

50, 60 and 90 Eglinton Avenue West and 17 to 19 Henning Avenue - Zoning By-law Amendment Application – Request for Direction Report

Date: May 31, 2021

To: North York Community Council

From: Acting Director, Community Planning, North York District

Ward: Eglinton-Lawrence

Planning Application Number: 20 229115 NNY 08 OZ

SUMMARY

On December 15, 2020, an application was submitted to amend City of Toronto Zoning By-law Nos. 438-86 and 569-2013 for the sites at 50, 60 and 90 Eglinton Avenue West and 17 and 19 Henning Avenue. The application was submitted as a revision to two previous Zoning By-law Amendment applications on the site, File Nos. 17 250825 NNY 16 OZ (50-60 Eglinton Avenue West) and 14 145916 NNY 16 OZ and 16 140393 NNY 16 OZ (90 Eglinton Avenue West and 17 to 19 Henning Avenue).

The sites have now been consolidated under single ownership and the proposal has since been revised. The current application proposes to increase the residential towers from 24 to 34 storeys (west tower) and 32 to 39 storeys (east tower) in height atop a 4-storey base building containing retail and office uses. The application proposes 688 residential units and a total gross floor area of 54,806 square metres, of which 2,919 square metres is proposed for retail uses and 4,078 square metres is proposed for office uses. The resultant floor space index (FSI) would be 13.73 times the area of the lot.

On March 17, 2021, the applicant (Madison Group) appealed the Zoning By-law Amendment application to the Local Planning Appeal Tribunal (LPAT). The appeal was made without revisions to the original proposal and citing Council's failure to make a decision on the application within the timeframe prescribed by the *Planning Act*. A Case Management Conference (CMC) has been scheduled for September 1, 2021.

This report recommends that the City Solicitor together with City Planning staff and other appropriate staff be directed to oppose the Zoning By-law Amendment application, in its current form at the LPAT. The proposed development does not achieve appropriate tower separation within the site. The proposed development is not providing appropriate transition to the *Neighbourhoods* to the north, Eglinton Park to the north and west, the lower-scale Eglinton Park Character Area to the south and west and does not respect the existing area context. Further, at a proposed height of 39-storeys,

the east tower is beyond the anticipated 15 to 35 storey height range for the Henning Character Area and does not provide appropriate transition from the Yonge-Eglinton Crossroads Character Area.

The application also proposes to remove the pedestrian colonnade along the south and east walls of the designated heritage building, which was provided as a Section 37 contribution as part of the previous zoning approval at 50 and 60 Eglinton Avenue West. The pedestrian colonnade along the heritage building is an important component to the public realm, streetscape and design of the proposal and aligns with Official Plan and Secondary Plan public realm policy. Amongst other matters, the application lacks sufficient office replacement; is not meeting the intent of the City's Growing Up Guidelines; is not providing a public laneway at the rear of the site; and does not have a satisfactory Functional Servicing Report to address servicing issues.

This report also recommends that despite the applicant's appeal of the Zoning By-law Amendment application to the LPAT, City Planning staff continue to work with the applicant's team on revisions to the application to bring forward a proposal, within the context of the ongoing Midtown Zoning Review that represents a supportable development of the site.

In its current form, the proposed development is not consistent with the Provincial Policy Statement (2020) and does not conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). Additionally, it does not conform to the Yonge-Eglinton Secondary Plan.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City Staff to attend the Local Planning Appeal Tribunal (LPAT) to oppose the Zoning By-law Amendment application for 50, 60 and 90 Eglinton Avenue West and 17 and 19 Henning Avenue in its current form for reasons set out in the report (May 31, 2021), from the Acting Director, Community Planning, North York District.
2. City Council authorize the City Solicitor and appropriate staff to continue discussions with the applicant in an attempt to resolve issues outlined in the report (May 31, 2021), from the Acting Director, Community Planning, North York District, to the satisfaction of the Chief Planner and Executive Director, City Planning.
3. In the event that the Local Planning Appeal Tribunal allows the appeals in whole or in part, City Council direct the City Solicitor to request that the Tribunal withhold its Order until such time as the Tribunal has been advised by the City Solicitor that:
 - a. The form and content of the Zoning By-law Amendments are satisfactory to the Acting Director, Community Planning, North York District and City Solicitor;

b. The owner has addressed the comments in the Engineering and Construction Services memo dated March 18, 2021, as applicable, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with appropriate City Staff;

c. The owner has submitted a revised Transportation Impact Study and a Travel Demand Management (TDM) Plan acceptable to, and to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services and that such matters arising from such study, be secured if required; including contribution to the expansion of the City's bike share system in the area to meet the Toronto Green Standard Version 3 requirements, as well as providing a dedicated, publicly accessible car share vehicle space and services on site;

d. The owner has submitted an updated wind study that includes a wind tunnel analysis and any associated wind mitigation measures that properly considers the surrounding context; and

e. The owner has entered into an Agreement pursuant to Section 37 of the *Planning Act* to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning for the purpose of securing appropriate community benefits that have been identified as being priorities through the Yonge-Eglinton Secondary Plan, and to be registered on title to the lands at 50, 60 and 90 Eglinton Avenue West and 17 and 19 Henning Avenue.

4. City Council authorize the City Solicitor and necessary City staff to take such necessary steps, as required, to implement the foregoing.

FINANCIAL IMPACT

City Planning confirms that there are no financial implications resulting from the recommendations included in the report in the current budget year or in future years.

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. The report and council direction is available on the City's website at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?Item=2013.PG28.2>

Portions of the amendment are under appeal at the LPAT, including an appeal made by the applicant on July 28, 2014 with respect to the office replacement policies for 90 Eglinton Avenue West. Although not in full force and effect for the subject lands, OPA 231 represents Council's long-term land use planning direction for the lands.

A previous Zoning By-law Amendment application at 90 Eglinton Avenue West was submitted on April 23, 2014 and initially sought permission for a 29-storey mixed-use building containing commercial, office and residential uses. A total gross floor area of 22,315 square metres was proposed, of which 2,862 square metres was for office uses, with an overall density of 12.24 FSI. (File No. 14 145916 NNY 16 OZ).

On August 12, 2014, North York Community Council received a Preliminary Report on the application. The Preliminary Report is available at:

<http://www.toronto.ca/legdocs/mmis/2014/ny/bgrd/backgroundfile-72636.pdf>

In April 2016, an Official Plan Amendment application was made with respect to 90 Eglinton Avenue West, as well as the properties at 17-19 Henning Avenue (File No. 16 140393 NNY 16 OZ). The application sought to redesignate the properties at 17-19 Henning Avenue from *Neighbourhoods* to *Mixed Use Areas* and proposed a landscape buffer and driveway on these properties, with no above grade building or gross floor area. The lands at 17 and 19 Henning Avenue were added to the Zoning By-law application and overall proposal to provide additional transition to the *Neighbourhoods* to the north. The proposed tower was reduced to 24-storeys (92.15 metres) in height with 227 residential units including 3,613 square metres of retail and office uses. The Official Plan Amendment application was reviewed concurrently with the previous Zoning By-law application.

On May 10, 2016, North York Community Council received a Preliminary Report on the application. The Preliminary Report on the Official Plan Amendment application is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.NY14.25>

On May 2, 2017, North York Community Council received a Final Report on the Official Plan and Zoning By-law Amendment applications, which was adopted without amendment. City Council considered this item on May 24, 2017 and postponed its consideration to July 4, 2017, where the application was approved without amendment. OPA 356 (By-law 824-2017) and Zoning By-laws 825-2017 and 826-2017 were enacted on July 7, 2017. OPA 356 did not redesignate the 17 and 19 Henning Avenue properties, but rather introduced a new Site and Area Specific Policy to the former Yonge-Eglinton Secondary Plan and *Neighbourhoods* designation to allow for underground parking, a publicly accessible lane, an opaque barrier and landscaping on the lands associated with the approved development at 90 Eglinton Avenue West.

The approved Zoning By-laws permitted a maximum gross floor area of 20,300 square metres under the By-law 438-86 definition (19,440 square metres under the By-law 569-2013 definition), and required a minimum office floor area of 2,785 square metres (2,927 square metres as shown on the final plans) on Floors 1 through 3. In addition, the lands at 90 Eglinton Avenue West and 17-19 Henning Avenue were zoned with a Holding ('H') provision, to be removed at such time as a revised functional

servicing/storm water management study and design plans were submitted in support of a Site Plan Application, to the satisfaction of the Executive Director of Engineering and Construction Services and the General Manager of Toronto Water.

The Council Decision, Final Report and Zoning By-laws are available at:

<https://www.toronto.ca/legdocs/mmis/2017/ny/bgrd/backgroundfile-102870.pdf>

As part of the approval of the 24-storey tower at 90 Eglinton Avenue West and 17-19 Henning Avenue, a cash payment of \$1,000,000 for the purpose of improvements to Eglinton Park in accordance with the Midtown in Focus Parks and Public Realm Plan was secured pursuant to Section 37 of the *Planning Act*. In addition, the conveyance of the off-site parkland dedication property at 61 Montgomery Avenue and a stratified easement on the east-west driveway was secured as a legal convenience to support the development.

With respect to the 50 and 60 Eglinton Avenue West site, Official Plan and Zoning By-law Amendment applications were submitted to the City on October 20, 2017 which contemplated a 36-storey mixed-use building, including a 2 to 3 storey base building, with a total gross floor area of 27,355 square metres with 401 residential dwelling units and 1,873 square metres of commercial space located on the ground floor and second floor.

On January 16, 2018, North York Community Council received a Preliminary Report on the application. The Preliminary Report is available at:

<https://www.toronto.ca/legdocs/mmis/2018/ny/bgrd/backgroundfile-110006.pdf>

The Official Plan and Zoning By-law Amendment applications were subsequently appealed by the applicant to the Local Planning Appeal Tribunal (LPAT) on April 25, 2018 due to Council not making a decision with 120 days of receiving a complete application. A settlement was agreed upon between the applicant and City which included revisions to the site-specific application and combining the property with the properties at 90 Eglinton Avenue West and 17-19 Henning Avenue to create a comprehensive development. The height of the proposed tower was reduced from 36 to 32 storeys and was comprised of approximately 20,280 square metres of residential, 1,717 square metres of office and 1,247 square metres of retail gross floor area. The settlement contemplated a shared underground garage and base building, as well as shared parking, loading and servicing.

As part of the settlement, the applicant agreed to the conservation of the former Toronto Hydro building at 50 Eglinton Avenue West, substantially in accordance with the Settlement Plans, to be provided at the Applicant's sole cost, with the new base building set back, primarily at the ground floor level, from the facades of the existing Toronto Hydro heritage building to provide a minimum 3 metre wide double height walkway/colonnade in this area.

City Council adopted the City Solicitor's Request for Directions Report on the settlement on July 23, 24, 25, 26, 27 and 30, 2018. City Council's decision, including the items agreed to be secured within the Section 37 agreement are found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.CC44.40>

Midtown in Focus was an inter-divisional response to the rapid intensification and change underway in parts of the Yonge-Eglinton area. City Council adopted Official Plan Amendment 405 including a new Secondary Plan, and a series of infrastructure strategies and plans in July 2018. Council-adopted OPA 405 was submitted to the Province for approval in August 2018. It was approved with modifications by the Minister of Municipal Affairs and Housing on June 5, 2019.

In May 2019, the Toronto Preservation Board recommended the designation of 50 Eglinton Avenue West under Part IV of the *Ontario Heritage Act* and that a heritage easement agreement be entered into. At its meeting of July 16, 17 and 18, 2019, City Council adopted these recommendations and enacted By-laws 1641-2019 and 1642-2019 to implement them. City Council's decision, including By-law Nos. 1641-2019 and 1642-2019 are found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.NY7.8>

On August 6, 2019, the LPAT approved the settlement proposal described above in principle, withholding its final order until three conditions were satisfied: finalizing the zoning by-law amendments, executing a Section 37 Agreement and resubmitting a number of supporting reports including a revised Traffic Impact Study, Parking and Loading Study, Waste Management Study, Servicing Reports and a Heritage Impact Assessment, and a full submission of revised plans for the consolidated development, inclusive of 90 Eglinton Avenue West. A final LPAT Order has not yet been issued with respect to 50-60 Eglinton Avenue West and Zoning By-laws were not enacted for the site. The LPAT's decision can be found here:

<https://www.omb.gov.on.ca/e-decisions/pl180217-Aug-06-2019.pdf>

As part of the LPAT approval in principle of the 32-storey tower at 50 and 60 Eglinton Avenue West, a cash payment of \$2,500,000 for the purpose of public realm and park improvements in the Ward was secured pursuant to Section 37 of the *Planning Act*. In addition, the above base improvements for the off-site parkland dedication at 58 Helendale Avenue; streetscape improvements on Duplex Avenue, including a sidewalk widening of approximately 3 metres at the intersection of Eglinton Avenue West and Duplex Avenue; and the conservation of the former Toronto Hydro building at 50 Eglinton Avenue West including a minimum 3 metres wide double height walkway/colonnade were secured as a legal convenience to support the development.

On March 16, 2020, a complete application for Site Plan Control (File No. 20 126681 NNY 08 SA) was submitted for the entirety of the subject lands at 50, 60 and 90 Eglinton Avenue West and 17-19 Henning Avenue to facilitate the above-noted approvals as one comprehensive development. The Site Plan Control application has been amended to reflect the status of the current Zoning By-law Amendment application.

It was anticipated that a Zoning By-law Amendment application would be submitted to the City to facilitate the consolidated proposal pursuant to Council's decision to approve the Official Plan and Zoning By-law Amendment at 90 Eglinton Avenue West and the August 6, 2019 LPAT decision at 50 and 60 Eglinton Avenue West, in order to create a single Zoning By-law for the consolidated site to facilitate the combined underground parking, setbacks, and shared amenity area, amongst other matters.

On November 3, 2020, a formal pre-application meeting was held with City Staff to discuss the increase in height and density brought forward by the subject Zoning By-law Amendment application. Staff expressed concerns with the height, density, shadowing, overlook and removal of the pedestrian colonnade. The current Zoning By-law Amendment application was submitted on December 15, 2020 and has been deemed complete as of this date. The application was appealed on March 17, 2021 and a Case Management Conference (CMC) has been scheduled for September 1, 2021.

ISSUE BACKGROUND

Proposal

This application proposes to amend City of Toronto Zoning By-law Nos. 438-86, 569-2013 and 1030-2014 on 50 and 60 Eglinton Avenue West and Site Specific By-laws 825-2017 and 826-2017 for the lands at 90 Eglinton Avenue West and 17-19 Henning Avenue to permit two residential towers, with total heights of 39 storeys (50-60 Eglinton Avenue West - East Tower) and 34 storeys (90 Eglinton Avenue West - West Tower) atop a 4-storey high base building.

The application proposes 688 residential units and a total gross floor area of 54,806 square metres, of which 2,919 square metres is proposed for retail uses and 4,078 square metres is proposed for office uses. The resultant floor space index (FSI) would be 13.73 times the area of the lot.

It is of note that the tower and base building setbacks and stepbacks remain unchanged from the previous approvals. Details of the application are outlined in the chart below and in Attachment 13 – Application Data Sheet.

Category	December 15, 2020 Submission	
Site Area	3,989 square metres	
Minimum Base Building Setbacks from Property Line (excluding balconies)	North	10.6 m (west side of site) to 4.5 m (east side of site)
	South (Eglinton Ave W)	2.85 m (east side of site) to 4.85 m (west side of site) 2 m (storeys 2-3)
	East (Duplex Ave)	0.25 m - 2.35 m (south to north) (ground floor and 2nd storey) 2 m - 2.25 m (3rd and 4th storey)
	West (Henning Ave)	3 m (ground floor) 2 m (storeys 2-3) 2.15 m (4th storey)
Minimum Proposed Tower Setbacks from Property Line	90 Eglinton Ave W - 34-Storey Tower (West)	
	North	21.25 m
	South	5 m

	(Eglinton Ave W)	
	West (Henning Avenue)	4.05 m
	50-60 Eglinton Ave W - 39-Storey Tower (East)	
	North	4.5 m
	South (Eglinton Ave W)	5 m
	East (Duplex Avenue)	1.75 m
On-Site Tower Separation	20.9 metres	
Proposed Tower Stepbacks from Base Building (Excluding Balconies)	North	10.65 m
	South (Eglinton Ave W)	2.9 m
	East (Duplex Ave)	2.0 m
	West (Henning Ave)	2.95 m
Gross Floor Area (GFA)		
Residential	47,809 square metres	
Retail	2,919 square metres	
Office	4,078 square metres	
Total	54,806 square metres	
Floor Space Index (FSI)	13.73 times the lot area	
Base Building Height	20.9 metres	
Ground Floor Height	7.78 metres	
Tower Heights	90 Eglinton Ave W - 34-Storey Tower (West)	
	117.05 metres (excluding MPH)	
	123.35 metres (including MPH)	
	50-60 Eglinton Ave W - 39-Storey Tower (East)	
	130.9 metres (excluding MPH)	
	137 metres (including MPH)	
Tower Floor Plates	753.3 square metres (East Tower) 779.6 square metres (West Tower)	
Residential Units		
Studio	0 (0%)	
1 Bedroom	348 (51%)	
2 Bedroom	270 (39%)	
3 Bedroom	70 (10%)	
Total	688	
Amenity Area		
Indoor	1,502 square metres	
Outdoor	1,284 square metres	
Total	2,786 square metres	
Vehicular Parking (residential: visitor/retail/office)	297 spaces (209:88)	
Loading Spaces	1 Type 'G' 1 Type 'B'	

	2 Type 'C'
Bicycle Parking (res long-term:short-term) (com long-term:short-term)	727 spaces (619:69) (24:15)
Parkland Dedication	Off-site - Approximately 343 square metres at 61 Montgomery Avenue and 58 Helendale Avenue

Detailed project information is found on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

Site and Surrounding Area

The site is located on the north side of Eglinton Avenue West and includes all three properties fronting Eglinton Avenue West between Henning Avenue and Duplex Avenue, as well as the sites to the immediate north at 17 and 19 Henning Avenue. The total area of the site is approximately 3,989 square metres and is generally rectangular in shape, with frontages of 72.6 metres along Eglinton Avenue West, 48.3 metres along Duplex Avenue and 51 metres along Henning Avenue.

The property at 50 Eglinton Avenue West is occupied by a 2-storey brick building constructed in 1922 and was formerly owned and operated by Toronto Hydro as the Toronto Hydro-Electric System (THES) Eglinton Substation. In November 2019, City Council passed By-law 1641-2019, designating the property at 50 Eglinton Avenue West under Part IV of the *Ontario Heritage Act*.

The property at 60 Eglinton Avenue is occupied by a vacant 3-storey hydro depot building that was constructed in the 1960's.

The property at 90 Eglinton Avenue West is occupied by a 7,710 square metre, 6-storey office building with one level of underground parking. Access to the parking garage is from a two-way driveway extending east from Henning Avenue along the northern boundary of the property.

Immediately north of the driveway are two 2-storey semi-detached dwellings (17-19 Henning Avenue), each with a driveway accommodating a front yard parking space.

Land uses surrounding the site are as follows:

North: The area north of the site is designated *Neighbourhoods* and consists of a four-storey pre-cast concrete and block building housing a Hydro One transformer station, known municipally as 390-400 Duplex Avenue and a low rise residential neighbourhood of 2 and 3-storey residential dwellings. There are semi-detached dwellings along Henning Avenue further north.

East: East of Duplex Avenue are lands in the Yonge-Eglinton Centre. There is a 6 storey office building on the northeast corner of Duplex Avenue and Eglinton Avenue West. This site is designated *Mixed Use Areas* in the Official Plan. A Zoning By-law Amendment to permit a 39-storey mixed-use building with a height of 122.5 metres and

a density of approximately 17.9 FSI on this site was approved in 2012 by the Ontario Municipal Board (File No. 09 148228 NNY 16 OZ). A new rezoning application was filed for the lands at 36-44 Eglinton Avenue West to permit a 65-storey mixed-use building (220 metres including mechanical). The application was refused by City Council on October 27, 2020 and a new application for the same proposal was submitted and refused by City Council on March 10, 2021 (File No. 21 101581 NNY 08 OZ).

Further east extending to Yonge Street is the RioCan retail and office complex (22 and 30-storey office buildings with heights of 93.3 and 124.4 metres respectively), and two high-rise apartment towers to the north (17 and 22-storeys and with heights of 48.3 metres and 64.4 metres, respectively). A Zoning By-law amendment application to increase the heights of the two office buildings to 27 and 37-storeys with heights of 110.5 and 148.5 metres respectively, was approved in 2011 (File No. 09 110945 NNY 16 OZ).

South: Opposite the site on the south side of Eglinton Avenue West is the 4-storey Toronto Police Services 53 Division building situated at the southeast corner of Duplex Avenue and Eglinton Avenue West. There is also a 3-storey rental apartment building at the southwest corner of Maxwell Avenue and Eglinton Avenue West opposite the site which is designated *Apartment Neighbourhoods*. Further west along Eglinton Avenue West are a series of 3 three-storey rental apartment buildings. Further south is a low rise residential neighbourhood of 2-storey detached dwellings designated *Neighbourhoods*.

West: West of Henning Avenue, along Eglinton Avenue West, is a 6-storey office building, 4 and 8 storey office buildings and a 7-storey mixed-use building. These sites are designated *Mixed Use Areas* in the Official Plan and are located within the Henning Character Area. There is a 13-storey apartment building on the west side of Edith Drive, adjacent to the north of the 7-storey mixed-use building at the northwest corner of Edith Drive and Eglinton Avenue West. Eglinton Park is further west.

APPLICATION BACKGROUND

Application Submission

The following reports, studies and plans were submitted in support of the application:

- 3D Model
- Arborist Report
- Architectural Plans
- Civil and Utilities Plans
- Coloured Concept Plan
- Contaminated Site Assessment (Phase 1 ESA)
- Community Services and Facilities Study
- Construction Management Plan
- Draft Zoning Bylaw Amendments for Zoning By-law Nos. 438-86 and 569-2013
- Energy Strategy Report
- Geotechnical Study

- Groundwater Review Form
- Heritage Impact Assessment
- Hydrogeological Report
- Hydrogeological Review Summary
- Landscape and Lighting Plans
- Noise and Vibration Study
- Pedestrian Level Wind Study
- Planning Rationale
- Project Data Sheet
- Public Consultation Strategy Report
- Servicing Report
- Shadow Study
- Survey Plans
- Toronto Green Standards Checklist
- Transportation Impact Study and
- Tree Preservation Plan.

The Zoning By-law Amendment Application was deemed complete as of December 15, 2020. Supporting documentation can be viewed at the City's Application Information Centre: <http://app.toronto.ca/AIC/index.do>

Agency Circulation Outcomes

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.

POLICY CONSIDERATIONS

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

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

The Provincial Policy Statement (2020) (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 use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and

- Protecting people, property and community resources by directing development away from natural or human-made hazards.

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 4.6 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."

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on May 16, 2019. This new plan replaced the previous Growth Plan for the Greater Golden Horseshoe, 2017. On August 28, 2020, the Province brought into force Amendment 1 (2020) to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)"). The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part.

The Growth Plan (2020) establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act* that comprehensively applies the policies and schedules of the Growth Plan (2020), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of employment areas, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected transit to where people live and work;

- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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 (2020) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

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

The Growth Plan (2020) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10 minute walk. The Growth Plan (2020) requires that, at the time of the next municipal comprehensive review (MCR), the City will update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs will achieve appropriate densities and built form at that time.

Delineated Protected Major Transit Station Areas (PMTSAs) will be a subset of all 180+ MTSAs that the City can delineate before the MCR is concluded. In order to delineate PMTSAs before the MCR is concluded, the City must put in place a detailed planning framework that includes the authorized permitted uses of land and minimum densities with respect to buildings and structures within the delineated area. The PMTSA requirement for minimum densities for buildings and structures requires a level of specificity that is akin to provisions contained within an area zoning by-law.

Key considerations for the determination of PMTSA candidacy are: enabling Transit Oriented Development (TOD); facilitating large scale revitalization; implementing inclusionary zoning; and building upon recently completed planning studies where significant work was conducted to put in place the required level of specificity described above.

Staff has reviewed the proposed development for consistency with the PPS (2020) and for conformity with the Growth Plan (2020). The outcome of staff analysis and review are summarized in the Comments section of the Report.

City of Toronto Official Plan

City Planning staff have reviewed the application against the policies of the Official Plan, a number of which are noted below. The subject site is designated *Mixed Use Areas* per Map 17 (Land Use Plan) in the Official Plan.

Chapter 2 - Shaping the City

The Official Plan recognizes the strategic midtown location of the Yonge-Eglinton *Centre* and its continuing role as both an office centre and a desirable living area. The Plan promotes new development within the Yonge-Eglinton *Centre* and identifies where and how this should occur including through infill development and redevelopment. The subject site, located on the west side of Duplex Avenue is outside of the *Centre* per Map 2 (Urban Structure).

The policies of Section 2.2.2 of the Official Plan provide that each *Centre* will have a Secondary Plan that sets out the local goals and a development framework consistent with the Plan, and among other things, the location, mix and intensity of land uses within the *Centre*. The Yonge-Eglinton Secondary Plan Area encompasses lands beyond the *Centre*, including the subject site, and provides a development framework for the *Centre*, as well as the larger area.

Section 2.2.3: Avenues

The *Avenues* are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents. Such reurbanization is subject to the policies contained in the Official Plan, including in particular the neighbourhood policies.

Section 2.3.1: Healthy Neighbourhoods

The northwest portion of the site (17-19 Henning Avenue) is designated *Neighbourhoods*. Continuing northwest beyond the subject site, the proposed development is located adjacent to an area designated *Neighbourhoods* in the Official Plan. Section 2.3.1 of the Official Plan states that "the diversity of Toronto's neighbourhoods, in terms of scale, amenities, local culture, retail services and demographic makeup, offers options within communities to match every stage of life". *Neighbourhoods* are where people connect and by focusing development into the *Centres* and *Avenues* we preserve the character of those *Neighbourhoods*. Whether low-rise or apartment buildings, the policies in the Official Plan are intended to apply equally to both. Policy 2.3.1.1 states that *Neighbourhoods* and *Apartment Neighbourhoods* are considered physically stable areas.

Policy 2.3.1.3 states that developments in *Mixed Use Areas*, *Regeneration Areas* and *Apartment Neighbourhoods* that are adjacent or close to *Neighbourhoods* will: "be compatible with those *Neighbourhoods*, provide a gradual transition of scale and density, as necessary to achieve the objectives of this Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*, maintain adequate light and privacy for residents in those *Neighbourhoods*, and attenuate resulting traffic and

parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*."

Chapter 3 – Building a Successful City

Section 3 of the Official Plan contains policies that guide growth by integrating social, economic and environmental perspectives in decision making to create an attractive Toronto with a strong economy and complete communities. The policies focus on the built environment, the human environment, the natural environment, economic health and new neighbourhoods. All applications for development are to be evaluated against the policies and criteria in the Chapter to ensure the best possible development choices are made.

On September 11, 2020, the Minister of Municipal Affairs and Housing issued Notices of Decision approving OPA 479 (Public Realm) and OPA 480 (Built Form) as part of the City's Five-Year Official Plan. The OPAs replace Sections 3.1.1, 3.1.2 and 3.1.3 of the Official Plan with new and revised policies for the public realm, built form and built form types, which promote a walkable city; clarify the role of the public realm and the need for new public streets; introduce development criteria for low-rise, mid-rise and tall buildings; and promote public squares and Privately Owned Publicly-Accessible Spaces.

Section 3.1.1: The Public Realm

Section 3.1.1 of the Official Plan recognizes that public realm is the fundamental organizing element of the city and its neighbourhoods. Policy 3.1.1.6 states that City streets are significant public open spaces which connect people and places and support the development of sustainable, economically vibrant and complete communities. New and existing City streets will be designed to balance the needs and priorities of the various users and uses within the right of-way, including provision for: space for trees, landscaping and green infrastructure and other street elements, such as utilities and services, snow and stormwater management, wayfinding, boulevard cafes, marketing and vending, and street furniture.

Policies 3.1.1.6 c) and d) give heightened importance to improving the quality and convenience of active transportation options within all communities by giving full consideration to the needs of pedestrians, cyclists and public transit users; reflecting differences in local context and character; and providing building access and address, as well as amenities such as view corridors, sky view and sunlight.

Policy 3.1.1.15 b) recognizes the relationship between city blocks, development lots, and the size and configuration of proposed land uses, scale of development and intended form of buildings and open space. Policy 3.1.1.16 states that the preservation, long-term growth and increase in the amount of healthy trees will be a priority for all development. Development proposals will demonstrate how the protection, provision and maintenance of trees and their growing spaces above and below ground will be achieved.

Section 3.1.2: Built Form

Sections 3.1.2 and 3.1.3 of the Official Plan contains policies regarding built form and built form types. The policies recognize that most of Toronto's future development will be built on infill and redevelopment sites and will need to fit in, respecting and improving the character of the surrounding area.

The new Built Form policies provide principles on key relationships of the location and organization of development, its massing and appropriate amenity within the existing and planned context to inform the built form and ensure each new building will promote and achieve the overall objectives of the Official Plan.

Policy 3.1.2.1 b) states that development will be located and organized to fit with its existing and planned context. It will frame and support adjacent streets, lanes, parks and open spaces to promote civic life and the use of the public realm, and to improve the safety, pedestrian comfort, interest and experience, and casual views to these spaces from the development by providing additional setbacks or open spaces, at street intersections and areas with high pedestrian volumes.

Policy 3.1.2.3 states that development will protect privacy within adjacent buildings by providing setbacks and separation distances from neighbouring properties and adjacent building walls containing windows.

Policy 3.1.2.5 requires development to be located and massed to fit within the existing and planned context, define and frame the edges of the public realm with good street proportion, fit with the character, and ensure access to direct sunlight and daylight on the public realm.

Policy 3.1.2.6 requires development to provide good transition in scale between areas of different building heights and/or intensity of use in consideration of both the existing and planned contexts of neighbouring properties and the public realm, while Policy 3.1.2.7 states that transition in scale will be provided within the development site(s) and measured from shared and adjacent property line(s).

Policy 3.1.2.8 states that where development is adjacent to, a park or open space, the building(s) should be designed to provide good transition in scale to the parks or open spaces to provide access to direct sunlight and daylight.

Policy 3.1.2.10 c) states that development will promote civic life and provide amenity for pedestrians in the public realm to make areas adjacent to streets, parks and open spaces attractive, interesting, comfortable and functional by providing landscaped open space within the development site.

Section 3.1.3: Built Form – Building Types:

OPA 480 also replaces Section 3.1.3 of the Official Plan and provides policy direction for three scales of building types - – Townhouse and Low-Rise Apartments, Mid-Rise, and Tall – for residential, office and mixed-use intensification. These building types are defined by their scale and physical characteristics including site and building organization, relationship to the public street, and building massing and height. The

built form relationships and design of these building types is informed by citywide urban design guidelines that help to ensure the proper form and fit with the existing and planned context. A tall building is proposed for the site which is the most intensive form of growth that comes with both opportunities and challenges.

Tall buildings play a role in achieving residential and office growth in parts of the Centres, as well as other areas across the city. However, not every site is appropriate for a tall building. Tall buildings should only be considered where they can fit into the existing or planned context, and where the site's size, configuration and context allows for the appropriate design criteria to be met.

Policy 3.1.3.10 provides that the tower portion of a tall building should be designed to: a) reduce the physical and visual impacts of the tower onto the public realm; b) limit shadow impacts on the public realm and surrounding properties; c) maximize access to sunlight and open views of the sky from the public realm; d) limit and mitigate pedestrian level wind impacts; and, e) provide access to daylight and protect privacy in interior spaces within the tower.

Policy 3.1.3.11 directs that this should be achieved by: a) stepping back the tower from the base building; b) generally aligning the tower with, and parallel to, the street; c) limiting and shaping the size of tower floorplates above base buildings; d) providing appropriate separation distances from side and rear lot lines as well as other towers; and e) locating and shaping balconies to limit shadow impacts.

Section 3.1.5: Heritage Conservation

Section 3.1.5 provides policy direction on the conservation of heritage properties in the City's Heritage Register and on development adjacent to heritage properties. Section 3.1.5.5 requires proposed alterations or development on, or adjacent to, a property on the Heritage Register to ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained.

Section 3.1.5.26 requires new construction on, or adjacent to, a property on the Heritage Register be designed to conserve the cultural heritage values, attributes and character of the property, and to mitigate the visual and physical impact on it, including consideration such as scale, massing, materials, height, building orientation and location relative to the heritage property.

Section 3.2.3: Parks and Open Spaces

The site is located east of Eglinton Park, the largest and most significant park in the Yonge-Eglinton Secondary Plan area. Policy 3.2.3 of the Official Plan speaks to maintaining and enhancing Toronto's system of parks and open spaces and states that the effects of development from adjacent properties including additional shadows, noise, traffic and wind will be minimized as necessary to preserve their utility. It outlines a parkland acquisition strategy, grants authority to levy a parkland dedication or alternative cash-in-lieu and calls for the expansion of the existing network of parks and open spaces.

Chapter 4 – Land Use Designations

Section 4.1: Neighbourhoods

The lands at 17 and 19 Henning Avenue are designated *Neighbourhoods* on Map 17 of the Official Plan. *Neighbourhoods* are considered physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys. New development within this designation will maintain the existing physical character. Parks, low scale institutions, home occupations, cultural and recreational facilities, and small-scale retail, service and office uses are also provided for in *Neighbourhoods*.

As previously noted, OPA 356 did not redesignate the 17 and 19 Henning Avenue properties, but rather introduced a new Site and Area Specific Policy to the former Yonge-Eglinton Secondary Plan and *Neighbourhoods* designation to allow for underground parking, a publicly accessible lane, an opaque barrier and landscaping on the lands associated with the approved development at 90 Eglinton Avenue West.

Section 4.5: Mixed Use Areas

The lands at 50, 60 and 90 Eglinton Avenue West are designated *Mixed Use Areas* on Map 17 of the Official Plan (Attachment 3). Section 4.5.1 of the Official Plan states that *Mixed Use Areas* are made up of a broad range of commercial, residential and institutional uses in single use or mixed use buildings.

Per Section 4.5.2(b) of the Official Plan, development within *Mixed Use Areas* should provide for new jobs and homes on underutilized lands. Section 4.5.2(c) states that development should locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*.

Section 4.5.2(d) states that development shall locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes. Furthermore, Section 4.5.2(e) states that development in *Mixed Use Areas* should be located and massed 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.

Sections 4.5.2(f) and (g) state that development in *Mixed Use Areas* should also provide attractive, comfortable and safe pedestrian environments; have access to schools, parks and community centres as well as libraries and childcare.

Sections 4.5.2 (h), (i), (j) and (k) state that development in *Mixed Use Areas* should also take advantage of nearby transit services; provide good site access and circulation as well as an adequate supply of both visitor and resident parking. In addition, service areas should be located to minimize impacts on adjacent streets, and any new multi-unit residential development should provide indoor and outdoor amenity space for residents.

Chapter 5 – Implementation

Section 5.1.1: Height and/or Density Incentives

Policy 5.1.1 of the Official Plan allows for an increase in height and/or density in return for the provision of community benefits for a proposed development, in accordance with Section 37 of the *Planning Act*. The proposed density meets the Official Plan's threshold for Section 37 considerations.

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

Official Plan Amendment 231

Official Plan Amendment 231 (OPA 231) was adopted by Council in December 2013, approved by the Minister of Municipal Affairs and Housing in July 2014 and portions of the amendment are under appeal at the LPAT, including an appeal made by the applicant on July 28, 2014 with respect to the office replacement policies for 90 Eglinton Avenue West.

Through OPA 231, Council has adopted additional policies to retain existing office buildings and promote new office development and major freestanding office buildings in *Mixed Use Areas* and *Regeneration Areas* in the Downtown and Central Waterfront and Centres, and all other *Mixed Use Areas*, *Regeneration Areas* and *Employment Areas* within 500 metres of an existing or approved and funded subway, light rapid transit or GO station.

OPA 231 also supports the nurturing and expansion of Toronto's economy to provide for the future employment needs of Torontonians and the fiscal health of the City by contributing to a broad range of stable full-time employment opportunities for all Torontonians. OPA 231 policies in effect ensure a multi-faceted approach to economic development in Toronto will be pursued that stimulates transit-oriented office growth in the Centres and within walking distance of existing and approved subways (3.5.1.2 a). These policies also set out a framework for balanced growth of jobs and housing across the City to:

- maintain a complete community;
- reduce the need for long distance commuting and lessen regional road congestion; and,
- increase the proportion of travel by transit, walking, and cycling (3.5.1.3).

Yonge-Eglinton Secondary Plan

The site is within the Yonge-Eglinton Secondary Plan Area (see Attachment 4). The Yonge-Eglinton Secondary Plan sets out a long-term 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 and prosperous place, and where growth is directed near transit. The Secondary Plan provides guidance on the appropriate scale and location of future growth and links growth with the provision of infrastructure.

City Planning staff have reviewed the application against the policies of the Yonge-Eglinton Secondary Plan, a number of which are noted below. The Secondary Plan is intended to be read and interpreted as a comprehensive document. The site is located at the furthestmost eastern edge of the Henning Special Place Character Area and is directly west of the Yonge-Eglinton Crossroads Character Area on Map 21-2 of the Yonge-Eglinton Secondary Plan. The site is located in the Secondary Zone on Map 21-3 (Midtown Transit Station Areas) of the Yonge-Eglinton Secondary Plan. The Site is designated *Mixed Use Areas "B"* on Map 21-4 and is directly adjacent to *Neighbourhoods* to the north of the site on Map 17 of the Official Plan. The site along Eglinton Avenue West is located along a Priority Retail Street on Map 21-5 and the Eglinton Green Line on Map 21-6.

Section 1 - Vision, Goals and Character Area Designations

Section 1.1 of the Yonge-Eglinton Secondary Plan provides a vision statement about the Yonge-Eglinton Area. This vision builds on the qualities that define Midtown's identity and its liveability, including the importance of a complete community and the complementary relationship between mixed-use nodes, historic main streets, low-rise and high-rise communities, parks and open spaces. New buildings are to be compatible with the character and varied scale of Midtown's different Character Areas, conserve heritage attributes and contribute to a high-quality public realm.

As Midtown continues to grow and evolve, the elements of a liveable and complete community will be provided in parallel with growth. Residents and workers will be served by new, improved and expanded community service facilities and resilient physical and green infrastructure. An enhanced, safe and connected public realm will be created that complements Midtown's green, landscaped setting.

Section 1.2 of the Plan sets out five goals that will guide public works and development in the Secondary Plan, which include: complete community, green and resilient, connected, prosperous and transit optimization. Midtown will be defined by its green, landscaped setting, expanded network of parks and well-designed communities that support energy and water conservation, which together will reduce vulnerability to a changing climate.

Section 1.3 of the Plan sets out the development objectives for the various Character Areas based on land use and the desired long-term vision for each Character Area. The site is in a Special Place and is located within the Henning Character Area. Midtown Special Places are important office, institutional or civic destinations in Midtown. They are unique places in Midtown where the form and scale of development vary dramatically from other Character Areas.

Policy 1.3.6(c) states that the Henning Character Area has an important cluster of office and institutional buildings located close to the transit station at Yonge Street and Eglinton Avenue, as well as a cluster of low-rise residential buildings. New office and institutional buildings along Eglinton Avenue West, west of Henning Avenue, coupled with new mixed-use tall buildings east of Henning Avenue will reinvigorate this section

of Eglinton Avenue West, and contribute to a renewed Eglinton Avenue streetscape and employment offerings in Midtown.

The surrounding planned policy context includes a Midtown Apartment High Street (Eglinton Park Character Area) and a Midtown Core (Yonge-Eglinton Crossroads Character Area). Policy 1.3.4(a) identifies that the Midtown Apartment High Streets are distinct residential areas and contemplate incremental infill development and redevelopment. The Eglinton Park Character Area comprises primarily low-rise walk up apartment buildings framing Eglinton Avenue West and contemplates that new development will be generally comprised of low-rise walk up apartment buildings with mid-rise buildings at the ends of the High Street.

Policy 1.3.5(a) states that the Yonge-Eglinton Crossroads Character Area is the centre of activity in Midtown with office, retail and high-rise residential development. Building heights will peak at the Crossroads with a gradual transition down in building heights in all directions.

Section 2 - Area Structure

Section 2 of the Plan defines Midtown's urban structure and includes policy directions to direct and shape growth in Midtown over the long-term. Not all areas in Midtown will experience the same levels of intensification and development and infrastructure will be planned in tandem. Infrastructure refers to physical infrastructure, community service facilities and green infrastructure including public parks. It ensures that Midtown is a complete community with transit-supportive development in a compact urban form, recognizing that transit-supportive development does not require or mean tall buildings on every site.

Section 2.4 of the Secondary Plan contains policies with respect to Midtown Transit Station Areas. Policy 2.3.1.4 states that the highest density of development shall be located in close proximity to existing or proposed higher order transit stations.

The subject site is designated *Mixed Use Areas "B"* per Map 21-4 of the Plan. Policy 2.5.6 states that *Mixed Use Areas "B"* consist of residential, office and civic clusters around transit stations and along Yonge Street, Eglinton Avenue West and Merton Street. A mix of residential, retail and service, office, institutional, entertainment and cultural uses will be permitted.

Policy 2.5.4 states that tall buildings and large redevelopment sites capable of accommodating multiple buildings will provide 100 per cent replacement of any existing office gross floor area located on the site. The 2014 and 2016 applications on the 90 Eglinton Avenue West site specified a total of 5,853 square metres of existing office space, whereas the current application submission specifies a total of 3,809 square metres in the existing 6-storey office building.

The subject site is located on a Priority Retail Street. Policy 2.6.1 states that development on Priority Retail Streets will: include a continuous frontage of at-grade, pedestrian-oriented retail and service uses and/or community service facilities; provide frequent entrances and architectural detailing; be required to have retail stores at grade

with a minimum depth of generally 15 metres along the frontage of a building; generally provide a minimum floor-to-ceiling height of 4.5 metres except where the historic character of a block includes a lesser prevailing floor-to-ceiling height; only include retail above or below grade when a retail store(s) is provided on the ground floor; provide prominent entrances with direct access from public sidewalks; limit the width of residential lobbies; and provide a high degree of visibility to allow for a two-way visual exchange.

Section 3 - Parks and Public Realm

The public realm in Midtown is to support a vibrant mixed-use community with a green landscaped character. Primary public realm objectives of the Secondary Plan are to maintain and enhance the green, landscaped character of the area, improve and expand the network of parks, open spaces and create a high-quality public realm and streetscapes to ensure the continued vitality and quality of life in the area.

Pedestrian and public realm improvements will be prioritized to support the Priority and Secondary Retail Streets identified on Map 21-5 and Public Realm Moves identified on Map 21-6. In addition, re-allocating space within public streets to prioritize pedestrians, cyclists and public transit will be prioritized. Development will reduce the impact of vehicular, loading and servicing activities on the public realm.

The site is located along the Eglinton Green Line. Policy 3.2.2 states that the Eglinton Green Line will be a major linear, publicly-accessible green open space on Eglinton Avenue, extending from Eglinton Park to Mount Pleasant Road. On Eglinton Avenue West between Yonge Street and Eglinton Park, continuous landscaping that includes high-branching trees and plantings will be provided in the right-of-way and in the setbacks.

Section 4 - Mobility

The Midtown Mobility Network shown on Map 21-9 of the Secondary Plan is intended to be a well-connected and integrated network of streets, laneways, mid-block connections and multi-use trails that will provide a variety of safe and sustainable travel choices.

The site is bounded by a Major Street (Eglinton Avenue West) to the south and a Primary Street (Duplex Avenue) to the east. Major Streets are important main streets that provide direct and continuous transportation routes within and across the Secondary Plan area and that connect with the surrounding city. Major Streets are also required to provide direct and continuous walking and cycling routes to transit stations with wide, generous sidewalks and unobstructed clearways to accommodate the highest intensity of pedestrians and cycling movement and activity; support Midtown's retail streets and active building frontages; and be designed to include space to grow street trees. Primary Streets are intermediate streets that serve a local focus and provide connectivity and access to and between Midtown's employment nodes and other destinations, such as schools, major parks and open spaces, community service facilities and surface transit stops.

The site is located 200 metres west of the TTC Subway and Crosstown Station Interchange (Eglinton Station). Policy 4.25 directs that development in proximity to a transit station will provide improved at-grade access to the station where possible and in accordance with the applicable legislative framework for community benefits. Where possible, entrances to transit stations will be encouraged to be integrated into buildings and new development, ensuring that all points of access are clearly marked, visible and accessible from the street and maintain hours of access to match transit operations.

Section 5 - Built Form

Growth and intensification will be accommodated in a variety of building types and scales suitable and appropriate to the existing and planned context of the character areas that comprise Midtown while enhancing the livability of a building's surroundings and the spaces within the building. To achieve this, all development within the Secondary Plan area will generally reflect the built form principles in Section 5.1 of the Secondary Plan.

Policy 5.1.1(a) states that development will provide a variety of building types with a range of heights to fit with the planned character, promote localized sense of place and create a distinct skyline that reinforces Midtown's location in the city's urban structure.

Policy 5.1.1(b) states that development provide transition from *Mixed Use Areas* to *Neighbourhoods* through a variety of context-appropriate approaches that adequately limit shadow and privacy impacts, such as transitioning building heights, inclusive of base buildings, placing buildings in landscaped settings with building setbacks, or a combination thereof.

Policy 5.1.1(d) requires development to contribute to Midtown's green, landscaped character, provide appropriate spacing and separation between tall buildings and that the base of tall buildings has a scale that is compatible with the existing and planned character of the area.

Policy 5.1.1(e) with respect to public realm, open space and walkability states that development is to promote active street life and "eyes on the street" by ensuring buildings frame and animate streets, parks and open spaces, with active uses at grade, windows to allow for a two-way visual exchange, ensuring clearly defined and visible entrances from the public realm, and encouraging the highest quality of architecture and landscape architecture.

Policies 5.1.1(h) and (i) speak to achieving liveable and comfortable spaces by locating, designing and massing buildings to mitigate the cumulative impact of multiple tall buildings, adequate access to sky view from the public realm, adequate sunlight and good wind conditions.

Policy 5.3.5 addresses a diversity of building types and forms. Development will harmonize with neighbouring development to create a compatible pattern and rhythm along a street and/or contribute to the open space setting and character of an area. Development fronting a major street in the Midtown Cores and the Eglinton Green Line,

will contribute to creating a consistent and continuous streetwall in the respective Character Area.

The policies in 5.3.31 state that the siting and placement of tall buildings will take into account other adjacent sites; provide adequate access to sunlight and sky view from the public realm; and take into account the comfort of sidewalks, parks and open spaces and outdoor areas associated with community service facilities and schools.

Policies 5.3.34 and 5.3.36 provide direction on base buildings of tall buildings that generally do not exceed a maximum height of 6 storeys, stepping back at the 5th storey.

Policy 5.3.41 states that the middle (tower) floor plate of residential tall buildings and the residential portion of mixed-use tall buildings will generally have slender proportions and not exceed 750 square metres. Increases to the floor plate size may be considered when it is demonstrated that the impacts of the larger floor plate, including but not necessarily limited to pedestrian comfort, shadow, transition, sky view and wind, can be appropriately addressed.

Per Policy 5.3.45, in order to achieve good sky view and sunlight, as well as to contribute to the desired character of an area, the minimum tower separation distances between residential tall buildings will be specified in an implementing zoning by-law.

Policy 5.4.3 sets out anticipated height ranges for Character Areas and states that specific heights will be determined through rezoning or a City initiated zoning by-law amendment. Policy 5.4.3(t) provides for heights of 15 to 35 storeys for the Henning Character Area with heights stepping down towards Edith Avenue and Orchard View Boulevard.

Policy 5.4.3 also outlines an anticipated height range for the Yonge-Eglinton Crossroads Character Area of between 35 and 65 storeys with the peak at the intersection of Yonge Street and Eglinton Avenue and a gradual transition down in building heights in all directions. Immediately adjacent to the south and west of the site, along Eglinton Park High Street, 4 to 10 storeys is contemplated in walk-up apartment and mid-rise built form.

Policy 5.6.1 directs that development will be located and designed to maintain adequate access to sunlight on Eglinton Park, the largest and most significant park in the area and all development proposals will be encouraged to minimize net new shadows on these existing and proposed parks.

Policy 5.6.5 states that development will be located and designed to provide adequate sunlight on parks and open spaces having regard to the varied nature of these areas. The height ranges and other policy directions established in this Plan result in acceptable shadow impacts. Additional attention to the massing and stepbacks of buildings may be required to ensure an adequate amount of sunlight on parks and open spaces.

Section 6 - Community Services and Facilities

Community service facilities provide a foundation for a diverse range of programs and services that build communities, contribute to quality of life and act as neighbourhood focal points where people gather, learn, socialize and access services. These facilities and the services they provide are an essential part of creating and sustaining vibrant, inclusive and complete communities.

Section 7 - Housing

The Secondary Plan highlights the need for a full range of housing to meet the needs of all household sizes and income levels and contribute to diverse, inclusive and liveable communities. A range of unit types and sizes not only supports households with children but also a variety of households at different life stages. Midtown, including its vertical communities, should be designed for all people.

The Yonge-Eglinton Secondary Plan is available on the City's website at:
https://www.toronto.ca/wp-content/uploads/2019/07/96a5-CityPlanning_OPA405.pdf

Zoning

The 90 Eglinton Avenue West site is subject to site specific By-law Nos 825-2017 and 826-2017, which amended Zoning By-laws 438-86 and 569-2013 to permit a 24-storey (92.15 metre) mixed-use building with of a total of 227 dwelling units, a maximum of 3,800 square metres of non-residential gross floor area and a minimum 2,785 square metres of which is office floor area on floors 1 through 3. The site specific by-law also includes provisions relating to unit location, parking and amenity area, amongst other matters to facilitate the approved development.

The Site-Specific Zoning By-laws are available at:
<https://www.toronto.ca/legdocs/bylaws/2017/law0825.pdf>
<https://www.toronto.ca/legdocs/bylaws/2017/law0826.pdf>

With respect to 50-60 Eglinton Avenue West, the site is zoned CR T3.0 C3.0 R2.0 in the former City of Toronto By-law 438-86 with a maximum permitted height of 15 metres. In the new City of Toronto By-law 569-2013, the site is zoned CR 3.0 (c3.0; r2.0) SS2 with a maximum permitted height of 15 metres.

Zoning By-law 1030-2014, which implements the Eglinton Connects study, amended By-law 569-2013 and established Site Specific Zoning CR SS2 (x2623) for this site which permits a maximum height of 25.5 metres, and the following requirements for any new development on the site:

- At least 75% of the main wall of the building facing a lot line abutting Eglinton Avenue must be between 0 and 0.5 metre from the front lot line, and all of the main wall of the building facing a lot line abutting Eglinton Avenue must be between 0 and 5.5 metres from the front lot line;
- Any part of a building located above the point, measured at 13.5 metres above the average elevation of the grade of the lot line abutting Eglinton Avenue, must

have a step-back of at least 1.5 metres from the building setback of the highest storey of the building located below that point.

- Sections 12(2) 118, 12(2) 119 and 12(2) 270(a) of former City of Toronto By-law 438-86, generally related to certain use and height permissions in the Yonge-Eglinton area, continue to prevail on the site.

On August 6, 2019, the LPAT issued an order approving a 32-storey mixed-use development comprised of 20,280 square metres of residential gross floor area, 1,718 square metres of office gross floor area and 1,247 square metres of retail gross floor area. An amending Zoning By-law implementing the approved 32-storey mixed use building has not yet been finalized.

The City's Zoning By-law 569-2013 may be found here:

<https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

Midtown Zoning Review

As part of the approval of Midtown in Focus in July 2018, City Planning was directed by Council to initiate a zoning review for Midtown's 22 Character Areas to implement the directions of the Secondary Plan. The zoning review is being undertaken in phases. Character Areas with significant intensification potential (e.g. multiple sites capable of redevelopment and scale of development) are being prioritized in the initial phase of the review. The majority of sites in the Yonge-Eglinton Crossroads Character Area have received site-specific development approvals or are identified as a Special Study Area. As such, the Yonge-Eglinton Crossroads Character Area is not included in the initial phase of the zoning review.

The zoning review involves a comprehensive evaluation of current zoning regulations and identifies where further study or amendments are needed to ensure conformity with the policies of the Secondary Plan. This review will be informed by an updated built form study and infrastructure assessments which reflect the in-force Secondary Plan. Based on findings from the built form study, the zoning review will recommend specific heights as set out in Policy 5.4.3 of the Secondary Plan. It will also provide direction on permitted uses, density, and other performance standards such as setbacks at grade, tower separation and lot coverage. The built form study will also provide updated population and employment estimates which will inform the updated infrastructure assessments. The zoning review will consider the application of holding provisions where it has been demonstrated that additional infrastructure is needed to support anticipated growth.

Design Guidelines

Official Plan Policy 5.3.2.1 states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban design guidelines are intended to provide a more detailed framework for built form and public improvements. This application was reviewed using the City-Wide Tall Building Design Guidelines, Growing Up Guidelines:

Planning for Children in New Vertical Communities (2020), the Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings.

City-Wide Tall Building Design Guidelines

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

Urban Design guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas." The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3.1, The Built Environment, and other policies within the Official Plan related to the design and development of tall buildings in Toronto.

The City-Wide Tall Building Design Guidelines are available at:

<https://www.toronto.ca/wp-content/uploads/2018/01/96ea-cityplanning-tall-buildings-may2013-final-AODA.pdf>

Growing Up: Planning for Children in New Vertical Communities

In July 2020, Toronto City Council adopted the Growing Up: Planning for Children in New Vertical Communities Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals of 20 or more residential units. The objective of the Growing Up Guidelines is to consider the needs of children and youth in the design and planning of vertical neighbourhoods which in turn, will enhance the range and provision of housing for households across Toronto. Implementation of the Guidelines also presents the opportunity to address housing needs for other groups, including roommates forming non-family households, multi-generational households and seniors who wish to age-in-place. This will increase liveability for larger households, including families with children, at the neighbourhood, building and unit scale.

The Report from the Chief Planner on the Growing Up Guidelines can be found here:

<https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-148361.pdf>

The Growing Up Guidelines (2020) are available at:

<https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-148362.pdf>

Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings

The City of Toronto has completed the Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings. The purpose of this document is to guide new developments in a direction that is more supportive of a growing pet population, considering opportunities to reduce the current burden on the public realm, and provide needed pet amenities for high density residential communities. These Guidelines are to be used by the development industry in the preparation of development applications, by

architects to inform the size, location and layout of pet friendly facilities, and by city staff in the various stages of development application review to identify best practices and help inform decisions that will support pet friendly environments.

The Guidelines are to be used in conjunction with other policies and guidelines. They are not intended to be prescriptive, but rather are intended to provide an additional degree of information. All residents, both pet-owners and non-pet-owners, will benefit from the Guidelines as they encourage design that demonstrate considerations for pets and reduces the impact that they have on our parks, open spaces and the environment.

The Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings are available at: <https://www.toronto.ca/city-government/planning-development/planningstudies-initiatives/pet-friendly-design-guidelines-for-high-density-communities/>

Site Plan Control

The proposal is subject to Site Plan Control. A Site Plan Control application (File No. 20 126681 NNY 08 SA) was submitted on March 16, 2020 and is being reviewed concurrently with this Zoning By-law Amendment application.

Community Consultation

A virtual community consultation meeting was held by City Planning on March 2, 2021 which was attended by 90 members of the public, City Staff, the applicant and their team and the local Ward Councillor. E-mail correspondence from interested residents were also received by City Staff in advance and following the community meeting.

The following was raised at the community consultation meeting and in written correspondence to staff:

- Concerns that the additional height and density of the proposed buildings are inappropriate relative to what was previously approved for the site;
- That the transition being provided to the surrounding Character Areas and the *Neighbourhoods* designation to the north of the site is inadequate;
- Concerns regarding the lack of affordable residential units being provided by the development and in the Yonge-Eglinton Area as a whole;
- Lack of parks and open space being provided on the site and in the Yonge-Eglinton Secondary Plan area;
- Shadow impacts on neighbouring residential properties to the north and on Eglinton Park;
- Concerns regarding office space replacement in the proposed building, as well as concerns with lack of office space in the Yonge-Eglinton Area;
- Concerns regarding the availability of space in local schools and community facilities to serve the development;
- Concerns regarding the adequacy of the parking supply being proposed; and
- Concerns regarding the amount of construction in the Yonge-Eglinton Area as a whole and resultant safety and noise issues associated with this specific development.

Reasons for Application

A Zoning By-law Amendment is required as the application proposes to exceed the maximum building height and density permitted by the existing Zoning By-laws and contemplated by the LPAT approval, and to establish new development standards related to amongst other things: parking, loading, gross floor area, building height and building setbacks.

COMMENTS

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (2020) (the PPS), and the Growth Plan for the Greater Golden Horseshoe (2020) are high-level and broad reaching policy documents. The PPS and the Growth Plan (2020) encourage intensification and redevelopment in urban areas and direct planning authorities to identify appropriate locations for growth. Intensification and redevelopment is to be provided in areas that take into account the existing building stock or area, and availability of infrastructure and public service facilities that meet projected needs.

Within this framework, Policy 4.6 of the PPS recognizes that the Official Plan is the most important vehicle for the implementation of the PPS and assists in implementing the Growth Plan by setting out appropriate land use designations and policies. The City of Toronto Official Plan establishes areas for intensification and includes policies to encourage intensification, provided that this can occur in the context of other applicable policies.

The City's Official Plan contains clear, reasonable and attainable policies that protect provincial interests and direct development to suitable areas while taking into account the existing building stock and protects the character of the area consistent with the direction of the PPS. Although the site's location on an *Avenue* within the Yonge-Eglinton Secondary Plan Area contemplates growth, the proposal does not address other relevant matters of the Official Plan, as discussed in this report.

Staff have determined that the proposal in its current form is not consistent with the PPS (2020) and does not conform to the Growth Plan (2020) for reasons outlined below.

Provincial Policy Statement (2020)

The PPS provides for a coordinated and integrated approach to planning matters within municipalities. Staff have determined that the proposal, in its current form, is not consistent with the PPS (2020).

Relevant PPS (2020) policies applicable to this development include:

- Policy 1.1.3.3 which states planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development,

accommodating a significant supply and range of housing options through intensification and redevelopment;

- Policy 1.1.3.4 which states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety;
- Policy 1.5.1 a) which states that healthy, active communities should be promoted by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity; and
- Policies 1.7.1 a), d) and e) which speak to long-term economic prosperity being supported by: promoting opportunities for economic development and community investment-readiness; maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets; and encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes; and
- Policy 2.6.1 directs that significant built heritage resources and significant cultural heritage landscapes shall be conserved.

The proposal's inconsistency with the PPS relates to the scale, intensity and form of development being proposed and the inappropriate regard for Yonge-Eglinton Secondary Plan's direction with respect to these matters, as well as its disregard for the agreed upon approach to preservation of the heritage building at 50 Eglinton Avenue West.

In the PPS (2020), conserved is defined as "the identification, protection, use and/or management of built heritage resources in a manner that ensures their cultural heritage value or interest is retained." As will be assessed later in this report, the proposal does not respect the conservation of heritage resources at 50 Eglinton Avenue West in an appropriate manner as achieved through the previous 50-60 Eglinton Avenue West proposal.

Policies of the PPS (2020) promote the formulation of appropriate development standards, while providing for safe, active streets and public spaces and an equitable distribution of publicly-accessible settings for recreation, including facilities, parklands, public spaces, open space areas and well-designed built form.

Policy 4.6 of the PPS states that the Official Plan is the most important vehicle for implementation of the PPS. As a result, the City of Toronto has established a vision and policy framework for this area through Midtown in Focus and the subsequent Yonge-Eglinton Secondary Plan adopted through OPA 405 and approved by the Province.

The proposed 34 and 39-storey towers do not promote a well-designed built form due to the height and lack of transition of the buildings, with the east tower being in excess of

the anticipated height range for the Henning Character Area. The analysis of the proposed built form in the context of the aforementioned Official Plan policies, as assessed later in this report, indicates that the proposed towers do not adhere to appropriate development standards for intensification, particularly those concerning an appropriate form of tower development, height and transition.

It is the opinion of City Planning that, in its current form, the proposed development and Zoning By-law Amendment application is not consistent with the Provincial Policy Statement (2020). The proposal does not conform to the intensification direction and policies, as directed through the PPS, the City's Official Plan and Guidelines.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

The guiding principles of the Growth Plan (2020) support, amongst other matters, the achievement of complete communities that are designed to support healthy and active living and meet people's daily living throughout an entire lifetime and to provide intensification and higher densities in strategic growth areas.

Relevant Growth Plan (2020) policies applicable to this development include:

- Policies 2.2.2.3 b), d) and f) of the Growth Plan speak to delineated built-up areas and state that all municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will: identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas; ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities; and be implemented through official plan policies and designations, updated zoning and other supporting documents.
- Policy 2.2.5.3 which states that retail and office uses will be directed to locations that support active transportation and have existing or planned transit; and
- Policy 2.2.6.3 which refers to multi-unit residential developments to incorporate a mix of unit sizes and incomes.

With respect to Policies 2.2.2.3 b), d) and f), the proposal contemplates the intensification of a site within a delineated built-up area. While it is recognized that intensification is generally encouraged by the Growth Plan, it must achieve the policy goals as outlined above. In this regard, the City has developed a strategy to achieve the minimum density targets through the City of Toronto Official Plan, in conjunction with the Yonge-Eglinton Secondary Plan, which provides a greater level of detail and specificity on matters such as built form, massing, height, scale and location of development within this area. The proposed towers are too tall at this location and do not provide appropriate transition to the north, south and west of the site.

The Growth Plan also sets out objectives to support economic development through ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth. It also directs retail and office uses will be to locations that support active transportation and have existing or

planned transit in Policy 2.2.5.3. These objectives are implemented through Official Plan policies (OPA 231) and the Yonge-Eglinton Secondary Plan. The proposal fails to meet the intent of OPA 231 and fails to conform to the Yonge-Eglinton Secondary Plan office replacement policies.

With respect to Policy 2.2.6.3, while the proposed provision of two and three bedroom units satisfy the requirements of the Yonge-Eglinton Secondary Plan and the objectives of the City's Growing Up Guidelines, an appropriate mix of unit sizes is not being provided by the proposed development.

Policy 5.2.5.6 of the Growth Plan states municipalities are to develop and implement urban design and site design official plan policies and other supporting documents that direct the development of a high quality public realm and compact built form in order to achieve the minimum intensification and density targets in the Growth Plan. The City has done this through its Official Plan policies and supporting guidelines discussed in this report. Together, the policies and guidelines provide a planning framework that enables new development and intensification on the site in a manner that achieves a number of city building objectives and positively contributes to the surrounding context.

In the opinion of City Planning, the proposed intensity and scale of the development does not conform with the policy direction of the Growth Plan for the Greater Golden Horseshoe (2020) which directs intensification to be implemented through the Official Plan. The review of the proposed built form in relation to applicable Official Plan policies and relevant guidelines and their link in assessing PPS consistency and Growth Plan conformity is further examined below.

City of Toronto Official Plan and Yonge-Eglinton Secondary Plan

This application has been reviewed against the relevant policies of the Official Plan and Yonge-Eglinton Secondary Plan described in the Issue Background Section of the Report.

Land Use and Character Area

The lands are designated as *Mixed Use Areas* in the Official Plan (see Attachment 3). It is intended that *Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service employment in Toronto in the coming decades, as well as much of the new housing.

The subject site is designated *Mixed Use Areas "B"* per Map 21-4 of the Yonge-Eglinton Secondary Plan. *Mixed Use Areas "B"* consist of residential, office and civic clusters around transit stations and along Yonge Street, Eglinton Avenue and Merton Street. A mix of residential, retail and service, office, institutional, entertainment and cultural uses will be permitted.

The subject site is located within the Henning Character Area, which is an important office, institutional and civic destination in Midtown. It is a unique place in Midtown where the form and scale of development varies dramatically from other Character Areas.

Policy 1.3.6(c) states that the Henning Character Area has an important cluster of office and institutional buildings located close to the transit station at Yonge Street and Eglinton Avenue, as well as a cluster of low-rise residential buildings. The site is also located on a Priority Retail Street in the Secondary Plan.

The policy framework supports a mix of land uses in this area. The Growth Plan (2020) directs retail and office uses to locations that support active transportation and have existing or planned transit, such as the subject site. While the proposed uses are permitted, the proposal fails to conform with the Plan's other policy directions, as discussed in the following sections.

Office Replacement, Yonge-Eglinton Secondary Plan and OPA 231

There is currently a 6-storey, 7,710 square metre commercial building with existing office space on the 90 Eglinton Avenue West property. There is no existing office space on the 50-60 Eglinton Avenue West portion of the site. The 2014 and 2016 applications on the 90 Eglinton Avenue West site indicated that there was a total of 5,853 square metres of office space, whereas the current application submission states there is a total of 3,809 square metres.

The subject application proposes a total of 4,078 square metres of office space on the second and third storeys of the base building. Together, the existing LPAT approval for 50-60 Eglinton Avenue West (1,718 square metres) and Site Specific By-laws for 90 Eglinton Avenue West (2,927 square metres) contemplate a combined total of 4,645 square metres of office space. The office space as proposed by the prior approvals represent a 79.4 percent rate of office space replacement relative to the total existing office space on the 90 Eglinton Avenue West site of 5,853 square metres.

As the current application was submitted after June 5, 2019, the office replacement policies of the Yonge-Eglinton Secondary Plan are applicable to this application. Specifically, Policy 2.5.4 of Yonge-Eglinton Secondary Plan states that:

"Tall buildings and large redevelopment sites capable of accommodating multiple buildings will provide 100 per cent replacement of any existing office gross floor area located on the site."

Under the current Yonge-Eglinton Secondary Plan policies, the proposal should be providing 5,853 square metres of office space whereas the current proposal is only providing a total of 4,048 square metres of office space.

The proposal does not meet the office replacement policy objectives of either OPA 231 or the Secondary Plan.

Built Form - Height, Transition and Massing

The proposed buildings are massed as two towers with a base building form. The west tower, located on the 90 Eglinton Avenue West portion of the site proposes a total height of 34-storeys (123 metres). The east tower, located on the 50-60 Eglinton

Avenue West portion proposes a total height of 39 storeys (137 metres). The two towers are proposed atop a 4-storey base building measuring 21 metres in height. The proposal does not meet a number of policy objectives relating to tall buildings in both the Official Plan and Yonge-Eglinton Secondary Plan.

Official Plan Policies 3.1.2.1(b), 3.1.2.5, 3.1.2.6, and 3.1.2.7 relate to the planned context and transition in scale. Development will be located and organized to fit with its existing and planned context, define and frame the edges of the public realm with good street proportion, fit with the character, and ensure access to direct sunlight and daylight on the public realm. Section 3.1.3 specifically addresses tall buildings and requires tall buildings to meet the built form principles of the plan, as set out within Section 3.1.2. This is consistent with *Mixed Use Areas* Policy 4.5.2 (c) that requires a transition between areas of different development intensity and the stepping down of heights, particularly towards lower scale *Neighbourhoods*.

The Secondary Plan also addresses transition from *Mixed Use Areas* to *Neighbourhoods* and states that transition from *Mixed Use Areas* will be provided through a variety of context-appropriate approaches that adequately limit shadow and privacy impacts, such as transitioning building heights, inclusive of base buildings, placing buildings in landscaped settings with building setbacks, or a combination thereof.

The planned context is specifically established in the Yonge-Eglinton Secondary Plan through the identified Character Areas, building heights, transition and built form direction for the subject site and adjacent lands. Policy 5.4.3(t) sets out the anticipated height range for the Henning Character Area, which is 15 to 35 storeys with heights stepping down towards Edith Avenue and Orchard View Boulevard. The intent of this policy is that heights would decrease moving north and west recognizing the need for transition to the *Neighbourhoods* designated lands, the lower density Eglinton Park Apartment High Street to the south and west and Eglinton Park to the north and west.

Additionally, the edges of the Cores will be designed to ensure connectivity and transition in scale and intensity to surrounding areas. This site is located at the easternmost edge of the Henning Character Area, directly west of the Yonge-Eglinton Crossroads Core Character Area and to the immediate west of an approved 39-storey (122.55 metre) mixed use building. The lands immediately north of the site are designated *Neighbourhoods*.

The Built Form policies of the Official Plan require development to provide good transition in scale between areas of different building heights and/or intensity of use in consideration of both the existing and planned contexts of neighbouring properties and the public realm and state that transition in scale will be provided within the development site and measured from shared and adjacent property lines.

The Built Form policies of the Official Plan and Yonge-Eglinton Secondary Plan are implemented in part through the Tall Building Design Guidelines. Relevant Guidelines in this case include Guideline 1.1 (Context Analysis), 1.3 (Fit and Transition in Scale), 1.4 (Sunlight and Skyview), 1.6 (Heritage Properties and Heritage Conservation

Districts), 2.4 (Publicly Accessible Open Space), 3.2.1 (Floor Plate Size and Shape), and 3.2.3 (Separation Distances).

Guideline 1.1 requires a walkable and block context analysis be provided to inform the placement, height and character of base buildings, the location, shape, general height, and spacing of towers, as well as the relationship in scale between tall building components and to neighbours.

Guideline 1.3 states that tall buildings should fit within the existing or planned context and provide an appropriate transition in scale down to lower-scaled buildings, parks and open space. This can be achieved by applying angular planes, minimum horizontal separation distances and other building envelope controls. Tall buildings should respect the scale of the local context.

Guideline 1.6 states that tall buildings be located and designed to respect and complement the scale, character, form and setting of on-site and adjacent heritage properties.

Guideline 2.4 states that tall buildings provide grade-related, publicly accessible open space within the tall building site to complement, connect, and extend the existing network of public streets, parks and open space.

Guideline 3.2.1 states that the tower floor plates be limited to 750 square metres or less per floor, including all built area within the building, but excluding balconies.

Guideline 3.2.3 refers to tower setback distances of 12.5 metres or greater from the side and rear property lines in order to limit negative impact on sky view, privacy and daylighting. This guideline also states that towers on the same site provide separation distance of 25 metres or greater, measured from the exterior wall of the buildings, excluding balconies. Where taller buildings or larger tower floor plates are proposed, the guidelines state that greater setbacks and separation distances be provided proportionate to increases in building size and height.

While the intent of the City's Official Plan, the Yonge-Eglinton Secondary Plan and the City's Tall Buildings Guidelines is being met with respect to minimum ground floor height and base building height, the overall intent of these policies and guidelines have not been met by the proposal for the following reasons:

- Grade-related, publicly accessible open space within the tall building site to complement, connect, and extend the existing network of public streets, parks and open space has been negatively impacted by the removal of the pedestrian colonnade, which would have enhanced and increased the area of the public realm.
- Heritage staff supported the conservation strategy included as part of the previous proposal, which respected the character of the existing Toronto Hydro Electric Building at 50 Eglinton Avenue West. The current application proposes to remove the colonnade in favour of retail gross floor area. The removal of the colonnade is unacceptable.

- The site is located at the easterly edge of the Henning Character Area, directly abutting *Neighbourhoods* designated lands to the north and west. The proposed building does not respect or transition in accordance with Official Plan policies regarding height guidance and tall building design. The Eglinton Park Character Area is directly south of the site along Eglinton Avenue West with an anticipated height range of 4 to 10-storeys. The height peak of 35-storeys for the Henning Character Area is located at the east end of the site. At 39-storeys, the east tower is beyond the anticipated height range for this area. Even if the east tower were to be reduced in height, the west tower at 34 storeys would still not achieve appropriate transition in scale within the development site and to the north, south and west.
- The proposed height departs significantly from the policies and intent of the Yonge-Eglinton Secondary Plan, which speak to a height range of 15 to 35 storeys for the Henning Character Area and a reduction in height towards Edith Drive (west) and Orchard View Boulevard in all directions away from the Yonge-Eglinton Crossroads.
- The Secondary Plan speaks to the edges of the Cores being designed to ensure connectivity and transition in scale and intensity to surrounding areas. While not located in a Core, the site is located to the immediate west of the Yonge-Eglinton Crossroads, which permits a height of 35 to 65 storeys with a height peak at the Yonge-Eglinton intersection and a gradual transition down in height in all directions. Again, while not in the Core, this site is located at a point that is significantly away from the Yonge-Eglinton intersection and is proposing a building height that falls within the height range contemplated by the Yonge-Eglinton Crossroads Character Area.
- This required transition within the Core was secured with the previously approved 39-storey (122.55 metre) high building at 36-44 Eglinton Avenue West. This application proposes two towers of 34 and 39-storeys with the tallest element at the eastern edge of the site and Henning Character Area. With a proposed total height of 39 storeys and 137 metres, the proposed 39-storey tower would be 15 metres taller than the approved building at 36-44 Eglinton Avenue West and therefore fails to provide appropriate transition downwards in height moving west, away from the Yonge-Eglinton intersection.
- Tower floor plates of 753.3 square metres (East Tower) and 779.6 square metres (West Tower) are proposed, which are greater than the 750 square metres required by both the Yonge-Eglinton Secondary Plan and the City's Tall Building Guidelines. It has not been demonstrated by this proposal that the resultant impacts of the increased height, combined with tower floor plates greater than 750 square metres have been appropriately addressed, particularly as they relate to shadow, transition, sky view and wind.
- The towers propose a separation distance on the site of 20.9 metres, which is below the 25 metres required by the Tall Building Guidelines. It is recognized that the current locations of the towers remain unchanged from the previous

approvals on the sites. However, given the scale of the height increase proposed by this application and the resultant impact on the surrounding area, the proposed tower separation is unacceptable.

- Further, the east tower proposes a 4.5 metre setback to the north property line, which bounds *Neighbourhoods* designated lands to the north. Again, while this setback remains unchanged from the previous approval, the increase in height contemplated by the proposal significantly increases the visual and physical impact on surrounding streets, parks, open space and properties. Greater tower separation and setbacks proportionate to the increase in height are required to mitigate resultant wind, shadow, and sky view is required.

The proposed towers do not provide for an appropriate transition in height and do not fit within the existing context as required by the policies in Sections 3.1.2 and Policy 4.5.2(c) of the City's Official Plan. The Official Plan requires that development provide good transition in scale between areas of different building heights and/or intensity of use in consideration of both the existing and planned contexts of neighbouring properties and the public realm. Transition in scale should be provided within the development site and be measured from shared and adjacent property lines.

The proposal in its current form is not acceptable with respect to height, transition and massing within the Henning Character Area and to the *Neighbourhoods* designated sites to the north and west and the lower-scale Eglinton Park Character Area to the south and west. The proposed building does not meet the intent of the design guidelines set out in the City's Tall Building Design Guidelines relating to context and transition.

Sun, Shadow, Wind

Shadow and Sky View

The applicant has submitted studies illustrating the extent of shadowing in one hour increments that would result from the proposed development from 9:18 am to 5:18 pm for March 21st, June 21st, September 21st and December 21st.

The cumulative shadow impacts resulting from the proposed development are not acceptable. In its current form, there are significant shadow impacts on Eglinton Park from 9:18 am to 10:18 am on March and September 21st. The submitted shadow studies also illustrate significant shadowing impacts on various properties within the *Neighbourhoods* designated lands bounded by Eglinton Park to the west, Duplex Avenue to the east, Orchard View Boulevard to the south and Helendale Avenue to the north from 9:18 am to 2:18 pm on March 21st and September 21st.

Official Plan Built Form Policies 3.1.2.3(e) and (f) require that new development provide adequate light and limit shadows on streets, properties and open spaces. Healthy Neighbourhoods Policy 2.3.1.2(c) states that developments close to *Neighbourhoods* will maintain adequate light for residents in those *Neighbourhoods*. *Mixed Use Areas* Policy 4.5.2(d) also refers to limiting shadows on adjacent *Neighbourhoods*. The adjacent lands to the north are designated *Neighbourhoods*. Built Form Policy

3.1.2.10(b) of OPA 480 requires that the tower portion of a tall building should be designed to limit shadow impacts on the public realm and surrounding properties.

Official Plan Built Form Policy 3.1.2.8 states that where development is adjacent to a park or open space, the building should be designed to provide good transition in scale to the parks or open spaces to provide access to direct sunlight and daylight. Policy 3.1.3.10(b) states that the tower portion of a tall building should be designed to limit shadow impacts on the public realm and surrounding properties. Policy 3.2.3.3 directs that development minimize additional shadows on parks and open spaces to preserve their utility.

Policies 5.1.1(h) and (i) of the Secondary Plan speak to achieving liveable and comfortable spaces by locating, designing and massing buildings to mitigate the cumulative impact of multiple tall buildings, adequate access to sky view from the public realm, adequate sunlight and suitable wind conditions. Policy 5.6.1 states that development will be located and designed to maintain adequate access to sunlight on Eglinton Park and that all development proposals will be encouraged to minimize net new shadows.

Policy 5.6.5 of the Secondary Plan provides that development will be located and designed to provide adequate sunlight on parks and open spaces have regarding to the varied nature of these areas. The height ranges and other policy directions established in this Plan result in acceptable shadow impacts.

Tall Building Design Guidelines 1.3 (Fit and Transition in Scale) and Guideline 1.4 (Sunlight and Sky View) are also applicable to the proposal. Guideline 1.3 (a) recommends maintaining access to sunlight and sky view for surrounding streets, parks, open space and neighbouring properties. Guideline 1.4 (a) and (b) recommends protecting access to sunlight and sky views including maintaining at least 5 hours of sunlight on the opposite side of the street and to provide protection to open spaces/parks and heritage properties.

At 39-storeys in height, the east tower is beyond the anticipated height range as provided for in the Yonge-Eglinton Secondary Plan and therefore results in shadow impacts that are not acceptable. The shadow cast by the current proposal will have increased impacts on the surrounding area. There is a particular impact on Eglinton Park from 9:18 am to 10:18 am on March 21st and September 21st and the private outdoor amenity areas on *Neighbourhoods* designated properties to the north and west of the site.

Two towers at 34 and 39 storeys create significant shadow impacts on Eglinton Park. It is of note that the originally-approved 24 and 32 storey towers would have had no shadow impact on Eglinton Park on March 21st and September 21st and resulted in less significant shadows to *Neighbourhoods* designated lands.

Further, if the height at the east edge of the Henning Character Area is approved at 39-storeys, the cumulative impact of an increased height on this site could potentially lead to taller building heights moving westward toward Eglinton Park, which is already reflected within the site with the proposed increase in the height of west tower to 34

storeys, resulting in increased shadow and massing on Eglinton Park throughout the Character Area.

The Built Form policies of the Official Plan and related Tall Building Design Guidelines specifically state the need to minimize and limit shadows. A reduction in the building heights are recommended to reduce or eliminate shadow impacts on surrounding properties and Eglinton Park.

The proposed development results in shadow impacts that are not acceptable and do not conform with the policies of the Official Plan.

Wind Impacts

A Pedestrian Wind Assessment from Gradient Wind, dated December 2020 was submitted with the application to detail the potential wind impacts resulting from the massing of the proposed building. A wind tunnel test is required for this analysis.

The preliminary assessment concludes that the future wind conditions over most grade-level pedestrian wind-sensitive areas within and surrounding the study site will be acceptable for the intended uses on a seasonal basis. An exception is a portion of the sidewalk along the opposite and east side of Duplex Avenue, which slightly exceeds the walking criterion during the winter. The outdoor retail area on the second storey will be comfortable for sitting throughout the year without mitigation. The outdoor amenity areas atop the third storey will be comfortable for a mix of sitting and standing during the summer and autumn, transitioning to include walking conditions during the spring and winter.

It is of note that the Wind Study speaks to impacts from the 36-44 Eglinton Avenue West site to the east of the site and states that: "should the development at 36 Eglinton Avenue West...become developed *as approved* conditions surrounding the site will largely remain similar to those described above. A notable exception is along the Duplex Avenue sidewalk opposite the study site where the wind safety threshold would be exceeded. It is recommended that a wind mitigation strategy be *developed in coordination* with the future development at 36 Eglinton Avenue West."

The development, as approved, on the 36-44 Eglinton Avenue West site is for a 39-storey tower. There is now a proposal to increase the height of the tower to 65-storeys, the impacts of which have not been considered by this application. A coordinated wind mitigation strategy has not been received for the two sites and the Wind Study submitted with this application does not consider the cumulative impact of three proposed towers ranging from 34 to 65 storeys in height.

The Wind Study submitted with this application is unacceptable. An updated Wind Study, done in coordination with the 36-44 Eglinton Avenue West site is required which considers the cumulative impact of development on wind conditions for both sites. A wind tunnel test is also needed to properly assess the proposed wind impacts from the development with regard to the proposed building massing.

Public Realm and Eglinton Green Line

The public realm in Midtown is to support a vibrant mixed-use community with a green landscaped character. Primary public realm objectives of the Secondary Plan are to maintain and enhance the green, landscaped character of the area, improve and expand the network of parks, open spaces and create a high-quality public realm and streetscapes to ensure the continued vitality and quality of life in the area.

Official Plan Policy 3.1.1.6 states that City streets are significant public open spaces which connect people and places and support the development of sustainable, economically vibrant and complete communities. New and existing City streets will be designed to balance the needs and priorities of the various users and uses within the right of-way, including provision for: space for trees, landscaping and green infrastructure and other street elements, such as utilities and services, snow and stormwater management, wayfinding, boulevard cafes, marketing and vending, and street furniture.

The Secondary Plan provides that pedestrian and public realm improvements will be prioritized to support the Priority and Secondary Retail Streets and Public Realm Moves prioritizing the provision of additional street trees, understory plantings and street furniture within streets and adjacent setbacks; and re-allocating space within public streets to prioritize pedestrians, cyclists and public transit.

The site is located along the Eglinton Green Line. Policy 3.2.2(d) of the Secondary Plan states that on Eglinton Avenue West between Yonge Street and Eglinton Park, continuous landscaping that includes high-branching trees and plantings will be provided in the right-of-way and in the setbacks.

The site has frontage on Eglinton Avenue West, Duplex Avenue and Henning Avenue. Eglinton Avenue West is a Major Street and Duplex Avenue is a Primary Street per Map 21-9 of the Secondary Plan. Wide generous sidewalks are necessary to achieve the intended purposes of a Major Street, while providing safe and protected crossing locations for pedestrians and cyclists. Primary Streets are to provide integrated, legible and dedicated walking and cycling connections to Major Streets and other destinations.

The application proposes at grade bicycle racks, raised planters and a patio area to service the at-grade retail area. Along Eglinton Avenue West, in alignment with the streetscape design provided by Crosslinx Transit solutions, a lay-by parking area as well as a 1.6 metre wide cycle track at sidewalk level is planned for the Eglinton Crosstown section of Eglinton Avenue West. The landscape plan also illustrates tree plantings along Henning Avenue, Eglinton Avenue West and Duplex Avenue on both public and private property.

The application proposes a curb to ground floor façade distance of approximately 8.5 to 10.5 metres along Eglinton Avenue West, 9 metres along Henning Avenue and 7.7 metres at the north end of Duplex Avenue, decreasing to approximately 5.3 metres at the south end of the site at the northwest corner of Eglinton Avenue West and Duplex Avenue.

A double-height pedestrian colonnade was to be provided within the existing heritage structure at 50 Eglinton Avenue West, which would have increased the depth of the pedestrian area along Eglinton Avenue West and Duplex Avenue by 3 metres along the face of the existing heritage building. As noted in the "Heritage Conservation and Pedestrian Colonnade" section of this report, the colonnade has been removed as part of the amended Zoning By-law application, which would have provided an increase to the amount of space within the public realm to prioritize pedestrians, particularly in an area of the site where pedestrian space is limited. The reinstatement of the pedestrian colonnade at 50 Eglinton Avenue West is required to expand the public realm and to re-allocate space within the public right-of-way and improve pedestrian movement and safety.

Policies 3.1.1.6(c) and (d) of the Official Plan give heightened importance to improving the quality and convenience of active transportation options within all communities by giving full consideration to the needs of pedestrians, cyclists and public transit users; and providing building access and address.

Policy 3.1.5 of the Secondary Plan requires that public realm improvements improve pedestrian movement and safety, as well as creating seamless and integrated pedestrian connections to transit stops and other climate-controlled walkways, which is also encouraged by Provincial Policy.

The site is adjacent to Eglinton Station and an opportunity may exist to create an integrated pedestrian connection to the TTC subway station to the east of the site with the lands at 36-44 Eglinton Avenue West. Planning Staff recommend the applicant pursue a connection to provide internal access to the station.

Heritage Conservation and Pedestrian Colonnade

The 50 Eglinton Avenue West portion of the site containing the existing Toronto Hydro-Electric substation, constructed in 1922 at the corner of Eglinton Avenue West and Duplex Avenue was designated under Part IV, Section 29 of the *Ontario Heritage Act*, in July 2019. As part of the original development proposal, construction entailed the partial retention of the existing Toronto Hydro-Electric substation, comprising the south and east elevations along Eglinton Avenue West and Duplex Avenue.

The south elevation and the second storey of the east elevation were to be retained in whole, while the ground floor was to permit pedestrian access via an interior building walkway, forming a publically-accessible colonnade through the east elevation to the south elevation, via the existing southern entrance.

City Council's support of the original proposal was contingent on securing the colonnade in this area, to be conveyed as a legal convenience as part of the Section 37 agreement to support the original development. This was subsequently included in the LPAT's decision, dated August 6, 2019. Per Paragraph 9 of the LPAT decision:

"The proposal went through public review, and through consultation with City staff, the application proposes the partial retention of the east and south facades of the former

Toronto Hydro substation at 50 Eglinton Avenue West with the introduction of a 3-metre-wide, double height colonnade to promote increased pedestrian circulation... ."

The subject application removes the pedestrian colonnade in favour of an expanded retail area along the Duplex Avenue frontage. In addition to forming part of the agreed upon settlement between the City and the applicant, the retention of the pedestrian colonnade along the heritage building is an important component to the public realm, streetscape and design of the proposal, which aligns with the policy objectives of the City's Official Plan and Yonge-Eglinton Secondary Plan.

The removal of the pedestrian colonnade along the Duplex Avenue frontage is not supported by Planning staff.

Site Access and Laneway

Vehicular access to the site from Henning Avenue is proposed via a 6.75 metre wide driveway running east-west at the north end of the site. From Duplex Avenue, the access widens to 8.45 metres with a landscaped boulevard dividing east-west traffic immediately west of Duplex Avenue. This access leads to the loading spaces and a 6 metre wide vehicular entrance at the rear of the proposed building. A 1.85 metre landscape buffer is proposed at the north end of the site.

In July 2017, City Council adopted OPA 356 which introduced a new Site and Area Specific Policy (SASP) to the former Yonge-Eglinton Secondary Plan on 17 and 19 Henning Avenue to allow for underground parking, a publicly accessible lane, an opaque barrier and landscaping on the lands associated with the approved development at 90 Eglinton Avenue West. This SASP was carried over into the new Yonge-Eglinton Secondary Plan in June 2019. As previously noted, the 17 and 19 Henning Avenue properties remained in a *Neighbourhoods* designation.

However, Map 21-9 of the Secondary Plan identifies the locations of existing and potential new public laneways which would provide important access to properties primarily located adjacent to Midtown's Major Streets. The subject site is identified as a location for a new laneway, which would run east-west through the site at its north end, connecting Duplex Avenue and Henning Avenue, which aligns with the current location of the proposed driveway. With the exception of the 1.85 metre wide landscape buffer, the area shown on Map 21-9 of the Secondary Plan for the location of the new laneway would be encumbered by four-levels of underground parking.

The introduction and expansion of publically-owned laneways in Midtown is a vital transportation initiative. Not only do laneways provide important service functions, but they are often used as mid-block connections. In Midtown, there is potential for laneways to function as shared streets, whereby pedestrians, cyclists and drivers are able to utilize them safely. A public lane also provides the opportunity for laneway housing. In addition, laneways can often provide transition and access between higher and lower density uses.

An unencumbered laneway dedication to the City of Toronto that will necessitate revisions to the location of the proposed underground parking is required. The

appropriate configuration and width of the laneway, including landscaping is to be determined.

Open Space/Parkland

The City of Toronto Parkland Strategy is a 20-year strategic city-wide plan that guides long-term planning for new parks, park expansions and improvements, and improved access to existing parks. The Strategy includes a new methodology to measure and assess parkland provision, using the baseline of residential population against the area of parkland available across the city. According to the Strategy's methodology, the development site is currently in an area with 4 -12 square metres of parkland per person, which is below the city-wide average provision of 28 square metres of parkland per person in 2016.

The development site is also within an Areas of Parkland Need per Figure 18 of the Parkland Strategy, which highlights areas where the city will focus and prioritize parks planning and acquisitions. Given the future expected growth both on the development site itself and surrounding sites, a parkland deficit will be generated if no new parks are created. This anticipated parkland deficit must be addressed through the creation of a new park to serve the future population.

At the alternative rate of 0.4 hectare per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 9,173.30 square metres or 263.60% 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 358.19 square metres.

Through the previous applications submitted for these properties, the provision of off-site parkland dedications and a payment of residual cash-in-lieu were secured as follows:

- Off-site parkland dedications of the properties at 58 Helendale Avenue and 61 Montgomery Avenue; and
- An indexed cash-in-lieu contribution of \$900,000.00.

In addition, a combined total of \$2,000,000.00 was secured as part of Section 37 contributions for both prior zoning applications for local park improvements in Ward 8, including Eglinton Park.

The parkland dedication requirement shall be continued to be fulfilled through the conveyance of the off-site parkland dedications and the provision of a residual cash in lieu payment. The properties municipally known as 58 Helendale Avenue and 61 Montgomery Avenue are acceptable off-site parkland dedication locations.

Any additional gross floor area being sought through this development proposal will be subject to an additional cash-in-lieu payment or the provision of an additional off-site dedication. Should the applicant elect to pursue an additional off-site dedication, further

discussion is required with the Parks Development Unit to ensure that the dedication is satisfactory.

Housing - Unit Mix and Size

The PPS (2020) and the Growth Plan (2020) acknowledge the importance of providing a full range of housing and identify affordable housing as a matter of Provincial interest. The provision of affordable, secure and diverse housing stock to meet housing needs for a wide range of people throughout their life cycle is essential to the creation of complete communities.

Further to this policy direction, Official Plan Policy 3.2.1.1 states that a full range of housing, in terms of form, tenure and affordability will be provided and maintained to meet the current and future needs of residents. A full range of housing includes affordable rental housing and shared and/or congregate-living housing.

Section 7.1 of the Yonge-Eglinton Secondary Plan states that in order to achieve a balanced mix of unit types and sizes, and to support the creation of housing suitable for families, development containing more than 80 new residential units will include:

- a minimum of 15 per cent of the total number of units as 2-bedroom units;
- a minimum of 10 per cent of the total number of units as 3-bedroom units; and
- an additional 15 per cent of the total number of units will be a combination of 2-bedroom and 3-bedroom units, or units that can be converted to 2-bedroom and 3-bedroom units through the use of adaptable design measures.

The Council-adopted Growing Up Urban Design Guidelines (2020) provide guidance on the proportion and size of larger units recommended in new multi-unit residential developments.

Guideline 2.1 of the Growing Up guidelines states that a residential building should provide a minimum of 25% large units. Specifically, the guidelines state that a minimum of 10% of the total residential units should be three-bedroom units and a minimum of 15% should be two-bedroom units.

Guideline 3.0 states that the ideal unit size for large units, based on the sum of the unit elements, is 90 square metres for two-bedroom units and 106 square metres for three-bedroom units, with ranges of 87-90 square metres and 100-106 square metres representing an acceptable diversity of sizes for such bedroom types while maintaining the integrity of common spaces to ensure their functionality.

The unit breakdown for the residential component of this development is as follows:

	Studio	1-bedroom	2-bedroom	3-bedroom	Total)
# (%) of Units	0 (0.0%)	348 (50.6%)	270 (39.2%)	70 (10.2%)	688 (100.0%)

The proposed provision of 270 (39.2%) two-bedroom units and 70 (10.2%) three-bedroom units satisfies the unit mix objectives of Guideline 2.1 of the Growing Up

guidelines. However, only 34 of the proposed two-bedroom units (4.9%) are at least 87 square metres in size and only 23 of the proposed three-bedroom units (3.3%) are equal to or larger than 100 square metres in size, which does not adequately address Guideline 3.1.

A reduction is required in the number of one-bedroom units within the proposed development in order to ensure that at least 10% of the proposed dwelling units are three-bedroom units with an area of at least 100 square metres and that at least 15% of the proposed dwelling units are two-bedroom units with an area of at least 87 square metres. Such revisions would permit the applicant to accommodate a broader range of households, including families with children, within the proposed development.

Amenity Space

Official Plan Built Form Policy 3.1.2.6 states that every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents of the development. Official Plan Policy 4.5.2 k) states that in *Mixed Use Areas* development will provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development. The Secondary Plan also contains policies for amenity space in Section 5.7.

These requirements are implemented through Zoning By-law 438-86, which requires a minimum of 2.0 square metres of indoor amenity space and 2.0 square metres of outdoor amenity space for each unit. Zoning By-law 569-2013 requires a minimum of 4.0 square metres of amenity space for each unit, of which at least 2.0 square metres must be indoor amenity space.

The development proposal includes a total of 2,786 square metres (4.05 square metres per unit) of amenity space. A total of 1,502 square metres (2.18 square metres per unit) of indoor amenity space is proposed, of which 1,343 square metres would be located on the fourth storey adjacent to the outdoor amenity area and 132 square metres would be located on the fifth storey.

A total of 1,284 square metres (1.87 square metres per unit) of outdoor amenity space is proposed on the fourth storey adjacent to the indoor amenity space.

As previously approved, the amount of proposed indoor and outdoor amenity space provision is acceptable.

Pet Friendly Design

Two pet spa rooms, measuring 11.6 square metres and 15.2 square metres along with a 5 square metre pet relief area is proposed on the ground floor. For a building with more than 20 units, it should be 10% of the required amenity space and include an outdoor pet relief area at least 5 square metres in size.

While the proposed size of the pet amenity areas are adequate, staff will continue to review the overall design of pet facilities in accordance with the Pet Friendly Design

Guidelines and Best Practices for New Multi-Unit Buildings. This will help alleviate pressure on neighbourhood parks.

Traffic Impact

A Transportation Impact Study report, dated October 13, 2017, by WSP, was initially submitted in support of the previously proposed development at 50-60 Eglinton Avenue West. The consultant estimated in this study that the proposed development will generate approximately 101 and 201 two-way trips during the AM and PM peak hours, respectively. The consultant concludes that traffic generated by the proposed development can be accommodated by the adjacent street system without the need for intersection improvements.

The updated study, dated April 2019 by WSP, includes trip generation estimates for the entire consolidated site (50-60 and 90 Eglinton Avenue West and 17-19 Henning Avenue). This includes the site's residential, retail, and new office components. As with the previously submitted study, the trip generation results are based on the conclusions of the "Yonge-Eglinton Focussed Part II Review" study. As a result, the consolidated site was projected to generate approximately 126 and 168 two-way trips during the AM and PM peak hours, respectively. The conclusions of the report remain the same as those found in the previous report.

The TIS addendum for the consolidated site dated October 25, 2019, by WSP, provided updated trip generation estimates based on the gross floor area and unit mix that was submitted to the Local Planning Appeal Tribunal, which added 22 residential units in comparison to the previous submission. The consolidated site at the time was projected to generate approximately 128 and 172 two-way trips during the AM and PM peak hours, respectively.

The TIS addendum for the consolidated site dated November 18, 2020, by WSP, provided updated trip generation estimates based on a new retail gross floor area and the increased number of residential units that were submitted for a new Zoning Bylaw Amendment application in 2020. The consolidated site was projected to generate approximately 153 and 194 two-way trips during the AM and PM peak hours, respectively.

Transportation Services reviewed the TIS addendum provided as part of the application submission and provided comments to the applicant requesting additional information from the applicant. Staff recommend the LPAT withhold the issuance of any Orders until such time as the owner has provided an updated TIS Report satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services, and the General Manager, Transportation Services.

Parking

The parking space requirements for the project are governed by the applicable provisions contained in the City of Toronto By-law No. 569-2013, under Policy Area 3.

A summary of the parking requirements for the site in accordance with the applicable standards is provided in Tables 1 and 2. A total of 292 parking spaces would be provided for the project, consisting of 204 residential condominium spaces and 88 shared residential visitor/office/retail spaces. The proposed number of parking spaces meets the minimum By-law requirement.

Table 1: Minimum Site Parking Requirements (No Sharing)

Use	Development Scale ¹	Parking Rate ²	Required Spaces ³
<u>Residential Condominium</u>			
1 Bedroom	348	0.3	104
2 Bedroom	270	0.3	81
3 or More Bedrooms	70	0.35	24
Visitors	688	0.05	34
Office	4,077	1.0	40
Retail	2,919	1.0	29
Sub-Total Residential Condominium			209
Sub-Total Residential Visitors			34
Sub-Total Office			40
Sub-Total Retail			29
Grand-Total			312

¹ Expressed as number of units for the residential use and square metres of Gross Floor Area (GFA) for the non-residential uses.

² Expressed as number of spaces per unit for the residential use and number of spaces per 100 square metres of GFA for the non-residential uses.

³ Where the calculation of the required parking spaces results in a number containing a fraction, the number must be rounded down to the nearest whole number, but in no case may there a requirement of less than one parking space.

Table 2: Minimum Site Parking Requirements (With Sharing)

Use	Occupancy Rate (Percent)			Minimum Parking Requirement		
	AM	PM	Evening	AM	PM	Evening
Residential Condominium	100	100	100	209	209	209
Residential Visitor	10	35	100	3	12	34
Office	100	60	0	40	24	0
Retail	20	100	100	5	29	29
Totals				257	274	272

By-law No. 579-2017 governs the accessible parking space requirements for the project. This By-law requires a minimum of 8 accessible parking spaces. A total of 10 accessible spaces are provided, which is acceptable.

The proposed parking supply includes 4 regular spaces (R65, R57, R146 and R136) and 1 accessible space (R15) that are substandard in width. Small-car spaces are not counted towards the parking provision.

Travel Demand Management (TDM)

Travel Demand Management (TDM) measures are aimed at encouraging people to take fewer and shorter single occupancy vehicle trips to reduce congestion, energy consumption and pollution. In the past, transportation planning has often focused on supply-side solutions by identifying where additional transportation capacity is needed to satisfy forecasted travel demands. TDM in contrast, puts the emphasis on changing

travel behaviour to modify and reduce our demand for vehicular travel in cities. TDM measures are most effective when supported by complementary actions in the key areas of land use planning and public transit improvements.

Typical TDM policies and programs include, but are not limited to: parking supply management strategies such as reduced parking provision; car sharing/bike sharing; school/trip planning; development-related transit initiatives; and cycling programs and citywide cycling networks.

In the event that the LPAT approves the application in some form, Transportation Planning staff have indicated that a contribution to the expansion of the City's bike share system in the area is a key consideration to meet the Toronto Green Standard Version 3 requirements, as well as providing a dedicated, publicly accessible car share vehicle space and services on site.

Bicycle Parking

A total of 727 bicycle parking spaces are proposed, including 619 long-term spaces on levels P1, P2 and P3, 69 short-term residential bicycle parking spaces on the ground floor, as well as 24 short-term and 15 long-term bicycle parking spaces for retail and office uses on the ground floor. The proposed bicycle parking is satisfactory.

Loading

The application proposes one Type 'B', two Type 'C' and one Type 'G' loading space, located at grade at the north side of the building, accessed via an overhead door from the private access laneway to the north.

Given the sharing provisions typically allowed on mixed-use sites and the scale of the proposed commercial gross floor area, Transportation Services finds the loading space supply, configuration and vehicle manoeuvring diagrams for loading spaces acceptable.

Site Servicing

The applicant has submitted a Functional Servicing and Stormwater Management Report dated November 2020 by WSP. Engineering and Construction Services staff have reviewed the submitted materials and require revisions and further details, as stated in their memorandum dated February 5, 2021, and subsequently revised March 18, 2021.

Engineering and Construction Services requires a revised Functional Servicing and Stormwater Management Report to determine the storm water runoff, sanitary flow and water supply demand resulting from the proposed development, and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development.

Staff recommend that should the application be approved in some form, the LPAT withhold the issuance of any Orders until such time as the owner has provided a Functional Servicing and Stormwater Management Report satisfactory to the Chief

Engineer and Executive Director, Engineering and Construction Services, and the General Manager, Toronto Water, as outlined in Recommendation 3b of this report.

Construction Management

A Construction Management Report has been submitted with the application. Policy 9.7.1 of the Secondary Plan requires Construction Management Plans as part of the site plan control process for development in order to ensure minimal disruptions to the surrounding area and good communications with neighbours of the development site during the construction period. The Construction Management Plan is under review by City Staff.

In the event that the LPAT approves the application in some form, a construction management plan will be required by City Planning and Transportation Services as part of an eventual Site Plan Control Application.

Tree Preservation

An Arborist Report, prepared by mbtw group and dated February 28, 2020 was submitted in support of the proposed development. The Arborist Report submitted concludes that there are a total of 12 trees on and within six metres of the subject property. The removal of 10 trees is required to accommodate the proposed development. A total of 2 trees have been identified for preservation.

Urban Forestry staff have outlined requirements for Site Plan Approval in their memorandum of February 5, 2021. The City will secure the planting of new trees on the site and on adjacent public rights-of-way through Site Plan Approval.

Community Service and Facilities

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, 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 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 communities. 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 Secondary Plan states that Midtown will continue to prosper by maintaining and expanding community service facilities. Creating new community spaces will be essential to supporting a prosperous local economy, fostering innovation and broadening opportunities for stable employment. Implementation of the Yonge-Eglinton Secondary Plan is supported by the Midtown Community Services and Facilities

Strategy which was endorsed by Council with the adoption of the updated Secondary Plan.

The Midtown CS&F Strategy identified a variety of existing gaps and increasing demand for a full range of community services and facilities resulting from ongoing intensification and demographic change. It prioritizes the provision of social and physical infrastructure in conjunction with development.

In the event that the LPAT approves the application in some form, City Planning may seek to secure contributions towards priority community services and facilities as identified in the Midtown Community Services and Facilities Strategy and on the basis of any additional approved density amount.

School Boards

The application was circulated to the both the Toronto Catholic District School Board (TCDSB) and the Toronto District School Board (TDSB).

The TCDSB has identified that the proposal falls within the fixed attendance boundary of St. Monica Catholic School, as well as Marshall McLuhan Catholic Secondary School and St. Patrick Catholic Secondary School. The TCDSB has indicated that the local elementary and secondary schools are operating at capacity and cannot accommodate additional students from the development. The TCDSB has identified that they have concerns with school accommodation in the area.

The TCDSB has also indicated that under the Education Development Charges (EDC) By-law 194, as amended, the TCDSB is eligible to levy EDC's in this area towards the acquisition of approximately 5 acres of land or alternate accommodation opportunities for an elementary school.

While the TDSB (Toronto Lands Corporation (TLC)) does not object to the proposal, it advises that in consultation with Toronto District School Board (TDSB) staff, TLC has determined that there is insufficient capacity at the local elementary and middle schools to accommodate students anticipated from this development. The local schools are Oriole Park Elementary and Hodgson Middle School.

As agreed upon between the owner and TLC at the previous LPAT hearing regarding 50 and 60 Eglinton Avenue West, the owner should provide TLC with periodic updates on expected occupancy to ensure that TLC has at least six months' prior notice of the occupancy date.

Section 37

Section 37 of the *Planning Act* allows the City to require community benefits in situations where increased density and/or height are permitted. Community benefits are specific capital facilities or cash contributions for specific capital facilities and can include: affordable housing; parkland and/or park improvements above and beyond the required Section 42 *Planning Act* parkland dedication; public art; streetscape

improvements on the public boulevard not abutting the site; and other works detailed in Section 5.1.1.6 of the Official Plan.

As part of Council's approval of the 24-storey tower at 90 Eglinton Avenue West and 17-19 Henning Avenue, a cash payment of \$1,000,000 for the purpose of improvements to Eglinton Park in accordance with the Midtown in Focus Parks and Public Realm Plan was secured pursuant to Section 37 of the *Planning Act*. In addition, the conveyance of the off-site parkland dedication property at 61 Montgomery Avenue and a stratified easement on the east-west driveway was secured as a legal convenience to support the development.

As part of the LPAT approval in-principle of the 32-storey tower at 50 and 60 Eglinton Avenue West, a cash payment of \$2,500,000 for the purpose of public realm and park improvements in the Ward was agreed to pursuant to Section 37 of the *Planning Act*. In addition, the above base improvements for the off-site parkland dedication at 58 Helendale Avenue; streetscape improvements on Duplex Avenue, including a sidewalk widening of approximately 3 metres at the intersection of Eglinton Avenue West and Duplex Avenue; and the conservation of the former Toronto Hydro building at 50 Eglinton Avenue West including a minimum 3 metres wide double height walkway/colonnade were agreed to as a legal convenience to support the development.

City Planning staff recommend that the City Solicitor be directed to request the LPAT, in the event it determines to allow the appeals in whole or in part, to withhold any order until the owner has entered into an Agreement pursuant to Section 37 of the *Planning Act* to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning for the purpose of securing appropriate community benefits that have been identified as being priorities through the Yonge-Eglinton Secondary Plan.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives.

The applicant is required to meet Tier 1 of the TGS.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the City of Toronto Official Plan and the Yonge-Eglinton Secondary Plan.

Staff are of the opinion that the proposal is not consistent with the PPS (2020) and does not conform to the Growth Plan (2020). Further, the proposal does not conform with the Toronto Official Plan and Yonge-Eglinton Secondary Plan. The proposed development does not achieve appropriate tower separation within the site. The proposed development is not providing appropriate transition to the *Neighbourhoods* to the north, Eglinton Park to the north and west, the lower-scale Eglinton Park Character Area to the

south and west and does not respect the existing area context. Further, the east tower at a proposed height of 39-storeys is beyond the anticipated 15 to 35 storey height range for the Henning Character Area and does not provide appropriate transition from the Yonge-Eglinton Crossroads Character Area.

The application also removes the pedestrian colonnade along the south and east walls of the designated heritage building, which was provided as a Section 37 contribution as part of the previous zoning approval at 50 and 60 Eglinton Avenue West. Amongst other matters, the application lacks sufficient office replacement; is not meeting the intent of the City's Growing Up Guidelines; is not providing a public laneway at the rear of the site; and does not have a satisfactory Transportation Impact Study (TIS) and Functional Servicing Report to address servicing issues.

The proposed Zoning By-law Amendment application, in its current form, is not supported by City Planning staff. The proposal, in its current form is not good planning and does not represent the public interest.

Staff recommend that City Council direct City Staff to continue to negotiate with the applicant in an attempt to resolve the outstanding issues detailed in this report. In the event that the application is not revised to propose an appropriate form of development on this site, City Planning recommends that City Council direct the City Solicitor and appropriate City staff to attend the Local Planning Appeal Tribunal (LPAT) in opposition to the proposal.

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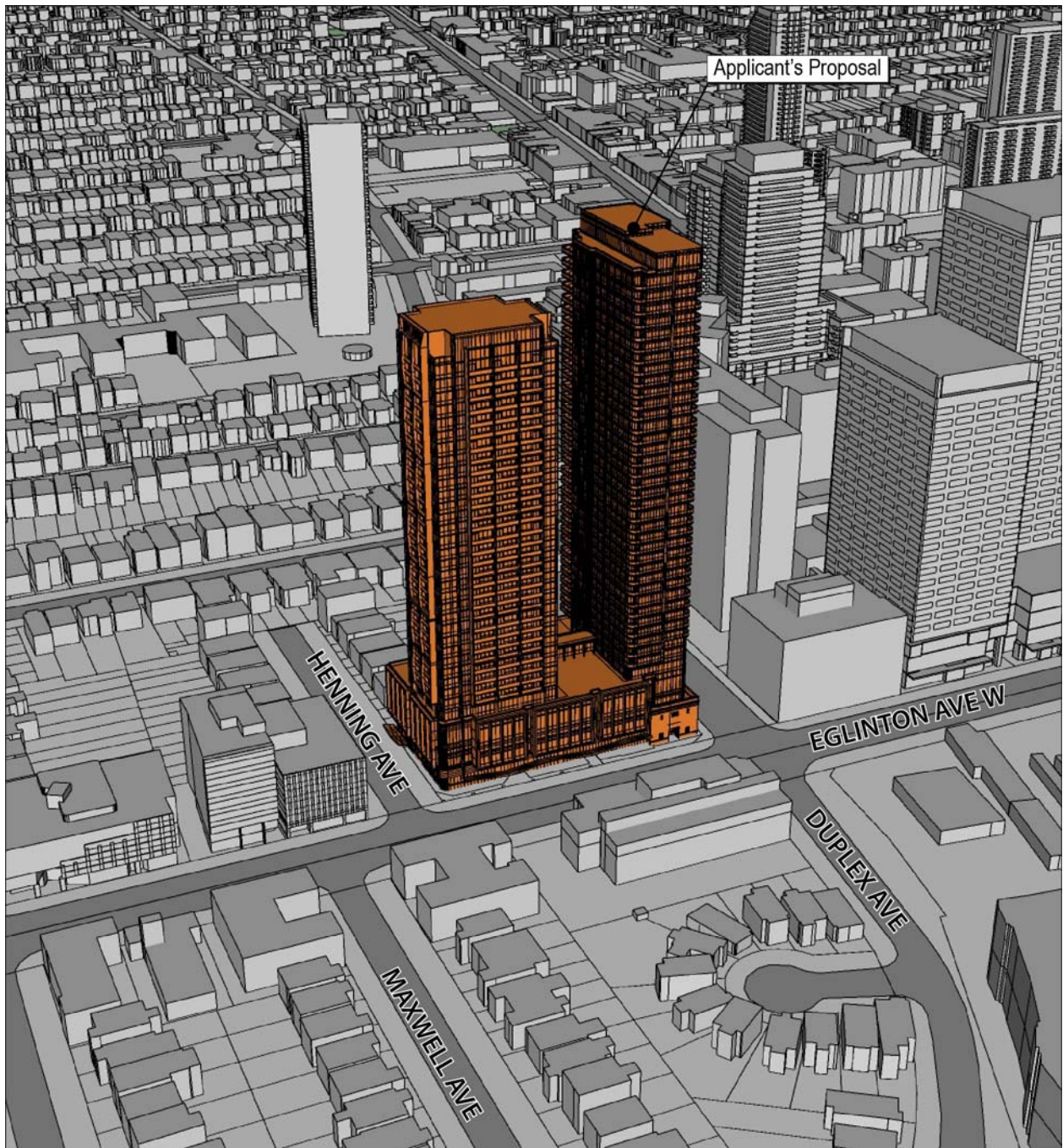
SIGNATURE

John Andreevski
Acting Director, Community Planning, North York District

ATTACHMENTS

Attachment 1a: 3D View of Proposal - Looking Northeast
Attachment 1b: 3D View of Proposal - Looking Southwest
Attachment 2: Location Map
Attachment 3: Official Plan Land Use Map
Attachment 4: Yonge-Eglinton Secondary Plan Land Use Map
Attachment 5: Zoning By-law No. 569-2013 Map
Attachment 6: Site Plan
Attachment 7: North Elevation
Attachment 8: South Elevation
Attachment 9: West Elevation
Attachment 10: West Tower - East Elevation
Attachment 11: East Elevation
Attachment 12: East Tower - West Elevation
Attachment 13: Application Data Sheet

Attachment 1a: 3D View of Proposal - Looking Northeast



View of Applicant's Proposal Looking Northeast



01/22/2021

Attachment 1b: 3D View of Proposal - Looking Southwest

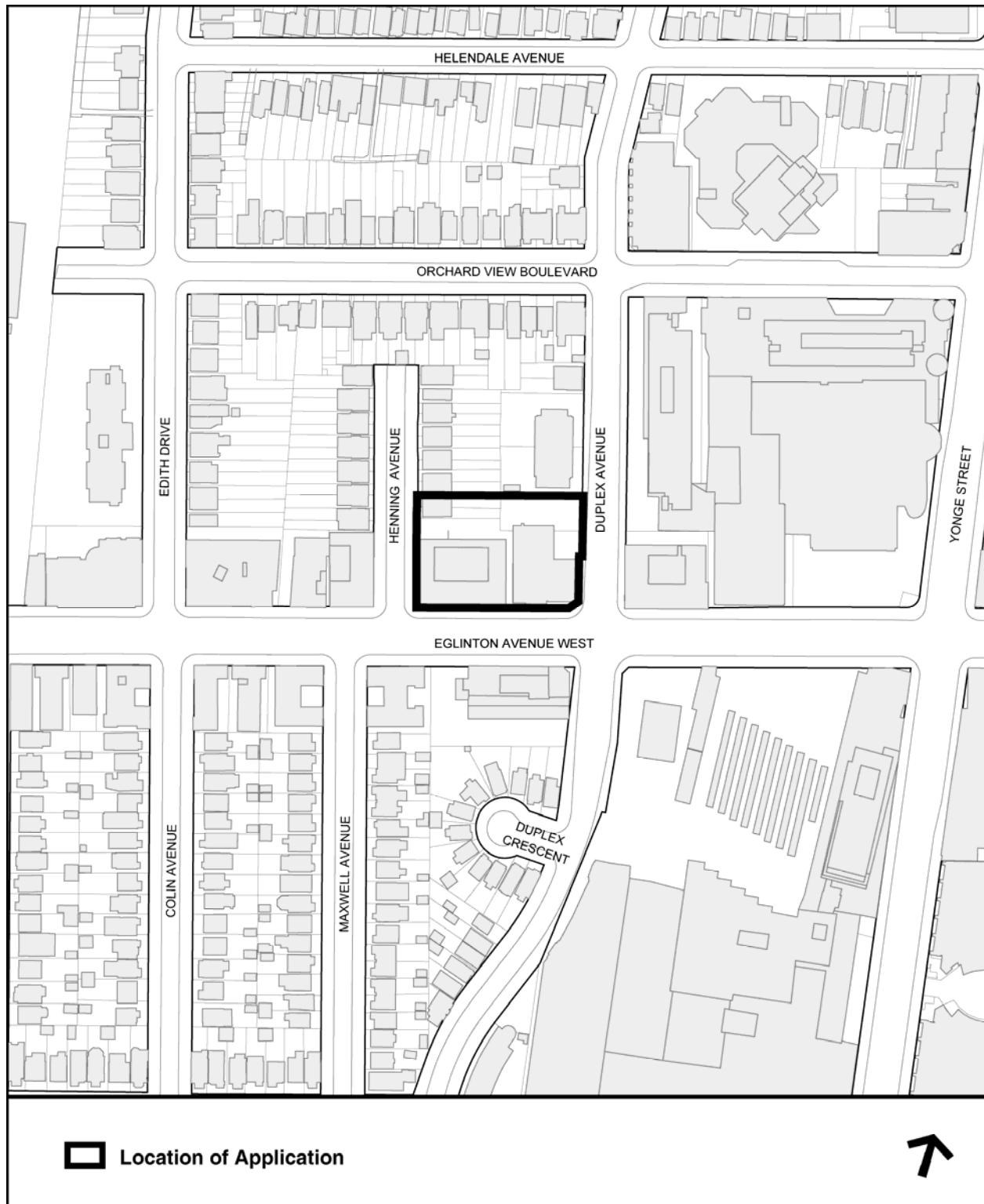


View of Applicant's Proposal Looking Southwest

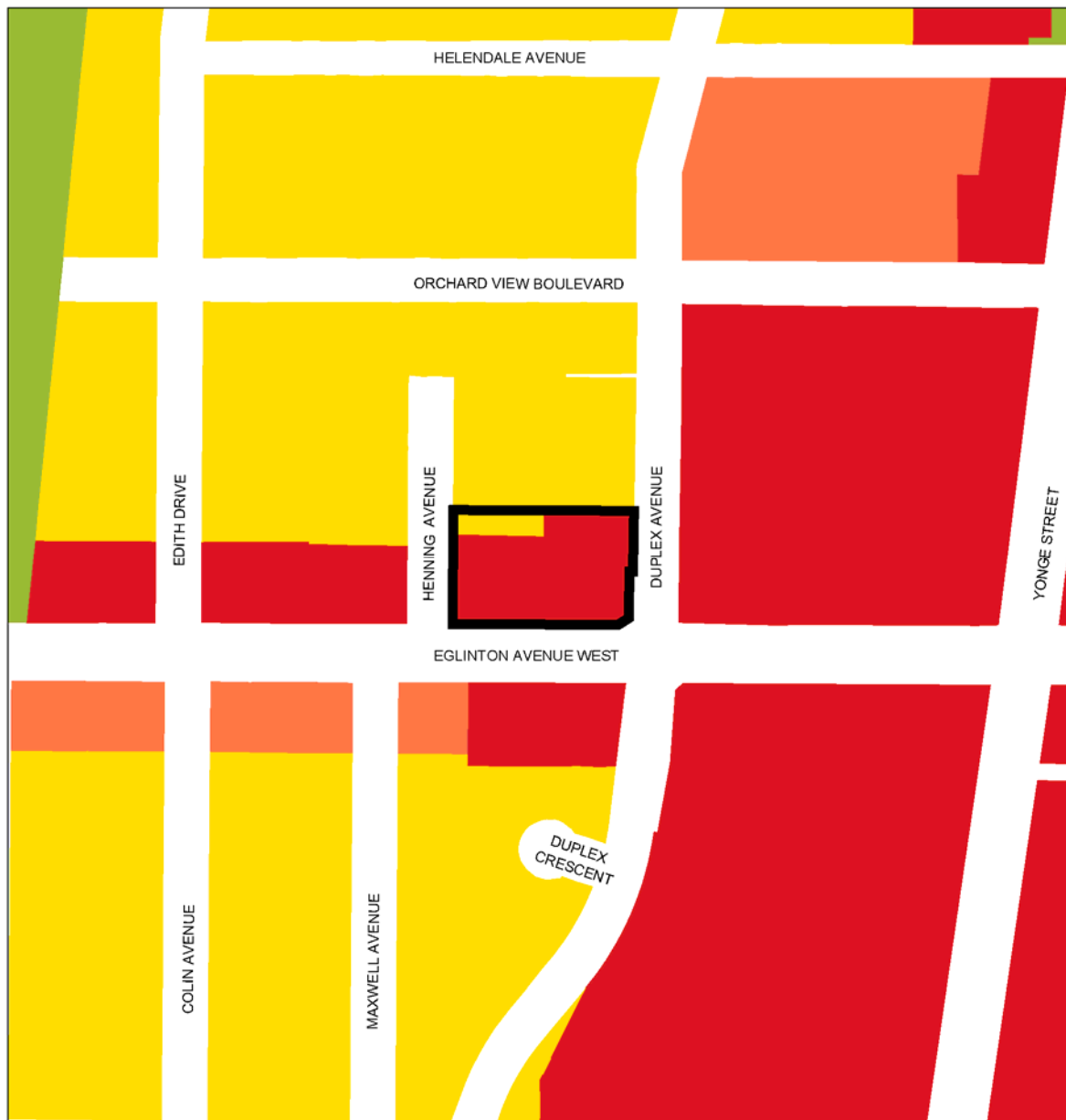


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Attachment 2: Location Map



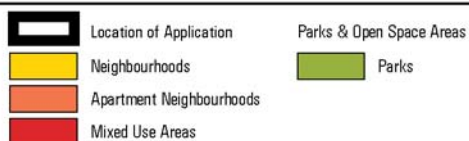
Attachment 3: Official Plan Land Use Map



50, 60 and 90 Eglinton Avenue West
and 17-19 Henning Avenue

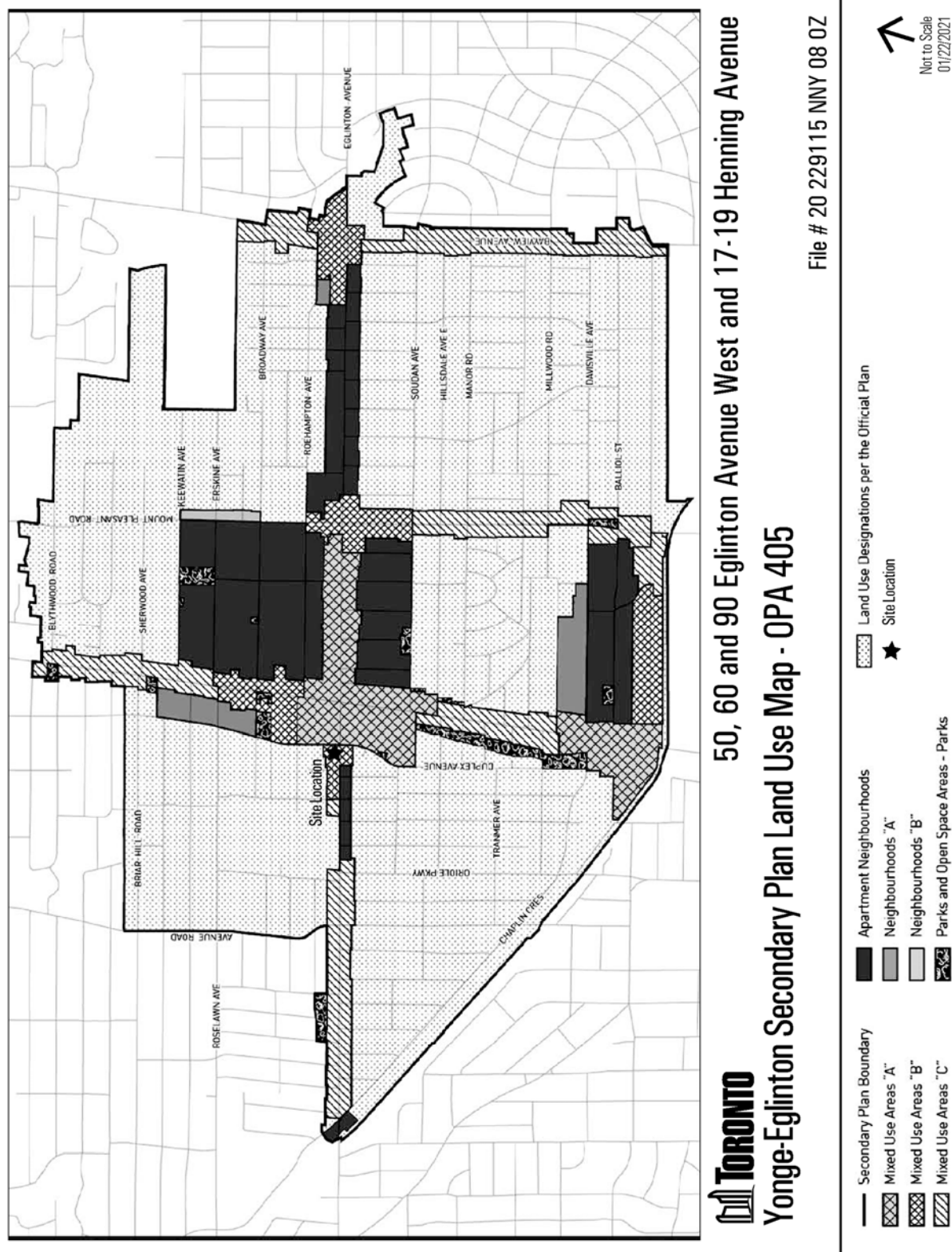
Official Plan Land Use Map #17

File # 20 229115 NNY 08 02

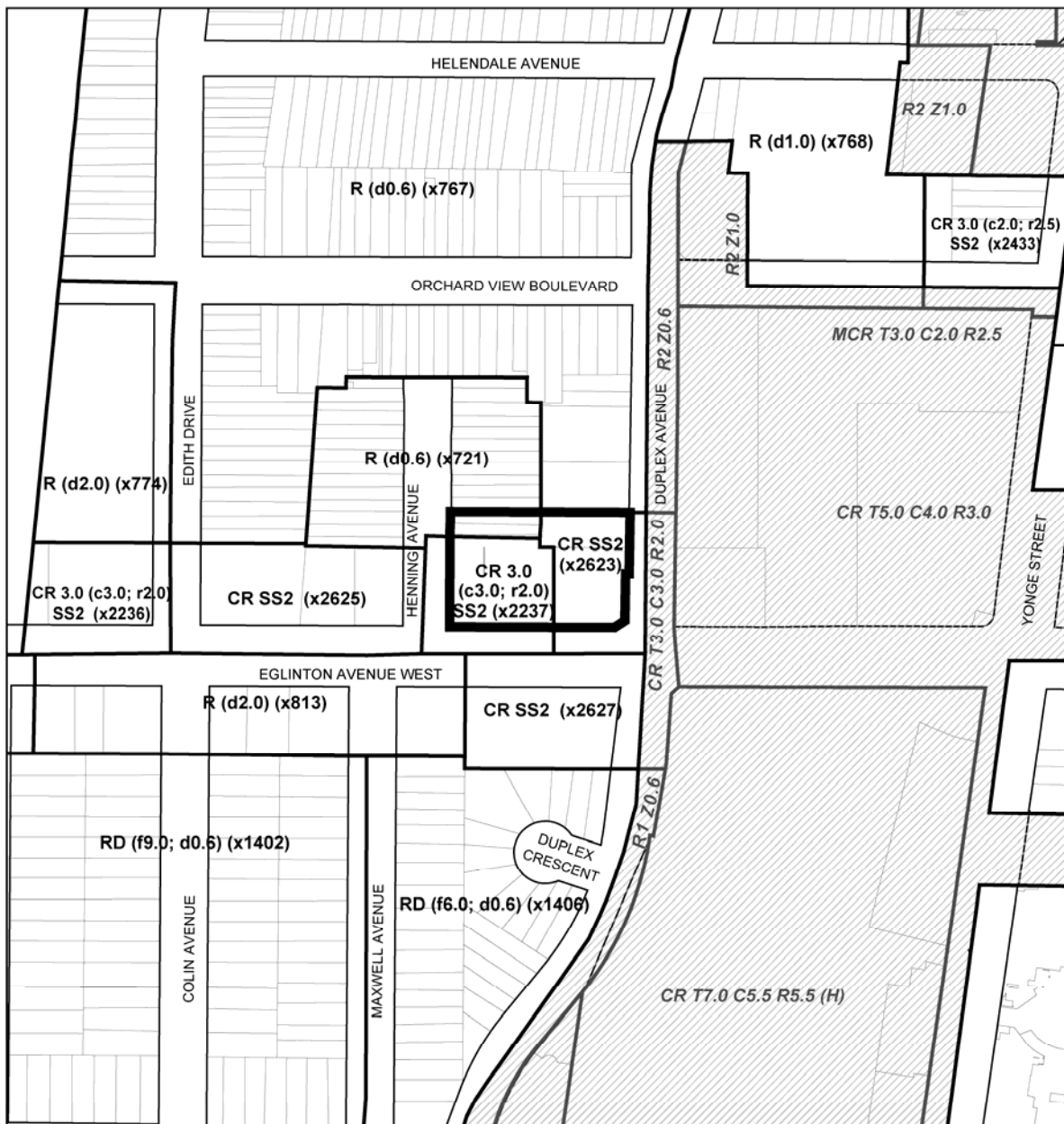


Not to Scale
Extracted: 01/22/2021

Attachment 4: Yonge-Eglinton Secondary Plan Land Use Map



Attachment 5: Zoning By-law No. 569-2013 Map



50, 60 and 90 Eglinton Avenue West and 17-19 Henning Avenue
Zoning By-law 569-2013

File # 20 229115 NNY 08 02



Location of Application

R
RD
CR
OR

Residential
Residential Detached
Commercial Residential
Open Space Recreation

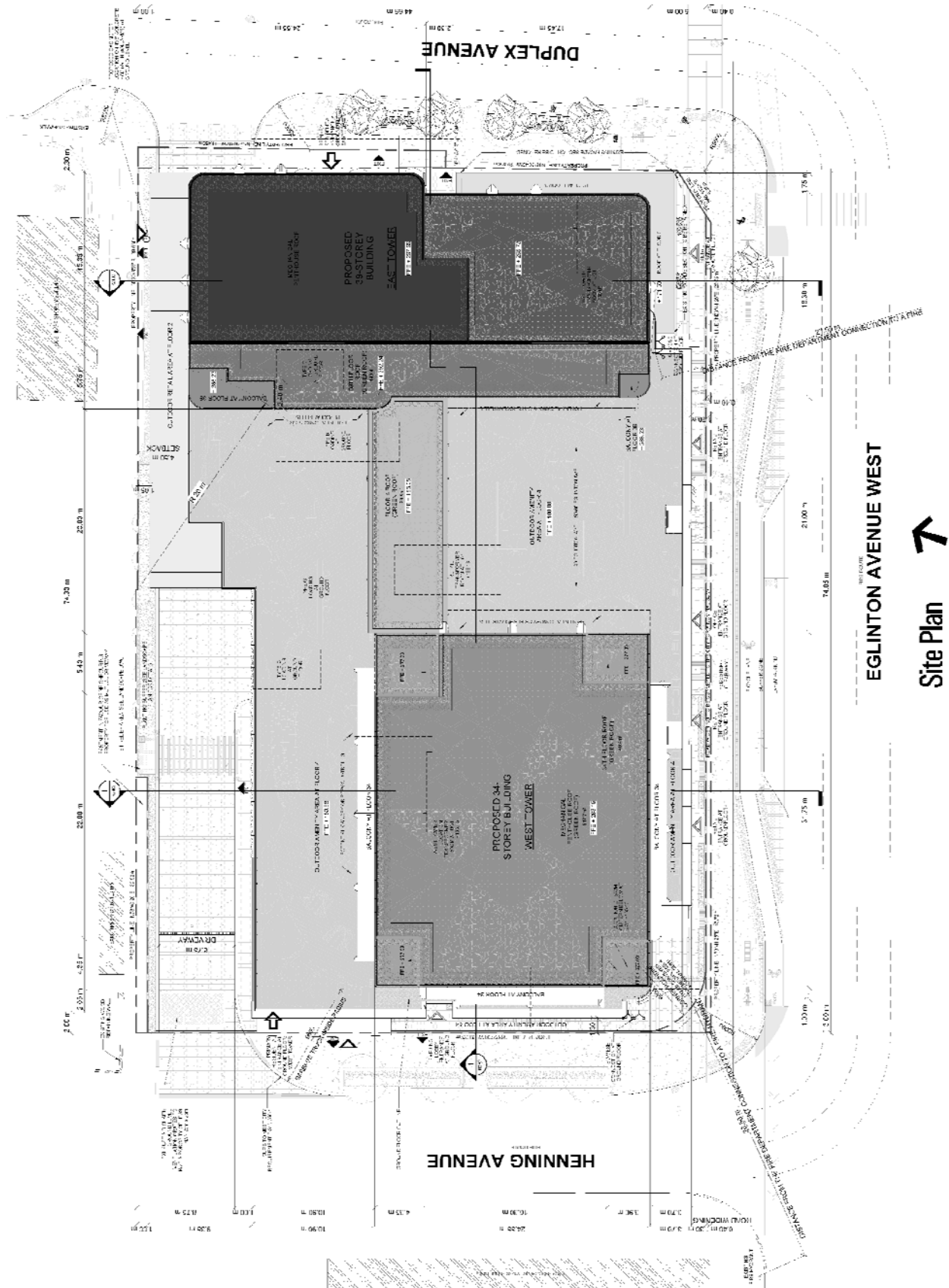


See Former City of Toronto By-law No. 438-86
 R2 Residential District
 CR Mixed-Use District

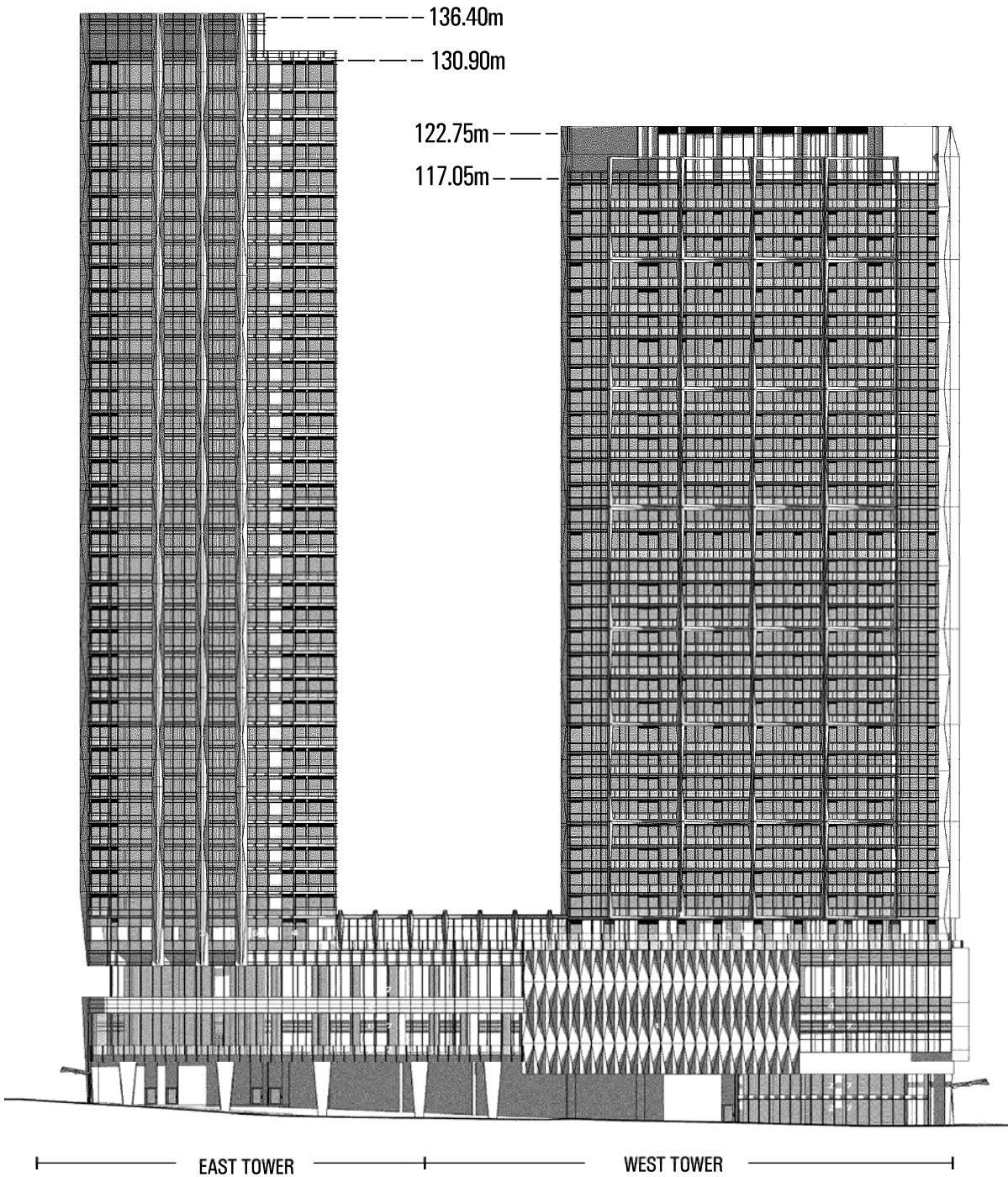


Not to Scale
 Extracted: 01/22/2021

Attachment 6: Site Plan

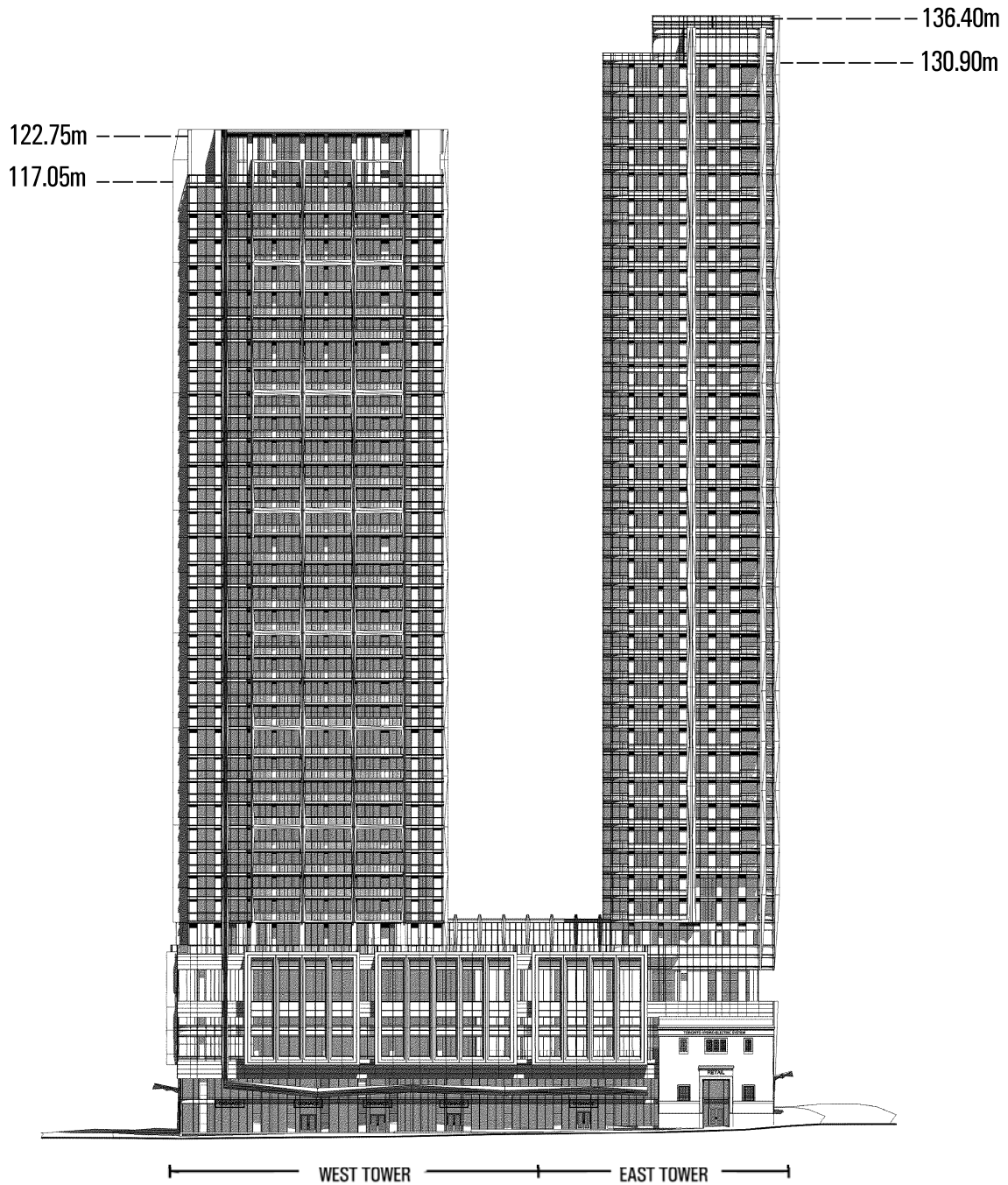


Attachment 7: North Elevation



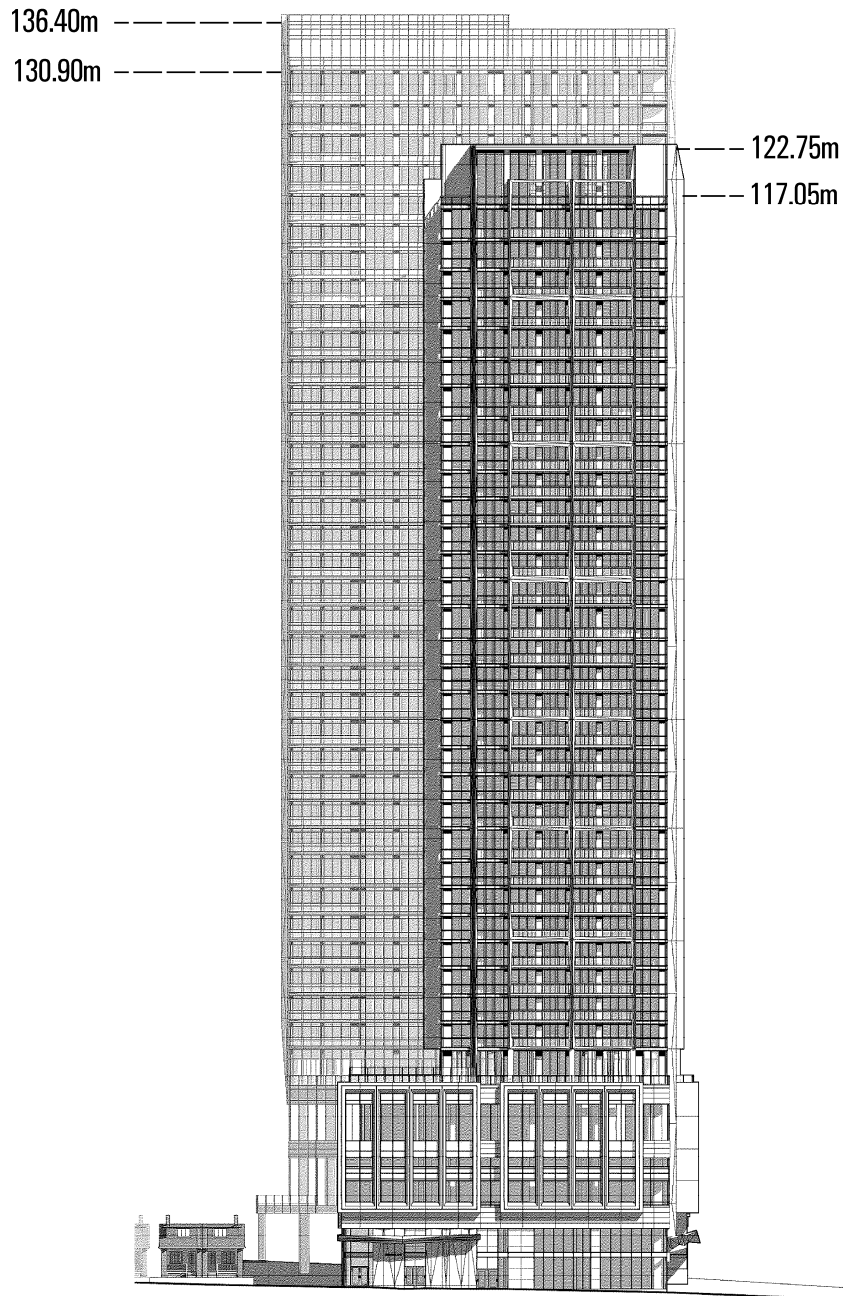
North Elevation

Attachment 8: South Elevation



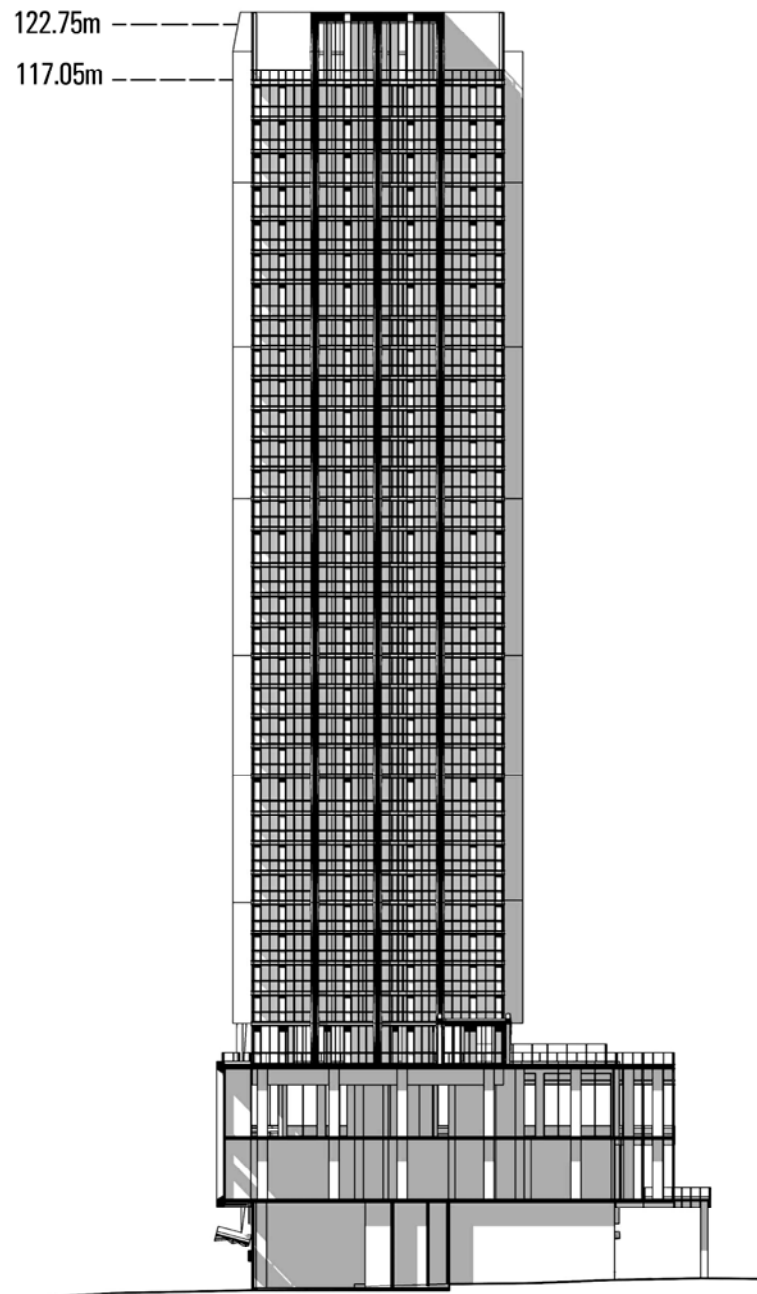
South Elevation

Attachment 9: West Elevation



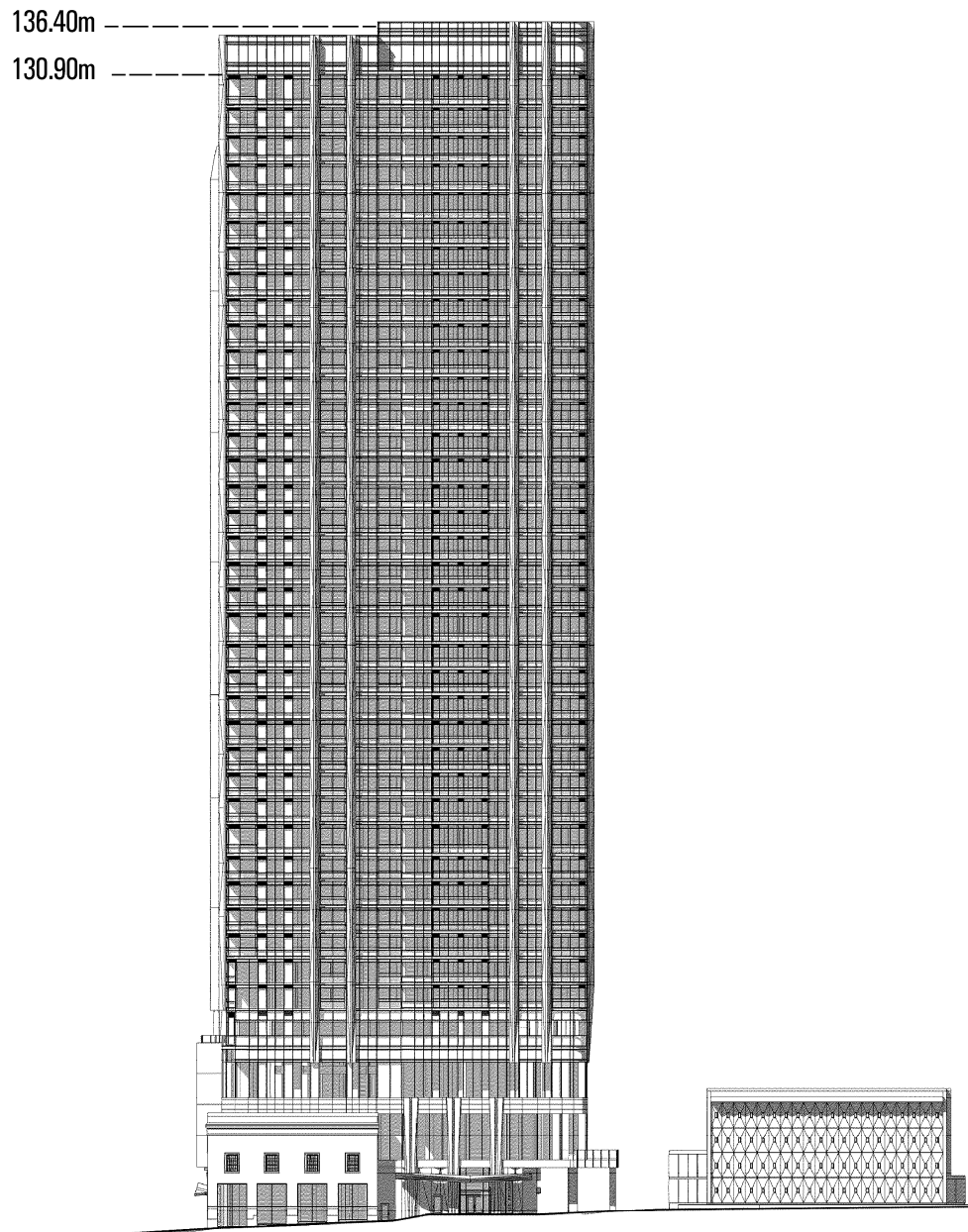
West Elevation

Attachment 10: West Tower - East Elevation



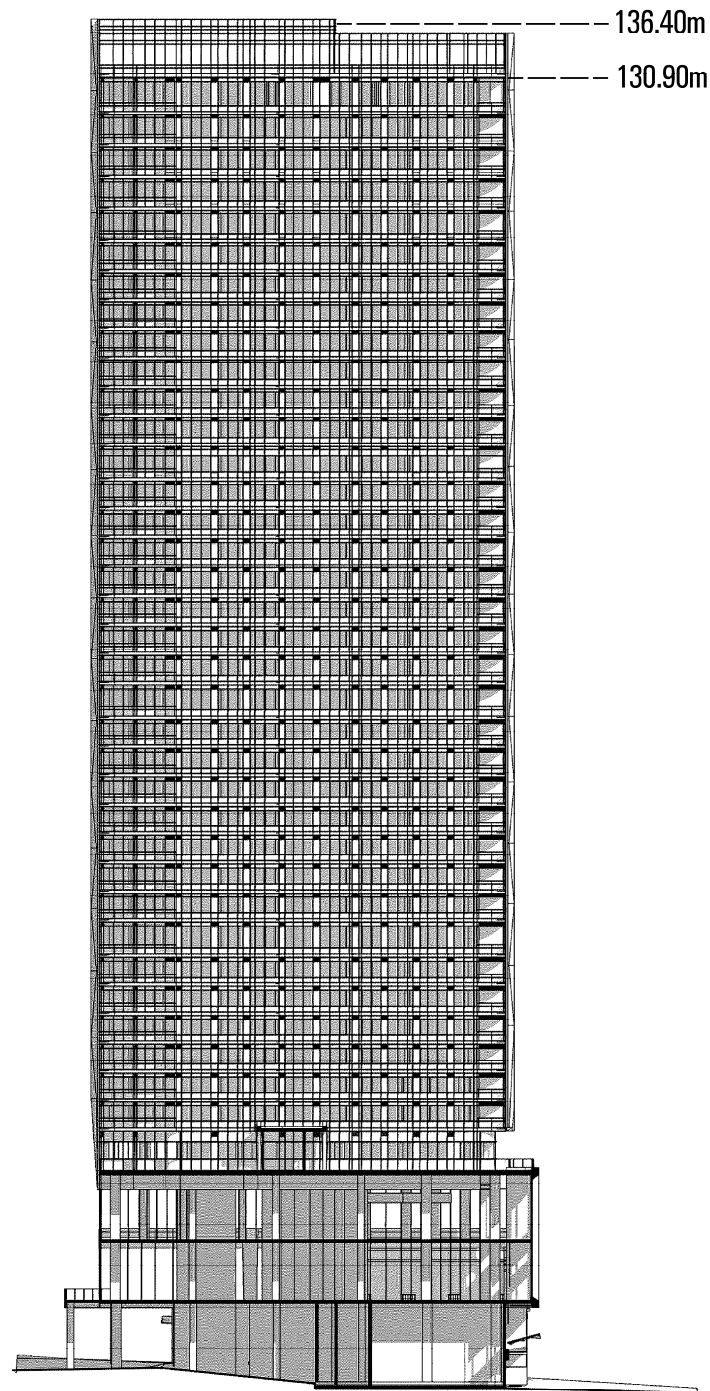
West Tower East Elevation

Attachment 11: East Tower



East Elevation

Attachment 12: East Tower - West Elevation



East Tower West Elevation

Attachment 13: Application Data Sheet

Municipal Address: 50-90 Eglinton Ave W and 17-19 Henning Ave Date Received: December 15, 2020

Application Number: 20 229115 NNY 08 OZ

Application Type: Rezoning

Project Description: Applications for Zoning By-law Amendment and Site Plan Control (File No. 20 126681 NNY 08 SA) have been revised and submitted. The initial proposal was for two towers measuring 24 storeys (90 Eglinton Ave W) and 32 storeys (50-60 Eglinton Ave W) in height. The proposal has now been amended to increase the height of the towers to 34 and 39 storeys in height atop a 4-storey mixed-use base building with 688 residential units. The development proposes a total gross floor area of 54,806 square metres, of which 2,919 square metres is proposed for retail uses and 4,078 square metres is proposed for office uses, resulting in an FSI of 13.73 times the lot area.

Applicant/Agent	Architect	Owner
Madison Group	Turner Fleischer	60 Eglinton West Ltd.
369 Rimrock Rd	67 Lesmill Road	369 Rimrock Rd
Toronto, ON	Toronto, ON	Toronto, ON
M3J 3G2	M3B 2T8	M3J 3G2

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas Neighbourhoods	Site Specific Provision:	Y
Zoning:	CR3.0/CR SS2	Heritage Designation:	Y
Height Limit (m):	15	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	3,989	Frontage (m):	73	Depth (m):	51
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Building Data	Existing	Proposed	Total
Ground Floor Area (sq. m):		2,103	2,103
Residential GFA (sq. m):	185	47,809	47,809
Non-Residential GFA (sq. m):	10,473	6,997	6,997
Total GFA (sq. m):	10,658	54,806	54,806
Height - Storeys:	6	39	39

Height - Metres: 131 131

Lot Coverage Ratio 52.73 Floor Space Index: 13.73
(%):

Floor Area Breakdown	Above Grade (sq. m)	Below Grade (sq. m)
Residential GFA:	47,136	673
Retail GFA:	2,846	73
Office GFA:	4,023	55
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:	2			
Condominium:			688	688
Other:				
Total Units:	2		688	688

Total Residential Units by Size

	Rooms	Studio	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			348 (51%)	270 (39%)	70 (10%)
Total Units:			348 (51%)	270 (39%)	70 (10%)

Parking and Loading

Parking Spaces: 297 Bicycle Parking Spaces: 727 Loading Docks: 4

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Jason.Brande@toronto.ca