STAFF REPORT
ACTION REQUIRED

140 – 162 Broadview Avenue – Official Plan and Zoning Amendment, and Demolition Application under Municipal Code 667 – Final Report

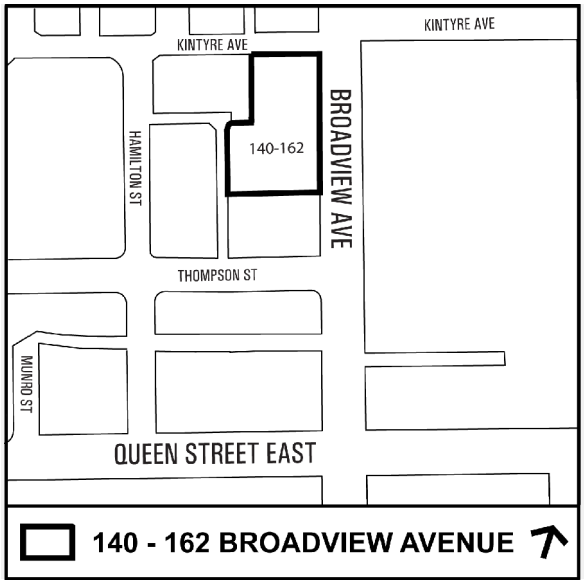
Date:	February 28, 2011
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 30 – Toronto-Danforth
Reference Number:	10-133099 STE 30 OZ, 10-173247 STE 30 OZ, 10-133117 RH

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 a 63-unit residential walk-up apartment building in 2 blocks (back-to-back stacked units), 3 ½ storeys above a one-level underground parking garage at 140-162 Broadview Avenue. The proposal involves the demolition of all the existing buildings, including seven residential rental dwelling units with no replacement rental housing to be provided. An application for demolition of residential rental units under Section 111 of the *City of Toronto Act, 2006* was also submitted.

The proposal respects both the Kintyre and Broadview Avenue frontages and fits well within the surrounding Neighbourhood. Although the low-rise apartment built form is not the dominant built form in the adjacent neighbourhood, it is found interspersed nearby in the surrounding area. In addition, the elimination of the auto repair shop and the Mixed Use designation from 150 Broadview Avenue ensures this residential project fits well within the context of the surrounding area.



This report reviews and recommends approval of the applications to amend the Official Plan and the Zoning By-law, and approval of the application to demolish the existing residential buildings without requiring the replacement of the residential rental units.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan, for the lands at 140 – 162 Broadview Avenue substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 9, to the report dated February 28, 2011, from the Director, Community Planning, Toronto and East York District.

2. City Council amend Zoning By-law 438-86, for the lands at 140 – 162 Broadview Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 10, to the report dated February 28, 2011, from the Director, Community Planning, Toronto and East York District.

3. City Council amend Zoning By-law 1156-2010 for the lands at 140-162 Broadview Avenue in order to give effect to the permissions set out in the amendment to Zoning By-law 438-86 referred to in Recommendation 2 and set out in Attachment No. 10, to the report dated February 28, 2011, from the Director, Community Planning, Toronto and East York District, in a form satisfactory to the Chief Planner and Executive Director, City Planning Division and the City Solicitor.

4. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendments as may be required.

5. Before introducing the necessary Bills to City Council for enactment, require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:

    a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:

        i. Tenant Relocation Assistance for the residential tenants in the existing buildings to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in accordance with more detailed terms as set forth in Appendix 1 of the draft zoning by-laws attached as Attachment 10;

        ii. A contribution in the amount of $500,000 for cash-in-lieu of replacement of the seven residential rental housing units existing on the subject lands at the time of the application to be paid to the City's Capital Revolving Fund for Affordable Housing for the purpose of constructing new affordable rental housing units;

    b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

i. The owner pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report, as accepted by the Executive Director of Technical Services should it be determined that improvements to such infrastructure is required to support this development.

6. City Council approve the application to demolish the 5 existing buildings that include 7 residential rental units located at 140 – 162 Broadview Avenue pursuant to Municipal Code Chapters 667 and 363 subject to the following conditions under Chapter 667 which provide for payment of cash-in-lieu of replacement of the rental housing, and tenant relocation assistance:

a) the owner shall provide tenant relocation assistance for the residential tenants in the existing buildings to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in accordance with more detailed terms as set forth in Appendix 1 of the draft Zoning By-law Amendment attached as Attachment No. 10, to the report dated February 28, 2011, from the Director, Community Planning, Toronto and East York District; and

b) the owner shall pay to the City, prior to the issuance of preliminary approval by the Chief Planner and Executive Director under Municipal Code Chapter 667, the sum of $500,000 for cash-in-lieu of replacement of the 7 residential rental units existing on the subject lands to be paid to the City's Capital Revolving Fund for Affordable Housing for the purpose of constructing new affordable rental housing units; and

c) the owner shall enter into and register one or more Agreements with the City to secure the conditions outlined in a) and b) above and as described in Appendix 1 of the draft Zoning By-law Amendment (Attachment 10 to the report dated February 28, 2011, from the Director, Community Planning, Toronto and East York District), to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division; and

d) the owner shall apply for a building permit that provides at least for the excavation and shoring for the first residential building in the development on the site prior to the issuance of preliminary approval by the Chief Planner and Executive Director under Municipal Code Chapter 667.

7. City Council authorize the Chief Planner and Executive Director, City Planning Division, to issue a preliminary approval of the application under Municipal Code Chapter 667 for demolition of the 7 residential rental units after all of the following have occurred:

a) the satisfaction of the conditions in Recommendation 6 above;

b) the Official Plan Amendment and Zoning By-law Amendments in Recommendations 1, 2 and 3 have come into full force and effect; and

c) the issuance of the site plan approval for the development by the Chief Planner and Executive Director, City Planning or his designate, pursuant to Section 114 of the *City of Toronto Act*, 2006.

8. City Council authorize the Chief Building Official to issue a Section 111 permit under Municipal Code Chapter 667 after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval in Recommendation 7 above for the existing residential rental units.

9. City Council authorize the Chief Building Official to issue a permit under Section 33 of the *Planning Act* for the existing residential rental units no earlier than issuance of the first building permit for the excavation and shoring of the first residential building of the development, and after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval in Recommendation 7 above, which permit may be included in the demolition permit for Chapter 667 under 363-11.1E, of the Municipal Code, on condition that:

    a) the owner erect a residential building on site no later than three (3) years from the date the permit is issued for demolition of the buildings;

    b) should the owner fail to complete the new building within the time specified in condition a), the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal taxes, the sum of twenty thousand dollars ($20,000) for each dwelling unit for which a demolition permit is issued, and that such sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.

10. City Council authorize that the cash-in-lieu of parkland dedication which is in excess of 5% be directed to the new City Park at Carroll and Thompson Streets.

11. The appropriate City officials take all necessary steps to give effect to the above-noted recommendations.

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 this application.

ISSUE BACKGROUND

Proposal

This application is to amend the Zoning By-laws and Official Plan for the properties 140 – 162 Broadview Avenue. The proposal is to demolish the existing residential and commercial buildings and construct a 63-unit, 3 ½ storey apartment building in two blocks joined together

with one-level of underground parking. One block fronts on Broadview Avenue while the second block fronts on Kintyre Avenue with 48 parking spaces in the one level underground parking garage. Attachment No. 8 contains the project data.

In addition, the proposal involves the demolition of 7 residential rental units, some of which are currently occupied, with no provisions for replacing the rental units in the development. A contribution of cash-in-lieu of replacement has been proposed, as well as tenant relocation assistance.

Site and Surrounding Area

The subject property is a corner site located on the west side of Broadview Avenue and the south side of Kintyre Avenue. The west property line abuts a rear public lane and residential properties. To the south will be a Toronto Parking Authority lot in the future. The development parcel is a consolidation of six properties located one block north of Queen Street East. The overall site area is approximately 2,153 m2.

Currently the site 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. The residential rental units comprise 3 two-bedroom row houses, 1 two-bedroom apartment over the auto-repair shop and a converted house with 2 one-bedroom apartments and 1 two-bedroom apartment.

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 the north side of Queen Street East and range in height from 1 – 5 storeys; and

West: residential dwellings in the form of single detached, semi-detached and rowhouse dwellings and public lane.

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 by the *Planning Act*, to conform, or not conflict, 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-storeys. Parks, low scale local institutions, home occupations, cultural and recreational facilities and small-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 that 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 seeks 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 assistance to affected tenants. This application is subject to these policy requirements.

Zoning

Under the former City of Toronto Zoning By-law 438-86, 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.

At its meeting of August 25-27, 2010 Toronto City Council enacted a new city-wide zoning by-law. A portion of the site, 140 Broadview Avenue, is excluded from the new Zoning By-law. However, the remainder of the site is subject to Zoning By-law 1156-2010, therefore, an

amendment is required for the site. By-law 1156-2010 has been appealed in its entirety and is now before the Ontario Municipal Board. No hearing dates have been set. While the appeals are ongoing, the provisions of both the former zoning by-laws and the new zoning by-law are in effect for sites that are subject to By-law 1156-2010.

Both zoning by-laws permit residential uses on the lot, and both permit a maximum building height of 14 metres. Excerpts from the zoning maps from By-laws 438-86 and 1156-2010 as they relate to the subject site, are shown on Attachments 5 and 6, respectively.

Site Plan Control

The proposed development is subject to site plan control. An application has been submitted to the City.

Section 111 of the *City of Toronto Act*, 2006

The five related residential buildings involved in this application at 140-162 Broadview Avenue contain a total of seven (7) residential rental dwelling units. Accordingly, an application to demolish rental housing is required to be submitted to the City pursuant to Section 111 of the City of Toronto Act, 2006 (Chapter 667 of the Municipal Code). In addition, amongst other matters, the owner would need a permit pursuant to Chapter 667 of the Municipal Code in order to demolish the buildings.

Chapter 667 makes it an offence to demolish a residential rental property or a related group of buildings where there are six (6) or more residential rental dwelling units, unless approval has been granted for a Section 111 permit for the demolition. In addition, it requires that an application under the by-law be submitted without delay when a related planning application, such as a zoning amendment, has been submitted. Any planning approval in such matters will be co-ordinated with the need for the applicant to obtain 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.

When planning approvals are required in addition to City Council approval of a Section 111 permit, staff will normally prepare one combined report assessing and making recommendations on all the necessary approvals. This report combines the recommendations for the planning approvals as well as the demolition authorities. If the demolition of rental housing is approved under Municipal Code 667, related approvals to issue a demolition permit for residential buildings under Municipal Code 363 and Section 33 of the *Planning Act* are also required.

Reasons for Application

An amendment to both Zoning By-laws, 1156-2010 and 438-86, is required to permit the scale and density of the building proposed for the site. The proposal does not comply with the standards in an R3 zone and the project exceeds both the residential density and height permitted at this location under both zoning by-laws.

An application for a Section 111 permit to demolish the seven residential rental units is required pursuant to Municipal Code 667, and was submitted on March 22, 2010.

An amendment to the Official Plan is required since the proposal does not provide for replacement of the seven existing residential rental dwelling units, and to recognize the proposed built form of the development requested.

Community Consultation

A community consultation meeting was held at the Ralph Thornton Community Centre on August 4, 2010 with approximately 30 members of the public. The issues raised included lane maintenance and impact of the increase in the number of cars using the lane, height of the building fronting onto Kintyre Avenue and the proposed front yard setback from Kintyre as well as no handicapped parking spaces will be provided. One written submission was received on this application. Two residents indicated the proposal is now satisfactory. The neighbour directly to the north of the site requested that the garbage storage area be removed from just behind her rear property line fence.

In addition, a meeting for the tenants in the existing rental units was held on August 12, 2010 pursuant to Municipal Code 667. Concerns expressed included the lack of replacement rental housing, the difficulty of finding affordable rents when searching for new accommodation, and the demolition of the commercial auto body/auto repair shop, in the case of one tenant who worked there losing both his home and his job. A number of the tenants have strong ties to the immediate area, involving work, volunteer and social supports, and expressed concern about the disruption and potential dislocation from the neighbourhood.

Agency Circulation

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

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS. This site will accommodate appropriate development in a range and mix of residential housing types adjacent to the necessary infrastructure.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use

The properties, 134-162 Broadview Avenue, were assembled for a high-rise residential apartment building. Following the OMB decision that refused the previous proposal, 134 and 136 Broadview Avenue were sold to the Toronto Parking Authority. A new application has been submitted for these lands. The remaining properties 140-162 Broadview Avenue remain assembled now for a low-rise apartment building in two blocks, joined underground with one level of underground parking. The existing auto repair shop located at 150 Broadview Avenue has continued to operate and several of the rental units are still occupied. With the new proposal no commercial uses or rental units are proposed for this site.

Density, Height, Massing

The density proposed for this residential project is 2.27 times the area of the lot. A road widening and public lane widening of approximately 85.1 m2 is required and has been shown on

the plans. The residential gross floor area of the project is 4,895 m2 (5,270 sq. ft) calculated under Zoning By-law 438-86.

The proposed height to the parapet wall for Block 1, measured from the average grade along the sidewalk, is 12.5 m and 12.8 m for Block 2. Only the stair towers project above these heights to 14.3 m. The existing height limit is 12 metres. The overall increase in height for the apartment blocks is approximately 0.8 metres and the permitted projections will include the parapet wall and stair towers. The new zoning by-law calculates height and density differently than the old zoning by-law. Accordingly, staff is recommending preparation of a site specific exception to the new Zoning By-law 1156-2010 to reflect the same development permissions that may be granted through approval of the proposed Zoning By-law Amendment to the former City of Toronto By-law 438-86, as amended. The draft amending zoning by-law for 1156-2010 is being reviewed by City Divisions and will be distributed at the public meeting.

This apartment development has two blocks, both fronting the public streets with grade-related units, trees and soft landscaping. The patio pits have been eliminated from the front elevations and limited only to the rear units. The back-to-back units at the rear are accessible from the gate house front entrance off Broadview or from the rear. They are a mix of one and two-storey units overlooking a landscaped rear yard. In addition, the units have either a roof top patio or a balcony and the lower units at the rear have lower outdoor patio spaces.

A gateway house entrance feature, off Broadview Avenue, has been located between the two building blocks to provide a formal entrance into the development. This gateway structure will also house mailboxes for the residents as well as a bench for social interaction. At the request of staff, the structure has been shifted back from the sidewalk, to be unobtrusive while walking along Broadview. Internal to the site, the back-to-back rear units front either the rear property line (in the case of Block 2) or face south (Block 1) to the northerly wall of Block 2.

By establishing two low-rise apartment blocks fronting along the public streets, this has presented a street related building that fits well into the surrounding community. The low-rise apartment built form, although not the dominant built form in this neighbourhood, is found interspersed nearby in the surrounding area. In addition, the elimination of the auto repair shop from one lot ensures this residential project fits within the context of the surrounding area.

Traffic Impact, Access, Parking

Access to the underground parking garage is off the rear public lane and has been moved to the south end of the site, adjacent to the future Toronto Parking Authority lot. The ramp slope has been modified and now complies with the ramp slope requirements in the Zoning by-law 438-86.

There are 48 parking spaces proposed in the underground garage with one small car parking space identified. The applicant has indicated that no accessible parking spaces will be provided for this development as there is no elevator in the development. The Parking Authority lot will provide one accessible parking space adjacent to the site and the Broadview Avenue frontage.

The applicant has requested a reduction in the required visitor parking spaces as the Toronto Parking Authority lot is adjacent to the site. This approach is acceptable to Technical Services as the site has on-street parking, is in close proximity to the central area and is well served by transit.

Sufficient bike parking will be provided at grade for visitors and below grade for residents. There are 38 bicycle parking spaces available for the occupants below ground and above ground

for visitors. The bicycle parking spaces, type and location will be secured in the site plan agreement.

Residential Amenity Areas

The former City of Toronto Zoning By-law requires that a minimum of 2 square metres per unit of indoor and outdoor amenity space be provided. In this case, 126 m2 of outdoor amenity space will be provided but no indoor amenity space is provided. Although no indoor amenity space is provided, each unit will have access to the common outdoor amenity space and most units have a private outdoor amenity space in the form of either a balcony, patio, terrace or roof top garden.

Servicing

Servicing of the project is proposed to be off the rear public lane. However, the one type G loading space that will be required will be in a north/south direction. To redesign the space in a east/west direction would eliminate all of the proposed rear landscaped open space and impact several units. Technical Services has agreed that the garbage truck arrangements may remain, however, the servicing will need to be private. In view of the fact that the truck will need to back out of the lane, conditions will be attached to the Site Plan agreement to ensure safety and a direction person being present for the truck manoeuvring on garbage day.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

The application proposes 63 residential units on a site of 0.2152 hectares (2,152 m2). At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.0853 hectares (853.3 m2). However, a cap of 10% of the site applies and hence the parkland dedication for the residential component of the development would be 0.02152 hectares (215.2 m2).

The applicant would be required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as there is no location for an on-site parkland dedication that would be of usable size and the site would be encumbered with below grade parking. The cash-in-lieu in excess of 5% will be allocated to the new City Park at Carroll and Thompson Streets.

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

Streetscape

Section 3.1.2.4 of the Official Plan requires that new development will enhance the streetscape through the massing of new development to define the edges of streets, parks and open spaces at good proportion. The Plan also requires that attention be given to the streetscape by ensuring that these areas are attractive, comfortable and functional for pedestrians through landscaping and setbacks that create attractive transitions from the public to private realms. Trees are proposed to be planted along both Kintyre and Broadview Avenues and all patio pits adjacent to the public streets have been eliminated.

Environment

The property, 150 Broadview Avenue, is presently used as an auto repair shop. The applicant has submitted a site assessment report prepared in accordance with the Record of Site Condition Regulation describing the current conditions of the land and the proposed remedial action plan. Technical Services have indicated to the applicant that they will be required to retain a qualified person to conduct the environmental site assessments for all lands to be conveyed to the City.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment. This application was submitted on March 22, 2010 therefore the applicant is required to meet Tier 1 of the TGS.

The site specific zoning by-law will secure performance measures for the following Tier 1 development features: Automobile Infrastructure, Cycling Infrastructure and Storage and Collection of Recycling and Organic Waste. Other applicable TGS performance measures will be secured through the Site Plan Approval process. These include Urban Heat Island reduction by installing a cool roof on ½ the roof, the main entrance will be close to transit, and a minimum of 50% of the new trees and plantings will be water efficient, drought tolerant or native species and soft landscaping open space has replaced a hard surface at the rear of the site.

Section 37

This application will not provide replacement of the seven residential rental dwelling units on site. The applicant has agreed, however, to secure, through a Section 37 agreement, the replacement of the rental units via a cash payment of $500,000 in lieu of replacing the units on site. Also to be secured is a tenant relocation and assistance plan as set out in the draft by-laws.

These matters are recommended to be secured in the Section 37 agreement:

1. Tenant Relocation Assistance for the residential tenants in the existing buildings to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in accordance with more detailed terms as set forth in Appendix 1 of the draft by-laws attached as Attachments 10.

2. A contribution in the amount of $500,000 for cash-in-lieu of replacement of the seven residential rental housing units existing on the subject lands at the time of the application to be paid to the City's Capital Revolving Fund for Affordable Housing for the purpose of constructing new affordable rental housing units.

The following additional matters are recommended to be secured in the Section 37 agreement as a legal convenience to support development:

3. The owner pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report, as accepted by the Executive Director of Technical services should it be determined that improvements to such infrastructure is required to support this development.

Tenure

The proposed development will be a standard Condominium. There are 63 units in stacked, back-to-back units in two residential blocks joined together with a one-level parking garage.

Rental Housing

The existing buildings contain seven rental housing units which will be demolished to make room for the new construction of a 63 unit residential condominium. The project will not include any rental replacement units. The applicant will instead pay $500,000 to be directed to the City's Capital Revolving Fund to be used to provide affordable rental housing at a later time in a location determined by City Council. Tenant relocation assistance will be provided, but without replacement rental units, it is not possible to provide tenants with the right to return to a similar rental unit in the new development.

Since the applicant did not incorporate the replacement of the seven residential rental dwelling units in the application as is required in the Official Plan, an application to amend the Official Plan is required, and has been submitted, pursuant to policy 3.2.1.6.

The existing rental housing comprises a total of 7 units: 3 two-bedroom row houses, 1 two-bedroom apartment over an auto-repair shop, and a converted house with 2 one-bedroom apartments and 1 two-bedroom apartment. All of the rental units are in the affordable rental category.

A Tenant Relocation and Assistance Plan is required. There are currently 4 tenant households in residence.

Staff is supporting the applicant’s proposal subject to the conditions that are recommended in this report. However, with both this proposal and previous designs for the site that were reviewed with the applicant, staff requested that the seven rental housing units be replaced in the development. Doing so would have met the Official Plan policy, prevented the loss of affordable rental housing in the community, and ensured that the tenant households displaced by the demolition would have the right to return after construction of the new housing. The applicant did not agree but was willing to provide a contribution for cash-in-lieu of replacement.

Cash-in-lieu of replacement rental housing on this site is appropriate in the circumstances of this application for a number of reasons, including: because there are only seven rental units involved; most of the rental units are in individual houses and were assembled only a few years before the planning application was submitted; and available information indicates a rental history of only about 10 years for most of the units and accordingly the units are considered to have not formed part of the City's established rental housing stock.

Cash-in-lieu of rental replacement is always directed to the Capital Revolving Fund for Affordable Housing to be used to construct new affordable rental units elsewhere. In this situation, staff is recommending and the applicant has agreed to provide, $500,000 for the seven rental units, at an average rate of $71,428 per unit. This amount does not represent the full amount of cash-in-lieu that would typically be required for similar rental units in the situation of a more conventional multiple-unit rental property. City Council has approved cash-in-lieu with reduced amounts for similar applications, most recently involving the demolition of 6 rental units at 15-27 Beverley Street in 2010. Taking into account all the circumstances of this application, staff believes that $500,000 is an appropriate amount.

The Tenant Relocation and Assistance Plan that the applicant has agreed to provide will ensure that the remaining tenant households receive at least 5 months notice before being required to vacate for the demolition, an extra month beyond the provincially required minimum of 120 days. A moving allowance and additional financial assistance on a sliding scale based on length of tenure and special needs will be paid to each of the 4 tenant households. These amounts are in addition to the provincially-required payment of 3 month's rent.

The applicant will enter into a Section 37 Agreement with the City to secure the payment of the cash-in-lieu of replacement of the rental housing to the City, and all the elements of the Tenant Relocation and Assistance Plan, which will be to the satisfaction of the Chief Planner and Executive Director. The recommendations concerning the approval of the demolition under Municipal Code 667, 363 and Section 33 of the Planning Act provide for the payment of the cash-in-lieu prior to the issuance of the demolition permit. This permit will be able to be issued as early as the permit for excavation and shoring, prior to the more typical requirement of waiting for issuance of the above-grade building permit, in recognition of the circumstances associated with former auto-repair uses for a portion of the site and the need to provide a Record of Site Condition before residential construction can commence.

Development Charges

It is estimated that the development charges for this project will be $377,560. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

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SIGNATURE

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

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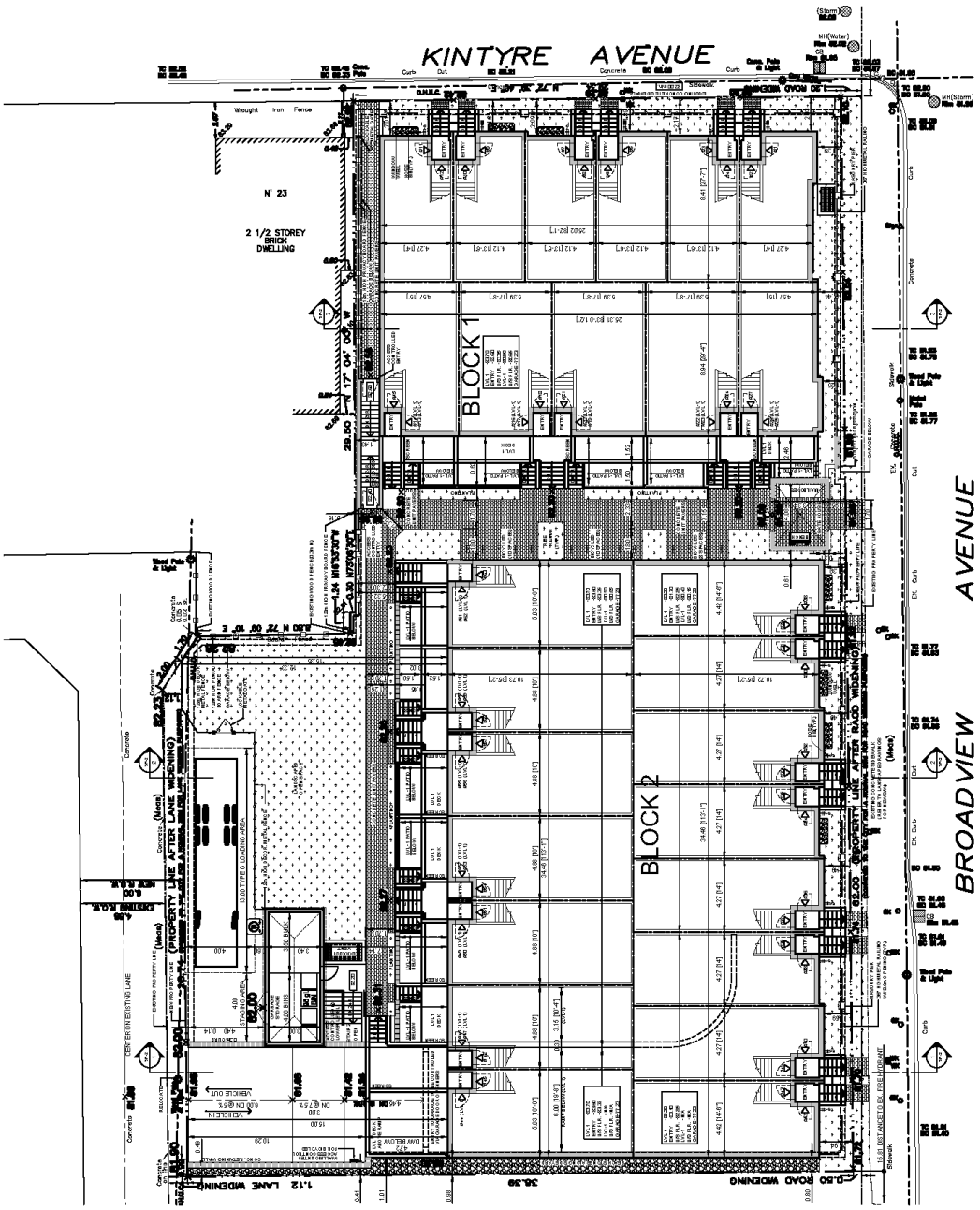
ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations – Block 1 (Kintyre Avenue)
Attachment 3: Elevations – Block 2 (Broadview Avenue)
Attachment 4: Elevations– Rear and Interior Block Views
Attachment 5: Zoning (438-86)
Attachment 6: New Zoning By-law (1156-2010)
Attachment 7: Official Plan
Attachment 8: Application Data Sheet
Attachment 9: Draft Official Plan Amendment
Attachment 10: Draft Zoning By-law Amendment to By-law 438-86

Attachment 1: Site Plan



Site Plan

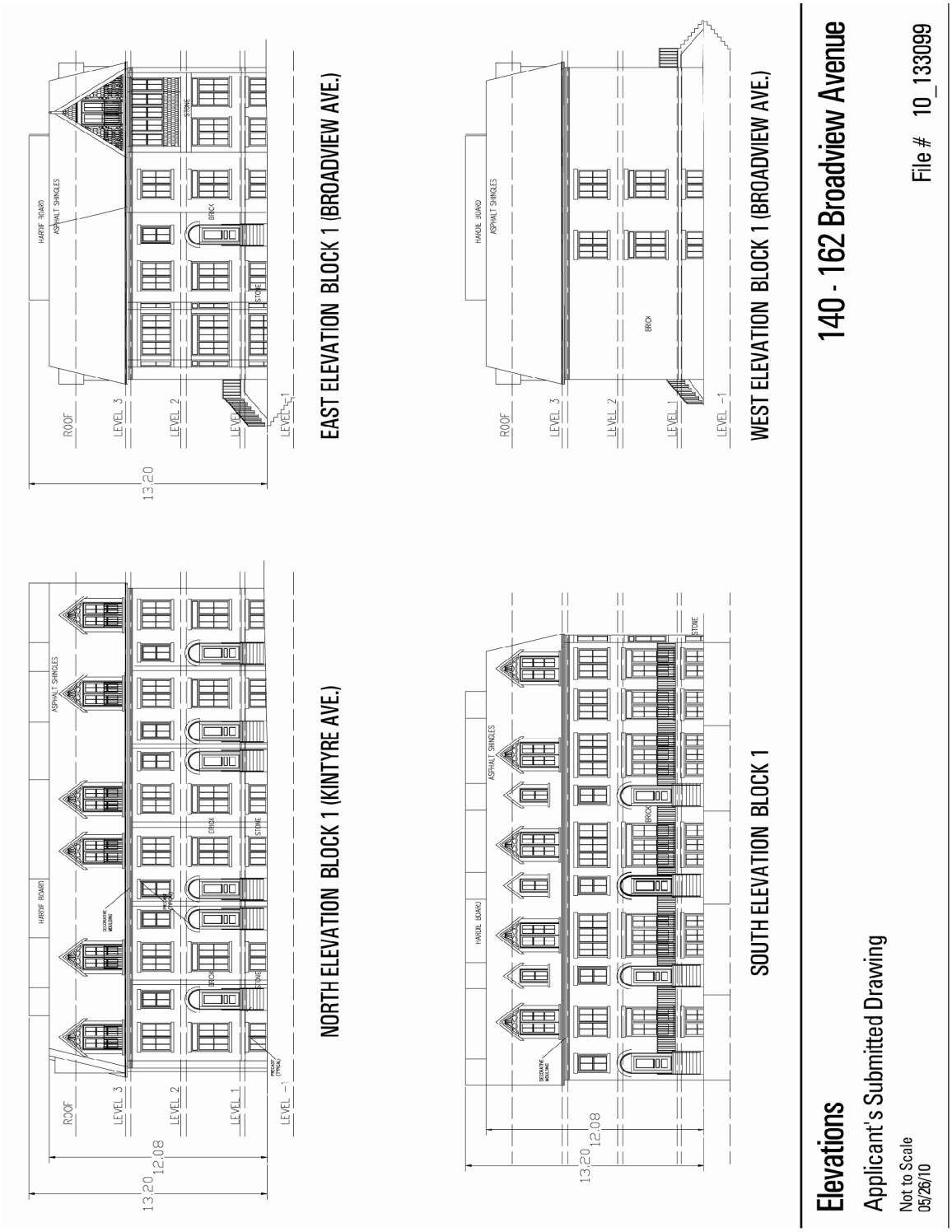
Applicant's Submitted Drawing

Not to Scale
12/22/2010

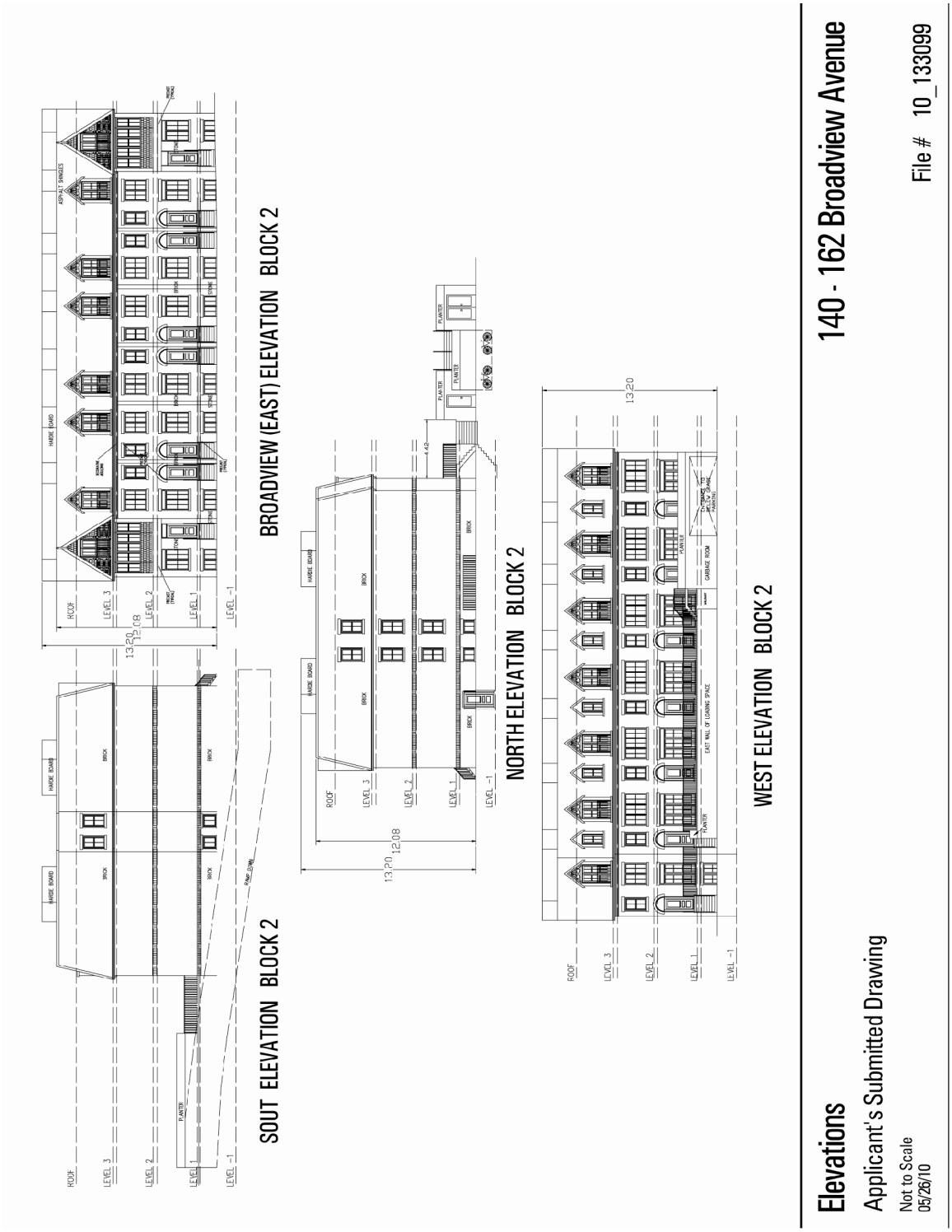
140-162 Broadview Avenue

File # 10 133099 OZ, 10 179247 OZ

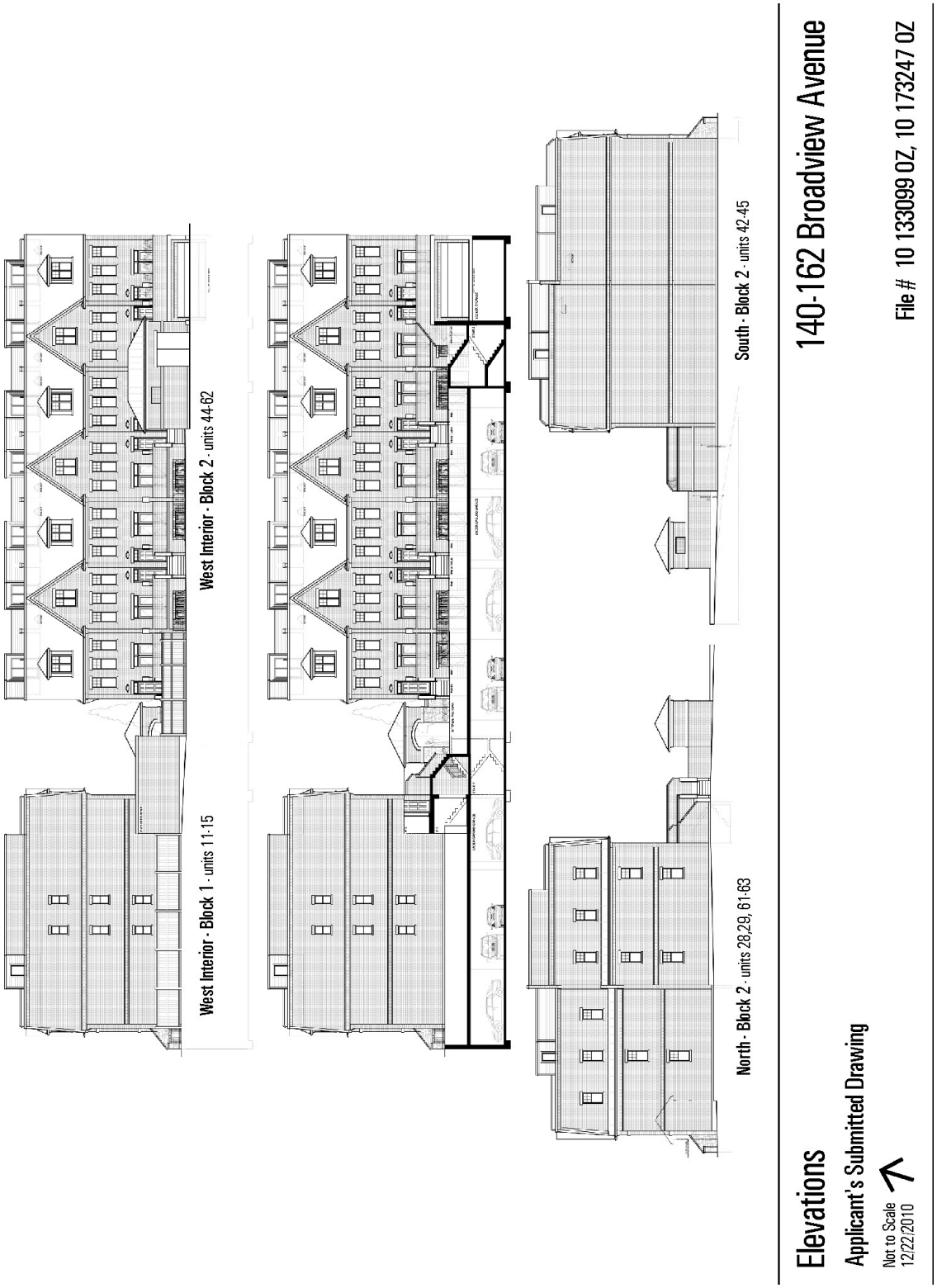
Attachment 2: Elevations – Block 1 (Kintyre Avenue)



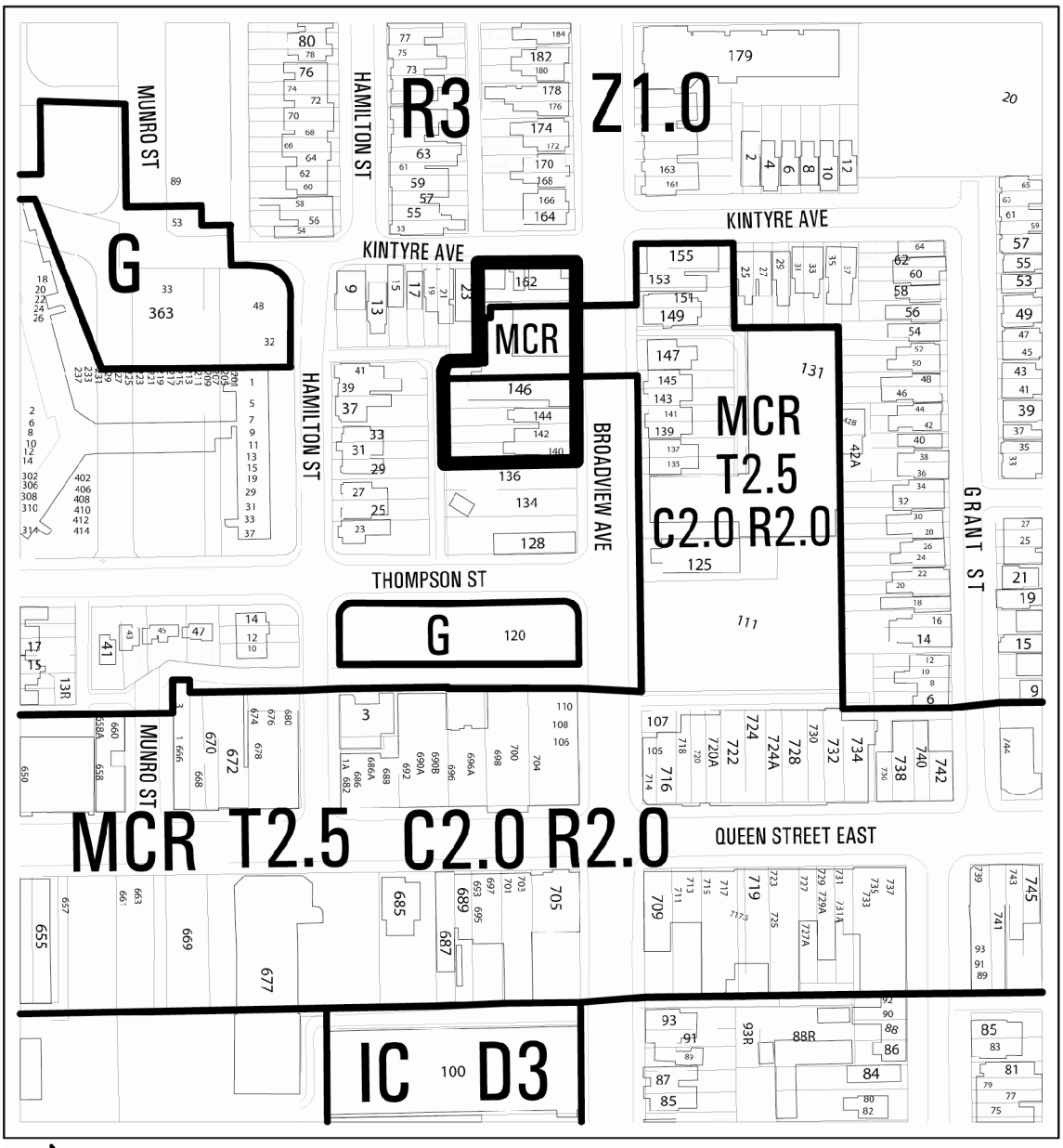
Attachment 3: Elevations – Block 2 (Broadview Avenue)



Attachment 4: Elevations – Rear and Interior Block Views



Attachment 5: Zoning (438-86)



TORONTO City Planning

Zoning

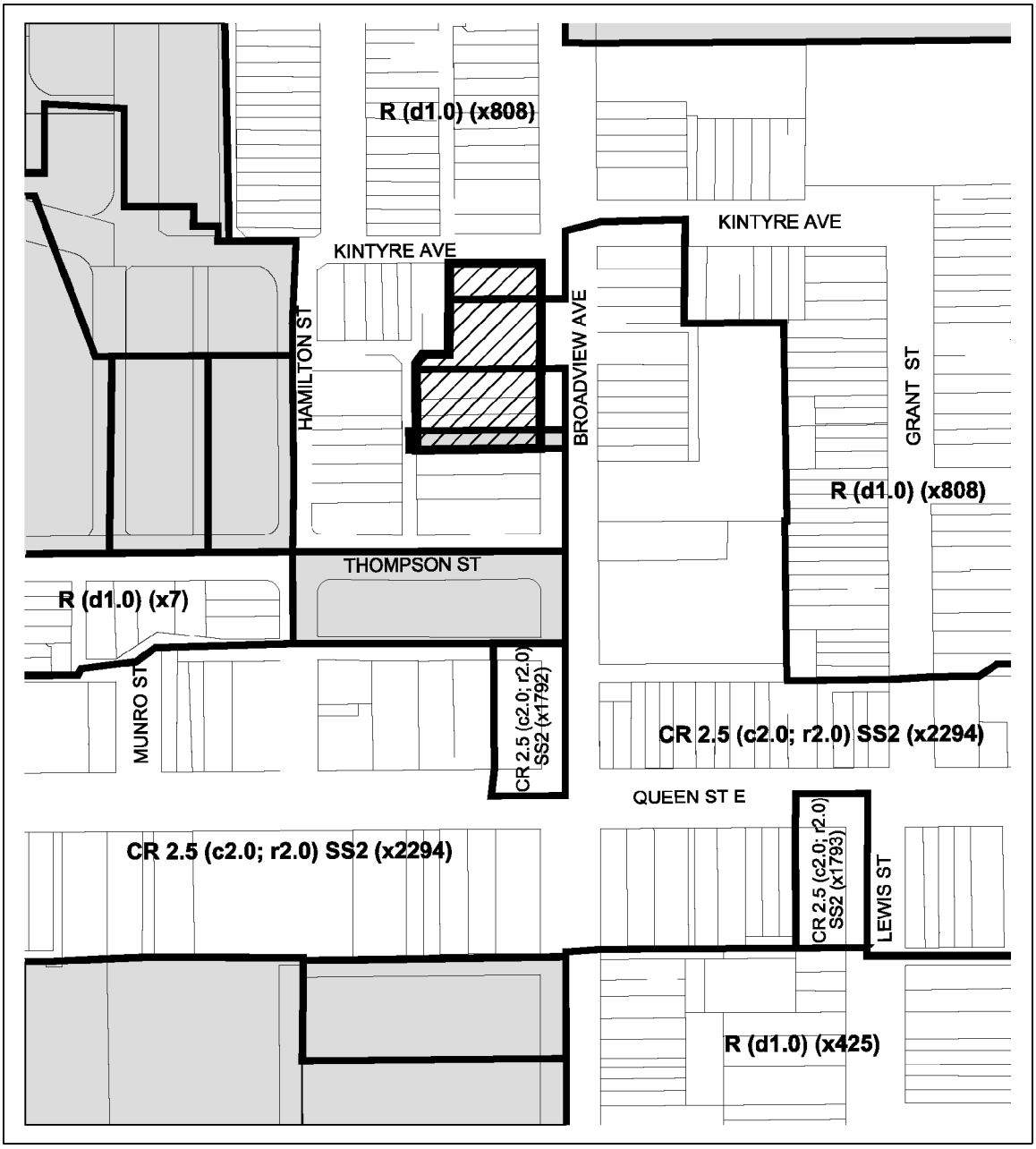
140 - 162 Broadview Avenue

File # 10_133099

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

Not to Scale
Zoning By-law 438-86 as amended
Extracted 05/27/10 - MH

Attachment 6: New Zoning By-law (1156-2010)



TORONTO City Planning

140-162 Broadview Avenue

Zoning-City of Toronto By-law 1156-2010 File # 10 133099 OZ, 10 173247 OZ

Not Part of By-Law 1156-2010 Location of Application

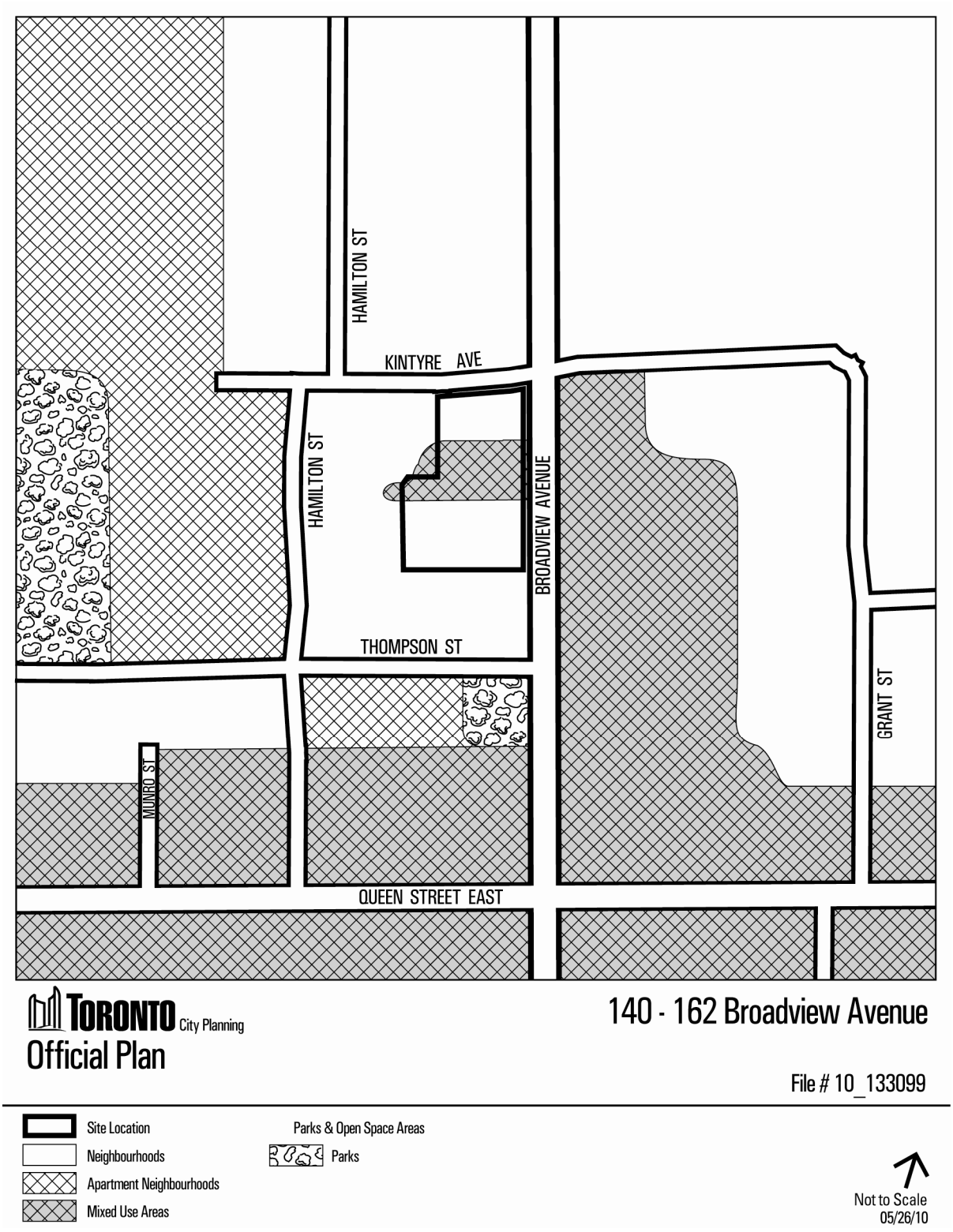
R Residential

CR Commercial Residential

Not to Scale

12/23/10

Attachment 7: Official Plan



Attachment 8: Application Data Sheet

Application Type	OPA and Rezoning	Application Number:	10 133099 STE 30 OZ
Details	OPA and Rezoning	Application Date:	March 16, 2010

Municipal Address:	140 BROADVIEW AVE
Location Description:	CON 1 FB PT LT15 **GRID S3007
Project Description:	OPA and Rezoning application for - Proposal to construct 63 residential stacked townhouses - 2 blocks - full condo - 1 level below grade parking - 48 parking spaces

Applicant:	**Agent:**	**Architect:**	**Owner:**
HPH (Broadview) Limited			HPH (Broadview) Limited

PLANNING CONTROLS

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

PROJECT INFORMATION

Site Area (sq. m):	2152.7	Height:	Storeys:	3 1/2
Frontage (m):	29.34		Metres:	12.6
Depth (m):	62			
Total Ground Floor Area (sq. m):	1240			**Total**
Total Residential GFA (sq. m):	4895		Parking Spaces:	48
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	4895			
Lot Coverage Ratio (%):	57.6			
Floor Space Index:	2.27			

DWELLING UNITS **FLOOR AREA BREAKDOWN** (upon project completion)

			Above Grade	**Below Grade**
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	4895	0
Bachelor:	26	Retail GFA (sq. m):	0	0
1 Bedroom:	16	Office GFA (sq. m):	0	0
2 Bedroom:	21	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	63			

CONTACT: PLANNER NAME: Denise Graham, Senior Planner - East Section
TELEPHONE: (416) 392-0871

Attachment 9: Draft Official Plan Amendment

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 2011

Enacted by Council: ~, 2011

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2011

To adopt an amendment to the Official Plan for the City of Toronto respecting the lands known municipally in the year 2010, as 140 – 162 Broadview Avenue

WHEREAS authority is given to Council under the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law;

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The attached Amendment No. 122 to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 2011.

ROBERT R. FORD, Mayor

ULLI S. WATKISS, City Clerk

(Corporate Seal)

AMENDMENT NO. 122 TO THE OFFICIAL PLAN

LANDS MUNICIPALLY KNOWN IN THE YEAR 2010 AS
140 – 162 Broadview Avenue

The Official Plan of the City of Toronto is amended as follows:

1. Map18, Land Use Plan, is amended by re-designating the lands known municipally as 150 Broadview Avenue from *Mixed Use Areas* to *Neighbourhoods*, as shown on the attached Schedule [ ].

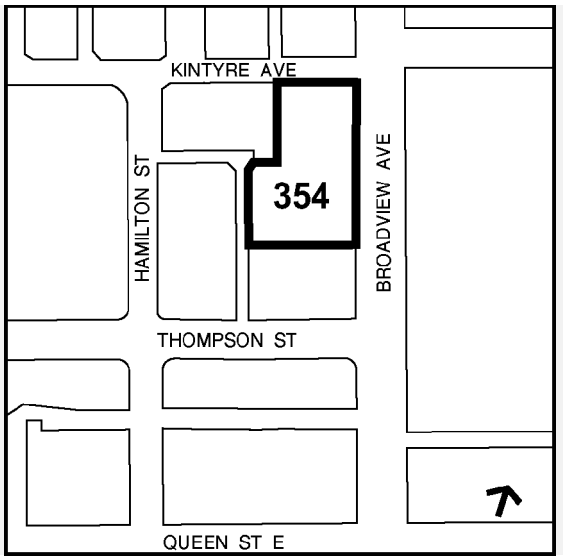


2. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 354 for the lands known municipally in 2010 as 140 – 162 Broadview Avenue, as follows:

354. 140 – 162 Broadview Avenue

a) Two apartment buildings, joined underground by a parking garage, with a maximum building height of 3 ½ storeys are permitted.

b) Despite Policy 3.2.1.6 of the Official Plan, the demolition of the seven (7) existing rental dwelling units on the site is permitted without the provision of replacement rental housing provided cash-in-lieu of such replacement is paid to the City in the amount of $ 500,000 and an acceptable tenant relocation and assistance plan is secured.



3. Chapter 7, Map 29, Site and Area Specific Policies, is revised to add the lands known municipally in 2010 as 140-162 Broadview Avenue shown on the map above as Site and Area Specific Policy No. 354.

Attachment 10: Draft Zoning By-law Amendment to By-law 438-86

Authority: Toronto and East York Community Council Item -----,
as adopted by City of Toronto Council on February …2011
Enacted by Council: ----2011

CITY OF TORONTO

BY-LAW No. -2011

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands municipally known as 140 – 162 Broadview Avenue.

WHEREAS the Council of the City of Toronto has been requested to amend its Zoning By-law pursuant to Section 34 of the *Planning Act,* R.S.O. 1990, c.P. 13, as amended, with respect to lands known municipally in the year 2010 as 140 – 162 Broadview Avenue; and

WHEREAS the Council of the City of Toronto conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed Zoning By-law amendment; and

THEREFORE The Council of the City of Toronto HEREBY ENACTS as follows:

1. Pursuant to Section 37 of the *Planning Act*, the *heights* and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law including the provision by the *owner* of the *lot* of the facilities, services and matters set out in Appendix 1 hereof, to the City at the *owner's* sole expense in accordance with and subject to the agreement referred to in Section 2 of this By-law.

2. Upon execution and registration of an agreement or agreements with the *owner* of the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services or matters set out in Appendix 1 hereof, the *lot* is subject to the provisions of this By-law. Building permit issuance with respect to the *lot* shall be dependent upon satisfaction of the provisions of this By-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.

3. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the *City* pursuant to Section 37 of the *Planning Act*, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.

4. District Map No. 52H-311 contained in Appendix "A" of By-law No. 438-86. Being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto:, as amended, is further amended by:

(1) Redesignating 150 Broadview Avenue to "R3 Z2.0" from MCR T2.5 C2.0 R2.0".

5. None of the provisions of Section 2 "*loading space – type G*", Section 6(3) Part I 1, 6(3) Part II 3.A(II), 6(3) Part II 4, 6(3) Part II 5(I), 6(3) Part II 2(iii), 6(3) Part I 1, 6(3) Part III 1, 4(2), 4 (4), 4(12), 4(13) (a) & (c), 4(14)(a), 4(16), 8(3) Part II 1(a)(i), and Section 8(3) Part II 4(a) of Zoning By-law No. 438-86, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the erection and use of an *apartment building* (back-to-back, stacked townhouses) on the lands delineated by heavy lines on the attached Map 1 provided:

(a) The *lot* consists of the lands delineated by the heavy lines on Map 1 attached to and forming part of this By-law;

(b) No portion of any above grade building or structure to be erected or used on the *lot* shall extend beyond the building envelope delineated by the heavy lines on Map 2 attached to and forming part of this by-law; except the following:

(i) Outdoor terraces/balconies, lower patios, railings and privacy screens,
(ii) Accessory structures, gatehouse, garbage enclosure and stairs as outlined on Map 2,
(iii) Stair towers (roof top structure) as outlined on Map 2, and
(iv) Eaves, gutters, cornices, retaining wall and dormer windows.

(c) The *height* of the buildings on the *lot* shall not exceed the maximum *height* of 12.5 metres; except for the following:

(i) The stair tower (roof top structure) on Block 1 shall not exceed 14.0 metres and the parapet wall not exceed 12.5 metres; and
(ii) The stair tower (roof top structure) on Block 2 shall not exceed 14.3 metres and the parapet wall not exceed 12.8 metres.

(d) A maximum of 63 *dwelling units* shall be permitted on the *lot*;

(e) The maximum permitted *residential gross floor area* above and below *grade* on the *lot* shall not exceed 4,895 square metres;

(f) One Type G - loading space as defined in Section **7** below is provided with access from the rear public lane;

(g) A minimum of 40 *parking spaces* provided on the *lot* for 63 *dwelling units*;

Parking spaces on the *lot* shall be provided in accordance with the following minimum ratios;

Bachelor units	0.3 spaces per unit
1-Bedroom units	0.7 spaces per unit
2-Bedroom units	1.0 spaces per unit
3-Bedroom units	1.2 spaces per unit
Visitor	0.12 spaces per unit;

(h) Notwithstanding Section (g) above, no visitor *parking spaces* are required to be provided on the *lot*;

(i) A minimum of 48 *bicycle parking spaces* shall be provided on the *lot*. Of these, 38 shall be *bicycle parking spaces – occupants* and 10 shall be *bicycle parking spaces – visitor*;

(j) No indoor *residential amenity space* shall be provided within the buildings;

(k) The *outdoor residential amenity space* shall not adjoin indoor *residential amenity space*, however, the soft landscape open space shall to be provided on the *lot* shall be no less than 126 square metres in a consolidated area;

(l) Setbacks will be in accordance to as shown on Map 2.

6. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.

7. For the purposes of this by-law all words, terms and phrases appearing in italics shall have the same meaning as they have for the purpose of the aforesaid By-law No. 438-86, as amended, except the following:

(a) The following definitions shall apply:

(i) "Type G – loading space" means a loading space having minimum dimensions of 13m long by 4m wide with an unencumbered

vertical clearance of 6.1 m for the entire loading area, including the concrete pad abutting the front of the Type G loading space:

(ii) "*lot*" means the lands outlined by heavy lines on Map 1 attached to this By-law.

8. Despite any existing or future severance, partition or division of the *lot*, the provisions of this by-law shall apply to the whole of the lot as if no severance, partition or division occurred.

9. Within the *lot*, as shown on Map 1, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

(a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and

(b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this th day of , A.D. 2011.

ROB R. FORD,
Mayor

ULLIS S. WATKISS
City Clerk

(Corporate Seal)

Appendix 1
Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the *owner* of the *lot* at its expense to the *City* in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* with conditions providing for no credit for development charges, indexing escalation of financial contributions, indemnity, insurance, taxes, termination and unwinding, and registration and priority of agreement:

1. Prior to the issuance of the first building permit for the foundation of the first of the new buildings, the *owner* shall pay to the City the sum of $500,000 as cash-in-lieu of replacement of the existing seven (7) residential rental units to be paid to the City's Capital Revolving Fund for Affordable Housing for the purpose of constructing new affordable rental housing units;

2. The *owner* shall provide Tenant Relocation Assistance to the satisfaction of the Chief Planner and Executive Director, City Planning Division, that requires the *owner* to provide for each eligible tenant at 140 – 162 Broadview Avenue assistance that includes at least 5 months notice before being required to vacate for demolition, a moving allowance and other financial assistance on a sliding scale geared to the length of occupancy of each such tenant, with provisions for special needs tenants, provided;

   (i) The assistance shall be provided prior to the issuance of any permit to demolish any residential rental dwelling units on the *lot*; and

   (ii) An initial payment is to be made at the time that each tenant receives the Notice to Vacate for demolition.

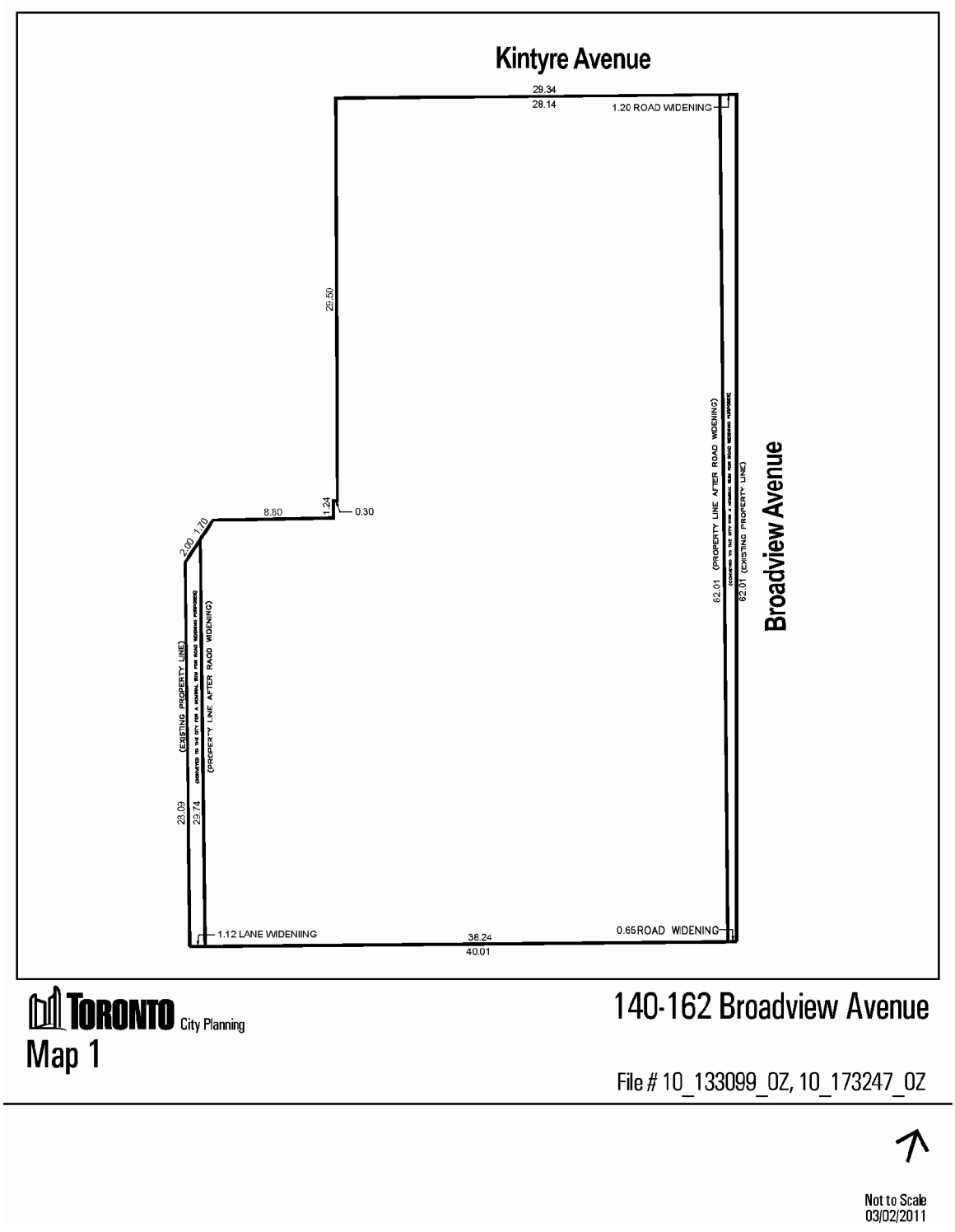
3. The *owner* shall pay for and construct any improvements to the municipal infrastructure in connection with the Functional Servicing Report, as accepted by the Executive Director of Technical Services, should it be determined that improvements to such infrastructure are required to support this development.

4. The *owner* shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee.

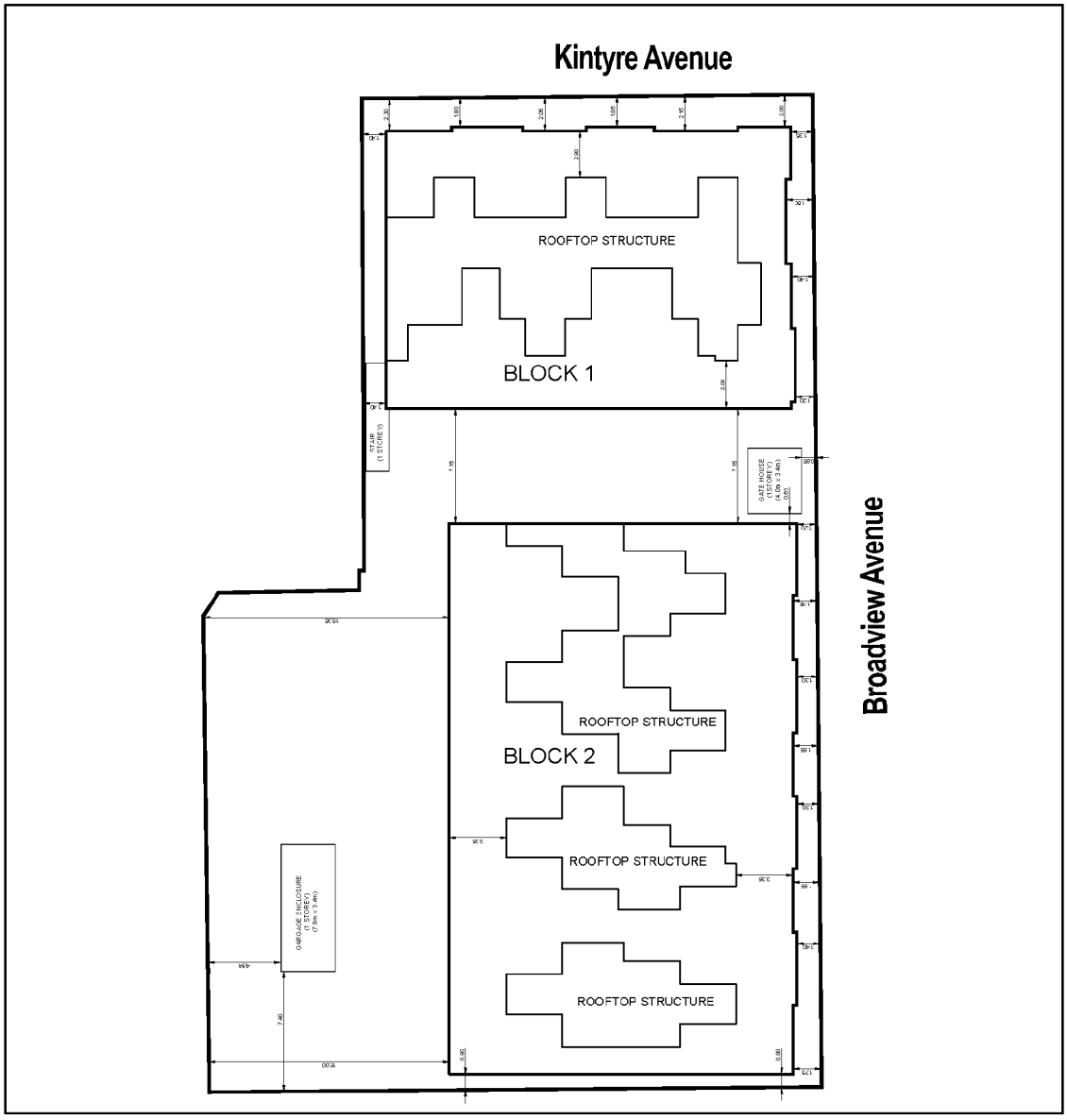
5. The *owner* of the *lot* entering into and registering on title to the *lot* one or more agreements with the City pursuant to Section 37 of the *Planning Act*, to the satisfaction of the City Solicitor, in consultation with the Chief Planner and Executive Director, City Planning Division, to secure the facilities, services and matters set forth in this Appendix 1.

6. Notwithstanding the foregoing, the *owner* and the *City* may modify or amend the said agreement(s), from time to time and upon the consent of the *City* and the *owner*, without further amendment to those provisions of this zoning by-law which identify the facilities, services and matters to be secured.

Map 1


Kintyre Avenue
29.34
28.14
1.20 ROAD WIDENING
25.50
8.80
1.24
0.30
2.00
1.70
(EXISTING PROPERTY LINE)
(PROPERTY LINE AFTER RAOD WIDENING)
23.09
23.74
62.01 (PROPERTY LINE AFTER ROAD WIDENING)
62.01 (EXISTING PROPERTY LINE)
Broadview Avenue
1.12 LANE WIDENIING
38.24
40.01
0.65 ROAD WIDENING
TORONTO City Planning
Map 1
140-162 Broadview Avenue
File # 10_133099_0Z, 10_173247_0Z
Not to Scale
03/02/2011

Map 2



TORONTO City Planning

Map 2

140-162 Broadview Avenue

File # 10_133099_0Z, 10_173247_0Z

Not to Scale
03/02/2011