres 22 metres 7.5 metres 4.7 metres 12.5 metres	10.5 metres 12.5 metres 7.9 metres 12.5 metres 12.5 metres 8 metres
Base Setback on Ground Floor Broadway Avenue	4.5 metres (7.5 metres including patio for townhouse units)	7.5 metres
Tower Floorplate North Tower South Tower	831 square metres (approximately) 816 square metres (approximately)	802 square metres (approximately) 802 square metres (approximately)
Gross Floor Area Total Residential Non-Residential Total	65,132 square metres 0 square metres 65,132 square metres	64,024 square metres 0 square metres 64,024 square metres
Floor Space Index	11.55 (per By-law 569-2013)	11.40 (per By-law 569-2013)

Category	First Submission September 25, 2015	Second Submission August 15, 2016
Number of Units		
Studio	207 (23%) – 34 existing to be replaced	178 (18%) – 33 existing to be replaced
1 Bedroom	353 (44%) – 97 existing to be replaced	442 (45%) – 98 existing to be replaced
2 Bedroom	214 (21%)	284 (29%)
3 Bedroom	131 (13%)	86 (9%)
Total	1,036 (905 new & 131 existing to be replaced)	990 (859 new & 131 existing to be replaced)
Proposed Vehicular Parking (residential:visitor)	(380:0) includes 4 carshare spaces	(402:35) includes 4 car share spaces
Proposed Bicycle Parking (residential:visitor)	(932:104) 1,036 total	(892:98) 990 total
Loading Spaces Description	1 Type G Space and 1 Type B Space	1 Type G space and 1 Type B space
Amenity Space		
Indoor	2,072 square metres (2,072 required)	1,965 square metres (1980 required)
Outdoor	2,072 square metres (2,072 required)	1,792 square metres (1980 required)
Total	4,144 square metres (4,144 required)	3757 square metres (3,960 required)

The Rental Housing Demolition and Conversion Application (15 233435 STE 22 RH) proposes to demolish the two existing rental apartment buildings at 117 and 127 Broadway Avenue containing 71 and 60 rental dwelling units respectively and replace the 131 existing rental dwelling with units of a similar size and type and at rents similar to those at the time of application.

The application proposes that the required parkland dedication be provided off-site at 174-180 Broadway Avenue, located 120 metres east of the site. That site is currently occupied by two 2-storey rental apartment buildings comprised of approximately 9 rental dwelling units.

Site and Surrounding Area

The site is located on the south side of Broadway Avenue between Redpath Avenue and Mount Pleasant Road. It is comprised of two properties (117 and 127 Broadway Avenue) and is generally rectangular in shape with an area of 5,637 square metres.

The site currently is occupied by two 4-storey rental apartment buildings to be demolished. The two existing buildings on the site contain 131 rental dwelling units (71 and 60 units

respectively) that have the following unit mix and rent classification (according to information provided by the applicant at the time of application):

- 34 bachelor rental dwelling units – 15 units with affordable rents, 18 units with mid-range rents and 1 unit with high-end rent; and
- 97 one-bedroom rental dwelling units – 57 with affordable rents and 39 with mid-range rents; and unit occupied by the on-site superintendent.

At the time of application, 120 of the 131 existing rental dwelling units were occupied by tenants.

North: 4-storey apartment buildings across Broadway Avenue located at 110, 120, and 124 Broadway Avenue as well as a detached dwelling at 114 Broadway Avenue. The property at 100 Broadway Avenue is occupied by an existing 10-storey apartment building, and has a Zoning By-law Amendment application for a 34-storey apartment building by the same owner as the subject site.

East: A 4-storey apartment building located at 133 Broadway Avenue and a 19-storey apartment building located at 890 Mount Pleasant Road. Further to the east, on the east side of Mount Pleasant Road is Northern Secondary School.

South: A 13-storey apartment building located at 200 Roehampton Avenue and an 11-storey apartment building located at 250 Roehampton Avenue.

West: A private landscaped area that is not currently maintained and outdoor amenity space for the apartment building located at 200 Roehampton Avenue. Further west at the southeast corner of Broadway Avenue and Redpath Avenue, are two OMB-approved 34-storey residential towers with a 7-storey base building under construction on the consolidated properties at 95 & 99 Broadway and 197 Redpath Avenue.

West of Redpath Avenue on the south side of Broadway Avenue, are a series of detached dwellings as well as apartment buildings ranging from 4 to 25 storeys. There are Zoning By-law Amendment applications for a 38-storey residential tower at 85 Broadway Avenue, a 40-storey residential tower at 75 Broadway Avenue and two 45-storey residential towers at 55-65 Broadway Avenue. The applications at 55-65 Broadway and 85 Broadway are under appeal to the OMB.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (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; 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. Policy 4.7 states that the Official Plan is the most important vehicle for implementing the PPS. 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 Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan also requires the City to prioritize planning and investment in infrastructure and public service facilities that will support intensification within delineated built-up areas, and is explicit in its policy direction that "applying the policies of this Plan will support the achievement of complete communities..."

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (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 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 Yonge-Eglinton Centre, comprising the central part of the Yonge-Eglinton Secondary Plan area, is one of five Urban Growth Centres in Toronto identified in the Growth Plan where intensification is directed and encouraged. The Growth Plan directs municipalities to develop Official Plan policies and other supporting documents to guide this intensification. City Council's planning decisions are required, by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan for the Greater Golden Horseshoe.

Staff reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The City of Toronto Official Plan contains a number of policies that apply to the proposed development.

Chapter 2 – Shaping the City

Section 2.2.2 Centres: Vital Mixed Use Communities

The proposed development is located in the *Yonge-Eglinton Centre* as identified on Map 2, the urban structure map of the Official Plan. This *Centre* is centrally located in midtown Toronto at the crossroads of the Yonge subway line and the Eglinton Crosstown Light Rail Transit line that is under construction. Due to its strategic location, the *Yonge-Eglinton Centre* should continue to develop as both an office centre and a desirable living area. Through new development and City initiatives, improved public realm, parks and other open spaces will be created.

Centres in the Official Plan are a priority for managing growth in the City. They should be vibrant, mixed-use and supported by public transit. Each *Centre* in the Official Plan will have a secondary plan. Secondary plans for *Centres* will, among other matters, provide a supportive environment for residential and employment growth, including new commercial office space and transit-oriented development.

The secondary plans will also delineate the boundaries of the growth centre, provide a strategy for public realm and parks improvements, support the use of public transit and other transportation models (e.g. cycling and walking) and ensure that an appropriate transition is created between high growth areas and lower scale development, particularly *Neighbourhoods*.

Section 2.3.1 Healthy Neighbourhoods

The proposed development is located in a neighbourhood and designated as *Apartment Neighbourhoods*. Toronto's neighbourhoods are an important asset in the city and a cornerstone policy is to ensure that new development in neighbourhoods respects and reinforces the existing physical character of the area in terms of buildings, streetscapes and open space patterns.

Chapter 3 – Built Form

Section 3.1.2 Built Form

The Official Plan states that architects and developers have a civic responsibility to create buildings that not only meet the needs of their clients, tenants and customers, but also the needs of the people who live and work in the area who will encounter the building in their daily lives. New development in Toronto will be located and organized to fit with its existing and/or planned context. It will do this by: generally locating buildings parallel to the street or along the edge of a park or open space, having a consistent front yard setback, acknowledging the prominence of corner sites, locating entrances so they are clearly visible and providing ground floor uses that have views into and access from streets. New development will also locate and organize vehicle parking and vehicular access to minimize their impacts on the public realm. Furthermore, new development will create appropriate transitions in scale to neighbouring existing and/or planned buildings, limit shadowing on streets, properties and open spaces and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks to preserve their utility.

New development will be massed to define the edges of streets, parks and open spaces to ensure adequate access to sky view for the proposed and future uses. New development will also provide public amenity, enhance the public realm through streetscape improvements and ensure that significant new multi-unit residential development provides indoor and outdoor amenity space for its residents.

Section 3.1.3 Built Form – Tall Buildings

The applicant is proposing to construct two tall buildings on the subject site. Policy 3.1.3 states that tall buildings come with larger civic responsibilities than buildings of a smaller scale. In addition to specific built form characteristics, the policy states that proposals for tall buildings should clearly demonstrate how they relate to the existing and planned context, take into account their relationship with the topography and other tall buildings and how they meet the other objectives of the Official Plan.

Section 3.2.1 Housing

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. 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.

Chapter 4 – Land Use Designations

Section 4.2 Apartment Neighbourhoods

The proposed development is located in an area designated as *Apartment Neighbourhoods* (see Attachment No. 7). *Apartment Neighbourhoods* are made up of apartment buildings, parks, local institutions, cultural and recreation facilities, small scale retail service and office uses. *Apartment Neighbourhoods* are stable areas of the City and are generally not intended for significant growth. Compatible infill, however, is contemplated on sites containing existing apartment buildings that have underutilized land.

New and infill development will improve the quality of life for both new and existing residents. New and infill development in *Apartment Neighbourhoods* will contribute to the quality of life by massing new buildings to provide a transition between areas of different development intensity and scale. In particular, *Neighbourhoods* will be protected through setbacks and/or stepping down of heights. New and infill development will also frame the edges of streets and parks, screen service areas, limit shadow and mitigate wind on parks and open spaces as well as *Neighbourhoods*. It will also enhance the safety, amenity and animation of adjacent streets and open spaces.

OPA 320

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment 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*.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016. OPA 320 has been appealed in its entirety. OPA 320 as approved and modified by the Minister is relevant but not determinative in terms of the Official Plan policy framework.

OPA 320 as adopted by City Council is available on the City's website at:
<http://www.toronto.ca/legdocs/bylaws/2015/law1297.pdf>

Yonge-Eglinton Secondary Plan

The subject site is located within the Yonge-Eglinton Secondary Plan Area (see Attachment No. 8).

A primary objective of the Yonge-Eglinton Secondary Plan is to maintain and reinforce the stability of *Neighbourhoods* and to minimize conflicts among *Mixed Use Areas*, *Apartment Neighbourhoods*, *Neighbourhoods* and *Parks and Open Space Areas* in terms of land use, scale and vehicular movement. The Secondary Plan also requires that a full range of housing options (form, tenure) be provided in the Yonge-Eglinton Area suitable for family and other households in a manner that is: "contextually appropriate and compatible with existing residential uses and residential built form."

The *Mixed Use Areas* in the Secondary Plan contain a mix of retail, service commercial, office and residential uses with the highest concentration at Yonge Street and Eglinton Avenue and a lesser concentration near the Yonge/Davisville subway station.

The Secondary Plan identifies that Yonge-Eglinton Centre's *Apartment Neighbourhoods* are largely built-up and considered physically stable. New development in the Yonge-Eglinton Secondary Plan Area will protect the scale of development in *Neighbourhoods* while minimizing impacts (shadowing, overlook, loss of sky view) on lower scale built form in *Neighbourhoods*. New development will provide transition in height and scale from developments in *Mixed Use Areas* and *Apartment Neighbourhoods* to *Neighbourhoods*, particularly when higher density designations about a *Neighbourhood*.

New development will promote architectural excellence while providing for improvements in the public realm. New, flexible, community services facilities and social infrastructure will be provided in a timely manner in the Yonge-Eglinton Secondary Plan Area. New parks and open spaces will also be secured in the Secondary Plan Area along with improvements to the existing parks and open spaces and the public realm.

In 2010, the City amended the Yonge-Eglinton Secondary Plan to conform to the Growth Plan for the Greater Golden Horseshoe.

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

On August 25, 2014, City Council adopted Midtown in Focus: Parks, Open Space and Streetscape Plan for the Yonge-Eglinton Area.

<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 recognizes that the area has a distinct quality and character, consisting of a vibrant mixed use community with an open and green landscaped character. The Plan identifies 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.

The Five Place-Making Moves include the Park Street Loop focused on Broadway and Roehampton Avenues. 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. The Midtown in Focus Plan supports and implements the public realm policies of the Official Plan as well as the Yonge-Eglinton Secondary Plan.

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. As the proposed Secondary Plan amendments are currently under appeal at the OMB, OPA 289 is relevant but not determinative in terms of the Official Plan policy framework.

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

Council adopted OPA 289 outlines a comprehensive public realm strategy and a system of improvements to 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: enhancements to streetscapes and the provision of wider sidewalks and the establishment of multi-purpose promenades. Another objective of OPA 289 is to maintain and enhance the open, green, landscaped character of the area, improve and expand the network of parks, open spaces and streetscapes and create a high-quality public realm to ensure the continued vitality and quality of life in the area.

Midtown in Focus: Growth, Built Form and Infrastructure Review of Yonge-Eglinton Secondary Plan

The City Planning Division is leading an inter-divisional review of growth, built form and infrastructure issues in the Yonge-Eglinton Secondary Plan Area that builds on the Midtown in Focus Public Realm Plan and OPA 289. The Midtown in Focus Review is a 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 Midtown in Focus 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 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.

City staff anticipates reporting to City Council in late 2017 with a Proposals Report that identifies the proposed policy direction that will inform the development of an updated Yonge-Eglinton Secondary Plan as well as other emerging directions related to the infrastructure assessments and strategies.

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 a status update on the study, and identified draft built form principles. The recommendations adopted by Council direct staff to:

- Consider and review applications within the context of the ongoing review;
- 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
- 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.

The draft built form principles developed for the Midtown in Focus Review, endorsed by Council, are organized in four categories: Area Structure, Public Realm and Open Space,

Walkability and Comfort, and Heritage and Landmarks. The principles specifically 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.
- Provide a variety of building heights to reinforce existing character, promote localized sense of place and create a legible skyline for the district that makes legible and reinforces the area structure when viewed from key vantage points within the broader city.

Public Realm and Open Space

- Reinforce the unique open space amenity and spaciousness provided by the Eglinton Green Line, Midtown Apartment Neighbourhoods and Apartment High Streets by ensuring abundant landscaping at grade and generous building spacing.
- 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.
- Ensure fine-grained pedestrian circulation between and through sites and blocks through the placement and orientation of buildings.

Zoning

The application is zoned R2 Z2.0 in Zoning By-law 438-86, as amended, and is zoned R (d2.0) (x912) in Zoning By-law 569-2013, as amended. Both Zoning By-laws permit residential uses in buildings with a maximum density of 2.0 times the area of the lot and a maximum height of 38.0 metres. The minimum side and rear yard setbacks are 7.5 metres, and the maximum depth of an apartment building is 14.0 metres.

Chapter 667 - Rental Demolition and Conversion By-Law

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. Chapter 667 prohibits the demolition or conversion of rental housing units in buildings containing six or more dwelling 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, where delegated, the Chief Planner.

Pursuant to Chapter 667, Council may refuse an application, or approve the demolition and may impose conditions, including conditions that must be satisfied before a demolition permit is issued. These conditions further the intent of the City's Official Plan policies protecting rental and affordable housing. Pursuant to the City's demolition control by-law Chapter 363 of the Municipal Code, Council approval of the demolition of dwelling units under Section 33 of the *Planning Act* is also required where six or more dwelling 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 and an application under Chapter 363 for residential demolition control, City Council typically considers both applications at the same time. Unlike *Planning Act* applications, decisions by City Council under Chapter 667 are not appealable to the OMB.

On October 6, 2015, the applicant made an application for a Rental Housing Demolition permit pursuant to Chapter 667 of the City of Toronto Municipal Code to demolish the 131 existing rental dwelling units at 117 to 127 Broadway Avenue. A Housing Issues Report has been submitted with the required application and is currently under review.

To date, the applicant has not submitted an application for a Rental Housing Demolition permit to demolish the approximately 9 existing rental dwelling units at 174-180 Broadway Avenue which is the applicant's proposed site for the off-site parkland dedication for the development at 117-127 Broadway Avenue. This application, if submitted, along with all of the required supporting documentation, will be reviewed to ensure consistency with the Official Plan.

As per Chapter 667-14, a tenant consultation meeting is required to be held to review the impact of the proposal on tenants of the residential rental property and matters under the City's Rental Housing Demolition and Conversion By-law.

Tall Building Design Guidelines

In 2013, City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use them in the evaluation of tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall buildings to ensure they fit within their context and minimize their local impacts. The Guidelines are available at:

<http://www.toronto.ca/planning/tallbuildingdesign.htm>

Policy 1 in Section 5.3.2 Implementation Plans and Strategies for City-Building of the Official Plan states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban Design Guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas." The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3.1 The Built Environment and other policies of the Plan related to the design and development of tall buildings.

Site Plan Control

A site plan application is required for the proposal but has not been submitted.

Reasons for Application

A zoning by-law amendment is required because the proposed development, among other matters, exceeds the height and density permissions of the in-force zoning by-law. The proposed development does not provide the minimum required indoor and outdoor amenity space. As well, the proposed building does not meet the minimum required setbacks.

The applicant has submitted an application for a Rental Housing Demolition permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition of the existing rental housing units at the subject site, 117 and 127 Broadway Avenue, as it contains six or more dwelling units, of which at least one is rental.

The applicant is also required to submit an application for a Rental Housing Demolition permit for the demolition of the existing rental dwelling units at 174-180 Broadway Avenue as that site contains six or more dwelling units, of which at least one is rental.

Community Consultation

On February 29, 2016, a community consultation meeting hosted by City Planning staff was attended by approximately 20 residents and other interested parties.

Concerns regarding the proposal raised at the meeting, through verbal contact or by written submissions to the City Planning Division, include the following:

- Height and massing of the buildings;
- Tenant relocation plan with comparable rent during construction;
- Expected timeline of the application review process, tenant relocation and completion of construction;
- Potential shadow impact on adjacent properties;
- Increase in pedestrians along Broadway Avenue;
- Parking deficiency for the site; and

- Potential traffic impact in the area.

Tenant Consultation Meeting

A Tenant Consultation Meeting as required under the City's Rental Housing Demolition and Conversion By-law has not been held for tenants at 117 and 127 Broadway Avenue. Staff will notify all affected tenants when this meeting is scheduled.

If an application for Rental Demolition and Conversion Application is submitted to the City for 174-180 Broadway Avenue, staff will organize a tenant consultation meeting for affected tenants of the site.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal fails to have regard for Section 2 of the Planning Act, including Policy 2 (r) regarding built form. The proposal is not well-designed in terms of its scale and proportion, does not encourage a positive sense of place as it overwhelms its surroundings.

Section 4.7 of the PPS states that: "the official plan is the most important vehicle for implementation" and that "comprehensive, integrated and long-term planning is best achieved through official plans". Furthermore, it directs municipalities to provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

The proposal is inconsistent with the PPS, including Section 1.1.3.3 of the PPS as the proposed level of intensification and redevelopment cannot be accommodated in conformity to the City's Official Plan. The proposed development does not conform to the policies of the in force Official Plan, including the Healthy Neighbourhood, Public Realm, Built Form and *Apartment Neighbourhood* policies.

The Growth Plan for the Greater Golden Horseshoe states in section 2.2.2.4b) that municipalities will identify the appropriate type and scale of development and transition of built form to adjacent areas. The proposed scale of the development is not appropriate, and does not conform to the policies of the in force Official Plan, including the Healthy Neighbourhood, Built Form and *Apartment Neighbourhood* policies.

The Growth Plan states in section 2.2.3 Urban Growth Centres, that:

"1. *Urban Growth Centres* will be planned:

- a) as focal areas for investment in regional *public service facilities*, as well as commercial, recreational, cultural, and entertainment uses;

- b) to accommodate and support the transit network at the regional scale and provide connection points for inter- and intra-regional transit;
 - c) to serve as high-density major employment centres that will attract provincially, nationally or internationally significant employment uses; and
 - d) to accommodate significant population and employment growth.
2. *Urban Growth Centres* will be planned to achieve, by 2031 or earlier, a minimum density target of:
- a) 400 residents and jobs combined per hectare for each of the *urban growth centres* in the City of Toronto."

The Yonge-Eglinton Centre has already met the minimum growth targets of the Growth Plan for the Greater Golden Horseshoe. The proposed intensification of the subject site is not required to meet the minimum growth targets of the Growth Plan.

Massing and Density

The proposed development, consisting of two towers on a single site, linked by a high base building and extending to the rear of the property, has a scale and intensity that is out of character with the surrounding *Apartment Neighbourhood*. The proposed dense urban form represents overdevelopment of the site and does not fit harmoniously into the existing or planned context. It would set a negative precedent of an undesirable form of development for this *Apartment Neighbourhood*.

The proposed scale and intensity for the development would contribute to destabilizing the neighbourhood if replicated on other sites along Broadway Avenue, as well as in other *Apartment Neighbourhoods* within the Yonge-Eglinton Centre. In particular, the proposal's negative impacts on the public realm and on neighbouring properties would be exacerbated if the built form is replicated along Broadway Avenue.

The Healthy Neighbourhood policies of the Official Plan state that *Apartment Neighbourhoods* are considered to be physically stable, and that new development will respect and reinforce the existing physical character of buildings, streetscapes, and open space patterns in these areas.

The Built Form policies further require that new development will be designed to fit harmoniously into its existing and/or planned context, and to limit impacts on neighbouring streets, parks, open spaces and properties. Taller buildings are to be located to ensure adequate access to sky view for the proposed future use of streets, parks, and open spaces.

The *Apartment Neighbourhood* policies require that new development contribute to quality of life by locating and massing new buildings to frame the edge of streets with good proportion and maintain sunlight for pedestrians on adjacent streets, parks and open spaces. The policies of the Yonge-Eglinton Secondary Plan reinforce that *Apartment Neighbourhoods* are to be physically stable areas, and that new development is to comply with the Healthy Neighbourhood and *Apartment Neighbourhood* policies.

OPA 320, approved by the Minister of Municipal Affairs and Housing, but not in force as a result of appeals to the OMB, amends the Healthy Neighbourhood policies. The amended policies state that *Apartment Neighbourhoods* are considered to be physically stable, and that new development will be consistent with this objective and will respect the criteria contained in the *Apartment Neighbourhood* policies and other relevant sections of the Official Plan.

The existing context along Broadway Avenue is high and medium density residential buildings in an open, landscaped setting. The mix of building types and heights includes 3-storey walk-up apartment buildings and 10-storey point towers nearest the proposed development, and mid-century and contemporary towers of 20+ storeys toward Yonge Street and Mount Pleasant Road.

The City's Tall Building Design Guidelines state that the analysis of the surrounding context informs many key design decisions, including the placement, height and character of base buildings, and the location, shape, general height and spacing of towers. The proposed development introduces a significantly different and distinct built form that is not context sensitive and represents a significant departure from the character of the neighbourhood.

The proposed towers have floor plates of approximately 800 square metres, which is larger than the maximum of 750 square metres required by the Tall Building Design Guidelines. The inclusion of a second tower at the rear of the site, without frontage onto a public street, is not a form that exists anywhere else in the surrounding *Apartment Neighbourhood*. The increased size of the tower floor plates and their east-west orientation, along with the overall design and site organization, result in a significant amount of massing that creates unacceptable negative shadow impacts on the public realm and neighbouring properties, as well as a loss of sky view from the surrounding streets.

In addition to the scale of the proposed development, its base building will be located only 2.5 metres from the east property line, which provides a 5.5 metre separation distance between the windows of the proposed development and the primary windows of the adjacent 3-storey residential apartment building to the east (133 Broadway Avenue). The existing zoning of the subject site requires a minimum setback of 7.5 metres, which would result in a separation distance of 10.5 metres. The existing 3-storey residential building at 127 Broadway is set back 5.9 metres from the east property line, and has a separation distance of approximately 8.9 metres from 133 Broadway Avenue. The proposed development's reduced setback and increase in height will have negative privacy impacts on the residents of the adjacent apartment building to the east.

Along Broadway Avenue, the proposed building has a front setback of 7.5 metres, but balconies on floors 2 through 5 project 1.5 metres into the front setback. OPA 289 requires a minimum front setback of 7.5 metres, free and clear above grade, as part of the "Park Street Loop". The proposed building does not conform to the policies of OPA 289.

While the site may be large enough to accommodate two towers that meet or exceed setbacks required by the Tall Building Design Guidelines, the proposed built form of the two towers,

including high base buildings and increased floor plates, does not respect the existing or planned context and does not represent good planning.

The proposed development does not conform to the in force Healthy Neighbourhood, Built Form, *Apartment Neighbourhood*, or Yonge-Eglinton Secondary Plan policies, nor does it meet the Tall Building Design Guidelines or the intent of such guidelines, or OPA 289.

Midtown in Focus: Growth, Built Form, and Infrastructure Review of Yonge-Eglinton Secondary Plan

On July 12, 2016, City Council directed Staff to use the built form principles from the Yonge-Eglinton Secondary Plan Review in the evaluation of development applications. Staff have reviewed the subject application against the Council endorsed principles, and have used analysis completed to date. The application is contrary to a number of the applicable principles. In particular, the application does not:

- Reinforce the unique open space amenity and spaciousness provided by the Midtown Apartment Neighbourhoods and Apartment High Streets by ensuring abundant landscaping at grade and generous building spacing; or
- 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 Park Street Loop, major pedestrian routes and parks and open spaces.

The application was also reviewed in the context of the Character Area approach and analysis underway for the Midtown in Focus Review of Yonge-Eglinton, which is generally consistent with existing Official Plan policies and City design guidelines.

Broadway Avenue is located within a Midtown Apartment Neighbourhoods character area identified by the Review. It is characterized by medium and high density residential buildings in an open, landscaped setting.

The proposed massing of the buildings on the subject site does not respond adequately to the distinguishing features of the Midtown Apartment Neighbourhoods Character Area, including tower separation distances greater than 25 metres, towers set back from the street, and base buildings with lower heights and massing. High density development has taken place within these parameters and can continue to occur while respecting the distinct character of this area.

The proposed development introduces a significantly different built form that is not context sensitive and represents a significant change to the character of the neighbourhood. The emerging directions of the Midtown in Focus study (Yonge-Eglinton Secondary Plan Review) do not support the proposed development.

Sun and Shadow

The Built Form policies require that new buildings limit impacts on neighbouring streets, parks, open spaces and properties by providing adequate light and privacy, and adequately

limiting resulting shadowing of those areas. The *Apartment Neighbourhood* policies state that new buildings are to be located and massed to frame the edge of streets with good proportion and maintain sunlight for pedestrians on adjacent streets and open spaces. The Public Realm policies recognize City streets as significant public open spaces that provide amenities such as sky view and sunlight, and serve as public gathering places.

The proposed built form, consisting of multiple large towers on a single site, creates unacceptable shadowing conditions on Broadway Avenue and results in a significant loss of sunlight. At the spring and fall equinoxes, the proposal would cast a shadow across Broadway Avenue for the majority of the day, with approximately 1/3 of the block covered in the late morning and early afternoon. If the proposed built form is replicated on other sites, the loss of sunlight along Broadway Avenue will be exacerbated, particularly in the morning and afternoon during the spring and fall equinoxes.

These potential impacts are especially significant on the sidewalks and adjacent open spaces of Broadway Avenue that form part of the Park Street Loop set out in OPA 289 and the Midtown in Focus Public Realm Plan. The Park Street Loop is to serve as the green spine of this densely-populated, parkland-deficient *Apartment Neighbourhood* by accommodating a multi-purpose green promenade with wide pedestrian clearways, cycling facilities and landscaping. This pedestrian and open space amenity will serve as a green link from this neighbourhood to Eglinton Park to the west and to community amenities and open spaces to the east. A key built form principle endorsed by City Council in 2016 is the location, design and massing of buildings to preserve skyview, allow daylight and sunlight access, and ensure good wind conditions on the Park Street Loop in particular.

The *Apartment Neighbourhoods* policies require that new buildings be located and massed to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*. The proposed development will have negative shadow impacts on the playing field of Northern Secondary School during the late afternoon/early evening hours. In particular, the tower at the rear of the subject site will cast shadows across the middle of the playing field starting at approximately 5 p.m. during the spring and fall equinoxes.

The proposed development does not adequately limit shadow impacts on the public realm or adjacent *Neighbourhoods*, and does not conform to the Built Form, Public Realm or *Apartment Neighbourhood* policies.

Amenity Space

The Zoning By-law 438-86 requires that 2 square metres of indoor and 2 square metres of outdoor amenity space be provided for every residential unit. The Zoning By-law requires a total of 1,980 square metres of indoor, and 1,980 square metres of outdoor amenity space. Zoning By-law 569-2013 requires a minimum of 4 square metres of amenity space per unit, with at least 2 square metres per unit as indoor amenity space.

The proposed development will provide a total of 1,345 square metres of indoor amenity space, and 1,482 square metres of outdoor amenity space. The development also includes 620 square metres of indoor space and 310 square metres of outdoor space for a child care facility,

however these spaces would not be accessible to the residents of the new development and should not be included as part of the amenity space calculation. The proposed development does not provide sufficient indoor or outdoor amenity space.

In addition, the Wind Study submitted by the applicant shows that the portion of the outdoor amenity space to be located on the rooftop of the 9th floor (628 square metres), would not be suitable for either sitting or standing in the summer months. This would drastically reduce the usability and functionality of the already limited amount of outdoor amenity space.

Servicing

Staff have requested that the applicant submit a revised functional servicing report to address site servicing including water, sanitary and stormwater.

Infrastructure capacity, specifically water, sanitary, and storm sewer capacity, within the Yonge-Eglinton Secondary Plan Area is under review as part of the Midtown in Focus planning study. In the event that the OMB allows the Zoning By-law Amendment appeal in whole or in part, the final order should be withheld pending the confirmation of water, sanitary and stormwater capacity from the Executive Director, Engineering and Construction Services, or the determination of whether holding provisions are required in the zoning by-law amendment.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Official Plan shows local parkland provision across the City. The subject site is in an area with 0.43 to 0.79 hectares of local parkland per 1,000 people, the second lowest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

The subject application is for two new residential buildings with 990 rental units. At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 13,200 square metres or 234 % of the site area. However, for sites less than 1 hectare in size, a cap of 10 % of the development site is applied to the residential use. In total, the parkland dedication requirement is 564 square metres.

The site is located within the Yonge-Eglinton Centre, an area experiencing rapid population growth that is increasing the demand for and use of the existing public open space. As a result, the Midtown in Focus Review identifies parkland as a priority to be achieved in the area.

The applicant is required to satisfy the parkland dedication requirement by an on-site dedication. The park is to be located on the northwest corner of the subject site with frontage along Broadway Avenue. Alternatively, the applicant may provide off-site parkland dedication at a site that is to the satisfaction of the General Manager, of Parks, Forestry, and Recreation.

The applicant proposes that the required parkland dedication be provided off-site, at 174-180 Broadway Avenue. The proposed site is currently occupied by two 2-storey rental apartment buildings containing approximately 9 rental dwelling units. An application for Rental Housing Demolition will be required in order to review the proposed demolition of the existing rental dwelling units.

In the event that the OMB allows the appeal in whole or in part, City Planning staff recommend that the final order be withheld until the Rental Housing Demolition and Official Plan Amendment applications are finalized. If the demolition and relocation of the existing rental dwelling units at 174-180 Broadway Avenue is not approved, the applicant would be required to provide the parkland dedication on-site at 117-127 Broadway Avenue. The requirement to provide on-site parkland dedication would drastically alter the proposed development.

Section 37

Section 37 of the Planning Act allows the City to enter into an agreement with an applicant where there is an increase in height and/or density (over and above that permitted by the Zoning By-law) in return for community benefits to be provided by the applicant. Details of a Section 37 contribution and related by-law provisions and requirements for the satisfactory execution and registration of an Agreement pursuant to Section 37 of the *Planning Act* between the applicant and the City should be established if the project or some form of the project is ultimately approved by the OMB.

As this application is not considered good planning and is not supported by City staff, there has been no discussion with the applicant about the quantum of the community benefits. In the event that the OMB grants additional density and/or height beyond that which is permitted in Zoning By-law 438-86, it is recommended that staff request that the OMB withhold its final order until the City has a satisfactory registered agreement with the applicant to secure the appropriate community benefits. Such benefits could include contributions (as deemed appropriate by the Chief Planner and Executive Director, City Planning) for:

- public realm improvements in the Yonge-Eglinton Secondary Plan Area; and/or
- community services and facilities in the Yonge-Eglinton Secondary Plan Area in accordance with emerging infrastructure priorities identified in the Yonge-Eglinton Secondary Plan Review, together with any matters to be secured as a matter of convenience.

Rental Housing

A permit under Section 111 of the *City of Toronto Act* and Chapter 667 of the Municipal Code is required for 117 and 127 Broadway Avenue and 174-180 Broadway Avenue as the application proposes to demolish at least 6 residential rental dwelling units on each site.

117 and 127 Broadway Avenue

Policy 3.2.1.6 of the Official Plan applies to the proposed development of the site as it would result in the loss of six or more rental dwelling units with affordable and mid-range rents and because City Council has not determined that the supply and availability of rental housing in the City has returned to a healthy state. Conditions of any Zoning By-law Amendment approval would include requiring the full replacement of all 131 existing rental dwelling units at similar rents and the provision of an acceptable Tenant Relocation and Assistance Plan, all to the satisfaction of the Chief Planner.

The details of the applicant's replacement rental proposal and Tenant Relocation and Assistance Plan for the purposes of complying with section 3.2.1.6 of the Official Plan have not been finalized. Staff will continue to work with the applicant to resolve these outstanding matters to the satisfaction of the Chief Planner, to be secured in any by-law amendments and through one or more agreements with the City pursuant to Section 37 of the *Planning Act*, in the event the Board were to allow the appeal in whole or in part. In addition, in the event the Board were to allow the appeal in whole or in part, it is recommended that no Board order should be issued until such time as the form of any implementing By-laws is satisfactory to the Chief Planner and the City Solicitor and until a section 37 Agreement with the City has been executed and registered to the satisfaction of the City, securing such matters.

174-180 Broadway Avenue

Policy 3.2.1.6 of the Official Plan also applies to 174-180 Broadway Avenue as the applicant's proposed off-site parkland dedication for this site would require the demolition of the two existing rental apartment buildings and result in the loss of six or more rental dwelling units with affordable and mid-range rents. Conditions of any Zoning By-law Amendment approval would include the full replacement of all existing rental dwelling units at similar rents and the provision of an acceptable Tenant Relocation and Assistance Plan, all to the satisfaction of the Chief Planner.

City Planning staff generally support off-site replacement of the existing replacement rental dwelling units at 174-180 Broadway Avenue to 117 and 127 Broadway Avenue due to their proximity.

For off-site replacement of the existing dwelling units at 174-180 Broadway Avenue into the development at 117 and 127 Broadway Avenue, the conditions of any Zoning By-law Amendment approval for 117 and 127 Broadway Avenue would include requiring the full replacement of all existing rental dwelling units at 174-180 Broadway Avenue at similar rents and the provision of an acceptable Tenant Relocation and Assistance Plan, all to the satisfaction of the Chief Planner. Staff will continue to work with the applicant to resolve these outstanding matters to the satisfaction of the Chief Planner, to be secured in any by-law amendments and through one or more agreements with the City pursuant to Section 37 of the *Planning Act*, in the event that the OMB allows the appeal in whole or in part.

CONCLUSION

The proposal constitutes overdevelopment of the subject site. The proposed built form does not conform to the Healthy Neighbourhoods, Public Realm, Built Form or *Apartment Neighbourhood* policies of the Official Plan. Further, the proposed development does not

adequately address the City's Tall Building Design Guidelines, or the intent of those guidelines. The proposed development does not conform to the policies of OPA 289.

The proposed massing of the buildings does not respond adequately to the existing character of the neighbourhood and would result in significant impacts to the quality and comfort of the area's public realm. The proposed development is not context sensitive and represents a wholesale change to the character of the neighbourhood. Such changes should only be contemplated as part of a broader area study.

The emerging policy direction of the Midtown in Focus Review of the Yonge-Eglinton Secondary Plan does not support the proposed development, and the proposed built form is significantly divergent from the Council-endorsed draft built form principles for the Yonge-Eglinton area. The proposed development has the potential to set a negative precedent for the neighbourhood.

Staff are recommending that the appeal of the application be opposed at the OMB.

Staff recommend that Council defer its consideration of the application for Rental Housing Demolition under Chapter 667 of the Municipal Code pursuant to Section 111 of the *City of Toronto Act* for 117 and 127 Broadway Avenue until the OMB decision on the Zoning By-law Amendment appeal, following which the Rental Housing Demolition permit application would return to Council for consideration.

CONTACT

David Driedger, Senior Planner
Tel. No. 416-392-7613
E-mail: david.driedger@toronto.ca

Jeremy Kloet, Senior Planner
Tel. No. 416-392-7863
E-mail: jeremy.kloet@toronto.ca

SIGNATURE

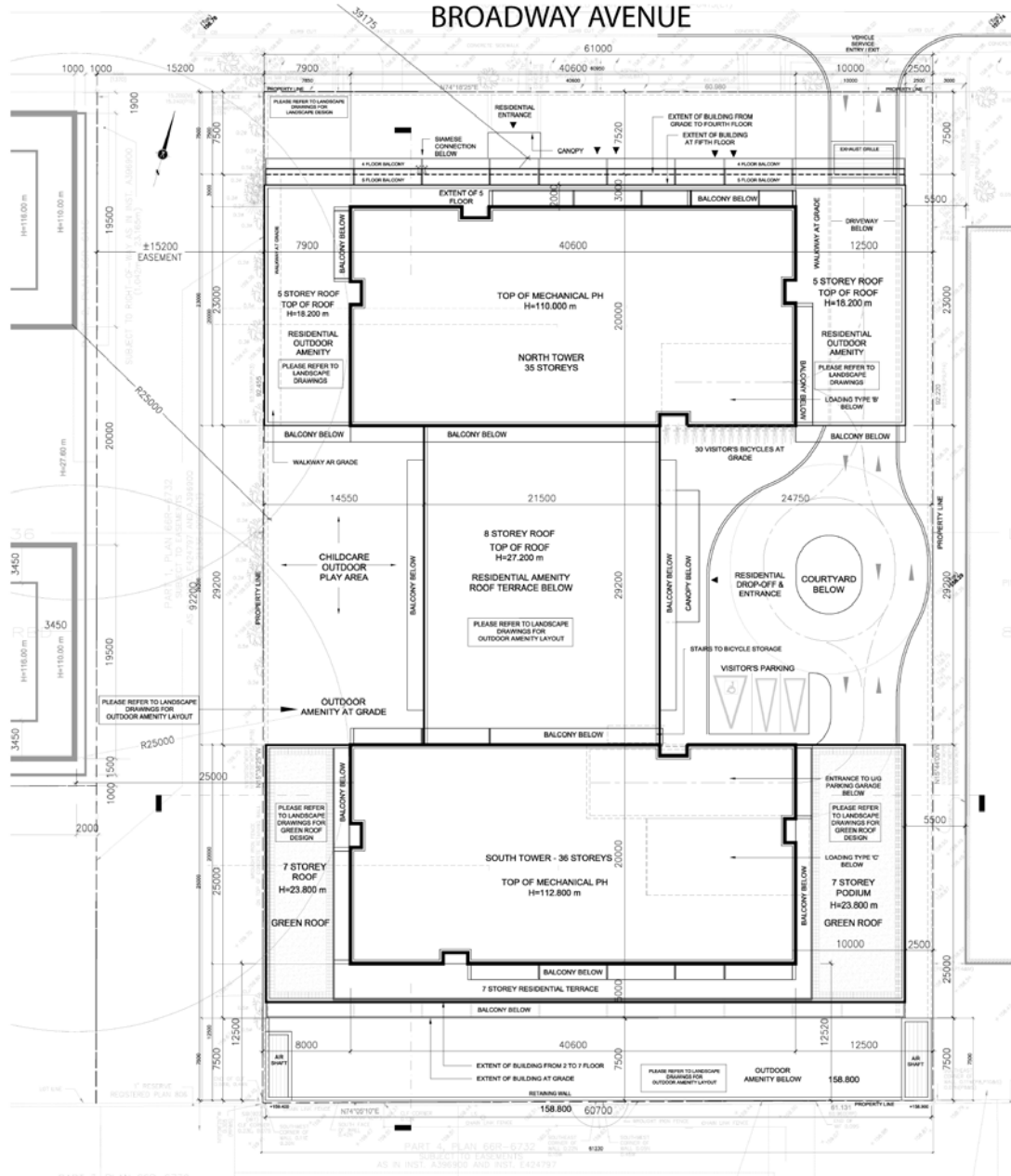
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

(P:\2017\Cluster B\pln\TEYCC\12316992068.doc) – smc

ATTACHMENTS

Attachment 1:	Site Plan
Attachments 2-5:	Elevations
Attachment 6:	Zoning
Attachment 7:	Official Plan
Attachment 8:	Yonge-Eglinton Secondary Plan
Attachment 9:	Application Data Sheet

Attachment 1: Site Plan



Site Plan

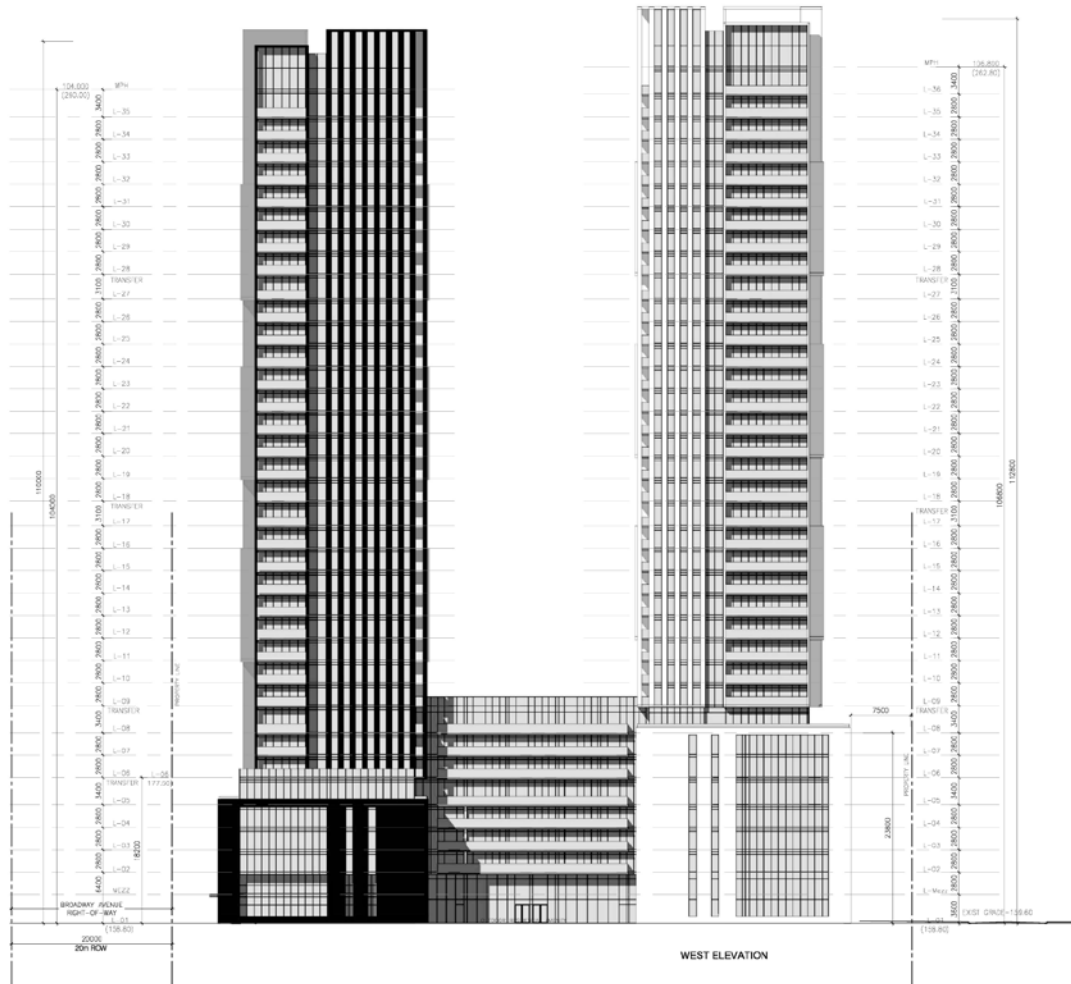
Applicant's Submitted Drawing

Not to Scale
05/12/2017

117-127 Broadway Avenue

File # 15 228738 STE 22 0Z

Attachment 2: West Elevation



West Elevation

Elevations

117-127 Broadway Avenue

Applicant's Submitted Drawing

Not to Scale
05/12/2017

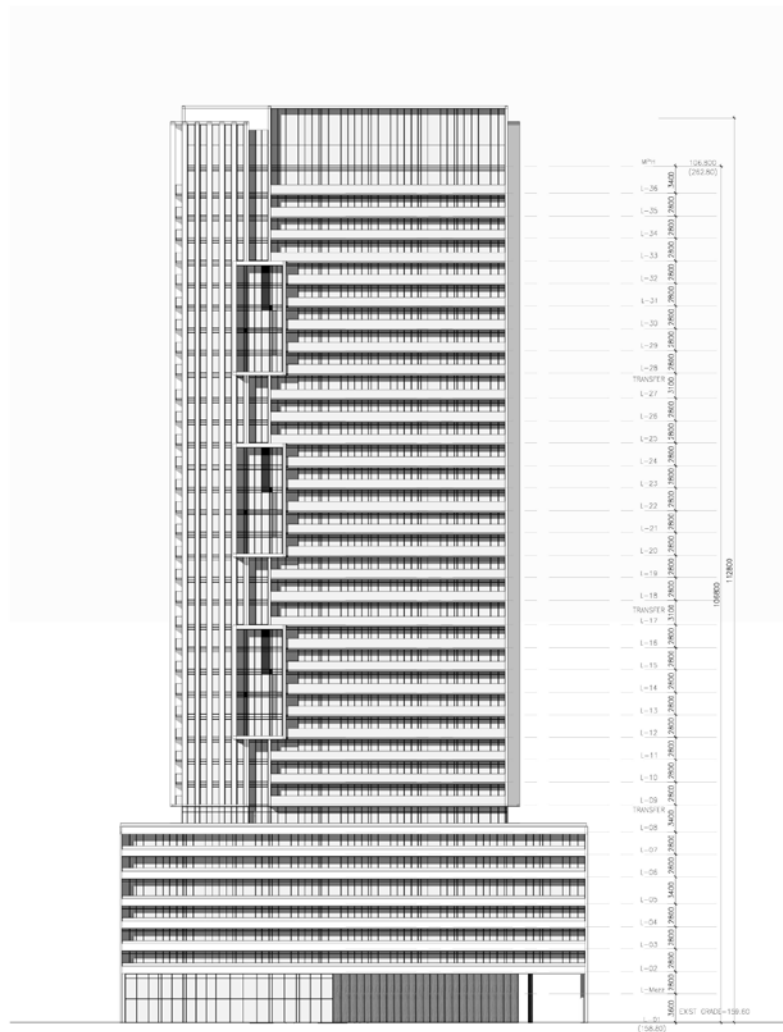
File # 15 228738 STE 22 02

Elevations

117-127 Broadway Avenue

File # 15 228738 STE 22 0Z

Attachment 4: South Elevation



South Elevation

Elevations

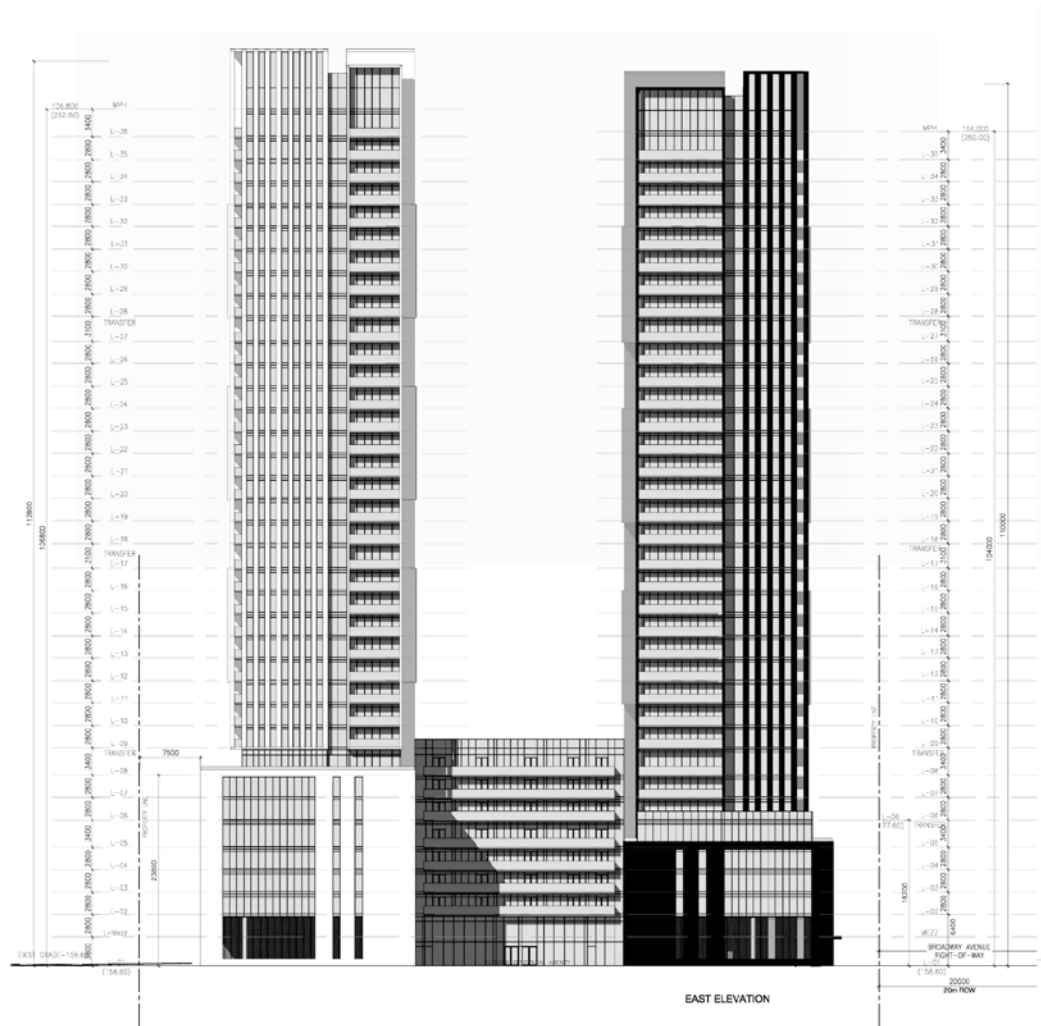
Applicant's Submitted Drawing

Not to Scale
05/12/2017

117-127 Broadway Avenue

File # 15 228738 STE 22 02

Attachment 5: East Elevation



East Elevation

Elevations

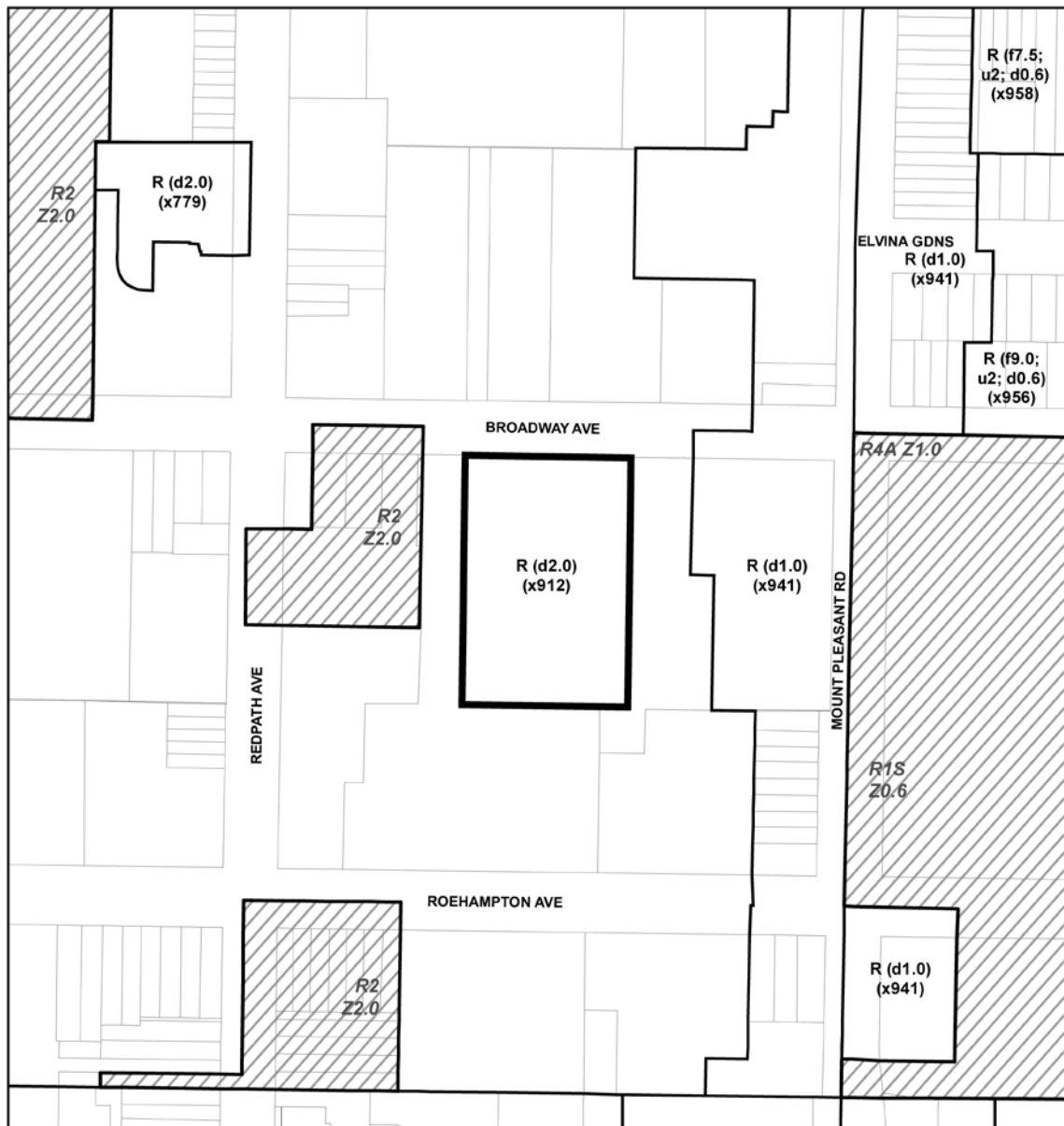
Applicant's Submitted Drawing

Not to Scale
05/12/2017

117-127 Broadway Avenue

File # 15 228738 STE 22 02

Attachment 6: Zoning



Zoning By-law 569-2013

117-127 Broadway Avenue

File # 15 228738 STE 22 02



Location of Application

R

Residential

CR

Commercial Residential



See Former City of Toronto Bylaw No. 438-86

R2

Residential District

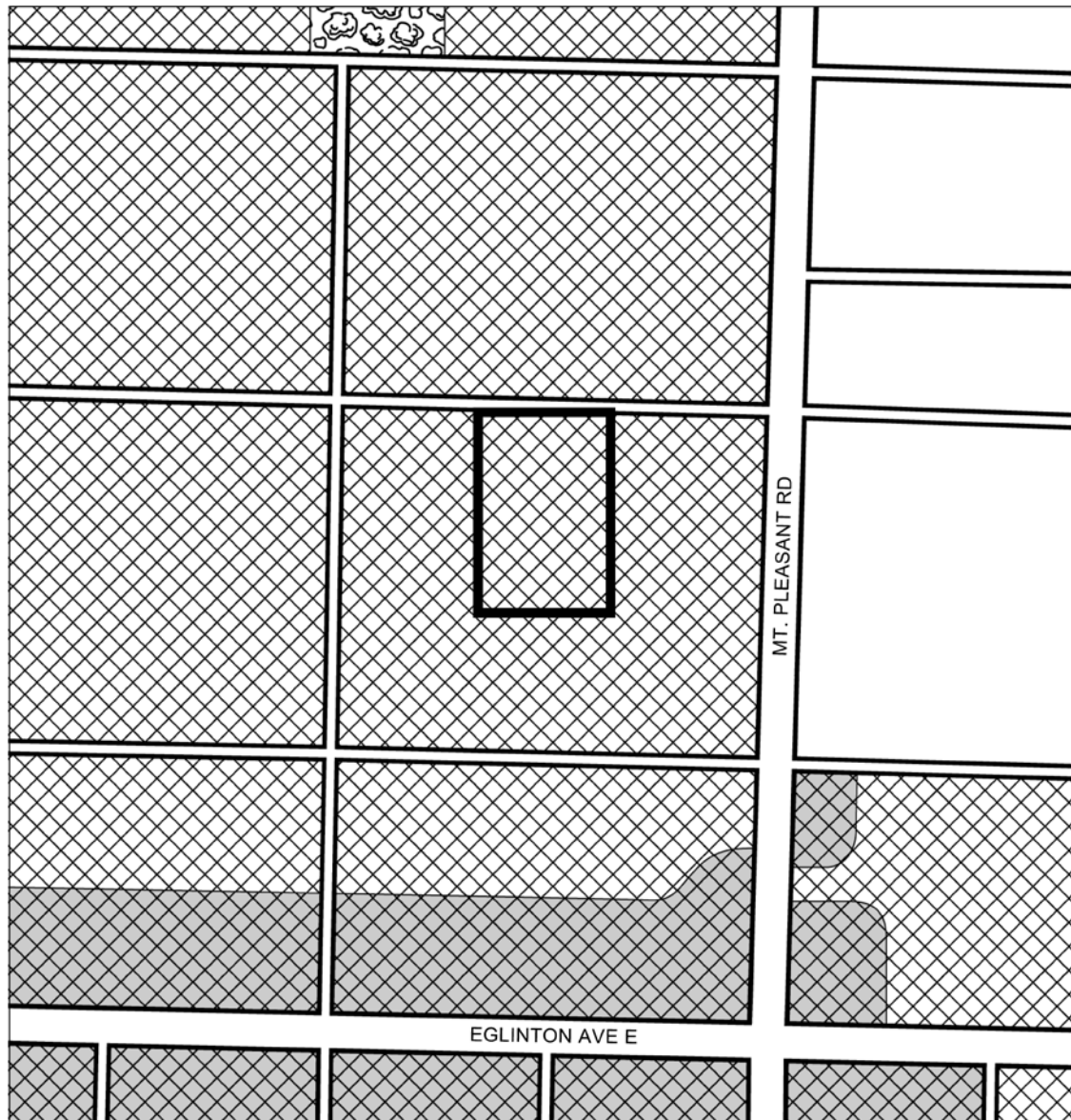
R4A

Residential District



Not to Scale
Extracted: 12/09/2015

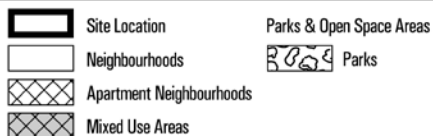
Attachment 7: Official Plan



Toronto City Planning
Extract from Official Plan

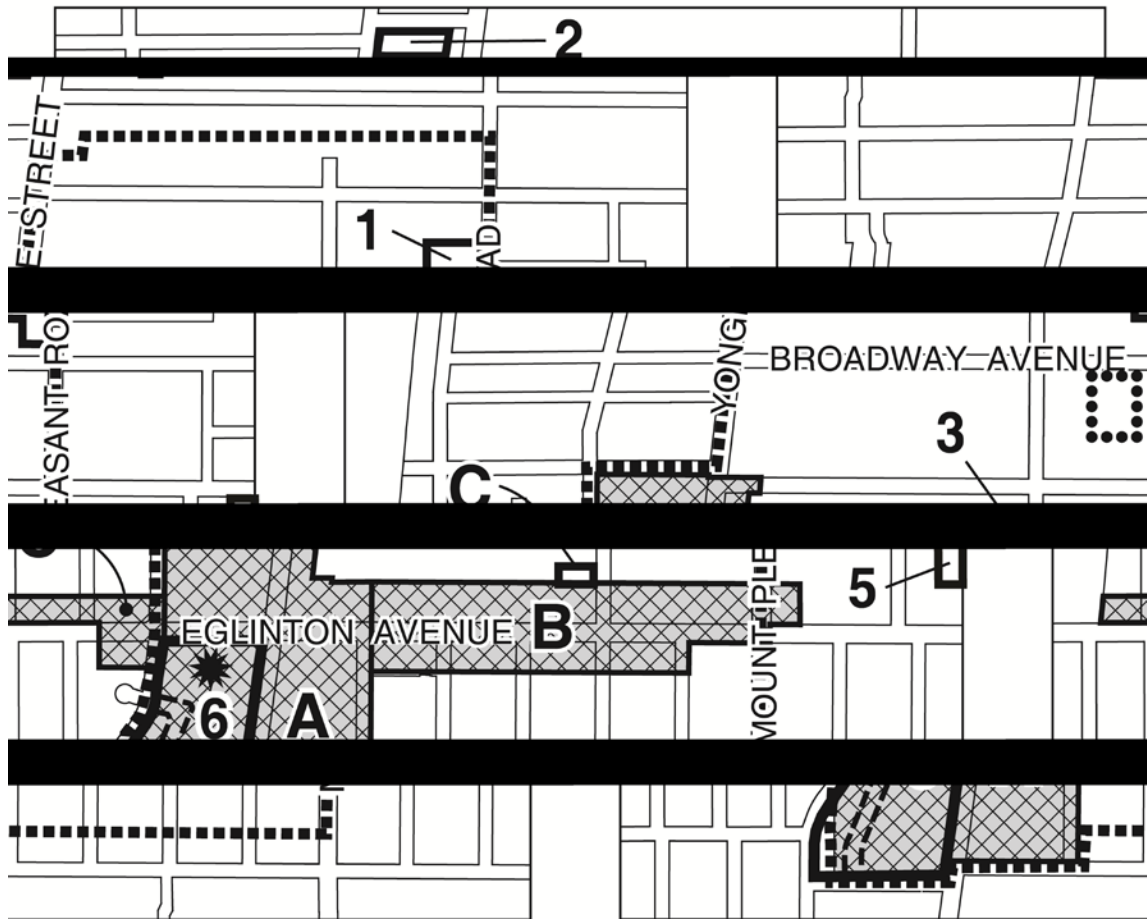
117-127 Broadway Avenue

File # 15 228738 STE 22 0Z



Not to Scale
12/09/2015

Attachment 8: Yonge-Eglinton Secondary Plan



Not to Scale



Yonge-Eglinton Secondary Plan

MAP 21-1 Land Use Plan



Attachment 9: Application Data Sheet

Application Type	Rezoning	Application Number:	15 228738 STE 22 OZ
Details	Rezoning, Standard	Application Date:	September 25, 2015
Municipal Address:	117 BROADWAY AVE		
Location Description:	PLAN 806 LOT 35 **GRID S2201		
Project Description:	Two 36- and 37-storey residential towers with 6 and 8-storey bases, and linked by a 9-storey base building, containing a total of 990 dwelling units, including 131 replacement rental units.		

Applicant:	Agent:	Architect:	Owner:
Andrew Ferancik	Andrew Ferancik	Page & Steele IBI Group	117 Broadview Holdings Ltd

PLANNING CONTROLS

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

PROJECT INFORMATION

Site Area (sq. m):	5637	Height:	Storeys:	37	
Frontage (m):	61		Metres:	112.8	
Depth (m):	92				
Total Ground Floor Area (sq. m):	2926				Total
Total Residential GFA (sq. m):	64024		Parking Spaces:	441	
Total Non-Residential GFA (sq. m):	0		Loading Docks	2	
Total GFA (sq. m):	64024				
Lot Coverage Ratio (%):	51.9				
Floor Space Index:	11.36				

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Rental		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	64024	0
Bachelor:	178	Retail GFA (sq. m):	0	0
1 Bedroom:	442	Office GFA (sq. m):	0	0
2 Bedroom:	284	Industrial GFA (sq. m):	0	0
3 + Bedroom:	86	Institutional/Other GFA (sq. m):	0	0
Total Units:	990			

CONTACT:	PLANNER NAME:	David Driedger, Senior Planner
	TELEPHONE:	416-392-7613
	EMAIL:	david.driedger@toronto.ca