

**134-162 Broadview Avenue
OPA and Rezoning Applications-Refusal Report**

Date:	December 17, 2007
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 30 – Toronto-Danforth
Reference Number:	07-275917 STE 30 OZ

SUMMARY

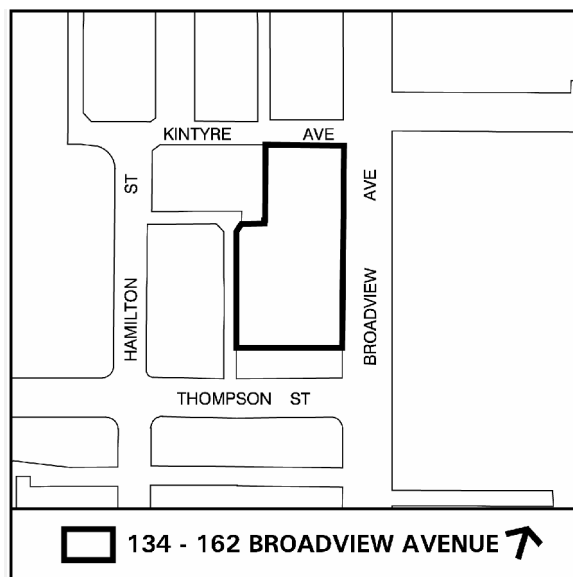
This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This report recommends refusal of the Official Plan and Zoning By-law amendment applications to develop a 9-storey mixed use building at 134-162 Broadview Avenue, and seeks Council's direction for staff to attend the Ontario Municipal Board in opposition to the development should the application be appealed.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the proposed Official Plan Amendment, Zoning By-law Amendment and Site Plan Control applications for the reasons outlined in this report;
2. In the case that the applications are appealed to the Ontario Municipal Board, the City Solicitor and City Staff be authorized to appear before the Ontario Municipal Board in support of Council's refusal; and



3. In the case that the applications are appealed to the Ontario Municipal Board, the Chief Planner and Executive Director be requested to hold an information meeting in the community to discuss the application and to notify owners and tenants within 120 metres of the site and the Ward Councillor.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposal

The applicant proposes to amend the Official Plan and Zoning By-law to permit a 9-storey mixed use building containing a total of 157 units and 2 levels of underground parking. The proposal would have an overall height of 31 metres (29.5 metres, plus mechanical penthouse), an overall gross floor area of approximately 14,029 m² and an overall density of approximately 5.0 times the lot area.

Site and Surrounding Area

The subject site is located on the west side of Broadview Avenue, 1 block north of Queen Street East. The site consolidates 8 properties which results in a development parcel which has a frontage of 29 metres along Kintyre Avenue, a frontage of 79 metres along Broadview Avenue, and an overall site area of approximately 2,827 m².

The subject site currently contains the following: a 2-storey single detached dwelling at 162 Broadview Avenue, three 2 ½ -storey rowhouses at 140-144 Broadview Avenue, an automotive repair shop at 146-150 Broadview Avenue, and 2 vacant land parcels at 134-136 Broadview Avenue.

Development in the vicinity of the subject site is as follows:

North: Development north of the subject site consists of low density residential dwellings in the form of single detached and semi-detached dwellings;

East: Development east of the subject site consists of a mix of low density residential dwellings in the form of row houses, single detached and semi-detached dwellings, a Toronto Parking Authority lot, a recreational facility and a community centre;

South: Immediately adjacent to the site is a 1-storey building which houses the Army Navy Club. Further south is the Thompson Street parkette, and mixed use developments which front onto Queen Street East which range in height from 1- to 5-storeys; and

West: Development west of the subject site consists of low density residential dwellings in the form of single detached, semi-detached and rowhouse dwellings.

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.

Development must be consistent with the PPS and the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The City of Toronto Official Plan designates the subject site "*Neighbourhoods*", with the exception of 150 Broadview Avenue which is designated "*Mixed Use Area*".

"*Neighbourhoods*" are considered physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than 4-storeys. Parks, low scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in "*Neighbourhoods*". The Plan identifies these established areas as physically stable in which development will respect and reinforce the existing physical character of the neighbourhood. Particular aspects of physical character are identified including: patterns of streets, blocks and lanes; lot size; heights, massing, scale and dwelling type of nearby residential properties; prevailing building types, or predominant forms of development in the neighbourhood; and, prevailing patterns of rear and side yard setbacks and landscaped open space.

In addition, Policy 4.1.7 of the Official Plan states the proposals for intensification of land on major streets in "*Neighbourhoods*" are not encouraged by the policies of the Plan. Where a more intense form of residential development than that permitted by existing zoning on a major street in a "*Neighbourhood*" is proposed, the application will be reviewed in accordance with Policy 4.1.5, having regard to both the form of development along the street and its relationship to adjacent development in the "*Neighbourhood*".

One lot which forms part of the subject site, located at 150 Broadview Avenue, is designated "*Mixed Use Areas*". This designation permits a broad range of commercial, residential and institutional uses and includes policies and development criteria to guide development and its transition towards adjacent low scale "*Neighbourhoods*".

Zoning

The majority of the subject site is zoned R3 Z1.0. The maximum permitted building height is 12 metres and the maximum density is 1.0 times the lot area.

The property at 150 Broadview Avenue is zoned MCR T2.5 C2.0 R2.0. The maximum building height is 12 metres, and the maximum density for a mixed use development is 2.5 times the lot area, with a maximum of 2.0 times density for development which is exclusively residential and 2.0 times density for development which is exclusively commercial.

Site Plan Control

The proposal is subject to Site Plan Control. The applicant has submitted a Site Plan Control approval application with the Official Plan and Zoning By-law amendment applications.

At any time prior to Site Plan Control approval, the Ward Councillor may direct Planning staff to report to City Council, through Community Council, for a decision on the Site Plan Control application. Planning staff have been directed by the Ward Councillor to report to City Council on this Site Plan Control Application.

Reasons for the Application

An amendment to the Official Plan is required as the proposal does not comply with the policies of the Official Plan including the “*Neighbourhoods*” policies.

An amendment to the Zoning By-law is required to permit the scale and density of the building requested for this site.

COMMENTS

The redevelopment of lands in an established urban setting requires consideration of the immediate site context and the larger neighbourhood. Developments should recognize the defining urban characteristics of the area into which they are to be inserted and should seek to complement the established urban form. New development must relate, enhance and contribute to its surroundings. This proposal before Council fails to meet these objectives, and should be refused for the reasons outlined in more detail below.

Land Use

The Provincial Policy Statement indicates that the Official Plan is to direct development to suitable areas. Intensification and redevelopment is to be provided in areas that take into account the existing building stock or area, and availability of infrastructure and public service facilities that meet projected needs.

The Official Plan directs growth to certain areas of the City, and the areas which can best accommodate growth are shown on Map 2, Urban Structure of the Official Plan. The areas for growth have been identified as the *Downtown*, the *Centres*, the *Avenues* and

Employment Districts. The proposed development site is not in one of those areas and has not been identified as an area of growth.

The majority of the site is designated “*Neighbourhoods*”, a land use designation which is intended to protect and reinforce the existing physical character of the area and has not been identified as an area for growth. The stability of Toronto’s “*Neighbourhoods*” physical character is one of the keys to the City’s success. Physical changes to established “*Neighbourhoods*” must be sensitive, gradual, and generally “fit” the existing physical character. A key objective of the Official Plan is to ensure that new development respect and reinforce the general physical patterns in a neighbourhood.

The “*Mixed Use Areas*” designation in the Official Plan extends along the east side of Broadview Avenue from Queen Street East to Kintyre Avenue, and includes a portion of the subject site, one lot located at 150 Broadview Avenue. The property at 150 Broadview Avenue is the sole property on the west side of Broadview Avenue with the “*Mixed Use Areas*” designation which recognizes the existing automotive repair use and zoning permissions.

The Official Plan outlines development criteria for developments in “*Mixed Use Areas*” that are adjacent or close to “*Neighbourhoods*”. The Plan states that developments will be compatible with those “*Neighbourhoods*”; provide a gradual transition of scale and density, as necessary, to achieve the objectives of this Plan through the stepping down of buildings towards and setbacks from those “*Neighbourhoods*”; maintain adequate light and privacy for residents in those “*Neighbourhoods*”; and attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those “*Neighbourhoods*”.

The applicant proposes to redesignate the subject site “*Mixed Use Areas*” in order to “achieve symmetry of land use and built form on both sides of the street”. The re-designation of lands to a more intensive land use should recognize the defining urban characteristics of the area into which they are to be inserted, should seek to complement the established urban form, and represent good planning, rather than be used as a tool to “achieve symmetry”. It is not appropriate to redesignate the subject site to “*Mixed Use Areas*”, but even with the applicant’s proposal to do so, the applicant has failed to address the development criteria outlined for “*Mixed Use Areas*” in the Plan.

Precedent

The proposal is to consolidate 8 individual lots, which compose nearly the entire east side of the block, to a single consolidated lot with a lot frontage along Broadview Avenue of 79 metres (259 feet). The existing lot frontages in the area are homogeneous and the proposed consolidation could be readily replicated along Broadview Avenue. If all lots of similar characteristics in the area were to consolidate into large development parcels, the physical character of the neighbourhood would be fundamentally changed and destabilized.

Consolidation and redevelopment of this magnitude over a portion of the residential area could have a major impact as the identification of areas suitable for intensification is contingent upon providing a suitable form of redevelopment. Official Plan policies direct how redevelopment is to fit into the community, in particular when it is located at the edge of stable residential areas. The Plan provides for compatibility between redeveloping areas and stable low density residential areas by having redeveloping areas include a built form transition to adjacent stable residential areas.

The surrounding neighbourhood context is made up of three main elements: low density residential uses which surround the site to the north, east and west; small scale cultural/recreational facilities; and low-to-mid-rise mixed use developments which front Queen Street East. Given the existing and planned context noted above and the role of this site in the low density residential area of the surrounding neighbourhood, the application has been assessed for compatibility with, and impacts on, the adjacent low density area. Staff have determined that the proposal will adversely impact the stability of the area because it does not respect the following elements of physical character: lot size, density, prevalent building type, and building height.

The proposal seeks to introduce a 9-storey residential building into an area where they are not found in the existing low density neighbourhood. The predominant building type in the neighbourhood is low density residential development in the form of singles, semis, rowhouses, and low-to-mid rise apartment buildings at Don Mount Court which is designated "*Apartment Neighbourhoods*". The application would change the character of the area and potentially initiate long term structural changes and instability to the physical character of building types and massing in the neighbourhood.

Height

The applicant is proposing to develop the site with a 9-storey mixed use building which will have a height of 29.5 metres, plus mechanical penthouse. The proposed height is more than twice that permitted by the zoning by-law, and significantly higher than any structure in the immediate area. In addition, the proposed height exceeds the mid-rise scale of Queen Street East, an "*Avenue*" in the Official Plan, and an area identified for growth.

The proposed developments height is greater than any of the recent development proposals approved by Council which are located on Queen Street East, which range from 6- to 8-storeys in height. The significant variation between the height of the proposed building and the height of the adjacent neighbourhood is problematic, and fails to reflect the lower scale which is consistent with the surrounding area.

In addition, the proposed development significantly penetrates the 45-degree angular plane requirements for buildings in the Mixed Commercial Residential zone. The angular plane for this site, if the property was rezoned to Mixed Use as requested by the applicant, would significantly reduce the permitted height of the building, as well as require greater articulation of the building via stepbacks and terracing.

Density

At 5.0 times density, the proposal exceeds the permitted density under current planning controls for the site. The mixed use zoning for Queen Street East, and a portion of Broadview Avenue permits a blended density of 2.5 times the lot area for mixed use developments, where the maximum for residential development is limited to 2.0 times the lot area, whereas the Residential Zoning (R3) surrounding the site limits the density to 1.0 times the lot area. The proposed density would result in a development that does not respect and reinforce the existing physical character of the neighbourhood.

The applicant is seeking to double the density permitted by the MCR zone for Queen Street East. Given the location of this site, outside of an area identified for growth in the Official Plan, the proposed density of 5.0 times the lot area represents an overdevelopment of the site. Based on the height and transition considerations discussed above, the proposed density is not appropriate for this site.

Conclusion

The policies contained within the City of Toronto Official Plan provide the basis for refusing this proposal because it does not meet the intent of the Plan for development within or adjacent to stable residential neighbourhoods. The proposed lot size and density, building type, and building height, and lack of transition do not reinforce or respect the physical character of the existing neighbourhood. The proposal would destabilize the existing building stock and result in land uses in an area not identified for growth.

Staff recommend that City Council refuse the proposal, and that Staff support Council's refusal of the proposed development should the application be appealed to the Ontario Municipal Board.

CONTACT

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SIGNATURE

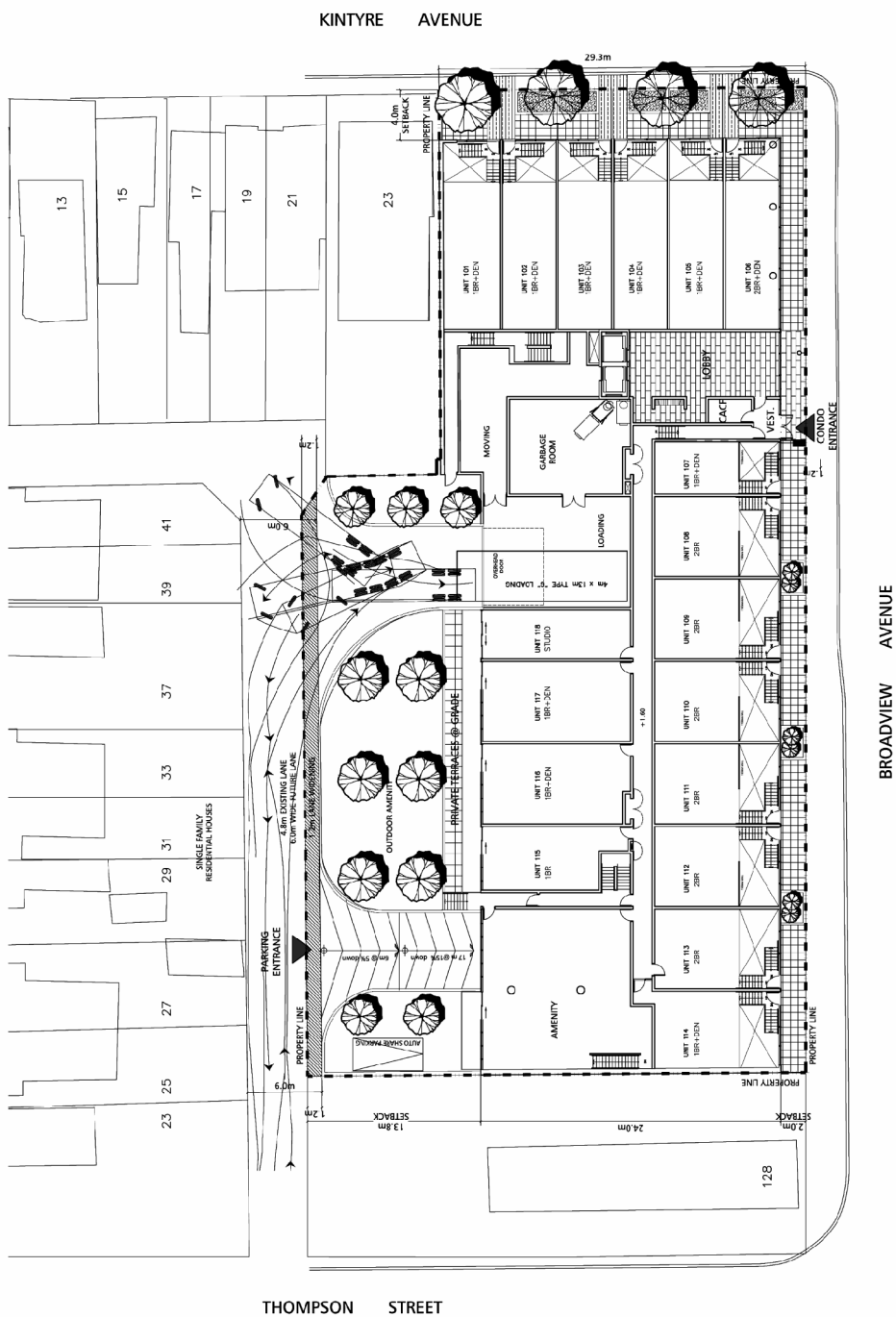
Gary Wright, Director
Community Planning, Toronto and East York District

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ATTACHMENTS

- Attachment 1: Site Plan – Level 1
- Attachment 2: North Elevation
- Attachment 3: South Elevation
- Attachment 4: East Elevation
- Attachment 5: West Elevation
- Attachment 6: Zoning
- Attachment 7: Official Plan
- Attachment 8: Application Data Sheet

Attachment 1: Site Plan – Level 1



Site Plan - Level 1

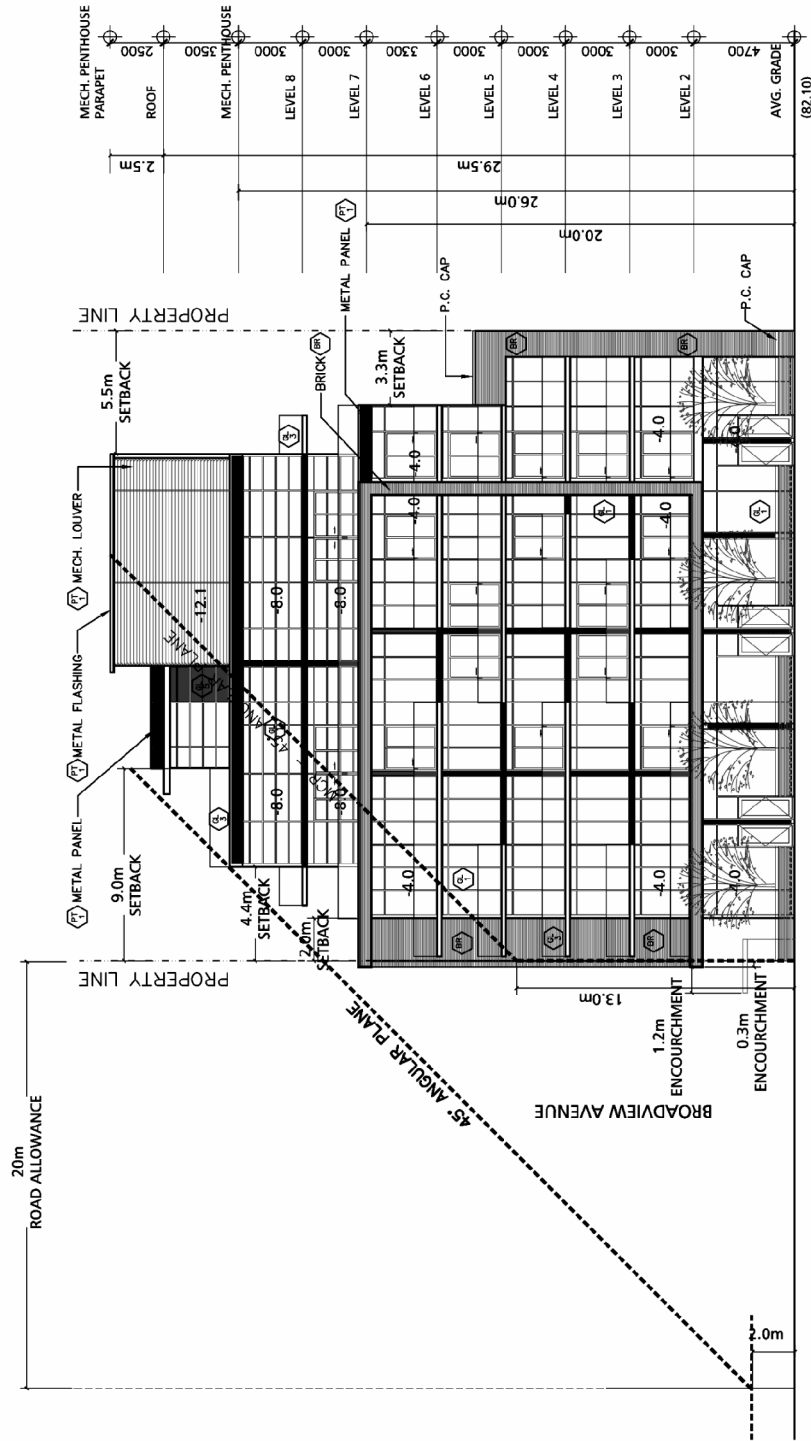
Applicant's Submitted Drawing



Not to Scale
12/05/07

File # 07_275917

Attachment 2: North Elevation



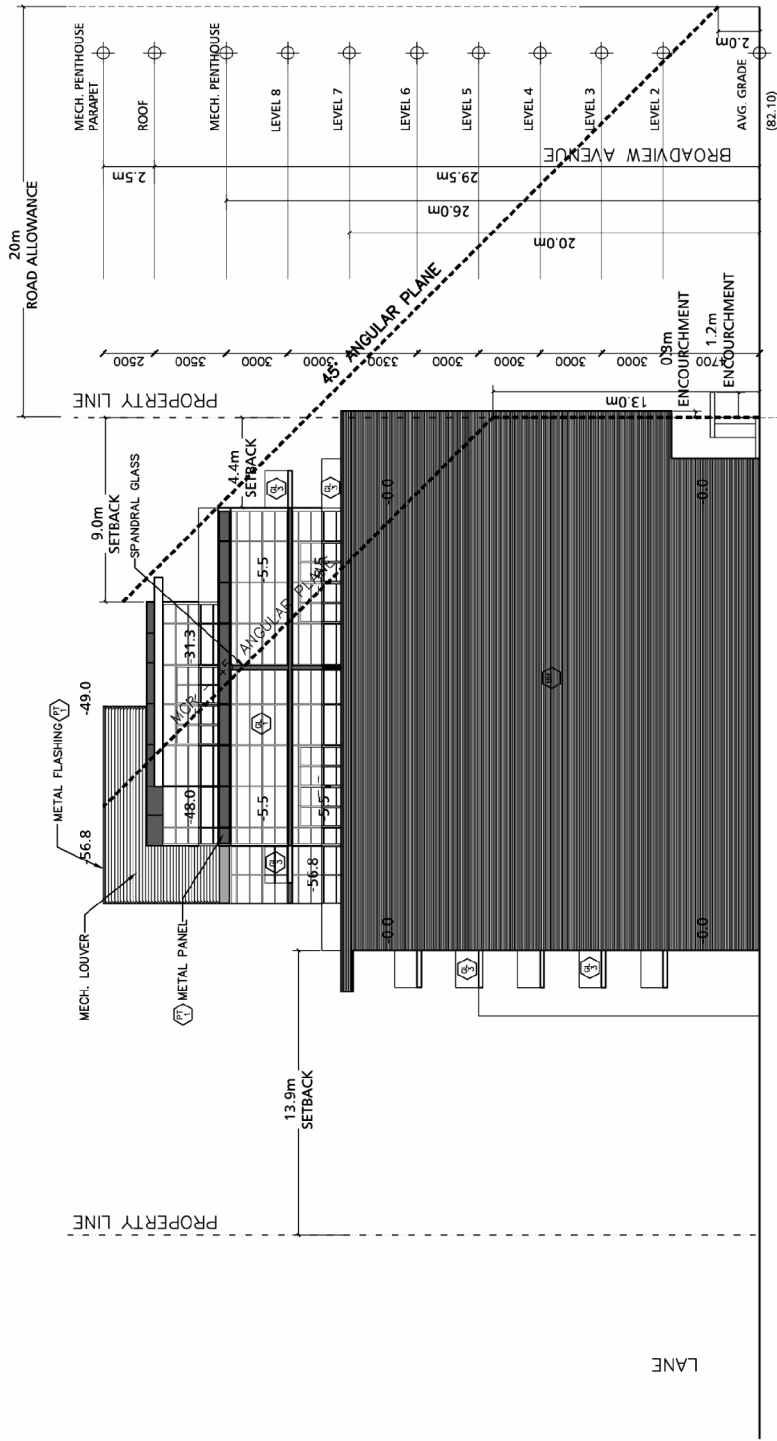
134 - 162 Broadview Avenue

North Elevation
Applicant's Submitted Drawing

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Attachment 3: South Elevation



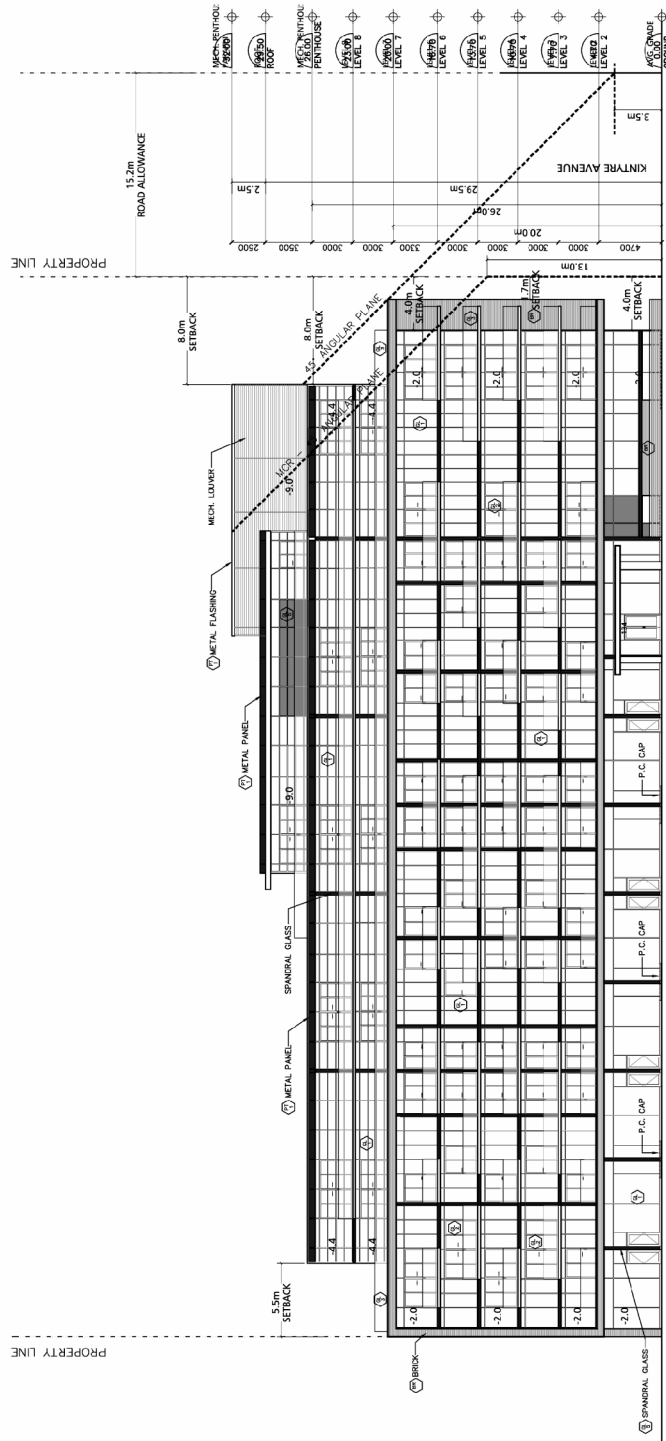
134 - 162 Broadview Avenue

South Elevation
 Applicant's Submitted Drawing

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Attachment 4: East Elevation



134 - 162 Broadview Avenue

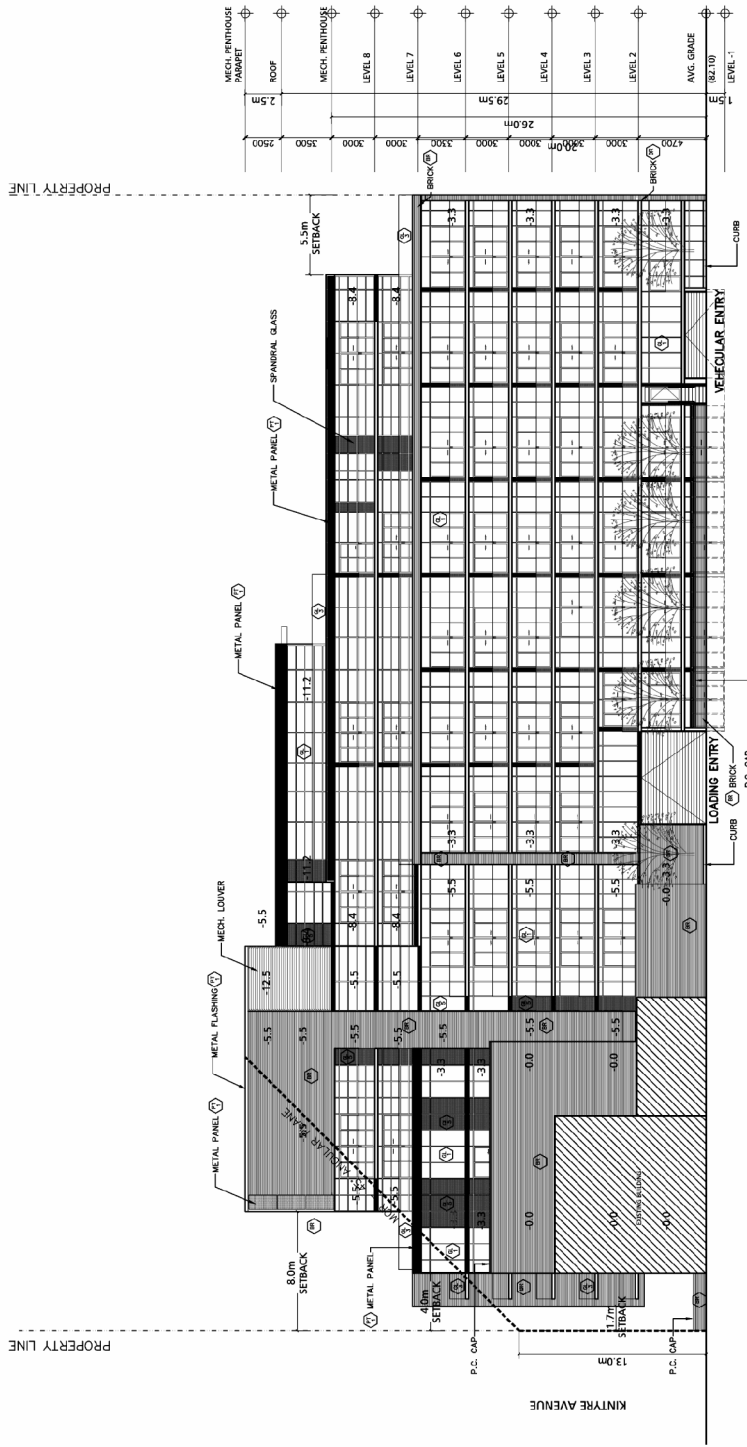
East Elevation

Applicant's Submitted Drawing

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Attachment 5: West Elevation

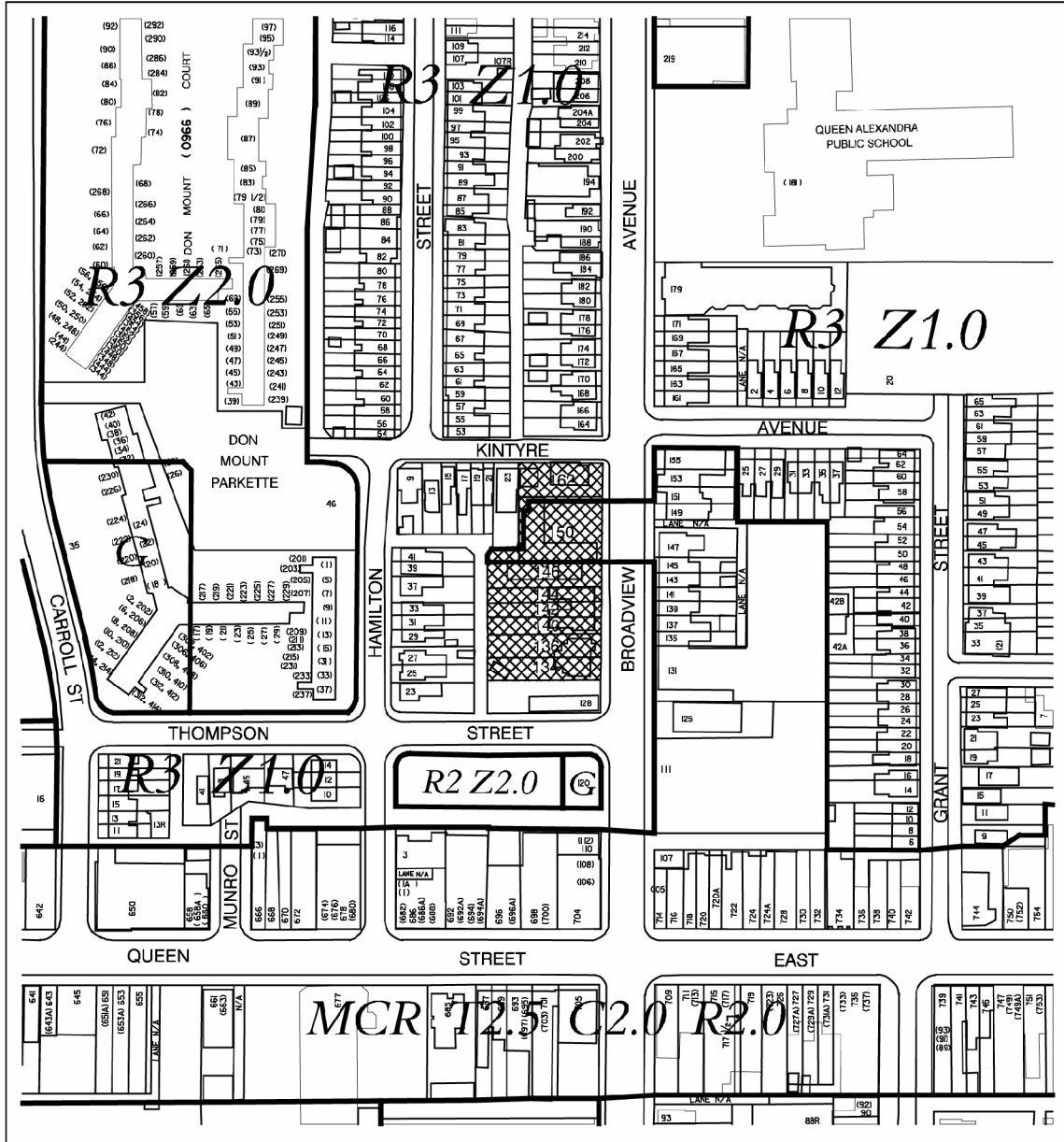


West Elevation
 Applicant's Submitted Drawing
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134 - 162 Broadview Avenue

File # 07_275917

Attachment 6: Zoning



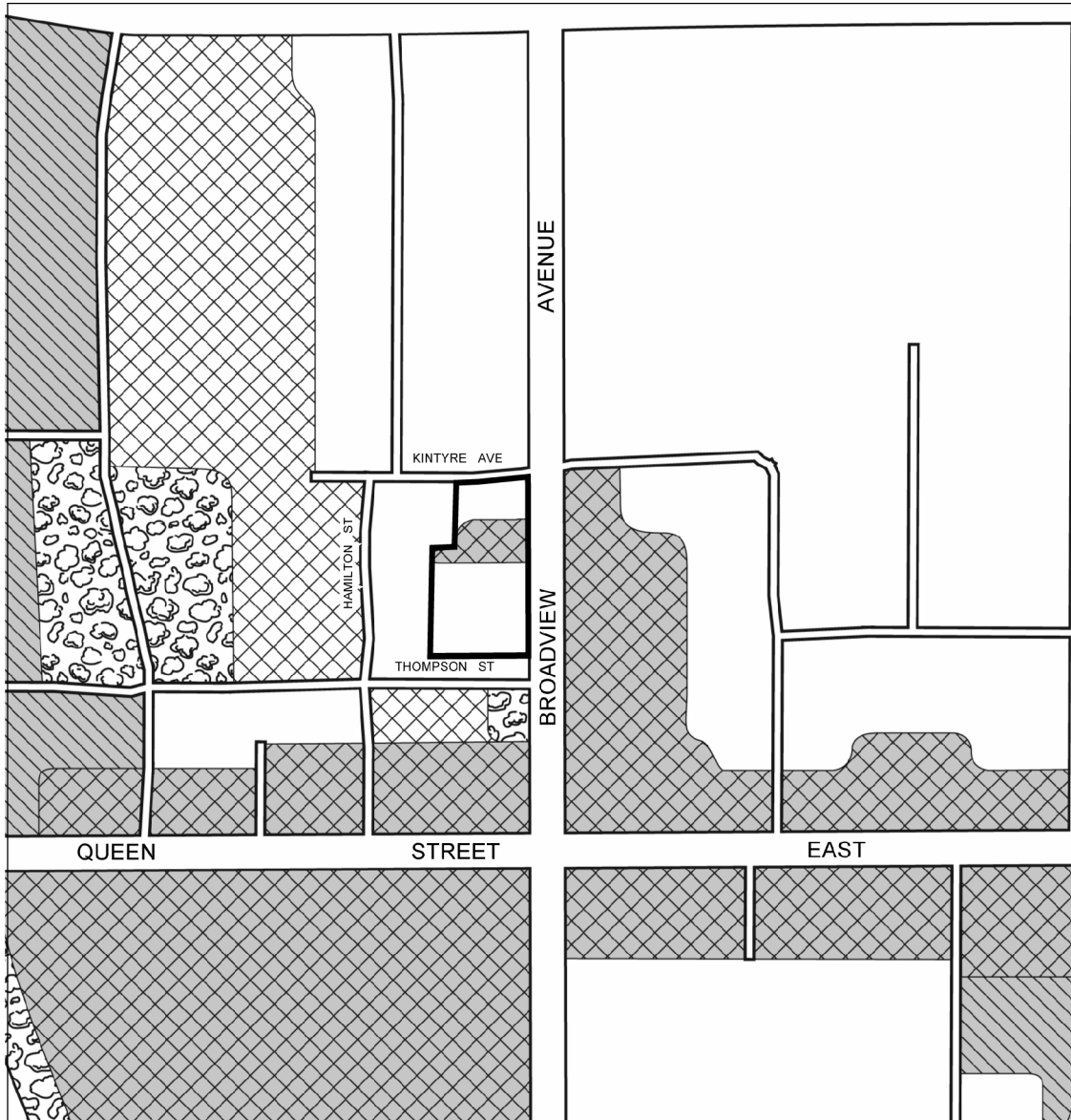
134 - 162 Broadview Avenue
File # 07_275917

- G Parks District
- R2 Residential District
- R3 Residential District
- MCR Mixed-Use District



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Zoning By-law 438-86 as amended
Extracted 11/21/07 - DR

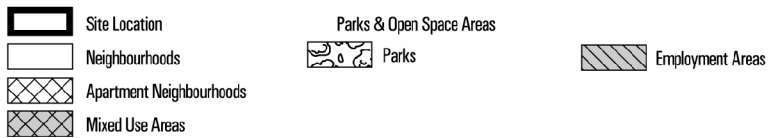
Attachment 7: Official Plan



Toronto City Planning
Official Plan

134 - 162 Broadview Avenue

File # 07_275917



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Attachment 8: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	07-275917 STE 30 OZ
Details	OPA & Rezoning, Standard	Application Date:	November 5, 2007

Municipal Address: 134 BROADVIEW AVE
 Location Description: PL 312 LT15 **GRID S3007
 Project Description: Proposed 8-storey mixed-use building with 157 dwelling units & 2 levels of underground parking.

Applicant:	Agent:	Architect:	Owner:
Walker Nott Dragicevic and Associates Ltd			HPH (Broadview) Limited

PLANNING CONTROLS

Official Plan Designation:	Site Specific Provision:
Zoning: R3 Z1.0, MCR T2.5 C2.0 R2.0	Historical Status:
Height Limit (m): 12	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	2826.76	Height:	Storeys:	8	
Frontage (m):	29.34		Metres:	31	
Depth (m):	78.89				
Total Ground Floor Area (sq. m):	810.39				Total
Total Residential GFA (sq. m):	14028.26		Parking Spaces:	140	
Total Non-Residential GFA (sq. m):	0		Loading Docks	1	
Total GFA (sq. m):	14028.26				
Lot Coverage Ratio (%):	28.66				
Floor Space Index:	4.96				

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:				
Rooms:	0	Residential GFA (sq. m):	14028.26	0
Bachelor:	28	Retail GFA (sq. m):	0	0
1 Bedroom:	93	Office GFA (sq. m):	0	0
2 Bedroom:	35	Industrial GFA (sq. m):	0	0
3 + Bedroom:	1	Institutional/Other GFA (sq. m):	0	0
Total Units:	157			

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