

2787 & 2791 Eglinton Avenue East - Zoning Amendment Application - Request for Interim Directions Report

Date: June 11, 2018

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Ward: Ward 35 – Scarborough Southwest

Planning Application Number: 18 140669 ESC 35 OZ

SUMMARY

This Report responds to an application where staff are currently not in a position to provide a Final Report to Council, but which could be appealed to the Local Planning Appeal Tribunal due to a lack of decision during the break in Council's meeting schedule (July to December 2018).

The Report sets out outstanding issues related to the application and makes an initial determination as to whether or not the application is consistent with the Provincial Policy Statement (2014) and conforms with the Growth Plan for the Greater Golden Horseshoe (2017).

This application proposes amendments to City of Toronto Zoning By-law No. 569-2013, as amended and Eglinton Community Zoning By-law No. 10048, as amended to permit 6 blocks of 4-storey stacked townhouses containing 198 residential units at 2787-2791 Eglinton Avenue East. The proposed development would have a total gross floor area of 18,053 square metres and a Floor Space Index of 1.85 times the lot area. A total of 238 vehicular and 149 bicycle parking spaces; and 1 Type-G loading space would be provided to service the proposed development.

The proposed development is not supportable in its current form and it has not demonstrated how it will fit into the planned context and vision for *Avenues* in the City's Official Plan. It is Staff's opinion that the proposed development is not consistent with the Provincial Policy Statement (2014), does not conform with the Growth Plan for the Greater Golden Horseshoe (2017) and is not in keeping with the intent of the City's Official Plan.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct City Staff to schedule a community consultation meeting for the lands at 2787-2791 Eglinton Avenue East together with the Ward Councillor;
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site;
3. Notice for the statutory public meeting under the *Planning Act* be given according to the regulations of the *Planning Act*;
4. City Council direct City Staff to review this application concurrently and in the context of the Eglinton Avenue East LRT Planning Study;
5. City Council direct City Staff to continue working with the applicant to resolve outstanding issues identified in this report;
6. City Council direct the City Solicitor and appropriate City Staff to attend and oppose the application in its current form, should the application be appealed to the Local Planning Appeal Tribunal (LPAT) on the basis of Council's failure to make a decision on the application within the statutory timeframe of the *Planning Act*; and
7. City Council direct the City Solicitor along with City staff and outside consultants, if necessary, continue to negotiate with the applicant in an effort to settle, should the application be appealed to the Local Planning Appeal Tribunal (LPAT).
8. In the event that the LPAT allows an appeal, in whole or in part, City Council direct the City Solicitor to request the LPAT withhold its Order on the Zoning By-law Amendment until:
 - a) A draft Zoning By-law Amendment is submitted to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
 - b) The owner has entered into an Agreement under Section 37 of the *Planning Act* with the City for the purpose of securing community benefits and public art if the proposed development is approved by the LPAT in its current form, or a prorated quantum if the development is approved with a mid-rise building and townhouses, with higher building heights and density;
 - c) The owner has submitted to the satisfaction of the Executive Director, Engineering and Construction Services an updated Functional Servicing and Stormwater Management Report and plans. In addition, the owner would be required to enter into an agreement(s) for the construction of any improvements to existing municipal infrastructure, should it be determined that upgrades are required to support this development; and

- d) The owner has submitted to the satisfaction of the General Manager, Transportation Services an updated Transportation Study, including an assessment of the developments compatibility with Eglinton Avenue East LRT project.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

In January 2016, City Council adopted the recommendations in the EX11.5 Scarborough Transit Planning Update report. City Planning was directed to study in detail an optimized Scarborough rapid transit network. The report identified two key objectives as follows:

- Support the development of Scarborough Centre as a vibrant urban node; and
- Support the development of complete communities along the *Avenues* and improve local accessibility.

The optimized network plan amongst others includes the eastern extension of the Eglinton Crosstown from Kennedy Station along Eglinton Avenue East, Kingston Road and Morningside Avenue to the University of Toronto, Scarborough Campus (UTSC) and beyond. The project is based on the Scarborough-Malvern LRT (SMLRT), which was approved under Ontario's *Environmental Assessment Act* in 2009. City Council in January 2016 directed staff to continue work to advance the Eglinton East LRT. Additional information about the Eglinton East LRT can be found online in a report to Council: <http://www.toronto.ca/legdocs/mmis/2016/ex/bgrd/backgroundfile-94623.pdf>.

On May 14, 2018, the Executive Committee approved City staff recommendations for the Eglinton East LRT project which would include an extension from Kennedy Station to Malvern Town Centre, as part of the overall Scarborough Transit Planning. The Executive Committee decision can be found at this web link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.EX34.1>.

Eglinton East LRT is currently unfunded. Staff have commenced the process for the Eglinton Avenue East Planning Study which aims at developing a vision for the Eglinton Avenue corridor that includes economic growth, intensification and beautification. A consultant has been hired and the study is underway.

The Eglinton Avenue East LRT Planning Study involves a Phase 1 Study comprising, Background Analysis, Vision and Principles, identification of Segments and Focus Areas and Public Realm Concept Plans to form the basis of more detailed design work to be undertaken in Phase 2. The Phase 1 Study has a target completion date of December 2018. The subject property is located along the planned Eglinton East LRT line, with a proposed stop (Danforth Stop) to be located in front of the subject property. Refer to Attachments 12 & 13: Proximity to Transit.

ISSUE BACKGROUND

Application Description

The application proposes 6 blocks of 4-storey stacked townhouses on the subject property (see Attachment 4: Site Plan and Attachment 7: Perspectives). The proposed development would contain a total of 198 residential units and a gross floor area of 18,053 m². The proposed building heights would range from 12.6 metres to 15.41 metres. The proposal would have a Floor Space Index of 1.85 times the lot area and a building coverage of 44% of the lot area. The proposed residential units would be provided in 6 blocks (namely blocks A, B, C, D, E and F). A summary of the proposed residential units is shown in Table 1, below:

Table 1: Proposed Residential Units

Blocks	1-bedroom	2-bedroom +den	3-bedroom	3-bedroom+den	Total
Block A		4	6	2	12
Block B		2	23	7	32
Block C		2	14	4	20
Block D	16	8	5	15	28
Block E	16	8	8	14	46
Block F	16	8	5	15	44
Total	48	32	61	57	198

The proposed residential units would front onto Eglinton Avenue East, Danforth Road and Horton Boulevard, whilst the interior facing units would front onto outdoor amenity open space areas and pedestrian walkways (landscape mews). See Attachment 1: Site Plan. Some of the residential units will be accessed through individual entryways from sunken patios that are between 7 and 9 steps below grade.

The application proposes a number open of space areas and landscaped mews on the subject property, however, the size of these spaces have not been provided. These open space areas are intended to provide amenity space for the residents.

The site currently has two vehicular accesses to Eglinton Avenue East and one access to Danforth Road. A singular 6 metre vehicular access is proposed from Eglinton Avenue East connecting east-west through the site to Danforth Road.

Vehicular and bicycle parking would be provided in a 1-level underground parking garage. A total of 238 parking spaces would be provided, including 38 parking spaces for visitors. A total of 149 bicycle parking spaces would be provided. The entrance to the underground parking garage and loading space would be located between Block A and B, adjacent to the existing bungalows on Horton Avenue. One type "G" loading space would be provided to service the proposed development.

For further statistical information, refer to Attachment 1: Application Data Sheet.

Site and Surrounding Area

The site is located on the southeast corner of Eglinton Avenue East and Danforth Road and is currently occupied by two buildings, with municipal addresses at 2787 and 2791 Eglinton Avenue East respectively.

A 2-storey building at 2787 Eglinton Avenue East contains an adult entertainment club, a bar and motel. A 1-storey building at 2791 Eglinton Avenue East contains a bowling alley. The site is irregularly shaped, with frontages on Eglinton Avenue East (approximately 94 metres) and Danforth Road (approximately 123 metres). The site area is approximately 9,797 m² in size. See Attachment 2: Location Map. All existing buildings are to be demolished to facilitate the proposed development.

- North: Immediately north of the site across Eglinton Avenue East is a 3-storey townhouse complex fronting directly on the Eglinton Avenue. Further north are a number of apartment buildings. Immediately east of the townhouse complex, on the north side of Eglinton Avenue East is a 1-storey vehicle service building and a new French Catholic high school.
- South: A residential area containing 1-storey bungalows fronting on Horton Boulevard and Boyce Avenue is located immediately south of the subject property. Horton Park is located further east of this residential area. A 1-storey commercial plaza is located further south of this residential area.
- East: Immediately east of the subject property is a 2-storey plaza containing a variety of retail/commercial uses. Further east lies a variety of uses including a vehicle dealership, two, 1-storey buildings containing a sports bar and a gas station. Two, 6 to 7 storey mid-rise buildings containing a seniors residential facility are located further east.
- West: Danforth Road is located immediately west of the site with a 1-storey building containing a pharmacy (Shoppers Drugmart) and a convenience store with a surface parking area. A 1-storey building containing a grocery store (No Frills) is located on the northwest corner of Eglinton Avenue East and McCowan Road/Danforth Road.

Planning Act

The *Planning Act* governs land use planning in Ontario and sets out the means by which municipalities must implement land use planning decisions. In particular, section 2 of the *Planning Act* requires municipalities, when carrying out their responsibilities under this Act shall have regard for matters of provincial interest including:

- the orderly development of safe and healthy communities;
- the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- the adequate provision of a full range of housing, including affordable housing;

- the adequate provision of employment opportunities;
- the protection of public health and safety;
- the appropriate location of growth and development;
- the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- the promotion of built form that,
 - (i) is well-designed,
 - (ii) encourages a sense of place, and
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

The above noted matters, amongst others, are relevant to this application, and Approval authorities shall have regard for these matters while carrying out their responsibilities under the *Planning Act*.

Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent

with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). The outcome of staff analysis and review are summarized in the Comments section of this Report.

Toronto Official Plan

This application has been reviewed against the policies of the City of Toronto Official Plan. The subject property is located within an *Avenue* on the Urban Structure Map (Map 2) and is designated as *Mixed Use Areas* (Map 20) in the City of Toronto Official Plan. The subject property is also located on a Major Street and a High Order Transit Corridor on Maps 3 & 4 in the Official Plan. Refer to Attachment 5: Official Plan Land Use Map.

Chapter 2 - Shaping the City

Chapter 2 of the Official Plan outlines the City's growth management strategy. The Official Plan is intended to ensure that the City of Toronto evolves, improves and realizes its full potential in areas such as transit, land use development, and the environment. The integration of transportation and land use is critical to achieving the overall aim of increasing accessibility throughout the City. To this end, the growth management policies of the Official Plan direct growth to identified areas on Map 2, which include *Centres, Avenues, Employment Districts* and the *Downtown and Central Waterfront*, where transit services and other infrastructure are available.

Section 2.2 of the Official Plan states that future growth within Toronto will be steered to areas which are well served by transit, the existing road network and which have a number of properties with redevelopment potential. Growth areas in the City are locations where good transit access can be provided along bus and rapid transit routes. Areas that can best accommodate this growth are shown on Map 2 of the Official Plan.

Policy 2.2.2 outlines how the objective of the growth strategy amongst others, is to be achieved by:

- using municipal land, infrastructure and services efficiently;
- concentrating jobs and people in areas well served by surface transit and rapid transit stations;
- promoting mixed use development to increase opportunities for living close to work and to encourage walking and cycling for local trips;
- offering opportunities for people of all means to be affordably housed;

- facilitating social interaction, public safety and cultural and economic activity;
- improving air quality and energy efficiency and reducing greenhouse gas emissions; and
- protecting *Neighbourhoods* and green spaces from the effects of nearby development.

Section 2.2.3 Avenues: Reurbanizing Arterial Corridors

As noted previously, Chapter 2 of the Official Plan sets out the policy framework and strategy for managing Toronto's growth including policies pertaining to *Avenues*. *Avenues* are important corridors along a major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities, while improving the pedestrian environment, the appearance of the street, shopping opportunities and transit service for community residents.

There is no "one size fits all" program for reurbanizing the *Avenues*. The *Avenues* will be transformed incrementally. They will change building-by-building over a number of years. The framework for new development on each *Avenue* will be established through an Avenue Study, resulting in appropriate zoning and/or design guidelines created in consultation with the local community. The Official Plan states that development in *Mixed Use Areas* on an *Avenue*, prior to an Avenue Study has the potential to set a precedent for the form and scale of reurbanization along the *Avenues*. In addition to the policies of the Plan for *Mixed Use Areas*, proponents of such proposals will also address the larger context and examine the implications for the segment of the *Avenue* in which the proposed development is located.

Policy 2.2.3.3 (b) states that the review of the segment will:

- (i) include an assessment of the impacts of the incremental development of the entire Avenue segment at a similar form, scale and intensity, appropriately allowing for distinguishing circumstances;
- (ii) consider whether incremental development of the entire *Avenue* segment as identified in the above assessment would adversely impact any adjacent *Neighbourhoods* or *Apartment Neighbourhoods*;
- (iii) consider whether the proposed development is supportable by available infrastructure; and
- (iv) be considered together with any amendment to the Official Plan or Zoning By-law at the statutory public meeting for the proposed development.

Development applications on the *Avenues* prior to an Avenue Study are required to be accompanied by an Avenue Segment Study, which discusses the implications for the portion of the *Avenue* resulting from the proposed development and whether the proposed development would be setting a positive precedent for future development of the remainder of the *Avenue*. The applicant has submitted an Avenue Segment Study in support of this application.

Policy 2.2.3.3 (c) of the Official Plan states that in addition to satisfying all other policies of this Plan, including in particular the neighbourhood protection policies, development in *Mixed Use Areas* on an *Avenue* that precedes the completion of an *Avenue* Study will:

- i) support and promote the use of transit;
- ii) contribute to the creation of a range of housing options in the community;
- iii) contribute to an attractive, safe and comfortable pedestrian environment that encourages walking and strengthens local retailing;
- iv) provide universal physical access to all publicly accessible spaces and buildings;
- v) conserve heritage properties;
- vi) be served by adequate parks, community services, water and sewers, and transportation facilities;
- vii) be encouraged to incorporate environmentally sustainable building design and construction practices that:
 - (1) reduce stormwater flows;
 - (2) reduce the use of water;
 - (3) reduce waste and promote recycling;
 - (4) use renewable energy systems and energy efficient technologies; and
 - (5) create innovative green spaces such as green roofs and designs that reduce the urban heat island effect.

Section 2.4 under, “Bringing the City Together: A Progressive Agenda of Transportation Change” outlines a number of objectives under the following policies.

Under Policy 2.4.2 a study of the transportation demands and impacts of new development may be required and conducted in accordance with guidelines established for this purpose. The study will identify and implement transportation improvements or other mitigating measures to accommodate travel generated by the development and where relevant:

- b) weigh traffic needs against the broader objectives of this Plan;
- c) make provision for future transportation improvements identified in this Plan; and
- d) integrate development into the surrounding public access system of roads, walkways, bikeways and transit facilities.

Policy 2.4.4 states that in targeted growth areas, planning for new development will be undertaken in the context of reducing auto dependency and the transportation demands and impacts of such new development will be assessed in terms of the broader social and environmental objectives of the Plan’s reurbanization strategy.

Policy 2.4.7 calls for sites in areas well serviced by transit, such as locations around key subway stations and along major surface transit routes, to consider the establishment of:

- a) minimum density requirements as well as maximum density limits;
- b) minimum and maximum parking requirements;
- c) redevelopment of surface commuter parking lots on City owned land;
- d) limiting surface parking as a non-ancillary use; and
- e) the development, retention and replacement of commuter parking spaces.

Healthy *Neighbourhoods* Policies

The Healthy *Neighbourhoods* policies of the Official Plan (Policy 2.3.1.2) provide guidance for development in *Mixed Use Areas* that are adjacent or close to *Neighbourhoods*. Policy 2.3.1.2 states that development within *Mixed Use Areas* that are adjacent to *Neighbourhoods* will:

- a) be compatible with those *Neighbourhoods*;
- b) provide gradual transition of scale and density, as necessary to achieve the objectives of the Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*; and
- c) attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*.

In addition, Healthy Neighbourhood Policy 2.3.1.3 permits Council to determine whether an area based study is required when intensification is proposed on lands adjacent to *Neighbourhoods*. Specifically, Policy 2.3.1.3, states, “intensification of land adjacent to *Neighbourhoods* will be carefully controlled so that *Neighbourhoods* are protected from negative impact. Where significant intensification of land adjacent to a *Neighbourhood* or *Apartment Neighbourhood* is proposed, Council will determine, at the earliest point in the process, whether or not a Secondary Plan, area specific Zoning By-law or area specific policy will be created in consultation with the local community following an Avenue Study, or area based study.”

In this instance and as noted on page 3 of this report, Council has directed Planning staff to commence a Planning Study on this segment of Eglinton Avenue East. As such, the application will be evaluated concurrently and in the context of the study.

Official Plan Amendment No. 320

As part of the City's ongoing Official Plan Five Year Review, Council adopted Official Plan Amendment No. 320 (OPA 320) on December 10, 2015 to strengthen and refine the Healthy *Neighbourhoods*, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing *Neighbourhoods*, allow limited infill on underutilized *Apartment Neighbourhood* sites and implement the City's Tower Renewal Program.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016, and this decision has been appealed in part. On December 13, 2017 the OMB issued an Order partially approving OPA 320 and brought into force new Policies 10 and 12 in Section 2.3.1, Healthy *Neighbourhoods* and Site and Area Specific Policy No. 464 in Chapter 7. Other portions of OPA 320 remain under appeal, and these appealed policies as approved and modified by the Minister are relevant and represent Council's policy decisions, but they are not in effect. More information regarding OPA 320 can be found here:

www.toronto.ca/OPreview/Neighbourhoods.

In addition, OPA 320 adds new criteria to existing Healthy *Neighbourhoods* policy 2.3.1.2 in order to improve the compatibility of new developments located adjacent and close to *Neighbourhoods* and in *Mixed Use Areas*, *Apartment Neighbourhoods* and *Regeneration Areas*. The new criteria address aspects in new development such as amenity and service areas, lighting and parking.

Chapter 3 - Building a Successful City

Chapter 3 of the Official Plan contains policies to guide decision making based on the Plan's goals for the human, built, economic and natural environments.

Public Realm

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

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.

Policy 3.1.2.1 directs new development to be located and organized to fit with its existing and/or planned context and frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces from the development by:

- a) generally locating buildings parallel to the street or along the edge of a park or open space with a consistent front yard setback;
- b) locating main building entrances so that they are clearly visible and directly accessible from the public sidewalk;
- c) providing ground floor uses that have views into and, where possible, access to, adjacent streets, parks and open spaces; and
- d) preserving existing mature trees wherever possible and incorporating them into landscaping designs.

Policy 3.1.2.2, amongst others, directs new development to be located and organized vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces by:

- a) using shared service areas where possible within development block(s) including public and private lanes, driveways and service courts;
- b) consolidating and minimizing the width of driveways and curb cuts across the public sidewalk;
- c) integrating services and utility functions within buildings where possible; and
- d) providing underground parking where appropriate;

- e) limiting surface parking between the front face of a building and the public street or sidewalk; and
- f) integrating above-ground parking structures, where permitted or appropriate, with building design, and have usable building space at grade facing adjacent streets, parks and open spaces.

Policy 3.1.2.3 requires that new development be massed and its exterior façade be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by:

- 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 for adequate light and privacy;
- 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; and
- f) minimizing any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

As detailed in Policy 3.1.2.5, new development is to provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians by providing:

- a) improvements to adjacent boulevards and sidewalks respecting sustainable design elements, which may include one or more of the following: trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers, lighting and bicycle parking facilities;
- b) co-ordinated landscape improvements in setbacks to create attractive transitions from the private to public realms;
- c) weather protection such as canopies, and awnings;
- d) landscaped open space within the development site; and
- g) public art, where the developer agrees to provide this, to make the building and its open spaces more attractive and interesting.

Policy 3.1.2.6 requires every significant new multi-unit residential development to provide indoor and outdoor amenity space for residents of the new development.

Public Art

Section 3.1.4 of the Official Plan recognizes the importance of Public Art to reflect the City's cultural diversity and history. Public art is encouraged to be included in all significant private sector developments.

Housing

Affordable Housing and Smart Urban Growth are key Strategic Actions for the City of Toronto. The Housing policies in Section 3.2.1 of the Official Plan support a full range of housing in terms of form, tenure and affordability, across the City and within *Neighbourhoods*. New housing supply will be encouraged through intensification and infill that is consistent with the Official Plan. Where six or more rental housing units will be lost as a result of redevelopment, the rental units are required to be replaced with the same number, type and size of units. Large residential developments provide an opportunity to achieve a mix of housing in terms of types and affordability.

Community Services and Facilities

The Community Services and Facilities policies in Section 3.2.2 of the Official Plan state that strategies for providing new social infrastructure or improving existing community service facilities will be developed for areas that are inadequately serviced or experiencing major growth or change, and will be informed through the preparation of a community services strategy. The applicant has provided a community services and facilities report as part of the application submission materials. This report is currently being reviewed by City staff to determine if it is consistent with the above noted policy.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Chapter 4 – Land Use Designations

Mixed Use Areas Policies

Mixed Use Areas designation permit a broad range of commercial, residential and institutional uses. It also includes policies and development criteria to guide development and its transition between areas of different development intensity and scale. The development criteria in “*Mixed Use Areas*” includes, but is not limited to:

- locating and massing new buildings to provide a transition between areas of different development intensity and scale;
- locating and massing new buildings to frame the edges of streets and parks; - providing an attractive, comfortable and safe pedestrian environment;
- providing good site access and circulation and an adequate supply of parking for residents and visitors;
- locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences;
- providing indoor and outdoor recreation space for building residents in every significant multi-residential development; and
- take advantage of nearby transit services.

Chapter 5 – Implementation: Making Things Happen

Chapter 5 of the Official Plan contains policies that set out a general approach to implementing the Plan, including the policies to guide local planning in the City.

Section 37 Community Benefits

Policy 5.1.1 of the Official Plan provides for the use of Section 37 of the *Planning Act* to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-Law in return for the provision by the applicant of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement which is registered on title. To this end, staff will determine if the provision of Section 37 community benefits may be required in relation to the development.

Zoning By-laws

The property is subject to two By-laws, namely, the City of Toronto Zoning By-law No. 569-2013, as amended and Eglinton Community By-law No. 10048, as amended. See Attachment 6: Existing Zoning By-law Map.

The City of Toronto Zoning By-law No. 569-2013, as amended zones the subject lands as Commercial Residential *CR 0.4 (c0.4; r0.0) SS3 (x686)*. A variety of uses including Automobile Sales, Service and Maintenance Uses, Funeral Homes, Fraternal Organizations, Hotels and Motels, Place(s) of Worship and Professional and Business Offices are permitted, but it does not permit residential uses as shown by numerical value of zero density for residential uses, in the zoning standards noted above.

The Commercial Residential zoning permits a maximum building height of 11 metres, a maximum building coverage of 33%, and a floor space index of 0.4 times the lot area for non-residential uses. This By-law contains a 45 degree angular plane requirement measured from the rear property line. This By-law also establishes minimum building setbacks from Eglinton Avenue East, Danforth Road and Horton Boulevard.

The Eglinton Community Zoning By-law No. 10048, as amended, zones the subject site Highway Commercial (HC 29-33-76-86), which permits day nurseries and “highway commercial”, but does not permit residential uses. Highway commercial uses are defined as commercial uses which necessitate a location adjacent to a major traffic arterial and do not require large areas for sustained off-street parking or those which are not suited to locations in shopping centres. Like By-law No. 569-2013, Eglinton Community By-law No. 10048 does not permit residential uses on the subject property.

Design Guidelines

Avenues and Mid-Rise Buildings Guidelines

City Council adopted the *Avenues and Mid-rise Buildings Study* and an addendum containing performance standards for mid-rise buildings. They identify a list of best practices and establish a set of performance standards for new mid-rise buildings. Key issues addressed include maximum allowable building heights, setbacks and stepbacks, sunlight and skyview, pedestrian realm conditions, transition to *Neighbourhoods and Parks and Open Space Areas* and corner sites. The link to the guidelines is here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/mid-rise-buildings/>.

City Council also adopted a revised Mid-Rise Building Performance Standards Addendum, for staff to use together with the 2010 approved Mid-Rise Building Performance Standards in the preparation of area studies or during the evaluation of development applications, where mid-rise buildings are proposed and Performance Standards are applicable, until such time as City Council adopts updated Mid-Rise Building Design Guidelines. Its decision is here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and <http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>.

The application will be evaluated against the Mid-Rise Building Performance Standards, should a mid-rise building be proposed on the site to determine how it complies with certain design standards, such as building height, setbacks, stepbacks, sunlight, skyview, pedestrian realm conditions, transition to *Neighbourhoods* and corner sites.

Townhouse and Low-rise Apartment Guidelines

The Townhouse and Low-Rise Apartment Guidelines were adopted by City Council with amendments in March 2018. City Council directed City Planning staff to use these Guidelines in the evaluation of townhouse and low-rise apartment development applications. These new Townhouse and Low-Rise Apartment Guidelines replace the Infill Townhouse Guidelines (2003) and are intended to be used in the review of an application when the proposed built form meets the City's Official Plan policies. The application were filed in February 2016 and were reviewed against the draft Guidelines and not the Council adopted Guidelines. The new Guidelines identify strategies to enhance the quality of these developments, provide examples of best practices, and improve clarity on various development scenarios.

The link to the Guidelines can be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/townhouse-and-low-rise-apartments/>

The application has been reviewed by staff against the above noted Guidelines.

Growing Up: Planning for Children in New Vertical Communities

In July 2017, Toronto City Council adopted the Growing Up Draft Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals. The objective of the Growing Up Draft Urban Design Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale. This guideline will be useful should a mid-rise building be proposed on the subject property.

Provincial Noise Guidelines

New provincial noise guidelines (NPC-300) were introduced in 2013, which replace and consolidate previous related guidelines. Among other matters, the guidelines provide advice, sound level limits and guidance that may be used when land use planning decisions are made under the *Planning Act*. They are intended to minimize the potential conflict between noise sensitive land uses and sources of noise emissions. Generally, the proponent of a new noise sensitive land use is responsible for ensuring compliance with applicable sound level limits.

Site Plan Control

The proposal is subject to Site Plan Control. The applicant has submitted a Site Plan Control application which is being reviewed concurrently with the Zoning Amendment application, under application no. 18 148155 ESC 35 SA.

Agency Circulation

The application together with the applicable reports noted below, have been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

Reasons for the Application

The proposal requires an amendment to the Zoning By-law to permit residential uses, establish development standards including use, building height, massing, setbacks, setbacks and density, number vehicular and bicycle parking spaces.

Complete Application Submission

The following reports/studies were submitted in support of the application:

- Planning Justification Report (including Community Services and Facilities Study);
- Avenue Segment Study;
- Public Consultation Strategy;
- Architecturals (Site Plan, Floor Plans, Elevations, Sections and Perspectives);
- Plan of Survey;
- Accessibility Design & Standards Memo/Checklist;
- Site Grading Plan;
- Tree Preservation Plan;
- Landscape Concept Plan;
- Green Development Standards Checklist and Statistics Template;
- Draft Zoning By-law Amendment;
- Transportation/Parking/Loading Study;
- Phase 1 & 2 Environmental Site Assessment;
- Preliminary Hydrogeological Study;
- Functional Servicing and Stormwater Management Report;
- Arborist/ Tree Preservation Plan;
- Environmental Noise Feasibility Study;
- Avenue Segment Review; and
- Preliminary Geotechnical Investigation.

A Notification of Complete Application was issued on April 9, 2018.

Links to these reports/plans/drawings are available through the Application Information Centre (AIC) at: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>.

COMMENTS

During pre-application consultation meetings with the owners of the subject property, Planning staff expressed concerns with the form of the proposed development on the site and provided guidance on the types of development/built form that would be appropriate for the site and the planned context.

Planning staff have significant concerns with the application in its current form as it constitutes underdevelopment of the site. The site is located on an *Avenue* and is identified as a Growth Area in the Official Plan, where intensification is encouraged and anticipated. The site has the capacity to accommodate a mid-rise building with townhouses transitioning to the adjacent *Neighbourhoods* south of the subject property. It is staff's opinion that new development in the form of a mid-rise building would optimize the use of the subject property, better support and promote the use of transit in a high-order transit corridor as outlined in the PPS, Growth Plan and the City of Toronto Official Plan.

The applicant has provided an Avenue Segment Study in support of the application. The segment study has been reviewed and deemed inconsistent with the relevant Official Plan policies. An evaluation of the segment study is included in subsequent sections of this report.

In addition, the proposed development should be evaluated within the context of the Eglinton Avenue East Planning Study, now underway. The objective of the study is to ultimately establish a Secondary Plan/Site and Area Specific Policies along portions of the corridor of the planned Eglinton Avenue East LRT extension from Kennedy Station to UTSC Campus. The study now underway would provide additional planning framework including a vision, principles, identification of segments and focus areas, public realm improvements to guide reinvestment and new development.

Notwithstanding the above-noted concerns, further review of the application and a public consultation process are recommended to assist in the determination of the nature and extent of changes to the application that would be required.

Provincial Policy Statement and Provincial Plans

The proposal as submitted has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2017). Staff are of the opinion that the proposal does not demonstrate consistency with the PPS (2014) and does not conform with the Growth Plan (2017).

While the PPS encourages intensification and efficient development, it recognizes that local context is important and that well-designed built form contributes to overall long-term economic prosperity. The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that "The Official Plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through Official Plans." The Official Plan identifies the subject property as well as others along Eglinton Avenue East as a growth area where intensification is

anticipated and encouraged, because it is located on a High Order Transit corridor, designated *Mixed Use Areas* and on an *Avenue* in the Official Plan.

Specifically, the proposal in its current form does not demonstrate consistency with the following PPS policies.

Policy 1.1.3.2 of the PPS, calls for development that supports densities and a mix of land uses which efficiently use land and resources and are transit-supportive, where transit is planned, exists or may be developed. The application on the other hand only proposes a single-use residential development. Staff are of the opinion that the site can accommodate a more intense development in the form of a mid-rise building at the corner of Eglinton Avenue East and Danforth Road, with townhouses transitioning further south along Danforth Road towards the low-scale houses on Horton Boulevard. The proposal in its current form underutilizes and does not efficiently intensify the site with a compact form of development.

In addition, the proposed single-use residential development in the form of 4-storey stacked townhouses is not consistent with Policy 1.1.3.6 of the PPS, which calls for new development in growth areas that occur adjacent to the existing built-up area to have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

Policy 1.1.3.4 of the PPS, speaks to appropriate development standards which facilitate intensification, redevelopment and compact form while avoiding or mitigating risks to public health and safety. The proposal brings forward development standards that do not facilitate appropriate intensification on the site, in light of its location on a High Order Transit Corridor and an *Avenue* as well as its *Mixed Use Areas* designation.

Furthermore, Policy 1.6.8.3 of the PPS under the Transportation and Infrastructure Corridor Policies of the PPS states that "Planning authorities shall not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified". In addition, "new development proposed on adjacent lands to existing or planned corridors and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities".

It is Staff's opinion that the proposal would set a negative precedent, therefore it would benefit from policy framework guidance that would result from the Eglinton Avenue East Phase 1 Planning Study. As such, Staff recommend that this application should be reviewed concurrently and in the context of the Eglinton Avenue East LRT Phase 1 Planning Study.

The Growth Plan outlines that municipalities through their Official Plans will develop and implement policies to achieve intensification by recognizing urban growth centres, intensification corridors and major transit station areas as key areas to accommodate intensification.

It is also Staff's opinion that the proposal in its current form does not conform to Policy 2.2.1 of the Growth Plan, as noted below:

Policy 2.2.1.2(c) states that growth within settlement areas will be focused in strategic growth areas and contextually appropriate locations with existing or planned transit, with a priority on higher order transit where it exists or is planned.

Policy 2.2.1.4 supports the achievement of complete communities that:

- a) feature a diverse mix of land uses, including residential and employment, uses, and convenient access to local stores, services, and public service facilities;
- d) expand convenient access to a range of transportation options, including options for the safe, comfortable and convenient use of active transportation; and
- e) ensure the development of high-quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards.

Although the development introduces residential development on the site, the planned context envisages high-density mixed-use communities comprised of residential, institutional or commercial uses that optimize the use of individual properties and cumulatively results in intensification that supports transit. The proposed single-use residential development at a future transit stop does not demonstrate a diversity of uses, including affordable housing, to accommodate people at all stages in life and retail/commercial uses and services, which are key ingredients for complete communities.

The proposal in its current form does not conform to Policy 2.2.4.10, which calls for lands adjacent to or near to existing and planned “frequent transit” to be planned for transit-supportive and active transportation purposes as well as a range and mix of uses and activities.

Policy 2.2.2.4 of the Growth Plan calls for municipalities to identify strategic growth areas to support achievement of intensification targets and recognize them as a key focus for development. This policy also calls for the identification of the appropriate type and scale of development and transition of built form to adjacent areas. Through the Official Plan, the subject property is located in a designated growth area and on the planned Eglinton Avenue East LRT corridor. Such high order transit corridors are envisaged to be intensified with densities that support transit.

The Growth Plan describes major transit station areas as areas which are approximately 500 metres from a transit station, equivalent to a 10 minute walk. The area is required to be defined through a Municipal Comprehensive Review process and approved by the Minister of Municipal Affairs.

Planning staff are currently undertaking an assessment of appropriate densities of population and jobs per hectare within 500 metres of the future Eglinton Avenue East

LRT station, which would be adjacent to the subject property. This assessment will help inform whether this proposal as well as other projected development within a radius of 500 metres from the proposed LRT station stop, meets the required density of 160 residents and jobs per hectare as outlined in Policy 2.2.4.3(b).

Given the above-noted reasons, the proposal does not have regard for Section 2 of the *Planning Act*, is not consistent with the PPS and does not adequately conform to and conflicts with the Growth Plan (2017).

Official Plan

Section 4 of the PPS outlines methods in which the PPS should be implemented and interpreted. Policy 4.7 outlines that a municipality's Official Plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through Official Plans. The PPS also directs municipalities to provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas. Policies 2.2.3 and 2.2.4 of the Growth Plan among others, outlines that municipalities through their Official Plans will develop and implement policies to achieve intensification by recognizing urban growth centres, intensification corridors and major transit station areas as key areas to accommodate intensification.

In accordance with the PPS and the Growth Plan, the City of Toronto's Official Plan provides a vision for a successful city, by directing growth into strategic areas, setting infrastructure priorities, and identifying implementation strategies. The vision of the Plan is about creating an attractive and safe City that evokes pride, passion and a sense of belonging to a City where people of all ages and abilities can enjoy a good quality of life.

Land Use

This application has been reviewed against the Official Plan policies described in the Background Section of the Report as well as the policies of the Toronto Official Plan as a whole. Given the existing and the planned context for the subject property and the surrounding area, the proposal does not meet the intent of the Official Plan in that it does not re-urbanize the site at an appropriate height, scale, density, and provide a mix of uses that is anticipated. The proposal therefore sets a negative precedent for future development on the *Avenue*.

The subject lands are designated *Mixed Use Areas* on Map 20 – Land Use Plan in the Official Plan. *Mixed Use Areas* are made up of 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 Official Plan recognizes the need to consider not only the existing but also the planned context in the evaluation of new development and is subject to all other policies in the Plan. Policy 2.2.2 of the Official Plan directs growth to the *Centres, Avenues, Employment Districts* and the *Downtown* in order to efficiently use municipal infrastructure while protecting *Neighbourhoods*. Policy 2.2.2 focuses the the concentration of jobs and people in areas that are well served by surface transit and rapid transit stations. As a result, the planned context along this segment of Eglinton Avenue East anticipates significant growth and intensification.

Although development in single-use buildings in *Mixed Use Areas* is generally permitted, development in such designations is to be considered together with all the relevant policies of the Official Plan. As such, the location of the subject property on an *Avenue* and a planned transit station on a High Order Transit Corridor anticipates significant growth in the form of mixed-use development within these areas. Staff are of the opinion that the proposed single-use residential development in the form of 4-storey stacked townhouses does not optimize the development potential of the site. Given the existing and planned context for the subject property and the surrounding area, the proposal is not consistent with the Official Plan's directions for re-urbanization on *Avenues*.

Avenue Segment Study

As noted in the Official Plan section of this report, development in *Mixed Use Areas* on an *Avenue* prior to an Avenue Study has the potential to set a precedent for the form and scale of re-urbanization along the *Avenue*. Proponents of such proposals are required to address the larger context and examine the implications for the segment of the Avenue in which the proposed development is located.

The Avenue Segment Study provided in support of the application identifies mid-rise buildings between 7 and 10 storeys as the appropriate built form on almost all the developable parcels of land on the *Avenue* to achieve the intensification policies of the Official Plan.

The application conversely proposes 4-storey stacked townhouses on the subject property. Policy 2.2.3.3(b) states that the review of the segment will include an assessment of the impacts of the incremental development of the entire *Avenue* segment at a similar form, scale and intensity. The Segment Study provided by the applicant does not conform to the above-noted policy. While it proposes mid-rise buildings on almost all developable sites along Eglinton Avenue East, it only proposes significantly lower scale 4-storey stacked townhouses. Four storey stacked townhouses are not envisioned as the appropriate built form in this location.

If the above noted Policy 2.2.3.3(b) is adhered to, the Segment Study would illustrate low-rise built forms similar to the subject proposal for all the other developable parcels. In addition, the subject site is located at the key intersection of Eglinton Avenue East and Danforth Road, near a planned LRT stop. Typically the greatest heights and densities would be located on prominent sites like this along an *Avenue* (provided that other Official Plan objectives are met). The proposed stacked townhouses on this site could potentially encourage even lower scale developments, such as street townhouses, at less prominent mid-block locations.

If the proposed development is deemed appropriate, the entire *Avenue* segment could potentially be occupied by low-rise developments of similar scale or even lower. This would not be in keeping with the City's vision for *Avenues*, especially for an *Avenue* with a planned LRT.

The application in its current form would set a negative and undesirable precedent for future development along Eglinton Avenue East.

Built Form

The Official Plan identifies that most of the City's future development will be infill and redevelopment. Development will need to fit in, respect and improve the character of the surrounding area (Chapter Three – Building a Successful City). The Official Plan recognizes the need to consider not only the existing but also the planned context in the evaluation of development proposals through the built form policies. Therefore, the re-urbanization envisaged in the *Avenues* policies is subject to the Built Form Policies in Section 3.1.2. The Official Plan includes development criteria pertaining to the location and organization of new development to fit within its existing and/or planned context, and define the edges of streets, parks and open spaces at good proportion, location and organization of vehicular parking, vehicular access, service areas and utilities to minimize their impacts on surrounding properties and to improve the safety and attractiveness of adjacent streets.

At the key intersection of Eglinton Avenue East and Danforth Road, near a planned LRT station, the proposed building height of 4-storeys does not optimize the development potential of the subject property. It does not contribute to the City's Avenue vision, and would set a negative precedent for the future developments in the Avenue segment area, the proposed building height of 4-storeys, does not optimize the development potential of the subject property. While the proposed building heights do not significantly exceed the maximum permitted building height of 11 metres, it is not consistent with the planned context where significant intensification with building heights commensurate with the width of adjacent streets are encouraged. The right-of-way width of Eglinton Avenue East and Danforth Road are 36 metres and 27 metres respectively. The right-of-way widths noted above are equivalent to mid-rise buildings having heights up to 8 and 11 storeys, provided that other Official Plan objectives are met.

In particular, the proposed townhouses on Blocks C, D, E and F, would suitably accommodate a mid-rise building. While the townhouses proposed on Blocks A and B, are generally acceptable from a building type standpoint, they require further articulation to ensure that they are compatible and appropriately transition towards the adjacent *Neighbourhoods* comprised of 1-storey dwellings. Refer to Attachment 4: Site Plan. The application of a 45 degree rear angular plane from the property lines of lands adjacent to *Neighbourhoods* would result in the reduction of the massing and density of some of the blocks. In addition, the separation distance between the development blocks are not adequate and require further consideration to be consistent with the Townhouse and Low-rise Apartment Guidelines. Staff are also concerned that there is insufficient high quality common outdoor amenity space. Should the required angular planes, appropriate separation distances, and sufficient outdoor amenity space be implemented, the proposed density of 1.85 would be reduced, further resulting in the unsuitability of the proposal to support transit.

The proposed building setbacks along Eglinton Avenue East and Danforth Road also require further consideration to allow for an appropriate building typology that takes the planned context into account, appropriately anchors the corner of the intersection, improves the streetscape and pedestrian experience and achieves the overall public realm objectives in the Official Plan.

Staff have considered the existing townhouses located across the subject property on the north side of Eglinton Avenue East, in the evaluation of this application. These townhouses were approved prior to the approval of the City of Toronto Official Plan by the Ontario Municipal Board, in 2006. The policies and development criteria in the Plan with respect to intensification on high order transit corridors and *Avenues* represents the City's current thinking and the future of re-urbanization in the City.

There are no properties with recent development applications in the surrounding area that contain the height, scale and density proposed by the application. The introduction of the proposed height, scale and density of development in the form of 4-storey stacked townhouses would set a negative precedent on this segment of Eglinton Avenue East.

In light of the foregoing, it is staff's opinion that the proposed built form is not appropriate, and a mid-rise building along Eglinton Avenue East would implement the built form policies in section 3.1.2 of the Official Plan and intensification envisaged as part of the planned Eglinton Avenue East LRT extension.

Staff propose to continue to work with the applicant to develop a proposal which supports the planned context and the *Avenue* at an appropriate scale that sets a positive precedent for future development on Eglinton Avenue East.

Should the application be revised with a mid-rise building, staff would undertake the following:

- Assess and confirm the suitability of the proposed height, density and massing of the application based on Provincial policies and plans, and the City's Official Plan policies;
- Assess transition impacts to adjacent areas, location of proposed indoor and outdoor amenity space and impacts on the public realm;
- Determine if the siting and massing of the proposed buildings are appropriate and provide a suitable relationship with Eglinton Avenue East, Danforth Road and other adjacent properties;
- Assess conformity with applicable Mid-Rise Buildings Design Guidelines and Performance Standards, as well as the Townhouse and Low-rise Apartment Guidelines.

Streetscape

An important consideration for new development in *Mixed Use Areas* is its interface with the public realm and existing pedestrian network. Development criteria for *Mixed Use Areas* are contained in Policy 4.5(2) and it indicates that development will:

- e) locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- f) provide an attractive, comfortable and safe pedestrian environment.

The proposed building and related setbacks must take the planned context into account, in order to anchor the corner of the intersection, improve the streetscape, pedestrian experience and achieve the overall public realm objectives in the Official Plan.

Housing

Policy 3.2.1.1 of the Official Plan states that a full range of housing, in terms of form, tenure and affordability will be provided and maintained to meet the current and future needs of residents. A full range of housing includes ownership and rental housing, affordable and mid-range rental and ownership housing, social housing, shared and/or congregate-living housing arrangements, supportive housing, emergency and transitional housing for homeless people and at-risk groups, housing that meets the needs of people with physical disabilities and housing that makes more efficient use of the existing housing stock.

Under Policy 3.2.1.2, the Official Plan states that the existing stock of housing will be maintained and replenished and new housing supply will be encouraged through intensification and infill that is consistent with the Plan. By being consistent with the Plan, intensification and infill must meet the policies regarding the built form and public realm, among others.

While the application comprises a mix of unit sizes ranging from 1 to 3 bedrooms, incorporation of a mix of residential tenures across the site with an emphasis on creating a range of affordable housing options is encouraged.

Residential Amenity Areas

Section 3.1.2.6 of the Official Plan states that every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents of the new development. The above-noted policy also states that each resident will have access to outdoor amenity spaces.

The application provides open spaces areas and landscaped mews between the six blocks of townhouses, however, the size of these spaces are unknown at the time of writing this report. No indoor amenity space has been provided, as the amenity uses are integral to individual units. The proposed common outdoor amenity space appears to be insufficient in terms of both quantity and quality.

A minimum of 2.0m² per unit of indoor and outdoor amenity space is regarded as appropriate and sought in proposals similar to this development. As such, a total of 396m² each would be appropriate for indoor and outdoor amenity space. The same amenity rate would be applied should the applicant revise their proposal and include a mid-rise building as part of their development on the subject property.

Growing Up: Planning for Children in New Vertical Communities

In July 2017, Toronto City Council adopted the Growing Up Draft Urban Design Guidelines and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals. The objective of the Growing Up Draft Urban Design Guidelines is to ensure that developments deliver tangible outcomes to increase livability for larger households, including families with children at the neighbourhood, building and unit scale.

Although the guidelines are not applicable due to the built form (4-storey stacked townhouses) proposed by the application, Planning staff would apply these guidelines should a mid-rise building be introduced as part of development on the site.

Site Servicing and Stormwater Management

The applicant submitted a Functional Servicing and Stormwater Management Plan/Report in support of the proposed development, which has been reviewed by Engineering and Construction Services staff. Staff have concerns with the adequacy of servicing infrastructure to support the proposed development. To this end, staff and have requested a revised application that demonstrates there is sufficient capacity in the watermain and storm system to support the development. Staff have also requested a revised Functional Servicing report that demonstrates post-development stormwater runoff that are in compliance with City standards. In addition, the applicant is required to make the necessary arrangements and enter into appropriate agreements regarding the design, construction and upgrades to municipal infrastructure.

Engineering and Construction Services staff, have advised that there is an existing 40 foot wide City easement across the entire width of 2791 Eglinton Avenue East. This easement should be shown on all plans and no building/structure should be located in the easement in order to comply with the easement agreement.

It is recommended that should the application be appealed and should the Local Planning Appeal Tribunal (LPAT) allow the appeal, the LPAT be requested to withhold its Order on the Zoning By-Law Amendment pending the resolution of these matters to the satisfaction of the Executive Director, Engineering and Construction Services.

Transportation

Transportation Services staff have reviewed the transportation report provided by the applicant in support of the proposed development and have the following concerns, amongst others:

- Suitability of the location, size and function of the proposed loading space;
- Appropriateness of the proposed vehicular access points on Eglinton Avenue East and Danforth Road; and
- Compatibility with the future Eglinton Avenue East Light Rail Transit (LRT).

The application proposes one type "G" loading space between Blocks A and B. Staff have advised that the plans and drawings should be modified to address the vertical clearance and grades pertaining to the loading space and minimum turning radii and truck turning operations and safety warning systems, amongst others.

The application proposes a 6-metre-wide private driveway and walkway system supporting vehicular, bicycle, pedestrian and emergency access. The driveway should be designed to meet the City's Development Infrastructure Policy and Standards.

Two vehicular access points would be provided to service the proposed development.. The access to be located on the northeast portion of the site on Eglinton Avenue East would be a "right-in/right-out" and the second access would be a "full move" access to

Danforth Road. Transportation Services staff have concerns with the location of the vehicular access from Eglinton Avenue East and Danforth Road, as well as its implications for the future LRT and overall traffic impacts in the area.

Transportation Services staff would continue working with the applicant to address the transportation issues identified in this report.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained enhanced and expanded. Map 8B of the Toronto Official Plan shows the local parkland provisions across the City. The lands which are the subject of this application are in an area with 0-0.42 hectares of local parkland per 1,000 people. The subject site is located in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

The parkland dedication is based on a site area of 9,480m². At the alternative rate of 0.4 hectares per 300 units, as specified in Chapter 415, Article III or the Toronto Municipal Code the proposal will generate a parkland requirement of 948m² based on a cap of 10%.

The applicant is required to satisfy the parkland dedication requirement through an on-site dedication of 948m². Parks, Forestry and Recreation Staff have advised that the ideal location of the park would be at the southwest corner of the site fronting Horton Boulevard and Danforth Road. Staff also advise amongst others that:

- a) the park location should be highly visible and accessible from nearby public streets to promote the safe use of the park.
- b) the dedicated parkland should be free and clear, above and below grade, of all casements, encumbrances and encroachments.

Staff require revised plans that show the size and location of the required onsite park dedication.

Community Services Assessment

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions, such as recreation, libraries, childcare, schools, public health, human services, cultural services and employment services.

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities to support healthy, safe, liveable, and accessible neighbourhoods. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

In March 2014, the City of Toronto identified 31 Toronto neighbourhoods to be designated as, Neighbourhood Improvement Areas (NIAs), under the Toronto Strong Neighbourhoods Strategy 2020 (TSNS2020). These neighbourhoods were measured using key indicators such as: i) Economic Opportunities, ii) Social Development, iii) Participation in Decision Making; iv) Healthy Lives and v) Physical Surroundings. For more information, visit the Toronto Strong Neighbourhoods 2020 page here: <https://www.toronto.ca/city-government/data-research-maps/research-reports/social-reports/toronto-strong-neighbourhoods-strategy-2020/>

The subject property is located in the Eglinton East NIA and additional information can be found through this link to the neighbourhood profile: <https://www.toronto.ca/wp-content/uploads/2017/11/8ff9-138-Eglinton-East.pdf>.

Other Matters

The reports and plans submitted by the applicant pertaining to matters such as, tree planting and removal, Toronto Green Standards and the capacity of nearby schools to accommodate new students require further review.

Section 37 Community Benefits

The Official Plan provides for the use of Section 37 of the *Planning Act* to pass By-laws for increases in height and/or density not otherwise permitted by the Zoning By-Law in return for the provision by the applicant of community benefits in the form of capital facilities. Should staff consider the project to be good planning and recommend it for approval, the details of an appropriate Section 37 contribution would be negotiated with the applicant during the review of the application and through consultation with the Ward Councillor. It is standard to secure community benefits in a Section 37 Agreement which is registered on title.

Conclusion

The proposed Zoning By-Law Amendment application has been reviewed against the policies of the PPS (2014), the Growth Plan (2017) and the Official Plan. Planning Staff are of the opinion that the application in its current form is not appropriate for the following reasons:

1. The proposal underutilizes the development potential of the site;
2. The proposed development would set a negative precedent along the *Avenue*;
3. The proposal has not demonstrated how it will fit into the planned context and vision for *Avenues*; and
4. The proposed development has not demonstrated compatibility with the future Eglinton Avenue East LRT.

As such, the proposed development is not consistent with the PPS (2014), conflicts with the Growth Plan (2017) and is not in keeping with the Official Plan.

This report recommends that City Council authorize the City Solicitor, together with City Planning Staff and any other appropriate Staff, to attend the Local Planning Appeal Tribunal (LPAT) hearing to support the position set out in this report, should an appeal be filed by the applicant.

This report also recommends that City Council direct the Chief Planner and Executive Director, City Planning in consultation with the City Solicitor and Ward Councillor to continue discussions with the applicant with the goal of addressing the issues outlined in this report.

CONTACT

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SIGNATURE

Paul Zuliani, RPP, MBA
Director, Community Planning, Scarborough District

ATTACHMENTS

City of Toronto Data/Drawings

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Context Map
- Attachment 4: Site Plan
- Attachment 5: Official Plan Land Use Map
- Attachment 6: Existing Zoning By-law Map
- Attachment 7: Perspectives
- Attachment 8: Elevations Block A
- Attachment 9: Elevations Block B
- Attachment 10: Elevations Block C
- Attachment 11: Elevations Blocks D, E&F
- Attachment 12: Proximity to Transit (1)
- Attachment 13: Proximity to Transit (2)

Attachment 1: Application Data Sheet

Municipal Address: 2787 - 2791 Eglinton Avenue East **Date Received:** April 9, 2018

Application Number: 18 140669 ESC 35 OZ

Application Type: Rezoning

Project Description: The application proposes an amendment to the Zoning By-law to permit 6 blocks of 4-storey stacked townhouses containing 198 residential units. The proposed development would have a total gross floor area of 18,053 square metres, and a Floor Space Index of 1.85 times the lot area. A total of 238 vehicular and 149 bicycle parking spaces, and 1 type-G loading space would be provided to service the proposed development.

Applicant	Agent	Architect	Owner
Bousfields Inc.	Bousfields Inc.	Kohn Partnerships Architects Inc.	2621960 Ontario Inc.

EXISTING PLANNING CONTROLS

Official Plan Designation: <i>Mixed Use Areas</i>	Site Specific Provision: Yes
Zoning: <i>Highway Commercial & Commercial Residential</i>	Heritage Designation: No
Height Limit (m): 11m	Site Plan Control Area: Yes

PROJECT INFORMATION

Site Area (sq m): 9,748 Frontage (m): 94 Depth (m): 62

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			4,293	4,293
Residential GFA (sq m):			18,052	18,052
Non-Residential GFA (sq m):				
Total GFA (sq m):			18,052	18,052
Height - Storeys:			4	4
Height - Metres:			15.41	15.41
Lot Coverage Ratio (%): 44.04			Floor Space Index: 1.85	

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	18,052	0
Retail GFA:	0	0
Office GFA:	0	0
Industrial GFA:	0	0
Institutional/Other GFA:	0	0

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	0	0	0	0
Freehold:				
Condominium:			198	198
Other:				
Total Units:	0	0	198	198

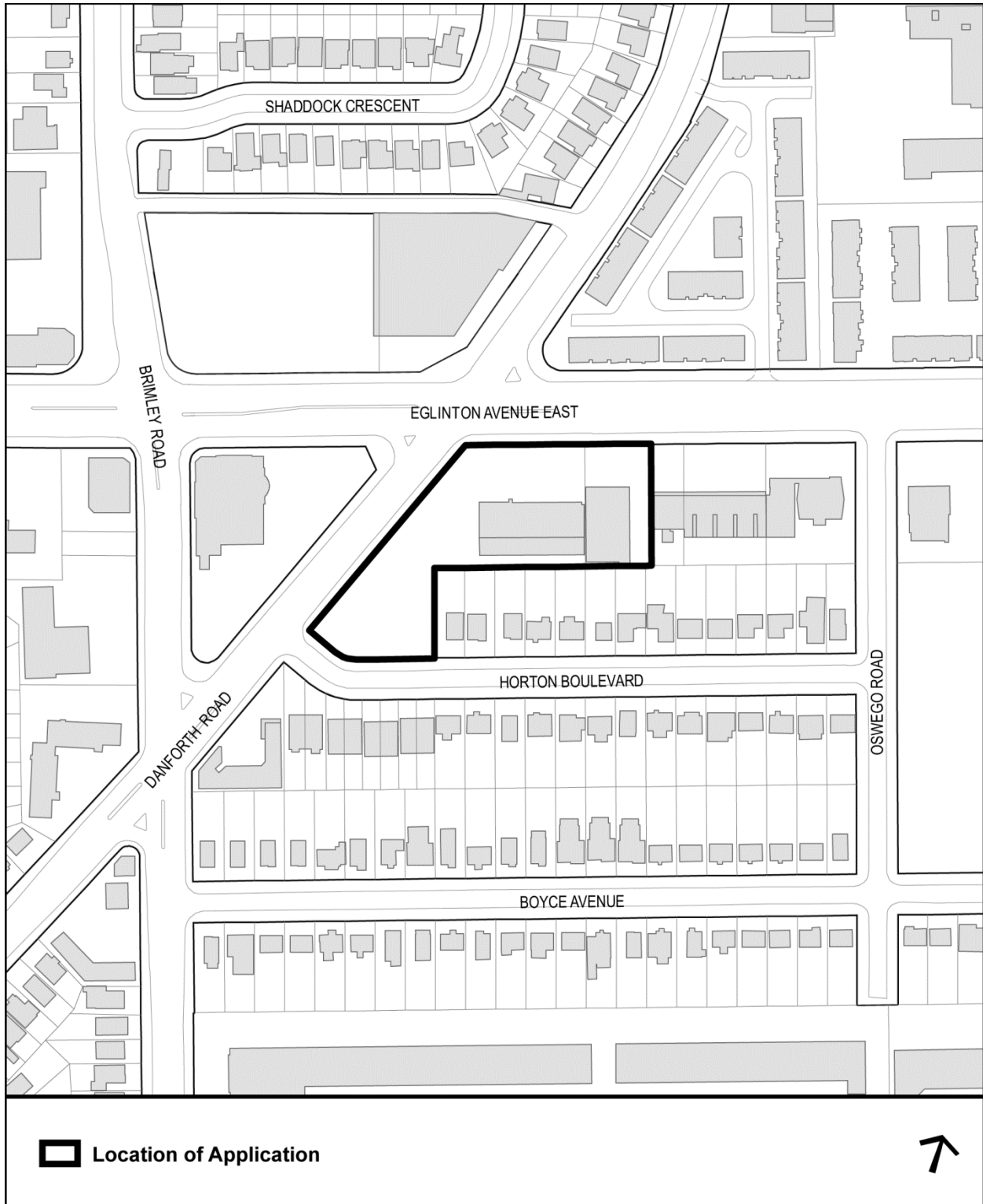
Total Residential Units by Size

	Rooms	1 Bedroom	2 Bedroom	3 Bedroom	3+ Bedroom
Retained:					
Proposed:	48	32	61	57	
Total Units:	48	32	61	57	

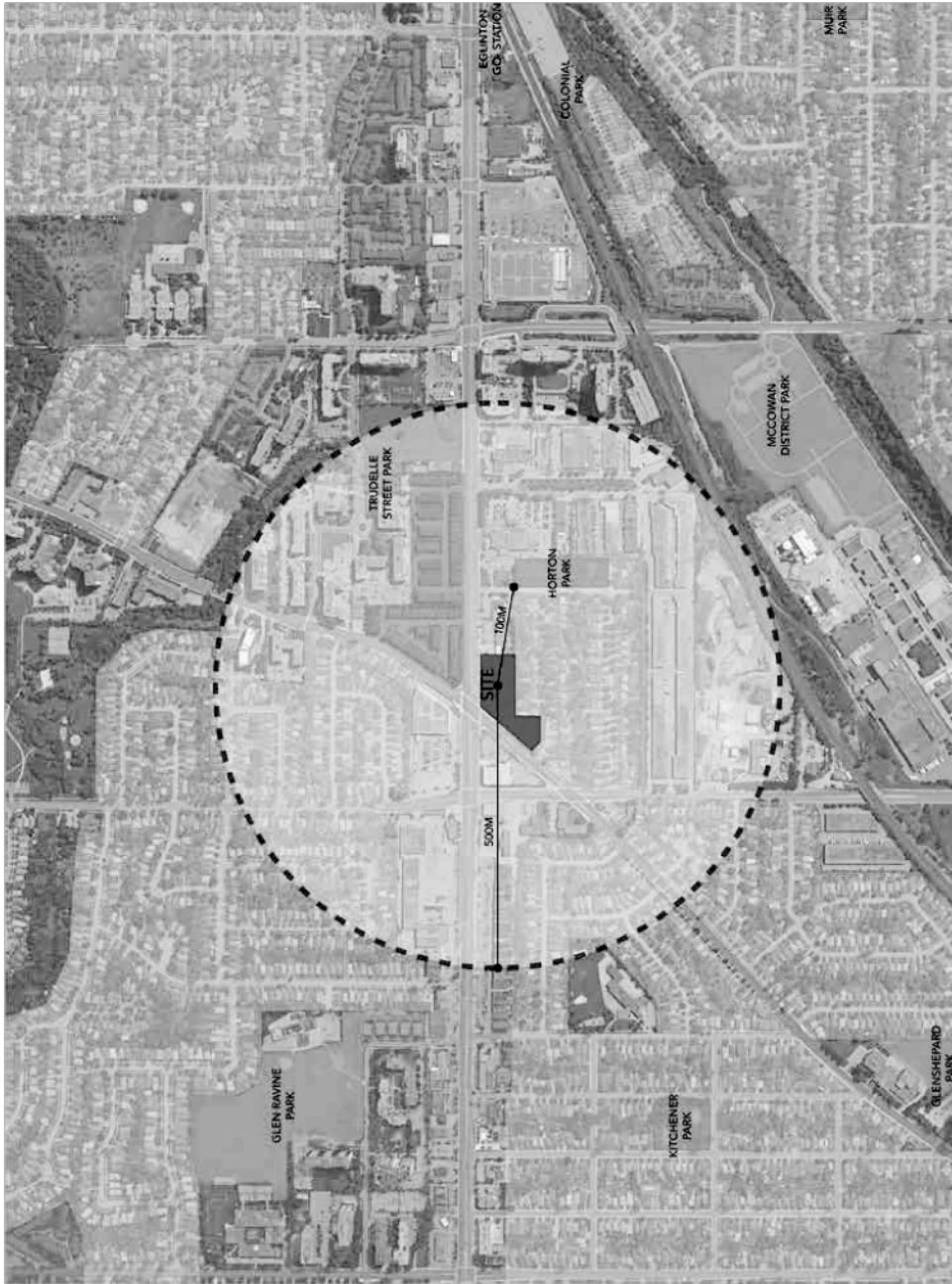
Parking and Loading

Parking Spaces: 238 Bicycle Parking Spaces: 149 Loading Docks: 1

Attachment 2: Location Map



Attachment 3: Context Map



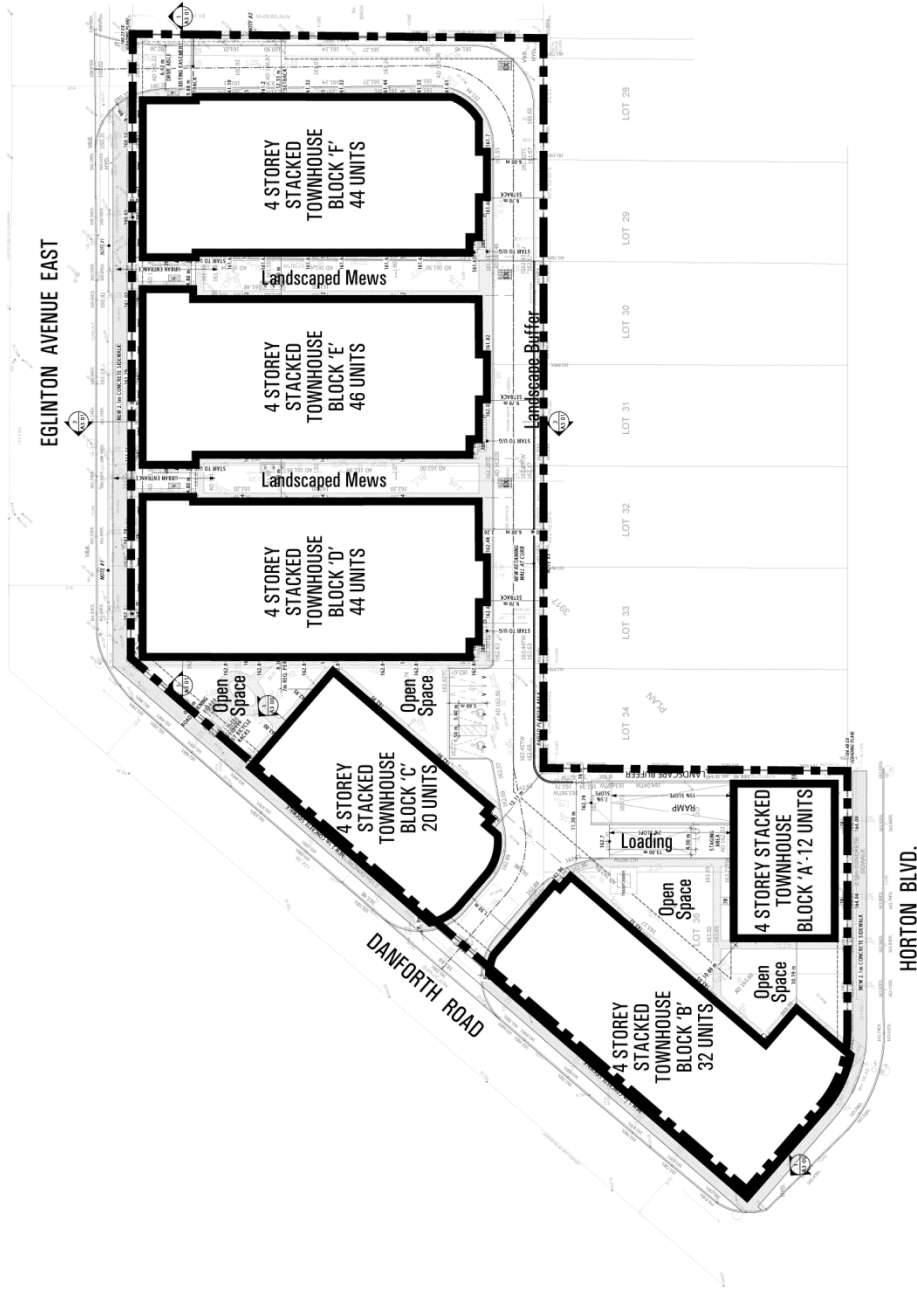
2787-2791 Eglinton Avenue East

Context Plan
Applicant's Submitted Drawing

Not to Scale
05/04/2018

File # 18 140669 ESC 35 0Z

Attachment 4: Site Plan



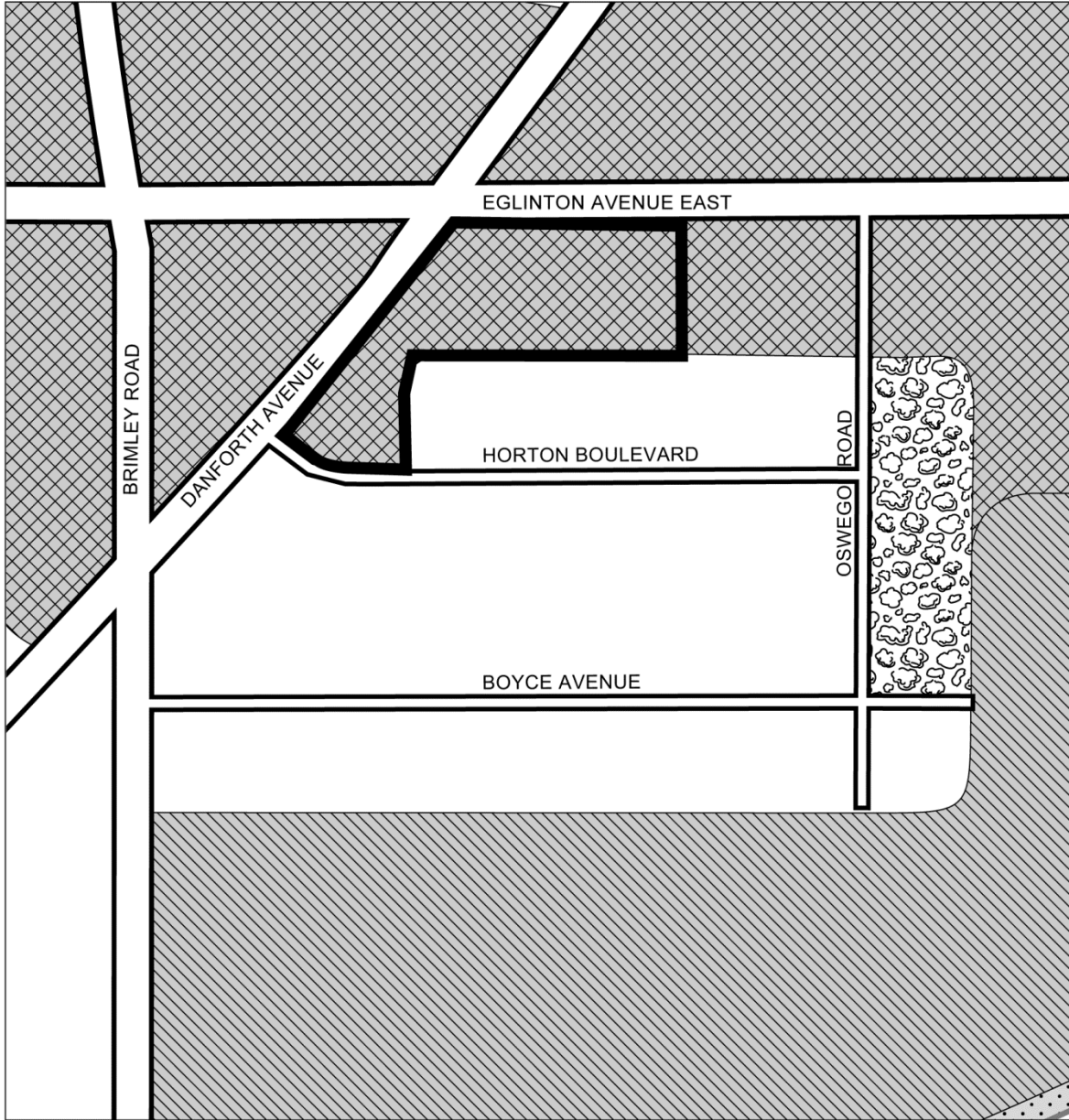
2787-2791 Eglinton Avenue East

Site Plan
Applicant's Submitted Drawing

Not to Scale
05/09/2018

File # 18 140669 ESC 35 0Z

Attachment 5: Official Plan Land Use Map



TORONTO
Official Plan Land Use Map #20

2787-2791 Eglinton Avenue East

File # 18 140669 ESC 35 OZ

 Location of Application	 Parks & Open Space Areas	 Employment Areas
 Neighbourhoods	 Parks	 Utility Corridors
 Mixed Use Areas		


 Not to Scale
 05/04/2018

Attachment 6: Existing Zoning By-law Map



Zoning By-law 569-2013

2787-2791 Eglinton Avenue East

File # 18 140669 ESC 35 0Z



Location of Application



See Former City of Scarborough Eglinton Community By-Law No.

RD Residential Detached
RS Residential Semi-Detached
RA Residential Apartment

RAC Residential Apartment Commercial
CL Commercial Local
CR Commercial Residential
OR Open Space Recreation

HC Highway Commercial



Not to Scale
 Extracted: 05/03/2018

Attachment 7: Perspectives



Danforth Road and Eglinton Avenue



View Along Eglinton Avenue

Perspectives

Applicant's Submitted Drawing

Not to Scale
05/04/2018

2787-2791 Eglinton Avenue East

File # 18 140669 ESC 35 0Z

Attachment 8: Elevations Block A



Elevations - Block 'A'
Applicant's Submitted Drawing

Not to Scale
05/10/2018

2787-2791 Eglinton Avenue East

File # 18 140669 ESC 35 OZ

Attachment 9: Elevations Block B



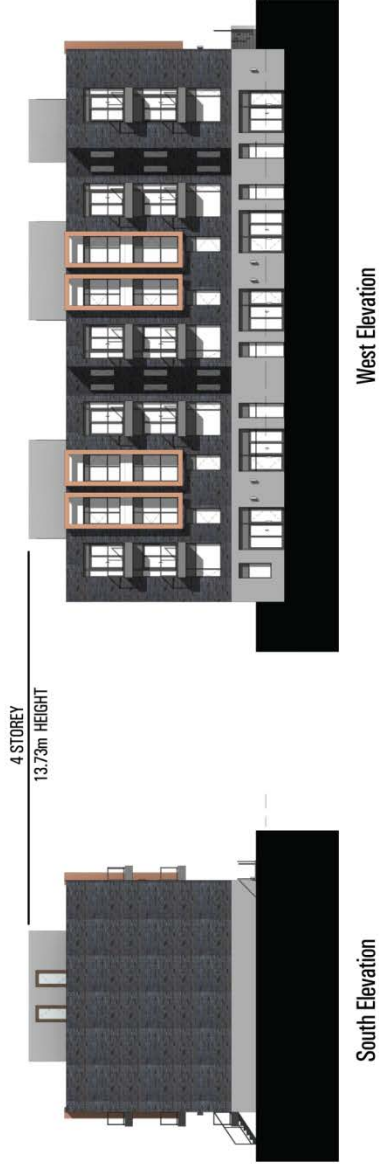
Elevations - Block 'B'
Applicant's Submitted Drawing

Not to Scale
05/10/2018

2787-2791 Eglinton Avenue East

File # 18 140669 ESC 35 0Z

Attachment 10: Elevations Block C



Elevations - Block 'C'
Applicant's Submitted Drawing

Not to Scale
05/10/2018

2787-2791 Eglinton Avenue East

File # 18 140669 ESC 35 0Z

Attachment 11: Elevations Blocks D, E & F



2787-2791 Eglinton Avenue East

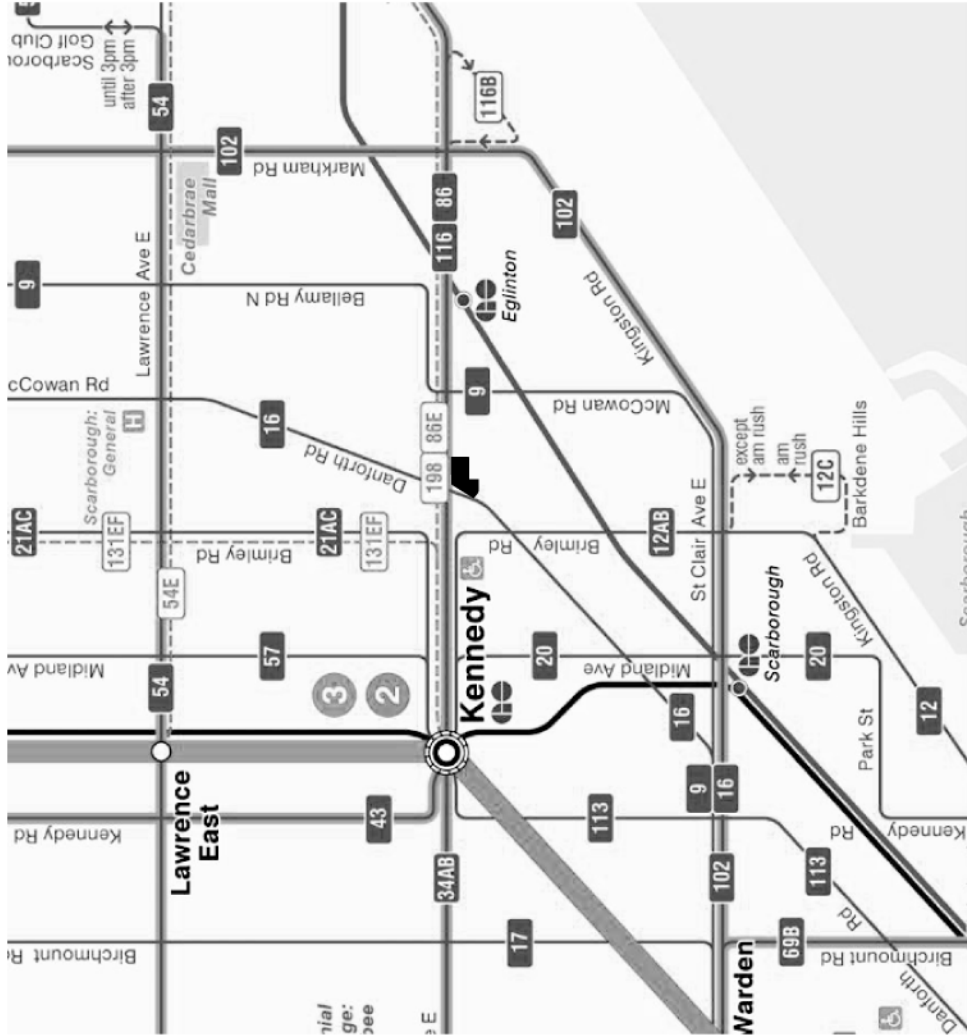
Elevations - Blocks 'D', 'E', 'F'

Applicant's Submitted Drawing

Not to Scale
05/10/2018

File # 18 140669 ESC 35 0Z

Attachment 12: Proximity to Transit (1)



2787-2791 Eglinton Avenue East

Proximity to Transit 1
 Applicant's Submitted Drawing

Not to Scale
 05/04/2018

File # 18 140669 ESC 35 0Z

Attachment 13: Proximity to Transit (2)



Proximity to Transit 2
 Applicant's Submitted Drawing
 Not to Scale
 05/04/2018

2787-2791 Eglinton Avenue East

File # 18 140669 ESC 35 0Z