

**4000 Eglinton Avenue West - Zoning By-law Amendment  
Application - Request for Direction Report**

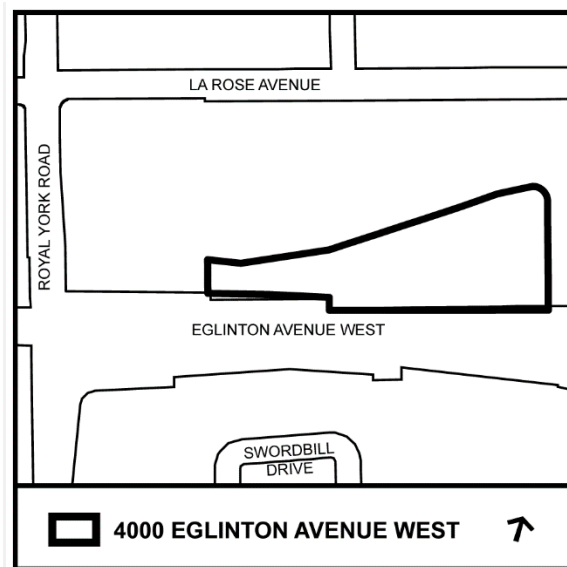
<b>Date:</b>	February 3, 2017
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York District
<b>Wards:</b>	Ward 4 – Etobicoke Centre
<b>Reference Number:</b>	15 268318 WET 04 OZ

**SUMMARY**

This application proposes to amend the Etobicoke Zoning Code to permit a mixed-use development with 5 apartment towers containing 1,900 units ranging in height from 18 storeys to 33 storeys. A total of 1,700 m<sup>2</sup> of retail/commercial space is proposed on the ground floor of two buildings fronting Eglinton Avenue West. The proposal would have a Floor Space Index of 6.6 times the area of the lot. Two vehicular accesses from Eglinton Avenue West are proposed and the development would provide 1,647 vehicular and 1,436 bicycle parking spaces.

This report advises City Council that the applicant has appealed the Zoning By-law Amendment application to the Ontario Municipal Board (OMB) and seeks direction regarding opposing the application at the OMB hearing and continuing negotiations with the applicant to resolve the issues identified in this report.

Planning staff cannot support this application in its current form as it does not conform to the policies of the Official Plan. The proposed development does not fit within its existing or planned context or respect and reinforce the existing physical character of the adjacent established *Apartment Neighbourhood* where the existing apartment buildings range in height from 12 to 20 storeys with generous landscaped open spaces and separation distances between buildings. Staff are of the



opinion the current proposal constitutes an overdevelopment of the site.

In addition, the applicant has not provided sufficient information to demonstrate that the proposal can be supported from a site servicing, stormwater management and transportation standpoint. City staff are also of the opinion that a public road and an onsite public park should be provided on the subject property. Also should the application be approved, staff are of the opinion that Section 37 contributions towards community facilities and/or park improvements in the area and public art would be appropriate.

Planning staff have been in discussions with the applicant about revising the proposal in an effort to develop a proposal that is more appropriate to its context. As of the date of this report, no revisions have been submitted by the applicant.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council authorize the City Solicitor, together with Planning staff and other appropriate staff to attend the Ontario Municipal Board hearing to oppose the appeal of the Zoning By-law Amendment application for 4000 Eglinton Avenue West in its current form.
2. City Council direct the Chief Planner and Executive Director, City Planning, in consultation with the City Solicitor and Ward Councillor, to continue negotiations with the applicant with the goal of developing a proposal that addresses the issues outlined in the report dated February 3, 2017, from the Director, Community Planning, Etobicoke York District.
3. In the event that the OMB allows the appeal, in whole or in part, City Council direct the City Solicitor to request the OMB withhold its Order on the Zoning By-law Amendment until:
  - a) A draft Zoning By-law Amendment is submitted to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.
  - b) The owner has entered into an Agreement under Section 37 of the *Planning Act* with the City for the purpose of securing community benefits valued at \$4,300,000, to be used for community facilities, park improvements and public art if the proposed development is approved by the OMB in its current form, or a prorated quantum if the development is approved with reduced building heights and density.
  - c) The owner has submitted to the satisfaction of the Executive Director, Engineering and Construction Services an updated Functional Servicing and Stormwater Management Report and plans. In addition, the owner would be required to enter into an agreement(s) for the construction of any improvements to existing municipal

infrastructure, should it be determined that upgrades are required to support this development.

- d) The owner has submitted to the satisfaction of the General Manager, Transportation Services an updated Transportation Study, including an assessment of the developments compatibility with the Phase II Eglinton Avenue West LRT.
4. City Council authorize the City Solicitor and other City staff to take any necessary steps to implement the foregoing.

### **Financial Impact**

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

### **Pre-Application Consultation**

A number of pre-application consultation meetings and discussions were held with the applicant in 2015 to discuss the planning application and complete application submission requirements. At the meetings City staff expressed concerns with the proposed built form, building heights, density and potential traffic impacts. The applicant did not address these concerns in the December 2015 submission or post submission.

### **DECISION HISTORY**

A Preliminary Report outlining the application was considered by Etobicoke York Community Council on April 5, 2016. The Preliminary Report can be viewed at:  
<http://www.toronto.ca/legdocs/mmis/2016/ey/bgrd/backgroundfile-91177.pdf>.

### **Ontario Municipal Board Appeal**

On November 16, 2016 the City Clerk received notification that the applicant had filed an appeal of the Zoning By-law Amendment application to the Ontario Municipal Board, citing Council's failure to make a decision on the application within the prescribed timelines in the *Planning Act*. A prehearing conference is likely to be scheduled for the second quarter of 2017. A full hearing will commence after the prehearing.

### **ISSUE BACKGROUND**

#### **Proposal**

The application proposes a mixed use development comprised of 4 apartment buildings containing 5 towers (Towers A, B, C, D and E) having a variety of heights ranging from 18 to 33 storeys (see Attachment: 1 Site Plan). The proposal encompasses 1,900 residential units and 126,200 m<sup>2</sup> of residential gross floor area. The units are proposed to be condominium in tenure. The applicant has not provided a breakdown of the number of units per building at the time of writing this report.

Retail/commercial uses are proposed on the ground floor of two buildings (containing Towers B, C and D), totalling a non-residential gross floor area of 1,700 m<sup>2</sup>. The total gross floor area of the development would be 127,900 m<sup>2</sup>. The proposed indoor amenity space in the five buildings

would be 2,850 m<sup>2</sup> in total. The proposed outdoor amenity space would be 2,850 m<sup>2</sup> in total. The proposed development would have a Floor Space Index (FSI) of 6.6 times the area of the lot. The application also proposes a central courtyard/open space area which is intended to be used as the main outdoor amenity space for the development.

Two vehicular accesses are proposed from Eglinton Avenue West, one between Towers A and B, and the other at the east end of the site. The development is proposed to be served by a 6 metre private driveway as opposed to a public road. A total of 1,647 parking spaces would be provided, including 17 parking spaces for the retail/commercial uses. Three Type "G" loading spaces and 1 Type "B" loading space would be provided.

For further statistical information, refer to the Application Data Sheet found on Attachment 6 of this report.

### **Building A**

Building A is a proposed 24-storey residential building to be located on the southwest corner of the site with frontage on Eglinton Avenue West. The proposed building would transition with a variety of heights from west to east culminating in a tower with a height of 24 storeys or 73.5 metres at the east end of the building. A mechanical penthouse with an additional height of 7 metres would be located above the tower.

The proposed base of the building (podium) would be massed with a west to east transition from 8 to 10-storeys with the 14-storey tower located at the east end above the podium. Along the Eglinton Avenue West frontage, the base of the building would be constructed to the property line. The building would be set back approximately 6 metres from the north property line and 7.5 metres from the west property line.

The tower above the 10<sup>th</sup> floor would have a floor plate of over 750 m<sup>2</sup>, with minimal setback from the edge of the podium along Eglinton Avenue West. At the twenty-third storey, the tower would step back at the south, west and north portions.

The entrance and lobby to the building would be located on the east side of the podium via a shared driveway separating Buildings A and B. Building A would be separated from Building B by approximately 25 metres. A ground floor outdoor terrace would extend along the eastern and southern edge of the podium. The indoor amenity space would be provided on the ground floor and approximately 300 m<sup>2</sup> of outdoor amenity space would be provided. A Type "G" loading space would be located behind the building.

### **Building B**

Building B is a proposed 33-storey mixed use building having a height of 102.5 metres. A mechanical penthouse with an additional height of 7 metres would be located above the tower. Building B would be the tallest building on the subject property and in the surrounding area.

Building B would have an 8-storey podium, which would be set back approximately 3 metres from Eglinton Avenue West and 14.5 from the rear property line. The entrance and lobby to the building would be on the west side, off the shared driveway separating Buildings A and B.

The tower would be located off-centre above the podium. The tower would have a floor plate of over 750 m<sup>2</sup>, with minimal setbacks from the edge of the podium along Eglinton Avenue West.

The ground floor would contain retail space and indoor residential amenity space. Additional indoor residential amenity space would be provided on the second floor with residential units. The remaining floors of the building would contain residential units. A Type “B” loading space would be provided behind the proposed building.

### **Buildings C and D**

Building C is a proposed 30-storey tower with a height of 93.5 metres, and Building D is a proposed 27-storey tower with a height of 84.5 metres. Both towers would have mechanical penthouses with additional heights of 7 metres above the tower.

Buildings C and D would be connected by a shared podium containing residential and retail/commercial uses along Eglinton Avenue West. The shared podium would be set back by 12.5 metres from the east property line and separated from Building E (located at the rear) by approximately 20 metres. The podium between Buildings C and D would have a height of 10-storeys with a green roof above. The podium would transition to 8-storeys around the east, south and west edges of the building correlating to grade changes.

Building C would be located on the western portion of the podium rising above the 8<sup>th</sup> floor. Building D would be located at the eastern portion of the podium also rising above the 8<sup>th</sup> floor. Building D would be stepped back at the 25<sup>th</sup> storey. The floor plates of the towers of Buildings C and D both exceed 750 m<sup>2</sup>. A 25 metre separation distance would be provided between both towers.

The ground floor of the podium would contain a mix of retail space and indoor residential amenity space. The second floor of the podium would contain indoor and outdoor amenity space as well as residential units. The entrance and lobby to the building would be located at the rear from the shared driveway between Buildings C, D and E. The retail/commercial units would have direct access from the Eglinton Avenue West frontage. Approximately 280 m<sup>2</sup> of outdoor amenity space would be provided at the rear between both buildings. Terraces would be generally located around both buildings. A Type “G” loading space accessed from the eastern side of the building would be provided.

### **Building E**

Building E is a proposed 18-storey residential tower having a height of 58.1 metres. A mechanical penthouse with an additional height of 7 metres would be located above the tower.

Building E would have a 10-storey podium, which would be set back approximately 12.5 metres from the east property line and 7.5 metres from the north property line. The proposed podium would be stepped back at the south, east and north portions. Approximately 300 m<sup>2</sup> of outdoor amenity space would be located at the rear. A green roof would be located above the 10-storey podium.

The tower would be located at the east portion of the podium with minimal articulation and setbacks from the edge of the podium. The proposed tower would have a floor plate of over 750 m<sup>2</sup>.

The entrance and lobby to the building would be located at the south side of the podium, off the shared driveway between Building E and Buildings C and D. The remainder of the podium and tower would contain residential uses. The ground floor would contain indoor residential amenity space, and a Type “G” loading space which would be accessed from a driveway along the eastern portion of the site.

### **Site Access and Parking**

Two vehicular access points would be provided for the proposal. One access would be located on the western portion of the site would be a “right-in/right-out” with a driveway located between Building A and Building B. The second access would be a "full move" signalized intersection at the eastern end of the property with a connected a driveway. A 6 metre wide private driveway and walkway system supporting vehicular, bicycle, pedestrian, emergency access and pick-up/drop-off areas is proposed.

Vehicular and bicycle parking would be provided in a 4-level underground parking garage accessed by two ramps. A total of 1,647 parking spaces would be provided, with 1,440 spaces for residents, 190 for visitors and 17 for non-residential uses. A total of 1,436 bicycle parking spaces would be provided, with 1,292 for residential uses, 133 for visitors and 11 for non-residential uses. The bicycle parking spaces would be provided in stackers as well as vertical and horizontal spaces.

### **Site and Surrounding Area**

The site, currently occupied by the Plant World garden centre, is located between Royal York Road and Scarlett Road on the north side of Eglinton Avenue West. The site is approximately 2 hectares (4.97 acres) in size and is triangular in shape. The site has a frontage of approximately 298 metres on Eglinton Avenue West. The property has a depth of approximately 106 metres along the east property line and 30 metres along the west property line. The current garden centre consists of a 1-storey building, a number of greenhouses, outdoor planter beds and a surface parking lot with one ingress and one egress point. A stone retaining wall is located on the western portion of the north property line. The subject property is located at a higher elevation (approximately 3.5 metres higher) than the adjacent St. Demetrius Catholic school yard and other properties along Richview Road, located to the east.

Land uses surrounding the site are as follows:

North: Residential apartment buildings are the prevailing built form north of the site. Two 12-storey apartment buildings and one 15-storey apartment fronting onto La Rose Avenue are located immediately north of the site. Two 13-storey apartment buildings are located northeast of the site. The St. Demetrius Catholic Church is located between the above noted apartment buildings. La Rose Park is located further northeast. Two 16-storey residential apartment buildings are located at the northwest corner of La Rose Avenue and Scarlett Road.

South: Across Eglinton Avenue West is a low rise residential neighbourhood with predominantly single-detached houses and townhouses. Buttonwood Park is directly south of the subject site across Eglinton Avenue. A 9-storey building (Scarlett Heights Residence) is located east of the park. Further east of this are a cluster of 10 apartment buildings ranging in height from 6 to 18 storeys. Single-family dwellings and townhouses are located between the Scarlett Heights Residence and the cluster of apartment buildings noted above.

East: Immediately east of the subject property is the rear yard of the St. Demetrius Catholic Church with a surface parking lot and a school yard. East of the school yard along Richview Road is the Ukrainian Canadian Care Centre (a 4-storey retirement residence). Further east of this are four single-detached houses. Immediately east of the single-detached houses are 18-storey and 13-storey apartment buildings on the north side of Richview Road. Between Richview Road and Eglinton Avenue are four residential apartment buildings ranging in height from 15 to 20 storeys.

West: Immediately west of the subject property is a 15-storey residential apartment building. To the north of this building is a 13-storey apartment building with frontage on Royal York Road and La Rose Avenue. On the west side of Royal York Road are 2-3 storey residential dwellings.

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

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key objectives include: building strong, healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. 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.

Staff have reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The subject lands are designated *Apartment Neighbourhoods* on Map 14 – Land Use Plan in the Official Plan. *Apartment Neighbourhoods* are comprised of apartment buildings and parks, local institutions, cultural and recreational facilities and small-scale retail, service and office uses that serve the needs of area residents. This designation does not anticipate significant growth within these areas, however, compatible infill development can be accommodated. Section 4.2 of the

Official Plan states that in these established *Apartment Neighbourhoods*, improving amenities and accommodating sensitive infill, where it can improve the quality of life, and promoting environmental sustainability are key considerations.

Official Plan development criteria require new development in *Apartment Neighbourhoods* to contribute to the quality of life by:

- Locating and massing new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Plan, through means such as providing setbacks from, and/or a stepping down of heights towards, lower-scale *Neighbourhoods*;
- Locating and massing new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*, particularly during the spring and fall equinoxes;
- Locating and massing new buildings to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- Including sufficient off-street motor vehicle and bicycle parking for residents and visitors;
- Locating and screening service areas, ramps and garbage storage to minimize their impact on adjacent streets and residences;
- Providing indoor and outdoor recreation space for building residents in every significant multi-unit residential development;
- Providing ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces; and
- Providing buildings that conform to the principles of universal design, and wherever possible contain units that are accessible or adaptable for persons with physical disabilities.

The Healthy Neighbourhood policies of the Official Plan (Section 2.3.1) state that *Neighbourhood* and *Apartment Neighbourhoods* are considered to be physically stable areas. Development within *Neighbourhoods* and *Apartment Neighbourhoods* will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas.

Built Form policies in section 3.1.2 of the Official Plan include development criteria pertaining to the location and organization of new development to fit within its existing and/or planned context, location and organization of vehicular parking, vehicular access, service areas and utilities to minimize their impacts on surrounding properties and to improve the safety and



attractiveness of adjacent streets. In addition, new development should be massed and its exterior façade should be designed to fit harmoniously into its existing and/or planned context, and should limit its impact on neighbouring streets.

The Official Plan's Housing policies support a full range of housing in terms of form, tenure and affordability, across the City and within neighbourhoods, to meet the current and future needs of residents. Policy 3.2.1(1) and Policy 3.2.1(2) state that new housing supply is encouraged through intensification and infill that is consistent with the Plan, in order to maintain and replenish the existing stock of housing.

The subject lands are identified as *Avenues* on Map 2 of the Official Plan. Broadly, *Avenues* are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities, while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents. However, such reurbanisation is subject to the Policies contained in the Official Plan, particularly, neighbourhood protection policies. Not all lands that are located on *Avenues*, particularly *Neighbourhoods* and *Apartment Neighborhoods* are designated for growth. Therefore, significant growth/intensification is not contemplated on the subject lands as well as the adjacent residential areas which are designated *Apartment Neighbourhoods*. The Official Plan also states land use designation policies in Chapter Four apply and prevail on lands broadly shown on Map 2 as *Avenues* and that development should be considered on the basis of all of the policies of the Plan.

### **Official Plan Amendment No. 320**

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment No. 320 on December 10, 2015. OPA 320 strengthens and refines the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods and to allow limited infill on underutilized apartment sites in *Apartment Neighbourhoods*. OPA 320 re-establishes and underscores the principle that development (infill and/or underutilized sites) in *Apartment Neighbourhoods* should respect and reinforce the existing physical character of such areas.

The Minister of Municipal Affairs and Housing approved and modified OPA 320 on July 4, 2016. The Ministry received 57 appeals to OPA 320 and it has been appealed in its entirety. As a result, OPA 320 as approved and modified by the Minister is relevant but not determinative in terms of the Official Plan policy framework.

### **City-Wide Tall Buildings Design Guidelines**

In May 2013, Toronto City Council adopted the updated City-wide Tall Buildings Design Guidelines and directed Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The application was evaluated for consistency with the Tall Buildings Design Guidelines. The City-wide Guidelines are available at: <http://www.toronto.ca/planning/tallbuildingdesign.htm>

## **Eglinton Crosstown Light Rail Transit**

Eglinton Avenue West is identified as a future transit corridor on Map 4 – Higher Order Transit Corridors of the Official Plan. The Toronto Transit Commission completed a Transit Environmental Assessment for the implementation of a light rail transit (LRT) system within the Eglinton Avenue corridor extending from Kennedy Road in the east to Pearson International Airport in the west. The study recommended construction of an LRT facility within an exclusive right-of-way in the centre of Eglinton Avenue West.

In July 2016, City Council approved an Eglinton West LRT with between 8 and 12 stops between Mount Dennis and Renforth Gateway, and up to five potential grade separations at Martin Grove Road, Kipling Avenue, Islington Avenue, Royal York Road and Eglinton Flats (EX16.1). City Council also directed City Planning and the TTC to work in partnership with Metrolinx, the City of Mississauga and the Greater Toronto Airport Authority to further develop the options for extending the LRT to Pearson International Airport.

Metrolinx has assumed responsibility for the LRT project which has been divided into two phases. Phase One, currently under construction, extends from Kennedy Station to the Weston Road/Eglinton Avenue West intersection in Mount Dennis. The subject site is located in the Phase Two LRT corridor.

Report EX16.1 and City Council's decision, can be found at the following link:  
<http://www.toronto.ca/legdocs/mmis/2016/ex/bgrd/backgroundfile-94621.pdf>

## **SmartTrack**

The Eglinton Avenue West corridor has also been identified for SmartTrack. The SmartTrack concept builds upon the provincial Regional Express Rail initiative and proposes all-day two-way frequent service operating within two GO Rail corridors (Kitchener and Stouffville/Lake Shore East) and a new heavy rail corridor along Eglinton Avenue West. A report from the Chief Planner and Executive Director, City Planning, recommended an LRT option for the Western Corridor (Report EX13.3). On March 31, 2016 City Council considered this report and removed the heavy rail option.

Report EX13.3 and City Council's decision can be found at the following link:  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EX13.3>.

City staff are involved in several work programs related to the Eglinton West LRT. Currently underway is the optimization of the approved Environmental Assessment LRT design concept. The design is being reviewed and updated to address a number of concerns identified through the Environmental Assessment and recent public consultation process. City staff in collaboration with Metrolinx are working closely with a team of consultants on the consideration, technical feasibility and planning impacts of potential grade separations for the LRT at the major intersections. In addition, City Council has directed City staff to initiate a Planning study for the Phase Two LRT corridor.

## **Zoning**

The subject property is zoned Residential Second Density (R2) under the former City of Etobicoke Zoning Code (see Attachment 5). The R2 zoning category permits one-family detached homes, group homes, and limited business and institutional uses with a maximum height of 11 metres. A maximum lot coverage of 33% is permitted. Apartment buildings are not permitted.

The Council-enacted City-wide harmonized Zoning By-law 569-2013 (under appeal) includes a number site specific exemptions. These site specific exceptions, which includes the subject property, recognizes the existing (prevailing) zoning permissions under the former City of Etobicoke Zoning Code.

## **Site Plan Control**

The property is subject to Site Plan Control. An application in this regard has yet to be submitted.

## **Reasons for the Application**

An amendment to the former City of Etobicoke Zoning Code is required to permit the proposed apartment buildings as well as the height, scale and density proposed by the application. Other areas of non-compliance have been identified through the zoning review undertaken by Toronto Building staff.

## **Community Consultation**

A community consultation meeting was held on May 19, 2016. The meeting was attended by City Planning staff, the applicant, the owner, the Ward Councillor and approximately 200 members of the public. Issues raised during the discussion of the proposal were as follows:

- Compatibility of the proposed development with the existing character of the area, since the apartment buildings in the area are between 12 and 20 storeys;
- Concerns were expressed regarding the height, scale and density of the proposed buildings, which would result in adverse impacts on adjacent properties;
- Potential shadow, views and privacy impacts of the proposed development on adjacent properties were of significant concern to residents;
- Traffic and parking impacts on the area in general and local neighbourhood streets in particular, due to the volume of traffic from the proposed scale of development;

- There were concerns regarding the existing capacity in local schools and the capacity to accommodate more students from the proposed development;
- Impacts on the health and safety of the adjacent St. Demetrius Catholic School students during outdoor functions and activities;
- Adequacy of servicing infrastructure to support the proposal; and
- Compatibility with the future Eglinton Avenue West LRT.

## **Discussions with the Applicant**

The applicant met with City staff in October 2016 to discuss how comments received from Planning staff, other City divisions and agencies and concerns expressed by residents at the community consultation meeting could be addressed in a future revised proposal. The applicant agreed to continue working with City staff to resolve the issues identified in this report. However, City Planning staff have not received a revised application at the time of preparing this report.

## **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used in preparing this report.

## **COMMENTS**

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

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. The PPS recognizes that local context and character is important and also identifies the Official Plan as the most important vehicle for implementing the PPS.

The proposed development is located in an *Apartment Neighbourhoods* designation, which is not an area designated for growth in Toronto's Official Plan. The *Apartment Neighbourhoods* designation of the Official Plan requires development to respect and reinforce the established physical character of the surrounding area. As described in detail later in this report, the proposed building heights, scale and density do not conform to the Official Plan. In addition, Policy 1.1.3.4 of the PPS refers to appropriate development standards which facilitate intensification, redevelopment and compact form, while maintaining appropriate levels of public health and safety. As outlined in greater detail below, the proposal represents an inappropriate scale of intensification at a location where a more contextually sensitive infill built form would better fit the existing and planned context. As such, the proposal in its current form is not consistent with the 2014 PPS.

## **The Growth Plan**

The Growth Plan outlines how population and employment growth will be accommodated to 2031. 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 their Official Plans, municipalities will develop and implement policies to achieve intensification by recognizing urban growth centres, intensification corridors and major transit station areas as key areas to accommodate intensification. The Official Plan directs growth to the *Downtown, Centres, Avenues* and *Employment Areas*. Policy 2.2.3.6 states that municipalities through their Official Plans will develop and implement policies to achieve the intensification targets.

The subject property is designated *Apartment Neighbourhoods* in the Official Plan. *Apartment Neighbourhoods* are not areas designated for growth in the Official Plan. It is staff's opinion that the proposal in its current form represents overdevelopment; therefore it does not conform to and conflicts with the Growth Plan.

## **Land Use**

The subject lands are designated *Apartment Neighbourhoods* on Map 14 – Land Use Plan in the Official Plan. *Apartment Neighbourhoods* are comprised of apartment buildings and parks, local institutions, cultural and recreational facilities and small-scale retail, service and office uses that serve the needs of area residents. This designation does not anticipate significant growth within these areas, however, compatible infill development may be permitted while providing good quality of life for both new and existing residents.

Healthy Neighbourhood policies of the Official Plan (Section 2.3.1) note that *Apartment Neighbourhoods* are considered to be physically stable areas and development is to respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas.

The proposed mix of residential and commercial uses is consistent with the land use provisions of the Official Plan, however, the proposal as noted in this report is not a compatible infill development that respects and reinforces the existing physical character of the neighbourhood. The proposed heights, scale and intensity has not been sensitively deployed on the site. The principle of compatibility ensures that development is of an appropriate scale such that it can be supported by services, would not create additional adverse impacts in its context and would be integrated in its context as an appropriate City building development. The proposal represents significant intensification on the subject lands and in the area, whereas the Official Plan calls for compatible infill development

City staff have also considered the fact that Eglinton Avenue West is identified as a future transit corridor on Map 4 – Higher Order Transit Corridors of the Official Plan, in the evaluation of this application. While *Avenues* are important corridors along major streets where reurbanization is anticipated, this growth is subject to and is to be considered on the basis of all of the policies of the Official Plan. The proposed heights, scale and density do not respect and reinforce the existing physical character of the area, and, as such, they cannot be supported.

Planning staff will continue discussions with the applicant to ensure that the height, scale and density of the proposal is sensitively deployed on the subject property and its impacts are minimized.

### **Official Plan Amendment No. 320**

The intent of OPA 320 is to clarify, strengthen and refine policies that support the Plan's goals to protect and enhance existing neighbourhoods and allow limited infill on underutilized apartment sites in *Apartment Neighbourhoods*. Even though OPA 320 has been appealed to the OMB, it is relevant as it represents the City Council's current thinking. As noted in this report, the proposed development represents overdevelopment and does not sensitively deploy heights, density and massing on the subject property and in the area. The proposed development in its current form would result in significant shadowing and does not provide a framework of additional public streets, new parkland, quality open spaces and outdoor amenity spaces that extends or improves the public realm.

### **City-Wide Tall Buildings Design Guidelines**

In May 2013, Toronto City Council adopted the updated City-wide Tall Buildings Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. Key design considerations in the guidelines relates to limiting the tower floor plate to 750m<sup>2</sup> and providing the three parts of the buildings, namely, the base (podium), middle (shaft) and top. Tower placement and separation distances are also key considerations when evaluating tall buildings.

The proposed podiums with heights between 8 and 10 storeys along Eglinton Avenue are bulky, with elongated floor plates that cast long shadows and create an inappropriate scale at street level. The placement of the towers above the respective podiums is not appropriate given the visual, physical and shadow impacts on adjacent properties. The placement of the towers require further articulation with the employment of additional setbacks and step backs to mitigate these impacts.

The provision of adequate space between tall buildings is important in providing quality of life for residents in these buildings. The application proposes the following separation distances: 25 metres between Buildings A and B, 35 metres between Building B and Buildings C and D, and 20 metres between Building E and Buildings C and D. The adjacent area is characterized by apartment buildings with heights ranging from 12 to 20 storeys and separation distances of approximately 50 metres between buildings.

The separation distances between the proposed 5 buildings are not consistent with the established character of the area. In addition, the distance between Building E and Buildings C and D is inappropriate, contributing to inadequate light, privacy, uncomfortable pedestrian conditions and the perception of overwhelming height.

The floor plates of each of the buildings exceed the maximum of 750m<sup>2</sup> prescribed in the Tall Building Design Guidelines. In their current form, the floor plates are large and would cumulatively result in negative visual impacts.

Planning staff are of the opinion that the base, middle shaft and top of the proposed buildings require further changes taking the site topography and adjacency to other buildings and the St. Demetrius Catholic School into account, as well as meeting the overall objectives of the Tall Buildings Design Guidelines.

## **Building Heights**

### Overall Building Heights

The Official Plan identifies that most of the City's future development will be infill and redevelopment. Development will need to fit in, respect and improve the character of the surrounding area (Chapter Three – Building a Successful City). It will also be located, organized and massed to fit harmoniously with its existing and/or planned context.

The proposal comprised of 5 apartment buildings ranges from 18 storeys to 33 storeys with the following heights: Tower A -73.1 metres, Tower B - 84.5 metres, Tower C -102.5 metres, Tower D - 93.5 metres, Tower E - 58.1 metres. Mechanical penthouses having heights of approximately 7 metres would be located above each of the towers.

The proposed building heights significantly exceed the built form context in this area and are not appropriate.

Staff are of the opinion that the introduction of the proposed building heights on the subject property would set a negative precedent given its existing context. The proposed buildings heights exceed the heights of buildings in the area and would result in significant impacts on light, views and privacy. The proposed mechanical penthouses with heights of 7 metres would also result in additional shadowing impacts on surrounding properties. As such, the proposal does not provide appropriate built form relationships with its context.

The proposed number of buildings and building heights should be reduced to ensure the proposal is compatible and fits with the established physical character of the area. Staff are proposing to continue to work with the applicant to develop a proposal which respects and reinforces the existing context.

### Podium Heights

The proposed building bases (podium) would have heights between 8 to 10-storeys. Along the Eglinton Avenue frontage, the base of the buildings A, B, C and D would be constructed to the property line, resulting in minimal setbacks from the right-of-way. The existing character has generous front yard setbacks along Eglinton Avenue West and intersecting streets.

The heights of the podium and the minimal setbacks create a poor relationship with the avenue and would set a negative precedent given its context. In addition, the heights of the podiums would overwhelm the street and would create uncomfortable pedestrian conditions. Building E also has a proposed podium height of 10 storeys and would overwhelm the proposed private

driveway creating uncomfortable conditions and pedestrian height perception.

Planning staff will continue working with the applicant to mitigate pedestrian height perception of the podiums along the Eglinton Avenue frontage and also improve the relationship with the street by appropriately deploying heights with a combination of setbacks and step backs.

## **Density and Massing**

The Zoning By-law permits a maximum coverage (density) of 33% of the area of the lot, for a permitted building type. The purpose of having density/lot coverage restrictions is to guide overall scale and ensure there is adequate servicing capacity and other infrastructure to support development. The Official Plan land use designation of the site and surrounding area permits sensitive infill redevelopment. As noted in this report, the adjacent apartment neighbourhood is characterized by buildings with generous separation distances and significant open spaces.

Policy 4.2.2 of the Official Plan sets out the development criteria for new development in *Apartment Neighbourhoods*. The policy requires new development to provide a transition between areas of different intensity and scale, through setbacks and/or stepping down of heights. It also requires that development limit shadow impact on adjacent neighbourhoods. Policy 4.2.3 of the Official Plan, states that although significant growth is not intended within developed *Apartment Neighbourhoods*, compatible infill development may be permitted on underutilized sites.

The proposed podiums for Buildings A- (8 to 10 storey podium), B – (8-storey podium), C and D (shared 8 to 10 storey podium), which occupy the Eglinton Avenue West frontage is massed and articulated with a variety of heights, setbacks and stepbacks in an attempt to integrate it with the existing built form context and the changing grade along the avenue. The podiums widths exceed 60 metres and need greater articulation in the massing to break up the long façade. The proposed podiums (Buildings A, B, C and D) are bulky and imposing and do not adequately frame the Eglinton Avenue West frontage. In addition, the podiums would overwhelm the avenue creating uncomfortable pedestrian conditions and the perception of height. The podium of Building E would also result in similar conditions given its location on the private driveway and separation distance from Buildings C and D.

It is staff's opinion that the proposed podiums could be better massed and articulated to provide a suitable relationship with Eglinton Avenue West. The building setback from the rear property line varies and ranges between 6 and 14.5 metres. Given the shape of the subject lands additional building setbacks should be provided in the rear due to their proximity to adjacent buildings. Furthermore, the proposed intensity of development requires greater setbacks in order to be compatible with the adjacent lands including outdoor amenity areas, school and school yards as well as the needed onsite new public park. The provision of additional setbacks would minimize visual, shadow, sunlight and sky view impacts.

The proposed tower floor plates for each of the 5 buildings exceed the maximum 750 m<sup>2</sup> requirement in the Tall Building Guidelines. The size of the proposed towers on the site would cumulatively result in negative visual impacts. The location and placement of the towers above



the podiums could be improved by providing greater setbacks/step backs from their respective podiums which would provide better building articulation and reduced visual impacts.

It is staff's opinion that the introduction of 5 apartment buildings with a total gross floor area of 127,900 m<sup>2</sup> having a Floor Space Index of 6.6 times the area of the lot, constitutes overdevelopment. There are no properties in the surrounding area that contain the scale and density proposed by the application. The introduction of the proposed density and scale of development would set a negative precedent in this area. As such, the proposal in its current form does not meet *Apartment Neighbourhoods* Policies 4.2.2 and 4.2.3 of the Official Plan as noted above.

With respect to the location of building entrances, Buildings C and D do not have entrances from Eglinton Avenue West, while the entrance to Building A does not face the street. Building E is located behind Buildings C and D, and does not front onto a public street. Staff are of the opinion that the proposed buildings should provide entrances that are visible and accessible from the public realm and designed to relate to pedestrians and transit users along Eglinton Avenue West. In terms of establishing relationships with the pedestrian realm and incorporating design elements as outlined in the Built Form policies of the Official Plan, the setback of the building podiums from Eglinton Avenue West and the width and orientation of the sidewalk after redevelopment of the site should be designed to better support pedestrian activity, the proposed retail units in Buildings B, C and D, and tree planting/street furniture. It is staff's opinion that the provision of wider building setbacks and the reduction of the proposed number buildings would address the above noted concerns. In this regard, the proposal does not meet *Apartment Neighbourhoods* Policy 4.2.2 (g) of the Official Plan, which speaks to ground floor uses that enhance safety, amenity and animation of adjacent street and residences.

It is also staff's opinion that the massing of the proposed buildings should be further varied from each other to provide more architectural interest and appropriately respond to the Eglinton Avenue West frontage and the adjacent context. By reducing the building heights as noted in this report, it is expected that the overall site density would also be reduced.

Staff will continue discussions to improve the massing by increasing the setbacks and step backs of the building bases (podiums), middle shaft, tower portion of the buildings, and mechanical penthouses to appropriately sculpt the proposed buildings to ensure they appropriately fit on the site and are compatible with the area. Staff will also continue discussions aimed at minimizing the impact of the shadowing on amenity areas and providing appropriate transition to the apartment neighbourhood.

## **Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The subject lands are in an area with 0.8 to 1.56 hectares of local parkland per 1,000 people and are in the middle quintile of current provision of parkland. The subject lands are in a parkland priority area, per Chapter 415, Article III, of the Toronto Municipal Code.

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 2.53 hectares (25,333 m<sup>2</sup>) or 132.4 % of the site area. However, for sites that are between 1 to 5 hectares in size, a cap of 15% 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 0.29 hectares (2,875 m<sup>2</sup>) or 14.8 % of the net site area. The applicant proposes to satisfy the parkland dedication requirement through cash-in lieu. The intensity of development and the increase in residents proposed requires the provision of public amenities such as a park. Parks, Forestry and Recreation staff have indicated that an onsite public park should be provided as part of this development.

Parks, Forestry and Recreation staff have also indicated that the location of the proposed outdoor amenity space, currently shown on the applicant's site plan could be a suitable location for the required public park. Parks, Forestry and Recreation staff have advised that, should a public park be provided in this location, the massing and location of the proposed buildings should be revised to minimize shadow impacts. In addition, the new park should front onto a public road and alternative locations for the park could be considered as part of a revised scheme. The new park should be free and clear of any encumbrances.

### **Design and Materiality**

At the community meeting, residents expressed concerns with the exterior building materials and the overall design of the proposal. The location, orientation and changing grade along Eglinton Avenue West is an important consideration, requiring appropriate placement of buildings, wider sidewalks and boulevards to support tree planting, and the organization of street furniture, retail frontages and pedestrian activity to support the public realm.

The proposal should provide complementary architectural materials, detailed information on the proposed materials and architectural detailing/treatments, including the appropriate location and treatment of windows and doors in order to provide for active, attractive and interesting building elevations. In addition, the ramps to the underground garages should be integrated into the building envelope to reduce impacts and minimize the loss of open space on the site. The applicant has indicated a willingness to work with City staff to this end.

### **Sun and Shadow**

The Built Form policies of the Official Plan in Chapter 3.1.2.3(e) state that new development will limit its impact on neighbouring streets, open spaces and adjacent properties by adequately limiting any resulting shadowing. In addition, *Apartment Neighbourhoods* Policy 4.2.2(b), states that new development should be located and massed so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*, particularly during the spring and fall equinoxes.

The applicant submitted shadow studies for the proposed development on March 21<sup>st</sup> /June 21<sup>st</sup> /September 21<sup>st</sup>. Due to the orientation of the proposed towers, shadows would be cast on the apartment buildings to the north in the morning and early afternoon and towards the adjacent St. Demetrius Catholic School in the afternoon during the spring and fall equinoxes. The proposed development would impact the outdoor amenity area to be enjoyed by residents living in the

apartment buildings as well their overall quality of life. In addition, shadows would be cast during school hours thereby impacting school outdoor activities. The proposal in its current form does not conform to the above noted policies.

City staff are of the opinion that a reduction to the number of proposed buildings and building heights, revisions to the massing and the relocation of the buildings is required to minimize the above noted shadow impacts.

## **Wind**

A wind study is required by the City as part of a development application that seeks to develop a building higher than 6-storeys or 20 metres in height. The application included a pedestrian level wind study which indicates that conditions would be comfortable and suitable for walking and standing, year round under normal wind conditions. *Apartment Neighbourhoods* policy 4.2.2(c), states that new development should be appropriately located and massed to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

The proposal utilizes wind mitigating features comprising the podium, balconies and irregular building façades to reduce the down trajectory and velocity of wind around the building. The study indicates that the angular facades of the proposed development in addition to the building setbacks would allow much of the flow over and around, as opposed to down the building, thereby, reducing the potential effects of downwash at the pedestrian level. Notwithstanding the conclusions of the report, further consideration should be given to casual walking conditions year round, the location of outdoor amenity spaces, the provision of a new onsite public park and comfortable sitting at transit stops in front of the development on Eglinton Avenue West.

City staff are of the view that further articulation of the podiums, a reduction in the number of buildings, increased building setbacks and additional landscaping would further improve wind conditions around the proposed development and at the pedestrian level.

## **Residential Amenity Areas**

Section 3.1.2.6 of the Official Plan states that every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents of the new development. The above noted policy also states that each resident will have access to outdoor amenity spaces. Indoor amenity space would be provided in each of the 5 buildings, with a total of 2,850 m<sup>2</sup> (at 1.5 m<sup>2</sup> per unit). The outdoor amenity space would be provided throughout the site, with a total of 2,850 m<sup>2</sup> (equivalent to 1.5 m<sup>2</sup> per unit). The largest portion of outdoor amenity space would be provided between Building B and Building C and D (1,350 m<sup>2</sup>). Additional outdoor amenity space is provided on the site in the following areas: north of the proposed east-west driveway, on the western corner of the site, on the podium of Buildings C and D, and behind Building E.

A minimum of 2.0m<sup>2</sup> per unit of indoor and outdoor amenity space is regarded as appropriate and sought in proposals similar to this development. As such, a total of 3,800m<sup>2</sup> each would be appropriate for indoor and outdoor amenity space. In addition, the proposed large outdoor space would also be impacted by building shadows and wind conditions. The shortfall in indoor and

outdoor amenity space reflects overdevelopment on the site and the shadow and wind impacts potentially limits a resident's enjoyment of these spaces and their quality of life. It is staff's opinion that the amount of indoor and outdoor amenity space proposed for this development is insufficient and unsuitably designed.

## **Residential Units**

The application proposes the following number of units: 26 bachelor bedrooms, 1,370 one-bedroom, 390 two-bedrooms, and 114 three-bedrooms, resulting in a total of 1,900 residential units. As a general practice, City staff encourages the provision of 10% of the total number of dwelling units to be 3 bedrooms or more, whereas only 6% are proposed. City staff will seek the provision of additional larger residential dwelling units suitable for a broader range of households, including families with children to support a full range of housing.

## **Site Servicing and Stormwater Management**

The applicant submitted a Functional Servicing and Stormwater Management Plan/Report in support of the proposed development, which has been reviewed by Engineering and Construction Services staff. Staff have concerns with the adequacy of servicing infrastructure to support the proposed development and have requested the applicant to address the following matters, amongst others: provide a new distribution watermain to serve the development; each building should have its own water, sanitary and storm servicing; the applicant is required to extend the storm and sanitary mains from Richview Road to serve the proposed development; and to demonstrate there is sufficient capacity in the watermain and storm system to support the development. These matters remain outstanding.

Engineering and Construction Services staff also require the applicant to make the necessary arrangements and enter into appropriate agreements regarding the design, construction and upgrades to municipal infrastructure. In addition, a breakdown of the number of residential units per building is required to determine if the proposed shared loading spaces for solid waste collection are sufficient to support the development.

It is recommended that should the Ontario Municipal Board (OMB) allow the appeal, the OMB be requested to withhold its Order on the Zoning By-Law Amendment pending the resolution of these matters to the satisfaction of the Executive Director, Engineering and Construction Services.

## **Transportation**

Transportation Services staff have reviewed the transportation report provided by the applicant in support of the proposed development and have the following concerns:

- The provision of a private driveway as opposed to a public street to service the development;
- Vehicular access points on Eglinton Avenue West;
- The number of vehicular and bicycle parking spaces provided;
- The volume and impact of traffic on Eglinton Avenue West, local roads and the community in general; and
- Compatibility with the future Eglinton Crosstown Light Rail Transit (LRT).

The application proposes a 6-metre-wide private driveway and walkway system supporting vehicular, bicycle, pedestrian, emergency access and pick-up/drop-off areas. The proposal in its current form would result in a development that lacks connections with the surrounding area. Given the size of the subject property which is 19,392 m<sup>2</sup> (1.939 hectare) and the scale of development, staff are of the opinion that a public road traversing the site would provide opportunities for connections and integration with the neighbourhood. In addition, the City services such as road maintenance and snow ploughing would be provided. As such, a public road servicing the proposed development is necessary for orderly development of the subject property, integration into the area and overall City building purposes. The public road should be designed to meet the City's Development Infrastructure Policy and Standards.

With respect to site access, two vehicular access points would be provided for the proposal. The access to be located on the western portion of the site would be a "right-in/right-out" with a driveway located between Building A and Building B. The second access would be a "full move" signalized intersection connected to the private driveway. Transportation Services staff have concerns with the locations of the vehicular accesses from Eglinton Avenue West to the site, the proposed traffic signal near Mulham Place, and its implications for the future LRT as well as overall traffic impacts on the avenue.

The Official Plan contains policies which encourage reduced automobile dependency as well as promote alternative modes of transportation, including opportunities for better walking and cycling conditions. The proposal proposes 1,436 bicycle parking spaces comprising, 133 spaces for visitors, 1,292 spaces for residents and 11 spaces for patrons of the commercial units. Bicycle spaces would be deployed on surface areas, the ground floor and in the underground parking garage. Staff will continue working with the applicant to ensure a more efficient utilization of the bicycle parking spaces by relocating and reorganizing some of the spaces.

The application proposes 1,647 vehicular parking spaces to be deployed in surface areas and in 4 underground parking levels. Transportation Services staff have indicated the number of parking spaces provided in support of the proposed development is inadequate and the application has employed the incorrect City parking standards to determine the parking supply. As a result, Transportation Services staff require the applicant to apply the appropriate City parking standards per Zoning By-law No. 569-2013 for the provision of vehicular parking spaces on the subject property.

Transportation Services staff would continue working with the applicant to address the transportation issues identified in this report. To this end staff have asked for revised plans and reports that address the following issues: conformity with the Eglinton (LRT) Environmental Assessment and the implications of SmartTrack; traffic counts to assess existing conditions; traffic growth rates on nearby roads and traffic volumes associated other developments in the area. Until the requested information has been received, no determination can be made on the extent of required improvements/changes or whether the current road network can accommodate the proposal.

It is recommended that should the Ontario Municipal Board (OMB) allow the appeal, the OMB be requested to withhold its Order on the Zoning By-Law Amendment pending the resolution of these matters to the satisfaction of the General Manager, Transportation Services.

### **Toronto District School Board**

Toronto District School Board (TDSB) staff have advised that there is sufficient space in local schools to accommodate students expected from the proposed development. TDSB staff have indicated that Westmount Junior School, Hilltop Middle School and Scarlett Heights Entrepreneurial Academy would be the schools expected to serve the students from this new development. However, the School Board staff has also reserved the right to change this status (enrollment/capacity) at any time without further notice.

### **Toronto Catholic District School Board**

Toronto Catholic District School Board (TCDSB) staff have advised that there will be significant impacts on local schools in the area. The All Saints Catholic School, St. Demetrius Catholic School and Archbishop Romero Catholic Secondary School would be impacted by the proposed development, as they are currently oversubscribed and would remain at or overcapacity for the foreseeable future. The School Board staff have also expressed concerns pertaining to the health and safety of the adjacent St. Demetrius Catholic School during outdoor functions and activities due to shadow impacts noted in this report and increased vehicular activity on the proposed driveway, which would be located along the east property line.

Planning staff are of the opinion that a reduction in the heights of Buildings C and D and E, revisions to the massing of these buildings, appropriate location of the buildings on the site and a reduction of the proposed density would reduce the developments impacts on the adjacent school. Planning staff as well as the School Board will continue working with the applicant to minimize the above noted impacts.

### **Trees**

The application is subject to the provisions of the City of Toronto Tree Protection By-law. A Streetscape and Arborist Plan submitted in support of the application has been reviewed by Urban Forestry staff. A total of 2 existing trees on public land and 34 trees on private land would be preserved. The application also proposes a total of 71 new trees along Eglinton Avenue West. Urban Forestry staff have requested that the applicant submit revised plans to address both City and private tree maintenance and planting requirements.

### **Toronto Green Standard**

The application is subject to the Toronto Green Standard. Any subsequent Site Plan Control application must comply with the Toronto Green Standard, with the exception of those standards secured through any zoning approved by the Ontario Municipal Board. The applicant will be required to complete and submit the Toronto Green Standard checklist through the Site Plan review process for this proposal, should this application be approved.

## **Section 37**

Policy 5.1.1 of the Official Plan allows for an increase in height and/or density in return for the provision of community benefits for proposed developments, in accordance with Section 37 of the *Planning Act*. Discussions regarding Section 37 benefits between the applicant and the City have not occurred as there was no agreement on an appropriate development of the site. However, as the application has been appealed to the OMB, it is necessary to address Section 37 matters in the context of the Zoning By-law Amendment application being considered by the OMB for the proposed development.

Based on the existing permitted development density (building coverage) of 33% of the lot area and a maximum building height of 11 metres (approximately 4 storeys), an overall development density of approximately 6,400 m<sup>2</sup> is permitted on the site. The total proposed gross floor area for the site is 127,900 m<sup>2</sup> with building heights ranging from 18 to 33 storeys and a Floor Space Index of 6.6 times the area of the lot.

In accordance with the City Council approved protocol for negotiating Section 37 community benefits, City Planning staff consulted with the Ward Councillor and contacted Real Estate staff regarding the estimated value of density increase proposed by this application. This report recommends that, if the proposed development is approved by the OMB in its current form, \$4,300,000 should be provided under Section 37 of the *Planning Act* for community benefits in accordance with Policy 5.1.1 of the Official Plan and included in the Zoning By-law Amendment.

It has been determined in consultation with the Ward Councillor that these funds should be allocated towards community facilities and/or park improvements and contributions towards the provision and maintenance of public art at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor. In the event the Ontario Municipal Board approves a modified proposal with reduced height and density, staff recommend that the quantum of the community benefit be reduced on a prorated basis and that the benefit continue to be for the purpose of community facilities and/or park improvements and public art contributions with a minimum value of \$250,000, at the discretion of the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor.

## **Conclusion**

The applicant has appealed the Zoning By-law Amendment application to the Ontario Municipal Board (OMB) citing Council's failure to make a decision within the required timeframe. The proposed development at this scale and intensity threatens the existing character of the neighbourhood and would set a negative precedent.

As such, this report recommends that City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff, to attend the Ontario Municipal Board Hearing in opposition to the appeal and to support the position set out in this report.

This report also recommends that City Council direct the Chief Planner and Executive Director, City Planning in consultation with the City Solicitor and Ward Councillor to continue negotiations with the applicant with the goal of addressing the issues outlined in this report.

Should the Ontario Municipal Board (OMB) allow the appeal, this report recommends that City Council direct the City Solicitor to request the OMB to withhold its Order on the Zoning By-Law Amendment until:

- A draft Zoning By-law Amendment is submitted to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.
- The owner has entered into an Agreement under Section 37 of the *Planning Act* with the City for the purpose of securing community benefits valued at \$4,300,000, to be used for community facilities, park improvements and public art if the proposed development is approved by the OMB in its current form, or a prorated quantum if the development is approved with reduced building heights and density.
- The owner has submitted to the satisfaction of the Executive Director, Engineering and Construction Services an updated Functional Servicing and Stormwater Management Report and plans. In addition, the owner would be required to enter into an agreement(s) for the construction of any improvements to existing municipal infrastructure, should it be determined that upgrades are required to support this development.
- The owner has submitted to the satisfaction of the General Manager, Transportation Services an updated Transportation Study, including an assessment of the developments compatibility with the Phase II Eglinton Avenue West LRT.

## **CONTACT**

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Fax No. 416-394-6063

E-mail: fkwashi@toronto.ca

## **SIGNATURE**

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Neil Cresswell, MCIP, RPP  
Director, Community Planning  
Etobicoke York District



## **ATTACHMENTS**

Attachment 1: Site Plan

Attachment 2: South Elevations

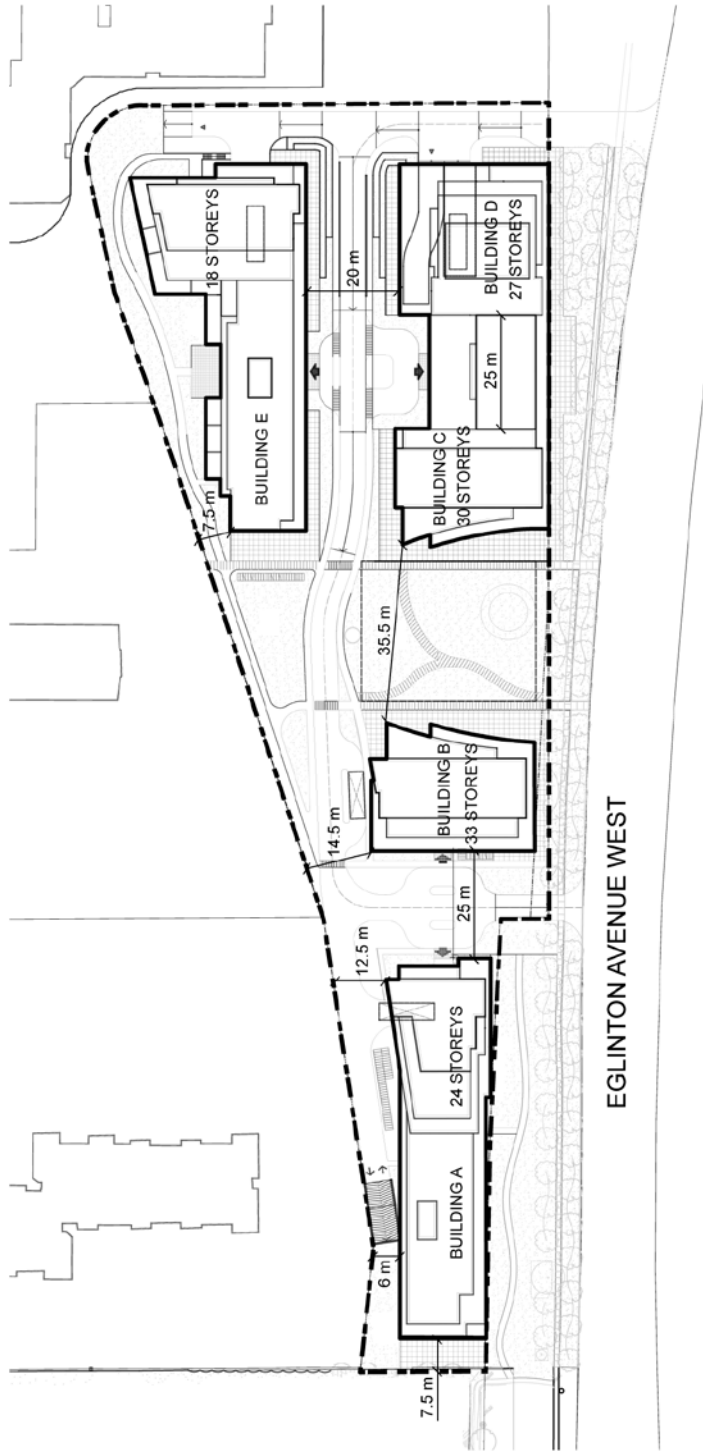
Attachment 3: North Elevations

Attachment 4: East and West Elevations

Attachment 5: Zoning (Former City of Etobicoke Zoning Code)

Attachment 6: Application Data Sheet

**Attachment 1: Site Plan**



**Site Plan**

Applicant's Submitted Drawing

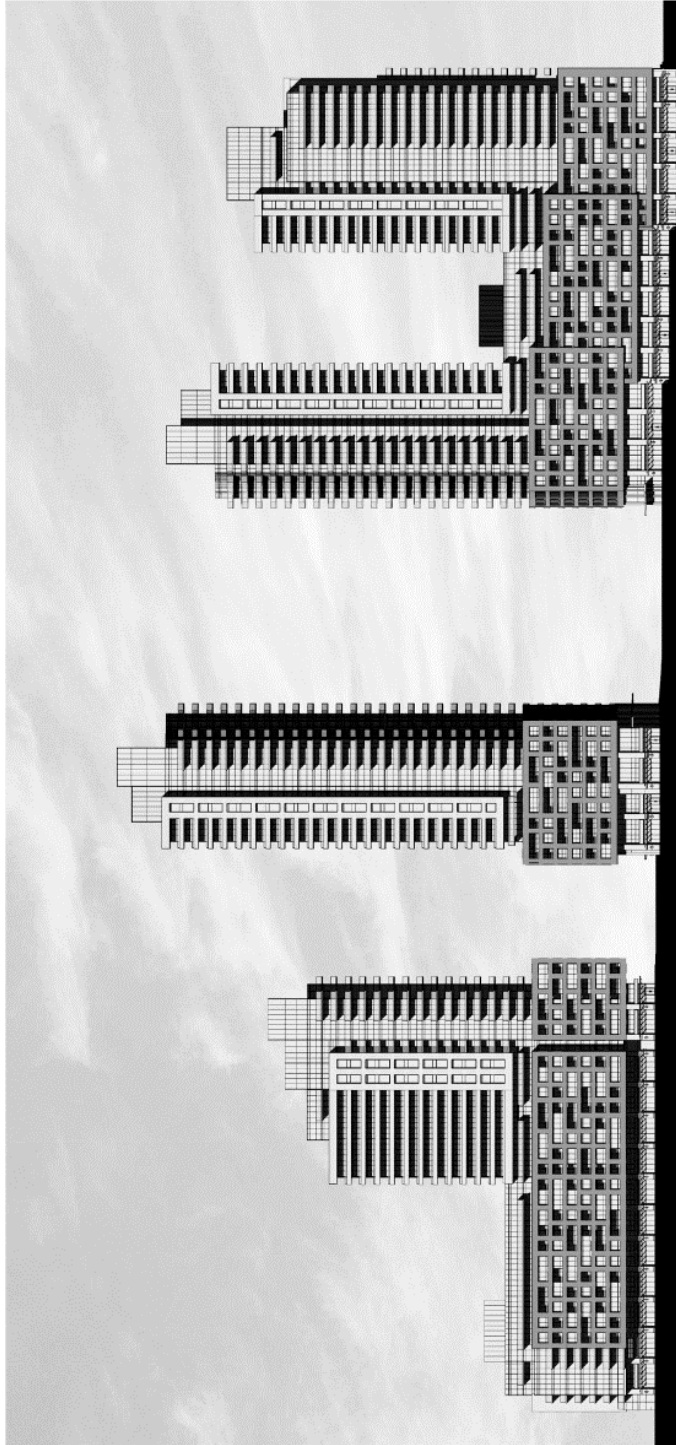
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01/15/16



**4000 Eglinton Avenue West**

File # 15 268318 WET 04 02

**Attachment 2: South Elevations**



South Elevation

**Elevations**

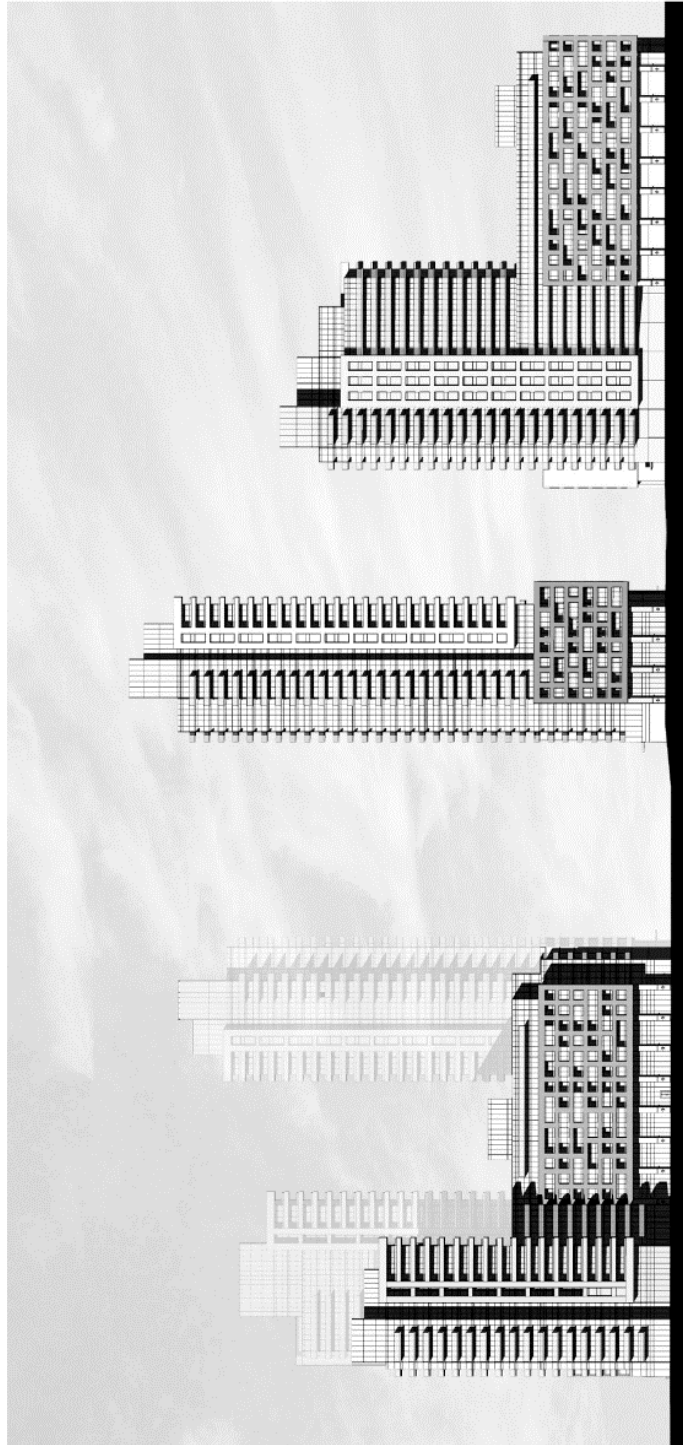
Applicant's Submitted Drawing

Not to Scale  
01/15/16

4000 Eglinton Avenue West

File # 15 268318 WET 04 02

**Attachment 3: North Elevations**



North Elevation

**Elevations**

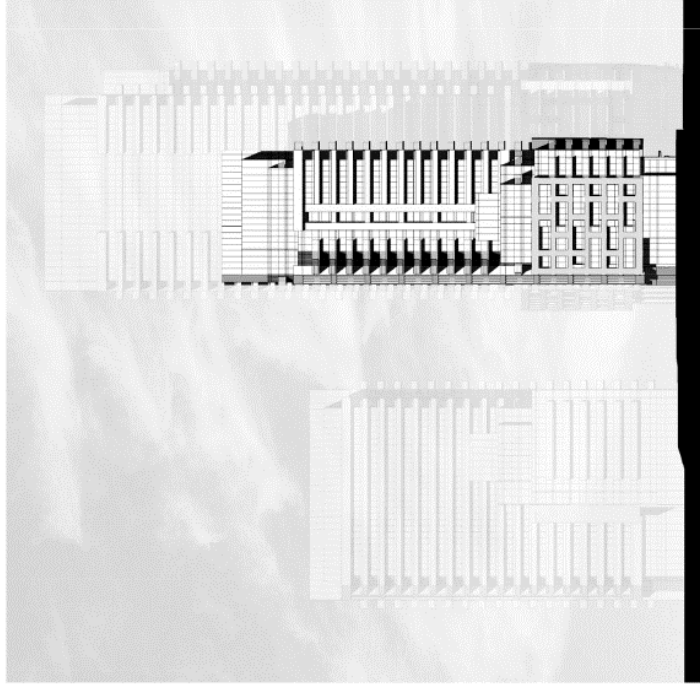
Applicant's Submitted Drawing

Not to Scale  
01/15/16

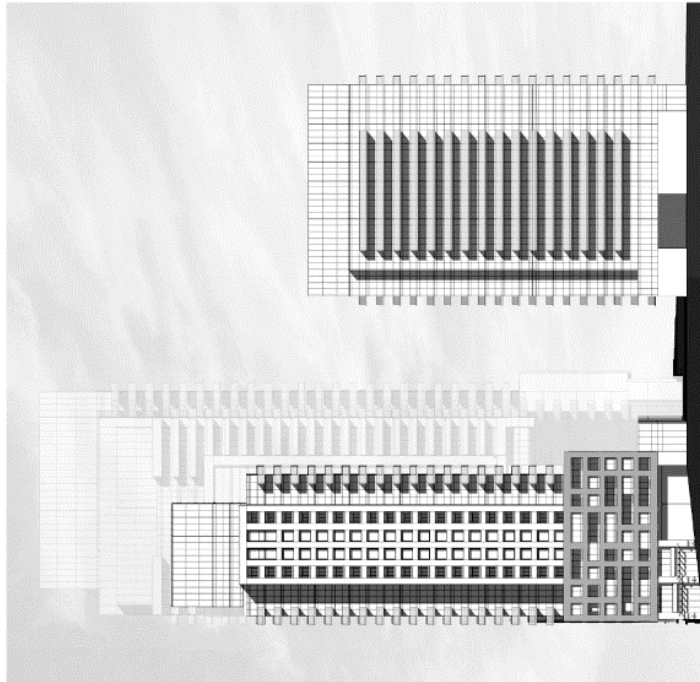
4000 Eglington Avenue West

File # 15 268318 WET 04 02

**Attachment 4: East and West Elevations**



West Elevation



East Elevation

**4000 Eglinton Avenue West**

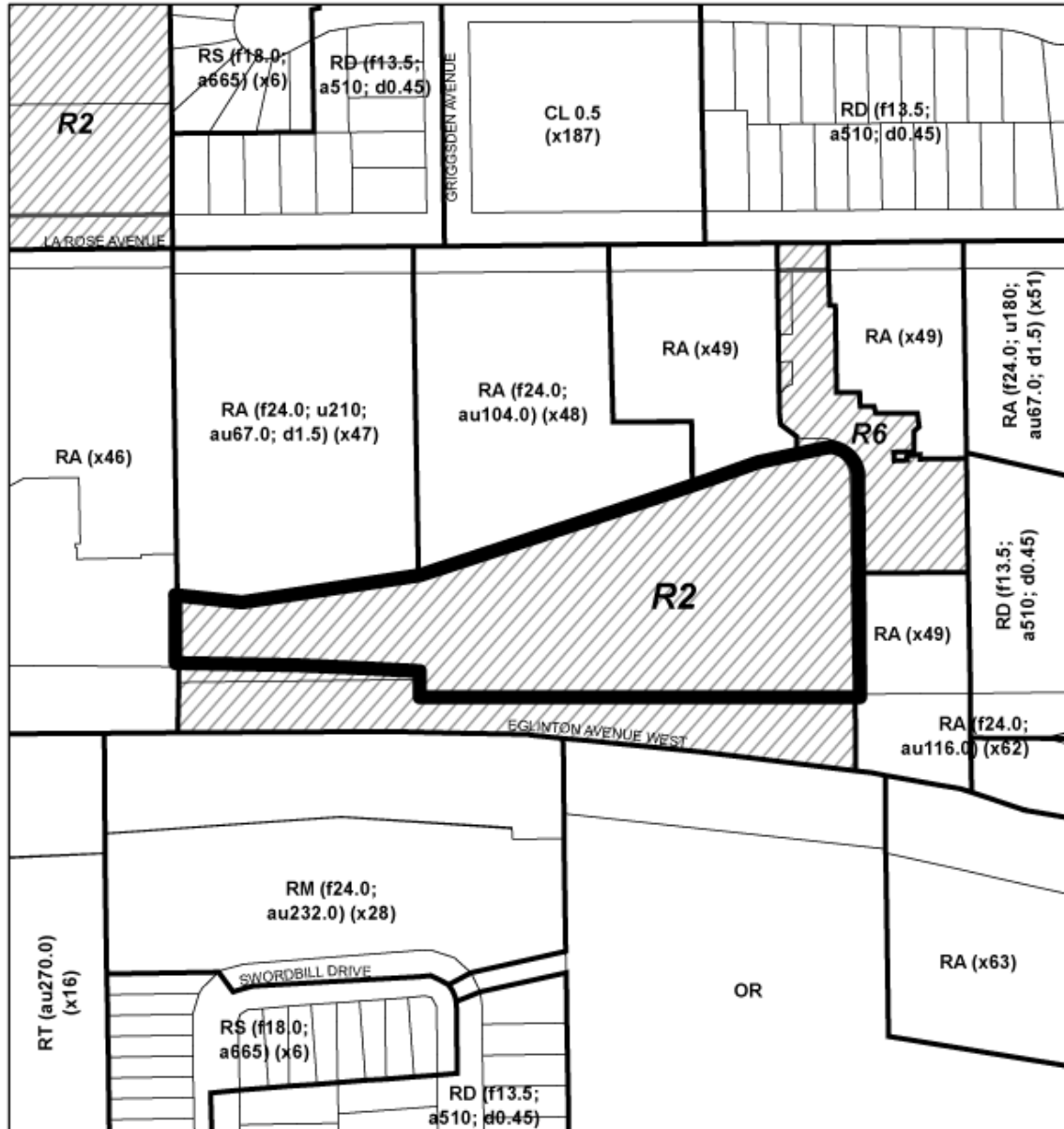
**Elevations**

Applicant's Submitted Drawing

Not to Scale  
01/15/16

File # 15 268318 WET 04 02

## Attachment 5: Zoning (Former City of Etobicoke Zoning Code)



**Zoning**

**4000 Eglinton Avenue West**

File # 15 268318 WET 04 02

Location of Application

**RD** Residential Detached  
**RS** Residential Semi-Detached  
**RT** Residential Townhouse

**RM** Residential Multiple  
**RA** Residential Apartment  
**CL** Commercial Local  
**OR** Open Space Recreation

See Former City of Etobicoke By-Law No. 11,737

**R2** Residential Second Density  
**R6** Residential Sixth Density



Not to Scale  
 Extracted: 01/15/2016

## Attachment 6: Application Data Sheet

Application Type Details: Rezoning, Standard  
 Application Number: 15 268318 WET 04 OZ  
 Application Date: December 22, 2015  
 Municipal Address: 4000 EGLINTON AVENUE WEST  
 Location Description: CON C FTH PT LOT 17 RP 64R11327 PARTS 6 7 9 10 14 PT PARTS 8 AND 15  
 \*\*GRID W0406  
 Project Description: Proposed amendments to the Etobicoke Zoning Code to permit a mixed use development consisting of a 24 storey tower (Building A), a 33 storey tower (Building B), a 30-storey and 27-storey tower (Building C and D connected by a shared podium) and an 18-storey tower (Building E). The development would contain 1,900 residential units and 1,700 m<sup>2</sup> commercial/retail space in the ground floor of Buildings B, C, and D.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Aird & Berlis LLP	Aird & Berlis LLP	Page+Steele IBI Group Architects	Lanterra 4000 Eglinton Realty Ltd.

**PLANNING CONTROLS**

Official Plan Designation:	<i>Apartment Neighbourhoods</i>	Site Specific Provision:	No
Zoning:	R2	Historical Status:	No
Height Limit (m):	11	Site Plan Control Area:	Yes

**PROJECT INFORMATION**

Site Area (sq. m):	19,392	Height:	Storeys:	18, 24, 27, 30 and 33
Frontage (m):	298		Metres:	58, 73.5, 84.5, 93.5 and 102.5
Depth (m):	106 and 30			
Total Ground Floor Area (sq. m):	7,517			<b>Total</b>
Total Residential GFA (sq. m):	126,200		Parking Spaces:	1,647
Total Non-Residential GFA (sq. m):	1,700		Loading Docks	4
Total GFA (sq. m):	127,900			
Lot Coverage Ratio (%):	38			
Floor Space Index:	6.6			

**DWELLING UNITS**

**FLOOR AREA BREAKDOWN (upon project completion)**

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:		Residential GFA (sq. m):	126,200	0
Bachelor:	26	Retail GFA (sq. m):	1,700	0
1 Bedroom:	1,370	Office GFA (sq. m):	0	0
2 Bedroom:	390	Industrial GFA (sq. m):	0	0
3 + Bedroom:	114	Institutional/Other GFA (sq. m):	0	0
Total Units:	1,900			

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