

**Refusal and Directions Report
1185 Eglinton Ave East – Zoning By-law Amendment
Application**

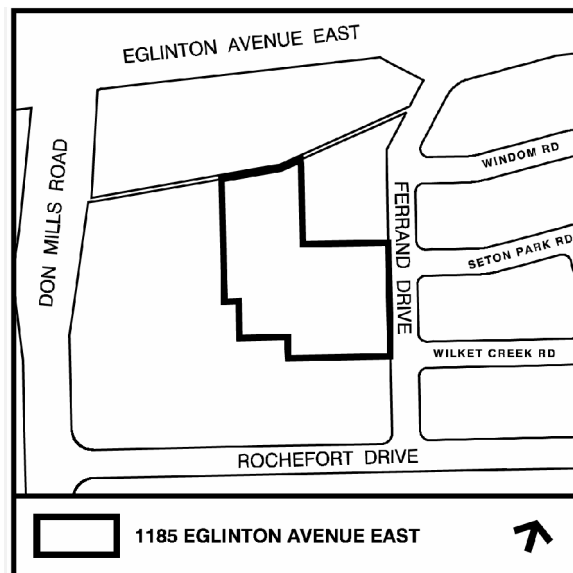
Date:	June 17, 2008
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 26 – Don Valley West
Reference Number:	08 111649 NNY 26 OZ

SUMMARY

This application was submitted on February 14, 2008 and is subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

The rezoning application proposes a 28 storey residential apartment building on a site containing an existing office building at 1185 Eglinton Avenue East. The existing building is proposed to be retained.

This report reviews and recommends refusal of the application in its present form because the proposed development does not conform to Official Plan policies which require an appropriate transition between *Mixed Use Areas* and *Neighbourhoods*. A review of Site Specific Official Plan Policy No. 76, which presently applies to the subject property, is proposed to determine the effect of the permitted density and to recommend guidelines for appropriate built form for all lands within this site specific policy area.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the zoning amendment application in its present form.
2. City Council direct staff to undertake a study of Site Specific Policy No. 76 to review built form and resulting densities and the distribution of density over the Study area, including the subject site and generally in accordance with the Terms of Reference contained in Attachment 6.
3. Should the application be appealed to the Ontario Municipal Board, the City Solicitor and City staff be authorized to attend the Ontario Municipal Board hearing.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposal

The proposed development consists of a 28-storey apartment tower on the southeast portion of the development site, with a 5-storey base building located along the Ferrand Drive frontage. The 5-storey base building includes commercial and amenity uses at grade with 282 residential units above. The density on the subject property is 3.3 FSI which includes the existing office building. 588 square metres of indoor amenity space is proposed as well as an outdoor patio area on the ground floor. The tower is set back 15 metres from Ferrand Drive and steps back a further 9.5 metres above the 10th storey. There are four levels of underground parking with a total of 561 parking spaces which serve the proposed residential development and the existing office building. The southerly 15 metres (50 ft.) of the subject property is a right of way used for access by adjoining properties to the west connecting to Forresters Lane. The Application Data Sheet (Attachment 5) has more details regarding the proposed development.

Site and Surrounding Area

The subject property is located south of Eglinton Avenue East, just east of Don Mills Road. It is an L-shaped property with an area of 1.15 ha (2.8 ac). The property is currently developed with a 9-storey office building (Sport Alliance of Ontario) located on the portion of the property facing Eglinton Avenue. The south portion of the site contains surface parking and a ramp which leads to underground parking beneath the office building. The easterly portion of the property, occupying the Ferrand Drive frontage is currently used for a surface parking lot and the proposed residential development is to be located here.

Land uses surrounding the site are as follows:

North: a Place of Worship which fronts on Ferrand Drive and beyond that a surface parking lot operated by the TTC.

East: a residential neighbourhood consisting of semi-detached and townhouse units and beyond that office buildings

South: a surface parking lot and 4-storey and 9-storey apartment buildings.

West: a 23-storey office building and a 16 storey residential building and surface parking lots

Decision History

In 1993, an Official Plan Amendment was approved for the subject site and the area to the east of the subject site (see attachment 4 (b)). The amendment permitted up to 1,130 residential units and an FSI of 1.75. The development however, was not built.

In 1997, an Official Plan Amendment was approved for the larger area bounded by Don Mills Road, Eglinton Avenue, the Don Valley Parkway and Rochefort Drive as shown on attachment 4(c) in heavy dashed lines. The Official Plan Amendment permitted a mix of residential, office, open space and institutional uses. A maximum FSI of 1.8 was permitted over the entire area including the area of the 1993 site specific amendment. The larger area Official Plan Amendment was carried forward in the City of Toronto Official Plan as Site Specific Policy No. 76.

In 1998 a rezoning application for 154 semi-detached homes and 41 townhouses was approved for the block bounded by Ferrand Drive and Rochforte Drive as shown on attachment 4(c), excluding the subject site. The approximate density of this development is 0.60 FSI.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The City of Toronto Official Plan designates the subject property, as well as lands to the west, south and north as *Mixed Use Areas* which provides for a broad range of

commercial, residential and institutional uses, in single use or mixed use buildings (see Attachment 4 a).

Development criteria for *Mixed Use Areas* includes creating a balance of uses that reduces auto dependency, provides a transition in intensity and scale, limits shadow impacts, frames the edges of streets, provides an attractive, comfortable and safe pedestrian environment, provides good site access and circulation and minimizes the impact of service areas on adjacent streets and residences.

The Official Plan contains policies which provide that intensification of land adjacent to neighbourhoods will be carefully controlled so that neighbourhoods are protected from negative impact. Where significant intensification of land adjacent to a *Neighbourhood* or an *Apartment Neighbourhood* is proposed, Council will determine whether or not an area specific policy will be created, in consultation with the local community, following an area based study.

As discussed previously, Site Specific Policy No. 76 applies to the area bounded by Don Mills Road to the west, Eglinton Avenue to the north, the Don Valley Parkway to the east and Rochefort Drive to the south (see attachment 4 b). The subject lands are located within the area and are designated *Mixed Use Areas*. The lands immediately to the east, consisting of a neighbourhood of semi-detached and townhouse units are designated *Neighbourhoods*, and the lands further to the east, between the east leg of Ferrand Drive and the Don Valley Parkway are designated *Mixed Use Areas*.

A maximum overall density of 1.8 Floor Space Index is permitted for all the lands located in Site Specific Policy No. 76. Existing built development in the site specific policy area is 1.0 FSI leaving 0.8 FSI as unbuilt density. The resulting overall density for the Policy No. 76 area, with the proposed development factored in, is 1.2 FSI. The following chart shows density information for Site Specific Policy No. 76:

	Density permitted in Policy No. 76 area	Built Density in Policy No. 76 area	Unbuilt density in Policy No. 76 area
Existing	1.8 FSI	1.0 FSI	0.8 FSI
Proposed	1.8 FSI	1.2 FSI (with 1185 Eglinton Ave application factored in)	0.6 FSI

If this development is built as proposed, there would be 0.60 unbuilt density in the Policy No. 76 area. This equates to 157,800 m² of GFA, or the equivalent of 6 buildings similar to the building proposed in the subject application.

The 1997 Official Plan Amendment for the larger area contained provisions that higher densities and massing are to be generally concentrated adjacent to Eglinton Avenue and the Don Valley Parkway. These provisions have been carried forward in Site Specific Policy No. 76. There was however no other guidance provided in the 1997 Official Plan Amendment concerning the distribution of the 0.8 FSI unbuilt density.

Zoning

The subject site is zoned M2 (Industrial Zone Two) and MO(11) Industrial-Office Business Park Zone. The M2 zone permits a range of industrial uses including manufacturing, certain commercial uses, auto repair and sales and office uses and applies to the southerly portion of the site. The MO(11) zone is a business park zone and permits a range of uses including offices, certain commercial uses, manufacturing and car rental agencies and applies to the northerly portion which contains the existing office building.

Site Plan Control

An application for Site Plan Control approval will be required but has not yet been submitted.

Alternative Parkland Dedication By-law

By-law 1420-2007, enacted by Council on December 13, 2007 amends the Municipal Code Chapter 415 to provide an alternative rate for the conveyance of land for parks purposes as a condition of residential development. The By-law identifies parkland acquisition priority areas of the City. The By-law sets a parkland dedication rate of 0.4 hectares for each 300 dwelling units. The applicant's site is within an identified parkland acquisition priority area and is therefore subject to the alternative rate. The By-law indicates that the location and configuration of land required to be conveyed shall be at the discretion of the City. Where the size, shape or location of land proposed for parkland dedication is deemed by Council to be unsuitable for parks or public recreation purposes, Council may require cash-in-lieu of land.

Toronto Green Development Standard

The applicant has not completed and submitted a Green Development Standard Checklist with this application.

Reasons for the Application

The proposal requires an amendment to the Zoning By-law to permit the proposed residential use as well as to provide new development standards.

COMMENTS

Height, Density and Massing

As noted previously, the subject site is designated *Mixed Use Areas*. To the east, across Ferrand Drive which is a local street, there is an area of semi-detached and townhouse homes which is designated *Neighbourhoods*. Where development is proposed in *Mixed Use Areas* that are adjacent to *Neighbourhoods*, the Official Plan provides for the protection of these residential areas. The proposed development, in its present form, is not compatible in scale and character with the adjacent semi-detached and townhouse uses.

There is an inadequate transition between the proposed apartment building and the adjacent stable residential neighbourhood. Development in *Mixed Use Areas* that are adjacent to areas of different development intensity and scale require an appropriate built form transition through means such as appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*.

With a height of 28 storeys (87 metres), the proposed setback of the tower by 15 metres from the property line and the step backs at the 4th and 10th storeys do not provide an adequate transition to the adjacent low scale neighbourhood. The proposed tower shadows the rear and front yards of homes located in the *Neighbourhoods* designation. The portion of the building between the 14th storey to the top of the building at the 28th storey, exceeds a 45 degree angular plane measured from the property line of the homes, located on Seton Park Road and on Wilket Creek Road, opposite the proposed development. Measures to mitigate the impacts of height on the adjacent stable residential neighbourhood have not been incorporated into the proposal.

Review of Site Specific Policy No. 76

As noted above, where a significant intensification of land adjacent to a *Neighbourhood* is proposed, Council can determine if an area specific policy will be created, in consultation with the local community, following an area based study. An area based study was undertaken by the former North York in 1993. The study recommended the introduction of residential uses on vacant land in an office area. Subsequently, an area specific policy was approved in 1997 which provided for the residential uses and assigned an overall density. The area specific policy was carried forward into the City of Toronto Official Plan as Site Specific Policy No. 76 and the lands designated *Mixed Use Areas* and *Neighbourhoods*. The issues that have been identified with subject application in this report point to the need to review the 1997 area specific policy.

The *Neighbourhoods* portion of the lands within Site Specific Policy No. 76 was not built out to its maximum development levels (195 units rather than 1,130 units). The density permission of 1.8 FSI of Specific Policy No. 76 should be reviewed as a considerable amount of unbuilt density can now be applied to the remaining areas which include the proposed application site and the areas to the east and west of the *Neighbourhoods* block. This could result in inappropriate built form in some portions of the area.

The purpose of a review of Policy No. 76 is to consider an appropriate allocation of density to the remaining developable lands and to recommend an appropriate level of intensification and form of development for these sites. A terms of reference for the review is contained in Attachment No. 6.

CONCLUSIONS

The proposed development, in its present form, does not conform to Official Plan policies which require an appropriate transition between *Mixed Use Areas* and *Neighbourhoods*. This report recommends refusal of the application in its present form. The report also seeks direction to undertake a review of Site Specific Policy No. 76 in order to determine the appropriate density on all lands within the policy area and to recommend built form principles to guide future development.

CONTACT

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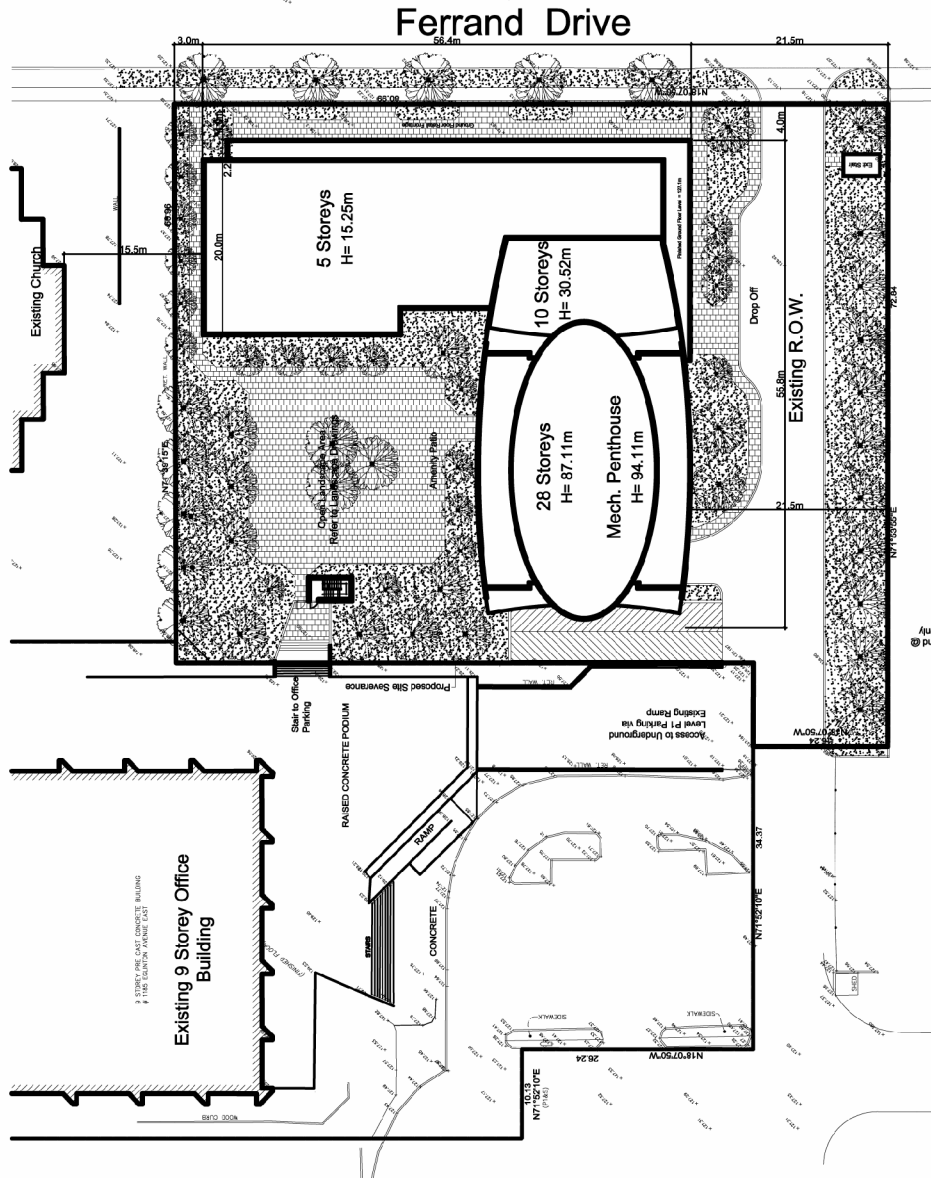
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Thomas C. Keefe, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Zoning
Attachment 4(a): Official Plan
Attachment 4(b): Former North York Official Plan Amendment (1993)
Attachment 4(c): Site Specific Official Plan Amendment No. 76
Attachment 5: Application Data Sheet
Attachment 6: Terms of Reference for a Review of Site Specific Policy No. 76

Attachment 1: Site Plan



1185 Eglinton Ave East

Site Plan

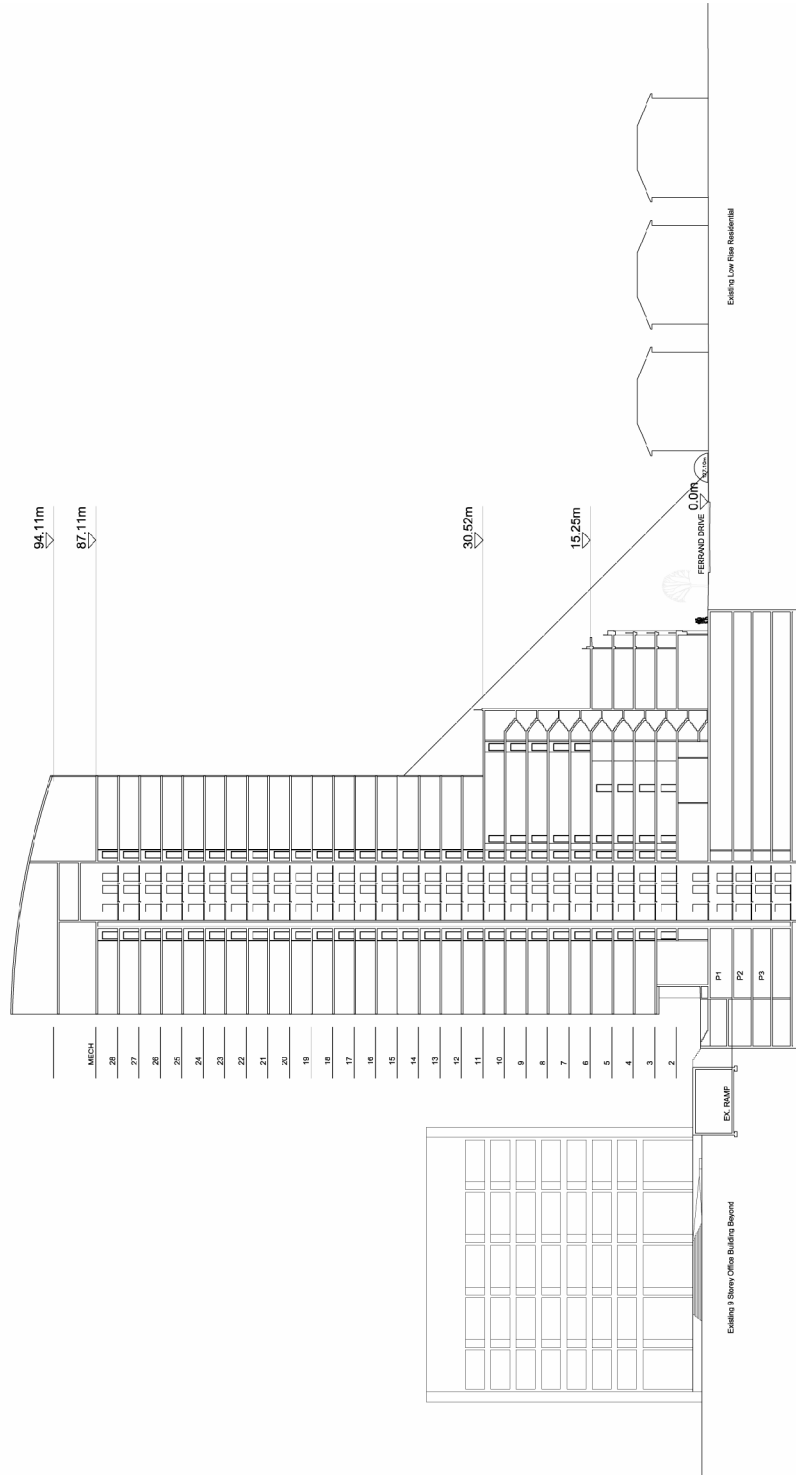
Applicant's Submitted Drawing

Not to Scale
03/28/2008

File # 08_111649_s



Attachment 2: Elevations



Sections

1185 Eglinton Ave East

Applicant's Submitted Drawing

Not to Scale
03/28/2003

File # 08_111649_sx1

Attachment 3: Zoning



TORONTO City Planning
Zoning

1185 Eglinton Avenue East

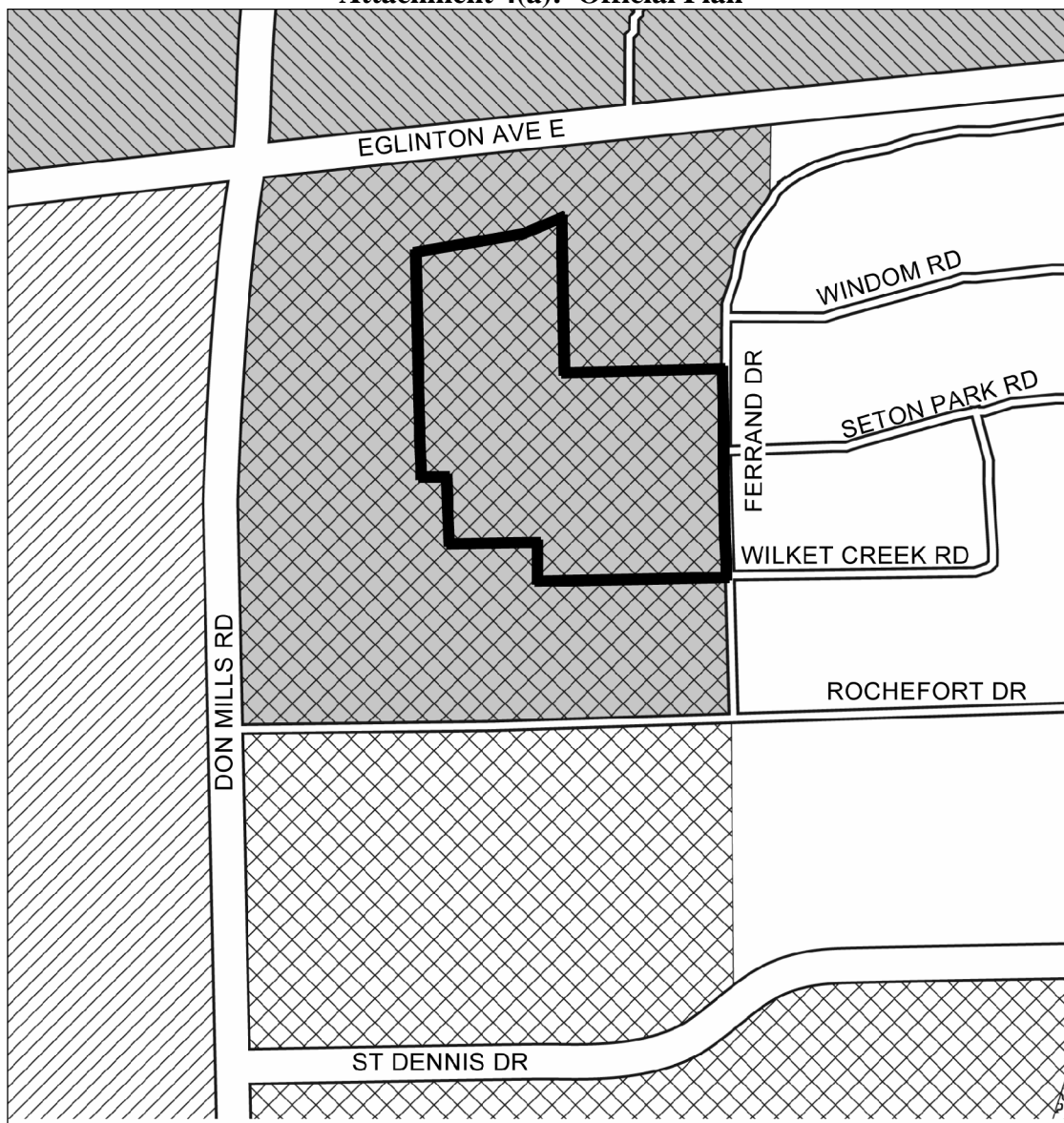
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RM1 Multiple-Family Dwellings First Density Zone
MO Industrial-Office Business Park Zone



Not to Scale
Zoning By-law 7625
Extracted 02/22/2008

Attachment 4(a): Official Plan



TORONTO City Planning
Official Plan

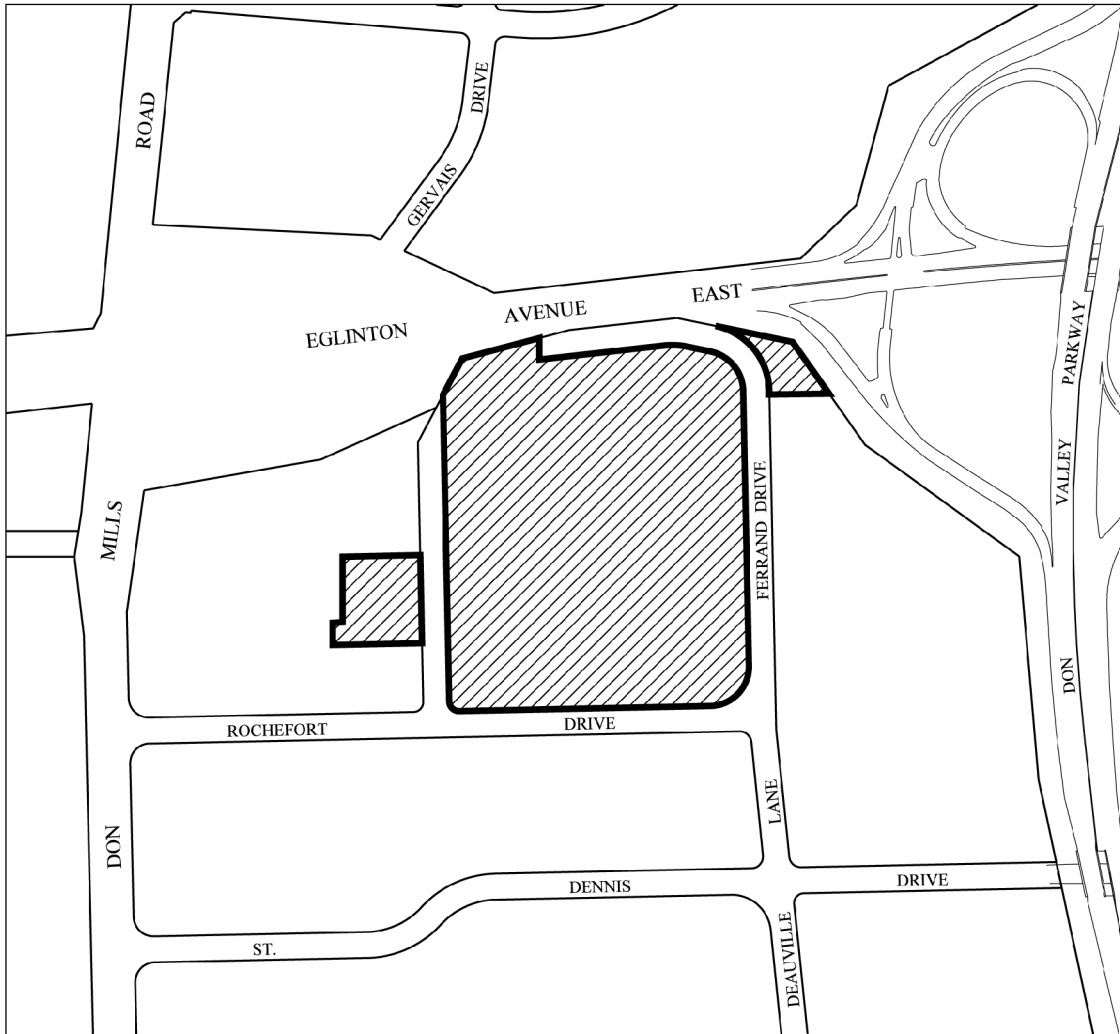
1185 EGLINTON AVE E

File # 08_111649

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|--------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
|  Site Location |  Mixed Use Areas |
|  Neighbourhoods |  Institutional Areas |
|  Apartment Neighbourhoods |  Employment Areas |


 Not to Scale
 04/17/08

Attachment 4(b): Former North York Official Plan Amendment (1993)



 **TORONTO** City Planning
Former North York Official Plan
Official Plan Amendment 175, Site Specific Policy C.9.165B

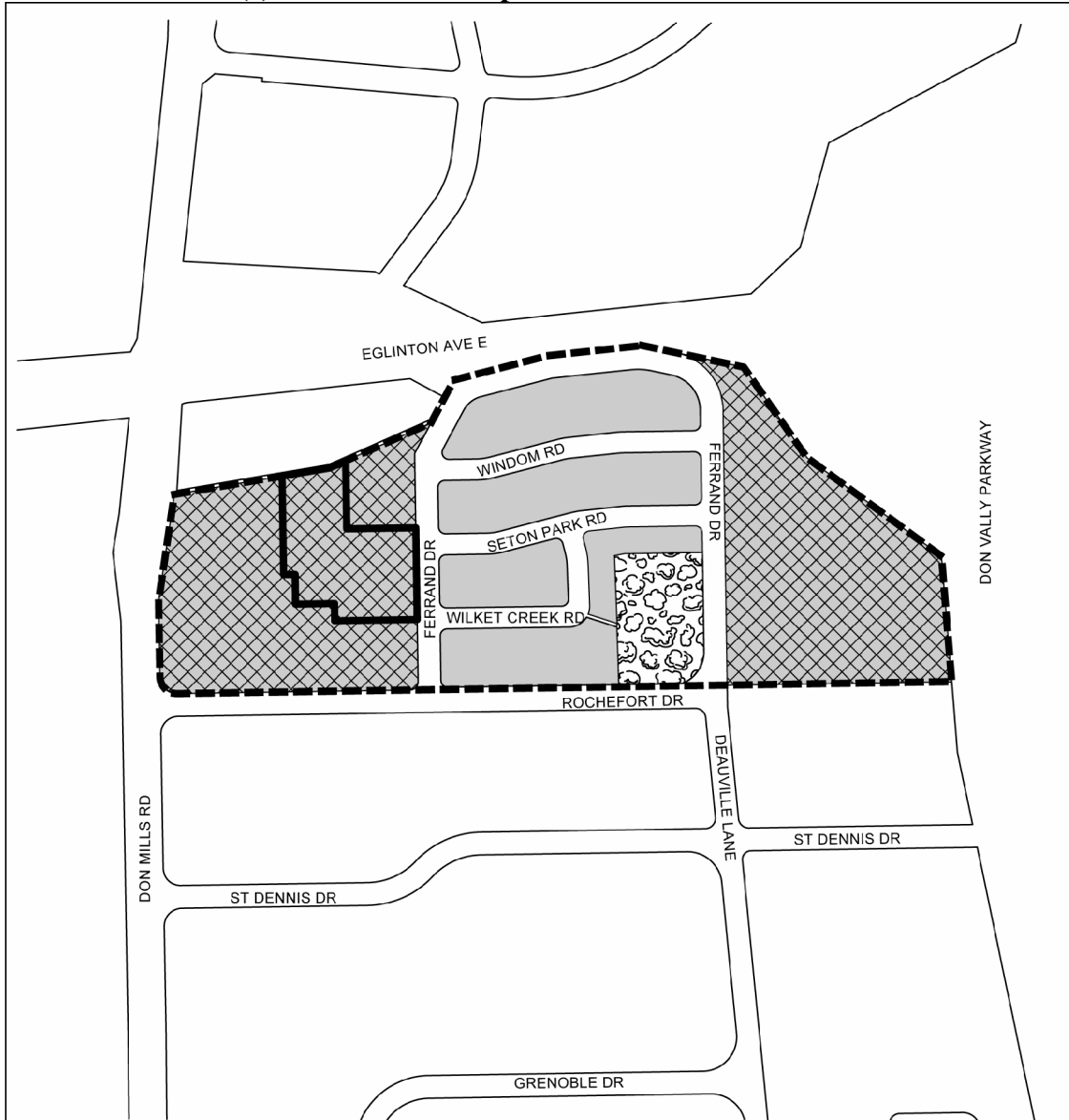
1185 Eglinton Avenue East

File # 08_111649

 Site Specific Policy Subject Area


Not to Scale
05/18/2008

Attachment 4(c): Site and Area Specific Official Plan Amendment No. 76



Site and Area Specific Policy No:76

1185 Eglinton Avenue East

File # 08 _ 111649



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Not to Scale
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ATTACHMENT 5: APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	08 111649 NNY 26 OZ
Details	Rezoning, Standard	Application Date:	February 14, 2008
Municipal Address:	1185 EGLINTON AVE E		
Location Description:	RP 66R7408 PART 1 TO 9 **GRID N2606		
Project Description:	To permit the development of a 28-storey, 282-unit apartment building, with a retail at-grade component on a site currently used for an existing office building and surface parking lot		

Applicant:	Agent:	Architect:	Owner:
BOUSFIELDS INC. PETER SMITH		Page + Steele	SKYLINE-1185 EGLINTON AVENUE INC MARK GOLDBERG

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	Site & Area Policy No. 76
Zoning:	M2 and MO(11)	Historical Status:	No
Height Limit (m):		Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	11499	Height:	Storeys:	28
Frontage (m):	85.1		Metres:	87.11
Depth (m):	128.2			
Total Ground Floor Area (sq. m):	2628			Total
Total Residential GFA (sq. m):	24880		Parking Spaces:	561
Total Non-Residential GFA (sq. m):	12762		Loading Docks	
Total GFA (sq. m):	37642			
Lot Coverage Ratio (%):	22.8			
Floor Space Index:	3.3			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	170
2 Bedroom:	112
3 + Bedroom:	0
Total Units:	282

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	24880	0
Retail GFA (sq. m):	586	0
Office GFA (sq. m):	12176	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT: PLANNER NAME: Lynn Poole, Senior Planner
TELEPHONE: (416) 395-7136

Attachment 6: Terms of Reference for Study on Site Specific Policy No. 76

Study Area: is comprised of all lands within Site Specific Policy No. 76 which is bounded by Don Mills Road on the west, Eglinton Avenue on the north, the Don Valley Parkway on the east and Rochefort Drive on the south.

Phase I: Planning Framework and Data Collection (August/08)

- review of the history of development applications and planning framework in the Study area including Official Plan policies and zoning.
- review of the context of the Site Specific Policy area.
- calculate the existing density for each property within the Study Area including the *Neighbourhoods* block.

Phase II: Analysis and Options for Development (September - November/08)

- Identify properties with development potential (soft sites) within the Study Area by reviewing land use, lot size, lot configuration and ownership patterns
- Identify the impacts of the build out of the current permitted density on the soft sites
- Develop options for the appropriate distribution of residual density (the difference between the existing density and 1.8 FSI) over the soft sites. The development options will be based on a built form analysis which will include:
 - the organization of streets, blocks and open spaces;
 - transition between different development forms;
 - shadow impacts;
 - pedestrian circulation;
 - opportunities for amenity and open space; and,
 - the location and screening of service areas.
- The range of uses studied will be those permitted in the *Mixed Use Areas* designation for the *Mixed Use Area* lands

Consultation with area residents and property owners will take place during Phase II in the form of community meetings.

Phase III: Conclusions and Recommendations and Report to Council (December/08-January/09)

The Study will result in directions for future planning and development of the lands within Site Specific Policy No. 76 including the subject application at 1185 Eglinton Avenue East. Built form principles and design guidelines for the review of future development will be recommended and may result in an amendment to the density provision contained in Site Specific Policy No. 76.