

40 and 44 Broadway Avenue – Zoning By-law Amendment Application – Preliminary Report

Date: September 24, 2019

To: North York Community Council

From: Director, Community Planning, North York District

Ward: Ward 15 - Don Valley West

Planning Application Number: 19 194902 NNY 15 OZ

Date Complete Application Submitted: July 24, 2019

Current Use on Site: 1-storey place of worship and associated surface parking lot.

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application located at 40 and 44 Broadway Avenue. Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 40 and 44 Broadway Avenue together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Application Description

This application proposes to amend City of Toronto Zoning By-law Nos. 438-86 and 569-2013 for the lands at 40 and 44 Broadway Avenue to permit a 44-storey (131.9 metre) high residential building with a 4-storey base residential element that would measure 14.96 metres in height at the north end of the site. The proposed place of worship forms part of the base building element abutting Broadway Avenue and would be 16.86 metres in height.

The application proposes 398 residential dwelling units and a gross floor area of approximately 31,865 square metres, including 2,546 square metres of non-residential gross floor area for the proposed place of worship with a density (floor space index) of 7.5 times the area of the lot. A tower floor plate of 750 square metres is proposed for the 44-storey tower at the north end of the site. The application proposes a total of 808 square metres of indoor amenity space and 800 square metres of outdoor amenity space.

A total of 177 vehicular parking spaces are proposed in a 2-storey underground parking garage to be accessed off of Broadway Avenue, of which 117 spaces would be for the use of residents and 60 spaces would be for non-residential and visitor use. A total of 488 bicycle parking spaces are proposed, of which 430 would be for resident use and 58 would be for short-term visitors use. One Type 'G' loading space is proposed as part of the development.

Category	July 24, 2019 Submission	
Site Area	4,262 square metres	
Place of Worship Setbacks from Property Line	North	NA
	South (Broadway Ave)	7.5 metres
	East	3.04 metres
	West	12.12 metres
Residential Base Building Setbacks from Property Line	North	8.6 metres (3.8 metre stepback at the 4th storey)
	South	NA
	East	10.8 metres (2.8 metre stepback at 4th storey)
	West	11.65 metres (2.8 metre stepback at 4th storey)
Gross Floor Area (GFA)		
Residential	29,319 square metres	
Non-Residential	2,546 square metres	
Total	31,865 square metres	
Floor Space Index (FSI)	7.5 times the lot area	

Base Building Height	14.86 metres
Place of Worship Height	16.85 metres
Tower Height	131.91 metres to the top of the 44th storey. 138.51 metres (including MPH)
Tower Floor Plate	750 square metres
Proposed Residential Units	
Studio	0 (0%)
1 Bedroom	170 (42.7%)
2 Bedroom	187 (47%)
3 Bedroom	41 (10.3%)
Total	398
Amenity Area	
Indoor	808 square metres
Outdoor	800 square metres
Total	1,608 square metres
Proposed Vehicular Parking (shared non-residential and visitor: residential)	177 spaces (60:117)
Loading Spaces	1 Type G
Bicycle Parking (long-term residential:short-term visitor)	488 spaces (430:58)
Tower Separation	17-34 metres
Proposed Parkland Dedication	None

Detailed project information is found on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

See Attachments 1-8 of this report for three dimensional representations of the project in context, a location map, site plan, and building elevations.

Provincial Policy Statement and Provincial Plans

Land use planning in the Province of Ontario is a policy led system. Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2014) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: the Growth Plan for the Greater Golden Horseshoe (2017) and, where applicable, the Greenbelt Plan (2017). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral

part. The Growth Plan, 2019 establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act* that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, and recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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 (2019) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the Greater Golden Horseshoe region. The policies of the Growth Plan (2019) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

The Growth Plan (2019) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next municipal

comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSA's achieve appropriate densities.

Toronto Official Plan Policies and Planning Studies

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from The *Planning Act* of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies may be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The subject lands are designated *Apartment Neighbourhoods* on Map 17 of the Official Plan.

The application is located on lands within the *Yonge-Eglinton Centre* on Map 2 of the Official Plan and is within the Yonge-Eglinton Secondary Plan Area. On June 5, 2019, the Minister of Municipal Affairs and Housing issued his decision on the Yonge-Eglinton Official Plan Amendment (OPA 405). The Official Plan Amendment, as modified, is now in force. As this application was submitted after OPA 405 came into force and effect, it is subject to the policies of OPA 405. OPA 405 can be found here:

<https://www.toronto.ca/wp-content/uploads/2018/05/970b-2018-05-18-Final-OPA-and-YESP-combined-AODA.pdf>

Zoning By-laws

The site is subject to both former City of Toronto Zoning By-law 438-86 and City-wide Zoning By-law 569-2013. Under Zoning By-law 438-86, as amended, the site is zoned Residential District 2 (R2). Under Zoning By-law 569-2013, as amended, the site is zoned Residential - R (d2.0)(x912).

Both the R2 and R zones permit a range of residential uses, a maximum density of 2.0 times the lot area and a maximum height of 38 metres. A place of worship is a permitted use in both zoning categories.

The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

Design Guidelines

The following design guidelines will be used in the evaluation of this application:

- Tall Building Design Guidelines;
- Midtown in Focus Parks, Open Space and Streetscape Plan;

- Growing Up Urban Design Guidelines; and
- Bird Friendly Guidelines

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application has not been submitted.

COMMENTS

Reasons for the Application

A Zoning By-law amendment is required as the application proposes to exceed the maximum building height and density permitted by the existing Zoning By-law as amended, and to establish new development standards related to amongst other things: parking, loading, and building setbacks.

ISSUES TO BE RESOLVED

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified:

Provincial Policies and Plans Consistency/Conformity

Planning staff will continue to evaluate the application to determine its consistency with the PPS (2014) and conformity with A Place to Grow (2019).

Given the recognition in Provincial Policy of the importance of official plans and long term planning, conformity with the PPS and A Place to Grow will be informed by conformity with the City's Official Plan.

Official Plan Conformity

Staff will evaluate this planning application to determine its conformity with the Official Plan, including the application's conformity with the *Apartment Neighbourhoods* policies and the Yonge-Eglinton Secondary Plan (OPA 405).

Built Form, Planned and Built Context

The suitability of the proposed built form will be evaluated based on the planning framework for the area including Provincial policies and plans, the City's Official Plan policies; the Yonge-Eglinton Secondary Plan Policies; and Design Guidelines, including the City's Tall Building Design Guidelines.

The subject site is designated *Apartment Neighbourhoods* and is within the Redpath Park Street Loop Character Area in the Yonge-Eglinton Secondary Plan. The minister-approved Secondary Plan identifies a height range of 35 to 50 storeys, with the tallest buildings along the south side of Roehampton Avenue and heights generally decreasing from south to north and from west to east.

Staff will review the proposed building's height and massing to assess whether the proposal meets the intended built form character for the Redpath Park Street Loop, as well as the Parks and Public Realm policies of the Yonge-Eglinton Secondary Plan.

Other issues identified on a preliminary basis include:

- The appropriateness of the tower's location on the site and separation from the adjacent property at 28 Broadway Avenue;
- The treatment of the Park Street Loop to provide an opportunity for public access within the front setback, as well as the potential to include an active mode trail along Broadway Avenue;
- The appropriateness of the proposed location of the residential tower entrance at the rear of the site;
- The potential for pedestrian and vehicular conflicts at the front of the site, building entrances and the need for the enclosure of all underground parking ramps;
- Potential shadow and wind impacts on John Fisher Junior Public School, North Toronto Collegiate Institute and Redpath Park; and
- The need for on-site parkland dedication.

Block Plan

Section 9.3 of the Yonge-Eglinton Secondary Plan identifies that a Context Plan may be required as part of the development review process to identify opportunities for coordinating development on multiple sites within an area. The Context Plan will illustrate the development and relevant conditions on the site and in the context area, including:

- co-ordinated pedestrian, cycling and vehicular accesses;
- co-ordinated and consolidated site circulation, loading and servicing;
- tree preservation and planting opportunities;
- opportunities for enhancing and integrating parks and open spaces;
- cultural heritage resources, and the approach to their conservation;
- the location, massing and heights of buildings;
- existing, planned and/or proposed community service facilities;
- the proposed layout of streets, laneways and/or mid-block pedestrian connections;
- the location for underground parking and access ramps and utilities; and
- the phasing of approved and proposed development on-site and in the area.

There is the need to comprehensively review this site in the context of the surrounding block to develop a plan for the entirety of the block and in accordance with the policy directions in the Yonge-Eglinton Secondary Plan. The block study would be required for

the overall area bounded by: Erskine Avenue to the north, Redpath Avenue to the east, Broadway Avenue to the south and the easterly boundary of the *Mixed Use Areas "B"* designation fronting Yonge Street to the west.

The block immediately east of Yonge Street is designated *Apartment Neighbourhoods* and consists of a mix of low, mid and high rise apartment buildings as well as 3 to 4 storey townhomes. Community Services within the block include St. Monica's School and St. Monica's Church, which is located on the subject site.

While there have been a number of properties within the larger block that have developed in recent years, the block study will focus on the subject site and two sites in the immediate vicinity of 40-44 Broadway Avenue:

- 28 Broadway Avenue - This site is to the immediate west of the subject site and contains a 4-storey residential apartment building owned by the Toronto Community Housing Corporation. The site also includes private amenity area at the rear of the building. The site is generally rectangular in shape and measures approximately 2,550 square metres in area with 27 metres of frontage on Broadway Avenue.
- 14 Broadway Avenue - This site is further west of the subject site and contains St. Monica's Catholic School, a 3-storey elementary school with a surface parking lot along the east side of the property and a playground at the rear of the building. The site is irregularly shaped and measures approximately 4,990 square metres in area with 57 metres of frontage on Broadway Avenue.

The block study would look to address matters such as the provision of consolidated site access, parkland location and configuration, pedestrian connections within the block and to the surrounding area, required servicing and transportation infrastructure, and appropriate urban design and compatible built form for the area. The outcome of the block study would guide the review of this application and future redevelopment of other sites within the block.

A Context Plan, illustrating the footprint and scale of the proposed development in relation to surrounding buildings, roadways, open spaces, vegetation and land uses to give a clear indication of the proposal in the context of the immediate neighbourhood has been requested by staff to be submitted by the applicant to inform the review of this application and the Block Study.

There will also be a community consultation process for the Block Plan Study that will be occurring concurrently with the review of this development application.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law). The applicant has submitted a Tree Inventory and Preservation Plan which are currently under review by City staff.

The report concludes that a total of 14 trees, 7 privately-owned trees and 7 City-owned trees would need to be removed to facilitate the proposed development. A total of 16 trees are proposed to be planted on private property, while 4 are proposed to be planted on City property.

Staff will assess the appropriateness of the applicant's proposal and tree protection and replacement measures.

Amenity Space/Unit Mix and Housing

Staff are evaluating the proposal against current amenity space requirements and council direction with respect to a full range of housing types including the proposed outdoor amenity space in terms of suitable location, as well as the proposed sizes of units to allow for a broad range of households, including families with children.

Archaeological Assessment

The subject site has been identified as having archaeological potential. An archaeological resource assessment identifies and evaluates the presence of archaeological resources. An Archaeological Assessment was submitted and is currently under review by City staff.

Heritage Impact & Conservation

The subject site is not currently included on the City's Heritage Register but has been identified as having potential heritage value on Map 21-10 of the Yonge-Eglinton Secondary Plan. The property contains St. Monica's Church, which includes a place of worship and a rectory building. The property is adjacent to North Toronto Collegiate Institute at 17 Broadway Avenue, which is designated under Part IV of the *Ontario Heritage Act*.

A Heritage Impact Assessment (HIA) has been submitted with the application and is currently under review.

Community Services and Facilities

Staff will evaluate the impact of the proposed development and local development activity on area community services and facilities, including assessment of existing capacity to support proposed future population.

A Community Services and Facilities study has been submitted with the application and is currently under review.

Section 37 Community Benefits

The Official Plan provides for the use of Section 37 of the *Planning Act* to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision by the applicant of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement which

is then registered on title for projects that meet the development thresholds identified in the Official Plan.

Further discussion with the Ward Councillor, City staff, residents and the applicant will be required to determine the extent and nature of the Section 37 community benefits should the proposal proceed to approval in some form.

Infrastructure/Servicing Capacity

Staff are reviewing the application to determine if there is sufficient infrastructure capacity (roads, transit, water, sewage, hydro, etc.) to accommodate the proposed development.

The applicant has submitted a Functional Servicing and Stormwater Management Report, a Hydrogeological Report, and a Geotechnical Report, to evaluate the effects of the development on the City's municipal servicing infrastructure and identify and provide the rationale for any new infrastructure and upgrades to existing infrastructure, necessary to provide for adequate servicing to the proposed development. These studies are currently under review by staff.

A Transportation Impact Study was submitted by the applicant to evaluate the effects of the development on the transportation system, and to suggest any transportation improvements if necessary, to accommodate the travel demands and impacts generated by the development. The study is currently under review by staff.

Staff will also assess the appropriateness of the proposed loading and garbage storage facilities.

Other Matters

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

CONTACT

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SIGNATURE

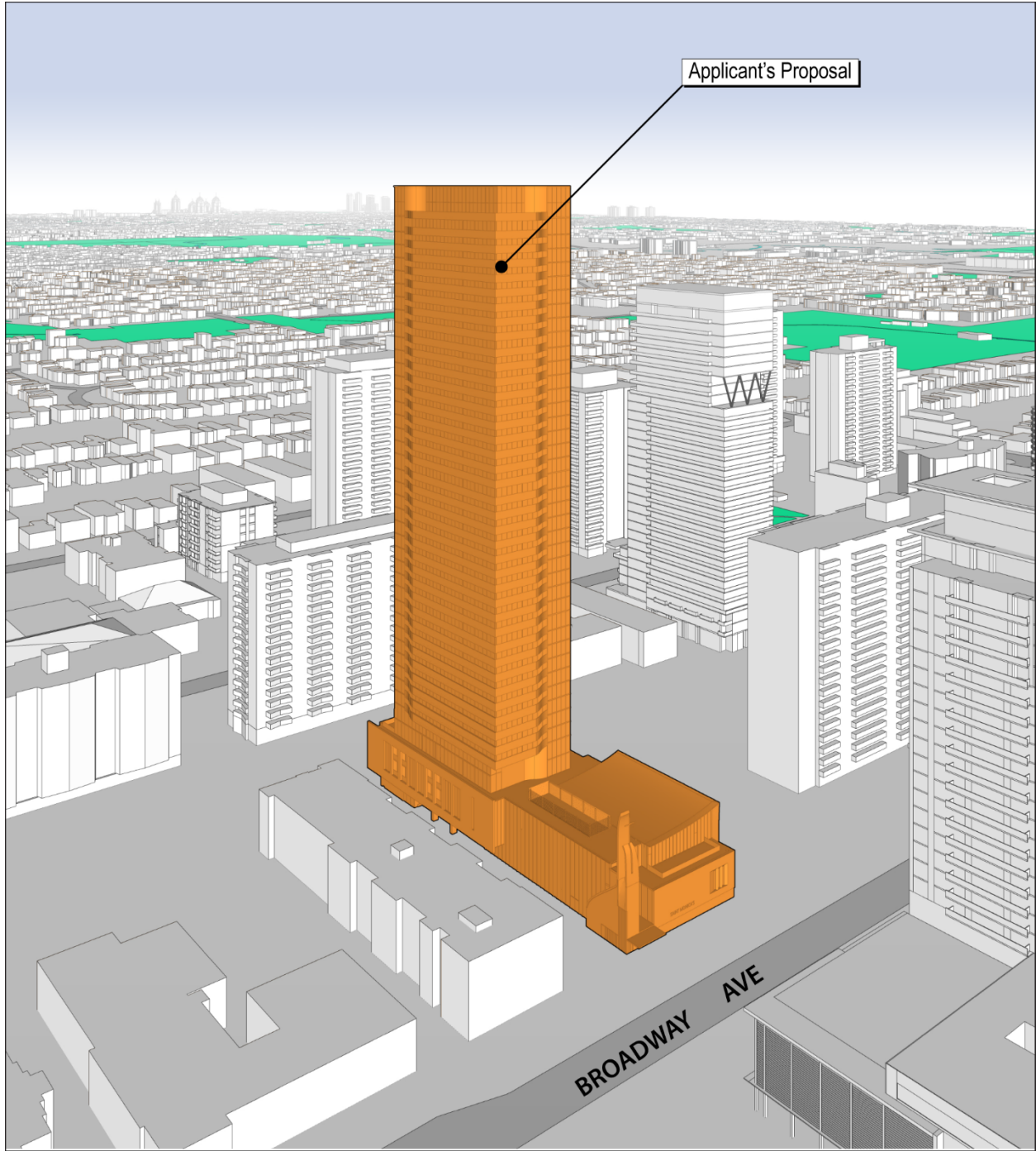
Joe Nanos, Director
Community Planning, North York District

ATTACHMENTS

City of Toronto Drawings

Attachment 1a: 3D Model of Proposal in Context - Looking Northeast
Attachment 1b: 3D Model of Proposal in Context - Looking Southwest
Attachment 2: Location Map
Attachment 3: Site Plan
Attachment 4: North Elevation
Attachment 5: South Elevation
Attachment 6: East Elevation
Attachment 7: West Elevation
Attachment 8: Official Plan Map

Attachment 1a: 3D Model of Proposal in Context - Looking Northeast

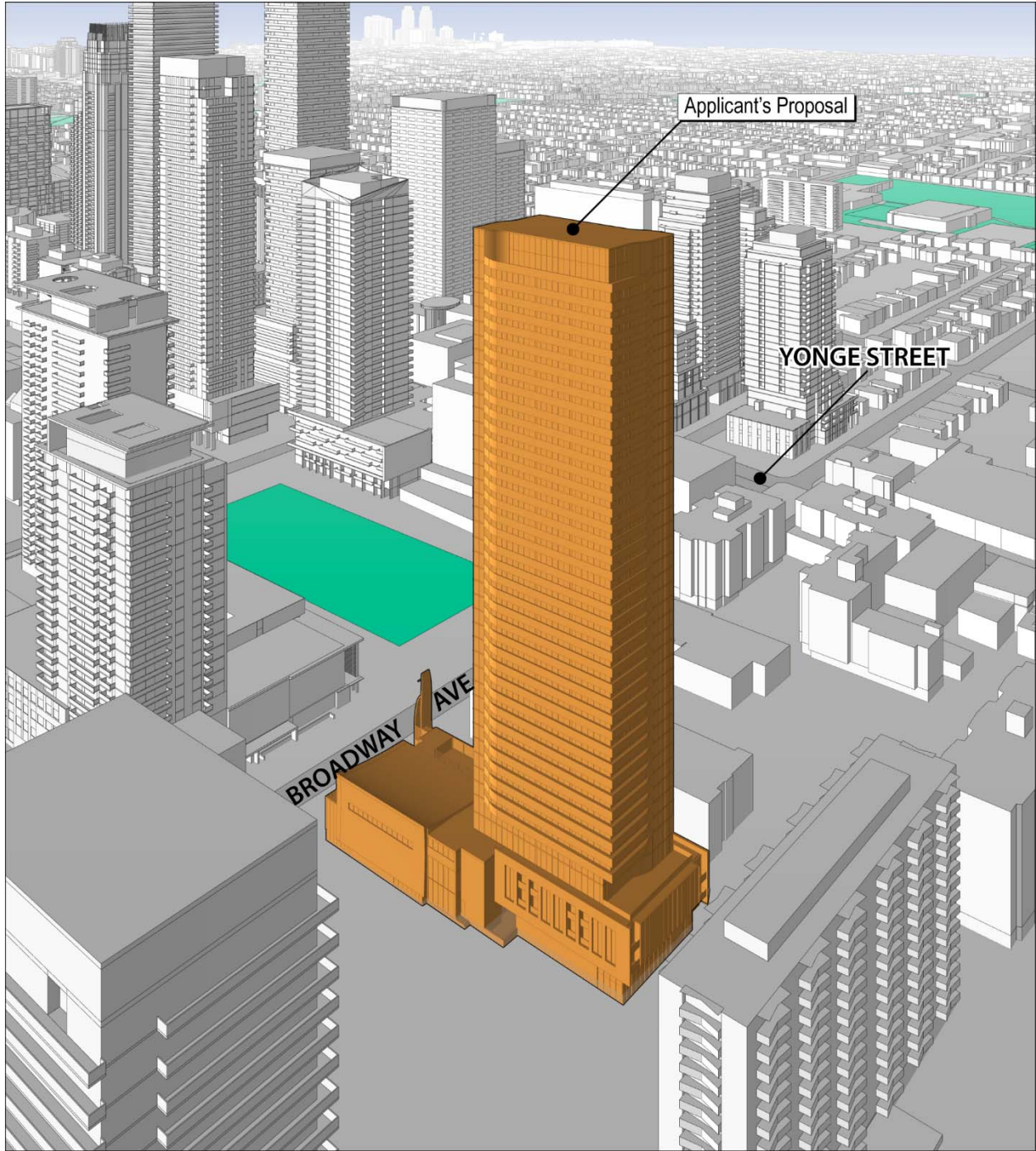


View of Applicant's Proposal Looking Northeast



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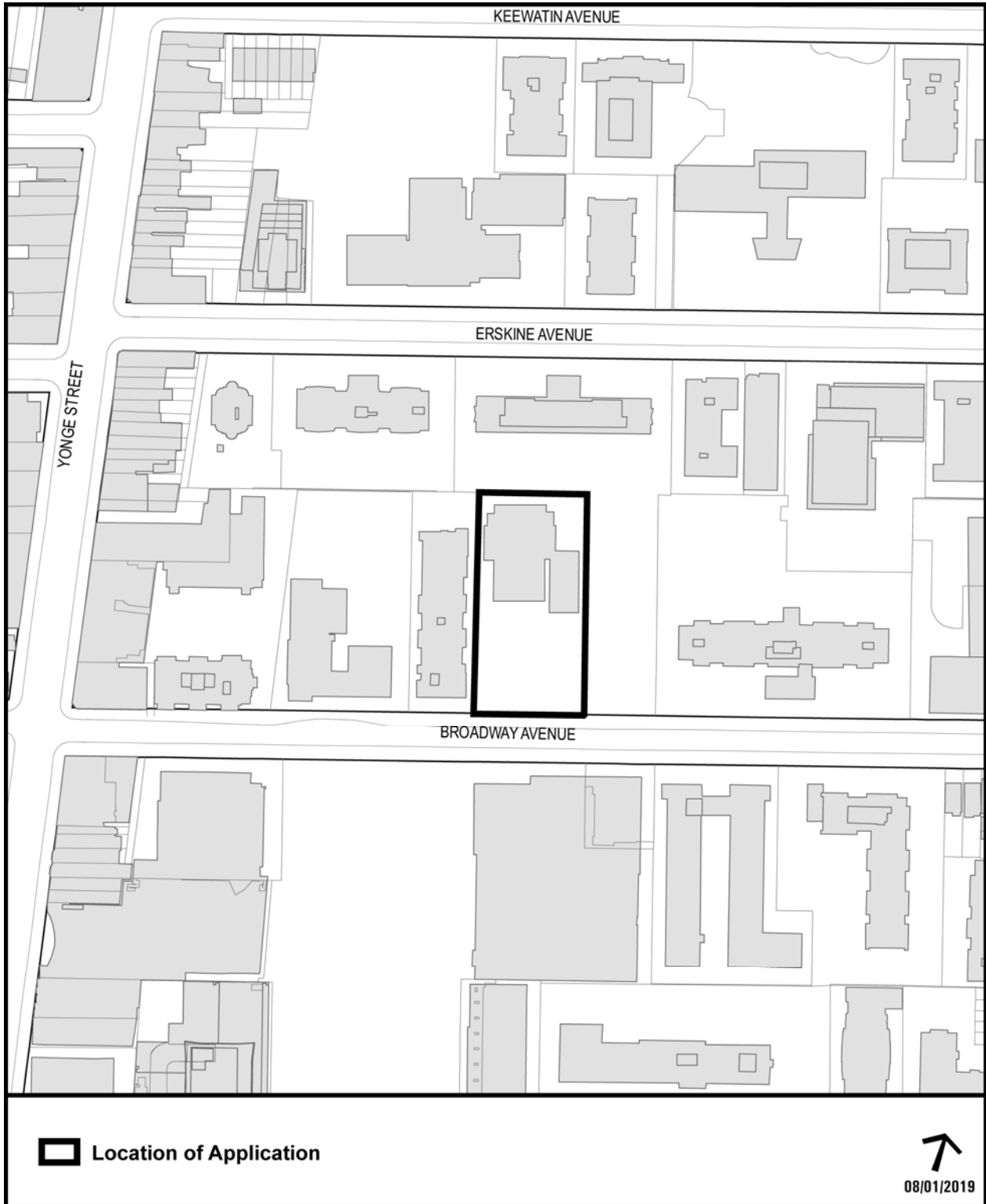
Attachment 1b: 3D Model of Proposal in Context - Looking Southwest



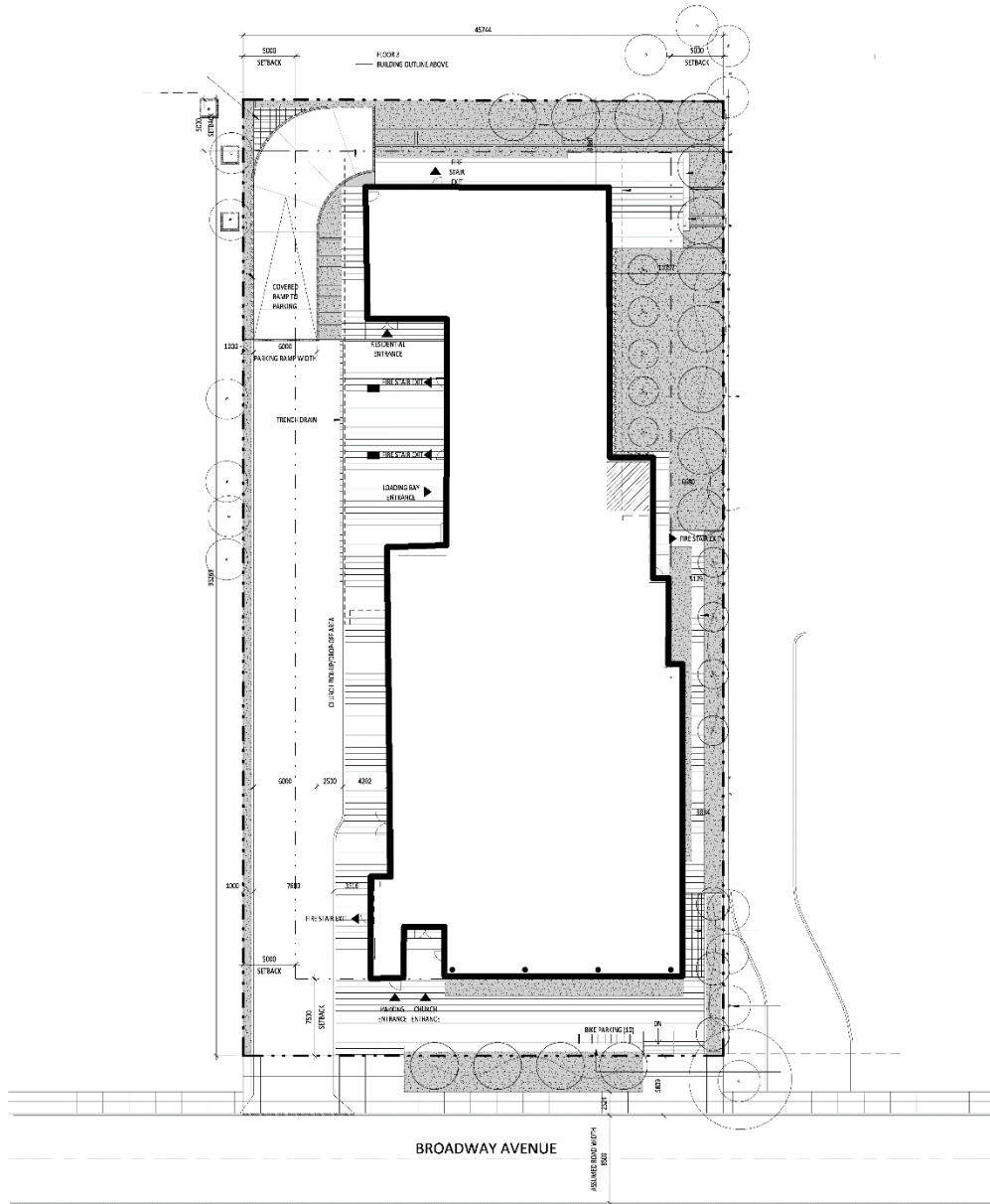
View of Applicant's Proposal Looking Southwest

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Attachment 2: Location Map



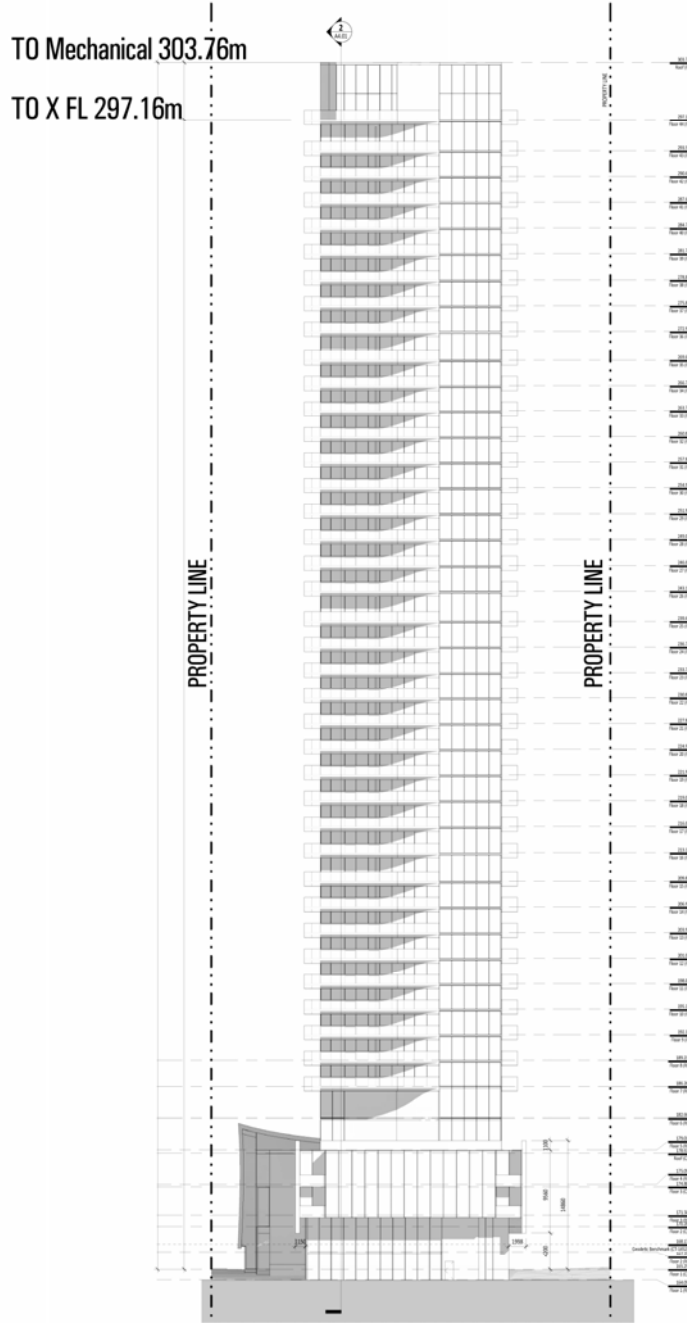
Attachment 3: Site Plan



Site Plan

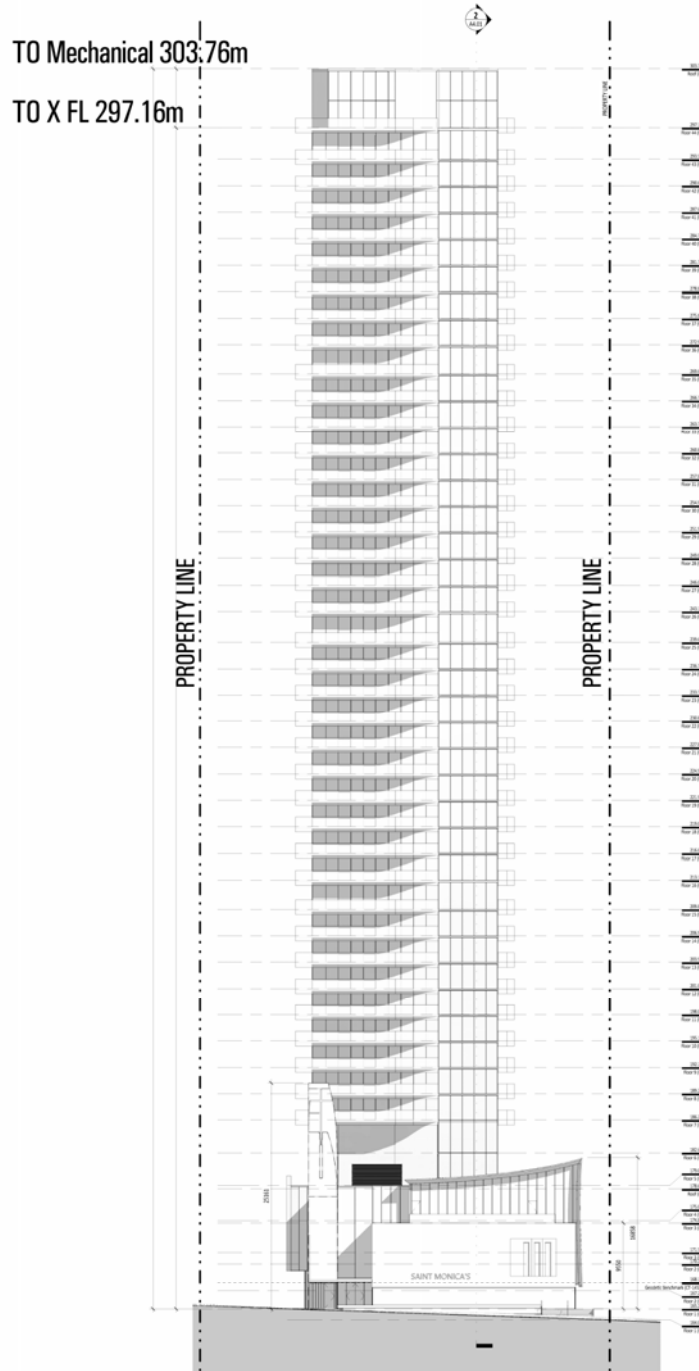


Attachment 4: North Elevation



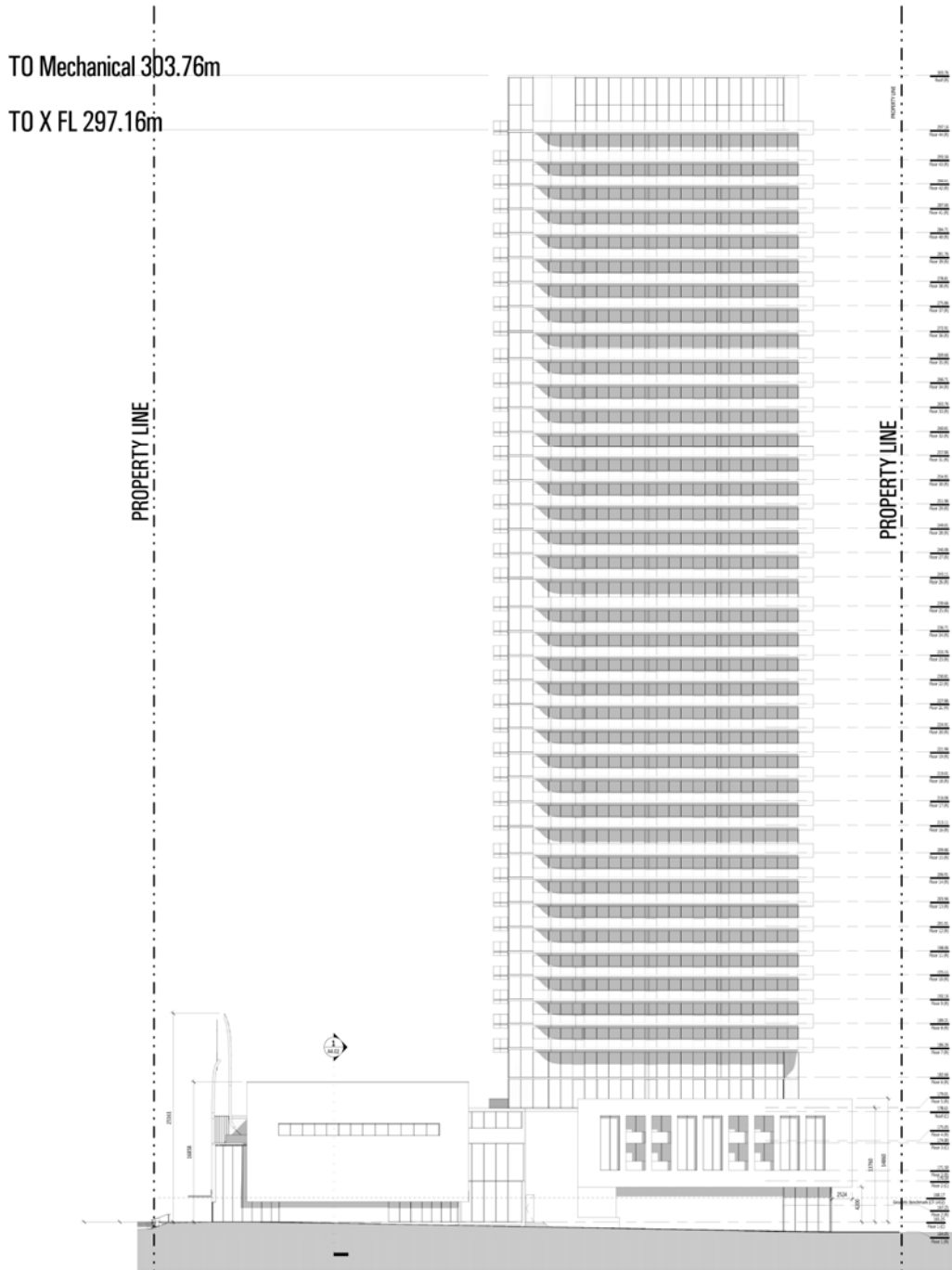
North Elevation

Attachment 5: South Elevation



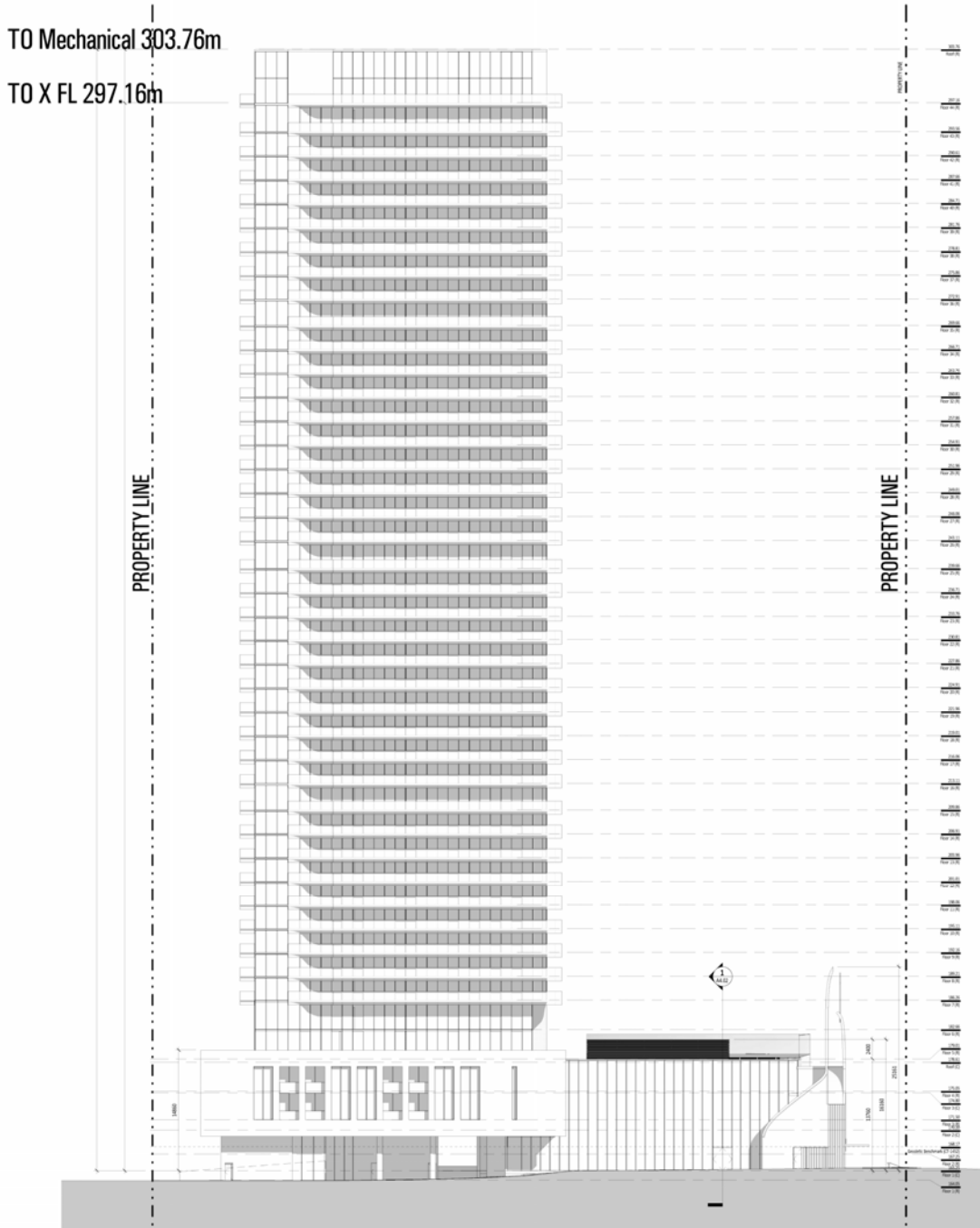
South Elevation

Attachment 6: East Elevation



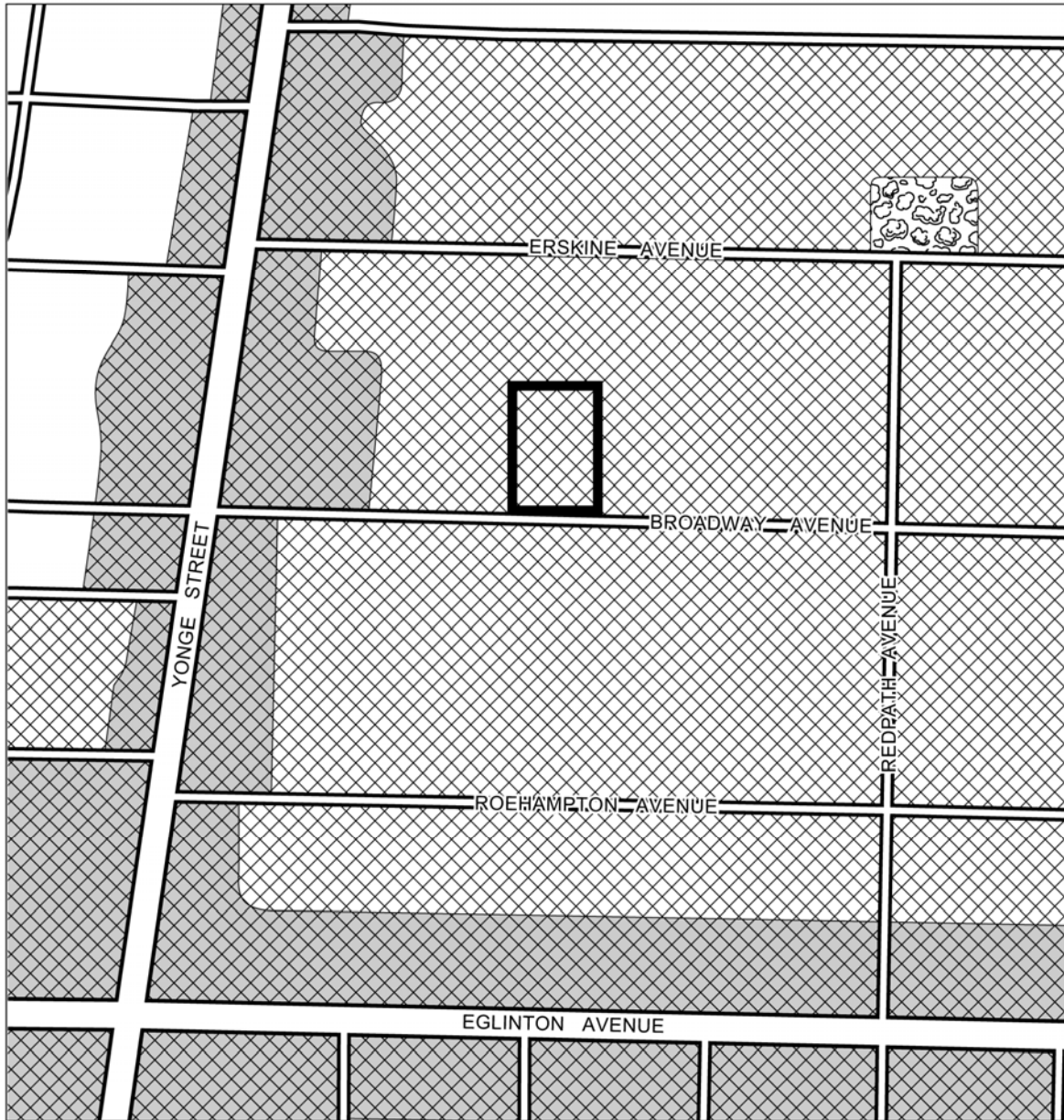
East Elevation

Attachment 7: West Elevation



West Elevation

Attachment 8: Official Plan Map









Official Plan Land Use Map #17

40 - 44 Broadway Avenue

Note: This map was extracted from the July 2015 Land Use Plan. For current information refer to the February 2019 data.

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|  Location of Application |  Parks & Open Space Areas |
|  Neighbourhoods |  Parks |
|  Apartment Neighbourhoods | |
|  Mixed Use Areas | |



Not to Scale
08/01/2019