

**161 - 173 Eglinton Ave East, Zoning Amendment – Final Report**

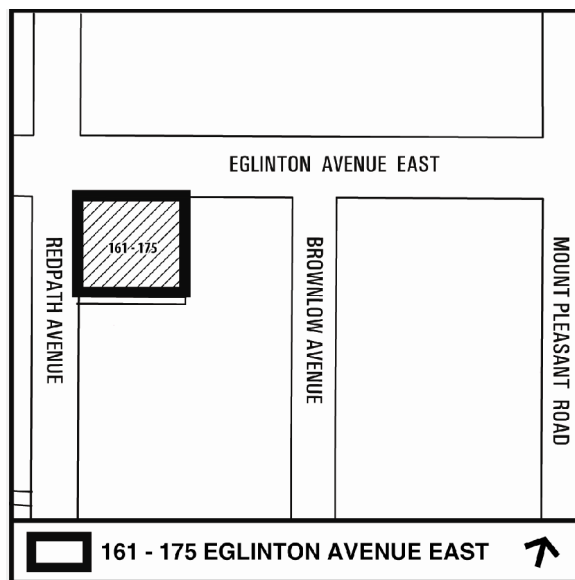
<b>Date:</b>	September 14, 2012
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 22 – St. Paul's
<b>Reference Number:</b>	11 269515 STE 22 OZ

**SUMMARY**

This application proposes to construct a 30-storey mixed use building containing 341 residential condominium units, commercial uses at grade and 210 parking spaces in a 4-level underground garage at 161 – 173 Eglinton Avenue East.

This report reviews and recommends approval of the application to amend the Zoning By-law based on its planning and design merits which include:

- a. the proposed development is located in a *Mixed Use Areas* designation within the Yonge-Eglinton Urban Growth Centre where appropriate infill development is anticipated;
- b. the proposed development intensifies an underutilized site (containing an 8-storey and a 2-storey commercial building) which is located in proximity to the Yonge subway line and on the future Eglinton LRT line;
- c. the proposed development is within proximity to retail shops, services, entertainment and places of employment found in the Yonge-Eglinton area;



- d. the proposed development consists of a point tower in an area that is currently characterized by tall buildings of varying heights, many of which are slab building types;
- e. the proposed development will not unduly shadow existing neighbourhood buildings and open spaces (including Eglinton Public School) or sidewalks; and
- f. the Section 37 benefits that would be secured as a result of approval and construction of this development. Section 37 benefits may be used for the following: public realm and streetscape capital improvements to Eglinton Avenue East within Ward 22 in proximity to the site; landscaping improvements on the perimeter of and on the grounds of Eglinton Public School provided that these improvements are located in areas that are accessible to the public; streetscape improvements on Mt Pleasant Road as may be identified in consultation with the Ward Councillor and the Mt Pleasant Business Improvement Area or other local area park or streetscape improvements.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

- 1. City Council amend former City of Toronto Zoning By-law 438-86, as amended, for the lands at 161 – 173 Eglinton Avenue East substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 9 to the report (dated September 13, 2012) from the Director, Community Planning, Toronto and East York District.
- 2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
- 3. Before introducing the necessary Bills for enactment, that City Council require the Owner to enter into one or more agreements pursuant to Section 37 of the Planning Act to secure the following at the owner's sole expense:
  - a. a cash payment of \$1,400,000.00 payable prior to the issuance of the first above-grade building permit to be applied at the discretion of the City as determined by the Chief Planner and Executive Officer in consultation with the Ward Councillor, in accordance with the following or towards other local area park or streetscape improvements, as appropriate:
    - i. \$1,000,000.00 for the implementation of public realm/streetscape improvements to Eglinton Avenue East (which are within Ward 22 and in proximity to the site) and as set out in the final recommendations of the Eglinton Planning Study, which will include a Public Realm and Streetscape Plan and which is currently under way;
    - ii. \$300,000.00 for landscaping improvements on the perimeter of and on the grounds of Eglinton Public School which are located in areas that are accessible to the public and which may include but are not limited to:

street furniture on Eglinton Avenue East and Mt Pleasant Road, street trees and bike racks on Brownlow Avenue, an outdoor water fountain, upgrades to the existing sports field and, public art; and

- iii. \$100,000.00 for streetscape improvements on Mt Pleasant Road as may be identified in consultation with the local ward councillor and the Mt Pleasant Village Business Improvement Area;

such total payment shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for Toronto for the period from the date of Council enactment of this by-law to the date of payment;

- b. the provision by the owner of the following to facilitate the development:
  - i. construction of and payment for any improvements to the municipal infrastructure, as appropriate, in connection with the Functional Servicing Report, submitted for the proposed development and, as accepted by the Executive Director of Technical Services, should it be determined that improvements to such infrastructure are required; and
  - ii. requirement that, should the owner make an application to unitize parking spaces within the development through a plan of condominium, any tandem parking spaces shall be created as one unit.

### **Financial Impact**

The recommendations in this report have no financial impact.

## **ISSUE BACKGROUND**

### **Proposal**

This is a rezoning application to permit the construction of a 29-storey, 107 metre (including mechanical penthouse) mixed commercial and residential building. The proposed building contains 341 residential units and 1,912.0 m<sup>2</sup> of street-related commercial space and commercial parking (refer to Attachment 8: Application Data Sheet).

The existing private laneway at the south end of the site will be retained to provide access to the loading area and to the ramp leading to 4 levels of underground parking (refer to Attachment 1: Site Plan). A total of 210 parking spaces are proposed.

The proposed development is comprised of an 8-storey base building with a 22-storey residential tower rising above (refer to attachments 3, 4, 5 & 6: North, West, South and East Elevations).

### **Site and Surrounding Area**

The site is located on the southeast corner of Eglinton Avenue East and Redpath Avenue. The site contains 2 existing buildings, an 8-storey office building with grade related retail at no. 161 Eglinton Avenue East and a 2-storey retail building at 173 - 175 Eglinton Avenue East. The 8-

storey office building has a small number of surface parking spaces and an underground parking garage both accessed via the existing laneway leading from Redpath Avenue. The 2-storey retail building is occupied by a restaurant on the ground floor and an outdoor patio along Eglinton Avenue. A nightclub which occupied the second floor is no longer operating.

Surrounding uses are as follows:

**North:** an 8-storey mixed use, retail at grade and residential condominium is located to the north on the northeast corner of Redpath Avenue and Eglinton Avenue East. That building includes ground floor retail uses on both Eglinton and Redpath Avenues. West of Redpath Avenue on the north side of Eglinton Avenue East are a number of 2 to 3-storey retail and office buildings.

**West:** a 17-storey residential condominium building is located across Redpath Avenue to the west of the site. The building stretches the full block on the south side of Eglinton between Redpath and Lillian Avenues and is entirely residential with no retail on the Eglinton frontage.

To the west of that building is the recently approved (rezoning) redevelopment at 79 Dunfield Avenue and 85 – 117 Eglinton Avenue East. The site was rezoned to permit two residential towers of 30 and 33-storeys. The applicant was later granted approval by the Committee of Adjustment to construct an additional 3 storeys per tower. The development includes a 6 to 8-storey base building with retail at grade along the Eglinton Avenue frontage.

**South:** to the south of the site on Redpath Avenue is a converted house which currently contains an acupuncture clinic. South of that is a 4-storey apartment building and a recently completed 21-storey residential condominium with a 4-storey stacked townhouse component located at 83 Redpath Avenue. This building was an infill development on the large site which was originally only occupied by the existing apartment building.

Existing apartment buildings throughout the *Apartment Neighbourhood* to the south of the site range up to 29 storeys in height.

**East:** to the east of the site and completing the block on the south side of Eglinton Avenue east to Brownlow Avenue are two, 3-storey office commercial buildings with some retail at grade.

## **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The site is designated *Mixed Use Area* under the City of Toronto Official Plan and abuts an *Apartment Neighbourhood* designation to the south. The *Mixed Use Area* designation permits a range of commercial, residential and institutional uses in single use or mixed use buildings.

The Plan provides a list of criteria which are intended to direct the design and orientation of new development proposals within *Mixed Use Areas*. The proposed development has been evaluated with respect to the full list of criteria found in Section 4.5.2 of the Official Plan. The criteria include:

- create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
- locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- provide an attractive, comfortable and safe pedestrian environment;
- take advantage of nearby transit services;
- provide good site access and circulation and adequate supply of parking for residents and visitors; and
- locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences.

## **Yonge-Eglinton Secondary Plan**

The site is designated Mixed Use Area 'B' within the Yonge-Eglinton Secondary Plan. The Secondary Plan generally defers to the Official Plan with respect to the applicable development

criteria for mixed use buildings. However, some policies of the Secondary Plan do apply. These include:

Section 2.4, "it is a primary objective to maintain and reinforce the stability of *Neighbourhoods* and to minimize conflicts among uses in *Mixed Use Areas, Neighbourhoods, Apartment Neighbourhoods* and *Parks and Open Space Areas* in terms of land use, scale and vehicular movement."

Section 2.5, "the development of mixed use buildings in Mixed Use Areas will be encouraged to increase active pedestrian circulation at street level and to increase housing opportunities for family and other households."

Section 2.6, "in accordance with Section 2.3 of this Secondary Plan, commercial development will be strengthened within existing commercial areas by encouraging pedestrian oriented, street-related retail and service uses to locate within established shopping areas. In particular, the following will be supported:

- (i) street-related retail and service uses in the Mixed Use Areas except Area 'E'."

Section 2.8, "parking requirements may be reduced for residential components of mixed use buildings in the *Mixed Use Areas* and residential development in the *Apartment Neighbourhoods* which are in close proximity to subway access, in order to: reduce conflicts between vehicular traffic and on-street servicing, maximize the utilization of existing parking facilities, and encourage residential uses to locate within the Secondary Plan area."

With respect to the preceding discussion of relevant Official Plan and Secondary Plan policies, an Official Plan Amendment will not be required. The proposed development is found to be in compliance with these and all other applicable policies of the Plan.

### **Yonge-Eglinton Urban Growth Centre**

The Province's Growth Plan for the Greater Golden Horseshoe contains policies to direct a significant portion of future population and employment growth into a number of intensification areas. These areas include five "Urban Growth Centres" (UGCs) within the City. Under the Growth Plan, municipalities were required to delineate the boundaries of the UGCs within their Official Plans.

The proposed development is within one of those five designated Urban Growth Centres and is subject to the policies of the area which is defined as the Yonge-Eglinton Centre by Official Plan Amendment 116 (amendment to the Yonge-Eglinton Secondary Plan). Section 5 of the Yonge-Eglinton Secondary Plan includes the following Urban Growth Centre policies which have application to the site:

- 5.2 Within the Yonge-Eglinton Centre, the highest heights, densities and scale of development will be within *Mixed Use Area 'A'* on the blocks at the four quadrants of the intersection of Yonge Street and Eglinton Avenue.

- 5.3 The heights, densities and scale of development will decrease along Eglinton Avenue East with increasing distance from the Yonge-Eglinton intersection within the Yonge-Eglinton Centre.

### **Design Criteria for the Review of Tall Building Proposals**

Toronto City Council approved the use of the document "Design Criteria for Review of Tall Building Proposals" in June, 2006. In April, 2010, Council extended the authorization of its use.

The City's "Design Criteria for Review of Tall Building Proposals" can be found on the City's website at: <http://www.toronto.ca/planning/urbdesign/index.htm>.

### **Zoning**

The site is primarily zoned CR T5.0 C3.0 R3.0 (refer to Attachment 7: Zoning). That classification permits a range of commercial and residential uses up to a total density of 5.0 times the lot area. The height restriction is 48 metres or approximately 16 storeys. A small portion of the site (approximately the width of the lane on the south side) is zoned R2 Z0.6 with a height restriction of 38 metres or approximately 12 storeys.

### **Site Plan Control**

This application is subject to site plan control and an application will be submitted.

### **Reasons for Application**

The applicant proposes to amend the provisions of By-law 438-86 to permit the proposed height of 107 metres and a density of 13.4 times the lot area of the site (a height of 48 metres and a total mixed use density of 5.0 times the lot area are permitted across most of the site). Additional zoning amendments will also be required to allow a reduction in the number of required parking spaces and to allow the commercial parking level to be used for visitor parking.

### **Community Consultation**

A community consultation meeting was held on December 7, 2011 at Eglinton Public School. The meeting was attended by approximately 50 persons who were primarily residents of the local area. The building height, density, parking and other built form and zoning related matters were discussed. Comments and issues raised by those in attendance at the meeting as well as comments received by planning staff subsequent to the meeting have been discussed with the applicants who have revised the originally presented drawings.

The concerns expressed by residents included:

- insufficient parking in the proposed building;
- additional traffic on Lillian Avenue and Eglinton Avenue East;
- the proposed building height may cause undue shadowing on surrounding buildings and the Eglinton Public School schoolyard;

- the proposed building height and lack of setbacks may cause undue loss of privacy within units in existing buildings;
- the proposed design and lack of setbacks may cause unacceptable wind conditions;
- the proposed building design is not complementary to existing neighbourhood design; and
- the public transportation system is already overburdened at rush hour(s).

### **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

### **COMMENTS**

#### **Provincial Policy Statement and Provincial Plans**

This application supports and is consistent with the 2005 Provincial Policy Statement (PPS) direction of intensification to achieve growth and urban vitality while making efficient use of existing infrastructure. This application complies with the policies of the PPS that support intensification and require new development to be directed to appropriate locations for growth.

Policy 1.4.3 requires provision to be made for an appropriate range of housing types and densities to meet projected requirements of current and future residents by, among other means, facilitating all forms of residential intensification and redevelopment and promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities and support the use of public transit.

Policy 1.6.5.4 promotes a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and supports the development of viable choices and plans for public transit and other alternative transportation modes.

The proposed development complies with the above policies and other relevant policies of the Provincial Policy Statement and Plans by: intensifying the residential use of the site; making efficient use of the existing infrastructure; and by being within a short walk of the Yonge-Eglinton subway station and other surface TTC public transit routes and the proposed Eglinton Cross - Town LRT.

The proposal also meets the policies of the Provincial Growth Plan. The Growth Plan promotes increasing intensification of the existing built-up area with a focus on areas of the City such as major transit station areas. Section 2.2.5.1 of the Growth Plan requires that the planning of higher order transit corridor areas must strive to achieve "increased residential and employment densities that support and ensure the viability of existing and planned transit service levels."



The site is a few blocks from the Yonge-Eglinton subway station and is within the Yonge Street corridor which is designated a 'Higher Order Transit Corridor' on Map 4 of the Official Plan. The proposed residential development will increase residential densities in an area of Eglinton Avenue East which is in proximity to the Yonge-Eglinton station, the Cross-town rapid transit line which is to be constructed along Eglinton Avenue and bus routes which run north and south on Mt Pleasant Road.

The Growth Plan identifies this area of Yonge Street and Eglinton Avenue as an Urban Growth Centre. Specific policies which regulate development in the Yonge-Eglinton Urban Growth Centre are found in Section 5.0 of the Yonge-Eglinton Secondary Plan and discussed in this report under the heading, "Yonge-Eglinton Urban Growth Centre."

### **Land Use**

The proposed mixed commercial - residential building (which includes retail at grade and commercial parking on the first level of the underground garage) is a land use which is permitted in the *Mixed Use Areas* designation of the Official Plan and the Yonge-Eglinton Secondary Plan in which it is located. The proposed use is also permitted within the mixed use (CR) zoning which applies to the site.

### **Density, Height, Massing**

The site is within a *Mixed Use Areas* designation which extends from just west of Yonge Street to Mt Pleasant Road on both sides of Eglinton Avenue. The area is generally comprised of mixed commercial-residential buildings with retail, service or office uses at grade and either rental apartments or residential condominium units above.

The site is within the Yonge-Eglinton Urban Growth Centre. Urban Growth Centres (UGC's) are areas of the City which have been designated for intensification by the Province. Minimum (but no maximum) thresholds of employment and residential population are identified in the Provincial document titled, "The Growth Plan for the Greater Golden Horseshoe."

The Yonge-Eglinton Secondary Plan adopts the policies of the Growth Plan. Section 5.2 of the Yonge-Eglinton Secondary Plan requires that the highest building heights and densities within the Yonge-Eglinton UGC will be within the Mixed Use Area 'A' on the blocks at the four quadrants of the intersection of Yonge Street and Eglinton Avenue. Section 5.3 of the Yonge-Eglinton Secondary Plan states that heights, densities and scale of development will decrease along Eglinton Avenue East with increasing distance from the height peak located at the Yonge-Eglinton intersection.

The subject site is on Eglinton Avenue East, just outside of the *Mixed Use Area 'A'*. The proposed development generally fits within the transitioning of heights and densities of the existing and approved buildings on Eglinton Avenue East from *Mixed Use Area 'A'* to areas further east in the following manner:

- the height and density peak of 54 storeys and approximately 12.0 times the lot area is established by the Minto Midtown towers at 2195 Yonge Street;

- recent Council and Committee of Adjustment approvals permitted The Madison towers at heights of 36 and 33 storeys and a total density of approximately 10.0 times the lot area. These towers are under construction (just west of the site) on the full block of the south side of Eglinton Avenue East between Dunfield Avenue and Lillian Street; and
- 212 Eglinton Avenue East (The Panache) is an existing 21-storey residential tower with a density of approximately 8.0 times the lot area, located on the north side of Eglinton Avenue East just to the east of the site.

At 30-storeys and with a floor space index (fsi) of approximately 12 times its lot area, the proposed building generally satisfies the Yonge-Eglinton Secondary Plan requirement for progressively decreasing heights and densities moving east from Yonge Street to Mt Pleasant Road.

<b>Building &amp; Address</b>	<b>Height</b>	<b>Density (f.s.i.)</b>
Minto Midtown – 2195 Yonge Street	54 & 39 storeys	12x
The Madison – 79 Dunfield Ave. & 85 – 117 Eglinton Ave. East	36 & 33 storeys	10x
The Site - 161 Eglinton Ave. East	30 storeys	12x (slightly higher density but lower in height than The Madison)
The Panache – 212 Eglinton Avenue East	21 storeys	8x

The proposed height and density is not out of character with the existing and approved densities. The height, density and massing of this proposed building has been designed to minimize its impacts on the neighbouring buildings and pedestrian realm. The design of the building is more fully discussed in the Tall Buildings Guidelines discussion of this report.

### **Sun, Shadow, Wind**

The Official Plan requires that new developments in *Mixed Use Areas* are to be "located and massed to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes." The site does not have a common lot line with a *Neighbourhoods*

designated area. The closest *Neighbourhoods Area* is south of Soudan Avenue or east of Mt Pleasant Road (south of Eglinton Avenue East).

A shadow study was submitted by the applicant and verified by Planning staff. The *Neighbourhoods* designation south of Soudan Avenue is shown to be unaffected by the shadow cast by the proposed development. The study shows that afternoon shadow in the spring and fall equinoxes is cast across a portion of the *Neighbourhoods* area east of Mt Pleasant Road but not until late in the day (approximately 6:18 p.m.). As a result the proposed building will have little shadow impact on this area.

The potential sun, shadow and privacy impacts of the proposed development on existing buildings (including Eglinton Public School) and potential future redevelopment sites within the surrounding *Mixed Use Areas* and *Apartment Neighbourhoods* designations is discussed further in the Design Review of Tall Buildings Proposals section of this report.

## **Wind**

The applicant has provided a Pedestrian Level Preliminary Wind Assessment. The preliminary assessment estimates the pedestrian level wind conditions which may occur if the proposed building is constructed. The analysis is based on the historical, local wind conditions and the consultant's microclimatic data which has been gathered from analyses of other sites in the area.

Based on the consultants' preliminary assessment, wind conditions on and around the site, if redeveloped, are predicted to be reasonably comfortable under normal to high ambient wind conditions. Under strong or gusting wind conditions, the consultants predict higher than average ground level winds will be encountered along Redpath Avenue but winds will still be within a comfortable range for pedestrians.

The Preliminary Wind Assessment is intended to be the precursor to physical scale model testing which will be done as part of the site plan approval process. Further wind mitigation measures may be required as a result of the scale model testing.

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

Access to parking and loading is via a Redpath Avenue driveway which is located approximately 50 metres south of Eglinton Avenue East generally in the same location as the driveway which serves the existing office building.

The applicant proposes to provide a total of 210 parking spaces (including tandem spaces) in a 4-level underground garage.

Section 12(2)118 of By-law 438-86 requires 181 spaces for residents of the development and 41 spaces for their visitors (222 total required spaces). A total of 210 spaces are proposed. Technical Services Division has indicated that the proposed parking supply for the residents of the new building is acceptable. The proposed parking supply is a reasonable reflection of midtown parking requirements for the proposed condominium which is located approximately 4 blocks from the Yonge-Eglinton subway station and approximately 2 blocks from the planned Mt Pleasant LRT station for the future Eglinton Crosstown Line.

Of the proposed 210 parking spaces, 41 spaces which are located on the P1 level are to be operated as a commercial parking garage. One hundred and sixty nine parking spaces are to be provided for residential use. Of the 169 residential spaces, 4 are car share spaces and 6 are pairs of tandem parking spaces. Each tandem space is accepted as 2 required parking spaces (for a total of 12 spaces) provided that, if sold or leased, each tandem pair is sold or leased to the same residential unit. This condition is to be secured in the Section 37 agreement (not as a community benefit). Each of the 4 car share spaces reduces the overall required parking by 4 spaces or by a total of 16 spaces.

Visitor parking for the proposed development is to be entirely accommodated within the 41 commercial parking spaces located on the P1 level. This arrangement has also been determined to be acceptable to Technical Services.

Zoning amendments are required to allow 6 resident tandem spaces to be counted as 12 parking spaces and to allow all visitor parking to be accommodated in the commercial parking level. Resident parking spaces will be secured through a plan of condominium.

The applicant's transportation consultant prepared a Traffic Impact Study. The consultant's study (as accepted by the City's Transportation Services Division) found that the proposed development would result in generating a net increase of 65 and 63 two-way trips in the a.m. and p.m. peak hours respectively. These net peak hour trip increases would be considered to have minimal impact on the intersections in the local area.

### **Design Review Panel**

City Planning staff and the applicant's architect presented the proposal to the Design Review Panel at its meeting of January 23, 2012. The Panel generally supported the applicant's overall approach to the building design and found that the architectural response to: the existing built form context; the overall massing; and the street wall continuity were "well thought out."

The Panel voted unanimously in favour of 'refine.' Minor changes suggested by the Panel included refinements to: the architectural expression of the building's podium in general and more of an emphasis on the building's corner lot treatment in particular; the justification of the proposed tower height; the tower setbacks and to the setback of the podium on the Eglinton Avenue frontage.

The applicant's have revised their drawings to include these and other refinements which have been incorporated into the latest circulated drawings. These items have been discussed in the following section, 'Design Criteria for Review of Tall Buildings' of this report.

### **Design Criteria for Review of Tall Buildings**

A tall building is generally defined as a building that is taller than the road right-of-way which is adjacent to the site. The Design Criteria provide recommendations to assist staff in their review of tall buildings. The Design Criteria elaborate on the Official Plan policies (particularly those policies of Section 3.1.2 – Built Form) regarding issues of, transition in scale, building placement and orientation, entrances, massing of base buildings, tower floorplates, separation distances and pedestrian realm and other considerations.

The intent of these criteria has been met through the design of the proposed building as follows:

### **1. Transition in Scale**

Section 3.1.2(3b) of the Official Plan requires new development to be massed to fit harmoniously into its existing planned context and to limit its impacts on neighbouring streets, parks, buildings and open space by creating appropriate transitions in scale to neighbouring and existing buildings.

The Official Plan indicates that transition may be achieved through various methods including the use of angular planes, stepping of heights, location and orientation of the building and the use of setbacks and stepbacks of the building mass.

The Design Criteria determine that a building's transition in scale should be evaluated based on (a) the existing scale of the block and (b) the existing scale of the district.

#### **i. Scale of the Block**

The Design Criteria identify methods of transitioning between proposed tall buildings and existing lower scale buildings in the local area. These are:

##### **a) the creation of a base building of appropriate scale in relation to adjacent buildings and the width of the street.**

The base of the proposed mixed use building is generally 8 storeys in height which matches the 8-storey base of the recently approved Madison mixed use development to the west. The base has a measured height of approximately 25 metres which is lower than the Eglinton right-of-way is wide (27 metres). The result is a building base which allows a comfortable pedestrian realm due to its compatible scale with the approved and under construction Madison development and the width of Eglinton Avenue East.

##### **b) the articulation of a base that integrates with the neighbouring buildings and the street including appropriate ground floor uses.**

In addition to the existing sidewalk, the proposed building provides an approximately 1.05 metre setback in front of the grade-related retail which faces Eglinton Avenue East. A protective canopy wraps the building above the first floor on the west and north faces offering pedestrians a weather-protected concourse. This setback, in conjunction with the approximately 5.0 metre wide sidewalk, provides an appropriate transition from public to semi-public to private open space (from the street to the covered concourse to the front doors of the commercial units).

With the exception of the single-use residential building at 123 Eglinton Avenue East and Eglinton Public School, commercial uses at grade continue through this block on both sides of the street to Mt Pleasant Road. The proposed building represents a continuation of the commercial uses on Eglinton Avenue East.

The west wall of the building base containing the residential lobby fronts onto Redpath Avenue and faces the residential units of the condominium at 123 Eglinton Avenue East. There are no commercial entrances proposed to occur on Redpath Avenue.

The base is set back approximately 8.0 metres from the Redpath Avenue curb. Of that 8 metres, approximately 2.25 metres is a covered setback between the building wall and the property line. Proceeding south on Redpath Avenue, the building steps down from the tower to 8-storeys to the second floor enclosed swimming pool and the outdoor amenity area which surrounds the 2-storey swimming pool structure above the enclosed single-storey of the access drive.

The commercial and residential and residential related uses on the ground and second floors, and the use of canopies, setbacks, stepping down in heights and low-level roof-deck outdoor amenity areas serve to integrate the base with neighbouring residential and mixed commercial-residential buildings.

- c) **the scale and placement of the tower component on the site (above the building base) in such manner that reduces its visible impact from the street, neighbouring property and open spaces.**

The building is irregularly shaped. Its base is 8-storeys and fills the width of the lot along Eglinton Avenue East but has a 3.0 metre step back from the north property line above the 6<sup>th</sup> floor. A 3.0 metre step back allows the base (not the tower) to be viewed as the primary definition of the street from Eglinton Avenue East. Above the 8<sup>th</sup> floor, the building is pulled to the west to provide a 14 metre setback to the east property line, further reinforcing the building base as the primary built form element on Eglinton Avenue East.

The building base extends along Redpath Avenue where it provides an approximately 10.4 metre setback from the south property line. The south end of the tower begins on a diagonal line at a point that ranges from approximately 17 metres (south west corner closest to Redpath Avenue) to 12.5 metres (south east corner) from the south property line. The south east corner of the tower is approximately 21 metres to the east property line.

The tower's orientation on the top of its base combined with sufficient setbacks to property lines which abut adjacent lots, the use of different building materials and colours on the base will direct attention to the building base as the primary design element on the site and thereby reduce the visible impact of the tower from the street.

## **2. Building Placement and Orientation**

Section 3.1.2(1a) of the Official Plan directs new development to locate buildings (as in this case) parallel to the street with a consistent front yard setback. The Design Criteria indicate that this pattern defines the street edges, reinforces the public street and provides a seamless edge of public activity.

The proposed development provides a 1.8 metre front setback from Eglinton Avenue. The setback area is partially covered creating a protected pedestrian colonnade with retail bays in parallel to Eglinton Avenue. The proposed setback combined with the existing public sidewalk

creates a 6.0 metre building face to curb width. These dimensions are slightly less than the approximately 2.2 metre front setback and 7.2 metre building face to curb width of the larger Madison development at 85 – 117 Eglinton Avenue East.

The proposed development's west elevation faces the residential condominium at 123 Eglinton Avenue East which is located on the west side of Redpath Avenue. The building base of the proposed development is setback 3.0 metres from the west property line. This setback plus the 5.5 metre width of sidewalk allows a total 8.5 metre width from curb to building face. Given the 20 metre road width of Redpath Avenue and assuming a similar (but likely wider) 8.5 metre setback from Redpath Avenue of 123 Eglinton, the total separation between the building bases of the proposed building and 123 Eglinton is approximately 37 metres or 12 metres more than the minimum of 25 metres required by the Design Criteria.

The proposed placement and orientation of the building to the north west of the site results in commercial uses being pulled to the street (Eglinton Avenue). It also allows the building mass to be oriented on the site to take advantage of the width of the street to provide separation to the adjacent residential use at 123 Eglinton. In doing so, this orientation also allows the proposed tower to maximize the setbacks to the east and south lot lines which may abut future redevelopment sites.

### **3. Tall Building Address (Entrance)**

Section 3.1.2(1b, c) of the Official Plan directs new development to locate a building's main entrance so that it is clearly visible and directly accessible to the public sidewalk. It also directs new development to have ground floor uses that have views to and, when possible, access to adjacent streets.

The Design Criteria reiterate that well-designed buildings should provide prominent main building accesses which are directly accessible to the public sidewalk. Main entrances should be emphasized, when appropriate, through the use of a high level of landscape treatment. In addition, the Criteria state that the most vital and interesting streets are those which are lined with residential (or commercial) uses resulting in a fine grain of entrances along the street edge.

The proposed mixed use development locates its main residential entrance on the Redpath Avenue frontage facing the flank of the residential condominium across the street. The residential entrance is located in a prominent location accentuated by the length of planter boxes on either side of the residential lobby entrance. The main entrance to the residential lobby is a relatively wide concourse (approximately 5 metres) of distinctive paving treatment.

The proposed building will continue the retail and service function of the Eglinton Avenue commercial corridor with individual commercial bay entrances along the Eglinton frontage.

### **4. Site Servicing and Parking**

Section 3.1.2(2) of the Official Plan directs new development to locate and organize vehicle parking and access and service areas to minimize their impact on the new development and on surrounding, existing buildings. The Official Plan also requires that safe vehicular access, across

the public sidewalk, is provided to the new development and that the various vehicular access points do not interfere with providing an attractive streetscape.

The Design Criteria require that new developments organize site access and servicing to screen service uses from public view and to consolidate and minimize the number of driveways and curb cuts across the public sidewalk.

This application is not proposing more curb cuts and driveways than currently exist. The proposed development provides one primary driveway from Redpath Avenue which serves to access the Type 'G' loading area and the ramp to the underground parking. The driveway is generally located in the same position as the driveway that accesses the loading area of the existing building.

The driveway, loading area and parking ramp are all internal to the building and, except for the entrance, are not visible from the street. Vehicles using the loading area are able to turn around within the building and exit across the sidewalk in a forward motion.

## **5. Open Space**

Section 3.1.2(5d) of the Official Plan requires new developments to provide amenity for adjacent streets (public sidewalks) and open spaces in a manner which makes these areas attractive, interesting, comfortable and functional for pedestrians through the landscaping of these spaces.

The Design Criteria broaden the definition of amenities to include those that are provided for the exclusive use of owners or tenants of the new building and the amenities which are publicly accessible, visually and/or physically. New developments may and should provide both.

The proposed development provides publically accessible private space at grade as a widening of the sidewalk in front of the commercial bays. The grade level entries to the commercial bays on Eglinton Avenue East are within an open (but covered) colonnade. The applicant proposes to plant 7 new trees in tree pits in the public boulevards on Eglinton Avenue East and Redpath Avenue.

The development also provides private open space exclusively for the use of the future residents in the form of green roofs at the 3<sup>rd</sup> and 9<sup>th</sup> floor and the outdoor amenity area (with roof-deck trees in planter pits) which surrounds the 2<sup>nd</sup> floor indoor swimming pool. The amenity areas and green roofs are visually accessible to units in surrounding buildings and serve to break up views that would otherwise be of hard landscape materials (concrete, brick, and glass).

## **6. Scale of the Base Building**

Section 3.1.3(1a) of the Official Plan requires base buildings of tall buildings to be an appropriate scale with adjacent streets and open spaces. It also requires that base buildings integrate with the scale of adjacent buildings and minimize the impact of parking and service uses.

The Design Criteria indicate that the building base (which comprises the largest massed area at street level) is to be designed in a manner that allows appropriate access to sunlight and to sky



view. The base is also to be designed to ensure that the massing of the resulting street wall is not overwhelming to pedestrians.

To achieve these objectives, the Design Criteria indicate that the height of the base building should fit within the context of other building bases on the street. Or in the case where there is no existing context, the base should fit within a 45 degree angular plane measured from the curb on the opposite side of the street.

The base of the proposed building generally complies with the intent of both. Its 8-storey height generally matches the base height of the Madison development which is currently under construction and will be the closest, similar mixed use building, and all but a small portion of the eighth floor would fit within the 45 degree angular plane.

With respect to its built form, the existing condominium at 123 Eglinton Avenue East is dissimilar to the proposed point tower. It is a slab building, not a point tower. It is also a single use residential building that does not need to provide commercial ceiling heights at grade and neither does it need to locate its front building wall close to the street (Eglinton) to allow for retail showroom visibility and access.

## **7. Tall Building Floor Plates**

Section 3.1.3(1b) of the Official Plan requires that new development be designed with a floor plate size and shape that has appropriate dimensions for the site and is oriented on its site and on top of the base building to allow it to fit harmoniously into its existing and/or planned context.

The Design Criteria encourage the use of properly located, small (743 m<sup>2</sup>) tower floor plates since they: result in towers which cast smaller and fast-moving shadows; may improve sky views; and may permit better views between buildings and through the site. The Design Criteria indicate that residential floor plates larger than 743 m<sup>2</sup> in area are to be articulated architecturally to minimize shadows; loss of sky view and wind conditions is adjacent open space.

At 798 m<sup>2</sup> the proposed building floor plate is slightly larger than recommended (but still considered a point tower). The Design Review Panel noted that the floor plate exceeds the maximum area suggested in the Design Criteria but made no indication that the overall design of the building would suffer as a result.

The tower has been articulated with a range of balcony forms that will provide visual interest. In particular, the southeast corner balconies have been shaped in a pointed fashion. The building has also been designed to use glazed materials. The balcony and glazing treatment will both accentuate tower thinness.

## **8. Spatial Separation**

Section 3.1.2(4) of the Official Plan requires that tall buildings will be located to ensure adequate access to sky view for the proposed and future use of these areas.

In order to provide adequate privacy and level of natural light within units, the Design Criteria recommend a minimum separation distance of 25 metres (12.5 metre setback to the property line on either side of the lot line) between residential towers including potential tower redevelopment sites. The minimum 25 metre separation between towers may be enhanced by the orientation of a tower to provide indirect views between units of different buildings or to minimize the shadow effect of one tower on another.

To lessen its impact on the degree of privacy and natural light within nearby residential buildings, the proposed tower is oriented to the north and west of the site. In this manner, the proposed tower takes advantage of the separation to other residential buildings which is provided by the Redpath Avenue and Eglinton Avenue rights-of-way.

Potential redevelopment sites to the north on Eglinton Avenue East have the benefit of the Eglinton Avenue 27-metre r.o.w. The existing condominium to the west (123 Eglinton Avenue East) is separated from the proposed development by the sum of their easterly setback, the approximately 20 metre r.o.w. width of Redpath Avenue and the approximately 9.0 metre setback of the proposed building from Redpath Avenue.

Abutting uses in the *Apartment Neighbourhoods* area to the south include a 3-storey house which is converted to a professional office use, a 3.5-storey walk-up apartment building south of that and a 21-storey residential condominium beyond that. Shadowing is not an issue for buildings located to the south of a tower. The tower is constructed on a diagonal and does not have a uniform setback to its south property line. However, its south setback ranges from approximately 14.0 metres at the west (Redpath Avenue) end and 10.82 metres at the east (inner lot) end and generally complies with the intent of the Design Criteria setback requirement of 12.5 metres.

The site occupies approximately half of the Eglinton Avenue frontage of the block between Redpath and Brownlow Avenues. The eastern half of the block (not owned by this developer) is occupied by 2 and 3-storey commercial buildings and could be the subject of a future redevelopment application. The east wall of the proposed tower which faces the un-owned portion of the block is also angular. It provides a minimum setback of approximately 14.0 metres at the north east corner and a maximum setback of approximately 21.0 metres to the east property line.

The proposed tower setbacks to the east property line exceed the 12.5 metres required by the Design Criteria. The setbacks range from 14.4 metres at the northeast corner to approximately 22 metres at the southeast corner. At this point (southeast corner), the proposed tower would allow for most of the minimum 25 metre tower separation distance on its lot if a tower were to be proposed to the east of the site.

## **9. Streetscape and Landscape**

Section 3.1.2(5a, b, d) of the Official Plan requires that new development will add to the use and aesthetics of the streetscape by providing hard and soft landscape improvements including street trees and other landscape plantings, lighting and other street furniture.

The Design Criteria indicate that the space between the building façade and the public sidewalk is an integral part of the image and character of the public street. This is the area of the site that, among other things, accommodates main residential building entrances and front gardens to residential units or lobbies.

The proposed mixed use development organizes its commercial and residential uses at grade by orienting and continuing commercial uses at grade on Eglinton Avenue and by providing a clear and obvious residential entrance and lobby on the Redpath Avenue frontage.

The grade level frontage of the Eglinton Avenue façade emphasizes visibility of and access to its retail uses. The applicant is proposing 3 new street tree plantings and to protect and maintain the 2 existing trees.

The area of the residential entrance on Redpath Avenue provides 2 landscaping zones to distinguish between public and semi-private space. Four new street trees are to be planted in the public sidewalk on Redpath Avenue and substantial planter pits are to be provided on either side of the residential entrance to emphasize the façade. The result is a transition from public to semi-private landscaped open space to the residential lobby which adds to the aesthetics of the streetscape and provides a visual connection for pedestrians to the building (refer to Attachment 2: Landscape Plan).

#### **10. Sun, Shadow and Sky View**

Section 3.1.2(3) of the Official Plan requires new development to adequately limit any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces (i.e., Eglinton Public School playground).

Section 3.1.2(4) requires new development to be massed to define the edges of streets, parks and open spaces at good proportion. Taller buildings are to be located to ensure adequate access to sky view for the proposed and future use of these areas.

The Design Criteria recognize that tall buildings can adversely affect the environmental quality of surrounding areas through the loss of sky view and by the overshadowing of adjacent public and private open spaces and that restricting the floorplate size of tower components will be beneficial in mitigating shadow impacts. The Design Criteria also require that new developments should be spaced to provide adequate light view and privacy in surrounding buildings.

The proposed development complies with these requirements by providing significant separation distances from the tower component to the property lines of the adjacent lots which contain existing tall buildings or which could become tall building redevelopment sites (as discussed in Sections 2 & 8 above).

The proposed development is within a *Mixed Use Area* which borders *Apartment Neighbourhoods* both to the north and to the south. Tall buildings exist and are anticipated to be constructed in both of these land use designations. Tall buildings cast shadows on neighbouring buildings and open spaces. In addition to a tower's setbacks and orientation on the lot, limiting

floor plate size is also a means of reducing the amount of time that shadow cast by a proposed building will linger on nearby buildings and open spaces.

While the tower floor plate exceeds the 743 m<sup>2</sup> in area as recommended by the Design Criteria, it is still small enough for the resulting shadow to move relatively quickly across the adjacent properties including the Eglinton Public School playground. Using the school's playground as an example, the March and September shadow drawings, which were provided by the applicant and verified by City Urban Design staff, show that the playground is not in shadow until the 6:18 p.m. drawing. The drawing also shows that the proposed building would have a longer shadow but no greater shadow impact on the school playground than would a building with a permitted height of 48 metres.

### **Servicing**

The applicant has submitted a stormwater management report and site servicing plan and, a site grading and drainage plan in support of the proposed development to the Executive Director of Technical Services for review and acceptance prior to entering into a Site Plan Agreement with the City.

### **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per the City Wide Parkland Dedication By-law 1020-2010.

The application proposes 341 residential units and 500.71 square metres of non-residential gross floor area on a site with a net area of 2,242.7 square metres. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 0.504 hectares or 224.7% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 221 square metres.

The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site parkland dedication requirement of 221 square metres would not be of a useable size and the site would be encumbered with below grade parking.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

### **Toronto Green Standard**

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS.

### **Section 37**

Section 37 of the Planning Act allows the City to grant increased density and/or height in exchange for community benefits. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include: parkland and/or park improvements above and beyond the parkland dedication; public art; streetscape improvements on the public boulevard not abutting the site; and other works detailed in Section 5.1.1.6 of the Official Plan. Section 37 may also be used as may otherwise be agreed upon, subject to the policies contained in Chapter 5 of the Official Plan.

The community benefits must bear a reasonable planning relationship to the proposed development including at a minimum, an appropriate geographic relationship and the addressing of planning issues associated with the development (e.g., local shortage of parkland, provision of new parks facilities).

Section 5.1.1.4 of the Official Plan allows Section 37 of the Planning Act to be used for all developments with a gross floor area of more than 10,000 square metres and when the proposed zoning by-law amendment increases the permitted gross floor area by at least 1,500 square metres, and/or increases the height significantly.

In this case, the gross floor area of the proposed development is 19,773.3 square metres over and above the total permitted mixed use gross floor area that is permitted by By-law 438-86.

This applicant has agreed to a contribution of \$1,400,000.00 (indexed to inflation) to be deposited to the Planning Act Reserve Fund. The funds will be secured in the Section 37 Agreement entered into with the owner and may be used for the capital construction of, or the capital improvements to one or more of the following at the discretion of the City as determined by the Chief Planner and Executive Director in consultation with the Ward Councillor as follows or towards other local area park or streetscape improvements as appropriate:

- (\$1,000,000.00) for the implementation of public realm/streetscape improvements to Eglinton Avenue East (which are within Ward 22 in proximity to the site) as set out in the final recommendations of the Eglinton Planning Study, which will include a Public Realm and Streetscape Plan and which is currently under way;
- (\$300,000.00) for landscaping improvements on the perimeter of and on the grounds of Eglinton Public School provided that these improvements are located in areas that are accessible to the public. Such landscaping improvements may include but are not limited to: street furniture on Eglinton Avenue East and Mt Pleasant Road; street trees and bike racks on Brownlow Avenue; an outdoor drinking fountain; public art; and upgrades to the existing sports field; and
- (\$100,000.00) for streetscape improvements on Mt Pleasant Road as may be identified in consultation with the ward councillor and the Mt Pleasant Village B.I.A.

The Section 37 Agreement entered into by the owner shall be registered on title to the *lot* to the satisfaction of the City Solicitor and shall also secure:

- a. the provision by the owner of the following to facilitate the development:
  - i. construction of and payment for any improvements to the municipal infrastructure, as applicable, in connection with the Functional Servicing Report submitted for the proposed development and, as accepted by the Executive Director of Technical Services, should it be determined that improvements to such infrastructure are required; and
  - ii. requirement that, should the owner make an application to unitize parking spaces within the development through a plan of condominium, any tandem parking spaces provided shall be created as one unit.

## **Tenure**

All residential units are proposed to be condominiums.

## **Development Charges**

It is estimated that the development charges for this project will be \$2,608,956.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

## **CONTACT**

Tim Burkholder, Senior Planner  
Tel. No. (416) 392-0412  
E-mail: tburk@toronto.ca

## **SIGNATURE**

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Gregg Lintern, Director, MCIP, RPP  
Community Planning, Toronto and East York District

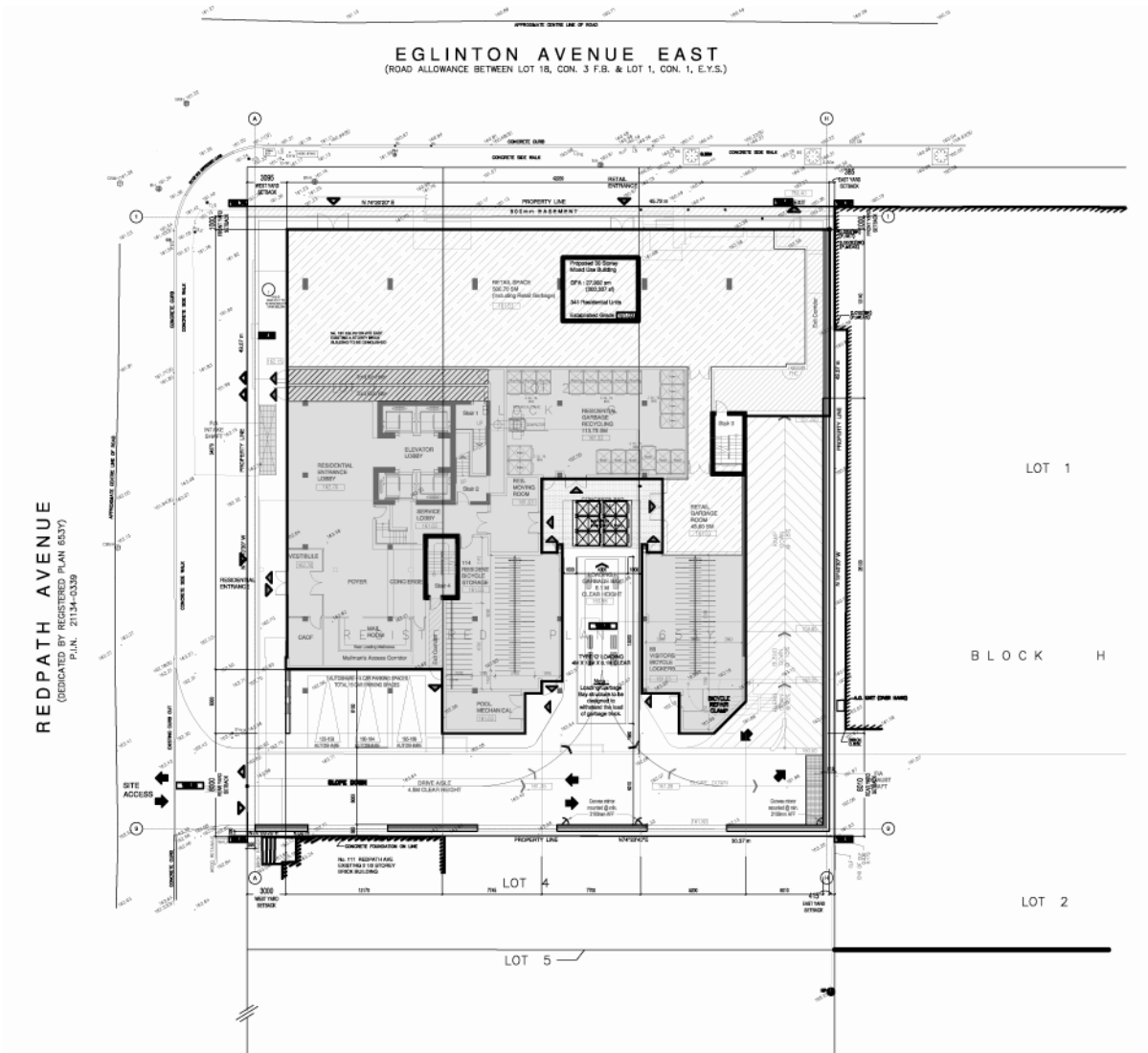
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## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: Landscape Plan  
Attachment 3: North Elevation  
Attachment 4: West Elevation  
Attachment 5: South Elevation

Attachment 6: East Elevation  
Attachment 7: Zoning  
Attachment 8: Application Data Sheet  
Attachment 9: Draft Zoning By-law Amendment

# Attachment 1: Site Plan



Site Plan

161 Eglinton Avenue East

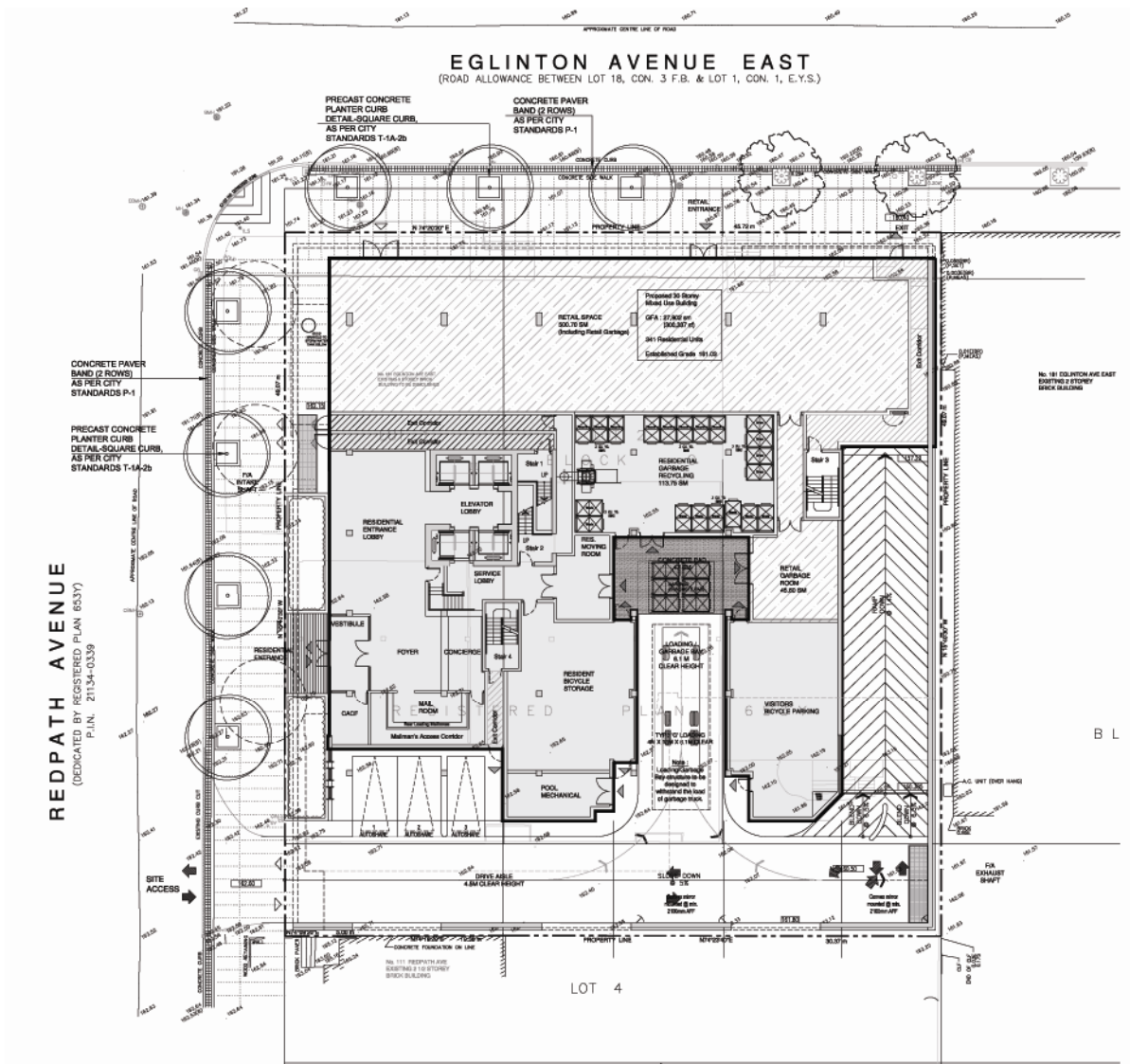
Applicant's Submitted Drawing

Not to Scale 

File # 11\_269515



## Attachment 2: Landscape Plan



**Site Plan - Landscape Master Plan**

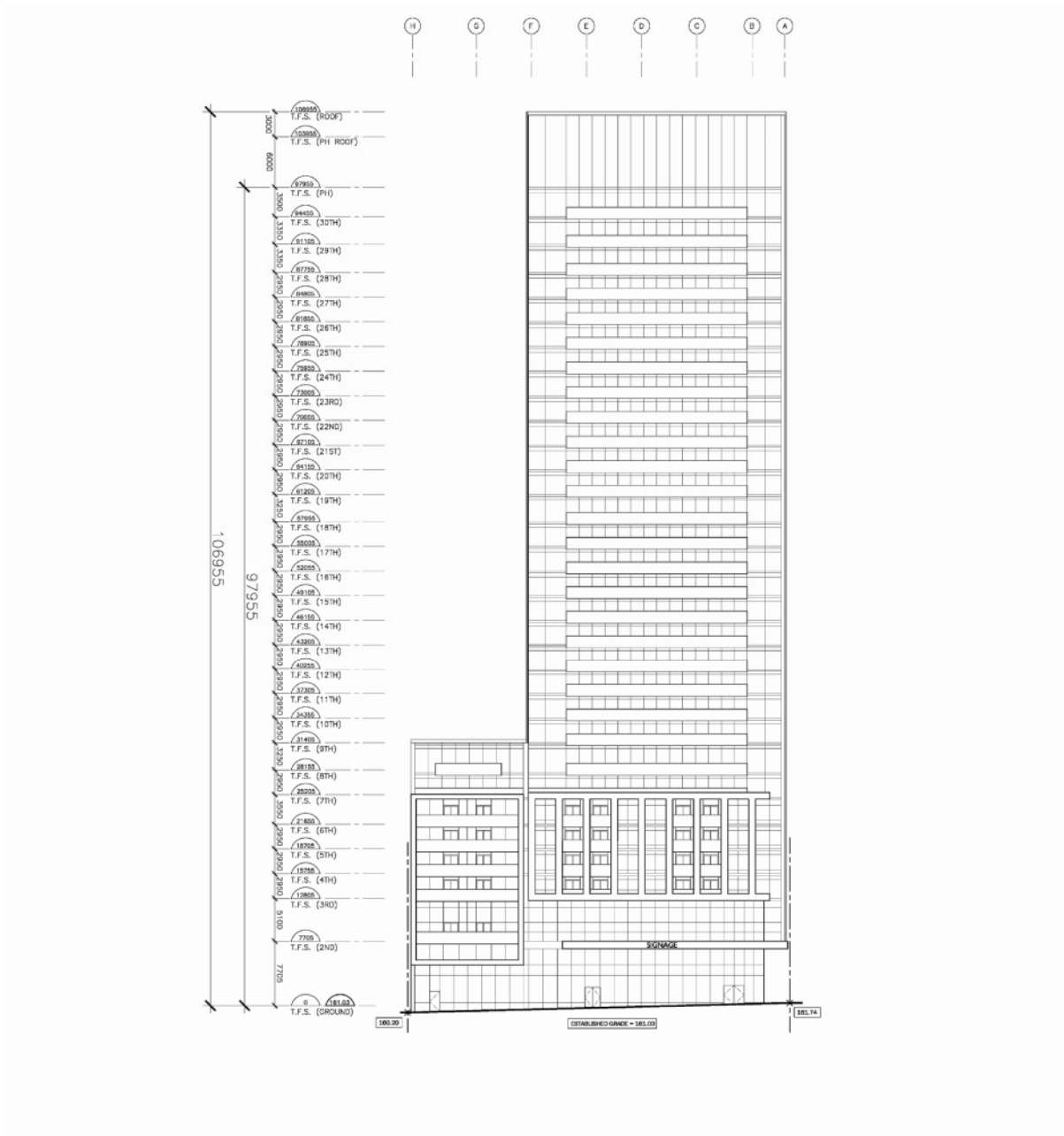
**161 Eglinton Avenue East**

Applicant's Submitted Drawing

Not to Scale  
08/01/2012

File # 11\_269515

### Attachment 3: North Elevation



North Elevation

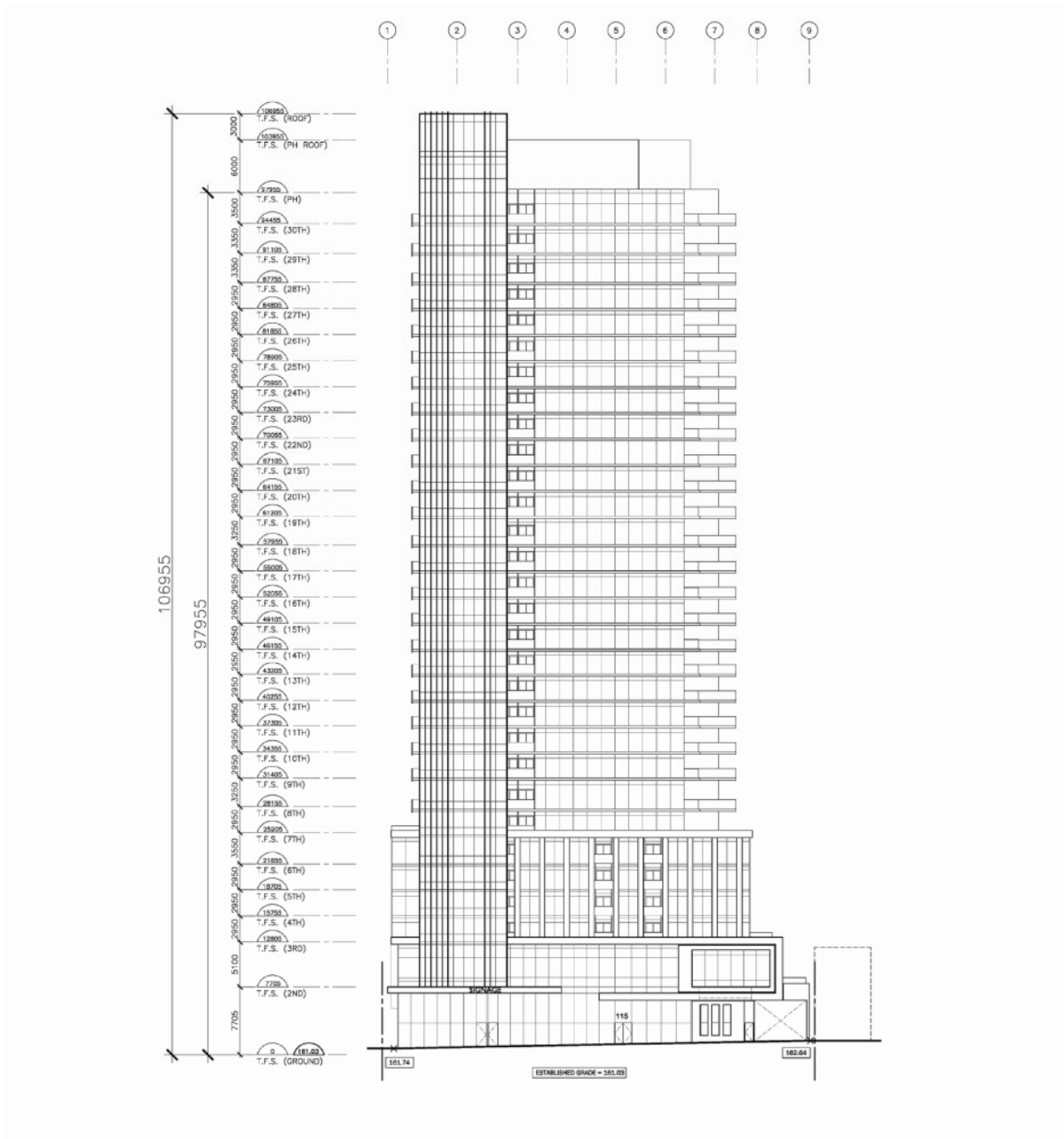
Applicant's Submitted Drawing

Not to Scale  
08/01/2012

161 Eglinton Avenue East

File # 11\_269515

## Attachment 4: West Elevation



### West Elevation

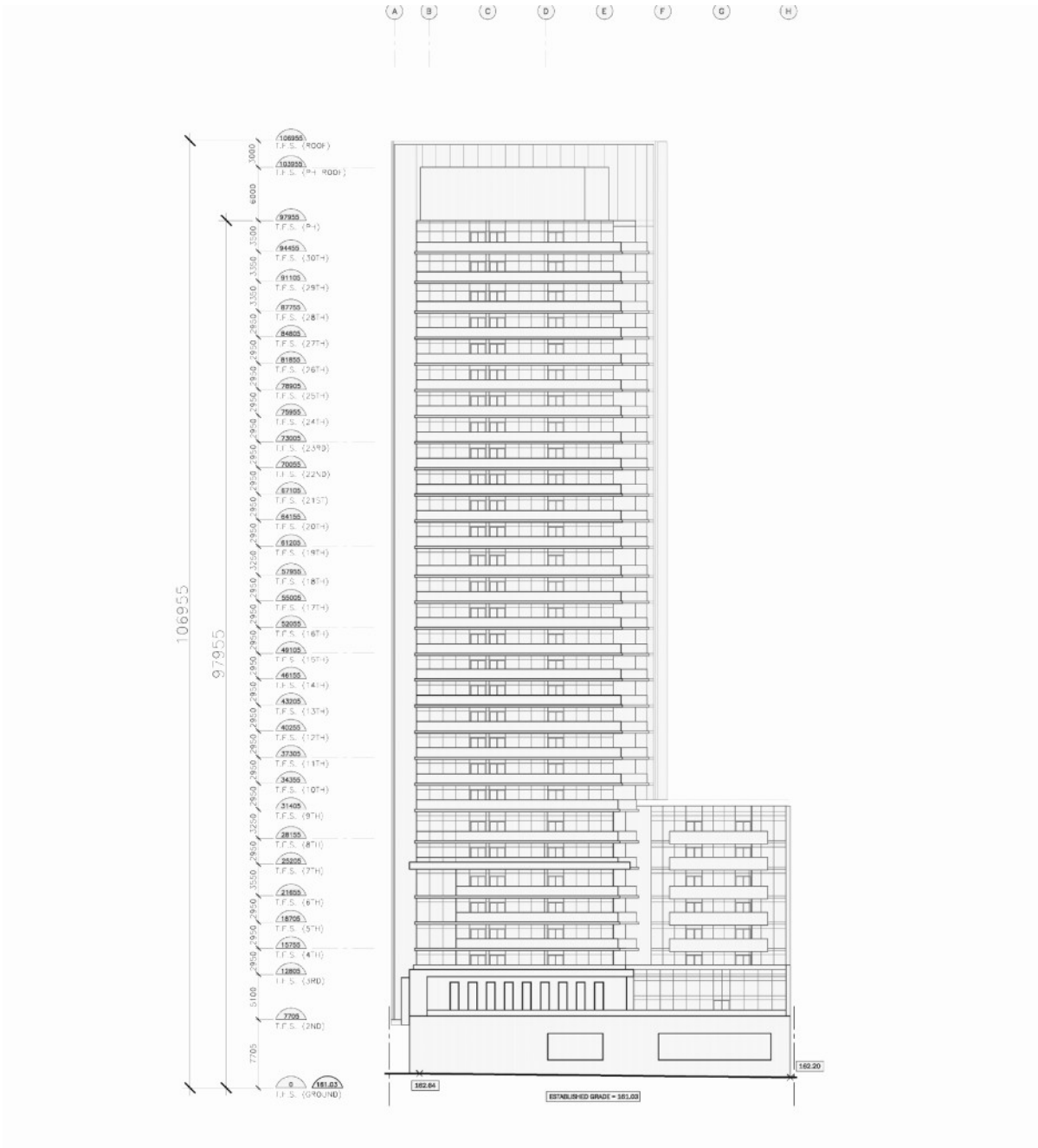
Applicant's Submitted Drawing

Not to Scale  
08/01/2012

### 161 Eglinton Avenue East

File # 11\_269515

# Attachment 5: South Elevation



**South Elevation**

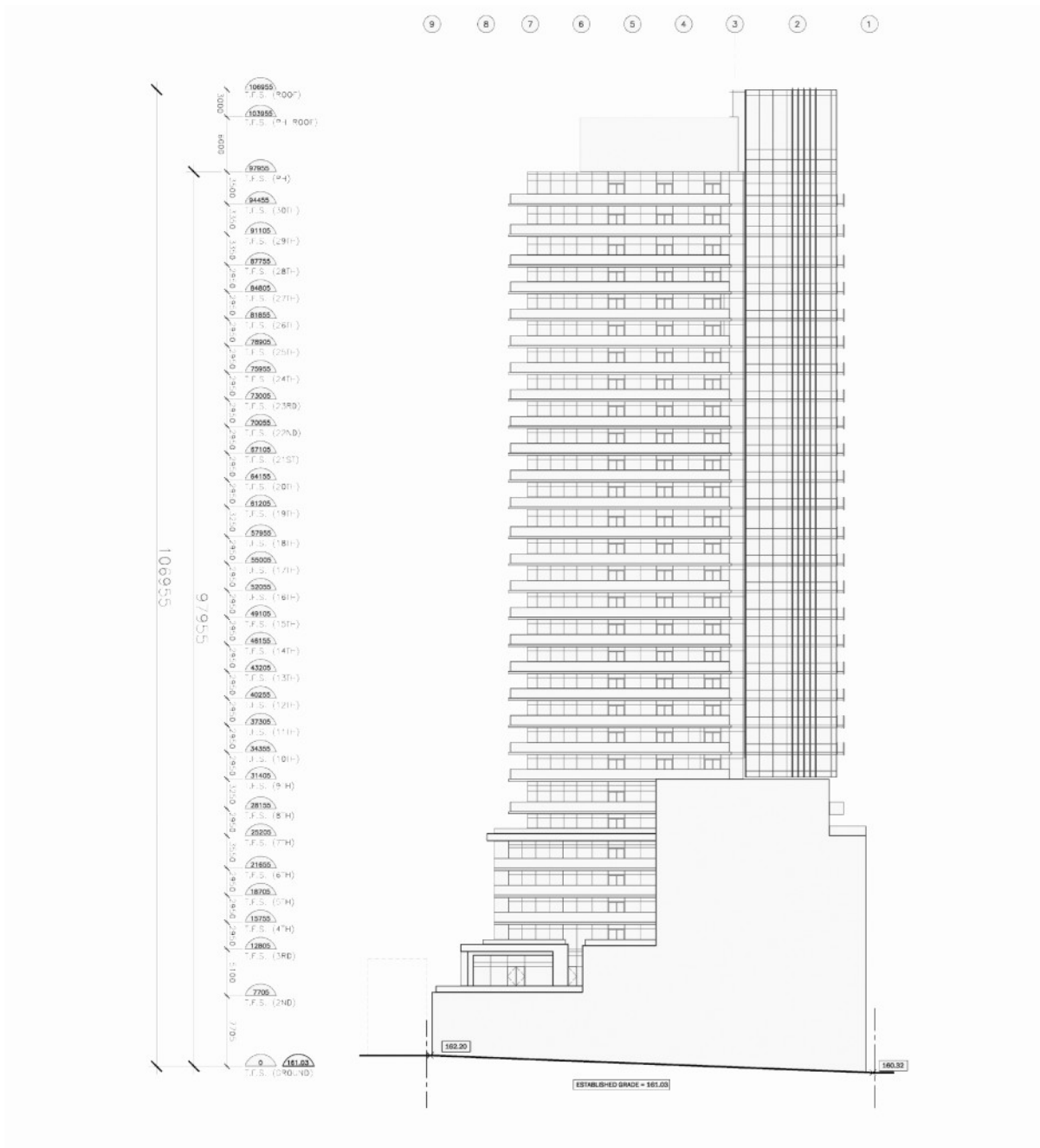
Applicant's Submitted Drawing

Not to Scale  
08/01/2012

**161 Eglinton Avenue East**

File # 11\_269515

# Attachment 6: East Elevation



## East Elevation

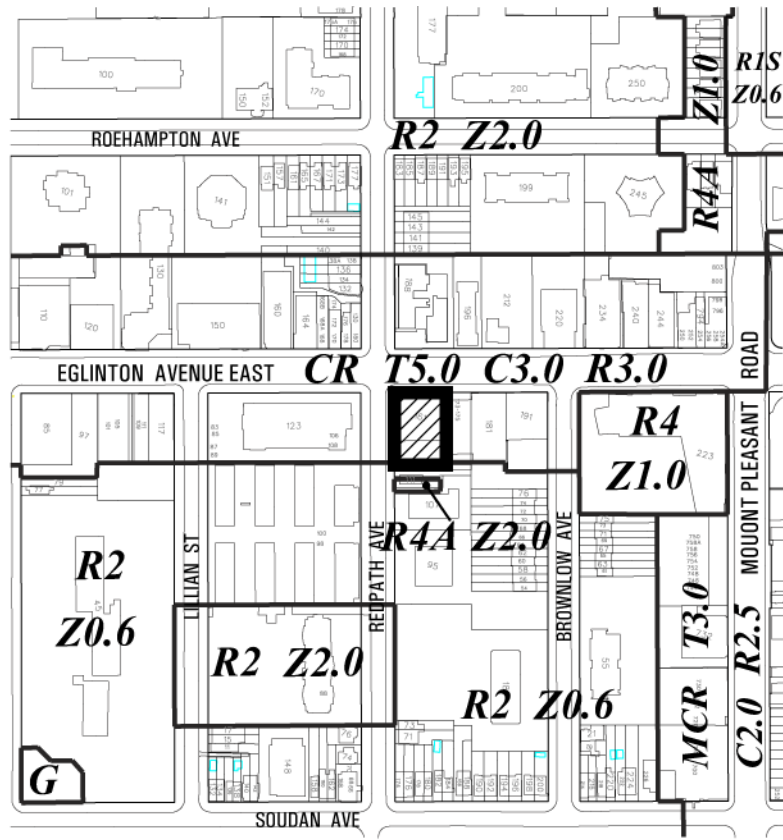
Applicant's Submitted Drawing

Not to Scale  
08/01/2012

161 Eglinton Avenue East

File # 11\_269515

## Attachment 7: Zoning



TORONTO City Planning  
Zoning City of Toronto By-law 438-86
161 Eglinton Avenue East  
File # 11\_269515\_02

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>G Parks District</li> <li>R1S Residential District</li> <li>R2 Residential District</li> <li>R4 Residential District</li> </ul> | <ul style="list-style-type: none"> <li>R4A Residential District</li> <li>CR Mixed Use District</li> <li>MCR Mixed Use District</li> </ul> |
|--|---|
- Not to Scale  
 Zoning By-law 438-86 as amended  
 Extracted 08/03/2012

### Attachment 8: Application Data Sheet

Application Type	Rezoning	Application Number:	11 269515 STE 22 OZ
Details	Rezoning, Standard	Application Date:	September 6, 2011
Municipal Address:	161 EGLINTON AVE E		
Location Description:	PLAN 653 BLK G LOTS 1 & 2 **GRID S2204		
Project Description:	Standard rezoning application for new mixed use building with retail and residential above - 30 stories - 341 residential units - 222 parking spaces (includes 12 tandem parking spaces) 4 levels below grade parking - 461 bicycle parking spaces		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Sherman Brown Dryer Karol		Giannone Petricone Associates	Eglinton Redpath Holdings Inc

#### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	<b>CR T5.0 C3.0 R3.0 &amp; R2 Z0.6</b>	<b>Historical Status:</b>
Height Limit (m):	48	Site Plan Control Area:

#### PROJECT INFORMATION

Site Area (sq. m):	2244	Height: Storeys:	30
Frontage (m):	45.72	Metres:	107
Depth (m):	49.07		
Total Ground Floor Area (sq. m):	1275.15		<b>Total</b>
Total Residential GFA (sq. m):	28,197.61	Parking Spaces:	210
Total Non-Residential GFA (sq. m):	1,912.0	Loading Docks	1
Total GFA (sq. m):	29,923.87		
Lot Coverage Ratio (%):	57		
Floor Space Index:	13.4		

#### DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	56
1 Bedroom:	257
2 Bedroom:	28
3 + Bedroom:	0
Total Units:	341

#### FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	27510.87	0
Retail GFA (sq. m):	501	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

**CONTACT: PLANNER NAME: Tim Burkholder, Senior Planner**  
**TELEPHONE: (416) 392-0412**

## **Attachment 9: Draft Zoning By-law Amendment**

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 20~

DRAFT BY-LAW

### **CITY OF TORONTO**

#### **BY-LAW No. XXXX - 2012**

#### **To amend the General Zoning By law No. 438- 86 of the former City of Toronto with respect to lands known municipally in the year 2012 as 161 and 173 – 175 Eglinton Avenue East**

WHEREAS the Council of the City of Toronto has been requested to amend its Zoning By-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, with respect to lands known municipally in the year 2012 as 161 and 173 – 175 Eglinton Avenue East to pass this by law; and

WHEREAS Council has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set out in the by-law; and

WHEREAS Subsection 37(3) of the *Planning Act* provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the owner of the *lot* hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

WHEREAS the increases in the density and height permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements by the owner of the *lot* and the City of Toronto; and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;



The Council of the City of Toronto HEREBY ENACTS as follows:

1. None of the provisions of Section 2(1) with respect to the definitions of '*bicycle parking space – occupant*', '*bicycle parking space – visitor*', '*height*', '*grade*', and '*parking space*' and Sections 4(2)(a), 4(4)(b), 4(10), 4(13)(a), (c) and (d), 4(16), 4(17), 6(3) Part I 1, 6(3) Part II, 6(3) PART III, 6(3) Part IV, 6(3) Part VII, 8(3) Part I 1, 2 and 3, 8(3) Part II, 8(3) Part III, 8(3) Part XI, 12(2) 118, 12(2) 119 and 12(2) 270 of Zoning By law No. 438- 86, as amended, being By-law No. 438-86 “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, shall apply to prevent the erection or use of any mixed use building on the *lot* which may contain dwelling units, non-residential uses, and a commercial parking garage, including uses accessory thereto, provided that:
  - (a) the *lot* consists of those lands delineated by heavy lines on the attached Map 1 attached to and forming part of this By-law;
  - (b) the total *residential gross floor area* erected or used on the *lot* does not exceed 28,200 square metres;
  - (c) the maximum number of *dwelling units* does not exceed 341 units;
  - (d) the *non-residential gross floor area* erected or used on the *lot* does not exceed 1,912 square metres;
  - (e) the total combined *non-residential gross floor area* and *residential gross floor area* erected or used on the *lot* does not exceed 29,602.0 square metres;
  - (f) no part of any building or structure on the *lot* erected or used above finished ground level is located other than wholly within the areas delineated by heavy lines shown on the Map 2 attached to and forming part of this By-law;
  - (g) no part of any building or structure on the *lot* erected or used above finished ground level shall exceed the *height* limits shown in metres and specified by the numbers following the letter "H" in the areas delineated on Map 2;
  - (h) nothing in Sections 1(f) and 1(g) of this by-law shall prevent the following elements from projecting within the *lot* beyond the heavy lines and above *height* limits shown on Map 2:

- (i) eaves, balustrades, railings, parapets, balconies, cornices, window sills, window washing equipment, lighting fixtures, ornamental elements, stair towers, trellises, planters, partitions dividing outdoor recreational areas, guard rails, stairs, stair enclosures, wheelchair ramps, chimneys, vents, stacks, fences, screens, platforms, transformer vaults, architectural features, exhaust flues, elevator overruns, and other elements or structures on the roof of the building used for outside air exchange, green roof, safety or wind protection purposes which are located above the *height* of each of the roof levels of the building;
  - (ii) *balconies* may extend for a maximum horizontal projection of up to 2.0 metres beyond the heavy lines shown on Map 2; and
  - (iii) canopies may extend to a maximum horizontal projection of not more than 2.5 metres beyond the heavy lines shown on Map 2.
- (i) *residential amenity space* for the *dwelling units* shall be provided and maintained on the *lot* in accordance with Section 4(12) of By-law No. 438-86 of the former City of Toronto, as amended, with the exception that a minimum of 290 m<sup>2</sup> of outdoor *residential amenity space* shall be provided;
  - (j) *parking spaces* are to be provided and maintained on the *lot*, for the *mixed-use building* in accordance with the following minimum requirements:
    - (i) 0.5 parking space(s) for each one bedroom or bachelor dwelling unit
    - (ii) 0.85 parking spaces for each two bedroom dwelling unit
    - (iv) 1.0 parking spaces for each three or more bedroom dwelling units;
  - (k) no *parking spaces* shall be required for residential visitors to the lot;
  - (l) for each on-site *car-share parking space* provided on the *lot*, the minimum resident parking requirement shall be reduced by 4 parking spaces;
  - (m) the maximum number of *car-share parking spaces* shall be 4;
  - (n) a maximum of 6 tandem parking spaces (parking space behind another parking space) which in this case may be used for the calculation of 12 required parking spaces;

- (o) no *parking spaces* shall be required for any portion of the *mixed-use building* that contains *non-residential gross floor area*;
  - (p) a minimum of 41 *parking spaces* shall be provided in a *commercial parking garage*;
  - (q) *bicycle parking spaces* are to be provided and maintained on the *lot*, in accordance with the following minimum requirements:
    - (i) 0.75 parking spaces for each *dwelling unit* or a fraction thereof equal to or greater than 0.5;
  - (r) a two-way drive aisle shall have a minimum width of 5.8 metres; and
  - (s) notwithstanding Section 4(17)(e) bicycle racks are not considered a fixed object which obstructs a *parking space*.
2. Pursuant to Section 37 of the *Planning Act*, and subject to compliance with the provisions of this By-law, the increase in *height* and *density* of development on the *lot* beyond that which is otherwise permitted in the By-law No. 438-86, as amended, is permitted in return for the provision by the *owner* of the *lot* to the City of the following facilities, services and matters at the *owner's* sole expense:
- (1) Prior to issuance of the first above grade building permit for the proposed development on the *lot*, the *owner* shall:
    - (a) provide the City with a cash payment by way of certified cheque payable to the Treasurer, City of Toronto, in the amount of \$1,400,000.00 to be applied at the discretion of the City as determined by the Chief Planner and Executive Director, in consultation with the Ward Councillor in accordance with the following or, towards other local area park or streetscape improvements, as appropriate:
      - i. \$1,000,000.00 for public realm and streetscape capital improvements to Eglinton Avenue East (which are within Ward 22 in proximity to the site) and as are set out in the final recommendations of the Eglinton Avenue Streetscape Plan;
      - ii. \$300,000.00 for landscaping improvements on the perimeter of and on the grounds of Eglinton Public School which are located in areas that are accessible to the public and which may include but are not limited to: street furniture on Eglinton Avenue East and Mt Pleasant Road, street trees and bike racks on Brownlow Avenue, an

outdoor drinking fountain, public art, and upgrades to the existing sports field; and

- iii. \$100,000.00 for streetscape improvements on Mt Pleasant Road as may be identified in consultation with the Ward Councillor and the Mt Pleasant Business Improvement Area;

Such total amount is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment; and

- (2) The *owner* shall enter into one or more agreements with the City pursuant to Section 37 of the Planning Act which are registered on title to the *lot* to the satisfaction of the City Solicitor to secure:
  - (a) the matters provided for in Section 2 (1) (a) (i), (ii) & (iii) above;
  - (b) the provision by the *owner* of the following to facilitate the development:
    - i. construction and payment for any improvements to the municipal infrastructure, as applicable, in connection with the Functional Servicing Report submitted for the proposed development and as accepted by the Executive Director of Technical Services should it be determined that improvements to such infrastructure is required; and
    - ii) requirement that, should the owner make an application to unitize parking spaces within the development through a plan of condominium, any tandem parking spaces provided shall be created as one unit.
- 3. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole of the lot as if no severance, partition or division occurred.
- 4. None of the provisions of By-law 438-86 shall apply to prevent a temporary *sales office* on the lot as of the date of passing of this By-law.
- 5. The uses permitted in Section 8(1) of By-law 438-86 shall be permitted on the entire *lot* as shown on Map 1.

## 6. Definitions

For the purposes of this By-law, each word or expression that is italicized shall have the same meaning as such terms have for the purposes of By-law No. 438-86, as amended, except for the following:

- (a) *“bicycle parking space – occupant”* means an area that is equipped with a bicycle rack, stacker or locker for the purpose of parking and securing bicycles, and:
  - (i) where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
  - (ii) where the bicycles are to be parked in a vertical position, has a horizontal dimension of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
  - (iii) notwithstanding (i) and (ii) above, where the bicycles are to be parked in a stacker, being a device that allows bicycles to be positioned above or below one another with the aid of an elevating mechanism, within the stacker shall have a length of at least 1.6 metres and the stacker may be located in an area with a vertical dimension of at least 2.5 metres; and
  - (iv) in the case of a bicycle rack, is located in a secured room or area;
- (b) *“bicycle parking space – visitor”* means an area that is equipped with a bicycle rack for the purpose of parking and securing bicycles, and:
  - (i) where the bicycles are to be parked on a horizontal surface, *“the bicycle parking space – visitor”* has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
  - (ii) where the bicycles are to be parked in a vertical position, the *“bicycle parking space – visitor”* has horizontal dimension of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
  - (iii) *“bicycle parking space – visitor”* may be located within a secured room, enclosure or bicycle locker;
- (c) *“grade”* means 161.03 metres Canadian Geodetic Datum;

- (d) "*car-share*" shall mean the practice where a number of people share the use of one or more motor vehicles that are owned by a profit or non-profit car-sharing organization, such *car-share* motor vehicles to be made available for short term rental, including hourly rental. *Car-share* organizations may require that the *car-share* motor vehicles be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
- (e) "*car-share parking space*" shall mean a *parking space* exclusively reserved and signed for a car used only for *car-share* purposes and such *car-share* is for the use of at least the occupants of the building;
- (f) "*height*" means the vertical distance between *grade* and the highest point of the building or structure except for those elements otherwise expressly permitted pursuant to this By-law;
- (g) "*parking space*" means an unimpeded area having minimum dimensions of 5.6 metres in length and 2.6 metres in width which is readily accessible at all times for parking and removal of a motor vehicle without the necessity of moving another vehicle except that twelve (12) of the resident *parking spaces* may be provided in the form of tandem spaces (space behind a space); and
- (h) "*sales centre*" shall mean an office provided for the marketing or selling of *dwelling units* located or to be located on the *lot*.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

