

Status Report - 3095 Eglinton Avenue East – Zoning By-law Amendment Application

Date: March 31, 2022

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Ward: 20 – Scarborough Southwest

Planning Application Number: 21 171081 ESC 20 OZ

Notice of Complete Application Issued: July 22, 2021

Current Uses on Site: Two buildings with heights of 1 and 2-storeys containing restaurants, service and retail uses.

SUMMARY

This report provides a status update regarding the application located at 3095 Eglinton Avenue East, including information and identifies a preliminary set of issues.

On June 22, 2021, a Zoning By-law Amendment application was submitted to permit a 12-storey mixed-use building (39.0 metres in height, including mechanical penthouse) containing 173 residential units and commercial floor space at grade. The proposed 9,924 square metres of gross floor area results in an Floor Space Index (FSI) or 5.03 times the area of the lot. The application proposes to amend City-wide Zoning By-law No. 569-2013 and the Scarborough Village Community Zoning By-law No. 10010 for the lands municipally known as 3095 Eglinton Avenue East.

On November 18, 2021, the applicant appealed the Zoning By-law Amendment application to the Ontario Land Tribunal (OLT) (formerly Local Planning Appeal Tribunal), citing City Council's failure to make a decision on the application within the prescribed timelines of the *Planning Act*. A Case Management Conference (CMC) for the Zoning By-law Amendment appeal has not been scheduled.

Staff continue to review the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will seek revisions to the application in advance of any proceedings at the OLT in an attempt to resolve outstanding issues and will report back to City Council as appropriate on the outcomes of these requests prior to any proceedings commencing at the OLT.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Scarborough Community Council receive this report for information.

FINANCIAL IMPACT

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

Eglinton East LRT

In March 2016, City Council endorsed the Eglinton East LRT (EELRT) as part of the Scarborough rapid transit network. In April 2019 Council supported an EELRT alignment to Malvern Town Centre. The subject property falls along the EELRT corridor. Additional information about the Eglinton East LRT can be found online in a report to Council at:

<https://www.toronto.ca/legdocs/mmis/2019/ex/bgrd/backgroundfile-131528.pdf>

A Preliminary Report has not been considered by Scarborough Community Council as the file was appealed prior to one being prepared. As such, staff have not received authorization to conduct a community consultation meeting. Staff note that applications appealed to the Ontario Land Tribunal are excepted from the public consultation requirements of the *Planning Act*.

ISSUE BACKGROUND

Pre-Application Consultation

A pre-application consultation meeting was held on August 18, 2020 between Planning staff and the applicant to discuss complete application submission requirements and to identify issues with the proposal. The applicant proposed a 13-storey mixed-use building. Staff expressed concern regarding the proposal's conformity to the Official Plan, the height and massing of the building, compliance with angular planes, and site circulation.

Application Description

On June 22 2021, the applicant submitted the subject application to amend the zoning by-law to permit the construction of a 12-storey mixed-use building(39.0 metres in height, including mechanical penthouse).

The proposal would have a gross floor area of 9,924 square metres, of which 342 square metres would be used for retail space. The retail space would be located at-grade on the north side of the building fronting Eglinton Avenue East. The remainder of the main level would include the residential lobby accessible from the east side of the building fronting Mason Road. Road widenings approximately 5.0 metres wide and 3.44 metres wide along the Eglinton Avenue East frontage and the Mason Road frontage, respectively, are identified on the submitted plans.

The applicant is proposing 173 residential units of which: 45 (26%) would be studio units, 79 (46%) would be 1-bedroom units; 36 (21%) would be 2-bedroom units; and 13 (8%) would be 3-bedroom units.

The building would have a front (north) yard setback of 0 metres from the new property line along Eglinton Avenue East (after the road widening), an east side yard setback of 0 metres along Mason Road (after the road widening), a west side yard setback of 2.0 metres, and a rear (south) yard setback of 7.5 metres. Above the 6th floor, the building would step back 0.65 metres from the west and 1.5 metres from the north, east and south. Above the 11th floor, the building would step back an additional 3.2 metres from the north, 6.8 metres from the east, 3.6 metres from the south, and 3.0 metres from the west to the combined mechanical penthouse and indoor amenity space located within the 12th floor.

Two-way vehicular access is proposed via Mason Road at the south end of the site, connecting through to a one-way exit onto Eglinton Avenue East on the west side of the site. The driveway is proposed at-grade within the footprint of the building and provides access to the below-grade parking garage at the south side of the site as well as the loading/servicing area (containing one Type 'G' loading space) enclosed within the west side of the building.

The applicant is proposing a total of 87 parking spaces, 7 of which would be located at grade with access onto the internal driveway. The remaining being located within the below-grade parking garage. The applicant is proposing 80 resident parking spaces, 4 visitor parking spaces and 3 parking spaces for the retail uses. A total of 136 bicycle parking spaces would be provided at-grade and within the below-grade garage.

The proposed building would contain 250 square metres (1.45 square metres per unit) of indoor amenity space within the 12th floor, and 350 square metres (2.02 square metres per unit) of outdoor amenity space located primarily on the rooftop with access to/from the 12th floor.

See Attachments 1 and 2 for 3D views of the proposal and Attachment 3 for the proposed Site Plan.

Detailed project information can be found on the City's Application Information Centre at:

<http://app.toronto.ca/AIC/index.do?folderRsn=r4S2agC2VVt%2Bc2P9zMgIxQ%3D%3D>

Toronto Official Plan Policies and Planning Studies

The subject site is located on an *Avenues* as identified on Map 2 – Urban Structure. *Avenues* are identified as areas of growth and reurbanization. Map 23 – Land Use Plan designates the site as *Apartment Neighbourhoods* (see Attachment 5: Official Plan Land Use Map) which are made up of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents.

Policy 4.2.2 outlines the development criteria within *Apartment Neighbourhoods*, including the location and massing of new buildings, which should provide a transition between areas of different development intensity and scale, with adequate setbacks, and having minimal shadow impacts on properties in adjacent lower-scale *Neighbourhoods*. The Policy further outlines that new buildings should frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces. There should be sufficient off-street motor vehicle and bicycle parking for residents and visitors as well as the provision of appropriate indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

Section 2.3.1 of the Official Plan 'Healthy Neighbourhoods' outlines that neighbourhoods are physically stable areas that will see little physical change. This is further reinforced by Policy 2.3.1.2 which states that *Apartment Neighbourhoods* should be consistent with this objective for stability by respecting and reinforcing the existing physical character of buildings, streetscapes and open space patterns in these areas. The need to enhance community and neighbourhood amenities is also highlighted within Policy 2.3.1.6.

Section 3.1.3 of the Official Plan 'Built Form – Mid-Rise Buildings' outlines the design objectives for mid-rise buildings which vary in height between 4 and 11-storeys, provide good transition in scale and has predictable impacts on adjacent low-scale uses. This includes Policy 3.1.3.4 which states that mid-rise buildings will be designed to have heights generally no greater than the width of the right-of-way that it fronts onto; and maintains a street proportion equivalent to 80% of the adjacent right-of-way width.

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

Zoning By-laws

The property is subject to the City of Toronto Zoning By-law No. 569-2013, as amended and the Scarborough Village Community Zoning By-law No. 10010, as amended. See Attachment 6: Zoning By-law Map.

The site is also zoned Residential Apartment (RA) (au67.0) (x713) under the City-wide Zoning By-law No. 569-2013. The zoning has a maximum building height of 24 metres, a minimum lot area of 67 square metres per unit, maximum 33% lot coverage and minimum lot frontage of 24 metres and minimum building setback of 36 metres from the centre line of Eglinton Avenue East. The RA zone permits apartment buildings, institutional and retail uses, with conditions.

The site is zoned HC (Highway Commercial) under the Scarborough Village Community By-law No. 10010, as amended. The HC zone permits a variety of commercial uses and a day nursery. Residential uses are not permitted.

The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

Design Guidelines

The following design guidelines are being used in the evaluation of this application:

- Mid-Rise Building Performance Standards and Addendum;
- Growing Up: Planning for Children in New Vertical Communities;
- Accessibility Design Guidelines;
- Bird Friendly Guidelines;
- Pet Friendly Design Guidelines for High Density Communities; and
- Streetscape Manual.

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

Site Plan Control

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

COMMENTS

Reasons for the Application

An application to amend the City of Toronto Zoning By-law No. 569-2013, as amended and the Scarborough Village Community Zoning By-law No. 10010, as amended is required to establish zoning standards to facilitate the development of the proposal such as building height and setbacks. Other areas of non-compliance may be identified through the review of the application.

Issues to be resolved

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified:

Provincial Policies and Plans Consistency/Conformity

Planning staff are evaluating the application to determine its consistency with the PPS (2020) and conformity with the Growth Plan (2020).

Given the recognition in Provincial Policy of the importance of official plans and long term planning, consistency with the PPS and conformity with the Growth Plan (2020) will be informed by conformity with the City's Official Plan.

Official Plan Conformity

Planning staff are determining if the application conforms with the Official Plan, particularly related to policies on development prior to the completion of an *Avenue* Study.

The Official Plan intends for new development on each *Avenue* to be established through an Avenue Study, resulting in appropriate zoning and design guidelines created in consultation with the local community. Development requiring a rezoning will not be allowed to proceed prior to completion of an *Avenue* Study unless the review of a submitted *Avenue* Segment 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.

The submitted Planning Rationale, prepared by KFA Architects and Planners Inc. and dated May 31, 2021, refers to an Avenue Segment Review submitted for a proposal at 3150 Eglinton Avenue East (21 159050 ESC 24 OZ) and proposes to adopt its findings for the subject site. The proposal at 3150 Eglinton Avenue East and the submitted segment study is currently under review. Staff have identified additional information required to be submitted in order to satisfy Official Plan direction for development on *Avenues* prior to an Avenue Study.

Built Form, Planned and Built Context

The suitability of the proposed height and massing or other built form issues is being assessed based on Section 2 (j), (p), (q) and (r) of the *Planning Act*; the PPS (2020) and the Growth Plan (2019). The built form is also being assessed based on the City's

Official Plan policies and the City's Design Guidelines. An evaluation is being undertaken to confirm whether the proposal is contextually appropriate and fits within its planned and built context. In particular, staff are evaluating:

- Appropriateness of the proposed building height;
- Appropriateness of the proposed building density;
- Appropriateness of the proposed building massing, including transition to lower scale adjacent lots, providing a consistent streetwall, angular planes, setbacks and stepbacks; and
- Potential shadow impacts of the development (particularly on the north side of Eglinton Avenue East).

In addition to architectural and landscape drawings, the applicant has also submitted a sun/shadow study and a pedestrian level wind study. These drawings and studies are under review. These are initial considerations for the public realm and built form. Further concerns may be identified.

The Official Plan identifies mid-rise buildings as varying between 4 and 11-storeys and having heights generally no greater than the width of the right-of-way that it fronts onto. Eglinton Avenue East has a planned right-of-way of 36 metres at this location and the proposed building would have a height of 12-storeys and 39 metres. Staff note that the proposed 12th storey is a combination mechanical penthouse and indoor amenity space where approximately 33% of the 12th floor is occupied by amenity space. Although no residential units are proposed above the 11th floor, amenity space is considered liveable space and counts towards the total height of the building.

Amenity Space

Indoor amenity space is proposed at a rate of 1.45 square metres per dwelling unit and outdoor amenity space is proposed at a rate of 2.02 square metres per dwelling unit.

Both indoor and outdoor amenity is required to be provided at a minimum rate of 2 square metres per dwelling unit (combined 4 square meters per unit) for building residents in every significant multi-unit residential development. Adjacent parks and private balconies do not count towards the calculation of outdoor amenity space. Staff are evaluating if the proposed amenity space is satisfactory and are pursuing the appropriate revisions.

Growing Up: Planning for Children in New Vertical Communities

The City Council adopted Growing Up Urban Design Guidelines (2020) provide guidance on the proportion and size of larger units recommended in new multi-unit residential development proposals. The objective of these Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale. These Guidelines are being considered in the review of this proposal.

Staff note that the proposed provision of only 13 (8%) three-bedroom units does not adequately support the unit mix or size objectives of the Growing Up Guidelines to accommodate a broad range of households, including families with children, within new development. The applicant will be requested to reduce the number of studio units in order to ensure that at least 10% of the total number of proposed residential units are three-bedroom units with a minimum area of 100 square metres and that at least 15% of the total number of units are two-bedroom units with a minimum area of 87 square metres.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law).

Additionally, City Council has adopted the objective of increasing the existing 27 percent tree canopy coverage to 40 percent. Policy 3.4.1 (d) of the Official Plan states that "to support strong communities, a competitive economy and a high quality of life, public and private city-building activities and changes to the built environment, including public works, will be environmentally friendly based on: d) preserving and enhancing the urban forest by: i) providing suitable growing environments for trees; ii) increasing tree canopy coverage and diversity, especially of long-lived native and large shade trees; and iii) regulating the injury and destruction of trees".

The applicant has submitted an Arborist Report, Tree Preservation Plan and Landscape plan. The applicant proposes the removal of five privately owned trees which qualify for protection under the Private Tree By-law. Staff are evaluating the application to ensure that it supports the Official Plan policies of increasing the amount of tree canopy coverage.

Community Services and Facilities

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures used for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions. They include recreation, libraries, childcare, schools, public health, human services, cultural services and employment services, etc. The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

The applicant has submitted a Community Services & Facilities Study prepared by KFA Architects and Planning Inc. and dated May 31, 2021 which is under review.

Section 37 Community Benefits

The Official Plan provides for the use of Section 37 of the *Planning Act* to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision by the applicant of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement which is then registered on title.

The Official Plan provides a minimum size threshold of 10,000 square metres for development after which the provision of Section 37 benefits may be considered. The proposal falls below that threshold.

Recent introduction of a new legislative framework provides for municipalities to exercise the ability to impose a community benefits charge. However, Section 37.1 of the *Planning Act* provides that Section 37, as previously enacted, continues to apply until the earlier of September 18, 2022 or the day the municipality passes a community benefits charge by-law.

Infrastructure/Servicing Capacity

The applicant submitted a Functional Servicing and Stormwater Management Report, Hydrogeological Review and Preliminary Geotechnical Investigation Report with the development application. The Functional Servicing and Stormwater Management Report is intended to evaluate the effects of the development on the City's municipal servicing infrastructure and watercourses and to identify the need for any new infrastructure and upgrades to existing infrastructure necessary to provide for adequate servicing for the proposed development. Staff are reviewing the application to determine if there is sufficient infrastructure capacity to accommodate the proposed development, in addition to the potential cumulative impact of all proposed applications in the area of this application.

Staff are reviewing the Transportation Impact Study with parking justification was submitted by the applicant, the purpose of which is to evaluate the effects of the development on the transportation system, but will also identify if any transportation improvements are necessary to accommodate the travel demands and impacts generated by the development.

Toronto Green Standard

City Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives intended to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant submitted a TGS Checklist with this application which has been reviewed by staff. Revisions and additional information are required in order to meet Tier 1. The applicant is encouraged to meet Tier 2 or higher performance measures.

Other Matters

Additional issues may be identified through the review of the application and agency comments.

Staff will seek revisions to the application in advance of any proceedings at the OLT in an attempt to resolve outstanding issues. A report back to City Council will be submitted on the outcomes of these requests prior to any proceedings commencing at the OLT.

CONTACT

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SIGNATURE

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Community Planning, Scarborough District

ATTACHMENTS

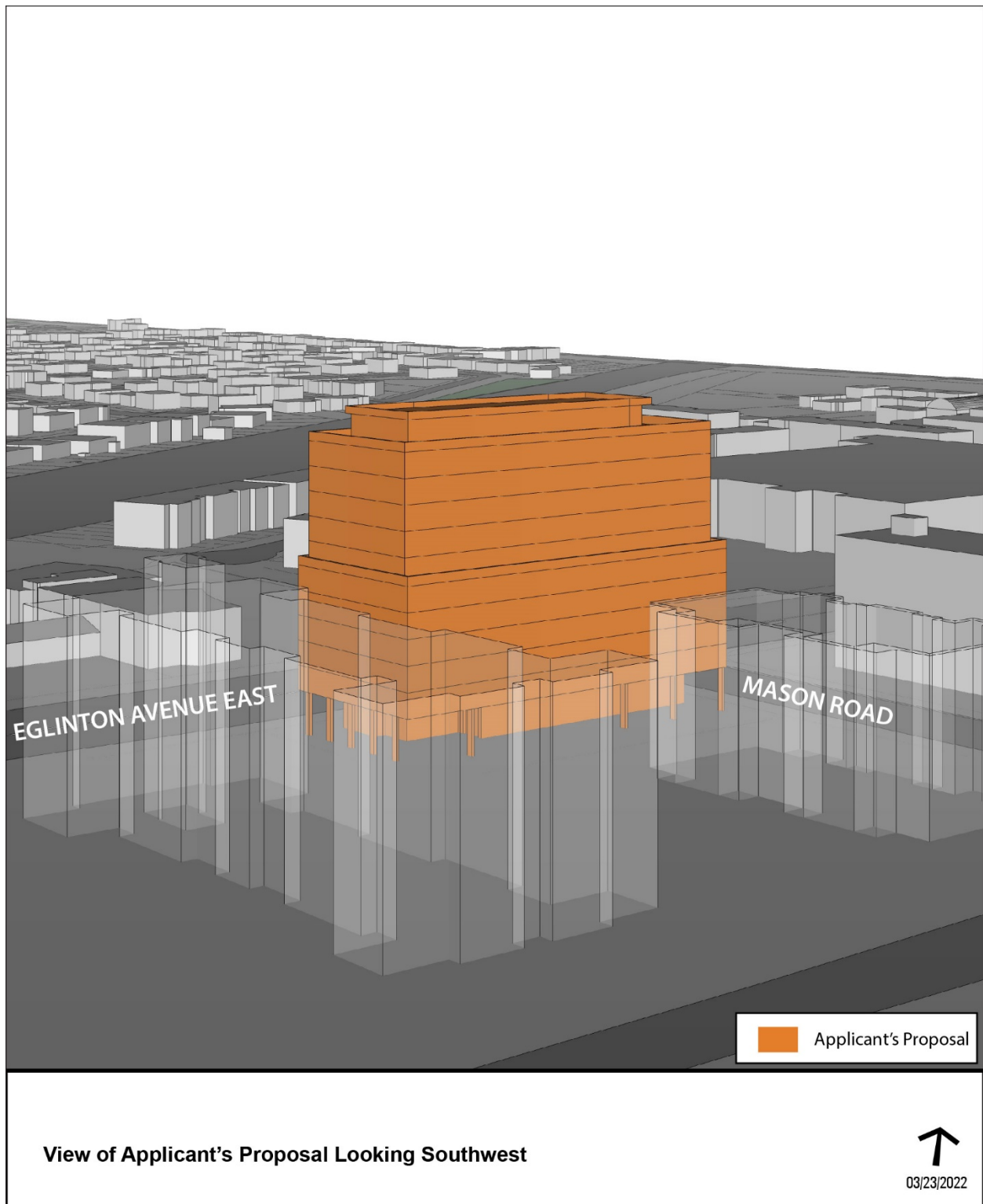
City of Toronto Drawings

- Attachment 1: 3D Model of Proposal in Context, Looking Northeast
- Attachment 2: 3D Model of Proposal in Context, Looking Southwest
- Attachment 3: Site Plan
- Attachment 4: Location Map
- Attachment 5: Official Plan Land Use Map
- Attachment 6: Zoning By-law Map

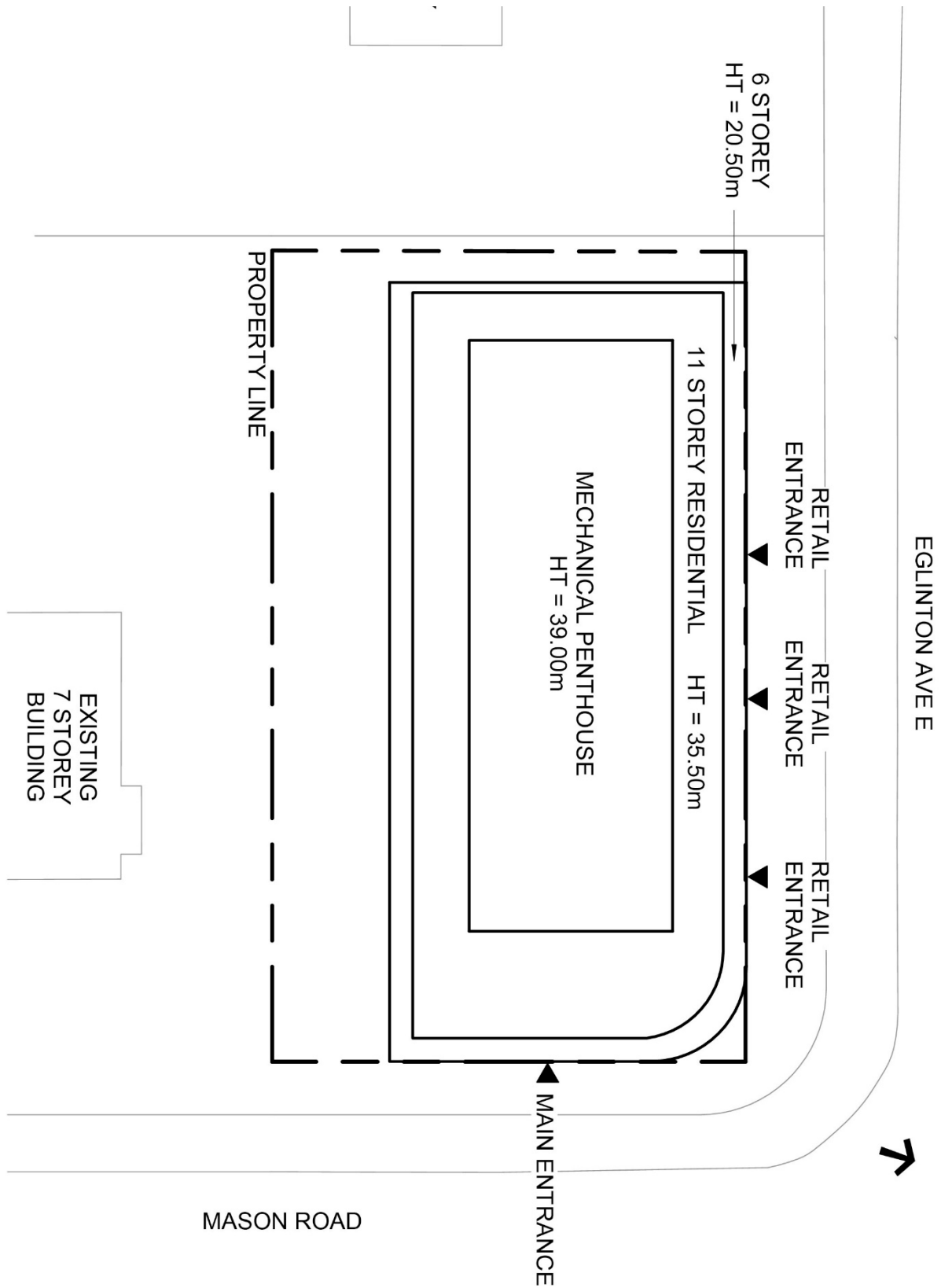
Attachment 1: 3D Model of Proposal in Context, Looking Northeast



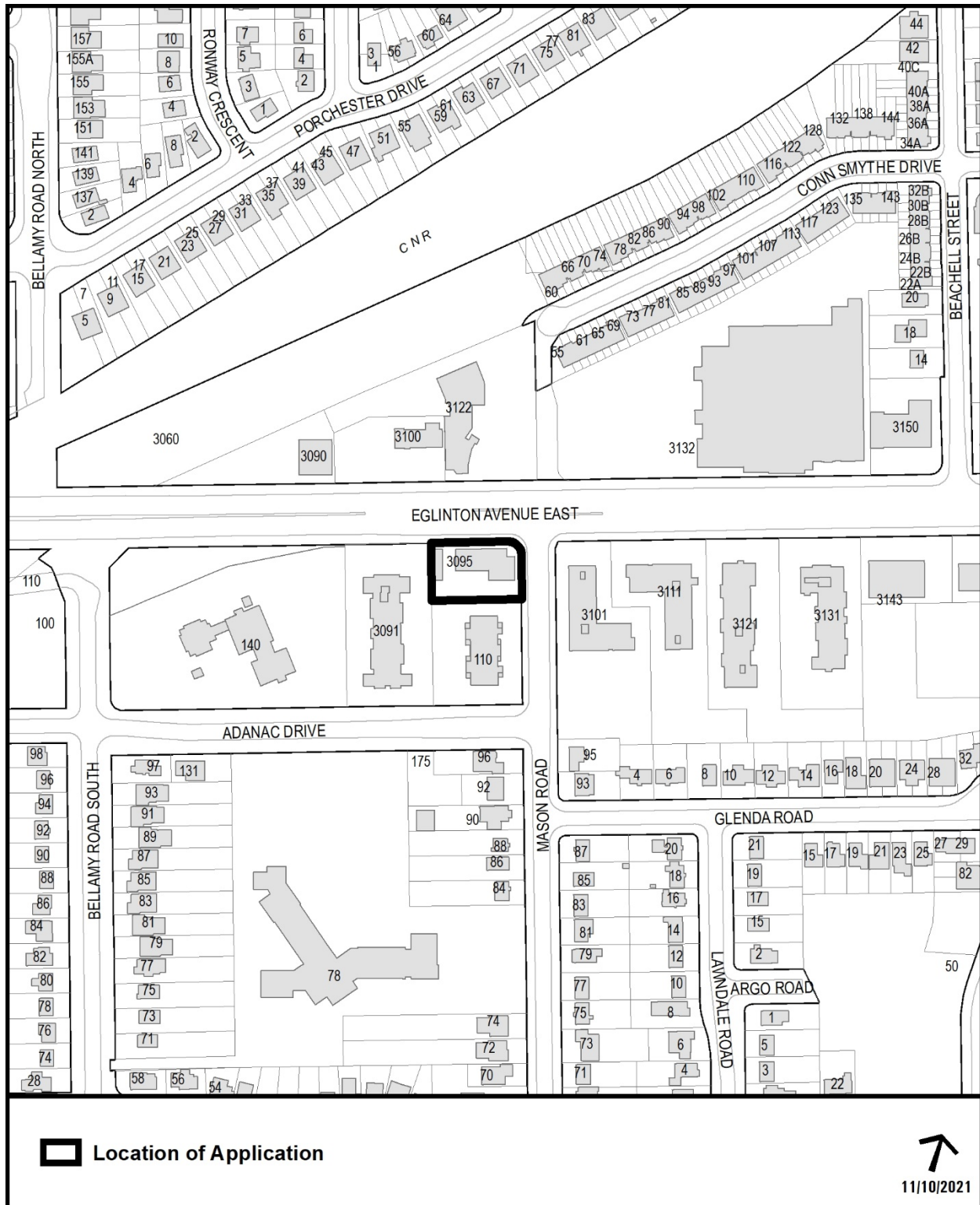
Attachment 2: 3D Model of Proposal in Context, Looking Southwest



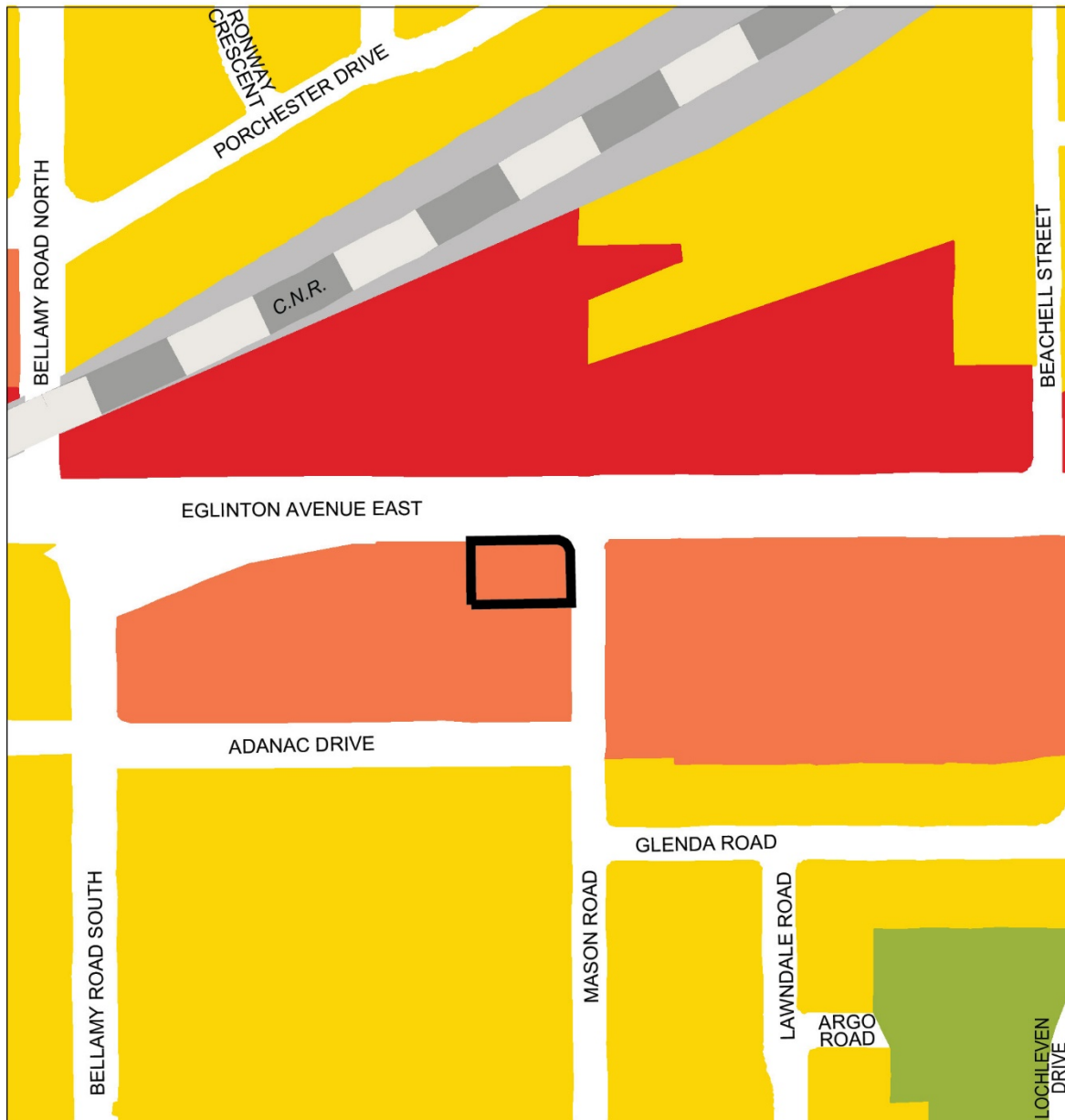
Attachment 3: Site Plan



Attachment 4: Location Map



Attachment 5: Official Plan Land Use Map



3095 Eglinton Avenue

Official Plan Land Use Map 23

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