

**89-101 Roehampton Avenue - Zoning Amendment
Application – Request for Direction Report**

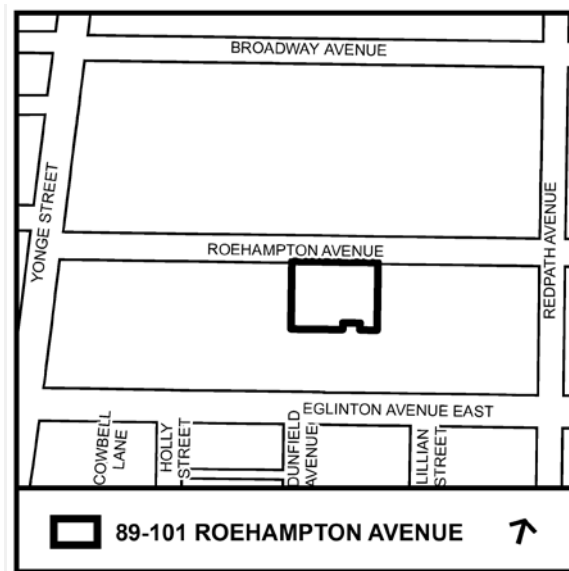
Date:	August 8, 2016
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 22 – St. Paul's
Reference Number:	16 112811 STE 22 OZ

SUMMARY

This application proposes a 36-storey rental apartment building containing 236 units at 89-101 Roehampton Avenue. The proposed tower would be attached to the existing 128-unit rental apartment building on the site and internally connected to it on the ground floor. An application for Rental Demolition and Conversion is not required.

The Zoning Amendment Application has been appealed to the Ontario Municipal Board ("OMB") by the applicant due to Council's failure to make a decision on the application 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 proposal at the OMB. The application is not supported by Staff for the reasons outlined in this report.

The application has not changed since Staff's May, 2016 Preliminary Report was submitted to Community Council and none of the significant issues raised in that report have been addressed. The application does not comply with the in-force policies of the Official Plan, nor with Council and Minister adopted policies in Official Plan Amendment 320, under appeal, nor the built form principles of the Yonge-Eglinton Secondary Plan Area.



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 89-101 Roehampton Avenue (16 112811 STE 22 OZ) for reasons including the following:
 - a. The proposal does not have regard for section 2(h) (j) (p) and (q) of the *Planning Act*.
 - b. The proposal is not consistent with applicable policies in the Provincial Policy Statement, does not conform with the Growth Plan for the Greater Golden Horseshoe and does not conform with the City of Toronto Official Plan.
 - c. The proposal represents overdevelopment of the site.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On May 10, 2016 Toronto and East York Community Council adopted the preliminary report for 89-101 Roehampton Avenue.

<http://www.toronto.ca/legdocs/mmis/2016/te/bgrd/backgroundfile-92206.pdf>

On August 5, 2016 the applicant appealed its proposal to the Ontario Municipal Board for Council lack of decision.

ISSUE BACKGROUND

Proposal

The application proposes a 36-storey rental apartment building containing 236 units. The proposed tower would be attached to the northeast corner of the existing rental apartment building on the site and internally connected to it on the ground floor.

The existing building contains 130 units, some of which would be reconfigured to accommodate the new structure. The proposed building steps back from Roehampton Avenue at the 2nd storey before rising to an 8-storey "base building". It then steps back again before rising another 28 storeys to the ultimate height of the tower (119 metres, including mechanical penthouse).

Additional details can be found in the chart below as well as the architectural drawings located in Attachments 1 to 5 and the application data sheet located in Attachment 9.

Category	February 4, 2016 Submission
Site Area	4,433.5 square metres
Tower Setbacks	
Roehampton Avenue	7.5 metres (from property line)
East Property Line	17.2 metres
West Property Line	5.715 metres
South Property Line	5.707 metres
Base Setback on Ground Floor (in addition to 7.5 m existing)	
Roehampton Avenue	0 metres
Tower Floorplate	
New Tower	1,092 square metres
Combined	1,517.52 square metres
Gross Floor Area	
Total Residential	26,718.8 square metres
Non-Residential	0 metres
Total	26,718.8 square metres
Floor Space Index	6.03
Number of Units	
Studio	48 (18 existing, 30 proposed)
1 Bedroom	204 (111 existing, 93 proposed)
2 Bedroom	103 (1 existing, 102 proposed)
3 Bedroom	11 (0 existing, 11 proposed)
Total	366 (130 existing, 236 proposed)
Ground Floor Height	5.3 metres
Sidewalk Width Roehampton Avenue (2 metres existing)	2 metres
Vehicular Parking (residential:visitor:non-residential)	237 (91:0:146 [leased to 120 Eglinton])
Bicycle Parking (residential:visitor: retail/office)	239 (214:25:0)
Loading Spaces	
Description	1 Type 'G'
Amenity Space	
Interior Residential	486.50 square metres
Exterior Residential	427.4 square metres
Total	913.90 square metres
Building Height	
New Tower	119 metres (36-storeys, height includes mechanical penthouse)

Site and Surrounding Area

The site is located on the south side of Roehampton Avenue, midway between Yonge Street and Redpath Avenue in the Yonge-Eglinton Centre. It is roughly square-shaped with a total site area of 4,433.5 square metres, a frontage of 76 metres and a depth of 59 metres. The site is currently occupied by a 19-storey rental apartment building containing 128 units and one 2-storey house form building, currently occupied for commercial use. According to the rent rolls submitted by the applicant, all of the existing 128 rental dwelling units have affordable or mid-range rents.

North: Roehampton Avenue and a 27-storey residential building at 70 Roehampton Avenue which includes the North Toronto Collegiate Institute as well as a 14-storey residential building at 100 Roehampton Avenue.

East: A 15-storey residential building. Continuing east are two approved 38 and 34-storey condominium apartment buildings at the corners of Roehampton Avenue and Redpath Avenue.

South: Directly south are a number of office buildings with retail uses at grade that front onto Eglinton Avenue East. Heights range from 7 to 11 storeys. An application has been submitted for a 39-storey, mixed-use residential building at 150 Eglinton Avenue East.

West: An 11-storey residential building at 77 Roehampton Avenue. Continuing west is Yonge Street. A two-tower development is currently under construction that fronts on Eglinton Avenue East and Roehampton Avenue with heights of 58 storeys (Yonge Street) and 36 storeys (Roehampton Avenue).

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; providing an appropriate range of housing types and affordability to meet projected requirements of current and future residents; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. Policy 4.7 states that the Official Plan is the most important vehicle for implementing the PPS. 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 including: directions for where and how to grow; the provision of infrastructure to support growth; providing housing options to meet the needs of people at any age; and protecting natural systems and cultivating a culture of conservation. The Growth Plan encourages intensification and envisions increased density in the Urban Growth Centres.

The Yonge Eglinton Centre is a designated Urban Growth Centre in the Growth Plan. City Council's planning decisions are required to conform, or not conflict, 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. A link to the Official Plan can be found here: http://www1.toronto.ca/static_files/CityPlanning/PDF/chapters1_5_dec2010.pdf

Chapter 2 – Shaping the City

Section 2.2.2 Centres: Vital Mixed Use Communities

The proposed development is located in the *Yonge-Eglinton Centre* which is centrally located in midtown Toronto. The *Centre* is at the crossroads of the Yonge subway line and the Eglinton Crosstown Light Rail Transit line now 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 characters 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 applicant is proposing to construct a tall building attached to an existing tall building. 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.

Section 3.2.1 (5) states that significant new development on sites containing 6 or more rental units, where the existing affordable and mid-range rental units will be kept in the new development, will secure the tenure of existing rental building and may secure improvements to the existing buildings at no extra cost to the tenants.

Chapter 4 – Land Use Designations

Section 4.2 Apartment Neighbourhoods

The proposed development is located in an *Apartment Neighbourhoods* designated area. *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 generally not intended for significant growth. Compatible infill, however, is contemplated on sites containing 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.

Infill development will also maintain an appropriate on-site residential amenity, provide existing residents with access to community benefits, maintain adequate sunlight, privacy and areas of landscaped open space, front onto public streets and provide pedestrian entrances from adjacent public streets. Furthermore, infill development in *Apartment Neighbourhoods* will provide adequate on-site, below grade, shared vehicular parking for both new and existing development, screen surface parking, preserve important landscape features and walkways, consolidate loading, servicing and delivery facilities and preserve or provide adequate alternative on-site recreational space for residents.

On December 10, 2015 City Council adopted OPA 320 as part of the ongoing review of the Official Plan Five Year Review. This amendment addresses changes to the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* sections of the Plan. The staff report can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG8.5>

Yonge-Eglinton Secondary Plan

The site is located in the Yonge-Eglinton Secondary Plan Area. 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 that a full range of housing options (form, tenure) be provided in the Yonge-Eglinton Area that is suitable for family and other households in that manner that is: "contextually appropriate and compatible with existing residential uses and residential built form."

The *Mixed Use Areas* in the Official Plan contain a mix of retail, service commercial, office and residential uses with the highest concentration at Yonge Street and Eglinton Avenue and a smaller concentration at the Yonge/Davisville subway station (see Attachment 8).

Commercial development will be strengthened in the Yonge-Eglinton Area, specifically, the following will be supported:

- street related retail and service uses in the *Mixed Use Areas* except Area 'E';
- office commercial uses in the *Mixed Use Areas* 'A', 'B', 'C'; and 'D'; and
- restricted retail uses in *Mixed Use Area* 'E'.

New development in the Yonge-Eglinton Secondary Plan Area will protect the scale of development in *Neighbourhoods* while minimizing impacts (shadowing, overlook, loss of skyview) on lower scale built form in *Neighbourhoods*. New development will transition in height and scale from developments in *Mixed Use Areas* and *Apartment Neighbourhoods* to *Neighbourhoods*, particularly when higher density designations about a *Neighbourhood*.

The Yonge-Eglinton Secondary Plan states that the highest densities will be located in *Mixed Use Area 'A'*, with developments of a lesser scale located in *Mixed Use Areas 'B', 'C' and 'D'*. Higher density development is permitted in *Apartment Neighbourhoods* with nearby subway station access. Reduced parking requirements are permitted in the Yonge-Eglinton Secondary Plan Area where it can be demonstrated that projected travel can be accommodated by means other than the automobile. Bicycle linkages, facilities and new pedestrian connections will also be encouraged.

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

Development within the Yonge-Eglinton Secondary Plan Area will satisfy the requirements of the Growth Plan for the Greater Golden Horseshoe, transition down in height from Yonge Street and Eglinton Avenue east towards Mount Pleasant Avenue, be compatible with the character of existing *Neighbourhoods* and maintain a high quality of residential amenity. Investment in public transit infrastructure will be a priority in the Yonge-Eglinton *Centre*.

Tall Building Design Guidelines

In May 2013, City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning Staff to use the Guidelines in the evaluation of tall building development applications.

The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The Guidelines are available at:

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

Midtown in Focus- OPA 289

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 urban design framework of Midtown in Focus supports the public realm policies of the Official Plan as well as the Yonge-Eglinton Secondary Plan.

On August 25, 2014, City Council adopted the report from the Chief Planner on Midtown in Focus – the Parks, Open Space and Streetscape Plan ("Public Realm Plan") for the Yonge-Eglinton Area.

<http://www1.toronto.ca/wps/portal/contentonly?vnextoid=d421bf26585a2410VgnVCM10000071d60f89RCRD>

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. The proposed Secondary Plan amendments are currently under appeal at the OMB.

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

The adopted Secondary Plan amendments outline 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 that improvements be made 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 Secondary Plan 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. All development in the Midtown Character Area will advance the implementation of the five place-making moves which includes the Park Street Loop.

Furthermore, development applications will demonstrate that they: respect, reinforce and extend the landscaped open space setbacks of buildings from streets that are prevalent in the Midtown Character Area and contribute to the open space system, provide sufficient space within the public street rights-of-way for pedestrian and cycling infrastructure and encourage community activities in the public realm through programming, activation and the provision of safe, accessible and inviting spaces.

The site is situated along Roehampton Avenue, a component of the Park Street Loop, one of the five place-making moves in the Yonge-Eglinton Secondary Plan (See Attachment 9). The Park Street Loop is a trail that is intended to be designed as a publicly-accessible, multi-purpose green promenade with wide pedestrian clearways, cycling facilities and landscaping. Buildings are required to be set back 7.5 metres from the property line at the street. Any underground structures will be designed to allow for permanent high-branching trees. A potential mid-block connection is also contemplated in this area.

The subject application was submitted after the City Council adoption of the Midtown in Focus Public Realm Plan and the amendments to the Secondary Plan (OPA 289). These policies are currently under appeal at the Ontario Municipal Board and although not determinative, they inform Staff's position and are the adopted policies of City Council.

Yonge-Eglinton Secondary Plan Review

The City Planning Division is leading an inter-divisional review of growth, built form and infrastructure issues in the Yonge-Eglinton area. The Growth, Built Form and Infrastructure Review will inform the development of up-to-date policy that will guide growth in the area and, in combination with necessary capital upgrades identified through the review, support the vitality and quality of Midtown Toronto.

The review began in mid-2015 and has three key activities:

1. Growth Analysis which includes completing a demographic and economic profile of the area, undertaking an evaluation of growth trends, and completing an analysis of potential near, medium and longer term growth estimates.

2. Built Form Study which will analyse built form character, trends and impacts and develop a built form vision to guide the area's evolution. In addition, a Cultural Heritage Resource Assessment is being undertaken which will identify properties of cultural heritage value or interest and outline recommendations for further study, conservation, listings and designations.

3. Infrastructure Review of the performance and capacity of key infrastructure – community services and facilities, transportation, water, wastewater and stormwater – and a gap analysis informed by the growth estimates to identify emerging infrastructure priorities.

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 consider the draft built form principles contained in the report in the review of development applications in the Yonge-Eglinton Secondary Plan Area.

The report also directs staff, in consultation with other divisions and agencies, to 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.

Capital upgrades to municipal servicing in the area have been informed by the City's previous population and employment projections and estimates produced in support of the Eglinton Connects study in 2013. These estimates have been surpassed by the accelerating scope of development applications in the area and additional analysis is required to ensure that sufficient capacity exists to support continued growth and intensification.

The draft built form policies are organized by Area Structure, Public Realm and Open Space, Walkability and Comfort and Heritage and Landmarks. They are listed as follows:

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 reinforces the area structure when viewed from key vantage points within the broader city.
- Maintain and reinforce the stability of low-rise neighbourhoods through the use of different approaches to transition in growth areas that reflect prevailing character and minimize shadow and privacy impacts.
- Respect and enhance the scale, character and form of Midtown Villages and in particular the historic streetwall, narrow frontages and distinct cornice lines.

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.
- Identify opportunities to celebrate the area's historic resources and history within the public realm.

Walkability and Comfort

- Locate, design and mass buildings to preserve skyview, 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.

Heritage and Landmarks

- Reinforce the scale, character, form and setting of heritage resources and heritage conservation districts through sensitive massing and placement of new buildings to lend prominence to these resources as symbols of the area's rich history.
- Frame, conserve and accentuate views to key heritage resources, landmarks and other important sites through the massing and articulation of development.
- Provide frontage on major pedestrian routes for community infrastructure and ensure facilities have good visibility, access and civic prominence.

As per Council direction, the draft built form principles were considered in the review of this application.

Official Plan Amendment 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 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 site in *Apartment Neighbourhoods*. The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016. The Ministry received 57 appeals to OPA 320 and it has been appealed in its entirety. On July 22, 2016, the owner of the subject site appealed OPA 320 on a site specific basis.

Of particular relevance are the proposed amendments to the *Apartment Neighbourhood* Policies of the Official Plan. Policy 3, renumbered as Policy 4, was amended in part as follows:

"Compatible infill development may be permitted on a site containing one or more existing apartment buildings that has sufficient underutilized space to accommodate one or more new building(s) while improving site conditions and providing good quality of life for both new and existing residents including: maintaining or replacing and improving indoor and outdoor amenity space and landscaped open space, maintaining adequate sunlight and privacy for residential units, maintaining sunlight on outdoor amenity space and landscaped open space, and improving pedestrian access to the buildings from public sidewalks and through the site. Infill development, including additions to an existing apartment building, that may be permitted on a site containing one or more existing apartment building(s) will:

- a) meet the development criteria set out in Section 4.2.2;
- b) respect the scale, including height and massing, of the existing apartment building(s) on and adjacent to the site, and **not create high-rise additions to existing apartment building(s)** (emphasis added) on the site;

c) maintain separation distances between buildings on and adjacent to the site so as to achieve adequate sunlight and privacy;

(...)"

The intent of this policy is to prevent tower additions to slab and other tower form buildings. Proposals for this form of development have been considered by the City in the last several years raising concerns about over development and associated impacts for existing residents and neighbouring properties. These policies although not determinative, inform Staff's position on the proposal and represent City Council's adopted policy on appropriate built form.

OPA 320 also introduces a new Healthy Neighbourhoods Policy 2 respecting development in *Apartment Neighbourhoods* as follows:

"*Apartment Neighbourhoods* are residential areas with higher density than *Neighbourhoods* and are considered to be physically stable. Development in *Apartment Neighbourhoods* will be consistent with this objective and will respect the criteria contained in Policies 4.2.2 and other relevant sections of this Plan. However, on sites containing one or more existing apartment building(s) sensitive infill development that improves existing site conditions may take place where there is sufficient space to accommodate additional buildings while providing a good quality of life for both new and existing tenants; including maintaining or replacing and improving indoor and outdoor amenity space and landscaped open space, maintaining sunlight and privacy for residential units, and maintaining sunlight on outdoor amenity space and landscaped open space, provided such infill is in accordance with the criteria in Policies 4.1.10, 4.2.3 and other policies of this Plan. *Apartment Neighbourhoods* contain valuable rental housing apartment buildings that often need physical and social renewal and transformation to achieve an improved living environment."

Additionally, OPA 320 amends Policy 5 in Section 3.2.1, Housing and indicates that new development on sites with six or more rental units where the rental units are to be kept **should** (emphasis added) secure through Section 37 of the *Planning Act* any needed improvements and renovations to the existing rental housing units and associated amenities to extend the life of the building(s) that are to remain, without pass-through costs to tenants.

Zoning

The site is zoned R2 Z2.0 in Zoning By-law 438-86, as amended. There is a permitted height of 38.0 metres. The R2 zoning permits a variety of residential uses. The site is also zoned R (d2.0) (x912) in Zoning By-law 569-2013, as amended. The permissions are largely the same in 569-2013 as in 438-86.

Site Plan Control

A site plan application is required for the proposal but has not been submitted.

Reasons for the Application

A zoning by-law amendment is required because the proposed development, among other matters, exceeds the height and density permissions in the in-force zoning by-law.

Community Consultation

On June 28, 2016 a community consultation session was held for the applications at 89-101 Roehampton Avenue and 55-65 Broadway Avenue. Concerns raised about the development 89-101 Roehampton Avenue included: the scale of the development, removal of green space, blocking of views in the reconfigured units, construction nuisance, floor plate size and tower separation. Existing tenants also expressed concern about the condition of the building at 101 Roehampton and whether it would be improved as part of the application. Concerns were also raised about access and provision of amenity. General concerns were also raised about the pace and volume of construction in the Yonge-Eglinton Secondary Plan area.

COMMENTS

Provincial Policy Statement, Provincial Plans and the Planning Act

The Provincial Policy Statement, 2014 (PPS) provides for a coordinated and integrated approach to planning matters within municipalities. Policy 1.4.3 c) requires that development be directed to "locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs". Staff have begun a review of the Yonge-Eglinton Secondary Plan, although information is not currently available on hard infrastructure, Staff are uncertain whether sufficient capacity is available for all the new development in the area. Staff have, however, identified a number of deficiencies in public service facilities. Staff are concerned that the development in the Yonge-Eglinton Centre may be outpacing hard and soft infrastructure. Lastly, Policy 4.7 of the PPS states that: "the Official Plan is the most important vehicle for implementation". The application fails to conform to a number of policies in the Official Plan and, as such, does not comply with the PPS.

The application largely complies with the policies in the Growth Plan for the Greater Golden Horseshoe. However, Policy 6 g) of the Growth Plan requires that municipalities develop and implement through their official plans and other supporting documents, a strategy and policies to phase in and achieve intensification and the intensification targets of the plan, with policies that will: "identify the appropriate type and scale of development in *intensification areas*".

The application is of a type and scale that fails to respond to its planned and built context and does not comply with Council adopted guidelines. Furthermore, it is of a type and scale that Council has determined is not appropriate for intensification within *Apartment Neighbourhoods*, through the Minister-approved OPA 320, currently under appeal. In this aspect, the application does not conform to the policies of the Growth Plan.

The application does not have regard to Section 2 of the *Planning Act*, specifically Sections 2 (p) and (r). While the site can accommodate some intensification, Staff disagrees with the proposed built form and do not believe it to be a good design. This is reflected in Minister-approved Official Plan Amendment 320 as well as the City of Toronto's Consolidated Tall Building Design Guidelines. For this reason as well, Staff disagrees that the location is appropriate for this type of growth and development.

Land Use

The application proposes residential uses in an area designated *Apartment Neighbourhoods* in the Official Plan. The proposed use is permitted.

Site Organization

The site is organized as a single tower development where the proposal is an addition to an existing 19-storey rental building. The addition is proposed to be connected at the lobby with the new amenity being located in the addition. As attached buildings, the proposed apartment towers would not achieve the 25 metre building separation distance set out in the Tall Building Design Guidelines.

There are currently two drive aisles proposed, leading to underground parking. Staff prefer to consolidate the servicing and eliminate multiple curb cuts in the public realm. A large amount of surface parking is also proposed to be retained. Staff object to maintaining these paved surfaces when opportunities to add outdoor amenity space could be explored.

The proposed addition, as well as the existing building, is set back 7.5 metres from the property line on Roehampton Avenue in accordance with the Midtown in Focus Public Realm Plan and OPA 289. Staff are also exploring the possibility of a new mid-block connection through the site to implement OPA 289. The applicant has indicated that it is amenable to exploring this as well.

Density, Height, Massing

The Tall Building Design Guidelines encourage properly located, slim towers (750 m² maximum excluding balconies) that cast thin, fast moving shadows and improve sky views with appropriate setbacks. For floor plates over 750 m², the shape and articulation of towers can diminish the impact of their overall scale and massing. The overall effect of the proposal would be to create a new slab building on a site where a modestly proportioned tower exists currently. The combined floor plate of the proposed tower is approximately 1,092 square metres. This is larger than the recommended maximum floor plate for tall buildings in the Tall Building Design Guidelines. Floor plates are recommended to be a maximum of 750 m² in order to minimize the length of time shadow is cast on an area, preserve sky view and reduce micro-climatic effects. Although there are contextual buildings with these larger floor plates in the area, they are not the height of the proposal. Furthermore, the addition to the existing building extends the floor plate in the east-west direction which increases the impact on the public realm as well as the future Park Street Loop, whereas a north-south orientation would have less impact.

The typology of the proposal is also contextually inappropriate. In the northeast quadrant of the secondary plan, there are slab buildings as well as point towers with a base typology. The proposal as designed is essentially a slab to the 19th storey, after which it becomes a tower on a 19-storey base. This does not comply with Policy 2.3.1.1 of the Healthy Neighbourhoods policies which requires that development within *Apartment Neighbourhoods* "respect and reinforce the existing physical character of buildings, streetscapes and open space patterns." Furthermore, it does not comply with Policy 3.1.2.1 which requires that new development be "located and organized to fit with its existing and/or planned context" nor with Policy 3.1.3.1 of the Official Plan which requires that tall building towers fit harmoniously into their existing and/or planned context.

The proposed reconfigured units also create an undesirable westerly facing condition, where units in the old building will now have an 11 metre separation distance to their neighbours, negatively affecting their quality of life. This is contrary to Policy 4.2.3 of the Official Plan that states: "infill development may be permitted on a site containing an existing apartment that has sufficient underutilized space to accommodate one or more new buildings while providing good quality of life for both new and existing residents.", it goes on to state that new development will "maintain adequate sunlight, **privacy** (emphasis added) and areas of landscaped open space for both new and existing residents". The proposed built form removes landscaped open space and decreases privacy for existing residents.

The proposed addition to a tall building does not conform to the Minister-approved Official Plan Amendment 320. The purpose of this Official Plan Amendment is to amend the *Neighbourhoods*, *Apartment Neighbourhoods* and Healthy Neighbourhoods policies of the Official Plan. *Apartment Neighbourhoods* Policy 3, renumbered as Policy 4, was amended to include the following criterion regarding the consideration of infill development on sites with one or more existing apartment buildings: " b) respect the scale, including height and massing, of the existing apartment building(s) on and adjacent to the site, and **not create high-rise additions to existing apartment building(s)** (emphasis added) on the site." The proposal seeks to create a high-rise addition to an existing apartment building and, therefore, does not comply with OPA 320.

On July 12, 2016 City Council directed Staff to use the built form principles adopted through the Yonge-Eglinton Secondary Plan study in the review of development applications. The proposal at 89-101 Roehampton, fails to meet a number of these draft principles. In particular, the proposal fails to:

- Organize growth to achieve a hierarchy of intensity of use, building heights and densities;
- Maintain and reinforce the stability of low-rise neighbourhoods through the use of different approaches to transition in growth areas that reflect prevailing character and minimize shadow and privacy impacts;

- 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;
- Locate, design and mass buildings to preserve skyview, allow daylight and sunlight to penetrate to the street and lower building levels and ensure good wind conditions in all seasons; and

Amenity Space

The existing building on the site provides limited amenities for existing residents, consisting primarily of some storage lockers. Policy 4.2.3 (b) of the City of Toronto Official Plan states that infill development will: "maintain an appropriate level of residential amenity on the site", and Policy 4.2.3(c) states that it will: "provide existing residents with access to the community benefits where additional height and/or density are permitted".

The existing apartment building on the site is deficient in amenities and services that may not have been provided when the building was constructed, or were removed later. The applicant is proposing to create new amenity space and this is a welcome part of the proposal, however, the amount being provided should be increased to reflect the needs of the existing residents. The outdoor amenity space, in particular could be increased by removing the surface parking on the site. In addition, Staff have received correspondence from existing residents concerned that the new amenities will be accessed from the shared lobby, so they will have to descend to the lobby and walk across to the new building in order to access them. Although Staff are not supportive of tower additions to existing tall building, opportunities should be explored to create "mid-tower" connections to the new amenity as is common in new residential buildings, should this proposal be approved in some fashion.

Traffic Impact and Parking

City Staff have reviewed the traffic impact of the proposal and concur with the conclusions of Traffic Impact Statement provided by the applicant which states that the proposal will have minimal impacts at the intersections within the area. Staff note that the parking supply proposed for the development does not meet the Zoning By-law requirements. The applicant is required to submit a parking demand study based on surveys conducted at proxy sites that are similar in use, scale and area context to support the recommended resident parking rate of 0.24 spaces per unit. Furthermore, the transportation consultant must clarify the discrepancy in the number of parking spaces currently being leased to 120 Eglinton Avenue East (146 spaces) and that approved by the Committee of Adjustment (111 spaces).

The drive aisles proposed in the development do not comply with the zoning by-law standard. The existing drive aisles are exempt, but the aisles in the addition must comply.

Servicing

The application currently shows one Type G loading space which is the zoning by-law requirement. However, the loading space is within an at-grade parking drive aisle, which is not acceptable. The applicant must revise the design to provide a designated loading area which will not obstruct the movement of vehicles within the surface parking lot.

Open Space/Parkland

The Development Applications Unit of the Parks, Forestry and Recreation Division has reviewed the plans prepared by Quadrangle Architects.

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 subject lands are in an area with 0.43 to 0.79 hectares of local parkland per 1,000 people, the second lowest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

The application is for an additional tower attached to the existing 19-storey residential rental building. The existing rental building will remain with a total footprint of 508.94 m². The remaining site area of 3,924.56 m² was used to calculate the parkland dedication.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 3,146.7 m² or 80% of the site area. 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. In total, the parkland dedication requirement is 392 m².

Tenure

The tenure of the proposal is rental.

Rental Housing

Staff have reviewed the Housing Issues Report and require additional clarity from the applicant with respect to securing the existing rental units, all of which have affordable or mid-range rents. This report cites the City's rental intensification policy (3.2.1.5), but does not state that the existing 128 existing rental dwelling units would be secured as rental units for a period of 20 years, with no application permitted during that period for demolition or conversion to ownership tenure. Instead, the report states that the "Section 37 Agreement 'may' include securing the rental tenure for at least 20 years" and "the retention of the existing rental units including tenure... 'could' be secured through a Section 37 Agreement".

The applicant will also be required to provide additional information with respect to the proposed amenity and facility improvements, tenant relocation and assistance plan to be provided to all tenants living within the rental dwelling units to be reconfigured and a construction mitigation strategy.

Section 37

Section 37 of the Planning Act allows the City to enter into an agreement with an applicant to grant 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 Agreement between the applicant and the City would be established if the project is ultimately approved by the OMB. Since 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 this application proceeds to a full OMB hearing and the OMB grants additional density and/or height beyond that which is permitted in Zoning By-law 438-86, the City will request that the OMB withhold its final order until the City has an agreement with the applicant to secure the appropriate community benefits. Such benefits could include contributions (as deemed appropriate by City Council) for:

- public realm improvements in the Yonge-Eglinton area per the Midtown in Focus Parks, Open Space and Streetscape Plan.
- additional community services and facilities in the Yonge-Eglinton Secondary Plan Area.

CONCLUSION

The proposal does not comply with the in force Official Plan, or Minister-approved Official Plan Amendment 320. City Planning Staff have generally not supported tower additions to existing tall buildings as a form of intensification within *Apartment Neighbourhoods* as it tends to create or exacerbate negative impacts from 'slab style' buildings. The application has not changed from the original submission and none of the issues outlined in the preliminary report have been addressed.

Slab style buildings typically have greater negative impacts to the public realm than point towers which can include: increased shadowing, loss of skyview, increased micro-climatic or wind effects and diminished pedestrian experience on the ground level. The Minister-approved, *Apartment Neighbourhood* policies in OPA 320, under appeal, prohibit the type of built form proposed in the subject application. For these reasons, Staff do not support the proposed development.

CONTACT

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Tel. No. 416-392-0459
E-mail: gcescat@toronto.ca

SIGNATURE

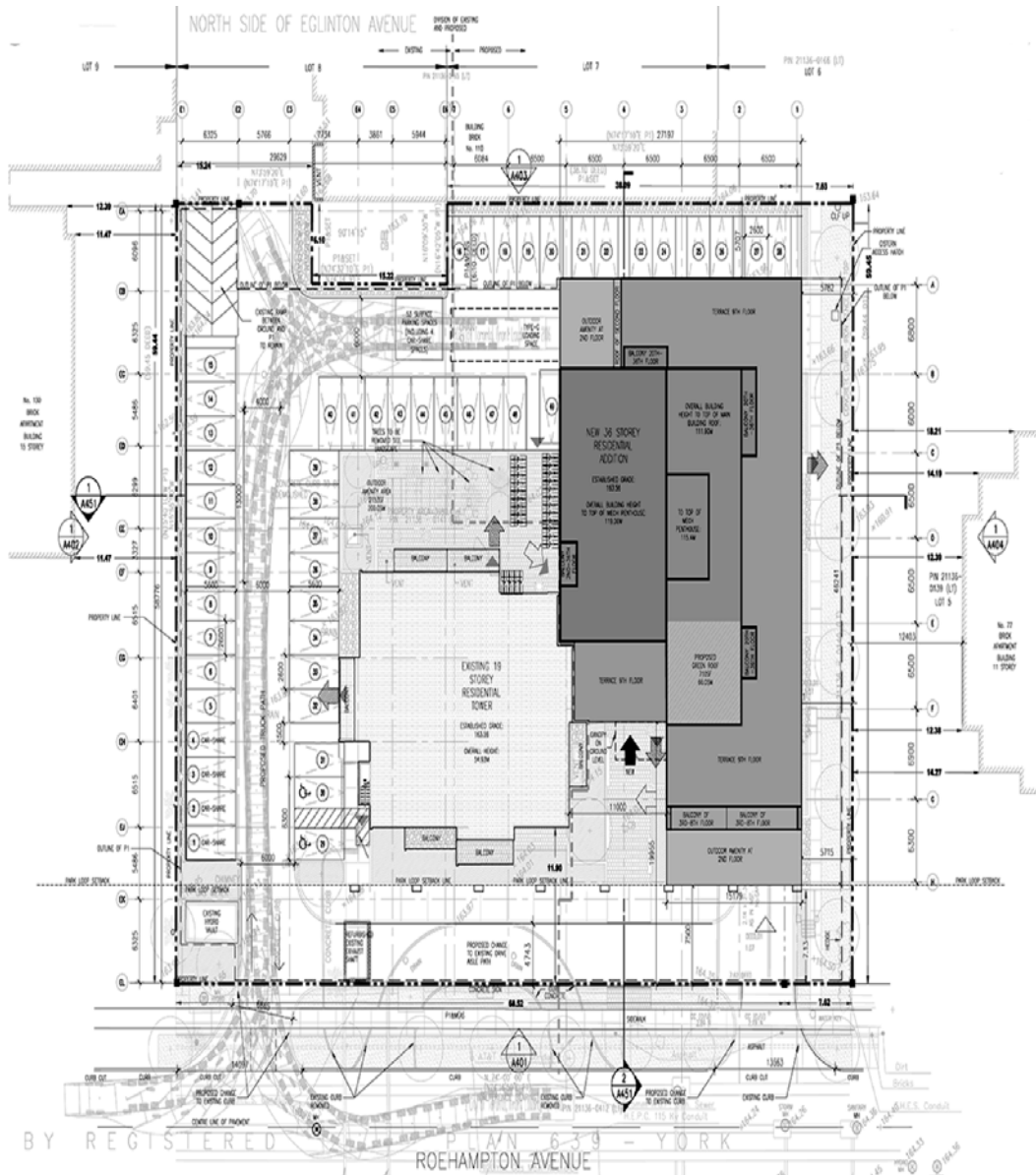
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: North Elevation
Attachment 3: East Elevation
Attachment 4: South Elevation
Attachment 5: West Elevation
Attachment 6: Zoning
Attachment 7: Official Plan
Attachment 8: Yonge-Eglinton Secondary Plan
Attachment 9: Five Place Making Moves (Under Appeal)
Attachment 10: Application Data Sheet

Attachment 1: Site Plan



Site Plan

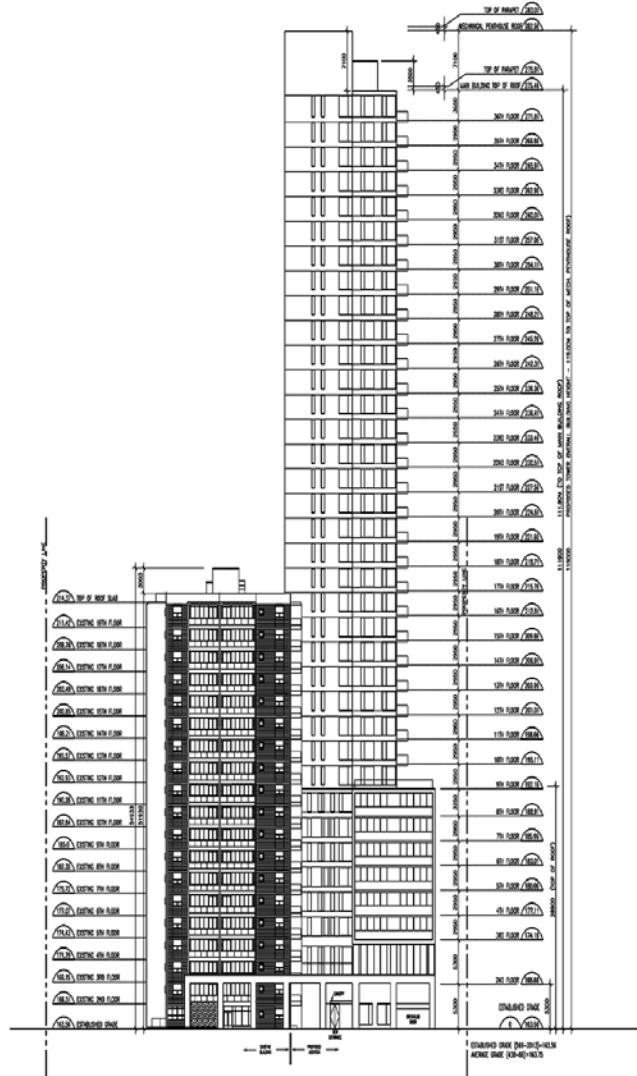
Applicant's Submitted Drawing

Not to Scale
03/14/2016

89-101 Roehampton Avenue

File # 16-112811

Attachment 2: North Elevation



North Elevation

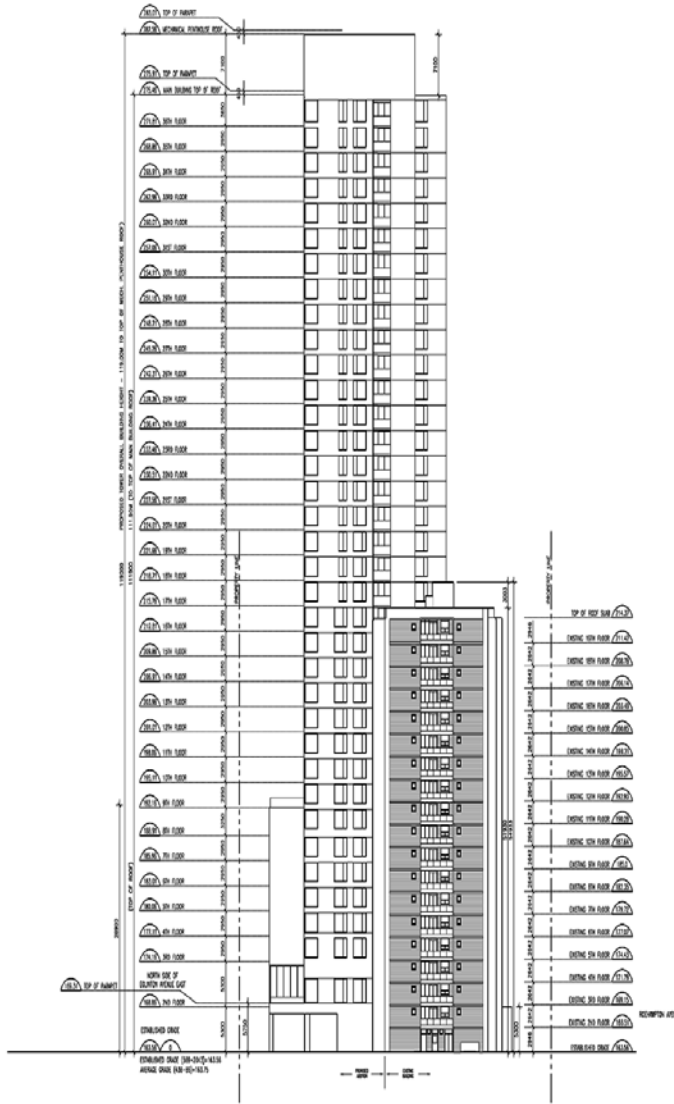
Applicant's Submitted Drawing

Not to Scale
03/15/2016

89-101 Roehampton Avenue

File # 16-112811 STE 22 0Z

Attachment 3: East Elevation



East Elevation

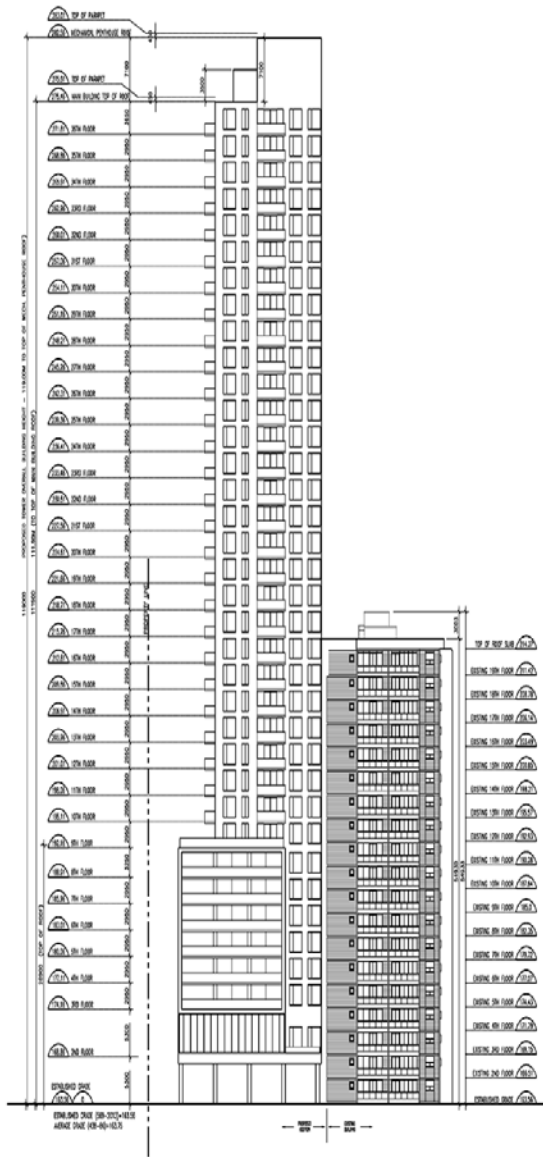
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Applicant's Submitted Drawing

File # 16-112811 STE 22 0Z

Not to Scale
03/15/2016

Attachment 4: South Elevation



South Elevation

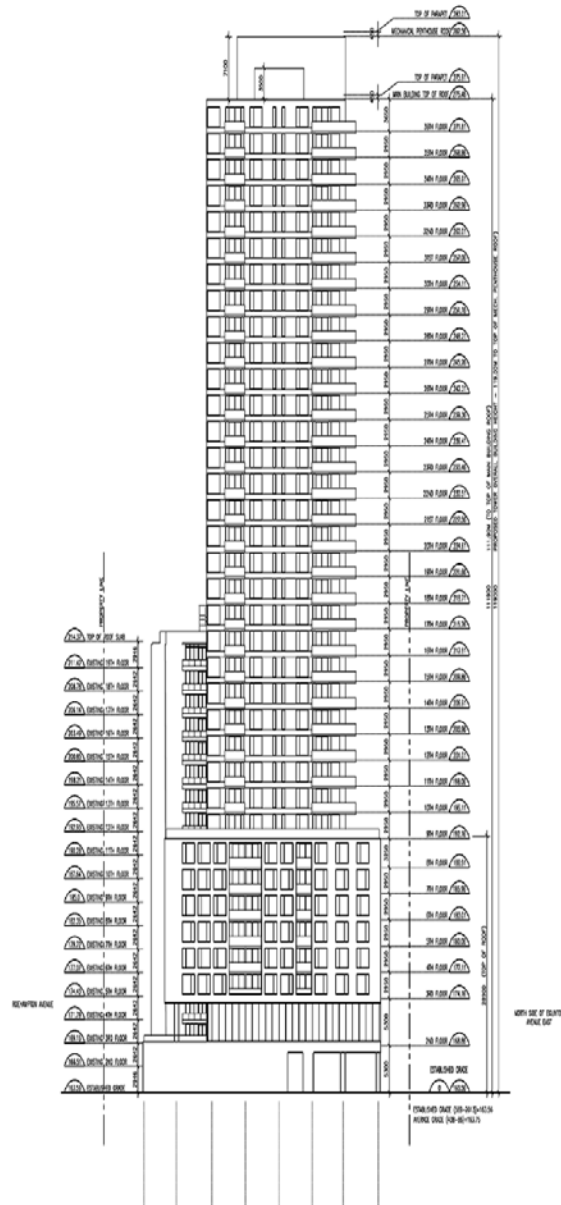
Applicant's Submitted Drawing

Not to Scale
03/15/2016

89-101 Roehampton Avenue

File # 16-112811 STE 22 02

Attachment 5: West Elevation



West Elevation

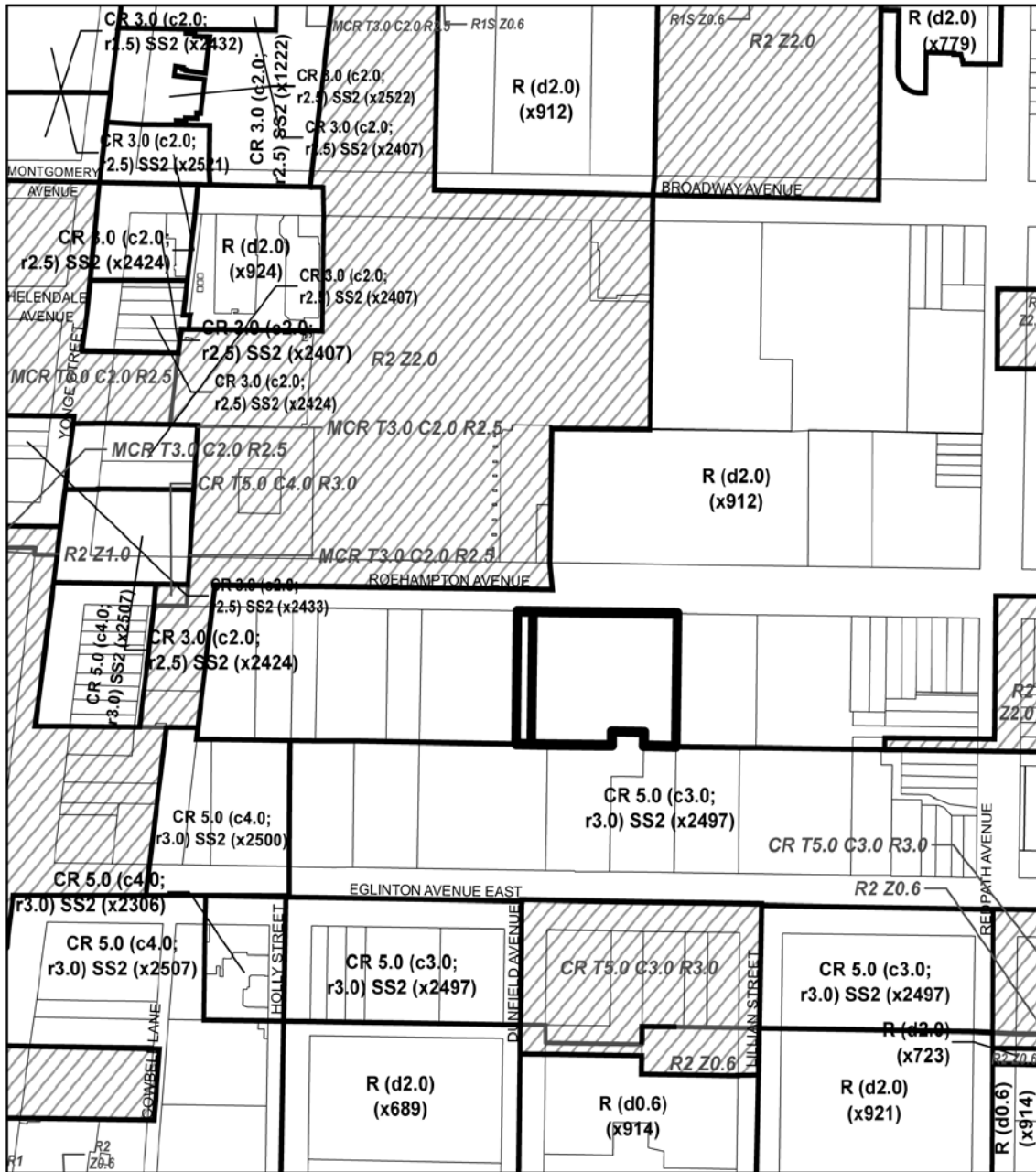
Applicant's Submitted Drawing

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03/15/2016

89-101 Roehampton Avenue

File # 16-112811 STE 22 0Z

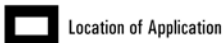
Attachment 6: Zoning



Zoning By-Law No. 569-2013

89-101 Roehampton Avenue

File # 16-112811 STE 22 0Z



Location of Application

R Residential

CR Commercial Residential



See Former City of Toronto By-Law No. 438-86

R2 Residential District

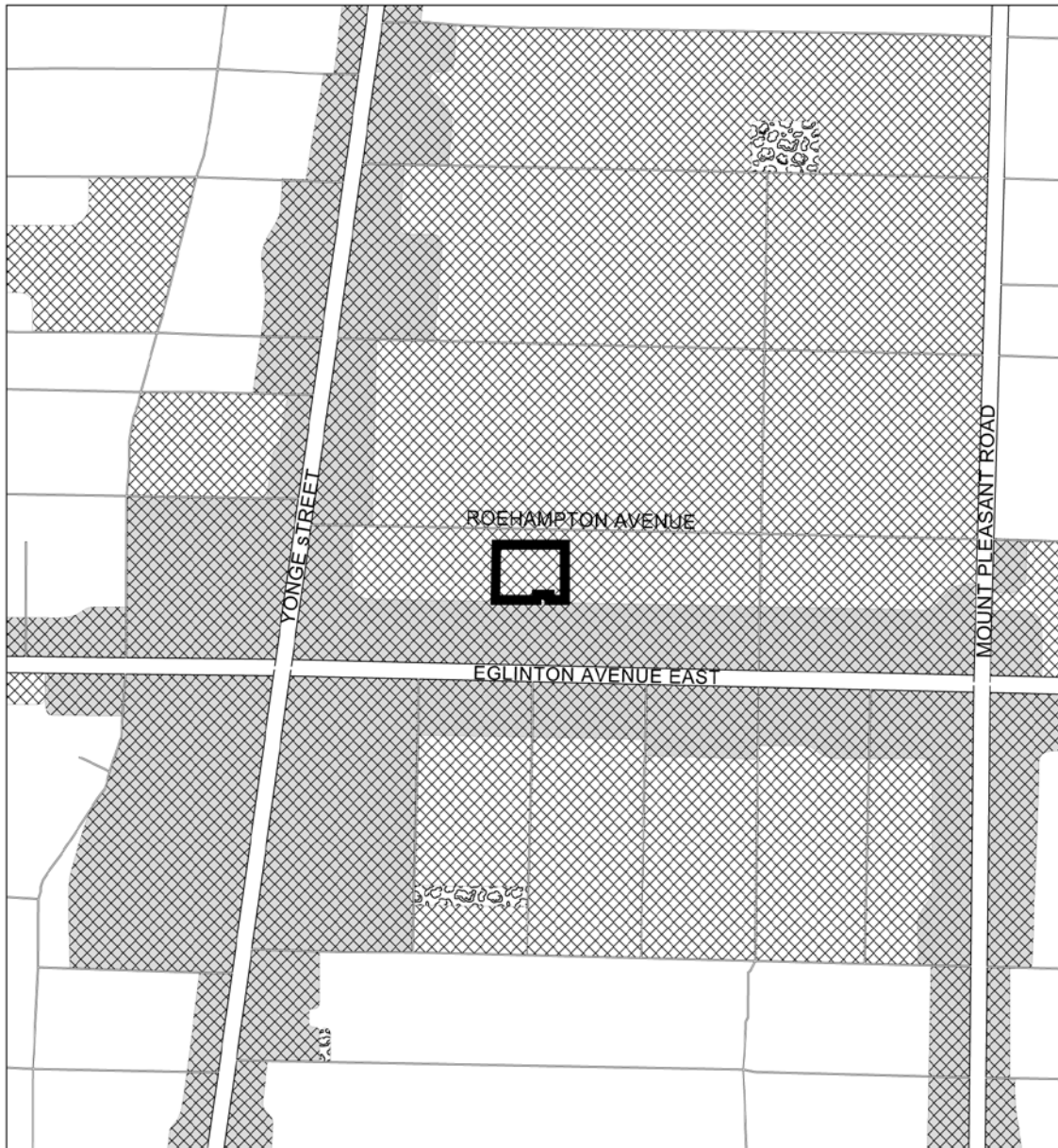
CR Mixed-Use District

MCR Mixed-Use District



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Extracted: 03/15/2016

Attachment 7: Official Plan



Extract from Official Plan

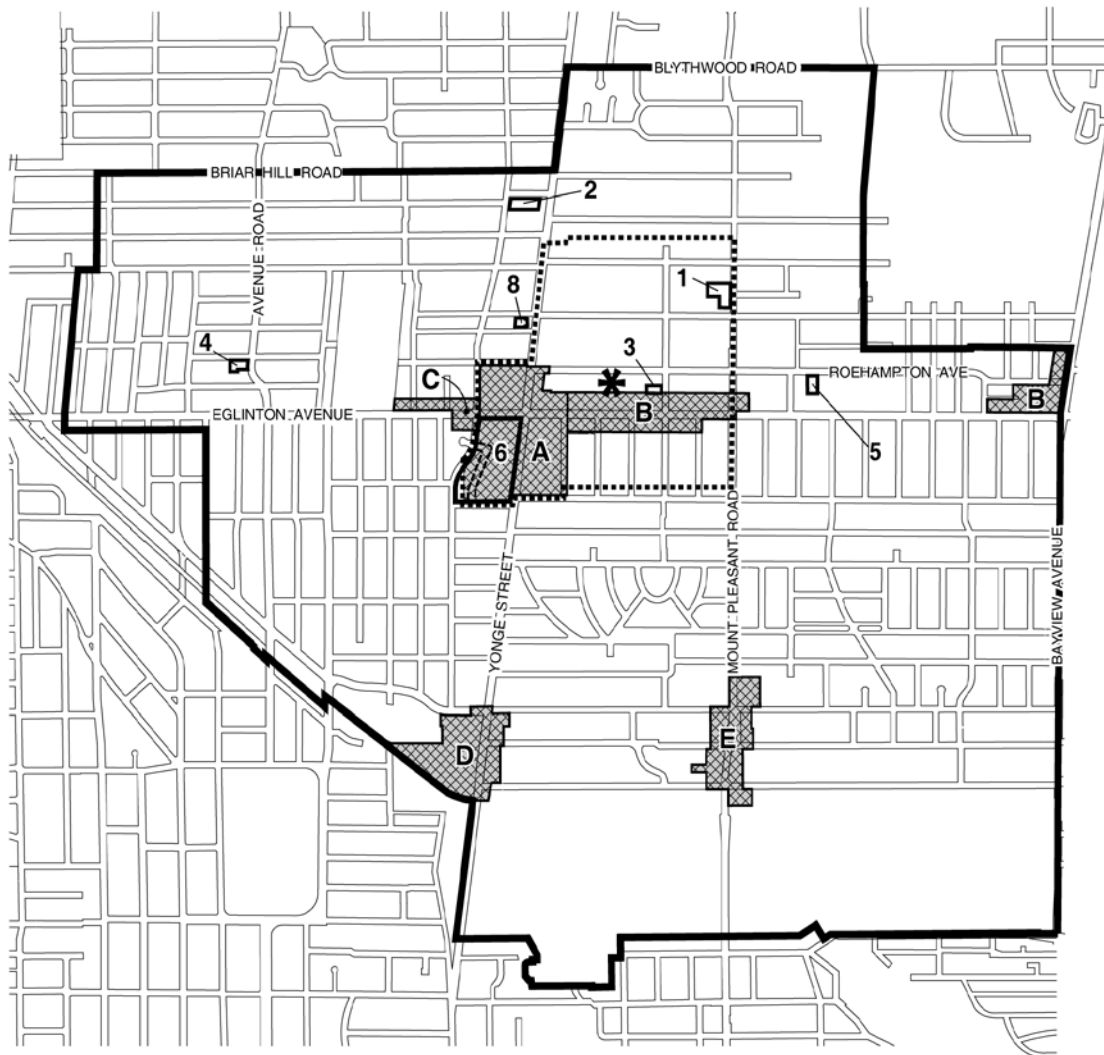
89-101 Roehampton Avenue

File # 16 112811 STE 22 0Z



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 03/16/2016

Attachment 8: Yonge-Eglinton Secondary Plan



- * Subject Site
- Secondary Plan Boundary
- Yonge-Eglinton Centre
- Mixed Use Areas
- 1 Site and Area Specific Policies
- Proposed Road

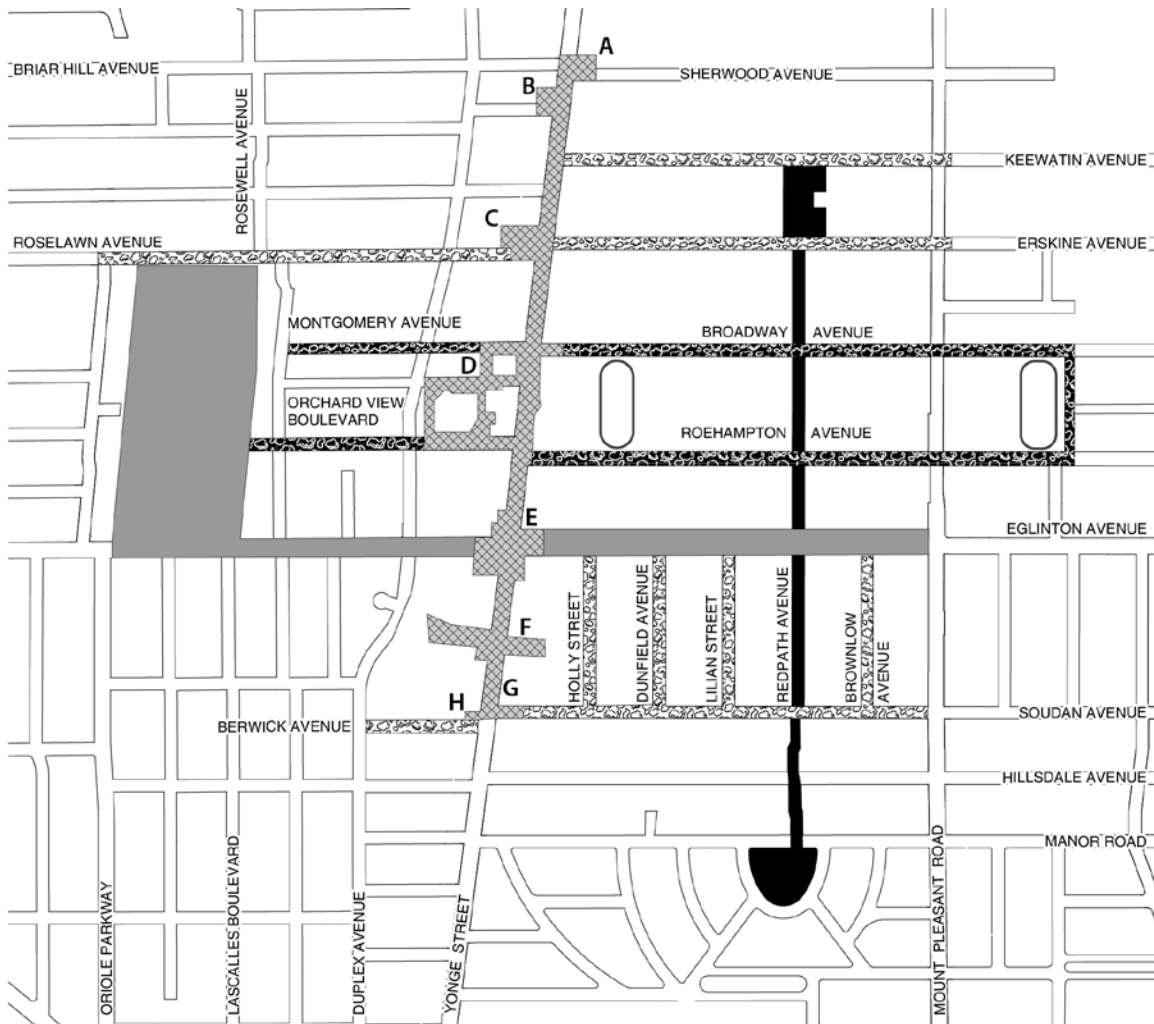
Yonge Eglinton Secondary Plan
 Map 21 Land Use Plan (July 2014)

89-101 Roehampton Avenue

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 03/18/2016

File # 16 112811 STE 22 0Z






Attachment 9: Five Place Making Moves (Under Appeal)



Not to Scale 

Yonge-Eglinton Secondary Plan

MAP 21-3 Five Place-Making Moves for the Midtown Character Area

 Eglinton Green Line	Yonge Street Squares	
 Yonge Street Squares	A Sherwood Square	E Yonge-Eglinton Crossroads
 Park Street Loop	B St. Clemens Square	F Quantum Square
 Greenways	C Erskine Square	G Soudan Square
 Redpath Revisited	D Montgomery Square	H Berczy Square

April 2015

Attachment 10: Application Data Sheet

Application Type	Rezoning	Application Number:	16 112811 STE 22 OZ
Details	Rezoning, Standard	Application Date:	February 4, 2016
Municipal Address:	89-101 ROEHAMPTON AVENUE		
Location Description:	PLAN 639 PT LOT 5 **GRID S2201		
Project Description:	36-storey rental apartment building containing 236 units attached to an existing rental apartment building containing 130 units.		

Applicant:	Agent:	Architect:	Owner:
TAS Design Build 491 Eglinton Ave. W. Ste. 503 Toronto, ON M5N 1A8	WND Associates 90 Eglinton Avenue East Toronto, ON M4P 1A6	Quadrangle Architects Ltd. 380 Wellington St. W. Toronto, ON M5V 1E3	Pabs Ltd. Partnership 542 Mt. Pleasant Rd. Ste. 302 Toronto, ON M4S 2M7

PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:	N
Zoning:	R (d2.0)(x912)	Historical Status:	N
Height Limit (m):	38 metres	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	4433.5	Height:	Storeys:	36
Frontage (m):	76.17		Metres:	111.5
Depth (m):	59.44			
Total Ground Floor Area (sq. m):	1172.8			Total
Total Residential GFA (sq. m):	26718.8		Parking Spaces:	273
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	26718.8			
Lot Coverage Ratio (%):	26.45			
Floor Space Index:	6.03			

DWELLING UNITS

Tenure Type:	Rental
Rooms:	0
Bachelor:	48 (13%)
1 Bedroom:	204 (56%)
2 Bedroom:	103 (28%)
3 + Bedroom:	11 (3%)
Total Units:	366

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	26718.8	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT:	PLANNER NAME:	Giulio Cescato, Senior Planner
	TELEPHONE:	416-392-0459
	EMAIL:	gcescat@toronto.ca