

Confidential Attachments to MM8.54
made public on April 3, 2017

Attachment 1 – Confidential Information

**18 - 30 Erskine Ave - Zoning By-law Amendment -
Request for directions regarding the August 11, 2015
OMB hearing**

Date:	July 9, 2015
To:	City Council
From:	City Solicitor

CONFIDENTIAL RECOMMENDATIONS

1. The City Solicitor be authorized to accept the owner's without prejudice settlement offer, dated July 3, 2015, as set out in Appendix "2" to this Attachment subject to the owner agreeing to the modifications set out in Appendix "3" to this Attachment, and to finalize and execute draft Minutes of Settlement in a form satisfactory to the City Solicitor, which will also secure recommendations 4, 5, and 6 of Appendix "1".
2. In the event the owner does not agree to the modifications then,
 - a. the City Solicitor be directed to attend the Ontario Municipal Board (OMB) hearing set to commence on August 11, 2015, together with appropriate City staff and outside consultants, to oppose the owner's zoning appeal, and
 - b. the City Solicitor also be directed to request the OMB to use the four day hearing scheduled to commence on August 11, 2015 as a prehearing and mediation session.
3. In the event the owner agrees to the modifications, Council authorize the public release of Recommendations 1 and 2 and Appendices "1", "2" and "3", with the balance of this confidential attachment to remain confidential.
4. In the event the owner does not agree to the modifications, Council authorize the public release of only paragraphs a. and b. of Recommendation 2, with Appendices "1", "2" and "3", and the balance of this confidential attachment all remaining confidential.

CONFIDENTIAL INFORMATION

As noted in the public portion of this report, this a rezoning application to permit the construction of a 35-storey condominium apartment building at 18-30 Erskine Avenue. The proposed building height and density would be 109 metres and 14.9 times the lot area, respectively.

Attached as Appendix “1” to this report is a copy of the Directions Report from the Chief Planner and Executive Director, City Planning Division on the original application. This report has not been placed on the public Council agenda as I have also received a settlement offer from the applicant’s solicitor, Mr. Adam Brown, which I attach as Appendix “2”, together with comments from City Planning staff, attached as Appendix “3”, on the settlement offer. I consider it appropriate for City Council to consider all three attachments in confidence together with my confidential recommendations.

Planning Directions Report

Summary of the Directions Report found at Appendix “1”:

Planning staff oppose the proposal in its current form, but would accept it with modifications. The main points of the requested modifications can be summarized as follows: reductions in height and more articulation of the upper floors; increased ground floor and podium setbacks; increased tower step-backs; deletion of above grade parking; the owner addressing certain issues raised by Transportation Services regarding the applicant's traffic impact study and parking rates; and, Section 37 matters. In short, Planning staff would support a tall building on the site, subject to certain modifications.

Settlement Offer

Summary of the Settlement Offer found at Appendix “2”:

The main points of the settlement offer can be summarised as follows: the tower element would be reduced from 35 storeys to 32 storeys along with the addition of a stepped design to ensure no new shadows on the homes on the north side of Keewatin or the west side of Yonge, beyond those cast by as-of-right zoning; revisions to tower setbacks; the podium would be reduced from 4 to 3 storeys along Erskine and from 4 to 1 at the northwest corner; the above grade parking has been removed resulting in 88 parking spaces and 4 car-share spaces; the density is reduced from 14.9x to 13.3x; and, a Section 37 contribution of \$750,000.00 is offered.

City Planning Comments on the Settlement Offer

Summary of the Planning Comments found at Appendix “3”:

City Legal staff has consulted with City Planning staff on the settlement offer. Planning staff recommend that it be accepted with the changes set out in Appendix “3”. Rather than risk an adverse outcome at a contested OMB hearing, I agree with that assessment.

Conclusion

Given the comments of Planning staff and my assessment, it is recommended that Council accept the settlement offer with the modifications set out in Appendix “3”.

The current zoning would essentially permit only a mid-rise type of development on this site. However, it is my opinion that the OMB will determine that the site can be appropriately developed as a tall building site with an associated increase in density. There is therefore too much risk in attempting to persuade the OMB that the site should be restricted to a mid-rise built form, as that approach would likely result in the OMB simply approving the original application. In these circumstances, the best approach is to request the applicant to agree to the modifications requested by Planning Staff. I have also consulted with an outside planning consultant, Ms. Catherine Spears, who supports accepting the settlement with such modifications as City Planning staff would support.

If the applicant does not agree, I would recommend that the City ask the OMB to use the four day hearing scheduled to commence on August 11, 2015 as a prehearing and mediation session. If that request is not granted, the City should then oppose the application.

Appendix "1"



**STAFF REPORT
ACTION REQUIRED**

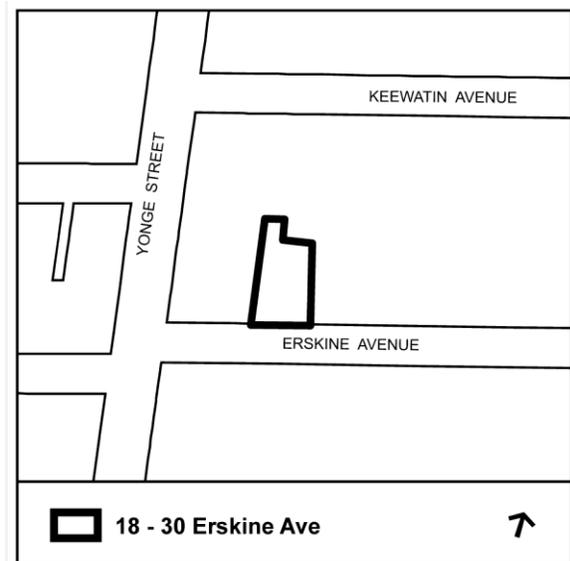
**18 and 30 Erskine Ave - Zoning By-law Amendment and
Rental Housing Demolition Applications
Request for Direction Report**

Date:	June 30, 2015
To:	City Council
From:	Chief Planner and Executive Director, City Planning Division
Wards:	Ward 25 – Don Valley West
Reference Number:	12 267217 NNY 25 OZ 13 116882 NNY 25 RH

SUMMARY

The rezoning and rental housing demolition proposal is to demolish the existing 3-storey, 6-unit rental apartment building at 30 Erskine Avenue and replace the surface parking lot located at 18 Erskine Avenue with a 35-storey, 300-unit residential condominium building with 153 parking spaces in 8 levels (4 below grade and 4 above grade in the podium of the building). The proposed development would have a gross floor area of approximately 21,260 m² resulting in a density of 14.9 FSI.

A Rental Housing Demolition and Conversion application was also submitted under Section 111 of the City of Toronto Act to demolish the 6 residential rental dwelling units at 30 Erskine Avenue pursuant to Chapter 667 of the municipal Code. The applicant has proposed to replace all 6 residential rental dwelling units.



On April 13, 2015 the owner appealed the Zoning By-law Amendment application to the Ontario Municipal Board citing City Council's failure to make a decision within the prescribed time frames set out in the Planning Act. A hearing has been scheduled for 4 days beginning August 11, 2015.

The purpose of this report is to seek Council's direction for staff representation at the OMB hearing. The report seeks Council direction to oppose the proposal in its current form and that City staff continue discussions with the applicant in an attempt to resolve the issues outlined in the report.

The proposed development does not comply with policies of the Official Plan respecting built form and Council adopted Tall Building Guidelines. The proposed development does not provide an appropriate transition in height and scale to lands designated *Neighbourhoods* to the north and west and does not provide sufficient setbacks from its property lines. The frontyard setback does not provide sufficient open space on the north side of Erskine Avenue as set out in the Midtown in Focus public realm plan.

The report also outlines matters related to outdoor amenity area, resolution of outstanding matters related to rental replacement, reducing the height of the building to eliminate shadow impacts on nearby lands designated *Neighbourhoods* at the spring and fall equinoxes, deleting the above grade podium parking, providing grade related units and a landscaped pedestrian walkway along the east property line and Section 37 contributions. The report also advises there are a number of outstanding technical matters that still need to be resolved to the satisfaction of Engineering and Construction Services including Transportation Services.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council instruct the City Solicitor, together with City Planning staff and any other City staff as appropriate, to attend the OMB hearing in opposition to the proposal in its current form.
2. City Council authorize City staff to continue discussions with the applicant to negotiate an appropriate development proposal which addresses the issues set out in this report.
3. As part of the continued discussions respecting the proposal, the issues set out in this report shall be addressed including:
 - a) the height of the building reduced and the upper floors massed and articulated to provide an appropriate transition in height and scale to nearby lands designated *Neighbourhoods* and to eliminate shadow impacts at the spring and fall equinoxes on these lands, including the public sidewalk on the north side of Keewatin Avenue;

- b) increasing the ground floor setback and the podium setback from the Erskine Avenue streetline to accommodate landscaped open space and providing an appropriate tower setback from the south (Erskine Avenue) edge of the podium;
 - c) increasing the ground floor setback along the east property line and providing an appropriate tower setback from the east edge of the podium;
 - d) provision for a landscaped pedestrian walkway and grade related residential uses along the east property line;
 - e) increasing the tower setbacks along the entire west and east property lines;
 - f) deletion of above grade parking;
 - g) providing common indoor and outdoor recreational amenity areas at a rate of 2.0 m² per dwelling unit; and
 - h) the owner addressing the outstanding comments outlined in the memorandum dated January 8, 2013 from the Manager, Engineering and Construction Services, North York District.
4. In the event that the Ontario Municipal Board allows the appeal on the Zoning By-law Amendment application in whole or in part, City Council authorize the City Solicitor to request the OMB to withhold its Order until such time as:
- a) An appropriate Zoning By-law amendment is prepared to the satisfaction of the Director, Community Planning, North York District and the City Solicitor.
 - b) The Owner has entered into an agreement with the City to secure community benefits pursuant to Section 37 of the *Planning Act* to the satisfaction of the Director, Community Planning, North York District and the City Solicitor.
 - c) The Board has been advised by the City Solicitor that the City's Notice of Approval Conditions has been finalized.
5. In the event the Ontario Municipal Board allows the appeal in whole or in part, City Council authorizes the City Solicitor to request the Ontario Municipal Board to withhold any final orders approving a Zoning By-law Amendment until approval has been granted for the demolition under Chapter 667 pursuant to Section 111 of the City of Toronto Act for the demolition of 6 residential rental dwelling units on the site and secure a Tenant Relocation and Assistance Plan through Section 37 of the Planning Act to the satisfaction of the Chief Planner and Executive Director, City Planning.

6. In the event that the Ontario Municipal Board allows the appeal in whole or in part, City Council direct staff to request that the Board withhold any order to approve a Zoning By-law Amendment for the subject lands until such time as the City and the owner have presented a draft by-law to the Board that provides for securing the rental housing matters as outlined in recommendation 5 of this report, from the Director, Community Planning, North York District and a Section 37 Agreement incorporating these matters has been executed.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On January 22, 2013 North York Community Council had before it a Preliminary Report from the Director, Community Planning, North York District. The report provided background information on the proposal and recommended that a community consultation meeting be scheduled with the Ward Councillor and that notice for the public meeting be given according to the regulations of the *Planning Act*. Community Council adopted the staff recommendations and directed that the notice area for the community consultation meeting be expanded beyond the 120m radius of the site.

The Decision Document and Preliminary Report is available at the following web link:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.NY21.48>

On April 21, 2015 the owner appealed the Zoning By-law Amendment application to the Ontario Municipal Board citing City Council's failure to make a decision within the prescribed time frames set out in the *Planning Act*. The hearing is scheduled for 4 days beginning August 11, 2015.

ISSUE BACKGROUND

Proposal

This is a rezoning application to permit the construction of a 35-storey condominium apartment building at 18-30 Erskine Avenue. The building would contain 300 dwelling units comprising 240 one-bedroom units and 60 two-bedroom units. A total of 153 parking spaces are proposed, including 6 tandem spaces together with 200 bicycle parking spaces. The parking spaces would be provided on 8 levels: 4 below grade (75 spaces) and 4 above grade (78 spaces) within the base of the building (refer to Attachment 1: Site Plan, Attachments 2, 3, 4 & 5 Elevations). The proposed building height and density would be 109 metres and 14.9 times the lot area, respectively.

Vehicular access/egress would be from Erskine Avenue via a two-way 6 metre wide driveway that would lead to a ramp up to the 4 levels of above grade parking and a ramp to the 4 levels of below grade parking, a loading area and the refuse collection facilities. In addition to these ramps the ground floor plan includes the entrance lobby/lounge, mailroom and visitor bicycle parking storage rooms.

Common recreation amenity space is proposed on the 5th floor comprising 420 m² of indoor space (1.4m² per unit) and 690 m² of outdoor amenity space (2.3m² per unit) located off the adjoining podium rooftop garden.

Refer to Attachment 8 (Application Data Sheet) for the complete list of project statistics.

Site and Surrounding Area

The site is located on the north side of Erskine Avenue (three blocks north of Eglinton Avenue) and just east of Yonge Street. The site is irregular in shape with an area of approximately 1,423m², a frontage of approximately 30 metres on Erskine Avenue, a lot depth of approximately 44 metres along the easterly boundary of the site and approximately 57 metres along the western boundary. The development site comprises three properties municipally known as 18-22, 24-26 and 30 Erskine Avenue. The lands at 18-26 Erskine Avenue are currently developed with a commercial surface parking lot. Until 2011, the properties were developed with two, 2-storey commercial buildings. The property at 30 Erskine Avenue presently contains a 3-storey rental apartment building. All six two-bedroom rental dwelling units are currently vacant.

The area immediately surrounding the Yonge-Eglinton intersection is comprised primarily of retail and commercial uses with predominantly residential uses further north and east. The area includes a variety of built forms including detached and semi-detached homes, walk-up apartment buildings from the 1940's and 1950's, high-rise slab apartment towers from the 1960's and 1970's and more recent townhouses and high-rise apartment buildings.

Surrounding uses are as follows:

North: immediately to the north of the site are playing fields associated with John Fisher Public School, 4-storey townhouses (17-29 Keewatin) and a 4-storey apartment building (65 Keewatin Avenue) fronting the south side of Keewatin Avenue, then lands designated Neighbourhoods north of Keewatin Avenue:

South: Erskine Avenue then a 16-storey residential apartment building (15 Erskine Avenue), a 10-storey residential apartment building (33 Erskine Avenue) and 2-5 storey commercial buildings fronting Yonge Street:

East: immediately to the east of the site is John Fisher Public School (a listed heritage building), then a series of apartment buildings ranging from 7 storeys (70 Erskine Avenue) to 30 storeys (140 Erskine Avenue) in height:

West: a single storey commercial building currently occupied by Erskine Food Market (10 Erskine Ave) and the rear yards of 1-3 storey commercial buildings that front the east side of Yonge Street between Erskine Avenue and Keewatin Avenue to the north.

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. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. City Council's planning decisions are required to be consistent 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, with the Growth Plan for the Greater Golden Horseshoe.

The Growth Plan for the Greater Golden Horseshoe identifies Yonge-Eglinton as an Urban Growth Centre with a minimum gross density target of 400 jobs and people per hectare. To date, the Yonge-Eglinton Centre has met and exceeded the projected growth targets established by the Province. Although these targets are not maximums, the proposed application is not required to meet the growth targets proposed in the Plan.

Official Plan

The City's Official Plan contains a number of policies that apply to the proposed development.

Chapter 2 – Shaping the City

Section 2.2.2 Centres: Vital Mixed Use Communities

The proposed development is located in the *Yonge-Eglinton Centre*, which is identified in the Official Plan and in conformity with the Growth Plan for the Greater Golden Horseshoe.

This *Centre* has a more central location in City's transit network than other *Centres*, as it is situated at the crossroads of the Yonge subway line and the Eglinton Crosstown Light Rail Transit line. Due to its strategic location, *Yonge-Eglinton Centre* should continue to develop as both an office centre and a desirable living area. Through new development, improvements will be made to the public realm, parks and other open spaces, and new parks and open spaces will be created.

Centres in the Official Plan are a priority for managing growth in the City. They should be vibrant, mixed-use and supported by public transit. Each *Centre* in the Official Plan will have a secondary plan. Secondary Plans for *Centres* will, among other things, provide a supportive environment for residential and employment growth, including new commercial office space and transit oriented development. The plan will also delineate the boundaries of the growth centre, provide a strategy for public realm and parks improvements, support the use of public transit and other transportation models (e.g.

cycling and walking) and ensure that an appropriate transition is created between high growth areas and lower scale development, particularly *Neighbourhoods*.

Chapter 3 – Building A Successful City

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. To do this, it will: generally locate buildings parallel to the street or along the edge of a park or open space, have a consistent front yard setback, acknowledge the prominence of corner sites, locate entrances so they are clearly visible and provide 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 as necessary to preserve their utility.

In addition to the policies above, 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 and enhance the public realm through streetscape improvements. Every significant new multi-unit residential development will provide indoor and outdoor amenity space for its residents.

Section 3.1.3 Built Form – Tall Buildings

The applicant is proposing to construct 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

The application proposes the demolition of the existing 3-storey apartment building at 30 Erskine Avenue. The building contains 6 rental dwelling units. 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, and the protection of rental housing units. Policy 3.2.1.6 requires that new development that would result in the loss of six or more rental housing units which have affordable or mid-range rents will not be approved unless the following are secured:

- at least the same number, size and type of rental housing units are replaced and maintained with rents similar to those in effect at the time the redevelopment application is made;
- for a period of at least 10 years, rents for replacement units will be the rent at first occupancy increased annually by not more than the Provincial Rent Increase Guideline or a similar guideline as Council may approve from time to time; and
- an acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement units at similar rents, the provision of alternative accommodation at similar rents, and other assistance to lessen hardship.

Chapter 4 – Land Use Designations

Section 4.5 Mixed Use Areas

The site is located in an area designated *Mixed Use Areas* in the Official Plan. *Mixed Use Areas* are intended to provide a broad range of commercial, residential and institutional uses in single-use or mixed-use buildings. Development within *Mixed Use Areas* should provide for new jobs and homes on underutilized lands, while locating and massing new buildings to provide a transition between areas of different development intensity and scale. Furthermore, development in *Mixed Use Areas* should be located and massed to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

Development in *Mixed Use Areas* should provide attractive, comfortable and safe pedestrian environments; and have access to schools, parks and community centres as well as libraries and childcare.

Development in *Mixed Use Areas* should also take advantage of nearby transit services; and provide good site access and circulation as well as an adequate supply of both visitor and resident parking. In addition, service areas should be located to minimize impacts on adjacent streets, and any new multi-unit residential development should provide indoor and outdoor amenity space for its residents.

Chapter 5 – Implementation: Making Things Happen

Section 5.1.1 Height and/or Density Incentives

The Official Plan provides for the use of Section 37 of the *Planning Act* to secure community benefits in exchange for increased height and density for new development, provided it first meets the test of good planning and is consistent with the policies and objectives of the Plan.

Yonge-Eglinton Secondary Plan

The site is within the Yonge-Eglinton Secondary Plan Area. The Secondary Plan contains policies that are area-specific and at a greater level of detail than those of the Official Plan. A primary objective of the Yonge-Eglinton Secondary Plan is to maintain and

reinforce the stability of *Neighbourhoods* and to minimize conflicts among *Mixed Use Areas*, *Apartment Neighbourhoods*, *Neighbourhoods* and *Parks and Open Space Areas* in terms of land use, scale and vehicular movement.

New development in the Yonge-Eglinton Secondary Plan Area will protect the scale of development in *Neighbourhoods* while minimizing impacts (shadowing, overlook, loss of skyview) on lower scale built form in *Neighbourhoods*. New development will transition in height and scale from developments in *Mixed Use Areas* and *Apartment Neighbourhoods* to *Neighbourhoods*, particularly when higher density designations about a *Neighbourhood*.

The Yonge-Eglinton Secondary Plan states that the highest densities will be located in *Mixed Use Area 'A'*, with developments of a lesser scale located in *Mixed Use Areas 'B', 'C' and 'D'*. Higher density development is permitted in *Apartment Neighbourhoods* with nearby subway station access. Reduced parking requirements are permitted in the Secondary Plan area where it can be demonstrated that projected travel demand can be accommodated by means other than the automobile. Bicycle linkages, facilities and new pedestrian connections will also be encouraged.

New development will promote architectural excellence while also providing for improvements in the public realm. New, flexible, community services facilities and social infrastructure will be provided in a timely manner in the Yonge-Eglinton Secondary Plan Area. New parks and open spaces will be secured in the Yonge-Eglinton Secondary Plan Area along with improvements to the existing parks and open spaces as well as the public realm. Development within the Yonge-Eglinton Secondary Plan will satisfy the requirements of the Growth Plan for the Greater Golden Horseshoe and maintain a high quality of residential amenity. Investment in public transit infrastructure will be a priority in the Yonge-Eglinton *Centre*.

The Secondary Plan also requires that a full range of housing forms and tenure be provided in the Yonge-Eglinton Area that is suitable for family and other households in a manner that is: "contextually appropriate and compatible with existing residential uses and residential built form."

Section 5.0, Yonge-Eglinton Centre

The Province's Growth Plan for the Greater Golden Horseshoe contains policies to direct a significant portion of future population and employment growth into a number of intensification areas. These areas include five "Urban Growth Centres" (UGC's) within the City. Under the Growth Plan, municipalities are required to delineate the boundaries of the UGC's within their Official Plans.

The proposed development is within one of the City's five designated Urban Growth Centres and as noted previously, is within the area defined as the Yonge-Eglinton Centre by Official Plan Amendment 116 (amendment to the Yonge-Eglinton Secondary Plan). Section 5 of the Yonge-Eglinton Secondary Plan includes the following Urban Growth Centre policies which are applicable to the site:

- 5.2 Within the Yonge-Eglinton Centre, the highest heights, densities and scale of development will be within *Mixed Use Area 'A'* on the blocks at the four quadrants of the intersection of Yonge Street and Eglinton Avenue.
- 5.7 New development in the Yonge-Eglinton Centre will be compatible with maintaining the character of surrounding *Neighbourhoods*.

To review the Yonge-Eglinton Secondary Plan and all sections of the Toronto Official Plan refer to the City's website at:

www.toronto.ca/planning/official_plan/introduction.htm.

Tall Building Design Guidelines

In May 2013, City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use them in the evaluation of all 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 have been used to assist in the evaluation of the proposed development. The Guidelines are available at

<http://www.toronto.ca/planning/tallbuildingdesign.htm>

Avenues and Mid-rise Building Study

In July 2010, City Council adopted the Avenues and Mid-Rise Buildings Study which includes performance standards for the design and development of mid-rise buildings along portions of the City's Avenues, including the subject site. City Council directed staff to use the performance standards in the evaluation of mid-rise development proposals. Council also directed staff to monitor the performance standards over a 2 year period.

In November 2013 Council extended the monitoring period to the end of 2014 and directed City Planning to include resident and ratepayer groups as stakeholders in any consultations.

In May 2014, City Planning provided an update to the monitoring period to Planning and Growth Management Committee.

The Secondary Plan speaks to the Yonge Street properties in the vicinity of the site designated *Mixed Use* developing with mid-rise buildings with a scale in the range of 8 to 12 storeys with retail uses at-grade). Accordingly, the Avenues and Mid-Rise Buildings Study has been used to assist in the evaluation of the proposed development. The Study is available at:

<https://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/Urban%20Design/Mid-rise/midrise-FinalReport.pdf>

Midtown in Focus

On June 12, 2015, City Council adopted OPA 289. This City-initiated amendment to the Yonge-Eglinton Secondary Plan is intended to implement the vision and objectives of the Midtown in Focus Parks, Open Space and Streetscape Plan for the Yonge-Eglinton area (Midtown in Focus), adopted by City Council in August 2014.

The City Council Decision and amendment can be found at the link below:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG4.2>

The Midtown in Focus identifies a number of goals, strategies and initiatives to achieve these objectives. The Plan also outlined five Place-making Moves that, together with other streetscape improvements and the enhancement and expansion of parkland in the area, will form a thriving system of parks, open spaces and streets. The five Place-Making Moves include:

1. Eglinton Greenline – a wide, landscaped, publicly accessible private open space on the north side of Eglinton Avenue.
2. Yonge Street and its Squares – a sequence of urban squares located at key intersections along Yonge Street.
3. Park Street Loop - a 3 km long multi-use promenade connecting Eglinton Park to adjacent neighbourhoods.
4. Midtown Greenways – local streets that enhance the generous landscaping prevalent within the area.
5. Redpath Revisited – parkland expansion priorities and improvement of a portion of Redpath Avenue between Eglinton Avenue and Roehampton Avenue.

The amendments to the Yonge-Eglinton Secondary Plan address the following:

- Enhanced public realm policies for the Yonge-Eglinton Secondary Plan area and policy direction that clarifies the role of private development in supporting the public realm objectives;
- New policies that specifically address the Midtown Character Area and the Midtown in Focus Plan's Five Place-Making Moves;
- Enhanced parkland acquisition strategies; and
- Policies that outline priorities for the use of Section 37 of the *Planning Act*.

Map 21-3 (Five Place-Making Moves for the Midtown Character Area) in OPA 289 identifies Erskine Avenue as Greenways. Policy 6.7(b) speaks to all buildings along the north and south sides of Erskine Avenue being setback a minimum of 7.5 metres from the

property line. The setback is to accommodate open space opportunities for a range of publicly accessible open spaces such as entry forecourts, gardens and other forms of landscape.

Map 21-5 (Pedestrian Network Plan for the Midtown Character Area) in OPA 289 identifies a series of new midblock connections including a Conceptual New Street along the east edge of the site on the adjacent TDSB property (John Fisher Public School) connecting Erskine Avenue to Keewatin Avenue.

Midtown in Focus has been used to assist in the evaluation of the proposed development.

Rental Housing Demolition and Conversion By-law

The Rental Housing Demolition and Conversion By-law, contained in Chapter 667 of the City's Municipal Code, implements the City's Official Plan policies protecting rental housing. The By-law prohibits demolition or conversion of rental housing units in buildings containing six or more rental units without obtaining a permit from the City issued under Section 111 of the City of Toronto Act, 2006.

Proposals involving the demolition of six or more rental housing units, or those involving the demolition of at least one rental housing unit and a related application for a Zoning By-law amendment, require a decision by City Council. Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. Council approval of demolition under Section 33 of the *Planning Act* may also be required where six or more residential units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the *Building Code Act*.

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 By-law 885-2007 are not appealable to the OMB. In this case, the applicant has made an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code.

Through the processing of the Zoning By-law Amendment application it was determined the existing rental apartment building at 30 Erskine Avenue contained six rental units. As a result, on February 6, 2013 the applicant submitted a Rental Housing Demolition and Conversion Application.

City of Toronto Act, Section 111

Section 111 of the City of Toronto Act, 2006 authorizes Council to regulate the demolition and conversion of residential rental properties in the City. By-law No. 885-2007 (also known as the Rental Housing Demolition and Conversion By-law), which established Chapter 667 of the Municipal Code, was enacted by City Council on July 19, 2007.

The By-law makes it an offence to demolish the whole or any part of a residential rental property where there are six or more dwelling units, unless approval has been granted for a Section 111 permit for the demolition. In addition, approval of related planning applications, such as a rezoning, should be conditional upon the applicant receiving a Section 111 permit. City Council may impose conditions on the approval of the Section 111 permit, which typically involve the replacement of rental housing and assistance to any tenants affected by the proposed demolition. The conditions are based on the Official Plan policies and established practices the City has in place when considering rental housing demolition. City Council's decisions on the approval or refusal of a Section 111 permit are not subject to appeal to the Ontario Municipal Board.

If the demolition of rental housing is approved under Municipal Code 667, approval to issue a demolition permit for residential buildings under Municipal Code 363 and section 33 of the Planning Act is also required.

The applicant has submitted an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition of the existing rental units.

Zoning

The subject lands at 18-30 Erskine Avenue were excluded from City of Toronto Zoning By-law No. 569-2013. As such, the former City of Toronto Zoning By-law No. 438-86 continues to apply.

The site is zoned MCR T3.0 C2.0 R2.5 with a height limit of 16.0 metres. The MCR (Mainstreets Commercial Residential) zone permits a wide range of residential uses including apartment buildings and a range of non-residential uses including community services, cultural and arts facilities, institutional uses, retail and service shops, workshops, studios and offices. The applicable zoning permits a total density of 3.0 times the lot area, with a maximum non-residential density of 2.0 times the lot area and a maximum residential density of 2.5 times the lot area.

MCR zones include the following setback standards for buildings containing more than 5 dwelling units:

- A minimum separation distance of 11 metres shall be maintained from the main window of a dwelling unit to the main window of another dwelling unit on the same lot;
- A minimum separation distance of 5.5 metres shall be maintained from the main window of a dwelling unit to a lot line that is not a street or that does not abut a public park.

The site is also subject to exceptions in Section 12(2)118 and 12(2)119 of the Zoning By-law that applies to Yonge-Eglinton. Section 12(2)118(iv) specifies reduced parking standards for the residential component of a mixed-use building as follows: 0.5 parking

space/1-bedroom or bachelor unit; 0.85 space/2-bedroom unit; 1.0 space/3 or more-bedroom units; and 0.25 visitor spaces/dwelling unit.

Site Plan Control

This application is subject to site plan control. An application has been submitted and is being reviewed concurrently with the subject application. The application was not appealed to the Ontario Municipal Board.

Tree Preservation

A permit is required to remove, cut down or injure a tree with a diameter of 30 cm or more on private property and appropriate retention and protection measures will be required for trees that qualify for protection under applicable City of Toronto By-laws.

The Arborist Report filed with the application indicates a total of 12 trees were inventoried. The development proposes the removal of five privately-owned trees on the subject site and the injury to or potential removal of four other privately-owned trees on adjacent properties (within 6 metres of the subject site) that qualify for protection under the Private Tree By-law. There are no City-owned trees within the adjacent public boulevard of Erskine Avenue. The applicant is proposing to plant new trees within the public boulevard adjacent to the site.

Reasons for the Application

The applicant is requesting to amend the provisions of former City of Toronto Zoning By-law 438-86 to permit the proposed building height of 109 metres and a density of 14.9 times the lot area. Other appropriate standards (e.g., setbacks, parking, loading, etc.) would be established through a site specific exception. In addition, a permit is required under the City's Municipal Code to demolish the existing 6-unit rental apartment building on the site.

Community Consultation

On April 9, 2013 a community consultation meeting was held at the Toronto Public Library at 40 Old Orchard View Blvd. Approximately 80 members of the public attended along with the applicant, Ward Councillor and City Planning staff. Planning staff presented an overview of the planning process and the applicant presented their proposal. The following issues and concerns were expressed:

- the site is too small to accommodate a tall building;
- inadequate setbacks and landscaping;
- Erskine Avenue is congested in the morning and evening rush hours and the proposal would add to the congestion;
- traffic infiltration will increase;
- pedestrian safety, particularly children;
- traffic infiltration will increase;

- the increase in traffic and heavy trucks generated by the development will create safety concerns and impact the student pick up and drop off activities at John Fisher Public School;
- the location of the proposed vehicular access is too close to the access to the adjacent school property;
- inadequacy of the proposed parking supply could result in on-street parking;
- the proposed height and density will create a negative precedent for future development applications in the immediate area;
- shadow, view, privacy/overlook and wind impacts particularly on the adjacent school property;
- the proposal will create a nuisance during the construction phase (i.e., noise, vibration, dust, fumes, mud, debris, traffic and on-street parking);
- concerns with respect to tree removal;
- the development will put more strain on an already out dated hydro grid;
- EMS and health care facilities are not keeping pace with the rapid population growth in the Yonge-Eglinton area;
- what will happen to the rental units and how will they be replaced; and
- strong preference for a mid rise building rather than a tall building.

In addition to the community meeting, a working group was established and two meetings were held May and September 2013. The group comprised interested resident groups, a commercial property owner, City staff, the Ward Councillor, Toronto District School Board (TDSB) representatives and the applicant. The first meeting was held with Planning staff, interested resident groups, the commercial property owner, the Ward Councillor and TDSB representatives. The second meeting included the applicant. At the second meeting, the stakeholders at John Fisher Public School (the Land Planning Committee of the School Council) provided the applicant and the City with a comprehensive response to the application entitled "Stakeholder Impact Report" dated May 2013 outlining its concerns with the application.

Further, at the second meeting, the applicant accepted an invitation from TDSB representatives to meet in an effort to consider a joint development strategy that included the School Board's site to the immediate east. As a result, the working group process was put on hold pending completion of that process. Following almost 2 years of consultation with the Board, the applicant informed the City a collaborative approach on a joint development strategy could not be reached.

An on-line petition entitled "John Fisher Public School Friends & Families" was created in response to the application. The petition was sent via email to City Planning staff by over 460 names opposing the proposed development. Further, City Planning staff has received

Agency Circulation

The applications were circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

COMMENTS

Provincial Policy Statement and Provincial Plans

City Council's planning decisions are required to be consistent with the PPS. The 2014 PPS is implemented through the Official Plan. Conformity with the policies of the Official Plan and Secondary Plan need to be addressed by the applicant before staff can determine whether or not the proposal is consistent with the policy directions in the 2014 PPS and would conform to, or not conflict with, the Growth Plan for the Greater Golden Horseshoe.

Land Use

The application proposes a residential apartment building. The proposed use is permitted by the Official Plan *Mixed Use Areas* designation on the site.

Massing, Built Form

The Official Plan public realm policies call for comfortable, safe, and accessible public streets, parks, and open spaces. The Official Plan's built form policies indicate that new development should be designed to fit with its existing and/or planned context; frame and support adjacent streets, parks and open spaces; and limit its impacts on neighbouring streets, parks and properties. The Plan includes specific built form policies regarding tall buildings and the City's Tall Building Guidelines provide detailed guidance on the design of tall buildings. The City's Avenues and Mid-rise Building Study also provide guidance and design criteria and performance standards for mid-rise buildings along Avenues. These policies and guidelines, including the recently approved Midtown in Focus have informed the review and assessment of the proposal.

It is staff's view the proposed development does not comply with policies of the Official Plan respecting built form and does not meet the Council adopted Tall Building Guidelines. In particular, the proposed tower element has inadequate tower setbacks to the east and west property lines.

To the west, the proposed tower setback of 5m is slightly less than the minimum standard 5.5 metre setback. The immediately adjacent property to the west (10 Erskine) is currently developed with a single storey commercial building and given the size of the site is unlikely to redevelop on its own. However it could potentially be consolidated with the mixed use lands along the east side of Yonge Street and north side of Erskine Avenue. While a tall building would not be permitted on these lands by Policy 5.5 of the Yonge-Eglinton Secondary Plan, a mid-rise development with a height of 8-12 storeys would be permitted. Staff is therefore recommending the tower setback along the west property line be increased to more appropriately align with the minimum 11 metre separation standard in the City's Avenues and Mid-Rise Building Study.

To the east the tower is setback 4.5 metres from the property line. The City's Tall Building Guidelines seeks to accommodate a 25 metre separation distance between towers. The recently adopted Midtown in Focus, in particular, Map 21-5 (Pedestrian

Network Plan for the Midtown Character Area) shows a Conceptual New Street on the TDSB lands. In consideration of this and future development opportunities on the TDSB lands, staff is recommending the setback be increased between the proposed tower and the east property line.

Staff is recommending the City Solicitor and appropriate staff be authorized to continue discussions with the applicant in an attempt to resolve the outstanding built form issues in advance of the hearing.

Sun, Shadow, Height

Policy 3.1.2.3 of the Official Plan requires new development to limit its impacts on neighbouring streets, parks and open spaces by adequately limiting any resulting shadowing of, and uncomfortable wind conditions on these areas. The Official Plan places particular importance on limiting shadow impacts on parks and on low-rise *Neighbourhoods* designations. There are lands designated *Neighbourhoods* to the north, on the north side of Keewatin Avenue and west of Yonge Street beyond the commercial frontage.

In order to assess shadow impacts, a shadow study was undertaken for the proposed building which has been reviewed by staff. The study demonstrates there would be unacceptable shadow impacts during the early morning hours of the September and March equinox on the lands designated *Neighbourhoods* west of Yonge Street and on the lands designated *Neighbourhoods* on the north side of Keewatin Avenue, including the public sidewalk on the north side of Keewatin Avenue.

Policy 2.7 of the Secondary Plan seeks to secure a transition in height and scale from developments in *Mixed Use Areas* to *Neighbourhoods* and, in particular to those sites which abut a *Neighbourhood*.

Staff recommends the height of the building be reduced and the upper floors massed and articulated to address the above noted shadow impacts, and to ensure a more appropriate transition in height and scale to the existing *Neighbourhoods* located north and west of the site.

Streetscape

Built Form Policy 3.1.2 requires new development to be located and organized to fit with its existing and/or planned context. The Plan states buildings will frame and support adjacent streets to improve the safety, pedestrian interest and casual views to these spaces by locating buildings parallel to the street, providing consistent setbacks and ground floor uses that have views into and, where possible, access to, adjacent streets. In addition to this policy, Midtown in Focus has been used to assist in the evaluation of the proposed development.

It is staff's view the proposal does not adequately address policy 3.1.2 or support the recently adopted Midtown in Focus policies.

Along Erskine Avenue is a proposed 4 storey base building with no setback from the street save and except some recessing at grade level to accommodate the entrance vestibule to the lounge and lobby to the building. The 4-storey podium is proposed with no setbacks to all four property lines and contains parking. This arrangement provides no opportunity for landscaped open space on private property and provides little pedestrian interest or animation from the street or school property.

Planning cannot support the design or location of the proposed ground floor and podium adjacent to Erskine Avenue and the TDSB school site to the east. It is recommended the building setback, including the podium element, be increased from the Erskine Avenue streetline to accommodate landscaped open space and that all above grade parking proposed within the podium be deleted. An increased setback would provide an appropriate transition between the commercial condition along the north side of Erskine Avenue near Yonge Street to the existing 10.5 m setback of John Fisher Public School. The tower element should be appropriately set back from the edge of the podium (with no balconies or projecting cornices within the set back) so as to mitigate wind conditions along Erskine Avenue.

Staff would also recommend the setback to the ground floor of the building to the east property line, adjacent to the TDSB lands, be increased to accommodate a landscaped pedestrian walkway with grade related residential uses along the east edge of the site and that an appropriate stepback be provided from the podium edge to the proposed tower element.

These improvements would create a more attractive pedestrian oriented edge adjacent to Erskine Avenue and the adjacent school and would be in more aligned with the objectives of Midtown in Focus.

A revised wind study will be required at the site plan stage to confirm acceptable pedestrian comfort conditions are achieved or identify any mitigation measures if deemed necessary.

Staff is recommending the City Solicitor and appropriate staff be authorized to continue discussions with the applicant in an attempt to resolve these issues in advance of the hearing.

Rental Housing Replacement

A Rental Housing Demolition Application under Chapter 667, pursuant to Section 111 of the City of Toronto Act was filed and subsequently completed in March 2013.

Based on the information submitted by the applicant there are a total of 6 residential rental dwelling units on the proposed development site. All 6 two-bedroom rental units had mid-range rents at the time of application; unit size range between 78 m² to 84 m². Residents in the building had access to a shared common laundry room. The City's policy for applications involving demolition of rental housing is to maintain residential rental

tenancies, and the buildings' occupancy, until such time as redevelopment has been approved and construction of the redevelopment is imminent.

When the application was filed, one of the units was occupied while the remaining 5 units were vacant. However, during the processing of the application the remaining tenant vacated the building.

Proposed Replacement Rental Housing

The applicant has proposed to replace the existing rental units with the same number and type of residential rental dwelling units, secure the tenure of the replacement rental dwelling units for at least 20 years and maintain them at similar rental levels (i.e. mid-range rents) for a period of 10 years. The replacement units would be located on the 6th floor of the new building. Tenants of the rental units and condo residents will share a common entrance to the building, as well as all optional access amenity space and bicycle parking for a monthly fee. The units would be slightly smaller than the existing units, with a size range from 65 m² to 80 m². All units would include en-suite laundry room. As currently proposed, the size of the rental replacement dwelling units do not meet the requirements outlined in Policy 3.2.1.6 of the Official Plan. Further discussion with the applicant will be required with respect to replacement rental dwelling unit sizes.

Tenant Relocation and Assistance

The Official Plan policies seek to mitigate the hardship tenants face with having to move from their homes due to redevelopment. The key principles to address this hardship include: the right for tenants to return to a replacement unit; sufficient notice prior to having to move; a moving allowance; and compensation to address issues related to being forced to relocate. Housing policy staff will need to work with the applicant to develop an acceptable Tenant Relocation and Assistance Plan. Housing Policy staff will be scheduling a tenant meeting in accordance with Chapter 667-14 (B).

Tenure

Of the 300 residential units, 294 units would be condominium units and 6 units would be rental housing units. A draft plan of condominium would need to be submitted for approval.

Traffic Impact

Policy 4.5.2 of the Secondary Plan states that prior to the enactment of any Zoning By-law, the City must be satisfied that the proposed development can be accommodated within the existing road network or that any transportation improvements required to support the development have been identified and all necessary provisions made for their implementation.

In order to assess the traffic impacts of this proposal, a Traffic Impact Study (TIS) prepared by the applicant's traffic consultant MMM Group, was submitted with the application. The TIS estimates the project will generate approximately 48 and 45 two-way trips during the a.m. and p.m. peak hours, respectively.

The traffic consultant is recommending the following improvements to support the development:

- Addition of SBL advanced phase at Yonge Street and Redpath Avenue; and
- Signalization of Broadway Avenue and Redpath Avenue.

The study concludes that the site traffic will have limited impact on the boundary road network. Despite this conclusion, Transportation Services staff's comments outlined in the memorandum from Engineering and Construction Services dated January 8, 2013 identifies a number of issues that need to be addressed before the City is in a position to advise that the proposed development can be accommodated within the existing road network or if any transportation improvements are required.

This report is recommending City Council authorize the City staff to continue discussion with the applicant to address the outstanding matters raised in the memorandum dated January 8, 2013 from the Manager, Engineering and Construction Services, which include the issues raised by Transportation Services regarding the applicant's traffic impact study.

Access

Vehicular access/egress would be from Erskine Avenue via a two-way 6 metre wide driveway that would lead to a ramp up to the 4 levels of above grade parking and a ramp to the 4 levels of below grade parking, a loading area and the refuse collection facilities. Transportation Services has not identified any concerns with the location or design of the access driveway to Erskine Avenue however a number of issues have been raised with respect to the design of the internal garage ramps and the design of the loading area.

Parking

The Official Plan states development in *Mixed Use Areas* should take advantage of nearby transit services and provide an adequate supply of parking for residents and visitors. Transportation Services staff note the applicant is proposing to use the following parking rates from City of Toronto Zoning By-law 438-86:

- 0.5 space per dwelling unit for bachelor units and 1-bedroom units;
- 0.75 space per dwelling unit for 2 bedroom and 3-bedroom units;
- 0.06 spaces per dwelling unit be provided for visitors.

Based on the number and type of dwelling units these rates would generate the need to provide 165 parking spaces for residents and 18 parking spaces for visitors for a total supply of 183 parking spaces. The plans indicate a total of 153 parking spaces have been provided comprising 129 resident spaces and 18 visitor spaces. The parking spaces are proposed on 8 levels: 4 below grade (75 spaces) and 4 above grade (78 spaces) within the

base of the building As noted previously in this report, Planning staff has concerns with the parking proposed above grade and is recommending the podium parking be deleted.

It should be noted Transportation Services staff has indicated the 6 proposed tandem parking spaces cannot be counted towards the minimum parking requirement therefore the overall supply would be 147 spaces.

Transportation Services staff has advised parking must be provided in accordance with the above noted rates as set out in By-law 438-86 or the applicant may conduct parking surveys of similar existing buildings that the City can review to determine if a reduction in the required parking is justified.

The amending Zoning By-law for the site will need to include appropriate parking rates to the satisfaction of Transportation Services.

Bicycle Parking

The Official Plan contains policies that encourage reduced automobile dependency as well as promoting alternative modes of transportation. The policies contained within the Plan attempt to increase the opportunities for better walking and cycling conditions for residents of the City. Policy 2.4.7 states, “Policies, programs and infrastructure will be introduced to create a safe, comfortable, and bicycle friendly environment that encourages people of all ages to cycle for everyday transportation and enjoyment including the provision of bicycle parking facilities in new developments”.

The development proposes to provide a total of 200 bicycle parking spaces.

Transportation Planning staff has advised bicycle parking will need to be provided at a rate of 0.8 occupant bicycle parking spaces/unit and 0.2 visitor bicycle parking spaces/unit. These rates would generate the need to provide a total of 300 bicycle parking spaces. Transportation Planning staff has also advised bicycle parking for visitors cannot be provided within a secure room.

The by-law will incorporate the above noted rates and the location of the spaces will be determined through the site plan process.

Loading Facilities

Official Plan policy requires service areas, ramps and garbage storage to be located and screened to minimize the impact on adjacent streets and residences.

Transportation Services staff has advised the applicant must provide a Type G loading space that has a minimum dimension of 13.0 m long x 3.5 m wide by 6.1 m high. Transportation staff have reported the proposed vertical clearance of 4.3 m does not satisfy the by-law requirement.

Engineering Services staff have also identified a number of issues with respect to the proposed waste collection arrangement and advise the design is not acceptable.

Servicing

The applicant submitted a Functional Servicing Stormwater Management Implementation Report, Grading Plan and Servicing Plan with the application. The comments from Engineering and Construction Services (ECS) staff dated January 8, 2013 indicate that further revisions and/or information is required in order for City engineering staff to assess the application and complete its review.

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

The application proposes 300 residential units on a site with a net area of 0.1423ha/1,423 m². At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 4,000m² or 281% of the site area. For sites that are less than 1 hectare in size, a cap of 10% is applied therefore the parkland dedication requirement is 142m².

Parks, Forestry & Recreation (PF&R) staff advise the applicant is required to satisfy the parkland dedication through a cash-in-lieu payment to be paid at the time of issuance of the building permit.

Tree Preservation

A permit is required to remove, cut down or injure a tree with a diameter of 30 cm or more on City or private property. An arborist report and tree preservation plan has been submitted with the application. The report reveals there are no qualifying trees on City property and that there are 5 privately owned trees on the subject site and 4 privately owned trees on adjacent properties that meet the criteria for protection under the City's Private Tree By-law. Urban Forestry Services (UFS) staff notes the determination of ownership of the trees is the responsibility of the applicant and any civil or common-law issues which may exist between the owners with respect to trees must be resolved by the applicant. UFS staff requires a Letter of Consent from the adjacent land owners with the "Application to Injure or Destroy Trees on Private Property" and advise the removal of any privately owned tree may only occur upon receipt of a "Tree Removal Permit" issued by the General Manager of Parks, Forestry and Recreation and after the building and/or demolition permits have been issued.

UFS staff recommends the landscape plan be revised to show 3 large growing canopy trees for the right-of-way on Erskine Avenue, and that the applicant provide financial compensation in lieu of planting trees on private property and financial compensation to remove and/or injure the 9 private trees.

The requirements of Urban Forestry Services would be dealt with through the Site Plan Approval process.

Indoor and Outdoor Amenity Space

Policy 4.2.2(f) of the Official Plan requires that new development provide adequate indoor and outdoor recreation space for building residents. The Official Plan is not prescriptive as to the location or amount of open space rather each application is assessed based on its own merits and context. However, the new City of Toronto Zoning By-law 569-2013 requires indoor and outdoor amenity space be provided at a rate of 2.0 m² per unit.

The plans indicate that an indoor amenity area of 420 m² is being provided on the entire 5th floor at a rate of 1.4 m² per unit with an adjoining outdoor landscaped amenity area of 690 m² at a rate of 2.3 m² per unit on the podium rooftop. The indoor amenity area has been designed to include exercise rooms, party rooms, a boardroom/game room, Wi-Fi lounge, full kitchen, bar and dining room facility and washrooms. Details of the outdoor amenity area have not been provided. Discussions respecting the design of the outdoor amenity space should continue through the site plan process.

The zoning by-law for this site should include a provision for a minimum indoor and outdoor amenity space requirement of 2 m² per unit.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. The site specific zoning by-law will secure performance measures for the Tier 1 development matters related to Automobile Infrastructure and Cycling Infrastructure. Other applicable TGS performance measures will be secured through the site plan approval process.

Schools

The Toronto District School Board has advised there is insufficient space at local elementary schools to accommodate students anticipated from the proposed development, including John Fisher Public School located immediately east of the subject site, and advise it may be necessary for students to be accommodated in facilities outside of the area.

The School Board has requested that as a condition of approval, the applicant enter into an agreement and prior to the issuance of any building permit, erect and maintain signs advising that students may be accommodated in facilities outside the area until adequate funding or space becomes available and also include warning clauses in all offers of purchase and sale of residential units, to the effect that students may be accommodated in

facilities outside the area and policies on bussing. These conditions should be included in an agreement between the applicant and the School Board.

The Toronto Catholic District School Board did not provide comments on the application.

Section 37

Section 37 of the Planning Act enables the City to pass a zoning by-law to grant a height and/or a density increase for a proposal that is greater than the zoning by-law would otherwise permit in return for community benefits. Under the current proposal section 37 policies would apply as the development contemplates a gross floor area of 21,260 m² and a building height of 109.13 metres, whereas the permitted gross floor area under the current zoning by-law would allow a maximum of approximately 3,500 m² and a height of 16 metres.

Since the proposal is not considered appropriate in its current form, discussions with the applicant about the nature and amount of community benefits have not taken place. In the event that the OMB approves the proposed development, this report recommends that the OMB not approve the zoning by-law without the provisions of such community benefits as are appropriate in the opinion of the Chief Planner in consultation with the applicant and the ward Councillor.

Recently approved OPA 289 includes the following policies regarding S37:

- Community facilities including non-profit licensed child care and flexible, multi-purpose community recreation and/or human services space;
- Public parkland and contributions towards park improvements in excess of required parkland dedications under Section 42 of the *Planning Act*;
- Public realm and streetscape improvements within the City rights-of-way not abutting the site, including contribution towards the public realm improvements identified in policies 6.4 to 6.8; and
- Public Art.

These newly adopted policies for the area should form the basis for discussions around where Section 37 funds could be allocated.

Site Plan Control

In the event that the Ontario Municipal Board allows the appeal on the Zoning By-law Amendment application in whole or in part, this report recommends City Council authorize the City Solicitor to request the OMB to withhold its Order allowing the appeal on the Zoning By-law Amendment application in whole or in part, until the owner has addressed all outstanding matters related to the Site Plan application. This will ensure the

streetscape and landscape, built form and urban design matters including the provision of high quality materials and articulated facades appropriate to its location, will be addressed to staff's satisfaction and appropriately align with any rezoning approval.

CONTACT

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Fax No.: (416) 392-3851
E-mail: jkloet@toronto.ca

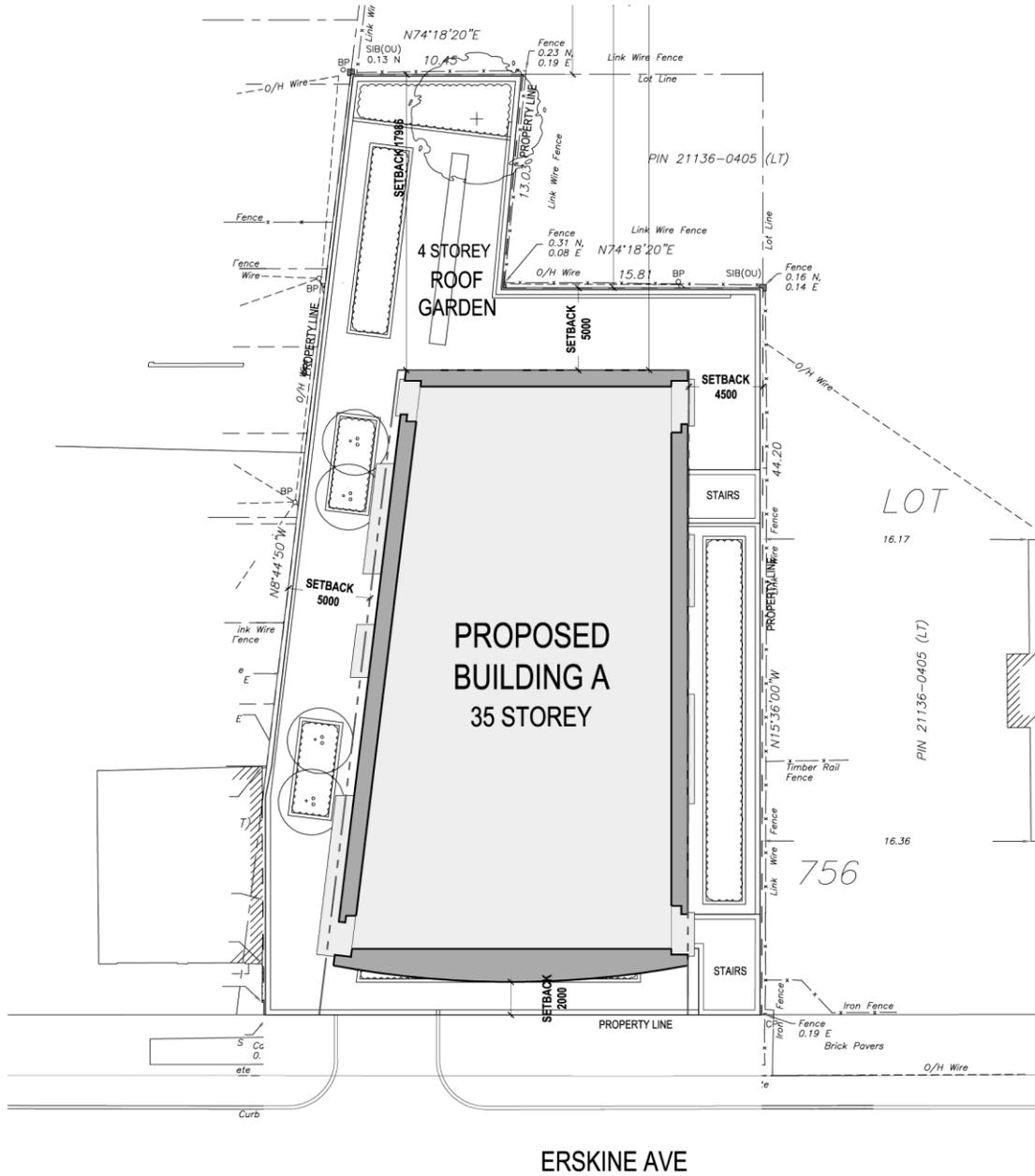
SIGNATURE

Jennifer Keesmaat, M.E.S, MCIP, RPP
Chief Planner & Executive Director
City Planning Division

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: South (Erskine Avenue) Elevation
Attachment 3: North Elevation
Attachment 4: East Elevation
Attachment 5: West Elevation
Attachment 6: Zoning
Attachment 7: Yonge-Eglinton Secondary Plan
Attachment 8: Application Data Sheet

Attachment 1: Site Plan



Site Plan

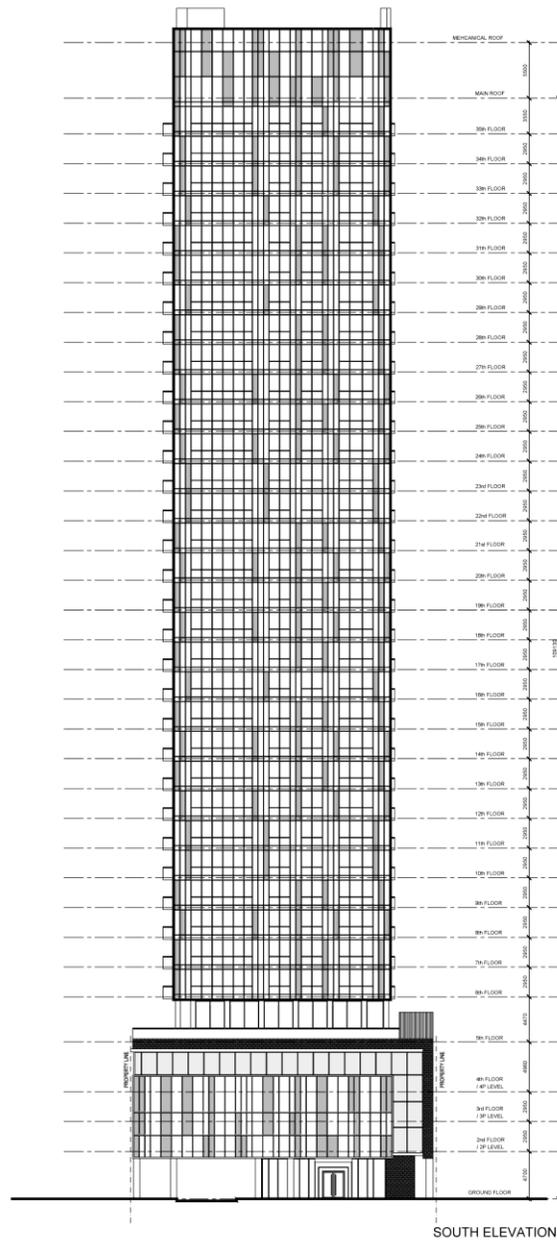
Applicant's Submitted Drawing

Not to Scale 
11/05/2012

18 - 30 Erskine Ave

File # 12 267217 NNY 25 0Z

Attachment 2: South (Erskine Avenue) Elevation



Elevations

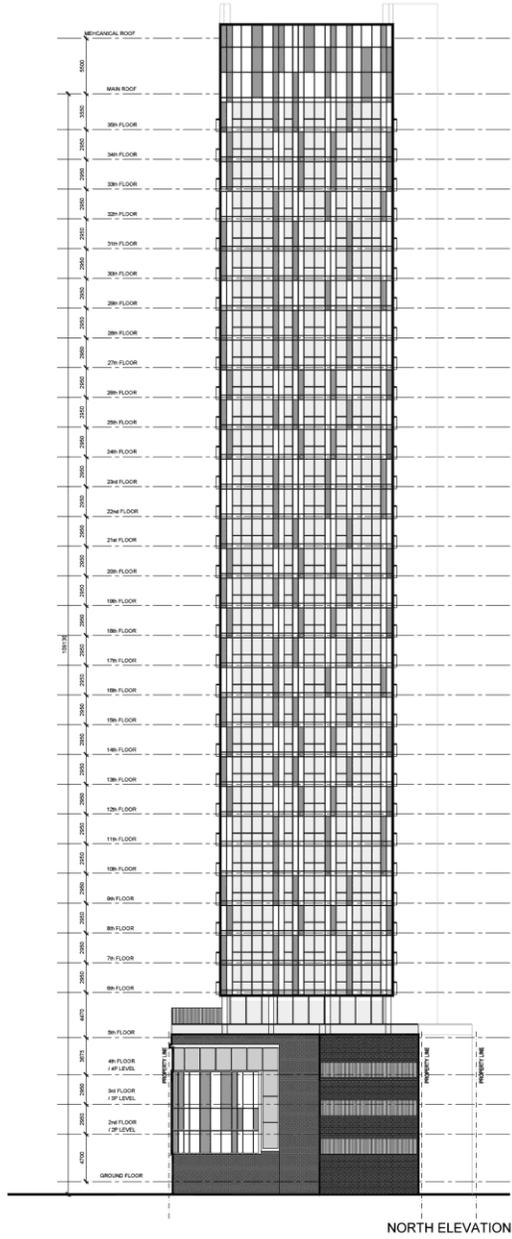
Applicant's Submitted Drawing

Not to Scale
11/05/2012

18 - 30 Erskine Ave

File # 12 267217 NNY 25 0Z

Attachment 3: North Elevation



Elevations

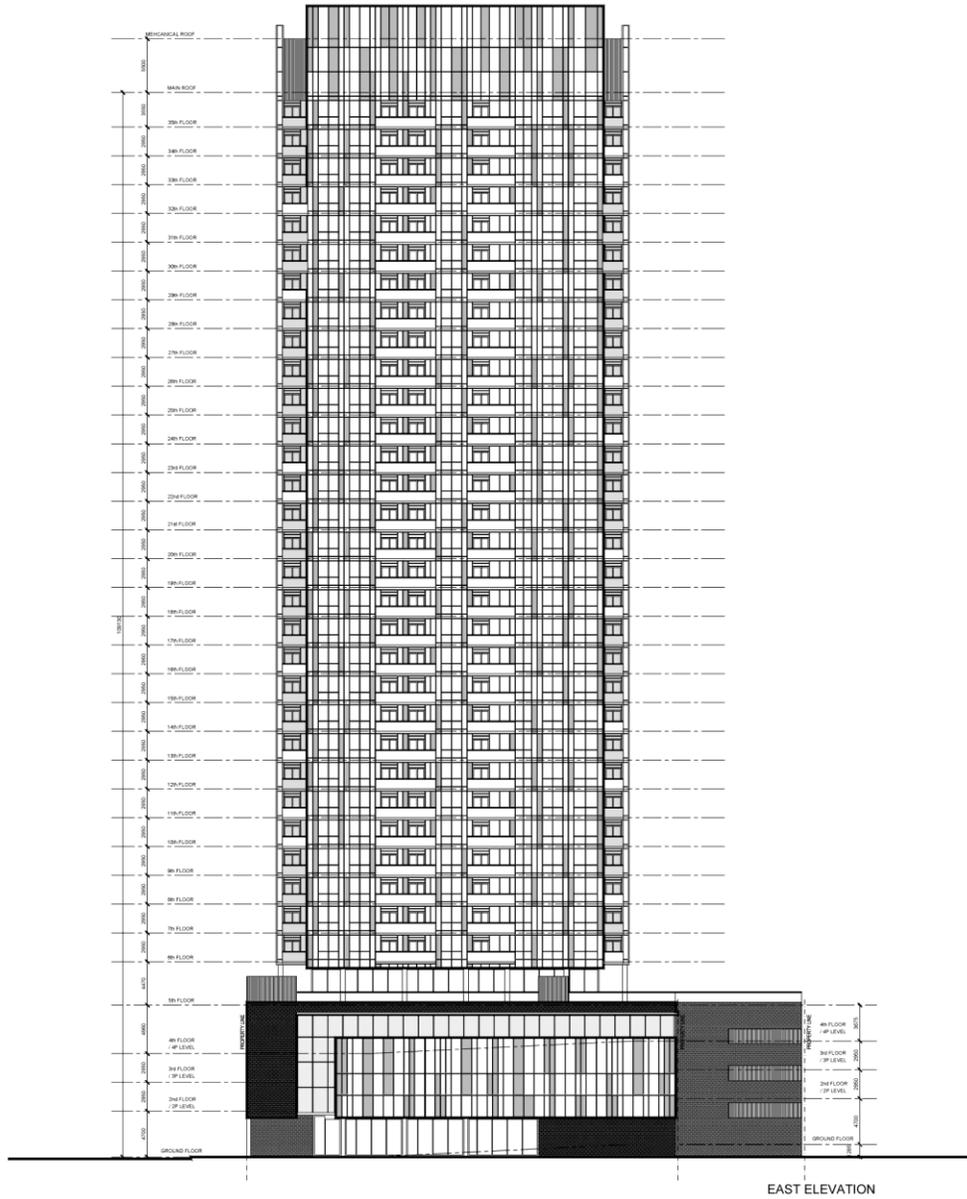
Applicant's Submitted Drawing

Not to Scale
11/05/2012

18 - 30 Erskine Ave

File # 12 267217 NNY 25 0Z

Attachment 4: East Elevation



Elevations

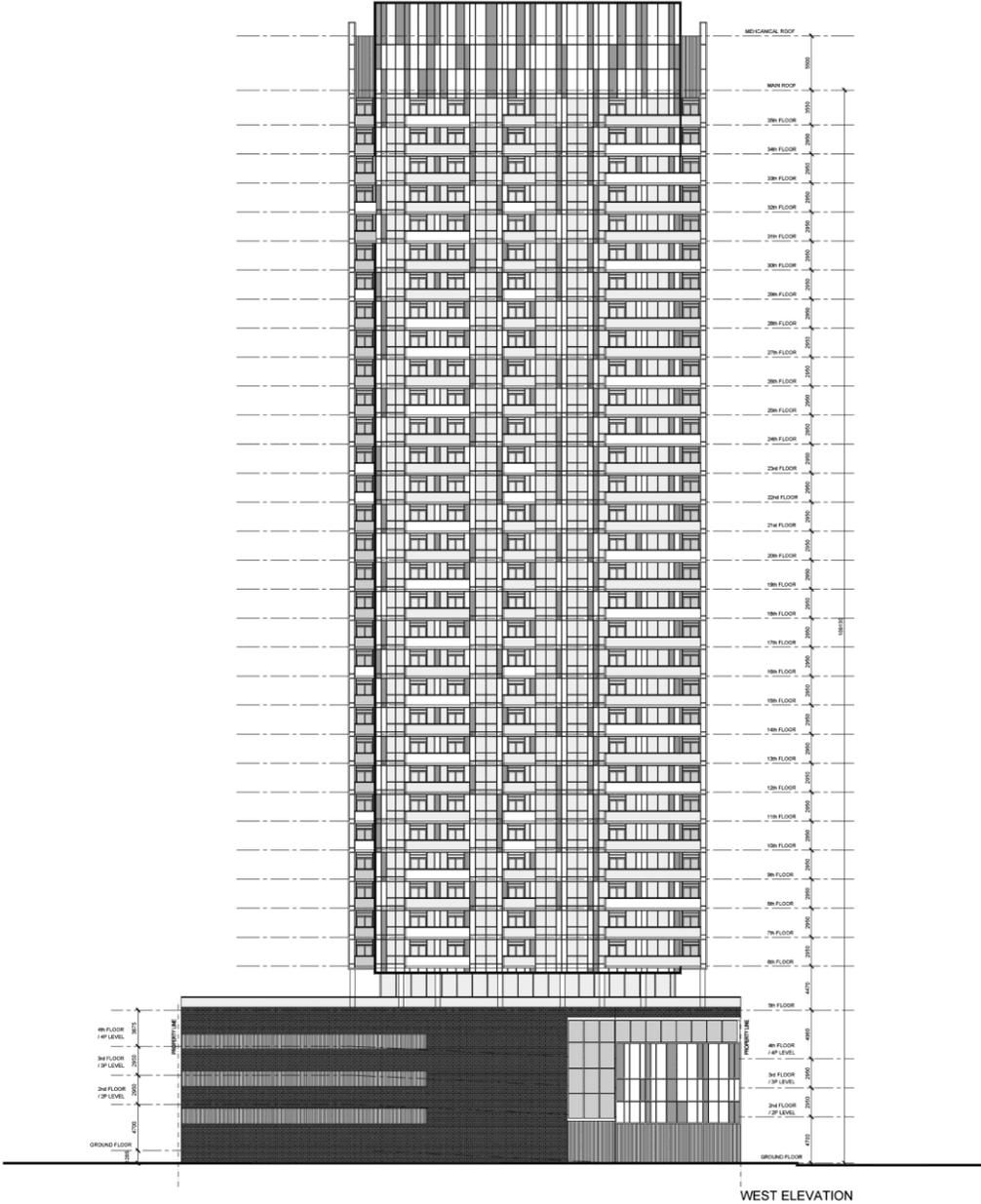
Applicant's Submitted Drawing

Not to Scale
11/05/2012

18 - 30 Erskine Ave

File # 12 267217 NNY 25 0Z

Attachment 5: West Elevation



Elevations

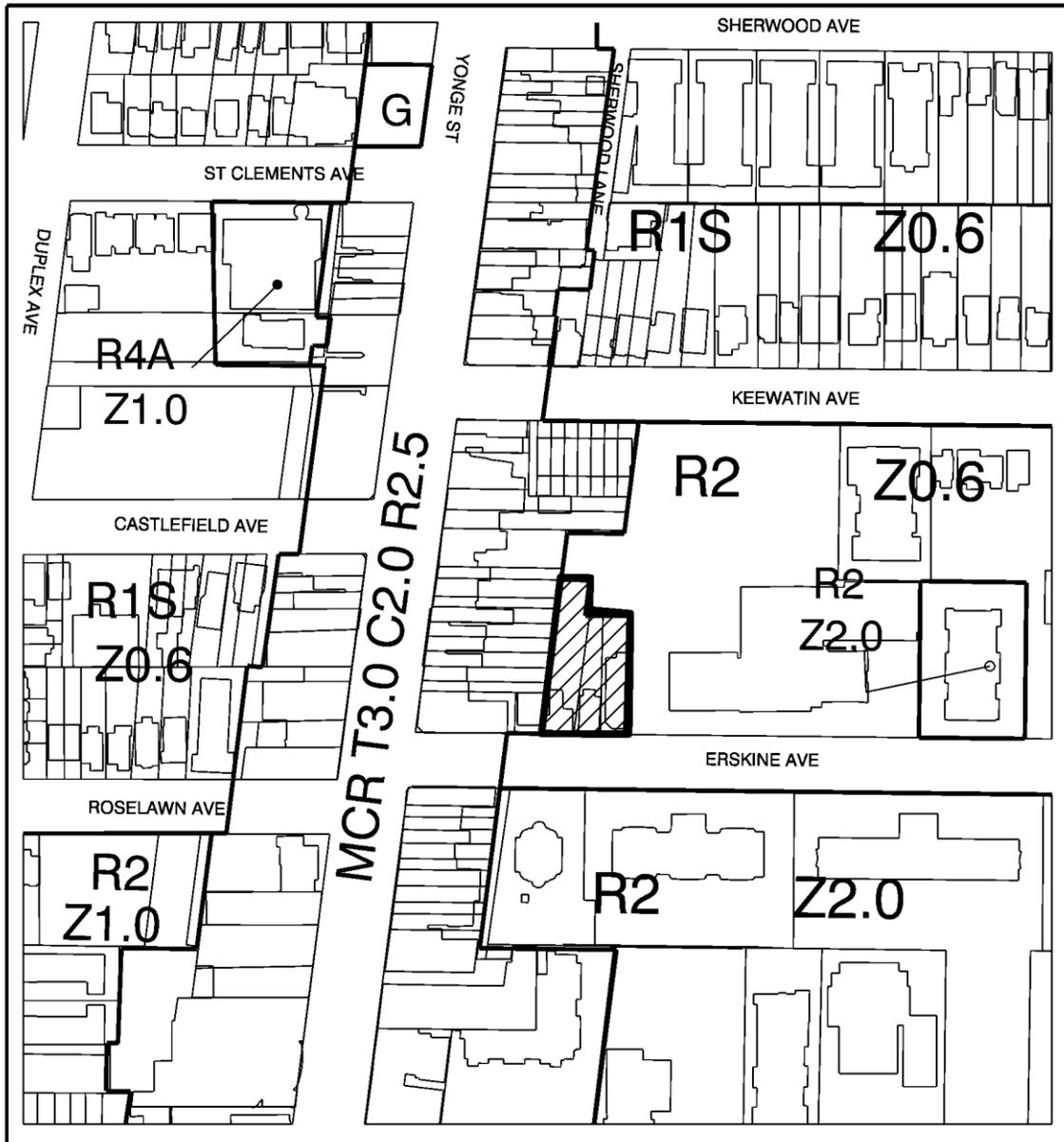
Applicant's Submitted Drawing

Not to Scale
11/05/2012

18 - 30 Erskine Ave

File # 12 267217 NNY 25 0Z

Attachment 6: Zoning



TORONTO City Planning
Zoning

18 - 30 Erskine Ave
File # 12 267217 NNY 25 02

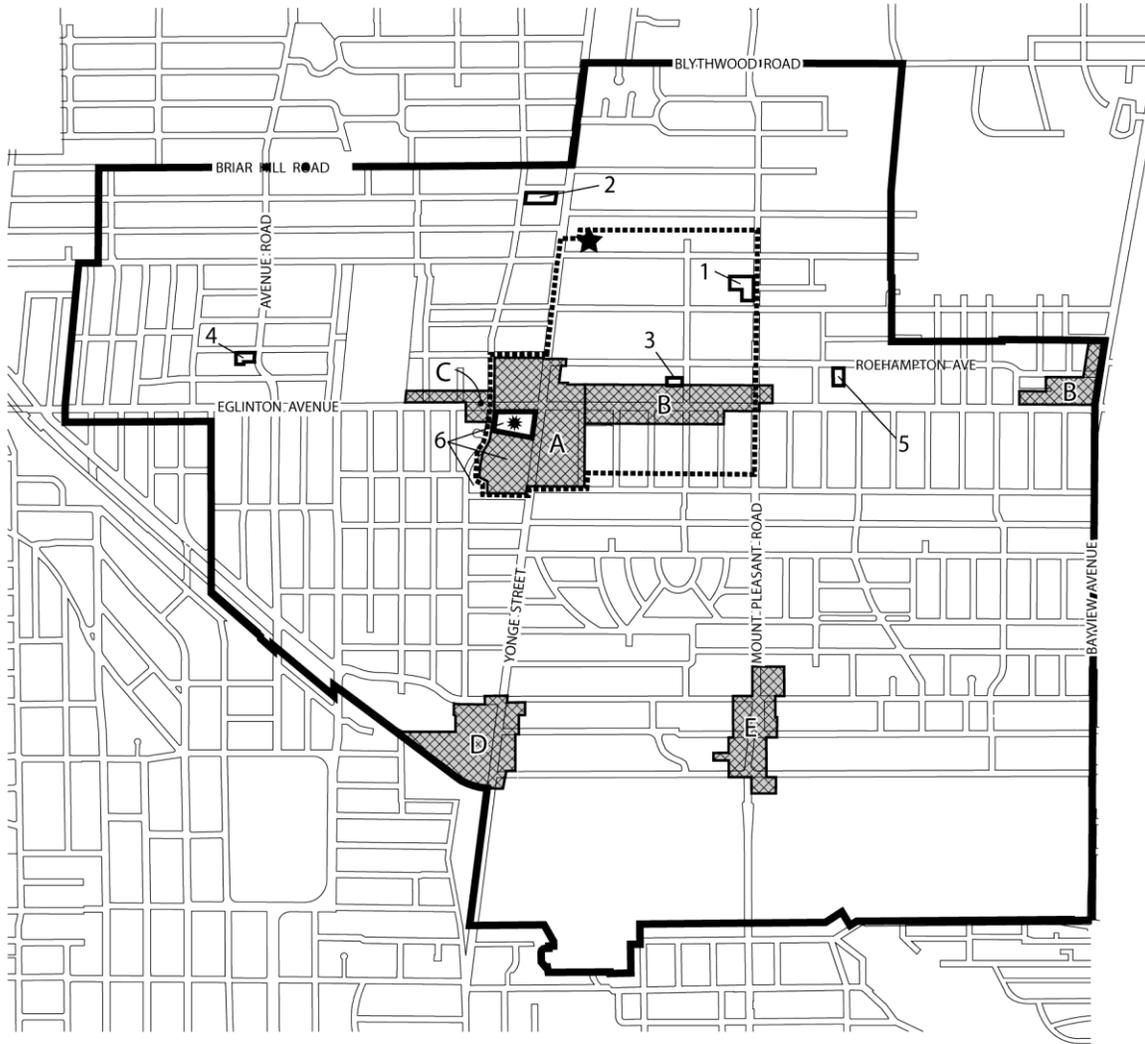
- R1 Residential District
- R2 Residential District
- R4 Residential District

MCR Mixed-Use District

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

↑
Not to Scale
Zoning By-law 7625
Extracted 11/06/2012

Attachment 7: Yonge-Eglinton Secondary Plan



- Secondary Plan Boundary
- Mixed Use Areas
- ★ Special Study Area
- ★ Proposed Development Location
- Yonge-Eglinton Centre
- 1 to 6 Site and Area Specific Policies

Yonge-Eglinton Secondary Plan

18-30 Erskine Avenue

MAP 21-1 Land Use Plan

Not to Scale

File # 12 267217 NNY 25 OZ

Attachment 8: Application Data Sheet

Application Type	Rezoning	Application Number:	12 267217 NNY 25 OZ
Details	Rezoning, Standard	Application Date:	October 23, 2012
Municipal Address:	18-30 ERSKINE AVE		
Location Description:	PL 756 PT LT96 << ENTRANCE ADDRESS FOR 20 ERSKINE AVE **GRID N2507		
Project Description:	Applications to amend former City of Toronto Zoning By-law 438-86 and Site Plan Approval to accommodate a residential development comprising a 35-storey, 300-unit, condominium apartment building with 153 parking spaces.		

Applicant:	Agent:	Architect:	Owner:
SHERMAN BROWN	ADAM BROWN	RAFAEL + BIGAUSKAS ARCHITECTS	ERSKINE PARK HOLDINGS INC

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N
Zoning:	MCR T3 C2.0 R2.5	Historical Status:	
Height Limit (m):	16	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1422.63	Height:	Storeys:	35
Frontage (m):	30		Metres:	109.12
Depth (m):	57			
Total Ground Floor Area (sq. m):	420			Total
Total Residential GFA (sq. m):	21260		Parking Spaces:	153
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	21260			
Lot Coverage Ratio (%):	29.52			
Floor Space Index:	14.94			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	240
2 Bedroom:	60
3 + Bedroom:	0
Total Units:	300

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	21260		0
Retail GFA (sq. m):	0		0
Office GFA (sq. m):	0		0
Industrial GFA (sq. m):	0		0
Institutional/Other GFA (sq. m):	0		0

CONTACT:	PLANNER NAME:	Steve Forrester, Senior Planner
	TELEPHONE:	(416) 395-7126

Appendix “2”



July 3, 2015

Our File No.: 00-1407

Legal Services, City of Toronto
Metro Hall
55 John Street, 26th Floor
Toronto ON, M5V 3C6

Attention: Ms. Sarah O’Connor and Mr. Stephen Bradley, City Solicitors

Dear Ms. O’Connor and Mr. Bradley:

Re: Settlement of Appeal - “Without Prejudice” Offer to Settle

- 18-30 Erskine Avenue
- City File No. 12 267217 NNY 25 OZ
- OMB File No. PL150293

We are the solicitors for the applicant/appellant with respect to the above-noted matter, whose appeal in respect of their proposed application for rezoning is currently scheduled to proceed to a final hearing before the Ontario Municipal Board on August 11, 2015. Following the submission of the original rezoning application, our client attempted, on numerous occasions, to move forward in a cooperative manner in a way that would resolve the issues raised by City Staff over the past 32 months.

With no final report being brought forward, our client had no choice but to file the appeal, with the hope that a final cooperative resolution of this application could be achieved. In any event, given the pending hearing before the Ontario Municipal Board, our client has authorized the writer to file the within revised plans, which plans include the following revisions:

1. The height of the tower has been reduced from 35-storeys to 32-storeys, along with the addition of a “stepped” design towards the north, gradually terracing from 32-storeys to 29-storeys, ensuring no shadow impacts on the homes on the north side of Keewatin Avenue or on the west sidewalk of Yonge Street beyond those which would be cast by the as-of-right mid-rise permissions along the east side of Yonge Street;
2. The tower setbacks have been revised as follows:
 - south: from 2.0 m to 7.5 m (with the exception of a bay window projection of 0.6 m above the third floor);

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PRACTICING IN ASSOCIATION

5075 YONGE STREET • SUITE 900 • TORONTO, ONTARIO • M2N 6C6 • TELEPHONE: (416) 222-0344 • FACSIMILE: (416) 222-3091

The individual lawyers named above practice in association with Adam J. Brown Professional Corporation

- east: from 4.5 m to 8.0 m;
- west: from 5.0 m to 2.0 m (for the majority of the lotline); and
- north: from 5.0 m to 1.5 m;

3. The residential gross floor area of the typical tower floorplate, as a result of the above-noted revisions to the tower setbacks, has been reduced from 682 m² to 616 m²;
4. The height of the podium has been reduced from 4-storeys to 3-storeys along Erskine Avenue, with a further reduction from 4-storeys to 1-storey at the northwest corner of the Site;
5. A “dog relief area” has been added to the outdoor amenity area located on the roof of the podium above the 1-storey element;
6. By providing a 7.5 m setback along Erskine Avenue, the design accommodates the planting of significant trees, providing the necessary soil depth to ensure same;
7. The at-grade podium setback from the east lotline has increased from 0 m to 4.5 m, so as to accommodate the introduction of a 1.5 m wide pedestrian walkway and a 3.0 m wide landscaped area adjacent to the school yard to the east. The 4.5 m setback is provided from grade to the underside of the first storey, with the 3.0 m setback provided from the grade to the sky;
8. The proposal, which originally included 153 parking spaces within 3 levels of below-grade parking and 3 levels of above-grade parking (on the second, third and fourth floors), has been revised to provide a total of 88 parking spaces within 4 levels of below-grade parking, inclusive of 4 car-share parking spaces, for an effective total of 94 parking spaces;
9. If there is a desire to accommodate a “lay-by” along the Erskine Avenue frontage, that too can be achieved with the generous 7.5 m setback proposed along Erskine Avenue, subject to Council approval;
10. As a result of the above-noted removal of all above-grade parking levels, the second and third floors of the podium have been animated with residential units along the south and eastern portions of the podium, providing “eyes on the street” to the adjacent public open spaces, with amenity space to the north and west;
11. Glazing has been introduced at-grade along the east side of the lobby, adjacent to the new walkway;
12. The proposed number of dwelling units has increased from 300 units to 322 units;

13. As a result of the above-noted revisions, the total proposed residential gross floor area has been reduced from 21,260 m² to 18,992 m², resulting in a decrease in the proposed density from 14.9 to 13.3 x the area of the lot;
14. We confirm that our client will fully replace the 6 vacated rental units in accordance with the City's rental replacement policies, all of which will be secured through both the typical Section 111 Agreement as well as appropriate Section 37 conditions; and
15. If the within settlement proposal is endorsed by City Council, our client is agreeable to a \$750,000.00 Section 37 financial contribution towards community benefits within the local area. If the above-noted funds are directed towards the improvement of sidewalks and landscaping along Erskine Avenue, such public benefit is supported by our client.

We confirm that our client is agreeable to proceed in accordance with the revised plans, a copy of which is attached hereto. Should you have any questions, please do not hesitate to contact the undersigned or Ms. Laura MacCormick, a Planner in our office.

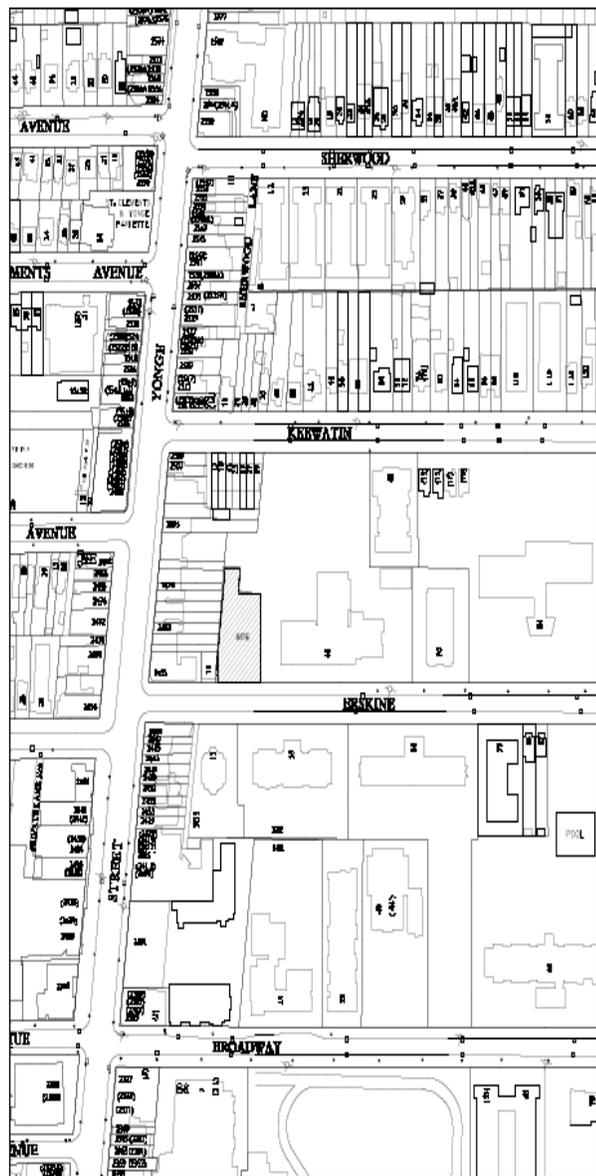
Yours very truly,



Adam J. Brown

Encls.

Cc: Mr. Mike Varey, Executive Assistant to Councillor Jaye Robinson
Mr. Ben Daube, President, Sherwood Park Residents' Association



Toronto Green Standard Version 2.0 Statistics Template

Toronto Green Standard Statistics

Project Name	11-110 18-30 ERSKINE AVE
Project Address	11-110 18-30 ERSKINE AVE
Project City	ALTON PLACE
Project Date	July 2, 2010
Project Status	STATISTICS
Project Type	1,433.42 SQ FT
Project Area	14,333.87 SF

11-110 18-30 ERSKINE AVE

STATISTICS ALTON PLACE

July 2, 2010

1. SITE AREA 1,433.42 SQ FT 14,333.87 SF

2. BUILDING HEIGHT Proposed 22 Storey Building, 137.20m measured from established grade

3. OFFICE BREAKDOWN

Proposed Grade Levels	Area (sq ft)	Area (sq m)
71 to 73 Elev Lobby	80 sq ft	7.42 sq m
Ground Floor	148 sq ft	13.67 sq m
2nd Floor	274 sq ft	25.42 sq m
3rd Floor	274 sq ft	25.42 sq m
4th Floor	274 sq ft	25.42 sq m
5th Floor	274 sq ft	25.42 sq m
6th Floor to 20th Floor	816 sq ft x 15 FL =	12,240 sq m
21st Floor	274 sq ft	25.42 sq m
22nd Floor	274 sq ft	25.42 sq m
23rd Floor	274 sq ft	25.42 sq m
Total Proposed GFA	13,346 sq ft	1,234.82 sq m

4. DENSITY 12.861 sq ft/area

5. UNIT COUNT BREAKDOWN

Per Floor	Total
2nd Floor	1
3rd Floor	1
4th Floor	1
5th Floor	1
6th Floor	1
7th Floor	1
8th Floor	1
9th Floor	1
10th Floor	1
11th Floor	1
12th Floor	1
13th Floor	1
14th Floor	1
15th Floor	1
16th Floor	1
17th Floor	1
18th Floor	1
19th Floor	1
20th Floor	1
21st Floor	1
22nd Floor	1
23rd Floor	1
Total Unit Count	23

6. AMENITY AREA

Amenity Area Provided	
Indoor amenity	= 322 units x 2.8 sq ft/units = 901 sq ft
Outdoor amenity	= 322 units x 1.2 sq ft/units = 386 sq ft
Total amenity provided	1,287 sq ft

7. PARKING SPACES BREAKDOWN

Parking Spaces Provided	
Residential Parking Spaces	0.22 parking spaces/unit x 322 units = 71 Spaces
Visitor Parking Spaces	0.22 parking spaces/unit x 322 units = 71 Spaces
Total Parking Spaces Provided	142 Spaces

8. BICYCLE STORAGE BREAKDOWN

Bicycle Storage Requirement	1.4 per unit x 322 units = 450 Spaces
Residential Bicycle Storage	1.1 per unit x 322 units = 354 Spaces
Visitor Bicycle Storage Requirement	1.1 per unit x 322 units = 354 Spaces
Total Bicycle Storage Requirement	904 Spaces

The architect does not warrant the accuracy and completeness of the information provided in this report and does not accept any liability for any errors or omissions. The architect's responsibility is limited to the preparation of the drawings and the provision of professional services as defined in the contract documents.

The drawings are not to be used for any other purpose without the written consent of the architect.

DATE: 2010-07-02

PROJECT: 11-110 18-30 ERSKINE AVE

ARCHITECTS: RAFAEL DIAZ AUSAUS ARCHITECTS

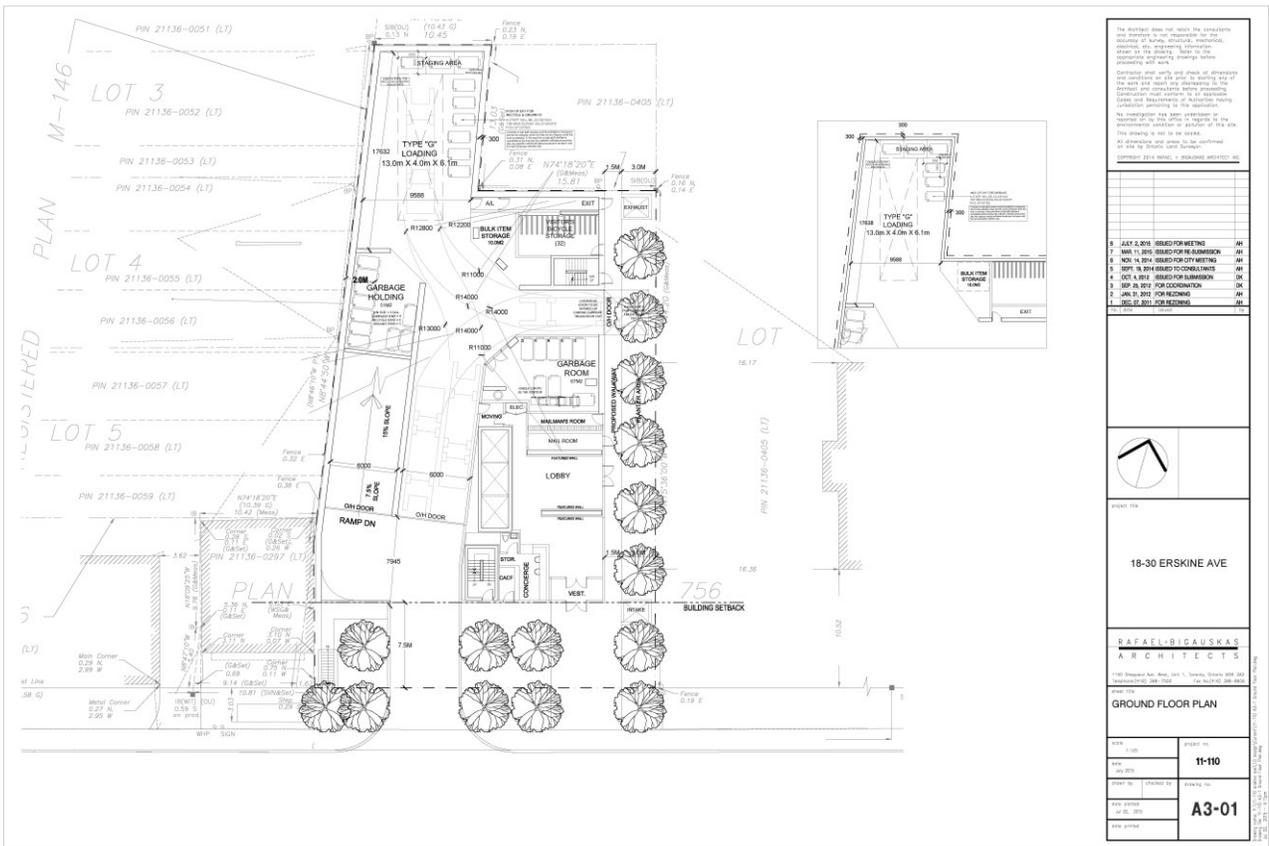
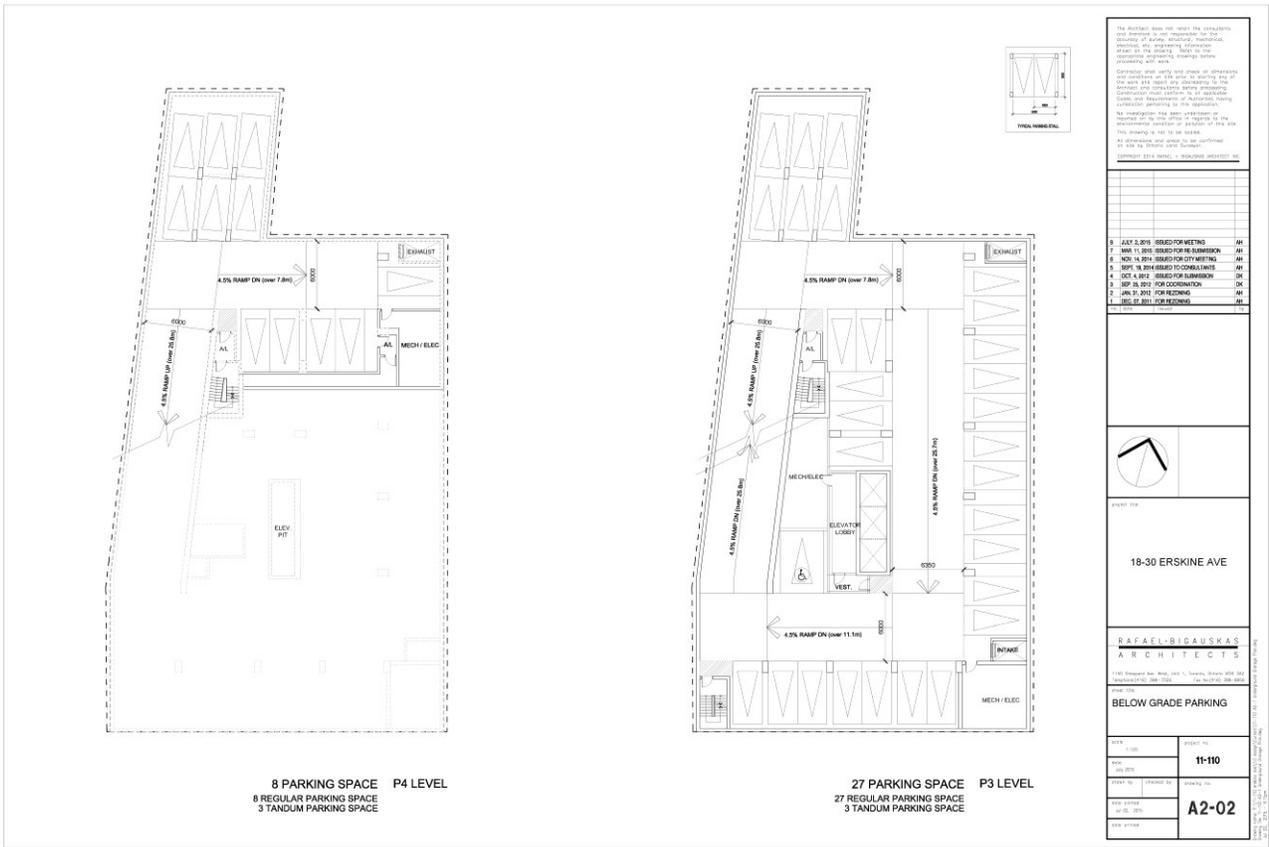
1110 Sheppard Ave. East, Unit 1, Toronto, Ontario M2K 3K2
Tel: (416) 491-1110 Fax: (416) 491-1111

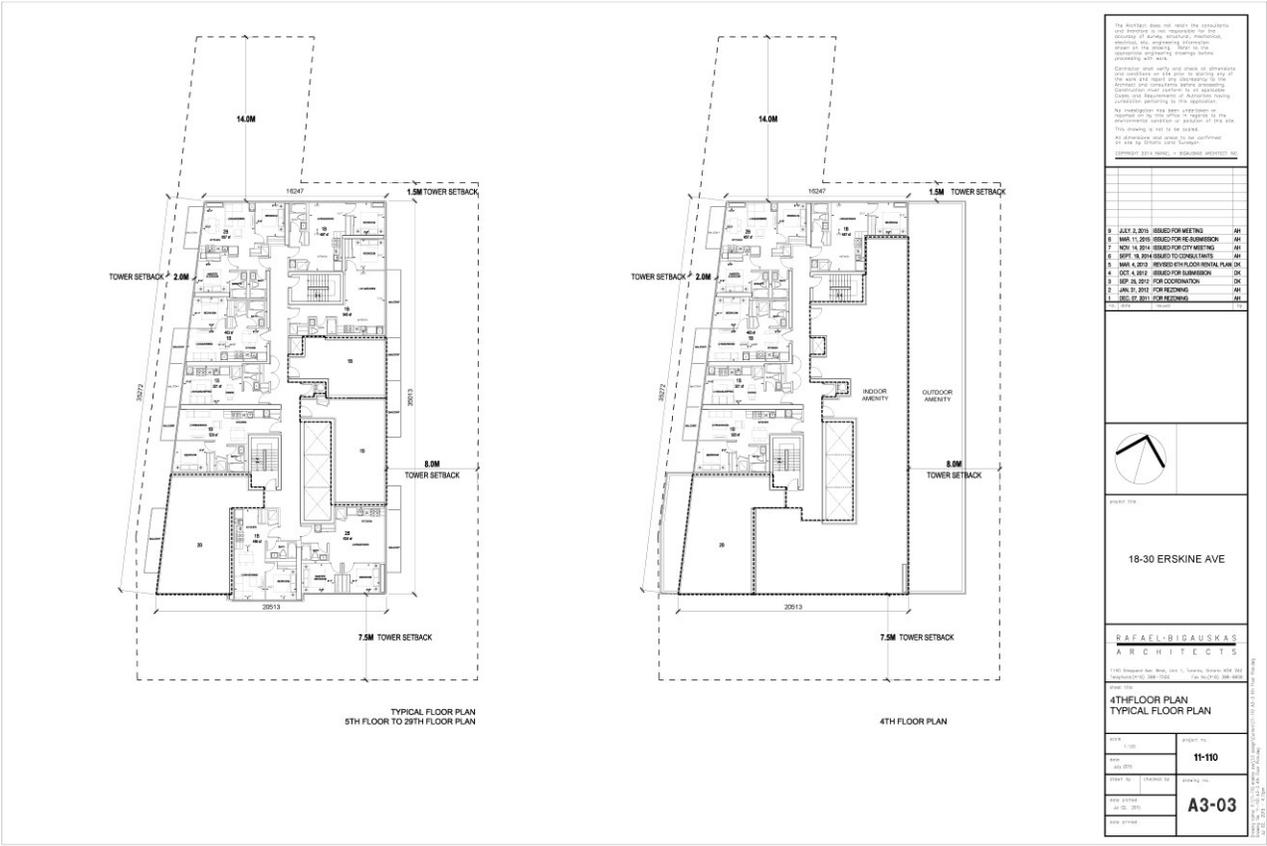
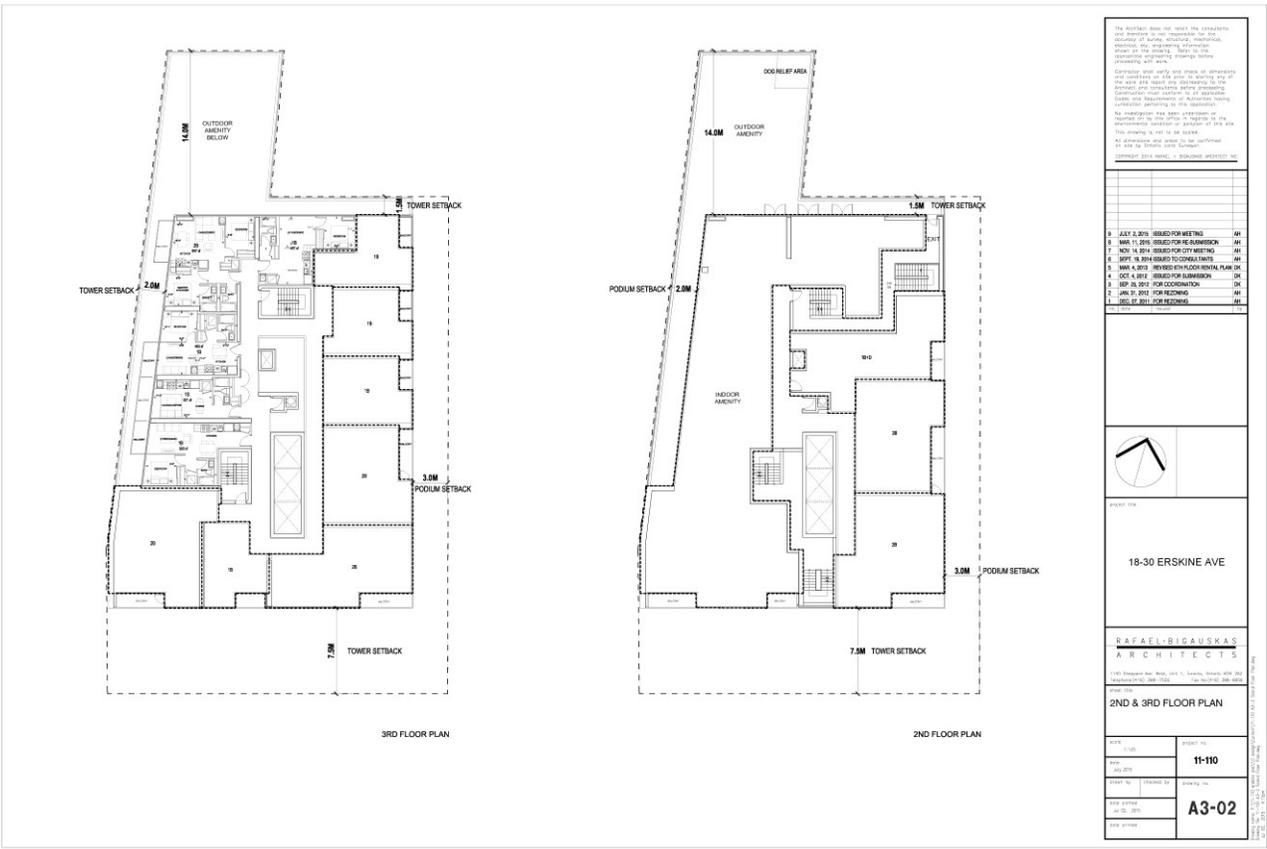
Sheet No: CONTEXT PLAN & STATS

DATE: 11-10

SCALE: 1/8" = 1'-0"

PROJECT: A1-01







Appendix “3”

City Planning Division Review

File No.: 12 267217 NNY 25 OZ and 13 116882 NNY 25 RH

Settlement Proposal

On July 3, 2015, the applicant's solicitor submitted a without prejudice settlement offer to the City. The settlement offer proposes a reduction in the height of the building, revises setbacks to the ground floor, podium and tower, reduces the size of the tower floorplate, gross floor area and density, reduces the height of the podium, replaces parking previously proposed within the podium with residential uses and reduces the overall parking supply and parking rate. It is noted, as a result of the deletion of parking from the podium, the number of dwelling units has increased from 300 to 322. The settlement offer confirms the applicant's intent to fully replace the 6 vacant rental units on the site in accordance with the City's rental replacement policies and proposes a \$750,000.00 Section 37 financial contribution towards community benefits within the local area. A summary of the applicant's settlement offer is found in Appendix "2".

Streetscape, Base Setbacks

The OMB Direction Report expressed concerns with the design, use and setbacks of the 4-storey base proposed along the Erskine Avenue frontage and along the east property line adjacent to the Toronto District School Board (TDSB) property.

While the height of the podium was not identified as a concern to Planning staff, the settlement offer proposes a reduction from 4-storeys to 3-storeys along Erskine Avenue and the TDSB lands and from 4-storeys to 1-storey at the northwest corner of the site.

Along Erskine Avenue, the setback to the ground floor, podium and tower has been increased to 7.5 metres, save and except a centrally located 0.6 metre bay window projection into the setback between floors 4-32. Planning staff support the ground floor and tower setbacks of 7.5 metres, consistent with the Midtown in Focus setback recommendations, but would recommend the base (2nd and 3rd) floors project forward to provide a setback of 6 metres from Erskine Avenue so as to accommodate a minimum tower setback of 1.5 metres. Further, Planning staff recommend the projecting balconies be removed within the setback to mitigate pedestrian wind conditions on Erskine Ave.

The settlement offer proposes a 4.5 metre ground floor setback along the east property line. The setback includes a 3 metre wide landscaped edge next to the TDSB property line and a 1.5 metre wide covered walkway along the east side of the building that connects to the Erskine Avenue municipal sidewalk. The east wall of the ground floor would be glazed. Planning staff support this change.

The podium is proposed to be setback 3 metres from the east property line. This setback, together with the 4.5 metre setback at the ground floor and to the proposed tower will accommodate a minimum of 1.5 metres tower setback from the edge of the base. The role of the setback is to improve wind conditions at ground level. Similar to above, Planning staff recommend the proposed projecting balconies be removed within the setback to mitigate pedestrian wind conditions on the TDSB lands. A revised wind study will be required at the site plan stage to confirm acceptable pedestrian comfort

conditions are achieved or identify any mitigation measures if deemed necessary prior to finalizing the Zoning By-law amendment.

Tower Setbacks

The Direction Report dated June 27, 2015 advised the proposed development does not comply with the policies of the Official Plan respecting built form and does not meet the Council adopted Tall Building Guidelines. In particular, the report expressed concerns with the tower setbacks to the east and west property lines.

The report recommended the tower setback along the west property line be increased from the proposed 5 metres to more appropriately align with the minimum 11 metre separation standard in the City's Avenues and Mid-Rise Building Study. The report also recommended the proposed tower setback of 4.5 metres along the east property line adjacent to TDSB lands be increased.

Along the west property line, the settlement offer proposes a tower setback of 2 metres. A minimum of 5.5 metres from the west property line is required to meet the minimum separation distance for privacy to future adjacent development.

Balconies are proposed within the current 2 metre setback from the west property line. Planning staff further recommend the proposed balconies be inset into the building face with a maximum projection of 0.75 metres (within the staff recommended 5.5m setback) to maintain separation distance and privacy to potential future development to the west.

In order to achieve a settlement, and in view of new policies that pertain to achieving a midblock connection in this part of the Secondary Plan area, Planning staff is prepared to support a minimum setback of 4.5 metres to the tower from the east property line.

Planning staff is prepared to support a reduced tower setback along this edge of the site in view of new policies that pertain to achieving midblock connections in this area.

Along the easterly portion of the north property line, the tower is proposed to be setback 1.5 metres. Planning staff are concerned that the percentage of window openings may not comply with the requirements of the Ontario Building Code (OBC). The OBC regulates the size of "unprotected openings" such as doors and windows, in relation to their distance from the property line and non-compliance may necessitate the need to create a blank wall condition or alternatively, necessitate the need to enter into a Limiting Distance Agreement with the TDSB to establish a limiting distance to a point beyond the property line. The applicant has advised this section of the north elevation would be sprinklered therefore nullifying the need to reduce or eliminate windows or require an agreement. However, should this not be the case, Planning staff will not support a blank wall condition and the setback would need to be increased accordingly.

Should the proposed 1.5 metre tower setback and window arrangement satisfy OBC requirements, Planning staff recommend the internal organization of the dwelling units in the tower adjacent to the 1.5m setback be reorganized to ensure secondary or side windows face the north property line rather than the currently proposed primary fronting windows to improve privacy conditions to any potential future development on the TDSB lands north of the site and the existing townhomes further north on the south side of Keewatin Avenue.

Sun, Shadow, Height

The Direction Report recommended the height of the building be reduced and the upper floors massed and articulated to address shadow impacts and ensure a more appropriate transition in height and scale to the existing *Neighbourhoods* located north and west of the site.

The height of the building has been reduced from 35-storeys to 32-storeys and incorporates a stepped design towards the north, gradually terracing from 32-storeys to 29-storeys.

On July 7, 2015, the applicant submitted a revised shadow study based on the settlement offer. The shadow study confirms the reduced building height and upper floor design adequately limits shadow impacts on nearby *Neighbourhoods* during the spring and fall equinoxes. Planning staff can therefore support the proposed height in the settlement offer. Further work will be necessary at the site plan stage to limit shadows of the tower with balcony placement and the mechanical penthouse.

Parking

The original proposal included 153 parking spaces within 3 levels of below grade parking and 3 levels of above grade parking (on the 2nd, 3rd and 4th floors). As noted above, the settlement offer reduces the height of the podium from 4 to 3-storeys and 1-storey and replaces the above grade parking with residential uses.

The settlement offer proposes 4 levels of underground parking with 92 parking spaces (including 4 car-share spaces). This represents a parking rate of 0.30 spaces per dwelling unit (0.27 spaces for residents and 0.03 spaces for visitors).

In addition to addressing the outstanding Transportation Services matters outlined in the memorandum dated January 8, 2013 from the Manager, Engineering and Construction Services, North York District, the applicant will need provide justification to the satisfaction of Transportation Services for the reduced parking rate.

Section 37

As noted in the Direction Report, since the initial proposal is not considered appropriate in its current form, discussions with the applicant about the nature and amount of community benefits have not taken place.

The settlement offer is proposing a \$750,000.00 Section 37 financial contribution towards community benefits with the local area. The applicant has indicated this contribution is in keeping with other development in the Yonge-Eglinton area. Planning staff is not in a position at this point to recommend acceptance until such time as Planning staff have consulted with Real Estate Services staff regarding the estimated value of additional density and have had an opportunity to review other contributions in the Yonge-Eglinton area.

Conclusion

Planning staff are recommending the revisions identified in this review as the basis for a settlement of the appeal and subject to the applicant addressing the outstanding comments outlined in the memorandum dated January 8, 2013 from the Manager, Engineering and Construction Services, North York District, including a justification for the proposed parking rates to the satisfaction of Transportation Services.