

55 Erskine Avenue – Zoning By-law Amendment – Request for Directions Report

Date: July 3, 2018

To: North York Community Council

From: Director, Community Planning, North York District

Wards: 25 - Don Valley West

Planning Application Number: 17 145066 NNY 25 OZ

SUMMARY

This application proposes to amend the Zoning By-laws for the lands at 55 Erskine Avenue to permit the construction of a 12-storey (38 metre high) residential building. The proposed development would be located at the rear of 55 Erskine Avenue, fronting on Broadway Avenue. The proposed development consists of 147 residential units and 117 vehicular parking spaces. The existing 17-storey rental building with 188 units would be retained. The total proposed density is 3.43 times the lot area.

The owner appealed the Zoning By-law Amendment application to the Local Planning Appeal Tribunal (LPAT) citing City Council's failure to make a decision within the prescribed time frames set out in the *Planning Act*. A prehearing is scheduled for August 17, 2018.

The purpose of this report is to seek City Council's direction for the City Solicitor, together with appropriate City staff, to attend the Local Planning Appeal Tribunal hearing to oppose the application as currently proposed as staff have concerns with the development application including the building scale, massing, and site organization. The proposal does not support the emerging direction for the Yonge-Eglinton Secondary Plan Area. This report also recommends that the City Solicitor and appropriate staff be authorized to continue discussions with the applicant in an effort to address the issues outlined in this report.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor, together with City Planning staff and any other City staff as appropriate, to attend the Local Planning Appeal Tribunal (LPAT) hearing to oppose the Zoning By-law Amendment application in its current form for the lands located at 55 Erskine Avenue.
2. City staff continue discussions with the applicant to revise their proposal to address outstanding issues outlined in this report.

3. Should the Local Planning Appeal Tribunal approve the applications, City Council direct the City Solicitor to advise the Tribunal that the Zoning By-laws should not be approved without the provision of such services, facilities or matters pursuant to Section 37 of the Planning Act, as may be considered appropriate by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor.
4. In the event that the Local Planning Appeal Tribunal allows the appeal of the Zoning By-law Amendment application in whole or in part, City Council authorize the City Solicitor to request the Tribunal to withhold its Order(s) approving the application until such time as:
 - a) The Tribunal has been advised by the City Solicitor that the proposed Zoning By-law Amendments are in a form satisfactory to the Chief Planner and Executive Director, City Planning and City Solicitor.
 - b) The City Solicitor confirms the satisfactory execution and registration of a Section 37 Agreement against title to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor to secure community benefits pursuant to Section 37 of the Planning Act, such Agreement to include, without limitation, the following matters as a legal convenience:
 - i. securing of the rental tenure of the existing rental dwelling units on the site;
 - ii. securing of identified needed improvements on the site and access to new indoor and outdoor amenities for all on-site residents; and
 - iii. a tenant communications and construction mitigation plan and tenant assistance.
 - c) The owner has submitted an updated Transportation Impact Study, a revised Functional Servicing Report, and a revised Stormwater Management Report, all to the satisfaction of the Chief Engineer and the Executive Director, Engineering and Construction Services and the General Manager, Transportation Services.
5. City Council require the Owner of the lands at 55 Erskine Avenue to satisfy the parkland dedication requirement through an on-site dedication of 284 square metres, with the park being adjacent to the west side of approved public parkette at 66 Broadway Avenue with a depth of 20.12 and frontage of 14.12 metres on Broadway Avenue.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

A pre-application consultation meeting was held with the applicant on November 30, 2016 to discuss complete application submission requirements. The proposal presented at the meeting was for an 11-storey residential building with two levels of below grade parking fronting onto Broadway Avenue. The application was submitted to the City on April 18, 2017. A Notice of Complete Application was issued on May 18, 2017, deeming the application complete as of May 18, 2017.

At its meeting of February 22, 2017, North York Community Council adopted the staff recommendations detailed in a Preliminary Report dated February 3, 2017 from the Director of Community Planning, North York District, related to the development of the front portion of 66 Broadway Avenue (property immediately east of the subject property) to permit the construction of a four storey rental building fronting on Broadway Avenue and two-storey addition on top of the existing 20-storey apartment on that property (File # 12 270233 NNY 25 OZ). A copy of the decision of Community Council can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.NY20.35>

On July 12, 2016, City Council adopted the recommendations in the report from the Chief Planner and Executive Director, City Planning titled: "Midtown in Focus: Growth, Built Form and Infrastructure Review – Status Report"
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG13.1>

The recommendations direct staff to use the draft built form principles in the report in the review of the development applications in the Yonge-Eglinton Secondary Plan area. Planning staff were also directed to use the emerging community infrastructure priorities identified in the status report as part of the development application review process.

On December 5, 2017, City Council adopted the recommendations in the report from the Acting Chief Planner and Executive Director, City Planning titled: "Midtown in Focus: Proposals Report"
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG24.10>

City Council directed staff to review all Official Plan amendment and Zoning By-law amendment applications in the Yonge-Eglinton Secondary Plan area, submitted prior to November 15, 2017, in the context of the Midtown in Focus study, including the proposed Secondary Plan. City Council also directed staff to assess the potential cumulative impact of all applications in the Yonge-Eglinton Secondary Plan Area on the City's ability to provide the necessary infrastructure to support development, and use planning mechanisms, including holding provisions, as necessary to ensure that growth and infrastructure needs are aligned.

Prior to this, City Council, on October 31, 2012 adopted the staff recommendations detailed in a Final Report dated September 20, 2012, related to the development of the rear portion of 66 Broadway Avenue, known as 99 (101) Erskine Avenue. The development application proposed the construction of a 32 storey apartment building with 422 units, and one block of townhouses having 10 units (File # 07 277684 NNY 05 OZ). A copy of the decision of City Council can be found at:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.NY19.23>

At its meeting of October 1, 2014, North York Committee of Adjustment approved an application for Consent to permit the severance and conveyance of the rear portion of 66 Broadway Avenue to 99 (101) Erskine Avenue to facilitate the above mentioned development (File # B033/14NY). This decision also granted an easement in favour of the City to provide a public pedestrian access between Broadway Avenue and Erskine Avenue, as well as a conveyance to the City for an on-site parkland dedication along a portion of the Broadway Avenue frontage.

The Local Planning Appeal Tribunal (the "LPAT") has replaced the OMB – however, the old regime for adjudicating appeals (OMB) will continue alongside the new (LPAT) until such time as appeals subject to the old regime have been disposed of. Provincial transition regulations determine when an appeal remains subject to the old legislative regime versus the new, all complete applications made prior to December 12, 2017 and appealed before April 3, 2018 will continue to move forward under the old system. Any complete application, whenever made and deemed complete, that was not appealed by April 3, 2018 will proceed under the new system. The current application was submitted on April 18, 2017 and deemed complete on May 18, 2017. The application was appealed on November 23, 2017. A prehearing is scheduled for August 17, 2018.

ISSUE BACKGROUND

Proposal

This application proposes the development of a 12-storey (38 metre) residential building on the rear portion of the subject site fronting Broadway Avenue. The proposed development would have a total gross floor area of approximately 13,530 square metres and a Floor Space Index of 4.76 times the area of the development parcel and 3.43 over the entire site area when combined with the existing building. The development would contain 147 residential units and 117 vehicular parking spaces (see Attachment 1: Application Data Sheet). The existing 17-storey rental apartment building (188 units) on the site, fronting on Erskine Avenue, would be retained. The proposed building is considered a 'Tall Building' because the height exceeds the right-of-way width of Broadway Avenue (20 metres).

The building would be approximately 16 metres wide and 78 metres long and oriented perpendicular to Broadway Avenue, having a floor plate of approximately 1,248 m². The ground floor height would be 4.5 metres. Along the west and south sides, the building would be setback approximately seven metres from the property lines. The proposed setback areas along the west, south and north of the building would be partially landscaped. On the east side, the ground floor would be setback approximately 10 metres from the property line and then seven metres for subsequent floors above (see Attachment 6: Context Plan and Attachment 7: Site Plan). The ground floor would include the main lobby, rental office, mail room and elevators along the southern portion of the building. Five units are proposed along the western part of the building on the ground floor. Along the east elevation are proposed accessible vehicular parking spaces and indoor long term bicycle parking spaces. At the northern end of the building would be a garbage room, mechanical room and loading and staging area. A total of 588 square metres of amenity space is proposed including 277 square metres of outdoor amenity space and 311 square metres of indoor amenity space. This results in

1.8 square metres of outdoor amenity space per unit and 2.1 square metres of indoor amenity space per unit for the proposed building.

A total of 117 vehicular parking spaces are proposed for the new development located within two levels of underground parking garage. Four surface parking spaces are proposed at grade including one accessible space and two possible car-share spaces. A total of 163 bicycle parking spaces are proposed including 147 long term spaces and 16 short term spaces. Sixty-six of the proposed tenant bicycle spaces would be located on the ground floor and the remaining 81 spaces would be located on P1. The sixteen short term bicycle parking spaces are proposed at grade. Vehicular access to the site is proposed off Broadway Avenue along the eastern portion of the site, leading to the underground ramp along the northwestern portion of the site. The P1 level of the proposed development would be connected to the existing underground parking associated with the existing 17-storey building.

Summary of Existing and Proposed Development

	Existing	Proposed	Total
Site Area	5,248*	2,842**	8,090
Building Height (Storeys/m)	17/45m	12/38m	n/a
Gross Floor Area (m ²)	14,275	13,530	27,805
Lot Coverage (%)	11.1*	33.4**	22.85
No. of Units	188	147	335
Floor Space Index	1.76*	4.76**	3.43
Outdoor Amenity Space	n/a	277	277
Indoor Amenity Space	n/a	311	311
Vehicular Parking	109	117	226
Bicycle Parking	n/a	163	163

*Calculated over entire site

**Calculated over development site

Unit Breakdown

	Bachelor/Studio	1 Bedroom	2 Bedroom	3 Bedroom	Total
Existing Building	28	70	70	20	188
Proposed Building	12	66	67	2	147
Total	40	136	137	22	335

Site and Surrounding Area

The entire site subject to this application is an L-shaped property having an area of approximately 8,090 square metres. The site has frontage of approximately 30 metres on Broadway Avenue and 91 metres on Erskine Avenue. The northerly portion of the site fronting on Erskine Avenue is occupied by a 17-storey slab rental apartment

building. The building contains 188 rental units. The southern portion of the site fronting Broadway Avenue is occupied by approximately 95 parking spaces. The surface parking lot is rented out commercially, independent of the 17-storey apartment building. The total area of the south portion of the site to be developed is approximately 2,842 square metres.

Land uses surrounding the site are as follows:

- North: To the north of the site, immediately north of Erskine Avenue is a seven-storey residential building at 70 Erskine Avenue. To the west of this building is John Fisher Public School at 40 Erskine Avenue.
- South: To the south of the site is Broadway Avenue. On the south side of Broadway Avenue is 25 Broadway Avenue, comprised of 2 towers (24 and 27 storeys) and North Toronto Collegiate Institute. Immediately east of this development are four storey apartment buildings at 55 and 65 Broadway Avenue and a ten-storey apartment building at 75 Broadway Avenue.
- East: To the immediate east (fronting Erskine Avenue) is a four storey residential building and a four storey townhouse east of that building. East of the townhouse is an approved 32-storey residential tower (101 Erskine Avenue) currently under construction (File # 07 277684 NNY 05 OZ). To the immediate east of the development site fronting on Broadway Avenue is the existing 20-storey building at 66 Broadway Avenue. The City has secured parkland at the southwest corner of 66 Broadway Avenue adjacent to the subject site. Beyond 66 Broadway Avenue is a 20-storey residential building at the northwest corner of Broadway Avenue and Redpath Avenue.
- West: To the immediate west of the site fronting on Erskine Avenue is a 10-storey residential building and a 16-storey residential building beyond that. Further west of this building are commercial properties that front on to Yonge Street. To the immediate west of the development site is St. Monica's Roman Catholic Church (44 Broadway Avenue) and associated surface parking lot and a four-storey building beyond that and St. Monica's Catholic School beyond that.

Section 2 of the Planning Act

The Planning Act governs land use planning in Ontario and sets out the means by which a municipality must implement land use planning decisions. In particular, Section 2 of the Planning Act requires that municipalities, when carrying out their responsibility under this Act, regard shall be had to matters of provincial interest including:

- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- (j) the adequate provision of a full range of housing, including affordable housing; and

(r) the promotion of built form that:

- (i) is well designed, and
- (ii) encourages a sense of place.

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans
Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the Planning Act and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater

Golden Horseshoe (the "GGH") region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff have reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan. The outcome of staff analysis and review are summarized in the Comments section of this Report.

Toronto Official Plan

The City's Official Plan sets out a broad strategy for managing future growth by identifying an urban structure of areas where development is appropriate and areas where little physical change is expected to occur. The Official Plan directs growth to the Downtown, the Centres, Avenues and Employment Areas. The subject site is located in the Yonge and Eglinton Centre, as identified on Map 2 of the Official Plan. Centres are places with excellent transit accessibility where jobs, housing and services will be concentrated in dynamic mixed use settings with different levels of activity and intensity. The site is also designated Apartment Neighbourhoods on Map 17 - Land Use Plan in the Official Plan (see Attachment 3 – Official Plan).

Section 2.2.2 Centres

Centres play an important role managing growth in the City. A Secondary Plan for each Centre will tailor an intense mix of urban activities to the individual circumstances of each location. The Secondary Plans will outline a growth strategy, show how transportation and other local amenities can be improved, specify variations in the mix of land uses and intensity of activities within each of the Centres and knit each Centre into the surrounding fabric of the City.

Policy 2.2.2.2 requires that Centres will have a Secondary Plan that will among others, support residential development with the aim of creating a quality living environment for a large resident population, including encouraging a full range of housing opportunities in terms of types, tenure, unit size and affordability; assess the adequacy of parks and open spaces within the Centre and develop a strategy for acquiring new and enhancing existing parkland through appropriate measures, including parkland dedication policies; and assess the adequacy of existing community services, facilities and local institutions and establish a strategy for the timely provision of service and facility enhancements and new facilities to meet the needs of the growing population.

Healthy Neighbourhood Policies

The Healthy Neighbourhoods policies of the Official Plan (Policies 2.3.1.1 and 2.3.1.2) provide guidance for development in Apartment Neighbourhoods that are adjacent or close to Neighbourhoods. Policy 2.3.1.1 states that "Neighbourhoods and Apartment Neighbourhoods are considered to be stable". It also states that "development within Neighbourhoods and Apartment Neighbourhoods will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns".

Policy 2.3.1.2 identifies the following criteria when considering development in Apartment Neighbourhoods adjacent to or close to Neighbourhoods. The proposal will:

- a) be compatible with those Neighbourhoods;
- b) provide a gradual transition of scale and density, as necessary to achieve the objectives of the Plan through the stepping down of buildings towards and setbacks from those Neighbourhoods;

- c) maintain adequate light and privacy for residents in those Neighbourhoods; and
- d) attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those Neighbourhoods.

Section 3.1.1- Public Realm

The Plan recognizes the importance of good design as it relates to the creation of a great City by the look and quality of its squares, parks, streets, and public spaces and the buildings that frame and define these spaces. The policies contained in this section emphasize the need for new development to improve the public realm (streets, sidewalks and open spaces) for pedestrians.

Section 3.1.2 – Built Form

The Built Form policies, contained in Section 3.1.2 of the Official Plan, emphasize the importance of ensuring that new development fits within its existing and/or planned context, while limiting impacts on neighbouring streets, parks and open spaces. New buildings are required to provide appropriate massing and transition in scale that will respect the character of the surrounding area. Specifically, Policy 3.1.2.3 states that "new development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by:

- a) massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion;
- b) incorporating exterior design elements, their form, scale, proportion, pattern and materials, and their sustainable design, to influence the character, scale and appearance of the development;
- c) creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan;
- d) providing for adequate light and privacy;
- e) adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas; and
- f) minimizing any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility."

Section 3.1.3 – Built Form – Tall Buildings

Tall buildings come with larger civic responsibilities and obligations than other buildings. In addition to specific built form characteristics related to the base, middle and top of the building, proposals for tall buildings should; demonstrate how the proposed building and site design contribute to and reinforce the overall City structure; demonstrate how the

proposed building and site design relate to the existing and/or planned context; take into account the relationship of the site topography and other tall buildings; and provide high quality, comfortable and usable publically accessible open space areas.

Section 3.2.1 – Housing Policies

The Plan contains policies that require that a full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods, will be provided and maintained to meet the current and future needs of residents. A full range of housing includes: ownership and rental housing, affordable and mid-range rental and ownership housing, social housing, emergency and transitional housing for homeless people and at-risk groups, housing that meets the needs of people with physical disabilities and housing that makes more efficient use of the existing housing stock.

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

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

Section 3.2.3 – Parks and Open Spaces

The Parks and Open Space policies in the Official Plan aim to maintain, enhance and expand the system of parks and open spaces, which are vital to the quality of life. The parks and open spaces should be protected, improved and added to whenever feasible.

Section 4.2 - Apartment Neighbourhoods

The subject site is designated *Apartment Neighbourhoods* in the Official Plan on Land Use Map 17 (see Attachment 3: Official Plan Land Use Map). In addition to the policies in Chapters 2 and 3, the Plan contains policies in Section 4.2, specific to lands designated Apartment Neighbourhoods.

Apartment Neighbourhoods are comprised of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents. The Official Plan states that Apartment Neighbourhoods are distinguished from low-rise Neighbourhoods because a greater scale of buildings is permitted and different scale-related criteria are needed to guide development.

The Plan includes criteria that direct the form and quality of development in this land use designation. The development criteria in Apartment Neighbourhoods, as cited in Policies 4.2.2 and 4.2.3, include but are not limited to:

- a) locating and massing new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Plan, through means such as providing setbacks from, and/or a stepping down of heights towards lower-scale Neighbourhoods;

- b) locating and massing new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale Neighbourhoods, particularly during the spring and fall equinoxes;
- c) locating and massing new buildings to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- d) including sufficient off-street motor vehicle and bicycle parking for residents and visitors;
- e) locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences;
- f) providing indoor and outdoor recreation space for building residents in every significant multi-unit residential development;
- g) providing ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces; and
- h) providing buildings that conform to the principles of universal design, and wherever possible contain units that are accessible or adaptable for persons with physical disabilities.

Policy 4.2.3 states that although significant growth is generally not intended within developed Apartment Neighbourhoods, compatible infill development may be permitted on a site containing an existing apartment building that has sufficient underutilized space to accommodate one or more new buildings while providing good quality of life for both new and existing residents. Policy 4.2.3 (a) continues that when compatible infill development is considered, it must meet the development criteria set out in Policy 4.2.2.

Section 5.1.1 - Height and/or Density Incentives

Policy 5.1.1 of the Official Plan allows for an increase in height and/or density in return for the provision of community benefits for a proposed development, in accordance with Section 37 of the Planning Act. The proposed density meets the Official Plan's threshold for Section 37 considerations, therefore this development proposal would be subject to the Section 37 policies of the Official Plan.

Section 5.3.2 - Implementation Plans and Strategies for City - Building

The Official Plan includes policies for City-building that provide for more detailed-oriented action plans, programs and strategies needed to implement the Plan and to adapt to changing circumstances and challenges over the life of the Plan. Policy 5.3.2.1 states that "Implementation plans, strategies and guidelines will be adopted to advance the vision, objectives and policies of this Plan." Though the policy goes on to acknowledge these plans, strategies, and guidelines are not Official Plan policy unless added by amendment to the Plan, they do advance the vision, policies, and objectives

of the Plan. Urban design guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas".

City-Wide Tall Building Design Guidelines

City Council has adopted city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The link to the guidelines is here:

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

Mid-Rise Building Performance Standards

City Council adopted the Avenue and Mid-rise Buildings Study and an addendum containing performance standards for mid-rise buildings. They identify a list of best practices and establish a set of performance standards for new mid-rise buildings. Key issues addressed include maximum allowable building heights, setbacks and step backs, sunlight and skyview, pedestrian realm conditions, transition to Neighbourhoods and Parks and Open Space Areas and corner sites. The link to the guidelines is here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/mid-rise-buildings/>

City Council adopted a revised Mid-Rise Building Performance Standards Addendum, for staff to use together with the 2010 approved Mid-Rise Building Performance Standards in the preparation of the area studies or during the evaluation of development applications, where mid-rise buildings are proposed and Performance Standards are applicable, until such time as City Council adopts updated Mid-Rise Building Design Guidelines. Council's decision is here: <https://www.toronto.ca/wp-content/uploads/2017/08/96be-Mid-Rise-Building-Performance-Standards-Addendum.pdf>

Growing Up: Planning for Children in New Vertical Communities

In July of 2017, City Council adopted the Growing Up Draft Urban Design Guidelines, and directed staff to apply these guidelines in the evaluation of new and under review proposals for multi-unit residential developments. The objective of these guidelines is for developments to deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale. Guideline 2.1(a) states a building should provide a minimum of 25% large (being 2 and 3 bedroom) units: 10% of the units should be three bedroom units and 15% of the units should be two bedroom units. Section 3 includes guidelines that speak to ideal unit sizes to ensure functionality.

These guidelines are available at: <https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/growing-up-planning-for-children-in-new-vertical-communities/>

Yonge-Eglinton Secondary Plan

The Yonge-Eglinton Secondary Plan provides a locally focused policy framework for guiding growth and change in the Secondary Plan area. The general policies of Section 2 establish objectives in relation to land use, the nature and scale of development,

transportation, urban form and public realm, community services, and parks and open spaces.

It is a primary objective of the Secondary Plan to maintain and reinforce the stability of *Neighbourhoods* and to minimize conflicts among uses in *Mixed Use Areas*, *Neighbourhoods*, *Apartment Neighbourhoods* and *Parks and Open Space Areas* in terms of land use, scale and vehicular movement. It is the objective of the Secondary Plan to maintain the existing scale of development within stable *Neighbourhoods* and protect such areas from overshadowing from buildings located in abutting *Mixed Use Areas* and 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*.

Improvements to the public realm are encouraged in association with all development and the *Parks and Open Space Areas* policies encourage the creation of interesting and engaging parks and opens spaces that are safe, comfortable and accommodate people of all ages and abilities.

Section 5 of the Secondary Plan includes policies for the Yonge-Eglinton Centre. Section 5.1 confirms the intent that the Yonge-Eglinton Centre satisfy the requirement of an 'Urban Growth Centre' within the meaning of the Growth Plan. In recognition of this status more detailed policies to guide development in the *Centre* are included. Section 5.2 and 5.3 provides for the highest heights, densities and scale of development within *Mixed Use Area A* at the four quadrants of the intersection of Yonge Street and Eglinton Avenue and that the heights, densities and scale of development will decrease along Eglinton Avenue East with increasing distance from this intersection. The built form typology and building heights along segments of Yonge Street and Mount Pleasant Road that are within the *Centre* are also further defined. For *Apartment Neighbourhoods*, Section 5 ensures that new development will comply with the policies of the Official Plan, particularly in Section 2.3.1 and 4.2.

Official Plan Amendment 320

As part of the City's ongoing Official Plan Five Year Review, Council adopted Official Plan Amendment No. 320 (OPA 320) on December 10, 2015 to strengthen and refine the Healthy Neighbourhoods, Neighbourhoods and Apartment Neighbourhoods policies to support Council's goals to protect and enhance existing neighbourhoods, allow limited infill on underutilized Apartment Neighbourhood sites and implement the City's Tower Renewal Program.

The Minister of Municipal Affairs modified and approved OPA 320 on July 4, 2016, and this decision has been appealed in part. On December 13, 2017 the Ontario Municipal Board issued an Order partially approving OPA 320 and brought into force Policies 10 and 12 in Section 2.3.1, Healthy Neighbourhoods and Site and Are Specific Policy No. 464 in Chapter 7. Other portions of OPA 320 remain under appeal, and these appealed policies as modified and approved by the Minister are relevant and represent Council's policy decisions, but they are not in effect. More information regarding OPA 320 can be found here:

www.toronto.ca/OPreview/neighbourhoods

Midtown in Focus: Parks, Open Space and Streetscape Plan and OPA 289

In 2014, City Council adopted the Midtown in Focus: Parks, Open Space and Streetscape Plan as a framework for improvements to parks, open spaces, streets and public buildings within the Yonge-Eglinton area in order to create an attractive, safe, and comfortable network of public spaces.

The Parks, Open Space and Streetscape Plan recognizes that the area has a distinct quality and character, consisting of a vibrant mixed use community with an open and green landscaped character. The Plan has five Place-Making Moves: Eglinton Green Line, Yonge Street and its Squares, Park Street Loop, Midtown Greenways, and Redpath Revisited. Together with other streetscape improvements and the enhancement and expansion of parkland in the area, this will form a thriving system of parks, open spaces and streets.

At its meeting on June 10th, 2015, City Council adopted amendments to the Yonge Eglinton Secondary Plan as part of OPA 289 as part of the implementation of the vision and urban design standards set out in the Parks, Open Space and Streetscape Plan. On May 3, 2018, an oral decision was rendered by the Local Planning Appeal Tribunal. OPA 289 is now in full force and effect except as it relates to a number of site-specific appeals (these do not include the subject site).

OPA 289 introduced policies related to the impacts of private developments on the public realm. These policy directions, applicable across the Yonge-Eglinton Secondary Plan area, included the priority of providing midblock pedestrian connections where large blocks exist, enhancements to streetscapes and greater building setbacks to provide wider sidewalks.

The subject site is located along the Park Street Loop, which is to be designed as a publicly-accessible, multi-purpose green promenade with wide pedestrian clearways, cycling facilities and landscaping that provides green linkages connecting Eglinton Park to community amenities and open spaces in neighbourhoods to the east.

Midtown in Focus: Building a Liveable Yonge-Eglinton

The City Planning Division is presently leading the Midtown in Focus study addressing growth, built form and infrastructure issues in the Yonge-Eglinton Secondary Plan area. The current study builds on the direction of the 2014 Midtown in Focus: Parks, Open Space and Streetscape Plan to address other key contributors to a liveable, complete community. The study will establish a new plan for Midtown with an up-to-date planning framework and local transportation, parks, public realm, community service facilities and municipal servicing priorities identified.

City staff presented a Proposals Report to City Council on December 5, 2017 that outlined a proposed update to the Yonge-Eglinton Secondary Plan and summarized the findings and directions of the infrastructure assessments. The proposed Plan sets out a 25-year vision for Midtown that emphasizes the importance of complete communities and the diversity of Midtown's character areas. It envisions Midtown as a green, resilient, connected, inclusive and prosperous place. The proposed Plan also provides

detailed direction on the appropriate scale and location of future growth and links growth with the provision of infrastructure.

At its December 5, 2017 meeting, City Council directed staff to review all Official Plan amendment and Zoning By-law amendment applications in the Yonge-Eglinton Secondary Plan area, submitted prior to November 15, 2017, in the context of the Midtown in Focus study, including the proposed Secondary Plan.

Also at its December 5, 2017 meeting, City Council directed staff to continue assess the cumulative impact of applications on the City's ability to provide the necessary infrastructure to support development and use planning mechanisms, including holding provisions, as necessary to ensure that growth and infrastructure needs are aligned.

On May 18th, 2018, the City publicized the recommended Official Plan Amendment and Secondary Plan to be considered as part of a final report to the PGM Committee in June 2018. A link to the PGM decision and the report is here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG30.4>

In recognition of the significant intensification underway in the area, the study has been used to inform development review in the area in accordance with the Official Plan. City staff continue to incorporate the directions of the study, including the final recommended policy directions set out in the recommended OPA, in their review of active applications.

The policy directions in the recommended Yonge-Eglinton Secondary Plan that are specifically applicable to the review of this application include the following. These directions are consistent with the policy directions presented in the proposed Secondary Plan update in 2017:

- Midtown Character Areas - *Redpath Park Street Loop* (Policy Section 1.3.3(b)) speaks to the area being dense yet distinctively green and a residential neighbourhood that consists of generously spaced towers with a variety of housing types. New development is expected to ensure generous spacing between buildings, reinforce the characteristic openness of the area, complement the scale of the historic walk-up apartment buildings and ensure good access to sunlight and skyview for both the public realm and for buildings. Heights will transition down in all directions from the Yonge-Eglinton Crossroads and Mount Pleasant Station Character Area.
- Area Structure (Policy Section 2.1.1) indicates that not all areas within the Secondary Plan area will experience the same level of intensification and that the intensity of development, heights and land uses should conform to the policies of the recommended Plan to ensure that development does not exceed the capacity of infrastructure and that built form is compatible with surrounding areas and meets the desired character.
- Midtown Transit Station Areas (Policy Section 2.4.2 / Map 21-3) locates the subject site in the Secondary Zone of the Yonge-Eglinton Transit Station Area. Secondary Zones will support transit-supportive development in a compact urban form and mix of uses. The intensity of development will be markedly less than the Station Area

Core. Development will transition down in height and scale to surrounding Built-up Zones.

- The Land Use Plan (Map 21-4) locates the subject site in the Midtown Apartment Neighbourhoods . Midtown Apartment Neighbourhoods are defined by a variety of building types including mid-century apartment towers, walk-up apartment buildings and townhouses all set in an open, generously-scaled landscaped setting. Infill development and redevelopment will be designed and located to complement the existing built form fabric and reinforce the characteristic openness at grade and between buildings to maximize sunlight on streets, parks and open spaces.
- Parks and Open Spaces (Policy Section 3.3.1) indicates the priority of acquiring and providing new public parkland, inclusive of expanding and improving existing parks, to meet the local needs of residents and workers in Midtown while also contributing to Toronto's broader system of parks and open spaces. Policy 3.3.8 indicates that where on-site parkland dedication is required on development sites abutting the Park Street Loop, the parkland will be located in association with the Loop and configured to the satisfaction of the City. The Parks and Open Space Network Plan on Map 21-8 identifies the locations of Proposed Public Parks - including an approximately 525 square metre parkette at the southwest corner of the adjacent property (66 Broadway Avenue) to the east, which will be conveyed to the city for a public park, in connection to the redevelopment on those lands. Policy 3.3.24 outlines performance standards for new development adjacent to a public park.
- Midtown Mobility Network (Policy Section 4.1) establishes the framework for a well-connected and integrated network of streets, laneways, and mid-block connections that will provide a variety of safe and sustainable travel choices. Sections 4.13 and 4.14 direct that mid-block Connections provide direct, legible public access through blocks and be located at grade with high-quality design and materials and clear sight lines for public safety.
- Permitted Building Types and Height Limits (Map 21-12) indicates that the permitted building type and maximum permitted building height on the subject site constitute an 8 storey mid-rise building. An additional storey may be permitted where, among other criteria, no adverse shadow impacts are created on any public street and the additional storey is stepped back to minimize its appearance from the street. Midtown Mid-rise (Policy Section 5.3.18 through 5.3.27) outlines mid-rise criteria related to the appropriate type, height, scale, step backs and setbacks to ensure a building's appropriateness for the context and to minimize any potential negative impacts.
- To achieve a balanced mix of unit types and sizes, Housing (Section 7) requires development containing more than 80 new residential units to include:
 - a minimum of 15 per cent of the total number of units as 2-bedroom units of 87 m² of gross floor area or more;
 - a minimum of 10 per cent of the total number of units as 3-bedroom units of 100 m² of gross floor area or more; and

- an additional 15 per cent of the total number of units will be a combination of 2-bedroom and 3-bedroom units.

The policies are not in force and will be considered by PGM Committee on July 5, 2018, together with a staff Supplementary Report dated June 26, 2018 and accompanying attachments. The link to the recommended Yonge-Eglinton Secondary Plan and the Supplementary Report is here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG31.7>

Zoning

The subject site is zoned R2 Z2.0 in Zoning By-law No. 438-86, as amended, with a permitted height of 38.0 metres and a maximum density of 2 times the area of the site. The Zoning By-law requires a minimum side yard building setback of 7.5 metres for buildings over 12 metres high. The R2 zoning permits a variety of residential uses including apartment buildings. The site is also zoned R (d2.0) (x912) in Zoning By-law No. 569-2013. The permissions are largely the same in By-law No. 569-2013 as in By-law No. 438-86, as amended.

Site Plan Control

An application for Site Plan Control under Section 41 of the *Planning Act* is required. An associated Site Plan Control application was submitted with this rezoning application (File no. 17 145080 NNY 25 SA) and is being reviewed concurrently with the Zoning By-law Amendment application.

Reasons for Application

An amendment to By-law No. 438-86, as amended and By-law No. 569-2013 are required to permit the proposed density on the lands, reduced side yard setbacks, and to develop appropriate development standards for the proposed development.

Application Submission

The following reports/studies were submitted in support of the application:

- Planning Rationale;
- Arborist Report;
- Sun/Shadow Study;
- Housing Issues Report;
- Microclimatic Analysis;
- Geotechnical Investigation;
- Public Consultation Strategy;
- Stage 1 Archaeological Assessment;
- Urban Transportation Consideration;
- Community Services and Facilities Study;
- Green Development Standards Checklist and Statistics; and
- Functional Servicing and Stormwater Management Report.

The above-noted plans, reports and studies are available on the City's Application Information Centre website at:

<http://app.toronto.ca/DevelopmentApplications/associatedApplicationsList.do?action=init&folderRsn=4140104&isCofASearch=false&isTlabSearch=false>

Agency Circulation

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

Community Consultation

Staff held a community consultation meeting on October 25, 2017 to present the proposal to the public. Approximately 30 members of the public attended the community meeting. The members of the community were predominantly concerned with the overall pace of development in the Yonge and Eglinton area and the massing and site organization of the proposed development. These concerns include:

- Impact of proposed development on the surrounding area;
- Site functionality related to pedestrian and vehicular movements, emergency vehicles and truck manoeuvring;
- Lack of services such as parks, green spaces, pedestrian areas for area residents;
- Need of improvements for the tenants of the existing building;
- Amount of pavement in the proposed development;
- Adequacy of separation distances between the proposed building and existing buildings;
- Concern with proposed building cladding material;
- Impact of the development on the Broadway Avenue public realm;
- Proposal's lack of green space; and
- Integration of proposed development into surrounding context, particularly related to grades.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS and the Growth Plan. The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Issue Background section of the Report.

Staff have determined that the proposal in its current form is not consistent with the PPS and does not conform with the Growth Plan for reasons outlined below.

The PPS provides policy direction on matters of provincial interest related to land use planning and development. Key objectives include building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS states that planning authorities shall identify appropriate locations for intensification and that an appropriate range and mix of housing types and densities be provided.

Section 1.1.1 (g) of the PPS (Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns) states that "healthy, livable and safe communities are sustained by ensuring that necessary infrastructure, and public service facilities are or will be available to meet current and projected needs." The proposed building is an overdevelopment of the site. The applicant has not demonstrated that the necessary infrastructure (CS&F including required on-site parkland dedication and Servicing) is available to support the proposed development.

Policy 4.7 of the PPS states that a municipality's "official plan is the most important vehicle for implementation of the Provincial Policy Statement" and that "comprehensive, integrated and long-term planning is best achieved through the official plans." The site is designated *Apartment Neighbourhoods* on Map 17 - Land Use Plan in the Official Plan.

Furthermore, it directs municipalities to provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas. While intensification in this Urban Growth Centre is encouraged, the development proposal in its current form does not implement the City's Official Plan policies and design guidelines related to matters of scale, built form and fit. Impacts from the proposed development on adjacent properties and the public realm have not been adequately mitigated.

The Growth Plan provides a strategic framework for managing growth in the GGH. The policies of this Plan are based on Guiding Principles in Section 1.2.1, and require development to:

- support the achievement of complete communities, as defined in the Growth Plan, that are designed to support healthy and active living and meets people's needs for daily living throughout an entire life; and
- Improve the integration of land use planning with planning and investment in infrastructure and public service facilities, including integrated service delivery through community hubs, by all levels of government.

Growth Plan policies for the management of growth (2.2.1.4) state the application of the policies will support the achievement of complete communities that:

- Expand convenient access to:
 - Public service facilities, co-located and integrated in community hubs;
 - an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and
- ensure the development of high quality compact built form, and an attractive and vibrant public realm, including public open spaces, through site design and urban design standards.

The proposed development does not provide for a built form that is well-designed and achieves the design objectives set out in the Official Plan and design guidelines due to the site constraints. A tall building is being proposed on a narrow site. The site is not appropriate for a tall building. The proposal should be revised to a mid-rise building.

Policy 2.2.2.4, which applies to delineated built-up areas as defined by the Plan, states that "all municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas which will,

- a) encourage intensification generally to achieve a desired urban structure;
- b) identify appropriate type and scale of development and transition of built form to adjacent areas;
- c) identify strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development;
- d) ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities;
- e) prioritize planning and investment in infrastructure and public service facilities that will support intensification; and
- f) be implemented through official plan policies and designations, updated zoning and other supporting documents.

In Section 5.2.4 Growth Forecasts, Policy 5 states that "within delineated built-up areas, municipalities may plan for development beyond the horizon of this Plan for strategic growth areas that are delineated in official plans and subject to minimum targets, provided that:

- a) integrated planning for infrastructure and public service facilities would ensure that the development does not exceed existing or planned capacity;
- b) the type and scale of built form for the development would be contextually appropriate; and
- c) the development would support the achievement of complete communities, including a diverse mix of land uses and sufficient open space.

The Official Plan identifies a land use structure of areas where intensification is appropriate and directs growth to certain areas of the City.

Section 3 of the Growth Plan also promotes that investment in public service facilities such as hospitals, long term care facilities, libraries and schools should be planned and located to keep pace with changing needs, maximize existing infrastructure and to support the achievement of complete communities, co-locating services in community hubs and prioritizing strategic growth areas as appropriate. The subject site is located within the Yonge-Eglinton Secondary Plan area which is experiencing major growth. As such Official Plan policies in Section 3.2.2 apply to this application.

A Community Services and Facilities (CS&F) report submitted with the application provides a summary of the findings of the Yonge-Eglinton Community Services and Facilities Assessment (October 2016) completed as part of the Midtown in Focus Review.

The applicant's CS&F study acknowledged the facilities and service priorities in the Yonge-Eglinton area identified by the City. These include, among others, maintenance and enhancement of affordable human service agency and community meeting spaces, enhancement and acquisition of outdoor gathering spaces, provision of additional recreation space for children and youth, and provision of new schools in the study area.

The applicant's CS&F study identifies the provision of a forecourt (7 metre front yard setback area along Broadway Avenue) on the development as the contribution to address the needs in the area. This contribution is not considered to be a facility to meet the community service and facilities needs in the area that the development should contribute towards. An on-site parkland dedication is required to expand and enhance a planned parkette on the adjacent property to the east.

Furthermore, the guiding principles in Section 1.2.1 and the policies of Sections 3.2.1 and 3.2.8 of the Growth Plan promote the improvement and integration of land use planning with planning and investment in infrastructure and public services facilities, including integrated service delivery through community hubs, by all levels of government. Some community services in the area such as schools are at capacity and other facilities such as libraries are in need of upgrades. It has also not been demonstrated that there is adequate servicing capacity to support the proposed development.

The proposal does not conform to the Growth Plan in these respects.

Site Organization

A mid-block pedestrian connection was secured through a previous application on the adjacent lands to the east as required by OPA 289. This connection will play a vital role in connecting Erskine Avenue and Broadway Avenue providing access to the future parkette at the southeast corner of 66 Broadway Avenue. The proposed site organization would result in a driveway abutting the mid-block connection and the re-configured outdoor amenity space (including an outdoor swimming pool) on the adjacent property to the east with no landscaping proposed on the subject site east of the driveway. Additionally, the driveway at this location would be immediately adjacent to the future parkette. The driveway should be relocated to the western portion of the subject lands and the required on-site park should be located at the southeast corner of the site.

The subject site is located along the Park Street Loop, which is to be designed as a publicly-accessible, multi-purpose green promenade with wide pedestrian clearways, cycling facilities and landscaping that provides green linkages connecting Eglinton Park to community amenities and open spaces in neighbourhoods to the east. This requires a minimum building setback of 7.5 metres from the street line. The site plan drawing indicates that the proposed building would encroach into the 7.5 metre setback along the Broadway Avenue frontage by 0.5 metres. The site plan should be revised to provide a minimum 7.5 metre building setback.

The Official Plan policies in Section 3.2.3 and the in-force Yonge-Eglinton Secondary Plan support the creation of parks to support population growth particularly in growth

areas, by maintaining, improving, and expanding existing parks. It is an OPA 289 policy to pursue opportunities arising from development to secure land for new parkland.

The proposed development is located within a high growth area of the City which is continuously experiencing population increase. The proposed development does not include a park on site. The City will require an on-site parkland dedication to expand the already secured park to the immediate east. Inclusion of an on-site parkland dedication will alter the site layout and organization significantly.

Built Form, Massing, Density

Tall buildings, are typically buildings whose height is greater than the width of the adjacent road allowance. Policy 3.1.3.1 of the Official Plan states that tall buildings should be designed to consist of three parts, carefully integrated into a single whole: a base building, middle (shaft), and top.

The proposed 12-storey tall building would be 38 metres in height and front on to Broadway Avenue which has a right-of-way width of 20 metres. The narrow width of the subject site limits its ability to accommodate a tall building and achieve the built form objectives set out in the Official Plan and Tall Building Design Guidelines. The building would go straight up to the twelfth floor with no breaks in the elevations and no step backs on all four sides with proposed east and west building setbacks at 7.4 metres and 6.9 metres respectively. These setbacks do not conform to the setback requirement of 12.5 metres as set out in the Tall Building Design Guidelines and the zoning by-law requirement of a minimum side yard setback of 7.5 metres for any buildings greater than 12 metres in height. The development site is too constrained to allow for a tall building development and achieve the parameters set out in the design guidelines.

The size and shape of a tall building's floor plate works together with the height and placement of tower to determine the overall three-dimensional massing of a tall building and the visual and physical impact it poses on surrounding streets, parks, open space, and properties. The maximum floor plate permitted in the Tall Building Design Guidelines is 750 square metres. Due to the nature of the development site, the proposed building's orientation on the site results in a narrow and long floor plate which is approximately 1,248 square metres. The reduced building setbacks, combined with the large floor plate would result in a scale of building that negatively impacts the adjacent property to the east and would also shadow the outdoor amenity space.

In consideration of the proposed height and building characteristics, the proposed 12-storey building has also been evaluated against the Mid-Rise Buildings Performance Standards. The proposed building, located on a 20 metre right-of-way, exceeds the maximum height for a mid-rise building based on a 1:1 ratio where the height is equivalent to the width of the right-of-way which the building faces. The proposed building does not include stepbacks at its upper floors to mitigate the perception of height and to support a comfortable scale for pedestrians along the street. The proposed front yard setback is also shallower than the front yard setbacks for buildings on either side of the site, and does not provide sufficient setback to support the Park Street Loop as required by OPA 289. The proposed mid-block surface front driveway is discouraged by the performance standards and is not integrated into the building massing as recommended by the Mid-Rise guidelines. The proposed building does not

meet the performance standards for height, front façade pedestrian perception step backs, and front façade alignment amongst other matters, and would also shadow the future parkette to the east.

The Built Form policies in the Official Plan require new developments to fit with its existing and/or planned context. The planned context is evolving and recent developments in the area have taken the form of towers atop a building base, providing greater setback of the tall building element from the public realm and buildings on adjacent properties. Although the proposed building would be adequately separated from the existing building on the site, the building setbacks on the east, west and south of the proposed building are not sufficient for a tall building, nor characteristic of the immediate context. Additionally, the west side yard building setback would put the onus on the adjacent property owner to provide a setback greater than 12.5 metres from the shared property line to the face of any tower component of any future tall building on that site in order to respond to the equitable sharing of the required 25 separation distance between two tall buildings. The adjacent property to the west has been identified as a tall building site in the emerging Midtown in Focus plan for the area, and a separation distance of 30 metres or greater is being recommended for new development in the area through the proposed policies. Furthermore, the emerging direction for separation distance between tall buildings would require the minimum distance (in this case 30 metres) to be provided where an adjacent tall building and/or site has less separation distance than the proportional share.

The proposed development would increase the permitted density on the entire site from 2 times the area of the lot to 3.43 times the area of the lot. The density for the development site would be 4.76 times the area of the development parcel.

The proposed development does not achieve the city building and built form objectives of the Official Plan and the Proposed Midtown in Focus Secondary Plan.

Sun and Shadow Studies

Official Plan Policies 3.1.2(3) and 4.5(2)(d) require that new development adequately limit shadowing on neighbouring streets, properties and open spaces. The Plan requires an assessment of the shadow impacts at the spring and fall equinoxes (March 21st and September 21st) and on the summer solstice (June 21st).

The applicant submitted a shadow study, prepared by Martin Simmons Architects. The Shadow Study demonstrates that the proposal will not shadow the nearest Neighbourhoods (north of Keewatin Avenue) on the equinoxes. On March 21, shadows will be cast onto the future parkette at the southeast corner of 66 Broadway Avenue from 3:18 p.m. onward, while on September 21 there will be incremental impacts starting at 2:18 p.m., with more substantive shadowing beginning at 3:18 p.m. The building would also start to shadow the pedestrian mid-block connection and adjacent outdoor amenity area of the adjacent building to the east from 2:18 onwards.

Staff are not satisfied with the proposal given that it creates unacceptable shadow impacts on the future parkette, and the outdoor amenity area on the adjacent property to the east. Changes to the building massing are required to reduce shadow impacts.

Servicing

A Functional Servicing Report and a Stormwater Management Report were submitted in support of the application. Engineering and Construction Services staff have reviewed the reports and require revisions to both reports to address sanitary sewer capacity and groundwater issues. Revisions are required to confirm whether or not sufficient sanitary sewer capacity exists to service the development, and whether upgrades to the municipal services will be required.

Traffic Impact, Access, Parking

The applicant provided an Urban Transportation Considerations Report prepared by BA Group, dated April 4, 2017. The consultant estimates that the project will generate approximately 25 and 20 new two-way trips during the a.m. and p.m. peak hours, respectively. It was concluded that traffic associated with the proposed development will have a minor impact on the street system. The conclusions of the Urban Transportation Considerations Report were found to be generally acceptable by Transportation Services staff. However, the applicant is required to follow-up with Transportation Services with regards to potential Transportation Demand Management (TDM) strategies, in consultation with Transportation Planning, and more comprehensively address the traffic demand from the proposed land use. Vehicular access to the site is proposed via one all-move driveway onto Broadway Avenue located in approximately the same location as the existing driveway. As noted earlier in this report, this driveway should be relocated to the west in order to remove any conflict with the future park and mid-block connection to the east.

The parking requirements for the project are governed by the applicable parking provisions contained in Zoning By-law 569-2013, which was developed by City staff in order to update the parking requirements for developments. As a result, staff require that parking for this project be provided in accordance with Zoning By-law 569-2013 for Policy Area 2, as defined in the By-law.

The application proposes a total 335 parking spaces for the existing and proposed building. A total of 226 parking spaces are proposed in two levels of underground parking for the proposed building. This includes 189 spaces for residents, 34 for visitors, and 1 space for pick-up/drop-off. An existing one-level underground parking garage with 109 parking spaces will remain for the existing building. Based on the unit breakdown, a total of 416 vehicular parking spaces are required for the existing and proposed buildings. Transportation Services staff advise that the on-site parking supply does not satisfy the requirements of Zoning By-law 569-2013.

Regarding bicycle parking spaces, a total of 162 bicycle parking spaces are proposed. This includes 147 spaces for residents, and 15 for visitors. Staff advise that all "short-term" visitor parking spaces should be provided at-grade and be placed in visible locations that are in accordance with the requirements of Zoning By-law 569-2013.

Under Zoning By-law 569-2013, the site requires the provision of a type "G" loading space. The proposal includes one type "G" loading space which meets the requirements of the Zoning By-law.

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 in an area with 0.43 to 0.79 hectares of local parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

At the alternate rate of 0.4 hectares per 300 units specified in Chapter 415, Article III, of the Toronto Municipal Code, the parkland dedication requirement is 1,960 square metres or 69% of the site area. However, for sites that are less than one hectare in size, a cap of 10% of the development site is applied to the residential use, therefore the parkland dedication requirement is 284 square metres.

Policy 3.2.3.1 of the Official Plan supports expansion and enhancement of existing parks. There is an approved parkette immediately adjacent to east of the development site. As such, Parks, Forestry and Recreation staff have required the applicant to satisfy the parkland dedication through an on-site dedication to expand the adjacent parkette. The on-site park must be fully adjacent to the west side of the public parkette at 66 Broadway Avenue, which is 20.12 metres deep. Therefore the on-site park is to have a frontage of 14.12 metres along Broadway Avenue. The on-site park must be unencumbered by underground parking.

Amenity Space

Policy 3.1.2.6 in the in the Built Form Section of the Official plan states "that every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents of the new development. Additionally, Zoning By-law 569-2013 requires a minimum of two square metres per dwelling unit of indoor and outdoor amenity space be provided.

For the proposed 147 units, the required combined indoor and outdoor amenity space would be 588 square metres. A total of 588 square metres of amenity space is proposed including 277 square metres of outdoor amenity space and 311 square metres of indoor amenity space. This results in 1.8 square metres of outdoor amenity space per unit and 2.1 square metres of indoor amenity space per unit for the proposed building. Staff require the amount of outdoor amenity space to be increased to 294 square metres to satisfy the requirement of two square metres per dwelling per unit.

Rental Housing

The application proposes the intensification of a site with existing rental housing, and is subject to the requirements of Official Plan policy 3.2.1.5. The applicant has identified that the new housing will be rental tenure. Staff advise that all of the new building shall be secured as rental units. No improvements are proposed to the existing rental building on the site. The applicant has advised that the existing tenants will have access to the proposed amenity space in the new building. This report recommends that this provision be secured through a Section 37 Agreement as a legal convenience, as well as securing of the rental tenure of the existing rental dwelling units on the site and

securing of identified needed improvements on the site. The proposal does not adequately conform to Policy 3.2.1.5 of the Official Plan.

Residential Unit Mix

Official Plan policies state that a full range of housing in terms of form, affordability and tenure arrangements will be provided and maintained to meet the needs of current and future residents. The PPS and Growth Plan for the Greater Golden Horseshoe contain policies to support the development of affordable housing and a range of housing to accommodate the needs of all household sizes and incomes. The Council-adopted Growing Up: Planning for Children in New Vertical Communities design guidelines also provide guidance on the proportion and size of larger units recommended in new multi-unit residential developments.

The proposed overall unit breakdown consists of 8.2% studio units, 44.8% one-bedroom units, 45.6% two-bedroom units and 1.4% three-bedroom units. To meet the intent of the relevant housing policies and guidelines and emerging policy direction for the Yonge-Eglinton area, the number of larger residential units suitable for a broader range of households, including families with children, should be increased. This should include increasing the percentage mix of three-bedroom units to a minimum of 10%.

School Capacity

The Toronto District School Board (TDSB) advises that the Board does not support the approval of this application for development at this time. The application is located in a community that is experiencing residential intensification and population growth that is presenting a challenge to accommodate future students, particularly at Eglinton Junior Public School. At the present time, based on the data available, the Board has determined that there is insufficient space at the local schools to accommodate the students anticipated from the proposed development. As such, the Board cannot support the approval of this application until or unless it can be demonstrated that the future students attributed to this development can be accommodated.

The Toronto Catholic District School Board (TCDSB) has not provided any comments.

Tree Preservation

Toronto's urban forest plays an important role in making Toronto a clean and beautiful city. Trees significantly enhance all new development and renewal projects, enhancing both the quality and value of our environment.

The development proposes the removal of three City-owned trees. Urban Forestry does not support the removal of healthy City owned trees in areas outside the proposed construction. Two of the three trees proposed to be removed are in good botanical and structural condition and are to be protected in compliance with the City standards for "Tree Protection Policy and Specifications for Construction Near Trees." A revised landscape plan is required for the retained trees. Urban Forestry staff request a greater diversity in the species to be planted on Broadview Avenue; the one proposed Honey locust should be replaced with a different species than the other two trees to be maintained.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured in the Zoning By-law and on site plan drawings and through a Site Plan Agreement.

The applicant is required to meet Tier 1 of the TGS. Performance measures for the Tier 1 development features that could be secured through the zoning by-law process include: Automobile Infrastructure and Cycling Infrastructure. Other applicable TGS performance measures can be secured through the Site Plan Control process, such as the use of high-albedo surface materials to reduce the urban heat island effect; the provision of safe, accessible pedestrian routes that connect with off-site pedestrian networks; incorporating landscaped areas with water efficient plants; the provision of user-friendly and accessible handling and storage facilities for recyclable materials and organic waste; and storm water management/retention.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the Planning Act. Given the proposed increase in height and density, this proposed development would be subject to the Section 37 policies in the Official Plan. Discussion regarding Section 37 community benefits between the applicant and the City did not occur as there was no agreement on an appropriate form and scale of development for the site.

In the event the application is approved, it is recommended that staff request the LPAT withhold its order until it is advised by the City Solicitor that the applicant has entered into and registered an agreement against title to the site to secure the appropriate community benefits, to the satisfaction of the City Solicitor. Such benefits could include contributions identified in Section 5.1.1 of the Official Plan as deemed appropriate by the Chief Planner and Executive Director, in consultation with the applicant and Ward Councillor.

Conclusion

The proposal has been reviewed against the policies of the PPS, the Growth Plan, the Toronto Official Plan, and the Yonge-Eglinton Secondary Plan. Staff are of the opinion that the proposal is not consistent with the PPS and does not conform with the Growth Plan. Further, the proposal does not conform with the Toronto Official Plan or the Yonge-Eglinton Secondary Plan, and does not respond to the recommended Yonge-Eglinton Secondary Plan update or the Tall Building Guidelines, particularly as it relates to site organization, height, massing, privacy, overlook and shadowing impacts. Approval of the building proposal would introduce a built form context that is unsupported by policies and guidelines. The proposal does not represent good planning and is not in the public interest.

Staff recommend that Council authorize the City Solicitor and appropriate staff to attend the Local Planning Appeal Tribunal in opposition to the Zoning By-law Amendment application in its current form.

CONTACT

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Fax No. (416) 395-7155, E-mail: Cynthia.Owusu-Gyimah@toronto.ca

SIGNATURE

Joe Nanos, Director
Community Planning, North York District

ATTACHMENTS

City of Toronto Data/Drawings

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Yonge-Eglinton Secondary Plan
- Attachment 5: Zoning By-law 569-2013

Applicant Submitted Drawings

- Attachment 6: Context Plan
- Attachment 7: Site Plan
- Attachment 8: Development Site Plan
- Attachment 9: East and North Elevations
- Attachment 10: West and South Elevations

Attachment 1: Application Data Sheet

Municipal Address: 55 ERSKINE AVENUE Date Received: April 18, 2017

Application Number: 17 145066 NNY 25 OZ

Application Type: Rezoning

Project Description: A 12-storey residential building on a property that currently operates as a surface parking area. The building would front onto Broadway Avenue. The existing 17-storey rental apartment building on the site will be retained.

Applicant	Agent	Architect	Owner
Robert Glover 3 Church Street, Suite 200 Toronto, ON M5E 1M2	Robert Glover, Bousfields	Martin Simmons Architects 113 Breithaupt Street, Suite 200 Kitchener, ON N2H 5G9	Shall-May Holdings Limited 22 St. Clair Avenue East, Toronto ON M4T 2S3

EXISTING PLANNING CONTROLS

Official Plan Designation:	<i>Apartment Neighbourhoods</i>	Site Specific Provision:	N
Zoning:	RA	Heritage Designation:	N
Height Limit (m):	38	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 8,090 Frontage (m): 30 Depth (m): 149

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	903	903	952	1,855
Residential GFA (sq m):	14,276	14,276	13,530	27,806
Non-Residential GFA (sq m):				
Total GFA (sq m):	14,276	14,276	13,530	27,806
Height - Storeys:	17	17	12	17
Height - Metres:			38	38

Lot Coverage Ratio (%) : 22.9 Floor Space Index: 3.44

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)

Residential GFA: 27,806
 Retail GFA:
 Office GFA:
 Industrial GFA:
 Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:		188	147	335
Freehold:				
Condominium:				
Other:				
Total Units:		188	147	335

Total Residential Units by Size

	Rooms	Studio	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:		28	70	70	20
Proposed:		12	66	67	2
Total Units:		40	136	137	22

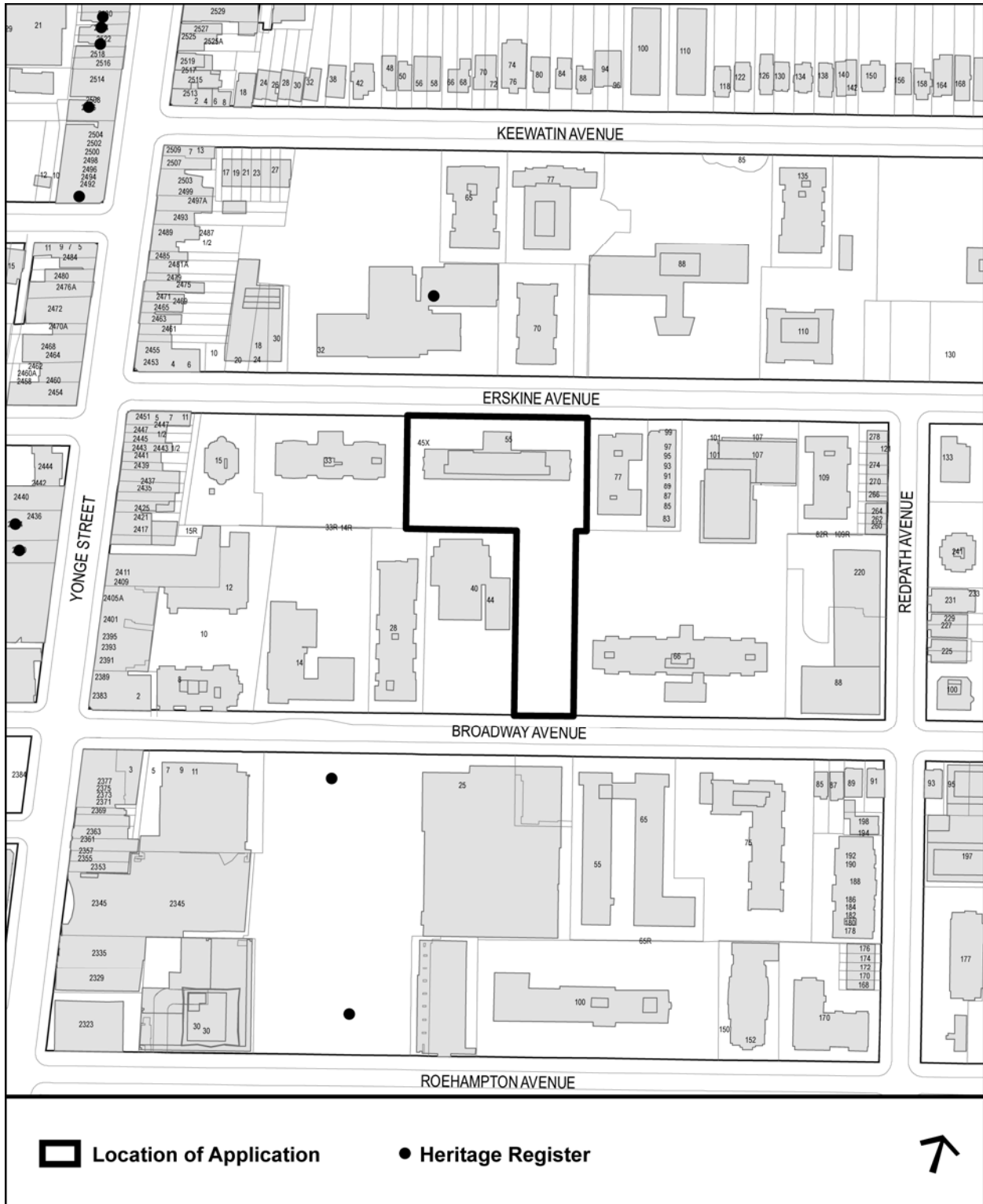
Parking and Loading

Parking Spaces: 226 Bicycle Parking Spaces: 163 Loading Docks: 2

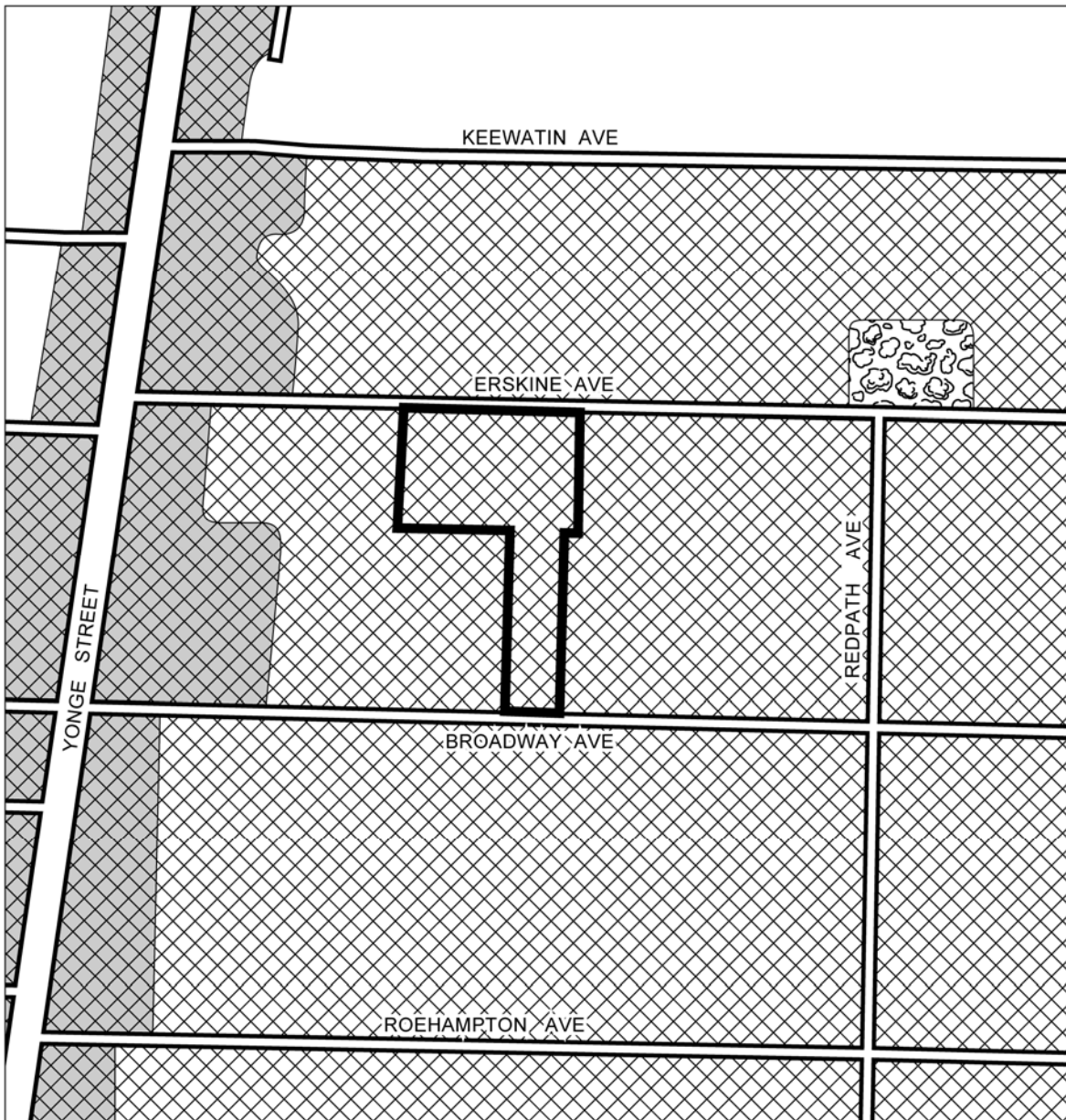
CONTACT:

Cynthia Owusu-Gyimah, Planner
 Tel.: (416) 395-7126
 Email: Cynthia.Owusu-Gyimah@toronto.ca

Attachment 2: Location Map









Attachment 3: Official Plan Land Use Map



TORONTO
 Extract from Official Plan

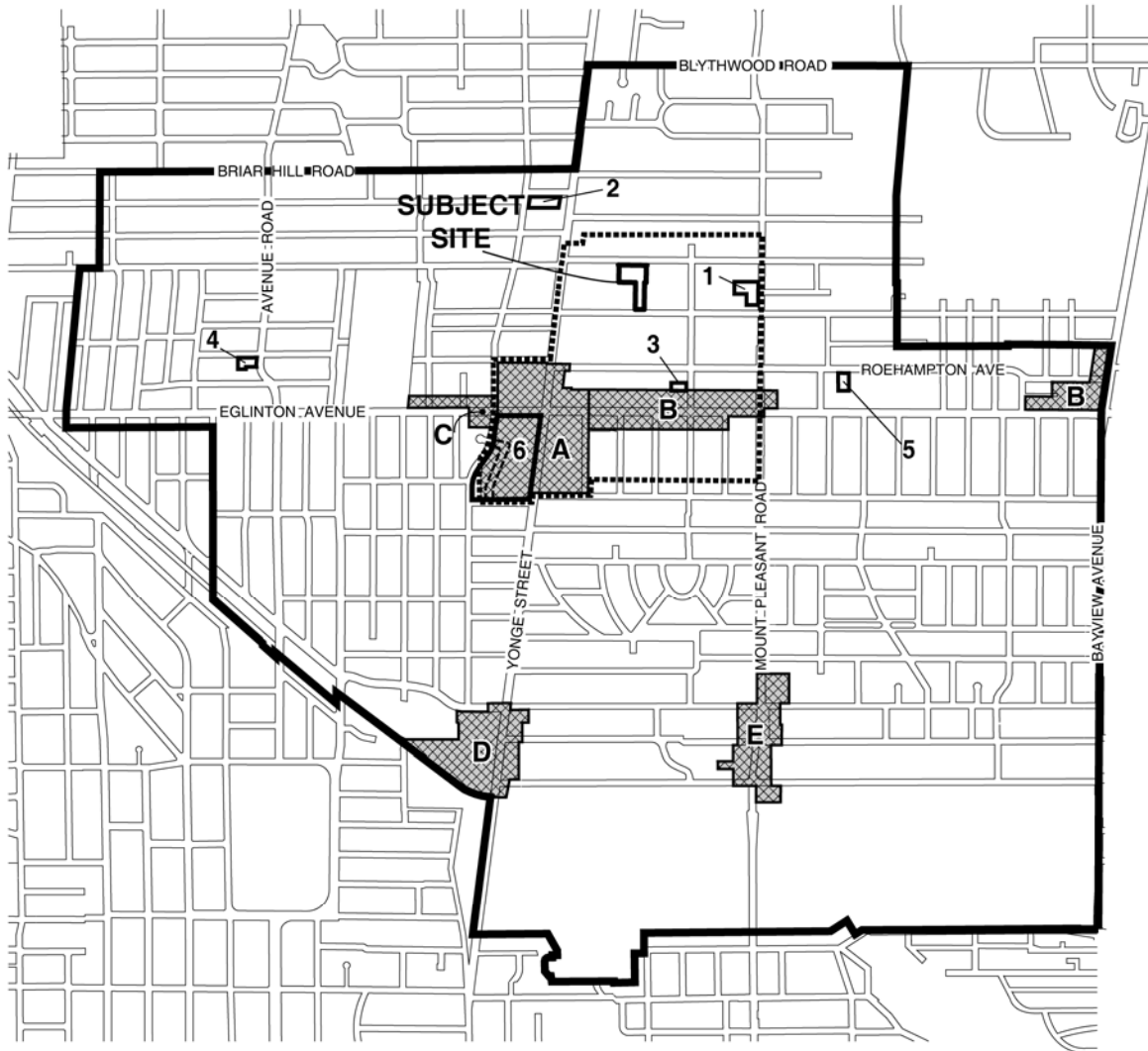
55 Erskine Avenue

File # 17 145066 NNY 25 0Z







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


 Not to Scale
 05/11/2017

Attachment 4: Yonge Eglinton-Secondary Plan



December 2010

-  55 Erskine Avenue
-  Secondary Plan Boundary
-  Yonge-Eglinton Centre
-  Mixed Use Areas
-  Site and Area Specific Policies
-  Proposed Road

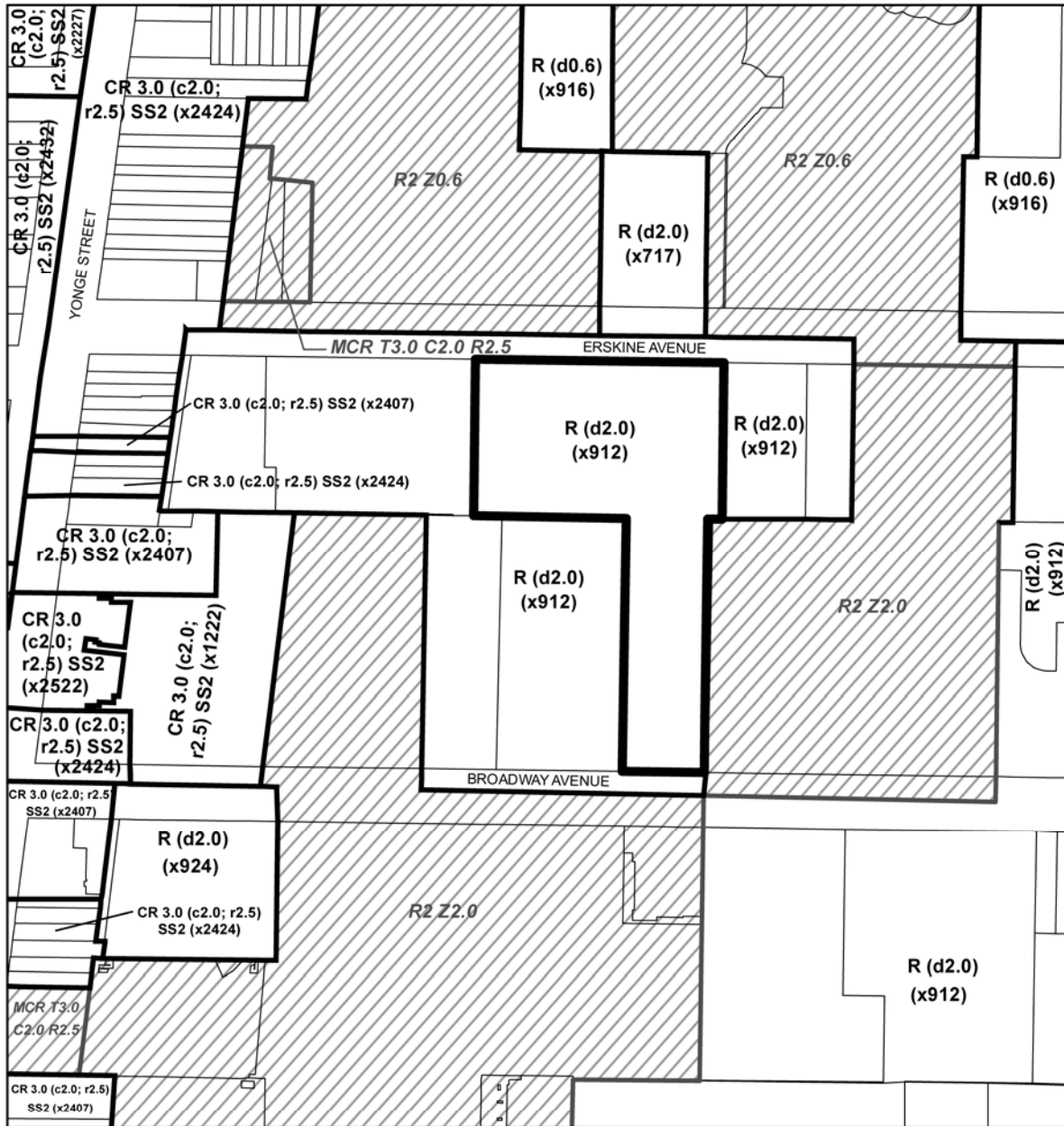
Yonge-Eglinton Secondary Plan - MAP 21-1 Land Use Plan

55 Erskine Avenue

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06/12/2018 

File # 17 145066 NNY 25 0Z

Attachment 5: Zoning By-law No. 569-2013



Zoning By-Law No. 569-2013

55 Erskine Avenue

File # 17 145066 NNY 25 02



Location of Application

R Residential CR Commercial Residential



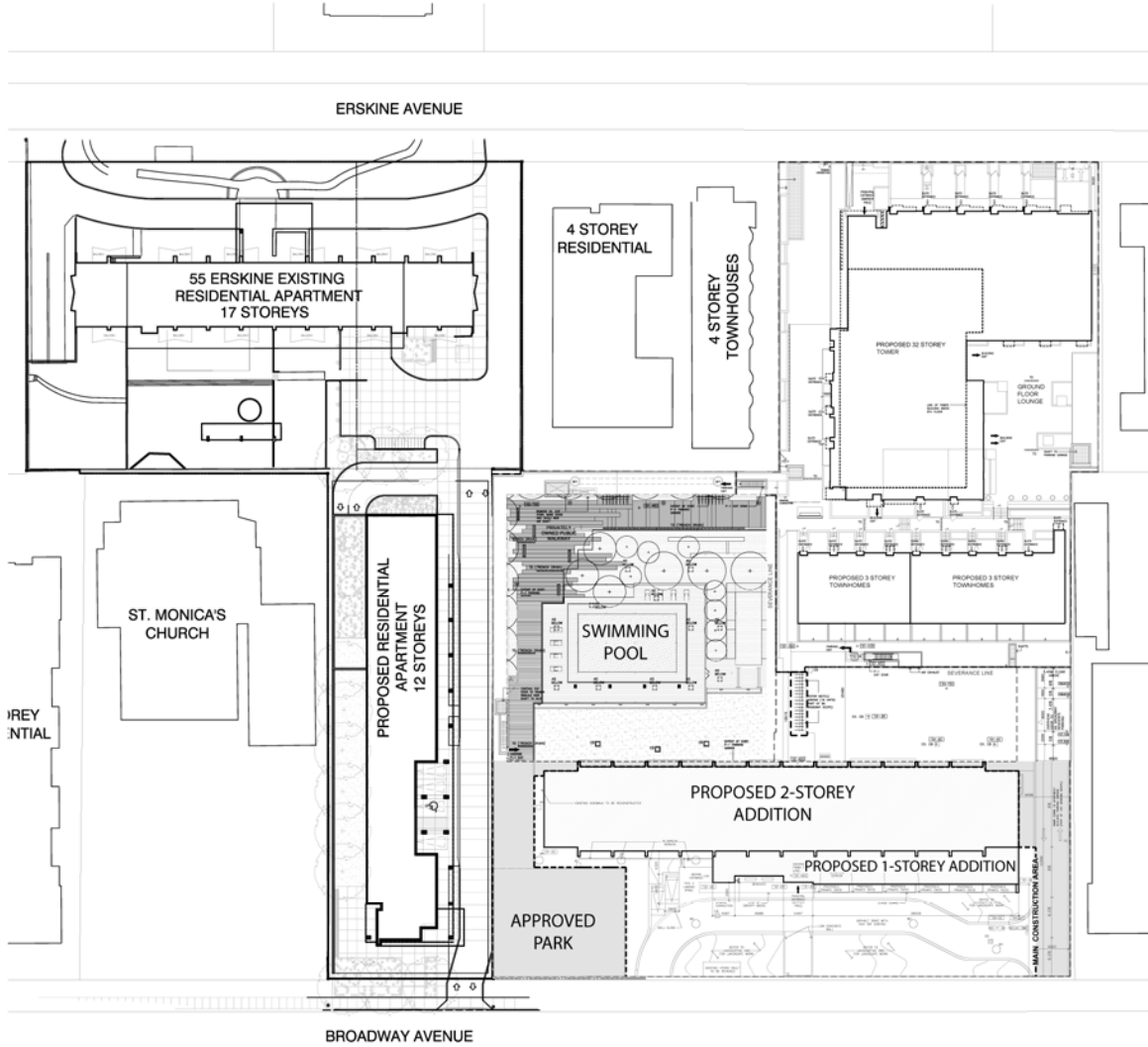
See Former City of Toronto By-Law No. 438-86

R2 Residential District
MCR Mixed-Use District



Not to Scale
Extracted: 05/11/2017

Attachment 6: Context Plan



Context Plan

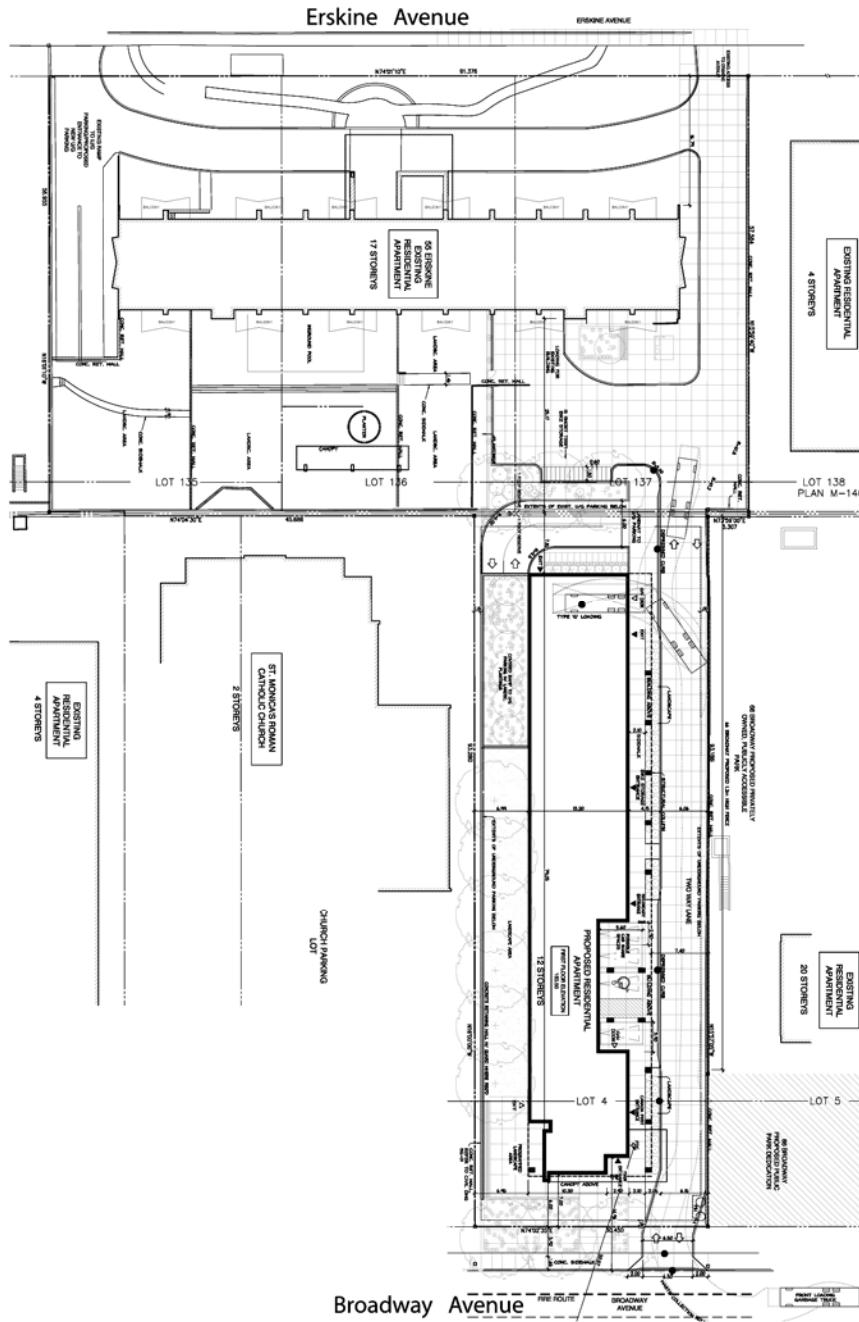
55 Erskine Avenue

Applicant's Submitted Drawing

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06/19/2018

File # 17 145066 NNY 25 0Z

Attachment 7: Site Plan



Site Plan

Applicant's Submitted Drawing

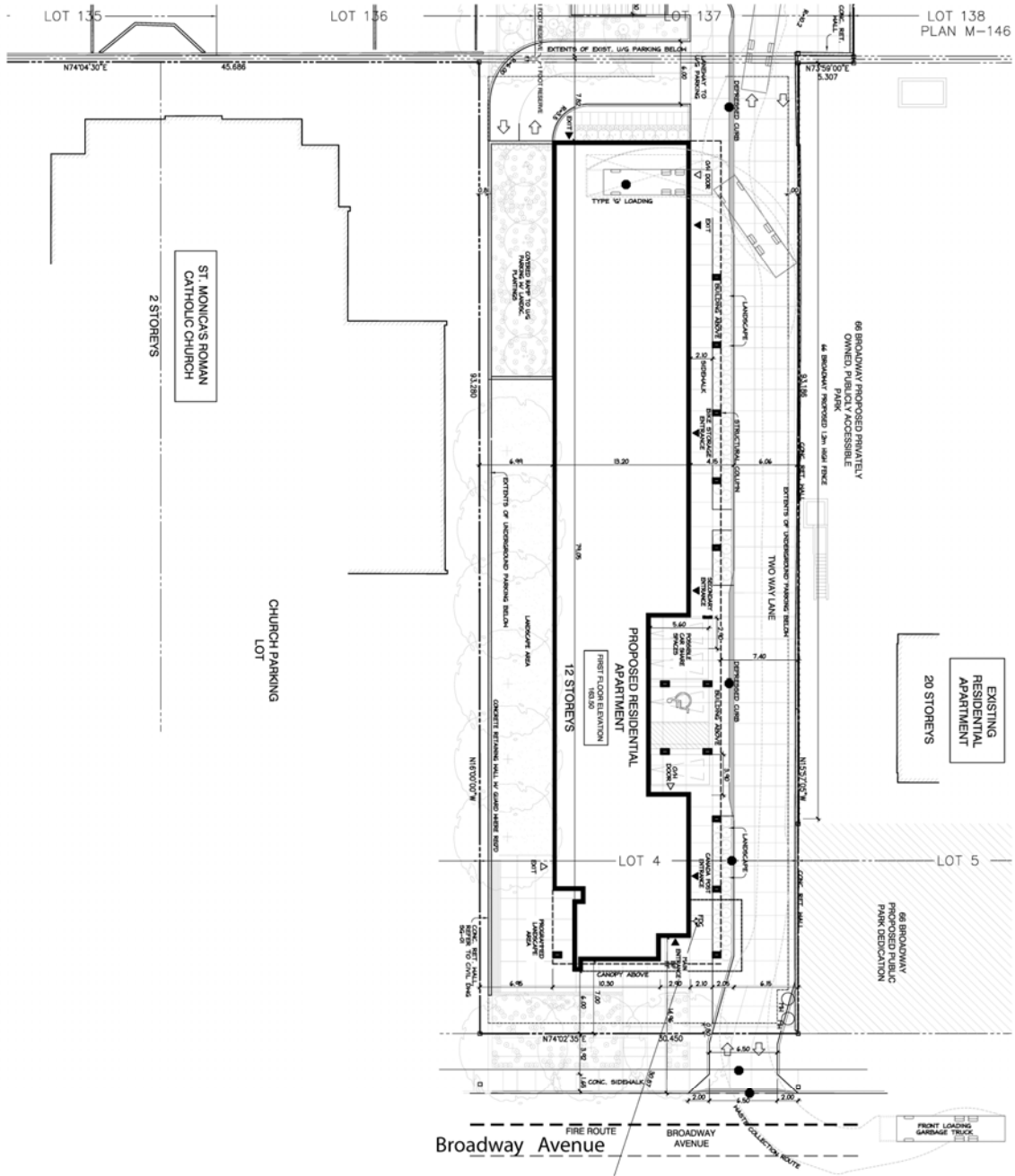
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55 Erskine Avenue

File # 17 145066 NNY 25 0Z

Attachment 7: Development Site



Site Plan 2

Applicant's Submitted Drawing

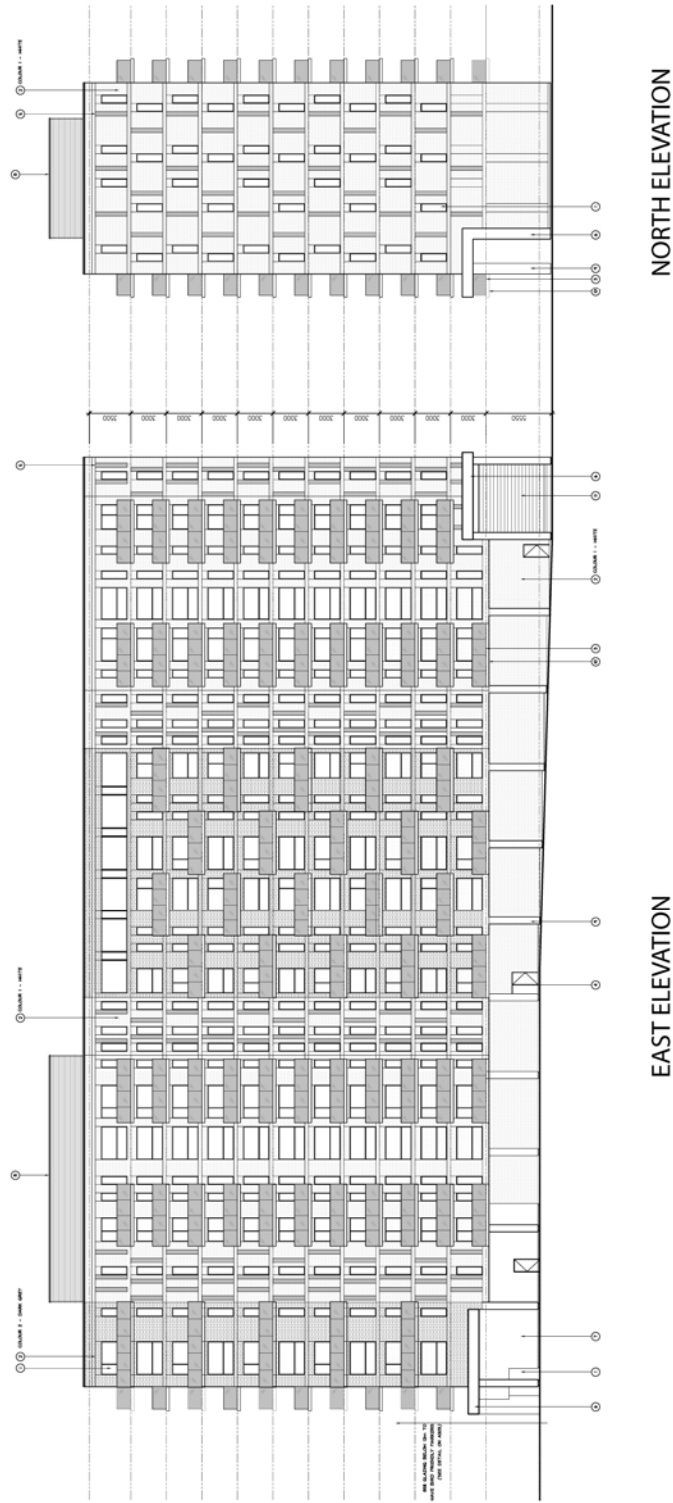
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55 Erskine Avenue

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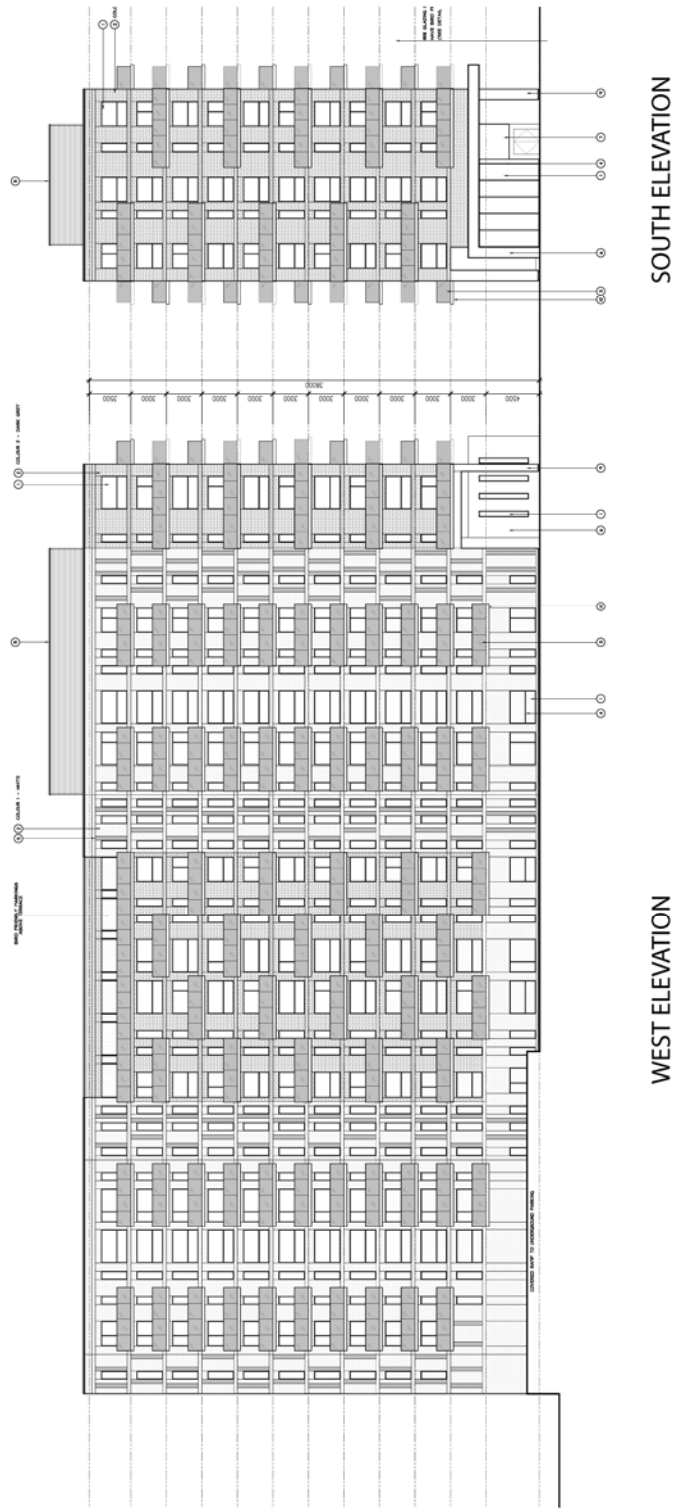
Attachment 8: East and North Elevations



55 Erskine Avenue
File # 17 145066 NNY 25 0Z

East & North Elevations
Applicant's Submitted Drawing
Not to Scale
05/11/2017

Attachment 9: West and South Elevations



55 Erskine Avenue
File # 17 145066 NNY 25 0Z

West & South Elevations
Applicant's Submitted Drawing
Not to Scale
05/11/2017