

**90 Eastdale Ave - Zoning Amendment and Rental Housing Demolition Applications - Request for Direction Report**

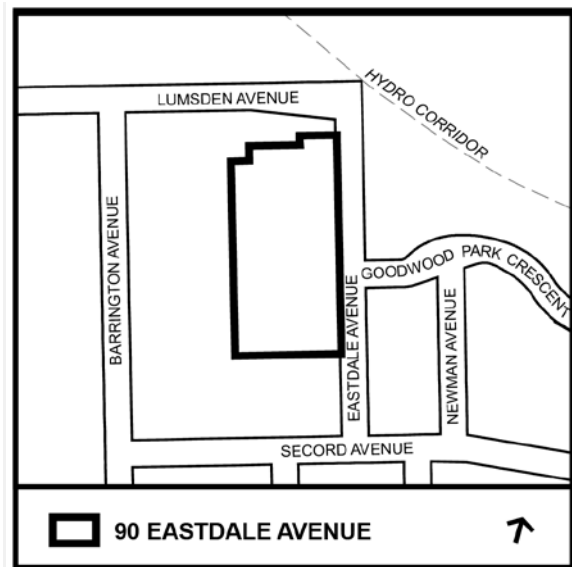
<b>Date:</b>	May 25, 2017
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 31 – Beaches-East York
<b>Reference Number:</b>	15-209995 STE 31 OZ and 15-226605 STE 31 RH

**SUMMARY**

This application proposes the construction of a 37-storey apartment building with 396 rental dwelling units behind and to the west of the existing 24-storey apartment building at 90 Eastdale Avenue.

There have been a number of development applications and different development schemes for the property at 90 Eastdale Avenue. A 2008 development application was revised in 2010. Considerable effort by the Ward Councillor, City staff, the community and the applicant resulted in an OMB settlement in 2012 that allowed for a reasonable level of intensification with appropriate community benefits. This settlement has now been abandoned by the owner.

A new application was received in August 2015. The current proposal is significantly more intense than any of the previous proposals. Staff have worked with the applicant over the past year to determine if the existing settlement could be modified in some way that would maintain a reasonable level of proposed intensification. This discussion has not resulted in a supportable



development scheme. The applicant has now appealed the 2015 application to the Ontario Municipal Board.

An application for Rental Housing Demolition and Conversion under Section 111 of the *City of Toronto Act* (Chapter 667 of the Municipal Code) has also been filed to permit the demolition of 4 existing rental dwelling units at 90 Eastdale Avenue.

The purpose of this report is to seek City Council's direction for the City Solicitor and appropriate City Staff to attend the Ontario Municipal Board (OMB) hearing to oppose the applicant's Zoning By-law Amendment appeal.

City Planning's view is that appropriate intensification of this site is reflected in the 2012 OMB settlement, with the package of public benefits agreed to at that time.

The current proposal reflected by the 2015 application is not supportable by staff. It is not consistent with the Provincial Policy Statement and does not conform to the Official Plan particularly in regard to compatibility with the existing apartment neighbourhood, as well as with respect to built form.

Staff recommend that Council's decision on the application for Rental Housing Demolition under Chapter 667 of the Municipal Code pursuant to Section 111 of the *City of Toronto Act* be deferred, as the proposed development is not supportable by Planning staff. Council's decision under this statute is not appealable to the Ontario Municipal Board. Following the Ontario Municipal Board decision on the Zoning By-law Amendment appeal, the Rent Housing Demolition and Conversion permit application will return to Council for consideration.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council authorize the City Solicitor, together with City Planning and any other appropriate staff to attend the Ontario Municipal Board hearing to oppose the appeal of the Zoning By-law Amendment applications for 90 Eastdale Avenue.
2. In the event that the Ontario Municipal Board allows the appeal in whole or in part, City Council direct the City Solicitor to request that the Ontario Municipal Board withhold its Order until such time as the Board has been advised by the City Solicitor that:
  - a. the proposed Zoning By-law Amendment is in a form satisfactory to the Chief Planner and City Solicitor;
  - b. a Section 37 Agreement has been executed and registered to secure a Section 37 contribution and related matters satisfactory to the Chief Planner and city Solicitor which will include securing tenant assistance and may include

securing replacement rental dwelling units and rents and any other rental related matters;

- c. City Council has approved of the application No. 15 226605 STE 31 RH under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006* to demolish the 4 existing rental dwelling units at 90 Eastdale Avenue; and
  - d. all technical reports have been submitted and accepted by the relevant City divisions.
3. In the event that the Ontario Municipal Board approves the appeal in whole or in part, City Council authorize the Director, Community Planning, Toronto and East York District, in consultation with the Ward Councillor, to identify the services, facilities and matters pursuant to Section 37 of the Planning Act to be secured.
  4. City Council defer making a decision at this time on application No. 15 226605 STE 31 RH under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006* to demolish 4 existing rental dwelling units at 90 Eastdale Avenue and instruct staff to report on the Rental Housing Demolition and Conversion Application to Toronto and East York Community Council at such time as an Ontario Municipal Board decision has been issued regarding the Zoning By-law Amendment appeal for such lands at 90 Eastdale Avenue.
  5. City Council authorize the City Solicitor and any other City staff to take such actions as necessary to give effect to the recommendations of this report.

### **Financial Impact**

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

### **DECISION HISTORY**

A series of development alternatives for the property at 90 Eastdale Avnue have been under discussion with the owner since 2008.

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 m<sup>2</sup>, a floor space index (FSI) 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 northwest 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 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 six 2-storey residential units at grade was proposed at 90 Eastdale Avenue. An 18-storey, 144 unit condominium apartment building with a 2 storey base and five 2-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 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 held discussions with the appellant which resulted in an alternate development scheme. This alternate development scheme proposed a new 24-storey apartment building where the City-owned Eastdale Parkette is located on the southwest corner of Lumsden Avenue and Eastdale Avenue. Eastdale Parkette would be relocated to create a larger public park at the south end of the block at the northwest corner of Secord Avenue and Eastdale Avenue. The site for the new park would be created by replacing the 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.

The development would have been undertaken in phases with the first phase being the construction of the replacement rental townhouses at the rear of 90 Eastdale Avenue, resulting in no tenant having to be relocated off site. The second phase would have been the demolition of the existing townhouses to allow for the construction of the new public park. The third phase was to be the construction of the new park and the final phase would include the completion of the park and construction of the proposed 24-storey apartment building.

This negotiated settlement was approved by the OMB and staff worked with the applicant on the final form of the By-laws, Section 37 Agreement and Site Plan Agreement prior to the issuance of the OMB order. The owner then advised that they were no longer interested in pursuing this development scheme and stopped pursuing the finalization of the by-law and Section 37 Agreement. The OMB has never issued an order with respect to this settlement and the file remains open.

A new application was submitted in August 2015 by the same owner.

## **ISSUE BACKGROUND**

### **Proposal**

The proposal is for the construction of a 37-storey apartment building with a height of 113.35 metres. The building would have 396 rental units, comprising of 65 bachelor units, 64 one-bedroom units, 111 one-bedroom plus den units, 37 two-bedroom units, 49 two-bedroom plus den units, 68 three-bedroom units and 2 four-bedroom units. The existing buildings (24-storey apartment and 26 townhouses) contain a total of 413 units. Four of the townhouse units are proposed to be demolished to facilitate the expansion of the existing Eastdale Parkette. Upon completion, the site would contain a total of 805

rental dwelling units comprising 409 existing rental dwelling units to be retained and 396 new rental dwelling units within the proposed apartment building.

The proposal includes the expansion of the existing two-level underground garage with 179 new parking spaces, including additional visitor parking and 4 car-share spaces. The proposal would also introduce 269 bicycle parking spaces at the P1 parking level and 32 visitor bicycle parking spaces at grade.

The proposal includes new indoor and outdoor amenities that will be shared by both existing and new tenants.

The Rental Housing Demolition and Conversion Application proposes the demolition of four rental townhouse rental dwelling units. The applicant has not proposed to replace the four demolished rental dwelling units or developed an appropriate Tenant Relocation and Assistance Plan.

### **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 property at 90 Eastdale Avenue has an approximate lot area of 15,070 m<sup>2</sup>, and currently contains a 24-storey apartment building with 383 rental units, and thirty 2-storey townhouse units, and an approximate total gross floor area of 31,012m<sup>2</sup>.

According to the Housing Issues Report submitted by the applicant, all of the existing rental dwelling units on the site have either affordable or mid-range rents. At the time of application, all but 11 of the 413 existing rental dwelling units were occupied by tenants. Development near the site is as follows:

- North: Immediately north of the site is the Eastdale Parkette at the southwest 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) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; providing an appropriate range of housing types and affordability to meet projected requirements of current and future residents; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required to be consistent with the PPS.

Section 4.7 of the PPS provides that the official plan is the most important vehicle for implementation of the PPS. In addition, the PPS requires that official plans also provide clear, reasonable and attainable policies to protect the provincial interest. Municipalities are required to keep their official plans up-to-date with the Provincial Policy Statement.

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; providing housing options to meet the needs of people at any age; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

### **Official Plan**

The City of Toronto Official Plan contains a number of policies that apply to the proposed development. A link to the Official Plan can be found here: [http://www1.toronto.ca/static\\_files/CityPlanning/PDF/chapters1\\_5\\_dec2010.pdf](http://www1.toronto.ca/static_files/CityPlanning/PDF/chapters1_5_dec2010.pdf)

## **Chapter 2 – Shaping the City**

### **Section 2.3.1 Healthy Neighbourhoods**

The site is located 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.

## **Chapter 3 – Built Form**

### **Section 3.1.2 Built Form**

The Official Plan states that architects and developers have a civic responsibility to create buildings that not only meet the needs of their clients, tenants and customers, but also the needs of the people who live and work in the area who will encounter the building in their daily lives.

New development in Toronto will be located and organized to fit with its existing and/or planned context. It will do this by: generally locating buildings parallel to the street or along the edge of a park or open space, having a consistent front yard setback, acknowledging the prominence of corner sites, locating entrances so they are clearly visible and providing ground floor uses that have views into and access from streets. New development will also locate and organize vehicle parking and vehicular access to minimize their impacts on the public realm. Furthermore, new development will create appropriate transitions in scale to neighbouring existing and/or planned buildings, limit shadowing on streets, properties and open spaces and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks to preserve their utility.

New development will be massed to define the edges of streets, parks and open spaces to ensure adequate access to sky view for the proposed and future uses. New development will also provide public amenity, enhance the public realm through streetscape improvements and ensure that significant new multi-unit residential development provides indoor and outdoor amenity space for residents of the new development.

### **Section 3.1.3 Built Form – Tall Buildings**

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 application proposes a tall building. Policy 3.1.3 states that tall buildings come with larger civic responsibilities than buildings of a smaller scale. In addition to specific built form characteristics, the policy states that proposals for tall buildings should clearly demonstrate how they relate to the existing and planned context, take into account their relationship with the topography and other tall buildings and how they meet the other objectives of the Official Plan.

### **Section 3.2.1 Housing**

Section 3.2.1 of the Official Plan includes policies that encourage the provision of a full range of housing, in terms of form, tenure and affordability be provided and maintained to meet the current and future needs of residents.



Policy 3.2.1.2 states that the existing housing stock will be maintained and replenished. New housing supply will be encouraged through intensification and infill that is consistent with this plan.

Policy 3.2.1.5 states that for significant new development on sites containing six or more rental units, where existing rental units will be kept in the new development:

- a) Will secure as rental housing, the existing rental housing units which have affordable rents and mid-range; and
- b) May secure any needed improvements and renovations to the existing rental housing, in accordance with and subject to Section 5.1.1 of this Plans, without pass-through of such costs in the rents to tenants.

## **Chapter 4 – Land Use Designations**

### **Section 4.2 Apartment Neighbourhoods**

The proposed development is located in an *Apartment Neighbourhoods* designated area. *Apartment Neighbourhoods* are made up of apartment buildings, parks, local institutions, cultural and recreation facilities, small scale retail service and office uses. *Apartment Neighbourhoods* are generally not intended for significant growth. Compatible infill, however, is contemplated on sites containing existing apartment buildings that have underutilized land.

New and infill development in *Apartment Neighbourhoods* will contribute to the quality of life for both new and existing residents by massing new buildings to transition between areas of different development intensity and scale. New and infill development will also frame the edges of streets and parks, screen service areas, limit shadow and mitigate wind on parks and open spaces as well as *Neighbourhoods*. It will also enhance the safety, amenity and animation of adjacent streets and open spaces.

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

## **Official Plan Amendment No. 320**

As part of the City's ongoing Five Year Review of the Official Plan, City Council adopted Official Plan Amendment No. 320 on December 10, 2015. OPA 320 strengthens and refines the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals of protecting and enhancing existing

neighbourhoods and to allow limited infill on underutilized apartment sites in *Apartment Neighbourhoods*.

The Minister of Municipal Affairs approved a modified OPA 320 on July 4, 2016. The Ministry received 57 appeals to OPA 320 and it has been appealed in its entirety. As a result, OPA 320 as approved and modified by the Minister is relevant but not determinative in terms of the Official Plan policy framework.

Official Plan Amendment 320 as adopted by City Council is available on the City's website at:

<http://www.toronto.ca/legdocs/bylaws/2015/law1297.pdf>

### **Rental Housing Demolition and Conversion By-law**

Section 111 of the *City of Toronto Act, 2006* authorizes Council to regulate the demolition and conversion of residential rental properties in the City. Chapter 667 of the City's Municipal Code, the Rental Housing Demolition and Conversion By-law, implements Section 111. Chapter 667 prohibits the demolition or conversion of rental housing units in buildings containing six or more residential dwelling units, of which at least one unit is rental, without obtaining a permit from the City and requires a decision by either City Council or, where delegated, the Chief Planner.

Pursuant to Chapter 667, Council may refuse an application, or approve the demolition and may impose conditions, including conditions that must be satisfied before a demolition permit is issued. These conditions further the intent of the City's Official Plan policies protecting rental and affordable housing.

Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion, City Council typically considers both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council under Chapter 667 are not appealable to the OMB.

On September 22, 2015, the applicant made an application for a Rental Housing Demolition and Conversion permit pursuant to Chapter 667 of the City of Toronto Municipal Code. A Housing Issues Report has been submitted with the required application and is currently under review. As per Chapter 667-14, a tenant consultation meeting is required to be held to review the impact of the proposal on tenants of the residential rental property and matters under Section 111. This meeting has not been scheduled.

### **Zoning**

The property at 90 Eastdale Avenue is subject to a Site Specific Zoning By-law in the former Borough of East York Zoning By-law 6752, as amended. The property is zoned R3A.6 which limits development on the site to a maximum of 369 apartment units and 30 multiple attached dwellings. The site specific zoning also prescribes minimum parking requirements, a mix of maximum unit sizes, and minimum side yard setbacks and it prohibits the projection of balconies.

The City of Toronto By-law 569-2013 does not apply to the property.

### **Site Plan Control**

A Site Plan Control Application has not been submitted for the proposed development.

### **Tall Building Design Guidelines**

In May 2013, City Council adopted updated city-wide Tall Building Design Guidelines and directed City Planning staff to use them in the evaluation of tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The Tall Building Guidelines are available at: <http://www.toronto.ca/planning/tallbuildingdesign.htm>

### **Reasons for the Application**

The application proposes a 37-storey residential building with 396 rental units. The existing zoning only allows for the existing residential building on the lot with a maximum of 369 units. The addition of this building would more than double the number of permitted units on the site and construct building mass where the zoning does not currently permit it.

The applicant has also submitted an application for a Rental Housing Demolition and Conversion permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition of the existing rental housing units as the subject lands contain six or more residential dwelling units, of which at least one is rental.

### **Community Consultation**

A community consultation held on May 1, 2017 and was attended by approximately 50 members of the public. At that meeting, residents had questions regarding: the intensity of the development; parking and traffic; lack of space for new students in the schools; noise related concerns with the location of the outdoor amenity space; lack of TTC bus service to the area; and, the availability of municipal infrastructure for this scale of expansion.

### **Tenant Consultation Meeting**

A Tenant Consultation Meeting as required under the City's Rental Housing Demolition and Conversion By-law has not been held. Staff will notify all affected tenants when this meeting has been scheduled.

### **Agency Circulation**

The application was circulated to appropriate agencies and City divisions. The applicant has not addressed the issues outlined in the comments received, including significant issues relating to the servicing of the site, the need for additional parkland to serve the increased population and concerns respecting the capacity of local schools.

## COMMENTS

### Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement is issued under Section 3 of the *Planning Act*. The *Planning Act* requires that all decisions affecting land use planning matters "shall be consistent with" the Provincial Policy Statement.

The Provincial Policy Statement, 2014 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required, by the *Planning Act*, to be consistent with the PPS. Policy 4.7 of the PPS states that: "the Official Plan is the most important vehicle for implementation". The application fails to conform to a number of policies in the Official Plan and, as such, does not comply with the PPS.

The 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 to conform, or not conflict, as the case may be, with the Growth Plan for the Greater Golden Horseshoe. The application does not conform to policies in the Growth Plan for the Greater Golden Horseshoe. The proposal represents overdevelopment of the site and is not good planning nor in the public interest.

### Land Use

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

### Density, Height, Massing

The East York Zoning By-law, 6725, as amended, allows apartment buildings to have a maximum Floor Space Index (FSI) of 2.00 times the lot, with some additional density allowed when the building coverage is below 75% of the lot area. The existing buildings on the lot have an FSI of 2.06. The proposed overall development, including existing and proposed buildings, will have a FSI of 3.85 times the lot area.

The proposed tower height is 113.45 metres (37-storeys). The Official Plan requires that development be located and organized to fit within their existing and planned context. The proposed height fails to respond to the existing and planned context of the area. The tallest building within the Apartment Neighbourhood is the existing building on the site, which is 71.5 metres (24-storeys). The nearest building of comparable height at 106.5 metres, including mechanical penthouse (38-storeys) is approximately 680 metres from

the subject site located at 3 Massey Square. It is within a different context. There is no existing context for the proposed height within proximity to the site.

The proposed building is approximately 500 metres from the Main Street subway station, which is considered a major transit station area under the Growth Plan for the Greater Golden Horseshoe. The Growth Plan defines a major transit station area as being generally within an approximately 500 metre radius of a transit station, representing about a 10 minute walk. The applicant believes that this condition justifies increased heights and densities. While the proposal is relatively close to a subway station, it is not located within an area or a land use designation where growth is targeted. The mixed-use properties located along Danforth Avenue is where the local growth is targeted in the vicinity of the transit station and policies have been put in place to encourage development in this area.

The proposed building does not front onto a street. Staff are concerned about a building of this magnitude not fronting onto a street, but rather a private driveway. In the previous settlement scheme before the Ontario Municipal Board, 24 stacked townhouses (replacement rental for the townhouses being demolished) were proposed at this location, with an overall building height of 4 storeys. That is substantially smaller than the proposed 37-storey 396 unit building. Staff are concerned with the ability for a 2-way driveway to provide the same utility as a public street, including the ability to service the pedestrian and vehicular demands of that many units, in addition to the existing tenants of the property and visitors.

The proposed building is set back from the adjacent property line by 5.5 metres, which is appropriate only for a much lower scale of development. A setback of 12.5 metres is recommended by the Tall Building Guidelines to ensure adequate light, view and privacy for residents and acceptable impacts on the public realm. Staff consider the proposed substandard setback to be an inappropriate built form for the context and character of the *Apartment Neighbourhood*. If approved, the lack of adequate setback from the property line may impact future development on the neighbouring property. A similar development on the adjacent property, with similar setbacks, would result in buildings with a potential separation distance of only 11 metres resulting in the overcrowding of this block, with unacceptable living conditions for existing and future tenants.

The impact of the proposed density, height and massing of the new building would result in overdevelopment of the site and similar development on neighbouring sites would result in the significant overcrowding of the *Apartment Neighbourhood* and a significant change in the character of the area.

### **Shadow Impact**

The Official Plan requires that new development adequately limit shadowing on neighbouring streets, properties and open spaces, having regard for the varied nature of such areas. The Official Plan does not differentiate *Apartment Neighbourhoods* from *Neighbourhoods* when dealing with shadow impact. The proposed development has a

significant incremental impact on adjacent buildings and open spaces within the *Apartment Neighbourhood* as well as the adjacent lower density *Neighbourhood*.

The shadow study submitted with the application shows considerable shadow impact on the low density housing both on the west side of Barrington Avenue and the east side of Newman Avenue. There is also significant shadow impact on the neighbouring properties within the *Apartment Neighbourhood* block and Eastdale Parkette. The most significant impact is on the west side of the existing apartment building at 90 Eastdale Avenue, which will no longer have sun for much of the afternoon and evening.

## **Community Services**

The subject site is within the Crescent Town Neighbourhood, a priority neighbourhood. In these neighbourhoods there is an emphasis on enhancing community and neighbourhood amenities by improving and expanding existing parks, recreational facilities, libraries, local institutions, and by creating new community facilities, local institutions and adapting existing services to changes in the social, health and recreational needs of the neighbourhood. The Toronto District School Board, Toronto Public Library and the Parks Forestry and Recreation Division have all expressed concerns with their ability to provide adequate services for the area. The introduction of 396 new dwelling units will put additional strain on the already insufficient community services in the area.

## **Amenity Space**

The Official Plan requires that every significant multi-unit residential development provide indoor and outdoor amenity space for residents and that each resident will have access to outdoor amenity spaces such as balconies, terraces, courtyards, rooftop gardens and other types of outdoor spaces. The zoning by-law requires residential buildings to provide indoor and outdoor amenity in the amount of 2 square metres per unit, respectively.

The applicant has proposed 396 new residential units. The resulting amenity space for the new building would be 792 square metres of indoor amenity space and 792 square metres of outdoor amenity space. The proposal provides for 792 square metres of outdoor amenity space, and 756 square metres of interior amenity space. The applicant has advised that the proposed amenity space is to be shared by the existing and new tenants. At the current time, the area where the proposed building is located is existing outdoor amenity space, with an area in excess of 4,000 square metres, which is available for use by the existing tenants of the apartment buildings and townhouses at 90 Eastdale Avenue. It is noted that, although this area is used by many tenants, its full usability appears to be constrained by safety and security concerns as currently designed and maintained. With the replacement of this outdoor amenity with a building, the proposed amount of amenity space proposed after the construction of a new building would not be sufficient to accommodate the needs of the tenants of the 805 residential that would result from the proposed development.

## **Traffic Impact, Access, Parking and Servicing**

Vehicular access to the site will be provided from the existing north driveway on Eastdale Avenue and a modification to the existing south driveway so that it lines up with Goodwood Park Crescent to provide for a more traditional intersection. The driveway will extend behind the existing building and be designed to mimic a road with sidewalks on either side.

The existing underground garage entrance will be removed, with the new access to the underground being incorporated into the proposed new building. In addition to the new access to the underground, one type G loading space will also be provided within the new building.

The comments from Engineering and Construction Services outline the following concerns:

- the traffic impact study provided with the application was for a previous proposal and needs to be updated for the current proposal using the current guidelines;
- the parking supply needs to be increased to meet the current requirements, or alternatively the applicant needs to provide acceptable documentation to justify the proposed parking supply;
- the proposal needs to be revised to comply with parking space and drive aisle dimensional requirements of the Zoning By-law;
- the Functional Servicing and Stormwater Management Report required further revisions.

## **Tenure**

The proposed tenure of the development is condominium. The applicant has advised that they intend to operate the property as rental but would seek condominium approval for tax and financing reasons.

## **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Official Plan shows local parkland provisions across the City. The subject lands are in an area with 0.80 to 1.56 hectares of local parkland per 1,000 people, the middle quintile of current provision of parkland. The site is not a parkland priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

As specified in Chapter 415, Article III of the Toronto Municipal Code, development sites that are outside a parkland Acquisition Priority Area, a dedication rate of 5% is applied to the residential use. Therefore the parkland dedication requirement is 355 square metres.

The applicant is required to satisfy the parkland dedication requirement through on-site parkland. Although the site is in close proximity to Taylor Creek Park, the park does not contain programmable parkland, as it is part of the creek system. As outlined in the Official Plan policies in Section 3.2.3, the on-site parkland dedication will enhance the green space available within the vicinity of the development. Ideally, the park is recommended to be located at the northeast corner of the site with frontage on Eastdale Avenue. The parkland dedication should abut Eastdale Parkette thereby expanding the existing parkland to be more useable and programmable.

## **Section 37**

Section 37 of the *Planning Act* allows the City to require community benefits in situations where increased density and/or height are permitted. The community benefits must bear a reasonable planning relationship to the proposed development including, at a minimum, an appropriate geographic relationship and may relate to planning issues associated with the development (e.g. local shortage of parkland).

To date City staff have determined that it was not appropriate to discuss Section 37 benefits as the proposed development was not considered to be good planning. Should a redevelopment of some form be approved through an OMB Hearing, staff will seek a Section 37 contribution.

## **Rental Housing**

A permit under Section 111 of the *City of Toronto Act* and Chapter 667 of the Municipal Code is required as the applicant proposes to demolish four residential rental dwelling units within a residential rental property containing at least six residential dwelling units.

The details of the applicant's proposal for the purposes of complying with section 3.2.1.5 of the Official Plan have not been resolved. These outstanding matters include securing, in any by-law amendments and agreements with the City, all rental dwelling units with affordable and mid-range rents and any needed building improvements or renovations, all to the satisfaction of the Chief Planner.

In order to support the objectives of the Official Plan with respect to maintaining a diverse rental housing stock and securing existing rental housing for current and future residents, it would be recommended that the 4 rental dwelling units proposed to be demolished to accommodate the proposed 396 unit residential building on the existing site, be replaced within the proposed building with units of a similar size and type, at rents similar to those of the existing rental units at the time of application. This is also recommended to be secured in any by-law amendments and agreements with the City.

Approval of the proposal would require staff to work with the applicant to develop an appropriate strategy to replace the 4 existing rental townhouse dwelling units proposed to be demolished and develop an acceptable Tenant Relocation and Assistance Plan, all to the satisfaction of the Chief Planner.



Policy 5.1.1.5 of the Official Plan also requires an appropriate Tenant Consultation Plan and Construction Mitigation Strategy, all to the satisfaction of the Chief Planner.

In the event the Board were to allow the appeal in whole or in part no Board order should be issued until such time as the form of any implementing By-laws is satisfactory to the Chief Planner and the City Solicitor and until a section 37 Agreement with the City has been executed and registered to the satisfaction of the City, securing such matters.

## **Conclusion**

The proposal is not consistent with the Provincial Policy Statement and does not conform to the policies of the Official Plan. Planning staff have considered the application within the context of the in force policy framework, including the Official Plan policies.

This proposal is not supported by Planning Staff for the reasons outlined in this report. It does not represent good planning and is not in the public interest and for these reasons City Council should direct the City Solicitor and appropriate City staff to attend the Ontario Municipal Board in opposition to the proposal.

Staff recommend that Council's decision on the application for Rental Housing Demolition under Chapter 667 of the Municipal Code pursuant to Section 111 of the *City of Toronto Act* for 90 Eastdale Avenue be deferred until the Ontario Municipal Board has made a decision on the Zoning By-law Amendment appeal, following which the Section 111 permit applications would return to Council for consideration.

## **CONTACT**

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## **SIGNATURE**

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

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## **ATTACHMENTS**

Attachment 1: Zoning

Attachment 2: Site Plan

Attachment 3: East Elevation

Attachment 4: West Elevation

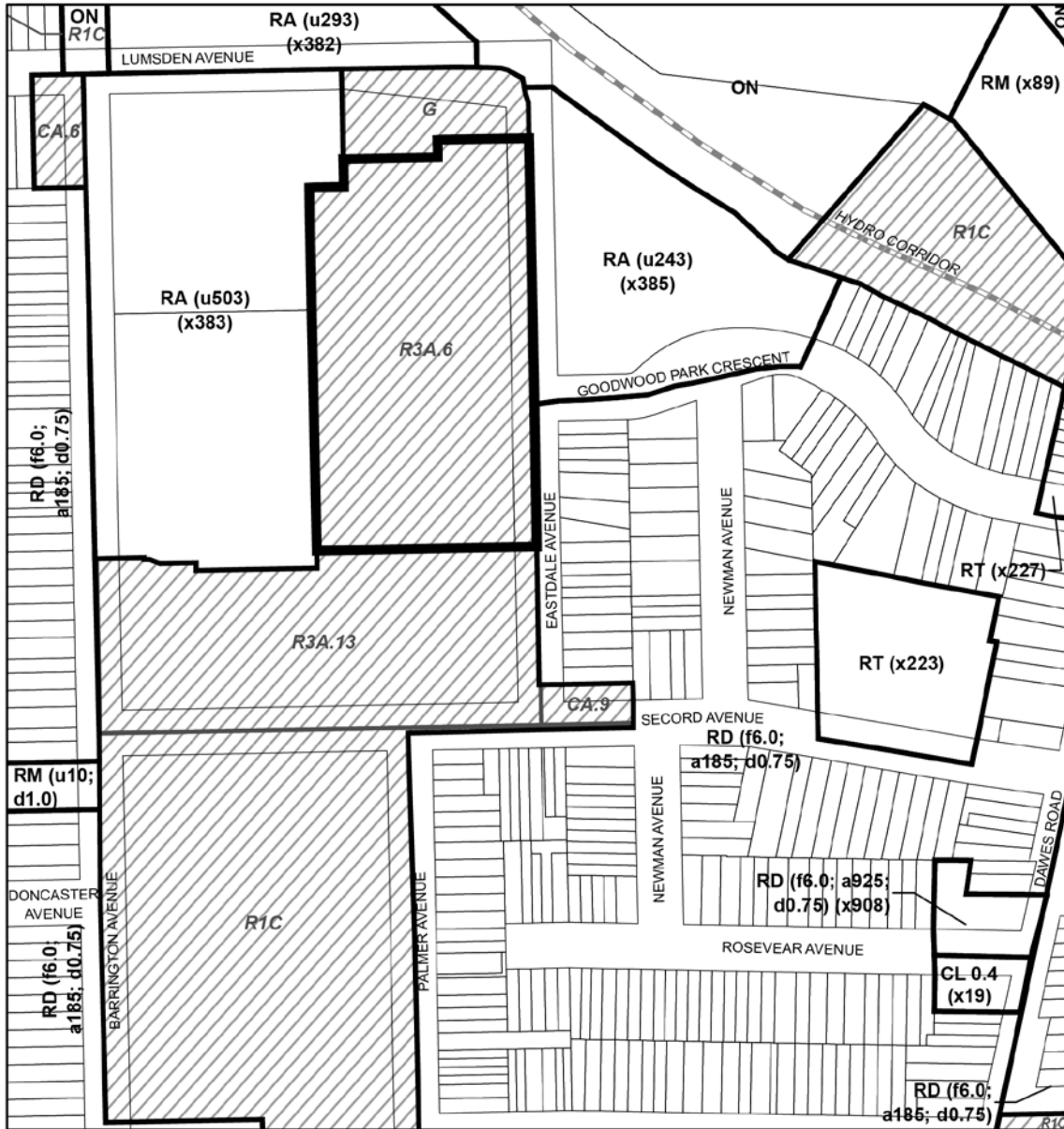
Attachment 5: South Elevation

Attachment 6: North Elevation

Attachment 7: Site Section

Attachment 8: Application Data Sheet

# Attachment 1: Zoning



Zoning By-Law No. 569-2013

90 Eastdale Avenue

File # 15 209995 STE 31 RH

Location of Application

RD Residential Detached	RA Residential Apartment
RT Residential Townhouse	CL Commercial Local
RM Residential Multiple	ON Open Space Natural

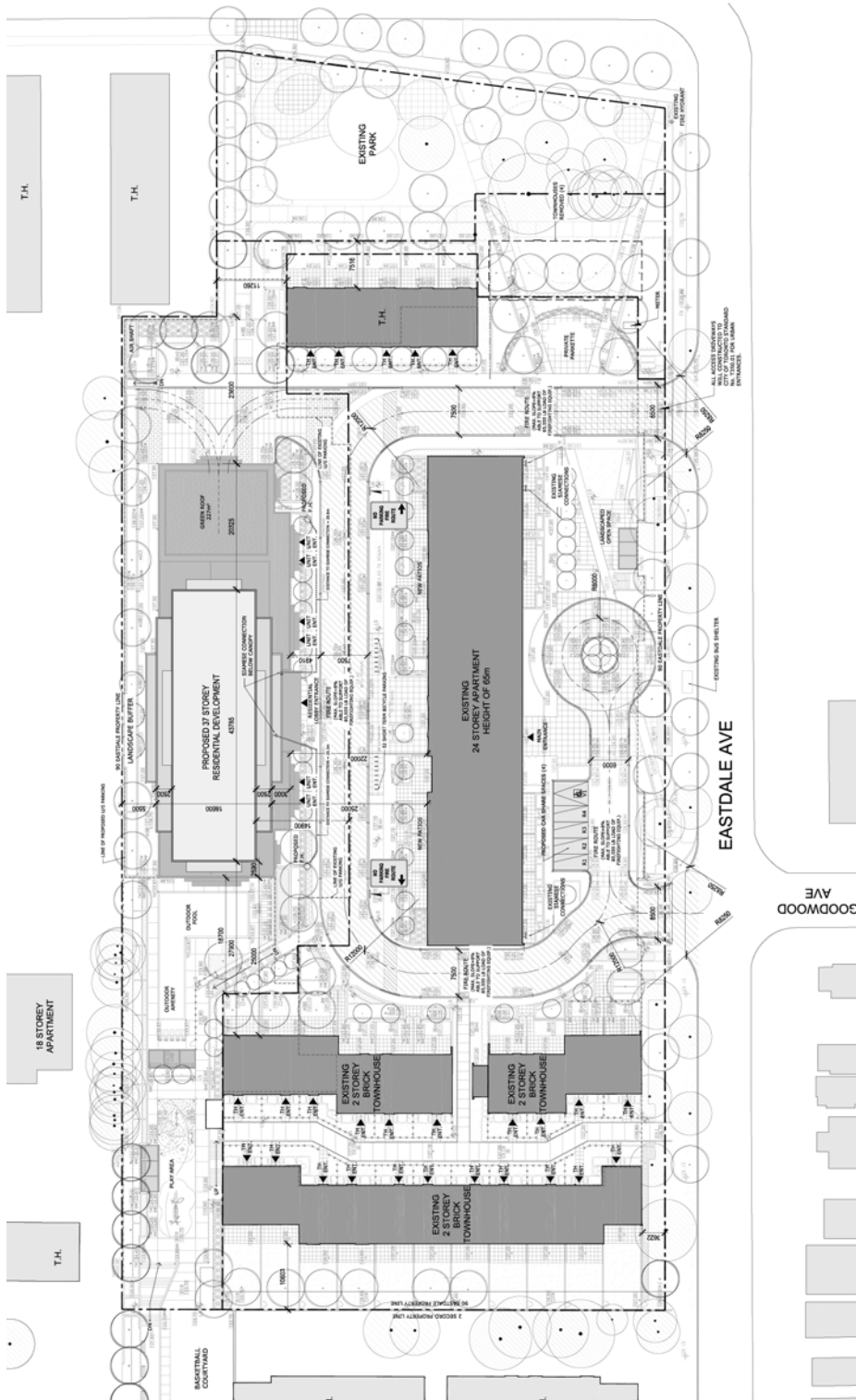
See Former Borough of East York By-Law No. 6752

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



Not to Scale  
Extracted: 11/05/2015

# Attachment 2: Site Plan



90 Eastdale Avenue

File # 15\_209995 STE 31 0Z

**Site Plan**  
 Applicant's Submitted Drawing

Not to Scale  
 11/05/2015

### Attachment 3: East Elevation



## East Elevation

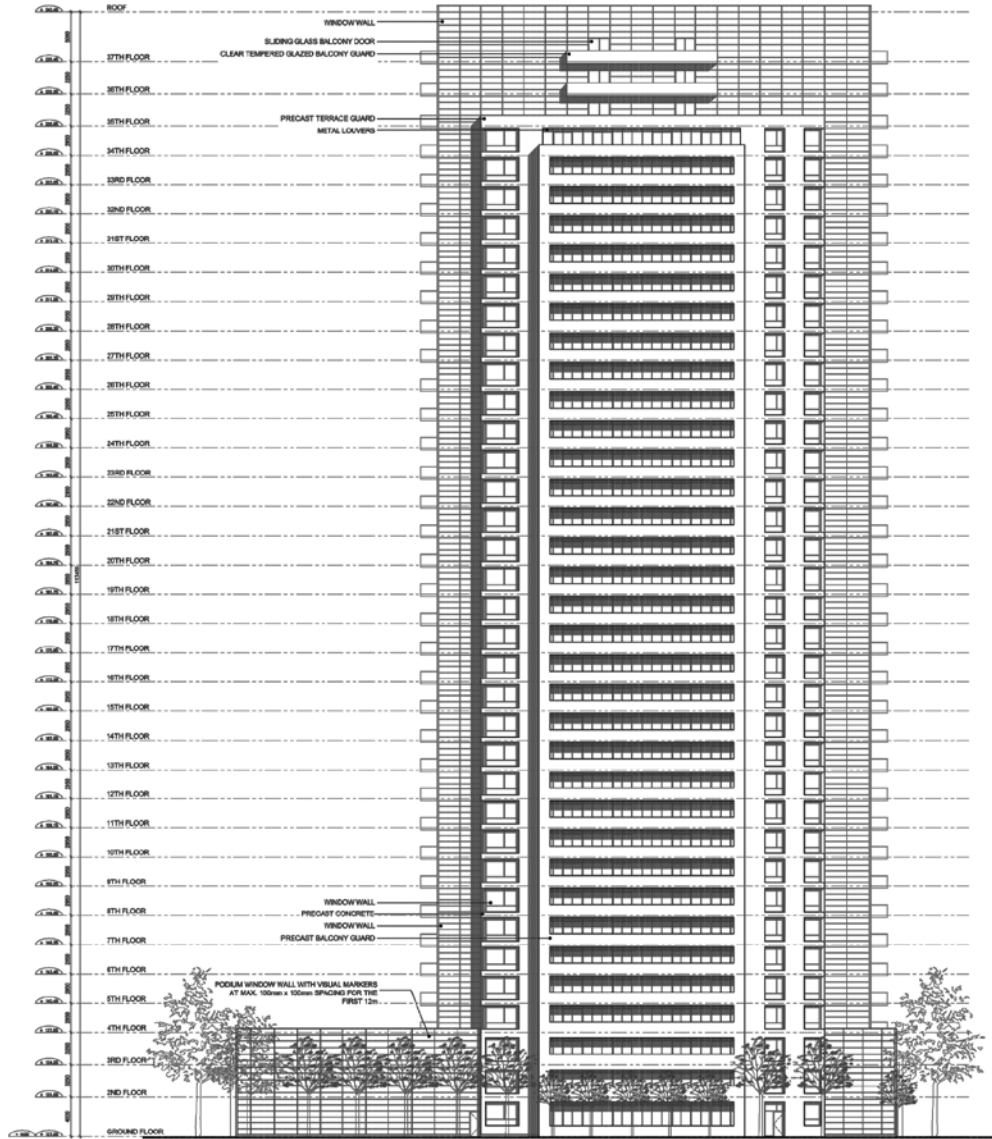
Applicant's Submitted Drawing

Not to Scale  
11/05/2015

90 Eastdale Avenue

File # 15\_209995 STE 31 OZ

# Attachment 4: West Elevation



## West Elevation

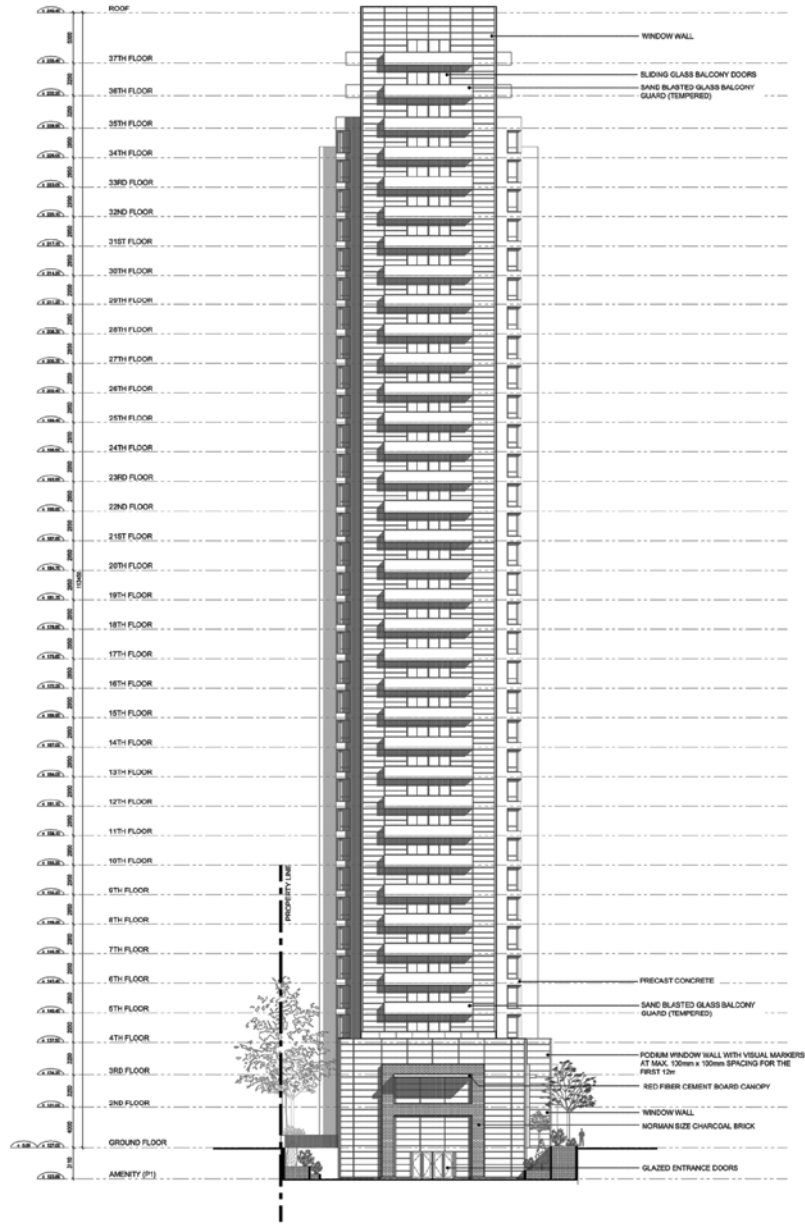
Applicant's Submitted Drawing

Not to Scale  
11/05/2015

90 Eastdale Avenue

File # 15\_209995 STE 31 0Z

## Attachment 5: South Elevation



### South Elevation

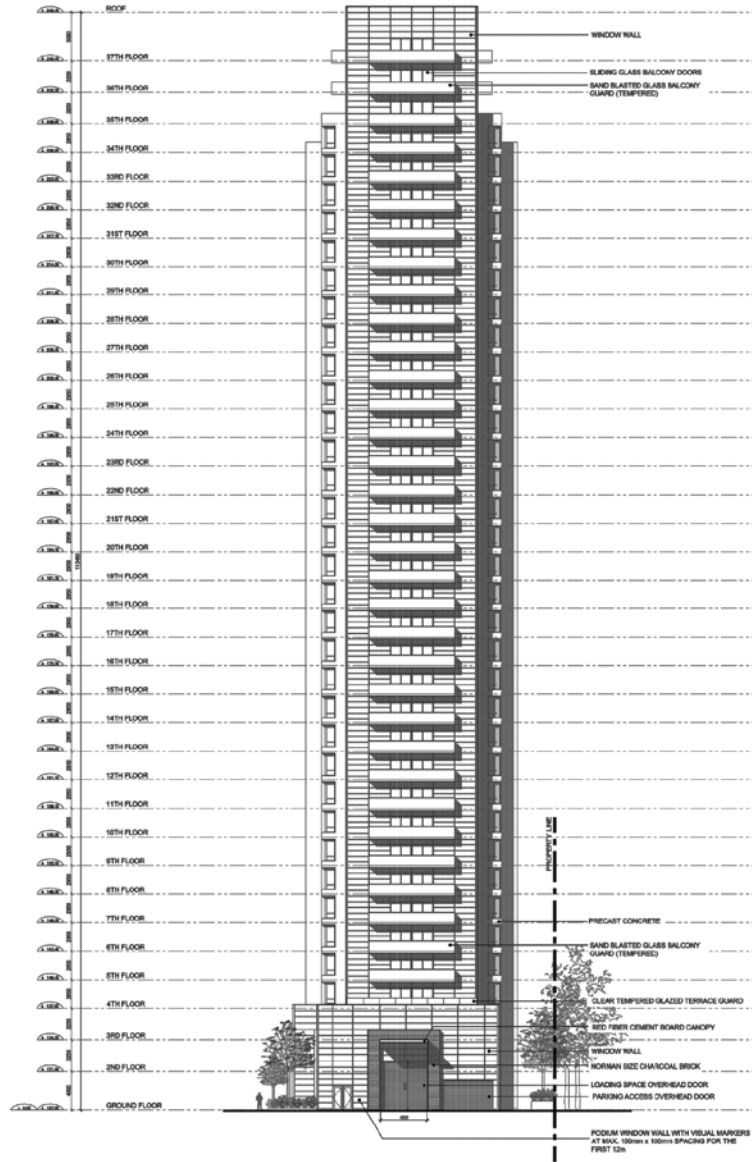
Applicant's Submitted Drawing

Not to Scale  
11/05/2015

90 Eastdale Avenue

File # 15\_209995 STE 31 0Z

# Attachment 6: North Elevation



## North Elevation

Applicant's Submitted Drawing

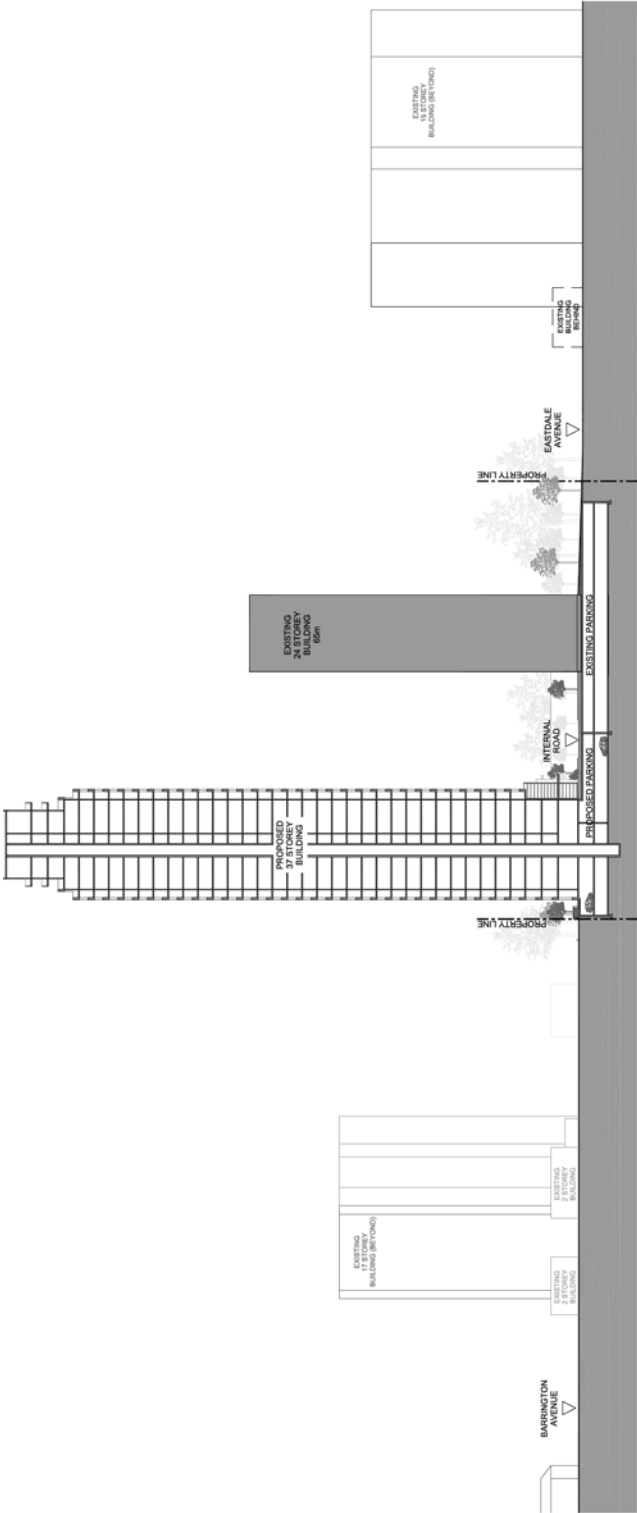
Not to Scale  
11/05/2015

90 Eastdale Avenue

File # 15\_209995 STE 31 0Z



**Attachment 7: Site Section**



**90 Eastdale Avenue**

**Site Section**

Applicant's Submitted Drawing

Not to Scale  
11/05/2015

File # 15\_209995 STE 31 0Z

### Attachment 8: Application Data Sheet

Application Type	Rezoning	Application Number:	15 209995 STE 31 OZ
Details	Rezoning, Standard	Application Date:	August 20, 2015
Municipal Address:	90 EASTDALE AVE		
Location Description:	PLAN 1351 LOT 104 TO 107 PLAN 1351 PT LOT 102 PT LOT 103 PT LOT 108 **GRID S3109		
Project Description:	Proposal for rezoning for the construction of a 37 storey apartment building with 396 rental apartment units adjacent to the existing building on the property.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
PETER SMITH			90 EASTDALE INC.

#### PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:	
Zoning:	R3A.6	Historical Status:	
Height Limit (m):		Site Plan Control Area:	Y

#### PROJECT INFORMATION

Site Area (sq. m):	15073	Height:	Storeys:	37
Frontage (m):	180		Metres:	113.45
Depth (m):	88			
Total Ground Floor Area (sq. m):	4059			<b>Total</b>
Total Residential GFA (sq. m):	58008		Parking Spaces:	566
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	58008			
Lot Coverage Ratio (%):	27			
Floor Space Index:	3.85			

#### DWELLING UNITS

#### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Rental		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	58008	0
Bachelor:	65	Retail GFA (sq. m):	0	0
1 Bedroom:	175	Office GFA (sq. m):	0	0
2 Bedroom:	86	Industrial GFA (sq. m):	0	0
3 + Bedroom:	479	Institutional/Other GFA (sq. m):	0	0
Total Units:	805			

**CONTACT: PLANNER NAME: Leontine Major, Senior Planner**  
**TELEPHONE: (416) 397-4079**