

537, 539, 541 and 543 Eglinton Avenue East – Zoning By-Law Amendment Application – Refusal Report

Date: September 23, 2021

To: North York Community Council

From: Acting Director, Community Planning, North York District

Ward: 15 - Don Valley West

Planning Application Number: 21 191659 NNY 15 OZ

Current Uses on Site: 1 and 2 storey mixed use buildings

SUMMARY

This application proposes to amend City of Toronto Zoning By-law Nos. 438-86 and 569-2013 for the lands at 537, 539, 541 and 543 Eglinton Avenue East to permit a 23-storey (72.6 metre) high residential building with a 7-storey base building that measures 23.1 metres in height. The proposal contains a total of 128 dwelling units and a total gross floor area of 9,073 square metres, resulting in a density of 16.58 times the lot area. A total of 37 vehicular parking spaces are proposed in two levels of underground parking.

The proposed development represents overdevelopment of the site and is not consistent with the Provincial Policy Statement (2020), does not conform with the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), and does not conform to the City's Official Plan and the Yonge-Eglinton Secondary Plan.

This report reviews and recommends refusal of the application to amend the Zoning By-law. The subject site is not an appropriate location for the development of a tall building. The proposal does not conform to the Official Plan and Yonge-Eglinton Secondary Plan policies and the Tall Building Guidelines. The proposed development cannot achieve appropriate tower setbacks nor stepbacks; does not maintain adequate access to sunlight on the public realm; lacks sufficient open space and landscaping on site; is not providing pet amenity area; and proposes a 7-storey base building height that does not conform to the Yonge-Eglinton Secondary Plan.

The proposed tower fails to fit within its existing and planned context. The proposed tower at 23-storeys significantly exceeds the anticipated 8 to 12 storey height range for the Eglinton East Character Area and is unacceptable.

A virtual community consultation meeting has been scheduled for October 18, 2021. A supplementary report will be sent to City Council reporting on the outcome of the community consultation meeting prior to Council consideration of this application.

Therefore, for the reasons outlined in this report, it is recommended that the application be refused and in the event that the matter is appealed to the Ontario Land Tribunal, that the City Solicitor and appropriate staff oppose the appeal.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the application for Zoning By-law Amendment for the lands at 537, 539, 541 and 543 Eglinton Avenue East for the reasons outlined in the report dated September 23, 2021 from the Acting Director, Community Planning, North York District.

2. City Council authorize the City Solicitor, together with appropriate staff, to appear before the Ontario Land Tribunal (OLT) in support of City Council's decision to refuse the application, in the event that the application is appealed.

3. In the event that the refusal is appealed and the Ontario Land Tribunal (OLT) allows the appeal 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 any issues arising from the technical review of the July 29, 2021 submission identified as part of Engineering and Construction Services review of the file, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Transportation Services;

c. The Owner has provided any outstanding materials, including, but not limited to: a satisfactory Geotechnical Study, Hydrogeological Report, Transportation Impact Study and Functional Servicing Reports, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Transportation Services; and

d. The owner has submitted a revised Travel Demand Management 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.

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

FINANCIAL IMPACT

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

APPLICATION BACKGROUND

Application History

On January 11, 2021, 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 and density, overlook and lack of landscaping on site. Staff also expressed concerns with the area of the lot and the potential for conflicts with the future public laneway to the south if additional lands to the south and east were not acquired.

The current Zoning By-law Amendment application was submitted on July 29, 2021 and was deemed complete as of this date on August 27, 2021.

Application Description

This application proposes to amend City of Toronto Zoning By-law Nos. 438-86 and 569-2013 for the lands at 537, 539, 541 and 543 Eglinton Avenue East to permit a 23-storey (72.6 metre) high residential building with a 7-storey base building that measures 23.1 metres in height. The proposed density (floor space index) of the building is 16.58 times the area of the lot. Two levels of underground parking with 37 vehicular parking spaces and 142 bicycle parking spaces are proposed (See Attachments 4-7).

Details of the application are outlined in the chart below:

Category	July 29, 2021 Submission	
Site Area	666 square metres	
Residential Base Building Setbacks from Property Line	North (Eglinton Avenue East)	0.4 metre
	South	3 metres
	East	0.15 metre
	West (Hoyle Avenue)	0 metre
Proposed 23-Storey Tower Setbacks - Subject Site	North (Eglinton Avenue East)	2 metres
	South	3 metres
	East	0.15 metre
	West	3 metres

	(Hoyle Avenue)	
Total Residential Gross Floor Area (GFA)	9,073 square metres	
Floor Space Index (FSI)	16.58 times the lot area	
Base Building Height	7-storeys (23.1 metres)	
Tower Height	72.6 metres to the top of the 23rd storey (including MPH)	
Tower Floor Plate	451 square metres	
Proposed Residential Units		
Studio	20 (16%)	
1 Bedroom	22 (17%)	
2 Bedroom	73 (57%)	
3 Bedroom	13 (10%)	
Total	128	
Amenity Area		
Indoor	273 square metres	
Outdoor	106 square metres	
Total	379 square metres	
Proposed Vehicular Parking (residential:visitor)	37 spaces (36:1)	
Bicycle Parking (short-term:long-term)	142 spaces (14:128)	
Loading Spaces	1 Type 'G'	
Proposed On-Site Parkland Dedication	None	

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

See Attachments 1a and 1b of this report for a three-dimensional representation of the project in context. An Application Data Sheet can be found in Attachment 11.

Site and Surrounding Area

The site is located at the southeast corner of Eglinton Avenue East and Hoyle Avenue and represents an assembly of 4 properties. Eglinton Avenue East has a right-of-way width of 27 metres and Hoyle Avenue has a right-of-way width of 20 metres. The site has an area of approximately 666 square metres with a frontage of approximately 30 metres on Eglinton Avenue East and 25 metres along Hoyle Avenue. The subject site is generally rectangular in shape and features a downward slope of approximately 1 metre from west to east along Eglinton Avenue East.

The site is currently occupied by a 2-storey semi-detached dwelling (537 and 539 Eglinton Avenue East) and two, single-storey detached dwellings (541 and 543 Eglinton Avenue East) that are both currently operating as medical clinics.

The surrounding development and land uses are as follows:

North: Along Eglinton Avenue East, there is a 4-storey office building and an 8-storey office building with retail uses at grade. Moving east along the north side of Eglinton Avenue East, there is a 5-storey residential apartment building (600 Eglinton Avenue East) and single-storey commercial retail buildings (609 and 656 Eglinton Avenue East) with access from Roehampton Avenue.

South: To the immediate south of the subject site is a private laneway that extends east from Hoyle Avenue for approximately 45.76 metres and terminates mid-block between Hoyle Avenue and Mann Avenue. To the south of the private laneway, Hoyle Avenue is characterized by a variety of 1-2 storey dwellings including 2-storey multi-unit dwellings in semi-detached building forms with some rear yard garages interspersed and private driveways.

East: To the immediate east of the site are two single-storey detached dwellings at 545 and 547 Eglinton Avenue East. The property at 545 Eglinton Avenue East is currently being used as a medical clinic and 547 Eglinton Avenue East is used for residential purposes. Further east is a 9-storey residential apartment building at 551 Eglinton Avenue East which is located at the southwest corner of Eglinton Avenue East and Mann Avenue. At the southwest corner of Eglinton Avenue East and Bayview Avenue is a 6-storey mixed-use building with frontage on both streets and below grade vehicular access from Eglinton Avenue East (1750 Bayview Avenue).

West: To the immediate west of the subject site is a 9-storey mid-rise apartment building at 525 Eglinton Avenue East. Moving west along Eglinton Avenue East is a place of worship (Eglinton Avenue Gospel Hall - 503 Eglinton Avenue East), 3-storey medical building, an 11-storey apartment building with surface parking and soft landscaping (485 Eglinton Avenue East), a 9-storey mid-rise residential building (445 Eglinton Avenue East), and a 12-storey mid-rise apartment building (435 Eglinton Avenue East).

Application Submission

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

- Arborist Report
- Architectural Plans
- Block Context Plan
- Civil and Utilities Plans
- Coloured Concept Plan
- Community Services and Facilities Study
- Cover Letter
- Draft Zoning Bylaw Amendments for Zoning By-law Nos. 438-86 and 569-2013
- Geotechnical Study
- Groundwater Review Form
- 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
- Sun/Shadow Study
- Survey Plans
- Toronto Green Standards Checklist
- Transportation Impact Study
- Tree Preservation Plan
- Urban Design Brief

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.

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, as amended, and to establish new development standards related to, amongst other things: parking, loading and building setbacks.

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.

Provincial Land-Use Policies: Provincial Policy Statement and Provincial 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 provides 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.

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

The subject lands are designated *Apartment Neighbourhoods* on Map 17 of the Official Plan (see Attachment 8). *Apartment Neighbourhoods* are distinguished from low-rise *Neighbourhoods* because a greater scale of buildings is permitted and different scale-related criteria are needed to guide development. Built up *Apartment Neighbourhoods* are stable areas of the City where significant growth is generally not anticipated.

Apartment Neighbourhoods are made up of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents. All land uses provided for in the *Neighbourhoods* designation are also permitted in *Apartment Neighbourhoods*.

Development in *Apartment Neighbourhoods* should contribute to the quality of life by:

- locating and massing new buildings to provide a transition between areas of different development intensity and scale, through means such as providing setbacks from, and/or stepping down of heights towards lower scale *Neighbourhoods*;
- locating and massing new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*; and
- locating and massing new buildings to front onto and provide pedestrian entrances on an adjacent public street, to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces; and providing ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces.

New development is also to include sufficient off-street vehicle and bicycle parking for both residents and visitors; locate and screen service areas, ramps and garbage storage to minimize impact on adjacent streets and residences; and provide indoor and outdoor recreation space for residents.

Yonge-Eglinton Secondary Plan

The Site is designated *Apartment Neighbourhoods* on Map 21-4 and is adjacent to *Neighbourhoods* to the south of the site on Map 17 of the Official Plan (Attachment 9). The site is located in the Eglinton East Character Area and is west of the Bayview Focus 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 along Eglinton Avenue East is located along a Secondary Retail Street on Map 21-5.

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. The Eglinton East Character Area is an Apartment High Street which is characterized by distinct, mid-century mid-rise pavilion buildings and apartment towers, generously set back from streets and other buildings and surrounded by open space with an anticipated height range of 8 to 12 storeys.

The Secondary Plan is intended to be read and interpreted as a comprehensive document. City Planning staff have reviewed the application against the policies of the Yonge-Eglinton Secondary Plan.

Zoning By-laws

The site is subject to both former City of Toronto Zoning By-law 438-86 and City-wide Zoning By-law 569-2013. Under Zoning By-law 438-86, as amended, the site is zoned Residential Districts R4A Z 2.0. Under Zoning By-law 569-2013, as amended, the site is zoned Residential R(d2.0)(x943).

Both the R4A and R zones permit residential uses, a maximum density of 2.0 times the lot area and a maximum building height of 18 metres.

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/>

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 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 application is subject to Site Plan Control. A Site Plan Control application has not yet been submitted.

Community Consultation

A virtual community consultation meeting has been scheduled for October 18, 2021. A supplementary report will be sent to Council reporting on the outcome of the community consultation meeting prior to Council consideration of this application.

COMMENTS

The proposal has been reviewed against the *Planning Act*, PPS (2020), Growth Plan (2020), Official Plan and Secondary Plan policies and design guidelines.

Provincial Policy Statement and Provincial Plans

The PPS and Growth Plan (2020) are high-level and broad reaching policy documents. The PPS and 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.

Staff have determined that the proposal in its current form is not consistent with the PPS 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 as it relates to the scale, intensity and form of development being proposed and the disregard of the Yonge-Eglinton Secondary Plan's direction with regard to these matters.

Policies of the PPS 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. The PPS recognizes that local context and character is important. Policy 1.7.1(e), speaking to the need for long-term economic prosperity, recognizes that this is supported by creating "a sense of place, by promoting well-designed built form".

Although the PPS does not specify the requirements for defining "well-designed built form", it does identify in Policy 4.6 that "the Official Plan is the most important vehicle for implementation" and directs municipalities to provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas. 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 analysis of the proposed built form in the context of the Official Plan and Yonge-Eglinton Secondary Plan policies, as assessed later in this report, indicates that this is not a tall building site and that the proposed tall building does not adhere to appropriate development standards for intensification, particularly those concerning an appropriate form of tower development, height and transition. More specifically, the scale and intensity and the proposed development is not appropriate at this location as this site has been identified as a mid-rise building site.

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 PPS. The proposal is not consistent with the intensification direction and policies, as directed through the PPS.

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 2.2.6.3 which refers to multi-unit residential developments to incorporate a mix of unit sizes and incomes; and
- Policy 5.2.5.6 which states that 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. As such, the City's Official Plan and design guidelines are of importance for assessing Growth Plan conformity.

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 tall building is not appropriate at this location as this site has been identified as a mid-rise building site.

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 (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 *Apartment Neighbourhoods* in the Official Plan and Yonge-Eglinton Secondary Plan. *Apartment Neighbourhoods* are made up of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents. Residential uses are permitted in this designation.

The lands are located within the Eglinton East Character Area in the Secondary Plan, an Apartment High Street where new buildings will reinforce distinguishing features and bolster their setting. The Eglinton East Character Area is characterized by distinct, mid-century mid-rise pavilion buildings and apartment towers, generously set back from streets and other buildings and surrounded by open space.

While residential uses are permitted within the Eglinton East Character Area, the proposal fails to meet the overall intent of the Official Plan and Secondary Plan. The subject site is not appropriate for the development of a tall building. The subject site is located in a Character Area where heights of 8 to 12 storeys are generally anticipated in a mid-rise built form. This proposal far exceeds what is anticipated for the Eglinton East Character Area, as discussed in the following sections.

Built Form - Height, Transition and Massing

The proposed building is massed as a tower with a base building form and proposes a total height of 23-storeys (72.6 metres). The tower is proposed atop a 7-storey base building measuring 23 metres in height. The Secondary Plan identifies this site as a mid-rise building site with anticipated building heights of 8 to 12 storeys. The proposal does not meet several policy objectives related to tall buildings in both the Official Plan and Yonge-Eglinton Secondary Plan, specifically with regard to building height and base building height, transition, tower stepbacks, site area, tower separation, density and lack of landscaped open space on site, as discussed in more detail below.

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 within 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 *Apartment Neighbourhoods* Policy 4.2.2(a) that requires development to contribute to the quality of life by locating and massing new buildings to provide a transition between areas of different development intensity and scale through means such as providing setbacks from, and/or a stepping down of heights towards, lower-scale *Neighbourhoods*.

The Secondary Plan also addresses transition from *Apartment Neighbourhoods* to *Neighbourhoods* and states that transition from *Apartment Neighbourhoods* 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. As noted above, the subject site is within the Eglinton East Character Area in the Yonge-Eglinton Secondary Plan. Policy 5.4.3(c) of the Secondary Plan identifies a height range of 8 to 12 storeys with the exception of the lands within approximately 250 metres of the Mount Pleasant LRT Station, within which heights of generally 15 to 20 storeys are anticipated. This site, while in a Secondary Zone due to its proximity to the Leaside LRT station to the east, is not within 250 metres of the Mount Pleasant LRT station to the west. At 23-storeys in height, the proposed tower contemplates a significantly greater number of storeys than what is anticipated by the Eglinton East Character Area policy framework on a site intended for a midrise built form and is unacceptable.

Policy 5.3.33 outlines a series of principles for limiting the base buildings of tall buildings, including compatibility with the height, scale and built form character of the existing and planned context of both streets when located on a corner lot; and providing a transition in scale for the base building height down to adjacent lower-scale planned contexts. Policy 5.3.34 of the Secondary Plan states that base buildings of tall buildings in Apartment Neighbourhood Character Areas generally should not exceed 4 storeys. At 7 storeys, the proposed base building exceeds the planned context for base buildings in Midtown Apartment *Neighbourhoods* and is unacceptable. The proposed base building overwhelms the public realm in terms of scale and does not achieve compatibility with the scale and proportion of adjacent streets and neighbouring streetwall heights.

The City's Tall Building Guidelines also speak to base building height. Guideline 2.1 (Building Placement) provides that base buildings be located to frame the edges of streets, parks, and open space, to fit harmoniously with the existing context, and to provide opportunities for high-quality landscaped open space on-site. Guideline 3.1.1 (Base Buildings) states that base buildings be designed to fit harmoniously within the existing context of neighbouring building heights at the street and to respect the scale and proportion of adjacent streets, parks, and public or private open space. The proposed base building measuring 7 storeys (23 metres) does not meet these

Guidelines and does not effectively frame Eglinton Avenue East. Due to the small size of the site, no landscaped open space is being provided on-site.

The proposed tower stepbacks are also inappropriate. The Tall Building Guidelines encourages a minimum tower stepback of 3 metres, measured from the top of the base building, which may be required for tall buildings to fit harmoniously within an existing context. Additionally, towers should be sited away from streets, parks, open space, and neighbouring properties to reduce visual and physical impacts of the tower and allow the base building to be the primary defining element for the site and adjacent public realm.

In this case, the base building is set back 0.4 metres at grade along Eglinton Avenue East. The only stepbacks proposed are above the seventh storey, where the tower steps back 2.6 metres from the base along Eglinton Avenue East, decreasing to 2 metres above the eighth storey and 3 metres along Hoyle Avenue. There are no stepbacks along the south and east property lines. The proposed tower stepbacks are unacceptable. The base building with minimal stepbacks does not truly read as a base building or appropriately frame the street.

The applicant is proposing a tall building development on a site of 666 square metres that is inappropriate for a tower. The inadequate lot size results in an inability to achieve appropriate tower separation distances (and/or tower setbacks). The fit and transition in scale between the proposed tall building and its neighbouring properties is abrupt and unacceptable. Tall Building Guideline 3.2.3 (Tower Placement) refers to tower separation 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. 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.

The tower setbacks as proposed from the property lines range from 0.15 metre (east), 3 metres (west - Hoyle Avenue), 2-3 metres (north - Eglinton Avenue East) and 3 metres (south), which does not factor in the balcony projections. Greater separation than what is being proposed is required and is not achievable based on the size of the site. There is also no regard for the need for increased tower separation as building height increases.

The Secondary Plan provides that development located in the Midtown Apartment Neighbourhoods where existing buildings are, or will be, set in a landscaped setting will provide appropriate setbacks on all sides of a building. With respect to density, the proposed building at 16.58 times the area on such a small lot, limits the space available for open space, landscaping and amenity on the site. As a result, the proposal does not meet the policies of the Secondary Plan. This is discussed further in the "Landscaping and Open Space" section of this report.

As a result, the proposal does not meet the policies of the Secondary Plan, which provides that development located in the Midtown Apartment Neighbourhoods be set in a landscaped setting and provide appropriate setbacks on all sides of a building,

inclusive of side yard setbacks. This is discussed further in the "Landscaping and Open Space" section of this report.

For the reasons noted above, the proposal in its current form is not acceptable with respect to its fit within the existing context, building height and base building height, transition, tower setbacks, tower separation, resulting in a density that represents overdevelopment of the site.

Landscaping and Open Space

The Secondary Plan indicates that growth and intensification will enhance the liveability of a building's surroundings and the spaces within the building. All development within the Secondary Plan area will contribute to Midtown's green, landscaped character by ensuring high-quality landscaping at grade, as well as ensuring liveable and comfortable spaces that also contribute to a resilient future by locating, designing and massing buildings to mitigate the cumulative impact of multiple tall buildings, ensuring adequate access to sky view from the public realm, allowing adequate sunlight to penetrate to the street, and ensuring good wind conditions in all seasons.

Policy 5.3.5(b) of the Secondary Plan provides that development located in the Midtown Apartment Neighbourhoods where existing buildings are, or will be, set in a landscaped setting will provide appropriate setbacks on all sides of a building, inclusive of side yard setbacks. Due to the size of the proposed building relative to the small area of the site, the proposed setbacks and tower separation do not conform to these policies as they do not provide enough space for adequate landscaping and open space on the site. Guideline 2.1 (Building Placement) of the City's Tall Building Design Guidelines states that tall buildings should be located in a manner where there are opportunities for high-quality landscaped open space on-site. There is no landscaped open space being provided within the subject site due to the overwhelming scale and coverage of the proposed base building.

The proposal fails to conform to Secondary Plan policies and does not have regard to the City's Tall Building Design Guidelines with respect to providing sufficient landscaping and open space on a site in a Midtown Apartment Neighbourhood.

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 6:18 pm for March 21st, June 21st, September 21st and from 9:18 am to 4:18 pm on December 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*. *Apartment Neighbourhoods* Policy 4.2.2(b) also refers to limiting shadows on adjacent

Neighbourhoods. Built Form Policy 3.1.2.10(b) requires 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 5.6.2 of the Secondary Plan states that development will also be located and designed to provide adequate access to sunlight on Charlotte Maher Park.

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) also apply to the proposal. Guideline 1.3(a) recommends maintaining access to sunlight and sky view for surrounding streets, parks, open space and neighbouring properties.

The shadow impacts resulting from the proposed development are not adequately limited by the proposal. The proposal casts shadows on the *Neighbourhoods* properties to the north between approximately 9:18 am and 10:18 am on March 21st and September 21st and on Eglinton Avenue East on March 21st, September 21st and December 21st from approximately 9:18 am to 5:18 pm. Additionally, the proposal would cast shadows between 9:18 am and 10:18 am on Charlotte Maher Park to the north on December 21st and on Howard Talbot Park to the east at 6:18 pm on March 21st and September 21st.

At 23-storeys in height, the proposed tall building 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. In comparison, a mid-rise built form as directed by the height guidance policies of the Secondary Plan is unlikely to shadow *Neighbourhoods* designated lands or surrounding area parks and would limit potential shadow impacts on Eglinton Avenue East.

Wind Impacts

Policy 5.6.6 of the Secondary Plan states that buildings will be sited, massed and designed to adequately limit wind impacts on the public realm. Policy 5.7.2 of the Secondary Plan requires wind conditions for amenity spaces to be generally suitable for the use of the amenity space.

A Pedestrian Wind Assessment from Gradient Wind, dated April 26, 2021 was submitted with the application to detail the potential wind impacts resulting from the massing of the proposed building.

Staff have concerns with the massing and design of the building as it relates to wind impacts, particularly at the corners of the building during winter, which is reflective of a 23-storey tall building proposed with minimal setbacks and stepbacks. The first mitigation response should be sought through changes to the massing of the building, including reducing the building height and increasing setbacks and stepbacks to improve overall wind conditions.

Public Realm and Secondary Retail Street

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.

Public Realm Policies 3.1.1.5 and 3.1.1.6 which refer to, among other things, safe and efficient movement of pedestrians, provision of space for trees and landscaping and sidewalks being designed to provide safe, attractive, interesting and comfortable spaces for pedestrians.

The Secondary Plan states that pedestrian and public realm improvements will be prioritized to support Secondary Retail Streets identified on Map 21-5 prioritizing the extension and enhancement of existing and proposed parks; the creation of privately-owned publicly-accessible spaces (POPS); the provision of additional street trees, understorey plantings and street furniture within streets and adjacent setbacks; re-allocating space within public streets to prioritize pedestrians, cyclists and public transit; and the provision of public art. This section of Eglinton Avenue East is a Secondary Retail Street where ground floor retail is encouraged. There is no retail proposed for this development.

Along Eglinton Avenue East, a 0.4 metre setback on the ground floor is proposed that consists primarily of pavers with minimal landscaping within the City's right-of-way. The base building is also proposed at a 0 metre setback along Hoyle Avenue.

Developments are required to include space for sufficient soil volume/depth to support large canopy trees within the streetscape and encouraged to include space for retail uses. The proposed streetscape and public realm condition are unacceptable.

Laneway Requirement and Site Access

Per Policy 4.8 of OPA 405, Map 21-9 identifies the locations of existing and potential new laneways which could provide important access to properties primarily located adjacent to Midtown's Major Streets, and that could also contribute to additional pedestrian and cyclist connectivity.

While the subject lands are not specifically identified as a site for a new laneway on Map 21-9, the sites to the immediate south at 59 and 61 Hoyle Avenue are identified as a location for a laneway, which is to run east to west from approximately Bayview

Avenue to Mount Pleasant Road. There is an existing private lane running east-west at the rear of the site between the subject lands and the 61 Hoyle Avenue property where access is currently proposed. Of note is that the neighbouring sites at 545 and 547 Eglinton Avenue East take access from this lane.

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.

In its current form, the proposed location of site access from the existing private lane at the south end of this site would create an incompatible relationship with a potential new laneway and may result in vehicular conflicts at the southern portion of the subject site once a new lane is realized.

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.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The proposal is subject to a cap of 10% parkland dedication. The value of the cash-in-lieu of parkland dedication would be appraised through Real Estate Services. The appraisal would be conducted upon the submission of an application for the first above ground building permit and is valid for six months. Payment would be required prior to the issuance of said permit.

Housing - Unit Mix and Size

The PPS and 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	20 (16%)	22 (17%)	73 (57%)	13 (10%)	128 (100.0%)

The proposed provision of 73 (57%) two-bedroom units and 13 (10%) three-bedroom units satisfies the unit mix objectives of Guideline 2.1 of the Growing Up guidelines. However, only 5 of the proposed two-bedroom units (6.8%) are at least 87 square metres in size and none of the proposed three-bedroom units are equal to or larger than 100 square metres in size, which does not adequately address Guideline 3.1.

An increase in 2 and 3 bedroom unit sizes is required 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 4.2.2 f) states that in *Apartment Neighbourhoods* 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 379 square metres (2.96 square metres per unit) of amenity space. A total of 272 square metres (2.13 square metres per unit) of indoor amenity space is proposed, which would be located on the ground floor, second floor and the top floor. A total of 105 square metres (0.82 square metres per unit) of outdoor amenity space is proposed on the second storey and the roof level. The cumulative amount of proposed amenity space is below the Zoning By-law requirement of 4.0 square metres per unit and is unacceptable.

Pet Friendly Design

For a building with more than 20 units, pet amenity should be 10% of the required amenity space and include an outdoor pet relief area at least 5 square metres in size. No details about the amount of space dedicated to pets, facilities for the disposal of pet waste, or the location of pet wash facilities have been provided. An indoor pet washing station is recommended. Policy 5.7.5 of the Secondary Plan provides that development that includes residential units will be encouraged to include pet amenity areas that include facilities for the disposal of pet waste.

Given the current rise in dog-owning populations, the applicant is strongly encouraged to provide dog amenities on-site with proper disposal facilities such as dog relief stations to accommodate their future residents' needs 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, Parking, Loading and Infrastructure/Service Capacity

A total of 37 parking spaces are proposed to be provided for the project, consisting of 36 residential condominium spaces and 1 residential visitor space. A total of 142 bicycle parking spaces are proposed, including 128 long-term spaces on levels P1 and P2 and 14 short-term residential bicycle parking spaces on the ground floor.

Additionally, the application proposes 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 south.

A Transportation Impact Study was submitted by the applicant to evaluate the effects of the development on the transportation system, and to suggest any transportation improvements, if deemed necessary, to accommodate the travel demands and impacts generated by the development. The study is currently under review by staff.

The applicant has also submitted a Functional Servicing and Stormwater Management Report, a Hydrogeological Report, and a Geotechnical Report. These reports will allow City staff to evaluate the effects of the development on the City's municipal servicing infrastructure. It will also identify and provide the rationale for whether the City requires the applicant to provide new infrastructure and/or upgrades to the existing infrastructure in order to facilitate this development. These reports are currently under review by staff.

Staff from Engineering and Construction Services and Transportation Services are continuing to review the July 29, 2021 submission. In the event that there are outstanding issues with the submission and the matter is appealed to the OLT, staff recommend the OLT withhold the issuance of any Orders that may approve the application until such time as the owner has addressed any forthcoming comments as a result of Engineering and Construction Services review of the file, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Transportation Services; and provided any outstanding materials, including, but not limited to: a satisfactory Geotechnical Study, Hydrogeological Report, Transportation Impact Study and Functional Servicing Reports, as outlined in Recommendation 3c of this report.

Travel Demand Management (TDM)

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 provisions) in combination with car sharing/bike sharing; school/trip planning; development-related transit initiatives; and cycling programs and expansion of the citywide cycling networks.

In the event that the OLT approves the application in some form, Transportation Planning staff have indicated that a revised Transportation Demand Management ("TDM") Plan with appropriate measures to reduce single occupancy automobile vehicle trips generated by the proposed development, support the proposed parking reduction, and address the site related vehicular traffic issues is required, as outlined in Recommendation 3d of this report.

Construction Management

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. A Construction Management Report has not been submitted with the application.

In the event that the OLT 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 Kuntz Forestry Consulting Inc. and dated September 18, 2020 (revised April 9, 2021 and July 8, 2021) was submitted in support of the proposed development. The Arborist Report submitted concludes that there are a total of 14 trees on and within six metres of the subject property. The removal of all 14 trees is required to accommodate the proposed development.

The City would typically secure the planting of new trees on the site and on adjacent public rights-of-way through Site Plan Approval. However, due to the coverage of the proposed tall building, the site does not leave opportunities for on-site planting of trees.

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 Dante Alighieri Academy. 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.

The TDSB has indicated that they do not support the development application at this time. The TDSB is of the position that the timing of development should be aligned with the provision of pupil accommodation at local schools, with occupancy no earlier than September 2024, in line with the TDSB's Midtown area accommodation strategy.

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. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Performance measures for the Tier 1 development features will be secured through the site specific Zoning By-law, should this application be approved by the OLT. Other applicable TGS performance measures will be secured through the Site Plan Approval process, should the application be approved.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the *Planning Act*. The Official Plan identifies that Section 37 may be used for development with more than 10,000 square metres of gross floor area. The applicant is proposing new density of 9,073 square metres which does not qualify for a Section 37 contribution.

Conclusion

The proposal has been reviewed against the policies of the PPS, the Growth Plan (2020), the City of Toronto Official Plan and the provincially-approved Yonge-Eglinton Secondary Plan. Staff are of the opinion that the proposal is not consistent with the policy directions in the PPS and does not conform with the Growth Plan (2020). These provincial policies direct the City to provide an intensification strategy on where growth should take place. This direction is also to be implemented through the Official Plan and other supportive guidelines. The proposal fails to conform to the relevant policy directions of the City's Official Plan and Yonge-Eglinton Secondary Plan directing where growth is to occur and at what scale, form and intensity.

Furthermore, the proposal does not conform to the Official Plan and Yonge-Eglinton Secondary Plan policies and the Tall Building Guidelines. The subject site is not appropriate for the development of a tall building. The proposed development cannot achieve appropriate tower setbacks nor stepbacks; does not maintain adequate access to sunlight on the public realm; lacks sufficient open space and landscaping on site; is not providing pet amenity area; and proposes a 7-storey base building height that does not conform to the Yonge-Eglinton Secondary Plan. The proposed tower fails to fit within its existing and planned context. The proposed tower at 23-storeys is beyond the anticipated 8 to 12 storey height range for the Eglinton East Character Area and is unacceptable.

Therefore, for the reasons outlined in this report, it is recommended that the application be refused. Should the application be appealed to the OLT, it is recommended that

staff be directed to attend the OLT hearing in opposition to the applicant's development proposal and application for Zoning By-law Amendment.

CONTACT

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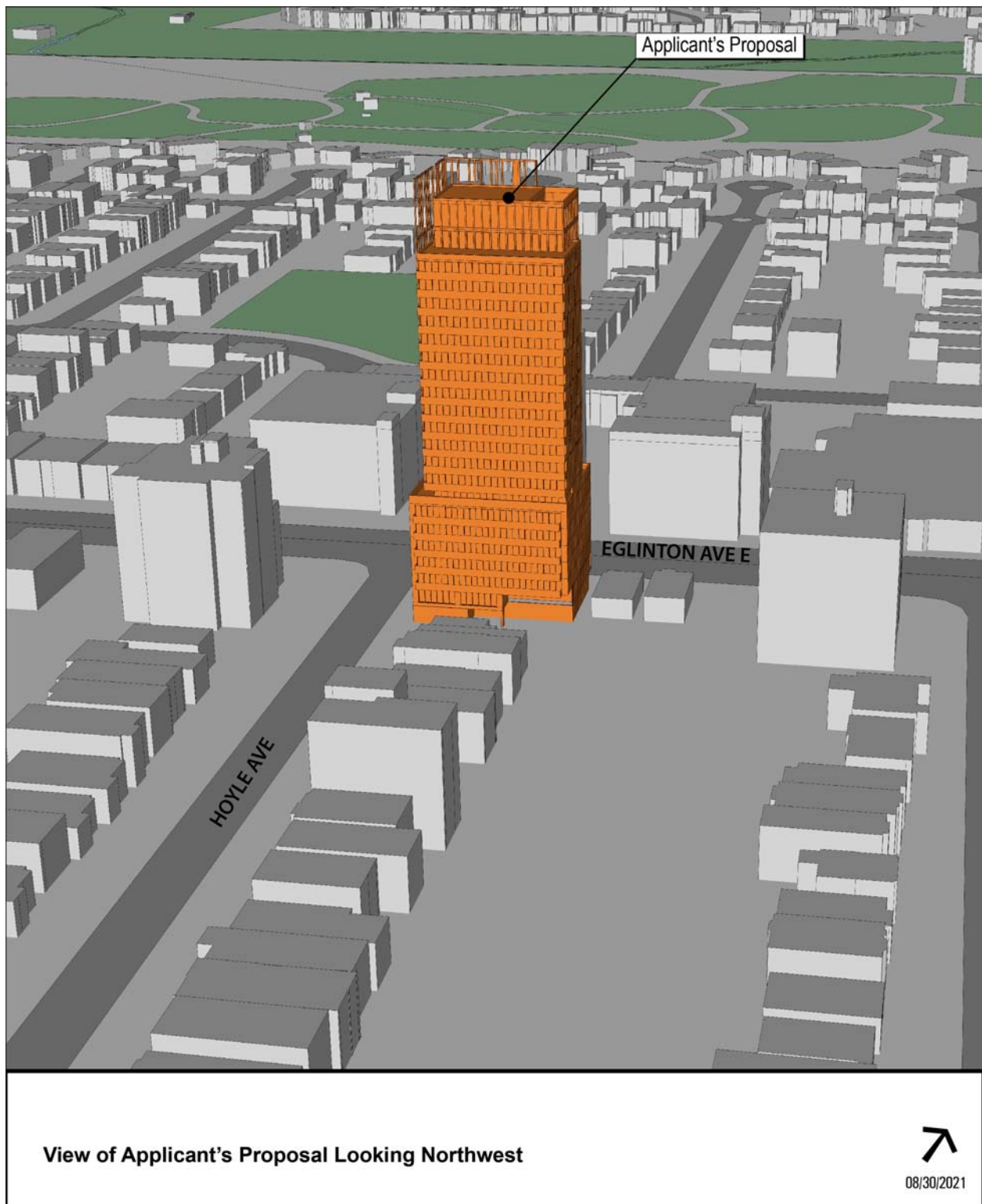
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John Andreevski, Acting Director
Community Planning, North York District

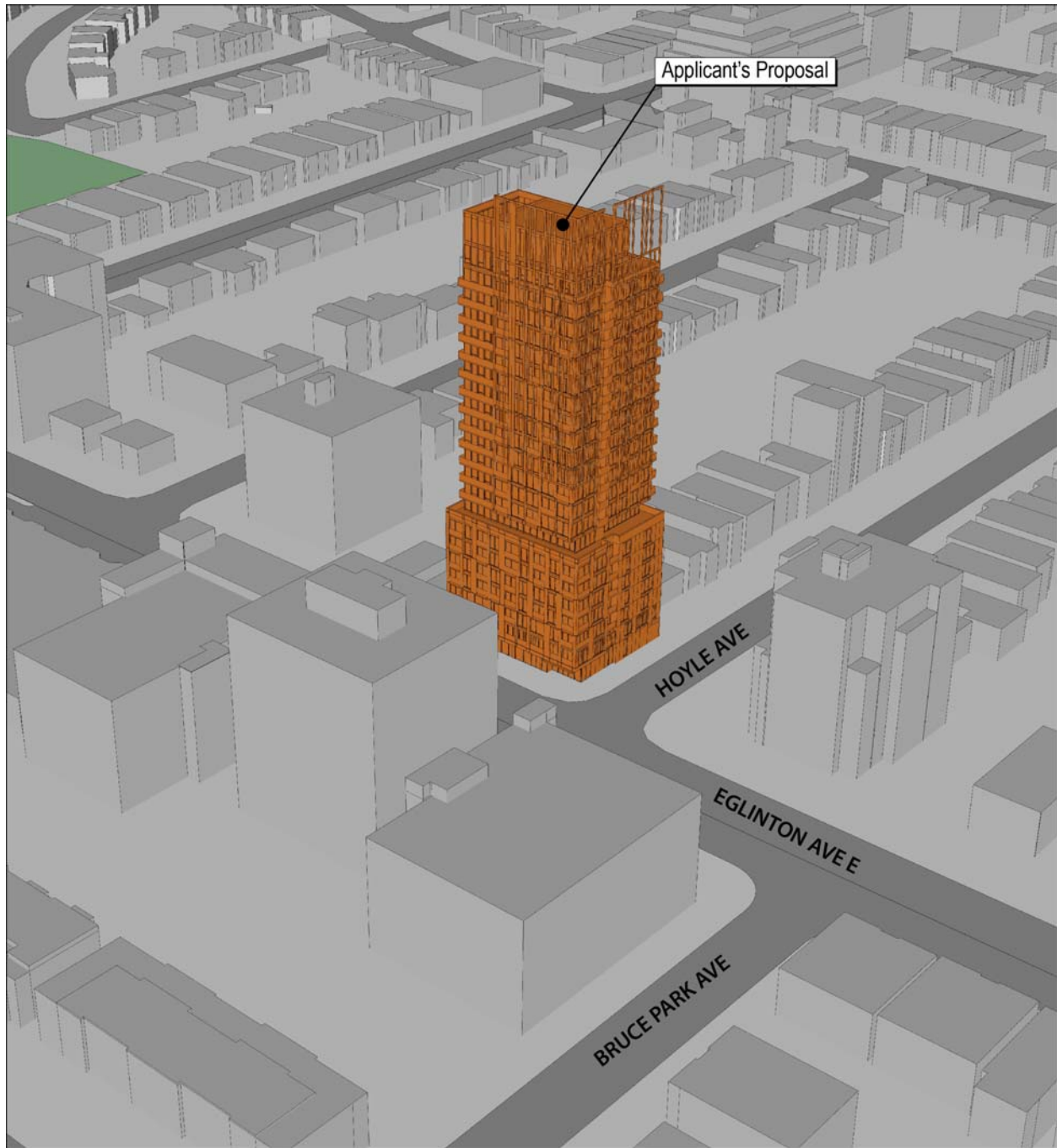
ATTACHMENTS

Attachment 1a: 3D Model of Proposal in Context - Looking Northwest
Attachment 1b: 3D Model of Proposal in Context - Looking Southeast
Attachment 2: Location Map
Attachment 3: Site Plan
Attachment 4: North Elevation
Attachment 5: South Elevation
Attachment 6: East Elevation
Attachment 7: West Elevation
Attachment 8: Official Plan Map
Attachment 9: Yonge-Eglinton Secondary Plan Map
Attachment 10: Zoning By-law No. 569-2013
Attachment 11: Application Data Sheet

Attachment 1a: 3D Model of Proposal in Context - Looking Northwest



Attachment 1b: 3D Model of Proposal in Context - Looking Southeast



View of Applicant's Proposal Looking Southeast

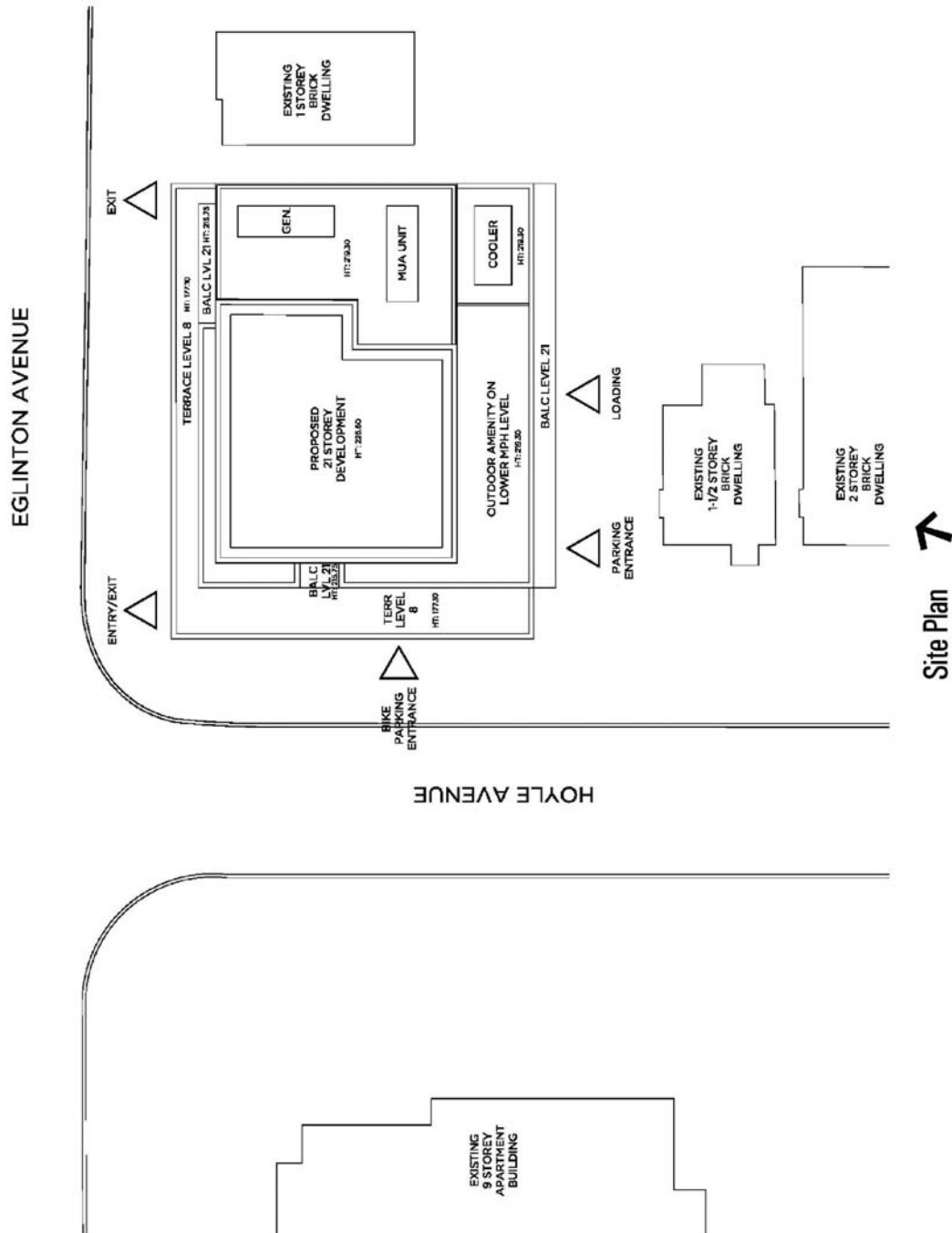


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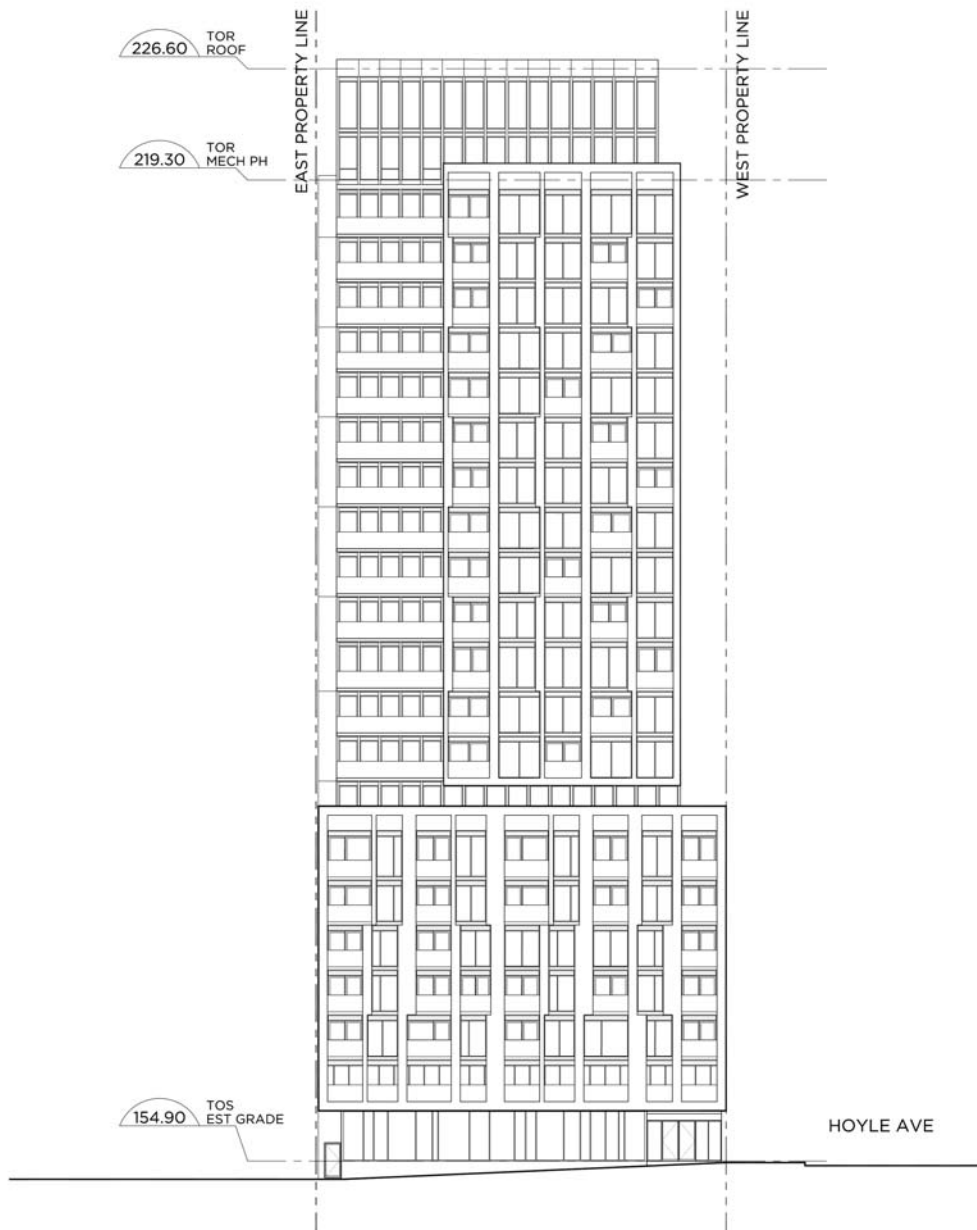
Attachment 2: Location Map



Attachment 3: Site Plan

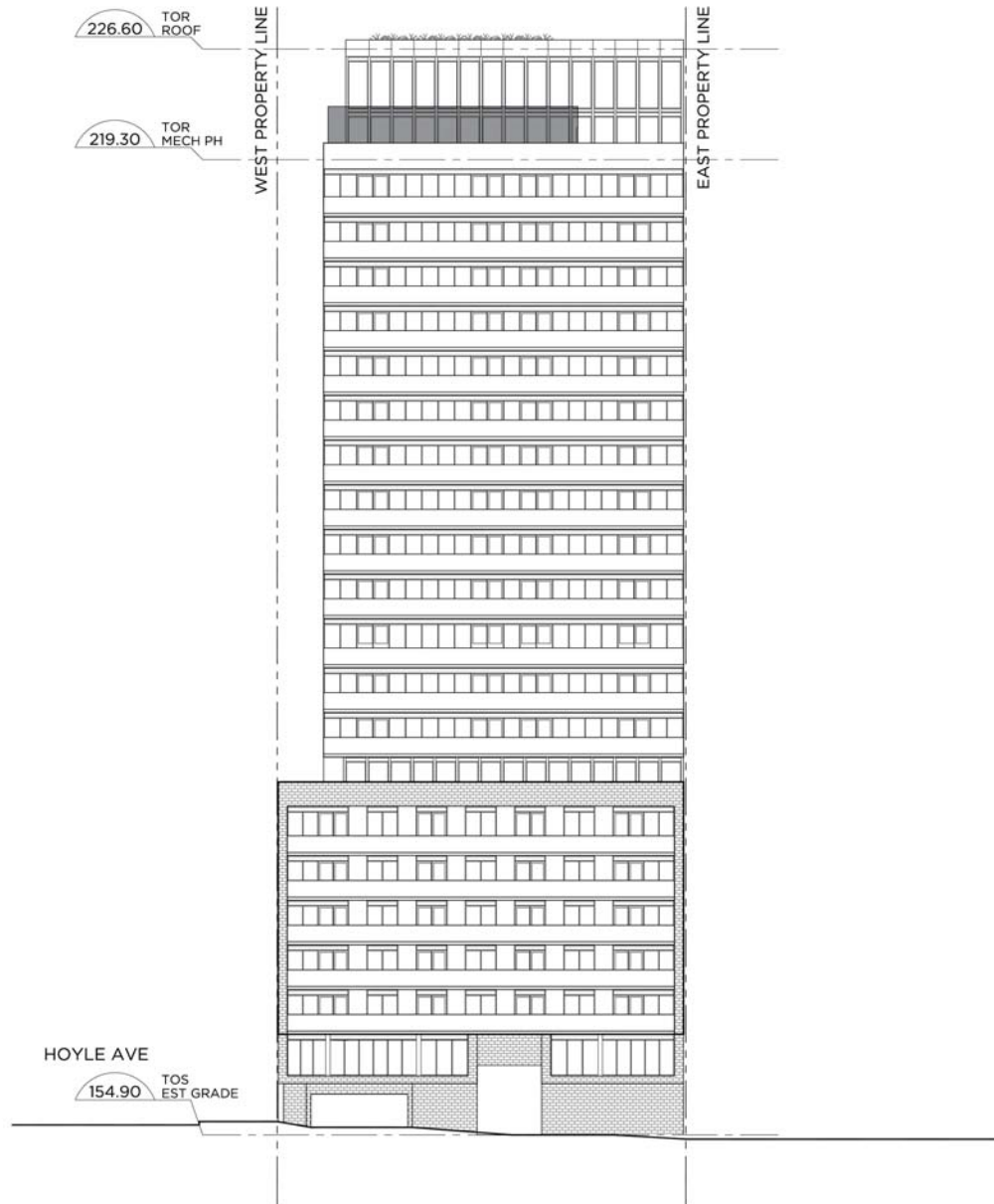


Attachment 4: North Elevation



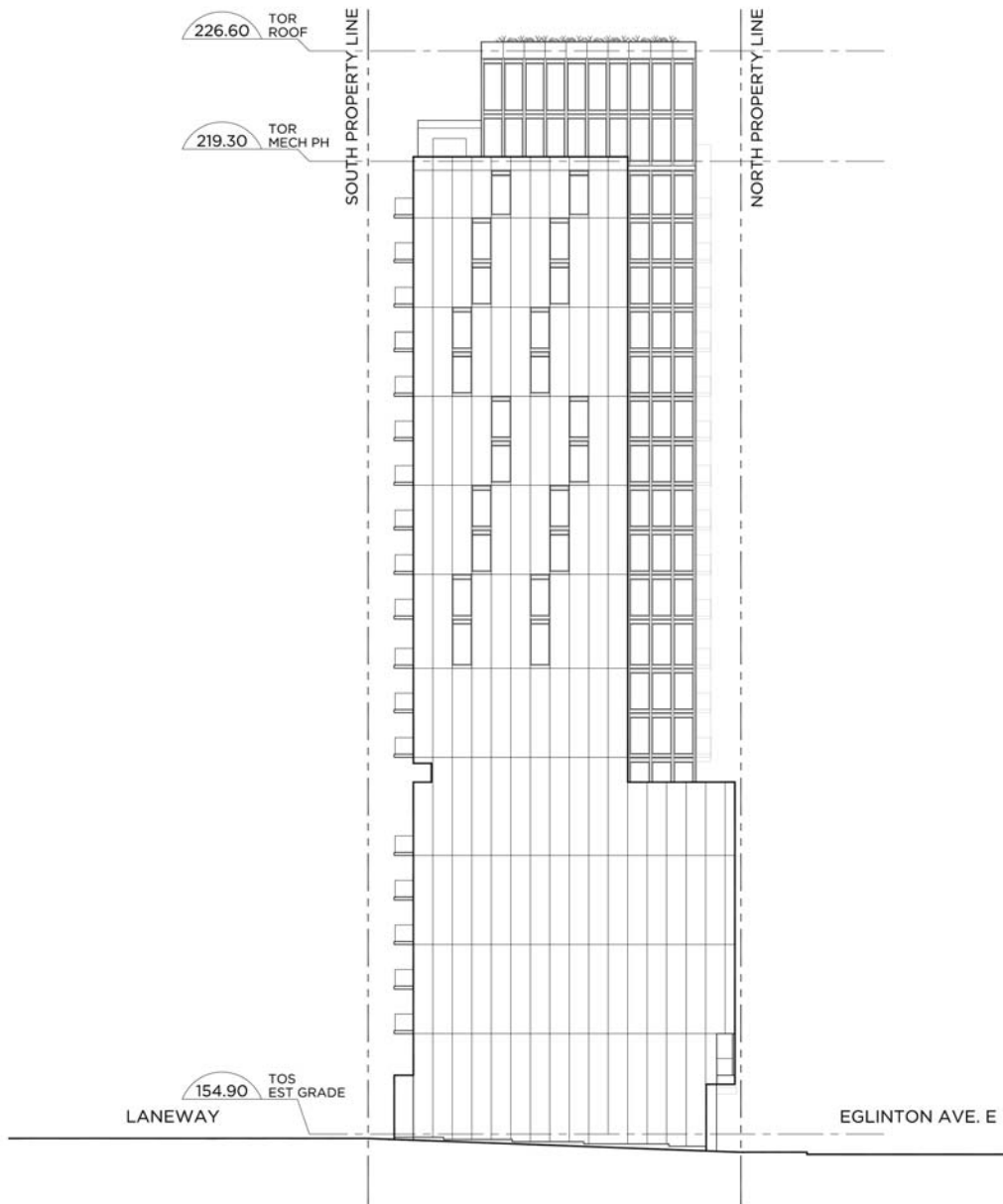
North Elevation

Attachment 5: South Elevation



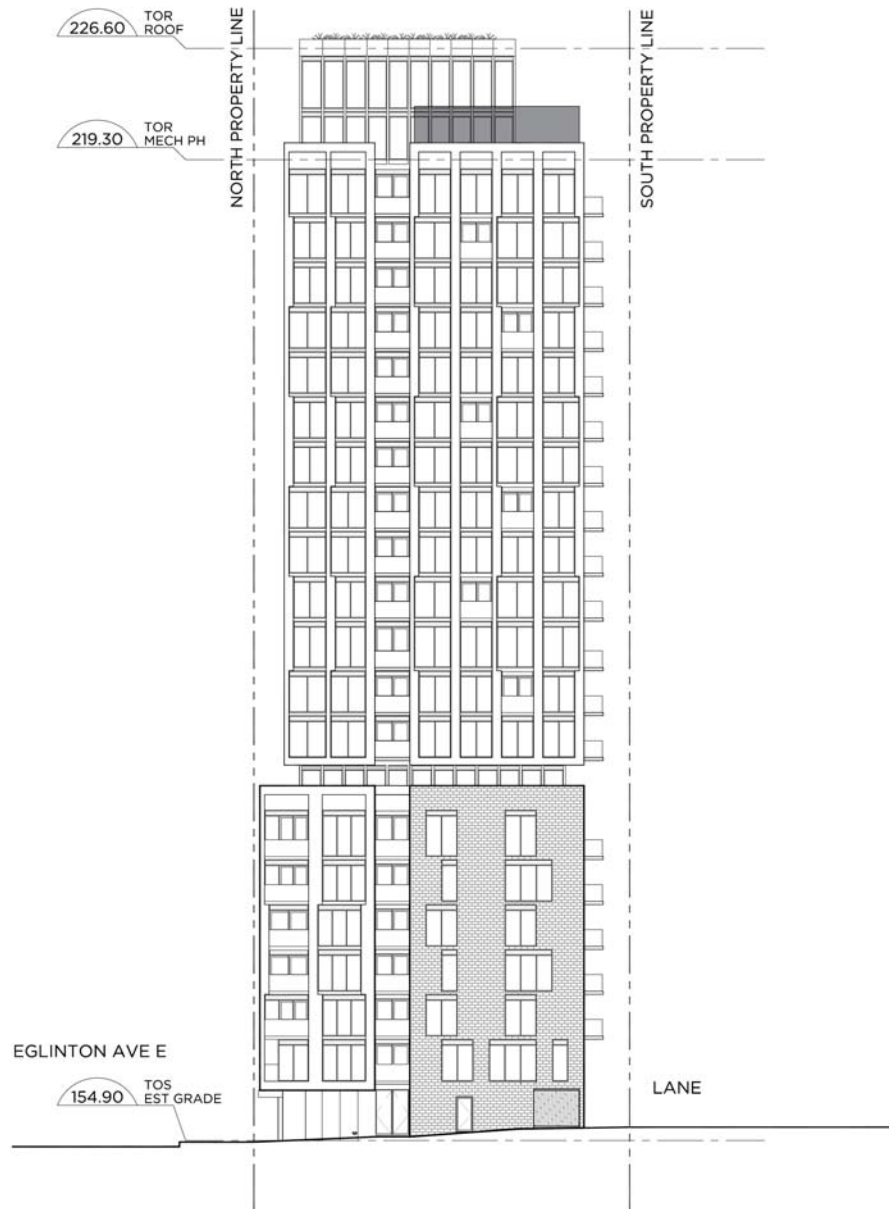
South Elevation

Attachment 6: East Elevation



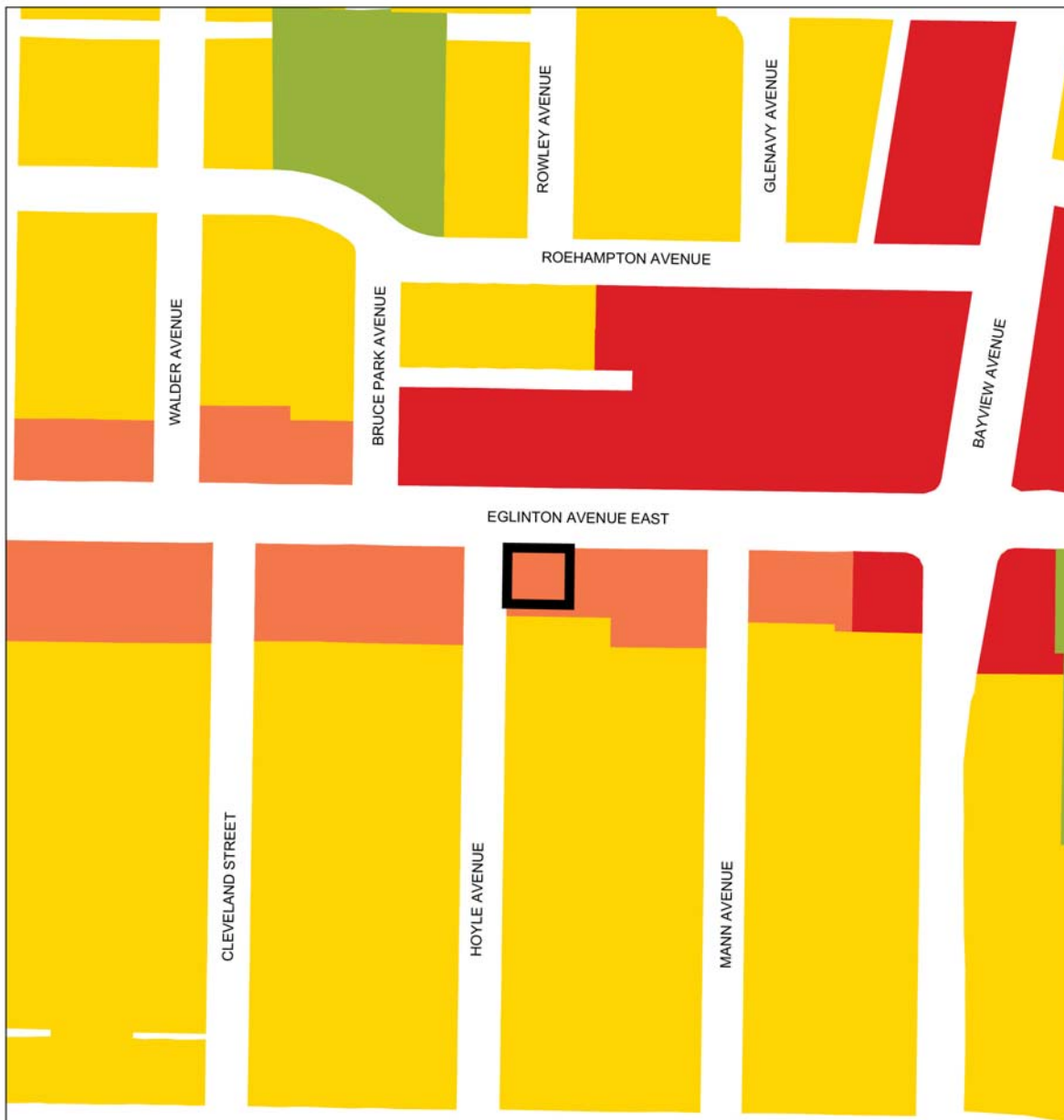
East Elevation

Attachment 7: West Elevation



West Elevation

Attachment 8: Official Plan Map



Official Plan Land Use Map #17

537, 539, 541 & 543 Eglinton Avenue East

File # 21 191659 NNY 15 02



Location of Application

Neighbourhoods

Apartment Neighbourhoods

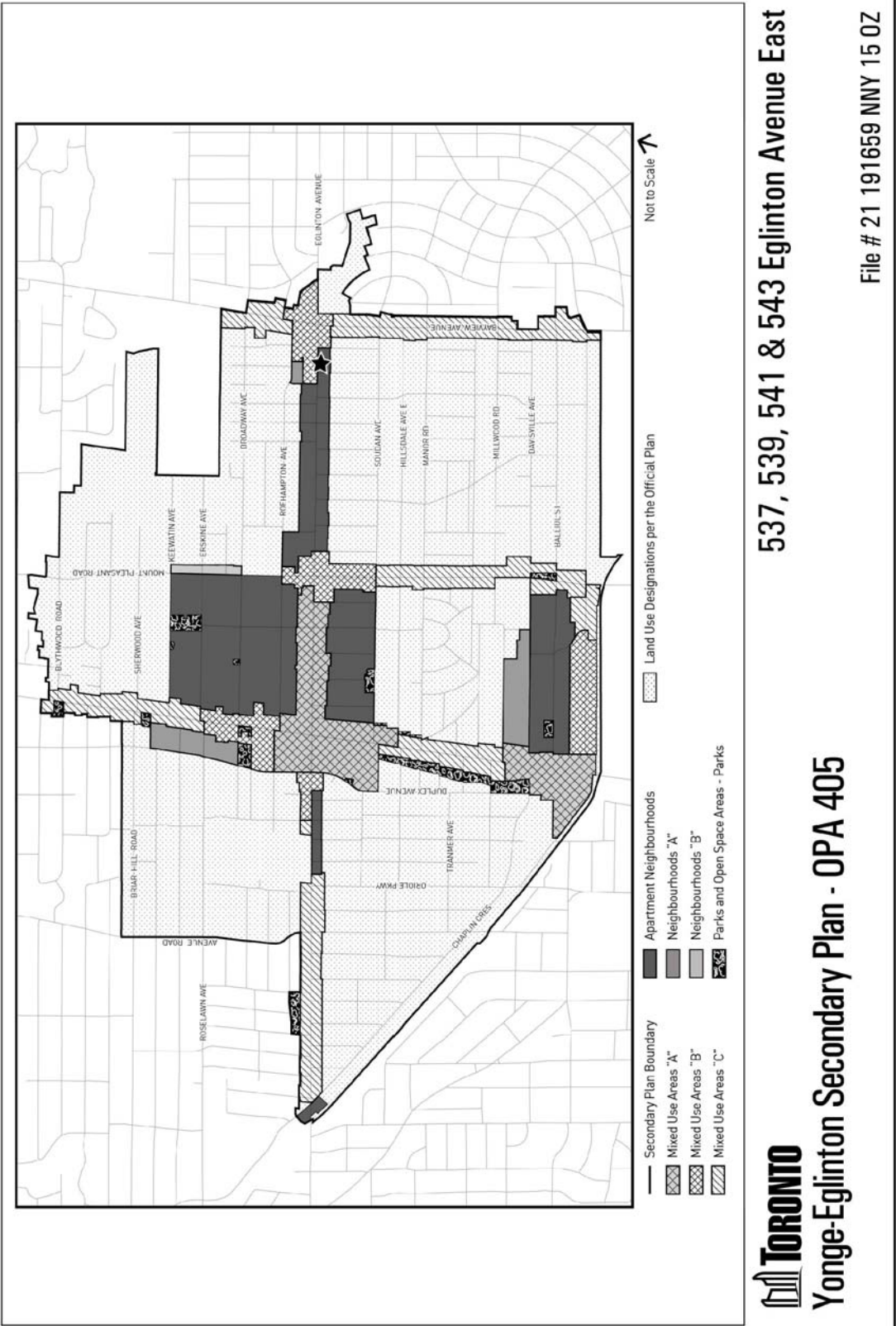
Mixed Use Areas

Parks

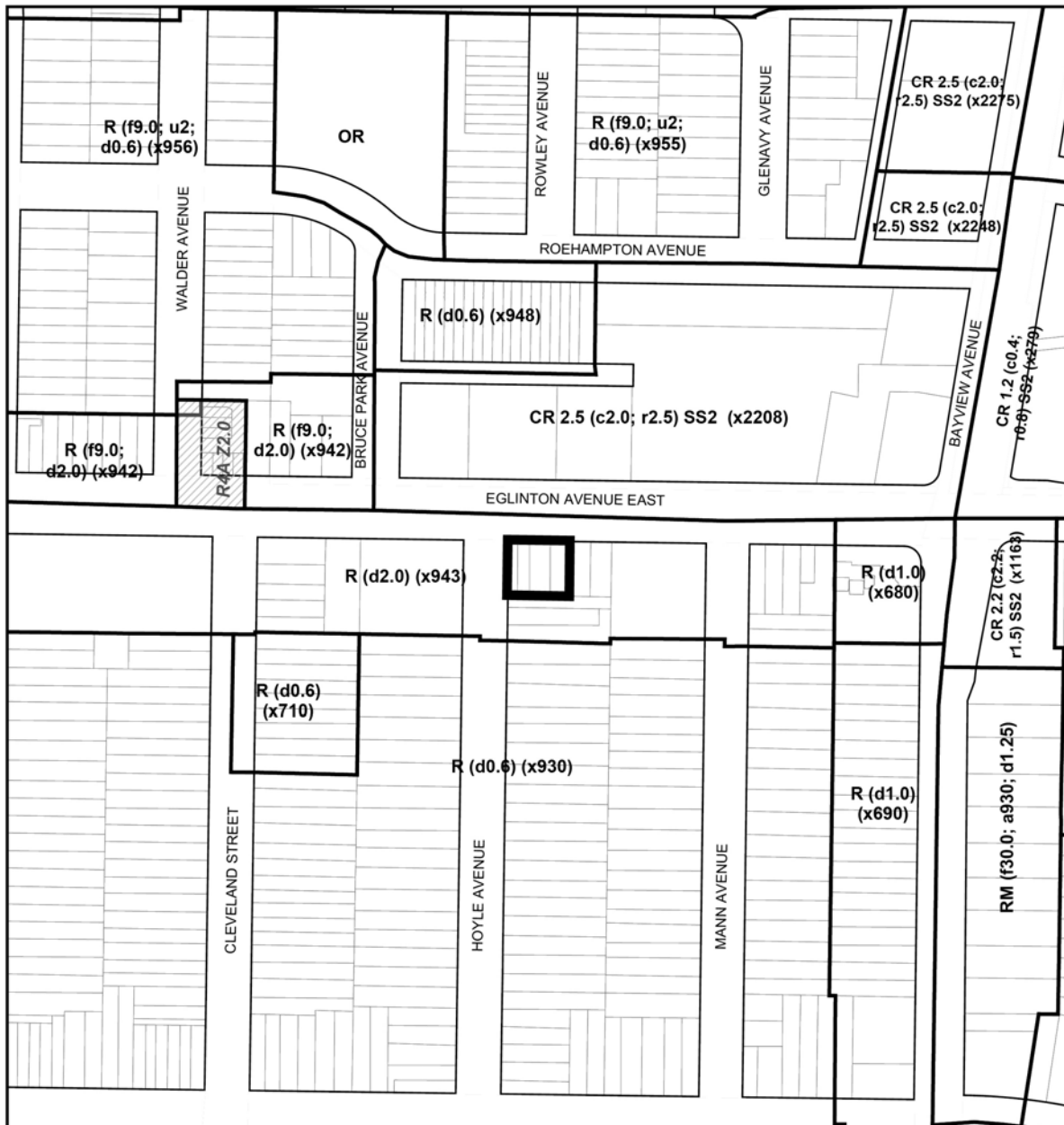


Not to Scale
Extracted: 08/30/2021

Attachment 9: Yonge-Eglinton Secondary Plan Map



Attachment 10: Zoning By-law No. 569-2013



Zoning By-law 569-2013

537, 539, 541 & 543 Eglinton Avenue East

File # 21 191659 NNY 15 02



Location of Application

R Residential
RD Residential Detached
RM Residential Multiple
CR Commercial Residential
OR Open Space Recreation



See Former City of Toronto By-law No. 438-86
R1S Residential District



Not to Scale
Extracted: 08/30/2021

Attachment 11: Application Data Sheet

Municipal Address: 537, 539, 541 and 543 Eglinton Ave E Date Received: July 29, 2021

Application Number: 21 191659 NNY 15 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Zoning By Law Amendment Application to permit a 23-storey, 128 unit residential building with a total gross floor area of 9,073 square metres, resulting in a floor space index of 16.58 times the lot area. A total of 37 vehicular parking spaces and 142 bicycle parking spaces are proposed on two levels of underground parking.

Applicant	Agent	Architect
Icarus Developments	Bousfields Inc.	RAW Architects
25 Sheppard Ave W	3 Church St	405-317 Adelaide St W
Toronto, ON, M2N 6S6	Toronto, ON, M5E 1M2	Toronto, ON, M5V 1P9

EXISTING PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:	N
Zoning:	R (d2.0) (x943)	Heritage Designation:	N
Height Limit (m):	18	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m):	Frontage (m):	Depth (m):		
Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			391	391
Residential GFA (sq m):	221		9,074	9,074
Non-Residential GFA (sq m):	75			
Total GFA (sq m):	296		9,074	9,074
Height - Storeys:	2		21	21
Height - Metres:			65	65
Lot Coverage Ratio (%):	0	Floor Space Index:	0	

	Above Grade (sq m)	Below Grade (sq m)
Floor Area Breakdown		
Residential GFA:	9,074	
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:	3			
Condominium:			128	128
Other:				
Total Units:	3		128	128

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		20 (16%)	22 (17%)	73 (57%)	13 (10%)
Total Units:		20 (16%)	22 (17%)	73 (57%)	13 (10%)

Parking and Loading

Parking Spaces:	37	Bicycle Parking Spaces:	142	Loading Docks:	1
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CONTACT:

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