

Gregg Lintern, MCIP, RPP
Chief Planner and Executive Director

City Planning
City Hall
100 Queen Street West
12th Floor, East Tower
Toronto, Ontario M5H 2N2

Tel: 416-392-8772
Gregg.Lintern@toronto.ca
www.toronto.ca/planning

June 6, 2019

To: Mayor Tory and Members of City Council

cc: City Manager, Deputy City Managers and Division Heads

From: Gregg Lintern, Chief Planner and Executive Director, City Planning

Re: **Ministry's Approval with Modifications of Official Plan Amendment No. 405 Yonge-Eglinton Secondary Plan – Staff's Preliminary Assessment**

On June 5, 2019, the Minister of Municipal Affairs and Housing issued two Notices of Decision under the *Planning Act* approving Official Plan Amendment No. 405 (Yonge-Eglinton Secondary Plan) and Official Plan Amendment No. 406 (Downtown Plan). **The Minister's approval is final and not subject to appeal.**

Each Notice of Decision made a number of modifications to the respective Secondary Plan approved by City Council. The Minister made 194 modifications to the Yonge-Eglinton Secondary Plan and 224 modifications to the Downtown Plan.

This memo identifies themes common to both Decisions followed by an initial summary of the main modifications to the Yonge-Eglinton Secondary Plan. A memo with respect to the Downtown Plan (OPA 406) was forwarded previously under separate cover.

City Planning staff are continuing to assess the Minister's modifications and will provide updates as that work advances. A copy of the Decision on OPA 405 which contains the modifications was distributed under separate cover yesterday. Copies of the Secondary Plans which incorporate the modifications are in the process of being prepared including a redlined version.

Key Points

The following highlights the common themes on both Secondary Plans resulting from the Minister's Decision:

- Alignment with Bill 108 provisions and the Bill's stated objective of making it easier to increase the supply of housing. Modifications speak to the need for residential intensification throughout the Secondary Plan; enable taller buildings than originally adopted by the City and in more locations; reduce requirements on development such as open space and building massing requirements; limit heritage conservation; and remove

the ability to secure an alternative parkland requirement and Section 37 community benefits.

- Establish policy direction for Bill 108's new Community Benefit Charge, in advance of draft provincial regulations, by identifying that community services and facilities, public art, and public realm improvements, such as street trees, landscape setbacks, privately-owned publicly-accessible spaces (POPS), some of which are site plan matters provided by development will be in accordance with the applicable legislative framework for the provision of community benefits.
- Emphasize transit infrastructure and investment as primary drivers for more intense development. Modifications insert new 'transit optimization' policies, add 'transit-supportive development' and increased density language around transit station areas, and encourage bigger buildings in proximity to transit irrespective of local context.
- Result in less policy direction and more policy guidance. For example, prescriptive words such as "will", "preserve" and "ensure" replaced with more permissive wording such as "may", "generally" and "encourage", and minimum requirements, such as minimum floor area requirements for 2 and 3 bedroom units, deleted.
- Remove requirements for new development to provide additional space for jobs and businesses and only require the replacement of existing office uses; providing less certainty around the capacity of land and land use to deliver new employment space to accommodate forecasted job growth.
- Remove the specificity that identified minimum requirements for the design of buildings and siting of development, such as minimum setback requirements, and replaces the requirements with general direction.
- Reduce sunlight protection for public spaces, including parks and sidewalks by only requiring 'adequate' sunlight on specific parks rather than no net new shadow.
- Direct the City to provide infrastructure in tandem with development, while deleting policies that link growth directly to the provision of infrastructure through development approval.
- Introduce more permissive policies allowing increased intensification generally while removing area-specific policy directions related to holding provisions and other measures introduced to ensure development does not outpace infrastructure. Both Plans were undertaken as integrated planning processes and were accompanied by a series of infrastructure plans, strategies and assessments that were calibrated to the anticipated growth set out in the Plans. The Minister's Decisions necessitate additional analysis on the infrastructure needs for the two areas.

Key Modifications to the Yonge-Eglinton Plan

Character Areas (Section 1.3)

The Council adopted Plan identified 22 character areas and includes vision statements for each character area that describes the form, scale and type of development anticipated in

each character area. The Ministry's decision retains the character area approach. However, it modifies a number of the vision statements by removing references to specific buildings permitted, such as low-rise and/or mid-rise buildings and removes the limitations on the number of tall buildings and building height directions. It also relaxes other policy directions in the vision statements that were intended to ensure good living and working environments. By way of example, a number of the vision statements spoke to the need for generous spacing between tall buildings. This has been replaced with 'appropriate' spacing between tall buildings.

Low-Rise Neighbourhoods (Section 2.1)

The Council adopted Plan included a policy related to the Neighbourhood designated lands that provided opportunities for more intensive low-rise development in some areas and spoke to development in the balance of Neighbourhood areas being in accordance with the Official Plan's development criteria. The Ministry's decision retains this direction with some revised terminology while encouraging 'compatible intensification where appropriate' in the balance of Neighbourhood areas.

The Provision of Infrastructure (Section 2.1)

The Council adopted Plan included policies that defined infrastructure (physical infrastructure, community service facilities, green infrastructure and parks) and a policy that development will not be permitted to outpace the provision of infrastructure. The infrastructure definition largely remains the same except schools are omitted from the definition. The infrastructure policy has been replaced with a new policy that speaks to planning for infrastructure in an integrated manner, leveraging infrastructure investment to direct growth and development and facilitating higher density development around transit. It also adds a new policy requiring the City to provide infrastructure in tandem with development.

Midtown Transit Station Areas (Section 2.4)

The Council adopted Plan provided policy directions for Yonge-Eglinton's five transit stations and readied the Plan to meet Growth Plan requirements for delineating the area's 'major transit station areas'. It included two types of transit station areas – Nodes and Corridors – and included a 'Built-Up Zone' that largely consisted of low-rise residential areas.

The Ministry's decision retains the transit station areas and does not make any revisions to the boundaries which were generally based on a 500-metre radius. However, the decision revises a number of the policies and adds new policies that speak to 'transit-supportive development', multi-modal access, and supporting development. It also provides that the highest density development will be located in close proximity to transit stations and areas within 250-500 metres of transit stations will include transit-supportive development. The decision also appears to be more permissive in the 'Built-up Zones'. It removes clarifying wording in the Council adopted Plan and now permits low and modest intensification in the 'Built-up Zones'.

Land Use (Section 2.5)

The Council adopted Plan included a land use plan and land use permissions for each land use designation shown on the plan. It also included policies to protect existing office uses and requirements in some areas for additional space for jobs (office, institutional or cultural). The Yonge-Eglinton area has not experienced any employment growth since 1991 and has

lost office space. The intent of Councils' minimum space requirement was to ensure that as the area further intensified, more jobs were created in proximity to transit.

The decision makes no changes to the land use plan. It adds specific reference to residential intensification to a number of the land use designations. The most significant change is that the decision no longer requires additional space for jobs. It removes minimum space requirements, only requires the replacement of existing office space and provides more flexibility for where and how the office replacement can happen.

Public Realm Improvements (Section 3.1 and 3.2)

In 2015, City Council adopted Official Plan Amendment (OPA) 289. This amendment included policy directions to support improvements to the area's street, parks, open spaces and to retain the green, open and landscaped character of many areas of the Yonge-Eglinton area. It introduced requirements for landscaped setbacks of varying widths adjacent to public streets. The OPA was appealed to the Ontario Municipal Board and was subsequently brought into effect by the OMB in May 2018 save for on specific sites. The Council adopted Yonge-Eglinton Secondary Plan retained the OMB approved policies and expanded on landscaped setback requirements in the Davisville area and along Bayview Avenue and portions of Mount Pleasant Road.

The Province's decision retains much of the area-wide public realm policies. However, improvements to the public realm may now only be provided as a 'community benefit' in accordance with Bill 108. It also removes numeric references for the landscaped setbacks and in all instances replaces the numeric requirement with the language a 'reasonable setback'.

Parks (Section 3.3)

The Council adopted Plan included a parks and open space network plan that identified the conceptual location of new parks and open spaces and provided clear, transparent and predictable direction for securing new parks. Excluding the potential decking of the subway trench and Davisville Yard, approximately 14 hectares of new parkland was identified to support the growth planned for within the Secondary Plan area. It also included policies enabling an area-specific alternative parkland requirement that was to be established by by-law.

The Ministry decision makes no changes to the parks and open space network plan. It does, however, state that it is the City's responsibility to secure and acquire the lands. Development is only required to contribute to parks in accordance with the community benefit and parkland dedication (2 and 5 per cent) provisions of Bill 108.

Permitted Building Types and Urban Design Standards (Section 5.3)

The Council adopted Yonge-Eglinton Plan included detailed direction for the types of buildings (low-rise, mid-rise, tall buildings and infill development on apartment building sites) permitted in different areas. It included a series of maps that identified permitted building types and building heights on a site or area basis and the Plan provided detailed urban design standards, such as stepping back building mass above certain heights and spacing requirements between buildings, for the different building types and tailored to the specific character areas. The Ministry has deleted the maps. It retains the different categories of building types, redefines some building types (e.g. mid-rise buildings are now 5 to 12

storeys in height rather than 5 to 10) and generally retains policy related to the massing of buildings, except numeric standards are deleted with few exceptions.

Building Heights (Section 5.4)

The Council adopted Plan set out maximum building heights for the 22 character areas. The building height limits were included in storeys and metres on the permitted building type and height limit maps. As noted, these maps have been deleted along with policy directions that spoke to or clarified how building heights are determined. The maps have been replaced by a new policy that provides 'guidance' for building heights and height ranges for each of the character areas. Attachment 1 provides a comparison of the Council adopted height ranges and the new guidance. Additionally, the decision by the Ministry sets no limits on heights, allows for additional storeys with limited criteria. Specific height limits are to be set in implementing zoning (site-specific or City-initiated).

Protecting Parks and Open Spaces from Shadowing by Buildings (Section 5.6)

The Yonge-Eglinton Secondary Plan identified 6 parks and open spaces that were protected from additional shadow to ensure the comfort of these place for people and ensure optimal conditions for tree and vegetation growth. The policy was first introduced in OPA 289 and was in full force and effect for Eglinton Park and Redpath Parkette.

Many areas of Yonge-Eglinton have experienced considerable cumulative shadow impacts from development. The intent of the policies was to ensure that there continued to be places in the area with limited or no shadow impacts. The combination of height limits and building siting and massing requirements ensured acceptable sunlight on other parks and opens space in the area. The Ministry's modifications have weakened these protections. Net new shadows are now only required to be adequately limited while also reducing the timeframe to a six-hour period (10:18 am to 4:18pm). The removal of building height limits and massing requirements may also have the effect of increased shadow on parks and open spaces.

Community Facilities and Replacement of Space Lost to Redevelopment (Section 6)

The Council adopted Plan provided direction related to securing a range of community service facilities as part of development and direction for the type of space to be secured. The Plan also required the replacement of any existing on-site community service facilities to ensure no loss of this type of space. The Decision has removed many of the policies related to the provision of community service facilities. The Decision has also removed the requirement to replace community service facilities lost through redevelopment.

Providing Family Housing in Vertical Communities (Section 7)

The Council adopted Plan included requirements for 2- and 3-bedroom units in buildings with more than 80 units. The Decision maintains the requirement for 10% 3-bedroom, 15% 2-bedroom and 15% convertible units, but has removed the minimum size requirements of these larger units.

Implementation (Section 9)

The Council adopted Plan for Yonge-Eglinton included policy directions to provide predictable and transparent application of Section 37 public benefits. This has been deleted in the Province's decision, along with holding provision policies and a policy requiring transportation certification reports to be submitted as part of a complete application.

Conclusions

Staff will continue to assess the impact of the modifications on the Secondary Plan adopted by Council and will report to the July Council meeting on the modifications.

Implementation of elements of the Minister's decision on OPA 406, especially those pertaining to the Community Benefits Charge, is dependant on staff knowing the content of Regulations pertaining to Bill 108. Staff will provide the Mayor and Council with additional analysis once the regulations have been released and reviewed.



Gregg Lintern, MCIP, RPP
Chief Planner and Executive Director
City Planning Division

Attachment 1: Building Heights Ranges Comparison by Character Area

Attachment 1: Building Heights Ranges Comparison by Character Area

| Character Area | | Staff Recommended | Council Adopted | Provincial Decision |
|----------------|---------------------------|-------------------|------------------|--|
| A1 | Eglinton Park | 4 to 8 storeys | 4 to 8 storeys | 4 to 10 storeys |
| A2 | Mount Pleasant Gateway | 7 storeys | 7 storeys | 7 to 10 storeys |
| A3 | Eglinton East | 8 to 10 storeys | 8 to 10 storeys | 8 to 12 storeys and within 250m of Mount Pleasant LRT 15 to 20 storeys |
| A4 | Mount Pleasant North | 4 to 7 storeys | 4 to 7 storeys | 15 to 25 storeys on the west side with transitions down and 4 storeys on east side |
| B1 | Erskine and Keewatin | 4 to 16 storeys | 4 to 16 storeys | 25 to 35 storeys along Erskine and 12 to 18 storeys along Keewatin with transitions east to west |
| B2 | Redpath Park Street Loop | 8 to 40 storeys | 8 to 15 storeys | 35 to 50 storeys with tallest buildings on south side of Roehampton |
| B3 | Soudan | 7 to 23 storeys | 7 to 15 storeys | 20 to 35 storeys with heights decreasing south to north and west to east |
| B4 | Davisville | 8 to 26 storeys | 8 to 15 storeys | 25 to 40 storeys with heights decreasing with distance from transit station |
| C1 | Eglinton Way | 7 to 8 storeys | 7 to 8 storeys | 8 storeys |
| C2 | Yonge Street North | 7 to 8 storeys | 7 to 8 storeys | 8 storeys except south of Keewatin/St. Clements 8 to 15 storeys |
| C3 | Yonge Street South | 8 storeys | 8 storeys | 8 to 15 storeys |
| C4 | Mount Pleasant South | 7 to 6 storeys | 7 to 6 storeys | 8 storeys |
| C5 | Bayview-Leaside | 7 storeys | 7 storeys | 8 storeys |
| D1 | Yonge-Eglinton Crossroads | 8 to 48 storeys | 8 to 35 storeys | 35 to 65 storeys with peak at intersection and gradual transitions down |
| D2 | Davisville Station | 14 to 29 storeys | 14 to 15 storeys | 30 to 45 storeys |
| D3 | Mount Pleasant Station | 8 to 29 storeys | 8 to 29 storeys | 20 to 35 storeys |
| D4 | Bayview Focus Area | 6 to 23 storeys | 6 to 23 storeys | 20 to 35 storeys |
| E1 | Eglinton Green line | 8 to 56 storeys | 8 to 20 storeys | 40 to 55 storeys west of Redpath and 30 to 40 storeys east of Redpath |

| Character Area | | Staff Recommended | Council Adopted | Provincial Decision |
|-----------------------|-----------------------------|--------------------------|------------------------|--|
| E2 | Montgomery Square | 8 to 28 storeys | 8 to 28 storeys | 20 to 30 storeys with heights decreasing south to north and east to west |
| E3 | Henning | 8 to 24 storeys | 8 to 24 storeys | 15 to 35 storeys with heights stepping down towards Edith/Orchard View |
| E4 | Davisville Community Street | 4 storeys | 4 storeys | Policy 5.3.9 still only allows for low-rise |
| E5 | Merton Street | 12 to 16 storeys | 12 to 15 storeys | 14 to 40 storeys with heights decreasing north-south and east-west |

Note: Height ranges are for new buildings and does not include Approved/Constructed buildings for the Staff Recommended or Council Adopted Plans. Refer to Maps 21-11 to 21-16 for permitted heights for specific sites. All mid-rise buildings (five to ten storeys) had the potential for an additional storey subject to meeting certain criteria, as well as an additional storey where a heritage building was being appropriately conserved on site.

Character Area Map



Yonge-Eglinton Secondary Plan

MAP 21-2 Midtown Character Areas

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

Not to Scale ↑

March 29, 2018