

# **109 Erskine Avenue – Zoning By-law Amendment and Rental Housing Demolition Applications – Final Report**

Date: May 5, 2022

To: North York Community Council

From: Director, Community Planning, North York District

Ward: 15 – Don Valley West

**Planning Application Number:** 20 208290 NNY 15 OZ

**Related Applications:** 20 208291 NNY 15 RH, 21 172999 NNY 15 SA,  
21 234196 NNY 15 CD

## **SUMMARY**

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The applications propose to demolish the existing three-storey apartment building comprised of 33 rental dwelling units at 109 Erskine Avenue and redevelop the lands with a 22-storey (69.3metre + 4.8 metre mechanical penthouse) building comprised of 211 residential units, inclusive of 33 replacement rental units. The proposed development would contain a total gross floor area (GFA) of 14,176 square metres, which represents a density of 8.17 times the area of the lot.

The proposed development is consistent with the Provincial Policy Statement and conforms with the provincial Growth Plan and the City of Toronto Official Plan.

This report reviews and recommends approval of the application to amend the former City of Toronto Zoning By-law 438-86 and the City of Toronto Zoning By-law 569-2013.

## **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council amend former City of Toronto Zoning By-law 438-86 for the lands at 109 Erskine Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to this report.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 109 Erskine Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to this report.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.

4. City Council approve the Rental Housing Demolition application (20 208291 NNY 15 RH) under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006* to permit the demolition of thirty-three (33) existing rental dwelling units at 109 Erskine Avenue, subject to the following conditions:

a. The owner shall provide and maintain thirty-three (33) replacement rental dwelling units for a period of at least 20 years beginning from the date that each replacement rental unit is first occupied. During such 20-year period, no replacement rental dwelling unit shall be registered as a condominium or any other form of ownership housing that provides a right to exclusive possession of a dwelling unit, including life-lease or co-ownership, and no application shall be made to demolish any replacement rental dwelling unit or convert any replacement rental unit to a non-residential rental purpose. The thirty-three (33) replacement rental dwelling units shall collectively contain a total gross floor area of at least 2,185 square metres and be composed of nine (9) two-bedroom units, twenty (20) one-bedroom units, and four (4) studio units, as generally illustrated in the plans prepared by RAW Design and dated March 7, 2022, with any revision to these plans being to the satisfaction of the Chief Planner and Executive Director, City Planning;

b. The owner shall provide and maintain at least five (5) two-bedroom replacement rental dwelling units, six (6) one-bedroom replacement rental units, and four (4) studio replacement rental units at affordable rents, as currently defined in the Toronto Official Plan, and three (3) two-bedroom replacement rental units and fourteen (14) one-bedroom replacement rental units at mid-range rents, as defined in the Toronto Official Plan, for a period of at least ten (10) years beginning from the date of first occupancy of each unit. The one (1) remaining two-bedroom replacement rental unit shall have unrestricted rent.

c. The owner shall provide an acceptable Tenant Relocation and Assistance Plan to all Eligible Tenants of the thirty-three (33) existing rental dwelling units proposed to be demolished, addressing the right to return to occupy one of the replacement rental dwelling units at similar rents (including the right for one of the tenants of the existing studio units to return to a one-bedroom replacement rental unit without an increase in rent from having to move to a larger bedroom type), the provision of alternative accommodation at similar rents in the form of rent gap payments, and other assistance to mitigate hardship. The Tenant Relocation and Assistance Plan shall be developed in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning;

d. The owner shall provide tenants of all thirty-three (33) replacement rental dwelling units with access to, and use of, all indoor and outdoor amenities in the proposed development at no extra charge, and on the same terms and conditions as any other resident of the development, without the need to pre-book or pay a fee unless specifically required as a customary practice for private bookings;

e. The owner shall provide ensuite laundry in each replacement rental dwelling unit within the proposed development at no additional cost to tenants;

f. The owner shall provide air conditioning in each replacement rental dwelling unit within the proposed development at no additional cost to tenants;

g. The owner shall provide and make available eleven (11) vehicle parking spaces to returning tenants of the replacement rental dwelling units who previously leased vehicle parking spaces, and at similar monthly parking charges that such tenants previously paid, in the existing building. Should fewer than eleven (11) returning tenants who previously leased vehicle parking spaces elect to lease a vehicle parking space in the development or should a returning tenant leasing a vehicular parking space in the development vacate their replacement rental unit, the owner may provide and make available no fewer than five (5) vehicular parking spaces to tenants of the replacement rental units;

h. The owner shall provide tenants of the replacement rental dwelling units with access to all bicycle and visitor vehicular parking at no charge and on the same terms and conditions as any other resident of the development;

i. The owner shall provide and make available, at no charge, at least seven (7) storage lockers to returning tenants whose lease agreements for their existing rental units in the existing building included access to storage space;

j. The thirty-three (33) replacement rental dwelling units required in Part 4.a above shall be made ready and available for occupancy no later than the date by which ninety percent (90%) of the new dwelling units in the proposed development, exclusive of the replacement rental units, are made available and ready for occupancy, subject to any revisions to the satisfaction of the Chief Planner and Executive Director, City Planning; and

k. The owner shall enter into, and register on title to the lands at 109 Erskine Avenue, one or more agreement(s) to secure the conditions outlined in Parts 4.a through 1.j above, including an agreement pursuant to Section 111 of the *City of Toronto Act, 2006*, all to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning.

5. City Council authorize the Chief Planner and Executive Director, City Planning to issue Preliminary Approval of the Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006* for the demolition of the (33) replacement rental dwelling units at 109 Erskine Avenue after all the following have occurred:

a. All conditions in Part 4 above have been fully satisfied and secured;

b. The Zoning By-law Amendments have come into full force and effect;

c. The issuance of the Notice of Approval Conditions for site plan approval by the Chief Planner and Executive Director, City Planning or their designate pursuant to Section 114 of the *City of Toronto Act, 2006*;

d. The issuance of excavation and shoring permits (conditional or full permits) for the approved development on the site;

e. The owner has confirmed, in writing, that all existing rental dwelling units proposed to be demolished are vacant or will be vacant prior to the demolition of any existing rental unit; and

f. The execution and registration of agreements pursuant to Section 37 of the *Planning Act* and Section 111 of the *City of Toronto Act, 2006* securing Parts 4.a. through 1.j above and any other requirements of the Zoning By-law Amendments (if applicable).

6. City Council authorize the Chief Building Official and Executive Director, Toronto Building to issue a Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code after the Chief Planner and Executive Director, City Planning has given the Preliminary Approval referred to in Part 5 above.

7. City Council authorize the Chief Building Official and Executive Director, Toronto Building to issue a Residential Demolition Permit under Section 33 of the *Planning Act* and Chapter 363 of the Toronto Municipal Code for 109 Erskine Avenue after the Chief Planner and Executive Director, City Planning has given the Preliminary Approval referred to in Part 5 above, which may be included in the Rental Housing Demolition Permit under Chapter 667 pursuant to section 6.2 of Chapter 363, on condition that:

a. The owner removes all debris and rubble from the site immediately after demolition;

b. The owner erects solid construction hoarding to the satisfaction of the Chief Building Official and Executive Director, Toronto Building;

c. The owner erects the proposed building no later than three (3) years from the date on which the demolition of the existing rental dwelling units commences, subject to the timeframe being extended to the discretion of the Chief Planner and Executive Director, City Planning; and

d. Should the owner fail to complete the proposed development containing the thirty-three (33) replacement rental dwelling units within the time specified in Part 7.c. above, the City Clerk shall be entitled to enter on the collector's roll, as with municipal property taxes, an amount equal to the sum of twenty thousand dollars (\$20,000.00) per dwelling unit for which a demolition permit is issued, and that such amount shall, until payment, be a lien or charge upon the land for which the Residential Demolition Permit is issued.

8. City Council require the owner to enter into an Agreement pursuant to Section 37 of the *Planning Act* as follows:

a. a cash contribution of \$2,800,00.00 dollars to be allocated towards community services and facilities, local parkland acquisition and improvements, and/or public realm improvements within the vicinity of the subject property, with the design of

any streetscape improvements to comply with the Streetscape Manual, to the satisfaction of the Chief Planner and Executive Director, City Planning;

b. the cash contributions referred to in Recommendation 8.a. above shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01, or its successor, calculated from the date of the Agreement to the date of payment;

c. in the event the cash contributions referred to in Recommendation 8.a. above have not been used for the determined purpose within three years of the amending Zoning By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided the purpose is identified in the Official Plan and will benefit the community in the vicinity of the lands;

9. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

a. Transportation Demand Management measures:

i. Prior to the issuance of an above grade building permit, the Owner shall provide a monetary contribution of \$50,000.00 (Fifty Thousand Dollars) towards additional area bike share facilities and area parks improvements be provided, to the satisfaction of the Chief Planner and Executive Director, City Planning, which cash contribution shall be indexed upwardly in accordance with the Statistics Canada Residential or Non-Residential, as the case may be, Building Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table 18-10-0135-01 or its successor, calculated from the date of the Agreement to the date of payment;

ii. The Owner shall provide preloaded Presto Cards with a value of \$156 shall be provided to each unit;

b. the owner shall enter into a financially secured agreement for the construction of any improvements to the existing municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development;

c. the owner shall construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site.

10. City Council authorize the appropriate City officials to take such actions as are necessary to implement City Council's decision, including execution of the Section 111 agreement and other related agreements.

11. City Council direct the General Manager, Parks Forestry and Recreation to accept a payment in lieu of the on-site parkland dedication in satisfaction of the applicant's required parkland contribution pursuant to Section 42 of the Planning Act.

## **FINANCIAL IMPACT**

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The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

## **DECISION HISTORY**

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The Zoning By-law Amendment and Rental Housing Demolition applications were submitted on October 22, 2020. The Zoning By-law Amendment application was deemed complete on November 3, 2020 and the Rental Housing Demolition application was deemed complete on October 29, 2020.

A Preliminary Report on the applications was adopted by the North York Community Council on January 13, 2021, authorizing City Planning staff to conduct a community consultation meeting. Community consultation is summarized in the Comments section of this report. The Preliminary Report is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.NY21.5>

## **PROPOSAL**

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The applicant proposes to amend City of Toronto Zoning By-law Nos. 438-86 and 569-2013 for the lands at 109 Erskine Avenue in order to redevelop the site with a 22-storey (69.9 metres plus a 5 metre mechanical penthouse) residential building with a total of 211 dwelling units. The proposed development includes 14,176 square metres of residential gross floor area (GFA), which represents a density (floor space index) of 8.16 times the area of the lot.

The base building of the proposed development ranges from four to six storeys in height along the Erskine Avenue frontage. The proposed base building is set back from Erskine Avenue by 7.5 metres at the 1<sup>st</sup> to 4<sup>th</sup> floors, steadily increasing to a 20.18 metre front yard setback at the 20<sup>th</sup> floor. The proposed tower floorplate measures 713 square metres, decreasing to 264 square metres at the 22<sup>nd</sup> floor. The application proposes a total of 290 square metres of indoor amenity space on the 1<sup>st</sup>, 2<sup>nd</sup> and 7<sup>th</sup> floors and 273 square metres of outdoor amenity space on the 1<sup>st</sup>, 2<sup>nd</sup> and 7<sup>th</sup> floors.

A two-way driveway is proposed off Erskine Avenue adjacent to the western lot line, with the base building cantilevered above to provide a carport-style roof over the driveway. The proposed driveway provides access to two levels of underground parking with 48 vehicular parking spaces (39 resident spaces and 9 visitor spaces) and 212

bicycle parking spaces (190 resident spaces and 22 short-term spaces). One Type 'G' loading space is proposed as part of the development.

The table below provides a detailed comparison between the original and current proposals.

Category	Original Submission of October 2020	Resubmission of February 4, 2022
Site Area in Square Metres (m2)	1,737 square metres	1,737 square metres
Base Building Setbacks from Property Line	North - 6.52 metres South - 5.50 metres East- 5.50 metres West - 0 metres	North- 7.5 metres South- 5.5 metres East- 5.5 metres West- 0- 5.5 metres
Proposed Tower Setbacks from the Property Line	South - 8.5 metres East - 5.5 metres West - 5.5 metres	South- 8.5 metres East- 5.5 metres West- 5.5- 8.5 metres North- 8.8- 20.18 metres
Proposed Tower Setbacks - Surrounding Buildings	West - 27 metres South - 74.5 metres	West- 27-30 metres South- 74.5 metres (tower) 12.6 metres (mid-rise)
Total Residential Gross Floor Area (GFA)	14,029 square metres	14,176 square metres
Floor Space Index (FSI)	8.1 times the lot area	8.16 times the lot area
Lot Coverage	33%	35%
Base Building Height	18.9 metres (6-storeys) front 21.9 metres (7-storeys) rear	12.4 metres (4-storeys) 15.35 metres (5-storeys) 19 metres (6-storeys)
Tower Height	68 metres to the top of the 22nd storey 73.12 metres (including MPH)	69.9 metres to the top of the 22 <sup>nd</sup> storey 74.1 metres (including MPH)
Tower Floor Plate	495-761 square metres	264-713 square metres

Category	Original Submission of October 2020	Resubmission of February 4, 2022
Proposed Residential Units		
Studio	21 (10%)	32 (15%)
1 Bedroom	117 (55%)	113 (54%)
2 Bedroom	52 (24%)	42 (20%)
3 Bedroom	23 (11%)	24 (11%)
Total	213	211
Amenity Area		
Indoor	269 square metres	290 square metres
Outdoor	101 square metres	273 square metres
Total	370 square metres	563 square metres
Proposed Vehicular Parking (residential: visitor)	49 spaces (41:8)	48 spaces (39:9)
Loading Spaces	1 Type 'G'	1 Type 'G'
Bicycle Parking (long-term residential:visitor)	214 spaces (192:22)	212 spaces (190:22)
Proposed Parkland Dedication	none	none

The site is currently occupied by a three-storey apartment building comprised of 34 residential units, including 33 rental dwelling units and one formerly owner-occupied unit. As of the date of application, 20 of the existing rental units were occupied. The 33 existing rental units have the following unit mix and rent classifications:

	Studio	1-Bedroom	2-Bedroom	Total
Affordable	4	9	2	15
Mid-Range	2	14	1	17
High-End	0	0	1	1
<b>Total</b>	<b>6</b>	<b>23</b>	<b>4</b>	<b>33</b>

### Site and Surrounding Area

The site is located on the south side of Erskine Avenue, approximately 350 metres east of Yonge Street and one parcel west of the southwest corner of Erskine Avenue and Redpath Avenue. The site is located within the area bounded by Schedule II (Map 2),



designated as *Apartment Neighbourhoods*, and identified as Character Area B1 – Erskine and Keewatin in the updated Yonge-Eglinton Secondary Plan (OPA 405).

The surrounding development and land uses are as follows:

North: On the north side of Erskine Avenue are apartment buildings located at 110, 140 and 160 Erskine Avenue. To the east of the 110 Erskine Avenue building is Redpath Parkette which is located opposite Redpath Avenue. The parkette is primarily greenspace and contains a children’s playground. Further north of the site along Erskine Avenue and the south side of Keewatin Avenue are additional low, mid- and high-rise residential buildings ranging from four to 32 storeys in height with interspersed areas of open space and surface parking.

South: To the south of the site are apartment buildings located on Broadway Avenue. The closest building is a 20-storey residential building with a nine-storey base building along the rear lot line of the Subject Site. To the southwest there is a row of townhouse dwellings that form part of the broader site development at 101 Erskine Avenue.

East: Ten three-storey townhouses with frontages along Redpath Avenue are located east of the site. East of Redpath Avenue, Erskine Avenue is characterized by a range of residential apartment buildings including low, mid- and high-rise built forms. The lands immediately east of the site are designated *Apartment Neighbourhoods* in the Official Plan.

West: To the west of the site is a recently completed 33 storey high-rise residential building with a six-storey base building. The podium of this development is set back 1.35 metres from the subject site's lot line and the tower is setback 19.40 metres from the shared lot line. Further to the west, Erskine Avenue contains primarily residential uses consisting of townhouse, low, mid- and high-rise built forms. John Fisher Junior Public School is on the north side of Erskine Avenue west of the Subject Site. Approaching Yonge Street there are also several commercial uses.

### **Reasons for Application**

A Zoning By-law amendment is required as the application proposes to exceed the maximum building height and density permitted by the existing Zoning By-laws, as amended, and to establish new development standards related to, amongst other things: parking, amenity space, landscaping and building setbacks.

The Rental Housing Demolition application under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006* is required to demolish the 33 existing rental dwelling units.

## **APPLICATION BACKGROUND**

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### **Site Plan Control**

The application is subject to Site Plan Control Approval. A Site Plan Control application (File # 21 172999 NNY 15 SA) was submitted on June 18, 2021 and is being reviewed concurrently.

## **Application Submission Requirements**

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

- Arborist Report;
- Architectural Plans;
- Civil and Utilities Plans;
- Energy Modelling Report;
- Functional Servicing and Stormwater Management Report;
- Geotechnical Investigation;
- Green Roof By-law;
- Housing Issues Report;
- Hydrogeological Report;
- Landscape and Lighting Plans;
- Mechanical Design Plans;
- Pedestrian Level Wind Study;
- Planning Rationale;
- Public Consultation Strategy Report;
- Sun/Shadow Study;
- Toronto Green Standard Checklist;
- Transportation Impact Study; and,
- Tree Inventory and Preservation Plan.

The reports and studies submitted by the applicant are available on the City's Application Information Centre (AIC) at the following link:

<https://www.toronto.ca/city-government/planning-development/application-information-centre>

## **Agency Circulation Outcomes**

The applications, together with the applicable reports noted above, have been circulated to all appropriate agencies and City divisions. Responses have been used to assist in evaluating the application and to formulate appropriate zoning by-law standards.

## **Statutory Public Meeting Comments**

In making their decision with regard to this application, Council members have been given an opportunity to view the oral submissions made at the statutory public meeting held by the North York Community Council, as these submissions are broadcast live over the internet.

## **POLICY CONSIDERATIONS**

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### **Planning Act**

In accordance with Section 2 of the *Planning Act*, Planning staff are satisfied that the application has had regard for matters of Provincial interest, in particular:

- (p) the appropriate location of growth and development;

- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians; and,
- (r) the promotion of built form that,
  - (i) is well-designed,
  - (ii) encourages a sense of place, and
  - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

### **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 Ontario. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision, and site plans.

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 to 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.

### **The Provincial Policy Statement (2020)**

The Provincial Policy Statement (2020) (the "PPS") provides provincial policy direction 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 use and management of land and infrastructure;
- the sufficient provision of housing, including affordable housing, to meet changing needs;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer, and other infrastructure is available to accommodate current and future needs; and
- protecting people, property, and community resources by directing development away from natural and human-made hazards.

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 recognizes and acknowledges the Official Plan as the most important document for implementing the policies within the PPS.

## **Provincial Plans**

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on August 28, 2020. This was an amendment to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2020), establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act*.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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 (2020), builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the Greater Golden Horseshoe region. The policies of the Growth Plan (2020), take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

The Growth Plan (2020) sets out minimum density targets for Major Transit Station Areas (MTSAs) and Urban Growth Centres (UGCs). MTSAs are the lands around transit stations generally defined as the areas within an approximate 500-800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan

requires that, at the time of the next municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs achieve appropriate densities.

## **Toronto Official Plan**

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from The Planning Act of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, may be applicable to any application. Toronto Official Plan policies may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

The subject lands are designated *Apartment Neighbourhoods* on Map 17 of the Official Plan and are subject to Official Plan Policy 3.2.1.6, which requires that any new development resulting in the loss of six or more rental housing units replace the same number, size and type of rental units with rents similar to those in effect at the time of application.

On September 21, 2020, Official Plan Amendments 479 (Public Realm) and 480 (Built Form) came into force. These OPAs introduced new or revised policies regarding building types, building design and massing, parks, POPs (privately owned, publicly accessible spaces), and trees and natural areas, among other policies. OPA No. 479 also introduced the Block Context Plan requirement for some applications that shows how the physical form of the proposed development fits within the existing and planned context.

The application has been reviewed against the policies of the City of Toronto Official Plan as follows:

### **Chapter 3 - Building a Successful City**

The Built Form policies of the Official Plan require new development to be located and organized to fit with its existing and/or planned context. Buildings should generally be located parallel to the street and locate main building entrances so that they are clearly visible and directly accessible from the public sidewalk. Vehicular parking, access and service areas should be located and screened to minimize their impact and provide parking underground when possible. In order to fit harmoniously into the existing and/or planned context, buildings should create transitions in scale to neighbouring existing and/or planned buildings and to provide adequate light and privacy.

#### *Section 3.1.2: Built Form*

Section 3.1.2 of the Official Plan speaks to built form. The policies stress that infill and redevelopment sites will need to "fit in", respecting and improving the character of the surrounding area. Developments must be conceived not only in terms of the individual

building site and program, but also in terms of how that site, building and its facades fit within the existing and/or planned context of the neighbourhood and the City.

Section 3.1.2 policies provide guidance pertaining to the massing of new buildings to frame adjacent streets in a way that respects the existing and/or planned street proportion, incorporating exterior design elements, form, scale, proportion, pattern and materials, and sustainable design. This is done in order to influence the character, scale and appearance of the development, creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of the Official Plan.

Further, Section 3.1.2 requires new development to be massed to define the edges of streets at good proportion and provide amenity for adjacent streets to make these areas attractive, interesting, comfortable and functional for pedestrians. This can be achieved by, amongst other things, the provision of adequate amenity and landscaped open space, coordinated landscape improvements in setbacks to create attractive transitions from the private to public realms and landscaped open space within the development itself. The intention is to enable new developments to "fit" within its existing context, while also improving the character of the surrounding area.

### **Section 3.1.3: Built form- Building Types**

#### *Tall Buildings*

Tall buildings come with larger civic responsibilities and obligations than other buildings. To ensure tall buildings fit within their existing and/or planned context and limit local impacts, there are additional built form principles that apply to the location and design of tall buildings. These built form policy principles are found in Section 3.1.3.1 and include:

- a) tall buildings should be designed to consist of three parts, carefully integrated into a single whole:
  - a. base building - provide definition and support at an appropriate scale for adjacent streets, minimize the impact of parking and servicing uses;
  - b. middle - design the floor plate size and shape with appropriate dimensions for the site, locate and orient it on the site and in relationship to the base building and adjacent buildings;
  - c. top - design should contribute to the skyline character and integrate roof top mechanical systems into the design.

Policy 3.1.3.2 of the Official Plan details key urban design considerations including:

- b) demonstrating how the proposed building and site design will contribute to and reinforce the overall City structure;
- c) demonstrating how the proposed building and site design relate to the existing and/or planned context;
- d) taking into account the relationship of the site to topography and other tall buildings; and
- e) providing high quality, comfortable and usable publicly accessible open space areas.

### *Section 3.2.1: Housing*

Section 3.2.1 of the Official Plan contains the City's policies pertaining to the provision, maintenance, and replacement of housing.

Policy 3.2.1.6 prevents new development that would result in the loss of six or more rental dwelling units unless all of the existing rental units have rents that exceed mid-range rents at the time of application or, in cases where planning approvals other than site plan are being sought, at least the same number, size, and type of rental units are replaced and maintained with similar rents and the applicant develops an acceptable tenant relocation and assistance plan, addressing the right to return to the replacement units at similar rents and other assistance to mitigate hardship.

## **Chapter 4 - Land Use Designations**

The subject lands are designated *Apartment Neighbourhoods* on Map 17 of the Official Plan (see Attachment 3).

### *Section 4.2: Apartment Neighbourhoods*

*Apartment Neighbourhoods* policies in Chapter 4 (Policy 4.2.2) state that development in *Apartment Neighbourhoods* should contribute to the City's quality of life by:

- 1) Locating and massing new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing setbacks from and/or a stepping down of heights towards lower scale *Neighbourhoods*;
- 2) Locating and massing new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*;
- 3) 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;
- 4) Including sufficient off-street motor vehicle and bicycle parking for residents and visitors;
- 5) Locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences;
- 6) Providing indoor and outdoor recreation space for building residents in every significant multi-unit residential development;
- 7) Providing ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces; and,
- 8) 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.

## **Chapter 5 – Implementation**

### *Section 5.1.1: Height and/or Density Incentives*

The Official Plan provides for the use of Section 37 of the Planning Act to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision by the applicant of community benefits in the form of capital facilities. Under Toronto's Official Plan, developments that exceed a threshold of 10,000 square metres of gross floor area, and where the application increases the permitted density by at least 1,500 square metres, and/or significantly increases the permitted height, a Section 37 agreement may be used. As the proposed increase in height and density meets these thresholds for the use of Section 37, Section 37 benefits will be required and will be secured in a Section 37 Agreement

### *Section 5.6: Interpretation*

Section 5.6.6 of the City's Official Plan states that the policies of the Official Plan apply to areas subject to Secondary Plans, except in the case of a conflict, the Secondary Plan policy will prevail.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

### **Yonge Eglinton Secondary Plan**

The subject site is designated *Apartment Neighbourhoods* and identified as Character Area B1 - Erskine and Keewatin in the updated Yonge-Eglinton Secondary Plan.

The site is designated *Apartment Neighbourhoods* per Map 21-4 of the Plan. Policy 2.5.10 states that *Apartment Neighbourhoods* consist of predominantly residential communities oriented along major streets or areas with clusters of rental and condominium apartment buildings. Residential uses and local institutional and cultural uses are permitted. Small-scale retail and service uses that primarily serve area residents are permitted on the first floor of buildings, and will be encouraged to be provided in areas identified as Secondary Retail Streets. Furthermore, Policy 2.5.11 states that where residential uses are provided at grade, development will minimize the width of lobbies and line base buildings with grade-related residential units or community service facilities.

The Yonge-Eglinton Secondary Plan sets out a long-term vision for Midtown that emphasizes the importance of complete communities and the diversity of Midtown's character areas. The Midtown Cores are vibrant mixed-use areas centred around Midtown's transit stations. The Cores will continue to function as mixed-use nodes, including office, institutional, residential and cultural uses.

The outcome of staff analysis and review of the relevant Official Plan policies and designations and the Yonge-Eglinton Secondary Plan is summarized in the Comments section of the Report.

The Yonge-Eglinton Secondary Plan is available on the City's website at: [https://www.toronto.ca/wp-content/uploads/2019/07/96a5-CityPlanning\\_OPA405.pdf](https://www.toronto.ca/wp-content/uploads/2019/07/96a5-CityPlanning_OPA405.pdf)



## **Zoning By-laws**

The site is subject to both former City of Toronto Zoning By-law 438-86 and City-wide Zoning By-law 569-2013. Under Zoning By-law 438-86, as amended, the site is zoned Residential Districts R2 Z 2.0. Under Zoning By-law 569-2013, as amended, the site is zoned Residential R (d2.0) (x912). Both the R2 and R zones permit residential uses, a maximum density of 2.0 times the lot area, and a maximum height of 38 metres (with an additional five metres for mechanical penthouses).

The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

## **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.

Tall buildings should respect the scale of the local context and display an appropriate transition in height and intensity especially when adjacent to areas of differing land use and lower scale built form. In general, appropriate fit and transition is achieved when tall buildings respect and integrate with the height, scale and character of neighbouring buildings, reinforce the broader city structure, provide horizontal separation and transition down to lower-scale buildings and open space, and maintain access to sunlight and sky view for surrounding streets, parks, public or private open space, and neighbouring properties. Such appropriate fit of the tall building is determined by the regulatory framework, including the planned intensity of use and scale of development for the site.

The Guidelines are available here:

<https://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>.

## **Growing Up: Planning for Children in New Vertical Communities**

The intent of the Growing Up Guidelines is to ensure that a range of unit types and sizes are provided as part of a new development, including larger family sized units. The Guidelines recommend that a minimum of twenty-five percent of a building's units are large units: ten percent as three-bedroom units and fifteen percent as two bedroom units.

The link to the guidelines and the background staff reports is available here:

<https://www.toronto.ca/city-government/planning-development/planning-studiesinitiatives/growing-up-planning-for-children-in-new-vertical-communities/>

Other applicable guidelines which were used in the evaluation of the application include:

- Bird-Friendly Guidelines;

- Toronto Green Standards;
- Complete Streets; and,
- Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings.

## **Community Consultation**

On February 24, 2021, City Planning Staff, together with the local Ward Councillor held a community consultation meeting on the proposed mixed use development. The applicant and approximately 34 members of the public attended to discuss the proposal. Comments raised included:

- location of the proposed park and access to the surrounding neighbourhood;
- the provision for as many new trees as possible;
- relationship to the townhouses to the east, including separation distances, screening and privacy;
- base building height exceeds that prescribed by the Yonge-Eglinton Secondary Plan;
- number of parking spaces in relation to the number of proposed units;
- lack of emergency vehicle access being proposed on-site, including fire routes;
- concerns related to tenants' rights and relocation from the existing rental units;
- coordination of future construction with the surrounding developments due to safety concerns; and,
- lack of green space proposed on-site and within the surrounding area.

On June 7, 2021, the applicant team facilitated a neighbour consultation meeting with the residents of the 260 to 278 Redpath Avenue townhouses (immediately adjacent to the site). The purpose of this meeting was to determine additional mitigation measures for the mutual east property line between the two sites and hear resident feedback on the proposed interface. As a result of the feedback, a number of revisions were made that informed the subsequent resubmission in June 2021.

## **Rental Housing Demolition and Conversion By-law**

Section 111 of the *City of Toronto Act, 2006* authorizes the City to regulate the demolition and conversion of residential rental properties. Chapter 667 of the Toronto Municipal Code, the Residential Rental Property Demolition and Conversion Control By-law, implements Section 111. The By-law prohibits the demolition of rental housing in any building or related group of buildings that collectively contain six or more dwelling units without obtaining a permit from the City and requires a decision by City Council or, where delegated, the Chief Planner.

Under Sections 14 and 15 of Chapter 667, Council may refuse an application or impose conditions on an approval, including conditions requiring an applicant to replace the rental units proposed to be demolished and/or to provide tenant relocation and assistance, which must be satisfied before a demolition permit is issued. These conditions implement the City's rental housing protection policies in the Official Plan.

Section 33 of the *Planning Act* also authorizes Council to regulate the demolition of residential properties. Section 33 is implemented through Chapter 363 of the Toronto Municipal Code, the Building Construction and Demolition By-law, which requires Council approval of any demolition of a residential property that contains six or more dwelling units (irrespective of whether any are rental) before the Chief Building Official can issue a demolition permit under the *Building Code Act, 1992*. Where a proposal requires Council approval of a residential demolition application under Chapter 363 and a Rental Housing Demolition application under Chapter 667, Council typically considers both applications at the same time.

The proposal to demolish 33 rental dwelling units on the subject lands requires approval under both Chapters 363 and 667 of the Toronto Municipal Code because it involves the demolition of at least six dwelling units and at least one rental dwelling unit.

### **Tenant Consultation**

On March 8, 2022, a tenant consultation meeting was held to review the City's housing policies, the impact of the proposed demolition on existing tenants, and the proposed Tenant Relocation and Assistance Plan. The meeting was held virtually (due to the COVID-19 pandemic) and attended by 11 tenants, representatives of the applicant, City Planning staff, and a representative of the local Councillor's office.

During the meeting, tenants asked questions and expressed concerns about:

- The timing of the application and when it would be approved;
- The timing of the proposed demolition and the estimated length of time over which the proposed development would be constructed;
- The proposed replacement rental unit layouts;
- Seniority and the process for selecting a replacement rental unit;
- The ability to return to a replacement rental unit of a different bedroom type;
- Access to storage in the new building;
- How rent increases would be calculated over the construction period;
- How the rent gap payments would be calculated; and
- How and when rent gap payments would be administered to tenants.

## **COMMENTS**

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### **Planning Act**

The review of this application and this report's recommendations have had regard for the relevant matters of provincial interest set out under Section 2 of the Planning Act.

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

Policies of the PPS (2020) promote the formulation of appropriate development standards, while providing for safe, active streets and public spaces and an equitable distribution of publicly-accessible settings for recreation, including facilities, parklands,

public spaces, open space areas and well-designed built form. Policy 4.6 of the PPS states that the Official Plan is the most important vehicle for implementation of the PPS.

The proposed 22-storey building provides for a well-designed built form with an appropriate massing and appealing visual scale. The analysis of the proposed built form in the context of the aforementioned Official Plan and Secondary Plan policies, and as assessed further in this report, supports that the proposed building provides for development standards that are appropriate for the redevelopment of the subject lands, and particularly with regard to appropriate massing, height, transition and pedestrian realm.

Policy 1.2.1 of the Growth Plan prioritizes intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability. The Growth Plan also supports a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households. The proposal meets these objectives as it proposes to redevelop a site located within the Yonge-Eglinton Urban Growth Centre where significant intensification is anticipated and directed by the Growth Plan. The application is an appropriate scale and development for the existing and planned context and proposes a mix of unit sizes as well as rental replacement units, supports transit viability by being located approximately 400 metres (6 minute walk) from higher order transit, and enhances the public realm by implementing the public realm policies envisioned for the area by local policies. The application therefore meets the objectives of this Policy.

Planning Staff have reviewed the current proposal against the policies of the PPS, as described in the Policy Considerations Section in this report and find the proposal is consistent with the policies of the PPS. The City of Toronto Official Plan has responded by establishing areas for intensification and includes policies to encourage intensification, provided that this can occur in the context of other applicable policies. Importantly, the City of Toronto Official Plan and supporting documents such as the Tall Building Design Guidelines recognizes that context is important. The height and scale of the proposed development is appropriate for the area context.

Planning Staff have reviewed the current proposal against the policies of the PPS, as described in the Policy Considerations Section in this report and find the proposal is consistent with the policies of the PPS and conforms to the Growth Plan.

## **Land Use**

The site is designated *Apartment Neighbourhoods* in the City of Toronto Official Plan and the Yonge-Eglinton Secondary Plan (OPA 405). Policy 5.3.53 of the Secondary Plan states that new buildings may be permitted in Midtown Apartment Neighbourhoods subject to achieving an appropriate separation distance between existing buildings on adjacent sites; the building is fronting onto a street; and that parking and servicing activities are integrated into the new building. The proposal meets all of these criteria.

The proposed land use for an apartment building conforms with the Official Plan designation of *Apartment Neighbourhoods* for the site and is consistent with the City Council vision for the area as envisioned through the Yonge-Eglinton Secondary Plan

(OPA 405). Planning staff are supportive of the proposed form of development in this location.

### **Built Form**

Planning staff have reviewed the proposed built form, including height and massing, against the policies of the Official Plan, Yonge-Eglinton Secondary Plan and relevant design guidelines, including the Tall Building Design Guidelines.

The applicant has made a number of revisions since the original proposal, in particular to the relationship and transition to the properties to the east and west of the site. These include:

Eastern side yard revisions:

- A reduction in the overall size and footprint of balconies;
- Reduced balcony projections from 1.8 metres to 1.5 metres;
- Opaque balcony materials to limit overlook; and,
- Landscaped screening of the intake vent, which functions as a passive element.

With regard to the impact of the proposed building on the existing townhouses immediately east of the subject site, the setback of 5.5 metres remains similar to the current condition with the existing building. However, in comparison to the original submission, the balconies have been reduced in depth with opaque screening treatment, the terraces have been lowered and additional landscaping is proposed in order to adequately screen these areas from the townhouses to the east. Further landscaping details will be provided by the applicant and reviewed during the site plan stage. These measures result in a side yard condition that is not overly intrusive to the adjacent properties and that provides further screening than the existing condition.

Western side yard revisions:

- Shifting of the mass to provide for an “H” shaped podium footprint to increase the distance from the east facing podium windows at the adjacent development at 101 Erskine Avenue and to mitigate overlook impacts;
- Introduction of a 350 mm setback of the base building element extending to 5.5 metres for the light well; and,
- No direct facing windows between the proposed base-building and 101 Erskine Avenue.

Overall, the west side yard setbacks have been increased on multiple floors of the base building to step the building away from the western lot line and adjacent development at 101 Erskine Avenue. The above revisions are considered satisfactory in mitigating the impacts of the proposal, particularly the base building, and ensuring an appropriate transition to the adjacent properties.

Policy 5.1.1(d) states that growth and intensification will be accommodated in a variety of building types and scales suitable and appropriate to the existing and planned context of the character areas by ensuring high-quality landscaping at grade, providing appropriate spacing and separation between tall buildings, and ensuring the base of tall

buildings have a scale that is compatible with the existing and planned character of the area. The proposed tower would be located in excess of 27 metres from the closest adjacent tall building at 101 Erskine Avenue and 74.5 metres from the tower (part of a recent development at 88 Broadway Avenue and 220 Redpath Avenue) to the south of the site, therefore adhering to this policy and complying with the Tall Building Guidelines regarding separation distances and the objective to achieve good sky view and sunlight.

With regard to height, Policy 5.4.3 of the Yonge-Eglinton Secondary Plan provides that the anticipated height range in the Erskine and Keewatin Character Area is 25 to 35 storeys along Erskine Avenue, generally decreasing west to east with increasing distance from Yonge Street. The proposed height of the building is 22-storeys which falls below the height range for this area. In addition to the proposed height being appropriate for the site and location, the proposed tower floorplate is between 264 and 713 square metres. This adheres to the Tall Building Guidelines objectives of tall building floorplates not exceeding 750 square metres, which is also supported by Policy 5.3.41 of the Yonge-Eglinton Secondary Plan.

Policy 5.3.34(a) supports Policy 5.1.1 of the Secondary Plan by further stating that base buildings of tall buildings in Apartment Neighbourhood Character Areas generally should not exceed four storeys. The height of the base building is proposed at four, five and six storeys on Erskine Avenue. The four-storey portion is located adjacent to the four-storey townhouses to the east and the height gradually increases to six-storeys west towards 101 Erskine Avenue where the existing base building is six-storeys. The staggering of the base building heights is considered compatible with the scale and proportion of the adjacent streets and buildings, and also meets the objectives of Secondary Plan policy 5.3.33 which encourages a transition in scale of base buildings down to adjacent lower-scale buildings as well as fitting harmoniously with the existing and planned context of neighbouring streetwall heights.

Overall, the massing, scale and form of the proposed building meets the objectives of the Official Plan, Yonge-Eglinton Secondary Plan, and Tall Building Design Guidelines; is compatible with the surrounding existing and planned context and is considered an appropriate form of development for the site.

### **Shadow and Wind Impacts**

The Yonge-Eglinton Secondary Plan ensures all development within the Plan area will generally reflect the built form principle which ensures liveable and comfortable spaces that also contribute to a resilient future by locating, designing and massing buildings to mitigate the cumulative impact of multiple tall buildings, ensuring adequate access to sky view from the public realm, allowing adequate sunlight to penetrate to the street, and ensuring good wind conditions in all seasons.

Policy 5.6.1 of the Yonge-Eglinton Secondary Plan states that development will be located and designed to maintain adequate access to sunlight on the existing and proposed expansion of Redpath Avenue Parkette identified on Map 21-8. All development proposals will be encouraged to minimize net new shadows on the parkette. The development site is located across the street from the parkette.

The submitted shadow study depicts the proposal shadowing the Redpath Avenue Parkette on March 21<sup>st</sup> from 1:18P.M. to 3:18P.M. and September 21<sup>st</sup> from 1:18P.M. to

2:18P.M. On balance, this impact is considered minimal due to the fact that the tower height is less than the lowest height in the range set out in the Secondary Plan. The tower has multiple stepbacks from Erskine Avenue starting at the 12<sup>th</sup> floor, then increasing from the 18<sup>th</sup> to 22<sup>nd</sup> floors. This is an acceptable built form to mitigate visual and wind impacts on the surrounding public realm.

With regard to the pedestrian level wind impacts, buildings need to be sited and massed to adequately limit wind impacts on the public realm. The submitted wind study memo, dated January 27, 2022, demonstrates that the addition of a canopy over the main residential ground floor entry and over a portion of the drive aisle/driveway does not adversely influence wind conditions in the general area. This design addition does not change the outcomes of the initial submitted wind study, dated June 26, 2020, which concluded wind comfort at all grade-level pedestrian-sensitive locations and neighbouring sites across the full study site are expected to be suitable for the anticipated uses without mitigation.

### **Public Realm/Streetscape**

Section 3 of the Secondary Plan outlines Parks and Public Realm policies. The primary public realm objectives of the Secondary Plan are to maintain and enhance the green, landscaped character of the area, improve and expand the network of parks and open spaces, and create a high-quality public realm and streetscapes to ensure the continued vitality and quality of life in the area. Development will reduce the impact of vehicular, loading, and servicing activities on the public realm.

To advance these objectives, the Secondary Plan identifies a series of Public Realm Moves, shown on Map 21-6 of the Plan, which identifies the subject site as being located in the Midtown Greenways. Secondary Plan Policy 3.2.6 sets out the objectives of the Midtown Greenway streets which include the provision of landscaped setbacks, improved pedestrian amenity and a range of publicly-accessible spaces.

The proposal includes a 7.5 metre landscaped front yard setback from Erskine Avenue in addition to an extended 2.5 metre pedestrian clearway, including a 2.1 metre sidewalk. This setback is considered sufficient and meets the objectives of the Secondary Plan's public realm policies. Further landscaping details will be secured at the site plan stage.

### **Broadway-Erskine Block Study**

The Broadway-Erskine Block Study has been considered in the context of a broader Built Form Study to inform zoning directions in Midtown. The study developed a number of test cases for consultation illustrating the potential achievement of parkland, pedestrian and/or vehicular connections under a variety of scenarios. While this site was studied with a different lot configuration assuming consolidation with the townhouses fronting Redpath Avenue, given its size and location, the proposal does not have a material impact on the potential to achieve varying degrees of coordinated development in the interior of the block.

## **Indoor/Outdoor Amenity Space**

Every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents of the development. Zoning Bylaw No. 569-2013 requires a combined amenity space of 4.0 square metres per dwelling unit. The proposal provides for an indoor amenity space of 273 square metres and outdoor amenity space of 290 square metres. The combined indoor and outdoor amenity space is therefore 563 square metres. In comparison to the original submission, the indoor amenity rate has increased by 7% and the outdoor amenity rate has increased by 170%. The combined amenity rate has increased by 52%, from 370 to 563 square metres.

Section 5.7 of the Yonge-Eglinton Secondary Plan encourages indoor amenity space to be located at or above grade and for outdoor amenity space to provide adequate sky views, and inter-connected to the indoor amenity spaces where possible. The proposed amenity space meets these objectives.

Overall, the location and configuration of the amenity spaces on a relatively small lot, is considered acceptable. Appropriate design measures for amenity areas including family friendly indoor and outdoor spaces, flexible spaces for use by any age group, hobby rooms and pet amenity space will be determined at the site plan stage.

## **Rental Housing Demolition and Replacement**

In accordance with Policy 3.2.1.6 of the Official Plan, the applicant is proposing to replace all 33 existing rental dwelling units by their respective or larger bedroom types, at similar or larger unit sizes, and at similar rents to those in effect at the time of application. Two of the six existing studio units would be replaced with one-bedroom units, five of the 23 existing one-bedroom units would be replaced with two-bedroom units, and the remaining 26 existing rental units would be replaced by their respective bedroom types. The total GFA of the 33 replacement rental units is 2,185 square metres which exceeds the existing rental GFA by 140 square metres. The replacement rental units would be located between the third and sixth floors of the proposed development.

The applicant has confirmed that tenants would reserve the right to return to a replacement rental unit of a similar unit type at similar rent, and that rents for replacement rental units without returning tenants would not exceed the applicable affordable or mid-range rent thresholds for a period of at least 10 years. Tenants who return to replacement rental units would be protected by the provincial rent increase Guideline, irrespective of whether such Guideline applied to the proposed development under the *Residential Tenancies Act 2006* (RTA), until their tenancies end.

## **Tenant Relocation and Assistance Plan**

The applicant has agreed to implement the City-approved Tenant Relocation and Assistance Plan for all Eligible Tenants who reside in the existing rental apartment building at 109 Erskine Avenue. The plan would assist tenants in finding and securing alternative accommodation while the proposed development and replacement rental dwelling units are being constructed. The plan would consist of the following:



For each Eligible Tenant:

- The right to return to a replacement rental unit of the same bedroom type and a similar unit size, and at similar rent, as the rental unit they currently occupy;
- At least six months' notice before having to vacate their existing dwelling unit;
- Baseline financial compensation as required under the RTA;
- Additional financial compensation in the form of a rent gap payment, which would be calculated as the difference between the rent paid by a tenant on the date they receive their six (6) months' notice and the most recent average rent for vacant private rental apartments by unit type in Canada Mortgage and Housing Corporation's (CMHC) Rental Market Survey (RMS) Zone 3 (Toronto North), which encompasses the development site;
- Two moving allowances to cover expenses for moving off-site into alternative interim accommodation and then moving back from interim accommodation into a replacement rental unit;
- Special needs compensation for applicable tenants; and
- Upon request, make a rental leasing agent available to the Eligible Tenant to provide them with a list of rental vacancies in the neighbourhood, co-ordinate referrals and references from the current landlord, and provide similar assistance commensurate with the tenant's needs.

Post-Application Tenants would receive the same amount of notice before having to move as Eligible Tenants.

The Tenant Relocation and Assistance Plan is consistent with the City's current practices, will ensure that tenants can continue to access and afford suitable housing within the neighbourhood until the replacement rental units are complete, and will be secured through one or more agreements with the City and to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

### **Residential Unit Mix and Sizes**

Policy 7.1 of the updated Yonge-Eglinton Secondary Plan (OPA 405) states that, to achieve a balanced mix of unit types and sizes and to support the creation of housing suitable for families, development containing more than 80 new residential units will include:

- a. a minimum of 15 per cent of the total number of units as two-bedroom units;
- b. a minimum of 10 per cent of the total number of units as three-bedroom units; and
- c. an additional 15 per cent of the total number of units will be a combination of two-bedroom and three-bedroom units, or units that can be converted to two-bedroom and three-bedroom units through the use of adaptable design measures.

The Council-adopted Growing Up: Planning for Children in New Vertical Communities urban design guidelines build upon Policy 7.1 of the Yonge-Eglinton Secondary Plan and provide further guidance on the proportion and size of larger units recommended in new multi-residential developments.

Guideline 2.1 of the Growing Up guidelines states that a building should provide a minimum of 25% large units (10% of the units should be three-bedroom units and 15% of the units should be two-bedroom units).

The applications propose to provide 33 (18.5%) of the 178 net new residential units as two-bedroom units, and 24 (13.5%) of the net new units as three-bedroom units, which conforms to Policy 7.1 of the Yonge-Eglinton Secondary Plan and satisfies the unit mix objectives of Guideline 2.1 of the Growing Up guidelines.

With regard to the sizes of the units, the two-bedroom units range from 64 to 99 square metres and the three-bedroom units range from 87 to 131 square metres. The majority of the larger three-bedroom family-sized units are also located on the lower half of the tower as encouraged by the guidelines. Overall this unit size composition is acceptable.

### **Traffic Impact and Access**

In addition to the Transportation Impact Study submitted with the original submission, a Transportation Study Update, dated June 15, 2021, by NexTrans, was submitted, and supplemental information was submitted on April 22, 2022, in support of the proposed development. The study estimates that the proposed development will generate approximately 33 and 35 two-way vehicle trips during the weekday AM and PM peak hours, respectively. The consultant concludes that traffic generated by the proposed development can be accommodated by the adjacent street system without the need for intersection improvements. Transportation Services staff have reviewed the study and have no further comments.

With regard to site access, a full-moves driveway is proposed to provide site access from Erskine Avenue. Transportation Services accept the location and design of the proposed driveway.

### **Parking and Loading**

The applicant is proposing to provide 48 vehicular parking spaces, which includes 39 resident spaces and 9 visitor spaces. The proposed parking supply results in a minimum residential parking rate of 0.187 spaces per unit and a minimum visitor parking rate of 0.045 spaces per unit. Transportation Services staff have reviewed the submitted parking study and accept the proposed parking rates. Appropriate provisions will be included in the site-specific by-law to secure these minimum parking standards.

The loading space supply requirements for the project are governed by the provisions contained in the City of Toronto Zoning By-law No. 569-2013. A minimum of 1 Type G loading space is required and 1 Type G loading space is provided, which satisfies the minimum requirement of By-law No. 569-2013. Furthermore, turning movement diagrams (VMDs) have been provided illustrating a heavy vehicle entering and exiting the site in a forward motion, which is acceptable.

## **Traffic Demand Management (TDM)**

TDM measures are aimed at encouraging people to take fewer and shorter single occupancy vehicle trips to reduce congestion, energy consumption, and pollution. In the past, transportation planning has often focused on supply-side solutions by identifying where additional transportation capacity is needed to satisfy forecasted travel demands. In contrast, TDM emphasizes changing travel behaviour to modify and reduce demand for vehicular travel. TDM measures are most effective when supported by complementary actions in land use planning and public transit improvements.

Typical TDM policies and programs include, but are not limited to: parking supply management strategies (such as reduced parking provisions) in combination with car sharing/bike sharing; school/trip planning; development-related transit initiatives; and cycling programs and expansion of the city-wide cycling networks.

Transportation Planning staff have reviewed the proposed TDM Plan and have identified several concerns. The applicant has not adequately addressed staff's previous comments or proposed any significant measures that they will include as part of this proposal. Transportation Planning staff would like to secure specific measures that would sustain travel with low auto dependence, given the low parking rate. Furthermore, the applicant has not adequately satisfied Toronto Green Standard requirements for TDM.

Transportation Planning staff have identified that the most appropriate TDM measures for this site include a \$50,000 financial contribution for the provision of additional bikeshare facilities within the vicinity of the site, and one pre-loaded Presto card for each unit to the value of \$156, which the applicant has agreed to provide as part of this application as a one-time benefit. City staff will secure the TDM measures as a legal convenience and work with the applicant to implement these TDM measures during the site plan control process.

## **Servicing and Stormwater Management**

The owner has provided site servicing plans and Functional Servicing, Stormwater Management, and Hydrogeological reports. Engineering and Construction Services staff have reviewed the submitted materials and are supportive as outlined in the memorandum from Engineering and Construction Services dated March 30, 2022.

## **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the Owner is required to satisfy the parkland dedication requirement through cash-in-lieu. The residential component of this proposal is subject to a cap of 10% parkland dedication. The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted upon the submission of an application

for the first Above-Grade building permit and is valid for six months. Payment will be required prior to the issuance of this permit.

The site is approximately a 50 metres walk away from Redpath Avenue Parkette, a 2,762 square metres park which contains a playground and horticulture displays. The City of Toronto Parkland Strategy is a 20-year strategic city-wide plan that guides long-term planning for new parks, park expansions and improvements, and improved access to existing parks. The Strategy includes a new methodology to measure and assess parkland provision, using the baseline of residential population against the area of parkland available across the city. According to the Strategy's methodology, the development site is currently in an area with 4 -12 square metre of parkland per person, which is below the city-wide average provision of 28 square metre of parkland per person (2016).

### **Tree Preservation**

The City's Official Plan recommends policies that have been adopted by City Council that call for an increase in the amount of tree canopy coverage. City Council has adopted the objective of increasing the existing 17 percent tree canopy coverage to between 30 to 40 percent. As such the planting of large growing shade trees on both public and private lands should be an important objective for all development projects.

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law). The applicant has submitted a Tree Inventory and Preservation Plan. The Tree Inventory and Preservation Plan concludes that there are seven trees on or within six metres of the subject property. All trees are located within the municipal road allowance and are City-owned and there are no private trees proposed to be removed. Two City-owned trees are proposed to be removed as well as injury to one tree would be required to accommodate the proposed development. Urban Forestry staff support the proposal and the proposed re-planting of four trees. Tree species and other details will be determined at the site plan stage.

### **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 must demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3, and 4 are voluntary, higher levels of performance supported by financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Performance measures for the Tier 1 development features will be secured through the site plan approval process.

## **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. While the proposed development exceeds the height and density limits of the existing Zoning By-law, the applications are consistent with the objectives and policies of the Official Plan, and thus constitutes good planning. The community benefits recommended to be secured in the Section 37 Agreement are as follows:

1. Prior to issuance of an above grade building permit, a Community Benefits monetary contribution of \$2,800,00.00 towards area allocated toward community services and facilities, local parkland acquisition and improvements, and/or public realm improvements within the vicinity of the subject property, with such amount to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.

The following matter is also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

2. Prior to the issuance of an above grade building permit, a Community Benefits monetary contribution of \$50,000.00 (Fifty Thousand Dollars) towards additional area bike share facilities and area parks improvements be provided, to the satisfaction of the Chief Planner and Executive Director, City Planning;
3. The Owner shall provide preloaded Presto Cards with a value of \$156 shall be provided to each unit; and
4. The Owner will construct and maintain the development of the site in accordance with Tier 1, Toronto Green Standard, and the Owner will be encouraged to achieve Tier 2, Toronto Green Standard, or higher, where appropriate, consistent with the performance standards of Toronto Green Standards applicable at the time of the site plan application for each building on the site. The Owner shall construct and maintain the development in accordance with Tier 1.

## **Conclusion**

This report recommends approval of the applications to demolish 33 rental dwelling units at 109 Erskine Avenue and amend the zoning by-laws to permit the redevelopment of the lands with a 22-storey residential building comprised of 211 residential units, inclusive of 33 replacement rental units.

The proposed Zoning By-law amendment application has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Toronto Official Plan, including the applicable City guidelines intended to implement Official Plan policies. The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020).

The proposal conforms with the Toronto Official Plan, particularly as it relates to Public Realm, Built Form and Apartment Neighbourhoods policies, the Yonge-Eglinton Secondary Plan and design guidelines including the Tall Buildings Design Guidelines.

The proposal involves the full replacement of the existing rental units and the applicant has developed an acceptable Tenant Relocation and Assistance Plan, addressing the right to return to a replacement rental unit at similar rent and additional financial compensation in the form of rent gap payments to mitigate hardship for existing tenants. The proposal would facilitate significant new housing supply while contributing to the provision of a broader range and mix of housing options to accommodate the needs of current and future residents.

Staff are satisfied that the proposed development of the site with an apartment building is appropriate and recommends that Council approve the zoning by-law amendment and rental housing demolition applications.

## **CONTACT**

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Keir Matthews-Hunter, Planner, Strategic Initiatives, Policy & Analysis (Housing)  
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## **SIGNATURE**

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David Sit, MCIP, RPP, Director  
Community Planning, North York District

## **ATTACHMENTS**

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### **City of Toronto Data/Drawings**

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

- Attachment 5: Draft Zoning By-law Amendment 438-86
- Attachment 6: Draft Zoning By-law Amendment 569-2013
- Attachment 7: Site Plan
- Attachment 8: Elevations

**APPLICATION DATA SHEET****Municipal Address:** 109 Erskine Avenue **Date Received:** October 20, 2020**Application Number:** 20 208290 NNY 15 OZ**Application Type:** OPA / Rezoning, Rezoning**Project Description:** Zoning By Law Amendment Application to permit the proposal for a 22-storey (63 metre) residential building with 182 residential units and 31 rental replacement units for a total of 213 dwelling units. The total proposed residential gross floor area (GFA) is 14,029 square metres (8.01 FSI). The proposal would also include 49 parking spaces, one loading space and 214 bicycle parking spaces.

<b>Applicant</b>	<b>Agent</b>	<b>Architect</b>	<b>Owner</b>
Walker Nott Dragicevic Associates Ltd 90 Eglinton Ave East, Suite 970 Toronto, ON M4P 2Y3		RAW Architects 405-317 Adelaide St West Toronto, ON M5V 1P9	109 Erskine Inc. 24 Temple Ave Toronto, ON M6K 1C8

**EXISTING PLANNING CONTROLS**

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:	Y
Zoning:	R (d2.0) (x912)	Heritage Designation:	N
Height Limit (m):	38	Site Plan Control Area:	Y

**PROJECT INFORMATION**

Site Area (sq m):	1,737	Frontage (m):	30	Depth (m):	57
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<b>Building Data</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Ground Floor Area (sq m):			947	<b>947</b>
Residential GFA (sq m):	1,670		14,176	<b>14,176</b>
Non-Residential GFA (sq m):				
<b>Total GFA (sq m):</b>	<b>1,670</b>		<b>14,176</b>	<b>14,176</b>
Height - Storeys:	3		22	<b>22</b>
Height - Metres:			70	<b>70</b>

Lot Coverage Ratio (%): 54.52

Floor Space Index: 8.16



<b>Floor Area Breakdown</b>	<b>Above Grade (sq m)</b>	<b>Below Grade (sq m)</b>
Residential GFA:	14,152	24
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

<b>Residential Units by Tenure</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Rental:	33		33	<b>33</b>
Freehold:				
Condominium:			178	<b>178</b>
Other:				
<b>Total Units:</b>	<b>33</b>		<b>211</b>	<b>211</b>

#### **Total Residential Units by Size**

	<b>Rooms</b>	<b>Bachelor</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3+ Bedroom</b>
Retained:					
Proposed:		32	113	42	24
<b>Total Units:</b>		<b>32</b>	<b>113</b>	<b>42</b>	<b>24</b>

#### **Parking and Loading**

Parking Spaces: 48      Bicycle Parking Spaces: 212      Loading Docks: 1

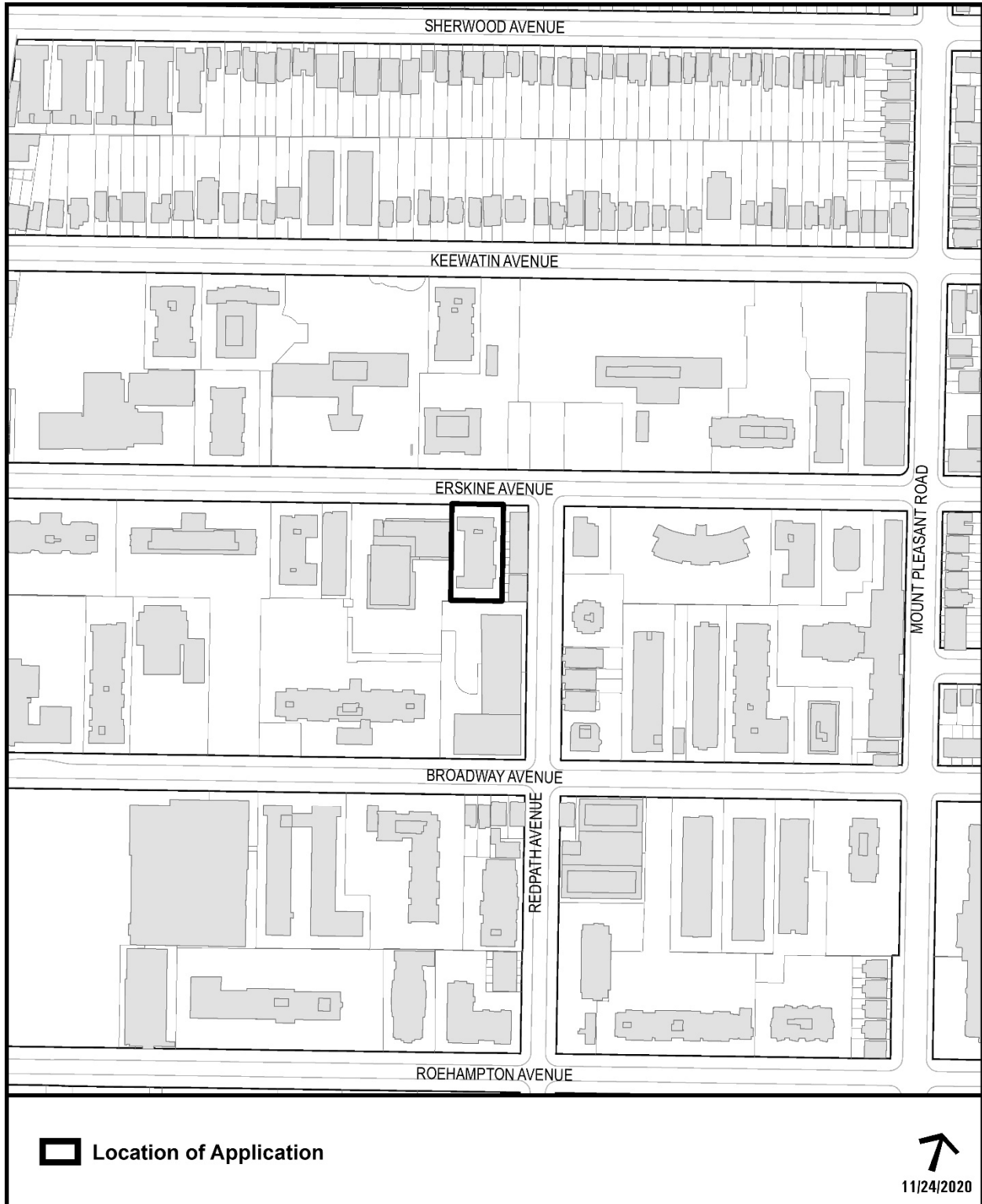
#### **CONTACT:**

Kathryn Moore, Senior Planner, Community Planning

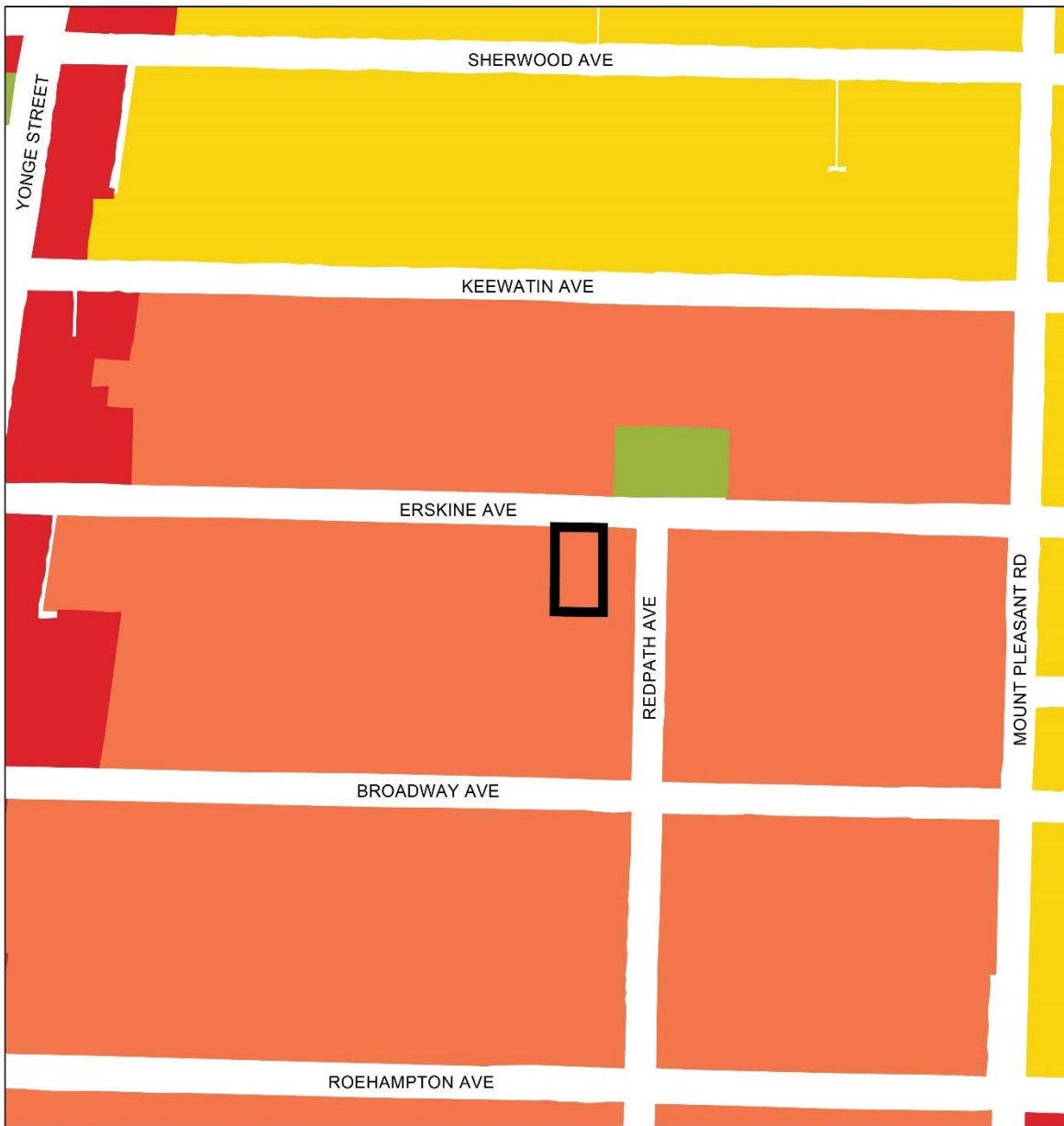
(416) 395-7176

[Kathryn.Moore@toronto.ca](mailto:Kathryn.Moore@toronto.ca)

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



109 Erskine Avenue

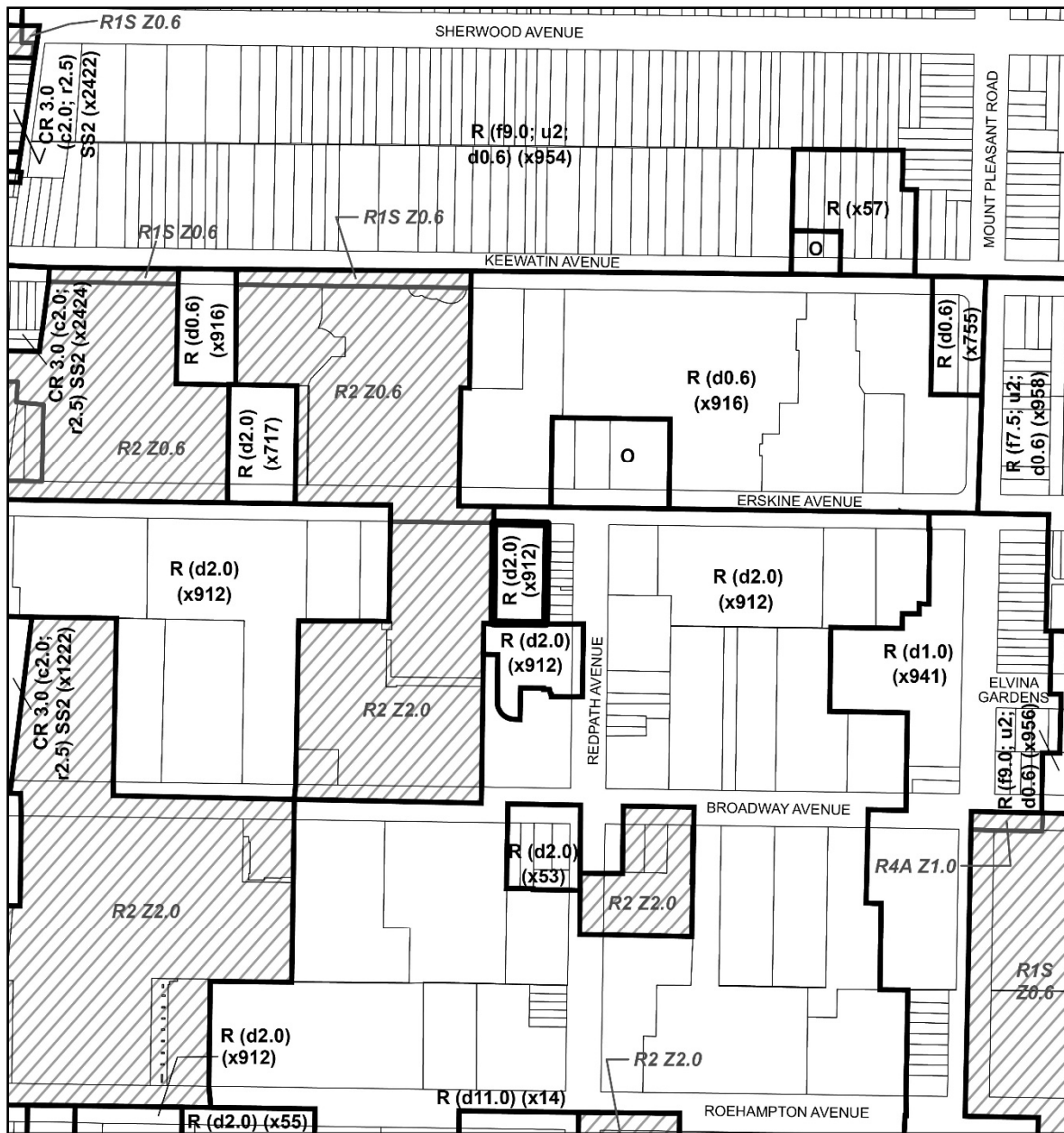
Official Plan Land Use Map #17

File # 20 208290 NNY 15 0Z

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

↑  
Not to Scale  
11/24/2020

Attachment 4: Existing Zoning By-law Map 569-2013



Zoning By-law 569-2013

109 Erskine Avenue

File # 20 208290 NNY 15 0Z



Location of Application

R Residential  
O Commercial Residential  
Open Space



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

R1S Residential District  
R2 Residential District  
R4A Residential District  
MCR Mixed-Use District



Not to Scale  
Extracted: 11/24/2020

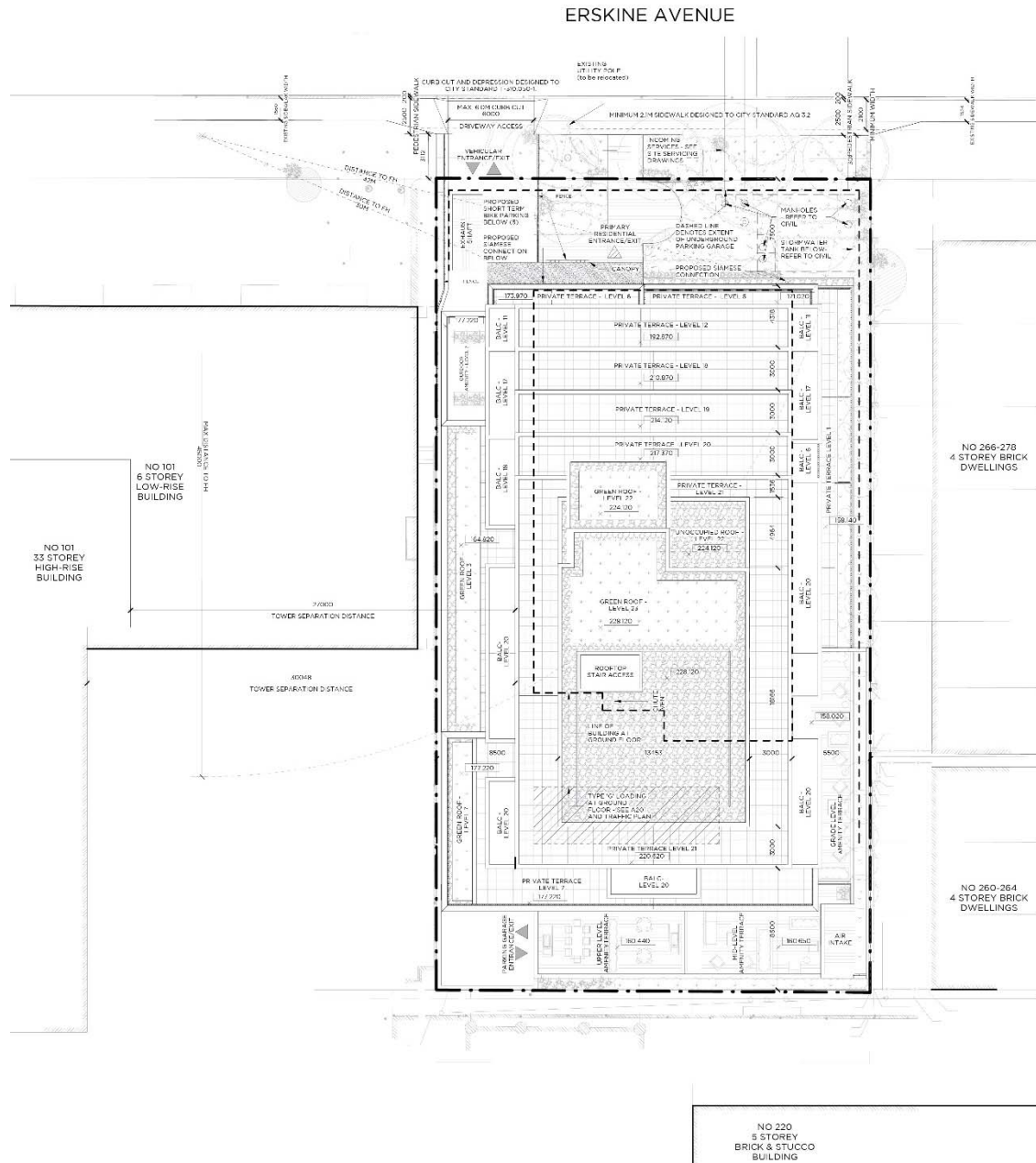
Attachment 5: Draft Zoning By-law Amendment 438-86

To be provided prior to May 24, 2022 North York Community Council.

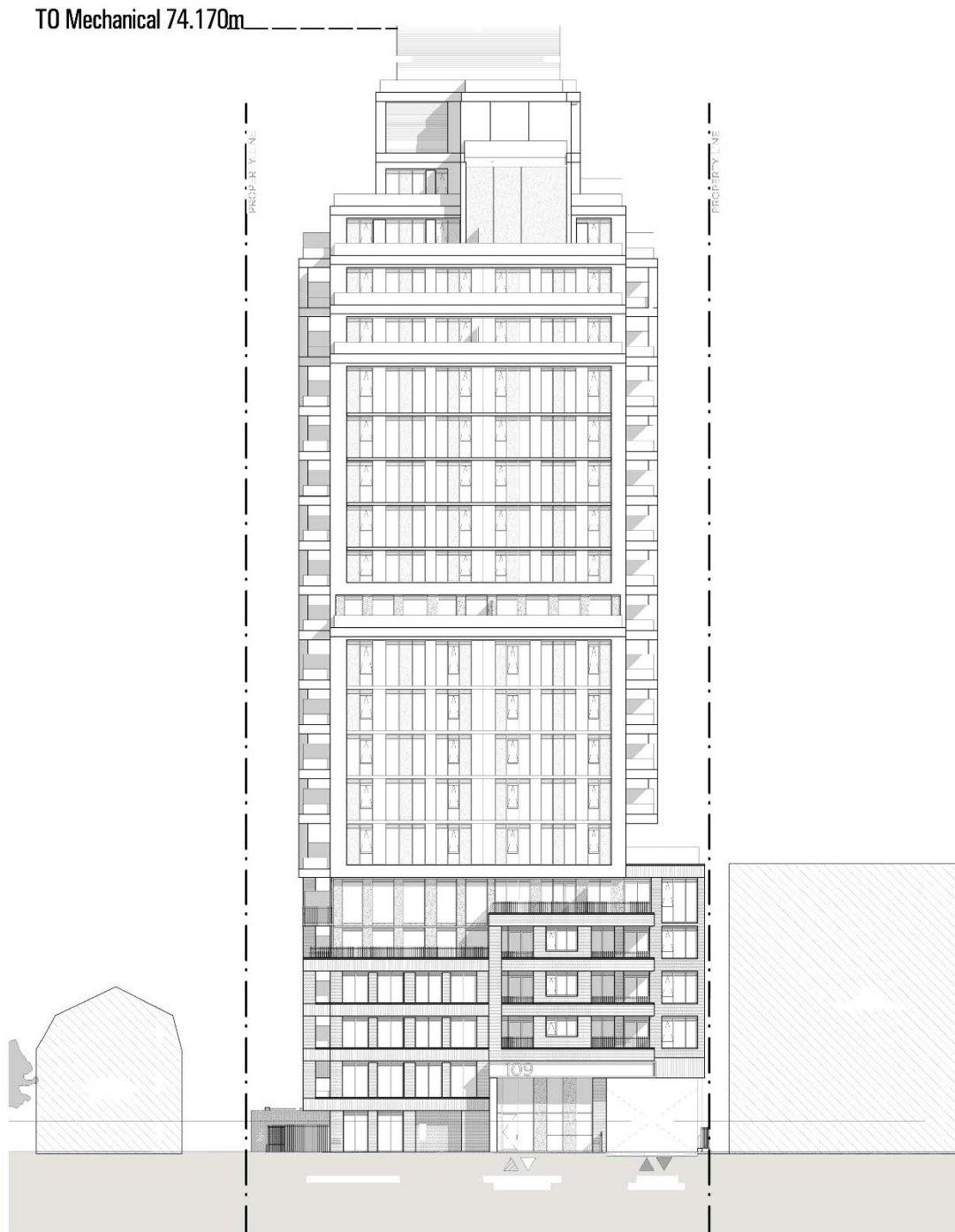
Attachment 6: Draft Zoning By-law Amendment 569-2013

To be provided to May 24, 2022 North York Community Council

# Attachment 7: Site Plan

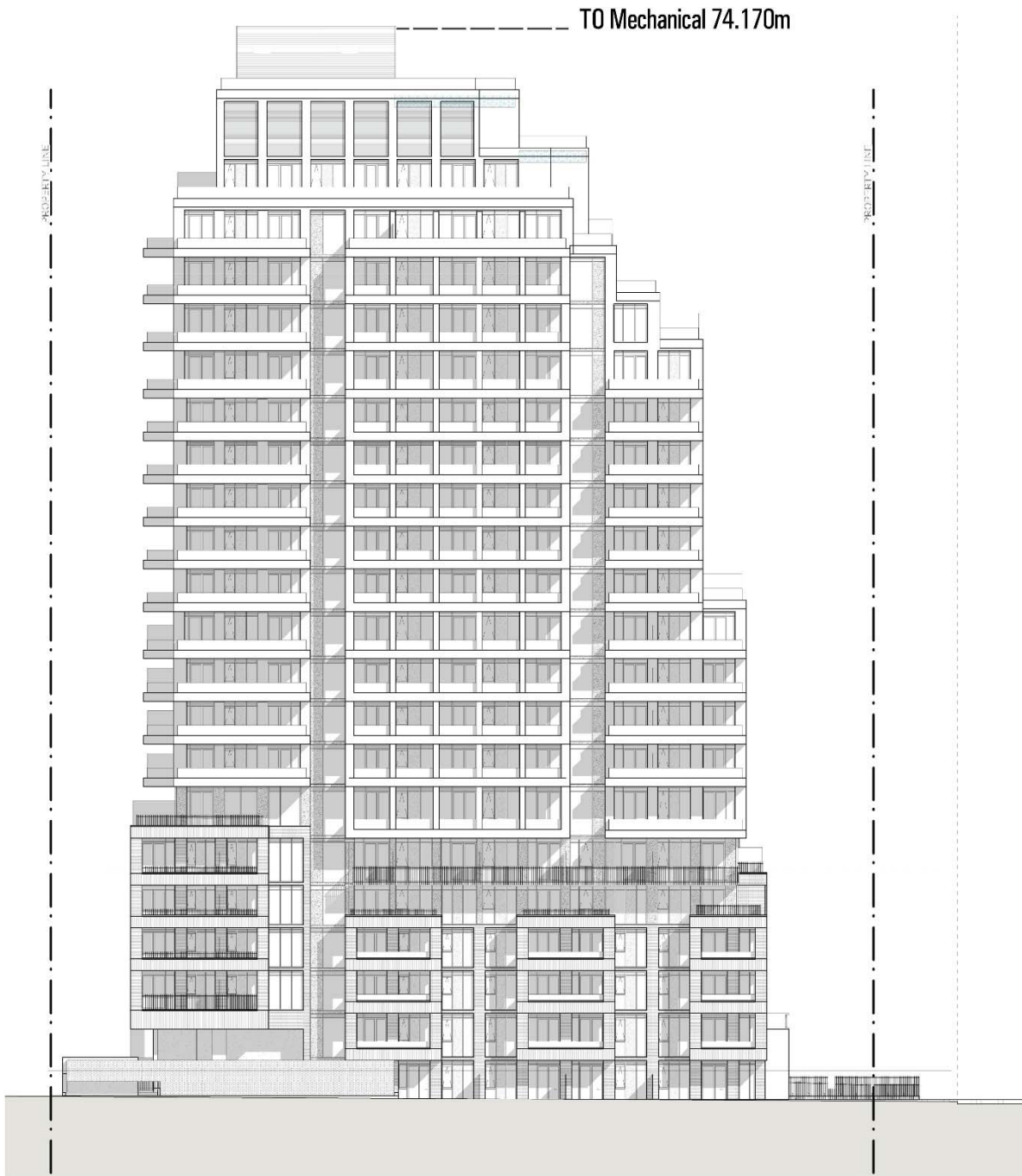


# Attachment 7: Elevations

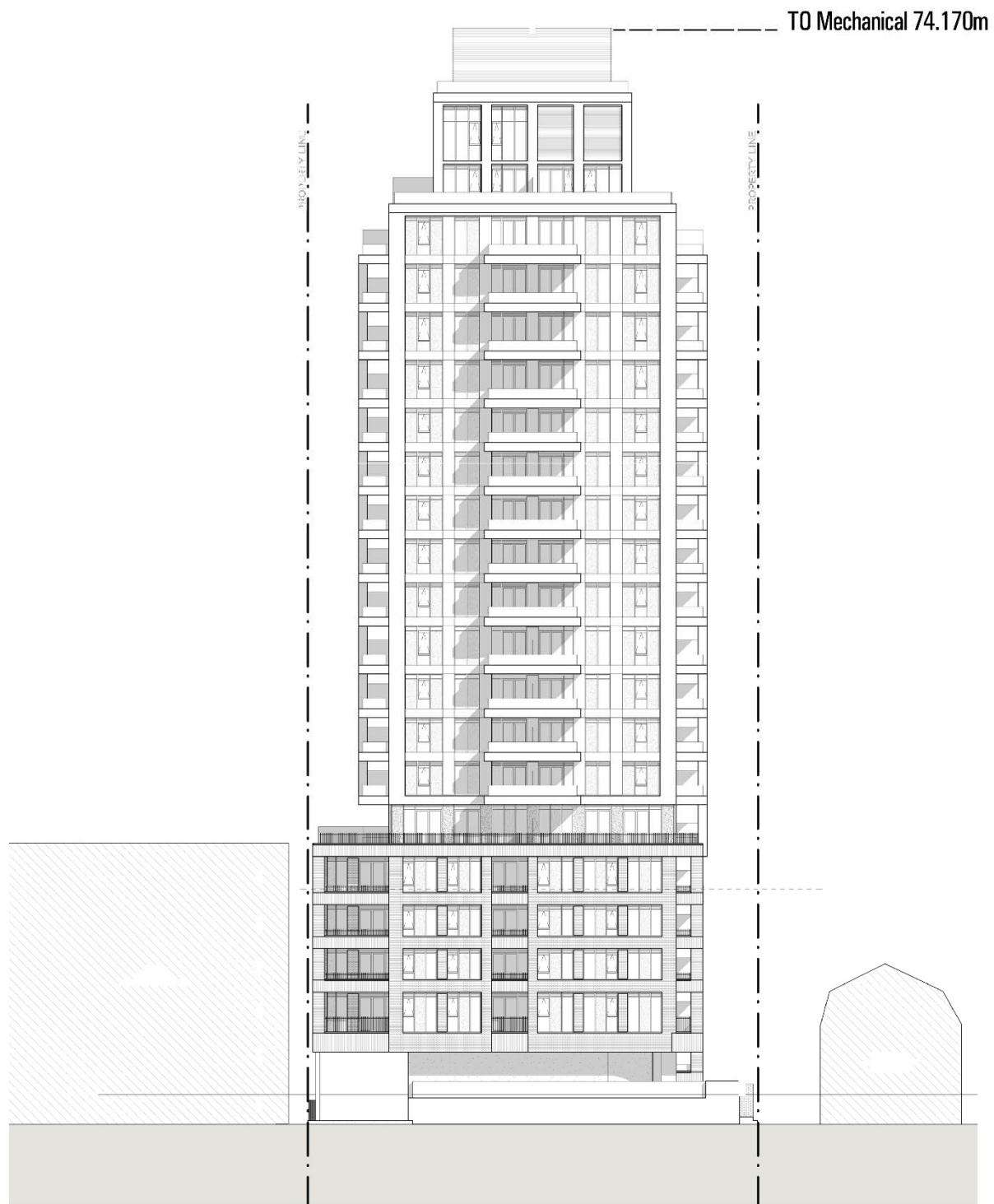


**North Elevation**



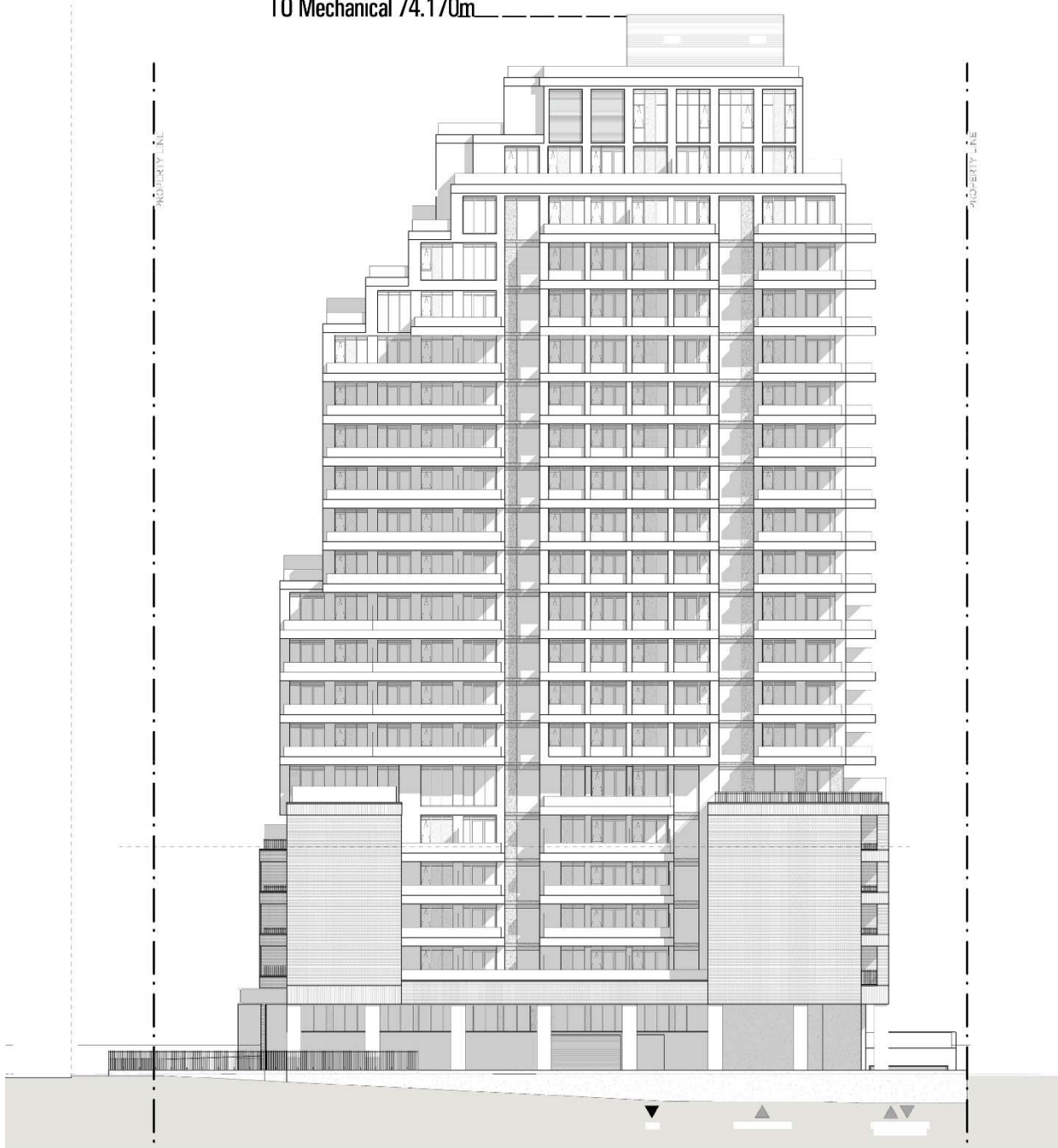


**East Elevation**



**South Elevation**

TO Mechanical 74.170m



West Elevation