# **DA TORONTO**

# 124 Broadway Avenue and 136 Broadway Avenue – Zoning By-law Amendment Applications – Request for Direction Report

Date: November 10, 2022 To: North York Community Council From: Director, Community Planning, North York District Ward: 15 - Don Valley West

Planning Application Numbers: 21 169458 NNY 15 OZ and 21 234009 NNY 15 OZ

Related Application: 21 169465 NNY 15 SA and 21 234014 NNY 15 SA

# SUMMARY

On June 14, 2021, a complete zoning by-law amendment application (21 169458 NNY 15 OZ) to amend the Zoning By-law was submitted to permit a 38-storey (119.45 metres high) residential building at 124 Broadway Avenue. A site plan control application (21 169465 NNY 15 SA) for the same was submitted on June 14, 2021.

On January 4, 2022, a complete zoning by-law amendment application (21 234009 NNY 15 OZ) to amend the Zoning By-law was submitted to permit a 12-storey (40.95 metres high) residential building at 136 Broadway Avenue. A site plan control application (21 234014 NNY 15 SA) for the same was submitted on November 4, 2021.

On February 3, 2022 and April 21, 2022, the applicant appealed the Zoning By-law amendment applications to the Ontario Land Tribunal ("OLT") for 124 Broadway Avenue and 136 Broadway Avenue respectively, due to Council not making a decision within the 90-day time frame specified in the *Planning Act*. On July 26, 2022, the OLT consolidated the appeals of both applications because both sites are abutting, the proposed developments would share certain servicing facilities, and are owned by the same landowner.

This report recommends that City Council instruct the City Solicitor with the appropriate City staff to attend the OLT hearing and oppose both zoning by-law amendment applications in their 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 Applications regarding the Zoning By-law Amendment appeals for the lands at 124 Broadway Avenue and the lands at 136 Broadway Avenue.

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 Order(s) be withheld until such time as the City Solicitor advises that:

- a) the final form and content of the draft Zoning By-laws are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
- b) the owner has submitted architectural plans and landscaping plans reflecting the proposals as approved in whole or in part, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- c) the owner has addressed matters related to the adequate and appropriate provision and securing of replacement rental housing in the form of: dwelling units at City-defined affordable rates or ranges for a defined time period, relocation and assistance plan(s) for affected tenants, timing for occupancy, and use and enjoyment of specified unit, building, and land amenities, all to the satisfaction of the Chief Planner and Executive Director, City Planning;
- d) the owner has submitted updated complete Toronto Green Standards (TGS) Checklists and Statistics Templates;
- e) the owner has submitted revised Travel Demand Management Plans acceptable to, and to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services and that such matters arising from such studies be secured if required;
- f) the owner has addressed to the satisfaction of the General Manager, Transportation Services, matters from Transportation Services that are specified in the following:
  - (i) the Engineering and Construction Services' Memorandum dated September 15, 2021 for 124 Broadway Avenue;
  - (ii) the Engineering and Construction Services' Memorandum dated January 19, 2022 for 136 Broadway Avenue; and

- (iii) matters that may arise during the course of the applications;
- g) the owner has addressed to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, matters from Engineering and Construction Services that are specified in the following:
  - (i) the Engineering and Construction Services' Memorandum dated September 15, 2021 for 124 Broadway Avenue;
  - (ii) the Engineering and Construction Services' Memorandum dated January 19, 2022 for 136 Broadway Avenue; and
  - (iii) matters that may arise during the course of the applications.

3. City Council authorize the City Solicitor and appropriate City staff to continue discussions with the applicant to address outstanding issues including, but not limited to, those outlined in this report.

4. City Council authorize 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**

For 124 Broadway Avenue, a Preliminary Report was adopted by North York Community Council on September 13, 2021 authorizing staff to conduct a community consultation meeting with an expanded notification area. The decision of the North York Community Council can be found here:

http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.NY26.9

For 136 Broadway Avenue, a Preliminary Report was adopted by North York Community Council on February 23, 2022 authorizing staff to conduct a community consultation meeting with an expanded notification area. The decision of the North York Community Council can be found here:

http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.NY30.16

# SITE AND SURROUNDING AREA

**Description:** The 124 Broadway Avenue site is generally "L"-shaped and has an approximate area of 3,325 square metres, with a frontage on Broadway Avenue that measures approximately 41 metres. The site has a relatively minor slope downwards

towards the rear lot line, with the exception of a localized steep slope generally located within the middle portion of the eastern part of the site.

Abutting to east is 136 Broadway Avenue. This site is generally rectangular-shaped and has an approximate area of 1564.2 square metres, with a frontage on Broadway Avenue that measures approximately 34 metres. The site has a generally minor slope downwards from the Broadway frontage towards the rear lot line.

#### Existing Uses:

The lands at 124 Broadway Avenue presently supports a 4-storey apartment building with 86 rental units, and underground and surface parking that is accessed from Broadway Avenue and 136 Broadway Avenue presently supports a 6-storey apartment building with 39 rental units and underground parking that is accessed from Broadway Avenue.

Surrounding uses include:

**North:** To the north of the sites are apartment buildings with heights of 5, 13, and 18 storeys, located on 165 Erskine Avenue, 141 Erskine Avenue, and 898-900 Mount Pleasant Avenue, respectively. Further north, is the Erskine Avenue right-of-way, the Redpath Avenue Parkette, apartment buildings at heights of 23-storey and 3.5 storey (166 Erskine Avenue and 168 Erskine Avenue), and a rowhouse complex (924-938 Mount Pleasant Road).

**East:** To the east of the sites is an 18-storey apartment with a 7-storey base building (898 and 900 Mount Pleasant Road), 2-storey residential-above-retail form buildings (894 and 896 Mount Pleasant Road), and Mount Pleasant Road right-of-way.

**South:** To the south of the sites is the Broadway Avenue right-of-way. Further south, are under-construction tall buildings at 34 and 37 storeys (117-127 Broadway Avenue), a 4-storey apartment building (133 Broadway Avenue), and a 19-storey apartment building (890 Mount Pleasant Road).

**West:** To the west of the sites. is an under-construction site for three tall buildings at 21, 33, and 36 storeys (100-120 Broadway Avenue and 223-233 Redpath Avenue). Further west, is the Redpath Avenue right-of-way.

# THE APPLICATION

# Description

	124 Broadway Avenue	136 Broadway Avenue
Height:	38-storey (119.45 metres high, plus a 6.0 metres high mechanical penthouse)	12-storey (40.95 metres high, plus a 6.0 metre high mechanical penthouse).
Gross Floor Area:	33,375 square metres of residential gross floor area	8,061 square metres of residential gross floor area.
Density (Floor Space Index):	10.04	5.15
Unit count: Studio 1-bedroom 2-bedroom 3-bedroom	546 113 (20.7%) 274 (49.6%) 107 (19.6%) 55 (10.1%)	111 - 63 (56.7%) 22 (19.8%) 26 (23.4%)
Vehicular Parking Spaces (residential/visitor/carshare):	115 (94/20/1)	24 (19/4/1)
Bicycle Parking Spaces (short-term/long-term):	548 (56/492)	111 (11/100)

See Attachments 1-5b of this report for a location map, Application Data Sheets, three dimensional representations of the projects in context and site plans of the proposals. The Application Data Sheets contain additional details on the proposals including: site area and dimensions, floor area, unit breakdowns, and parking counts.

Detailed project information including all plans and reports submitted as part of the applications can be found on the City's Application Information Centre at: <a href="https://www.toronto.ca/city-government/planning-development/application-information-centre/">https://www.toronto.ca/city-government/planning-development/application-information-centre/</a>

## **Reasons for Applications**

The applications propose to amend the Zoning By-law to vary performance standards including but not limited to: gross floor area and floor space index; building height; building setbacks; and vehicle parking rates.

The proposals are also subject to Site Plan Control which examines the design and technical aspects of proposed developments to ensure they are attractive and compatible with the surrounding area and contributes to the economic, social and environmental vitality of the City. The site plan applications have not been appealed and are held in abeyance pending the final disposition of the appeals on the zoning by-law amendment applications.

# POLICY CONSIDERATIONS

**Official Plan Designation:** The sites are designated *Apartment Neighbourhoods* on Map 17 of the Official Plan (see Attachment 7a and 7b), and Map 21-4 of the Yonge-Eglinton Secondary Plan (OPA 405) (see Attachments 8a and 8b).

Additionally, in the Yonge-Eglinton Secondary Plan, the sites are located within a 500 metre radius of Mount Pleasant Midtown Station Area and are identified as being within the associated Secondary Zone on Map 21-3 (see Attachments 10a and 10b) and the Redpath Park Street Loop – Apartment Neighbourhoods Character Area on Map 21-2 (see Attachments 9a and 9b).

**Zoning:** Under City of Toronto Zoning By-law no. 569-2013, the sites are zoned Residential (R) with a maximum height of 38 metres and a maximum permitted gross floor area of 2.0 times the lot area (See Attachment 11a).

The sites are also zoned Residential (R2) District under the former Zoning By-law no. 438-86 (See Attachment 11b).

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

# **COMMUNITY CONSULTATION**

For 124 Broadway Avenue, a virtual Community Consultation Meeting was hosted by City staff on October 25, 2021. Members of the public and the Office of the Ward Councillor participated. Comments on the proposed development made by community members during the meeting included matters such as:

- Concerns with and objections to the proposed building height, particularly in the context of the original update to the Yonge-Eglinton Secondary Plan, as adopted by City Council;
- Concerns with podium heights not matching surrounding buildings, including 900 Mount Pleasant and southeast corner of Broadway Avenue and Redpath Avenue;
- Suggestion for taller mid-rise buildings on Avenues, to allow development pressure to be spread evenly;
- Concerns with the loss of greenspace that was characteristic of the area;
- Desire to see more open space between various developments;
- Concerns with existing capacity of infrastructure, community services, and schools to accommodate the proposed development;
- The need for developer to make improvements to the neighbourhood, including community benefits contributions;
- Concerns with overcrowding in nearby transit;
- Appropriately tall buildings will help with affordability for prospective new buyers;
- Affordable housing in exchange for more density and height in the proposed development, should be explored;
- Support for more density and less parking, to address issues such as traffic congestion and the housing shortage;
- Concerns with the removal of affordable housing in the area and the lack of affordable housing in the proposed development;
- Concerns of people being evicted and relocated multiple times, and stress about the affordable housing crisis and the COVID-19 pandemic;
- Concerns with proposed parking not being affordable or sufficient to accommodate the needs of both remaining renters and new residents in the proposed development;
- Construction management concerns including start and duration of construction;
- Concerns with heat island effect from the multiple new buildings; and
- The status of 136 Broadway Avenue and its relation to the proposed development.

For 136 Broadway Avenue, a Community Consultation Meeting has not yet been convened.

## COMMENTS

#### **Provincial Policy Statement (2020)**

Planning staff have reviewed the current proposals against the policies of the PPS, as described in the Policy Considerations Section and Appendix in this report. The Official Plan, as amended, is consistent with the PPS and outlined below is a detailed assessment of the proposed development against the policies of the Official Plan.

#### Growth Plan (2020)

Planning staff have reviewed the current proposals against the policies of the Growth Plan, as described in the Policy Considerations Section and Appendix in this report. The Official Plan, as amended, conforms to the Growth Plan and outlined below is a detailed assessment of the proposed development against the policies of the Official Plan.

#### Land Use

The proposed residential uses conforms with the Official Plan and the Yonge-Eglinton Secondary Plan. The scale of development in the forms of mid-rise and tall buildings are assessed in the following sections of this report.

#### Housing

The proposed building at 124 Broadway does not have a unit mix that meets the policies of the Yonge-Eglinton Secondary Plan.

Additional information on the proposed unit mix, unit sizes, unit layouts, and a table outlining unit sizes and size ranges by bedroom type are required in order to evaluate the application in the context of the Growing Up Guidelines.

On June 11, 2021 and November 4, 2021, the applicant made applications for Rental Housing Demolition permits for 124 Broadway Avenue (21 169468 NNY 15 RH) and 136 Broadway Avenue (21 234017 NNY 15 RH) respectively, pursuant to Chapter 667 of the City of Toronto Municipal Code. Staff is presently reviewing these applications and would recommend that should the OLT approve the appeals in whole or in part, that the requirements required to support the rental housing demolition applications be secured prior to the issuance of any Final Order on the appeals.

#### **Built Form and Massing**

Planning staff have reviewed the proposed built form, including height, massing and transition, against the policies of the Official Plan, the Yonge-Eglinton Secondary Plan, and relevant design guidelines.

The built form of the proposed building at 124 Broadway, does not conform with the relevant policies of the Official Plan and the Yonge-Eglinton Secondary Plan, as informed by relevant Design Guidelines. The proposed building is too tall at a base

building height of 8-storeys plus mezzanine and an overall height of 38-storeys, based on the proposal not providing adequate side yard setbacks, tower stepback, tower floorplate, and other controls in order to transition in scale to the adjacent, existing and planned context; appropriate and context-sensitive built form and massing provides adequate skyviews, sunlight, and privacy, and other important amenities. Moreover the proposed setbacks are too narrow or in the case of the east side yard, hardscaped for driveway and underground ramp; this proposed condition does not allow for an adequate building separation and a generously-scaled landscaped open space setting that is expected of existing and planned buildings in *Apartment Neighbourhoods*designated lands.

The built form of the proposed building at 136 Broadway does not conform with the relevant policies of the Official Plan and the Yonge-Eglinton Secondary Plan, as informed by relevant Design Guidelines. The proposed building does not provide adequate side and rear yard setbacks, stepbacks, and other controls in order to transition in scale to the adjacent, existing and planned context. Appropriate and context-sensitive built form and massing provides adequate skyviews, sunlight, and privacy, and other important amenities. Moreover the proposed setbacks and stepbacks are too narrow to allow for adequate building separation and a landscaped open space setting that is expected of existing and planned buildings in *Apartment Neighbourhoods*-designated lands.

Collectively, the proposed buildings at 124 Broadway and 136 Broadway do not provide good site organization through provision of adequate and appropriate proportion of open space between and around buildings. It does not provide adequate transition to the Broadway Avenue right-of-way, and the adjacent planned and existing context as required by the Official Plan and the Yonge-Eglinton Secondary Plan, and as informed by relevant Design Guidelines.

#### Sun and Shadow

The shadow impacts resulting from the proposal at 124 Broadway Avenue are unacceptable and do not conform with the relevant policies of the Official Plan and Yonge-Eglinton Secondary Plan. The proposed building at 124 Broadway Avenue, will have shadow impacts on Redpath Avenue Parkette, starting around 10:03AM and ending around 11:18AM in the Spring equinox, and starting around 9:48 AM and ending around 11:03AM in the Autumn equinox.

The Official Plan requires that development be designed to adequately limit shadow impacts on parks, and the Yonge-Eglinton Secondary Plan specifically encourages minimization of net new shadows on Redpath Avenue Parkette and its expansion areas to the north.

## Wind

Pedestrian Level Wind Studies were prepared by Gradient Wind Engineers & Scientists, dated May 13, 2021 and October 21, 2021, for 124 Broadway Avenue and 136 Broadway Avenue, respectively. Changes to one or both proposals, may require additional testing to determine pedestrian wind conditions within the sites and in the adjacent public realm.

# **Public Realm**

The proposed public realm for both proposals are not acceptable, and do not achieve the relevant policies of the Official Plan and the Yonge-Eglinton Secondary Plan, as informed by relevant Design Guidelines. The public realm objectives include, but are not limited to the provision of a widened and improved publicly-accessible streetscape along Broadway Avenue, both within the sites and on the adjacent public boulevard; the provided streetscape must be consistent with planned improvements to the Broadway Avenue streetscape along the rest of the block. Another objective sought for the sites, is the appropriately designed open space to widen and extend the north-south midblock connection secured within the adjacent development to the west, at 120 Broadway Avenue. Furthermore, in Apartment Neighbourhoods-designated areas, development is required to improve the quality of the landscaped open space and outdoor amenity space for new and existing residents, including the preservation or replacement of significant landscape features and walkways, and creating new features, such generously-scaled landscape setting allows appropriate separation distances between buildings, thereby achieving adequate sunlight, skyview, and privacy.

# **Comprehensive and Orderly Development**

The inappropriate built form and massing of both proposals on the two separate sites, would be improved by consolidating the two buildings into a single building across both sites, and applying context-sensitive controls, in order to adequately and appropriately achieve the above-stated objectives in the Official Plan and the Yonge-Eglinton Secondary Plan, as informed by relevant Design Guidelines.

#### Parkland

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 + square metres of parkland per person, which is comparable to the city-wide average provision of 28 m2 of parkland per person (2016). Given the future expected growth both on the development site itself and surrounding sites, a parkland deficit will be generated if no new parks are created. This anticipated parkland deficit must be addressed through the creation of a new park to serve the future population.

Parkland dedication of 332.5 square metres and 157 square metres are required for 124 Broadway Avenue and 136 Broadway Avenue, respectively. Staff would accept the conveyance of lands that are off-site; the location and configuration of the park, will be determined based on future discussions between the applicant and the Parks Development Section, and will be required to comply with Policy 3.2.3.8 of the Toronto Official Plan and the relevant Yonge-Eglinton Secondary Plan policies.

## **Tree Preservation**

The applicant has submitted an Arborist Report and Tree Protection and Removal Plan, to support of the applications. Staff note that the soil volumes required in the Toronto Green Standard has not been met for either proposal. Further, new developments is expected to contribute to the wide, green promenade envisioned for the Redpath Street Loop public realm which has been secured for other approved developments along Broadway Avenue.

#### Transportation

For the 124 Broadway Avenue proposal, Transportation Services Staff has found that the proposed 115 parking spaces (including residents, visitors, and a car-share) is significantly deficient from the 461 parking spaces required by Zoning By-law no. 569-2013, and is not acceptable. Staff requires additional parking studies in order to determine the appropriateness of the proposed parking impacts generated by the proposal.

Moreover, staff have determined that transportation-related requirements in the Toronto Green Standard require more information to determine if they have been satisfied, including a minimum 15% reduction in single-occupant auto vehicle trips and a minimum 20% of total required parking spaces to be configured for electric vehicles.

For the 136 Broadway Avenue proposal, Transportation Services Staff has found that the proposed 24 parking spaces (including residents and visitors) is significantly deficient from the 90 parking spaces required by Zoning By-law no. 569-2013. Staff requires a full transportation impact study, in order to determine the appropriateness of the proposal.

Moreover, staff have determined that transportation-related requirements in the Toronto Green Standard, have not been satisfied, including a minimum 15% reduction in single-occupant auto vehicle trips.

Should the Ontario Land Tribunal allow the appeals in whole or in part, staff will continue to work with the applicant to ensure the proposals have addressed these matters, detailed in the respective Engineering and Construction Services memorandums.

# **Travel Demand Management (TDM)**

Travel Demand Management (TDM) measures are aimed at encouraging people to take fewer and shorter single occupancy vehicle trips to reduce congestion, energy consumption and pollution. Typical TDM policies and programs include, but are not limited to: parking supply management strategies (such as reduced parking provision) in combination with car sharing/bike sharing; school/trip planning; development-related transit initiatives; cycling programs and expansion of the city-wide cycling networks.

In the event that the OLT allows the Zoning By-law Amendment application appeals in whole or in part, the final Order should be withheld pending the submission of revised Travel Demand Management Plan(s) acceptable to, and to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services and that such matters arising from such study be secured if required for each of the development proposals, or for both collectively.

# Servicing and Stormwater Management

For 124 Broadway Avenue, Engineering and Construction Services staff have reviewed the submitted materials which included a Functional Servicing and Stormwater Management Report. Staff requires revisions as outlined in the memorandum from Engineering and Construction Services, dated September 15, 2021. These include but are not limited to the requirement to provide an acceptable Servicing Summary Form in order for staff to do a full hydrological review of the proposal; provision of a hydraulic network analysis to determine the impacts of the proposal on the watermain network; and a sanitary sewer analysis to determine extreme wet weather flows generated preand post-development.

For 136 Broadway Avenue, Engineering and Construction Services staff have reviewed the submitted materials which included a Functional Servicing and Stormwater Management Report. Staff requires revisions as outlined in the memorandum from Engineering and Construction Services, dated January 19, 2022. Issues identified include, but are not limited to the requirement to provide an acceptable Servicing Summary Form in order for staff to do a full hydrological review of the proposal; provision of a hydraulic network analysis to determine the impacts of the proposal on the watermain network; and identification of improvements to the existing watermain system to support this scale of development.

In the event that the OLT allows the Zoning By-law Amendment application appeals in whole or in part, the final Order should be withheld pending the confirmation the Functional Servicing and Stormwater Management Report has been revised to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and it is demonstrated that the municipal water, sanitary and storm sewer systems can support the proposed developments and if upgrades or improvements of

the existing municipal infrastructure are required, that the landowner has enter into any appropriate agreements with the City. Alternatively, a holding provision may be required in the implementing zoning by-law, to ensure the necessary infrastructure is in place before any development can proceed.

## **Further Issues**

City Planning continues to receive additional information regarding these applications as a result of ongoing review by City commenting divisions, materials submitted in support of the proposal and through deputation made by members of the public to Community Council. Staff may also be required to evaluate supplementary or revised plans and supporting materials submitted by the applicant after the date of this report. As a result, Planning staff may continue to identify further issues or supplement the reasons provided in this report. Where substantive changes to the proposal are made by the applicant, Staff may report back to City Council as necessary.

# Conclusion

The proposals have been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Toronto Official Plan, including the Yonge-Eglinton Secondary Plan, and applicable City guidelines intended to implement Official Plan policies. The current proposals do not conform with the Toronto Official Plan and the Yonge-Eglinton Secondary Plan, and does not meet the intent of the relevant Design Guidelines.

This report recommends that City Council direct the City Solicitor, with appropriate staff, to attend the OLT in opposition to the Applications in their current forms and to continue discussions with the Applicant in an attempt to resolve outstanding issues.

# CONTACT

Jason Xie, Planner Tel. No. (416) 338-3004 E-mail: Jason.Xie@toronto.ca

Adam Kebede Tel. No. (416) 392-6501 E-mail: <u>Adam.Kebede@toronto.ca</u> David Sit, MCIP, RPP Director, Community Planning North York District

# **ATTACHMENTS**

Attachment 1: Attachment 2a:	Location Map Application Data Sheet – 124 Broadway Avenue
Attachment 2b:	Application Data Sheet – 136 Broadway Avenue
Attachment 3a:	3D Model of Proposal in Context Looking Northwest – 124 Broadway Avenue
Attachment 3b:	3D Model of Proposal in Context Looking Southeast – 124 Broadway Avenue
Attachment 4a:	3D Model of Proposal in Context Looking Northwest – 136 Broadway Avenue
Attachment 4b:	3D Model of Proposal in Context Looking Southeast – 136 Broadway Avenue
Attachment 5a:	Site Plan – 124 Broadway Avenue
Attachment 5b:	Site Plan – 136 Broadway Avenue
Attachment 6:	Policy Considerations
Attachment 7a:	Official Plan Land Use Map – 124 Broadway Avenue
Attachment 7b:	Official Plan Land Use Map – 136 Broadway Avenue
Attachment 8a:	Yonge-Eglinton Secondary Plan Land Use Map
Attachment 8b:	Yonge-Eglinton Secondary Plan Land Use Map
Attachment 9a:	Yonge-Eglinton Secondary Plan Midtown Character Area Map – 124 Broadway Avenue
Attachment 9b:	Yonge-Eglinton Secondary Plan Midtown Character Area Map – 136 Broadway Avenue
Attachment 10a:	Yonge-Eglinton Secondary Plan Midtown Transit Station Area Map – 124 Broadway Avenue
Attachment 10b:	Yonge-Eglinton Secondary Plan Midtown Transit Station Area Map – 136 Broadway Avenue
Attachment 11a:	Zoning By-law no. 569-2013 Map – 124 Broadway Avenue
	Zoning By-law no. 569-2013 Map – 136 Broadway Avenue
	Zoning By-law no. 438-86 Map – 124 Broadway Avenue

Attachment 12b: Zoning By-law no. 438-86 Map – 136 Broadway Avenue



# Attachment 1: Location Map – 136 Broadway Avenue

# Attachment 2a: Application Data Sheet – 124 Broadway Avenue

-	AVE	Date Received:	June 11, 2021
Application Number:	21 169458 NNY 15 OZ	<u> </u>	
Application Type:	OPA / Rezoning, Rezo	ning	
Project Description:	Zoning By-law Amende Housing applications for storey podium. A total including 86 rental repl rental units on site. Twe vehicular parking space proposed with access pickup and drop-off are which will be shared we Avenue development.	or a 38-storey reside of 546 residential un acement units to rep o levels of undergro es and 461 bicycle p to the east of the Sit ea is proposed to the	ential tower with an 8- nits are proposed place the existing 86 und parking with 115 parking spaces are e and a passenger e west of the Site

Applicant	Agent	Architect	Owner
THE RW 124			3414493 CANADA
DEVELOPMENT			INC.
CORP			

# **EXISTING PLANNING CONTROLS**

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

#### **PROJECT INFORMATION**

Site Area (sq m):	3,325	Frontage (m):	41	Depth (m):	93
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,615		1,602	1,602
Residential GFA (sq m):	6,675		33,375	33,375
Non-Residential GFA (sq r	n):			
Total GFA (sq m):	6,675		33,375	33,375
Height - Storeys:	4		38	38
Height - Metres:			119	119
Lot Coverage Ratio (%):	48.18	Floor Space	Index: 10.04	
Floor Area Breakdown	Above Grade (sq	m) Below (	<b>Grade</b> (sq m)	
Residential GFA:	33,3	375		
Retail GFA:				
Office GFA:				
Industrial GFA:				
Institutional/Other GFA:				
Residential Units by Tenure	Existing	Retained	Proposed	Total
Davidali	96		96	90

by renare									
Rental:		86		86	86				
Freehold:				460	460				
Condominium:									
Other:									
Total Units:		86		546	546				
Total Residentia	Total Residential Units by Size								
	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom				
Retained:									
Proposed:		113	271	107	55				
Total Units:		113	271	107	55				
Parking and Loading									

Parking Spaces:	115	Bicycle Parking Spaces:	548	Loading Docks:
5 1	-	5 51		5

Staff Report for Action – Request for Direction Report – 124 Broadway Avenue & 136 Broadway Avenue

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# CONTACT:

Jason Xie, Planner (416) 338-3004 Jason.Xie@toronto.ca

# Attachment 2b: Application Data Sheet – 136 Broadway Avenue

			-			
Municipal Address:	136 E AVEN	BROADWAY NUE	Date Rece	ived:	Novem	ber 4, 2021
Application Number:	21 23	4009 NNY 15 C	DZ			
Application Type:	Rezo	ning				
Project Description:	reside 39 ar	ng By-law Amen ential building, c e rental replace re metres and 2	comprised of 1 ment), a total g	11 dwell gross flo	ling unit	s (of which,
Applicant	Agen	t	Architect		Owner	
RESERVE PROPERTIES LTD (C/O MONICA SILBERBERG), 110 Eglinton Avenue East, Suite 500, Toronto, ON, M4P 2Y1			IBI GROUP ARCHITECT (CANADA) IN 55 St. Clair Avenue, 7th I West, Toront M4V 2Y7	NC., Floor	CORP 110 Eg Avenue	e East, Suite oronto, ON,
EXISTING PLANNING	CONT	ROLS				
Official Plan Designation		oartment eighbourhoods	Site Specific Provision: N s			
Zoning:	R	(d2.0) (x912)	Heritage De	signatio	n: N	
Height Limit (m):	38	3	Site Plan Control Area: Y			
PROJECT INFORMAT	ION					
Site Area (sq m): 1,5	64.2	Frontage	e (m): 34.05	I	Depth (r	n): 45.72
Building Data	,	Existing	Retained	Propo	sed	Total
Ground Floor Area (sq		545 3 356		787 8,061		787 8 061
Residential GFA (sq m Non-Residential GFA (	,	3,356		0,001		8,061
Total GFA (sq m):	-1).	3,356		8,061		8,061
Height - Storeys:		6		12		12
Height - Metres:		16		41		41

Lot Coverage Ratio (%):	50.31	Floor Sj	bace Index: 5.	15
Floor Area Breakdown Residential GFA: Retail GFA: Office GFA: Industrial GFA: Institutional/Other GFA:	Above Grade 7,983	(sq m) Belov 78	w Grade (sq m)	
Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	39	0	39	39
Freehold:				
Condominium: Other:			72	72
Total Units:	39	0	111	111
Total Residential Units b	y Size			
Rooms	Studio	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:				
Proposed:		63	22	26
Total Units:		63	22	26
Parking and Loading				
Parking 24 Spaces: 24	Bicycle Par	king Spaces:	111 Loading I	Docks: 1
CONTACT:				
Jason Xie, Planner 416-338-3004 Jason.Xie@toronto.ca				

Attachment 3a: 3D Model of Proposal in Context Looking Northwest – 124 Broadway Avenue



# Attachment 3b: 3D Model of Proposal in Context Looking Southeast – 124 Broadway Avenue



Attachment 4a: 3D Model of Proposal in Context Looking Northwest – 136 Broadway Avenue



Attachment 4b: 3D Model of Proposal in Context Looking Southeast – 136 Broadway Avenue



# Attachment 5a: Site Plan – 124 Broadway Avenue



### Attachment 5b: Site Plan – 136 Broadway Avenue



# Attachment 6: Policy Considerations

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.

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.

#### The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (the "PPS") provides policy direction provincewide 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; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex interrelationships 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."

# A Place to Grow: 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. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region (the "GGH"), 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).

# **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 MCR, the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs plan for the prescribed densities.

In June 2020, the City Planning Division initiated the Growth Plan Conformity and Municipal Comprehensive Review ("MCR"), which includes the delineation of approximately 180 potential Major Transit Station Areas (MTSAs) to meet Provincial minimum intensification requirements. A subset of MTSAs will be identified as Protected Major Transit Station Areas (PMTSAs), where the Council-approved inclusionary zoning policy framework can be implemented. The report can be found at the following link: http://app.toronto.ca/tmmis/viewAgendaltemHistory.do?item=2020.PH14.4

The in-force, updated Yonge-Eglinton Secondary Plan (Official Plan Amendment No. 405) identified 6 MTSAs and set out minimum density targets, as directed for by the Growth Plan (2020). In Map 21-3, the identified MTSAs are known as Midtown Transit Station Areas. The site is within the Mount Pleasant Midtown Transit Station Area, which has a minimum density target of 350 residents and jobs per hectare. See the preceding section for more information on the Yonge-Eglinton Secondary Plan.

On March 25, 2022, the Planning and Housing Committee approved for consultation 97 MTSA/PMTSAs, of which Mount Pleasant Station was identified as a PMTSA with a proposed minimum density target of 350 people and jobs per hectare. The report can be found at the following link:

http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.PH32.7

#### **Toronto 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* as shown on Land Use Map 17. See Attachment 7a and b of this report for the Official Plan Land Use Map.

#### Yonge-Eglinton Secondary Plan

On July 23, 2018, City Council adopted Official Plan Amendment No. 405 to replace the former Yonge-Eglinton Secondary Plan in its entirety. On August 9, 2018, OPA 405 was submitted to the Ministry of Municipal Affairs and Housing for review and approval pursuant to Section 26 of the Planning Act. On June 5, 2019, the Minister of Municipal Affairs and Housing approved OPA 405 with modifications, resulting in the updated Yonge-Eglinton Secondary Plan.

The Yonge-Eglinton Secondary Plan sets out a long-term vision for Midtown that emphasizes the importance of complete communities and the diversity of Midtown's character areas.

The site is within Midtown Character Area "B2 – Redpath Park Street Loop" (see Map 21-2). The Midtown Apartment Neighbourhoods are characterized as "are defined by a variety of building types including mid-century apartment towers, walk-up apartment buildings and townhouses, all set in a generously-scaled landscaped setting. Infill development and redevelopment will be designed and located to complement the existing built form fabric and to provide for adequate sunlight on streets, parks and open spaces. Anticipated building heights within the Midtown Apartment Neighbourhoods will vary recognizing the different character of each area:

The Redpath Park Street Loop Apartment Neighbourhoods Character Area is a dense yet distinctly green and residential area that consists of towers and a variety of housing types. New development will complement the scale of the historic walk-up apartment buildings and provide for adequate sunlight and sky view. The heights of new buildings will generally decrease in all directions from the Yonge-Eglinton Crossroads and Mount Pleasant Station Character Areas. The Park Street Loop will be a lush, green multipurpose promenade connecting significant parks, open spaces and civic buildings. New and existing buildings, together with the Loop and the Midtown Greenways, will support a public realm that is inviting and green." Mid-rise buildings in Midtown, are described as having a range of generally between five to twelve storeys, depending on the Character Area and matters relating to character, public realm objectives, and built form transition, especially to low-rise areas. The built form policies of OPA 405, set out anticipated height ranges for each Character Area in order to give guidance regarding the intended built form character for each Character Area, but the specific heights of buildings and/or areas will be determined through rezoning applications or City-initiated zoning by-law amendment applications. A height range of 35 to 50 storey is set out for the Redpath Park Street Loop Character Area. It is noted that an Official Plan Amendment is not required in order to achieve a lesser height than the range.

The subject site is also subject to other policy layers in the Yonge-Eglinton Secondary Plan, which provide individually and collectively, direction and guidance on issues

including but not limited to heights, built form, transition, density, land use, public realm objectives: :

- Midtown Transit Station Area "Secondary Zone" in the Mount Pleasant Transit Node, as depicted in Map 21-3.
- Midtown *Apartment Neighbourhoods* land use designation, as depicted in Map 21-4.

Note: this is not an exhaustive list

The updated Yonge-Eglinton Secondary Plan is available on the City's website at: <u>https://www.toronto.ca/wp-content/uploads/2019/07/96a5-CityPlanning\_OPA405.pdf</u>

See Attachments 8a and 8b for the land use designation of the sites in Yonge-Eglinton Secondary Plan.

#### Zoning By-laws

The site is zoned Residential District ("R2") Zone under Zoning By-law No. 438-86, and Residential Zone ("R") under Zoning By-law 569-2013. The "R" zone permits dwelling units in various building types, as well as community-related uses. The development standards in the Zoning By-law that apply to the site include: a maximum permitted height of 38 metres, a maximum permitted density of 2 times the area of the lot.

See Attachments 11a, 11b, 12a and 12b for the relevant excerpt of the Zoning By-law Maps.

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

# Avenues and Mid-rise Buildings Study and Performance Standards

City Council adopted the Avenues and Mid-rise Buildings Study, which identifies a list of best practices and establishes a set of performance standards for new mid-rise buildings. Key issues addressed include maximum allowable building heights, setbacks and step backs, sunlight and skyviews, pedestrian realm conditions, transition to Neighbourhoods and Parks and Open Space Areas and corner sites. The Study can be found at: <a href="https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/mid-rise-buildings/">https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/mid-rise-buildings/</a>

City Council also adopted a revised Mid-Rise Building Performance Standards Addendum (2016), for staff to use together with the 2010 approved Mid-Rise Building Performance Standards in the preparation of area studies or during the evaluation of development applications, where mid-rise buildings are proposed and Performance Standards are applicable, until such time as City Council adopts updated Mid-Rise Building Design Guidelines. The addendum further states that the Performance

Standards are flexible, their importance varies by site, and the measure of its effectiveness is whether it achieves the relevant and appropriate goals and principles in the Official Plan.

Council's decision can be found at: <u>http://app.toronto.ca/tmmis/viewAgendaltemHistory.do?item=2016.PG12.7</u> and <u>http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf</u>

# **City-Wide 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 is here:

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

#### **Rental Housing Demolition and Conversion By-law**

On June 11, 2021 and November 4, 2021, the applicant made applications for Rental Housing Demolition permits for 124 Broadway Avenue and 136 Broadway Avenue, respectively, pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition of the existing rental housing units, as the lands subject to the applications contain six or more residential units, of which at least one is rental. As per Chapter 667-14, a tenant consultation meeting will be held to review the impact of each proposal on tenants of each residential rental property and matters under Section 111.

Section 111 of the City of Toronto Act, 2006 authorizes 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 and Conversion By-law, implements Section 111. The By-law prohibits the demolition or conversion of rental housing units in buildings containing six or more residential units, of which at least one unit is rental, without obtaining a permit from the City and requires a decision by either City Council or the Chief Planner.

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.

# Growing Up: Planning for Children in New Vertical Communities

On July 28, 2020, City Council adopted the final Growing Up Urban Design Guidelines ("Growing Up Guidelines") and directed City Planning staff to apply the guidelines in the evaluation of new multi-unit residential development proposals. The objective of the Growing Up Guidelines is for developments to increase liveability for larger households, including families with children living in vertical communities, at the neighbourhood, building and unit scale. The Growing Up Guidelines can be found at:

https://www.toronto.ca/city-government/planning-

development/planningstudiesinitiatives/growing-up-planning-for-children-in-new-verticalcommunities/

#### 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 pet amenities for high density residential communities. The Pet Friendly Design Guidelines can be found at: <a href="https://www.toronto.ca/wpcontent/uploads/2019/12/94d3-CityPlanning-Pet-FriendlyGuidelines.pdf">https://www.toronto.ca/wpcontent/uploads/2019/12/94d3-CityPlanning-Pet-FriendlyGuidelines.pdf</a>

#### **Retail Design Manual**

On October 27, 2020, City Council adopted the Retail Design Manual. The Retail Design Manual supports the objectives of complete communities and vibrant streets which are closely tied to the provision of successful, resilient and dynamic retail uses. The Retail Design Manual is a collection of best practices and is intended to provide guidance on developing successful ground floor retail spaces by providing aspirational retail design best practices to inform, guide, inspire and educate those involved in the design and development of retail uses. The Retail Design Manual can be found here: <a href="https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-157291.pdf">https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-157291.pdf</a>

#### **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. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

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 and before May 1, 2022. Visit <u>https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/toronto-green-standard-version-3/mid-to-high-rise-residential-all-non-residential-version-3/</u>


# Attachment 7a: Official Plan Land Use Map – 124 Broadway Avenue



# Attachment 7b: Official Plan Land Use Map – 136 Broadway Avenue

## Attachment 8a: Yonge-Eglinton Secondary Plan Land Use Map – 124 Broadway Avenue



## Attachment 8b: Yonge-Eglinton Secondary Plan Land Use Map – 136 Broadway Avenue



### Attachment 9a: Yonge-Eglinton Secondary Plan Midtown Character Area Map – 124 Broadway Avenue



## Attachment 9b: Yonge-Eglinton Secondary Plan Midtown Character Area Map – 136 Broadway Avenue





# Attachment 10a: Yonge-Eglinton Secondary Plan Midtown Transit Station Area Map – 124 Broadway Avenue



# Attachment 10b: Yonge-Eglinton Secondary Plan Midtown Transit Station Area Map – 136 Broadway Avenue



Attachment 11a: Zoning By-law no. 569-2013 Map – 124 Broadway Avenue



## Attachment 11b: Zoning By-law no. 569-2013 Map – 136 Broadway Avenue



#### Attachment 12a: Zoning By-law no. 438-86 Map – 124 Broadway Avenue



## Attachment 12b: Zoning By-law no. 438-86 Map – 136 Broadway Avenue

Staff Report for Action - Request for Direction Report - 124 Broadway Avenue & 136 Broadway Avenue

Not to Scale Extracted: 11/08/2021