

TORONTO STAFF REPORT

August 24, 2006

To: Toronto and East York Community Council

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

Subject: Refusal Report
Official Plan Amendment & Rezoning Application 05 177537 STE 22 OZ and
Site Plan Application 05 177541 STE 22 SA
Applicant: Patrick Devine, Goodman and Carr LLP
Architect: Sweeny Sterling and Finlayson and Co.
18 Brownlow Avenue
Ward 22 – St Paul’s

Purpose:

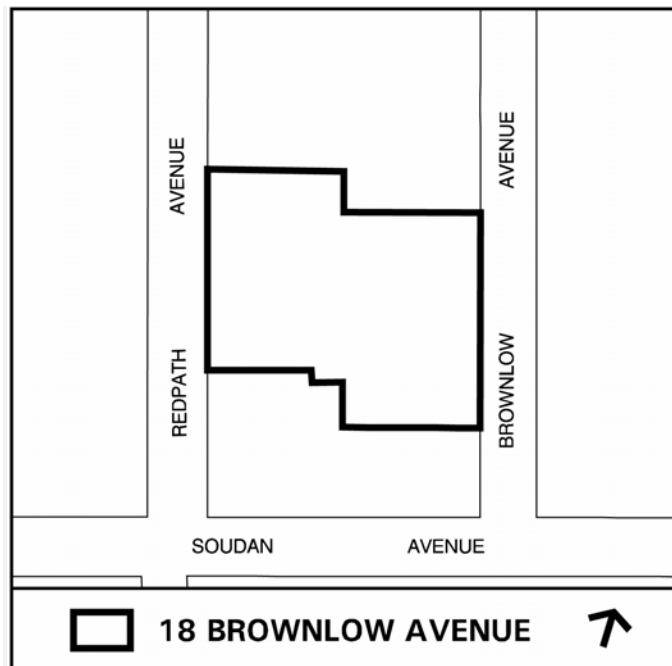
To recommend refusal of the applicant’s current proposal to amend the Official Plan and Zoning By-law to permit the construction of a 26-storey condominium and maintain a 19-storey apartment building on the site and to recommend approval of a development guideline for the construction of a 16-storey condominium, five 3-storey townhouses and maintaining the existing 19-storey rental apartment building.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

It is recommended that City Council:

- (1) direct the City Solicitor to advise the Ontario Municipal Board (the “OMB”) that the City of Toronto requests the OMB to refuse the applicant’s September 2, 2005 revision to Official Plan and Zoning By-law Amendment Application 05 177537 STE 22 OZ and the associated site plan application respecting the construction of a 26-storey plus single-storey amenity component with the preservation of the



existing 19-storey rental apartment building;

- (2) approve a development guideline for an alternate form of development consisting of a new 16-storey residential building (instead of the proposed 26-storey building), five new 3-storey townhouses fronting onto Redpath Avenue together with the preservation of the existing 19-storey apartment building;
- (3) instruct the City Solicitor to request the OMB to impose the conditions set out in this report, under Section 37 of the Planning Act, in the event the OMB approves a form of development either as proposed by the applicant or as set out in the alternate guidelines for a 16-storey building; and
- (4) authorize the City Solicitor, the Chief Planner and Executive Director, City Planning Division and any other appropriate staff to appear at the OMB hearing now scheduled to commence on January 8, 2007, in support of the City's position as set out in recommendations (1), (2) and (3) of this report.

Background:

Proposal

The applicant has appealed its proposal to the OMB. The proposal is to construct a 26-storey, 265-unit residential condominium building fronting onto Redpath Avenue on the west half of the site and to maintain the existing 19-storey, 185-unit rental apartment building for a total of 450 units (existing plus proposed) on the site. The proposed residential condominium would include a low-rise wing which is to parallel Redpath Avenue which is to contain amenity space for the occupants of the condominium (refer to Attachment 2 - Site Plan and Attachments 6 – 9, Elevations).

Parking is proposed to be provided underground by expanding the existing garage to four and one half levels below grade on the west half of the site. A total of 355 parking spaces are proposed, 130 and 225 spaces for the residents and visitors of the existing and proposed buildings respectively. All surface parking would be removed and the area not needed for new construction of the proposed building would be landscaped. All residents (tenants of the existing rental building and occupants of the proposed new building) would access the underground parking via a single shared ramp to be located centrally in the site. (refer to Attachment 1, Application Data Sheet, for further project details).

Site History

The applicant submitted an application for Official Plan and Zoning By-law amendments to permit the construction of the above-described new building and the maintenance of the existing apartment on September 2, 2005.

The plans and accompanying materials were circulated to City Departments and appropriate outside agencies for their comment. In advance of receiving comments back from the circulation, a Preliminary Planning Report was sent to Toronto and East York Community Council. A number of issues were raised in that report. Council adopted that report and its recommendations, one of which directed the Planning Division to hold a community consultation meeting.

Planning staff met with the applicant in an attempt to resolve the major issues of over height and massing and the proposed grade-related use (indoor amenity area) on Roehampton Avenue prior to holding a community meeting. No changes were made addressing these issues and a community consultation meeting was held in the neighbourhood on March 2, 2006. Residents at the meeting also raised concerns with the impacts (on their homes) of the proposed height and massing.

Planning staff initiated subsequent discussions with the applicant's architect in attempts to resolve the issues raised in the Preliminary Report and at the community meeting. The discussions proved unsuccessful and the applicant appealed to the Ontario Municipal Board on April 13, 2006 on the grounds that City Council had failed to make a decision.

At a prehearing conference held on August 1, 2006, the OMB set a 10-day hearing commencing on January 8, 2007. The OMB also set a further date of October 4, 2006 for a teleconference call with legal counsel for the City and the applicant. The purpose of the teleconference is to finalize the Issues List after the meeting of City Council to be held on September 25, 26 and 27. It is therefore imperative that City Council give instructions to the City Solicitor regarding the Issues List prior to the teleconference call scheduled for October 4, 2006.

Site and Surrounding Area

The site is located south of Eglinton Avenue between Yonge Street and Mount Pleasant Road. It extends through the entire block from Brownlow Avenue on the east to Redpath Avenue on the west. The site contains an existing 19-storey rental apartment building with entrance driveway, passenger drop-off and landscaping facing Brownlow Avenue. The remainder of the site consists of a surface visitor parking lot, landscaped area, an outdoor swimming pool and a garbage pick-up and loading area which is accessed from Redpath Avenue. A single level of underground parking extends under most of the site.

Abutting property land uses include:

North: a 14-storey apartment building facing Redpath Avenue and a townhouse development facing Brownlow Avenue;

South: 2-storey detached and semi-detached houses on the north side of Soudan Avenue and 2 pairs of 3-storey semi-detached houses facing Redpath Avenue. The house at 73 Redpath Avenue maintains a right-of-way (mutual driveway) over the subject property at 18 Brownlow Avenue;

East: a 14-storey apartment building at 56 Brownlow Avenue; and

West: a 16-storey apartment building at 88 Redpath Avenue. This site has had a similar infill proposal approved to permit an 11-storey residential condominium which is to face Lillian Avenue.

Other recently approved buildings in the area include 4 townhouses at 66 – 72 Redpath Avenue, a 16-storey addition to the existing 28-storey apartment building at 45 Dunfield Avenue.

Official Plan Policies

At the time of the application in September of 2005, the site was designated High Density Residence Area under the City's Part I Official Plan which permitted densities for residential buildings of up to 2.0x the lot area. The applicant's proposal would not comply with the density provisions of the old Part I Official Plan which was in force at the time of the application. That Plan, other than certain specific policies which do not apply to this proposal, are no longer in force and the Official Plan analysis contained in this report will focus on the new in-force Plan.

The Yonge-Eglinton Part II Plan, parts of which have been incorporated into the new Toronto Official Plan, does not have specific policies that relate to the 18 Brownlow Avenue site. Amendments to the Part I and the Part II Plans would no longer be required.

New Toronto Official Plan

The OMB has approved most of the new Official Plan and the approved portions have come into force as of July of 2006. The Housing policies of Section 3.2.1 and the policies pertaining to Section 37 of the Planning Act remain under appeal and will be adjudicated in September and October 2006. As well, the hazard land policies for, 'Special Policy Areas' remain under appeal.

The site is designated 'Apartment Neighbourhood' by the new Official Plan for the City of Toronto. Section 4.2 contains a number of policies addressing development criteria in 'Apartment Neighbourhoods'. Policy 3 stipulates that significant growth is not intended within developed 'Apartment Neighbourhoods'. The applicant's proposal would represent "significant growth" that is inconsistent with the provisions of the new Official Plan.

The new Official Plan specifies that compatible infill development may be permitted on some sites containing an existing apartment that has sufficient underutilized space to accommodate a new building(s) while providing good residential amenity and quality of life for new and existing residents. (However, it also stipulates various criteria that must be satisfied by any such infill development and it is my opinion that the applicant's proposal does not meet these criteria.)

Relevant criteria (from Section 3.2.1, Housing and Section 4.2, 'Apartment Neighbourhoods') include:

- secure the conservation of the existing rental housing (units that are within the affordable and mid-range rent levels) for as long as possible (Planning Policy staff strongly recommend that rental housing be secured for at least 20 years, with no application for demolition or condominium conversion during that 20-year period);
- provide needed improvements to the existing rental buildings beyond those required for maintenance and repair;
- consult with the existing tenants as to the types of needed improvements that are required;
- secure no pass-through costs to the existing tenants in their rents for the improvements;
- provide adequate space between the existing and proposed buildings to maintain adequate sunlight, sky views, privacy and areas of landscaped open space for new and existing residents;
- consolidate loading, servicing and delivery facilities; and
- preserve or replace recreational space for residents

New Toronto Official Plan.

The new Official Plan also provides a list of development criteria that are intended to ensure that any new development in 'Apartment Neighbourhoods' will contribute to the quality of life. Criteria include:

- locating and massing new buildings to provide a transition between areas of different development intensity and scale, particularly providing setbacks from and stepping down of heights towards lower-scale neighbourhoods;
- locating and massing new buildings to minimize shadow impacts on properties in adjacent lower scale neighbourhoods during the spring and fall equinoxes;
- include sufficient off-street 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;
- providing indoor and outdoor recreation space for building residents; and

- providing ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces.

The new Official Plan does not include density limits. Density standards are found in the Zoning By-law. The zoning classification and permitted density for 18 Brownlow Avenue is set out below.

Zoning

The site is zoned R2 Z0.6 with a height limit of 38 metres under By-law 438-86 (refer to Attachments 4 and 5). Site-specific By-law 22036, as passed on December 9, 1963, permits the existing apartment building of 19-storeys, 55.9 metres and 13,057.10 square metres of gross floor area or approximately 2.0 times the lot area. This By-law permits the 19-storey apartment building at a gross floor area of 140,550 square feet provided that it is the only building on the lot, it occupies no more than 12 percent of the lot and provided 65 percent of the lot is provided as landscaped open space.

Concurrent with the passage of the site specific zoning by-law, city Council also passed By-laws 22034 and 22035 regarding adjacent sites to ensure a rational overall development.

Site Plan Control

This application is subject to Site Plan Control. An application was submitted with the Official Plan and Zoning By-law amendment application. This has also been appealed to the OMB.

Tree Preservation

The applicant's arborist's report indicates that there are 29 significant trees on the site, including City-owned trees in the boulevard. If some form of this development is approved by the OMB, the applicant will be required to provide a tree removal/protection plan which will indicate the number of trees that are proposed to be removed either due to poor health or to make way for the development. The tree removal/protection plan will need to indicate the number of trees that would require protection measures during construction (including the nature of the proposed protection measures that would be taken) and an indication of all significant trees that are proposed to be removed. An exemption from the tree removal by-law or a permit to remove all trees that are to be destroyed will be required.

Reasons for the Application

The proposed construction of a 26-storey condominium (and the existing 19-storey rental apartment building) result in a total site density of 5.1 times the lot area. An Official Plan amendment (of the Part 1 Official Plan) was therefore required to permit the proposed density to exceed 2.0 times the lot area. An amendment to By-law 438-86 would be required to permit a density which exceeds 0.6 times the area of the lot. As noted, the associated original site specific zoning By-law 22036 permitted the 19-storey apartment building at a gross floor area of 140,550

square feet provided that it is the only building on the lot, it occupies no more than 12 percent of the lot and provided that 65 percent of the lot is landscaped open space.

At 26 storeys (80.35 metres), the proposed condominium will need an amendment to By-law 438-86 to exceed a height of 38 metres.

Additional areas of non-compliance with the Zoning By-law have been identified by the Buildings Department and include, front setback, depth of building and parking.

Community Consultation

A community consultation meeting was held by the Planning Department on March 2, 2006 and was attended by approximately 20 residents. The majority of residents who spoke were opposed to the development. Major concerns raised by the residents include:

- building height
- shadow impacts on surrounding buildings particularly the townhouses to the northeast and stacked townhouses to the northwest and the low density residential area to the south
- separation distances between the proposed building and the existing buildings both on and off-site
- reduced views

Agency Circulation

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

Reasons for Refusal

Policy 3 contained in Section 4.2 'Apartment Neighbourhoods' of the new Official Plan specifies that significant growth is not intended within developed Apartment Neighbourhoods. The applicant's proposal of a 26-storey building would represent significant growth within this developed Apartment Neighbourhood.

The policy identifies criteria that must be met for "compatible infill development" that may be "permitted on some sites containing an existing apartment that has sufficient underutilized space to accommodate a new building(s) while providing good residential amenity and quality of life for new and existing residents". The applicant's proposal fails to address the planning and urban design concerns which were identified early in the application process in the Preliminary Report and prior to that, in pre-application meetings with the applicant's consultants.

Concerns include the impacts related to height and massing of the proposal. Specifically the impacts on light, views and privacy on the surrounding existing residential buildings were cited as concerns. The maintenance of appropriate skyviews are also a concern.

The failure of the proposal to represent an appropriate transition to the low-density residential neighbourhood to the south is also a concern which was identified early in the application process. All relevant criteria for new developments in 'Apartment Neighbourhoods' including infill proposals where an existing building on the site is to be maintained were also set out in the Preliminary Report.

The use of the 1-storey component of the proposed building solely as a recreational amenity space is also contrary to the urban design principles set out in the development criteria for 'Apartment Neighbourhoods'. Criteria are included which discourage proposals, such as this, that incorporate blank walls and rooms facing the street that are not frequently used and that do not contribute to the animation on the street.

Comments:

Land Use – Potential of 18 Brownlow Avenue for Residential Infill.

The 6,526 m² site is a through-lot with frontages on both Brownlow and Redpath Avenues. The existing apartment building which is to be maintained occupies the eastern half of the site facing the Brownlow Avenue frontage. The remaining half of the lot fronts onto Redpath Avenue is currently used for surface parking, an outdoor swimming pool and landscaped open space.

Planning staff consider that the Redpath (western) half of the site has potential for development if the rules for infill development as set out in Section 4.2.3 of the new Plan are met and if appropriate amounts of open space and other amenities are made available to the existing tenants and the future new condominium residents on the site. The proposed development does not comply with many of the Official Plan criteria as discussed below.

Fit Within the Neighbourhood Context (Height, Massing and Density)

The site at 18 Bownlow Avenue is on the southerly fringe of an apartment neighbourhood that extends from Soudan Avenue on the south to Keewatin Avenue on the north and between Yonge Street on the west and Mount Pleasant Road on the east (refer to Attachment 3).

The neighbourhood is generally comprised of apartment buildings ranging in size from two and three-storey walk-ups to higher buildings and mixed with some single and semi-detached houses and townhouses. Eglinton Avenue east of Yonge Street is a mix of apartments, office buildings and mixed commercial/residential buildings. The neighbourhood can be seen as having three distinct geographical sub-areas. These are, North of Eglinton, South of Eglinton and Eglinton Ave between Yonge Street and Mount Pleasant Road (refer to Attachment 3).

Height and density permissions in By-law 438-86 increase from the north (Keewatin Avenue to Eglinton Avenue) and from the south (Soudan Avenue to Eglinton Avenue) thereby creating an Eglinton Avenue corridor of greater heights and densities through the centre of the apartment neighbourhood (refer to Attachments 4 and 5). This zoning is consistent with the new Plan policies in Section 4.2.2, which require that the location and massing of new buildings in

‘Apartment Neighbourhoods’ transition down in terms of heights and densities to lower-scale residential neighbourhoods such as those that abut the north and south boundaries of this area.

Using a sample of buildings which are recently constructed, under construction, recently approved and buildings which are under application (refer to Attachment 12), the highest densities are located (as expected) on the Eglinton Avenue corridor. The average height and density of all buildings in the above categories on Eglinton Avenue is 51.3 metres (17-storeys) and 6.7 times coverage. Maximum building heights and densities permitted under By-law 438-86 are 48 metres and 5.0 times the lot area.

Average heights and densities in the, ‘North of Eglinton’ sub-area is 61 metres and 4.3 times coverage. Average heights and densities in the, ‘South of Eglinton’ sub-area are 53.3 metres and 3.5 times the lot area. Average heights and densities of all surveyed buildings in the stated categories across the whole of the apartment neighbourhood are 58.9 metres (20-storeys) and 5.3 times the lot area.

Eighteen Brownlow Avenue is located on the edge of the apartment neighbourhood immediately north of the low density residential area on the south side of Soudan Avenue. Contrary to the policies of the new Official Plan, this proposal does not represent a transitioning down in height and density to areas of lesser development scale and intensity (in fact, it is the opposite whereby it steps up in height and density to the low density residential area). At 85.3 metres in height and 5.1 times the lot area, the proposed new building height and the total density on site (new plus existing building) would significantly exceed:

- all heights and densities of surveyed buildings in the South of Eglinton sub-area in which it is located;
- all heights of surveyed buildings within the, ‘Eglinton Avenue’ sub-area (which would be expected to have greater heights and densities than the north and the south of Eglinton sub-areas) ; and
- the average height and density of the, ‘North of Eglinton’ sub-area.

The above research indicates that the proposed development would set a new residential building height and high density precedent for the fringe areas of this apartment neighbourhood that abut low density residence areas. In all other examples of approved residential infill buildings in this neighbourhood, the heights and densities of the new infill buildings have been lower than the heights and densities of the existing residential buildings on their respective sites.

The applicant’s proposal exceeds the height and density of the existing building on the site and of all buildings on abutting lots. As a result, the building as proposed does not fit within the built form context of the neighbourhood and will (if built) have negative impacts on neighbouring apartments and townhouses.

Shadow Impacts

Section 4.2.2(b) of the new Plan requires that new development in ‘Apartment Neighbourhoods’ be located and massed so as to adequately limit the shadow impacts on properties in lower-scale ‘Neighbourhoods’, particularly during the spring and fall equinoxes. Section 4.2.3(d) requires that new infill development maintain adequate sunlight (low levels of shadowing) and privacy for both new and existing residents.

According to the shadow drawings provided by the applicant, the proposed 26-storey building would cast significant new shadow in March, June and September on the existing stacked townhouse development to the northwest and on the existing townhouses to the northeast. Both of these townhouse developments are within the ‘Apartment Neighbourhood’ designation in the new Plan but they are both permitted, existing development forms that require consideration for the protection of their site amenity under the Plan. The applicant’s drawings also show a significant spring, summer and fall shadow impact on the 14-storey apartment building immediately to the north at 95 Redpath.

The new Plan prefaces its list of development criteria for infill developments in ‘Apartment Neighbourhoods’ by stating that only those new infill proposals that are compatible with their existing neighbours (residential buildings) and that provide for good quality of life for existing residents in the area will be considered. Proposed developments such as this, which would result in significant new shadow impact on surrounding buildings, do not comply with this requirement.

There would also be shadows created by the City’s 16-storey Development Alternative but their extent would not be as far reaching (as the applicant’s proposal) on the surrounding neighbourhood and public realm areas in March and September. June shadows cast by the 16-storey alternative would be significantly improved over the applicant’s proposal.

Sky Views

A related issue to shadowing is the impact on the sky views from surrounding buildings. In this case, the buildings, which will suffer loss of sky views are the townhouses located to the northwest and to the northeast of the site, the 14-storey apartment building immediately to the north of the proposed 26-storey tower and the houses and their rear yards of the residential lots on the north side of Soudan Avenue.

Loss of sky view to neighbouring buildings is (as is shadowing) a result of over-building with respect to height and massing on lots, which are incapable of providing the necessary building separations. At 26-storeys and with a floorplate of 780 – 791 m², the proposed tower is significantly taller than any of the residential buildings in the immediate area and will reduce sky views to these residences (some of which would have their main living area windows confronted by the proposed tower) and their associated outdoor areas. Sky view and shadowing impacts can be lessened by lowering the building height and by reducing the floorplate area.

The City's Development Alternative (refer to Attachment 10) reduces the tower height to 16 storeys and the floorplate area to 750 m². The result is a shorter, more slender building which will allow increased sky views to and which will shorten the shadows cast on the surrounding buildings and their respective yards.

Streetscape

The new Official Plan (Section 4.2.2(g)) requires that development within 'Apartment Neighbourhoods' provide ground floor uses that, "enhance the safety, amenity and animation of adjacent streets". This policy criteria is intended to fashion proposed new buildings as positive additions to the neighbourhood streetscape. A means of achieving that objective is by providing more "eyes-on-the-street" and by adding to the aesthetic amenity of the streetscape by framing the street with buildings of appropriate proportion with grade-related units.

Section 4.2.2(e) requires that new development in 'Apartment Neighbourhoods', "locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences." Section 4.2.3(i) requires that if infill development is to be permitted, the applicant is to "consolidate loading, servicing and delivery facilities." The applicant's site plan shows a garbage loading area on the north side of the proposed tower (refer to Attachment 2), fully visible to the public view. The City's Development Alternative consolidates the loading and parking ramp functions of the plan to an area located on the east side of the tower (refer to Attachment 10) which is an area of the site that is less visible to surrounding residential buildings and not at all visible to the street.

Section 4.2.2(c) of the new Official Plan requires that new buildings are to be located on the site so as to frame the edge of streets. The applicant's site plan shows the predominant use of the front set back area as circular driveway (refer to Attachment 2). The City's Development Alternative shows a drop-off and pick-up point at the north end of the site and leaves the west side of the site to be an area of transition from street edge to landscaped area to building face (refer to Attachment 10).

Development Alternative

Planning staff believe that intensification can be a desirable objective for this site (depending on siting, height and massing). Staff also believe that this objective must not be realized at the expense of setting an improper precedent respecting building height and density as does the applicant's proposal.

This report sets out guidelines (refer to the "City's Development Alternative" column - Attachment 11) for an acceptable development alternative to the applicant's proposal with a maximum height of 16-storeys for a condominium tower and including a townhouse component consisting of five 3-storey townhouses fronting onto Redpath Avenue. A site plan sketch is provided at Attachment 10. The table at Attachment 11 may be referenced for quick comparison of site statistics for the existing building on the site (which represents the as-of-right condition), the applicant's proposal and the City's Development Alternative.

Section 37

Section 37 of the Planning Act allows the City to grant increased density and/or height in exchange for community benefits. Section 16.21 of the City of Toronto Part 1 Official Plan is still in force and contains policies authorizing such change provided the density and/or height increase that are proposed are consistent with the objectives of all other applicable planning policies and controls.

Discussions between staff and the applicant to date have focused primarily on built form issues and as the built form has not been resolved, discussions regarding Section 37 have not progressed beyond the indication that staff intend to use this policy permission should any development with significant height and density be recommended for approval by City Council or the Ontario Municipal Board on this site.

However, as the matter has been scheduled for a hearing commencing on January 8, 2007 with a teleconference on October 4, 2006 to settle the issues list, it is now necessary to give precise direction to the City Solicitor on this point. Staff are recommending that the City Solicitor be instructed to request the OMB to impose certain conditions under Section 37 of the Planning Act in the event that the OMB approves a form of development either as proposed by the applicant or as set out in the alternate guidelines for a 16-storey building.

Planning staff are recommending that the applicant be required to pay \$1,200,000.00 for local community benefits to be secured in a Section 37 Agreement.

In addition to requiring funding for local community benefits, the Section 37 Agreement should also secure the following commitments of the owner.

The existing 19-storey apartment building contains 185 rental units. The preservation of rental housing stock with affordable and mid-range rents are an important City objective. The new Plan contains policies whereby Section 37 of the Planning Act may be used to secure the conservation of rental housing. Should some form of development be approved on this site, the City would seek to secure the conservation of the 185 rental units for a minimum of 20 years.

A related policy objective is to seek improvements to the existing rental building and site that create a net benefit to the existing residents while enhancing the long term viability of the rental housing stock. The owner will complete at his own expense, improvements to the existing rental building to be determined in consultation with existing tenants, City staff and to the satisfaction of the Chief Planner. The costs for these improvements would not be passed through to the existing tenants.

The owner should agree that he shall not apply to the Ontario Rental Housing Tribunal for the purpose of obtaining an increase in rent above the Guidelines established under the Tenant Protection Act in relation to the existing rental units in the existing apartment building arising from the costs of the new development on the site including any improvements required for approval of the site plan. The cost of these improvements shall not be passed through in the form of rent increases to any of the existing rental tenants.

In order to mitigate construction impacts on the tenants of the existing building, the Section 37 agreement should also contain a requirement that the owner develop and implement a construction mitigation plan and tenant communication strategy for the existing tenants at 18 Brownlow. Such plan should keep tenants informed about the construction timetable and protocols that deal with construction activities such as noise, dust, temporary loss of facilities and services access and contact numbers for complaints.

Conclusions:

Given the size of the site, its location in an 'Apartment Neighbourhood', its proximity to transit, retail, service and entertainment facilities and to places of employment, the site at 18 Brownlow Avenue does have potential for additional residential development. However, this proposal does not comply with the new Official Plan policy requirements for 'Apartment Neighbourhoods' or the policy requirements which apply to infill developments. Similarly, the proposal would not comply with the provisions of the Official Plan of the former City of Toronto, which were in force when the application was submitted to the City and appealed to the OMB.

The proposed building is significantly higher than most buildings recently constructed, approved, under application or pre-existing in the immediate area. The proposal has been found to be unsupportable with respect to its lack of fit within the neighbourhood context. The proposal with respect to height and density and general massiveness is such that it will have significant impacts on the light, views and privacy of adjacent buildings.

The proposed height and density is unacceptable and Planning staff recommend that City Council refuse this application as proposed. Staff also recommend that Council adopt the development guidelines included in this report as the "City's Development Alternative" found in the table at Attachment 12. The City's development alternative sets out a 16-storey tower plus five 3-storey townhouses which could be proposed as an alternate form of development at the OMB hearing, which is to commence on January 8, 2007.

The OMB has now set a 10-day hearing commencing on January 8, 2007. The OMB also set a further date of October 4, 2006 for a teleconference call with legal counsel for the City and the applicant. The purpose of the teleconference is to finalize the Issues List after the meeting of City Council to be held on September 25, 26 and 27. It is therefore imperative that City Council give instructions to the City Solicitor regarding the Issues List prior to the scheduled teleconference.

Contact:

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Gary Wright
Director, Community Planning, Toronto and East York District

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List of Attachments:

- Attachment 1: Application Data Sheet
- Attachment 2: Site Plan
- Attachment 3: Official Plan
- Attachment 4: Zoning
- Attachment 5: Height
- Attachment 6: Elevations (as provided by applicant)
- Attachment 7: Elevations (as provided by applicant)
- Attachment 8: Elevations (as provided by applicant)
- Attachment 9: Elevations (as provided by applicant)
- Attachment 10: City's Development Alternative – Sketch
- Attachment 11: Table – Comparative Statistics – Existing Apartment on Site, Applicant's Proposal, City's Development Alternative
- Attachment 12: Table – Comparative Heights and Densities – North Toronto Apartment Neighbourhood

**Attachment 1: Application Data Sheet
APPLICATION DATA SHEET**

Application Type	Official Plan Amendment & Rezoning	Application Number:	05 177537 STE 22 OZ
Details	OPA & Rezoning, Standard	Application Date:	September 2, 2005
Municipal Address:	18 BROWNLOW AVE, TORONTO ON		
Location Description:	PL 653 BLK G LTS 10 TO 12 PT LTS 9 & 13 PL 694 BLK H PT LTS 2 & 3 **GRID S2204		
Project Description:	Maintain 19 storey rental building & construct new 26-storey condominium building on west half of site		

Applicant:	Agent:	Architect:	Owner:
GOODMAN AND CARR LLP PATRICK DEVINE		SWEENEY STERLING FINLAYSON & CO	18 BROWNLOW HOLDINGS LIMITED

PLANNING CONTROLS

Official Plan Designation:	High Density Residence Area	Site Specific Provision:	22036
Zoning:	R2 Z0.6	Historical Status:	N
Height Limit (m):	38	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	6526	Height: Storeys:	26
Frontage (m):	68.18	Metres:	85.35
Depth (m):	91.38		
Total Ground Floor Area (sq. m):	1676.5		Total
Total Residential GFA (sq. m):	33683	Parking Spaces:	355
Total Non-Residential GFA (sq. m):	0	Loading Docks	2
Total GFA (sq. m):	33683		
Lot Coverage Ratio (%):	25.7		
Floor Space Index:	5.1		

DWELLING UNITS

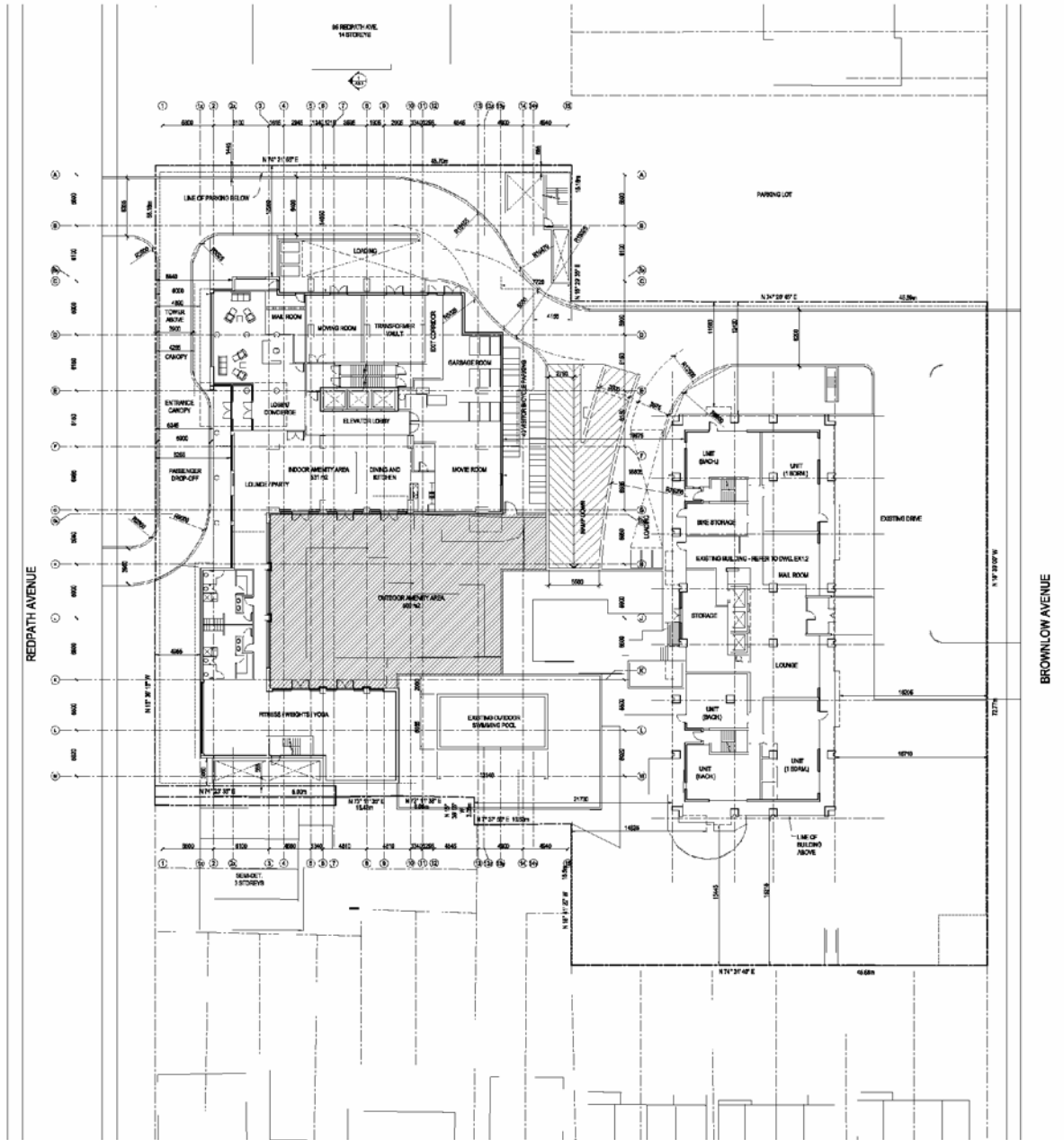
Tenure Type:	Rental, Condo
Rooms:	0
Bachelor:	57
1 Bedroom:	262
2 Bedroom:	131
3 + Bedroom:	0
Total Units:	450

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	33683	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

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

Attachment 2: Site Plan



Site Plan

Applicant's Submitted Drawing

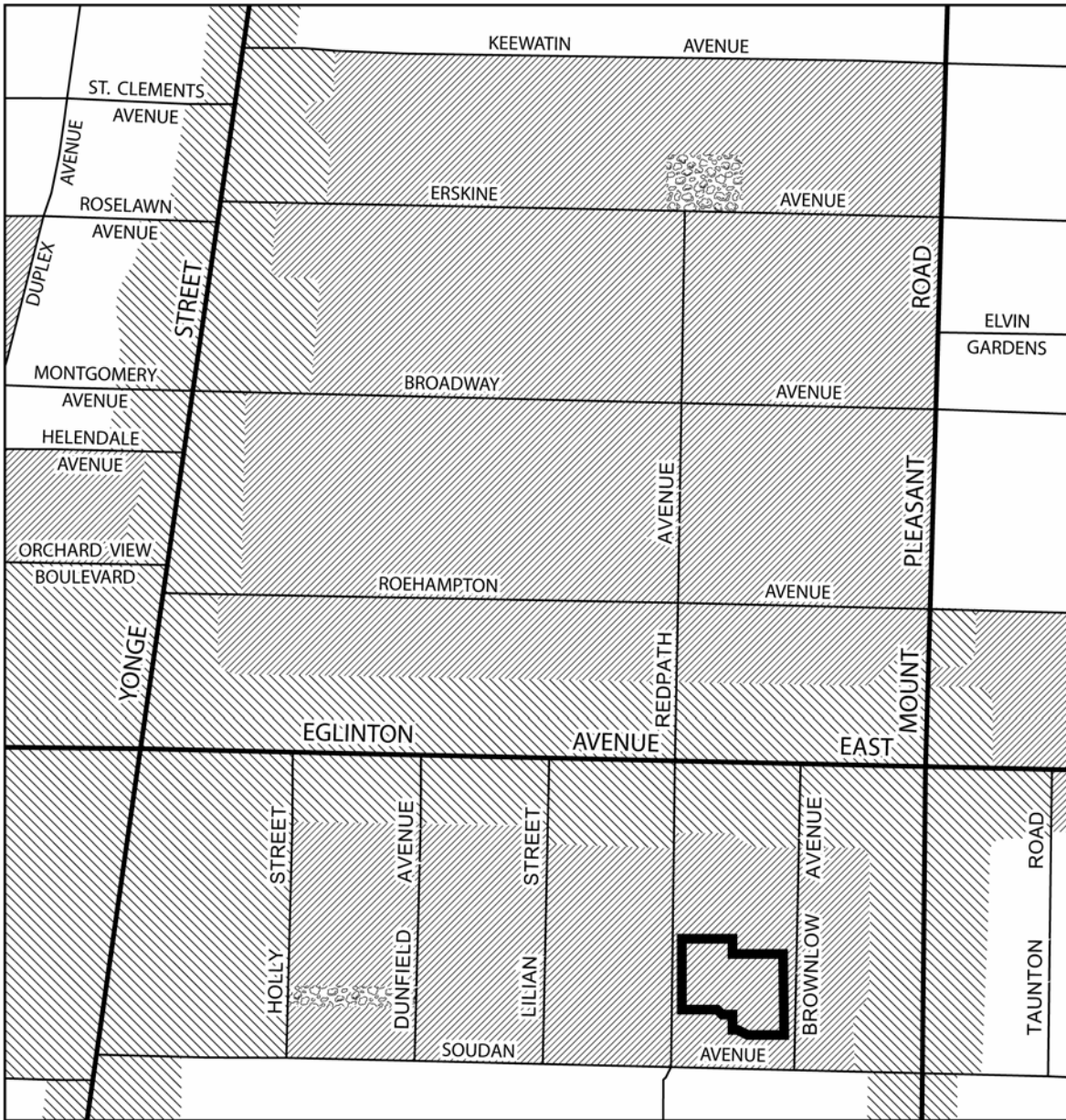
Not to Scale
10/21/05



18 Brownlow Avenue

File # 05_177537

Attachment 3: Official Plan (Map)



 **Toronto** City Planning
Division
Official Plan

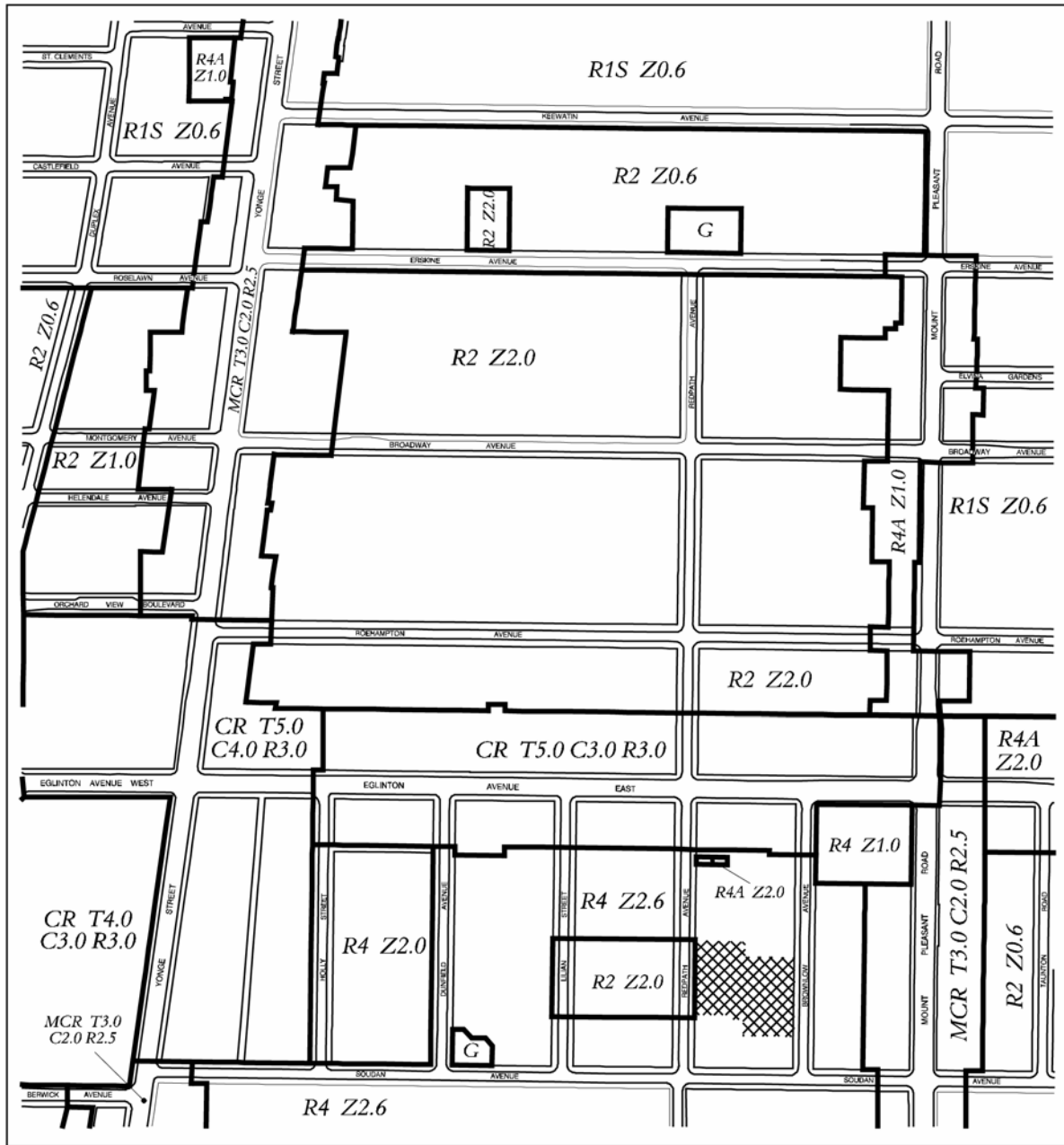
18 Brownlow Avenue

File # 05_177537

-  Site
-  Neighbourhoods
-  Apartment Neighbourhoods
-  Mixed Use Areas
-  Parks


Not to Scale
07/26/06

Attachment 4: Zoning (Map)



18 Brownlow Avenue

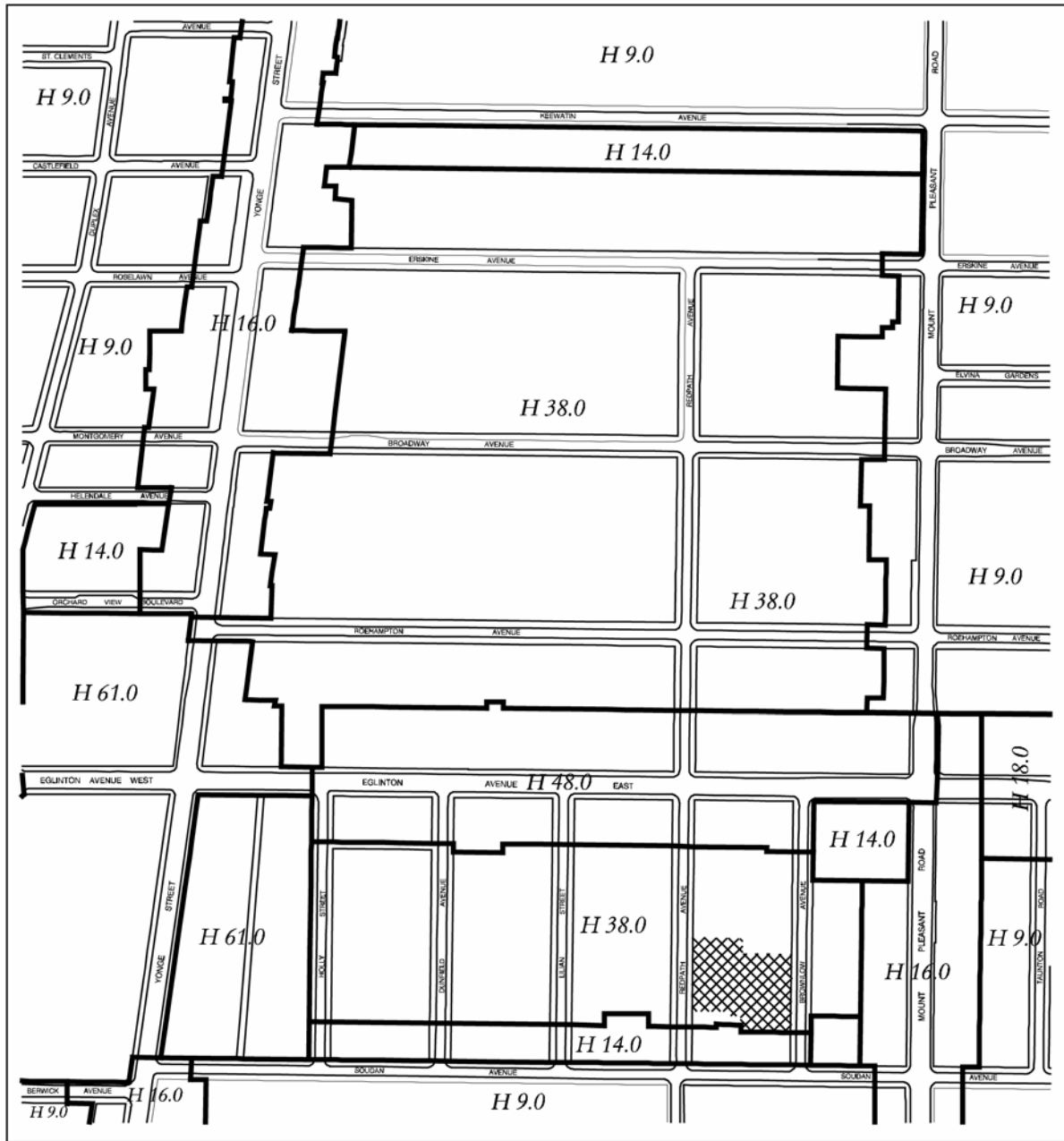
File # 05_177537

- R1S Residential District
- R2 Residential District
- R4 Residential District
- R4A Residential District
- G Parks District
- CR Mixed-Use District
- MCR Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 07/26/08 - TA

Attachment 5: Height



18 Brownlow Avenue

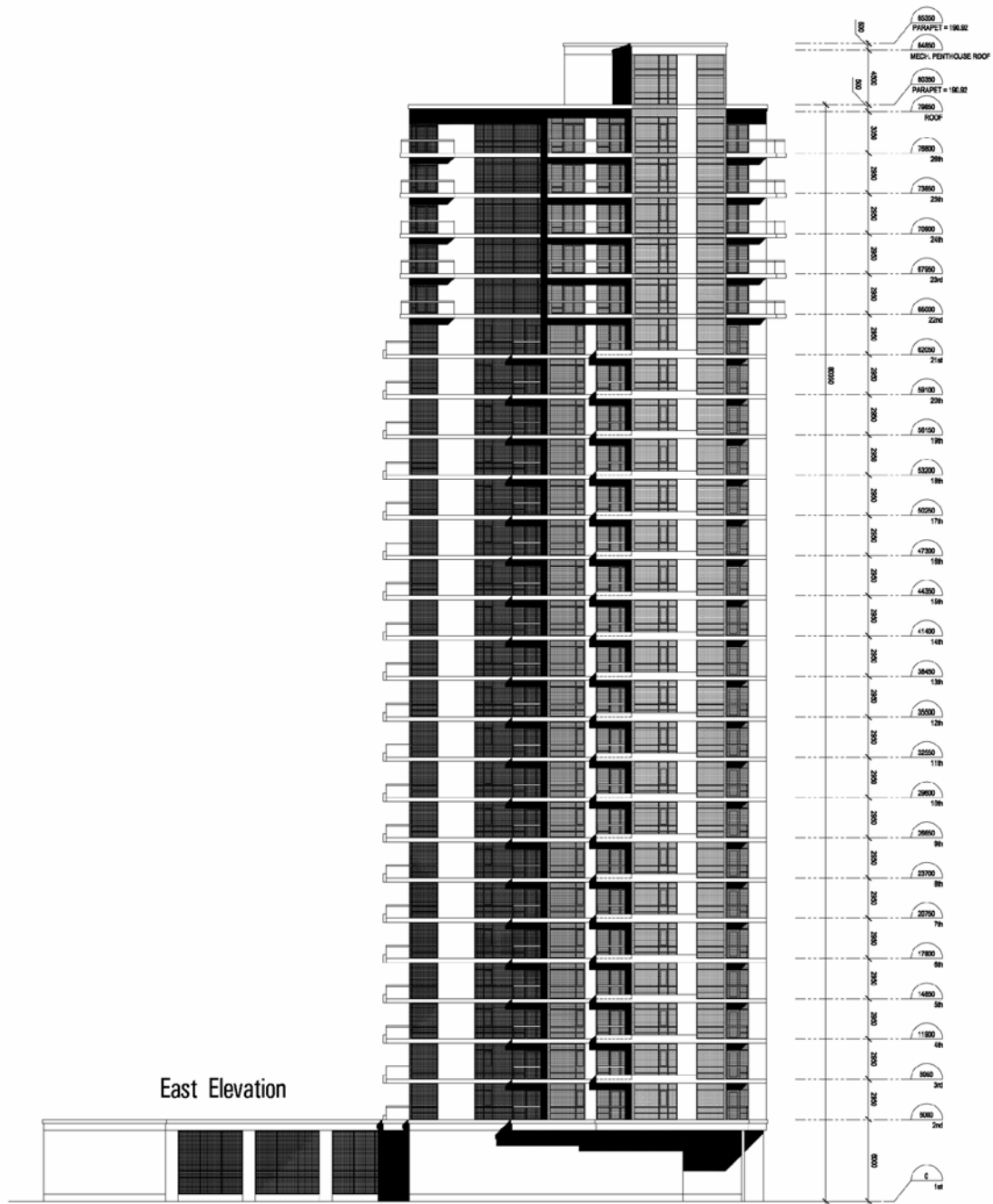
File # 05_177537

H 16.0 Height in Meters



Not to Scale
Zoning By-law 438-86 as amended
Extracted 07/26/06 · TA

Attachment 6: Elevation 1



Elevations

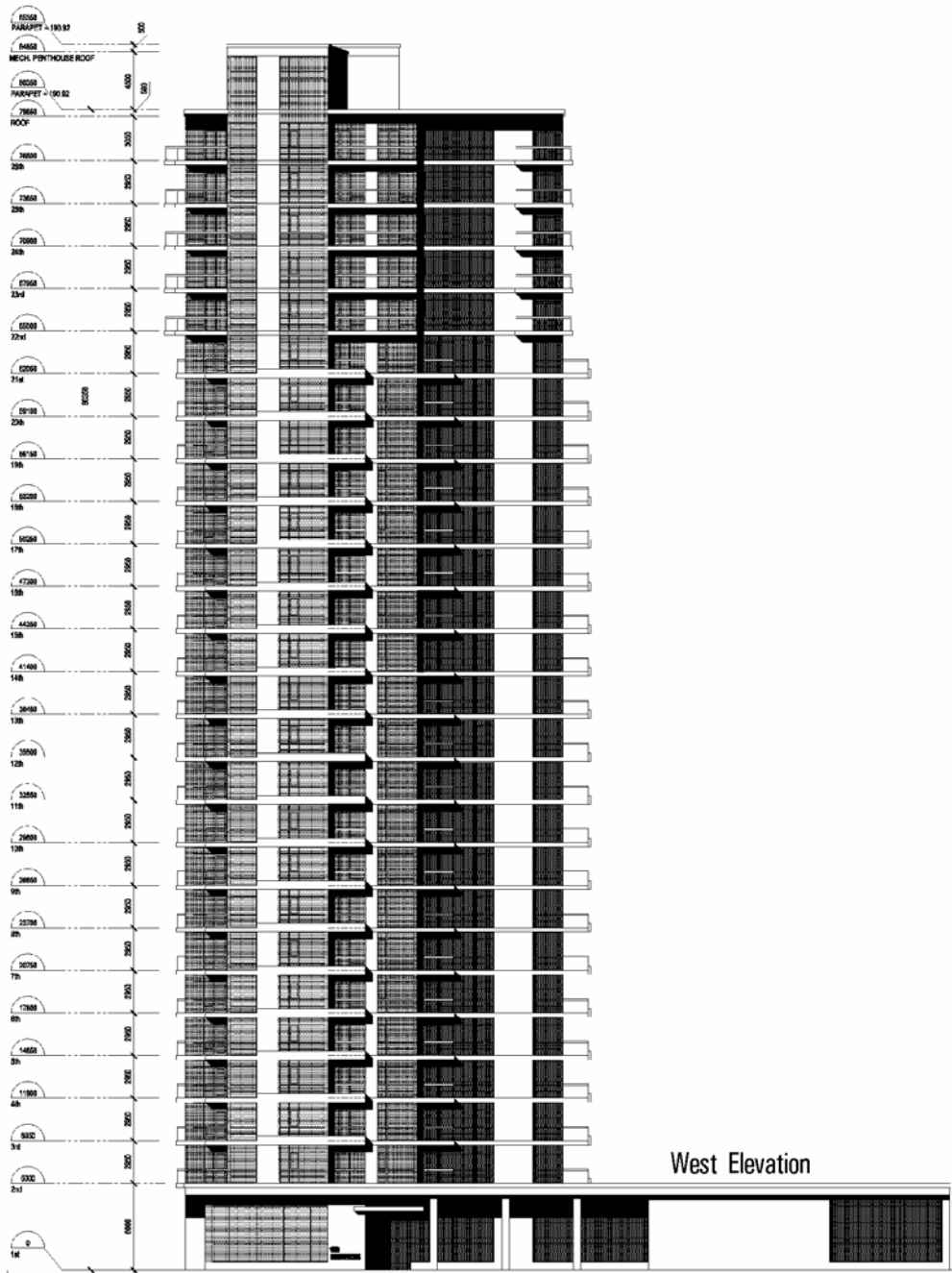
Applicant's Submitted Drawing

Not to Scale
10/21/05

18 Brownlow Avenue

File # 05_177537

Attachment 7: Elevation 2



Elevations

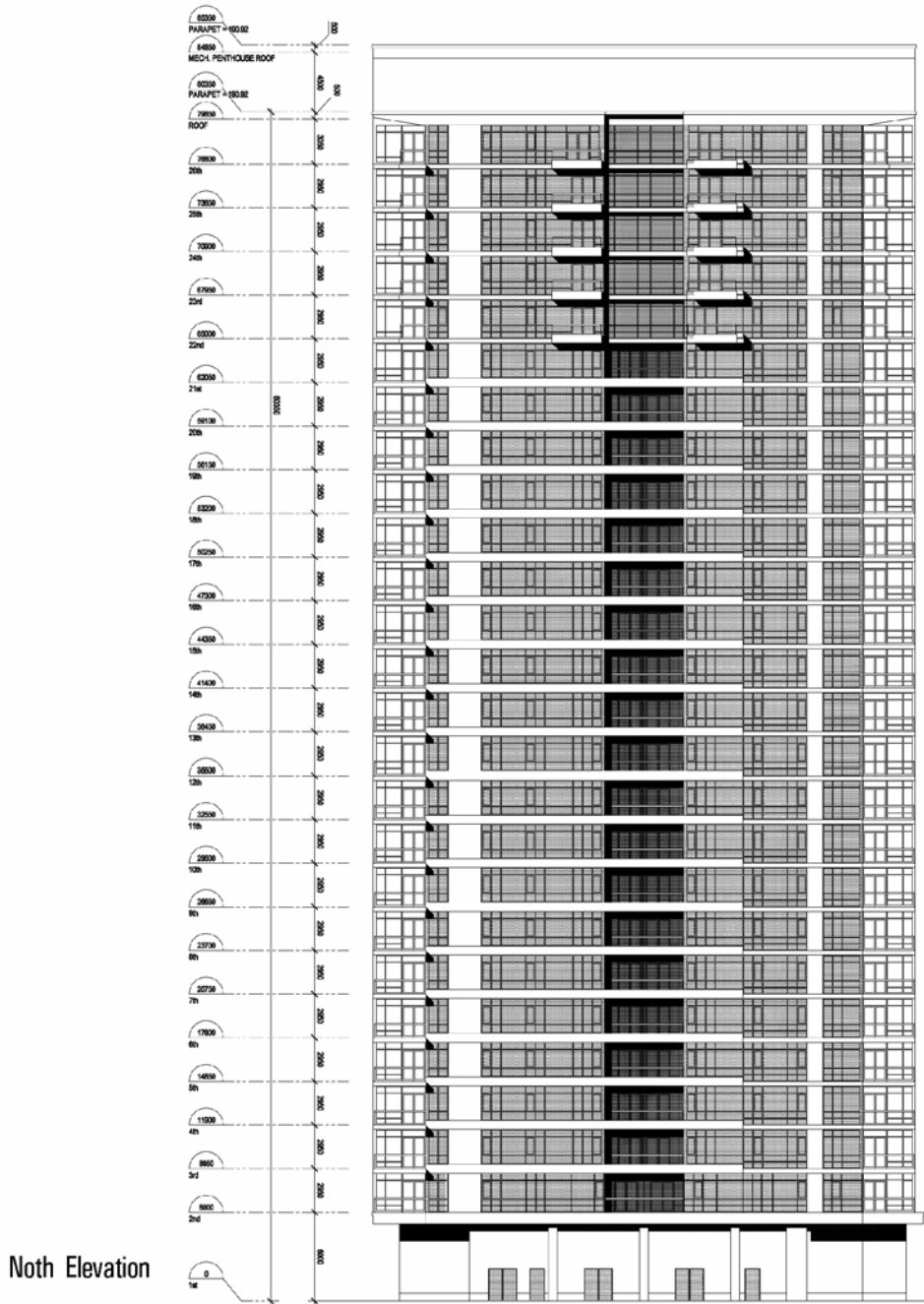
Applicant's Submitted Drawing

Not to Scale
10/21/05

18 Brownlow Avenue

File # 05_177537

Attachment 8: Elevation 3



Elevations

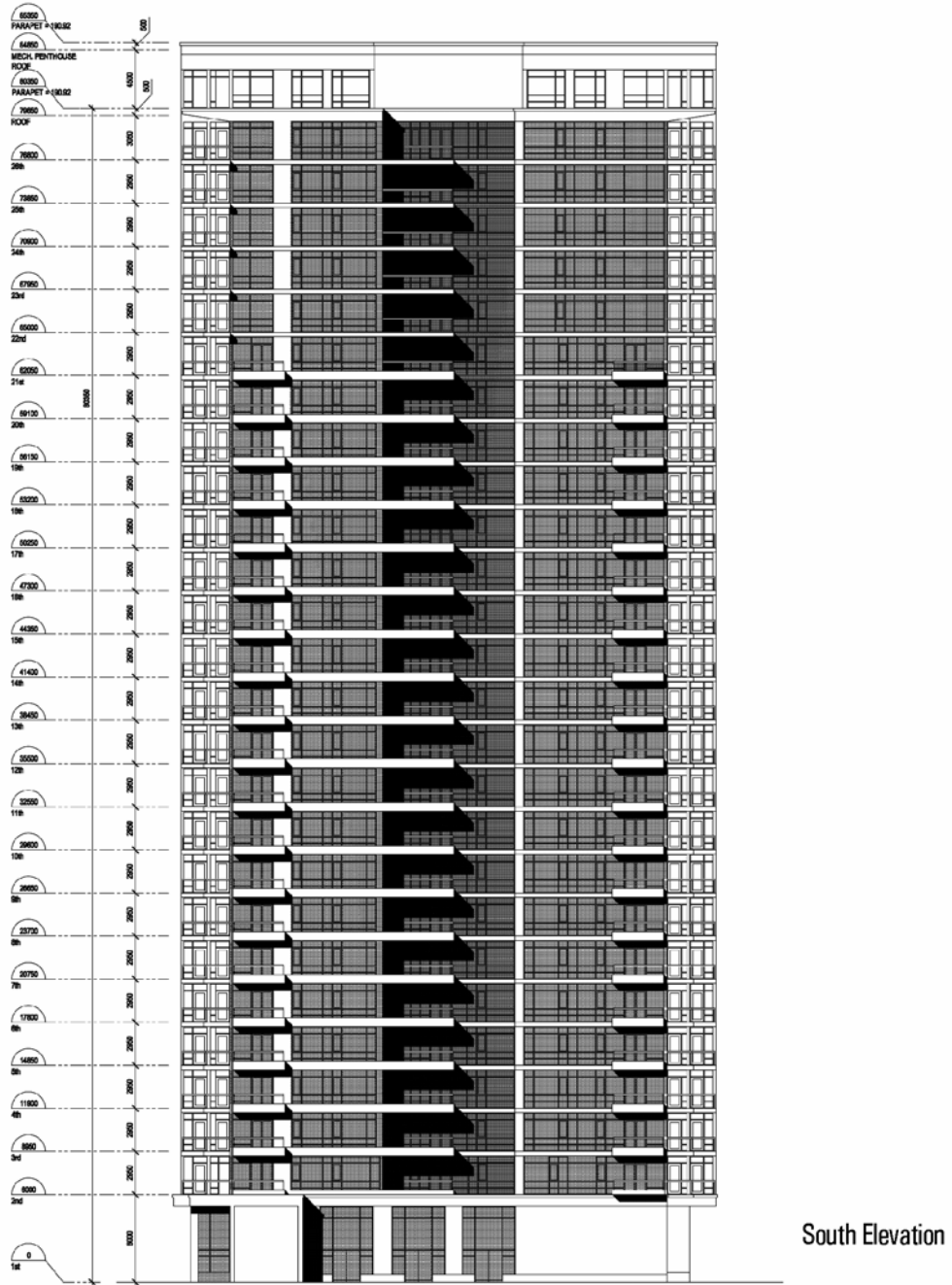
Applicant's Submitted Drawing

Not to Scale
10/21/05

18 Brownlow Avenue

File # 05_177537

Attachment 9: Elevation 4



Elevations

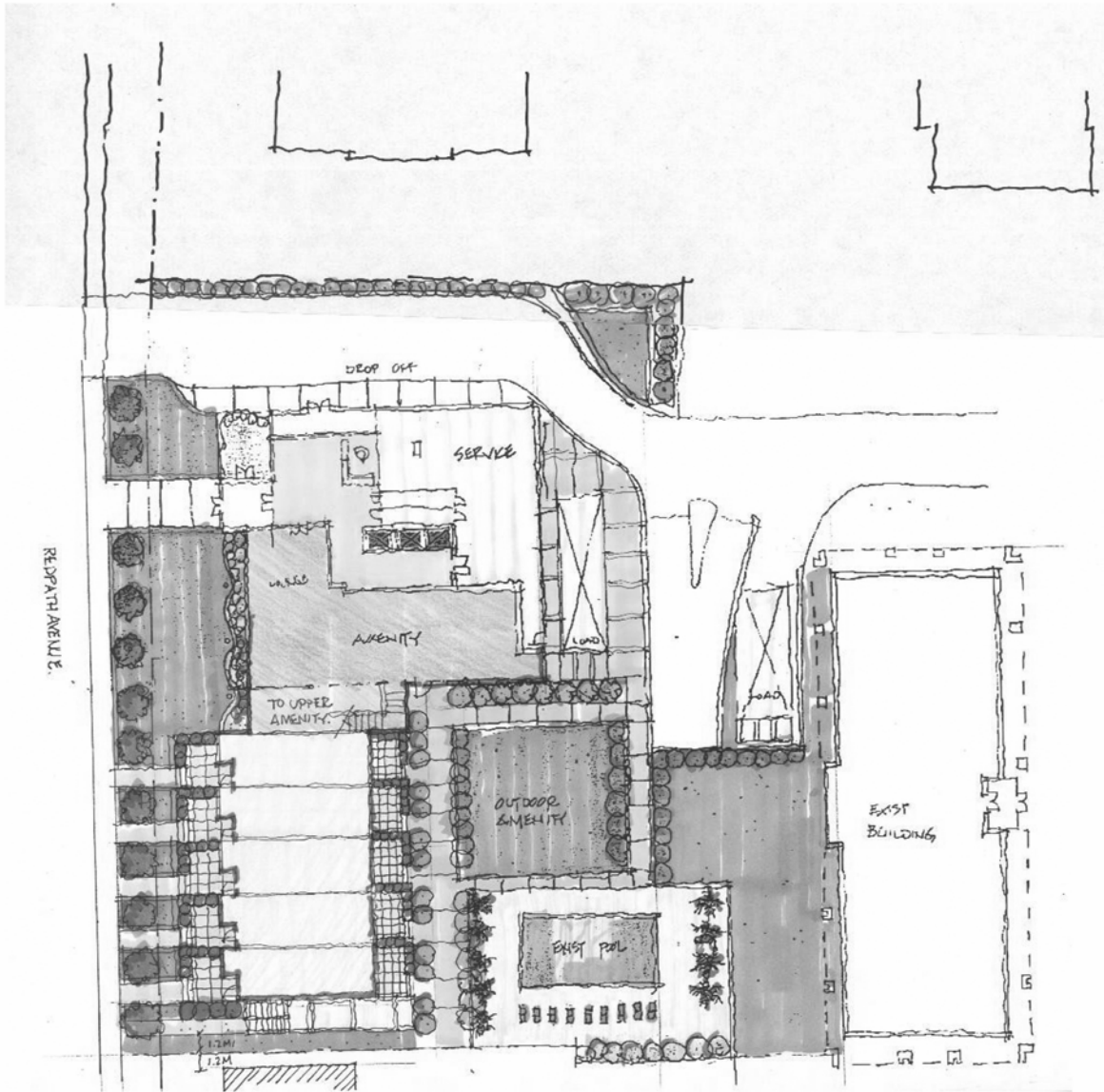
Applicant's Submitted Drawing

Not to Scale
10/21/05

18 Brownlow Avenue

File # 05_177537

Attachment 10: City's Development Alternative



Development Alternative

18 Brownlow Avenue

Not to Scale
07/26/06



File # 05_177537

Attachment 11: Comparative Statistics-Existing Apartment on Site, Applicant's Proposal and City's Development Alternative

	EXISTING	APPLICANT'S PROPOSAL	CITY'S DEVELOPMENT ALTERNATIVE *
HEIGHT			
Podium		1-storey – 6m	3-storey townhouses
Tower	19 storeys (apt to be maintained)	26 storeys – 85.35 m – including podium	-16 storeys -48 m
Area (floor plate)	691 m ² (apt)	1066 m ² (1'st flr) 780 m ² to 791 m ² (2'nd flr & up)	750 m ² in tower + 187 m ² (for 5 towns)
Gross Building Area	13,057 m ²	33,683 m ² (existing 13,057 m ² + proposed 20625 m ²)	25,618 m ² (existing 13,057 m ² + proposed 12,561 m ²)
Density (fsi)	2.0x permitted by site specific By-law 22036	5.1x (existing apt + proposed condominium)	3.90x (existing apt + proposed condominium and townhouses)
Dwelling Units	185 rental apts.	265 (condo) + 185 (apt) = 450 total	350 (including condo + towns + existing 185 units) **
Access	garage ramp off of Brownlow circular drive for drop-off & pick-up off of Brownlow	New, single dual access ramp for existing & proposed buildings to be located between the two buildings with access drive from Brownlow and Redpath circular drive maintained for existing building new circular drive in front of proposed tower	dual access ramp as proposed by applicant Eliminates proposed circular driveway for tower adds pick-up and drop-off at north face of the building (displacing proposed loading bay)

	EXISTING	APPLICANT'S PROPOSAL	CITY'S DEVELOPMENT ALTERNATIVE
Loading	outdoor garbage pick-up area located at the southwest corner of the site next to the existing outdoor pool and the house at 73 Redpath	loading bay located at north end of the tower facing 95 Redpath loading bay added for the existing building on the west side	loading bay for the proposed tower is moved to the east side adjacent to the garbage room (displaces bike storage which will have to be located elsewhere) proposed new loading bay for the existing building maintained

* scaled drawings have not been produced - development statistics are approximate

** based on 10 units per floor in tower and 5 townhouses and 185 existing units

Attachment 12: Comparative Heights and Densities-North Toronto Apartment Neighbourhood

	Height (metres)	Storeys	Density
Area 1 - Eglinton Ave			
43 Eglinton (occupied)	48.7	16.5	8.9x
79 Dunfield (proposed)	72.57	25	8.8x
123 Eglinton (condominium)	54.5	18	5.55x *
123 Eglinton (stacked towns)	12.5	4.5	2.03x *
123 Eglinton (combined)			3.21x
212 Eglinton (under construction)	68.3	21	6.0x
Average	51.31	17	6.7x

Area 2 - North of Eglinton			
70 Roehampton (proposed)	86.5	27 (&24)	2.99x
150 Roehampton (under construction)	48	16	5.35x
82 – 90 Broadway Ave (approved)	57.35	20	4.71x
912 – 940 Mt Pleasant (under construction)	52.2	19	4.12x
Average	61.01	20.5	4.29x

Area 3 – South of Eglinton	Height (metres)	Storeys	Density
45 Dunfield (existing)	77.3	28	2.4x *
45 Dunfield (77 Dunfield - proposed)	50.75	17	
45 Dunfield (combined)			3.2x
88 Redpath (approved)	31.8	11	3.8x
Average	53.3	18.5	3.5x

* - not used in density calculations

18 Brownlow –Applicant’s Proposal	85.35 m	26 storeys	5.1x
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