

TORONTO STAFF REPORT

August 26, 2004

To: North York Community Council

From: Director, Community Planning, North District

Subject: Final Report
OPA & Rezoning Application and Site Plan Approval
File No. 03 035054 (TD CMB 2003 0001)
Westdale Construction Co. Ltd.(E.I. Richmond Architects)
82, 86, 90 Broadway Ave
Ward 25 - Don Valley West

Purpose:

This report reviews and recommends approval of an application to amend the Official Plan and the Zoning By-law to permit an 8 and 20 storey residential apartment building containing 274 units at 82, 86 and 90 Broadway Avenue.

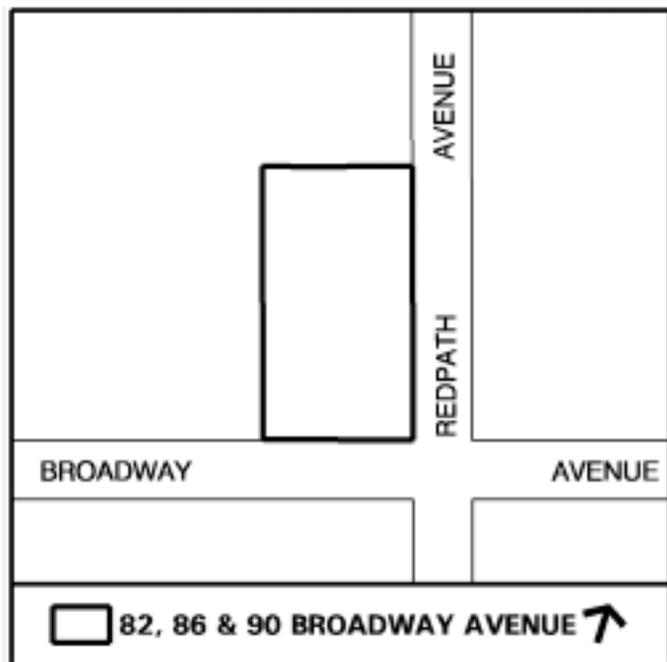
Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that City Council:

- (1) amend the Official Plan for the former City of Toronto substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 7;
- (2) direct the City Solicitor to request the Ontario Municipal Board to modify the Official Plan for the City of Toronto substantially in accordance with Attachment No. 8;



- (3) amend the Zoning By-law 438-86 for the former City of Toronto substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 9;
- (4) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment, draft Official Plan Modification and draft Zoning By-law Amendment as may be required;
- (5) require that, before introducing the necessary Bills to City Council for enactment, the owner execute one or more agreements pursuant to Section 37 of the Planning Act satisfactory to the Commissioner of Urban Development Services and the City Solicitor and that such agreements be register on title to the lands, to secure the following facilities, services and matters:
 - (i) the owner shall, for a period of not less then 20 years, replace and secure 72 rental units.
 - (ii) the owner shall, replace and secure 60 of the 72 units at affordable-range rents for a period of not less then 10 years, and 12 units at mid-range rents for a period of not less than 5 years;
 - (iii) the owner shall provide a cash-in-lieu contribution of \$140,000 to the Capitol Revolving Fund for 7 rental units; and
 - (iv) the owner shall provide a tenant relocation and assistance package.
- (6) require that, before introducing the necessary Bills to City Council for enactment, the owner enter into a Site Plan Agreement under Section 41 of the Planning Act.

Background:

Proposal

On January 4, 2003, Westdale Construction Co. Ltd. applied for Official Plan and Zoning By-law Amendments and Site Plan Approval for 82, 86, and 90 Broadway Avenue to permit the construction of an “L” shaped residential apartment building with 274 units.

The proposed building would comprise a 20 storey (65.4 metres) portion fronting Broadway Avenue and an 8 storey (25.1 metres) portion, fronting Redpath Avenue. The proposed gross floor area would be 22,161 square metres, or 4.71 times the lot area. A total of 276 parking spaces are proposed in 3 levels of below grade parking with access from Broadway Avenue.

Construction of the proposed development would require demolition of all three existing rental buildings on site, which currently contain 94 rental units. A condition of approval will be the replacement of most of the existing rental units, the right for tenants to return to a

replacement unit and the provision of assistance to the tenants to lessen the hardship of dislocation.

Site and Surrounding Area

The site is located on the north-west corner at the intersection of Broadway and Redpath Avenues, and has a total area of 4,726 square metres. Uses in the vicinity can be described as follows:

North: 3 to 4 storey row housing

North-East: 2 and 10 storey residential apartment buildings

East: Several 2-3 storey detached dwellings adjacent to a 9 storey residential apartment building

South: Semi-detached and detached dwellings

South-West: 9 storey residential apartment building

West: 20 storey residential apartment building

The site is located approximately 600 metres from the Eglinton subway station and is otherwise well served by public transit.

Provincial Policy Framework

Section 2(j) of the Planning Act calls for municipalities to address the adequate provision of a full range of housing. The Provincial Policy Statement directs that all planning jurisdictions provide for a full range of housing types and densities to meet projected demographic and market requirements of current and future residents by a variety of means. Both rental and affordable rental housing are required to meet the needs of many existing and future residents of the City of Toronto.

Metropolitan Toronto Official Plan

It is a policy of the plan to preserve and increase the supply of affordable and rental housing. Council shall encourage increasing the supply of housing to achieve the Plan's housing targets in a manner consistent with the efficient utilization of land and the optimizing of infrastructure. The plan also encourages investment in new private rental housing and the preservation and maintenance of existing rental housing.

Former City of Toronto Official Plan

The site is currently designated "High Density Residence Area" by both the Part I Official Plan of the former City of Toronto and the Yonge-Eglinton Part II Plan. This designation

permits residential buildings having a gross floor area of up to 2.0 times the area of the lot. In addition, the in-force housing policy framework, including the (former) City of Toronto Official Plan, seeks to preserve existing rental housing and make gains in the supply of affordable rental housing.

In particular, the in-force plan discourages demolition of rental housing which in Council's opinion is undesirable and requires Council to strictly apply applicable legislation in considering applications to demolish rental housing. The plan sets out Council's policy not to issue demolition permits for residential property containing dwelling units where the units serve a necessary social housing need; or where there would be undue hardship of relocation upon the occupants

New Toronto Official Plan

At its meeting of November 26, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board. The first pre-hearing on the new Official Plan was held on April 19th and 20th, 2004. The next pre-hearing has been scheduled for September 14, 2004.

The new Official Plan designates this site as *Apartment Neighbourhood*. Under policies in Section 4.2.2 development in the *Apartment Neighbourhood* is required to contribute to Toronto's quality of life by:

- (a) locating and massing new buildings to provide a transition between areas of different development intensity and scale, particularly providing setbacks from and a stepping down of heights towards lower scale *Neighbourhoods*;
- (b) locating and massing new buildings to frame the edge of streets and parks with good proportion;
- (c) including sufficient off-street motor vehicle and bicycle parking for residents and visitors;
- (d) locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences;
- (e) providing indoor and outdoor recreation space for building residents, and
- (f) providing buildings that conform to the principals of universal design, and wherever possible contain units that are accessible or adaptable for persons with physical disabilities.

Significant growth is not intended within developed *Apartment Neighbourhoods*. The new Plan encourages a full range of housing, in terms of form, tenure, and affordability across the City, and seeks to maintain and replenish housing stock. Replacing rental housing units, particularly those which are deemed affordable, is in the public interest and must be replaced with comparable type and size of rental units, as well as similar rents charged at the time of application.

Section 3.2.1.6 states that new development that would have the effect of removing a private building or related group of buildings containing six or more rental housing units is not in the public interest and should not be approved unless:

- (a) the rental apartment vacancy rate for the City of Toronto, as reported by the Canada Mortgage and Housing Corporation, has been at or above 2.5% for the Preceding two-year reporting period; or
- (b) in cases where zoning approvals are sought, the following are secured:
 - (i) at least the same number, size and type of rental housing units are replaced and maintained with rents similar to those in effect at the time the redevelopment application is made;
 - (ii) for a period of at least 10 years, rents for replacement units will be the rent at first occupancy, increased annually by not more than the Provincial Rent Increase Guideline or a similar guideline as Council may approve from time to time; and,
 - (iii) an acceptable tenant relocation and assistance plan addressing provision of alternative accommodation for tenants at similar rents, right-of-first-refusal to occupy one of the replacement units and other assistance to lessen hardship.

Zoning

The site is zoned R2 Z2.0 with a maximum permitted building height of 38.0 metres. This zone permits most residential building types including apartment buildings to a maximum gross floor area of 2.0 times the area of the lot.

Site Plan Control

The proposed development is subject to Site Plan Control. An application for Site Plan Approval has been submitted concurrently with the Official Plan and Zoning By-law amendment application. This report recommends that the owner sign a Site Plan Undertaking before the Bills giving effect to the Official Plan and Zoning By-law Amendments are introduced.

Reasons for the Application

The applicant proposes a density of 4.71 times the lot area, whereas the maximum permitted under the current Official Plan in a High Density Residence Area is 2.0 times.

The applicant proposes to replace 72 of the 94 rental housing units on site, and provide a cash contribution for 7 units towards the Capital Revolving Fund for affordable rental housing,

whereas the New Toronto Official Plan requires that at least the same number of rental housing units be replaced.

An amendment to the Zoning By-law would be necessary because the proposed density of 4.71 times the lot area exceeds the permitted maximum density of 2.0 times, and the proposed building height of 65.4 metres exceeds the height limit of 38 metres. Further, the development would not meet the minimum standards as set out in By-law 438-86 for setbacks, parking apportionment, and landscaped open space.

Community Consultation

At the direction of Midtown Community Council, a community consultation meeting was held in the neighbourhood on June 3, 2003. Approximately 30 people attended along with Councillors Flint and Walker, and a representative of the Metro Tenant's Association. Concerns expressed at the meeting and in written comments submitted subsequent to the meeting included:

(i) Tenants questions /concerns:

- how are tenants protected?
- will owner pay difference between existing rent and potentially higher future rents?
- will owner pay for moving expenses?
- how will tenants be compensated due to disruption?

(ii) Other concerns:

- future increase in traffic
- shadowing of neighbouring properties
- loss of rental housing
- adequacy of visitor and resident parking spaces
- location of driveway
- loss of trees on site
- setbacks from property lines particularly on north and east side

An additional meeting was held at the request of Councillor Jenkins on June 8, 2004, to present the changes to the proposal, and obtain feedback from area residents and tenants. Approximately 25 people attended the meeting, including the Councillor, the applicant, and the president of the tenants association. In general, comments were similar to those made at the previous meeting, with some supporting the project. A major improvement to the overall proposal was the settlement of a tenant package between the owner and the tenants affected. The package addressed, amongst other issues, timeframes for eviction, amounts for moving expenses, and how special needs and senior tenants would be dealt with.

Agency Circulation

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

Comments:

Land Use

The proposal introduces a mix of housing tenure and unit types in the form of both condominium and affordable and mid-range rental housing, thus contributing to the range of housing opportunities for the community. The addition of four, 3 bedroom rental apartment units and grade-related units suitable for families further extends the range of rental housing in the area.

The proposed replacement on site of 72 of the 94 rental units is discussed in detail later in this report under the title ‘Housing Issues’.

Height and Massing

The proposed 8 and 20 storey development is located within a high density apartment district, permitting buildings to a maximum height of 38 metres, or approximately 13 storeys. The site is surrounded almost entirely by apartment buildings that range from 9-20 storeys in height, along with a few remaining 3 storey semi-detached dwellings. Most notably a 20 storey apartment tower exists immediately to the west, and provides the context for this development. Consequently, the proposed building height would not set a precedent for height in the neighbourhood.

The 20 storey portion of the proposed building constitutes a “point tower”. The tower would have a floor area of 710 square metres and would measure 35 metres at its widest point. The towers slender profile helps reduce view and shadow impacts. These tower dimensions will be secured by the proposed site specific zoning by-law.

The 8 storey portion of the building along Redpath Avenue respects the existing lower scale buildings to the east and north of the site. Substantial setbacks and stepbacks at the north end of the building at the 4th and 7th storey help provide an appropriate transition to the adjacent 3 storey development.

Shadow

The applicant has submitted shadow studies for the proposal to illustrate the shadows that would be created by the building at different times of the year and during different times of the day.

Due to the large size of the lot and the location and massing of the building the shadow impacts have been minimized. For example, changes to the proposal, since its inception, have reduced the size of the towers floor plate resulting in narrower shadows, which pass quickly over neighbouring properties.

Of particular concern to some residents was the possible impact of shadows over an existing pool to the west of the site. However, the studies indicate that during the March 21st and September 21st equinox the shadow is fully removed from the pool by 10:00 am and 11:00 am respectively. During the summer months there is no shadow cast on the pool area, by the proposed building after 8:00am.

Properties immediately to the north would be completely free of new shadow between March 21st and September 21st.

Density

The proposed density of 4.71 times the area of the lot, or 22,161 square metres, exceeds the density of 2 times the area of the lot permitted by the Official Plan and the Zoning By-law. Of the 22,161 square metres proposed, the rental portion of the building accounts for 5,100 square metres or 1.1 times coverage.

The area currently has a mix of older 1960's "tower in the park" apartments, and newer developments on infill sites. Densities for the older apartments in the neighbourhood range from 2 times the area of the lot, up to approximately 5 times the area of the lot.

More recently, a 19 storey tower was approved by Council at 912 Mount Pleasant Road at a density of 4.1 times the area of the lot. Similarly, a development at 188 Redpath Avenue, has recently been approved at a density of 3.7 times the area of the lot.

At the density proposed the mass and scale of the development will fit its context and have acceptable shadow impacts. Further, the residential intensification is appropriate given the sites close proximity to the Yonge subway line and the availability of commercial and community services and facilities.

Traffic Impacts

Works and Emergency Services staff have reviewed the Traffic Impact Study and addenda reports prepared by Marshall Macklin Monaghan Limited and have advised that the additional traffic generated by the proposal can be readily accommodated by the boundary road network. However, the consultant recommends a ten second increase in the cycle length, during the p.m. peak hour, for the signalized intersection of Yonge Street and Broadway Avenue. Work's staff concur with this finding and all costs associated with the increase in cycle length for this intersection (upgrade to the signal control hardware) will be paid by the applicant.

Parking

The applicant is proposing to provide a total of 300 parking spaces on three levels below grade, whereas only 287 spaces are required. However the applicant is proposing to apportion those spaces differently than required by the Zoning By-law. Specifically, there are 36 fewer visitor parking spaces and 6 fewer tenant parking spaces than required.

The applicant has submitted a parking study justifying this alternative allocation of parking spaces. Works and Emergency services staff have reviewed the parking study, and the number and layout of the parking spaces provided, and find it to be acceptable. The shortfall of 36 visitor parking spaces and 6 tenant parking spaces is justified given that the area is well served by public transit, the close proximity of commercial parking and the fact that current tenants have no on site parking.

Access, Garbage and Loading

At the community meeting residents raised concerns regarding the two access points to the site, one at the northern property line from Redpath, and a second from Broadway Avenue, along the western property line. Residents opposed having the entrance on Redpath Avenue citing traffic, noise and safety concerns. The applicant has consolidated the two driveways into a single access on Broadway, creating less impact on the immediate neighbours.

The single driveway will lead to garbage and loading areas at the rear of the building and to the underground parking garage. Garbage storage will be fully enclosed, within the building. Both rental and condominium portions of the building will maintain separate garbage rooms, but will share a common pick-up area.

Amenity Space

The applicant will be providing a greater amount of indoor and outdoor amenity space for both buildings than required by the Zoning By-law.

The rental portion requires 144 square metres of both indoor and outdoor amenity space, while the applicant will provide 165 square metres and 262 square metres respectively. Currently, the existing apartment buildings have no indoor or usable outdoor amenity space.

The condominium portion of the building will require 404 square metres of both indoor and outdoor amenity space. The applicant is providing 404 square metres and 441 square metres respectively.

In addition to the outdoor amenity space at grade, the applicant is providing a 750 square metre landscaped roof deck above the 8 storey. This amenity space will be used exclusively by the condominium residents.

The roof top landscaped area not only provides outdoor amenity for its residents and helps green a greater portion of the site, but has environmental benefits as well.

By-law 438-86 required the development to provide 50 percent of the lot dedicated to landscaped open space. The applicant's proposal provides only 39 percent landscaped open space, however including the landscaped roof deck the percentage of usable open space increases to 55 percent.

Staff are satisfied that the amount of landscaped open space at grade and the roof top amenity space ensure appropriate separation distances from adjacent buildings and sufficient recreational opportunities for building residents.

Housing Issues

(i) Preservation of Rental Housing

Both the current and new Official Plan for the City of Toronto contain policies that seek to preserve rental units, particularly affordable rents. The demand for affordable rental units within Toronto is high: as of November 2003, there were 73,000 households on the waiting list for social housing in the City of Toronto. Data from the 2001 Census demonstrate that almost 200,000 tenant households pay more than 30% of their income on rent, while 95,750 of those households pay more than 50%.

It has been many years since there has been any significant increase in the overall supply of rental housing. While there has been a small increase in purpose-built rental construction in the last few years, these increases have been almost completely off-set by losses in the existing rental stock. In 2003, the amount of conventional rental housing in Toronto, both assisted and private, totaled only 820 more units than in 1996.

The City's policies to protect rental units, and especially affordable rental housing, are well supported in the Official Plan. These Official Plan policies equip the City to meet the requirements under the Ontario Planning Act to provide a full range of housing types to meet the needs of current and future residents of the City of Toronto.

The applicant has proposed a strategy, developed in consultation with the tenants, for rental replacement at affordable and mid-range rents and the provision of assistance to the existing tenants. Key elements of the proposal are outlined below. The applicant has agreed to enter into a Section 37 Agreement prior to the introduction of the Bills to Council for enactment, in order to secure the items listed in the proposal.

If Council approves the applicant's proposal for redevelopment of the site, the proposal for rental replacement and tenant relocation and assistance will meet the intent of both the City's in-force and new Official Plans. It also has been agreed to by the tenants association in the 3 affected buildings.

The existing apartment buildings contain 94 rental units, of which 60 were occupied at the time of this application, and all of which had affordable rents. The new Official Plan defines affordable rents as those renting for no more than the Canada Mortgage and Housing

Corporation's (CMHC) average market rent by unit type as reported in the most recent annual survey. The unit mix in the existing buildings consists of bachelor, 1 bedroom and 2 bedroom apartments, with the majority comprising bachelor and 1 bedroom units.

(ii) Replacement of Rental Units

The applicant has agreed to replace most of the units through the provision of 72 rental units with a comparable unit mix and the addition of a small number of 3 bedroom apartments in the new development, combined with a cash-in-lieu payment for an additional 7 rental units. . The combined replacement number of 79 represents a replacement rate of 84%, less than the new Official Plan objective of full replacement. This rate is, however, consistent with rental replacement achievement in recent and similar proposals approved by the City at 3792-3846 Bathurst Street in 2003 and 75 Lemonwood Avenue in 2004. This proposal does achieve 100% replacement of the affordable rental units, an objective of high priority for the City. The balance of the new rental units will be provided at mid-range rents.

The 72 replacement units will remain as rental for a minimum of 20 years, during which time no application for condominium registration or demolition may be made. The sole exception is the right to apply for condominium registration if there is a change in the City's new Multiple Residential Property Class rate for property taxes such that the owner would be paying higher taxes than if the property were registered as a condominium. The replacement units are to be built in a separate portion of the new building, which will facilitate the maintenance of its purpose-built rental status as well as the separate registration of the balance of the building as condominium.

The unit mix of the 94 existing apartments is set out below in Table 1, followed by the unit mix of the 60 affordable units occupied at the time of the application in January 2003. The unit mix for the proposed 72 replacement units is comparable to the existing unit mix, while expanding the range of unit types offered. There will be four 3-bedroom apartments, where none currently exist. The large number of bachelor apartments will be reduced in favour of increasing the number of 1 bedroom apartments, split between junior and regular sized 1 bedroom apartments. All existing tenants who wish to return are assured of a replacement unit of comparable size and bedroom type, or better, at rents similar to what they are currently paying. Table 2 shows a comparison between the number of replacement units that will be reserved for affordable rentals, and those at mid-range rents.

Table 1: Existing and Proposed Unit Mix

Unit Type	Existing Units	Occupied Affordable Units	Proposed Replacement
Bachelor	48	40	22
Junior 1 Bedroom	0	0	18
1 Bedroom	18	9	16
2 Bedroom	28	11	12
3 Bedroom	0	0	4
TOTAL	94	60	72

Table 2: Comparison of Affordable and Mid-range Units

Unit Type	Affordable Units	Mid-range Units
Bachelor	22	0
Junior 1 Bedroom	18	0
1 Bedroom	9	7
2 Bedroom	11	1
3 Bedroom	0	4
TOTAL	60	12

The 72 replacement rental units will be ready and available for occupancy before or at the same time as the balance of the building's condominium units.

The applicant's cash-in-lieu contribution for 7 replacement rental units will be made to the City's Capital Revolving Fund for Affordable Housing.

(iii) Replacement of Affordable and Mid-Range Rental Housing

The 60 affordable rental units will have rents no greater than the CMHC average market rents by unit type as of January 2003, adjusted upwards to reflect a four percent adjustment for capital improvements and the annual provincial guideline rent increases that will accrue until the new units are occupied. The initial rents paid by returning tenants will be lower, as they are based on their actual rent payment in January 2003 adjusted upwards as noted above.

These 60 affordable rental units will remain affordable for at least the first ten years, even if a new tenant moves in during the initial ten years. Instead of increasing upon vacancy (vacancy de-control), a new tenant will pay no more than the affordable rent limit that year, which is based on the CMHC average market rent by unit type. Rent increases for all tenants during the first ten years would be limited by the annual amount of the provincial guideline rent increase.

Tenants occupying a unit at the end of the tenth year would continue to have restrictions placed on the amount of allowable rent increases. However, the rent for new tenants commencing in the eleventh year will not be affected by any requirements under the Section 37 Agreement.

Similar provisions apply to the 12 proposed mid-range replacement rental units, except that the initial rents and the rents following a vacancy have a higher cap as they are based on 1.5 times the CMHC average market rents. The period for exemption from the vacancy de-control provisions is only five years rather than the ten years for the affordable units.

These 12 rental units were designated as having a higher rent cap as mid-range rents than they would have as affordable units because at the time of application, the units they are replacing were unoccupied. They were deemed to have been able to attract mid-range rents if they had received capital upgrades given the location near Yonge and Eglinton and the effects of vacancy decontrol.

(iv) Assistance for Tenants

The Tenant Protection Act (TPA) requires landlords to compensate tenants forced to vacate because of demolition of their rental unit. Landlords must provide 120 days notice before the tenant is required to move, and tenants are permitted to leave at any time after the first 10 days in order to facilitate them securing alternative accommodation. Financial compensation equal to 3 months rent must be provided, or, alternative accommodation acceptable to the tenant must be provided. The City requires landlords to provide the 3 months rent at the time the 120 day notice is served, unless alternative accommodation at the option of the tenant is being accepted. The City also requires that extra assistance beyond the TPA requirement be provided to lessen the hardship for the tenants being dislocated.

In addition to compensation and notice requirements under the TPA, the applicant has proposed to provide additional financial assistance to eligible tenants at the time of move out for demolition. Tenants with special needs and seniors shall receive extra assistance. Eligible tenants are those who occupied their units at the time of the application in January 2003. Tenants moving in after that date have been advised in writing of the proposed demolition, and though they will be offered the opportunity to return to a replacement unit, they will not receive the same level of assistance as the others. All tenants will receive an extended notice period of 180 days prior to demolition.

Eligible tenants will have right of first refusal to take up one of the replacement rental units, based on seniority. Each rent will be based on the tenant's existing rent at the time of application with adjustments upwards to reflect capital improvements and annual provincial guideline rent increases. Based on seniority, a number of eligible tenants formerly occupying bachelor apartments will be provided the opportunity of choosing a junior 1 bedroom apartment at the same rent as if they were occupying a bachelor. This has arisen because though fewer replacement bachelors are being provided, there is a wider range of 1 bedroom sizes.

(v) Summary: Assessment of proposal to respond to housing issues

The applicant's proposal ensures the provision of replacement rental housing, the majority of which will be affordable. The mix of units will permit all tenants who so wish to return to a comparable unit at similar rents. The tenant assistance plan, including the extended notice before demolition is appropriate, and in combination with the other provisions has helped to lessen the negative impacts of redevelopment.

Features of this proposal are similar to the proposal approved earlier this year by Council for 75 Lemonwood Avenue in the former City of Etobicoke, and in 2003 for 3792-3846 Bathurst Street in the former City of North York. It is consistent with provisions approved by the Ontario Municipal Board with respect to other applications that involved the demolition of rental housing.

Conclusions:

The applicant is proposing a building that exceeds the current planning permission respecting height and density. Given the site's location within a high density residential area which is comprised of buildings of similar mass and scale, its proximity to the Yonge subway line and surface transit routes, and to shopping and entertainment facilities, the proposed height and density represent an increase that is both in keeping with the development in the area and that can be accommodated by existing services.

In addition the applicant has agreed to replace and secure for a period of 20 years, 79 of 93 existing rental units, by providing 60 units at the affordable range for a period of not less than 10 years, 12 units at mid-range rents and a cash-in-lieu contribution to the Capital Revolving Fund for 7 rental units. The applicant is also providing an acceptable tenant relocation and assistance package, including the right for displaced tenants to return to the new rental housing. The replacement and securing of rental housing, and in particular affordable rental is a high priority for the City of Toronto as outlined in the Metropolitan Toronto Official Plan, the in-force former City of Toronto Official Plan and the new Toronto Official Plan.

For the reasons stated above staff recommend approval of the requested amendments to the Official Plan and Zoning By-law.

Contact:

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Fax:
Email: mmestyan@toronto.ca

Thomas C. Keefe
Director, Community Planning, North District

List of Attachments:

Attachment 1: Application Data Sheet
Attachment 2: Site Plan
Attachment 3: Elevations
Attachment 4: Elevations
Attachment 5: Zoning
Attachment 6: Official Plan

Attachment 7: Draft Official Plan Amendment
Attachment 8: Draft Official Plan Modification
Attachment 9: Draft Zoning By-law Amendment

Attachment 1: Application Data Sheet
APPLICATION DATA SHEET

Application Type Official Plan Amendment & Application Number: 03 035054 SMI 25 OZ
 Rezoning
Details OPA & Rezoning, Standard Application Date: January 23, 2003

Municipal Address: 82 BROADWAY AVE, Toronto ON
Location Description: 82 BROADWAY AVE **GRID N2507
Project Description: Construct 202 residential condominium units and 72 rental units complex with
 below grade parking.

Applicant:	Agent:	Architect:	Owner:
BROWN DRYER KAROL C/O ADAM BROWN DAVID SUDEYKO			WESTDALE CONSTRUCTION CO LIMITED

PLANNING CONTROLS

Official Plan Designation:	HDR - High Density Res	Site Specific Provision:	
Zoning:	R2 Z2.0	Historical Status:	
Height Limit (m):	38	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	4726.1	Height: Storeys:	20
Frontage (m):	50.76	Metres:	57.35
Depth (m):	93.11		
Ground Floor GFA (sq. m):	1823.1		Total
Residential GFA (sq. m):	22260.9	Parking Spaces:	276
Non-Residential GFA (sq. m):	0	Loading Docks	0
Total GFA (sq. m):	22260.9		
Lot Coverage Ratio (%):	38.6		
Floor Space Index:	4.71		

DWELLING UNITS

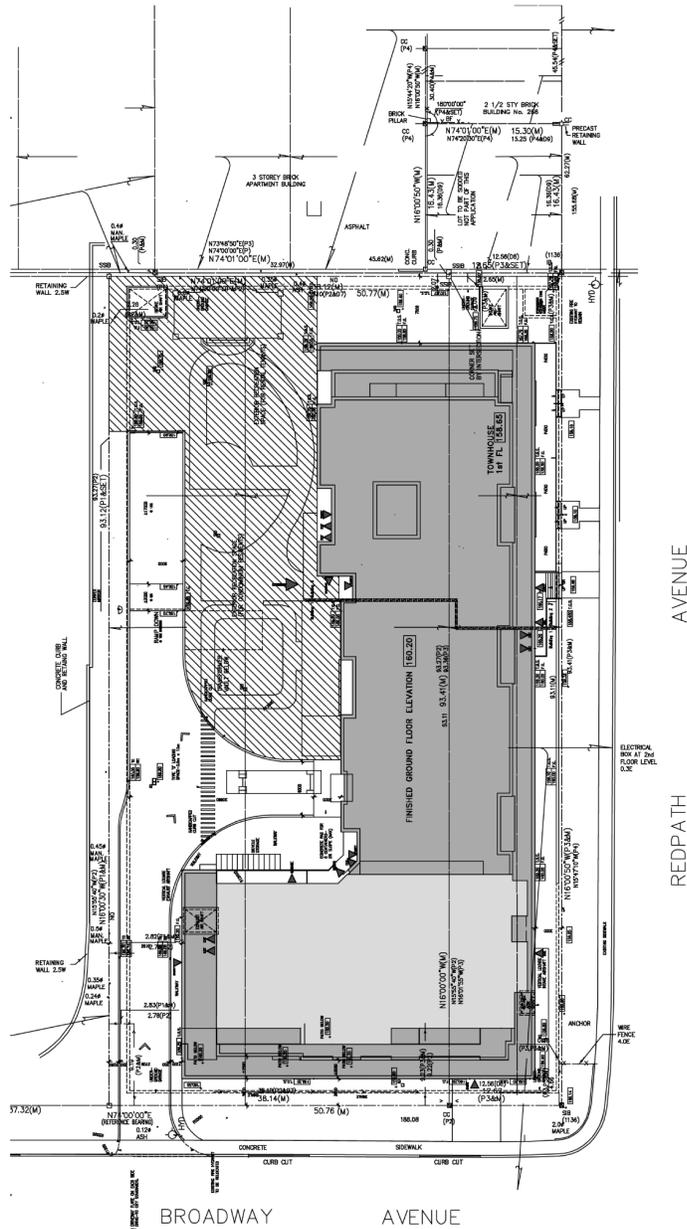
Tenure Type:	Rental, Condo
Rooms:	0
Bachelor:	22
1 Bedroom:	144
2 Bedroom:	104
3 + Bedroom:	4
Total Units:	274

FLOOR AREA BREAKDOWN

	Above Grade	Below Grade
Residential GFA (sq. m):	22260.9	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:** **Michael Mestyan, Planner**
TELEPHONE: **(416) 397-4487**

Attachment 2: Site Plan



Site Plan

82,86 & 90 Broadway Avenue

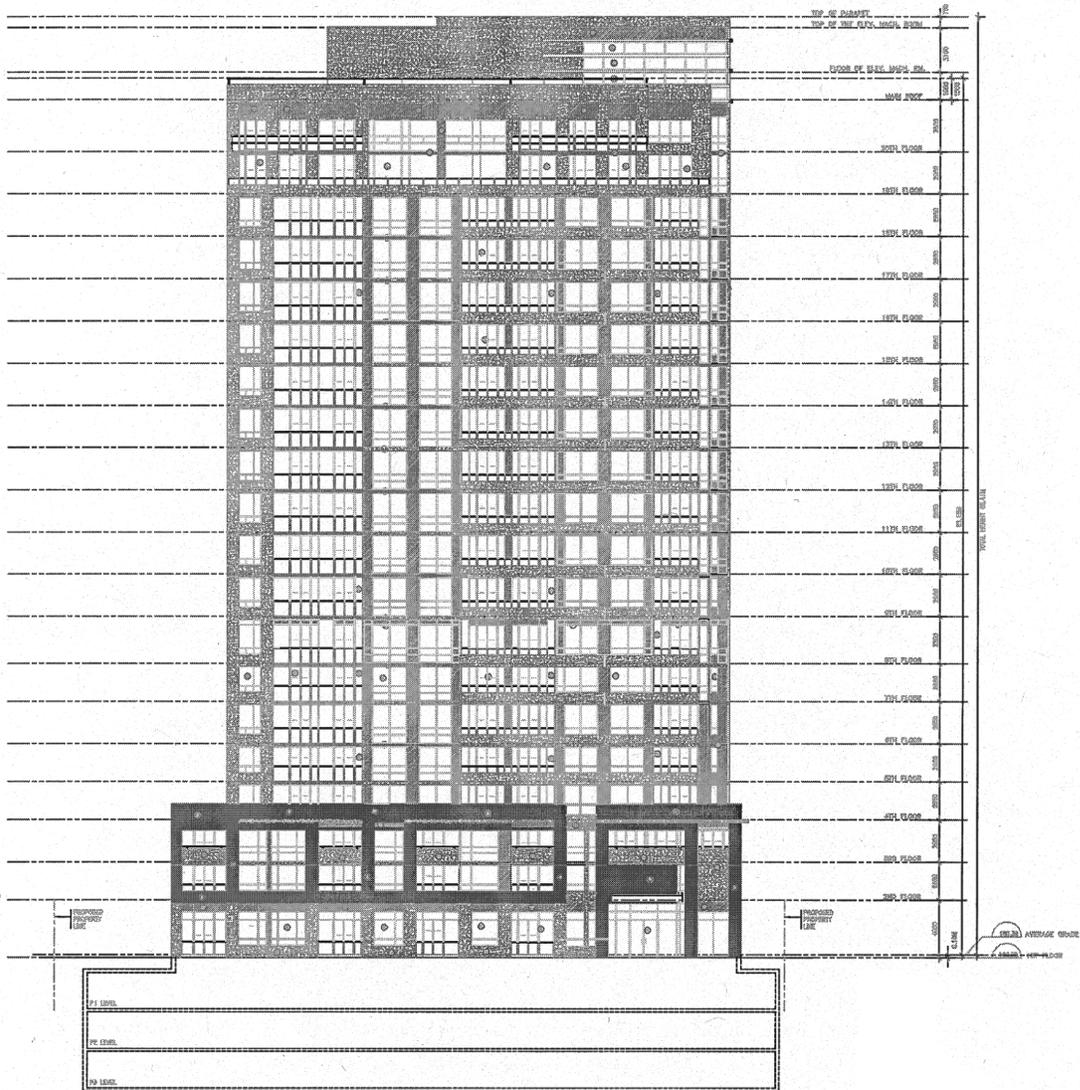
Applicant's Submitted Drawing

Not to Scale
09/05/04



File # 03_035054

Attachment 3: Elevation 1



South Elevation

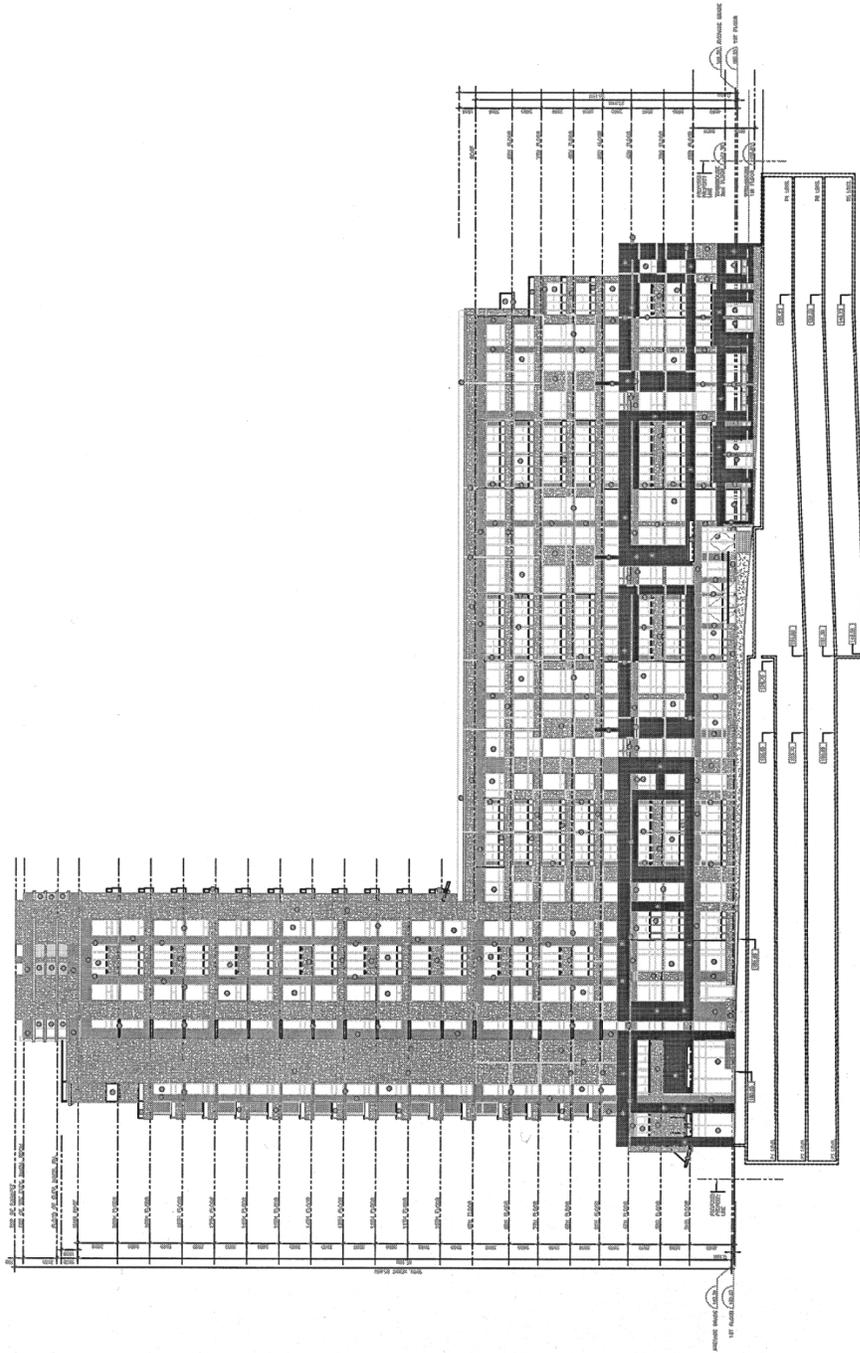
82,86 & 90 Broadway Avenue

Applicant's Submitted Drawing

Not to Scale
09/05/04

File # 03_035054

Attachment 4: Elevation 2



East Elevation

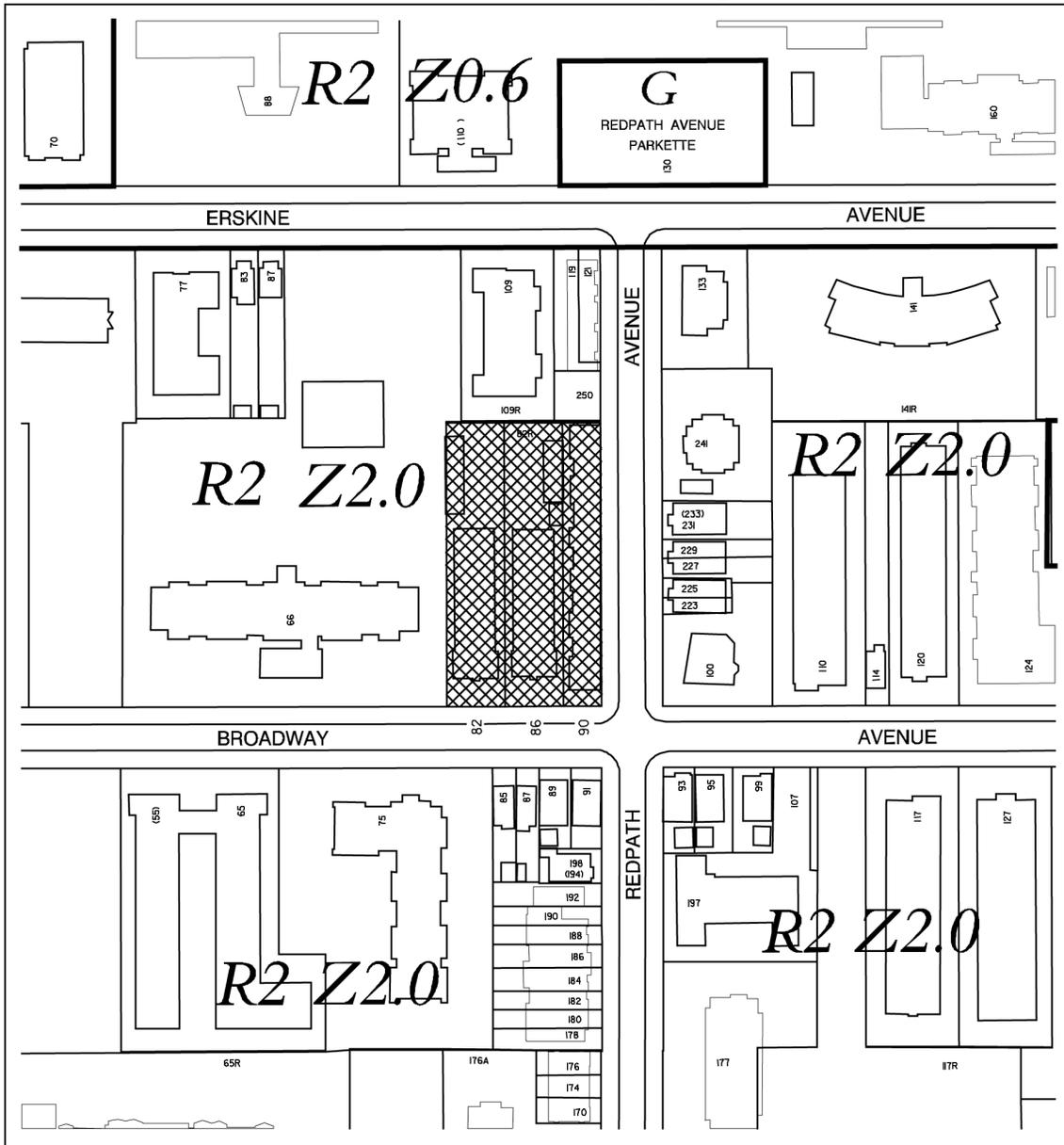
Applicant's Submitted Drawing

Not to Scale
09/05/04

82,86 & 90 Broadway Avenue

File # 03_035054

Attachment 5: Zoning (Map)



82,86 & 90 Broadway Avenue

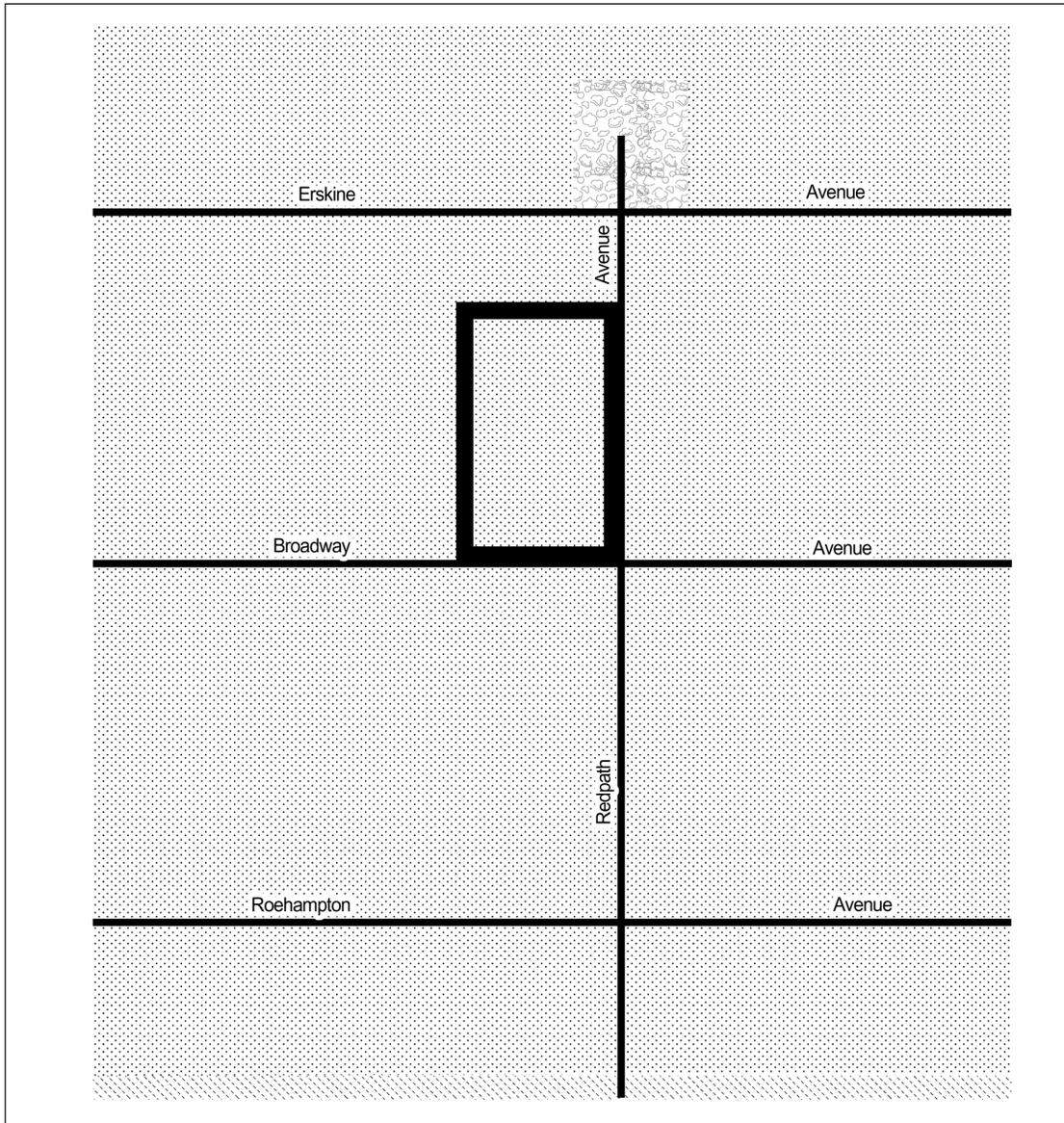
File # 03_035054

- G Parks District
- R2 Residential District



Not to Scale
 Zoning By-law 438-86 as amended
 Extracted 09/05/04 - DR

Attachment 6: Official Plan (Map)



Attachment 7: Draft Official Plan Amendment

Authority: Community Council Report No. ~, Clause No. ~,
as adopted by City of Toronto Council on ~, 2004
Enacted by Council: ~, 2004

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2004

**To adopt an amendment to the Official Plan
for the former City of Toronto
respecting the lands municipally known in 2004 as,
82, 86 and 90 Broadway 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; and

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 text and map annexed hereto as Schedule "A" are hereby adopted as an amendment to the Official Plan for the former City of Toronto.
2. This is Official Plan Amendment No.

ENACTED AND PASSED this ~ day of ~, A.D. 2004.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

SCHEDULE "A"

1. Section 18 of the Official Plan for the former City of Toronto is amended by adding Section 18 __, and the attached Map _____

"18__ Lands known in the year 2004 as 82, 86 and 90 Broadway Avenue

Notwithstanding any of the provisions of this Plan, Council may pass by-laws respecting the lands shown delineated by heavy on Map18__ (the "Lands") to permit the erection, use and maintenance of an apartment building provided that:

- (1) the maximum residential *gross floor area* does not exceed 22,161 square metres;
- (2) pursuant to Section 37 of the *Planning Act*, such by-law requires the owner of the lands to provide the City of Toronto, in return for the residential density and height permission thereby granted, the following facilities, services and matters:
 - (i) provides and maintains not less than 60 new affordable replacement rental dwelling units and 12 new rental dwelling units with mid-range rents on the site, at the north end of the site, subject to the following:
 - (a) the designated rental units shall be maintained as conventional rental units for at least 20 years, beginning with the date that each unit is occupied or until the owner obtains approval for an Official Plan Amendment and zoning by-law amendment removing the requirement for the designated units to be maintained as rental units. If the tax rate were to increase such that the owner is paying more tax than they would if the rental replacement units were registered as a condominium, the owner will have the right to apply for an Official Plan Amendment and zoning by-law amendment removing the requirement for the designated rental units to be maintained as rental units prior to the expiry of this 20 year period, provided the 72 designated rental units remain as rental dwelling units until the owner obtains approval for an Official Plan Amendment and zoning by-law amendment removing the requirement that the owner provide and maintain the designated dwelling units as rental dwelling units;

- (b) all of the designated rental replacement units shall be ready and available for occupancy no later than the date by which 60% of the other dwelling units erected on the site after the date of enactment of this amendment are available and ready for occupancy;
- (c) the owner of the site shall provide and maintain affordable rents charged to the tenants who rent each of the 60 affordable replacement dwelling units during the first 10 years of its occupancy, such that the initial rent shall not exceed an amount based on the January 2003 Canada Mortgage and Housing Corporation Rental Market Survey average rent for the City of Toronto by unit type plus annual Provincial rent guideline increases, plus a one-time allowance of 4% and upon turn-over, the rent charged to any new tenant shall not exceed the most recently reported Canada Mortgage and Housing Corporation Rental Market Survey average rent for the City of Toronto by unit type and over the course of the 10 year period, annual increases shall not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases;
- (d) the owner of the site shall provide and maintain rents no greater than mid-range rents charged to the tenants who rent each of the 12 mid-range replacement dwelling units during the first 5 years of its occupancy, such that the initial rent shall not exceed an amount equal to 1.5 times the January 2003 Canada Mortgage and Housing Corporation Rental Market Survey average rent for the City of Toronto by unit type plus annual Provincial rent guideline increases, plus a one-time allowance of 4% and upon turn-over, the rent charged to any new tenant shall not exceed the most recently reported Canada Mortgage and Housing Corporation Rental Market Survey average rent for the City of Toronto by unit type and over the course of the 5 year period, annual increases shall not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases;
- (e) rents charged to tenants occupying an affordable replacement dwelling unit at the end of the 10 year period set forth in (c) or a mid-range replacement

dwelling unit at the end of the 5 year period set forth in (d) shall be subject only to annual increases which do not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, so long as they continue to occupy their dwelling unit; and

- (f) rents charged to tenants newly occupying an affordable replacement dwelling unit after the completion of the 10 year period set forth in (c) or the 5 year period for a mid-range replacement dwelling unit set forth in (d) will not be subject to restrictions by the City of Toronto under the terms of the Section 37 Agreement;
- (ii) shall provide additional assistance to the tenants of the site over and above the minimum levels required under the *Tenant Protection Act*, as follows:
 - (a) the owner shall give eligible tenants residing in a rental unit existing on the site at least six (6) months prior notice of the termination of their tenancy for demolition;
 - (b) all eligible tenants residing on the site on the date of the application, January 16, 2003, and who receive the six (6) months notice of termination set forth in (a) (“eligible tenants”) shall have a right of first refusal based on seniority to occupy a designated affordable replacement rental unit at an initial rent not exceeding the amount of their rent as of January 2003 plus the amount permitted by the Provincial rent increase guidelines between that date and the date of their first occupancy as adjusted by the anniversary date of each lease and a one-time allowance of 4%;
 - (c) all eligible tenants as set forth in (b) shall receive financial assistance in an amount at least as the amount specified in the Section 37 Agreement in addition to compensation required under the *Tenant Protection Act*, and
 - (d) any prospective (new) tenant of an existing rental unit on the site after January 16, 2003, shall be advised prior to entering into any legal agreement to

rent a unit of the development applications and the potential demolition, and they shall also be advised that they will not receive the extra assistance set forth in (c) being offered to tenants residing on the site on January 16, 2003 who are eligible tenants; and

(e) any new tenant in an existing rental unit after January 16, 2003 shall receive the following assistance over and above the minimum requirements of the Tenant Protection Act: at least six months notice of the termination of their tenancy for demolition, and the right of first refusal to occupy a designated affordable rental replacement unit at an initial rent not exceeding the January 2003 amount of the average rent for the City of Toronto by unit type as reported in the Canada Mortgage and Housing Corporation Rental Market Survey plus a one-time allowance of 4% plus annual Provincial rent guideline increases until the date of first occupancy; and,

(iii) prior to the issuance of the building permit for the full building, the owner shall pay, to the City of Toronto, \$140,000 (\$20,000 per unit), being a public subsidy cost, which represents the fee to be earmarked for the Capital Revolving Fund for Affordable Housing for 7 of the units that will not be replaced as designated rental units within the building.

The owner of the site shall enter into an agreement with the City of Toronto pursuant to Section 37 of the *Planning Act* to secure the facilities, services and matters required in Section (i), (ii), and (iii) herein and agrees to the registration of such agreement against the site, as a first charge.

Attachment 8: Draft Official Plan Modification

Authority: Community Council Report No. ~, Clause No. ~,
as adopted by City of Toronto Council on ~, 2004
Enacted by Council: ~, 2004

CITY OF TORONTO**Bill No. ~****BY-LAW No. ~-2004**

Proposed modification to the City of Toronto Official Plan
respecting the lands municipally known as,
82, 86 and 90 Broadway Avenue

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

Notwithstanding any of the provisions of this Plan, Council may pass by-laws to permit the erection, use and maintenance of an apartment building provided that:

1. a minimum of 72 rental units are provided, being less than 100% of required replacement.
2. pursuant to Section 37 of the *Planning Act*, such by-law requires the owner of the lands to provide the City of Toronto, in return for the residential density and height permission thereby granted, the following facilities, services and matters:
 - (i) provides and maintains not less than 60 new affordable replacement rental dwelling units and 12 new rental dwelling units with mid-range rents on the site, at the north end of the site, subject to the following:
 - (a) the designated rental units shall be maintained as conventional rental units for at least 20 years, beginning with the date that each unit is occupied or until the owner obtains approval for an Official Plan Amendment and zoning by-law amendment removing the requirement for the designated units to be maintained as rental units. If the tax rate were to increase such that the owner is paying more tax than they would if the rental replacement units were registered as a condominium, the owner will have the right to apply for an Official Plan Amendment and zoning by-law amendment removing the requirement for the designated rental units to be maintained as rental units prior to the expiry of this 20 year period, provided the 72 designated rental units remain as rental dwelling units until the owner

obtains approval for an Official Plan Amendment and zoning by-law amendment removing the requirement that the owner provide and maintain the designated dwelling units as rental dwelling units;

- (b) all of the designated rental replacement units shall be ready and available for occupancy no later than the date by which 60% of the other dwelling units erected on the site after the date of enactment of this amendment are available and ready for occupancy;
- (c) the owner of the site shall provide and maintain affordable rents charged to the tenants who rent each of the 60 affordable replacement dwelling units during the first 10 years of its occupancy, such that the initial rent shall not exceed an amount based on the January 2003 Canada Mortgage and Housing Corporation Rental Market Survey average rent for the City of Toronto by unit type plus annual Provincial rent guideline increases, plus a one-time allowance of 4% and upon turn-over, the rent charged to any new tenant shall not exceed the most recently reported Canada Mortgage and Housing Corporation Rental Market Survey average rent for the City of Toronto by unit type and over the course of the 10 year period, annual increases shall not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases;
- (d) the owner of the site shall provide and maintain rents no greater than mid-range rents charged to the tenants who rent each of the 12 mid-range replacement dwelling units during the first 5 years of its occupancy, such that the initial rent shall not exceed an amount equal to 1.5 times the January 2003 Canada Mortgage and Housing Corporation Rental Market Survey average rent for the City of Toronto by unit type plus annual Provincial rent guideline increases, plus a one-time allowance of 4% and upon turn-over, the rent charged to any new tenant shall not exceed the most recently reported Canada Mortgage and Housing Corporation Rental Market Survey average rent for the City of Toronto by unit type and over the course of the 5 year period, annual increases shall not exceed the

Provincial rent guideline and, if applicable, permitted above guideline increases;

- (e) rents charged to tenants occupying an affordable replacement dwelling unit at the end of the 10 year period set forth in (c) or a mid-range replacement dwelling unit at the end of the 5 year period set forth in (d) shall be subject only to annual increases which do not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, so long as they continue to occupy their dwelling unit;
 - (f) rents charged to tenants newly occupying an affordable replacement dwelling unit after the completion of the 10 year period set forth in (c) or the 5 year period for a mid-range replacement dwelling unit set forth in (d) will not be subject to restrictions by the City of Toronto under the terms of the Section 37 Agreement; and,
- (ii) prior to the issuance of the building permit for the full building, the owner shall pay, to the City of Toronto, \$140,000 (\$20,000 per unit), being a public subsidy cost, which represents the fee to be earmarked for the Capital Revolving Fund for Affordable Housing for 7 of the units that will not be replaced as designated rental units within the building.

Attachment 9: Draft Zoning By-law Amendment

Authority: North York Community Council Report No. ~, Clause No. ~,
as adopted by City of Toronto Council on ~, 2004
Enacted by Council: ~, 2004

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2004

**To amend Zoning By-law No. 438-86, as amended,
With respect to the lands municipally known as,
82, 86, and 90 Broadway Ave**

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law passed under Section 34 of the *Planning Act*, authorize increases in height or density of development beyond those otherwise permitted by the By-law in return for the provision of such facilities, services or matters as are set out in the By-law;

WHEREAS Subsection 37(3) of the *Planning Act* provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality in respect of the facilities, services or matters;

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*;

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters as hereinafter set forth;

WHEREAS the increases in density or height permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law No. 438-86, are to be permitted in return for the provision of facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (the "City"); and

WHEREAS the Council of the City has required the owner of the aforesaid lands to enter into one or more agreements for the provision of certain facilities, services and matters in return for the increases in height and density permitted in this By-law;

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

1. None of the provisions of Sections 4(2)(a), 4(4)(b), 4(16), 6(3) PART I 1, 6(3) PART II 2 (iii), 6(3) PART II 3. A(II), and 6(3) PART II 5, of By-law No. 438-86, as amended, 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* on the *lot*, provided:

- (a) the *lot* comprises the lands outlined by heavy lines on Plan 1 attached to and forming part of this By-law;
 - (b) no portion of the building above *grade* on the *lot* is located otherwise than wholly within the areas delineated by heavy lines and within the height limits shown on Plan 2 attached to and forming part of this By-law, excepting only that cornices, canopies, ornamental elements, vents, fences, parapets, retaining walls, ramps to underground garages, railings, chimneys, mechanical penthouse, stair towers, heating, cooling or ventilating equipment, and structures on the roof used for outside recreation, safety or wind protection purposes may extend beyond areas delineated by heavy lines and height limits shown on Plan 2;
 - (c) the height of the building does not exceed 67 metres, including mechanical penthouse, and a maximum of 20 storeys;
 - (d) the total *residential gross floor area* does not exceed 22,161 square metres;
 - (e) there are not more than 274 *dwelling units* within the building;
 - (f) outdoor residential amenity space is not required to be provided in a location adjoining or directly accessible from the indoor residential amenity space; and,
 - (g) a minimum of 300 parking spaces shall be provided on the site of which 223 parking spaces be allocated for condominium dwelling units, 44 parking spaces be allocated for the rental dwelling units, and a total of 33 visitor parking spaces allocated for visitors within the complex.
2. The owner of the lands shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to secure the facilities, services and matters referred to below, which agreement or agreements may be registered against the title of the lands to which this By-law applies in the manner and to the extent specified in such agreements. The owner of the subject lands, at the owner’s expense and in accordance with, and subject to the agreements referred to above, shall provide at its expense the following facilities, services and/or matters on terms satisfactory to the City of Toronto, in order to permit the increase in *gross floor area* and *height* authorized under the exception regulations Section 1:

- (i) provides and maintains not less than 60 new affordable replacement rental dwelling units and 12 new rental dwelling units with mid-range rents on the site, at the north end of the site, subject to the following:
- (a) the designated rental units shall be maintained as conventional rental units for at least 20 years, beginning with the date that each unit is occupied or until the owner obtains approval for an Official Plan Amendment and zoning by-law amendment removing the requirement for the designated units to be maintained as rental units. If the tax rate were to increase such that the owner is paying more tax than they would if the rental replacement units were registered as a condominium, the owner will have the right to apply for an Official Plan Amendment and zoning by-law amendment removing the requirement for the designated rental units to be maintained as rental units prior to the expiry of this 20 year period, provided the 72 designated rental units remain as rental dwelling units until the owner obtains approval for an Official Plan Amendment and zoning by-law amendment removing the requirement that the owner provide and maintain the designated dwelling units as rental dwelling units;
 - (b) all of the designated rental replacement units shall be ready and available for occupancy no later than the date by which 60% of the other dwelling units erected on the site after the date of enactment of this amendment are available and ready for occupancy;
 - (c) the owner of the site shall provide and maintain affordable rents charged to the tenants who rent each of the 60 affordable replacement dwelling units during the first 10 years of its occupancy, such that the initial rent shall not exceed an amount based on the January 2003 Canada Mortgage and Housing Corporation Rental Market Survey average rent for the City of Toronto by unit type plus annual Provincial rent guideline increases, plus a one-time allowance of 4% and upon turn-over, the rent charged to any new tenant shall not exceed the most recently reported Canada Mortgage and Housing Corporation Rental Market Survey average rent for

the City of Toronto by unit type and over the course of the 10 year period, annual increases shall not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases;

- (d) the owner of the site shall provide and maintain rents no greater than mid-range rents charged to the tenants who rent each of the 12 mid-range replacement dwelling units during the first 5 years of its occupancy, such that the initial rent shall not exceed an amount equal to 1.5 times the January 2003 Canada Mortgage and Housing Corporation Rental Market Survey average rent for the City of Toronto by unit type plus annual Provincial rent guideline increases, plus a one-time allowance of 4% and upon turn-over, the rent charged to any new tenant shall not exceed the most recently reported Canada Mortgage and Housing Corporation Rental Market Survey average rent for the City of Toronto by unit type and over the course of the 5 year period, annual increases shall not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases;
 - (e) rents charged to tenants occupying an affordable replacement dwelling unit at the end of the 10 year period set forth in (c) or a mid-range replacement dwelling unit at the end of the 5 year period set forth in (d) shall be subject only to annual increases which do not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, so long as they continue to occupy their dwelling unit; and
 - (f) rents charged to tenants newly occupying an affordable replacement dwelling unit after the completion of the 10 year period set forth in (c) or the 5 year period for a mid-range replacement dwelling unit set forth in (d) will not be subject to restrictions by the City of Toronto under the terms of the Section 37 Agreement;
- (ii) shall provide additional assistance to the tenants of the site over and above the minimum levels required under the *Tenant Protection Act*, as follows:

- (a) the owner shall give eligible tenants residing in a rental unit existing on the site at least six (6) months prior notice of the termination of their tenancy for demolition;
- (b) all eligible tenants residing on the site on the date of the application, January 16, 2003, and who receive the six (6) months notice of termination set forth in (a) (“eligible tenants”) shall have a right of first refusal based on seniority to occupy a designated affordable replacement rental unit at an initial rent not exceeding the amount of their rent as of January 2003 plus the amount permitted by the Provincial rent increase guidelines between that date and the date of their first occupancy as adjusted by the anniversary date of each lease and a one-time allowance of 4%;
- (c) all eligible tenants as set forth in (b) shall receive financial assistance in an amount at least as the amount specified in the Section 37 Agreement in addition to compensation required under the Tenant Protection Act;
- (d) any prospective (new) tenant of an existing rental unit on the site after January 16, 2003, shall be advised prior to entering into any legal agreement to rent a unit of the development applications and the potential demolition, and they shall also be advised that they will not receive the extra assistance set forth in (c) being offered to tenants residing on the site on January 16, 2003 who are eligible tenants; and
- (e) any new tenant in an existing rental unit after January 16, 2003 shall receive the following assistance over and above the minimum requirements of the Tenant Protection Act: at least six months notice of the termination of their tenancy for demolition, and the right of first refusal to occupy a designated affordable rental replacement unit at an initial rent not exceeding the January 2003 amount of the average rent for the City of Toronto by unit type as reported in the Canada Mortgage and Housing Corporation Rental Market Survey plus a one-time allowance of 4% plus

annual Provincial rent guideline increases until the date of first occupancy;

- (iii) prior to the issuance of the building permit for the full building , the owner shall pay, to the City of Toronto, \$140,000 (\$20,000 per unit), being a public subsidy cost, which represents the fee to be earmarked for the Capital Revolving Fund for Affordable Housing for 7 of the units that will not be replaced as designated rental units within the building.
3. For the purpose of the By-law,
- (a) each other italicized word or expression shall have the same meaning as each word or expression as defined in By-law No. 438-86.
4. In cases where there is a conflict between this By-law and the provisions of By-law No. 438-86, as amended, this By-law shall apply.

ENACTED AND PASSED this ~ day of ~, A.D. 2004.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)