

REFERENCE DOCUMENTS DATABASE

SCAN NO.: 11011

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Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: December 13, 2017

CASE NO(S): PL160771

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: 100 Broadway Developments Inc.
Appellant: 100 Ranleigh Inc.
Appellant: 117 Broadway Holdings Inc.
Appellant: 1330192 Ontario Inc.; and others
Subject: Proposed Official Plan Amendment No. OPA 320
Municipality: City of Toronto
OMB Case No.: PL160771
OMB File No.: PL160771
OMB Case Name: Akbari v. Toronto (City)

B E F O R E:

GERALD S. SWINKIN) Monday, the 18th day
MEMBER)
) of September, 2017

THIS MATTER having come before the Ontario Municipal Board (the "Board") by Motion on September, 18, 2017, and having heard the submissions of Counsel for the Parties;

THE BOARD ORDERS that Sections 1.j – new policies 2.3.1.10 and 2.3.1.12 and 6 and 7 of Official Plan Amendment No. 320, adopted by City of Toronto By-law 1297-2015 (the "Amendment"), further shown in unshaded text in Appendix 1 to this Order, are approved and are in full force and effect except as those sections apply to lands set out in Appendix 2 to this Order;

AND THE BOARD ORDERS that the coming into effect of the above referenced portions of the Amendment shall be without prejudice to the rights of any party, and shall not have the effect of limiting:

- a) the resolution of any appellant's appeal;
- b) any appellant's right to seek to amend portions of the Amendment, provided that the appellants shall be bound by any commitment to scope their appeals, and issues on a site-specific, area-specific or city-wide basis, as the case may be; and
- c) the jurisdiction of the Board to consider and approve amendments to the By-law on a site-specific, area-specific or city-wide basis, as the case may be and as may be appropriate to dispose of any outstanding appeals before the Board including a site-specific modification that deviates from sections of the By-law, approved on a city-wide basis;

AND THE BOARD ORDERS that the coming into effect of any portions of the Amendment is without prejudice to the position that may be taken by any appellants to any site-specific appeals;

AND THE BOARD ORDERS that notwithstanding anything ordered above, the City has not conceded that any portions of the Amendment that have not come into effect are properly under appeal and the City has reserved its right to bring motions or take any other action to have the breadth and scope of any appeal determined by the Board at a future date;

AND THE BOARD ORDERS that it may be spoken to in the event some matter should arise in connection with the implementation of this Order.

Ma Hurwicks

SECRETARY

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario

Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

APPENDIX 1

Text that is shown in yellow highlight/shading on pages 2 to 11 remains subject to appeal(s) on a city-wide basis before the Ontario Municipal Board

Authority: Planning and Growth Management Committee Item PG8.5, as adopted by City of Toronto Council on December 9 and 10, 2015

Subsection 17(34) of the Planning Act and July 4, 2016 Decision by the Minister of Municipal Affairs and the Minister of Housing to approve and modify

CITY OF TORONTO

BY-LAW No. 1297-2015

To adopt Amendment No. 320 to the Official Plan for the City of Toronto respecting The Healthy Neighbourhoods, Housing, Neighbourhoods and Apartment Neighbourhoods Policies.

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 information to the public, held a public meeting in accordance with Section 17 of the *Planning Act* and held a special public meeting in accordance with the requirements of Section 26 of the *Planning Act*;

The Council of the City of Toronto enacts:

1. The attached Amendment No. 320 to the Official Plan of the City of Toronto is adopted.

Enacted and passed on December 10, 2015.

Frances Nunziata,
Speaker
(Seal of the City)

Ulli S. Watkiss,
City Clerk

AMENDMENT NO. 320 TO THE OFFICIAL PLAN OF THE CITY OF TORONTO

The following text and maps constitute Amendment No. 320 to the Official Plan of the City of Toronto:

1. Section 2.3.1, HEALTHY NEIGHBOURHOODS, is amended by:

- a) Deleting the words 'a choice of' and replacing them with the words 'options within' prior to the word 'communities', in the first sentence of the first paragraph of the non-statutory introductory text;
- b) Adding the words and punctuation '*Downtown*, the' prior to the word '*Centres*' in the first sentence of the second paragraph of the non-statutory introductory text;
- c) Adding the sentence 'Gardens for growing food are encouraged on underutilized lands, particularly in Apartment Neighbourhoods.' at the end of the seventh paragraph of the non-statutory introductory text;
- d) Adding the words 'promoting walking and cycling by' prior to the words 'improving streets' in the first sentence of the eighth paragraph of the non-statutory introductory text;
- e) Adding the following paragraphs at the end of the non-statutory introductory text:

'Toronto has over a thousand older apartment buildings, many of which are in need of physical renewal, greening, and in some instances, social transformation. The City has established the Tower Renewal Program to encourage the retrofit of these older apartment buildings and improve the quality of life of their residents.

Most of Toronto's existing apartment buildings are located within built up *Apartment Neighbourhoods* which are stable areas where only limited infill development is anticipated. Usually, apartment building(s) together with ancillary outdoor recreation facilities, pedestrian walkways, parking lots, service areas and landscape space take up/occupy the entire site. In some areas these sites are located in close proximity to each other and form clusters or larger apartment neighbourhoods. There may be sites within *Apartment Neighbourhoods* that contain space that is not well-utilized by the residents of existing apartment buildings. In some instances these sites could be improved through the addition of infill development that will enhance existing site conditions and maintain and/or improve on-site amenities for both new and existing residents.'

- f) Deleting Policy 1, replacing it with the following new Policies 1 and 2, and renumbering existing Policies 2, 3, 4, 5, 6 and 7 as Policies 3, 4, 5, 6, 7 and 8:

1. *Neighbourhoods* are low rise and low density residential areas that are considered to be physically stable. Development in *Neighbourhoods* will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas.
 2. *Apartment Neighbourhoods* are residential areas with higher density than *Neighbourhoods* and are considered to be physically stable. Development in *Apartment Neighbourhoods* will be consistent with this objective and will respect the criteria in Policy 4.2.2 and other relevant sections of this Plan. However, on sites containing one or more existing apartment building(s) sensitive infill development that improves existing site conditions may take place where there is sufficient space to accommodate additional buildings while providing a good quality of life for both new and existing tenants; including maintaining or replacing and improving indoor and outdoor amenity space and landscaped open space, maintaining sunlight and privacy for residential units, and maintaining sunlight on outdoor amenity space and landscaped open space, provided such infill is in accordance with the criteria in Policies 4.1.10, 4.2.3 and other policies of this Plan. *Apartment Neighbourhoods* contain valuable rental housing apartment buildings that often need physical and social renewal and transformation to achieve an improved living environment.'
- g) Amending the renumbered Policy 3 by adding the following new subsections d) and e), deleting the word 'and' at the end of subsection c), and renumbering the existing subsection d) as subsection f):
- 'd) orient and screen lighting and amenity areas so as to minimize impacts on adjacent properties in those *Neighbourhoods*;
 - e) locate and screen service areas and access to underground parking, locate any surface parking so as to minimize impacts on adjacent properties in those *Neighbourhoods*, and enclose service and access areas where distancing and screening do not sufficiently mitigate visual and noise impacts upon adjacent properties in those *Neighbourhoods*; and'
- h) Amending the renumbered Policy 5 by deleting the word 'and' at the end of subsection c), adding the word and punctuation '; and' at the end of subsection d) and adding the following new subsection e) after subsection d):
- 'e) providing new streets that extend the local street network into larger sites, to provide access and frontage for existing and future development, improve pedestrian and bicycle circulation and improve the prominence,

visibility and safe access to parks, open spaces, transit, schools and pedestrian destinations.'

- i) Amending the renumbered Policy 7 by deleting the word 'and' at the end of subsection a), replacing the period at the end of subsection b) with a semi-colon and the word 'and' and adding a new subsection c) as follows:
 - 'c) encouraging and developing partnerships to better utilize common indoor and outdoor amenity areas for the use of residents in apartment properties to supplement public facilities.'
- j) Adding new Policies 9, 10, 11 and 12 as follows:
 - '9. The owners of existing apartment buildings will be encouraged to:
 - a) achieve greater conservation of energy and reduce greenhouse gas emissions;
 - b) achieve greater conservation of water resources
 - c) improve waste diversion practices;
 - d) improve safety and security;
 - e) improve building operations;
 - f) improve indoor and outdoor facilities for social, educational and recreational activities; and
 - g) improve pedestrian access to the buildings from public sidewalks and through the site as appropriate.
 10. Small-scale commercial, community and institutional uses are encouraged at grade in apartment buildings and on apartment building properties on major streets shown on Map 3 in *Neighbourhoods*, and in *Apartment Neighbourhoods*, to better serve area residents, particularly in areas where residents do not have convenient walking access to a wide range of goods, services and community facilities.
 11. Gardens for growing food on underutilized portions of open space in sites within *Apartment Neighbourhoods* are encouraged, particularly in areas where residents do not have convenient walking access to sources of fresh food.

12. Mobile vendors of fresh food are encouraged within *Apartment Neighbourhoods* in areas where residents do not have convenient walking access to sources of fresh food.'

2. Section 3, BUILDING A SUCCESSFUL CITY, is amended by:

- a) Adding the following sentence after the second sentence in the first paragraph of the non-statutory introductory text:

'All our communities will be planned to support Toronto's diverse households with safe and appropriate housing, services, environments and streets where we can raise and care for children and others we care for, earn a living and transition from one phase in life to another.'

3. Section 3.2.1, HOUSING, is amended by:

- a) Deleting the words 'no new' from the last sentence of the third paragraph of the non-statutory introductory text and replacing them with the words 'little new affordable';

- b) Deleting the word 'losses' at the end of the fifth paragraph of the non-statutory introductory text and replacing it with the words 'the loss or deterioration of the units';

- c) Deleting Policy 2 and replacing it with the following:

'2. The existing stock of housing will be maintained, improved and replenished. The City will encourage the renovation and retrofitting of older residential apartment buildings. New housing supply will be encouraged through intensification and infill that is consistent with this Plan.'

- d) Deleting subsection b) in Policy 5 and replacing it with following:

'b) should secure any needed improvements and renovations to the existing rental housing units and associated amenities to extend the life of the building(s) that are to remain, without pass-through costs to tenants. These improvements and renovations should be a City priority under Section 5.1.1 of this Plan where no alternative programs are in place to offer financial assistance for this work.'

4. Section 4.1, NEIGHBOURHOODS, is amended by:

- a) Adding the words 'with or without elevators' after the words 'walk-up apartment buildings' in the last sentence of the first paragraph of the non-statutory introductory text.
- b) Deleting the word 'generally' from the second sentence of the sixth paragraph of the non-statutory introductory text.
- c) Amending Policy 5 by:
 - i) adding the word 'geographic' before the word 'neighbourhood' wherever it appears in the policy;
 - ii) adding the word 'prevailing' before the word 'size' in subsection b);
 - iii) adding the word 'prevailing' before the word 'heights' and adding the word 'density' before the words 'and dwelling type' in subsection c);
 - iv) adding a new subsection e) as follows and renumbering existing subsections e) to h) as subsections f) to i) accordingly:
 - 'e) prevailing location, design and elevations relative to the grade of driveways and garages;'
 - v) adding the word 'prevailing' before the word 'setbacks' in the renumbered subsection f);
 - vi) adding the following new paragraphs after the renumbered subsection i):

'A geographic neighbourhood for the purposes of this policy will be delineated by considering the context within the *Neighbourhood* in proximity to the development site, including: zoning; prevailing dwelling type and scale; lot size and configuration; street pattern; pedestrian connectivity; and natural and human-made dividing features. Lots fronting onto a major street shown on Map 3 and designated *Neighbourhoods* are to be distinguished from lots in the interior of the block adjacent to that street in accordance with Policy 6.

The physical character of the geographic neighbourhood includes both the physical characteristics of the entire geographic area and the physical characteristics of the properties which face the same street as the development site in the same block and the block opposite the development site. A proposed development within a *Neighbourhood* will be materially consistent with the prevailing physical character of both properties which face the same street as the development site in the same

block and the block opposite the development site and the entire geographic neighbourhood within which it is to be located.'

vii) deleting the last paragraph and replacing it with the following:

'The prevailing building type and physical character of a geographic neighbourhood will be determined by the predominant form of development in that neighbourhood. Some *Neighbourhoods* will have more than one prevailing building type or physical character. In such cases, a prevailing building type or physical character in one geographic neighbourhood will not be considered when determining the prevailing building type or physical character in another geographic neighbourhood. For purposes of this policy, the word prevailing will mean most frequently occurring.'

viii) adding the following new paragraph at the end of the policy:

'Except for apartment buildings and larger townhouse developments with common underground garages, driveways to below-grade garages that are integral to residences will be discouraged.'

d) Amending Policy 9 by:

i) deleting in subsection a) the words 'appropriate for the site and compatible with' and replacing them with 'that are proportionate to and respectful of';

ii) deleting the word 'and' at the end of subsection c), deleting subsection d) and adding the following new subsections and paragraph after subsection c):

'd) provide safe, accessible pedestrian walkways from public streets;
and

e) locate, screen and wherever possible enclose service areas and garbage storage and parking, including access to any underground parking, so as to minimize the impact on existing and new streets and residences.

In situations where infill development can replicate the existing prevailing lot pattern to respect and reinforce the existing physical character of the geographic neighbourhood, the infill development application will be reviewed under and the development will conform with Policy 5.'

5. Section 4.2, *APARTMENT NEIGHBOURHOODS*, is amended by:

- a) Adding the following new paragraph at the end of the non-statutory introductory text:

'On smaller sites infill opportunities in *Apartment Neighbourhoods* can be as simple as a building addition or a new building on an underutilized part of the lot, such as a surface parking lot. On larger sites, determining an infill building site may require planning for new and extended public realm including new streets or shared driveways, and preserving significant existing landscape and recreation features as part of integrating older apartments with new development in a manner that improves the quality of life for all.'

- b) Adding the following new Policy 3, and renumbering existing Policy 3 as Policy 4:

3. Significant growth is not intended within developed *Apartment Neighbourhoods*. However, compatible infill development may be permitted on a site with one or more existing apartment buildings for the purpose of improving the existing site conditions by:

- a) locating new buildings to proportionally frame the edge of new and existing streets, parks and landscaped open spaces;
- b) consolidating, and if necessary, relocating parking and servicing areas where they are not visible from streets, parks and landscaped open spaces;
- c) providing grade-related dwellings at the edge of public streets, parks and landscaped open spaces; and
- d) improving upon the quality of landscaped open space and outdoor amenity space for new and existing residents.'

c) Deleting renumbered Policy 4 and replacing it with the following:

4. Compatible infill development may be permitted on a site containing one or more existing apartment buildings that has sufficient underutilized space to accommodate one or more new building(s) while improving site conditions and providing good quality of life for both new and existing residents including: maintaining or replacing and improving indoor and outdoor amenity space and landscaped open space, maintaining adequate sunlight and privacy for residential units, maintaining sunlight on outdoor amenity space and landscaped open space, and improving pedestrian access to the buildings from public sidewalks and through the site. Infill development, including additions to an existing apartment building, that may be permitted on a site containing one or more existing apartment building(s) will:
- a) meet the development criteria set out in Section 4.2.2;
 - b) respect the scale, including height and massing, of the existing apartment building(s) on and adjacent to the site, and not create high-rise additions to existing apartment building(s) on the site;
 - c) maintain separation distances between buildings on and adjacent to the site so as to achieve adequate sunlight and privacy;
 - d) maintain or replace and improve indoor and outdoor residential amenities on the site, including, wherever possible, equipping and managing indoor and outdoor amenity space to encourage use by residents;
 - e) provide all residents, including existing residents with access to the community benefits where additional height and/or density is permitted and community benefits are provided pursuant to Section 5.1.1 of this Plan;
 - f) provide privacy, areas of landscaped open space, and maintain adequate sunlight to units, on outdoor amenity spaces and on open spaces, for both new and existing residents;
 - g) organize development on the site to frame streets, parks and open spaces in good proportion, provide adequate sky views from the public realm, and create safe and comfortable open spaces;

- h) front onto and provide pedestrian entrances from an adjacent public street wherever possible, and provide a generous pedestrian realm adjacent to public streets;
- i) promote in the lower floors of midrise and tall apartment buildings grade related units with front gardens, stoops and porches that take direct access from public sidewalks, accessible open spaces and park edges;
- j) provide adequate on-site, below grade, shared vehicular parking for both new and existing development, with any surface parking and access to underground parking appropriately screened from the public realm and adjacent residences;
- k) preserve and/or replace important landscape features and walkways and create such features where they did not previously exist;
- l) consolidate and integrate loading, servicing and delivery facilities, and parking ramps within the building wherever possible;
- m) minimize curb cuts, encourage shared loading, parking access and ramps;
- n) improve waste storage and waste diversion facilities including enclosure of outdoor waste storage areas, to improve aesthetics, health and safety and waste diversion rates. Waste storage areas should be enclosed within a building, where possible;
- o) provide renovations and retrofits wherever necessary to extend the life of the existing buildings to be retained; and
- p) improve energy and water efficiency in existing buildings through renovations, retrofits and changes to management practices.

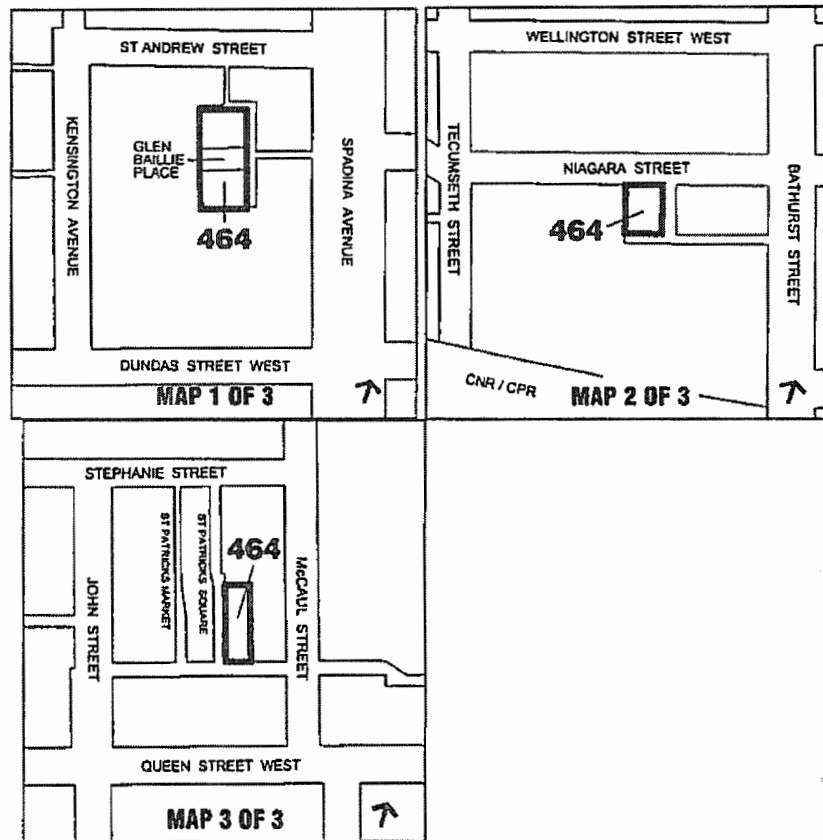
Any application for infill development on a site containing one or more existing apartment building(s) will be considered in the context of these criteria, and other relevant policies of this Plan. A discussion of how the development implements these criteria should be included in the Planning Rationale Report accompanying the application.

- d) Adding new Policy 5 as follows after Policy 4:

5. On larger sites which have the opportunity for more than one new building, a framework of additional public streets, shared driveways, new parkland and shared open space may be required to create infill development that meets the objectives of this Plan.'
6. Chapter 7, SITE AND AREA SPECIFIC POLICIES is amended by adding Site and Area Specific Policy No. 464 for those lands known municipally in 2014 as 2-15 Glen Baillie Place, 79-87 Niagara Street and 9-23 St. Patricks Square, as follows:

'464. 2-15 Glen Baillie Place, 79-87 Niagara Street and 9-23 St. Patricks Square

Development will respect and reinforce the stability and established low-rise character of these areas containing houses of two or three storeys in height, consistently setback from the street line.



7. Map 29, Site and Area Specific Policies, is amended for the lands known municipally in 2014 as 2-15 Glen Baillie Place, 79-87 Niagara Street and 9-23 St. Patricks Square, as shown on the three maps above as Site and Area Specific Policy No. 464.

APPENDIX 2

SITE SPECIFIC APPEALS OF ENTIRE OPA

APPEAL NO.	MUNICIPAL ADDRESS(ES)
5	2522-2542 Keele Street
22(P)	33 Erskine Avenue
25	491 Glencairn Avenue & 278-282 Strathallan Wood Road
26	3049-3051 Bayview Avenue & 2 Blithfield Avenue
27	49-51 Lawrence Avenue East & 84 Weybourne Crescent
28	422-436 Roncesvalles Avenue & 76 Howard Park Avenue
30	200-214 Keewatin Avenue
31(P)	11-15 & 19 Altamont Road
36	<ul style="list-style-type: none"> • 33 Rosehill Avenue & 44 Jackes Avenue (and the adjacent TTC lands directly to the west, as well as such other municipal addresses as the properties may be identified by from time to time, as well as all nearby lands to the extent that the application of OPA 320 to such lands is relevant to the site under appeal) • 2877-2911 Bayview Avenue & 550-630 Sheppard Avenue East (and such other municipal addresses as the properties may be identified by from time to time, as well as all nearby lands to the extent that the application of OPA 320 to such lands is relevant to the site under appeal)
40	The properties owned by the Toronto District School Board, as well as current publicly held school board lands generally.
41	90 Eastdale Avenue & 2 Secord Avenue
43	25 St. Dennis Drive
44	40 Moccasin Trail & 50 Green Belt Drive
46	250 Lawrence Avenue West & 219 Glengarry Avenue
48	150 Bronoco Avenue
49	36, 38 & 40 Churchill Avenue