

## **Request for Directions Report - 1900 Eglinton Avenue East – Official Plan Amendment Application**

Date: February 5, 2021

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Wards: 21 - Scarborough Centre

**Planning Application Number:** 19 208733 ESC 21 OZ

### **SUMMARY**

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This application proposes to amend the Official Plan to add a Site and Area-Specific Policy ("SASP") for the property at 1900 Eglinton Avenue East (see Attachment 1: Location Map) to permit a mixed-use development including new public streets and parkland.

The subject lands are located within the Golden Mile Secondary Plan ("Secondary Plan") area approved through Official Plan Amendment No. 499 ("OPA 499"), and are also subject to new Golden Mile Urban Design Guidelines, as adopted by City Council on October 30, 2020. The application was submitted on August 20, 2019 and has been appealed to the Local Planning Appeal Tribunal ("LPAT") citing City Council's failure to make a decision within the prescribed time frames set out in the *Planning Act*. The appeal was filed on April 23, 2020, during the COVID-19 state of emergency.

The purpose of this report is to seek City Council's direction for the City Solicitor, together with appropriate City staff and/or external consultants, to attend the LPAT hearing to oppose the subject application. City staff have concerns with the proposed Official Plan Amendment and are of the opinion that the proposed amendment, in its current form is not consistent with the Provincial Policy Statement (2020) ("PPS"), does not conform with the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) ("Growth Plan (2020)"), and is not consistent with the general intent of and fails to conform with the Official Plan. Further the proposed amendment is not supportable, in its current form, in the context of OPA 499 and not consistent with the general intent or conform to OPA 499.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council direct the City Solicitor, together with appropriate staff and/or external consultants as may be appropriate, to attend the Local Planning Appeal Tribunal

("LPAT") hearing to oppose the applicant's appeal respecting the Official Plan Amendment application (Application No. 19 208733 ESC 21 OZ) for the lands at 1900 Eglinton Avenue East, for the reasons contained in the report dated February 5, 2021, from the Director, Community Planning, Scarborough District.

2. City Council authorize the City Solicitor and appropriate City staff to continue discussions with the applicant to resolve the outstanding issues detailed in the report dated February 5, 2021, from the Director, Community Planning, Scarborough District, and to support a revised proposal that is generally consistent with Official Plan Amendment No. 499 ("OPA 499") for the lands at 1900 Eglinton Avenue East, and report back to City Council on the outcome of discussions, if necessary.

3. City Council direct the City Solicitor to request the owner of the subject lands to address the preliminary issues related to infrastructure required to support the anticipated growth in the overall context of the Golden Mile Secondary Plan ("GMSP") area, including streets, density, servicing, parks, and community service facilities which are to be assessed comprehensively, including coordination with other GMSP landowners.

4. In the event the Local Planning Appeal Tribunal ("LPAT") allows the subject appeal in whole or in part, that City Council direct the City Solicitor to request the LPAT to withhold the issuance of any Order on the Official Plan Amendment appeal for the subject lands until such time as the LPAT has been advised by the City Solicitor that the proposed Official Plan Amendment is in a form and with content satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor.

## **FINANCIAL IMPACT**

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

## **DECISION HISTORY**

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### **Eglinton Connects Planning Study**

In May 2014, City Council directed City Planning staff to undertake further study of the six focus areas that were identified in the Eglinton Connects Planning Study, including the Golden Mile. Further information regarding the Eglinton Connects Planning Study can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG32.4>

### **Golden Mile Market Analysis and Economic Study**

The Golden Mile Market Analysis and Economic Strategy Study was completed in December 2016 and analyzed the existing economic and employment conditions in the

Golden Mile. Further information regarding the Golden Mile Market Analysis and Economic Strategy Study can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.SC21.12>

### **Golden Mile Secondary Plan Study**

In May 2016, City Planning staff initiated the Golden Mile Secondary Plan ("GMSP") Study to develop a vision and comprehensive planning framework for the Golden Mile area that would include Secondary Plan policies and guidelines/strategies that direct:

- Built form, public realm, community infrastructure, and public art strategies;
- A transportation master plan and master servicing plan;
- Urban design guidelines; and
- Implementation/financial strategies.

In consultation with staff from other City divisions and agencies, City Planning staff worked with a team of land use planning, urban design, transportation, servicing, and community services and public engagement consultants led by SvN Architects + Planners Inc. City Planning staff also consulted with the broader Golden Mile community during numerous meetings throughout the Study process as part of the public engagement strategy.

The Study focussed on encouraging appropriate residential and non-residential growth on lands currently designated *Mixed Use Areas*, and employment uses, including office development/investment on lands currently designated *Employment Areas*. The Study also identified infrastructure required to support the anticipated growth in the Golden Mile, including streets, servicing, parks, and community service facilities. Each of the three GMSP Study phases included multiple public engagement/consultation meetings for City staff, external stakeholders, a Local Advisory Committee ("LAC"), and members of the general public.

Further details on the Golden Mile Secondary Plan Study can be found at:

<https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/golden-mile-secondary-plan-study/>

### **Official Plan Amendment No. 499 (Golden Mile Secondary Plan)**

OPA 499 was approved by City Council through By-law No. 911-2020 enacted on October 30, 2020. The City Council decision can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.SC18.1>

The new Golden Mile Secondary Plan as set out in OPA 499 can be reviewed in its entirety at: <https://www.toronto.ca/legdocs/bylaws/2020/law0911.pdf>

OPA 499 has been appealed by multiple landowners and stakeholders within the Golden Mile Secondary Plan area ("Plan Area"), including by the owner of the subject lands at 1900 Eglinton Avenue East on November 30, 2020.

City Council also approved the area-specific Golden Mile Urban Design Guidelines on October 30, 2020, concurrent with approval of OPA 499. The Guidelines can be found at: [https://www.toronto.ca/wp-content/uploads/2021/01/8d99-CityPlanning\\_Golden\\_Mile\\_Urban\\_Design\\_Guidelines\\_Final\\_Reduced.pdf](https://www.toronto.ca/wp-content/uploads/2021/01/8d99-CityPlanning_Golden_Mile_Urban_Design_Guidelines_Final_Reduced.pdf)

### **Official Plan Amendment Application (19 208733 ESC 21 OZ) - Preliminary Report**

A pre-application meeting was held on March 4, 2019. The current application was submitted on August 20, 2019 and deemed complete as of that date. On November 5, 2019, Scarborough Community Council adopted the Preliminary Report dated October 17, 2019 from the Director, Community Planning, Scarborough District regarding the application.

City staff were authorized to process the application concurrently with, and within the context of, the Golden Mile Secondary Plan Study. The application was only to be considered by City Council concurrently with or following Council's consideration of the Golden Mile Secondary Plan. Council also determined that an Avenue Segment Study was not required given the Secondary Plan Study underway. Planning staff were also authorized to schedule a community consultation meeting for the subject lands either as a separate meeting (with no expanded notice required beyond 120 metres of the site) or in conjunction with community consultation meetings for the Golden Mile Secondary Plan Study.

The Preliminary Report and Scarborough Community Council decision can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.SC10.6>

### **Appeal to the LPAT**

On April 23, 2020, the applicant filed an appeal to LPAT citing the City's failure to make a decision on the requested Official Plan Amendment within the statutory timeframe set out in the *Planning Act*.

On October 28, 2020, the LPAT conducted a Case Management Conference on the appeal, having regard to the GMSP Study and OPA 499 still before Council. Bell Canada and Toronto Lands Corporation (a subsidiary of the Toronto District School Board) were added as parties to the proceedings.

A second Case Management Conference is scheduled for March 23, 2021.

## **ISSUE BACKGROUND**

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### **Proposal**

The application proposes to amend the Official Plan to add a SASP to the property at 1900 Eglinton Avenue East to permit a mixed-use development with new streets and parkland. The mixed-use development would include multiple mid-rise and tall buildings with building heights that range from eight to 39 storeys, a total gross floor area of 492,651 square metres, of which 39,396 square metres (8 per cent) are for retail uses and

453,255 square metres (92 per cent) are for residential uses, 5,529 residential units, and a Floor Space Index ("FSI") of 4.28 times the lot area.

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 Attachment 1: Location Map for a two dimensional view of the subject site and surrounding context.

See Attachment 4: Site Plan for a conceptual site plan for the site.

See Attachments 5 and 6: Conceptual 3D Massing for a three dimensional representation of the project in context.

See Attachment 7: Applicant's Proposed Draft Official Plan Amendment.

### **Site and Surrounding Area**

The subject lands at the northwest corner of Hakimi Avenue and Eglinton Avenue East have an area of 11.5 hectares, with a frontage of approximately 380 metres along Eglinton Avenue East, 326 metres along Hakimi Avenue and 423 metres along Ashtonbee Road. Present uses on the subject lands are operated by SmartCentres and include seven (7) one-storey retail buildings of varying sizes, including Walmart with a total gross floor area of 32,500 square metres, and associated surface parking.

Surrounding land uses include:

North: Across Ashtonbee Road is Ashtonbee Reservoir Park, Wexford Hydro Park and a portion of the Gatineau Hydro Corridor/The Meadoway. Northeast of the site is the Centennial College - Ashtonbee Campus. Northwest of the site is the Eglinton Pumping Station at 885 Pharmacy Avenue and Toronto Paramedic Services Station 21 at 887 Pharmacy Avenue.

South: Across Eglinton Avenue East is a one-storey industrial building at 1891 Eglinton Ave East (Flexible Packaging), a one-storey vehicle dealership at 1897 Eglinton Avenue East (Toyota), and one-storey retail/commercial buildings of varying sizes at 1901 Eglinton Avenue East and 2-22 Lebovic Avenue, including Canadian Tire and Cineplex Odeon (Eglinton Town Centre) with associated surface parking. Further east across Lebovic Avenue are two (2) low-rise commercial plazas at 1911 and 1921 Eglinton Avenue East, including the Ontario Court of Justice and Dolphin Gaming, and associated surface parking. South of the above-noted land uses between Pharmacy and Warden Avenues are large-scale commercial and industrial sites.

East: Across Hakimi Avenue is a one-storey vehicle dealership at 1910 Eglinton Avenue East (Mitsubishi), a five-storey office building and one-storey retail/commercial buildings of varying sizes (all six buildings are operated by Madison).

West: Abutting the site is the Bell Canada site at 865 Pharmacy Avenue, including a mid-rise office building with associated surface parking and a telecommunications tower. South of the Bell Canada lands is a gas station (Petro Canada) and retail uses at 1896 Eglinton Avenue East. Further west across Pharmacy Avenue are low-rise commercial uses of varying sizes operated by Choice Reit at 1880-1890 Eglinton Avenue East and low-rise residential apartment buildings along Pharmacy Avenue, Rannock Street and Craigton Drive.

## **LEGISLATIVE AND POLICY CONSIDERATIONS**

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### **Section 2 of the Planning Act**

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

- Adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- Orderly development of safe and healthy communities;
- Adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- Adequate provision of a full range of housing, including affordable housing;
- Adequate provision of employment opportunities;
- Resolution of planning conflicts involving public and private interests;
- Protection of public health and safety;
- Appropriate location of growth and development;
- Promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- Promotion of built form that,
  - i. Is well-designed;
  - ii. Encourages a sense of place; and
  - iii. Provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

These relevant matters of provincial interest, which all approval authorities shall have regard for in carrying out their responsibilities under the *Planning Act*, are particularly relevant to this proposal.

### **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 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)**

The Growth Plan (2020) came into effect on August 28, 2020. This new plan amends and replaces the previous Growth Plan for the Greater Golden Horseshoe, 2019. 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*.

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 a 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 (2020), 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 (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

### **Planning for (Protected) Major Transit Station Areas**

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, and the recommendation to oppose this application in its current form does not impact this matter that will require an MCR.

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 a place the required level of specificity described above.



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

## **Toronto Official Plan**

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from the *Planning Act* of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application.

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

## **Section 2.2 Structuring Growth in the City**

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

The lands immediately north of Eglinton Avenue East and the lands immediately south of Eglinton Avenue East, between Victoria Park Avenue and Pharmacy Avenue, are identified as an *Avenue* on Map 2. Eglinton Avenue East within the Plan Area is identified as a Higher Order Transit Corridor, as described by Map 4 in the Official Plan. The City has invested significant public dollars into transit along Eglinton Avenue East which has resulted in the construction, and near completion, of the Eglinton Crosstown Light Rail Transit ("ECLRT") stops within the Plan Area and in proximity to the subject site.

Policy 2.2.2 of the Official Plan directs growth to areas such as the *Avenues* as shown on Map 2, to use land, infrastructure and services efficiently; concentrate jobs and people in areas well served by surface transit and higher order transit stations; promote mixed use development to increase opportunities for living close to work and to encourage walking and cycling for local trips; offer opportunities for people of all means to be affordably housed; facilitate social interaction, public safety and cultural and economic activity; improve air quality, energy efficiency and reduce greenhouse gas emissions; improve surface and groundwater quality and restore the hydrological function and habitat of streams, rivers and wetlands; and protect neighbourhoods, green spaces and natural heritage features and functions from the effects of nearby development.

Policy 2.2.4 (renumbered 2.2.3 in OPA 456) requires new development on lands adjacent to existing or planned transportation corridors and facilities to be compatible with, and supportive of, the long-term purposes of the corridors and facilities and be designed to avoid, mitigate or minimize negative impacts on and from the transportation corridors and facilities. In consideration of appropriate forms of development around transit stations the Official Plan directs that there be established minimum and maximum density requirements, minimum and maximum parking requirements, and limitations on surface parking. These measures are, in part, supported by appropriate transportation demand management strategies and multi-modal studies that demonstrate overall, as well as phased limits, in consideration of the site specific and broader transportation network context.

The Official Plan protects the integrity of the City's transportation network and provides for its planned expansion through the designation of public rights-of-way and transit corridors as described in the maps and schedules and the policy on laneways. Furthermore, the Plan indicates sections of streets that are candidates for bus and streetcar priority measures. In consideration of the development of new and existing city blocks and development lands within them, they are to be designated to expand and enhance the public realm network, have appropriately sized parcels of land for the scale and form and development, including open space, enhance active transportation including walking and cycling, promoting street oriented development to have access and address from public streets, and consider such matters in an appropriate incremental and phased form of development on larger sites.

Official Plan Policies 2.4.3 and 2.4.4 state that planning for new development will be undertaken in the context of reducing auto dependency and creating a multi-modal approach to address the transportation demands and impacts of new development. Furthermore, policy 2.2.3 requires that the City's transportation network be maintained and developed to support the growth objectives of the plan, among other matters, ensuring that new streets will be provided in consideration of surrounding land uses and will contribute to the development of a connected network which provides direct and clearly understood travel routes for all transportation modes an users throughout the City and acts as a fundamental organizing element of the city's physical structure. Furthermore, policy 3.1.1.9 identifies that new streets will be public streets unless otherwise deemed appropriate by the City.

### **Avenues and Golden Mile Secondary Plan**

Policy 2.2.3.4 of the Official Plan directs that development in *Mixed Use Areas* on *Avenues* prior to an Avenue Study has the potential to set a precedent for the form and scale of reurbanization along the *Avenue*. As the City has conducted both an Avenue Study (EglintonConnects Planning Study) and completed the Secondary Plan (in accordance with section 5.2.1 of the Official Plan), the Golden Mile Secondary Plan now informs proposals on lands within the Secondary Plan to ensure Policy 2.2.3.4 continues to be met in addressing the larger context and examining implications of the proposed development along the *Avenue* and its impacts on development capacity and development potential of the broader area. Where development proposals are significantly out of step with the Secondary Plan, conformity issues may arise in the context of Section 2.2.3 as such developments may have negative implications on the

larger context and may be premature in the absence of satisfying the criteria in Policy 2.2.3.2, 2.2.3.4 and 2.2.3.6 of the Official Plan.

### **Section 2.2.4 Employment Areas**

The subject lands are located adjacent to and near *Employment Areas* and are within the influence area of major facilities, including some of the low-rise employment uses south of Eglinton Avenue East (east of 1891 Eglinton Avenue East) and along the north side of Ashtonbee Road. The Secondary Plan maintains the *Employment Areas* policies in Section 2.2.4 of the Official Plan.

Section 2.2.4 of the Official Plan includes land use compatibility/mitigation policies that require appropriate design, buffering and/or separation between sensitive lands uses that are adjacent to or near Employment Areas or within the influence area of major facilities, which includes the proposal for the subject lands. A land use Compatibility/Mitigation Study and Noise Impact and Air Quality Study will be required to address appropriate measures between sensitive land uses and employment uses.

In addition to Policies 2.2.4.7, 2.2.4.8 and 2.2.4.9 of the Official Plan, the Secondary Plan requires development to be sequenced to ensure appropriate infrastructure is available and a Holding ("H") provision may be placed on lands, where appropriate, for additional matters beyond those in the Official Plan, including lands with potential land use compatibility issues.

Policy 3.4.21 of the Official Plan also provides direction on land use compatibility between residential uses and employment uses.

Any future Zoning By-law Amendment for the subject lands will be required to address the compatibility matters identified in Section 2.2.4 of the Official Plan and Policy 4.9 of the Secondary Plan as it relates to the *Employment Areas* north and south of the subject lands.

### **Section 3.1.1 The Public Realm**

The public realm policies in Section 3.1.1 of the Official Plan acknowledge the importance of the public realm and quality urban design in creating great communities and building a great city. The public realm is comprised of the streets, parks, and open spaces of the City and is the framework with which development occurs. Among other matters, the policies aim to promote quality architectural, landscape and urban design; improve physical and visual access from public spaces of the City's natural features; and ensure that sidewalks and boulevards are designed to provide safe, attractive, interesting, and comfortable spaces for pedestrians.

Policy 3.1.1.6 acknowledges that city streets are significant public open spaces, which connect people and places and support the development of sustainable, economically vibrant and complete communities. It directs that new and existing City streets incorporate a Complete Streets approach and be designed to perform their diverse roles, including by:

- a) Balancing the needs and priorities of the various users and uses within the right-of-way, including provision for:
  - i) the safe and efficient movement of pedestrians of all ages and abilities, cyclists, transit vehicles and users, goods and services vehicles, emergency vehicles, and motorists across the network;
  - ii) space for trees, landscaping and green infrastructure;
  - iii) space for other street elements, such as utilities and services, snow and stormwater management, wayfinding, boulevard cafes, marketing and vending, and street furniture; and
  - iv) ensuring the safety of users of all ages and abilities;
- b) 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;
- c) Reflecting differences in local context and character;
- d) Providing building access and address, as well as amenities such as view corridors, sky view and sunlight; and
- e) Serving as community destinations and public gathering places.

Policy 3.1.1.8 provides for development for new streets, including that new streets be designed promote a connected grid-like network of streets that offers safe and convenient travel options, to provide connections with adjacent neighbourhoods, extends sight lines and view corridors, divide larger sites into smaller development blocks; provide access and addresses for new development; allow the public to freely enter without obstruction; implement the Complete Streets approach to develop a street network that balances the needs and priorities of the various users and uses within the right-of-way; improve the visibility, access and prominence of unique natural and human-made features; and provide access for emergency vehicles.

Policy 3.1.1.9 states that new streets will be public streets unless otherwise deemed appropriate by the City. Private streets, where they are deemed to be appropriate, will be designed to connect to and integrate into the broader public street network and meet the design objectives for new public streets. Policy 3.1.1.15 also provides further guidance on the development of new and existing city blocks.

### **Section 3.1.2 Built Form**

The Built Form policies in Section 3.1.2 of the Official Plan state that architects and developers have a civic responsibility to create buildings that not only meet the needs of their clients, tenants and customers, but also the needs of the people who live and work in the area. New development will be located and organized to fit within its existing and/or planned context. It will do this by generally locating buildings parallel to the street or along the edge of a park or open space, have a consistent front yard setback, acknowledge the prominence of corner sites, locate entrances so they are clearly visible and directly accessible from the public sidewalk; providing ground floor uses that have

views into and, where possible, access to, adjacent streets, parks and open spaces; and preserving existing mature trees wherever possible and incorporating them into landscaping designs (Policy 3.1.2.1).

Policy 3.1.2.5 directs that new development will 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 by:

- a) Providing streetwall heights and setbacks that fit harmoniously with the existing and/or planned context; and
- b) Stepping back building mass and reducing building footprints above the streetwall height.

Policies 3.1.2.6 - 3.1.2.8 direct that development will provide good transition in scale between areas of different building heights and/or intensity of use, a transition in scale within the development site(s) and measured from shared and adjacent property line(s), and where development includes, or 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 3.1.2.9 requires the design of new building façades visible from the public realm to consider the scale, proportion, materiality and rhythm of the façade to:

- a) ensure fit with adjacent building facades;
- b) contribute to a pedestrian scale by providing a high quality of design on building floors adjacent to and visible from the public realm;
- c) break up long facades in a manner that respects and reinforces the existing and planned context; and
- d) ensure grade relationships that provide direct access and views into and from the public realm.

Policy. 3.1.2.10 directs development to 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:

- a) improvements to adjacent boulevards and sidewalks including sustainable design elements, which prioritize street trees and may include one or more of the following: shrubs, hedges, plantings or other ground cover, permeable paving materials, bio-retention swales, street furniture including seating in various forms, curb ramps, waste and recycling containers, energy efficient lighting and bicycle parking facilities;

- b) co-ordinated landscape improvements in setbacks to enhance local character, fit with public streetscapes, and provide attractive, safe transitions between the private and public realms;
- c) weather protection such as canopies and awnings;
- d) landscaped open space within the development site;
- e) landscaped edges of surface parking lots along streets, parks and open spaces to define the edge and visually screen parking lots from the public realm;
- f) safe, direct pedestrian routes and tree plantings throughout the site and within surface parking lots, where possible; and
- g) public art, where the developer agrees to provide this.

Policy 3.1.2.11 requires that new multi-unit residential developments provide indoor and outdoor amenity space for residents of the new development that is high quality, well designed, and consider the needs of residents of all ages and abilities over time and throughout the year.

### **Section 3.1.3 Built Form - Building Types**

Section 3.1.3 includes Built Form policies for all three scales of building types. Policy 3.1.3.1 encourages a mix of building types on sites that can accommodate more than one building. Where a development includes more than one building, the site will be designed to ensure appropriate site organization and building locations that:

- a) provide parcels of appropriate size and shape for the mix of building types;
- b) define and support existing and proposed streets, lanes, parks and open spaces at appropriate scales;
- c) ensure appropriate spacing of buildings; and
- d) ensure appropriate transition in scale between buildings of different scales and types and other lower-scaled uses.

Policy 3.1.3.4 requires mid-rise buildings to be designed to:

- a) have heights generally no greater than the width of the right-of-way that it fronts onto;
- b) maintain street proportion and open views of the sky from the public realm by stepping back building massing generally at a height equivalent to 80% of the adjacent right-of-way width; and
- c) allow for daylight and privacy on occupied ground floor units by providing appropriate facing distances, building heights, angular planes and step-backs.

Policies 3.1.3.8 - 3.1.3.12 provide direction on the development of tall buildings design considerations, including:

- Tall buildings should typically be designed to consist of three parts – a base, a tower and a top – carefully integrated into a single whole;
- The base portion of tall buildings should respect and reinforce good street proportion and pedestrian scale, and be lined with active, grade-related uses;
- The tower (middle) portion of a tall building should be designed to reduce the physical and visual impacts of the tower onto the public realm, limit shadow impacts on the public realm and surrounding properties; maximize access to sunlight and open views of the sky from the public realm, limit and mitigate pedestrian level wind impacts, and provide access to daylight and protect privacy in interior spaces within the tower;
- The tower portion of a tall building should achieve the above-noted objectives by stepping back the tower from the base building, generally aligning the tower with, and parallel to, the street, limiting and shaping the size of tower floorplates above base buildings, providing appropriate separation distances from side and rear lot lines as well as other towers, and locating and shaping balconies to limit shadow impacts;
- The top portion of a tall building should be designed to integrate roof top mechanical systems into the building design, contribute to the surrounding skyline identity and character, and avoid up-lighting and excessive lighting.

### **Section 3.1.4 Public Art**

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

### **Section 3.2.1 Housing**

The Housing policies in Section 3.2.1 of the Official Plan require a full range of housing in terms of form, tenure and affordability, across the City and within neighbourhoods to be provided and maintained to meet the current and future needs of residents. New housing supply will be encouraged through intensification and infill that is consistent with the policies of the Official Plan.

Policy 3.2.1.9 applies to large sites that are generally greater than five (5) hectares in size, such as the subject site, where an increase in density and/or height is proposed. For such sites, the Plan requires that the first priority community benefit will be the provision of 20 per cent of the additional residential units as affordable housing.

### **Section 3.2.2 Community Services and Facilities**

The Community Services and Facilities policies in Section 3.2.2 of the Official Plan state that strategies for providing new social infrastructure or improving existing community service facilities will be developed for areas that are inadequately serviced or experiencing major growth or change, and will be informed through the preparation of a community services strategy. The inclusion of community service facilities are encouraged in all significant private sector development.

### **Section 3.2.3 Parks and Open Spaces**

The City's Green Space System, made up of parks and open spaces, the natural heritage system, and a variety of privately-managed but publicly-accessible spaces, is an integral part of our quality of life and social well-being. It provides opportunities for recreation, relaxation, and experiencing nature in peace and quiet, and contributes to Toronto's competitive advantage as a place to invest.

The City's park planning areas are shown on Map 8(C) of the Official Plan. The information on Map 8(B) for these park planning areas will be used to require, wherever possible, that new parkland be provided when development occurs in areas of low parkland provision. The area requires new parkland on site.

### **Section 3.3 Building New Neighbourhoods**

Section 3.3 of the Official Plan discusses the building of new neighbourhoods. New neighbourhoods are to have a comprehensive planning framework to reflect the Official Plan's city-wide goals, as well as the local context. The framework should include:

- The pattern of streets, development blocks, open spaces and other infrastructure;
- The mix and location of land uses;
- A strategy to provide parkland and to protect, enhance or restore natural heritage;
- A strategy to provide community services and local institutions; and
- A strategy to provide affordable housing.

The Official Plan directs that new neighbourhoods must be viable as communities, and should have a community focal point within easy walking distance of the neighbourhood's residents and workers, a fine grain of interconnected streets and pedestrian routes that define development blocks; a mix of uses and a range of building types; high quality parks, community recreation centres, open space and public building and services and facilities that meet the needs of residents, works and visitors (Policy 3.3.2).

## **Chapter 4 – Land Use Designations**

Prior to OPA 499, the subject lands were wholly designated *Mixed Use Areas* on Map 20 of the Official Plan, as indicated on Attachment 2: Official Plan Land Use Map (Pre-OPA 499). The *Mixed Use Areas* designation provides for a broad range of commercial, residential and institutional uses, in single-use or mixed-use buildings, as well as parks, open spaces and utilities. Section 4.5.2 includes development criteria in *Mixed Use Areas*, which direct that new development:



- a) Create a balance of high quality commercial, residential, institutional and open space uses that reduce automobile dependency and meet the needs of the local community;
- b) Provide for new jobs and homes for Toronto's growing population, creating and sustaining well-paid, stable, safe and fulfilling employment opportunities;
- c) Locate and mass new buildings to provide a transition between areas of different development intensity and scale by providing appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- d) Locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*;
- e) Locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- f) Provide an attractive, comfortable and safe pedestrian environment;
- g) Take advantage of nearby transit services;
- h) Provide good site access and circulation and an adequate supply of parking for residents and visitors;
- i) Locate and screen service areas, ramps and garbage areas to minimize the impact on adjacent streets and residences; and
- j) Provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

As indicated on Attachment 3: Official Plan Land Use Map (OPA 499), OPA 499 retains the *Mixed Use Areas* designation on the majority of the subject lands with two new mid-block *Parks* designations introduced, one narrower park along the Eglinton Avenue East frontage and a larger park block to the north of the proposed east/west public street traversing the site. *Parks* are to be used primarily to provide public parks and recreational opportunities.

## **Chapter 5 – Implementation**

Section 5.1.1 of the Official Plan provides for the use of Section 37 of the *Planning Act* to secure community benefits in exchange for increased height and density for new development, provided the development constitutes good planning, is consistent with the policies and objectives of the Plan and complies with the built form policies and all applicable neighbourhood protection policies. As the current application is for an Official Plan Amendment, the determination of Section 37 will not be explored at this time. However, in accordance with the Official Plan, the timing and general provision of community service facilities on the lands will be explored to ensure that such public

service facilities are available to meet the needs of future residents as the lands develop.

Section 5.2.1 of the Official Plan identifies that Secondary Plans establish local development policies to guide growth and change in a defined area of the City. Secondary Plans will be prepared to guide the creation of new neighbourhood and employment areas while ensuring adequate public infrastructure and environmental protection. Further, Secondary Plan policies adapt and implement the objectives, policies, land use designations and overall planning approach of the Official Plan to fit local context and are adopted as amendments to the Official Plan. (Again, Council has established new Secondary Plan policies for the Golden Mile through OPA 499 adopted on October 30, 2020.)

Policy 5.2.1.1 recognizes that Secondary Plans set the stage for reurbanization of a defined area to stimulate and guide development in keeping with the Official Plan's objectives. Further, policy 5.2.1.3 states that Secondary Plans will promote a desired type and form of physical development resulting in highly functional and attractive communities and plan for an appropriate transition in scale and activity between neighboring districts.

As per policy 5.2.1.4, Secondary Plans will also recognize city-building objectives and will identify or indicate the following:

- Overall capacity for development in the area, including anticipated population;
- Affordable housing objectives;
- Land use policies for development, redevelopment, intensification and/or infilling;
- Urban design objectives, guidelines and parameters;
- Necessary infrastructure investment with respect to any aspect of: transportation services, environmental services including green infrastructure, community and social facilities, cultural, entertainment and tourism facilities, pedestrian systems, parks and recreation services, or other local or municipal services; and
- Where a Secondary Planning area is adjacent to an established *neighbourhood*, new development must respect and reinforce the existing physical character and promote the stability of the established *neighbourhood*.

Policy 5.3.1.3 requires that amendments to the Official Plan that are not consistent with its general intent will be discouraged. The amendment to the Official Plan is required to be compatible with its physical context and not affect nearby *Neighbourhoods* or *Apartment Neighbourhoods* in a manner contrary to the neighbourhood protection policies of the Official Plan. Policy 5.3.1.3 also recognizes that when considering a site specific amendment to the Plan, at the earliest point in the process, the planning review will examine whether to consider the application in the immediate planning context or whether a broader review and possible area specific or general policy change is appropriate.

Under Policy 5.3.1.4, when reviewing development proposals the City will ensure that the intensity and scale of proposed development can be accommodated by the various components of the City's infrastructure.

Section 5.3.3 of the Official Plan discusses the constant need for investment in infrastructure and services to maintain and improve our quality of life. Policy 5.3.3.2 refers to the need for new municipal investment to replace, enhance or build new infrastructure to implement this Plan will be identified through a multitude of implementation plans and strategies, including Secondary Plans, community service and facility strategies and other similar city-building initiatives.

### **Site and Area Specific Policy No. 129**

Lands south and north of Eglinton Avenue East between Pharmacy Avenue and Birchmount Road are subject to SASP No. 129, which permits retail and services uses, including stand-alone retail stores and/or power centers, subject to amendments to the zoning by-law. The implementation of this policy may require the provision of additional public roads or other transportation improvements, and may require the provision of financial compensation as per the Transportation System Improvement charge to equitably allocate the capital costs of any such improvements.

OPA 499 deleted the Plan Area from SASP No. 129.

SASP No. 129 can be found at:

<https://www.toronto.ca/wp-content/uploads/2017/11/9832-city-planning-official-plan-chapter-7-saps.pdf>

### **Official Plan Amendment No. 231**

In December 2013, City Council adopted OPA No. 231 ("OPA 231"), which provides new and revised economic policies and designations for employment lands in the city. OPA 231 was approved by the Province with minor modifications in July 2014 and portions of OPA 231 are under appeal at the LPAT. The LPAT (and previously the Ontario Municipal Board) has issued several Orders partially approving OPA 231. OPA 231 also added new policies to Section 3.5.1 of the Official Plan respecting the promotion of office development within Mixed Use Areas and on lands within 500 metres of a subway/LRT/GO Station. While currently under appeal, these policies represent City Council's contemplated planned vision for this priority transit corridor, do direction on the minimum standards for commercial development and increased non-residential gross floor area within mixed use buildings, with a particular focus on office development.

Consistent with PPS Policy 1.6.7, 1.6.8 and 1.8.1, there is a direction of the PPS to promote and focus major employment, commercial and other travel intensive land uses on sites which are well served by transit where it exists or is to be developed. Further, the PPS recognizes that new development proposed on adjacent lands to existing or planned corridors should be compatible with and supportive of the long-term purposes of the corridor and designed to avoid negative impacts on such corridors. Planned corridors is defined as required to meet projected needs and are identified through provincial plans, such as the Growth Plan (2020). Further that planning authorities shall not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose it is identified.

As stated earlier, the Growth Plan (2020) recognizes this is a priority transit corridor in Schedule 5 and as such prioritizes their implementation, including density targets, yet to be established, for persons and jobs combined. Policy 2.2.5.2 contemplates that major office and appropriate major institutional development will be directed to major transit station areas. OPA 231 similarly provides direction for these planned corridors to provide for the direction that transit stations provide for office adjacent to existing and approved/funded rapid transit stations.

More information about OPA 231 can be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/official-plan-review/>

### **Official Plan Amendment 456: Transportation Policies**

On February 26, 2020, City Council adopted OPA No. 456 ("OPA 456"), which amended the Official Plan's transportation policy and text changes as part of the Five Year Review of the Official Plan pursuant to Section 26 of the *Planning Act*. The recommended changes affect transportation policies in the areas of transit, cycling, automated vehicles, shared mobility and other emerging mobility technologies; and the transportation of water, wastewater and stormwater. Updates to the street related map and schedules were also adopted. OPA 456 also included a new Section into the Official Plan regarding "Public Realm - Higher-Order Transit", as well as the revisions the other sections in the Official Plan.

### **Official Plan Amendments 479 and 480 - Public Realm and Built Form Policies**

On December 17, 2019, City Council adopted OPA No. 479 regarding public realm ("OPA 479") and OPA No. 480 regarding built form ("OPA 480") to amend Section 3.1.1, Public Realm, Section 3.1.2, Built Form and Section 3.1.3, Built Form - Tall Buildings, of the Official Plan in their entirety as part of the Five Year Review of the Official Plan pursuant to Section 26 of the *Planning Act*. On September 11, 2020, the Minister of Municipal Affairs and Housing approved OPA 479 and OPA 480, bringing them into full force and effect, and updating the Official Plan consistent with the *Planning Act*, the PPS and in conformity with the Growth Plan (2020).

OPA 479 and OPA 480 strengthen the existing public realm and built form policies and provide greater clarity through new policies that describe the public realm, built form and built form types. The policies reflect the continuous evolution of the application of urban design principles to achieve critical city-building objectives, defining the roles and relationships of the public realm and new development to ensure that buildings and their surrounding public spaces work together to achieve a high standard of design and help create a high quality of life for people of all ages and abilities.

Similarly, both the Secondary Plan and the Official Plan continue to recognize the importance of the public realm and how development fits within its existing and planned context. Principles such as site organization, fit into the existing and planned context, building massing, transition and scale, good street proportion and encouraging a mix of building types continue to be reflected and emphasized through the Official Plan.

## Official Plan Amendment 499 - Golden Mile Secondary Plan

Key Official Plan changes implemented through OPA 499 that particularly relate to the subject lands include:

- The pre-existing *Mixed Use Areas* designation on the subject lands is largely retained, with two new mid-block *Parks* designations introduced (one narrower park block on the Eglinton Avenue East frontage and a second larger park block to the north of the proposed new east-west public street (discussed below));
- Map 3, Right-of-Way Widths Associated with Existing Major Streets is amended by increasing the Planned Right-of-Way Width for Eglinton Avenue East, adjacent to the subject lands, from 36 metres to 43 metres;
- Schedule 2, The Designation of Planned but Unbuilt Roads, is amended to introduce planned new public streets across the subject lands, including two north/south streets (a mid-block street with a right-of-way width of 23 metres and a street along, and adjacent to, the western property line with a right-of-way width of 20 metres and is intended to be provided by the various property owners with a pro-rata share determined at the appropriate time) and an east/west mid-block street with a right-of-way width of 27 metres;
- The subject lands are located within the Central District and are subdivided into two Character Areas: Mixed Use Transit Nodes and Ashtonbee Transition Area;
- Potential locations for Privately-Owned Publicly-Accessible Space ("POPS") and public art are identified;
- A gross density permission of 3.0 times the site area;
- A mix of mid-rise and tall buildings are provided for up to a maximum of 30 storeys on the south portion of the subject lands and 25 storeys north of the planned new east/west mid-block street;
- The built form policies of the Secondary Plan identify key built form building parameters that help define and support the vision of the Character Areas and public realm elements on the subject site; and
- Policy 4.5 of the Secondary Plan states that "To support the economic function of the Plan Area, each Site within the Golden Mile Commercial Gateway, the Mixed Use Transit Nodes, and the East Park Mid-Rise and Tall Building Community will provide a minimum of 10 per cent of the gross floor area of the development as non-residential uses in one or multiple buildings".

## **Zoning**

The site is not subject to City-wide Zoning By-law 569-2013, as amended. As such, the site is zoned Mixed Employment (ME) under former City of Scarborough Employment Districts Zoning By-law No. 24982 (Golden Mile Employment District), as amended. The ME Zone permits a range of commercial and institutional uses. Industrial uses are permitted provided all uses are conducted within buildings.

## **Golden Mile Urban Design Guidelines**

The Golden Mile Urban Design Guidelines were adopted by City Council on October 30, 2020, concurrently with OPA 499. The area-specific Golden Mile Urban Design Guidelines are an implementation tool for the Secondary Plan and provide more detailed guidance to assist in the development and review of public and private initiatives in the Plan Area.

The Golden Mile Urban Design Guidelines are intended to provide guidance on creating high-quality and appropriately-scaled development, coupled with a cohesive, green and vibrant public realm, to support the Vision for the Plan Area. Developed as a direct outcome of the Council-directed GMSP Study, these Guidelines are an accompanying document to implement the Official Plan and the Secondary Plan as contemplated by Policies 5.3.2.1 and 5.2.1.4 e) of the Official Plan.

The Urban Design Guidelines illustrate the essential public realm elements and important built form relationships that will shape the emerging community, and that reflect the intent of the policies of the Secondary Plan. Together with the built form, public realm and mobility policies, the Urban Design Guidelines support ongoing implementation through incremental change and provide detailed guidance to assist the planning and design, as well as the review of development proposals.

The Urban Design Guidelines build upon the existing City-wide standards, to ensure consistency, and also provide additional guidelines to respond to local conditions and create unique characters for the Plan Area that help build its sense of place. Supplementary guidelines are recommended for larger sites to address site specific issues, promote design excellence at a more detailed level, and ensure coordination through various phases of development. Development applications in the Golden Mile will also continue to be evaluated on the basis of other City-wide guidelines as applicable.

The Golden Mile Urban Design Guidelines can be found at:

[https://www.toronto.ca/wp-content/uploads/2021/01/8d99-CityPlanning\\_Golden\\_Mile\\_Urban\\_Design\\_Guidelines\\_Final\\_Reduced.pdf](https://www.toronto.ca/wp-content/uploads/2021/01/8d99-CityPlanning_Golden_Mile_Urban_Design_Guidelines_Final_Reduced.pdf)

## **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 they fit within their context and minimize their local impacts.

The City-wide Tall Building Design Guidelines are available at:  
<http://www.toronto.ca/planning/tallbuildingdesign.htm>

### **Mid-Rise Building Guidelines**

In July 2010, Toronto City Council, adopted the recommendations contained in the staff report prepared by City Planning entitled "Avenues and Mid-Rise Buildings Study", with modifications and directed staff to use the Performance Standards for Mid-Rise Buildings in reviewing all new and current mid-rise development proposals on the Avenues for a two year monitoring period. In November 2013 City Council extended the monitoring period to the end of 2014.

The Avenues and Mid-rise Buildings Study identifies a list of best practices and establishes a set of performance standards for new mid-rise buildings. Key issues addressed by the Study included maximum allowable building heights, setbacks and stepbacks, sunlight and skyview, pedestrian realm conditions, transition to *Neighbourhoods, Parks and Open Space Areas* and corner sites.

The Study can be found at:  
<http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/Urban%20Design/Midrise/midrise-FinalReport.pdf>

In June 2016, City Council approved the Mid-Rise Building Performance Standards Addendum (April 20, 2016). The Addendum is to be used by City Staff together with the 2010 approved Mid-Rise Building Performance Standards during the evaluation of development applications where mid-rise buildings are proposed and the Performance Standards are applicable. The Performance Standards and Addendum may also be used to help inform the preparation or review of area studies and policies involving mid-rise buildings. The Addendum clarifies that these Performance Standards may be a useful planning tool where a Secondary Plan supports mid-rise buildings, but does not regulate built form or does not fully address mid-rise building design, or when a Secondary Plan is under review. The Addendum is approved as an interim supplement to the 2010 Performance Standards until such time as Council considers and adopts updated Mid-Rise Building Design Guidelines.

Refer to the Council Decision:  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7>

Attachment 1: Mid-Rise Building Performance Standards Addendum (April 20, 2016) at:  
<http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>

### **Growing Up: Planning for Children in New Vertical Communities Guidelines**

City Council on July 28, 2020, adopted updated Growing Up: Planning for Children in New Vertical Communities Urban Design Guidelines. The objectives of the guidelines are rooted in the Official Plan vision to create an attractive, safe and healthy city where children are valued and residents have access to housing, support services and recreational activities. The guidelines implement Official Plan policies that highlight the

importance of integrated community facilities and amenities, the need for a comfortable and safe public realm and the creation of a range of housing options in communities.

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>

### **Site Plan Control**

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

### **Reasons for Application**

The applicant proposes a new SASP for the subject lands to permit a range of residential and non-residential uses, new public streets and parkland. The SASP would include built form and public realm parameters to guide future development on site.

### **Application Submission**

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

- Planning Rationale
- Community Services and Facilities Study
- Transportation Impact Study
- Energy Strategy Report
- Archaeological Assessment
- Heritage Impact Statement
- Housing Issues Report
- Environmental Site Assessment
- Electromagnetic Interference Report

A Notice of Complete Application was issued on September 18, 2019.

### **Agency Circulation**

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

### **Community Consultation**

A community consultation meeting specific to the subject application has not been held to date in view of continued public consultations associated with the GMSP Study.



## COMMENTS

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### **Planning Act, Provincial Policy Statement and Provincial Plans**

Staff are of the opinion that the proposed Official Plan Amendment application has not demonstrated consistency with the general intent of the Official Plan. Further the proposed amendments are not supportable within the context of OPA 499 and fails to be consistent with and conform to OPA 499. Staff are also of the opinion that the proposed application does not have adequate regard for relevant matters of provincial interest set out in Section 2 of the *Planning Act*, is not consistent with the Provincial Policy Statement (2020), and does not conform to the Growth Plan (2020) for the reasons outlined below.

### **Planning Act**

In the opinion of staff, the proposed Official Plan Amendment fails to have regard to the relevant matters of provincial interest under section 2 of the *Planning Act*. In particular, the proposed Official Plan Amendment fails to consider adequate provision and efficient use of communication, transportation, sewage and water services, and waste management systems; orderly development of safe and healthy communities; adequate provision and distribution of educational, health, social, cultural and recreational facilities; adequate provision of a full range of housing, including affordable housing; adequate provision of employment opportunities; and fails to resolve planning conflicts involving public and private interests.

As discussed in detail throughout this report, the proposed development requests a density on a lands without providing sufficient direction on its implementation across the 11.5-hectare site. Given the size and magnitude of this site, the proposed amendment is inadequate in demonstrating appropriate regard for such matters. There is insufficient direction on land use, the mix of uses is stated in a general sense with little direction as to where and how it may be planned with no commitment to any minimums of non-residential uses, several interior blocks do not have frontage onto public streets or in other circumstances contemplate a public street without due regard to implementation. The proposed parkland is not appropriately sized or in the appropriate location. There is no mix of building types or true mix of uses, nor is there a promotion of employment uses directly adjacent to newly constructed and nearly completed ECLRT.

While the proposed development is in an appropriate location of growth and development, the scale, form and density of the proposed development impacts adjacent development sites from achieving the appropriate scale and form of development, which demonstrates a lack of regard for the location of growth and development of this site in the broader context. Among the Golden Mile Area more broadly, significant cooperation and coordination between landowners is required to achieve certain elements, in particular transportation and servicing. Without such coordination or comprehensive planning, the requested density is inappropriate, and the site is not appropriately situated for the contemplated growth and development and fails to have regard to the provision of orderly development of safe and healthy communities, adequate provision of transportation and servicing infrastructure.

Further, while the proposed Official Plan Amendment provides general directions on built form being up to 40 storeys in height through a proposed density, it is evident through the applicant's plans and drawings, the deployment of density as requested in the proposed amendment and the proposed public street and public realm network does not promote development that is designed to be sustainable, to support public transit and to be oriented to pedestrians or a built form that is well is well-designed, encourages a sense of place or provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

The proposal fails to have regard to these relevant matters of provincial interest.

### **Provincial Policy Statement (2020)**

The PPS provides policy direction on matters of provincial interest related to land use planning and development. Provincial plans and municipal official plans provide a framework for comprehensive, integrated, place-based and long-term planning that supports and integrates the principles of strong communities, a clean and healthy environment and economic growth, for the long term. The PPS states that planning authorities shall identify appropriate locations for intensification and that an appropriate range and mix of housing types and densities be provided.

The PPS sets the direction for development, intensification and redevelopment that supports an appropriate mix of land uses for healthy, livable and safe communities. This is implemented through policies noted below.

Under Section 1.1 - "Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns", Policy 1.1.1 states that "Healthy, liveable and safe communities are sustained by (in part):

- b) Accommodating an appropriate range and mix of residential, employment (including industrial and commercial), institutional, recreation, parks and open space, and other uses to meet long-term needs;
- c) Avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) Avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas; and
- g) Ensuring that necessary infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities are or will be available to meet current and projected needs."

Under Section 1.1.3 - "Settlement Areas", Policy 1.1.3.2 states that "Land use patterns within settlement areas shall be based on densities and a mix of land uses, which (in part):

- a) Efficiently use land and resources; and

b) Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion."

Policy 1.1.3.3 states that "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 where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs."

Policy 1.1.3.6 states that "New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities."

Policy 1.1.3.7 states that "Planning authorities should establish and implement phasing policies to ensure:

- a) That specified targets for intensification and redevelopment are achieved prior to, or concurrent with, new development within designated growth areas; and
- b) The orderly progression of development within designated growth areas and the timely provision of the infrastructure and public service facilities required to meet current and projected needs."

Under Section 1.2 - "Coordination", Policy 1.2.1 directs that a coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities including:

- a) Managing and/or promoting growth and development that is integrated with infrastructure planning;
- b) Economic development strategies;
- c) Managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;
- d) Infrastructure, multimodal transportation systems, public service facilities and waste management systems;
- g) Population, housing and employment projections, based on regional market areas; and
- h) Addressing housing needs in accordance with provincial policy statements such as the Policy Statement: Service Manager Housing and Homelessness Plans.

Under Section 1.3 - "Employment", Policy 1.3.1 states that " Planning authorities shall promote economic development and competitiveness by:

- a) Providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
- b) Providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) Facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;
- d) Encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4; and
- e) Ensuring the necessary infrastructure is provided to support current and projected needs.

Section 1.3.2, "Employment Areas", Policy 1.3.2.1 a) states that Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.

Policy 1.4.3 states that "Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by (in part):

- a) Establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans;
- b) Permitting and facilitating:
  - 1. All housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and
  - 2. All types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;
- c) Directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;

- d) Promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;
- e) Requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and
- f) Establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

Section 1.5 contemplates that health and active communities are 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 planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages.

Section 1.6.1 of the PPS requires that infrastructure and public service facilities shall be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs. When planning for infrastructure and public service facilities they shall be coordinated and integrated with land use planning and growth management so that they are financially viable over their life cycle and available to meet current and projected needs.

Section 1.6.5 of the PPS directs that public service facilities should be co-located in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration, access to transit and active transportation.

Section 1.6.6 of the PPS directs planning for sewage and water services shall be done in a manner to accommodate forecasted growth promoting efficient use and optimizing existing services, and that such systems are can be sustained over time, integrating servicing and land use considerations at all stages of the planning process.

Section 1.6.7 of the PPS directs that transportation strategies should be provided which are safe, energy efficient, that facilitate the movement of people and goods, and are appropriate to address projected needs. It also directs that efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible. The PPS further directs that as part of a multimodal transportation system, connectivity within and among transportation systems and modes should be maintained and, where possible, improved including connections which cross jurisdictional boundaries. As it relates to land use and mix of uses, the PPS directs that a land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.

Section 1.7 of the PPS directs that long-term economic prosperity should be supported by:

- a) Promoting opportunities for economic development and community investment-readiness;
- b) Encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;
- c) Optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;
- d) Maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;
- e) Encouraging a sense of place, by promoting well-designed built form and by conserving features that help define character;
- g) providing for an efficient, cost-effective, reliable multimodal transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;
- j) Promoting energy conservation and providing opportunities for increased energy supply;
- k) Minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; and
- l) Encouraging efficient and coordinated communications and telecommunications infrastructure.

Further, Section 1.8 directs that the planning authorities support energy conservation and efficiency through land use and development patterns which, promote compact form and a structure of nodes and corridors; promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas; focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future; encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion; and promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure.

Section 2.2 directs that planning authorities shall protect, improve or restore the quality and quantity of water by: using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development.

Further, Policy 4.6 directs that the Official Plan is the most important vehicle for its implementation and that comprehensive, integrated and long-term planning is best achieved through official plans. The City has also kept its official plan up to date through recent city-wide amendments to the Official Plan as approved by the Minister as well as OPA 499 the result of a multi-year, multidisciplinary study providing for new long term, comprehensive planning directions for the broader Golden Mile Area.

The analysis of the PPS is explained below in concert with related issues on the Growth Plan (2020). In the opinion of planning staff, the proposed Official Plan Amendment is not consistent with the PPS.

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

The Growth Plan (2020) provides a strategic framework for managing growth in the Greater Golden Horseshoe in a way that supports economic prosperity, protects the environment, and helps communities achieve a high quality of life. The Guiding Principles in Section 1.2.1 support the achievement of complete communities, as defined in the Growth Plan (2020), recognizing that communities can take different shapes and forms appropriate to their context. The Guiding Principles also support a range and mix of housing options and the integration of land use planning with planning and investment in infrastructure and public service facilities.

Growth Plan (2020) policies for the management of growth (Policy 2.2.1.4) states "Applying the policies of this Plan will support the achievement of complete communities that (in part):

- a) Feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
- c) Provide a diverse range and mix of housing options, including second units and affordable housing to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
- d) Expand convenient access to: a range of transportation options; public service facilities; and an appropriate supply of safe, publicly-accessible open spaces, parks, and other recreational facilities; and
- e) Ensure the development of high quality compact built form, and an attractive and vibrant public realm, including public open spaces, through site design and urban design standards."

The proposed Official Plan Amendment has not demonstrated how it will support the achievement of a complete community that supports healthy, active living in a high quality compact built form; it has not provided an appropriate range and mix of housing options; the limited amount of non-residential gross floor area does not reflect an appropriate mix of uses that supports the investment in transit infrastructure; nor has it demonstrated how it would support the achievement of adequate infrastructure and public service facilities to meet current and/or projected needs.

Policy 2.2.2.3 states that "All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas which will (in part):

- a) Identify strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development;
- b) Identify the appropriate type and scale of development and transition of built form to adjacent areas;
- d) Ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities;
- e) Prioritize planning and investment in infrastructure and public service facilities that will support intensification; and
- f) Be implemented through official plan policies and designations, updated zoning and other supporting documents."

The Official Plan, including OPA 499, provides further detailed direction for the Plan Area on a comprehensive basis and collectively establishes the intensification strategy for the broader Golden Mile area. City staff are of the opinion that the proposed Official Plan Amendment does not conform with above Policy 2.2.2.3. The proposal does not represent an intensified scale of development that is appropriate for the surrounding area and does not provide an appropriate transition in scale and massing within the Ashtonbee Transition Area, which is intended to provide a transition between the mixed-use development along Eglinton Avenue East and the adjacent lower scale properties north of Ashtonbee Road; is not designed in a manner to achieve a complete community, and has not demonstrated the availability of infrastructure and community service facilities to support the greater level of intensification being proposed.

The policies in Section 2.2.6 of the Growth Plan (2020) support housing choice through the achievement of the minimum intensification and density targets in the Growth Plan (2020) by identifying a diverse range and mix of housing options and densities, including second units and affordable housing to meet the projected needs of current and future residents, as well as to support the achievement of complete communities through the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes. There is currently no affordable housing strategy included as part of this application and the applicant has indicated that 75 per cent of the 5,529 residential units being proposed will be one-bedroom units, which does not provide an appropriate mix of unit types suitable for families.

In Section 3, Infrastructure to Support Growth, well-planned infrastructure is essential to the viability of communities and critical to economic competitiveness, quality of life, and the delivery of public services. The policies in this section of the Growth Plan (2020) provide a framework to guide and prioritize infrastructure planning and investment. Policies 3.2.1.1 and 3.2.1.2 state that "Infrastructure planning, land use planning, and infrastructure investment" must be coordinated and that "Planning for new or expanded



infrastructure will occur in an integrated manner, including evaluation of long-range scenario-based land use planning and financial planning, supported by relevant studies".

Section 3.2.3 provides for direction on how decisions that affect transit investment and land use planning are to be reconciled to ensure that objectives for the different areas are achieved.

Section 3.2.5 provides clear direction that in planning for development and expanding existing and planned corridors, municipalities are to encourage the co-location of linear infrastructure; ensure that existing and planned corridors are protected to meet current and projected needs in accordance with the transportation and infrastructure corridor protection policies in the PPS; and that the planning, location, and design of planned corridors and the land use designations along these corridors will support the policies of this Plan, in particular that development is directed to settlement areas. Section 3.2.6 and 3.2.7 provide for greater direction on stormwater management and infrastructure management. In particular, Policy 3.2.7.2 provides directions for proposals for large scale development ensure that it is informed by subwatershed plans, incorporated approaches to minimize stormwater flows, incorporates low-impact development and green infrastructure and aligns with stormwater master plan.

Further, Section 3.2.8 directs planning for public service facilities, land use planning and investment in public service facilities be coordinated and such facilities to be co-located to promote cost-effectiveness. Further, Policy 3.2.8.6 directs that the new public service facilities, including schools, should be located in settlement areas and preference should be given to sites that are easily accessible by active transportation and transit.

Further, Section 4.2.5 directs that the municipality is encouraged to develop a system of publicly-accessible parkland, open space and trails that clearly demarcates where public access is and is not permitted, based on a co-ordinated approach to trail planning and development and based on good land stewardship for public and private lands. Also that the establishment of the open space system should include opportunities for public parks.

Section 5.2.4. of the Growth Plan (2020) requires the type and scale of development to be contextually appropriate with integrated planning required for infrastructure and public service facilities and for the achievement of complete communities. At present, neither a transportation master plan or a servicing plan have been provided by the applicant that adequately demonstrates the proposed level of intensification being proposed can be supported, nor has the provision of adequate community service facilities warranted by a proposal of this magnitude been demonstrated. The proposed massing is not in keeping with the existing and planned context, and does not, in the opinion of staff, fit within the directions of the Official Plan, including OPA 499.

In Section 5.2.5 Targets, Policy 6 states that "In planning to achieve the minimum intensification and density targets in the Plan, municipalities will 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".

The analysis of the Growth Plan (2020) is generally set out below in concert with related issues on the PPS. In the opinion of planning staff, the proposed Official Plan Amendment does not conform to the Growth Plan (2020).

### **Summary Analysis of PPS and Growth Plan**

The GMSP Study that informed the Secondary Plan had regard for the above-noted policy framework and thoroughly examined strategies to direct and manage anticipated growth and development within the Golden Mile area. This included establishing various gross density caps throughout the Plan Area which, as now adopted by City Council through OPA 499, is established at 3.0 times the site area of the subject lands. The current application, however, proposes a gross FSI (density) of 4.28 times the site area.

The Official Plan, including OPA 499, provides for the long-term development of the Golden Mile as a complete community based on the provision of the necessary infrastructure to meet the planned growth. The proposed application does not conform with, and is inconsistent with the general intent of the City's Official Plan policies.

The PPS is not intended to mandate any form of intensification in all situations, but rather relies on local official plans to set out a suitable policy framework to guide development and intensification in a manner consistent with provincial interests. The Official Plan, and Council-adopted OPA 499, appropriately establishes the form of intensification, how it is to be accommodated and how complete communities will be achieved through its policy framework. OPA 499 also provides more detailed direction to further implement the Official Plan, PPS and Growth Plan (2020).

### **Intensification and Development**

Key policies of the PPS and the Growth Plan (2020) direct growth and development at appropriate locations. The information and consultant studies that led to the Secondary Plan inform the appropriate density, scale and form of development within the Plan Area. Therefore, a proposed amendment that significantly deviates from the Secondary Plan, absent a comprehensive analysis and approach, that appropriately implements the PPS and Growth Plan (2020) directions on comprehensive, integrated and long term planning is not consistent with the PPS and fails to conform to the Growth Plan (2020).

In the opinion of City Staff, the proposed Official Plan Amendment, cannot be evaluated absent being viewed alongside the Secondary Plan.

From a hierarchy and growth management perspective, the Official Plan, consistent with the PPS and Growth Plan (2020), establishes a hierarchy of settlement areas and growth areas. The areas with the greatest growth are the Urban Growth Centres, the nearest being the Scarborough Urban Growth Centre ("Scarborough Centre"). While there is significant development potential within the Golden Mile area more generally, the culmination of development within the Plan Area should not exceed the planned growth for the Scarborough Centre. This hierarchy is also clearly established in the Growth Plan (2020) where such Urban Growth Centres are planned to achieve their

targets by 2031, where other areas are set to the horizon of the plan with half of the anticipated growth of Urban Growth Centres.

While for LRT stations, such as the new ECLRT stops within this area, are to be planned for a minimum target of 160 persons and jobs within the yet to be delineated area, based on the applicant's estimate, this proposed amendment, if realized, would plan for 878 persons and jobs per hectare. Notwithstanding the applicant's rationale is incorrect in providing for assumptions being established on a delineated major transit station area and the process for implementation in the Growth Plan (2020) for such matters, while the Growth Plan (2020) establishes minimums for these areas to be delineated, the Growth Plan (2020) also provides policy direction in exceeding those minimums, which as described in this report, specifically as it relates to the density requested, it has not been demonstrated that the proposed amendment considers integrated planning for infrastructure and public service facilities required for development would ensure that development does not exceed the existing or planned capacity and the appropriateness of the type and scale of built form being contextually appropriate, combined with the lack of diverse mix of land uses and lack of sufficient public open space.

### **Transportation and Servicing Infrastructure**

On the matters of transit planning and land use planning, the PPS and Growth Plan (2020) direct coordination between both. The PPS and Growth Plan (2020) specifically contemplate a mix of uses on the lands and provision of public street networks to ensure achievement of the various policy objectives.

Specifically for transit planning, municipalities are to ensure that where such transit is expanded to areas, areas are to achieve or planned to achieve, transit-supportive densities and provide a mix of residential, office, institutional and commercial development where possible, focus on increasing the modal share of transit and ensure continuous linkages between transit stations and major street networks.

From a servicing and transportation perspective, in the opinion of City Staff, the proposed Official Plan Amendment, cannot be determined absent being viewed alongside the Secondary Plan. Further, in the opinion of staff and as clearly stated in the Development Infrastructure Policy & Standards ("DIPS"), private streets are not intended to create development parcels of this magnitude and are focused on small development sites in order to facilitate intensification, generally through short mews to provide access for 10 units or less. Private streets are not intend to be the focus or focal point of the public street network, and most certainly not at this length or magnitude. It is not appropriate that private streets are being utilized to provide public access and service to individual buildings and this also creates concerns with regards to the ability of such buildings to be independently serviced from public streets and to appropriately implement the direction for a private streets in DIPS.

### **Adjacency to Transit Stations and Lack of Appropriate Land Use Mix**

While the site is in proximity to transit, that is one factor associated with the intensity of use, density, scale, form, and massing of development that may be permitted.

The PPS is also directive in various policies for a mix of uses, densities and housing types. The lack of variation of the proposed building typology, mix of uses and housing types for the site does not support the achievement of complete communities. Further, while the conceptual plans and drawings identify that 39,396 square metres of retail/commercial uses will be provided, the proposed Official Plan Amendment is inadequate in providing any direction on the minimum requirements for the overall redevelopment of the lands, other than a permitted maximum density for a variety of uses, which exclude office uses.

However, the City through the GMSP Study and OPA 499 has appropriately planned for all of these matters to ensure the achievement of complete communities.

The proposed Official Plan Amendment has not adequately demonstrated how such increased density, above that thoroughly assessed and determined by the GMSP Study for appropriate balanced new development opportunities throughout the Plan Area can be adequately accommodated without having a negative impact on other fundamental density, servicing and infrastructure aspects of the new Secondary Plan.

The proposed Official Plan Amendment has not demonstrated an appropriate level of infrastructure and public service facilities are or will be available to support the level of intensification proposed above that established through OPA 499.

### **Phasing of Development**

It appears from the proposed draft amendment that phasing is intended to be aligned with the growth coordination with the build-out of the Golden Mile Area, presumably to the Secondary Plan. No phasing plan has been provided at this time. Notwithstanding this, the Golden Mile Secondary Plan has a general direction on phasing and development of the plan area over time as certain infrastructure components are in place or secured to the satisfaction of the City.

Therefore, in the opinion of City Staff, the proposed Official Plan Amendment, cannot be determined absent being viewed alongside the Secondary Plan to ensure that such anticipation of development aligns with the public street, transportation improvements and servicing improvements of the Secondary Plan.

### **Public Open Space**

The public open space system and public realm system requires significant revision. This is explained in greater detail in the Public Parkland section of this report. The PPS and Growth Plan (2020) direct the provision of sufficient open space and speak to the provision of a vibrant and high quality public realm network. This requires appropriate linkages that are clearly visible and that promote active transportation.

### **Housing and Community Service Facilities**

Although the current application proposes that a minimum of 10 per cent of the total units will have at least three bedrooms, only 15 per cent of the proposed units would

have at least two bedrooms. The application does not provide further details on an appropriate range, mix or phasing for all housing types to be provided on site.

The application does not provide details about affordable housing to be provided on this large site or details on potential community service facilities and any contemplated timing with respect to such matters.

As discussed above, the proposed Official Plan Amendment has not demonstrated that the impact of the development is able to be supported by the City's infrastructure and community service facilities, and whether or not the development would support the achievement of complete communities, including a diverse mix of land uses, adequate employment opportunities, sufficient open space and adequate community services and facilities. The proposed scale and massing do not recognize the existing and planned local context, and do not demonstrate a high-quality public realm and compact built form. In the opinion of planning staff, the proposed Official Plan Amendment are not consistent with the PPS and fail to conform to the Growth Plan (2020).

## **Official Plan**

Policy 4.6 of the PPS states that a municipality's official plan is the most important vehicle for implementation of the PPS and that "comprehensive, integrated and long-term planning is best achieved through official plans". Furthermore, the PPS directs municipalities to provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

This application has been reviewed against the Official Plan policies and the Secondary Plan policies and/or planning studies described in the Issue Background Section of the report, as well as the policies of the Toronto Official Plan as a whole.

The subject lands are located within the Secondary Plan area. OPA 499 and the Secondary Plan establish a comprehensive planning framework for the Golden Mile area that includes Secondary Plan policies that direct:

- Built form, public realm, community services and facilities, housing and public art strategies;
- A transportation master plan and master servicing plan;
- Urban design guidelines; and
- Implementation, phasing and monitoring strategies.

Section 5.2.1 of the Official Plan identifies that Secondary Plans establish local development policies to guide growth and change in a defined area of the City, while ensuring adequate public infrastructure and environmental protection. Policy 5.2.1.3 states that Secondary Plans identify the type and form of physical development and plan for an appropriate transition in scale and activity between neighbouring districts.

Policy 5.2.1.4 notes that Secondary Plans will recognize city-building objectives and indicate matters including: affordable housing objectives; land use policies; urban design objectives/guidelines/parameters; necessary infrastructure investment; and ensuring the stability of established neighbourhoods.

In this regard, the proposed Official Plan Amendment has not demonstrated the impact of the proposed development on infrastructure and public service facilities and whether or not the development proposed to be planned through the proposed Official Plan Amendment would support the achievement of complete communities, including a diverse mix of land uses, sufficient open space and adequate community services. The scale and massing in the proposed Official Plan Amendment do not recognize the local context, both existing and planned and do not demonstrate a high quality public realm and compact built form.

The lands at 1900 Eglinton Avenue East are designated *Mixed Use Areas*. The lands are identified as an *Avenue*. Chapter 2 of the Official Plan sets out a policy framework and strategy for managing Toronto's growth and includes policies respecting *Avenues*. Development applications on lands designated *Mixed Use Areas* and located along an *Avenue*, which proceed in advance of an Avenue Study, have the potential to set a precedent for the form and scale of reurbanization along the Avenue. In addition to the *Mixed Use Areas* policies, proponents of such proposals are also required to address the larger context and examine the implications for the segment of the Avenue in which the proposed development is located.

Development requiring a rezoning will not be allowed to proceed prior to completion of an Avenue Study unless the review demonstrates to Council's satisfaction that subsequent development of the entire Avenue segment will have no adverse impacts within the context and parameters of the review. In this regard, the proposed development has not adequately addressed the larger context, nor has it adequately demonstrated that it satisfies the policies contained in Section 2.2.3, including in particular the neighbourhood protection policies, a range of housing options, adequate parks and open spaces, an appropriate network of streets and blocks, a safe and comfortable pedestrian environment, provision of community services, and the availability of infrastructure, including an appropriate transportation infrastructure, to support the proposed development.

It is also important to note that the applicant's planning rationale agrees that the GMSP Study addresses the requirements under Section 2.2.3 of the Official Plan regarding Avenues and has stated that the proposed development should be considered in light of that study and in general alignment with the objectives of that study. As the applicant has not undertaken this study themselves and in fact relies on the GMSP Study, in City staff's opinion, significant deviations from the secondary plan are not appropriate and in this regard the proposed development has not adequately addressed the larger context, nor has it adequately demonstrated that it satisfies the policies contained in Section 2.2.3, absent being more closely aligned with the Secondary Plan.

The proposed Official Plan Amendment has not demonstrated how it will support the achievement of a complete community that reflects the Official Plan's goals, as well as the local context.

The proposal in its current form has not demonstrated how it will achieve a complete community that supports healthy, active living in a high quality compact built form; it has not provided an appropriate range and mix of housing options; it has not demonstrated

appropriate massing and densities in the context of City structure or the Secondary Plan.

## **Land Use**

The Secondary Plan envisions a range of land uses on lands designated Mixed Use Areas, including office space being encouraged in proximity to the ECLRT stops (Policy 4.4). To support the economic function of the Plan Area, Policy 4.5 requires each site within Mixed Use Transit Nodes, including the southern portion of the subject site, to provide a minimum of 10 per cent of the gross floor area of the development as non-residential uses in one or multiple buildings. Policy 5.3 strongly encourages office uses and other commercial uses that are not retail-based to be provided within new developments.

The Secondary Plan also provides a density incentive for developments on lands designated Mixed Use Areas that provide gross floor area for community service facility or public school uses, or additional non-residential uses in excess of the minimum requirement in Policy 4.5 up to a maximum of an additional 10 per cent of the total gross floor area (Policy 4.15).

The application proposes 39,396 square metres of non-residential (retail) uses representing approximately eight (8) per cent of the total gross floor area of the development, no office uses and 5,529 residential units, which is not considered to be an appropriate mix of uses that supports the investment in transit infrastructure and the achievement of a complete, liveable, mixed-use community with adequate employment opportunities for the new residents.

## **Density**

The proposed gross FSI is 4.28 times the area of the site, whereas the Secondary Plan contemplates a density of 3.0 for this site. The public realm and built form policies, including those related to density, are intended to ensure that intensification does not exceed the capacity of the physical infrastructure and development provides for a contextually appropriate built form. Although intensification is anticipated in the Golden Mile, the scale of development should be generally consistent with the Secondary Plan and associated consultant reports, including the Golden Mile Transportation Master Plan.

## **Public Realm**

From a public realm perspective, City Planning staff are of the opinion that the proposed Official Plan Amendment application is inconsistent with the policy direction of the Official Plan or Secondary Plan, including the following:

- Proposed tall buildings along Eglinton Avenue East resulting in limited park frontage along Eglinton Avenue East;
- At-grade outdoor amenity space/POPS;
- Mid-block pedestrian connections (widths and design); and
- Public Art.

## **Built Form**

From a built form perspective, City Planning staff are of the opinion that the proposed Official Plan Amendment application is inconsistent with the policy direction of the Official Plan or Secondary Plan, including the following:

- Contextually appropriate built form;
- Angular Plane compliance to existing park;
- Mix of building types;
- Setbacks;
- At-grade uses;
- Base building heights;
- Midrise building heights and massing;
- Separation distances between buildings or building components around courtyards;
- Number of tall buildings;
- Tall building tower setbacks;
- Tall building tower separation distances;
- Tall building tower floor plate size;
- Tall building heights;
- Variation in tall building height along Eglinton Avenue East; and
- Shadow impact on streets, parks and open spaces.

## **Mobility**

Although the application proposes several new streets that are generally consistent with the location of new streets identified for this site in the Secondary Plan, the applicant has indicated that many of the proposed streets would be private streets. The level of intensification planned for by the Secondary Plan, in addition to the other matters described in this report, is also premised on a public street, pedestrian and active transportation network being established to support the growth provided for by the Secondary Plan. The Secondary Plan expands the existing transportation network to support the planned growth, including new public streets to create a connected network, which provides direct and clearly understood travel routes for all transportation modes and users.

The application does not include a detailed phasing plan to confirm when the proposed transportation infrastructure would be delivered and fails to identify any additional transportation improvements required as a result of the proposed increase in density for the subject site.

## **Servicing**

The Secondary Plan requires water, sewer and stormwater management improvements to be secured through Plan of Subdivision, and where appropriate, Core Servicing Agreement with various landowners. The application does not include details on the phasing and delivery of municipal servicing infrastructure, which is required to be provided below existing or future public streets. Staff have concerns with the number of proposed private streets and the appropriateness of the proposed servicing for the 11.5-



hectare site predominately on private lands. The applicant is required to provide a detailed phasing plan of the interim and final conditions of the development.

## **Housing**

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

Policy 3.2.1.9 of the Official Plan relates to residential developments on large site, generally greater than 5 hectares in size. These sites provide an opportunity to achieve a mix of housing in terms of types and affordability, and the Policy requires the following:

- a) A minimum of 30 per cent of the new housing units will be in forms other than single detached and semi-detached houses, such as row housing, triplexes and multi-unit residential buildings; and
- b) In accordance with and subject to Section 5.1.1 of the Official Plan where an increase in height and/or density is sought, the first priority community benefit will be the provision of 20 per cent of the additional residential units as affordable housing. This affordable housing contribution may take the form of affordable housing constructed on-site or the conveyance of land in the development to the City for the purpose of affordable housing, or, at the discretion of the City:
  - i) With the agreement of the developer, affordable housing units constructed near the development site or elsewhere in the City;
  - ii) The conveyance of land to the City for the purpose of affordable housing near the proposed development site; or
  - iii) Cash in lieu for the purpose of constructing affordable housing in or near the proposed development site."

The development site is larger than 5 hectares and, as a result, Policy 3.2.1.9 of the Official Plan applies. Official Plan Policy 3.3.1 requires that new neighbourhoods will have a comprehensive planning framework reflecting the Plan's city-wide goals as well as the local context.

The proposal in its current form does not include an affordable housing strategy, and as a result is not meeting the objective of Policy 3.2.1.9 of the Official Plan. An appropriate affordable housing strategy should addresses the following objectives:

1. The inclusion of affordable housing within each phase of the overall development, ensuring that the affordable housing is provided commensurate with the market residential housing; and
2. Providing for 20% of the additional residential units as affordable housing. The affordable housing may include a combination of approaches, such as land and units constructed on site. The affordable housing should also reflect the mix of building types and units on the overall site.

Through the Growing Up Guidelines, the City seeks to secure a minimum of 10 per cent of the proposed units having three or more bedrooms and a critical mass of both two and three-bedroom units. Although the application proposes 10 per cent of all residential units would be three or more bedrooms, the application proposes only 15 per cent of the units would be two bedrooms and indicates that the average unit size of all unit types would be approximately 69 square metres. This does not adequately support the objectives of the Growing Up guidelines, the City's Official Plan housing policies, or the Growth Plan's growth management and housing policies to accommodate within new development a broad range of households, including families with children. The application is also inconsistent with Policy 9.2 b) of the Secondary Plan, which requires a minimum of 25 per cent of the total number of units to have at least two bedrooms.

### **Community Service Facilities**

The Secondary Plan identifies priority community service facility needs based on the existing and future needs of the Plan Area. The existing network of public service facilities serving the broader Golden Mile area was assessed to determine what additional community service facilities, expansions or improvements may be required to serve the density strategy for the Secondary Plan. Conceptual community service facility locations are identified throughout the Plan Area, including on the subject lands. The application does not address the provision of community service facilities to be provided on site and states that there are community services and facilities located within proximity of the subject lands that can be utilized by future residents and employees.

The GMSP Study included a consultant study that assessed the existing community infrastructure in the broader Golden Mile area. There is very little to no existing community infrastructure within the Golden Mile area, with the exception of the Victoria Park Hub, which already provides program service delivery and is already fully utilized by the existing residents. There are no schools, child care centres, community spaces or recreational spaces within the Golden Mile area. There are requirements to ensure that the provision of community service facilities is aligned with the planned growth of the area to meet the needs of residents. As such, the proposal fails to consider such matters.

### **Public Parkland**

The application proposes a large mid-block open space, which would be bisected by the new east-west street. A total of 4,074 square metres (or five (5) per cent of the net site area) would be dedicated for public parkland purposes with the remainder provided as a

POPS. The planning rationale based the premise of this dedication of 5 per cent on legislation that never came into force, notwithstanding the Official Plan requirement and the Parkland Dedication By-law in Chapter 415, Article III. The site is larger than 5 hectares and therefore the required parkland dedication is up to 20 per cent of the site area (excluding any conveyances for right-of-way purposes), depending on the proposed mix of uses.

Through OPA 499, two new mid-block Parks designations were introduced as shown on Attachment 3: Official Plan Land Use Map (OPA 499). The proposed parkland and POPS are consistent with the public realm policies in the Secondary Plan and the Parks designations on Land Use Map 20 of the Official Plan, as amended by OPA 499.

The proposed amendment in its current form is premature absent revisions to include the required parkland dedication. As the planning rationale has confirmed that the proposal intends to provide the full amount of parkland dedication as required by this development, that revision should be made to the application, in line with OPA 499 and the City's Official Plan.

As previously mentioned, a detailed phasing plan is required in order to confirm the feasibility and appropriateness of the proposed development and anticipated timing for the delivery of the public parkland.

### **Issues to be Resolved**

As a preliminary issue, the owner of the subject lands should be required to demonstrate how an appropriate level of infrastructure, including streets, servicing, parks and community service facilities, are or will be available to support an increase in density beyond the density set out in the Secondary Plan, which thoroughly examined strategies to direct and manage anticipated growth and development within the Golden Mile area, and established a density of 3.0 times the site area for the subject lands.

The required infrastructure should be assessed, in a comprehensive manner, to ensure that there is no negative impact on other fundamental density, servicing and infrastructure aspects of the Secondary Plan. These matters are threshold issues as they have impacts on the future development, functionality and liveability within the Plan Area. Coordination with regard to these matters is, in the opinion of staff, important to ensure that the different dimensions of planning allows planning authorities to identify the appropriate approach to long-term planning, and also allows municipalities to identify the most cost-effective options to sustainability accommodating forecasted growth to the horizon of the Growth Plan (2020) as set out in the City's Official Plan to support the achievement of complete communities.

The proposal for the lands at 1900 Eglinton Avenue East, in its current form, does not provide for a development that achieves the objectives of the Official Plan and the Secondary Plan. City Planning staff are of the opinion that the proposed Official Plan Amendment application could be revised to be consistent with the policy direction of the Official Plan and/or Secondary Plan as follows:

- Provide a detailed phasing plan for the interim and final build-out of the site;

- Provide additional non-residential uses (other than retail uses);
- Provide new public streets at the recommended right-of-way widths;
- Provide the required pedestrian and cycling connections;
- Provide the required public parkland dedication;
- Revise the built form and massing;
- Reduce the gross FSI of the site;
- Provide the required affordable housing in accordance with Policy 3.2.1.9 of the Official Plan regarding sites greater than five (5) hectares; and
- Provide a minimum of one community facility on site.

## Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), and the Toronto Official Plan, including OPA 499 and the Golden Mile Secondary Plan. Staff are of the opinion that the proposal is not consistent with the PPS and does not conform to and conflicts with the Growth Plan (2020). Further, the proposal is not in keeping with the intent of the Toronto Official Plan and OPA 499, particularly as it relates to Public Realm, Built Form, Housing, Community Services and Facilities, Parks and Open Spaces, Neighbourhoods and Implementation policies. In addition, the following staff and community concerns remain outstanding: density, built form and massing, range of building types, transition in scale, unit mix (including affordable housing), infrastructure and community services and facilities, and lack of office uses or other non-residential uses.

Staff are of the opinion that the application should be revised to provide an appropriate public realm plan, an acceptable open space/parks strategy, and reallocation of density across the site, provide office uses or other non-residential uses, and provide further details about the affordable housing strategy. The proposed Official Plan Amendment has not demonstrated how it would support the achievement of adequate infrastructure and community service facilities to meet current and/or projected needs. However resolving the concerns outlined in this report could result in an OPA of an acceptable form and content to properly manage change and plan for the future of this site without a negative impact on the broader Golden Mile area or the Secondary Plan.

However, City Planning staff note that the current application should not be considered in isolation due consideration also being given to all development proposals currently being advanced within the larger Golden Mile area. Many of these applications also seek greater building heights and densities than are currently provided for through OPA 499. To that end, many of these landowners, in addition to the owner of the subject lands, have now appealed both OPA 499 and their own Official Plan Amendment applications currently before the City to LPAT. These proposals collectively seek increased shares of otherwise finite development potential (in terms of residential units and density permissions) within the Golden Mile as envisioned by OPA 499. Many proposals also seek greater building heights and modified associated policies relating to built form (among other policy issues).

City Planning staff conclude that it would not be an efficient or appropriate use of City, applicant or LPAT resources to proceed with hearing this individual site-specific development application appeal without first addressing in a comprehensive manner

and as a preliminary issue, the issues associated with the new overall density and height permissions, built form policies, required transportation and servicing infrastructure, community service facility needs, and requirements to achieve a complete community within the entire Plan Area.

Staff recommend that City Council direct staff to oppose the application in its current form. Staff also recommend that City Council direct City staff to continue to negotiate with the applicant to try to resolve the outstanding issues detailed in this report in the context of the Council-approved OPA 499 regarding the Golden Mile.

Staff also recommend that City Council direct the City Solicitor to request the owner of the subject lands address as preliminary issues related to infrastructure required to support the anticipated growth in the overall context of the Plan Area, including streets, servicing, parks, and community service facilities are assessed comprehensively, including coordination with other Golden Mile landowners.

## **CONTACT**

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## **SIGNATURE**

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

## **ATTACHMENTS**

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### **City of Toronto Drawings**

Attachment 1: Location Map

Attachment 2: Official Plan Land Use Map (Pre-OPA 499)

Attachment 3: Official Plan Land Use Map (OPA 499)

### **Applicant Submitted Drawings**

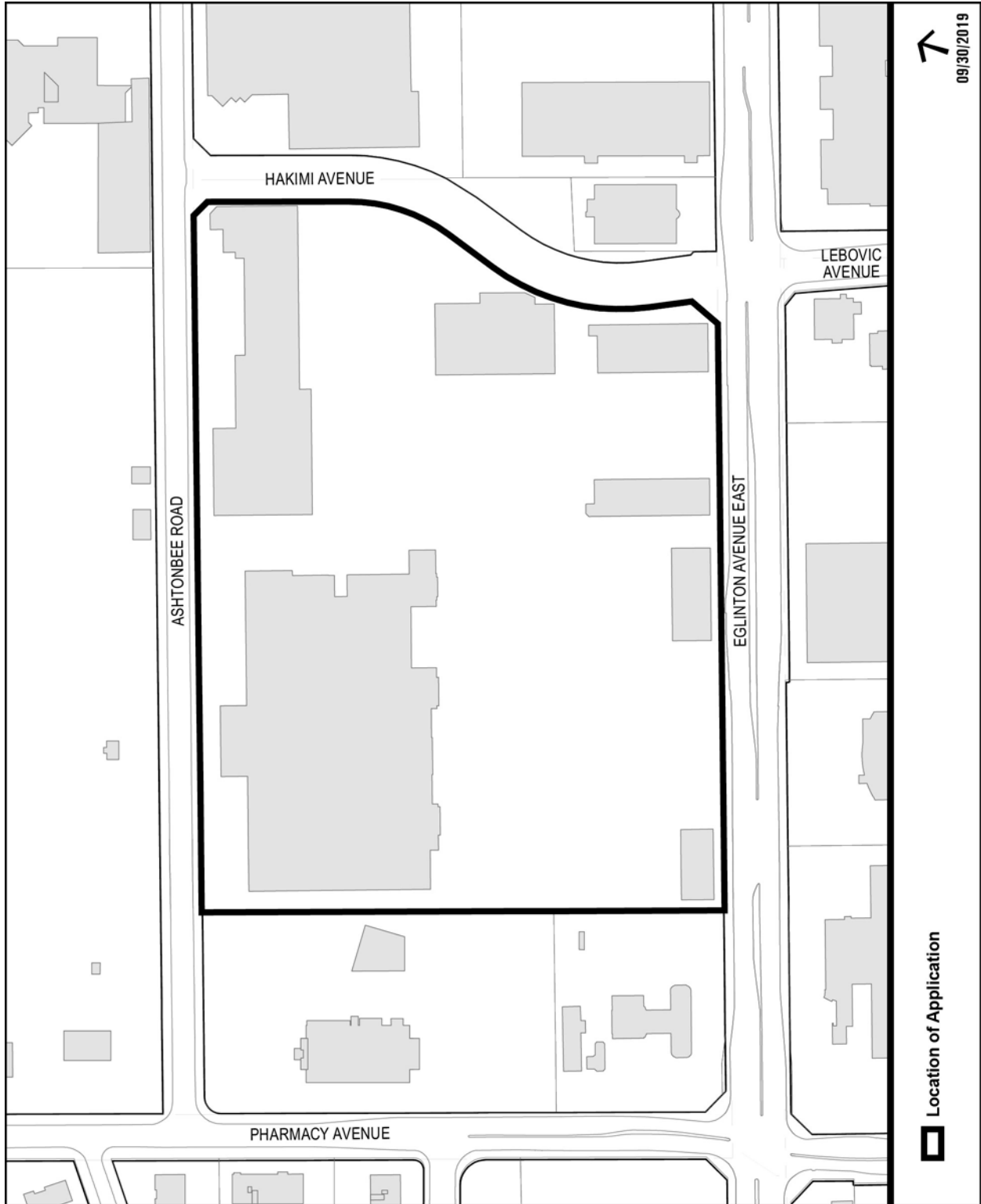
Attachment 4: Site Plan

Attachment 5: Conceptual 3D Massing (view looking northwest)

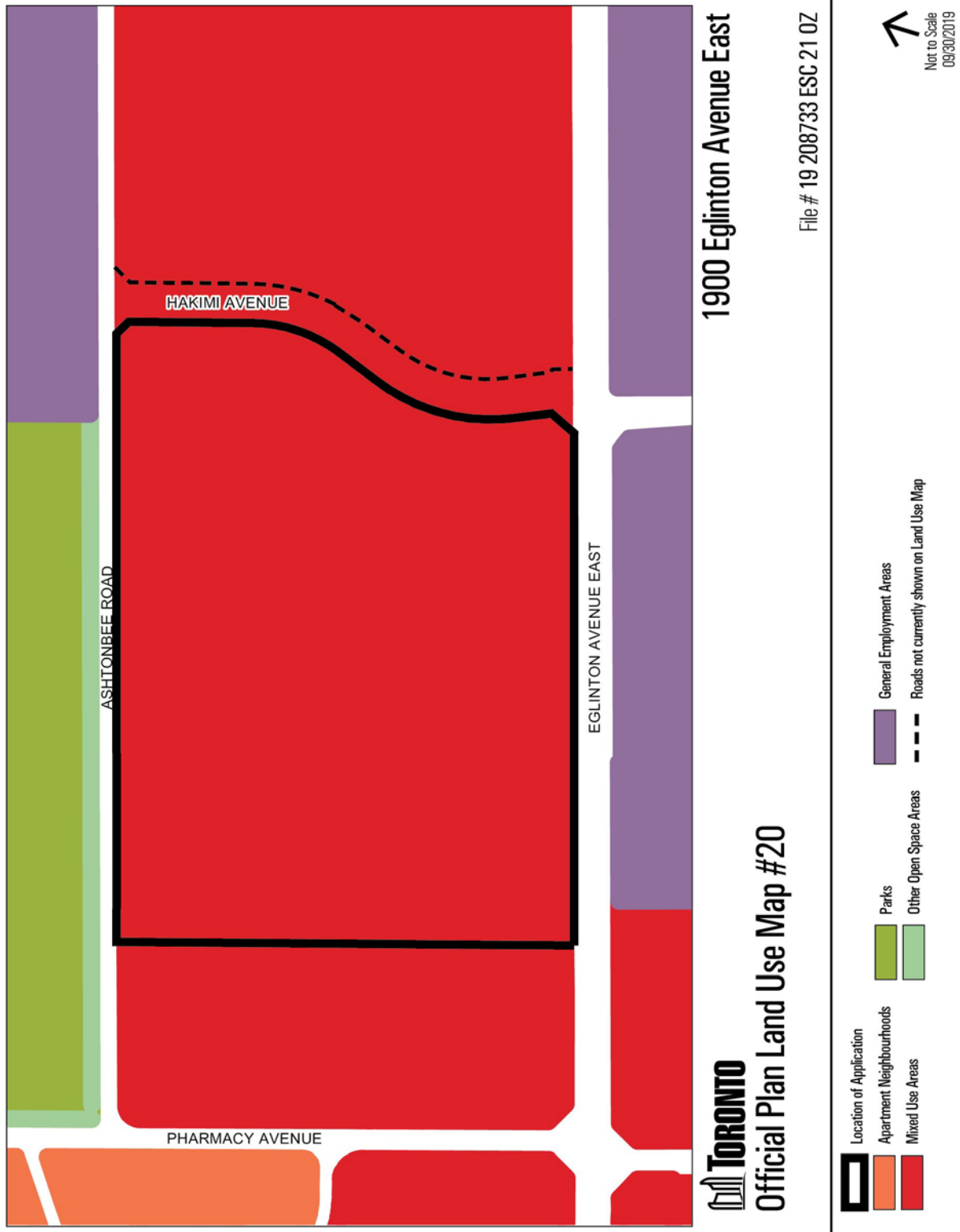
Attachment 6: Conceptual 3D Massing (view looking southeast)

Attachment 7: Applicant's Proposed Draft Official Plan Amendment

# Attachment 1: Location Map



# Attachment 2: Official Plan Land Use Map (Pre-OPA 499)



# Attachment 3: Official Plan Land Use Map (OPA 499)



**Toronto**  
**Golden Mile Secondary Plan**

**Toronto**  
**Official Plan Amendment # 499**

File # 19 208733 ESC 21 0Z

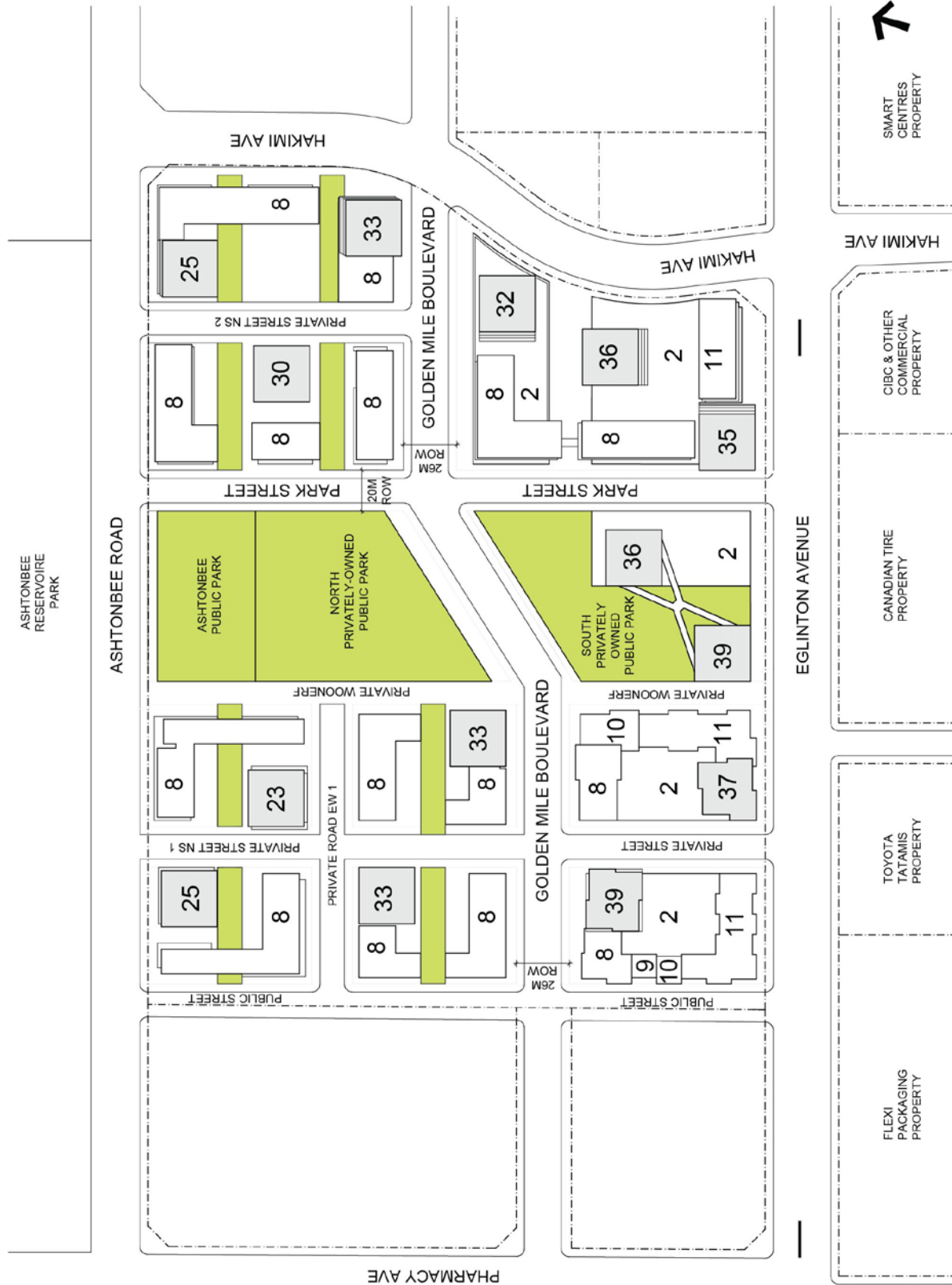
Revisions to Land Use Map 20 to Redesignate lands from Apartment Neighbourhoods and Mixed Use Areas to Parks

	Location of Application		General Employment Areas
	Neighbourhoods		Core Employment Areas
	Apartment Neighbourhoods		Utility Corridors
	Mixed Use Areas		Natural Areas
			Parks
			Parks & Open-Space Areas

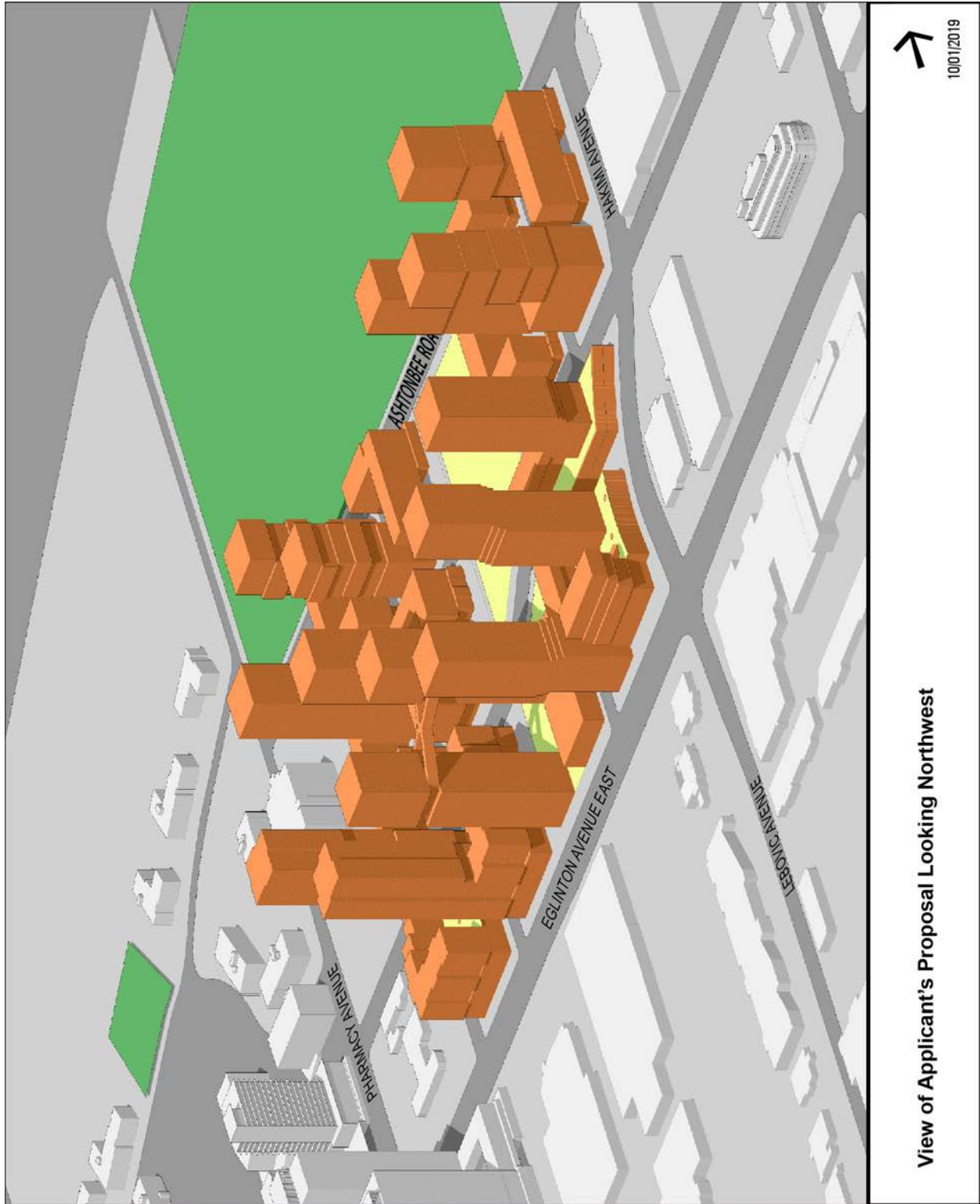
Not to Scale  
 05/29/2020



# Attachment 4: Site Plan

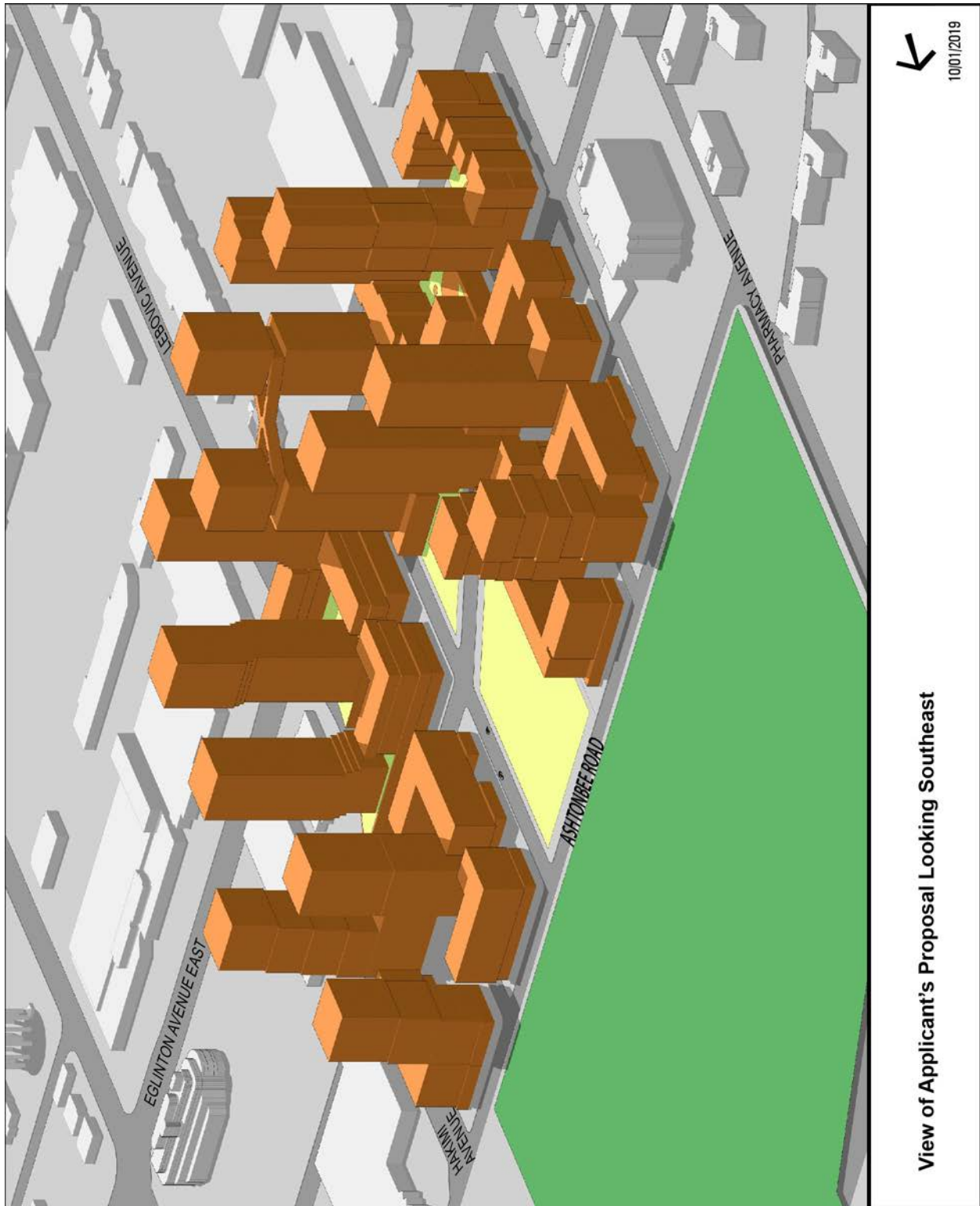


**Attachment 5: Conceptual 3D Massing (view looking northwest)**



**View of Applicant's Proposal Looking Northwest**

**Attachment 6: Conceptual 3D Massing (view looking southeast)**



## Attachment 7: Applicant's Proposed Draft Official Plan Amendment

Authority: Scarborough Community Council Item \_\_\_\_\_

**CITY OF TORONTO  
BY-LAW No. \_\_\_-2019**

**To adopt Amendment No. XXX to the Official Plan of the City of Toronto with respect to  
the lands municipally known as 1900 Eglinton Avenue East in the year 2019**

WHEREAS authority is given to Council by Section 17 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, to pass this By-law; and

WHEREAS the Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

1. The text and map attached to Amendment No. XXX is hereby adopted as an amendment to the Official Plan for the City of Toronto.

ENACTED AND PASSED this \_\_ day of \_\_\_\_\_, A.D. 2019.

JOHN TORY  
Mayor  
(Corporate Seal)

ULLI S. WATKISS,  
City Clerk

**AMENDMENT NO. XXX  
TO THE OFFICIAL PLAN OF THE CITY OF TORONTO**

The following text and map constitute Amendment No. XXX to the City of Toronto Official Plan.

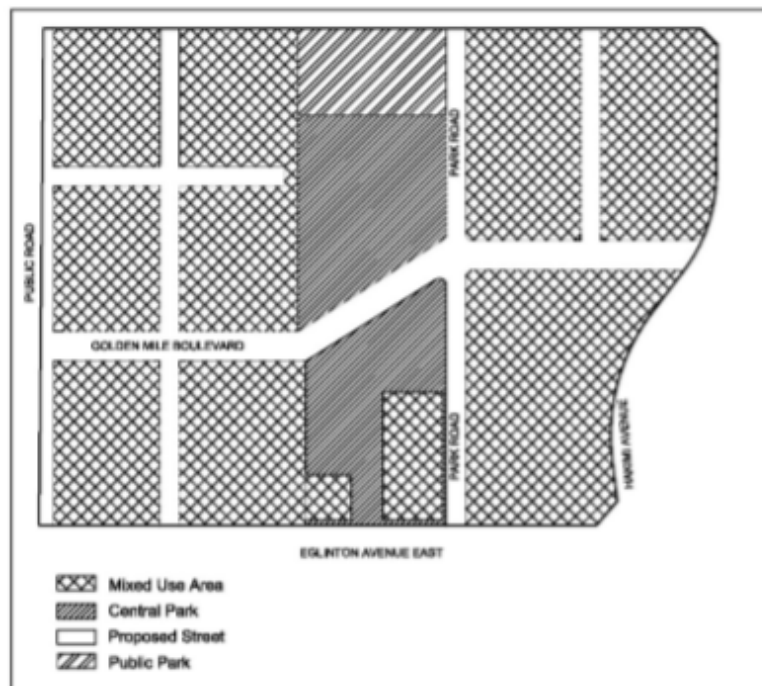
1. The Official Plan of the City of Toronto is amended as follows:

(a) Chapter 7, City of Toronto Official Plan, Site and Area Specific Policies, is amended by adding the following subsection to Section 7, Site and Area Specific Policies:

“7.##

(a) On lands known as 1900 Eglinton Avenue East, development shall be permitted for a mixed use development containing residential, commercial, park, and open space uses as shown on Figure 1 below to a maximum density of 4.3 Floor Space Index. The maximum permitted height for the commercial and residential buildings shall be 40 storeys.

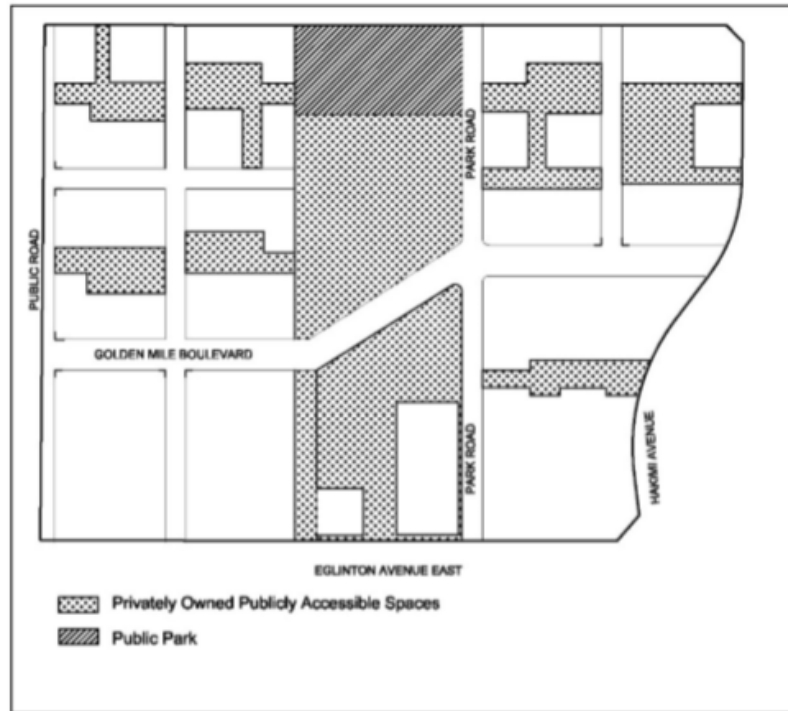
**Figure 1**



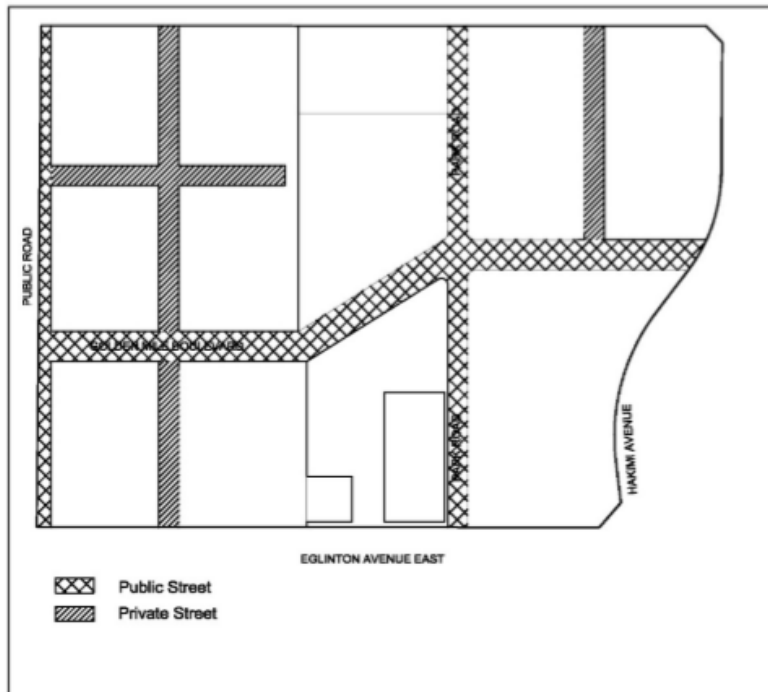
(b) Common shared amenity space that is privately owned but accessible to the public shall generally be provided by a series of courtyards throughout the proposed mixed use development as generally identified on the below Figure 2. These spaces may contain hard and soft landscaping and seating areas and the design of

these spaces, including the size and specific location, will be defined at the Zoning By-law Amendment application stage.

**Figure 2**



- (c) A series of public and private streets as illustrated in Figure 3 shall be utilized to achieve a fine urban grain and walkable community within the proposed mixed use development. Private streets shall be designed to meet Development Infrastructure Policy & Standards (DIPS) or more current standards to ensure public accessibility throughout the Master Plan.

**Figure 3**

- (d) Any proposed redevelopment shall recognize existing operations by establishing a phasing plan that ensures built form, infrastructure and recreational areas are planned to achieve growth coordination with the build-out of the Golden Mile. A phasing approach shall be established through an implementing Zoning By-law for the lands.