

492 – 498 Eglinton Avenue East and 3-7 Cardiff Road – Official Plan and Zoning Amendment Applications – Request for Direction

Date:	May 16, 2017
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 22 – St. Paul's
Reference Number:	16-124754 STE 22 OZ

SUMMARY

This application proposes an 10-storey, 89-unit mixed-use (retail and residential) building fronting onto Eglinton Avenue East and a 4-storey, 12-unit stacked townhouse complex fronting onto Cardiff Road, separated by a service lane. The proposal has a total of 101 residential units, a Floor Space Index 4.71, 72 vehicle spaces in a two-level underground garage and 101 bicycle parking spaces.

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*.

This report recommends that Council direct the City Solicitor, together with appropriate City Staff, to oppose the appeal at the Ontario Municipal Board.

Planning staff have considered the application within the context of the in force policy framework, including the Official Plan policies. In addition, the ongoing Yonge and Eglinton Secondary Plan review has been considered. The proposal is not supported by Planning staff



for the reasons outlined in this report.

Planning staff do not support the proposed application for an Official Plan Amendment to permit underground parking for the 12-unit apartment building as it is premature while the Yonge-Eglinton Review is underway. The Yonge-Eglinton review is strategically assessing land use designations in key areas to determine whether there are areas that merit re-designation.

The proposed built form does not meet the Healthy Neighbourhoods, Built Form, *Neighbourhoods*, or *Apartment Neighbourhood* policies of the Official Plan as they currently apply. As well, the proposal's built form does not respect or enhance the scale, character and form of development, in keeping with the criteria of the Eglinton East Apartment High Street character area. Further, the built form does not meet the intent of a number of performance standards outlined in the Mid-rise Building Guidelines.

Given the comparatively recent filing date of the application and the pending release of draft policies, any changes to the planned context of the area are best addressed comprehensively through the Yonge-Eglinton Secondary Plan Review, rather than on a site-specific basis prior to the completion of the Review.

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 492-498 Eglinton Avenue East and 3-7 Cardiff Road.
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 whole or in part, 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 whole or in part, City Council authorize the City Solicitor to request that the Ontario Municipal Board withhold its Order approving the application until such time as:
 - a. The Board has been advised by the City Solicitor that the proposed Zoning By-law Amendment is in a form satisfactory to the City; and

- b. A Section 37 Agreement has been executed to the satisfaction of the City Solicitor.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On August 25, 2014, City Council adopted the 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 No. 289) that incorporate, among other matters, the urban design and public realm policies of the Midtown in Focus Public Realm Plan. OPA No. 289 is currently under appeal at the OMB, as such it is relevant but not determinative in terms of the Official Plan policy framework.

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

On December 10, 2015, City Council adopted Official Plan Amendment No. 320. OPA No. 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*.

On July 4, 2016, the Minister of Municipal Affairs approved and modified OPA No. 320. OPA No. 320 has been appealed in its entirety to the OMB. OPA No. 320 as approved and modified by the Minister is relevant but not determinative in terms of the Official Plan policy framework.

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 use the draft built form principles contained in the report in the review of the development applications in the Yonge-Eglinton Secondary Plan Area. Planning staff were also directed to use the emerging community infrastructure priorities that have been identified, as part of the development application review process.

<http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-93903.pdf>

The application was appealed to the Ontario Municipal Board for lack of Council decision. A pre-hearing conference is scheduled by the Board for August 2, 2017 and a hearing has been scheduled for November 7, 2017.

ISSUE BACKGROUND

Proposal

This application proposes an 11-storey mixed-use (retail and residential) building fronting onto Eglinton Avenue East and a 4-storey apartment building (stacked townhouse complex) fronting onto Cardiff Road separated by a service lane. There are 97 units proposed in the building fronting Eglinton Avenue East and 12 units proposed in the 4-storey apartment building, for a total of 109 units. The total proposed Gross Floor Area ("GFA") is 8,412 square metres (8,113 square metres residential, 299 square metres retail) with a Floor Space Index of 5.16. 82 vehicle spaces are proposed in a two-level underground garage. 114 bicycle parking spaces are also proposed.

Statistics for the proposal are shown in the table below and more information is contained in Attachments 1 to 6 of this report.

Category		First Submission March 8, 2016
Site Area		1,631 square metres
Proposed Setbacks from lot lines	Eglinton Building	
	<div>Eglinton Avenue E</div> <div>Cardiff Road</div> <div>North Property Line</div> <div>East Property Line</div>	<div>0 m, 3 m stepbacks at 7th, 9th and 10th floors</div> <div>0 m</div> <div>25 m, 3 m stepbacks at 9th and 10th floors</div> <div>0 metres, 3 m stepbacks at 7th and 9th floors</div>
Stacked Townhouses		
	<div>Cardiff Road</div> <div>Eglinton Avenue E</div> <div>North Property Line</div> <div>East Property Line</div>	<div>1 m</div> <div>32 m</div> <div>2 m</div> <div>13 m</div>
Proposed Base Setback on Ground Floor from lot lines		
Eglinton Avenue East		0 m
Proposed Landscape Setback for Stacked Townhouses		
Cardiff Road		2.5 m
Gross Floor Area		
Total Residential		8,113 square metres
Non-Residential		299 square metres
Total		8,412 square metres
Floor Space Index		5.16 (per By-law 569-2013)
Number of Units		
Studio		8 (7%)
1 Bedroom		54 (50%)
2 Bedroom		40 (37%)
3 Bedroom		7 (6%)
Total		109

Category	First Submission March 8, 2016
Ground Floor Height – Eglinton Building	3.8 m
Sidewalk width- Eglinton Avenue East	2.2 m
Sidewalk width- Cardiff Road	2.2 m
Proposed Vehicular Parking (residential:visitor:non-residential)	71:11:0 (82 total)
Proposed Bicycle Parking (long term:short term)	99:15
Loading Spaces	
Description	1 Type G
Amenity Space	
Interior Residential	182 square metres (218 required)
Exterior Residential	141 square metres (218 required)
Total	325 square metres (436 required)
Building Height (Eglinton Avenue East)	34 m
Stacked Town Height (Cardiff Road)	14 m

Site and Surrounding Area

The site is located on the northeast corner of Eglinton Avenue East and Cardiff Road, and includes 492-498 Eglinton Avenue East and 3-7 Cardiff Road. The site is approximately 1,631 square metres in area and is roughly rectangular in shape. It is currently occupied by 7 single detached dwellings and a semi-detached dwelling.

- North: Low-rise neighbourhoods consisting of detached and semi-detached dwellings; continuing north is Mount Hope Cemetery and Sherwood Park.
- East: Single and semi-detached houses fronting the north side of Eglinton Avenue East. On the south side of Eglinton Avenue East, are a series of apartment buildings of 9 to 12 storeys that have smaller floor plates, and one slab building located just east of Banff Road. Continuing east to Bayview Avenue, there are low-rise retail uses on the corners and Howard Talbot Park on the south side of Eglinton Avenue East, just east of Bayview Avenue.
- South: Eglinton Avenue East, followed by a 9 and 12-storey apartment building. Continuing south are low-rise neighbourhoods consisting of detached and semi-detached houses.
- West: Cardiff Road, followed by apartment buildings that range from 8 storeys directly across from the proposal, to 6 storeys and 10 storeys. Continuing west there are some commercial office and retail uses at Mount Pleasant Road and Eglinton Avenue East.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support

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

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required, by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject site is designated as both *Apartment Neighbourhoods* and *Neighbourhoods* in the Official Plan. The plan contains a number of policies that apply to the proposed development.

Section 2.3.1 Healthy Neighbourhoods

The north portion of the proposed development is designated *Neighbourhoods* in the Official Plan. Section 2.3.1 of the Official Plan states that "the diversity of Toronto's neighbourhoods, in terms of scale, amenities, local culture, retail services and demographic make up, offers a choice of communities to match every stage of life". Neighbourhoods are where people connect and by focusing development into the Centres and Avenues we preserve the character of those neighbourhoods. Whether low-rise or apartment buildings, the policies in the Plan are intended to apply equally to both.

Policy 2.3.1.1 states that *Neighbourhoods* and *Apartment Neighbourhoods* are considered physically stable areas. Policy 2.3.1.2 states that developments in *Mixed Use Areas*, *Regeneration Areas* and *Apartment Neighbourhoods* that are adjacent or close to *Neighbourhoods* will: "be compatible with those *Neighbourhoods*, provide a gradual transition of scale and density, as necessary to achieve the objectives of this Plan through the stepping down of buildings towers and setbacks from those *Neighbourhoods*, maintain adequate light and privacy for residents in those *Neighbourhoods*, and attenuate resulting traffic and parking impacts." Policy 2.3.1.3 goes on to state that intensification of land adjacent to *Neighbourhoods* will be carefully controlled. The intent is that *Neighbourhoods* will be: "protected from negative impact".

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 vehicle parking and vehicular 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 to preserve their utility.

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.

Chapter 4 – Land Use Designations

Section 4.1 Neighbourhoods

The northern portion of site is designated *Neighbourhoods* in the in force Official Plan (see Attachment No. 4). *Neighbourhoods* are considered to be physically stable areas made up of residential uses in lower scale buildings. Generally, no buildings larger than four storeys are permitted in a *Neighbourhood* subject to development respecting and reinforcing the existing physical character of the neighbourhood. Considerations for the permitted form and type of development within any particular neighbourhood include:

- a. patterns of streets, blocks and lanes, parks and public building sites;
- b. size and configuration of lots;
- c. heights, massing, scale and dwelling type of nearby residential properties;
- d. prevailing building type(s);
- e. setbacks of buildings from the street or streets;
- f. prevailing patterns of rear and side yard setbacks and landscaped open spaces;
- g. continuation of special landscape or built-form features that contribute to the unique physical character of the neighbourhood; and
- h. conservation of heritage buildings, structures and landscapes."

OPA 320 strengthens and refines the *Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods. The revised *Neighbourhoods* policies provide clearer direction for delineating the neighbourhood and its existing physical character. OPA 320 states "where a more intense form of development than the prevailing building type has been approved, it will not be considered as a precedent when reviewing new applications." OPA 320 as approved and modified by the Minister is relevant but not determinative in terms of the Official Plan policy framework, because it is currently under appeal.

Section 4.1 Neighbourhoods

The stacked townhouse component of the proposal is located in a *Neighbourhoods* designated area. These areas are considered to be physically stable areas and new development will respect and reinforce the existing physical character. No buildings larger than four storeys are permitted in a *Neighbourhood*.

Section 4.2 Apartment Neighbourhoods

The "mid-rise" portion of the proposed development is located in an *Apartment Neighbourhoods* designated area. *Apartment Neighbourhoods* are made up of apartment buildings, parks, local institutions, cultural and recreation facilities, small scale retail service and office uses. *Apartment Neighbourhoods* are generally not intended for significant growth. Compatible infill, however, is contemplated on sites containing existing apartment buildings that have underutilized land.

New and infill development will improve the quality of life for both new and existing residents. New and infill development in *Apartment Neighbourhoods* will contribute to the quality of life by massing new buildings to transition between areas of different development intensity and scale. In particular, *Neighbourhoods* will be protected through setbacks and/or stepping down of heights. New and infill development will also frame the edges of streets and parks, screen service areas, limit shadow and mitigate wind on parks and open spaces as well as *Neighbourhoods*. It will also enhance the safety, amenity and animation of adjacent streets and open spaces.

Infill development will also maintain an appropriate residential amenity on site, provide existing residents with access to community benefits, maintain adequate sunlight, privacy and areas of landscaped open space, front onto public streets and provide pedestrian entrances from adjacent public streets. Furthermore, infill development in *Apartment Neighbourhoods* will provide adequate on-site, below grade, shared vehicular parking for both new and existing development, screen surface parking, preserve important landscape features and walkways, consolidate loading, servicing and delivery facilities and preserve or provide adequate alternative on-site recreational space for residents.

Official Plan Amendment 320

On December 10, 2015 City Council approved Official Plan Amendment 320 to revise the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies of the Plan. The intent of these changes is to clarify, strengthen and refine the policies within these sections to support the Plan's goals to protect and enhance existing neighbourhoods and allow limited infill on underutilized apartment sites in *Apartment Neighbourhoods*. As well, OPA 320 implements the City's Tower Renewal Program by promoting the renewal and retrofitting of older apartment buildings and encouraging small scale retail, institutional uses and community facilities at grade in apartment buildings to better serve residents.

On July 4, 2016, the Minister of Municipal Affairs approved and modified OPA No. 320. OPA No. 320 has been appealed in its entirety to the Ontario Municipal Board. OPA No.

320 as approved and modified by the Minister is relevant but not determinative in terms of the Official Plan policy framework.

Yonge-Eglinton Secondary Plan

The site is located in the Yonge-Eglinton Secondary Plan Area. A primary objective of the Yonge-Eglinton Secondary Plan is to maintain and reinforce the stability of *Neighbourhoods* and 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 a manner that is: "contextually appropriate and compatible with existing residential uses and residential built form."

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'.

New development in the Yonge-Eglinton Secondary Plan Area will protect the scale of development in *Neighbourhoods* while minimizing impacts (shadowing, overlook, loss of skyview) on lower scale built form in *Neighbourhoods*. New development will transition in height and scale from developments in *Mixed Use Areas* and *Apartment Neighbourhoods* to *Neighbourhoods*, particularly when higher density designations abut a *Neighbourhood*.

New development will promote architectural excellence while also providing for improvements in the public realm. New, flexible, community service facilities and social infrastructure will be provided in a timely manner in the Secondary Plan Area. New parks and open spaces will also 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 Area will satisfy the requirements of the Growth Plan for the Greater Golden Horseshoe, transition down in height from Yonge Street and Eglinton Avenue east towards Mount Pleasant Avenue, 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*.

Mid-Rise Design 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 all new and current 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*.

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 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>.

Mid-rise buildings are the 'in between' scale of building; they are bigger than houses but smaller than towers. Mid-rise buildings have a good scale and relationship to the street. They define or make walls to the street that are tall enough to feel like a city and provide lots of usable space, but low enough to let the sun in and open the view to the sky from the street. They support a comfortable pedestrian environment, and animate the street by lining the sidewalk with doors and windows with active uses including stores, restaurants, services, grade related apartments, and community uses. Mid-rise buildings may contain a single use like an office or residential apartment but they usually contain a mix of uses which may include retail, office, community service, and residential all in the same building.

The height of a mid-rise building varies from street to street, as mid-rises are defined as buildings that are no taller than the width of their adjacent street right-of-way (the width of the publicly owned portion of the street). In Toronto, on the 20 metre wide streets, a mid-rise is 5 or 6 stories high. On the wider arterial streets, a mid-rise may be taller, up to a maximum of 11 storeys on the widest *Avenues*. The proposed 11-storey component at 492 Eglinton Avenue East has a height of 34 metres (including mechanical), the planned right-of-way width of Eglinton Avenue East is 27 metres.

Mid-rises typically are designed with stepbacks or terraces at upper levels to make them appear lower in height from the street, and to allow sunlight and sky views on the sidewalk. While the current application is not located on an *Avenue*, the mid-rise guidelines can be used to inform the review of development on a site specific basis where the context suggests this form may be appropriate.

Eglinton Connects

The subject site falls within the Eglinton Connects Planning Study area. 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/eglinton>

The story of Eglinton Avenue can be told in part through the range of neighbourhood and building types and styles found along its length. Research on the evolution and development of Eglinton Avenue has led to the identification of a number of properties and areas where unique groups of buildings create a special public realm experience and are a physical expression of the history of this important street. The special character of these areas should be reflected in new development and new buildings should be designed to fit into their surrounding context. Character Areas have been grouped within two types – Main Street Areas and Apartment Corridor Areas. The Plan includes general Character Area Performance Standards to address building elements, building scale, treatments, and retail format that should be applied during the development approval process. The subject site has been identified as Apartment Corridor Areas, which outlines the following performance standards:

Building Scale

- a) Height and Step Back - Apartment Corridor Character Areas: Front and Side setbacks should be consistent with those of neighbouring buildings;
- b) Building Orientation - Buildings in Apartment Corridor Character Areas should be oriented consistently with other buildings in the area, but the main entrance should be accessed off of Eglinton Avenue

Vernacular

- e) Front + Side Setbacks - A consistent front setback should be maintained, and side setbacks should be a minimum of 5.5 metres from the side property line (total of 11 metres between building faces). In Apartment Neighbourhood buildings where continuous retail is not part of the context, provide a front yard setback equal to adjacent buildings (or at least 3.8 metres per Mid-Rise Performance Standards) to accommodate additional trees.

Additionally, the lands on the north side of Eglinton Avenue East at Cardiff Road were studied for the possibility of increased density. Prior to Council's final decision, the lands at 492-498 Eglinton Avenue East were contemplated for re-designation to *Mixed Use Areas* with the inclusion of a Neighbourhood Transition Area that would allow a prospective developer to construct a 27-metre (approximately 8-9 storeys) mid-rise

building. The proposed land use designation changes, however, were not made and the implementation of the Neighbourhood Transition Area was done only as a pilot project at Eglinton Avenue West and Croham Road.

Midtown in Focus: Growth, Built Form and Infrastructure Review of Yonge-Eglinton Secondary Plan

The City Planning Division is leading an inter-divisional review of growth, built form and infrastructure issues in the Yonge-Eglinton Secondary Plan Area that builds on the Midtown in Focus Public Realm Plan and Eglinton Connects. The Review is a response to the rapid intensification and change underway in parts of the Yonge-Eglinton Secondary Plan Area. The objective of the Review is to ensure that growth positively contributes to Midtown's continued livability and vitality by establishing a clear and up-to-date planning framework and ensuring that local transportation, municipal servicing and community infrastructure keeps pace with development.

The Review began in late-2015, based on City Council's direction, and includes the following activities:

- **Growth Analysis**, including development of near, medium and long term growth estimates to inform the infrastructure assessments.
- A **Built Form Study** to document area character and development trends, develop built form principles and a built form vision, undertake built form testing, visualize a future built form concept and identify policy directions to better guide the area's evolution.
- A **Cultural Heritage Resource Assessment** to document the area archaeological and development history, identify properties of cultural heritage value or interest for listings and designations and identify additional recommendations for conservation and further study.
- A **Community Services and Facilities Study** to inventory existing services and facilities, assess needs and opportunities in the context of future growth and demographic change and outline an implementation strategy for priority community infrastructure projects.
- **Transportation and Municipal Servicing Assessments** to document the performance and capacity of existing transportation and municipal servicing infrastructure, evaluate priority areas and identify potential capital upgrades required to support continued growth in the Secondary Plan Area.
- An area-wide **Parks Plan** and **public realm strategy for the Davisville area** to complement the 2014 Public Realm Plan for lands in and around the Yonge-Eglinton Centre.

City staff anticipates reporting to City Council in late 2017 with a Proposals Report that identifies proposed policy directions that will inform the development of an updated Yonge-Eglinton Secondary Plan as well as other emerging directions related to the infrastructure assessments and strategies.

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 report provided Council with an update on the overall progress of the study, and included the identification of draft built form principles. The recommendations adopted by Council direct staff to:

- Consider and review applications within the context of the ongoing review and in light of policy 2.3.1.3 of the Official Plan among others; and
- Consider the draft built form principles contained in the report in the review of the development applications in the Yonge-Eglinton Secondary Plan Area. The recommendation also directed staff to continue to refine the principles in consultation with landowners and the community.
- 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.

The draft built form principles developed for the Review, and endorsed by Council, are organized in four categories: Area Structure, Public Realm and Open Space, Walkability and Comfort, and Heritage and Landmarks. Importantly, the principles were developed in recognition of some of the challenges prevalent within in the broader Secondary Plan area, as well as to better address local area character and context. The principles that Planning staff recommended and Council endorsed specifically applicable to the review of this application include:

Area Structure

- 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.

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.

Walkability and Comfort

- Locate, design and mass buildings to preserve sky view, 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.

Additionally, and in recognition of pressures associated with applications seeking to redesignate and/or utilize lands designated *Neighbourhoods* to support developments, the Review is strategically assessing land use designations immediately adjacent to many of the existing growth areas within the Secondary Plan area as appropriate. The intent is to establish boundaries for any appropriate redesignations that account for potential intensification objectives and in recognition of matters including, but not limited to, lot fabric, surrounding context, character and proximity to transit. On Eglinton Avenue East, between Mount Pleasant and Bayview Avenue, there are other similar sites to the proposed application. These are being reviewed comprehensively, including the appropriateness of any redesignation, in order to achieve a planned context.

Design Guidelines for Townhouse and Low-Rise Apartments

The Urban Design Guidelines for Infill Townhouses (2003) assist in the implementation of Official Plan policies with a focus on preserving and enhancing streetscapes, respecting and reinforcing the prevailing physical character of the surrounding context and mitigating the impact of new development on adjacent and nearby properties and the public realm. The Guidelines provide an evaluation framework for site design and built form matters to achieve high quality urban design outcomes for low-rise, grade related residential units constructed in rows or blocks. The Guidelines can be viewed at:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=67e70621f3161410VgnVCM10000071d60f89RCRD>

A comprehensive update to the Infill Townhouse Guidelines is currently underway. Updated Townhouse and Low-Rise Apartment Guidelines (draft August 2016) further clarify and expand upon the 2003 Council-approved Infill Townhouse Guidelines to address current policy directions and best practices for a broader range of multi-dwelling developments up to four storeys in height.

The latest draft of the Townhouse and Low Rise Apartment Guidelines can be viewed online at:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=f3064af89de0c410VgnVCM10000071d60f89RCRD>.

Prior to presenting a finalized version of these Guidelines for City Council consideration and adoption, City staff are currently refining the draft Guidelines and completing further consultation, in part through their use during the review of development applications.

The Urban Design Guidelines for Infill Townhouses will be considered together with the draft Townhouse and Low-Rise Apartment Guidelines in the evaluation of the application.

Zoning

The application has a split zoning designation over the assembled properties. It is zoned R4A Z2.0 (*Neighbourhoods* designation) and R1S Z0.6 (*Apartment Neighbourhoods* designation) in 438-86, as amended, with height limits of 9 and 18 metres. The property is also zoned R (f9.0; d2.0) (x942) (*Neighbourhoods* designation) and R (f9.0; d0.6) (x956) (*Apartment Neighbourhoods* designation) in 569-2013, as amended, with height limits of 9 and 18 metres. The zones permit a variety of residential uses. A zoning exemption also applies to the site that allows row houses subject to certain limitations.

Site Plan Control

A Site Plan Control Application was submitted on December 1, 2016.

Reasons for Application

An Official Plan Amendment is required to permit the proposed stacked townhouse built form, the portion of the tower located in the *Neighbourhood* and the connected underground parking garage.

A zoning by-law amendment is required because the proposed development, among others, exceeds the height and density permissions in the in-force zoning by-law.

Community Consultation

A community consultation meeting was held on July 5, 2016 and was well attended by the public. The Councillor was also in attendance.

Issues raised included:

- The height and massing of both buildings;
- Overall density – the number of units in both buildings;
- The lack of setbacks for the 11-storey building and the minimal setbacks for the 12-unit townhouse building;
- Access to the site;
- Amount of traffic that would be generated; lack of parking spaces; and
- Appropriateness of the stacked townhouse building.

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 4.7 of the PPS states that: "the Official Plan is the most important vehicle for implementation". Furthermore, Section 4.7 directs municipalities to provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

The subject site is not part of the Yonge-Eglinton Centre Urban Growth Centre as identified in Places to Grow, nor as an Intensification Area in the Growth Plan.

Staff have reviewed the proposal and determined that it is inconsistent with the PPS, and is not in conformity with the Growth Plan for the Greater Golden Horseshoe. The proposed increase in density is not required in order to meet the growth targets set out by the Growth Plan.

Land Use

The proposed 11-storey residential building is partially located within the *Neighbourhoods* designation of the Official Plan. Also located within the *Neighbourhoods* designation is the 4-storey apartment building (stacked townhouse building). The *Neighbourhoods* designation does not permit mid-rise or tall buildings and only permits buildings up to 4-storeys in height if it satisfies the criteria of the Official Plan which includes among others whether the form of the development is a prevailing building type. There are no other four-storey apartment buildings within the lands designated *Neighbourhoods* within this area. The 4-storey apartment building is not in accordance with in-force Official Plan policies respecting *Neighbourhoods*.

Any changes to the planned context of the area are best addressed comprehensively through the Yonge-Eglinton Secondary Plan Review rather than on a site-specific basis prior to the completion of the Review.

Height, Massing and Transition

The Built Form policies in Section 3.1.2 of the Official Plan require that new development create appropriate transitions in scale to neighbouring existing and planned buildings. As part of the in force Healthy Neighbourhoods policies in Section 2.3.1 of

the Official Plan, development in *Apartment Neighbourhoods* will provide a gradual transition of scale and density to adjacent *Neighbourhoods* on its own site. Acquiring adjacent lands designated *Neighbourhoods* and proposing a built form that is not in keeping with the prevailing character does not comply with nor meet the intent of this policy and will destabilize the rest of the *Neighbourhoods* designated land.

Acquiring adjacent lands designated *Neighbourhoods* and using them to create a built form that is intended to assist with issues related to impact from the Apartment *Neighbourhood* development to the existing *Neighbourhood* homes is not consistent with the intent of the Official Plan overall, and does not comply with or meet the intent of Built Form and Healthy *Neighbourhood* policies of the Official Plan, and will destabilize the adjacent *Neighbourhoods* designated lands, in the absence of a fuller review now underway to determine the appropriate planned context.

Policy 3 in section 3.1.2 of the Official Plan requires that "new development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context". The 11-storey proposal does not respond appropriately to, and does not fit harmoniously into, the planned context along this section of Eglinton Avenue East. The planned context, as set out in the policies of the Official Plan, and the provisions of the Zoning and the Eglinton Connects Study and Mid-rise Design Guidelines, do not support the proposed heights and proposed transitions of this development. The 4-storey stacked townhouse building proposes a height of 13 metres, which exceeds the maximum permitted height of 9 metres. The townhouse building also proposes a setback of 0.5 metres and provides no transition in scale to the existing neighbouring buildings and its relationship to the surrounding context and is not appropriate nor does it meet the intent of the Official Plan.

The Healthy *Neighbourhoods* policies of the Official Plan require that new buildings maintain light and privacy for residents in adjacent *Neighbourhoods*. The Built Form policies require that new development limit its impact on neighbouring properties by providing for adequate light and privacy. The subject property extends east in two portions along the east property line. The proposed building extends along the east property line and provides no setbacks from the east property line. Similarly, no step-back is not provided until the 8th floor. The proposed building would have significant privacy impacts on the adjacent dwellings located at 500 Eglinton Avenue East, 106-108 Banff Road and the *Neighbourhoods* lands to the north and northeast. The lack of setbacks and step-backs, as well as the penetrations into the rear angular plane create unacceptable privacy and overlook impacts.

The 11-storey proposal does not achieve the rear angular plane recommended by the Mid-rise Building Guidelines, as the proposed building encroaches into the *Neighbourhoods* designation. In order to achieve a rear angular plane, the proposed building would have to be located entirely within the *Apartment Neighbourhoods* designation and would require greater setbacks at the ground floor and considerably more stepping back on all floors of the building at the rear, and would result in a decrease of

gross floor area. These are strategies utilized to reduce impacts onto the Neighbourhoods.

The City of Toronto Performance Standards for Mid-Rise Buildings calls for “Pedestrian Perception” stepbacks on buildings taller than 23 metres, as something that should be required to mitigate the perception of height and create buildings at the street that are of a comfortable scale for pedestrians. Also, an additional second step-back may be appropriate for buildings taller than 7 storeys in height as a means of mitigating the perception of height. These standards also provide guidance for rear transition to the Neighbourhoods as a means of mitigating negative impacts on those Neighbourhoods, through the use of alternative setback and angular plane provisions. The transition for shallow properties abutting Neighbourhoods includes a minimum setback of 7.5 metres from the rear property line and a 45-degree angular plane from a height of 10.5 metres above the 7.5 metre setback line to a maximum height of 1:1. This provides a lower building at the rear and a gradual transition from the rear property line. Where a public laneway abuts a site, the laneway may be included for the purposes of establishing the setback and angular plane. This Performance Standard is proposed for shallow properties because it is slightly more permissive than other existing rear transition regulations across the City.

The Mid-Rise Building Guidelines also state that the height of a mid-rise building (not including mechanical penthouse) should not exceed the width of the adjacent street right-of-way. This is to ensure that development maintains appropriate sunlight access, but also appropriately scaled streetwall heights relative to the right-of-way width. The right-of-way width of Eglinton Avenue East is approximately 27 metres. At 30.1 metres the 11-storey (30.1 metres plus 3 metres mechanical penthouse/exit stair – 33.1 metre total height) proposal exceeds the width of the right-of-way by 6 metres. If a mid-rise building were to be permitted, the height should be lowered further to meet the Mid-rise Guidelines, or as may be recommended through the Growth, Built form and Infrastructure review for the Yonge-Eglinton Secondary Plan.

The proposed development does not meet the in force Healthy Neighbourhoods, Built Form, or *Neighbourhoods* policies of the Official Plan, nor does it meet the Mid-rise Guidelines or the intent of such Guidelines.

Midtown in Focus: Growth, Built Form, and Infrastructure Review of Yonge-Eglinton Secondary Plan

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. Staff have reviewed the application against the Council endorsed principles, as well as utilizing analysis completed to date for the Review.

The application, as proposed, is contrary to a number of the applicable principles. In particular, the application does not:

- Reinforce existing character;

- Maintain and reinforce the stability of low-rise neighbourhoods as currently proposed;
- Reinforce the unique open space amenity and spaciousness of surrounding development on Eglinton Avenue; and
- Create a human-scaled public realm where buildings define and support streetscapes

The application was also reviewed in the context of the Character Area approach and analysis being undertaken for the Review. While the study is currently underway, it is important to note that the approach being utilized for the study is generally consistent with existing Official Plan policy.

The Eglinton East Apartment High Street is predominantly characterized with mid-century modern apartment buildings 9-12 storeys in height that are generously setback from Eglinton Avenue. The existing built form provides a unique built form context and sunny sidewalks, with opportunities for enhanced streetscaping. The proposed massing and articulation of the building does not respond adequately to the existing character of the Apartment High Street. Further, the redesignation of Neighbourhood properties and proposed built form of the low-rise apartment building is premature. Moreover, the proposal does not provide context appropriate transition.

Streetscape

Public Realm policy 3.1.1.6 calls for sidewalks and boulevards to be designed to provide safe, attractive, interesting and comfortable spaces for pedestrians. Public streets and boulevards should work with landscaped setbacks and ground floor uses to provide amenity for adjacent streets to make these areas attractive, interesting, comfortable and functional for pedestrians, as required by Built Form Policy 3.1.2.5 of the Official Plan. New development should be located and organized to frame and support adjacent streets to improve safety and pedestrian interest by generally locating buildings parallel to the street with a consistent front yard setbacks, as required by Policy 3.1.2.1 of the Official Plan. Policy 3.1.2.5 (a) and (b) further state this should be done by providing improvements to adjacent boulevards and sidewalks as well as providing co-ordinated landscape improvements in setbacks to create appropriate transitions between private and public realms.

The proposed 11-storey building has a 0 metre setback on Eglinton Avenue East and a 0.2 metre setback on Cardiff Road and the 12-unit stacked townhouse building has a setback of 1.7 metres on Cardiff Road. The proposed setbacks are not consistent with the setbacks of the buildings along Eglinton Avenue East or Cardiff Road. The placement of the 11-storey building to the property line on Eglinton Avenue East reduces the amount of space for appropriate landscaped setbacks, pedestrian amenity and weather protection, and provides no transition between private and public realms.

Traffic Impact, Access, Parking

The proposed site access is located on Cardiff Road and leads to a two level underground garage consisting of a total of 82 vehicular parking spaces (11 visitor, 71 resident). Transportation Services have indicated the parking location and ratio is acceptable.

A total of 114 bicycle parking spaces are proposed, consisting of 16 at grade spaces (5 for retail use, 11 for visitor) and 98 spaces below grade for residents.

Servicing

The proposed servicing has been determined to be generally acceptable.

Infrastructure capacity, specifically water, sanitary, and storm sewer capacity, within the Yonge-Eglinton Secondary Plan Area is under review as part of the Midtown in Focus planning study. In the event that the Ontario Municipal Board allows the appeal in whole or in part, the final order should be withheld until the results of the Midtown in Focus planning study are finalised with regard to infrastructure capacity, and it is determined whether holding provisions are required in the zoning by-law amendment.

Open Space/Parkland

The applicant is proposing to build a residential building and a second residential building with commercial space at 492-498 Eglinton Avenue East and 3-7 Cardiff Road.

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 1,347 square metres or 87 % 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 157square metres.

If the application, or a revised form of the application, were to be approved by the Board, the applicant would be required to satisfy the parkland dedication requirement through cash-in-lieu. Parks, Forestry and Recreation Staff advise that 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.

Section 37

Section 37 of the Planning Act allows the City to enter into an agreement with an applicant where there is 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 contribution and related by-law provisions and requirements for the satisfactory execution and registration of an Agreement pursuant to Section 37 of the *Planning Act* between the applicant and the City should be established if the project or some form of the project is ultimately approved by the OMB.

As 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, is it recommended that staff will request that the OMB withhold its final order until the City has a satisfactory registered agreement with the applicant to secure the appropriate community benefits.

CONCLUSION

The proposal constitutes overdevelopment of the subject site. The proposed built form does not meet the Healthy Neighbourhoods, Public Realm, Built Form or *Apartment Neighbourhood* policies of the Official Plan. Further, the proposed development does not adequately address the City's Mid-Rise Building Guidelines, nor the intent of such Guidelines, in terms of height, setbacks, building design and articulation, and rear angular plane.

The use of the *Neighbourhoods* designated portion of the site as the transition area is not appropriate and has the potential to destabilize the remainder of the *Neighbourhood*. The proposed development does not provide appropriate transition to the adjacent *Neighbourhoods*. The proposed massing of the buildings does not respond adequately to the existing character, or the planned context, of the neighbourhood, nor does it adequately address the public realm.

Any changes to the planned context of the area are best addressed comprehensively through the Yonge-Eglinton Secondary Plan Review, rather than on a site-specific basis prior to the completion of the Review.

Staff are recommending that the appeal of the application be opposed 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 2: Elevations

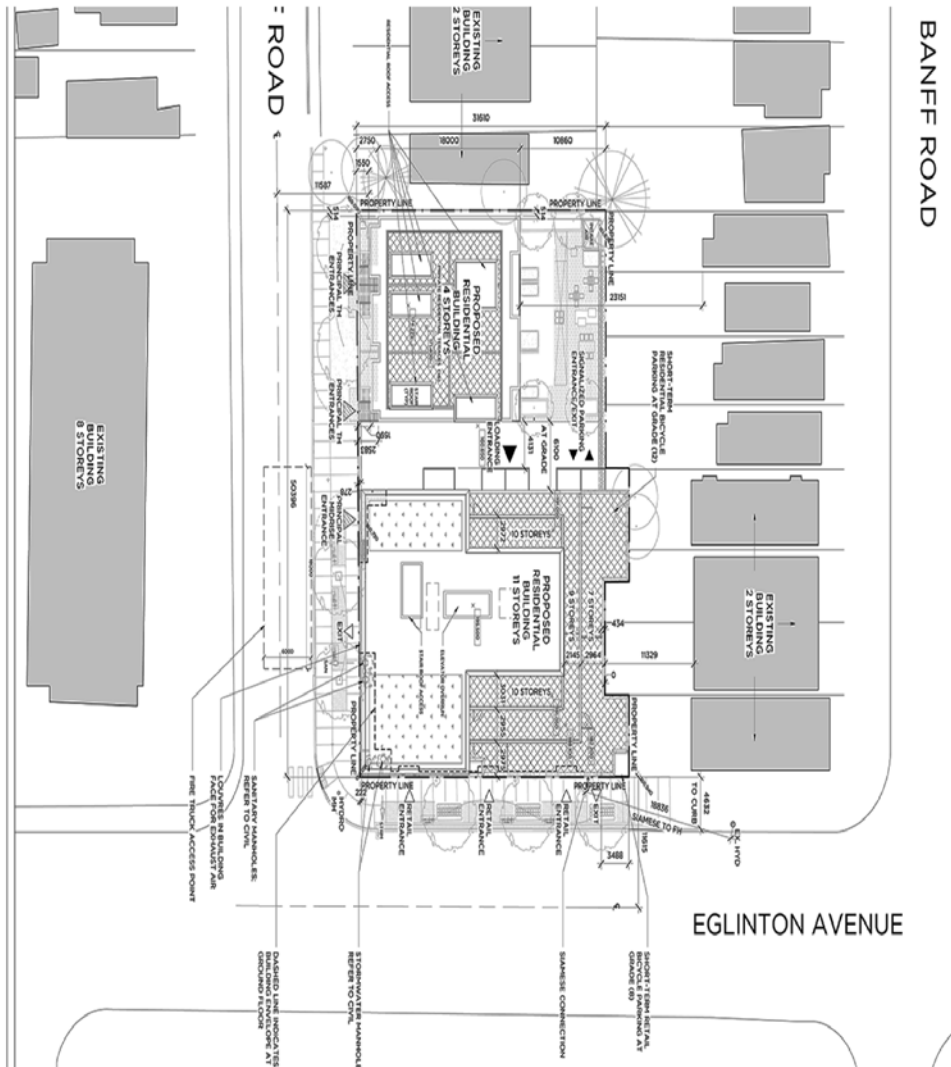
Attachment 3: Zoning

Attachment 4: Official Plan

Attachment 5: Application Data Sheet

Attachment 6: Application Data Sheet

Attachment 1: Site Plan



Site Plan

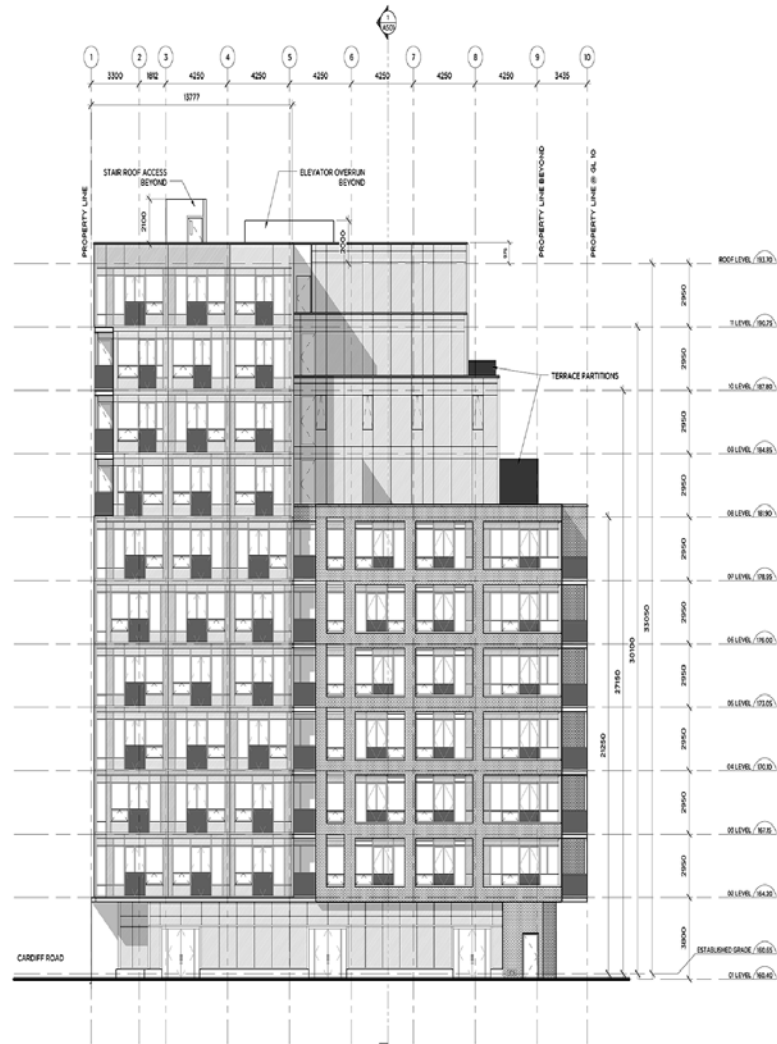
492-498 Eglinton Avenue East & 3-7 Cardiff Road

Applicant's Submitted Drawing

Not to Scale
03/18/2016

File # 16-124754

Attachment 2: Elevations



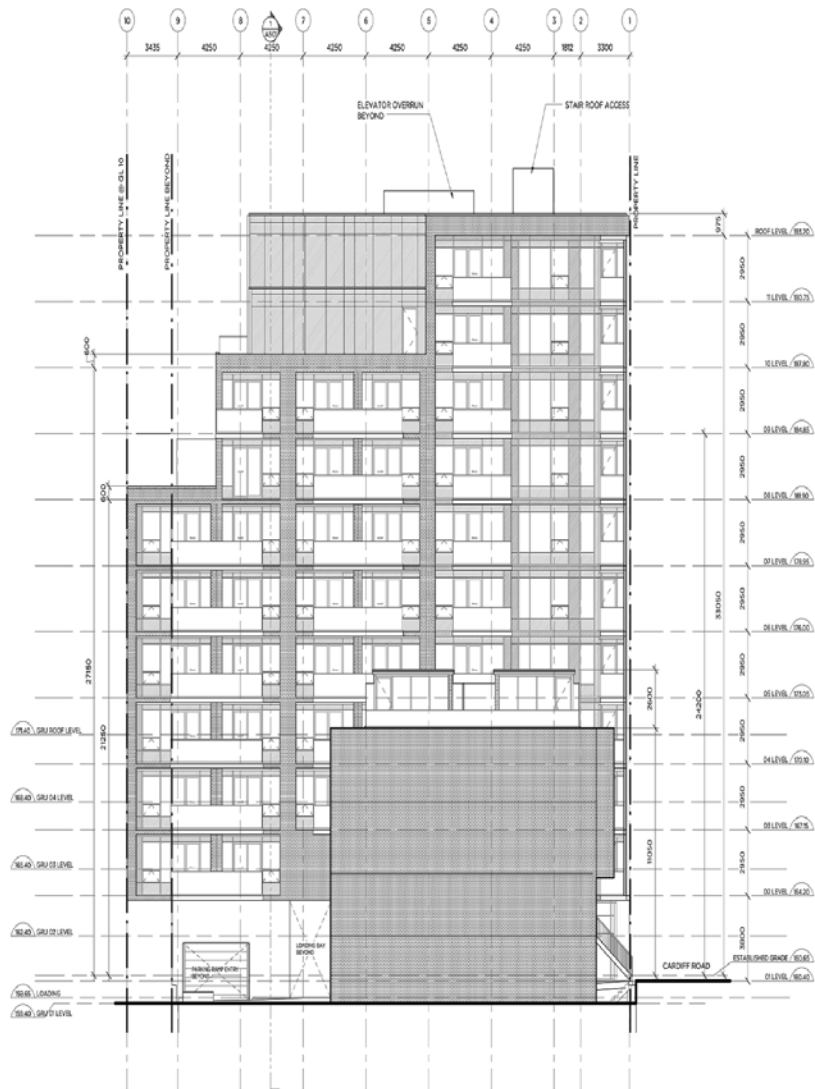
South Elevation

Applicant's Submitted Drawing

Not to Scale
03/17/2016

492-498 Eglinton Avenue East & 3-7 Cardiff Road

File # 16-124754 STE 22 02



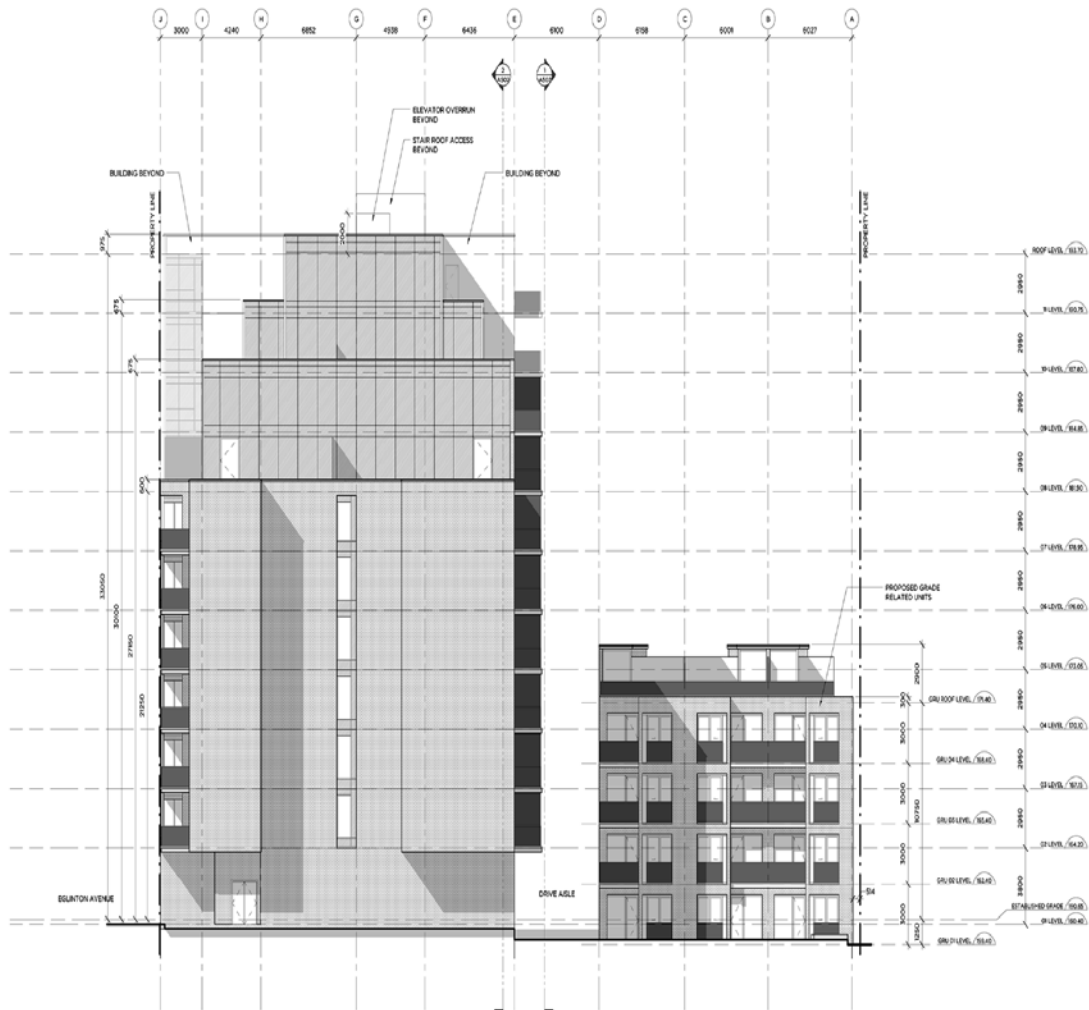
North Elevation

492-498 Eglinton Avenue East & 3-7 Cardiff Road

Applicant's Submitted Drawing

File # 16-124754 STE 22 02

Not to Scale
03/17/2016



East Elevation

492-498 Eglinton Avenue East & 3-7 Cardiff Road

Applicant's Submitted Drawing

File # 16-124754 STE 22 02

Not to Scale
03/17/2016



West Elevation

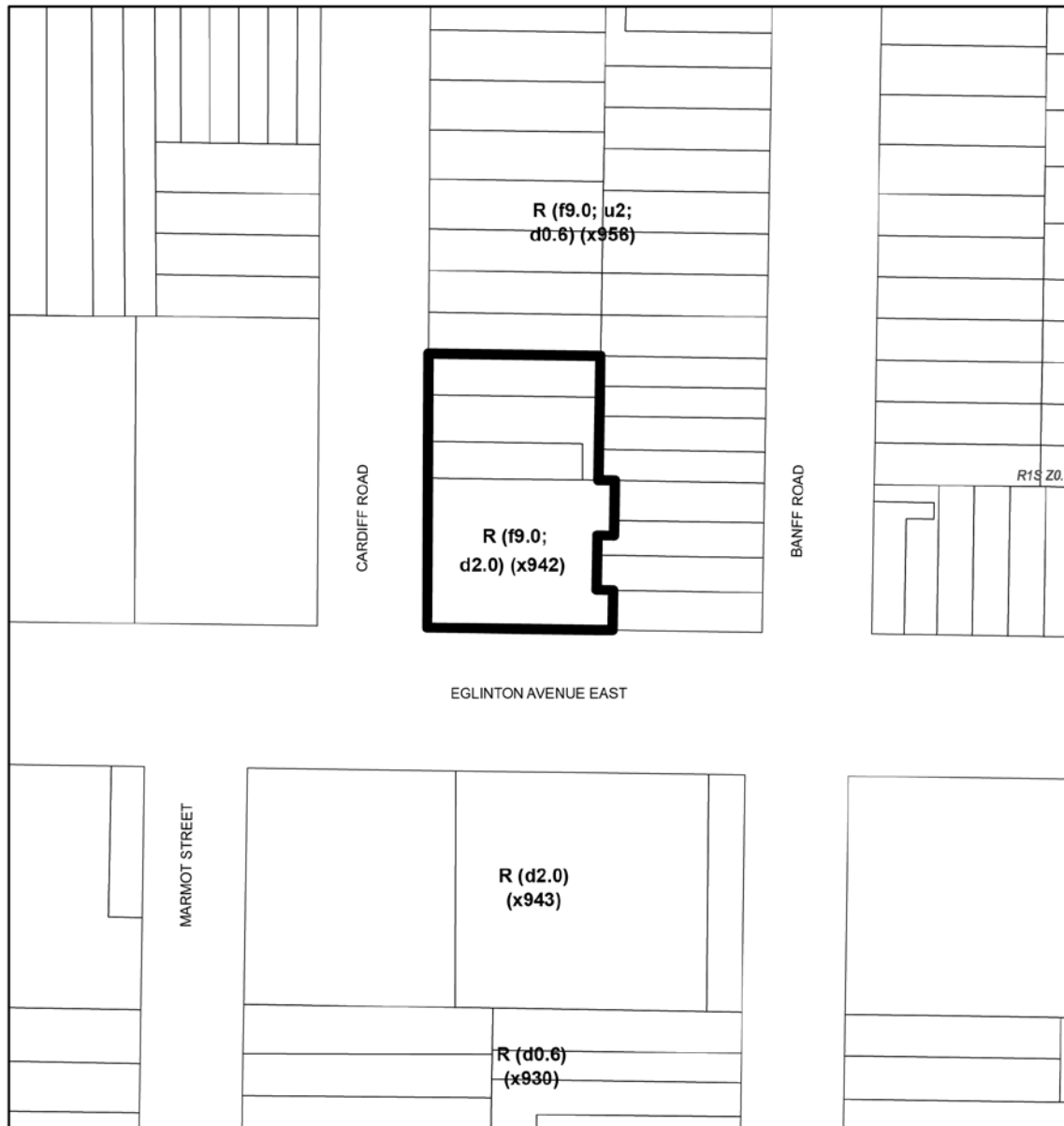
Applicant's Submitted Drawing

Not to Scale
03/17/2016

492-498 Eglinton Avenue East & 3-7 Cardiff Road

File # 16-124754 STE 22 02

Attachment 3: Zoning



Zoning By-Law No. 569-2013

492-498 Eglinton Avenue East & 3-7 Cardiff Road

File # 16-124753 STE 22 02



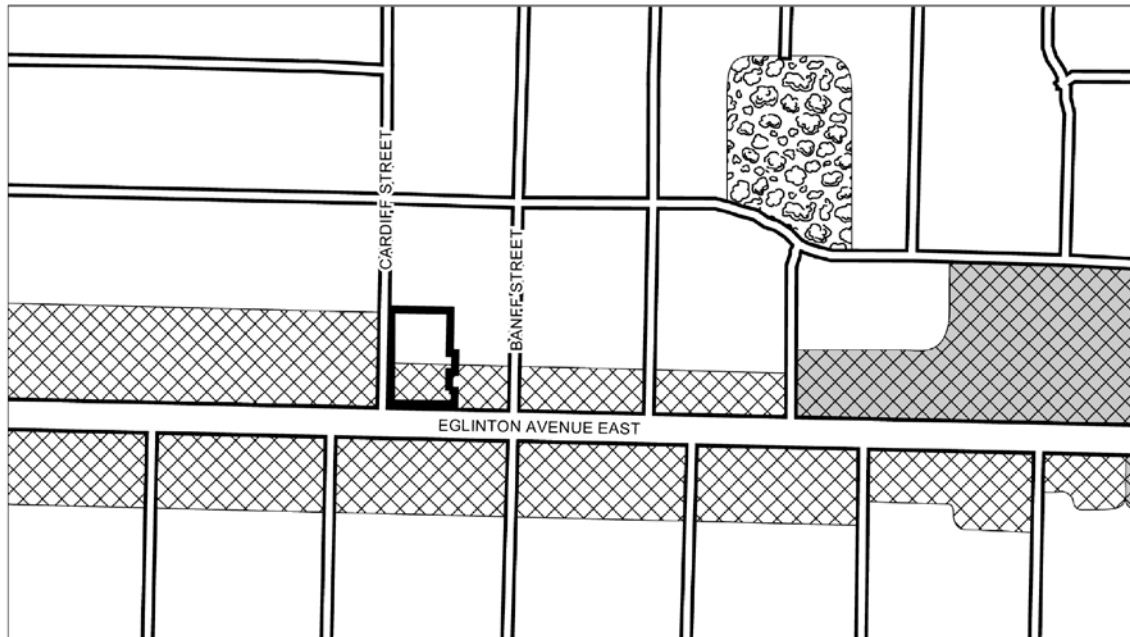
Location of Application

R Residential



Not to Scale
Extracted: 03/18/2016

Attachment 4: Official Plan



Extract from Official Plan

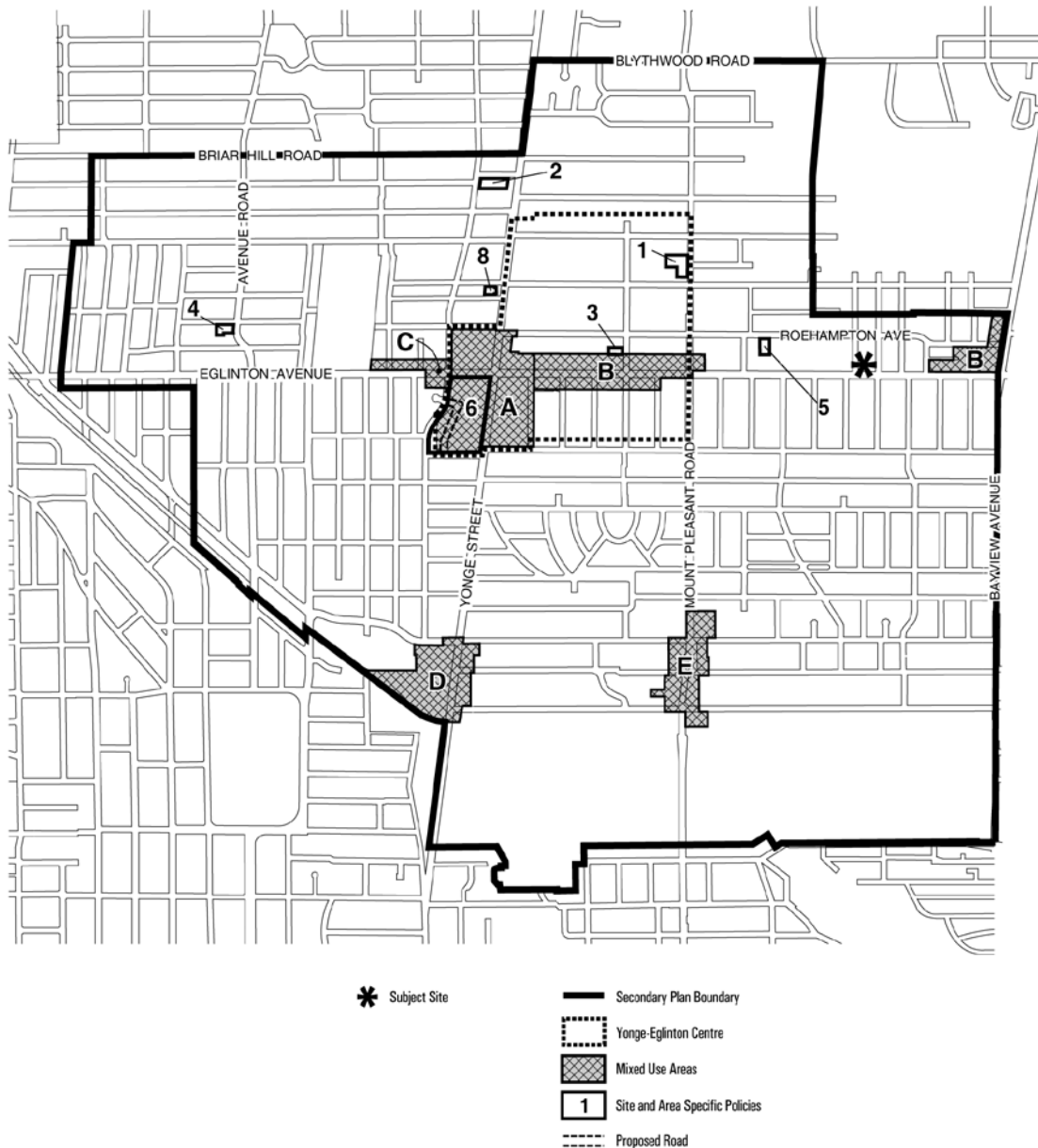
492-498 Eglinton Avenue East

File # 16 124754 STE 22 OZ

Site Location	Natural Areas	Institutional Areas	Utility Corridors
Neighbourhoods	Parks	Regeneration Areas	
Apartment Neighbourhoods	Other Open Space Areas	Employment Areas	
Mixed Use Areas			

↑
Not to Scale
03/24/2016

Attachment 5: Yonge-Eglinton Secondary Plan



Yonge Eglinton Secondary Plan
Map 21 Land Use Plan (July 2014)

Not to Scale
03/24/2016

**492-498 Eglinton Avenue East &
3-7 Cardiff Road**

File # 16 124754 STE 22 02

Attachment 6: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	16 124754 STE 22 OZ
Details	OPA & Rezoning, Standard	Application Date:	March 8, 2016
Municipal Address:	492-498 EGLINTON AVENUE EAST AND 3-7 CARDIFF ROAD		
Location Description:	PLAN 1544 PT LOT 1 **GRID S2201		
Project Description:	11-storey mixed-use residential building with retail on the ground floor along Eglinton Avenue East and 12 stacked townhouse units on Cardiff Road.		

Applicant:	Agent:	Architect:	Owner:
492 Eglinton Ave. E. Inc. 156 Duncan Mill Rd. Ste. 23A, Toronto, ON M3B 3N2	Hunter and Associates Ltd. 555 Richmond St. W. Ste. 405, Toronto, ON M5V 3B1	Raw Design 317 Adelaide St. W. Ste. 405, Toronto, ON M5V 1P9	1634934 Ontario Corp. 492 Eglinton Ave. E Toronto, ON M4P 1N3

PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhoods; Neighbourhoods	Site Specific Provision:	N
Zoning:	R (f9.0; d2.0) (x942); R (f9.0; d0.6) (x956)	Historical Status:	N
Height Limit (m):	18 m ; 9 m	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1631	Height:	Storeys:	11
Frontage (m):	9		Metres:	34
Depth (m):	50396			
Total Ground Floor Area (sq. m):	1057			Total
Total Residential GFA (sq. m):	8113		Parking Spaces:	82
Total Non-Residential GFA (sq. m):	299		Loading Docks	1
Total GFA (sq. m):	8412			
Lot Coverage Ratio (%):	64.8			
Floor Space Index:	5.16			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo, Freehold	Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	8113
Bachelor:	8 (7%)	Retail GFA (sq. m):	299
1 Bedroom:	54 (50%)	Office GFA (sq. m):	0
2 Bedroom:	40 (37%)	Industrial GFA (sq. m):	0
3 + Bedroom:	7 (6%)	Institutional/Other GFA (sq. m):	0
Total Units:	109		
CONTACT:	PLANNER NAME:	Emily Rossini, Planner	
	TELEPHONE:	416-397-4648	
	EMAIL:	Emily.Rossini@toronto.ca	