

40 and 44 Broadway Ave – Zoning By-law Amendment Application – Request for Direction Report

Date: September 16, 2020

To: North York Community Council

From: Acting Director, Community Planning, North York District

Ward: Ward 15 - Don Valley West

Planning Application Number: 19 194902 NNY 15 OZ

SUMMARY

On July 24, 2019, an application to amend the Zoning By-law was submitted to the City of Toronto for 40 and 44 Broadway Avenue which proposes to amend City of Toronto Zoning By-law Nos. 438-86 and 569-2013 to permit a 44-storey (131.9 metre) high residential building with a 4-storey base residential element that would be 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.

On May 8, 2020, the applicant (Collecdev Inc.) appealed the Zoning By-law Amendment application to the Local Planning Appeal Tribunal (LPAT). The appeal was made without revisions to the original proposal and citing Council's failure to make a decision on the application within the timeframe prescribed by the *Planning Act*. A pre-hearing conference has not yet been scheduled.

The proposed development is situated within the area subject to the ongoing Broadway & Erskine Block Study, as moved by City Council in July 2019, and part of the wider Midtown Zoning Review. The Broadway & Erskine Block Study seeks 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, historic preservation, and appropriate urban design and compatible built form for the area. The outcome of the Broadway & Erskine Block Study would guide the review of this application and future redevelopment of other sites within the block.

While the proposed building is within the height range of 35 to 50 storeys as identified by Policy 5.4.3(f) of the Yonge-Eglinton Secondary Plan, the proposal fails to meet the overall policy objectives of the Secondary Plan, particularly as it relates to policies regarding the Redpath Park Street Loop Character Area, Parks and Public Realm, Streetscape and Built Form. The proposal at 44-storeys would be one of the tallest buildings in the area and the site is not located on the south side of Roehampton Avenue. Heights are to generally decrease from south to north and east to west.

In its current form, the proposed development is not consistent with the Provincial Policy Statement (2020) and does not conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019).

This report recommends that the City Solicitor together with City Planning staff and other appropriate staff be directed to oppose the application, in its current form, at the LPAT. This report also recommends that despite the applicant's appeal of the Zoning By-law Amendment application to the LPAT, City Planning staff continue to work with the applicant's team on revisions to the application to bring forward a proposal, within the context of the ongoing Broadway & Erskine Avenue Block Study that represents a supportable development of the site.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City Staff to attend the Local Planning Appeal Tribunal (LPAT) to oppose the Zoning By-law Amendment application for 40 and 44 Broadway Avenue in its current form for reasons set out in the report (September 16, 2020), from the Acting Director, Community Planning, North York District.
2. City Council authorize the City Solicitor and appropriate staff to seek revisions to the applications and continue discussions with the applicant in an attempt to resolve issues outlined in the report (September 16, 2020) within the context of the ongoing Broadway & Erskine Block Study, consistent with the Yonge Eglinton Secondary Plan (Official Plan Amendment No. 405), from the Acting Director, Community Planning, North York District regarding 40 and 44 Broadway Avenue, to the satisfaction of the Chief Planner and Executive Director, City Planning and to report back to City Council on the outcome of discussions, if necessary.
3. In the event that the Local Planning Appeal Tribunal allows the appeals in whole or in part, City Council direct the City Solicitor to request that the Tribunal withhold its Order until such time as the Tribunal has been advised by the City Solicitor that:
 - a. The proposed Zoning By-law Amendments are in a form satisfactory to the Acting Director, Community Planning, North York District and City Solicitor;
 - b. A Section 37 Agreement has been executed and registered to secure Section 37 contributions and related matters satisfactory to the Acting Director, Community Planning, North York District;
 - c. The owner has addressed the comments in the Engineering and Construction Services memo dated September 11, 2019, as applicable, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction

Services; and

- d. All technical reports have been submitted and accepted by the relevant City Divisions.
4. City Council require that, in the event the Local Planning Appeal Tribunal approves the Zoning By-law Amendment application, in whole or in part, an on-site parkland dedication pursuant to Section 42 of the *Planning Act* be conveyed to the City, as described and set out in the report (September 16, 2020) from the Acting Director, Community Planning, North York District, to the satisfaction the General Manger, Parks, Forestry and Recreation.
 5. City Council authorize the City Solicitor and necessary City staff to take such necessary steps, as required, to implement the foregoing.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in the report in the current budget year or in future years.

DECISION HISTORY

Midtown in Focus was an inter-divisional response to the rapid intensification and change underway in parts of the Yonge-Eglinton area. Building on the 2014 Midtown in Focus: Parks, Open Space and Streetscape Plan, City Council adopted Official Plan Amendment 405 and a series of infrastructure strategies and plans in July 2018. OPA 405 included a new Secondary Plan for the area. As part of City Council's adoption of OPA 405, City Council also directed staff to complete a zoning review for the Yonge-Eglinton Secondary Plan Area. Work is currently underway and when complete will set out area specific requirements for height, setbacks, stepbacks, and landscaped open space to implement the objectives and policies of the new Secondary Plan.

Adopted OPA 405 was submitted to the Province for approval in August 2018. It was approved with modifications by the Minister of Municipal Affairs and Housing on June 5, 2019. The approved Secondary Plan sets out a long-term vision for Midtown that emphasizes the importance of complete communities and the diversity of Midtown's character areas. It envisions Midtown as a green, resilient, connected and prosperous place, and where growth is directed near transit. The approved Secondary Plan provides guidance on the appropriate scale and location of future growth and links growth with the provision of infrastructure.

At its meeting on July 16, 2019, City Council approved a Request for Directions Report on the Zoning By-law Amendment Application for 55 Erskine Avenue (Item CC9.18). City Council adopted the recommendations in the staff report, while also requesting staff

consider the property municipally known as 55 Erskine Avenue as part of a potential consolidated park within a block study area of the properties known as 14 Broadway Avenue, 28 Broadway Avenue, and 40-44 Broadway Avenue, thus initiating the Broadway & Erskine Block Study. The decision of City Council can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.CC9.18>

With respect to the subject application at 40 and 44 Broadway Avenue, a pre-application meeting was held on July 3, 2019. The current application was submitted on July 24, 2019 and deemed complete on August 28, 2019. A Preliminary Report on the application was adopted by North York Community Council on October 10, 2019 authorizing staff to conduct a community consultation meeting.

North York Community Council's decision and the Preliminary Report is available at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.NY9.6>

ISSUE BACKGROUND

Proposal

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 be 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 (see Attachments 9-12).

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 Residential Building Height	14.86 metres	
Place of Worship Height in Building Base	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 from Abutting Buildings	17-34 metres	
Landscaped Open Space	1,450 square metres	
Proposed Parkland Dedication	None	

Detailed project information is found on the City's Application Information Centre at:

Site and Surrounding Area

The subject site fronts onto Broadway Avenue, in the middle of the block bounded by Yonge Street to the west, Redpath Avenue to the east, Erskine Avenue to the north and Broadway Avenue to the south. The site contains an existing place of worship (St. Monica's Church). The place of worship building also includes a 2-storey house-form rectory building attached to the east side of the building. The remainder of the front yard of the site consists almost entirely of a surface parking lot with approximately 47 parking spaces for the place of worship use.

The site is rectangular in shape and has a total frontage of approximately 46 metres along the north side of Broadway Avenue, a depth of 40 metres and a total site area of approximately 4,262 square metres. The existing place of worship and rectory building are proposed to be demolished.

The surrounding development and land uses are as follows:

North: Immediately north of the subject site is 55 Erskine Avenue, which contains a 17-storey, 188 unit residential apartment building with associated surface parking. The site is a through lot that bounds the easterly boundary of the site. Proposed at the southern portion of the 55 Erskine Avenue site fronting Broadway Avenue is a recent Local Planning Appeal Tribunal (LPAT) approval for an infill 11-storey, 35 metre high residential building that would contain 102 rental units and a 284.2 square metre parkland dedication.

The approved infill apartment building and parkland dedication would be located immediately east of the site and take access from Broadway Avenue. To the northwest and northeast of the site are a series of residential apartment buildings in an *Apartment Neighbourhoods* designation fronting Erskine Avenue that vary in height from 4 to 35 storeys.

South: To the immediate south of the site is North Toronto Collegiate High School at 17 Broadway Avenue, which includes a 24-storey residential tower on the east side of the school. The school property includes a large sports field which has frontage onto both Broadway Avenue and Roehampton Avenue to the south. The southwestern portion of the school property includes a 27-storey residential apartment building.

Further south along Roehampton Avenue are a series of residential buildings in an *Apartment Neighbourhoods* designation that vary in height from 7 to 35 storeys. To the southeast along the west side of Redpath Avenue are 4 and 8 storey residential buildings.

East: Immediately east of the site is the 55 Erskine Avenue site, which is approved for an infill 11-storey, 102 rental unit residential building and parkland dedication as noted above. Further east at 66 Broadway Avenue is an existing 20-storey rental apartment

building. At 99 and 101 Erskine Avenue is a 32-storey building containing 422 dwelling units, and ten 4-storey townhouse units.

Along the south side of Broadway Avenue are two approved 38-storey residential towers at 55 and 65 Broadway Avenue (File No. 16 118645 STE 22 OZ). Immediately east of 55 and 65 Broadway Avenue is 75 Broadway Avenue, an existing 10-storey rental building with approval to construct a 38-storey addition at the northwest portion of the existing building (File No. 17 150315 STE 22 OZ).

West: Immediately west of the site is 28 Broadway Avenue. This site 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. Further west is 14 Broadway Avenue, which is the site of 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. West of St. Monica's Catholic School is a 7-storey residential apartment building at 8 Broadway Avenue.

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2020) (the "PPS") 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 use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- Protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on May 16, 2019. This new plan replaced the previous Growth Plan for the Greater Golden Horseshoe, 2017. On August 28, 2020, the Province brought into force Amendment 1 (2020) to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)"). The Growth Plan (2020) 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 (2020) 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 (2020), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of employment areas, 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 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, 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 (2020) builds upon the policy foundation provided by the PPS 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.

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 (2020) 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 (2020) requires that, at the time of the next municipal comprehensive review (MCR), the City will update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs will achieve appropriate densities and built form at that time, and this approval does not impact this matter that will require a MCR.

Staff has reviewed the proposed development for consistency with the PPS (2020) and for conformity with the Growth Plan (2020). The outcome of staff analysis and review are summarized in the Comments section of the Report.

City of Toronto Official Plan

City Planning staff have reviewed the application against the policies of the Official Plan, a number of which are noted below. The subject site is designated *Apartment Neighbourhoods* per Map 17 (Land Use Plan) in the Official Plan.

Chapter 1 – Making Choices

Chapter 1 of the Official Plan contains a series of vision statements about the future of the City and the decisions that will help achieve this vision. Section 1.1 of the Official Plan outlines the Principles for a Successful Toronto as a City of Diversity and Opportunity, a City of Beauty, a City of Connections, and a City of Leaders and Stewards. Section 1.2 discusses the implementation of the Plan, stating that Toronto's future is about re-urbanization and its continuing evolution that will involve a myriad of situations and decisions that, while guided by the Official Plan, cannot encompass or even imagine every circumstance.

Chapter 2 - Shaping the City

Section 2.2.2 Centres: Vital Mixed Use Communities

The proposed development is located in the *Yonge-Eglinton Centre*. *Centres* play an important role in how we manage growth. *Centres* are focal points for surface transit routes drawing people from across the City and from outlying suburbs to either jobs

within the *Centres* or to a rapid transit connection. Building a high quality public realm featuring public squares and parks, community gardens, public art, and a comfortable environment for pedestrians and cyclists, is essential to attract businesses, workers, residents and shoppers. Each *Centre* is different in terms of its local character, its demographics, its potential to grow and its scale.

The *Yonge-Eglinton Centre* has potential for new development through sensitive infill development within the *Apartment Neighbourhoods* designation. Through the development process, improvements will be made to the quality of the pedestrian realm, and new parks and open spaces will be created.

Section 2.3.1: Healthy Neighbourhoods

This section of the Official Plan contains policies that specifically address the relationship between *Neighbourhoods* and areas with other Official Plan designations in order to ensure development is sensitive to the physically stable areas within the *Neighbourhoods* designation.

Apartment Neighbourhoods are considered to be physically stable areas. Development within *Apartment Neighbourhoods* will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas.

Policies in this section require development in *Mixed Use Areas*, *Regeneration Areas* and *Apartment Neighbourhoods* that are adjacent or close to *Neighbourhoods* to be: compatible with those *Neighbourhoods*; provide a gradual transition of scale and density, as necessary to achieve the objective of the Official Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*; and, maintain adequate light and privacy for residents in those *Neighbourhoods*.

Chapter 3 – Building a Successful City

Section 3 of the Official Plan contains policies that guide growth by integrating social, economic and environmental perspectives in decision making to create an attractive Toronto with a strong economy and complete communities. The policies focus on the built environment, the human environment, the natural environment, economic health and new neighbourhoods.

Section 3.1.1: The Public Realm

Section 3.1.1 of the Official Plan includes policies on the public realm. The policies encourage development that improves the public realm (streets, sidewalks and open spaces) for pedestrians. This section speaks to the importance of views from the public realm to prominent buildings, structures, landscapes and natural features. Parks and open spaces will be located and designed to connect and extend, wherever possible, to existing parks, natural areas and other open spaces.

New development lots within city blocks will be designed to have an appropriate size and configuration for the proposed land use, scale of development and intended form of buildings and open space, and will promote street-oriented development with buildings fronting onto street and park edges.

Section 3.1.2: Built Form

Section 3.1.2 of the Official Plan speaks to built form. The policies stress that infill and redevelopment sites will need to "fit in", respecting and improving the character of the surrounding area. Developments must be conceived not only in terms of the individual building site and program, but also in terms of how that site, building and its facades fit within the existing and/or planned context of the neighbourhood and the City.

The policies of Section 3.1.2 provide guidance pertaining to the massing of new buildings to frame adjacent streets in a way that respects the existing and/or planned street proportion, incorporating exterior design elements, form, scale, proportion, pattern and materials, and sustainable design. This is done in order to influence the character, scale and appearance of the development, creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of the Official Plan.

Further, Section 3.1.2 requires new development to be massed to define the edges of streets at good proportion and provide amenity for adjacent streets to make these areas attractive, interesting, comfortable and functional for pedestrians. This can be achieved by, amongst other things, the provision of adequate amenity and landscaped open space, coordinated landscape improvements in setbacks to create attractive transitions from the private to public realms and landscaped open space within the development itself. The intention is to enable new developments to "fit" within its existing context, while also improving the character of the surrounding area.

Section 3.1.3: Built Form – Tall Buildings

Section 3.1.3 provides policy direction for tall buildings. Policy 2 requires tall building proposals to address key urban design considerations that includes: demonstrating how the proposal will contribute to and reinforce the overall City structure; demonstrating how the proposed building and site design relate to the existing and/or planned context; taking into account the relationship of the site to topography and other tall buildings; and providing high quality, comfortable and usable publicly accessible open space areas.

Chapter 4 – Land Use Designations

Section 4.2: Apartment Neighbourhoods

The subject lands are designated *Apartment Neighbourhoods* on Map 17 of the Official Plan (see Attachment 3). *Apartment Neighbourhoods* are distinguished from low-rise *Neighbourhoods* because a greater scale of buildings is permitted and different scale-related criteria are needed to guide development. Built up *Apartment Neighbourhoods* are stable areas of the City where significant growth is generally not anticipated.

Apartment Neighbourhoods are made up of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents. All land uses provided for in the *Neighbourhoods* designation are also permitted in *Apartment Neighbourhoods*.

Development in *Apartment Neighbourhoods* should contribute to the quality of life by:

- locating and massing new buildings to provide a transition between areas of different development intensity and scale, through means such as providing setbacks from, and/or stepping down of heights towards lower scale *Neighbourhoods*;
- locating and massing new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*; and
- locating and massing new buildings to front onto and provide pedestrian entrances on an adjacent public street, to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces; and providing ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces.

New development is also to include sufficient off-street vehicle and bicycle parking for both residents and visitors; locate and screen service areas, ramps and garbage storage to minimize impact on adjacent streets and residences; and provide indoor and outdoor recreation space for residents.

Chapter 5 – Implementation

Section 5.1.1: Height and/or Density Incentives

Policy 5.1.1 of the Official Plan allows for an increase in height and/or density in return for the provision of community benefits for a proposed development, in accordance with Section 37 of the *Planning Act*. The proposed density meets the Official Plan's threshold for Section 37 considerations.

Section 5.2.1 - Secondary Plans

The site is within the Yonge-Eglinton Secondary Plan area. Policy 5.2.1.2 states that Secondary Plans may be prepared for a number of reasons. Of particular note for the Yonge-Eglinton area, the Official Plan directs that Secondary Plans will be prepared for areas where development is occurring, or proposed, at a scale, intensity or character which necessitates reconsideration or reconfiguration of local streets, block plans, public works, open space or other public services or facilities.

In June 2015, City Council directed staff to undertake a further review of the Yonge-Eglinton Secondary Plan as part of the Midtown in Focus: Growth Built Form and Infrastructure Review. City Council adopted the update to the Yonge-Eglinton Secondary Plan through Official Plan Amendment No. 405 (OPA 405) with amendments

on July 23, 2018. It was subsequently submitted to the Ministry of Municipal Affairs and Housing for review and approval.

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.

Section 5.6: Interpretation

This section provides guidance as to the understanding and interpretation of the Official Plan. Policy 1 indicates the Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making. Policy 1.1 indicates the goal of the Official Plan is to balance and reconcile a range of diverse objectives affecting land use planning in the City. 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.

Section 5.6.6 of the City's Official Plan states that the policies of the Official Plan apply to areas subject to Secondary Plans, except in the case of a conflict, the Secondary Plan policy will prevail.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Yonge-Eglinton Secondary Plan

The site is within the Yonge-Eglinton Secondary Plan Area (see Attachment 4). The Yonge-Eglinton Secondary Plan sets out a long-term vision for Midtown that emphasizes the importance of complete communities and the diversity of Midtown's character areas. It envisions Midtown as a green, resilient, connected and prosperous place, and where growth is directed near transit. The Secondary Plan provides guidance on the appropriate scale and location of future growth and links growth with the provision of infrastructure.

This application was submitted and deemed complete after final approval of the plan June 5, 2019 and is applicable to this application. City Planning staff have reviewed the application against the policies of the provincially-approved Yonge-Eglinton Secondary Plan, a number of which are noted below. The Secondary Plan is intended to be read and interpreted as a comprehensive whole.

Section 1 - Vision, Goals and Character Area Designations

Section 1.1 of the Yonge-Eglinton Secondary Plan provides a vision statement about the Yonge-Eglinton Area. This vision builds on the qualities that define Midtown's identity and its liveability, including the importance of a complete community and the complementary relationship between mixed-use nodes, historic main streets, low-rise

and high-rise communities, parks and open spaces. New buildings are to be compatible with the character and varied scale of Midtown's different character areas, conserve heritage attributes and contribute to a high-quality public realm.

As Midtown continues to grow and evolve, the elements of a liveable and complete community will be provided in parallel with growth. Residents and workers will be served by new, improved and expanded community service facilities and resilient physical and green infrastructure. An enhanced, safe and connected public realm will be created that complements Midtown's green, landscaped setting.

Section 1.2 of the Plan sets out five goals that will guide public works and development in the Secondary Plan, which include: complete community, green and resilient, connected, prosperous and transit optimization. Midtown will be defined by its green, landscaped setting, expanded network of parks and well-designed communities that support energy and water conservation, which together will reduce vulnerability to a changing climate.

Section 1.3 of the Plan sets out the development objectives for the various Character Areas based on land use and the desired long-term vision for each Character Area. The site is in a Midtown Apartment Neighbourhood and is within the Redpath Park Street Loop Character Area. The Midtown Apartment Neighbourhoods are defined by a variety of building types including mid-century apartment towers, walk-up apartment buildings and townhouses, all set in a generously-scaled landscaped setting.

Policy 1.3.3(b) provides that the Redpath Park Street Loop Character Area is a dense yet distinctly green and residential area that consists of towers and a variety of housing types with new development complementing the scale of existing low-rise apartment buildings and providing adequate sunlight and sky view. The heights of new buildings will generally decrease in all directions from the Yonge-Eglinton Crossroads and Mount Pleasant Station Character Areas.

The Park Street Loop will be a lush, green multipurpose promenade connecting significant parks, open spaces and civic buildings. New and existing buildings, together with the Loop and the Midtown Greenways, will support a public realm that is inviting and green.

Section 2 - Area Structure

Section 2 of the Plan defines Midtown's urban structure and includes policy directions to direct and shape growth in Midtown over the long-term. Not all areas in Midtown will experience the same levels of intensification and development and infrastructure will be planned in tandem. Infrastructure refers to physical infrastructure, community service facilities and green infrastructure including public parks. It ensures that Midtown is a complete community with transit-supportive development in a compact urban form, recognizing that transit-supportive development does not require or mean tall buildings on every site.

Section 2.5 of the Plan also speaks to land uses in Midtown. The subject site is designated *Apartment Neighbourhoods* per Map 21-4 of the Plan. *Apartment Neighbourhoods* consist of predominantly residential communities oriented along major streets or areas with clusters of rental and condominium apartment buildings. Residential uses and local institutional and cultural uses are permitted. Small-scale retail and service uses that primarily serve area residents are permitted on the first floor of buildings, and will be encouraged to be provided in areas identified as Secondary Retail Streets.

Section 3 - Parks and Public Realm

The public realm in Midtown is to support a vibrant mixed-use community with a green landscaped character. Primary public realm objectives of the Secondary Plan are to maintain and enhance the green, landscaped character of the area, improve and expand the network of parks, open spaces and create a high-quality public realm and streetscapes to ensure the continued vitality and quality of life in the area. Development will reduce the impact of vehicular, loading and servicing activities on the public realm.

The site is located along the Park Street Loop. Policy 3.2.5 states that 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.

Public parks have an intrinsic role in the urban landscape. They contribute to the creation of a healthy, connected city, and contribute to place making, liveability and resiliency. They are essential elements of complete communities. New public parkland will be acquired both within and adjacent to (but serving) the Secondary Plan area, in accordance with the applicable legislative framework as part of development applications. Sometimes new park sites will be chosen in order to expand existing parks.

Where new development is proposed adjacent to a public park it will be set back from the park to prevent encroachment on the public park and maximize public access and views to the park. Loading and servicing adjacent to public parks is to be avoided.

Section 4 - Mobility

The Midtown Mobility Network shown on Map 21-9 of the Secondary Plan is intended to be a well-connected and integrated network of streets, laneways, mid-block connections and multi-use trails that will provide a variety of safe and sustainable travel choices.

The subject site and the block context area are located on a Primary Street. Primary Streets are intermediate streets that serve a local focus and provide connectivity and access to and between Midtown's employment nodes and other destinations, such as schools, major parks and open spaces, community service facilities and surface transit stops.

Policy 4.6 states that new local public streets will be considered as part of the infill or redevelopment of sites where reasonable to do so and in accordance with the applicable legislative framework for the provision of community benefits to break up large blocks, promote pedestrian movement and accommodate through connections. Policy 4.14 states that mid-block connections provide direct, legible public access through blocks.

Section 5 - Built Form

Growth and intensification will be accommodated in a variety of building types and scales suitable and appropriate to the existing and planned context of the character areas that comprise Midtown while enhancing the livability of a building's surroundings and the spaces within the building. To achieve this, all development within the Secondary Plan area will generally reflect the built form principles in Section 5.1 of the Secondary Plan.

Policy 5.1.1(d) requires development to contribute to Midtown's green, landscaped character, provide appropriate spacing and separation between tall buildings and that the base of tall buildings has a scale that is compatible with the existing and planned character of the area.

Policy 5.1.1(e) with respect to public realm, open space and walkability states that development is to promote active street life and "eyes on the street" by ensuring buildings frame and animate streets, parks and open spaces, with active uses at grade, windows to allow for a two-way visual exchange, ensuring clearly defined and visible entrances from the public realm, and encouraging the highest quality of architecture and landscape architecture.

Policies 5.1.1(h) and (i) speak to achieving liveable and comfortable spaces by locating, designing and massing buildings to mitigate the cumulative impact of multiple tall buildings, adequate access to sky view from the public realm, adequate sunlight and good wind conditions.

Policy 5.3.5 addresses a diversity of building types and forms. Development will harmonize with neighbouring development to create a compatible pattern and rhythm along a street and/or contribute to the open space setting and character of an area.

Policy 5.3.5(b), states that development located in the Midtown Apartment Neighbourhoods, Midtown Apartment High Streets and balance of the Midtown Special Places where existing buildings are, or will be, set in a landscaped setting will provide appropriate setbacks on all sides of a building, inclusive of side yard setbacks.

The policies in 5.3.31 state that the siting and placement of tall buildings will take into account other adjacent sites; provide adequate access to sunlight and sky view from the public realm; and take into account the comfort of sidewalks, parks and open spaces and outdoor areas associated with community service facilities and schools.

Per Policy 5.3.45, in order to achieve good sky view and sunlight, as well as to contribute to the desired character of an area, the minimum tower separation distances between residential tall buildings will be specified in an implementing zoning by-law.

Policy 5.3.51 states that infill development in *Apartment Neighbourhoods* may consist of a range of building types including tall buildings but that certain types of infill development may not be suitable for specific sites if applicable site design standards cannot be satisfied.

Policy 5.4.3 sets out anticipated height ranges for Character Areas and states that specific heights will be determined through rezoning or a City initiated zoning by-law amendment. Policy 5.4.3(f) outlines an anticipated height range for the Redpath Park Street Loop Character Area of between 35 and 50 storeys with the tallest buildings along the south side of Roehampton Avenue and heights generally decreasing from south to north and west to east.

Section 6 - Community Services and Facilities

Community service facilities provide a foundation for a diverse range of programs and services that build communities, contribute to quality of life and act as neighbourhood focal points where people gather, learn, socialize and access services. These facilities and the services they provide are an essential part of creating and sustaining vibrant, inclusive and complete communities. Community services facilities include non-profit child care, community and recreation centres, libraries, public schools and human service agencies.

Section 7 - Housing

The Secondary Plan highlights the need for a full range of housing to meet the needs of all household sizes and income levels and contribute to diverse, inclusive and liveable communities. A range of unit types and sizes not only supports households with children but also a variety of households at different life stages. Midtown, including its vertical communities, should be designed for all people.

Section 8 - Energy and Resilience

Midtown's landscaped character provides a unique opportunity to increase water retention and support greater local biodiversity. The Plan's policies support the development of green infrastructure such as storm water capture and tree planting as part of public realm improvements and private development.

Growth in Midtown will increase pressure on existing electricity supply, transmission capacity and energy-related utilities. Existing infrastructure cannot be easily upgraded. Policies in the Plan encourage development to incorporate a connection to an existing or planned thermal energy network, integrate on-site electricity production and target near-zero energy use.

Section 9 – Making it Happen (Implementation)

Section 9 of the Secondary Plan provides direction on the implementation of the principles contained within the Secondary Plan. This includes policies relating to infrastructure implementation strategies (Section 9.2); Context Plans (Section 9.3); Securing Public Access (Section 9.6); and Construction Management (Section 9.7). The implementation strategies will address the scope, cost and timing for new and improved physical and social infrastructure in more detail and ensure that the necessary infrastructure improvements are coordinated.

Section 10 – Interpretation

The policies of this Plan must be read together as a whole and the relevant policies are to be applied to each situation as applicable. While some policies refer to other policies for ease of use, these cross-references do not take away from the need to read the Plan as a whole to properly understand a specific policy. There is no implied priority in the order in which the policies appear.

City of Toronto Urban Design Guidelines adopted by City Council will continue to be used to supplement the review and evaluation of development proposals submitted in the Secondary Plan area but are not policy. Guidelines to be used will be contextually specific to the development site and type of development proposed.

The outcome of staff analysis and review of the relevant Official Plan policies and designations and the Yonge-Eglinton Secondary Plan is summarized in the Comments section of the Report.

The Yonge-Eglinton Secondary Plan is available on the City's website at: https://www.toronto.ca/wp-content/uploads/2019/07/96a5-CityPlanning_OPA405.pdf

Zoning

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). See Attachments 5 and 6.

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/>

Midtown Zoning Review

As part of the approval of Midtown in Focus in July 2018, City Planning was directed by Council to initiate a zoning review for Midtown's 22 Character Areas to implement the directions of the Secondary Plan.

The zoning review involves a comprehensive evaluation of current zoning regulations and identifies where further study or amendments are needed to ensure conformity with the policies of the Secondary Plan. This review will be informed by an updated built form study and infrastructure assessment which reflect the in force Secondary Plan. Based on findings from the built form study, the zoning review will recommend specific heights as set out in Policy 5.4.3 of the Secondary Plan. It will also provide direction on permitted uses, density, and other performance standards such as setbacks at grade, tower separation and lot coverage. The built form study will also provide updated population and employment estimates which will input into the infrastructure assessment. The zoning review will consider application of holding provisions where it has been demonstrated that additional infrastructure is needed to support anticipated growth.

Such a review, as provided for in Policy 2.3.1.4 of the Official Plan, will inform a comprehensive, City-led zoning by-law amendment for Midtown's 22 Character Areas. Areas that demonstrate high development pressure and inconsistency between current regulations and Secondary Plan policies will be prioritized for amendment.

Broadway & Erskine Block Study

At its meeting on July 16, 2019, City Council directed that staff undertake a block study in response to active development applications in this area, thus initiating the Broadway & Erskine Block Study.

There is a need to comprehensively review this site within the context of the surrounding block and to develop a comprehensive plan for the block that satisfies the policy directions in the Yonge-Eglinton Secondary Plan. The Broadway & Erskine Block Study area is bounded by: Erskine Avenue to the north, Redpath Avenue to the east, Broadway Avenue to the south and Yonge Street to the west.

The Broadway & Erskine Block Study seeks to address matters such as the provision of consolidated site access, parkland location and configuration, pedestrian connections across the block and to the surrounding area, required servicing and transportation infrastructure, historic preservation and appropriate urban design and compatible built form for the area. The outcome of the block study is intended to guide the review of this application and future redevelopment on other sites within the block.

The Broadway & Erskine Block Study is ongoing concurrently with the review of this development application. A Virtual Community Consultation Meeting will be scheduled in Fall 2020.

City-Wide Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a

unified set of performance measures for the evaluation of tall building proposals to ensure that they fit within their context and minimize their local impacts.

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 within the Official Plan related to the design and development of tall buildings in Toronto.

The City-Wide Tall Building Design Guidelines are available at:

<https://www.toronto.ca/wp-content/uploads/2018/01/96ea-cityplanning-tall-buildings-may2013-final-AODA.pdf>

Growing Up: Planning for Children in New Vertical Communities

In July 2017, Toronto City Council adopted the Draft Growing Up Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals. The objective of the Growing Up Guidelines is for developments to increase liveability for larger households, including families with children, at the neighbourhood, building and unit scale.

The draft Growing Up Guidelines are available at:

www.toronto.ca/city-government/planning-development/planning-studies-initiatives/growing-up-planning-for-children-in-new-vertical-communities

Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings

The City of Toronto has completed the Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings. The purpose of this document is to guide new developments in a direction that is more supportive of a growing pet population, considering opportunities to reduce the current burden on the public realm, and provide needed pet amenities for high density residential communities. These Guidelines are to be used by the development industry in the preparation of development applications, by architects to inform the size, location and layout of pet friendly facilities, and by city staff in the various stages of development application review to identify best practices and help inform decisions that will support pet friendly environments.

The Guidelines are to be used in conjunction with other policies and guidelines. They are not intended to be prescriptive, but rather are intended to provide an additional degree of information. All residents, both pet-owners and non-pet-owners, will benefit from the Guidelines as they encourage design that demonstrate considerations for pets and reduces the impact that they have on our parks, open spaces and the environment.

The Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings are available at: <https://www.toronto.ca/city-government/planning-development/planningstudies-initiatives/pet-friendly-design-guidelines-for-high-density-communities/>

Site Plan Control

The subject site and application are subject to Site Plan Control. A Site Plan Control application has not been submitted to date.

Reasons for 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-laws as amended, and to establish new development standards related to amongst other things: parking, loading, and building setbacks.

Application Submission

The following reports/studies were submitted in support of the application:

- Arborist Report
- Architectural Plans
- Civil and Utilities Plans
- Coloured Concept Plan
- Community Services and Facilities Study
- Cover Letter
- Draft Zoning Bylaw Amendments for Zoning By-law Nos. 438-86 and 569-2013
- Energy Efficiency Report
- Geotechnical Study
- Heritage Impact Statement
- Hydrogeological Report
- Hydrogeological Review Summary
- Landscape and Lighting Plans
- Pedestrian Level Wind Study
- Planning Rationale
- Project Data Sheet
- Public Consultation Strategy Report
- Servicing Report
- Survey Plans
- Toronto Green Standards Checklist
- Transportation Impact Study; and
- Tree Preservation Plan.

The Zoning By-law Amendment Application was deemed complete as of July 24, 2019. Supporting documentation can be viewed at the City's Application Information Centre: <http://app.toronto.ca/AIC/index.do>

Agency Circulation

The application, together with the applicable reports noted above, have been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

Community Consultation

A virtual community consultation meeting was held by City Planning on September 15, 2020 which was attended by 58 members of the public, City Staff, the applicant and their team and the Ward Councillor.

The following issues/comments were raised at the community consultation meeting:

- Height, density and location of the proposed building;
- The amount of construction and resultant safety and noise issues along Broadway Avenue and in the Yonge-Eglinton Area as a whole;
- The lack of affordable residential units being provided by the development and in the Yonge-Eglinton Area as a whole;
- Lack of parks and open space being provided on the site and in the northeast quadrant of the Yonge-Eglinton Secondary Plan area;
- Shadow impacts on John Fisher Jr. Public School and neighbouring properties to the north;
- The adequacy of the public realm and the need for wider sidewalks along Broadway Avenue;
- Impacts of additional traffic and potential for traffic-pedestrian conflicts in the area;
- Adequacy of the parking supply being proposed;
- Adequacy of the proposed visitor parking supply; and
- The City's approach to conducting the Broadway-Erskine Block Study.

COMMENTS

Planning Act

The *Planning Act* governs land use planning in Ontario and sets out the means by which a municipality must implement land use planning decisions. Section 2 of the *Planning Act* sets out matters of provincial interest that City Council shall have regard to in making any decision under the *Planning Act* and requires that municipalities, when carrying out their responsibility under this Act regard shall be had to matters of provincial interest including:

- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (h) the orderly development of safe and healthy communities;

- (p) the appropriate location of growth and development; and
- (r) the promotion of built form that is well-designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

These matters, which all approval authorities shall have regard for in carrying out their responsibilities under the *Planning Act*, are particularly relevant to this proposal.

Staff, having regard to these matters of provincial interest, cannot recommend the approval of the proposal in its current form. These provincial interests are further articulated through the PPS (2020) and the Growth Plan (2020).

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020). The proposal has also been reviewed and evaluated against Policy 5.2 of the Growth Plan as described in the Issue Background section of this Report.

Staff have determined that the proposal in its current form is not consistent with the PPS (2020) and does not conform to the Growth Plan (2020) for reasons outlined below.

Provincial Policy Statement (2020)

The PPS provides for a coordinated and integrated approach to planning matters within municipalities. Staff have determined that the proposal, in its current form, is not consistent with the PPS (2020), specifically with respect to the following policies:

- Policy 1.1.1 b) which refers to accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- Policies 1.1.1 g) which refers to ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;
- Policy 1.1.3.4 which states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety;
- Policies 1.2.1 a) and g) which state that a coordinated, integrated and comprehensive approach should be used when dealing with planning matters, including: managing and/or promoting growth and development that is integrated with infrastructure planning; and population, housing and employment projections, based on regional market areas;

- Policies 1.5.1 a) and b) which state that healthy, active communities should be promoted by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity; and planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, and open space areas;
- Policy 1.6.7.2 which states that efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible; and
- Policy 4.6 which states that the official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans.

Policies 1.1.1 b), 1.1.3.4 and 1.5.1 a) and b) of the PPS (2020) promote the formulation of appropriate development standards, while providing for safe, active streets and public spaces and an equitable distribution of publicly-accessible settings for recreation, including facilities, parklands, public spaces, and open space areas.

Working within the framework of the PPS and Growth Plan, this planning exercise was undertaken through Midtown in Focus, which ultimately resulted in ministerial approval of OPA 405 on June 5, 2019. The intent of this policy exercise was to provide policy direction to ensure Midtown develops as a complete community, maintain the diversity of Midtown's neighbourhoods and integrate land use and infrastructure planning while informing and guiding the provision of new and improved parks and community service facilities.

With respect to Policies 1.1.1 g) and 1.2.1 a) and g) of the PPS (2020), it has not been demonstrated that the necessary infrastructure is available to support the proposed development and the cumulative impacts on the transportation and servicing infrastructure as a result of applying this and similar density to all developable sites in the area. This single application is not required for the City to meet its population, housing and employment targets in the Yonge-Eglinton urban growth centre. The proposal must be considered in the context of the other policies in the PPS (2020) Growth Plan (2020), the Official Plan, the Yonge-Eglinton Secondary Plan, Zoning By-laws and Guidelines.

Policy 1.6.7.2 of the PPS (2020) states that efficient use shall be made of existing and planned infrastructure, including through the use of transportation demand management (TDM) strategies, where feasible. While it is recognized that the proposed development is within 400 metres of the Eglinton TTC station, connecting both the Yonge Subway and the future Eglinton Crosstown LRT, the proposed TDM measures fail to justify the requested reduced parking rates, car-share spaces, bicycle parking spaces, driveway widths and location and layout of vehicular and bicycle parking based on an apartment built-form located in Midtown. Further discussion on TDM measures can be found in the "Traffic Impact, Access and Parking" section of this report.

Policy 4.6 of the PPS states that the Official Plan is the most important vehicle for implementation of the PPS. As a result, the City of Toronto has established a vision and policy framework for this area through Midtown in Focus and the subsequent Yonge-Eglinton Secondary Plan adopted through OPA 405 and approved by the Province.

The proposal in its current form does not meet the policy objectives of the PPS, as articulated by the City's Official Plan.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

The guiding principles of the Growth Plan (2020) support, amongst other matters, the achievement of complete communities that are designed to support healthy and active living and meet people's daily living throughout an entire lifetime and to provide intensification and higher densities in strategic growth areas.

Staff have determined that the proposal, in its current form, does not conform with the Growth Plan (2020), specifically with respect to the following policies:

- Policy 2.2.1.4 d) which states that applying the policies of this Plan will support the achievement of complete communities that, amongst other matters: expand convenient access to a range of transportation options, including options for the safe, comfortable and convenient use of active transportation; and an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities;
- Policy 2.2.1.4 e) which provides for a more compact built form and a vibrant public realm, including public open spaces;
- Policies 2.2.2.3 b), d) and f) of the Growth Plan speak to delineated built-up areas and state that all municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:
 - b) identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas;
 - d) ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities; and
 - f) be implemented through official plan policies and designations, updated zoning and other supporting documents.
- Policy 2.2.4.10 which states that lands adjacent to or near to existing and planned frequent transit should be planned to be transit-supportive and supportive of active transportation and a range and mix of uses and activities.

Policies 2.2.1.4 d) and 2.2.4.10 make reference to achieving complete communities through expanding convenient access to a range of transportation options, including options for the safe, comfortable and convenient use of active transportation and planning for lands to be transit-supportive and supportive of active transportation adjacent to or near to existing and planned frequent transit.

The Growth Plan (2020) requires that transit-supportive development be consistent with Ontario's Transit Supportive Guidelines. The guidelines state that: "the act of locating higher-density development and uses adjacent to a transit stop does not always equate to transit-supportive development." The guidelines further state that new development contribute to a pedestrian-friendly public realm by scaling buildings to match their specific context, and ensuring mid-block connections that are direct, well-lit and fronted by or visible from adjacent uses to enhance pedestrian safety and comfort. No mid-block connections are provided as part of the current proposal, which could form a north-south connection between Broadway Avenue and Erskine Avenue.

Policies 2.2.1.4 d) and e) state that applying the policies of the Growth Plan will support the achievement of complete communities through, among other matters, expanding convenient access to an appropriate supply of safe, publicly-accessible open spaces, and providing a more compact built form and a vibrant public realm, including public open spaces.

The proposed development does not provide appropriate on-site public open space or parkland and as such does not support the achievement of complete communities.

With respect to Policies 2.2.2.3 b), d) and f), the proposal contemplates the intensification of a site within a delineated built-up area. While it is recognized that intensification is generally encouraged by the Growth Plan and in Urban Growth Centres, it must achieve the policy goals as outlined above. In this regard, the City has developed a strategy to achieve the minimum density targets through the City of Toronto Official Plan, in conjunction with the Yonge-Eglinton Secondary Plan, which provides a greater level of detail and specificity on matters such as built form, massing, scale and location of development within this area. These policies are further informed by the City's Tall Buildings Guidelines, which apply to this application as a tall building is being proposed.

Policy 5.2.4.5 b) of the Growth Plan states municipalities may plan for development beyond the horizon of this Plan provided that the type and scale of built form for the development would be contextually appropriate. Policy 5.2.5.6 of the Growth Plan states municipalities are to develop and implement urban design and site design official plan policies and other supporting documents that direct the development of a high quality public realm and compact built form in order achieve the minimum intensification and density targets in the Growth Plan.

The City has done this through its Official Plan policies and supporting guidelines discussed in this report. Together, the policies and guidelines provide a planning framework that enables new development and intensification on the site in a manner

that achieves a number of city building objectives and positively contributes to the surrounding context.

The proposed development does not have regard to relevant matters of provincial interest in Section 2 of the *Planning Act*, is not consistent with the PPS (2020) and does not conform to the Growth Plan (2020).

City of Toronto Official Plan and Yonge-Eglinton Secondary Plan

This application has been reviewed against the relevant policies of the Official Plan and Yonge-Eglinton Secondary Plan described in the Issue Background Section of the Report.

Land Use and Character Area

The lands are designated as *Apartment Neighbourhoods* in the Official Plan. *Apartment Neighbourhoods* are made up of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents. Residential and low-scale local institutional uses (places of worship) are permitted in the Official Plan.

Within the Yonge-Eglinton Secondary Plan, the lands are also designated *Apartment Neighbourhoods* and are located within the Redpath Park Street Loop Character Area.

Section 1.3.3(b) (Character Areas) of the Yonge-Eglinton Secondary Plan states the following with respect to the Redpath Park Street Loop Character Area:

"The Redpath Park Street Loop Character Area is a dense yet distinctly green and residential area that consists of towers and a variety of housing types. New development will complement the scale of the historic walk-up apartment buildings and provide for adequate sunlight and sky view. The heights of new buildings will generally decrease in all directions from the Yonge-Eglinton Crossroads and Mount Pleasant Station Character Areas. The Park Street Loop will be a lush, green multipurpose promenade connecting significant parks, open spaces and civic buildings. New and existing buildings, together with the Loop and the Midtown Greenways, will support a public realm that is inviting and green."

While the proposed uses are permitted within the Redpath Park Street Loop Character Area of the Yonge-Eglinton Secondary Plan, the proposal fails to meet the overall intent of this policy, as described in the following sections.

Building Height, Location and Massing

The proposed tall building development is massed in a tower with base building form. The proposed building is a 44-storey (131.9 metre) residential building with a 4-storey base residential element that would be 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, but would function separately from the residential tower and associated base building.

Official Plan Built Form Policies 3.1.2.1 and 3.1.2.3 require that new development be located and organized to fit within its existing and/or planned context and be massed to fit harmoniously into its context. Section 3.1.2.3 (c) of the Official Plan refers to limiting impact by creating appropriate transitions in scale to neighbouring buildings and relate to their existing and/or planned context. Section 3.1.3 specifically addresses tall buildings and requires tall buildings to meet the built form principles of the plan, as set out within Section 3.1.2.

Further direction on the built form and height envisioned for the site is detailed in the Yonge-Eglinton Secondary Plan. The policies recognize that the Midtown *Apartment Neighbourhoods* are defined by a variety of building types including mid-century apartment towers, walk-up apartment buildings and townhouses, all set in a generously-scaled landscaped setting. Infill development and redevelopment will be designed and located to complement the existing built form fabric. While Policy 5.4.3(f) of the Secondary Plan identifies a height range of 35 to 50 storeys, the proposal in its current form ignores a number of other policy objectives relating to tall buildings in both the Official Plan and Yonge-Eglinton Secondary Plan.

Policy 1.3.3(b) of the Secondary Plan directs that new development within the Redpath Park Street Loop will complement the scale of historic walk-up apartment buildings and provide adequate sunlight and sky view.

With respect to Built Form, Policies 5.1.1(h) and (i) speak to achieving liveable and comfortable spaces by locating, designing and massing buildings to mitigate the cumulative impact of multiple tall buildings, adequate access to sky view from the public realm, adequate sunlight and good wind conditions. Policy 5.3.5 states that development will harmonize with neighbouring development to create a compatible pattern and rhythm along a street and/or contribute to the open space setting and character of an area. Policy 5.3.5(b), states that development located in the Midtown Apartment Neighbourhoods, Midtown Apartment High Streets and balance of the Midtown Special Places where existing buildings are, or will be, set in a landscaped setting will provide appropriate setbacks on all sides of a building, inclusive of side yard setbacks.

For tall buildings, Policy 5.3.31(a) of the Secondary Plan states that the siting and placement of tall buildings, and particularly the tower (middle) portion of the tall building, on a site will take into account other adjacent sites.

The Built Form policies of the Official Plan and Yonge-Eglinton Secondary Plan are implemented in part through the Tall Building Design Guidelines. Relevant Guidelines in this case include Guideline 1.1 (Context Analysis), 1.3 (Fit and Transition in Scale), 1.4 (Sunlight and Skyview), 2.1 (Building Placement), 2.2 (Building Address and Entrances), 2.3 (Site Servicing, Access and Parking), 2.4 (Publicly Accessible Open Space), 3.2.2 (Tower Placement) and 3.2.5 (Balconies).

Guideline 1.1 requires a walkable and block context analysis be provided to inform the placement, height and character of base buildings, the location, shape, general height, and spacing of towers, as well as the relationship in scale between tall building components and to neighbours.

Guideline 1.3 states that tall buildings should fit within the existing or planned context and provide an appropriate transition in scale down to lower-scaled buildings, parks and open space. This can be achieved by applying angular planes, minimum horizontal separation distances and other building envelope controls. Tall buildings should respect the scale of the local context.

Guideline 2.1 provides that base buildings be located to frame the edges of streets, parks, and open space, to fit harmoniously with the existing context, and to provide opportunities for high-quality landscaped open space on-site.

Guideline 2.2 states that tall buildings be organized to use existing or new public streets for address and building entrances and ensure primary building entrances front onto public streets, are well-defined, clearly visible, and universally accessible from the adjacent public sidewalk.

Guideline 2.4 states that tall buildings provide grade-related, publicly accessible open space within the tall building site to complement, connect, and extend the existing network of public streets, parks and open space.

Guideline 3.2.2 states that towers be placed away from streets, parks, open space, and neighbouring properties to reduce visual and physical impacts of the tower and allow the base building to be the primary defining element for the site and adjacent public realm.

Guideline 3.2.5 states that balconies are to be designed to maximize usability, comfort, and building performance, while minimizing negative impacts on the building mass, public realm, and natural environment.

The intent of the City's Official Plan, the Yonge-Eglinton Secondary Plan and the City's Tall Buildings Guidelines has not been met by the proposal for the following reasons:

- A walkable and block context plan has not been provided with the application, as requested by staff in conjunction with the Broadway & Erskine Block Study. It has not been sufficiently demonstrated that the placement, height and character of the base building, the location, shape, general height of the tower is in keeping with the area context.
- The relationship in scale between the proposed tall building and its neighbouring properties is abrupt. The proposed tower is setback significantly from the edge of the street and is located between a 4-storey walk-up apartment building at 28 Broadway Avenue and an approved 11-storey building at 55 Erskine Avenue.

- The proposed height and massing departs significantly from the policies and intent of the Yonge-Eglinton Secondary Plan, which speak to a reduction in height in all directions away from the Yonge-Eglinton Crossroads and Mount Pleasant Station Character Areas.
- The proposed building would be the tallest building north of Roehampton Avenue and does not respect or transition in accordance with Official Plan policies regarding height guidance and tall building design.
- The proposed building does not effectively frame Broadway Avenue. While it is recognized that greater setbacks are required along the Park Street Loop, the intent is that the setback is landscaped and provides residential street address onto Broadway Avenue. Minimal landscaping is proposed at the front of the site. This will be discussed further in the "Public Realm, Park Street Loop and Streetscape" section of this report.
- The primary entrance to the residential tower is proposed to be located at the rear of the site and is not well-defined, clearly visible or universally accessible from the adjacent Broadway Avenue public sidewalk.
- Grade-related, publicly accessible open space within the tall building site to complement, connect, and extend the existing network of public streets, parks and open space has not been provided.
- Tower stepbacks, measured from the top of the base building, greater than 3 metres are encouraged by the Tall Buildings Guidelines and may be required for tall buildings to fit harmoniously within an existing context. In this case, the stepbacks proposed are 2.8 metres on both the west and east side. As noted previously, an existing 4-storey residential building is located to the west of the site and an approved 12-storey residential building is located to the east of the site. Given the surrounding context, an increase to the tower stepbacks is required.
- Balcony arrangements that significantly increase the physical and apparent visual building mass are to be avoided. The application proposes balconies that wrap the southwest and northwest corners of the building, measuring 1.8 metres in width that project into the 12.5 metre side yard setbacks. This adds to the building mass and causes additional overlook onto neighbouring properties.

While it is recognized that through OPA 405, a height range of 35 to 50 storeys was identified for this site, the proposed height and massing of the building creates an inappropriate relationship as it relates to the Redpath Park Street Loop Character Area, *Apartment Neighbourhoods* context and the public realm on Broadway Avenue. The proposal does not provide the required reduction in height in all directions away from the Yonge-Eglinton Crossroads. The lands are located at the northern edge of the Character Area away from the Yonge-Eglinton Crossroads and Mount Pleasant Station Character Areas. Per Policy 10.3 of the Secondary Plan, the policies of the Plan must

be read together as a whole and the relevant policies are to be applied to each situation as applicable.

The proposed building in its current form overwhelms the existing neighbouring 4-storey walk-up apartment building at 28 Broadway Avenue and does not consider the impact the proposed height and massing would have on other adjacent sites, nearby school properties and the Erskine Midtown Greenway.

City Planning staff recommends the building height be reduced to limit impacts on the surrounding neighbourhood. The proposal in its current form is not acceptable with respect to the built form, height and massing proposed.

Sun, Shadow, Wind

Shadow and Sky View

The shadow impacts resulting from the proposed development are not acceptable. In its current form, there is a particular impact on the private outdoor amenity areas on the properties to the east in mid-to-late afternoon at all times of the year. The applicant has submitted studies illustrating the extent of shadowing in one hour increments that would result from the proposed development from 9:18 am to 6:18 pm for March 21st, June 21st and September 21st.

The submitted shadow studies illustrate shadowing impacts on the John Fisher Jr. Public School from 10:18 am to 1:18 pm on March 21st and September 21st. There are also shadow impacts of the *Neighbourhoods* to the west of Yonge Street between 9:18 am and 10:18 am.

There are shadow impacts at various times throughout the day on March 21st and September 21st along Erskine Avenue to the north of the site, which forms part of the Erskine Midtown Greenway. At all times of the year, the shadow study illustrates significant later day shadow impacts on the amenity of the properties to the east within the *Apartment Neighbourhoods* designation.

Official Plan Built Form Policies 3.1.2.3 (e) and (f) require that new development provide adequate light and limit shadows on streets, properties and open spaces, while minimizing additional shadowing on neighbouring parks to preserve their utility. Policy 3.2.3.3 directs that development minimize additional shadows on parks and open spaces to preserve their utility.

Further, Policies 5.1.1(h) and (i) of the Yonge-Eglinton Secondary Plan speak to achieving liveable and comfortable spaces by locating, designing and massing buildings to mitigate the cumulative impact of multiple tall buildings, adequate access to sky view from the public realm, adequate sunlight and suitable wind conditions.

Tall Building Design Guidelines 1.3 (Fit and Transition in Scale) and Guideline 1.4 (Sunlight and Sky View) are also applicable to the proposal. Guideline 1.3 (a) recommends maintaining access to sunlight and sky view for surrounding streets, parks,

open space and neighbouring properties. Guideline 1.4 (a) and (b) recommends protecting access to sunlight and sky views including maintaining at least 5 hours of sunlight on the opposite side of the street and to provide protection to open spaces/parks and heritage properties.

The current proposal at 44-storeys in height presents significant shadow onto adjacent sites. There is a particular impact on the private outdoor amenity areas on the properties to the east in mid-to-late afternoon at all times of the year. Shadow impacts on the school yard on the north side of John Fisher Jr. Public School are not adequately limited and considerable shadow impacts would result along the Erskine Midtown Greenway.

The shadow cast by the building will have impacts on the surrounding area. It is important to note that shadow impacts in this area will not be exclusive to this proposal. Shadows from buildings approved and under construction in the *Apartment Neighbourhoods* in the immediate area will also extend throughout the day. The cumulative shadow impact of a number of tall buildings in close proximity must also be taken into consideration.

The proposed shadowing is significant as it impacts a number of surrounding properties including a number of private amenity areas, existing and future parks and surrounding community uses. Official Plan Policies 3.1.2.3 and 3.2.3.3 and related Tall Building Design Guidelines (Guideline 1.3, 1.4 and 3.2) specifically state the need to minimize and limit shadows. A reduction in the building height is recommended to reduce or eliminate shadow impacts.

The proposed development results in shadow impacts that are not acceptable and do not conform with or maintain the intent of the policies of the Official Plan.

Wind Impacts

A Pedestrian Wind Assessment from Novus Environmental (SLR), dated July 22, 2019, was submitted with the application to detail the potential wind impacts resulting from the massing of the proposed building. A wind tunnel test is required for this analysis.

The preliminary assessment concludes that wind conditions are anticipated to be suitable for sitting throughout the year for the main church and residential entrances. Wind conditions at secondary entrance/exits would be suitable for sitting or standing throughout the year. On the sidewalks surrounding the proposed development, wind conditions are similar between the existing and proposed development.

At the outdoor amenity terraces on the 4th and 5th storeys, wind conditions would be generally suitable for the intended usage. The Wind Study recommends vertical wind screens along the north edge of the amenity area be installed to improve comfort conditions related to wind and to extend usage of the terrace into the spring and autumn seasons.

City Planning requires an updated wind study, and will secure any mitigation measures through the Section 37 Agreement and a Site Plan Control application.

Site Access and Organization

The proposal consists of two parts: the 44-storey residential building, located towards the rear of the site and the 16.86 metre high place of worship, located along the Broadway Avenue frontage. Vehicular access to the site is proposed via a single 7.6 metre wide driveway and a paved promenade within the 7.5 metre setback. The primary entrance to the residential building is located at the rear of the site and is accessed via a private 3.5 to 4.2 metre wide north-south walkway that runs parallel along the driveway. Within this area, there are also fire exit doors and an entrance to the loading area. Underground vehicular parking is accessed at the rear of the site. Transportation Services staff have requested the proposed driveway width be reduced to 6 metres.

Section 3.1.2.1(b) of the Official Plan states that new development will frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces from the development by locating main building entrances so that they are clearly visible and directly accessible from the public sidewalk.

This is expanded upon in the Yonge-Eglinton Secondary Plan. Policy 5.1.1(e) with respect to public realm, open space and walkability states that development is to promote active street life and “eyes on the street” by ensuring buildings frame and animate streets, parks and open spaces, with active uses at grade, windows to allow for a two-way visual exchange, ensuring clearly defined and visible entrances from the public realm, and encouraging the highest quality of architecture and landscape architecture.

The access and organization of the site in its current form is unacceptable. The main entrance to the residential tower is proposed to be located at the rear of the site, 46.25 metres from the Broadway Avenue sidewalk and is screened by the proposed place of worship building at the front. The main residential entrance should be visually prominent and located immediately adjacent to Broadway Avenue to provide visibility for visitors, residents and deliveries.

The main entrance to the residential building as proposed is limited in its visibility and does not provide direct address on the public street. There would be potential for vehicular and pedestrian conflicts, particularly as they relate to accessing the ground floor loading spaces.

City Planning staff recommend that any revised proposal change the location of the place of worship and the residential entrance to meet the above-noted policy objectives by potentially moving the church into the base of the residential building. This would allow for an animated frontage along Broadway Avenue with passive surveillance of the adjacent street. It also makes for more efficient use of the site by providing space for mid-block connections, landscaping and parkland on site.

Broadway & Erskine Block Study

The site presents an opportunity to meet a number of important city building objectives, including the provision of parkland and the improvement of pedestrian and vehicular connections in the area. As such, it is important to cumulatively assess the impacts of this proposal in consideration of the wider area context.

The Broadway & Erskine Block Study will 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, historic preservation and urban design and built form that are compatible with the area and to achieve objectives from the Yonge-Eglinton Secondary Plan. The outcome of the Broadway & Erskine Block Study will guide the review of this application and future redevelopment of other sites within the block.

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, while exploring convenient access to active transportation for new and existing residents in the 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.

A Context Plan, illustrating the footprint, scale and site layout 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. To date, the requested Context Plan has not been submitted.

Public Realm, Park Street Loop and Streetscape

The public realm in Midtown is to support a vibrant mixed-use community with a green landscaped character. Primary public realm objectives of the Secondary Plan are to maintain and enhance the green, landscaped character of the area, improve and

expand the network of parks, open spaces and create a high-quality public realm and streetscapes to ensure the continued vitality and quality of life in the area.

For development in the Yonge-Eglinton Centre, Official Plan Policy 2.2.2.2(k) refers to establishing a high-quality public realm. This is expanded on by Public Realm Policies 3.1.1.5 and 3.1.1.6 which refer, among other things, to safe and efficient movement of pedestrians, provision of space for trees and landscaping and sidewalks being designed to provide safe, attractive, interesting and comfortable spaces for pedestrians.

Policy 3.1.4 of the Yonge-Eglinton Secondary Plan states that pedestrian and public realm improvements will be prioritized to support the Public Realm Moves identified on Map 21-6, prioritizing the extension and enhancement of existing and proposed parks; the creation of privately-owned publicly-accessible spaces (POPS); the provision of additional street trees, understory plantings and street furniture within streets and adjacent setbacks; re-allocating space within public streets to prioritize pedestrians, cyclists and public transit; and the provision of public art. Policy 3.1.5 requires that public realm improvements improve pedestrian movement and safety.

The site is located along the Park Street Loop. Policy 3.2.5 of the Yonge-Eglinton Secondary Plan states that the Park Street Loop will be designed as a publicly-accessible, multi-purpose green promenade with wide pedestrian clearways, cycling facilities and landscaping that provides green linkages connecting Eglinton Park to community amenities and open spaces in neighbourhoods to the east.

On Broadway Avenue and Roehampton Avenue between Yonge Street and Rawlinson Avenue, all buildings will be reasonably set back at grade and above established grade from the property line. The location and design of underground facilities, such as parking, on properties abutting the Park Street Loop will provide sufficient space and soil depth to establish and maintain a permanent, high-branching tree canopy.

As part of the forthcoming design guidance for the Park Street Loop, a minimum setback of 7.5 metres is required from the street line and sufficient space and soil depth must be provided to establish and maintain a permanent, high-branching tree canopy without the use of raised planters. A portion of the 7.5 metre setback may be required to be provided as a privately-owned, publicly-accessible space (POPS).

Policy 3.3 of the Yonge-Eglinton Secondary Plan states that new public parkland will be acquired and provided, inclusive of expanding and improving existing parks, both within and serving the Secondary Plan area, in accordance with the applicable legislative framework as part of development applications. As part of staff's review of both the site and the Broadway & Erskine Study Area, and as is discussed in the proceeding section, opportunities for an interconnected network of parks will be explored which will include a public parkland dedication applicable to the subject site.

The proposed development does not include a park on site and the front yard is encumbered by the proposed underground parking structure. The proposal requires revisions to include space for sufficient soil volume/depth to support large canopy trees within the streetscape and a public parkland dedication.

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 Toronto Official Plan shows local parkland provisions across the city. The lands which are the subject of this application are in an area with 0.43 to 0.79 hectare of local parkland per 1,000 people. The site is in 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.

At the alternative rate of 0.4 hectare per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 5,307 m² or 124.5% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication.

The site is located within the boundaries of the Yonge-Eglinton Secondary Plan Area, an area of rapid population growth with increasing the demand and use on the existing public open space. As part of the Secondary Plan, parkland was identified as a priority to be achieved within the area. More specifically, the site is located along the Park Street Loop, one of the public realm moves within the Secondary Plan.

The provision of new park space along the Redpath Park Street Loop is a key objective for the City as provided for in Policy 1.3.3(b) of the Yonge-Eglinton Secondary Plan. The application is not proposing any new on-site or off-site parkland. City Planning and Parks, Forestry and Recreation staff do not support the redevelopment of this site absent the provision of a public park.

In total, the parkland dedication requirement is 396 square metres. The applicant is required to satisfy the parkland dedication requirement through an on-site dedication consolidated, or with the potential to be consolidated, with the surrounding properties. The park is to be located along Broadway Avenue and is to comply with Policy 3.2.3.8 of the Toronto Official Plan.

Housing - Unit Mix and Size

The PPS (2020) and the Growth Plan (2020) acknowledge the importance of providing a full range of housing and identify affordable housing as a matter of Provincial interest. The provision of affordable, secure and diverse housing stock to meet housing needs for a wide range of people throughout their life cycle is essential to the creation of complete communities.

Further to this policy direction, Official Plan Policy 3.2.1.1 states that a full range of housing, in terms of form, tenure and affordability will be provided and maintained to meet the current and future needs of residents. A full range of housing includes affordable rental housing and shared and/or congregate-living housing.

Section 7.1 of the Secondary Plan states that in order to achieve a balanced mix of unit types and sizes, and to support the creation of housing suitable for families, development containing more than 80 new residential units will include:

- a minimum of 15 per cent of the total number of units as 2-bedroom units;
- a minimum of 10 per cent of the total number of units as 3-bedroom units; and
- an additional 15 per cent of the total number of units will be a combination of 2-bedroom and 3-bedroom units, or units that can be converted to 2-bedroom and 3-bedroom units through the use of adaptable design measures.

The Council-adopted Growing Up Draft Urban Design Guidelines provide guidance on the proportion and size of larger units recommended in new multi-unit residential developments. The accompanying staff report is available here:

<https://www.toronto.ca/legdocs/mmis/2017/pg/bgrd/backgroundfile-103919.pdf>

Guideline 2.1 of the Growing Up guidelines states that a residential building should provide a minimum of 25% large units. Specifically, the guidelines state that a minimum of 10% of the total residential units should be three-bedroom units and a minimum of 15% should be two-bedroom units.

Guideline 3.0 states that the ideal unit size for large units, based on the sum of the unit elements, is 90 square metres for two-bedroom units and 106 square metres for three-bedroom units, with ranges of 87-90 square metres and 100-106 square metres representing an acceptable diversity of sizes for such bedroom types while maintaining the integrity of common spaces to ensure their functionality.

The unit breakdown for the proposed residential portion of this development is as follows:

Table 1 – Proposed Residential Unit Mix and Size

	Bachelor	1 bedroom	2 bedroom	3 bedroom	Total
# of units	0	170	187	41	398
% of units	0.0%	42.7%	47.0%	10.3%	100.0%
Size range (m ²)			56-70	71-80+	
% 2-Bdrm ≥ 87m ² & % 3-Bdrm ≥ 100m ²			Not provided	Not provided	

The provision of 187 (47%) two-bedroom units and 41 (10%) three-bedroom units adequately supports the unit mix objectives of the Growing Up guidelines, Official Plan housing policies, and the Growth Plan (2020) growth management and housing policies to accommodate within new development a broad range of households, including families with children.

However, the proposed two-bedroom units range in size from 57-70 square metres, and the proposed three-bedroom units generally range in size from 71-80 square metres.

None of the proposed 2-bedroom units are 87 or more square metres in size and only three of the proposed 41 three-bedroom units are greater than 80 square metres in size.

These unit sizes do not adequately support the unit size objectives of the Yonge-Eglinton Secondary Plan or the Growing Up Urban Design Guidelines.

Pet Friendly Design

No pet amenity is proposed. For a building with more than 20 units, it should be 10% of the required amenity space and include an outdoor pet relief area at least 5 square metres in size. An indoor pet washing station is recommended.

Given the current rise in dog-owning populations, the applicant is strongly encouraged to provide dog amenities on-site with proper disposal facilities such as dog relief stations to accommodate their future residents' needs in accordance with the Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings. This will help alleviate pressure on neighbourhood parks.

Traffic Impact

A Transportation Considerations Report, prepared by BA Group and dated July 2019, was submitted in support of the proposed development. The proposal is expected to generate in the order of 65 two-way vehicle trips during the weekday morning peak hour and 80 two-way vehicle trips during the weekday afternoon peak hour. The net new site traffic volume on the road network, compared to existing conditions, represents an increase of 65 two-way vehicle trips during the weekday morning peak hour and 60 two-way vehicle trips during the weekday afternoon peak hour.

Transportation Services staff has reviewed the Transportation Considerations Report and have raised concerns with the driveway width, proposed access, sidewalks, parking and loading spaces and have advised that amendments to the study and further information are required. City Planning requires an updated Transportation Considerations Report.

Parking

The parking requirements for the project are governed by the applicable parking provisions contained in the former City of Toronto Zoning By-law 438-86 and Zoning Bylaw 569-2013. The latter was developed by City staff in order to update the parking requirements for developments. The parking provisions contained in this By-law have been accepted by staff on recent development projects, where appropriate, as the associated parking standards are based on more recent information when compared to the former City of Toronto Zoning By-law.

A total of 177 parking spaces, consisting of 117 resident, 5 place of worship and 55 visitor parking spaces are proposed. These spaces will be located within a two-level underground parking garage.

A summary of the parking requirements for this project are provided in the following table.

Table 2 – Parking Requirements as per Zoning By-law No. 569-2013 (PA2)

Use	Scale	Parking Rate		No. of Spaces	
		Min	Max	Min	Max
Residential					
1 Bedroom	170 units	0.7	1.0	119	170
2 Bedrooms	187 units	0.9	1.3	168	243
3 Bedrooms or More	41 units	1.0	1.5	41	61
Visitors	398 units	0.10	-	39	-
Place of Worship	655 m ²	15/100 m ²	-	98	-
Sub-Total Residents				328	474
Sub-Total Non-Resident				137	-
Grand Total				465	611

The site requires a minimum of 465 parking spaces under the governing Zoning By-law 569-2013 for Policy Area 2 (PA2) whereas only 177 parking spaces have been proposed. Transportation Services considers this a substantial reduction and does not agree with the conclusions of the Transportation Considerations Report.

By-law 579-2017 requires a minimum of one accessible parking space for every 25 parking spaces up to the first 100 spaces, plus one space per additional 50 spaces above 100 spaces, for a total of 8 accessible parking spaces. A total of 4 accessible spaces are being provided. The number of accessible parking spaces must be provided as per the By-law 579-2017 requirement.

In order to justify a reduced parking rate, a parking utilization study (parking survey) is required for a series of proxy sites that are located in the Yonge Street and Eglinton Avenue corridor. In addition, a comprehensive Transportation Demand Management Plan that includes car sharing and 20 percent of all parking spaces to include Electric Vehicle Infrastructure as per the Toronto Green Standard must be provided.

Bicycle Parking

The Zoning By-law requires 399 bicycle parking spaces (359 long-term residential spaces and 40 short-term residential spaces). A total of 488 bicycle parking spaces are proposed, including 430 long-term spaces and 58 short-term spaces located on the P1 parking level. The proposed bicycle parking is satisfactory.

Loading

A minimum of one (1) Type G loading space with minimum dimensions of 4 metres in width by 13 metres in length must be provided, with a required vertical clearance of 6.1 metres.

Transportation Services staff have noted that the current loading space location is unsafe and not acceptable. The site must be redesigned so that a truck accessing the loading space is not reversing into the main entrance of the building or in the direct path of pedestrians. The Vehicle Maneuvering Diagram (VMD) also indicates a conflict between a truck reversing and a vehicle exiting the underground ramp. A turning circle must also be provided for pickup/drop off area to ensure pedestrian safety.

Servicing

The applicant has submitted a Functional Servicing and Stormwater Management Report dated July 2019 by Cole Engineering Group Ltd. Engineering and Construction Services staff have reviewed the submitted materials and require a number of revisions, as stated in their memorandum dated September 11, 2019.

Engineering and Construction Services requires a revised Functional Servicing and Stormwater Management Report to determine the storm water runoff, sanitary flow and water supply demand resulting from the proposed development, and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development.

Staff recommend the LPAT withhold the issuance of any Orders until such time as the owner has provided a Functional Servicing and Stormwater Management Report satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services, and the General Manager, Toronto Water.

Construction Management

A Construction Management Report has not been submitted with the application. Per Policy 9.7.1 of the Secondary Plan, in order to ensure minimal disruptions to the surrounding area and good communications with neighbours of the development site during the construction period, Construction Management Plans will be required as part of the site plan control process for development in *Apartment Neighbourhoods*.

In the event that the LPAT approves the application in some form, a construction management plan will be required by City Planning and Transportation Services as part of an eventual Site Plan Control Application.

Amenity Space

Official Plan Built Form Policy 3.1.2.6 states that every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents of the development. Zoning By-law 438-86 requires a minimum of 2.0 square metres per unit each of indoor and outdoor amenity space and By-law 569-2013 requires a combined amenity space of 4.0 square metres per unit. The proposal provides for a total combined indoor and outdoor amenity space of 1,608 square metres (4.04 square metres per unit).

A total of 808 square metres (2.03 square metres per unit) of indoor amenity space is proposed, of which 137 square metres would be located on the ground floor, 362 square metres would be located on the second floor and 308 square metres would be located on the fifth floor adjacent to the outdoor amenity terrace.

A total of 800 square metres (2.01 square metres per unit) of outdoor amenity space is proposed which includes 686 square metres at-grade and 114 square metres on the fifth floor adjacent to the indoor amenity space.

While the amount of indoor and outdoor amenity space being provided is sufficient, appropriate design measures for amenity areas including indoor and outdoor play areas for children and youth, flexible spaces for use by any age group, hobby rooms, and adequate storage areas is required.

Tree Preservation

An Arborist Report, prepared by Central Tree Care Ltd and dated June 28, 2019, was submitted in support of the proposed development. The Arborist Report submitted indicates that there are a total of 17 trees on or adjacent to the site, of which 16 trees are proposed to be removed. Of these, 14 trees (7 City-owned and 7 privately-owned trees) will require an Application to Injure or Remove Tree from Parks, Forestry and Recreation.

Parks, Forestry and Recreation staff have noted that tree 11 as shown on the submitted Tree Protection Plan, is adjacent to the development site at 55 Erskine Avenue. The City and owner of 55 Erskine Avenue have planned to retain tree 11 as part of their development approval.

Parks, Forestry and Recreation require the applicant to submit a revised Arborist Report and Tree Protection Plan to retain tree 11. These comments were outlined in a memorandum dated September 12, 2019.

The City will secure the planting of new trees on the site and on adjacent public rights-of-way through Site Plan Approval.

Heritage Impact & Conservation

The Yonge-Eglinton Secondary Plan identifies the property at 44 Broadway Avenue as having potential cultural heritage value in Map 21-10. The Heritage Impact Assessment

(HIA) submitted with the application, prepared by ERA Architects and dated July 19, 2019, evaluated the cultural heritage value of the subject site in accordance with Ontario Regulation 9/06. The HIA finds that the property does not meet the criteria for designation under Part IV of the Ontario Heritage Act.

Heritage Planning's Policy and Research team has determined that the property has associative value only and that no further evaluation is warranted.

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.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS. City Planning and Engineering and Construction Services staff will work towards securing a development that meets a high standard of environmental sustainability and resiliency.

Community Services Assessment

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions, such as recreation, libraries, childcare, schools, public health, human services, cultural services and employment services.

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

One of the major objectives of the Yonge-Eglinton Secondary Plan is the provision of community services and facilities. The Secondary Plan states that Midtown will continue to prosper by maintaining and expanding community service facilities. Creating new

community spaces will be essential to supporting a prosperous local economy, fostering innovation and broadening opportunities for stable employment.

A Community Services & Facilities Report dated July 22, 2019 prepared by Goldberg Group was submitted as part of the application submission. The applicant's CS&F Study makes no reference to the current Yonge-Eglinton CS&F Strategy 2018 or the related policies of the Yonge-Eglinton Secondary Plan adopted by Council in 2018. Its analysis is somewhat inconsistent with the findings of the CS&F Strategy. However, the submission acknowledges that the proposed development will have impacts on the community service facilities in the area and advises that discussions will continue to be held with Toronto Children's Services staff to determine if the proposed development can help to achieve the City's child care goals.

Based on the CS&F policies of the Council-adopted Yonge-Eglinton Secondary Plan and identified priorities of the Midtown CS&F Strategy (2018), the following CS&F contributions are recommended for consideration in review of this application:

- If confirmed by Children's Services, secure a non-profit, licensed child care facility at grade level, with adjoining outdoor play space, to reflect the City's standard terms and conditions, as per the attached Child Care Development Guideline, and/or
- Provide a financial contribution towards capital improvements to the Northern District Library to expand the service capacity of the existing facility.

In the event that the LPAT approves the application in some form, and in advance of Section 37 discussions regarding the provision of community benefits, City Planning will require an updated Community Services & Facilities Report to address the comments above.

Section 37

Section 37 of the *Planning Act* allows the City to require community benefits in situations where increased density and/or height are permitted. Community benefits are specific capital facilities or cash contributions for specific capital facilities and can include: affordable housing; parkland and/or park improvements above and beyond the required Section 42 *Planning Act* parkland dedication; public art; streetscape improvements on the public boulevard not abutting the site; and other works detailed in Section 5.1.1.6 of the Official Plan.

City Planning staff recommend that the City Solicitor be directed to request the LPAT, in the event it determines to allow the appeals in whole or in part, to withhold any order until a Section 37 Agreement has been entered into as between the City and the owner and registered on title, all to the satisfaction of the Acting Director, Community Planning, North York District and the City Solicitor.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the City of Toronto Official Plan and the Yonge-Eglinton Secondary Plan.

Staff are of the opinion that the proposal is not consistent with the PPS (2020) and conflicts with the Growth Plan (2020). Further, the proposal is not in keeping with the intent of the Toronto Official Plan and Yonge-Eglinton Secondary Plan, particularly as it relates to policies regarding the Redpath Park Street Loop Character Area, Parks and Public Realm, Streetscape and Built Form. The proposed development does not include any new public parkland, which would require changes to the proposed configuration of the site.

The proposed Zoning By-law Amendment application, in its current form, is not supported by City Planning staff. The proposal, in its current form is not good planning and does not represent the public interest.

Staff recommend that City Council direct City Staff to continue to negotiate with the applicant in an attempt to resolve the outstanding issues detailed in this report. In the event that the application is not revised to propose an appropriate form of development on this site, City Planning recommends that City Council direct the City Solicitor and appropriate City staff to attend the Local Planning Appeal Tribunal (LPAT) in opposition to the proposal.

CONTACT

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E-mail: Jason.Brande@toronto.ca

SIGNATURE

Al Rezoski, Acting Director
Community Planning, North York District

ATTACHMENTS

City of Toronto Data/Drawings

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Yonge-Eglinton Secondary Plan Map
- Attachment 5: Existing Zoning By-law Map - Zoning By-law No. 438-86
- Attachment 6: Existing Zoning By-law Map - Zoning By-law No. 569-2013

Applicant Submitted Drawings

- Attachment 7: Site Plan
- Attachment 8: West Elevation
- Attachment 9: East Elevation
- Attachment 10: North Elevation
- Attachment 11: South Elevation

Attachment 1: Application Data Sheet

Municipal Address: 40 and 44 BROADWAY AVE Date Received: July 24, 2019

Application Number: 19 194902 NNY 15 OZ

Application Type: Zoning By-law Amendment

Project Description: Zoning By Law Amendment application 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.

Applicant/Agent	Architect	Owner
Collecdev Inc. 20 Eglinton Ave W, Suite 1700 Toronto, ON M4R 2E2	KPMB Architects 351 King St E Suite 1200 Toronto, ON, M5A 0L6	Corporation for the Diocese c/o St. Monica's Parish 44 Broadway Ave Toronto, ON, M4P 1T4

EXISTING PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhoods	Site Specific Provision:	N
Zoning:	R (d2.0) (x912)	Heritage Designation:	N
Height Limit (m):	38	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 4,262 Frontage (m): 46 Depth (m): 93

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,227		1,857	1,857
Residential GFA (sq m):	0		29,319	29,319
Non-Residential GFA (sq m):	2,424		2,546	2,546
Total GFA (sq m):	2,424		31,865	31,865
Height - Storeys:	2		44	44
Height - Metres:			131.9	131.9

Lot Coverage Ratio (%) : 43.57 Floor Space Index: 7.5

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	29,319	
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:	2,546	

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			398	398
Other:				
Total Units:			398	398

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			170 (42.7%)	187 (47%)	41 (10.3%)
Total Units:			170 (42.7%)	187 (47%)	41 (10.3%)

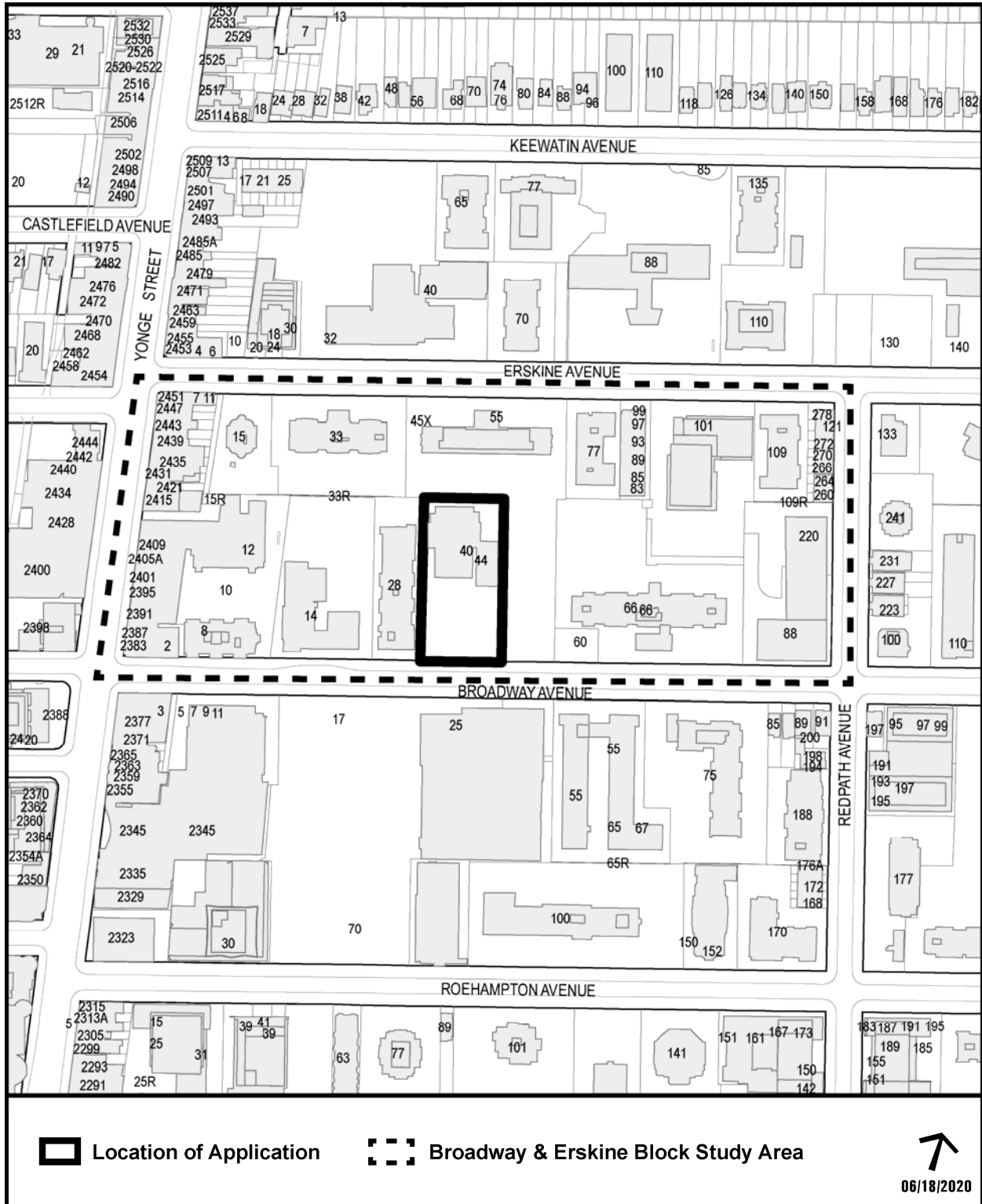
Parking and Loading

Parking Spaces:	177	Bicycle Parking Spaces:	430	Loading Docks:	1
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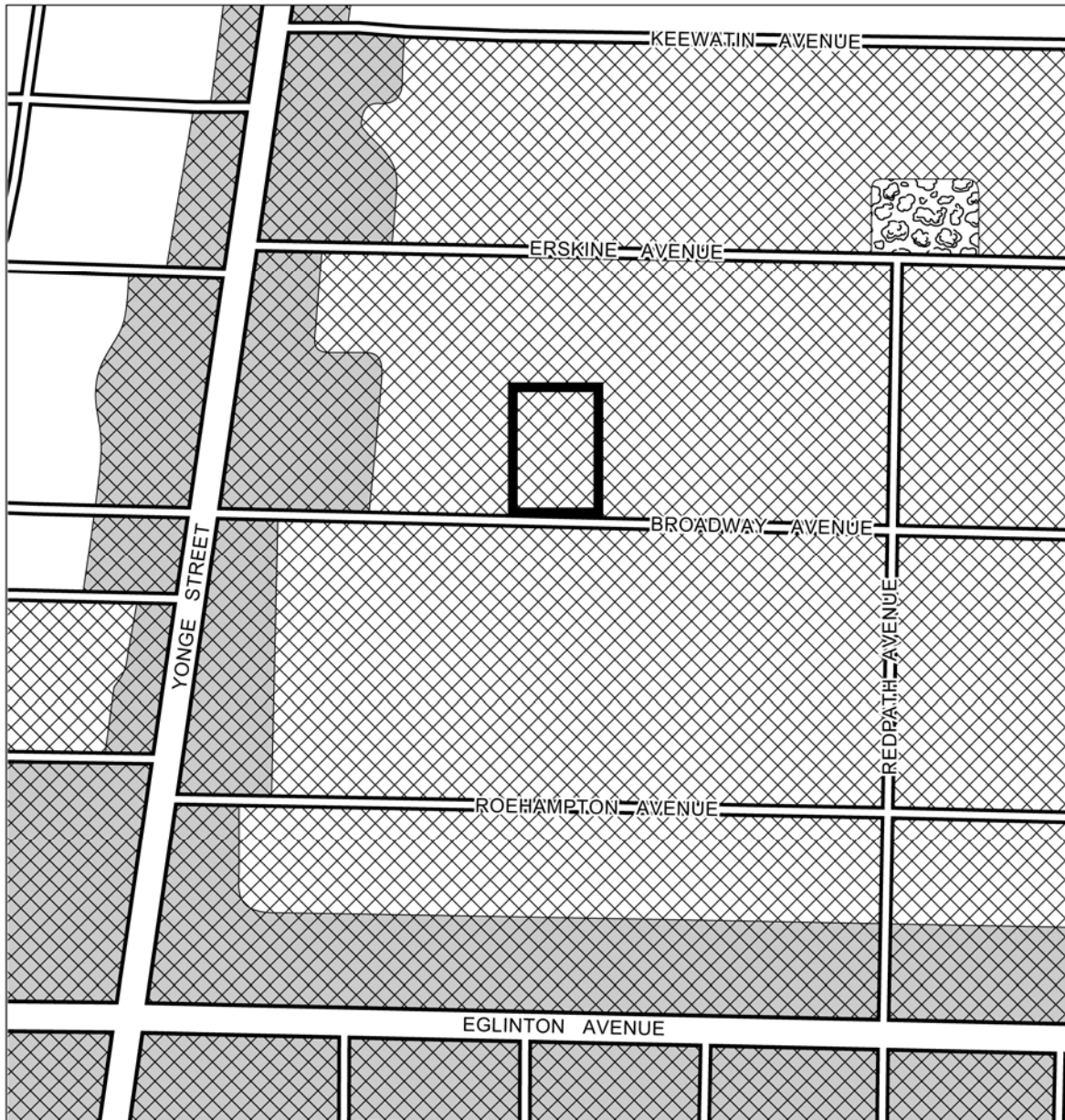
CONTACT:

Jason Brander, Senior Planner
416-395-7126
Jason.Brande@toronto.ca

Attachment 2: Location Map



Attachment 3: Official Plan Land Use 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.

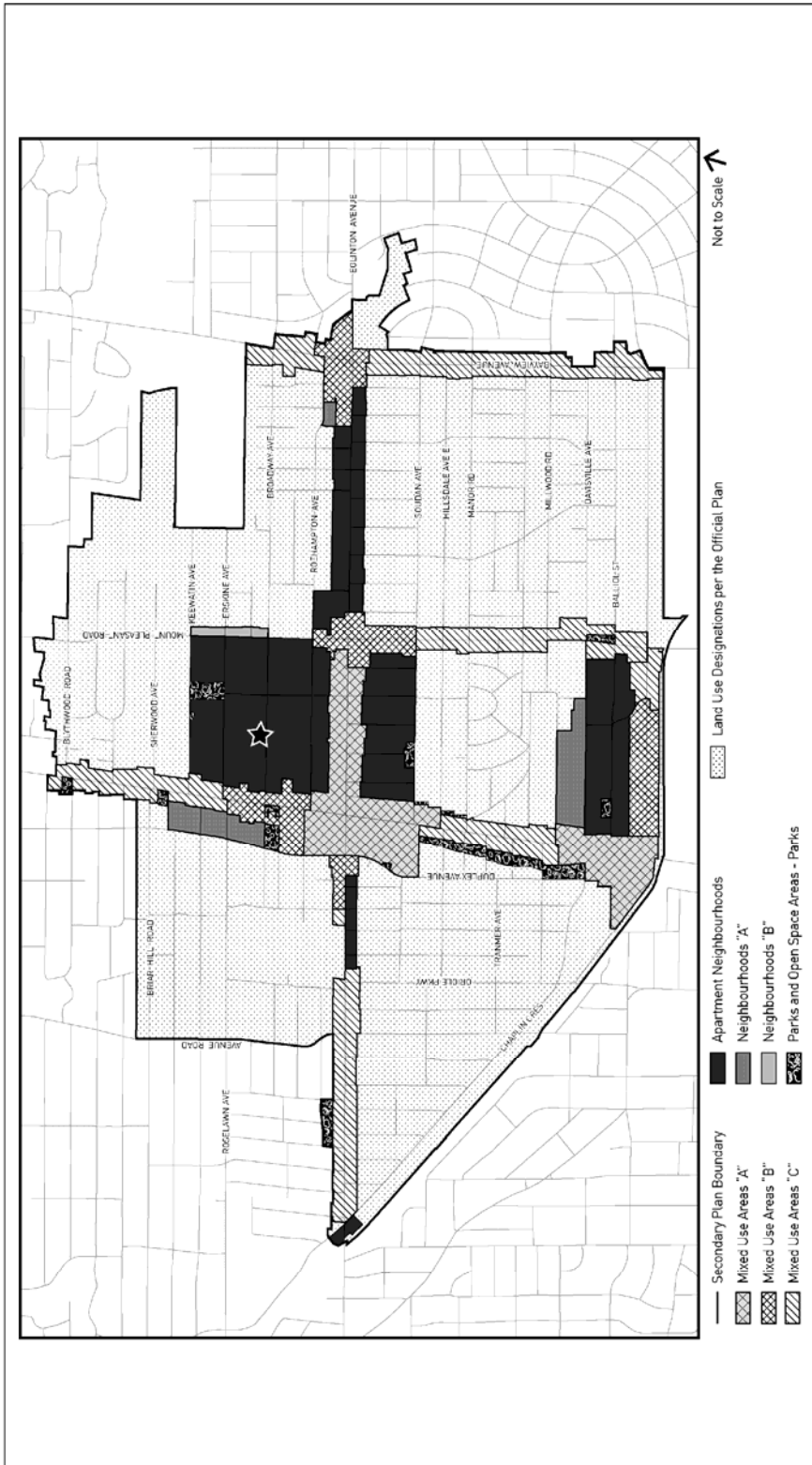
File # 19 194902 NNY 15 0Z

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



Not to Scale
08/01/2019

Attachment 4: Yonge-Eglinton Secondary Plan Map



40 and 44 Broadway Avenue

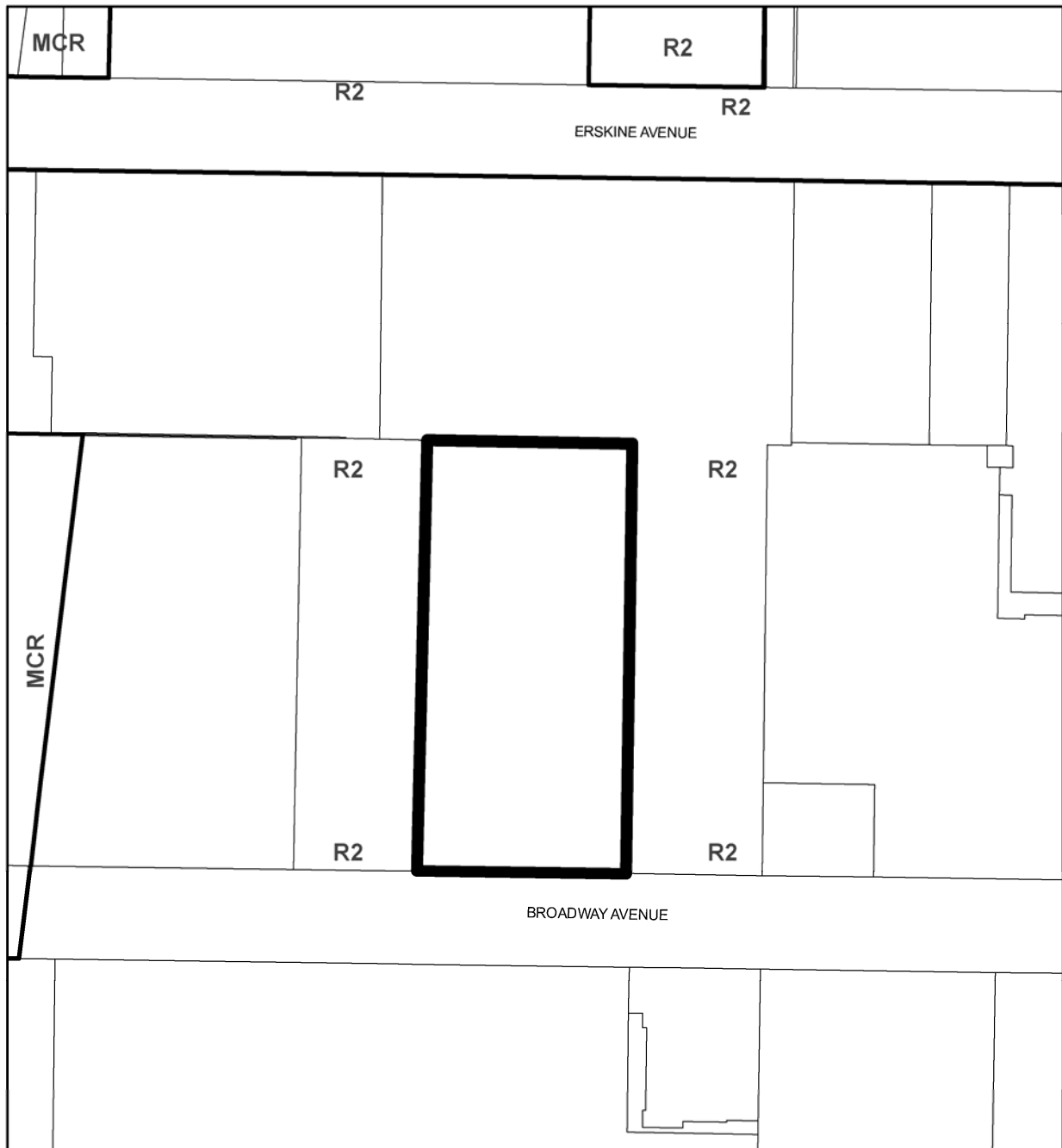
Toronto
Yonge-Eglinton Secondary Plan - OPA 405

File # 19 194902 NNY 15 0Z

★ Site Location

↑
Not to Scale
06/06/2020

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



Zoning By-law 438-86

40 and 44 Broadway Avenue

File # 19 194902 NNY 15 0Z



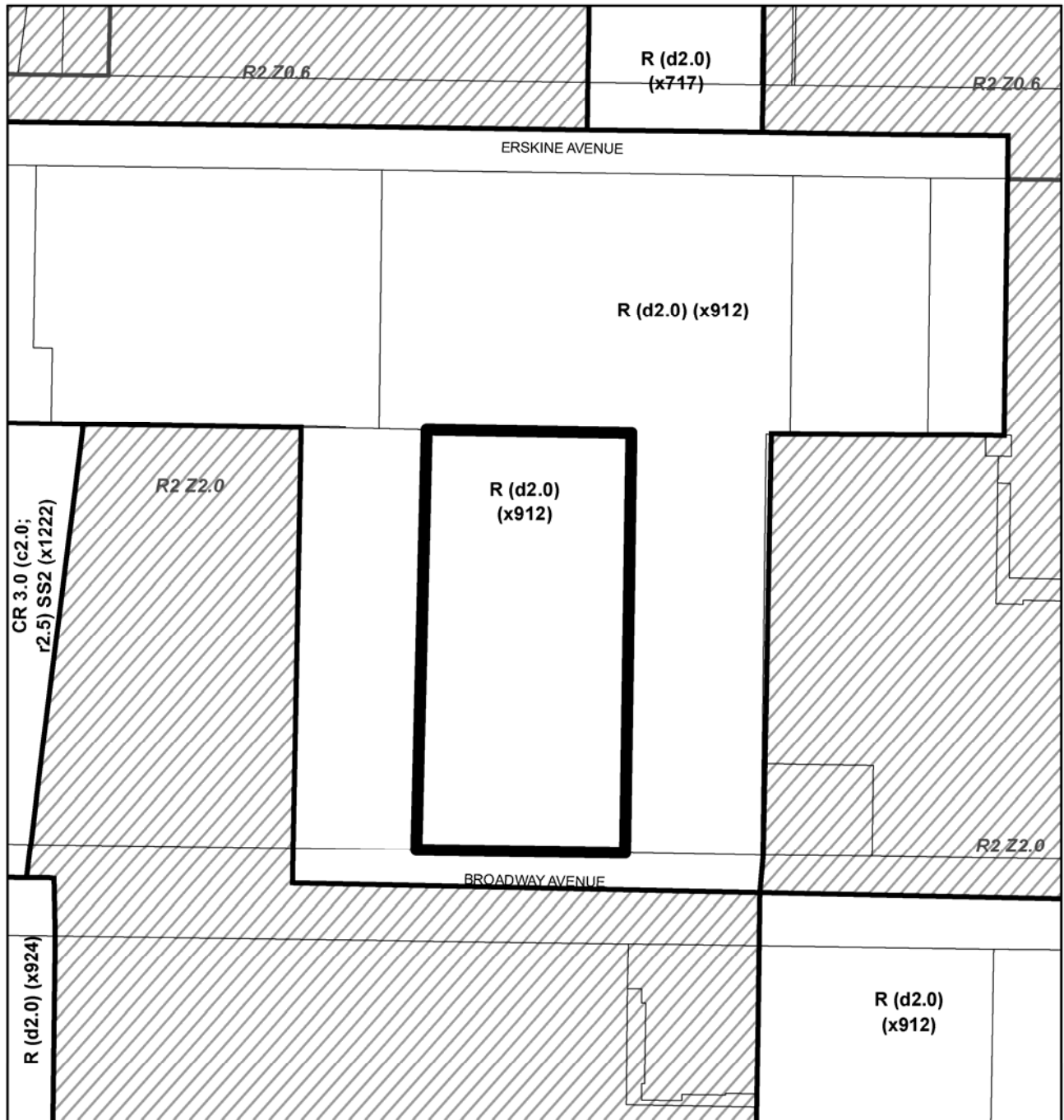
Location of Application

R2 Residential MCR Commercial



Not to Scale
Extracted: 06/08/2020

Attachment 6: Existing Zoning By-law Map - Zoning By-law No. 569-2013



Zoning By-law 569-2013

40 and 44 Broadway Avenue

File # 19 194902 NNY 15 0Z



Location of Application

R Residential CR Commercial Residential



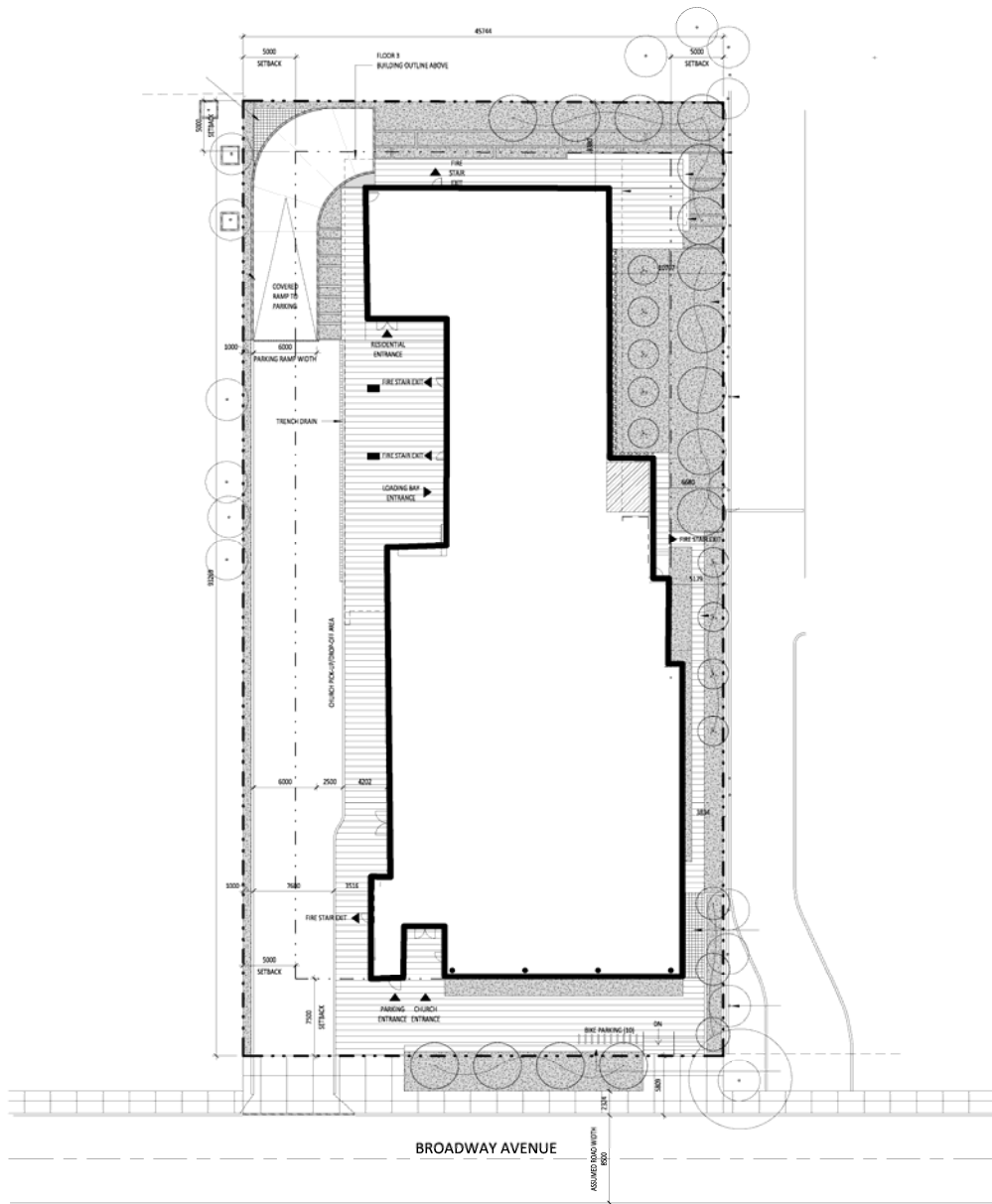
See Former City of Toronto By-law No. 438-86

R2 Residential District
MCR Mixed-Use District



Not to Scale
Extracted: 06/08/2020

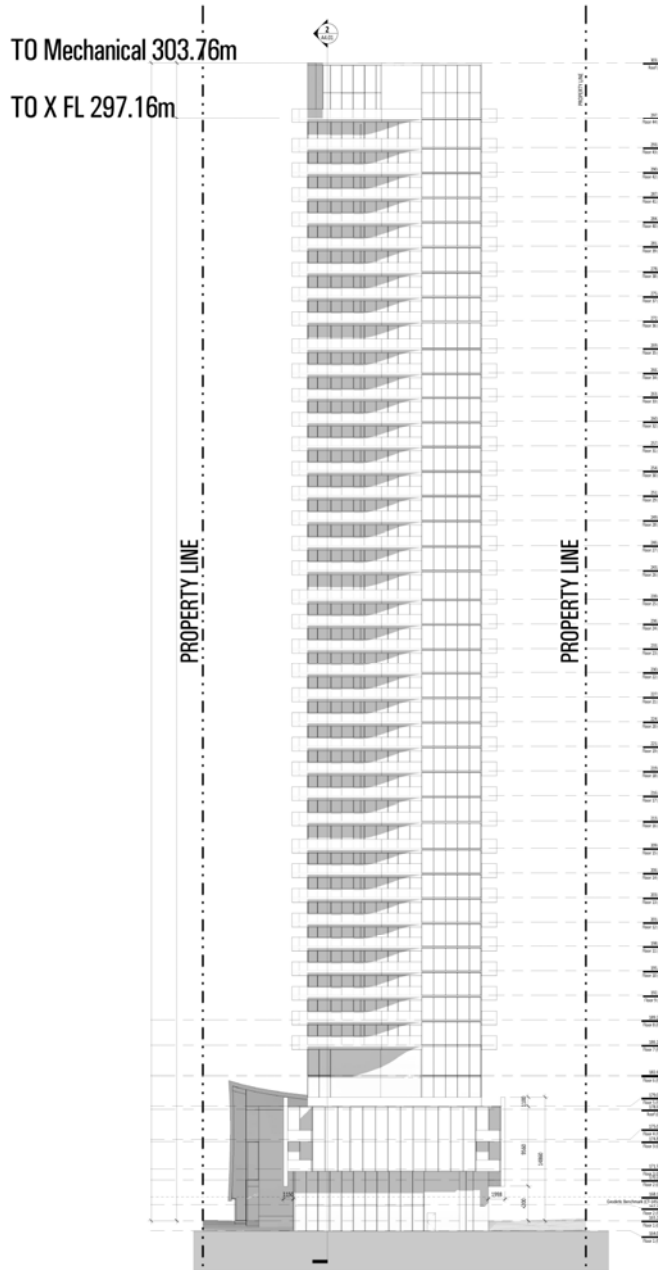
Attachment 7: Site Plan



Site Plan

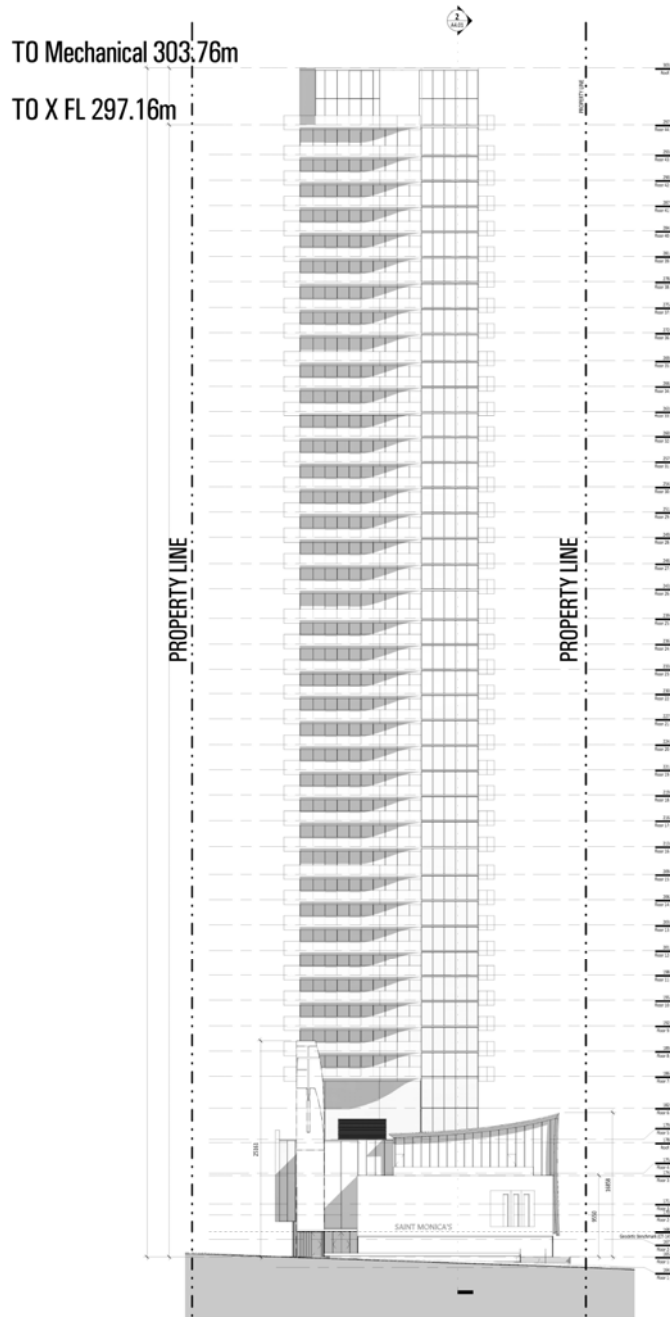


Attachment 8: North Elevation



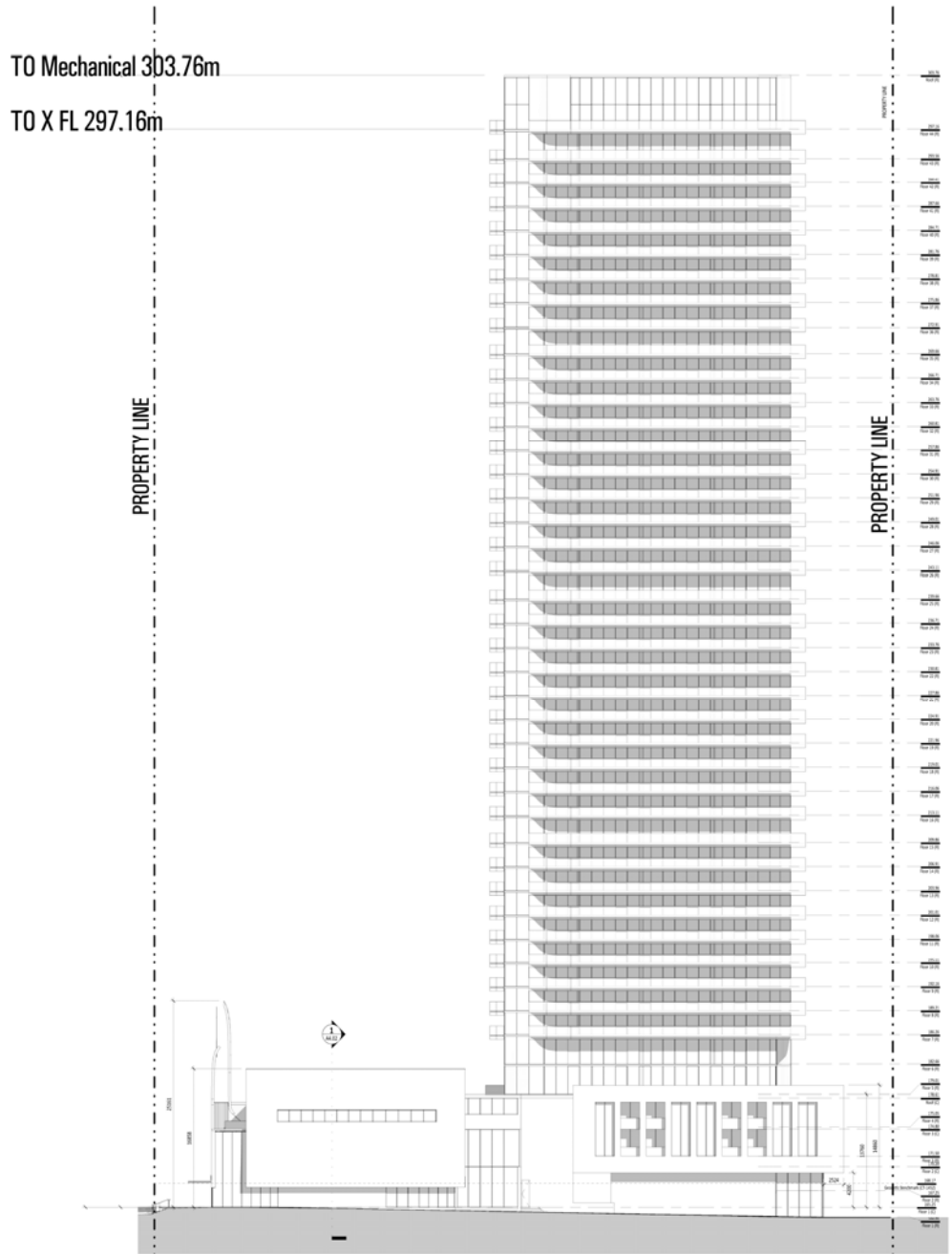
North Elevation

Attachment 9: South Elevation



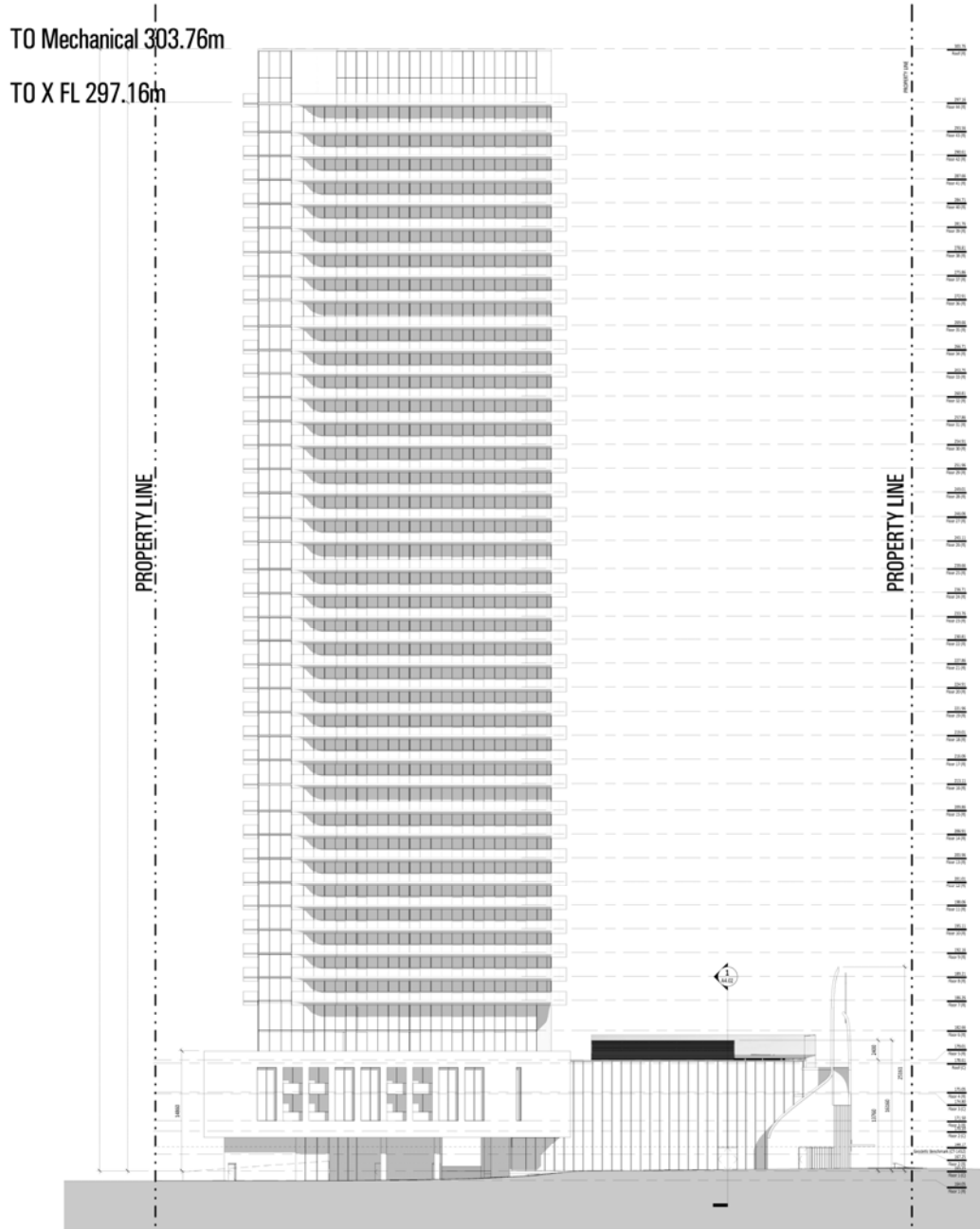
South Elevation

Attachment 10: East Elevation



East Elevation

Attachment 11: West Elevation



West Elevation