

## **77 Erskine Avenue – Zoning By-law Amendment and Rental Housing Demolition Application – Appeal Report**

Date: May 13, 2024

To: North York Community Council

From: Director, Community Planning, North York District

Ward: 15 – Don Valley West

**Planning Application Number:** 22 205741 NNY 15 OZ, 22 205739 NNY 15 SA, and 22 233227 NNY 15 RH

### **SUMMARY**

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On September 20, 2022, a Zoning By-law Amendment application was submitted to permit the development of a 35-storey (112.95 metres, plus 6 metres for a mechanical penthouse) residential building containing 377 residential units (inclusive of 37 replacement rental dwelling units). The proposal consists of 23,973 square metres of residential gross floor area, resulting in a Floor Space Index of 13.8. A Rental Housing Demolition and Conversion Application proposing to demolish and replace 37 rental housing units was also submitted and is currently under review.

On February 26, 2024, the Applicant appealed the application to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the time frame prescribed in the *Planning Act*. A Case Management Conference is scheduled on May 8, 2024.

This report recommends that the City Solicitor with the appropriate City Staff attend the OLT hearing to oppose the application in its current form and to continue discussions with the Applicant to resolve outstanding issues.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City Staff to attend the Ontario Land Tribunal in opposition to the current application regarding the Zoning By-law Amendment appeal for the lands at 77 Erskine Avenue and to continue discussions with the Applicant in an attempt to resolve outstanding issues.
2. In the event that the Ontario Land Tribunal allows the Zoning By-law Amendment appeal in whole or in part, City Council authorize the City Solicitor to request that

the Ontario Land Tribunal withhold the issuance of any final Order(s) until such time as:

- a) the final form and content of the draft Zoning By-law amendment is to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
- b) the owner has addressed all outstanding issues raised by Urban Forestry, Tree Protection and Plan Review as they relate to the application, to the satisfaction of the Supervisor, Tree Protection and Plan Review;
- c) the owner has provided a revised Transportation Impact Study (TIS), including acceptable Travel Demand Management (TDM) measures, to the satisfaction of the General Manager, Transportation Services, and the Chief Planner and Executive Director, City Planning Division;
- d) the owner has addressed all outstanding issues raised by Engineering and Construction Services, including a revised Functional Servicing Report and Stormwater Management Report, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and the General Manager, Toronto Water;
- e) the owner has made satisfactory arrangements with the City and has entered into the appropriate agreement(s) for the design and construction of any improvements to municipal infrastructure, should it be determined that upgrades and/or road improvements are required to the infrastructure to support the development, according to the accepted Engineering Reports and Transportation Impact Study accepted by the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Transportation Services; and,
- f) City Council has approved the Rental Housing Demolition Application No. 22 233227 NNY 15 RH in accordance with Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act, 2006 to permit the demolition of the thirty seven (37) existing rental dwelling units at 77 Erskine Avenue, and the owner has entered into, and registered on title to the lands, one or more agreements with the City, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, securing all rental housing-related matters necessary to implement City Council's decision including:
  - i. replacement of the existing 37 rental housing units, including the same number of units, bedroom type and size and with similar rents; and
  - ii. an acceptable Tenant Relocation and Assistance Plan addressing the right for existing tenants to return to a replacement rental unit

on the lands at similar rents, the provision of rent gap assistance, and other assistance to lessen hardship, all to the satisfaction of the Chief Planner and Executive Director, City Planning;

3. Should it be determined that upgrades are required to the infrastructure to support the development according to the accepted Functional Servicing Report, City Council direct the City Solicitor and appropriate City Staff to request that a Holding provision (H) be included in the final form of the site-specific Zoning By-law Amendment, not to be lifted until such time as the owner has made satisfactory arrangements, including entering into appropriate agreement(s) with the City, for the design and construction of any improvements to the municipal infrastructure and the provision of financial securities to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.
4. City Council authorizes the City Solicitor and City Staff to take any necessary steps to implement City Council's decision.

## **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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A pre-application consultation meeting was held on May 27, 2022. The current application was submitted on September 20, 2022 and deemed complete on October 20, 2022.

## **SITE AND SURROUNDING AREA**

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**Description:** The subject site is located northeast of the intersection of Yonge Street and Eglinton Avenue East, on the south side of Erskine Avenue. It is a rectangular shaped lot with a frontage of 30.5 metres, a depth of 56.9 metres, and a lot area of 1,738 square metres.

**Existing Use:** A 4-storey rental building containing 37 units currently exists on the site.

### **Surrounding uses include:**

**North:** Directly north of the site is Erskine Avenue, beyond which are a mix of high rise and midrise buildings. John Fisher Junior Public School is located northwest of the site and Redpath Avenue Parkette is located northeast of the site.

**East:** Directly east of the site is a 3-storey townhouse block containing 9 units, beyond which are a mix of high rise, midrise and townhouse developments.

**South:** Directly south of the site is an existing midblock connection that runs adjacent to the site’s south property line. This midblock connection starts on Erskine Avenue along the eastern boundary of the abutting townhouse development running north-south, then turns westward along the south lot lines of the townhouse development and the subject site, and finally turns southwards towards Broadway Avenue (refer to Attachment 10). Beyond the midblock connection along the subject site’s south lot line is the outdoor amenity space for the adjacent apartment building directly south of the subject site. Various townhouses, midrises and high rise development are located south of the subject site. St Monica’s Catholic Church, St. Monica Catholic School, and North Toronto Collegiate Institute are located southwest of the subject site.

**West:** Directly west of the site is a 17-storey apartment building, beyond which are various high rise and midrise developments. Going further west, various low rise mixed-use buildings line Yonge Street.

## THE APPLICATION

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The application proposes to construct a 35-storey (112.95 metres, plus 6 metres for a mechanical penthouse) residential building containing 377 residential units (inclusive of 37 replacement rental dwelling units). Vehicular access to an underground garage is proposed at the northeast corner and a north-south midblock connection is proposed along the west lot line that will connect to the existing midblock connection to the south. The proposal consists of 23,973 square metres of residential gross floor area, resulting in a Floor Space Index of 13.8.

The proposal details are summarized in the chart below:

| <b>Project Statistics</b> |   |
|---------------------------|---|
| Number of Storeys         | 35  |
| Height (m)                |   |
| - Excluding MPH           | - 112.95 m  |
| - Including MPH           | - 118.95 m  |
| Unit Mix                  | Total: 377 (includes 37 replacement rental units) |
| - Studio                  | - 10  |
| - 1 Bedroom               | - 202   |
| - 2 Bedroom               | - 129   |
| - 3 Bedroom               | - 36  |

| <b>Project Statistics</b>                                 |   |
|---|---|
| Gross Floor Area  | 23,973 square metres  |
| Floor Space Index   | 13.8  |
| Podium Height<br>- Height (m)<br>- Storeys                | - 19.6 metres<br>- 5 storeys  |
| Setbacks<br>- North<br>- East<br>- South<br>- West        | - 4.5 metres<br>- 0.3 metres<br>- 4.5 metres<br>- 4.6 metres  |
| Tower Stepbacks<br>- North<br>- East<br>- South<br>- West | - 0 metres<br>- 2.2 metres<br>- 5.5 metres<br>- 5.4 metres  |
| Vehicular Parking<br>- Residential<br>- Visitor           | Total: 36<br>- 31<br>- 5  |
| Bicycle Parking<br>- Long-Term<br>- Short-Term            | Total: 378<br>- 340<br>- 38   |
| Loading   | 1 Type 'G' Loading Space  |
| Amenity Space<br>- Indoor<br>- - Outdoor                  | Total: 1,260.16 square metres<br>- 509.1 square metres (1.4 sqm/unit)<br>- 751.1 square metres (2.0 sqm/unit) |

### **Additional Information**

See Attachments 1-5 of this report for a location map, Application Data Sheet, three dimensional representations of the project in context and the proposed site plan. The Application Data Sheet contains additional details on the proposal including: site area and dimensions; floor area; unit breakdowns; and parking counts.

All plans and reports submitted as part of the application can be found on the City's Application Information Centre at: [www.toronto.ca/77ErskineAve](http://www.toronto.ca/77ErskineAve)

## Reasons for Application

The application seeks to amend Zoning By-law 569-2013 to vary performance standards including: gross floor area and floor space index; building height; building setbacks; amenity space; and vehicular and bicycle parking space requirements. Additional amendments to the Zoning By-law may be identified as part of the application review.

## Site Plan Control

The proposal is subject to Site Plan Control. A Site Plan Control application has been submitted (Application No. 22 205739 NNY 15 SA). The site plan application has not been appealed.

## Rental Housing

The Applicant submitted a related Rental Housing Demolition application (No. 22 233227 NNY 15 RH) under Chapter 667 of the Toronto Municipal Code for the demolition of the existing rental housing units, as the subject lands contain six or more residential units, of which at least one is rental. The subject lands contain 37 rental units of which all are proposed to be demolished and replaced.

## Agency Circulation Outcomes

The application has been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application.

## **POLICY CONSIDERATIONS**

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**Official Plan Designation:** The Official Plan identifies the property to be within a *Centre* on Map 2 – Urban Structure and designates it as *Apartment Neighbourhood* on Map 17 – Land Use Plan.

**Yonge Eglinton Secondary Plan:** The Yonge Eglinton Secondary Plan identifies the property to be within the *Erskine and Keewatin Character Area* on Map 21-2 – Midtown Character Areas and designates it as *Apartment Neighbourhoods* on Map 21-4 – Land Use Plan.

**Zoning:** Residential (R (d2.0) (x912)) under Toronto Zoning By-law 569-2013

## **COMMUNITY CONSULTATION**

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A Virtual Community Consultation Meeting was hosted by City Staff on March 8, 2023 for the subject application together with the Zoning By-law Amendment application for 133 and 141 Erskine Avenue. Approximately 30 people participated, as well as the Ward Councillor. Following a presentation by City Staff and the Applicant, the following comments and issues were raised:

- Impacts of close proximity to adjoining townhouse development to east.
- Negative shadow, privacy and wind impacts.
- Increased traffic and safety on Erskine Avenue and surrounding streets.
- Compliance with Tall Building Guidelines.
- Limited proposed resident and visitor parking.
- Support for mid-rise building on the site as opposed to the proposed tall building.

On May 15, 2023, Staff hosted a separate virtual meeting with impacted tenants to provide an overview of the City's housing policies and processes, obtain feedback on the rental replacement proposal, discuss the tenant relocation and assistance plan, and to answer questions.

## COMMENTS

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### Provincial Framework

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff have reviewed the current proposal for consistency with the Provincial Policy Statement and conformity with the Growth Plan. Policy 1.1.3.3 of the PPS directs for authorities to 'identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas.' These appropriate locations are identified through the official plan and are buttressed by various implementation policies.

The subject application is proposing a tall building in this location which is a permitted land use with the *Apartment Neighbourhoods* designation. Notwithstanding this, the area is interspersed with other housing forms that are part of the existing context. Presently, the application does not adequately account for these existing housing forms and the area's public realm, including but not limited to issues around building placement in relation to adjacent sites, building setbacks, and wind. As such, consistency with the above policy has not been demonstrated and additional improvements are required.

In addition, the application has not demonstrated that the site can be adequately serviced based on the materials submitted. As such, determining consistency with Section 1.6.6.6 of the PPS cannot be made at this time.

### Built Form

The site is designated *Apartment Neighbourhoods* in the Official Plan and the Yonge Eglinton Secondary Plan ("Secondary Plan" or "YESP"), and further identified to be within the *Erskine and Keewatin Character Area*.

The Secondary Plan describes the *Erskine and Keewatin Character Area* as an area that is and will continue to be a stable residential area. The Secondary Plan further states that low- and mid-rise incremental infill development with interspersed tall buildings will be the predominant form of development in the area. Development between differing heights and/or intensities in *Apartment Neighbourhoods* shall provide good transition through the use of building envelope controls, such as setbacks, stepbacks and tower separation, in accordance with the Official Plan and Secondary Plan. The Official Plan further states that such transitional tools shall be provided within the development site and measured from shared and adjacent property lines. In support of these policies, the Tall Building Guidelines (“Guidelines” or “TBG”) also states that sites that are unable to provide the minimum tower setbacks and stepbacks may not be appropriate for a tall building. Both the Official Plan and Secondary Plan also provide that tall buildings should only be considered where they can fit into the existing or planned context, and where the site’s size, configuration and context allows for the appropriate design criteria to be met.

As discussed in the subsections below, the site may not be able to provide the required building envelope controls and transition tools on site in order to accommodate a tall building in conformity with the policy objectives of the Official Plan and Secondary Plan, due to the site’s limited size and surrounding context. Revisions to the overall massing and/or the expansion of the site area may be required to conform to the applicable policies.

### Base Building

The Secondary Plan states that base buildings within *Apartment Neighbourhoods* shall generally not exceed 4 storeys. Additional storeys to the base building may be permitted provided the additional storeys and tower are stepped back from all sides of the base building. The Official Plan and Secondary Plan also contain policies requiring base buildings to be designed and articulated to provide compatible transition between abutting areas of differing development intensities.

The subject development proposes a partial base building of 5 storeys. However, the base building is only defined along the west and south elevation, while the base building and tower are flush along the east and north elevation. The development should be refined so that the base building is better defined from the tower and provides a better transition to the abutting eastern townhouse.

### Tower Stepback

The Official Plan and Secondary Plan both contain tower stepback policies to ensure development fits into the existing and planned context and to reduce physical and visual impacts of the tower to adjacent sites. In particular, the Secondary Plan states that towers, inclusive of balconies, will stepback from the face of the base building along all street, park, and open space frontages. The Guidelines build upon this policy and direct that the tower stepback, inclusive of balconies, shall be 3 metres. The Guidelines also

state that towers should be placed away from streets, parks, open space, and neighbouring properties to reduce visual and physical impacts of the tower and allow the base building to be the primary defining element for the site and adjacent public realm.

The tower does not setback from the north elevation, which abuts the street and public realm. Further, the ground-floor weather protection canopy and the balconies on the second floor and above encroach into the proposed 4.5 metre front setback (i.e., are closer to the front lot line). Tower setbacks (inclusive of balconies) along the north side of the building should be provided.

### Tower Separation Distance

The Official Plan and Secondary Plan contain policies that require the tower portion of a tall building to provide appropriate separation distance from side and rear lot lines to minimize physical and visual impacts to the existing or planned context and to provide a transition in scale down to lower-scaled buildings. The TBG requires a minimum 12.5 metre setback to side and rear lot lines in order to provide a minimum tower separation distance of 25 metres between towers on abutting properties.

The proposed tower is setback 10 metres from both the west lot line and the south lot line. With respect to the west setback, the proposed tower has a tower separation of 18.9 metres to the abutting western slab building. The development should revise the tower setbacks as per the TBG.

### Relationship to Eastern Townhouse Development

The Secondary Plan states that development in *Apartment Neighbourhoods* will harmonize with neighbouring development to create a compatible pattern and rhythm along a street by providing appropriate setbacks on all sides of the building, inclusive of side yard setbacks. As noted earlier, the Official Plan and Secondary Plan also contain policies that require the tower portion of a tall building to provide appropriate separation distance from side and rear lot lines to minimize physical and visual impacts to the existing or planned context and to provide a transition in scale down to lower-scaled buildings.

The subject site abuts a townhouse block to the east. Refinements to the eastern elevation are required for an improved relationship with the townhouse block.

### **Public Realm**

Erskine Avenue is identified as a *Midtown Greenway* on Map 21-6 – Public Realm Moves of the Secondary Plan. The Secondary Plan states that *Midtown Greenways* will provide improved pedestrian amenity and support the continuation and expansion of the landscaped setbacks that are characteristic of the Secondary Plan. The *Midtown Greenways* are envisioned to have generous setbacks landscaped with high-branching deciduous trees and understory plantings. The Secondary Plan also states that a

reasonable setback at grade and above established grade will be provided on all *Midtown Greenway* street frontages within *Apartment Neighbourhoods* and from the property line on Erskine Avenue. The Midtown Public Realm Implementation Strategy (“MPRIS” or “Implementation Strategy”), which provides design direction to implement the Public Realm Moves identified on the Secondary Plan, recommends a 7.5 metre setback from the property line to the building face on both sides of Erskine Avenue.

The proposed development provides a 4.5 metre front yard setback and does not achieve the recommended minimum 7.5 metre setback. The deficient setback is further reduced by weather protection canopies that encroach into the setback on the ground floor and projecting balconies on the second floor and above. This condition may cause issues for the high-branching deciduous trees that are envisioned to line *Midtown Greenways*.

In addition, the Official Plan and Secondary Plan both contain policies directing that development will provide setbacks that are compatible with the building face of other adjacent properties to promote civic life and provide amenity for pedestrians on public streets. The Guidelines also states that where existing setback patterns are consistent and not planned to change, the base building shall align with neighbouring building frontages.

Both the abutting western and eastern development provide a setback that achieve or exceed the minimum setback requirement of the Implementation Strategy. To the west, the existing apartment building at 55 Erskine Avenue provides a setback of 16.8 metres. To the east, the existing townhouse development provides a setback of 7.5 metres. In addition, recently approved development applications along Erskine Avenue are consistent with the Implementation Strategy and provide a minimum setback of 7.5 metres. The residential towers at 101 Erskine Avenue and 109 Erskine Avenue provide a setback of 9 metres and 7.5 metres, respectively. In light of the Secondary Plan’s vision of the *Midtown Greenways* and the existing setback patterns of Erskine Avenue, the development should provide a minimum front yard setback of 7.5 metres.

### **Midblock Connection**

Map 21-9 – Midtown Mobility Network of the Secondary Plan identifies a new midblock connection that runs along the west property line of the site. This new connection will connect to the existing midblock connection that runs along the south property line of the site. The new midblock connection is envisioned to provide a direct sightline from Erskine Avenue to Broadway Avenue.

The proposed development includes a midblock connection along the west property line of the site, which is proposed to be 2.6 metres wide; whereas the Secondary Plan states that midblock connections should be at least 3 metres wide to allow for easy two-way pedestrian passage. Further, there are significant grade differences between the subject site and the abutting western property and the existing southern midblock connection. Refinements to the proposed development may be required in order to provide a functional midblock connection as required by the Secondary Plan.

## **Wind and Comfort**

The Official Plan and Secondary Plan contain policies intended to protect the public realm from negative wind and shadow impacts as a result of development. The Guidelines further provides specific direction to minimize these impacts on the public realm.

The submitted Wind Study indicates that wind conditions, especially along the Erskine Avenue frontage by the lobby and along the proposed midblock connection, exceed annual wind safety levels. Given these locations will be heavily used by pedestrians, revisions to the building and site may be required to improve the conditions. In addition, Staff note that the proposed tower is in close proximity to the abutting eastern townhouse block, which contain rooftop terraces. The Wind Study should be updated to further evaluate the impacts on these adjacent rooftop terraces as a result of the proposed development.

## **Indoor/Outdoor Amenity Space**

The development proposes 751.07 square metres of indoor amenity space (2.0 square metres / unit) and 509.09 square metres of outdoor amenity space (1.3 square metres / unit). While Staff are generally satisfied with the area of proposed indoor amenity space, the amount of outdoor amenity space could be increased.

Staff are also concerned with the proposed ground floor locations of the indoor and outdoor amenity spaces. The Official Plan and Secondary Plan contain policies that encourage placement of active uses at grade along frontages to enhance safety and to promote animation of adjacent streets. The Guidelines supports these policies by directing that private indoor amenity facilities at grade along primary street frontages should be avoided. The development proposes indoor amenity space on the ground floor along the frontage of the site, contrary to the policies and Guidelines. Further, the outdoor amenity space is proposed within the limited front yard setback. Staff note that this would interrupt the pedestrian flow of the *Midtown Greenways* envisioned by the Secondary Plan. The development should be revised so that indoor and outdoor amenity space are located away from the frontage of the site on the ground floor and outside of the public realm.

Moreover, the Official Plan and Secondary Plan state that private amenity space should be designed to consider the needs of residents of all ages and abilities over time and throughout the year. The Secondary Plan also states that wind conditions need to be suitable for the proposed outdoor amenity space. The submitted Wind Study indicates that the southwest corner of the outdoor amenity space on the 6<sup>th</sup> floor is “walking” level in the summer and “uncomfortable” in the winter. Refinements to the development are required to improve the wind conditions of the proposed outdoor amenity space.

## **Tree Preservation**

An Arborist Report, Soil Volume Plan, Landscape and Planting Plan, Public Utility Plan, and Streetscape Plan were submitted in support of the development. Urban Forestry Staff have reviewed the submitted materials and requested a number of revisions to address matters such as deficient soil volume and insufficient tree replacements.

## **Traffic**

A Transportation Impact Study (TIS) was submitted in support of the proposed development. The TIS estimates that the proposed development will generate approximately 35 and 39 two-way trips during the weekday morning and afternoon peak hour periods, respectively. The TIS concludes that the traffic generated by the proposed development can be readily accommodated by the boundary road network; however, Transportation Services Staff have requested some technical revisions to the TIS with respect to trip generation data, signal timing plans, traffic mitigation measures, pick-up/drop-off activity, on-site signage and wayfinding information, digital synchro file, and multi-modal analysis and Transportation Demand Management.

## **Travel Demand Management (TDM)**

A Travel Demand Management (TDM) plan was also included in the TIS. As required by the YESP, the City Official Plan, and the Toronto Green Standard, a variety of multimodal infrastructure strategies and TDM measures are to be used to reduce the number of single-occupancy auto vehicle trips generated by the proposed development.

Transportation Planning Staff have reviewed the proposal and have requested a much stronger TDM Plan to support the proposed development, address the site related vehicular traffic issues, and satisfy the requirements of the Toronto Green Standard.

## **Site Access**

Vehicular access will be via a full-movement 6.1 metre wide driveway onto Erskine Avenue at the northeast corner of the site. Transportation Services Staff have indicated the proposed location is generally acceptable.

## **Parking and Loading**

The development proposes a total of 36 vehicular parking spaces (consisting of 31 residential and 5 visitor spaces). Transportation Services Staff have indicated this meets the minimum parking requirement.

However, the site requires 8 barrier free parking spaces, whereas the site only provides 7. Transportation Services Staff have advised that the development must be revised to demonstrate compliance with the accessible parking space requirements found in Zoning By-law 569-2013.

With respect to loading spaces, the site requires 1 Type 'G' loading space, which the development provides.

### **Servicing**

A Functional Servicing and Stormwater Management Report and other associated engineering plans have been submitted in support of the application. These reports allow City Staff to evaluate the effects of the development on the City's municipal servicing infrastructure. They also identify and provide the rationale for whether the City requires the Applicants to provide new infrastructure and/or upgrades to the existing infrastructure in order to facilitate this development.

Engineering and Construction Services (ECS) Staff have reviewed the submitted engineering materials. ECS Staff require revisions as outlined in their memorandum dated November 16, 2022.

### **Rental Housing**

This application involves the demolition of 37 rental housing units.

Official Plan Policy 3.2.1.6 requires new development that would result in the loss of six or more rental dwelling units to replace at least the same number, size, and type of rental units at similar rents to those in effect at the time of application. The policy also requires the Applicant to provide an acceptable tenant relocation and assistance plan, addressing the right of existing tenants to return to the replacement units at similar rents and other assistance to lessen hardship.

In accordance with the Official Plan, the current application is proposing to replace all 37 existing rental dwelling units with new rental units of the same type and of similar size. The Applicant has also been working with Staff to develop a tenant relocation and assistance plan to lessen hardship to existing tenants and address the right to return to occupy the replacement units at similar rents.

Should the OLT allow the appeals in whole or in part, City staff recommend that the City Solicitor request that the Tribunal withhold its final Order until it has been advised that the owner has entered into appropriate agreements to secure the rental replacement to the satisfaction of the Chief Planner and Executive Director of City Planning.

### **Unit Mix**

Section 7.1 of the Secondary Plan 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 minimum of 15% of total units as 2 bedroom units; a minimum of 10% of total units as 3 bedroom units; and an additional minimum of 15% of total units as a combination of 2 and 3 bedroom units, or units that can be converted to 2 and 3 bedroom units through the use of adaptable design measures. The Growing Up Guidelines builds upon this and provides further

guidance on the proportion and size of larger units recommended in new multi-residential developments.

The development proposes 36 (10.6%) of the 340 net new residential units as 3 bedroom units and 121 (35.6% of the net new units as 2 bedroom units, which satisfies the Secondary Plan and unit mix objectives of the Growing Up Guidelines. However, the proposed 2 and 3 bedroom units do not meet the minimum size requirements of the Growing Up Guidelines.

Staff will continue to work with the Applicant to ensure that the City's objectives for large units are satisfied.

### **Parkland**

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 5,027 square metres or 289.2% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 174 square metres.

In this instance and as per the Toronto Municipal Code Chapter 415-26, Parks, Forestry & Recreation would accept the conveyance of lands off-site that would expand an existing park or create a new park as the required parkland dedication.

The off-site dedication shall comply with Policy 3.2.3.8 of the Official Plan. The size and location of the off-site conveyance would be subject to the approval of the General Manager, Parks, Forestry & Recreation and would be subject to this Division's conditions for conveyance of parkland prior to the issuance of the First Above Grade Building Permit. The Applicant is advised to refer to the Secondary Plan for candidate off-site parkland dedication areas. The Applicant shall provide confirmation to Parks Development if they would be agreeable to pursuing an off-site parkland dedication.

The value of the parkland dedication will be appraised through Real Estate Services. Should the value of the off-site dedication not fulfill the value of the on-site dedication, the remaining value shall be provided in cash-in-lieu, prior to the issuance of the First Above Grade Building Permit.

If the Owner has demonstrated, to the satisfaction of the General Manager, Parks, Forestry & Recreation, that the pursuit of an off-site parkland dedication has not been successful, a payment of cash-in-lieu of parkland will be required.

### **Further Issues**

City Planning continues to receive additional information regarding this application as the result of ongoing review by City commenting divisions, materials submitted in support of the proposal, and through deputation made by members of the public to

Community Council. Planning Staff may also be required to evaluate supplementary or revised plans and supporting materials submitted by the Applicant after the date of this report. As a result, Planning Staff may continue to identify further issues or supplement the reasons provided in this report. Where substantive changes to the proposal are made by the Applicant, Staff may report back to City Council as necessary.

## **Conclusion**

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Toronto Official Plan, the Yonge Eglinton Secondary Plan, and applicable City guidelines intended to implement Official Plan policies. Staff have determined that the proposed development in its current form is not consistent with the PPS and does not conform with the Growth Plan. Further it is not consistent with the Official Plan, the Yonge Eglinton Secondary Plan, and the Tall Building Guidelines.

This report recommends that the City Solicitor, with appropriate staff, attend the OLT in opposition to the application in its current form and to continue discussions with the Applicant in an attempt to resolve outstanding issues. This recommendation is consistent with the PPS and conforms with the Growth Plan.

## **CONTACT**

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## **SIGNATURE**

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

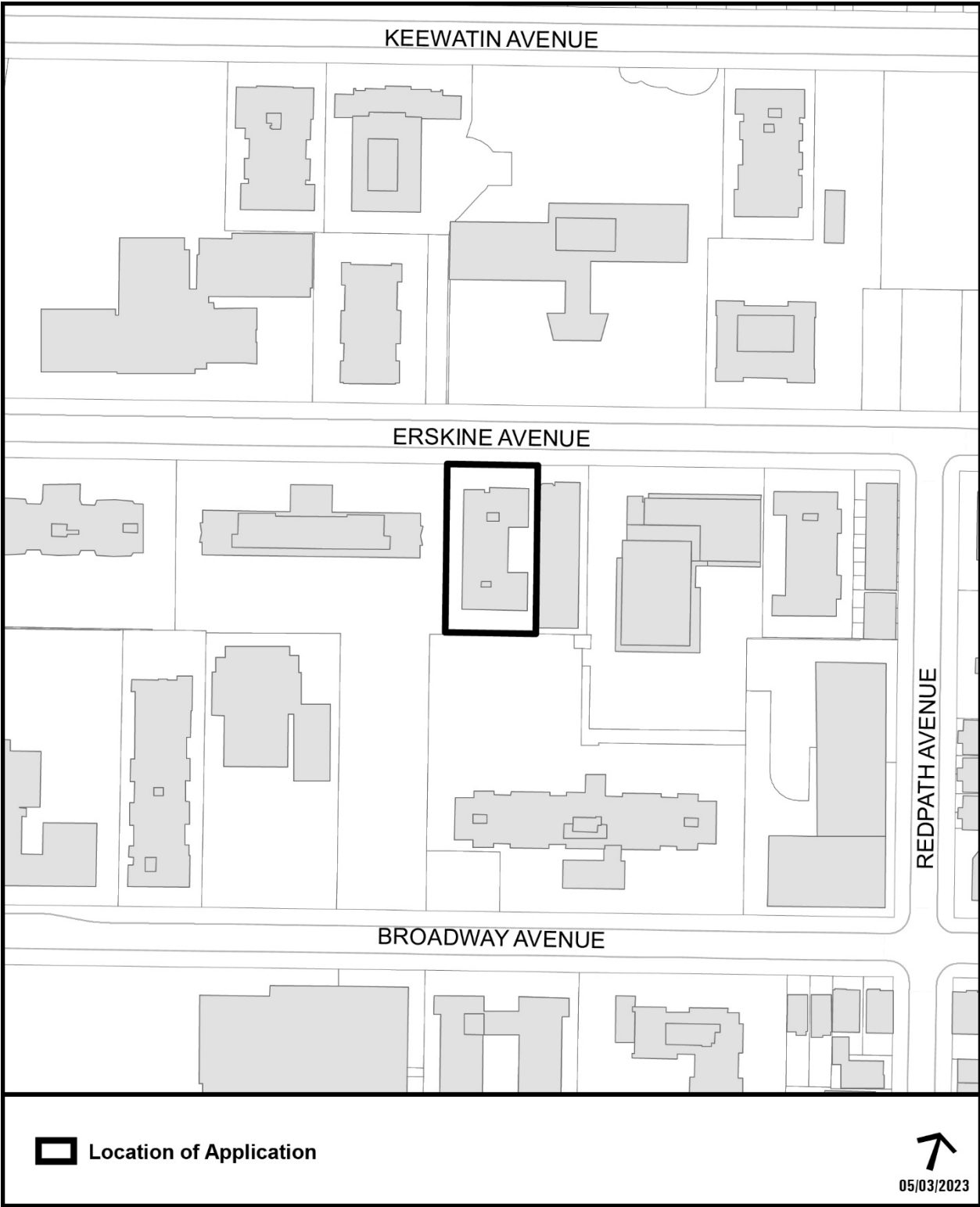
## **ATTACHMENTS**

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- Attachment 1: Location Map
- Attachment 2: Application Data Sheet
- Attachment 3: 3D Model of Proposal in Context Looking Northeast
- Attachment 4: 3D Model of Proposal in Context Looking Southwest
- Attachment 5: Site Plan
- Attachment 6: Official Plan Land Use Map
- Attachment 7: Yonge Eglinton Secondary Plan – Midtown Character Area
- Attachment 8: Yonge Eglinton Secondary Plan – Land Use Plan
- Attachment 9: Yonge Eglinton Secondary Plan – Public Realm Moves

Attachment 10: Yonge Eglinton Secondary Plan – Midtown Mobility Network  
Attachment 11: Zoning By-law no. 569-2013 Map

**Attachment 1: Location Map**



**Attachment 2: Application Data Sheet**

**Municipal Address:** 77 ERSKINE AVENUE **Date Received:** September 20, 2022

**Application Number:** 22 205741 NNY 15 OZ and 22 233227 NNY 15 RH

**Application Type:** Rezoning

**Project Description:** Proposal to demolish the existing 4-storey rental apartment and construct a new 35-storey residential building containing 377 residential units, including 37 replacement rental dwelling units. The proposal consists of 23,973.0 sq. m of residential gross floor area (GFA) which results in a total Floor Space Index (FSI) of 13.8.

| <b>Applicant</b>      | <b>Agent</b>          | <b>Architect</b> | <b>Owner</b>               |
|-----------------------|-----------------------|------------------|----------------------------|
| FORA (77 ERSKINE) INC | FORA (77 ERSKINE) INC | GH3              | 77 ERSKINE RESIDENCES CORP |

#### **EXISTING PLANNING CONTROLS**

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

#### **PROJECT INFORMATION**

Site Area (sq m): 1,738      Frontage (m): 31      Depth (m): 57

| <b>Building Data</b>        | <b>Existing</b> | <b>Retained</b> | <b>Proposed</b>    | <b>Total</b>  |
|-----------------------------|-----------------|-----------------|--------------------|---------------|
| Ground Floor Area (sq m):   | 792             |                 | 849                | <b>849</b>    |
| Residential GFA (sq m):     | 3,168           |                 | 23,973             | <b>23,973</b> |
| Non-Residential GFA (sq m): |                 |                 |                    |               |
| <b>Total GFA (sq m):</b>    | <b>3,168</b>    |                 | <b>23,973</b>      | <b>23,973</b> |
| Height - Storeys:           | 4               |                 | 35                 | <b>35</b>     |
| Height - Metres:            | 16              |                 | 113                | <b>113</b>    |
| Lot Coverage Ratio (%):     | 48.85           |                 | Floor Space Index: | 13.79         |

| <b>Floor Area Breakdown</b> | <b>Above Grade (sq m)</b> | <b>Below Grade (sq m)</b> |
|-----------------------------|---------------------------|---------------------------|
| Residential GFA:            | 23,930                    | 43                        |
| 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:                            | 37              |                 | 37              | <b>37</b>    |
| Freehold:                          |                 |                 |                 |              |
| Condominium:                       |                 |                 | 340             | <b>340</b>   |
| Other:                             |                 |                 |                 |              |
| <b>Total Units:</b>                | <b>37</b>       |                 | <b>377</b>      | <b>377</b>   |

**Total Residential Units by Size**

|                     | <b>Bachelor</b> | <b>1 Bedroom</b> | <b>2 Bedroom</b> | <b>3+ Bedroom</b> |
|---------------------|-----------------|------------------|------------------|-------------------|
| Retained:           |                 |                  |                  |                   |
| Proposed:           | 10              | 202              | 129              | 36                |
| <b>Total Units:</b> | <b>10</b>       | <b>202</b>       | <b>129</b>       | <b>36</b>         |

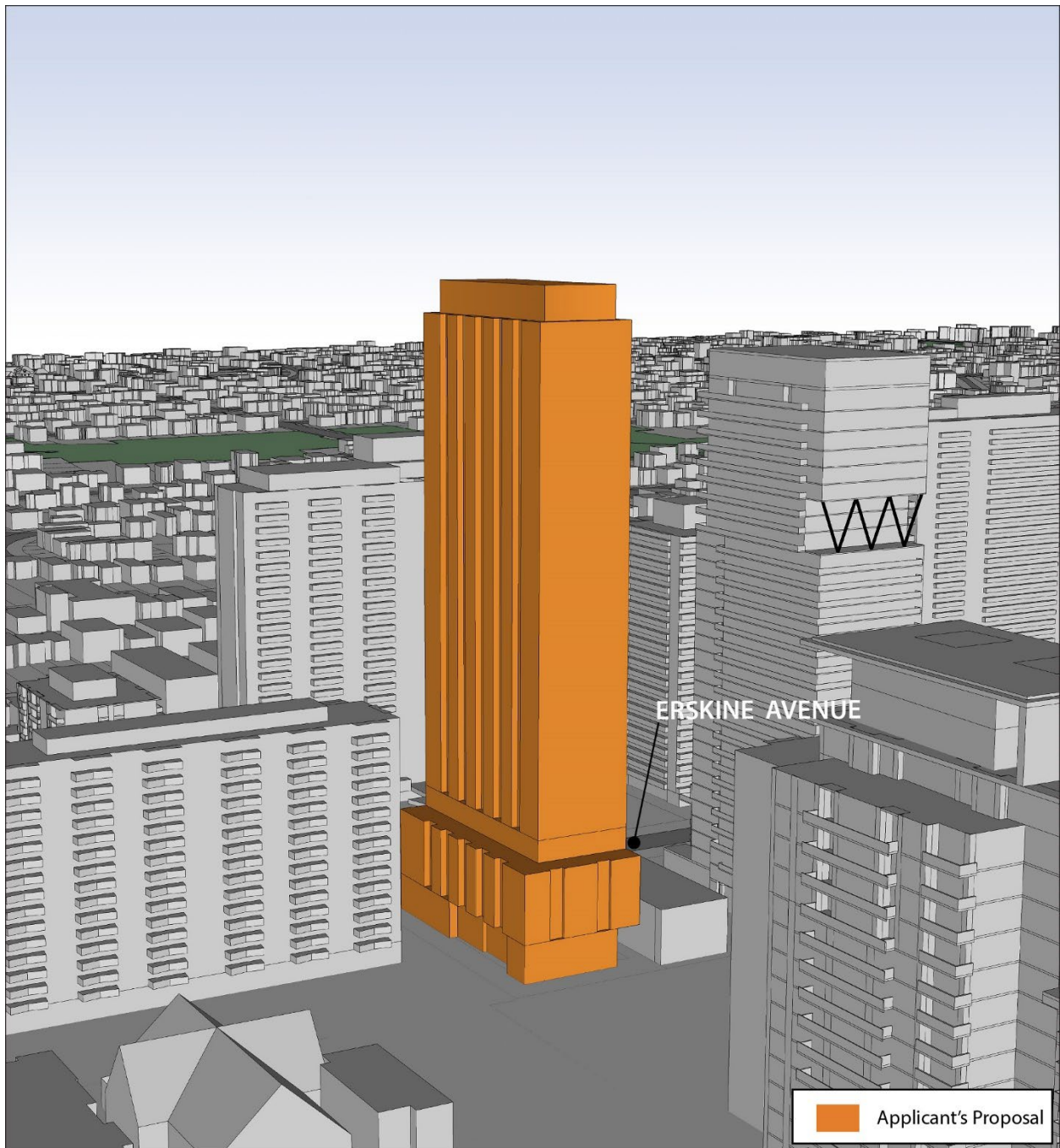
**Parking and Loading**

Parking Spaces: 36      Bicycle Parking Spaces: 378      Loading Docks: 1

**CONTACT:**

Ingrid Fung, Planner  
416-338-6688  
Ingrid.Fung@toronto.ca

**Attachment 3: 3D Model of Proposal in Context Looking Northeast**

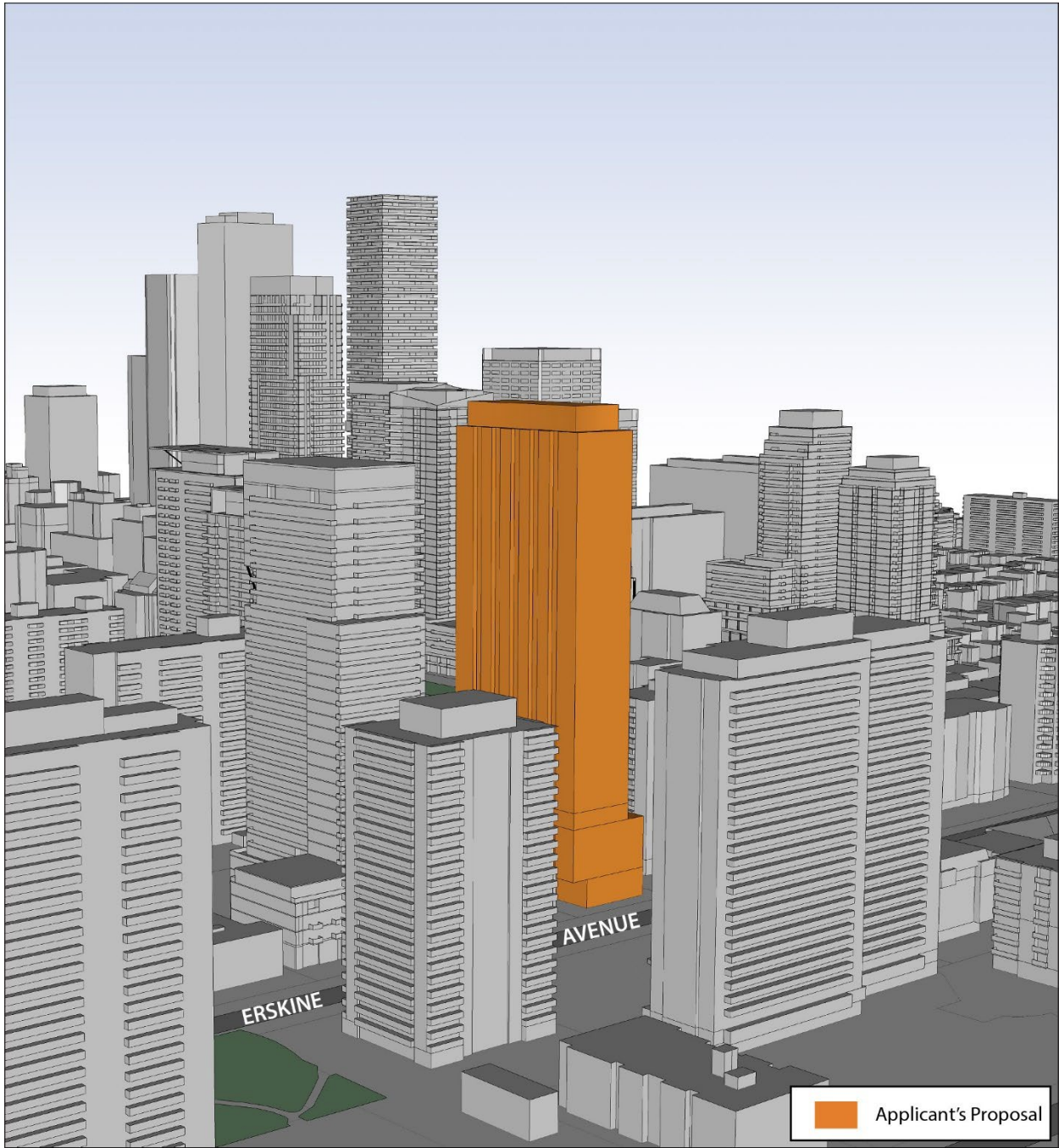


**View of Applicant's Proposal Looking Northeast**



10/31/2022

**Attachment 4: 3D Model of Proposal in Context Looking Southwest**



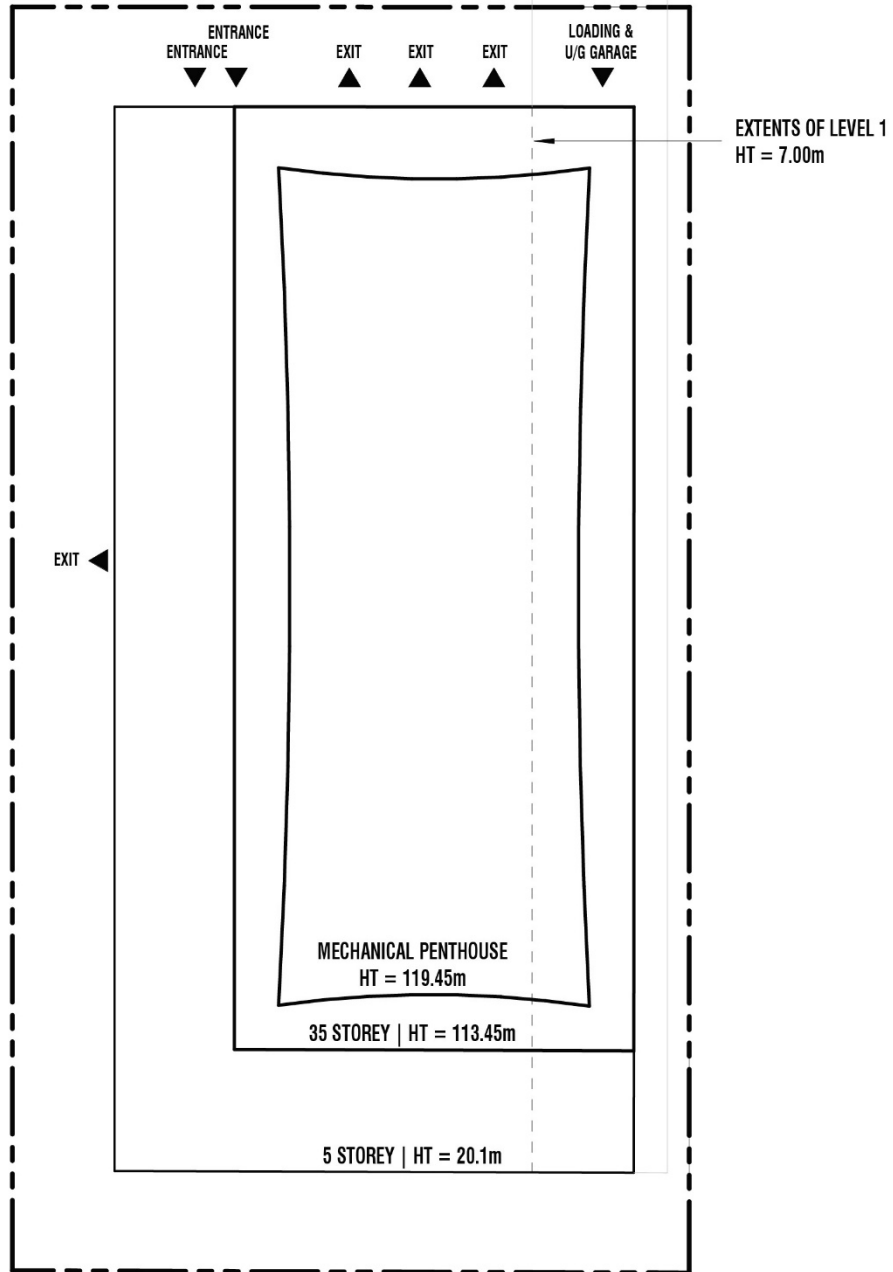
**View of Applicant's Proposal Looking Southwest**



10/31/2022

**Attachment 5: Site Plan**

**ERSKINE AVENUE**



**Site Plan**




# Attachment 6: Official Plan Land Use Map



Official Plan Land Use Map #17

77 Erskine Avenue  
File # 22 205741 NNY 15 0Z

-  Location of Application
-  Neighbourhoods
-  Apartment Neighbourhoods
-  Mixed Use Areas
-  Parks

  
Not to Scale  
Extracted: 09/26/2022



Yonge-Eglinton Secondary Plan  
MAP 21-2 Midtown Character Areas

- |                           |                             |                         |                              |                                |              |
|---------------------------|-----------------------------|-------------------------|------------------------------|--------------------------------|--------------|
| Subject Site              | Apartment Neighbourhoods    | Villages                | Cores                        | Special Places                 | Not to Scale |
| Secondary Plan Boundary   | Erskine and Keewatin        | C1 Eglinton Way         | D1 Yonge-Eglinton Crossroads | E1 Eglinton Green Line         |              |
| Apartment High Streets    | B2 Redpath Park Street Loop | C2 Yonge Street North   | D2 Davisville Station        | E2 Montgomery Square           |              |
| A1 Eglinton Park          | B3 Soudan                   | C3 Yonge Street South   | D3 Mount Pleasant Station    | E3 Henning                     |              |
| A2 Mount Pleasant Gateway | B4 Davisville               | C4 Mount Pleasant South | D4 Bayview Focus Area        | E4 Davisville Community Street |              |
| A3 Eglinton East          | A4 Mount Pleasant North     | C5 Bayview-Leaside      |                              | E5 Merton Street               |              |

March 29, 2018

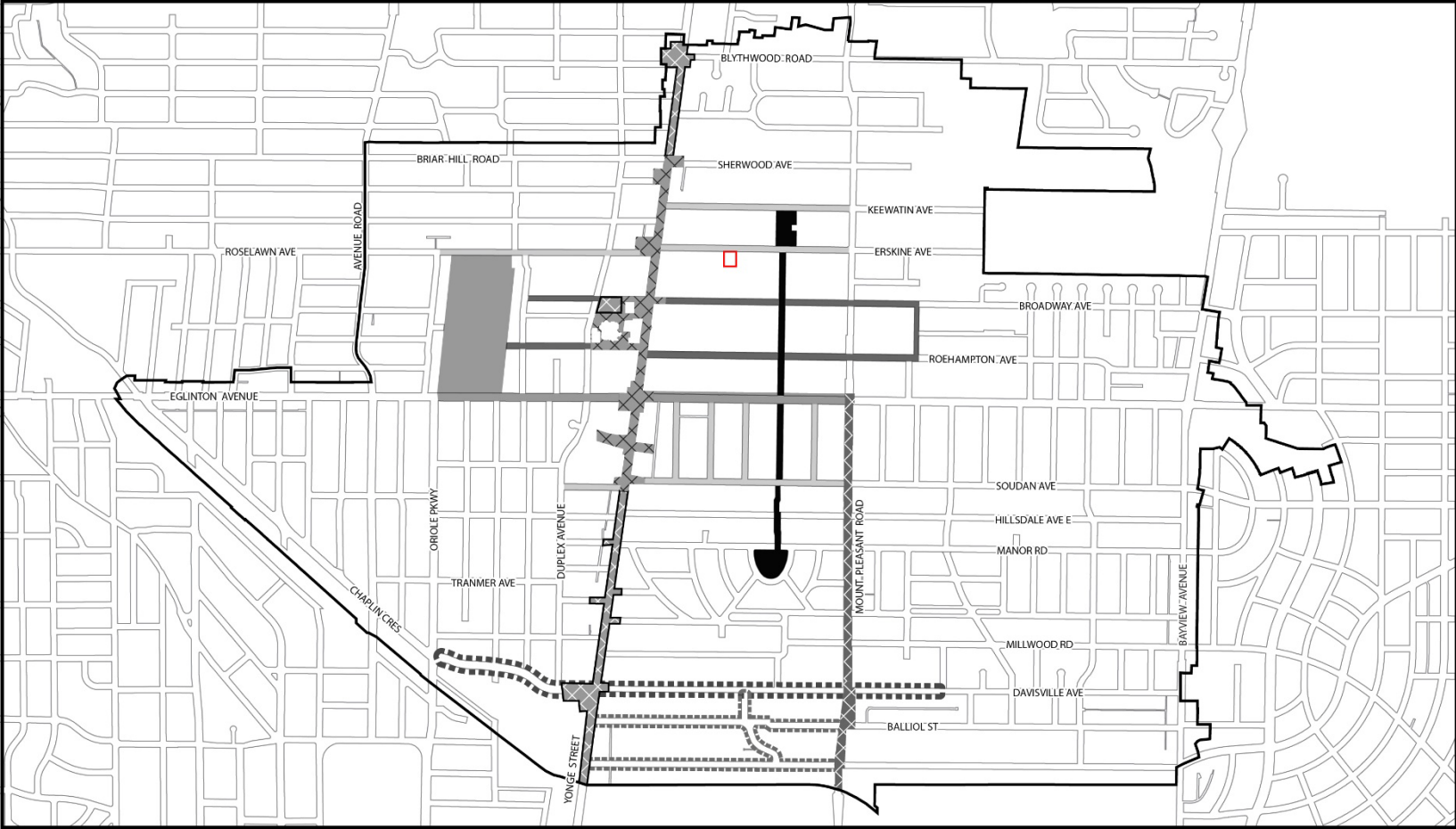


Yonge-Eglinton Secondary Plan  
MAP 21-4 Land Use Plan

- Subject Site
- Secondary Plan Boundary
- Mixed Use Areas "B"
- Mixed Use Areas "C"
- Apartment Neighbourhoods
- Neighbourhoods "B"
- Parks and Open Space Areas - Parks
- Land Use Designations per the Official Plan
- Neighbourhoods "A"

Not to Scale

March 29, 2018



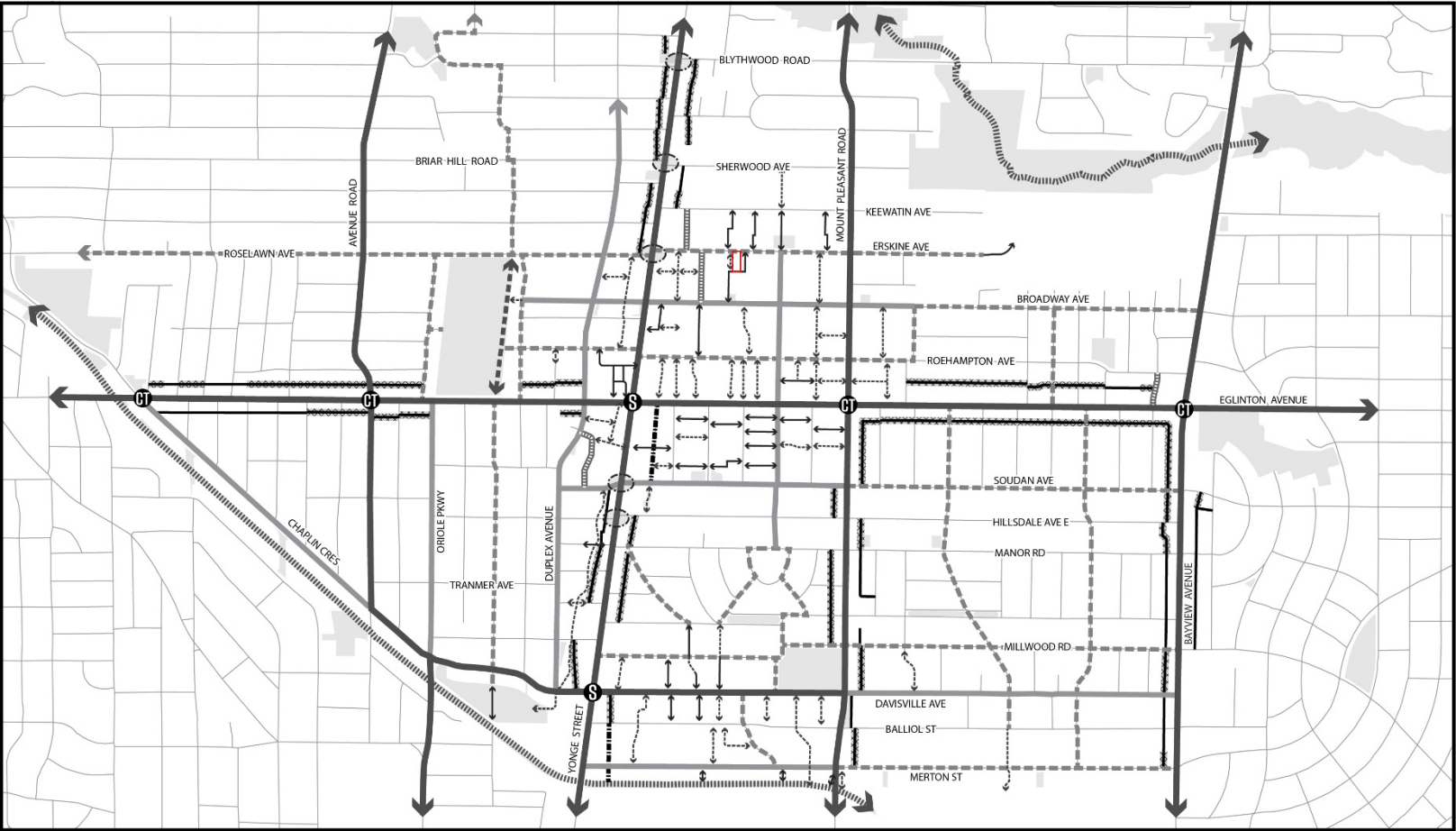
Yonge-Eglinton Secondary Plan

MAP 21-6 Public Realm Moves

- Subject Site
- Yonge Street Squares Extension
- Balliol Green Street, Pailton Connector and Merton Promenade
- Secondary Plan Boundary
- Park Street Loop
- Davisville Community Street
- Mount Pleasant Road Arboretum
- Redpath Revisited
- Yonge Street Squares
- Midtown Greenways

Not to Scale

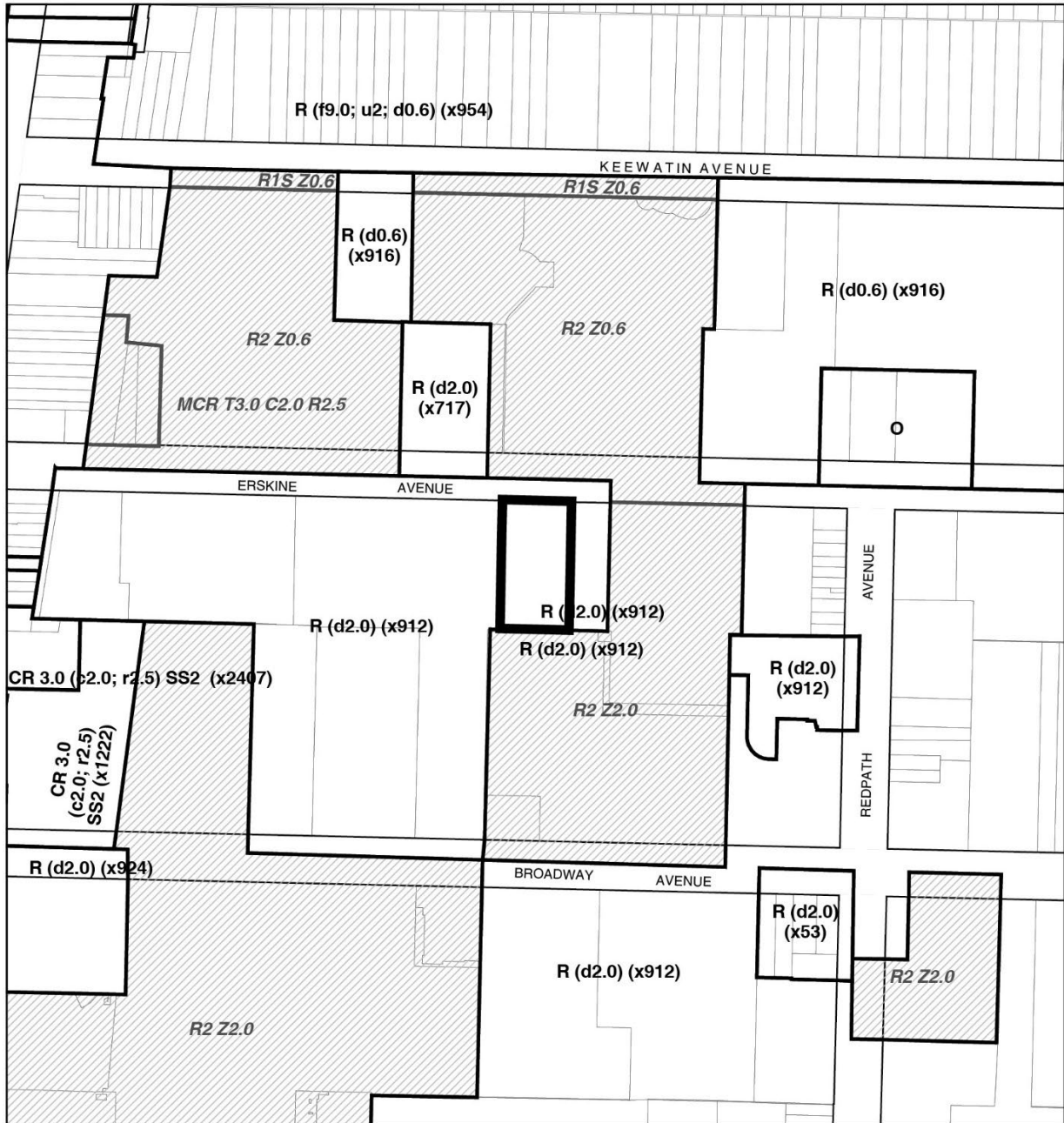
April 06, 2018



Yonge-Eglinton Secondary Plan  
MAP 21-9 Midtown Mobility Network

- |                       |                               |                                      |                             |                |
|-----------------------|-------------------------------|--------------------------------------|-----------------------------|----------------|
| Subject Site          | Existing Laneway              | Existing Midblock Connection         | Proposed Street Realignment | Not to Scale   |
| Major Street          | Laneway Requiring Improvement | New Midblock Connection (Conceptual) | Subway Station              |                |
| Primary Street        | New Laneway                   | Existing Multi-Use Trails            | Eglinton Crosstown Station  |                |
| Priority Local Street | New Local Public Street       | New/Reconfigured Multi-Use Trails    | Subject Site                | April 18, 2018 |

**Attachment 11: Zoning By-law no. 569-2013 Map**



**Zoning By-law 569-2013**

**77 Erskine Avenue**

**File # 22 205741 NNY 15 0Z**

-  Location of Application
- R** Residential
- CR** Commercial Residential
- O** Open Space

-  See Former City of Toronto By-law No. 438-86
- R2** Residential District
- MCR** Mixed-Use District



Not to Scale  
Extracted: 09/26/2022