

36-44 Eglinton Avenue West – Official Plan Amendment Application – Refusal Report

Date: December 2, 2021

To: North York Community Council

From: Director, Community Planning, North York District

Ward 8 - Eglinton-Lawrence

Planning Application Number: 21 233896 NNY 08 OZ

SUMMARY

A stand-alone Official Plan Amendment (OPA) application has been submitted as part of the development proposal for 36-44 Eglinton Avenue West. This application relates to Zoning By-law Amendment Application Nos. 20 165466 NNY 08 OZ and 21 101581 NNY 08 OZ, which were refused by City Council in October 2020 and March 2021, respectively, and has since been appealed to the Ontario Land Tribunal (OLT).

Those applications sought to permit a 65-storey (220 metre) mixed-use building, comprised of a 5-storey base building and 60-storey tower above. The proposal contains a total of 663 dwelling units and 550 square metres of retail and office space. The total gross floor area would be 45,112 square metres resulting in a density of 32.27 times the lot area. The overall development proposal remains unchanged. Further details are found in the Decision History section of the report.

This application proposes to amend the City's Official Plan to exempt the subject site from the requirement in the Yonge-Eglinton Secondary Plan to replace the existing office gross floor area (Policy 2.5.4). The proposed OPA states:

"New development shall not be required to replace the existing office gross floor area on the site. In addition, this Site and Area Specific Policy will prevail over any Secondary Plan policy to the contrary."

The Zoning By-law amendment application proposes a total of 303.9 square metres of office space. There is currently a 7-storey building on the site with approximately 6,570 square metres of existing office space.

Staff are recommending refusal of the application to amend the City's Official Plan. The proposed OPA is not consistent with the Provincial Policy Statement (2020), does not conform with the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), and does not conform to the City's Official Plan and the Yonge-Eglinton Secondary Plan.

The Yonge-Eglinton Secondary Plan (Policy 2.5.4), as approved by the Minister of Municipal Affairs and Housing as a Minister's modification on June 5, 2019, requires the replacement of 100 percent of the existing office gross floor area on the site within a *Mixed Use Areas 'A'* designation. This Minister approved policy aligns with provincial policy.

Both the PPS (2020) and the Growth Plan (2020) direct the City to accommodate an appropriate affordable and market-based range of employment (including industrial and commercial) to meet long-term needs and promote opportunities for economic development and community investment readiness.

Therefore, for the reasons outlined in this report, it is recommended that the OPA application be refused.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the application for Official Plan Amendment for the lands at 36-44 Eglinton Avenue West for the reasons outlined in the report dated December 2, 2021 from the Director, Community Planning, North York District
2. City Council authorize the City Solicitor, together with appropriate staff, to appear before the Ontario Land Tribunal (OLT) in support of City Council's decision to refuse the application, in the event that the OPA application is appealed to the Ontario Land Tribunal.
3. In the event that the Ontario Land Tribunal allows the appeals in whole or in part, City Council direct the City Solicitor to request that the Tribunal withhold its Order until such time as the Tribunal has been advised by the City Solicitor that the proposed Official Plan Amendment is in a form satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor.

FINANCIAL IMPACT

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

DECISION HISTORY

A previous Zoning By-law Amendment application was submitted at 36-44 Eglinton Avenue West on June 10, 2009 that initially sought permission for a 53-storey tower with 458 residential units (File No. 09 148228 NNY 16 OZ).

On November 10, 2009, North York Community Council received a Preliminary Report on the application. The Preliminary Report is available at:

<http://www.toronto.ca/legdocs/mmis/2009/ny/bgrd/backgroundfile-24348.pdf>

A revised proposal was submitted on May 5, 2011 seeking permission for a 48-storey tower with 396 residential units. This proposal was appealed by the owner to the Ontario Municipal Board on May 30, 2011, due to Council's failure to make a decision on the application.

On October 4, 2011, North York Community Council received a Request for Direction Report on the application, which was adopted by City Council on October 24 and 25, 2011. The Request for Direction Report is available at:

<https://www.toronto.ca/legdocs/mmis/2011/ny/bgrd/backgroundfile-41019.pdf>

An Ontario Municipal Board hearing on the 48-storey proposal commenced on April 16, 2012. At the direction of the Board, it was found that a residential tower of approximately 118 metres of total height would protect for appropriate sunlight on Eglinton Park and the *Neighbourhoods* designated lands to the northwest of the property. A 39-storey (122.55 metre, including mechanical penthouse) mixed-use building was approved for the site by the Ontario Municipal Board through By-law 1117-2013 which may be found here:

<https://www.toronto.ca/legdocs/bylaws/2013/law1117.pdf>.

By-law 1117-2013, among other matters, approved a total of 320 dwelling units, with a minimum requirement of 20% of the units being two-bedroom units and 338 square metres of non-residential gross floor area. An application for Site Plan Control was never filed and the 39-storey tower was not constructed.

Midtown in Focus was an inter-divisional response to the rapid intensification and change underway in parts of the Yonge-Eglinton area. City Council adopted Official Plan Amendment 405 and a series of infrastructure strategies and plans in July 2018. OPA 405 included a new Secondary Plan for the area. The Final Report for Midtown in Focus can be found here:

<https://www.toronto.ca/legdocs/mmis/2018/pg/bgrd/backgroundfile-116456.pdf>

Council adopted OPA 405 was submitted to the Province for approval in August 2018. It was approved with modifications by the Minister of Municipal Affairs and Housing on June 5, 2019. The Minister approved Secondary Plan can be found here:

https://www.toronto.ca/wp-content/uploads/2019/07/96a5-CityPlanning_OPA405.pdf

A Zoning By-law Amendment Application for the current 65-storey proposal (File No. 20 165466 NNY 08 OZ) was submitted to City Planning on July 9, 2020 and was deemed complete as of July 13, 2020. On October 7, 2020, North York Community Council received a Refusal Report on the application dated September 18, 2020, which was adopted by City Council on October 27, 28 and 30, 2020.

The applicant did not appeal Council's decision to refuse the application to the OLT within 20 days of the Notice of Decision being issued, nor were any other appeals received on the previous application. Zoning By-law Amendment Application No. 21 101581 NNY 08 OZ was subsequently submitted to the City on January 12, 2021 and remained unchanged from Application No. 20 165466 NNY 08 OZ.

North York Community Council received a Refusal Report on the application dated February 4, 2021, which was adopted by City Council on April 10, 2021. The Refusal Report is available at:

<https://www.toronto.ca/legdocs/mmis/2021/ny/bgrd/backgroundfile-164035.pdf>

Council's decision was subsequently appealed to the OLT on March 17, 2021. A 15-day hearing is scheduled to commence on September 13, 2022.

ISSUE BACKGROUND

Proposal

The proposed OPA application seeks to introduce a Site and Area Specific Policy (SASP) which would exempt the subject site from the requirement to replace the existing office gross floor area on the site. The site is located in the *Mixed Use Areas "A"* designation of the Secondary Plan.

The proposed SASP would have the effect of exempting the site from the office replacement requirement in Policy 2.5.4 of the Secondary Plan which requires 100 percent replacement of any existing office gross floor area on the site for tall building proposals.

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

Subject Site

The site is located at the northeast corner of the intersection of Eglinton Avenue West and Duplex Avenue. The site has 40 metres of frontage on Eglinton Avenue West, a depth of 35 metres and an area of 1,404 square metres. There is currently an existing 7-storey commercial building, constructed in 1957, which contains office and retail uses. The existing building has a gross floor area of 7,332 square metres (of which 6,570 square metres is being used as office space), resulting in a density of 5.22 times the area of the lot.

Site servicing and vehicular access to the site is taken from Duplex Avenue. A total of 54 parking spaces exist on site, of which 46 are provided in a below-grade parking structure. The building was refurbished in 1988 with reflective glass cladding. The existing building is proposed to be demolished.

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

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

The Provincial Policy Statement (2020) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- the efficient use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- Protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

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

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

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

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

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2020) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

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

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

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

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

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

City of Toronto Official Plan

The subject lands are designated *Mixed Use Areas* on Map 17 of the Official Plan (see Attachment 2). The subject lands are also located at the western boundary of the Yonge-Eglinton Centre and Yonge-Eglinton Urban Growth Centre.

In Section 2.2, Structuring Growth, the Official Plan states that Growth will be directed to the Centres, Avenues, Employment Areas and the Downtown as shown on Map 2 in order to: a) use municipal land, infrastructure and services efficiently; b) concentrate jobs and people in areas well served by surface transit and higher-order transit stations.

In Section 2.2.2. Centres, the Official Plan states that "The potential of the *Centres* to support various levels of both commercial office job growth and residential growth outside of the *Downtown* is important. This Plan encourages creating concentrations of workers and residents at these locations, resulting in significant centres of economic activity accessible by transit." The Official Plan continues to state that "These Secondary Plans will outline a growth strategy, show how transportation and other local amenities can be improved, specify variations in the mix of land uses and intensity of activities within each of the Centres and knit each Centre into the surrounding fabric of the City."

Policy 2.2.2.2 directs that each Centre will have a Secondary Plan that will: b) set out local goals and a development framework consistent with this Plan; c) establish policies for managing change and creating vibrant transit-based mixed use Centres tailored to the individual circumstances of each location, taking into account the Centre's relationship to Downtown and the rest of the City; d) create a positive climate for economic growth and commercial office development; j) set out the location, mix and intensity of land uses within the Centre.

Mixed Use Areas will absorb most of the anticipated increase in retail, office and service employment in Toronto in the coming decades, as well as much of the new housing.

Section 4.5.1 of the Official Plan states that *Mixed Use Areas* are made up of a broad range of commercial, residential and institutional uses in single use or mixed use buildings. Section 4.5.2(b) of the Official Plan states that development within *Mixed Use Areas* should provide for new jobs and homes for Toronto's growing population on underutilized lands in the Centres, creating and sustaining well-paid, stable, safe and fulfilling employment opportunities for all Torontonians.

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

Yonge-Eglinton Secondary Plan

The site is within the Yonge-Eglinton Secondary Plan Area (see Attachment 3). More particularly, the site is in a Midtown Core and the Yonge-Eglinton Crossroads Character Area.

The subject site is designated *Mixed Use Areas "A"* per Map 21-4 of the Plan. *Mixed Use Areas "A"* are Midtown's premier locations for intensification, including residential, major office and other employment uses. A broad mix of residential, retail and service, office, institutional, entertainment and cultural uses are desired and permitted. Policy 2.5.4 of the Secondary Plan states that tall buildings and large redevelopment sites capable of accommodating multiple buildings in a *Mixed Use Areas "A"* designation will provide 100 per cent replacement of any existing office gross floor area located on the site.

The Yonge-Eglinton Secondary Plan sets out a long-term vision for Midtown that emphasizes the importance of complete communities and the diversity of Midtown's character areas. The Midtown Cores are vibrant mixed-use areas centred around Midtown's transit stations. The Cores will continue to function as mixed-use nodes, including office, institutional, residential and cultural uses.

The outcome of staff analysis and review of the relevant Official Plan policies and designations and the Yonge-Eglinton Secondary Plan is summarized in the Comments section of the Report.

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

Official Plan Amendment 231

Official Plan Amendment 231 (OPA 231) was adopted by Council in December 2013, approved by the Minister of Municipal Affairs and Housing in July 2014 and portions of the amendment are under appeal at the OLT.

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

OPA 231 also supports the nurturing and expansion of Toronto's economy to provide for the future employment needs of Torontonians and the fiscal health of the City by contributing to a broad range of stable full-time employment opportunities for all Torontonians. OPA 231 policies in effect ensure a multi-faceted approach to economic development in Toronto will be pursued that stimulates transit-oriented office growth in

the Centres and within walking distance of existing and approved subways (3.5.1.2 a). These policies also set out a framework for balanced growth of jobs and housing across the City to:

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

Reasons for Application

An OPA has been applied for to exempt the subject site from the requirement in the Yonge-Eglinton Secondary Plan to replace the existing office gross floor area, as detailed in Policy 2.5.4 of the Secondary Plan.

Application Submission

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

- Architectural Plans
- Cover Letter
- Draft Official Plan Amendment
- Geotechnical Study
- Hydrogeological Report
- Planning Rationale
- Project Data Sheet
- Public Consultation Strategy Report
- Servicing Report
- Stormwater Management Report; and
- Transportation Impact Study.

The OPA application was deemed complete as of November 3, 2021. Supporting documentation can be viewed at the City's Application Information Centre:

<http://app.toronto.ca/AIC/index.do>

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.

Community Consultation

As the overall development application remains unchanged (including the amount of office space proposed) from the previous Zoning By-law Amendment, no further community consultation meetings were held on the current OPA application to avoid confusing the public.

A previous virtual community consultation meeting was held by City Planning on September 16, 2020 and approximately 41 members of the public attended along with the applicant and their team and the Ward Councillor. At the meeting, concerns regarding the minimal amount of office replacement being proposed were raised.

COMMENTS

Provincial Policy Statement and Provincial Plans

Staff have determined that the proposed OPA is not consistent with the PPS (2020) and does not conform to the Growth Plan (2020) for reasons generally outlined below.

Provincial Policy Statement (2020)

The PPS provides for a coordinated and integrated approach to planning matters within municipalities.

Policy 1.1.1 b) of the PPS refers to accommodating an appropriate affordable and market-based range of employment (including industrial and commercial) to meet long-term needs.

Policies 1.3.1 a) and b) of the PPS require planning authorities to promote economic development and competitiveness by: providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs; and 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.

Policy 1.7.1 of the PPS includes a number of policy objectives to support the long term economic prosperity of communities and the Province such as promoting opportunities for economic development and community investment readiness.

Policy 4.6 of the PPS states that the Official Plan is the most important vehicle for implementation of the PPS.

Working within the framework of the PPS, this official plan review of the Yonge-Eglinton Centre and broader planning area was undertaken through Midtown in Focus, which ultimately resulted in ministerial approval of the Yonge-Eglinton Secondary Plan (OPA 405) on June 5, 2019.

Pursuant to the *Planning Act*, in approving the Yonge-Eglinton Secondary Plan, with modifications, the Minister's decision to approve the Plan and associated policies conforms to the Growth Plan, is consistent with Provincial Policy Statement and has regard for matters of provincial interest under Section 2 of the *Planning Act*.

Policy 2.5.4 of the Secondary Plan, which requires 100 percent office replacement of any existing office gross floor area located on the site, was approved by the Minister, as

modified. The office replacement policies of the Secondary Plan are intended to provide opportunities for a diversified economic base by ensuring lands are identified to support a wide range of activities and uses, as well as requiring the replacement of existing office uses.

It is of note that the policies for office replacement in a *Mixed Use Areas "A"* designation were only modified by the Minister to remove the requirement for tall buildings to provide the greater of 100 percent replacement of office or 25 per cent of the total gross floor area for office, institutional and/or cultural uses. The requirement for tall building sites to provide 100 percent replacement of office was not removed by the Province.

The applicant's proposed OPA to not require 100 percent replacement of the existing office gross floor area located on the site is not appropriate. The proposed OPA is not consistent with the Provincial Policy Statement (2020) and does not conform to the policy direction relating to office replacement that is set out in the Official Plan and Minister-approved Secondary Plan.

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

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

Staff have determined that the proposed OPA does not conform with the Growth Plan (2020). The Growth Plan sets out objectives to support economic development through ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth.

The site is located in the Yonge-Eglinton Urban Growth Centre, which is also a Strategic Growth Area in the Growth Plan. The Growth Plan directs that Urban Growth Centres will be planned: a) as focal areas for investment in regional public service facilities, as well as commercial, recreational, cultural, and entertainment uses; b) to accommodate and support the transit network at the regional scale and provide connection points for inter- and intra-regional transit; c) to serve as high-density major employment centres that will attract provincially, nationally, or internationally significant employment uses; and d) to accommodate significant population and employment growth.

In the opinion of staff, removal of existing major office within an urban growth centre, without replacement is contrary to the direction for the planning of Urban Growth Centres. Major office, as referenced in the Growth Plan, is defined as freestanding office buildings of approximately 4,000 square metres of floor space or greater, or with approximately 200 jobs or more. The current 7-storey building on the site contains approximately 6,570 square metres of office space and would thus meet the Growth Plan definition of major office.

Policy 2.2.5.2 directs major office uses to urban growth centres, major transit station areas or other strategic growth areas with existing or planned frequent transit service.

Policy 2.2.5.3 directs retail and office uses to locations that support active transportation and have existing or planned transit.

These provincial policy directions are implemented through the office replacement policies of the Official Plan in the Yonge-Eglinton Secondary Plan and OPA 231. The proposed OPA is not consistent with the PPS (2020) and does not conform to the Growth Plan (2020).

City of Toronto Official Plan and Yonge-Eglinton Secondary Plan

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

Vision and Goals of the Secondary Plan

Section 1.1 of the Secondary Plan sets out a vision for Midtown Toronto and provides that there will be a balance of both residential and non-residential growth to support a strong economy and vibrant live-work neighbourhoods. Midtown will continue to thrive as a place where people of all ages, incomes and abilities can live, work, learn, play and connect with one another.

Section 1.2 of the Secondary Plan provides for Goals of the Secondary Plan. In addition to the general policy direction of the Official Plan for Centres outlined in this report,

Policy 1.2.1(d) states that:

"The following goals will guide public works and development in the Secondary Plan area: Prosperous: Midtown's offices, health and social services and institutions clustered close to the area's transit stations are conveniently accessed by a large segment of Torontonians. Midtown will continue to prosper by maintaining and expanding major offices, retail and community service facilities. Fostering a mix of office spaces and creating new, adaptable incubator and community spaces will be essential to supporting a prosperous local economy, fostering innovation and broadening opportunities for stable employment."

In support of transit use, developing a complete community that is connected, green and resilient, a key goal is prosperity of the plan area based on its past, present and future. To ensure Midtown's prosperity, the Plan's goals contemplate maintaining and expanding major offices and fostering a mix of office spaces and creating new stable employment opportunities.

By reducing the amount of office space on the subject site, the proposed OPA to eliminate the requirement for office replacement would run contrary to the vision and goals of the Yonge-Eglinton Secondary Plan.

Land Use

The lands are designated as *Mixed Use Areas* in the Official Plan. It is intended that *Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service employment in Toronto in the coming decades. Section 4.5 of the Official Plan directs that development within *Mixed Use Areas* will create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community.

The subject site is designated *Mixed Use Areas "A"* and is located within the Yonge-Eglinton Crossroads Core Character Area in the Yonge-Eglinton Secondary Plan. *Mixed Use Areas "A"* are Midtown's premier locations for intensification, including residential, major office and other employment uses. A broad mix of residential, retail and service, office, institutional, entertainment and cultural uses are desired and permitted.

Section 1.3.5(a) (Character Areas) of the Yonge-Eglinton Secondary Plan states the following with respect to the Yonge-Eglinton Crossroads Core Character Area:

"The Yonge-Eglinton Crossroads Character Area is the centre of activity in Midtown with office, retail and high-rise residential development. A cluster of landmark tall buildings that are distinctive in form and detail when viewed close-up and from a distance will mark this prominent Toronto intersection. Destination retail and major office buildings will continue to shape the character of the area, while signature public squares at each corner will frame and enable activity around the Yonge-Eglinton intersection. Building heights will peak at the Crossroads with a gradual transition down in building heights in all directions;"

Office uses figure prominently in the *Mixed Use Areas "A"* designation and in the Yonge-Eglinton Crossroads Core Character Area and are not only permitted, but desired in this location. It is of note that the requirement for 100 percent replacement of office uses only applies in *Mixed Use Areas "A"* and *Mixed Use Areas "B"* designations in the Secondary Plan.

The site is located at the western boundary within the Yonge-Eglinton (Urban Growth Centre). The Centre will function as a major centre of economic activity with a concentration of existing and new office uses and other value-added employment sectors along Yonge Street and Eglinton Avenue.

The site is also located in the Station Area Core zone, which includes the transit station(s), residential intensification, a concentration of office uses and collectively greater intensity than in the Secondary Zones.

An OPA to eliminate the requirement for office replacement would run contrary to the policy intent and direction of the Yonge-Eglinton Secondary Plan, which anticipates that the *Mixed Use Areas "A"* designation will be Midtown's premier location for intensification, including residential and major office and other employment uses. As such, the proposed OPA is not consistent with the policy direction of the *Mixed Use Areas "A"* designation.

Background of Office Replacement in the Secondary Plan

The Final Report for Midtown in Focus (May 24, 2018) provided in-depth analysis of how the proposed office space policies for the Yonge-Eglinton Secondary Plan were consistent and conformed with provincial policies and the City's Official Plan, while also accounting for the concerns raised through consultation with the community. The report noted that the development of new office space was lagging behind residential growth and on many sites with existing office buildings, rebuilt space does not represent a net gain. A major community concern being that Yonge-Eglinton is becoming a bedroom community for Downtown instead of a work-live Centre, given the predominance of residential uses in recent and approved development.

The Yonge-Eglinton Centre, where the subject site is located, previously accommodated more jobs than residents. As a result of recently approved development, the report estimated that there are fewer than 35 jobs per 65 residents, indicating an imbalance in land uses. Minimal growth in office or institutional uses had occurred to date.

Growing Midtown's employment base was a central principle of the Yonge Eglinton Secondary Plan and a key provincial policy direction. Midtown hosts an important cluster of office uses drawing on a workforce from across the city and region given its location and transit access. The finite availability of land to retain and expand office and other employment-generating uses continues to be at risk of being lost to predominantly residential development.

The policy directions relating to office space in the Secondary Plan addressed the directions contained within provincial policy by directing retail and office uses to locations that support active transportation and have existing or planned transit. The Secondary Plan supports financial well-being and economic growth by clustering office, entrepreneurial spaces, health and social services and major institutions close to transit stations.

Policy 2.5.4 of Yonge-Eglinton Secondary Plan states that:

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

The intent of this policy is to ensure that Midtown remains the major employment centre and community service destination intended by the Official Plan and Growth Plan. Requiring the replacement of existing office uses supports the adequate provision of employment opportunities, while also supporting community services.

It is staff's opinion that Policy 2.5.4 which requires tall buildings to provide 100 percent replacement of any existing office gross floor area is consistent, and aligns with provincial direction with respect to providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs.

Proposed OPA

The associated development application proposes a total of 303.9 square metres of office space located on a mezzanine level above a portion of the ground level retail space. There is currently a 7-storey building on the site with approximately 6,570 square metres of office space. While further review of these figures is required to confirm the amount of office replacement being proposed, using the applicant's figures, the proposal provides for approximately 4.6 per cent replacement of what exists on the site today, whereas the Minister-approved policy requires 100 per cent replacement.

The OPA application proposes a new Site and Area Specific Policy (SASP) to exempt the lands at 36-44 Eglinton Avenue West from replacing the existing office gross floor area on the site. The applicant's planning rationale submitted with the OPA application states:

"Policy 2.5.4 is fundamentally flawed. It is an unnecessary and unwarranted policy intervention into the residential and office development markets."

Planning Staff strongly disagree with this statement. Under the Growth Plan, the existing office building and gross floor area of 6,570 square metres is considered "major office". Policy 2.2.5.2 of the Growth Plan specifically directs that major office be directed to Urban Growth Centres and such office uses in both the Yonge-Eglinton Secondary Plan and the Growth Plan are important contributors to the Urban Growth Centre.

It is understood that as part of Site Specific By-law 1117-2013, which pre-dates OPA 231, the Yonge-Eglinton Secondary Plan and the Growth Plan (2020), the minimum required office space, at that time, was reduced to 338 square metres. However, that approval predates the current policy framework. The current policies that apply to the subject application, including the Yonge-Eglinton Secondary Plan, require the replacement of 100 percent of the existing office gross floor area on the site, which supports provincial objectives of making urban growth centres areas of high density major employment centres.

The importance of major office and the replacement of office space in the Yonge-Eglinton Centre as a policy direction has been recognized by the Minister of Municipal Affairs and Housing, as the portion of Policy 2.5.4 requiring 100 percent replacement of any existing office gross floor area was maintained in the Secondary Plan that was approved by the Province.

Policy 2.5.4 does not represent an intervention into the residential and office development markets, but rather is intended to provide for an appropriate mix and range of employment to meet long-term needs, improve accessibility to office space for residents living at Yonge-Eglinton and to promote opportunities for economic development and community investment in appropriate locations. The proposed redevelopment and associated OPA will reduce the amount of office area available in the Yonge-Eglinton Secondary Plan Area and further limit the amount of affordable and market-based range of employment space to meet long-term needs and does not take into account the needs of existing and future businesses. Allowing an exemption from the office replacement requirements of Policy 2.5.4 could set a precedent that would

undermine the intent of the Secondary Plan and the ability to secure office where it is needed.

It is noted that Policy 2.5.5 of the Yonge-Eglinton Secondary Plan provides for greater flexibility in ensuring that all or a portion of the existing office gross floor area may be replaced on a different site within the Secondary Plan area. On-site replacement is not the only option under the Secondary Plan. This policy emphasizes the objective of ensuring that office gross floor area is not lost in Midtown and instead supports the goals of the Plan to maintain and expand major offices and fostering a mix of office spaces and creating new stable employment opportunities.

Therefore, the proposed OPA to exempt the site at 36-44 Eglinton Avenue West from replacing the existing office space on site is not appropriate, does not represent good land use planning or is in the public interest. Further, the proposed OPA does not meet the office replacement policy objectives of the City's Official Plan or the Yonge-Eglinton Secondary Plan, and is not consistent with the Provincial Policy Statement (2020) or the Growth Plan (2020) nor is it consistent with the general intent of the Official Plan.

Conclusion

Staff are of the opinion that the proposed OPA is not consistent with the policy directions in the PPS (2020) and does not conform with the Growth Plan (2020). The proposed OPA is not consistent with the general intent of the City's Official Plan and Yonge-Eglinton Secondary Plan. These provincial and municipal policies direct the City to accommodate an appropriate affordable and market-based range of employment (including industrial and commercial) to meet long-term needs and promote opportunities for economic development and community investment readiness.

Therefore, for the reasons outlined in this report, it is recommended that the OPA application be refused. Should the application be appealed to the OLT, it is recommended that staff be directed to attend the OLT hearing in opposition to the applicant's development proposal and proposed OPA for the property at 36-44 Eglinton Avenue West.

CONTACT

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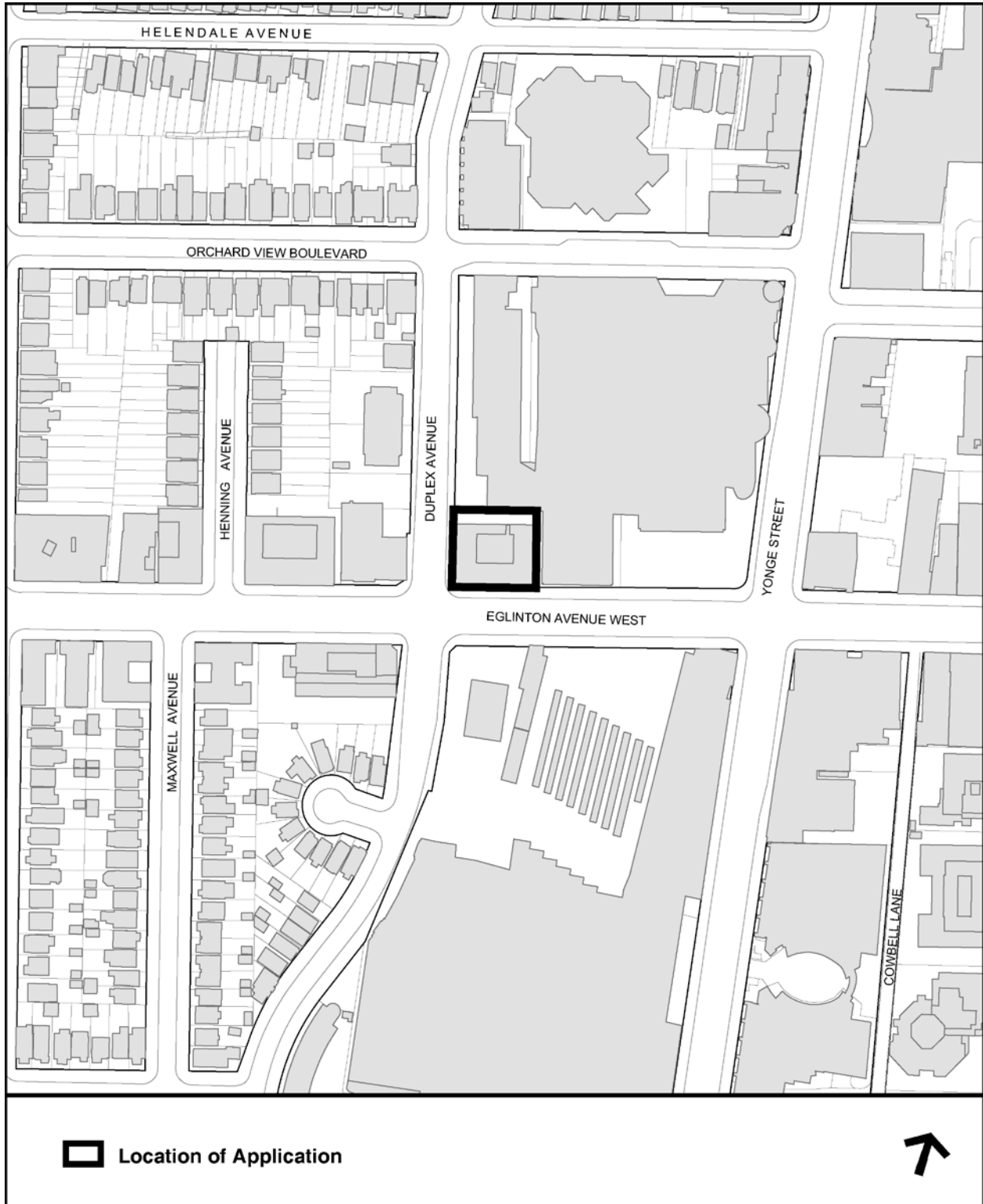
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David Sit, MCIP, RPP
Director, Community Planning, North York District

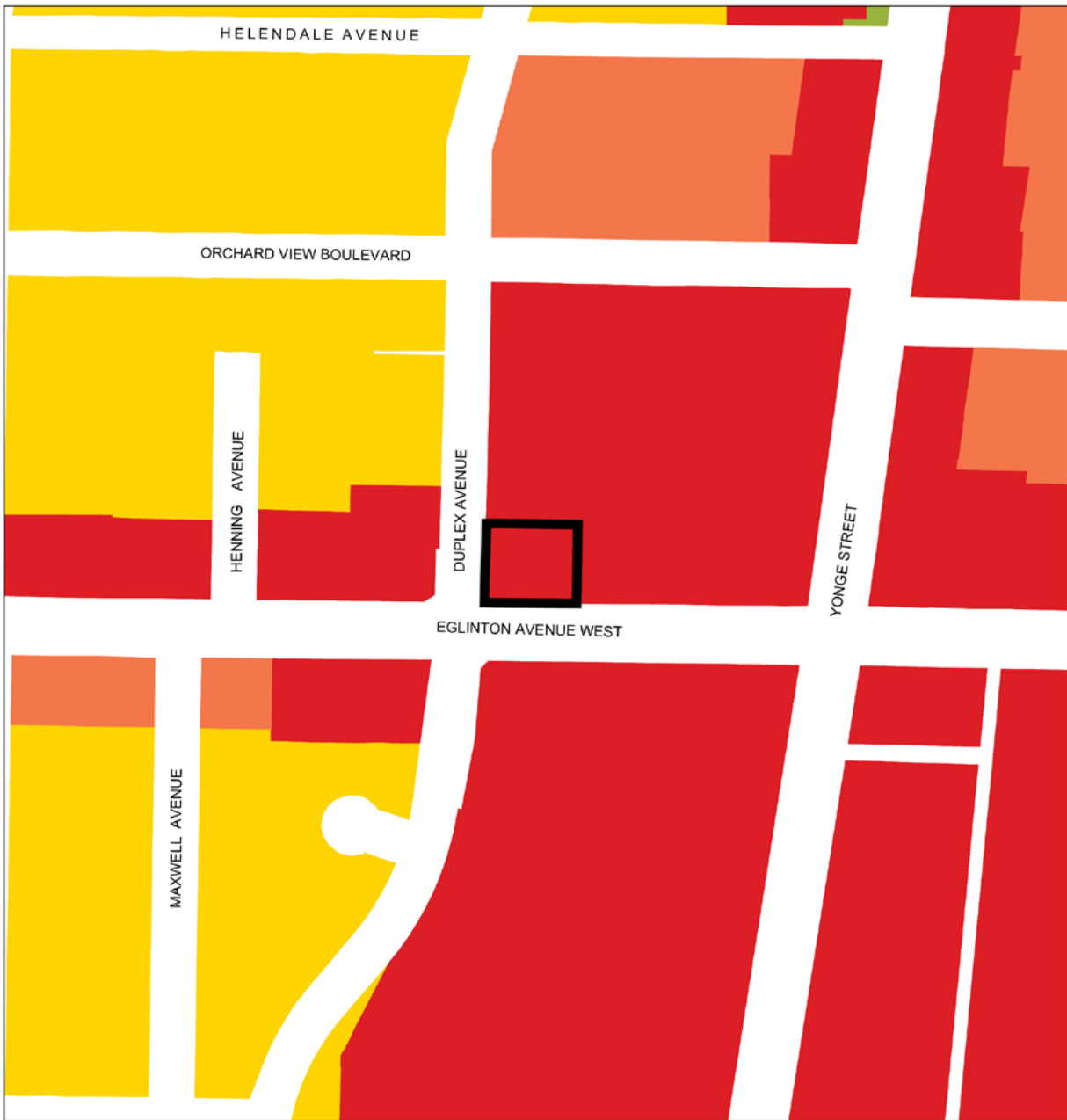
ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Official Plan Land Use Map
Attachment 3: Yonge-Eglinton Secondary Plan Land Use Map
Attachment 4: Applicant's Draft Official Plan Amendment

Attachment 1: Location Map



Attachment 2: Official Plan Land Use Map



Official Plan Land Use Map #17

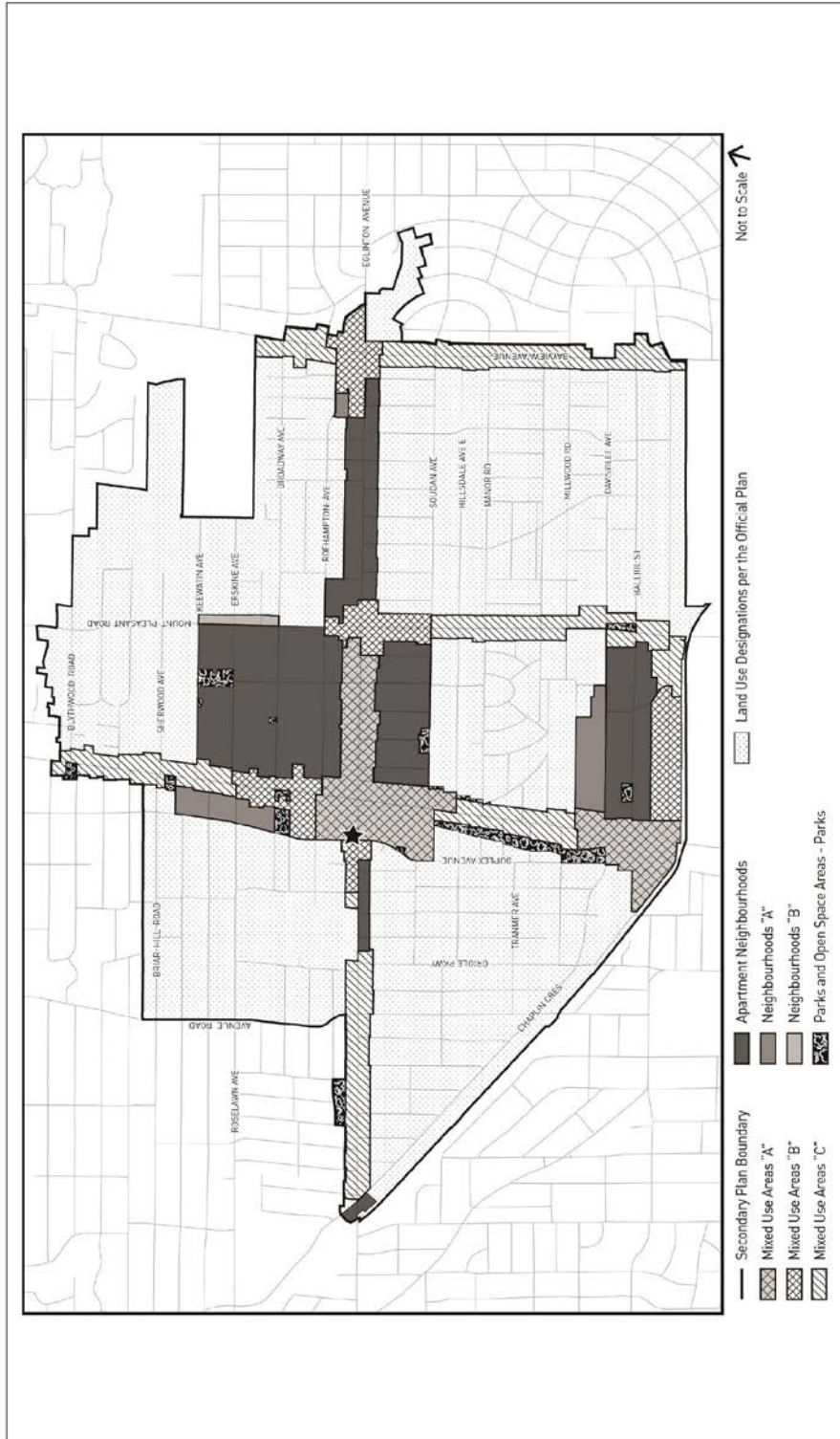
36-44 Eglinton Avenue West

File # 21 233896 NNY 08 0Z



Not to Scale
Extracted: 07/28/2020

Attachment 3: Yonge-Eglinton Secondary Plan Land Use Map



36-44 Eglinton Avenue West

Toronto
Yonge-Eglinton Secondary Plan - OPA 405

File # 21 233896 NNY 08 0Z

★ Site Location



Not to Scale
07/28/2020

AMENDMENT NO. XXX TO THE OFFICIAL PLAN

**LANDS MUNICIPALLY KNOWN IN THE YEAR 2021 AS 36-44 EGLINTON AVENUE
WEST**

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

1. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. XXX for the lands municipally known in 2021 as 36-44 Eglinton Avenue West, as follows:

XXX. 36-44 Eglinton Avenue West

New development shall not be required to replace the existing office gross floor area on the site. In addition, this Site and Area Specific Policy will prevail over any Secondary Plan policy to the contrary.

DRAFT

