



STAFF REPORT ACTION REQUIRED

95 & 99 Broadway Avenue and 197 Redpath Avenue Zoning Amendment Application - Preliminary Report

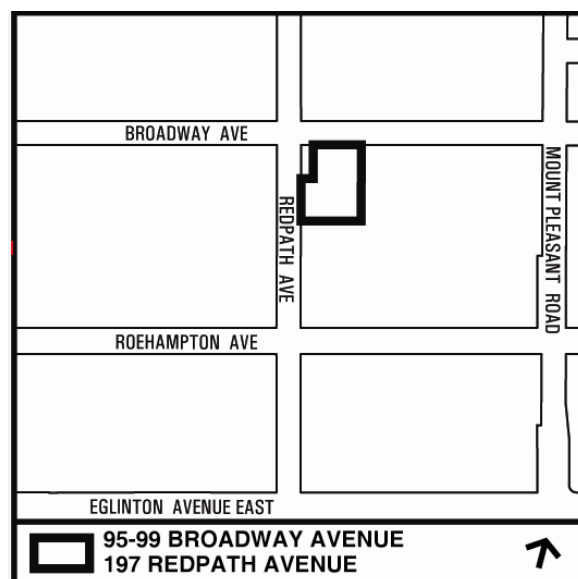
Date:	August 15, 2012
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 22 – St. Paul's
Reference Number:	12 146382 STE 22 OZ

SUMMARY

This application proposes to construct a residential condominium development with an 8-storey base and two, 30-storey towers above that. The total proposed height is 38 storeys and 126.2 metres (to the top of each tower). The proposed development includes 853 residential units including 32 replacement rental units (197 Redpath Avenue is a 3-storey apartment building containing 32 rental units) and 367 parking spaces. The proposed density is 22 times the lot area.

This report provides preliminary information on the above-noted application and seeks Community Council's directions on further processing of the applications and on the community consultation process.

The proposed building greatly exceeds the heights and densities of the built and planned context for this area. In the opinion of staff, the proposed height and density are unacceptable. However, staff recommend further processing of this application including the holding of a community consultation meeting in order to determine the nature and the extent of all revisions that will be required of this application. Some of these revisions have been discussed in general terms in the 'Issues' section of this report.



A final report is targeted for the first quarter of 2013 provided that the applicant submits all required information in a timely manner.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 95 and 99 Broadway Avenue and 197 Redpath Avenue together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. Notice for the public meeting under the Planning Act be given according to the regulations under the Planning Act.

Financial Impact

The recommendations in this report have no financial impact.

Pre-Application Consultation

A pre-application consultation meeting was held on June 7, 2012 with the applicant to discuss complete application submission requirements.

ISSUE BACKGROUND

Proposal

This is a rezoning application to permit the construction of two 30-storey residential towers situated on top of an 8-storey base for a total height of 38-storeys per tower. (Refer to Attachment 1: Site Plan, Attachments 2, 3, 4 & 5 Elevations).

The proposed (measured) height and density is 126.2 metres and 22 times the lot area respectively. The development contains a maximum of 853 residential units (including 32 rental replacement units. Refer to Attachment 9 (Application Data Sheet) for the complete list of project statistics.

The applicant is proposing a total of 367 parking spaces (for 853 residential units) in a 7- level, underground parking garage. Of the total proposed 367 parking spaces, 365 spaces are allocated to the residents of the building and 2 spaces are for their visitors. Parking and loading may be accessed from driveways on Broadway and on Redpath Avenues.

Site and Surrounding Area

The site is at the southeast corner of Broadway and Redpath Avenues (excluding the very corner property, 93 Broadway Avenue). It is located within an *Apartment Neighbourhood* and within the Yonge-Eglinton Urban Growth Centre.

The site contains two single family homes at 95 and 99 Broadway Avenue and a 32-unit, 3-storey rental apartment building. Both houses and the apartment building are proposed to be demolished. The applicant has submitted a rental housing demolition application.

Surrounding uses are as follows:

North: residential uses ranging from single family homes, to 3-storey apartments, to a 10-storey residential building immediately north of the site (across Broadway Avenue) to a 20- storey residential building on the northwest corner of Broadway and Redpath Avenues.

South: immediately south is a 17-storey residential condominium building;

West: a row of single family residential homes (southwest corner of Broadway and Redpath Avenues), an 8-storey residential building south of that on the west side of Redpath Avenue and a 2-storey detached house which is adjacent to the site and not part of this application at 93 Broadway Avenue;

East: immediately to the east of the site are three, 3-storey rental apartment buildings all of which front onto Broadway Avenue.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

i) Apartment Neighbourhoods

The site is located within the Yonge-Eglinton *Apartment Neighbourhoods* designation (refer to Attachment 7: Official Plan). The *Apartment Neighbourhoods* designation permits apartment buildings and all forms of residential development permitted in *Neighbourhoods*. The Official Plan indicates that "built up *Apartment Neighbourhoods* are stable areas of the City where significant growth is generally not anticipated. There may, however, be opportunities for additional townhouses or apartments on underutilized sites and the Plan sets out to evaluate these situations."

Development criteria used to evaluate redevelopment proposals include (Section 4.2):

- locating and massing new buildings to provide transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Plan, through means such as providing setbacks from, and/or stepping down of the heights towards, lower scale *Neighbourhoods* (there are no abutting *Neighbourhoods* designations but are found to the north and south of the site);
- locating and massing new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- providing sufficient off-street motor vehicle and bicycle parking for residents and visitors;
- locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- providing ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces.

ii) Built Form

The Built Form section of the Official Plan also provides policies that will assist in the evaluation of this proposal. These include (Section 3.1.2.3):

- New development is to be located and organized to fit within its existing and/or planned context and will limit its impacts on neighbouring streets, parks, open spaces and properties by:
 - a. Creating appropriate transitions in scale to neighbouring existing and/or planned buildings;
 - b. Providing for adequate light and privacy;
 - c. Adequately limiting any resulting shadowing of and uncomfortable wind conditions on, neighbouring streets, properties and open spaces.
- Taller buildings will be located to ensure adequate access to sky view for the proposed and future use of bordering streets, parks and open spaces.

iii) Healthy Neighbourhoods

Section 2.3.1.1 states that *Apartment Neighbourhoods* are considered to be physically stable areas and that development within *Apartment 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.

iii) **Housing**

This development proposal includes an application to permit the demolition of a 32-unit, 3-storey rental apartment building.

Section 3.2.1 of the Official Plan includes housing policies that encourage the provision of a full range of housing, in terms of form, tenure and affordability, and the protection of rental housing units. Policy 6 indicates that new development that will result in the loss of six or more rental housing units will not be approved unless:

- a. all the rental housing units have rents that exceed mid-range rents; or
- b. the following are secured:
 - 1. at least the same number, size and type of rental housing units are replaced and maintained with rents similar to those at the time the redevelopment application is made;
 - 2. for at least 10 years, rents for replacement units will be the rent at first occupancy with annual increases subject to specific limits; and
 - 3. an acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement units at similar rents, the provision of alternative accommodation at similar rents, and other assistance to lessen hardship; or
- c. in Council's opinion, the supply and availability of rental housing in the City has returned to a healthy state.

To review these and all sections of the Toronto Official Plan refer to the City's website at: www.toronto.ca/planning/official_plan/introduction.htm.

Yonge-Eglinton Secondary Plan

The site is within the boundaries of the Yonge-Eglinton Secondary Plan (refer to Attachment 8: Yonge-Eglinton Secondary Plan). The Secondary Plan generally defers to the Official Plan with respect to providing rental housing demolition policy guidance and development criteria for this *Apartment Neighbourhoods* site. However, some specific Secondary Plan policies apply to this site, including:

Section 2.4

"it is a primary objective tominimize conflicts among uses in Apartment Neighbourhoods in terms of land use, scale and vehicular movement";

Section 2.7(d)

"ensure that development of the greatest height, density and scale are situated within *Mixed Use Area* 'A', and that developments of a lesser scale that are contextually appropriate and compatible with adjacent areas will occur in *Mixed Use Areas* 'B', 'C' and 'D'." (Note: this site is not within any of the *Mixed Use Areas* referenced for greatest height, density and scale.);

Section 2.7(e) - "direct higher density residential development proposals within the *Apartment Neighbourhoods* to sites with nearby subway station access."

Section 2.10

"new development will be required to provide an adequate supply of parking and loading to meet site requirements while balancing the City's goal to reduce reliance on automobile use. Parking requirements may be reduced for the development in *Mixed Use Areas* and *Apartment Neighbourhoods* which are in close proximity to subway and light rapid transit access provided the proponents can demonstrate how projected travel can be accommodated by other modes. The purpose of such relief is to: reduce reliance on automobiles; reduce conflicts between vehicular traffic and on-street servicing; and maximize the utilization of existing parking facilities".

Section 5.0, Yonge-Eglinton Centre

The Province's Growth Plan for the Greater Golden Horseshoe contains policies to direct a significant portion of future population and employment growth into a number of intensification areas. These areas include five "Urban Growth Centres" (UGC's) within the City. Under the Growth Plan, municipalities were required to delineate the boundaries of the UGC's within their Official Plans.

The proposed development is within one of those five designated Urban Growth Centres and is within the area defined as the Yonge-Eglinton Centre by Official Plan Amendment 116 (amendment to the Yonge-Eglinton Secondary Plan). Section 5 of the Yonge-Eglinton Secondary Plan includes the following Urban Growth Centre policies which are applicable to the site:

- 5.2 Within the Yonge-Eglinton Centre, the highest heights, densities and scale of development will be within *Mixed Use Area 'A'* on the blocks at the four quadrants of the intersection of Yonge Street and Eglinton Avenue.
- 5.3 The heights, densities and scale of development will decrease along Eglinton Avenue East with increasing distance from the Yonge-Eglinton intersection within the Yonge-Eglinton Centre.
- 5.4 The *Apartment Neighbourhoods* within the Yonge-Eglinton Centre are largely built-up and considered to be physically stable areas. Development in these *Apartment Neighbourhoods* will comply with the policies of the Official Plan, particularly the policies in Sections 2.3.1 and 4.2.
- 5.7 New development in the Yonge-Eglinton Centre will be compatible with maintaining the character of surrounding *Neighbourhoods* (to the northwest and southwest).

Design Criteria for the Review of Tall Building Proposals

A tall building is generally defined as a building that is taller than the road right-of-way adjacent to the site. The Design Criteria provide policy recommendations for tall buildings on issues of transition, building placement and orientation, entrances, massing of base buildings, tower floor plate sizes, tower setbacks and separation distances, pedestrian realm considerations and sustainable design. This document will be used in the evaluation of the proposed development.

Rental Housing Demolition and Conversion By-law

The Rental Housing demolition and Conversion By-law, contained in Chapter 667 of the City's Municipal Code, implements the City's Official Plan policies protecting rental housing. The By-law prohibits demolition or conversion of rental housing units without obtaining a permit from the City issued under Section 111 of the City of Toronto Act.

Applications under Chapter 667 for rental demolition are typically handled concurrently with an application to amend the Zoning By-law and City Council may decide on both applications at the same time. Unlike Planning Act applications, City Council decisions to approve or refuse demolitions are not subject to any appeal to the Ontario Municipal Board.

Zoning

The site is zoned R2 Z2.0 under By-law 438-86. That classification permits a range of residential uses including detached and semi-detached houses, row houses and apartment buildings built to a total density of 2.0 times the lot area. The height restriction is 38 metres.

Site Plan Control

This application is subject to site plan control. An application has been submitted and circulated.

Tree Preservation

The applicant has submitted a tree inventory. A total of 6 trees are located on privately owned property. The applicant must indicate which trees are intended to be removed or preserved. The applicant's tree removal and preservation plans are subject to revisions as may be required by commenting Divisions (including Urban Forestry).

Reasons for the Application

The applicant is requesting to amend the provisions of By-law 438-86 to permit the proposed building height of 126.2 metres and a density of 22.1 times the lot area. Other areas of non-compliance (ie. parking, setbacks, landscaped open space) will be determined by the Buildings Division through their zoning review of the application.

The proposed development's compliance with the Official Plan will be determined in the initial stages of the review of this application.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Architectural Plans and Landscape Drawings;
- planning rationale;
- shadow studies;
- Green Development Standard Checklist & Statistics Template;
- Transportation Impact Study and Parking Study;

- Functional servicing Report;
- Pedestrian Level Wind Study;
- Community Services and Facilities Report;
- Housing Issues Report;
- Rental Housing Demolition and Conversion Application;
- Rental Housing Demolition and Conversion Declaration of Use and Screening Form

A Notification of Complete Application was issued on August 15, 2012.

Issues to be Resolved

Prior to submitting a Final Report to Toronto and East York Community Council, the following issues will need to be reviewed and satisfactorily addressed by the applicant:

i) Consistency with the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe

- particularly but not exclusively, with those policies which are related to Urban Growth Centres.

ii) Conformity with the Policies of the Official Plan and the Yonge-Eglinton Secondary Plan:

- particularly but not exclusively, with those policies of the Built form and Apartment Neighbourhoods sections of the Official Plan and the Urban Growth Centre (UGC) policies of the Yonge-Eglinton Secondary Plan all of which offer direction to new development proposals with respect to appropriate height, density, massing and site orientation.

1. Tower Height and Density

With respect to tower height and density, the UGC policies of the Yonge-Eglinton Secondary Plan require the highest heights and densities within the Yonge-Eglinton UGC to be located at the 4 corners of Yonge Street and Eglinton Avenue within the *Mixed Use Area 'A.'* In addition, the Secondary Plan specifies that heights and densities will decrease with distance (eastwards) from the intersection.

The subject site is not within the Mixed Use Area 'A' nor is it on Eglinton Avenue. As a result, the heights and densities of a proposed redevelopment on this site are expected to be comparable to the transitioning height and density context provided by the: existing; recently built or under construction; and recently approved developments on Eglinton Avenue East in proximity to the site.

The closest development approval to the site on Eglinton Avenue East is the Madison Towers at 79 Dunfield Avenue and 85 – 117 Eglinton Avenue East. The Madison Towers development is a full-block, two-tower development of 36 and 33 storeys and a total density of approximately 10 times the lot area. The proposed development at 95 – 99 Broadway Avenue and 197 Redpath Avenue (not a full block development) is for two towers of 38 storeys each (including podium)

and a density of approximately 22 times the lot area. The proposed development exceeds the height and density context of the area.

As a further guide for appropriate heights and densities for new development proposals in this area, By-law 438-86 sets a pattern that shows the highest heights and densities are to be located on Eglinton Avenue East and that decrease with distance (northwards) from Eglinton Avenue through the *Apartment Neighbourhood* and on to the *Neighbourhoods* designation north of Erskine Avenue. This proposal does not fit that pattern.

2. Massing

The *Apartment Neighbourhoods* section of the Official Plan requires the building to be massed and located appropriately on the lot with good proportion to the street.

The applicant will need to provide supportive drawings and information that indicate the massing of an 8-storey building base is appropriate for this site. The applicant will also be requested to improve the relationship between the proposed development and the existing 2-storey house which is to remain at 93 Broadway Avenue.

3. Healthy Neighbourhoods

The Healthy Neighbourhoods Section of the Official Plan indicates that *Apartment Neighbourhoods* are considered "stable areas" but if new development is proposed, it will "respect and reinforce" the existing physical character of buildings and streetscapes in the area.

The applicant is requested to provide additional information on the fit of a 2-tower development into the existing physical character of buildings and streetscapes within the local area.

ii) **Conformity with the Design Criteria for the Review of Tall Building Proposals:**

- particularly but not exclusively, with those criteria pertaining to scale of the base building, tower height, tower floor plate size, shadowing, setbacks, separating distances between the proposed towers and to the adjacent existing buildings.

1. Scale of the Base Building

The Design Criteria recommend that, for corner sites, the base building will be massed to respect the prevailing height of the base buildings on both sides and that the higher base height of the existing buildings will govern the base height of the proposed building.

This proposal is showing an 8-storey base building with an outdoor amenity area on its roof deck between the two towers.

The applicant is requested to provide Broadway Avenue and Redpath Avenue elevations which include the adjacent buildings. These drawings will assist Planning staff in determining whether

the proposed height and scale of the 8-storey building base fits within the context of the scale and heights of the neighbouring buildings.

2. Tower Floorplate

The Design Criteria recommend tall and slender towers (for tall building sites) which lessen shadow impact on the neighbourhood and which allow sunlight penetration, City views and sky views to the proposed and to the adjacent existing buildings. A maximum tower floorplate size of 743 square metres is recommended to achieve these objectives.

The proposed towers are approximately 800 square metres (north tower) and 900 square metres (south tower), significantly above the recommended maximum.

3. Tower Setbacks and Separation

To achieve light, view and privacy for proposed towers on the same site or for adjacent existing towers or to secure light, view and privacy for adjacent potential tower sites, the Design Criteria recommend that towers should be separated by a minimum distance of 25 metres. In this case, the proposed development has less than 25 metres of separation between the two proposed towers and between the proposed towers and the existing tower to the south or the potential tower site(s) to the east.

Separating distances are:

- the proposed towers are separated by 20 metres;
- the proposed south tower is separated from the 17-storey condominium to the south by approximately 15 metres (most of which is on the adjacent building's property); and
- the proposed towers are separated from the existing 3-storey rental apartment to the east by approximately 23 metres (also primarily on the adjacent building's property).

The Design Criteria also recommend that the setback of a proposed tower to the property line should be a minimum of 12.5 metres. This setback assumes that a matching setback is or would be provided on an adjacent site if it contains or could be redeveloped as a tall building. In this case, the applicant has proposed tower setbacks to the east property line of approximately 0.4 metres and 3.3 metres from the north and the south towers respectively.

The applicant is requested to provide an architectural study of what could be built (including replacement rental units) on the apartment lot(s) to the east. Such study should use 12.5 metre setbacks to all property lines (which are not abutting a public street).

The applicant is requested to examine the potential of resolving the issue of insufficient tower separating distances and setbacks through revising the application to a single-tower proposal.

A north to south lane extends along the site's east property line. Multiple property owners have easements over that lane. The owner is requested to provide information on the ownership of

and the easements over that lane and how that could affect the redevelopment potential of the properties to the east.

Attention should also be given to all other applicable criteria (e.g., pedestrian realm) as set out in the Design Criteria.

iii) Transportation Issues

- particularly transportation issues which may arise that are related to local traffic circulation and the proposed vehicular parking supply (the *Apartment Neighbourhoods* section of the Official Plan requires that sufficient motor vehicle parking be provided).

iv) Rental Housing Demolition Issues

- particularly as may arise in the review of the rental housing demolition application.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

Toronto Green Standard

The Toronto Green Standard (TGS) is a tool to implement the broader environmental policies of the Official Plan. Several of the natural environment policies of the Official Plan encourage green development. These policies are geared to reduce the negative impacts of development on the natural environment through practices such as improved stormwater management, water and energy efficiency, and waste reduction and recycling. These policies also promote development that enhances the natural environment and support green industry.

A TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

Section 37

The Official Plan includes policies pertaining to the exchange of public benefits for increased height and density for new developments pursuant to Section 37 of the Planning Act. The applicant is aware that the City intends to apply the Section 37 policies of the Planning Act to this proposal. Details of a Section 37 Agreement between the applicant and the City will be established if the development is recommended for approval.

CONTACT

Tim Burkholder, Senior Planner

Tel. No. (416) 392-0412

Fax No. (416) 392-1330

E-mail: tburk@toronto.ca

SIGNATURE

Raymond David, Director
Community Planning, Toronto and East York District

(p:\2012\Cluster B\pln\teycc19828113061.doc) - es

ATTACHMENTS

Attachment 1: Site Plan (as provided by applicant)

Attachment 2: North Elevation (as provided by applicant)

Attachment 3: South Elevation (as provided by the applicant)

Attachment 4: West Elevation (as provided by the applicant)

Attachment 5: East Elevation (as provided by the applicant)

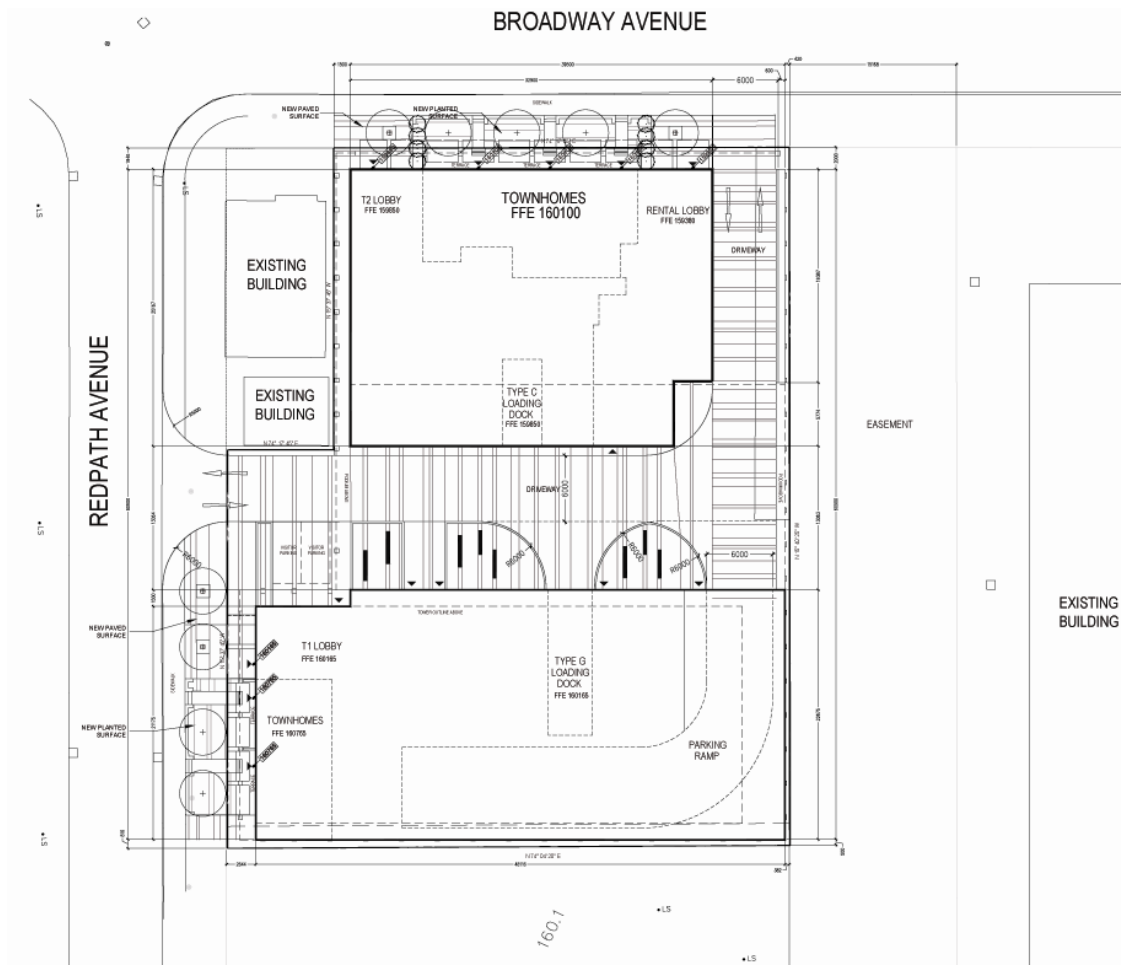
Attachment 6: Zoning

Attachment 7: Official Plan

Attachment 8: Yonge-Eglinton Secondary Plan

Attachment 9: Application Data Sheet

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

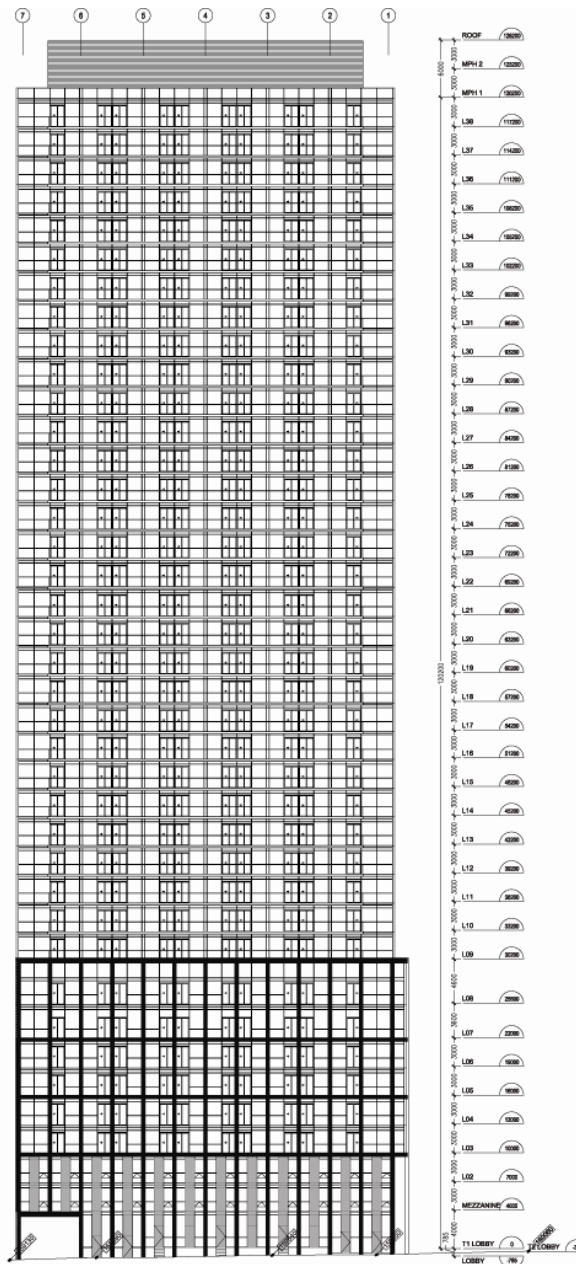
Not to Scale
08/14/2012



95-99 Broadway Avenue
197 Redpath Avenue

File # 12_146382_OZ

Attachment 2: North Elevation



North Elevation - Broadway Avenue

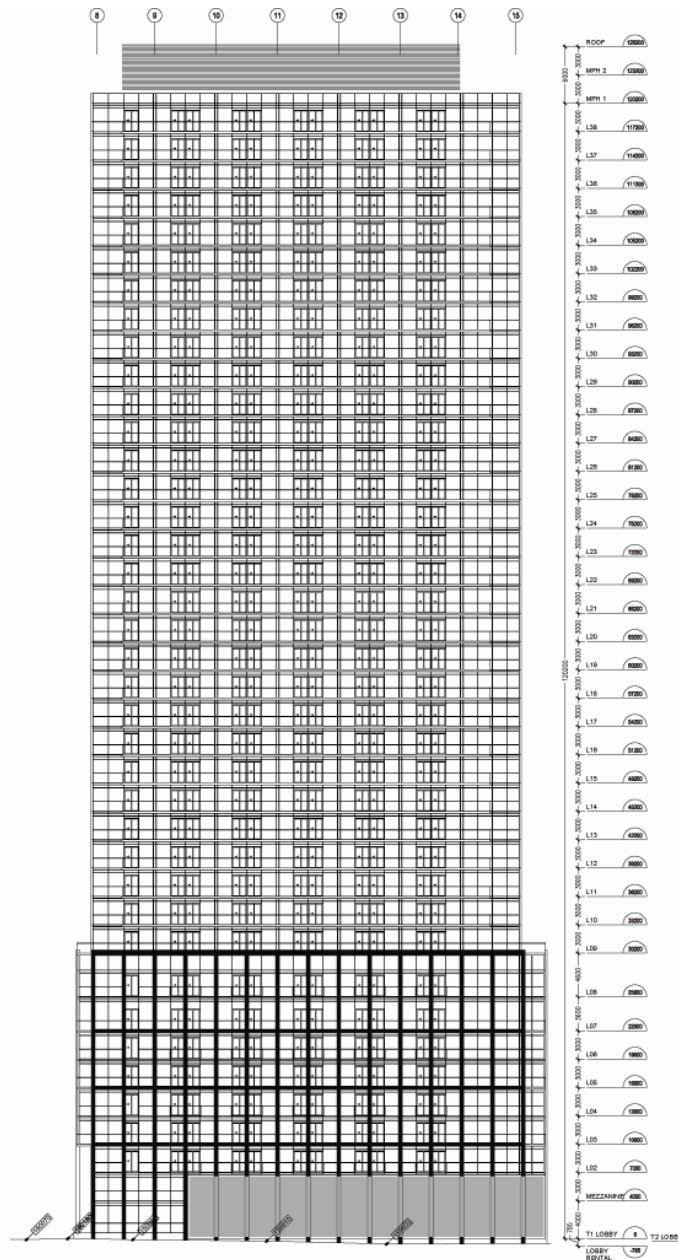
Applicant's Submitted Drawing

Not to Scale
08/13/2012

**95-99 Broadway Avenue
197 Redpath Avenue**

File # 12_146382_OZ

Attachment 3: South Elevation



South Elevation - Broadway Avenue

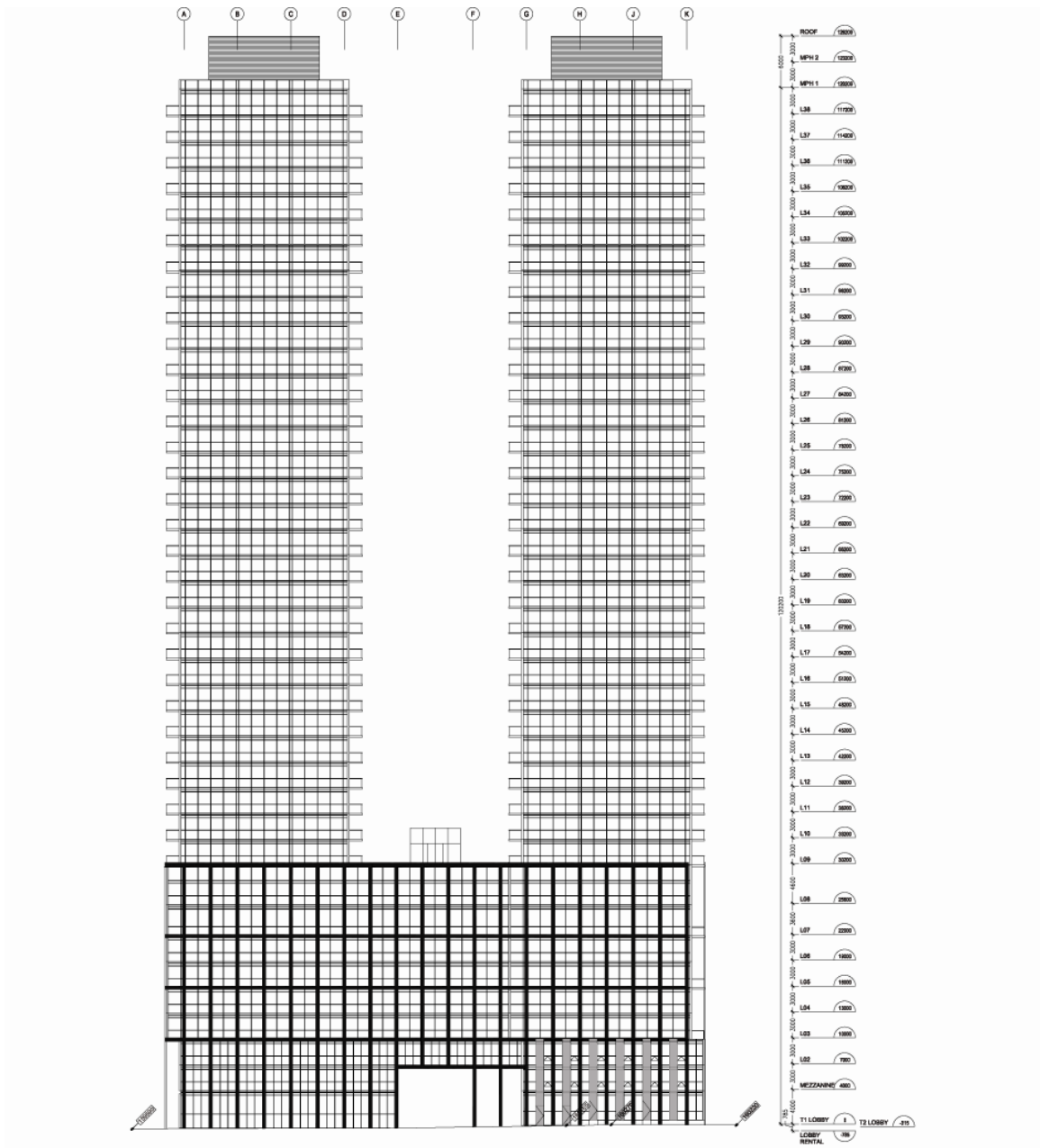
Applicant's Submitted Drawing

Not to Scale
08/13/2012

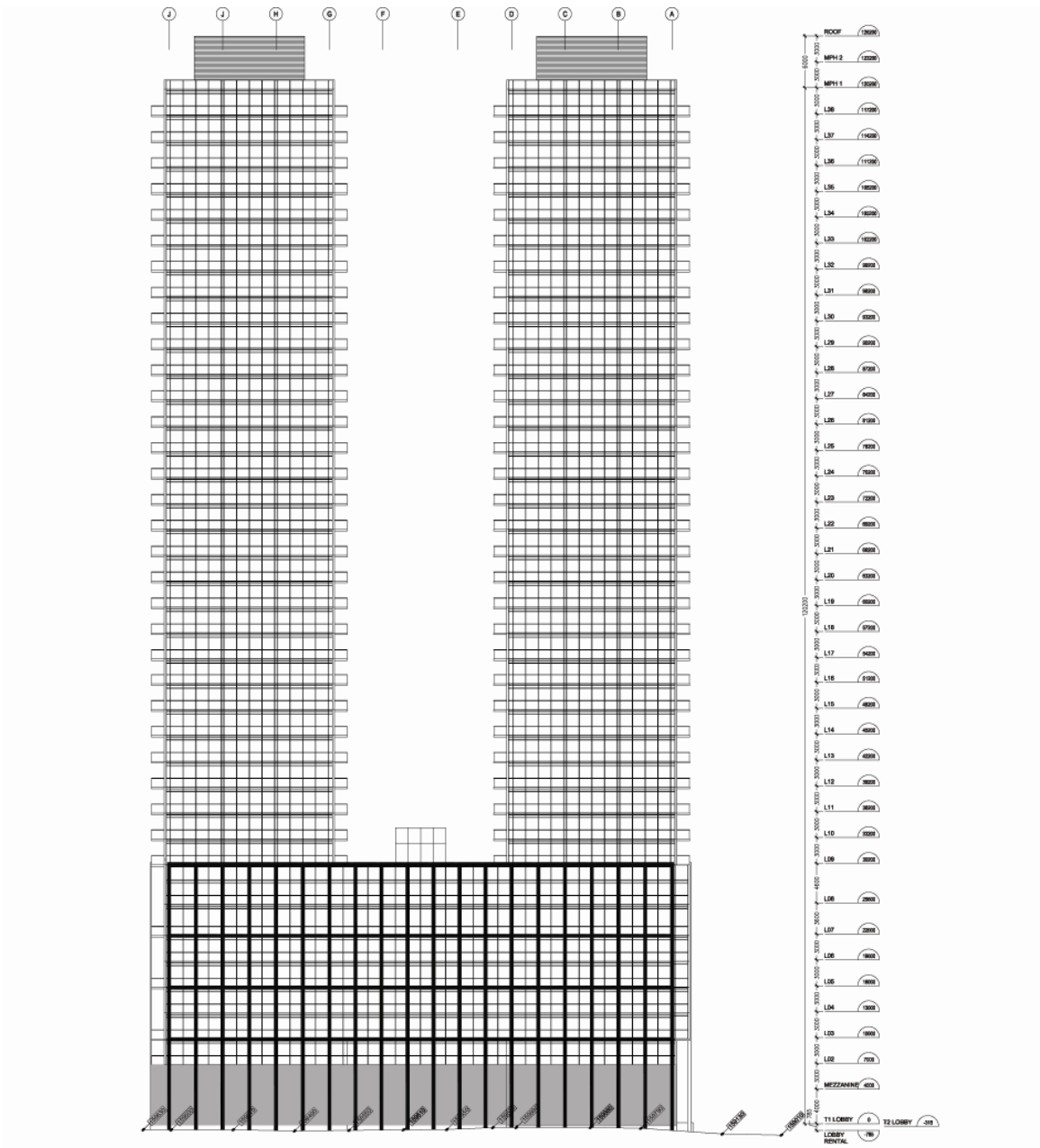
**95-99 Broadway Avenue
197 Redpath Avenue**

File # 12_146382_02

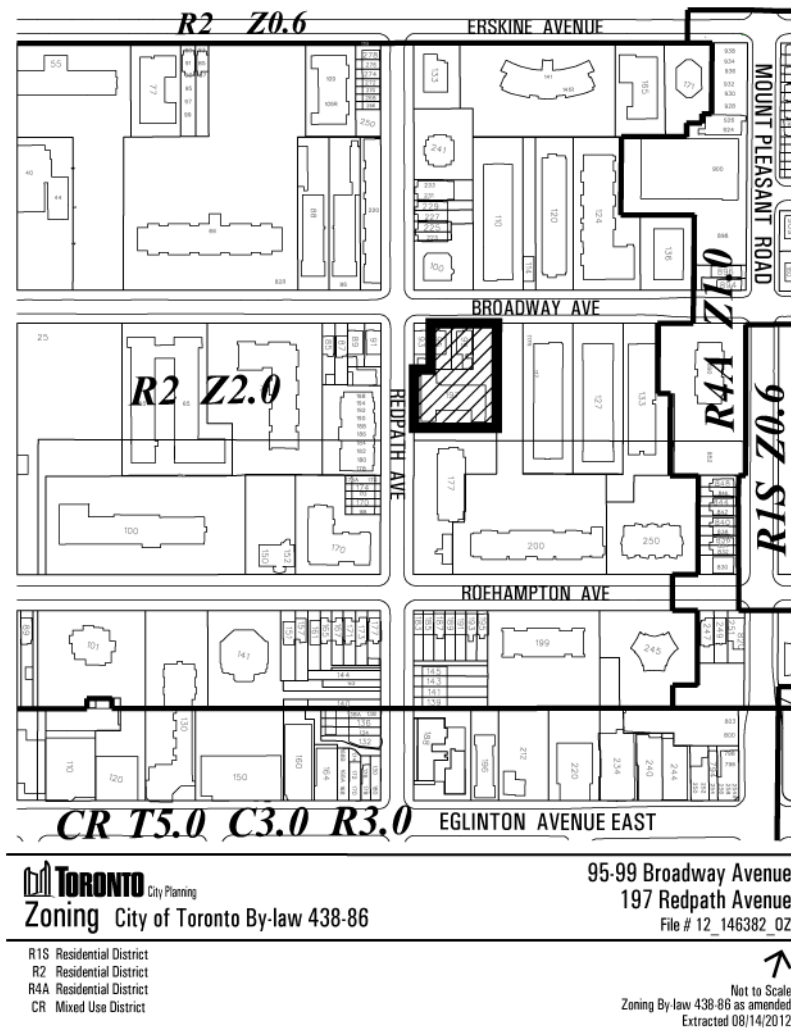
Attachment 4: West Elevation



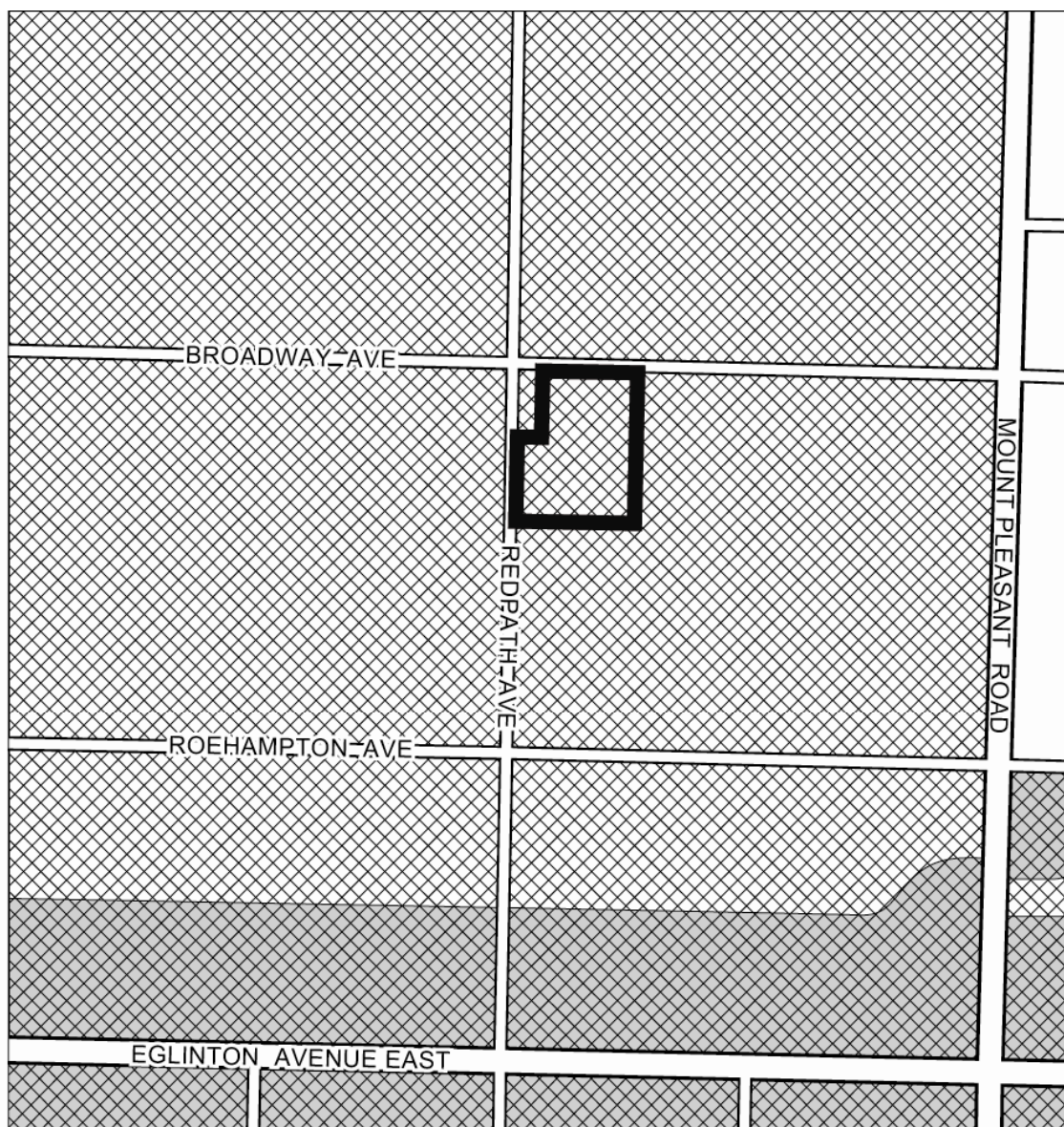
Attachment 5: East Elevation



Attachment 6: Zoning



Attachment 7: Official Plan



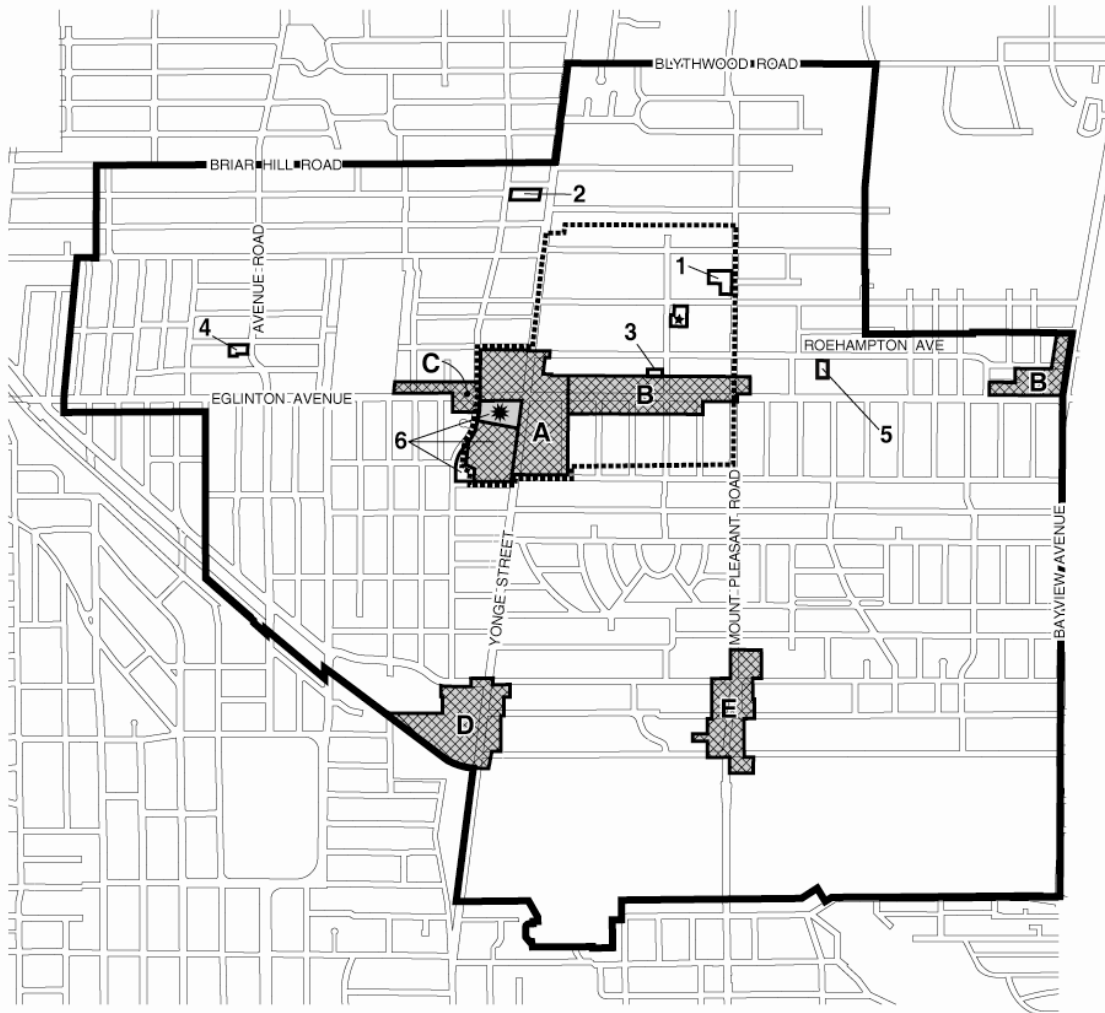
Toronto City Planning
Official Plan

95-99 Broadway Avenue
197 Redpath Avenue
File # 12_146382



↑
Not to Scale
08/14/2012

Attachment 8: Yonge-Eglinton Secondary Plan



March 2010

- | | | |
|-------------------------|---------------------------------|-------------------------------|
| Secondary Plan Boundary | Special Study Area | Proposed Development Location |
| Mixed Use Areas | Site and Area Specific Policies | |
| Yonge-Eglinton Centre | | |

Yonge-Eglinton Secondary Plan

MAP 21-1 Land Use Plan

Not to Scale
08/14/2012



95-99 Broadway Avenue

197 Redpath Avenue

File # 12_146382

Attachment 9: Application Data Sheet

Application Type	Rezoning	Application Number:	12 146382 STE 22 OZ
Details	Rezoning, Standard	Application Date:	March 30, 2012

Municipal Address:	95 BROADWAY AVE
Location Description:	PLAN 806 PT LOT 37 **GRID S2201
Project Description:	Rezoning application for construction of new residential building - 2 towers - 38 stories each connect by a 8 storey podium - 7 levels below grade parking - 367 parkingspaces - 853 residential units.

Applicant:	Agent:	Architect:	Owner:
SHERMAN BROWN			TIMOTHY JAMES H POUPORE

PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:	
Zoning:	R2 Z2.0	Historical Status:	
Height Limit (m):	38	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	2983	Height:	Storeys:	38
Frontage (m):	41.4		Metres:	126.2
Depth (m):	63.5			
Total Ground Floor Area (sq. m):	1770.2			Total
Total Residential GFA (sq. m):	65901		Parking Spaces:	367
Total Non-Residential GFA (sq. m):	0		Loading Docks	2
Total GFA (sq. m):	65901			
Lot Coverage Ratio (%):	59			
Floor Space Index:	22.1			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Rental, Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	65901	0
Bachelor:	37	Retail GFA (sq. m):	0	0
1 Bedroom:	527	Office GFA (sq. m):	0	0
2 Bedroom:	281	Industrial GFA (sq. m):	0	0
3 + Bedroom:	8	Institutional/Other GFA (sq. m):	0	0
Total Units:	853			

CONTACT:	PLANNER NAME:	Tim Burkholder, Senior Planner
	TELEPHONE:	(416) 392-0412