

Authority: Ontario Land Tribunal Decision and Order effective on August 4, 2022 in Tribunal File OLT-22-003152

## **CITY OF TORONTO**

### **BY-LAW 1281-2022(OLT)**

**To approve Amendment 492 to the Official Plan for the City of Toronto with respect to the lands municipally known in the year 2021 as 1 to 70 Eglinton Square, 1431 and 1437 Victoria Park Avenue, 14, 18, 22 and 26 Engelhart Crescent and 64-68 Harris Park Drive.**

Whereas the Owner of the lands known municipally in the year 2021 as 1 to 70 Eglinton Square, 1431 and 1437 Victoria Park Avenue, 14, 18, 22 and 26 Engelhart Crescent and 64-68 Harris Park Drive appealed a proposed official plan amendment to the Ontario Land Tribunal pursuant to Section 22(7) of the Planning Act, R.S.O. 1990, c. P.13, as amended; and

Whereas the Ontario Land Tribunal, by its Decision and Order effective on August 4, 2022 in File OLT-22-003152 approved amendments to the Official Plan for the City of Toronto with respect to the lands;

The Ontario Land Tribunal Orders:

1. The attached Amendment 492 to the Official Plan is hereby in force pursuant to the Planning Act, as amended.

Ontario Land Tribunal Decision and Order effective on August 4, 2022 in Tribunal File OLT-22-003152.

## AMENDMENT 493 TO THE OFFICIAL PLAN

### LANDS MUNICIPALLY KNOWN IN THE YEAR 2021 AS 1 TO 70 EGLINTON SQUARE, 1431 AND 1437 VICTORIA PARK AVENUE, 14, 18, 22 AND 26 ENGELHART CRESCENT AND 64-68 HARRIS PARK DRIVE

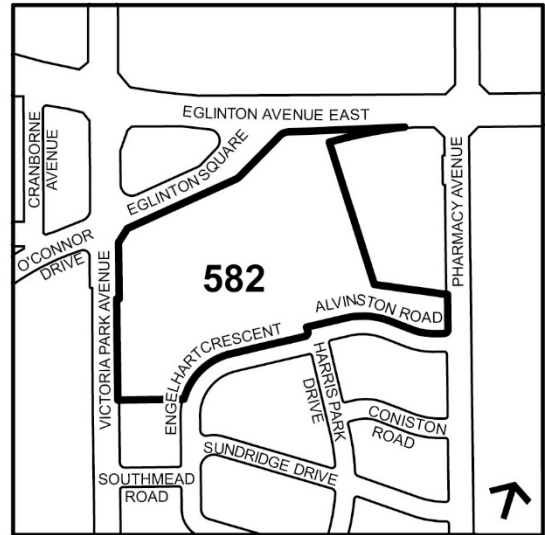
The Official Plan of the City of Toronto is amended as follows:

1. Chapter 7, Site and Area Specific Policies, is amended by adding the following policy and associated maps:

**"582. 1 to 70 Eglinton Square, 1431 and 1437 Victoria Park Avenue and 14, 18, 22 and 26 Engelhart Crescent**

**A. INTERPRETATION**

- 1) Site and Area Specific Policy ("SASP") 582 is intended to be read with the policies of the Official Plan and any Secondary Plan applicable to the Site. In the event of any conflict between the Official Plan or any applicable Secondary Plan with this SASP, this SASP shall prevail.
- 2) The lands subject to this Site and Area Specific Policy shall be referred to as the "Site".
- 3) Given the size of the Site, the prominent location of the Site at the intersection of Victoria Park Avenue and Eglinton Avenue East, being the historic commercial gateway and landmark entrance to the Golden Mile area, this SASP recognizes this Site and the planned context for this Site. The heights, densities, built form, built form relationships, transportation system and policy framework established in this SASP shall not be interpreted to be appropriate in other areas in the Golden Mile area.



**B. LAND USE AND DENSITY**

- 1) The land use policies and development criteria for land use found in Chapter 4 of the Official Plan will apply. The following additional policies apply and in case of conflict, the policies of SASP 582 will prevail.
- 2) The maximum gross Floor Space Index will not exceed 3.95 times the area of the Site, and development will be consistent with the policies of this Site and Area Specific Policy, and the Official Plan, including any applicable Secondary Plan policies. Any gross floor area used for community services and facilities that may

be provided on Site shall be excluded from the calculation of Floor Space Index for the purposes of this policy.

- 3) Eglinton Square Shopping Centre may remain during the first phase(s) of redevelopment and will reinforce the Site's continued role as a mixed use retail centre and neighbourhood hub.
- 4) All phase(s) of development will be co-ordinated with the street and block network to ensure the future extension of O'Connor Drive is protected for.
- 5) Active at-grade commercial uses, including retail and service uses, restaurants, office uses are encouraged at locations identified on Map 3: Active Commercial Uses at Grade. Entrances to residential lobbies are strongly discouraged along Eglinton Avenue East and Victoria Park Avenue, but may be permitted if they cannot be located at other alternative locations (such as side streets). Entrances to residential lobbies and other non-residential uses are generally permitted along all other public streets identified on Map 1: Structure.
- 6) Development will not be required to provide a minimum of 10 percent of the gross floor area of the development as non-residential uses, provided that a breakdown of uses is provided in the zoning by-law amendments.

### **C. TRANSPORTATION NETWORK**

- 1) In addition to Map 45-7 and Map 45-8 of the Golden Mile Secondary Plan, the planned street network is identified on Map 1: Structure, and will comprise of the following components:
  - i. Street A, the potential extension of O'Connor Drive, will have a minimum right-of-way width of 27 metres, and subject to Policy C. 2) and C. 4) and Policy I. 11) and I. 12);
  - ii. Street C will have a right-of-way width of 20 metres between Street A and Eglinton Avenue East, of which 14.5 metres will be provided on this Site; and
  - iii. A 3-metre widening of Victoria Park Avenue to achieve a minimum right-of-way width of 36 metres to support transit priority measures and a potential higher order transit corridor as may be required by the City.
- 2) For clarity, a Municipal Class Environmental Assessment ("EA") will not be required to determine the exact location, alignment and design of Street B and Street C.
- 3) Street A, Street B, and Street C will be public streets and will be dedicated through a Draft Plan of Subdivision. Conceptual streets are shown on Map 1: Structure.

- 4) The approved EA study for the street network will inform the future transportation network direction for the Site. The transportation network identified through the EA Study or Draft Plan of Subdivision may detail additional requirements than what is contemplated on Map 1: Structure, where necessary, amendments to this Site and Area Specific Policy may be required to address an approved EA, while achieving the density permitted by Policy B. 2) of this SASP.
- 5) Mid-block pedestrian connections are pedestrian connections with or without vehicular accesses through an individual block connecting the streets or parks adjacent to the block. Safe, generously-scaled and comfortable mid-block pedestrian connections on individual blocks extend the mobility network and may be provided at potential locations identified on Map 4: Pedestrian Network.

#### **D. PARKLAND**

- 1) New public parkland will be required to support and meet the needs of residents and employees of the Site and broader community. Two new parks as identified on Map 1: Structure will be provided:
  - i. Park A will be a public park with generous street frontages on Street A and Street B, generally provided in the location identified as Block "A";
  - ii. Park B will be a public park with generous street frontages on Pharmacy Avenue and Alvinston Road, generally provided in the location identified as Block "B" and to be conveyed in the first phase of development, with the exception of the private driveway that runs on the south side of the existing mall on the Site, whereby such lands forming part of Park B are intended to be conveyed when Park A is conveyed to the City; and
  - iii. The total area of Park A and Park B will be no less than 20 percent of the Site area, excluding Public Streets "A", "B", and "C" and existing widenings of Victoria Park Avenue and Eglinton Avenue East, as conveyed to the City.

#### **E. PUBLIC REALM**

- 1) POPS and Public Art will be generally encouraged, and while conceptually shown at the locations identified on Map 1: Structure, any POPS and/or Public Art that may be provided will be determined through a Zoning By-law Amendment application for the Site.
- 2) Development will minimize shadow impact on public sidewalks, existing and new parks, as well as open spaces such as POPS and outdoor amenity spaces.

**F. BUILT FORM***Building Type & Height*

- 1) Tall buildings will only be permitted in the Tall Building Zone with the maximum heights in storeys identified on Map 2: Built Form. The location of tall buildings are approximate.
- 2) Tall buildings with a maximum height of 25 storeys and a minimum 8 metre setback from the street line along the north side of the O'Connor Drive extension will be permitted at the north east corner of the extension of O'Connor Drive and Victoria Park Avenue intersection. For clarity, the 8-metre setback is the total of a 3-metre building setback at grade and a 5-metre tower step back above the base building.
- 3) Mid-rise buildings will be provided at the priority locations identified on Map 2: Built Form with the identified maximum heights.
- 4) Mid-rise buildings will generally fall beneath with a 45 degree angular plan from the adjacent street lines that the buildings or building masses front onto, at a height of 80 percent of the planned Right-of-Way widths of streets.
- 5) Development will generally fall beneath the 45 degree angular plane measured from the Neighbourhoods boundary on the west side of Cranborne Avenue and the north side of Bartley Drive.
- 6) Mechanical penthouses, access stairs and rooftop amenity areas will not be considered a storey for the purposes of determining building height, provided they limit impacts in accordance with applicable policies.

*Alternative Tall Building and Mid-rise Building Locations*

- 7) Upon completion of the approved EA, should the public realm framework for the Site need to be adjusted due to an alternative location of the potential O'Connor Drive extension, shown as Street A shown on Map 1: Structure, notwithstanding Policies F. 2) and F. 3) tall building and mid-rise building locations may be adjusted without the need for an Official Plan Amendment, provided that the intent of the public realm, built form, density, heights, angular planes and other relevant policies this Site and Area Specific Policy, the Official Plan and any applicable Secondary Plan is achieved.

*Base Building Heights*

- 8) Minimum and maximum base building heights will be provided as identified on Map 2.

*Setbacks and Stepbacks*

- 9) Development will provide minimum setbacks from streets, and parks and open spaces, and property lines as follows:
  - i. A minimum 5.0 metre setback along the east and west sides of Street B;
  - ii. A minimum 3.0 metre setback along all other public streets;
  - iii. A minimum 6.0 metre setback from all Parks, with exception of existing low-rise residential buildings which may be a minimum of 4.0 metres from Parks.
- 10) For all mid-rise buildings, a minimum 3-metre stepback will be provided above the base buildings along public streets, parks and open spaces.
- 11) The size of development blocks must have regard for achieving adequate tower separation and placement.
- 12) The separation distance between the tower portions of tall buildings will be a minimum of 25 metres, between main walls of towers.

*Existing Above-grade parking structure*

- 13) Existing above-grade parking structures are permitted to remain, however no additions to the existing above-grade parking structures are permitted. As development proceeds, these structures will be replaced with underground parking or above grade parking structures wrapped with active uses on all sides of the buildings and on all floors.

**G. HOUSING**

- 1) Despite Policy 3.2.1.9(b), the provision of 20 percent of the residential dwelling units as affordable housing units is not required, provided that through the zoning by-law amendment review process 85 of the new residential dwelling units are secured as affordable housing units for a finite period of 15 years for 30 units and 30 years for 55 units.
- 2) Prior to any development of the Site, a Housing Plan will be required that identifies in each phase of residential development: the percentage of units that will be two and three bedrooms in size, and how the required affordable housing will be delivered based on policy G. 1), including the phasing of affordable housing on the Site.
- 3) In addition to the plans/drawings and studies/reports identified in Official Plan Policy 5.5.2 and Schedule 3 of the Official Plan that are required for planning applications, a Housing Plan shall be submitted with the Draft Plan of Subdivision

application for the Site and will be required under section 51(18) of the Planning Act.

## **H. COMMUNITY SERVICES AND FACILITIES**

- 1) New and/or expanded community services and facilities will be required to support and meet the needs of residents and employees of the Site and broader community. Community services and facilities will be identified and reviewed by the City through the development review process, in order of priority, with the provision of:
  - i. New, expanded or retrofitted space for one of more community facilities on-site;
  - ii. New, expanded or retrofitted space off-site within an appropriate distance from the Site; and/or
  - iii. A contribution toward a specific community service facility that meets identified needs.
- 2) If development of the Site has the effect of removing the existing public library, the public library will be replaced on the Site or on a nearby site satisfactory to the City.

## **I. IMPLEMENTATION**

### *Draft Plan of Subdivision*

- 1) Prior to any development of all or any part of the Site, and prior to the issuance of any below-grade permit for any part of the Site, a Draft Plan of Subdivision application will be required to be approved for the entirety of the Site, subject to Policy I. 10) of this SASP and/or Policy I. 11) to Policy I. 13) of this SASP.
- 2) A Subdivision Agreement will be entered into and registered on the entirety of the Site to implement the structure plan contained in this Site and Area Specific Policy, subject to Policy I. 1) of this SASP, and other related matters, and will include securing a satisfactory Housing Plan and resulting affordable housing based on policy G. 1) as contemplated by this Site and Area Specific Policy and subsection 51(17) of the Planning Act.
- 3) The phasing of development and required infrastructure for the Site, including the provision of new public streets, municipal services, transportation infrastructure, and parkland will be addressed and secured through a Draft Plan of Subdivision.
- 4) The expansion of the street network into a finer grid of streets will occur incrementally over time, and phasing of the transportation system, including related improvements and municipal servicing infrastructure, will occur in an integrated manner and be secured in a Subdivision Agreement, and such

Subdivision Agreement will provide for phasing of the transportation system and municipal servicing infrastructure over time.

- 5) Any development shall coordinate and implement any required infrastructure upgrades and/or improvements with the City, and other landowners (where appropriate), including the provision of new municipal and transit infrastructure where required to support development. This may also include the cost-sharing agreements between landowners, where appropriate.

*Zoning By-law Amendment(s)*

- 6) Development will be sequenced to ensure appropriate transportation infrastructure, municipal servicing infrastructure and community services and facilities, including parkland, are available to accommodate proposed development on the Site.
- 7) In addition to the plans/drawings and studies/reports required for the submission of a complete application for development as identified in Policy 5.5.2 and Schedule 3 of the Official Plan, the following are required for any Zoning By-law Amendment application:
  - i. A Context Plan for the Site which addresses the phasing of the development blocks and Park shown on Map 1: Structure, the layout and design of existing and proposed public realm elements, built form elements and their impact, and relationship with the existing and potential future development in the areas adjacent to the Context Plan Area for adoption by City Council as an Implementation plan for the Site under Policy 5.3.2.1. of the Official Plan.
- 8) A Phasing Plan identifying, among other matters, the orderly progression of development blocks, associated municipal infrastructure and public streets, community services and facilities, if applicable, and affordable housing based on policy G. 1). Phase 1 of the development of the Site may preserve the existing shopping centre and may include Block F, if determined to be appropriate.

*The Potential O'Connor Drive Reconfiguration and Extension*

- 9) Development will not preclude and will protect for Street A, the potential O'Connor Drive extension. An approved EA will determine the final alignment of Street A. Where an approved EA determines that the alignment is not in compliance with Street A as shown on Map 1: Structure, in accordance with the policies of this Plan, development of the Site will not preclude the realignment in the EA.
- 10) If the EA process is not substantially complete to identify the preferred alignment of the O'Connor Drive reconfiguration and extension prior to the enactment of any zoning by-law amendment for the Site, there shall be a Holding (H) symbol pursuant to Section 36 of the Planning Act on part of the Site, in particular Blocks

D and E as it relates to the O'Connor Drive extension and substantial completion of the Environmental Assessment identifying the preferred alignment of the O'Connor Drive reconfiguration and extension where such Holding (H) symbol may be lifted the earlier of the substantial completion of the EA identifying the preferred alignment and/or such other event as may be identified in the Zoning By-law Amendment for the Site.

*Development Block Phasing and Subdivision of Site*

- 11) No other Blocks identified on Map 1, except Blocks C, F, (and Block D in the event that the Holding (H) symbol is lifted) may proceed with development until there is an approved Draft Plan of Subdivision and registered subdivision agreement on the Site. This policy does not apply to prevent conveyance of Block A or Block B related to the Public Park.

*Interim and Ultimate Municipal Servicing*

- 12) Development on Blocks F and C (and Block D in the event that the Holding (H) symbol is lifted) may be permitted to connect to municipal services on Victoria Park Avenue, Eglinton Avenue East and Eglinton Square as required in interim conditions, in the sole discretion of, and to the satisfaction of General Manager, Toronto Water, and Chief Engineer and Executive Director, Engineering & Construction Services, prior to the completion of the new public streets subject to the existing municipal sewer system having sufficient capacity, and subject to feasibility to relocate existing municipal infrastructure to public streets, or creating new easements to accommodate the flows confirmed by an accepted Functional Servicing Report, and the current site is a contributory to those municipal sewers. Changing existing drainage patterns will not be permitted.
- 13) Development on Blocks F and C (and Block D in the event that the Holding (H) symbol is lifted) may be permitted to utilize private lands in order to connect to municipal services, subject to an agreement between landowners and, if required at the sole discretion of the City, easement(s) granted in favour of the City. The Phasing Plan will be required to identify the anticipated timelines when the private sewers will be removed and the buildings will be reconnected to municipal sewers in compliance with the approved Ultimate Servicing Plans at the sole cost and expense of the owner(s) of the Site, and at no cost to the City. The ultimate servicing for the development shall be in compliance with the Master Servicing Plan for Golden Mile Area.
- 14) The Phasing Plan will be required to identify upgrades to municipal servicing infrastructure in each phase of development and, where required, any cost sharing agreements for such upgrades. The removal of any City-approved private sewer(s) and reconnection to the municipal sewers for the buildings at each phase shall be at the sole cost and expense by the owner(s) of the Site, and at no cost to the City.

## **ATTACHMENTS**

Map 1: Structure

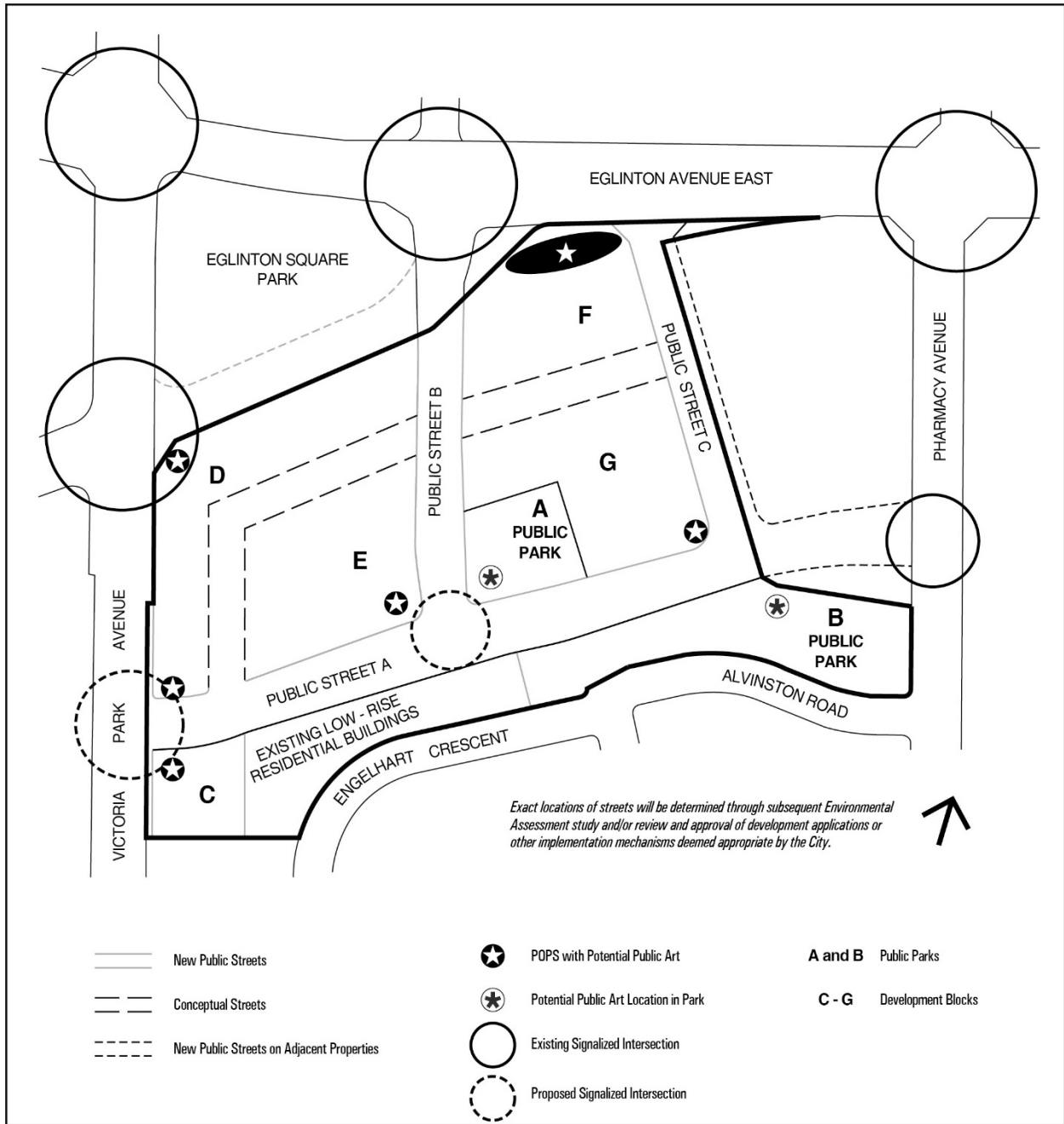
Map 2: Built Form

Map 3: Active Commercial Uses at Grade

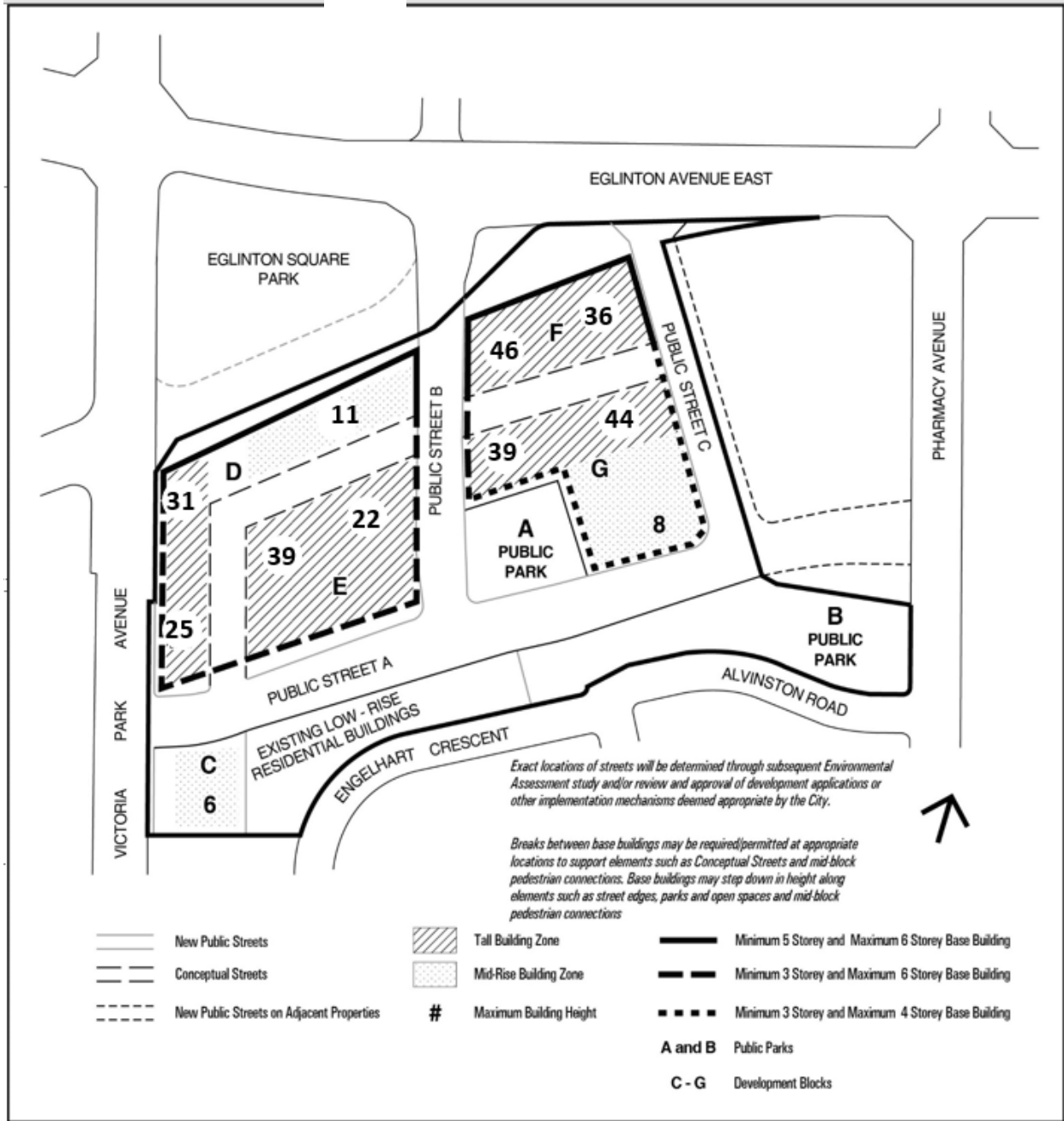
Map 4: Pedestrian Network"

2. Chapter 7, Map 31, Site and Area Specific Policies is amended by adding the lands municipally known in 2021 as 1 to 70 Eglinton Square, 1431 and 1437 Victoria Park Avenue, 14, 18, 22 and 26 Engelhart Crescent and 64-68 Harris Park Drive, as shown on the map above as Site and Area Specific Policy 582.

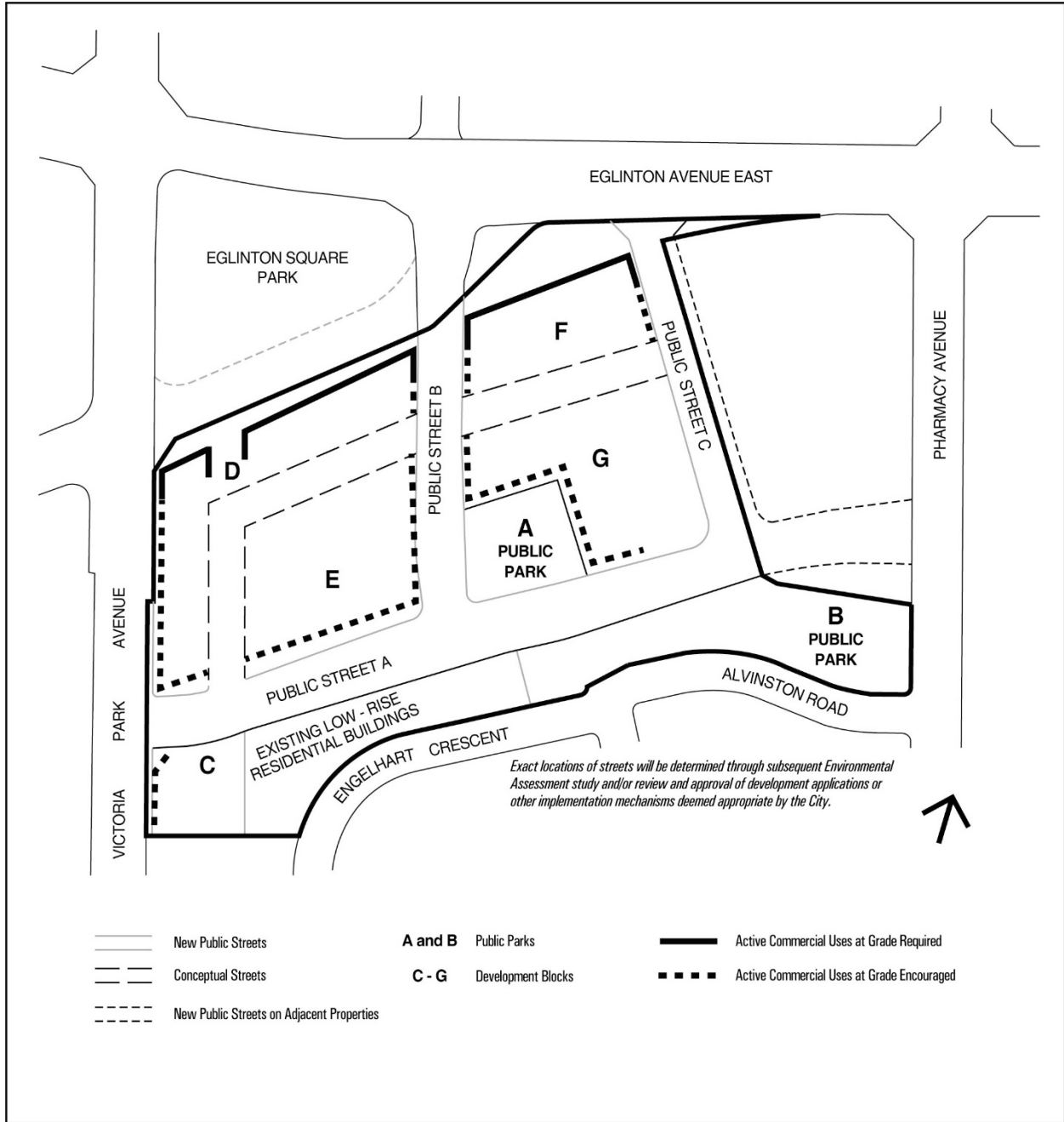
**Map 1: Structure**



**Map 2: Built Form**



### Map 3: Active Commercial Uses at Grade



**Map 4: Pedestrian Network**

