

## **838-844 Broadview Avenue City-initiated Official Plan Amendment and Zoning By-law Amendment Application – Final Report**

**Date:** June 10, 2022  
**To:** Toronto and East York Community Council  
**From:** Director, Community Planning, Toronto and East York District  
**Ward:** 14 - Toronto-Danforth

**Planning Application Number:** 21 204171 STE 14 OZ and 20 133235 STE 14 OZ

### **SUMMARY**

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This report reviews and recommends approval of a City-initiated Official Plan Amendment, a private application to amend the Zoning By-law, and authorization for the purchase of up to 18 affordable housing units be provided on site as well as provide Open Door Program funding and incentives for the affordable housing units. This approval would permit the construction of a 9 storey mixed use building at 838-844 Broadview Avenue with 107 residential dwelling units including 18 affordable rental housing units. The affordable housing units would be owned by the City of Toronto and operated by a community non-profit housing group under a long term lease. Council previously authorized the purchase of up to 16 affordable housing units on site and provision of Open Door Program funding and incentives for up to 16 affordable housing units. Through the review of the development applications an additional two affordable housing units are being proposed on site for a total of 18.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council amend Chapter 7, Site and Area Specific Policy 509 for the lands at 838, 840, 842 and 844 Broadview Avenue, substantially in accordance with the draft Official Plan Amendment attached as Attachment 6 to the report June 10, 2022 from the Director, Community Planning, Toronto and East York District.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 838, 840, 842 and 844 Broadview Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 7 to the report June 10, 2022 from the Director, Community Planning, Toronto and East York District.

3. City Council authorizes the City Solicitor to make such stylistic and technical changes to the Official Plan and Zoning By-law Amendments as may be required.

4. City Council require the owner to provide and implement Tenant Assistance to mitigate hardship for the former tenant of 844 Broadview Avenue, proposed to be demolished, prior to the issuance of Notice of Approval Conditions for Site Plan Approval. The Tenant Relocation and Assistance Plan shall be developed in consultation with, and to the satisfaction of, the City Solicitor and the Chief Planner and Executive Director, City Planning.

5. Before introducing the necessary Bills to City Council for enactment, the owner shall provide a legal undertaking to the City, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning, to secure the Tenant Relocation and Assistance Plan required in Recommendation 4 above.

6. City Council authorize the Executive Director, Housing Secretariat to negotiate and enter into, on behalf of the City, a municipal housing facility agreement (the City's "Contribution Agreement") and any other agreements necessary to secure the financial assistance for up to 18 affordable housing units and to set out the terms of the development and operation of the Affordable Housing, on terms and conditions satisfactory to the Executive Director, Housing Secretariat, in consultation with the Chief Financial Officer and Treasurer.

7. City Council authorize that an additional two affordable rental housing units, in addition to the previously approved 16 affordable housing units to be developed on the property, be eligible for waivers of fees for planning application, building permit, parkland dedication and development charges exemptions, unless already paid.

8. City Council exempt the two additional affordable rental homes, in addition to the previously approved 16 affordable rental homes to be developed on the Property, from taxation for municipal and school purposes for the term of 50 years, from the date of first occupancy.

9. City Council authorize the Controller to cancel or refund any taxes paid after the effective date of the exemption from taxation for municipal and school purposes as set out in the applicable municipal housing facility agreement (the City's Contribution Agreement).

10. The owner will pay for and construct any improvements to the municipal infrastructure in connection with the site servicing report, should it be determined that upgrades to such infrastructure are required to support this development.

## **FINANCIAL IMPACT**

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This report is seeking Council approval for waiver of fees for planning application, building permit, parkland dedication and exemptions for development charges, as well as exemption from property taxes for municipal and school purposes for the affordability period of 50 years. These financial incentives are through the Open Door Affordable

Housing Program totalling \$258,546 as outlined in Charts A and B below. This is required for two additional affordable rental homes developed on the property at 838 Broadview, for a total of 18 affordable rental units on the second floor of the building. These 18 affordable units will be owned by the City and operated by a non-profit operator. The incentives for the initial 16 affordable rental housing units in the development were already approved by Council at its meeting December 17 and 18, 2019 through Item PH11.9.

These incentives are not a direct capital payment from the City but rather foregone revenues that the City waives or forgives. Values are based on 2022 tax rates, 2022 AMR rates, November 2021 development charge rates, 2022 building permit fees and 2022 planning fees.

Chart A: Details of Open Door Affordable Rental Housing Program Incentives for 2 Additional Units at 838 Broadview Ave.

Affordable Rental Homes	Estimated Affordability Period	Estimated Development Charges*	Estimated Planning Fees And Charges	Estimated Net Present Value of Property Taxes	Estimated Total Value of Incentives
2	50 years	\$110,024	\$81,182	\$67,341	\$258,546

Chart B: Details of Annual and Net Present Value of Property Tax Exemption for 2 Additional Units at 838 Broadview Ave.

Address	Affordability Period (years)	Property Tax	City	Education	City Building	Total
838 Broadview Avenue (2 units)	50	Annual	\$1,955	\$634	\$28	\$2,617
		NPV	\$50,503	\$16,304	\$733	\$67,341

While there is an increase in the number of affordable housing units to be included in the development, there is no increase to the purchase price of the affordable housing as there is no material change to the square metres being purchased.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

## DECISION HISTORY

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### 838 Broadview Avenue History

At its meeting of November 10, 2015 Toronto and East York Community Council referred a Report from City Planning recommending approval of an application to amend the Zoning By-law to facilitate the construction of an 8-storey mixed use building having a gross floor area of 322 square metres of commercial space at grade and 3,186 square metres of residential uses (46 dwelling units) at 838 Broadview Avenue. Council requested the Director, Community Planning, Toronto and East York District, consider reductions in height and density, relocation of site access, and a review of impacts on the adjoining residential properties. [Agenda Item History - 2015.TE12.6 \(toronto.ca\)](#)

At its meeting of March 31 and April 1, 2016, City Council adopted GM10.9 - Acquisition of 838 Broadview Avenue authorizing the City to purchase 838 Broadview Avenue from the Toronto Parking Authority (TPA). Council further directed that the property be designated for municipal parking purposes to be managed by the (TPA) until such time it is determined that the site can be re-developed with a mid rise building in keeping with the Broadview Avenue Planning Study. The decision can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.GM10.9>

At its meeting on December 17, 2019, City Council adopted item PH11.9: Affordable Rental Housing Opportunity at 838 Broadview Avenue, authorizing the City to: enter into an Agreements of Purchase and Sale with the owner of 840, 842, and 844 Broadview Avenue to purchase up to 16 condominium dwelling units to be developed at 838, 840, 842, and 844 Broadview Avenue; that up to 16 affordable housing units be exempt from the payment of development charges, building, planning and parkland dedication fees; that up to 16 affordable housing units be exempt from taxation for municipal and school purposes for a term of 50 years; and that the Housing Secretariat to negotiate and enter into, on behalf of the City, a municipal housing facility agreement (the City's "Contribution Agreement") and any other agreements necessary to secure the financial assistance for up to 16 affordable housing units.

This direction also requested the Chief Planner and Executive Director, City Planning advance a City-initiated Official Plan Amendment (OPA) in the context of an application at 838 Broadview Avenue to support the addition of affordable units.

At the same meeting, a Supplementary Report on the Affordable Rental Housing Opportunity at 838 Broadview Avenue dated December 16, 2019 identifies that the 16 affordable units represent approximately 19% of the total proposed number of residential units. The report also directed that through the development review and community consultation processes, an appropriate site plan and built form be identified, to determine the final number of residential units and amount of retail/commercial space at the site.

Please click link for Council Decision:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH11.9>

### **Broadview Avenue Planning Study**

At its meeting of June 7, 2016, City Council adopted the City-initiated Site and Area Specific Policy (SASP) 509 through Official Plan Amendment 343 for Broadview Avenue, from Danforth Avenue to O'Connor Drive. The Broadview Avenue Planning Study (BAPS) is intended to guide development on Broadview Avenue, between Danforth Avenue and O'Connor Drive.

The SASP was appealed to the then-Local Planning Appeal Tribunal (LPAT). On August 15, 2018, the LPAT approved the majority of SASP 509, including as relates to 838-844 Broadview Avenue.

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

## Danforth Avenue Planning Study

At its meeting on April 6, 2022, City Council adopted item TE31.12: Danforth Avenue Planning Study (Segment 2 - Don Valley to Coxwell Avenue) - City Initiated Official Plan Amendment and Urban Design Guidelines. The policies have been appealed to the Ontario Land Tribunal (OLT). The City Council Decision is available here:

[Agenda Item History - 2022.TE31.12 \(toronto.ca\)](#)

A Preliminary Report on this proposal was adopted by Toronto and East York Community Council on November 24, 2021 authorizing staff to hold a Community Consultation Meeting with an expanded notification area. The Toronto and East York Community Council Decision is available here: [Agenda Item History - 2021.TE29.33 \(toronto.ca\)](#)

## SITE AND SURROUNDING AREA

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**Description:** The site is located at the northwest corner of Broadview Avenue and Pretoria Avenue. It is square in shape and approximately 1,625 square metres in size with approximately 40 metres of frontage on each of Broadview Avenue and Pretoria Avenue. The site is currently occupied by a low-rise commercial building and low rise semi-detached residential buildings fronting onto Broadview Avenue, with a Toronto Parking Authority (TPA) surface parking lot on the west portion of the property fronting onto Pretoria Avenue.

**Official Plan Designation:** The site is located on lands shown as an Avenue on Map 2 of the Official Plan's Urban Structure Map and *Mixed Use Areas* on Map 18 of the Official Plan's Land Use Maps. It is located within Character Area A of Broadview Avenue Site and Area Specific Policy 509 (SASP 509).

**Zoning:** The site is split zoned:

838 Broadview Avenue is zoned MCR T2.5 C0.5 R2.5 under Zoning By-law 438-86 and has not been included in the City-wide Zoning By-law 569-2013. The zone provisions limit the combined commercial and residential density to 2.5 times the area of the lot, with commercial density being no more than .5 times the area of the lot. The maximum height permitted in this zone is 14 metres.

840,842 and 844 Broadview Avenue is zoned CR 2.5 (c0.5; r2.5) SS2 (x1578) in City-wide By-law 569-2013. This zone category permits commercial and residential uses and permits mixed use buildings, apartment buildings and townhouses. The zone provisions limit the combined commercial and residential density to 2.5 times the area of the lot, with commercial density being no more than .5 times the area of the lot. The maximum height permitted in this zone is 14 metres.

See Attachment No. 5 to this report for the Existing Zoning By-law Map.

## **Surrounding Land Uses:**

**North:** is 846-850 Broadview Avenue, a three storey residential building listed on the City's Heritage Register. Further north on the east and west sides of Broadview Avenue are a mix of commercial and residential uses in low and mid-rise buildings.

**South:** of Pretoria Avenue on the east and west side of Broadview Avenue are two and three storey mixed use buildings with commercial uses on the ground floor. Further south approximately 200 metres is the Broadview Avenue Subway Station at Broadview and Danforth Avenue.

**East:** of Broadview Avenue is 817 Broadview Avenue, a two storey commercial building listed on the City's Heritage Registry. Further east is a low rise residential neighbourhood.

**West:** is a low rise residential neighbourhood. Further west are high rise residential buildings which are adjacent to the Don Valley Ravine to the west.

## **THE APPLICATION**

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**Description:** A 9 storey (31.7 metres, inclusive of the mechanical penthouse) mixed use building.

**Density:** 4.29 times the area of the lot.

**Dwelling Units and Amenity Space:** 107 residential dwelling units are proposed, including 18 affordable housing units. A total of 428 square metres of amenity space (4.0 square metres per unit) is proposed, consisting of 214 square metres of indoor amenity space (2.0 square metres per unit) and 214 square metres of outdoor amenity space (2.0 square metres per unit).

**Retail:** The proposal includes a 536 square metre commercial space located along the Broadview Avenue frontage.

**Access, Parking, and Loading:** is proposed via driveway on the west portion of the site with a one way access on Pretoria Avenue and a one way exit onto Broadview Avenue. An underground parking lot containing 74 vehicle parking spaces is proposed, including 35 TPA spaces. Loading is proposed within the driveway on the west portion of the site.

## **Additional Information**

See Attachment No. 1 to this report for the location map, Attachment No. 2 for the project data, Attachment No. 8 for the site plan, Attachments No. 9-10 for a three dimensional representation of the current proposal in context, and Attachments No. 11-14 for the elevations.

The current proposal incorporates revisions from the original application:

- Increased building height from 8 storeys (inclusive of the mechanical penthouse) to 9 storeys (inclusive of the mechanical penthouse);
- Increased density from 4.2 to 4.29 times the area of the lot;
- Increased unit count from 87 (including 16 affordable housing units) to 107 (including 18 affordable housing units);
- Removal of protruding balconies along the northern part of the development on Broadview Avenue creating a distinct 5-storey street wall, reducing the appearance of massing;
- Reduced street wall height along Pretoria Avenue from 6 to 4 storeys, with a 2 metre step back introduced at above the 4th floor for much of the Pretoria Avenue frontage;
- Stepping down the south west corner of the building at the 5th and 6th floors to provide a transition to the *Neighbourhood* to the west;
- Stepping down of the building on the north east corner above the 6th floor with a step back to provide transition to the listed heritage building north of the site;
- Increased amenity space from 3.2 to 4.0 square metres per unit;
- Increased bike parking spaces from 72 to 96, with additional spaces to be provided within the public boulevard; and
- Increased vehicle parking spaces from 72 to 74 parking spaces (including 35 Toronto Parking Authority Spaces).

## **Reasons for Application**

An Official Plan Amendment is required to amend Chapter 7, Site and Area Specific Policy 509 (BAPS) for the lands at 838, 840, 842, and 844 Broadview Avenue in order to permit the construction of a new mid rise development to a maximum height of 9 storeys.

City Council at the December 2019 meeting directed staff to initiate an Official Plan amendment in the context of an application at 838 Broadview Avenue to support the addition of 16 affordable housing units. The Supplementary Report identifies that through the development review and community consultation process, an appropriate site plan and built form will be identified.

The Zoning By-law Amendment Application has been submitted in order to amend City-wide Zoning By-law 569-2013 and former City of Toronto Zoning By-law 438-86 to permit an increase in overall height and density on the site and modify performance standards such as those for height, angular plane, and vehicle and bicycle parking.

## **Site Plan Control**

The proposal is subject to Site Plan Control. A Site Plan Control application has been submitted and is under review.

## **Provincial Land Use Policies**

The application has been reviewed to determine its consistency with the Provincial Policy Statement (2020) (PPS), conformity with A Place to Grow: Growth Plan for the

Greater Golden Horseshoe (2020) (Growth Plan), and conformity to the City's Official Plan. 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. The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the Greater Golden Horseshoe region.

## **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 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. A subset of the City's MTSAs are identified as potential Protected Major Transit Station Areas (PMTSAs), primarily where there is overlap with the Council approved Inclusionary Zoning (IZ) policy framework's Market Areas 1, 2 & 3. Link to Council decision: [Agenda Item History - 2021.PH28.1 \(toronto.ca\)](#).

The site is located within the IZ Market Area 2 and within the draft Broadview PMTSA, which is currently the subject of consultation. A draft of the Broadview PMTSA was presented to Planning and Housing Committee on December 15, 2021, Link to item: [Agenda Item History - 2022.PH30.4 \(toronto.ca\)](#).

## **Holding Provision**

Under the *Planning Act*, Council can pass a “holding” zoning by-law that places an “H” symbol over the zoning and spells out the conditions that must be met before the “H” symbol is removed and the lands can be developed.

To remove the "H", the Draft Zoning By-law stipulates that satisfactory arrangements must be made with the Chief Engineer and Executive Director, Engineering and Construction Services, including any necessary agreements with the City for the design and construction of improvements to the municipal infrastructure.

The draft zoning by-law recommended for approval includes a holding provision ("H") limiting the development of the site until such time as field investigations and a hydrant flow test are conducted, the Functional Servicing Report is updated and submitted to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the appropriate easements are secured that are required to service the development.

## **Agency Circulation**

The application together with the reports/studies submitted in support of the application have been circulated to all appropriate agencies and City Divisions. Responses



received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards.

## **COMMUNITY CONSULTATION**

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A virtual Community Consultation Meeting was held on January 18, 2022 with approximately 80 people in attendance. At the meeting City staff and the applicant's team gave presentations on the site and surrounding area, the existing planning framework, and the proposed development. Following the presentations, City staff led a question and answer format meeting. Comments and questions provided by the meeting attendees included:

- Height and massing: Many people commented the scale and size of the project should be increased to support additional affordable housing on the site. A smaller number of people also commented the height and massing of the project should be reduced to six storeys and conform to the angular plane guidelines in the Broadview Avenue Urban Design Guidelines;
- Affordable Housing: Encourage the provision of more housing and more affordable housing at this site, especially given its proximity to higher order transit;
- Parking: feedback on this issue was divided. Most of the concerns raised were that too much vehicle parking was being proposed on-site and that the Toronto Parking Authority (TPA) should reduce or eliminate their parking infrastructure with the money re-allocated to providing more affordable housing on site. A number of people commented the TPA parking is required and expressed concerns the amount of parking provided is not sufficient;
- Bicycle Parking: Encourage the provision of more bicycle parking on site and that the affordable housing units should have access to bicycle parking;
- Traffic: Concerns about the increase in vehicle traffic impacts from the proposal and vehicle access on Pretoria Avenue;
- Energy Efficiency: Materials and design should promote energy efficiency. Support for the use of brick in the design; and
- Construction Management: Concerns about construction management.

The issues raised through community consultation have been considered through the review of the application. Comments with respect to the proposed height and massing and traffic are addressed in the Comments section below. The gross floor area of the building has increased slightly, with more units and more affordable housing units being proposed. More bicycle parking has been proposed, The detailed building design, including proposed materials, and the construction management plan will be addressed during the Site Plan Control review process.

## Statutory Public Meeting Comments

In making their decision with regard to this application, Council members have had an opportunity to view the oral submissions made at the statutory public meeting held by the Toronto and East York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

## COMMENTS

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

The proposal has been reviewed and evaluated against the PPS and the Growth Plan. Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan.

#### Land Use

The Official Plan states that lands designated as *Mixed Use Areas* are intended to achieve many planning objectives by combining a wide range of residential, office, retail and service uses. SASP 509 states that development will complement, build upon and strengthen the physical area and ensure compatibility between existing and future development. The proposed development is located in SASP 509's Character Area "A" which is described in the implementing Broadview Urban Design Guidelines as a main street, with commercial uses at grade. Intensification in the form of a mixed-use, mid-rise building is anticipated. As such, the proposed mix of residential and commercial uses is consistent with the land use provisions of the Official Plan, SASP 509, design guidelines, and existing land uses in the area.

#### Density

The site is located approximately 200 metres north of the Line 2 Broadview Subway Station at Danforth and Broadview Avenue and is within the draft Broadview PMTSA. The Danforth Study adopted by City Council at its April 6, 2022 meeting recommends further study work at the Broadview and Danforth Avenue interchange station area linked to policy driven work on MTSAs, in accordance with Provincial Policy. This work may introduce additional policies and guidance for higher densities, in accordance with Provincial Policy.

The Official Plan land use designation of the site and surrounding area permits intensification. The application proposes a density of 4.29 times the lot area and employs a series of setbacks and stepbacks to articulate the massing and scale to ensure that the development fits the site and its context. Staff have recommended that the bills for this application be withheld until Development Engineering staff are satisfied that there is sufficient infrastructure capacity to support the development. City Planning staff finds that the proposed density at this location to be acceptable.

## Built Form

City Planning staff finds that the proposal is consistent with the applicable Official Plan policies with respect to built form, massing and transition adjacent to *Neighbourhoods* and in line with recent direction in the Danforth Study Urban Design Guidelines for a modified mid-rise form. The proposed building is a modified mid-rise form, supporting generous sunlight on the Broadview Avenue sidewalk as well as setbacks and stepping down of heights to provide a gradual transition in scale to the low rise neighbourhood to the west, while also allowing for larger mid-rise floor plates. The 9th floor includes amenity area and the mechanical penthouse and will not contain any dwelling units.

The proposed building would have a height of nine storeys (31.7 metres inclusive of the mechanical penthouse). There would be a 6 storey massing at the corner of Broadview and Pretoria Avenues with a street wall height of 5 storeys (or 16 metres) for much of Broadview Avenue and 4 storeys for much of Pretoria Avenue.

The building would be setback at the ground floor 1.2 metres from the front (Broadview Avenue) property line providing a 4.9 metre curb to building setback, in line with the Mid-rise Building Guidelines and the Broadview Avenue Urban Design Guidelines. For much of the Broadview Avenue frontage there would be 5 storey street wall height with additional setbacks above each of the 5th, 6th, 7th floors and 8th floors.

A 1 metre setback from the south side property line (Pretoria Avenue) is proposed which would provide a curb to building setback of 7.4 metres, in line with the Mid-rise Building Guidelines and the Broadview Avenue Urban Design Guidelines. For much of the Pretoria Avenue frontage there would be a 4 storey street wall height, with a 2.1 metre setback above the fourth storey and a 2.1 metre setback above the 6 storey massing at the corner. Additional setbacks are proposed above the 7th and 8th storeys.

Next to the low rise neighbourhood to the west, the building would be setback a minimum of 7.5 metres from the property line at the ground floor. There would be a 3.2 metre setback above the 1st floor for much of the building, with the exception of a portion of the building facing Pretoria Avenue, this element is stepped back 3.2 metres above the 4th floor. The building would continue to step back at the rear with the 9th floor setback 20 metres from the property line.

There would be a minimum of a 2.5 metre setback to the north at the ground floor. As further detailed in the Transportation Section of this report, the applicant will be required to demonstrate that they have secured the appropriate easement or site layout to facilitate the proposed vehicle circulation on site. There would be a 1.8 metre setback above the 6th floor for the portion of the building facing Broadview Avenue.

City Planning staff finds the overall height and massing proposed at this corner location acceptable. The massing of the building has been articulated to provide an appropriate street wall height along both Broadview and Pretoria Avenues. The upper floors have been setback so as to reduce the appearance of the building at the ground level and limit shadow impacts. The building provides setbacks and setbacks at the rear of the property to provide a transition in scale to the neighbourhood to the west. To mitigate privacy concerns to the neighbourhood to the west, design solutions for balconies at the

rear of the building will include elements such as opaque materials and planters, to be secured through the Site Plan Control process. The setbacks at the ground floor provide curb to building face setbacks in line with the Mid-rise Building and Broadview Avenue Urban Design Guidelines.

### **Shadow Impact**

The Built Form policies of the Official Plan state that new development will limit its impact on neighbouring streets, parks, open spaces and properties.

The submitted Shadow Study shows the proposal casting shadows on the backyards of the homes west of the site on the same block on Pretoria Avenue and the backyards of the first two houses fronting onto Cambridge Avenue in the morning before 12:18 PM on March 21st and September 21st. The proposal would allow for over 5 hours of sunlight on the opposite side of Broadview Avenue with shadows cast from 4:18PM onward on March 21st and September 21st. The proposal does not cast any shadows on any existing parks.

City Planning staff finds the proposal adequately limits shadow impacts on adjacent *Neighbourhoods* and Broadview Avenue, including during the spring and fall equinoxes.

### **Wind Impact**

A Pedestrian Level Wind Study was submitted in support of the application. The study indicates that the surrounding public realm and building entrances will experience wind conditions that are acceptable for the intended use.

City Planning staff have reviewed the Pedestrian Level Wind Study and are satisfied with the assessment and conclusions contained within the study. An assessment of the wind conditions at the proposed amenity spaces will be reviewed as part of the Site Plan Control review process.

### **Affordable Housing**

At its meeting on December 17, 2019, City Council adopted item PH11.9: Affordable Rental Housing Opportunity at 838 Broadview Avenue, authorizing the City enter in the Agreements of Purchase and Sale with the owner of 840, 842, and 844 Broadview Avenue to acquire up to 16 condominium dwelling units to be developed at 838, 840, 842, and 844 Broadview Avenue. A condition of the sale of the City owned lands at 838 Broadview Avenue is the construction of new affordable housing units. These units will be purchased by the City of Toronto and leased to a community non-profit housing group to be operated as affordable rental housing for a minimum of 50 years. The new affordable housing is funded in part through the sale and development of the City-owned property at 838 Broadview Avenue alongside the mixed-use development of the adjoining privately-owned properties at 840 to 844 Broadview Avenue as well as City funds.

The proposed development now includes 18 affordable housing units out of a total of 107 units.

## **Rental Housing**

Policy 3.2.1.12 of the Official Plan states that new development that would have the effect of removing all or part of a private building or related group of buildings, and would result in the loss of one or more rental units or dwelling rooms, will not be approved unless an acceptable tenant relocation and assistance plan is provided to lessen hardship for existing tenants.

Policy 3.1.1.12 was approved by City Council on June 18, 2019 with the adoption of OPA No. 453. OPA No. 453 was subsequently appealed to the Ontario Land Tribunal. On October 25 2021, Policy 3.2.1.12 was brought into full force and effect except for one site-specific appeal.

Since the proposed development would require the demolition of an existing building comprised of five (5) rental dwelling units, Policy 3.2.1.12 of the Official Plan applies to this proposal and the applicant is required to develop and implement an acceptable tenant relocation and assistance plan to mitigate hardship for one impacted tenant. This plan will be secured through a legal undertaking by the owner prior to the enactment of the Zoning By-law Amendment and implemented prior to the issuance of Notice of Approval Conditions for Site Plan Approval.

## **Unit Mix**

A total of 107 residential units are proposed, consisting of 8 studio units (7.5%), 74 one-bedroom units (69%), 15 two-bedroom units (14.5%), and 10 three-bedroom units (9%), for a total of 6,430 square metres of residential gross floor area. Included in the 107 total are 18 affordable housing units consisting of 2 studio units (11%), 13 one-bedroom units (72.5%), 1 two-bedroom unit (5.5%) and 2 three bedroom units (11%)

The proposal generally meets the intent of the unit mix objectives of the Growing Up: Planning for Children in New Vertical Communities Urban Design Guidelines (Growing Up Guidelines) to provide a minimum of 15% two-bedroom units and 10% three-bedroom units within new developments.

Official Plan policies state that a full range of housing will be provided and maintained to meet the needs of current and future residents, including affordable housing. The Growth Plan also contains policies to support the development of affordable housing and a range of housing to accommodate the needs of all household sizes and incomes. The unit mix, with the provision of 18 affordable housing units, meets these policy directions.

## **Real Estate Transaction**

City Council approved an Agreement of Purchase and Sale dated July 22, 2021, for the sale of 838 Broadview Avenue to the owners of 840-844 Broadview Avenue on certain terms and conditions including the acquisition of a public parking garage and affordable housing. Delegated Real Estate approval has been sought for amendments to the

Agreement of Purchase and Sale to accommodate the current project as described in this report.

## **Amenity Space**

Amenity space for building residents is proposed on the ground floor and the 9th floor at a rate that meets the minimum requirement of 4 square metres of amenity space per dwelling unit (of which at least 2 square metres shall be indoor) contained in Zoning By-law 569-2013.

Detailed design of the amenity space, including provisions for households with children (Growing Up Guidelines) and pets (Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings) will be reviewed and secured through the Site Plan Control review process.

## **Public Realm**

As previously discussed, the building has been setback from the property lines along Broadview Avenue and Pretoria Avenue. The upper floors of the building on both frontages have been stepped back to mitigate pedestrian height perception.

The distance between the building and the street curb along Broadview Avenue will be approximately 4.9 metres allowing for a planting area, street furnishing zone and a pedestrian clearway of 2.1 metres. This required minimum clearway is provided in part on private land, which will require a Pedestrian Clearway Easement to be secured as part of the Site Plan Control process.

Commercial/retail uses will be maintained at grade along Broadview and wrap around the corner at Pretoria Avenue to continue the local retail nature of this segment of Broadview Avenue. Retail entrances along Broadview Avenue have been recessed to prevent open door swing encroachments into the pedestrian clearway and to reflect the main street character of the street.

For Pretoria Avenue the distance between the building and the street curb would be approximately 7.3 metres. This will allow for a planted area and street furnishing zone with a 2.1 metre wide pedestrian clearway, which transitions to the west to the existing sidewalk adjacent to the curb.

A Landscape Concept Plan submitted in support of the application shows four new street trees, planter beds, benches, and bike rings within the public realm adjacent to the subject site. Further detailed design of the public realm will be addressed during the Site Plan Control review process.

## **Parkland**

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. The City of Toronto [Parkland Strategy](#) is a 20-year strategic city-wide plan that guides long-term planning for new parks, park expansions and improvements, and improved access to existing parks. The Strategy

includes a new methodology to measure and assess parkland provision, using the baseline of residential population against the area of parkland available across the city. According to the Strategy's methodology, the development site is currently in an area with 28 + m2 of parkland per person, which is comparable to the city-wide average provision of 28 m2 of parkland per person (2016)

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through a cash-in-lieu payment. The residential component of this proposal is subject to a 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. Payment will be required prior to the issuance of the first above grade building permit.

### **Tree Preservation**

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813, Trees, Articles II (Trees on City Streets) and III (Private Tree Protection), commonly referred to as the 'Street Tree By-law' and the 'Private Tree By-law'.

The applicant submitted an Arborist Report, Tree Protection and Removal Plan, and Landscape Plan in support of the application. There are 10 trees proposed to be removed, three along the Pretoria Avenue frontage. The applicant has proposed four trees, two each within the Broadview and Pretoria Avenue right of way.

Staff will confirm the final number and location of street trees as part of the Site Plan Control review process.

### **Traffic Impact, Access, Loading and Parking**

#### **Traffic Impact**

Transportation Services staff have reviewed the Transportation Impact Assessment dated February 2021 submitted in support of the application and accepted its conclusions. Additional comments related to site access arrangements, site circulation and layout and requirements for electric vehicle infrastructure will be provided through the Site Plan Control review process.

#### **Access and Loading**

Vehicular access for parking and loading would be provided from a 13 metre wide driveway on the west portion of the site with a one way access on Pretoria Avenue and a one way exit onto Broadview Avenue. One loading space is proposed within the driveway on the west portion of the site. The provision of one loading space is acceptable to staff.

Transportation Services had requested a review of the feasibility of re-orienting either the loading space or the site driveway to minimize the width of this consolidated curb cut. Due to the Toronto Parking Authority's sightline requirements along with the ground

floor constraints, no other access option functionally exists for the subject site. As such, the access is accepted by Transportation Services

Materials submitted in support of the application appear to show truck manoeuvres over the north property line into the adjacent property. The applicant will be required to demonstrate that they have secured the appropriate easement to permit use of the adjacent property, or an alternative solution to permit the proposed truck manoeuvres to the satisfaction of the Transportation Services staff. This has been included as a requirement for lifting of the Holding provision recommended for this site.

## **Parking**

The 838 Broadview Avenue portion of the proposed development is subject to Former City of Toronto Zoning By-law 438-86, while 840-844 Broadview is governed by the requirements of 569-2013 – Policy Area 4 (PA4). As per the City Council decision from December 17, 2019, no parking is required for the 18 affordable units.

The applicant is seeking a reduction in the parking rate for this development and is proposing to provide 39 parking spaces for the use of residents, An additional 35 parking spaces are proposed in the TPA paid commercial lot on level P1, which could be used by visitors to the building. Transportation Services accepts the proposed parking supply. Transportation Services will be further securing Transportation Demand Management provisions as part of the Site Plan Control review process, including a 1 year car share or bike share membership, pre-loaded presto card and a bike repair station to be provided on-site.

A total of 96 bicycle parking spaces for residents of the building are proposed on the ground floor and 11 bicycle parking spaces for visitors within the boulevard on Broadview and Pretoria Avenue. The proposed resident bicycle spaces meet the Zoning By-law requirements and the provision of visitor parking within the public right of way is acceptable to staff.

## **Servicing and Stormwater Management**

Engineering and Construction Services staff have reviewed the submitted materials and have identified several outstanding items that require further analysis, testing and review. This includes the need for storm and sanitary sewer capacity analysis, hydrant flow testing to determine adequate pressure and flow for firefighting purposes and revisions to the Functional Servicing and Stormwater Management Report.

The draft by-laws attached to this report requires that the zoning be subject to a holding provision ("H") until such time as the landowner has conducted the necessary field investigations and tests and updated the appropriate reports to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

## **Toronto Green Standard**

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law



Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS. As noted above, the applicant is not meeting the soil volume requirement for Tier 1. 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 2040 or sooner.

### **Archaeological Assessment**

A Stage 1 Archaeological Resource Assessment was submitted in support of the application. City staff have reviewed the report and agree with the conclusions that there are no further archaeological concerns regarding the subject property.

### **Conclusion**

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), and the Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and conforms with the Growth Plan (2020). Furthermore, the proposal is in keeping with the intent of the Official Plan, particularly as it relates to the provision of an appropriate mix of residential and non-residential uses, the provision of a mix and range of housing, including affordable housing and a built form which provides intensification in close proximity to higher order transit, an appropriate relationship to the surrounding public realm and a suitable transition to adjacent Neighbourhoods. Staff recommend that Council approve the policy and zoning changes to allow for the proposal.

### **CONTACT**

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Seanna Kerr, Senior Planner  
Telephone: 416-395-7053  
E-mail: Seanna.Kerr@toronto.ca

### **SIGNATURE**

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

## **ATTACHMENTS**

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### **City of Toronto Data/Drawings**

- Attachment 1: Location Map
- Attachment 2: Application Data Sheet
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Secondary Plan Character Areas Map
- Attachment 5: Existing Zoning By-law Map
- Attachment 6: Draft Official Plan Amendment
- Attachment 7: Draft Zoning By-law Amendment

### **Applicant Submitted Drawings**

- Attachment 8: Site Plan
- Attachment 9: 3D Model of Proposal in Context - Northwest
- Attachment 10: 3D Model of Proposal in Context - Southeast
- Attachment 11: East Elevation
- Attachment 12: South Elevation
- Attachment 13: West Elevation
- Attachment 14: North Elevation

Attachment 1: Location Map



## Attachment 2: Application Data Sheet

Municipal Address: 838-844 Date Received: August 25, 2021  
 BROADVIEW AVE

Application Number: 21 204171 STE 14 OZ

Application Type: Rezoning

Project Description: Zoning By-law Amendment Application to facilitate the development of an 9-storey mixed-use building having a non-residential gross floor 542 square metres, and a residential gross floor area of 6429 square metres. A total of 107 residential dwelling units are proposed, of which 18 are proposed as affordable rental units.

Applicant	Architect	Owner
WESTON CONSULTING	KIRSHENBLATT	2572344 ONTARIO
905-738-8080	URBAN ARCHITECT	INC & CITY OF
	647-429-3004	TORONTO

### EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	SASP 509
Zoning:	CR2.5 (c0.5; r2.5) SS2	Heritage Designation:	
Height Limit (m):	14	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq m): 1,626 Frontage (m): 40 Depth (m): 40

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			1,044	1,044
Residential GFA (sq m):			6,430	6,430
Non-Residential GFA (sq m):	186		542	542
Total GFA (sq m):	186		6,972	6,972
Height - Storeys:	2		8	8
Height - Metres:			24	24

Lot Coverage Ratio (%) : 64.23 Floor Space Index: 4.29

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

Residential GFA: 6,430  
 Retail GFA: 542  
 Office GFA:  
 Industrial GFA:  
 Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:			18	18
Freehold:				
Condominium:			89	89
Other:	3			
Total Units:	3		107	107

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			82	15	10
Total Units:			82	15	10

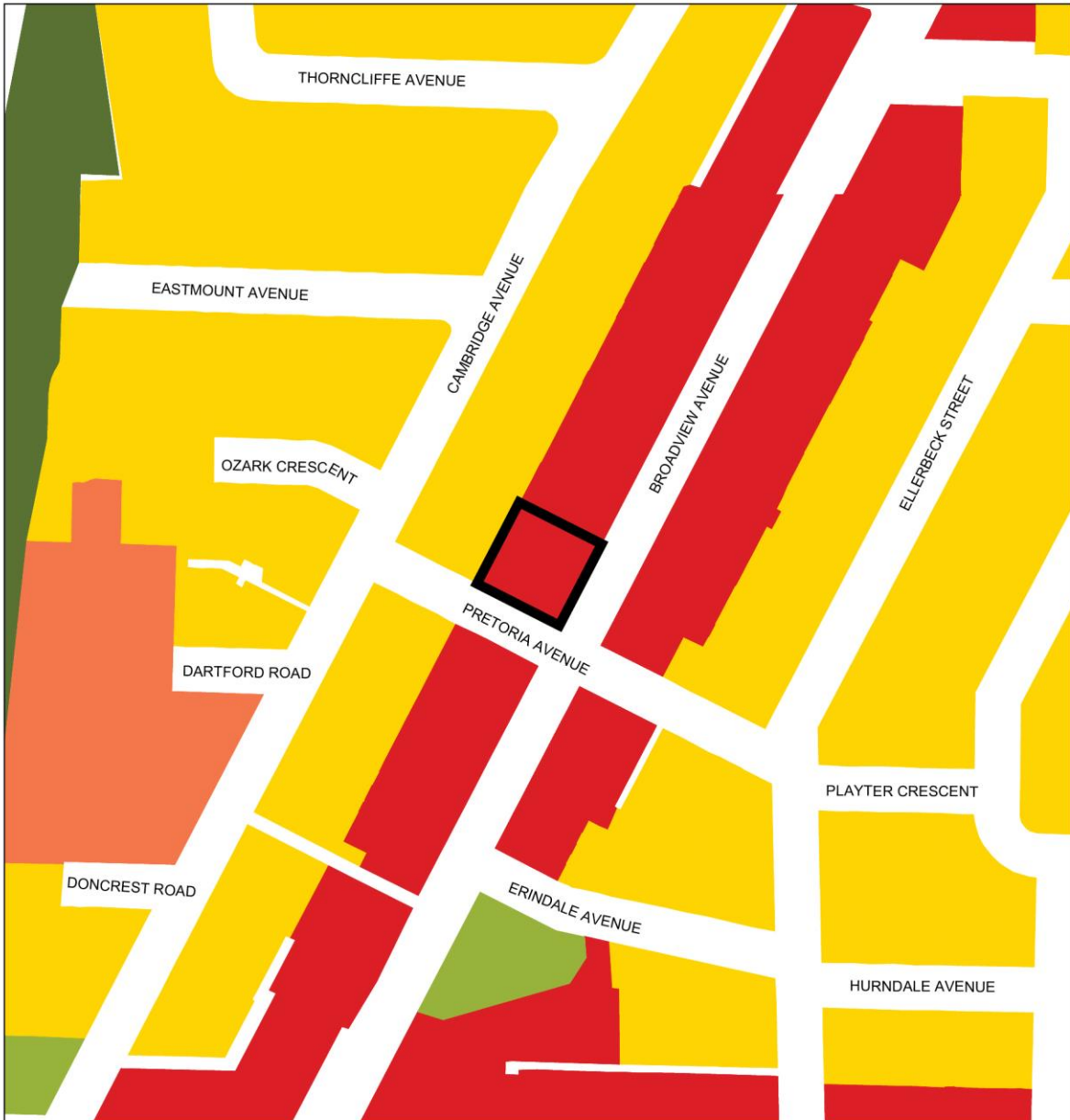
Parking and Loading

Parking Spaces: 74      Bicycle Parking Spaces: 96      Loading Docks: 1

CONTACT:

Seanna Kerr, Senior Planner  
 416-395-7053  
 Seanna.Kerr@toronto.ca

Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #17

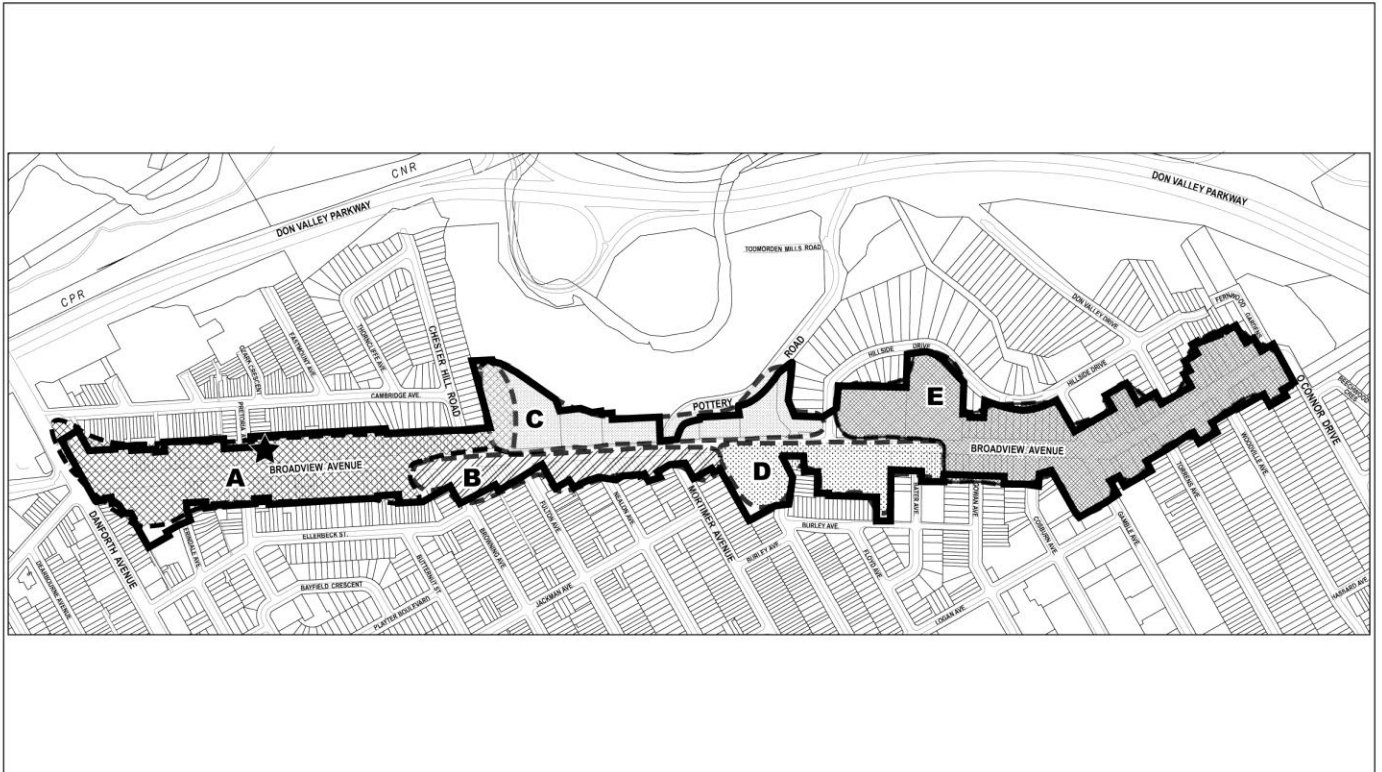
838-844 Broadview Avenue

File # 21 204171 STE 14 0Z

- Location of Application
- Neighbourhoods
- Apartment Neighbourhoods
- Mixed Use Areas
- Natural Areas
- Parks

Not to Scale
   
 Extracted: 10/15/2021

Attachment 4: Secondary Plan Map



**Broadview Avenue Planning Study**  
Character Areas Map

838-844 Broadview Avenue

File # 21 204171 STE 14 0Z



Location of Application

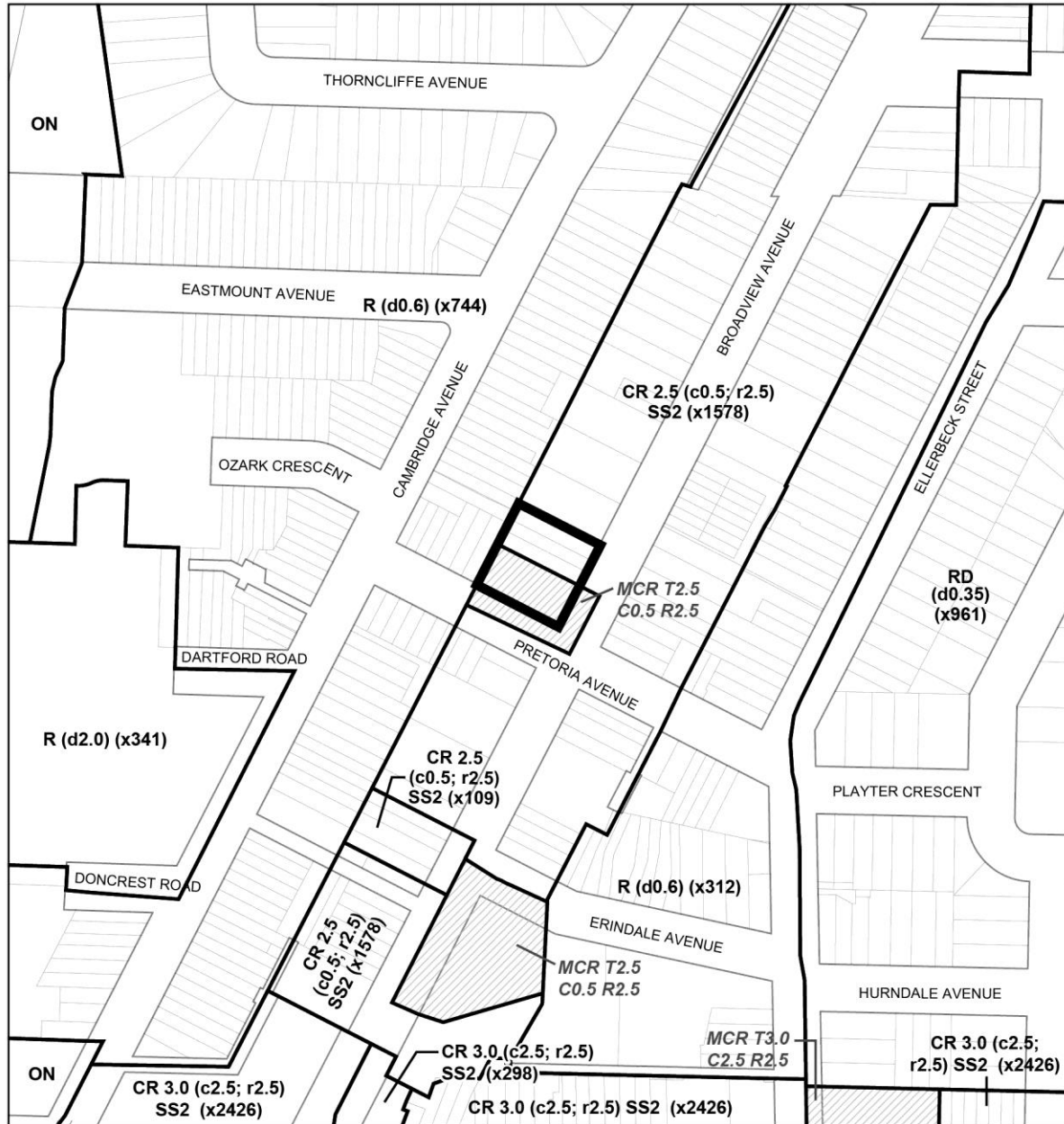


Broadview Avenue Planning Study - Study Area



Not to Scale  
05/12/2022

Attachment 5: Existing Zoning By-law Map



Zoning By-law 569-2013

838-844 Broadview Avenue

File # 21 204171 STE 14 0Z

-  Location of Application
- R** Residential
- RD** Residential Detached
- CR** Commercial Residential
- ON** Open Space Natural
- UT** Utility and Transportation

 See Former City of Toronto By-law No. 438-86  
MCR Mixed-Use District

  
Not to Scale  
Extracted: 10/15/2021



Attachment 6: Draft Official Plan By-law Amendment

CITY OF TORONTO

BY-LAW No. XXX-2022

To adopt Amendment No. XXX to the Official Plan for the City of Toronto with respect to lands known municipally as 838, 840, 842, and 844 Broadview Avenue

Whereas authority is given to Council under the Planning Act, R.S.O. 1990, c.P.13, as amended to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

The Council of the City of Toronto hereby enacts:

1. The attached Amendment No. XXX to the Official Plan is adopted pursuant to the Planning Act, as amended.

ENACTED AND PASSED this      day of                      , A.D. 2022.

JOHN TORY,  
Mayor

(Corporate Seal)

JOHN D. ELVIDGE  
City Clerk

## AMENDMENT NO. XXX TO THE TO THE OFFICIAL PLAN

### LANDS MUNICIPALLY KNOWN IN THE YEAR 2022 AS 838 840 842 and 844 BROADVIEW AVENUE

The Official Plan of the City of Toronto is amended as follows:

1. The City of Toronto Official Plan is amended by adding new policies 5.11, and 5.12 to Site and Area Specific Policy No. 509 of Chapter 7, Site and Area Specific Policies as follows:

#### 838-844 Broadview Avenue

Notwithstanding Policy 4, the properties at 838-844 Broadview Avenue may accommodate new development in mid-rise form up to a height of nine (9) storeys and 33 metres, including the mechanical penthouse. New development will:

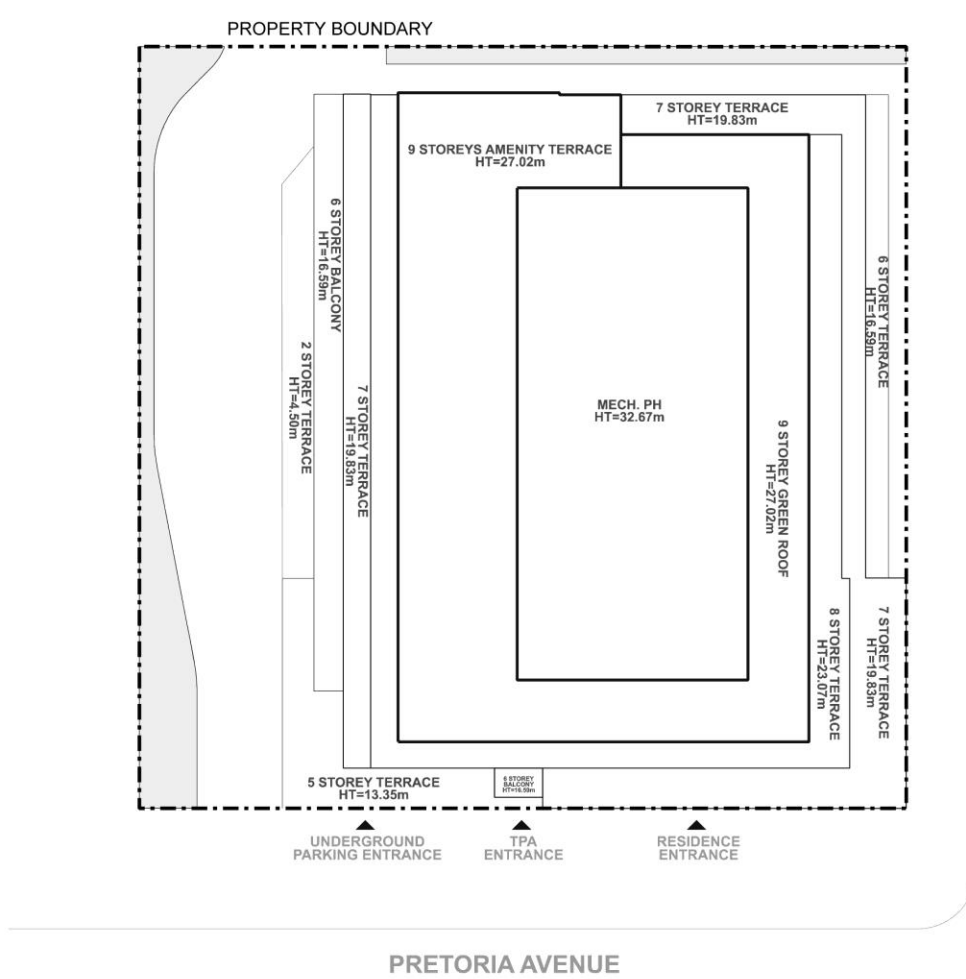
5.11 Provide a built form transition between the Mixed Use Areas along Broadview Avenue and the Neighbourhoods to the west;

5.12 Provide active uses at grade along Broadview Avenue which may include retail or non-profit community services and facilities.

## Attachment 7: Draft Zoning By-law Amendment

The draft By-law will be made available on or before the June 29, 2022 Toronto and East York Community Council Meeting.

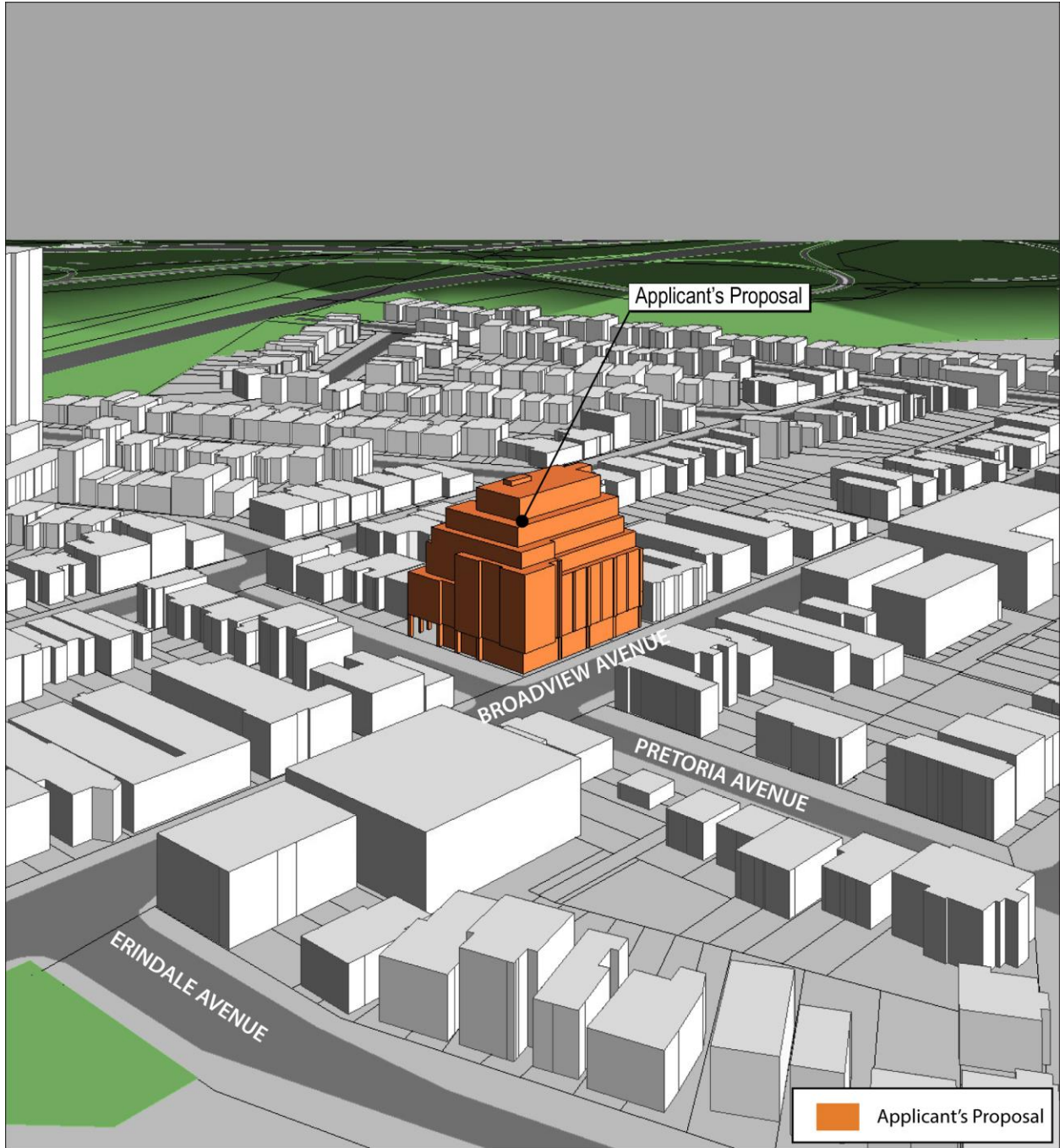
Attachment 8: Site Plan



Site Plan



Attachment 9: 3D Model of Proposal in Context - Northwest



**View of Applicant's Proposal Looking Northwest**



05/17/2022

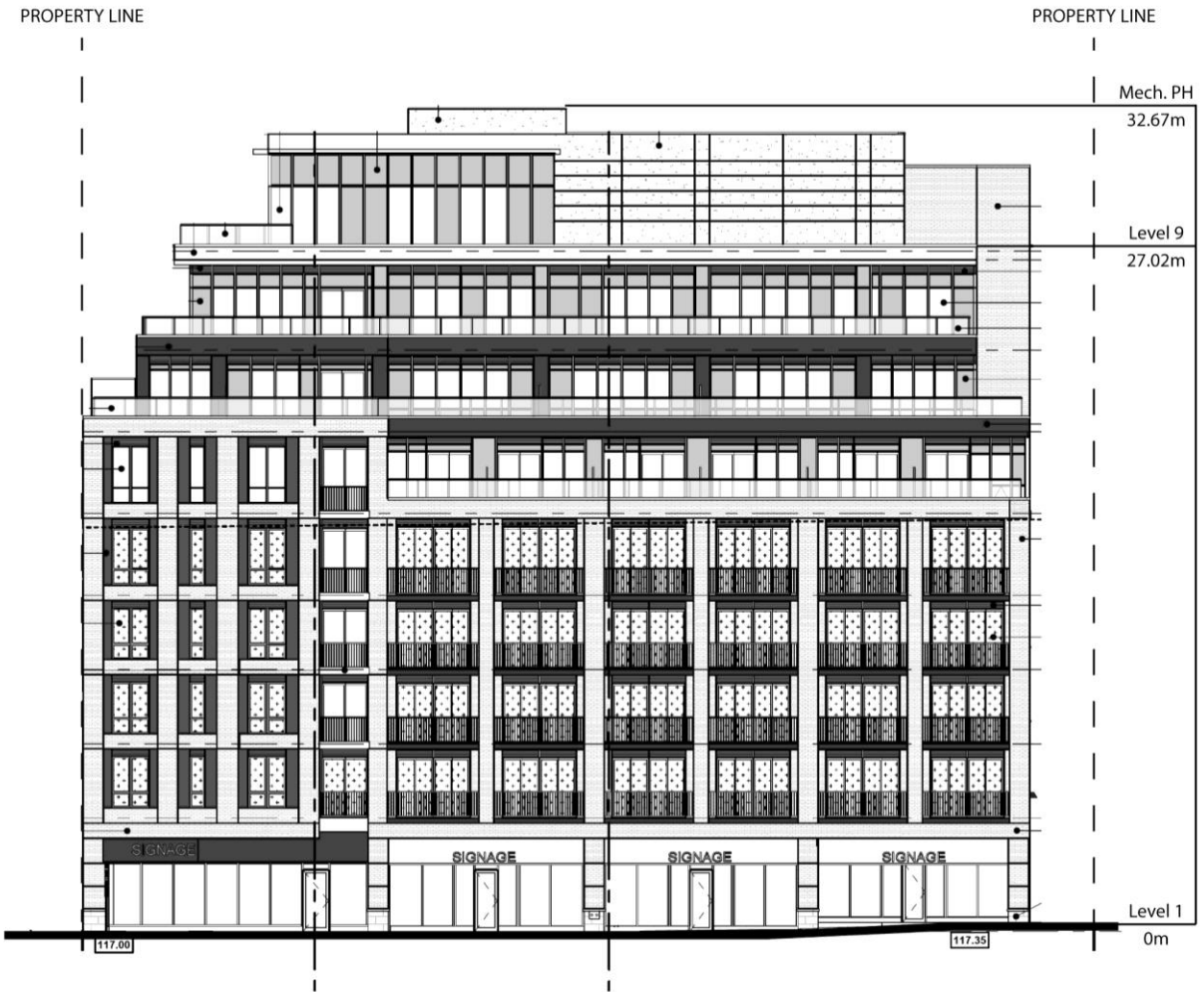
Attachment 10: 3D Model of Proposal in Context - Southeast



**View of Applicant's Proposal Looking Southeast**

↙  
05/20/2022

# Attachment 11: East Elevation



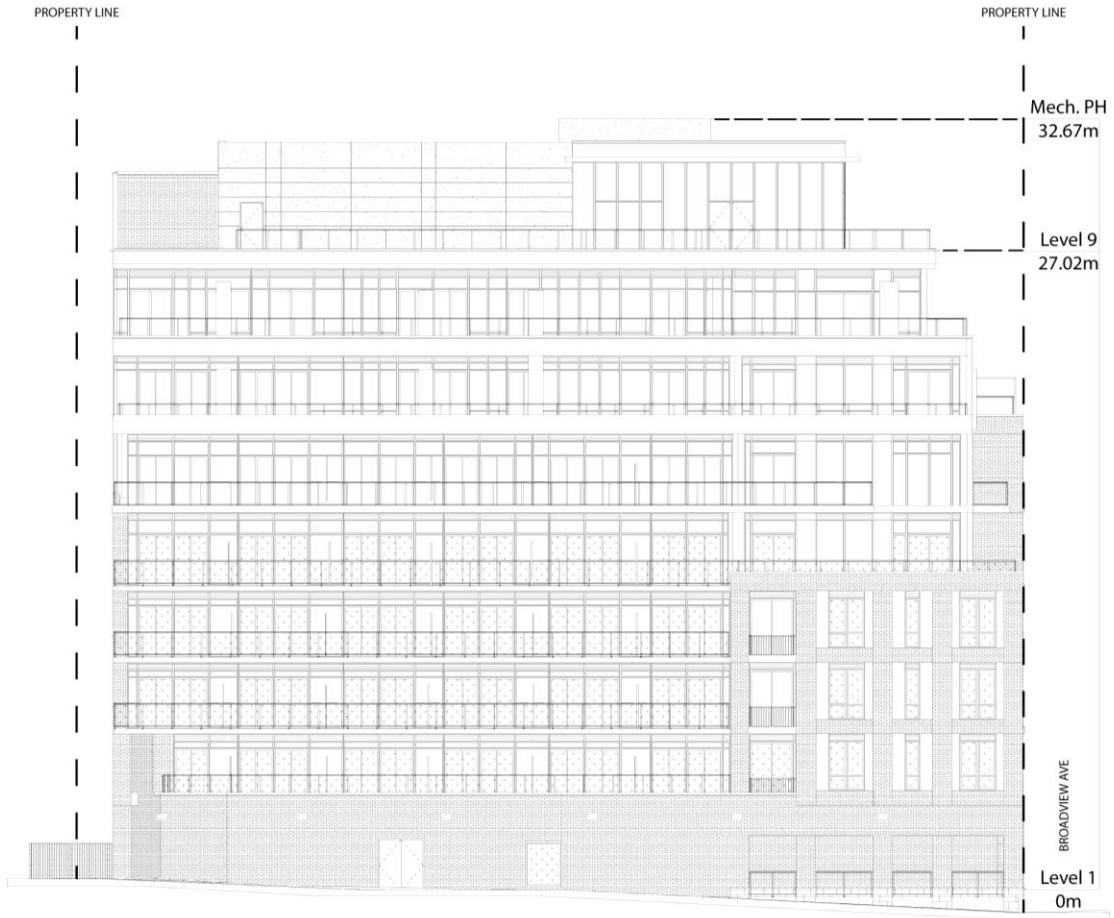
East Elevation

# Attachment 12: South Elevation



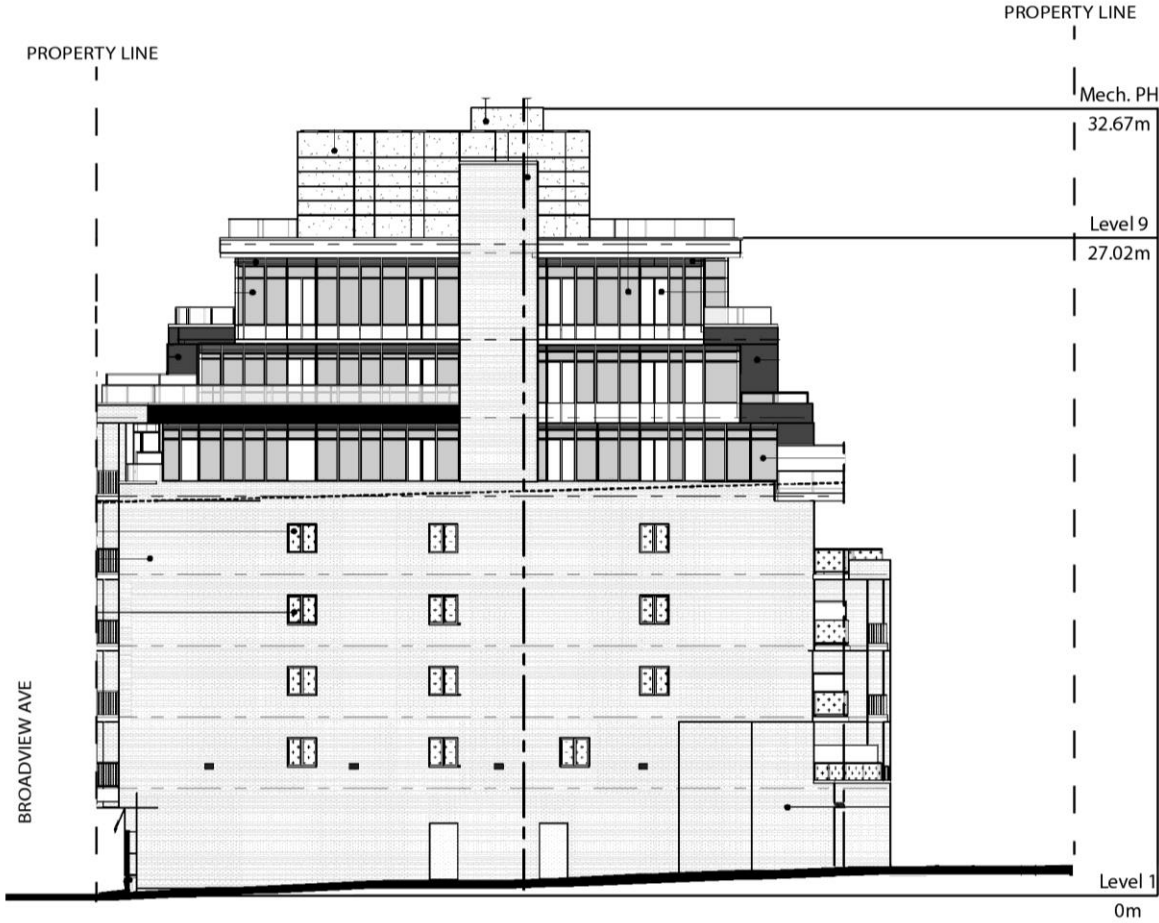


# Attachment 13: West Elevation



## West Elevation

Attachment 14: North Elevation



North Elevation