

Request for Direction Report Official Plan and Zoning By-law Amendment 415 Broadview Avenue

Date: November 7, 2022

To: Toronto and East York Community Council

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

Ward: 14 – Toronto-Danforth

Planning Application Number: 21 251348 STE 14 OZ

SUMMARY

On January 20, 2022 an Official Plan and Zoning By-law amendment application was submitted seeking to permit the adaptive re-use of an existing historic church to include a 10-storey addition with 60 residential units.

On August 15, 2022 the applicant appealed the application to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the time frame in the Planning Act.

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

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the current application for Official Plan and Zoning By-law amendment for the lands at 415 Broadview Avenue and to continue discussions with the applicant to resolve outstanding issues.
2. In the event that the Ontario Land Tribunal allows the appeal in whole or in part, City Council authorize the City Solicitor to request that the issuance of any final Orders be withheld until such time as the City Solicitor advises that:

- a) the final form and content of the draft Official Plan and Zoning By-law amendments are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
- b) the applicant has provided updated reports confirming adequate water, sanitary and stormwater capacity to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, or the Chief Engineer and Executive Director, Engineering and Construction Services has determined that holding provisions are required in the Zoning By-law amendment;
- c) the owner has resolved transportation-related matters including streetscape and curb extension provisions, site loading and access, as well as matters related to functional servicing and stormwater management, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- d) in the event that the updated reports referred to above identify require upgrades to servicing or functional items above, the owner shall enter into agreement(s) for the construction of any such improvements to such services, as required, at no cost to the City and to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- e) the owner has submitted a Revised Heritage Impact Assessment that includes a conservation strategy for the on-site significant heritage resource, to the satisfaction of the Senior Manager, Heritage Planning;
- f) if the property at 415 Broadview Avenue is designated under Part IV, Section 29 of the Ontario Heritage Act, the owner has entered into a Heritage Easement Agreement with the City for the property at 415 Broadview Avenue, to the satisfaction of the Senior Manager, Heritage Planning, including execution and registration of such agreement to the satisfaction of the City Solicitor;
- g) the owner provides a detailed Conservation Plan, prepared by a qualified heritage consultant, that is substantially in accordance with the conservation strategy set out in the Revised Heritage Impact Assessment required by Part (e) above, to the satisfaction of the Senior Manager, Heritage Planning;
- h) the owner has addressed all outstanding issues raised by Urban Forestry, Tree Protection and Plan Review, as they relate to the Official Plan and Zoning By-law Amendment application, to the satisfaction of the Supervisor, Tree Protection and Plan Review; and
- i) the owner has resolved all outstanding matters identified in the Memorandum prepared by Engineering and Construction Services, dated June 30, 2022.

3. City Council authorizes the City Solicitor and City staff to take any necessary steps to implement City Council's decision.

FINANCIAL IMPACT

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

DECISION HISTORY

A Preliminary Report was adopted by Toronto and East York Community Council on May 26, 2022. Toronto and East York Community Council adopted a motion which, in addition to requiring staff to schedule a Community Consultation Meeting, also required planning staff to pursue the inclusion of long-term affordable housing and to take all necessary measures to conserve the heritage attributes of the property over the long term. The preliminary report, and Council decision can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.TE33.27>

The Toronto Preservation Board adopted a report recommending City Council state its intent to designate 415 Broadview Avenue under Part IV, Section 29 of the Ontario Heritage Act on November 7, 2022. The report and the Board's decision can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.PB39.1>

THE SITE

Description: The site is located at the northeast corner of Broadview Avenue and Simpson Avenue north of Gerrard Street East. The site is rectangular and has approximately 34 metres of frontage on Broadview Avenue and approximately 59 metres of frontage on Simpson Avenue. The total site area is approximately 2,005 square metres.

Existing Use: St. John's Presbyterian Church, constructed in 1908.

THE APPLICATION

Description: A 10-storey (37.84 metres including mechanical penthouse) building including retention of the existing church building's west, south, and portions of the north and east facades, and the retention of the full square tower and turret. The building's roof and chimney would be removed.

The application proposes, through agreement with the church, the provision of 683 square metres of non-residential space for use by the church's congregation.

The applicant has also proposed improvements to the public realm, including a 282 square metre Privately Owned Publicly-Accessible Open Space (POPS) at the southwest corner of the site.

Density: 2.78 times the area of the lot.

Dwelling Units and Amenity Space: The proposal includes 4,892.98 square metres of residential gross floor area (GFA). Of the 60 dwelling units proposed, 7 are studio units (12%), 40 are one-bedroom units (67%), 8 are two-bedroom units (13%) and 5 are three-bedroom units (8%). The developer has indicated an intention for 6 of the units to be affordable, with the delivery mechanism, tenure, affordability period, and depth of affordability not yet clear.

61.9 square metres of indoor amenity space (1 square metre per dwelling unit) and 122.6 square metres of outdoor amenity space (2 square metres per dwelling unit) are proposed.

Access, Parking and Loading: Vehicular access to the development is proposed from the existing driveway located off of Simpson Avenue towards the rear (east) of the subject site. The access driveway leads to a proposed Type 'G' loading space, which is covered and internalized within the building, and a ramp that leads to a car elevator providing access to two levels of underground parking.

The two underground parking levels contain 31 vehicular parking spaces, including 29 spaces for residents and two spaces to serve the Sunday School. Of the 31 parking spaces, seven would be fitted with infrastructure to support electric vehicles.

The proposal also includes a total of 60 bicycle parking spaces, including 54 long-term resident spaces located on the basement level and six short-term spaces for visitors situated at ground level in the POPS.

Additional Information

See Attachments 2, 3, 4, and 5 of this report for the Application Data Sheet, a three-dimensional representation of the project in context, and a site plan of the proposal, respectively. Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at: <http://www.toronto.ca/415BroadviewAve>

Reasons for Application

An Official Plan Amendment is required in order to permit the proposed 10-storey building height given that the applicable Neighbourhoods designation permits a maximum height of 4 storeys. The draft Official Plan Amendment submitted in conjunction with the application proposes that this be accomplished through the introduction of a site and area specific policy, covering just the subject property.

In addition, the proposal requires an amendment to City-wide Zoning By-law 569-2013, as amended, and the former City of Toronto Zoning By-law 438-86, as amended, in order to increase the permitted height and density, and to revise other development performance standards, including but not limited to: gross floor area and floor space index; building height; building setbacks; building depth; and indoor amenity space provision.

Site Plan Control

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

POLICY CONSIDERATIONS

Provincial Land-Use Policies

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (PPS), and shall conform to provincial plans.

Official Plan Designation

The site is located on lands designated *Neighbourhoods* in the City of Toronto Official Plan.

Zoning

The Broadview frontage and the majority of the site is zoned R (d1.0)(x7) and the rear of the site is zoned R (d0.6)(x736) under the City of Toronto Zoning By-law 569-2013. This zone category permits a range of residential building types as well as a place of worship, provided such meets certain conditions. The maximum permitted height is 10 metres. The maximum density for the Broadview-fronting portion is 1 times the area of the lot, and 0.6 times in the rear.

Former City of Toronto Zoning By-law 438-86 zones the Broadview frontage and the majority of the site R4 Z1.0 and the rear of the site R2 Z0.6. The same zoning criteria noted above apply with this By-law.

Design Guidelines

The following design guidelines have been used in the evaluation of this application:

- Mid-Rise Building Design Guidelines;
- Growing Up Guidelines Planning for Children in New Vertical Communities;
- Pet Friendly Design Guidelines;
- Best Practices for Bird-Friendly Glass;
- Best Practices for Effective Lighting; and
- Toronto Accessibility Design Guidelines.

The City's Design Guidelines can be found here:

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

Toronto Green Standard

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. The TGS can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/>

COMMUNITY CONSULTATION

A virtual Community Consultation Meeting was held on July 26, 2022, and approximately 40 people attended. 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. Concerns provided by the attendees included:

- Proximity of proposed building to adjacent buildings and loss of privacy;
- Traffic impacts on nearby streets;
- Noise, visual and safety issues associated with loading and unloading of service and delivery vehicles;
- Construction management, including noise and road closures;
- Shadow impact;
- Height of the building; and
- Building appearance and preservation of heritage attributes.

COMMENTS

Provincial Framework

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff have reviewed the current proposal for consistency with the Provincial Policy Statement and conformity with the Growth Plan. Both documents establish standards for the conservation of heritage, which, in the opinion of City staff, have not been satisfied by the proposal.

Built Form

City Planning staff have reviewed the proposed built form and have concluded the height, massing and transition do not meet the intent of the Official Plan and relevant design guidelines. The application also does not provide adequate setbacks from adjacent properties, meet public realm objectives or fit within the existing and planned context.

Heritage Impact

The property at 415 Broadview Avenue is listed on the City's Heritage Register and Council has stated its intention to designate this property, which is proposed to be altered as part of this proposal. The proposed development does not conserve the cultural heritage value or heritage attributes of the property and it is not consistent with provincial policy or the City's Official Plan. Assessment of the submitted Heritage Impact Assessment (HIA) finds that the proposal does not comply with the Council-adopted Standards and Guidelines for the Conservation of Historic Places in Canada.

Sun/Shadow

The proposed massing introduces new shadowing on the properties to the immediate north throughout the morning and on the rear portion of the properties to the northeast throughout the afternoon. This should be mitigated through a reduction in the height of the building to ensure adequate sunlight on neighbouring properties.

Wind

The Pedestrian Level Wind Study submitted by the applicant demonstrated no significant impact by the proposal. Conditions at street level, in the POPS and outdoor amenity spaces were found to be suitable for year round use.

Streetscape

The proposed streetscape along Broadview and Simpson Avenues requires improvements. The proposed setbacks are not in keeping with the character of the area. Additional landscaping, attention to ground-floor layout and setbacks to 7.5 metres from the northerly and rear yard lot lines, where feasible, are needed to support and enhance the public realm.

Tree Preservation

The proposal is subject to the provisions of the City of Toronto Municipal Code. An Arborist Report, Tree Inventory and Preservation Plan were submitted with the application. The applicant proposes to remove 3 City-owned trees, and 1 privately-owned tree regulated by the Private Tree By-law. Revisions are required to improve retention of existing permeable growing environments and the provision of dedicated space on the site and along the City road allowance, for the planting of large-growing shade trees and their supporting infrastructure.

Indoor/Outdoor Amenity Space

Zoning By-law 569-2013 requires a combined amenity space of 4.0 square metres per unit and Zoning By-law 438-86 requires a minimum of 2.0 square metres per unit each of indoor and outdoor amenity space. The proponent's design plans for 2 square metres of outdoor amenity space per unit and approximately 1 square metre of indoor amenity space per unit. City Planning Staff will continue to work with the applicant to increase the amount of amenity space provided in the proposal, including designing a minimum of 25% of the total amenity space for children, youth, as well as pets, with flexible spaces to support social interactions.

Parking and Loading

A total of 31 vehicle parking spaces are proposed in a 2-level below-grade parking garage, accessed from the existing driveway on Simpson Avenue. The proposal includes one type-G loading space. In support of the application, Paradigm Transportation Solutions Ltd., prepared a Transportation Impact Study, dated November 2021.

The proposed parking rates and traffic impact assessment are generally acceptable to Transportation Services, however a maximum 7.2 metre wide driveway within the public right-of-way on Simpson Avenue is required to minimize impacts to pedestrians and cyclists. The driveway should be designed in accordance with the City's T-310.050-1 design standard (including reduced flares). Improvements to access from Simpson Avenue and to the proposed loading area are required.

Servicing

A Functional Servicing and Stormwater Management Report and associated plans submitted for the site have been reviewed by Engineering and Construction Services. A number of revisions and additional information are required. In the event that the OLT allows the Official Plan and Zoning By-law Amendment appeal in whole or in part, the final Order should be withheld pending the confirmation of water, sanitary and stormwater capacity from the Chief Engineer and Executive Director, Engineering and Construction Services, or the determination of whether holding provisions are required in the Zoning By-law amendment to ensure their appropriate assessment and provision of new infrastructure if necessary.

Toronto Green Standard

The applicant is required to meet Tier 1 of the Toronto Green Standard, and is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and achieving net-zero emissions by 2040 or sooner.

Endangered Species

Public submissions have identified the church chimney as a location where Chimney Swifts have been sighted. Chimney Swifts are a threatened species, protected under Ontario's Endangered Species Act.

Further Issues

City Planning continues to receive additional information regarding this application as a result of ongoing review by City commenting divisions and materials submitted in response to the proposal. Planning 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 application has been reviewed against the policies of the PPS, the Growth Plan, the Official Plan, and applicable City guidelines intended to implement Official Plan policies. As currently proposed, the application is not supportable until issues related to height, massing, conservation of heritage, public realm and others iterated above are addressed.

This report recommends that the City Solicitor, with appropriate staff, attend the OLT in opposition to the application in its current form, and to continue to work with the Applicant in an attempt to resolve outstanding issues.

CONTACT

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SIGNATURE

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Acting Director, Community Planning, Toronto and East York District

ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Application Data Sheet
Attachment 3: 3D Model of Proposal in Context Looking Southeast
Attachment 4: 3D Model of Proposal in Context Looking Northwest
Attachment 5: Site Plan
Attachment 6: Official Plan Land Use Map
Attachment 7: Zoning By-law Map

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 415 BROADVIEW AVE
Date Received: December 24, 2021
Application Number: 21 251348 STE 14 OZ
Application Type: OPA / Rezoning, OPA & Rezoning

Project Description:

Applicant BOUSFIELDS INC	Agent	Architect Finegold Alexander	Owner PRESBYTERIAN CHURCH
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EXISTING PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	N/A
Zoning:	R (d1.0) (x7)	Heritage Designation:	Y
Height Limit (m):	10	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 2,005 Frontage (m): 34 Depth (m): 59

<u>Building Data</u>	<u>Existing</u>	<u>Retained</u>	<u>Proposed</u>	<u>Total</u>
Ground Floor Area (sq m):	1,074	1,074		1,074
Residential GFA (sq m):			4,893	4,893
Non-Residential GFA (sq m):	3,222		683	683
Total GFA (sq m):	3,222		5,576	5,576
Height - Storeys:	2	2	10	10
Height - Metres:	9	9	35	35

Lot Coverage Ratio (%): 53.55 Floor Space Index: 2.78

<u>Floor Area Breakdown</u>	<u>Above Grade (sq m)</u>	<u>Below Grade (sq m)</u>
Residential GFA:	4,550	343
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:	287	396

Residential Units by Tenure:

	<u>Existing</u>	<u>Retained</u>	<u>Proposed</u>	<u>Total</u>
Rental:				
Freehold:				
Condominium:			60	60
Other:				
Total Units:			60	60

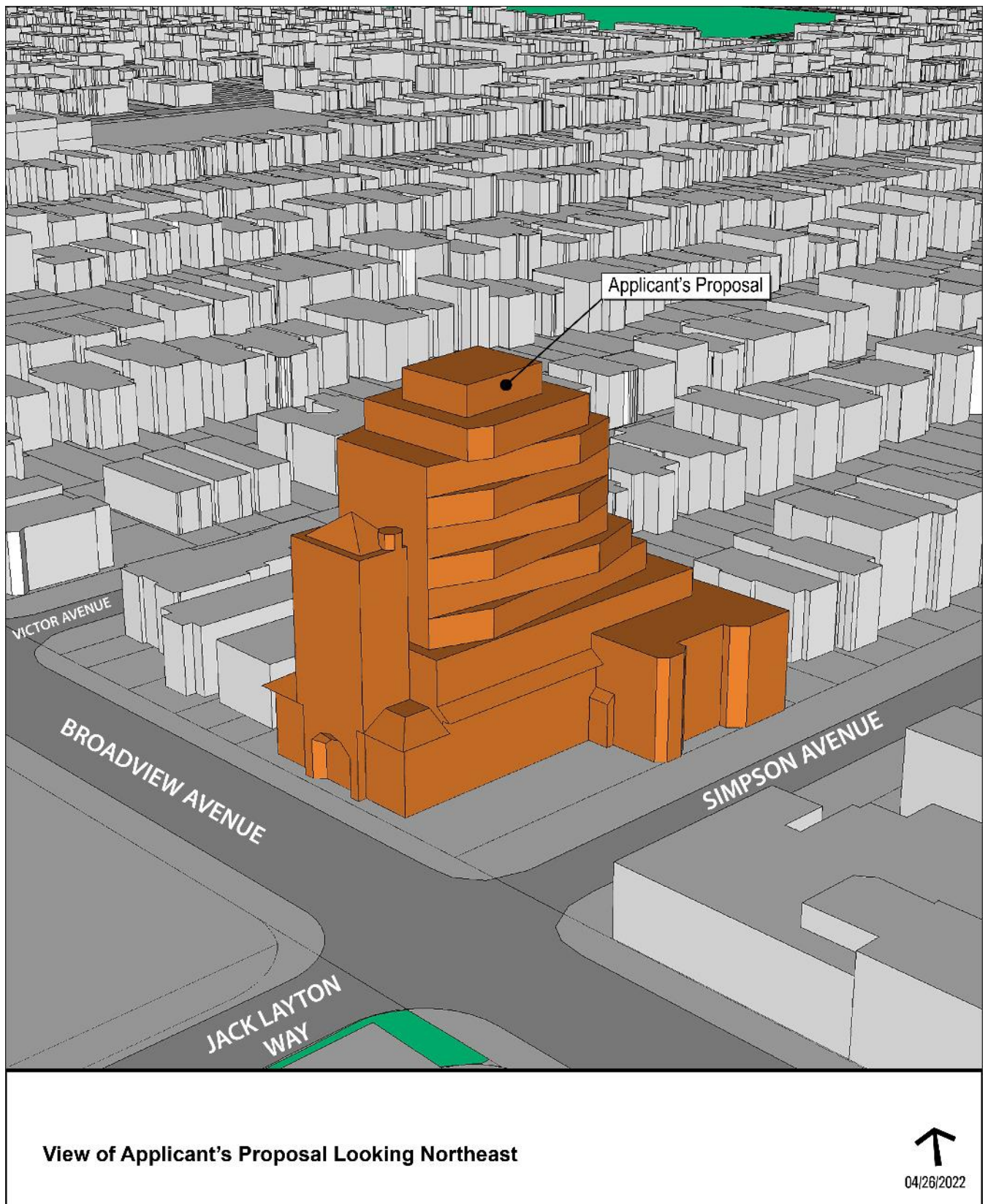
Total Residential Units by Size:

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		7	40	8	5
Total Units:		7	40	8	5

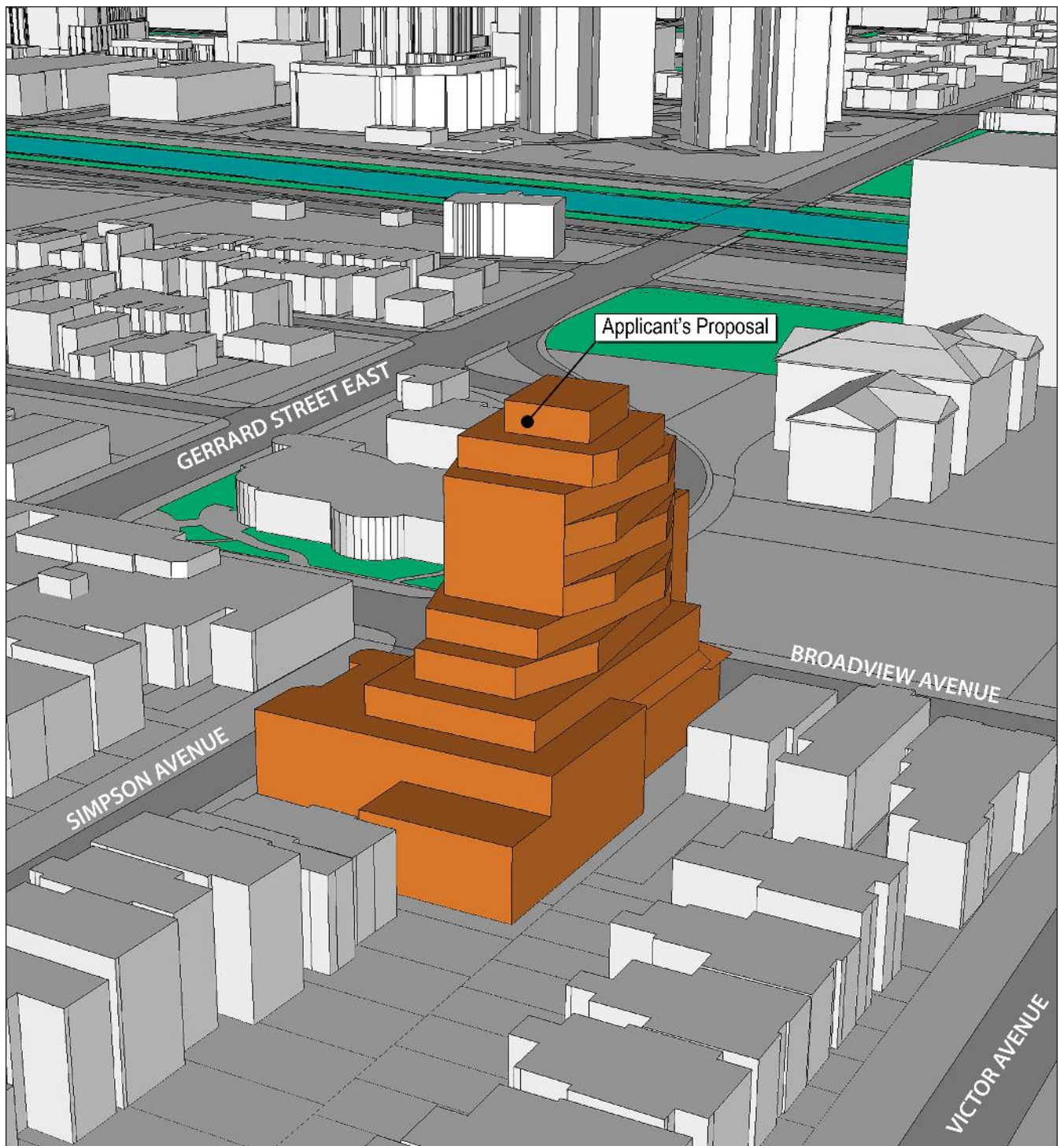
Parking and Loading:

Parking Spaces:	31	Bicycle Parking Spaces:	60	Loading Docks:	1
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Attachment 3: 3D Model of Proposal in Context Looking Northeast



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

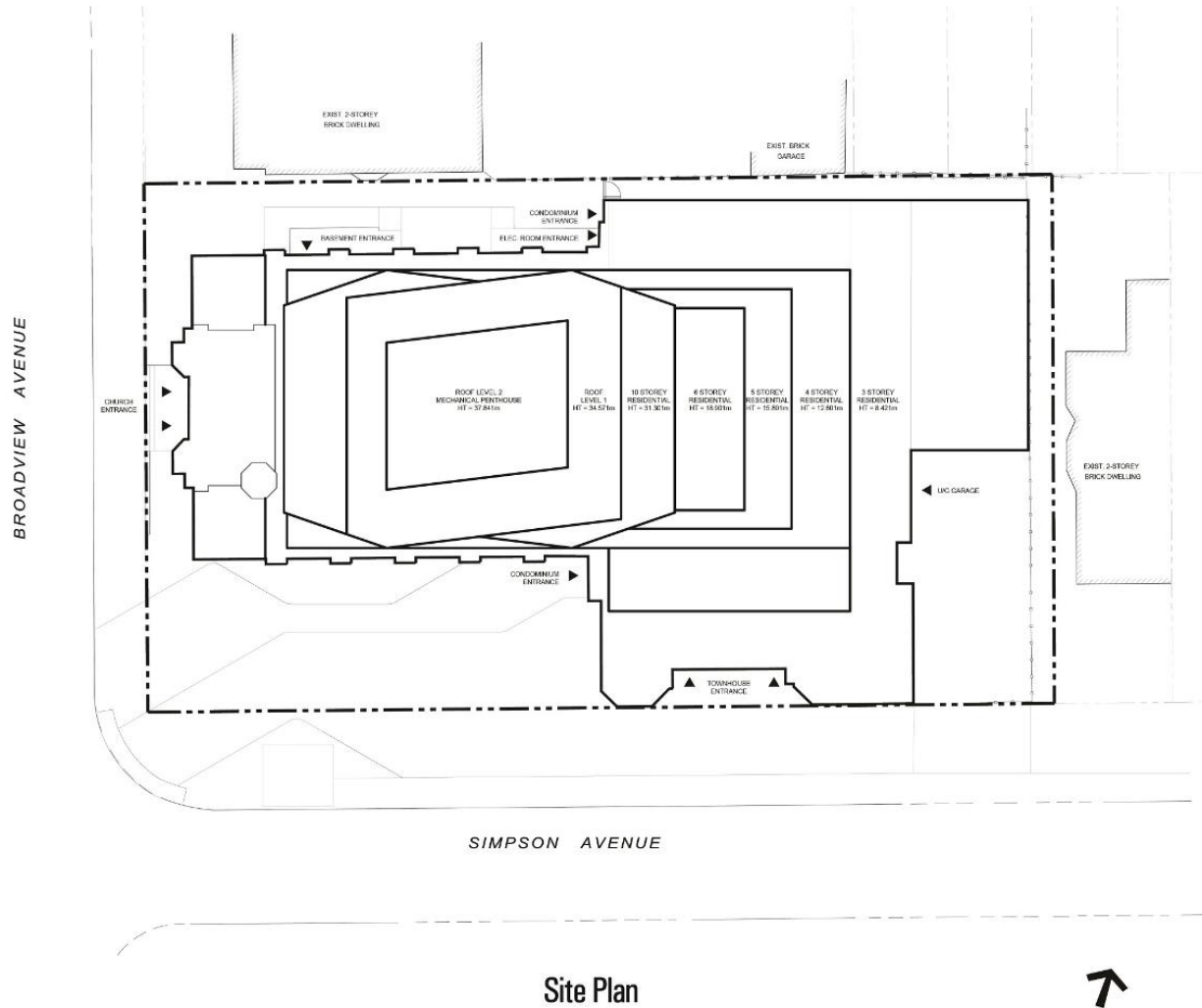


View of Applicant's Proposal Looking Southwest

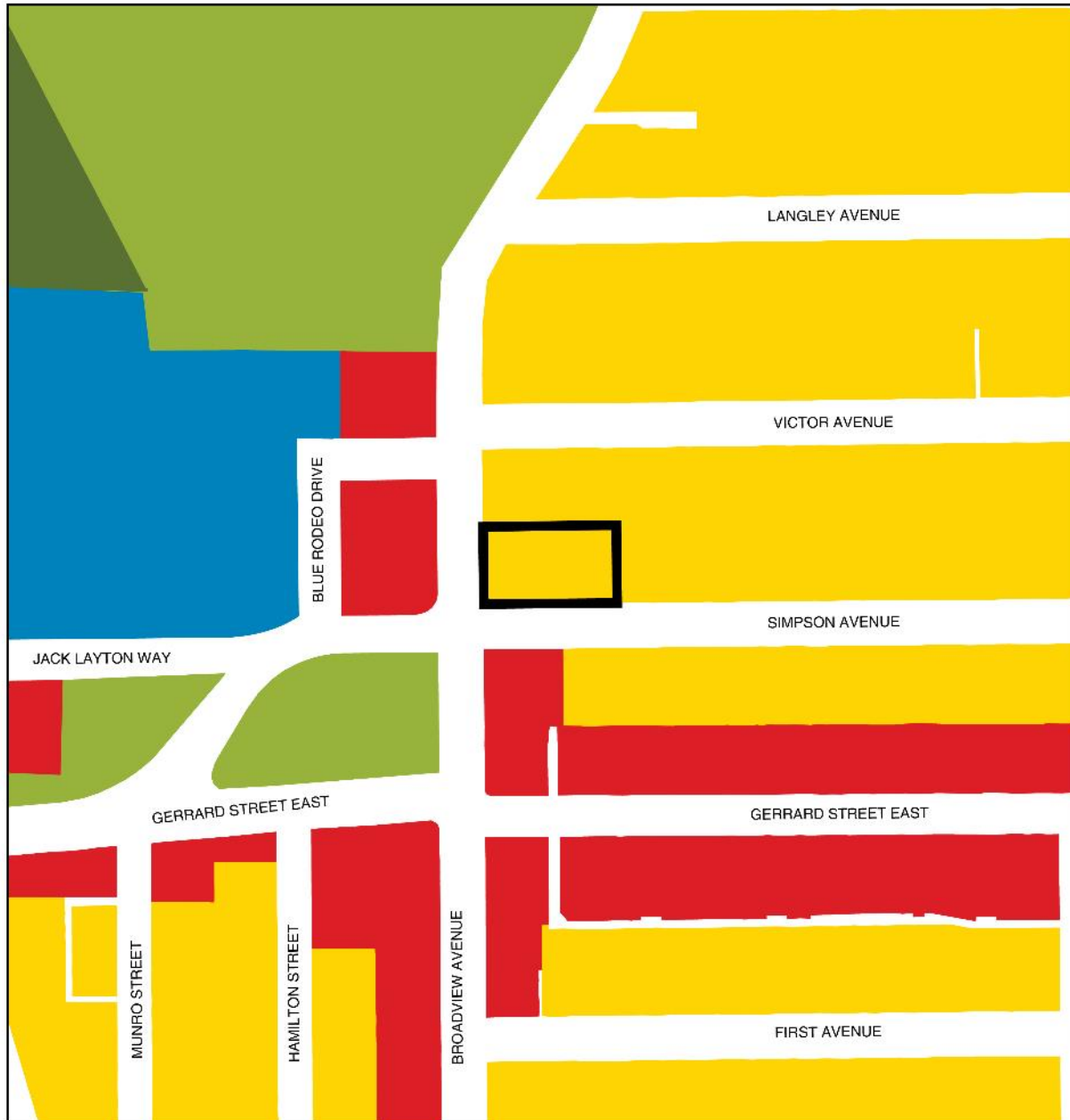


04/26/2022

Attachment 5: Site Plan



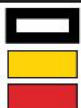
Attachment 6: Official Plan Land Use Map



Official Plan Land Use Map #18

415 Broadview Avenue

File # 21 251348 STE 14 02



Location of Application

Neighbourhoods

Mixed Use Areas

Natural Areas

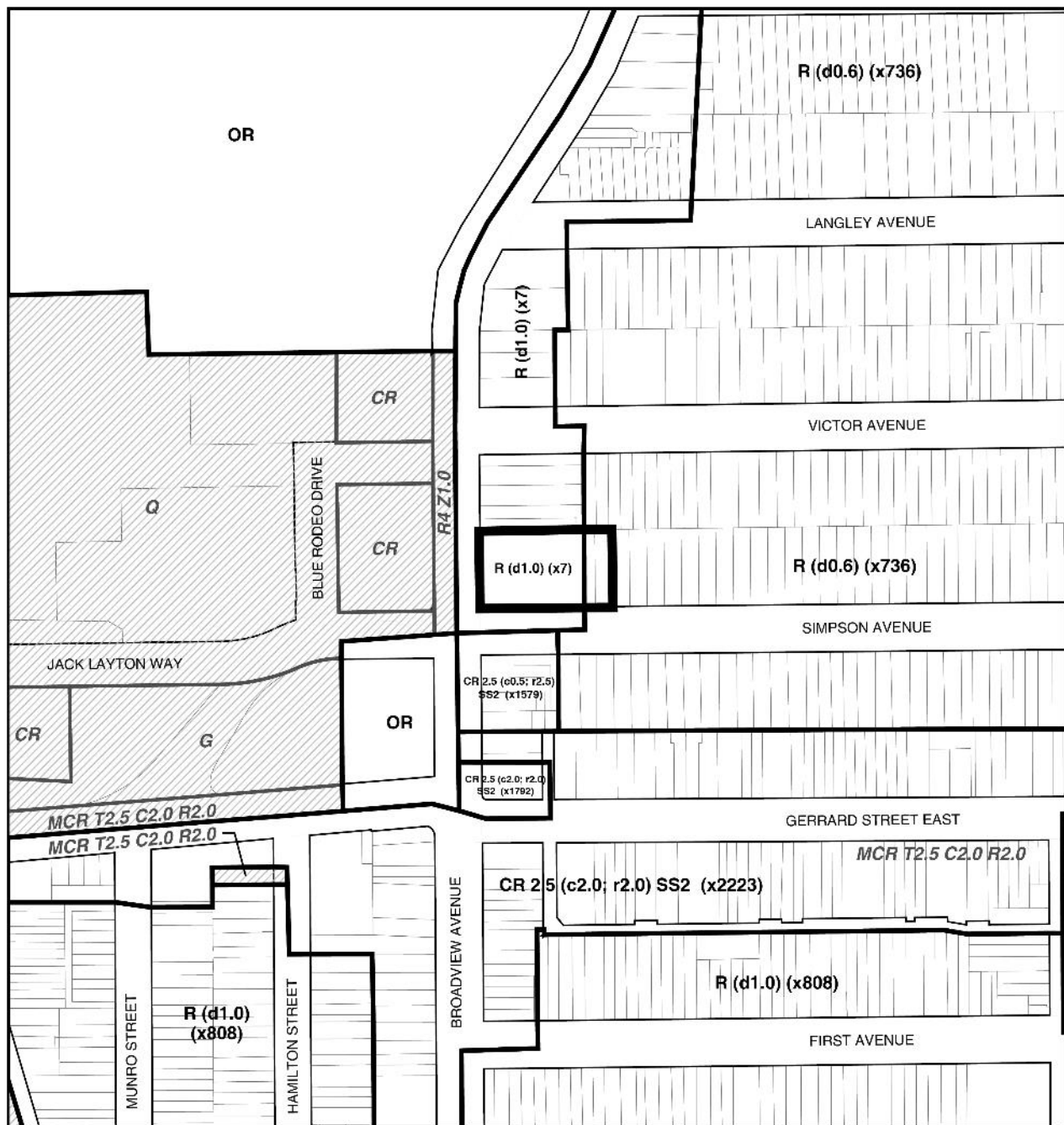
Parks

Institutional Areas



Not to Scale
Extracted: 01/04/2022

Attachment 7: Zoning By-law Map



Zoning By-law 569-2013

415 Broadview Avenue

File # 21 251348 STE 14 02



Location of Application

R
CR
ON
OR

Residential
Commercial Residential
Open Space Natural
Open Space Recreation



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

R3 Residential District
MCR Mixed-Use District
I2 Industrial District
G Parks District



Not to Scale
Extracted: 01/04/2022