

954, 956 and 958 Broadview Avenue and 72 Chester Hill Road – Official Plan and Zoning Amendment Application – Request for Direction Report

Date: September 16, 2021

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward: Toronto-Danforth - Ward 14

Planning Application Number: 18 118403 STE 29 OZ and 19 125893 STE 14 OZ

Designated Heritage Building on Site: 958 Broadview Avenue

SUMMARY

On February 16, 2018, an Official Plan Amendment was submitted to permit an 18 storey seniors residence with a total gross floor area (GFA) of 21,644 square metres resulting in a density of 4.57 times the area of the lot. The application was deemed incomplete on March 14, 2018. In response, the applicant submitted the plans and studies requested to complete the Official Plan Amendment application and also submitted a Zoning By-law Amendment application. Both applications were deemed complete on March 14, 2019.

On November 23, 2020, City Planning received a revised proposal from a new landowner. The revised proposal was to facilitate the construction of a 16 storey predominantly residential building with 223 dwelling units and one retail space at 954, 956 and 958 Broadview Avenue and 72 Chester Hill Road.

On July 20, 2021, the applicant filed an appeal with the Ontario Land Tribunal ("OLT") on the application due to Council not making a decision within the 120-day time frame in the Planning Act.

This report recommends that the City Solicitor with the appropriate City staff attend the OLT hearing to oppose the application in its current form and to continue discussions with the Applicant to resolve outstanding issues.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the current Application regarding the Official Plan and Zoning By-law Amendment appeal for the lands at 954, 956 and 958 Broadview Avenue and 72 Chester Hill Road and to continue discussions with the Applicant in an attempt to resolve outstanding issues.
2. In the event that the Ontario Land Tribunal allows the appeals in whole or in part, City Council authorize the City Solicitor to request that the issuance of any final Orders be withheld until such time as the City Solicitor advises that:
 - a) the final form and content of the draft Official Plan and Zoning By-laws are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
 - b) the owner has addressed the major outstanding issues raised by Engineering and Construction Services as they relate to the Official Plan and Zoning By-law Amendment application, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
 - c) the owner has addressed all outstanding issues raised by Urban Forestry, Tree Protection and Plan Review as they relate to the Official Plan and Zoning By-law Amendment application, to the satisfaction of the Supervisor, Tree Protection and Plan Review; General Manager, Parks, Forestry and Recreation and the City Solicitor;
 - d) community benefits and other matters in support of the development are secured in a Section 37 Agreement executed by the owner and registered on title to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.
3. City Council authorizes the City Solicitor and City staff to take any necessary steps to implement City Council's decision

FINANCIAL IMPACT

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

DECISION HISTORY

On June 7, 2016, City Council adopted Site and Area Specific Policy 509 (SASP 509) relating to Broadview Avenue between Danforth Avenue and O'Connor Drive. SASP 509 was subsequently appealed to the Local Planning Appeal Tribunal (LPAT). On August 15, 2018, the LPAT approved SASP 509 except for three site-specific appeals, including this site. Council's decision on SASP 509 can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE16.5>

A preliminary report was adopted by Toronto and East York Community Council on April 24, 2019 authorizing staff to conduct a community consultation meeting with an expanded notification boundary. The decision of Toronto and East York Community Council can be found here:

[Agenda Item History - 2019.TE5.32 \(toronto.ca\)](#)

An Update Report regarding the revised proposal from the new landowner was adopted by Toronto and East York Community Council on February 24, 2021 authorizing staff to conduct a community consultation meeting to present the revised application. The decision of Toronto and East York Community Council can be found here:

[Agenda Item History - 2021.TE23.55 \(toronto.ca\)](#)

SITE AND SURROUNDING AREA

Site Description and Dimensions: The site is located on the west side of Broadview Avenue just north of Chester Hill Road. The irregular shaped site is approximately 0.47 hectares (1.16 acres) in size, with frontages along Broadview Avenue, Chester Hill Road and a City owned laneway running north from Chester Hill Road. The 958 Broadview Avenue parcel extends to the west where it abuts the Don Valley ravine system.

Existing Uses on Site: 958 Broadview Avenue, known as the Estonian House, is a 4 storey building designated under Part IV of the Ontario Heritage Act, with additions constructed in the 1960's, 1970's and 1990's. An asphalt surface parking lot is located in the rear of the property. The building operates as a non-profit community centre. 954 and 956 Broadview Avenue are 2-storey semi-detached dwellings with commercial uses; and 72 Chester Hill Road is a 2-storey single detached dwelling.

Surrounding uses include:

North of the site is a 24 storey residential apartment building known as Helliwell Place. The apartment is a "tower in the park" format with vehicle access from Broadview Avenue. To the north of Helliwell Place are two residential apartment buildings (18 and 19 storeys) at 1000 and 1010 Broadview Avenue.

East of Broadview Avenue are one and two storey single and semi-detached residential buildings. 927-931 Broadview Avenue is listed on the City of Toronto's Heritage Register.

South of the site are 2 storey semi-detached buildings fronting onto Broadview Avenue and the rear yards of two and three storey single detached residential buildings fronting onto Chester Hill Road. A small City owned lane extends south of the site to Chester Hill Road and serves the properties fronting onto Broadview Avenue south of the site. The Broadview Subway Station on Line 2 is approximately 545 metres south of the site.

West of the site is the Don Valley, a protected ravine area which is under the regulatory control of the Toronto Regional Conservation Authority (TRCA).

Refer to Attachment 1 for the Location Map.

THE APPLICATION

Description

Height: 16-storeys (51.6 metres, excluding mechanical penthouse) fronting onto Broadview Avenue with a 4 storey (14 metre) building extension on the west portion of the site. It is proposed as a predominantly residential building with one retail space of 175 metres on the ground floor.

Density (Floor Space Index): 3.3 times the area of the lot.

Unit count: 223 dwelling units (148 one-bedroom units (66%), 51 two-bedroom units (23%) and 24 three-bedroom units (11%)).

Heritage: 958 Broadview Avenue is designated under Part IV of the Ontario Heritage Act.

Parking: the development would include three levels of underground parking with a total of 91 vehicular parking spaces (78 resident and 13 visitor) and 229 bicycle parking spaces.

Open Space: Approximately 710 square metres of the rear portion of the site abutting the Don Valley would be re-naturalized. The TRCA has requested this re-naturalized portion of the site be conveyed into public ownership.

Amenity Space: the applicant is proposing a total of 892 square metre of amenity space, 602 metres of outdoor amenity space and 290 square metres of indoor amenity space

Additional Information

See attachments 1-5 of this report for a location map, Application Data sheet, three dimensional representations of the project in context and a site plan of the proposal. The Application Data Sheet contains additional details on the proposal including: site area and dimensions; floor area; unit breakdowns; and parking counts.

All plans and reports submitted as part of the application can be found on the City's Application Information Centre at:
<https://www.toronto.ca/city-government/planning-development/application-information-centre/>.

Reasons for Application

The Official Plan Amendment seeks to amend the site-specific development criteria in SASP 509. This Official Plan Amendment application is proposed because the proposal's built form and land use does not meet the site-specific development criteria in SASP 509. Though SASP 509 does not currently apply to the site, the applicant has submitted this Official Plan Amendment application in the event that the OLT approves the site-specific development criteria of SASP 509. Essentially, the Official Plan Amendment is the applicant's proposed site-specific policies for SASP 509 which the applicant would like to apply to their site.

The Zoning Amendment application proposes to amend Zoning By-laws 6752, 438-86 and 569-2013 to vary performance standards including: building height, density, setbacks, and parking, among other areas of non-compliance.

Site Plan Control

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

POLICY CONSIDERATIONS

Official Plan Designation: The site is split designated: 954-958 Broadview Avenue are designated as *Mixed Use Areas* and the property at 72 Chester Hill Road is designated as *Neighbourhoods* on Land Use Map 17 of the Official Plan. The site is located within the Broadview Avenue Secondary Plan, Site and Area Specific Policy 509 (SASP 509) through Official Plan Amendment 343, but is not subject to that SASP. It has an *Avenue* overlay.

Zoning:

Former Township of East York Zoning By-law 6752

The Former Township of East York Zoning By-law 6752 zones the property at 958 Broadview Avenue as "C" (Commercial). This zoning category permits commercial, institutional and accessory structures. It also permits residential uses for buildings of a maximum of 3-storeys.

Former City of Toronto Zoning By-law 438-86

The properties at 954-956 Broadview Avenue are zoned MCR (Main Streets Commercial Residential) T2.5 C0.5 R2.5 with a height limit of 14 metres. This zone category permits a wide range of residential and non-residential uses including apartment buildings, triplexes, row houses, live-work units, retail stores, restaurants, offices and institutional and community services to a maximum density of 2.5 times the area of the lot.

The property at 72 Chester Hill Road is zoned R2 (Residential) Z0.6 with a height limit of 10 metres. This zone category permits a wide range of residential uses such as apartment buildings, detached and semi-detached dwellings, row houses, duplexes and triplexes to a maximum density of 0.6 times the area of the lot.

Citywide Zoning By-law 569-2013

The property at 958 Broadview Avenue is zoned CR (Commercial Residential) 2.7 (c.2.7; r1.0) SS2 (x1163) with a height limit of 10.5 metres. This zoning category permits a wide range of residential and non-residential uses with a maximum density of 2.7 times the area of the lot.

The properties at 954-956 Broadview Avenue are zoned CR (Commercial Residential) 2.5 (c.0.5; r2.5) SS2 (x1578) with a height limit of 14 metres. This zoning category permits a wide range of residential and non-residential uses with a maximum density of 2.5 times the area of the lot.

The property at 72 Chester Hill Road is zoned R (Residential) (d0.6) (x744) with a height limit of 10 metres. This zone category permits a wide range of residential uses such as apartment buildings, detached and semi-detached dwellings, row houses, duplexes and triplexes to a maximum density of 0.6 times the area of the lot.

Additional information: on applicable policy documents can be found in Attachment 6.

COMMUNITY CONSULTATION

A Community Consultation meeting was hosted by City Staff on May 28, 2019 at 958 Broadview Avenue (the Estonian House) to discuss the 18 storey seniors residence proposal. Approximately 150 people were in attendance, as well as the Ward Councillor. Following a presentation by City Staff and the Applicant the following issues were raised:

- Height of the proposal;
- traffic generated as a result of the proposed development;
- shadow and wind impacts on the surrounding neighbours;
- impacts of the proposal on the adjacent ravine;
- need for more sustainability measures to be incorporated into the proposal;
- appropriateness of the proposed parking supply; and
- proximity of the garbage area to the low rise homes.

A Virtual Community Consultation Meeting was hosted by City Staff on May 18, 2021 to discuss the revised 16 storey mixed use proposal. Approximately 150 people participated, as well as the Ward Councillor. Following a presentation by City staff and the Applicant the following issues were raised:

- proposal's lack of compliance with the Broadview Avenue Planning Study and Urban Design Guidelines;

- appropriateness of the proposed height, density and massing;
- compatibility and fit with adjacent residential areas, including building type, transition, setbacks and built form;
- traffic generated as a result of the proposed development;
- vehicle access onto Chester Hill Road and its impact on local traffic;
- proximity of the ramp to the underground parking levels to the houses on Chester Hill Road;
- appropriateness of the proposed parking supply;
- impact of the third underground level on ravine system, including slope stability and the natural wetlands located within the Todmorden Wildflower preserve;
- impact of development on water infrastructure and overland flooding;
- impacts of the proposed building on wind levels in the surrounding area; and
- construction impacts

Comments in support of the application included:

- revitalization of the area;
- creation of new open space and restoration of natural areas;
- retention and restoration of the heritage building; and
- creation of more housing options in the area.

The TRCA hosted a Virtual Community Meeting on June 7, 2021 to focus on matters pertaining to concerns related to the ravine and the Todmorden Mills wild flower preserve. Approximately 20 people participated. The issues raised were similar to the issues raised at the Community Consultation Meeting held on May 18, 2021.

COMMENTS

The proposal has been reviewed against the Planning Act, PPS, Growth Plan and Official Plan policies, planning studies and design guidelines.

Planning Act

The review of this application has had regard for the relevant matters of provincial interest set out under Section 2 of the *Planning Act*.

Provincial Policy Statement (2020)

Planning staff have reviewed the current proposal against the policies of the PPS, as described in the Policy Considerations Section in this report and find the proposal is generally consistent with the PPS. A City Council decision to oppose the current proposal given the non-conformity with the Official Plan as described below is also consistent with the PPS.

Growth Plan (2020)

Planning staff have reviewed the current proposal against the policies of the Growth Plan, as described in the Policy Considerations Section in this report and find the proposal generally conforms with the Growth Plan. A City Council decision to oppose the current proposal given the non-conformity to the Official Plan as described below conforms with the Growth Plan.

Land Use

The residential and commercial uses proposed at 954-958 Broadview Avenue align with the *Mixed Use Areas* designation. The portion of the site designated *Neighbourhoods*, namely the 72 Chester Hill Road parcel, is shown mostly as open space, which is a permitted use. The north portion of the 72 Chester Hill Road parcel would contain a section of the access ramp to the underground levels. This would require a site and area specific amendment to the *Neighbourhoods* designation or a re-designation of the parcel. Staff continue to recommend the provision of community amenity space within the building in line with the Official Plan policy to ensure adequate and equitable access to community services and the preservation of local community service facilities. The provision of affordable housing is also encouraged on the site.

Built Form

Planning staff have reviewed the proposed built form, including height, massing and transition, against the policies of the Official Plan and the principles of the Broadview Avenue Planning Study and Urban Design Guidelines, as well as other relevant design guidelines.

Height and Transition

Elements of the proposal are too tall and do not achieve the policies of the Official Plan, the Broadview Avenue SASP and Urban Design Guidelines, or the Tall Buildings Guidelines.

The proposed building does not provide an adequate transition from the tall buildings to the north and the low rise *Neighbourhood* to the south. Adequate transition is also not provided to the properties east of Broadview Avenue, which are planned to be mid-rise buildings.

Massing

The proposed building massing, including setbacks and stepbacks, is not acceptable and does not achieve the policies of the Official Plan, the Broadview Avenue SASP and Urban Design Guidelines, or the Tall Buildings Guidelines.

The proposed setback and stepbacks on the north side of the tall portion of the proposed building are not acceptable. They do not provide an appropriate separation distance to the property to the north, or provide an adequate transition between different scales of development from the north to the south of the site. Further information on the

stepbacks to Broadview Avenue are required. As proposed currently, the stepbacks to Broadview Avenue do not frame Broadview Avenue in good proportion.

The proposed massing over the heritage building is not acceptable and should be revised, including increasing the tower stepbacks, and removing the tower overhang to minimize the visual impact of the upper floors on the heritage building.

Sun/Shadow

The Official Plan requires that development in *Mixed Use Areas* locate and mass new buildings to frame the street edge with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks, and open spaces. The Official Plan also states that the tower portion of a tall building should be designed to limit shadow impacts on the public realm and surrounding properties.

The applicant has provided a shadow study illustrating the shadow impacts during the fall and spring equinoxes and the summer solstice. The shadow study is generally acceptable. A reduction in height and revisions to the massing would reduce the shadow the proposed building casts on the ravine area in the morning and the front yards of houses on the east side of Broadview Avenue starting in the afternoon.

Wind

The applicant has also submitted a preliminary Pedestrian Level Wind Study prepared by RWDI dated November 6, 2020 in support of the application. The study finds that the wind conditions at most areas on and around the proposed development are generally acceptable, being suitable for sitting in the public realm and amenity spaces. A canopy affixed to the designated heritage structure forms part of the wind mitigation strategy currently but is not acceptable from a heritage conservation perspective and must be removed and its mitigation approach replicated through alternate built form measures. A wind tunnel study is required to further evaluate the proposal.

Transportation

Road Widening

The proposal is unacceptable in its current form as a required road widening along Broadview Avenue has not been provided. The proposal is required to provide a 0.75 metre road widening along the 954-956 Broadview Avenue frontage. There is no additional land required for 958 Broadview Avenue, however given the overall requirement to secure a 27 metre wide right-of-way along Broadview Avenue, the substandard public realm conditions along the street, and the proposed plan which includes a sizable heritage-related setback, Transportation Services requests that a conveyance of approximately 3.85 metres in width be provided so as to create a uniform property line across the entire frontage of the subject site.

A 0.72 metre lane widening is required for the lane abutting 72 Chester Hill Road.

Traffic Impact,

In support of the application an Urban Transportation Considerations Report prepared by BA Group dated November 2020 has been submitted. Given the level of estimated trip generation and the removal of the existing site traffic the consultant concludes that the proposed development will have minimal impacts at the intersections within the study area. Transportation Services concurs with this conclusion.

Driveway Access and Site Circulation

Vehicular access to the site is proposed to be provided via a two-way driveway connection onto Broadview Avenue located approximately 30 metres from the southbound stop-bar at the intersection of Broadview Avenue and Chester Hill Road. In addition, the east-west site driveway is proposing to connect to the existing north-south public lane, to be widened to 6.0 metres to facilitate two-way traffic. In general Transportation Services accepts this site access arrangement. Additional comments related to site access, circulation and layout will be provided through site plan review.

Parking

Proposed is a total of 91 vehicle parking spaces (78 resident and 13 visitor spaces). No retail parking is proposed for the site. Citywide Zoning By-law 569-2013 requires 223 vehicle parking spaces (189 resident, 33 visitor and 1 retail).

The Applicant's transportation consultant reviewed the site and transit context, broader transportation policy goals, recent resident and visitor parking supply reduction approval trends in the area and Transportation Demand (TDM) measures in support of the proposed parking rates and supply. Although Transportation Services Staff has reviewed the submitted studies and indicated this could be acceptable, further TDM measures such as the provision of a bike share station, car share spaces and car/bike membership for all units will improve the reduction of automobile use on site. Staff will continue to work with the applicant to ensure adequate TDM measures are provided.

Streetscape

Broadview Avenue

The proposed streetscape design along Broadview Avenue includes a setback of approximately 14 metres from curb to the restored heritage building face. The building setback complies with the direction in the Broadview Avenue Urban Design Guidelines. Staff do not support the removal of an existing tree along the Broadview Avenue streetscape. Further comments on the proposed landscape design will be provided during site plan review.

Chester Hill Road

More information on the programming of the open space proposed on Chester Hill Road is required. A new 2.1 metre wide concrete sidewalk must be provided along the frontage of 72 Chester Hill Road and the widened public laneway, as well as planting one new street tree within the Chester Hill Road right of way fronting 72 Chester Hill Road.

Servicing and Stormwater Management

A Functional Servicing and Stormwater Management Report and associated plans have been submitted for the Site. The submitted reports show there will be enough capacity in the existing watermain and sewers to service the development. Engineering and Construction Services concurs with this conclusion. There are some minor issues that will be further reviewed through site plan control.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. The Site is in an area with 28-plus square metres of local parkland per person which is comparable to the City-wide average provision of 28 square metres of parkland per person in 2016.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the Applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The residential component of this proposal is subject to a cap of 10% parkland dedication, while the non-residential component is subject to a 2% parkland dedication

The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted upon the submission of an application for the first above ground building permit and is valid for six months. Payment will be required prior to the issuance of the permit.

Amenity Space

The proposed indoor amenity space is not acceptable. The application is proposing a total of 290 square metres of indoor amenity space (1.3 metres per square unit). Zoning By-law 438-86 requires a minimum of 2 square metres of indoor and 2 square metres of outdoor amenity space, for a total of a minimum of 4 square metres of amenity space, for each unit. Zoning By-law 569-2013 requires amenity space at a minimum rate of 4 square metres for each dwelling which, of which at least 2 square metres for each dwelling unit is indoor amenity space and 40 square metres is outdoor amenity space.

The proposed outdoor amenity space has a rate of 2.7 square metres per dwelling unit (602 square metres in total), which exceeds the Zoning By-law requirements and is acceptable.

Ravine Protection

As per TRCA Policy, new development is not permitted within the Natural System which on this site includes a 10 meter buffer from the greater of the long term stable top of slope (LTSTOS) and the dripline of any contiguous natural features or areas.

The proposal currently encroaches into the 10 metre buffer from the LTSTOS and dripline. The plan specifies a 44 square metre encroachment from the LTSTOS, but this

does not include the 10 metres from the dripline, which is further inland than the LTSTOS. While there is an additional 180 square metre of buffer being proposed on the south side, this area has less ecological value. TRCA requires the proposal be revised so as to not encroach within the northwest corner.

A portion of the proposed buildings including underground and above ground parking are located at the limit of the future open space block. To facilitate regular on-going building maintenance (e.g. foundation repairs, etc.), TRCA staff requires a minimum 3 metre building setback to the future open space block. This applies to both above and below grade structures (e.g. underground parking and balconies).

The TRCA recommends the natural system which includes those lands located 10 metres inland from the LTSTOS and/or dripline be conveyed to public ownership. These valley lands should be placed in an "Open Space-Natural Areas" zoning. Lands in these buffer areas are to be restored with native species plantings.

Natural Heritage Protection

A Natural Heritage Impact Study prepared by Beacon Environmental dated February 2019 was submitted in support of the application. Given the location of the proposed development adjacent to the Todmorden Mills ESA and the Don Valley, which is a corridor for migratory birds, the development should meet best practices for Bird-Friendliness, including increased masonry and reduced glass on the exterior elevations, bird friendly glass, and Dark Sky compliant exterior lighting.

Heritage Impact & Conservation Strategy

The property at 958 Broadview Avenue, the former Chester Public School, is designated under Part IV of the Ontario Heritage Act. The proposal includes retention of the former Chester Public School while removing the later additions and alterations. The proposal also includes building atop the designated heritage property. The proposed development site is adjacent to 927-931 Broadview Avenue, a property listed on the City of Toronto's Heritage Register in 2018. A Heritage Impact Assessment prepared by ERA Architects Inc. dated January 24, 2019 and revised November 18, 2020 was submitted in support of the application.

The applicant should conserve more of the original roof-form of the former Chester Public School, which is complex and important to the three-dimensional integrity of the building. More of the side walls of the heritage building should be retained in situ rather than dismantled and reconstructed. The terraces within the roof slope on the north and south elevations should be removed or minimized. These proposed alterations could have a very negative heritage impact given the scale of the intervention.

The proposed tower stepbacks above the heritage building are not sufficient to conserve the scale form and massing of the existing building. Due to the unique roof-form of the existing building, greater tower stepbacks are necessary to conserve the original massing and composition of the building, which is a heritage attribute of the property included in the designation by-law.

The proposed cantilever on the east elevation of the tower above the heritage building should be higher up to create more space around the heritage building and make the tower appear more subordinate to the heritage building. The design of the soffit should be carefully considered to minimize its visual impact.

The proposed canopy on the north elevation of the heritage building is very large and impactful, particularly where it is affixed directly to the existing building. Wind management should be achieved through alternative means.

Tree Preservation

An Arborist Report and Tree Inventory and Preservation Plan were submitted by the Applicant. Urban Forestry has reviewed the Arborist Report and Tree Preservation Removal Plan and requested revisions and additional information as outlined in the Memorandum from Urban Forestry dated February 12, 2021.

The Applicant proposes to remove one City-owned tree regulated by the Street Tree By-law, injure/remove eight privately-owned subject site trees regulated by the Private Tree By-law, and injure/remove eight (8) privately-owned boundary/neighbour trees regulated by the Private Tree By-law.

Urban Forestry does not support the proposed removal of one healthy privately owned tree to allow for the construction of unit paving and bike racks. Urban Forestry requests the planting of one new street tree within the Chester Hill Road right of way fronting 72 Chester Hill Road.

Toronto Green Standard

The Applicant is required to meet Tier 1 of the TGS that is in effect at the time of site plan application and provide enhanced bird friendly window treatments. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. TGS performance measures for the will be further secured through the future site plan approval process.

Toronto District School Board

The Toronto District School Board (TDSB) has determined that there is insufficient capacity at the local elementary school to accommodate students anticipated from this development. The locally assigned schools are Jackman Avenue Junior Public School, Earl Grey Senior Public School, and Riverdale Collegiate Institute.

This application is located in a community experiencing significant residential intensification and population growth that is presenting accommodation challenges at local schools. TLC and TDSB staff will continue to monitor residential development in this community to understand the cumulative impact on local schools and to determine where prospective students will attend school.

The status of local school accommodation should be communicated to new and existing residents to inform them that students from new development will not displace existing students at local schools.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the Planning Act.

Section 37 benefits were not discussed in the absence of an agreement on the proposal's density and height. Should this proposal be approved in some form by the OLT, City Planning staff recommends staff be authorized to negotiate an appropriate agreement for Section 37 benefits with the applicant, in consultation with the Ward Councillor.

Further Issues

City Planning received a revised proposal on September 10, 2021. This proposal is intended to be the applicant's settlement proposal. The revised proposal has been circulated to various City divisions and agencies for review and comment. Depending on the result of that review, City staff may continue to identify further issues or supplement the reasons provided in this report. Staff will report back to City Council as necessary.

Conclusion

The application has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Official Plan, the Broadview Avenue Planning Study and Urban Design Guidelines, as well as applicable City guidelines intended to implement Official Plan policies. As currently proposed, the application does not conform to the Official Plan, the principles of the Broadview Avenue Planning Study and associated Urban Design Guidelines, or the Tall Building Guidelines.

This report recommends that the City Solicitor, with appropriate staff, attend the OLT in opposition to the application in its current form and to continue discussions with the applicant in an attempt to resolve outstanding issues. This recommendation is consistent with the PPS and conforms with the Growth Plan.

CONTACT

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SIGNATURE

Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA, Director
Community Planning, Toronto and East York District

ATTACHMENTS

City of Toronto Data/Drawings
Attachment 1: Location Map
Attachment 2: Application Data Sheet
Attachment 3: 3D Model of Proposal in Context Looking Northwest
Attachment 4: 3D Model of Proposal in Context Looking Southwest
Attachment 5: Site Plan
Attachment 6: Policy Considerations
Attachment 7: Official Plan Land Use Map

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 954-956 BROADVIEW AVENUE AND 72 CHESTER HILL ROAD

Date Received March 14, 2019

Application Number 19 125893 STE 14 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: 16 storey building that is predominantly residential building with retain and adaptively re-use a property designated under Part IV of the Ontario Heritage Act at 958 Broadview Avenue.

Applicant/Owner

DK BROADVIEW
INC.

Architect

GRAZIANA +
CORAZZA

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision: OPA 343

Zoning: CR 2.7 (c2.7;
r1.0) SS2 Heritage Designation: Y
(x1163)

Height Limit (m): 10, 14 Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m): 4,686 Frontage (m): 39 Depth (m): 136

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq. m):			1,352	1,352
Residential GFA (sq. m):			15,309	15,309
Non-Residential GFA (sq. m):			175	175
Total GFA (sq. m):			15,484	15,484
Height - Storeys:	2	2	16	16
Height - Metres:			52	52

Lot Coverage Ratio (%) 28.86 Floor Space Index: 3.3

Floor Area Breakdown Above Grade (sq. m) Below Grade (sq. m)

Residential GFA: 15,309
 Retail GFA: 175
 Office GFA:
 Industrial GFA:
 Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	2			
Freehold:				
Condominium:			223	223
Other:				
Total Units:	2		223	223

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			148	51	24
Total Units:			148	51	24

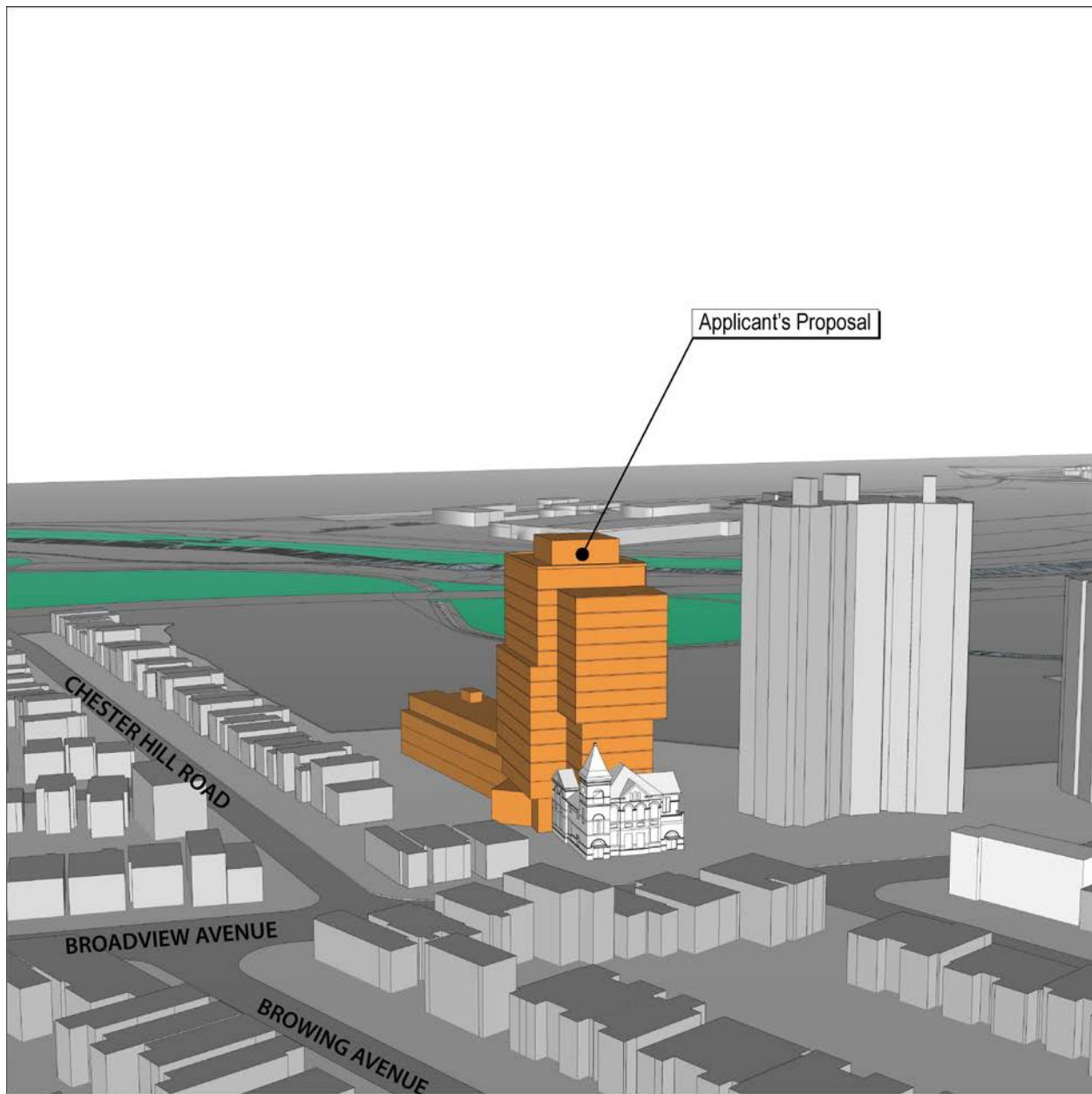
Parking and Loading

Parking Spaces: 91 Bicycle Parking Spaces: 229 Loading Docks: 1

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Attachment 3: 3D Model of Proposal in Context Looking Northwest

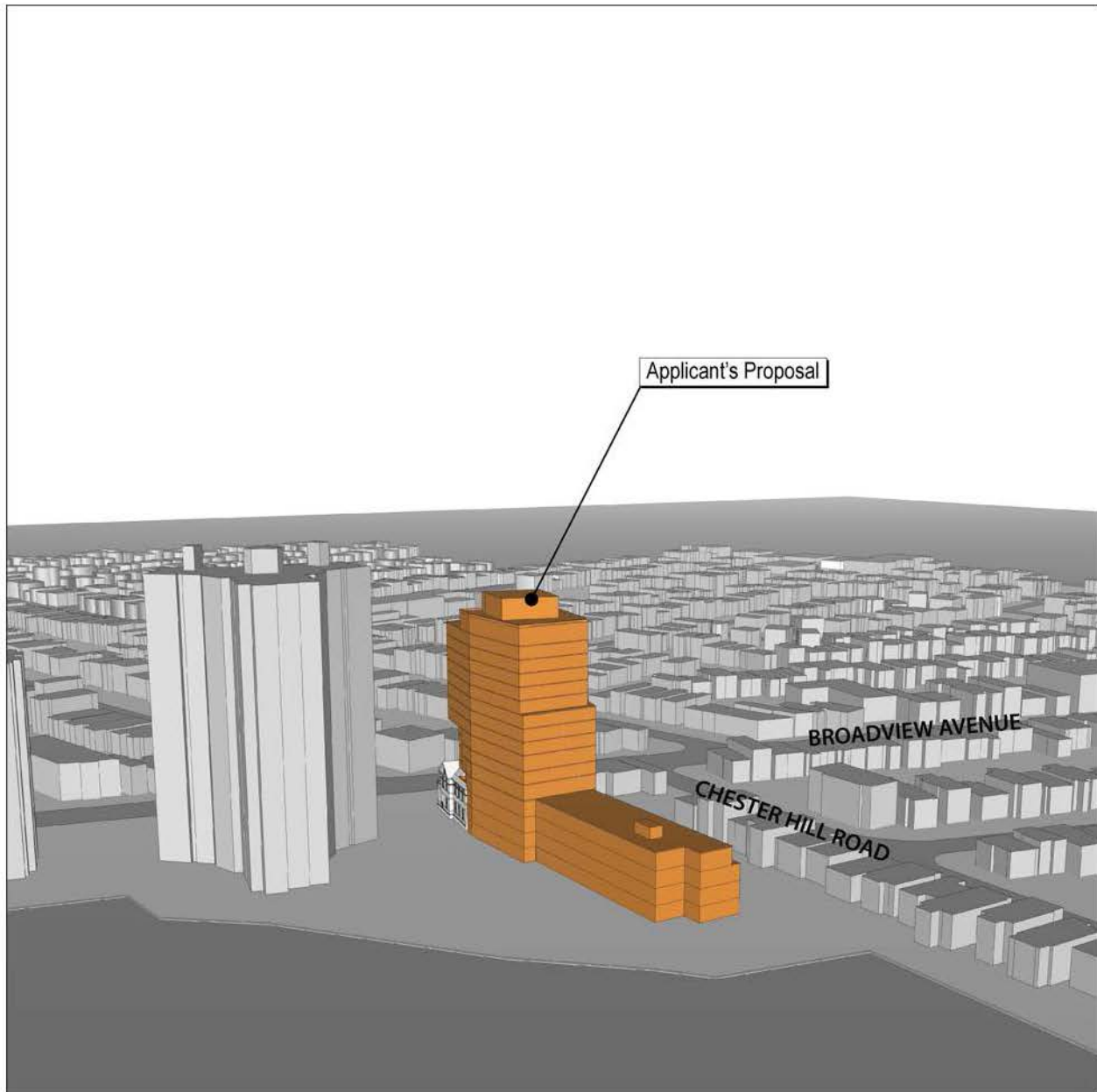


View of Applicant's Proposal Looking Northwest



08/30/2021

Attachment 4: 3D Model of Proposal in Context Looking Southeast

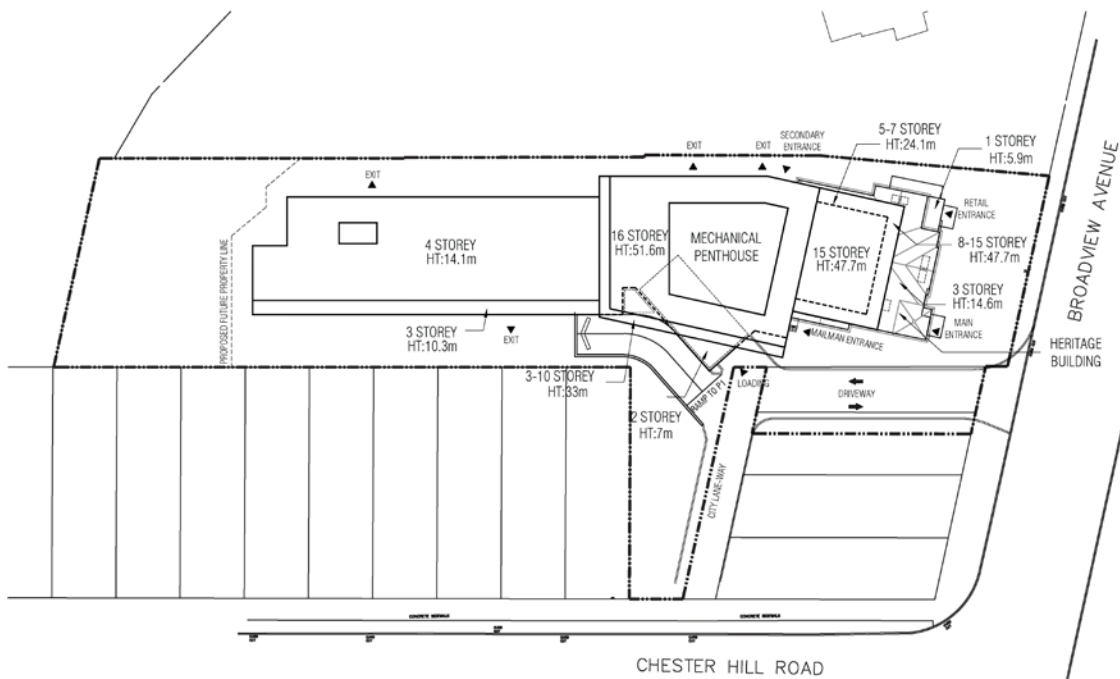


View of Applicant's Proposal Looking Southeast



08/30/2021

Attachment 5: Site Plan



Site Plan



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 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:

- encouraging a sense of place, by promoting well-designed built form;
- 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;
- protecting people, property and community resources by directing development away from natural or human-made hazards; and
- conserving significant built heritage resources and significant heritage landscapes.

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 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."

Provincial Plans

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards.

Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial 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 August 28, 2020. This was an amendment to the 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;
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas; and
- Conserving Cultural Heritage Resources in order to foster a sense of place and benefit communities, particularly in strategic growth 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).

Planning for Major Transit Station Areas

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 update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs plan for the prescribed densities.

Official Plan

The City of Toronto Official Plan (the "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.

The Official Plan contains policies related to building complete communities, heritage preservation, community services, transportation, and environmental stewardship. The Official Plan also 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 of community benefits in the form of capital facilities.

The site is designated *Mixed Use Areas* and *Neighbourhoods* as shown on Land Use Map 17. See Attachment 7 of this report for the Official Land Use Map.

The Official Plan provides the policy framework for heritage conservation in the City. The heritage policies ensure that development on or adjacent to a property on the Heritage Register conserves the property's cultural heritage value and attributes and mitigates any visual or physical impact. The Official Plan encourages the adaptive re-use of heritage properties and the conservation of whole or substantial portions of buildings rather than façades alone.

Broadview Avenue Planning Study

The site is located within the Broadview Avenue Planning Study which resulted in Site and Area Specific Policy 509 (SASP 509) through Official Plan Amendment 343 (OPA343) and has an Avenue overlay. On August 15, 2018, the OLT approved SASP 509 except for three site-specific appeals, including this site. The Broadview Avenue Study and the Urban Design Guidelines stipulate a maximum height of 20 metres throughout the entire study area, recognizing that on large sites buildings taller than the right of way width may be appropriate, if certain conditions are met.

The site specific development policies for 958 Broadview Avenue within SASP 509 are:

- Provide a built form transition between the tall buildings to the north and the single family houses (Neighbourhoods) to the south;
- Provide front yard setbacks which are consistent with the adjacent front yard building setbacks;
- Conserve the integrity of the property's cultural heritage values and attributes, including the 19th Century Chester Public School;
- Avoid negative impacts on the rear yard amenity of properties in adjacent Neighbourhoods; and
- Maintain an appropriate mix of uses where possible to enable accommodation of a multi-purpose non-profit community facility.

The Broadview Avenue Urban Design Guidelines also include development principles for 958 Broadview Avenue which require any proposed new development on the site address the following aspects:

- Conservation of the property's cultural heritage values and attributes;
- Appropriate built form transition towards the adjacent neighbourhood area;
- Adequate separation distances from adjacent properties;
- Sensitivity to adjacent valleys and ravines by providing the required setbacks from TRCA top of bank lines;
- Regard for existing context by continuing the expansive front yard landscaping in this segment of Broadview;
- Explore potential of the property to serve as a cultural hub for the community.

Parks Canada Standards and Guidelines for Conservation of Historic Places in Canada

The Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada (Standards and Guidelines) is the official document guiding planning, stewardship and conservation approach for all listed and designated heritage resources within the City of Toronto. The General Standards (1-9) and the Standards for Rehabilitation (10-12) apply to this project.

<http://www.historicplaces.ca/en/pages/standards-normes.aspx>

Zoning By-laws

Former Township of East York Zoning By-law 6752

The Former Township of East York Zoning By-law 6752 zones the property at 958 Broadview Avenue as "C" (Commercial). This zoning category permits commercial, institutional and accessory structures. It also permits residential uses for buildings of a maximum of 3-storeys.

Former City of Toronto Zoning By-law 438-86

The properties at 954-956 Broadview Avenue are zoned MCR (Main Streets Commercial Residential) T2.5 C0.5 R2.5 with a height limit of 14 metres. This zone category permits a wide range of residential and non-residential uses including apartment buildings, triplexes, row houses, live-work units, retail stores, restaurants, offices and institutional and community services to a maximum density of 2.5 times the area of the lot.

The property at 72 Chester Hill Road is zoned R2 (Residential) Z0.6 with a height limit of 10 metres. This zone category permits a wide range of residential uses such as apartment buildings, detached and semi-detached dwellings, row houses, duplexes and triplexes to a maximum density of 0.6 times the area of the lot.

Citywide Zoning By-law 569-2013

The property at 958 Broadview Avenue is zoned CR (Commercial Residential) 2.7 (c.2.7; r1.0) SS2 (x1163) with a height limit of 10.5 metres. This zoning category permits a wide range of residential and non-residential uses with a maximum density of 2.7 times the area of the lot.

The properties at 954-956 Broadview Avenue are zoned CR (Commercial Residential) 2.5 (c.0.5; r2.5) SS2 (x1578) with a height limit of 14 metres. This zoning category permits a wide range of residential and non-residential uses with a maximum density of 2.5 times the area of the lot.

The property at 72 Chester Hill Road is zoned R (Residential) (d0.6) (x744) with a height limit of 10 metres. This zone category permits a wide range of residential uses such as apartment buildings, detached and semi-detached dwellings, row houses, duplexes and triplexes to a maximum density of 0.6 times the area of the lot.

Natural Heritage and Ravine Protection

The application is adjacent to the Official Plan natural heritage system and the Todmorden Mills Environmentally Significant (ESA). The Official Plan requires that any proposed development will avoid these areas, minimize negative impacts and, when possible, restore and enhance the ecological functions attributed to these areas. The Don Valley qualifies as provincially significant valley land. New development and site alteration is only permitted on lands adjacent to provincially significant areas provided it has been demonstrated, through a study, that there will be no negative impacts on the natural features or the ecological functions for which the area is identified.

The rear of 958 Broadview Avenue is within the TRCA Regulated Area. A permit will be required from the TRCA prior to any development taking place. The rear of the subject site is also regulated under Chapter 658 of the City of Toronto Municipal Code - Ravine and Natural Feature Protection (RNFP) Bylaw. The RNFP Bylaw is applicable throughout the City of Toronto and regulates certain activities within protected areas as defined in Schedule A of the bylaw. The purpose of the bylaw is to promote the management, protection and conservation of ravines and associated natural and woodland areas and to prohibit and regulate the injury and destruction of trees, filling, grading and dumping in defined areas. A permit is required to conduct any of the above activities within RNFP areas.

Urban Forestry/Environment

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).

Design Guidelines

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

- Tall Building Design Guidelines;
- Growing Up Guidelines Planning for Children in New Vertical Communities; and
- Pet Friendly Design Guidelines.

The City's Design Guidelines can be found here:

<https://www.toronto.ca/citygovernment/planning-development/official-planguidelines/design-guidelines/>

Tall Building Design Guidelines

City Council has adopted city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of tall building development Applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The link to the guidelines may be found here:

<https://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>.

Growing Up Guidelines: Planning for Children in New Vertical Communities

In July 2020, City Council adopted updated 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 greater than 20 residential units and future city-wide and area-based planning frameworks. The objective of the Growing Up Urban Design Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children, at the neighbourhood, building and unit scale.

The link to the Growing Up Guidelines may be found here:

<https://www.toronto.ca/citygovernment/planning-development/planning-studies/initiatives/growing-up-planning-forchildren-in-new-vertical-communities/>

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

The purpose of the Pet Friendly Design Guidelines 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.

The link to the guidelines may be found here:

[https://www.toronto.ca/citygovernment/planning-development/planning-studies-initiatives/pet-friendly-designguidelines-for-high-density-communities/](https://www.toronto.ca/citygovernment/planning-development/planning-studies/initiatives/pet-friendly-designguidelines-for-high-density-communities/)

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 intended to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Applications must use the documentation required for the version of the Toronto Green Standard in effect at the time of the initial application.

TGS Version 3.0: new applications submitted on or after May 1, 2018. Visit

<https://www.toronto.ca/citygovernment/planning-development/official-plan-guidelines/toronto-green-standard/tier-1-planning-application-requirements/>

To support the application of the TGS standards related to Bird Collision Deterrence and Light Pollution, the City also relies on the Bird-Friendly Guidelines, through the Bird-Friendly Glass and Best Practices for Effective Lighting documents. The link to these documents may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/bird-friendly-guidelines/>

Attachment 7: Official Plan Land Use Map



954 - 958 Broadview Avenue & 72 Chester Hill Road

Official Plan Land Use Map #17

File # 19 125893 STE 14 02



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Not to Scale
08/30/2021