



STAFF REPORT ACTION REQUIRED

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

Date:	October 2, 2012
To:	City Council
From:	Chief Planner and Executive Director, City Planning Division
Wards:	Ward 31 – Beaches-East York
Reference Number:	CC12072 (File No. 10-119850 STE 31 OZ)

SUMMARY

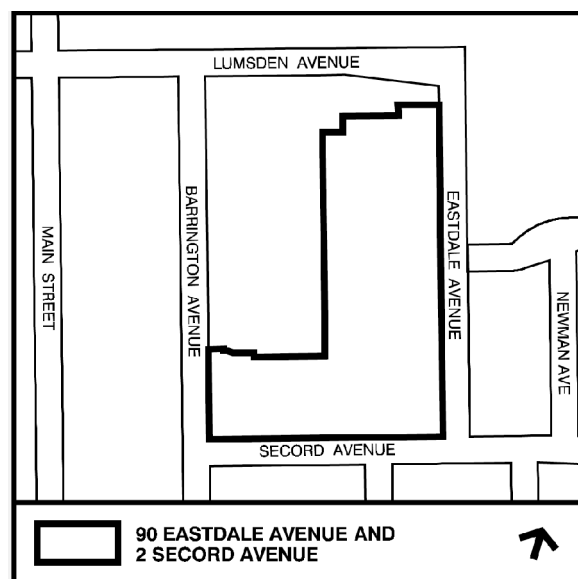
At its meeting of September 11, 2012, Toronto and East York Community Council considered a Request for Direction Report for the proposed development at 90 Eastdale Ave and 2 Secord Ave. At that time, negotiations with the owner respecting Section 37 contributions had not been finalized. The report included a recommendation that a report be forwarded directly to City Council respecting the matter of Section 37.

This report recommends Section 37 benefits including cash contributions, as well as on-site improvements and matters required to meet the Official Plan policies related to the existing rental housing.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor to request the Ontario Municipal Board to withhold any final Orders approving the Official Plan and Zoning By-law amendment(s) until such time as the owner has entered into an Agreement pursuant to Section 37 of the Planning Act, to be



registered on title and to the satisfaction of the City Solicitor to secure the following, in addition to the matters contained in the report (September 6, 2012) from the Director, Community Planning, Toronto and East York District:

- a.
 - i. Prior to the land exchange with the City, pay to the City a sum of \$550,000 in total for improved access into Taylor Creek Park on Lumsden Avenue and improvements for the replacement park, which would not be applied towards any costs associated with the provision of a replacement park to the same condition as the existing park and of which \$50,000 shall be directed towards the construction of a playground in the new park, as determined by the General Manager of Parks, Forestry and Recreation in consultation with the Ward Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment;
 - ii. Prior to the land exchange with the City, the owner shall provide an easement over the publicly accessible open space adjacent to the west side of the replacement park, to the City for the benefit of the public, to the satisfaction of the City Solicitor, in order to provide publicly accessible open space, to the satisfaction of the Chief Planner. The design of the publically accessible open space will be secured through Site Plan Control; and
 - iii. The provision and maintenance of public art works pursuant to a public programme, in accordance with the City Planning Division's Percent for Public Art Guidelines, to be located on publicly accessible portions of the property, of a value not less than one percent of the gross construction costs of the new apartment building to be erected on the property.
- b. Improvements to the site and existing rental buildings, to be provided with no cost pass-through to the tenants of the existing buildings, and to include both matters providing a community benefit under Section 37 of the Planning Act and those secured as a legal convenience, and shall consist of at least those items outlined in Appendix A.

DECISION HISTORY

At its meeting of September 11, 2012, Toronto and East York Community Council considered a Request for Direction Report for the proposed development at 90 Eastdale Ave and 2 Secord Ave. At that time, negotiations with the owner respecting Section 37 contributions had not been finalized and staff were requested to report directly to City Council.

COMMENTS

Section 37

The Official Plan contains policies pertaining to the provision of community benefits for increases in height and/or density pursuant to Section 37 of the *Planning Act*. While the proposed development exceeds the height and density limits of the Zoning By-law, the proposed Option 2 development is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

The community benefits recommended to be secured in the Section 37 agreement are a cash contribution of \$550,000 for improvements to the replacement park and improved access into Taylor Creek Park on Lumsden Avenue, of which at least \$50,000 shall be directed towards the construction of a playground in the new park. Such payment will be deposited to the Planning Act Reserve Fund. The funds are to be used for the specified parks, as determined by the General Manager of Parks, Forestry and Recreation in consultation with the Ward Councillor, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.

In addition, the owner will provide for a publicly accessible open space adjacent to the west side of the replacement park and as such, the owner shall provide an easement over the subject lands, to the City for the benefit of the public, to the satisfaction of the City Solicitor, in order to provide publicly accessible open space, to the satisfaction of the Chief Planner. The design of the open space will be undertaken, through Site Plan Control.

The owner has agreed to the provision and maintenance of public art works pursuant to a public programme, in accordance with the City Planning Division's Percent for Public Art Guidelines and to be located on publicly accessible portions of the property, of a value not less than one percent of the gross construction costs of the new apartment building to be erected on the property.

Improvements to the Existing Rental Housing

The Official Plan policy on intensification of existing rental properties (3.2.1.5) also seeks reinvestment by the owner in the existing rental property at the same time as investment is being made in the new infill building. The intent is to ensure the ongoing viability of the existing rental use in the future, as well as to provide that some of the benefits of the improvements to the property be enjoyed by tenants of the existing buildings. One example of such an improvement is the creation of indoor amenity space on the ground floor of 90 Eastdale, adjacent to a widened and extended through-lobby with improved glazing and new access from the rear of the building, in addition to the existing entrance at the front of the building.

The Official Plan policy on intensification in Apartment Neighbourhoods (4.2.3) also speaks to maintaining an appropriate level of residential amenity on the site, consolidating servicing and loading facilities, and ensuring that existing features and facilities that will be removed as a result of the redevelopment, such as landscaped or outdoor recreational space, are to be replaced and secured as a legal convenience (through the Section 37 Agreement as well as through Site Plan approval). Two examples of such features are the green space to the rear of the 90 Eastdale building that will be removed for the new, rental replacement townhouses (replacing the 21 proposed for demolition), and the replacement of the old, closed up outdoor pool that is also behind the 90 Eastdale building.

Additional landscaped green space will be provided in the front of the 90 Eastdale building, with the existing circular drive consolidated into a smaller area. A new pool will be built to replace the former outdoor pool. This pool also qualifies as a community benefit under Section 37 because it will be an improved, indoor facility for year-round use, with change rooms and washrooms where none had existed previously.

Generally, the improvements to satisfy policy 3.2.1.5 provide for new indoor amenity space and enhancements to existing indoor amenity space, a new indoor pool, new outdoor amenity space, new and extended private outdoor recreation space, new bicycle parking and improvements to the existing building.

Through the use of the community benefit provisions in Section 37 of the Planning Act, the tenants are assured that none of the cost of these improvements or any of the general redevelopment costs will be passed on to them in the form of above-guideline rent increases that would otherwise be permitted under the provincial *Residential Tenancies Act*.

The improvements and the replacement of existing facilities to be secured include, but are not limited to those outlined in Appendix A.

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SIGNATURE

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City Planning Division

ATTACHMENTS

Appendix A: Site Improvements for Inclusion in Section 37 Agreement

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Pools

- Provision of a year-round indoor pool with direct access from the exterior for all tenants, subject to reciprocal agreements between the 90 Eastdale Avenue and the 2 Secord Avenue buildings
- Installation of sound mitigation adjacent to the 2 Secord pool
- resurfacing/refurbishment of the existing 2 Secord pool, including repairing retaining walls, repairing the showers, provision of wide stairs with a handrail into the pool, better security to reduce trespassing & vandalism, improved exterior stair access and if feasible and accessible alternate route to the pool through the parking garage

Landscaping

- Improvements to driveways, ramps, services spaces, walkways throughout the site
- Creation of private streets that look like city streets
- Provision of lighting on streets, walkways, park, green spaces & other areas throughout the development
- Provision of a landscaped buffered open space adjacent to the proposed condominium building, with access to Lumsden
- Provision of landscaping, City trees and the maintenance of triangular road allowance at the Lumsden/Eastdale street corner, with improved sight lines from 90 Eastdale driveway
- Grading changes to level out the area north of the 2 Secord pool
- Provision of landscaping and improved lighting at the front and rear of all town houses
- Extension of the townhouse backyards adjacent to the 90 Eastdale/2 Secord property line to eliminate existing walkway, with new privacy fences that maintain service access to the rear yards
- Provision of a buffering treatment between new park and adjacent townhouses
- Provision of way finding signage throughout the property
- Improved snow removal improvements and snow storage areas
- Provision of allotment gardens on the property
- Provision of a landscaped private space behind the 2 Secord apartment building with outdoor furniture
- Provision of benches within the waiting area in front of the 2 Secord apartment building

Building Improvements

- Provision of new patios for the ground floor units at the 90 Eastdale apartment building
- Lobby renovation at 90 Eastdale with through-lobby providing access from rear with front & rear yard drop-off on south
- Introduction of a multipurpose room with patio on ground floor of the 90 Eastdale apartment building
- Provision of tenant association and other group access free of charge and subject to a onetime replenishable security deposit
- Provision of a storage locker for Tenant Association in the 2 Secord apartment building
- Provision of new storage lockers for both apartment buildings on a monthly rental basis.

Parking

- Provision of new bike racks & facilities at grade and/or underground for entire site
- Provision of scooter parking on a monthly rental basis
- Provision of increased visitors parking for existing buildings

Solid Waste

- Introduction of garbage/recycling storage area for the townhouses that is separate and accessible
- Improvements to the existing garbage/recycling storage area within the 2 Second apartment building

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- Introduction of garbage/recycling storage area for the townhouses that is separate and accessible
- Improvements to the existing garbage/recycling storage area within the 2 Second apartment building
- Improvements to the recycling program for existing townhouses