



STAFF REPORT ACTION REQUIRED

859-861 and 875 Eglinton Avenue West – Zoning Amendment Application – Request for Direction Report

Date:	May 16, 2017
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 21 – St. Paul's
Reference Number:	16-198806 STE 21 OZ

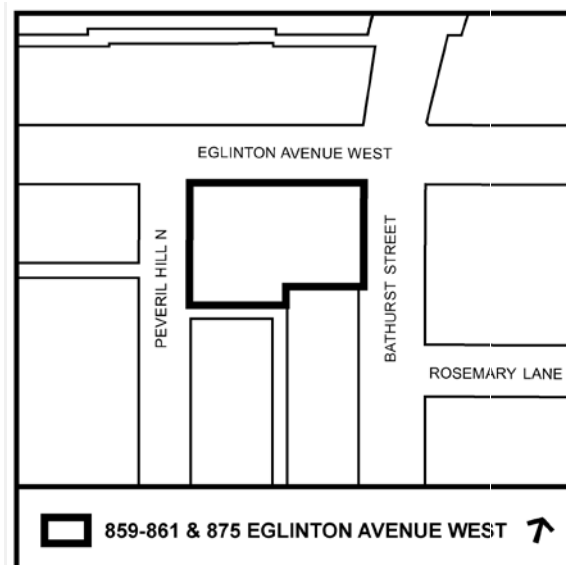
SUMMARY

This application proposes a 16-storey (55.89 metres plus mechanical penthouse) mixed-use building containing 253 residential units with commercial at grade.

The proposal represents overdevelopment and is not good planning. The proposed building does not fit within the existing context and exceeds the height established for the planned context. The proposed development does not meet the Healthy Neighbourhoods, Built Form or *Mixed Use Areas* policies of the Official Plan.

The applicant appealed its Official Plan and Zoning By-law Amendment applications to the Ontario Municipal Board due to Council's failure to make a decision within the time prescribed by the *Planning Act*.

Planning staff have considered the application within the context of the in force policy framework and have determined the proposed development is not consistent with the City Council approved Eglinton Connects Study and related Official Plan policies.



RECOMMENDATIONS

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 859-861 and 875 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, in some form, 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, in some form, 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

The subject site is within the area of the Eglinton Connects Planning Study. At its meeting of May 6, 7 and 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 an improved 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 extension 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 and other parties have appealed OPA 253 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. A portion of the subject site (859-861 Eglinton Avenue West) is included in the amendments. The applicant and a number of other parties have appealed this by-law to the Ontario Municipal Board. The Council's direction is available on the City's website at:

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

ISSUE BACKGROUND

PROPOSAL

The applicant proposes to demolish the existing 2-storey commercial plaza located on the site and to construct a 16-storey mixed-use building with commercial uses at grade.

Along the Eglinton Avenue West frontage, the west portion of the building is 11 storeys in height (39.6 metres, plus 4.5 metre mechanical penthouse), while the east end of the building has a height of 16 storeys (55.9 metres, plus 4.5 metre mechanical penthouse). The tower portion of the building has a floor plate of 650 square metres. A stepback of 1.9 metres is provided at the 7th floor on the west end of the building, and the middle portion of the building steps back 1.9 metres at the 8th floor. The 16-storey tower portion of the building located at the east end of the site has a 1 metre stepback at the 9th floor.

The rear of the proposed building is divided into three components. The 16-storey tower portion of the building has a 3.5 metre stepback at the rear on the 7th floor. On the west side, approximately half of the 11-storey portion of the building is terraced down to the *Neighbourhood* to the south. The series of stepbacks are as follows:

Floor	Stepback
3-5	3 metres
6	3.28 metres
7-8	3.5 metres
9	2.94 metres
10	2.77 metres
11	4.5 metres

The remainder of the 11-storey portion of the building has a stepback of approximately 22.5 metres above the 1st floor allowing for a large 2nd floor terrace to be used as outdoor amenity space.

The building is set back 2.43 metres from the rear lot line abutting the low-rise residential neighbourhood to the south, and 1.12 metres from the rear lot line abutting the commercial buildings fronting onto Bathurst Street to the south. The proposed building is set back less than 1 metre on the Bathurst Street frontage, 0 metres on the west side by Peveril Hill North, and 0 metres on Eglinton Avenue West. On the ground floor, additional setbacks of 1.9 metres and 1.8 metres are provided along Eglinton Avenue West and Bathurst Street, respectively, resulting in sidewalk widths of approximately 10 metres and 7.2 metres on these streets.

The proposed development consists of 21,573 square metres of residential gross floor area, containing 253 residential units. There is a proposed unit mix of 157 one-bedroom units, 70 two-bedroom units, and 26 three-bedroom units. Two residential entrances will be located on the Bathurst Street and Peveril Hill North frontages. A pedestrian entrance to the new Eglinton Crosstown LRT line is proposed on the Eglinton Avenue West frontage, incorporated in the building. The proposal has 564 square metres of indoor and 493 square metres of outdoor amenity space. The proposed Floor Space Index is 7.23 times the area of the lot.

A total of 232 parking spaces are proposed in a 3-level underground parking garage, comprised of 198 residential parking spaces, 25 visitor spaces, and 9 retail spaces. A Type G loading space will be provided. The parking garage and loading space will be accessed from a private driveway extending along the rear of the site with entrances on both Bathurst Street and Peveril Hill North. A total of 262 bicycle parking spaces will be provided.

	1 Bedroom	2 Bedroom	3 Bedroom	Total
# of Units	157 (62%)	70 (28%)	26 (10%)	253

The Site Plan and Elevations are included in Attachments 1-2. Additional project information is included in Attachment 4 of this report (Application Data Sheet).

Site and Surrounding Area

The subject site is rectangular in shape and approximately 3,125 square metres in size with frontages of 71.6 metres on Eglinton Avenue West, 50.3 metres on Peveril Hill North and 45 metres on Bathurst Street. The subject site is currently occupied by a 2-storey commercial plaza.

The elevation of the subject site varies, with the highest point at its northeast corner, and the lowest point at its southwest corner. The difference in elevation between the northeast and southwest corners of the site is approximately 4.9 metres.

The following uses surround the property:

North: 2-storey mixed-use buildings with retail/commercial at-grade with offices and/or residential units above. Further north on Bathurst St is a low-rise residential neighbourhood.

South: An existing public laneway. Along Peveril Hill there are single detached houses in a low-rise neighbourhood. Along Bathurst Street there are two-storey detached houses containing a mix of residential and office uses.

East: 2-storey commercial buildings and 4-storey residential apartment buildings further east on Eglinton Ave W.

West: 2-storey mixed-use buildings with retail/commercial at-grade with offices and/or residential units above.

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

Staff reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is shown on an *Avenue* on Map 2 (Urban Structure) and designated *Mixed Use Areas* on Map 17 (Land Use) in the Official Plan.

Avenues

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

The *Mixed Use Areas* designation (Section 4.5) in the Official Plan provides for 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.

Development in *Mixed Use Areas* is subject to development criteria to: locate and mass new buildings to provide a transition between areas of different development intensity and scale; provide appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*; locate and mass new buildings to adequately limit shadow impacts on adjacent *Neighbourhoods* particularly during the spring and fall equinoxes; provide good site access and circulation and an adequate supply of parking for residents and visitors; provide an attractive, comfortable and safe pedestrian environment; locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and, provide indoor and outdoor recreation space for residents in multi-unit residential buildings.

The Built Form policies (Section 3.1.2) of the Official Plan require that new development provide appropriate proportion between the building and the street right-of-way. The Built Form policies require that new buildings be located parallel to the street, be massed to define the street edge at good proportion and on corner sites giving prominence to the corner. *Mixed Use Areas* policy 2(e) reinforces the requirement that new buildings be massed to frame the edge of streets and parks with good proportion.

Healthy Neighbourhoods

The Healthy Neighbourhoods policies (Section 2.3.1) of the Official Plan require that development in *Mixed Use Areas* provide a transition of scale and density through setbacks from adjacent *Neighbourhoods*. The Built Form policies also require that new development create appropriate transitions in scale to neighbouring existing and planned buildings. In addition, *Mixed Use Areas* policy 2(c) states that new development is to locate and mass new buildings to provide transition between areas of different development intensity and scale, through means such as setbacks, and stepping down of heights towards lower-scale *Neighbourhoods*.

Public Realm and Built Form

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.

Public Laneway Policies

As discussed above, Council-approved amendments to the Official Plan to implement 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), through Official Plan Amendment 253. Such a lane would eventually become part of a continuous laneway system allowing deliveries and parking access off Eglinton Avenue West, in accordance with city-wide policy and best practices. The applicant has appealed OPA 253. City Council also directed that private and public redevelopment along Eglinton Avenue be required to provide public lanes in the rear, as shown in the plan, to be secured through appropriate agreements or permits.

City Council approved OPA 253 on July 8, 2014, and it has subsequently been appealed to the Ontario Municipal Board. As a result, OPA 253 as approved by City Council is relevant but not determinative in terms of the Official Plan policy framework.

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. OPA 320 has been appealed in its entirety to the Ontario Municipal Board. 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

The subject site falls within the Eglinton Connects Planning Study. 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 long-term 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, 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/eglington>

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 buildings to ensure they fit within their context and minimize their local impacts.

Mid-rise Building Guidelines

City Council, at its meeting of July 6, 7, and 8, 2010, requested that staff use the Mid-rise Building Performance Standards in the evaluation of mid-rise development proposals on the *Avenues*. The vision for the *Avenues* is one of animated sidewalks and buildings that frame the street, with heights that are proportionate to the right-of-way widths and transition to *Neighbourhoods*.

The Mid-rise Guidelines set minimum performance standards guided by the objective to create healthy, liveable and vibrant main streets while protecting the stability and integrity of adjacent neighbourhoods.

In June 2016, City Council approved the Mid-rise Building Performance Standards Addendum (April 20, 2016). The Addendum is to be used by City Staff together with the 2010 approved Mid-rise Building Performance Standards during the evaluation of development applications where mid-rise buildings are proposed and the Performance Standards are applicable. The Performance Standards and Addendum may also be used to help inform the preparation or review of area studies and policies involving mid-rise buildings. The Addendum is approved as an interim supplement to the 2010 Performance Standards until such time as Council considers and adopts updated Mid-rise Building Design Guidelines, which is targeted for the fourth quarter of 2017. Refer to the Council Decision <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and Attachment 1: Mid-rise Building Performance Standards Addendum (April 20, 2016) <http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>.

Zoning

The subject site is subject to the former City of York Zoning By-law 1-83, as amended, and is zoned MCR – Main Street Commercial/Residential. A range of uses are permitted including an apartment house, retail store, office, and restaurant.

MCR regulations include: a maximum building height of 8 storeys or 24 metres; a maximum floor space index of 2.5; the requirement that all access for vehicles be from a flanking street or public lane; angular plane provisions from a rear lot line which abuts an R1 or R2 district; and the requirement that at least one major building entrance provide direct access to the street.

Site Plan Control

The proposal is subject to Site Plan Control. The applicant has not yet submitted an application.

Reasons for the Application

The proposed height at 16 storeys plus mechanical penthouse (55.89 metres) and the proposed floor space index of 7.23 FSI, require an amendment to Zoning By-law 1-83, as the permitted maximum building height is 8 storeys or 24 metres and maximum floor space index is 2.5.

A portion of the subject site, at the corner of Eglinton Avenue West and Bathurst Street (859-861 Eglinton Avenue West), is also subject to Zoning By-law 569-2013, which has the same permitted density and height as Zoning By-law 1-83. The proposed 16-storey development does not meet the requirements of the by-law in terms of height or density.

Community Consultation

Staff held a community consultation meeting on November 23, 2016. Generally, the public were opposed to the proposal and raised a number of concerns:

- The number of storeys of all portions of the building is too high;
- The density of the proposal is too high;
- Proposal does not meet zoning regulations or intention of the Eglinton Connects Study;
- Traffic is already bad, this would exacerbate it;
- Proposal would cause increased traffic on side streets, compromising safety;
- Design of the building is unappealing;
- Lack of greenspace is a concern;
- Setbacks from the street are not enough;
- Should be consideration for Senior's housing.

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

Planning staff have reviewed the application within the context of the in force policy framework, including Official Plan policies. The proposal is inconsistent with these policies. The proposal is also inconsistent with the vision and policies adopted by City Council through the Eglinton Connects Study, which has density spread out along the

length of the *Avenue* at a mid-rise scale, except for a limited number of focus areas where more comprehensive development is anticipated. The proposal is not supported by Planning staff for the reasons outlined below.

Provincial Policy Statement and Provincial Plans

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 Station 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 as *Mixed Use Areas*. Adjacent to the west end of the subject site along Eglinton Avenue West are a range of mixed-use commercial properties that are predominantly 2-storeys. The site is also located in close proximity to the intersection at Eglinton Avenue West and Bathurst Street. This intersection has been identified as a location for a Metrolinx LRT Station Entrance.

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 south. 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 16-storey building height and massing is not in keeping with the character of this area.

Built Form, Height and Density

Mid-rise Guidelines & Height

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, 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 Former City of York Zoning By-law 1-83 requires that the total building height not exceed 24 metres or 8 storeys. The proposal exceeds these performance standards at 55.9 metres (ex. mechanical penthouse), 16-storeys and it is significantly in excess of the 1:1 relationship or 27 metre right-of-way height. In addition the base height of 11-storeys (39.6 metres) 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.

Furthermore, while Planning staff do not support a tall building on the subject site, when reviewed against the Tall Building Design Guidelines, the proposed 16-storey tower does not provide appropriate tower setbacks. The 16-storey tower portion of the building is set back only 1.1 metres from the south lot line, whereas the Tall Building Design Guidelines recommend a minimum tower setback of 12.5 metres.

Angular Planes & Transition

The Healthy Neighbourhoods policies of the Official Plan require that development adjacent to *Neighbourhoods* will provide a gradual transition of scale and density through stepping down of buildings and setbacks from those *Neighbourhoods*. The Built Form policies require that new development create appropriate transitions in scale to neighbouring existing and planned buildings.

Mixed Use policy 2(c) further states that new development is to locate and mass new buildings to provide transition between areas of different development intensity and scale, through means such as setbacks, and stepping down of heights, particularly towards lower-scale *Neighbourhoods*. Angular planes are widely used and recognized as an appropriate form of transition, particularly when combined with an adequate setback from the property line.

Zoning By-law 1-83 requires an angular plane be taken from the abutting residential zone. The building does not comply to the rear angular plane given the setback and height of both the 11-storey and 16-storey portions of the building.

The Mid-rise Building Guidelines state that in situations where the rear of the property is at a different grade level than the Avenue frontage, a rear angular plane should be taken from the lowest grade elevation of the adjacent property to the rear of the site. Due to grade changes on the subject site, the elevation at the rear of the site is 2-3 metres lower than the average elevation. When a 45 degree rear angular plane is applied using the elevation at the rear of the subject site, there are significant penetrations from the terraced 11-storey portion of the building. As well, the 16-storey tower portion of the building at the east end of the site does not comply with a rear angular plane.

The proposed building does not comply with the *Mixed Use Areas*, Built Form, and Healthy Neighbourhood policies of the Official Plan or the Mid-rise Building Guidelines. The building does not provide adequate transition to the adjacent low-rise *Neighbourhood*.

Massing & Density

Built Form policies in the Official Plan require that new development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context. The Built Form and *Mixed Use Areas* policies require that new buildings frame the edge of streets with good proportion.

The proposed building has an 11-storey streetwall with minimal step-backs. The 16-storey portion of the building is stepped back 1.9 metres at the 11th floor, and then cantilevers out again. The building spans a 70 metre length of Eglinton Avenue West with two recessed areas of 1.9 metres in depth and 5.3 metres in width. There is minimal articulation to break up the streetwall and it does not fit into the existing context which is predominantly made up of 2-storey buildings. The planned context, through the Eglinton Connects Study and resulting Mid-rise Design Guidelines, outlines appropriate mid-rise built form with streetwall heights of 4-storeys, step-backs and setbacks to break up the bulk and massing of a building.

Zoning By-law 1-83 limits density to a maximum of 2.5 times the area of the lot. The proposal significantly exceeds that limit with a proposed density of 7.23 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 bulky, poorly massed building lacks appropriate transition and as such, results in a density that does not address the Built Form policies in any meaningful way. As an early development in the course of change coming with the LRT, the project should set a positive precedent, in keeping with the recently approved Council direction for the length of Eglinton Avenue.

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*.

Privacy

The proposed building would have negative privacy impacts on the adjacent low-rise *Neighbourhood* to the south. The proposed increase in height and lack of proper transition will create a negative impact on the privacy of the adjacent *Neighbourhood* directly abutting the site to the south.

The large outdoor amenity area located at the rear of the building on the second floor is set back 2.43 metres from the rear lot line. Planning staff have concerns with the proximity of the amenity space to the adjacent *Neighbourhood* to the south, and the lack of landscape buffering along the south end of the amenity space.

Streetscape

The *Mixed Use Areas* policies of the Official Plan require that new development frame the edge of streets with good proportion. The Mid-rise Building Guidelines recommend that no part of the building is located above an angular plane drawn from the abutting street lot line, commencing at a height of 80% of the width of the right-of-way, and then angling upwards at an angle of 45 degrees away from the street over the site.

The proposed building does not comply with the front angular planes recommended by the Mid-rise Building Guidelines. Along Eglinton Avenue West, the proposed building provides stepbacks above the 6th floor at the west end of the building, above the 7th floor for the middle portion of the building, and above the 8th floor for the east end of the building. The 16-storey tower portion of the building is set back only 1 metre from both Eglinton Avenue West and Bathurst Street with balconies extending to the lot lines.

The proposed 16-storey (55.9 metres, plus mechanical penthouse) building does not frame the street with good proportion. The proposed development significantly penetrates the recommended angular planes in the Mid-rise Building Guidelines negatively impacting the Eglinton Avenue West and Bathurst Street streetscapes.

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 Official Plan states that City streets are significant public open spaces that provide amenities such as sky view, sunlight, and gathering places. The Mid-rise Building Guidelines recommend that a minimum of 5 hours of sunlight be maintained on the Avenue sidewalks.

The applicant submitted a Shadow Study which concludes that there will be shadow impacts on the *Neighbourhoods* to the north and east for an hour in the morning and afternoon. There is also shadowing the sidewalks on Eglinton Avenue West between 9:18am and 4:18 am and on portions of Bathurst Street between 1:18pm and 6:18pm during the spring and fall equinoxes.

Wind

The wind study submitted by the applicant is unclear as to the wind conditions for the outdoor amenity space located on the second floor of the proposed building. The study states that mitigation measures may be necessary if "activities requiring long exposures are desired". Further details regarding the mitigation measures were not provided and staff were unable to properly review and assess the potential wind impacts.

Traffic Impact and Access

The parking garage and loading space for the proposed development will be accessed from a private laneway extending along the rear of the site with entrances on both Bathurst Street and Peveril Hill North. The proposed private laneway will duplicate services as there is an existing public laneway located to the south of the site, adjacent to the low rise *Neighbourhood* along Peveril Hill North.

The Eglinton Connects Planning Study recommended the creation of a continuous laneway system allowing deliveries and parking access to be taken off Eglinton Avenue West, in accordance with city-wide policy and best practices. A publicly accessible laneway, 6 metres in width, would be required at the rear of the subject site by OPA 253. As part of the approval of the Eglinton Connects Planning Study, City Council directed that private and public redevelopment along Eglinton Avenue is required to provide public lanes in the rear, as shown in the plan, to be secured through appropriate agreements or permits.

Vehicle and Bicycle Parking

The applicant submitted an Urban Transportation Considerations Update Report by BA Group, dated June 10, 2016.

A total of 232 vehicular parking spaces are proposed on three levels below grade. Of the 232 parking spaces, 198 residential spaces will be located on all three levels of below grade parking, 25 visitors parking spaces and 9 retail parking spaces will be located at the ground level.

Staff have noted that the proposed parking space dimensions and ramp slopes are not adequate or consistently shown and revisions have not been provided.

Roadways and Laneways

A widening is required along the Eglinton Avenue West frontage to satisfy the requirement of a 27 metre right-of-way. As such, a widening measuring approximately 0.40 metres across the entire Eglinton Avenue West frontage of this property at the north end of the site must be conveyed to the City.

In addition, the site abuts a 4.88 metre wide substandard east-west public lane, which, in accordance with City Council policy, should be widened to 6.0 metres. In order to provide for the widening, a 1.06 metre wide strip of land to the full extent of the site abutting the north limit of the east-west public lane is required to be conveyed to the City.

Amenity Space

A total of 506 square metres of outdoor amenity space is required by the Zoning By-law. The proposed development will provide 493 square metres of outdoor amenity space. Staff have concerns regarding the location of the amenity space in proximity to the adjacent *Neighbourhoods*.

TTC – Transit

The redevelopment of the subject site provides an opportunity to create a southbound farside bus bay in front of the site and an integrated access to the Bathurst light rapid transit (LRT) station. As part of the initial design of the LRT Station, the Toronto Transit Commission (TTC) requested that the station be designed to allow for a connection to the southwest corner for a station access and a farside bus bay when the site was redeveloped. The current proposed connection between southbound 7 Bathurst buses and the LRT is substandard as it required customers to cross Bathurst Street or to have to walk about 70 metres from the secondary station access. There is also insufficient waiting space on the sidewalk on the northwest corner for customers to wait. Furthermore, a bus bay would allow buses to serve the stop on the frontage of the site without affecting adjacent traffic which will provide greater benefits to transit users.

Parks Planning

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The subject 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 Chapter 415, Article III of the Toronto Municipal Code.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 3,373 square metres or 113% 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 301 square metres.

The application is for a new building with 1,020 square metres of non-residential gross floor area and 253 residential units, consisting of 21,573.5 square metres of residential gross floor area.

This site is located in an area where there is currently a low provision of parkland. Therefore, the applicant is required to satisfy the parkland requirement through an on-site

dedication. The parkland dedication should be of a useable rectangular or square shape, located at the south edge of the site with frontage along Bathurst.

The applicant may instead choose to satisfy the parkland dedication through acquiring off-site parkland that will contribute positively to existing parks within approximately 500 metres of the applicant's site. The size and location of the parkland would be subject to the approval of the General Manager, Parks, Forestry and Recreation and would be subject to that Division's conditions for conveyance of parkland prior to the issuance of the first above grade building permit.

The application does not propose any parkland dedication either on-site or off-site.

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 Ontario Municipal Board is in the position to grant additional density and/or height beyond that permitted in Zoning By-law 1-83, and Zoning By-law 569-2013, the City should request that the Ontario Municipal Board withhold its final order until the City has secured the appropriate community benefits.

Conclusion

A building of this size and scale is not appropriate for this site and represents overdevelopment. It does not conform to the in force policies of the Official Plan with respect to Built Form, Public Realm or *Mixed Use Areas* and does not fit within the existing context for this segment of Eglinton Avenue West. Additionally, the proposal is not consistent with the approved Eglinton Connects Study and Council approved Mid-rise Building Guidelines, nor the intent of such Guidelines, in terms of height, setbacks, building design and articulation, and rear angular plane. The proposal would also create adverse shadow impacts and overlook conditions on the adjacent *Neighbourhoods*.

This proposal 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

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SIGNATURE

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

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ATTACHMENTS

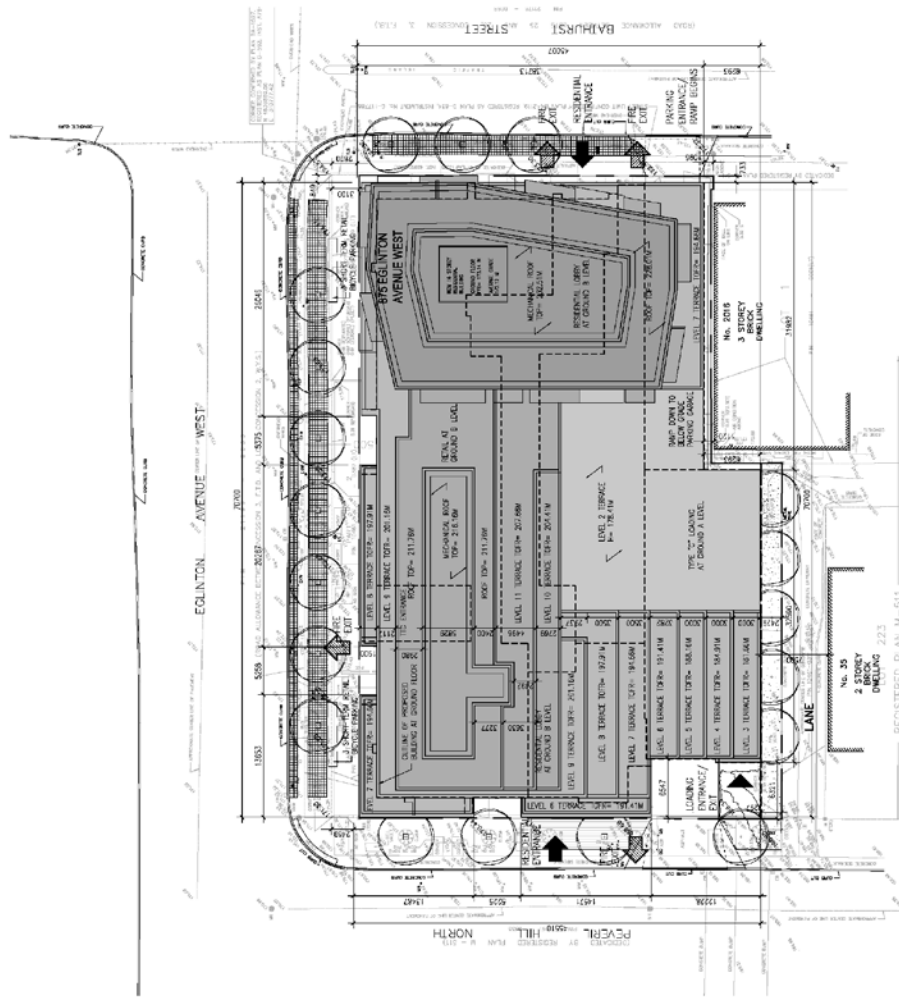
Attachment 1: Site Plan

Attachment 4: Elevations

Attachment 3: Zoning

Attachment 4: Application Data Sheet

Attachment 1: Site Plan



859-861 & 875 Eglinton Avenue West

Site Plan
Applicant's Submitted Drawing

Not to Scale
09/13/2016

File # 16 198806 STE 21 0Z

Staff report for action – Final Report – 859 – 861 & 875 Eglinton Ave W



Elevations

Applicant's Submitted Drawing

Not to Scale
09/13/2016

859-861 & 875 Eglinton Avenue West

File # 16 198806 STE 21 0Z



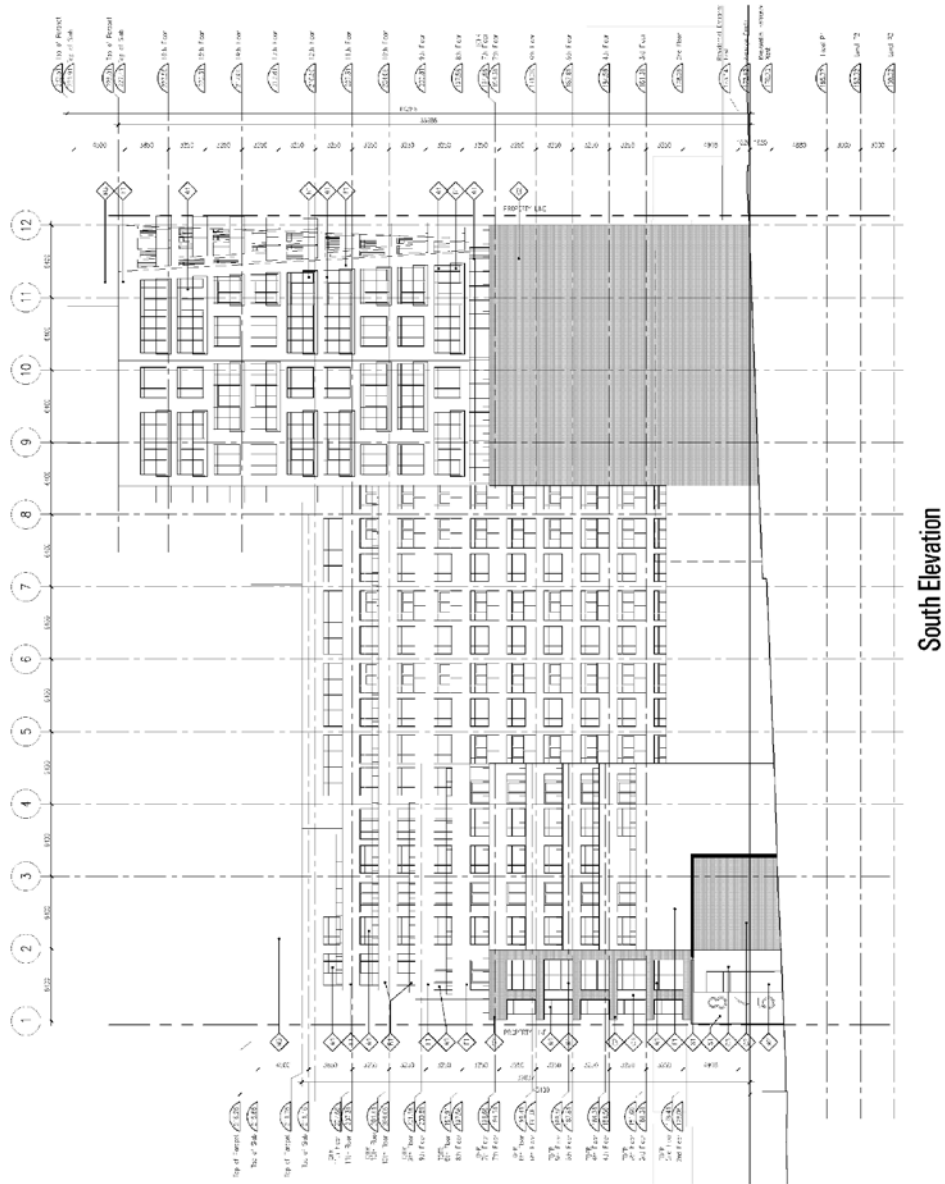
Elevations

Applicant's Submitted Drawing

Not to Scale
09/13/2016

859-861 & 875 Eglinton Avenue West

File # 16 198806 STE 21 02

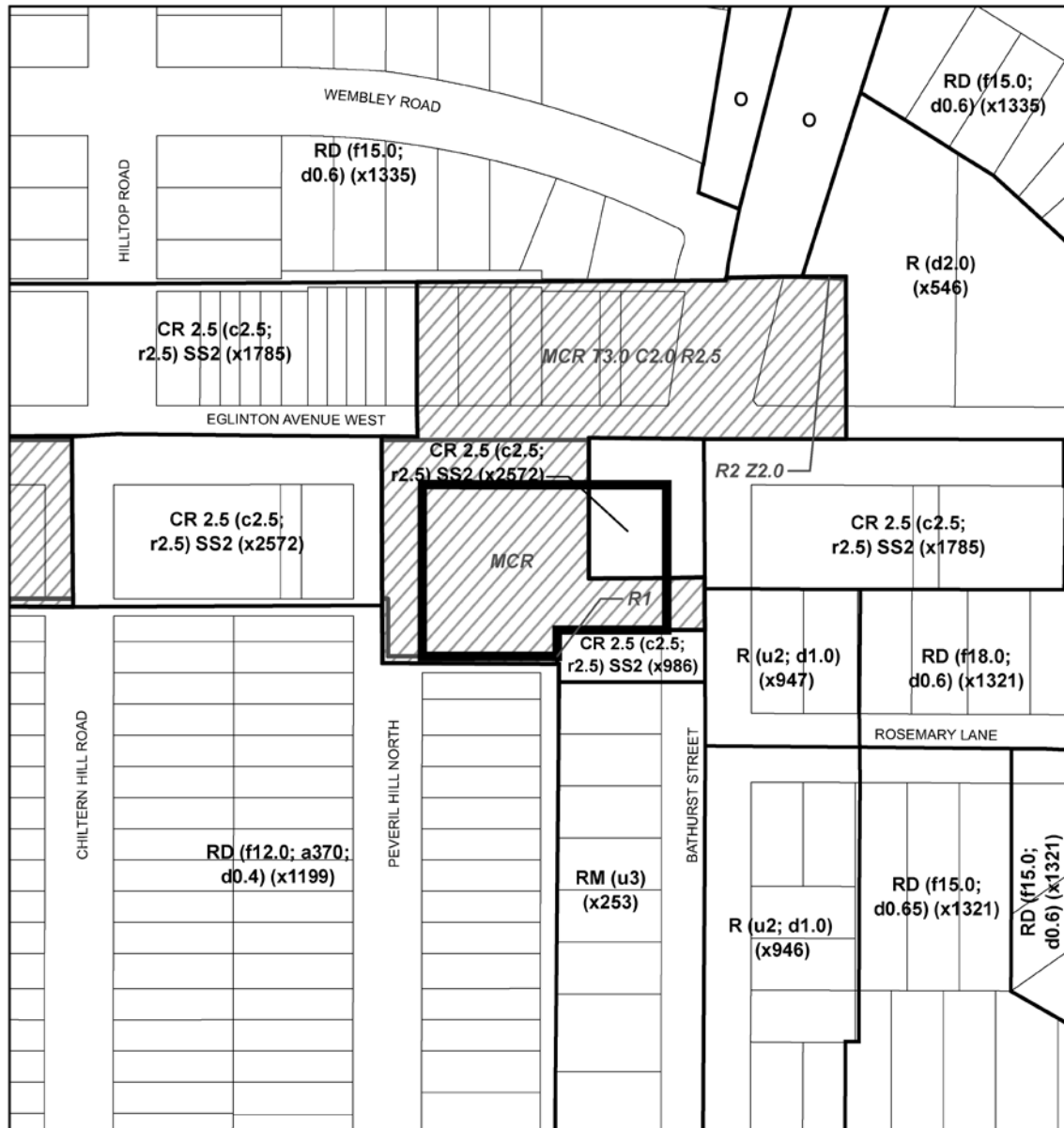


859-861 & 875 Eglinton Avenue West

Elevations
 Applicant's Submitted Drawing
 Not to Scale
 09/13/2016

File # 16 198806 STE 21 02

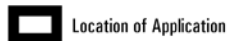
Attachment 3: Zoning



Zoning By-Law No. 569-2013

859-861 & 875 Eglinton Avenue West

File # 16 198806 STE 21 02



R Residential
RD Residential Detached
RM Residential Multiple
CR Commercial Residential
O Open Space



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

R2 Residential District
MCR Mixed-Use District

See Former City of York By-Law No. 1-83

R1 Residential Zone
MCR Mixed Commercial Zone



Not to Scale
Extracted: 09/13/2016

Attachment 4: Application Data Sheet

Application Type: Rezoning Application Number: 16 198806 STE 21 OZ
 Details: Rezoning, Standard Application Date: July 29, 2016
 Municipal Address: 859-861 & 875 EGLINTON AVE W
 Location Description: & 2020 BATHURST ST PLAN M378 PT LOTS 499 & 500 66R 16487
 PART 1 **GRID S2102
 Project Description: 16-storey mixed use building with terraced portion at 11th storey on the east side. The building has 253 residential units with retail on the ground floor and a proposed fsi of 7.23.

Applicant:	Agent:	Architect:	Owner:
DEVINE PARK LLP, 250 Yonge Street, Suite 2302, Toronto, ON M5B2L7	DEVINE PARK LLP, 250 Yonge Street, Suite 2302, Toronto, ON M5B2L7	Quadrangle Architects Ltd., 901 King Street West, Suite 701, Toronto, ON M5V 3H5	Metrolinx

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N
Zoning:	CR 2.5 (c2.5; r2.5) SS2 (x2572)	Historical Status:	N
Height Limit (m):	5	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	3125.23	Height:	Storeys:	16
Frontage (m):	71.6		Metres:	55.9
Depth (m):	47.17			
Total Ground Floor Area (sq. m):	2005			Total
Total Residential GFA (sq. m):	21573.5		Parking Spaces:	232
Total Non-Residential GFA (sq. m):	1020		Loading Docks	1
Total GFA (sq. m):	22593.5			
Lot Coverage Ratio (%):	64			
Floor Space Index:	7.23			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	21573.5	0
Bachelor:	0	Retail GFA (sq. m):	874	0
1 Bedroom:	157	Office GFA (sq. m):	0	0
2 Bedroom:	70	Industrial GFA (sq. m):	0	0
3 + Bedroom:	26	Institutional/Other GFA (sq. m):	146	0
Total Units:	253			

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