



**STAFF REPORT
ACTION REQUIRED**

**73, 75, 77 & 79 Keewatin Avenue and 88 Erskine Avenue,
Rezoning Application & Rental Demolition Application under
Municipal Code 667
OMB Directions Report**

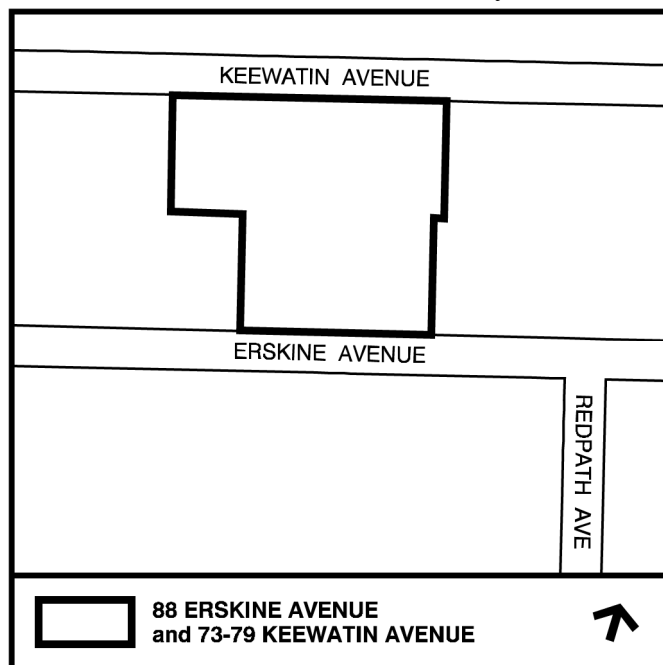
Date:	April 25, 2012
To:	North York Community Council
From:	Director, Community Planning, North District
Wards:	Ward 25 – Don Valley West
Reference Number:	07 282010 NNY 25 OZ & 10 319752 NNY 25 SA & 11 104118 NNY 00 RH

SUMMARY

The purpose of this report is to request direction from City Council regarding the appeal filed by the owner to the Ontario Municipal Board based on the lack of a decision by City Council for the rezoning application for 73, 75, 77, 79 Keewatin Avenue and 88 Erskine Avenue. A Pre-hearing Conference has been scheduled by the Board for June 18, 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.

In addition, a City Council decision is sought respecting the owner's rental housing demolition application for the Keewatin Avenue properties, pursuant to c. 667 of the Municipal Code.

The proposal involves the retention of the existing 491-unit rental apartment building at 88 Erskine Avenue and requires the demolition of four detached houses at 73, 75, 77 and 79 Keewatin Avenue. The houses contain a total of four residential rental units. No rental



replacement is proposed. The application to amend the Zoning By-law proposes an 8-storey, 80-unit apartment building in the general location of the four houses and a portion of the landscaped open space and surface parking lot on the north and west portion of the subject lands.

This report recommends City Council authorize the City Solicitor and necessary City staff to attend the Ontario Municipal Board Hearing in support of a Zoning By-law Amendment for the proposed development as discussed in this report, and that the OMB be requested to withhold its order until a Section 37 Agreement is executed and registered and a Site Plan application is approved by the Director of Planning, North York District which addresses the matters identified in this report.

This report also recommends that if the Ontario Municipal Board approves a Zoning By-law Amendment for the proposed development as substantially outlined in this report and in keeping with Staff recommendations, then Council also approve the application to demolish the four rental detached houses subject to the recommended conditions contained in this report.

RECOMMENDATIONS

The City Planning Division recommends:

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 an implementing Zoning By-law Amendment for the proposed development as substantially outlined in this report, 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 a Zoning By-law Amendment(s) until such time as the Site Plan Notice of Approval Conditions has been issued by the Director of Community Planning North York District, and all pre-approval conditions met including an executed Site Plan Agreement, which among other matters, will provide for:
 - a. on-site parkland dedication fronting on Keewatin Avenue, pursuant to Section 42 of the *Planning Act*;
 - b. hard and soft landscape improvements of the existing and new apartment site including trees, shrubs, decorative pavement and lighting that will among other matters screen the loading/servicing area from Keewatin Avenue and adjacent properties;
 - c. closure and removal of the current driveway access to Keewatin Avenue, or subject to appropriate access controls, landscaping and alignment, restricting its use for servicing vehicles, prohibiting parking and replacement with a new one way enhanced driveway integrated within the landscape open space;
 - d. an architectural canopy-covered front pedestrian entrance for the new building on the Keewatin Avenue frontage of the building with a direct connection to the Keewatin Avenue sidewalk;

- e. appropriate levels of, and location for, visitor parking, 'car-share' surface parking and bicycle parking;
 - f. an easement with appropriate provisions for a safe, comfortable, landscaped, lighted and continuous public accessible mid-block walkway connecting the on-site parkland dedication on Keewatin Avenue through to the Erskine Avenue sidewalk; and
 - g. revised building elevations, and also new 1:50 coloured elevations, with appropriate sustainable building materials, that fit with the neighbouring buildings and give architectural expression to the lower 4 storey portion of the building through an enhanced architectural treatment.
3. City Council authorize the City Solicitor to request the Ontario Municipal Board to withhold any final Orders approving a 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 at its expense and including provisions for no credit for development charges or parkland dedication, indexing escalation of dollar amounts, financial contributions and letters of credit, indemnity, insurance, and taxes, and registration and priority of the agreement:
- a. Maintain the apartment building with 491 existing rental apartment dwelling units as rental housing for a minimum period of twenty (20) years 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;
 - b. Prior to the issuance of any building permit for the site, including any permit for excavation, shoring or demolition, develop, to the satisfaction of the Director, Community Planning North York District, and Executive Director, Technical Services, a Construction Mitigation Plan, and thereafter implement such Plan;
 - c. Prior to the issuance of any permit for the site, including any permit for excavation, shoring or demolition, develop a Tenant and Resident Communication Strategy to the satisfaction of the Director, Community Planning North York District, and thereafter implement such Plan;
 - d. Provide assistance for the tenants of the four residential rental units that are proposed to be demolished in accordance with a Tenant Relocation and Assistance Plan, to the satisfaction of the Chief Planner;
 - e. Prior to the first above-grade building permit being issued for the new building, provide appropriate improvements to the existing outdoor amenity space on the rooftop patio including seating, tables, landscaping elements, and new furniture for the pool area of the existing rental building at 88 Erskine Avenue to the satisfaction of the all to the satisfaction of the Chief Planner. The owner shall not pass through any of the construction 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;
 - f. Provide on-site park improvements above the base park condition in the amount of \$85,000 and enter into a Parks Maintenance Agreement with the City to

- maintain the on-site parkland dedication, all to the satisfaction of the General Manager, Parks, Forestry and Recreation;
- g. Provide \$25,000 towards off-site streetscape and street tree improvements in the Yonge-Eglinton *Apartment Neighbourhood* area.
4. Subject to approval by the Ontario Municipal Board of a Zoning By-law Amendment for a development as substantially outlined in this report, and subject to issuance of Site Plan approval by the Chief Planner, City Council approve the application to demolish the four existing detached rental houses located at 73, 75, 77 and 79 Keewatin Avenue pursuant to Municipal Code Chapters 667 and 363, on the condition that:
- a. the owner meet the requirements of the Tenant Relocation and Assistance Plan approved by the Chief Planner, which will include requirements to provide 5 months notice for vacating units, an offer to relocate to another acceptable unit, and a tenant moving allowance, and
 - b. the owner shall enter into and register an Agreement with the City to secure the provisions in 4.a. to the satisfaction of the City Solicitor.
5. Subject to approval by the Ontario Municipal Board of a Zoning By-law Amendment for a development as substantially outlined in this report, and subject to issuance of Site Plan approval by the Chief Planner and the entering into and registration of the Agreement required in Recommendation 3 to the satisfaction of the City Solicitor, City Council authorize the Chief Planner and Executive Director, City Planning Division to issue a preliminary approval to the demolition application under Municipal Code Chapter 667 after the satisfaction of the conditions in Recommendation 4b and after the Zoning By-law amendments in Recommendation 1 have come into full force and effect.
6. Subject to approval by the Ontario Municipal Board of a Zoning By-law Amendment for a development as substantially outlined in this report, and subject to issuance of Site Plan approval by the Chief Planner, City Council authorize the Chief Building Official to issue a Section 111 permit under Municipal Code Chapter 667 after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval in Recommendation 5.
7. City Council authorize the Chief Building Official to issue a permit under Section 33 of the *Planning Act* no earlier than issuance of the first building permit for the foundation of the development, and after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval in Recommendation 5, which permit may be included in the demolition permit for Chapter 667 under 363-11.1E, of the Municipal Code, on condition that:
- (a) The Owner erect a residential building on site no later than three (3) years from the date demolition of the first building at 73, 75, 77 or 79 Keewatin Avenue is commenced; and
 - (b) Should the Owner fail to complete the new building within the time specified in condition 7(a), the City Clerk shall be entitled to enter on the collector's roll, to be

collected in a like manner as municipal taxes, the sum of twenty thousand dollars (\$20,000) for each dwelling unit for which a demolition permit is issued, and that each sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.

8. If the Ontario Municipal Board approves the planning application substantially in accordance with this report, City Council authorize the General Manager, Parks Forestry and Recreation to issue tree removal permits under the Municipal Code Chapter 813 after the Chief Planner and Executive Director, City Planning Division has issued Site Plan approval under Recommendation 2.

Financial Impact

The recommendations in this report will have no financial impact.

DECISION HISTORY

A Preliminary Report was provided to Community Council on April 8, 2008 which authorized staff to conduct a Community Consultation Meeting with an expanded notification area, and to give notice for a public meeting to be held according to the regulations of the *Planning Act*.

ISSUE BACKGROUND

Proposal

The proposed development is located on a site occupied by a 26-storey rental apartment building containing 491 dwelling units at 88 Erskine Avenue and the four detached rental houses each comprising 1 rental residential unit at 73, 75 77 and 79 Keewatin Avenue. The four detached rental houses are proposed to be demolished as part of this development and the new building would be located largely on the site of the four houses and surface parking south of the houses that currently serves the existing apartment building.

The proposed development was initially submitted as a 108 unit seniors building with a height of five-storeys and 21.5 metres and floor area of 9,200 square metres. The proposal now before the Ontario Municipal Board is an 80 dwelling unit, 8-storey apartment building consisting of 7,135 square metres of floor area. The building faces onto and is set back about 7.5 metres from Keewatin Avenue. The front portion of the building is 4-storeys and 12.5 metres in height and extends approximately 43 metres along the Keewatin Avenue frontage. At approximately 9 metres further back from the front component of the building, and setback 16.5 metres from Keewatin Avenue, the proposed building narrows to a width of approximately 23 metres and rises to a height of 8 storeys and 24.75 metres. A proposed 5.0 metre high mechanical penthouse is further stepped back and centrally located within the roof and is surrounded by a green roof (Attachments 1 and 2).

On the ground floor level six two-level dwelling units would front onto Keewatin Avenue with patios and direct pedestrian connections to the public sidewalk. The proposed entrance to the lobby is on the east side of the proposed building adjacent to a passenger drop-off and pick-up area. This area would include 3 surface parking spaces, of which 2 are for accessible parking

permits. A loading area is proposed at the south end of the new building adjacent to the moving room and accessible to the existing loading and servicing area on the north side of the existing apartment building at 88 Erskine Avenue.

Vehicular access for loading and drop-off would use the existing Erskine Avenue access and driveway located on the west side of 88 Erskine Avenue. The new building does not include any additional below-grade parking as it proposes an underground connection to the existing 398 underground parking spaces serving 88 Erskine Avenue. 39 of the existing surface parking spaces on the south side of 88 Erskine Avenue are proposed to be retained, and 3 new surface parking spaces are proposed for the new building. Vehicle access to underground parking would remain from the existing ramp located at the southeast corner of the site and driveway connecting to Erskine Avenue. In addition to the access to underground parking, the lower floor of the new building proposes mechanical rooms, storage lockers, bicycle lockers and amenity space.

In addition to the existing long time used mid-block walkway through the large site, new additional pedestrian sidewalks are proposed through the landscaped open space east of the proposed building and north of the existing building, connecting the Keewatin Avenue sidewalk through to Erskine Avenue. The proposal also includes retaining the current driveway access from Keewatin Avenue to the existing loading and moving facility serving 88 Erskine Avenue.

The Application Data Sheet in Attachment 7 includes more detailed statistics regarding the proposed development.

Site and Surrounding Area

The subject lands are located northeast of Yonge Street and Eglinton Avenue with approximately 134 metres fronting on Keewatin Avenue and 94 metres on Erskine Avenue. The depth of the lot from Keewatin Avenue through to Erskine Avenue is about 115 metres resulting in an entire site area of 13,050 m². The existing 26-storey and 76-metre apartment building has 491 units and approximately 35,420 m² of floor area.

The surrounding area consists of low scale detached residential houses and walk-up apartments on the north side of Keewatin Avenue, and on the south side of Keewatin Avenue, a mix of houses, townhouses, walk-up apartments and tall apartments with associated landscaped open space.

The land uses surrounding the site are:

- North: low density residential uses in the form of detached dwellings and 3 to 4 storey walk-up apartment buildings on the north side of Keewatin Avenue
- South: 4-storey apartment building; 3-storey, 9-unit townhouse; surface parking lot currently under application for a 32-storey apartment building, and a 20-storey apartment building
- East: 4-storey apartment building, 23-storey apartment building, Redpath Parkette
- West: 4-storey apartment building, 7-storey apartment building; John Fisher Junior Public School

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. Key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety.

The PPS outlines criteria for building strong communities and achieving efficient development and land use patterns. Opportunities for intensification and redevelopment are to be identified and promoted that take into account the existing building stock or areas and availability of infrastructure and public service facilities. The PPS identifies the municipalities' official plan as the most important vehicle for implementation. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe (“Growth Plan”) 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.

In terms of where and how to grow, the Growth Plan provides direction on how to manage growth, through general intensification area policies, and more specifically, through policies for urban growth centres, major transit station areas and transportation infrastructure. ‘Yonge-Eglinton Centre’ is conceptually identified as one of the 25 Urban Growth Centres in the Greater Golden Horseshoe. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan designates the subject lands *Apartment Neighbourhoods*. The *Apartment Neighbourhoods* designation is made up of a mix of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses (Attachment 3).

Apartment Neighbourhoods are not areas of the City expected to have great physical change. These areas are to remain physically stable, and any new development is to respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in the area. The lands on the north side of Keewatin Avenue are designated *Neighbourhoods*; and, developments in *Apartment Neighbourhoods* adjacent to *Neighbourhoods* are to: be compatible; provide a gradual transition of scale and density through setbacks and step backs; maintain adequate light and privacy for residents in *Neighbourhoods*; and attenuate traffic and parking impacts on *Neighbourhoods*.

Section 4.2 of the Official Plan provides criteria for development in *Apartment Neighbourhoods*. Among other matters, development in *Apartment Neighbourhoods* is to locate new buildings with setbacks and stepbacks that provide transition towards, and adequately limit shadow impacts upon, properties in adjacent lower-scale *Neighbourhoods*. Policies also indicate that development in *Apartment Neighbourhoods* is to:

- frame the edge of streets and parks;
- maintain adequate sunlight and comfortable wind conditions for pedestrians;
- provide sufficient off-street parking;
- screen service areas, ramps and garbage storage;
- provide recreation space; and
- include ground floor uses that enhance the safety and amenity of streets and open spaces.

The Official Plan provides further criteria for assessing proposals to infill *Apartment Neighbourhoods* sites that have existing apartments:

- maintain an appropriate level of on-site amenity;
- provide existing residents with access to the community benefits;
- maintain adequate sunlight, privacy and landscaped open space for both existing and new residents;
- provide adequate sky views from the public realm and create safe and comfortable open spaces;
- front onto public streets with pedestrian entrances;
- provide adequate, shared below-grade parking and screening for any surface parking;
- provide landscape features and walkways;
- consolidate loading, servicing and delivery facilities; and,
- provide on-site recreational space.

The Official Plan's Public Realm policies support public streets for pedestrians with space for vehicles, pedestrians, trees and landscaping, and also support private, mid-block, publicly accessible pedestrian connections that complement the role of public streets. The Public Realm policies also include criteria for the location and design of new public parks. The Built Form policies support new development that fits into the existing context, frames streets and open spaces, and improves safety for pedestrians. Vehicle parking, access and service areas are to minimize impacts, and improve the attractiveness of open spaces. The massing of new development is to provide an appropriate scale, define the edges of, and limit its impact upon, neighbouring streets, parks and open spaces.

The Housing policies in the Official Plan support 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. The Official Plan indicates how Section 37 agreements also may be used to secure any needed improvements to the existing rental building.

The Official Plan includes policies for parkland acquisition as well as criteria for the location and configuration of Parks.

Yonge-Eglinton Secondary Plan

The subject lands are within the Yonge-Eglinton Secondary Plan. The Secondary Plan does not change or conflict with the *Apartment Neighbourhood* policies in the parent Official Plan. The Secondary Plan encourages a full range of housing forms and tenure that is contextually appropriate and compatible with existing residential uses and built form. The Secondary Plan

reinforces the stability of *Neighbourhoods* by minimizing conflicts among uses in terms of land use, scale and vehicle movements.

Buildings are to promote compatible physical and land use relationship, and form a positive visual relationship to the street. Objectives of the Plan are to, among others:

- protect *Neighbourhoods* from overshadowing from buildings located in abutting *Apartment Neighbourhoods*;
- secure transition in height and scale from developments in *Apartment Neighbourhoods* to *Neighbourhoods* with particular attention to sites abutting *Neighbourhoods*; and
- direct higher density development proposals in *Apartment Neighbourhoods* to sites near the subway station.

The Secondary Plan supports reduced parking requirements for residential developments in the *Apartment Neighbourhood*. Lower parking requirements are to help reduce conflicts between vehicles and on-street servicing, maximize the use of existing parking, and encourage the provision of residential uses in the area.

The Secondary Plan supports new parks that are provided in the form of street parks with trees, benches and planters.

Zoning

The lands are zoned R2 Z0.6 under former City of Toronto Zoning By-law 438-86 which permits a variety of residential uses to a maximum density of 0.6 times the area of the lot. (Attachment 4). By-law 438-86 permits a height of 14 metres on lands within 40 metres of Keewatin Avenue and a height of 38 metres for the lands south of this line on the remainder of the site. (Attachment 5).

Site specific Zoning By-law 362-67 also applies to the subject lands. This By-law contains development standards for the four apartment buildings at 88, 110, 140 and 160 Erskine Avenue (Attachment 6). The apartment at 88 Erskine Avenue that forms a large portion of this proposed development site is the most westerly of these 4 apartment buildings – Building ‘A’. This By-law also includes the lands of the 4 houses at 73-79 Keewatin Avenue. Among other matters, this site specific By-law: specifies minimum setbacks for each apartment building; limits the total gross floor area of all apartments; limits the height of each building including Building ‘A’ to 260 feet (79 metres); requires at least 70% of the entire site to be landscaped open space; prohibits surface parking from locating within 150 feet (45 metres) of the south limit of Keewatin Avenue; prohibits any part of an apartment from locating closer than 20 feet (6 metres) to the south limit of Keewatin Avenue; prohibits access for motor vehicles from Keewatin Avenue; prohibits parking access ramps from being within 20 feet (6 metres) of Erskine Avenue; and, includes minimum parking requirements.

Site Plan Control

A Site Plan Control Application was received on December 3, 2010 that has also been reviewed in assessing the proposed development and rezoning application.

Tree By-law

An Arborist Report has been submitted which identifies a number of mature trees existing on site. Of the 33 trees regulated by the Tree By-law the application proposes removal of fourteen (14) private trees that qualify for protection under the private tree by-law and 3 City trees. One of these trees is a boundary tree and has since been removed to enable the adjacent owner to repair a garage structure. The application also proposes 10 new street trees. A few new trees have been installed in the boulevard since the application was filed.

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, or where there is a related application for a Zoning By-law amendment can require a decision by City Council.

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.

Reasons for the Applications

A Zoning By-law Amendment is required because the proposed development does not comply with the Zoning By-law requirements with respect to a number of development standards including density and height.

A Section 111 permit is required in order to demolish the 4 existing rental single detached houses on the subject site.

Community Consultation

Community consultation meetings were held in July 2008 and February 2010 at John Fischer Public School. The community raised a number of issues regarding both the level of development activity in the Yonge-Eglinton area as well as about the specific proposal. Concerns included such matters as: the area is currently deficient of parkland and green space and the proposed development would remove trees and open space; the open space was secured as part of the original development of the apartments and should be maintained; the building is too tall and too large for the residential area; the building is located too close to the adjacent property lines in particular to the south and west; traffic is already a problem in the area and the proposed development will add more traffic to an area with a nearby school and on a street that is part of a low density residential area; surface and underground parking is insufficient; the current loading

and servicing area is too small to accommodate truck movements and the proposed development will make the functioning of the servicing and loading area even worse; and, construction is happening all over the area and more construction vehicles with the proposed development will add more disruption to the area, cause traffic problems, and be unsafe to school children.

The local Councillors also hosted several meetings and working sessions with staff, the applicant, residents and/or local ratepayers.

Staff also directly contacted the tenants of 73, 75, 77 and 79 Keewatin Avenue to discuss rental housing matters. The tenants raised questions regarding tenant assistance and notice to be provided by the owner.

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 proposed development is located on a site that is appropriate for some level intensification, subject to addressing the policies in the Official Plan. The site is consistent with PPS policies for intensification and redevelopment as it takes into account the existing building stock and area, and availability of infrastructure and public service facilities. Residential intensification can generally be supported on the site as it provides an opportunity to more efficiently use existing infrastructure and public service facilities.

A major portion of the proposed building is on the site of the 4 existing detached houses and redevelopment of this part of the site to a more intensive use in an area of existing higher scale apartment buildings is appropriate. A portion of the proposed new building is on lands currently being used as surface parking and landscaped open space for the existing 26-storey apartment building at 88 Erskine Avenue. Replacing existing surface parking with compatible development is appropriate, and removing a portion of the landscaped open space is also appropriate, as long as the quality of the remaining landscaped open space and residential amenity can be improved and secured through the Site Plan Control application and Section 37 Agreement.

The site characteristics provide an opportunity to meet the Official Plan's policies to permit compatible infill development on sites with existing apartments. The site characteristics also provide an opportunity for a building to respect and reinforce the physical character of existing buildings, streetscapes and open space patterns and provide transition from the *Apartment Neighbourhoods* to the lower scale *Neighbourhoods* to the north.

Respect and Reinforce Existing Physical Character

In addition to the policies specific to development in *Apartment Neighbourhoods*, Policy 2.3.1.1 of the Official Plan states that *Apartment Neighbourhoods* are considered as physically stable areas and requires development to respect and reinforce the existing physical character of

buildings, streetscapes and open space patterns. Comments respecting compliance with these policies are discussed below.

Existing Physical Character of Buildings

The proposed development respects and reinforces the existing physical character of buildings in the area and is located and organized to fit with lower-scale detached houses and mid-rise apartments on the north side of Keewatin Avenue. The west and south side yard setbacks exceed acceptable standards for light, view and privacy, and the proposed development is massed to define and support the open space and new park east of the proposed building on the south side of Keewatin Avenue.

The subject lands were part of a larger block developed for 4 'towers in the park' apartments through site-specific zoning By-law 362-67 (Attachment 6). The apartment buildings at 88 (Building 'A' and part of the subject lands), 110, 140 and 160 Erskine Avenue are 26, 23, 29 and 23 storeys respectively in height. The apartment building at 88 Erskine Avenue makes up approximately 35,420 square metres of the total 319,050 square metres of total floor area in these 4 existing apartment buildings. A 13 storey and 15,700 square metre residential apartment infill development was recently approved by the Ontario Municipal Board at the east end of this block at 1000 Mount Pleasant Road where the site of a former gas station was consolidated with landscaped open space that was part of the original tower in the park development. The existing physical character of buildings on the south side of Keewatin Avenue is one distinguished by walk-up, mid-rise and tower form apartment buildings. The City's Official Plan designates the subject lands as an *Apartment Neighbourhood*, and the proposed scale of the 8-storey and 7,134 square metre building respects and reinforces the existing physical character of residential apartment buildings.

Existing Physical Character of the Streetscape

The proposed building's front yard setback is approximately 7.5 metres from Keewatin Avenue. This setback is similar to the front yard setbacks of the 4 existing houses on the site and also aligns with the apartment to the immediate west at 65 Keewatin Avenue. This front yard setback is also similar to the 6.6 metre setback of the apartment immediately east of the site, as well as the 6.0 metre setback of the apartment further east at 1000 Mount Pleasant Road. The front yard setback provides a consistent streetscape, and space for a landscaped front yard. The proposed grade-related units support the residential character of the Keewatin Avenue streetscape by facing and connecting onto the public sidewalk.

Removing the driveways and curb cuts for the 4 existing houses would provide the opportunity to increase soft landscaping on this portion of the streetscape and improve the visual look and pedestrian safety on the sidewalk. New trees have also been recently installed in the area, and further improvements to the streetscape should be secured through the Site Plan Control application.

The main pedestrian entrance and lobby is currently proposed on the east side of the new building. Like other buildings on Keewatin Avenue, Staff are recommending that to implement Official Plan policies to reinforce the existing streetscape and provide building entrances that are clearly visible and directly accessible from public sidewalks, that the Site Plan be revised to

provide a canopy-covered front building entrance facing and connected to the Keewatin Avenue sidewalk.

Existing Physical Character of the Open Space

The current landscaped open space on the south side of Keewatin Avenue is an important part of the existing *Apartment Neighbourhood*. The existing open spaces are largely a result of the low-coverage/higher height "tower in the park" apartment buildings. These large open spaces can contribute positively when they are landscaped amenity areas rather than for example, surface parking lots or loading/servicing areas. The proposed development and remaining open space respects and reinforces the character of this open space pattern. When infill development occurs in Apartment Neighbourhoods, improved relationships of buildings to open spaces, as well as improvements to the quality of open space itself, is necessary and in this case should be achieved through parkland dedication, landscaped open space improvements and a publicly accessible pedestrian walkway as discussed below.

Parkland

The proposed development provides an opportunity to improve the quality of the open space by providing public accessibility to it. Parks staff advise that on-site parkland dedication is appropriate for these lands and that the proposed development would require an on-site parkland dedication of 217 square metres. The Official Plan identifies this area as parkland deficient and on-site dedication meets the Secondary Plan policy to secure land for new local parks.

There are few options available for locating and configuring on-site parkland dedication. As any dedicated parklands are to be unencumbered by underground garages, an area on the south side of Keewatin Avenue at the eastern edge of the site is preferable. This location meets Official Plan policies for parkland to be: free of encumbrances; visible and accessible to public streets; linked with other green space; and, of a usable shape and size. This location also enables a new park to meet the Secondary Plan policy of encouraging 'street parks' with trees, benches, planters and other appropriate street furniture. Staff estimate that above base park improvements of \$85,000.00 would be appropriate to implement this park.

The exact park location should be determined through the Site Plan process so it can be integrated with the improvements to the remaining landscaped open space and public pedestrian walkway. Conditions of parkland dedication should include among others, that conveyance occur prior to issuance of the first above grade building permit, and that the owner maintain the parkland dedication at their cost and to the satisfaction of the General Manager, Parks, Forestry and Recreation. These conditions should be appropriately secured through the Site Plan and Section 37 Agreements.

Landscaped Open Space Improvements

The landscaped open space associated with apartments both in this neighbourhood and on this site are important elements of the area's existing physical character. In an area of parkland deficiency like this one, these open spaces play an important role for walking, resting and informal recreation. The proposed development provides an opportunity to improve the green space and make it a more pleasant and comfortable environment for people. This will be achieved by tree and shrub planting, hard and soft landscaping to screen loading/servicing/drop-

off areas, and by integrating the landscape and pedestrian walkways with the new park. These qualitative landscape improvements are very important to the physical character of the area and should be reviewed and secured through the Site Plan and associated landscape plan.

An application to remove the 14 trees that qualify for protection under the private tree by-law will also be required from Urban Forestry. One of the trees originally applied for has since been removed to facilitate the repair of an adjacent building. The number and location of replacement trees needs to be determined through the Site Plan process to save and provide as many trees as is practicable in the landscaped open space on Keewatin Avenue. If insufficient space is available on the subject site to plant new replacement trees, then payment in lieu of tree planting will be required at a ratio of 3 new trees for every tree removed. Any applications necessary to injure or destroy protected trees related to adjacent properties will also require the authorization of the adjacent property owner.

The current houses at 73-79 Keewatin Avenue have side and rear yards facing onto the landscaped open space for 88 Erskine Avenue. The proposed new building faces onto the landscaped open space with windows, side door and drop-off area. These more active uses and overlook will make this space safer to use. The proposed new building implements the Official Plan's built form policies to mass new buildings with exterior facades that frame and support adjacent open spaces. To further strengthen how the building frames the landscaped open space, Staff recommend that through the Site Plan process the east building elevation facing onto the adjacent open space be revised to strengthen the expression of the 4 storey building component through the 8 storey portion of the building in some form of enhanced architectural treatment.

Public Accessible Pedestrian Walkway

The current landscaped open space on the north side of 88 Erskine Avenue contains an existing pedestrian walkway connecting Keewatin Avenue to 88 Erskine's loading, moving and garbage area. Staff are recommending that through the Site Plan application a new and improved public accessible and properly landscaped and lit walkway and associated easement be secured between the Keewatin and Erskine Avenue sidewalks on the east side of 88 Erskine Avenue.

Securing a long-standing and well-used mid-block pedestrian walkway through this site would implement Official Plan policies to support the preservation and replacement of important landscape features and walkways as part of infill development in *Apartment Neighbourhoods*. Secure pedestrian access through this site is important because of the long length of blocks found in this area that otherwise constrain pedestrian access and safety in general, and more specifically to the Eglinton subway station. Staff recommend the precise location of the public pedestrian walkway be determined through the Site Plan application so it can be designed to provide improved comfort and amenity to pedestrians, and be integrated with the park design and other appropriate landscape and streetscape improvements, including to some existing surface parking spaces in front of 88 Erskine Avenue.

Transition from the *Apartment Neighbourhood* to the *Neighbourhood*

Section 2.3.1.2 of the Official Plan provides policies to manage development proposals in *Apartment Neighbourhoods* that are also adjacent or close to *Neighbourhoods*. The policies are

for the development to be compatible, provide transition in scale through setbacks and stepbacks, maintain adequate light and privacy, and attenuate traffic and parking impacts, as follows:

Compatibility with the Neighbourhood

The proposed residential use is compatible with the residential *Neighbourhood* in the same manner as the current residential apartments in the area.

Transition in Scale through Setbacks and Stepbacks to the Neighbourhood

The proposed infill development provides a transition by locating a 4 to 8 storey mid-rise residential apartment building between the predominantly 2 to 4 storey low-rise detached houses and walk-up apartments to the north, and the 7 storey mid-rise, and 26 storey apartment building to the south.

The proposed 7.5 metre front yard setback on Keewatin Avenue integrates the building with the street. From this setback of the 4-storey component of the building, the principal transition in building scale is achieved by stepping back the 5th through 8th storey portion of the building. At about 16.5 metres south of Keewatin Avenue, the proposed building rises from 12.5 metres to 24.75 metres in height. The centrally-located 5 metre high rooftop mechanical penthouse is setback a further 9 metres from Keewatin Avenue ensuring that the tallest portion of the proposed building would be set back further away from the Keewatin Avenue streetscape.

Adequate Light and Privacy in the Neighbourhood

The sun/shadow study illustrates how the building heights and step backs provide adequate light and privacy and prevents overshadowing of the *Neighbourhood* to the north. The use of angular planes has been one measure of transition between areas of different development intensity and scale, and the proposed building is beneath a 45 degree angular plane. This is the same measure of transition staff applied to the OMB approved development further east on Keewatin Avenue at 1000 Mount Pleasant Road. The proposed development provides an acceptable level of shadow impact on the properties on the north side of Keewatin Avenue.

Traffic and Parking Impacts on Adjacent Neighbourhood

Various elements of the proposed development implement the Official Plan's objective to attenuate traffic and parking impacts on the residential amenity in the *Neighbourhood* on the north side of Keewatin Avenue.

The proposed sharing of the existing underground parking garage for 88 Erskine Avenue will reduce traffic and parking impacts. Access to the underground parking garage would continue to be from the current parking ramp and driveway on Erskine Avenue at the southeast corner of the site and away from the *Neighbourhood*. The proposed approach to parking is appropriate and also supported by Official Plan and Secondary Plan policies to provide shared below-grade parking and maximize existing parking facilities.

The application proposes a total of 440 parking spaces for both the new and existing buildings (398 underground and 42 surface). Staff recommend that through the Site Plan application the location of approximately 68 visitor parking spaces be identified, that the current driveway widths and curb radii be reviewed and potentially adjusted, and that surface parking in the front

yard of 88 Erskine Avenue be further reduced in number and/or size (potentially through the introduction of 'car-share' spaces) to provide appropriate width for the publicly accessible pedestrian walkway and landscaping noted above connecting from Keewatin Avenue through to Erskine Avenue.

The “T”- shape of the proposed building effectively screens the turning circle and passenger drop-off and pick-up area on the east side of the building from the Keewatin streetscape. The proposed location of loading/servicing on the south wall of the new building and adjacent to the moving room and garbage/recycling room is also appropriate. Sharing the existing servicing access and driveway with 88 Erskine Avenue effectively implements Official Plan policies to consolidate loading and servicing areas, and minimize impacts on adjacent properties and open space areas.

The loading/servicing for 88 Erskine Avenue is also currently accessible from Keewatin Avenue via an existing temporary chained-off driveway that bisects the landscaped open space. Staff are recommending that this vehicle access be removed to both meet the existing zoning by-law requirement, and Official Plan policy to attenuate traffic and parking impacts on Keewatin Avenue and the *Neighbourhood* to the north. This would also enable the landscaped open space to be consolidated and further screen the parking and loading/servicing areas.

The applicant has asked to retain the existing driveway. Retaining or relocating the existing driveway could be considered through a comprehensive plan for the landscaped open space area. However, any plan to retain the driveway function should also include restricting it for limited servicing vehicle use, and integrating it into landscaping and pedestrian walkways. This matter should be addressed and secured through the Site Plan Control process and also in an amendment to the current site-specific Zoning By-law.

Rental Housing

Demolition of Rental Housing

The houses at 73, 75, 77 and 79 Keewatin Avenue meet the definition of rental housing in the City's Official Plan and c. 667 of the Municipal Code. According to City data, were converted to rental accommodation after 2000. Prior to that and for the majority of their existence, all of the houses were likely owner occupied dwellings. Of the four remaining tenancies in the houses, two of the units are currently occupied by members of the owner's family. Of the other two units, one of the tenancies commenced in 2006, prior to the owner's submission of the Rezoning Application. The second unit was occupied in 2009, after the owner's submission of the Rezoning Application.

Official Plan policy 3.2.1.6 requiring rental replacement where redevelopment would result in the loss of 6 or more rental units is not applicable to the application. Though 495 rental units are involved in the related applications, only 4 units will be lost if the demolition application is approved. Staff are not recommending replacement of the 4 rental housing units pursuant to c. 667 of the Municipal Code. Staff are satisfied that the remaining rental units at 88 Erskine Avenue will be secured as rental tenure and continue to provide rental housing in the area.

A Tenant Relocation and Assistance Plan is also a typical condition of approval of a Section 111 permit for demolition of rental housing in order to reduce the hardship caused to existing tenants by the proposed development. The owner has agreed to provide an additional 30 days notice period to the 120 days required by the *Residential Tenancies Act*, to offer tenants the option to relocate to another available unit within the owner's rental portfolio and to provide a moving allowance. Staff are satisfied with the proposed Tenant Relocation and Assistance Plan and are recommending that it be required as a condition of the Section 111 permit and secured in the Section 37 Agreement. The owner has also agreed to an appropriate Construction Mitigation Plan and Tenant and Resident Communication Strategy prior to the issuance of a demolition permit for the rental dwelling units, to the satisfaction of the Director, Community Planning North York District, and Executive Director Technical Services.

Existing Rental Housing

In keeping with policy 5 of section 3.2.1 of the Official Plan, the rental tenure of the existing apartment building at 88 Erskine Avenue is to be secured for at least 20 years through a Section 37 Agreement. City staff have had discussions with the owner who has agreed to maintain the apartment building with 491 existing rental dwelling units as rental housing for a minimum period of twenty (20) years 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.

Community Benefits/Section 37

In addition to the previously mentioned rental housing matters that will be secured in a Section 37 Agreement, the Official Plan provides for improvements to existing rental buildings on site, with no pass-through of the costs to the tenants. The owner has agreed to provide improvements to the existing outdoor amenity space on the rooftop patio at 88 Erskine Avenue adjacent to the pool area in the form of seating, tables, sun shelter, planter boxes, landscaping elements, new furniture and other hard and soft landscape elements. The owner estimates the value of this work to be approximately \$50,000. Staff have not had an opportunity to review what specific improvements this includes and whether this cost estimate is appropriate, however these improvements will be secured through the Section 37 Agreement to the satisfaction of the Director of Community Planning, North York District prior to the first above-grade permit being issued for the new building. The owner would agree to also 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.

Where additional height and/or density is provided in the form of compatible infill development of *Apartment Neighbourhoods*, existing residents are to also be provided with access to the community benefits. The owner has agreed to:

- \$85,000 for above base park improvements which may include trees, hard paving, lighting, benches, raised planters and shrubs. These improvements and ongoing maintenance of the parkland being conveyed to the City pursuant to s. 42 of the Planning Act, are to be to the satisfaction of the General Manager, Parks, Forestry and Recreation; and

- \$25,000 towards off-site streetscape and street tree improvements in the Yonge-Eglinton *Apartment Neighbourhood* area.

Staff recommend that these items be incorporated into the final zoning by-law and the owner enter into and register a Section 37 Agreement to the satisfaction of the City Solicitor pursuant to Section 37 of the *Planning Act* to provide these matters prior to the issuance of any final order by the OMB approving the proposed zoning by-law amendment.

Toronto Green Standard

The proposed development would implement the Toronto Green Standard by:

- reduced vehicle parking spaces;
- bicycle parking;
- a mid-block pedestrian connection between public sidewalks with pedestrian-scale lighting;
- canopies for pedestrian protection over the main building entrance;
- planting of street trees and tree replacement in improved landscaped areas for shade;
- minimized hard surfaces to help retain and manage stormwater;
- a roof that meets the green roof by-law; and
- facilities for collection and storage of solid waste and recycling.

These Tier 1 Standards should either be incorporated into the final approved Zoning By-law and/or implemented through the final approved Site Plan.

Construction Mitigation Measures

To mitigate the construction impacts on the surrounding community and in particular the tenants of the existing rental buildings on the site, 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 North York prior to the issuance of the demolition permit for the rental housing units.

Development Charges

It is estimated that the development charges for this project will be \$559,133. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

Site Plan Issues to be Resolved

A number of outstanding site plan matters should be resolved prior to the Ontario Municipal Board issuing any final order on the Zoning By-law Amendment.

In summary, these include:

- the location of the parkland dedication to be done in conjunction with the design for the associated above base park improvements;
- improvements to the landscaped open space associated with both the new and existing buildings to enhance the visual interest and comfort in the open space area and screen loading and servicing functions;

- closure of the current driveway access onto Keewatin Avenue, or an acceptable alternative plan to regulate its use for servicing vehicles only and integrate it within the pedestrian walkway and landscaped open space;
- an architectural canopy-covered front pedestrian entrance for the new building on the Keewatin Avenue frontage and connected directly to the sidewalk;
- the location of the easement for a public accessible pedestrian walkway on the east side of 88 Erskine Avenue, to be done in conjunction with the design for the park and landscaped open space improvements and appropriate levels and location of surface and visitor parking;
- revised elevations on the proposed new building to better face onto and frame the adjacent landscaped open space through an enhanced cornice that extends the 4 storey building expression through the 8 storey portion of the building.

Conclusion

City Planning is supportive of the proposed zoning amendment subject to the matters identified in this report being resolved. The site is appropriate for compatible infill development. The proposed development respects and reinforces the existing character of the area; and, provides a transition from the *Apartment Neighbourhood* to the lower scale *Neighbourhood*. Site Plan issues regarding park design, landscaping, access and level of surface parking can be addressed. The proposed infill development would retain and improve the existing rental apartment building, and if approved by the Ontario Municipal Board, the City should also approve demolition of the 4 existing rental housing units on Keewatin Avenue under Section 111 of the City of Toronto Act.

CONTACT

Robert Gibson, Community Planner
 Tel. No. 416-395-7059
 Fax No. 416-395-7119
 E-mail: rgibson@toronto.ca

Kristina la Fleur, Community Policy Planner
 Tel. No. 416-392-5092
 Fax No. 416-397-4080
 E-mail: klafleur@toronto.ca

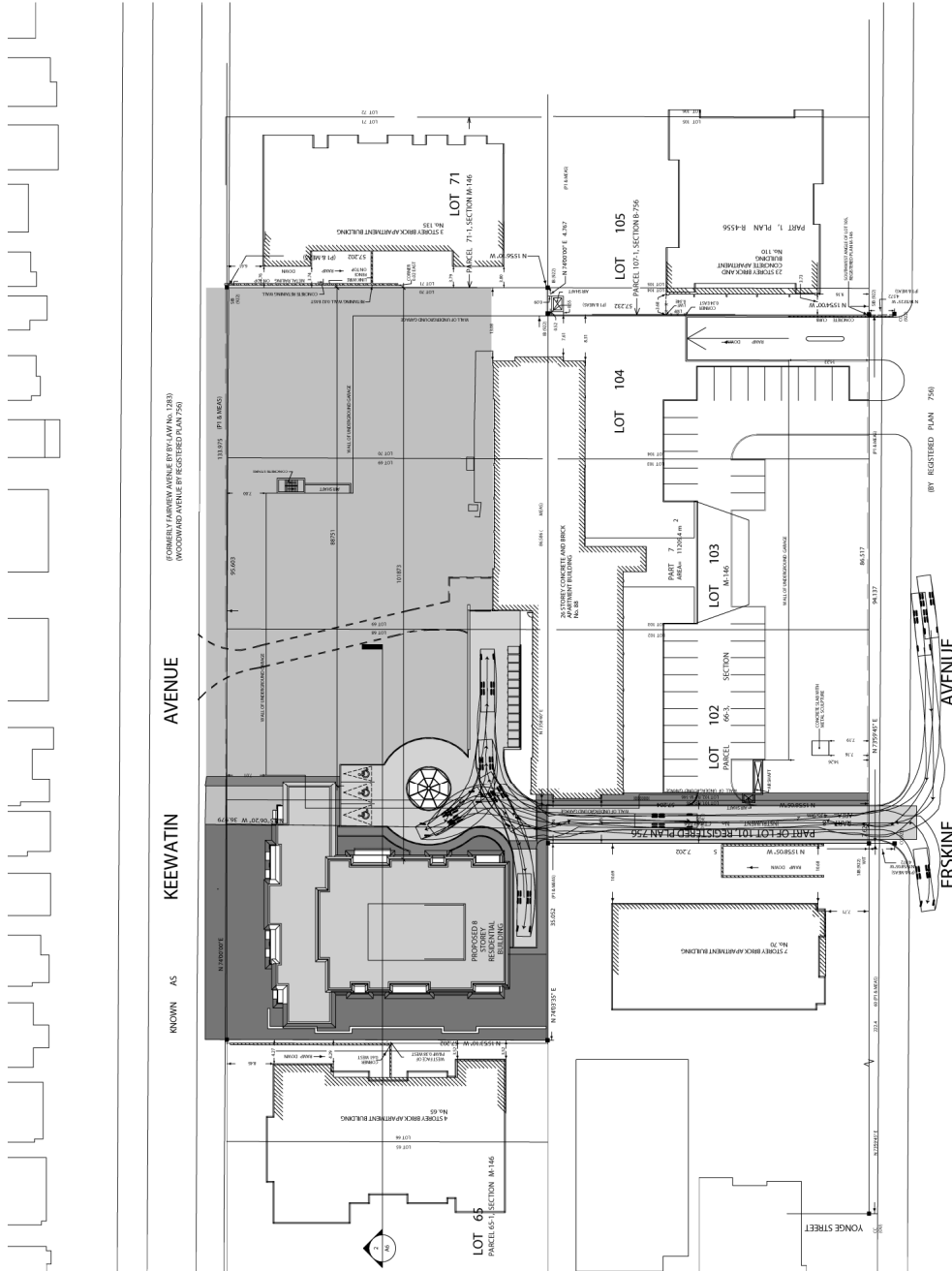
SIGNATURE

Allen Appleby, Director
 Community Planning, North York District

ATTACHMENTS

- Attachment 1: Site Plan
- Attachment 2: Elevations
- Attachment 3: Official Plan
- Attachment 4: Zoning
- Attachment 5: Zoning Height
- Attachment 6: Site Specific Zoning By-law 362-67
- Attachment 7: Application Data Sheet

Attachment 1: Site Plan



88 Erskine Avenue and 73-79 Keewatin Avenue

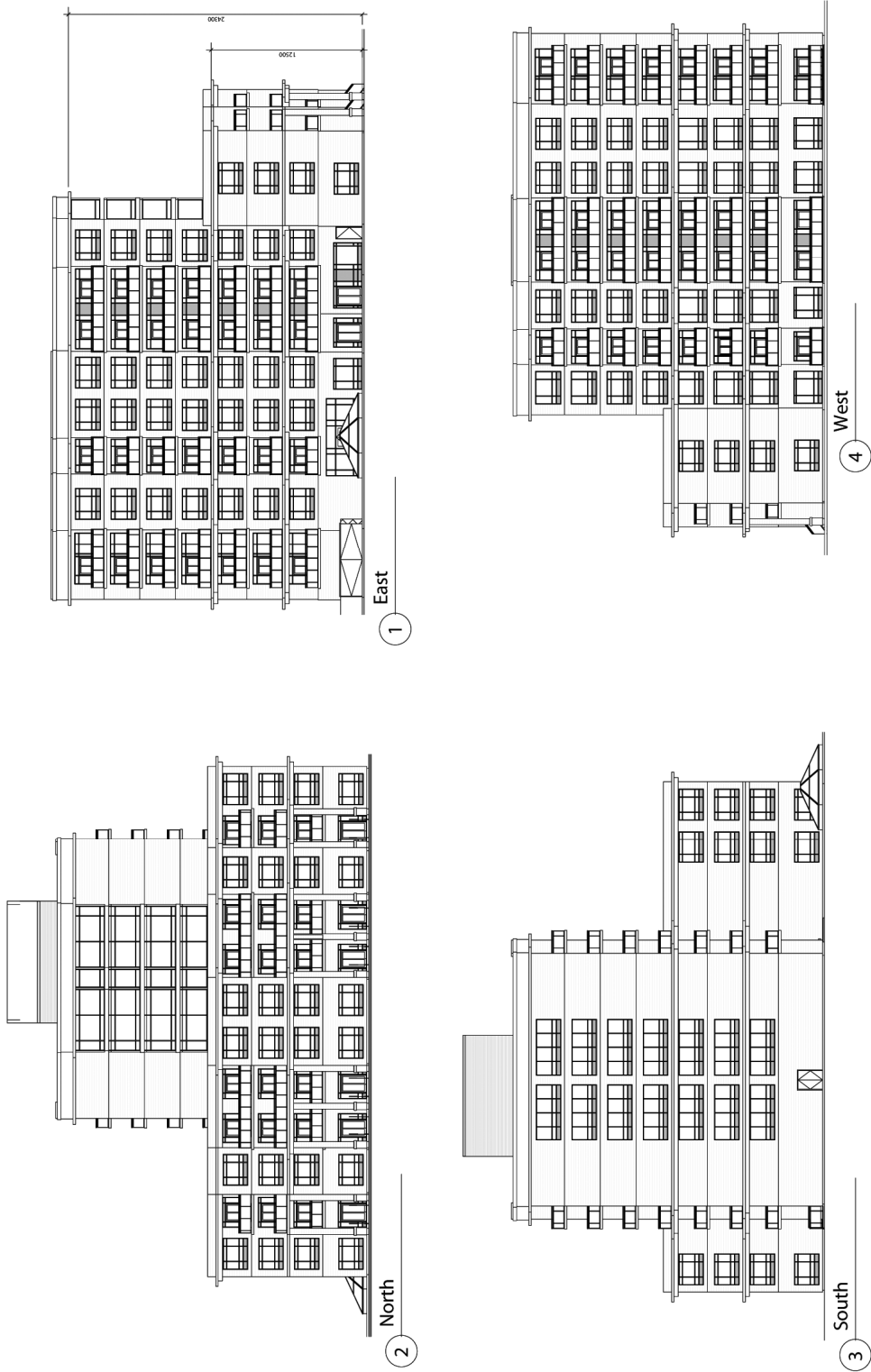
Site Plan

Applicant's Submitted Drawing

Not to Scale
09/29/2011

File # 07 282010 NNY 25

Attachment 2: Elevations



88 Erskine Avenue and 73-79 Keewatin Avenue

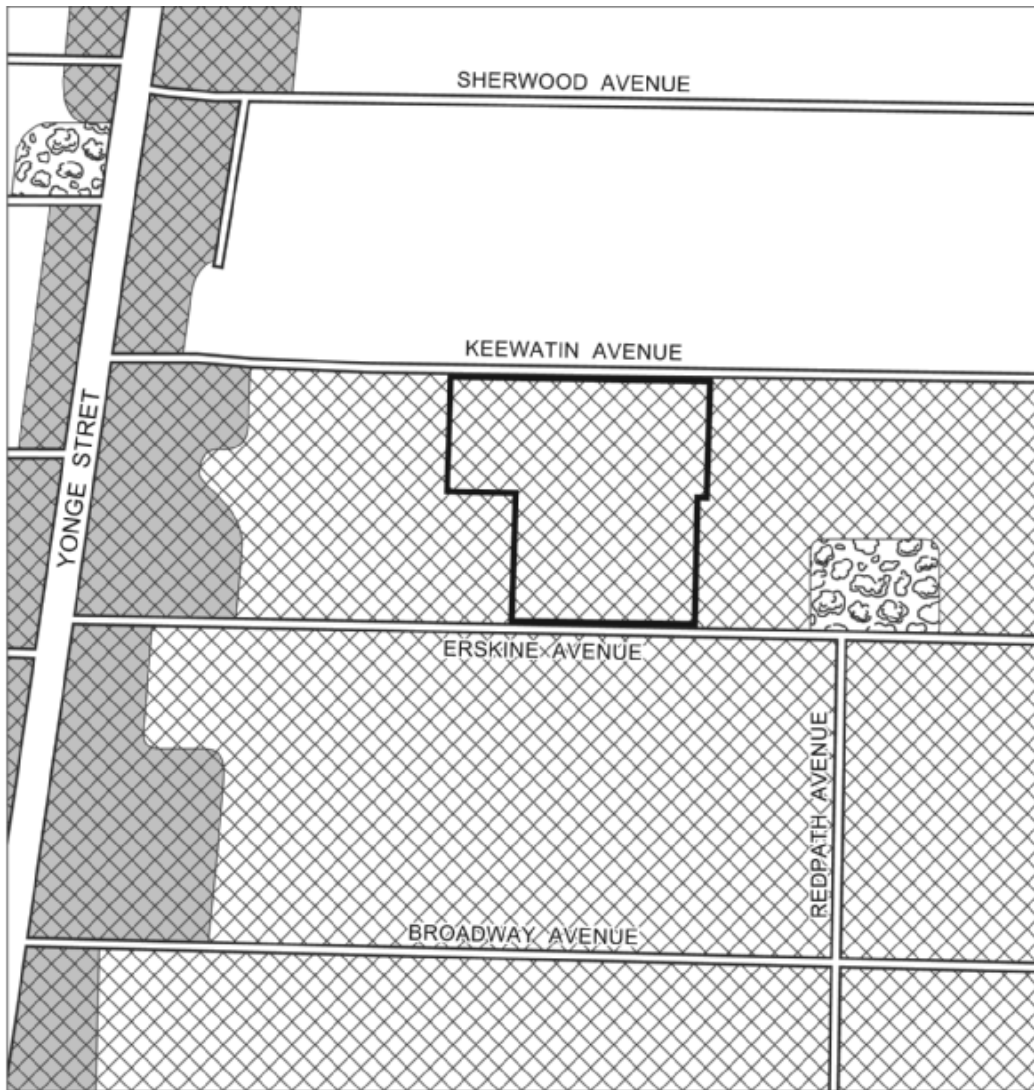
Elevation

Applicant's Submitted Drawing

Not to Scale
09/29/2011

File # 07 282010 NNY 25

Attachment 3: Official Plan



TORONTO City Planning
Official Plan

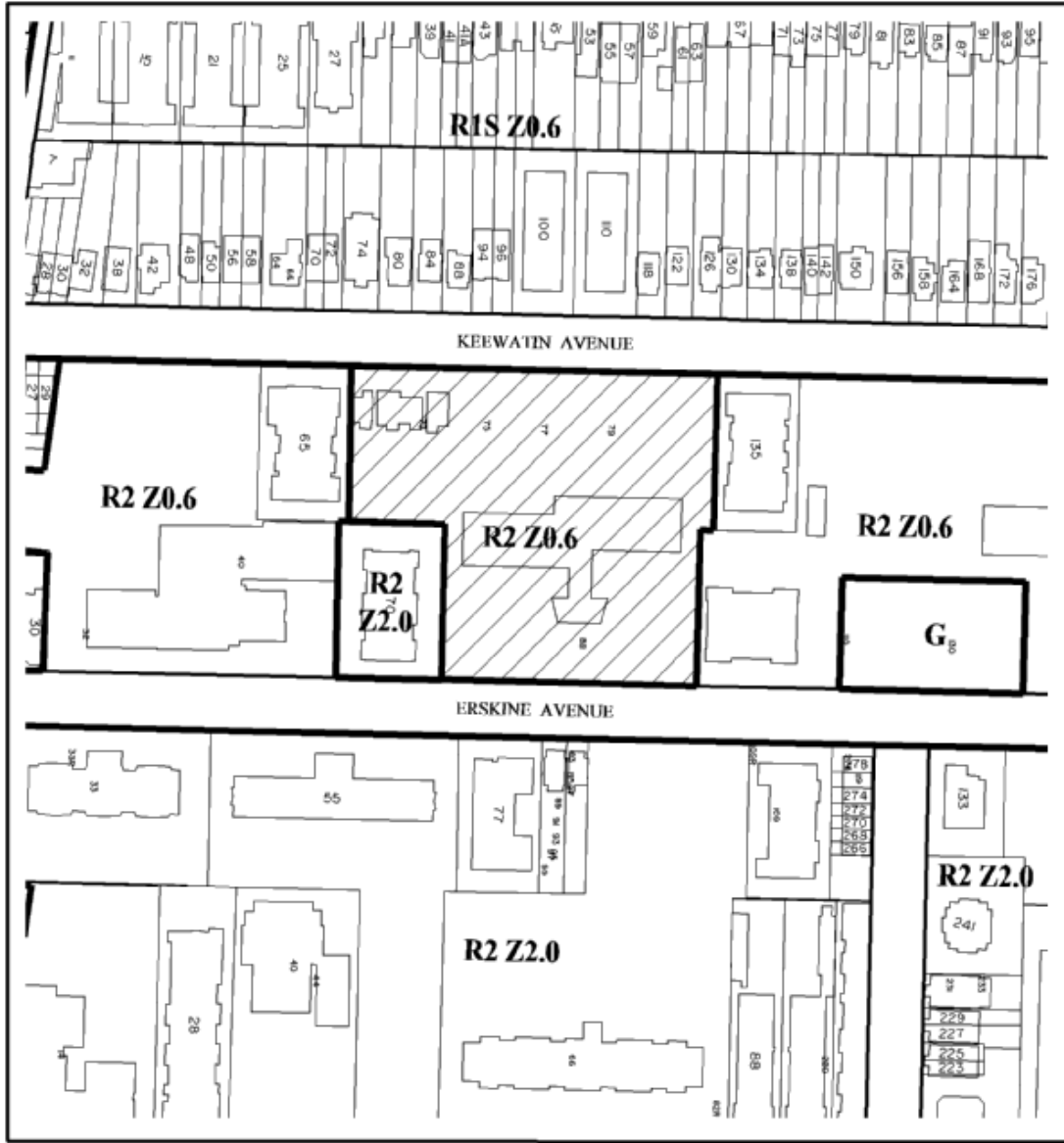
88 Erskine Avenue and 73-79 Keewatin Avenue

File # 07_282010

- | | |
|--|---|
|  Site Location |  Parks & Open Spaces Areas |
|  Neighbourhoods |  Parks |
|  Apartment Neighbourhoods | |
|  Mixed Use Areas | |


 Not to Scale
 August 2007

Attachment 4: Zoning



88 Erskine Avenue and 73-79 Keewatin Avenue

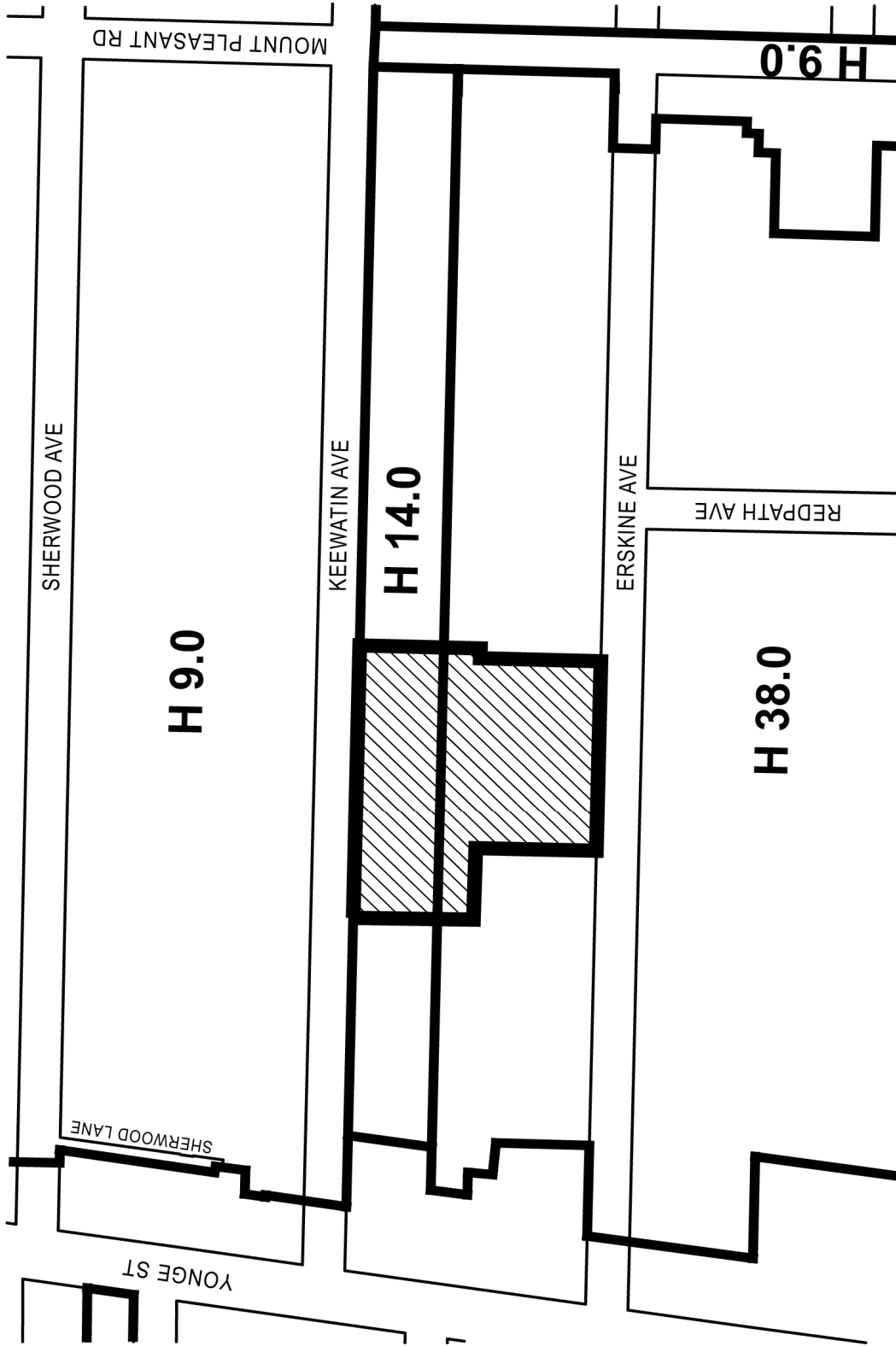
File # 07_282010

- R1 Residential District
- R1S Residential District
- R2 Residential District
- G Parks District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 12/28/2007

Attachment 5: Zoning Height

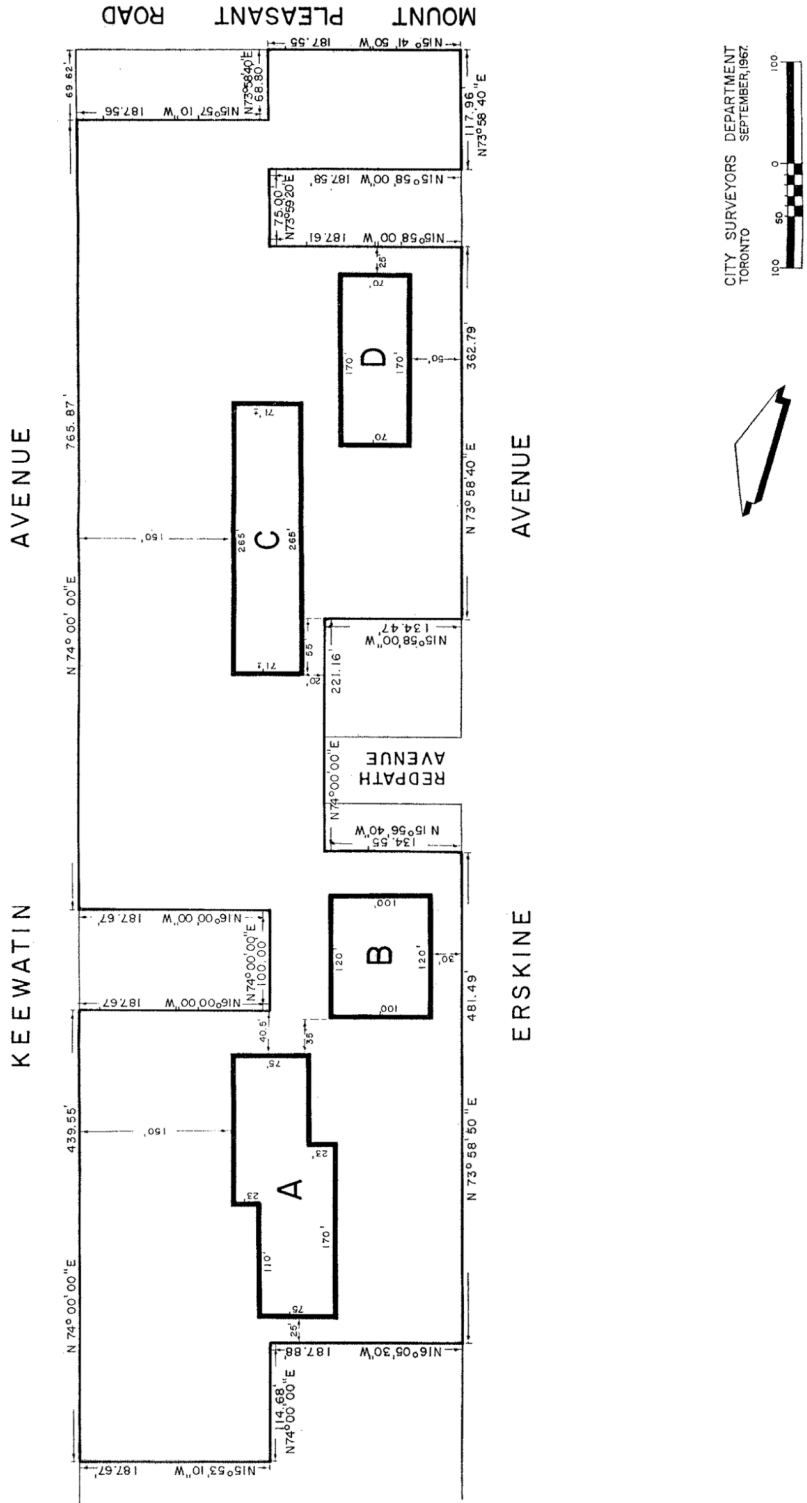


Building Height Map
73, 75, 77, 79 Keewatin Avenue and 88 Erskine Road

Not to Scale
19/09/2011

File # 07 282010 NMY 25 0Z

Attachment 6: Site Specific Zoning By-law 362-67



Bylaw 362-67

1000 Mount Pleasant Road & 110, 140 & 160 Erskine Road

File # 04_112069

Not to Scale
01/10/06

Attachment 7: Application Data Sheet

Application Type	Rezoning	Application Number:	07 282010 NNY 25 OZ
Details	Rezoning, Standard	Application Date:	November 27, 2007

Municipal Address:	73, 75, 79 KEEWATIN AVE 88 ERSKINE AVE
Location Description:	PL M146 LTS 67 TO 70 LTS 102 & 103 PT LTS 66 & 104 PL 756 PT LT101 **GRID N2507
Project Description:	Proposed 4 to 8 storey, 80 units residential apartment building

Applicant:	Agent:	Architect:	Owner:
ERSKINE GREEN LIMITED	MARTIN RENDL ASSOCIATES	TURNER FLEISCHER ARCHITECTS INC.	ERSKINE GREEN LIMITED

PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:	By-law No. 362-67
Zoning:	R2.0 Z0.6	Historical Status:	N
Height Limit (m):	14, 38 and 79	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	13050	Height:	Storeys:	4 to 8
Frontage (m):	134		Metres:	12.5 to 24.75
Depth (m):	114			
Total New Ground Floor Area (sq. m):	1076.39			Total
Total New Residential GFA (sq. m):	7134.2		Parking Spaces:	440
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	42554.2			
Total Lot Coverage Ratio (%):	20			
Total Floor Space Index:	3.26			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:				
Rooms:	0	Residential GFA (sq. m):	7134.2	0
Bachelor:	1	Retail GFA (sq. m):	0	0
1 Bedroom:	50	Office GFA (sq. m):	0	0
2 Bedroom:	23	Industrial GFA (sq. m):	0	0
3 + Bedroom:	6	Institutional/Other GFA (sq. m):	0	0
Total Units:	80			

CONTACT:	PLANNER NAME:	Robert Gibson, Senior Planner
	TELEPHONE:	(416) 395-7059