

**55 Eglinton Avenue East – Zoning Amendment
Application – Refusal Report**

Date:	August 8, 2016
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 22 – St. Paul's
Reference Number:	14 268618 STE 22 OZ

SUMMARY

This application proposes a 47-storey mixed-use commercial and residential building containing a total of 455 residential units. The proposed building is composed of a 5-storey base building with a 42-storey tower above. The proposed density is 23.8 times the lot area.

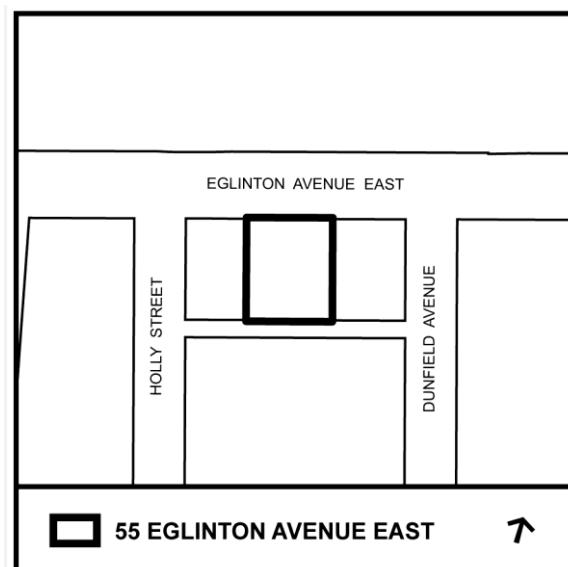
The application represents overdevelopment of a small site, and does not provide an adequate supply of commercial office space which adversely impacts the viability of the Yonge-Eglinton Centre as a diverse residential and employment node.

This report reviews and recommends refusal of the application to amend the Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the application for Zoning By-law Amendment at 55 Eglinton Avenue East for reasons including the following:



- (a) The proposal is not consistent with the Provincial Policy Statement, 2014.
 - (b) The proposal does not conform to policies of the Official Plan, including policies related to Built Form and Mixed Use Areas;
 - (c) The proposal does not respond appropriately to Council-adopted guidelines/policies including the Tall Building Design Guidelines and the draft built form principles for the Yonge-Eglinton Centre;
 - (d) The proposal does not provide office replacement as set out in Council-adopted and Minister-approved policies of Official Plan Amendment 231, currently under appeal at the Ontario Municipal Board.
2. Should the application be appealed to the Ontario Municipal Board, the City Solicitor and appropriate City Staff be authorized to appear before the Ontario Municipal Board in support of Council's refusal of the Zoning By-law Amendment.
 3. City Council authorize City Planning, in consultation with the Ward Councillor, to secure services, facilities or matters pursuant to Section 37 of the *Planning Act*, as may be required by the Chief Planner, should the proposal be approved in some form by the Ontario Municipal Board.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On February 18, 2015 Toronto and East York Community Council adopted the recommendations of the preliminary report on 55 Eglinton Avenue East.

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-75641.pdf>

ISSUE BACKGROUND

Proposal

The application proposes a 47-storey mixed-use residential building with retail at grade. The tower is composed of a five-storey base building with a 42-storey tower above. The tower is largely set back 5.5 metres from all property lines except along Eglinton Avenue, where it is set back approximately 8 metres. Details of the application are outlined in the chart below and in Attachment 9 – Application Data Sheet.

Category	January 2, 2015 Submission
Site Area	1,512.49 square metres

Category	January 2, 2015 Submission
Tower Setbacks	
Eglinton Avenue	8 metres
East Property Line	5.5 metres
Rear Laneway	5.5 metres
West Property Line	5.5 metres
Base Setback on Ground Floor	
Eglinton Avenue	3 metres to 1.5 metres (at east property line)
Tower Floorplate	758 square metres
Gross Floor Area	
Residential	35,690.70 square metres
Non-Residential	253.37 square metres
Total	35,944.07 square metres
Floor Space Index	23.76
Number of Units	
Studio	48 (11%)
1 Bedroom	283 (62%)
2 Bedroom	124 (27%)
3 Bedroom	0
Total	455
Ground Floor Height	6.4 metres
Sidewalk Width - Eglinton Avenue (4.8 m existing)	8 metres to 6.5 metres (at east property line)
Vehicular Parking (residential:visitor:non-residential)	141 (131:10:0)
Bicycle Parking (residential:visitor: retail)	455 (410:45:0)
Loading Spaces	
Description	1 Type G/B and 1 Type C
Amenity Space	
Interior Residential	1,078.63 square metres
Exterior Residential	743.58 square metres
Total	1,822.21 square metres
Building Height	47 storeys (148.95 metres)

Site and Surrounding Area

The site is located east of Yonge Street on the south side of Eglinton Avenue, mid-block between Holly Street and Dunfield Avenue. The site area is 1,512.49 square metres and is approximately square in shape. The site also abuts a public lane to the south. The site currently contains an 8-storey commercial office building with approximately 6,500 square metres of office space.

North: Across Eglinton Avenue, are several mid-rise office buildings ranging in height from 2 to 10 storeys, including a 4-storey building occupied by a Bell Canada switching station and a 7-storey office building with retail and medical office uses at grade. Further north is an area containing numerous apartment buildings.

East: A 7-storey office building with a blank wall facing the site. Further east across Dunfield Avenue is a mixed-use retail and residential condominium development under construction comprised of two (33 and 36-storey) towers. The blocks further east are comprised mostly of older high-rise apartment buildings and infill tower developments.

South: Across a public lane is a 5-storey above-grade parking structure operated by the Toronto Parking Authority. Further south is a 16-storey and 8-storey Toronto Community Housing building called Holly Park Complex. Further south on Holly Street are two 14-storey apartment buildings subject to a Zoning By-law amendment application currently under appeal at the OMB.

West: A 5-storey office building with retail uses at grade. Continuing west along Eglinton Avenue to Yonge Street past Holly Street and Cowbell Lane are a variety of high-rise residential and mixed-use buildings. The corner of Yonge Street and Eglinton Avenue contains a number of proposed and constructed high density, mixed-use buildings as well as large, mixed-use commercial office and retail complexes on the northwest and southwest corners.

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 to be consistent with the PPS. Policy 4.7 of the PPS states that: "The Official Plan is the most important vehicle for the implementation" of 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 to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The City of Toronto Official Plan contains a number of policies that apply to the proposed development.

Chapter 2 – Shaping the City

Section 2.2.2 Centres: Vital Mixed Use Communities

The proposed development is located in the *Yonge-Eglinton Centre*. This *Centre* is situated in midtown Toronto at the crossroads of the Yonge subway line and the Eglinton Crosstown Light Rail Transit line. Due to its strategic location, the *Yonge-Eglinton Centre* should continue to

develop as both an office centre and a desirable living area. The *Yonge-Eglinton Centre* has potential for new development through infill and development.

Centres in the Official Plan are a priority for managing growth in the City. They should be vibrant, mixed-use and supported by public transit. Each *Centre* in the Official Plan will have a secondary plan. Secondary plans for *Centres* will, among other matters, provide a supportive environment for residential and employment growth, including new commercial office space and transit-oriented development. The plan will also delineate the boundaries of the growth centre, provide a strategy for public realm and parks improvements, support the use of public transit and other transportation models (e.g. cycling and walking) and ensure that an appropriate transition is created between high growth areas and lower scale development, particularly *Neighbourhoods*.

Chapter 3 – Built Form

Section 3.1.2 Built Form

The Official Plan states that architects and developers have a civic responsibility to create buildings that not only meet the needs of their clients, tenants and customers, but also the needs of the people who live and work in the area who will encounter the building in their daily lives.

New development in Toronto will be located and organized to fit with its existing and/or planned context. It will do this by: generally locating buildings parallel to the street or along the edge of a park or open space, having a consistent front yard setback, acknowledging the prominence of corner sites, locating entrances so they are clearly visible and providing ground floor uses that have views into and access from streets. New development will also locate and organize vehicular parking and access to minimize their impacts on the public realm. Furthermore, new development will create appropriate transitions in scale to neighbouring existing and/or planned buildings, limit shadowing on streets, properties and open spaces and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

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

Section 3.1.3 Built Form – Tall Buildings

The application proposes to construct a tall building. Policy 3.1.3 states that tall buildings come with larger civic responsibilities than buildings of a smaller scale. In addition to specific built form characteristics, the policy states that proposals for tall buildings should clearly demonstrate how they relate to the existing and planned context, take into account their relationship with the topography and other tall buildings and how they meet the other objectives of the Official Plan.

Chapter 4 – Land Use Designations

Section 4.5 Mixed Use Areas

The site is in an area designated *Mixed Use Areas* in the Official Plan. *Mixed Use Areas* are intended to provide a broad range of commercial, residential and institutional uses in single-use or mixed-use buildings. Development within *Mixed Use Areas* should provide for new jobs and homes on underutilized lands, while locating and massing new buildings to provide a transition between areas of different development intensity and scale. Furthermore, development in *Mixed Use Areas* should be located and massed 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.

Development in *Mixed Use Areas* should also provide attractive, comfortable and safe pedestrian environments; and have access to schools, parks and community centres as well as libraries and childcare.

Development in *Mixed Use Areas* should also take advantage of nearby transit services; and provide good site access and circulation as well as an adequate supply of both visitor and resident parking. In addition, service areas should be located to minimize impacts on adjacent streets, and any new multi-unit residential development should provide indoor and outdoor amenity space for residents.

Yonge-Eglinton Secondary Plan

The site is located in the Yonge-Eglinton Secondary Plan Area (See Attachment 7). The *Mixed Use Areas* in the Secondary Plan Area will contain a mix of retail, service commercial, office and residential uses, with the highest concentration at Yonge Street and Eglinton Avenue and a smaller concentration at the Yonge/Davisville subway station. Commercial development will be strengthened in the Yonge-Eglinton Area; specifically, the following will be supported:

- street related retail and service uses in the *Mixed Use Areas* except Area 'E';
- office commercial uses in the *Mixed Use Areas* 'A', 'B', 'C'; and 'D'; and
- restricted retail uses in *Mixed Use Area* 'E'.

The Yonge-Eglinton Secondary Plan states that the highest heights, densities and scale will be located in *Mixed Use Area* 'A', with developments of a lesser scale that are contextually appropriate and compatible with adjacent areas located in *Mixed Use Areas* 'B', 'C' and 'D'.

The site is located in *Mixed Use Area* 'B', which will be: "regarded as an area suitable primarily for commercial uses within which institutional uses will be permitted and residential accommodation for a variety of household types that meets the criteria of Section 2.7" of the Yonge-Eglinton Secondary Plan. Section 2.7 requires that new development in higher density areas of the plan respect the scale of lower density areas while transitioning in height and scale to those lower density areas.

New development will promote architectural excellence while also providing for improvements in the public realm. New, flexible, community services facilities and social infrastructure will be

provided in a timely manner in the Yonge-Eglinton Secondary Plan Area. New parks and open spaces will be secured in the Yonge-Eglinton Secondary Plan Area along with improvements to the existing parks and open spaces as well as the public realm.

Development within the Yonge-Eglinton Secondary Plan will satisfy the requirement of the Growth Plan for the Greater Golden Horseshoe, transition down in height eastward from Yonge Street along Eglinton Avenue within the *Centre*, be compatible with the character of existing *Neighbourhoods* and maintain a high quality of residential amenity. Investment in public transit infrastructure will be a priority in the Yonge-Eglinton *Centre*.

A primary objective of the Yonge-Eglinton Secondary Plan is to minimize conflicts among *Mixed Use Areas*, *Apartment Neighbourhoods*, *Neighbourhoods* and *Parks and Open Space Areas* in terms of land use, scale and vehicular movement. The Secondary Plan also requires that a full range of housing options (form, tenure) be provided in the Yonge-Eglinton Area that is suitable for family and other households in that manner that is: "contextually appropriate and compatible with existing residential uses and residential built form." Reduced parking requirements are permitted in the Yonge-Eglinton Secondary Plan area where it can be demonstrated that projected travel can be accommodated by means other than the automobile. Bicycle linkages, facilities and new pedestrian connections will also be encouraged.

Official Plan Amendment 231

On December 18, 2013 City Council adopted Official Plan 231 ("OPA 231"), a comprehensive amendment to the Official Plan which contains new policies with respect to Employment Areas and Economic Health and land use designations. One of the new policies adopted by Council states: "existing office space in these transit-rich areas needs to be sustained, not demolished to make way for new residential buildings. Where a residential development is proposed on sites with over 1,000 square metres of employment space in these areas served by rapid transit where residential uses are already permitted, the development must also result in an increase of employment space".

On July 9, 2014 the Minister of Municipal Affairs and Housing approved the majority of OPA 231, including the above office replacement policy, with minor revisions. The revisions included, among other matters, the establishment of a minimum density of 400 jobs and residents per hectare for each *Centre*, including the *Yonge-Eglinton Centre*.

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=80d552cc66061410VgnVCM10000071d60f89RCRD>

OPA 231 is currently under appeal to the OMB and the applicant at 55 Eglinton Avenue East is an appellant. The subject application was submitted after City Council adoption of OPA 231 and its approval by the Minister of Municipal Affairs and Housing. The site currently contains an 8-storey commercial office building with approximately 6,500 square metres of employment space and would be subject to the policies of OPA 231.

Tall Building Design Guidelines

In May 2013, City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use them in the evaluation of tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>

Midtown in Focus- OPA 289

The Midtown in Focus Public Realm Plan is a framework for improvements within the Yonge-Eglinton area to the network of parks, open spaces, streets and public buildings to create an attractive, safe and comfortable network of public spaces. The urban design framework of Midtown in Focus supports the public realm policies of the Official Plan as well as the Yonge-Eglinton Secondary Plan.

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

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

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

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

The adopted Secondary Plan amendments outline a comprehensive public realm strategy and a system of improvements that will be implemented as part of any new development in the Yonge-Eglinton Secondary Plan Area. Section 2.16 requires that improvements be made to both the private and public realm as part of any new development including: enhancements to streetscapes and the provision of wider sidewalks and the establishment of multi-purpose promenades.

Another objective of the Secondary Plan is to maintain and enhance the open, green, landscaped character of the area, improve and expand the network of parks, open spaces and streetscapes and create a high-quality public realm to ensure the continued vitality and quality of life in the area. Furthermore, development applications will demonstrate that they: respect, reinforce and extend the landscaped open space setbacks of buildings from streets that are prevalent in the Midtown Character Area and contribute to the open space system, provide sufficient space within the public street rights-of-way for pedestrian and cycling infrastructure and encourage community activities in the public realm through programming, activation and the provision of safe, accessible and inviting spaces.

The site is situated along the Eglinton Green Line (see Attachment 8), one of the five place-making moves in the Yonge-Eglinton Secondary Plan. The Eglinton Green Line is intended to

be a major linear, publicly-accessible green open space on Eglinton Avenue, extending from Eglinton Park to Mount Pleasant Road. Buildings are required to be set back 12 metres from the property line at the street on the north side of Eglinton Avenue. Any underground structures will be designed to allow for permanent high-branching trees. Buildings on the south side, including this application, are not required to provide a setback other than what is consistent with the Tall Building Design Guidelines. The plan also contemplates a potential mid-block connection in this area.

The subject application was submitted after the City Council adoption of the Midtown in Focus Public Realm Plan and the amendments to the Secondary Plan (OPA 289).

Yonge-Eglinton Secondary Plan Review

The City Planning Division is leading an inter-divisional review of growth, built form and infrastructure issues in the Yonge-Eglinton area. The Growth, Built Form and Infrastructure Review will inform the development of up-to-date policy that will guide growth in the area and, in combination with necessary capital upgrades identified through the review, support the vitality and quality of Midtown Toronto.

The review began in mid-2015 and has three key activities:

- 1. Growth Analysis** which includes completing a demographic and economic profile of the area, undertaking an evaluation of growth trends, and completing an analysis of potential near, medium and longer term growth estimates.
- 2. Built Form Study** which will analyse built form character, trends and impacts and develop a built form vision to guide the area's evolution. In addition, a Cultural Heritage Resource Assessment is being undertaken which will identify properties of cultural heritage value or interest and outline recommendations for further study, conservation, listings and designations.
- 3. Infrastructure Review** of the performance and capacity of key infrastructure – community services and facilities, transportation, water, wastewater and stormwater – and a gap analysis informed by the growth estimates to identify emerging infrastructure priorities.

On July 12, 2016 City Council adopted the recommendations in the report from the Chief Planner titled: "Midtown in Focus: Growth, Built Form and Infrastructure Review – Status Report". The recommendations direct staff to consider the draft built form principles contained in the report in the review of development applications in the Yonge-Eglinton Secondary Plan Area.

The report also directs staff, in consultation with other divisions and agencies, to identify opportunities on City-owned lands for new community infrastructure and secure community infrastructure space, as appropriate, as part of the development application review process.

Capital upgrades to municipal servicing in the area have been informed by the City's previous population and employment projections and estimates produced in support of the Eglinton Connects study in 2013. These estimates have been surpassed by the accelerating scope of development applications in the area and additional analysis is required to ensure that sufficient capacity exists to support continued growth and intensification.

The draft built form principles are organized by Area Structure, Public Realm and Open Space, Walkability and Comfort and Heritage and Landmarks. They are listed as follows:

Area Structure

- Organize growth to achieve a hierarchy of intensity of use, building heights, densities and scale tied to proximity of rapid transit service, with greatest heights and densities located at the Yonge-Eglinton Crossroads where two rapid transit lines intersect.
- Provide a variety of building heights to reinforce existing character, promote localized sense of place and create a legible skyline for the district that makes legible and reinforces the area structure when viewed from key vantage points within the broader city.
- Maintain and reinforce the stability of low-rise neighbourhoods through the use of different approaches to transition in growth areas that reflect prevailing character and minimize shadow and privacy impacts.
- Respect and enhance the scale, character and form of Midtown Villages and in particular the historic streetwall, narrow frontages and distinct cornice lines.

Public Realm and Open Space

- Reinforce the unique open space amenity and spaciousness provided by the Eglinton Green Line, Midtown Apartment Neighbourhoods and Apartment High Streets by ensuring abundant landscaping at grade and generous building spacing.
- Support active street life and informal surveillance by ensuring the built form frames and animates streets, parks, squares and open spaces with active uses at grade.
- Identify opportunities to celebrate the area's historic resources and history within the public realm.

Walkability and Comfort

- Locate, design and mass buildings to preserve skyview, allow daylight and sunlight to penetrate to the street and lower building levels and ensure good wind conditions in all seasons, with enhanced standards along the Midtown Villages, Park Street Loop, Eglinton Green Line, major pedestrian routes and parks and open spaces.
- Create a human-scaled public realm where buildings define and support streetscapes.
- Ensure fine-grained pedestrian circulation between and through sites and blocks through the placement and orientation of buildings.

Heritage and Landmarks

- Reinforce the scale, character, form and setting of heritage resources and heritage conservation districts through sensitive massing and placement of new buildings to lend prominence to these resources as symbols of the area's rich history.
- Frame, conserve and accentuate views to key heritage resources, landmarks and other important sites through the massing and articulation of development.
- Provide frontage on major pedestrian routes for community infrastructure and ensure facilities have good visibility, access and civic prominence.

As per Council direction, the draft built form principles were considered in the review of this application.

Zoning

The site is zoned mixed-use commercial-residential (CR T5.0 C3.0 R3.0), with a maximum height of 48 metres in City of Toronto Zoning By-law 438-86, as amended. The zoning by-law permits a maximum density of 5.0 times the lot area, with a maximum of 3.0 times the lot area for residential uses or non-residential uses. The provisions in the CR zone also require a minimum separation distance of 11 metres to the window of another dwelling unit and 5.5 metres to a wall or lot line that does not abut a public park. A number of permissive and restrictive exemptions also apply to the site, including: the establishment of minimum parking ratios, minimum distance to a residential district, minimum front yard setbacks and limits to the non-residential uses at grade.

The site is also zoned mixed use (CR 5.0 (c3.0; r3.0) SS2 (x2497)) in the new City-wide zoning by-law 569-2013, currently under appeal at the OMB. The permissions and restrictions in 569-2013 are largely the same as those within 438-86.

Site Plan Control

The application is subject to site plan control. A site plan application has not been submitted.

Reasons for the Application

The application does not conform to the built form provisions of Zoning By-law 438-86, as amended, including exceeding the maximum height and the maximum density, and providing less parking and outdoor amenity space than the by-law requires.

Community Consultation

A Community Consultation meeting was held on April 20, 2015. Concerns raised about the proposal included deficient setbacks, the lack of any office replacement, the overall height and density of the proposal as well as general concerns raised about the volume and pace of development in the Yonge-Eglinton Centre. In addition, Staff have correspondence on the file from neighbouring property owners concerned with the proposed side yard setbacks.

COMMENTS

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement, 2014 (PPS) provides for a coordinated and integrated approach to planning matters within municipalities. Policy 1.1.1 b) states that healthy liveable and safe communities are sustained by: "accommodating an appropriate range and mix of residential (including secondary units, affordable housing and housing for older persons)" and "employment (including industrial and commercial)". Policy 1.3 goes on to state that: "Planning authorities shall promote economic development and competitiveness by: a) providing for an appropriate mix and range of employment and institutional uses to meet long-term needs" and, perhaps most importantly, "b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and future businesses." Furthermore, policies 1.3 c) and d) require that a municipality encourage compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities" while, "ensuring the necessary *infrastructure* is provided to support current and projected needs." Lastly, Policy 4.7 of the PPS states that: "the Official Plan is the most important vehicle for implementation". As detailed below, the application fails to conform to a number of policies in the Official Plan and, as such, does not comply with the Provincial Policy Statement. Furthermore, the proposal does not help maintain the Centre as a vibrant employment area as well as a residential area. This does not conform to the direction of the Provincial Policy Statement in regard to sustainable and healthy communities.

The Growth Plan for the Greater Golden Horseshoe states in section 2.2.4 Urban Growth Centres, that Urban Growth Centres will be planned: "as focal areas for investment in institutional and region-wide public services, as well as commercial, recreational, cultural and entertainment uses, to serve as high density employment centres that will attract provincially, nationally or internationally significant employment uses and to accommodate a significant share of population and employment growth. Urban Growth Centres will also be planned to achieve 400 residents and jobs combined per hectare in the City of Toronto by 2031.

The Yonge-Eglinton Centre has already met the minimum growth targets of the Growth Plan for the Greater Golden Horseshoe. Although these are minimums, the application will remove employment in favour of increased residential. This will adversely affect the viability of the Centre to act as a "high density employment centre" as required by the Growth Plan. For this reason the application does not comply with the Growth Plan.

Land Use

The application proposes to construct a mixed-use residential building with retail at grade. No commercial office use is proposed to replace the existing office use on the site. Although the proposed residential and retail uses are permitted in the *Mixed Use Areas* by the Official Plan, the application does not comply with the built form direction of the *Centres* nor does it reflect Minister-approved Official Plan Amendment 231 (under appeal).

Official Plan Amendment 231 requires that developments in proximity to higher order transit replace and expand any commercial office space within a new mixed-use development. The

property at 55 Eglinton Avenue East has an existing office building on site with approximately 6,500 square metres of commercial office space. It is located on the Eglinton Crosstown LRT (under construction near the Yonge Subway Line) at the confluence of two higher order transit lines, and yet, the application submitted to the City does not include any office replacement.

The planning rationale report, submitted with the application, states: "the experience in the *Downtown and Central Waterfront* has been that, in the absence of policy restrictions, the market had generally favoured residential development over office development in the period following the recession of the early 1990s through to the early 2000s. However, significant new market-based office development is now occurring within the *Downtown and Central Waterfront*, including 465,000 square metres of new office space that has been built since 2009 and an additional 550,000 square metres that is currently under construction." The applicant's planning rationale report goes on to state that the "recent office expansion in the downtown may not have occurred had it not been for the City's planning and regulatory framework that supported and promoted residential intensification."

The applicant's planning report further states that "the residential intensification that is currently occurring in the Yonge-Eglinton Centre may ultimately support renewed market interest in the development of office space there. However, in the current circumstances, the office market in Yonge-Eglinton remains weak, with a vacancy rate of 10.2 % (...) as compared with a vacancy rate of 5.0% downtown." The planning rationale further opines that: "The policy approach that is proposed in OPA 231 will not address the vacancy issue and, to the extent that it acts as disincentive for residential intensification and the repurposing of older office buildings, it may act to keep office vacancy rates high and, ultimately, to discourage the development of new office space." It concludes, therefore, that the policies of OPA 231 are "fundamentally flawed".

The applicant's planning rationale for its proposed development suggests that the market will provide office space when it is ready to support it. City Planning Staff do not support this approach and have recommended that regulation of new development is required to retain existing office space in the Yonge-Eglinton Centre. Furthermore, a 10.2% office vacancy rate, contrary to what is stated by the applicant's planning rationale, is not indicative of a weak office market. In support of Official Plan Amendment 231 the City commissioned a report by Malone Given Parsons Ltd., in association with Cushman and Wakefield titled: "Sustainable Competitive Advantage and Prosperity – Planning for Employment Uses in the City of Toronto".

http://www1.toronto.ca/city_of_toronto/city_planning/sipa/files/pdf/sustainable_competitive_advantage_and_prosperity.pdf

The City's report states that: "(...) some degree of vacancy is a normal condition, with rates of 5 – 10% being considered reflective of a balanced market. Except in unusual circumstances, building vacancy is typically not considered a factor in estimating future land needs for employment."

There are key differences between the *Downtown Central Waterfront* and the Yonge-Eglinton Centre with respect to accommodating office replacement. Available underdeveloped land in the *Downtown* provided a "bank" of land for office construction. The majority of the land in the

Yonge-Eglinton *Centre* is designated *Apartment Neighbourhoods* with only its major thoroughfares designated as *Mixed Use Areas* in the Official Plan. Commercial office uses are not permitted in the *Apartment Neighbourhoods* except for small, locally serving uses, and redevelopment in those areas is primarily residential. Although the City of Toronto has experienced some conversion from office to residential, rarely does the reverse occur.

The Yonge-Eglinton area has long served as an important place of employment. With construction of the Eglinton Crosstown LRT and a young, skilled and growing local population residing within walking distance, Yonge-Eglinton is primed to retain and expand its role as an important employment node.

The Yonge-Eglinton Secondary Plan area had 33,327 jobs in 2014, of which 19,013 jobs were in the Yonge-Eglinton Centre. The employment make-up of the Yonge-Eglinton area is heavily weighted towards the office sector which comprises 62% of all jobs. The loss of B-class office space, due to redevelopment for other purposes, as proposed at the subject site, will adversely affect the area's office sector.

For these reasons it is vitally important to protect the sites at Yonge-Eglinton with existing office use for future employment or there is a risk of the *Centre* becoming a bedroom community for the *Downtown*. In order to preserve the existing infrastructure of the *Centre* and alleviate stresses on the roads and transit, Yonge-Eglinton must not only be preserved as an employment node, but must expand its employment base to strengthen its role as a destination for workers as well as a place where residents can live.

The resolution of the appeal of OPA 231 regarding office replacement should be addressed in advance of built form. Staff do not believe it is good planning to focus on built form issues if the proposed development removes employment uses from the Yonge-Eglinton Centre.

Density, Height, Massing

The proposal is located in Mixed Use Area 'B' of the Yonge-Eglinton Centre, east of Mixed Use Area 'A' (the blocks around the Yonge/Eglinton intersection) where the Secondary Plan calls for buildings of the highest heights, densities and scale. Development in the *Centre* is to decrease in height, density and scale going east along Eglinton Avenue from the Yonge-Eglinton intersection.

The height and massing of the proposed building will need further evaluation upon resolution of the OPA 231 requirement of office replacement, discussed earlier in this report. This evaluation would include wind, sun/shadow and other potential impacts of the built form.

The proposed 47-storey (148.95 metre) tower, with 758 square metre floor plate, is located on a site with an area of 1512.49 square metres. The Tall Building Guidelines recommend a site area of 2,025 square metres for a tower with a maximum floor plate of 750 square metres on a mid-block site. Further, 12.5 metre building setbacks are required from property lines not adjacent to a street, and 25 metre separation distances are required between towers.

The small size of the site for a tower of the proposed height and massing results in substandard sideyard setbacks of 5.5 metres, normally associated with mid-rise buildings.

The proposal limits the potential for a second tower on the same block. Any other tower on the block would have a substandard separation distance of less than 25 metres from the proposed tower at 55 Eglinton Avenue East, adversely impacting the quality of life of future workers and residents. City Planning Staff have requested that the applicant work with neighbouring properties to resolve the setback/separation issues and prepare a comprehensive block plan.

The proposed floor space index (FSI) of the proposal is approximately 24 times the lot area. This high FSI is a further indication of the sub-standard size of the site for the proposed tower. The proposed FSI does not transition downward going east from Yonge and Eglinton where the tallest buildings with highest densities are called for in the Secondary Plan. While a higher FSI due to commercial office replacement could be considered, this is not the case for the proposed mixed-use residential building.

On July 12, 2016 City Council directed Staff to use the built form principles developed through the Yonge-Eglinton Secondary Plan study in the review of development applications. The proposal at 55 Eglinton Avenue East does not meet a number of these draft principles, in particular, the proposal fails to:

- Organize growth to achieve a hierarchy of intensity of use, building heights and densities; and
- Locate, design and mass buildings to preserve skyview, allow daylight and sunlight to penetrate to the street and lower building levels and ensure good wind conditions in all seasons.

Traffic Impact and Parking

A 0.4 metre road widening is required to be conveyed to the City along the entire Eglinton frontage of the site. The applicant's drawings do not show the required road widening. Engineering and Construction Services Staff concur with the conclusions of the applicant's traffic study that traffic impacts will be minimal, but do not agree that the proposed resident parking supply is adequate. Although, the City has accepted reduced parking ratios in the Yonge-Eglinton Centre, sufficient documentation and justification has not been provided for this application.

Servicing

The applicant is required to submit a revised Functional Servicing report as the report submitted does not demonstrate that municipal infrastructure is adequate to service the proposed development. The applicant's report should be prepared in the context of the Yonge-Eglinton Secondary Plan Review which includes a review of infrastructure to ensure that sufficient capacity exists to support continued growth and intensification.

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 Official Plan shows local parkland provision across the City. The lands are in an area with 0 to 0.42 hectares of local parkland per 1,000 people, the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per the City Wide Parkland Dedication By-law 1020-2010.

At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 6,067 m² or 401.1 % 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 150.41 m².

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as there is no suitable location for an on-site parkland dedication. The actual amount of cash-in-lieu to be paid would be determined at the time of issuance of the building permit if the proposed development is ultimately approved.

Tenure

The proposed tenure of the development is condominium.

Section 37

Section 37 of the Planning Act allows the City to enter into an agreement with an applicant to grant an increase in height and/or density (over and above that permitted by the Zoning By-law) in return for community benefits to be provided by the applicant. Details of a Section 37 Agreement between the applicant and the City would be established if the project is ultimately approved by the OMB.

Since this application is not considered good planning and is not supported by City staff, there has been no discussion with the applicant about the quantum of the community benefits. In the event that this application proceeds to a full OMB hearing and the OMB grants additional density and/or height beyond that which is permitted in Zoning By-law 438-86, the City will request that the OMB withhold its final order until the City has an agreement with the applicant to secure the appropriate community benefits. Such benefits could include contributions (as deemed appropriate by City Council) for:

- public realm improvements in the Yonge-Eglinton area per the Midtown in Focus Parks, Open Space and Streetscape Plan.
- additional community services and facilities in the Yonge-Eglinton Secondary Plan Area.

Conclusion

The proposed development represents overdevelopment. The site is too small to accommodate a proposed tower of this scale and density. The application has not changed from the original

submission. None of the issues outlined in the preliminary report have been addressed. The proposal does not comply with Official Plan policies or Minister-approved Official Plan Amendment 231. Of particular concern is the lack of replacement commercial office space within the proposed development. The preservation of existing commercial office space and the promotion of new commercial office uses are vital to the health and stability of the Yonge-Eglinton *Centre* and required by Provincial Policy.

Furthermore, the proposed development does not comply with the policies of the Official Plan respecting built form and the Council-adopted Tall Building Guidelines. Specifically, the proposal is not set back far enough from its property lines and limits the potential future development of adjacent properties.

In the absence of a resolution on OPA 231 and the development of an acceptable comprehensive block plan that includes neighbouring properties, City Planning Staff do not support the proposed use and built form on the site and recommend refusal of the application.

CONTACT

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Tel. No. 416-392-0459
E-mail: gcescat@toronto.ca

SIGNATURE

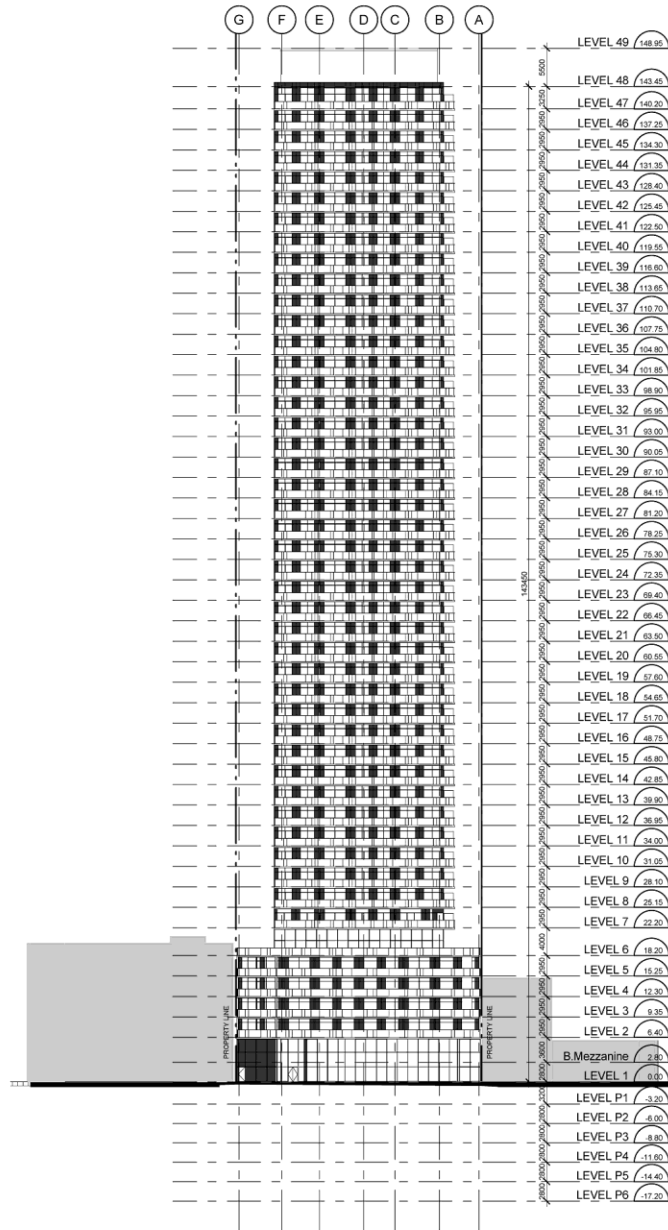
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: North Elevation
Attachment 3: East Elevation
Attachment 4: South Elevation
Attachment 5: West Elevation
Attachment 6: Zoning
Attachment 7: Yonge-Eglinton Secondary Plan
Attachment 8: Five Place Making Moves (Under Appeal)
Attachment 9: Application Data Sheet

Attachment 2: North Elevation



North Elevation

Elevations

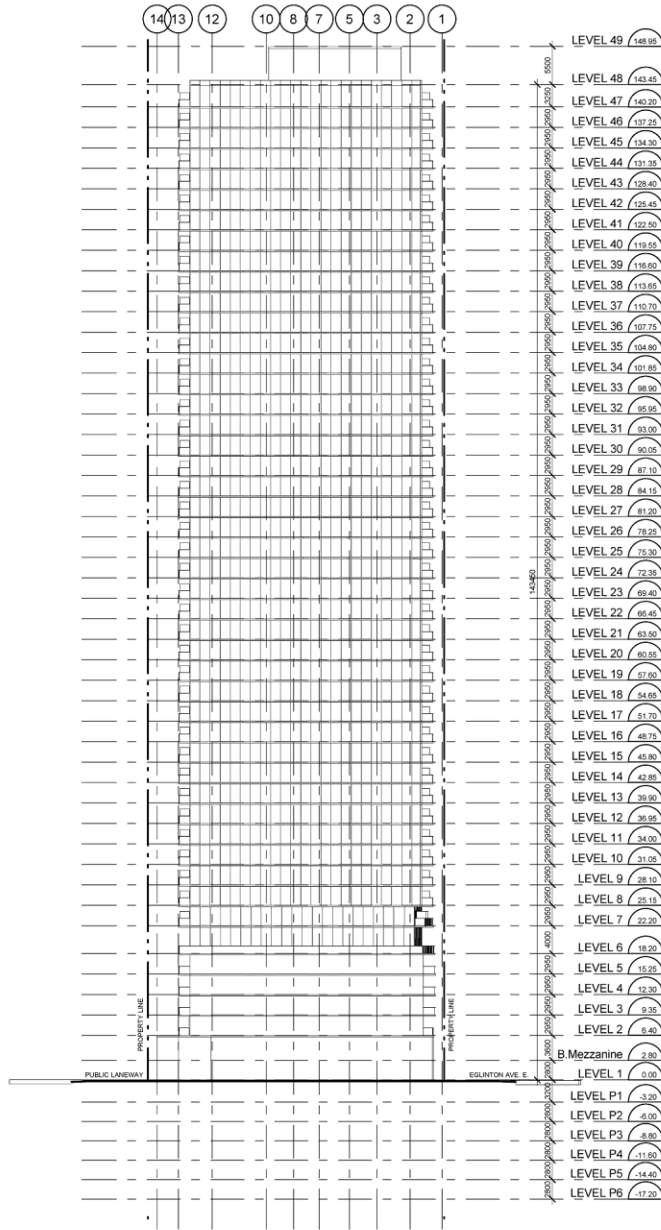
Applicant's Submitted Drawing

Not to Scale
01/29/2015

55 Eglinton Avenue East

File # 14 268618 STE 22 0Z

Attachment 3: East Elevation



East Elevation

Elevations

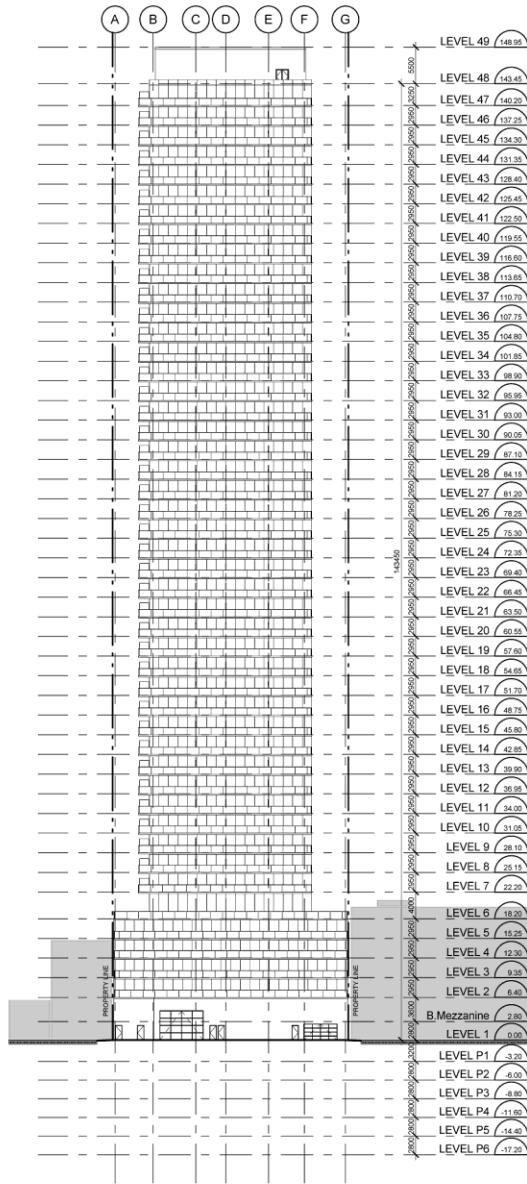
Applicant's Submitted Drawing

Not to Scale
01/29/2015

55 Eglinton Avenue East

File # 14 268618 STE 22 0Z

Attachment 4: South Elevation



South Elevation

Elevations

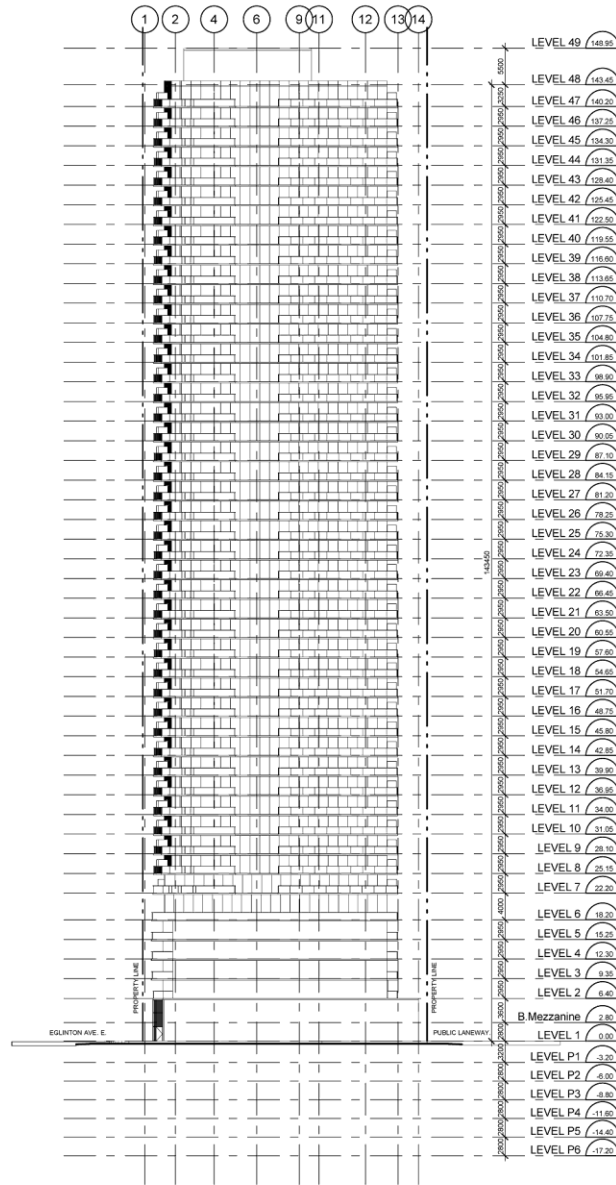
Applicant's Submitted Drawing

Not to Scale
01/29/2015

55 Eglinton Avenue East

File # 14 268618 STE 22 0Z

Attachment 5: West Elevation



West Elevation

Elevations

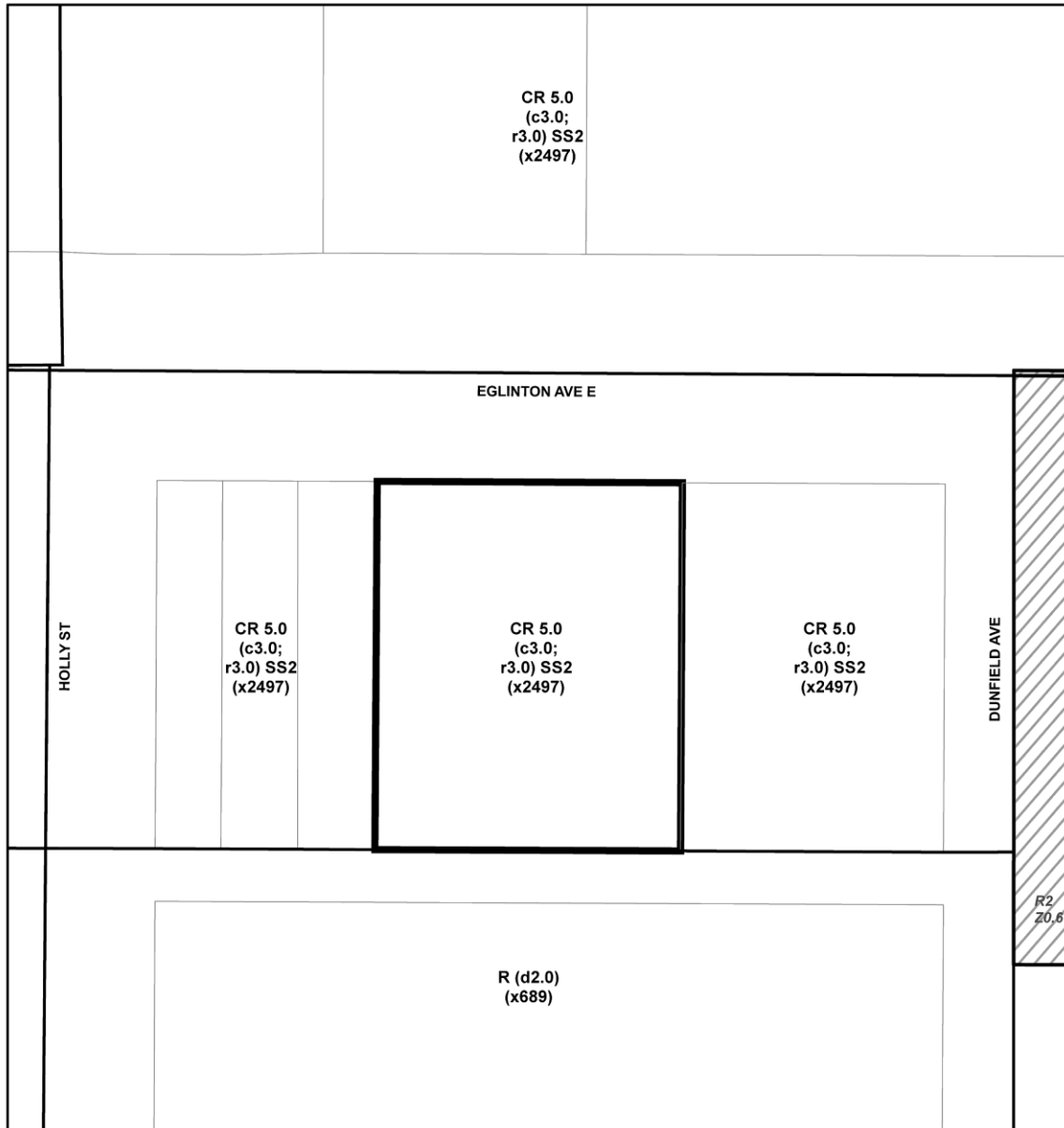
Applicant's Submitted Drawing

Not to Scale
01/29/2015

55 Eglinton Avenue East

File # 14 268618 STE 22 OZ

Attachment 6: Zoning



Zoning By-law 569-2013

55 Eglinton Avenue East

File # 14 268618 STE 22 OZ



Location of Application



See Former City of Toronto Bylaw No. 438-86

R

Residential

CR

Commercial Residential

CR

Mixed-Use District

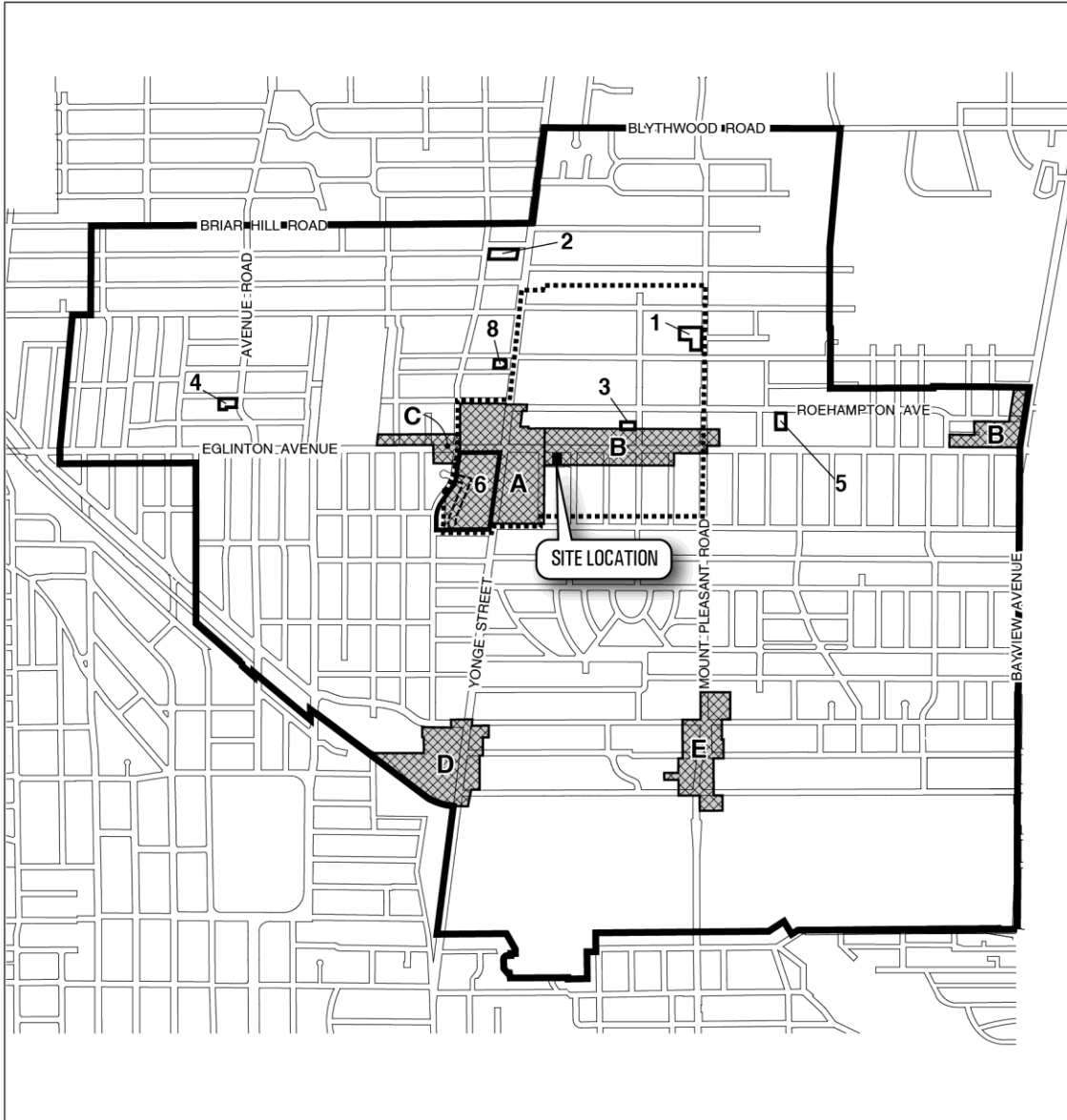
R2

Residential District



Not to Scale
Extracted: 01/29/2015

Attachment 7: Yonge-Eglinton Secondary Plan



Extract from Official Plan

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

55 Eglinton Avenue East

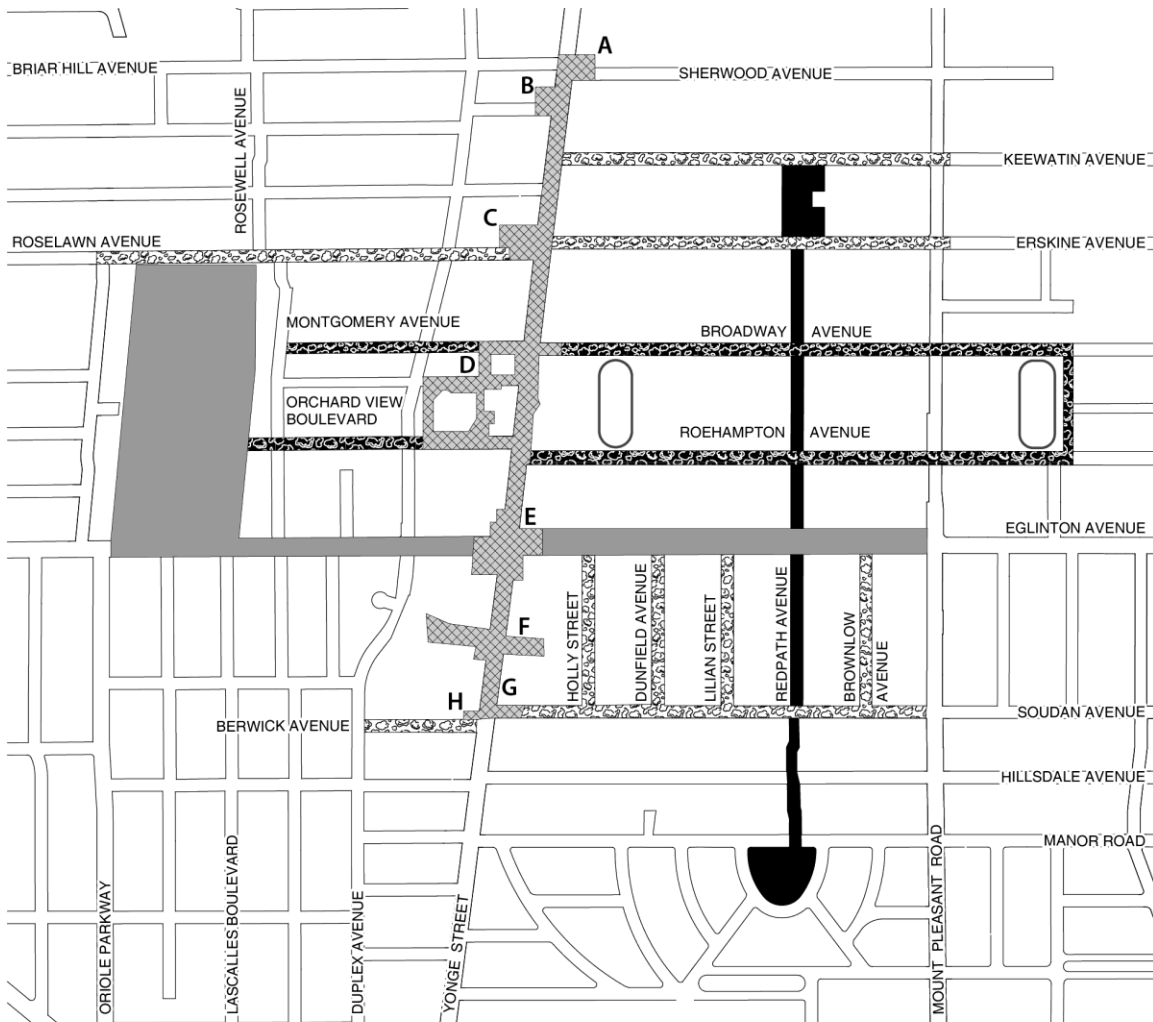
File # 14 268618 STE 22 0Z

- Site Location
- Secondary Plan Boundary
- Yonge-Eglinton Centre
- Mixed Use Areas
- 1 Site and Area Specific Policies
- Proposed Road

Not to Scale

 08/15/2016






Attachment 8: Five Place Making Moves (Under Appeal)



Not to Scale 

Yonge-Eglinton Secondary Plan

MAP 21-3 Five Place-Making Moves for the Midtown Character Area

 Eglinton Green Line	Yonge Street Squares	
 Yonge Street Squares	A Sherwood Square	E Yonge-Eglinton Crossroads
 Park Street Loop	B St. Clemens Square	F Quantum Square
 Greenways	C Erskine Square	G Soudan Square
 Redpath Revisited	D Montgomery Square	H Berczy Square

April 2015

Attachment 9: Application Datasheet

Application Type	Rezoning	Application Number:	14 268618 STE 22 OZ
Details	Rezoning, Standard	Application Date:	December 30, 2014
Municipal Address:	55 EGLINTON AVENUE EAST		
Location Description:	PLAN 653 BLK D LOTS 3 & 4 PT LOT 2 **GRID S2204		
Project Description:	Proposal for a 47 storey condominium building with a retail ground floor and a total of 455 residential units with 6 levels of underground parking.		

Applicant:	Agent:	Architect:	Owner:
55 Eglinton Ave. E Ltd. 2700 Duffering St. Ste. 34 Toronto, ON M6B 4J3	Bousfields, Inc. 300 Church St., Ste 300 Toronto, ON M5E 1M2	Kirkor Architects & Planners 20 Martin Ross Ave. Toronto, ON M3J 2K8	55 Eglinton Ave. E Ltd. 2700 Duffering St. Ste. 34 Toronto, ON M6B 4J3

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N
Zoning:	CR 5.0	Historical Status:	N
Height Limit (m):	48	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1512.49	Height:	Storeys:	47
Frontage (m):	35.4		Metres:	148.95
Depth (m):	42.7			
Total Ground Floor Area (sq. m):	1268			Total
Total Residential GFA (sq. m):	35690.7		Parking Spaces:	141
Total Non-Residential GFA (sq. m):	253.37		Loading Docks	2
Total GFA (sq. m):	35944.07			
Lot Coverage Ratio (%):	83.8			
Floor Space Index:	23.76			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	48 (11%)
1 Bedroom:	283 (62%)
2 Bedroom:	124 (27%)
3 + Bedroom:	0
Total Units:	455

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	35690.7		0
Retail GFA (sq. m):	253.37		0
Office GFA (sq. m):	0		0
Industrial GFA (sq. m):	0		0
Institutional/Other GFA (sq. m):	0		0

CONTACT:	PLANNER NAME:	Giulio Cescato, Senior Planner
	TELEPHONE:	416-392-0459
	EMAIL:	gcescat@toronto.ca