



STAFF REPORT
Committee of Adjustment
Application

Date:	November 6, 2015
To:	Chair and Committee Members of the Committee of Adjustment North York District
From:	Joe Nanos, Director, Community Planning, North York District
Ward:	Ward 25 (Don Valley West)
Reference:	File No: A0778/15NY Address: 99 (101) ERSKINE AND 66 BROADWAY AVENUE Application to be heard: Thursday, November 26, 2015

RECOMMENDATION

Staff recommend that the Committee refuse the application.

APPLICATION

This application proposes to permit the addition of two-storeys to the approved 32-storey building, resulting in a 34-storey residential apartment building with an associated increase in unit count, gross floor area and density. No other changes are proposed to the built form. Related planning files include consent application B033/14NY, 07 277684 NNY 25 OZ and 10 288680 NNY 25 SA.

REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:

- 1. Section 4(c), By-law No. 222-2013**
The permitted total floor space index for existing Building C and proposed Buildings A and B as shown on Schedule B shall be 4.4, based on the area of the lot as shown on Schedule A.
The proposed floor space index for existing Building C and proposed Buildings A and B as shown on Schedule B is 4.58.
- 2. Section 4(e), By-law No. 222-2013**
The total residential gross floor area of Buildings A and B to be erected on the lot shall not exceed 32,350m².

The proposed residential gross floor area of Buildings A and B to be erected on the lot is 34,775m².

3. Section 4(f), By-law No. 222-2013

The maximum number of dwelling units does not exceed 432.

The proposed number of dwellings units is 435.

4. Section 4(h), By-law No. 222-2013

No part of any building or structure erected or used above finished ground level shall exceed the height limits above grade for such building in metres specified by the numbers following the symbol "H" or, with respect to existing Building C, the height of existing Building C as shown on Schedule B.

The proposed height of Building A is 108.20m and 34 storeys, instead of 101.25m and 32 storeys.

COMMENTS

The subject property is located east of Yonge Street, north of Eglinton Avenue and just west of Redpath Avenue, and extends from the south side of Erskine Avenue through to Broadway Avenue. In 2013, Council enacted Zoning By-law No. 222-2013 as a site-specific amendment to the former City of Toronto Zoning By-law 438-86, to permit a residential apartment building with a maximum of 432 units and 32 storeys at 99 (now 101) Erskine Avenue and 66 Broadway Avenue. The existing apartment at 66 Broadway Avenue will remain and the new building at 99(101) Erskine Avenue is currently under construction.

The application proposes four variances that would increase the height, gross floor area, unit count, and density of the proposed development.

The proposed building height increase from 32 storeys and 101.25 metres, to 34 storeys and 108.2 metres does not meet the intent of the Official Plan. The Official Plan directs development to adequately limit shadows on neighbouring open spaces, and preserve the utility of neighbouring parks by minimizing any additional shadowing.

The site-specific Zoning By-law (see Schedule B in Attachment 3) places the 32 storey tower portion of the residential apartment building in a location that adequately limits the shadow on open spaces and minimizes additional shadowing on Redpath Parkette.

Attachment 1 identifies Redpath Park in the area designated 'Parks' to the northeast, and on the north side of Erskine Avenue opposite the terminus of Redpath Avenue. The staff report to Community Council dated September 20, 2012 recommending approval of the site-specific Zoning By-law Amendment indicated that the massing, setbacks and step backs of the articulated point tower portion of the building met the criteria in the Official Plan and intent of the Tall Building Guidelines to minimize shadows. The Staff Report indicated that the tall portion of the building is "oriented north south to minimize shadow

impacts in particular, on Redpath Park located to the north and east. The tall portion of the building includes an increased step back from Erskine Avenue and further reduced floorplate sizes from the 24th to 32nd floors, which further articulates the building and appropriately reduces shadow impacts on the park."

On June 10, 2015 Council adopted an amendment to the Yonge-Eglinton Secondary Plan through Official Plan Amendment (OPA) Number 289. Policy 2.20 requires development proposals to demonstrate that no net new shadow is cast on Redpath Avenue Parkette. Materials provided by the applicant indicate that the proposed variances cause additional shadow to be cast onto the Redpath Avenue Parkette beyond that already permitted by the site-specific Zoning By-law. The Official Plan Amendment is under appeal and not in full force and effect.

It is recommended that the proposed variances to add 2 storeys and 6.95 metres in building height in the location of the 32 storey and 101.25 metre residential apartment building be refused. The intent of the Official Plan and site-specific Zoning By-law to adequately limit shadows on neighbouring open spaces, and preserve the utility of neighbouring parks by minimizing any additional shadowing was achieved through the review and approval of the site-specific Zoning By-law currently in effect, and any additional shadows would not meet that intent.

CONTACT

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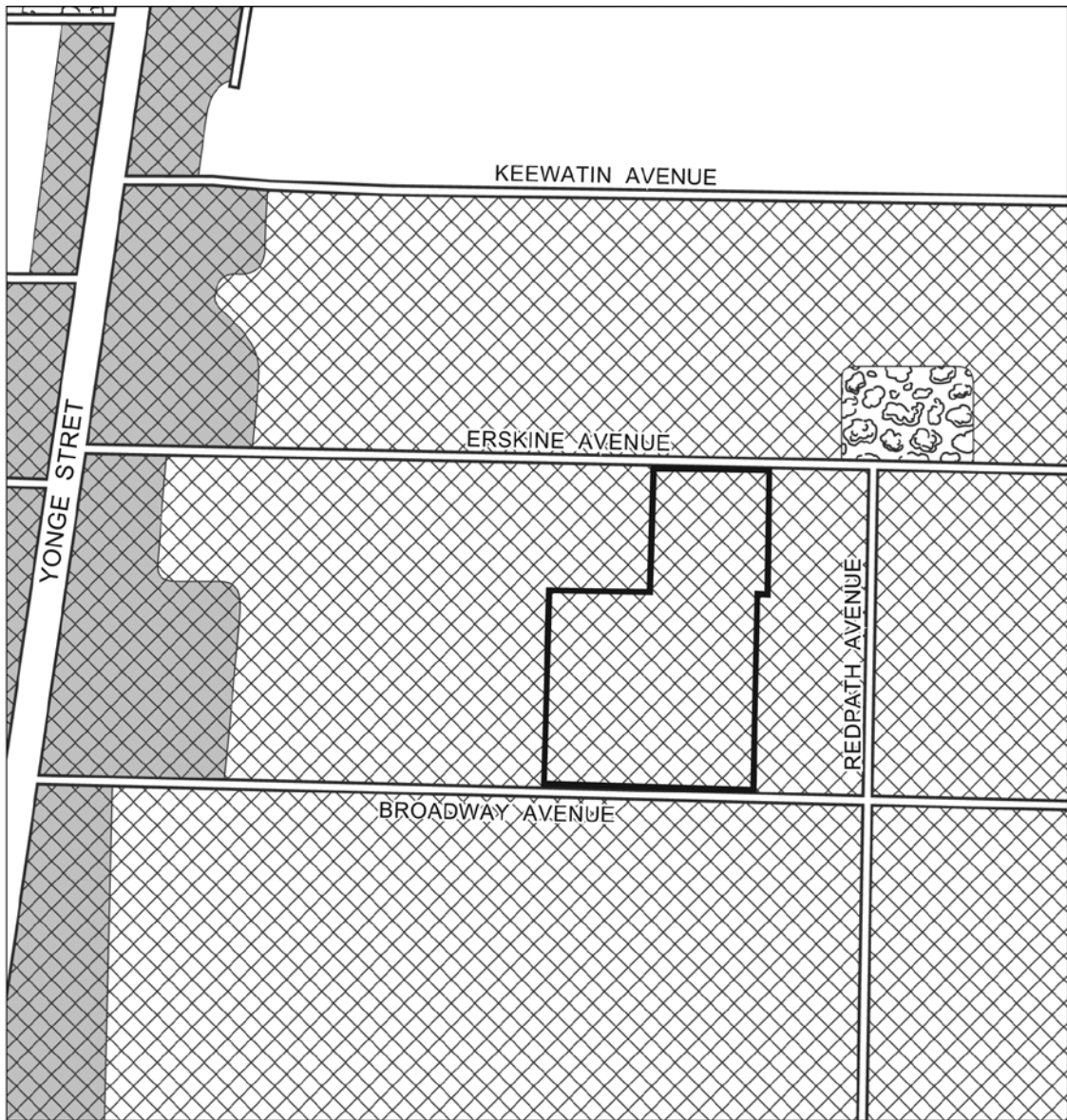
SIGNATURE

Joe Nanos
Director, Community Planning, North York District
A0778/15NY

ATTACHMENTS

Attachment 1: City of Toronto Official Plan
Attachment 2: East and West Apartment Elevations
Attachment 3: Site-Specific Zoning By-law No. 222-2013 – Schedule B

Attachment 1: City of Toronto Official Plan



TORONTO City Planning
Official Plan

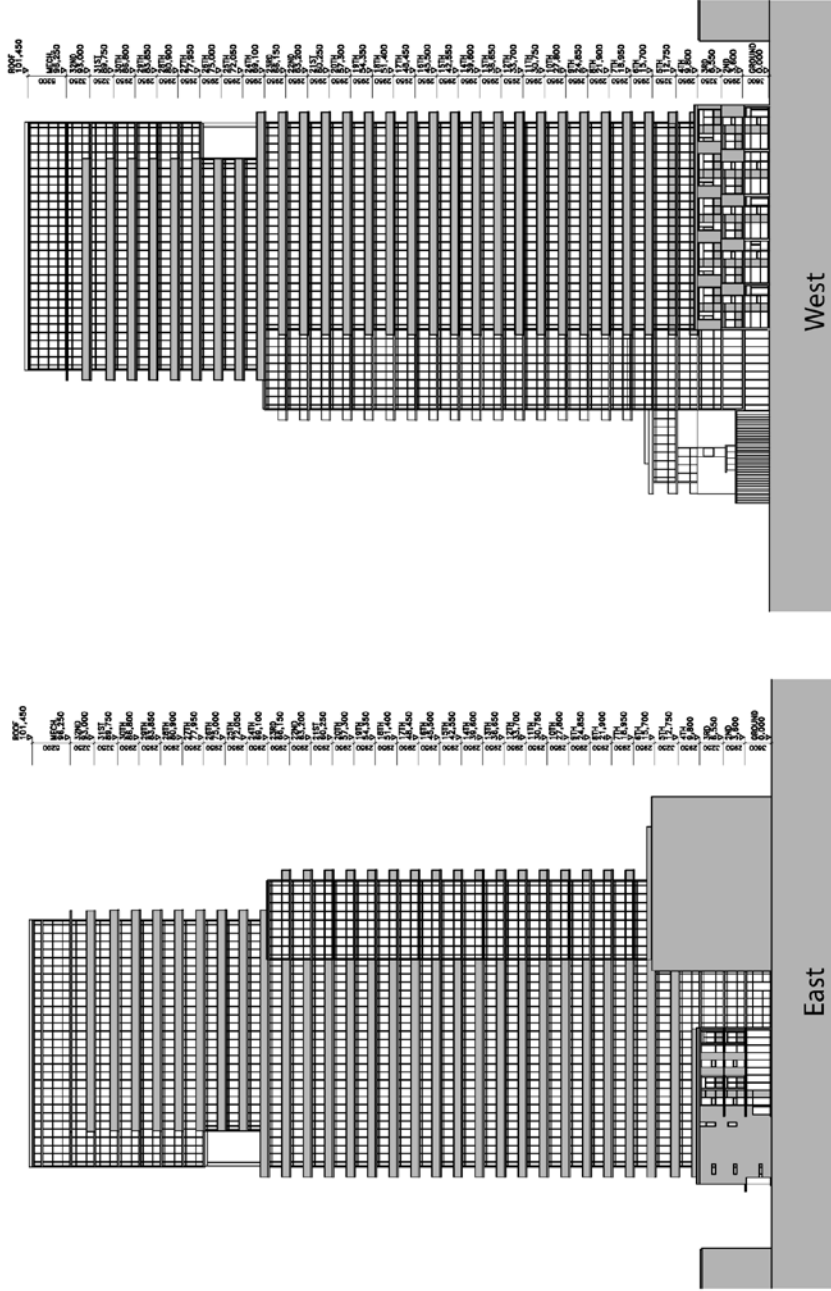
99 Erskine Avenue and 66 Broadway Avenue

File # 07_277684

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


 Not to Scale
 August 2007

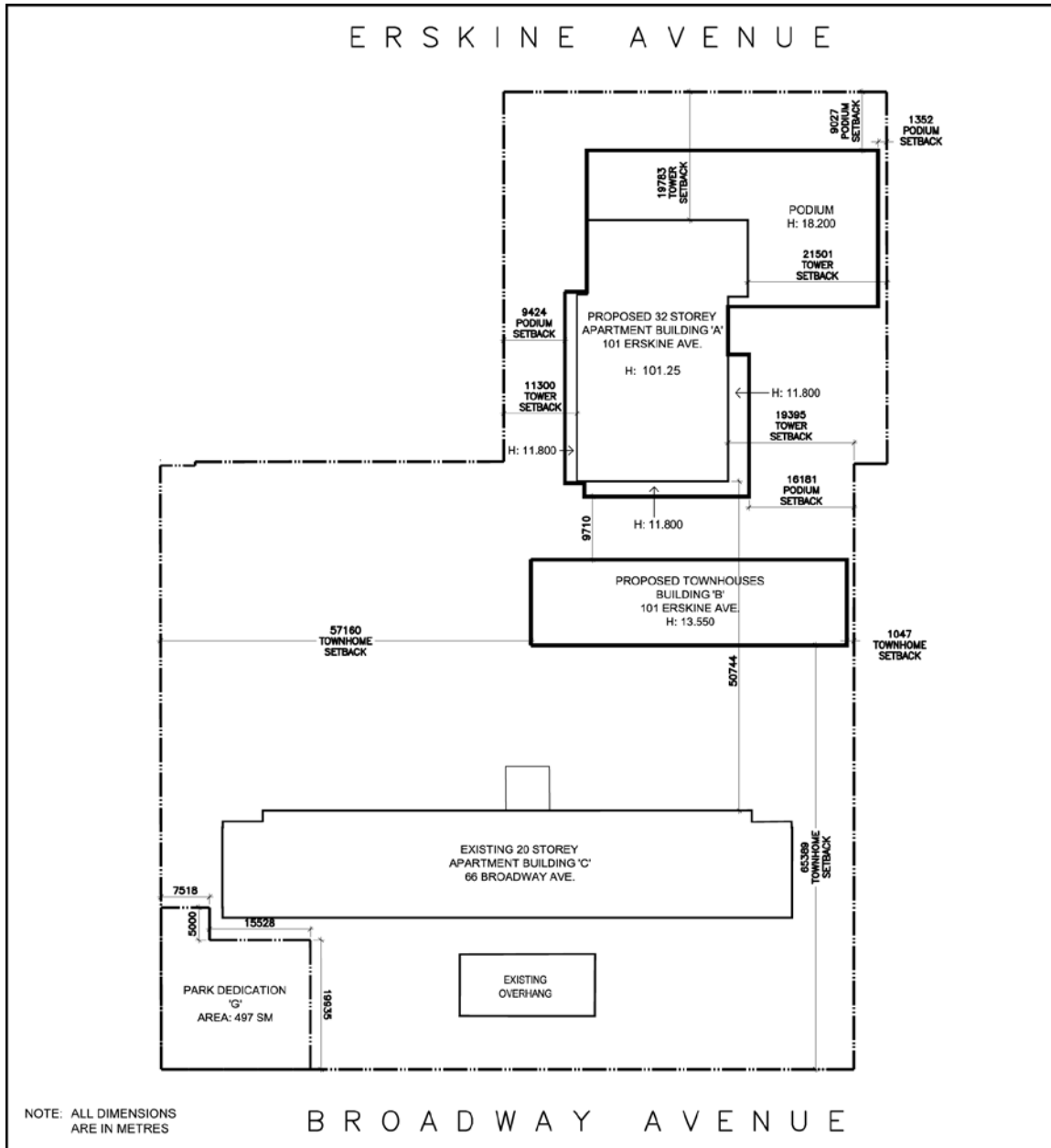
Attachment 2: East and West Apartment Elevations



Elevations 2
Applicant's Submitted Drawing
Not to Scale
07/27/2012

99 (101) Erskine Avenue
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Attachment 3: Site-Specific Zoning By-law No. 222-2013 – Schedule B



Schedule B

Lot 140, part of lots 139, 141 and part of 1 foot reserve registered plan 756 york and lots 5,6,7,
 Part of lot 8 and part of 1 foot reserve registered plan 806 york and part of 1 foot reserve registered plan m-146
 W.S. Gibson & sons ontario land surveyors
 Date: 09/21/2012
 Approved by: Robert Gibson

File # 07 277684 NNY OZ



Not to Scale