

## **2941 Eglinton Avenue East - Zoning Amendment Application – Appeal Report**

Date: August 22, 2023

To: Scarborough Community Council

From: Acting Director, Community Planning, Scarborough District

Ward: 20 - Scarborough Southwest

**Planning Application Number: 22 202882 ESC 20 OZ**

### **SUMMARY**

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On September 16, 2022, a Zoning By-law Amendment application was submitted to permit a 44-storey mixed-use building with 37,419 square metres of residential gross floor area for a total of 555 units and 288 square metres of ground floor retail space at 2941 Eglinton Avenue East. The proposal would have a net Floor Space Index of 8.79 times the area of the lot.

On March 24, 2023, the Applicant appealed the application to the Ontario Land Tribunal (the "OLT") due to City Council failing to make a decision within the 90-day time frame in the *Planning Act*.

This report recommends that the City Solicitor together with appropriate City staff attend the OLT hearing to oppose the application in its current form and to continue discussions with the Applicant to resolve outstanding issues.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council direct the City Solicitor, together with appropriate staff, to attend the Ontario Land Tribunal in opposition to the application regarding the Zoning By-law Amendment, in its current form, for the lands at 2941 Eglinton Avenue East.
2. City Council authorize the City Solicitor and appropriate City staff to continue discussions with the applicant to address outstanding issues, including but not limited to those outlined in this report.
3. In the event that the Ontario Land Tribunal allows the appeals in part, City Council instruct the City Solicitor to request the Ontario Land Tribunal to withhold its Order on the Zoning By-law Amendment until such time as the Ontario Land Tribunal has been

advised by the City Solicitor that:

a. the proposed Zoning By-law Amendment is in a final content and form satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;

b. the Owner has, at its sole cost and expense:

1. submitted a revised Functional Servicing Report, Stormwater Management Report, and Hydrogeological Review, including the Foundation Drainage Report or addendums ("Engineering Reports"), to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;

2. secured the design and provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Engineering Reports, to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water, should it be determined that improvements or upgrades are required to support the development, according to the accepted Engineering Reports, accepted by the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water;

3. ensured the implementation of the accepted Engineering Reports does not require changes to the proposed amending By-laws or any such required changes have been made to the proposed amending By-laws, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, including the use of a Holding ("H") By-law symbol regarding any new or upgrades to existing municipal servicing infrastructure as may be required;

4. submitted a revised Transportation Impact Study or addendum, acceptable to, and to the satisfaction of, the General Manager, Transportation Services and the Chief Engineer and Executive Director, Engineering and Construction Services and that such matters arising from such study, be secured if required; and

5. submitted a revised Arborist Report or addendum and Tree Protection Plan acceptable and satisfactory to the General Manager, Parks, Forestry and Recreation; and

6. has addressed the comments from the TTC in their letter dated December 28, 2022.

4. City Council authorizes the City Solicitor and City Staff to take and necessary steps to implement City Council's decision.

## **FINANCIAL IMPACT**

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

## **SITE AND SURROUNDING AREA**

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### **Site Description**

The site is located on the south side of Eglinton Avenue East and is generally rectangular in shape. The site has a frontage of approximately 61 metres along Eglinton Avenue East and a depth of approximately 76 metres. The site area is 4,291 square metres.

### **Existing Uses:**

Single storey commercial building with associated parking lot.

### **Surrounding uses include:**

**North:** On the north side of Eglinton Avenue East are automotive, commercial, retail and personal service uses in generally in single-storey plazas.

**East:** To the immediate east is a vacant parcel and further east is the Eglinton GO Station.

**South:** To the immediate south is a property owned by another owner that is currently being used as an informal parking lot. Further south is the rail corridor utilized by GO Transit.

**West:** To the immediate west is a one-storey commercial building, further west is a large format retail store containing a Home Depot with a recently granted approval for a self-storage building proposed within the surrounding surface parking area.

## **THE APPLICATION**

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**Height:** 44-storeys (137.8 metres to the top of roof, 143.8 metres to the top of the mechanical penthouse)

**Density (Floor Space Index):** Gross density of 8.79 times the area of the lot.

**Land Use:** 37,419 square metres of residential uses and 288 square metres of retail uses on the ground floor.

**Unit count:** 555 dwelling units (53 studio units, 331 one-bedroom units, 111 two-bedroom units and 60 three-bedroom units).

**Access, Parking and Loading:** Vehicular access would be provided from a single driveway from Eglinton Avenue East at the east end of the site. Vehicular parking would primarily be provided underground in three levels. There are 3 surface parking spaces proposed for a total of 278 vehicular parking spaces on the site. One Type 'G' and one Type 'C' loading space is proposed. A total of 416 bicycle spaces are proposed (including 39 short-term bicycle spaces and 377 long-term bicycle spaces).

### **Additional Information**

For more information see Attachments 1-7 of this report for the Location Map, Application Data Sheet, 3-D images of the proposal in context and a Site Plan for the proposal. The Application Data Sheet contains additional statistics including: site area, gross floor area, unit breakdown and parking counts.

Detailed project information is found on the City's Application Information Centre at: <https://www.toronto.ca/2941EglintonAveE>

### **Site Plan Control**

The proposal is subject to Site Plan Control. A Site Plan Control application has been submitted (Application No. 22 202881 ESC 20 SA) and is also under appeal.

### **Reasons for the Application**

An application to amend the Zoning By-law is required to permit the proposed uses, number of storeys, the floor space index/density, the number of dwelling units proposed, and to establish appropriate performance standards relating to building heights, building setbacks, coverage and parking requirements to facilitate the development as proposed.

## **POLICY CONSIDERATIONS**

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### **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 (PPS) and shall conform to provincial plans.

**Official Plan Designation:** The site is designated *Mixed Use Areas* on Map 20 of the Official Plan (See Attachment 6: Official Plan).

**Zoning:** The site is zoned as Industrial Commercial Zone (MC) Zone in the Knob Hill Employment District Zoning By-law No. 24982, as amended (see Attachment 7: Zoning By-law Map). The Industrial Commercial Zone permits a variety of land uses including day nurseries, furniture warehouses, garden nurseries, lumber yards and building supply warehouses, machinery sales and service, place of worship, vehicle repair garages with an ancillary vehicle sales operation.

The subject lands do not form part of City-Wide Zoning By-law 569-2013.

### **Design Guidelines**

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

- Tall Building Design Guidelines
- Growing Up Guidelines Planning for Children in New Vertical Communities
- Pet Friendly Design Guidelines
- Best Practices for Bird-Friendly Glass
- Best Practices for Effective Lighting
- Retail Design Manual
- Toronto Accessibility Design Guidelines

### **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: <https://www.toronto.ca/citygovernment/planning-development/official-plan-guidelines/toronto-green-standard/>

## **COMMUNITY CONSULTATION**

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The application was appealed before a community consultation meeting could be scheduled. Staff note that applications appealed to the Ontario Land Tribunal are exempt from the public consultation requirements of the *Planning Act*.

## **COMMENTS**

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The proposal has been reviewed against the *Planning Act*, PPS, Growth Plan and Official Plan policies, planning studies and design guidelines.

### **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 have reviewed the current proposal for consistency with the Provincial Policy Statement and conformity with the Growth Plan.

## **Planning Study**

The Preliminary Report for the Zoning By-law Amendment and Draft Plan of Subdivision applications at 2956-2990 Eglinton Avenue East included a recommendation that staff be authorized to initiate a Planning Study. That recommendation was adopted by City Council on February 2, 2022. City staff are having on-going discussions with the applicant at 2956-2990 Eglinton Avenue East regarding how the study may proceed and which form it will take.

## **Toronto Official Plan**

The subject site is designated as *Mixed Use Areas* on Land Use Map 20. An excerpt from this Official Plan Land Use Map can be found in Attachment 6. This portion of Eglinton Avenue East is identified as an Avenue on Map 2, a Major Street on Map 3 with a planned right-of-way width of 36 metres, and an expansion element for a Higher Order Transit Corridor (Map 4). Lands to the south and southwest of the site are also designated as Mixed Use Areas.

On July 22, 2022, City Council adopted Official Plan Amendment No. 570 (OPA 570) which included the delineation of the Eglinton GO Protected Major Transit Station Area (PMTSA). The Eglinton GO PMTSA has a minimum population and employment target of 150 residents and jobs combined per hectare. The minimum density identified on Map 2 of Site and Area Specific Policy 625 for the subject site is 2.5 FSI. OPA 570 is currently pending approval by the Minister of Municipal Affairs and Housing.

## **Land Use and Avenues**

The proposed residential and retail uses are permitted and supported by the *Mixed Use Areas* designation in the Official Plan, with respect to land use. However, policies pertaining to *Mixed Use Areas* and *Avenues* have not been satisfied.

Section 2.2.3 of the Official Plan contemplates that development may be permitted on the *Avenues* prior to an Avenue Study and will be considered on the basis of all of the policies of this Plan. Development on the *Avenues* prior to an Avenue Study will implement the policies of the Plan for the relevant designation area(s). Policy 4 and 6 of Section 2.2.3 provides for additional development criteria for *Mixed Use Areas* that are required to be considered in the larger context and examine the implications of the form of development. An Avenue Study has not been completed. Further, staff are not satisfied that the submitted Avenue Segment Review sets an appropriate form of development for the *Avenues* segment pursuant to the above noted Official Plan requirements meaning the *Avenues* policies have not been met.

## **Height, Density, Built Form and Site Organization**

City Planning staff have concerns with the proposed building massing, podium height and tower placement, and do not support the development in its current form. City Planning staff do not support the deployment of the proposed height and density, the placement of the tower and the proposed setbacks. The proposal requires revisions to address the building massing by reducing the podium height, and increasing the tower

setback from the street to reduce the building's mass and to reduce the shadow impact on the public realm. In particular, the proposal should be revised to reduce the shadow impact on the public realm on the north side of Eglinton Avenue East. Further, the form and scale also has the potential to impact the *Avenue* in the broader context.

## **Parks**

In accordance with [Chapter 415, Article III of the Toronto Municipal Code](#), the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The residential component of this proposal is subject to a cap of 10% parkland dedication while the non-residential component is subject to a 2% parkland dedication.

The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted upon the submission of an application for the first above ground building permit and is valid for six months. Payment will be required prior to the issuance of said permit.

## **Rail Safety Metrolinx**

South of the property is the GO Transit Metrolinx Rail Corridor. Metrolinx was circulated on the application and provided comments. Metrolinx staff noted acceptance of the minimum 38 metre setback from the rail line to the proposed building.

## **TTC**

The application was circulated to the Toronto Transit Commission (TTC) staff for comments. TTC staff noted that a nearby bus stop is to be re-located onto the frontage of the site. To provide adequate room to operate the accessible ramp on their buses, and to accommodate both standard and articulated buses, the applicant is required to provide a level concrete platform that is at least 16 metres in length and 2.4 metres in width from the curb as per City standard drawing T-310.010-8. The existing stop environment includes a shelter, which should be provided at the relocated stop. The applicant should ensure that there is adequate space for a bus shelter at this stop location.

In the event the Ontario Land Tribunal (OLT) allows the appeal in whole or in part, it is recommended that City Council direct the City Solicitor to request that the OLT withhold its order until the comments from the TTC have been adequately addressed.

## **Urban Forestry**

Urban Forestry is not opposed in principle to development of this site, however at this time they do not support the zoning bylaw amendment proposal, because they are unable to confirm through the submission that the proposed planting and soil volume is achievable.

## **Unit Mix and Sizes**

The proposed provision of 111 (20.0%) of the new dwelling units as two-bedroom units and 60 (10.88%) of the new dwelling units as three-bedroom units satisfies the unit mix

objectives of Guideline 2.1 of the Growing Up guidelines. However, only 29 two-bedroom units (representing 5.2% of all residential units) are larger than 87 square metres in size and only 22 three-bedroom units (representing 4.0% of all residential units) are larger than 100 square metres in size which do not adequately satisfy the unit size objectives of Guideline 3.0. Staff do not support the current mix of units types. The number of studio units should be reduced and the floor area redeployed so as to provide at least 15% of the total residential units as two-bedroom units with an area of at least 87 square metres, and at least 10% of all residential units as three-bedroom units with an area of at least 100 square metres. Such revisions would permit the applicant to better accommodate a broader range of households, including families with children, within the proposed development.

### **Affordable Housing**

Given the location of the proposed development and its proximity to the Eglinton GO station, there is a significant public interest in including affordable housing units within the proposed development. In the event that the Ontario Land Tribunal allows the appeal in whole or in part, the applicant is encouraged to enter into discussions with City Planning staff regarding the possibility of directing the Community Benefits Charge toward in-kind affordable housing within the proposed development.

### **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.

Based on the foregoing, the following CS&F priorities may be considered in review of the subject application:

- Contribution towards community agency space eligible for the City's Community Space Tenancy (CST) Policy. In consideration of the identified gaps in the availability of inclusive community spaces within the area and continued pressure on existing Human Services providers associated with population growth;
- Contribution towards the new Southwest Scarborough Community Recreation Centre and priorities identified in PF&R's Facilities Master Plan and in the vicinity of the subject site; and,
- Contributions towards the future expansion of Bendale Neighbourhood Library or other capital improvements to local libraries as may be identified by TPL.



## **Eglinton East LRT Road Widening**

The Eglinton East LRT 5% design drawings indicate that the right-of-way in front of the development would need to be widened between 4.5 metres and 7.2 metres. The proposed development includes the setback that is required to implement the right-of-way widening for the Eglinton East LRT. The Zoning By-law Amendment would reflect the extent of the widening required to protect for the future right-of-way for the Eglinton East LRT.

## **Infrastructure and Servicing Capacity**

A Functional Servicing and Stormwater Management Report, Hydrogeological Review Report and associated plans were submitted with the application. Engineering and Construction Services staff have indicated the need for revisions and additional information to complete their review of the application.

In the event that the OLT allows the Zoning By-law Amendment appeal in whole or in part, this report recommends that the City Solicitor request the final Order should be withheld pending the confirmation of water, sanitary and stormwater capacity from the Chief Engineer and Executive Director, Engineering and Construction Services, or the determination of whether holding provisions are required in the Zoning By-law Amendment.

## **Traffic Impact, Access and Parking**

The Transportation Impact Study submitted by the applicant should be revised to the satisfaction of, the General Manager, Transportation Services and the Chief Engineer and Executive Director, Engineering and Construction Services and address the following:

- Ensure the local road network can accommodate the modest increase in trips generated by the revised proposal; and
- Determine if any signal upgrades or other upgrades to transportation-related infrastructure is necessary to support the development and secure through an appropriate financially secured agreement.

## **Toronto Green Standard**

The applicant is required to meet Tier 1 of the Toronto Green Standard, and is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and achieving net-zero emissions by 2040 or sooner. Should the proposal be approved in some form by the OLT, applicable performance measures for the Tier 1 development features would be secured in the site-specific Zoning By-laws at a minimum and others through the Site Plan Control application.

## **School Boards**

The Toronto District School Board (TDSB) advised that the projected accommodation levels at the local schools serving the site warrant the use of a warning clause in all offers of purchase and sale/ lease/ rental/ tenancy agreements. The TDSB also

requested a sign be posted on the property advising that students may be accommodated outside this area until space at local schools becomes available. The TDSB requested the warning clause and sign be incorporated into the subsequent site plan agreement as a condition of pre-approval.

The Toronto Catholic District School Board (TCDSB) advised that sufficient space exists within the local elementary and secondary schools to accommodate additional students from the development as proposed.

### **Further Issues**

City Planning continues to receive additional information regarding this application as a result of ongoing review by City commenting divisions, materials submitted in support of the proposal and through deputation made by members of the public to Community Council. Staff may also be required to evaluate supplementary or revised plans and supporting materials submitted by the applicant after the date of this report. As a result, Planning staff may continue to identify further issues or supplement the reasons provided in this report. Where substantive changes to the proposal are made by the applicant, Staff may report back to City Council as necessary.

### **Conclusion**

The application has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Official Plan and applicable City guidelines intended to implement Official Plan policies. The Application in its current form is not consistent with the PPS and does not conform to the Growth Plan. As currently proposed, the application does not conform to the Official Plan, and does not have appropriate regard for the Tall Building Design Guidelines.

This report recommends that the City Solicitor, with appropriate staff, attend the OLT in opposition to the application in its current form and to continue discussions with the applicant in an attempt to resolve outstanding issues.

### **CONTACT**

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Tyler Hughes, Senior Planner, Community Planning, Scarborough District, Tel. No. 416-396-3266, E-mail: [Tyler.Hughes@toronto.ca](mailto:Tyler.Hughes@toronto.ca)

### **SIGNATURE**

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Christian Ventresca, MScPL, MCIP, RPP, Acting Director  
Community Planning, Scarborough District

## **ATTACHMENTS**

### **City of Toronto Drawings**

Attachment 1: 3D Model of the Proposal in Context Looking Southwest

Attachment 2: 3D Model of the Proposal in Context Looking Northeast

Attachment 3: Location Map

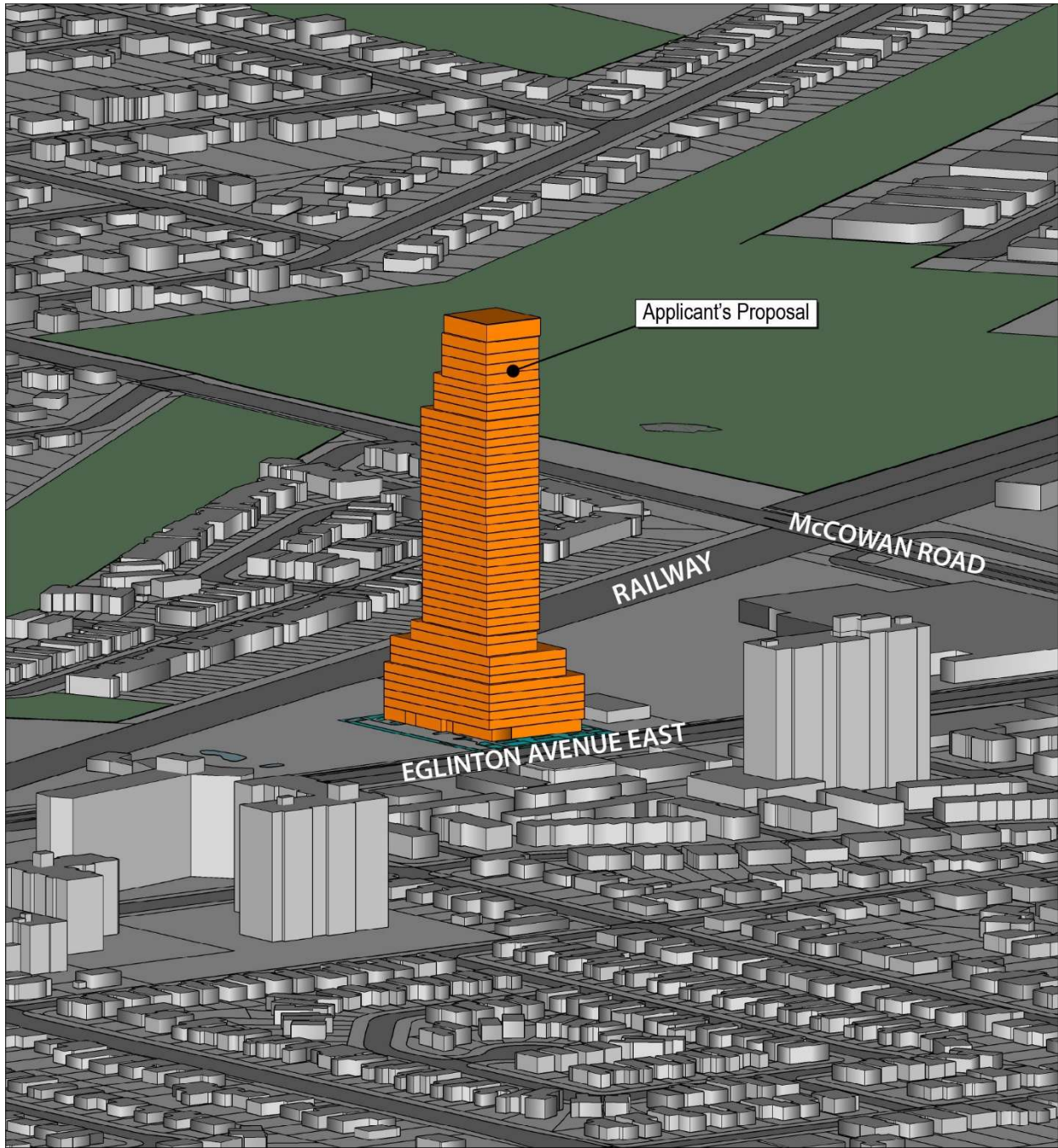
Attachment 4: Application Data Sheet

Attachment 5: Site Plan

Attachment 6: Official Plan Map

Attachment 7: Zoning By-law Map

# Attachment 1: 3D Model of the Proposal in Context Looking Southwest

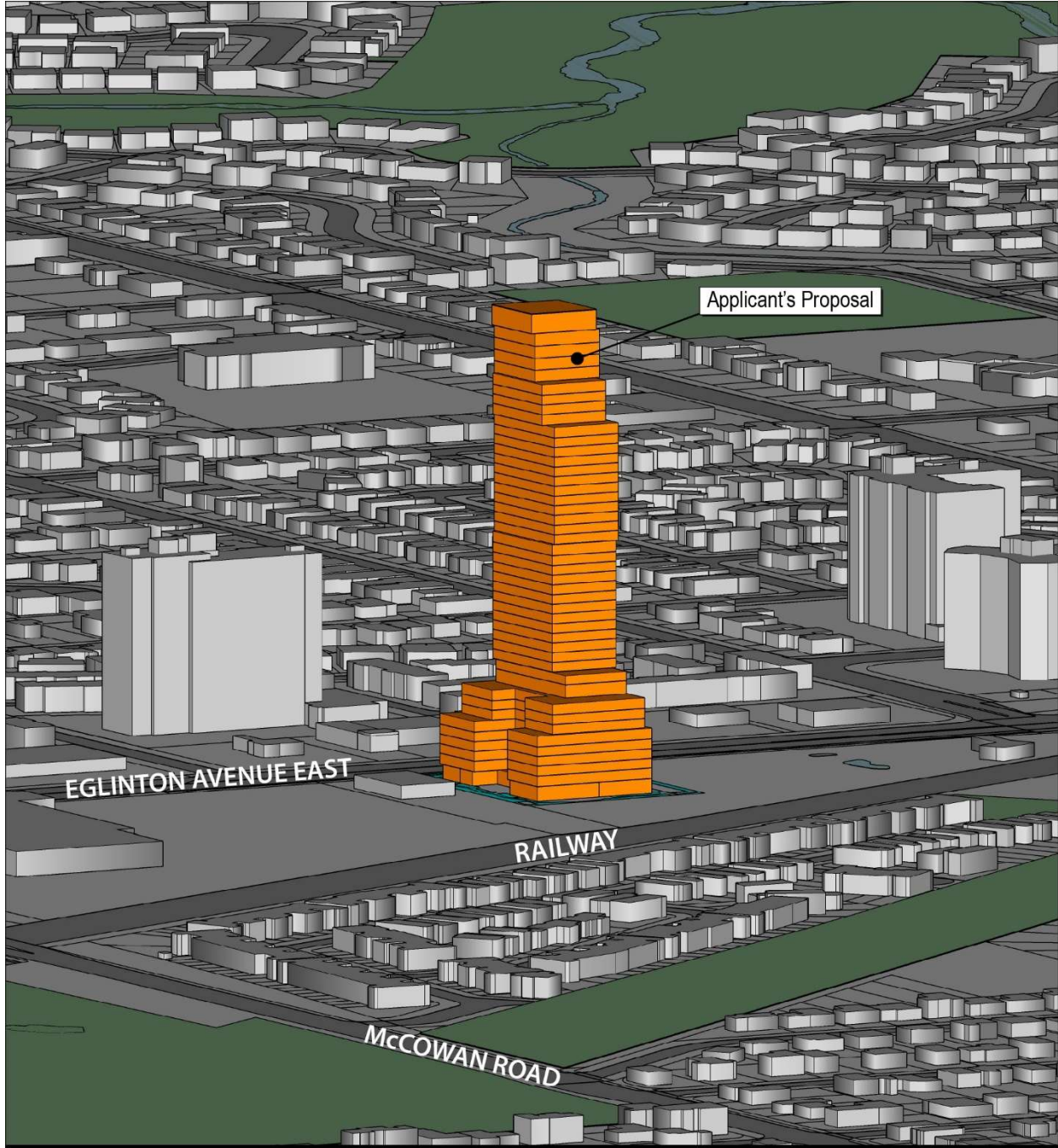


View of Applicant's Proposal Looking Southwest



08/16/2023

**Attachment 2: 3D Model of the Proposal in Context Looking Northeast**

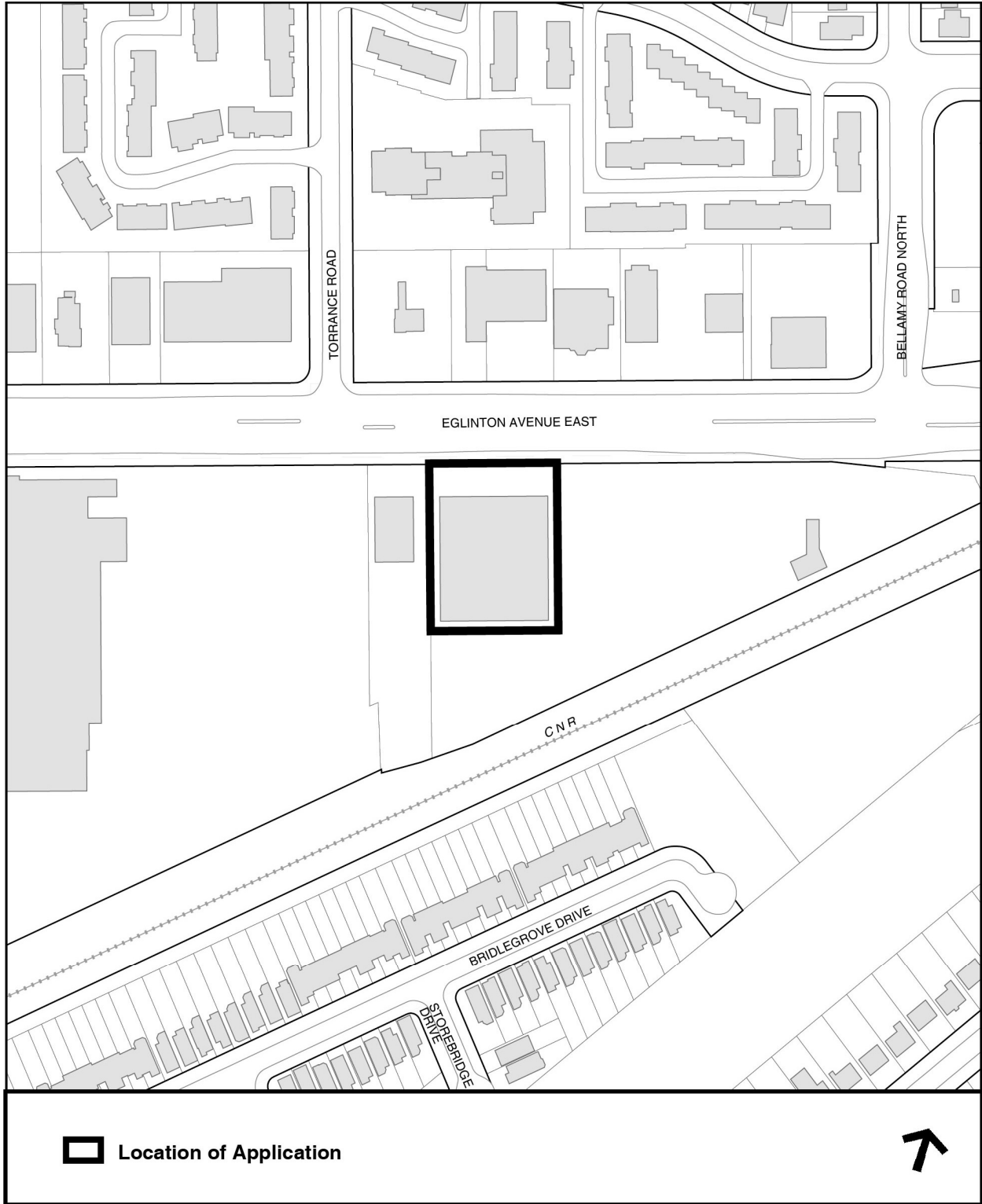


**View of Applicant's Proposal Looking Northeast**



08/16/2023

### Attachment 3: Location Map



## Attachment 4: Application Data Sheet

Municipal Address: 2941 EGLINTON AVE E  
 Date Received: September 13, 2022  
 Application Number: 22 202882 ESC 20 OZ  
 and 22 202881 ESC 20 SA  
 Application Type: Rezoning and Site Plan

Project Description: Proposal to redevelop the Subject Lands and provide a 44-storey mixed-use building (exclusive of mechanical penthouse). The proposed development will have a total gross floor area of approximately 37,419 sq. m., with 288 sq. m of non-residential uses at grade. The total development will have a Floor Space Index of 8.79 times the lot area. A total of 555 residential units, 278 parking spaces, and 416 bicycle spaces are proposed.

Applicant	Agent	Architect	Owner
DAVID MCKAY			GREENBANKTREE POWER CORP ET AL

### EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision:  
 Zoning: MC Heritage Designation:  
 Height Limit (m): Site Plan Control Area: Y

### PROJECT INFORMATION

Site Area (sq m): 4,645 Frontage (m): 61 Depth (m): 76

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	2,884		2,038	2,038
Residential GFA (sq m):			37,419	37,419
Non-Residential GFA (sq m):	2,884		288	288
Total GFA (sq m):	2,884		37,707	37,707
Height - Storeys:	1		44	44
Height - Metres:			138	138

Lot Coverage Ratio (%): 43.88 Floor Space Index: 8.12

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	37,031	388
Retail GFA:	288	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			555	555
Other:				
Total Units:			555	555

#### Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		53	331	111	60
Total Units:		53	331	111	60

#### Parking and Loading

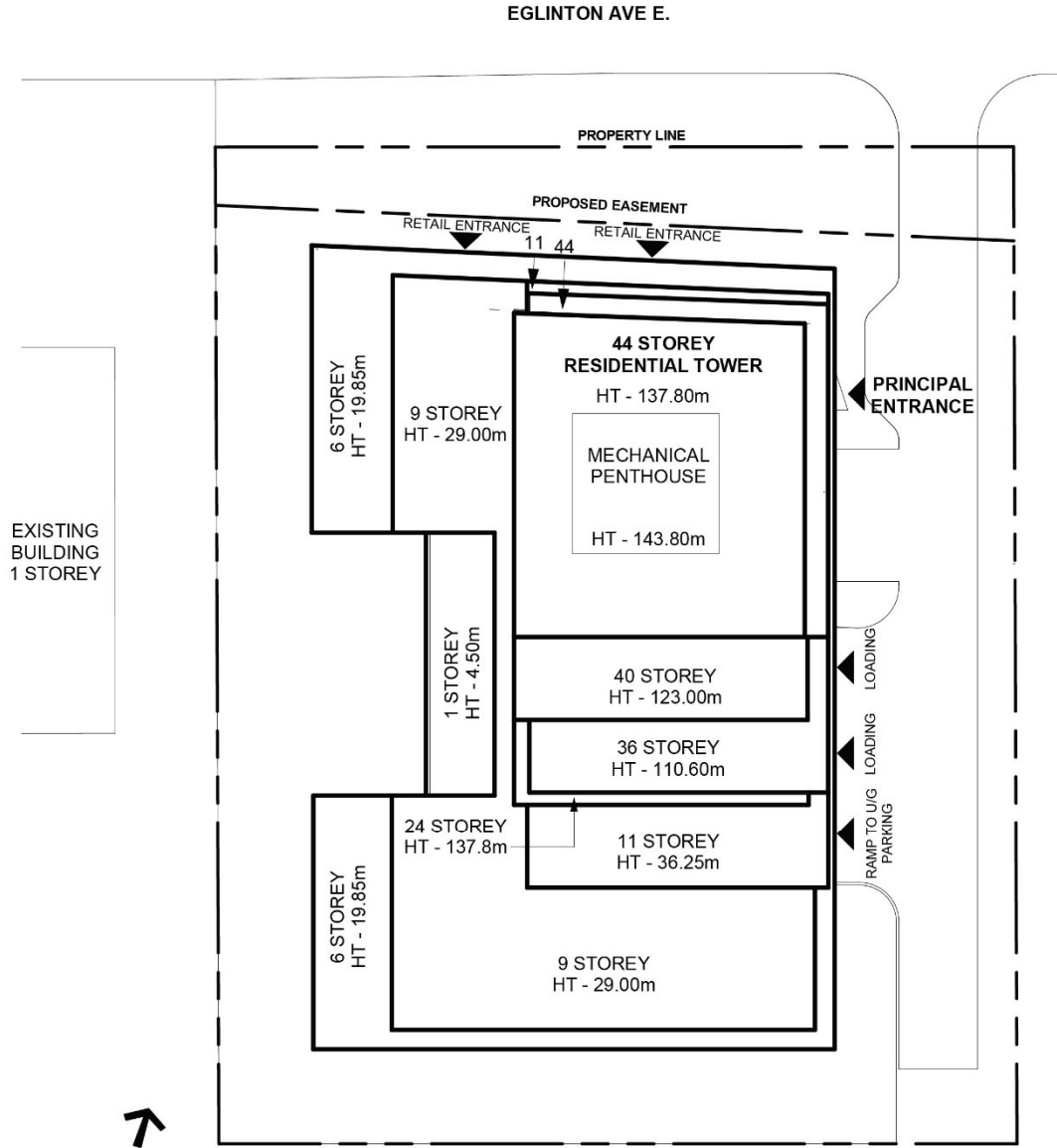
Parking Spaces:	278	Bicycle Parking Spaces:	428	Loading Docks:	2
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#### CONTACT:

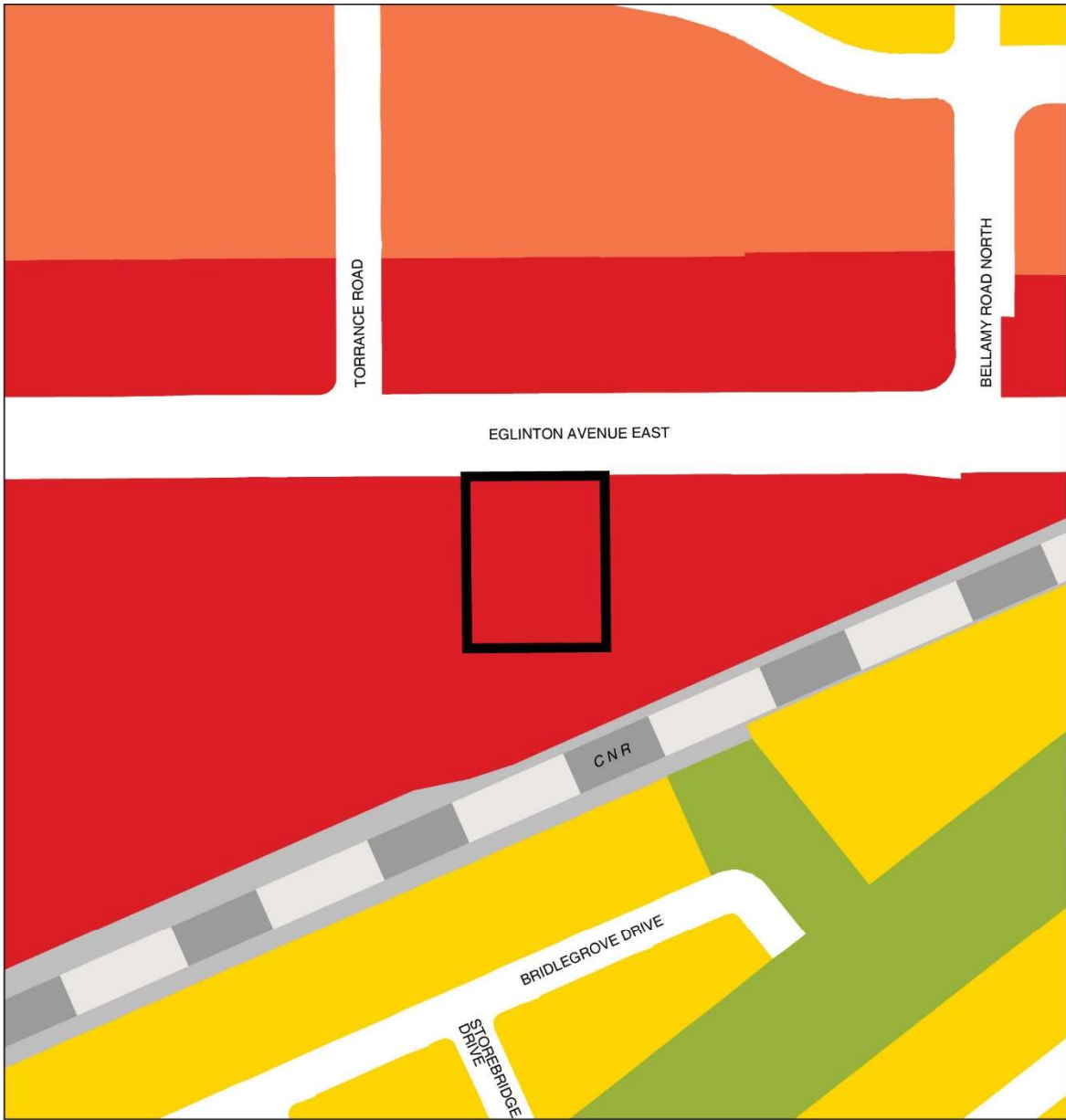
Tyler Hughes, Senior Planner  
416-396-3266  
Tyler.Hughes@toronto.ca



# Attachment 5: Site Plan



**Attachment 6: Official Plan Map**



**Official Plan Land Use Map 20**

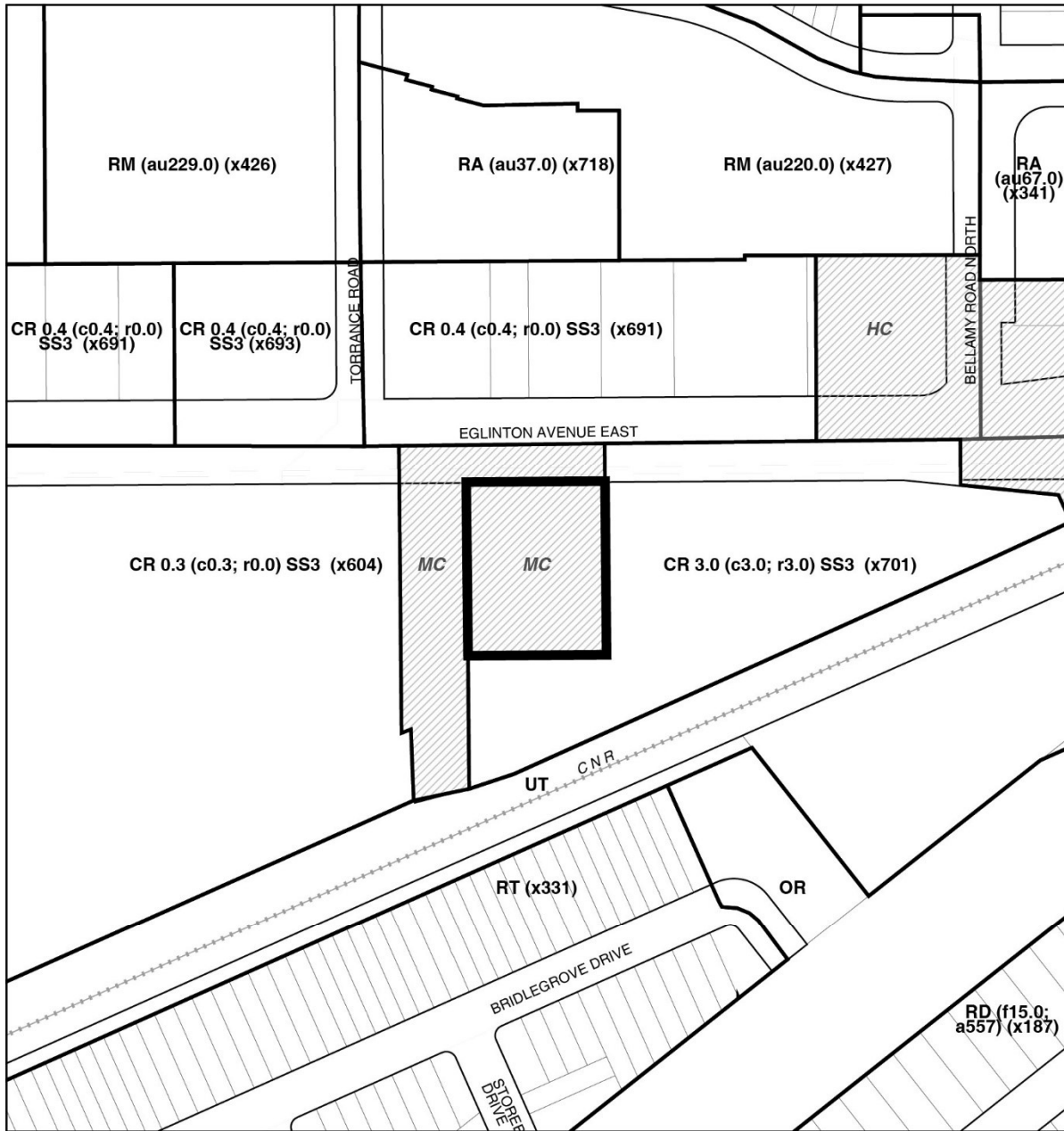
**2941 Eglinton Avenue East**

File # 22 202882 ESC 20 0Z



↑  
Not to Scale  
Extracted: 07/05/2023

# Attachment 7: Zoning By-law Map



Zoning By-law 569-2013

2941 Eglinton Avenue East

File # 22 202882 ESC 20 0Z

Location of Application

**RD** Residential Detached  
**RT** Residential Townhouse  
**RM** Residential Multiple  
**RA** Residential Apartment

**CR** Commercial Residential  
**OR** Open Space Recreation  
**UT** Utility and Transportation



See Former City of Scarborough Knob Hill Employment District By-law 24982

**MC**

Industrial Commercial Zone



See Former City of Scarborough Eglinton Community By-law 10048

**HC**

Highway Commercial



Not to Scale  
 Extracted: 07/05/2023