

**99 (101) Erskine Ave. and 66 Broadway Ave.  
Zoning By-law Amendment Application – Final Report**

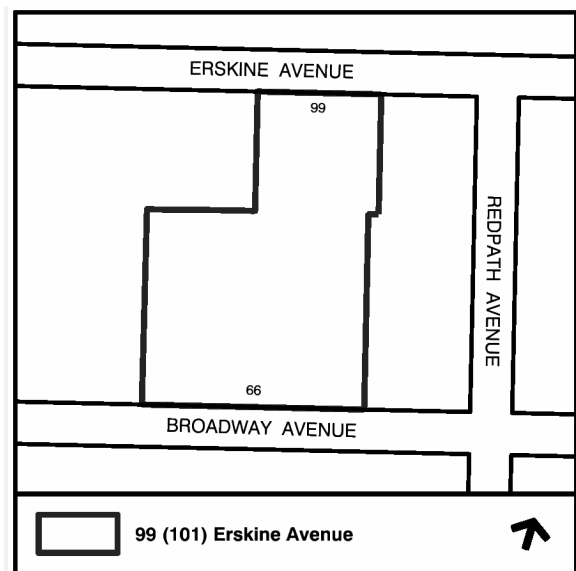
<b>Date:</b>	September 20, 2012
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 25 – Don Valley West
<b>Reference Number:</b>	07 277684 NNY 25 OZ and 10 288680 NNY 25 SA

**SUMMARY**

This application was submitted in November 2007 and proposes to amend the zoning by-law for 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.

The proposed infill development is located within the *Apartment Neighbourhood* to the north and east of Yonge Street and Eglinton Avenue. The area includes many high density apartment buildings which are now within the Yonge-Eglinton Urban Growth Centre. The proposed development improves the lands by replacing extensive surface parking with dedicated parkland, landscape amenity area, and a publicly accessible pedestrian walkway. The proposed development achieves a good fit with the area by providing a built form that maintains adequate sunlight, privacy and sky views from the public realm. The proposed development also includes Section 37 community benefits such as improvements to the existing rental building and site, and to the streetscape in the Yonge-Eglinton *Apartment Neighbourhood* area.

This report reviews and recommends approval of the application to amend the Zoning By-law.



## RECOMMENDATIONS

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### The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86 for the former City of Toronto substantially in accordance with the draft Zoning By-law Amendment in Attachment No. 7.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
3. Before introducing the necessary Bills to City Council for enactment, the Owner be required to submit a letter of credit in order to secure improvements to the existing sanitary sewer, to the satisfaction of the Executive Director of Technical Services.
4. Before introducing the necessary Bills to City Council for enactment, the Site Plan Notice of Approval Conditions be issued by the Director of Community Planning, and the applicant has entered into a Site Plan Agreement under Section 41 of the Planning Act which among other matters will provide for on-site parkland dedication fronting on Broadway Avenue, pursuant to Section 42 of the *Planning Act* and submit revised a site plan/landscape plan to the satisfaction of the Director of Community Planning North York District that:
  - i. widens the landscape edge on the north and west portion of the public walkway to a minimum of 3 metres;
  - ii. enhances courtyard areas with large evergreens;
  - iii. integrates vents and weather protected bicycle parking into the landscaping without compromising planting and pedestrian walkway dimensions; and
  - iv. moves the gate from the west end of the townhouses to the east end of the walkway and adjacent to the amenity space.
5. Before introducing the necessary Bills to City Council for enactment, require the Owner at its expense to enter into a Section 37 Agreement to the satisfaction of the City Solicitor. The Agreement shall include provisions for dollar amounts to be indexed upwardly in accordance with the Statistics Canada Non-residential Construction Price Index for Toronto CMA reported quarterly by Statistics Canada as calculated from the date of the Section 37 Agreement to the date of payment, and also include provisions for indemnity, insurance, and taxes, and registration and priority of the agreement. In the Section 37 Agreement the Owner shall agree to provide the following matters:
  - a. Payment of \$1,000,000 towards design and implementation of off-site streetscape, street tree improvements and/or public art in the Ward 25 portion of the Yonge-Eglinton *Apartment Neighbourhood* area. The funds

are to be paid prior to Site Plan Approval and allocated to the community benefits as determined by the Chief Planner in consultation with the General Manager Parks, Forestry and Recreation and Executive Director, Technical Services;

- b. On-site park improvements above the base park condition in the amount of \$160,000, to the satisfaction of the General Manager, Parks, Forestry and Recreation;
- c. Maintain the apartment building at 66 Broadway Avenue with 356 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;
- d. Building and site improvements for the existing building at 66 Broadway Avenue, to include the replacement and upgrading of a swimming pool, with seating, tables and new furniture for the pool area, and, before the new parking garage for 99 (101) Erskine Avenue is completed, improvements to security features in the portion of the existing underground parking garage structure currently serving 66 Broadway Avenue, all to the satisfaction of the Director of Community Planning, North York District. The owner shall not pass through any of the construction costs for such improvements 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;

Other matters recommended to be secured through a Section 37 agreement as a legal convenience include requiring the owner to:

- e. Enter into a Parks Maintenance Agreement with the City to maintain the on-site parkland dedication, to the satisfaction of the General Manager, Parks, Forestry and Recreation;
- f. Provide appropriate improvements and maintenance to 66 Broadway Avenue including landscaping elements and improvements to the portion of the existing underground parking structure currently serving 66 Broadway Avenue that will remain after completion of the new building, such as signage, lighting and painting, before the new parking garage for 99(101) Erskine Avenue is completed, all to the satisfaction of the Director of Community Planning North York District;
- g. Prior to the issuance of any building permit for the site, including any permit for excavation, shoring or demolition, submit, to the satisfaction of the Executive Director, Technical Services, a Construction Mitigation Plan, and thereafter implement such Plan; and
- h. Prior to the issuance of any building permit for the site, including any permit for excavation, shoring or demolition, submit a Tenant and Resident Communication Strategy to the satisfaction of the Director of Community Planning North York District and thereafter implement such Plan.

## **Financial Impact**

The recommendations in this report have no financial impact.

## **ISSUE BACKGROUND**

### **Proposal**

The proposed development is for an infill apartment building on a lot that extends from Broadway Avenue through to Erskine Avenue. Since the application was first submitted 99 Erskine Avenue at the north portion of the lot has changed its address to 101 Erskine Avenue. The south portion of the site at 66 Broadway Avenue is occupied by a 20-storey 356-unit rental apartment building. The remaining portion of the site currently contains surface parking, an outdoor swimming pool and some landscaping. The proposed new infill apartment building would be located on the north portion of the site at 99 (101) Erskine Avenue.

The proposed new 422 unit apartment building has a gross floor area of 32,342 m<sup>2</sup>. The proposed building would be 32 storeys and 101.25 metres in height plus a 5 metre mechanical penthouse. Ten townhouse units would also be located south of the proposed apartment building and in the proposed new landscaped open space area north of the existing apartment at 66 Broadway Avenue. The proposed new apartment has a 5 storey base building fronting onto Erskine Avenue with the main entrance, lobby and indoor amenity space located on the ground floor. The ground floor indoor amenity space would be located adjacent to private outdoor amenity space located between the proposed apartment and townhouse units. Indoor and outdoor amenity space and a pool are also proposed on the 6<sup>th</sup> floor. The grocery store included in the original proposal is no longer part of the proposed development. Grade related residential units also face onto both Erskine Avenue and the proposed public pedestrian walkway on the west side of the new building.

The proposed development includes removing the surface parking lots and outdoor pool on the site and replacing them with hard and soft landscaping and a new outdoor pool. The proposal also includes a new publicly accessible pedestrian walkway extending down the west side of both the proposed and existing buildings, where it would connect to a new dedicated park fronting on Broadway Avenue.

Vehicle access to the proposed new building's 3 levels and 369 underground parking spaces would be from Erskine Avenue at the eastern edge of the site. The existing vehicle access to 66 Broadway Avenue would continue to be from the current driveway access to a new single level of 249 below-grade parking spaces. Two new below-grade and internal loading/servicing areas are proposed for both the existing and new apartment buildings from the same access driveway on Broadway Avenue, and in a similar location as the current loading/servicing area.

Attachments 1 through 4 are the site plan and elevations. The Application Data Sheet in Attachment 7 presents more detailed statistics on the proposed development.

## Site and Surrounding Area

The total combined site (66 Broadway Avenue and 99/101 Erskine Avenue) is approximately 1.3 hectares in size. The proposed development site at 99 (101) Erskine Avenue is a rectangular parcel of 0.5 hectares with approximately 59 metres fronting on Erskine Avenue.

The adjacent properties are:

North: across Erskine Avenue, a 26-storey apartment building with an application currently under appeal to the OMB for an infill 8-storey apartment building fronting onto Keewatin Avenue, and a 23 and 29-storey apartment building

South: across Broadway Avenue is a 4-storey apartment building and a 10–storey apartment building

West: a 3 storey 9-unit townhouse building, 4-storey apartment building, and surface parking lot for a 15-storey apartment building

East: a 4-storey apartment building and 20-storey apartment building

## 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 by: managing land use to achieve efficient development; promoting active communities by providing public spaces, parks and open space; using infrastructure and public service facilities efficiently; and, providing land use patterns that support public transit.

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 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 site is located in the *Apartment Neighbourhood* designation. *Apartment Neighbourhoods* are considered to be physically stable areas where development is to respect and reinforce the existing physical character of buildings, streetscapes and open space patterns. The *Apartment Neighbourhoods* designation provides policies for a range

of uses including apartment buildings, parks, local institutions, cultural and recreational facilities, and small scale retail, service and office uses. Development in *Apartment Neighbourhoods* is to, among other matters:

- frame the street and maintain sunlight and comfortable wind conditions for pedestrians on streets, parks and open spaces;
- provide sufficient off-street motor vehicle and bike parking;
- minimize impacts of service areas and ramps;
- provide indoor and outdoor recreation space; and
- include ground floor uses that enhance the safety, amenity and animation of adjacent streets.

The Official Plan does not intend significant growth to occur within the City's *Apartment Neighbourhoods*, and for sites such as the subject lands, the Plan provides further policy direction for infill development on sites where existing apartments can also accommodate new additional buildings, such as:

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

The Official Plan includes built form policies to achieve new buildings that fit into and improve the existing and planned context, and to appropriately locate and mass tall buildings that create acceptable impacts on adjacent streets, parks and property.

Housing policies in the Official Plan encourage the development of a full range of housing and that significant new development on sites containing six or more rental units, where existing rental units will be kept, should secure the rental tenure of the existing rental housing if the rents are in the affordable and mid-range rent category. Needed improvements and renovations to the existing rental housing are also to be secured without passing the costs along to the tenants in the form of rent increases.

The subject lands are located in a parkland deficient area. Park policies support enhancing and expanding parks and creating linkages between them. New dedicated parkland is to be unencumbered, visible and accessible from a public street, and be of a usable shape and size. Development is to minimize additional shadow, noise, traffic and wind impacts on parks.

## **Yonge-Eglinton Secondary Plan**

The Yonge-Eglinton Secondary Plan promotes compatible physical land use relationships between and within land use designations. Objectives of the Plan include protecting *Neighbourhoods* from overshadowing by buildings in the *Apartment Neighbourhoods*, securing a transition in height and scale from *Apartment Neighbourhoods* to *Neighbourhoods*, and directing higher density developments in the *Apartment Neighbourhoods* to sites nearby the subway. The Secondary Plan supports reduced parking levels where residential developments in the Apartment Neighbourhoods have close access to the subway, and also encourage 'street parks' with trees, benches, planters and street furniture.

## **Zoning**

The subject lands are zoned R2 Z2.0 by former City of Toronto Zoning By-law 438-86. This residential zoning permits apartment buildings having a density up to 2.0 times the area of the lot. The Zoning By-law permits a maximum building height of 38 metres.

## **Site Plan Control**

The site plan application was first submitted in November 2010 and has been used in assessing the proposed development and rezoning application.

## **Reasons for Application**

The zoning by-law amendment application is required as the proposed development does not comply with the Zoning By-law respecting a number of standards including permitted height and density.

## **Community Consultation**

Community Consultation meetings were held in June 2008, April 2009 and April 2012. Concerns were expressed about the overall level of development in the area, lack of green space and level of disruption from the high level of construction activity. Concerns respecting the proposal were expressed about the height, scale and setbacks of the building, traffic impacts, shadow and wind impacts, infrastructure capacity, and the noise and smell associated with the proposed grocery store.

## **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

## **COMMENTS**

### **Provincial Policy Statement and Provincial Plans**

The proposal is consistent with the PPS. The proposed zoning by-law amendment would facilitate a development that appropriately and more efficiently uses existing infrastructure and public service facilities, provides open space and park that facilitates

pedestrian movement while also taking into account the existing building stock in the area.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The application is within the boundaries of the Yonge-Eglinton Urban Growth Centre subsequently delineated in the Yonge-Eglinton Secondary Plan, and is appropriate intensification of an existing built-up area.

## **Land Use**

The application is proposing residential and park uses. The originally proposed grocery store use is no longer included in the development or draft zoning by-law. The proposed residential use and parkland are appropriate and supported by the *Apartment Neighbourhoods* designation and policies in the Official Plan and Secondary Plan.

## **Density, Height, Massing**

The Yonge-Eglinton Secondary Plan directs higher density residential developments in *Apartment Neighbourhoods* to sites closer to the subway station. This site is located within the Growth Plan's approximate 500 metre radius distance from the Eglinton subway station. The proposed overall density, including the entire subject lands and the gross floor area of both the existing and proposed new buildings, would be 4.4 times the area of the lot.

The Yonge-Eglinton Secondary Plan supports development that provides a transition in height and scale away from *Neighbourhoods*. This site is located within the *Apartment Neighbourhoods* designation and is approximately 150 metres away from the *Neighbourhoods* designation on the north side of Keewatin Avenue. The block located directly north of the site between Erskine Avenue and Keewatin Avenue and between the site and *Neighbourhoods* designation is also designated *Apartment Neighbourhoods*. These lands on the north side of Erskine Avenue contain apartment buildings with heights of 26 storeys (76 metres), 29 storeys (78 metres) and 23 storeys (61 metres). This block also contains small apartment buildings and townhouses ranging between 3 and 4 storeys as well as the application currently under appeal for an 8 storey building on the south side of Keewatin Avenue at 73-79 Keewatin Avenue. The *Neighbourhoods* designation begins on the north side of Keewatin Avenue. Given this existing character, the proposed building height of 32 storeys and 101.25 metres, plus 5 metre mechanical room, provides an appropriate transition from the *Neighbourhoods* to the north.

The proposed building and siting of the overall development meets the Official Plan criteria for development in *Apartment Neighbourhoods* in a number of ways. The 5 storey base building fronts onto and frames Erskine Avenue with a front yard setback of approximately 9 metres that aligns with adjacent buildings to the east and west. The base building height of 5 storeys and 16.8 metres integrates appropriately into the area streetscape and adjacent buildings. This front yard setback would provide sufficient space for landscaping and privacy for the grade related units as well as for front yard streetscaping. The approximately 9.4 metre west side yard setback has sufficient space for the main building address/entrance and active amenity space to be visible and directly



accessible from the public sidewalk. Vehicular drop-off is located below grade. The west side yard setback also provides sufficient space for the north-south mid-block pedestrian connection through to Erskine Avenue to the south. The 1.35 metre east side yard setback of the base building forms an appropriate streetscape on Erskine Avenue and articulation of the base building's east wall and landscaping adjacent to the east property line will be secured through the Site Plan Control process.

The proposed townhouses to the south of the new apartment building provide overlook and animation to the interior of the block and adjacent to the landscaped courtyard and public walkway.

The proposed density and height is comparable and compatible with existing and other recently approved developments in this *Apartment Neighbourhoods* area. The massing, setbacks and stepbacks of the base building and point tower are appropriate and meet the Official Plan criteria for development in *Apartment Neighbourhoods* and intent of the Tall Building Guidelines through an articulated floor plate that minimizes shadows and provides adequate light, sky view and privacy to the area.

### **Sun, Shadow, Wind**

The tall portion of the building meets the intent of the Tall Building Guideline as it 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 24<sup>th</sup> to 32<sup>nd</sup> floors, which further articulates the building and appropriately reduces shadow impacts on the park.

The proposed siting, size and orientation of the shaft of the tall building results in appropriate space between adjacent tall buildings and appropriate shadow and sky view to adjacent streets. The tall portion of the building has setbacks of approximately 11.3 metres from the west property line, and 19.4 metres from the east property line. The front yard setback of 19.78 metres from Erskine Avenue still allows for more than an approximate 50 metre separation distance from the existing apartment building at 66 Broadway Avenue.

The proposed siting and setbacks of the base building will also provide appropriate light and privacy to adjacent properties. The approximate 11 metre step back of the tall portion of the building from the base building on Erskine Avenue will assist in providing for comfortable wind conditions on Erskine Avenue and in the mid-block walkway. Canopies and landscape screens on the west side of the building and on the rear townhouses will further improve wind conditions for pedestrians on both Erskine Avenue and the publicly accessible walkway. These features will be secured through the site plan process.

### **Amenity Space**

The proposed removal of all existing surface parking on both 66 Broadway Avenue and 99(101) Erskine Avenue, and replacement with soft and hard landscaping and replacement pool for 66 Erskine Avenue, meets the Official Plan's *Apartment*

*Neighbourhoods* policies to maintain an appropriate level of residential amenity on the site. The Site Plan Control process will be used to secure extensive and mixed tree and shrub planting. This would enhance pedestrian comfort in the open space area by providing screening, shade and improved wind conditions.

## **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 Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.43 – 0.79 hectares of parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland and is located with the Yonge-Eglinton Secondary Plan area. The site is within a parkland priority area, as per the Harmonized Parkland Dedication By-law 1020-2010.

The proposed development includes an on-site parkland dedication at the southwest corner of the site. The proposed dedication is for a small park of approximately 400 m<sup>2</sup> fronting onto Broadway Avenue. The total required parkland dedication of 497m<sup>2</sup> should be entirely accommodated on the site. The design of a park approximating this size should be finalized through the Site Plan Control process, with any resulting balance in dedication provided in the form of a cash-in-lieu payment. The proposed park would implement the Official Plan as the lands are unencumbered, visible and accessible to Broadway Avenue, and are a usable shape and size for an urban environment. The park would also be linked by a publicly accessible pedestrian walkway connection through the block. The park would also implement the Secondary Plan policy of providing 'street parks' with trees, benches planters and street furniture in an area with parkland deficiency. Maintenance of the park would be the responsibility of the owner and be secured in a Parks Maintenance Agreement. The owner is required to convey the parkland prior to the first above grade building permit in a base condition. Above base park improvements totalling \$160,000 have also been secured through the Section 37 Agreement.

## **Pedestrian Walkway**

The proposal includes a 4.5 to 5.0 metre wide pedestrian walkway extending north from the park up the west side of 66 Broadway Avenue through to the Erskine Avenue sidewalk. The walkway includes a central seating area adjacent to the proposed replacement pool. From the central seating area, the walkway would extend easterly to the proposed townhouses and then northerly up the west side of the proposed new apartment building to a seating area adjacent to the Erskine Avenue sidewalk. The walkway would be framed along its edge with built forms and uses to help make it safer for pedestrians and have an enhanced pavement treatment, lighting and landscaping with trees and shrubs. Staff are recommending revisions to the walkway and that the design and planting be determined through the Site Plan Control process. Public access to the walkway would be secured through an easement required as a pre-approval condition of the Site Plan. This mid-block walkway would provide safe, comfortable pedestrian access through the large block and assist in implementing the Official Plan's *Apartment Neighbourhoods* policy to replace or create walkways.

The Site Plan Control application also contemplates expansion of the public boulevard into the travelled portion of the Broadway Avenue roadway. This boulevard expansion would remove some street parking at this location. However, the increased boulevard in this location would help signify the entrance to the park and public pedestrian walkway, and also enable additional hard and/or soft landscaping. This approach to an enhanced pedestrian environment should also be reviewed more thoroughly with City staff through the Site Plan Control application, and also be considered in the context of the rest of the Yonge-Eglinton *Apartment Neighbourhoods* area, with Section 37 funds going towards implementation.

### **Sanitary Servicing**

Improvements to the sanitary sewer on Erskine Avenue are required to service the proposed development. Staff recommend that the applicant be required to submit a letter of credit equal to the value of the improvements as security towards completing them to the satisfaction of the Executive Director of Technical Services. This has been secured in the recommendation of this report prior to Council enacting of the By-law.

### **Loading**

Access to the below-grade loading areas for both buildings is proposed to remain from the current driveway access from Broadway Avenue at the east portion of the subject lands. The proposal has been revised to completely cover and enclose loading and garbage/recycling areas for both 66 Broadway and 99(101) Erskine Avenue. This consolidation and screening would implement the Official Plan policy to effectively minimize the impact of the loading and servicing area on adjacent streets and residences.

### **Traffic Impact, Access, Parking**

A Traffic Impact Study was submitted with the application and has been reviewed. Access to the proposed new building's below grade parking would be from Erskine Avenue at the east side of the proposed new building at 99 (101) Erskine. Access to below grade parking for the existing 66 Broadway Avenue apartment building will remain from the current driveway access from Broadway Avenue located on the east side of the building. The proposal has changed slightly from the original submission in that the parking garage is no longer shared by both the existing and new building with vehicle access both Erskine Avenue and Broadway Avenue. All vehicle access for the new building is now proposed to only be from Erskine Avenue, and all access for the existing building would remain from Broadway Avenue.

Removing all 164 existing surface parking spaces and relocating them below grade meets Official Plan policies for *Apartment Neighbourhoods* to have adequate below grade vehicular parking for both new and existing development. The 618 below grade parking spaces for both buildings, including 120 visitor parking spaces is appropriate. The number of parking spaces meets the minimum standards in the area specific by-law, and also does not exceed the maximum rates for Centres in the proposed new City Zoning By-law. The proposed vehicle parking meets the Yonge-Eglinton Secondary Plan policy to encourage residential development through reduced parking requirements. The total

proposed 440 bicycle parking spaces would meet the Tier 1 Green Standard, and the location of these spaces will be addressed through the Site Plan process.

The findings of the Traffic Impact Study are acceptable and the proposed development is not expected to generate a number of vehicle trips that would significantly impact the adjacent road network.

### **Toronto Green Development Standard**

The proposed development would implement Tier 1 of the Toronto Green Standard as follows:

- reduced vehicle parking spaces;
- bicycle parking;
- a mid-block pedestrian connection between public sidewalks with pedestrian scale lighting;
- canopy for pedestrian protection over the main building entrance;
- street trees and replacement trees with sufficient soil volumes for trees to mature and provide shade in the improved landscaped areas;
- minimized hard surfaces that help retain and manage stormwater; and
- facilities for the collection and storage of solid waste and recycling.

These matters are either being secured in the final Zoning By-law where appropriate, and/or will be secured through finalizing the Site Plan Control application. At this time, the applicant is also considering fulfilling Tier 2 standards. This can also be determined through finalizing the Site Plan Control application.

### **Existing Rental Housing**

In keeping with policy 5 of Section 3.2.1. of the Official Plan, the draft zoning by-law includes a requirement that the Section 37 agreement include the Owner agreeing to retain the apartment building at 66 Broadway Avenue with 356 existing rental apartment dwelling units as rental housing for a minimum period of twenty (20) years. The condition would commence from the date the by-law comes into effect, and the Owner would also agree to not apply for demolition without replacement or conversion to non-rental housing purposes during the twenty year period.

The Official Plan policy on intensification of existing rental properties also seeks re-investment by the owner in the existing rental property at the same time as investment is being made in the new infill building. The intent is to ensure the ongoing viability of the existing rental use in to the future, as well as to provide that some of the benefits of the improvements to the property be enjoyed by tenants of the existing building. Through the use of Section 37 community benefit provisions, the tenants are assured that none of the cost of these improvements or any of the general redevelopment costs will be passed on to them in the form of above-guideline rent increases that would otherwise be permitted under the provincial *Residential Tenancies Act*.

In addition, existing features and facilities that will be removed as a result of the redevelopment, such as landscaped or outdoor recreational space are to be replaced and

secured as a legal convenience through the Section 37 Agreement as well as through Site Plan approval.

The improvements and the replacement of existing facilities to be secured include:

- a replacement swimming pool with seating, tables, landscaping elements and new furniture for the pool area;
- improvements to the on-site parkland dedication to an indexed value of \$160,000, providing a recreational amenity immediately adjacent to the site that is accessible to all residents of the development and the neighbourhood; and
- security upgrades to the portion of the existing parking garage serving 66 Broadway Avenue.

### **Section 37**

The community benefits recommended to be secured through a Section 37 agreement and that are included in the draft Zoning By-law Amendment includes requiring the owner to:

- a. Pay to the City \$1,000,000 towards design and implementation of off-site streetscape, street tree improvements and/or public art in the Ward 25 portion of the Yonge-Eglinton *Apartment Neighbourhood* area. The funds are to be paid prior to Site Plan Approval and allocated to the community benefits as determined by the Chief Planner in consultation with the General Manager Parks, Forestry and Recreation and Executive Director, Technical Services;
- b. Complete on-site park improvements above the base park condition in the amount of \$160,000, to the satisfaction of the General Manager, Parks, Forestry and Recreation;
- c. Maintain the apartment building at 66 Broadway Avenue with 356 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;
- d. Implement building and site improvements for the existing building at 66 Broadway Avenue, including the replacement and upgrading of a swimming pool, with seating, tables and new furniture for the pool area, and, before the new parking garage for 99 (101) Erskine Avenue is completed, improvements to security features in the portion of the existing underground parking garage structure currently serving 66 Broadway Avenue, all to the satisfaction of the Director of Community Planning, North York District. The owner shall not pass through any of the construction costs for such improvements 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;

Other matters recommended to be secured through a Section 37 agreement as a legal convenience include requiring the owner to:

- a. Enter into a Parks Maintenance Agreement with the City to maintain the on-site parkland dedication, to the satisfaction of the General Manager, Parks, Forestry and Recreation;
- b. Provide appropriate improvements and maintenance to 66 Broadway Avenue including landscaping elements and improvements to the portion of the existing underground parking structure currently serving 66 Broadway Avenue that will remain after completion of the new building, such as signage, lighting and painting, before the new parking garage for 99(101) Erskine Avenue is completed, all to the satisfaction of the Director of Community Planning North York District;
- c. Submit, prior to the issuance of any building permit for the site, including any permit for excavation, shoring or demolition, to the satisfaction of the Executive Director, Technical Services, a Construction Mitigation Plan, and thereafter implement such Plan; and
- d. Submit, prior to the issuance of any building permit for the site, including any permit for excavation, shoring or demolition, a Tenant and Resident Communication Strategy to the satisfaction of the Director of Community Planning North York District and thereafter implement such Plan.

The Agreement shall also include provisions for dollar amounts to be indexed upwardly in accordance with the Statistics Canada Non-residential Construction Price Index for Toronto CMA reported quarterly by Statistics Canada as calculated from the date of the Section 37 Agreement to the date of payment, and also include provisions for indemnity, insurance, and taxes, and registration and priority of the agreement.

## **Conclusion**

The proposed higher density residential development is located within the Growth Plan's Yonge-Eglinton Urban Growth Centre and in proximity to the Eglinton subway station.

The proposed residential apartment development fits into the character of the surrounding *Apartment Neighbourhood* area. It provides an acceptable transition in height and scale from the apartments on the north side of Erskine Avenue and *Neighbourhoods* to the north, and is comparable to other developments in the area. The building mass minimizes shadow impacts to the park, provides acceptable shadow and sky views to adjacent streets, and provides appropriate light and privacy to neighbouring properties through an appropriately located tall building built form with appropriate setbacks and step backs. The consolidated and internalized loading and servicing areas will also minimize impacts on adjacent properties and the landscaped amenity space. Replacing 164 existing surface parking spaces with a compatible apartment building, townhouses, landscaped amenity space, public walkway and parkland would be a positive contribution to the site and to the area.

An upgrade to the existing sanitary sewer would be secured as part of the proposed development. Other community benefits and matters secured through a Section 37 Agreement would include: maintenance of the existing apartment building as rental housing for a minimum of 20 years; a new replacement pool and area with landscaping

and seating; upgraded below grade parking for the existing apartment building; upgraded and maintained parkland; a Construction Mitigation Plan and Tenant and Resident Communication Strategy; and, \$1 million towards streetscape/street tree improvements and/or public art in the neighbourhood.

The proposed draft zoning by-law amendment for the residential apartment building is appropriate, subject to the Site Plan Control, Section 37 and financial security matters outlined in this report being finalized.

## **CONTACT**

Rob Gibson, Senior Planner  
Tel. No. (416) 395-7059  
Fax No. (416)395-7155  
E-mail: rgibson@toronto.ca

## **SIGNATURE**

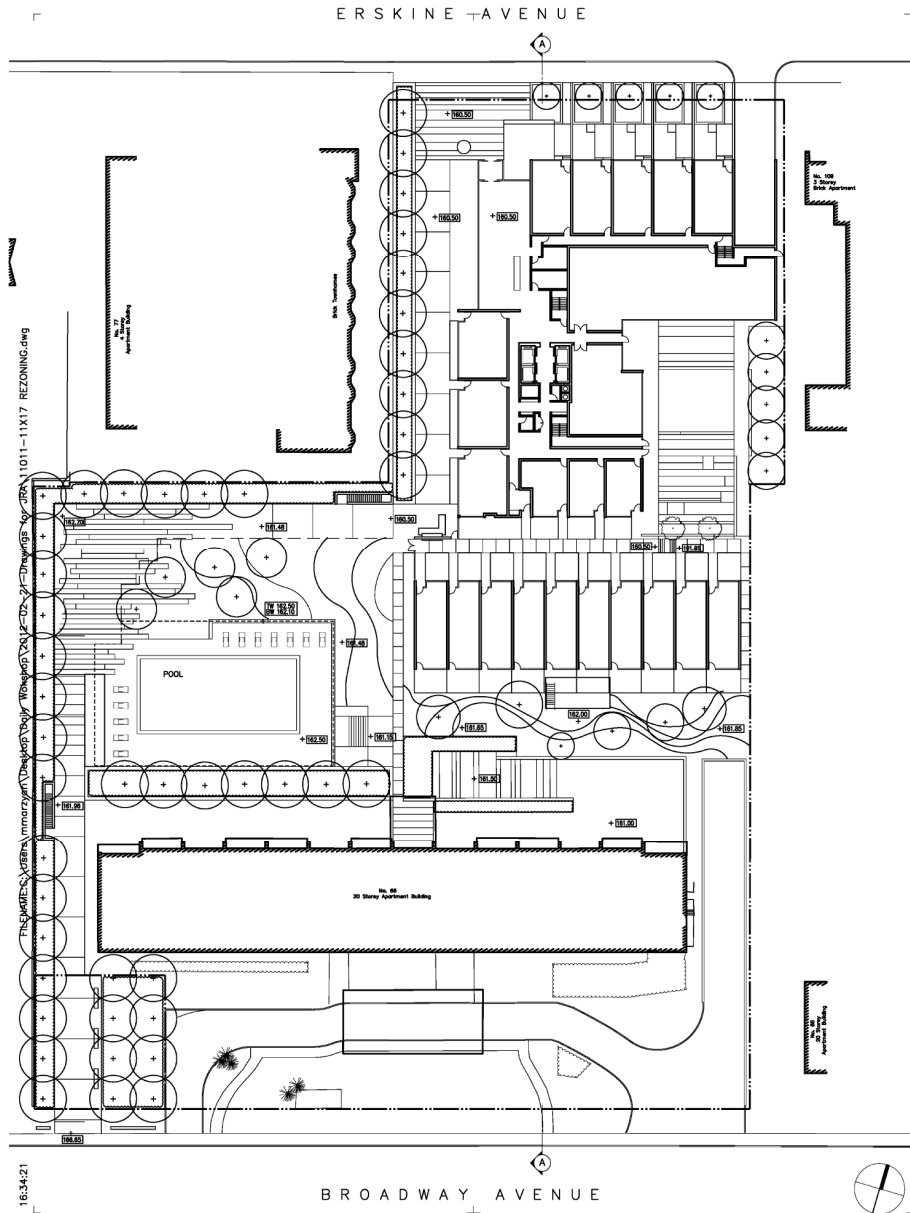
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Allen Appleby, Director  
Community Planning, North York District

## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: North and South Apartment Elevations  
Attachment 3: East and West Apartment Elevations  
Attachment 4: Townhouse Elevations  
Attachment 5: Zoning  
Attachment 6: Application Data Sheet  
Attachment 7: Draft Zoning By-law Amendment

# Attachment 1: Site Plan



## Site Plan

Applicant's Submitted Drawing

Not to Scale  
07/27/2012

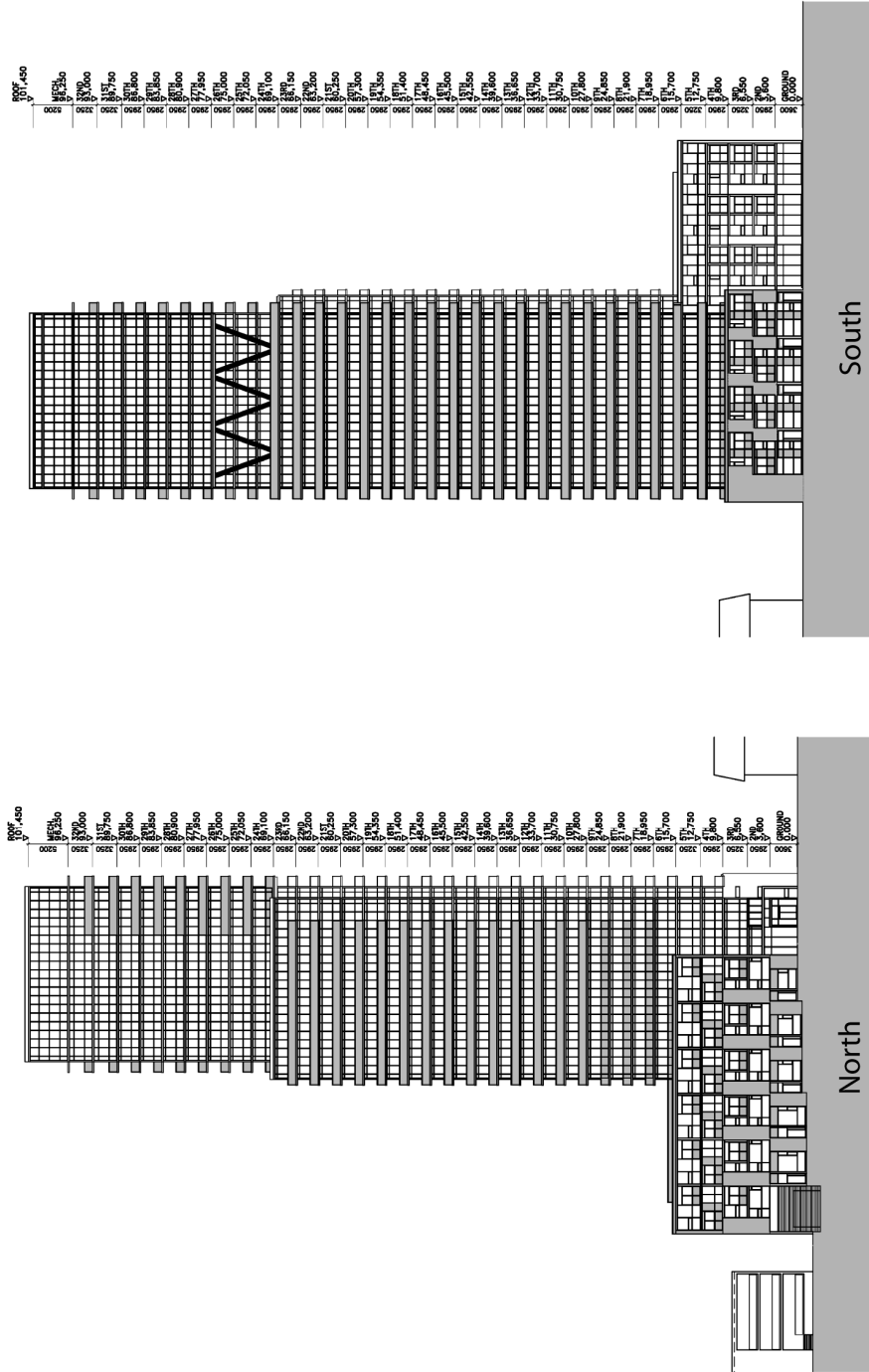


## 99 (101) Erskine Avenue

File # 01 277684 NNY OZ



## Attachment 2: North and South Apartment Elevations



Elevations 1

Applicant's Submitted Drawing

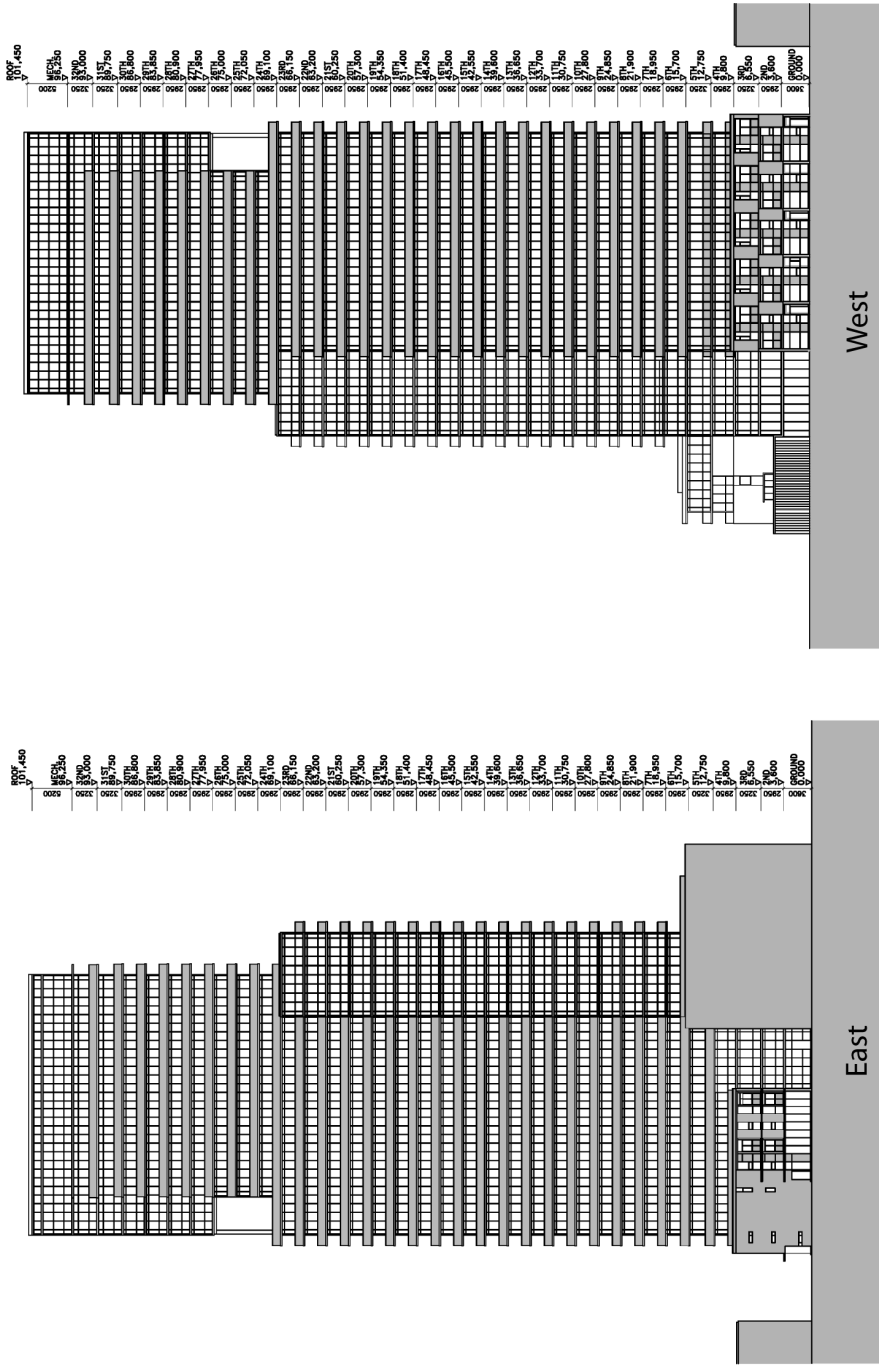
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07/27/2012

99 (101) Erskine Avenue

File # 07\_277684

### Attachment 3: East and West Apartment Elevations



### Elevations 2

Applicant's Submitted Drawing

Not to Scale  
07/27/2012

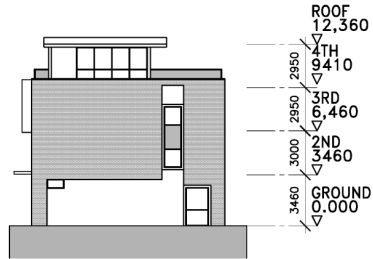
### 99 (101) Erskine Avenue

File # 07\_277684

## Attachment 4: Townhouse Elevations



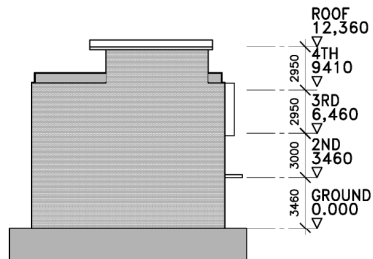
NORTH ELEVATION – STAND ALONE TOWNHOUSES



WEST ELEVATION – STAND ALONE TOWNHOUSES



SOUTH ELEVATION – STAND ALONE TOWNHOUSES



EAST ELEVATION – STAND ALONE TOWNHOUSES

### Elevations 3

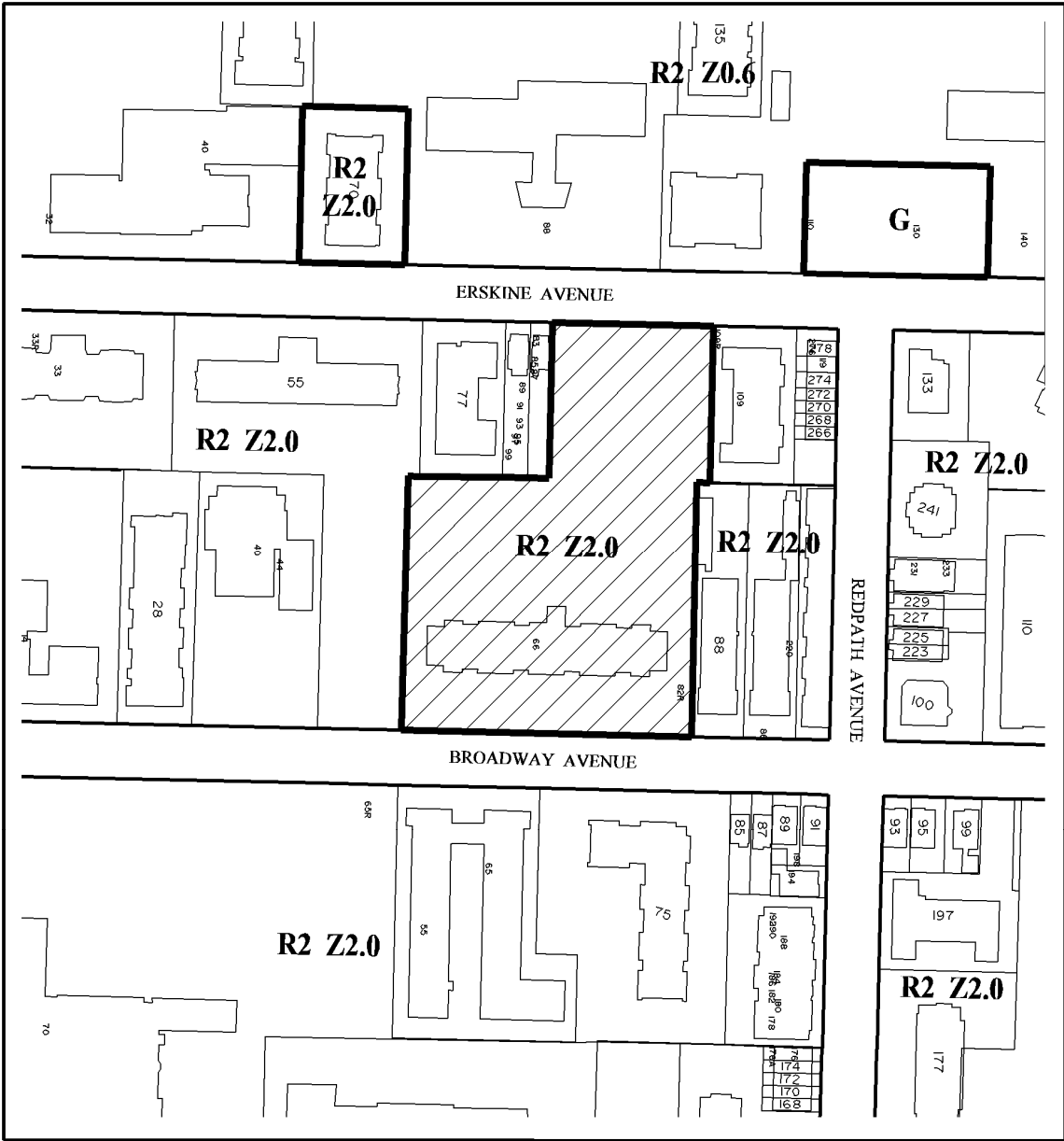
Applicant's Submitted Drawing

Not to Scale  
07/27/2012

99 (101) Erskine Avenue

File # 01 277684 NNY OZ

**Attachment 5: Zoning**



**Toronto** City Planning  
**Zoning**

**99 Erskine Avenue and 66 Broadway Avenue**

File # 07\_277684

R2 Residential District  
 G Parks District



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

## Attachment 6: Application Data Sheet

Application Type	Rezoning	Application Number:	07 277684 NNY 25 OZ
Details	Rezoning, Standard	Application Date:	November 9, 2007

Municipal Address: 99 (now 101) ERSKINE AVE and 66 BROADWAY AVENUE  
 Location Description: \*\*GRID N2507  
 Project Description: 422 unit and 32-storey apartment and 10 unit townhouse infill at 99 Erskine Ave. (now 101 Erskine) and 66 Broadway Ave.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
BEAUX PROPERTIES INTERNATIONAL INC.	PETER JAKOVIC DELTERA INC.	CS&P ARCHITECTS INC.	BEAUX PROPERTIES INTERNATIONAL INC

### PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:
Zoning:	R2.0 Z2.0	Historical Status:
Height Limit (m):	38	Site Plan Control Area: Y

### PROJECT INFORMATION

Site Area (sq. m):	13309.76	Height:	Storeys:	32
Frontage (m):	59		Metres:	101.25
Depth (m):	150			
Total Ground Floor Area (sq. m):	1762.52			<b>Total</b>
Total Residential GFA (sq. m):	32341.94		Parking Spaces:	369
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	32341.94			
Lot Coverage Ratio (%):	26.8			
Floor Space Index:	4.4			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	TBD		
Rooms:	0	Residential GFA (sq. m):	32341.94
Bachelor:	56	Retail GFA (sq. m):	0
1 Bedroom:	204	Office GFA (sq. m):	0
2 Bedroom:	162	Industrial GFA (sq. m):	0
3 + Bedroom:	10	Institutional/Other GFA (sq. m):	0
Total Units:	432		

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

## Attachment 7: Draft Zoning By-law Amendment

Authority: North York Community Council Item NYxx.xx as adopted by City of  
Toronto Council on \_\_\_\_\_, 2012  
Enacted by Council: \_\_\_\_\_, 2012

### CITY OF TORONTO BY-LAW NO. xxx-2012

#### To amend General Zoning By-law No. 438-86, as amended, of the former City of Toronto with respect to lands municipally known in the year 2012 as 101 Erskine Avenue and 66 Broadway Avenue

**WHEREAS** authority is given to Council by Section 34 and Section 37 of the *Planning Act*, R.S.O., 1990, c. P.13, as amended, to pass this By-law; and

**WHEREAS** Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*, and

The Council of the City of Toronto **HEREBY ENACTS** as follows:

1. None of the provisions with respect of Section 2(1) with respect to the definition of 'height', 'grade', 'lot' and 'parking space' and Section 4(2)(a), 4(4)(b), 4(11), 4(12), 4(13), 4(16), 4(17), 6(1), 6(3) Part I 1, 6(3)3 A, 6(3) Part II 2, 6(3) Part II 3, 6(3) Part II F(II), 6(3) Part II 4, 6(3) Part II 5, 6(3) Part II 6, 6(3) Part II 8, 6(3) Part III 1, 12 (2) 118, and 12(2) 119, of Zoning By-law 438-86, of the former City of Toronto being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the erection and use of an *apartment building*, including uses *accessory* thereto, on the *lot* provided:
  - (a) The *lot* consists of the lands delineated by heavy lines on Schedule A attached to and forming part of this By-law.

#### **101 Erskine Avenue and 66 Broadway Avenue – Building A, B & C:**

- (b) The permitted total floor space index for the existing Building C and proposed buildings A and B shall be 4.4, based on the area of the *lot* as shown on Schedule A.
- (c) *parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
  - i. A total number of parking spaces servicing both the existing and proposed buildings shall not exceed 620 spaces.

### **101 Erskine Avenue – Building A & B:**

- (d) the total *residential gross floor area* of the building erected on the *lot* shall not exceed 32,350 square metres.
- (e) the maximum number of *dwelling units* does not exceed 432.
- (f) no part of any building or structure erected or used above finished ground level is located otherwise than wholly within the areas delineated by heavy lines on the attached Schedule B.
- (g) no part of any building or structure erected or used above finished ground level shall exceed the *height* limits above *grade* in metres specified by the numbers following the symbol “H” as shown on Schedule B.
- (h) nothing in this By-law shall prevent the following elements from projecting beyond the heavy lines and above the heights shown on Schedule B:
  - i. Eaves, cornices, lighting fixtures, awnings, ornamental elements, architectural features, privacy screens, planters, parapets, trellises, window sills/surrounds, guardrails, balustrades, railings, stairs, stair enclosures, wheelchair ramps, vents, underground garage ramps and their associated structure, fences and safety screens, and landscape and public art features;
  - ii. balconies, which may extend to a maximum horizontal projection from an exterior building wall of 1.8 metres beyond the wall to which they are attached; and
  - iii. a mechanical penthouse which may extend to a maximum height of 5.0 metres.

### **101 Erskine Avenue Building A & B Parking:**

- (i) *Parking spaces* for Building A and B shall be provided on the *lot* in accordance with the following dimensions:
  - i. A minimum of 2.6 metres in width and a minimum of 5.6 in length together with a minimum drive aisle width of 5.5 metres.

### **101 Erskine Avenue Building A Parking:**

- (j) a minimum of 0.5 parking spaces per bachelor or one-bedroom unit.
- (k) 0.85 parking spaces per two bedroom dwelling unit.

### **101 Erskine Avenue Building A Visitors Parking:**

- (l) a minimum of 0.15 *parking spaces* per *dwelling unit* for visitors.

### **101 Erskine Avenue Building B Townhouse Parking:**

(m) a minimum of 1.0 parking spaces for each townhouse dwelling unit.

**101 Erskine Building A & B Bicycle Parking:**

- (n) *Bicycle parking spaces* for Building A and Building B shall be provided on the *lot* in accordance with the following:
- i. a minimum of 0.7 bicycle parking spaces per dwelling unit.
  - ii. a minimum of 0.08 short term bicycle parking spaces per dwelling unit.

**101 Erskine Building A & B Residential Amenity Space:**

- (o) *Residential amenity space* for Building A & B shall be provided on the *lot* in accordance with the following:
- i. a minimum of 2 square metres of indoor *residential amenity space* for each *dwelling unit* located in a multi-purpose room or rooms, which need not be contiguous, at least one of which contains a kitchen and a washroom.
  - ii. a minimum of 2 square metres of outdoor *residential amenity space* for each *dwelling unit*, of which at least 40 square metres is to be provided in a location adjoining or directly accessible from the indoor *residential amenity space*.

2. The owner of the *lot* is required to enter into one or more agreements pursuant to Section 37 of the *Planning Act* satisfactory to the Chief Planning and Executive Director, City Planning Division and the City Solicitor and that such agreement(s) be registered against the title to the *lot* as outlined in heavy lines on Schedule A to secure the following facilities, services or matters;
  - a. the owner shall provide Section 37 contributions toward community benefits and other matters as follows:
    - i. Payment of \$1,000,000 towards design and implementation of off-site streetscape, street tree improvements and/or public art in the Ward 25 portion of the Yonge-Eglinton *Apartment Neighbourhood* area. The funds are to be paid prior to Site Plan Approval and allocated to the community benefits as determined by the Chief Planner in consultation with the General Manager Parks, Forestry and Recreation and Executive Director, Technical Services;
    - ii. On-site park improvements above the base park condition in the amount of \$160,000, to the satisfaction of the General Manager, Parks, Forestry and Recreation;
    - iii. Maintain the apartment building at 66 Broadway Avenue with 356 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;



- iv. Building and site improvements for the existing building at 66 Broadway Avenue, to include the replacement and upgrading of a swimming pool, with seating, tables and new furniture for the pool area, and, before the new parking garage for 99 (101) Erskine Avenue is completed, improvements to security features in the portion of the existing underground parking garage structure currently serving 66 Broadway Avenue, all to the satisfaction of the Director of Community Planning, North York District. The owner shall not pass through any of the construction costs for such improvements 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;
- v. Enter into a Parks Maintenance Agreement with the City to maintain the on-site parkland dedication, to the satisfaction of the General Manager, Parks, Forestry and Recreation;
- vi. Provide appropriate improvements and maintenance to 66 Broadway Avenue including landscaping elements and improvements to the portion of the existing underground parking structure currently serving 66 Broadway Avenue, that will remain after completion of the new building, such as signage, lighting and painting, before the new parking garage for 99(101) Erskine Avenue is completed, all to the satisfaction of the Director of Community Planning North York District;
- vii. Prior to the issuance of any building permit for the site, including any permit for excavation, shoring or demolition, submit to the satisfaction of the Director of Community Planning North York District, and Executive Director, Technical Services, a Construction Mitigation Plan, and thereafter implement such Plan; and
- viii. Prior to the issuance of any building permit for the site, including any permit for excavation, shoring or demolition, submit a Tenant and Resident Communication Strategy to the satisfaction of the Director of Community Planning North York District, and thereafter implement such Plan.

### 3. Definitions:

- (a) For the purposes of this By-law, the terms set forth in italics have the same meaning as such terms have for the purposes of By-law 438-86, as amended, except for the following:
  - i. “*height*” means the highest point of the roof above *grade*.
  - ii. “*grade*” means 160.5 m Canadian Geodetic Datum.
  - iii. “*lot*” means those lands identified in Schedule A attached to this By-law.
  - iv. “*parking space*” means an unimpeded area, at least 2.6 metres in width, 5.6 metres in length, together with a drive aisle width of 5.5 metres, which is readily accessible at all times for the

parking and removal of a motor vehicle without the necessity of moving another vehicle.

4. 66 Broadway Avenue – Building C

(a) The residential building, accessory use and structures are deemed to comply with all provisions of By-law 438-86, as amended.

5. None of the provisions of By-law 438-86, as amended, or of this By-law shall apply to prevent the erection or use on the *lot* of a temporary sales office and associated parking.

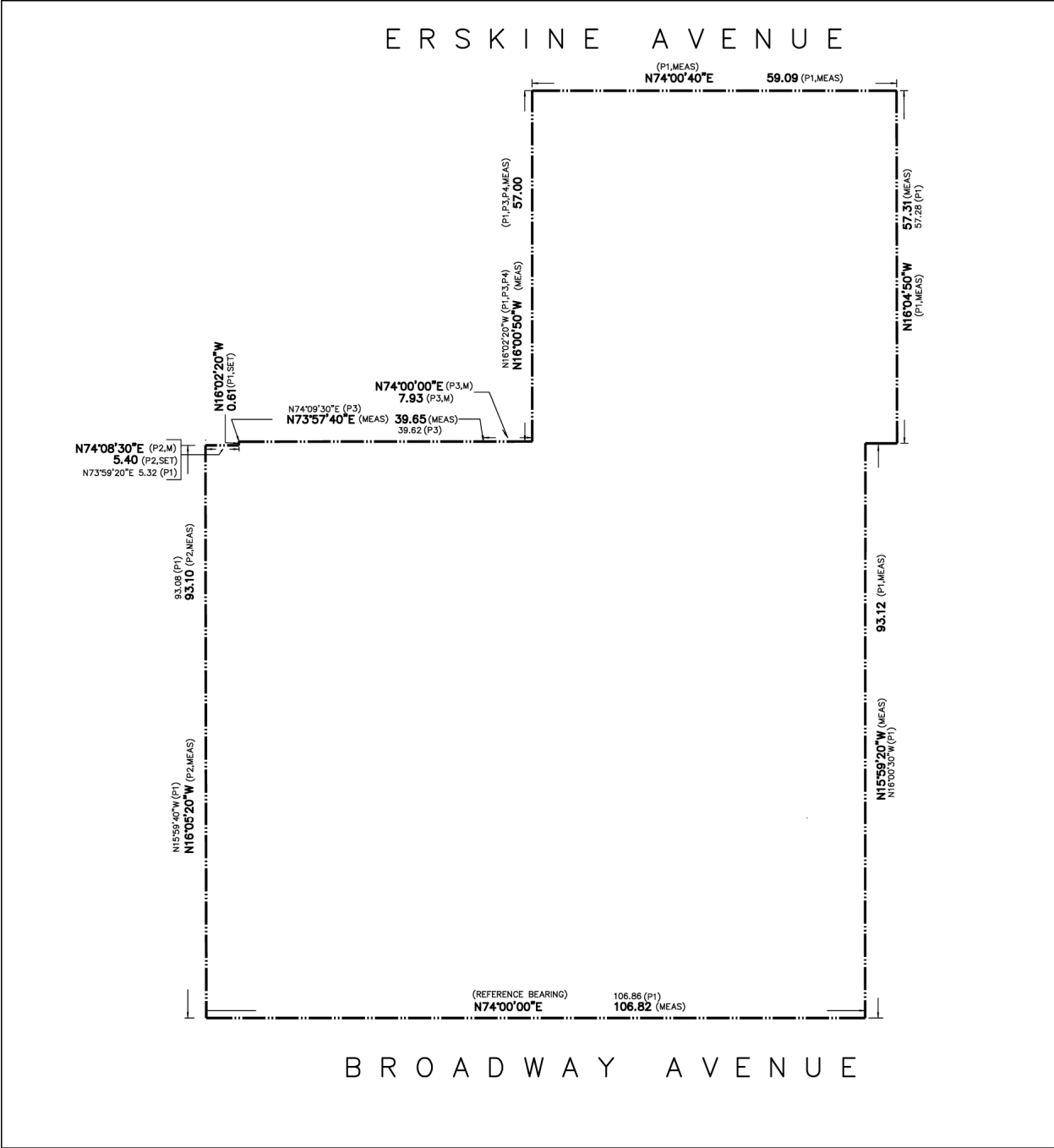
6. Despite any existing or future severance, partition, or division of the lot, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition, or division occurred.

7. Section 13 of By-law 438-86 shall be amended by adding, 'By-law **xxxx**' respecting 101 Erskine Avenue and 66 Broadway Avenue.

ENACTED AND PASSED this \_\_\_\_ day of \_\_\_\_\_, A.D. 2012\_\_.

Mayor  
(Corporate Seal)

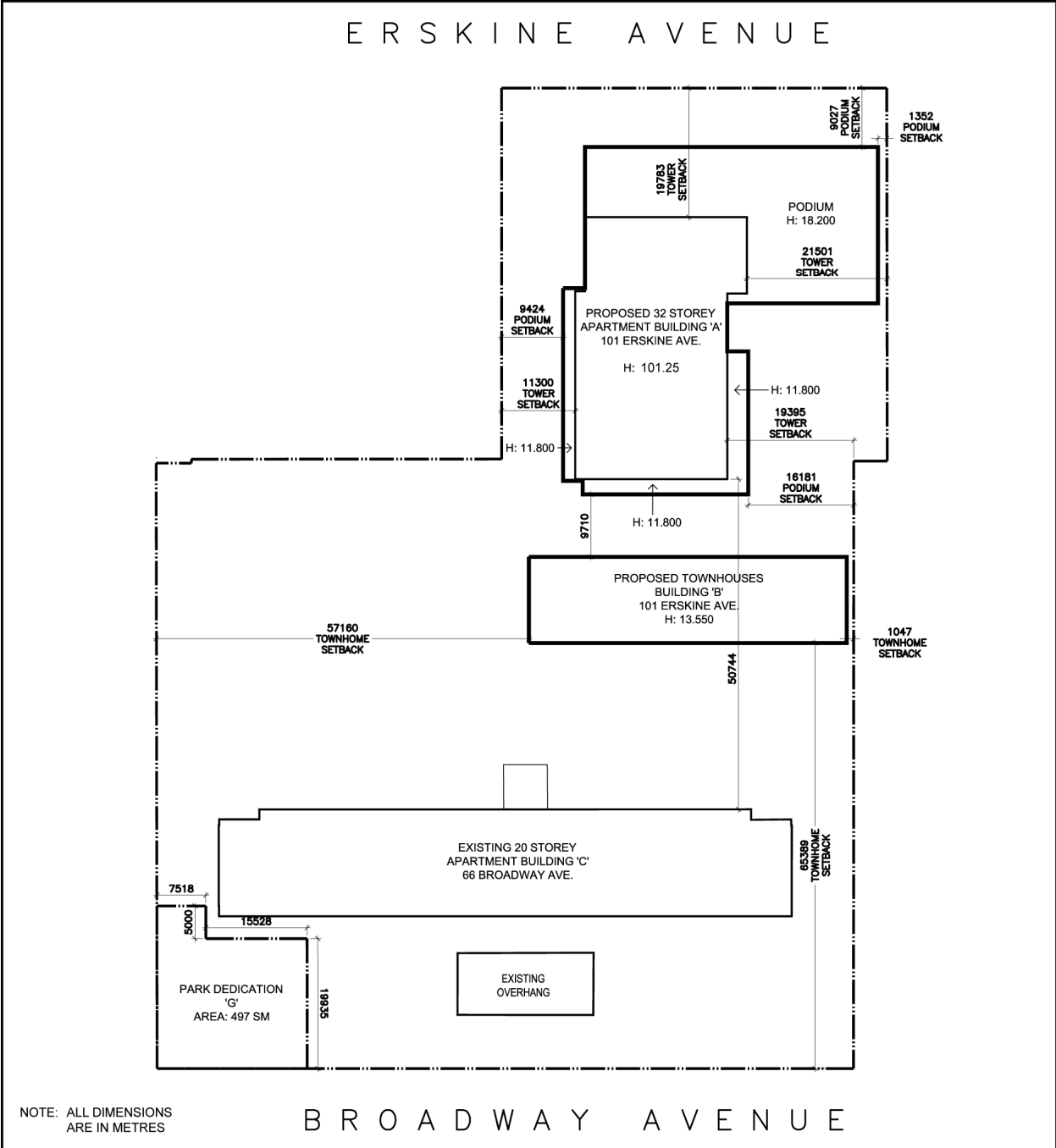
City Clerk



LOT 140, PART OF LOTS 139, 141 AND PART OF 1 FOOT RESERVE REGISTERED PLAN 756 YORK AND LOTS 5,6,7, File # 07 277684 NNY OZ  
 PART OF LOT 8 AND PART OF 1 FOOT RESERVE REGISTERED PLAN 806 YORK AND PART OF 1 FOOT RESERVE REGISTERD PLAN M-146

W.S. GIBSON & SONS ONTARIO LAND SURVEYORS  
 Date: 08/09/2012  
 Approved by: Robert Gibson

↑  
 Not to Scale



NOTE: ALL DIMENSIONS ARE IN METRES

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 registerd plan m-146  
 W.S. Gibson & sons ontario land surveyors  
 Date: 09/21/2012  
 Approved by: Robert Gibson

File # 07 277684 NNY 0Z



Not to Scale