

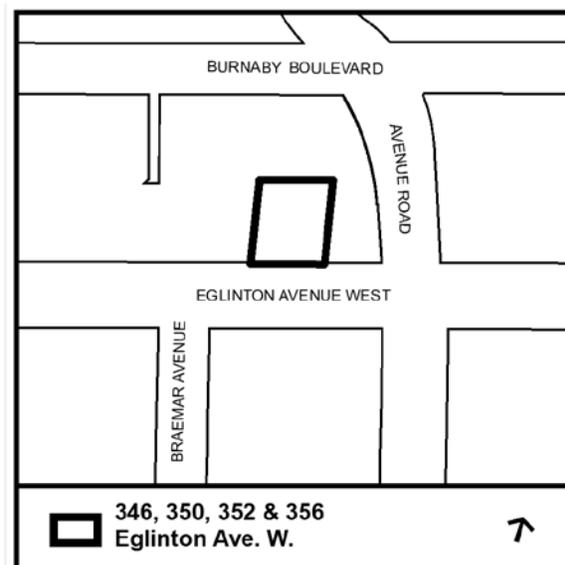
**346, 350, 352 and 356 Eglinton Ave. West - Zoning By-law Amendment Application Request for Direction Report**

<b>Date:</b>	August 30, 2016
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 16 – Eglinton-Lawrence
<b>Reference Number:</b>	15 214446 NNY 16 OZ

**SUMMARY**

The applicant has appealed their application for a Zoning By-law Amendment to the Ontario Municipal board due to Council’s failure to make a decision within the prescribed time period under the *Planning Act*. The purpose of this report is to seek Council’s direction for staff representation at the OMB hearing. The report seeks Council direction to oppose the proposal in its current form. A prehearing will be held on October 12, 2016. A full hearing is scheduled between November 21st to December 9th, 2016.

This application proposes to amend the former City of Toronto Zoning By-law 438–86 and City-wide Zoning By-law 569-2013 for the lands at 346, 350, 352 and 356 Eglinton Avenue West, to permit a 15-storey (47.90 metres plus a 5.5 metres mechanical penthouse) mixed-use building containing 112 residential units, 189 square metres of commercial space at-grade and three levels of underground parking that would provide 57 vehicle parking spaces. The total gross floor area proposed is 8,436 square metres representing a density of 8.52 times the area of the lot.



## RECOMMENDATIONS

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### The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with City Planning staff and other staff as appropriate, to attend the OMB hearing to oppose the Zoning By-law Amendment application in its current form for the property at 346, 350, 352 and 356 Eglinton Avenue West.
2. The City Solicitor and appropriate staff be authorized to continue discussions with the applicant to address the issues outlined in this report and to report back to City Council on the outcome of discussions, if necessary.
3. Should the Ontario Municipal Board approve the application, City Council direct the City Solicitor to advise the Board that the zoning by-law should not be approved without the provisions of such services, facilities or matters pursuant to Section 37 of the *Planning Act*, as may be considered appropriate by the Chief Planner in consultation with the applicant and the Ward Councillor.
4. Should the Ontario Municipal Board approve the application, City Council authorize the City Solicitor to request that the Ontario Municipal Board withhold its Order approving the application until such time as:
  - a. The Board has been advised by the City Solicitor that the proposed Zoning By-law Amendment is in a form satisfactory to the City; and
  - b. A Section 37 Agreement has been executed to the satisfaction of the City Solicitor.

### Financial Impact

The recommendations in this report have no financial impact.

### DECISION HISTORY

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

The report for the City initiated Official Plan Amendment for the Yonge-Eglinton Urban Growth Centre is available on the City's website at:

<http://www.toronto.ca/legdocs/mmis/2010/pg/bgrd/backgroundfile-28933.pdf>.

At its meeting of December 16, 17 and 18, 2013 City Council adopted amendments to the Official Plan (OPA 231) to implement the results of the Official Plan and Municipal

Comprehensive Review for Economic Health and Employment Lands Policies and Designations and Recommendations of Conversion Requests. Among other matters, OPA 231 introduced amendments aimed to stimulate the growth of new office space and maintain current concentrations of office space near rapid transit, such as the subject site. The report and council direction is available on the City's website at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG28.2>

On July 9, 2014, the Minister of Municipal Affairs and Housing issued a decision approving Official Plan Amendment 231, with minor modifications. The Minister's Decision was appealed to the Ontario Municipal Board. On June 22, 2015, the OMB issued an order that partially approved OPA 231. The balance of the policies under OPA 231 remains under appeal and the Board has convened several Pre-Hearing Conferences and mediation sessions.

The subject site is situated within the area of the Eglinton Connects Planning Study (Attachment 10). At its meeting of May 6-8, 2014, City Council considered the Final Directions Report for the Eglinton Connects Planning Study. City Council adopted 21 recommendations under the themes of Travelling, Greening and Building Eglinton. The report and Council's direction are available on the City's website at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG32.4>

The Final Directions Report on the Eglinton Connects Planning Study was considered together with a report on the "Eglinton Connects – Environmental Assessment Study" which was also adopted by City Council. The EA Study included information regarding a special streetscape for Eglinton Avenue. This report is available on the City's website at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PW30.7>

The Phase 1 (Part 1) Implementation Report for the Eglinton Connects Planning Study was considered by City Council at its meeting of July 8, 2014. From this report, City Council adopted Official Plan Amendment No. 253 that included, among other things, a Site and Area Specific Policy No. 476 requiring the provision of a public laneway at the rear of this site as part of a continuous public rear laneway system along most sections of Eglinton Avenue west of Yonge Street. City Council also adopted a resolution directing staff to implement the Eglinton Connects Streetscape Plan as development proceeds along Eglinton Avenue West. The applicant has appealed the policy regarding provision of public lanes to the Ontario Municipal Board. The report and Council's direction are available on the City's website at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG34.1>.

On August 25, 2014 City Council considered the Phase 1 (Part 2) Implementation Report for the Eglinton Connects Planning Study. City Council adopted an amendment to the City-wide Zoning By-law 569-2013 to permit mixed-use buildings along most of Eglinton Avenue West, west of Duplex Avenue that conform to the Council-approved Mid-rise Performance Guidelines. This site is included in the amendments. The applicant has appealed this by-law to the Ontario Municipal Board. A prehearing to address both the zoning by-law and OPA regarding public lanes is scheduled for October 12, 2016. The Council's direction is available on the City's website at:

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

The Preliminary Staff Report which was considered by North York Community Council on November 10, 2015, is available at:

<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-84997.pdf>

On June 7, 2016, the landowner has appealed the Zoning By-law Amendment application to the Ontario Municipal Board citing City Council’s failure to make a decision within the prescribed time frames set out in the *Planning Act*. At a prehearing conference held on July 26, 2016, the OMB agreed to include the zoning by-law amendment application appeal with the Eglinton Connects appeals. Therefore, a subsequent prehearing conference date has been scheduled for October 12, 2016. A full hearing is scheduled to occur between November 21st and December 9th, 2016. In addition, the Site Plan application (File No.: 15 2144458 NNY 16 SA) has been appealed to the OMB.

## ISSUE BACKGROUND

### Proposal

The proposal is for a 15-storey mixed-use development containing a 112 residential units, 47.9 metres in height (plus 5.5 metres mechanical penthouse). The development would have 8,247 square metres of residential gross floor area above grade and 189 square metres of commercial gross floor area at-grade for a total of 8,436 square metres and a density of 8.52 times the area of the lot. The ground level would be composed of commercial and residential lobby uses at the south end and bicycle parking and servicing uses such as garbage and loading at the north end. Adjacent to the loading area a 6 metre wide vehicular laneway is proposed.

**Table One: Site Statistics**

Residential Gross Floor Area	8,247m <sup>2</sup>
Commercial Gross Floor Area	189 m <sup>2</sup>
Total Gross Floor Area	8,436m <sup>2</sup>
Floor Space Index	8.52
Residential Units	112 units in total (32 studio units, 37 one-bedroom units, 43 two-bedroom units)
Indoor Amenity Space	224m <sup>2</sup> (2m <sup>2</sup> per unit)
Outdoor Amenity Space	198m <sup>2</sup> (1.7m <sup>2</sup> per unit)
Vehicular Parking	57 (includes 45 residential, 9 visitor and 3 accessible spaces)
Bicycle Parking	84 (includes 73 residential and 11 visitor spaces)
Building Setbacks	<u>West:</u> 1st floor: 0.0m to 0.9m 2nd floor: 0.0m to 6.9m

	3rd to 7th floors: 0.0m to 5.9m 8th floor: 3.5m to 5.6m 9th to 15th floors: 3.2m to 5.6m  <u>East:</u> 1st floor: 0.0m to 0.5m 2nd floor: 0.0m to 0.5m 3rd to 7th floors: 0.0m to 2.1m 8th floor: 2.1m 9th to 15th floors: 2.1m  <u>South:</u> 1st floor: 0.20m to 2.0m 2nd to 7th floors: 0.5m 8th to 15th floors: 3.5m  <u>North:</u> 1st to 15th floors: 6.48m
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The proposed building is composed of a rectangular 7-storey base building (23.7 metres) high that fronts onto Eglinton Avenue West and extends approximately 17 metres deep along the west and east property lines. Extending from the 7-storey base building is a 1-storey building element to the rear of the site. On top of the base building is proposed a tower element from the eighth to the fifteenth levels plus a 5.5 metre mechanical component.

Along the south property line a 0.2 metre setback is proposed that extends up the entire building along the 30.5 metre property frontage. Commercial uses with two building entrances are proposed for approximately the westerly 21 metres along the Eglinton Avenue West frontage and one residential lobby entrance would be located on the east side for approximately 9.5 metres in length. The lobby entrance would be setback only on the first level approximately an additional 1.8 metres with a paving treatment.

The ground floor would be 6 metres in height however the retail floor to ceiling height would be 4 metres. Also proposed is a metal canopy at ground floor residential entrance.

Commencing from the second to the seventh levels would be a 0.5 metre setback of the base building from the Eglinton Avenue West property line. Above the base building on the seventh level along the west property line is a 6 metre stepback and a 2 metre stepback at the east property line to accommodate outdoor amenity space.

From the eighth to the fifteenth levels is proposed a 3.5 metre stepback from the south property line to the building face.

Along the north property line, the building would be a setback from the rear property line approximately 6.48 metres, which includes a laneway. The existing laneway ranges in width from approximately 5.46 metres at the west property line to 3.2 metres at the east

property line and terminates at the eastern property line. The application proposes a widening of the private laneway to 6 metres and it contemplates the provision of access for properties on the north side of Eglinton Avenue West. Vehicular parking spaces are proposed below the lane. Also proposed from the laneway, is access to the parking elevator, garbage and loading activities on the ground level, including the provision of one Type 'G' loading space.

Adjacent and to the north of the property line are a *Neighbourhoods* designation with a 4-storey townhouse development with a blank wall condition on the building closest to Avenue Road and existing windows in the building adjacent and to the west.

Also proposed along the north building face are 1.5 metre projecting balconies from the second through to the fifteenth levels and they partially extend into the laneway.

The residential units would be comprised of 32 studio units, 37 one-bedroom units, and 43 two-bedroom units for a total of 112 units. The proposed indoor amenity space is 224 square metres and the proposed outdoor amenity space is 198 square metres for a total of 422 square metres. Both the indoor and outdoor amenity areas would be located on the second and eighth floors, in a contiguous layout.

The applicant proposes the Eglinton Avenue West public boulevard to have an approximately 4.7 metres width taken from the front property line to the curb edge and a pedestrian sidewalk clearway excluding the proposed tree trenches approximately 3.2 metres in width. The proposal does not include a road widening.

The application proposes three below grade levels of parking, providing a total of 57 vehicle parking spaces, which would be accessed by a car elevator. Of the 57 vehicle parking spaces proposed, 45 residential spaces would be on three levels below grade along with 3 accessible spaces and 9 visitor spaces located on the first level below grade. A total of 84 bicycle spaces are proposed including; 73 residential spaces and 11 visitor spaces all located on the ground floor. Refer to Application Data Sheet in Attachment 11.

As shown on the elevations in Attachments 4 and 5, the applicant proposes building massing above the 45 degree front angular plane from Eglinton Avenue West, starting approximately 22.4 metres up from the property line and the 45 rear degree angular plane from the *Neighbourhoods* designation to the north.

## **Site and Surrounding Area**

The subject site municipally known as 346, 350, 352 and 356 Eglinton Avenue West is a consolidation of three commercial properties and is located on the north side of Eglinton Avenue West, west of Avenue Road. Eglinton Avenue West has a right-of-way of 26.2 metres along this portion of the street. The site area is 990 square metres and has a frontage of approximately 30.5 metres along Eglinton Avenue West and an approximate lot depth of 34.67 metres. The lot is generally square in shape and contains two former commercial buildings; 'Oink Oink' and 'Becoming Maternity' which are currently vacant and one commercially active business, 'Yitz's Delicatessen'. The total existing gross floor area is

1,336 square metres. These one and two-storey main street character commercial buildings that currently occupy the site are proposed to be demolished. At the rear of the site is an existing east-west private laneway approximately 5.46 metres wide at the west property line to 3.2 metres wide at the east property line.

Land uses surrounding the subject lands include:

North: The property immediately to the north of the subject site at 1046 Avenue Road is a 4-storey townhouse development that was recently approved and constructed (File No. 10 293313 NNY 16 OZ and site plan File No. 10 293317 NNY 16 SA). The north and south sides of Burnaby Boulevard contain a number of detached residential dwellings. Further north, at the south-west corner of Willowbank Boulevard and Avenue Road, is a 7-storey apartment retirement residence.

East: The abutting parcel to the east of the subject site is currently under construction. This parcel is to become the Metrolinx LRT Avenue Station Main Entrance (File No. 13 135473 NNY 16 SA). At the north-east intersection of Eglinton Avenue West and Avenue Road, fronting on Avenue Road are a series of two-storey mixed-use buildings containing office and retail uses and 274 Eglinton Avenue West is currently under construction to become the Metrolinx LRT Avenue Station Secondary Entrance. North on Avenue Road are a series of detached residential dwellings.

West: To the west of the subject site are predominantly one and two-storey commercial buildings fronting along Eglinton Avenue West and at 400 Eglinton Avenue West is the Eglinton Theatre, a designated heritage property.

South: On the south-west corner of Avenue Road and Eglinton Avenue West, fronting on Eglinton Avenue West are a series of one and two-storey commercial buildings. On the south-east corner of Eglinton Avenue West and Avenue Road at 1021 Eglinton Avenue West is a Petro Canada gas station.

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

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

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required, by the

*Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The site is located on an *Avenue* as indicated on the Urban Structure Map 2 of the Official Plan (Attachment 6), and is designated *Mixed Use Areas* in the Official Plan (Attachment 7). It is also located within the Yonge-Eglinton Secondary Plan area (Attachment 9).

## **Avenues Policies**

*Avenues* are considered important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, retail, and transit service for community residents. The Plan recognizes that the *Avenues* will be transformed incrementally, that each is different and that there is no one size fits all approach to reurbanizing them. Reurbanization of the *Avenues* is subject to the policies of the Official Plan, including in particular the neighbourhood protection policies.

Section 2.2.3.1 of the Official Plan states that reurbanizing the *Avenues* will be achieved through the preparation of *Avenue* Studies for strategic mixed-use segments. The City has undertaken an *Avenue* Study for Eglinton Avenue; the Eglinton Connects Planning Study which includes the subject site. The Eglinton Connects Planning Study has been completed. The Eglinton Connects Planning Study and Council's direction are available on the City's website at:

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

## **Mixed Use Areas Policies**

A broad range of commercial, residential and institutional uses in single use or mixed-use buildings, as well as parks and open spaces and utilities are permitted within the *Mixed Use Areas* designation. The Official Plan recognizes that *Mixed Use Areas* achieve a number of planning objectives by combining a broad array of uses. Development in *Mixed Use Areas* should:

- create a balance of high quality commercial, residential, institutional and open space uses that reduce automobile dependency and meet the needs of the local community;
- locate and mass new buildings to provide a transition between areas of different development intensity and scale by providing appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*;
- locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- take advantage of nearby transit services;
- provide good site access and circulation and an adequate supply of parking for residents and visitors;

- locate and screen service areas, ramps and garbage areas to minimize the impact on adjacent streets and residences; and
- provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

### **Healthy Neighbourhoods Policies**

The Official Plan recognizes that established neighbourhoods can benefit from directing growth to areas such as the *Avenues* with improved services, amenities and other enhancements while preserving the shape and feel of the neighbourhood. At the boundary points between the neighbourhoods and the growth areas, development in the *Mixed Use Area* will have to demonstrate a transition in height, scale and intensity to ensure that the stability and general amenity of the adjacent residential area are not adversely affected.

### **Public Realm and Built Form Policies**

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

Built form policies of Section 3.1.2 of the Official Plan provide direction for new development with respect to its location and organization such that it fits within, and respects, its existing and planned context. More specifically, Section 3.1.2.3 provides direction pertaining to new development that will be massed and its exterior façade of the building will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by;

- (a) massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion;
- (b) 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;
- (c) creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan;
- (d) providing adequate light and privacy; and
- (e) adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas.

### **Official Plan Right-of-Way Policies**

The Official plan's right-of-way widths associated with existing major streets, Map 3 planned road widths requires a 27 metre right-of-way for this section of Eglinton Avenue West.

### **Public Laneway Policies**

As discussed below, recent amendments to the Official Plan resulting from the Eglinton

Connects Planning Study require the provision of a publicly accessible laneway 6 metres in width at the rear of this property in accordance with Site and Area Specific Policy No. 476 adopted by Council (refer to Decision History discussion), through OPA 253. Such a lane would eventually become part of a continuous laneway system allowing deliveries and parking access to be taken off Eglinton Avenue West. Site and Area Specific Policy 476 (i), which is applicable for the subject site, states that if a property is currently served by a rear private laneway, this laneway will need to be constructed to municipal standards and with the characteristics of a public laneway, with the exception of ownership, and the owner of the private laneway will convey an easement to the City, at nominal cost, for public access to the private laneway at all times. It further states in Policy 476(k) that the conveyance of land to the City for the provision of an easement for public access over an existing private laneway, will be required for nominal consideration from property owners as a condition of rezoning approvals. The applicant has appealed OPA 253.

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

[http://www1.toronto.ca/staticfiles/city\\_of\\_toronto/city\\_planning/developing\\_toronto/files/pdf/chapters1\\_5\\_dec2010.pdf](http://www1.toronto.ca/staticfiles/city_of_toronto/city_planning/developing_toronto/files/pdf/chapters1_5_dec2010.pdf)

### **OPA 320**

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment No. 320 on December 10, 2015. OPA 320 strengthens and refines the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods and to allow limited infill on underutilized apartment sites in *Apartment Neighbourhoods*.

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

The revised Policy in Section 2.3.1.3, Healthy Neighbourhoods, of the Official Plan requires that development within *Mixed Use Areas* that is adjacent or close to *Neighbourhoods* will:

- a) be compatible with those *Neighbourhoods*;
- b) provide a gradual transition of scale and density, as necessary to achieve the objectives of this Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*;
- c) maintain adequate light and privacy for residents in those *Neighbourhoods*;
- d) orient and screen lighting and amenity areas so as to minimize impacts on adjacent properties in those *Neighbourhoods*;

- e) locate and screen service areas and access to underground parking, locate any surface parking so as to minimize impacts on adjacent properties in those *Neighbourhoods*, and enclose service and access areas where distancing and screening do not sufficiently mitigate visual and noise impacts upon adjacent properties in those *Neighbourhoods*; and
- f) attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*.

Official Plan Amendment 320 as adopted by City Council is available on the City's website at: <http://www.toronto.ca/legdocs/bylaws/2015/law1297.pdf>

### **Eglinton Connects Planning Study**

City Planning staff began working on the Eglinton Connects Planning Study in January 2012. This comprehensive planning study examined the land use planning framework, built form, public realm and road configuration on Eglinton Avenue between Weston Road and Kennedy Subway Station, corresponding to the extent of the Eglinton Crosstown LRT.

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

The Study findings and implementing zoning by-laws and an Official Plan Amendment were adopted by City Council in 2014. The study and links to the various staff reports and implementing by-laws can be found here: <http://www.toronto.ca/planning/eglinton>

The subject site falls within the Eglinton Connects Planning Study.

The 'Travelling' recommendations give direction for the future public realm and adjacent right-of-way, and include recommendations for a wider sidewalk, lay-by parking, and a bike lane. Recommendation #6 also gives direction for a new public lane along the rear of this site to be provided in conjunction with new development. The applicant has appealed to the OMB for relief from the Official Plan policy requiring the provision of public lanes along the rear of redevelopment sites fronting on Eglinton Avenue. The applicant has included a private laneway at the rear of the site to be increased to 6 metres in width with parking below.

The 'Building' Recommendation #15 from the Study anticipates a mid-rise built form on the subject site. Preliminary analysis based on the Mid-Rise Buildings Performance Standards and the property depth indicate that a building height of approximately 22.5 metres or 7-storeys could be achieved if all the Performance Standards were met in the study.

With respect to greater intensification of mixed-use development on large sites, the Study has outlined appropriate locations under 'Building' Recommendation #18, a 'Plan for Intensification in Focus Areas and Mobility Hubs'. The subject site is not included in this recommendation, nor is part of a Focus Area or Mobility Hub.

## **Yonge-Eglinton Secondary Plan**

The site of the proposed development is located in the Yonge-Eglinton Secondary Plan Area (Attachment 9). The Yonge-Eglinton Secondary Plan provides a more detailed locally focussed policy framework for guiding growth and change in the Secondary Plan area. The general policies of Section 2 establish the main objectives of the Secondary Plan in relation to land use, the nature and scale of development, transportation, urban form and public realm, community services, and parks and open spaces.

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

Section 2.7 outlines objectives aimed to ensure that the form of buildings promotes a compatible physical and land use relationship between development within the various land use designations and between sites in abutting land use designations, and that all buildings form a positive visual relationship to the street. One of the objectives of the Secondary Plan is to maintain the existing scale of development within stable *Neighbourhoods* and protect such areas from overshadowing from buildings located in abutting *Mixed Use Areas*. Also, it is to secure a transition in height and scale from developments in *Mixed Use Areas* to *Neighbourhoods* and in particular to those sites which abut a *Neighbourhood*.

The Secondary Plan recognizes the importance of higher order transit, existing and planned for Yonge-Eglinton, and Section 2.10 provides opportunities to consider reduced parking requirements for development in *Mixed Use Areas* which are in close proximity to subway and light rapid transit access. Improvements to the public realm are encouraged in association with all development and the *Parks and Open Space Areas* policies of Section 2.21 encourage the creation of interesting and engaging parks and open spaces that are safe, comfortable and accommodate people of all ages and abilities.

Section 4 of the Secondary Plan sets out the policies for *Mixed Use Areas*. These seek to ensure a compatible relationship of uses in *Mixed Use Areas* and residential uses in adjacent residential areas and that access points, the relationship of development to the sidewalk, and the location of walls, fences and trees enhance the quality of the streetscape.

The Yonge-Eglinton Secondary Plan is available on the City's website at:  
[http://www.toronto.ca/planning/official\\_plan/pdf\\_secondary/21\\_yonge\\_eglinton\\_dec2010.pdf](http://www.toronto.ca/planning/official_plan/pdf_secondary/21_yonge_eglinton_dec2010.pdf)

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

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts.

Official Plan Section 3.1.3.2 policies state that building proposals will address key urban design considerations including:

- a) meeting the built form principles of this Plan;
- b) demonstrating how the proposed building and site design will contribute to and reinforce the overall City structure;
- c) demonstrating how the proposed building and site design relate to the existing and/or planned context;
- d) taking into account the relationship of the site to topography and other tall buildings;
- e) providing high quality, comfortable and usable publicly accessible open space areas; and
- f) meeting the other goals and objectives of this Plan.

The City-Wide Guidelines are available at:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=80a70621f3161410VgnVCM10000071d60f89RCRD>

## **Mid-Rise Guidelines**

The Avenues and Mid-Rise Guidelines as adopted by Council on July 6, 7 and 8, 2010 focussed on tools and performance standards which are intended to encourage well-designed mid-rise buildings on the Avenues located along the edges of some of Toronto's stable neighbourhoods.

The performance standards contained in the study are intended to be used as tools to implement the Official Plan's Avenues policies, maintaining a balance between reurbanization and adjacent neighbourhood stability. The performance standards give guidance about the size, shape and quality of mid-rise buildings and are intended to support the policies of section 2.3.1.2 (Healthy Neighbourhoods) of the Official Plan. The site is within an Official Plan designated 'Avenue'.

<https://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/Urban%20Design/Mid-rise/midrise-FinalReport2.pdf>

## **Zoning**

The site is zoned 'MCR', mixed-use commercial/residential which allows for a broad range of uses such as; residential, commercial, parks, recreation, community services and institutional in Zoning By-law 438-86, as amended. The permitted density is 3 times the area of the lot with a maximum 16 metre height.

In addition, the site is zoned 'CR', commercial/residential under the City of Toronto Zoning By-law 569-2013 which allows for the same broad range of uses as mentioned above along with the same permitted density and maximum height.

Zoning By-law 569-2013 was further amended by City Council in 2014 in accordance with the vision and recommendations of the Eglinton Connects By-law 1030-2014. The amendment requires buildings on the site to follow the Mid-rise Performance Standards with a maximum height of 22.5 metres, a minimum front set-back of 1.4 metres and angular planes from the front and the rear lot lines. Also, the Policy Area was amended from Policy Area 4 (PA4) to Policy Area (PA3), which affects the required parking requirements. The applicant has appealed this amendment to the Ontario Municipal Board. A second prehearing has been scheduled for October 12, 2016 and a full hearing is scheduled between November 21st to December 9th, 2016.

### **Site Plan Control**

This proposal is subject to Site Plan Control. A Site Plan application has been submitted with this application (File No.: 15 214458 NNY 16 SA). The Site Plan application has been appealed to the OMB.

### **Reasons for Application**

The applicant seeks to amend Zoning By-law 438-86 and the City wide Zoning By-law 569-2013 to increase the permitted building height from 16 metres and to amend the Eglinton Connects By-law 1030-2014 building height from 22.5 metres, to the proposed building height of 47.9 metres plus 5.5 metres for a mechanical penthouse.

In addition, the permitted density is 3.0 times the area of the lot for all three zoning by-laws however, the proposal exceeds that with a proposed density of 8.52 times the area of the lot. Additional areas of non-compliance with the zoning would also need to be amended.

### **Community Consultation**

Staff held a community consultation meeting on November 11, 2015 at the Marshall McLuhan Catholic Secondary School (1107 Avenue Road). Planning staff gave a presentation highlighting the information in the Preliminary Report, including policy framework and details of the application. The applicant provided further details with respect to the proposed building design and its planning rationale. Approximately 63 members of the public attended along with the Ward Councillor. Generally, the public were opposed to the proposal and raised a number of concerns:

- height and density are too high;
- building scale and size are inappropriate;
- explore lowering the building by integrating it into Metrolinx future Avenue LRT station for the Eglinton Crosstown;
- a tall building will result in compromised privacy;
- proposal creates an inappropriate building wall for neighbours;
- no transition to adjacent neighbouring homes to the north;

- need to meet angular planes;
- setbacks should be increased;
- does not fit with existing character in the neighbourhood;
- sunlight issues and shadow impacts;
- Eglinton Avenue West sidewalk is too narrow, no contribution to the public realm;
- concern with existing congestion and increased traffic;
- safety concern for children and pedestrians with increased traffic;
- how will vehicular turning be restricted?
- insufficient provision of vehicular parking;
- proposal will set a built form precedent for Eglinton Avenue West;
- it should be a mid-rise building, it does not align to the Eglinton Connects Study;
- area schools are at capacity, how will additional students be accommodated?
- building design is unappealing;
- consider it for a senior's building;
- inadequate servicing for garbage; and
- concern with proposal's proximity to the historic Eglinton Theatre at 400 Eglinton Avenue West and that it will block views.

Written comments received by staff raise many of the issues expressed at the community meeting.

### **Agency Circulation**

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

## **COMMENTS**

### **Provincial Policy Statement**

The Provincial Policy Statement (PPS) 2014 and the Growth Plan for the Greater Golden Horseshoe are high-level and broad reaching documents. The City is a development area and infill is encouraged under these policies. This proposal promotes intensification through a tall building form and provides for a mix of residential and retail uses adjacent to the future Metrolinx LRT Avenue Station Main Entrance.

Within the framework, the PPS recognizes that the Official Plan is the most important vehicle for implementation of the PPS and assists in implementing the Growth Plan by setting out appropriate land use designations and policies. Official plans provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas. Although intensification on this transit corridor is encouraged, the proposal in its current form does not comply with Official Plan policies related to matters such as: built form, transition, scale, compatibility and neighbourhood fit. The scale of development is not appropriate at this location considering the area context and does not achieve an appropriate transition of built form to adjacent residential and mixed-use areas. As the proposal does not appropriately implement the Official Plan policies, it is therefore inconsistent with the PPS and the Growth Plan.

## Land Use

The Official Plan designates the site *Mixed Use Areas* and the site is within the Yonge-Eglinton Secondary Plan area. The Eglinton Connects Zoning By-law identifies the site as a 22.5 metre high mid-rise site. Adjacent to the west and east of the subject site along Eglinton Avenue West are a range of mixed-use commercial properties that are predominantly one and two-storeys in height, and adjacent and to the north of the subject site are *Neighbourhoods* with a 4-storey townhouse development and detached residential dwellings. The site is also located in close proximity to the intersection at Eglinton Avenue West and Avenue Road. This intersection has been identified as a location for a Metrolinx LRT Avenue Station Main Entrance.

Toronto's *Mixed Use Areas* contain a broad range of commercial, residential and institutional uses in single use or mixed-use buildings, as well as parks and open spaces and utilities. The site is adjacent to lands designated as *Neighbourhoods* to the north. New development adjacent to *Neighbourhoods* must respect the character of the neighbourhood and serve to reinforce the stability of the neighbourhood. The proposed *Mixed Use Areas* land use is appropriate for this site with commercial uses at-grade and residential units above however the 15-storey building height and massing do not respect the character of this area.

## Built Form, Height and Density

### Mid-rise Guidelines & Zoning

Staff have reviewed the proposal against the Mid-rise Design Guidelines and the Eglinton Connects Study which implements the Mid-rise Guidelines and the applicable Zoning By-laws. The subject site is considered to be a shallow site in the Mid-rise Guidelines.

The Official Plan Policy 3.1.2.3(a) and (b) states that new development will be massed and its exterior façade to fit harmoniously into its existing and/or planned context by:

- massing new buildings to frame adjacent streets and open spaces in a way that respect the existing and/or planned street proportion; and
- incorporate exterior design elements, their form, scale, proportion, and pattern, and materials to influence the character, scale and appearance of the development.

Based on the Mid-rise Guidelines and the Eglinton Connects Zoning By-law, the building base height should be 4-storeys (13.5 metres) with a 2-storey expression to relate to the existing 2-storey commercial character of Eglinton Avenue West. At the 4-storey level there should be a 1.5 metre stepback to articulate a 4-storey streetwall, as per the Eglinton Connects Study. The Mid-rise Guidelines stipulate that the building be no taller than the street's public right-of-way to achieve a building that is moderate in height and allows for sunlight on the street. When implementing this 1:1 relationship, it would result in a 27 metre (or 7-storeys) high building. Furthermore, the Eglinton Connects Zoning By-law 1030-2014 requires that the total building height should not exceed 22.5 metres or 7-storeys, excluding the mechanical penthouse. The proposal does not achieve these requirements since it is at 47.9 metres (ex. Mechanical penthouse) and 15-storeys instead of the 22.5 metres and 7-storeys and it is significantly in excess of the 1:1 relationship or 27

metre right-of-way height. In addition its base height of 7-storeys is significantly greater than the 4-storey base height, as per the Eglinton Connects Study. As such, both the building and base heights do not respond to the existing and planned context along Eglinton Avenue West.

### **Angular Planes & Transition**

With respect to the provision of angular planes and transition, the Official Plan Policy 3.1.2.3(c) states that new development should be massed to and its exterior façade be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of the Plan.

In addition, the Official Plan Policy 2.3.1.2(b) states that development in *Mixed Use Areas* that are adjacent or close to *Neighbourhoods* will:

- provide a gradual transition of scale and density, as necessary to achieve the objectives of this Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*.

Zoning By-law 569-2013 requires a front angular plane to commence at a height of 21.6 metres which represents 80% of the road width. The building does not comply to a front angular plane given the 7-storey base and 15-storey building proposal which would result in a streetwall height not in proportion to the right-of-way. Buildings should be setback at the upper levels adhering to angular planes so that the pedestrian perceptions of the building massing is reduced allowing for sky view.

The Mid-rise Guidelines and Zoning By-law 569-2013 require that for properties with a shallow lot depth and with a rear transition to *Neighbourhoods*, a 45 degree angular plane be provided taken from a height of 10.5 metres and setback of 7.5 metres from the rear property line. A shallow lot depth is determined by the width of the existing right-of-way. The proposal does not achieve this angular plane given that it penetrates from the third to fifteenth storeys causing shadow impacts and overlook onto the rear *Neighbourhoods*. Adherence to the front and rear angular planes would create a geometry that would limit the building to a mid-rise building height at approximately 7-storeys. (Refer to Attachments 4 and 5).

### **Building Setbacks**

A deficient south property line setback is proposed that ranges from 0.2 to 2 metres along the Eglinton Avenue West frontage. However, the Eglinton Connects Zoning By-law requires that a minimum of 1.4 to 1.9 metre consistent setback to occur, allowing for an appropriately scaled public sidewalk condition. The proposal does not achieve this requirement.

A deficient north (rear) property line setback of 6.48 metres is proposed to the building face along with balconies projecting into this setback area, thereby not providing the required

transition to the adjacent *Neighbourhoods*. The proposal is for a 6 metre wide laneway within this setback for the adjacent Eglinton Avenue West properties to access. The Mid-rise Guidelines requirement is for a 7.5 metres setback to the rear property line to the adjacent *Neighbourhoods* to allow for a rear driveway and landscaping and to provide separation distance and landscape buffer from the *Neighbourhoods*. In addition, in order to minimize overlook, principal windows should not be located closer than 10 metres from the rear property line and balconies should not be located in the first 10.5 metres from grade from the rear property line. The intent and purpose for the removal of the projecting balconies is to prevent negative impacts and overlook to the adjacent properties to the rear of the site.

A west side property line setback at that ranges between 0.0 to 0.9 metres is proposed and an east property line setback at 0.0 to 2.1 metres is proposed. The Mid-rise Guidelines require that if there is a blank wall condition for the base element, the building can be built to the property line. For windows and balconies, a minimum of 5.5 metre setback to the property line is required. The proposal does not achieve this requirement.

### **Density**

The existing context for the segment of Eglinton Avenue West in relation to the subject site is predominantly composed of a series of low-rise mixed-use buildings. Zoning By-law 438-86, City wide Zoning By-law 569-2013 and Eglinton Connects Study Zoning By-law 1030-2014 limit density to a maximum of 3.0 times the area of the lot. The proposal significantly exceeds that limit with a proposed density of 8.52 times the area of the lot. The proposed density represents an excessive increase for this area that will set a negative precedent for the area.

The proposal does not provide the appropriate setbacks, stepbacks, building massing, angular planes and transition that address Official Plan policies, the Eglinton Connects Study and the Mid-rise Guidelines. The height and density of the building should be significantly reduced to a mid-rise form to result in a proposal that responds appropriately to the site and minimizes impacts to surrounding uses. Otherwise, the proposal will set a negative precedent for future tall building redevelopment along this segment of the *Avenue*.

The proposed redevelopment involves a building height of 15-storeys with a 7-storey base building proposing to stepback on the south elevation at 3.5 metres above the base and no stepback on the north elevation. This height and building massing represent a significant intensification and overdevelopment of the lands. In addition, there is no appropriate transition provided between the areas of different development intensity and scale, and the proposal does not respond well to the low scale character of the *Neighbourhoods* to the north. Approval of the proposed development would set a precedent for the subsequent incremental redevelopment of the area along Eglinton Avenue West and it would negatively impact the surrounding *Neighbourhoods* designated areas.

## **Tall Buildings**

The Official Plan's Tall Building Section 3.1.3 states that tall buildings exist in many parts of the City, in the *Downtown*, in the *Centres*, along parts of the waterfront, at some subway stops and in clusters around the City. It further states that tall buildings are desirable in the right places but they don't belong everywhere. When poorly located and designed, tall buildings can physically and visually overwhelm adjacent streets, parks and neighbourhoods. They can block sunlight, views of the sky and create uncomfortable wind conditions in adjacent streets, parks and open space and create traffic congestion.

The applicant is proposing a 15-storey building with a height of 47.9 metres (plus 5.5 metre mechanical penthouse) and a 7-storey base element. The property has a frontage of 30.5 metres at Eglinton Avenue West and a depth of 34.67 metres and area of 990 square metres. According to the City's Tall Building Design Guidelines Performance Standard 1.3 Fit and Transition in Scale, it states that a 45 degree angular plane would be applied to the site to be measured from the rear property line from the adjacent *Neighbourhoods* designated area for the purpose of providing transition in scale to lower areas, limiting shadow and overlook on neighbouring properties and limiting shadow and loss of sky view on adjacent streets and open spaces. The proposal does not achieve this performance standard.

The Official Plan Policy 2.3.1.2(a) and (c) states that developments in *Mixed Use Areas* that are adjacent or close to *Neighbourhoods* will:

- be compatible with those *Neighbourhoods*; and
- maintain adequate light and privacy for residents in those *Neighbourhoods*.

Performance Standard 1.4 Sunlight and Sky View addresses the need for tall buildings to protect access to sunlight and sky view within the surrounding context of streets, parks, public and private open space, and other shadow sensitive areas. Criteria relate to the provision of slender, point towers with generous separation distances, and limit or vary the height of towers, to retain sky view between buildings and reduce the size of shadows and length of time they are cast on a particular area. The subject site is adjacent to *Neighbourhoods* where unacceptable shadows would be cast throughout the day as discussed under the 'Sun, Shadow' heading. The proposal does not achieve this standard.

The proposed tower separation setback from the west property line ranges from 3.3 to 5.5 metres and the tower setback on the east property line ranges from 1.5 to 2 metres. Performance standard 3.2.3 Separation Distances address the necessary setback for tall building towers of 12.5 metres or greater from the side and rear property lines or centre line of an abutting lane. The construction of tall buildings on sites too small to accommodate the minimum tower setbacks and stepbacks results in negative impacts on the quality of the public realm, neighbouring properties, the living and working conditions for occupants, and the overall livability of the City. Negative impacts may include: excessive shadowing of surrounding streets, parks, open space, and properties, diminished sky view for pedestrians and heightened street level wind effects. The proposal does not achieve any of the tower separation requirements given that the tower separation distances are deficient.

Given the aforementioned comments, it has been demonstrated that the proposal does not respond appropriately to the existing policy framework of the Official Plan and the Tall Building Design Guidelines therefore, it is not a tall building site.

## **Sun, Shadow**

Section 4.2.2(b) & (c) of the Official Plan requires that new developments in *Mixed Use Areas* be located and massed so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods* particularly during the spring and fall equinoxes; and that new buildings be located and massed to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

The applicant has submitted a Shadow Study which concludes that there will be shadow impacts on the *Neighbourhoods* adjacent and to the north of the site at the March and September (Spring and Fall) Equinoxes with shadows commencing at 9:18 a.m. on the west side of Avenue Road *Neighbourhoods*, that move over these properties over a period of seven hours. In particular, shadows are cast on the houses to the north-west for two hours from 9:18 a.m. to 11:18 a.m. Also, shadows are cast on the townhouse complex that are adjacent and to the north for a duration up to seven hours ranging approximately between 9:18 a.m. to 4:18 p.m. In addition, *Neighbourhoods* properties are impacted to the east of Avenue Road for two hours commencing at 3:18 p.m. to 5:18 p.m.

Staff have concerns with the proposed shadows given that they cast unacceptable shadow impacts onto *Neighbourhoods* designated areas. As per the mid-rise building guidelines, there should only be minimal shadow impact on the *Neighbourhoods*. Therefore, the building height and massing should be revised to incorporate the rear angular plane to ensure that the built form and massing minimize shadow impacts on the *Neighbourhoods*.

## **Wind**

The applicant has submitted a Pedestrian Wind Study by Theakston Environmental Consulting Engineers dated September 4, 2015. The consultant assessed wind conditions along the Eglinton Avenue West streetscape pedestrian level, the outdoor amenity areas, building entrances and surrounding area.

The consultant recommends that a mitigation plan should be considered for the outdoor amenity space on the eighth level to include glass screen walls at a height of 1.8 metres, or taller, trellises, recessed seating, plantings in raised planters, and other measures, to be developed through further study. In addition it is recommended that mitigation be considered for the Eglinton Avenue West retail entrances by recessing them into the facade of the building and the incorporation of a canopy into the design.

## **Heritage Adjacency**

The application was circulated to Heritage Preservation Services staff for review and comment given that the subject site is in close proximity to the Eglinton Theatre, located at 400 Eglinton Avenue West, a designated heritage property under Part IV of the Ontario

Heritage Act. The City's Official Plan Section 3.1.5 includes policies that address development adjacent to heritage properties. 'Adjacent' is a defined term for the purposes of Section 3.1.5 of the Official Plan. As this development site is separated from the Eglinton Theatre by several other properties on the block, this application does not meet the definition of *adjacent*. For this reason Heritage Preservation Services does not require that the applicant provide a Heritage Impact Assessment.

### **Streetscape**

The Eglinton Connects Zoning By-law 1030-2014 requires that a minimum 1.4 to 1.9 metre building setback be provided on private property for the intent of increasing the public sidewalk for an improved pedestrian experience. However, the applicant proposes a 0.2 metre building setback for approximately 21 metres along the frontage that increases up to 2 metres for 9.5 metres in length towards the east frontage, for a property frontage total of 30.5 metres. The proposal does not achieve the required width.

The public boulevard is approximately 4.7 metres in width taken from the front property line to the curb edge. There are three existing trees along the public boulevard and a fourth tree is located on private property adjacent and to the east of the property. The proposal includes the removal of one tree, to retain two trees in trenches and no change to the fourth tree located adjacent and to the east of the property. A pedestrian sidewalk clearway, excluding the proposed tree trenches, of approximately 3.2 metres in width is proposed.

The Eglinton Connects Study contemplates a streetscape condition for this particular portion of Eglinton Avenue West to consist of; 1.7 metres for trees plus a 3.2 metre public sidewalk to the front property line for a total of 4.9 metres for the public realm area.

### **Traffic Impact and Access**

Access to the site is proposed from an existing laneway connection that is adjacent and to the north of the site. The existing lane is approximately 5.46 metres at the west property line to 3.2 metres at the east property line. The laneway terminates at the eastern property line. However, the Eglinton Connects Study proposes a public easement and a continuation of this lane through the property to the east to provide access to Avenue Road. This property is owned by Metrolinx and is currently being redeveloped as the site of the Avenue Road Station on the Eglinton Crosstown LRT. The application proposes a widening of the private lane to 6 metres with access provided for the Eglinton Avenue West properties. In addition, three levels of below grade parking would be located below the lane.

Also proposed from the laneway is access to the parking elevator, garbage area and one Type 'G' loading space on the ground level.

Transportation Services staff require a 0.4 metre road widening along the Eglinton Avenue West frontage to satisfy the Official Plan's Right-of-Way Widths Associated with Existing Major Streets, Map 3 planned road widths.

## **Vehicle and Bicycle Parking**

The applicant submitted a Transportation Impact Study (TIS) report by MMM Group Limited, dated August 2015. Staff have reviewed the report which states that the proposed development will generate approximately 18 two-way trips during both the morning and afternoon peak hours. Despite this conclusion, staff have stated that revisions are required to the study in order to address issues related to; trip generation, the existing traffic conditions, gap and delay at Avenue Road and Burnaby Road, traffic volumes at Eglinton Avenue West and Avenue Road and background traffic and development sites.

A total of 57 vehicular parking spaces are proposed on three levels below grade which would be accessed by a car elevator. Of the 57 parking spaces, 45 residential spaces are proposed on three levels below grade along with 3 accessible spaces and 9 visitor spaces located on the first level below grade. Zoning By-law 569-2013 requires that a minimum of 88 residential and 16 visitor spaces be provided for a total of 104 parking spaces. The proposal is deficient by 41 residential and 7 visitor parking spaces.

A total of 84 bicycle parking spaces are proposed including; 73 residential spaces and 11 visitor spaces all located on the ground floor. Zoning By-law 569-2013 requires that a minimum of 99 residential and 11 visitor spaces be provided. The proposal is deficient by 26 residential spaces. In addition, the applicant proposes zero retail spaces however, Zoning By-law 569-2013 requires 1 long-term and 4 short term bicycle parking spaces for the retail space. Staff do not support the bicycle parking proposed.

## **Eglinton Crosstown LRT Station**

The application submission has been circulated to Metrolinx. Construction has begun on the LRT Avenue Station Main and Secondary entrances. A below grade temporary easement through the subject lands in favour of Metrolinx is required in order to install tie-backs or other temporary systems that will support the excavation and construction of the Avenue Station Main Entrance Building.

Metrolinx comments are generally limited to ensuring that the construction of the subject site does not interfere with the construction, ongoing operations and maintenance of the Avenue LRT Station.

## **Amenity Space**

A total of 198 square metres of indoor amenity space and 224 square metres of outdoor amenity space are proposed; both located on the second and eighth levels for a total of 422 square metres.

The Zoning By-law requires a minimum of 2 square metres per dwelling unit for indoor and outdoor amenity space for a total of 448 square metres. The proposal achieves the minimum requirement for the indoor amenity space however, the provision of outdoor amenity space is deficient by 26 square metres.

## **Servicing**

The applicant has submitted engineering reports however, Engineering and Construction Services staff have requested additional information on a number of issues in their memo dated October 20, 2015. Some of the issues are related to; the revision of the Functional Servicing Report to address groundwater matters, stormwater management, water servicing and in addition they must submit a sanitary sewer analysis, revised site grading plan, and a revised landscape plan, among other matters.

## **Tree Preservation**

The applicant submitted an Arborist report by Strybos Barron King Landscape Architecture dated September, 8, 2015, which identifies that there are three existing trees less than 30 centimetres located along the Eglinton Avenue West public right-of-way. The applicant proposes that one tree will remain and two trees would be removed. Urban Forestry staff request that a revised landscape plan be submitted to include two large Sienna Glenn maple trees be planted to replace the two removed trees for a total of three trees.

## **Toronto Green Standard**

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

The applicant is required to meet Tier 1 of the TGS.

## **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 show local parkland provision across the City. The subject lands are in areas with 0 to 0.42 hectares of local parkland per 1,000 people. The site is the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

The application proposes 112 residential units and 189 square metres of non-residential uses within a 15-storey building, on a site totaling 990 square metres. At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article II, of the Toronto Municipal Code, the parkland dedication requirement is 1,493 square metres or 151% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total the parkland dedication requirement is 97 square metres.

The applicant would be required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as the parkland dedication of 97 square metres would not create a substantial park and the site is located in close proximity to existing city parkland.

The site is 250 metres away from Eglinton Park, a 9 hectare park containing five multi-purpose sports fields, four tennis courts, two ball diamonds, a children's playground, a wading pool, and two artificial ice rinks in winter.

### **TDSB**

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

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

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

### **Section 37**

Section 37 of the *Planning Act* allows the City to enter into an agreement with an applicant to grant a height and/or density increase for a particular project that is greater than the zoning by-law would otherwise permit in return for community benefits. Details of a Section 37 Agreement between the applicant and the City are worked out, in consultation with the Ward Councillor, if a project is ultimately considered to be good planning and recommended for approval.

There has been no discussion with the applicant regarding community benefits since the application does not represent appropriate planning. In the event that the OMB is in the position to grant additional density and/or height beyond that permitted in Zoning By-law 438-86, and Zoning By-law 569-2013, the City should request that the OMB withhold its final order until the City has secured the appropriate community benefits.

## **Conclusion**

The application for a tall building is not appropriate for this site. It does not conform to the Official Plan and Yonge-Eglinton Secondary Plan; is inconsistent with Council approved Mid-rise guidelines; is not in compliance with the zoning by-law stemming from the Eglinton Connects Planning Study with regard to height, setbacks, stepbacks and angular planes and it does not fit within the existing context for this segment of Eglinton Avenue West. It would also create adverse shadow impacts and overlook conditions on the adjacent *Neighbourhoods*. This would be inappropriate development with unacceptable impacts which would form a negative precedent for this area. Therefore, this report recommends that staff oppose the applicant's appeal of the Zoning By-law Amendment and Site Plan Control applications at the Ontario Municipal Board.

## **CONTACT**

Diane Silver, Planner  
Tel. No. (416) 395-7150  
Fax No. (416) 395-7155  
E-mail: dsilver2@toronto.ca

## **SIGNATURE**

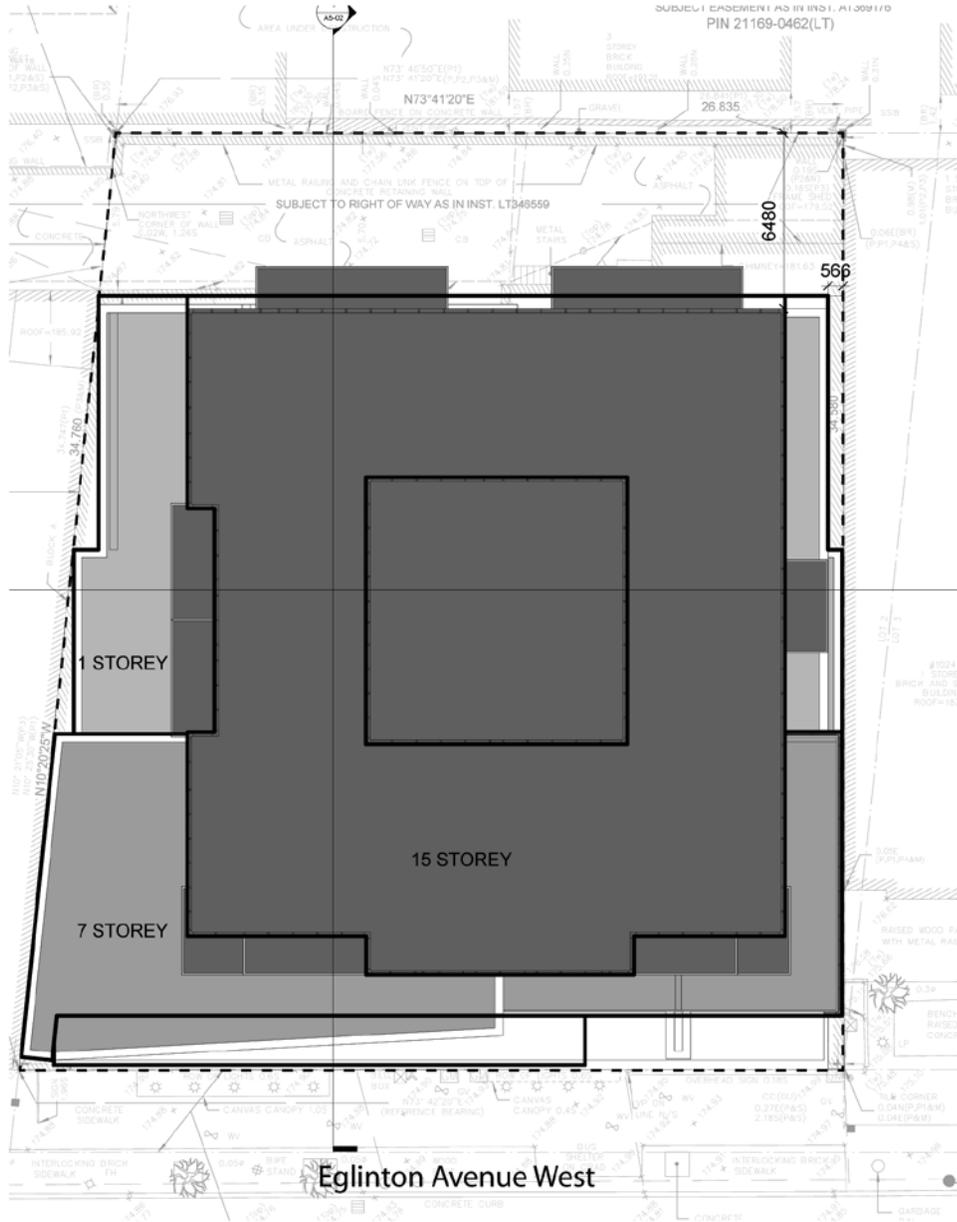
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Joe Nanos, Director  
Community Planning, North York District

## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: North Elevation  
Attachment 3: South Elevation  
Attachment 4: East Elevation  
Attachment 5: West Elevation  
Attachment 6: Urban Structure Map 2  
Attachment 7: Official Plan Land Use Map  
Attachment 8: Zoning By-law 569-2013  
Attachment 9: Yonge/Eglinton Secondary Plan  
Attachment 10: Eglinton Connects Study  
Attachment 11: Application Data Sheet

# Attachment 1: Site Plan



## Site Plan

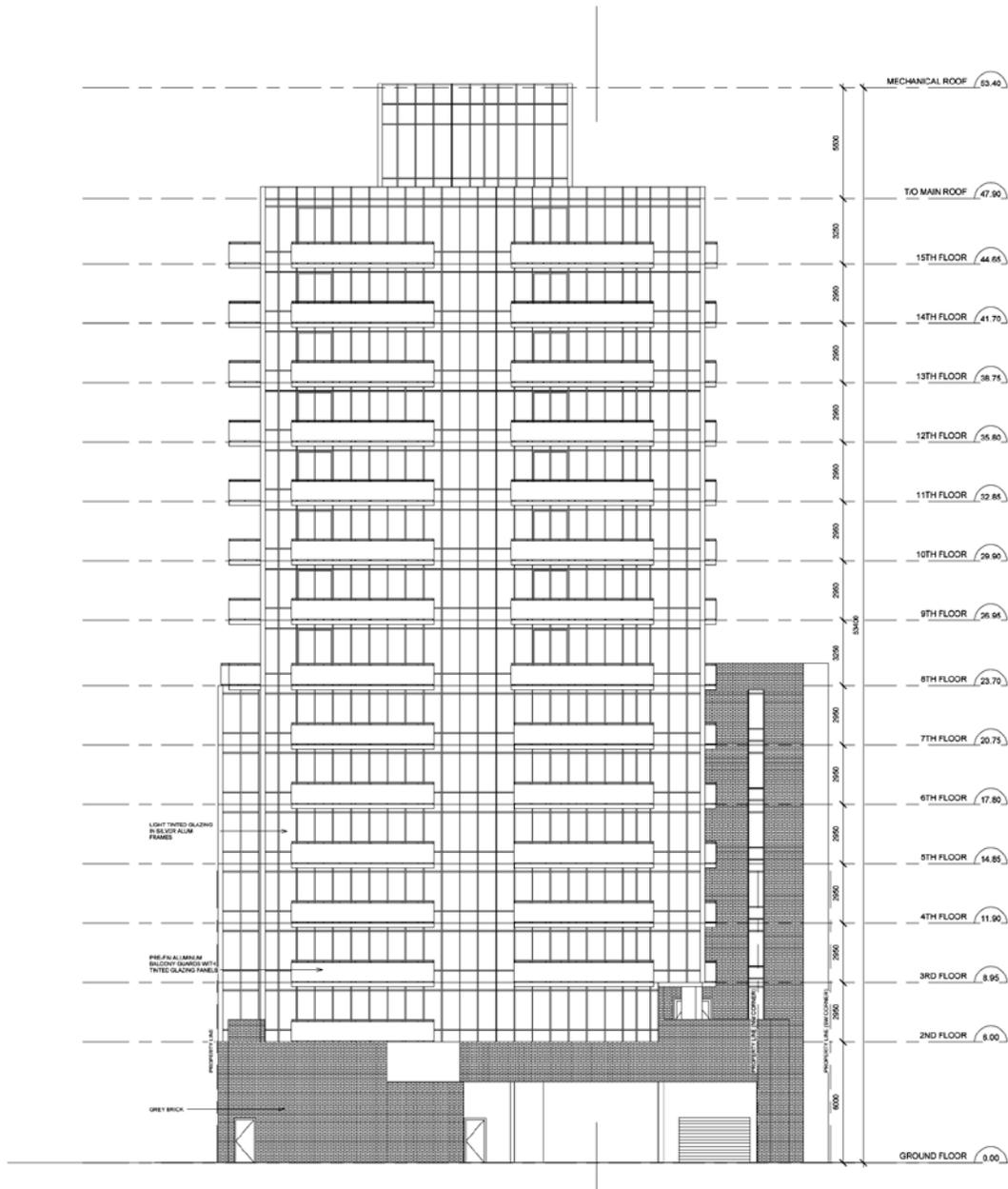
346, 350, 352 & 356 Eglinton Ave. W.

Applicant's Submitted Drawing

Not to Scale   
09/04/2015

File # 15 214446 NNY 16 0Z

## Attachment 2: North Elevation



### North Elevation

346, 350, 352 & 356 Eglinton Ave. W.

Applicant's Submitted Drawing

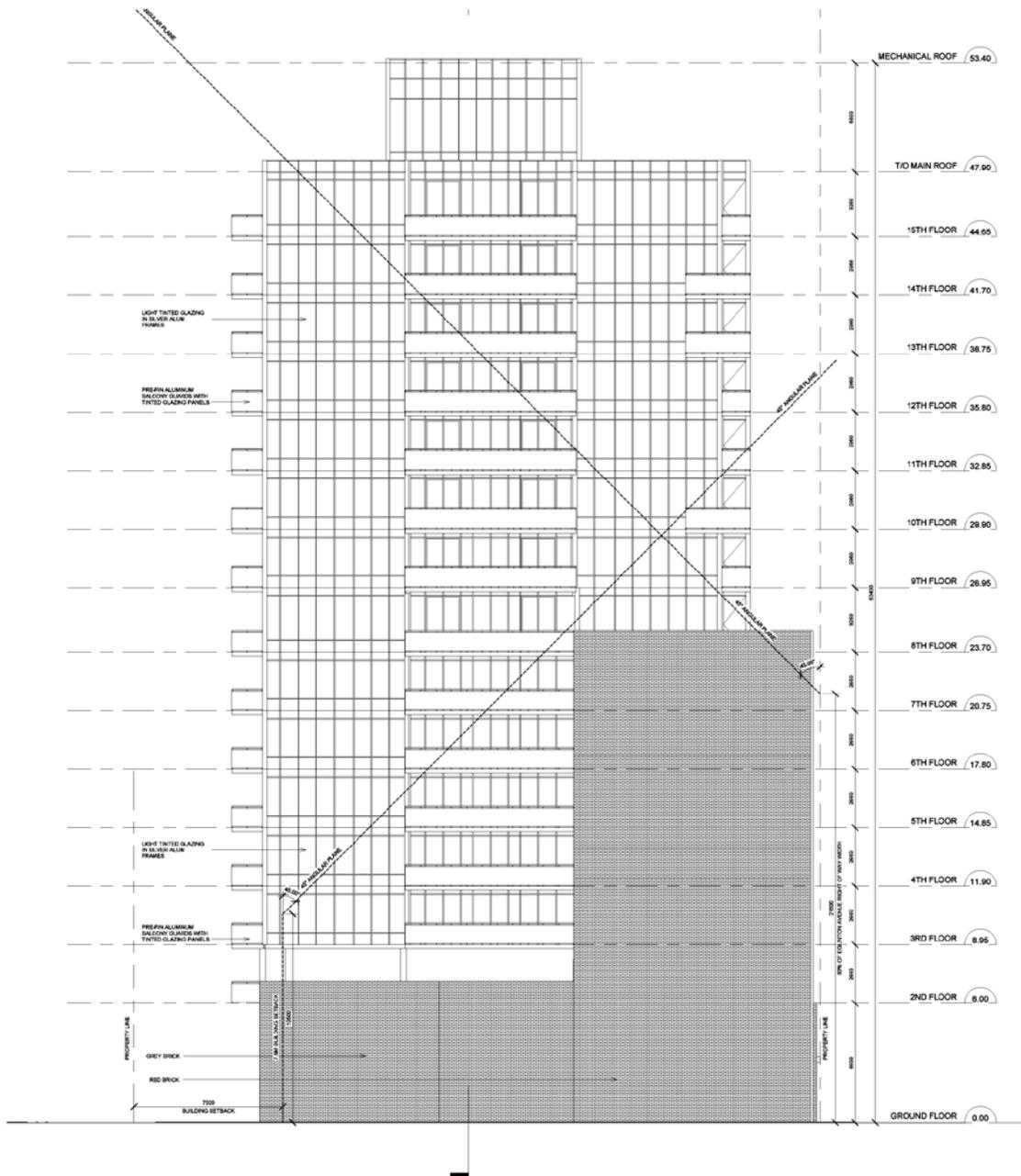
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09/04/2015

File # 15 214446 NNY 16 02





### Attachment 5: West Elevation



### West Elevation

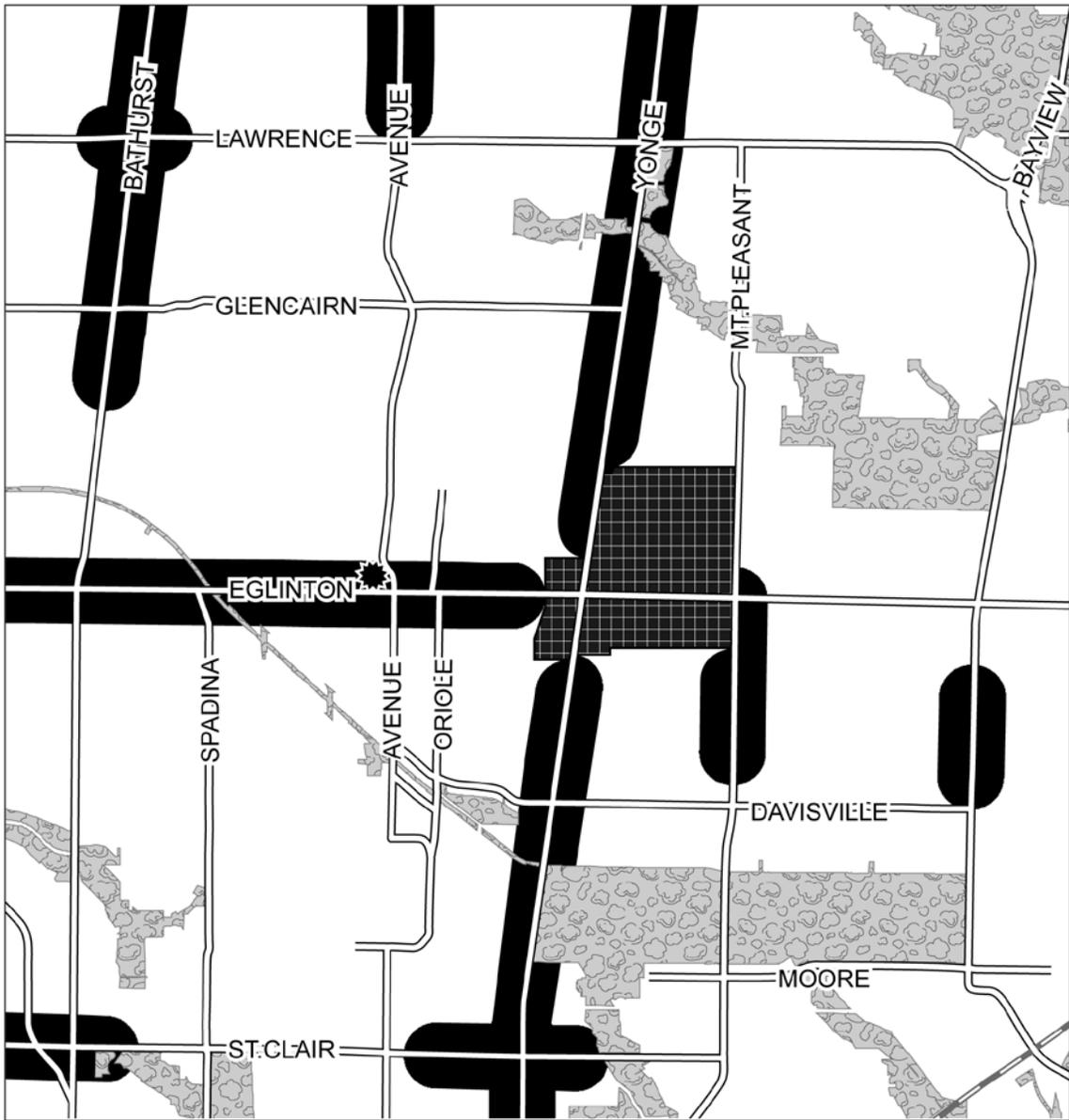
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Applicant's Submitted Drawing

Not to Scale  
09/04/2015

File # 15 214446 NNY 16 0Z

Attachment 6: Urban Structure Map 2



**TORONTO** City Planning

346, 350, 352 & 356 Eglinton Ave. W.

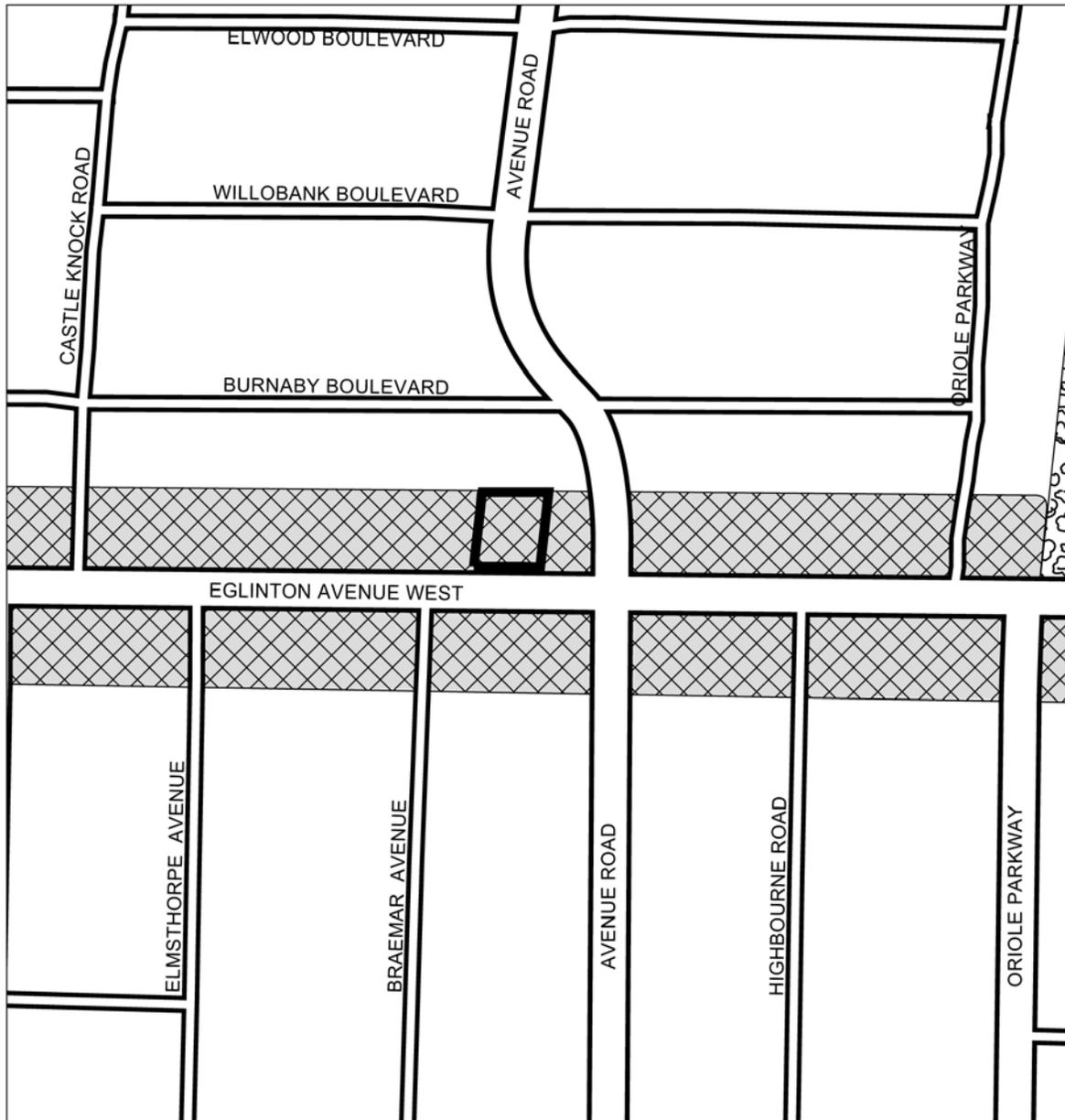
Extract from Official Plan Map 2 Urban Structure

File # 15 214446 NNY 16 02

-  Site Location
-  Avenues
-  Centres
-  Green Space System

  
Not to Scale  
03/21/2015

## Attachment 7: Official Plan Land Use Map



**TORONTO** City Planning  
**Extract from Official Plan**

**346, 350, 352 & 356 Eglinton Ave. W.**

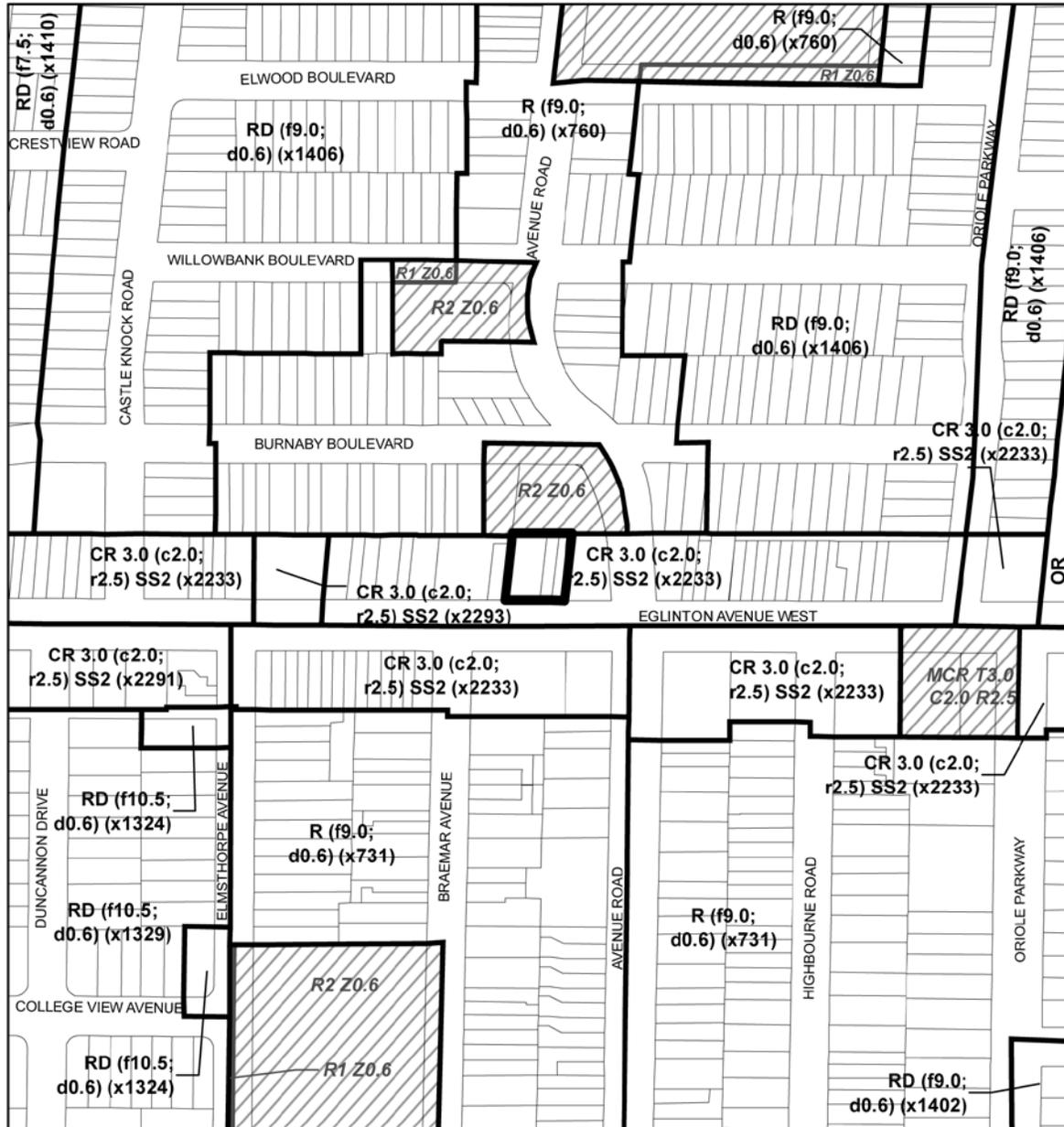
File # 15 214446 NNY 16 0Z

- |   |  |
|---|--|
|  Site Location   |  Parks & Open Space Areas |
|  Neighbourhoods  |  Parks                    |
|  Mixed Use Areas |  |



Not to Scale  
 09/04/2015

## Attachment 8: Zoning By-law 569-2013



**Zoning By-Law No. 569-2013**

**346, 350, 352 & 356 Eglinton Ave. W.**

**File # 15 214446 NNY 16 02**

Location of Application

See Former City of Toronto By-Law No. 438-86

**R** Residential  
**RD** Residential Detached

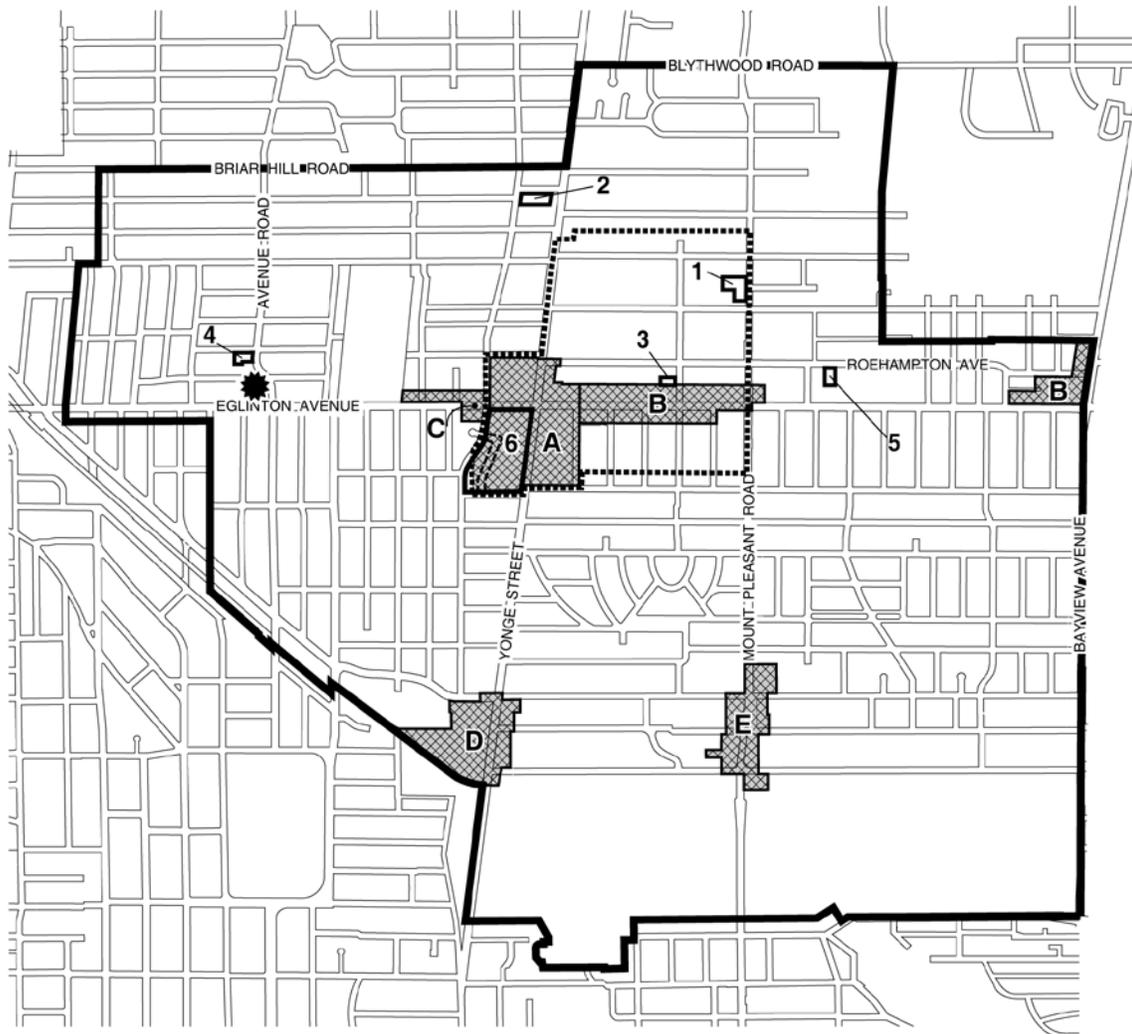
**CR** Commercial Residential  
**OR** Open Space Recreation

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



Not to Scale  
Extracted: 09/04/2015

## Attachment 9: Yonge/Eglinton Secondary Plan



December 2010

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li> 346, 350, 352 &amp; 356 Eglinton Avenue West</li> <li> Secondary Plan Boundary</li> <li> Yonge-Eglinton Centre</li> </ul> | <ul style="list-style-type: none"> <li> Mixed Use Areas</li> <li> Site and Area Specific Policies</li> <li> Proposed Road</li> </ul> |
|---|--|

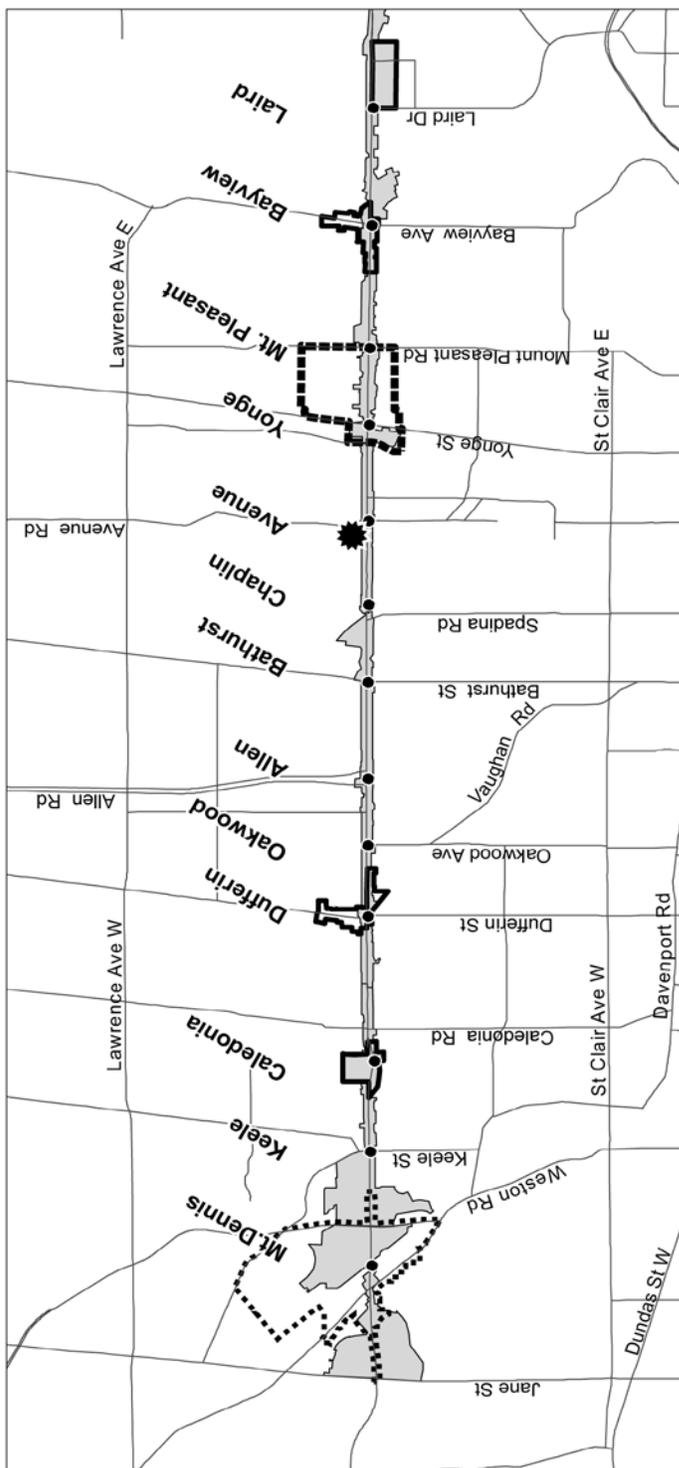
**Yonge-Eglinton Secondary Plan**  
 MAP 21-1 Land Use Plan  
 Applicant's Submitted Drawing

**346, 350, 352 & 356 Eglinton Ave. W.**

Not to Scale   
 09/18/2015

File # 15 214446 NNY 16 0Z

# Attachment 10: Eglinton Connects Study



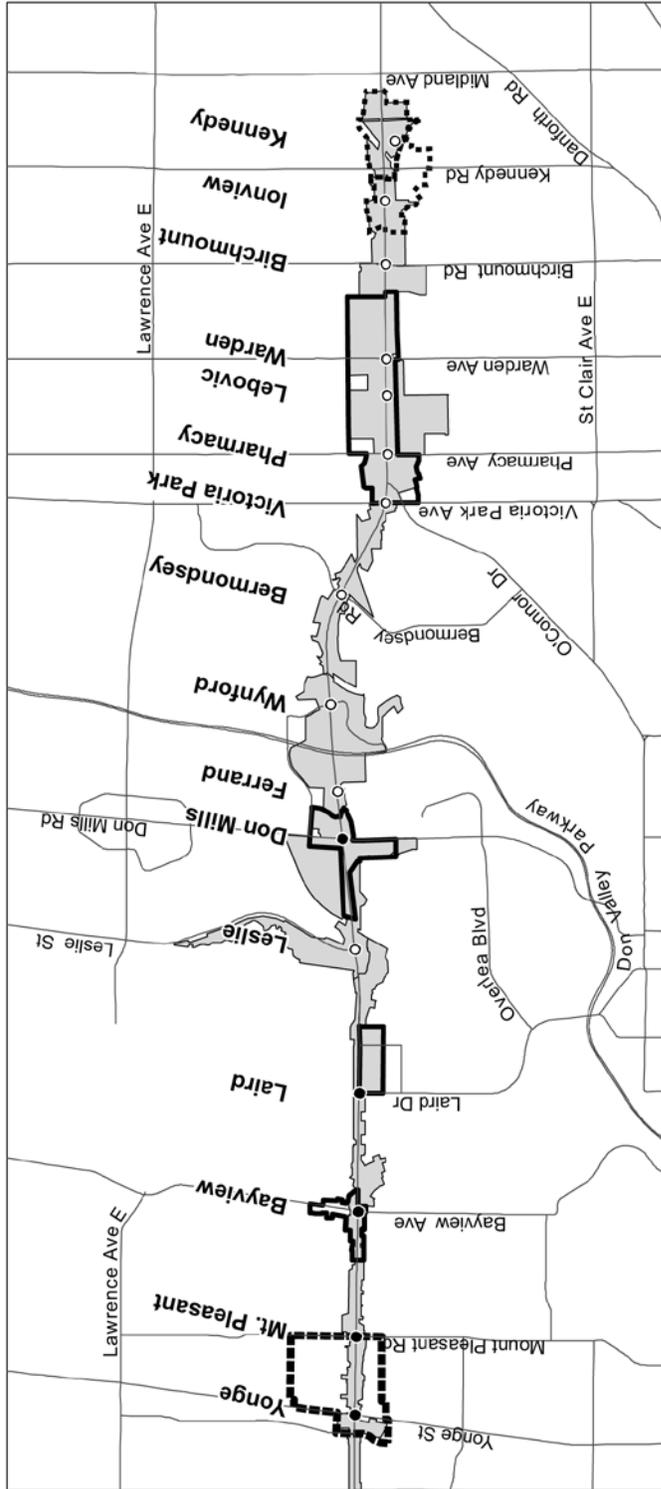
**TORONTO** City Planning  
**Eglinton Connects Planning Study**  
 Attachment 1-1 Study Area

**346, 350, 352 & 356 Eglinton Ave. W.**

File # 15 214446 NNY 16 0Z

- 346, 350, 352 & 356 Eglinton Avenue West
- Underground Stations
- At Grade Stops
- ▭ Focus Area
- ▭ Mobility Hub Study Area
- ▭ Yonge - Eglinton Centre Boundary
- ▭ Parcels fronting Eglinton

↑  
 Not to Scale  
 09/18/2015



**Eglinton Connects Planning Study**  
Attachment 1-2 Study Area

**346, 350, 352 & 356 Eglinton Ave. W.**

File # 15 214446 NNY 16 0Z

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



Not to Scale  
09/21/2015

## Attachment 11: Application Data Sheet

Application Type	Rezoning	Application Number:	15 214446 NNY 16 OZ
Details	Rezoning, Standard	Application Date:	August 28, 2015
Municipal Address:	346, 350, 352 & 356 Eglinton Avenue West		
Location Description:	PLAN M380 PT LOTS 2 AND 3 **GRID N1606		
Project Description:	Application to construct a 15-storey mixed-use building with 112 dwelling units, 8,247 square metres residential gross floor area and 189 square metres commercial gross floor area.		
<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Terranata Developments Inc. 407 Basaltic Road Concord, ON, L4K 4W8	Same as applicant	Rafael + Bigauskas Architects 1140 Sheppard Ave. West, Unit 1 Toronto, ON M3K 2A2	346-350 & 352-356 Eglinton Ave West Holdings Ltd. 121 Scollard Street Toronto, ON M5R 1G4

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N
Zoning:	MCR T3.0 C2.0 R2.5	Historical Status:	N
Height Limit (m):	16	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	990	Height:	Storeys:	15
Frontage (m):	30.5		Metres:	47.90 (excluding mechanical penthouse)
Depth (m):	34.67			
Total Ground Floor Area (sq. m):	523			<b>Total</b>
Total Residential GFA (sq. m):	8247		Parking Spaces:	57
Total Non-Residential GFA (sq. m):	189		Loading Docks	1 Type 'G'
Total GFA (sq. m):	8436			
Lot Coverage Ratio (%):	52.8			
Floor Space Index:	8.52			

### DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Studio:	32 (29%)
1 Bedroom:	37 (33%)
2 Bedroom:	43 (38%)
3 + Bedroom:	0
Total Units:	112

### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	8247		0
Retail GFA (sq. m):	189		0
Office GFA (sq. m):	0		0
Industrial GFA (sq. m):	0		0
Institutional/Other GFA (sq. m):	0		0

**CONTACT: PLANNER NAME: Diane Silver, Planner, Community Planning**  
**TELEPHONE: (416) 395-7150 EMAIL: dsilver2@toronto.ca**