



PLANNING AND URBAN DESIGN

25 January 2024

Chair Perks and Members of the Planning and Housing Committee
Toronto City Council
City Hall, 100 Queen Street West,
Toronto, ON
M5H 2N2

Attention: Members of Planning and Housing Committee

**RE: Zoning for Midtown Apartment Neighbourhoods
Draft Zoning By-law Amendment
168 Erskine Avenue – Site-Specific Comment Submission
Item 2024 - PH9.1**

WND File No.: 23.599

WND Associates has been retained by Korvin Developments Limited as the planning consultant for the lands municipally known as 168 Erskine Avenue in the City of Toronto (“the Subject Site”). The Subject Site is within the boundary of Official Plan Amendment 405 (“OPA 405”) as per the June 2019 approval of the Yonge-Eglinton Secondary Plan (“the Secondary Plan”) by the Ministry of Municipal Affairs and Housing.

On 30 November 2023, City Planning released a Draft Zoning By-law Amendment (“the Draft By-law”) relative to the Apartment Neighborhoods Character Areas of the Yonge-Eglinton Secondary Plan (“the Secondary Plan”). On 8 January 2024 Notice of the Statutory Public Meeting of the 29 January 2024 Planning and Housing Committee was received. This letter provides comments to Planning and Housing Committee in advance of its meeting on January 29 and highlights issues with the proposed zoning standards relative to the 168 Erskine Avenue property.

Subject Site

The Subject Site is a rectangular lot in the Yonge-Eglinton neighbourhood in the City of Toronto and is located on the north side of Erskine Avenue between Redpath Avenue and Mount Pleasant Road. The Subject Site contains a 3-storey apartment building, with associated driveway, surface parking, and soft landscaping areas. The Subject Site is approximately 1,310 square metres in area with a frontage of 23 metres on Erskine Avenue and a depth of 57 metres (**Figure 1**).

The immediate built form context includes 22 and 27-storey slab-form residential towers at 140-160 Erskine Avenue and a 12-storey residential apartment building at 1000 Mount Pleasant Road to the west. The most recent approval within the *Erskine and Keewatin* Character Area is the under construction 109

Erskine Avenue development which received approval from Council in July of 2022 relative to a proposed 22-storey residential building with a minimum tower setback of 5.5 metres. The 109 Erskine Avenue application received a Final Report in 2022 containing a recommendation of approval by City Planning staff.

The Subject Site is designated *Apartment Neighbourhoods* in the City of Toronto Official Plan and is currently zoned Residential R (d0.6) (x916) under Zoning By-law 569-2013. Building heights are permitted up to 38 metres according to the height overlay map. Apartment buildings, a range of residential building types, and certain non-residential uses are permitted within the R Zone.



Figure 1: Aerial View of the Subject Site.

The Subject Site is within the boundary of the Yonge-Eglinton Secondary Plan (“OPA 405”), where it is designated *Apartment Neighbourhoods*. The Subject Site is further within the *Erskine and Keewatin Character Area* of the Secondary Plan (**Figure 2**), which sets out the following anticipated height ranges policy:

“5.4.3.e. : Erskine and Keewatin: 25 to 35 storeys along Erskine Avenue and 12 to 18 storeys along the south side of Keewatin Avenue, generally decreasing west to east with increasing distance from Yonge Street”

At its Meeting in July of 2022, City Council adopted OPA 570 with respect to the implementation of Protected Major Transit Station Areas (“PMTSAs”) across the City of Toronto. The Subject Site is located adjacent to the Mount Pleasant Station PMTSA (**Figure 3**) relative to Site and Area Specific Policy (“SASP”) 680 of OPA 570. Although the Subject Site was excluded from the Council-adopted PMTSA boundary, it is located just 650 metres from the Mount Pleasant LRT Station entrance, which geographically falls within

the Provincial Growth Plan definition of an MTSA, being 500-800 metres from rapid transit. The Mount Pleasant PMTSA is planned for a minimum density target of 350 residents and jobs per hectare. The City's MTSA and PMTSA policies are considered adopted but not yet in-force until a Decision is made by the Minister.

Despite its exclusion from the SASP 680 boundary, the Subject is identified as being within the Yonge-Eglinton Urban Growth Centre on Map 21-1 of the Secondary Plan. As Per the 2019 Growth Plan, the Urban Growth Centres are areas of the Greater Toronto Area's Urban Structure where the most intense forms of residential and mixed use development are anticipated. Urban Growth Centres will also play a vital role in absorbing the majority of new population and employment growth in the coming decades. A Decision by a local planning authority on any amendment to its by-law must conform to these policies of the Growth Plan.

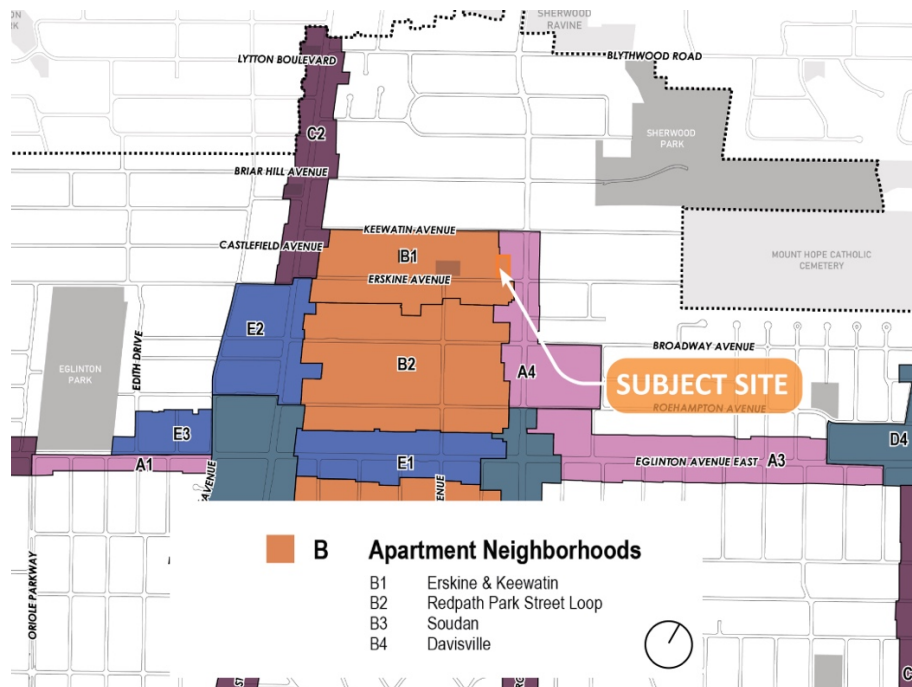


Figure 2: Location of the Subject Site on Map 21-2 Midtown Character Areas of the Yonge-Eglinton Secondary Plan

Map 2 – Minimum Densities, Mount Pleasant Protected Major Transit Station Area

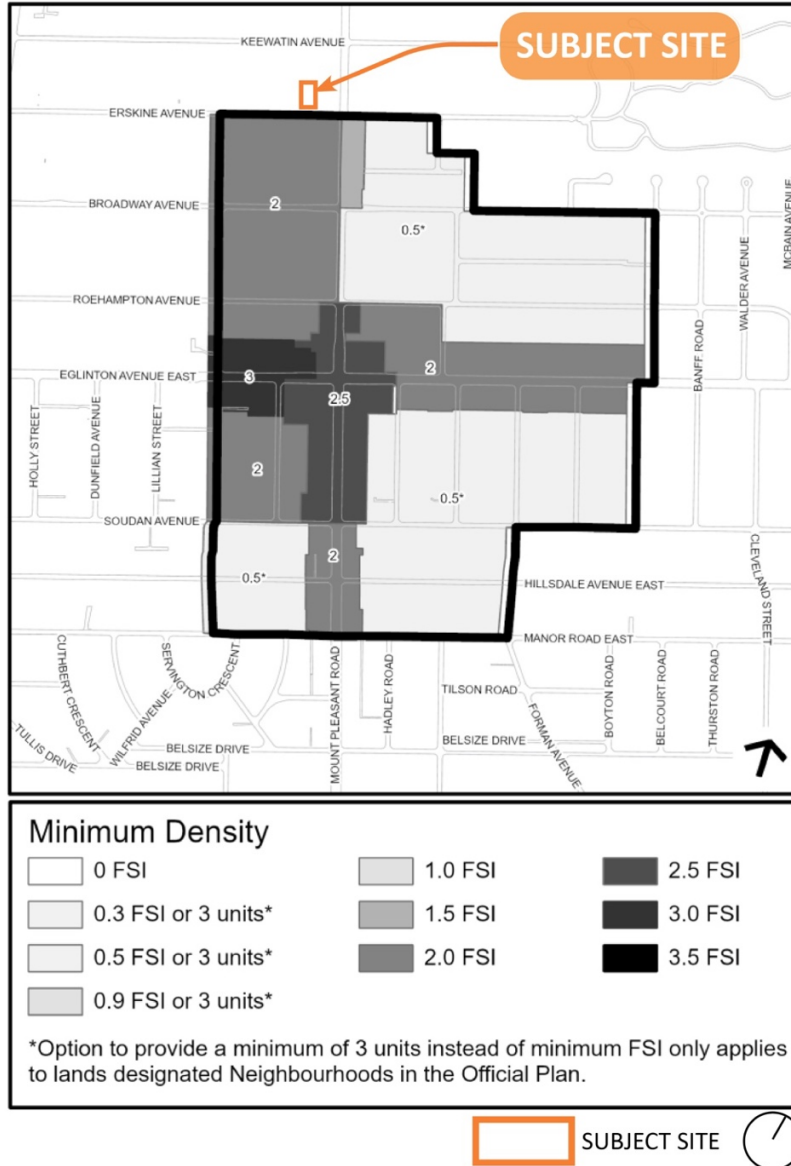


Figure 3: Location of the Subject Site on Map 2 – Site and Area Specific Policy 680

Analysis of Draft By-law

The Subject Site is proposed to be zoned **Residential Apartment (RA) Exception 804** according to Diagram 3C of the Draft By-law (**Figure 4**). The Subject Site is also shown on Diagram 4C of the Draft By-law as having a proposed maximum permitted height of 25 storeys and 78 metres (**Figure 5**), and by doing so these height assignments recognize the Subject Site’s potential for a tower built form.

Furthermore, Exception 804 sets out a required minimum floor space index (FSI) of 2.0 times lot area; however, this is proposed to only apply to properties located on the south side of Erskine Avenue (Exception 804(D)). In our view, this application of a minimum FSI to only half the street is inconsistent with the Secondary Plan's *Erskine and Keewatin* Character Area policies where an anticipated height range of 25 to 35 storeys also applies to the north side of Erskine Avenue. This exclusion of the north side of Erskine Avenue serves as an unnecessary barrier to implementation of the Secondary Plan, the Centres policies of the City-wide Official Plan and Urban Growth Centres policies of the Provincial Growth Plan.

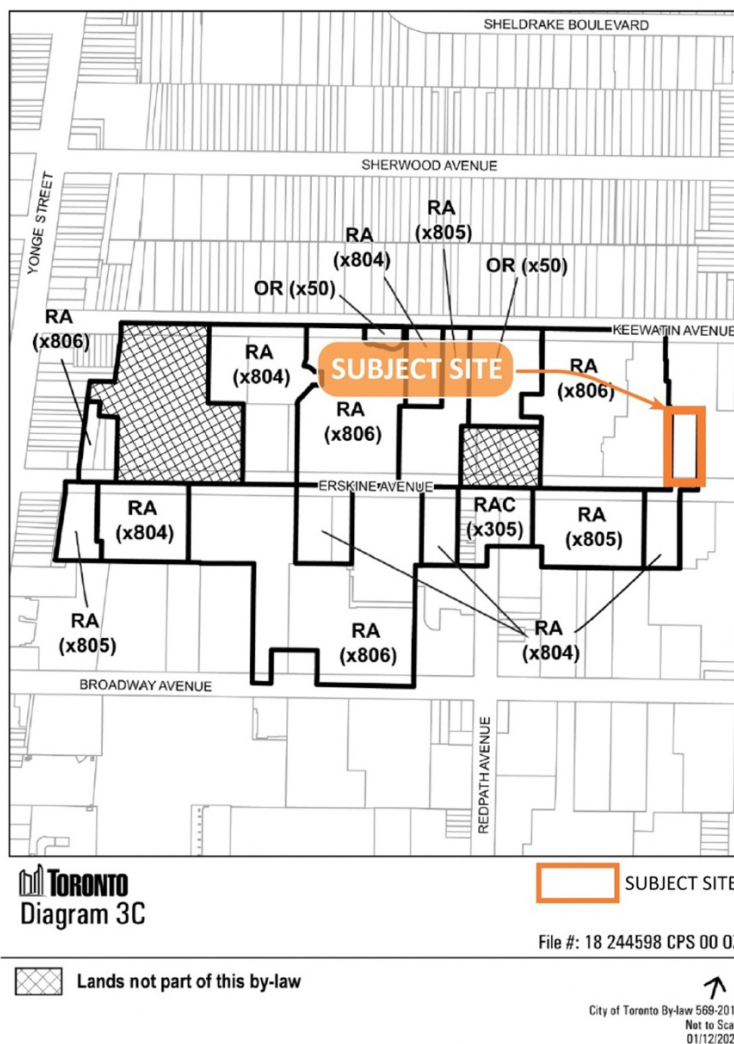


Figure 4: Location of the Subject Site on Diagram 3C

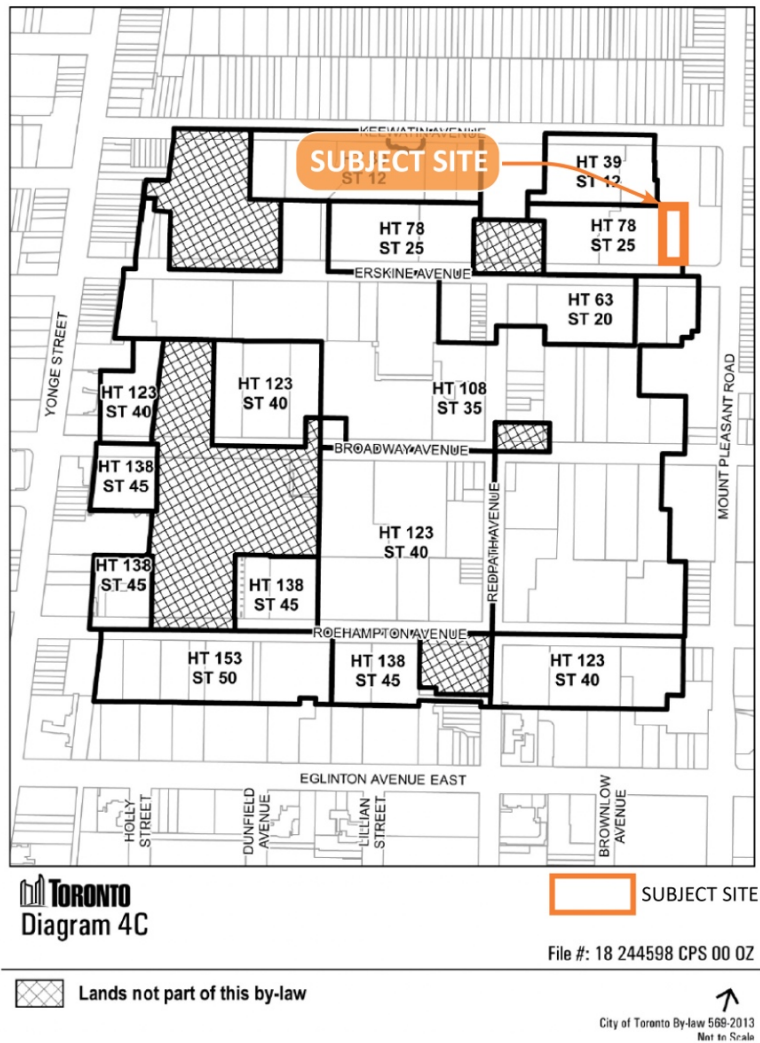


Figure 5: Location of the Subject Site on Diagram 4C

The following sections provide our review and analysis of the Draft By-law and highlight our primary concerns:

1. Minimum landscaping requirements

Regulation 8.(B) of the Draft By-law sets out the following minimum landscape requirements:

- Despite 15.5.50.10 (1), a lot in the Residential Apartment Zone category must have:

- (i) *A minimum of 40% of the area of the lot for landscaping; and*
- (ii) *A minimum of 65% of the landscaping required in (i), above, must be soft landscaping;*

It is common to expect and achieve reduced landscape standards through development applications within *Apartment Neighborhoods*, especially in PMTSAs. A 40% landscaping requirement is onerous, does not reflect the urbanized context of the Subject Site, and conflicts with the development potential of the site which is recognized by the Secondary Plan and the height mapping of the Draft By-law as a potential tower site.

Moreover, this standard would introduce ‘tower-in-the-park’ forms of development, which in our view represents an antiquated built form model for the City’s *Apartment Neighborhoods*, and conflicts with other Provincial and Municipal policy objectives relative to compact forms of development as catalysts of complete community development. Examples of recent, in-force site-specific By-laws within the surrounding area which introduce a significantly reduced standard, or elimination in its entirety, include: 109 Erskine Avenue (By-law 995-2022), 100, 110-120 Broadway Avenue (By-law 71-2021) and 241 Redpath Avenue (By-law 82-2023).

2. Minimum and maximum building heights

Map 4C of the Draft By-law proposes to introduce new maximum height permissions within the Secondary Plan’s *Erskine and Keewatin* Character Area. The Subject Site is within an area where the proposed permitted height is a maximum 25 storeys (78 metres).

Although it is generally positive that the site is being recognized as having potential for tall building, the proposed height does not align with the Secondary Plan’s anticipated height range for the *Erskine and Keewatin Character Area*, and generally speaking, is also inconsistent with the policies of the Secondary Plan which contemplate lower buildings heights as distance increases from Yonge Street (with no such policy from north to south). Setting maximum heights at the lower bound of the anticipated height range, within an *Urban Growth Centre*, and bordering a PMTSA, is in our view inappropriate and conflicts with Provincial and Municipal policy directives to meet or exceed minimum density targets within these areas.

As noted above, the Subject Site is located in close proximity to Mount Pleasant LRT Station (650 metres despite its exclusion from the SASP 680 PMTSA boundary) and is at the eastern edge of the Eglinton Station PMTSA; therefore, at a minimum, the Draft By-law should reflect the upper height range of the Secondary Plan at 35 storeys to provide more flexibility for a future site-specific application.

3. Setting minimum setbacks

Draft Regulation 8.(J) sets out the following minimum street yard setbacks in the RA Zone as follows:

- *7.5 metres for lots abutting Erskine Avenue, Broadway Avenue, and Roehampton Avenue; and*
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- *Similarly, Draft Regulation 8.(L) provides a minimum rear lot line setback requirement of 7.5 metres.”*

Given other approvals in the surrounding area context support the ‘Midtown Greenway’ and ‘Park Street Loop’ systems with similar 7.5-metre setback as per in-force site-specific Zoning By-laws, including the nearby approval at 109 Erskine Avenue, this standard is in our view appropriate in the context of the Subject Site for a front yard setback. However, many applications in the surrounding area, including 109 Erskine Avenue which this Council supported in 2022 achieve a rear yard setback standard much less than 7.5 metres which is, in our view, excessive in a highly urbanized setting and contrary to the built form objectives of Provincial and Municipal planning policies which envision compact forms of development within areas near higher-order transit.

4. Regulating building entrances

Regulations 8.(O) and (P) of the Draft By-law set out regulations requiring pedestrian entrances to lobbies and residential units to “*face and be directly accessible from*” public streets and pedestrian walkways.

In our opinion, this level of detailed design control is not necessary, may not reflect the best design solution for individual sites, and is subject to unpredictable interpretation by City Planning and Building staff. This suggested regulation also eliminates the potential for pedestrian mews form of building entrances which is a common design solution to access grade-related units within side and rear yards and can also be combined with gated controls such as the nearby development at 101 Erskine Avenue. Moreover, detailed entrance design and location details are matters which could be reasonably dealt with through the Site Plan Control Application process and should be left out of zoning standards to allow for greater flexibility at this later stage.

5. Setting minimum building step backs

Regulations 8.(Q), (T) and (V) of the Draft By-law sets out the following regulations requiring the tower portion of a tall building to be stepped back from its base building:

- *Every building with a height greater than 20.0 metres plus the required front yard setback must comply with the requirements of (R) to (U) below for the portions of a building which collectively enclose the entirety of a storey above the following heights:*
 - (i) *above the 4th storey of a building; or*
 - (ii) *a height of 15.0 metres, whichever is less;*
 - *Any part of a building identified in (Q) must be set back:*
 - (i) *at least 3.0 metres from the building setback of the highest storey of the building located below that point;*
 - (ii) *despite (i) above, if on a lot abutting Redpath Avenue, at least 8.0 metres from the building setback of the highest storey of the building located below that point;*
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- *Every building on a lot located west of Mount Pleasant Avenue with a height less than 20.0 metres plus the required front yard setback must comply with the following:*
 - (i) *any part of a building, located above a height of 19.5 metres, must be set back at least 3.0 metres from the building setback of the highest storey of the building located below that point;*

The proposed zoning standards would seek to secure a uniform four-storey base building on the Subject Site with greater tower step backs than the values associated with recently approved, applications in the same Character Area which deviate from these proposed standards.

Additionally, Policy Section 5.3.38 of the Secondary Plan sets out that base building heights may exceed the four storeys generally considered for the *Apartment Neighbourhoods* Character Areas. The base building of the nearby 109 Erskine Avenue application, supported by staff in a Final Report and approved by this Council in 2022, also included a ‘staggered’ base building height ranging from four to six storeys in order to respond to its two adjacent built form contexts¹; whereas, in contrast, a blanket standard across the entire Character Area would preclude or hinder potential as-of-right development to respond to unique characteristics of each site’s existing and planned context (including 168 Erskine Avenue which is situated amongst slab-form towers which do not provide a typical base building condition). Responsiveness of a base building to surrounding sites is a key policy requirement of the Secondary Plan (Policy 5.3.35 which sets out: “*b. ensure a consistent and/or compatible streetwall within the Character Area and to adjacent Character Areas...*”). For the foregoing reasons, the proposed stepback and base building requirements are onerous and do not appropriately respond to or reinforce the characteristics of the *Erskine and Keewatin* Character Area or its existing and planned streetwall heights and stepback patterns. In our view, it would be more appropriate to delete this performance standard and instead regulate stepback and podium standards on a site-specific basis in accordance with the applicable policies.

6. *Setting minimum building separation distances between tall buildings*

Draft Regulations 8.(R) and (S) set out the following proposed standards for minimum tower setbacks and separation distances:

- *Despite regulations 15.10.40.70(2), (3), and (4), the required minimum side yard setback and rear yard setback for the portion of the building specified in (Q) is 15.0 metres;*
- *Despite regulations 15.10.40.80(1) and (2), if a line projected at a right angle from a main wall of a building intercepts another main wall, the required minimum above-ground separation distance between the main walls for the portion of the building specified in (Q) above is 30.0 metres from:*
 - (i) *another building on the same lot; and*
 - (ii) *another main wall of the same building;*

¹ The east façade of the approved tower at 109 Erskine Avenue also does not stepback above the base building which was a position taken by staff in the supportive Final Report for this application.

In our view, this proposed standard for 30-metre minimum tower setbacks is inconsistent with: i) the policy intent of the Secondary Plan to intensify underutilized *Apartment Neighborhoods* sites with new compact development forms; ii) the non-statutory Tall Building Design Guidelines which generally recommend tower setbacks of 12.5 metres for 25 metres of tower separation (on the same site) only as reference points (although much less is often achieved throughout the City); and, iii) many recent pre- and post-OPA 405 development approvals in the Secondary Plan's *Apartment Neighborhoods* which have established tower setbacks less than what is being proposed by the Draft By-law, recognizing anomalies of certain sites (such as the Subject Site where no windows do not exist on the slab tower to the west) .

In our opinion, it is inappropriate to seek to apply standards which do not appear to be based on i) the policy intent of OPA 405, ii) the reference points of the Tall Building Guidelines, and iii) the context of the surrounding area where many sites have achieved a much lower standard both pre- and post-OPA 405.

7. Setting a maximum floorplate size for tall buildings

Draft Regulation 8.(U) proposes the following regulation with respect to maximum tower floorplate size:

The permitted maximum floor area for each storey of a building containing residential uses, as specified in (Q) above, is 750 square metres, measured from the exterior of the main wall of each floor level and inclusive of the entire floor, excluding inset and projecting balconies;

Both the Secondary Plan (Policy 5.3.41) and City-wide Tall Building Design Guidelines provide for flexibility for floorplate areas to exceed 750 square metres when other urban design considerations are satisfied, up to an including a Policy directive in the Secondary Plan that floorplates may exceed 750 square metres without a Secondary Plan amendment. Moreover, there are many examples of floorplates which exceed 750 square metres within the surrounding *Apartment Neighborhoods* context, inclusive of applications both pre- and post- OPA 405. In our opinion this standard should be deleted and instead regulated on a site-specific basis at the time of an application.

8. Setting minimum requirements for 2- and 3-bedroom units and unit size

Regulation 8.(X) seeks to secure the following:

- *(X) A building containing 80 dwelling units or greater must comply with the following: (i) a minimum of 15 percent of the total number of dwelling units in a building on the lot must contain two bedrooms; (ii) a minimum of 10 percent of the total number of dwelling units in a building on the lot must contain three or more bedrooms; (iii) in addition to the requirements of (i) and (ii) above, an additional 15 percent of the total number of dwelling units in a building on a lot must include a minimum interior floor area of 87 square metres; and (iv) for the purposes of applying i), ii), and iii), dwelling units that are required to be replaced, including pursuant to Section 3.2.1.6. of the City of Toronto Official Plan and/or secured through s.111 of the City of Toronto Act, are excluded from the above calculation;*
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The Province eliminated the minimum unit size requirement from the nearby Downtown Secondary Plan (OPA 406) when it was approved with modifications in June 2019. Additionally, securing a minimum unit size for a certain amount of units is, in our opinion, inconsistent with the directives of the Secondary Plan's housing policies (Section 7.1) which sets out the following policy direction that supports the use of design measures as opposed to securing minimum unit areas: *7.1.c. an additional 15 per cent of the total number of units will be a combination of 2-bedroom and 3-bedroom units, or units that can be converted to 2-bedroom and 3-bedroom units through the use of adaptable design measures.*

Securing minimum unit composition and sizes further interferes with the City's ability to achieve its Housing Pledge to the Province of 285,000 new homes by 2031, and is also inconsistent with the Federal Housing Accelerator Fund's directives for the City to seek to eliminate policy and zoning barriers to create new housing opportunities of all sizes and forms. The additional 15% of units being 87 square metres in size or greater may achieve unintended consequences as it incentivizes large-format one bedroom units which is counterintuitive to current market trends and the relative affordability of smaller and yet functional one bedroom units.

Conclusion

When taken together, in our opinion, the above draft regulations create onerous restrictions which hinder the appropriate redevelopment of the Subject Site in an as-of-right scenario, and by doing so limit intensification of a property within a Provincially defined PMTSA, an *Urban Growth Centre*, and an area of the Yonge-Eglinton Secondary Plan where intensification is otherwise anticipated on a policy basis to take the form of new tall residential buildings.

The standards proposed by the City with respect to landscaping, building height, upper storey setbacks, base building height and tower separation distances in particular, do not adequately take into account the surrounding area's existing and planned context, the policies of the applicable Secondary Plan *Erskine and Keewatin* Character Area, and other City design guidelines. Moreover, the built form for the Subject Site as anticipated by the Draft By-law standards does not represent an efficient or optimal development pattern as directed by the Provincial Policy Statement and Growth Plan.

The City of Toronto has a Council-adopted mandate to deliver 285,000 new homes by 2031 and the proposed zoning changes frustrate the achievement of this objective by precluding the Subject Site's ability to deliver a market-based range and mix of housing options to support nearby PMTSAs and reduce auto-dependency. Similarly, the proposed by-law revisions, which serve to limit the amount of new housing possible on Subject Site, presents itself as a barrier to the City's implementation of several new directives requested by the Federal Government under the Federal Housing Accelerator Fund.

We would be pleased to meet with City staff to discuss alternative site-specific standards for our client's property that more fulsomely recognize its potential to accommodate intensification commensurate with the Yonge-Eglinton Secondary Plan, PMTSA identification, the existing and planned context, and to mutually achieve a zoning outcome for the property which reinforces of an efficient pattern of high-rise development within the block context.

We trust that the information included within this comment letter is complete and comprehensive, and sufficient to allow for further review of the Draft By-law prior to advancing the project to Council. Should you have any questions, please do not hesitate to contact the undersigned. We request that the undersigned of our office be circulated on any Notice(s) of Decision with respect to this matter.

Yours very truly,

WND associates
planning + urban design

A handwritten signature in black ink, appearing to read "A Ferancik".

Andrew Ferancik, MCIP, RPP
Principal and President

cc: Matt Armstrong, Senior Planner, Strategic Initiatives and Policy Analysis
Nancy Martins, Administrator, Planning and Housing Committee, phc@toronto.ca
John Elvidge, City Clerk
