

90 Eastdale Ave and 2 Secord Ave – Appeal of Zoning Amendment and Site Plan Applications - Request for Direction Report

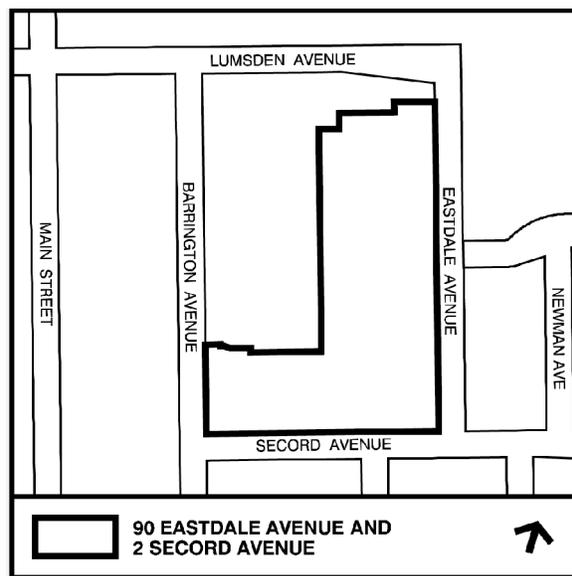
Date:	September 6, 2012
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 31 – Beaches-East York
Reference Number:	10 119850 STE 31 OZ

SUMMARY

The purpose of this report is to request direction from City Council regarding the appeals filed by the owner to the Ontario Municipal Board based on the lack of a decision by City Council for the Rezoning and Site Plan Approval applications for 90 Eastdale Avenue. An OMB pre-hearing was held on June 19, 2012. A second OMB pre-hearing is scheduled for October 15, 2012 and a 10-day OMB hearing is scheduled on November 26, 2012. A City Council decision on the application is needed to provide the City solicitor, the Chief Planner and other City staff with direction for the upcoming OMB hearing.

The application proposes a new 22-storey, 208 unit apartment building (Option 1) at the lands municipally known as 90 Eastdale Avenue.

Although City staff generally support the proposed development submitted by the applicant (Option 1), City Planning has proposed an alternate scheme (Option 2). The alternate development scheme requires that the appellant to submit revised applications, including plans and studies and the applicant is required to satisfy the Official Plan policies and the City's



practices applicable to rental housing demolition. The appellant is willing to pursue Option 2, should City Council endorse it.

In Option 1, a new apartment building is proposed behind an existing rental apartment building at 90 Eastdale Avenue. Option 2 proposes the new apartment building at a different location, immediately north of the site at Eastdale Parkette on Lumsden Avenue. Both proposals for a new apartment building are of similar height and massing.

Implementation of Option 2 is more complicated than Option 1. Existing parkland at Eastdale Parkette would need to be exchanged for a new larger public park at the south end of the appellant's site at Secord Avenue. Option 2 involves the demolition of 12 rental townhouses at 2 Secord Avenue and 9 rental townhouses at 90 Eastdale Avenue and the construction of 22 stacked replacement townhouses on site.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, the Chief Planner and Executive Director, City Planning together with any other necessary City staff to attend the Ontario Municipal Board hearing in support of a development option for 90 Eastdale Avenue and 2 Secord Avenue referred to as Option 2, as detailed in Attachment 3 and Attachment 4 of the report from the Director of Community Planning Toronto and East York District (September 6, 2012), conditional on compliance with relevant Official Plan housing policies, to the satisfaction of the City Solicitor and Chief Planner.
2. City Council authorize the City Solicitor to request the Ontario Municipal Board to withhold any final Orders approving Official Plan and Zoning By-law Amendment(s) to implement Option 2 until such time as the Site Plan Notice of Approval Conditions has been issued by the Director of Community Planning Toronto and East York District, and all pre-approval conditions met including an executed Site Plan Agreement.
3. City Council authorize the City Solicitor to request the Ontario Municipal Board to withhold any final Orders approving Official Plan and Zoning By-law Amendment(s) until such time as the Owner has entered into and registered a Section 37 Agreement to the satisfaction of the City Solicitor, requiring the Owner to:
 - a) Maintain the apartment buildings at 2 Secord Avenue and 90 Eastdale Avenue with all existing rental apartment units and all remaining rental townhouse units as rental housing for a minimum period of twenty (20) years commencing from the date the by-law comes into force and effect, with no application for demolition without replacement, or for conversion to non-rental housing purposes during the twenty year period;

- b) Develop, prior to final Site Plan Approval, a Construction Mitigation and Resident Communication Plan to the satisfaction of the Director, Community Planning, Toronto and East York District, and Executive Director, Technical Services, and thereafter implement such Plan;
- c) Develop prior to final Site Plan Approval, Construction Mitigation and Tenant Communication Plan to the satisfaction of the Director, Community Planning, Toronto and East York District, and thereafter implement such Plan;
- d) Provide and maintain at least 21 rental replacement units with a unit mix, size and rent levels that are satisfactory to the Chief Planner, subject to the City's standard provisions and which comply with the Housing policies of the Official Plan;
- e) Provide assistance for the affected tenants of all residential rental units that are proposed to be demolished in Option 2 in accordance with a Tenant Relocation and Assistance Plan, developed and implemented by the Owner to the satisfaction of the Chief Planner;
- f) Provide appropriate improvements to the existing rental buildings at 2 Secord Avenue and 90 Eastdale Avenue to the satisfaction of the Chief Planner. The owner shall not pass through any of the construction costs of the development or the improvements to the tenants of the existing rental buildings, including in the form of an increase in rent above the provincial Guideline established under the Residential Tenancies Act;
- g) Construct the rental replacement townhouses prior to demolition of any existing rental townhouses so that the affected tenants have the opportunity to relocate directly to a new townhouse on-site and avoid off-site relocation;
- h) Provide the appropriate details for construction of the new park to a similar condition as the existing park and require the owner to retain a qualified person to conduct environmental site assessments for the lands to be conveyed to the City, which plan would describe the current conditions of the land to be conveyed and the proposed remedial action plan and that the owner pay all costs associated with this review, including the retention of a third-party peer reviewer by the City; and
- i) Provide for a financial contribution under Section 37 of the *Planning Act*, for local improvements, the use of which will be determined in consultation with the Ward Councillor and request the Chief Planner and Executive Director of City Planning to report directly to City Council at its

meeting of October 2, 2012 with respect to the negotiated amount of the Section 37 contributions.

4. As a condition of the City's support for Option 2, the applicant shall submit by October 26, 2012, the following:
 - a) an application under Municipal Code Chapter 667 which provides for the replacement of rental units proposed for demolition and tenant relocation and assistance;
 - b) applications for tree removal in accordance with the City's Private Tree By-law, Street Trees By-law and Parks By-law; and
 - c) revised Rezoning and Site Plan Approval plans, drawings and studies.

Financial Impact

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

ISSUE BACKGROUND

Ontario Municipal Board Appeal

On February 28, 2012, the City Clerk's Office received notification that the applicant filed an appeal of the Zoning By-law Amendment application to the Ontario Municipal Board (OMB), citing Council's failure to make a decision on the application within the timeframe prescribed by the *Planning Act*. On March 16, 2012, the Site Plan Control application was appealed by the applicant.

A pre-hearing conference was held at the OMB on June 19, 2012. The OMB set a further pre-hearing conference for October 15, 2012 and a 10-day hearing commencing on November 26, 2012.

Decision History

A series of development alternatives for the site have been under discussion with the appellant and reported to Community Council over the past four years, leading to the alternate development scheme (Option 2) for which City staff are seeking Council authorization to support at the OMB.

In April 2008, a Zoning By-law Amendment application was submitted to permit a 30-storey apartment building, a 5-to-8-storey apartment building and 60 3-bedroom rental townhouse units at 90 Eastdale Avenue and 2 Secord Avenue. The existing 24-storey apartment building at 90 Eastdale Avenue and 22-storey apartment building at 2 Secord Avenue were to be retained and connected below grade by two levels of parking. Nine townhouse blocks with 52 3-bedroom affordable rental townhouses were to be demolished. The proposed development had a gross floor area of 89,862 m², floor space index of 3.39 times the lot area, and 1,052 dwelling units. A park swap was proposed to

exchange Eastdale Parkette with the applicant's lands at the north-west corner of Eastdale and Secord Avenues.

In July 2008, Toronto and East York Community Council adopted the recommendations of a Preliminary Staff Report dated June 17, 2008, including that the applicant revise its proposal to address the comments in the Preliminary Staff Report and submit outstanding information and/or studies. The Preliminary Report also identified the need for an Official Plan Amendment (OPA). The 2008 Preliminary Report can be found at <http://www.toronto.ca/legdocs/mmis/2008/te/bgrd/backgroundfile-14232.pdf>

An OPA application was submitted in December 2008, under protest, along with the outstanding information and/or studies identified in the June 2008 staff report. In February 2009, the recommendations of a Preliminary Staff Report, dated January 14, 2009, relating to the OPA application were adopted by Toronto and East York Community Council. The January 2009 Preliminary Report can be found at <http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-18799.pdf>

On March 20, 2009, Planning staff met with the applicant to discuss issues related to the proposed development that included rental housing replacement, the Section 111 application, the provision of amenity space and community benefits, roads, massing, building setbacks and public realm conditions, and shadow impacts on public parks, ravines, and the neighbourhood. On April 1, 2009, the applicant advised that it no longer proposed to demolish the 52 rental townhouses and wished to discuss additional revisions, and it requested that the applications be held in abeyance.

In September 2009, Toronto and East York Community Council received an Information Staff Report advising that Planning staff and the applicant had discussed the applicant's proposed revisions to the proposed development. The applicant's revised proposal was a 22-storey apartment (condominium) building behind the existing apartment building at 90 Eastdale Avenue, an 18-storey apartment (condominium) building beside the existing apartment building at 2 Secord Avenue, and landscaped open space and pedestrian network improvements. The Information Report can be found at <http://www.toronto.ca/legdocs/mmis/2009/te/bgrd/backgroundfile-21949.pdf>

A revised application was received on February 18, 2010, which proposed two new apartment buildings. A 26-storey, 216 unit condominium apartment building with 2-storey base and 6, two-storey residential units at grade was proposed at 90 Eastdale Avenue. An 18-storey, 144 unit condominium apartment building with 2 storey base and 5, two-storey residential units at grade was proposed at 2 Secord Avenue. The existing 24-storey rental apartment building at 90 Eastdale Avenue, the existing 22-storey rental apartment building at 2 Secord Avenue, and the 9 townhouse blocks containing 52 rental townhouse units were to be retained. The March 31, 2010, Preliminary Staff Report to Toronto and East York Community Council can be found at <http://www.toronto.ca/legdocs/mmis/2010/te/bgrd/backgroundfile-29247.pdf>

City staff has held subsequent discussions with the applicant on the revised application during 2010 and 2011 which resulted in the submission of further revisions to the application on July 11, 2011 that eliminated the proposed apartment building at 2 Secord Avenue and reduced the height of the proposed apartment building at 90 Eastdale to 22 storeys. The associated Site Plan Approval Application was submitted on December 20, 2011.

On February 28, 2012, the applicant appealed the Zoning By-law Amendment application to the OMB. It appealed the related Site Plan Control application to the OMB on March 16, 2012.

Following the appeal, City Legal and Planning staff have held discussions with the appellant which resulted in an alternate development scheme (Option 2) described below and detailed in Attachments 3 and 4 of this report.

ISSUE BACKGROUND

Application under Appeal - Option 1

The subject application under appeal to the OMB referred to as Option 1 proposes a new 22-storey, 208 unit apartment (condominium) building on a lot to be severed from 90 Eastdale Avenue.

The new apartment building would be located behind the existing 24-storey, apartment building at 90 Eastdale Avenue on an existing depressed and underutilized area of vegetated open space. The new building would be accessed by a driveway extending around the rear of the existing apartment building with two access points from Eastdale Avenue. The new building would front onto the driveway which is to be designed to have the appearance of a street. Attachment 1 shows the Site Plan for Option 1.

The new apartment building would have a 1-storey base containing the lobby, indoor amenity space and service areas for the proposed building, with an additional 21 storey point tower. The tower of the new building would have a separation distance from the rear of the existing apartment building at 90 Eastdale that ranges from 20 to 25 metres a separation distance of 5.5 metres from the west lot line of the property.

The overall gross floor area proposed for the entire site (90 Eastdale) in Option 1, including the existing apartment buildings and townhouses, is approximately 44,962 m² or 3.01 times the lot area with a total of 621 dwelling units proposed. A total of 518 parking spaces to serve both existing and proposed units as well as visitors are proposed.

Alternate Development Scheme - Option 2

The alternate development scheme referred to as Option 2 proposes a new 24-storey apartment building where the City-owned Eastdale Parkette is located on the south-west

corner of Lumsden Avenue and Eastdale Avenue. The existing parkland at Eastdale Parkette would be relocated to create a larger public park at the south end of the block at the north-west corner of Secord Avenue and Eastdale Avenue. The site for the new park would be created by replacing 12 existing rental townhouses near Secord Avenue with new stacked rental townhouses on the existing depressed area of open space at the rear of 90 Eastdale Avenue. The existing 24-storey rental building at 90 Eastdale Avenue, the existing 22-storey rental building at 2 Secord Avenue, as well as 31 of the existing 52 rental townhouse units would be retained. Attachment 3 shows the current Site Plan for Option 2. It is expected that the final Site Plan would be similar to Attachment 3, however there may be minor mutually agreeable alterations to the plan that would improve the overall function of the site.

Option 2 would be developed in phases. The first phase would be construction of 22 replacement rental townhouses at the rear of 90 Eastdale Avenue, resulting in no tenant having to be relocated off site. Tenant relocation assistance for the affected tenants would be provided. The second phase would be the demolition of the 12 existing townhouses to allow for the construction of the new public park. The second phase would immediately follow the completion of Phase 1 and the relocation of all affected tenants. Upon demolition of the second phase, the owner would immediately implement Phase 3. The third phase entails the construction of the new park to a similar condition as the existing park followed by the land exchange between the City and the appellant. The final phase would include the completion of the park and construction of the proposed 24-storey apartment building. The remaining 9 townhouses to be demolished could be done at either Phase 2 or Phase 3 as they are located on the portion of the property where the new building would be located.

The overall gross floor area proposed for the entire site (90 Eastdale) in Option 2, including the existing apartment buildings and townhouses, is approximately 55,152 m² or 3.3 times the lot area with a total of 664 dwelling units proposed.

Site and Surrounding Area

The subject site is within the Crescent Town Neighbourhood, one of 13 neighbourhoods identified by City Council for priority investment.

The site is comprised of two properties at 90 Eastdale Avenue and 2 Secord Avenue, with a total area of 2.65 hectares. The property at 90 Eastdale Avenue has an approximate lot area of 15,070 m², and currently contains a 24-storey apartment building with 383 rental units, and 30 2-storey townhouse units. The existing development contains 413 residential dwelling units, and has an approximate total gross floor area of 31,012m².

The property at 2 Secord Avenue has an approximate lot area of 11,436 m², and currently contains a 22-storey apartment building with 304 rental units and 22, 2-storey townhouse units. The existing development contains 326 residential dwelling units, and has an approximate overall gross floor area of 25,856 m².

Development near the site is as follows:

North: Immediately north of the site is the Eastdale Parkette at the south-west corner of Lumsden Avenue and Eastdale Avenue. Further north, across Lumsden Avenue is a 24–storey apartment building, 2-storey townhouse dwellings and the Taylor Creek Park.

East: Development to the east of the site across Eastdale Avenue consists of a mix of a 15-storey apartment building, 2-storey townhouses, and single detached and semi-detached dwellings.

South: Development south of the site across Secord Avenue consists of an elementary school and low density residential development.

West: Immediately west of the site in the same city block are two apartment buildings of 20 and 22 storeys in height, and 2-storey townhouse dwellings. Further west, across Barrington Avenue, is low density residential development.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council’s planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council’s planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

This site is designated as *Apartment Neighbourhoods* on Map 20 – Land Use Plan in the Official Plan. *Apartment Neighbourhoods* are made up of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents. This designation does not anticipate significant growth within its areas, however compatible 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. The Plan includes criteria that direct the form and quality of development in this land use designation.

Policies 4.2.2 and 4.2.3 provide development criteria in *Apartment Neighbourhoods* that include but are not limited to the following:

- meet the development criteria set out in Section 4.2.2 for apartments;
- maintain an appropriate level of residential amenity on the site;
- maintain adequate sunlight, privacy and areas of landscaped open space for both new and existing residents;
- organize development on the site to frame streets, parks and open spaces in good proportion, provide adequate sky views from the public realm, and create safe and comfortable open spaces;
- front onto and provide pedestrian entrances from an adjacent public street wherever possible;
- consolidate loading, servicing and delivery facilities; and
- preserve or provide adequate alternative on-site recreational space for residents.

The site is within a priority neighbourhood. The Official Plan Section 2.3.1.7 requires that in priority neighbourhoods, revitalization strategies will be prepared through resident and stakeholder partnerships to address:

- a) improving local parks, transit, community services and facilities;
- b) improving the public realm, streets and sidewalks;
- c) identifying opportunities to improve the quality of the existing stock of housing or building a range of new housing;
- d) identifying priorities for capital and operational funding needed to support the strategy; and
- e) identifying potential partnerships and mechanisms for stimulating investment in the neighbourhood and supporting the revitalization strategy.

The development block also includes Eastdale Parkette which is designated as *Natural Areas* in the Official Plan. The park is in close proximity to Taylor Creek Park, which is also designated as *Natural Areas* however it does not have the typical features of a property designated *Natural Areas*. The Eastdale Parkette is not located within a ravine, within the TRCA regulation limit nor is it within the Natural Heritage system. Eastdale Parkette would have been more appropriately designated as Parks given its existing features. Official Plan Policy 4.3.8 states: "the sale or disposal of publicly owned lands in *Parks and Open Space Areas* is discouraged and no City owned lands in *Parks and Open Space Areas* will be sold or disposed of. However, City owned land in *Parks and Open Space Areas* may be exchanged for other land of equivalent or larger area and comparable or superior green space utility."

The Built Form policies, contained in Section 3.1.2 of the Official Plan emphasize the importance of ensuring that new development fits within its existing and/or planned context, while limiting impacts on neighbouring streets, parks and open spaces. New buildings are required to provide appropriate massing and transition in scale that will respect the character of the surrounding area.

The Plan contains policies regarding tall buildings in the City. Tall buildings are identified as those whose height is typically higher than the width of the adjacent road allowance. The Plan limits these buildings to parts of the Downtown, Centres and other areas of the City such as Apartment Neighbourhoods. The Official Plan also sets out urban design considerations when considering tall building proposals.

The Official Plan requires that new development provide adequate on-site indoor and outdoor amenity space for residents. Section 4.2.3 of the Plan requires that infill development on a site in an Apartment Neighbourhood maintain an appropriate level of residential amenity, preserve and/or replace important landscape features and walkways and create such features where they did not previously exist, and preserve or provide adequate alternative on-site recreational space for residents.

The Official Plan includes policies for parkland acquisition as well as criteria for the location and configuration of Parks. In addition the Official Plan contains policies that discourage tree removal and promote increasing the tree canopy coverage in the City.

The housing policies in the Official Plan support provision of a full range of housing, including rental housing. On sites containing six or more rental units where existing rental units are being retained and new development is proposed, the existing rental housing is to be secured. In addition, needed improvements and renovations to the existing rental housing may also be secured without the pass-through of such costs to tenants. The Official Plan indicates that Section 37 agreements may be used to secure any needed improvements to the existing rental building.

Applicants proposing to demolish six or more residential rental units (except where all of the rents are above the mid-range rent category) are required to replace the rental units with the same number, size and type of rental housing units and maintain them with rents similar to the rents of existing units on the site. An acceptable tenant relocation and assistance plan is also required to address moving related costs, alternative accommodation, and other assistance to lessen hardship.

Rental Housing Demolition and Conversion By-law

The Rental Housing Demolition and Conversion By-law (885-2007) implements the City's Official Plan policies protecting rental housing. The by-law established Chapter 667 of the Municipal Code and was approved by City Council on July 19, 2007. The By-law prohibits demolition or conversion of rental housing units without a permit issued under Section 111 of the City of Toronto Act, 2006. Proposals involving six or more dwelling units and with rental housing must have a S.111 permit. Where there is a related application for a Zoning By-law, the decision is made by City Council. Such decisions are not appealable to the Ontario Municipal Board.

The applicant has not submitted an application under this by-law because their current application does not propose demolition of rental units. However, if the applicant agrees to the proposed settlement of the appeal to the Ontario Municipal Board which involves demolition, then they are required to submit an application without delay.

Under Section 33 of the Planning Act and Municipal Code Chapter 363, Council has the authority to approve or refuse a residential demolition permit, except in cases where a building permit has been issued to construct a new building. The proposed demolition requires approval under both Section 33 of the Planning Act and Section 111 of the City of Toronto Act, 2006. Section 363-11.1 of the Municipal Code provides for the co-ordination of these two processes. The Chief Building Official may issue one demolition permit for the purposes of Section 33 of the Planning Act and Chapter 667 of the Municipal Code, and the Chief Planner in consultation with the Chief Building Official may report on the application for a City Council decision.

Zoning

The properties at 90 Eastdale Avenue and 2 Secord Avenue are subject to Site Specific Zoning By-laws in the former Borough of East York Zoning By-law 6752, as amended. The 90 Eastdale property is zoned R3A.6 which limits development on the site to a maximum of 369 apartment units and 30 multiple attached dwellings. The 2 Secord property is zoned R3A.13 which limits its development to a maximum of 304 apartment units and 22 multiple attached dwellings. The site specific zonings also prescribe minimum parking requirements, a maximum unit size mix, minimum side yard setbacks, and prohibit the projection of balconies.

Site Plan Control

A Site Plan Control Application was received on December 20, 2011 and has been reviewed in assessing the proposed development and Rezoning application.

Tall Building Guidelines

The City-wide "Design Criteria for Review of Tall Building Proposals" (Tall Building Guidelines) were endorsed by Council in May, 2010. The Tall Building Guidelines provide policy recommendations for tall buildings on issues of transition, building placement and orientation, entrances, heritage conservation, massing of base buildings, tower floor plates, separation distances, public realm considerations and sustainable design.

Reasons for the Application

An Official Plan Amendment is required in order to redesignate the new park as *Parks* and to redesignate the existing park as *Apartment Neighbourhoods*. A Zoning By-law amendment is required because the proposed development does not comply with the Zoning By-law requirements which permit only the existing buildings as they exist on the site today.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions and their responses have been used to assist in evaluating the application.

COMMENTS

Appropriateness of the site for redevelopment

The redevelopment of lands in an established urban setting requires consideration of the immediate site context and the larger neighbourhood. Developments should recognize the defining urban characteristics of the area into which they are to be inserted and should seek to complement the established urban form. New development must relate, enhance and contribute to its surroundings. Option 2 promotes a harmonious fit with the existing apartment neighbourhood context and is consistent with the relevant Official Plan policies.

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS.

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

Surrounding Context

The Built Form policies within the Official Plan stress the importance of new development fitting harmoniously into its existing and/or planned context and limiting its impacts on neighbouring streets, parks, open spaces and properties. The Official Plan identifies the need to consider new development not only in terms of the individual building and site, but also in terms of how that building and site fit within the context of the neighbourhood and the City. New development within *Apartment Neighbourhood Areas* is required to locate and mass new buildings to frame the edge of streets, maintain sunlight and comfortable wind conditions, and locate and mass new buildings to provide a transition between areas of different development intensity and scale.

Intensification on land in neighbourhoods is required to be carefully controlled so that the neighbourhoods are protected from negative impact by locating and organizing developments to fit harmoniously with its existing and/or planned context. The concept plans for Option 2 submitted by the appellant fit harmoniously within the existing context as the proposal seeks to introduce a built form and density that is consistent with the surrounding context and meets the policies contained in the Official Plan.

Height, Density and Massing

Option 1 proposes a new apartment building with an overall height of 22 storeys to be of comparable height to the existing 24-storey apartment building at 90 Eastdale Avenue. The greatest challenge with the new building is its location behind the existing apartment building at 90 Eastdale which does not enable it to frame a public street or provide it with a direct street frontage although it is accessed by and fronts onto a driveway designed to appear to be a street. In addition, while the front face of the proposed building does not meet the minimum separation distance in the Tall Building Guidelines of 25 metres from the nearest apartment building it provides a range of setbacks between 20 and 25 metres and is curved to attempt to reduce overlook and privacy issues. The Rezoning

submission does not propose balconies within these facing distances. The setbacks and impact on sunlight, wind and privacy for the existing building could be improved if the new building was located elsewhere as proposed in Option 2.

Option 2 proposes a new apartment building with an overall height of 24 storeys. The building includes a 3-storey podium which includes lobby space and 37 townhouse units. The 3-storey podium provides for a comfortable pedestrian relationship. The proposed height of the overall building at 24 storeys is of similar height to the existing 24 storey apartment building to the south at 90 Eastdale Avenue and is compatible with the adjacent apartment buildings to the north at 424 Lumsden Avenue with a height of 24 storeys. The building at 75 Eastdale Avenue to the southeast has a height of 15 storeys.

The site has an area of approximately 16,716 square metres (when including the existing park area) and there is approximately 31,012 square metres of existing residential uses currently on site. The Option 2 proposal will require demolition of approximately 21 townhouses which will be replaced by 22 stacked townhouses. The total gross floor area for the development upon full build out, including existing buildings is 55,152 square metres. The proposed density for the development is approximately 3.3 times coverage for the 90 Eastdale Avenue property, whereas the existing density is 2.06 times the area of the lot. It would result in a development that better respects and reinforces the existing physical character of the neighbourhood as compared to Option 1. The floor plate of the proposed 24-storey apartment building is approximately 743 square metres as per the City-wide Tall Building Guidelines.

The Tall Building Guidelines also recommends 3 to 5 metre stepbacks for a tower from its podium. Option 2 meets or exceeds this requirement with stepbacks from the podium of 3 metres along the driveway and Eastdale Avenue, approximately 8 metres from Lumsden Avenue, and approximately 12 metres from the west elevation. This size of stepback was not achieved on the west, south and east faces of the proposed 22-storey apartment building (Option 1).

In accordance with the Tall Building Guidelines, the new tower of the proposed 24-storey apartment building in Option 2 is located 25 metres from the north (blank) wall of the existing apartment building at 90 Eastdale and exceeds the required setback to the west lot line.

Option 2 has a tower with direct street frontages on both Lumsden and Eastdale Avenues. The area where the new townhouses would be constructed to the rear of the existing apartment building at 90 Eastdale, and would not to be severed from the existing 90 Eastdale property. On the other hand, the proposed 22-storey apartment building (Option 1) does not have direct street frontage and is proposed to be severed from the existing 90 Eastdale properties. This creates issues relating to separate servicing of the building among others which would need to be resolved, particularly if the new building is to be severed from the existing lot as servicing of a building is not permitted through another property.

The proposed tower massing for Option 1 currently differs in the Zoning By-law Amendment and Site Plan Control submissions and needs clarification. The current Rezoning application does not have balconies. The submitted Site Plan Approval application does have balconies that encroach into the facing distances between the new and existing building. In addition, there is further sculpting of the building that would be required at the upper levels, including the integration of the mechanical penthouse into the design.

Site Plan

Option 2 as well as Option 1 proposes a new private driveway off of Eastdale Avenue. The driveway would have the appearance of a public street with sidewalks, street trees and paving width per City standards. It is proposed on top of the underground parking garage and would provide access to the new replacement rental townhouses and a second lobby entrance at the rear of the existing 90 Eastdale Avenue apartment building. The existing driveway at the front of 90 Eastdale will be shortened to go just to the front lobby entrance and landscaping will be introduced for the entire south side of the existing driveway.

The replacement outdoor swimming pool and new outdoor amenity space will be shown on the site plan, as well as other amenities. These will be reviewed further upon submission with input from staff and the resident Working Committee.

The loading area for Option 2 is contained within the building while Option 1 has an outdoor loading area adjacent the outdoor amenity area, which is not a desirable condition.

The interior amenity space in Option 2 is at-grade while Option 1 proposes below grade indoor amenity space which is an issue as it negatively affects the ground level for pedestrians due to a depressed area requiring guardrails.

The garbage relocation area for 90 Eastdale Avenue will be reviewed further upon submission of a revised site plan application and further input from Technical Services staff and the Working Committee.

A wind study and photometric plan will be required. The site plan should be designed with Crime Prevention Through Environmental Design (CPTED) principles in mind for security and safety. Building materials and massing details will need to be resolved with the appellant.

A preliminary shadow study submitted by the appellant for Option 2 demonstrates that the new building would have minimal shadow impact on existing apartment buildings and the low density residential neighbourhood due to distance separation.

Landscape improvements need refinements before approval for both Options.

Parkland

Eastdale Parkette, an existing City public park, is located at the south-west corner of Lumsden Avenue and Eastdale Avenue, where both streets terminate. The Parkette has an area of approximately 1,646 square metres and contains several trees. It contains benches and is generally used for passive purposes and dog walking.

Option 2 involves the relocation of the park southward to the north-west corner of Secord Avenue and Eastdale Avenue. The relocated park would have an approximate area of 2,100 square metres and would include an additional adjacent area that would remain under the current private ownership but would function as publicly accessible open space.

The new park location is a more desirable central location, adjacent to the lower density portion of the neighbourhood, and Secord Public School and Community Centre. The new park would have very limited shadow impacts from existing buildings, whereas the existing park is in shade for much of the day. The new park would be increased in area from the existing parkette at approximately 1,646 square metres to approximately 2,100 square metres, and further visually increased with the adjacent publicly accessible private open space.

City Parks staff has been consulted and support, in principle, the relocation of the park, provided that it is conveyed to the City with at least the same amenities as exist in the existing Parkette. City policies require that City owned land in *Parks and Open Space Areas* may be exchanged for other land of equivalent or larger area and comparable or superior green space utility.

The Official Plan will need to be amended to designate the new park as *Parks* and to redesignate the existing park to *Apartment Neighbourhoods*.

Rental Housing

Demolition of Rental Housing

The 21 three bedroom townhouses at 90 Eastdale Avenue and 2 Secord Avenue meet the definition of rental housing in the City's Official Plan and c. 667 of the Municipal Code. Official Plan policy 3.2.1.6 requiring rental replacement where redevelopment would result in the loss of 6 or more rental units is applicable to Option 2 as 21 townhouses would need to be demolished. Staff are recommending the full replacement of the 21 rental townhouse units pursuant to Chapter 667 of the Municipal Code and the Official Plan.

Proceeding with Option 2 requires additional information to be submitted by the applicant regarding the existing rental housing on the site and the proposed replacement proposal. The required information includes a complete Rental Housing Demolition and Conversion application as well as a Housing Issues Report to support the Zoning By-law Amendment(s). Until the information is provided, City Planning staff cannot assess Option 2 for compliance with the Official Plan policies and the City's practices for securing rental replacement and tenant assistance. The City would have to be satisfied

that the replacement requirements could be incorporated into the Option 2 alternative before recommending it to the OMB. The Zoning By-law Amendment(s) recommended to the OMB would also have to secure all the relevant requirements. Staff is recommending that the applicant fully satisfy the City's policies and practices regarding rental housing replacement and tenant relocation and assistance prior to OMB issuing any final Orders approving a Zoning By-law Amendment(s).

A Tenant Relocation and Assistance Plan is a typical condition of approval for demolition of rental housing in order to reduce the hardship caused to existing tenants by the proposed demolition. This Plan generally includes the right for tenants to return to a new unit at a similar rent, financial assistance for moving costs, an extended notice period, and additional financial assistance for tenants with special needs. Providing affected tenants with the option to relocate to another available existing unit on-site can also be secured through this Plan. Staff are recommending that the Tenant Relocation and Assistance Plan be required as a condition of approval. The owner would also be required to develop, and thereafter implement, an appropriate Construction Mitigation Plan and Tenant Communication Strategy prior to the issuance of any building permit for the site. The intent of these documents is to mitigate the impacts of construction on the existing tenants and keep them informed about the construction timetable and rules that govern the construction such as the noise by-law, dust control and the provision of contact information for construction related inquiries.

Existing Rental Housing

The apartment building at 2 Secord Avenue consists of 304 existing rental dwelling units (216, one bedroom units and 88 two bedroom units). The apartment building at 90 Eastdale Avenue consists of 383 existing rental dwelling units (5 bachelor units, 284 one bedroom units and 94 two bedroom units). All of the existing townhouses on-site are three bedroom units.

In keeping with Policy 5 of Section 3.2.1 of the Official Plan, both development options would require the applicant to secure the rental tenure of the existing apartment buildings at 90 Eastdale Avenue and 2 Secord Avenue as well as the remaining 31 of the 52 existing townhouses on-site for a minimum period of twenty (20) years through a Section 37 Agreement commencing from the date the by-law comes into effect, with no application for demolition without replacement, or for conversion to non-rental housing purposes during the twenty year period.

The policy also provides for improvements to existing rental buildings on site, with no pass-through of the costs to the tenants. The owner and staff have not fully reviewed what specific improvements are appropriate for the proposed development. Once agreed to, these improvements and the timing for their completion will be secured through a Section 37 Agreement to the satisfaction of the Director of Community Planning, Toronto and East York District. The owner would also be required to agree to not pass through any of the construction or improvement costs to the tenants of the existing rental building, including in the form of an increase in rent above the provincial Guideline established under the Residential Tenancies Act.

The applicant's current submission does not address matters required under Policy 3.2.1.5. Support for Option 2 is conditional on the owner agreeing to satisfy Policy 3.2.1.5.

Tree Preservation

The applicant is required to submit an updated Arborist Report and Tree Inventory, as well as a Tree Preservation Plan and Strategy, and to submit tree removal applications under the City's Private Tree By-law, Street Tree By-law and Parks By-law for consideration by the City. Public consultation is required under the Private Tree By-law.

Both Options 1 and 2 involve the removal of privately owned trees located primarily in the depressed open space behind the existing apartment building at 90 Eastdale Avenue. In Option 2, stacked replacement townhouses would be constructed in this location while Option 1 proposes a new apartment building. In addition, in Option 2, the existing trees at Eastdale Parkette would be removed to enable construction of the new apartment building, although the new public park on Secord Avenue replacing the Parkette would include new tree planting.

Urban Forestry staff do not support the removal of certain specific healthy trees and have advised that they have concerns with some of the tree removal proposed by both Options 1 and 2. While Planning staff generally agree, on balance the removal of the trees to allow for the construction of townhouses and the replanting of new trees on site results in a much better overall development scheme. The location of the majority of the trees protected under the City's Private Tree By-law is within a depressed open space area to the rear of the existing building at 90 Eastdale. The area is underutilized for its intended purpose as outdoor amenity space and has become a security concern for the local community as it is most commonly used for undesirable activities and garbage dumping.

Schools

The Toronto District School Board has advised that there is insufficient space at the local elementary and secondary schools to accommodate students anticipated from this development. Students from this development may be accommodated in facilities outside the area. The Toronto Catholic District School Board has advised that the local elementary and secondary schools serving this area can accommodate additional students.

Both School Boards have requested that as a condition of approval, the City require the developer to insert in the agreement of purchase and sale a warning clause with respect to availability of school accommodation, and that the developer erect signage on the site advising that it may be necessary for students to be accommodated in facilities outside of the community.

Toronto Green Standard

The City's Green Standard encourages the use of "green" development techniques with an aim to promote sustainable development. The proposed development will be required to meet Tier 1 standards and wherever possible, exceed them. The Standards will be

incorporated into the final approved Zoning by-law and/or implemented through the final approved Site Plan.

Traffic Impact, Access and Parking

The applicant has submitted a traffic impact study with the original application (Option 1) which indicates that the additional trips generated by this development can be accommodated by the road network. Transportation Services staff has reviewed the study and advise it is acceptable.

Access to the new building will be a shared access point with the existing building at 90 Eastdale Avenue. The driveway will continue around the existing building and will have the appearance of a new road, with sidewalks, street lighting and tree planting. The driveway extension will provide for access to the replacement townhouses as well as giving a second lobby entrance for the existing building. The creation of the extended driveway will allow for the significant reduction in the size of the front driveway currently associated with the lobby area of the existing 90 Eastdale apartment building which will allow for the introduction of a significant amount of new landscaped open space in front of the existing building.

A parking study submitted by the applicant indicated that there is a significant surplus of parking spaces in the existing buildings based on the vehicle ownership of existing tenants. In addition, new parking levels will be constructed under the proposed townhouses and under the proposed new building to meet the required demand of both the existing and new buildings.

Revised studies are required to be submitted for the revised proposal, but since the proposed development is of a similar scale to the original application, it is not expected that the traffic impacts will differ significantly and that any necessary revisions to the plan can be accommodated.

Servicing

The Functional Servicing Report submitted by the applicant for the original application has been reviewed by Technical Services staff. The proposal can be adequately serviced by existing and, if necessary improved infrastructure. If the building is to be severed from the existing lot, services would not be permitted to cross land that is not part of the same parcel of land. A revision to the proposed lot lines would be required should the appellant pursue Option 1.

The City's Solid Waste section will determine the most appropriate garbage pickup arrangement for the proposed development.

Rental Amenity Replacement

In accordance with Section 4.2.3 of the Official Plan which requires that new developments in Apartment Neighbourhoods provide benefits for existing tenants, the appellant will be required to provide, in addition to Section 37 community benefits, the

replacement of the outdoor amenity space, outdoor swimming pool and amenities, and rental improvements with no pass through of costs to the tenants.

Outdoor Amenity Replacement:

The proposed development should adequately replace approximately 2,800 square metres of open space at the rear of 90 Eastdale, which provides visual relief and open space to the towers as per the tower-in-the-park typology from the 1960s. Although neglected, the open space was intended at the time of approval to be used as an outdoor amenity area for the residents.

High quality open space as an amenity for the existing residents could be provided in lieu of the 2,800 square metres in the existing open space at the rear of 90 Eastdale provided the new open space is of adequate size, design and quality. Surface parking areas and vehicular turnarounds should be minimized in terms of their impact on the proposed new open space amenity. Attractive landscaping, lighting and outdoor furniture will be required with other landscape elements to delineate the open space as a private amenity space for the use of existing residents.

Revisions to the interior ground floor of the existing apartment building at 90 Eastdale are also proposed to provide a through lobby to the rear of the building. The site plan will be revised with input from the Working Committee and staff.

Swimming Pool Amenity Replacement:

The existing outdoor swimming pool is proposed to be replaced by a new outdoor swimming pool. Further details and revisions will have input from the Working Committee and staff.

Rental Improvements

The appellant proposes landscape improvements to the existing townhouse yards and paths, as well as the existing apartment building at 90 Eastdale. Among other improvements, it is proposed to modify the rear of the existing apartment building at 90 Eastdale in order to provide new front yards to the existing rear-facing units with at-grade entries instead of the units facing the existing parking lot. Input from the Working Committee would be sought on details of the proposed modifications and further revisions.

Section 37

Section 37 of the Planning Act allows the City to grant increased density and/or height in exchange for community benefits. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include: parkland and/or park improvements above and beyond the parkland dedication; public art; streetscape improvements on the public boulevard not abutting the site; and other works detailed in Section 5.1.1.6 of the Official Plan. Section 37 may also be used as otherwise may be agreed upon, subject to the policies contained in Chapter 5 of the Official Plan.

The community benefits must bear a reasonable planning relationship to the proposed development including at a minimum, an appropriate geographic relationship and the addressing of planning issues associated with the development.

Section 5.1.1.4 of the Official Plan allows Section 37 of the Planning Act to be used for all developments (excepting non-profit developments) with a GFA of more than 10,000 square metres and when the proposed zoning by-law amendment increases the permitted gross floor area by at least 1,500 square metres, and/or increases the height significantly.

The additional rental housing matters to satisfy section 3.2.1.5 and 4.2.3 are recommended to be secured in the Section 37 agreement. There will be ongoing discussions between the applicant, City and the existing tenants to determine the complete list of on-site improvements.

The Section 37 Agreement will also be used to secure: the rental tenure of the existing rental housing that is to remain, the replacement of the rental housing to be demolished, and the details of the tenant relocation and assistance plan.

Development Charges

It is estimated that the development charges for this project will be approximately \$ 2.3 million. This is an estimate. The actual charge is assessed and collected upon issuance of the building permits.

Construction Mitigation Measures

To mitigate the construction impacts on the surrounding community and in particular the tenants of the existing rental buildings on site and on the adjacent properties, the owner will be required as a condition of Site Plan Approval to submit and implement a Construction Mitigation and Communication Strategy to the satisfaction of the Director, Community Planning Toronto and East York District prior to the issuance of the first demolition or building permit.

Community Consultation Meetings

Community consultation meetings were held on June 2, 2010, November 9, 2011 and June 27, 2012. Residents within the affected buildings and within the immediate neighbourhood generally did not want any additional development on the property. The concerns articulated generally relate to traffic and parking, concerns with existing infrastructure, school capacities, construction related concerns and the overall density of the area.

Once the Rental Housing Demolition and Conversion application is received, a tenant consultation meeting for tenants affected by the purposed demolition will be held.

Working Committee

A working committee was formed consisting of City Staff, the Ward Councillor, existing tenants of 2 Secord Avenue and 90 Eastdale Avenue and members of the local

community. At the time of writing this report, 2 working committee meetings have been held. The first meeting was held on August 13, 2012 and dealt with an overall discussion of the proposed development and transportation issues. A second meeting was held on August 16, 2012 which dealt with the City's policies and practices regarding rental housing as they relate to the development application and the alternate development scheme. Among the topics discussed at the August 16, 2012 meeting, the working committee identified opportunities for improving the existing rental buildings at 2 Secord Avenue and 90 Eastdale Avenue including: improving the existing outdoor pool facilities, new bicycle storage areas, enhanced outdoor lighting, enhanced building security, improved accessibility for tenants with special needs, storage lockers, and a multipurpose room in both apartment buildings that tenants have access to throughout the week. A third meeting is scheduled for September 6, 2012 and it is proposed that there will be additional meetings scheduled leading up to the OMB hearing.

Additional Applications Required for Consideration by City Council

In addition to the submission of a revised Zoning By-law Amendment and Site Plan Control submission, including updated studies, the appellant is aware that additional applications to the City are required for Option 2 and it has committed to making these applications if City Council has provided direction to support Option 2. Because the revised scheme includes the replacement of some existing townhouses on the site, an application under Section 111 of the City of Toronto Act is required. In addition, applications for tree removal are also required.

A report to Government Management Committee for the land exchange is not necessary. The OMB decision and the Section 37 Agreement would be considered the necessary authority for city staff to complete the land exchange.

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SIGNATURE

Raymond M. David, Director
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Option 1 - Application under Appeal- Site Plan

Attachment 2: Option 1 - Application under Appeal- Elevations

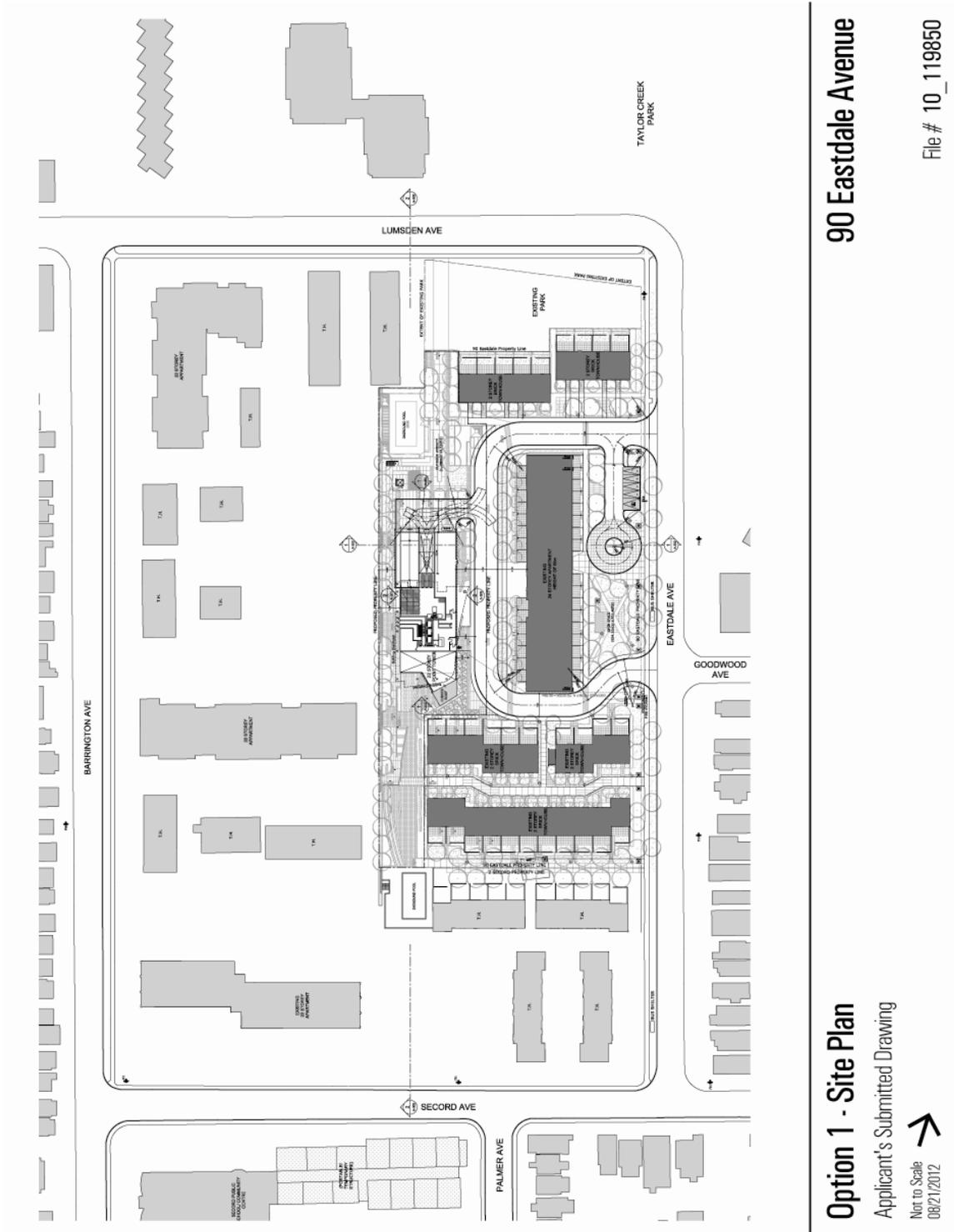
Attachment 3: Option 2 - Alternate Development Scheme- Site Plan

Attachment 4: Option 2 - Alternate Development Key Elements

Attachment 5: Official Plan

Attachment 6: Zoning

Attachment 1: Option 1 - Application under Appeal- Site Plan



90 Eastdale Avenue

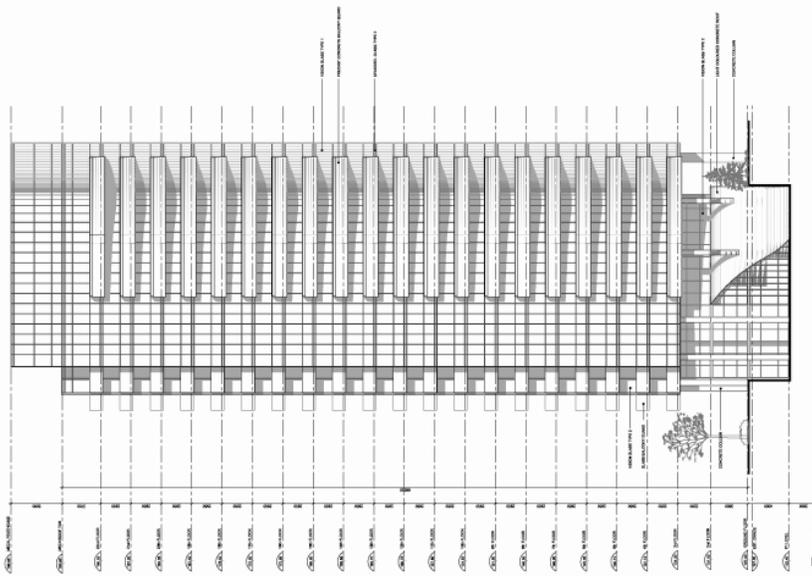
Option 1 - Site Plan

Applicant's Submitted Drawing

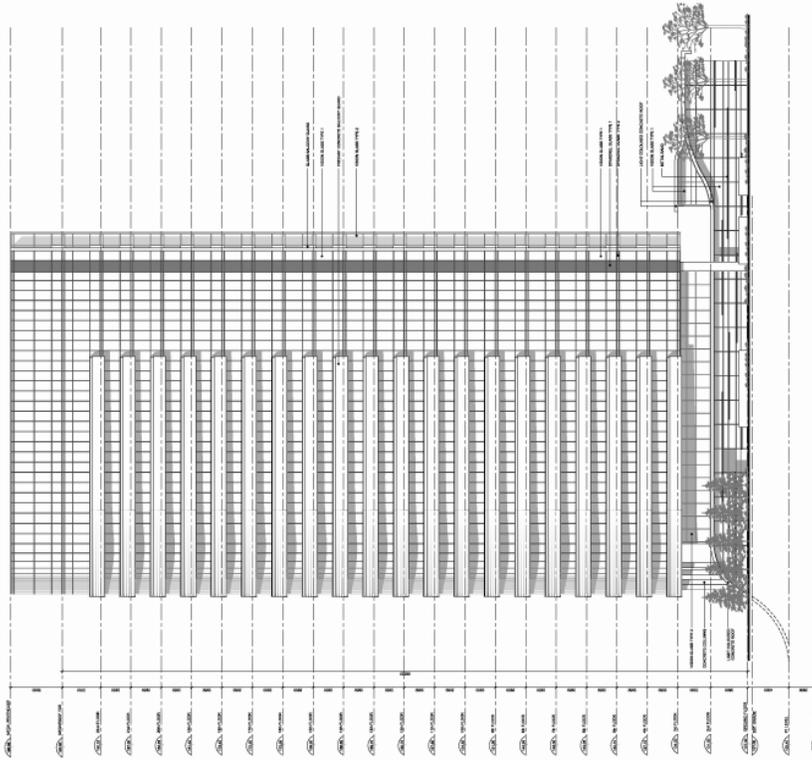
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File # 10_119850

Attachment 2: Option 1 - Application under Appeal- Elevations



South Elevation



East Elevation

90 Eastdale Avenue

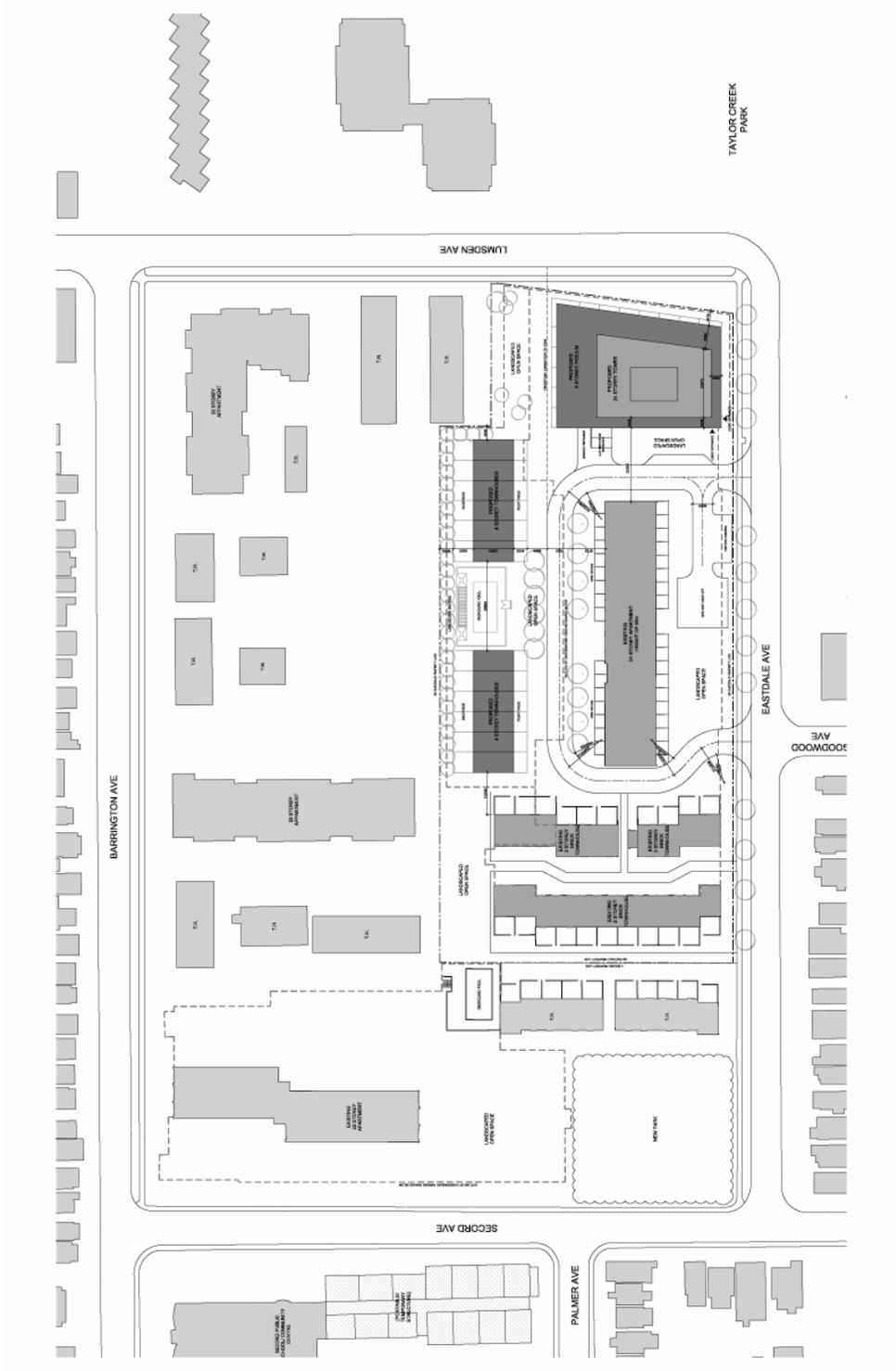
Option 1 - Elevations

Applicant's Submitted Drawing

Not to Scale
08/21/2012

File # 10_119850

Attachment 3: Option 2- Site Plan



90 Eastdale Avenue

File # 10_119850

Option 2 - Site Plan

Applicant's Submitted Drawing

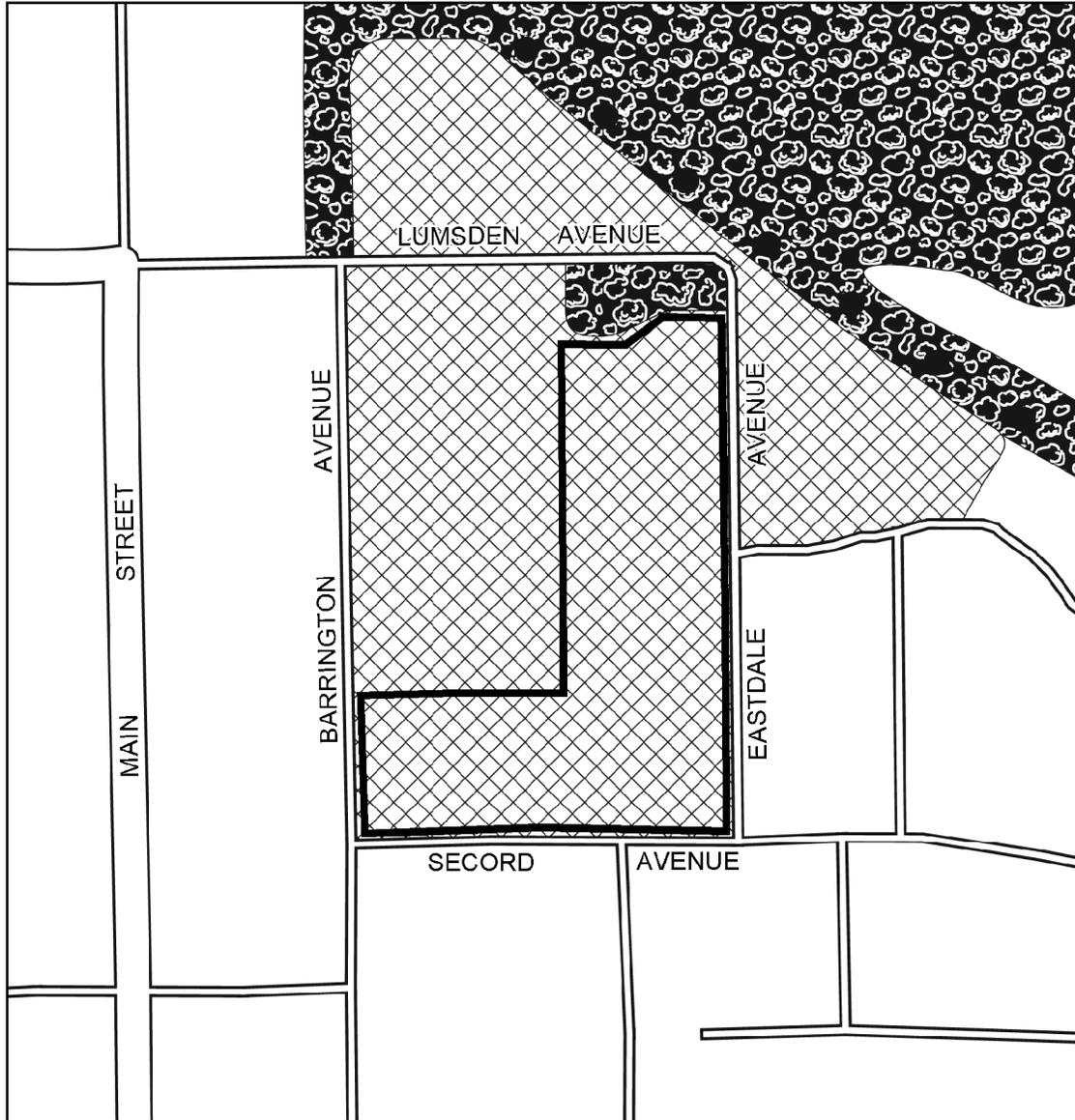
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08/21/2012

Attachment 4: Alternate Development (Option 2) Key Elements

	<i>Staff Recommended Development Strategy</i>
Built Form Concept	<ol style="list-style-type: none"> 1. Construction of 22 stacked townhouses behind existing 90 Eastdale Avenue apartment building. (Phase 1) 2. Demolition of 12 rental townhouses at 2 Secord Avenue (located at the corner of Secord and Eastdale Avenues where the new park is to be located) and demolition of 9 rental townhouses at 90 Eastdale Avenue (adjacent to the south side of the existing park). (Phase 2) 3. Construction of the new park to a similar condition as the existing park. (Phase 3) 4. exchange of land with city for parks purposes. (Phase 3) 5. Construction of new residential building. (Phase 4)
Tower Height	3 storey podium with a 21 storey point tower (total height 24 stories and 79 metres including mechanical penthouse).
Maximum Floor Plate Size above podium	750 square metres.
Building separation	25 metres minimum.
Total Building Area	Maximum of 20,650 square metres.
Number of Units	260 units maximum.
Rental Housing Replacement and Tenant Relocation and Assistance	<ul style="list-style-type: none"> • Replacement of all rental units proposed for demolition with the same number, size and type of rental housing units and maintain them with rents similar to the rents of existing units on site for a period of at least 20 years. • 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. • Acceptable tenant relocation and assistance plan addressing such matters as the right for tenants to return to a new unit at a similar rent, financial assistance for moving costs, longer notice period before having to vacate their units, and additional financial assistance for tenants with special needs. • Construct the rental replacement townhouses prior to demolition of any existing rental townhouses so that the affected tenants have the opportunity to relocate directly to a new townhouse on-site and avoid off-site relocation.

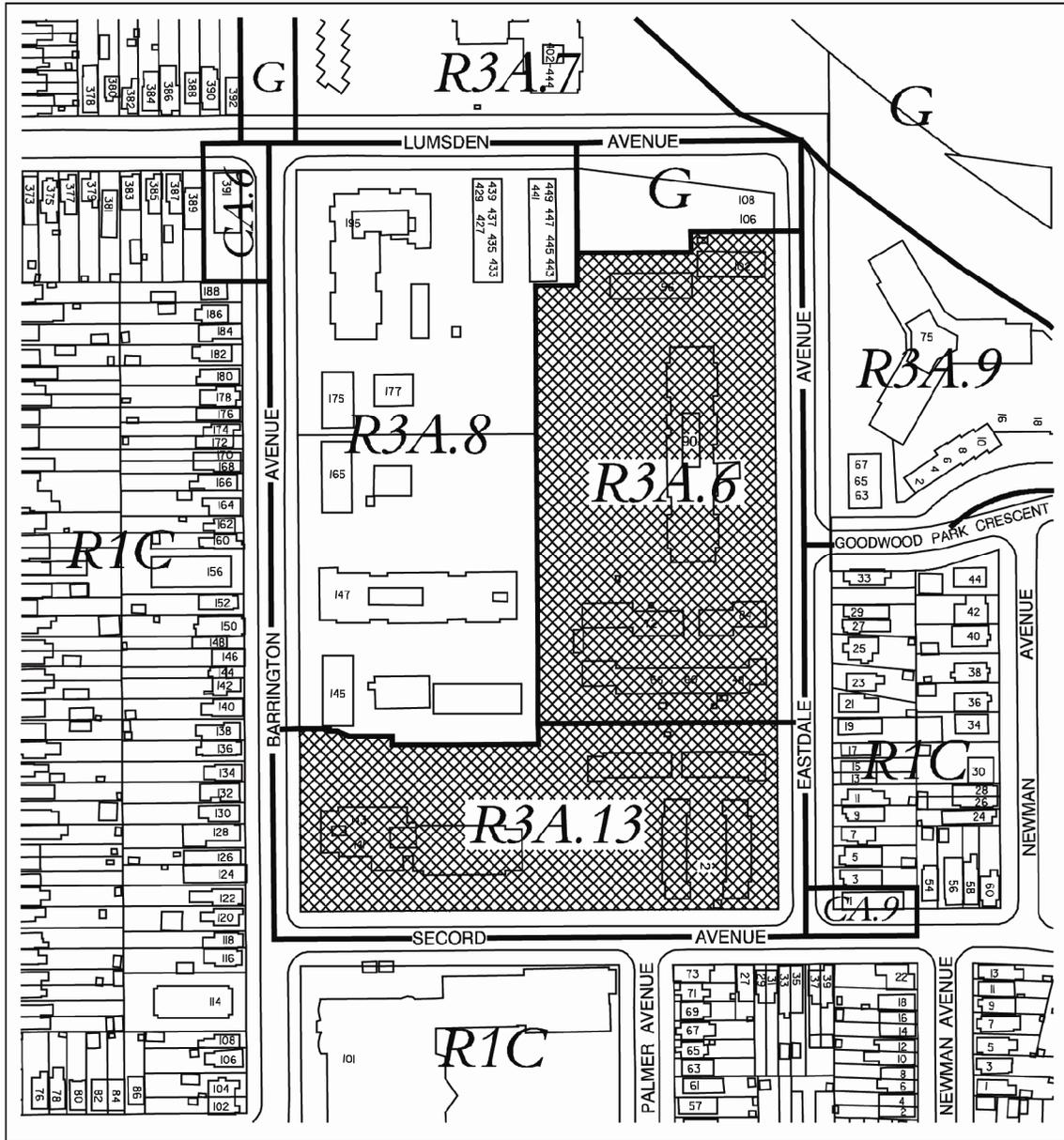
Existing Rental Housing	<ul style="list-style-type: none"> • The apartment buildings at 2 Secord Avenue and 90 Eastdale Avenue as well as the remaining 31 existing rental townhouse units on-site to be secured as rental housing with no conversion to condominium, co-ownership or any other form of ownership housing or for any non-rental housing purpose. • Improvements to the existing rental buildings at 2 Secord Avenue and 90 Eastdale Avenue. • These capital improvements shall be beyond those which may be required in any event for repairs and maintenance or for non-durable landscaping or matters required for the new development. • There shall be no pass-through of any of the related costs of the improvements for the rental building to the tenants of 2 Secord Avenue and 90 Eastdale Avenue in the form of above-guideline rent increases.
Parking spaces	239 additional spaces.
Amenity space	The normal requirement for the 223 units in new building when townhouses are excluded is 2 m2 per unit of both indoor and outdoor amenity space which would be 446 m2 of indoor amenity space and 446 m2 for outdoor amenity space. The drawings have not been revised to this detail but staff will attempt to secure as close to this amount as possible.
Bike parking	130 spaces minimum.
Additional Required applications	Rental Housing Demolition and Conversion application and a tree removal application.
Section 37 Amount	A cash contribution for local improvements, the amount of which is to be reported directly to City Council at its meeting of October 2, 2012. In addition, the Section 37 Agreement will be used as a convenience to secure the new park improvements, the replacement of rental housing, and all other matters required to meet the City's Official Plan policies for improvements to the existing rental housing.

Attachment 5: Official Plan



-  Site Location
-  Neighbourhoods
-  Apartment Neighbourhoods
-  Natural Areas

Attachment 6: Zoning



90 Eastdale Avenue & 2 Second Avenue

File # 08_148167

- R1C Low Density Residential
- R3A High Density Residential
- CA Commercial Site Specific
- G Conservation



Not to Scale
 East York Zoning By-law 6752 as amended
 Extracted 05/22/08 - TA