



PLANNING AND URBAN DESIGN

25 January 2024

Chair Perks and Members of the Planning and Housing Committee
Toronto City Council
City Hall, 100 Queen Street West,
Toronto, ON
M5H 2N2

Attention: Members of Planning and Housing Committee

**RE: Zoning for Midtown Apartment Neighbourhoods
Draft Zoning By-law Amendment
501-503 Eglinton Avenue East and 383-389 Cleveland Street – Site-
Specific Comment Submission
Item 2024-PH9.1**

WND File No.: 21.526.01

WND Associates has been retained by 389 Cleveland Street LP as the planning consultant with respect to the submission of complete Zoning By-law Amendment and Site Plan Control applications (“the applications”) for the lands municipally known as 501-503 Eglinton Avenue East and 383-389 Cleveland Street in the City of Toronto (“the Subject Site”).

On 8 January 2024 Notice of the Statutory Public Meeting of the 29 January 2024 Planning and Housing Committee was received. On 17 January 2024, City Planning released a revised Draft Zoning By-law Amendment (“the Draft By-law”) relative to the Apartment Neighborhoods Character Areas identified by the Yonge-Eglinton Secondary Plan (“the Secondary Plan”). This letter provides comments to Planning and Housing Committee in advance of its meeting on January 29.

On 20 June 2022, WND Associates filed concurrent Zoning By-law Amendment (22 168175 NNY 15 OZ) and Site Plan Control (22 168174 NNY 15 SA) applications (“the applications”) on behalf of 389 Cleveland Street LP. The applications were deemed complete by City of Toronto Planning Staff on 5 August 2022. The applications were resubmitted on 17 December 2023 and are currently under review by the City of Toronto staff in an effort to work amicably towards a built form which will satisfy both parties.

As resubmitted in December 2023, the Proposed Development is comprised of a new 14-storey (46-metre) mixed use building having a residential gross floor area (“GFA”) of 14,299 square metres, non-residential GFA of 468 square metres and an FSI of 7.40. In total, 207 new residential units are proposed ranging from one to three bedrooms in size.

Subject Site

The Subject Site is located in the City's Mount Pleasant East neighbourhood on the south side of Eglinton Avenue East, two blocks west of Bayview Avenue, and is comprised of a rectangular assembly of properties at the southeast corner of Cleveland Street and Eglinton Avenue East having a frontage of 45.72 metres along Eglinton Avenue East, and a depth of 42.67 metres along Cleveland Street (**Figure 1**). The Subject Site, as consolidated, has a total area of 1,950 square metres and contains the following built forms:

- **501 Eglinton Avenue East:** Two-storey office building located at the corner of Eglinton Avenue East and Cleveland Street with associated front yard parking and landscaping.
- **503 Eglinton Avenue East:** Two-storey church building (former Eglinton Gospel Congregation) with frontage on Eglinton Avenue East and associated parking at the side yard and a landscaped rear yard.
- **383 Cleveland Street:** Two-storey semi-detached brick house-form dwelling with an associated front yard interlock area and parking at the rear.
- **385 Cleveland Street:** Two-storey semi-detached brick house-form dwelling with an associated front yard parking pad.
- **387 Cleveland Street:** Two-storey semi-detached brick house-form dwelling with an associated front yard parking pad.
- **389 Cleveland Street:** Two-storey semi-detached brick house-form dwelling with side-yard parking and a landscaped front yard.



Figure 1: Aerial context.

The surrounding area is predominately classified as residential *Apartment Neighbourhood* along Eglinton Avenue East between Bayview Avenue and Mount Pleasant Road and includes existing mid-rise slab apartment buildings with interspersed low-rise commercial and residential buildings. Interspersed non-residential uses are found throughout the area. To the north and south of Eglinton Avenue East are low-rise *Neighbourhoods*. Prevailing slab-apartment built forms along Eglinton Avenue East range from nine (9) to twelve (12) storeys including: 485 Eglinton Avenue East (12-storeys), 525 Eglinton Avenue East (9-storeys) and 551 Eglinton Avenue East (9-storeys).

The Eglinton Avenue East corridor continues to exhibit new development activity, generally through the assembly of properties, with a range of under construction and recently proposed developments, including 492 Eglinton Avenue East (“the Cardiff Condos”) which is a completed 12-storey residential development which pre-dates the coming into force of Official Plan Amendment 405 (“OPA 405”). Post-OPA 405, new tall building applications include 537 Eglinton Avenue East (approved 20-storey residential building) and 586 Eglinton Avenue East (proposed 32-storey mixed use building within nearby *Bayview Focus Area*).

Further to the west, the intersection of Bayview Avenue and Eglinton Avenue East has six active tall-building Zoning By-law Amendment applications. Most recently 1837 Bayview Avenue was approved in 2023 for 22 storeys within the nearby *Bayview Focus Area* and a proposed 46-storey mixed use tall building at 1802 Bayview Avenue submitted in July of 2023 (under appeal).

The Subject Site falls within 350 metres from the future location of the Leaside light-rail transit (LRT) Station at the intersection of Bayview and Eglinton Avenues, located along the Eglinton Crosstown corridor (Line 5). The Subject Site further falls within the Council-adopted Leaside Station Protected Major Transit Station Area (“the PMTSA”) under OPA 570 – Site and Area Specific Policy No. 681 (**Figure 2**) which was adopted by Council in July of 2022 and is currently with the Minister for a final decision. Under SASP No. 681, the Subject Site is planned to contribute to new draft minimum density targets established for the PMTSA, including a minimum planned density of 2.0 FSI, and contribution towards a broader minimum density target of 200 people and jobs per hectare within the PMTSA delineation. The Subject Site is currently designated as *Apartment Neighbourhoods* in the City of Toronto Official Plan.

Map 2 – Minimum Densities, Leaside Protected Major Transit Station Area

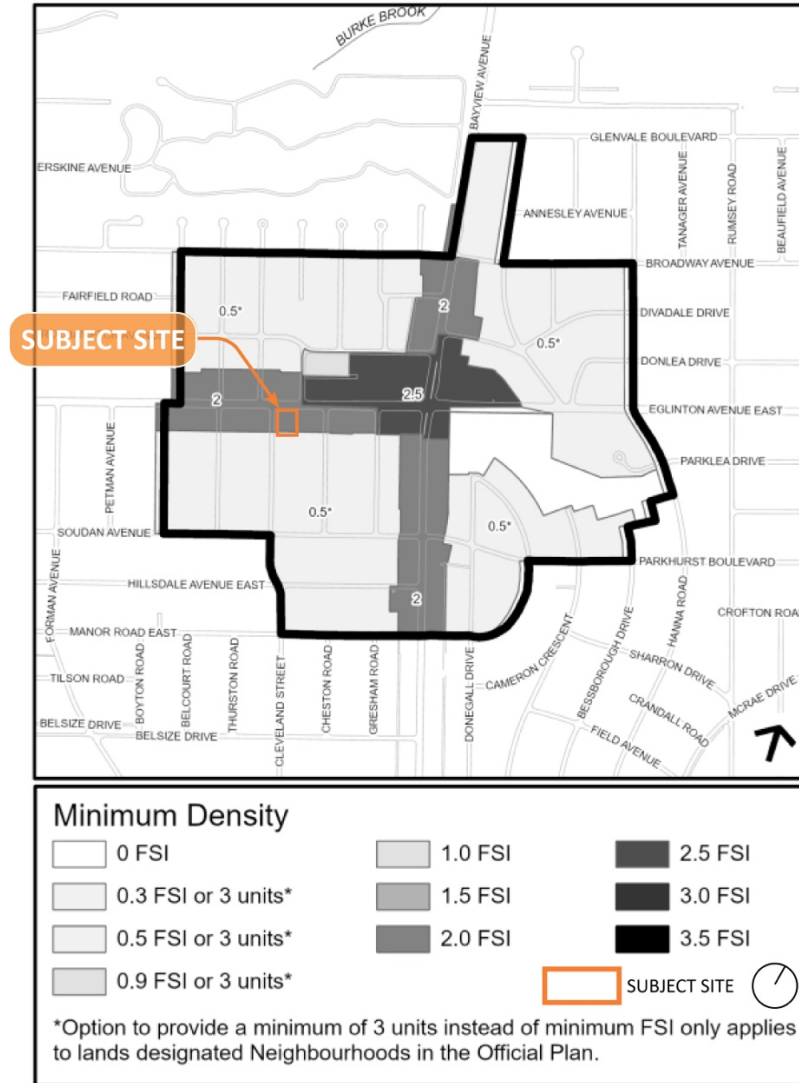


Figure 2: PMTSA Context.

On June 5, 2019, the Minister of Municipal Affairs and Housing approved OPA 405 to the Yonge-Eglinton Secondary Plan (“the Secondary Plan”), which is currently in force and effect. The Subject Site is within the OPA 405 boundary and further falls within the *Apartment High Streets – Eglinton East Character Area* according to Map 21-2 of the Secondary Plan (Figure 3). The Secondary Plan height ranges policies (Section 5.4.3.c) sets out an anticipated height range of eight (8) to twelve (12) storeys between Mount Pleasant Road and Bayview Avenue for the *Eglinton East Character Area* sites along Eglinton Avenue, with the exception of sites within 250 metres of Mount Pleasant LRT Station which have an anticipated height

range of 15 to 20 storeys¹. The Eglinton Avenue East frontage is identified as a *Secondary Retail Street* where retail is encouraged but not required. Additionally, the Secondary Plan identifies a future surface laneway connection to the rear of the Subject Site, and subsequently, a 6.0 metre drive aisle is proposed as part of the development applications showing the potential to connect the entire block in the future when the adjacent site at 525 Eglinton Avenue East develops. Cleveland Street is identified as a *Priority Local Street*.

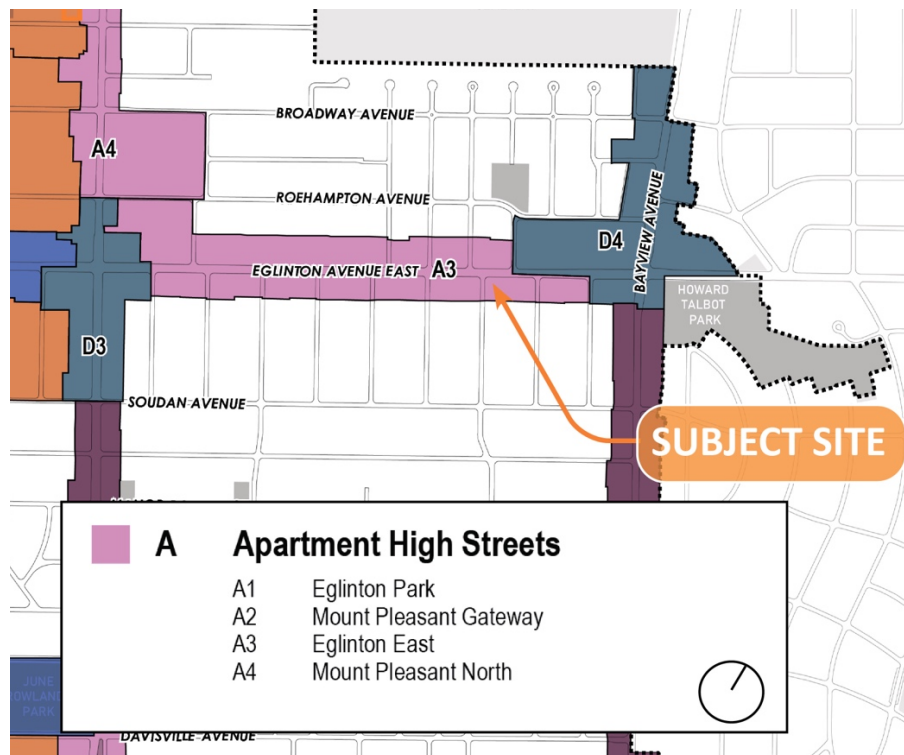


Figure 3: Yonge-Eglinton Secondary Plan Character Areas

The Subject Site is zoned **Residential (R) d2.0 x943** under Zoning By-law 569-2013 with an associated height overlay of 18.0 metres. The R Zone Category currently permits a range of residential building types and densities including dwelling units within an apartment building.

Analysis of Draft By-law

The Subject Site is proposed to be zoned **Residential Apartment Commercial (RAC) Exception 303** according to Map 3B of the Draft By-law (Figure 4). The Subject Site is also shown on Map 4B as having a

¹ Although the Subject Site is not located within the geographic extents of the 15 to 20 storey height range area of the *Eglinton East* Character Area, these policies nevertheless provide general intent for heights much greater than 12 storeys to be achieved within those blocks nearest higher order transit and the Midtown Cores, including the Subject Site which is opposite-diagonal the intense, *Bayview Core Focus Area* (similar to the portion of Eglinton Avenue East between Taunton Road and Mount Pleasant Road which is also opposite a more intense Core Zone)

proposed maximum permitted height of 12 storeys and 39 metres (**Figure 5**), and by doing so generally recognizes the potential for a mid-rise form of intensification on the Subject Site. The RAC Zone Category also proposes to introduce a limited amount of as-of-right non-residential use permissions; however, it further seeks restrictions to not permit office and medical offices uses. Exception 303 also introduces a new minimum FSI of 2.0 times lot area repealing the previous maximum FSI, which in our opinion, is consistent with the Council-adopted but not yet in-force policy direction of OPA 570 – SASP 681 (Leaside Station PMTSA).

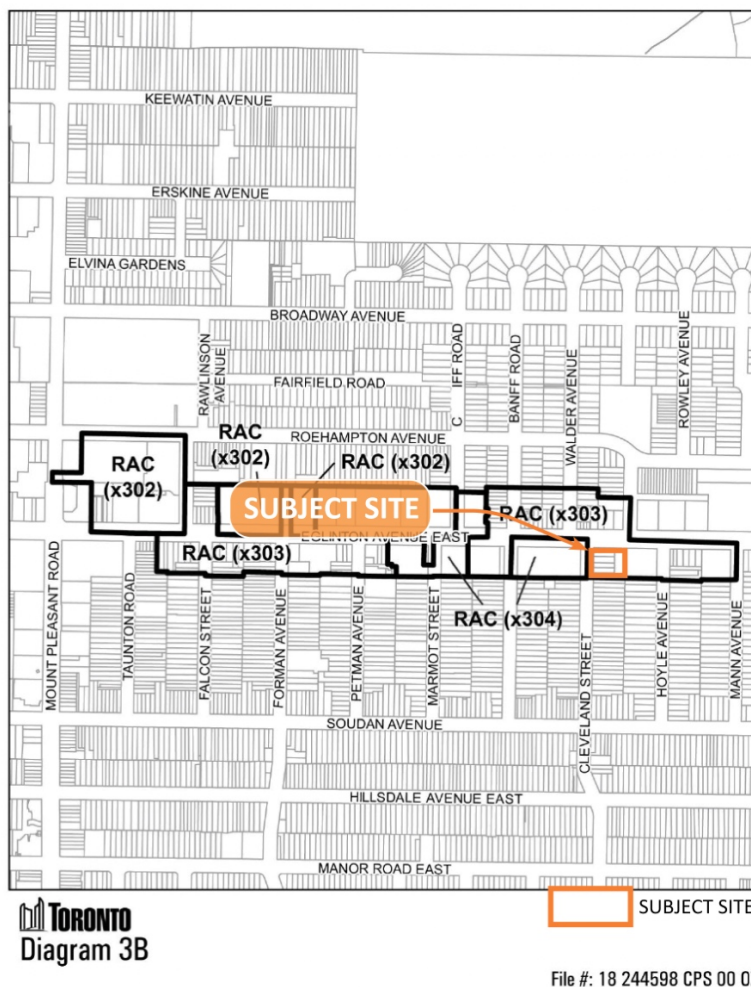


Figure 4: Location of the Subject Site on Diagram 3B

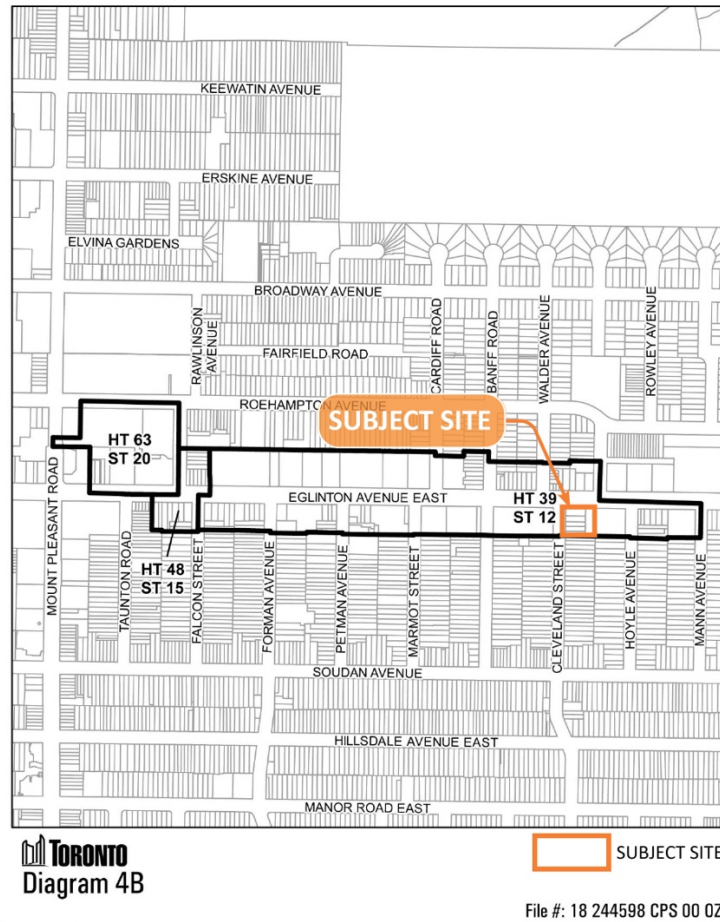


Figure 5: Location of the Subject Site on Diagram 4B

The following sections provide our review and analysis of the Draft By-law:

1. Maximum encroachment of a platform with a floor (balcony)

Regulation 10.(A) sets out:

- Despite regulation 15.5.40.60 (1) (B), a platform with a floor that is higher than the first storey of the building may encroach into the required minimum building setback in (W) below by a maximum of 1.5 metres;

In our opinion, the as-of-right horizontal encroachment permissions for a platform such as a balcony should be greater than 1.5 metres to reflect the diverse range of balcony depths found throughout the

existing and planned context of the *Eglinton East Apartment Neighborhoods* Character Area. The Draft By-law resubmitted to reflect the December 2023 revisions to the plans proposes a maximum balcony projection of 2.0 metres which in our view is more appropriate for the context given other typical mid-rise typology standards are met or exceeded by the revised proposal, including a 5.5-metre side yard setback above the seventh floor to 525 Eglinton Avenue East, and a rear yard setback which over a portion of the building well exceeds 7.5 metres.

2. Minimum landscaping requirements

Regulation 10.(B) of the Draft By-law sets out the following minimum landscape requirements:

- *Despite 15.5.50.10 (1), a lot in the Residential Apartment Zone category must have:*
 - (i) *A minimum of 40% of the area of the lot for landscaping; and*
 - (ii) *A minimum of 65% of the landscaping required in (i), above, must be soft landscaping;*

It is common to expect and achieve reduced landscape standards through development applications within *Apartment Neighborhoods*, especially in PMTSAs. A 40% landscaping requirement is onerous, does not reflect the existing or urban nature of the Subject Site, and conflicts with the development potential of the site which is recognized by the Secondary Plan and the height mapping of the Draft By-law for a new mixed use building with narrow setbacks to the street yards.

Moreover, this standard would introduce ‘tower-in-the-park’ forms of development, which in our view, represents an antiquated built form model for the City’s *Apartment Neighborhoods*, and in particular a *Major Street* such as Eglinton Avenue East where a consistent streetwall and grade-related retail is otherwise desirable and planned for under the Secondary Plan. Moreover, a ‘tower-in-the-park’ form of development conflicts with other Provincial and Municipal policy objectives for PMTSAs relative to compact and efficient forms of development as catalysts of complete community development. Ontario Land Tribunal settlements adopted by this Council such as 537 Eglinton Avenue to the east include significantly reduced landscaped standards, and other approved by-laws in the Secondary Plan eliminate this standard entirely. For the foregoing reasons, this standard should be reduced to be more commensurate with the emerging context of the area’s recent development approvals.

3. Minimum and maximum building heights

Map 4B of the Draft By-law proposes to introduce new maximum height permissions within the Secondary Plan’s *Eglinton Avenue East* Character Area. The Subject Site is within an area where the proposed permitted height is a maximum 12 storeys (39 metres).

Although it is generally positive that the site is being recognized as having potential for the upper end of the anticipated height range of the Character Area, the proposed height maximum does not adequately respond to the anticipated height ranges policies as being height ranges as opposed to height caps, and furthermore does not provide as-of-right flexibility to exceed the anticipated height range, despite Policy Section 5.4.3 setting out that the height ranges may be exceeded without Amendment to this Plan.

The metric height limit of 39 metres also does not recognize the range and mix of unit types and built forms found throughout the area, and in our view if a metric height is necessary in this By-law it should be greater than 39 metres to allow for diversity in possible floor heights and unit typologies.

Furthermore, the Draft By-law seeks to introduce a minimum FSI of 2.0 times lot area for the RAC Exception Zone which inherently conflicts with the establishment of a height maximum of 12 storeys by this same By-law given, PMTSAs are fundamentally planned for from a minimum density standpoint not a maximum. Any 12-storey built form implemented on the Subject Site would likely have an FSI much greater than 2.0 and in our opinion this is also too low of a minimum and should instead be increased to at least 7.40 (current resubmission).

Moreover, 537 Eglinton Avenue East was approved by the OLT last year through a settlement offer accepted by this Council for a height of 20 storeys which exceeds the anticipated height range. 537 Eglinton Avenue East is one block west of the Subject Site; however, it shares other similar policy characteristics to the Subject Site, including being located within the same 'Secondary Zone' of the Station Area policies of the Secondary Plan. Additionally, the corridor already contains a 12-storey building much farther from the two LRT Stations at 492-498 Eglinton Avenue East, and when taken together with other policies of the Plan, and 537 Eglinton Avenue East at 20 storeys, a maximum as-of-right height for the Subject Site between 15 and 19 storeys is in our opinion more appropriate for this context, while continuing to reinforce a harmonious built form context within the corridor.

4. *Setting minimum setbacks*

Draft Regulation 10.(K) sets out the following minimum street yard setbacks in the RAC Zone:

- (i) *6.0 metres*

In our opinion this setback to Eglinton Avenue East is inconsistent with the Built Form policies of the Secondary Plan and in particular Policy 5.3.20 which provides direction for a uniform streetwall. 6.0 metres represents an excessive streetwall setback standard for mid-rise redevelopment along a *Major Street* and is also inconsistent with the existing and planned context of Eglinton Avenue East between Mount Pleasant Road and Bayview Avenue, including 537 Eglinton Avenue East where Council accepted a settlement offer last year for a streetwall setback of just 1.5 metres.

5. *Regulating lobby and building entrances*

Regulations 10. (G) (O) and (Q) of the Draft By-law set out regulations with respect to the orientation of main walls and the locations of pedestrian entrances and lobbies along street frontages.

While it is positive that the By-law seeks to establish uniformity of the streetwall/ streetscape condition of the corridor, in our opinion, this level of detailed design control is not necessary, may not reflect the best design solution for individual sites, and is subject to unpredictable interpretation by City Planning and Building staff. This suggested regulation also eliminates the potential for pedestrian mews for building entrances and internal site walkways which is a common design solution to access grade-related units

within side and rear yards. Moreover, detailed entrance design and location details are matters historically dealt with through the Site Plan Control Application process and should be left out of zoning standards to allow for greater flexibility at this later stage.

6. Setting minimum building step backs and setbacks

Regulations 10 (T), (U), (V), (W) and (X) sets out the following minimum standards for stepbacks and setbacks:

- *(T) Despite (S) above, every building with a height greater than 27.0 metres plus the required front yard setback, on a lot with a lot line along Eglinton Avenue East, must comply with the requirements of (U) to (X) below for the portions of a building which collectively enclose the entirety of a storey above the following heights:
 - (i) the 5th storey of a building;
 - (ii) or a height of 18.0 metres, whichever is less;*
- *(U) The required minimum side yard setback and rear yard setback for the portion of the building specified in (S) and (T) is 15.0 metres;*
- *(V) Despite regulation 15.20.40.80(1) and (2), if a line projected at a right angle from a main wall of a building intercepts another main wall, the required minimum above-ground separation distance between the main walls for the portion of the building specified in (S) and (T) above is 30.0 metres from:
 - (i) another building on the same lot; and
 - (ii) another main wall of the same building.*
- *(W) Any portion of a building identified in (S) and (T) must be set back at least 3 metres from the building setback of the highest storey of the building located below that point;*

Taken together, these proposed stepback and setback standards do not propose a streetwall that uniformly reinforces the existing and planned context of the corridor, nor are these standards appropriate for a taller mid-rise form of development as is currently proposed for the Subject Site.

In particular the 30-metre separation distance does not represent a performance standard having any i) area context, ii) current planning policy or iii) urban design guideline basis, and is in our view inappropriate for a corridor where mid-rise buildings are anticipated. Thirty metres would also nearly consume the entire frontage of the property resulting in a sub-optimal form of development. 5.5 metres in our view represents a well-established minimum standard as is proposed with the current application's stepback and stepback pattern which in our view is more appropriate for this context and should be adopted in place of the standards recommended by this Draft By-law.

7. *Setting a maximum floor area for storeys above certain heights*

Draft Regulation 10.(X) proposes the following regulation with respect to maximum tower floorplate size:

- *(X) The permitted maximum floor area for each storey of a building containing residential uses, as specified in (S) and (T) above, is 750 square metres, measured from the exterior of the main wall of each floor level and inclusive of the entire floor, excluding inset and projecting balconies;*

There are many examples of floor areas which exceed 750 square metres within the surrounding *Apartment Neighborhoods* context, inclusive of applications both pre- and post- OPA 405. Notwithstanding the foregoing, the Proposed Development represents a built form which is substantially mid-rise in its overall scale, height and setback and stepback pattern. For taller mid-rise forms across the City, such as what is proposed, 750 square metres represents an inappropriate minimum standard since this is typically a guideline-directed size reserved for much taller buildings. In our view, if this corridor is considered as generally a mid-rise scale, as we have heard as comments from staff on various meetings and occasions for this project, a maximum 750 square metre floorplate standard should be eliminated from this Draft By-law (instead regulating this parameter on a site-by-site basis) as it sets out direction for a built form which is contrary to our understanding of the City's priorities for this Character Area.

8. *Setting minimum requirements for 2- and 3-bedroom units and unit size*

Regulation 10. (BB) seeks to secure the following:

- *(i) a minimum of 15 percent of the total number of dwelling units in a building must contain two bedrooms; (ii) a minimum of 10 percent of the total number of dwelling units in a building must contain three or more bedrooms; and (iii) in addition to the requirements of (i) and (ii) above, an additional 15 percent of the total number of dwelling units in a building must include a minimum interior floor area of 87 square metres; (iv) for the purposes of applying i), ii), and iii), dwelling units that are required to be replaced, including pursuant to Section 3.2.1.6. of the City of Toronto Official Plan and/or secured through s.111 of the City of Toronto Act, are excluded from the above calculation;*

As resubmitted, the application currently under review exceeds the minimum percentages proposed for two- and three-bedroom unit composition (50% two bedrooms and 12% three bedrooms); however, in our view, the proposed performance standard for minimum unit sizes on a square metres basis is not appropriate for the reasons outlined below.

The Province eliminated the minimum unit size requirement from the nearby Downtown Secondary Plan (OPA 406) when it was approved with modifications in June 2019. Additionally, securing a minimum unit size for a certain amount of units is, in our opinion, inconsistent with the directives of the Secondary Plan's housing policies (Section 7.1) which sets out the following policy direction that supports the use of design measures as opposed to securing minimum unit areas: *7.1.c. an additional 15 per cent of the total number*

of units will be a combination of 2-bedroom and 3-bedroom units, or units that can be converted to 2-bedroom and 3-bedroom units through the use of adaptable design measures.

In our opinion, securing minimum unit composition and sizes through as-of-right zoning conflicts with the overall policy directives of the City-wide Official Plan and Secondary Plan to deliver intense, compact housing forms in areas well-served by higher order transit. Securing minimum unit composition and sizes interferes with the City's ability to achieve its Housing Pledge to the Province of 285,000 new homes by 2031, and is also inconsistent with the Federal Housing Accelerator Fund's directives for the City to seek to eliminate policy and zoning barriers to create new housing opportunities of all sizes and forms. With respect to the above, the proposed standard an additional 15% of units to have a minimum area of 87 square metres could have unintended consequences such as facilitating the creation of large luxury-format one bedrooms. This standard should instead be eliminated and dealt with on a site-specific basis through application of the Growing Up Guidelines.

Conclusion

When taken together, in our opinion, the above draft regulations create onerous restrictions which hinder the appropriate redevelopment of the Subject Site in an as-of-right scenario, undermine our efforts working with City Planning staff thus far, and by doing so limit intensification of a property within a PMTSA and in an area which is identified as a 'Secondary Zone' to the Leaside LRT 'Station Area Core' under the Yonge-Eglinton Secondary Plan. Both of which are identifications which anticipate intensification of new mid-rise and tall mixed use buildings.

The standards proposed by the City with respect to landscaping, building height and upper storey setbacks, in particular, do not adequately take into account the surrounding area's existing and planned context which includes even taller buildings up to 20 storeys approved within the same Character Area. Moreover, the built form for the Subject Site as anticipated by the Draft By-law standards, with a height maximum of 12 storeys, does not represent an efficient or optimal development pattern given the adjacent block to the west has now been approved for 20 storeys, and the introduction of a maximum as-of-right height would conflict with the minimum densities planned for the PMTSA and policy objectives to exceed these densities over the long-term time horizon (OPA 405 Policy 2.4.4).

Furthermore, the City of Toronto has a Council-adopted mandate to deliver 285,000 new homes by 2031 and the proposed zoning changes frustrate the achievement of this objective by precluding the Subject Site's ability to deliver a market-based range and mix of housing options in an optimal location where new housing and population growth can be aligned to support the LRT (PMTSA), thus reducing auto-dependency. The proposed by-law revisions, which serve to limit the amount of new housing possible on Subject Site, also presents itself as a barrier to the City's due implementation of several new policy directives requested by the Federal Government under the Federal Housing Accelerator Fund.

We would be pleased to meet with City staff to discuss alternative site-specific standards for our client's property that more fulsomely recognize its potential to accommodate a level of intensification commensurate with the December 2023 application resubmission at 14 storeys, the Yonge-Eglinton Secondary Plan, Council-adopted PMTSA, the existing and planning context, and to mutually achieve a

zoning outcome for the property which reinforces of an efficient pattern of development within the block context that responds appropriately to the housing and built form priorities for the Character Area.

We continue to work amicably with City Planning and Divisional staff with respect to the application under review and are confident that Council will support the merits of the current application and proceed with an approval of the proposed Site-specific By-law, which in our opinion, represents a more appropriate set of development standards than what is currently proposed by this Draft City-initiated By-law.

We trust that the information included within this comment letter is complete and comprehensive, and sufficient to allow for further review of the Draft By-law prior to advancing the project to Council. Should you have any questions, please do not hesitate to contact the undersigned. We request that the undersigned of our office be circulated on any Notice(s) of Decision with respect to this matter.

Yours very truly,

WND associates
planning + urban design



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John Elvidge, City Clerk
