



## STAFF REPORT ACTION REQUIRED

### **368 - 386 Eglinton Avenue East – Zoning By-law Amendment Application – Request for Direction Report**

Date: June 6, 2019

To: North York Community Council

From: Director, Community Planning, Toronto and East York District

Wards: Ward 15 - Don Valley West

**Planning Application Number:** 17 188558 STE 22 OZ

#### **SUMMARY**

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On March 28, 2018, the applicant appealed to the Local Planning Appeal Tribunal (the "LPAT") citing Council's failure to make a decision on the Zoning By-law Amendment applications within the timeframe prescribed by the *Planning Act*. The first prehearing conference was held on October 16, 2018. A second pre-hearing conference was held on May 14, 2019. A third pre-hearing conference will be scheduled by the LPAT following an update from all parties including the applicant, the City of Toronto, the Toronto District School Board and the South Eglinton Ratepayers' and Residents' Association on their progress in resolving outstanding issues.

This application has been revised and currently proposes a new 11-storey (29.17 metres plus a 5 metre mechanical penthouse) addition to the east end of the existing residential apartment building at 368 Eglinton Avenue East including 76 new residential rental units in addition to the 148 residential rental units in the existing building. A total of 163 parking spaces are proposed for the combined needs of the existing building and the building addition. The purpose of this report is to seek City Council's direction with respect to the LPAT hearing. This report recommends that Council direct the City Solicitor, together with appropriate City staff, to support the current proposal at the LPAT, subject to conditions.

The proposed development is consistent with the Provincial Policy Statement (2014) and conforms with the Growth Plan for the Greater Golden Horseshoe (2019) and the City of Toronto Official Plan. It provides improvements to the existing building at 368 Eglinton Avenue East, appropriate transition to the low rise residential *Neighbourhoods* designated lands to the north, mitigates privacy issues related to the interface with the existing residential building to the east at



398 Eglinton Avenue East, provides new rental housing and secures the new and existing residential rental tenure for a period of 20 years.

## **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council direct the City Solicitor, together with Planning staff and other appropriate staff to attend the third Local Planning Appeal Tribunal prehearing conference (when it is scheduled) in support of Zoning By-law Amendment Application Number 17 188558 STE 22 OZ, at 368-386 Eglinton Avenue East, and support the conversion of the prehearing conference to a settlement hearing, provided all conditions listed below are satisfied.

2. In the event that the LPAT allows the appeal in whole or in part, City Council authorize the City Solicitor to request the LPAT to withhold the issuance of any Order(s) until such time as the LPAT has been advised by the City Solicitor that:

a) the final form of the Zoning By-law Amendments are to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;

b) all comments from Engineering and Construction Services contained in their February 14, 2019 memorandum are addressed to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; and

c) the owner enters into an Agreement pursuant to Section 37 of the *Planning Act* and the following matters are secured through the agreement pursuant to policy 5, section 5.1.1 of the City's Official Plan to support development:

i) the rental tenure of the existing rental building containing 149 existing rental dwelling units, without application to convert or demolish for at least 20 years commencing from the date of the enactment of the amending by-laws.

ii) access for residents of the existing rental building to all indoor and outdoor amenities within the proposed building addition with no cost pass-through to existing residents within the existing rental dwelling units.

iii) improvements to the existing rental building, with no cost pass-through to existing residents within the existing rental dwelling units, including:



- A. programmed outdoor amenity area on the two existing roof-top amenity areas on the existing building, including outdoor furniture, weather protection, barbeques, and renovating the existing washroom located adjacent to the existing eastern roof-top outdoor amenity area;
- B. establishing a new indoor amenity area within the basement of the existing building of at least 80 square metres, currently occupied by a mechanical/service space;
- C. locating all garbage, recycling, and composting storage indoors for the new and existing building and locating a hand delivered refuse drop-off area within the existing building;
- D. introducing secure long-term bike storage within the underground parking garage for residents of the existing and new buildings; and
- E. introducing short-term visitor bike parking racks located at the front entrance of the existing building.

iv) a construction mitigation and tenant communications plan to lessen adverse impacts on tenants due to the redevelopment proposal, to the satisfaction of the Chief Planner and Executive Director, City Planning.

v) a tenant assistance plan to lessen impacts imposed upon the tenants of twelve (11) existing rental dwelling units which will be reconfigured to accommodate the enclosure of an existing bedroom window, to the satisfaction of the Chief Planner and Executive Director, City Planning.

vi) reducing the number of vehicular driveways to and from the site from 4 to 1 and relocating the ramp to the underground parking garage to the rear of the site.

## **FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

## **DECISION HISTORY**

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On July 12, 2016 City Council adopted the recommendations in the report from the Chief Planner and Executive Director, City Planning, titled: "Midtown in Focus: Growth, Built Form and Infrastructure Review – Status Report". The recommendations direct staff to use the draft built form principles in the report in



the review of 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. The report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG13.1>

On December 5, 2017 City Council adopted the recommendations in the report from the Acting Chief Planner and Executive Director, City Planning titled: "Midtown in Focus: Proposals Report". Staff were directed to continue to consider and review applications submitted prior to November 15, 2017 in the context of the City Council directed Midtown in Focus: Growth, Built Form and Infrastructure Review. The report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG24.10>

On July 23, 2018, City Council adopted Official Plan Amendment 405 (Midtown in Focus) with modifications and authorized the Chief Planner and Executive Director, City Planning to seek the approval of the Minister of Municipal Affairs for OPA 405, pursuant to Section 26 of the *Planning Act*. The final report and OPA 405 can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG31.7>

The Ministry issued its decision regarding OPA 405 on June 5, 2019.

A Preliminary Report on the application was adopted by Toronto East York Community Council on September 6, 2017 requesting staff to hold a community consultation meeting. The feedback from the community consultation meeting is summarized in the Comments section of this Report. The preliminary report can be found at the following link:

<https://www.toronto.ca/legdocs/mmis/2017/te/bgnd/backgroundfile-108573.pdf>

## **APPLICATION DETAILS**

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### **Consultation with the Applicant**

A pre-application consultation meeting was held with the applicant on April 4, 2016 to discuss complete application submission requirements. Planning staff also informed the applicant of the on-going Midtown in Focus Study.

### **Submission and Date Deemed Complete**

The application materials were submitted on September 8, 2017 and a Notification of Complete Application was issued on October 20, 2017.



## **LPAT Appeal**

On March 28, 2018, the applicant appealed to the Local Planning Appeal Tribunal (the "LPAT") citing Council's failure to make a decision on the Zoning By-law Amendment applications within the timeframe prescribed by the *Planning Act*. The first prehearing conference was held on October 16, 2018. A second pre-hearing conference was held on May 14, 2019. A third pre-hearing conference will be scheduled by the LPAT following an update from all parties including the City of Toronto, the Toronto District School Board and the South Eglinton Ratepayers' and Residents' Association on their progress in resolving outstanding issues.

## **Proposal**

Following the appeal to the LPAT, the applicant revised their submission on December 3, 2018. The current application proposes a new 11-storey (29.17 metres plus a 5 metre mechanical penthouse) addition to the east end of the existing residential apartment building at 368 Eglinton Avenue East with 76 new residential rental units in addition to the 148 residential rental units in the existing building. A total of 163 parking spaces are proposed for both the existing building and the building addition.

The proposed building addition is setback 6 metres from the south property line (Eglinton Avenue East). Within the 6 metre building setback from Eglinton Avenue East, the applicant is proposing a private landscaped area. The proposed building addition steps back 1.5 metres above the third storey and 1.5 metres above the ninth storey with the exception of a portion of the building toward the centre of the front elevation. The main entrance to the lobby and a residential unit are proposed on the ground floor facing Eglinton Avenue East.

The rear of the building is set back 6.9 metres from the north property line. The proposed building steps back from the north property line from floors 3 through 11 and is below a 45 degree angular plane. The mechanical penthouse also falls below the 45 degree angular plane.

The proposed building is set back 7.5 to 8.0 metres from the east property line in accordance with the minimum side yard setback required in Zoning By-law 569-2013, and the addition is separated approximately 11.9 to 14 metres from the existing 10 storey residential building to the east.

The applicant is proposing to retain the existing driveway on the west side of the site currently used for access to the surface parking lot at the rear of the site. The ramp to the existing and new underground parking garage is proposed to be moved from its current location at the south property line facing Eglinton Avenue East, to the rear of the site and accessed from the existing driveway along the west property line. The applicant is proposing to increase the amount of landscaping at the front of the existing apartment building by removing the



circular driveway and adding a vehicular drop off area to the existing driveway on the west side of the site. Overall, the number of vehicular access points on the subject site would be reduced from 4 to 1.

Further information about this development proposal can be found in the chart below and in Attachments 1 and 7-14.

### Summary of Revisions to Proposal

The current proposal incorporates numerous revisions from the original (June 28, 2017) application as summarized below:

- the front yard setback has been increased from 0.5 to 6.0 metres;
- the building is now located under a 45 degree angular plane from the rear of the site;
- the number of driveways on the site have been reduced from 4 to 1;
- the ramp to the underground parking garage has been relocated to the rear of the site;
- landscaping in front of the existing building has increased;
- some of the surface parking at the rear of the existing building will be replaced with landscaping;
- car share spaces have been added;
- the applicant has increased the number of proposed three bedroom units from 0 to 13%; and
- the two bedroom units in the existing building that were planned to become one bedroom units will remain as two-bedroom units.

Table 1 - Summary of Revisions

Category	June 2, 2017 – Original Submission	December 3, 2019 – Current Proposal
Building Height Building Addition	11 storeys and 29.17 metres (34.17 metres to top of mechanical penthouse)	11 storeys and 29.17 metres (34.17 metres to top of mechanical penthouse)
Building Setbacks at Ground Level (metres)		
North Lot Line	9.0	6.9
South Lot Line	0.5	6.0
East Lot Line	7.5	7.5
West Lot Line	Attached to existing 13-storey residential building	Attached to existing 13-storey residential building



Gross Floor Area (square metres)		
Building Addition	6,406.3	5,045.46
Floor Space Index		
Total Existing and Proposed Building Addition	3.05	2.84
Number of Units (Existing Building)		
Studio	13	13
1 Bedroom	120	109
2 Bedroom	15	26
3 Bedroom	1	1
Total	149	149
Number of Units (Building Addition)		
Studio	0	0
1 Bedroom	63 (66%)	42 (55%)
2 Bedroom	37 (39%)	24 (32%)
3 Bedroom	0 (0%)	10 (13%)
Total	96	76
Parking (Existing Building) (residential: visitor)	144 (not clear)	142 (115:27)
Parking (Building Addition) (residential: visitor)	42 spaces (26:16)	21 spaces (13:6)
Bicycle Parking (long-term: short-term)	102 spaces (92:10)	79 (69:10)
New Amenity Space – square metres (Building Addition)		
Indoor	323.83	203.25
Outdoor	289.49	885.18
Total	613.32 (2.41 square metres/unit)	1,088.43 (6.9 square metres/unit)

### Application Submission Requirements

The following reports/studies were submitted in support of the application:

- Architectural Plans
- Landscape Plans
- Topographical Survey
- Planning Rationale Report;
- Housing Issues Report;
- Green Development Standards Checklist and Statistics;
- Pedestrian Level Wind Study;
- Transportation Impact Assessment;
- Sun/Shadow Study;



- Preliminary Geotechnical Investigation Report;
- Hydrogeological Investigation Report;
- Functional Servicing and Stormwater Management Report;
- Noise Control Feasibility Study;
- Tree Inventory and Preservation Plan;
- Arborist Report;
- Sun Shadow Study; and
- Community Services and Facilities Study.

The application material referenced above can be accessed from the City's Application Information Centre using the following link:

<http://app.toronto.ca/DevelopmentApplications/associatedApplicationsList.do?action=init&folderRsn=4194530>

### **Reasons for Application**

The Zoning By-law Amendment application is required to increase the maximum permitted building height from 18 to 29.17 metres, to increase the maximum permitted density from 2 times the site area to 2.84 times the site area and to establish the appropriate development standards.

The applicant has also submitted an application for a Rental Housing Demolition and Conversion permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition of the existing rental housing units as the site contains six or more dwelling units, of which at least one is rental. The application has been revised so that the affected existing rental units will no longer be demolished and as such, the Rental Housing Demolition application is no longer required.

### **Agency Circulation**

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application.

### **SITE AND SURROUNDING AREA**

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The subject site, comprised of two properties at 368 and 386 Eglinton Avenue East, is rectangular shaped and relatively flat.

The existing 13-storey apartment building at 368 Eglinton Ave East is set back approximately 18.3 metres from the street. A circular driveway in front of the existing building provides vehicular pick-up and drop-off to the site. A third curb cut at the street provides driveway access to the underground parking garage and to a surface parking lot behind the existing building. The other property



within the subject site, at 386 Eglinton Avenue East, was formerly owned by Toronto Hydro and is now vacant.

All of the existing 149 residential units on the site are rental tenure and have affordable or mid-range rents. All but four of the rental units were occupied at the time of the rental housing application. The rental units have the following bedroom type and rent classifications (according to information provided by the applicant):

<b>Rental Unit Bedroom Type</b>	<b>Rent Category</b>
Studio / Bachelor: 13	7 affordable rents 6 mid-range rents
One-bedroom: 109	40 affordable rents 69 mid-range rents
Two-bedroom: 26	8 affordable rents 18 mid-range rents
Three-bedroom: 1	1 mid-range affordable rent

North: is a four-storey apartment building at 57 Rawlinson Avenue. Farther north, fronting on Roehampton Avenue, are detached and semi-detached dwellings and a condominium townhouse development.

South: of Eglinton Avenue East between Falcon Street and Forman Avenue, are detached and semi-detached houses, some of which are used for commercial purposes. Also on the south side of Eglinton Avenue East, to the east of Forman Avenue, is a 4-storey office building and a 7-storey apartment building.

East: is a 10-storey apartment building at 398 Eglinton Avenue East.

West: are 3 semi-detached dwellings along the north side of Eglinton Avenue east. Farther west are tall apartment buildings. Along Rawlinson Avenue are detached, semi-detached and apartment dwellings.

## **POLICY CONSIDERATIONS**

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### **Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans**

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.



## **The Provincial Policy Statement (2014)**

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

## **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan, 2019 establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act that comprehensively applies the policies and schedules of the Growth Plan (2019),



including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2019) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2019) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

The Growth Plan (2019) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs achieve appropriate densities.



Staff have reviewed the proposed development for consistency with the PPS (2014), for conformity to the Growth Plan (2019) and conformity with the City's Official Plan. The outcome of staff analysis and review are summarized in the Comments section of this Report.

## **Toronto Official Plan**

The City of Toronto Official Plan contains a number of policies that apply to the proposed development. The Official Plan is intended to be read and interpreted as a comprehensive whole. The City of Toronto Official Plan can be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

## **Chapter 2 – Shaping the City**

### **Section 2.3.1 Healthy Neighbourhoods**

The proposed development is located on a site designated *Apartment Neighbourhoods* in the Official Plan. Toronto's neighbourhoods are an important asset in the city and a cornerstone policy is to ensure that new development in neighbourhoods respects and reinforces the existing physical character of the area in terms of buildings, streetscapes and open space patterns.

## **Chapter 3 – Building a Successful City**

Chapter 3 of the Official Plan contains policies that guide growth by integrating social, economic and environmental perspectives in decision making to create an attractive Toronto with a strong economy and complete communities. The policies focus on the built environment, the human environment, the natural environment, economic health and new neighbourhoods. All applications for development are to be evaluated against the policies and criteria in the Chapter to ensure the best possible development choices are made.

### **Section 3.1.1 - The Public Realm**

The Public Realm policies in the Official Plan (3.1.1) speak to the design and function of Toronto's streets, parks, sidewalks, and other open spaces that residents and visitors use to get around the city and connect with each other. Streets, sidewalks, and other open spaces should be designed to be safe, accessible, enjoyable, connected, and related appropriately to adjacent and nearby buildings.

### **Section 3.1.2 Built Form**

The built form policies in the Official Plan require new development to be located and organized to fit harmoniously into its existing and/or planned context, and limit its impact on neighbouring streets, parks, open spaces and properties by:



- massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion;
- incorporating exterior design elements, their form, scale, proportion, pattern and materials, and their sustainable design, to influence the character, scale and appearance of the development;
- creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan;
- providing for adequate light and privacy; and
- adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces

New development will be massed to define the edges of streets, parks and open spaces to ensure adequate access to sky view for the proposed and future uses. New development will also provide public amenity, enhance the public realm through streetscape improvements and ensure that significant new multi-unit residential development provides indoor and outdoor amenity space for residents of the new development.

#### Section 3.2.1 Housing

Section 3.2.1 of the Official Plan encourages the provision of a full range of housing, in terms of form, tenure and affordability, and the protection of rental housing units.

It also states that significant new development on sites containing six or more rental units, where existing rental units will be kept in the new development:

- will secure as rental housing, the existing rental housing units which have affordable rents and mid-range rents; and
- may secure any needed improvements and renovations to the existing rental housing, in accordance with and subject to Section 5.1.1 of the Plan, without pass-through of such costs in the rents to tenants.

### Chapter 4 – Land Use Designations

#### Section 4.2 Apartment Neighbourhoods

The proposed development is located in an area designated as *Apartment Neighbourhoods*, which are made up of apartment buildings, parks, local institutions, cultural and recreation facilities, small scale retail service and office uses. *Apartment Neighbourhoods* are stable areas of the City and are generally not intended for significant growth. Compatible infill, however, is contemplated on sites containing existing apartment buildings that have underutilized land.

New and infill development will improve the quality of life of new and existing residents in *Apartment Neighbourhoods* by massing new buildings to provide a



transition between areas of different development intensity and scale. In particular, *Neighbourhoods* will be protected through setbacks and/or stepping down of heights. New and infill development will also frame the edges of streets and parks, screen service areas, limit shadow and mitigate wind on parks and open spaces as well as *Neighbourhoods*. It will also enhance the safety, amenity and animation of adjacent streets and open spaces.

The Local Planning Appeal Tribunal (LPAT) issued an Order on December 7, 2018 to approve and bring into force Official Plan Amendment 320 (OPA 320). The approved policies reflect the policies endorsed by Council at its meetings of June 26 to 29, 2018 and July 23 to 30, 2018 in response to mediation and settlement offers from OPA 320 Appellants. In its Order that approves OPA 320, the LPAT found that the OPA 320 policies are consistent with the Provincial Policy Statement (2014) and conform with the Growth Plan for the Greater Golden Horseshoe (2017).

OPA 320 was adopted as part of the Official Plan Five Year Review and contains new and revised policies on *Healthy Neighbourhoods*, *Neighbourhoods* and *Apartment Neighbourhoods*. The approved amendments uphold the Plan's goals to protect and enhance existing neighbourhoods that are considered stable but not static, allow limited infill on underutilized *Apartment Neighbourhood* sites and help attain Tower Renewal Program goals.

## **Chapter 5 – Implementation: Making Things Happen**

### **5.2.1 - Secondary Plans**

The site is within the Yonge-Eglinton Secondary Plan area. Policy 5.2.1.2 identifies that Secondary Plans may be prepared for a number of reasons. Of particular note for the Yonge-Eglinton area, the Official Plan directs that Secondary Plans will be prepared for areas where development is occurring, or proposed, at a scale, intensity or character which necessitates reconsideration or reconfiguration of local streets, block plans, public works, open space or other public services or facilities.

In June 2016, City Council directed staff to consider and review Official Plan amendment and rezoning applications in the Yonge-Eglinton Secondary Plan area in the context of the City Council directed Midtown in Focus: Growth, Built Form and Infrastructure Review.

At its December 5, 2017 meeting, Council reaffirmed this direction for applications submitted prior to November 15, 2017, and also directed staff to assess the cumulative impact of development in the area on the availability of the necessary infrastructure to support continued development, and land use planning mechanisms, including holding provisions, as necessary to ensure that growth and infrastructure needs are aligned.



City Council adopted the update to the Yonge-Eglinton Secondary Plan (OPA 405 / Midtown in Focus) with amendments on July 23, 2018. OPA 405 has been submitted to the Ministry of Municipal Affairs and Housing (MMAH) for review and approval pursuant to Section 26 of the *Planning Act*.

### **Yonge-Eglinton Secondary Plan**

The subject site is located in the Yonge-Eglinton Secondary Plan area (see Attachment 4). A primary objective of the Yonge-Eglinton Secondary Plan is to maintain and reinforce the stability of *Neighbourhoods* and to minimize conflicts among *Mixed Use Areas*, *Apartment Neighbourhoods*, *Neighbourhoods* and *Parks and Open Space Areas* in terms of land use, scale and vehicular movement. The Secondary Plan also requires a full range of housing options (form, tenure) in the Yonge-Eglinton Area suitable for family and other households that is: "contextually appropriate and compatible with existing residential uses and residential built form."

The Yonge-Eglinton Secondary Plan states that the highest densities will be located in *Mixed Use Area 'A'*, with developments of a lesser scale located in *Mixed Use Area 'B', 'C' and 'D'*. Higher density development is permitted in *Apartment Neighbourhoods* with nearby subway station access. Reduced parking requirements are permitted in the Yonge-Eglinton Secondary Plan area where it can be demonstrated that projected travel can be accommodated by means other than the automobile. Bicycle linkages, facilities and new pedestrian connections will also be encouraged.

New development will promote architectural excellence while also providing for improvements in the public realm. New, flexible, community services facilities and social infrastructure will be provided in a timely manner in the Yonge-Eglinton Secondary Plan area. New parks and open spaces will be secured in the Yonge-Eglinton Secondary Plan area along with improvements to the existing parks and open spaces as well as the public realm.

The Secondary Plan defers to the underlying Official Plan Land Use Designation of *Apartment Neighbourhoods* for the subject site.

The Yonge-Eglinton Secondary Plan can be found here:

<https://www.toronto.ca/wp-content/uploads/2017/11/97ea-cp-official-plan-SP-21-YongeEglinton.pdf>

### **Midtown in Focus: Building a Liveable Yonge-Eglinton**

Midtown in Focus is an inter-divisional response to the rapid intensification and change underway in parts of the Yonge-Eglinton area. The cumulative impact of the development under construction and proposed in the area risks adversely



affecting quality of life and sense of place in Midtown. Building on the 2014 Midtown in Focus: Parks, Open Space and Streetscape Plan, City Council adopted a series of amendments and strategies in July 2018 to address key contributors to a liveable community. The result is a new plan for Midtown with an up-to-date planning framework and prioritized improvements related to local transportation, parks, municipal servicing and community infrastructure.

Adopted in July 2018, OPA 405 establishes a comprehensively updated Yonge-Eglinton Secondary Plan as well as amendments to relevant policies and maps in the Official Plan. The Plan sets out a 25-year vision for Midtown that emphasizes the importance of complete communities and the diversity of Midtown's character areas. It envisions Midtown as a green, resilient, connected and prosperous place. The Plan also provides detailed direction on the appropriate scale and location of future growth and links growth with the provision of infrastructure.

As the Council-adopted framework for the area, OPA 405 was used to inform development review in the area. The policy directions in the updated Yonge-Eglinton Secondary Plan that are specifically applicable to the review of this application include:

- infill development may be permitted as a way to gradually renew the building stock and improve site conditions along Eglinton Avenue East. Any infill development will ensure that the character of the Eglinton East Apartment High Street Character Area is respected and reinforced;
- a low-rise addition to an existing building is permitted up to four storeys in height that is sympathetic in form to the character of the existing pavilion-style buildings and subject to meeting setback requirements for the Eglinton East Character Area;
- an addition on top of an existing apartment building to a maximum of 10 storeys is permitted on the north side of Eglinton Avenue East; and
- Minimum 6 metre building setback from Eglinton Avenue East.

Staff note that up to the date of appeal, December 2, 2017, OPA 405 (Midtown in Focus) had not been adopted by City Council. However, Council had provided direction to staff as early as August, 2014, as Midtown in Focus evolved and developed, to consider applications in the context of the emerging policy direction. As such, for the purposes of this application, the direction provided in OPA 405 and described above is "relevant but not determinative" to the review of the application.

City Council adopted OPA 406 on July 27, 2018. OPA 405 which brought forward a revised Secondary Plan for the Yonge and Eglinton area.

On August 9, 2018 the City's application under Section 26 of the *Planning Act* was sent to the Minister of Municipal Affairs and Housing (MMAH) for approval. The Ministry issued its decision regarding OPA 405 on June 5, 2019.



As part of the decision the Ministry revised the Plan to add the following transition policy: "This Plan does not apply to applications for official plan amendment, zoning by-law amendment, draft plan of subdivision or condominium approval, site plan approval, consent or minor variance which were complete prior to the approval of this Plan and which are not withdrawn. In-force site-specific official plan and/or zoning by-law amendments shall be deemed to conform with this Plan." Given that this application was complete prior to June 5, 2019, OPA 405, being the revised Yonge Eglinton Secondary Plan, does not apply to this application.

The outcome of staff analysis and review of relevant Official Plan policies and designations, Secondary plans, and area specific official plan planning studies noted above, are summarized in the Comments section of the Report.

## **Zoning**

The application is zoned R4A Z2.0 in Zoning By-law 438-86, as amended and R(f9.0; d2.0) (x942) in Zoning By-law 569-2013, as amended. Both Zoning By-laws permit residential uses in apartment buildings, with a maximum density of 2.0 times the area of the lot and a maximum height of 18.0 metres. The minimum side and rear yard setbacks are 7.5 metres.

## **Avenues and Mid-rise Buildings Study and Performance Standards**

City Council adopted the Avenues and Mid-rise Buildings Study and an addendum containing performance standards for mid-rise buildings. They identify a list of best practices and establish a set of performance standards for new mid-rise buildings. Key issues addressed include maximum allowable building heights, setbacks and step backs, sunlight and skyview, pedestrian realm conditions, transition to Neighbourhoods and Parks and Open Space Areas and corner sites. The guidelines can be found at the following link:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/mid-rise-buildings/>.

City Council also adopted a revised Mid-Rise Building Performance Standards Addendum, for staff to use together with the 2010 approved Mid-Rise Building Performance Standards in the preparation of area studies or during the evaluation of development applications, where mid-rise buildings are proposed and Performance Standards are applicable, until such time as City Council adopts updated Mid-Rise Building Design Guidelines. Council's decision is here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7>



and

<http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>

### **Draft Growing Up Guidelines: Planning for Children in New Vertical Communities**

On July 4, 2017 City Council directed City Planning staff to use these draft Guidelines in the evaluation of new and under review multi-unit residential development proposals. The Guidelines direct how new development can better function for larger households at three scales: the unit, the building and the neighbourhood.

The Growing Up Guidelines can be found at the following link:

<https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/growing-up-planning-for-children-in-new-vertical-communities/>

### **Site Plan Control**

The proposed development is subject to Site Plan Control. A Site Plan Application has not been submitted.

### **COMMUNITY CONSULTATION**

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A community consultation meeting on the original proposal was held on February 7, 2018 and was attended by approximately 35 members of the community. Specific comments related to the proposed development included:

- concerns related to this development contributing to capacity of the subway at Eglinton Station and overall Yonge Street line;
- concerns from tenants of the existing building about their two-bedroom units being converted to a one-bedroom unit, having to move from their units during construction and noise during construction;
- the proposed building should be set back further from Eglinton Avenue East;
- shadow impacts on the building to at 398 Eglinton Avenue East;
- reduced sunlight to rear garden and trees on located on the property to the north;
- capacity issues at local schools;
- concerns about the amount of noise, traffic and disruption caused by the ongoing construction in the area;
- loss of greenspace on the site; and
- need for more three-bedroom and affordable rental units in the development.



## **COMMENTS**

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

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2019). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan. Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan (2019) as follows:

Policy 1.1.3.2 of the PPS (2014) specifies that land use patterns in the development areas shall be based on densities and a mix of land uses which efficiently use land and resources, and is transit-supportive, where transit is planned, exists or may be developed.

Policy 1.6.7.4 states land use pattern, density and mix of uses should be promoted that minimizes the length and number of vehicle trips and support current and future use of transit and active transportation.

Policy 4.7 of the PPS refers to the Official Plan as the most important vehicle for implementing the PPS and as such the development standards in the Toronto Official Plan have particular relevance. The Toronto Official Plan section of this Report evaluates the appropriateness of the subject site for intensification.

The proposed development provides rental housing one block from the Mount Pleasant LRT station currently under construction. It supports Provincial policy objectives to focus growth in existing settlement areas and supports efficient land use, a mix of housing types, reduced land consumption related to residential development, efficient use of existing infrastructure, and is transit supportive. The proposed development is consistent with the PPS.

The Growth Plan (2019) provides a framework for managing growth in the Greater Golden Horseshoe. Section 2.2.1.2 of the Growth Plan (2019) directs the growth to occur within settlement areas that have a delineated built boundary, have existing or planned municipal infrastructure including water and waste water systems, and that can support the achievement of complete communities.

Section 2.2.1.4 of the Growth Plan (2019) provides further direction on the achievement of complete communities. It articulates a set of objectives including a diverse mix of land uses, and range and mix of housing options to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes. Convenient access to a range of transportation options, public service facilities, and open spaces and recreational facilities. Furthermore, this section directs that complete communities ensure the development of a more compact built form and a vibrant public realm. The proposed development conforms with the Growth Plan (2019).



## Land Use

This application has been reviewed against the Official Plan policies, Secondary Plan policies, and planning studies described in the Policy Considerations of the Report as well as the policies of the Toronto Official Plan as a whole.

The subject site is in an area designated as *Apartment Neighbourhoods* on Map 17 of the Official Plan and Map 21-1 in the in-force Yonge-Eglinton Secondary Plan. OPA 405 designates this site as *Apartment Neighbourhoods* on Map 21-4 and as a Secondary Retail Street on Map 21-5.

The applicant is proposing a residential use for the building including the ground floor uses. The proposed residential use conforms with the in-force Official Plan including the policies pertaining to land use in Section 4.2 – *Apartment Neighbourhoods*.

OPA 405 states that *Apartment Neighbourhoods* will consist primarily of residential communities and that small scale retail and service uses will be encouraged to be provided in areas identified as Secondary Retail Streets. Where residential uses are provided on the ground level, development will minimize the width of lobbies and line buildings with grade-related residential units or community service facilities. Developments without proposed retail space should design their ground floors to protect for future retail and service uses. The proposed development includes residential uses on the ground floor and a double height lobby that is directly accessible from the sidewalk and convenient access to loading and storage should the owner of the building ever decide to redesign part of the ground floor to allow for retail uses. Planning is satisfied the proposed residential use meets the intent of OPA 405.

## Height and Massing

This application has been reviewed against the Official Plan policies, Secondary Plan policies, OPA 405 and planning studies described in the Policy Considerations section of this Report.

The proposed height of the building is acceptable given the local existing and planned built form context.

The Built Form policies in the Official Plan require that new development will be designed to fit harmoniously into its existing and/or planned context, and will limit impacts on neighbouring streets, parks, open spaces and properties. The *Apartment Neighbourhoods* policies require new development in *Apartment Neighbourhoods* to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing setbacks from, and/or a stepping down of heights towards, lower-scale *Neighbourhoods*, locating and massing new buildings so as



to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*, particularly during the spring and fall equinoxes.

An objective of the in-force Yonge-Eglinton Secondary Plan is 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*.

At 29.19 metres in height, the proposed 11-storey development is 11.19 metres taller than the maximum permitted height in the in-force zoning by-law. The proposed addition is lower than the height of the existing 13-storey building (34.34 metres) and the adjacent 10-storey (31.3 metres) residential building to the east at 398 Eglinton Avenue East.

The height and massing of the proposed building addition falls below a 45 degree angular plane measured from the rear property line adjacent to the *Neighbourhoods* designated lands to the north providing adequate transition. The building addition is just over two metres taller than the 27 metre width of the Eglinton Avenue East right-of-way and is set back 6 metres from the Eglinton Avenue East property line which helps mitigate the impact of the proposals height at the pedestrian scale on Eglinton Avenue East.

While the proposed height is taller than the 4 storey maximum identified in OPA 405, it is acceptable given the in-force Official Plan policies, the height permissions for the site in the in-force zoning by-law, the height of the proposed building in relation to the width of Eglinton Avenue East and the adherence to the 45 degree angular plane to the rear of the site. The height of the proposed development fits into the existing and planned built form context. It conforms to the policies of the Official Plan and the in-force Yonge-Eglinton Secondary Plan. The proposal meets key built form direction for mid-rise developments identified in the Avenues and Mid-rise Buildings Study and Performance Standards.

### **Building Separation**

Immediately east of the subject site is a 10-storey (31.3 metres) residential building located at 398 Eglinton Avenue East which is set back between approximately 4.5 to 6.5 metres from its west property line shared with the subject site and approximately 5 to 5.5 metres from its east property line shared with the 6-storey apartment building at 412 Eglinton Avenue East. Further east, the apartment building at 412 Eglinton Avenue East is set back between approximately 3 to 6 metres from its west property line and 3 to 7.5 metres from its east property line.

The proposed building addition is set back approximately 7.5 metres from the east property line at the rear of the building and 8 metres from the east property line at the front of the building. This is consistent with the minimum side yard



setback requirement of 7.5 metres in city-wide zoning by-law 569-2013. It provides for a separation distance to the existing building at 398 Eglinton Ave East of between approximately 11.9 and 14 metres.

Similar to building at 398 Eglinton Avenue East, the proposed development includes units and inset balconies facing the side yard. As part of the Site Plan application, City Planning will review opportunities to address privacy issues between the two buildings by securing materials such as opaque balcony screens, privacy screens and planting beds.

The proposed separation distance and side yard setback of the building addition are acceptable given the context, the side yard setback requirements of Zoning By-law 569-2013 and the overall resulting separation distances.

### **Sun, Shadow**

This application has been reviewed against the Official Plan policies, Secondary Plan policies, planning studies and design guidelines described in the Policy Considerations Section of the Report.

The Official Plan requires development to limit shadowing on streets, properties and open spaces and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks to preserve their utility. It also requires new development to maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

The applicant submitted shadow studies which show the extent of the shadow from the proposed building on March 21, June 21 and September 21. The proposed development does not cast a shadow on any parks or streets.

On March and September 21, the proposal casts a shadow on the south side of the rear block of the townhouse development in the *Neighbourhoods* designated lands to the north from 9:18 to 11:18 am and no new shadow on the townhouses on June 21. This block of townhouses is located approximately 4.5 metres from the property line shared with the subject site.

On March and September 21, the proposed building addition casts a shadow on the adjacent 10-storey building to the east located at 398 Eglinton Avenue East beginning at approximately 2:18 pm at the northwest corner of the building and moving across the building through 5:18 pm. The building at 398 Eglinton Avenue East is located approximately 4.8 to 6.5 metres from the shared property line with the subject site. Incremental shadows cast by the proposed development on adjacent properties are acceptable given the existing context.



## **Wind**

The pedestrian-level wind study submitted with the application concludes that after the subject site is developed, ground level winds at many locations will improve, with occasional localized areas of higher pedestrian level winds, resulting in wind conditions that will generally remain comfortable and appropriate to the areas' intended purpose throughout the year. The report indicates that further wind mitigation may be accomplished with screen walls, appropriate plantings and other elements situated to windward directions.

Further analysis of pedestrian-level wind conditions will be required at the site plan stage to determine if additional mitigation strategies are required.

## **Traffic Impact**

The applicant submitted a Transportation Impact Assessment in support of the development dated October 26, 2018. The study estimates the proposed development will generate a net increase of approximately 25 two-way trips during the am Peak Hour and 12 during the pm Peak Hour. Transportation Services staff have reviewed the study and find the traffic impacts acceptable.

## **Parking and Loading**

Zoning By-law 569-2013 requires a total of 252 parking spaces for the entire site, consisting of 208 spaces for residents and 44 spaces for visitors. The applicant is proposing to provide a total of 162 parking spaces including 124 resident parking spaces (0.55 spaces per unit), 34 metred visitor parking spaces and 4 car-share spaces. The proposed parking supply does not meet the Zoning By-law requirements.

The applicant submitted a parking study providing a rationale for the proposed reduction in parking rates including examples of approved residential parking reductions in the area. Transportation Services staff have reviewed the study and find the proposed parking rate reduction and the inclusion of metred visitor parking acceptable.

The proposal includes one Type G loading space which meets the minimum Zoning By-law requirement.

## **Road Widening**

In order to satisfy the Official Plan requirement of a 27 metre right-of-way for this segment of Eglinton Avenue East a 0.40 metre road widening dedication along Eglinton Avenue East frontage of the subject site is required and is proposed to be conveyed to the City with this application.



## **Streetscape and Public Realm**

The current proposal includes a 6 metre building setback from Eglinton Avenue East in accordance with OPA 405, as well as other improvements to the streetscape and public realm including the removal of the circular driveway in front of the existing building and replacement with landscaping and the relocation of the existing ramp to the underground parking garage fronting onto Eglinton Avenue East to the rear of the site in the new building.

## **Amenity Area**

The built form policies of the Official Plan require that every significant multi-unit residential development provide indoor and outdoor recreation space for building residents. City-wide Zoning By-law 569-2013 requires an overall minimum of 4 square metres of amenity space per residential unit. The application proposes 203.25 square metres of new indoor amenity area and 885.43 square metres of new outdoor amenity area for a total of 6.9 square metres of amenity space per unit for the building addition. The applicant is proposing that residents of the existing building and the building addition have access to all the amenity areas on the combined site. The proposal meets the amenity space requirements of Zoning By-law 569-2013 and offers additional amenity areas to the tenants of the existing building.

## **Unit Mix**

The Official Plan encourages the provision of a full range of housing in terms of form, tenure and affordability to meet current and future needs of residents. The draft Growing Up Guidelines recommend a building should provide a minimum of 25% large units of which 15% are two-bedroom units and 10% are three bedroom units. The guidelines further recommend an ideal unit size of 90 square metres for two-bedroom units and 106 square metres for three-bedroom units.

The proposed unit mix in the building addition includes 55% one-bedroom units, 32% two-bedroom units with an average size of 69.30 square metres and 13% three-bedroom units with an average size of 83.40 square metres. The proposal also includes 13 barrier free accessible units. Though the average size of the two and three bedroom units is smaller than the size recommended in the draft Growing Up Guidelines, 45% of the overall number of new units consist of two and three bedroom units. Staff are satisfied with the unit mix in the proposed development.

## **Servicing**

The applicant has provided a Functional Servicing Report and accompanying drawings for review. Engineering and Construction Services and Toronto Water have identified a number of issues that must be addressed including the



determination of whether any improvements are required to the City's municipal infrastructure related to site servicing and groundwater management.

Should the LPAT approve this proposal in some form, City Planning is recommending that City Council direct the City Solicitor to request the LPAT withhold its final order and approving the site specific zoning by-laws until the applicant has resolved all issues related to site servicing to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

## **Housing Issues**

Policy 3.2.1.5 (a) of the Official Plan requires the City secure existing rental units that have affordable and mid-range rents.

All rental dwelling units in the residential complex have either affordable or mid-range rents. The Housing Issues Report provided with the application identifies and confirms that all 149 existing rental housing units would have their rental tenure secured by legal agreement.

Policy 3.2.1.5 (b) of the Official Plan requires the identification and securing of needed improvements to the existing rental housing, without pass through of costs to tenants.

The Housing Issues Report identifies and proposes the following as improvements to the existing rental housing:

- New indoor amenity space in the existing and new building, accessible to residents in the existing building, including:
  - Multi-purpose room in the basement of the existing building – noting that plans have not been provided illustrating the extent of this improvement.

The current proposal illustrates the following improvements:

- Indoor amenity space on the ground floor of the proposed building.
- Outdoor amenity areas including:
  - Ground level patio located on the north side of the new building, adjacent to an indoor amenity area.
  - Ground level amenity on the south side of the property, in front of the existing building, including a play structure for children.
- Visitor bike parking racks located at the front entrance of the existing building.

The Housing Issues Report has confirmed that the costs of the improvements would not be passed through to the tenants, such as through rent increases. The report also confirms that tenants of the existing building would have access to all indoor and outdoor amenities within and adjacent to the building addition.



The applicant has also agreed to additional improvements including:

- Programming the existing outdoor amenity areas on the two rooftop amenity areas on the existing building, including outdoor furniture and reinstating the washroom adjacent to the roof top amenity area.
- Centralising garbage pickup within the new building, including relocating garbage storage indoors and locating hand delivered refuse within the existing building including recycling and organic waste.
- Introducing secure long-term bike storage within the existing building.

A construction mitigation plan will also be required to lessen adverse impacts on tenants due to the redevelopment proposal and the internal modification of rental dwelling units, to the satisfaction of the Chief Planner and Executive Director, City Planning.

### **Rental Housing Demolition and Conversion By-law**

The applicant had submitted an application for a Rental Housing Demolition and permit to demolish 11 rental dwelling units, to facilitate the redevelopment, by eliminating one of two bedrooms in each unit. The application has been revised so that the affected existing rental units will no longer be demolished; instead they will be modified, and would maintain two-bedrooms in each unit. The Rental Housing Demolition application is no longer required. A construction mitigation plan will be required to reduce impacts on tenants whose units will need to be reconfigured, including providing an on-site alternative rental unit during construction.

### **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 0.80 to 1.56 hectares of local parkland per 1,000 people. The site is in the middle quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

For this proposal, the site area subject to parkland dedication excludes the area of the existing building to be retained as well as a portion of the surface parking stalls along the north property line, the landscaped buffer along the west property line, and a portion of the proposed landscaped area along the south property line on Eglinton Avenue East.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 1,013 square metres or 17% of the overall site area net of road conveyances.



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. In total, the parkland dedication requirement is 329 square metres.

Due to existing underground encumbrances and the configuration of the development site, including the retained building, an on-site parkland dedication would provide limited utility and amenity to the neighbourhood. In lieu of providing an on-site dedication, the applicant is continuing to work with the City's Parks, Forestry & Recreation division to secure an off-site parkland dedication in a location that is accessible to the development site and identified on Map 21-8 (Parks and Open Space Network Plan) of the Yonge Eglinton Secondary Plan.

Should the applicant be unable to acquire the sites identified for off-site parkland, the parkland dedication requirements will be provided through the payment of cash-in-lieu. The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted upon the submission of an application for the first above grade building permit and is valid for six months. Payment will be required prior to the issuance of said permit.

### **Tree Planting and Preservation**

The applicant has submitted an arborist report and tree removals plan indicating that the proposed development will require the removal of 8 privately owned trees which are required to be replaced at a 3:1 ration, which will require 24 replacement trees to be planted. No street trees are proposed to be removed.

The applicant is proposing 28 new trees on the site and 11 new street trees are on the City-owned boulevard. The applicant will be required to submit detailed landscape plans as part of the site plan approval application to determine how many replacement trees can be planted on site and to calculate any cash-in-lieu payment that may be required.

### **Toronto Green Standard**

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS. The site specific Zoning By-law will secure performance measures for the Tier 1 development features including bicycle parking spaces at and below grade, restricted access areas for



bicycle parking and visible and publicly accessible visitor bicycle parking locations.

Other applicable TGS performance measures will be secured through the Site Plan Approval process, including the provision of on-site tree planting and minimum required soil volumes, a widened public sidewalk, covered outdoor waiting areas, urban heat island reduction measures, minimum building efficiency improvement of 15% over the current Ontario Building Code requirements, inclusion of bird-friendly glazing, inclusion of a green roof, stormwater retention measures on-site and meeting water quality targets for stormwater leaving the site.

### **School Capacity**

The Toronto District School Board (TDSB) has determined that at the present time, based on available data, that there is insufficient space at the local schools to accommodate the students anticipated from the proposed development, particularly at Eglinton Junior Public School. As such, the TDSB cannot support this application until or unless it can be demonstrated that the future students attributed to this development can be accommodated locally. The TDSB was granted party status for the appeal of the subject application at the May 14, 2019 pre-hearing.

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

### **Community Services Assessment**

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions, such as recreation, libraries, childcare, schools, public health, human services, cultural services and employment services.

The timely provision of CS&F is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in CS&F supports healthy, safe, liveable, and accessible. Providing for a full range of CS&F in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

A CS&F strategy was developed as part of the Midtown in Focus study and adopted by Council in July, 2018 identifying current and future needs in the Yonge-Eglinton area. Staff are developing a plan to address these needs and will



be reporting back to Council with implementation strategies for CS&F and other infrastructure requirements in the Yonge-Eglinton area.

### **Section 37**

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to section 37 of the *Planning Act*. While the proposed development exceeds the height and density limits of the existing Zoning By-law, the size of the proposal is below the minimum 10,000 square metre threshold in the Official Plan to provide section 37 community benefits. However, the City's Official Plan is to be read as a whole, and both the Housing Policies in Section 3.2.1 and the Implementation Policies in section 5.1.1 speak to the conservation of rental housing. Accordingly, staff recommend that the applicant enter into a section 37 agreement to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor, to secure the needed improvements identified in the Housing Issues Report.

The following matters are recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

1. The rental tenure of the existing rental building containing 149 existing rental dwelling units, without application to convert or demolish for at least 20 years commencing from the date of the enactment of the amending by-laws.
2. Access for residents of the existing rental building to all indoor and outdoor amenities within the proposed building addition with no cost pass-through to existing residents within the existing rental dwelling units.
3. Improvements to the existing rental building, with no cost pass-through to existing residents within the existing rental dwelling units, including:
  - a) programmed outdoor amenity area on the two existing roof-top amenity areas on the existing building, including outdoor furniture, weather protection, barbeques, and renovating the existing washroom located adjacent to the existing eastern roof-top outdoor amenity area;
  - b) establishing a new indoor amenity area within the basement of the existing building of at least 80 square metres, currently occupied by a mechanical/service space;
  - c) locating all garbage, recycling, and composting storage indoors for the new and existing building and locating a hand delivered refuse drop-off area within the existing building;
  - d) introducing secure long-term bike storage within the underground parking garage for residents of the existing and new buildings; and



- e) introducing short-term visitor bike parking racks located at the front entrance of the existing building.
- 4. A construction mitigation and tenant communications plan to lessen adverse impacts on tenants due to the redevelopment proposal, to the satisfaction of the Chief Planner and Executive Director, City Planning.
- 5. A tenant assistance plan to lessen impacts imposed upon the tenants of twelve (11) existing rental dwelling units which will be reconfigured to accommodate the enclosure of an existing bedroom window, to the satisfaction of the Chief Planner and Executive Director, City Planning.
- 6. Reducing the number of vehicular driveways to and from the site from 4 to 1 and relocating the ramp to the underground parking garage to the rear of the site.

## **Conclusion**

Staff worked with the applicant and the community to address key concerns resulting in a number of revisions to the proposal including:

- the front yard setback has been increased from 0.5 to 6.0 metres;
- the building is now located under a 45 degree angular plane from the rear of the site;
- the number of driveways on the site have been reduced from 4 to 1;
- the ramp to the underground parking garage has been relocated to the rear of the site;
- landscaping in front of the existing building has increased;
- the applicant has increased the number of proposed three bedroom units from 0 to 13%; and
- the two bedroom units in the existing building that were planned to become one bedroom units will remain as two-bedroom units.

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2019) and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2014) and conforms with the Growth Plan (2019). Furthermore, the proposal conforms with the Toronto Official Plan.



Staff recommend that Council direct the City Solicitor, together with appropriate City staff, to support the current proposal at the LPAT.

## **CONTACT**

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Alex Teixeira, Senior Planner, (416) 392-0459, [Alex.Teixeira@toronto.ca](mailto:Alex.Teixeira@toronto.ca)

## **SIGNATURE**

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Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA  
Director, Community Planning  
Toronto and East York District

## **ATTACHMENTS**

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### **City of Toronto Data/Drawings**

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Secondary Plan Map
- Attachment 5: OPA 405 Character Map
- Attachment 6: Existing Zoning By-law Map

### **Applicant Submitted Drawings**

- Attachment 7: Site Plan
- Attachment 8: North Elevation
- Attachment 9: South Elevation
- Attachment 10: East Elevation
- Attachment 11: West Elevation



## Attachment 1: Application Data Sheet

**Municipal Address:** 368 and 386 Eglinton Avenue East **Date Received:** June 27, 2017

**Application Number:** 17 188558 STE 22 OZ

**Application Type:** Zoning By-law Amendment

**Project Description:** To construct an 11-storey addition on the east side of the existing 13-storey rental apartment building. The existing building contains 148 dwelling units; the proposed addition contains 76 dwelling units.

<b>Applicant</b>	<b>Agent</b>	<b>Architect</b>	<b>Owner</b>
Janice Robinson, Goldberg Group	Janice Robinson, Goldberg Group	Kirkor Architects + Planners	The Howard Property Company Inc.

### EXISTING PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:	No
Zoning:	R4A Z2.0	Heritage Designation:	No
Height Limit (m):	18	Site Plan Control Area:	Yes

### PROJECT INFORMATION

Site Area (sq m): 5,956      Frontage (m): 105      Depth (m): 56

<b>Building Data</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Ground Floor Area (sq m):	908	908	676	<b>1,584</b>
Residential GFA (sq m):	11,740	11,740	5,045	<b>16,785</b>
Non-Residential GFA (sq m):				
<b>Total GFA (sq m):</b>	<b>11,740</b>	<b>11,740</b>	<b>5,045</b>	<b>16,785</b>
Height - Storeys:	13	13	11	<b>13</b>
Height - Metres:			29	<b>29</b>
Lot Coverage Ratio (%): 26.6			Floor Space Index: 2.82	



<b>Floor Area Breakdown</b>	<b>Above Grade (sq m)</b>	<b>Below Grade (sq m)</b>
Residential GFA:	16,785	0
Retail GFA:	0	0
Office GFA:	0	0
Industrial GFA:	0	0
Institutional/Other GFA:	0	0

<b>Residential Units by Tenure</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Rental:	148	148	76	<b>224</b>
Freehold:	0	0	0	<b>0</b>
Condominium:	0	0	0	<b>0</b>
Other:	0	0	0	<b>0</b>
<b>Total Units:</b>	<b>148</b>	<b>148</b>	<b>76</b>	<b>224</b>

#### **Total Residential Units by Size**

	<b>Rooms</b>	<b>Bachelor</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3+ Bedroom</b>
Retained:		13	108	26	1
Proposed:		0	42	24	10
<b>Total Units:</b>		<b>13</b>	<b>150</b>	<b>50</b>	<b>11</b>

#### **Parking and Loading**

Parking Spaces: 163      Bicycle Parking Spaces: 87      Loading Docks: 1

#### **CONTACT:**

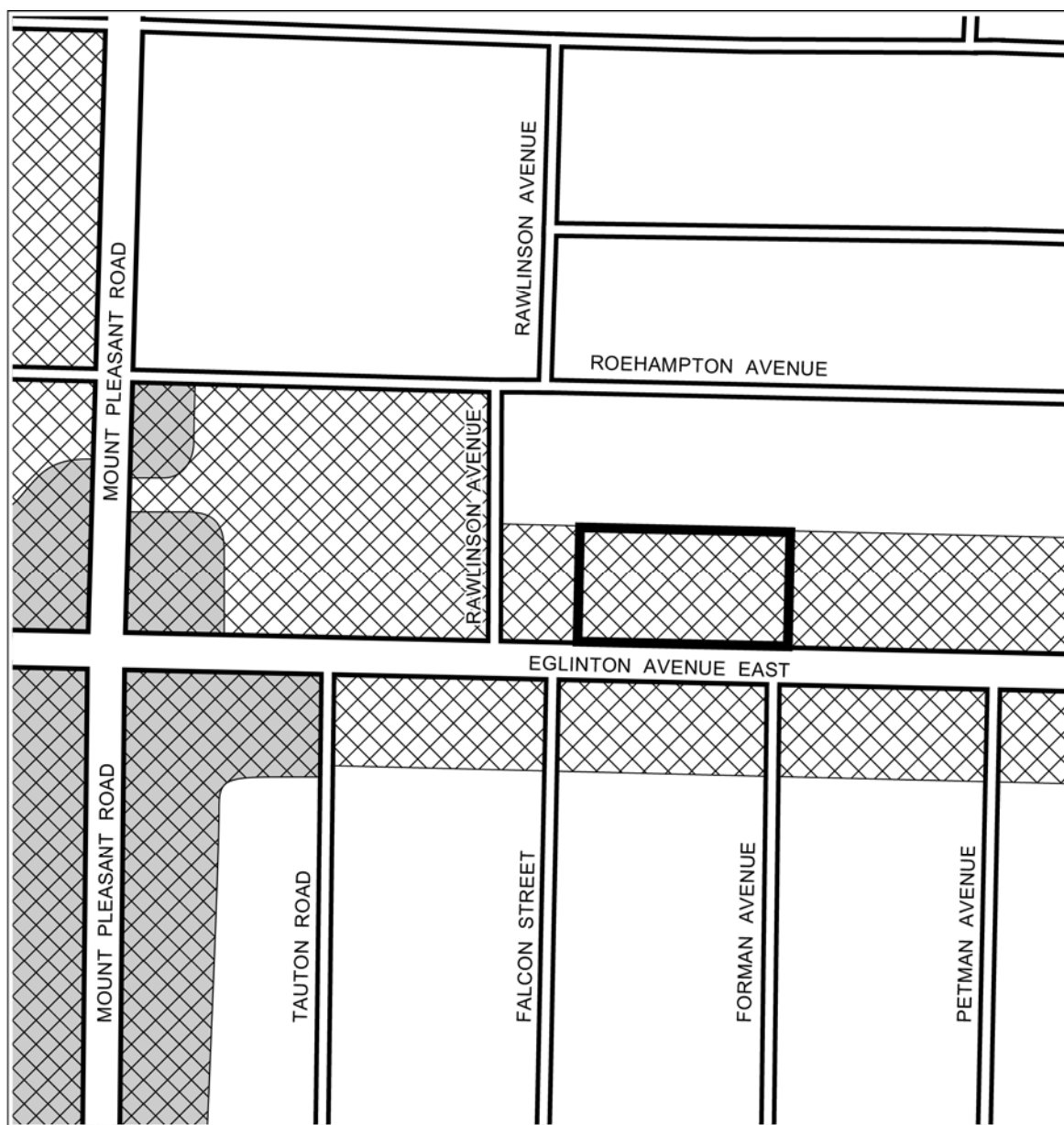
Alex Teixeira, Senior Planner  
(416) 392-0459  
Alex.Teixeira@toronto.ca



## Attachment 2: Location Map







**Toronto**  
Official Plan

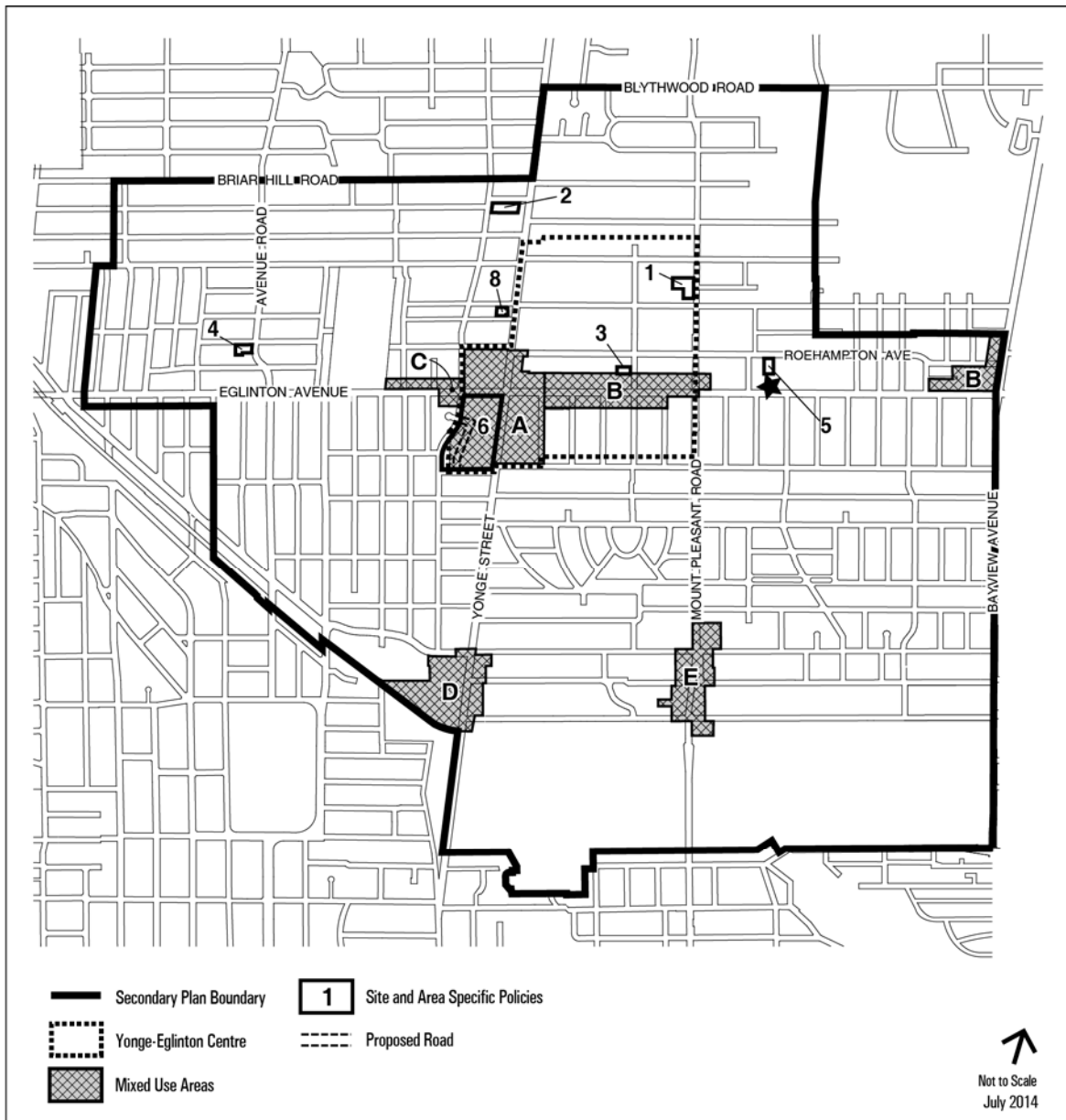
**368-386 Eglinton Avenue East**

File # 17 1888558 STE 22 0Z





## Attachment 4 – Yonge-Eglinton Secondary Plan Map



### Yonge-Eglinton Secondary Plan

MAP 21-1 Land Use Plan

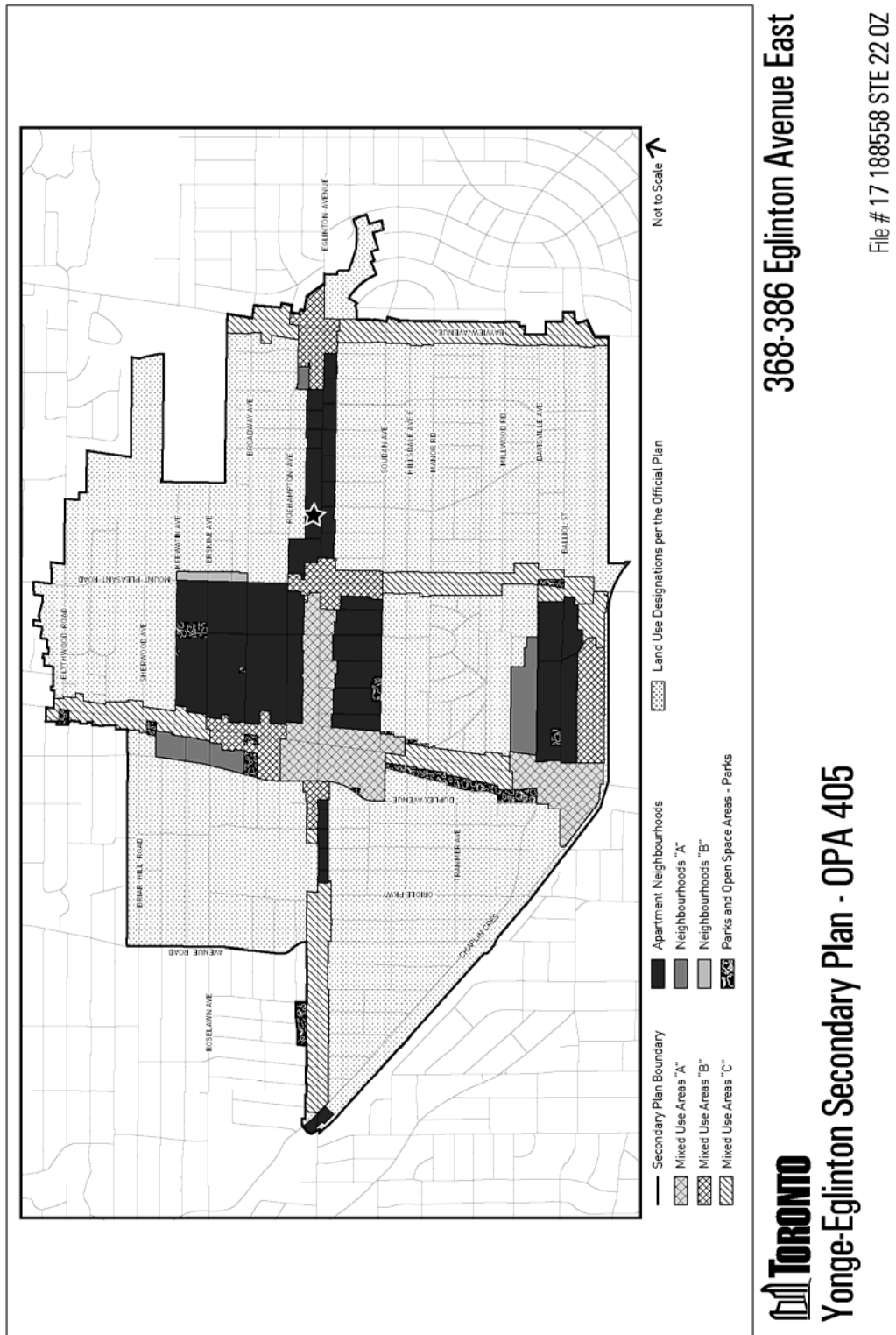
368-386 Eglinton Avenue East

File # 17 188558 STE 22 0Z

★ Subject Site - 368-386 Eglinton Avenue East

Not to Scale  
09/07/2017







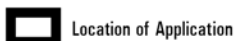
## Attachment 6: Existing Zoning By-law Map



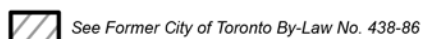
Zoning By-Law No. 569-2013

368-386 Eglinton Avenue East

File # 17 188558 STE 22 02



R Residential RD Residential Detached



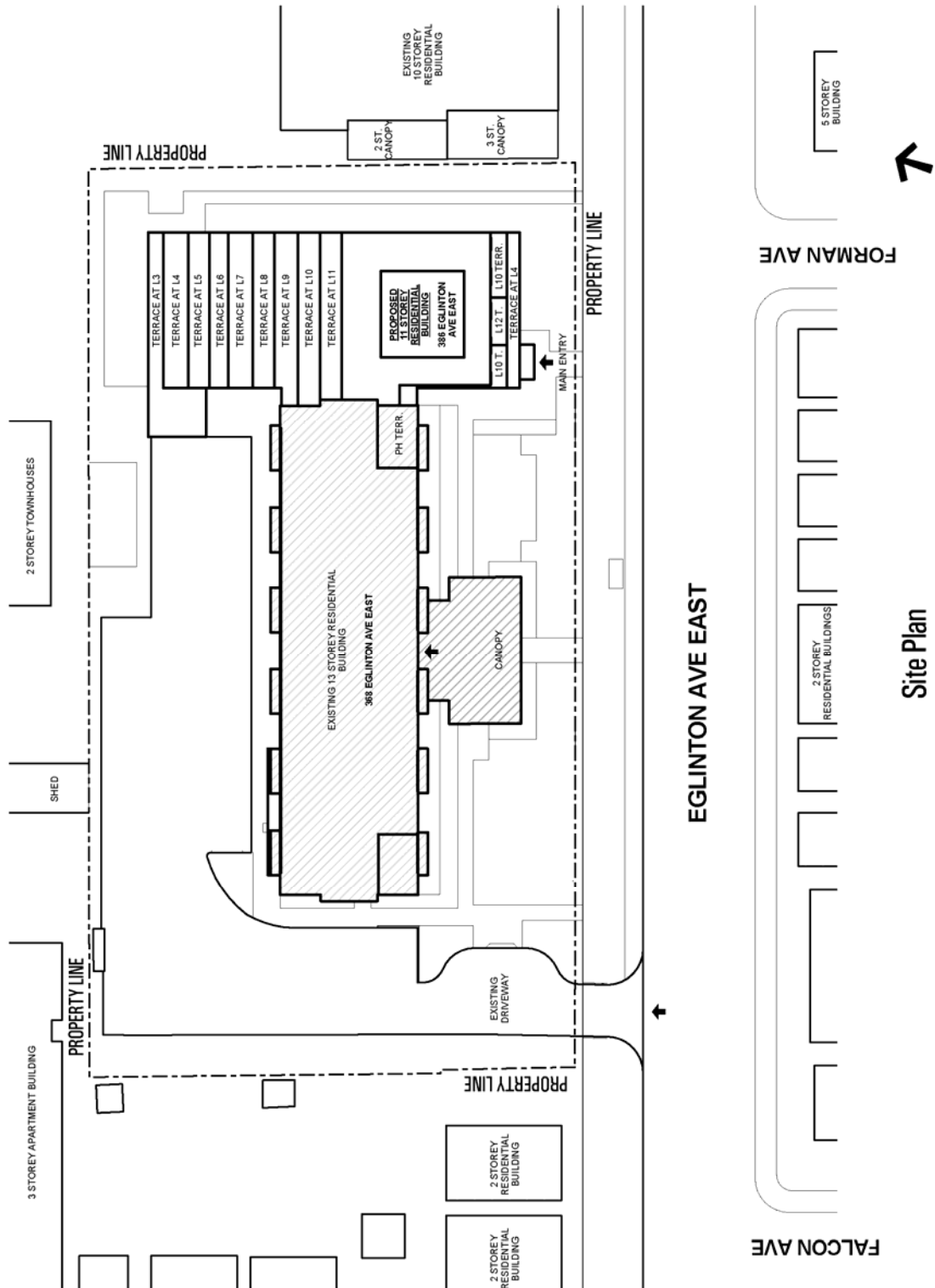
R1S Residential District  
R4A Residential District



Not to Scale  
Extracted: 09/07/2017

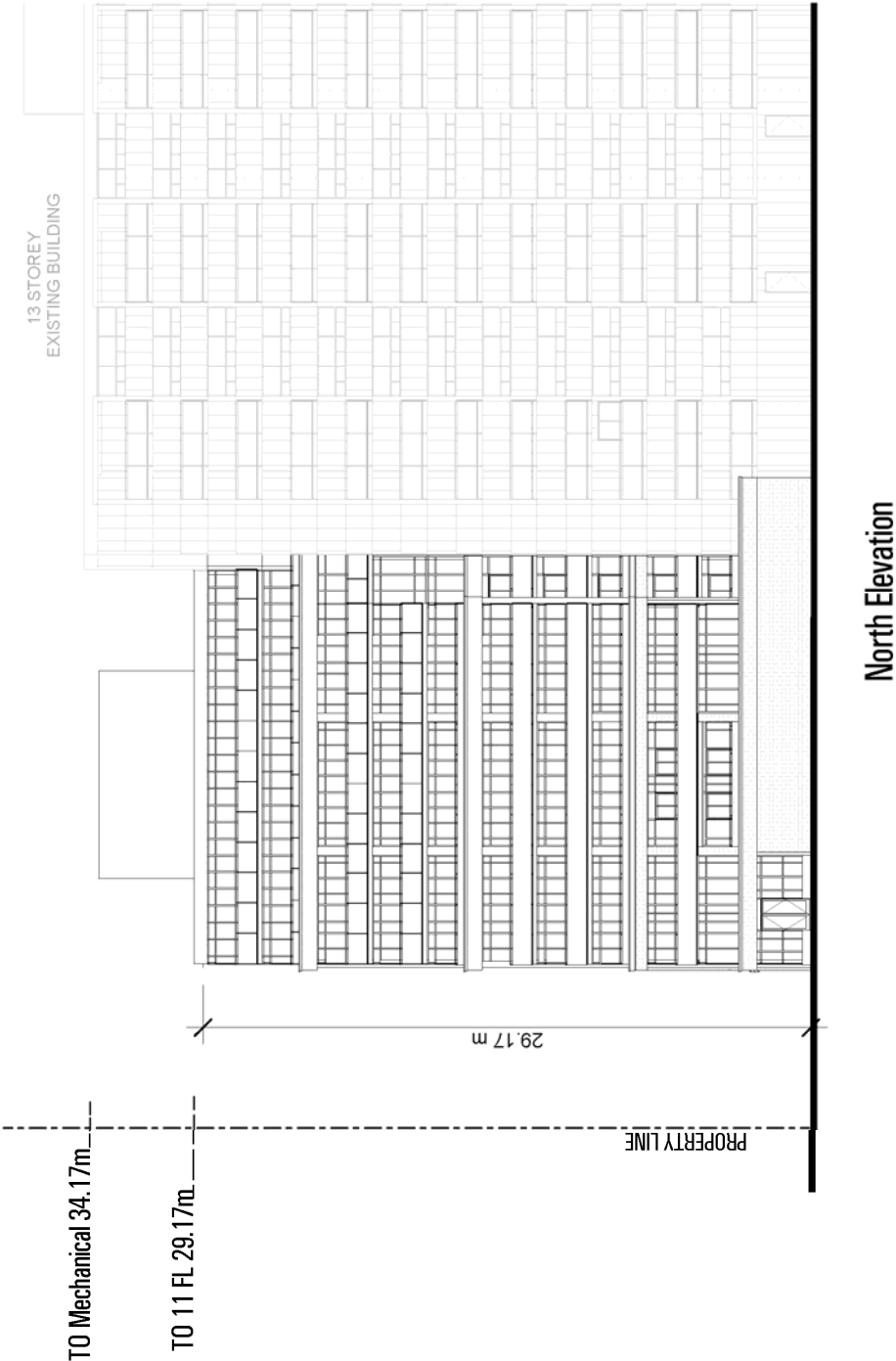


## Attachment 7: Site Plan



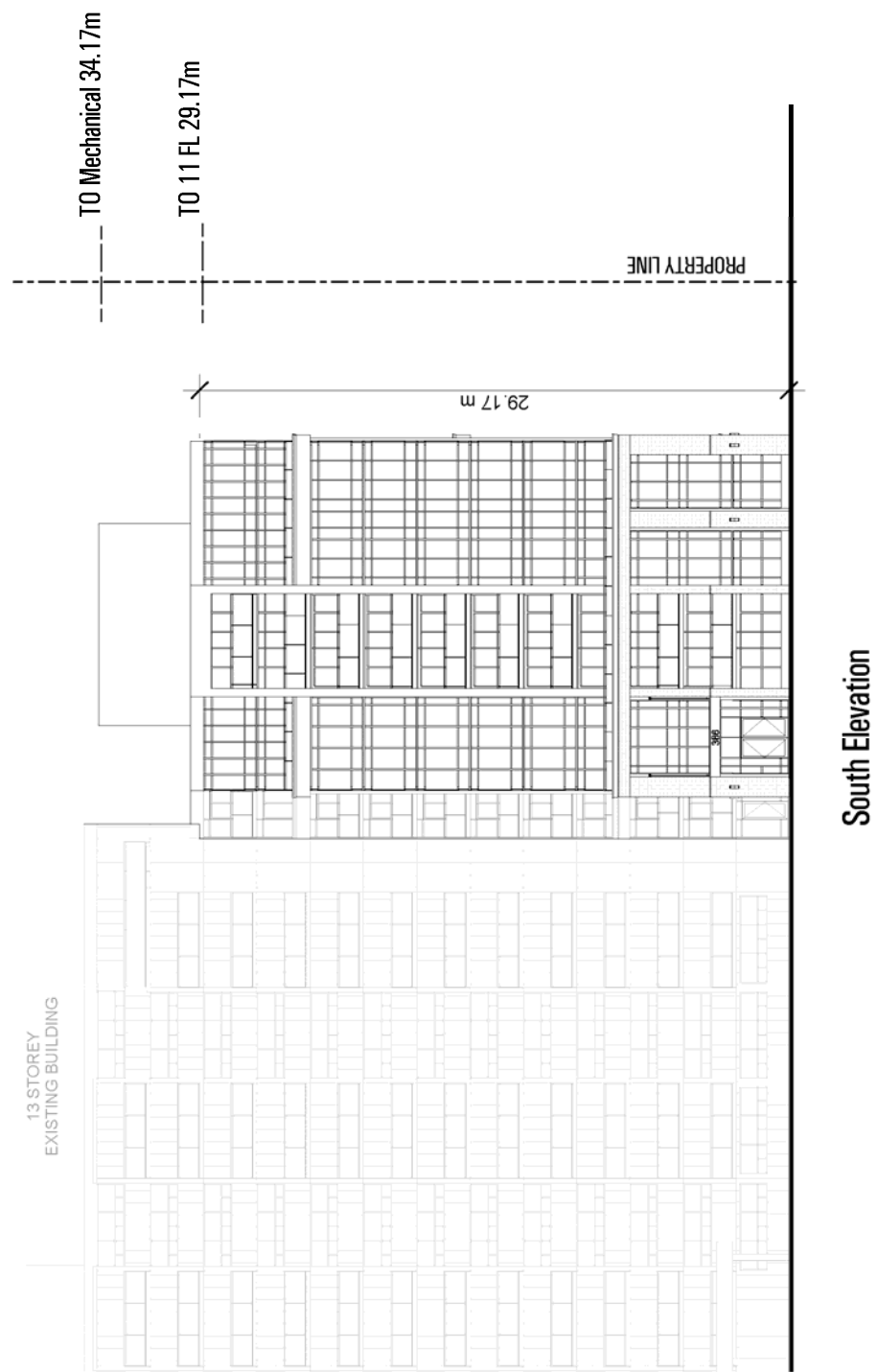


Attachment 8: Draft Zoning By-law Amendment



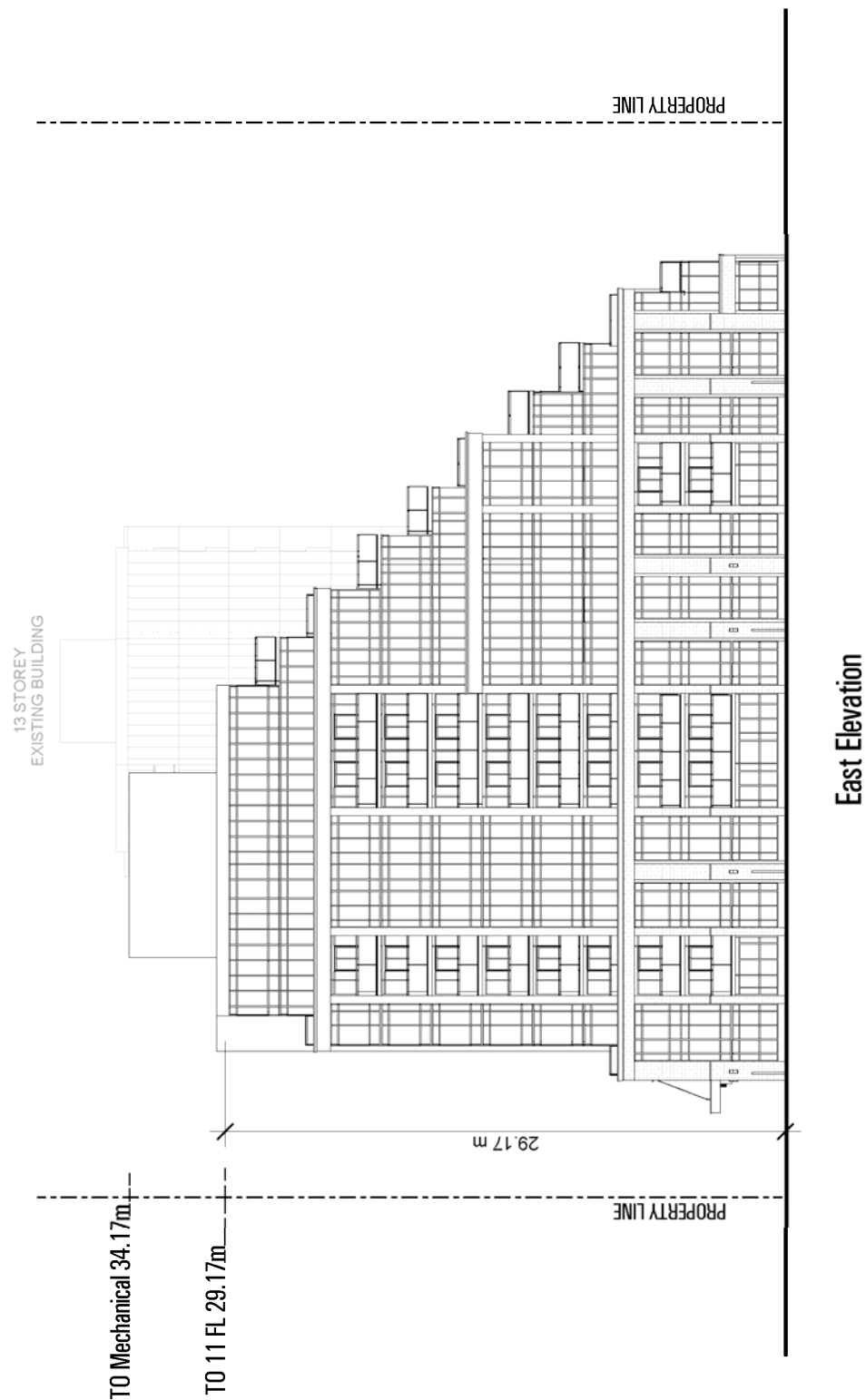


Attachment 9: South Elevation





Attachment 10: East Elevation





Attachment 11 – West Elevation

