

**808 Mount Pleasant Road – Zoning Amendment
Application – Request for Interim Direction Report**

Date:	June 15, 2018
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 22 – St. Paul's
Reference Number:	17 261931 STE 22 OZ

SUMMARY

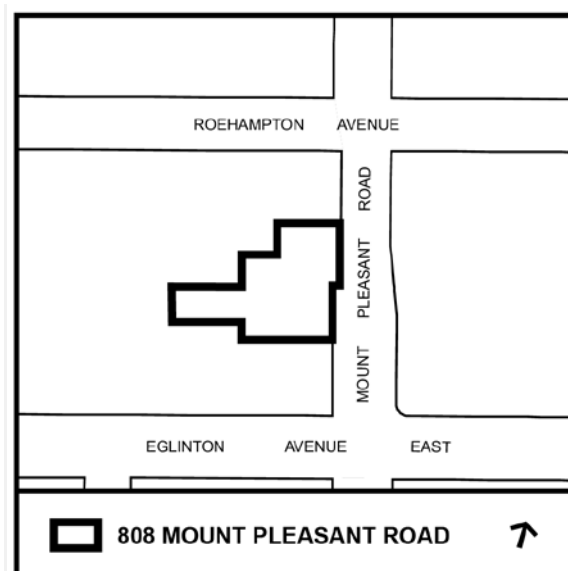
This Report responds to an application where staff are currently not in a position to provide a Final Report to Council, but which could be appealed to the Local Planning Appeal Tribunal (LPAT) due to a lack of decision during the break in Council's meeting schedule (July to December 2018).

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) (PPS) and conforms with the Growth Plan for the Greater Golden Horseshoe (2017) ("Growth Plan").

This application proposes a 44-storey (148.2 metres including mechanical penthouse) mixed-use building containing a total of 457 dwelling units. A total of 166 parking spaces will be provided in a 4-level below-grade garage.

In its current form, the proposed development is not consistent with the PPS, does not conform with the Growth Plan and does not conform with the policies of the Official Plan.

Issues to be resolved, as outlined in this report, include: height, setbacks, parkland dedication, infrastructure capacity, pedestrian connections, and Section 37 community benefits.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct City Staff to continue to review the application and resolve any outstanding issues detailed in this report (June 15, 2018) from the Acting Director, Community Planning, Toronto and East York District.
2. 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, on the basis of Council's failure to make a decision on the application within the statutory timeframe of the *Planning Act*.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A Preliminary Report on the application was adopted by Toronto and East York Community Council on February 21, 2018 authorizing staff to conduct a community consultation meeting with an expanded notification area.

Pre-Application Consultation

A pre-application meeting was held on December 6, 2016. The current application was submitted on November 14, 2017 and deemed complete on January 9, 2018. City Planning staff expressed concerns related to the height of the proposed building and its setbacks. Planning staff also informed the applicant of the on-going Midtown in Focus Study, reviewed emerging directions publicized at prior community consultation events, and indicated that a proposed Secondary Plan update would be presented to City Council in late 2017.

ISSUE BACKGROUND

Proposal

This application proposes a 44-storey (148.2 metres, including 5-metre mechanical penthouse) mixed-use building with commercial uses on the ground floor (472 square metres) and 457 residential units (248 one-bedroom units, 161 two-bedroom units, and 48 three-bedroom units). The proposed density is 13.7 times the area of the lot.

The ground floor will be setback a minimum of 1.7 metres at grade from the property line on Mount Pleasant Road, providing a minimum setback of 4.84 metres from building face to curb. The ground floor of the building will be setback approximately 0.0 metres at grade from the majority of rear and site lot lines, with a 0.92 metre rear setback at the northwest corner of the site.

The 2nd through 7th floors will be setback a minimum of 5.5 metres from the rear lot lines, and 0.0 metres from the north and south lot lines. Along the Mount Pleasant Road frontage, the southern half of the building will be setback 0.41 metres from the property line, and the northern half of the building will be setback 3.15 metres, with balconies extending to the property line. The streetwall height along Mount Pleasant Road will be 27.5 metres.

Above the 7th floor, the tower portion of the building will be setback approximately 5.6 metres from the north property line, 12.6 metres from the south property line abutting Mount Pleasant Road, and a minimum of 5.6 metres from the staggered rear lot line. A tower separation distance of 25 metres is provided to the 15-storey apartment building to the northwest of the subject site.

A total of 166 vehicle parking spaces are proposed in a 4-level underground garage accessed from a driveway on Mount Pleasant Road at the south end of the site. The loading area will be accessed from the driveway and will be located inside the building. A total of 921 square metres of indoor amenity space and 914 square metres of outdoor amenity space are proposed on the 2nd and 8th floors.

Site and Surrounding Area

The site is located on the west side of Mount Pleasant Road north of Eglinton Avenue East. It is irregular in shape, approximately 2343.4 square metres in size and has 50.2 metres of frontage on Mount Pleasant Road. The site is currently occupied by a 10-storey hotel (Best Western Roehampton) and an associated surface parking lot. The following uses are adjacent to the site:

- North: At the southwest corner of Mount Pleasant Road and Roehampton Avenue are three 2-storey detached dwellings. To the northwest, fronting onto the south side of Roehampton Avenue, is a 15-storey apartment building. Farther north is an 11-storey apartment building on the north side of Roehampton Avenue, and a two-storey commercial building and a series of two-storey semi-detached dwellings fronting onto Mount Pleasant Road.
- South: At the northwest corner of Mount Pleasant Road and Eglinton Avenue East is the site of a future Crosstown LRT station. On the north side of Eglinton Avenue East, directly south of the site, are a series of commercial buildings of 4 to 8 storeys in height and an 11-storey residential building. On the south side of Eglinton Avenue East is Eglinton Junior Public School.
- East: On the east side of Mount Pleasant Road is a church and a 10-storey apartment building. On the northeast corner of Mount Pleasant Road and Roehampton Avenue is Northern Secondary School.
- West: On Eglinton Avenue East are two mixed-use buildings of 8 and 21 storeys in height. On Roehampton Avenue is an existing 12-storey apartment building and a new 34-storey apartment building under construction.

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Section 2 of the *Planning Act* sets out matters of provincial interest, which City Council shall have regard to in carrying out its responsibilities. The matters include:

- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (k) the adequate provision of employment opportunities;
- (p) the appropriate location of growth and development;
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- (r) the promotion of a built form that,
 - (i) is well designed;
 - (ii) encourages a sense of place;
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive, and vibrant.

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 matters of provincial interest related to 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 Greater Golden Horseshoe 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 and for conformity with the Growth Plan. The outcome of staff analysis and review are summarized in the Comments section of the Report.

Official Plan

This application has been reviewed against the policies of the Official Plan as follows:

Section 2.2.2 Centres: Vital Mixed Use Communities

The site is located within the Yonge-Eglinton Centre. Centres play an important role in how we manage growth in the City. They are places with excellent transit accessibility where jobs, housing and services will be concentrated in dynamic mixed use settings with different levels of activity and intensity. Each Centre will have a secondary plan. Secondary Plans for Centres will, among other things, provide a supportive environment for residential and employment growth, including new commercial office space. The plan will also delineate the boundaries of the growth centre, provide a strategy for public realm and parks improvements, support the use of public transit and other transportation modes (e.g. cycling and walking) and ensure that an appropriate transition is created between high growth areas and lower scale development, particularly *Neighbourhoods*.

Employment within the Yonge-Eglinton Centre is focussed at the Yonge Street and Eglinton Avenue East intersection and along Eglinton Avenue East. The Yonge-Eglinton Centre should continue to develop as both an office centre and a desirable living area. Through the development process, improvements will be made to the quality of the pedestrian realm, and new parks and open spaces will be created.

In July 2016, City Council directed staff to consider and review Official Plan amendment and rezoning applications in the Yonge-Eglinton Secondary Plan area in the context of the City Council directed Midtown in Focus: Growth, Built Form and Infrastructure Review. At its December 5, 2017 meeting, Council reaffirmed this direction for applications submitted prior to November 15, 2017, and also directed staff to assess the cumulative impact of development in the area on the availability of the necessary infrastructure to support continued development, and to use planning mechanisms, including holding provisions, as necessary to ensure that growth and infrastructure needs are aligned.

Section 2.3.1 Healthy Neighbourhoods

Policy 2.3.1.3 identifies that intensification of land adjacent to neighbourhoods will be carefully controlled to protect neighbourhoods from negative impact. The policy provides the opportunity to determine, through the review of applications involving significant intensification adjacent to a *Neighbourhood* or *Apartment Neighbourhood*, whether a Secondary Plan, area specific zoning by-law or area specific policy should be created in consultation with the local community following an Avenue Study or area based study. The policy requires City Council to make this determination at the earliest point in the process. The proposal is located within 60 metres of a *Neighbourhood* to the northeast.

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment 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 and allow limited infill on underutilized *Apartment Neighbourhood* sites.

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.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016, and this decision has been appealed in part. The LPAT commenced the hearing of appeals of OPA 320 in May 2017 and the hearing process is ongoing.

On December 13, 2017 the LPAT 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.

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 will be located and organized to fit with its existing and/or planned context 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, 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 its residents.

Section 3.1.3 Built Form – Tall Buildings

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

Section 4.5 Mixed Use Areas

The site is designated *Mixed Use Areas* on Map 17 - Land Use Plan of the City's Official Plan (see Attachment 7). This designation permits a broad range of commercial, residential and institutional uses, in single or mixed use buildings, as well as parks and open spaces. *Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service employment in the coming decades and provide much of the new housing.

Development proposals in *Mixed Use Areas* are evaluated to:

- provide a transition between areas of different development intensity and scale through means such as providing appropriate setbacks and/or stepping down of height, particularly toward lower scale *Neighbourhoods*;
- locate and mass buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
- 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;
- provide an attractive and safe pedestrian environment;
- have access to schools, parks, community centres, libraries and childcare;
- take advantage of nearby transit services;
- locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- provide indoor and outdoor recreation space for building residents.

5.2.1 Secondary Plans

The site is in the Yonge-Eglinton Secondary Plan area and the Urban Growth Centre (see Attachment No. 4). The Official Plan states that Secondary Plans establish local development policies to guide growth and change in a defined area of the City. They outline and promote a desired type and form of physical development with the objective of ensuring highly functional and attractive communities that account for an appropriate transition in scale and activity between neighbouring districts.

Policy 5.2.1.2 identifies that Secondary Plans may be prepared for a number of reasons. Of particular note for the Yonge-Eglinton area, the Official Plan directs that Secondary Plans will be prepared for areas where development is occurring, or proposed, at a scale, intensity or character which necessitates reconsideration or reconfiguration of local streets, block plans, public works, open space or other public services or facilities. Where Council has determined that a Secondary Plan is necessary, no amendment to the Zoning By-law in the area will be made without prior or concurrent adoption of a Secondary Plan, provided that the Secondary Plan is adopted within a reasonable period of time.

In July 2016, City Council directed staff to consider and review Official Plan amendment and rezoning applications in the Yonge-Eglinton Secondary Plan area in the context of the City Council directed Midtown in Focus: Growth, Built Form and Infrastructure Review.

At its December 5, 2017 meeting, Council reaffirmed this direction for applications submitted prior to November 15, 2017 and also directed staff to assess the cumulative impact of development in the area on the availability of the necessary infrastructure to support continued development, and land use planning mechanisms, including holding provisions, as necessary to ensure that growth and infrastructure needs are aligned.

Section 5.3.2 Implementation Plans and Strategies for City Building

Implementation plans, strategies and guidelines will be adopted to advance the vision, objectives and policies of this Plan. These implementation plans, strategies and guidelines, while they express Council policy, are not part of the Plan unless the Plan has been specifically amended to include them, in whole or in part, and do not have the status of policies in this Plan adopted under the *Planning Act*. Implementation plans, strategies and guidelines are needed to support the Plan's objectives overtime and provide more detailed implementation guidance.

Yonge-Eglinton Secondary Plan

The subject 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 a full range of housing options (form, tenure) in the Yonge-Eglinton area suitable for family and other households that is: "contextually appropriate and compatible with existing residential uses and residential built form."

The Yonge-Eglinton Secondary Plan identifies key *Mixed Use Areas* containing a mix of retail, service commercial, office, and residential uses. The Plan states that the highest densities will be located in Mixed Use Area 'A', with developments of a lesser scale that are contextually appropriate will be located in Mixed Use Areas 'B', 'C', and 'D'.

The south half of the subject site (occupied by the existing hotel) is located in Mixed Use Area 'B', which is regarded as an area suitable primarily for commercial uses within which institutional uses will be permitted and residential accommodation for a variety of household types will be encouraged. The site is also located within the Yonge-Eglinton Centre. The

heights, densities and scale of development will decrease eastwards along Eglinton Avenue East away from the Yonge Street and Eglinton Avenue intersection within the Yonge-Eglinton Centre.

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

New development will promote architectural excellence while providing for improvements in the public realm. New, flexible, community services facilities and social infrastructure will be provided in a timely manner in the Yonge-Eglinton Secondary Plan area. New parks and open spaces will be secured in the Secondary Plan area along with improvements to existing parks and open spaces and the public realm.

On June 10, 11, 12, 2015, City Council adopted Official Plan amendments to the Yonge-Eglinton Secondary Plan (OPA 289) that incorporate, among other matters, the urban design and public realm strategies and directions of the Midtown in Focus Public Realm Plan.

OPA 289 amended the Yonge Eglinton Secondary Plan incorporating five Place-Making Moves: Eglinton Green Line, Yonge Street and its Squares, Park Street Loop, Midtown Greenways, and Redpath Revisited as well as other public realm improvements such as midblock connections. An east-west mid-block pedestrian connection is required on the site by OPA 289.

On May 3, 2018 the LPAT issued an oral decision bringing OPA 289 into force and effect. The policies of OPA now apply to the Yonge-Eglinton Secondary Plan area with the exception of a small number of properties with outstanding site-specific appeals on development applications including sites with recent approvals or applications under review.

Midtown in Focus: Growth, Built Form and Infrastructure Review

Midtown in Focus is an inter-divisional review of growth, built form and infrastructure issues in the Yonge-Eglinton Secondary Plan area and includes the Public Realm Plan (OPA No. 289). It introduces a new planning framework for the Yonge-Eglinton area in Midtown Toronto to ensure that any changes to the planned context of the area are addressed comprehensively, rather than on a site-specific basis. The objective is to ensure that growth positively contributes to Yonge-Eglinton's continued livability and vitality by establishing a clear and up-to-date Secondary Plan and Official Plan policy framework for the area, and ensuring that local transportation, municipal servicing and community infrastructure keeps pace with development.

A Proposals Report was presented to Council in late 2017. The report included a proposed update to the Yonge-Eglinton Secondary Plan as well as updates related to the infrastructure assessments. The proposed Yonge-Eglinton Secondary Plan sets out a 25-year vision for Midtown that emphasizes the importance of complete communities and the diversity of Midtown's character areas. It envisions Midtown as a green, resilient, connected, inclusive and

prosperous place, provides detailed direction on the appropriate scale and location of future growth, and links growth with the provision of infrastructure.

A Final Report on Midtown in Focus was deferred at the June 7, 2018 Planning and Growth Management Committee meeting. The Midtown in Focus: Final Report recommends adoption of amendments to the Official Plan and a new Yonge-Eglinton Secondary Plan (recommended Plan). The Planning and Growth Management Committee recommended that City Planning report back to the July 5, 2018 meeting of the Planning and Growth Management Committee to address a number of items including:

- the provision of affordable housing;
- opportunities for new parkland;
- applying holding provisions for the provision of physical infrastructure and community service facilities where necessary;
- to undertake an additional assessment of the impact of increased growth within the Yonge-Eglinton Secondary Plan area and along the Yonge Street corridor, pertaining to subway capacity of Line 1;
- lowering building heights in the Soudan Apartment Neighbourhood, Eglinton Greenline, Yonge-Eglinton Crossroads and Redpath Park Street Loop Character areas;
- increasing employment opportunities in certain *Mixed Use Areas*.

The recommended Plan identifies that the subject site is located within the Mount Pleasant Station Character Area. The recommended Plan sets out a vision for the Character Area as "a new focal point in Midtown. The area will be enlivened by the new transit station and the foot traffic this will generate. The area will transform into a pleasant and attractive living and working environment. There will be new mid-rise buildings and tall buildings of a modest height that contribute to a well-established mix of housing."

The policy directions in the recommended Plan that are relevant to the review of this application include:

- a maximum height of 27-29 storeys;
- a maximum base building height of 6 storeys;
- a maximum streetwall height of 2 storeys;
- a minimum 15% of the total gross floor area for office, institutional and/or cultural uses;
- a minimum tower separation distance of 25 metres, each site should provide half of the separation distance on the site;
- a setback of 3.0 metres above the fifth storey;
- a maximum floor plate of 750 square metres;
- development will be located and designed to protect access to sunlight on parks and open spaces. Development proposals will demonstrate that no net new shadow is cast on the school yard at Northern Secondary School on March 21st and September 21st from 9:18 a.m. to 6:18 p.m.;
- an east-west mid-block pedestrian connection;
- the provision of parkland is an essential element of complete communities. New parkland will be provided to support and be concurrent with growth; and

- development containing more than 80 residential units will include a minimum of 15% 2-bedroom units, 10% 3-bedroom units, and an additional 15% of either two or three-bedroom units.

Zoning

The site is split zoned with the south portion of the site being zoned CR T5.0 C3.0 R3.0 (commercial residential) under former City of Toronto Zoning By-law 438-86, as amended, and is zoned CR 5.0 (c3.0; r3.05) SS2 (x1218) in Zoning By-law 569-2013, as amended. Both Zoning By-laws permit a range of non-residential and residential uses in buildings with a maximum density of 5.0 times the area of the lot and a maximum height of 48.0 metres.

The north portion of the site (the existing parking lot) is zoned R4A Z1.0 (residential) under former City of Toronto Zoning By-law 438-86, as amended, and is zoned R(d1.0) x941 in Zoning By-law 569-2013, as amended. Both Zoning By-laws permit residential uses in a range of buildings including detached dwellings and apartment buildings, with a maximum density of 1.0 times the area of the lot and a maximum height of 9.0 metres.

The zoning map is included in Attachment No. 6.

Tall Building Design Guidelines

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

Site Plan Control

A site plan application is required for the proposal but has not been submitted.

Reasons for Application

A zoning by-law amendment is required because the proposed development, among other matters, exceeds the height and density permissions of the in-force Zoning By-law, and does not meet the minimum setback requirements.

Community Consultation

On May 17, 2018, a community consultation meeting hosted by City Planning staff was attended by approximately 35 residents and other interested parties. The original plans, submitted on November 14, 2017 were presented to the community.

Concerns regarding the proposal expressed at the meeting, and through written submissions to the City Planning Division, include the following:

- Height of the proposed buildings;
- Setbacks from neighbouring properties;
- Servicing of the buildings, including sewer and water;
- Lack of fit of the buildings into the surrounding context;
- Traffic impacts and pedestrian safety;

- Public transit capacity;
- School capacity and impacts on other community services;
- Shadow impacts, particularly on Northern Secondary School;
- Streetscape needs more soft landscaping;
- Affordable Housing should be considered; and
- Construction impacts.

Agency Circulation

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

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2017). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Issue Background section of the Report.

Should the application be appealed to the LPAT, Staff have determined that the proposal is not consistent with the PPS and does not conform with the Growth Plan for the following reasons:

- 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 proposed scale of the development is not appropriate, and does not conform to the policies of the in force Official Plan, including the Built Form and *Mixed Use Areas* policies.
- Policy 2.2.1.4 of the Growth Plan states that applying the policies of the Plan will support 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*." The proposed development does not provide an appropriate mix of uses given its location in the Yonge-Eglinton Growth Centre and its proximity to a new LRT station. As well, the Toronto District School Board ("TDSB") has identified concerns with the proposed development as it relates to school capacity. The TDSB has requested that an opportunity to establish satellite elementary school space within the proposed development be discussed as an opportunity to address local accommodation pressures at Eglinton Jr. Public School.
- Policy 2.2.1.4 of the Growth Plan further states that convenient access to an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities is to be expanded. The proposed development does not provide for on-site parkland dedication or for any other publicly-accessible open space.
- The Growth Plan contains policies related to setting minimum intensification targets throughout delineated built-up areas (Section 2.2.2.4). The proposed development

however, does not conform with Section 2.2.2.4.b) of the Growth Plan as it does not represent an appropriate scale of development for the surrounding area. Further, the proposed development does not conform with Section 5.2.4.5.b) requiring the type and scale of development to be contextually appropriate.

- Policy 2.2.3.1 of the Growth Plan states that *Urban Growth Centres* will be planned to serve as high-density major employment centres and will accommodate significant population and employment growth. The proposed development has a minimal amount of commercial space on the ground floor, however it does not provide for sufficient commercial space given its location on a major street within the Yonge-Eglinton Centre.
- Policy 2.2.4.9 of the Growth Plan requires that within *major transit station areas*, development will be supported, where appropriate, by planning for a diverse mix of uses, including second units and *affordable* housing. The proposed development does not provide for a diverse mix of uses despite the sites location adjacent to a future LRT station.

Midtown in Focus: Growth, Built Form and Infrastructure Review

New and proposed development in the Yonge-Eglinton area is occurring at a rate, scale, and intensity that exceeds the City's projections made in the previous decade. The updated policies and infrastructure strategies resulting from Midtown in Focus Review will provide more direction in the Yonge-Eglinton Secondary Plan.

The Midtown in Focus Review has involved extensive consultation and detailed analysis of existing conditions, area character, development trends, infrastructure capacity and more to establish a clear and up-to-date planning framework for the Yonge-Eglinton area. This framework will include a built form vision and principles for the entire Secondary Plan area as well as for specific character areas, and identify a structure plan to inform and shape decisions on land use, density and heights of buildings, and provide enhanced direction for transition between areas of different scale and density. In addition, the plan will provide detailed direction in terms of priorities for parkland improvement and expansion, public realm improvements and community, transportation and servicing infrastructure.

The City is undertaking a review of the Yonge-Eglinton Secondary Plan area to ensure that any changes to the planned context of the area are addressed comprehensively, rather than on a site-specific basis.

City staff presented a Proposals Report to City Council on December 5, 2017 that outlined a proposed update to the Yonge-Eglinton Secondary Plan and provided updates related to the infrastructure assessments. The proposed Plan sets out a 25-year vision for Midtown Toronto that emphasizes the importance of complete communities and the diversity of Midtown's character areas. It envisions Midtown as a green, resilient, connected, inclusive and prosperous place. The proposed Plan also provides detailed direction on the appropriate scale and location of future growth and links growth with the provision of infrastructure.

As the Midtown in Focus Review addresses the area character, urban structure, land use, built form and other matters affecting the potential redevelopment of the subject site, and given the

significant intensification proposed by the application that is beyond the permissions in the existing planning framework, the proposal should be reviewed in the context of the on-going study.

The application, as proposed, does not conform to a number of the recommended Yonge-Eglinton Secondary Plan policies. The proposed application does not adequately address policy directions regarding built form, the provision of on-site parkland, the inclusion of office, institutional and/or cultural uses, no new net shadow on Northern Secondary School yard, as well as the following policy directions:

	Midtown in Focus	Proposed Building
Maximum height	27 to 29 storeys	44 storeys
Maximum base building height	6-storeys	7-storeys
Maximum streetwall height	2-storeys (7.5 metres)	7-storeys (27.5 metres)
Minimum tower separation	25 metres (12.5 metre setback from lot line)	25 metres from building to west (5.7 metre setback from the lot line)
Midblock pedestrian connection	East-west midblock pedestrian connection	No pedestrian connection provided

Land Use

The Yonge-Eglinton Secondary Plan states that *Mixed Use Area 'B'* will be regarded as an area suitable primarily for commercial uses within which institutional uses will be permitted and residential accommodation for a variety of household types will be encouraged.

The proposed development will be primarily residential with a small amount of commercial space on the ground floor. The application should be revised to provide for a greater mix of uses.

Height and Massing

This application has been reviewed against the official plan policies *and* secondary plan policies described in the Issue Background Section of the Report.

The Built Form policies in section 3.1.2 of the Official Plan require that "new development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context". The Built Form and *Mixed Use Areas* policies require that new buildings frame the edge of streets with good proportion.

Mixed Use Areas policy 4.5.2(c) further states that new development is to locate and mass new buildings to provide transition between areas of different development intensity and scale, through means such as setbacks, and stepping down of heights, particularly towards lower-scale *Neighbourhoods*.

A primary objective of the in force 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 south half of the site is located in Mixed Use Area 'B' of the in force Yonge-Eglinton Secondary Plan. Development of the greatest height, density and scale is to be located within Mixed Use Area 'A', which is centred around the Yonge-Eglinton intersection. Development of a lesser scale that is contextually appropriate and compatible with adjacent areas will occur in Mixed Use Area 'B'. The heights, densities and scale of development are required to decrease along Eglinton Avenue East with increasing distance from the Yonge-Eglinton intersection.

The proposed 44-storey tower is too tall and does not respond appropriately to, and does not fit harmoniously into, the existing and planned context. The planned context, set out in the policies of the in-force Official Plan, does not support the proposed height. There are no existing or approved buildings of similar height on this block, with the most recent building being 34-storeys at the south-east corner of Redpath Avenue and Roehampton Avenue which is closer to Yonge Street and Mixed Use Area 'A' than the subject site.

While the Midtown in Focus Review contemplates a height of 27 to 29-storeys for the subject site, it is in the context of a comprehensive Secondary Plan study and is accompanied with additional policy direction in order to ensure an appropriate fit into the area context and mitigate impacts on *Neighbourhoods*. The proposed height does not fit the in-force planned context, and also exceeds the directions of the Midtown in Focus Review.

The proposed base building and streetwall height of 7-storeys (27.5 metres) does not frame the street with good proportion. The existing building on the site has a 2-storey streetwall and Midtown in Focus permits a maximum streetwall height of 2-storeys. The Tall Building Guidelines state that base buildings should have a maximum height equal to 80% of the right-of-way width. Along this portion of Mount Pleasant Road the Tall Building Guidelines would allow a maximum base building height of 21.6 metres. The height of the base building and streetwall must be reduced.

The Official Plan requires that tall buildings be designed to fit within their existing and/or planned context, limit local impacts, and design the floor plate size and shape with appropriate dimensions for the site. The Midtown in Focus proposed Yonge-Eglinton Secondary Plan requires a minimum tower separation of 25 metres, each site should provide half the separation distance on the site. The Tall Building Design Guidelines recommend that towers should be separated by a minimum distance of 25 metres. The Tall Building Design Guidelines also recommend a minimum tower setback of 12.5 metres from the property line. Further, the Tall Building Guidelines state that if it is not feasible to construct a tower on a site after applying the required setbacks and stepbacks, the site may be too small for a tall building.

The proposed 44-storey tower will be set back 5.6 metres from the north property line, and as close as 5.7 metres from the irregular west property line, which results in a 25 metre separation distance from an existing 15-storey building to the west. Staff are concerned with the proposed tower setbacks from the property line to the west and north as they are less than the Tall Building Guidelines requirements and do not provide half of the separation distance as per the Midtown in Focus review.

The proposed building does not comply with the Built Form, or *Mixed Use Areas* policies of the Official Plan and does not adequately address the City's Tall Building Design Guidelines.

Sun, Shadow, Wind

The Official Plan Built Form policies require new development to adequately limit any resulting shadowing of neighbouring streets, properties, and open spaces. The *Mixed Use Areas* policies require that new buildings are massed to adequately limit shadow impacts on adjacent *Neighbourhoods*.

The proposed buildings would cast afternoon shadows, during the spring and fall equinox, on the Northern Secondary School field. Given that the subject site is in an area that is in the lowest quintile of parkland provision in the City, access to sunlight on adjacent open spaces, particularly in the *Neighbourhoods*, should be protected.

The proposed building does not meet the Built Form or *Mixed Use Areas* policies of the Official Plan with respect to access to sunlight and shadow impacts.

Public Realm - Midblock Connection

An east-west mid-block pedestrian connection is required as part of OPA 289. The proposal must be revised to provide for a mid-block pedestrian connection.

Servicing

Staff have requested that the applicant submit a revised functional servicing report to address site servicing including water, sanitary and stormwater.

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.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.43 to 0.79 hectares of local parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 6093.3 square metres or 263.92% 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 231.57 square metres based on 31,509 square metres of residential gross floor area comprising 457 units and 473 square metres of non-residential gross floor area.

This site is located in an area where there is currently a low provision of parkland. Therefore, the applicant is required to satisfy the parkland requirement through an on-site dedication located on the north side of the site currently used for surface parking.

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

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 supports healthy, safe, liveable, and accessible. 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.

The Toronto District School Board ("TDSB") has identified concerns with the proposed development as it relates to school capacity. In order to address capacity issues at local schools the TDSB has requested that an opportunity to establish satellite elementary school space within the proposed development be discussed as an opportunity to address local accommodation pressures at Eglinton Jr. Public School.

Section 37

Section 37 of the *Planning Act* allows the City to enter into an agreement with an applicant to grant an increase in height and/or density (over and above that permitted by the Zoning By-law) in return for community benefits to be provided by the applicant. Section 5.1.1 of the Official Plan allows the City to pass a Zoning By-law to grant a height and/or density increase for a particular project that is greater than the Zoning By-law would otherwise permit in return for community benefits. Details of a Section 37 Agreement between the applicant and the City would be established if the project is ultimately approved.

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

- public realm improvements in the Yonge-Eglinton Secondary Plan area; and/or
- community services and facilities in the Yonge-Eglinton Secondary Plan area;
- any matters to be secured as a matter of convenience.

Conclusion

The proposal has been reviewed against the policies of the PPS, the Growth Plan and the Official Plan. Staff are of the opinion that the proposed development is not consistent with the PPS, does not conform with the Growth Plan, and does not conform with the Official Plan.

The proposal does not conform with the Official Plan policies, including the Built Form, *Mixed Use Areas*, and the Yonge-Eglinton Secondary Plan policies. In addition, the following staff and community concerns have not been resolved.

- Height;
- Base building and streetwall height;
- Tower setbacks;
- Infrastructure capacity; and
- East-west midblock connection.

Staff recommend the City oppose the application in its current form and, should it be appealed to the LPAT by the applicant for City Council's failure to make a decision within the mandated timelines under the *Planning Act*, direct the City Solicitor, and appropriate City staff, to attend and oppose the application in its current form.

In the interim, staff recommend that City Council direct City Staff to continue to review the application and resolve any outstanding issues detailed in this report.

CONTACT

David Driedger, Senior Planner
Tel. No. 416-392-7613
E-mail: David.Driedger@toronto.ca

SIGNATURE

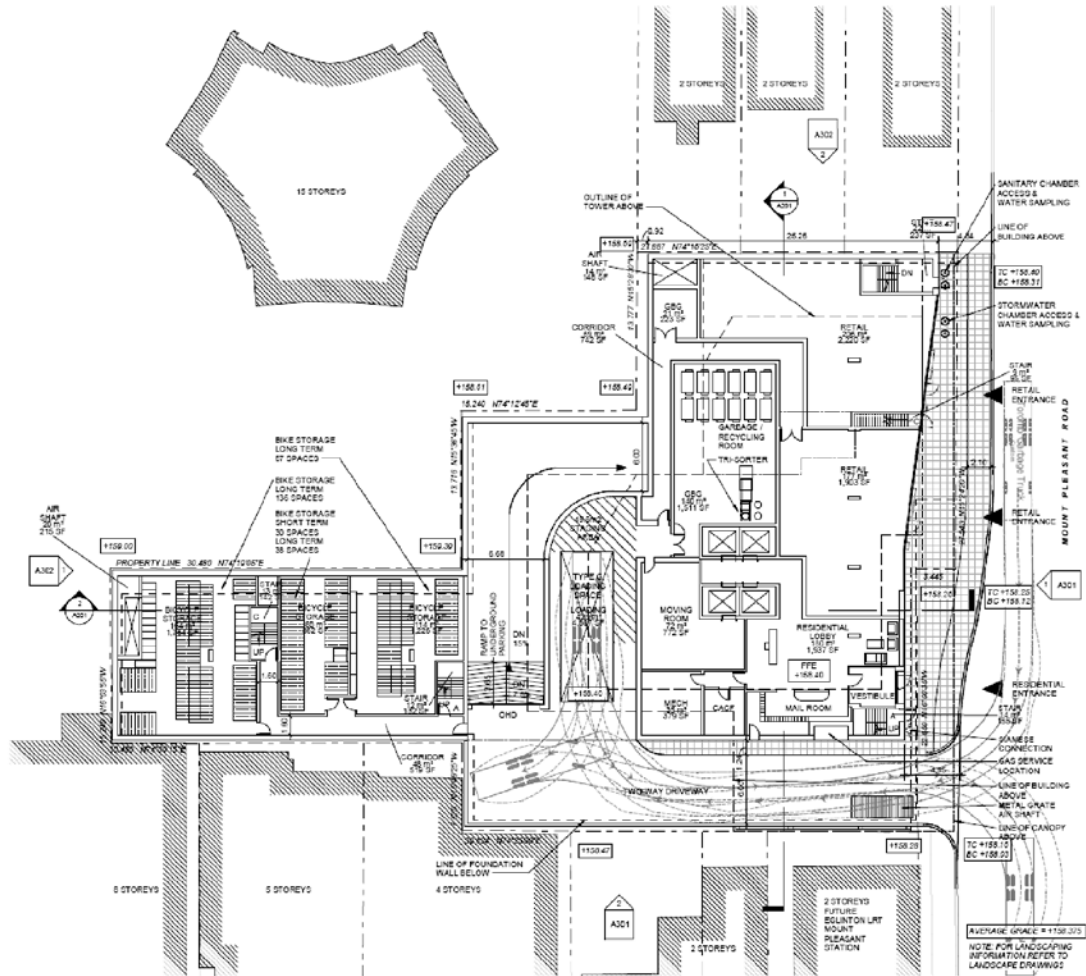
Lynda H. Macdonald
Acting Director, Community Planning
Toronto and East York District

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ATTACHMENTS


Attachment 1: Site Plan
Attachment 2: East Elevation
Attachment 3: North Elevation
Attachment 4: South Elevation
Attachment 5: West Elevation
Attachment 6: Zoning
Attachment 7: Official Plan
Attachment 8: Application Data Sheet

Attachment 1: Site Plan



Site Plan

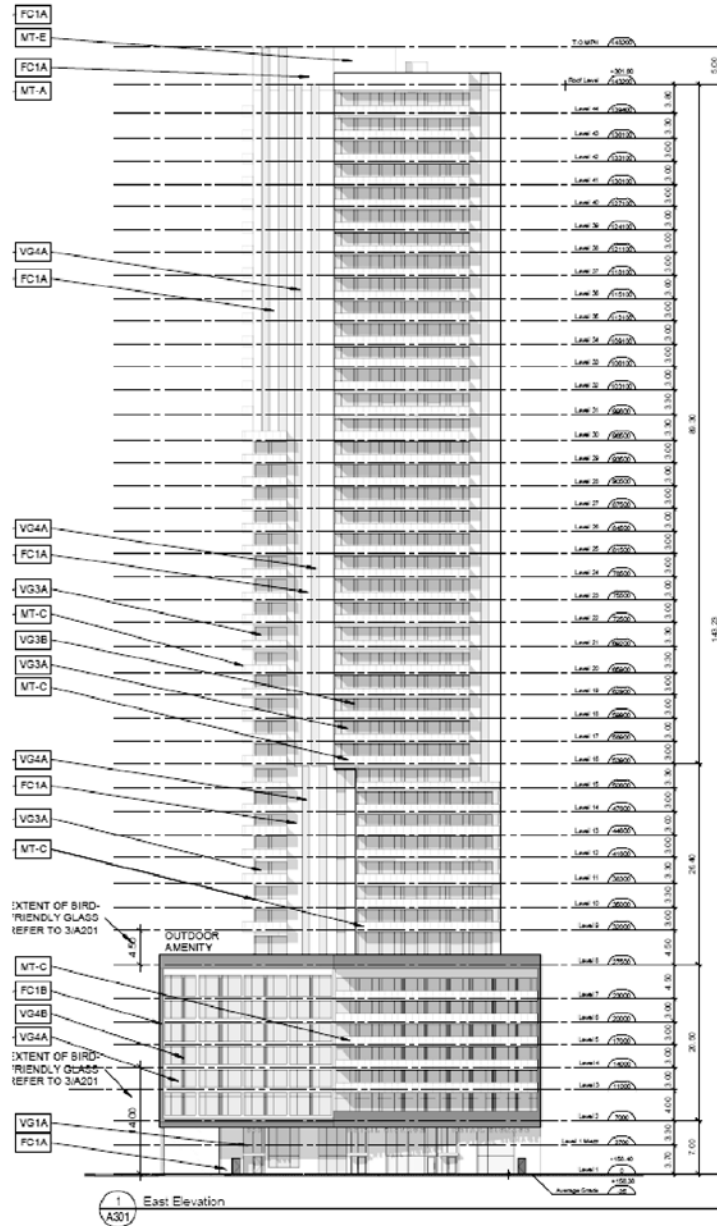
Applicant's Submitted Drawing

Not to Scale 
01/15/2018

808 Mount Pleasant Road

File # 17 261931 STE 22 0Z

Attachment 2: East Elevation



East Elevations

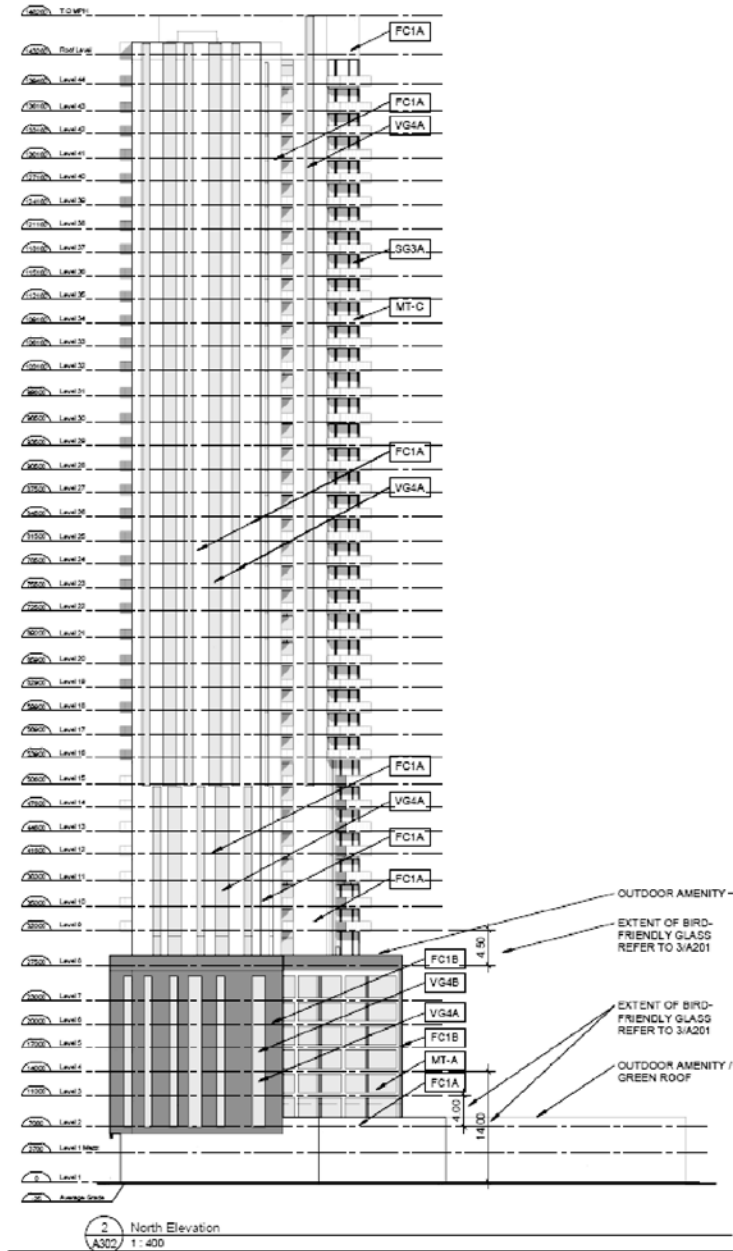
Applicant's Submitted Drawing

Not to Scale
01/15/2018

808 Mount Pleasant Road

File # 17 261931 STE 22 0Z

Attachment 3: North Elevation



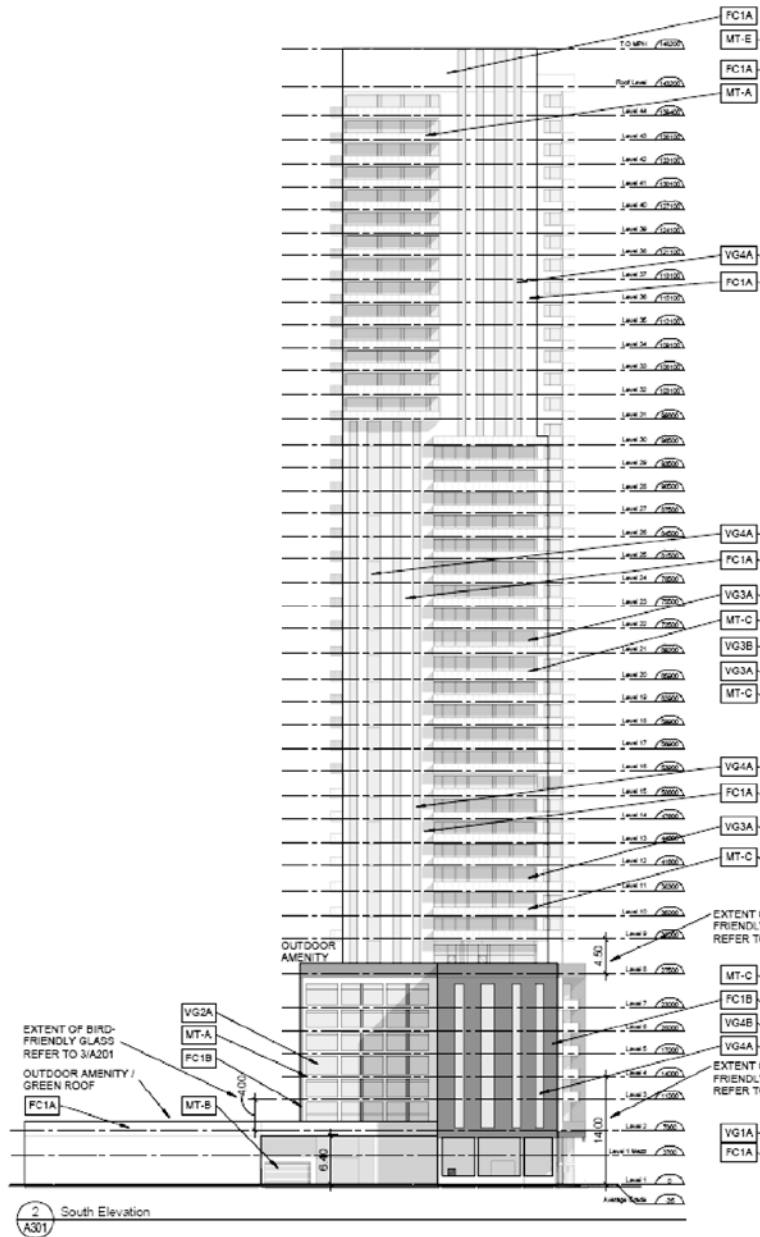
North Elevations
 Applicant's Submitted Drawing

Not to Scale
 01/15/2018

808 Mount Pleasant Road

File # 17 261931 STE 22 OZ

Attachment 4: South Elevation



South Elevations

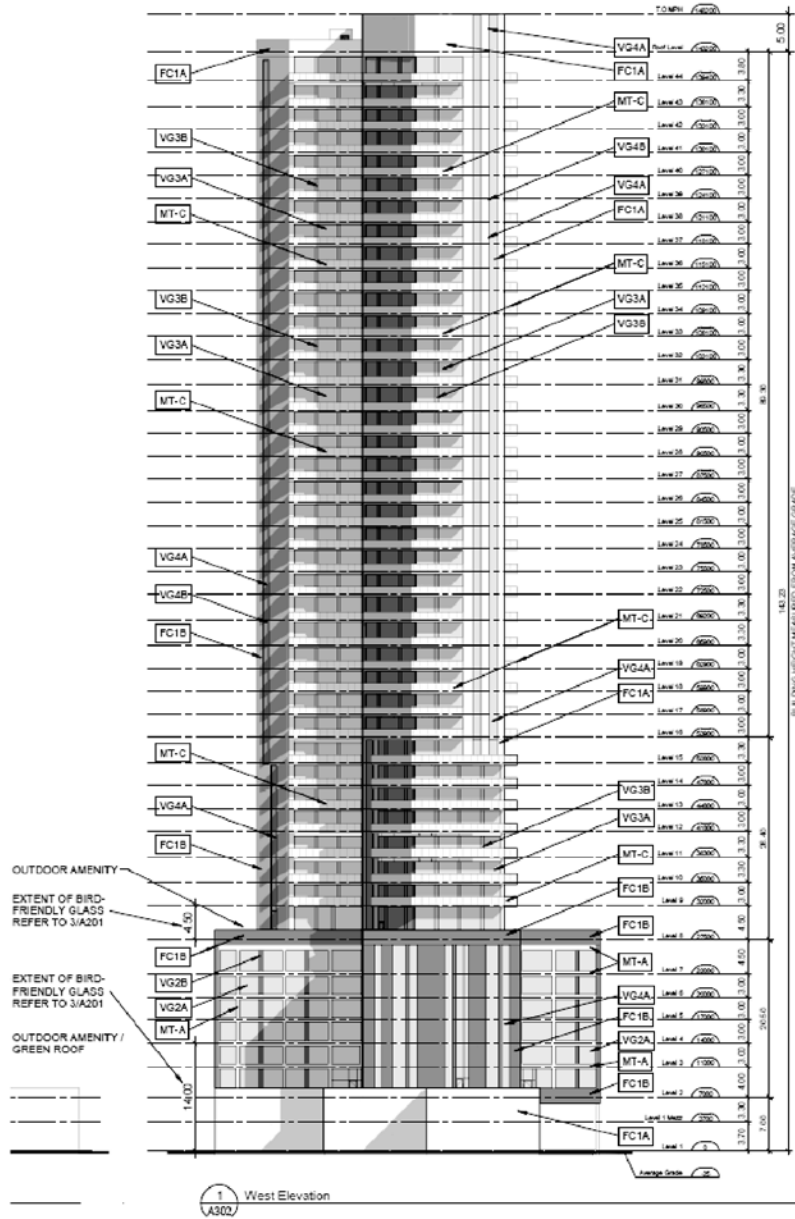
Applicant's Submitted Drawing

Not to Scale
01/15/2018

808 Mount Pleasant Road

File # 17 261931 STE 22 0Z

Attachment 5: West Elevation



West Elevations

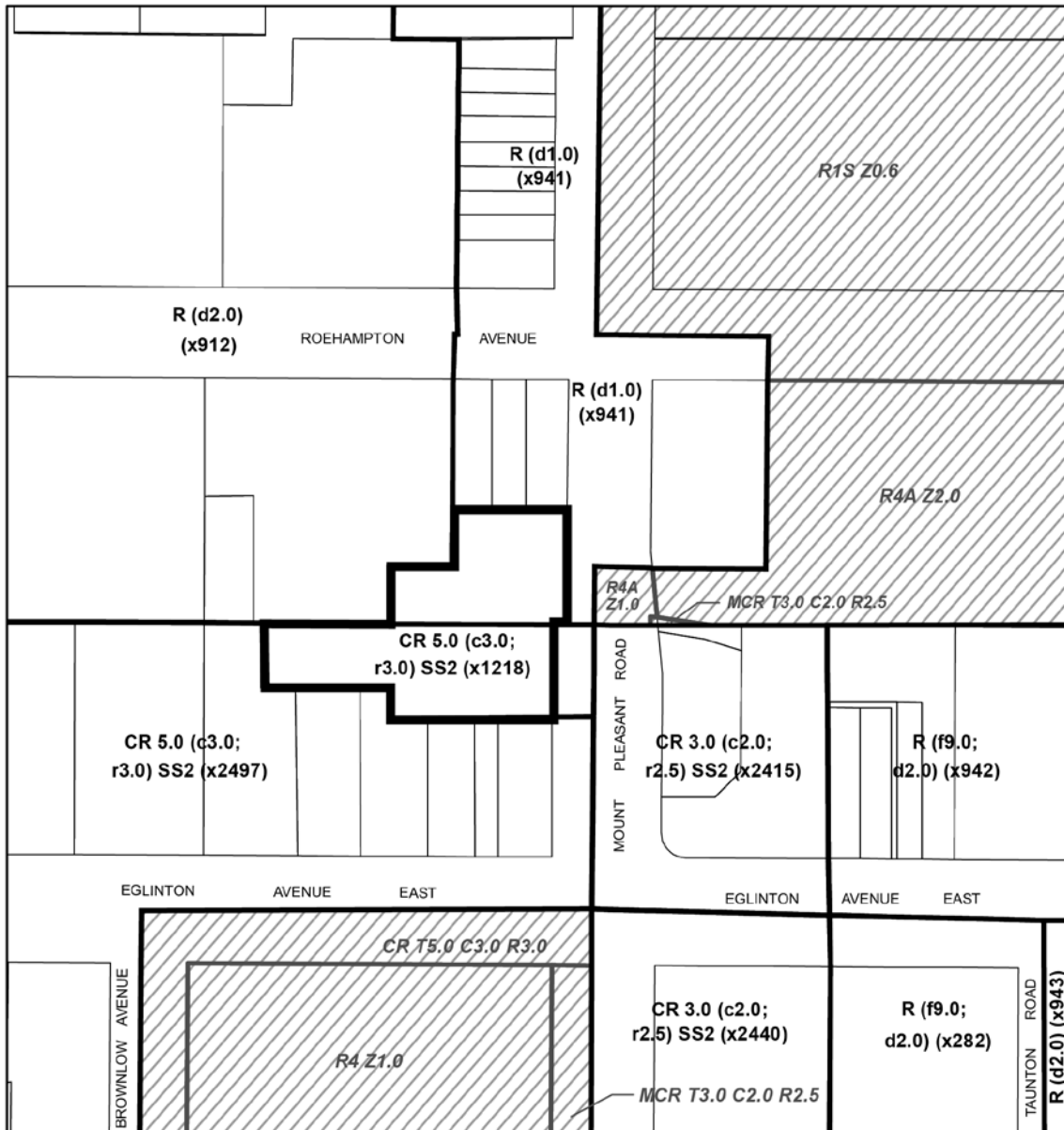
Applicant's Submitted Drawing

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01/15/2018

808 Mount Pleasant Road

File # 17 261931 STE 22 0Z

Attachment 6: Zoning



Zoning By-Law No. 569-2013

808 Mount Pleasant Road

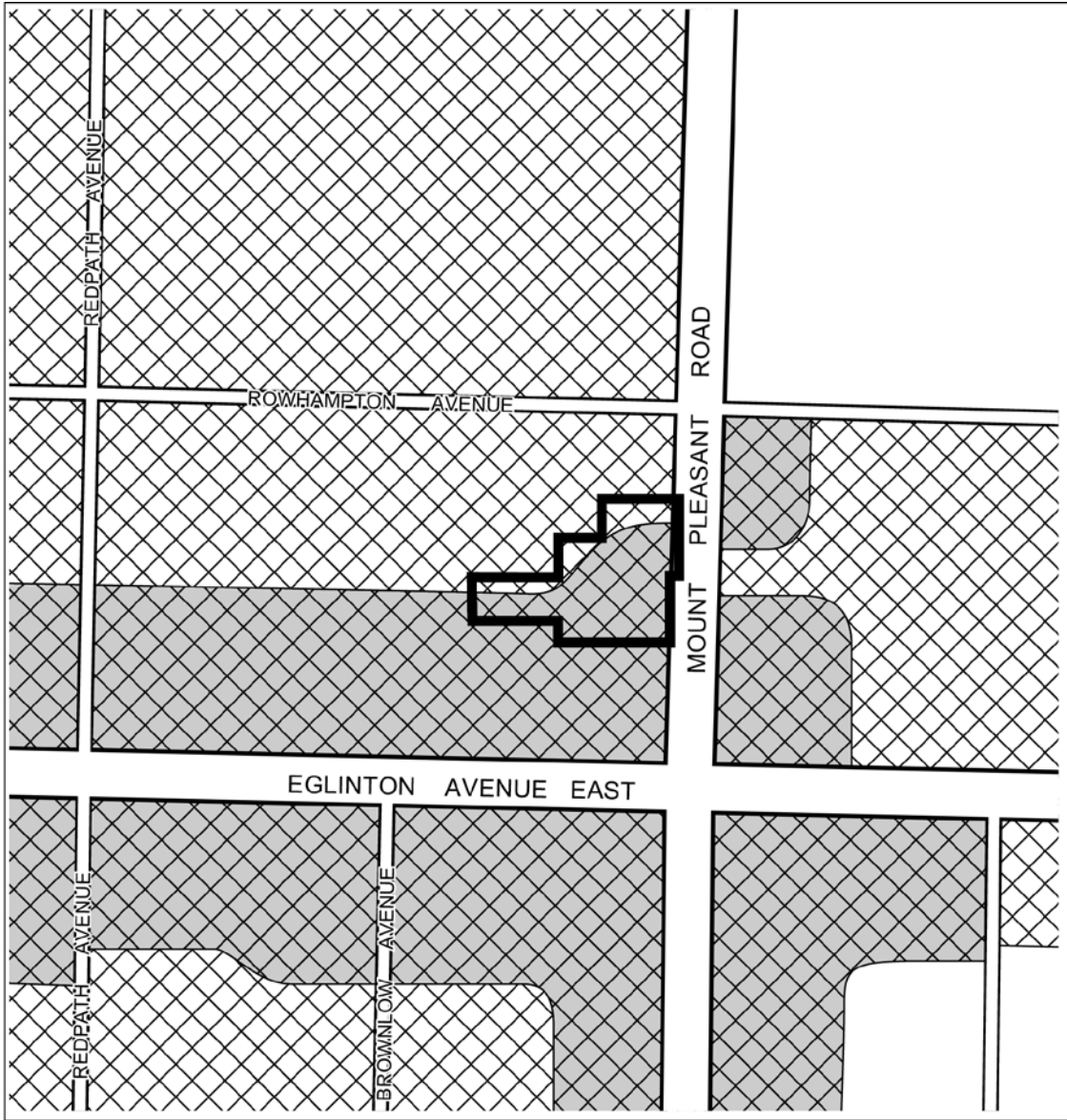
File # 17 261931 STE 22 OZ

Location of Application
R Residential **CR** Commercial Residential

See Former City of Toronto By-Law No. 438-86
R1S Residential District
R4 Residential District
R4A Residential District
CR Mixed-Use District
MCR Mixed-Use District

Not to Scale
 Extracted: 01/10/2018

Attachment 7: Official Plan



TORONTO City Planning
Official Plan

808 Mount Pleasant Road

File # 17 261931 STE 22 0Z

-  Site Location
-  Neighbourhoods
-  Apartment Neighbourhoods
-  Mixed Use Areas


 Not to Scale
 01/10/18

Attachment 8: Application Data Sheet

Application Type	Rezoning	Application Number:	17 261931 STE 22 OZ
Details	Rezoning, Standard	Application Date:	November 14, 2017
Municipal Address:	808 MOUNT PLEASANT RD		
Location Description:	PLAN 639 PT LOTS 16 TO 18 RP 63R2810 PARTS 1 AND 2 **GRID S2201		
Project Description:	44-storey (height 143.8 metres) mixed use building with 472.7 square metres of retail on first floor, and 457 residential units.		

Applicant:	Agent:	Architect:	Owner:
ROBERT DRAGICEVIC, WND Associates, 90 Eglinton Avenue East, Toronto, ON M4P 2Y3	ROBERT DRAGICEVIC, WND Associates, 90 Eglinton Avenue East, Toronto ON, M4P 2Y3	Sweeny & Co Architects, 134 Peter Street, Toronto, ON M5V 2H2	2245883 ONTARIO INC

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	CR 5.0 (c3.0; r3.0) SS2 (x1218)	Historical Status:
Height Limit (m):	48	Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):	2343.4	Height:	Storeys:	44
Frontage (m):	50.2		Metres:	143
Depth (m):	78.3			
Total Ground Floor Area (sq. m):	1881			Total
Total Residential GFA (sq. m):	31509		Parking Spaces:	166
Total Non-Residential GFA (sq. m):	473		Loading Docks	1
Total GFA (sq. m):	31982			
Lot Coverage Ratio (%):	80.3			
Floor Space Index:	13.65			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	248
2 Bedroom:	161
3 + Bedroom:	48
Total Units:	457

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):		31509	0
Retail GFA (sq. m):		473	0
Office GFA (sq. m):		0	0
Industrial GFA (sq. m):		0	0
Institutional/Other GFA (sq. m):		0	0

CONTACT:	PLANNER NAME:	David Driedger, Senior Planner
	TELEPHONE:	416-392-7613
	EMAIL:	David.Driedger@toronto.ca