

**36-44 Eglinton Avenue West – Rezoning Application -
Request for Direction Report**

Date:	September 16, 2011
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 16 – Eglinton-Lawrence
Reference Number:	09 148228 NNY 16 OZ

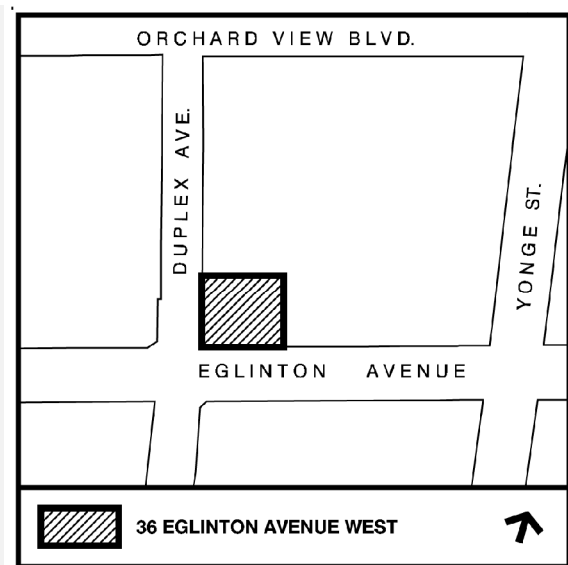
SUMMARY

The applicant has appealed the Zoning By-law Amendment to the Ontario Municipal Board (OMB) due to Council’s failure to make a decision within the time prescribed by the *Planning Act*. A Pre-Hearing Conference is scheduled for October 14, 2011. A full hearing date has not been scheduled.

The application before the Ontario Municipal Board proposes to amend Zoning By-law 438-86 of the former City of Toronto to permit the construction of a 48 storey apartment building having a height of 152.5 m, containing 396 residential units and a density of 22.9 times the area of the lot. The development includes a 3 storey base building with retail uses at grade and offices on the 2nd and 3rd floors. A total of 266 parking spaces utilizing car stackers and valets are proposed within 5 levels of below grade parking accessed from Duplex Avenue.

The purpose of this report is to seek Council’s direction on the appeal of this application to the Ontario Municipal Board.

It is staffs opinion the proposal is inappropriate in its current form and an over intensification of development for this site. The proposal is located at the boundary of



the Yonge-Eglinton Centre's *Mixed-Use Areas 'A'* designation where it is appropriate for development to transition down to the lower scale commercial and residential uses to the west, northwest and southwest. Staff are recommending that the application be refused.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the application for the reasons set out in this report and authorize the City Solicitor, the Chief Planner and other appropriate staff to attend any Ontario Municipal Board hearing in opposition.
2. City Council direct the City Solicitor and appropriate staff to continue discussions with the applicant respecting a revised application which addresses the issues raised in this report, including the height, density and lack of transition of the proposed building and if necessary, City staff seek further instructions from Council.

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

The Zoning By-law Amendment application was submitted on June 10, 2009 seeking permission for a 53-storey tower with 458 residential units. On November 10, 2009 North York Community Council received a Preliminary Report on the application. Community Council directed that City Planning staff schedule a community consultation meeting with the Ward Councillor with an expanded notice area, and that notice for the public meeting be given according to regulations of the *Planning Act*.

The Preliminary Report is available at:

<http://www.toronto.ca/legdocs/mmis/2009/ny/bgrd/backgroundfile-24348.pdf>

A revised proposal was submitted on May 5, 2011 seeking permission for the 48-storey tower with 396 residential units. This proposal was appealed by the owner to the Ontario Municipal Board on May 30, 2011.

Official Plan Amendments #63 and #116 have been enacted for the Yonge-Eglinton area. OPA #63 enacted by Council in February 2009 implements the results of the Yonge-Eglinton Focused Review which incorporated new policies to satisfy the need for open space and a supply of parks, the addition of Yonge-Eglinton Focused Area policies for *Mixed-Use Area 'A'* and site and area specific policies for the southwest quadrant of the Yonge-Eglinton area.

OPA #116 enacted by Council in June 2010 incorporates the Province's Urban Growth Centre boundary into the City's Official Plan. The changes made through OPA #116 include modifying Official Plan Map 2 –Urban Structure and revised Yonge-Eglinton Centre Focused Area policies.

ISSUE BACKGROUND

Proposal

The application currently proposes the construction of a 48 storey (152.5 m in height), 396-unit residential apartment building with 333 m² of ground floor retail space and 2,042 m² of office space on the 2nd and 3rd floors of the base building. The gross floor area of the proposal is 32,150 m² which results in a proposed density of 22.9 times the area of the lot.

A three storey base building is proposed covering the entire site with a double height first floor (7.5 m high) with mezzanine. Above the third storey, the tower element of the proposal is a rectangular form that would be set back 4.5 m from the north and south property lines, 3m from Duplex Avenue and 8 m from the east property line. The proposed floor plate of the tower is 750 m² and is uniform from the 5th floor up. A total of 751 m² of indoor residential amenity space is proposed on the fourth floor with outdoor amenity space proposed in the form of roof terraces on the fourth floor.

Vehicular and service access is proposed from Duplex Avenue. A total of 266 parking spaces are proposed within 5 levels of underground parking, comprising 126 regular stalls fitted with mechanical stackers providing 2 spaces per stall and 14 regular parking spaces. The entire garage, including mechanical stackers, would be operated by a valet service. The applicant proposes to provide 222 parking spaces for resident parking, 25 spaces for office use and residential visitors, 7 car share spaces and 12 spaces for valet pick-up and drop-off. No on-site commercial vehicular parking would be provided. In addition to this vehicular parking, the applicant is proposing 140 bicycle parking spaces with 28 spaces per underground parking level.

For further project information, please refer to Attachment 6 for the Application Data Sheet.

Table 1 below illustrates the key changes made to the proposal since the June 2009 initial submission.

Table 1		
Project Element	June 2009 Application	May 2011 Revised Application
Gross Floor Area	40,996 m ²	32,150m ²
Site Density	29.2 FSI	22.9 FSI
Total Residential Units	458	396
Height	160.05 m (167.05 m w/mechanical), 53-storeys	152.5 m (160.8 m w/mechanical), 48-storeys
Tower Floor Plate	875 m ²	750 m ²
Indoor Residential Amenity	1,436m ²	751m ²
Parking Spaces	257	266

Site and Surrounding Area

The site is located at the northeast corner of the intersection of Eglinton Avenue West and Duplex Avenue. The site has a frontage of 40m on Eglinton Avenue West, a depth of 35m and an area of 1,404m². The site is developed with a 7 storey commercial building constructed in 1957 containing office and retail uses. The existing building has a floor area of 8,306m² resulting in a density of 5.72 times the area of the lot. Site servicing and vehicular access to the site is taken from Duplex Avenue. A total of 54 parking spaces exist on site, of which 46 are provided in a below grade parking structure. The building was refurbished in 1988 with reflective glass cladding.

Land uses surrounding the site are as follows:

North: A 22 storey, 455 unit apartment building at 411 Duplex Avenue, one of two residential buildings forming part of the RioCan Yonge-Eglinton Centre.

East: There are 22 storey and 30 storey commercial office buildings forming part of the RioCan Yonge-Eglinton Centre. Approvals were recently granted for additions of 5 and 7 storeys to these two towers. The Yonge-Eglinton Centre also contains a multi-level retail concourse with direct below grade connections to the Eglinton subway station.

South: Across Eglinton Avenue West, the TTC bus facilities including the vacant Eglinton bus barns. East of the bus barns is a two tower, 17 storey office and retail complex known as Canada Square.

West: Across Duplex Avenue, a Hydro substation complex with 30m of frontage on Eglinton Avenue West and 100m frontage on Duplex Avenue. The southern third of these lands are designated *Mixed Use Areas* with the northern-most portion of the lands designated *Neighbourhoods*.

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 by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject lands are located within the *Yonge-Eglinton Centre* as identified by Map 2 of the Official Plan. The City's four *Centres*, along with *Avenues*, *Employment Districts* and the *Downtown*, are key components in the Official Plan's growth management strategy.

Chapter 2 of the Official Plan sets out the urban structure of the City, develops the strategy for directing growth within this structure and sets out policies for the management of change, through the integration of land use and transportation planning. Growth is to be directed to certain areas within the city that includes its *Centres* such as the *Yonge-Eglinton Centre* in order to: use municipal land, infrastructure and services efficiently; concentrate jobs and people in areas well served by surface transit and rapid transit stations; and protect neighbourhoods, green spaces and natural heritage features and functions from the effects of nearby development. The Plan provides that a priority for managing growth in the City is the establishment of vibrant and transit supportive mixed-use *Centres* via the use of Secondary Plans. Secondary Plans support the potential for growth within the *Centre* and protect adjacent *Neighbourhoods* from encroachment of larger scale development by: establishing firm boundaries for the development area; ensuring an appropriate transition in scale and intensity of activity from within the *Centre* to surrounding *Neighbourhoods*; and connecting the *Centre* with the surrounding City fabric.

The Healthy Neighbourhoods policies in Chapter 2 also require that developments in *Mixed Use Areas* that are adjacent or close to *Neighbourhoods* will: be compatible with those *Neighbourhoods*; provide a gradual transition of scale and density through the stepping down of buildings towards and setbacks from those *Neighbourhoods*; maintain adequate light and privacy for residents in those *Neighbourhoods*; and attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*.

Section 3.1.2 identifies the importance of urban design as a fundamental element of city building and contains built form policies intended to minimize the impacts of new development and guide the form of new buildings to fit within the context of the neighbourhood and the City. These policies guide new development to be located and organized to fit with its existing and/or planned context. Vehicular and service areas are to be integrated and consolidated in such a way to minimize their impact on the development lands and their surroundings to improve the safety and attractiveness of adjacent streets. New development is to be massed to fit harmoniously into its existing and/or planned context by creating appropriate transitions in scale to existing or planned buildings as well as adequately limiting the resulting shadowing and uncomfortable wind conditions on neighbouring streets, properties and open spaces. Similar built form policy objectives are found in Section 3.1.3 as they specifically relate to tall buildings.

Yonge-Eglinton Secondary Plan

The Yonge-Eglinton Secondary Plan designates the subject lands *Mixed Use Area "A"* (Attachment 4). The Secondary Plan directs the highest concentration of retail, service

commercial, office and residential uses to the intersection of Yonge Street and Eglinton Avenue with its proximity to the subway. The boundary of *Mixed Use Area "A"* on Map 21-1 recognizes the intersection's role as the transportation and commercial focal point of the local community.

This is reinforced by policies within the *Mixed Use Area "A"* designation stipulating that development within this area will have a height, density and scale greater than anywhere else in the Secondary Plan area. It is a primary objective of the Secondary Plan to maintain and reinforce the stability of *Neighbourhoods* and to minimize conflict between uses in *Mixed Use Areas*, *Neighbourhoods*, *Apartment Neighbourhoods* and *Parks and Open Space Areas* in terms of land use, scale and vehicular movement. While *Mixed Use Area 'A'* is intended to contain the greatest height, density and scale of development, the Secondary Plan also stipulates that when considering new development proposals, particular regard will be had to avoiding adverse impacts resulting from height, scale and density on abutting stable *Neighbourhoods* and other *Mixed Use Areas*.

To ensure the form of buildings promotes a compatible physical and land use relationship between development within the various land use designations and between sites in abutting land use designations, and that all new buildings within the Yonge-Eglinton Secondary Plan area form a positive visual relationship to the street, it is an objective of the Secondary Plan to maintain the existing scale of development within stable *Neighbourhoods* and protect such areas from overshadowing from buildings located in abutting *Mixed Use* and *Apartment Neighbourhoods*. It is also an objective of the Secondary Plan to secure a transition in height and scale from developments in *Mixed Use Areas* and *Apartment Neighbourhoods* to *Neighbourhoods* and, in particular, to those sites which abut a *Neighbourhood*.

Lands to the northwest and southwest of the subject site beyond Eglinton Avenue are designated *Neighbourhoods* (Attachment 3). *Neighbourhoods* are considered physically stable areas made up of residential uses in lower scale buildings. Low scale institutions are also provided for. Development in established *Neighbourhoods* will reinforce and respect the existing physical character of the neighbourhood as it relates to lot pattern, height, massing and scale.

Zoning

The block bounded by Yonge Street, Eglinton Avenue West, Duplex Avenue and Orchard View Boulevard which includes the subject lands is zoned CR T5.0 C4.0 R3.0 by Zoning By-law 438-86 of the former City of Toronto (Attachment 5). The CR zoning permits a wide range of commercial, office, hotel and retail uses with a density of 4 times the area of the lot. Residential uses are also permitted at a density of 3 times the area of the lot. Mixed use developments having commercial and residential components are permitted to a maximum density of 5.0 times the area of the lot (provided the commercial or residential components do not exceed their maximum density). The maximum building height permitted is 61m.

Site Plan Control

A Site Plan Control application is required for the proposal but has not been submitted by the applicant.

Application Submission

The following reports/studies were submitted with the original application:

- Survey and Existing Site Plan
- Architectural Plans and Elevations
- Sun/Shadow Analysis
- Traffic Impact Study and Parking Study
- Initial Pedestrian Comfort Study
- Community Services & Facilities Study
- Planning Rationale Report
- Preliminary Servicing and Stormwater Management Report
- Noise/Vibration Report
- Arborist Report

A Notification of Complete Application was issued on June 25, 2009.

Reasons for the Application

An application to amend the Zoning By-law is required to permit the proposed height, density and coverage, as well as amendments to a number of development standards to facilitate the proposal.

Community Consultation

A community consultation meeting was held by City Planning on March 1, 2010 and approximately 40 members of the public attended along with the applicant and their team, and the Ward Councillor.

The following issues were raised at the community consultation meeting:

- Height and density of proposed building;
- Shadow impact on residential homes to the west, northwest and on the apartment building to the north at 411 Duplex Avenue which has units with windows and balconies located along the east side of the building that would be shadowed;
- Development should step down and transition properly to lower density neighbourhoods;
- Impacts of additional traffic on the area;
- Adequacy of the parking supply being proposed and the appropriateness of using parking stackers to access these spaces;
- Adequacy of the proposed visitor parking supply and potential need to park on residential streets;
- Effect of wind on pedestrians at street level;

- Ensure that landscaping or green roof is provided;
- Commercial uses should serve the neighbourhood; and
- Noise level from Yonge-Eglinton Centre area / intersection will increase.

Agency Circulation

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

COMMENTS

Staff have reviewed the application proposing the development of a 48-storey building with a density of 22.9 times the area of the lot at the subject location. The intense form of development has raised a number of issues and concerns as summarized below.

Provincial Policy Statement

The Provincial Policy Statement (PPS) identifies that the Official Plan is the most important vehicle for implementing the PPS. The proposed residential development is located within the Yonge-Eglinton *designated growth area* and is identified as a 'Centre' within the Official Plan. It is appropriate to direct intensification and redevelopment to *designated growth areas*, however, the proposed height and density at the periphery of a designated growth area, bordering lower scale mixed use and neighbourhood areas, is not appropriate at the scale proposed for this particular site.

As outlined in greater detail below, the proposal represents an inappropriate scale of intensification at a location where a more moderate form of intensification would fit the existing and planned context. The proposal does not address several Official Plan policies relating to transition and as such, the proposed Zoning By-law Amendment is not consistent with the Provincial Policy Statement. Development on this site at an appropriate height and density with transitional scale of built form could comply with the PPS.

The Growth Plan

The Growth Plan requires that a significant portion of new population and employment growth be directed to *built-up areas* of the community through *intensification*.

The Growth Plan outlines that through Official Plans, municipalities will develop and implement policies to achieve intensification by recognizing *urban growth centres*, *intensification corridors* and *major transit station areas* as a key focus for development to accommodate intensification. The type and scale of development in intensification areas must be appropriate.

The Growth Plan also requires all intensification areas to be planned and designed to achieve an appropriate transition of built form to adjacent areas. The proposal does not provide appropriate transition to lower scale areas to the west, northwest and southwest and is a more intense form of development than existing areas closer to the centre of the *urban growth centre* with direct access to public transportation. The proposal is for a 48-

storey development while 3-6 storey commercial and 2-storey residential uses exist to the west, northwest and southwest of the development site. The proposal is a taller and denser development located at the periphery of the *Centre* which is contrary to the City's Official Plan. As a result, the proposal does not conform to and conflicts with the Growth Plan for the Greater Golden Horseshoe.

Transition and Massing

As noted earlier, the Official Plan and Secondary Plan require appropriate transition to adjacent areas. While intensification is permitted, it must be tempered by appropriate built form, which achieves fit, transition, and the protection of stable residential *Neighbourhoods* considerations outlined in Official Plan and Secondary Plan policies.

The existing context includes a stepping down of heights within the northwest quadrant of the *Yonge-Eglinton Centre* from east to west transitioning to lower scale uses. Currently, the existing office building at 2300 Yonge Street is 30 storeys, stepping down to a 22 storey office building, and then to the subject site's as of right zoning that permits 61 metres (approximately 18 storeys with a double height 1st floor). There is a further stepping down of building heights on the west side of Duplex Avenue on both sides of Eglinton Avenue West to 3-6 storeys. The low scale residential neighbourhoods to the northwest and southwest are predominantly 2-storeys in height.

The planned context includes City Council enacting Zoning By-law 971-2011 in July permitting an additional 7 storeys (37 storeys total) at 2300 Yonge Street and an additional 5 storeys (27 storeys total) at 20 Eglinton Avenue West. The planning framework for Eglinton Avenue West west of Duplex Avenue provides for consideration of mixed-use developments in the form of mid-rise buildings limited to a maximum height of the Eglinton Avenue right-of-way of 27 metres. There is a planned context for this area that provides for a transition to lower scale uses and any proposed building on the subject site should maintain this transition and stepping down in heights.

The introduction of a tower at a height of 152.5 m and 48 storeys on the subject site is not appropriate as the building would not provide the transition in height and scale directed by the Secondary Plan. The intense development proposed by the applicant does not promote a compatible physical relationship with the surrounding sites and does not form a positive visual relationship to the street or skyline.

Height and Density

The scale and intensity of the proposed development is also reflected in the resultant site density. The proposed density of 22.9 FSI significantly exceeds that of all developments within the *Yonge-Eglinton Centre*.

The proposed building has a height of 152.5 metres from grade (160.8 m with mechanical penthouse) and a density of 22.9 times the area of the property. The proposed development exceeds the height of all existing and planned building heights within the northwest quadrant of the *Centre*. The proposed development exceeds the heights and densities of the proposed office towers at 2300 Yonge Street and 20 Eglinton Avenue

West with height of 148.5 m and 110.5m and densities of 9.13 and 9.99 respectively. These buildings are located at the Yonge Street and Eglinton Avenue intersection and have direct connection to the Eglinton subway station. The Yonge-Eglinton Secondary Plan anticipates the tallest buildings to be focused on the Yonge Street/Eglinton Avenue intersection where the buildings have a 'centre to centre' facing relationship and then transition down to the west towards the less intense mixed use and residential areas.

The proposed development is located at the periphery of the *Yonge-Eglinton Centre Mixed-Use Areas 'A'* designation and yet proposes one of the tallest buildings in the Centre with the highest density. As directed by the Secondary Plan, development at this location should be less intense and scaled down in comparison to the taller buildings at the Yonge Street and Eglinton Avenue intersection.

Other Built Form Considerations

The proposed tower would have a separation distance of 16 m from the residential building at 411 Duplex Avenue to the north and 11 m from the office tower at 20 Eglinton Avenue West to the east. These are significantly less than the 25 m separation distance recommended in the City's Tall Building Guidelines. The close proximity of the proposed building to the adjacent residential and office towers may result in issues of overlook and privacy. While Council has approved applications with separation distances less than those recommended in the Tall Buildings Guidelines, other design objectives were achieved such as appropriate transitioning, heights and densities resulting in good planning. This is not the case with the current application.

The proposed tower would sit on a 3 storey base building with a double height 1st floor and a building footprint occupying the entire site. While the second submission reduced the tower floor plate from 875 m² to 750 m² and increased the tower setbacks from the property lines, the small size of the lot leaves little opportunity to move the location of the tower or sculpt the lower building elements to achieve greater step backs. The proposal does not provide other amenities such as direct access to the TTC, below grade pedestrian connections, at grade private open spaces/courtyards and tree planting along Duplex Avenue.

Shadow and Wind

The revised 48 storey building would continue to inappropriately shadow adjacent residential properties and streets. While the amount of shadowing has been reduced somewhat from the previous 53 storey proposal, the tall building would still cast unacceptable shadow on neighbouring residential properties and streets to the northwest of the development.

The proposed building would cast shadows during the summer months on the rear yards of properties on the east side of Edith Drive, on the backyards of properties on the south side of Orchard View Boulevard, and on both the front and rear yards of properties on Henning Avenue from approximately 9:00 am to 12:00pm. Henning Avenue and Duplex Avenue would also be shadowed during various morning periods.

The shadowing impacts would be unacceptable in the spring and fall. The shadow impacts in the spring and fall would extend in the early morning to include a portion of Eglinton Park, the front and rear yards of properties along the west side of Edith Drive, the front and rear yards of properties along the north side of Orchard View Boulevard and the front and rear yards of properties on Helendale Avenue and Orchard View Boulevard.

The applicant submitted an initial pedestrian comfort wind study for the 53 storey proposal. The wind study concluded that the pedestrian wind conditions over the site will or can be designed to comply with acceptable outdoor comfort standards. A revised wind study has not been submitted to address the changes made to the base and tower for the 48 storey proposal. A detailed wind study would typically be required as part of the site plan application process.

Access, Parking, Traffic and Loading

The proposed development would be accessed from a driveway off Duplex Avenue and would result in 70 vehicular trips in the morning peak hour and 75 trips in the afternoon peak hour. A total of 270 residential parking spaces are needed to meet parking requirements. The applicant is proposing a total of 266 spaces on site as follows:

- 222 spaces for residential (comprised of 110 stalls with 2 cars per stacker and 2 standard non-stacked spaces);
- 25 spaces for residential visitor and office use (stacker spaces);
- 0 spaces for retail uses;
- 7 car share spaces (stacker spaces); and
- 12 valet pick-up/drop off spaces (standard non-stacked spaces).

Parking is proposed in 5 below grade levels, comprising 252 parking spaces accessed via mechanical stackers and 14 standard parking spaces. Without parking stackers, the 5 level garage would accommodate approximately 124 spaces. A valet service is proposed to operate the entire parking arrangement with 6-8 valets on-site during peak periods. The 12 pick-up/drop-off spaces would be used by valets for queuing of vehicles. One type "G" loading space is proposed at grade to serve this development.

The applicant is proposing to provide 140 bicycle parking spaces in the development with 28 spaces on each underground parking level. Transportation Services staff have advised that 320 bicycle parking spaces are required. The proposal includes 333 m² of retail space. There are currently no parking spaces dedicated to this retail component. A minimum of 3 parking spaces are required for this retail space.

A Site Plan Control application has not been submitted at this time. A detailed review of site operations including vehicular circulation, parking space dimensions, ramp design, driveway width and radii, loading operations, pick-up and drop-off facilities would be undertaken through this application. A 6.1 m radius property corner rounding at the corner of Duplex Avenue and Eglinton Avenue West would also be required with the development of this property.

Staff have significant reservations about the functionality and operation of 5 levels of below grade parking with stackers operated by valets. A detailed site plan application would be required to adequately address these concerns. It is premature at this time to determine if the proposed parking arrangement which utilizes stackers and valets is acceptable. A more modest proposal which does not require the use of parking stackers and valets should also be discussed with the applicant.

It should also be noted, the site plan issues identified above, and the solid waste management issues identified below, could result in changes to floor plans, loading spaces/operations, ramps, parking space numbers and operations.

Solid Waste Management

Technical Services staff advise that multiple dwelling residential buildings are eligible for City solid waste collection, however, based on the preliminary ground floor plan, the proposed waste collection arrangement is not acceptable. The proposed waste diversion method must be identified and appropriate materials submitted which address garbage and recycling details such as vehicle access route, loading facility area, garbage/recycling rooms/storage facilities, size and number of garbage and recycling containers to be used and type and number of chutes for garbage and recycling.

Technical Services staff further advise that a private contractor must collect all solid waste from the retail and office components of the development and the proposal should be revised to include a separate garbage room for the retail and office components. Current plans suggest the waste generated by the retail and office components will be stored in the same garbage room as the residential units, which is unacceptable.

Finalizing the solid waste management arrangements for the proposed building is likely to result in changes to the ground floor plan that may further impact the proposal.

Stormwater Management and Site Servicing

Technical Services staff concur with the findings of a preliminary stormwater management and site servicing report submitted with this proposal. A detailed stormwater management and site servicing report would be required with a Site Plan Control application.

Amenity Space

The development proposal includes 751 m² of indoor residential amenity space and 323 m² of outdoor residential amenity space. By-law amenity space provisions require a minimum of 792 m² each for indoor residential amenity and for outdoor residential amenity. The proposal is deficient and does not meet minimum amenity space requirements.

Toronto District School Board

TDSB staff advise there is insufficient space at the local schools to accommodate students anticipated from this proposed development and others in the area. TDSB staff

have indicated that children from this development will not displace existing students at local schools. Alternative arrangements will be identified to optimize enrolment levels at all schools across the TDSB, however it is unknown at this time which schools are anticipated to serve this potential development. TDSB staff are requesting that signs be erected on site by the developer and that the developer include warning clauses in all offers of purchase and sale of advising potential purchasers of the TDSB's requirements.

Toronto Green Standard

The rezoning application was submitted prior to the Toronto Green Standard coming into force and effect on January 31, 2010. As such, the applicant is not required to meet the Green Standard. However, staff have encouraged the applicant to implement Tier 1 of the Green Standard on a voluntary basis.

A subsequent Site Plan Control application will require compliance with the TGS, with the exception of the standards secured through the rezoning process. The applicant will be required to complete and submit the TGS checklist as part of the site plan review process.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for an increase in height and/or density pursuant to Section 37 of the *Planning Act*. The proposal is for 32,150 m² of gross floor area resulting in a site density of 22.9 FSI. The as-of-right zoning permits a maximum density of 5.0 times the area of the lot with the appropriate mix of commercial and residential uses for a total gross floor area of 7,018m². As the application is seeking a significant increase in height and density, a Section 37 contribution would be warranted if this application were approved. A Community Services and Facilities report was submitted by the applicant and reviewed by staff. Priorities for the *Yonge-Eglinton Centre* area identified at this time include:

- The need for new licensed, non-profit child care facilities serving children aged 0 to 5 years;
- The need for multi-purpose community centre space suitable for youth programming; and
- Improvements to the pool at the North Toronto Memorial Community Centre.

The provision of community benefits and/or cash contributions toward these benefits should be considered as part of any discussions regarding a revised application.

To date, staff have not had any discussions with the applicant or Ward Councillor regarding a Section 37 contribution. Should staff continue discussions with the applicant and reach agreement on a reduced height and density for the proposal, appropriate Section 37 contribution discussions will be undertaken and should be secured as part of a revised comprehensive application.

Conclusions

A location within a *designated growth area* in the PPS, an *urban growth centre* within the Growth Plan and a *Centre* within the Official Plan does not allow for unlimited development. Official Plan policies relating to transition in scale and intensity of use are to be used to guide and shape an appropriate built form and existing and planned contexts.

The proposal is an over intensification of development on this site. It is out of scale and character in comparison to other developments in the *Centre*. The proposed height and density would, if approved, create a negative precedent by eliminating transition towards lower scale commercial and residential areas. The development would establish a building with significant height and the greatest density at the periphery of the *Centre*.

Planning staff could support additional development at this location, provided it is within a built form that provides an appropriate transition of scale, appropriate density, limits shadow and wind conditions, provides compatible physical relationships between developments and creates a positive visual relationship to the street. The current development at its proposed height and scale fails to achieve this. It is recommended that City Council refuse the application for the reasons set out in this report and authorize the City Solicitor and appropriate staff to attend any Ontario Municipal Board hearing in opposition to the current proposal. It is also recommended that City Council direct staff to continue discussions with the applicant to address the issues raised in this report including an appropriate Section 37 contribution for the revised proposal.

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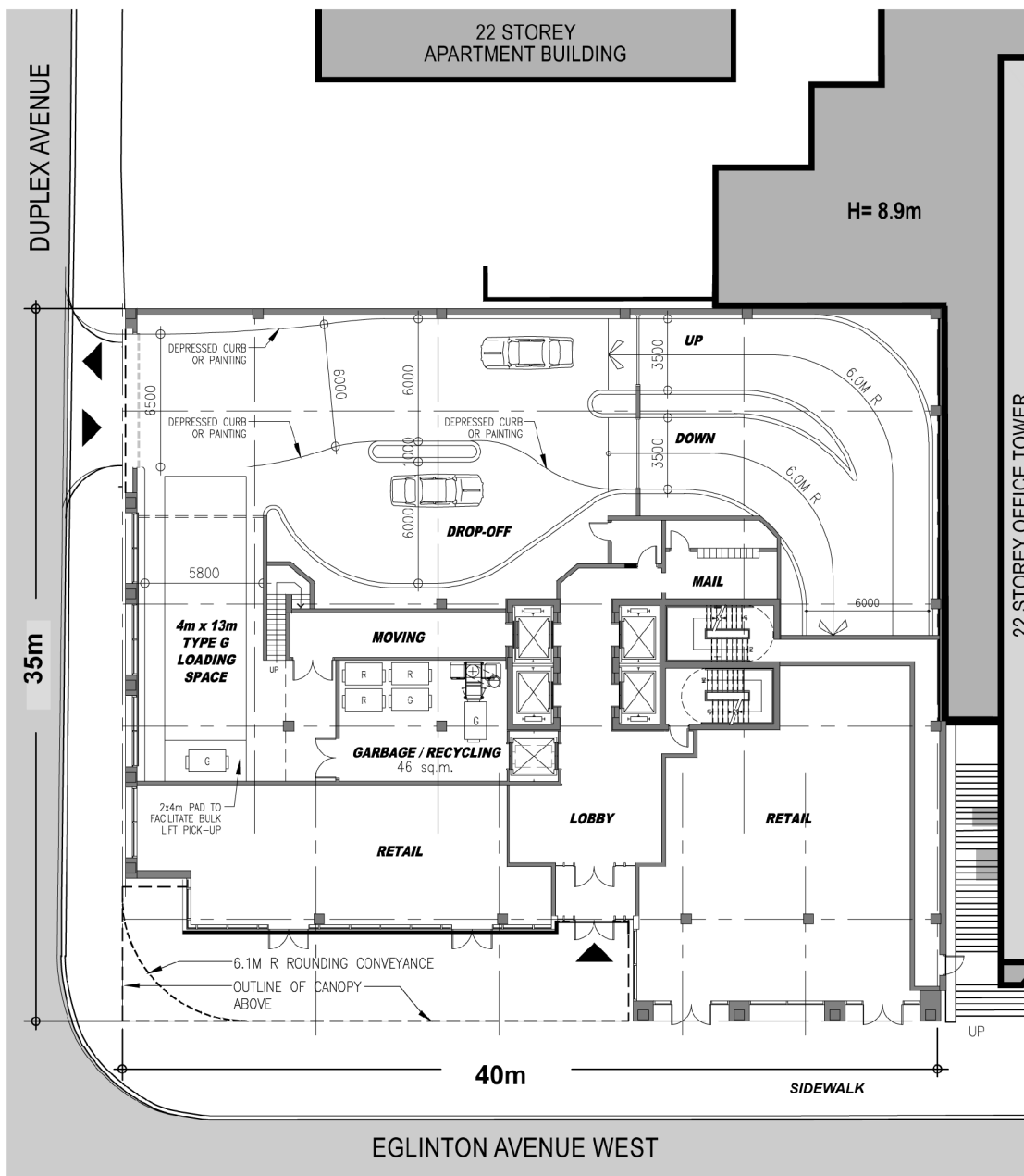
SIGNATURE

Allen Appleby, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1:	Site Plan / Ground Floor Plan
Attachment 2A:	Elevations (North and South)
Attachment 2B:	Elevations (East and West)
Attachment 3:	Official Plan
Attachment 4:	Yonge-Eglinton Secondary Plan (Extract)
Attachment 5:	Zoning
Attachment 6:	Application Data Sheet

Attachment 1: Site Plan / Ground Floor Plan



Site Plan/Ground Floor Plan

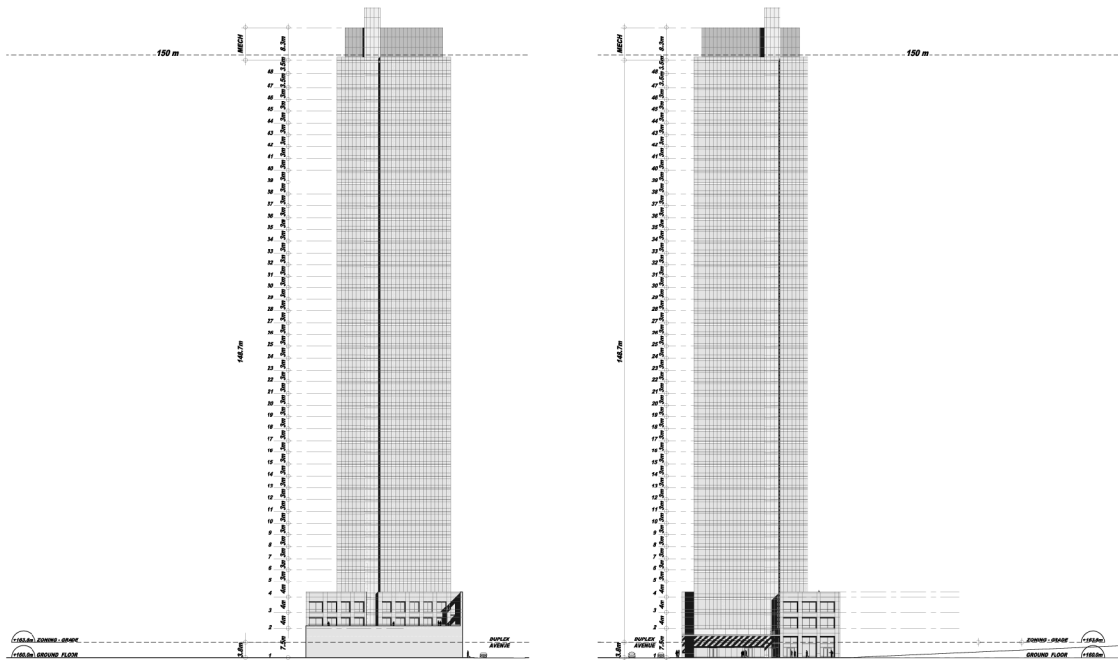
36-44 Eglinton Avenue West

Applicant's Submitted Drawing

Not to Scale 

File # 09 148228 NNY 16 0Z

Attachment 2A: Elevations (North and South)



NORTH ELEVATION

SOUTH ELEVATION

Elevation

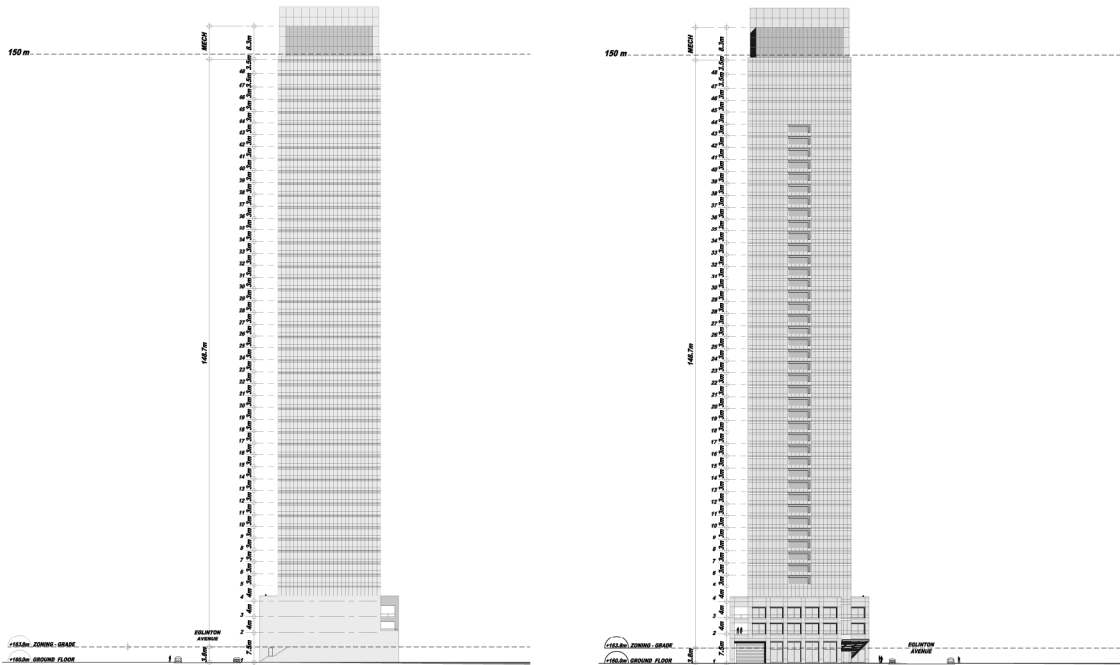
Applicant's Submitted Drawing

Not to Scale
09/07/2011

36-44 Eglinton Avenue West

File # 09 148228 NNY 16 0Z

Attachment 2B: Elevations (East and West)



EAST ELEVATION

WEST ELEVATION

Elevations

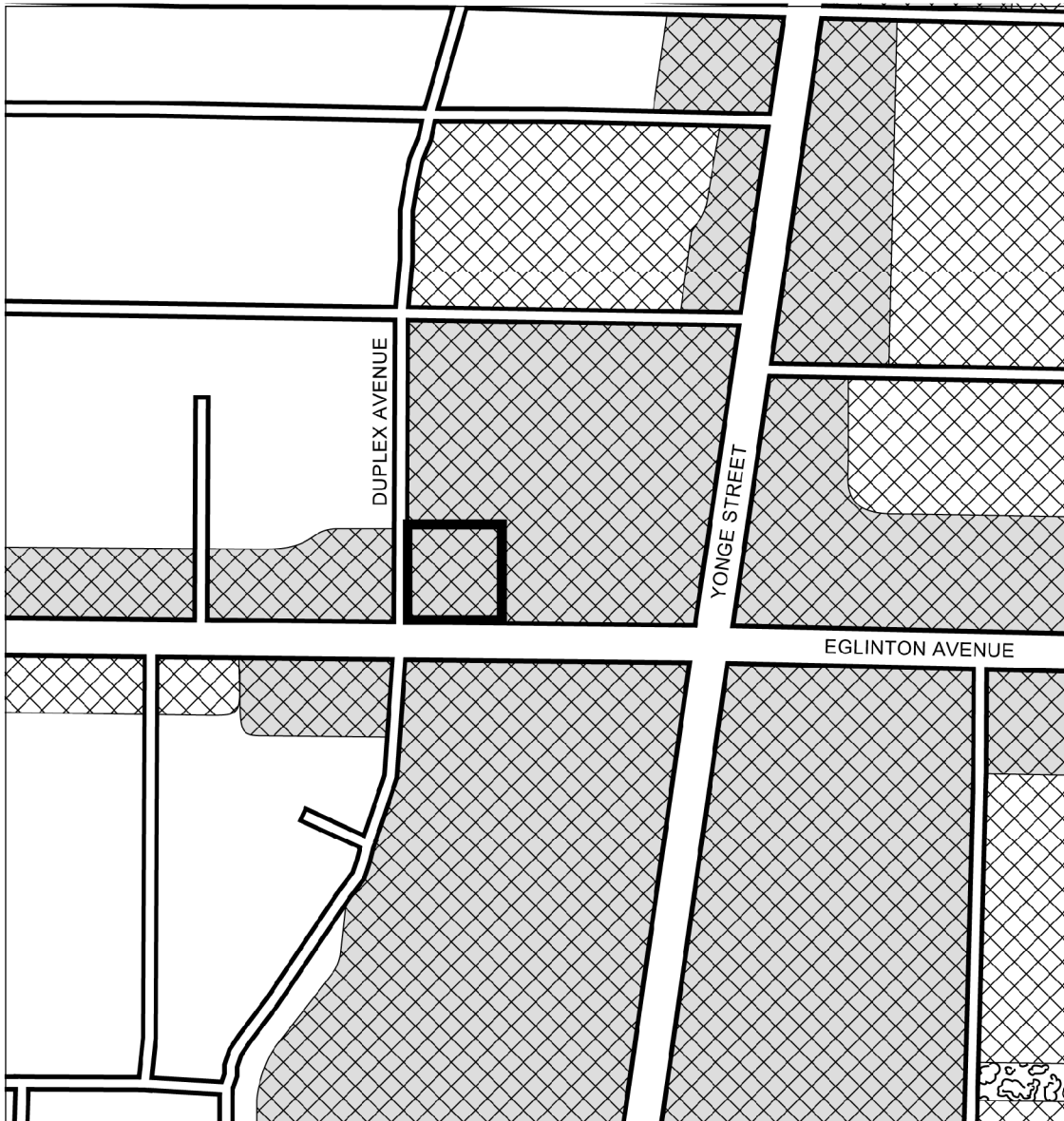
Applicant's Submitted Drawing

Not to Scale
09/07/2011

36-44 Eglinton Avenue West

File # 09 148228 NNY 16 0Z







Attachment 3: Official Plan



TORONTO City Planning
Official Plan

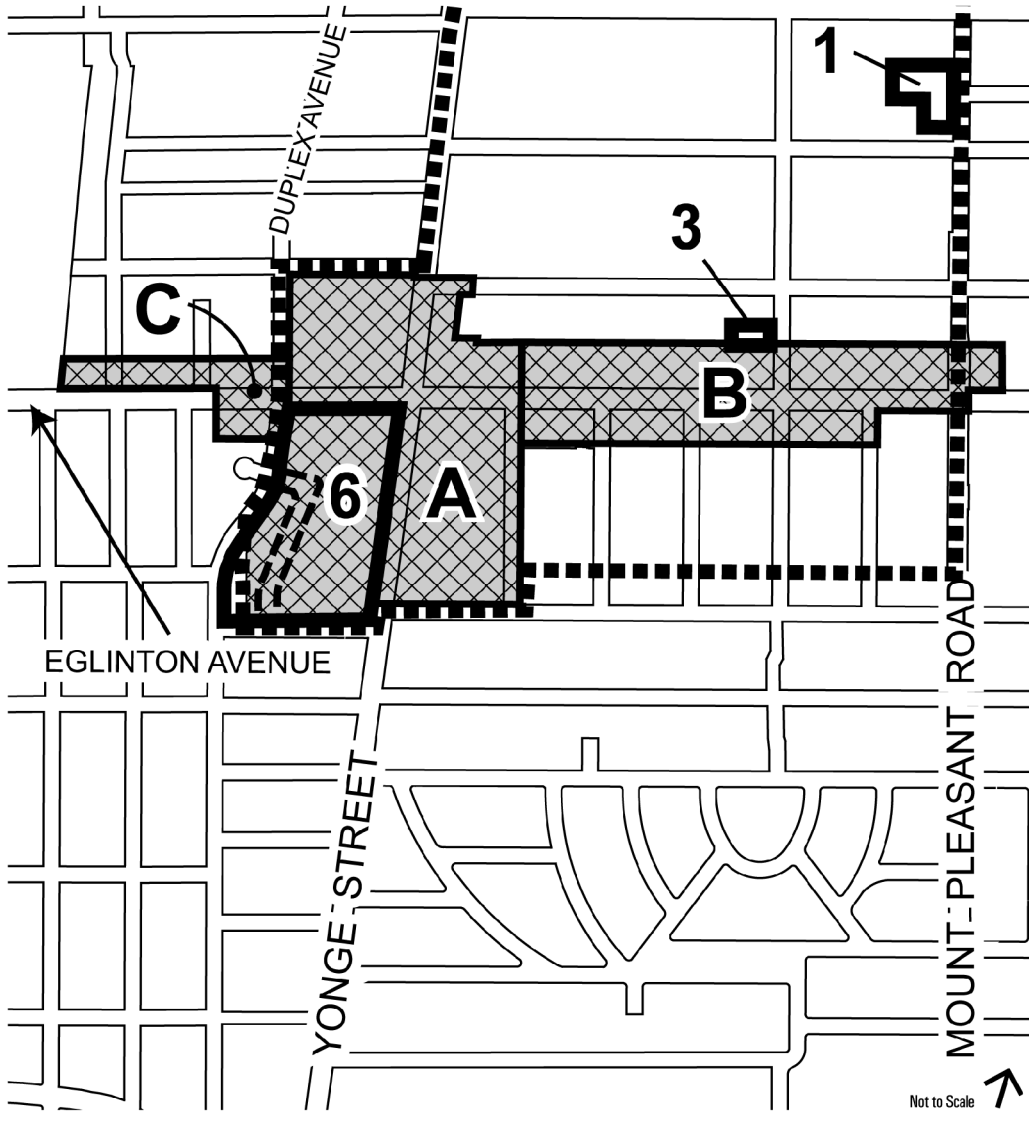
36-44 Eglinton Avenue West

File # 09 148228 NNY 16 0Z

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







 Not to Scale
 09/07/2011

Attachment 4: Yonge-Eglinton Secondary Plan



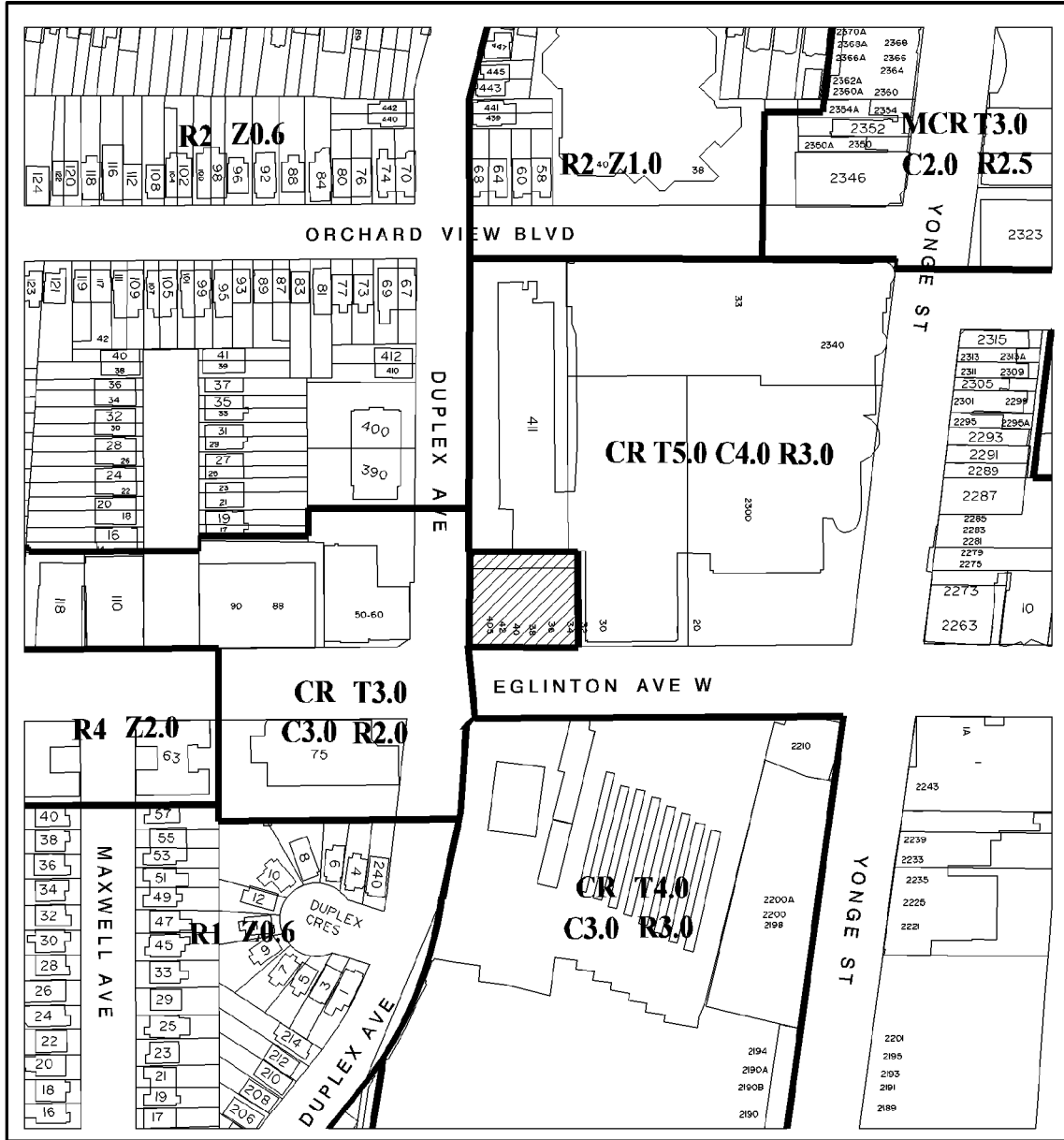
Extract from Yonge-Eglinton Secondary Plan

MAP 21-1 Land Use Plan

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

December 2010

Attachment 5: Zoning



36 Eglinton Avenue West

File # 09_148228

- R1 Residential District
- R2 Residential District
- R4 Residential District
- MCR Mixed Use District
- CR Mixed Use District



Not to Scale
Zoning By-law 438-86 As Amended
Extracted 08/04/2009

Attachment 6: Application Data Sheet

Application Type	Rezoning	Application Number:	09 148228 NNY 16 OZ
Details	Rezoning, Standard	Application Date:	June 10, 2009
Municipal Address:	36-44 EGLINTON AVE W		
Location Description:	PL E542 LTS 8 & 9 PT LT10 **GRID N1606		
Project Description:	<p>The applicant is proposing a 48-storey mixed-use building 152.5 m in height with 396 residential units. The total GFA for this project is 32,150 m² comprised of 29,775 m² of residential GFA, 2,042 m² of office GFA and 333 m² of retail GFA. There are a total of 266 parking spaces proposed comprised of 222 resident, 25 for office and visitors, 7 car-share and 12 for valet pick-up and drop-off. Parking stackers are used for 252 spaces to achieve the parking supply. A valet service would retrieve vehicles from the stackers.</p>		

Applicant:	Agent:	Architect:	Owner:
Weir Foulds, LLP The Exchange Tower, Ste. 1600, P.O. Box 480 130 King St.W., Tor., ON., M5X 1J5	Opus Management Inc. 62 Fairholme Ave. Tor., ON., M6B 2W6	Adamson Associates/Architects 401 Wellington St.W., 3 rd fl. Tor., ON., M5V 1E7	Premium Properties LTD 36 Eglinton Ave.W., 7 th fl. Tor., On., M4R 1A1

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	CR T5.0 C4.0 R3.0	Historical Status:
Height Limit (m):		Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	1403.6	Height:	Storeys:	48
Frontage (m):	35.08		Metres:	152.5 (160.8 w/mechanical)
Depth (m):	40.05			
Total Ground Floor Area (sq. m):	1277			Total
Total Residential GFA (sq. m):	29,775		Parking Spaces:	266
Total Non-Residential GFA (sq. m):	2,375		Loading Docks	1
Total GFA (sq. m):	32150			
Lot Coverage Ratio (%):	90.9			
Floor Space Index:	22.9			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	220
2 Bedroom:	176
3 + Bedroom:	0
Total Units:	396

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	29,775	29,775	0
Retail GFA (sq. m):	333	333	0
Office GFA (sq. m):	2,042	2,042	0
Industrial GFA (sq. m):	0	0	0
Institutional/Other GFA (sq. m):	0	0	0

CONTACT:	PLANNER NAME:	John Andreevski, Senior Planner
	TELEPHONE:	416-395-7097