

85, 87, 89, 91 Broadway Avenue & 198 Redpath Avenue – Zoning Amendment and Rental Housing Demolition Applications – Request for Direction Report

Date: August 17, 2017

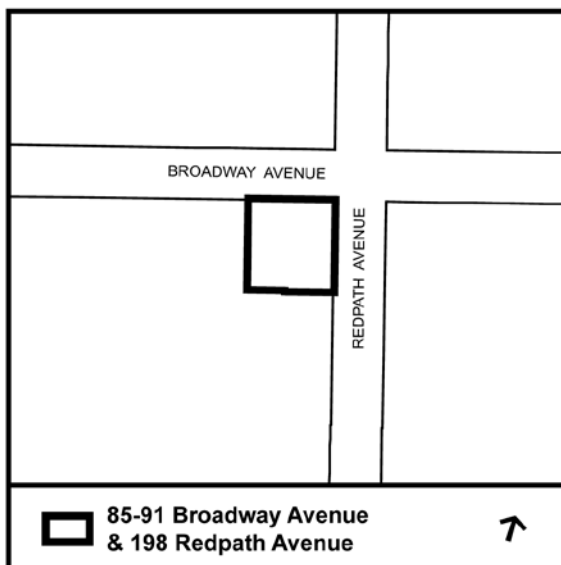
To: Toronto and East York, Community Council

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

Wards: Ward 22 - St. Paul's

SUMMARY

Planning Application Number: 15 106950 STE 22 OZ and 16 262583 STE RH



This application proposes a 38-storey (117.64 metres, plus 12 metre mechanical penthouse) residential building containing 361 dwelling units (including 11 rental replacement units).

The 5 existing residential structures containing 12 dwelling units (3 owner occupied and 9 rental) on the site would be demolished and the rental units fully replaced in the proposed development.

An application for Rental Housing Demolition and Conversion under Section 111 of the *City of Toronto Act* (Chapter 667 of the *Municipal Code*) has been filed to permit the

demolition of the 9 existing rental dwelling units.

The applicant appealed its Zoning By-law Amendment application to the Ontario Municipal Board due to Council's failure to make a decision within the time prescribed by the *Planning Act*.

This report recommends that Council direct the City Solicitor, together with appropriate City staff, to oppose the appeal at the Ontario Municipal Board. The proposal, as revised, is not supported by Planning staff for the reasons outlined in this report.

Planning staff have considered the application within the context of the Planning Act and the in force policy framework, including the Provincial Policy Statement, Growth Plan for the Golden Horseshoe and the City's Official Plan.

The proposed built form does not conform to the Healthy Neighbourhoods, Built Form or *Apartment Neighbourhood* policies of the Official Plan. The built form does not meet the requirements of, or maintain the intent of, the City's Tall Building Design Guidelines. Further, the proposal does not conform to the policies of OPA 289 (under appeal).

The proposal does not conform to the emerging planning policy direction of the Yonge-Eglinton Secondary Plan Review (Midtown in Focus). The built form does not adequately address Council-endorsed Midtown in Focus built form principles to reinforce the unique open space amenity and spaciousness in Midtown Apartment Neighbourhoods.

Staff recommend that Council defer its decision on the application for Rental Housing Demolition under Chapter 667 of the Municipal Code pursuant to Section 111 of the *City of Toronto Act*, as the proposed development is not supported by Planning staff. Council's decision under this statute is not appealable to the Ontario Municipal Board. Following the Ontario Municipal Board decision on the Zoning By-law Amendment appeal, the Section 111 permit application will return to Council for consideration.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with appropriate staff, to attend the Ontario Municipal Board hearing to oppose the applicant's appeal respecting the Zoning By-law Amendment application for 85,87,89,91 Broadway Avenue and 198 Redpath Avenue.
2. City Council defer making a decision at this time on application No. 16 262583 STE 22 RH under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006* to demolish the 9 existing rental dwelling units at 85, 87, 89 and 91 Broadway Avenue and 198 Redpath Avenue and instruct staff to report on the Section 111 application to Toronto and East York Community Council at such time as an Ontario Municipal Board decision has been issued regarding the Zoning By-law Amendment appeal for such lands at 85, 87, 89 and 91 Broadway Avenue and 198 Redpath Avenue.
3. In the event that the Ontario Municipal Board allows the appeal in whole or in part, City Council direct the City Solicitor to request the Ontario Municipal Board to withhold the issuance of any Order(s) on the Zoning By-law Amendment appeal for the subject lands until such time as the City Solicitor in consultation with the Chief Planner and Executive Director, City Planning and the owner have provided draft by-laws to the Board in a form and with content satisfactory to the Director, Community Planning, Toronto East York District and the City Solicitor, including securing replacement rental dwelling units and rents, tenant assistance and any other rental related matters at least in conformity with Section 3.2.1.6 of the Official Plan, and the

owner has entered into and registered a Section 37 Agreement with the City incorporating such replacement rental dwelling units, rents, tenant assistance, any other rental related matters and other Section 37 matters, all to the satisfaction of the City Solicitor.

4. In the event that the Ontario Municipal Board allows the appeal in whole or in part, City Council direct the City Solicitor to request the Ontario Municipal Board to withhold the issuance of any Order(s) on the Zoning By-law Amendment appeal for the subject lands pending City Council dealing with the application No. 16 262583 STE 22 RH under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act*, 2006 to demolish the 9 existing rental dwelling units at 85, 87, 89 and 91 Broadway Avenue and 198 Redpath Avenue.
5. In the event that the Ontario Municipal Board allows the appeal in whole or in part, City Council direct the City Solicitor to request the Ontario Municipal Board to withhold the issuance of any Order(s) on the Zoning By-law Amendment appeal for the subject lands pending confirmation of water, sanitary and stormwater capacity from the Executive Director, Engineering and Construction Services, and pending receipt of a satisfactory Functional Servicing Report.
6. In the event that the appeal is allowed in whole or in part by the Ontario Municipal Board, City Council authorize the Chief Planner and Executive Director, City Planning to secure services, facilities or matters pursuant to Section 37 of the Planning Act, in consultation with the Ward Councillor, for:
 - Public realm improvements in the Yonge-Eglinton Secondary Plan Area; and/or
 - Additional community services and facilities in the Yonge-Eglinton Secondary Plan Area in accordance with emerging infrastructure priorities identified in the Yonge-Eglinton Secondary Plan Review, together with any matters to be secured as a matter of convenience.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

On August 25, 2014, City Council adopted Midtown in Focus – Parks, Open Space and Streetscape Plan for the Yonge-Eglinton Area ("Public Realm Plan").
<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=d421bf26585a2410VgnVCM10000071d60f89RCRD>

At its meeting of April 14, 2015, the Toronto and East York Community Council considered a preliminary planning report with respect to a Zoning By-law Amendment application for a 34-storey residential tower at 85, 87, 89, 91 Broadway Ave and 198 Redpath Ave. The report is available at:
<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-78020.pdf>

On June 10, 11, 12, 2015, City Council adopted Official Plan amendments to the Yonge Eglinton Secondary Plan (OPA 289) that incorporate, among other matters, the urban design and public realm policies of the Midtown in Focus Public Realm Plan. As OPA 289 is currently under appeal at the OMB, it is relevant but not determinative in terms of the Official Plan policy framework.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG4.2>

On December 10, 2015, City Council adopted Official Plan Amendment No. 320. OPA 320 strengthens and refines the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods and to allow limited infill on underutilized apartment sites in *Apartment Neighbourhoods*.

On July 4, 2016, the Minister of Municipal Affairs approved and modified OPA 320. OPA 320 has been appealed in its entirety to the OMB. OPA 320 as approved and modified by the Minister is relevant but not determinative in terms of the Official Plan policy framework.

On July 12, 2016 City Council adopted the recommendations in the report from the Chief Planner titled: "Midtown in Focus: Growth, Built Form and Infrastructure Review – Status Report". The recommendations direct staff to use the draft built form principles in the report in the review of the development applications in the Yonge-Eglinton Secondary Plan Area. Planning staff were also directed to use the emerging community infrastructure priorities that have been identified, as part of the development application review process.

<http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-93903.pdf>

ISSUE BACKGROUND

PROPOSAL

This application proposes a 38-storey (117.64 metres, plus 12 metre mechanical penthouse) residential building containing 361 dwelling units (including 11 rental replacement units).

A total of 65 vehicle parking spaces are proposed, including 6 carshare spaces, in a 3-level underground garage. The residential lobby, garage and loading space will be accessed from Redpath Avenue. Refer to the chart below and Attachments 1-5 and 8 of this report for further information.

Category	First Submission January 21, 2015	Second Submission January 6, 2017
Site Area	1,348 square metres	1,348 square metres
Building Height	34-storeys (107.59 metres, plus 7.5 metre mechanical penthouse)	38-storeys (117.64 metres, plus 12 metre mechanical penthouse)

Category	First Submission January 21, 2015	Second Submission January 6, 2017
Tower Setbacks: Broadway Avenue (North) Redpath Avenue (East) South Property Line West Property Line	5.0 metres 3.0 metres 5.0 metres 5.0 metres	3.5 metres 1.5 metres 7.5 metres 8.95 metres
Base Setback Broadway Avenue: Floors 1-2 Floor 3 Redpath Avenue: Floor 1 Floor 2-3	7.5 metres (structural columns penetrate the setback) 5.0 metres 5.0 metres (structural columns penetrate the setback) 5.0 metres (structural columns penetrate the setback)	7.5 metres (structural columns penetrate the setback) 4.5 metres 3.0 metres (structural columns penetrate the setback) 1.0 metres
Tower Floorplate	745 square metres (approximately)	655 square metres (approximately)
Gross Floor Area Total Residential Non-Residential Total	24,887 square metres 0 square metres 24,887 square metres	25,788 square metres 0 square metres 25,788 square metres
Floor Space Index	18.4	19.1
Number of Units: Rental Replacement 1 Bedroom 2 Bedroom Total	0 198 (61.5%) 124 (38.5%) 322	11 210 (60%) 140 (40%) 361 (350 new & 11 existing to be replaced)
Vehicular Parking (residential:visitor)	(62:10) plus 5 car share spaces	(48:11) plus 6 car share spaces
Bicycle Parking (residential:visitor)	(216:34) 250 total	(325:36) 361 total
Amenity Space Indoor Outdoor Total	644 square metres (644 required) 644 square metres (644 required) 1,288 square metres (1,288 required)	640 square metres (700 required) 640 square metres (700 required) 1,280 square metres (1,400 required)

The Rental Demolition and Conversion Application proposes to demolish the five residential buildings at 85, 87, 89 and 91 Broadway Avenue and 198 Redpath Avenue containing 9 rental dwelling units and replace all existing rental dwelling units in the proposed residential building. In addition, the applicant proposes to provide 2 additional

rental dwelling units. All 11 rental dwelling units would be secured as rental for at least 20 years.

SITE AND SURROUNDING AREA

The subject site, located at the southwest corner of Broadway Avenue and Redpath Avenue, contains five properties: 85-91 Broadway Avenue and 198 Redpath Avenue. The site currently is occupied by two single detached houses and three duplexes. The site is 1,348 square metres in area and is approximately square in shape.

The 5 residential structures on the site contain a total of 12 dwelling units- 3 owner occupied units and 9 rental units. These units are located on the site as follows:

- 85 Broadway Avenue: Single-detached house containing 3 rental dwelling units;
- 87 Broadway Avenue: Single-detached house containing 2 rental dwelling units;
- 89 Broadway Avenue: Duplex containing 2 rental dwelling units;
- 91 Broadway Avenue: Duplex containing 3 dwelling units, 2 owner-occupied dwelling units and 1 rental dwelling unit; and
- 198 Redpath Avenue: Duplex containing 2 dwelling units, 1 owner-occupied dwelling unit and 1 rental dwelling units;

At the time of application, all owner occupied and rental dwelling units were vacant.

Surrounding the Site:

North: A 20-storey residential building on the north side of Broadway Avenue. Continuing north are lower scale apartment buildings and Redpath Park North.

East: An OMB approved residential development of two 34-storey towers on the east side of Broadway Avenue (197 Redpath and 95-99 Broadway). Continuing east are lower scale, slab apartment buildings. A rezoning application for two residential towers of 36 and 37 storeys at 117-127 Broadway Avenue is under appeal to the OMB.

South: An 8-storey residential building. Continuing south are approved 34 and 38-storey residential buildings at the southeast and southwest corners of Roehampton Avenue and Redpath Avenue.

West: A 10-storey rental apartment building (75 Broadway). A development application proposes a 40-storey residential addition to the west side of the existing 10-storey building. Continuing further west towards Yonge Street there is a rezoning application for two 45-storey residential towers (55-65 Broadway) under appeal to the OMB, an existing 24-storey residential building, a secondary school (Northern Toronto Collegiate Institute) and low-rise retail along Yonge Street.

PROVINCIAL POLICY STATEMENT AND PROVINCIAL PLANS

Section 2 of the *Planning Act* addresses the Provincial interest in planning matters including built form. It states that the council of a municipality, the OMB (and others) in carrying out their responsibilities under the Act, "shall have regard to, among other matters, of provincial interest such as...

- (r) the promotion of built form that,
- (i) is well-designed,
 - (ii) encourages a sense of place, and
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant..."

The Provincial Policy Statement (2014) provides policy direction Province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

Section 1.1.3.3 of the PPS states that "Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas...and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs."

The City of Toronto uses the PPS to guide its official plan and to inform decisions on other planning and development matters. Policy 4.7 states that the Official Plan is the most important vehicle for implementing the PPS. The PPS is issued under Section 3 of the Planning Act and all decisions of Council affecting land use planning matters "shall be consistent with" the PPS.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;

- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

Section 2.2.1.4 of the Growth Plan is explicit in its policy direction that applying its policies "will support the achievement of complete communities..."

Section 2.2.2(e) of the Growth Plan requires the City to "prioritize planning and investment in infrastructure and public service facilities that will support intensification within delineated built-up areas".

Section 2.2.2.4(b) of the Growth Plan requires the City to "identify the appropriate scale of development and transition of built form to adjacent areas..."

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the Provincial Policy Statement (2014) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

The Yonge-Eglinton Centre, comprising the central part of the Yonge-Eglinton Secondary Plan Area, is one of five Urban Growth Centres in the City of Toronto identified in the Growth Plan where intensification is directed and encouraged. The Growth Plan directs municipalities to develop Official Plan policies and other supporting documents to guide this intensification. City Council's planning decisions are required, by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan for the Greater Golden Horseshoe.

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

OFFICIAL PLAN

The City of Toronto Official Plan contains a number of policies that apply to the proposed development.

Chapter 2 – Shaping the City

Section 2.2.2 Centres: Vital Mixed Use Communities

The proposed development is located in the Yonge-Eglinton Centre as identified on Map 2, the urban structure map of the Official Plan. This Centre is centrally located in midtown Toronto at the crossroads of the Yonge subway line and the Eglinton Crosstown Light Rail Transit line under construction. Due to its strategic location, the Yonge-Eglinton Centre should continue to develop as both an office centre and a desirable living area. Through new development and City initiatives, improved public realm, parks and other open spaces will be created.

Centres in the Official Plan are a priority for managing growth in the City. They should be vibrant, mixed-use and supported by public transit. Each Centre in the Official Plan will have a secondary plan. Secondary plans for Centres will, among other matters, provide a supportive environment for residential and employment growth, including new commercial office space and transit-oriented development.

The secondary plans will also delineate the boundaries of the growth centre, provide a strategy for public realm and parks improvements, support the use of public transit and other transportation models (e.g. cycling and walking) and ensure that an appropriate transition is created between high growth areas and lower scale development, particularly *Neighbourhoods*.

Section 2.3.1 Healthy Neighbourhoods

The proposed development is located in a neighbourhood and designated as *Apartment Neighbourhoods*. Toronto's neighbourhoods are an important asset in the city and a cornerstone policy is to ensure that new development in neighbourhoods respects and reinforces the existing physical character of the area in terms of buildings, streetscapes and open space patterns.

Chapter 3 – Built Form

Section 3.1.2 Built Form

The Official Plan states that architects and developers have a civic responsibility to create buildings that not only meet the needs of their clients, tenants and customers, but also the needs of the people who live and work in the area who will encounter the building in their daily lives. New development in Toronto will be located and organized to fit with its existing and/or planned context. It will do this by: generally locating buildings parallel to the street or along the edge of a park or open space, having a consistent front yard setback, acknowledging the prominence of corner sites, locating entrances so they are clearly visible and providing ground floor uses that have views into and access from streets. New development will also locate and organize vehicle parking and vehicular access to minimize their impacts on the public realm. Furthermore, new development will create appropriate transitions in scale to neighbouring existing and/or planned buildings, limit shadowing on streets, properties and open spaces and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks to preserve their utility.

New development will be massed to define the edges of streets, parks and open spaces to ensure adequate access to sky view for the proposed and future uses. New development will also provide public amenity, enhance the public realm through

streetscape improvements and ensure that significant new multi-unit residential development provides indoor and outdoor amenity space for its residents.

Section 3.1.3 Built Form – Tall Buildings

The application proposes a tall building on the subject site. Policy 3.1.3 states that tall buildings come with larger civic responsibilities than buildings of a smaller scale. In addition to specific built form characteristics, the policy states that proposals for tall buildings should clearly demonstrate how they relate to the existing and planned context, take into account their relationship with the topography and other tall buildings and how they meet the other objectives of the Official Plan.

Section 3.2.1 Housing

Section 3.2.1 of the Official Plan includes 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 3.2.1.6 states that new development that would result in the loss of six or more rental housing units will not be approved unless all of rental housing units have rents that exceed mid-range rents at the time of application, or in cases where planning approvals other than site plan are sought, the following secured:

- at least the same number, size and type of rental housing units are replaced and maintained with similar rents to those in effect at the time the redevelopment application was made;
- for a period of at least 10 years, rents for replacement units will be the rent at first occupancy, increased annually by not more than the Provincial Rent Increase Guideline or a similar guideline as Council may approve from time to time; and
- An acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement rental units at similar rent, the provision of alternative accommodation at similar rents and other assistance to lessen the hardship of relocation.

Chapter 4 – Land Use Designations

Section 4.2 Apartment Neighbourhoods

The proposed development is located in an area designated *Apartment Neighbourhoods* (see Attachment No. 7). *Apartment Neighbourhoods* are made up of apartment buildings, parks, local institutions, cultural and recreation facilities, small scale retail service and office uses. *Apartment Neighbourhoods* are stable areas of the City and are generally not intended for significant growth. Compatible infill, however, is contemplated on sites with existing apartment buildings that have underutilized land.

New and infill development will improve the quality of life for both new and existing residents. New and infill development in *Apartment Neighbourhoods* will contribute to the quality of life by massing new buildings to provide a transition between areas of different development intensity and scale. In particular, *Neighbourhoods* will be protected through setbacks and/or stepping down of heights. New and infill development will also frame the edges of streets and parks, screen service areas, limit

shadow and mitigate wind on parks and open spaces as well as *Neighbourhoods*. It will also enhance the safety, amenity and animation of adjacent streets and open spaces.

OPA 320

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment No. 320 on December 10, 2015. OPA 320 clarifies, strengthens and refines the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods and to allow limited infill on underutilized apartment sites in *Apartment Neighbourhoods*.

Policy 3 of Section 4.2 Apartment Neighbourhoods would be strengthened to clarify that "significant growth is not intended within developed Apartment Neighbourhoods". However, the amended Policy 3 would provide for compatible infill development on sites with existing apartment buildings to improve existing site conditions by: proportionally framing the edge of streets, parks and open spaces; consolidating or relocating parking and service areas where they are not visible from the public realm, and improving the quality of landscaped open space and outdoor amenity space for residents. Such infill would be subject to development criteria contained in Policy 4 and other relevant policies of the Official Plan.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016. OPA 320 was subsequently appealed in its entirety to the OMB. OPA 320 as approved and modified by the Minister is relevant but not determinative in terms of the Official Plan policy framework

OPA 320 as approved and modified the Minister of Municipal Affairs is available at: <https://www1.toronto.ca/City%20of%20Toronto/City%20Planning/SIPA/Files/pdf/N/Ministry%20Approved%20OPA320%20Incorporated%20into%20InForce%20OP.pdf>

Yonge-Eglinton Secondary Plan

The subject site is located within the Yonge-Eglinton Secondary Plan Area (see Attachment No. 8).

A primary objective of the Yonge-Eglinton Secondary Plan is to maintain and reinforce the stability of *Neighbourhoods* and to minimize conflicts among *Mixed Use Areas*, *Apartment Neighbourhoods*, *Neighbourhoods* and Parks and Open Space Areas in terms of land use, scale and vehicular movement. The Secondary Plan also requires a full range of housing options (form, tenure) in the Yonge-Eglinton Area suitable for family and other households in a manner that is: "contextually appropriate and compatible with existing residential uses and residential built form."

The *Mixed Use Areas* in the Secondary Plan contain a mix of retail, service commercial, office and residential uses with the highest concentration at Yonge Street and Eglinton Avenue and a lesser concentration near the Yonge/Davisville subway station.

The Secondary plan identifies that Yonge-Eglinton Centre's *Apartment Neighbourhoods* are largely built-up and considered to be physically stable. New development in the Yonge-Eglinton Secondary Plan Area will protect the scale of development in

Neighbourhoods while minimizing impacts (shadowing, overlook, loss of sky view) on lower scale built form in *Neighbourhoods*. New development will provide transition in height and scale from developments in *Mixed Use Areas* and *Apartment Neighbourhoods* to *Neighbourhoods*, particularly when higher density designations about a *Neighbourhood*.

New development will promote architectural excellence while also providing for improvements in the public realm. New, flexible, community services facilities and social infrastructure will be provided in a timely manner in the Yonge-Eglinton Secondary Plan Area. New parks and open spaces will be secured in the Yonge-Eglinton Secondary Plan Area along with improvements to the existing parks and open spaces and the public realm.

In 2010, the City amended the Yonge-Eglinton Secondary Plan to conform to the Growth Plan for the Greater Golden Horseshoe.

Midtown in Focus: Parks, Open Space and Streetscape Plan and OPA 289

On August 25, 2014, City Council adopted Midtown in Focus: Parks, Open Space and Streetscape Plan for the Yonge-Eglinton Area.

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=d421bf26585a2410VgnVCM1000071d60f89RCRD>

The Midtown in Focus Public Realm Plan is a framework for improvements within the Yonge-Eglinton area to the network of parks, open spaces, streets and public buildings to create an attractive, safe, and comfortable network of public spaces. The Public Realm Plan recognizes that the area has a distinct quality and character, consisting of a vibrant mixed use community with an open and green landscaped character. The Plan identifies five Place-Making Moves that, together with other streetscape improvements and the enhancement and expansion of parkland in the area, will form a thriving system of parks, open spaces and streets.

The Five Place-Making Moves include the Park Street Loop focused on Broadway and Roehampton Avenues, and Redpath Revisited, along Redpath Avenue. The Midtown in Focus Plan supports and implements the public realm policies of the Official Plan as well as the Yonge-Eglinton Secondary Plan.

On June 10, 11, 12, 2015, City Council adopted Official Plan amendments to the Yonge - Eglinton Secondary Plan (OPA 289) that incorporate, among other matters, the urban design and public realm policies of the Midtown in Focus Public Realm Plan. As OPA 289 is under appeal at the OMB, it is relevant but not determinative in terms of the Official Plan policy framework.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG4.2>

Council adopted OPA 289 outlines a comprehensive public realm strategy and a system of improvements that will be implemented as part of any new development in the Yonge - Eglinton Secondary Plan Area. Section 2.16 requires improvements to both the private and public realm as part of any new development including: enhancements to streetscapes and the provision of wider sidewalks and the establishment of multi-purpose promenades. Another objective of the amendments is to maintain and

enhance the open, green, landscaped character of the area, improve and expand the network of parks, open spaces and streetscapes and create a high-quality public realm to ensure the continued vitality and quality of life in the area.

Midtown in Focus: Growth, Built Form and Infrastructure Review of Yonge-Eglinton Secondary Plan

The City Planning Division is leading an inter-divisional review of growth, built form and infrastructure issues in the Yonge-Eglinton Secondary Plan Area that builds on the Midtown in Focus Public Realm Plan. The Review is a response to the rapid intensification and change underway in parts of the Yonge-Eglinton Secondary Plan Area. The objective of the Review is to ensure that growth positively contributes to Midtown's continued livability and vitality by establishing a clear and up-to-date planning framework and ensuring that local transportation, municipal servicing and community infrastructure keeps pace with development.

The Review began in late-2015, based on City Council's direction, and includes the following activities:

- **Growth Analysis**, including development of near, medium and long term growth estimates to inform the infrastructure assessments.
- A **Built Form Study** to document area character and development trends, develop built form principles and a built form vision, undertake built form testing, visualize a future built form concept and identify policy directions to better guide the area's evolution.
- A **Cultural Heritage Resource Assessment** to document the area archaeological and development history, identify properties of cultural heritage value or interest for listings and designations and identify additional recommendations for conservation and further study.
- A **Community Services and Facilities Study** to inventory existing services and facilities, assess needs and opportunities in the context of future growth and demographic change and outline an implementation strategy for priority community infrastructure projects.
- **Transportation and Municipal Servicing Assessments** to document the performance and capacity of existing transportation and municipal servicing infrastructure, evaluate priority areas and identify potential capital upgrades required to support continued growth in the Secondary Plan Area.
- An area-wide **Parks Plan** and **public realm strategy for the Davisville area** to complement the 2014 Public Realm Plan for lands in and around the Yonge-Eglinton Centre.

City staff anticipates reporting to City Council in late 2017 with the proposed policy direction of an updated Yonge-Eglinton Secondary Plan as well as other emerging directions related to the infrastructure assessments and strategies.

On July 12, 2016, City Council adopted the recommendations in the report from the Chief Planner titled: "Midtown in Focus: Growth, Built Form and Infrastructure Review – Status Report". The report provided Council with an update on the overall progress of the Review, and included the identification of draft built form principles. The recommendations adopted by Council direct staff to:

- Consider and review applications within the context of the ongoing review;
- Consider the draft built form principles contained in the report in the review of the development applications in the Yonge-Eglinton Secondary Plan Area. The recommendation also directed staff to continue to refine the principles in consultation with landowners and the community; and
- Identify opportunities on City-owned lands for new community infrastructure and secure community infrastructure space, as appropriate, as part of the development application review process.

The draft built form principles developed for the Review, and endorsed by Council, are organized in four categories: Area Structure, Public Realm and Open Space, Walkability and Comfort, and Heritage and Landmarks. The principles specifically applicable to the review of this application include:

Area Structure

- Organize growth to achieve a hierarchy of intensity of use, building heights, densities and scale tied to proximity of rapid transit service, with greatest heights and densities located at the Yonge-Eglinton Crossroads where two rapid transit lines intersect.
- Provide a variety of building heights to reinforce existing character, promote localized sense of place and create a legible skyline for the district that makes legible and reinforces the area structure when viewed from key vantage points within the broader city.

Public Realm and Open Space

- Reinforce the unique open space amenity and spaciousness provided by the Eglinton Green Line, Midtown Apartment Neighbourhoods and Apartment High Streets by ensuring abundant landscaping at grade and generous building spacing.
- Support active street life and informal surveillance by ensuring the built form frames and animates streets, parks, squares and open spaces with active uses at grade.

Walkability and Comfort

- Locate, design and mass buildings to preserve sky view, allow daylight and sunlight to penetrate to the street and lower building levels and ensure good wind

conditions in all seasons, with enhanced standards along the Midtown Villages, Park Street Loop, Eglinton Green Line, major pedestrian routes and parks and open spaces.

- Create a human-scaled public realm where buildings define and support streetscapes.
- Ensure fine-grained pedestrian circulation between and through sites and blocks through the placement and orientation of buildings.

ZONING

The application is zoned R2 Z2.0 in Zoning By-law 438-86, as amended, and is zoned R (d2.0) (x912) in Zoning By-law 569-2013, as amended. Both Zoning By-laws permit residential uses in buildings with a maximum density of 2.0 times the area of the lot and a maximum height of 38.0 metres. The minimum side and rear yard setbacks are 7.5 metres, the minimum front yard setback on Broadway Avenue is 6.0 metres, and the maximum depth of an apartment building is 14.0 metres.

CHAPTER 667 - RENTAL DEMOLITION AND CONVERSION BY-LAW

Section 111 of the City of Toronto Act, 2006 authorizes Council to regulate the demolition and conversion of residential rental properties in the City. Chapter 667 of the City's Municipal Code, the Rental Housing Demolition and Conversion By-law, implements Section 111. Chapter 667 prohibits the demolition or conversion of rental housing units in buildings containing six or more dwelling units, of which at least one unit is rental, without obtaining a permit from the City and requires a decision by either City Council or, where delegated, the Chief Planner.

Pursuant to Chapter 667, Council may refuse an application, or approve the demolition and may impose conditions, including conditions that must be satisfied before a demolition permit is issued. These conditions further the intent of the City's Official Plan policies protecting rental and affordable housing. Pursuant to the City's demolition control by-law Chapter 363 of the Municipal Code, Council approval of the demolition of dwelling units under Section 33 of the Planning Act is also required where six or more dwelling units are proposed for demolition, before the Chief Building Official can issue a permit for demolition under the Building Code Act.

Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion and an application under Chapter 363 for residential demolition control, City Council typically considers both applications at the same time. Unlike Planning Act applications, decisions made by City Council under Chapter 667 are not appealable to the OMB.

On December 9, 2016, the applicant made an application for a Rental Housing Demolition permit pursuant to Chapter 667 of the City of Toronto Municipal Code to demolish the 9 existing rental dwelling units on the subject site. A Housing Issues Report has been submitted with the required application and is currently under review.

At the time of application, all rental dwelling units were vacant. As such, a tenant consultation meeting as per Chapter 667-14 was not held.

TALL BUILDING DESIGN GUIDELINES

In 2013, City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use them in the evaluation of tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall buildings to ensure they fit within their context and minimize their local impacts. The Guidelines are available at:

<http://www.toronto.ca/planning/tallbuildingdesign.htm>

Policy 1 in Section 5.3.2 Implementation Plans and Strategies for City-Building of the Official Plan states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban Design Guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas." The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3.1 The Built Environment and other policies of the Plan related to the design and development of tall buildings in Toronto.

SITE PLAN CONTROL

A site plan application has been submitted and is currently under review.

REASONS FOR APPLICATION

The Zoning By-law Amendment application is required to increase the maximum permitted building height from 36 metres to 117.64 metres, to increase the maximum permitted density from 2 times the site area to 19.1 times the site area, to reduce the required building setbacks, and to establish the appropriate development standards.

The applicant has submitted an application for a Rental Housing Demolition permit pursuant to Chapter 667 of the City of Toronto Municipal Code to demolish the existing rental housing units, as the subject site contains six or more dwelling units, of which at least one is rental.

COMMUNITY CONSULTATION

On June 23, 2015, a community consultation meeting was hosted by City Planning staff and attended by residents and other interested parties. Concerns regarding the proposal raised at the meeting, through verbal contact or by written submissions to the City Planning Division include:

- Height and massing of the building;
- Impact on neighbouring buildings to the south and west, including privacy impacts;
- Inadequate mix of unit types, particularly larger family units;
- Potential shadow impact on adjacent properties;
- Wind impacts;
- Increase in pedestrians along Broadway Avenue, and safety concerns for pedestrians;

- Adequacy of infrastructure;
- Limited amount of green space in the area;
- Ground floor needs to provide more animation for the streets;
- Potential traffic impact in the area.

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

The proposal fails to have regard for Section 2 of the Planning Act, including Policy 2 (r) regarding built form. The proposal is not well-designed in terms of its scale and proportion, does not encourage a positive sense of place as it overwhelms its surroundings, and does not provide for the quality of public space envisioned in OPA 289 for the streetscapes of Broadway Avenue and Redpath Avenue.

Section 4.7 of the PPS states that: "the official plan is the most important vehicle for implementation" and that "comprehensive, integrated and long-term planning is best achieved through official plans". It directs municipalities to provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

The proposal is inconsistent with the PPS, including Section 1.1.3.3 of the PPS as the proposed level of intensification and redevelopment cannot be accommodated in conformity to the City's Official Plan. The proposed development does not conform to the policies of the Official Plan, including the Healthy Neighbourhood, Built Form, and *Apartment Neighbourhood* policies.

The Growth Plan for the Greater Golden Horseshoe states in section 2.2.2.4(b) that the City will "identify the appropriate scale of development and transition of built form to adjacent areas..." The proposed development does not conform to this requirement of the Growth Plan as its scale of development does not fit its existing and planned context within this Apartment Neighbourhood in Yonge-Eglinton Centre.

The Growth Plan states in section 2.2.3 Urban Growth Centres, that:

"1. *Urban Growth Centres* will be planned:

- a) as focal areas for investment in regional public service facilities, as well as commercial, recreational, cultural, and entertainment uses;
- b) to accommodate and support the transit network at the regional scale and provide connection points for inter- and intra-regional transit;

- c) to serve as high-density major employment centres that will attract provincially, nationally or internationally significant employment uses; and
 - d) to accommodate significant population and employment growth.
2. *Urban Growth Centres* will be planned to achieve, by 2031 or earlier, a minimum density target of:
- a) 400 residents and jobs combined per hectare for each of the urban growth centres in the City of Toronto."

The Yonge-Eglinton Centre has met the minimum growth targets of the Growth Plan for the Greater Golden Horseshoe. The proposed intensification of the subject site is not required to meet the minimum growth targets of the Growth Plan.

DENSITY, HEIGHT, MASSING

The density of the proposed development is very high as a result of overdevelopment of a small site for a tower of this scale. This is reflected primarily in the reduced setbacks and lack of a base building. The proposed building is not context sensitive or responsive. It would contribute to destabilizing the neighbourhood and set a negative precedent for an undesirable scale and form of future development of the area.

The Healthy Neighbourhood policies of the Official Plan state that *Apartment Neighbourhoods* are considered physically stable, and that new development will respect and reinforce their existing physical character of buildings, streetscapes, and open space patterns.

The Built Form policies further require that new development will be designed to fit harmoniously into its existing and/or planned context, and will limit impacts on neighbouring streets, parks, open spaces and properties. New buildings are to be massed to frame adjacent streets and open spaces to respect the existing and/or planned street proportion. Taller buildings are to be located to ensure adequate access to sky view for the proposed future use of streets, parks, and open spaces.

The Built Form - Tall Building policies of the Official Plan state that tall buildings come with a larger civic responsibility and obligation, and are to fit within their existing and/or planned context. Tall buildings should be designed to consist of three parts carefully integrated into a single whole. The base building provides definition and support at an appropriate scale for adjacent streets. The middle is to be designed with appropriate dimensions for the site, and is to be located and oriented on site and in relationship to the base building and adjacent buildings. The Official Plan requires that Tall Buildings are to demonstrate how the proposed building and site design relate to the existing and/or planned context.

The proposed building does not conform to the Tall Building policies of the Official Plan. Its base building is not well-defined or of appropriate scale and its tower has minimal setbacks. Its base building and tower floor plates are too large for the site and not properly set back from the adjacent streets or existing buildings.

The *Apartment Neighbourhood* policies require that new development contribute to quality of life by locating and massing new buildings to frame the edge of streets with good proportion and maintain sunlight for pedestrians on adjacent streets, parks and open spaces. The policies of the Yonge-Eglinton Secondary Plan reinforce that *Apartment Neighbourhoods* are to be physically stable areas, and that new development needs to comply with the Healthy Neighbourhood and *Apartment Neighbourhood* policies.

An objective of the Yonge-Eglinton Secondary Plan is to ensure that "development of greatest height, density and scale" is located at the intersection of Yonge and Eglinton, with developments of a lesser scale that are contextually appropriate and compatible with adjacent areas located in the other *Mixed Use Areas* within the Secondary Plan area.

The site is centrally located within an *Apartment Neighbourhood* away from the Yonge and Eglinton intersection. The proposed building's height of 38 storeys (117.6 metres, plus 12 metre mechanical penthouse) should be lowered and its floor plate size should be reduced, to lessen its impact on its surroundings. The proposal is of a height, density and scale not contemplated in the Secondary Plan, and not contextually appropriate.

The Tall Building Design Guidelines state that the analysis of the surrounding context informs many key design decisions, including the placement, height and character of base buildings, and the location, shape, general height and spacing of towers.

The existing zoning for the subject site requires a minimum front yard setback of 6.0 metres from Broadway Avenue. The required minimum setback reflects the existing character of the neighbourhood.

The existing context along Broadway Avenue is high and medium density residential buildings in an open, landscaped setting. The mix of building types and heights includes both 3-storey walk-up apartment buildings, 10-storey buildings, and mid-century and contemporary towers of 20 storeys and taller, towards Yonge Street and Mount Pleasant Road. The existing buildings along Broadway Avenue predominantly have generous front yard setbacks in excess of 6 metres, which contributes to the open landscaped setting.

The proposed 38-storey (117.6 metres, plus 12 metre mechanical penthouse) tower will be set back 3.5 metres from Broadway Avenue, with a 7.5 metre setback for the first two storeys, resulting in a 38-storey streetwall on Broadway. On floors 4 through 38, balconies project a further 1.5 metres into the setback along Broadway Avenue.

The proposed building setback along Broadway Avenue ignores the area context of generous front yard setbacks. The proposed building does not respect or reinforce the physical character of the neighbourhood, does not frame the street with good proportion, and does not fit harmoniously into the existing or planned context as required by the in force Official Plan.

The Tall Building Design Guidelines recommend that the tower portion of the building step back 3 metres or more from the face of the base building along all streets. Along

both Broadway Avenue and Redpath Avenue, the proposed tower portion of the building cantilevers over the lower floors of the building toward the street.

The Tall Building Design Guidelines state that tall building towers are to be set back 12.5 metres or more from the side and rear property lines. The Guidelines further recommend that where the existing context is characterized by tower separation distances greater than 25 metres, tower setbacks and separation distances should be in keeping with the more generous spacing.

The proposed tower is set back 8.95 metres from the west property line, providing a 25 metre separation distance from the existing building to the west. A development application submitted for the property to the west, proposes a 40-storey tower addition to the west side of the existing building.

The proposed tower is set back 7.5 metres from the south property line. The existing character of the area is a landscaped open setting with larger separation distances between towers. The emerging policy direction of the Midtown in Focus: Growth, Built Form, and Infrastructure Review includes a larger separation distance between towers of 30 metres.

The second floor of the proposed building will be located approximately 3.0 metres from the south property line. The first floor of the building and a continuous balcony on the third floor are set back approximately 0.5 metres from the south property line. As a result, the proposed second floor units will have primary windows with a limited view directly overlooking a private outdoor terrace and windows on the adjacent building to the south.

OPA 289 (Midtown in Focus Public Realm Plan) provides a framework for improvements within the Yonge-Eglinton area to the network of parks, open spaces, streets and public buildings to create an attractive, safe, and comfortable network of public spaces.

OPA 289 advances Five Place-Making Moves including the Park Street Loop, focused along Broadway and Roehampton Avenues, and Redpath Revisited, along Redpath Avenue. The subject site is located where the Broadway Avenue leg of The Park Street Loop intersects with Redpath Revisited.

The Park Street Loop will be designed as a publicly-accessible, multi-purpose green promenade with wide pedestrian clearways, cycling facilities and landscaping that provides green linkages connecting Eglinton Park to community amenities and open spaces in neighbourhoods to the east.

A front setback of 7.5 metres is required along Broadway Avenue, free and clear above grade, as part of the Park Street Loop. The proposed 3.5 metre setback from Broadway Avenue of the proposed tower does not conform to OPA 289.

While a 7.5 metre setback is provided at the first and second floor along Broadway Avenue, structural supports will protrude into this setback, and floors 4 through 38 will cantilever over the required 7.5 metre setback. The proposed 3.5 metre setback for the

tower portion of the building will dominate this portion of the "Park Street Loop", constantly shadowing the area below, and setting a negative precedent for future development.

OPA 289 identifies the other Place-Making Move, Redpath Revisited, as an important north-south neighbourhood street that connects to Redpath Avenue Parkette to the north (at Erskine Avenue) and the Church of the Transfiguration to the south (of Eglinton Avenue at Manor Road).

On the block of Redpath Avenue between Roehampton Avenue to Eglinton Avenue, opportunities will be explored to reduce vehicular speed, improve pedestrian and cycling safety and include shared street use elements. The same block of Redpath Avenue will accommodate commercial uses, public art and opportunities for community activities, and incorporate a fine grain of active retail uses and accessible building entrances that promote a safe and pedestrian environment. No specific policies or setbacks are included in OPA 289 for the block along Redpath Avenue, north from Roehampton Avenue to Broadway Avenue, where the subject site is situated.

The proposed setback from Redpath Avenue of the ground floor of the proposed 38-storey building is 3 metres, which is penetrated by structural columns. The 2nd and 3rd floors of the base of the proposed building would have a smaller setback from Redpath Avenue, of 1.0 metres. The proposed setback of the proposed tower is 1.5 metres from Redpath Avenue.

The setbacks from Redpath Avenue of the base and tower of the proposed building are too shallow to provide a quality of public space consistent with the streetscapes along Broadway Avenue, where a 7.5 metre setback is required, and along Redpath Avenue, where a fine grained retail and pedestrian friendly character is proposed one block south.

OPA 320, approved by the Minister of Municipal Affairs and Housing, but is not in force as it is appealed to the OMB, amends the Healthy Neighbourhood policies. The amended policies state that *Apartment Neighbourhoods* are considered to be physically stable, and that new development will be consistent with this objective and will respect the criteria in the *Apartment Neighbourhood* policies and other relevant sections of the Official Plan.

The proposed development does not conform to the in force Healthy Neighbourhood, Built Form, *Apartment Neighbourhood*, or Yonge-Eglinton Secondary Plan policies, nor does it meet the Tall Building Design Guidelines or the intent of such guidelines. The proposed development does not conform to the policies of OPA 320 or OPA 289.

MIDTOWN IN FOCUS: GROWTH, BUILT FORM, INFRASTRUCTURE REVIEW OF YONGE- EGLINTON SECONDARY PLAN

On July 12, 2016, City Council directed Staff to use the built form principles developed through the Yonge-Eglinton Secondary Plan Review in the evaluation of development applications. Staff have reviewed the application against the Council endorsed

principles, and have used analysis completed to date. The application is contrary to a number of the applicable principles. In particular, the application does not:

- Reinforce the unique open space amenity and spaciousness provided by the Midtown Apartment Neighbourhoods and Apartment High Streets by ensuring abundant landscaping at grade and generous building spacing; or
- Locate, design and mass buildings to preserve sky view, allow daylight and sunlight to penetrate to the street and lower building levels and ensure good wind conditions in all seasons, with enhanced standards along the Park Street Loop, major pedestrian routes and parks and open spaces.

The application was also reviewed in the context of the Character Area approach and analysis underway for the Yonge-Eglinton Review.

Broadway Avenue is located within a Midtown Apartment Neighbourhoods character area identified by the Review. It is characterized by medium and high density residential buildings in an open, landscaped setting.

The proposed massing of the building on the subject site does not respond adequately to the distinguishing features of the Midtown Apartment Neighbourhoods Character Area, which includes tower separation distances greater than 25 metres, towers set back from the street, and base buildings with lower heights and massing. High density development has taken place within these parameters and can continue to occur while respecting the distinct character of this area.

The emerging directions of the Midtown in Focus Review (Yonge-Eglinton Secondary Plan) do not support the proposed development.

STREETSCAPE

The Official Plan recognizes city streets as significant public open spaces which connect people and places and support the development of sustainable, economically vibrant and complete communities. The *Apartment Neighbourhood* policies require that new development provide ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces.

The proposed ground floor along Broadway Avenue is approximately 30 metres wide, of which approximately 20 metres is dedicated to servicing, loading, and garage ramps. The remaining 10 metres is for indoor amenity space. The ground floor uses, combined with the cantilever of the upper floors over the "Park Street Loop", do not animate the space and detract from the public realm along Broadway Avenue.

WIND

The Built Form policies require that new development adequately limit any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas.

Planning staff are unable to determine the impact of the proposed building on comfort of the adjacent streets or properties as a revised wind study, reflecting the revised proposal, has not been submitted.

UNIT MIX

The Growth Plan for the Greater Golden Horseshoe, under Section 2.2.1.4(c), supports the achievement of complete communities that "provide a diverse range and mix of housing options ... to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes".

The Official Plan also recognizes that a successful city offers housing choices for all people in their communities, at all stages of their lives. The Official Plan requires that "a full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods, will be provided and maintained to meet the current and future needs of residents".

The proposal has 350 residential units (plus 11 rental replacement units) comprised of 210 one-bedroom units (60%) and 140 two-bedroom units (40%). The proposal does not include an adequate mix of unit types, in particular three-bedroom units. In order to provide for a mix of housing and unit types to accommodate a range of individual and family needs, Planning staff are seeking 10% of units in new developments to have three or more bedrooms.

SERVICING

Staff have requested that the applicant submit a revised functional servicing report to address site servicing including water, sanitary and stormwater.

Infrastructure capacity, specifically water, sanitary, and storm sewer capacity, within the Yonge-Eglinton Secondary Plan Area is under review as part of the Midtown in Focus Review. In the event that the OMB allows the appeal in whole or in part, the final order should be withheld pending the confirmation of water, sanitary and stormwater capacity from the Executive Director, Engineering and Construction Services, or the determination of whether holding provisions are required in the zoning by-law amendment.

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 Official Plan shows local parkland provisions across the City. The subject site is in an area with 0.43 to 0.78 hectares of local parkland per 1,000 people, 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 a residential building with 361 units. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 4,813 square metres. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use while the

non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 134.8 square metres.

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as there is no suitable location for an on-site parkland dedication. The actual amount of cash-in-lieu to be paid would be determined at the time of issuance of the building permit.

RENTAL HOUSING

A permit under Section 111 of the *City of Toronto Act* and Chapter 667 of the Municipal Code is required as the development proposal involves the demolition of at least 6 dwelling units of which at least one was used for residential rental purposes.

Policy 3.2.1.6 of the Official Plan applies to the proposed development as it would result in the loss of at least six rental dwelling units and because City Council has not determined that the supply and availability of rental housing in the City has returned to a healthy state. Conditions of any zoning amendment approval would include requiring the full replacement of all existing rental dwelling units at similar rents and the provision of an acceptable Tenant Relocation and Assistance Plan, all to the satisfaction of the Chief Planner.

The details of the applicant's replacement proposal and Tenant Relocation and Assistance Plan for the purposes of complying with section 3.2.1.6 of the Official Plan have not been finalized. Staff will continue to work with the applicant to resolve these outstanding matters to the satisfaction of the Chief Planner, to be secured in any by-law amendments and through one or more agreements with the City pursuant to Section 37 of the *Planning Act*, in the event that the OMB allows the appeal in whole or in part. No OMB order should be issued until the form of any implementing By-laws is satisfactory to the Chief Planner and the City Solicitor and until a section 37 Agreement with the City has been executed and registered to the satisfaction of the City, securing such matters.

TORONTO GREEN STANDARD

The applicant is required to meet Tier 1 of the Toronto Green Standard (TGS). A total of 361 bicycle parking spaces are required. The TGS also provides direction as to where the bicycle parking is located, ensuring that it is easily accessible.

It is currently unclear how many bicycle parking spaces are proposed. The plans appear to show a total of 329 bicycle parking spaces, but the statistics show 361 spaces.

Tier 1 of the TGS requires that long-term bicycle parking is provided on the first and second storeys of the building, or in the first level below ground and moving down when at least 50% of that level is occupied by bicycle parking spaces. The proposed bicycle parking does not meet this requirement as a total of 96 spaces are proposed on underground parking levels P2 and P3, without 50% of the area of P1 being dedicated to bicycle parking spaces. The bicycle parking should be revised to meet the supply and location requirements of Tier 1 of the TGS.

SECTION 37

Section 37 of the Planning Act allows the City to enter into an agreement with an applicant where there is an increase in height and/or density (over and above that permitted by the Zoning By-law) in return for community benefits to be provided by the applicant. Details of a Section 37 contribution and related by-law provisions and requirements for the satisfactory execution and registration of an Agreement pursuant to Section 37 of the Planning Act between the applicant and the City should be established if the project or some form of the project is ultimately approved by the OMB.

As this application is not considered good planning and is not supported by City staff, there has been no discussion with the applicant about the quantum of the community benefits. In the event that the OMB grants additional density and/or height beyond that which is permitted in Zoning By-law 438-86, is it recommended that staff request that the OMB withhold its final order until the City has a satisfactory registered agreement with the applicant to secure the appropriate community benefits. Such benefits could include contributions (as deemed appropriate by the Chief Planner and Executive Director, City Planning) for:

- public realm improvements in the Yonge-Eglinton Secondary Plan Area; and/or
- community services and facilities in the Yonge-Eglinton Secondary Plan Area in accordance with emerging infrastructure priorities identified in the Yonge-Eglinton Secondary Plan Review, together with any matters to be secured as a matter of convenience.

CONCLUSION

The proposal constitutes overdevelopment of the subject site.

The proposed built form does not have regard for the Planning Act, is not consistent with the Provincial Policy Statement, does not conform to the Growth Plan for the Greater Golden Horseshoe and does not conform to the City's in force Official Plan including the Healthy Neighbourhoods, Built Form or *Apartment Neighbourhood* policies. Further, the proposed development does not adequately address the City's Tall Building Design Guidelines, or the intent of those guidelines. The proposed development does not conform to OPA 289.

The proposed massing of the building does not respond adequately to the existing character of the *Apartment Neighbourhood* and is not context sensitive. The emerging policy direction of the Midtown in Focus Review of the Yonge-Eglinton Secondary Plan does not support the proposal. The proposed development has the potential to set a negative precedent for the neighbourhood.

Staff recommend that the appeal of the application be opposed at the OMB.

Staff recommend that Council's decision on the application for Rental Housing Demolition under Chapter 667 of the Municipal Code pursuant to Section 111 of the *City of Toronto Act* be deferred until the OMB decision on the Zoning By-law Amendment

appeal, following which the Rental Housing Demolition permit application would return to Council for consideration.

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SIGNATURE

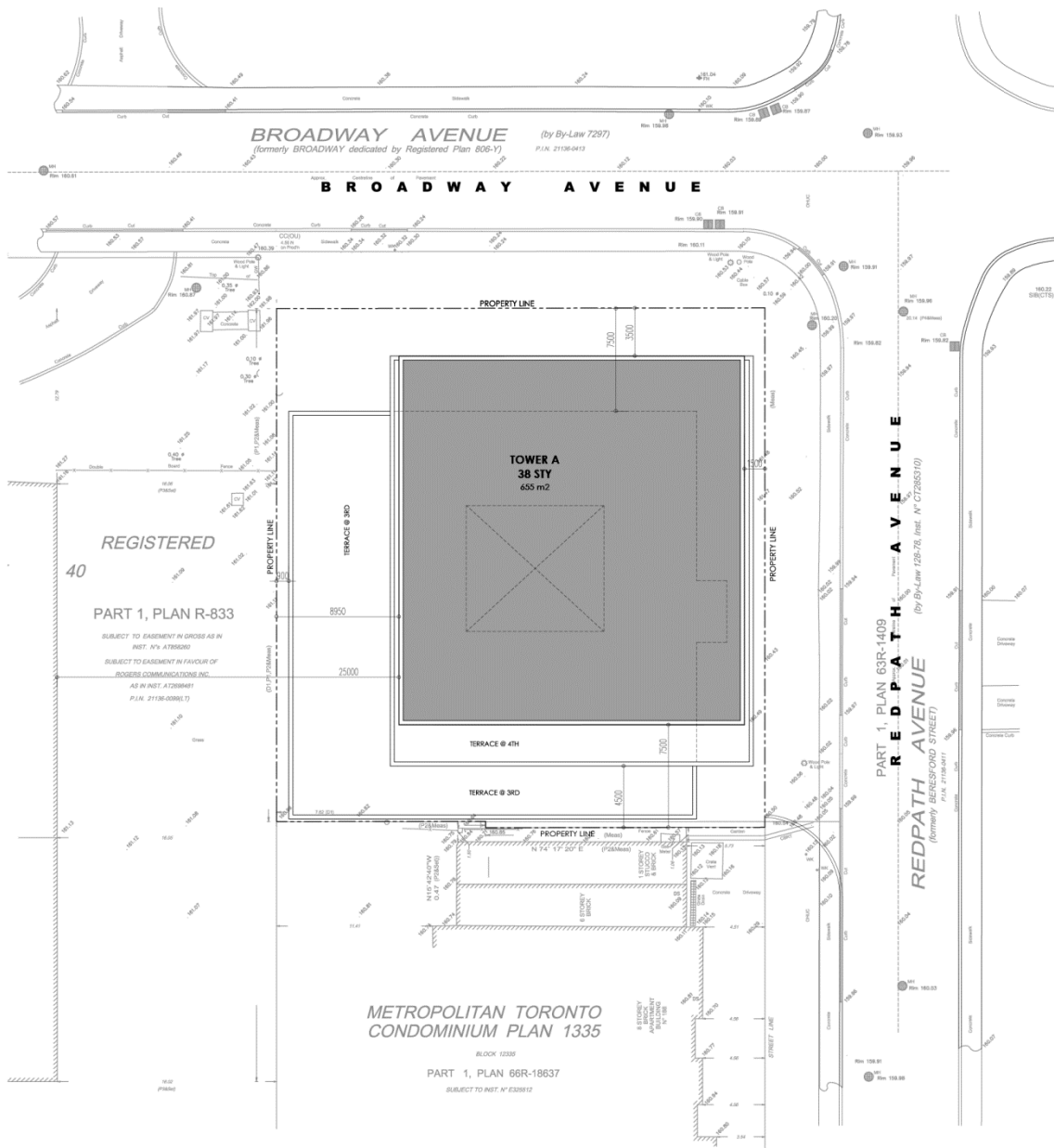
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2-5: Elevations
Attachment 6: Zoning
Attachment 7: Official Plan
Attachment 8: Application Data Sheet

Attachment 1: Site Plan



Site Plan

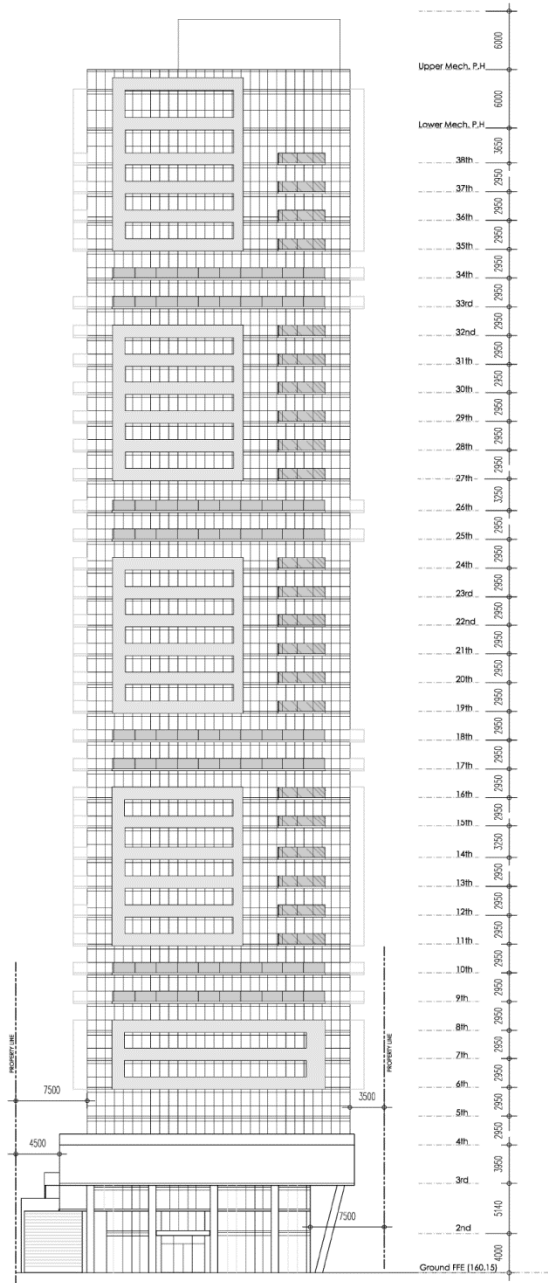
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Applicant's Submitted Drawing

Not to Scale 
08/10/2017

File # 15 106950 STE 22 OZ

Attachment 2: East Elevation



East Elevation

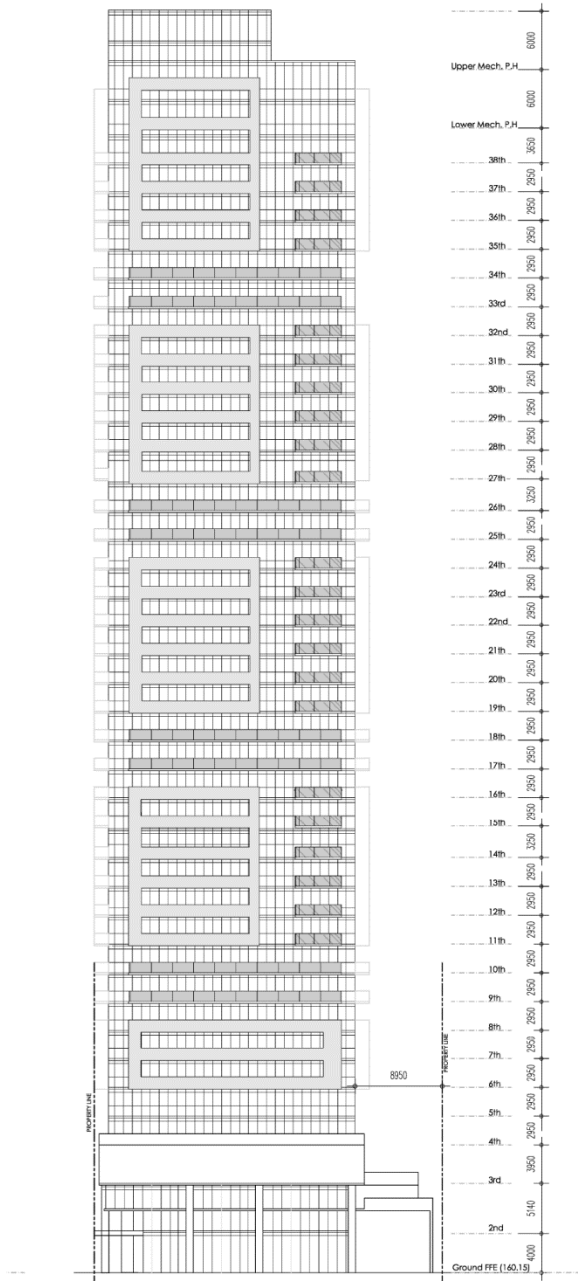
85-91 Broadway Avenue & 198 Redpath Avenue

Applicant's Submitted Drawing

Not to Scale
08/10/2017

File # 15 106950 STE 22 0Z

Attachment 3: North Elevation



North Elevation

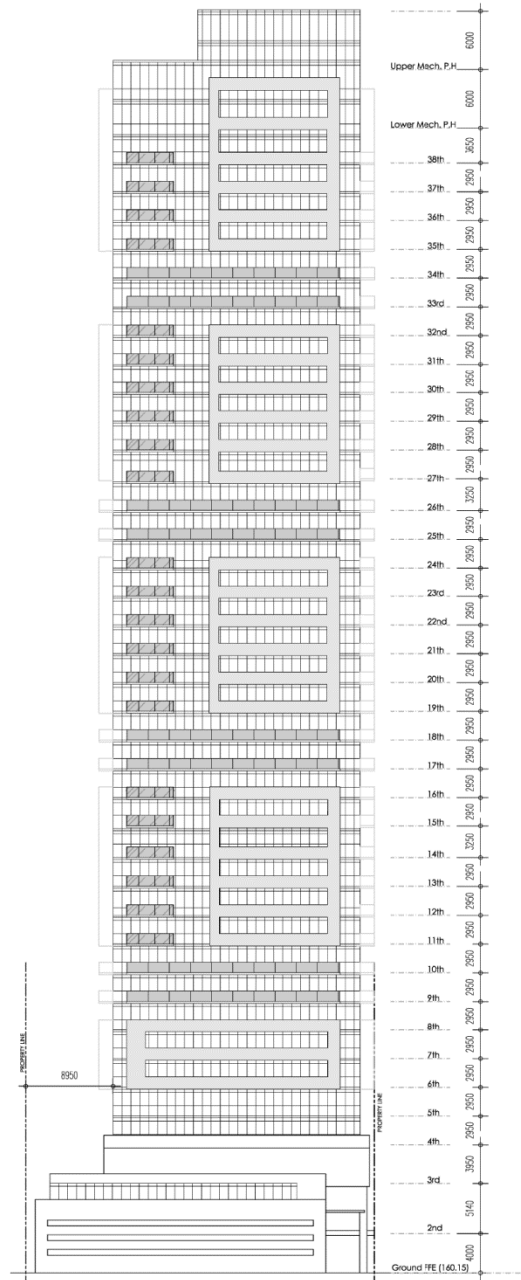
85-91 Broadway Avenue & 198 Redpath Avenue

Applicant's Submitted Drawing

Not to Scale
08/10/2017

File # 15 106950 STE 22 OZ

Attachment 4: South Elevation



South Elevation

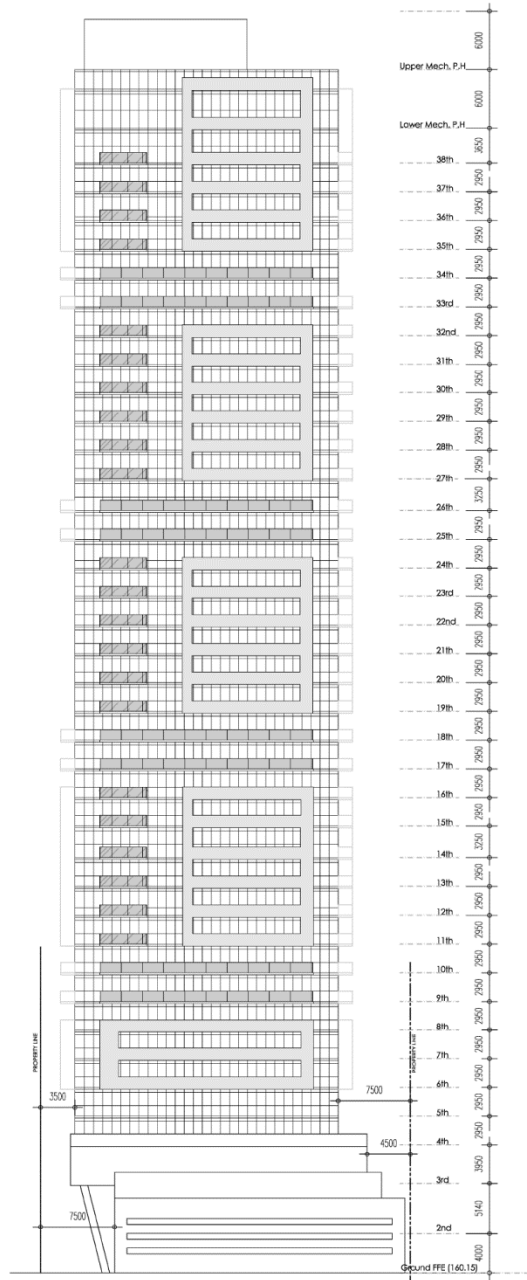
85-91 Broadway Avenue & 198 Redpath Avenue

Applicant's Submitted Drawing

Not to Scale
08/10/2017

File # 15 106950 STE 22 0Z

Attachment 5: West Elevation



West Elevation

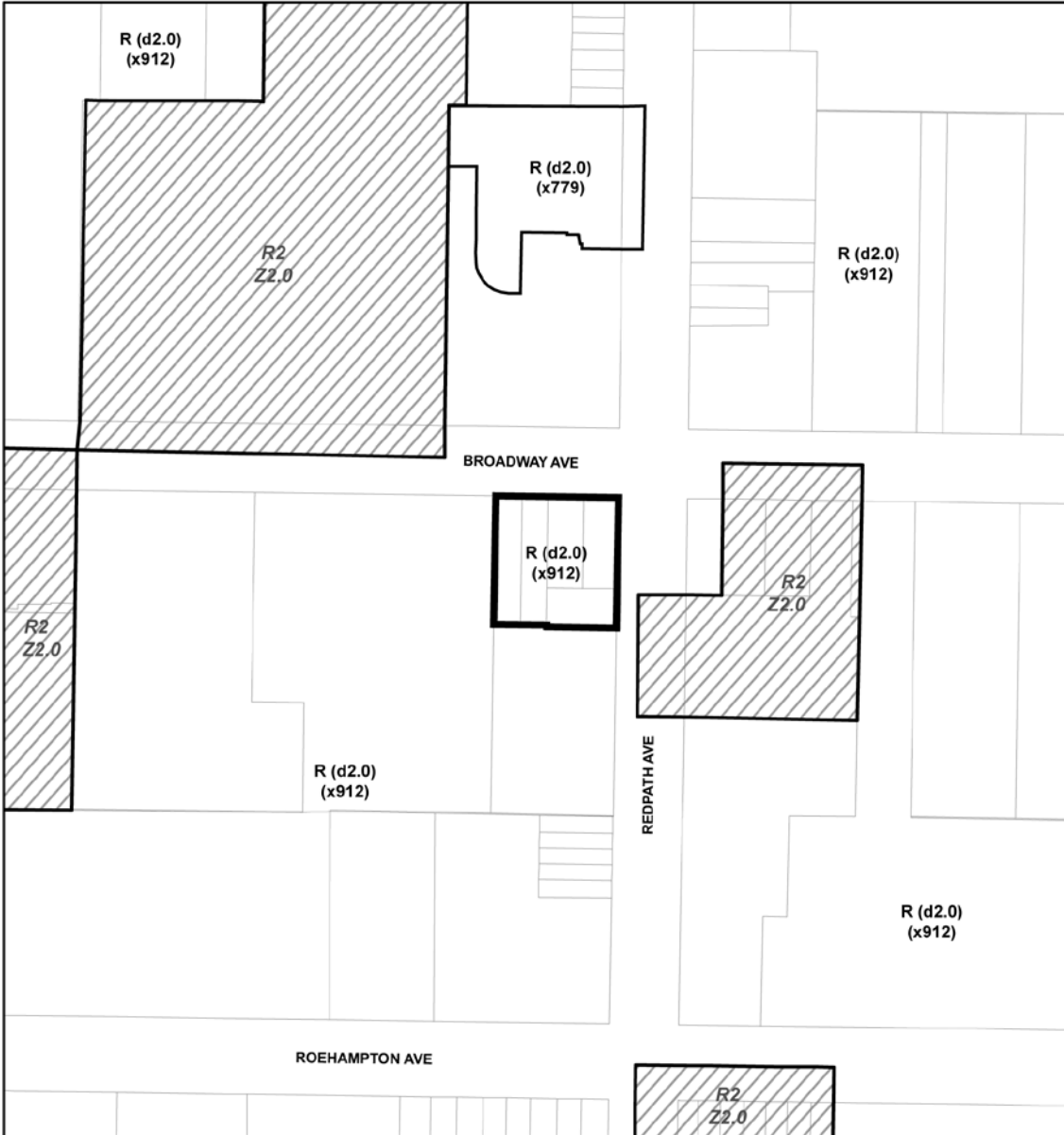
85-91 Broadway Avenue & 198 Redpath Avenue

Applicant's Submitted Drawing

Not to Scale
08/10/2017

File # 15 106950 STE 22 OZ

Attachment 6: Zoning




85-91 BROADWAY AVENUE & 198 REDPATH AVENUE

Zoning By-law 569-2013

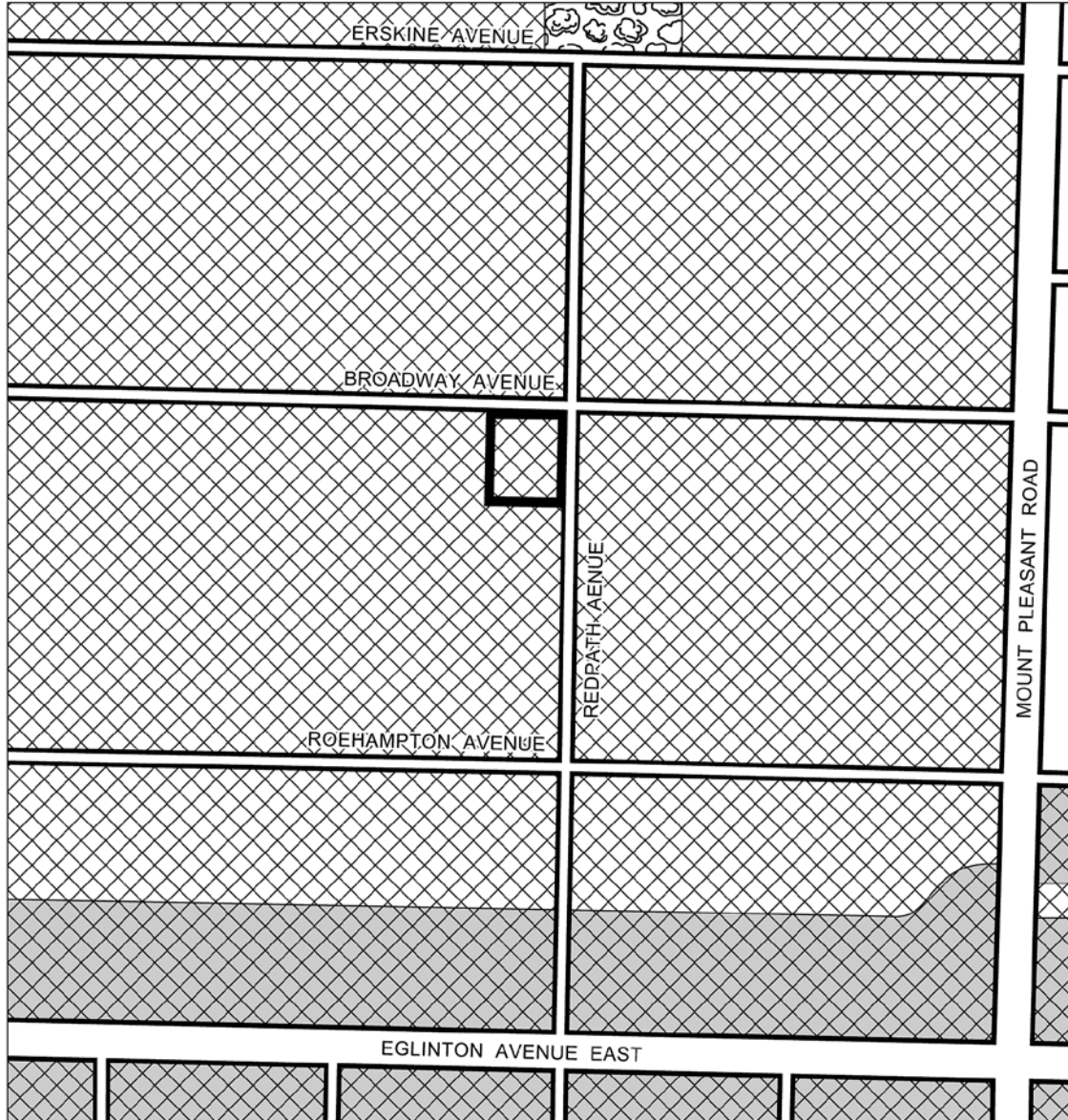
File # 15 106950 STE 22 0Z

 Location of Application
R Residential

 See Former City of Toronto Bylaw No. 438-86
R2 Residential District


Not to Scale
Extracted: 02/13/2015

Attachment 7: Official Plan



TORONTO City Planning
Extract from Official Plan

85-91 Broadway Avenue and 198 Redpath Avenue

File # 15 106950 STE 22 0Z

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



Not to Scale
 03/12/2015

