

21, 35-53 Broadview Avenue, 344 Eastern Avenue and 18-34, 40 Lewis Street – Official Plan Amendment & Zoning Amendment Applications – Preliminary Report

Date: December 3, 2021

To: Toronto and East York Community Council

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

Ward: Ward 14 - Toronto-Danforth

Planning Application Number: 21 210146 STE 14 OZ

Notice of Complete Application Issued: October 14, 2021

Current Uses on Site: The land assembly contains a variety of uses, including a one-storey car dealership on 21 Broadview Avenue; 10 residential properties containing one- to two-storey rowhouses at 35-53 Broadview Avenue; a car mechanic in a two-storey building at 344 Eastern Avenue; and 12 residential properties containing single-detached, semi-detached and rowhouse dwellings at 18-34, 40 Lewis Street

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the official plan amendment and rezoning applications for 21, 35-53 Broadview Ave, 344 Eastern Avenue and 18-34, 40 Lewis Street. The application proposes to amend the Official Plan and Zoning By-law to permit a 12-storey (39.97m) mixed-use building with an interior block of 15 three-storey (9.27m) townhouse units. At-grade retail space and a public parkland contribution are also proposed. The application is for 340 units with a total GFA of 28,638 square metres, total retail GFA of 794 square metres and overall density of 5.73 FSI.

Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a Community Consultation Meeting for the application with the Ward Councillor.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 21, 35-53 Broadview Ave, 344 Eastern Avenue and 18-34, 40 Lewis Street together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

FINANCIAL IMPACT

The 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.

THE APPLICATION

This application proposes to amend the Official Plan and applicable Zoning By-laws to permit a 12-storey (39.97m) mixed-use building with an interior block of 15 three-storey (9.27m) townhouse units. A total of 29,432 square metres (28,639 square metres of residential and 794 square metres of retail) is proposed. A total of 340 residential units are proposed with 110 (32%) one-bedroom, 195 (57%) two-bedroom and 35 (11%) three-bedroom units. Of the 35 three-bedroom units, 21 are townhouse units. The proposed density is 5.73 FSI.

The site lies along the east side of Broadview Avenue, north of Eastern Avenue and backing on Lewis Street. Vehicular access to the site is proposed via a private driveway from Broadview Avenue, just north of Eastern Avenue, to the interior of the site. The entrance to the underground parking garage is on the north elevation of the mixed-use building. A total of 102 vehicular and 350 bicycle spaces are proposed.

The development also proposes a public park on the majority of 344 Eastern Avenue. A total of 1,046 square metres of amenity space (575.4 square metres of indoor and 470.6 square metres of outdoor) is proposed.

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

See Attachments 1, 4, 5, 6 and 7 of this report, for a location map, site plan, building elevations, three dimensional representation of the project in context, and Application Data Sheet respectively.

Reasons for the Application

An Official Plan Amendment proposes to redesignate the lands at 35-53 Broadview Avenue from Neighbourhoods to Mixed Use Areas. A new Site and Area Specific Policy is proposed to permit townhouses on the lands designated as Neighbourhoods at 18-34, 40 Lewis Street.

A Zoning By-law Amendment proposes to increase the permitted height and density and other performance standards to accommodate the proposed development. A future consent application is proposed to sever the rear yards of 18-34, 40 Lewis Street to permit the townhouse block.

Site Plan Control

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

POLICY CONSIDERATIONS/PLANNING FRAMEWORK

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).

Major Transit Station Areas

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 MTSA boundaries and demonstrate how the MTSAs are planned for the prescribed densities. The proposed development is located within 500-800 metres of the future East Harbour Station of the proposed Ontario Line.

Toronto Official Plan Policies and Planning Studies

Different portions of the site are designated as different land uses in the Official Plan. 21 Broadview Avenue is designated Mixed Use Areas, the 35-53 Broadview Avenue and 18-34 & 40 Lewis Street properties are designated as Neighbourhoods, and 344 Eastern Avenue is designated General Employment Areas, as shown in Attachment 2.

The application is also located on lands within the Lower Don: Don River Special Policy Area. This special policy area permits development within the area on condition that the development is flood protected to at least the 1:350 year level.

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. The PPS recognizes the Official Plan as the most important document for its implementation.

On September 21, 2020, the Ministry of Municipal Affairs and Housing issued Notices of Decision approving OPA 479 and OPA 480. OPA 479 (Public Realm) and OPA 480 (Built Form) as part of the Five-Year Official Plan Review. The OPAs replace Sections 3.1.1., 3.1.2 and 3.1.3 of the Official Plan with new and revised policies for the public realm, built form and built form types, which respond to Council's direction to amend the urban design policies of the Official Plan.

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 and local improvements. 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.

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

Zoning By-laws

The Former City of Toronto Zoning by-law 438-86 zones 21 Broadview Avenue and 344 Eastern Avenue as Industrial District 2 (I2 D3), permitting a maximum height of 18 metres, density of 3.0 FSI and a range of non-residential uses. 35-53 Broadview Avenue and 18-34, 40 Lewis Street are zoned Residential 3 (R3 Z1.0), permitting a maximum height of 12 metres, density of 1.0 FSI, and a variety of residential uses and building types.

The consolidated City of Toronto Zoning By-law 569-2013 zones 344 Eastern Avenue E 3.0 (x297) and permits employment uses with a maximum height of 18 metres and maximum density of 3.0 FSI. 35-53 Broadview Avenue and 18-34, 40 Lewis Street are zoned R(d1.0)(x7). The maximum permitted height is 12 metres, maximum density 1.0 FSI, and residential uses are permitted in a variety of building types. 21 Broadview Avenue is not included in Zoning By-law 569-2013.

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/>

Rental Housing Demolition and Conversion By-law

Section 111 of the City of Toronto Act, 2006 authorizes City Council to regulate the demolition and conversion of residential rental properties in the City. Chapter 667 of the City's Municipal Code, the Rental Housing Demolition By-law, implements Section 111. Chapter 667 prohibits the demolition and conversion of rental housing units on properties containing six or more residential dwelling units, of which at least one is rental, 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 an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. These conditions implement the City's Official Plan policies protecting rental housing. Council approval of demolition under Section 33 of the Planning Act may also be required where six or more residential units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the Building Code Act.

Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion, City Council typically considers both applications at the same time. Unlike Planning Act applications, decisions made by City Council under By-law 885-2007 are not appealable to the Ontario Land Tribunal.

An application for a Section 111 permit has not been submitted by the applicant. In the Housing Issues Letter provided in support of the applications, it is stated that there were previously four rental dwelling units located at 37 and 53 Broadview Avenue which are proposed to be demolished. At the time of acquisition by the owner, all four units were noted to be vacant and either partially demolished or in poor condition. The remaining residential dwellings on the site have been identified as being owner occupied. Based on this, the loss of four rental units does require a Rental Housing Demolition and Conversion application, but rental replacement is not required. The form and number of units are under review; an application for a Section 111 permit will be required if six or more units are on site.

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:

- City-wide Tall Building Design Guidelines
- Mid-rise Building Performance Standards and Addendum
- Townhouse and Low-rise Apartment Guidelines

- Growing Up: Planning for Children in New Vertical Communities
- Pet Friendly Guidelines
- Retail Design Manual
- Best Practices for Bird-Friendly Glass
- Best Practices for Effective Lighting
- Toronto Accessibility Design Guidelines

The City's Design Guidelines may be found here:

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

Toronto Green Standard (Climate Mitigation and Resilience)

Climate change mitigation and resilience are key concerns of the City. On October 2, 2019, City Council declared a Climate Emergency and set a new goal to achieve net zero greenhouse gas emissions by 2050 or sooner. In 2021, an updated TransformTO Net Zero Strategy will be presented to Council, outlining the necessary climate action to reach net zero GHG emissions community-wide. In June 2019, the Resilience Strategy was published, which set out that new development should be resilient to a changing climate.

The Toronto Green Standard (the "TGS") sets out the key sustainable performance measures new developments are required to meet to address climate mitigation and resilience. The TGS is a critical component of the City's efforts to achieve zero emissions buildings by 2030, to meet 2050 citywide greenhouse gas reduction targets, and to build a more resilient city. The TGS also supports other City-wide strategies related to environmental sustainability, including TransformTO, the Resilience Strategy, Ravine Strategy and Biodiversity Strategy.

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 TGS. Tier 1 performance measures are secured on site plan drawings and through a site plan agreement or registered plan of subdivision. Tiers 2+ are voluntary higher levels of performance with financial incentives (post-construction development charge refunds) intended to facilitate the foregoing objectives. Applicants are strongly encouraged to pursue higher tiers of the TGS wherever possible.

Applications must use the documentation required for the version of the TGS in effect at the time of the initial site plan application. TGS Version 3.0 applies to new applications submitted on or after May 1, 2018. TGS Version 4.0 will apply to all new applications submitted on or after May 1, 2022.

The TGS may be viewed at: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/>

COMMENTS

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

City Planning staff will continue to evaluate this planning application for consistency with the PPS and conformity with the Growth Plan (2020).

Official Plan Conformity

City Planning staff will review and assess the application for conformity with the Official Plan policies.

Built Form, Planned and Built Context

Staff will continue to assess the suitability and appropriateness of the proposed height, massing, separation distances, and other built form components based on applicable Provincial policies; the City's Official Plan policies; and the City's Design Guidelines.

The following preliminary issues have been identified:

- The suitability of the proposed building heights, massing, setbacks, and stepbacks, in relation to the area's existing and planned built form character and scale;
- The suitability of the land use redesignation;
- The appropriateness of the transition and relationship to the existing and planned context;
- The appropriateness of new residential dwellings located interior to the block and oriented within a private courtyard;
- The appropriateness of the size and location of the public park
- The size and location of proposed indoor and outdoor amenity space;
- The suitability of proposed cycling and vehicular accesses and loading functions and their impact on the public realm; and
- The suitability of the proposed public realm and landscape plan,

Further review of submission material including the Pedestrian Level Wind Study, and Landscape & Lighting Plan is underway.

Shadow

Shadow studies were prepared in support of the proposal which show the extent of the shadow from the proposed building on March 21 and September 21. Staff will continue to evaluate the potential shadow impacts of the proposal on the public realm, existing and planned parks, and private open spaces.

Privacy and Overlook

Staff will assess the proposed development for any potential adverse privacy and overlook issues with respect to adjacent residential properties..

Natural Heritage Protection

The site is not located in a Natural Heritage Area, however it is located within the Toronto and Region Conservation Authority (TRCA) Regulated Area of the Don River watershed and is regulated due to its siting within a Regulatory Floodplain and Lower Don Special Policy Area. The application has been circulated to the TRCA for comments. A TRCA permit will be required prior to any development.

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).

Housing

Staff will assess the proposal relative to the City's housing objectives. Staff will further review the application to understand the proposed unit breakdown mix relative to the City's Growing Up Guidelines.

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, etc. 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.

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

Section 37 Community Benefits

The proposal at its current height and density will be subject to Section 37 contributions under the Planning Act. Further discussion with the Ward Councillor, City staff, residents, and the applicant will be required to determine the extent and nature of the required Section 37 community benefits should the application be approved in some form.

Infrastructure/Servicing Capacity

Staff are reviewing the application to determine if there is sufficient infrastructure capacity (roads, transit, water, sewage, hydro, community services and facilities, etc.) to accommodate the proposed development. The applicant has submitted the following studies and reports which are being reviewed by Engineering and Construction Services: a Functional Servicing and Stormwater Management Report; Hydrogeological Investigation; Geotechnical Investigation; and Traffic Impact and Parking Study.

Staff will continue to assess:

- The Servicing Report provided by the applicant, to evaluate the effects of the development on the City's municipal servicing infrastructure and identify and provide the rationale for any new infrastructure and upgrades to existing infrastructure, necessary to provide adequate servicing to the proposed development; and
- The Transportation Impact Study submitted by the applicant, to evaluate the effects of the development on the transportation systems, and to identify any transportation improvements that are necessary to accommodate the travel demands and impacts generated by the development.

Revisions and additional details may be requested of the applicant by Engineering Construction and Services staff.

Parking and Loading

Staff will review whether the supply and configuration of vehicular parking and loading facilities is appropriate including accessible parking spaces.

Bicycle Parking

Staff will review whether the location and supply of bicycle parking is appropriate.

Toronto Green Standard

City Planning staff will review the TGS Checklist submitted by the applicant for compliance with the Tier 1 performance measures. Staff will encourage the applicant to pursue Tier 2, 3 or 4.

Additional Issues

The application has been circulated to City divisions and public agencies for comment. Additional issues may be identified through the review of the application, agency comments and the community consultation process.

NEXT STEPS

City Planning staff will host a Community Consultation Meeting.

City staff will work with the applicant to resolve the preliminary issues discussed in this report and any additional issues that may be identified by staff and the public. Staff will report back at the appropriate time in the review of the application. If a Final Report is prepared, the report will proceed to the Toronto and East York Community Council meeting which will serve as the Statutory Public Meeting as required by the Planning Act, before being considered by City Council for a decision.

CONTACT

Raymond Tung, Planner, Community Planning
Tel. No. 416-392-3812
E-mail: Raymond.Tung@toronto.ca

SIGNATURE

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

ATTACHMENTS

City of Toronto Drawings

Attachment 1: Location Map

Attachment 2: Official Plan Map

Attachment 3: Zoning By-law Map

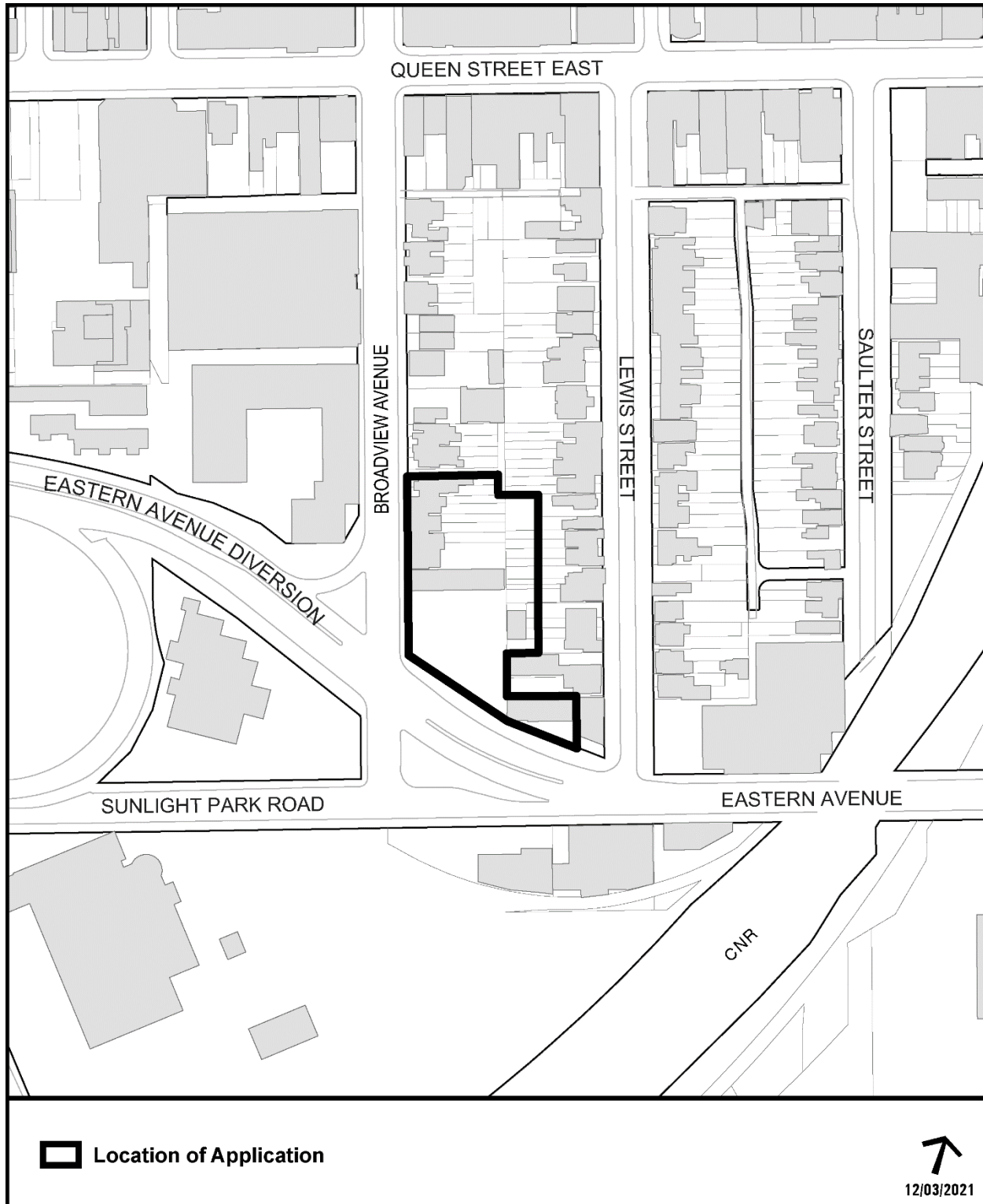
Attachment 4: Site Plan

Attachment 5: Building Elevations

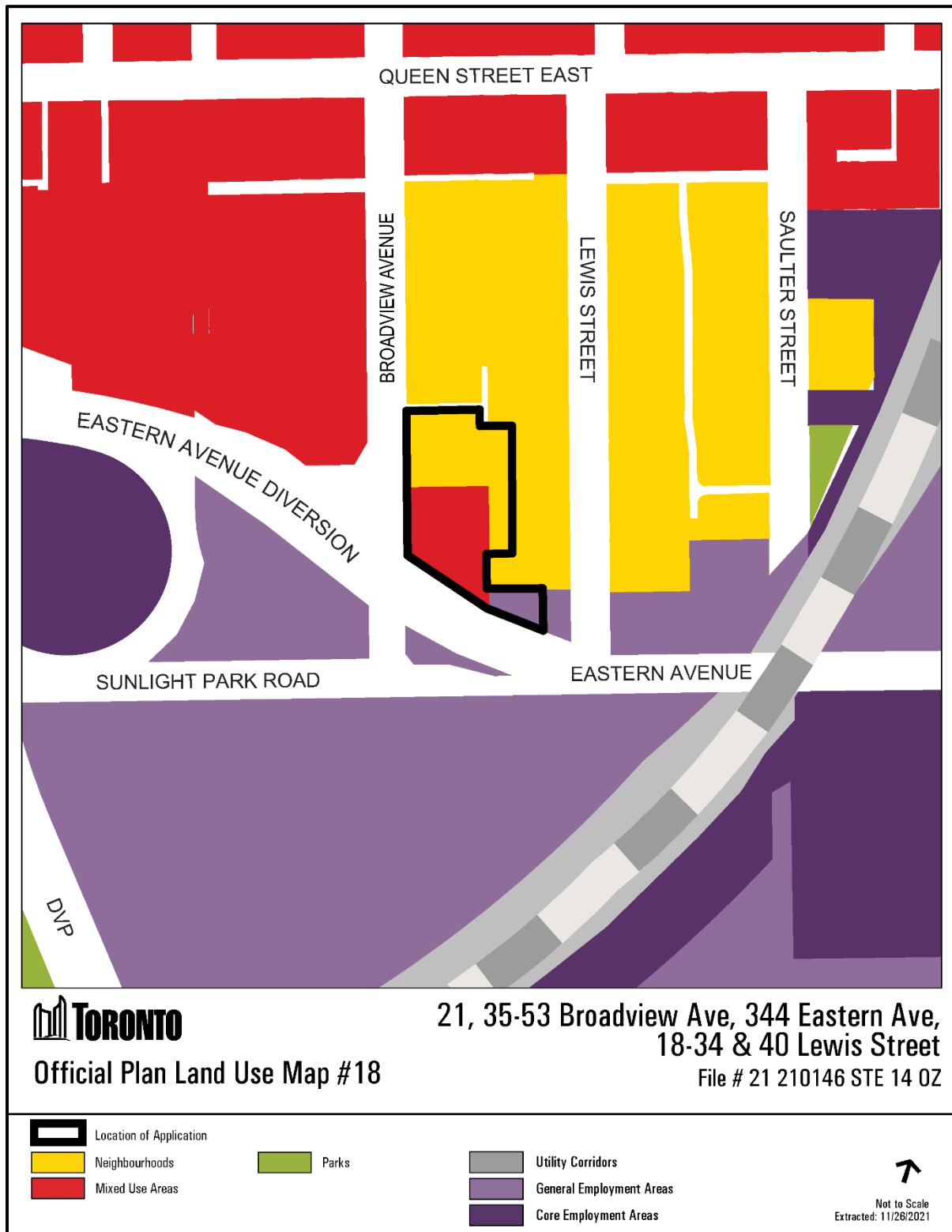
Attachment 6: 3D Model of Proposal in Context

Attachment 7: Application Data Sheet

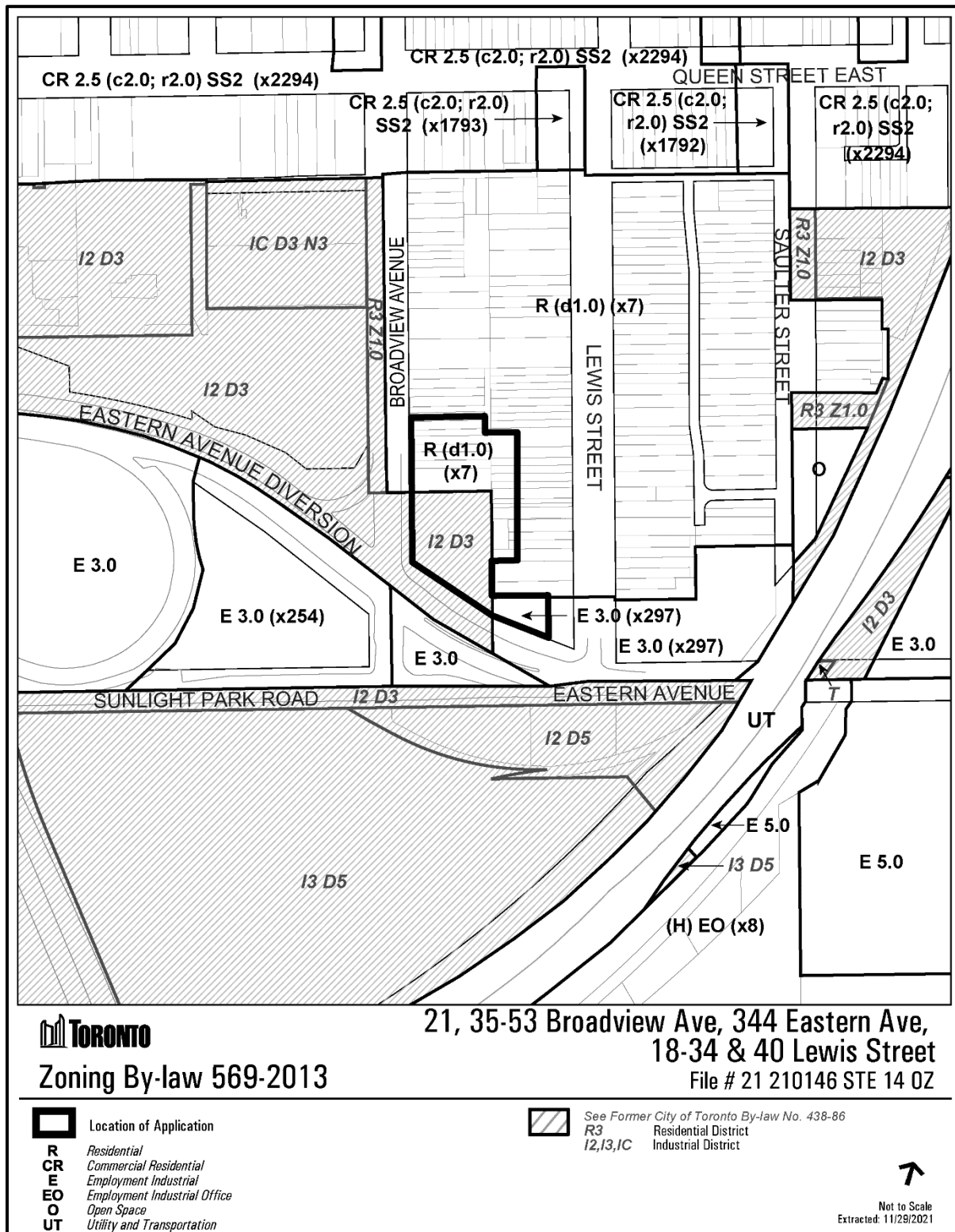
Attachment 1: Location Map



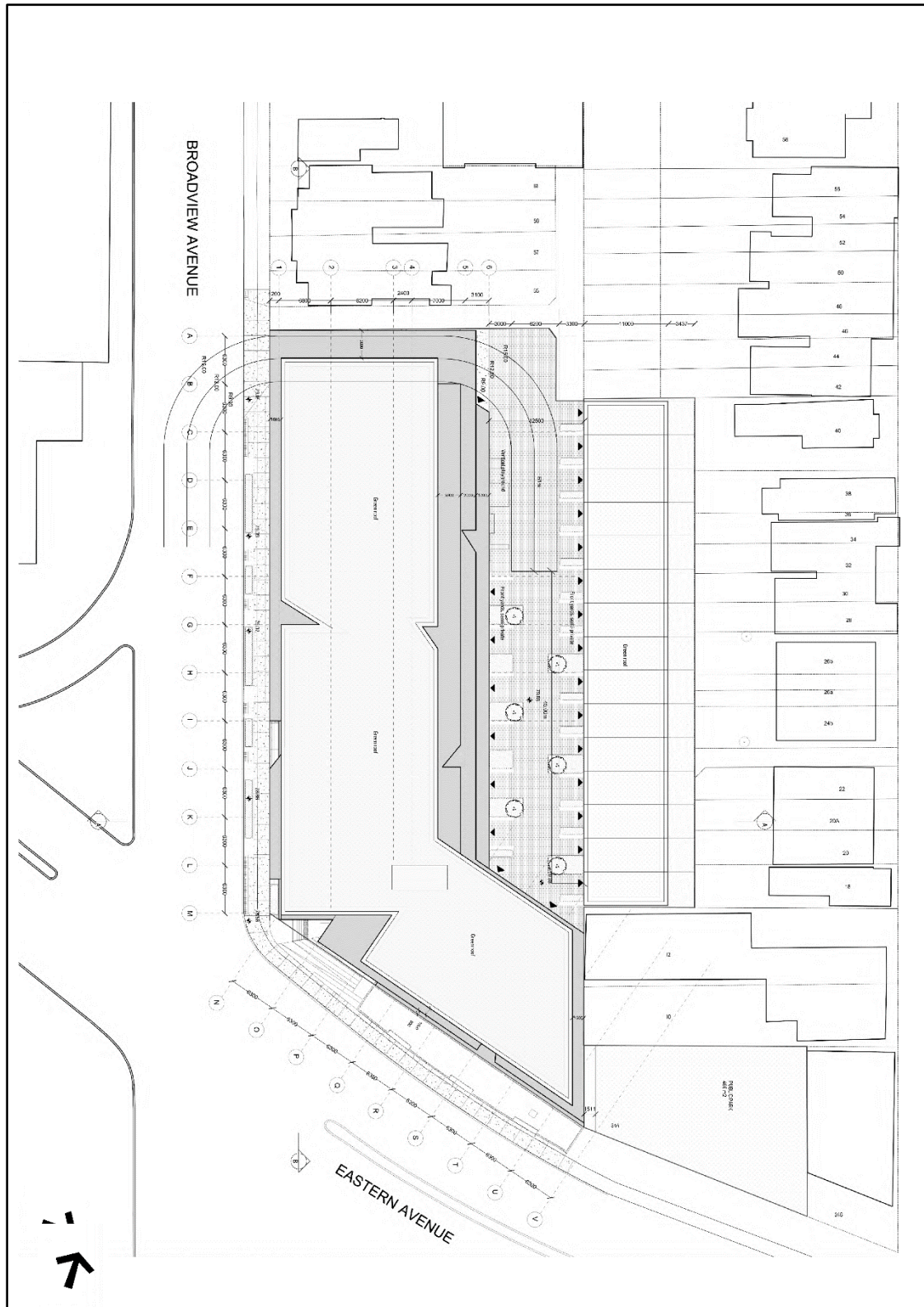
Attachment 2: Official Plan Map



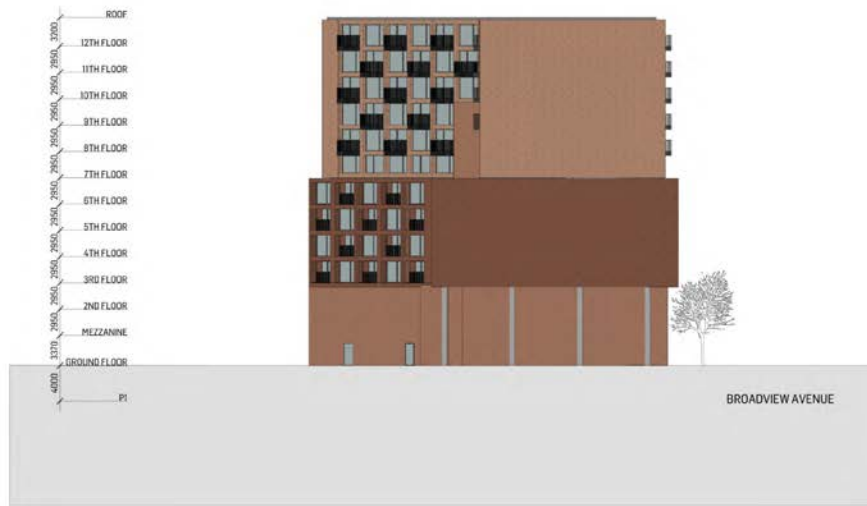
Attachment 3: Zoning By-law Map



Attachment 4: Site Plan



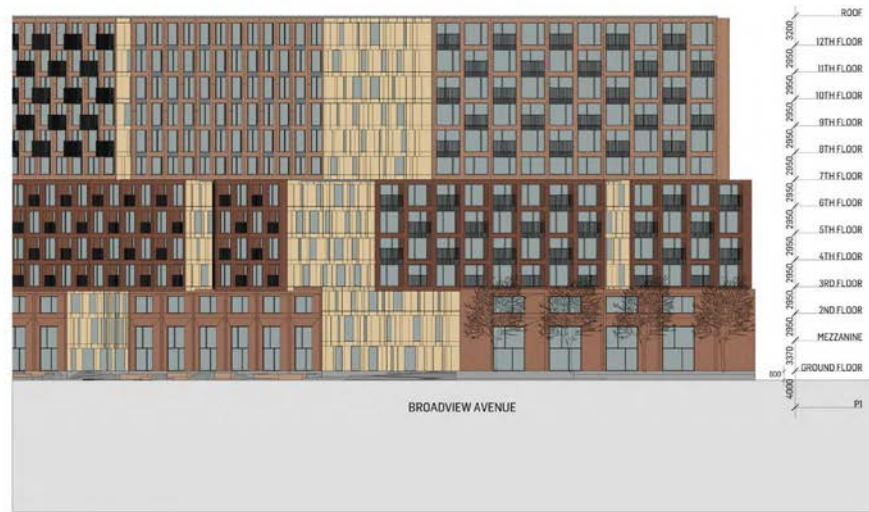
Attachment 5: Building Elevations



North Elevation



East Elevation



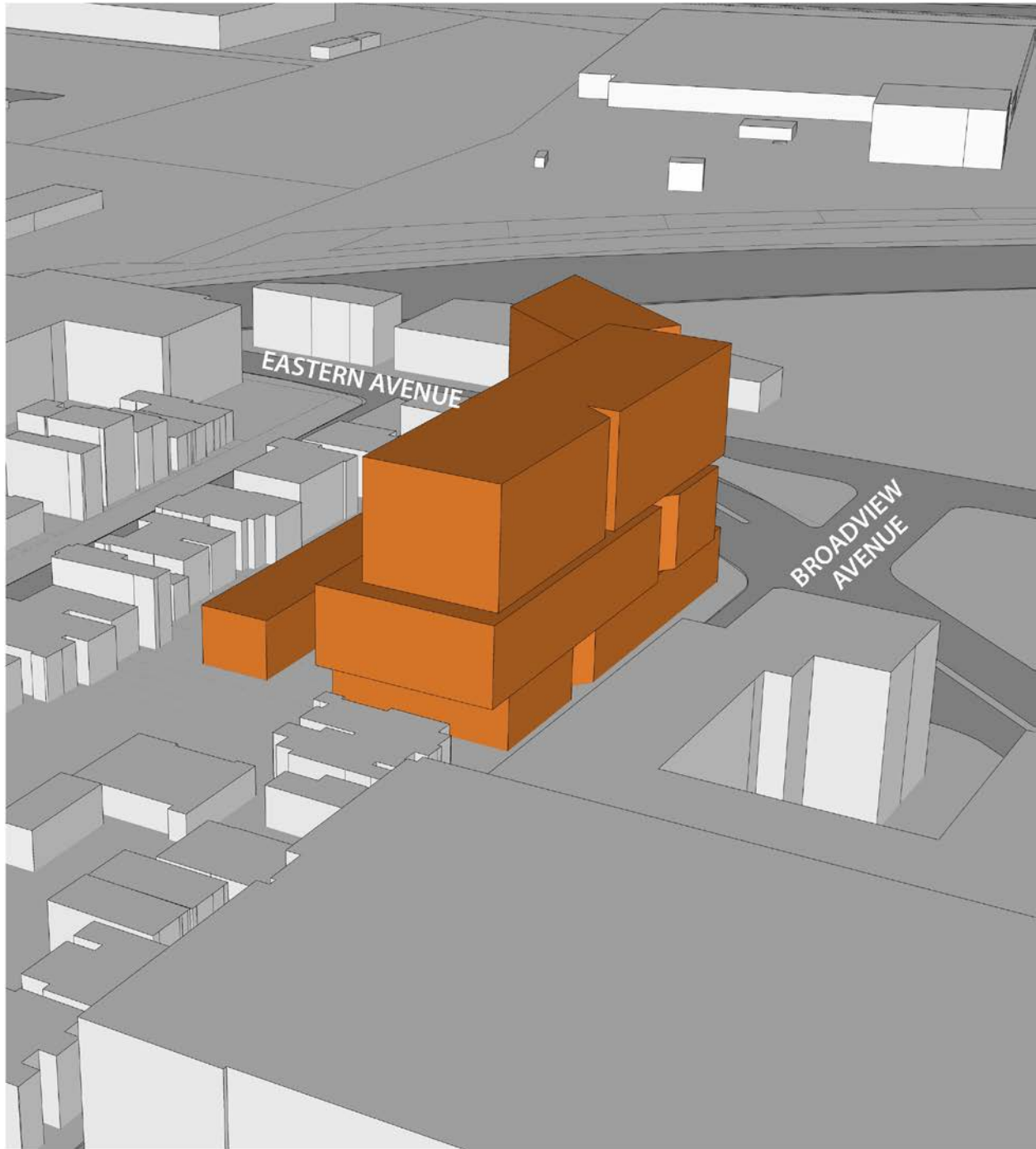
South-West Elevation



West Elevation

Attachment 6: 3D Model of Proposa





View of Applicant's Proposal Looking Southeast

➔
11/29/2021

Attachment 7: Application Data Sheet

APPLICATION DATA SHEET

Municipal Address: 21 BROADVIEW AVE Date Received: September 9, 2021

Application Number: 21 210146 STE 14 OZ

Application Type: OPA / Rezoning, OPA & Rezoning

Project Description: Official Plan and Zoning By-law amendment to facilitate the development of the site for a 12-storey mixed-use building having a non-residential gross floor area of 794 square metres, and a residential gross floor area of 28,638 square metres. A total of 340 residential dwelling units are proposed.

Applicant	Agent	Architect	Owner
BOUSFIELDS INC	David Huynh	Kasian and CEBRA Architecture	LEWIS STREET INC

EXISTING PLANNING CONTROLS

Official Plan Designation: Neighbourhoods Site Specific Provision:

Zoning: E3.0; R(d1.0) Heritage Designation:

Height Limit (m): 18, 12 Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 5,137 Frontage (m): 76 Depth (m): 81

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			3,045	3,045
Residential GFA (sq m):			28,638	28,638
Non-Residential GFA (sq m):			794	794
Total GFA (sq m):			29,432	29,432
Height - Storeys:	3		12	12
Height - Metres:			37	37

Lot Coverage Ratio (%) 59.28 Floor Space Index: 5.73

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	28,560	78
Retail GFA:	794	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	4			
Freehold:	9			
Condominium:			340	340
Other:				
Total Units:	13		340	340

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			110	195	35
Total Units:			110	195	35

Parking and Loading

Parking Spaces:	102	Bicycle Parking Spaces:	350	Loading Docks:	1
-----------------	-----	-------------------------	-----	----------------	---

CONTACT:

Raymond Tung, Planner, Community Planning
 416-392-3812
 Raymond.Tung@toronto.ca

