

# TORONTO STAFF REPORT

January 12, 2006

To: North York Community Council

From: Director, Community Planning, North York District

Subject: Refusal and Request for Direction Report  
OPA, Rezoning and Site Plan Applications 04 112069 NMI 25 OZ and 05 115465  
NNY 25 SA  
Proponent: Homestead Land Holdings Ltd.  
Architect: Landau Architect Inc. & Fliess Gates McGowan Easton Architects Inc.  
1000 Mount Pleasant Rd  
Ward 25 - Don Valley West

## Purpose:

This report recommends refusal of an application to develop a thirteen storey apartment building fronting on Mount Pleasant Road between Keewatin and Erskine Avenues. The applicant has appealed Council's failure to address the application within the timeframe established by the Planning Act. The report seeks Council's direction for staff to attend the Ontario Municipal Board in opposition to the development as proposed.

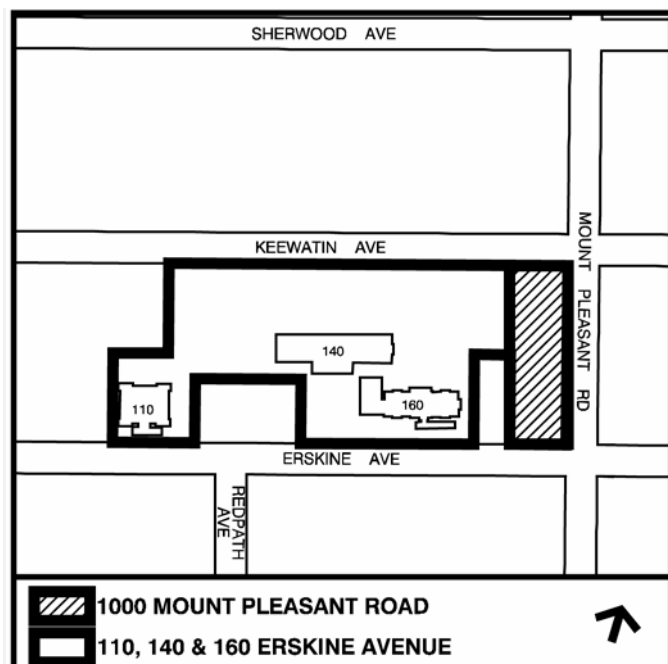
## Financial Implications and Impact Statement:

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

## Recommendations:

It is recommended that:

- (1) City Council refuse the Official Plan, Zoning By-law Amendment and site plan control applications in their present form.
- (2) City staff be authorized to appear before the Ontario Municipal Board Hearing in support of the recommendation above and in accordance with the revisions as outlined in this report, and the



City Solicitor and any other appropriate City staff be authorized to take such actions as necessary to give effect to the recommendations of this report.

- (3) City Staff be authorized to continue discussions with the applicant and residents, towards a revised application that provides for an appropriate transition to the adjacent low density residential areas as outlined in this report.

Status:

The applicant appealed the Official Plan and Zoning By-law applications to the Ontario Municipal Board in July of 2005 and the first pre-hearing conference was held on November 9, 2005. A second pre-hearing is scheduled for February 8, 2006 and the hearing is scheduled for March 22, 2006. The application for Site Plan Control approval was filed in March 2005 and its referral will also be considered by the Ontario Municipal Board.

Background:

The application was initially submitted in February 2004 for an Official Plan and Zoning By-law amendment to permit the construction of a 15 storey apartment building having 183 rental units fronting on the west side of Mount Pleasant Road between Erskine and Keewatin Avenues. This development site is referred to as 1000 Mount Pleasant Road in this report and consists of two different portions. The northern portion, at the southwest corner of Mount Pleasant Road and Keewatin Avenue was previously occupied by a service station. The southern portion is an undeveloped portion of a larger apartment building site that currently has 3 buildings with a total of 970 rental units (referred to in this report as the 'Homestead' property). The entire "Site", and the most easterly "1000 Mount Pleasant Road portion" of it, are identified on Attachment 2.

Proposed Development

The February 2004 application consisted of a 15 storey (43 metre) building fronting Mount Pleasant Road (Attachment 1) The 15<sup>th</sup> floor included an indoor amenity area and access to a roof top garden with the building stepping down to a 6, 5, and 4 storey base building facing Erskine Avenue on the south, and Keewatin Avenue on the north.

A number of revised plans have been proposed since the original submission. The direction from the Ontario Municipal Board's November 15, 2005 prehearing conference was for the applicant to provide the City Planning Department all the plans that will be used for the hearing prior to December 30, 2005. This report and recommendations are based upon plans submitted on both November 16, and December 23, 2005.

The revised proposal consists of a 13 storey (38 metre) 176 unit building with a 7 storey (29 metre) base to the south that steps down to 4 storeys (11.7 metres) on Erskine Avenue, and a 6 storey (17.6 metre) base to the north that steps down to 3 storeys (8.8 metres) on Keewatin Avenue. The base building is set back 4.6 metres from Mount Pleasant Road, 8.3 metres from Erskine Avenue, and 7.4 metres from Keewatin Avenue. The taller portion of the building is set back 8 metres from Mount Pleasant Road.

The ground floor includes a lobby area and residential units with direct access to outdoor patios. Entrances to the building's lobby are from both Mount Pleasant Road and the west side of the building. The revised plans propose vehicle access to servicing, loading, parking and drop-off and pick-up areas from the existing driveway access from Erskine Avenue.

Currently there are 865 spaces in the underground parking garage and 65 surface parking spaces serving 110, 140 and 160 Erskine Avenue. The application proposes to use the existing under-utilized garage for parking and increase the surface parking to a total of 79 spaces. The findings of a parking garage occupancy survey were submitted with the application. The survey indicated that there are over 400 vacant parking spaces in the underground garage every night, and that these spaces are more than adequate to meet the demands of the proposed new building.

The landscape plan submitted by the applicant to the City on December 22, 2005 identifies the proposed treatment for the entire site, including the landscaped open space. The landscape plan continues to propose increased surface parking in conjunction with a drop-off and pick-up turning circle at the western entry to the building. The existing tennis courts currently in this area are proposed to be relocated further to the west in the landscaped open space.

#### Site and Surrounding Area Description

The site is located at the northeastern corner of a high density residential area. On the north side of Keewatin Avenue and east side of Mount Pleasant Road are residential neighbourhoods of primarily single and semi-detached houses.

The development site is within a block containing a mix of apartment buildings of varying heights ranging from 3 to 31 storeys. Located between the proposed development site and the 160 Erskine Avenue high-rise building is a 3 storey apartment building located at 168 Erskine Avenue.

The north half of the Homestead property is a landscaped open space buffer that includes surface parking, tennis courts, numerous trees, and freestanding garbage enclosures. The buffer separates the high-rise apartment buildings from the low scale housing to the north. Walkways through the Homestead property provide a connection from Erskine Avenue and Redpath Park to Keewatin Avenue. The Homestead property also has a landscaped open space area with a number of mature trees at the northwest corner of Mount Pleasant Road and Erskine Avenue.

South of Erskine Avenue and fronting onto Mount Pleasant Road is a recently approved development at 912, 930 and 940 Mount Pleasant Road. This development consists of 4-storey stacked townhouses at the southwest corner of Mount Pleasant Road and Erskine Avenue, a 6 to 7 storey base building along the Mount Pleasant Road frontage and a 19 storey taller building set back from Mount Pleasant Road. This development is now under construction.

## Historical Context

The development of the existing high density development on the Homestead property was based upon creating a firm north boundary to the apartment area north of Eglinton Avenue. Buildings were located on the south side of the block with their access and address from Erskine Avenue. The development of apartment blocks and associated density and heights was acceptable subject to the provision of the 150 foot buffering that ensured the desired separation between the higher density residential area and the existing low density areas to the north (see Attachment 4). At that time townhouses on the south side of Keewatin Avenue were also considered as another way of providing a transition to the high density apartments, but this approach was not implemented in the final site-specific by-law.

## Official Plan

### Former City of Toronto Official Plan /Yonge-Eglinton - Part II Plan

As the new City of Toronto Official Plan is before the Ontario Municipal Board and has not received final approval, the Official Plan for the former City of Toronto is in full force and effect for this application. The former City of Toronto Official Plan designates the site as a “High Density Residence Area” (Attachment 2) under the Yonge-Eglinton Part II Plan. Under this designation, a maximum density of 2 times the lot area is permitted. The former City’s Official Plan promotes more intensive development of the existing urban area through residential intensification as a means to achieving the balanced growth policies in the Plan, and includes criteria when passing By-laws for development in these areas in particular when adjacent to Low Density Residence Areas. Policies are also included to guide the physical form and amenity of development and the relationship between Low Density and High Density Residence Areas. The policies, as also explained and illustrated by the former City of Toronto’s Urban Design Handbook, address issues such as: the siting and massing of new buildings in relation to street space; the need to provide transition between areas of differing development intensity; adequate sunlight access and sky view; and comfortable wind conditions.

### New City of Toronto Official Plan/Yonge-Eglinton Secondary Plan

The new City of Toronto Official Plan designates the site as an “Apartment Neighbourhood”. The Yonge-Eglinton Part II Plan is being carried forward in the new City of Toronto Official Plan as the Yonge-Eglinton Secondary Plan. The policies include criteria to guide compatible infill development, and to reflect the language and approach of the new Official Plan, the Yonge-Eglinton Secondary Plan includes policies to: “ensure that the form of buildings promotes a compatible physical and land use relationship” and “secure a transition in height and scale from developments...in Apartment Neighbourhoods...and, in particular, to those sites which abut a Neighbourhood.”

## Zoning

The former gas station on the northern portion of 1000 Mount Pleasant Road is zoned R2 Z0.6 with a site specific exception for a gas station. This zoning also permits apartment buildings with a maximum gross floor area of 0.6 times the area of the lot (Attachment 3). The by-law also provides for a maximum height limit of 14 metres for the first 40 metres south of Keewatin Avenue and 38 metres for the remainder of the former gas station property.

The three apartments on the Homestead property (buildings 'B', 'C' and 'D' on Attachment 4) were approved in 1967 through site specific By-law 362-67. This By-law: specifies the location and heights of the existing apartment buildings; requires that at least 70% of the site be provided for landscaped open space; and identifies a 150 foot 'buffer' on the south side of Keewatin Avenue. This By-law also included the apartment at 88 Erskine Avenue to the west (building 'A' on Attachment 4). Committee of Adjustment decisions in 1996 and 2002 subsequently permitted no more than the existing 66,997 m<sup>2</sup> of above grade residential floor area on the site. The development proposed on the southern portion of 1000 Mount Pleasant Road and northwest corner of Mount Pleasant Road and Erskine Avenue is on the landscaped open space that was included in this site-specific By-law.

## Tree Protection By-law

The application is subject to the City of Toronto Tree Protection By-law regarding mature trees on private property.

## Planning Guidelines for 1000 Mount Pleasant Road

In 2002, after many meetings with the applicant to discuss the site and prior to receiving a formal application on the property, the applicant was provided with guidelines for developing the subject lands including building location and massing guidelines and diagrams. The guidelines provided a building envelope option that would meet the built form policies regarding transition and impacts. The guidelines indicated that based on the Official Plan policies, infill development must satisfy certain criteria:

- i) provide appropriate setbacks of building edges from the adjacent streets and transition in development intensity and scale to low scale neighbourhoods to the north and east;
- ii) minimize shadow impacts on adjacent neighbourhoods; and
- iii) frame streets with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets.

The guidelines were provided to the applicant prior to formal submission of the application, and the applicant was informed that any resulting application would be subject to the standard planning process and thorough review that included agency and public consultation.

## Community Consultation

A Community Consultation meeting was held on June 15, 2004 with the local Councillor, the applicant's representatives, and Planning staff. About 100 residents attended and expressed concerns that included the provision of parking and the building's proposed height and setback in relationship to Mount Pleasant Road and the communities north and east.

The applicant and the Upper Canada Court Tenant Association held a meeting on December 8, 2004 to discuss the results of a Resident Survey on preferred improvements to the existing buildings. A total of 970 surveys were circulated with 147 returned with favourable support for improvements to the recreation centre/pool, exterior lighting and card access systems.

On May 10, 2005 the local Councillor held a further community meeting to review the revised plans. This meeting was attended by Planning staff, the owner and consultants, and about 100 residents. A presentation was made by the consultants for the applicant. The Sherwood Park Residents Association also outlined their concerns. Residents have expressed concerns related to the building scale and its visual, shadow, and wind impacts, as well as the proposed loss of mature trees and private open space.

There have also been a number of smaller meetings with the local residents, applicant, local Councillor and Staff to discuss the proposal.

## Comments

### a) Appropriateness of the 1000 Mount Pleasant Road portion for Development

The former City of Toronto Official Plan generally supports residential intensification through the infill and redevelopment of underutilized areas of the City. As no major issues have been identified with respect to traffic, parking supply, site contamination, parkland or schools, residential intensification can generally be supported on this site.

In terms of where on the site residential intensification is most appropriate, the former gas station use on the north portion of 1000 Mount Pleasant Road was permitted through a site-specific exception with the underlying zoning still anticipating redevelopment to residential uses. Redevelopment of the north portion of 1000 Mount Pleasant Road to residential apartment uses is permitted and would be compatible with the existing and planned residential character of the area.

The south portion of 1000 Mount Pleasant Road is a remnant parcel between the existing 3 storey apartment at 168 Erskine Avenue and Mount Pleasant Road. At the time the Homestead property was developed, these lands were not identified as a buffer to the low density residential area and the provision of additional density on this portion of the Homestead property is acceptable.

In addition, the City's Yonge-Eglinton Part II Plan directs new buildings to have compatible physical relationships with existing buildings and to form a "positive visual relationship to the

street”. Mount Pleasant Road is the busiest road contiguous to the site; and (re)development has been occurring along this street. Development on the 1000 Mount Pleasant Road frontage can with proper organization, define the edge of the street and create a continuity of streetscape along Mount Pleasant Road.

The redevelopment of the 1000 Mount Pleasant Road portion of the site provides an opportunity to enhance the amenity and safety of Mount Pleasant Road, provide a transit-supportive land use, and at the same time reduces the impacts of Mount Pleasant Road on the neighbourhoods and landscaped buffer west of the site.

## b) Compatibility with Adjacent Stable Low Density Residential Areas

The subject lands are located at the most northeastern corner of the Official Plan’s High Density Residential Area designation (see Attachment 2). The lands immediately north of Keewatin Avenue and east of Mount Pleasant Road are designated as a Low Density Residence Area. The zoning by-law also acknowledges this spatial location and provides for the continued stability of the adjacent low density area. Any development of 1000 Mount Pleasant Road needs to recognize the specific location of the proposed development.

A key component of achieving this compatibility is ensuring that the proposed building form does not adversely impact the adjacent Low Density Residence Areas as further described in (c) below.

In terms of vehicular movement, the application proposes surface parking and a drop-off and pick-up area on the landscaped open space to the west of the proposed building and on the south side of Keewatin Avenue opposite the low density area to the north. The application should be revised to minimize this conflict. Given the excess supply of underground parking and the need to keep vehicular movement in this area to a minimum, the surface parking should be removed from the landscaped area. As well, the drop-off and pick-up area should be screened from the low density area to the north through enhancements to the landscaped open space buffer or low scale townhouses.

## c) Appropriate Form of Development

In the context of providing compatibility between high and low density areas, the proposed building form must have a height, scale and massing that frames the street in a way that provides adjacent buildings and pedestrian spaces with adequate light, view and privacy. This includes achieving comfortable sunlight and wind conditions for pedestrians on adjacent sidewalks in the adjacent low density area. The 2002 Planning Guidelines for 1000 Mount Pleasant Road outlined a building envelope that would provide for these concerns. The key tool to represent and measure adequate sunlight and skyview is the use of an ‘angular plane’. An angular plane is a two-dimensional line that extends upwards into the sky with the area below that line being the maximum built form that would achieve adequate sunlight and skyview. In the 1000 Mount Pleasant Road context, the appropriate angular plane has been identified at 45 degrees. Taking into consideration some minor refinement to how the angular plane is applied to the proposal submitted to the City and now before the Board, the proposed building massing as it relates to

both the Erskine Avenue and Keewatin Avenue streetscapes is appropriate. However, in light of its height and location 8 metres from the Mount Pleasant Road frontage, the tall portion of the proposed building exceeds the angular plane. The current form of the building does not provide for adequate skyview and sunlight and therefore does not provide a compatible transition to the adjacent low density residential area to the east. For this reason the application should be refused.

In recognition that 1000 Mount Pleasant Road is an appropriate location for development, Staff recommends continuing discussions with the applicant and residents in order to seek revisions to the form of the proposed development. The issue of excessive impact of the tall structure on skyview must be addressed through an appropriate angular plane along the Mount Pleasant Road (east) façade. An acceptable building form that addresses this issue would be beneath an angular plane of 45 degrees, as measured from:

- east curb of Mount Pleasant.
- north curb of Keewatin.
- south curb of Erskine.

In the application before the Board, these conditions could be accommodated through a reduction of the building envelope of the taller building from 15 to 8 storeys, and limited increases in the height of the base building up to 19 metres.

### Section 37 – Increased Height and Density

Any increases in height or density beyond what is permitted on the former gas station site enables the City to secure facilities, services and other matters. The two specific benefits that have been identified are: securing rental housing and associated improvements; and, improving the landscaped open space buffer area along Keewatin Avenue.

### Rental Housing

In terms of housing policy objectives, Section 6 of the former City of Toronto Official Plan contains general policies regarding the City Council's goals and objectives, including the preservation and improvement of existing rental housing. A supply of rental housing with affordable and mid-range rents is an important City objective, and the new City of Toronto Official Plan contains a policy requiring that existing rental housing units be secured for as long as possible where significant new development is proposed. Although separate from other community benefits that are described below, it is appropriate to use Section 37 of the Planning Act as a tool to secure this policy requirement.

Planning staff met the applicant on several occasions to discuss these housing issues. The applicant has agreed in principle and without prejudice, to secure the existing rental units from demolition or condo conversion for 20 years as requested by the City. The applicant has also indicated that the proposed new building is for purpose-built rental units; and, while not an explicit requirement of the City's housing policies, it is also appropriate in the Section 37 agreement to retain any new units as purpose-built rental housing as a community benefit in exchange for any increased height and/or density for a period of 20 years.



A related housing policy objective is also to seek improvements to the existing rental buildings to ensure their long term viability with no pass-through costs to the existing tenants. To mitigate any impacts during construction, the City will require that the owner develop and implement a construction mitigation plan and tenant communication strategy for the existing tenants to keep them informed about the construction time table, alternative access, and contact numbers. Similar to securing the rental tenure in existing buildings as described above, Section 37 of the Planning Act may be used as the tool to secure this policy requirement.

In addition to securing the policy matters described above, the applicant agreed to make improvements to the pool/recreation and the pool roof-top patio areas and relocate the existing 2 tennis courts. Additional tenant amenity space, accessible to all tenants, may be provided on the top floor of the proposed rental building. These matters would be appropriate to meet the City's policy regarding making needed improvements to help ensure the longevity of the existing rental units.

The applicant has through discussions agreed to secure the rental housing and tenant amenity matters identified above and Staff need to address them through a Section 37 agreement.

#### Private Trees

Four privately-owned mature trees are located in the northwest corner area of Mount Pleasant Road and Erskine Avenue. A permit would be required to remove these trees and replace them in the landscaped open space buffer on the south side of Keewatin Avenue prior to any development proceeding.

#### Landscaped Open Space

As noted above, the loss of the landscaped open space at the northwest corner of Erskine Avenue and Mount Pleasant Road is a concern to the local residents. The loss of open space is of particular concern as this area of the City has been identified as parkland deficient. Therefore, it is important that the size and quality of the landscaped open space along the Keewatin Avenue frontage be improved. The original application proposed to have a large drop-off circle for the new building and to increase the number of surface parking spaces. In order to meet the intentions of the original site plan with respect to 'buffering' from the low density residential area to the north, and the long term goal of providing a high quality landscaped open space and transition to the low density neighbourhood to the north, the improvements and use of this space as privately owned publicly accessible open space should be secured in the Section 37 agreement. These improvements should be made to:

- reduce and screen surface parking and service and drop-off area driveways,
- plant trees in the buffer,
- the garbage enclosures, and
- the existing pedestrian walkway from Redpath Park through the site to Keewatin Avenue.

One alternative to enclosing the service and drop-off areas which are proposed in the 150 foot buffer zone, and to restoring the character of Keewatin Avenue, would be to develop a limited number of townhouse-type units plus an intense/high-quality landscaped environment improvement along the remaining south side of Keewatin Avenue.

In summary, as part of the approval of an appropriate form of development on this site, the applicant is to enter into a Section 37 agreement respecting the protection of rental housing, improvements to the existing rental property, and securing on-site improvements to the landscaped open space.

Conclusions:

The proposal before the Ontario Municipal Board fails to meet the Official Plan objectives of: providing a built form transition from High to Low Density Residence Areas, and providing adequate sunlight access and sky view. The proposed height, scale, and massing of the building have an adverse impact on the adjacent low density residential areas and public realm on the east side of Mount Pleasant Road.

In its current form Planning staff recommends that Council refuse the proposal for 1000 Mount Pleasant Road, and that Council direct staff to defend this position at the Ontario Municipal Board.

Contact

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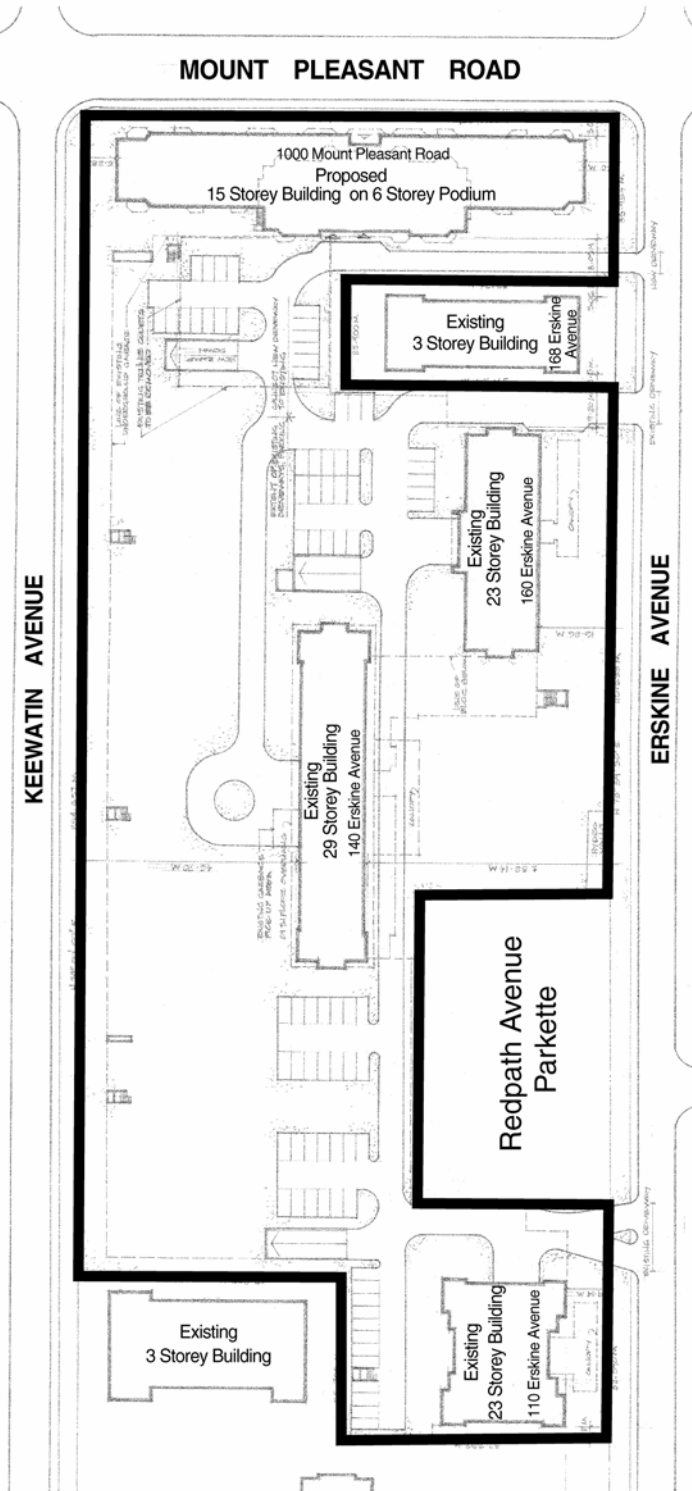
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Thomas C. Keefe  
Director, Community Planning, North York District

List of Attachments:

Attachment 1: Originally Submitted Master Site Plan  
Attachment 2: Official Plan (Map)  
Attachment 3: Zoning (Map)  
Attachment 4: Zoning By-law 362-67

Attachment 1: Originally Submitted Master Site Plan



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

File # 04\_112069

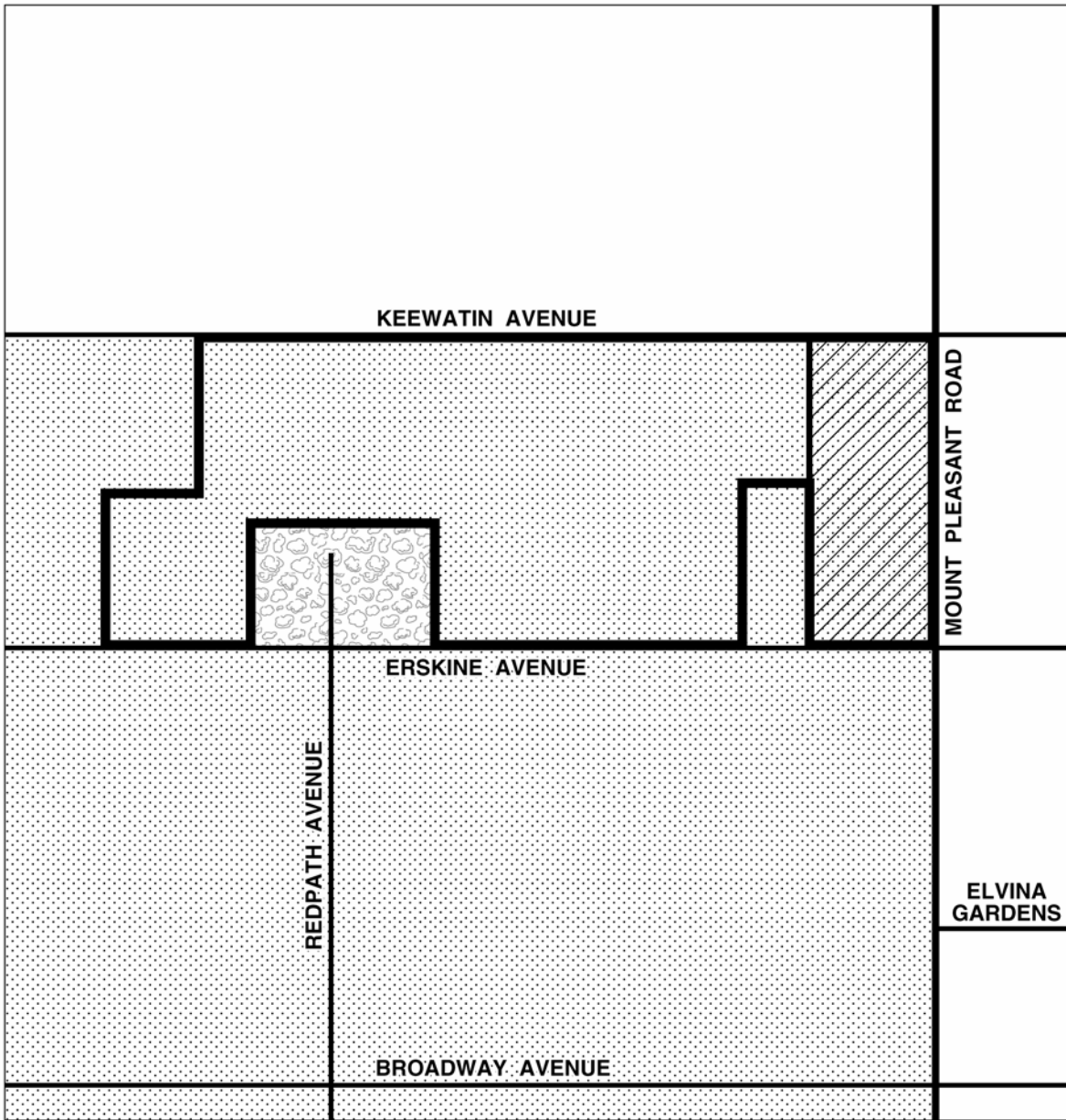
Master Site Plan

Applicant's Submitted Drawing

Not to Scale  
03/16/04



Attachment 2: Official Plan (Map)



 **TORONTO** Urban  
Development Services  
**Official Plan**

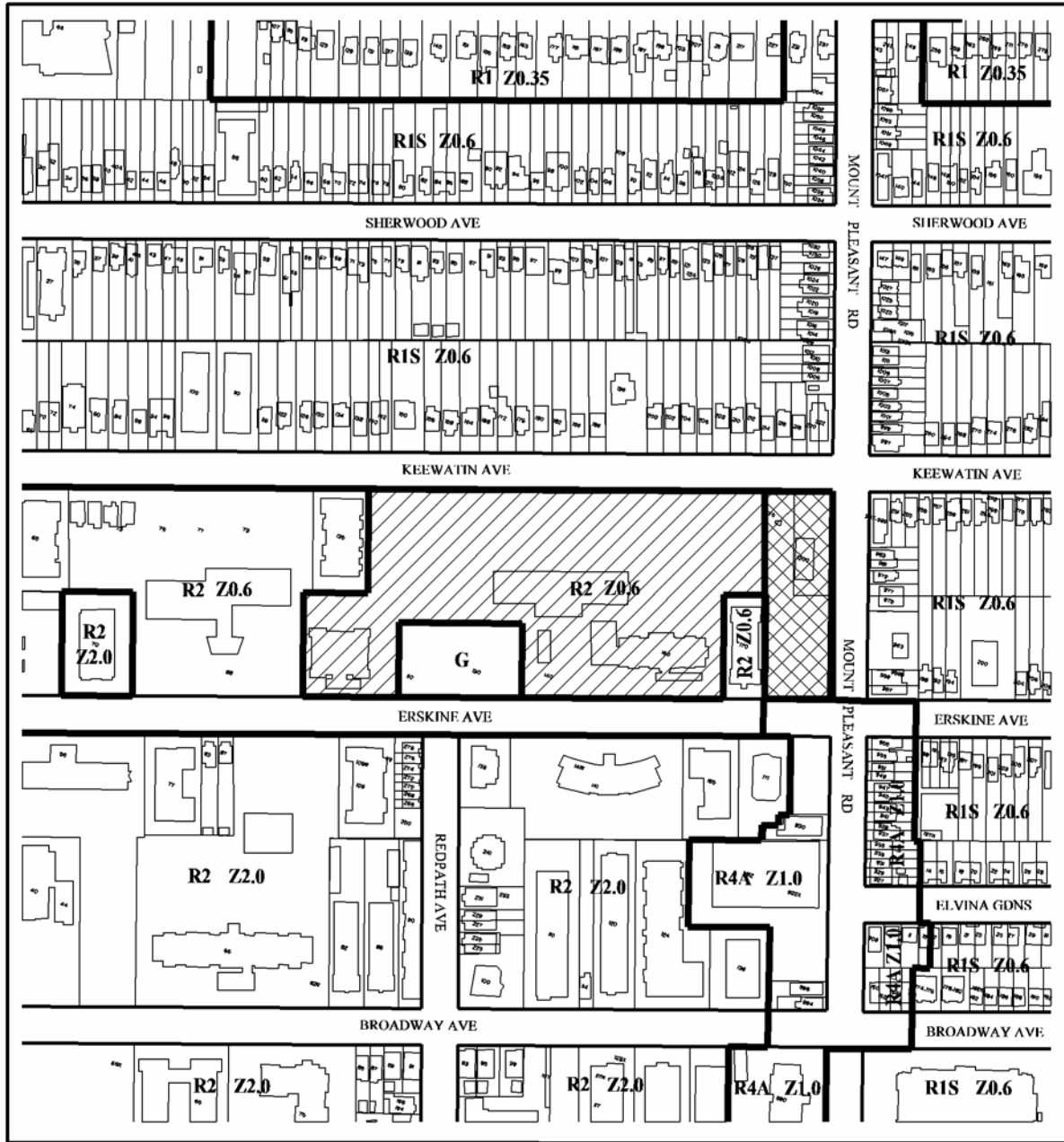
1000 Mount Pleasant Road and  
110, 140 & 160 Erskine Avenue

File # 04\_112069

-  Site
-  High Density Residence Areas
-  Open Space
-  Low Density Residence Areas
-  1000 Mount Pleasant Road portion

  
Not to Scale  
03/18/04

Attachment 3: Zoning (Map)



**Toronto** Urban Development Services  
**Zoning**

1000 Mount Pleasant Road  
 & 110, 140 & 160 Erskine Road  
 File # 04\_112069

- R1 Residential District
- R1S Residential District
- R2 Residential District
- R4A Residential District
- G Parks District

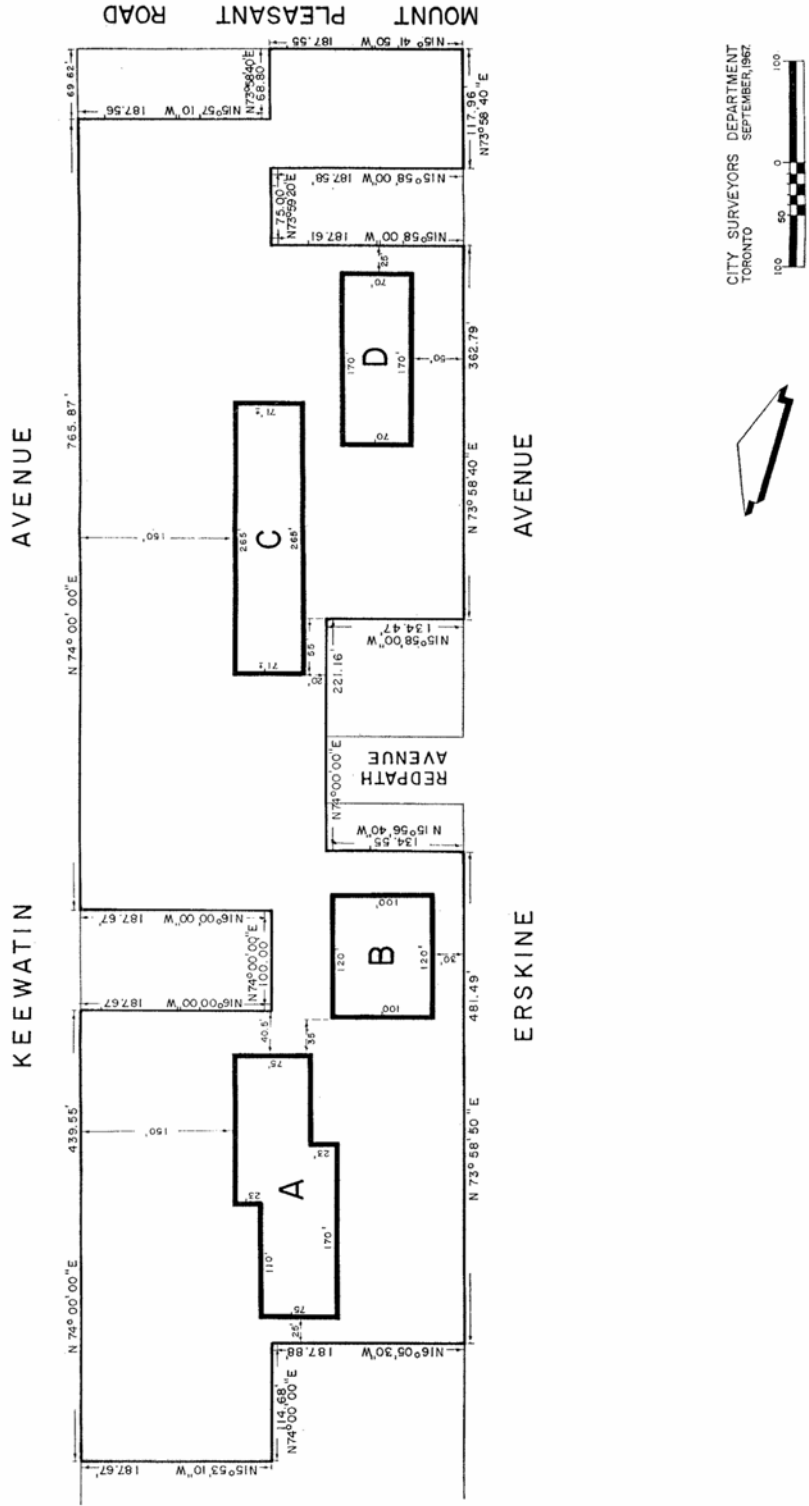


1000 Mount Pleasant Road portion



Not to Scale  
 Zoning By-law 7625  
 Extracted 03/16/03

Attachment 4: By-law 362-67



Bylaw 362-67 1000 Mount Pleasant Road & 110, 140 & 160 Erskine Road

Not to Scale  
01/10/06

File # 04\_112069