

140 – 162 Broadview Avenue – Official Plan Amendment, Rezoning, Site Plan Applications - Preliminary Report

Date:	June 1, 2010
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 30 – Toronto-Danforth
Reference Number:	10-133099 STE 30 OZ 10-173247 STE 30 OZ

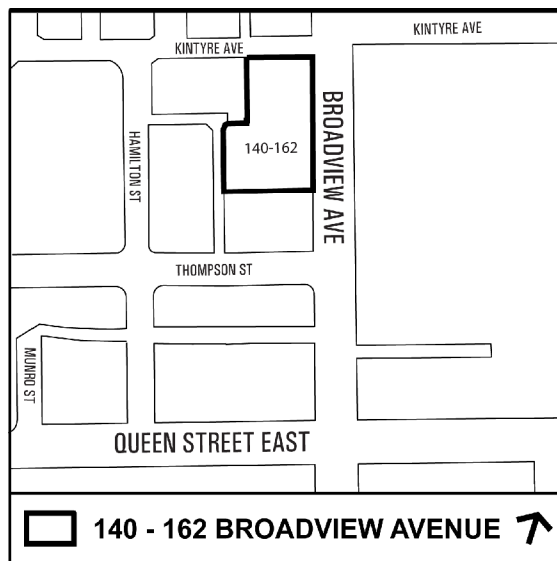
SUMMARY

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 application proposes 65 residential units in two blocks 3 ½ storeys above grade, and underground parking at 140 - 162 Broadview Avenue. The proposal involves the demolition of the existing buildings including 7 residential rental dwelling units. No replacement rental housing is proposed. An application under Section 111 of the *City of Toronto Act, 2006* has been filed.

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

There is additional information that is required to be submitted including; grade elevations through the site in order to understand how the basement units will work, outdoor amenity space and dimensions for the underground parking and ramp. The plans submitted do not provide sufficient information to assess the proposal's compliance with the City's



Zoning By-law. Fully dimensioned drawings, floor plans, site plan and the full statistics for the proposal are required.

A community consultation meeting is targeted for the late fall. The statutory Public Meeting is targeted for spring 2011. The target dates assume that the applicant will provide all required information in a timely manner.

RECOMMENDATIONS

The City Planning Division recommends that:

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

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In November, 2007 the applicant submitted an application to amend the Official Plan and Zoning By-law to permit a 9 storey mixed use building containing a total of 157 units with 2 levels of underground parking. The proposal had an overall height of 31 metres and a density of approximately 5.0 times the area of the lot. The City refused the application. In a decision issued September 23, 2008, the Ontario Municipal Board dismissed the appeals by HPH (Broadview) Limited, did not approve the requested amendment to the City of Toronto Official Plan, or amend the Zoning By-law 438-86. The site plan application was also considered by the OMB and was not approved.

Since the OMB decision 134 and 136 Broadview Avenue have been sold to the Toronto Parking Authority and are therefore not part of the new application.

Pre-Application Consultation

A number of pre-application consultation meetings were held with the applicant to discuss the complete application submission requirements and to review general issues related to possible redevelopment of the original larger site.

An application was submitted for the smaller site without staff's preliminary review of this specific proposal.

City staff had previously determined that there were 7 residential rental dwelling units in the related buildings on the consolidated site. Therefore, the By-law provisions on rental

housing demolition under section 111 of the *City of Toronto Act, 2006* (Municipal Code Chapter 667) and the Official Plan housing policy requiring the replacement of the rental dwelling units in any new development are applicable. The application does not propose replacement of the residential rental dwelling units. An application under section 111 of the *City of Toronto Act, 2006* has been filed.

ISSUE BACKGROUND

Proposal

The proposal is for a 5,067 m² residential building 3 ½ storeys above grade in two blocks joined together with one level of underground parking. There are a total of 65 dwelling units with 52 parking spaces for residents. Additional project information is attached in Attachment 5, the Application Data Sheet.

The application involves the demolition of all the existing buildings on the site, including the rental dwelling units, with no replacement rental housing. An application under Section 111 of the *City of Toronto Act, 2006* has been filed.

Site and Surrounding Area

The subject property is located on the west side of Broadview Avenue, 1 block north of Queen Street East. The site is a consolidation of 6 properties. The development parcel fronts onto Kintyre Avenue to the north, Broadview Avenue to the east and a rear public lane on the west. The overall site area is approximately 2,152 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, and an automotive repair shop with residential above at 146-150 Broadview Avenue.

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

North: residential dwellings in the form of single detached and semi-detached dwellings;

East: a mix of 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: 2 vacant land parcels at 134-136 Broadview Avenue and 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 – 5 storeys; and

West: 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 in conformity with 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-stories. 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 "*Neighbourhoods*" 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 "*Neighbourhoods*".

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*". The

Official Plan also provides for a full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods. Specifically, policy 3.2.1.6 applies to applications proposing to demolish six or more residential rental dwelling units. Except where all rents are above mid-range, applicants are required to replace the rental units and to provide tenant relocation and assistance to affected tenants.

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 area of the lot.

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 area of the lot, with a maximum of 2.0 times the area of the lot for development which is exclusively residential and 2.0 times the area of the lot for development which is exclusively commercial.

Site Plan Control

A Site Plan application has been submitted for the site.

Section 111 of the City of Toronto Act, 2006

The six related residential buildings involved in this application at 140 – 162 Broadview Avenue contain a total of seven residential rental dwelling units. Accordingly, an application to demolish rental housing has been submitted to the City pursuant to section 111 of the *City of Toronto Act, 2006* (Chapter 667 of the Municipal Code). This application acknowledges that 7 rental dwelling units are in existence.

The By-law makes it an offence to demolish a residential rental property or a related group of buildings where there are six or more residential rental dwellings units, unless approval has been granted for a section 111 permit for the demolition. Any planning approval in such matters should be conditional upon, amongst other matters, the applicant obtaining a section 111 permit. City Council may impose conditions on the approval of a section 111 permit, which typically involve the replacement of the rental housing and assistance to any tenants affected by the proposed demolition. City Council's decisions on the refusal or approval of a section 111 permit are not subject to appeal to the Ontario Municipal Board. Staff will report to Council on the Section 111 application at the same time as the report on the planning applications to ensure that Council's decisions on all the applications are co-ordinated.

Tree Preservation

An Arborist Report has been submitted with the application and an application to injure and/or destroy the trees will be submitted directly to Urban Forestry.

Reasons for the Application

An amendment to the Official Plan is required because the proposed built form and intensity of the development does not reflect the prevailing pattern for the surrounding

Neighbourhood. An amendment is also required if the development will not provide the replacement of the 7 residential rental units.

An amendment to the Zoning By-law is required to permit the scale and density of the building requested for the site as the proposal does not comply with the standards in an R3 zone and the project exceeds the residential density permitted at this location.

COMMENTS

Application Submission

The following reports/studies were submitted with the application: Planning Assessment; Housing Issues Report; Archaeological Assessment; Transportation Impact/Parking Study Report; Combined Phase I and Phase II Environmental Site Assessment; Geotechnical Report; Letter from Eaglebrooke Engineering Limited and Functional Servicing Report; Stormwater Management Report; Arborist Tree Preservation Report and an Application to Injure or Destroy Trees on Private Property; Green Development Standards checklist and Toronto Green Standards Statistics Template; and a Transportation Study.

A Notification of Incomplete Application issued on May 4, 2010 identified the following outstanding material required for a complete application submission: Official Plan Amendment Application and fee, Boundary Plan of Survey and Topographical Survey.

The outstanding material was submitted on May 18, 2010 and a Notification of Complete Application was subsequently issued on May 19, 2010.

The plans submitted do not provide sufficient information to assess the proposal's compliance with the City's Zoning By-law. Fully dimensioned drawings, floor plans, site plan and the full statistics for the proposal are required. Some of the additional information required includes:

- grade elevations so that staff can understand how the basement units will work;
- details regarding outdoor amenity space; and
- dimensions for the underground parking and ramp.

Issues to be Resolved

Land Use

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.

The proposed development site is not in an area identified for growth in the Official Plan. Most of the site is designated *Neighbourhoods* and a portion is designated *Mixed Use*.

An amendment to the Official Plan is required because the proposed built form and intensity of the development does not reflect the prevailing pattern for the surrounding *Neighbourhood*. The form and intensity of development is more consistent with the nearby Don Mount Court which is designated *Apartment Neighbourhood*.

Staff will review the appropriateness of introducing this form of residential development and the fit and relationship to the abutting *Neighbourhood Area*.

Precedent

The proposal is to consolidate six individual lots into a single consolidated lot. The existing lot frontages in the area are homogeneous and the proposed consolidation could be replicated along Broadview Avenue.

City Planning staff will review the appropriateness of the lot consolidation and the possible outcomes for this property and the surrounding area.

Density

The proposal exceeds the permitted density. The applicant is requesting approximately 2.35 times the area of the lot with an intensity of 65 dwelling units. City Planning staff will review the impact and appropriateness of the proposed density.

Basement Units

City Planning staff have outlined concerns with the proposed back-to-back basement dwelling units. Staff will continue to explore with the applicant opportunities to incorporate this space into above-grade units and opportunities to design the proposed development to allow light penetration and privacy for these spaces.

Setbacks

The proposed building setbacks from both Kintyre and Broadview for at-grade units are insufficient to comfortably accommodate the required road widening, trees, landscaping, open space and stairs. A minimum setback of 3 metres is appropriate.

Open Space

Residential projects in an R3 zone require 30% landscaped open space and this increases to 50% for an apartment building. The open space should be unencumbered. This building form is considered an apartment building. For the portion of the site within an MCR zone, buildings with more than 20 units require both indoor and outdoor residential amenity space.

The proposal includes garbage enclosures, bicycle storage, the underground parking ramp and various stairs within the open space area. Also, much of the space is proposed as walkways and planter boxes. Significant revisions are required to achieve open space and amenity space.

Street trees should be provided on Broadview Avenue and private trees provided on the Kintyre frontage.

Parking and Access

Staff will review and determine if the proposed parking, loading and bicycle parking is adequate. A lane widening on the east side of the lane is a requirement for development approval on the site.

Rental Housing

Considerations involve the replacement of the seven rental units, or a cash-in-lieu payment, and tenant relocation assistance. Several of the units are vacant while others are occupied currently by tenants who would be considered eligible by the City's policies and practices to receive tenant relocation assistance. A tenant Relocation and Assistance Plan should be submitted by the applicant as part of their proposal.

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.

The applicant is required to meet Tier 1 of the TGS.

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

Staff have been working with the applicant to address the concerns raised in this report. Since the submission of the application on the reduced lot, the applicant has submitted revised plans to start to address the concerns raised by planning staff.

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SIGNATURE

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Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: Elevations – Broadview Avenue

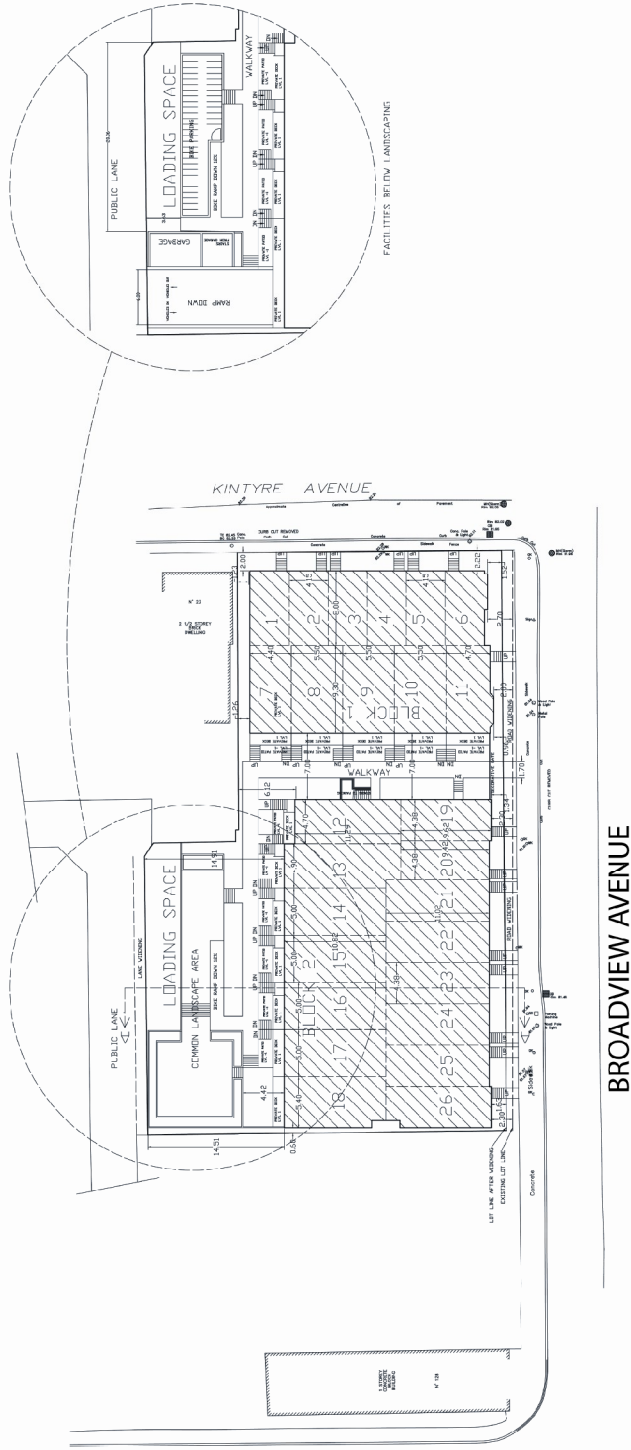
Attachment 3: Elevations – Kintyre

Attachment 4: Zoning

Attachment 5: Official Plan

Attachment 6: Application Data Sheet

Attachment 1: Site Plan



140 - 162 Broadview Avenue

Site Plan
 Applicant's Submitted Drawing

File # 10_133099

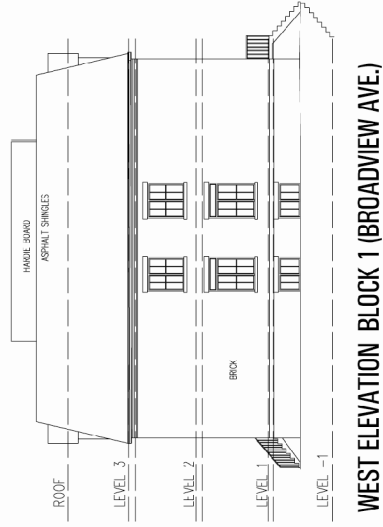
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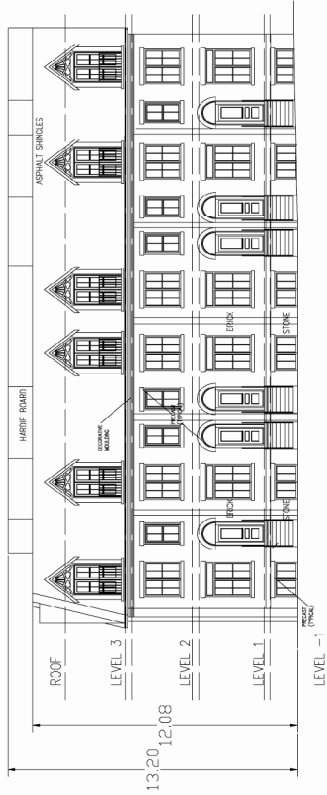
Attachment 2: Elevations – Broadview Avenue



EAST ELEVATION BLOCK 1 (BROADVIEW AVE.)



WEST ELEVATION BLOCK 1 (BROADVIEW AVE.)



NORTH ELEVATION BLOCK 1 (KINTYRE AVE.)



SOUTH ELEVATION BLOCK 1

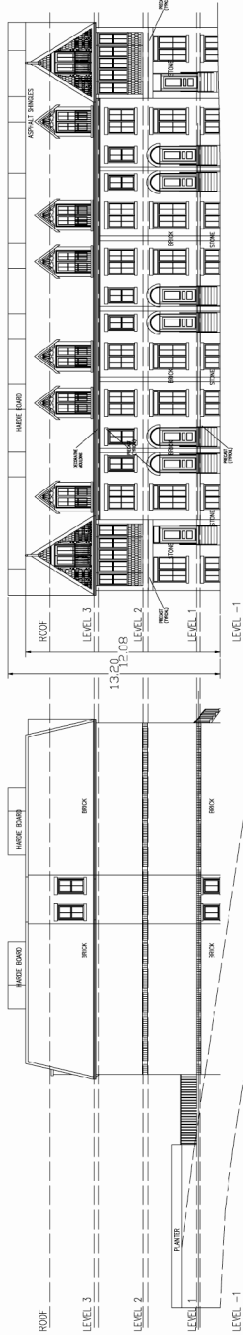
140 - 162 Broadview Avenue

Elevations
 Applicant's Submitted Drawing

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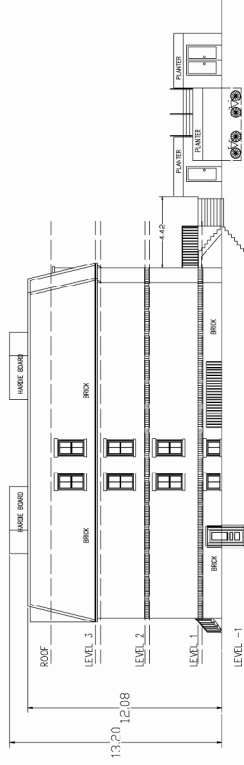
Attachment 3: Elevation – Kintyre



SOUTH ELEVATION BLOCK 2



BROADVIEW (EAST) ELEVATION BLOCK 2



NORTH ELEVATION BLOCK 2



WEST ELEVATION BLOCK 2

Elevations

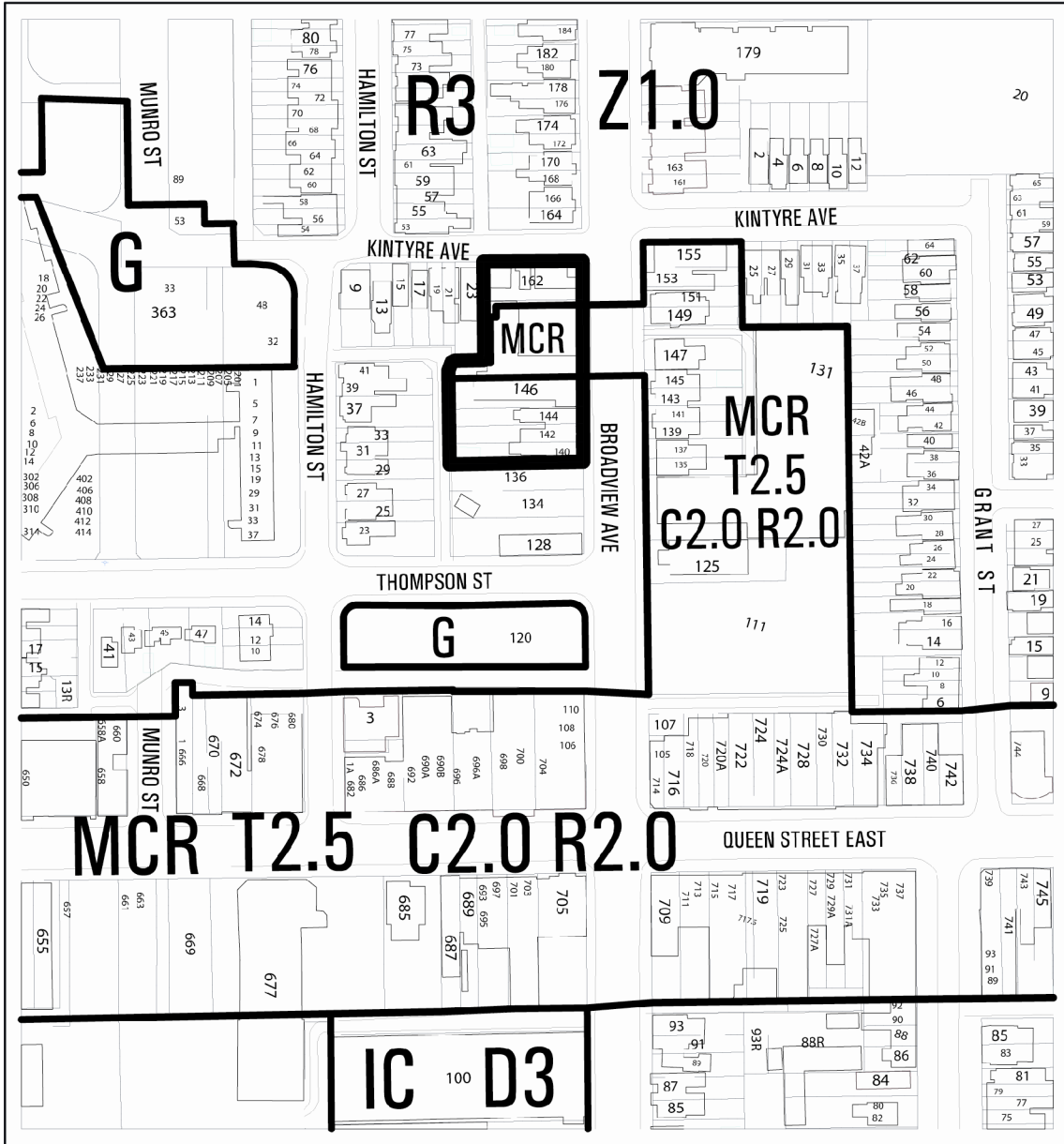
Applicant's Submitted Drawing

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140 - 162 Broadview Avenue

File # 10 133099

Attachment 4: Zoning



140 - 162 Broadview Avenue

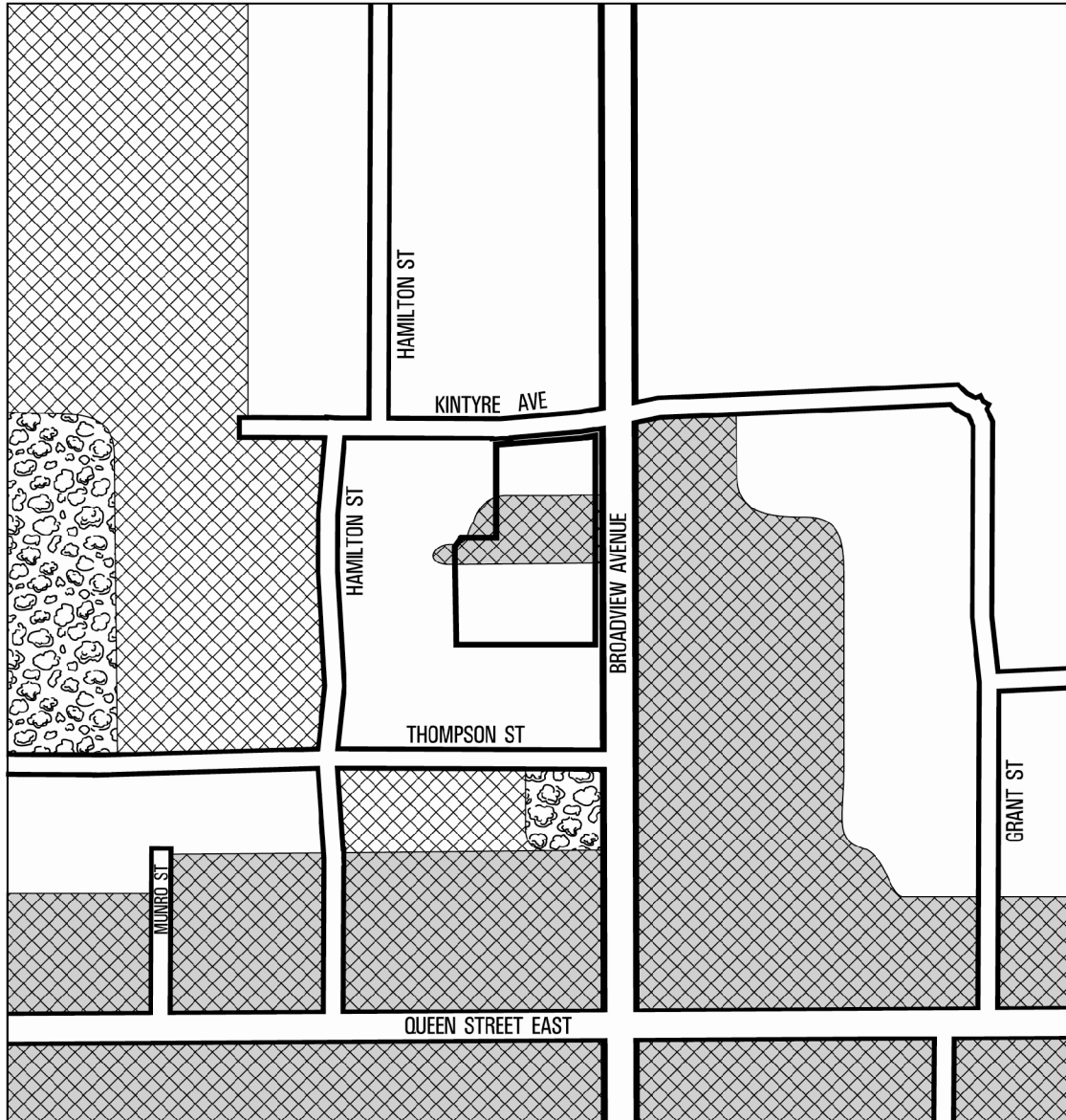
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- Toronto Zoning
- G Parks District
- R3 Residential District
- MCR Mixed-Use District
- IC Industrial District



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Zoning By-law 438-86 as amended
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Attachment 5: Official Plan



TORONTO City Planning
Official Plan

140 - 162 Broadview Avenue

File # 10_133099

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|--|--|
|  Site Location |  Parks & Open Space Areas |
|  Neighbourhoods |  Parks |
|  Apartment Neighbourhoods | |
|  Mixed Use Areas | |


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