

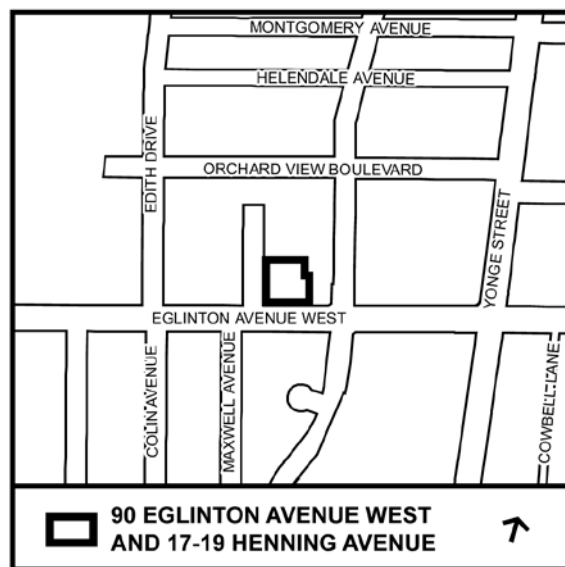
**90 Eglinton Avenue West and 17&19 Henning Avenue –
Official Plan and Zoning Amendment Applications –
Final Report**

Date:	April 12, 2017
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 16 – Eglinton-Lawrence
Reference Number:	14 145916 NNY 16 OZ & 16 140393 NNY 16 OZ

SUMMARY

These applications propose a 24-storey mixed-use residential and commercial development at 90 Eglinton Avenue West and 17 and 19 Henning Avenue consisting of 227 residential units in 15,998 square metres of residential use, 2,927 square metres of office use, and 677 square metres of commercial use for a total of 19,602 square metres. The proposed density is 8.74 times the area of the lot and the proposed height is 92.15 metres including mechanical equipment. Three levels of below grade parking would accommodate 125 vehicular spaces along with 251 bicycle parking spaces.

This report reviews and recommends approval of the applications to amend the Official Plan and Zoning By-laws. The proposal represents an appropriate built form for a mixed use building with office replacement on site, and would provide a graduation of heights from the tall buildings within the Yonge-Eglinton Centre to the mid-rise form west along Eglinton Avenue West. The proposal provides an appropriate transition from *Mixed Use Areas* to *Neighbourhoods*. The proposal has limited shadow impacts on the *Neighbourhoods* to the north and west and no shadowing on Eglinton Park (including the parking lot) after early morning. The proposal implements the setback and landscaping anticipated as part of the Eglinton Green Line initiative and supports the



redesign of the Eglinton Avenue right-of-way. As no part of the proposed building mass is to be situated upon the lands at 17 & 19 Henning Avenue, the existing *Neighbourhood* designation would be maintained. A Site and Area Specific Policy would provide for the proposed driveway, underground parking, and landscaped buffer on these lands.

THE RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan, for the lands at 17 and 19 Henning Avenue substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 11 to report dated April 12, 2017.
2. City Council amend Zoning By-laws 569-2013 and 438-86, for the lands at 90 Eglinton Avenue West, and 17 and 19 Henning Avenue substantially in accordance with the draft Zoning By-law Amendments attached as Attachment Nos. 12 and 13 to report dated April 12, 2017.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendments as may be required.
4. Prior to the Bills going forward to City Council for enactment, the owner for 90 Eglinton Avenue West, and 17 and 19 Henning Avenue withdraw their appeal for the Eglinton Connects Official Plan Amendment 253 for the provision of a rear laneway.
5. Prior to the Bills going forward to City Council for enactment, the owner for 90 Eglinton Avenue West and 17 and 19 Henning Avenue withdraw their appeal to Official Plan Amendment 231.
6. In order to lift the holding provision, the applicant will address the following condition:
 - a. The owner shall provide a revised functional servicing/storm water management study and design plans in support of a Site Plan Application, which demonstrates that the development of the site will not result in an increase in post-development flows to the combined sewer system beyond pre-development levels, in accordance with Ministry of the Environment and Climate Change Procedure F-5-5, and to the satisfaction of the Executive Director of Engineering and Construction Services and the General Manager of Toronto Water.
7. Prior to the issuance of the first above-grade building permit, the owner shall convey off-site parkland to the satisfaction of the General Manager, Parks, Forestry and Recreation.
8. Before introducing the necessary Bills to City Council for enactment, City Council require the owner of the lands at 90 Eglinton Avenue West, and 17 and 19 Henning Avenue to enter into one or more Agreement(s) pursuant to Section 37 of the Planning Act as follows to secure the following at the owner's expense:

- a. A cash payment of \$1,000,000 payable prior to the issuance of any above grade building permit:
 - i. To be used by the City in its sole discretion for the purpose of improvements to Eglinton Park in accordance with the Midtown in Focus Parks and Public Realm Plan;
- b. Require that the cash amount identified shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment; and
- c. The following matters to be secured in the Section 37 Agreement as a legal convenience to support development:
 - i. The conveyance of the off-site parkland dedication property at 61 Montgomery Avenue, prior to the issuance of the first building permit.
 - ii. A stratified easement on the east west driveway in favour of the City of Toronto to the satisfaction of the Chief Planner and Executive Director, and Executive Director of Engineering and Construction Services.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On May 11, 2010, City Council adopted amendments to the Official Plan and Yonge-Eglinton Secondary Plan to implement the policies of the Provincial Growth Plan for the Greater Golden Horseshoe for the Yonge-Eglinton Urban Growth Centre. The Official Plan Amendment established appropriate boundaries for this Urban Growth Centre and these are reflected in the current Official Plan and Yonge-Eglinton Secondary Plan. The subject site is not included in the Yonge-Eglinton Urban Growth Centre. The report for the City initiated Official Plan Amendment for the Yonge-Eglinton Urban Growth Centre is available on the City's website at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?Item=2010.PG37.2>

At its meeting of December 16, 17 and 18, 2013, City Council adopted amendments to the Official Plan (OPA 231) to implement the results of the Official Plan and Municipal Comprehensive Review for Economic Health and Employment Lands Policies and Designations and Recommendations of Conversion Requests. Among other matters, OPA 231 introduced amendments aimed to stimulate the growth of new office space and maintain current concentrations of office space near rapid transit, such as the subject site. The report and council direction is available on the City's website at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?Item=2013.PG28.2>

OPA 231 was approved by the Minister of Municipal Affairs and Housing in July 2014. Portions of the amendment are under appeal at the Ontario Municipal Board, including an appeal made by the applicant on July 28, 2014 with respect to the office replacement policies. Although not in full force and effect for the subject lands, OPA 231 represents Council's long-term land use planning direction for the lands.

The subject site is situated within the area of the Eglinton Connects Planning Study (Refer to Attachment 8). At its meeting of May 6, 7 and 8, 2014, City Council considered the Final Directions Report for the Eglinton Connects Planning Study. City Council adopted 21 recommendations under the themes of Travelling, Greening and Building Eglinton. The report and Council's direction are available

on the City's website at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG32.4>

The Phase 1 (Part 1) Implementation Report for the Eglinton Connects Planning Study was considered by City Council at its meeting of July 8, 2014. City Council adopted Official Plan Amendment 253 that included policies regarding provision of rear laneways for servicing and access along many sections of Eglinton Avenue, including the subject site. City Council also adopted resolutions regarding implementation of the Streetscape Plan. The report and Council's direction are available on the City's website at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG34.1>

The applicant has appealed the laneway policies of the Eglinton Connects OPA as they apply to the subject site.

The recommendations of the Phase 1 (Part 2) Implementation Report for Eglinton Connects Planning Study were adopted at the August 25, 26, 27 & 28th, 2014 City Council meeting, including the enactment of Zoning By-law 1030-2014. As the submission of the rezoning application pre-dated the enactment of By-law 1030-2014, the subject lands were excluded from the Eglinton Connects zoning by-law (By-law 1030-2014). In addition, City Council passed a motion to have the subject site be included in the intent of the By-law and the Eglinton Connects Study as a mid-rise site. The report for the Eglinton Connects Planning Study is available on the City's website at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?Item=2014.PG35.3>

On August 12, 2014, North York Community Council considered a Preliminary Report for the Zoning By-law Amendment application for 90 Eglinton Avenue West, dated August 6, 2014, from the Director, Community Planning, North York District. The report was adopted by Community Council with amendments, in particular, staff should continue the consultative public process recognizing that the site is not a mid-rise, however, pursuing reductions in height and density commensurate with the appropriate transitions settled upon for other developments having a sensitive relationship to nearby lower density neighbourhoods. The Preliminary Report is on the City's website at:

<http://www.toronto.ca/legdocs/tmmis/2014/ny/bgrd/backgroundfile-72636.pdf>.

On August 25, 2014, City Council adopted the report from the Chief Planner and Executive Director, City Planning, on Midtown in Focus: Parks, Open Space and Streetscape Plan for the Yonge-Eglinton Area ("Public Realm Plan"). See:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=d421bf26585a2410VgnVCM10000071d60f89RCRD>

On June 10, 11, and 12, 2015, City Council adopted Official Plan amendments to the Yonge-Eglinton Secondary Plan (Official Plan Amendment 289) that implement, among other matters, the urban design and public realm policies of the Midtown in Focus Public Realm Plan. The proposed Secondary Plan amendments are under appeal at the OMB. See:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG4.2>

OPA 289 outlines a comprehensive public realm strategy, parkland acquisition priorities and a system of public realm improvements that will be implemented as part of new development in the Yonge-Eglinton Secondary Plan Area. The site is within the Midtown Character Area in OPA 289.

The June 12th, 2015, City Council decision requested, among other matters, that the Chief Planner and Executive Director, City Planning, undertake further review of the Yonge-Eglinton Secondary Plan in consultation with other City Divisions, using a robust and high standard of public consultation and with a specific focus on:

- growth analysis to quantify potential growth in the area;
- built form issues;
- clearer direction for growth areas, stable areas and the relationships between these areas; and
- the existing conditions of community and hard infrastructure and the identification of existing and anticipated shortfalls in services and infrastructure.

On May 10, 2016, North York Community Council considered a Preliminary Report for an Official Plan Amendment application for 90 Eglinton Avenue West, and 17 and 19 Henning Avenue, dated April 20, 2016, from the Director, Community Planning, North York District. The report was adopted by Community Council. The Preliminary Report is on the City's website at:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.NY14.25>

On July 12, 2016 City Council adopted the recommendations in the report from the Chief Planner titled: "Midtown in Focus: Growth, Built Form and Infrastructure Review – Status Report". The recommendations directed staff to use the draft built form principles contained in the report in the review of the development applications in the Yonge-Eglinton Secondary Plan Area. Planning staff were also directed to use the emerging community infrastructure priorities that have been identified, as part of the development application review process.
<http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-93903.pdf>

Pre-Application Consultation

Two pre-application consultation meetings were held on May 13 and November 29, 2013. At the first meeting the applicant presented two proposals one for a 29-storey building, the other for a 36-storey building. At the second meeting the applicant presented a proposal for a 29-storey building. Issues discussed included building height and protection of Eglinton Park from shadow, office replacement, and transition to the neighbourhood to the north. Complete application submission requirements were discussed with Planning staff.

As a result of the applicant acquiring two additional properties adjacent to 90 Eglinton Avenue West at 17 and 19 Henning Avenue, discussions were held in 2016 with Planning staff about adding an Official Plan Amendment application to the Zoning By-law application. Issues discussed included protection of Eglinton Park from shadow, office replacement, and transition to the neighbourhood to the north. A meeting was held with the applicant regarding the complete application submission requirements and revised built form.

ISSUE BACKGROUND

PROPOSAL

This application proposes a 24-storey mixed use building, 86.8 metres in height (excluding mechanical penthouse), containing 227 residential units and 3,604 square metres of commercial floor area (Attachments 1, 2 & 3). A 5.35 metre high mechanical penthouse is proposed resulting in an overall building height of 92.15 metres. The mix of dwelling units includes 127 one-bedroom units and 100 two-bedroom units. All of the proposed residential units are proposed to be residential condominium ownership. A gross floor area of 19,602 square metres is proposed resulting in a density of 8.74 times the area of the lot.

The proposed building consists of a 3-storey base building with a 21-storey tower above. Uses proposed within the base building include retail uses (677 m²) on the ground floor with office uses proposed in the first level below grade (142 m²), ground level (38 m²), second level (1,427 m²) and 3rd level (1,320 m²) for a total of 2,927 square metres. The ground floor height is proposed to be 7.5 metres. The base building ground floor is proposed to be setback 5 metres along Eglinton Avenue West on the ground floor and would cantilever 3 metres over this setback space towards the property line along Eglinton Avenue West above the ground floor.

The base building at-grade would be setback 3 metres along Henning Avenue. The base building would cantilever 1 metre over this setback towards the property line along Henning Avenue. A summary of the proposed base building and tower setbacks is included in the table below. The proposed tower floorplate on the fourth and fifth floors are 756 and 728 square metres respectively and 780 square metres on floors six to twenty-four.

Category	1st Submission -2014	2nd Submission - 2015	3rd Submission - 2016
Site Area	1,823.68 m ²	1,823.68 m ²	2,242.08
Building Height	97.95 m + 5.0 mech. 29-storeys	105.75 m+ 5.35 mech. 29-storeys	86.8m + 5.35 mech. 24-storeys
Floorplate	743 m ²	750 m ²	780 m ²
Floor Space Index	12.24	12.44	8.74
GFA			
Retail	589 m ²	491 m ²	677 m ²
Office	2,862 m ²	2,593 m ²	2,927 m ²
Residential	18,864 m ²	18,854 m ²	15,998 m ²
Total:	22,315 m²	22,189 m²	19,602 m²
Residential Units	247	251	227
Amenity Space			
Indoor	678 m ²	578 m ²	455 m ²
Outdoor	236 m ²	236 m ²	455 m ²
Vehicular Parking Spaces	95 resident 30 shared	89 resident 26 shared	88 resident, 5 visitor 32 shared
Bicycle Parking	268 long-term 8 short-term	233 long-term 40 short-term	213 long-term 38 short-term

Base Building and Tower Setbacks

Original & Current Submissions	Ground Floor Setbacks	Base Building Setbacks	Stepbacks Between the Base & Tower	Tower Setbacks
North 2014 2016	0.2m 10.55m	6.5m 10.55m	6.45m 10.6m	11.6m 21.2m
South 2014 2016	4.50m 5.0m	0.0m 2.0m	2.0m 3.0m	2.0m 5.0m
East 2014 2016	0.0m 0.95m	0.0m 0.95m	12.55m 10.0m	12.55m 10.0m
West 2014 2016	0.0m 3.0m	0.0m 2.0m	2.8m 4.1m – levels 4 & 5 2.0m – levels 6-24	2.8m 6.1m – levels 4 & 5 4.0m – levels 6-24

The proposal includes 127 one-bedroom units and 100 two-bedroom units for a total of 227 residential units.

Common residential indoor amenity space proposed includes 168.9 square metres on the third floor level below grade, 46.3 square metres on the ground floor, and 239.4 square metres on the 4th floor for a total of 455 square metres. Outdoor amenity is proposed at-grade level at 48.7 square metres and 406.1 square metres would be located on the fourth floor adjacent to the indoor space for a total of 455 square metres.

Three levels of underground parking with 88 parking spaces are proposed for residents; 5 spaces would be for resident visitors on the second level below grade, and 32 shared parking spaces would be for visitor, office and retail uses located in a commercial lot on the first level underground. A total of 251 bicycle parking spaces are proposed including 213 long-term spaces located under-ground and 38 short-term spaces located at-grade. Access to loading and parking is proposed from a 6 metre wide covered driveway at the north end of the site accessed from Henning Avenue.

A green roof of 259 square metres is proposed on the mechanical floor level and 328 square metres on the mechanical roof level for a total of 587 square metres. Additional site and development statistics are included in the Application Data Sheet in Attachment 10.

Site and Surrounding Area

The subject site is located on the northeast corner of Eglinton Avenue West and Henning Avenue. The site is within 200 metres of the Eglinton subway station and the future Eglinton Crosstown LRT Station. The site has an area of 2,242 square metres with 45.6 metres of frontage along Eglinton Avenue West and 51.5 metres of frontage along Henning Avenue. The site is currently occupied by a 6-storey office building (approximately 28 metres high) with grade related retail uses as well as two semi-detached dwellings along Henning Avenue. The total gross floor area of the existing office building is approximately 7,710 square metres, including 5,853 square metres of office space and 743 square metres of ground floor retail uses.

Land uses surrounding the subject lands include:

North: There is a low rise residential neighbourhood of 2-storey semi-detached dwellings adjacent to the north, that extends along the east and west sides of Henning Avenue. This area is designated *Neighbourhoods*. Henning Avenue is not a through street and extends to the rear yards of the 3-storey detached dwellings to the north that front along Orchard View Boulevard. This low-rise neighbourhood extends further north to Montgomery Avenue and is designated *Neighbourhoods* in the Official Plan.

East: Adjacent to the east of the site at the northwest corner of Eglinton Avenue West and Duplex Avenue is a 2-storey Toronto Hydro building. The Toronto Hydro site adjacent to the east is on the Eglinton Avenue *Avenue* and designated *Mixed Use Areas* in the Official Plan. Further east (east of Duplex Avenue) are lands in the Yonge-Eglinton *Centre*. There is a 6-storey office building on the northeast corner of Duplex Avenue and Eglinton Avenue West. This site is situated within the Yonge-Eglinton *Centre* and is designated *Mixed Use Areas* in the Official Plan. A Zoning By-law Amendment to permit a 39-storey mixed-use building with a height of 122.5 metres on this site was approved in 2012 by the Ontario Municipal Board (File: 09 148338 NNY 16 OZ). Further east extending to Yonge Street is the Rio Can retail and office complex (22 and 30-storey office buildings with heights of 93.3 and 124.4 metres respectively), and two high-rise apartment towers to the north (17 and 22-storeys and with heights of 64.4 and 48.3 metres respectively). A Zoning By-law amendment application to increase the heights of the two office buildings to 27 and 37-storeys with heights of 110.5 and 148.5 metres respectively, was approved in 2011 (File: 09 110945 NNY 16 OZ).

West: There is a 6-storey office building opposite the site on the west side of Henning Avenue and 4 and 8 storey office buildings and a 7-storey mixed-use building further west fronting on Eglinton Avenue West. These sites are also on the Eglinton *Avenue* and are designated *Mixed Use Areas* in the Official Plan. There are semi-detached dwellings along Henning Avenue further north. There is a 13-storey apartment building on the west side of Edith Drive, adjacent to the north of the 7-storey mixed-use building at the northwest corner of Edith Drive and Eglinton Avenue West. Eglinton Park is further west.

South: Opposite the site on the south side of Eglinton Avenue West is the 4-storey Toronto Police Services 53 Division building situated at the southeast corner of Duplex Avenue and Eglinton Avenue West. This site is also situated on the *Avenue* and designated *Mixed Use Areas* in the Official Plan. There is also a 3-storey rental apartment building at the southwest corner of Maxwell Avenue and Eglinton Avenue West opposite the site situated on the *Avenue* and designated *Apartment Neighbourhoods*. Further west along Eglinton Avenue West are a series of 3 three-storey rental apartment buildings. Further south is a low rise residential neighbourhood of 2-storey detached dwellings designated *Neighbourhoods*.

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 policy 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, by the *Planning Act*, 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, as the case may be, 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 site is located on an *Avenue* (Attachment 5) and is primarily designated *Mixed Use Areas*, with the northern portion of the site containing the two semi-detached dwellings being designated *Neighbourhoods* in the Official Plan (Attachment 6). The site is located in the Yonge-Eglinton Secondary Plan area (Attachment 7).

The boundary of the Yonge-Eglinton *Centre* extends along Duplex Avenue east of the site with properties on the east side of Duplex Avenue designated *Mixed Use Areas* within the *Centre*. The Yonge-Eglinton Centre is one of five Provincial Urban Growth Centres within Toronto. The northwest quadrant of the Yonge-Eglinton Urban Growth Centre is focused on the intersection of Yonge Street and Eglinton Avenue due to the established neighbourhood to the northwest.

Avenues and Centres Policies

The growth management strategy for the City steers growth and change to some parts of the City, while protecting neighbourhoods and green spaces from development pressures. Section 2.2.2 of the Official Plan identifies five areas that can best accommodate growth including the *Downtown, Central Waterfront, Centres, Avenues* and *Employment Districts*. The Official Plan directs growth to these areas in order to achieve multiple City objectives. Among other things, it promotes the efficient use of municipal services and infrastructure, concentrates jobs and people in areas well served by transit, promotes mixed-use development to increase opportunities for living close to work and to encourage walking and cycling, and protects neighbourhoods, green spaces and natural heritage features and functions from the effects of nearby development.

The Official Plan recognizes the strategic mid-town location of the Yonge-Eglinton Centre and its continuing role as both an office centre and a desirable living area. The Plan promotes new development within the Yonge-Eglinton Centre and identifies where and how this should occur including through infill development and redevelopment of key sites near the Yonge Street and Eglinton Avenue intersection and along Eglinton Avenue East.

Avenues are considered 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. The Plan recognizes that the *Avenues* will be transformed incrementally, that each is different and that there is no one size fits all approach to reurbanizing them.

Section 2.2.3.1 of the Official Plan provides that reurbanizing the *Avenues* will be achieved through the preparation of *Avenue* studies for strategic mixed use segments. Section 2.2.3.3 of the Official Plan provides for development on an *Avenue* prior to an avenue study subject to certain requirements. In addition to addressing the policies of the Plan for *Mixed Use Areas*, Section 2.2.3.3 requires that proponents of proposals also address the larger context and examine the implications for the segment of the *Avenue* in which the proposed development is located.

Further, the Plan provides that development requiring a rezoning will not be allowed to proceed prior to completion of an *Avenue* study unless the review demonstrates to Council's satisfaction that subsequent development of the entire *Avenue* segment will have no adverse impacts within the context and parameters of the review. For development within a *Mixed Use Area* that precedes an *Avenue* study, Section 2.2.3.3c outlines requirements that must be satisfied in addition to all other policies of the Plan including in particular the neighbourhood protection policies.

The City has undertaken an *Avenue* study for Eglinton Avenue; the Eglinton Connects Planning Study, completed in 2014. The study area included the subject site. However, the resulting By-law 1030-2014 which implemented the results of the Avenue Study was not applied to the subject lands because the rezoning application was submitted prior to enactment of By-law 1030-2014.

Healthy Neighbourhoods Policies

The Official Plan's Healthy Neighbourhoods policies recognize that established neighbourhoods can benefit from directing growth to areas such as the *Avenue* with improved services, amenities and other enhancements while preserving the shape and feel of the neighbourhood. At the boundary points between the neighbourhoods and the growth areas, development in the *Mixed Use Areas* will have to demonstrate a transition in height, scale and intensity to ensure that the stability and general amenity of the adjacent residential area are not adversely affected. To protect *Neighbourhoods* and limit development impacts Section 2.3.1.2 provides that development in *Mixed Use Areas* that are adjacent or close to *Neighbourhoods* will be compatible with those *Neighbourhoods*. Section 2.3.1.2(a-d) contains policies for development in *Mixed Use Areas* to:

- be compatible with the *Neighbourhood*;
- provide a gradual transition of scale and density;
- maintain adequate light and privacy for residents; and
- attenuate resulting traffic and parking impacts.

Public Realm and Built Form Policies

The public realm policies of Section 3.1.1 of the Official Plan recognize the essential role of our streets, open spaces, parks and other key shared public assets in creating a great City. These policies aim to ensure that a high level of quality is achieved in landscaping, urban design and architecture in public works and private developments to ensure that the public realm is beautiful, comfortable, safe and accessible.

The Official Plan recognizes that most of the City's future development will be infill and as such will need to fit in, respect and improve the character of the surrounding area. As a result, the built form policies of Section 3.1.2 seek to ensure that new development is located, organized and massed to fit harmoniously with the existing and/or planned context and will limit its impacts on neighbouring streets, parks, open spaces and properties. Among other things this harmony is achieved by: massing new

buildings to frame adjacent streets in a way that respects the existing and/or planned street proportion; creating appropriate transitions in scale to neighbouring or existing and/or planned buildings, providing for adequate light and privacy and adequately limiting any resulting shadowing of, and uncomfortable wind conditions, on neighbouring streets and properties.

Due to the larger civic responsibility and obligations associated with tall buildings, the built form policies of Section 3.1.3 provide additional design direction to ensure that they fit into the existing and planned context and limit local impacts. The Plan states that although tall buildings are desirable in the right places they do not belong everywhere and are only one form of intensification. Policy 3.1.3.2 requires new tall building developments to address key urban design considerations set out in the Plan.

Mixed Use Areas Policies

A broad range of commercial, residential and institutional uses in single use or mixed-use buildings, as well as parks and open spaces and utilities are permitted within the *Mixed Use Areas* designation. The Official Plan recognizes that *Mixed Use Areas* achieve a number of planning objectives by combining a broad array of uses. The Plan notes that not all *Mixed Use Areas* will experience the same scale or intensity of development. Development in the *Mixed Use Areas* along the *Avenues* will generally be at a much lower scale than in the *Downtown* and most often at a lower scale than in the *Centres*.

Where there is new development proposed in *Mixed Use Areas*, proposals are assessed against development criteria included in Section 4.5.2 of the Official Plan. These criteria include among other matters:

- locating and massing new buildings to provide a transition between areas of differing development intensity and scale, as necessary to achieve the objectives of the Plan, through means such as providing setbacks from and/or stepping down of heights toward 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;
- locating and screening service areas, ramps, and garbage storage to minimize the impact on adjacent streets and residents; and
- providing indoor and outdoor recreational space for building residents in every significant multi-unit residential development.

OPA 231

Official Plan Amendment 231 (OPA 231) promotes new office development in transit rich areas of the City and includes a policy requiring the replacement of office space in certain circumstances. Specifically, Policy 3.1.5.9 requires the replacement and increase of office space on properties that have more than 1,000 square metres of existing office space; the new development includes a residential component; and the property is located in a *Mixed Use Area* and within 500 metres of an existing subway station. Where site conditions and context do not permit an increase in office area on the same site, the required replacement of office floor space may be constructed on a second site prior to or

concurrent with the residential development. This policy is under appeal to the OMB, and therefore, it is relevant, but not determinative in terms of the Official Plan policy framework.

The subject site is situated approximately 200 metres west of the existing Eglinton subway station and has frontage on Eglinton Avenue West along the future Eglinton Crosstown LRT line. The site is currently occupied with a 6-storey, 7,710 square metre commercial building. Approximately 5,853 square metres is used for office. The proposal includes 2,927 square metres of office floor area, which achieves a 50% rate of office space replacement. The proposal also includes 677 square metres of retail area at grade.

Neighbourhoods Policies

Neighbourhoods are considered physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as walk-up apartments that are no higher than 4-storeys. Parks, low-scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in *Neighbourhoods*. The Plan identifies these established areas as physically stable and that development will respect and reinforce the existing physical character of the neighbourhood. Particular aspects of physical character are identified including: patterns of streets, blocks and lanes; lot size; heights, massing, scale and dwelling types of nearby residential properties; prevailing building types, or predominant forms of development in the neighbourhood, and prevailing patterns of rear and side yard setbacks and landscaped open space.

The Official Plan is available on the City's website at:

http://www1.toronto.ca/staticfiles/city_of_toronto/city_planning/developing_toronto/files/pdf/chapters1_5_dec2010.pdf

OPA 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 Neighbourhood*, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals in the Official Plan to protect and enhance existing neighbourhoods and to allow limited infill on underutilised apartment sites in *Apartment Neighbourhoods*. In particular, the *Healthy Neighbourhood* policies have been strengthened with respect to situations where development is proposed in *Mixed Use Areas* that are adjacent or close to *Neighbourhoods*.

The Minister of Municipal Affairs 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.

More information regarding OPA 320 can be found here:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=c860abe3a6589410VgnVCM10000071d60f89RCRD>

Yonge-Eglinton Secondary Plan

The Yonge-Eglinton Secondary Plan provides a locally focussed policy framework for guiding growth and change in the Secondary Plan area. The general policies of the Secondary Plan establish objectives in relation to land use, the nature and scale of development, transportation, urban form and public realm, Staff report for action – Final Report – 90 Eglinton Avenue West, and 17 & 19 Henning Avenue 12

community services, and parks and open spaces. The Yonge-Eglinton Secondary Plan Area encompasses lands within the Yonge-Eglinton Centre and surrounding area, and provides a development framework for the Centre as well as the larger Secondary Plan area including the subject site. Refer to Attachment 7.

It is a primary objective of the Secondary Plan to maintain and reinforce the stability of *Neighbourhoods* and to minimize conflicts among uses in *Mixed Use Areas*, *Neighbourhoods*, *Apartment Neighbourhoods* and *Parks and Open Space Areas* in terms of land use, scale and vehicular movement. Section 2.5 provides that the development of mixed use buildings in *Mixed Use Areas* will be encouraged to increase active pedestrian circulation at street level, and to increase housing opportunities for family and other households. Secondary Plan objectives also seek to ensure that 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 buildings form a positive visual relationship to the street.

Among other things it is the 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 Areas* and *Apartment Neighbourhoods*, and 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*.

The Secondary Plan provides for development of the greatest height, density and scale to be situated in *Mixed Use Area "A"*, and development of a lesser scale that is contextually appropriate and compatible with adjacent areas to be located in *Mixed Use Areas "B"*, *"C"*, and *"D"*. The 90 Eglinton Avenue West part of the subject site is located within *Mixed Use Areas "C"*. Higher density residential development proposals within *Apartment Neighbourhoods* are directed to sites with nearby subway station access.

The Secondary Plan recognizes the importance of higher order transit, existing and planned for Yonge-Eglinton, and Section 2.10 provides opportunity to consider reduced parking requirements for development in *Mixed Use Areas* which are in close proximity to subway and light rapid transit access. Improvements to the public realm are encouraged in association with all development and Section 2.16 provides that when a new development is proposed on a major street, such as Yonge Street and Eglinton Avenue, the possibility of a building setback to provide a wider sidewalk will be considered. The *Parks and Open Space Areas* policies of Section 2.21 encourage the creation of interesting and engaging parks and open spaces that are safe, comfortable and accommodate people of all ages and abilities.

The policies of Section 4 of the Secondary Plan for *Mixed Use Areas* seek to ensure a compatible relationship of uses in *Mixed Use Areas* and residential uses in adjacent residential areas and that access points, the relationship of development to the sidewalk, and the location of walls, fences and trees enhance the quality of the streetscape. The Yonge-Eglinton Secondary Plan is available on the City's website at:

http://www.toronto.ca/planning/official_plan/pdf_secondary/21_yonge_eglinton_dec2010.pdf

Eglinton Connects Study

This comprehensive planning study examined the land use planning framework, built form, public realm and road configuration on Eglinton Avenue between Weston Road and Kennedy Subway Station, corresponding to the extent of the Eglinton Crosstown LRT.

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A vision for the intensification of Eglinton Avenue was developed through extensive public consultation with residents and stakeholders. The vision states that Eglinton Avenue will become Toronto's central east-west avenue – a green, beautiful linear space that supports residential living, employment, retail and public uses in a setting of community vibrancy. Its design will balance all forms of mobility and connect neighbourhoods and natural valley systems to the larger City and the region.

The Study findings and implementing zoning by-laws and Official Plan Amendment 253 were adopted by City Council in 2014. The study and links to the various staff reports and implementing by-laws can be found here:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=of8e86664ea71410VCM10000071d6of889RCRD>

The 'Travelling' recommendations give direction for the future public realm and adjacent right-of-way, and include recommendations for a wider sidewalk, lay-by parking, a bike lane and three lanes of traffic for the right-of-way adjacent to this site. Recommendation #6 also gives direction for a new public lane along the rear of this site to be provided in conjunction with new development. The purpose of the public lane is to extend the network of rear lanes specifically to provide access to below-grade parking, servicing and loading in order to avoid conflicts on Eglinton Avenue. The applicant has appealed Official Plan Amendment 253 to the OMB for relief from the Official Plan policy requiring the provision of public lanes along the rear of redevelopment sites fronting on Eglinton Avenue. The applicant has included a publicly accessible rear lane in their latest proposal.

The 'Building' Recommendation #15 from the Study anticipates that new buildings should be mid-rise built form for the portions along Eglinton Avenue that are identified as an *Avenue* in the Official Plan. As a result, the implementing By-law 1030-2014 rezoned lands to the west of the subject site to permit heights up to 22.5 metres. The subject site was not included in the zoning by-law implementing the Study (as all sites with active applications were excluded).

Midtown In Focus Study

Midtown in Focus: Parks, Open Space and Streetscape Plan for the Yonge-Eglinton Area

On August 25, 2014, City Council adopted the report from the Chief Planner and Executive Director, City Planning on Midtown in Focus – the Parks, Open Space and Streetscape Plan ("Public Realm Plan") for the Yonge-Eglinton Area. The Public Realm Plan is available on the City's website at: <http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=d421bf26585a2410VgnVCM10000071d60f89RCRD>

The Public Realm Plan is generally focussed on the Yonge-Eglinton *Centre* but also includes streets and open spaces at the edge of the *Centre*, including the subject site.

The Plan recognized that the study area has a distinct quality and character, consisting of a vibrant mixed use community with an open and green landscaped character. Focusing on the public realm as a fundamental contributor to quality of life in Midtown, the Plan provides a vision for the maintenance and enhancement of this character. The Plan outlines five Place-Making Moves that, together with other streetscape improvements and the enhancement and expansion of parkland in the area, will form a thriving system of parks, open spaces and streets.

Midtown In Focus: Official Plan Amendment No. 289

On June 10, 11, 12, 2015, City Council adopted Official Plan amendments to the Yonge-Eglinton Secondary Plan (Official Plan Amendment 289) that implement, among other matters, the urban design and public realm policies of the Midtown in Focus Public Realm Plan. OPA 289 outlines a comprehensive public realm strategy, parkland priorities and specific objectives to guide City-initiated improvements and developments in the Yonge-Eglinton Secondary Plan Area.

The Secondary Plan amendments are under appeal at the OMB. As directed by City Council in 2014, City staff continue to use the vision, principles and priorities of the approved plan as a guide in the review of development applications and parkland acquisition. The staff report as adopted by Council is available on the City's website:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG4.2>

Midtown in Focus: Growth, Built Form and Infrastructure Review

The City Planning Division is leading an inter-divisional review of growth, built form and infrastructure issues in the Yonge-Eglinton area that builds on the Midtown in Focus Public Realm Plan. The review is a response to the rapid intensification and change underway in parts of the Yonge-Eglinton Secondary Plan area. The objective of the review is to ensure that growth positively contributes to Midtown's continued livability and vitality by establishing a clear and up-to-date planning framework and ensuring that local transportation, municipal servicing and community infrastructure keeps pace with development.

The review began in late 2015 and includes the following activities:

- **Growth Analysis**, including development of near, medium and long term growth estimates to inform the infrastructure assessments.
- A **Built Form Study** to document area character and development trends, develop built form principles and a built form vision, undertake built form testing, visualize a future built form concept and identify policy directions to better guide the area's evolution.
- A **Cultural Heritage Resource Assessment** to document the area's archaeological and development history, identify properties of cultural heritage value or interest for listings and designations and identify additional recommendations for conservation and further study.
- A **Community Services and Facilities Study** to inventory existing services and facilities, assess needs and opportunities in the context of future growth and demographic change and outline an implementation strategy for priority community infrastructure projects.
- **Transportation and Municipal Servicing Assessments** to document the performance and capacity of existing transportation and municipal servicing infrastructure, evaluate priority areas and identify potential capital upgrades required to support continued growth in the Secondary Plan area.
- An area wide **Parks Plan** and **public realm strategy for the Davisville area** to complement the 2014 Parks, Open Space and Streetscape Plan for lands in and around the Yonge-Eglinton Centre.

City staff anticipates reporting to City Council in late 2017 with a Proposals Report that identifies proposed policy directions that will inform the development of an updated Yonge-Eglinton Secondary Plan as well as other emerging directions related to the infrastructure assessments and strategies.

Following a City Council decision on the Proposals Report, further consultation will occur on recommended directions and proposed amendments to the Yonge-Eglinton Secondary Plan.

City-Wide Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building 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.

The city-wide Tall Building Design Guidelines are available at:

<http://www.toronto.ca/planning/tallbuildingdesign.htm>

Zoning

The majority of the site is zoned in a Mixed-Use (CR) zone in Zoning By-law 569-2013 and in former City of Toronto Zoning By-law 438-86. A wide range of retail and commercial uses as well as residential uses are permitted on the site. A maximum overall density of 3 times the area of the lot is permitted. For commercial uses the maximum density permitted is 3 times the area of the lot and the maximum density for residential uses is 2 times the area of the lot. The maximum building height permitted is 15 metres. The properties at 17 and 19 Henning Avenue are zoned Residential (R) in Zoning By-law 569-2013 and Residential (R2) in former City of Toronto Zoning By-law 438-86. These zones permit single detached and semi-detached dwellings with a FSI of 0.6 and maximum height of 9 metres. Refer to Attachments 4a and b.

Site Plan Control

This proposal is subject to Site Plan Control. The applicant submitted a Site Plan Application on February, 18 2015 (File No. 15 118181 NNY 16 SA). Staff are reviewing the application concurrently.

Reasons for Application

An Official Plan Amendment is necessary to permit the development proposal to include the two properties at 17 and 19 Henning Avenue, designated *Neighbourhoods*, into the development through a Site and Area Specific Policy.

The lands for 17 and 19 Henning Avenue are proposed to provide a 21.2 metre tower setback distance and transition to the low-rise residential properties further north, a 10.55 metre setback of the building base to the north property line, to provide a landscaped buffer ranging from 2 to 3 metres, a 1.65 metre pedestrian walkway, a 6 metre publicly accessible driveway and service related uses at the rear of the proposed building. No above grade building or gross floor area is proposed at 17 and 19 Henning Avenue. On the balance of the lands at 90 Eglinton Avenue West, a 24-storey mixed use residential building with retail and office uses is proposed.

Zoning By-law Amendments are required as the zoning by-laws permit a maximum building height of 15 metres and the proposed building would have a height of 92.15 metres (including mechanical penthouse). As well, a maximum overall density of 3 times the area of the lot is permitted and a density of 8.74 times the area of the lot is proposed. Zoning By-law Amendments are also required to establish development standards such as parking and loading space requirements, building setbacks, and required landscaping and amenity space for the proposed development.

Community Consultation

A community consultation meeting for the rezoning application, based on a 29-storey development, was held on July 31, 2014 at the Northern District Library (40 Orchard View Boulevard). Planning staff, the Ward Councillor and approximately 35 members of the public attended. Issues raised included:

- potential loss of on-street parking along Henning Avenue;
- the proposed deficient number of parking spaces for the residential uses;
- potential impacts on traffic circulation in the area and on Henning Avenue;
- the proposed height of the building;
- shadow impacts of the building on the neighbourhood to the north;
- lack of larger dwelling units; and
- the impacts from construction on the residents of Henning Avenue.

A second community consultation meeting was held on May 11, 2016 for the Official Plan Amendment application, based on a 24-storey development, at the Northern District Library (40 Orchard View Boulevard). Planning staff, the Ward Councillor and approximately 80 members of the public attended. Generally, the residents in attendance were opposed to the proposal and raised a number of concerns:

- shadow impacts on the neighbourhood to the north and Eglinton Park;
- the proposal should be for a mid-rise building;
- too many units;
- the existing office use being relocated;
- concern for the precedent of potentially re-designating the properties at 17 and 19 Henning into *Mixed Use Areas*;
- disregard for the Official Plan and Yonge/Eglinton Secondary Plan policies;
- lack of transition with the scale and building massing;
- parking issues during construction and once the building is operational;
- the functioning of the rear laneway; and
- concerns with extreme weather conditions and stormwater and sewer systems.

Agency Circulation

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

COMMENTS

Provincial Policy Statement and Growth Plan

The Provincial Policy Statement, 2014 ("PPS") and the Growth Plan for the Greater Golden Horseshoe are high-level and broad reaching documents. The City is a development area and infill is encouraged under these policies. The PPS recognizes that the Official Plan is the most important vehicle for implementation of the PPS and assists in implementing the Growth Plan by setting out appropriate land use designations and policies. Official plans provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

Section 1.1.1(e) states that healthy, liveable and safe communities are sustained by promoting cost-effective development patterns and standards to minimize land consumption and servicing costs.

Section 1.5.1 states that healthy, active communities should be promoted by planning public streets, spaces and facilities to be safe so as to meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity.

Section 1.6.7.3 states that a land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and supports current and future use of transit and active transportation.

The proposal achieves these objectives by proposing a mixed-use development with replacement office and retail, and residential within a built-up area in close proximity to pedestrian, vehicular and transit routes. The proposal represents an appropriate level of intensification given its close proximity to the Yonge-Eglinton intersection and the surrounding built form context. The proposal is consistent with the PPS.

The proposed development also meets the policies of the Provincial Growth Plan. The Growth Plan promotes increased intensification of the existing built-up area with a focus on areas of the City such as major transit station areas. The site is two blocks from the Eglinton subway station and future Eglinton Crosstown LRT Station.

Section 2.2.2.1(a) promotes new growth to the built-up areas of the community through intensification.

Section 2.2.2.1(d) promotes the reduction in dependence on the automobile through the development of mixed-use, transit-supportive, pedestrian-friendly urban environments.

Section 2.2.2.1(g) requires planning and investing for a balance of jobs and housing in communities across the *GGH* to reduce the need for long distance commuting and to increase the modal share for transit, walking and cycling.

Section 2.2.2.1(h) encourages cities and towns to develop as complete communities with a diverse mix of land uses, a range and mix of employment and housing types, high quality public open space and easy access to local stores and services.

The proposal will provide a mix of commercial and residential uses in a transit supportive development in the Yonge/Eglinton area with easy access to higher order public transit and through the promotion of a building design which will contribute to an improved public realm environment. The proposed level of intensification is appropriate given the immediate planned and built form context and concentration of development in the vicinity of the Yonge Eglinton Centre. The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use

The Official Plan designates the subject site as *Mixed Use Areas* along Eglinton Avenue West and *Neighbourhoods* (17 and 19 Henning Avenue) on Map 17, Land Use Plan (Attachment 6). The Official Plan calls for development in *Mixed Use Areas* that will absorb most of the anticipated increase in retail, office and service employment, as well as housing. Specifically, Policy 4.5.2(a) states that *Mixed Use Areas* create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community. Furthermore, the Official Plan states that the *Neighbourhoods* designation is one of four land use designations to protect and reinforce the existing physical character of this area. Policy 4.1.1 states that *Neighbourhoods* are

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considered physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses no higher than four storeys.

The proposal is for a development with a mix of residential, retail and office uses to be built within the *Mixed Use Areas* portion of the site and the balance of the site that is *Neighbourhoods* will provide public pedestrian and vehicular access through a rear lane, and landscaped buffer. The inclusion of the *Neighbourhoods* designated property is appropriate in this instance as it provides a greater setback between the proposed building and the *Neighbourhood* to the north along Henning Avenue while it also establishes a clear boundary with the introduction of the landscaped buffer and the rear lane as it generally in keeping with the intent of OPA 253. The proposal is within walking distance to the Eglinton subway and the future Eglinton Crosstown LRT Station, places of employment, retail stores, services and places of entertainment. These attributes establish this site as being well suited to redevelopment and for intensification consistent with the Provincial policies and the Official Plan.

Office Replacement

OPA 231's office replacement policy, which is currently under appeal, requires 100% office space replacement. Staff have worked with the applicant to make project improvements, including reducing the building height from 29 to 24-storeys, while balancing City Council's direction to retain office space. Planning staff are of the opinion that the 50% office space replacement proposed is appropriate in this instance. Full replacement in the base of the building would be a challenge from a massing and neighbourhood impact perspective.

Site & Area Specific Policy

The applicant has submitted an application for an Official Plan Amendment to re-designate the properties at 17 and 19 Henning Avenue from *Neighbourhoods* to *Mixed Use Areas*. Through the review process, it was determined that the two Henning properties could remain designated as *Neighbourhoods*, and subject to a Site And Area Specific Policy that limits the uses here to only those presented in the subject proposal. The SASP will allow only a landscaped buffer, pedestrian access, a publicly accessible driveway, underground parking, and service related uses at the rear of the proposed building, but not above-grade buildings. This 'shrink wrapped' approach will ensure no additional *Mixed Use Areas* type of development will occur on these Henning Avenue lands in the future through the submission of either a revised rezoning or minor variance application. (Refer to the draft Official Plan Amendment, Attachment 11).

Midtown In Focus: Growth, Built Form and Infrastructure Review

The Built Form component of the current phase of the Midtown in Focus study will establish a built form vision for Yonge-Eglinton that aligns and assists with the implementation of the Parks, Open Space and Streetscape Plan. It is being shaped by evidence-based analysis and consultation regarding existing attributes, area character and future aspirations. The final vision will include principles, the identification of a structure plan to inform and shape decisions on land use, detailed definition of the vision and policy directions for specific character areas, and enhanced direction for transition and other performance standards.

The June 2016 Midtown in Focus Status Report outlined an emerging structure of future character areas, areas distinguished by their distinct built form attributes, land use patterns and relationships with adjacent areas. The subject site is situated in the "Henning Fringe" (Refer to Attachment 9), one of the "Midtown Fringes", critical areas where transition from the higher density mixed use Midtown Cores

(such as the Yonge-Eglinton Crossroads) to the surrounding neighbourhoods and Main Street Villages occurs.

At its June 12, 2016 meeting, City Council endorsed in principle Draft Built Form Principles and emerging community infrastructure priorities and directed staff to consider the principles in the review of development applications and continue to refine the principles in consultation with landowners and the community. The draft built form principles address the various issues and considerations identified above with both area-wide direction and principles that are specific to individual character area categories or the relationships between different character areas.

The principles are organized into four thematic areas: 1) Area Structure, 2) Public Realm and Open Space, 3) Walkability and Comfort and 4) Heritage and Landmarks. Relevant principles include:

- organize growth to achieve a hierarchy of intensity of use, building heights, densities and scale tied to proximity of rapid transit service, with greatest heights and densities located at the Yonge-Eglinton Crossroads where two rapid transit lines intersect.
- maintain and reinforce the stability of low-rise neighbourhoods through the use of different approaches to transition in growth areas that reflect prevailing character and minimize shadow and privacy impacts.
- support active street life and informal surveillance by ensuring the built form frames and animates streets, parks, squares and open spaces with active uses at grade.
- locate, design and mass buildings to preserve skyview, allow daylight and sunlight to penetrate to the street and lower building levels and ensure good wind conditions in all seasons, with enhanced standards along the Midtown Villages, Park Street Loop, Eglinton Green Line, major pedestrian routes and parks and open spaces.

Additionally, and in recognition of pressures associated with applications seeking to redesignate and/or utilize lands designated *Neighbourhoods* to support developments, the Review is comprehensively assessing land use designations immediately adjacent to many of the existing growth areas within the Secondary Plan area as appropriate. The intent is to establish boundaries for any appropriate redesignations that account for potential intensification objectives and in recognition of matters including, but not limited to, lot fabric, surrounding context, character and proximity to transit.

The revised proposal minimizes shadow impacts on Eglinton Park and provides an enhanced pedestrian environment along Eglinton Avenue West in keeping with the vision of the Midtown in Focus Public Realm Plan and OPA 289. As noted, final direction for the 'Henning Fringe' Character Area has yet to be established. The vision for the character area will build from the directions established through the Eglinton Connects Study with respect to this *Avenue* segment as well as adopted policy related to shadow impacts on Eglinton Park. The final direction will provide enhanced direction in terms of built form, height and transitions to adjacent neighbourhoods.

Site Organization

The proposal is for a 24-storey mixed-use residential building located on the north-east corner of Eglinton Avenue West and Henning Avenue with commercial and office uses at-grade level, office uses on one level below-grade, ground floor, second and third levels and residential on the fourth through to the twenty-fourth levels. Along Eglinton Avenue West are proposed retail entrances and a separate entrance at the east end for office uses. At the south end on Henning Avenue are proposed a retail patio space and further north is the residential lobby entrance and bicycle parking spaces. At the rear of the

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site are proposed a pedestrian walkway, a 6 metre wide publicly accessible driveway/drop off area, bicycle parking spaces, a landscape buffer and fence. There is an existing private vehicular easement with the adjacent neighbour at the north property line approximately 1.5 metres in width and 23 metres in depth. Also proposed are three loading spaces internal to the building, and at the north-east corner is the vehicular ramp to the below-grade parking garage. The Official Plan Amendment 253, Site and Area Specific Policy 476, requires that a system of continuous and connected publicly accessible laneways 6 metres in width will be developed on the rear portions of properties fronting Eglinton Avenue to provide access to parking, loading and servicing to the rear of new development. This laneway requirement includes the subject site and extends east to Duplex Avenue and on the west side of Henning Avenue to Edith Drive. Staff are satisfied with the proposed site organization which situates the massing closer to Eglinton Avenue West and off the Henning Avenue properties which will not contain above-grade building mass.

Built Form, Height, and Density

The Yonge-Eglinton Secondary Plan describes a hierarchy of height, density and scale of development within the boundary of the Plan. The higher density and scale is to be found at the node at Yonge Street and Eglinton Avenue where it is defined as the Urban Growth Centre. This area is also identified as *Mixed Use Area 'A'*. The subject site is within an adjacent area referred to as *Mixed Use Area 'C'* and *Neighbourhoods*. *Mixed Use Area 'C'* should be regarded as an area suitable for commercial uses and where residential uses are encouraged at a scale physically compatible with adjacent *Neighbourhoods*.

Staff have evaluated the proposal in the context of the current Official Plan policies, and approved built form trends and approaches to transition in this area both inside and outside of the Centre, as well as the draft built form principles from the Midtown in Focus study. At 2384-2388 Yonge Street is a recently City Council approved development at 27-storeys in height that incorporates a *Neighbourhoods* property as part of their site as a means of providing transition to lower scale adjacent properties in a *Neighbourhoods* designation. The tower setback for the Postal Station 'K' site ranges from 19.9 to 24.1 metres to the *Neighbourhoods* designated lands to the west. The proposed density is 7.27 times the area of the lot.

In addition, on the south side of Eglinton Avenue West there is a series of older stock low-rise rental buildings west of the Toronto Police Services building. These sites are constrained by their size, existing rental stock, and in some instances, by their heritage attributes.

Height & Massing

The proposed building height is 24-storeys and 86.8 metres excluding mechanical equipment and 92.15 inclusive of mechanical equipment, on the *Mixed Use Areas* portion of the site. Zero building height is proposed on the *Neighbourhoods* portion (17 and 19 Henning Avenue) of the site. The height has decreased from the original proposal at 29-storeys and 102.95 metres inclusive of mechanical equipment. On the east side of Duplex Avenue at 36 Eglinton Avenue West within the edge of the Urban Growth Centre boundary is the Ontario Municipal Board approved 39-storey (122.5 metre inclusive of mechanical) mixed-use development (not constructed). The proposed height minimizes the shadow impacts that occur at 9:18 a.m. at the March 21 and September 21 equinoxes on a portion of the Eglinton Park parking lot and by 10:18 a.m. they are eliminated. Furthermore, the Tall Building Design Guidelines performance standards limit the building height and spacing of towers for the purpose of retaining sky view between buildings and to reduce the size of shadows and length of time they are cast on particular areas such as parks.

In addition, the Tall Building Design Guidelines recommends a 12.5 metre or greater setback from the rear and side property lines to minimize negative impacts onto the public realm and neighbouring properties. The proposal is for a 21.2 metre tower setback from the tower building face to the *Neighbourhoods* to the north of the site and 10 metres to the Toronto Hydro building to the east.

On floors 4 and 5 a tower floorplate of approximately 756 and 728 square metres respectively is proposed, and on floors 6 through to 24, a tower floor plate 780 square metres is proposed. The Tall Building Design Guidelines state that the guideline tower floorplate should be 750 square metres. Towers with a floorplate size above the guideline have been recently approved by City Council in the Yonge-Eglinton Secondary Plan, such as the Postal Station 'K' development at 2384-2388 Yonge Street with a tower floorplate at 788 square metres. Staff are satisfied with the revised proposal and tower floorplate.

Building Setbacks

In the Midtown in Focus: Parks, Open Space and Streetscape Plan adopted by City Council in 2014, the "Green Line" along Eglinton Avenue was identified as one of five place-making moves underpinning the public realm framework for the area. The Eglinton Green Line is proposed as an iconic linear space on the north side of Eglinton Avenue including Eglinton Park and extending east to Mt. Pleasant Road. It is to be designed to be a landmark open space programmed for social gathering, cultural and retail activities. The subject site located on the north side of Eglinton Avenue West is situated within the area proposed as the Eglinton Green Line.

The Parks, Open Space and Streetscape Plan requires a 2.5 to 5 metre building setback for this segment of Eglinton Avenue West to improve the existing streetscape condition for an enhanced pedestrian experience. The proposed building is setback at-grade 5 metres from the property line along the Eglinton Avenue West frontage to achieve this objective of Parks, Open Space and Streetscape Plan. Although there is no requirement specified in the Plan for a building setback along Henning Avenue, a 3 metre setback is proposed at-grade. On the north side of the building is proposed a 10.55 metre setback from the building base to the north property line. This rear area would include a 6 metre wide vehicular lane, loading access and underground parking access, a pedestrian walkway and a landscaping buffer. On the east side is a 0.95 metre base building setback from the adjacent Toronto Hydro building. Staff are satisfied with the base building setbacks.

The proposal includes a tower setback of 21.2 metres from the building face to the north property line, 5 metres on the south side, 10 metres on the east side, and 6.1 metres on levels 4 and 5 and 4 metres on levels 6 through 24 on the west side. The 21.2 metres is comprised of a 2 metre landscaped buffer, an 8.55 metre driveway and walkway, and a 10.65 metre wide outdoor amenity area on the 4th level of the base building.

The setback of the tower to the rear property line forms an adequate setback from the *Neighbourhoods* abutting the site to the north. The 12.5 metre setback performance standard is for the distance between two towers. The proposed setback to the east to the existing Toronto Hydro site office use at 10 metres is deemed to be adequate. The proposed setbacks on the west and south sides abut public roads which provide additional buffers to existing development. Staff are satisfied that the proposed setbacks are appropriate on all four sides.

The proposal includes a stepback between the base and tower of 10.65 metres on the north side, 3 metres on the south side, 10 metres from the east side, and 2 metres on the west side. The Tall Building Design Staff report for action – Final Report – 90 Eglinton Avenue West, and 17 & 19 Henning Avenue 22

Guidelines recommends that a tower setback of 3 metres or greater be provided from the base building, along all street, park and open space frontages, including private shared open space and rooftop amenity within the site. The proposed setbacks are appropriate on all sides.

Angular Planes and Transition

The Tall Building Design Guidelines states that tall buildings should respect the scale of the local context and display an appropriate transition in height and intensity, and especially when adjacent to areas of differing land use, and lower-scale built form. Transition can be provided in a variety of ways including setbacks and angular planes. The proposal includes a 21.2 metre tower setback from the building face to the property to the north of the site. In addition, a 45 degree angular plane has been applied to the north side of the base building to further maintain an appropriate setback and transition from the building base to the north property line. However, a small projection of the angular plane exists on the third floor to make the office floorplate viable. The windows on the base building on the north side will be translucent to ensure privacy. Staff are satisfied that the proposal provides an adequate transition to adjacent properties in the *Neighbourhoods* designation.

Density

The proposed density is 8.74 times the area of the lot. The current permitted maximum overall density for the site is 3 times the area of the lot for the 'CR' zoned lands and 0.6 times the area of the lot for the 'R2' zoned lands on the northern portion of the site. The Yonge-Eglinton Secondary Plan states that development on *Mixed Use Area 'C'* will be regarded as an area suitable for commercial uses and residential will be encouraged at a scale that is physically compatible with adjacent *Neighbourhoods*. The proposed density is concentrated on the *Mixed Use Area 'C'* portion of the lands with no building mass proposed on the northern portion of the site. A comparable mixed use residential development approval within the Urban Growth Centre and in close proximity to the subject site at 36 Eglinton Avenue West was approved at the OMB at 22.18 times the lot area. Recent approvals outside of the Centre include Postal Station 'K' (2384-2388 Yonge Street) with a density at 7.27 times the area of the lot and the Whitehaus development (2360-2378 Yonge Street & 31-37 Helendale Avenue) at a density of 10.83 times the area of the lot, both of which are in an area identified as a 'Midtown Fringe'. The density can be accommodated since it is in a well organized site which is massed appropriately given its area context. In addition, the appropriate infrastructure will be provided concurrently with this proposal, as explained later in this report. Services are available, and the parkland dedication would be provided nearby. Staff are satisfied that the proposal is consistent with recent development approvals adjacent to the Yonge-Eglinton Centre and appropriate in this instance.

Eglinton Connects Study

This comprehensive planning study examined the land use planning framework, built form, public realm and road configuration on Eglinton Avenue.

The study area included about 19 kilometres of Eglinton Avenue between Weston Road and Kennedy Subway Station, corresponding to the extent of the Eglinton Crosstown LRT. Contained in this study was an 11-kilometre section which was subject to an Environmental Assessment study. That study determined a new functional road layout and right-of-way configuration for Eglinton Avenue where the LRT will run underground. Also within the study area were six Focus Areas and two Mobility Hubs that could potentially support additional height and density, for which conceptual demonstration plans were prepared as part of the study (see Attachment 8).

The Study adopted by City Council in May 2014 contained 21 recommendations. The 'Travelling' recommendations give direction for the future public realm and adjacent right-of-way, and include recommendations for a wider sidewalk, lay-by parking, a bike lane and three lanes of traffic for the right-of-way adjacent to this site. Recommendation #6 also gives direction for a new public lane along the rear of this site to be provided in conjunction with new development. The proposal provides an improved public realm with respect to the provision of a wider sidewalk along Eglinton Avenue West, lay-by parking, and a bike lane, as discussed in the Streetscape section of the report.

The 'Building' Recommendations from the Study anticipated a mid-rise built form along Eglinton Avenue West (recommendation #15). However, this property was not included in the adopted zoning by-law as all current applications under review were excluded.

The proposal for a tall building on this site is appropriate given its location in close proximity to two higher order transit lines and the gradation of heights from the core of the Centre to the midrise buildings further west.

In July 2014, Council adopted the recommendations of the first implementation report, which included Official Plan Amendments comprised of site and area specific policies, land use changes, and laneway policies. City Council also adopted resolutions to implement the Streetscape Plan. Official Plan Amendment 253 introduced a site and area specific policy to implement recommendation #6 requiring the development of a system of continuous and connected public laneways 6 metres wide on the rear portions of properties fronting Eglinton Avenue, including the subject site. On August 1, 2014, Official Plan Amendment 253 was appealed to the Ontario Municipal Board by the applicant. However, the applicant has now included a 6 metre wide driveway at the rear of the property and has indicated that the appeal may be withdrawn to provide a publicly accessible laneway, provided their applications are approved by City Council.

A second implementation report for the Eglinton Connects Planning Study was considered by Planning and Growth Management Committee at its meeting on August 7, 2014 and at the August 25, 26, 27 & 28th, 2014 City Council meeting and Zoning By-laws 1030-2014 and 1031-2014 are in-force and effect as of August 28, 2014. The report recommends amendments to the Zoning By-law to introduce mid-rise building heights and performance standards for properties along Eglinton Avenue where mid-rise buildings are recommended except for those sites with current planning applications. For the subject site, the zoning by-law amendment provides for a reduction in the parking standard, by transferring the site from the Policy Area 4 district to the Policy Area 3 district. A reduction in the parking standard on the site is proposed to reflect the higher-order transit that exists along Yonge Street and will be available along Eglinton Avenue in the future.

Sun, Shadow, Wind

Sun and Shadow

Sections 4.2.2(b) & (c) of the Official Plan require that new development in *Mixed Use Areas* 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; and that new buildings be 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 Midtown in Focus Parks and Public Realm Plan acknowledges the importance of protecting park assets, and that all new development within the Yonge-Eglinton Secondary Plan Area must ensure that

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no new net shadow be cast on Eglinton Park during the spring and fall equinoxes. A Shadow Study was submitted by the applicant for equinoxes at March 21st and September 21st. The shadow study indicates that at 9:18 a.m. the proposed development shadows only a portion of the Eglinton Park parking lot. However, by 10:18 a.m., the shadows are completely off of the parking lot and Eglinton Park. From 9:18 a.m., shadowing occurs onto the *Neighbourhoods* extending north and west to Edith Drive, Orchard View Boulevard, and Henning Avenue properties. There are also longer shadows that cast upon these same areas from the existing buildings within the Urban Growth Centre to the east. At 10:18 a.m. the shadows are off of the Edith Drive roadway but remain on some of the Edith Drive, Orchard View and Henning properties. At 11:18 a.m. the shadows are entirely off of Edith Drive properties. At this time, the shadows remain on a few of the Orchard View Boulevard and Henning Avenue properties. From 12:18 p.m. the shadows are directly north along the east side of the Henning Avenue properties. At 1:18 p.m., the shadows are off of the Orchard View Boulevard properties. At 2:18 p.m. the remaining shadows occur over two Henning Avenue properties adjacent to the north of the subject site and east over to Duplex Avenue. From 3:18 p.m. and onwards, all shadow impacts are across the Toronto Hydro site and the Urban Growth Centre properties. The shadows cast by the proposed building pass across some of the neighbourhood properties to the north and northwest but move off the properties throughout the day, thereby limiting shadow impacts to an acceptable level given the area context. In addition there is already some shadow cast upon the *Neighbourhoods* to the north as a result of existing and approved buildings in the vicinity. The potential sun and shadow impacts of the proposal on adjacent existing buildings and local streets are acceptable to staff.

Wind

The applicant has submitted an Addendum to the Pedestrian Wind Study by Gradient Wind Engineering Inc., dated April 11, 2016 to examine potential wind conditions on and around the subject site. The revised report reflects revisions to the proposal, specifically; the addition of the properties at 17 and 19 Henning Avenue, the reconfiguration of the ground level, the changes to the pedestrian and vehicular access points, increases to the building setbacks and stepbacks, changes to terraces and amenity areas, the reduction in height, and changes to the built form massing from earlier submissions.

The report indicates that the wind conditions surrounding the site at the pedestrian level are acceptable. There would be adverse wind conditions on the fourth level amenity space during the spring however, the report recommends mitigation of a balcony guard along the north side of the terrace to provide a comfortable wind condition. Proposed mitigation measures will be secured during the site plan approval process. Staff are satisfied with the consultant's conclusions.

Streetscape

The Midtown in Focus Parks and Public Realm Plan identifies the subject site located along 'The Eglinton Green Line'. As such, the character of Eglinton Avenue's north side will be redefined as an urban green space, an iconic, generous park-like promenade that addresses the community's lack of park space and activates culture and retail.

A 5 metre building setback at-grade is proposed on the Eglinton Avenue West frontage to allow for a wider streetscape condition in combination with the public boulevard to provide a comfortable pedestrian experience. Along the building frontage are a series of retail entrances and an office entrance at the south-east corner. Also proposed are 4 street trees to be planted on private property. At the northeast corner of Eglinton Avenue West and Henning Avenue is an existing Toronto Transit Commission bus shelter on the public boulevard.

Given that Metrolinx is installing Light Rail Transit along this portion of Eglinton Avenue West, the Eglinton Connects Study requires that the adjacent streetscape be redesigned to accommodate an approximate 3 metre pedestrian clearway zone, a 1.4 metre street furniture zone, a 1.2 metre bicycle lane, a 0.9 metre buffer zone and a 2.2 metre vehicular layby. Staff will work with the applicant and the TTC to ensure that the bus shelter will remain in an appropriate location on the public boulevard.

On Henning Avenue a 3 metre building setback at-grade is proposed to allow for a patio area at the southwest portion of the site, and further north would be the residential lobby entrance.

In addition, the applicant is required to provide a 0.4 metre road widening along the Eglinton Avenue West frontage in order to satisfy the Official Plan requirement of a 27 metre wide right-of-way. The widening will be secured through Site Plan Approval.

Parking, Access, Loading, Laneway

Parking

Zoning By-law 438-86 requires a minimum of 219 vehicular parking spaces including; 148 residential spaces, 56 visitor spaces, 9 office and 6 retail spaces. Zoning By-law 569-2016, Policy Area 4 requires a minimum of 235 vehicular parking spaces including; 178 residential spaces, 22 visitor spaces, and 29 office and 6 retail spaces. The applicant proposes 88 residential parking spaces, 5 visitor spaces, and 32 shared office, retail, and visitor spaces for a total of 125 parking spaces. The shared parking spaces would be located in a commercial parking area on the first level below-grade.

Transportation Services staff have reviewed a Transportation Impact Study (TIS) dated April, 2016 to justify reduced parking space rates by using proxy sites at 150 and 161 Eglinton Avenue East. These proxy sites and the proposed site have similar area context to the Yonge-Eglinton area; an area well served by public transit. Based on the applicant providing further data related to the parking demands of the proxy sites in the Yonge-Eglinton area, Transportation Services staff support a reduced parking supply at 68 residential and 32 shared parking spaces. The shared parking spaces are intended for visitor, office and retail uses. Staff will secure a minimum of 5 visitor parking spaces as exclusive use and provided at no charge in the zoning by-laws.

Access/Loading/Laneway

In support of the proposal, the applicant submitted a Transportation Impact Study (TIS) dated April, 2016 by MMM Group Limited. Vehicular access to the proposed building is off of Henning Avenue. The driveway is to be located at the north end of the site in an east-west orientation. The report estimates that the proposed site will generate approximately 69 and 81 two-way trips during the a.m. and p.m. peak hours, respectively. The consultant concludes that the boundary road network under the future total traffic conditions for the 2019 horizon is expected to accommodate the traffic generated by the proposed development.

A 6 metre wide laneway is proposed at the rear of the site with access from Henning Avenue for loading purposes at ground level and access to three levels of underground parking. The underground parking would extend below the laneway. The Eglinton Connects Study OPA 253 requires that the laneway provide public access from Henning Avenue to the east property line. Ultimately, if the adjacent Toronto Hydro site is redeveloped, the laneway access could extend through this site to Duplex Avenue to complete the rear lane connection. As discussed in the Decision History portion of the report, the applicant currently has appealed the laneway policies for the site, however, it is anticipated that the

applicant will withdraw their appeal, should their applications be approved by City Council. The laneway will require a public easement across it.

Zoning By-law 438-86 requires the provision of 1 Type 'G' and 1 Type 'B' loading spaces. Zoning By-law 569-2013 requires the provision of the following loading spaces; 1 Type 'G' for residential uses, 1 Type 'B' for retail uses and 1 Type 'B' and 2 Type 'C' for office spaces. 'B' & 'G' and 2 Type 'C' loading spaces are proposed to be located at the northeast area of the site at ground level. Engineering and Construction Services staff have deemed the provision of these loading spaces to be acceptable given that they will be shared amongst the residential, retail and office uses.

Bicycle Parking

Zoning By-law 438-86 requires a minimum of 136 occupant bicycle parking spaces, 32 visitor spaces, and 6 non-residential spaces for a total of 174 spaces. Zoning By-law 569-2013 requires a minimum of 213 occupant bicycle parking spaces and a minimum requirement of 38 visitor bicycle parking spaces for a total of 251 spaces which is proposed to be provided by the applicant.

The applicant proposes that all visitor spaces will be located at-grade, 110 occupant spaces on the P2 level and 103 spaces on the P3 level. In addition, shower and change room facilities are proposed on the P3 level. Staff are satisfied with the proposed number of bicycle parking spaces. Finalization of the location of bicycle parking will be determined through Site Plan Control application review.

Servicing/Holding Symbol

The applicant has submitted a Functional Servicing Report dated July 11, 2016 by MMM Group Limited and a Stormwater Management Report dated April 2016, by MMM Group Limited. The reports examine the provision of sanitary, sewer and storm drainage for the development. The proposal does not achieve the below identified criteria and as such, in order to ensure that all site servicing issues resulting from the rezoning application are identified and resolved, staff have recommended that holding provisions be included in the zoning by-law for the subject site. In order to lift the holding provisions, the applicant would need to address the following conditions:

- i. The owner shall provide a revised Functional Servicing/Storm Water Management Report and design plans in support of a Zoning By-law Amendment Application, which demonstrates that the development of the site will not result in an increase in post-development flows to the combined sewer system beyond pre-development levels, in accordance with Ministry of the Environment and Climate Change Procedure F-5-5, and to the satisfaction of the Executive Director of Engineering and Construction Services, and the General Manager of Toronto Water.
- ii. Once a functional servicing/storm water management study and design plans have been accepted to the satisfaction of the Executive Director of Engineering and Construction Services, and the General Manager of Toronto Water, the owner shall enter into a financially secured agreement with the City for off-site works, if required, as accepted through the Functional Servicing Report.

Construction Management Plan

As a condition of Site Plan Control approval, the applicant will be required to submit a Construction Management Plan to the satisfaction of Engineering and Construction Services in consultation with the Director of Community Planning. The plan will include information regarding protocols to address

construction activities such as dust, parking of vehicles, access and truck routing and temporary material storage areas.

Amenity Space

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. Also, By-laws 569-2013 and 438-86 require that a minimum of 2 square metres per dwelling unit of indoor and outdoor amenity space be provided.

Zoning By-laws 569-2013 and 438-86 require a total of 454 square metres of both indoor and outdoor amenity space for a total of 908 square metres. The applicant proposes a total indoor amenity area of 455 square metres; 46.3 square metres on the ground floor, 168.9 square metres on the third level below grade and 239.4 square metres on the 4th level. The proposed outdoor amenity space would be 48.7 square metres at-grade and 406.1 square metres on the 4th level for a total of 455 square metres. The 4th level outdoor space would be contiguous to indoor amenity space. Given that the proposal achieves the zoning by-law requirements, staff are satisfied with the amount and configuration of the amenity space.

Noise and Vibration

An Addendum to the Noise and Vibration Feasibility Study by HGC Engineering, dated May 2, 2016 was submitted to address potential impacts from the proposed development and adjacent uses. The consultant concludes that no significant noise or vibration effects are anticipated as a result of the enlargement of the site or the modifications to the building form. Noise impacts related to the adjacent Toronto Hydro facility to the east have determined that high noise levels are not anticipated. Mitigation measures that are recommended by the consultant include, central air conditioning, a solid parapet wall or balcony guard 1.07 metre in height to be installed for the outdoor amenity area and the roof, to be addressed through to Site Plan Approval process.

Tree Preservation

The applicant has submitted an Arborist Report prepared by Kelly's Tree Care Ltd., dated April 14, 2016. It indicates that there are seven undersized street trees proposed to be removed that are located on the Eglinton Avenue West and Henning Avenue City boulevards to facilitate the reconstruction of the streetscape. In addition, two trees located on private property are proposed to be removed. The applicant proposes to plant four trees on Eglinton Avenue West and three trees on Henning Avenue to replace existing City street trees. Staff will continue to work with the applicant through the Site Plan Approval process to determine the appropriate type, number and siting of the proposed trees, as well as, required tree planting within the landscaped buffer to the rear of the property.

Community Services and Facilities Study

The applicant submitted a revised Community Services and Facilities (CS&F) Study by Walker, Nott, Dragicevic Associates Limited to the City in April 2016. The revised study states that the study area is underserved by licensed subsidized child care services and that facility upgrades are needed at the Northern District Library, however it concludes that the development will not put a negative strain or pressure on existing community services and it will not create a situation where additional or specialized facilities will be required. Staff found that the conclusion that the proposal will not put a 'negative strain or pressure on existing community services' is inconsistent with the findings of the community services and facilities work being led by the City as part of the Midtown in Focus Study for the Secondary Plan

that has evaluated the existing capacity and gaps of CS&F, and determined priorities to support current and future CS&F needs in the study area. Furthermore, on June 15, 2016, the Planning and Growth Management Committee endorsed in principle emerging community infrastructure priorities for the area and requested the Chief Planner and Executive Director, City Planning Division, direct staff to secure community infrastructure spaces, as appropriate, as part of the application review process.

The existing services available to serve this proposal would be the Northern District and the Mount Pleasant Libraries, the Upper Yonge Village Daycare Centre, the North Toronto Memorial Community Centre and Eglinton Park.

It has been determined through the CS&F work undertaken for the Midtown in Focus Study that the facilities and services identified for the area in need of investment are: libraries, child care services and recreational facilities and programs. As such, the applicant is proposing community benefits towards improvements to Eglinton Park and an off-site parkland dedication. Staff are satisfied with the type of community benefit contributions and community facilities, as discussed below in the Open Space/Parkland and Section 37 sections.

Open Space/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 lands which are the subject of this application are in an area with 0.78 to 1.55 hectares of local parkland per 1,000 people. The site is in the middle quintile of current provision of parkland within the Yonge-Eglinton Secondary Plan and the Yonge-Eglinton Midtown in Focus Study Area. The site is in a parkland priority area, as per the City Wide Parkland Dedication By-law 1020-2010.

The application proposes a 24-storey mixed-use building containing 227 residential units and 3,504 square metres of non-residential floor area on a net site area of 2,242 square metres. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 3,027 square metres or 167% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 189 square metres.

The applicant has satisfied this requirement through the acquisition of the property at 61 Montgomery Avenue. This property will be dedicated to the City as parkland and secured in the Section 37 agreement. This property is located approximately 380 metres from the site and will service both the subject site and surrounding area. The owner will be responsible for base park improvements for the future park. This is satisfactory to City staff. In addition, the site is located 200 metres away from Eglinton Park, a 9 hectare park with 5 sports fields, 4 tennis courts, 2 ball diamonds, a playground, a wading pool, a community centre and 2 seasonal skating rinks.

Section 37

Section 37 of the Planning Act allows the City to authorize increased density and/or height in return for the provision of services, facilities or matters. The Official Plan contains provisions authorizing these Section 37 matters, provided the density and/or height increases are consistent with the objectives of the Official Plan regarding the building form and physical environment.

1. The community benefits recommended to be secured in the Section 37 agreement are as follows:
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- a. A cash payment of \$1,000,000 payable prior to the issuance of any above grade building permit:
 - i. To be used by the City in its sole discretion for the purpose of improvements to Eglinton Park in accordance with the Midtown in Focus Parks and Public Realm Plan.
- b. Require that the cash amount identified shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment.
- c. The following matters are to be secured in the Section 37 Agreement as a legal convenience to support development:
 - i. the owner is required to convey the off-site parkland dedication property at 61 Montgomery Avenue.
 - ii. a stratified easement on the east west driveway in favour of the City of Toronto to the satisfaction of the Chief Planner and Executive Director, and Executive Director of Engineering and Construction Services.

TDSB

The Toronto District School Board has advised that there is insufficient space at the local schools to accommodate students anticipated from the proposed development. They advise that the students from the new development will not displace existing students at local schools and that alternative arrangements will be identified consistent with optimizing enrolment levels at all schools across the Toronto District School Board. The School Board indicates that at this time, the schools anticipated to serve the development are unknown.

The School Board has requested that as a condition of approval of site plan, the applicant enter into an agreement to put up signs on site advising that students may be accommodated in schools outside of the area until space in local schools becomes available and also include warning clauses in all offers of purchase and sale of residential units, to the effect that students may be accommodated in facilities outside of the area, and that students may later be transferred.

The Toronto Catholic District School Board has not provided any comments.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. The site specific zoning by-law will secure performance measures for the following Tier 1 development features: Automobile Infrastructure, Cycling Infrastructure, and Storage and Collection of Recycling and Organic Waste. Other applicable TGS performance measures will be secured through the Site Plan Approval process.

A green roof is required at 60% (587 square metres), of the total roof area. The applicant proposes 259 square metres on the mechanical floor with an additional 328 square metres on the mechanical roof for a total of 587 square metres of green roof. Staff are satisfied with the minimum green roof requirement being achieved.

Conclusion

The application has been carefully considered with respect to compatibility and fit with the surrounding context. Planning staff recommend approval of the proposed Official Plan and Zoning By-law Amendments for the following reasons:

- the proposal implements the setback and landscaping anticipated as part of the Eglinton Green Line initiative and supports the redesign of the Eglinton Avenue right-of-way;
- the proposal represents an appropriate graduation of heights from the tall buildings within the Yonge-Eglinton Centre to the mid-rise form west along Eglinton Avenue West;
- the proposal provides an appropriate transition from *Mixed Use Areas* to *Neighbourhoods* with adequate setbacks to the building;
- limited shadow impacts on the *Neighbourhoods* to the north and west and no shadowing on Eglinton Park (including the parking lot) after the early morning;
- the subject lands are not zoned under Eglinton Connects By-law 1030-2014;
- Henning Avenue properties which form a portion of the site would remain *Neighbourhoods* with a Site and Area Specific Policy to ensure no above-grade built form will occur on the *Neighbourhoods* portion of property;
- highly accessible location close to the Eglinton subway station and future Eglinton LRT station; and
- community contributions to improvements to Eglinton Park will be provided to the City concurrently with this development.

CONTACT

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SIGNATURE

Joe Nanos, Director
Community Planning, North York District

ATTACHMENTS

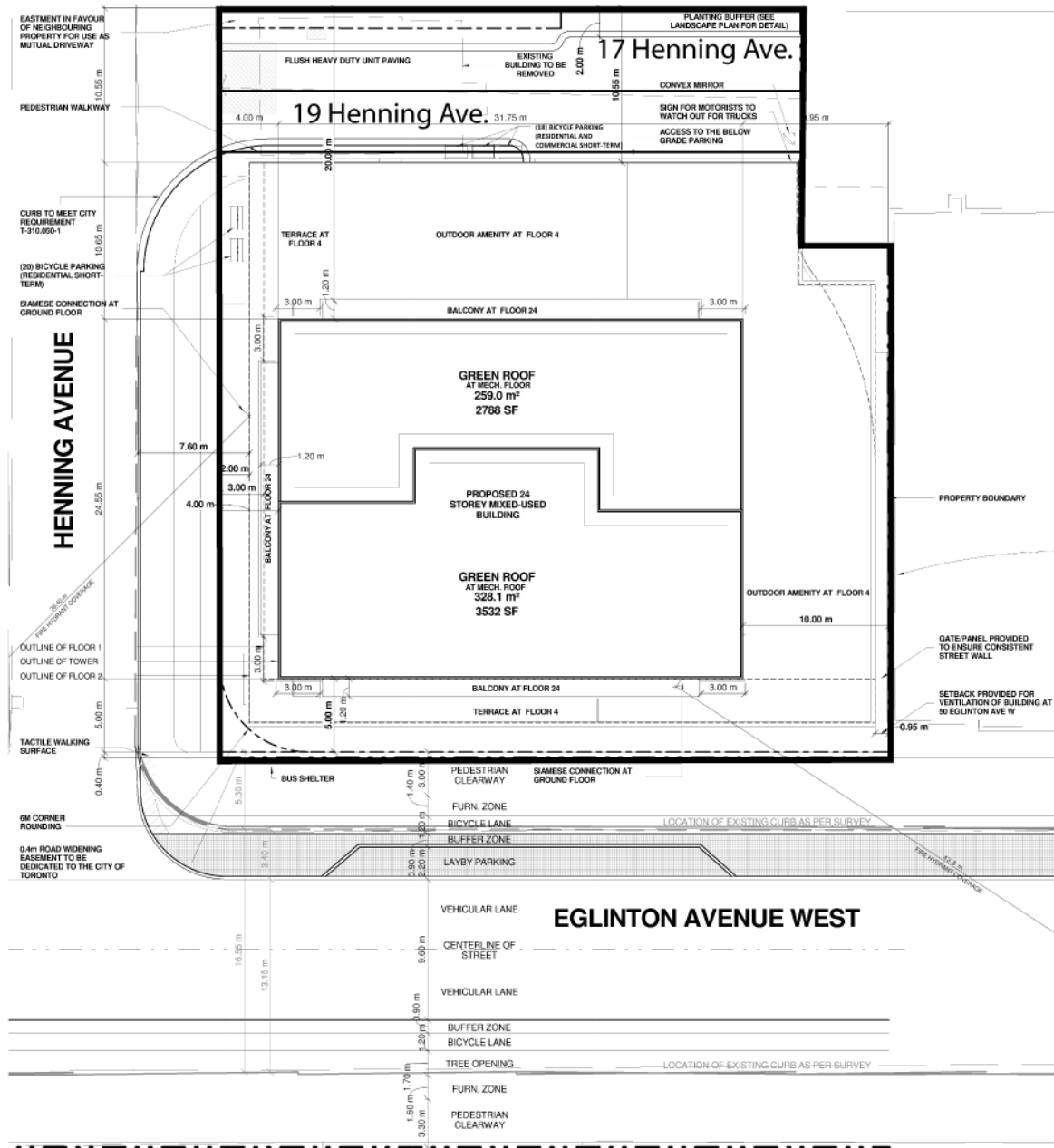
Attachment 1: Site Plan

Attachment 2: South & West Elevations

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- Attachment 3: East & North Elevations
- Attachment 4a: Zoning - 569-2013
- Attachment 4b: Zoning - 438-86
- Attachment 5: Official Plan Urban Structure Map
- Attachment 6: Official Plan Land Use Map
- Attachment 7: Yonge-Eglinton Secondary Plan
- Attachment 8: Eglinton Connects Planning Study
- Attachment 9: Henning Fringe Character Area
- Attachment 10: Application Data Sheet
- Attachment 11: Draft Official Plan Amendment
- Attachment 12: Draft Zoning By-law Amendment to 569-2013
- Attachment 13: Draft Zoning By-law Amendment to 438-86

Attachment 1: Site Plan



Site Plan

90 Eglinton Avenue West & 17-19 Henning Ave.

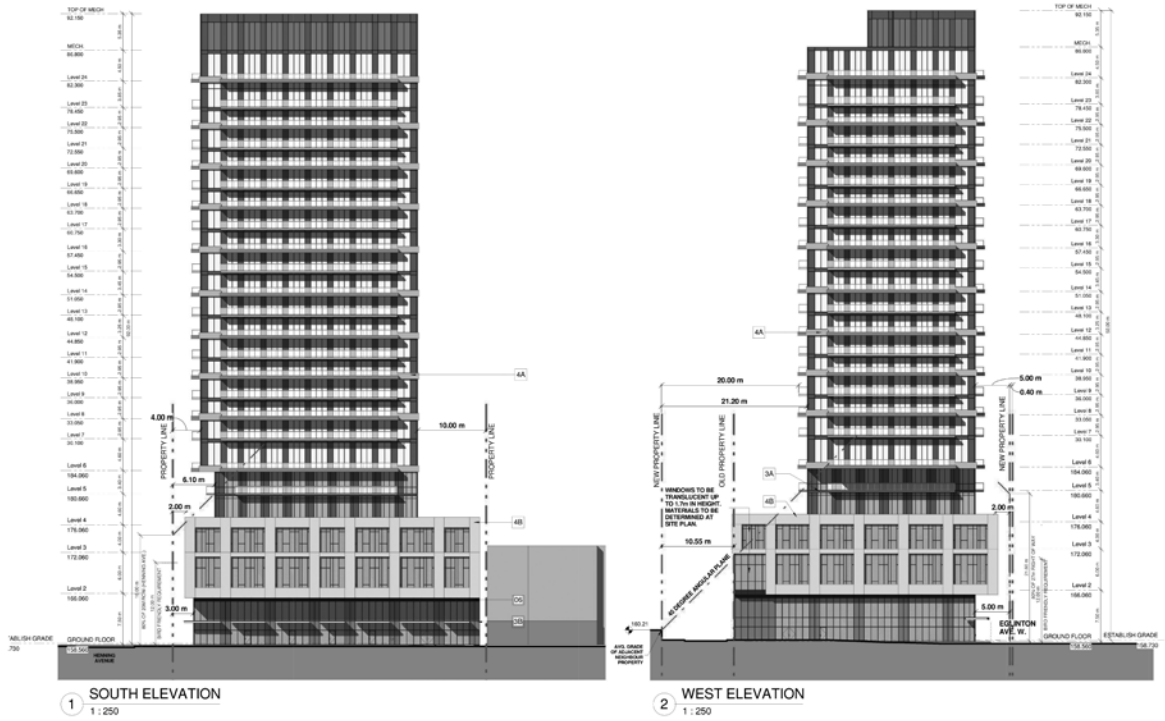
Applicant's Submitted Drawing

File # 16 140393 NNY 16 0Z

Not to Scale 
03/02/2017

File # 14 145916 NNY 16 0Z

Attachment 2: South & West Elevations



Elevations

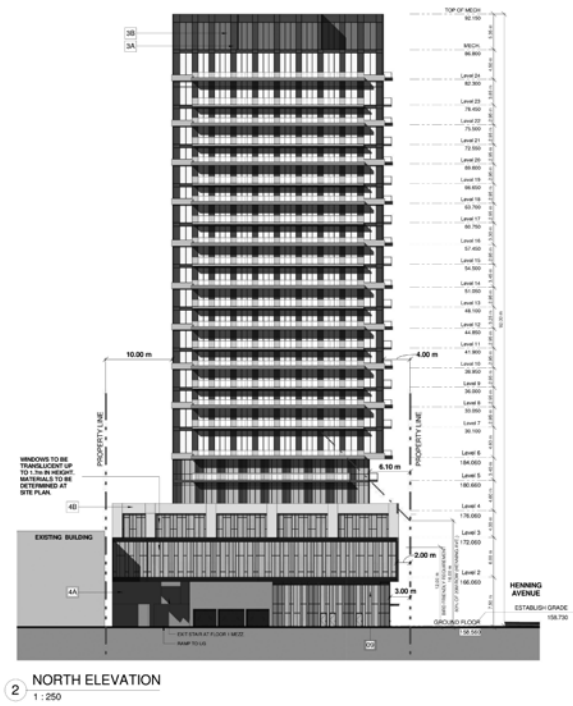
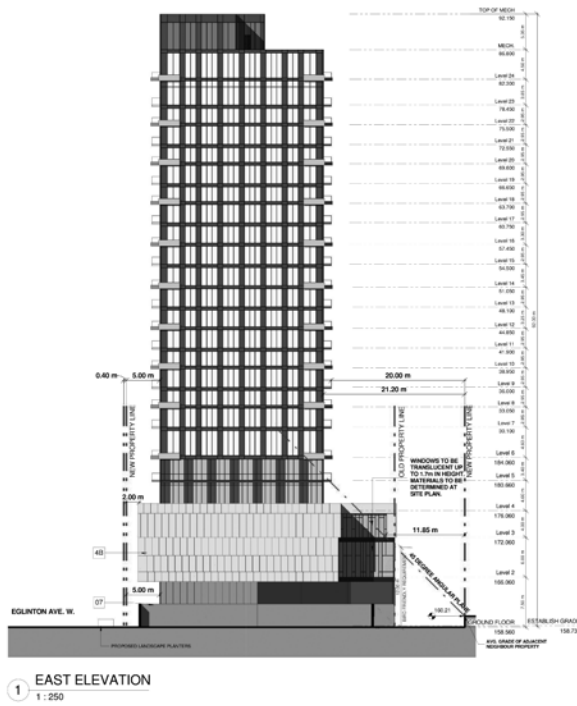
90 Eglinton Avenue West & 17-19 Henning Ave.

Applicant's Submitted Drawing

Not to Scale
02/24/2017

File # 16 140393 NNY 16 0Z
File # 14 145916 NNY 16 0Z

Attachment 3: East & North Elevations



Elevations

Applicant's Submitted Drawing

Not to Scale
02/24/2017

90 Eglinton Avenue West

File # 16 140393 NNY 16 OZ
File # 14 145916 NNY 16 OZ

Attachment 4a: Zoning By-law 569-2013



90 Eglinton Avenue West & 17-19 Henning Avenue



Zoning By-law 569-2013

File # 16 140393 NNY 16 OZ
File # 14 145916 NNY 16 OZ

Location of Application

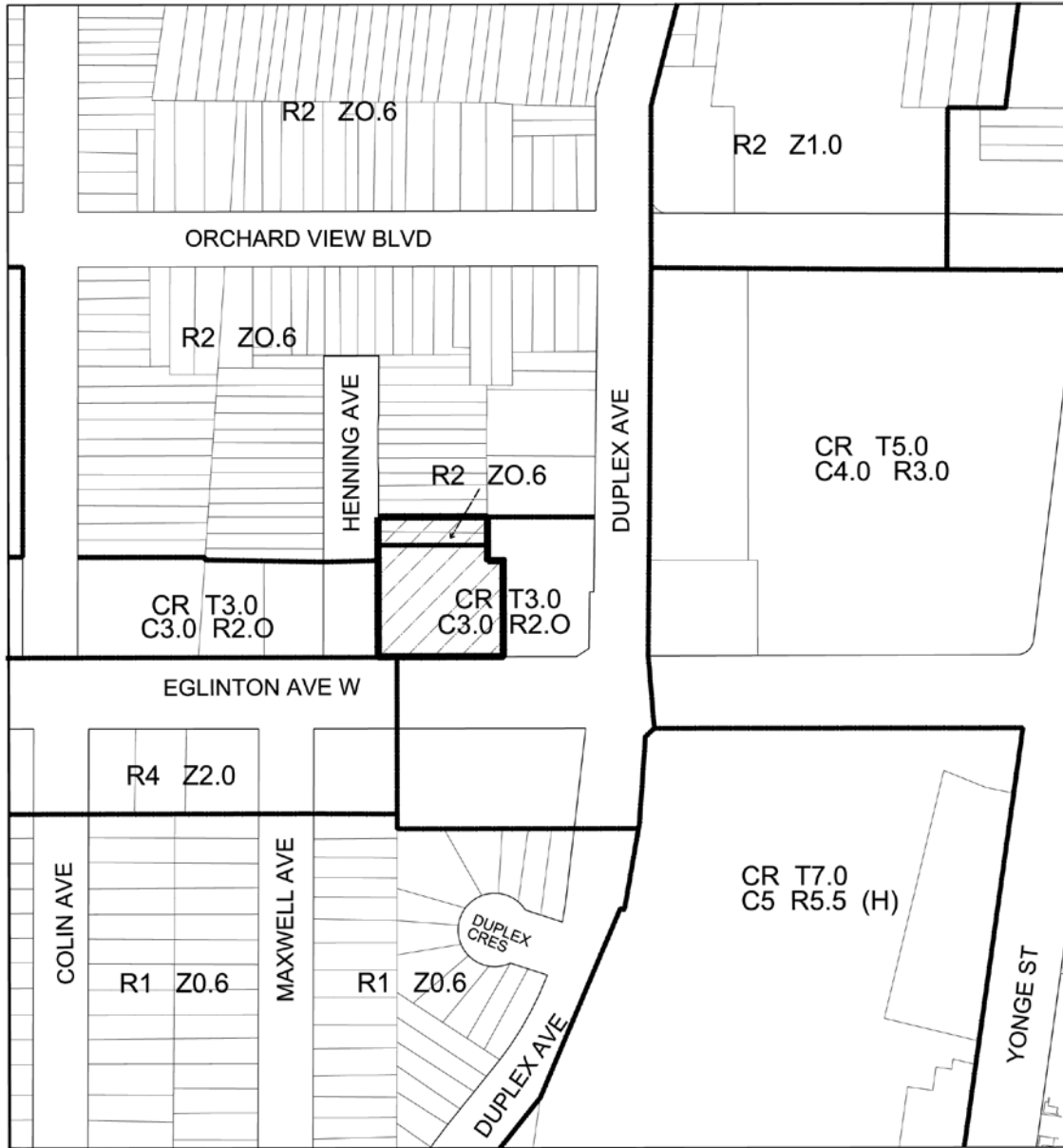
- R Residential
- RD Residential Detached
- CR Commercial Residential
- OR Open Space Recreation

See Former City of Toronto Bylaw No. 438-86

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

Not to Scale
Extracted: 04/19/2016

Attachment 4b: Zoning By-law 438-86



Zoning By-Law No.438-86

90 Eglinton Avenue & 17-19 Henning Avenue

File # 16 140393 NNY 16 02
File # 14 145916 NNY 16 02

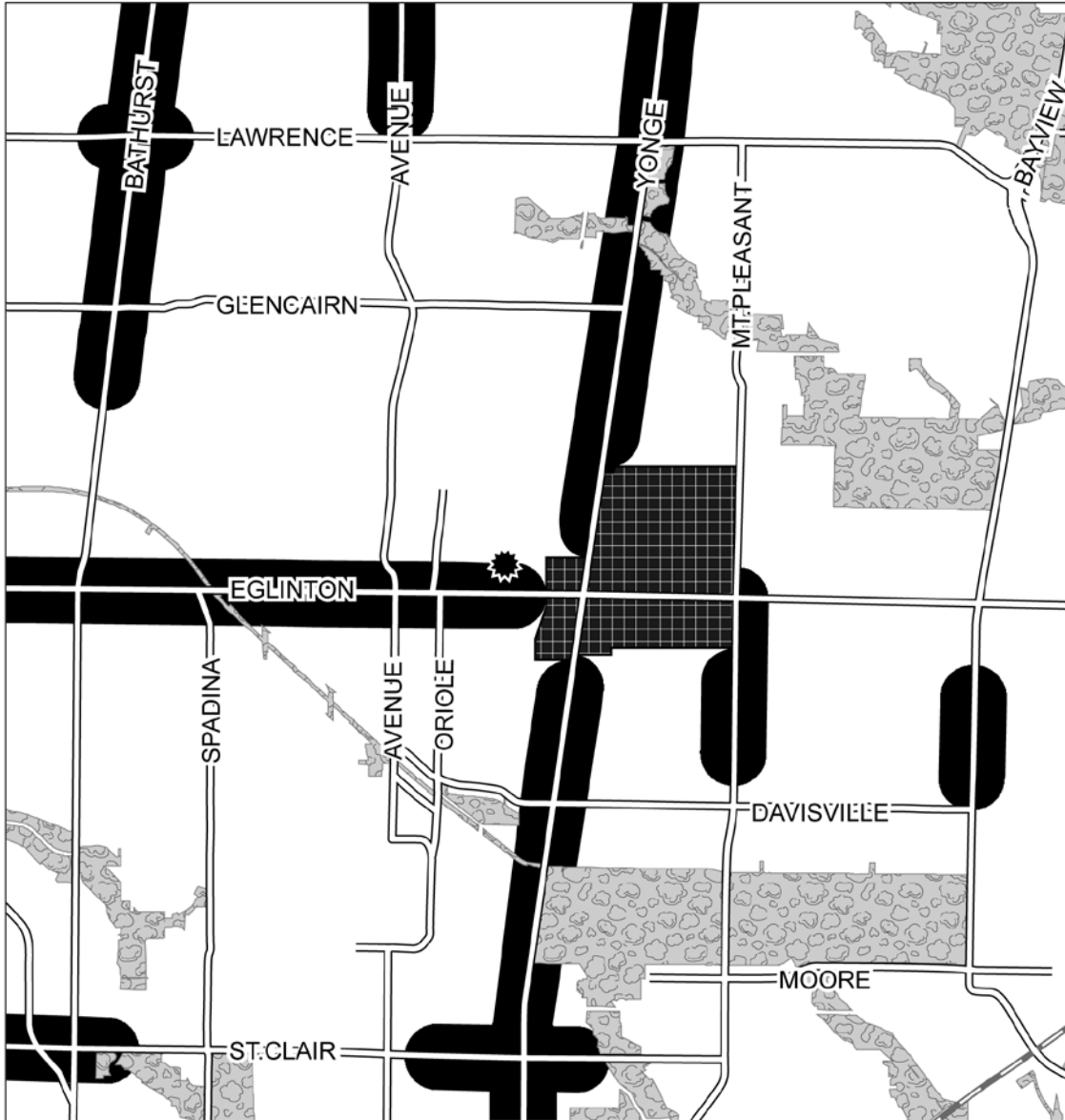
 Location of Application

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



Not to Scale
Extracted 04/19/2016

Attachment 5: Official Plan Urban Structure Map






 **TORONTO** City Planning

90 Eglinton Avenue West & 17-19 Henning Avenue
 Extract from Official Plan Map 2 Urban Structure

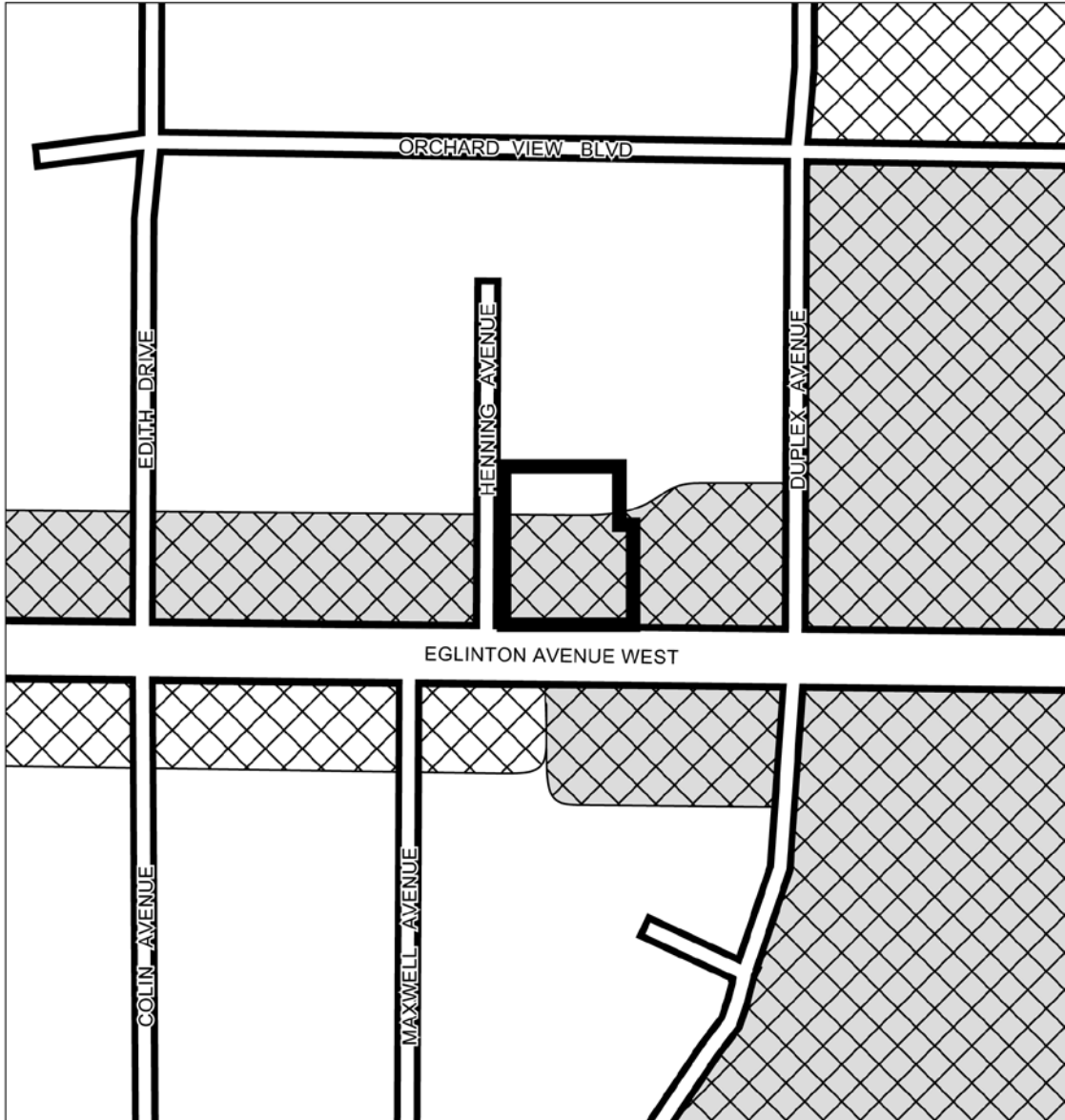
File # 16 140393 NNY 16 02

File # 14 145916 NNY 16 02

-  Site Location
-  Avenues
-  Centres
-  Green Space System


 Not to Scale
 04/219/2016

Attachment 6: Official Plan Land Use Map



Toronto City Planning
 Extract from Official Plan

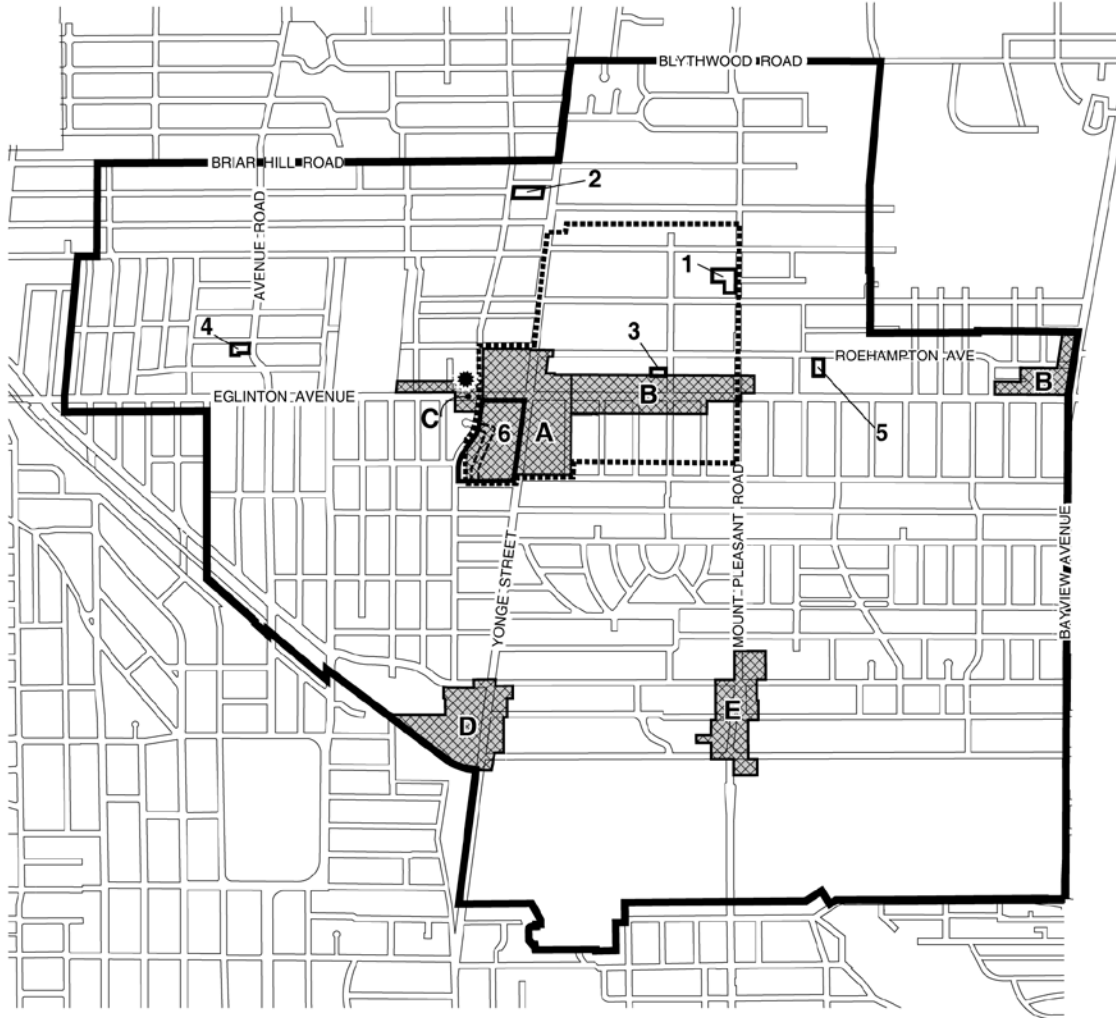
90 Eglinton Avenue West & 17-19 Henning Avenue

File # 16 140393 NNY 16 02
 File # 14 145916 NNY 16 02







-  Site Location
-  Neighbourhoods
-  Apartment Neighbourhoods
-  Mixed Use Areas


 Not to Scale
 4/19/2016

Attachment 7: Yonge-Eglinton Secondary Plan



December 2010

-  90 Eglinton Avenue West & 17-19 Henning Avenue
-  Secondary Plan Boundary
-  Yonge-Eglinton Centre
-  Mixed Use Areas
-  Site and Area Specific Policies
-  Proposed Road

Yonge-Eglinton Secondary Plan - MAP 21-1 Land Use Plan

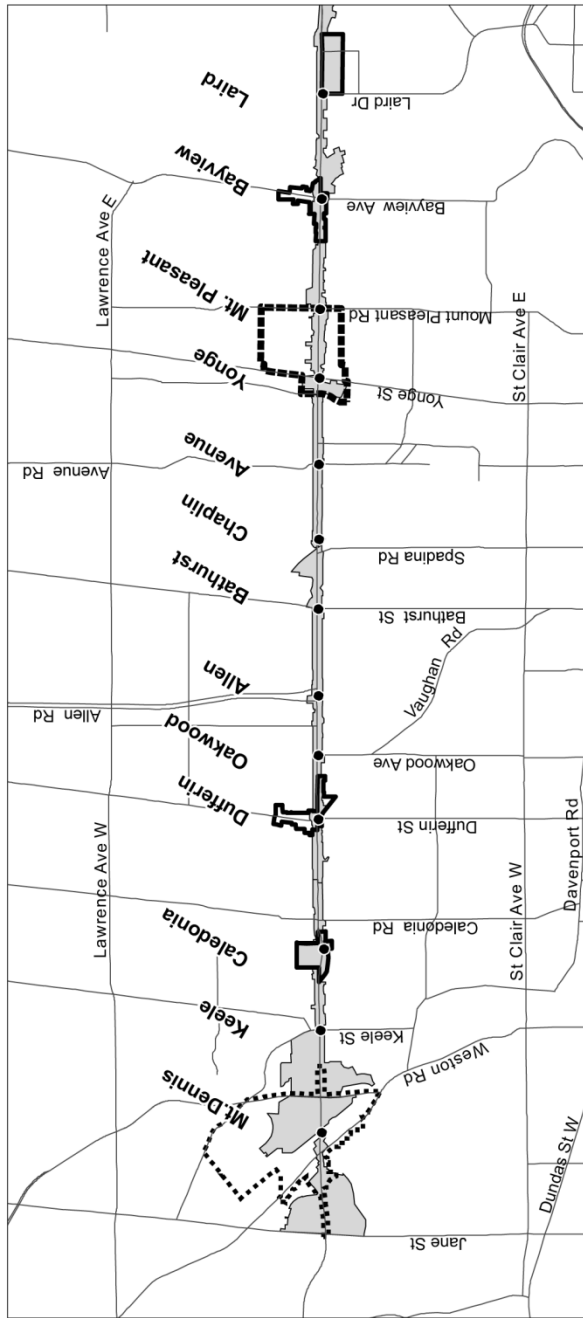
Applicant's Submitted Drawing

Not to Scale 
04/19/2016

90 Eglinton Avenue West & 17-19 Henning Avenue

File # 16 140393 NNY 16 02
File # 14 145916 NNY 16 02

Attachment 8: Eglinton Connects Planning Study



Attachment 1-1

Study Area

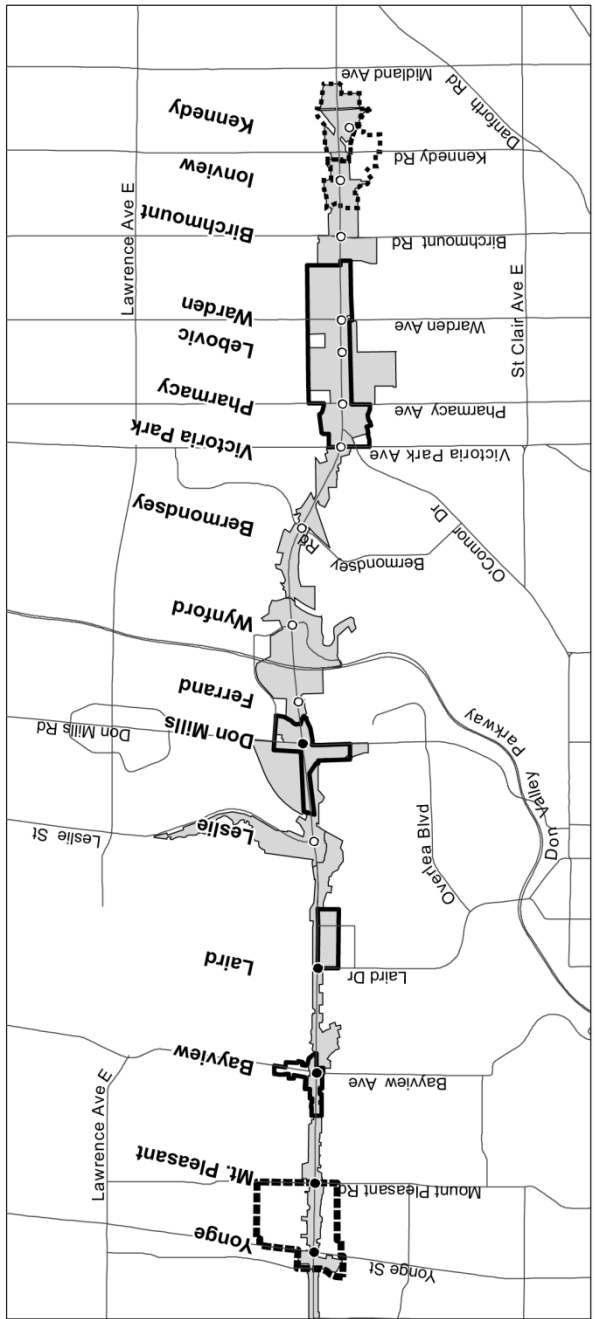
Eglinton Connects Planning Study

File # 16 140393 NNY16 0Z
File # 14 145916 NNY 16 0Z

- Underground Stations
- At-Grade Stops
- Focus Area
- Mobility Hub Study Area
- Yonge - Eglinton Centre Boundary
- Parcels fronting Eglinton







Not to Scale
10/27/2016



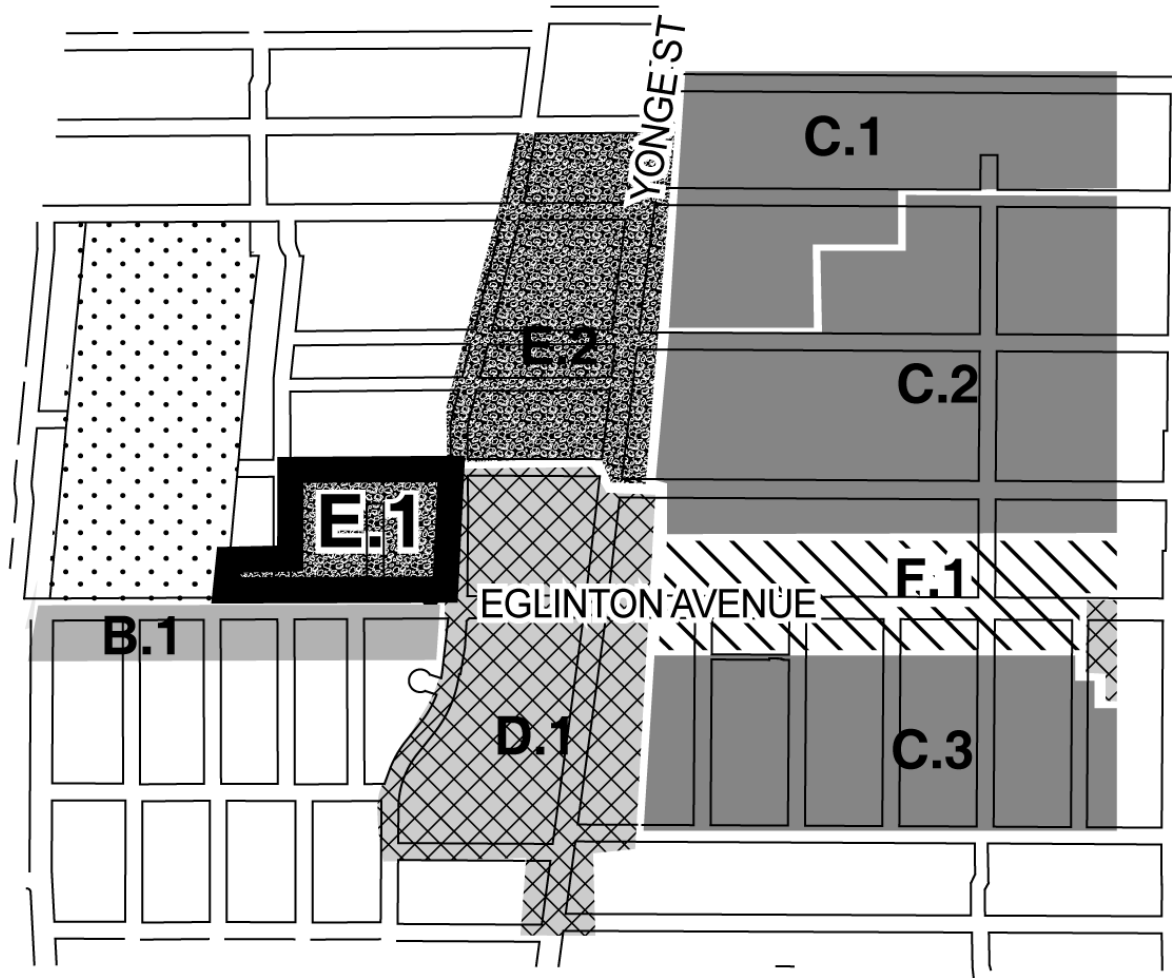
Toronto City Planning
Attachment 1-2 Study Area


Eglinton Connects Planning Study
 File # 16 140393 NNY 16 0Z
 File # 14 145916 NNY 16 0Z

- Underground Stations
- At-Grade Stops
-  Focus Area
-  Mobility Hub Study Area
-  Yonge - Eglinton Centre Boundary
-  Parcels fronting Eglinton

↑
 Not to Scale
 10/21/2016








Attachment 9: Henning Fringe Character Area



Not to Scale 



Henning Fringe Character Area

- | | | |
|--|--|------------------------------------|
|  Henning Fringe |  Midtown Fringes | B.1 Eglinton Park |
|  Apartment High Streets |  Midtown Special Places | C.1 Erskine and Keele |
|  Midtown Apartment Neighbourhoods |  Midtown Cores | C.2 Redpath and Park Street Loop |
|  Parks and Open Spaces | | C.3 Soudan Apartment Neighbourhood |
| | | D.1 Yonge-Eglinton Crossroads |
| | | E.1 Henning Fringe |
| | | E.2 Montgomery Square |
| | | F.1 Eglinton Green Line |

March 2017

Attachment 10: Application Data Sheet

Application Type	Official Plan Amendment and Rezoning	Application Number:	14 145916 NNY 16 OZ 16 140393 NNY 16 OZ
Details	Rezoning, Standard	Application Date:	April 4, 2014 & April 14, 2016
Municipal Address:	90 Eglinton Avenue West, and 17 and 19 Henning Avenue		
Location Description:	PLAN 542E LOTS 3 TO 5 PT LOT 28 **GRID N1606		
Project Description:	To construct 24-storey mixed-use building, a total of 227 residential units containing retail of 677m ² at-grade, & office space of 2,927m ² on 3 levels above-grade, and one level below-grade, a total gross floor area of 19,602m ² , and 3 levels below-grade vehicular parking.		

Applicant:	Agent:	Architect:	Owner:
Madison Group 369 Rimrock Road Toronto, ON M3J 3G2	Same as Applicant	Turner Fleischer Architects Inc. 67 Lesmill Road Toronto, ON M3B 2T8	90 Eglinton West Ltd. & 2498704 Ontario Inc., 369 Rimrock Road Toronto, ON M3J 3G2

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas & Neighbourhoods	Site Specific Provision: N
Zoning:	CR T3.0 C3.0 R2.0 & CR 3.0(c3.0, r2.0)SS2(x2237) R2 Z0.6 & CR T3.0 C3.0 R2.0	Historical Status: N
Height Limit (m):	15 metres & 9 metres	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	1,868m ² + 374m ² = 2,242m ²	Height:	Storeys:	24
Frontage (m):	45.6 m	Metres:	86.8 m + 5.35 m (mech.)	
Depth (m):	42m + 9.5m = 51.5m			
Total Ground Floor Area (sq. m):	1,070			Total
Total Residential GFA (sq. m):	15,998	Parking Spaces:	125	
Total Non-Residential GFA (sq. m):	3,504	Loading Docks	3	
Total GFA (sq. m):	19,602			
Lot Coverage Ratio (%):	48			
Floor Space Index:	8.74			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo	%		Above Grade	Below Grade
Rooms:	0		Residential GFA (sq. m):	15,998m ²	0
Bachelor:	0		Retail GFA (sq. m):	677m ²	0
1 Bedroom:	127	56	Office GFA (sq. m):	2,927m ²	0
2 Bedroom:	100	44	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0		Institutional/Other GFA (sq. m):	0	0
Total Units:	227				

CONTACT: PLANNER NAME: Al Rezoski, Manager
TELEPHONE: (416) 395-7121 Email: arezosk@toronto.ca

Attachment 11: Draft Official Plan Amendment

To adopt Amendment No. 356 to the Official Plan for the City of Toronto respecting the lands known municipally in the year 2016 as 17-19 Henning Avenue

Whereas authority is given to Council under the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The attached Amendment No. 356 to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.
2. This is Official Plan Amendment No. 356.

ENACTED AND PASSED this ____ day of _____, A.D. 2017.

Frances Nunziata
Speaker

Ulli S. Watkiss,
City Clerk

AMENDMENT NO. 356 TO THE OFFICIAL PLAN
FOR THE LANDS MUNICIPALLY KNOWN IN THE YEAR 2016 AS
17-19 HENNING AVENUE

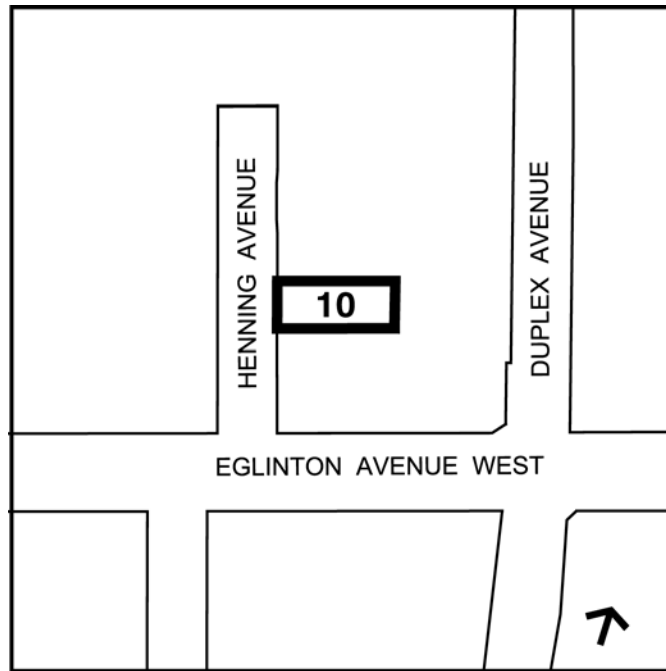
The Official Plan of the City of Toronto is amended as follows:

1. Chapter 6, Section 21, Yonge-Eglinton Secondary Plan, is amended, as follows:
 - 1.1 Section 6, Site and Area Specific Policies, is amended by adding the following new Site and Area Specific Policy No. 10, together with the key map as shown on Schedule 1, as follows:

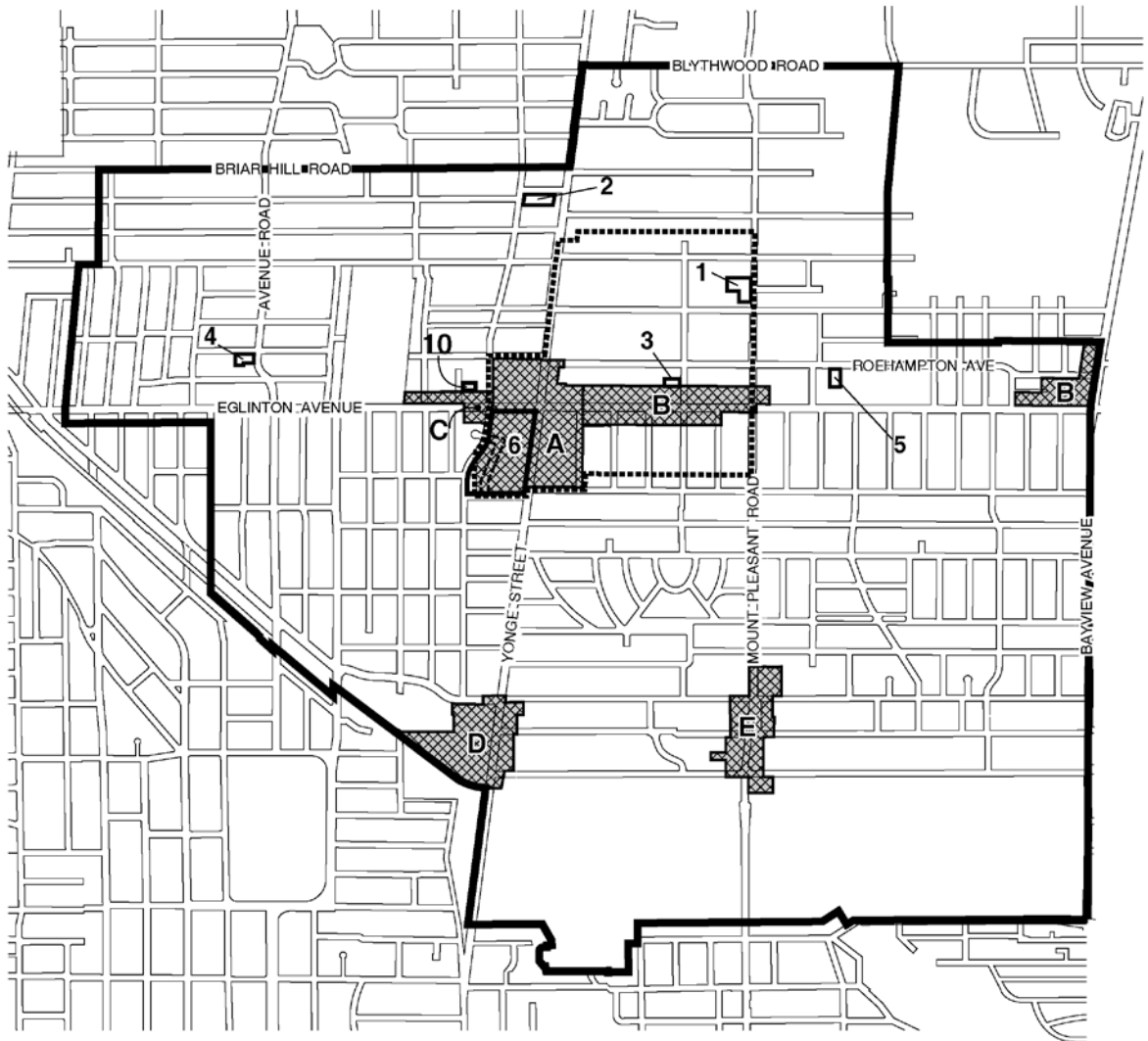
"10. On the 17-19 Henning Avenue lands shown as 10 on Map 21-1, the following additional policies will apply:

 - a) Underground parking that is associated with development on the lands at 90 Eglinton Avenue West is permitted;
 - b) Only a publicly accessible lane that includes landscaping, pedestrian access, and vehicular access, that is associated with the development on the lands at 90 Eglinton Avenue West is permitted above grade; and
 - c) An opaque barrier plus a landscaping strip deep enough to include trees will be provided at the northern perimeter."
 - 1.2 Map 21-1, Land Use Plan, is amended, as shown on the attached Schedule 2 by adding Site and Area Specific Policy No. 10 to the lands municipally known in 2016 as 17 and 19 Henning Avenue.







Schedule 1



Schedule 2



December 2010

- | | |
|---|---|
|  17-19 Henning Avenue |  Mixed Use Areas |
|  Secondary Plan Boundary |  Site and Area Specific Policies |
|  Yonge-Eglinton Centre |  Proposed Road |

Yonge-Eglinton Secondary Plan - MAP 21-1 Land Use Plan

**90 Eglinton Avenue West
& 17-19 Henning Avenue**

Not to Scale 
12/06/2016

File # 16 140393 NNY 16 02
File # 14 145916 NNY 16 02

Attachment 12: Draft Zoning By-law Amendment to 569-2013

**CITY OF TORONTO
BY-LAW No. ____ -2017**

To amend former City of Toronto Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2016 as 90 Eglinton Avenue West and 17-19 Henning Avenue

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law;

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development;

Whereas pursuant to Section 37 of the *Planning Act*, a By-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set out in the by-law;

Whereas subsection 37(3) of the *Planning Act*, provides that where an owner of land elects to provide facilities, services or matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters;

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters, as hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 569-2013, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements by the owner of the land and the City of Toronto;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.

3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR (c3.0; r2.0) SS2 (x2237) and R (d0.6)(x721) as shown on Diagram 2 attached to this by-law.
4. The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

On 90 Eglinton Avenue West and 17-19 Henning Avenue if the requirements of by-law [Clerks to insert by-law#] are complied with, none of the provisions of Chapter 800.50 with respect established grade, 5.10.40.70, 40.10.40.10(2), 40.10.40.40(1), 40.10.40.70(2), 40.10.40.50(1), 200.5.10.1(1), 200.5.10.1(2), 200.5.10.1(6), 220.5.10.1(5), 230.5.1.10(9) of By-law No. 569-2013, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the erection and use of a **mixed use building** and **ancillary** uses thereto, including an underground **parking garage**, on the lands municipally known in the year 2016 as 90 Eglinton Avenue West and 17-19 Henning Avenue (hereafter referred to as the "**lot**") provided:

- A) The total combined residential **gross floor area** and non-residential **gross floor area** of must not exceed 19,340 square metres provided that:
 - (i) the maximum residential **gross floor area** shall be 15,640 square metres;
 - (ii) the maximum non-residential **gross floor area** shall be 3,700 square metres; and
 - (iii) the minimum office floor area on levels 1 through 3 shall be 2,785 square metres.
- B) No person shall erect or use any building on the *lot* unless the first **storey** of the building, being the finished ground level **storey**, has a minimum floor-to-floor **height** of 6.0 metres.
- C) No part of a building or structure above ground may be closer to a lot line than the distance shown between a main wall and the corresponding lot line as shown on Diagram 3 of by-law [Clerks to insert];
- D) The following elements of a building may encroach into the building setback required by (C):
 - (i) cornices, lighting fixtures, window washing equipment, finials, parapets, terraces, terrace guards, platforms ornamental or architectural elements, trellises, eaves, window sills, bay windows, guardrails, balustrades,

railings, wind mitigation screens and features, planters, monuments, arbours, patios, decorative features, stair enclosures, stair landings, supportive columns, vents, stacks, underground garage ramps and their associated structures, underground garage stair enclosures, retaining walls, fences, screens, weather protection canopies, and landscape and public art features; and

- (ii) 1.5 metres for canopies and balconies.
- E) Except where a heavy line shown on Diagram 3 is contiguous with the boundary of the lot, nothing will prevent the following elements from projecting beyond the heavy lines shown on Diagram 3:
- i) fences and safety railings, trellises, balustrades, chimneys, vents, wheelchair ramps, retaining walls, landscape features, ornamental structures, walkways, stairs, covered stairs and or stair enclosures associated with an entrance or exit from an underground parking garage, stair landings, decks, planters, and public art features;
- F) Despite regulation 10.5.40.10(1), the height of a building is measured from the Canadian Geodetic Datum elevation of 158.79 metres, including the mechanical floor, to the highest point of the building.
- G) Excluding building elements identified in 10.5.40.10(2)(3)(4), no part of any building or structure may exceed the maximum height permitted by the numbers following the symbol "H" on Diagram 3 of by-law [Clerks to insert];
- i) safety railings and fences located at each of the roof levels of the building provided the maximum vertical distance of any such railing does not exceed 1.8 metres;
 - ii) a parapet, including roof drainage, thermal insulation and roof ballast, at each of the roof levels of the building provided the maximum vertical dimension of any such parapet does not exceed 1.5 metres, and having a maximum combined vertical dimension with (i) above of 3 metres above the **height** of each of the roof levels of the building; and
 - iii) structures on the roof of the building used for outside or open air recreation, architectural elements, elevator overrun, public art features, mechanical equipment, window washing equipment, stair towers, partitions dividing outdoor recreation areas, trellises or a fence, planters, landscape features, wall or structure enclosing such elements, lightning rods and exhaust flues located above the **height** of each of the roof levels of the building provided the maximum vertical dimension.
- H) **Amenity space** must be provided and maintained as follows:

- (i) A total of 455 square metres of indoor **amenity space**, which may include the 26 square metres for a lounge located in the residential lobby and 165 square metres for a recreational space in the below **grade** parking garage.
- I) The minimum number of **parking spaces** provided and maintained on the **lot** shall not be less than the number calculated in accordance with the following minimum ratios (calculation to include fractions to be rounded down to the closest whole number) and **parking spaces** shall be located in the below **grade parking garage**:

Residential:

- a. 0.3 spaces per studio **dwelling unit**
- b. 0.3 spaces per 1-bedroom **dwelling unit**
- c. 0.3 spaces per 2-bedroom **dwelling unit**
- d. 0.35 spaces per 3-bedroom **dwelling unit**

Non-residential and Residential Visitor:

- a. a **commercial parking garage** consisting of a minimum of 32 **parking spaces** shall be permitted below grade and shall be available on a first come, first serve basis; and
- b. no **parking spaces** shall be required for any portion of the **mixed-use building** that contains non-residential **gross floor area**; and
- c. a minimum of 5 **parking spaces** be required for the dedicated use of residential visitors to the **lot**, at no cost.

A minimum of 5 visitor parking spaces be provided on-site, at no charge.

- J) The total number of parking spaces which do not comply with Section 200.5.1.10(2)(A) of Zoning By-law 569-2013 shall be not exceed 5.
- K) **Loading spaces** shall be provided and maintained on the **lot** in accordance with the following requirement:
 - a. One **loading space** – type G shall be provided; and
 - b. Two **loading space** – type C shall be provided.
- L) **Bicycle parking spaces** will have the following minimum dimensions;

- i) A *horizontal bicycle parking space* has a minimum length of 1.8 metres, a minimum width of 0.4 metres, and a minimum vertical clearance from the ground of 1.5 metres;
 - ii) A vertical bicycle parking space has a minimum length or vertical clearance of 1.9 metres, a minimum width of 0.4 metres, and a minimum horizontal clearance from the wall of 1.2 metres; and
 - iii) A stacked bicycle parking space has a minimum length of 1.6 metres, a minimum width of 0.4 metres, and a minimum vertical clearance from the ground of 1.2 metres.
- M) **Bicycle parking spaces** shall be located within the below **grade parking garage** levels consisting of horizontal, vertical and/or **Stacked bicycle parking space**.
- N) None of the provisions of By-law No. 569-2013, as amended, or this By-law shall apply to prevent a temporary sales office on the **lot** as of the date of the passing of this By-law.
- O) Below **grade gross floor area** and underground parking levels may extend to the lot lines.
- P) The provisions of this by-law shall continue to apply despite any future severance, partition, dedication or division of the **lot** for any purpose.

DEFINITIONS

For the purposes of this By-law, the words highlighted in bold type have the meaning provided in By-law No. 569-2013, Chapter 800 Definitions, as amended, with the exception of the following:

- a. **grade** shall mean 158.79 metres Canadian Geodetic Datum; and
 - b. **height** shall mean the vertical distance between *grade* and the highest point of the roof, except for those elements prescribed in section 4d).
5. The lands zoned with the "(h)" symbol delineated by heavy lines on Diagram 1 attached to and forming part of this By-law shall not be used for any purpose other than those uses and buildings as existing on the site as of 2016 until the "(h)" symbol has been removed. An amending by-law to removed the "(h)" symbol shall be enacted by City Council when the following condition has been fulfilled to the satisfaction of Council:
- (i) The Owner must provide a revised functional servicing/storm water management study and design plans to be submitted in support of a Site Plan Application, which demonstrates that the development of the site will not result in an increase in post-development flows to the combined sewer

system beyond pre-development levels, in accordance with Ministry of the Environment and Climate Change Procedure F-5-5, and to the satisfaction of the Executive Director of Engineering and Construction Services and the General Manager of Toronto Water, and the Lifting of the Holding Symbol.

6. Section 37 Provisions

- (A) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense, facilities, services and matters set out in Appendix 1 hereof and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
- (B) Where Appendix 1 of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

ENACTED AND PASSED this _____ day of _____, A.D. 2017.

JOHN TORY,
Mayor
(Corporate Seal)

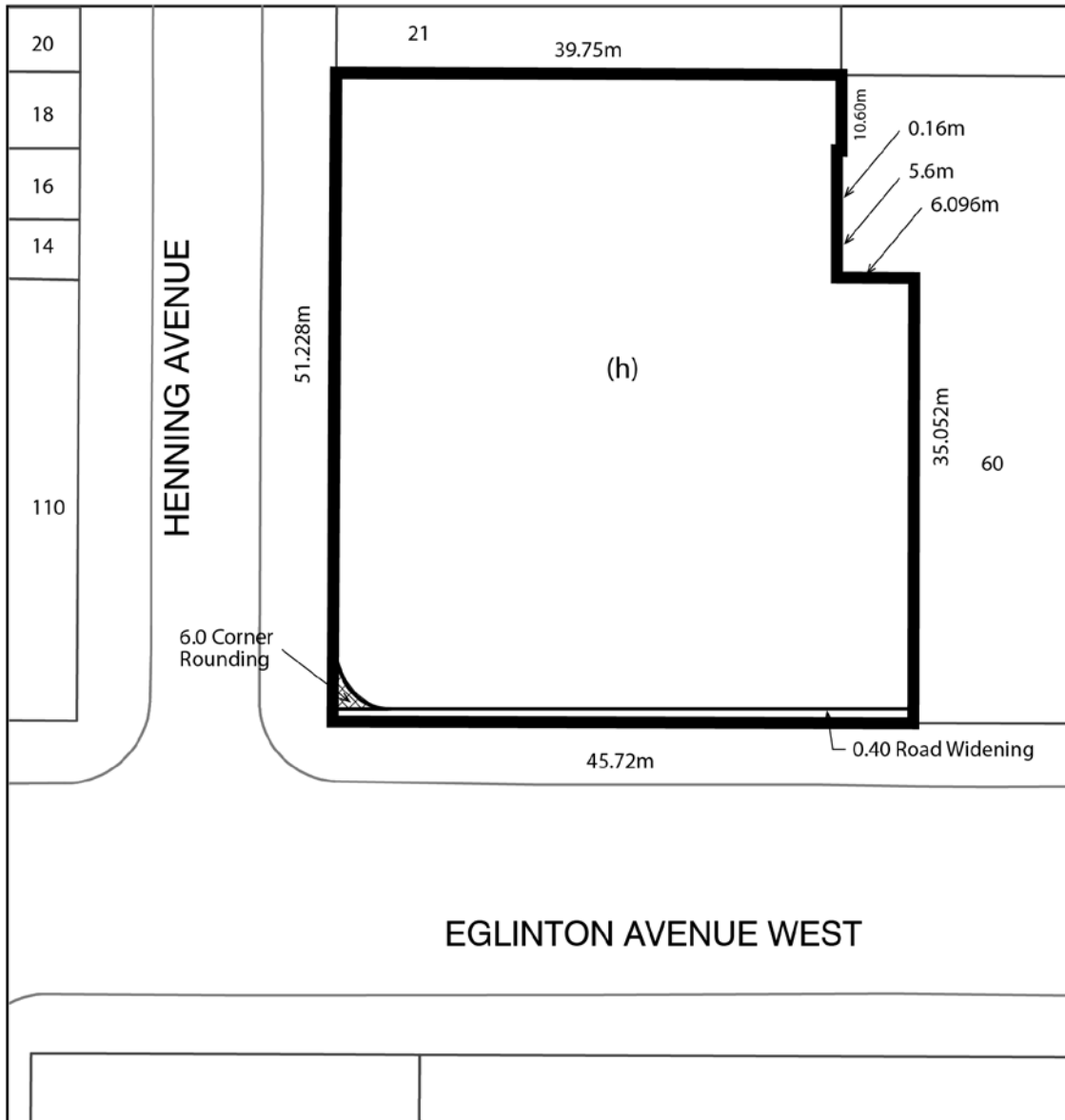
ULLI S. WATKISS,
City Clerk

APPENDIX 1

Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the *owner* of the *lot* at its expense to the *City* or as otherwise specified in this Appendix, in accordance with an agreement, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* and the owner with conditions providing for indexing escalation of both the financial contributions, and letters of credit, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

1. The community benefits to be secured in the Section 37 agreement is:
 - a. A cash payment of \$1,000,000 payable prior to the issuance of the first above grade building permit:
 - i. to be used by the City in its sole discretion for the purpose of improvements to Eglinton Park in accordance with the Midtown in Focus parks and Public Realm Plan.
 - b. Require that the cash amount identified shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the prior from the date of the execution of the Section 37 Agreement to the date of payment.
2. The financial contribution and letter of credit required in paragraph 1 above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto calculated from the date of execution of the Section 37 Agreement to the date the payment is made and/or the letter of credit is provided.
3. In the event that the above financial contribution has not been used for the intended purpose within three years of this By-law coming into full force and effect, said funds may be redirected for another purpose, in the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the *lot*.



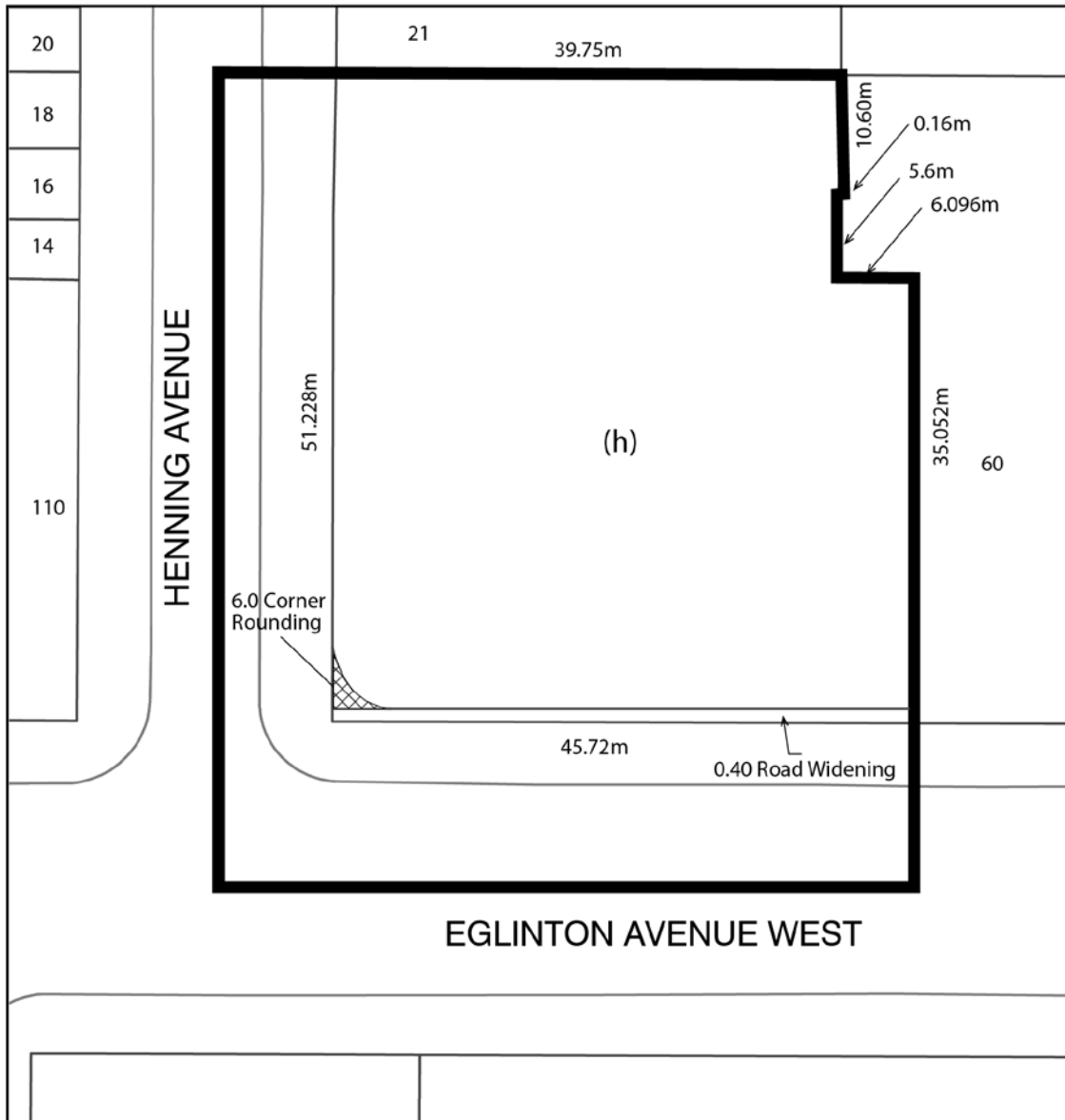
90 Eglinton Avenue West & 17-19 Henning Avenue

Diagram 1

File # 16 140393 NNY 16 0Z
 File # 14 145916 NNY 16 0Z



City of Toronto By-Law 569-2013
 Not to Scale
 04/11/2017



TORONTO City Planning

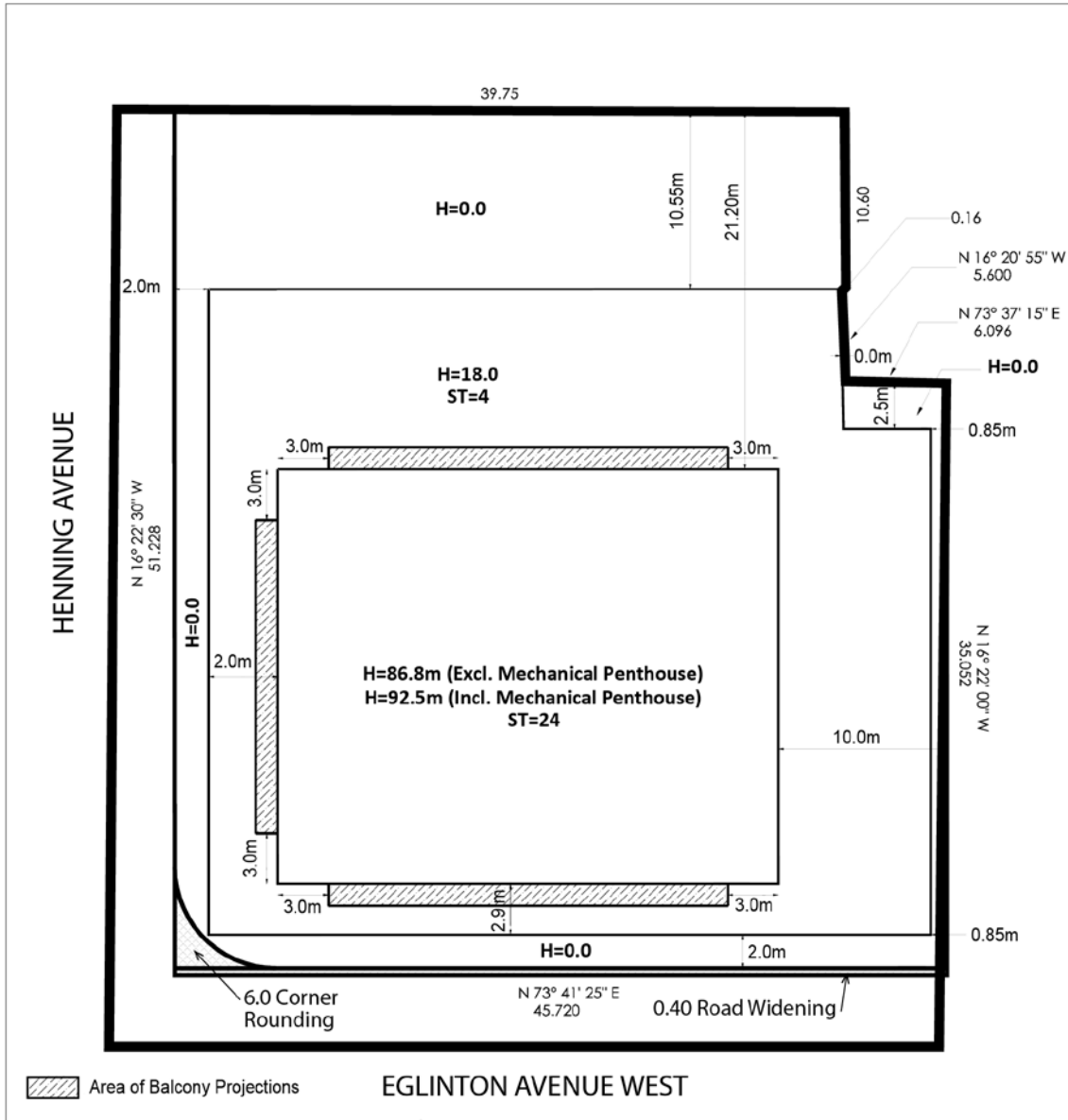
90 Eglinton Avenue West & 17-19 Henning Avenue

Diagram 2

File # 16 140393 NNY 16 02
File # 14 145916 NNY 16 02



City of Toronto By-Law 569-2013
Not to Scale
04/11/2017



90 Eglinton Avenue West & 17-19 Henning Avenue

Diagram 3

File # 16 140393 NNY 16 02
File # 14 145916 NNY 16 02



City of Toronto By-Law 569-2013
Not to Scale
04/11/2017

Attachment 13: Draft Zoning By-law Amendment to 438-86

**CITY OF TORONTO
BY-LAW No. ___-2017**

To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands municipally known in the year 2016 as 90 Eglinton Avenue West and 17-19 Henning Avenue

WHEREAS authority is given to Council by Section 34 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass this By-law;

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

WHEREAS pursuant to Section 37 of the Planning Act, the Council of a municipality may in a By-law under Section 34 of the Planning Act, may authorize increases in the height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law;

WHEREAS Subsection 37(3) of the Planning Act provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters;

WHEREAS the owner of the aforesaid lands has elected to provide the facilities, services, and matters hereinafter set out; and

WHEREAS the increase in the density and height permitted beyond that otherwise permitted in the aforesaid lands by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements by the owner of such land and the City of Toronto (hereinafter referred to as the "City"); and

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Maps 1, 2, and 3, attached, form part of this By-law.
2. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.
3. For the purpose of this By-law, the *lot* shall consist of the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law.

4. None of the provisions of Sections 2 with respect to *bicycle parking space – occupant, bicycle parking space – visitor, grade, height*, 4(2), 4(4)(b), 4(6), 4(12), 4(13)(a) and (c), 8(3) PART I, 8(3) PART III, 8(3) PART XI, 12(2)118 and 12(2)119 of By-law No. 438-86, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the erection and use of a *mixed-use building* and uses *accessory* thereto, including an underground *parking garage* and a *commercial parking garage*, on the lands municipally known in the year 2016 as 90 Eglinton Avenue West and 17-19 Henning Avenue (hereafter referred to as the "*lot*") provided:

I) The total combined *residential gross floor area* and *non-residential gross floor area* of the building does not exceed 20,300 square metres provided that:

(i) the maximum *residential gross floor area* shall be 16,100 square metres;

(ii) the maximum *non-residential gross floor area* on levels 1 through 3 shall be 4,200 square metres;

(iii) the minimum office floor area on levels 1 through 3 shall be 2,785 square metres; and

(iv) Below *grade non-residential gross floor area* is not included in the total calculation of the maximum permitted *non-residential gross floor area* on the *lot*.

II) No person shall erect or use any building on the *lot* unless the first *storey* of the building, being the finished ground level *storey*, has a minimum floor-to-floor *height* of 6.0 metres.

III) No part of any building above *grade* on the *lot* is located otherwise than wholly within the areas delineated by the heavy lines on Map 3 attached to and forming part of this By-law, except for the following permitted projections into the required setback areas:

(i) cornices, balconies, lighting fixtures, window washing equipment, awnings, canopies, finials, parapets, terraces, terrace guards, platforms ornamental or architectural elements, trellises, eaves, window sills, bay windows, guardrails, balustrades, railings, wind mitigation screens and features, planters, monuments, arbours, patios, decorative features, stairs, stair enclosures, stair landings, supportive columns, wheel chair ramps, vents, stacks, underground garage ramps and their associated structures, underground garage stair enclosures, retaining walls, fences, screens, weather protection canopies, and landscape and public art features.

IV) No part of any building or structure erected on the *lot* shall be located above the building *heights* shown in metres specified by the number following the symbol "H" on Map 3 provided that this paragraph does not prevent the erection and use of:

- (i) safety railings and fences located at each of the roof levels of the building provided the maximum vertical distance of any such railing does not exceed 1.8 metres;
- (ii) a parapet, including roof drainage, thermal insulation and roof ballast, at each of the roof levels of the building provided the maximum vertical dimension of any such parapet does not exceed 1.5 metres, and having a maximum combined vertical dimension with (i) above of 3 metres above the *height* of each of the roof levels of the building;
- (iii) structures on the roof of the building used for outside or open air recreation, architectural elements, elevator overruns, public art features, mechanical equipment, window washing equipment, stair towers, partitions dividing outdoor recreation areas, trellises or a fence, planters, landscape features, wall or structure enclosing such elements, lightning rods and exhaust flues located above the *height* of each of the roof levels of the building.

V) Amenity space must be provided and maintained as follows:

- (i) A total of 386 square metres of outdoor amenity space; and
- (ii) A total of 427 square metres of indoor amenity space, which may include the following:
 - i. 26 square metres for a lounge located in the residential lobby at grade; and
 - ii. 165 square metres for a recreational space in the below grade parking garage.

VI) The minimum number of *parking spaces* provided and maintained on the *lot* shall not be less than the number calculated in accordance with the following minimum ratios (calculation to include fractions to be rounded down to the closest whole number) and *parking spaces* shall be located in the *underground parking garage*:

Residential

- (i) 0.3 spaces per studio *dwelling unit*
- (ii) 0.3 spaces per 1-bedroom *dwelling unit*
- (iii) 0.3 spaces per 2-bedroom *dwelling unit*

(iv) 0.35 spaces per 3-bedroom *dwelling unit*

Non-residential and Residential Visitor:

(i) a *commercial parking garage* consisting of a minimum of 32 *parking spaces* shall be permitted below grade and shall be available on a first come, first serve basis, for residential visitors, general public, office and retail uses.

(ii) A minimum of 5 residential visitor parking spaces be provided on-site, at no charge.

VII) Parking spaces located within a commercial parking garage are permitted on the lot.

VIII) The total number of *parking spaces* which do not comply with section 4(17)(e) of Zoning By-law 438-86 shall not exceed 5.

IX) In the event that the calculation of the number of required *parking spaces* results in a number with a fraction, the number is rounded down to the nearest whole number.

X) *Loading spaces* shall be provided and maintained on the *lot* in accordance with the following requirement:

(i) One *loading space – type G* shall be provided; and

(ii) Two *loading space – type C* shall be provided.

XI) Bicycle parking spaces will have the following minimum dimensions;

(i) A *horizontal bicycle parking space* has a minimum length of 1.8 metres, a minimum width of 0.4 metres, and a minimum vertical clearance from the ground of 1.5 metres;

(ii) A vertical bicycle parking space has a minimum length or vertical clearance of 1.9 metres, a minimum width of 0.4 metres, and a minimum horizontal clearance from the wall of 1.2 metres; and

(iii) A stacked bicycle parking space has a minimum length of 1.6 metres, a minimum width of 0.4 metres, and a minimum vertical clearance from the ground of 1.2 metres.

XII) Bicycle parking spaces will be provided and maintained on the *lot* and shall not be less than the number calculated in accordance with the following minimum

ratios (calculation to include fractions to be rounded down to the closest whole number):

Residential

(i) *Bicycle parking spaces - Occupant* – 0.9 spaces per *dwelling unit*

(ii) *Bicycle parking spaces - Visitor* – 0.1 spaces per *dwelling unit*

Non-Residential

(i) *Bicycle parking spaces - Occupant* – 0.2 spaces per 100 square metres of *non-residential gross floor area*

(ii) *Bicycle parking spaces - Visitor* – 3 spaces plus additional spaces of which the quantity is calculated at a rate of 0.2 spaces per 100 square metres of *non-residential gross floor area*.

- XIII) Bicycle parking spaces shall be located within all levels of the *underground parking garage* consisting of horizontal, vertical and/or *Stacked bicycle parking space* and which may or may not be located above a required vehicle *parking space*.
- XIV) A bicycle parking space may protrude into a required *parking space* provided it protrudes no more than 1.0 metre so as to reduce the length of the required *parking space*.
- XV) In the event that the calculation of the number of required bicycle parking spaces results in a whole number with fraction, the number is rounded down to the nearest whole number.
- XVI) None of the provisions of By-law No. 438-86, as amended, or this By-law shall apply to prevent a *temporary sales office* on the *lot* as of the date of the passing of this By-law.
- XVII) The provisions of this by-law shall continue to apply despite any future severance, partition, dedication or division of the *lot* for any purpose.
5. Pursuant to Section 37 of the Planning Act and subject to compliance with this By-law, the increase in height and density of development on the lot contemplated herein is permitted in return for the provision by the owner, at the owner's expense, of the facilities, services and matters set out in Appendix 1 hereof which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lot, to the satisfaction of the City Solicitor.
6. Where Appendix 1 of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on the satisfaction of the same.

7. The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Appendix 1 are satisfied.
8. Definitions
For the purposes of this By-law, all italicized words and expressions have the same meanings as defined in By-law No. 438-86, as amended, with the exception of the following:
 - (i) "*Bicycle parking space – occupant*" means a horizontal, vertical and/or *Stacked bicycle parking space* for use by the occupant of a building. The *bicycle parking space – occupant* may be located within an enclosed and/or secured area and may be positioned above or below another bicycle parking space and equipped with a mechanical device providing floor level access to both *bicycle parking spaces*.
 - (ii) "*Bicycle parking space – visitor*" means a horizontal, vertical and/or *Stacked bicycle parking space* for use by visitors of a building. The *bicycle parking space – visitor* may be located within an enclosed and/or secured area and may be positioned above or below another *bicycle parking space* and equipped with a mechanical device providing floor level access to both *bicycle parking spaces*.
 - (iii) "*Stacked bicycle parking space*" means a horizontal bicycle parking space that is positioned above or below another *bicycle parking space* and equipped with a mechanical device providing floor level access to both bicycle parking spaces.
 - (iv) "*temporary sales office*" shall mean a building, structure, trailer or facility on the *lot* used exclusively for the sales, marketing, and promotion of dwelling units to be erected on the *lot*.
 - (v) "*grade*" shall mean 158.79 metres Canadian Geodetic Datum;
 - (vi) "*height*" shall mean the vertical distance between *grade* and the highest point of the roof, except for those elements prescribed in section 4 IV).
9. The lands zoned with the "(h)" symbol delineated by heavy lines on Map 1 attached to and forming part of this By-law shall not be used for any purpose other than those uses and buildings as existing on the site as of 2016 until the "(h)" symbol has been removed. An amending by-law to remove the "(h)" symbol shall be enacted by City Council when the following condition has been fulfilled to the satisfaction of Council:
 - (i) The Owner must provide a revised functional servicing/storm water management study and design plans be submitted in support of a Site Plan Application, which demonstrates that the development of the site will not result in an increase in post-development flows to the combined sewer system beyond pre-development levels, in accordance with Ministry of the Environment and Climate Change Procedure F-5-5, and to the satisfaction of

the Executive Director of Engineering and Construction Services and the
General Manager of Toronto Water, and the Lifting of the Holding Symbol.

ENACTED AND PASSED this _____ day of _____, A.D. 2017.

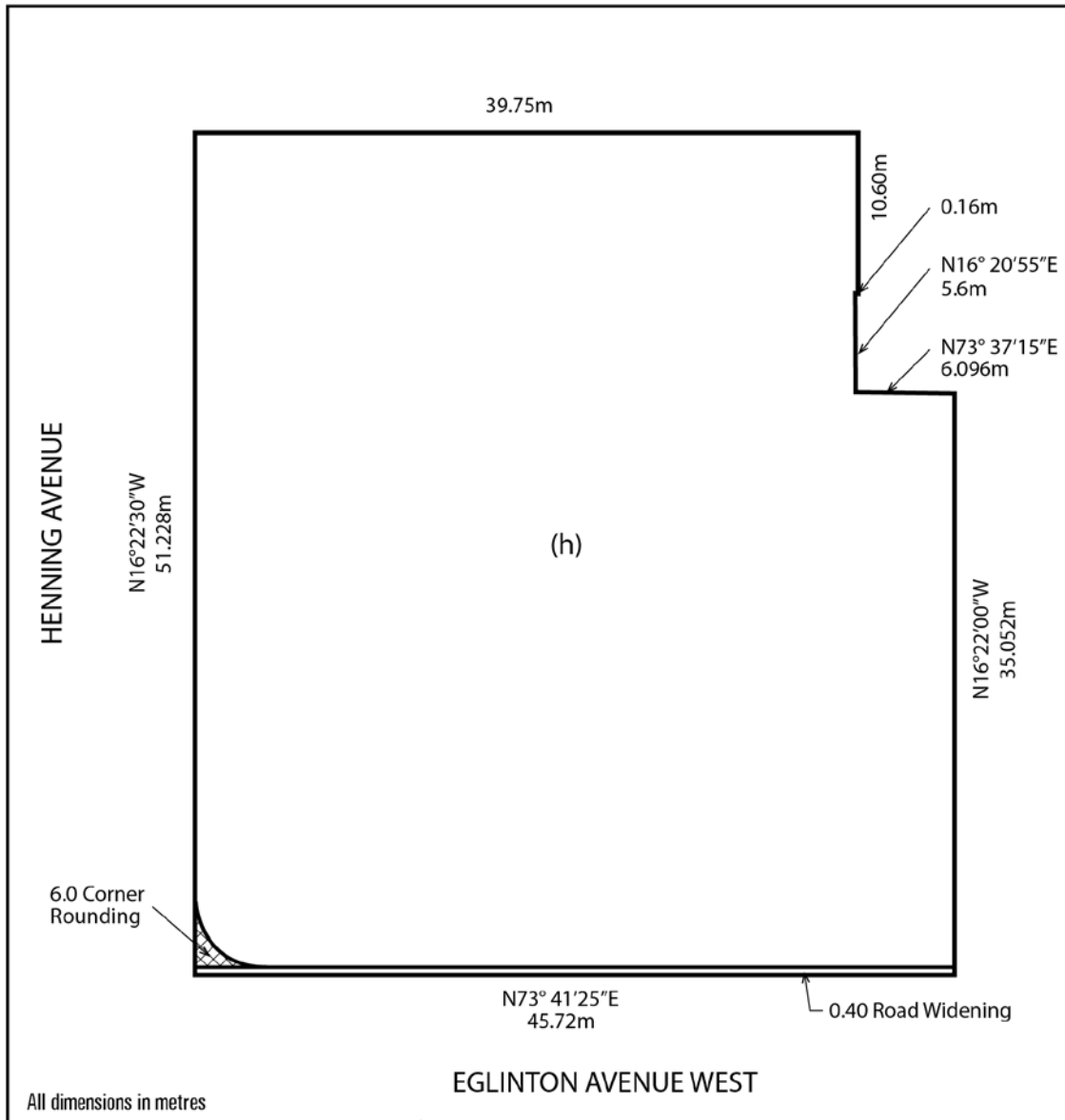
JOHN TORY,
Mayor
(Corporate Seal)

ULLI S. WATKISS,
City Clerk

APPENDIX 1 Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the *owner* of the *lot* at its expense to the *City* or as otherwise specified in this Appendix, in accordance with an agreement, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* and the owner with conditions providing for indexing escalation of both the financial contributions, and letters of credit, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

1. The community benefits to be secured in the Section 37 agreement is:
 - a. a cash payment of \$1,000,000 payable prior to the issuance of an above grade building permit:
 - iii. be used by the City in its sole discretion for the purpose of improvements to Eglinton Park in accordance with the Midtown in Focus Parks and Public Realm Plan.
 - b. Require that the cash amount identified shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the execution of the Section 37 Agreement to the date of payment.
2. The financial contributions and letter of credit required in paragraph 1 above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto calculated from the date of execution of the Section 37 Agreement to the date the payment is made and/or the letter of credit is provided.
3. In the event that the above financial contribution has not been used for the intended purpose within three years of this By-law coming into full force and effect, said funds may be redirected for another purpose, in the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the *lot*.



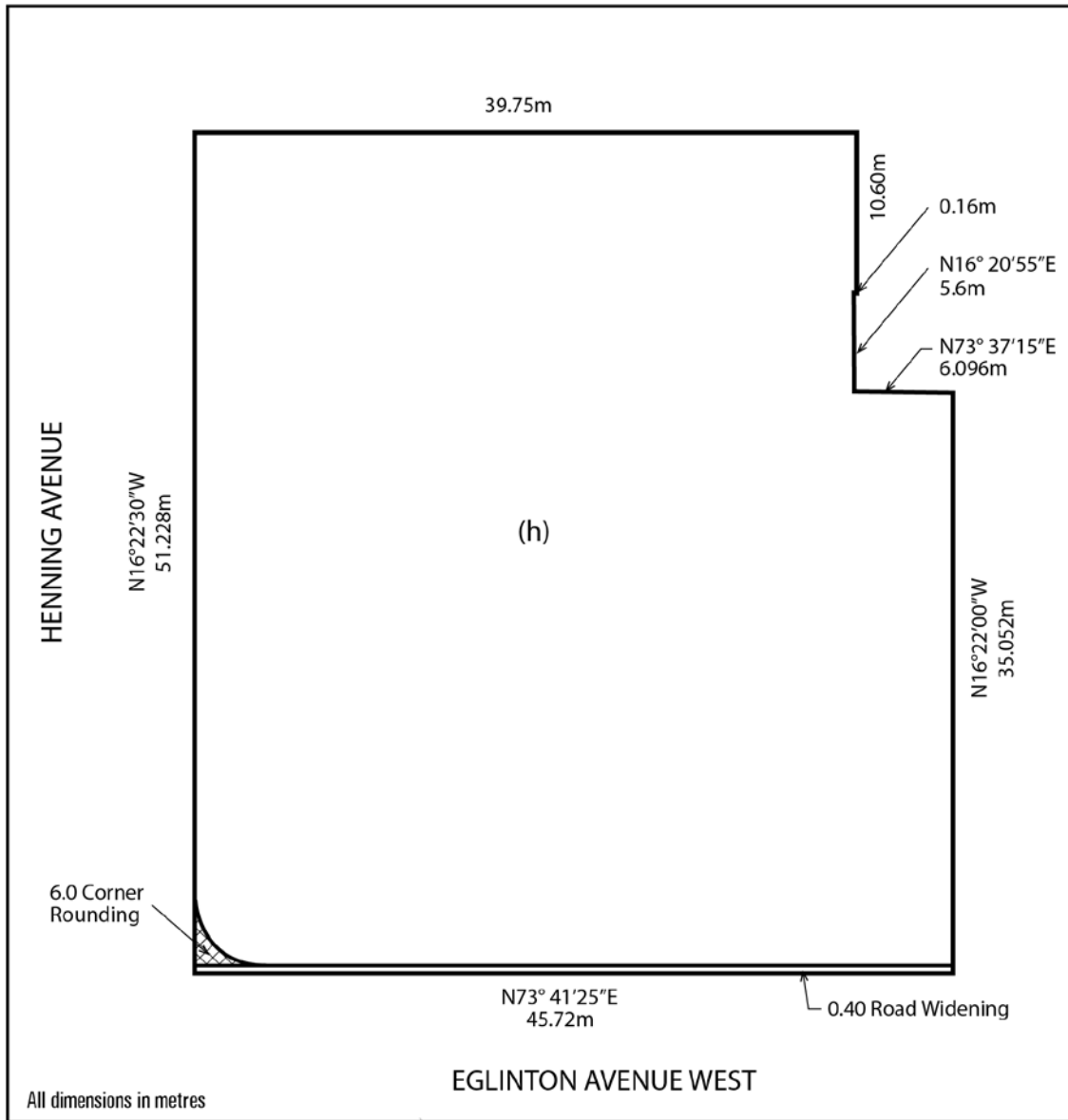
90 Eglinton Avenue West & 17 -19 Henning Avenue

Map 1

File # 16 140393 NNY 16 0Z
File # 14 145916 NNY 16 0Z



Former Toronto By-Law 438-86
Not to Scale
04/11/2017



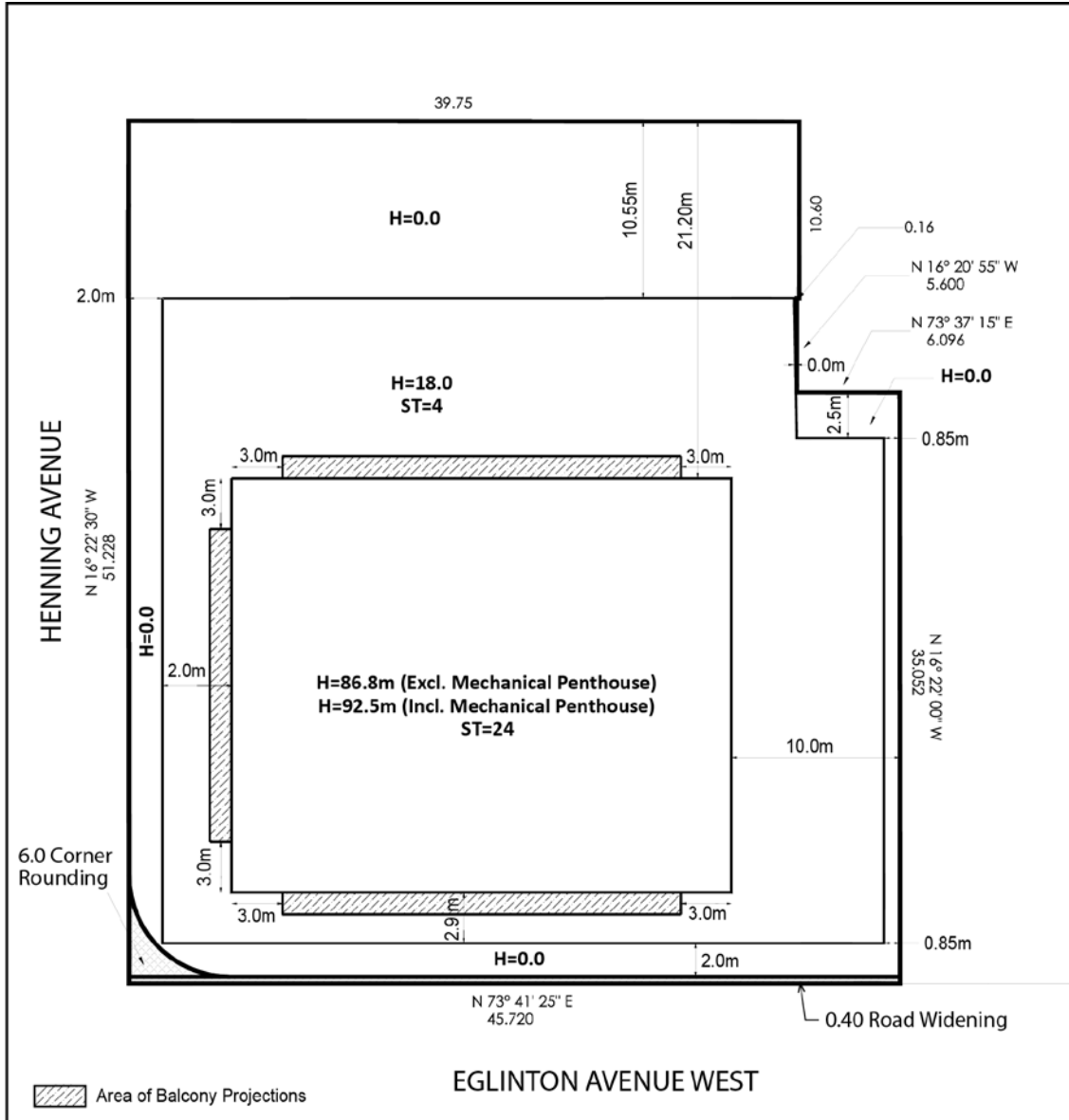
90 Eglinton Avenue West & 17 -19 Henning Avenue

Map 2

File # 16 140393 NNY 16 0Z
File # 14 145916 NNY 16 0Z



Former Toronto By-Law 438-86
Not to Scale
04/11/2017



90 Eglinton Avenue West & 17 -19 Henning Avenue

Map 3

File # 16 140393 NNY 16 0Z
File # 14 145916 NNY 16 0Z



Former Toronto By-Law 438-86
Not to Scale
09/12/2016