



STAFF REPORT ACTION REQUIRED

95 & 99 Broadway Avenue and 197 Redpath Avenue – Zoning Amendment & Rental Demolition Application under Municipal Code 667 - Request for Directions / Refusal Report

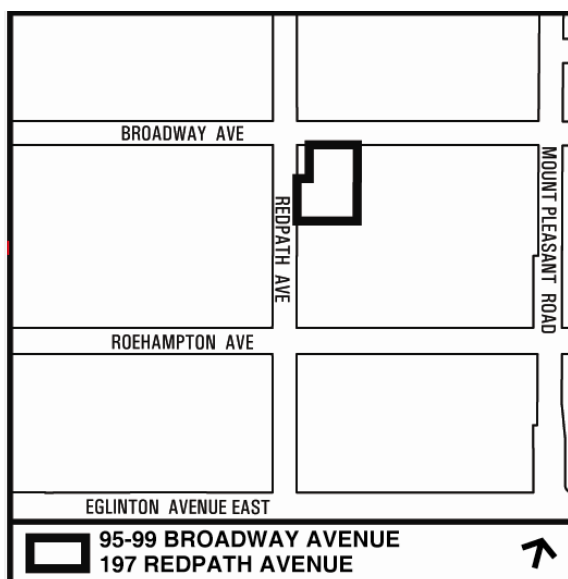
Date:	August 16, 2013
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 22 – St. Paul's
Reference Number:	12-146382 STE 22 OZ

SUMMARY

This application proposes to construct a residential condominium development with an 8-storey base plus two, 30-storey towers and their mechanical penthouses on top of 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 22.4 times the lot area.

A Rental Housing demolition and Conversion application was also submitted under Section 111 of the City of Toronto Act to demolish the 3-storey, 32-unit rental residential apartment building at 197 Redpath Avenue pursuant to Chapter 667 of the municipal Code. The City's decision on the Rental Housing Demolition and Conversion application is not subject to appeal to the Ontario Municipal Board.

This report reviews and recommends refusal of the application to amend the Zoning By-law and the application to



demolish the existing rental housing pursuant to Chapter 667 of the Municipal Code.

At 22.4 times its lot area and with a height of 126.2 metres this proposed development represents an overdevelopment of the site. Approval of this development would set an undesirable precedent for future applications as it would undermine the policies of the Official Plan and the Yonge-Eglinton Secondary Plan as they relate to fit within the neighbourhood context, Built Form, Tall Buildings and Apartment Neighbourhoods.

Approval of this development would also set an undesirable precedent given the character of the Yonge and Eglinton Apartment neighbourhood. The proposal is not consistent with the intent of the recent City Council approval of the Tall Building Design Guidelines particularly with respect to tower separation, base building height and tower floorplate.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse application No. 12 146382 STE 22 OZ for Zoning By-law Amendment at 95 & 99 Broadway Avenue and 197 Redpath Avenue for the following reasons:
 - a. the proposal does not conform, to the Official Plan, including policies related to Built Form, Tall Buildings and Apartment Neighbourhoods;
 - b. the proposal is not consistent with Council-approved guidelines such as the Tall Building Design Guidelines;
 - c. the proposal represents an over-development of the site; and
 - d. an agreement has not been reached between City staff and the applicant with respect to the Rental Demolition Application.
2. Staff advise the Ontario Municipal Board to the City Council's position that any redevelopment of the lands must also include the full replacement of the existing 32 rental dwelling units and a Tenant Relocation and Assistance Plan, including the right of tenants to return to the new rental units in accordance with the Official Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
3. In the event the Ontario Municipal Board allows the appeal in whole or in part, City Council direct staff to request that the Board withhold any order to approve a Zoning By-law for the subject lands until such time as the City and the owner have presented a draft by-law to the Board that provides for securing the rental housing matters as outlined in Recommendation 2 of this report (August 16, 2013) from the Director, Community Planning, Toronto and East York District and a Section 37 Agreement incorporating these matters has been executed.

4. City Council authorize the City Solicitor together with City Planning and other appropriate staff to appear before the Ontario Municipal Board in support of City Council's decision to refuse the application.
5. City Council authorize City Planning in consultation with the Ward Councillor, to secure services, facilities or matters pursuant to Section 37 of the Planning Act, as may be required by the Chief Planner, should the proposal be approved in some form by the Ontario Municipal Board.

Financial Impact

The recommendations in this report have no financial impact.

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 height and density is 126.2 metres and 22.4 times the lot area respectively. The application proposes to demolish two detached houses at 95 and 99 Broadway Avenue and a 32-unit, 3-storey rental apartment building at 197 Redpath Avenue to allow construction of the proposed development.

The development, as proposed, contains 912 residential units (including 32 rental replacement units). The applicant has proposed to replace the rental units with the same number and type of units, as in the existing rental building, on the second and third floors of the development. Refer to Attachment 9 (Application Data Sheet) for the complete list of project statistics.

The applicant is proposing a total of 366 parking spaces (for 912 residential units) in a 7-level, underground parking garage. Of the total proposed 366 parking spaces, 274 spaces are allocated to the residents of the building and 92 spaces are for their visitors. Parking and loading are accessed from driveways on Broadway and on Redpath Avenues.

Staff consistently expressed concerns (to the applicant) that this proposal represents an over-development of the site. Staff worked with the applicant attempting to revise the plans to design a proposal that better fits within the local area context. The applicant has chosen to end this process of discussion which could lead to a mutually agreeable revised proposal and have appealed the application to the Ontario Municipal Board on the basis of time.

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 2-storey detached house at 93 Broadway Avenue which is adjacent to the site and which is not part of this application, a row of single family residential homes at 85 – 91 Broadway Avenue on the opposite (to the site) southwest corner of Broadway and Redpath Avenues and an 8-storey apartment building at 188 Redpath Avenue which is on the west side of Redpath Avenue south of the houses at 85 – 91 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 has reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

Apartment Neighbourhoods

The site is located within an *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 *Neighbourhoods* are found only a half block away to the north and east 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.

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.

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.

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.

City of Toronto Act

Section 111 of the City of Toronto Act, 2006 authorizes Council to regulate the demolition and conversion of residential rental properties in the City. By-law 885-2007 (also known as the Rental Housing Demolition and Conversion By-law), which was enacted by City Council on July 19, 2007, implemented this provision. The By-law established Chapter 667 of the Municipal Code,

The By-law makes it an offence amongst other things, to demolish, or cause to be demolished, the whole or any part of a residential rental property unless approval has been granted for a Section 111 permit for the demolition of the residential rental property. In addition, approval of related planning applications, such as a rezoning dependent on such demolition should be conditional upon the applicant receiving a Section 111 permit.

Council may refuse an application, or approve the demolition with conditions. Conditions such as replacement of rental housing and tenant assistance may be imposed on the approval of a Section 111 permit. These conditions are based on the Official Plan policies and established practices the City has in place when considering rental housing demolition.

Where an application for rezoning triggers an application under Section 111 for rental demolition or conversion, City Council typically considers both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council to refuse or approve a Section 111 permit are not subject to appeal to the Ontario Municipal Board.

The applicant has made an application for a Section 111 permit to demolish the 32 unit rental building of affordable and mid-range rents and proposes to replace the units in the new development. Staff are working with the applicants to secure an appropriate rental unit replacement proposal and a tenant assistance plan. Decisions made by Council under this statute are not appealable to the Ontario Municipal Board.

An acknowledgement by City staff that a permit will be issued under Section 111 of the City of Toronto Act is a prerequisite for a zoning amendment which would result in the demolition of rental units. The rental housing demolition application remains under review.

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 to," among other things "minimize 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 (*Healthy Neighbourhoods*) and 4.2 (*Apartment Neighbourhoods*).
- 5.7 New development in the Yonge-Eglinton Centre will be compatible with maintaining the character of surrounding *Neighbourhoods*. In this case the closest

Neighbourhoods designation is approximately half a block away to the north and east.

Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated City-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure that they fit within their context and minimize their local impacts. The city-wide guidelines are available at <http://www.toronto.ca/planning/tallbuildingsdesign.htm>.

A tall building is generally defined as a building that is taller than the road right-of-way adjacent to the site. The Tall Building Design Guidelines 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.

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

The proposal is subject to Site Plan Control and an application has been submitted (File No. 12 197250 STE 22 SP).

Reasons for Application

The applicant is requesting to amend the provisions of By-law 438-86 to permit the proposed building height(s) of 126.2 metres and a density of 22.1 times the lot area. A height of 38 metres and a density of 2.0 times the lot area is permitted by the By-law. Other areas of non-compliance with the By-law include: parking, setbacks and landscaped open space.

Community Consultation

A community consultation meeting was held on November 14, 2012. The community meeting was held at the North Toronto Collegiate auditorium and was attended by approximately 80 residents and other interested parties.

In addition to resident concerns with respect to building height and density, many of the issues raised at the community meeting had also been discussed at the pre-application meetings held by the Ward Councillor (which meetings included members of local resident's associations). Issues raised at the community meeting and submitted in written form subsequent to the meeting included:

- the proposed height and density are unacceptable. The proposed development is too large for the site and its location;
- twin towers are out of scale and context for the site and the neighbourhood;
- an 8-storey podium is too tall and is inappropriate for this site;
- at 22 times the lot area, the proposed density for the development exceeds the density of all existing and approved developments in the Yonge-Eglinton area including the existing residential building across the street at 82 Broadway Avenue (4.71x), the two towers plus new school at 70 Roehampton Avenue (2.9x) and the recently approved mixed use, two-tower development at 2263 Yonge Street and 25 Roehampton Avenue (15.22x); and
- questions with respect to rental housing replacement.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

COMMENTS

Provincial Policy Statement and Provincial Plans

As stated in the Provincial Policy Statement (Policy 4.5) the Official Plan is the most important vehicle for implementation of the PPS. Comprehensive, integrated and long term planning is best achieved through municipal Official Plans. Municipal Official Plans shall identify Provincial interests and set out appropriate land use designations and policies. The PPS speaks to managing and directing land use to achieve efficient development and land use patterns.

Places to Grow, the Growth Plan for the Greater Golden Horseshoe is the Provincial document that identifies areas to which municipalities are to direct growth through their official plan policies. These growth areas are referred to as Urban Growth Centres.

The City of Toronto implemented the Growth Plan through a recent amendment to the Official Plan. Map 21-1 of the Yonge Eglinton Secondary Plan indicates the boundaries of the Yonge-Eglinton (urban growth) Centre. Section 5.0 of the Yonge-Eglinton Secondary Plan establishes policies which direct the highest heights and densities within the Yonge Eglinton Centre to the four quadrants of Yonge Street and Eglinton Avenue.

While the proposal generally conforms to the PPS, this report demonstrates that this application does not conform to the Growth Plan as implemented by Section 5.0 of the Yonge-Eglinton Secondary Plan.

Land Use

The application proposes construction of a 2-tower apartment building development. Apartment buildings are permitted uses within the R2 zoning and the Apartment Neighbourhood designation for the site. However, this application:

- proposes to greatly exceed the height and density permitted by By-law 438-86;
- is not in keeping with the overall Yonge-Eglinton *Apartment Neighbourhood* character which is generally comprised of lower apartment towers and mid-rise and walk-up apartment buildings many of which are surrounded with sizeable landscaped open spaces; and
- fails to meet many of the key provisions of the Tall Building Design Guidelines.

The Tall Building Design Guidelines are intended to "assist with the implementation of Official Plan policies to help ensure that tall buildings, where they are permitted, fit within their context and minimize their local impacts."

Density, Height, Massing

Planning staff do not support the proposed density, height and massing which is proposed for the site. This application proposes a density of 22.4 times the area of the lot and a height of 126.2 metres whereas By-law 438-86 permits a density of 2.0 times the lot area and 38 metres in height respectively. At approximately twice the height and twice the density of the largest of the existing or approved apartment buildings in the surrounding area, the proposed building cannot be considered to be sensitive infill which would improve the quality of life for both the existing residents of the local area and the new residents of the proposed building (Official Plan, Section 4.2, textual commentary).

Section 5.0 of the Yonge-Eglinton Secondary Plan sets out specific policies that pertain to height and density within the Yonge-Eglinton Centre. Policy 5.2 states that the highest heights, densities and scale of development are directed to the Mixed Use Area 'A' on the blocks at the four quadrants of the intersection of Yonge Street and Eglinton Avenue. Policy 5.3 states that heights, densities and scale of development will decrease along Eglinton Avenue with increasing distance east of the intersection of Yonge Street and Eglinton Avenue.

The following table indicates the densities and heights of the proposed development and of recently approved, under construction and occupied buildings which are within the South District portion of the Yonge Eglinton Centre in proximity to the subject site. Two Yonge Street developments are included in the table to show the established height peak.

Address	Status of Development	Height	Density (f.s.i.)	Within Yonge-Eglinton Secondary Plan Mixed Use Area?
95 & 99 Broadway and 197 Redpath Ave. (<i>subject site</i>)	2 towers. Rezoning application appealed to the OMB	Both towers proposed to be 38 storeys	22.4x	No
2263 - 2287 Yonge, 8 Eglinton Ave. E. & 25 Roehampton Ave.	Zoning approved – July 2013	58 & 36 storeys	15x	Yes – Area 'A'
2195 Yonge St.	2 towers, occupied	54 & 39 storeys	12x	Yes – Area 'A'
79 Dunfield & 85 – 117 Eglinton Ave. E.	2 towers, under construction	36 & 33 storeys	11.31x	Yes - Area 'B'
161 Eglinton Ave. E.	Zoning approved 2013	30 storeys	12.5x	Yes – Area 'B'
212 Eglinton Ave. E.	Occupied	21 storeys	8.0x	Yes - Area 'B'
30 Roehampton Ave.	Under construction	34 storeys	8.97x	No
70 Roehampton Ave.	2 towers, occupied	27 storeys on Roehampton Ave & 24 storeys on Broadway Ave	2.9x	No
150 Roehampton Ave.	Occupied	15 storeys	5.35x	No
82 Broadway Ave.	Occupied	20 storeys	4.7x	No

The general development approval pattern (which is apparent from the above table) is a gradual decrease in the approved heights with distance (eastwards) from Yonge Street in the approved heights along Eglinton Avenue, Roehampton Avenue and Broadway

Avenue. This pattern of approved heights complies with the intent of the policies of Section 5.0 of the Yonge-Eglinton Secondary Plan.

Densities do not strictly adhere to that pattern given particular site-specific lot characteristics (e.g., the lower than expected density for 70 Roehampton Avenue which includes two condominium towers but also includes the full sized North Toronto Collegiate sports field).

By-law 438-86 is the zoning by-law that regulates the site. Recently approved heights and densities in the area surrounding the site have surpassed the heights and densities which are permitted by the By-law. However the pattern of transitioning (down) from Eglinton Avenue East north to Keewatin Avenue and south to Soudan Avenue which is set by By-law 438-86 has generally been respected by those approvals.

The subject application, with its height of 38 storeys and density of over 22 times its lot area, far exceeds the height and density that would fit within this pattern of transitioning down from Yonge Street to Mt Pleasant Road. The massing of the proposed twin 30-storey towers on top of an 8-storey podium resulting with a density of 22.4 times the lot area is not appropriate for this site.

The applicant was also requested to improve the relationship between their proposed development and the existing 2-storey house which is adjacent to the site and is to remain at 93 Broadway Avenue. No revisions with respect to the relationship to 93 Broadway have been submitted.

Sun, Shadow, Wind

Section 4.2.2(b) & (c) of the Official Plan require that: new developments in *Apartment Neighbourhoods* are located and massed so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods* particularly during the spring and fall equinoxes; and that new buildings are located and massed to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets parks and open spaces.

The site does not have a common boundary with a *Neighbourhoods* designated area. However, the proposed development does impact (shadow) the *Neighbourhoods* area including Northern Collegiate which is located on the east side of Mt Pleasant Road north of Eglinton Avenue East.

A review of the shadow study submitted by the applicant shows that the shadows cast by the proposed development would extend into the *Neighbourhoods* area to the northeast (which includes Northern Secondary School) in the late afternoon during the spring and fall equinoxes. Shadows cast by the proposed towers, which are almost twice as tall as any of the existing apartment buildings in the area, would extend approximately twice as far into the nearby *Neighbourhoods* area as do the existing apartment buildings.

The off-set orientation of the two towers, resulting from the exclusion from the site of the house at the corner of Broadway Avenue and Redpath Street, and the slab-like footprints of the towers has the effect of casting a wider shadow that lingers longer on the existing apartment buildings in the *Apartment Neighbourhood*.

The floorplate for each of the towers exceeds the maximum tower floor plate size (as set out in the Tall Building Design Guidelines) of 750 m². Given the close proximity of each tower to the other, their orientation and the combined footprint of 800 m² + 900 m² = 1,700 m², the two towers will cast significant shadows on nearby properties and during some times of the day, these two towers will cast shadows similar to a single building with one large 1,700 m² footprint.

Traffic Impact, Access, Parking

Staff have concerns related to the proposed access, parking and loading plan for this site.

The applicant submitted a Traffic, Parking and Loading Study dated June 2012. In that study, the applicant concluded that the proposed condominium development would have no noticeable traffic impact on the boundary road network and intersection operations and that the traffic generated by this development could be satisfactorily accommodated provided that a set of new traffic control signals are installed at the intersection of Redpath Avenue and Broadway Avenue.

In their comments dated February 1, 2013, Development Engineering indicated that in order to accommodate the new traffic control signals at the intersection of Redpath and Broadway Avenues, a warrant analysis for the existing, future background and future total conditions for the intersection is required.

With respect to parking, a total of 367 parking spaces are to be provided for the proposed 853 units. Of those spaces, 365 are for the residents of the building and 2 are for visitors. This application has been submitted for review under the regulation of By-law 438-86. By-law 438-86 requires approximately 855 parking spaces consisting of 642 resident spaces and 213 spaces for residential visitors.

However, Development Engineering based their estimated parking demand for this development on the parking ratio provided in By-law 1156-2010 which is established using more recent parking demand data (than By-law 438-86). Using this current ratio, the estimated parking demand for this development is 963 parking spaces consisting of 793 resident spaces and 170 spaces for the residential visitors.

The applicant submitted a Traffic Impact and Parking Study in support of the their proposed supply of 367 spaces. The study concludes that the proposed supply is sufficient to allow all 2-bedroom unit owners to purchase a parking space (285 spaces). The remaining 82 spaces would be available for any one-bedroom and studio unit owners who may wish to purchase a space. The applicant argues that this parking supply and allocation is reasonable based on the following:

- proximity of the site to public transit and other supporting amenities;
- the high cost of purchasing an on-site parking space;
- the non-driver modal split for the area, as indicated in the 2006, 'Transportation Tomorrow Survey'; and
- the location of on and off-street parking to accommodate visitor parking.

While relief from the estimated parking demand is sometimes allowed, Development Engineering has found that the applicant's submissions are not satisfactory without supporting documentation which demonstrates that such estimated demand is based on standards that exceed the actual parking demand which will be generated by the site. Documentation could include sales data or parking surveys from other similar condominium projects within the area.

Development Engineering has proposed that a lesser minimum ratio could be used as follows:

Bachelor units	0.6 spaces per unit
1-bedroom units	0.7 spaces per unit
2-bedroom units	0.9 spaces per unit
3-bedroom units	1.0 spaces per unit
Residential visitors	0.1 spaces per unit

The above ratio would generate 768 spaces for the current unit total and unit mix. The applicant is proposing significantly less at 367 parking spaces.

Tall Buildings Design Guidelines

A tall building is generally defined as a building that is taller than the road right-of-way which is adjacent to the site. The Tall Buildings Design Guidelines provide recommendations to assist staff in their review of tall buildings. The Guidelines expand upon the Official Plan policies (particularly those policies in Section 3.2.1 – Built Form) regarding issues of: transition in scale; massing of the base building; tower floorplates and tower setbacks and separation between towers or to potential tower sites.

The intent of the Guidelines has not been met with this application, particularly but not exclusively with respect to the following:

1. Scale of the Base Building

The Tall Building Design Guidelines contain a number of guidelines which pertain to the scale of the subject site. These guidelines are:

- in the absence of a consistent streetwall height context, provide a minimum base building height between 10.5 metres and 80% of the adjacent street right-of-way width up to a maximum limit 24 metres in height. Additional base building height may be appropriate with a stepback of at least 3 metres, provided that the total height does not exceed 100% of the adjacent street right-of-way width up to a maximum limit of 24 metres in height;

- on corner sites, the base building height and form will be varied to respect and respond to the height, scale and built form character of the existing context on both streets; and
- for sites where the adjacent context is lower scale and not anticipated to change, the proposed building should provide a transition in its base building height down to the lower scale neighbours. The proposed building should also match at least a portion of its base which is immediately adjacent to the lower scaled context with the scale and height of the neighbouring (low scale) buildings.

This proposal is showing an 8-storey base building of approximately 30 metres in height with an outdoor amenity area on its roof deck between the two towers.

With respect to base building heights there is no clear, consistent streetwall height context on either Broadway Avenue or Redpath Avenue in the area of the proposed application. Neither Broadway nor Redpath Avenues could be considered streetwall character areas. The surrounding buildings include: 2-storey single family houses, 3 to 10-storey rental apartments to the north and east, a 20-storey (condominium) apartment building with a 4-storey base building to the northwest, 2-storey houses to the west (which may be the subject of a future condominium application), an 8-storey apartment building also to the west and a 17-storey condominium apartment building to the south.

Both Broadway and Redpath Avenues have 20 metre rights-of-way. Therefore, according to the Guidelines (in the absence of a consistent streetwall height context), the initial base building height should not exceed 16 metres or 5 storeys (80% of their respective street rights-of-way) or, if appropriate, a maximum base height of up to 20 metres or 6.5 storeys if stepbacks of at least 3 metres from both streets are provided. The proposed 30 metre base height does not comply with this Guideline.

Planning staff consider that a 5-storey base building height is more appropriate at this location given the character of the area and the local street context. However, the existing 3-storey apartment buildings adjacent to the site to the east and the 2-storey house abutting the site (which is left out of the proposed plan) to the west, require that the base transition down to these lower scale neighbouring buildings.

2. Tower Floorplate

The Design Guidelines recommend tall and slender towers (for tall building sites) which: lessen shadow impact on the neighbourhood; allow sunlight penetration and city views to the proposed development and to the adjacent existing buildings; and allows sky views from the proposed development and from existing adjacent buildings. A maximum tower floorplate size of 750 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. As discussed in the Sun, Shadow, Wind Section of this report, the large size of these tower footprints and

their orientation will cause them to cast shadows similar to one large tower with a 1,700 m² floorplate.

3. Tower Setbacks and Separation

To achieve sufficient light, views and privacy for proposed towers on the same site or for existing towers located adjacent to a proposed building or to secure light, view and privacy for adjacent potential tower sites, the Design Guidelines 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;
- the proposed towers and the existing tower to the south; or between
- the proposed towers potential tower site(s) to the east.

The proposed separation 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 Guidelines 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 a setback of the south tower of approximately 2.0 metres to the south property line (opposite the existing 17-storey condominium to the south of the site). The towers are setback to the east property line by approximately 0.4 metres and 3.3 metres from the north and the south towers respectively. A north-to-south lane extends along the site's east property line. Multiple property owners have easements over that lane. Staff are satisfied that this lane is unlikely to become part of a redevelopment lot and that it will remain as a laneway for multiple property owners. It can be used as a portion of the separation distance between the proposed towers and the properties to the east.

The existing slab or point tower apartment buildings in the Yonge-Eglinton *Apartment Neighbourhood* are generally characterized as having generous setbacks to property lines and separation distances between towers. The applicant had been requested by staff to consider resolving staff's concerns with the proposal, including the issues of insufficient tower separating distances and setbacks, by revising the application to a single-tower proposal.

The applicant was also requested to give more attention to revising the proposal to more closely adhere to all other applicable tall buildings design guidelines (e.g., the pedestrian realm guidelines).

Servicing

A Functional Servicing Report has been submitted and is under review by Development Engineering.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.42 – 0.78 hectares of parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland. The site is in a parkland priority area as per the City wide Parkland Dedication By-law 1020-2010.

The application proposes 853 residential units on a site with a net area of 2,983 m². At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 1.14 hectares or 381.3% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% is applied to the residential use. In total, the parkland dedication requirement is 224 m².

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as there is no location for an on-site parkland dedication that would be of useable size and the site would be fully encumbered with a below-grade parking garage.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

Should a proposed development be approved by the Ontario Municipal Board, the applicant would be required to meet Tier 1 of the TGS.

Section 37

Section 37 of the Planning Act allows the City to enter into an agreement with an applicant to grant an increase in height and/or density (over and above that permitted by the Zoning By-law) in return for certain community benefits to be provided for by the applicant. Details of a Section 37 Agreement between the applicant and the City will be established if the project is approved by the Ontario Municipal Board (OMB).

Since this application is not considered good planning and has been recommended for refusal, no discussions about the quantum of the community benefits have taken place with the applicant. In the event that this application is brought before the OMB and the OMB grants additional density and/or height beyond that which is permitted in Zoning By-law 438-86, the City will request that the OMB withhold their final order until the City has an agreement with the applicant to secure the appropriate community benefits. Such benefits could include contributions (as deemed appropriate by City Council) for:

- neighbourhood improvements to the Yonge-Eglinton area as recommended by the Parks and Open Space and Streetscape Master Plan (currently under study); and
- the acquisition, design and construction of the new park which is to be developed south of the TTC bus barns at Yonge Street and Eglinton Avenue West.

Tenure

All proposed residential units, with the exception of 32 rental replacement units are to be residential condominiums.

Rental Housing

The applicant has been working with staff to satisfy Official Plan Policy 3.2.1.6 to appropriately replace the rental housing units proposed to be demolished for the construction of the residential building. Due to issues with the built form proposal staff do not yet have a satisfactory replacement plan. The applicant has proposed that residents of the existing building will have the right to return to the new building at similar rents and that appropriate assistance be provided in the Tenant Assistance Plan.

The existing building at 197 Redpath Avenue is a 3-storey 32-unit building of affordable and mid-range rents. It consists of 7 bachelor units, and 9 one-bedroom, 8 two-bedroom and 8 three-bedroom units. The detached dwellings at 95 and 99 Broadway are required to be verified as not having been used for rental purposes. Staff have requested that the applicant provide supporting documentation as proof of owner-occupied status of these houses.

The new rental units are within the base of the proposed building on the second and third floors and would have a dedicated lobby area. The applicants have proposed to replace the existing rental units with smaller units than currently exist and are working with staff to design a suitable building envelope to appropriately replace the existing building.

Staff concerns with the layout of the current rental replacement proposal include the possibility of interior bedrooms and the lack of amenity space for the rental tenants.

The applicants have proposed to secure the rental replacement units for a period of 20 years, with the first ten years being subject to annual rent increases equivalent to the Provincial statutory guideline.

A tenant assistance plan will be prepared after further consultation with the tenants. A tenant assistance plan is currently proposed by the applicants which includes: additional assistance for relocation costs; interim accommodation costs; and provisions for long-term tenants or those with special needs as well as a longer notice period prior to vacant possession being required.

Additional discussions with the applicant and consultations with the tenants are necessary to resolve issues related to the replacement units and amenities which are to be provided. Detailed terms regarding tenant relocation and assistance will need to be established and a tenant assistance plan will be prepared after further consultation with the tenants.

However, as the current proposal does not yet conform to the Official Plan Housing policies, and since no final zoning has been approved, recommendations 2 and 3 of this report will serve to ensure these matters are secured if the Ontario Municipal Board approves the proposed development in full or in part. The terms of, and a recommendation on the Section 111 demolition permit must be brought forward to City Council if the Zoning By-law Amendment application is approved.

Conclusion

This application does not represent an appropriate redevelopment of the site. The proposed density; tower height(s); base building height, tower floorplate size and tower setbacks and separation distances result in a built form that is out of scale with the existing and planned context of the area.

CONTACT

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E-mail: tburk@toronto.ca

SIGNATURE

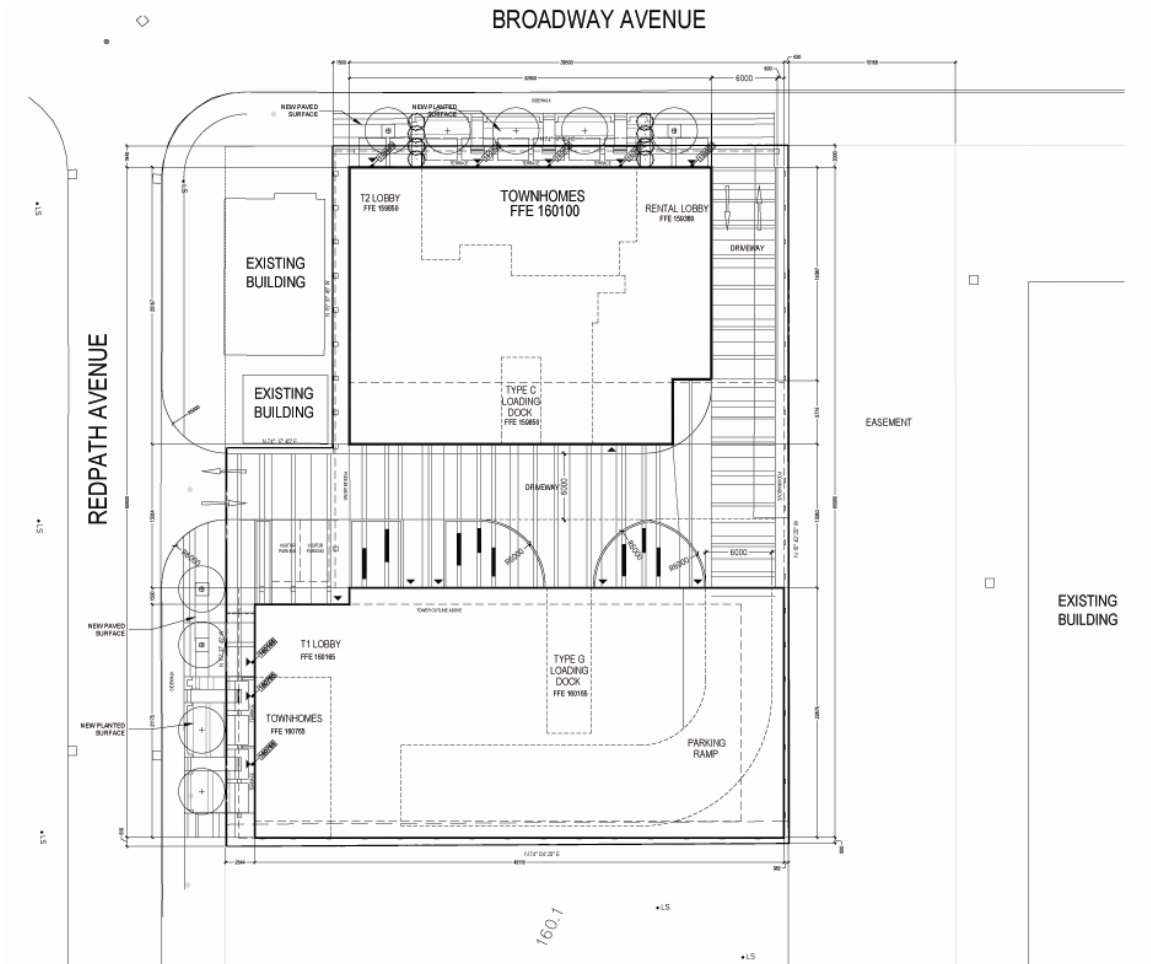
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan (as provided by applicant)
Attachment 2: North Elevation (as provided by applicant)
Attachment 3: South Elevation (as provided by applicant)
Attachment 4: West Elevation (as provided by applicant)
Attachment 5: East Elevation (as provided by 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

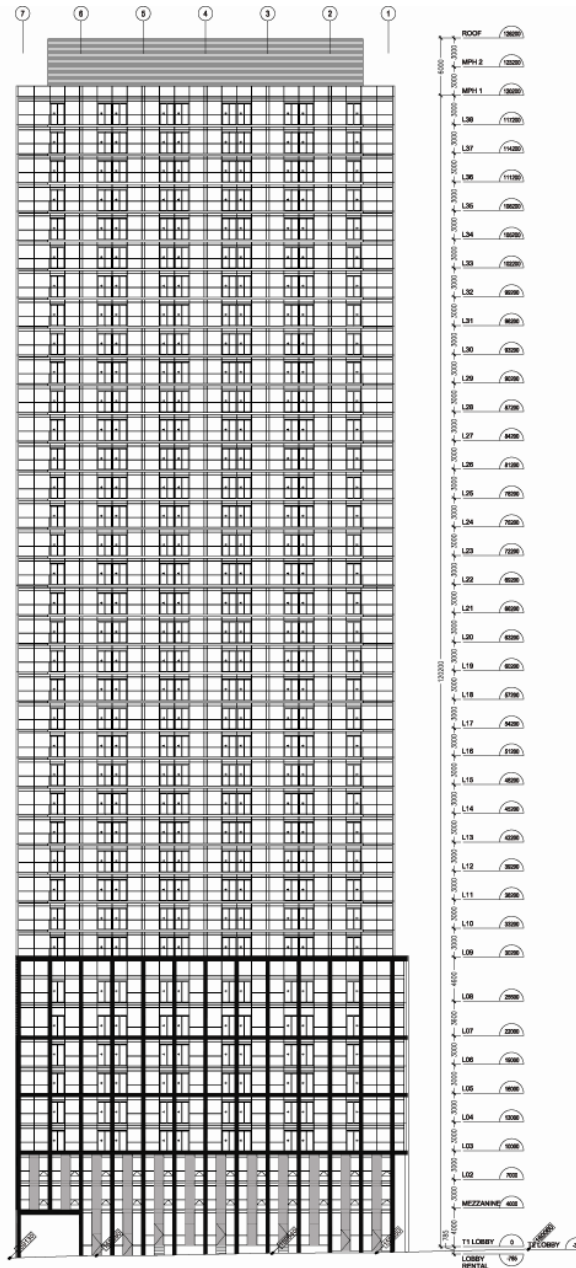
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08/14/2012



95-99 Broadway Avenue
197 Redpath Avenue

File # 12_146382_02

Attachment 2: North Elevation



North Elevation - Broadway Avenue

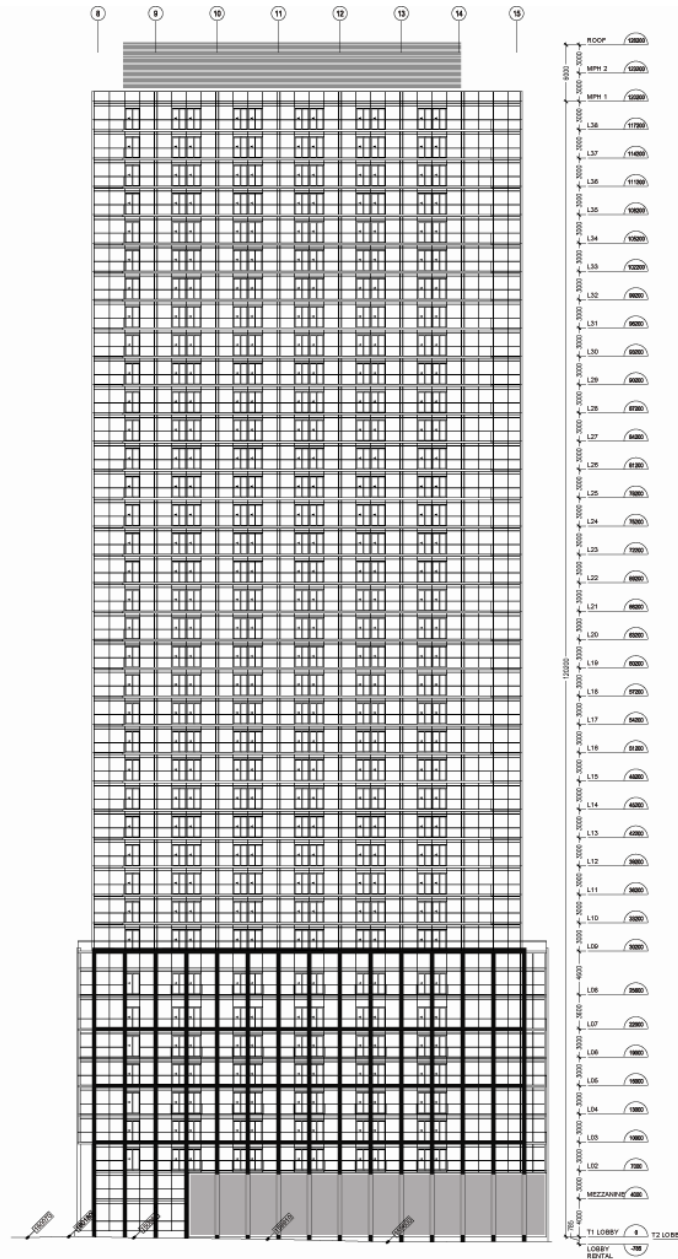
Applicant's Submitted Drawing

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

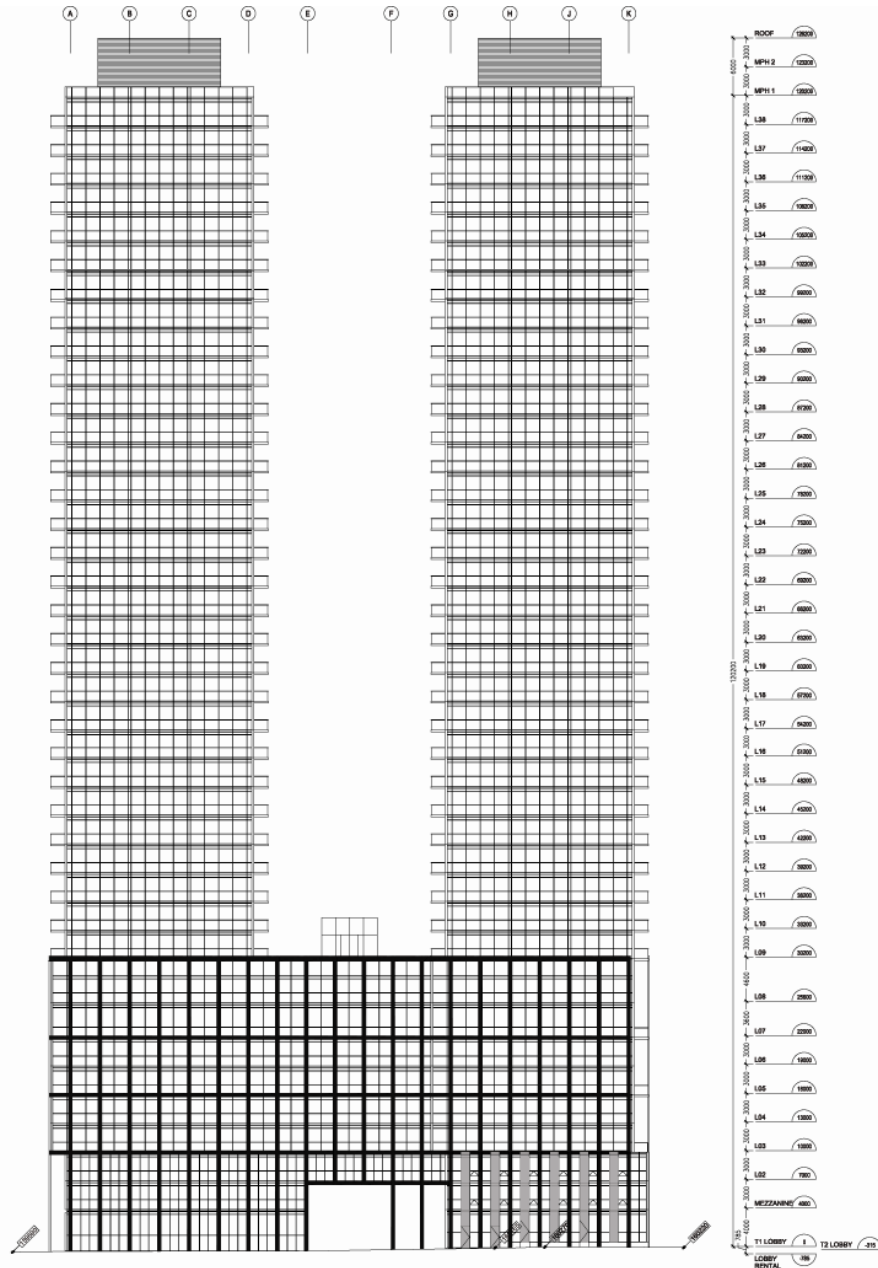
Applicant's Submitted Drawing

Not to Scale
08/13/2012

95-99 Broadway Avenue
197 Redpath Avenue

File # 12_146382_OZ

Attachment 4: West Elevation



West Elevation - Redpath Avenue

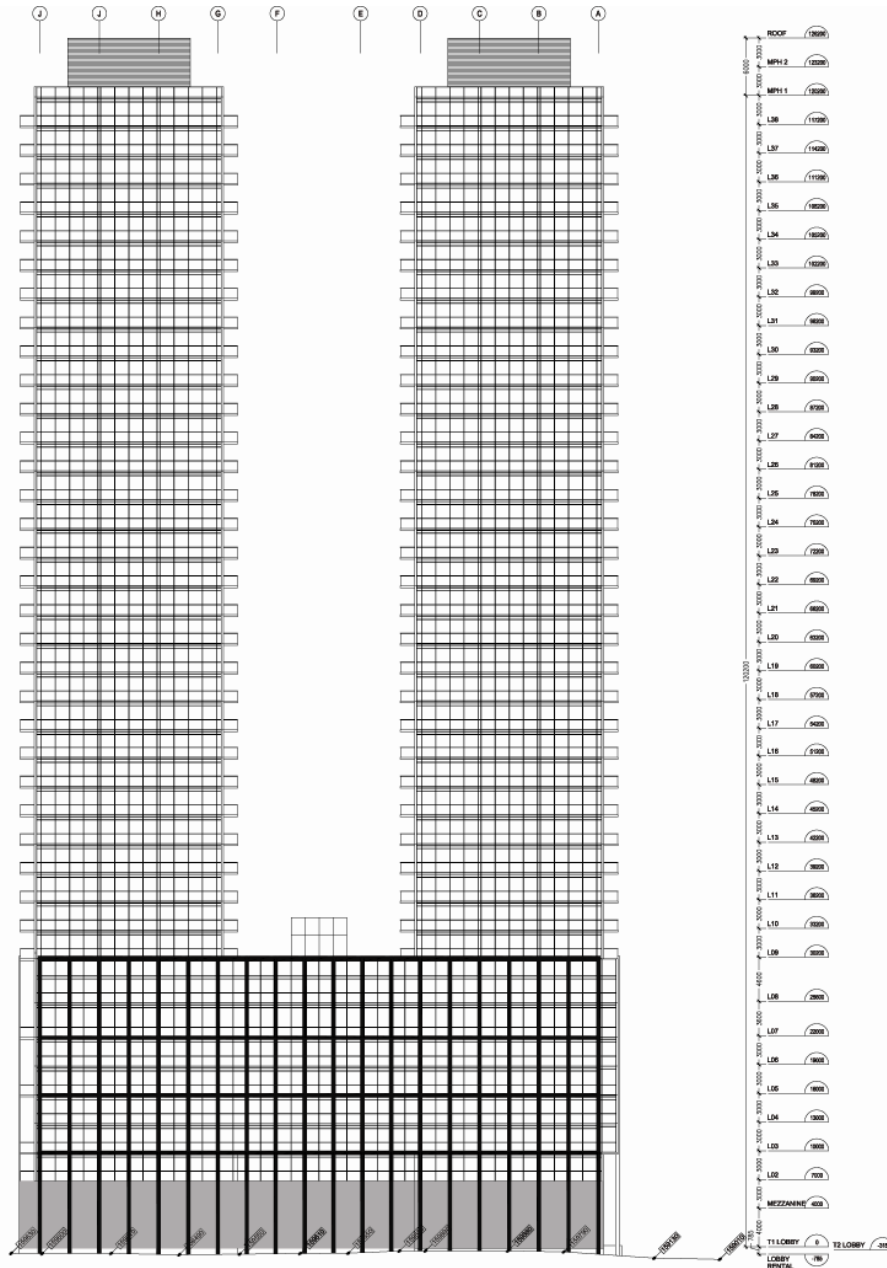
Applicant's Submitted Drawing

Not to Scale
08/13/2012

95-99 Broadway Avenue
197 Redpath Avenue

File # 12_146382_OZ

Attachment 5: East Elevation



East Elevation - Redpath Avenue

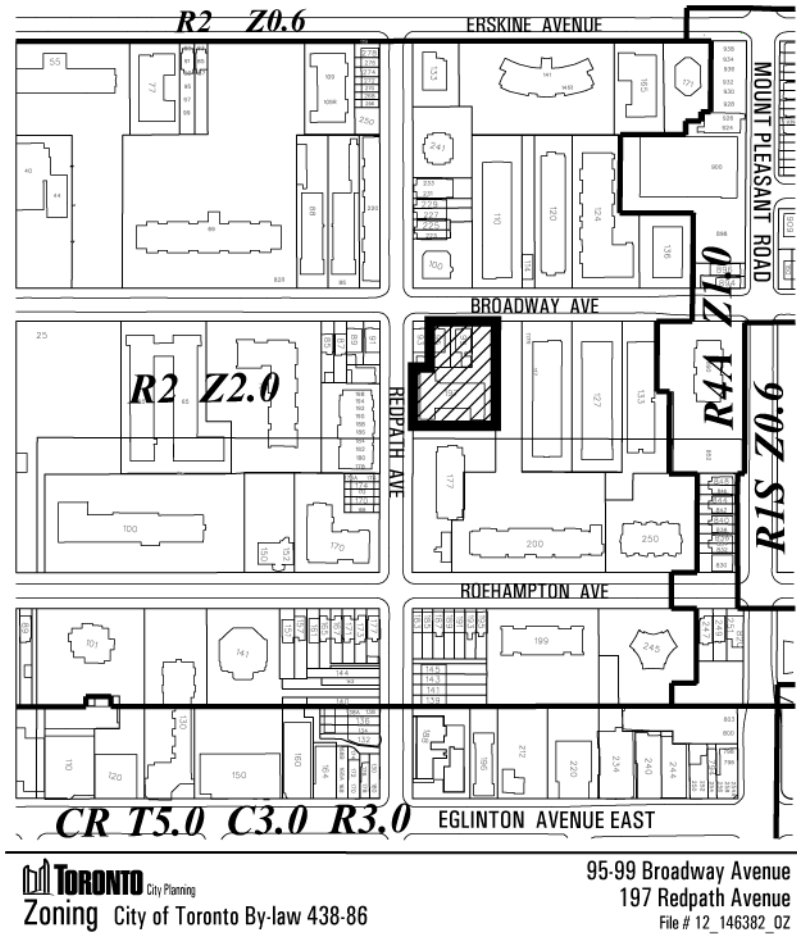
Applicant's Submitted Drawing

Not to Scale
08/13/2012

95-99 Broadway Avenue
197 Redpath Avenue

File # 12_146382_OZ

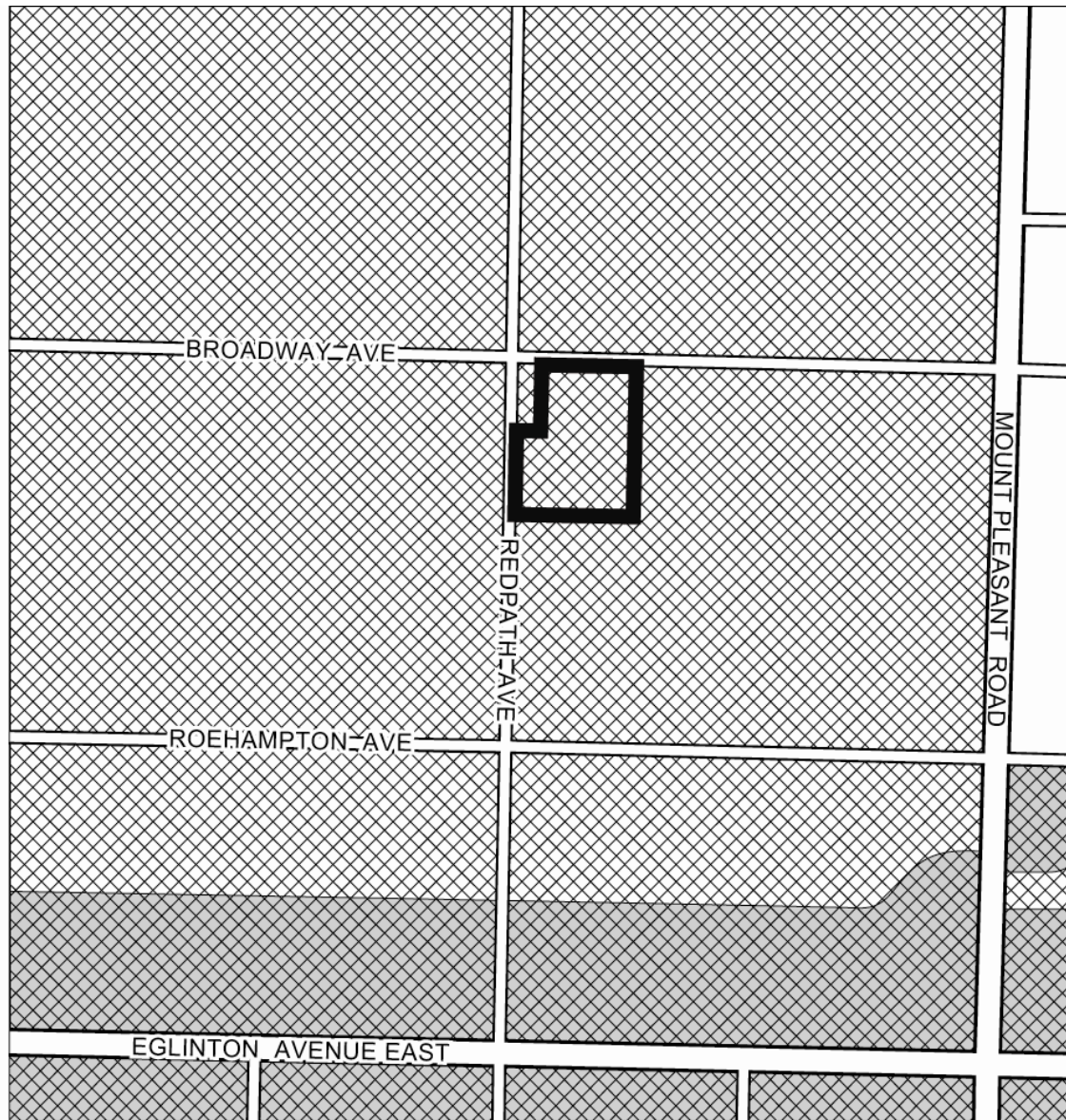
Attachment 6: Zoning



R1S Residential District
 R2 Residential District
 R4A Residential District
 CR Mixed Use District

Not to Scale
 Zoning By-law 438-86 as amended
 Extracted 08/14/2012

Attachment 7: Official Plan



Toronto City Planning
Official Plan

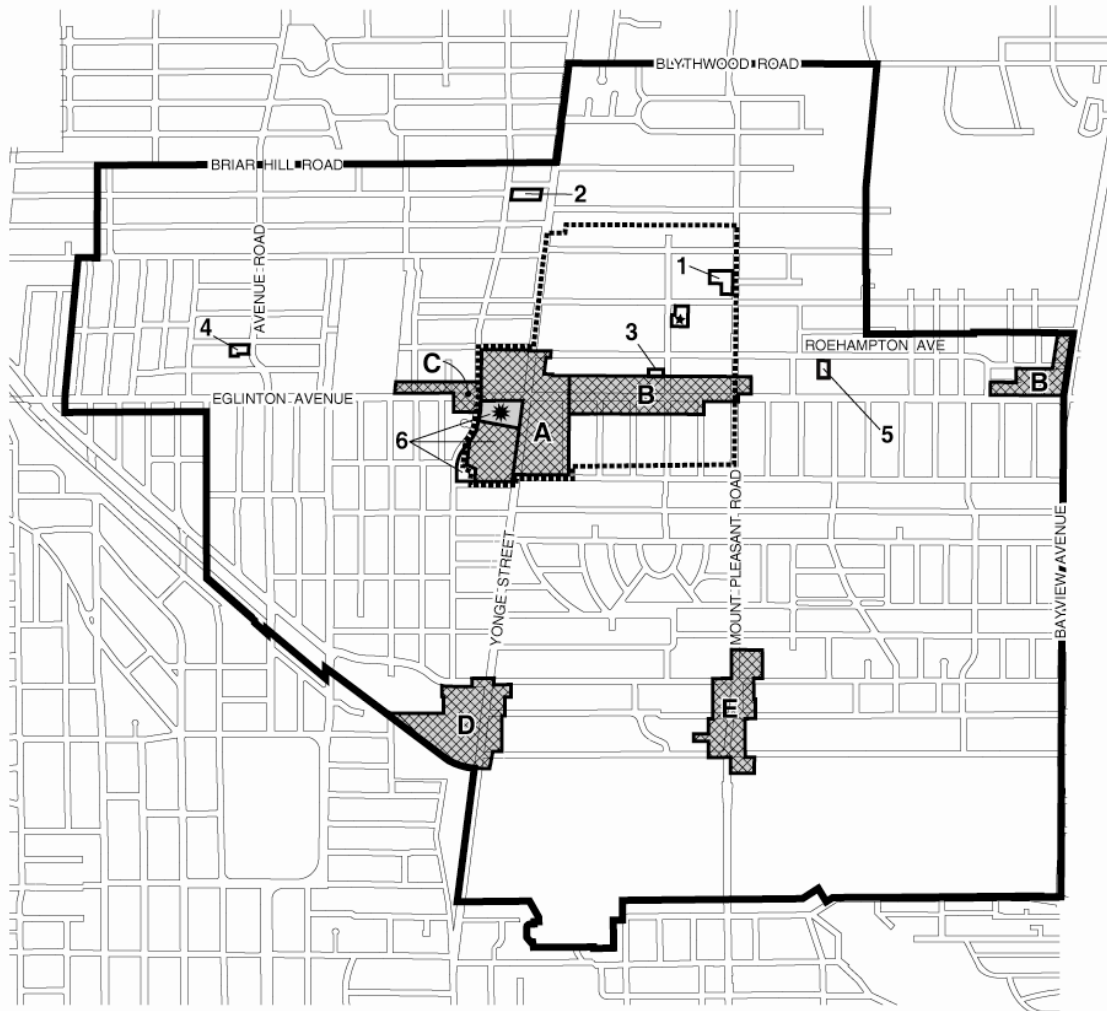
95-99 Broadway Avenue
197 Redpath Avenue

File # 12_146382



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08/14/2012

Attachment 8: Yonge-Eglinton Secondary Plan



March 2010

- Secondary Plan Boundary
- ▨ Mixed Use Areas
- ☀ Special Study Area
- ☐ 1 Site and Area Specific Policies
- ☐ Proposed Development Location
- ⋯ 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 connected by a 8 storey podium - 7 levels below grade parking - 367 parking spaces - 853 residential units.		

Applicant:	Agent:	Architect:	Owner:
Sherman Brown Dryer Carol	Adam Brown	Wallman Architects	Sentinel (Broadway) Holdings Inc

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):	1548.7			Total
Total Residential GFA (sq. m):	64746		Parking Spaces:	366
Total Non-Residential GFA (sq. m):	2163		Loading Docks	2
Total GFA (sq. m):	66909			
Lot Coverage Ratio (%):	51.9			
Floor Space Index:	22.4			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Rental, Condo	Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	64746
Bachelor:	113	Retail GFA (sq. m):	0
1 Bedroom:	517	Office GFA (sq. m):	0
2 Bedroom:	267	Industrial GFA (sq. m):	0
3 + Bedroom:	6	Institutional/Other GFA (sq. m):	2163
Total Units:	912		0

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