

17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39 and 41 Henning Avenue – Official Plan and Zoning By-law Amendment Applications – Decision Report – Refusal

Date: September 15, 2023

To: North York Community Council

From: Director, Community Planning, North York District

Ward: Ward 8 - Eglinton-Lawrence

Planning Application Number: 23 176474 NNY 08 OZ

SUMMARY

The application proposes to amend the Official Plan to redesignate the lands from *Neighbourhoods* to *Mixed Use Areas* for the properties known as 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, and 41 Henning Avenue and to introduce a Site and Area Specific Policy for the lands known as 21, 23, 25, 27, 29, 31, 33 and 35 Henning Avenue to permit a 34-storey (112 metres excluding mechanical (119 metres with mechanical)) residential building.

The application to amend the Zoning By-law applies to 21, 23, 25, 27, 29, 31, 33 and 35 Henning Avenue. It proposes development standards to implement the proposed building which would be 25,490 square metres, containing 390 dwelling units, and 45 vehicular parking spaces in a 1.5 level below-grade parking structure for the properties. The proposed Floor space index is also 15.14 times the lot area.

The proposed development is not consistent with the Provincial Policy Statement (2020) and does not conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). The proposal is not consistent with the Official Plan and the Yonge Eglinton Secondary Plan (YESP).

This report reviews and recommends refusal of the application to amend the Official Plan and Zoning By-law, particularly as it relates to the intensity of the proposed development, transition to the existing and planned context, provision of adequate amenity space, lack of visitor parking, inadequate soil volumes and servicing upgrade requirements.

RECOMMENDATIONS

The Director, Community Planning, North York District recommends that:

1. City Council refuse the application for an Official Plan Amendment and Zoning By-law Amendment Applications (23 176474 NNY 08 OZ) in their current form, for the lands municipally known as 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 327, 39, and 41 Henning Avenue.
2. In the event the applications are appealed to the Ontario Land Tribunal, City Council, pursuant to subsections 22(8.1) and 34(11.0.0.1) of the Planning Act, use mediation, conciliation or other dispute resolution techniques in an attempt to resolve the Official Plan Amendment and Zoning By-law Amendment applications, to the satisfaction of the Chief Planner and Executive Director, City Planning and City Solicitor.
3. City Council direct the City Clerk, should an appeal be filed, to notify all persons or public bodies who may have filed an appeal to this decision of City Council's intention to rely on subsections 22(8.1) and 34(11.0.0.1) of the Planning Act and the City Clerk shall provide notice to all prescribed persons or public bodies under subsections 22(8.2) and 34(11.0.0.2) of the Planning Act.
4. City Council direct the City Clerk, should an appeal be filed, to notify the Ontario Land Tribunal of City Council's intention pursuant to subsections 22(8.1) and 34(11.0.0.1) of the Planning Act, and that the Ontario Land Tribunal shall receive the record, the notice of appeal and other prescribed documents and materials seventy-five (75) days after the last day for filing a notice of appeal for these matters.
5. Should the Official Plan Amendment and Zoning By-law Amendment applications be resolved, and there is no appeal to the Ontario Land Tribunal or the appeal to the Ontario Land Tribunal has been withdrawn, City Council direct the Director, North York District, Community Planning to bring forward an Approval Report to North York Community Council for a statutory public meeting as required under the Planning Act.
6. City Council authorize the City Solicitor and other appropriate staff to take any necessary steps to implement City Council's decision.

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. If City Council does not adopt the Recommendations contained in this Report, there may be financial implications to the City to the current budget year and in future years.

DECISION HISTORY

Midtown in Focus - Yonge-Eglinton Secondary Plan

Midtown in Focus was an interdivisional 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, including a new Secondary Plan, in July 2018. It was approved with modifications by the Minister of Municipal Affairs and Housing on June 5, 2019. The Minister-approved Secondary Plan, known as Official Plan Amendment (OPA 405) can be found here: [Yonge Eglinton Secondary Plan \(toronto.ca\)](https://www.toronto.ca/secondary-plan/).

Midtown Infrastructure Implementation Strategy - Final Report

On June 15-16, 2022, City Council adopted the Midtown Infrastructure Implementation Strategy - Final Report, which supports improved capital project planning and delivery in Midtown over the near, mid and long term. As part of the Strategy, a complementary Public Realm Implementation Strategy provides design direction and implementation tools to achieve public realm and streetscape improvements identified in the Yonge Eglinton Secondary Plan. The report can be found here: [Agenda Item History - 2022.IE30.7 \(toronto.ca\)](#)

A [mandatory](#) pre-application consultation (PAC) meeting was held on July 5, 2023. The current application was submitted and deemed complete as of July 25, 2023. A Preliminary Summary of the application is available here: [Application Information Centre - 17-41 HENNING AVE \(toronto.ca\)](#). Staff conducted a Community Consultation Meeting for the application on September 12, 2023. Community consultation is summarized in the Comments section of this Report.

PROPOSAL

The applicant has submitted an application to amend the Official Plan, for the lands at 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39 and 41 Henning Avenue, from a *Neighbourhoods* designation to a *Mixed Use Areas* designation. The request applies to all the lots on the east side of Henning Avenue.

The lots known as 17 and 19 Henning Avenue were previously subject to a rezoning application in conjunction with the property fronting on Eglinton Avenue West (File number 21 101581 NNY 08 OZ) which proposed a mixed use development that was subject to an Ontario Land Tribunal approval decision to permit a mixed use building with a 3-storey base and a 33-storey tower (113.5 metres exclusive of mechanical (120.65 metres including mechanical)) to the west and a 35-storey tower (119.1 metres exclusive of mechanical (125.6 including mechanical)) to the east.

The applicant has requested a Site and Area Specific Policy for the lands known as 21, 23, 25, 27, 29, 31, 33 and 35 Henning Avenue where a 34-storey residential building is proposed.

This application also proposes to amend Zoning By-law 569-2013 for the parcel of land known as 21, 23, 25, 27, 29, 31, 33 and 35 Henning Avenue to permit a total of 25,490.3 square metres of gross floor area, 15.14 times the lot area, and 390 dwelling units fronting Henning Avenue.

The residential units are comprised of 29 (7.4%) studio units, 217 (55.6%) one-bedroom units, 104 (26.7%) two-bedroom units and 40 (10.3%) three-bedroom units.

Vehicular access to the site would be from Henning Avenue via a two-way driveway along the south side of the site that will be created when the development to the south at 17 - 19 Henning Avenue and 50, 60 - 90 Eglinton Avenue West is completed. This driveway is intended to provide access to at-grade service functions such as the loading area and garbage staging area, as well as the ramp to the 1.5 level parking structure. A total of 45 vehicular parking spaces would be provided, all of which would be for residents. No visitor parking is proposed on site.

A total of 440 bicycle parking spaces would be provided at the ground floor or the mezzanine level. A total of 124 long term resident bicycle parking spaces would be provided in a secure interior room at grade and another 88 short term resident bicycle parking spaces would be provided in an exterior location. At the mezzanine level, a further 228 long term resident bicycle parking lockers would be provided.

One type 'G' loading space would be located at the ground floor level within the building envelope.

A total of 735.2 square metres of indoor amenity space, at a ratio of 1.88 square metres per unit, would be provided and 375.1 square metres of outdoor amenity space, at a ratio of 0.96 square metres per unit, would be provided.

Refer to Attachment No. 1 for the Application Data Sheet for additional information.

Site and Surrounding Area

The subject site is located in the northwest quadrant of Yonge Street and Eglinton Avenue. The subject lands presently support single detached and semi-detached dwellings.

The site subject to rezoning has an area of approximately 1,684 square metres and is rectangular in shape with a frontage of 42.43 metres along Henning Avenue and a depth of 39.62 metres along the south lot line and 39.65 metres along the north lot line. The site is generally flat, sloping up by approximately 1.1 to 1.3 metres from west to east, and by approximately 1.3 metres from south to north.

Surrounding land uses include:

North: Henning Avenue runs as far north as the rear yards of the lots fronting onto Montgomery Street. Both sides of Montgomery Avenue is lined with detached and semi-detached dwellings.

East: To the east of the subject properties is a 4-storey building used as a Toronto Hydro transformer station (390 - 400 Duplex Avenue). North of the Hydro building on Duplex Avenue is a semi-detached building (410-412 Duplex Avenue).

South: To the south of the site on Eglinton Avenue West, at the northeast corner of Henning Avenue, is a 6-storey office building, a 3-storey hydro depot building and a 2-storey building built in 1922, operated as a Toronto Hydro-Electric System (THES) Eglinton Substation. Along with 17-19 Henning Avenue, these buildings form a development site known as 17-19 Henning Avenue and 50, 60 and 90 Eglinton Avenue West which has an approval for a mixed use development comprising a 3-storey base building with a 33-storey tower to the west and a 35-storey tower to the east.

Across Eglinton Avenue West, at 75 Eglinton Avenue West, a Toronto Police Station 53 Division is located. Properties to the west of the police station along the south side of Eglinton Avenue West are occupied by low-rise walk-up apartment buildings and the lands to the east of the police station include the Canada Square development and a former TTC bus station which is currently being used for a construction staging site for the Eglinton Crosstown LRT line, and the future main entrance to the Eglinton LRT station.

West: Across Henning Avenue are semi-detached dwellings for the length of street. To the southwest of the site, at the northwest corner of Henning Avenue and Eglinton Avenue West is a 5-storey office building (110 Eglinton Avenue West).

Reasons for Application

The applicant has applied to amend the Official Plan for the lands known as 17 to 41 (odd numbers) Henning Avenue to a *Mixed Use Areas* designation as the current designation is *Neighbourhoods* which may only permit residential buildings with heights at 4-storeys or less subject to meeting the policies of the official plan. The applicant has also requested a Site and Area Specific Policy (SASP) to permit the 34-storey residential building that is being proposed on the lands known as 21 to 35 (odd numbers) Henning Avenue.

Amendments to the City's Zoning By-law 569-2013 are required to permit the proposed height and density and set appropriate development standards to facilitate the development of a 34-storey residential building.

A Rental Housing Demolition application under Chapter 667 of the City's Municipal Code (City application 23 184481 NNY 08 RH) has been submitted because the development site contains six or more residential units, of which at least one unit is rental housing. The Municipal Code requires an applicant to obtain a permit from the City allowing the demolition of the existing rental housing units. The City may impose conditions that must be satisfied before a demolition permit is issued.

APPLICATION BACKGROUND

Application Requirements

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

- Architectural Plans;
- Landscape Plans;
- Landscape Lighting Plan;
- Sun Shadow Study;
- Planning Rationale;
- Simplified Report Graphics;
- 3D Modelling;
- Block Context Plan;
- Public Consultation Strategy;
- Pedestrian Level Wind Study;
- Noise Impact Study;
- Tree Preservation Plan;
- Arborist Report;
- Transportation Impact Study;
- Servicing Report;
- Geotechnical Study;
- Hydrogeological Study;
- Civil and Utility Plans;
- Environmental Site Assessment;
- Energy Strategy Report;
- Energy Modelling;
- Toronto Green Standards;
- Topographical Survey; and
- Survey Plan.

These documents may be found in the City of Toronto Application Information Centre at the following link:

[Application Information Centre - 17-41 HENNING AVE \(toronto.ca\)](#)

Agency Circulation Outcomes

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

POLICY & REGULATION CONSIDERATIONS

Provincial Land-Use Policies

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (2020), and shall conform to provincial plans, including A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), the Greenbelt Plan, and others.

Official Plan

The land use designation for the site is *Neighbourhoods*. See Attachment 3 of this report for an excerpt of Land Use Map 17. The *Neighbourhoods* designation permits a full range of residential uses within lower scale buildings, as well as parks, schools, local institutions and small-scale stores and shops serving the needs of area residents. Lower scale residential buildings in houses, duplexes, triplexes and various forms of townhouses as well as interspersed walk-up apartments with or without elevators that are four storeys or less. The Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making.

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

Secondary Plan

The Yonge Eglinton Secondary Plan (YESP), Map 21.4 Land Use (See Attachment 4), identifies the site as having the land use designation in accordance with the Official Plan, which is the *Neighbourhoods* designation, as noted above. In the Yonge-Eglinton Secondary Plan the site is within the Henning Special Places Character Area on Map 21-2 Midtown Character Areas (See Attachment 5). The Yonge-Eglinton Secondary Plan anticipates a height range of 15 to 35 storeys, with heights stepping down towards Edith Avenue and Orchard View Boulevard for developments in the Henning Character Area. Like the Official Plan, the Secondary Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making.

On Map 21-3 Midtown Transit Station Areas (See Attachment 6), the site is located within the associated Built-up Zone, which is intended to include transit-supportive development. Built-up Zones are areas where incremental infill development and redevelopment at low or modest intensity will be permitted where reasonable. While existing and new development in each Midtown Transit Station Area will collectively achieve or exceed the minimum density target of 600 residents and jobs per hectare for the Yonge-Eglinton Transit Station Area, individual development within a Midtown Transit Station Areas is not required to meet the minimum density target. The minimum density target for the entire Midtown Transit Station Area will be achieved over the long term horizon of the plan, according to the YESP.

A conceptual Mid-Block connection is shown from the north end of Henning Avenue though to Orchard View Boulevard as per Map 21-9 Mid-town Mobility Network. A new

laneway is illustrated on the same Map along the south end of the site. This lane will be acquired through the final approvals of the development at 17-19 Henning Avenue and 50, 60 to 90 Eglinton Avenue.

The Yonge Eglinton Secondary Plan can be found here:
[Yonge Eglinton Secondary Plan \(toronto.ca\)](https://www.toronto.ca/planning-and-development/secondary-plans/yonge-eglinton-secondary-plan/).

On July 19, 2022, City Council adopted OPA 570 which delineated a Major Transit Station Area for Eglinton Station, a Protected Major Transit Station Area (PMTSA) reflecting a proposed minimum density target of 600 people and jobs per hectare. The minimum density target assigned to this site is 0.5 times the area of the lands. The MTSAs/PMTSAs are currently pending approval from the Province.

Rental Replacement

Official Plan Policy 3.2.1.6 requires new development that would result in the loss of six or more rental dwelling units to replace at least the same number, size, and type of rental units at similar rents to those in effect at the time of application. The policy also requires the applicant to provide an acceptable tenant relocation and assistance plan addressing the right of existing tenants to return to the replacement units at similar rents and other assistance to mitigate hardship.

Rental Housing Demolition and Conversion By-law

This application involves the demolition of rental housing. Since the development site contains six or more residential units, of which at least one unit is a rental unit, an application is required under Chapter 667 of the City's Municipal Code, the Rental Housing Demolition and Conversion By-law. The By-law requires an applicant obtain approval from the City to permit the demolition of the existing rental housing units. The City may impose conditions on the approval that must be satisfied before a demolition permit is issued.

An application was submitted as required under Chapter 363 of the Toronto Municipal Code, the Building Construction and Demolition By-law, which requires Council approval of any demolition of a residential property that contains six or more dwelling units (irrespective of whether any are rental) before the Chief Building Official can issue a demolition permit under the Building Code Act, 1992.

Zoning

The subject site is zoned R (d0.6) (x721), under Zoning By-law 569-2013. The R (0.6) (x721) zone permits a wide range of residential uses including dwelling units in detached, semi-detached, townhouse, duplex, triplex, fourplex and apartment buildings, with a maximum height of 10 metres and a maximum density of 0.6 times the area of the lot for residential uses. Permitted uses also include a limited range of institutional uses and parks. See Attachment 7 of this report for the existing Zoning By-law Map.

Design Guidelines

The following design guidelines have been used in the evaluation of this application:

- Tall Buildings Design Guidelines;
- City-Wide Mid-Rise Performance Standards and Addendum;
- Midtown Public Realm Implementation Strategy;
- Growing Up Guidelines for Children in Vertical Communities;
- Pet Friendly Design Guidelines for High Density Communities;
- Toronto Accessibility Design Guidelines; and
- Toronto Green Standard.

Toronto Green Standard

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. The TGS can be found here: [Toronto Green Standard Version 4 – City of Toronto](#)

Site Plan Control

The proposal is subject to Site Plan Control. A Site Plan Control application was submitted with the application for Official Plan Amendment and Zoning By-law amendment and was deemed complete on July 25, 2023. The application for site plan control (file number 23 179321 NNY 08 SA) presently does not comply with the in-force zoning by-law.

COMMENTS

Provincial Policy Statement and Provincial Plans

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the current proposal for consistency with the Provincial Policy Statement (2020) and conformity with the Growth Plan (2020). Staff find that elements of the proposal are not consistent with the PPS and do not conform with the Growth Plan. The proposal is not consistent with the PPS policies concerning matters such as but not limited to, the proposed land use itself and the implementation of appropriate development standards through the Official Plan and other supporting documents.

The Growth Plan includes policies which require that the implementation and achievement of the Growth Plan policies is to be undertaken on a comprehensive basis by the municipality. This would include developing a strategy to achieve minimum intensification targets, identifying Strategic Growth Areas (which includes Major Transit Station Areas), and identifying the appropriate type and scale of development in this area.

Similar policy direction is also provided under the PPS where 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 and areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to

accommodate projected needs. Further, Planning Authorities shall establish and implement minimum targets for intensification and redevelopment within built up areas, based on local circumstances.

As noted above, the YESP was updated and approved by the Province in 2019 and OPA 570 was approved by City Council in 2022. These plans and MTSA delineations were the result of a comprehensive review of the area and subsequent determination of appropriate levels of intensification and redevelopment. Although the YESP predated the 2020 PPS and Growth Plan, this plan is still consistent with, conforms to and does not conflict with either provincial documents insofar as the policy direction provided above.

The PPS establishes that the Official Plan is the most important vehicle for the implementation of the PPS. The YESP builds on the Official Plan to articulate a vision for this area. The PPS also states that in order to protect provincial interests, planning authorities shall keep their official plans up-to-date with the PPS and that the policies of the PPS continue to apply after adoption and approval of an Official Plan.

Staff recommends that the application be refused accordingly.

Land Use

This application has been reviewed against the official plan policies and secondary plan policies described in the Policy and Regulation Considerations Section of the Report as well as the policies of the Official Plan as a whole.

The existing land use designation in the Official Plan and YESP is a *Neighbourhoods* designation. *Neighbourhoods* consist of detached houses, semi-detached houses, duplexes, triplexes and various forms of townhouses as well as interspersed walk-up apartments with or without elevators that are four storeys or less. The proposed development, comprising a 34-storey residential building, would not be a permitted use as scale and form exceeds what is permitted within the *Neighbourhood* designation. It is acknowledged that an official plan amendment has been submitted to redesignate the lands to the *Mixed Use Area* and add a site and area specific policy.

The description of the Henning Character Area in the YESP provides direction as to the appropriateness of a land use redesignation change on the subject site. The YESP describes the Henning Character Areas as being an "important cluster of office and institutional buildings located close to the transit station at Yonge Street and Eglinton Avenue, as well as a cluster of low rise residential buildings". The Henning Character Area description goes on to describe how "New office and institutional buildings along Eglinton Avenue west of Henning Avenue, coupled with new mixed-use tall buildings east of Henning Avenue will reinvigorate this section of Eglinton Avenue,....". This paragraph is describing the anticipated redevelopment along Eglinton Avenue West, both east and west of Henning Avenue.

The proposed application has not demonstrated conformity with these policy requirements. In this regard, the proposed redesignation must carefully consider the

existing and planned contexts of Henning Avenue. Intensification of any site is balanced with consideration for the urban structure and policies as established in the YESP and the Official Plan, and appropriate built form that has regard for the immediate and surrounding area. This evaluation is also required in accordance with Policy 5.3.1.3 of the Official Plan. Applicant's Comprehensive Block Plan.

The applicant has submitted a Comprehensive Block Plan with their application to demonstrate how the proposed development fits within the existing and planned context and conforms to the policies of the Official Plan and implementation tools including other guidelines. The submitted Block Plan illustrates a proposed development scheme for the entire Henning Character Area as follows:

- the OLT-approved development at the northeast corner of the intersection of Eglinton Avenue West with Henning Avenue for a 59-storey mixed use development (36 Eglinton Avenue West). Staff notes that this site is outside of the character area but reflects a close proximity to Eglinton Station with its approved height;
- the OLT-approved development at the northwest corner of the intersection municipally known as 17-19 Henning Avenue and 50, 60 to 90 Eglinton Avenue West (adjacent site to the south), which is located within the character area, is illustrated with the 33-storey and 35-storey buildings. Staff notes that the portion of these lands which is proposed to support a driveway access also forms part of the subject Official Plan Amendment application;
- the remainder of the character area, which is currently occupied by low rise residential dwellings, has been illustrated with towers. The subject land illustrates the proposed 34-storey residential building, the land on the west side of Henning Avenue showing a 25-storey tower and the land on the east side of Edith Drive illustrating an 18-storey tower. Staff notes that the proposed height regime contemplates that the proposal would be similar in height to the approved development on the adjacent site to the south; and,
- for the 3 lots at the north end of the development site, the applicant has requested the Official Plan Amendment, but did not include those properties in the Zoning By-law Amendment application., These 3 lots collectively have a lot frontage on Henning Avenue of approximately 16.3 metres. The applicant has suggested that a 5-storey residential building would fit on this 3 lot site. Staff note that the feasibility of the proposed built form has not been demonstrated on these 3 properties. Staff continues to encourage consolidated development.

Staff notes that towers are not presently permitted and would require the redesignation of the whole of the lands on Henning. In addition, staff notes that the applicant relies on the three lots to the north that is subject to the Official Plan Amendment but not the Zoning By-law Amendment to achieve the 20 metre separation from the proposed tower to the *Neighbourhoods* on Montgomery.

Policy 2.1.1.b of the YESP directs that "the vitality and liveability of Midtown's collection of character areas is maintained," and Policy 2.1.3 states that "the stability of *Neighbourhoods* will be generally maintained while introducing opportunities for compatible intensification to contribute to a diversity of building and housing types in suitable locations." While the policy recognizes that there are *Neighbourhoods*-designated lands suitable for the introduction of more intensive low-rise buildings which are identified as *Neighbourhoods* "A" and "B", "development in all other *Neighbourhoods*-designated lands will be generally in accordance with the Official Plan's development criteria for *Neighbourhoods*, while encouraging compatible intensification where appropriate."

The applicant's Block Plan is presently not acceptable as it has not appropriately justified the proposed height regime on the subject lands relative to other developments and has not demonstrated the feasibility of development for the lands to the north.

Height, Intensity, Built Form and Transition

Height

The application is located within the Henning Character Area. As per Policy 5.4.3.t, the anticipated height of buildings in the Henning Character Areas is "15 to 35 storeys, with heights stepping down towards Edith Avenue and Orchard View Boulevard".

This direction suggests that the height anticipated in the character area should generally be the tallest at the intersection of Duplex Avenue and Eglinton Avenue West and decrease in northerly and westerly directions. The site to the south, which is on Eglinton Avenue West (17-19 Henning Avenue and 50, 60 to 90 Eglinton Avenue West), was recently approved by the Ontario Land Tribunal for 33- and 35-storey towers through a settlement. The heights range from 120.65-125.6 metres (inclusive of mechanical).

The proposed 34-storey building (119 metres inclusive of mechanical) on an internal site within the Henning Character Area, is marginally shorter than the recently approved buildings to the south. This marginal height is not acceptable and does not align with the policy direction set out by Policy 5.4.3.

Density

Map 21-3 Midtown Transit Station Areas locates the site within the 250m and 500m radii of Eglinton Station. As such, the land is identified as a Built-up Zone within the Eglinton Transit Station Node. Policy 2.4.3 describes a Built-up Zone as an area where incremental infill development and redevelopment will be permitted, where reasonable, at low or modest intensity. The proposed development density (15.14 FSI) is higher than the density of the buildings at 50 - 90 Eglinton Avenue West approved development (13.18 FSI). Recognizing that the site does not have direct frontage onto Eglinton Avenue West, is surrounded by *Neighbourhood*-designated lands and that heights should generally decrease stepping away from Eglinton Avenue and Duplex Avenue the proposed density has not been demonstrated to be appropriate in the context that the building is similarly tall.

Built Form

The proposed building has been provided with a front yard setback at grade of 2.0 metres. The existing detached dwellings on the site and across Henning Avenue generally have front yard setbacks of 2.7 to 3.0 metres. Any new building should reflect the existing built form context in terms of front yard setbacks.

With the exception of the servicing area at grade which has some articulation, and the indoor amenity area at the 5th floor, which has a building setback of 5.0 metres from the southern lot line, the proposed building does not demonstrate a tower stepback along the south side of the base building. The tower is located only 0.2 metres from the southern lot line for the extent of the building height of 34-storeys. This creates a built form relationship that is not in keeping with the Tall Building Guidelines.

Building Transition

The Official Plan Amendment proposes to redesignate the three properties to the north of the subject lands to *Mixed Use Areas* and relies on the three properties to achieve a 22 metre tower separation distance to the *Neighbourhoods* designated properties on Orchard View Boulevard. While the proposed transition may be appropriate, staff continues to encourage consolidation of the lands to ensure that there is clarity on the future use of these properties.

The proposed building does not fit into the existing context. Of specific concern, is the spatial separation of the proposed 34-storey building from the dwelling to the immediate north (#37 Henning Avenue). The applicant has provided a setback of 3.0 metres at grade to the existing dwelling from the north building face and is proposing a podium height of 2 storeys and a 2.5 metre stepback at the third floor. Within this interface, the at-grade condition is proposed for a primary AODA access, pet relief area and intake shaft. Further, there is a terrace along the length of the north façade on Floor 2. This relationship to the existing dwelling is not acceptable and does not adequately account for the fact that the existing homes to the north will be impacted, despite the fact that the application is proposing an OPA to redesignate the properties but have not addressed it through the zoning application. Further, in consideration that the three lots may intensify in the future, the applicant has not demonstrated how the proposed interface with the 3 metres setback is appropriate.

Sun, Shadow and Wind

This application has been reviewed against the official plan policies and secondary plan policies and design guidelines described in the Policy and Regulation Considerations Section of the Report.

The YESP states that new development will be located and designed to provide adequate sunlight on parks and open spaces including Eglinton Park. The submitted shadow study indicates that the proposed development includes an additional increase of shadowing on the west edge of Eglinton Park between Orchard View Boulevard and Helendale Avenue, during the September equinox at 9:18am. The proposed shadows can be improved to ensure that usable areas of the redesigned Eglinton Park continues to have appropriate levels of sunlight.

The Official Plan states that buildings are to be located and massed to provide transition through appropriate setbacks and/or a stepping down of heights towards lower scale *Neighbourhoods*, and for buildings to be located and massed to adequately limit shadow impacts on adjacent *Neighbourhoods*. The applicant has submitted a Shadow Study for the proposal illustrating existing shadows along with new shadows resulting from the proposed development. In the mid-morning (10:18am) the proposed development will impose new shadows on the rear yards of homes on Edith Drive and Orchard View Boulevard. While these shadows will move by 12:18pm the shadows will be cast upon the Orchard View backyards immediately north of the development site as well as the front yards of dwellings on the north side of Orchard View Boulevard. By 1:18pm the new shadows will be closer to Duplex Avenue but impacting dwellings on both sides of Orchard View Boulevard, closer to Duplex Avenue. Later in the day, the shadows will fall toward the Yonge Street direction and onto *Mixed Use Areas*-designated properties. Improvements to these shadows are to be explored.

A Pedestrian Level Wind Study, prepared by Gradient Wind, concluded that the future wind conditions over all grade-level pedestrian wind-sensitive areas within and surrounding the study site will be acceptable for the intended uses on a seasonal basis with the exception of the main building entrance in the southwest corner of the site, which will experience uncomfortable downwashing of winds on the public realm. Mitigation will be required and the wind study suggests that a canopy above the first floor will assist.

Indoor/Outdoor Amenity Space

Zoning By-law 569-2013 requires a combined amenity space of 4.0 square metres per unit, of which at least 2.0 square metres for each dwelling unit is for indoor amenity space and at least 40 square metres is outdoor amenity space in a location adjoining or directly accessible to the indoor amenity space.

The statistics table on the architectural plans indicate that the application is proposing a total of 1,110.4 square metres of residential amenity space, comprised of 735.2 square metres of indoor amenity space (1.88 square metres per unit) and 375.1 square metres of outdoor amenity space (0.96 square metres per unit). The plans illustrate an indoor amenity space of 653.8 square metres on the 5th floor adjacent to 294.6 square metres of the outdoor amenity space in the form of an outdoor terrace. The location of the remaining 81.4 square metres of indoor amenity space and 80.5 square metres of outdoor amenity space proposed by the applicant is not clear. The minimum standard for indoor and outdoor amenity space required by Zoning By-law 569-2013 is not being met by the proposal. The YESP has specific policies with regards to indoor and outdoor amenity with the objective of ensuring that residents are supported by appropriate and well design on-site amenity space. It is important to note that the YESP area is presently parkland deficient and on-site amenity space plays an important supporting role for new residents of this development.

At-grade Tree Planting and Soil Volumes

Street trees make a significant contribution to the urban forest and impervious land cover is increasing across the city. The early co-ordination of utilities and other infrastructure elements with the soil volume and air space required to permit the growth of large growing trees is particularly important. The conditions for tree planting must be considered integral to the design, planning and construction of projects. Policy 3.1.9 in the YESP directs that appropriate landscape setbacks are required to provide sufficient space and soil depth for establish and maintain a permanent, high-branching tree canopy without the use of raised planters.

Staff notes that the applicant has not demonstrated adequate soil volume. It is a concern that approval of the OPA and ZBA, without addressing the proposed soil volume at an early stage, would establish the building envelope and other design considerations, preventing the project from achieving the required soil volume at the Site Plan Control stage.

The applicant is advised that the Landscape Plan, TGS Soil Volume & UHI Paving Plan L1 does not provide sufficient soil volumes that meet minimum Tier 1 TGS requirements. The applicant is required to provide a revised Landscape Plan that ensures the total soil volume provided meets the minimum requirement for this site. According to the applicant's submitted material, the application proposes 240 m³ of soil volume for the site whereas a minimum of 306m³ is required. The applicant is required to address the proposed soil volume prior to an Official Plan Amendment and Zoning By-law being approved for this site. The comments from Urban Forestry pertain only to at-grade tree planting and soil volumes.

Servicing

Engineering and Construction Services staff are reviewing the materials submitted in support of the application and have identified an outstanding matter on a preliminary basis that would prevent support for this application at this stage.

There is a single dead-end watermain on Henning Avenue. A building of the proposed height would require two fire services to satisfy the Ontario Building Code. Engineering and Construction Services disagrees with the applicant's Functional Servicing Report concludes that no upgrade are required. The existing service is a 150mm pipe is insufficient to support the development. The existing watermain will be required to be enlarged to a 300mm pipe and looped to serve such a large development. A Municipal Infrastructure Agreement, a Watermain Alteration Permit, and coordination with Metrolinx will be required.

With regard to the Storm, Sanitary and Water service, a detailed review is ongoing.

Transportation

A total of 45 residential parking spaces are provided of which nine are denoted as accessible spaces. No visitor parking spaces are proposed. Transportation Services staff noted the proposal must be revised to provide visitor and residential spaces at rates which would generate more parking than proposed.

In addition to the preceding, staff provided site plan related comments which may have implications on the site circulation and underground site organization. Given the site's size and configuration, the comments may have further implications on the number of spaces and, or the building footprint.

Rental Housing Demolition and Conversion By-law

This application involves the demolition of rental housing. Since the development site contains six or more residential units, of which at least one unit is rental housing, an application is required under [Chapter 667](#) of the City's Municipal Code, the Rental Housing Demolition and Conversion By-law. The By-law requires an applicant obtain a permit from the City allowing the demolition of the existing rental housing units. The City may impose conditions that must be satisfied before a demolition permit is issued.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 4 to 12 square metres of local parkland per person, which is below the City-wide average provision of 28m² of parkland per person (2022). Given the future expected growth both on the development site itself and surrounding sites, the existing parkland will be further stressed if no new parks are created. This anticipated parkland deficit must be addressed through the creation of new parks to serve the future population.

Should the application receive a positive decision in the future, the parkland dedication requirements will be addressed at that time, including the potential for an off-site dedication that would expand an existing park or create a new park. The off-site dedication is to comply with Policy 3.2.3.8 of the Toronto Official Plan. The size and location of the off-site conveyance would be subject to the approval of the General Manager, Parks, Forestry & Recreation, with conveyance of parkland required prior to the issuance of the First above Grade Building Permit.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision. Further information is also required to determine conformity with the Energy and Resilience policies of the YESP.

Community Consultation

At the Virtual Community Consultation the following comments and issues were raised:

- Appropriateness of a tall building in the interior of the Henning Character Area;

- The precedent that approval of this application would set and the implications for the remainder of the Character Area and the existing low rise residential lots;
- A concern about the height of the tower in a low rise residential neighbourhood;
- A lack of articulation and transition of the proposed tower towards its low rise residential neighbours;
- A concern about the extent of the lands subject to the Official Plan Amendment request for redesignation compared to the lands subject to the Zoning By-law Amendment application and the implication that those lands to be redesignated but not rezoned are being used to provide the transition to the Neighbourhoods area to the north, rather than transition happening on the development site itself;
- An appreciation for more housing being built near a subway station but a concern that these units, like more units being built, will not be affordable units;
- A concern that with so few vehicular parking spaces being provided in the building, that overflow vehicles will be parked on the local streets instead, causing congestion in the neighbourhood;
- A concern that the safety of children in the neighbourhood will be at risk, due to increased traffic from this and other development; and
- A concern that the proposed private lane to the south, between Henning Avenue and Duplex Avenue, will create a shortcut for vehicles, when complete and operational.

Summary of Issues to be Resolved

The following represents a high level summary of the issues to be resolved regarding the applications based on the concern outlined in the report above:

- appropriateness of re-designation of land from *Neighbourhoods* to *Mixed Use Areas*;
- appropriateness of extent of lands to be redesignated as compared to the lands subject to the Zoning By-law Amendment application;
- the appropriateness of redesignating lands for the purpose of providing a buffer to the proposed 34-storey building;
- appropriateness of the proposed land use on lands designated *Neighbourhoods* by both the Official Plan and the Yonge Eglinton Secondary Plan;
- the height, scale, intensity and massing of the development and the fit of the development within the existing and planned context;
- the setbacks and separation distances, including relationships to, and impacts on, adjacent properties;
- impacts to the public realm created by the proposed tall building, including, but not limited to, shadow, skyview, and pedestrian level wind conditions;
- the inadequacy of the proposed indoor and outdoor amenity space;
- the adequacy of the proposed soil volume for future tree planting and the long term viability of the tree survival;
- rental housing demolition; and,
- the lack of parking including visitor parking.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), the Official Plan, the Yonge Eglinton Secondary Plan and associated guidelines. Staff are of the opinion that

the proposal, in its current form, is not consistent with the PPS (2020) and does not conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). Further, the proposal, in its current form, does not conform with the Official Plan and the Yonge Eglinton Secondary Plan, particularly as it relates to appropriateness of redesignation, intensity of the proposed development, transition to the existing and planned context, provision of adequate amenity space, and inadequate soil volumes. The proposal, in its current form, does not represent good planning and is not in the public interest. Staff recommend that Council refuse the application. Staff also recommend Council utilize the dispute resolution mechanisms under the Planning Act, in an attempt to resolve the issues generally outlined in this Report with the application in its current form.

CONTACT

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Cathie.Ferguson@toronto.ca

SIGNATURE

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

ATTACHMENTS

City of Toronto Data/Drawings

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Map 21.4 Land Use
- Attachment 5: Map 21-2 Midtown Character Areas
- Attachment 6: Map 21-3 Midtown Transit Station Areas
- Attachment 7: Existing Zoning By-law Map

Applicant Submitted Drawings

- Attachment 8: Site Plan
- Attachment 9a to 9d: Elevations
- Attachment 10a: 3D Massing view from the northeast
- Attachment 10b: 3D Massing view from the northwest

Attachment 1: Application Data Sheet

Municipal Address: 21 HENNING AVE Date Received: July 18, 2023

Application Number: 23 176474 NNY 08 OZ

Application Type: OPA / Rezoning

Project Description: Proposed land use designation from Neighbourhoods to Mixed Use Areas and proposed 34-storey residential building

Applicant	Agent	Architect	Owner
Kevin McKeown Madison Group 369 Rimrock Road Toronto, ON M3J 3G2	Kevin McKeown Madison Group 369 Rimrock Road Toronto, ON M3J 3G2	Turner Fleischer 67 Lesmill Road Toronto, ON M3B 2T8	27 Henning Avenue Limited 369 Rimrock Road, Toronto, ON M3J 3G2

EXISTING PLANNING CONTROLS

Official Plan Designation: Neighbourhoods Site Specific Provision: N

Zoning: R (d0.6) (x721) Heritage Designation: N

Height Limit (m): 10 Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 1,684 Frontage (m): 42 Depth (m): 40

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	440		1,242	1,242
Residential GFA (sq m):	520		25,490	25,490
Non-Residential GFA (sq m):				
Total GFA (sq m):	520		25,490	25,490
Height - Storeys:	2		34	34
Height - Metres:	6		112	112

Lot Coverage Ratio (%): 73.75 Floor Space Index: 15.14

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)

Residential GFA: 25,365 125

Retail GFA:

Office GFA:

Industrial GFA:

Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	3			
Freehold:	5			
Condominium:			390	390
Other:				
Total Units:	8		390	390

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		29	217	104	40
Total Units:		29	217	104	40

Parking and Loading

Parking Spaces:	45	Bicycle Parking Spaces:	440	Loading Docks:	1
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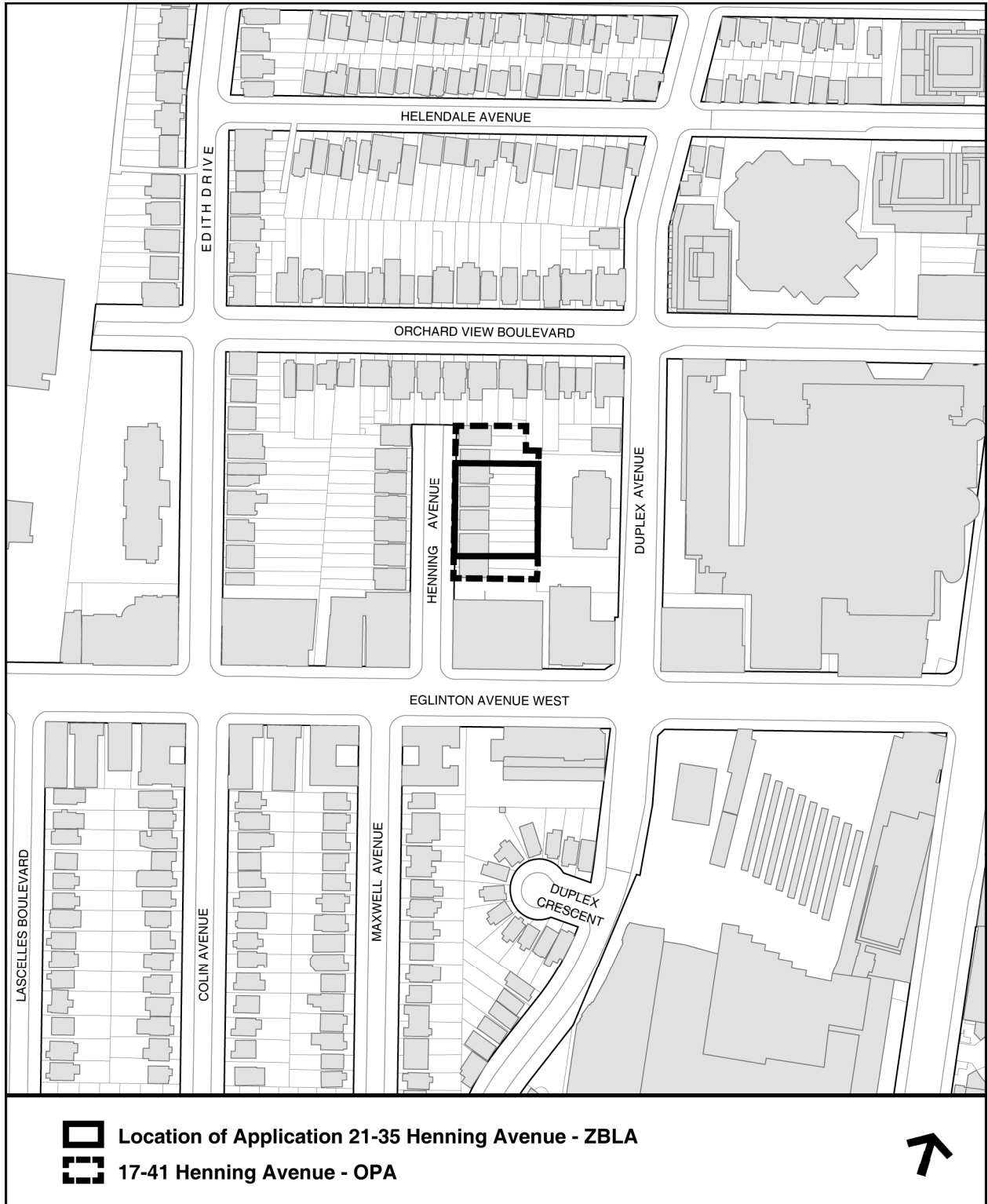
CONTACT:

Cathie Ferguson, Senior Planner

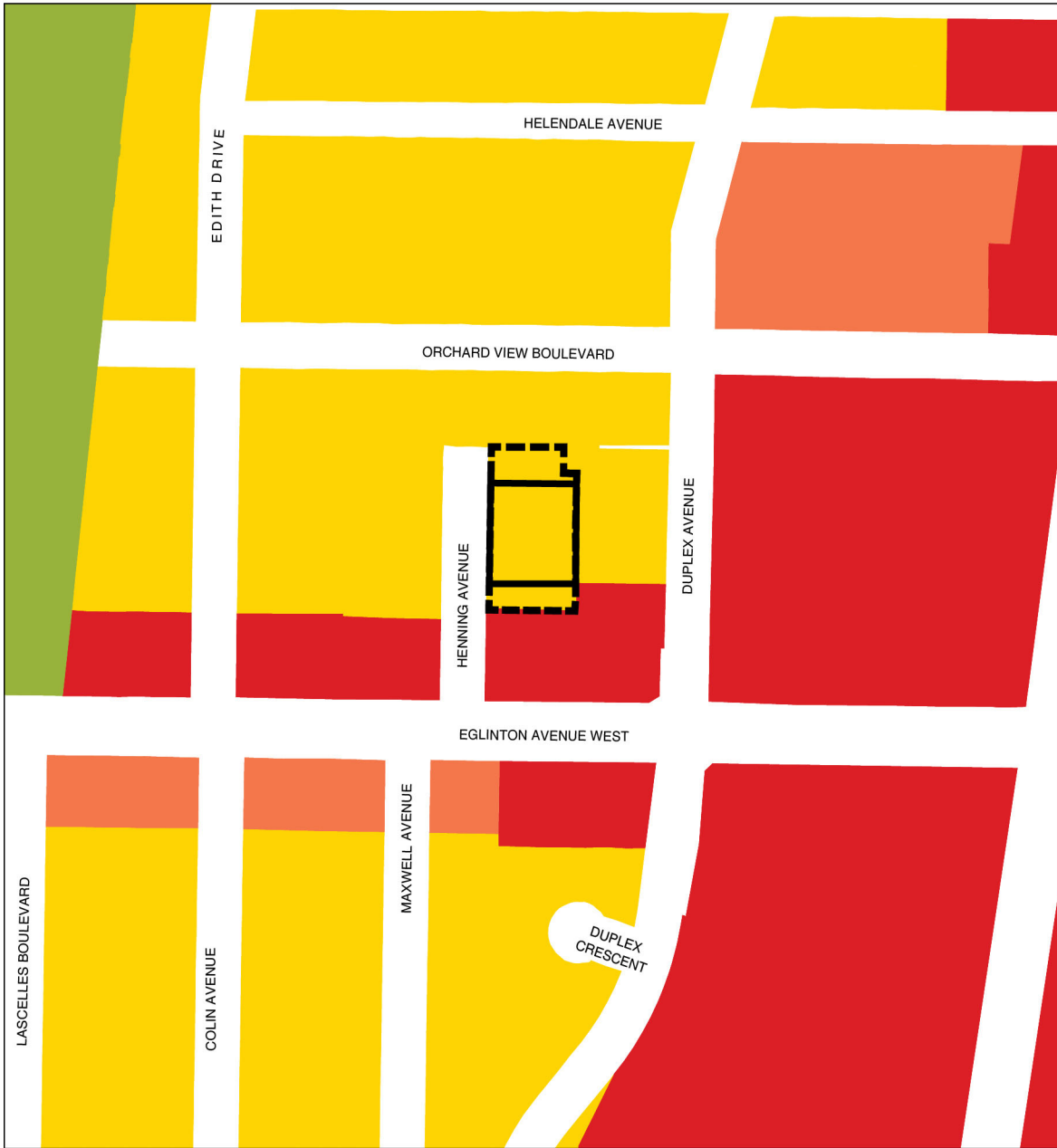
(416) 395-7117

Cathie.Ferguson@toronto.ca

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



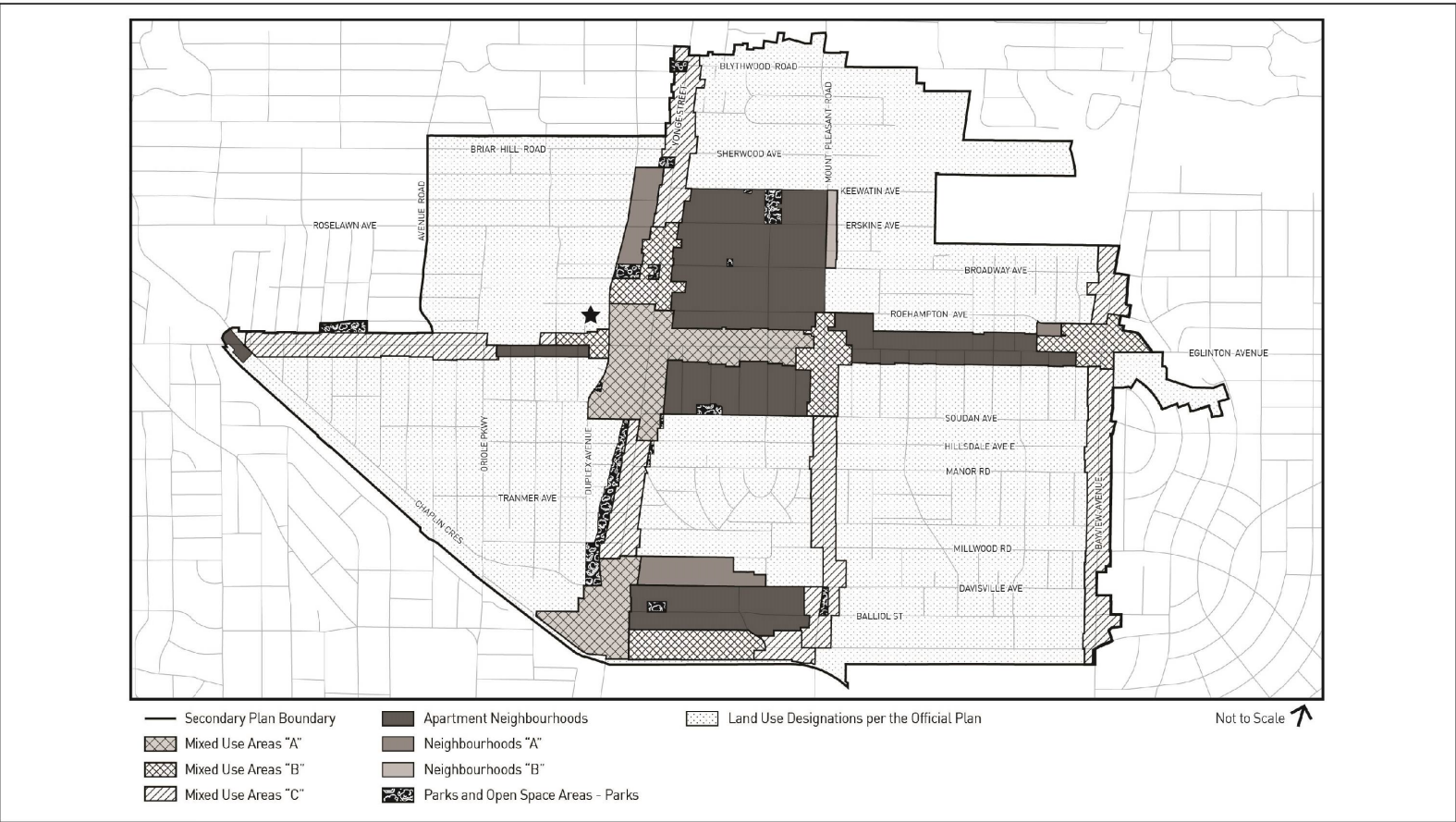
Official Plan Land Use Map #17

21-35 Henning Avenue

File # 23 176474 NNY 08 0Z

- | | |
|--|--|
|  Location of Application |  17-41 Henning Avenue - OPA |
|  Neighbourhoods |  Parks |
|  Apartment Neighbourhoods | |
|  Mixed Use Areas | |

↑
Not to Scale
Extracted: 07/24/2023



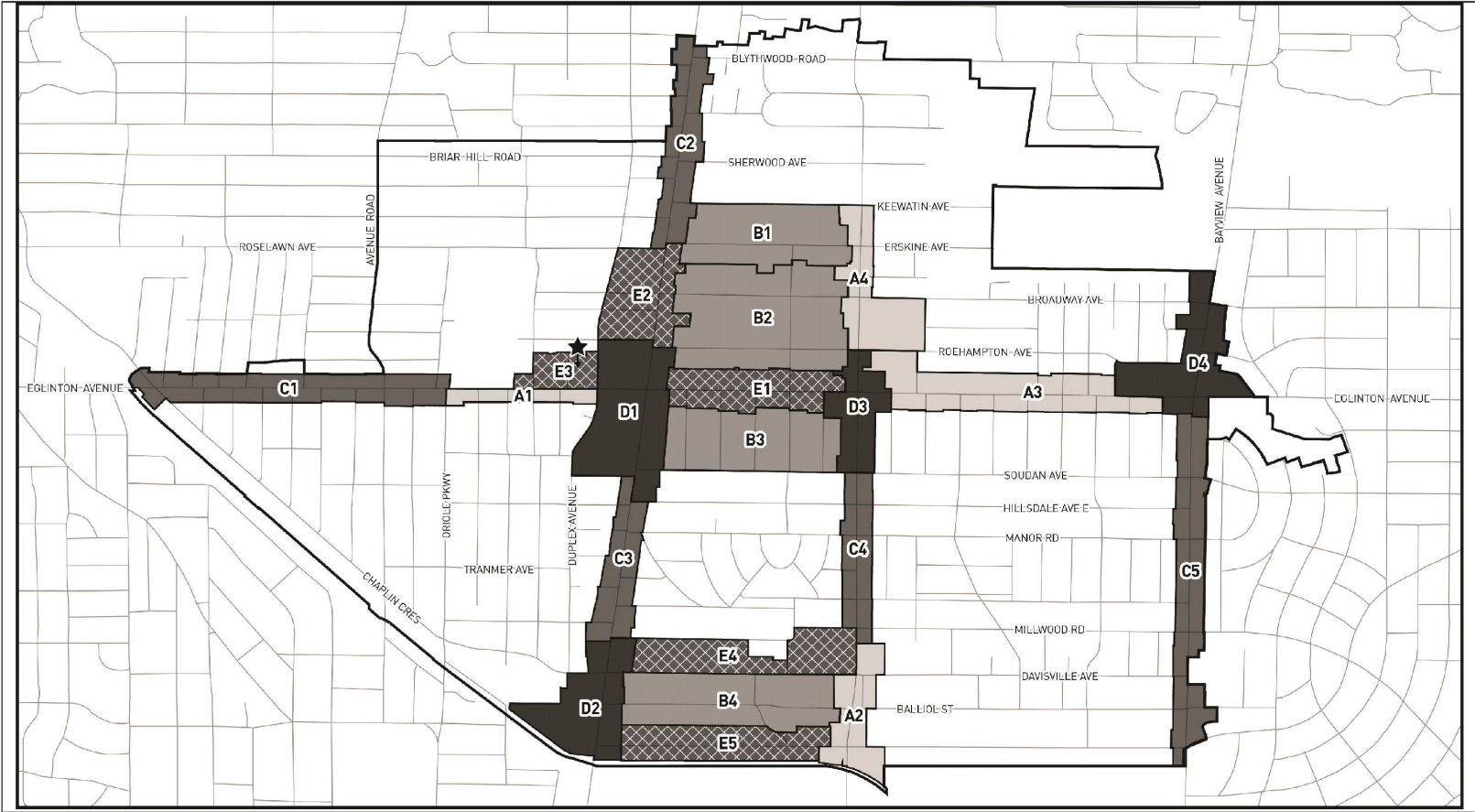
Yonge-Eglinton Secondary Plan - OPA 405

21-35 Henning Avenue

File # 23 176474 NNY 08 0Z

★ Site Location

↑
Not to Scale
09/12/2023



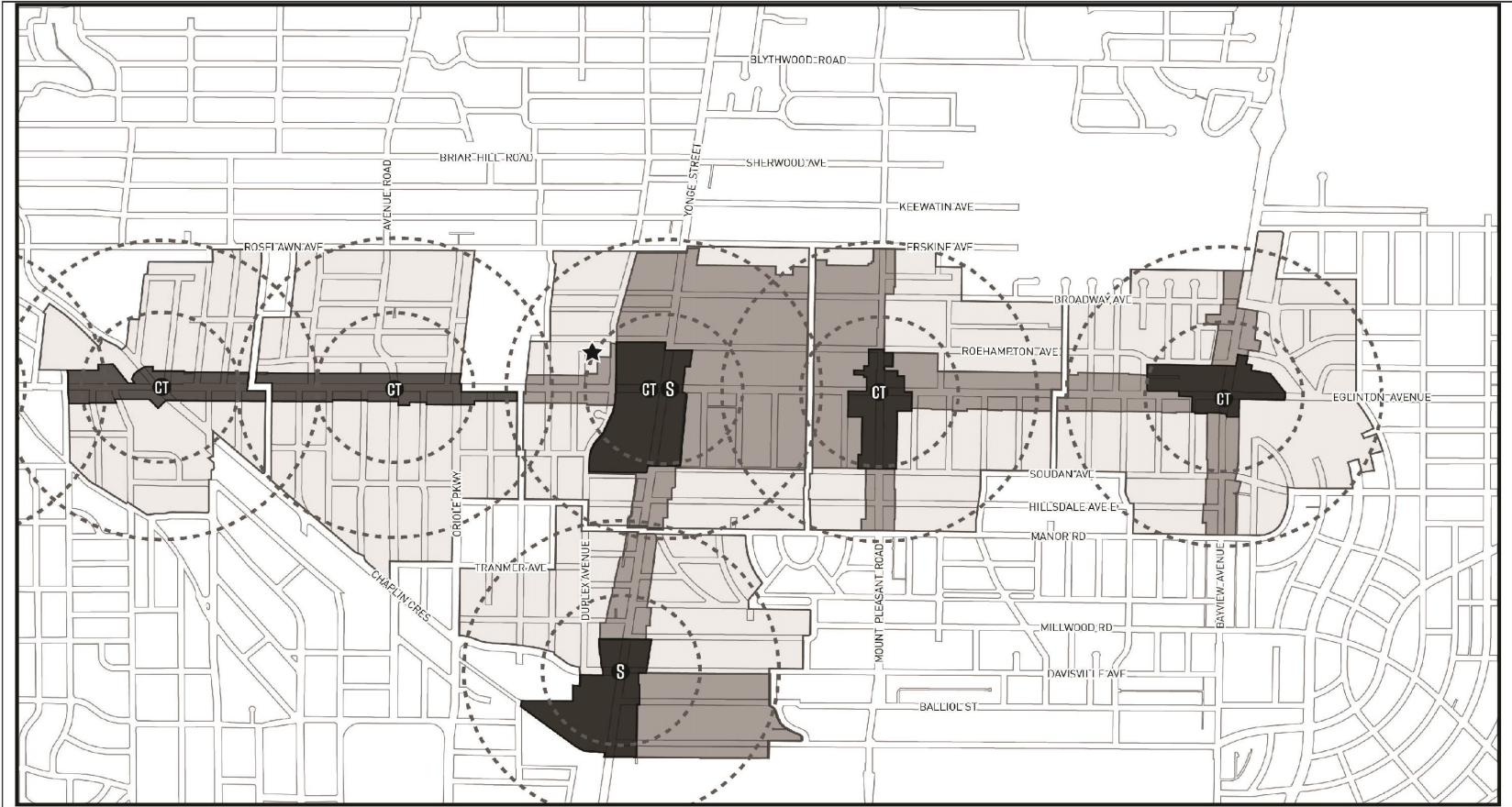
Yonge-Eglinton Secondary Plan
 MAP 21-2 Midtown Character Areas

21-35 Henning Avenue

File # 23 176474 NNY 08 0Z

- | | | | | | |
|---------------------------|-----------------------------|-------------------------|------------------------------|--------------------------------|-----------------|
| — Secondary Plan Boundary | ■ Apartment Neighbourhoods | ■ Villages | ■ Cores | ▣ Special Places | ★ Site Location |
| ■ Apartment High Streets | B1 Erskine and KeeWatIn | C1 Eglinton Way | D1 Yonge-Eglinton Crossroads | E1 Eglinton Greenline | |
| A1 Eglinton Park | B2 Redpath Park Street Loop | C2 Yonge Street North | D2 Davisville Station | E2 Montgomery Square | |
| A2 Mount Pleasant Gateway | B3 Soudan | C3 Yonge Street South | D3 Mount Pleasant Station | E3 Henning | |
| A3 Eglinton East | B4 Davisville | C4 Mount Pleasant South | D4 Bayview Focus Area | E4 Davisville Community Street | |
| A4 Mount Pleasant North | | C5 Bayview-Leaside | | E5 Merton Street | |

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 Not to Scale
 09/12/2023



TORONTO
Yonge-Eglinton Secondary Plan
 MAP 21-3 Midtown Transit Station Areas

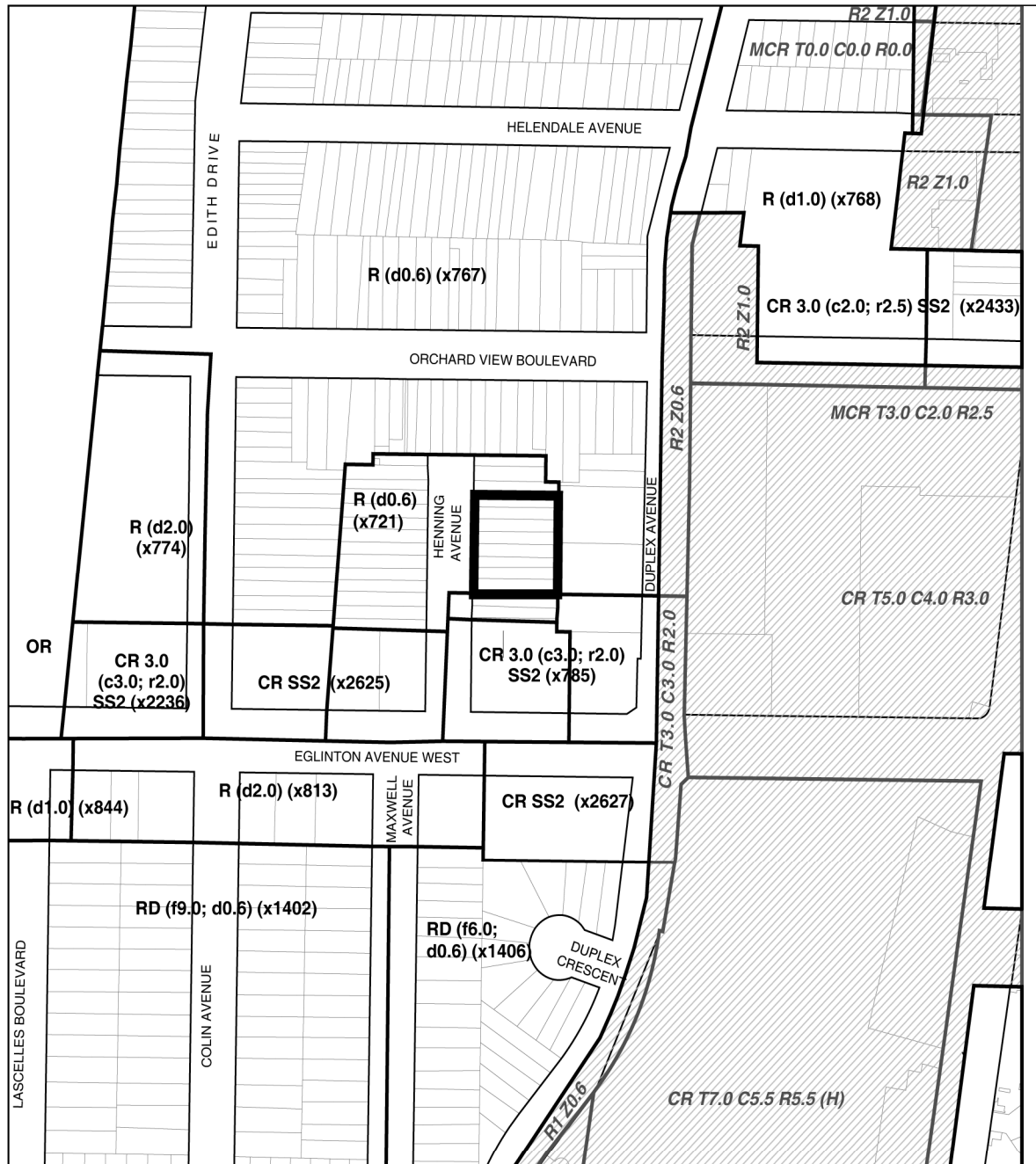
21-35 Henning Avenue

File # 23 176474 NNY 08 0Z

- | | | | |
|----------------------|--------------------------|----------------------------|---------------|
| Transit Nodes | Transit Corridors | 250m and 500m Radii | Site Location |
| Station Area Core | Corridor | Subway Station | |
| Secondary Zone | Built-up Zone | Eglinton Crosstown Station | |
| Built-up Zone | | | |

Not to Scale
 09/12/2023

Attachment 7: Existing Zoning By-law Map



Zoning By-law 569-2013

21-35 Henning Avenue

File # 23 176474 NNY 08 02

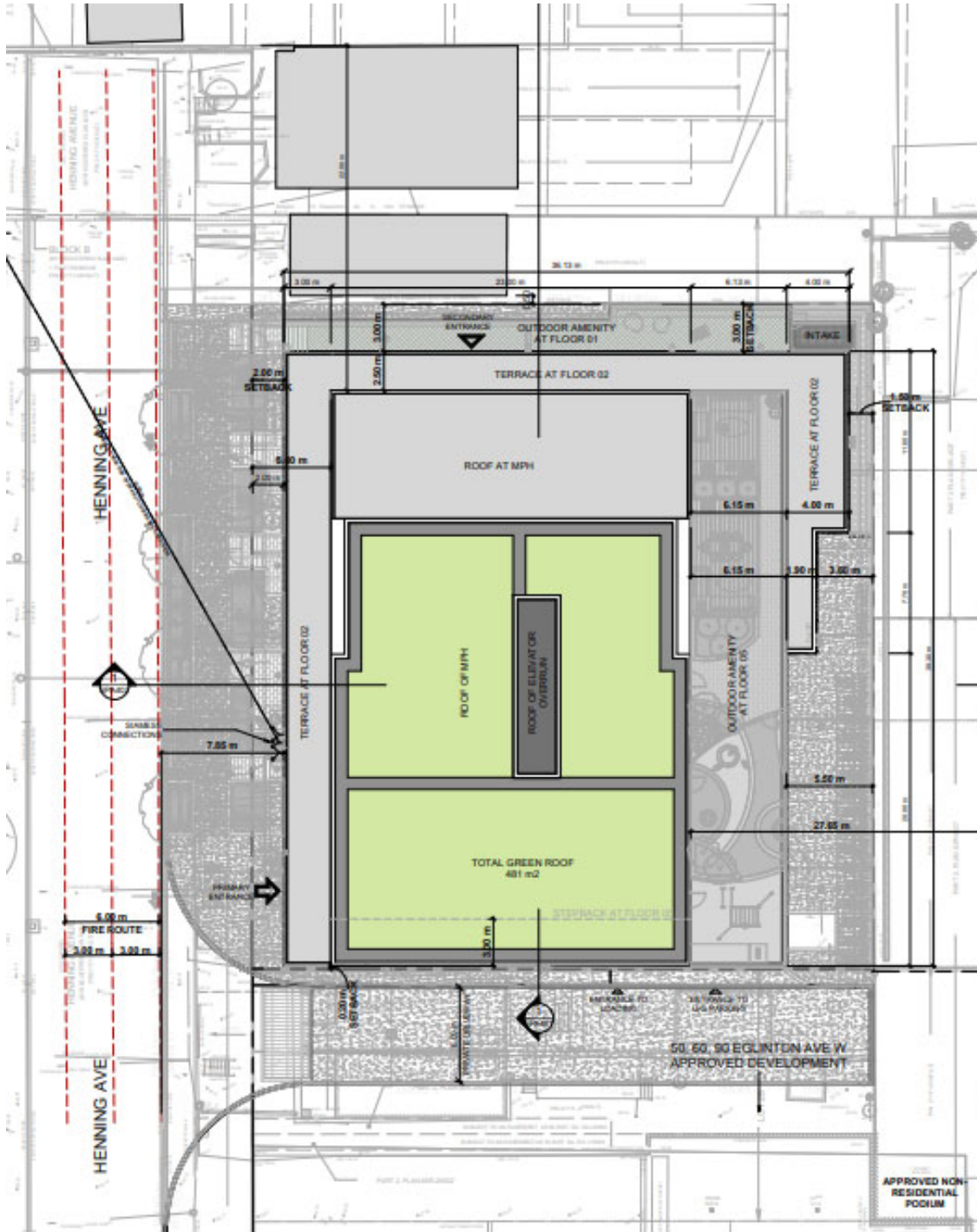
-  Location of Application
- R** Residential
- RD** Residential Detached
- CR** Commercial Residential
- OR** Open Space Recreation

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

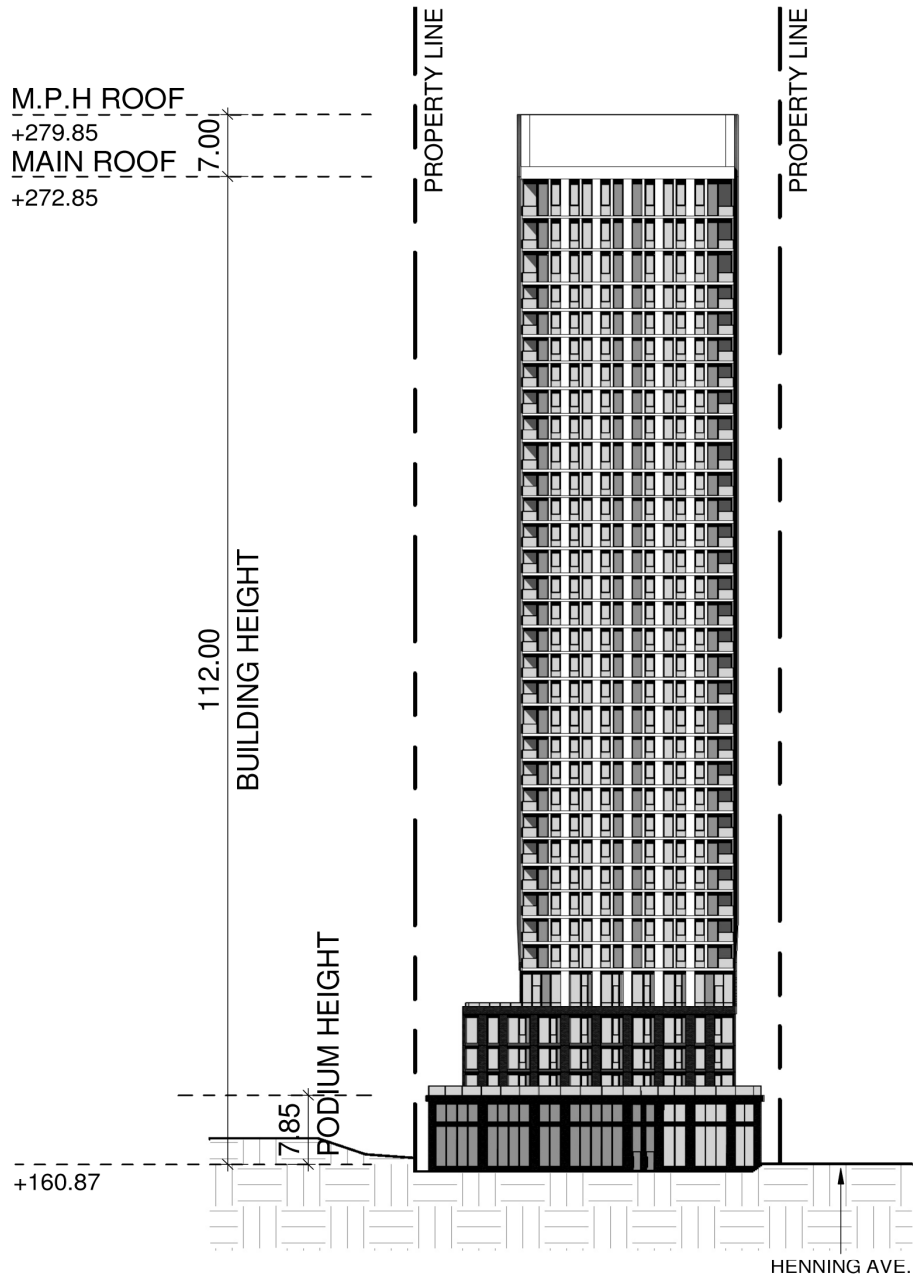


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Extracted: 07/24/2023

Attachment 8: Site Plan

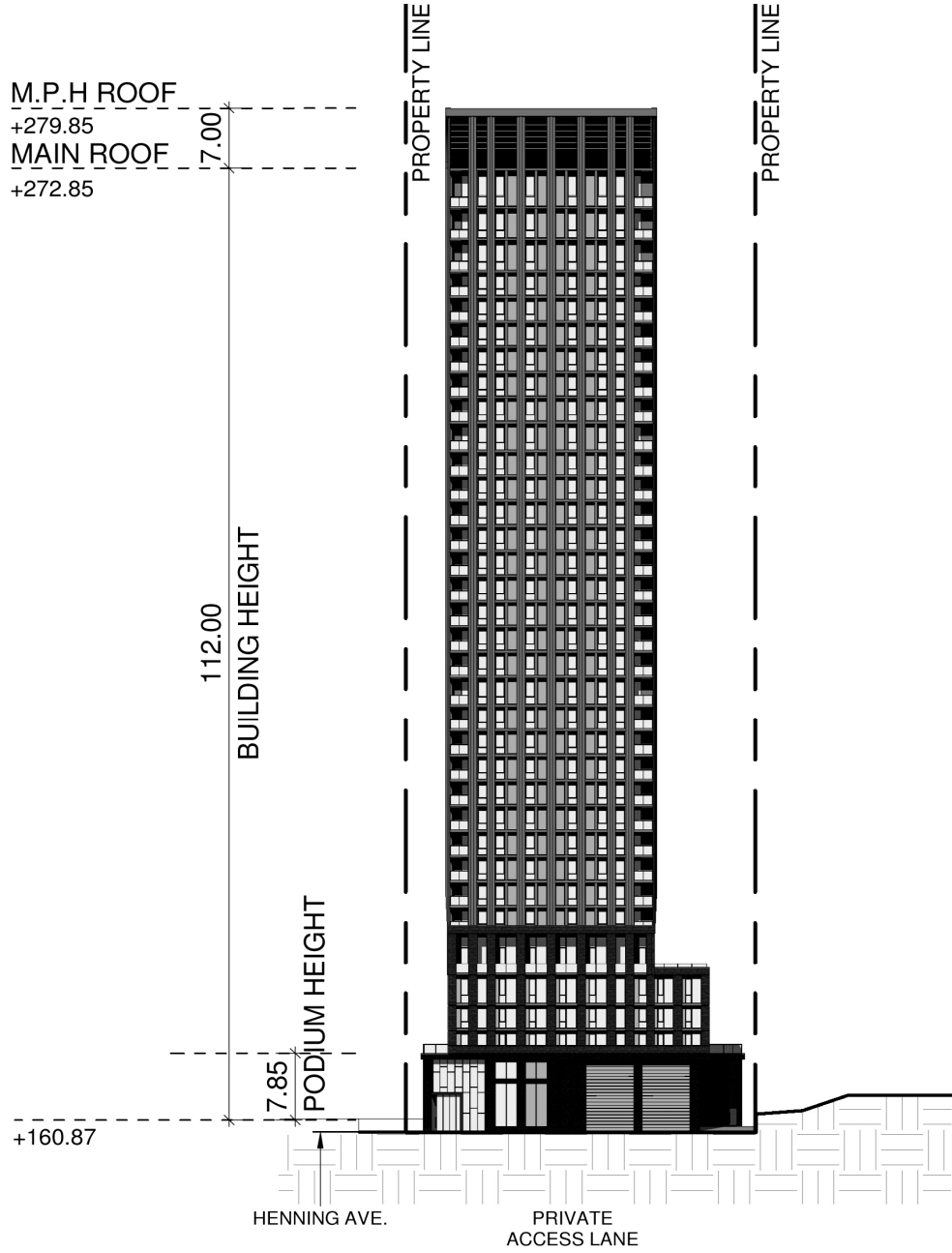


Attachment 9a: Elevations



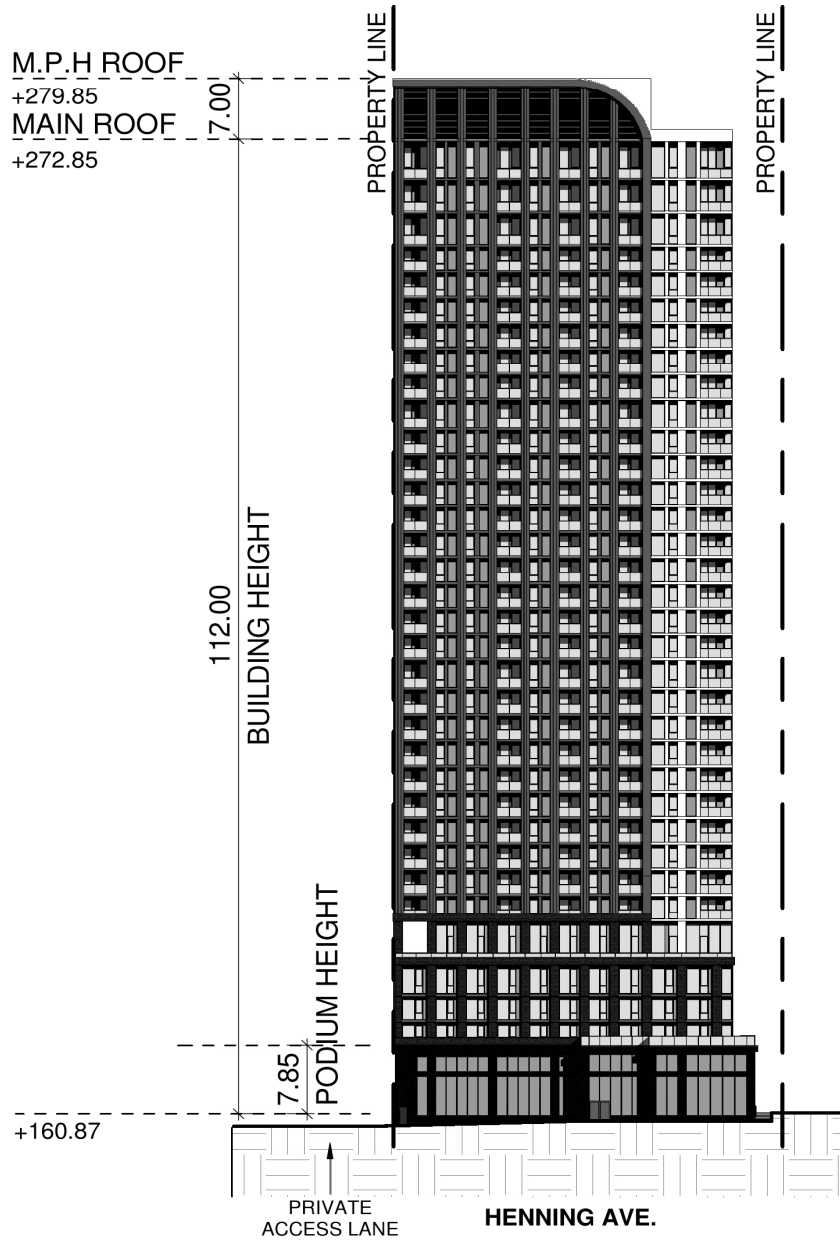
North Elevation

Attachment 9b: Elevations



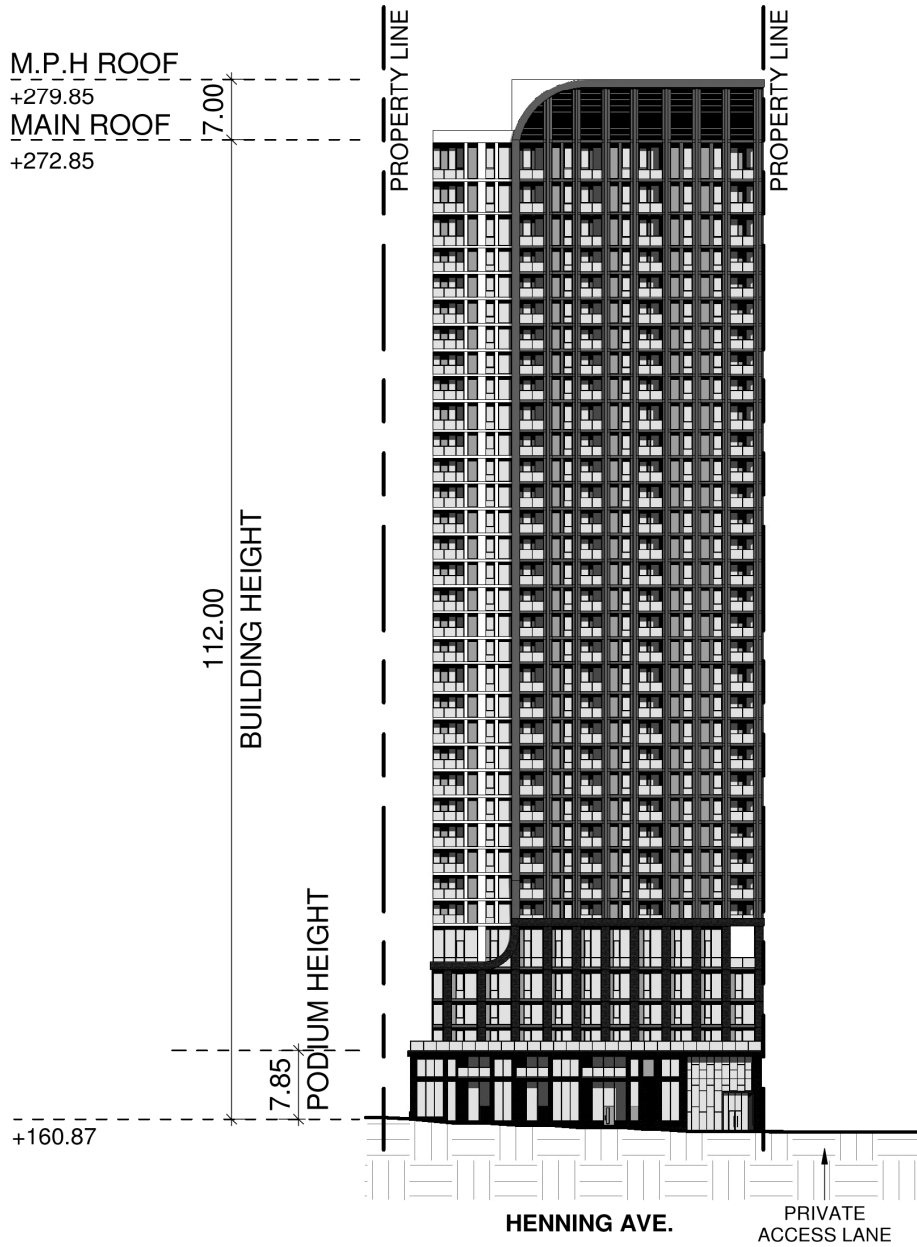
South Elevation

Attachment 9c: Elevations



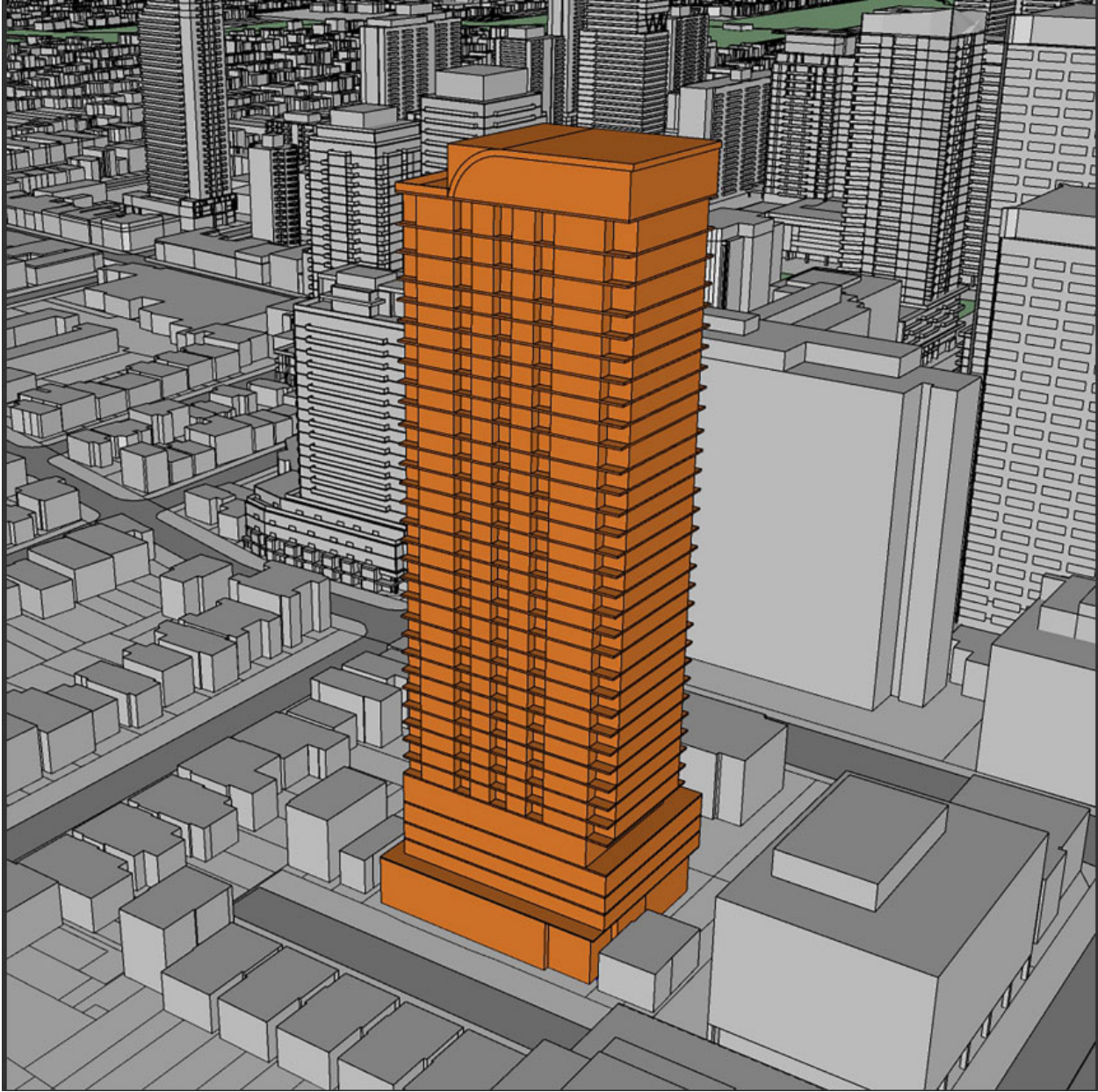
East Elevation

Attachment 9d: Elevations



West Elevation

Attachment 10a: 3D Massing looking northeast



Attachment 10b: 3D Massing looking northwest

