



STAFF REPORT ACTION REQUIRED

90 Eglinton Avenue East – Zoning Amendment Application –Request for Interim Directions Report

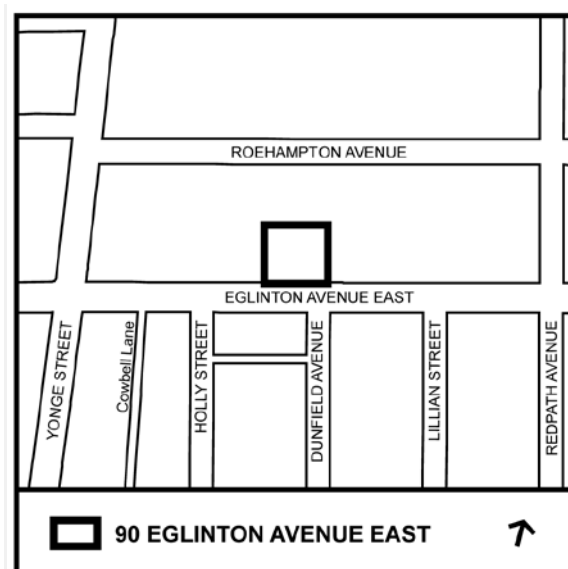
Date:	June 15, 2018
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 22 – St. Paul's
Reference Number:	18 128310 STE 22 OZ

SUMMARY

This application proposes to amend the Zoning By-law at 90 Eglinton Avenue East to permit a 55-storey building containing retail uses on floors one and two, office uses on floors three through eight and 502 residential units in the tower above. The proposal includes 226 parking spaces in a three level underground garage. The existing nine-storey commercial office building would be demolished.

This report provides preliminary information and 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 (the "LPAT") due to a lack of decision during the break in Council's meeting schedule (July to December 2018).

A Community Consultation Meeting was held on May 16, 2018. A final report will be submitted for Council's consideration following the resolution of outstanding issues related to this application and the holding of a statutory Public Meeting under the *Planning Act*. City Planning is targeting January 2019 for a final report to Council.



The City Planning Division recommends that:

1. City Council direct City Staff to continue processing the application to resolve the outstanding issues detailed in this report (June 15, 2018) from the Acting Director, Community Planning, Toronto and East York District and the issues raised through community consultation.
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*.
3. Additional mailing costs resulting from an expanded notification area for the community consultation meeting held on May 16, 2018 beyond 120 metres of the site, be borne by the applicant.

FINANCIAL IMPACT

The recommendations in this report have no financial impact

DECISION HISTORY

At its meeting of December 16, 17 and 18, 2013, City Council adopted amendments to the Official Plan (OPA 231) to implement the results of the Official Plan and Municipal Comprehensive Review for Economic Health and Employment Lands Policies and Designations and Recommendations of Conversion Requests. Among other matters, OPA 231 introduced amendments aimed to stimulate the growth of new office space and maintain current concentrations of office space near rapid transit, such as the subject site.

OPA 231 was approved by the Minister of Municipal Affairs and Housing in July 2014. Portions of the amendment are under appeal at the Local Planning Appeal Tribunal (the "LPAT"), including an appeal made by the applicant on July 28, 2014 with respect to the office replacement policies. Although not in full force and effect for the subject site, OPA 231 represents Council's long-term land use planning direction for the site.

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

On June 10, 11, 12, 2015, City Council adopted an Official Plan amendment 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.

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

On July 12, 2016, City Council adopted the recommendations in the report from the Chief Planner and Executive Director, City Planning titled: "Midtown in Focus: Growth, Built Form and Infrastructure Review – Status Report". The recommendations direct staff to use the draft built form principles in the report in the review of the development applications in the Yonge-Eglinton Secondary Plan area. Planning staff were also directed to use the emerging community infrastructure priorities identified in the status report as part of the development application review process.

On December 5, 2017 City Council adopted the recommendations in the report from the Acting Chief Planner and Executive Director, City Planning titled: "Midtown in Focus: Proposals Report" including a recommendation that the comprehensive update to the Yonge-Eglinton Secondary Plan is necessary prior to rendering a decision on new development applications submitted in the Secondary Plan area after the November 15, 2017 Planning and Growth Management Committee meeting until the adoption of the revised Yonge-Eglinton Secondary Plan.

City Council also directed staff to assess the potential cumulative impact of all applications in the Yonge-Eglinton Secondary Plan area on the City's ability to provide the necessary infrastructure to support development, and use planning mechanisms, including holding provisions, as necessary to ensure that growth and infrastructure needs are aligned.

Pre-application Consultation

A pre-application consultation meeting was held on January 12, 2018 to determine the application submission requirements.

ISSUE BACKGROUND

Site and Surrounding Area

The 3,415 square metre site is generally flat and square in shape with a frontage of 61 metres along Eglinton Avenue East and a depth of 56 metres.

The site is currently occupied by a nine-storey office building containing retail uses at grade, eight-levels of commercial office uses above (13,166.62 square metres) and two levels of below-grade parking.

North: To the immediate north is 77 Roehampton Avenue, an 11-storey residential apartment building. Also north of the subject site is 89-101 Roehampton Avenue, where a development application was recently approved by the LPAT to allow a 38-storey residential tower addition to the existing 19-storey residential apartment building. Further north are residential apartment buildings with lower-scale residential and institutional uses scattered throughout the area.

South: The area south of the subject site contains low, mid, and high-rise buildings. A development application for a 50-storey mixed use building at 55 Eglinton Avenue East was recently approved but not yet built. Southeast of the subject site is the recently-completed development (The Madison), which includes two residential towers at 33 and 36-storeys with retail uses on the ground and second floors. South of Eglinton Avenue East, the uses are predominantly residential with a mix of high-rise apartments and lower scale detached and semi-detached dwellings.

East: To the immediate east, abutting the existing office building, is a seven-storey mixed-use building containing retail uses on the first three floors and offices above. Further east, at 150 Eglinton Avenue East, is an application for a 46-storey mixed use building containing retail, office and residential uses. There are also a variety of mid and high-rise mixed-use buildings to the east which gradually step down towards Mount Pleasant Road.

West: To the immediate west is a 4-storey Bell Canada switch building connected to an associated 10-storey Bell Canada office building. The switch building houses significant communications infrastructure and equipment for telephone and wireless network operations. In general, the scale and density of built form within the area increases towards the Yonge-Eglinton intersection and the Eglinton subway station. This area contains significant height and residential/office density in existing, approved, and under construction towers up to 65-storeys in height.

Proposal

The site is currently occupied by a nine-storey office building containing retail uses at grade, eight-levels of commercial and office uses above, and two levels of below-grade parking. There is a total of 13,166.62 square metres of office space in the existing building. The building would be demolished to accommodate the proposed development.

The application proposes to permit a 55-storey (192 metres including the mechanical penthouse) mixed use building containing retail and office uses in the base building with residential uses above. The retail uses are proposed on the first two floors. The ground and second floors are proposed to have 7.5 metre and six metre floor-to-ceiling heights respectively. The application proposes to replace the office uses currently on the site by including 13,167 square metres of office uses on floors three through eight. The proposal includes 502 residential units in the tower above.

The proposed base building is eight storeys in height (43.5 metres). The base building is set back 12 metres from the south property line along Eglinton Avenue East to facilitate the Eglinton Greenway, a linear publicly-accessible open space on the north side of Eglinton Avenue between Yonge Street and Mount Pleasant Road required by the Midtown in Focus Parks, Open Space and Streetscape Plan (OPA 289). The base building steps back 3.0 metres above the fourth floor along the Eglinton Avenue East frontage. A two-metre and 2.75-metre stepback is proposed above the second floor of the west and north elevations of the base building respectively.

The first floor of the tower portion of the building starts at the ninth floor and includes 738 square metres of indoor amenity area connected to 1,004 square metres of outdoor amenity area on the roof of the eight storey base building. There is an additional 266 square metres of indoor amenity area on the 10th floor. In total, the proposal includes 1,004 square metres of indoor amenity space and 1,004 square metres of outdoor amenity space which meets the Zoning By-law requirements.

The tower portion of the building contains 502 residential units and has a floor plate of approximately 835 square metres of Gross Construction Area.

Pedestrian access to the retail uses are proposed to be located on the western half of the site and pedestrian access to the parking, office and residential lobbies are proposed at the eastern half on the site. Vehicular access to the site would utilize the existing curb cut at the east end of the site from Eglinton Avenue East and includes access to loading, the ramp to the underground parking garage and the bicycle parking spaces.

Statistics for the proposal are shown in the following table. Further information can be found in Attachments 1-3 and 6 of this report.

Category	Proposal
Total Site Area	3,415 square metres
Building Height	55-storeys (192 metres including mechanical penthouse)
Base Building Setbacks at Ground Level	
North Lot Line	0 metres
South Lot Line	12 metres
East Lot Line	0 metres
West Lot Line	0 metres
Tower Setbacks	
North Lot Line	12.6 metres
South Lot Line	15.4 metres
East Lot Line	15.7 metres
West Lot Line	15.6 metres
Tower Floor Plate (Gross Construction Area)	835 square metres
Gross Floor Area	
Retail	4,127 square metres
Office	13,326 square metres
Residential	36,192 square metres
Total	53,645 square metres
Floor Space Index	15.7

Category		Proposal
Unit Mix	Studio	0 (0%)
	1 bedroom	279 (56%)
	2 Bedroom	172 (34%)
	3 Bedroom	51 (10%)
	Total	502
Ground Floor Height		7.5 metres
Parking Spaces	Residential: Visitor/Non-residential	162:64
	Total	226
Bicycle Parking Spaces	Long-term Residential	452
	Short-term Residential	51
	Occupant retail	8
	Visitor retail	16
	Long-term office	27
	Short-term office	30
Total		584
Loading Spaces		1 Type B 2 Type C 1 Type G
Amenity Space	Indoor	1,004 square metres
	Outdoor	1,004 square metres

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 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 (2014) and for conformity with the Growth Plan (2017). The outcome of staff analysis and review are summarized in the Comments section of the Report.

Official Plan

The subject site is located in the *Yonge-Eglinton Centre* as shown on Map 2 – Urban Structure, designated *Mixed Use Areas* on Map 17 – Land Use Plan and is within the Yonge-Eglinton Secondary Plan area.

Chapter 2 – Shaping the City

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.

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 adjacent to an *Apartment Neighbourhood* to the north.

Chapter 3 – Built Form

Section 3.1.2 Built Form

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

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

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

Section 3.1.3 Built Form – Tall Buildings

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

Chapter 4 – Land Use Designations

Section 4.5 Mixed Use Areas

The subject site is designated *Mixed Use Areas* on Map 17 - Land Use Plan of the City's Official Plan. The *Mixed Use Areas* 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 ensure they:

- 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.

Chapter 5 – Implementation: Making Things Happen

5.2.1 Secondary Plans

The site is in the Yonge-Eglinton Secondary Plan area within 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 June 2016, City Council directed staff to consider and review Official Plan amendment and rezoning applications in the Yonge-Eglinton Secondary Plan 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.

Chapter 6 – Secondary Plans

21. Yonge-Eglinton

The proposed development is located in the Yonge-Eglinton Secondary Plan area (see Attachment 4). 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 subject site 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 along Eglinton Avenue East with increasing distance from the Yonge-Eglinton intersection within the Yonge-Eglinton Centre.

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

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. The site at 90 Eglinton Avenue East is the subject of an active appeal of OPA 289.

Midtown in Focus

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 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; and
- increasing employment opportunities in certain *Mixed Use Areas*.

The recommended plan identifies the subject site as located within the Eglinton Green Line Character Area. The recommended plan sets out a vision for the Character Area as a vibrant and dense 21st Century live-work business district anchored by the iconic Green Line open space, a linear publicly-accessible open space on the north side of Eglinton Avenue between Yonge Street and Mount Pleasant Road. New office or mixed-use buildings are expected to include modernized office spaces and terrace down in height west to east from the Yonge-Eglinton intersection to the Mount Pleasant Station area.

The proposed policies for the Eglinton Green Line Character Area recognize the built form challenges with replacing existing office gross floor area associated with many of the office buildings located along Eglinton Avenue given they were constructed lot line-to-lot line and can be upwards of 10 storeys in height. The proposed policies also seek to create a cohesive streetwall condition and architectural expression for Eglinton Avenue by restricting base building heights to eight storeys, requiring a 3 metres stepback above the sixth floor, and enabling density transfers of existing office gross floor area to other sites in the Character Area.

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

- a continuous frontage of ground level, pedestrian oriented retail and service uses and/or community facilities is required;
- a maximum size of retail stores (3,500 square metres) and a requirement that medium-scale retail uses distribute floor area on multiple floors;
- a net gain of office gross floor area is required and full replacement of existing office gross floor area consistent with OPA 231;

- a maximum base building height of eight-storeys with a three metre stepback above the sixth floor;
- development will limit residential dwelling units to floors above the ninth storey;
- a maximum height of 52 storeys for the subject site;
- a minimum tower separation of 25 metres to other towers in *Mixed Use areas* and 30 metres to towers in *Apartment Neighbourhoods* areas, each site should provide half of the separation distance on the site;
- a maximum tower floor plate of 750 square metres Gross Construction Area.
 - minor increases to the floor plate size may be considered where the increases are required to address building structural requirements and where additional design attention is given to the shape and articulation of the tower to diminish the overall bulk and impacts and additional separation distances and setbacks above the minimum requirements are provided;
- 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.

The Proposed Yonge-Eglinton Secondary Plan also includes policy directions adopted by City Council as part of OPA 289, including the following:

- a minimum 12.0 metre setback at grade and above grade on Eglinton Avenue East; and
- a conceptual future north-south midblock connection on the west side of the site.

Official Plan Amendment (OPA) 231

The site is located in the *Yonge-Eglinton Centre*. It currently contains an 8-storey commercial office building with approximately 13,166.62 square metres of office space and is subject to the policies of OPA 231.

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

OPA 231 also states: " New development that includes residential units on a property with at least 1,000 square metres of existing non-residential gross floor area used for offices is required to increase the non-residential gross floor area used for office purposes where the property is located in a *Mixed Use Area* or *Regeneration Area* within:

- a) the *Downtown and Central Waterfront*;
- b) a *Centre*; or
- c) 500 metres of an existing or an approved and funded subway, light rapid transit or GO train station".

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

OPA 231 is currently under appeal at the LPAT. It represents the planning directions of City Council and is part of the emerging policy context.

Zoning By-laws

Zoning By-law 438-86

The site is zoned mixed-use commercial-residential (CR T5.0 C3.0 R3.0) in City of Toronto Zoning By-law 438-86, as amended, with a maximum height of 48 metres. The Zoning By-law permits a maximum density of 5.0 times the lot area with a maximum of 3.0 times the lot for residential uses and non-residential uses. The permitted uses include apartment buildings and a wide variety of office, commercial, retail and institutional uses.

Zoning By-law 569-2013

The site is also zoned mixed use (CR 5.0 (c3.0; r3.0) SS2 (x2497)) in city-wide Zoning By-law 569-2013, under appeal at the Local Planning Appeal Tribunal. The permissions and restrictions in 569-2013 are largely the same as those in 438-86 (see Attachment 5).

Site Plan Control

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

Tall Building Design Guidelines

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

The application has been reviewed by staff against the Tall Building Design Guidelines described above.

Tree Preservation

The applicant has submitted an arborist report and tree preservation plan indicating that the proposed development will require the removal of one privately owned tree located on the adjacent property at 101 Roehampton Avenue. The proposed tree removal is under review by the City's Urban Forestry staff.

COMMENTS

Reasons for the Application

The Zoning By-law Amendment application is required to increase the maximum permitted density from 5 times the area of the site to 15.7 times the area of the site and to increase the maximum permitted height from 48 metres to 186 metres (192 metres including the mechanical penthouse). The application is also required to establish the appropriate development standards.

Complete Application Submission

A complete application was submitted on March 12, 2018. A Notification of Complete Application was issued on April 12, 2018.

The following reports/studies have been submitted with the application:

- Planning Rationale
- Community Services and Facilities Study
- Pedestrian Level Wind Study
- Sun/Shadow Study
- Shadow Analysis Letter
- Toronto Green Standards Checklist
- Noise Impact Study
- Vibration Study
- Stormwater Management Report
- Transportation Impact Study
- Servicing Report
- Geotechnical Study
- Arborist/Tree Preservation Report
- Hydrogeological Assessment
- Public Consultation Strategy
- Energy Efficiency Report
- Computer Generated Building Mass Model

Community Consultation

On May 16, 2018, a community consultation meeting was hosted by City Planning and attended by the local Ward Councillor, area residents and other interested parties. Concerns regarding the proposal raised at the meeting, and through written submissions to the City Planning Division, include the following:

- negative health impacts from the dust and noise resulting from the cumulative construction of buildings and the Crosstown LRT;
- the number of projects under construction in the area at one time should be limited and phased to minimize disruption to residents;

- lack of infrastructure to support the population increase resulting from this and other developments in the area;
- increase in wind conditions on Yonge Street and Roehampton Avenue as a result of the proposed development;
- need for an extension of Dunfeild Avenue or a pedestrian midblock connection through the site to Roehampton Avenue;
- concerns deliveries and passenger pick-ups and drop-offs will slow traffic on Eglinton Avenue East;
- remove and/or limit the number of raised planters in the proposed POPS space within the 12 metres building setback from Eglinton Avenue East;
- need to reduce the size of the tower floor plate;
- need for appropriately sized two and three bedroom units;
- need for electric vehicle charging stations in the parking garage; and
- population increase from this development would add to the pedestrian congestion on the areas sidewalks, particularly at the Yonge Street and Eglinton Avenue East intersection.

ISSUES TO BE RESOLVED

The application has been circulated to City divisions and public agencies for comment. There are a number of outstanding issues associated with the application and as such, Planning Staff are not in a position to support the proposal. Issues to be addressed include the following:

- the overall height of the building;
- the depth of the base building setbacks;
- the size of the tower floor plate to exceeds 750 square metres Gross Construction Area;
- the provision of an on-site parkland dedication;
- need for a north-south midblock connection through the site;
- wind impacts on adjacent streets and properties;
- assessment of sufficient infrastructure capacity, specifically water, sanitary, and storm water capacity;
- assessment of school capacity to accommodate any additional students resulting from the proposed development;
- need for larger two and three bedroom units;
- identification and securing of public benefits pursuant to Section 37 of the *Planning Act*, should the proposal in some form be approved.

Midtown in Focus Policy Direction

The application, as proposed, does not meet a number of the recommended Yonge-Eglinton Secondary Plan policies made available to the public in May 2018 including the proposed policies identified below.

- The maximum tall building height for this site is 52 storeys. The applicant is proposing 55 storeys.

- The maximum base building height of eight storeys including a minimum stepback of three metres above the sixth storey. The applicant is proposing an eight storey base building that steps back three metres at the fifth and eight floors with reduced stepbacks located at the centre of the site adjacent to the tower.
- The minimum tower setback from a property in an *Apartment Neighbourhood* is 15 metres in order to achieve a 30 metre separation distance between towers. The proposed tower is setback 12.63 metres from the north property line.
- A mid-block connection is identified through the site. The proposal does not currently include a midblock connection.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

Section 37

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

Since this application is not considered good planning and is not supported by City staff, there has been no discussion with the applicant about the quantum of the community benefits. In the event that this application 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 in accordance with emerging infrastructure priorities identified in the Yonge-Eglinton Secondary Plan Review; and
- any matters to be secured as a matter of convenience.

CONCLUSION

Given the City Council's determination of the need for a comprehensive update to the Yonge-Eglinton Secondary Plan and decision not to render decisions on any applications submitted after November 15, 2017 until the adoption of the revised Yonge-Eglinton Secondary Plan, staff are not in a position to bring forward a Final Report on the application.

City staff will work with the applicant through the review of the proposal to resolve the concerns with the application and align the proposal with the policies in the recommended Yonge-Eglinton Secondary Plan to be considered by City Council at its July 23-25, 2018 meeting. Should the application 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), Planning staff

are recommending the City Solicitor and appropriate City Staff oppose the application in its current form.

CONTACT

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E-mail: Alex.Teixeira@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: North and South Elevations

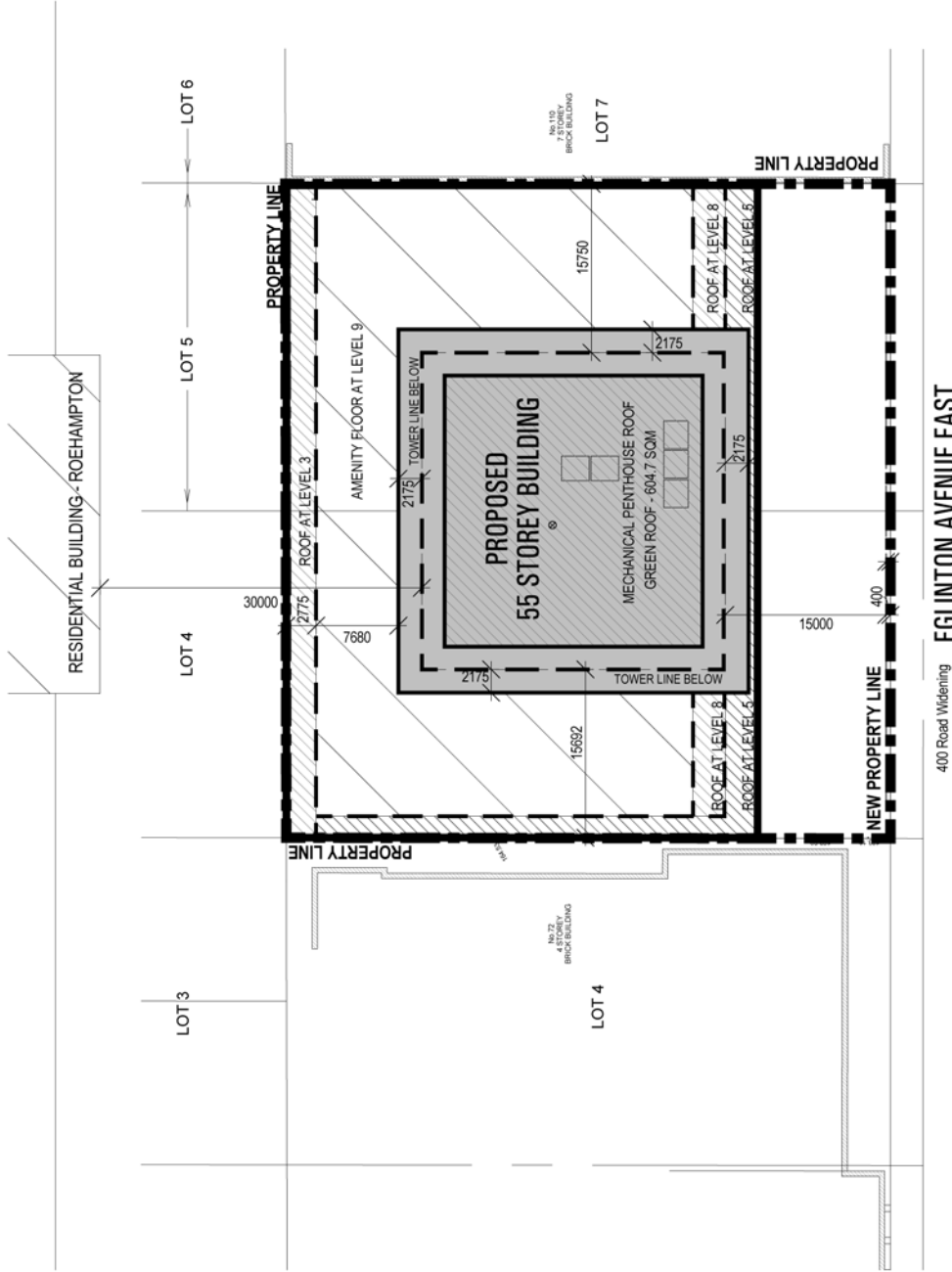
Attachment 3: East and West Elevations

Attachment 4: Yonge-Eglinton Secondary Plan

Attachment 5: Zoning

Attachment 6: Application Data Sheet

Attachment 1: Site Plan



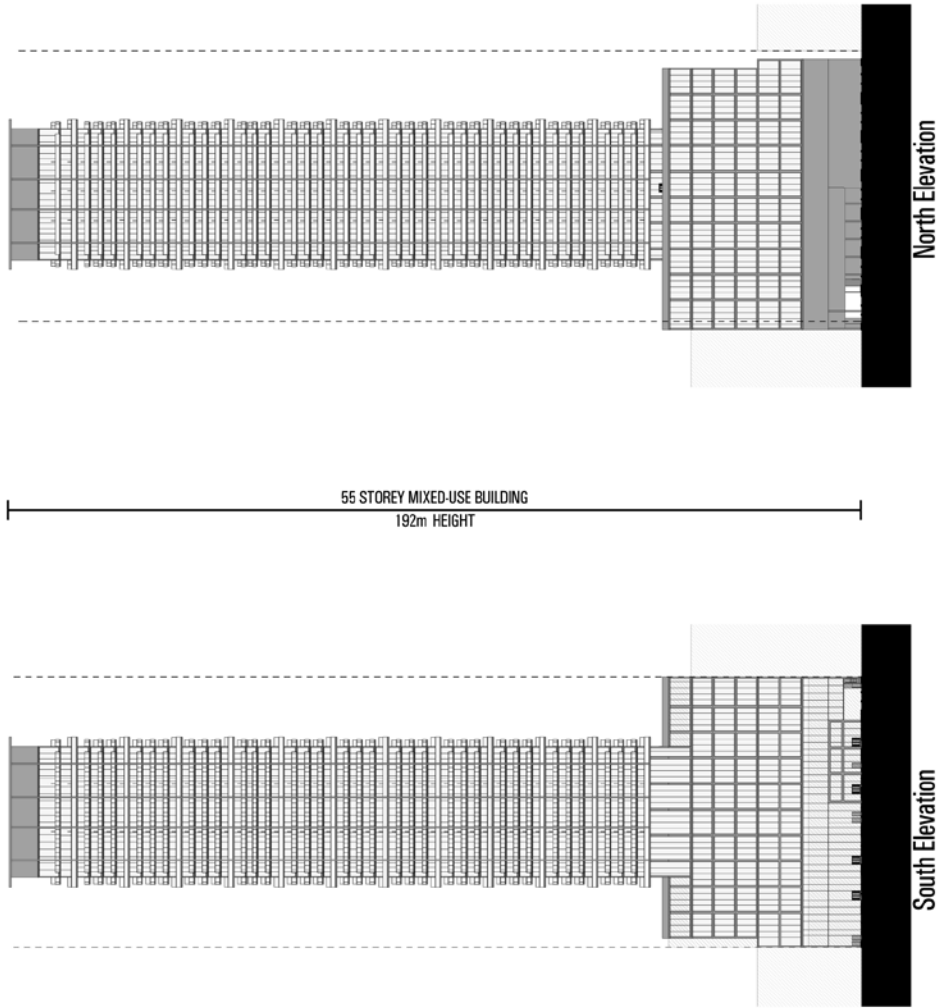
90 Eglington Avenue East

Site Plan
Applicant's Submitted Drawing

Not to Scale
06/14/2018

File # 18 128310 STE 22 0Z

Attachment 2: North and South Elevations



90 Eglinton Avenue East

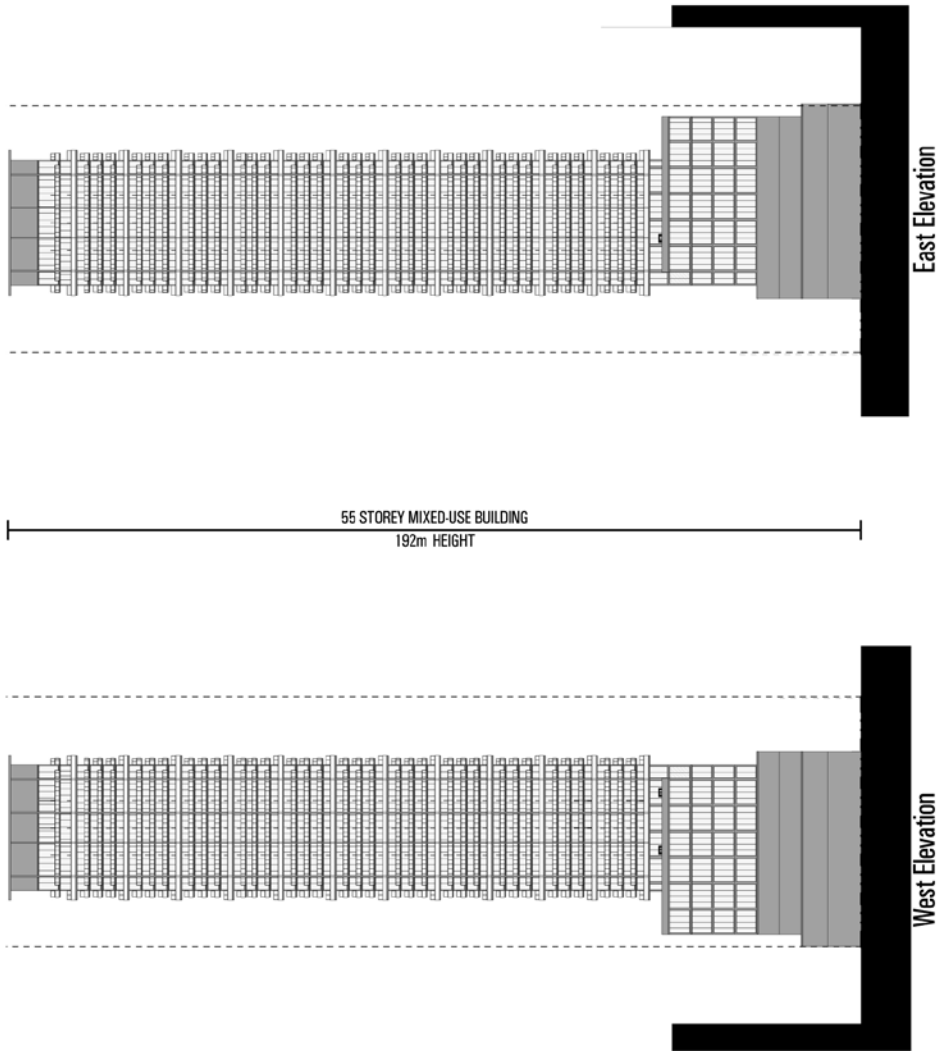
File # 18 128310 STE 22 0Z

Elevations

Applicant's Submitted Drawing

Not to Scale
04/27/2018

Attachment 3: East and West Elevations



90 Eglinton Avenue East

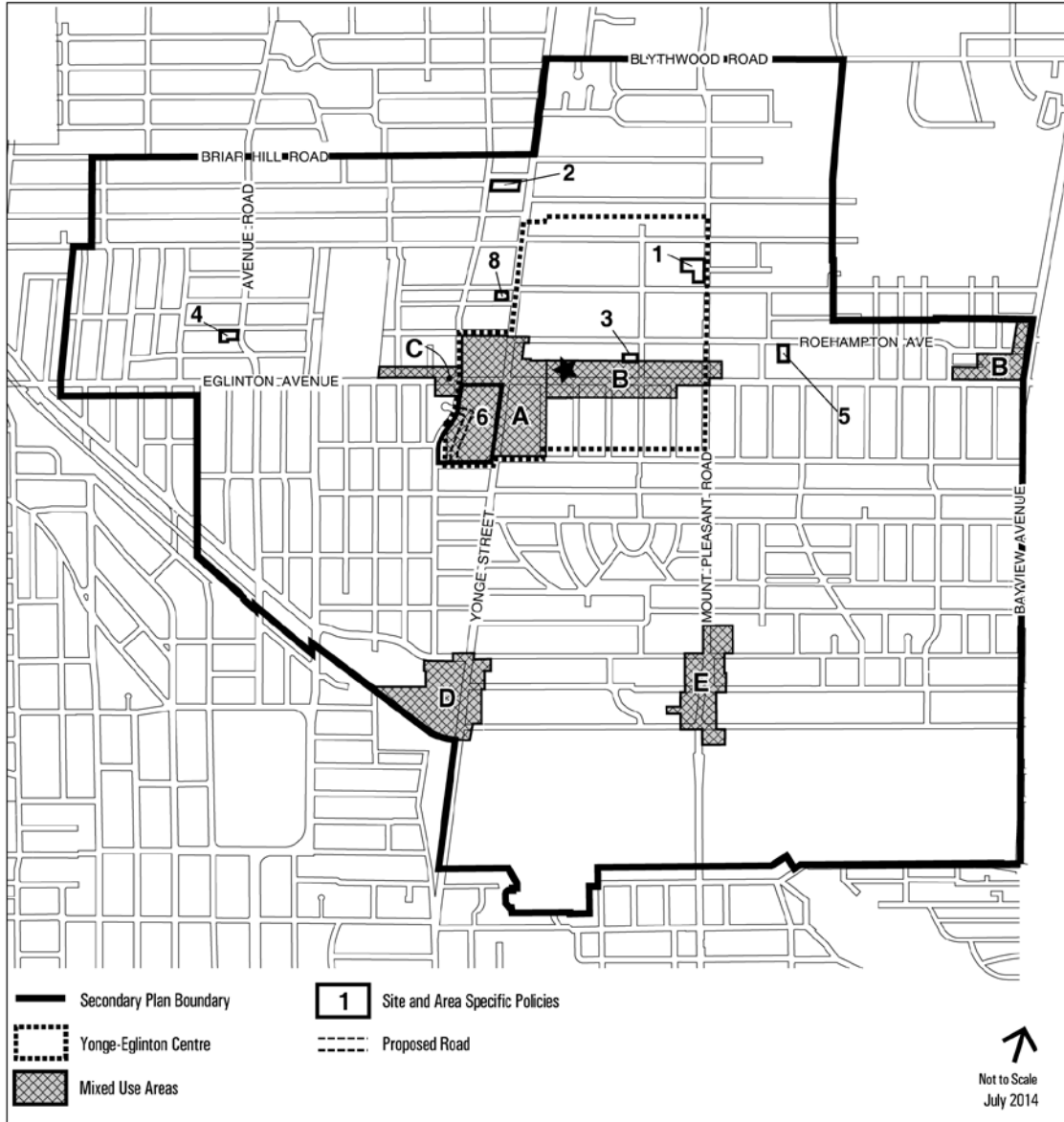
File # 18 128310 STE 22 0Z

Elevations

Applicant's Submitted Drawing

Not to Scale
04/27/2018

Attachment 4: Yonge-Eglinton Secondary Plan



Yonge-Eglinton Secondary Plan

MAP 21-1 Land Use Plan

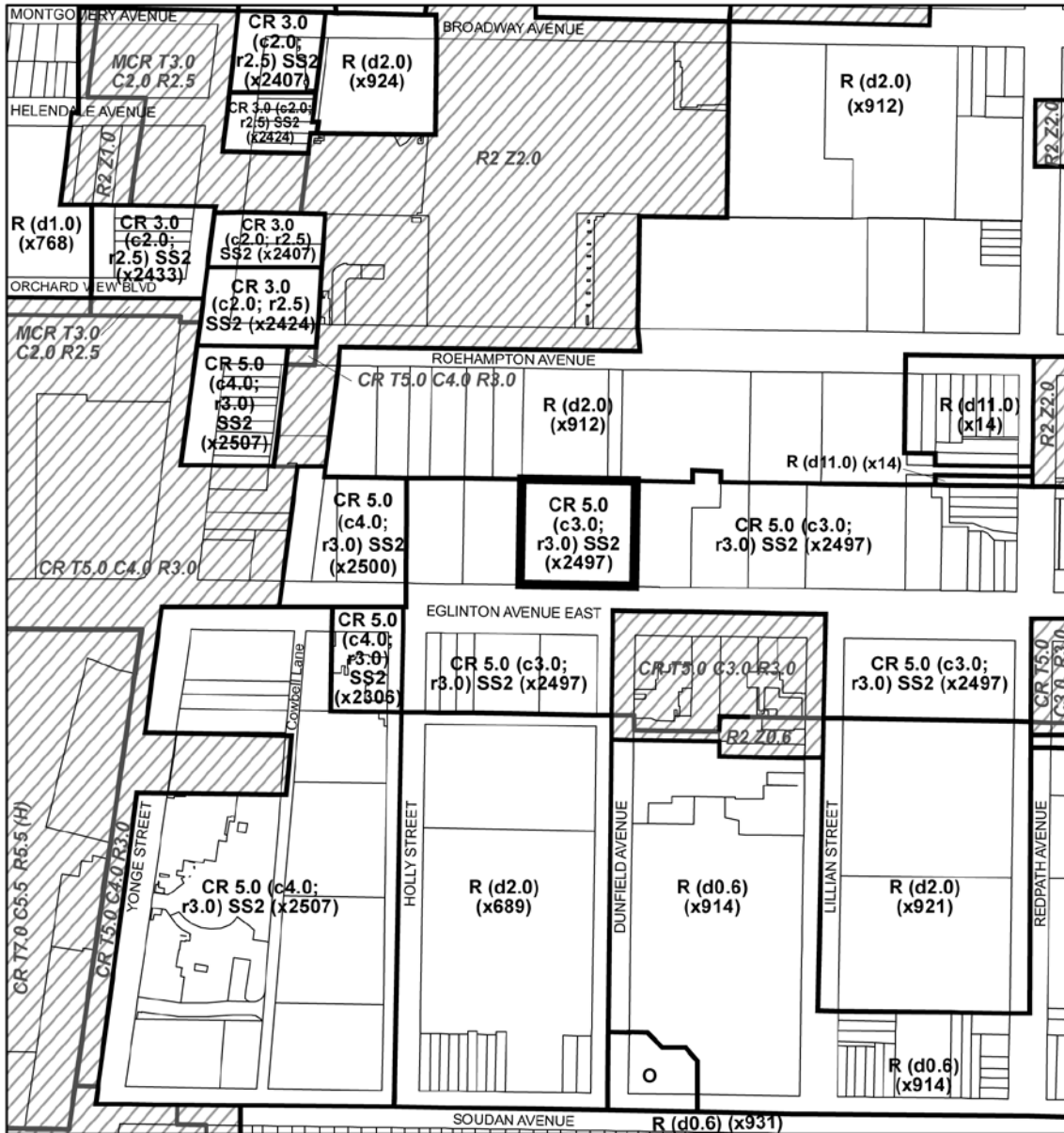
90 Eglinton Avenue East

File # 18 128310 STE 22 02

★ Subject Site - 90 Eglinton Avenue East

Not to Scale
05/08/2018

Attachments 5: Zoning



Zoning By-law 569-2013

90 Eglinton Avenue East

File # 18 128310 STE 22 0Z

- Location of Application
- R** Residential **CR** Commercial Residential
- O** Open Space

- See Former City of Toronto By-Law No. 438-86
- R2** Residential District
- CR** Mixed-Use District
- MCR** Mixed-Use District

Not to Scale
 Extracted: 04/27/2018

Attachment 6: Application Data Sheet

Municipal Address: 90 EGLINTON AVE E **Date Received:** March 12, 2018

Application Number: 18 128310 STE 22 OZ

Application Type: Zoning By-law Amendment

Project Description: This application proposes to amend the Zoning By-law at 90 Eglinton Avenue East to permit a 55-storey building containing 502 residential units, retail uses of floors one and two, and office uses on floors three through eight. The proposal includes 226 parking spaces in a three level underground garage.

Applicant	Agent	Architect	Owner
Madison Group, 369 Rimrock Rd, Toronto, ON, M5A 4M3	Madison Group, 369 Rimrock Rd, Toronto, ON, M5A 4M3	Teeple Architects Inc, 5 Camden St, Toronto, ON, M5V 1V2	90 Eglinton Ave E Holdings, 369 Rimrock Rd, Toronto, ON, M5A 4M3

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N
Zoning:	CR T5.0 C3.0 R3.0	Heritage Designation:	N
Height Limit (m):	48	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 3,415 Frontage (m): 61 Depth (m): 56

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	994		1,572	1,572
Residential GFA (sq m):	0		36,192	36,192
Non-Residential GFA (sq m):	13,167		17,634	17,634
Total GFA (sq m):	14,161		53,826	53,826
Height - Storeys:	9		55	55
Height - Metres:	30.5		186	186
Lot Coverage Ratio (%):	46.03	Floor Space Index:	15.76	

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	36,192	
Retail GFA:	4,126	
Office GFA:	13,326	
Industrial GFA:		
Institutional/Other GFA:		182

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			502	502
Other:				
Total Units:			502	502

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			279 (56%)	172 (34%)	51(10%)
Total Units:			279	172	51

Parking and Loading

Parking Spaces:	226	Bicycle Parking Spaces:	584	Loading Docks:	4
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CONTACT:

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