

124 Broadway Avenue - Zoning By-Law Amendment and Rental Housing Demolition Applications – Preliminary Report

Date: August 17, 2021

To: North York Community Council

From: Acting Director, Community Planning, North York District

Ward: 15 - Don Valley West

Planning Application Number: 21 169458 NNY 15 OZ

Rental Housing Application Number: 21 169468 NNY 15 RH

Current Use on Site: 4-storey, 86 unit residential apartment building

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the applications submitted at 124 Broadway Avenue. The Zoning By-law Amendment application proposes a 38-storey residential tower with 546 residential units. An associated application for Rental Housing Demolition seeks approval to demolish the existing 86 rental dwelling units, which would be replaced as part of the proposed development.

Staff are currently reviewing the applications. They have been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to coordinate the review of this application with the Council-directed Midtown Zoning Review with respect to area-specific zoning directions on the block bounded by Mount Pleasant Road to the east, Broadway Avenue to the south, Redpath Avenue to the west and Erskine Avenue to the north, or for the Redpath Park Street Loop Character Area as a whole.
2. Staff schedule a community consultation meeting for the application located at 124 Broadway Avenue together with the Ward Councillor.

3. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Application Description

This application proposes to amend City of Toronto Zoning By-law Nos. 438-86 and 569-2013 for the lands at 124 Broadway Avenue to permit a 38-storey (119.45 metre) high residential building with 4, 6 and 8 storey base elements that would measure between 16.35 metres and 28.95 metres in height. The proposed density (floor space index) of the building is 10.04 times the area of the lot. Two levels of underground parking with 115 vehicular parking spaces and 548 bicycle parking spaces are proposed with access to the east of the site and a passenger pickup and drop-off area is proposed to the west of the site which will be shared with the neighbouring 110-120 Broadway Avenue development. The Rental Housing Demolition application proposes to demolish the existing 86 rental dwelling units on the lands and replace them within the proposed development. As of the date of application, 79 rental units were occupied.

Details of the application are outlined in the chart below:

Category	June 14, 2021 Submission	
Site Area	3,325 square metres	
Residential Base Building Setbacks from Property Line (4-8 storey portion)	North	7.5 metres
	South (Broadway Avenue)	7.5 metres
	East	5.5 metres
	West	4.14 metres
Proposed 38-Storey Tower Setbacks - Subject Site	North	51 metres
	South (Broadway Avenue)	10 metres
	East	10 metres
	West	7.14 metres
Proposed 38-Storey Tower Setbacks - Surrounding Buildings	North (141 Erskine Ave)	>25 metres
	South	

	(117-127 Broadway Ave)	>25 metres
	East (898-900 Mount Pleasant Rd)	25.1 metres
	West (120 Broadway Ave)	23 metres
Total Residential Gross Floor Area (GFA)	33,375 square metres	
Floor Space Index (FSI)	10.04 times the lot area	
Base Building Height	16.35 metres (4-storey portion) 22.55 metres (6-storey portion) 28.95 metres (8-storey portion)	
Tower Height	119.45 metres to the top of the 38th storey 125.45 metres (including MPH)	
Tower Floor Plate	704 square metres (GFA) 760 square metres (GCA)	
Proposed Residential Units		
Studio	113 (20.7%)	
1 Bedroom	271 (49.6%)	
2 Bedroom	107 (19.6%)	
3 Bedroom	55 (10.1%)	
Total	546	
Amenity Area		
Indoor	1,092 square metres	
Outdoor	1,092 square metres	
Total	2,184 square metres	
Proposed Vehicular Parking (residential:visitor:carshare)	115 spaces (94:20:1)	
Loading Spaces	1 Type 'C' 1 Type 'G'	
Bicycle Parking (short-term:long-term)	548 spaces (56:492)	
Proposed Parkland Dedication	None	

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

See Attachments 1a and 1b of this report for a three-dimensional representation of the project in context.

Provincial Policy Statement and Provincial Plans

Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2020) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: A Place to Grow:

Growth Plan for the Greater Golden Horseshoe (2020). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on August 28, 2020. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2019. 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.

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

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected 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 (2020) 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 (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

The Growth Plan (2020) as amended 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 update its Official Plan to delineate MTSAs boundaries and demonstrate how the MTSAs are planned for the prescribed densities.

Delineated Protected Major Transit Station Areas (PMTSAs) will be a subset of all 180+ MTSAs that the City can delineate before the MCR is concluded. In order to delineate PMTSAs before the MCR is concluded, the City must put in place a detailed planning framework that includes the authorized permitted uses of land and minimum densities with respect to buildings and structures within the delineated area. The PMTSA requirement for minimum densities for buildings and structures requires a level of specificity that is akin to provisions contained within an area zoning by-law.

Key considerations for the determination of PMTSA candidacy are: enabling Transit Oriented Development (TOD); facilitating large scale revitalization; implementing inclusionary zoning; and building upon recently completed planning studies where significant work was conducted to put in a place the required level of specificity described above.

Toronto Official Plan Policies and Planning Studies

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

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

The subject lands are designated *Apartment Neighbourhoods* on Map 17 of the Official Plan and are subject to Official Plan Policy 3.2.1.6, which requires that any new development resulting in the loss of six or more rental housing units replace the same number, size and type of rental housing units with rents similar to those in effect at the time the redevelopment application is made.

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

https://www.toronto.ca/wp-content/uploads/2019/07/96a5-CityPlanning_OPA405.pdf

The subject site is designated *Apartment Neighbourhoods* in the Yonge-Eglinton Secondary Plan and is located within the Redpath Park Street Loop Character Area.

Zoning By-laws

The site is subject to both former City of Toronto Zoning By-law 438-86 and City-wide Zoning By-law 569-2013. Under Zoning By-law 438-86, as amended, the site is zoned Residential Districts R2 Z 2.0. Under Zoning By-law 569-2013, as amended, the site is zoned Residential R (d2.0) (x912).

Both the R2 and R zones permit residential uses, a maximum density of 2.0 times the lot area and a maximum height of 38 metres.

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

Design Guidelines

The following design guidelines will be used to evaluate this application:

- Tall Building Design Guidelines;
- Midtown Parks and Public Realm Plan;
- Pet Friendly Guidelines;
- Growing Up Urban Design Guidelines; and
- Bird Friendly Guidelines.

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

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application has been submitted (File No. 21 169465 NNY 15 SA).

Rental Housing Demolition and Conversion By-law

Section 111 of the *City of Toronto Act, 2006* authorizes the City to regulate the demolition and conversion of residential rental properties. Chapter 667 of the Toronto Municipal Code, the Residential Rental Property Demolition and Conversion Control By-law, implements Section 111. The By-law prohibits the demolition of rental housing in any building or related group of buildings collectively containing six or more dwelling units, of which at least one is a rental unit, without obtaining a permit from the City and requires a decision by either City Council or, where delegated, the Chief Planner.

City Council may refuse a Rental Housing Demolition application or approve an application with conditions, including conditions requiring an applicant to replace the rental units proposed to be demolished and/or to provide tenant relocation and assistance, which must be satisfied before a demolition permit is issued. These conditions implement the City's rental housing protection policies in the Official Plan. However, unlike *Planning Act* applications, decisions by City Council under Chapter 667 are not appealable to the Ontario Land Tribunal (OLT).

Section 33 of the *Planning Act* also authorizes Council to regulate the demolition of residential properties. Section 33 is implemented through Chapter 363 of the Toronto Municipal Code, the Building Construction and Demolition By-law, which requires Council approval of the demolition of any residential property that contains six or more dwelling units (irrespective of whether any are rental) before the Chief Building Official can issue a demolition permit under the *Building Code Act, 1992*.

This proposal requires Council approval under both Chapters 363 and 667 of the Toronto Municipal Code because it involves the demolition of at least six dwelling units and at least one rental unit. On June 14, 2021, an application for a Section 111 permit was submitted under Chapter 667 of the Toronto Municipal Code to demolish 86 rental dwelling units on the lands. As per Chapter 667-14, a tenant consultation meeting will be held to review the impact of the proposal on existing tenants and other matters under Section 111.

COMMENTS

Reasons for the Application

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

An application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code is required for the demolition of the existing rental housing units, as the subject lands contain six or more residential units, of which at least one is rental.

ISSUES TO BE RESOLVED

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

Provincial Policies and Plans Consistency/Conformity

Planning staff will continue to evaluate the application to determine its consistency with the PPS (2020) and conformity with the Growth Plan (2020).

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

Official Plan Conformity

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

Built Form, Planned and Built Context

The subject site is designated *Apartment Neighbourhoods* and is within the Redpath Park Street Loop Character Area in the Yonge-Eglinton Secondary Plan. Policy 5.4.3(f) of the Secondary Plan identifies a height range of 35 to 50 storeys with the tallest buildings along the south side of Roehampton Avenue and heights generally decreasing from south to north and from west to east. The proposed tower at 38-storeys contemplates a greater number of storeys than each of the buildings within the block to the immediate west (to Redpath Avenue) and south side of Broadway Avenue.

Policy 5.3.34(a) of the Secondary Plan further states that base buildings of tall buildings in Apartment Neighbourhood Character Areas generally should not exceed 4-storeys. The base building height is proposed at 4-storeys along Broadway Avenue and increases to 6 and 8-storeys at the north end of the site.

Policy 5.6.1 states that development will be located and designed to maintain adequate access to sunlight on the existing and proposed expansion of Redpath Avenue Parkette identified on Map 21-8. All development proposals will be encouraged to minimize net new shadows on these existing and proposed parks.

The proposed increase in height within a Character Area where heights are to generally decrease moving further north and east from Roehampton Avenue, coupled with the resultant shadow impacts on Redpath Park demonstrate that there would be an impact from the height proposed by this application.

In its current form, City Planning staff have concerns with the height of the tower base, tower height and shadow impacts on Redpath Park. City Planning staff will continue to work with the applicant's team on revisions to the application.

Other issues identified on a preliminary basis include:

- Compliance with the City's Tall Buildings Guidelines, particularly with respect to the appropriateness of the tower's location on the site and separation from adjacent properties;
- The treatment and implementation of the Park Street Loop to provide an opportunity for public access within the front setback, landscaped setbacks of buildings from the street, as well as the potential to include an active transportation trail along Broadway Avenue;
- The relationship with other sites on the block bounded by Broadway Avenue, Redpath Avenue, Erskine Avenue and Mount Pleasant Road and potential for mid-block connections to adjacent sites;
- Potential shadow and wind impacts on John Fisher Junior Public School, North Toronto Collegiate Institute and Redpath Park; and

- The need for on-site parkland dedication.

Midtown Zoning Review

This site, being within the Redpath Park Street Loop Character Area, is located in a block where there have been, and there exists, the possibility of applications for significant intensification, based on the approved height range of 35 to 50 storeys in the Secondary Plan.

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 intent of the zoning review is to establish specific heights in the Zoning By-law as set out in Policy 5.4.3 of the Secondary Plan. It will also provide clarity on the location, scale and form of appropriate development within each Character Area and implement other policy directions within the approved Secondary Plan.

The Zoning Review will be used to create an area specific zoning by-law. The review of this application within the context of the Midtown Zoning Review will allow for a comprehensive and informed process.

Tree Preservation

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

The report concludes that there are a total of 3 trees on and within six metres of the subject property. The removal of all 3 trees is required to accommodate the proposed development.

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

Housing, Unit Mix and Amenity Space

The Rental Housing Demolition application will be assessed against the requirements of the *Planning Act*, the *City of Toronto Act*, Official Plan policies relating to rental housing, and Chapter 667 of the Toronto Municipal Code. A site visit will be required to be conducted by staff in order to fully assess the application.

The applicant's Housing Issues Report indicates that the existing residential rental building on the site contains 86 existing rental dwelling units, including 16 studio units, 60 one-bedroom units and 10 two-bedroom units. The proposed development includes 546 dwelling units, of which 86 represent rental replacement units and 460 are market dwelling units. The 460 market dwelling units comprise 97 (21.1%) studio units, 211 (45.9%) one-bedroom units, 97 (21.1%) two-bedroom units, and 55 (11.9%) three-bedroom units.

Staff are evaluating the proposed unit mix, unit sizes and amenity spaces against OPA 405, the Growing Up Guidelines, current amenity space requirements and Council direction with respect to a full range of housing types, including the proposed outdoor amenity space in terms of suitable location, as well as the proposed size of units to allow for a broad range of households, including families with children. Staff will also review the provision of replacement of rental housing and whether an appropriate Tenant Assistance and Relocation Plan for tenants currently living in the existing rental building has been provided.

Heritage Impact & Conservation

The subject site is not included on the City's Heritage Register. However, 141 Erskine Avenue, located to the north and directly adjacent to the subject site is included in the City's Heritage Register as adopted by City Council on January 27, 28, 29, 2004.

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

Community Services and Facilities

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures used for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions. They include 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 "hard" 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.

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

Section 37 Community Benefits

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

The proposal will be subject to Section 37 contributions under the *Planning Act*. The application is at the preliminary stages of review, and as such, Section 37 benefits have not yet been discussed. Should the proposal be approved in some form, City staff will

apply Section 37 provisions of the *Planning Act*. In the event the applicant provides in-kind benefits pursuant to Section 37 of the *Planning Act*, the City's Fair Wage Policy and Labour Trades Contractual Obligations will apply to such work.

Infrastructure/Service Capacity and Transportation

The applicant has submitted a Functional Servicing and Stormwater Management Report, a Hydrogeological Report, and a Geotechnical Report. These reports will allow City staff to evaluate the effects of the development on the City's municipal servicing infrastructure. It will also identify and provide the rationale for whether the City requires the applicant to provide new infrastructure and/or upgrades to the existing infrastructure in order to facilitate this development. These reports are currently under review by staff.

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

Staff will also assess the appropriateness of the proposed loading and garbage storage facilities and the potential for pedestrian and vehicular conflicts at the front of the site.

Other Matters

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

CONTACT

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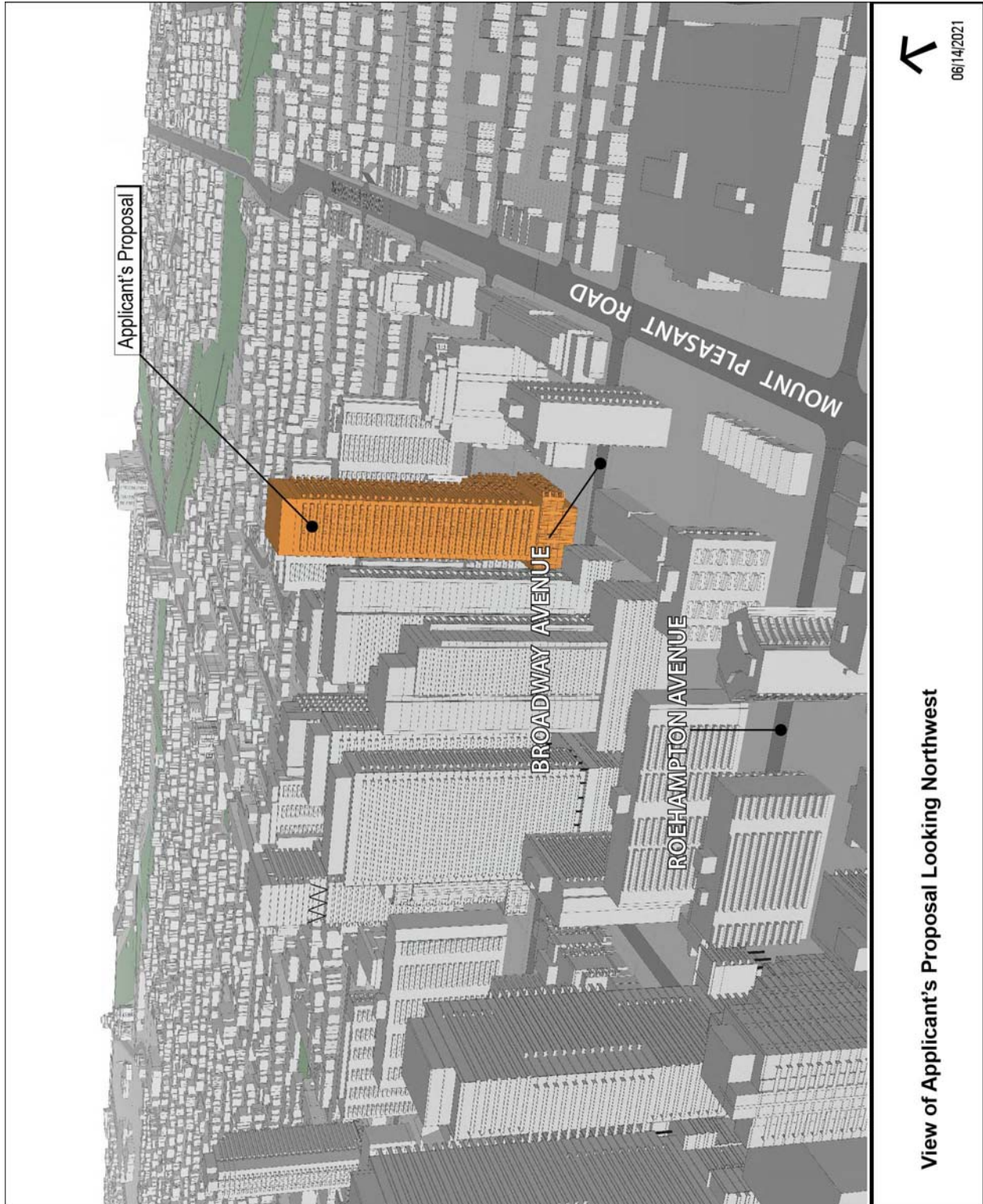
John Andreevski, Acting Director
Community Planning, North York District

ATTACHMENTS

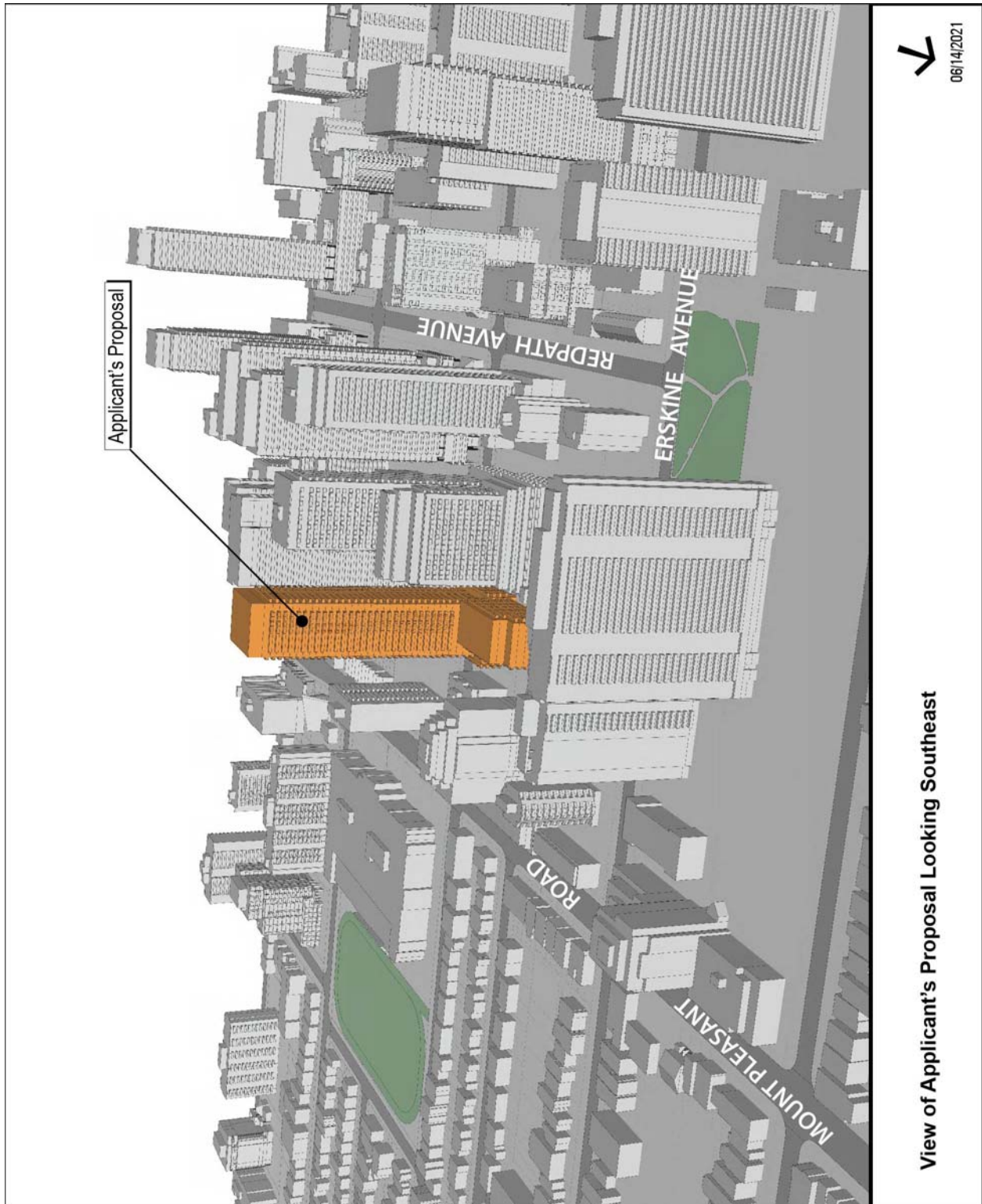
Attachment 1a: 3D Model of Proposal in Context - Looking Northwest
Attachment 1a: 3D Model of Proposal in Context - Looking Southeast

Attachment 2: Location Map
Attachment 3: Block Context Plan
Attachment 4: Site Plan
Attachment 5: North Elevation
Attachment 6: South Elevation
Attachment 7: East Elevation
Attachment 8: West Elevation
Attachment 9: Official Plan Map
Attachment 10: Yonge-Eglinton Secondary Plan Map
Attachment 11: Zoning By-law No. 569-2013

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

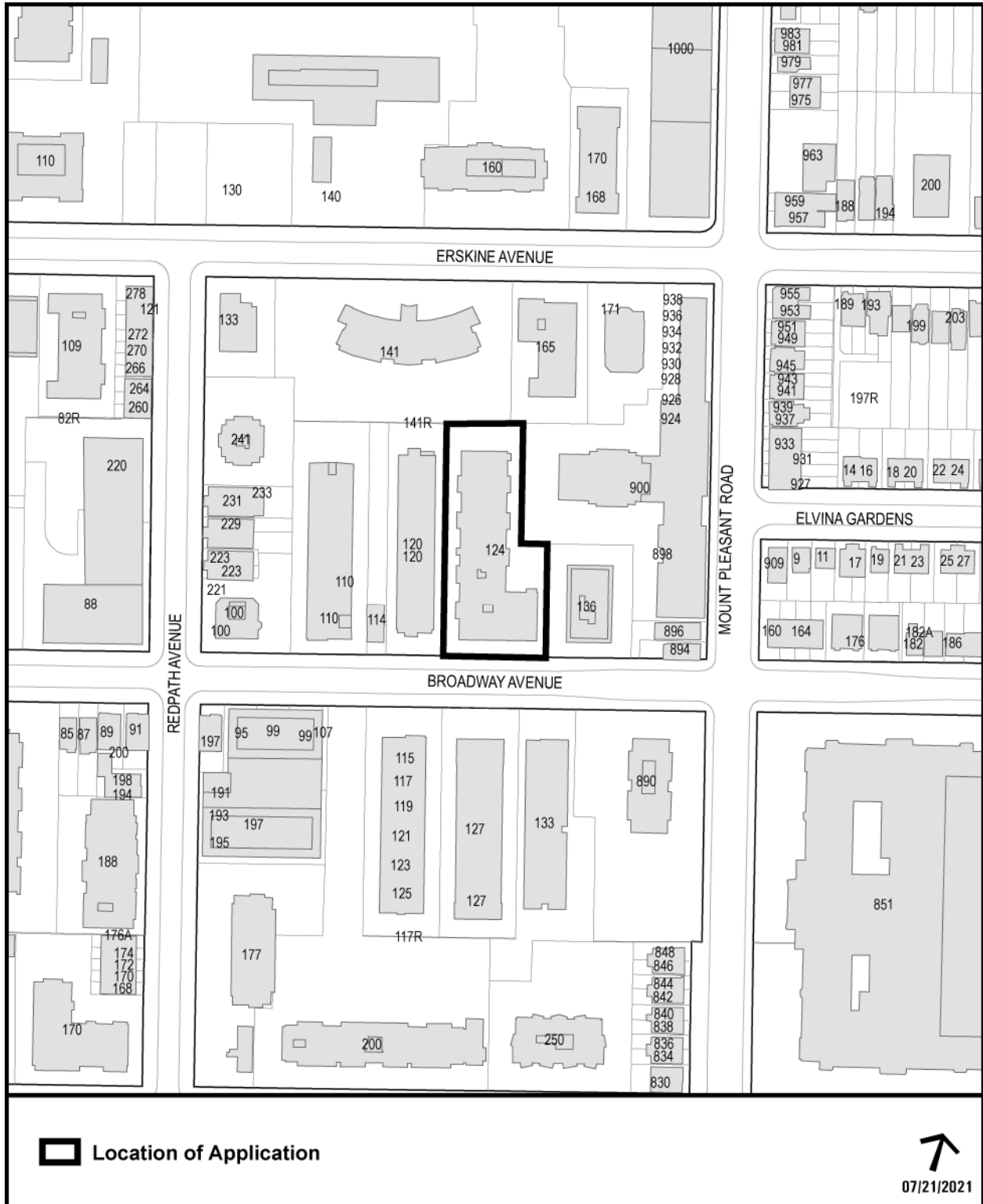


Attachment 1b: 3D Model of Proposal in Context - Looking Southeast



View of Applicant's Proposal Looking Southeast

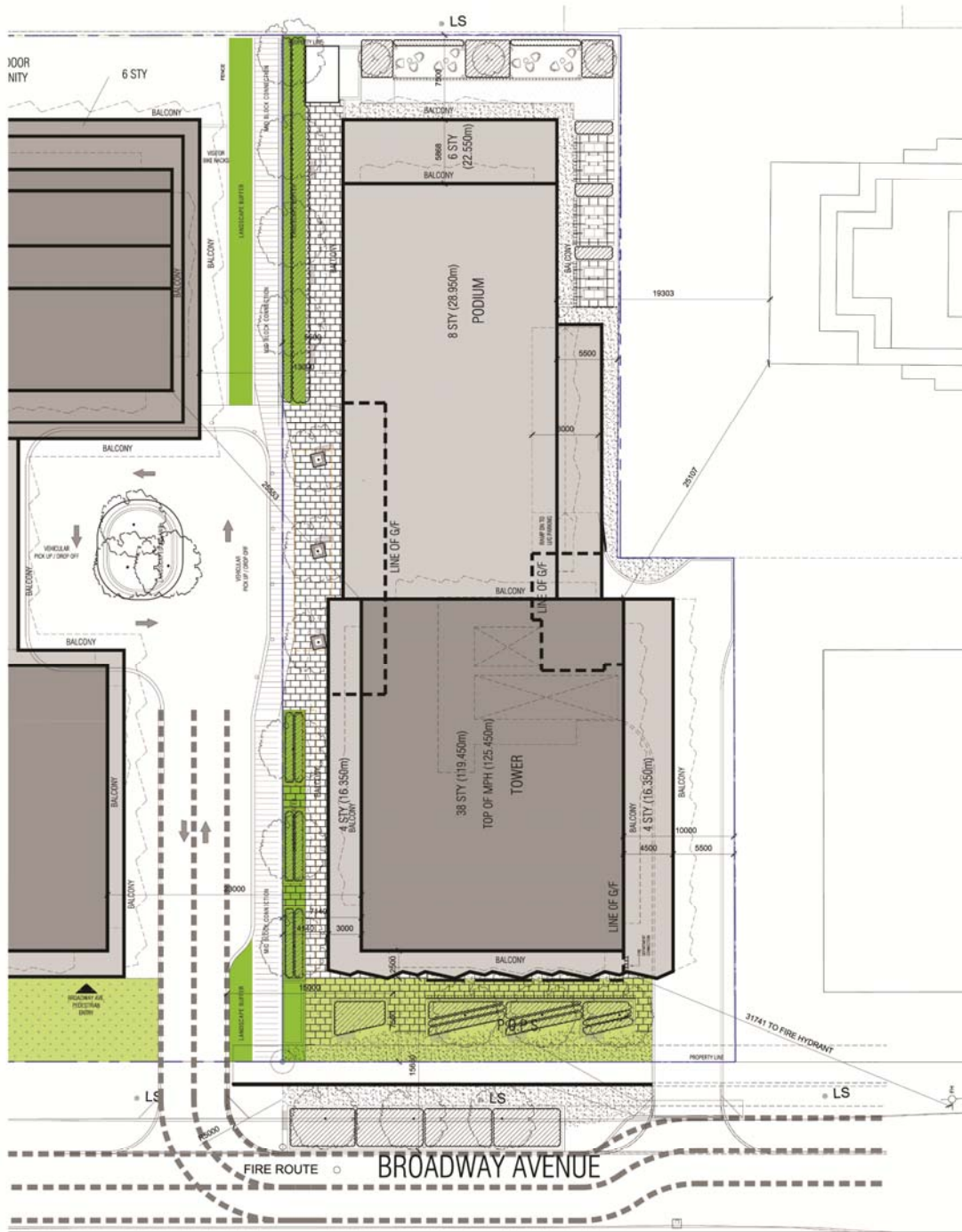
Attachment 2: Location Map



Attachment 3: Block Context Plan



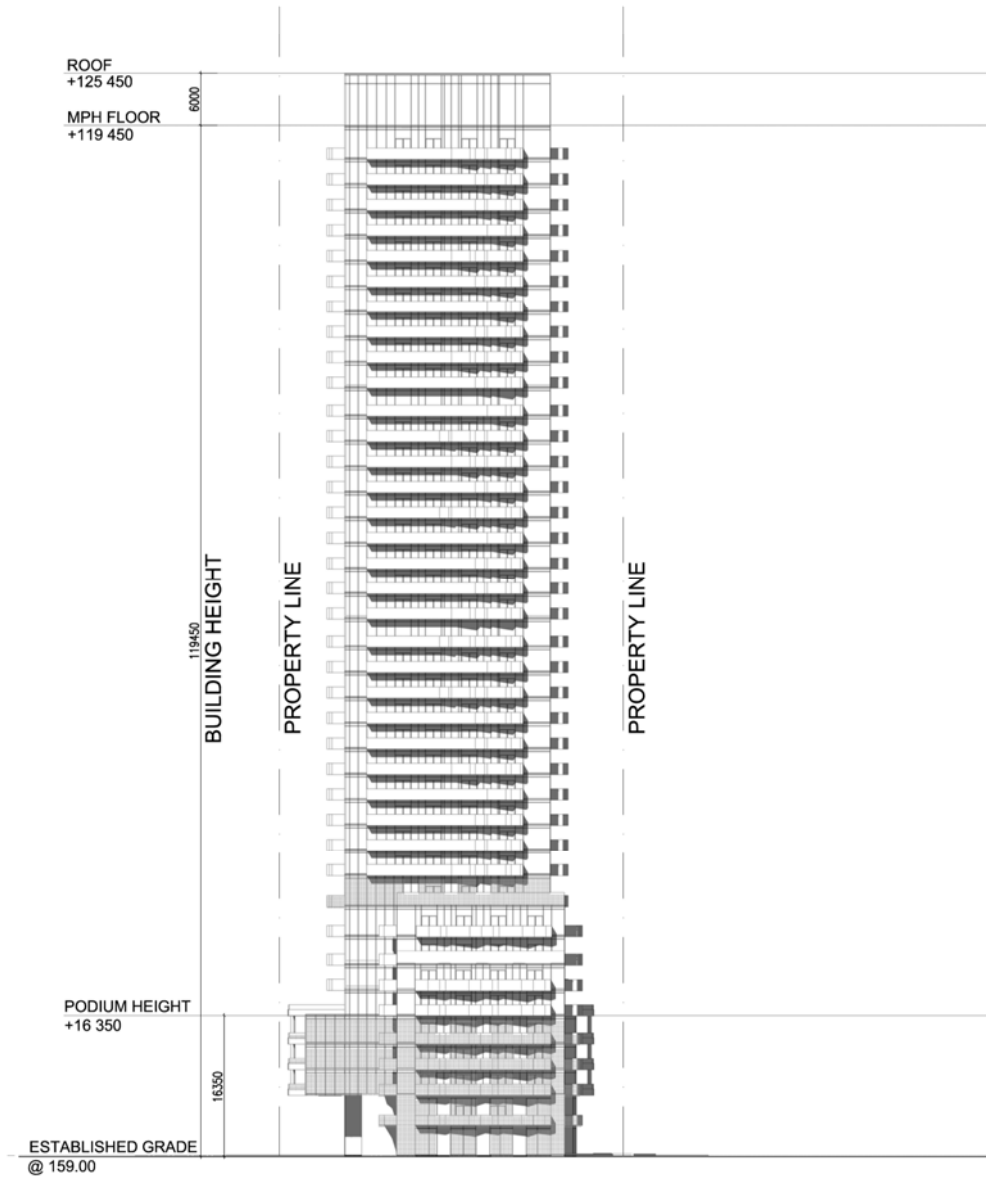
Attachment 4: Site Plan



Site Plan

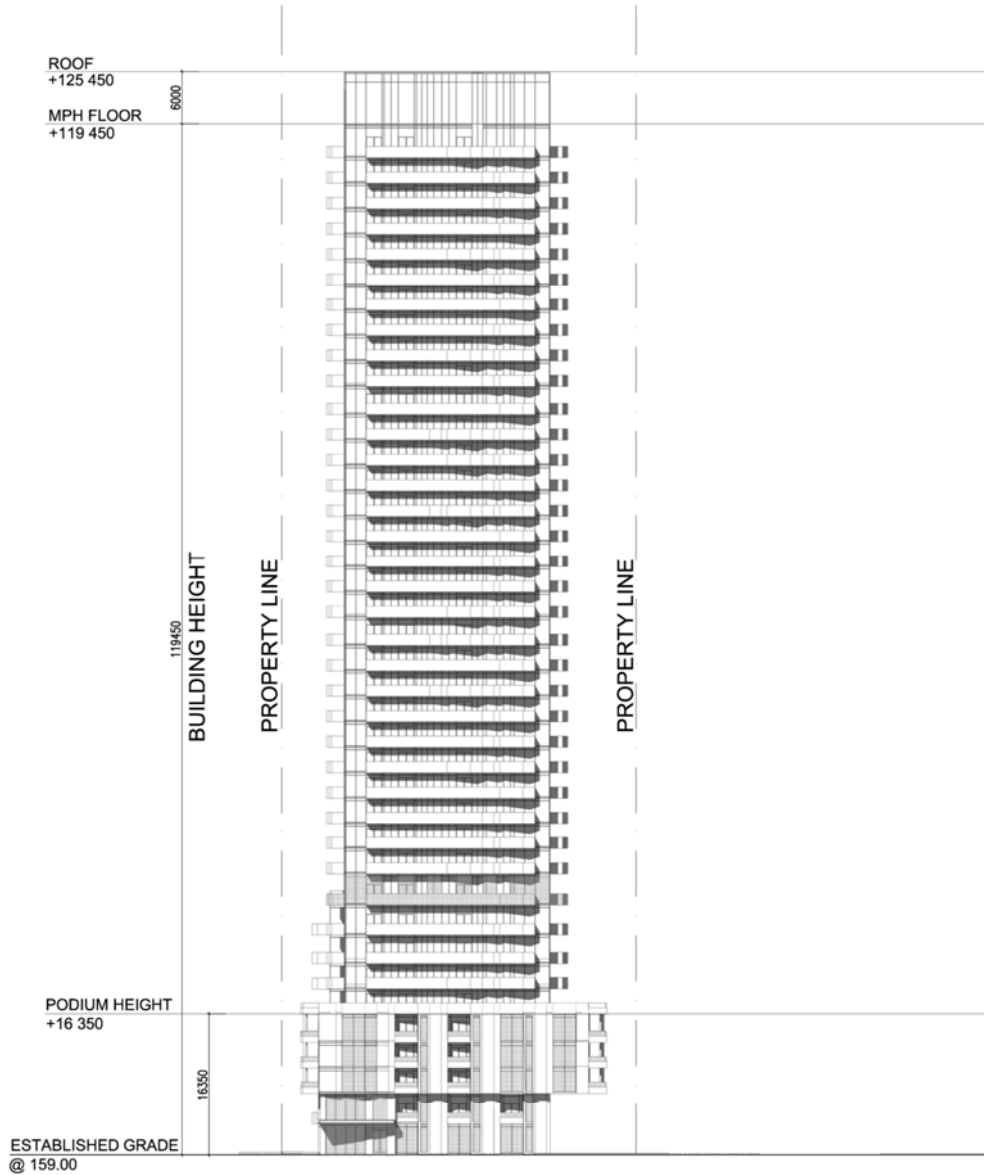


Attachment 5: North Elevation



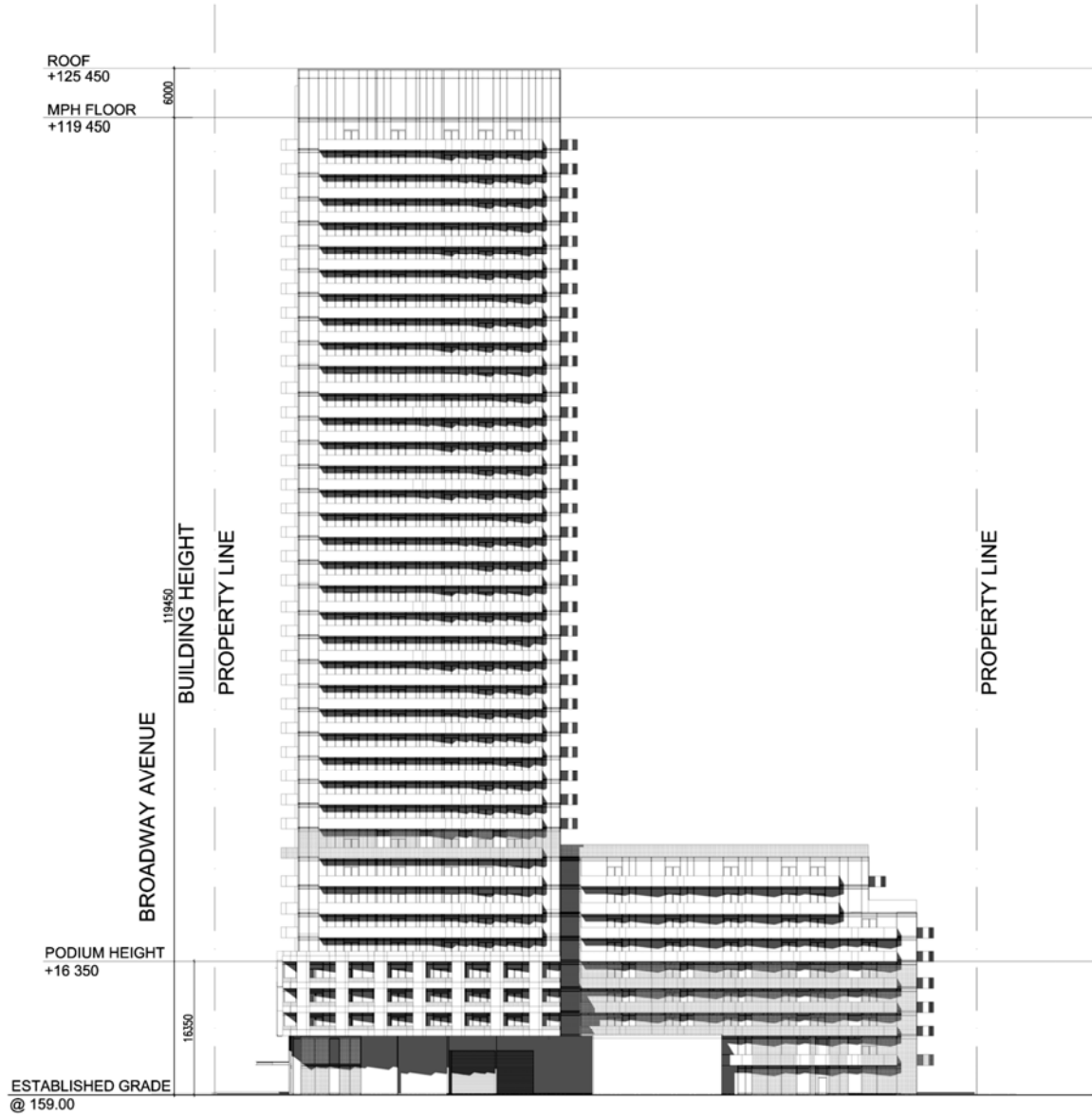
North Elevation

Attachment 6: South Elevation



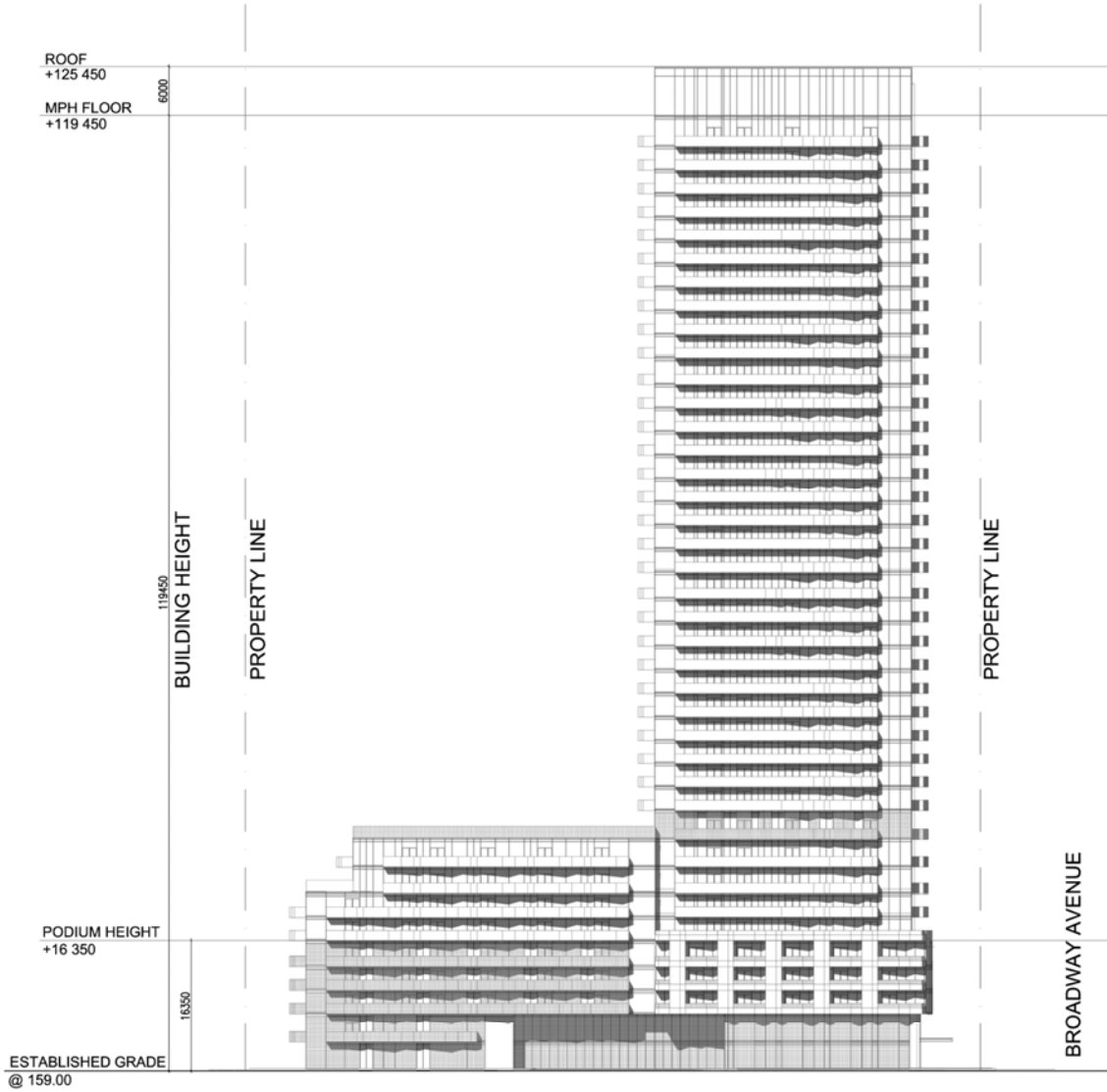
South Elevation

Attachment 7: East Elevation



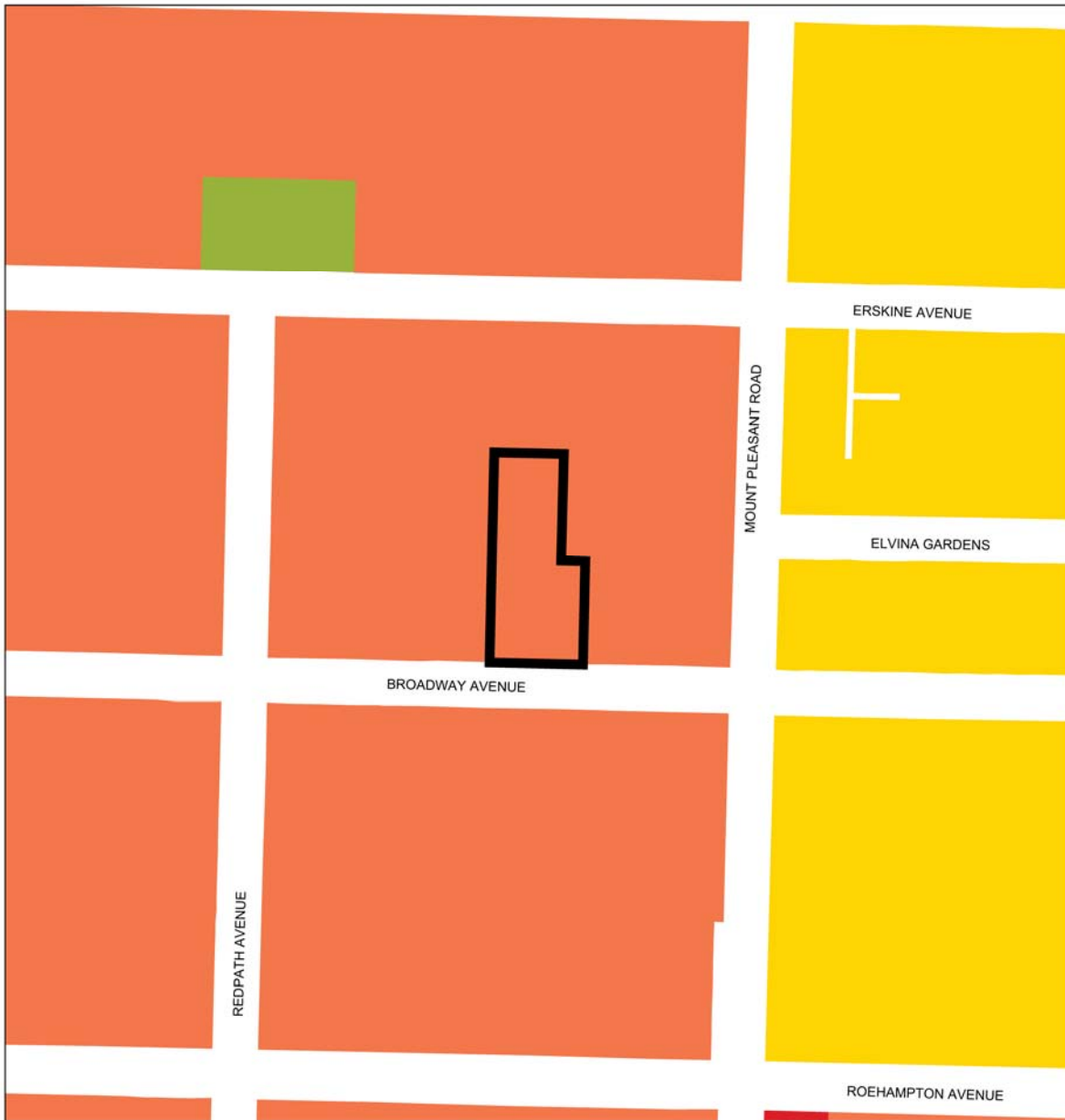
East Elevation

Attachment 8: West Elevation



West Elevation

Attachment 9: Official Plan Map




Official Plan Land Use Map #17

124 Broadway Avenue

File # 21 169458 NNY 15 0Z




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Attachment 10: Yonge-Eglinton Secondary Plan Map



124 Broadway Avenue

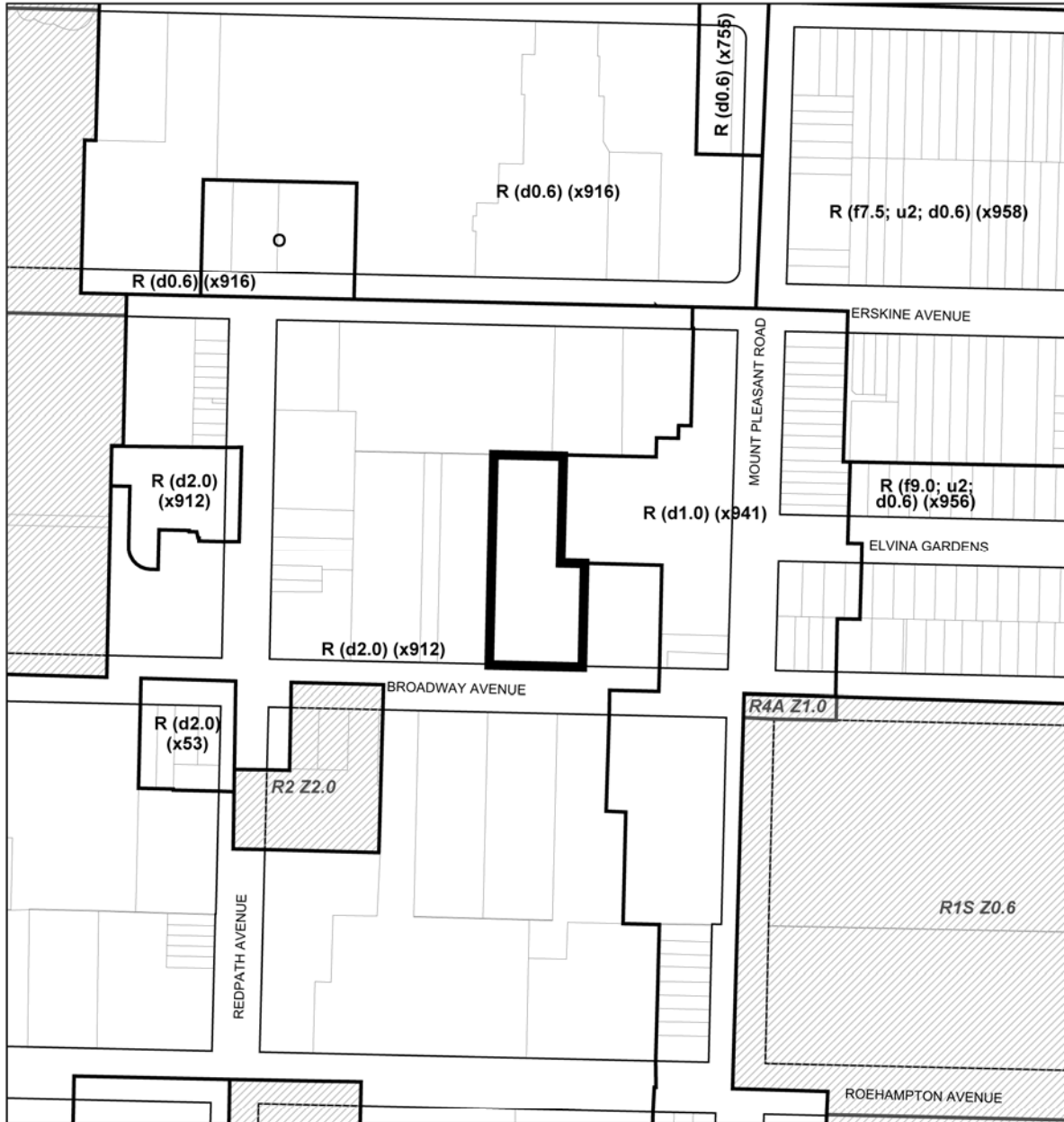
Toronto
Yonge-Eglinton Secondary Plan - OPA 405

File # 21 169458 NNY 15 0Z

★ Site Location

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Attachment 11: Zoning By-law No. 569-2013



Zoning By-law 569-2013

124 Broadway Avenue

File # 21 169458 NNY 15 0Z

 Location of Application
R Residential
O Open Space

 See Former City of Toronto By-law No. 438-86
R2 Residential District



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 Extracted: 06/14/2021