

**North York Community Council**

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**From:** Cifuentes, Alejandro <ACifuentes.tlc@tdsb.on.ca>  
**Sent:** June 20, 2019 3:50 PM  
**To:** North York Community Council  
**Cc:** Chernos Lin, Rachel; Pilkey, Robin; Laskin, Shelley; Councillor Matlow; Councillor Jaye Robinson; Gregg Lintern; Alex Teixeira; Malloy, John; Castaldo, Daniel; Sage, Daryl; Bielski, Bianca; Choi, Yvonne; Cifuentes, Alejandro; Morley, Piper; Patterson, J. Pitman  
**Subject:** My comments for 2019.NY7.6 on June 25, 2019 North York Community Council  
**Attachments:** 20190620\_TLC\_Letter\_to\_Council - 368-386\_Eglinton\_Ave\_E.PDF

To the City Clerk:

Please add my comments to the agenda for the June 25, 2019 North York Community Council meeting on item 2019.NY7.6, Request for Direction Report - Zoning By-law Amendment Application - 368-386 Eglinton Avenue East

I understand that my comments and the personal information in this email will form part of the public record and that my name will be listed as a correspondent on agendas and minutes of City Council or its committees. Also, I understand that agendas and minutes are posted online and my name may be indexed by search engines like Google.

**Comments: Please see letter attached.**



June 20, 2019

Chair and Members of North York Community Council  
North York Civic Centre  
Main Floor, 5100 Yonge Street  
Toronto, ON M2N 5V7

Chair and Members of Committee:

**Re: ITEM NY.7.6 North York Community Council – June 25, 2019**  
**368 & 386 Eglinton Avenue East – Zoning By-law Amendment Application**  
**File No. 17 188558 STE 22 OZ**

The Toronto Lands Corporation (TLC), a wholly owned subsidiary of the Toronto District School Board (TDSB), incorporated in 2008, now manages and has been appointed by the TDSB to be responsible for all real estate, land use planning, leasing and partnership matters.

TLC does not support the approval of the zoning by-law amendment application for a residential development at 368 & 386 Eglinton Ave E, until such time as the TDSB can determine that the future students attributed to this development can be accommodated. Based on the data available, TLC in consultation with the TDSB has determined that there is insufficient space at the local schools to accommodate the students anticipated from the proposed development. TLC's position is that the provision of accommodation for students in local public schools is a critical element of building and sustaining complete communities throughout the City.

The TDSB and TLC provided initial comments on this development application in letters to City Planning dated August 17, 2017 and February 8, 2019. TLC appreciates that the staff report dated June 6, 2019 includes the concerns raised in the two letters with respect to the insufficient space at local schools to accommodate the anticipated students. In recognition that City staff are recommending approval of the development application, **TLC requests that any approval of this application be subject to a holding provision to phase development in the Midtown Area to align with the adequate provision and distribution of educational facilities, as follows:**

*The Holding Symbol (H) by-law may be removed from the subject lands when the Toronto District School Board has advised, to the satisfaction of the City of Toronto that:*

- a) the Toronto District School Board has completed a program area review of the Yonge-Eglinton Area, advising of the adequacy of planned public school capacity to accommodate students generated from this development; and*
- b) the strategies recommended in the program area review have been implemented, up to no later than September 1, 2021.*

### **Student Accommodation Pressures**

The proposed residential development is located within the attendance boundary of Eglinton Jr PS, which is operating over capacity at a 110% utilization rate. Over the past ten years, the TDSB has undertaken boundary changes, grade changes, program relocations/augmentation, internal renovations and student redirections to

address enrolment pressures at Eglinton Jr PS. Given the small constrained school site, at 1.61 acres and with an undersized outdoor play area, portables cannot be added on the property.

The Midtown Area is a community experiencing significant residential intensification and population growth that is presenting pupil accommodation challenges at all local elementary schools. Without adequate local school capacity, students generated by new development will not be accommodated by local schools and will need to be bussed, often on lengthy commutes, to other TDSB schools far outside the local community.

At this time, the TDSB does not support a proposed development that will add additional elementary students to a catchment area that is significantly and currently overcapacity. The cumulative impact of over 50 developments within the Midtown area will result in an unsustainable accommodation pressure that cannot be addressed within existing local TDSB schools.

### **Planning Policy Objectives**

Unless or until it can be demonstrated that the future students attributed to this development have access to adequate and reasonable local public school accommodation, the approval of this development application is premature and not supported by planning policies and objectives.

Section 2 of the *Planning Act* provides that Council, in carrying out its responsibilities under the *Planning Act*, shall have regard to matters such as the orderly development of safe and healthy communities, the adequate provision and distribution of educational facilities, and the coordination of planning activities of public bodies.

Section 3.2.8.1 of the Growth Plan 2019 requires that land use planning and planning/investment in public service facilities (defined to include schools) be coordinated and section 1.2.1 requires that planning achieve complete communities that are designed to support people's needs for daily living throughout their entire lifetime. The guiding principles of the Growth Plan 2019 reference the importance of investing in public service facilities such as schools to keep pace with future growth. Otherwise, should development outpace the provision of these community facilities, the objectives of achieving a complete community are not being met.

The proposed development is also not consistent with section 1.6.1 of the Provincial Policy Statement, 2014 (PPS) which requires that planning for public service facilities (i.e. schools) shall be coordinated and integrated with land use planning so that they are available to meet current and projected need.

The City of Toronto Official Plan recognizes the importance of access to community services and facilities, such as schools. Specifically, section 3.2.2 provides that "Preserving and improving access to facilities in established neighbourhoods and providing for a full range of community services and facilities in areas experiencing major or incremental physical growth, is a responsibility to be shared by the City, public agencies and the development community."

### **Use of Proposed Holding Provision**

To better align residential development with the adequate provision and distribution of educational facilities, TLC is requesting a holding provision be applied. Section 36 of the *Planning Act* provides the City with the ability to use holding provisions, provided that the official plan sets out provisions relating to the use of the holding symbol. Section 5.1.2 of the City of Toronto Official Plan provides for the use of a holding provision, where development cannot take place until specified conditions are met, including the provision of community services and facilities (such as schools), professional studies to assess potential development impacts, phasing of development, and entering into agreements.

The TDSB is currently undertaking the Yonge-Eglinton Phase 2 Program Area Review (PAR), which considers strategies such as boundary changes, grade changes, program relocations/augmentation, and student

redirections to mitigate enrolment pressures, factoring in pupil yields for known development applications. The proposed holding provision would allow the TDSB time to complete the PAR process, which involves a public meeting process and is subject to the TDSB Board of Trustees' approval. Pending this approval, the holding provision would also allow the TDSB time to commence implementation of some of the mitigation strategies from the PAR.

On June 10, 2019, the TLC Board of Directors approved an approach to Midtown LPAT hearings, for TLC staff to request LPAT approval of a holding provision or other tool(s) to phase residential development in the Midtown Area. Applying a holding provision to this application (and other residential development applications currently at the LPAT), does not stop development from occurring; it allows for a manageable phasing of residential development in the Midtown Area. Phasing development in this manner allows the TDSB to develop accommodation plans for students that align with the shared goal of achieving complete communities and provides the TDSB time to line up the required provincial capital funding for pupil spaces. The September 1, 2021 date aligns with the anticipated effective dates of some of the proposed program and boundary changes currently recommended in the PAR process. It also provides some certainty to the developer of timing of when the holding symbol would be lifted, at the latest.

### **Request of Council**

In December 2017, City Council passed a number of resolutions with respect to the Midtown Area, including:

*4. City Council direct City staff to continue to consider and review the balance of applications within the Yonge-Eglinton Secondary Plan area as follows:*

*b. assess the potential cumulative impact of all applications in the Yonge-Eglinton Secondary Plan area on the City's ability to provide the necessary infrastructure to support development; and*

*c. use planning mechanisms, including holding provisions, as necessary to ensure that growth and infrastructure needs are aligned.*

In July 2018, City Council passed a number of resolutions regarding the provision of educational facilities in the Midtown Area, including:

*26. City Council direct City staff to work together with the Toronto District School Board, as appropriate, in the context of Local Planning Appeal Tribunal hearings for development applications in the Yonge-Eglinton Secondary Plan area and the Toronto District School Board's ongoing accommodation review in order to secure appropriate conditions of approval regarding the provision of educational facilities on a site by site basis.*

In accordance with the July 2018 Council direction, TLC and TDSB staff have had several meetings with City staff. We are continuing to have these discussions, and therefore, TLC seeks the support of the City in the Local Planning Approval Tribunal (LPAT) approval process to ensure that the phasing of residential development coincides with the adequate provision and distribution of educational facilities by adopting the following resolution in respect of the development application for 368 & 386 Eglinton Avenue East:

*In the event that the Local Planning Appeal Tribunal allows the appeal in whole or in part, City Council authorize the City Solicitor to support the request of the TDSB to include a Holding provision as part of the final form of the Zoning By-law Amendment, as follows:*

*The Holding Symbol (H) may be removed from the subject lands when the Toronto District School Board has advised, to the satisfaction of the City of Toronto that:*

- a) *the Toronto District School Board has completed a program area review of the Yonge-Eglinton Area, advising of the adequacy of planned public school capacity to accommodate students generated from this development; and*
- b) *the strategies recommended in the program area review have been implemented, up to no later than September 1, 2021.*

The TDSB has party status at the LPAT and will be requesting that this H symbol be imposed at a hearing or settlement conference for this matter. Holding provisions or other conditions of approval on development related to the adequacy of school accommodation are not unusual and have been imposed many times by the LPAT and/or its predecessor the Ontario Municipal Board.

Given the enormous accommodation pressures facing the TDSB in the Midtown Area, we believe the H symbol requested is appropriate and desirable to allow Midtown Area to grow responsibly.

Thank you again for your ongoing support of the TDSB and TLC. If you have specific questions regarding this correspondence, please contact Bianca Bielski (Senior Manager, Land Use Planning) at (416) 393-0582 or [bbielski.tlc@tdsb.on.ca](mailto:bbielski.tlc@tdsb.on.ca).

Yours truly,



Daryl Sage  
Chief Executive Officer

Cc. John Malloy, Director of Education, TDSB  
Robin Pilkey, Chair, TDSB  
Rachel Chernos Lin, Trustee, Ward 11, TDSB  
Shelley Laskin, Trustee, Ward 8, TDSB  
Jaye Robinson, City Councillor, Ward 15  
Josh Matlow, City Councillor, Ward 12  
Gregg Lintern, Chief City Planner  
Alex Teixeira, Senior Planner, City of Toronto Planning Division  
Bianca MV Bielski, Senior Manager, Land Use Planning, TLC  
Yvonne Choi, Manager, Land Use Planning, TLC  
Alejandro Cifuentes, Senior Planner, TLC  
Pitman Patterson, Borden Ladner Gervais  
Piper Morley, Borden Ladner Gervais