



STAFF REPORT ACTION REQUIRED

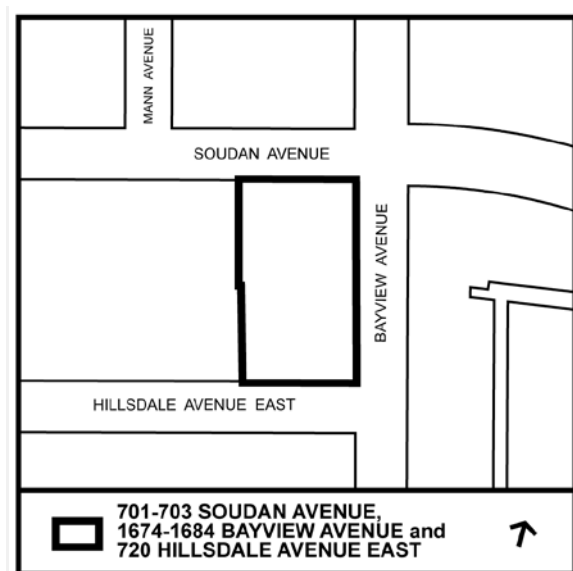
701-713 Soudan Avenue, 1674-1684 Bayview Avenue and 720 Hillside Avenue East - Official Plan Amendment, Zoning By-law Amendment and Rental Housing Demolition Applications – Request for Direction Report

Date:	January 13, 2017
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 22 – St. Paul's
Reference Number:	14 267151 STE 22 OZ and 14 227490 STE 22 RH

SUMMARY

This application proposes an Official Plan Amendment to re-designate the site from *Neighbourhoods* to *Mixed Use Areas*, and a Zoning By-law Amendment to its residential zoning to allow a 7-storey mixed-use building fronting on the west side of Bayview Avenue. The proposed building would contain 157 residential units (inclusive of 39 replacement rental dwelling units) with retail uses on the ground floor, and have 163 underground vehicular parking spaces.

The site contains a total of 43 existing residential dwelling units - 39 rental dwelling units and 4 owner occupied dwelling units. Two existing single-detached dwellings are proposed to be retained (701 Soudan Avenue, and 720 Hillside Avenue).



An application for Rental Housing Demolition and Conversion under Section 11 of the *City of Toronto Act* (Chapter 667 of the Municipal Code) has been filed to permit the demolition of the existing rental dwelling units.

The applicant appealed its Official Plan and Zoning By-law Amendment applications to the Ontario Municipal Board due to Council's failure to make a decision within the time prescribed by the *Planning Act*.

The original application submitted December 24, 2014 was for a 9-storey (32.05 metre maximum height including mechanical) development with replacement of 38 of the existing rental dwelling units. A revised 8-storey (29.10 metre maximum height, including mechanical) proposal was submitted on December 23, 2015. On November 11, 2016, following the applicants appeal to the Ontario Municipal Board, the applicant submitted a public, revised with prejudice 7-storey (30.2 metre maximum height, including mechanical) settlement proposal which included replacement of all 39 existing rental dwelling units.

This report recommends that Council direct the City Solicitor, together with appropriate City Staff, to oppose the appeal at the Ontario Municipal Board.

Planning staff have considered the application within the context of the in force policy framework, including the Official Plan policies. In addition, the ongoing Yonge and Eglinton Secondary Plan review has been considered. The proposal, as revised, is not supported by Planning staff for the reasons outlined in this report.

Planning staff do not support the proposed application for re-designation from *Neighbourhoods* to *Mixed Use Areas* as it has potential destabilizing effects on the low rise *Neighbourhood* to the west and has the potential to set a negative precedent along the *Avenue* on Bayview.

The proposed built form does not meet the Healthy Neighbourhoods, Built Form, *Neighbourhoods*, or *Mixed Use Areas* policies of the Official Plan. As well, the built form does not respect or enhance the scale, character and form of the proposed Midtown Village character area in accordance with the Council-endorsed built form principles for the Yonge-Eglinton Secondary Plan Review. Further, the built form does not meet or maintain the intent of the Mid-rise Building Guidelines.

Staff recommend that Council's decision on the application for Rental Housing Demolition under Chapter 667 of the Municipal Code pursuant to Section 111 of the *City of Toronto Act* be deferred, as the proposed development is not supported by Planning staff. Council's decision under this statute is not appealable to the Ontario Municipal Board. Following the Ontario Municipal Board decision on the Official Plan and Zoning By-law Amendment appeals, the Section 111 permit application will return to Council for consideration.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with appropriate staff, to attend the Ontario Municipal Board hearing to oppose the applicant's appeal respecting the Official Plan Amendment and Zoning By-law Amendment applications for 701-713 Soudan Avenue, 1674-1684 Bayview Avenue, and 720 Hillsdale Avenue (14 267151 STE 22 OZ) for reasons including the following:
 - a. The proposal does not conform to nor maintain the intent of the policies of the Official Plan, including the Healthy Neighbourhoods, Built Form, *Neighbourhoods* and *Mixed Use Areas* policies, as discussed in this report; and
 - b. The proposal does not adequately address the emerging planning considerations for this area, including the July, 2016 Council-adopted principles for built form in the Yonge-Eglinton Secondary Plan area.
2. City Council defer making a decision at this time on application No. 14 227490 STE 22 RH under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006* to demolish the 39 existing rental dwelling units at 703 and 707 Soudan Avenue; 1674, 1680, 1682 and 1684 Bayview Avenue and 720 Hillsdale Avenue East and instruct staff to report on the Section 111 Application to Toronto and East York Community Council at such time as an Ontario Municipal Board decision has been issued regarding the Official Plan and Zoning By-law Amendment appeals for such lands and the other related lands at 701, 703, 707, 709, 711 and 713 Soudan Avenue; 1674, 1678, 1680, 1682 and 1684 Bayview Avenue; and 720 Hillsdale Avenue East.
3. In the event that the Ontario Municipal Board allows the appeals in whole or in part, City Council direct the City Solicitor to request the Ontario Municipal Board to withhold the issuance of any Order(s) on the Official Plan and Zoning By-law Amendment appeals for the subject lands until such time as the City Solicitor in consultation with the Chief Planner and Executive Director, City Planning and the owner have provided draft by-laws to the Board in a form and with content satisfactory to the Director, Community Planning, Toronto East York District and the City Solicitor, including securing the replacement rental dwelling units and rents, tenant assistance and any other rental related matters at least in conformity with Section 3.2.1.6 of the Official Plan, and the owner has entered into and registered a Section 37 Agreement with the City incorporating such replacement rental dwelling units, rents, tenant assistance, any other rental related matters and other section 37 matters, all to the satisfaction of the City Solicitor.

4. In the event that the Ontario Municipal Board allows the appeals in whole or in part, City Council direct the City Solicitor to request the Ontario Municipal Board to withhold the issuance of any Order(s) on the Official Plan and Zoning By-law Amendment appeals for the subject lands pending City Council dealing with the application No. 14 227490 STE 22 RH under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act, 2006* to demolish the 39 existing rental dwelling units at 703 and 707 Soudan Avenue; 1674, 1680, 1682 and 1684 Bayview Avenue and 720 Hillsdale Avenue East.
5. In the event that the appeal is allowed in whole or in part by the Ontario Municipal Board, City Council authorize the Chief Planner and Executive Director, City Planning to secure services, facilities or matters pursuant to Section 37 of the Planning Act, in consultation with the Ward Councillor, for:
 - public realm improvements in the Yonge-Eglinton area per the Midtown in Focus Parks, Open Space and Streetscape Plan; and/or
 - additional community services and facilities in the Yonge-Eglinton Secondary Plan Area, together with any matters to be secured as a matter of convenience.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On August 25, 2014, City Council adopted the Midtown in Focus – the Parks, Open Space and Streetscape Plan ("Public Realm Plan") for the Yonge-Eglinton Area.
<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=d421bf26585a2410VgnVCM10000071d60f89RCRD>

On February 28, 2015, Toronto and East York Community Council adopted the recommendations of the Preliminary Report for 701-713 Soudan Avenue, 1674-1684 Bayview Avenue and 720 Hillsdale Avenue.
<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-75643.pdf>

On June 10, 11, 12, 2015, City Council adopted Official Plan amendments to the Yonge Eglinton Secondary Plan (OPA No. 289) that incorporate, among other matters, the urban design and public realm policies of the Midtown in Focus Public Realm Plan. OPA No. 289 is currently under appeal at the OMB, as such it is relevant but not determinative in terms of the Official Plan policy framework.
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG4.2>

On December 10, 2015, City Council adopted Official Plan Amendment No. 320. OPA No. 320 strengthens and refines the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods and to allow limited infill on underutilized apartment sites in *Apartment Neighbourhoods*.

On May 12, 2016, City Planning Staff advised the applicant that it was not in a position to report on the application until completion of the Yonge-Eglinton Secondary Plan review.

On June 16, 2016, the applicant appealed its Official Plan and Zoning By-law Amendment applications to the Ontario Municipal Board due to Council's failure to make a decision within the time prescribed by the *Planning Act*.

On July 4, 2016, the Minister of Municipal Affairs approved and modified OPA No. 320. OPA No. 320 has been appealed in its entirety. OPA No. 320 as approved and modified by the Minister is relevant but not determinative in terms of the Official Plan policy framework.

On July 12, 2016 City Council adopted the recommendations in the report from the Chief Planner titled: "Midtown in Focus: Growth, Built Form and Infrastructure Review – Status Report". The recommendations direct staff to use the draft built form principles contained in the report in the review of the development applications in the Yonge-Eglinton Secondary Plan Area. Planning staff were also directed to use the emerging community infrastructure priorities that have been identified, as part of the development application review process.

<http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-93903.pdf>

On November 11, 2016, the applicant submitted plans on a 'with prejudice' basis as a public settlement offer. The proposal includes the replacement of all 39 rental dwelling units.

A hearing has been scheduled by the Board for March 1-3, 2017.

ISSUE BACKGROUND

Proposal

The Official Plan Amendment and Zoning By-law Amendment applications propose to re-designate the site from *Neighbourhoods* to *Mixed Use Areas* in the Official Plan, and to amend the height, density and other provisions of the Zoning By-law, in order to permit a 7-storey (30.2 metres total height: 25.1 metres plus 5.1 metre mechanical penthouse) mixed-use building. The proposed building has 157 residential units (inclusive of the 39 replacement rental dwelling units) with retail uses on the ground floor, and has frontages on Soudan Avenue, Bayview Avenue and Hillsdale Avenue East.

The Rental Demolition and Conversion Application proposes to demolish a 29-unit rental apartment building containing affordable and mid-range rental dwelling units and nine house-form structures containing nine mid-range and high-end rental dwelling units, four owner-occupied dwelling units and one commercial unit. Two house-form structures west of the proposed building at 701 Soudan Avenue (fronting northward onto Soudan Avenue) and 720 Hillsdale Avenue East (fronting southward onto Hillsdale Avenue) would be retained, the latter containing an existing rental dwelling unit.

The revised application proposes to provide and maintain 39 replacement rental dwelling units within the new 7-storey building. The replacement rental units are intended to replace the 38 rental dwelling units proposed to be demolished, and the existing high end rental dwelling unit at 720 Hillsdale Avenue East (which the building is not proposed to be demolished) removing the rental requirement from 720 Hillsdale Avenue East.

The west elevation of the proposed building has setbacks at the 2nd, 3rd, 4th, and 5th floors as well as the mechanical penthouse. The 6th and 7th floors of the proposed building would not fall within a 45 degree angular plane measured from the proposed west property line of the subject site.

Along the Soudan, Bayview and Hillsdale Avenue frontages, the proposed transition in building height is based on a 45 degree angular plane starting from a height of 16 metres at the street lines. In addition, above the 2nd floor along Bayview Avenue, much of the central section of the proposed building is set back 8.9 metres.

Project statistics are provided in the table below and Attachment 9: Application Data Sheet of this report.

Category	First Submission December 24, 2014	Second Submission December 23, 2015	Third Submission November 11, 2016
Site Area	3,949 square metres	3,949 square metres	3,949 square metres
Building Height Total Height	9-storeys 32.05 metres (29.1 metres plus 2.95 metre mechanical penthouse)	8-storeys 29.10 metres (26.75 metres plus 2.35 metre mechanical penthouse)	7-storeys 30.2 metres (25.1 metres plus 5.1 metre mechanical penthouse)
Stepbacks (approximate) Bayview Avenue	1 m (6 th storey) 3 m (7 th storey)	1.5 m (5 th storey) 2 m (6 th storey) 2 m (7 th storey) 3.5 m (8 th storey)	1.8 m (5 th storey) 3.4 m (6 th storey) 3.8 m (7 th storey)
Soudan Avenue	2 metres (6 th storey) 2 metres (7 th storey)	1 metre (4 th storey) 3 metres (5 th storey) 3 metres (6 th storey) 3.5 metres (7 th storey)	2.2 metres (5 th storey) 3.4 metres (6 th storey) 3.4 metres (7 th storey)

Category	First Submission December 24, 2014	Second Submission December 23, 2015	Third Submission November 11, 2016
Hillsdale Avenue	2 metres (6 th storey) 2 metres (7 th storey)	Approximately same as Soudan	Approximately same as Soudan
Proposed West Property Line	1 metre (2 nd storey) 3 metres (3 rd storey) 2 metres (4 th storey) 3 metres (5 th storey) 3 metres (6 th storey) 4 metres (7 th storey)	2.5 metres (2 nd storey) 2.5 metres (3 rd storey) 2.5 metres (4 th storey) 2.5 metres (5 th storey) 3.5 metres (6 th storey) 3.5 metres (7 th storey) 2.5 metres (8 th storey)	2.8 metres (2 nd storey) 2.4 metres (3 rd storey) 3 metres (4 th storey) 2.4 metres (5 th storey)
Setback on Ground Floor Bayview Avenue Soudan Avenue Hillsdale Avenue West Property Line	2 metres 0.3 metres 0.3 metres to 2 metres (at Bayview Avenue) 15.5 metres (cantilevers back at 2 nd storey)	2 metres 2 metres (majority of frontage) 2 metres (majority of frontage) 16.1 metres (cantilevers back at 2 nd storey)	1.9 metres 2.2 metres (majority of frontage) 2.2 metres (majority of frontage) 16.1 metres (cantilevers back at 2 nd storey)
Gross Floor Area Total Residential Non-Residential Total	13,686 square metres 2,026 square metres 15,712 square metres	12,230 square metres 1,717 square metres 13,947 square metres	12,034 square metres 1,711 square metres 13,745 square metres
Floor Space Index	3.98	3.53	3.48
Number of Units Studio 1 Bedroom 2 Bedroom 3 Bedroom Total	23 (13%) 71 (41%) 78 (45%) 2 (1%) 174	23 (15%) 48 (31%) 80 (51%) 4 (3%) 155	23 (15%) 68 (43%) 64 (41%) 2 (1%) 157
Ground Floor Height	5.75 metres	5.5 metres	5.7 metres
Sidewalk Width Bayview Avenue (3.0 m existing) Soudan Avenue (1.8 m existing) Hillsdale Avenue (1.8 m existing)	5 metres 5.81 metres 6.58 metres	5.47 metres 6 metres 6 metres	5.39 metres 6 metres 6 metres
Vehicular Parking	243 (166 resident; 27 visitor; 50 non-residential)	154 (122 resident; 32 retail/visitor)	163 (124 resident; 39 retail/visitor)
Bicycle Parking (residential: visitor: retail)	222 (181:18:23)	176 (143:24:11)	174 (145:25:4)

Category	First Submission December 24, 2014	Second Submission December 23, 2015	Third Submission November 11, 2016
Loading Spaces Description	1 Type B, 1 Type G	1 Type B, 1 Type G	1 Type B, 1 Type G
Amenity Space			
Interior Residential	344 square metres (348 required)	319 square metres (310 required)	314 square metres (314 required)
Exterior Residential	344 square metres (348 required)	335 square metres (310 required)	314 square metres (314 required)
Total Amenity Space	688 square metres (696 (required)	675 square metres (620 required)	628 square metres (628 required)

Site and Surrounding Area

The site includes the properties at 1674-1684 Bayview Avenue, 701-713 Soudan Avenue and 720 Hillsdale Avenue. It is generally rectangular in shape and approximately 3,949 square metres in size, and has frontages on Bayview Avenue, Soudan Avenue, and Hillsdale Avenue East.

The 12 properties, which make up the site contain a total of 43 residential dwelling units and 1 commercial unit. These 43 dwelling units are comprised of 39 rental dwelling units and 4 owner-occupied dwelling units and are located on-site as follows:

- 701 Soudan Ave: single-detached house containing one owner occupied dwelling unit;
- 703 Soudan Ave: single detached house containing two rental dwelling units. At the time of application, both dwelling units were occupied by one tenant household;
- 707, 709, 711 and 713 Soudan Ave: four townhouse dwelling units comprised of three owner occupied dwelling units and one rental dwelling unit;
- 1674 Bayview Ave.: 3.5 storey rental apartment building containing 29 rental dwelling units;
- 1678 Bayview Ave.: single detached house containing one vacant commercial unit;
- 1680, 1682 and 1684 Bayview Ave: three single detached houses containing six rental dwelling units; and
- 720 Hillsdale Ave. E.: single-detached house containing one rental dwelling unit.

The 39 existing rental dwelling units have the following unit mix and rent classification:

- 23 bachelor rental dwelling units – 8 affordable and 15 mid-range;
- 8 one-bedroom rental dwelling units – 6 affordable, 1 mid-range and 1 high-end;
- 5 two-bedroom rental dwelling units with mid-range rents;
- 3 three-bedroom rental dwelling units with high-end rents.

Surrounding the Site:

North: A dry cleaning facility. Continuing north are a church and 2-storey semi-detached dwellings. Further north at Eglinton Avenue is a 6-storey residential building with retail at grade, a grocery store and commercial plaza as well as the future Bayview Avenue entrance for the Eglinton Crosstown Light Rail Transit (LRT) currently under construction.

East: A series of 1 to 2-storey mixed-use buildings with commercial at grade and residential above. Further east is a low-rise neighbourhood which primarily consists of detached houses. Howard Talbot Park is also northeast of the site.

South: A 5-storey commercial building, constructed in the 1950s. Continuing south is a series of mixed-use buildings ranging in height from one to three storeys, with retail or commercial offices at grade and residential above.

West: A low scale neighbourhood characterised primarily by detached houses ranging in height from two to three storeys.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; providing an appropriate range of housing types and affordability to meet projected requirements of current and future residents; wise use and management of resources; and, protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. Policy 4.7 of the PPS states that: "the Official Plan is the most important vehicle for implementation". 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; providing housing options to meet the needs of people at any age; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The City's Official Plan contains a number of policies that apply to the proposed development. The Official Plan is to be read as a whole.

Lands fronting Bayview Avenue between Eglinton Avenue and Davisville Avenue are designated *Mixed Use Areas* with the exception of the subject site and the blocks north of it on the east and west sides of Bayview Avenue. The subject site and these blocks are currently designated as *Neighbourhoods* in the Official Plan.

Chapter 2 – Shaping the City

Section 2.2.3 Avenues: Re-urbanizing Arterial Corridors

The site is identified within an *Avenue* on the Urban Structure Map (Map 2) of the City's Official Plan. *Avenues* are important corridors along major streets where reurbanization is anticipated. The Official Plan states that not all lands that fall within an *Avenue* are designated for growth. Where lands within an *Avenue* are designated as *Neighbourhoods*, the neighbourhood protection policies prevail. Reurbanization on the *Avenues* is intended to occur incrementally and after the preparation of *Avenue* studies for strategic mixed-use segments of the corridors. In the preparation of *Avenue* studies, local residents and stakeholders are to be engaged in determining appropriate community improvements, contextually appropriate zoning and built form performance standards.

Development may be permitted on an *Avenue* prior to an *Avenue* Study based on applicable policies of the Official Plan. Development with the potential to set a precedent for future development on an *Avenue* requires that an *Avenue* segment study be completed by the applicant.

Proponents of such proposals must also address the larger context and examine the implications for the segment of the *Avenue* in which the proposed development is located. The segment study will include an assessment of the impacts of the incremental development, consider whether the development is supportable by available infrastructure and can be considered together with any amendment to the Official Plan or Zoning By-law. Development requiring a rezoning will not be allowed to proceed prior to completion of an *Avenue* Study unless the *Avenue* segment review demonstrates to Council's satisfaction that subsequent development of the entire *Avenue* segment will have no adverse impacts.

Through the Midtown in Focus: Growth, Built Form, and Infrastructure Review, the City is satisfying the Official Plan requirements for *Avenue* Studies for Bayview Avenue, as well as other street segments identified as *Avenues* within the Yonge and Eglinton Secondary Plan area.

As part of the original submission, the applicant submitted an *Avenue* Segment Study. That Study has been reviewed and comments are provided elsewhere in this report.

Section 2.3.1 Healthy Neighbourhoods

The Official Plan considers *Neighbourhoods* to be physically stable areas that are not designated for growth. The preamble to the Healthy Neighbourhoods policies states that "a cornerstone policy is to ensure that new development in our neighbourhoods respects the existing physical character of the area, reinforcing the stability of the neighbourhood". The Official Plan requires that developments in *Mixed Use Areas* adjacent to *Neighbourhoods* will:

- be compatible with those *Neighbourhoods*;
- provide a gradual transition of scale and density, as necessary to achieve the objectives of this Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*;
- maintain adequate light and privacy for residents in those *Neighbourhoods*.

The Healthy Neighbourhoods policies require that "intensification of land adjacent to neighbourhoods will be carefully controlled so that neighbourhoods are protected from negative impact". It further states that "where significant intensification adjacent to a *Neighbourhood* or *Apartment Neighbourhood* is proposed, Council will determine, at the earliest point in the process, whether or not a Secondary Plan, area specific zoning by-law or area specific policy will be created in consultation with the local community following an *Avenue Study*, or area based study."

The ongoing Midtown in Focus: Growth, Built Form and Infrastructure Review is satisfying the Official Plan requirements for *Avenue Studies* for Bayview Avenue. On May 12, 2016, City Planning Staff advised the applicant that it was not in a position to report on the application until completion of the Yonge-Eglinton Secondary Plan review.

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment No. 320 on December 10, 2015. OPA 320 strengthens and refines the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods and to allow limited infill on underutilized apartment sites in *Apartment Neighbourhoods*.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016. The Ministry received 57 appeals to OPA 320 and it has been appealed in its entirety. OPA 320 as approved and modified by the Minister is relevant but not determinative in terms of the Official Plan policy framework.

The revised Policy pursuant to OPA 320 in Section 2.3.1.3, Healthy Neighbourhoods, of the Official Plan states that development within *Mixed Use Areas* that is adjacent or close to *Neighbourhoods* will:

- a) be compatible with those *Neighbourhoods*;

- b) provide a gradual transition of scale and density, as necessary to achieve the objectives of this Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*;
- c) maintain adequate light and privacy for residents in those *Neighbourhoods*;
- d) orient and screen lighting and amenity areas so as to minimize impacts on adjacent properties in those *Neighbourhoods*;
- e) locate and screen service areas and access to underground parking, locate any surface parking so as to minimize impacts on adjacent properties in those *Neighbourhoods*, and enclose service and access areas where distancing and screening do not sufficiently mitigate visual and noise impacts upon adjacent properties in those *Neighbourhoods*; and
- f) attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*.

Official Plan Amendment 320 as adopted by City Council is available on the City's website at: <http://www.toronto.ca/legdocs/bylaws/2015/law1297.pdf>

Chapter 3 – Built Form

Section 3.1.2 Built Form

The Official Plan states that architects and developers have a civic responsibility to create buildings that not only meet the needs of their clients, tenants and customers, but also the needs of the people who live and work in the area who will encounter the building in their daily lives.

New development in Toronto will be located and organized to fit with its existing and/or planned context. It will do this by: generally locating buildings parallel to the street or along the edge of a park or open space, having a consistent front yard setback, acknowledging the prominence of corner sites, locating entrances so they are clearly visible and provide ground floor uses that have views into and access from streets. Development is required to provide appropriate proportion between the building and the street right-of-way. New development will also locate and organize vehicle parking and vehicular access to minimize their impacts on the public realm. Furthermore, new development will create appropriate transitions in scale to neighbouring existing and/or planned buildings, limit shadowing on streets, properties and open spaces and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks to preserve their utility.

New development will be massed to define the edges of streets, parks and open spaces to ensure adequate access to sky view for the proposed and future uses. New development

will also provide public amenity, enhance the public realm through streetscape improvements and ensure that significant new multi-unit residential development provides indoor and outdoor amenity space for its residents.

Section 3.2.1 Housing

The Official Plan policies address the need to preserve and increase the City's supply of rental and affordable housing. The site of the proposed development contains a 3.5 storey rental building with 29 rental dwelling units (14 affordable and 15 mid-range rental dwelling units) and 10 house-form structures containing a total of 10 rental dwelling units (six mid-range and four high-end rental dwelling units). Section 3.2.1.6 of the Official Plan provides that:

1. New development that would have the effect of removing all or a part of a private building or related group of buildings, and would result in the loss of six or more rental housing units will not be approved unless:
 - a. all of rental housing units have rents that exceed mid-range rents at the time of application, or
 - b. in cases where planning approvals other than site plan are sought, the following secured:
 - i. at least the same number, size and type of rental housing units are replaced and maintained with similar rents to those in effect at the time the redevelopment application was made;
 - ii. for a period of at least 10 years, rents for replacement units will be the rent at first occupancy, increased annually by not more than the Provincial Rent Increase Guideline or a similar guideline as Council may approve from time to time; and
 - iii. an acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement rental units at similar rent, the provision of alternative accommodation at similar rents and other assistance to lessen the hardship of relocation, or
 - c. In Council's opinion, the supply and availability of rental housing in the City has returned to a healthy state and is able to meet the housing requirements of current and future residents. This decision will be based on a number of factors, including whether:
 - iv. rental housing in the City is showing positive, sustained improvement as demonstrated by significant net gains in the supply of rental housing including significant levels of production of rental housing, and continued projected net gains in the supply of rental housing;

- v. the overall rental apartment vacancy for the City of Toronto, as reported by the Canadian Mortgage and Housing Corporation, has been at or above 3.0 percent for the preceding four consecutive annual surveys;
- vi. the proposal may negatively affect the supply or availability of rental housing or rental housing sub-sectors including affordable units, unit suitable for families, or housing for vulnerable populations such as seniors, persons with special needs, or students, either in the City, or in a geographic sub-area or a neighbourhood of the City; and
- vii. all provisions of other applicable legislation and policies have been satisfied.

Chapter 4 – Land Use Designations

Section 4.1 Neighbourhoods

The site is designated *Neighbourhoods* in the in force Official Plan (see Attachment No. 7). *Neighbourhoods* are considered to be physically stable areas made up of residential uses in lower scale buildings. No buildings larger than four storeys are permitted in a *Neighbourhood*. The in force *Neighbourhood* policies require that new development "will respect and reinforce the existing physical character of the neighbourhood, including in particular:

- a. patterns of streets, blocks and lanes, parks and public building sites;
- b. size and configuration of lots;
- c. heights, massing, scale and dwelling type of nearby residential properties;
- d. prevailing building type(s);
- e. setbacks of buildings from the street or streets;
- f. prevailing patterns of rear and side yard setbacks and landscaped open spaces;
- g. continuation of special landscape or built-form features that contribute to the unique physical character of the neighbourhood; and
- h. conservation of heritage buildings, structures and landscapes."

Where a more intense form of development than the prevailing building type has been approved, it will not be considered as a precedent when reviewing new applications. Small-scale retail, service and office uses are permitted on properties in *Neighbourhoods* that front onto major streets or that legally contained such uses prior to the approval of the Official Plan. New small scale retail, service and office uses may be permitted through re-zoning where it can be demonstrated that there will be no adverse impacts.

OPA 320 strengthens and refines the *Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods. The revised *Neighbourhoods* policies provide clearer direction for delineating the neighbourhood and its existing physical

character. OPA 320 as approved and modified by the Minister is relevant but not determinative in terms of the Official Plan policy framework.

Section 4.5 Mixed Use Areas

The *Mixed Use Areas* designation in the Official Plan provides for a broad range of commercial, residential and institutional uses, in single-use or mixed-use buildings, as well as parks and open spaces and utilities.

Development in *Mixed Use Areas* is subject to development criteria to: locate and mass new buildings to provide a transition between areas of different development intensity and scale; provide appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*; locate and mass new buildings to adequately limit shadow impacts on adjacent *Neighbourhoods* particularly during the spring and fall equinoxes; provide good site access and circulation and an adequate supply of parking for residents and visitors; provide an attractive, comfortable and safe pedestrian environment; locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and, provide indoor and outdoor recreation space for residents in multi-unit residential buildings.

The *Mixed Use Areas* policies, including policy 4.5.2(e) reinforce the Built Form policies of the Official Plan. The policies require that new buildings be massed to frame the edge of streets and parks with good proportion.

The in force Healthy Neighbourhoods policies (Section 2.3.1) of the Official Plan require that development in *Mixed Use Areas* provide a gradual transition of scale and density to adjacent *Neighbourhoods*. The Built Form policies also require that new development create appropriate transitions in scale to neighbouring existing and planned buildings. In addition, *Mixed Use Areas* policy 4.5.2(c) states that new development is to locate and mass new buildings to provide transition between areas of different development intensity and scale, through means such as setbacks, and stepping down of heights towards lower-scale *Neighbourhoods*.

Yonge-Eglinton Secondary Plan

The subject site is located at the eastern boundary of the Yonge-Eglinton Secondary Plan Area (see Attachment No. 8). A primary objective of the Yonge-Eglinton Secondary Plan is to maintain and reinforce the stability of *Neighbourhoods* and to minimize conflicts among *Mixed Use Areas*, *Apartment Neighbourhoods*, *Neighbourhoods* and *Parks and Open Space Areas* in terms of land use, scale and vehicular movement. The Secondary Plan also requires that a full range of housing options (form, tenure) be provided in the Yonge-Eglinton Area that is suitable for family and other households in a manner that is: "contextually appropriate and compatible with existing residential uses and residential built form."

The *Mixed Use Areas* in the Secondary Plan contain a mix of retail, service commercial, office and residential uses with the highest concentration at Yonge Street and Eglinton Avenue and a lesser concentration near the Yonge/Davisville subway station.

New development in the Yonge-Eglinton Secondary Plan Area will protect the scale of development in *Neighbourhoods* while minimizing impacts (shadowing, overlook, loss of sky view) on lower scale built form in *Neighbourhoods*. New development will provide transition in height and scale from developments in *Mixed Use Areas* and *Apartment Neighbourhoods* to *Neighbourhoods*, particularly when higher density designations abut a *Neighbourhood*.

New development will promote architectural excellence while also providing for improvements in the public realm. New, flexible, community services facilities and social infrastructure will be provided in a timely manner in the Yonge-Eglinton Secondary Plan Area. New parks and open spaces will be secured in the Yonge-Eglinton Secondary Plan Area along with improvements to the existing parks and open spaces and the public realm.

In 2010 the City amended the Yonge-Eglinton Secondary Plan to conform to the Growth Plan for the Greater Golden Horseshoe.

Midtown in Focus - OPA 289

On August 25, 2014, City Council adopted the Midtown in Focus – the Parks, Open Space and Streetscape Plan ("Public Realm Plan") for the Yonge-Eglinton Area.
<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=d421bf26585a2410VgnVCM10000071d60f89RCRD>

The Midtown in Focus Public Realm Plan is a framework for improvements within the Yonge-Eglinton area to the network of parks, open spaces, streets and public buildings to create an attractive, safe, and comfortable network of public spaces. The Midtown in Focus Public Realm Plan supports the public realm policies of the Official Plan as well as the Yonge-Eglinton Secondary Plan.

On June 10, 11, 12, 2015, City Council adopted Official Plan amendments to the Yonge Eglinton Secondary Plan (OPA 289) that incorporate, among other matters, the urban design and public realm policies of the Midtown in Focus Public Realm Plan. The proposed Secondary Plan amendments are currently under appeal at the OMB. OPA 289 is relevant but not determinative in terms of the Official Plan policy framework. It represents the latest planning thinking of City Council and of City Planning and is part of the emerging policy context.
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG4.2>

The adopted Secondary Plan amendments outline a comprehensive public realm strategy and a system of improvements that will be implemented as part of any new development in the Yonge Eglinton Secondary Plan Area. Section 2.16 requires that improvements be made to both the private and public realm as part of any new development including:

enhancements to streetscapes and the provision of wider sidewalks and the establishment of multi-purpose promenades. Another objective of the Secondary Plan is to maintain and enhance the open, green, landscaped character of the area, improve and expand the network of parks, open spaces and streetscapes and create a high-quality public realm to ensure the continued vitality and quality of life in the area.

The subject application was submitted during the period between the adoption of the Midtown in Focus Public Realm Plan by City Council and its adoption of OPA 289.

Midtown in Focus: Growth, Built Form and Infrastructure Review

The City Planning Division is leading an inter-divisional review of growth, built form and infrastructure issues in the Yonge-Eglinton Secondary Plan area, referred to as Midtown in Focus: Growth, Built Form and Infrastructure Review (the Review). The Review is a response to the rapid intensification and change underway in parts of the Yonge-Eglinton Secondary Plan area. The objective of the Review is to ensure that growth positively contributes to Midtown's continued livability and vitality by establishing a clear and up-to-date planning framework and ensuring that local transportation, municipal servicing and community infrastructure keeps pace with development.

The Review began in mid-2015, based on City Council's direction, and has five key activities:

- **Growth Analysis**, including development of near, medium and long term growth estimates to inform the infrastructure assessments.
- **A Built Form Study** to document area character and development trends, develop built form principles and a built form vision, undertake built form testing, visualize a future built form concept and identify policy directions to better guide the area's evolution.
- **A Cultural Heritage Resource Assessment** to document the area's archaeological and development history, identify properties of cultural heritage value or interest for listings and designations and identify additional recommendations for conservation and further study.
- **A Community Services and Facilities Study** to inventory existing services and facilities, assess needs and opportunities in the context of future growth and demographic change and outline an implementation strategy for priority community infrastructure projects.
- **Transportation and Municipal Servicing Assessments** to document the performance and capacity of existing transportation and municipal servicing infrastructure, evaluate priority areas and identify potential capital upgrades required to support continued growth in the Secondary Plan area.

The Review is addressing five *Avenues* located within the Secondary Plan area in detail (the *Avenue* located on Eglinton Avenue West between Avenue Road and Chaplin Crescent was addressed in the 2014 Eglinton Connects study) and is satisfying the Official Plan's requirement for *Avenue Studies* for these *Avenues*.

On July 12, 2016, City Council adopted the recommendations in the report from the Chief Planner titled: "Midtown in Focus: Growth, Built Form and Infrastructure Review – Status Report". The report provided Council with an update on the overall progress of the study, and included the identification of draft built form principles and a number of character areas. The recommendations adopted by Council direct staff to:

- Consider and review applications within the context of the Review, in light of both the Avenue policies and in force policy 2.3.1.3 of the Official Plan; and
- Consider the draft built form principles contained in the report in the review of the development applications in the Yonge-Eglinton Secondary Plan Area. The recommendation also directed staff to continue to refine the principles in consultation with landowners and the community.
- To identify opportunities on City-owned lands for new community infrastructure and secure community infrastructure space, as appropriate, as part of the development application review process.

Within the context of the Review, Bayview Avenue has been identified as being within a "Midtown Village" character area. The Midtown Villages were identified as having historic main street characters. A key objective for these areas is for development to maintain sunny, walkable streets with a streetwall condition that reinforces the existing context of these main street commercial areas.

The draft built form principles developed for the Review, and endorsed by Council, are organized in four categories: Area Structure, Public Realm and Open Space, Walkability and Comfort, and Heritage and Landmarks. The principles, that Planning staff recommended and which Council endorsed, that are specifically applicable to the review of this application include:

Area Structure

- Maintain and reinforce the stability of low-rise neighbourhoods through the use of different approaches to transition in growth areas that reflect prevailing character and minimize shadow and privacy impacts; and
- Respect and enhance the scale, character and form of Midtown Villages and in particular the historic streetwall, narrow frontages and distinct cornice lines.

Public Realm and Open Space

- Support active street life and informal surveillance by ensuring the built form frames and animates streets, parks, squares and open spaces with active uses at grade.

Walkability and Comfort

- Locate, design and mass buildings to preserve sky view, allow daylight and sunlight to penetrate to the street and lower building levels and ensure good wind conditions in all seasons, with enhanced standards along the Midtown Villages, Park Street Loop, Eglinton Green Line, major pedestrian routes and parks and open spaces;
- Create a human-scaled public realm where buildings define and support streetscapes; and
- Ensure fine-grained pedestrian circulation between and through sites and blocks through the placement and orientation of buildings.

Additionally, and in recognition of pressures associated with applications seeking to redesignate and/or utilize lands designated *Neighbourhoods* to support developments, the Review is comprehensively assessing land use designations immediately adjacent to many of the existing growth areas within the Secondary Plan area as appropriate. The intent is to establish boundaries for any appropriate redesignations that account for potential intensification objectives and in recognition of matters including, but not limited to, lot fabric, surrounding context, character and proximity to transit. On Bayview Avenue, between Eglinton Avenue East and Merton Street, there are other sites fronting Bayview Avenue designated *Neighbourhoods*. These are being reviewed, including the depth of any potential redesignation.

Mid-Rise Design Guidelines

In July 2010, Council directed staff to use the Mid-Rise Buildings Performance Standards in the evaluation of mid-rise building development proposals. In November 2013, Council adopted an extended monitoring period in order to measure the effectiveness of the Standards.

In June 2016, City Council approved the Mid-Rise Building Performance Standards Addendum (April 20, 2016). The Addendum is to be used by City Staff together with the 2010 approved Mid-Rise Building Performance Standards during the evaluation of development applications where mid-rise buildings are proposed and the Performance Standards are applicable. The Addendum is approved as an interim supplement to the 2010 Performance Standards until such time as Council considers and adopts updated Mid-Rise Building Design Guidelines, which is targeted for the fourth quarter of 2017. Refer to the Council Decision

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and Attachment 1: Mid-Rise Building Performance Standards Addendum (April 20, 2016) <http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>.

Mid-rise buildings are the 'in between' scale of building; they are bigger than house form buildings but smaller than towers. Mid-rise buildings are to have a good scale and relationship to the street. They support a comfortable pedestrian environment, and animate the street by lining the sidewalk with doors and windows with active uses including stores, restaurants, services, grade related apartments, and community uses.

Mid-rise buildings may contain a single use like an office or residential apartment, but they usually contain a mix of uses which may include retail, office, community service, and residential all in the same building.

The height of a mid-rise building varies from street to street, as mid-rises are generally defined as buildings that are no taller than the width of their adjacent street right-of-way (the width of the publicly owned portion of the street) and are contextually responsive. In Toronto, on the narrower 20 metre wide streets, this would equate to a mid-rise building of approximately five or six stories high. On wider major streets, a mid-rise may be taller, up to a maximum of 11 storeys on the widest Avenues. Mid-rises typically are designed with stepbacks or terraces at upper levels to reduce their visual impact, and to allow sunlight on the sidewalk. Bayview Avenue where the site is located has a right-of-way width of approximately 20 metres. The guidelines recommend that development adjacent to *Neighbourhoods* transition down in height to the adjacent *Neighbourhood*, through the use of a 45 degree angular plane from the *Neighbourhood*, in order to limit the impact of shadowing on, and to protect the privacy of the adjacent *Neighbourhoods*. The Mid-rise Guidelines also include guidance related to pedestrian perception, front street walls, façade design, and articulation and character areas, among others.

The Mid-Rise Guidelines, and initial findings from the Yonge and Eglinton Secondary Plan review, have been considered during the review of the proposed built form of the application.

Zoning

The east portion of the site, adjacent to Bayview Avenue, is zoned R4 Z1.0. The west portion of the site, containing one single-detached dwelling fronting onto Soudan Avenue and two single-detached dwellings fronting onto Hillsdale Avenue, is zoned R2 Z0.6 in City of Toronto Zoning By-law 438-86, as amended (see Attachment 6).

The current zoning restricts the permitted density to one times the area of the lot for the majority of the site zoned R4 along Bayview Avenue, and 0.6 times the area of the lot for the portion zoned R2. A height restriction of 9 metres applies to the whole of the subject site. Restrictive exemptions 12(2) 118 and 119 also apply to the site and regulate the parking ratios as well as general built form permissions in the Yonge-Eglinton area.

The property is also zoned R (d0.6)(x930) and R (1.0)(x690) in City of Toronto Zoning By-law 569-2013. The permissions in By-law 569-2013 are largely the same as those in 438-86, as amended.

Chapter 667 - Rental Demolition and Conversion By-Law

Section 111 of the *City of Toronto Act, 2006* authorizes Council to regulate the demolition and conversion of residential rental properties in the City. Chapter 667 of the City's Municipal Code, the Rental Housing Demolition and Conversion By-law, implements Section 111. Chapter 667 prohibits the demolition or conversion of rental housing units in buildings containing six or more residential dwelling units, of which at

least one unit is rental, without obtaining a permit from the City and requires a decision by either City Council or, where delegated, the Chief Planner.

Pursuant to Chapter 667, Council may refuse an application, or approve the demolition and may impose conditions, including conditions that must be satisfied before a demolition permit is issued. These conditions further the intent of the City's Official Plan policies protecting rental and affordable housing. Pursuant to the City's demolition control by-law Chapter 363 of the Municipal Code, Council approval of the demolition of residential dwelling units under Section 33 of the *Planning Act* is also required where six or more residential dwelling units are proposed for demolition, before the Chief Building Official can issue a permit for demolition under the *Building Code Act*.

Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion and an application under Chapter 363 for residential demolition control, City Council typically considers both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council under Chapter 667 are not appealable to the OMB.

On September 24, 2014, the applicant made an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code. A Housing Issues Report has been submitted with the required application and is currently under review for consistency with the Official Plan. As per Chapter 667-14, a tenant consultation meeting is required to be held to review the impact of the proposal on tenants of the residential rental property and matters under Section 111.

Tree Protection

The Official Plan stipulates that mature trees will be preserved wherever possible. An arborist report was submitted as part of the application and is currently under review.

Site Plan Control

The application is subject to site plan control. A site plan control application has not been submitted.

Reasons for the Application

An Official Plan Amendment application is required to re-designate the subject site from *Neighbourhoods* to *Mixed Use Areas*, as the proposed development does not conform to the Official Plan policies for development within a *Neighbourhood*. An application to amend the Zoning By-law is also required to accommodate the proposed height and density and commercial uses at grade.

The applicant has also submitted an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition of the existing rental housing units as the subject lands contain six or more residential dwelling units, of which at least one is rental.

Community Consultation

Two working group sessions were held with representatives of the South Eglinton Residents and Ratepayers Association and the Leaside Property Owners Association, and local residents, on August 11, 2015 and October 6, 2015.

Two community consultation meetings were held on April 22, 2016 and May 16, 2016. A tenant meeting was held separately on March 24, 2016.

There was general opposition to the proposal at the first community consultation meeting. Concerns were raised about the appropriateness of a mixed-use development in the area, the increased traffic in the area, public safety in regard to traffic generated by the development, as well as the overall height and density of the proposal. The community also raised concerns about the level of development in the area and its impact on infrastructure, particularly schools. Some residents expressed support for development in general, but not in this area specifically.

The local councillor, in conjunction with City Planning Staff, later held two working group sessions with the community. Through this process, revisions were made to the proposal as seen in the Applicant's second submission. The community did not support the built form. Concerns remained about the overall height of the proposal and the potential to set a negative precedent for Bayview Avenue.

At the second general community meeting, the applicant presented to the community a draft of a 7-storey proposal. While the overall height of the building increased, the proposal lowered the building from eight to seven storeys. It also had a considerable intrusion into the angular plane at the western property line adjacent to lands designated *Neighbourhoods*. The proposal received some support from the community, specifically the concept of reduction in height to 7-storeys.

Tenant Consultation Meeting

On March 26, 2016 City Planning hosted a Tenant Consultation Meeting as required under the City's Rental Housing Demolition and Conversion By-law to review the City's housing policies and outline the components of a typical Tenant Relocation and Assistance Plan. This meeting concluded with a question and answer period during which tenants asked questions about the proposed development, construction timeline, proposed indoor and outdoor amenities, the process for finding alternative accommodations and rents for the replacement rental dwelling units. This meeting was attended by approximately 10 to 15 tenants, City Planning staff and the applicant.

COMMENTS

New development on an *Avenue* needs to maintain a balance between accommodating growth and stability in order to create a positive precedent and built form that can reasonably be expected to be achieved on other *Mixed Use* sites nearby, and indeed other sites that may be suitable for mixed-use development upon the completion of the Yonge-Eglinton Secondary Plan review. Growth should be reasonable and spread out along *Avenues* and not create "overbuilt" precedents which escalate expectations beyond a reasonable level.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement, 2014 (PPS) provides for a coordinated and integrated approach to planning matters within municipalities. The PPS recognizes that local context and character is important. Policy 1.7.1(d) encourages "a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes".

Policy 4.7 of the PPS states that: "the Official Plan is the most important vehicle for implementation". Furthermore, Section 4.7 directs municipalities to provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

The Growth Plan for the Greater Golden Horseshoe requires that *intensification areas* are planned and designed to, among other matters, achieve an appropriate transition of built form to adjacent areas.

Staff have reviewed the proposal and determined that its consistency with the PPS, and its conformity with the Growth Plan for the Greater Golden Horseshoe, is problematic because it fails to meet both the policies noted above and of the Official Plan, as detailed below. The proposed increase in density is not required in order to meet the growth targets set out by the Growth Plan.

Land Use

The subject site is currently designated *Neighbourhoods* in the Official Plan, where a mid-rise development is not permitted. The applicant has filed an Official Plan Amendment application to re-designate the subject site to *Mixed Use Areas*, which would permit a greater scale of development and broader range of commercial uses.

The proposed re-designation to *Mixed Use Areas* is of concern to Planning staff due its potential impact on the adjacent *Neighbourhood*. The unnecessary expansion of *Mixed Use Areas* negatively impacts the stability of *Neighbourhoods*. The proposed redesignation could establish a precedent in other areas of the *Avenue* and broader city and, in particular, utilizing and redesignating lands designated as *Neighbourhoods* to satisfy appropriate transition in built form is contrary to the Growth Plan and the Official Plan.

Given that the site is located within an *Avenue*, consideration has been given to re-designating the properties that front onto Bayview Avenue to *Mixed Use Areas*. The Official Plan requires that rezoning applications on an *Avenue* (such as Bayview Avenue) are required to submit an avenue segment study when a development: "in a *Mixed Use Areas* on *Avenues*, prior to an Avenue Study, has the potential to set a precedent for the form and scale of reurbanization along the *Avenue*." The segment study will address: "the larger context and examine the implications for the segment of the *Avenue* in which the proposed development is located."

The applicant submitted a segment study in support of the application, that extends along Bayview Avenue between south of Eglinton Avenue East to McRae Drive. The study found that, in addition to the subject site, there are five other "soft sites" that could be redeveloped. The five "soft sites" are currently designated *Mixed Use Areas* in the Official Plan. The study assigns heights of 6 storeys to four of these sites and 7 storeys to one site. The justification for 7 storeys on one of the soft sites appears to be the depth of the site, which if the precedent proposed by the subject site were followed, could potentially be increased through the inclusion of the adjacent lot which is designated *Neighbourhoods*.

The justification provided in the segment study for the original 9-storey proposal for the subject site (reduced to 7 storeys, 30.2 metres total height: 25.1 metres plus 5.1 metre mechanical penthouse) is its larger land assembly compared to the other soft sites. Furthermore, the segment study states that the proposed built form and massing for each site was based on a number of contextual considerations including angular plane requirements, size and depth of site, surrounding built form context, proximity to *Neighbourhoods* designated properties, proximity to transit, and shadows impacts.

The Mid-rise Building Guidelines provide direction on the optimal site conditions for the development of a mid-rise building. For a site along Bayview Avenue, which has a right-of-way width of approximately 20 metres, the minimum lot depth would be 32.6 metres. The majority of properties along Bayview Avenue have lot depths between 30 to 35 metres.

The proposed land assembly for the development proposal has a lot depth of 46.5 metres, which significantly exceeds the depth required to accommodate a mid-rise building along Bayview Avenue. If the two detached dwellings located at the western property line (701 Soudan Avenue and 720 Hillsdale Avenue) were excluded from the subject site and remained designated as *Neighbourhoods*, the resulting lot depth (approximately 39.5 metres) would be sufficient to accommodate a mid-rise building of 6 to 7-storeys in height that is appropriately sited and designed to respond to the prevailing context of the *Avenue*.

The intent of requiring an Avenue Segment Study is to ensure that the proposed development will establish a positive precedent for the future development of the *Avenue*. The Official Plan policy requires the applicant to consider development scenarios for soft

sites that are similar to what is being proposed for the subject site. Most of the soft sites identified in the applicant's segment study have similar boundary conditions to the subject site, with lands designated *Neighbourhoods* abutting to the east or west. Land assemblies that use lands within stable *Neighbourhoods* to satisfy angular plane requirements have the effect of destabilizing the *Neighbourhoods* and establishing a new built-form context that is not in keeping with the Official Plan policies for *Avenues*.

The single-detached dwellings fronting onto Hillsdale Avenue and Soudan Avenue were included in the original 9-storey application for re-designation to *Mixed Use Areas* for the purposes of providing a deep lot to satisfy the rear angular plane provisions of the Mid-rise Guidelines. The two detached dwellings (701 Soudan Avenue, and 720 Hillsdale Avenue) located at the western property line of the subject site were to remain in place.

The revised 7-storey proposal also proposes the re-designation and retention of the two western most detached dwellings (701 Soudan Avenue, and 720 Hillsdale Avenue). However, the revised 7-storey proposal does not meet the rear angular plane provision of the Mid-rise Guidelines, with large penetrations to the rear angular plane at the 6th and 7th floors, nor does it meet the angular plane provisions intent of limiting shadowing and impacts on privacy on adjacent *Neighbourhoods*.

If a mid-rise building is considered at this location, the depth of the proposed re-designation is inappropriate and negatively impacts the stability of the adjacent *Neighbourhood*. Due to the adverse impacts of the proposed development, the application does not meet the *Avenues* policies of the Official Plan and should be refused.

Any changes to the planned context of the area are best addressed comprehensively through the Yonge-Eglinton Secondary Plan Review and in accordance with in-force Official Plan policy respecting *Avenues*, rather than on a site-specific basis prior to the completion of the Review.

Height, Massing, and Transition

The Built Form policies in Section 3.1.2 of the Official Plan require that new development create appropriate transitions in scale to neighbouring existing and planned buildings. As part of the in force Healthy Neighbourhoods policies in Section 2.3.1 of the Official Plan, development in *Mixed Use Areas* will provide a gradual transition of scale and density to adjacent *Neighbourhoods* on its own site. Acquiring adjacent lands designated *Neighbourhoods* and leaving in place existing houses on such lands does not comply with nor meet the intent of this policy and will destabilize the rest of the *Avenue* and *Neighbourhoods* designated lands, as further discussed below.

Policy 3 in section 3.1.2 of the Official Plan requires that "new development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context". Policy 3.5.3(2) requires that traditional retail shopping streets "will be improved as centres of community activity by encouraging quality development of a type, density and form that is compatible with the character of the area and with adjacent uses". The 7-storey proposal does not respond appropriately to, and does not fit

harmoniously into, the planned context along this section of Bayview Avenue. The planned context, as set out in the policies of the Official Plan and provisions of the Zoning, of the proposal does not support the proposed increase in height. The planned context for Bayview Avenue is being further reviewed as part of the Yonge-Eglinton Secondary Plan review as discussed in this report.

Mixed Use Areas policy 4.5.2(c) states that new development is to locate and mass new buildings to provide transition between areas of different development intensity and scale, through means such as setbacks, and stepping down of heights towards lower-scale *Neighbourhoods*. The proposed building does not comply with the *Mixed Use Areas* policies of the Official Plan. The building does not provide adequate transition to the adjacent low-rise *Neighbourhood*.

The Healthy Neighbourhoods policies of the Official Plan require that new buildings maintain light and privacy for residents in adjacent *Neighbourhoods*. The Built Form policies require that new development limit its impact on neighbouring properties by providing for adequate light and privacy. The proposed building would have significant privacy impacts on the adjacent low-rise buildings located at 701 Soudan Avenue and 720 Hillside Avenue and the *Neighbourhoods* lands to the west. The lack of setbacks and penetrations into the rear angular plane create unacceptable privacy and overlook impacts.

The revised 7-storey proposal does not achieve the rear angular plane recommended by the Mid-rise Building Guidelines despite the inclusion of 2 additional properties (701 Soudan Avenue and 720 Hillside Avenue) currently designated as *Neighbourhoods* along the west boundary of the subject site. If the proposed *Mixed Use Area* did not include the 2 properties in the west portion of the site, the location of the rear angular plane would need to be revised. This would require greater setbacks at the ground floor and considerably more stepping back on all floors of the building at the rear, and would result in a decrease of gross floor area.

The Mid-Rise Building Guidelines also state that the height of a mid-rise building (not including mechanical penthouse) should not exceed the width of the adjacent street right-of-way. This is to ensure that development maintains appropriate sunlight access, but also appropriately scaled streetwall heights relative to the right-of-way width. The right-of-way width of Bayview Avenue is approximately 20 metres. At 25.1 metres the 7-storey (25.1 metres, plus 5.1 metre mechanical penthouse - 30.2 metres total height) proposal exceeds the width of the right-of-way by over 25%. If a mid-rise building were to be permitted, the height should be lowered further to meet the Mid-rise Guidelines, or as may be recommended through the Growth, Built form and Infrastructure review for the Yonge-Eglinton Secondary Plan.

The proposed development does not meet the in force Healthy Neighbourhoods, Built Form, or *Mixed Use Areas* policies of the Official Plan, nor does it meet the Mid-rise Guidelines or the intent of such Guidelines.

Midtown in Focus: Growth, Built Form, and Infrastructure Review

On July 12, 2016, City Council directed Staff to use the built form principles developed through the Yonge-Eglinton Secondary Plan study in the review of development applications. Staff have reviewed the application against the Council endorsed principles, as well as utilizing analysis completed to date for the Review. The application, as proposed, is contrary to a number of the applicable principles. In particular, the application does not:

- Maintain and reinforce the stability of low-rise neighbourhoods;
- Respect and enhance the scale, character and form of the Midtown Village; or
- Provide enhanced standards along the Midtown Village.

The application was also reviewed in the context of the Character Area approach and analysis being undertaken for the Review. While the study is currently underway, it is important to note that the approach being utilized for the study is generally consistent with existing Official Plan policy and City guidelines.

Bayview Avenue Village is one of six *Midtown Village* character areas identified through the Review. This particular Midtown Village is defined by a pre-war main street built form. It is characterized by:

- A 20 metre right-of-way for the majority of its length;
- Lot depths typically within 30-35 metres;
- A predominant two-storey building height for the majority of its length. There are two buildings, constructed prior to the development of the City's Mid-rise Guidelines, along the section of Bayview Avenue between Eglinton Avenue East and Merton Street that are the equivalent of seven storeys (not exceeding a height of 22.25m);
- A 3 to 4 metre front setback; and
- A rear laneway system servicing the mixed use portions of the block.

The existing built form provides for sunny sidewalks and a vibrant, walkable, fine-grained mix of retail, commercial and residential uses and transition to abutting *Neighbourhoods*.

The proposed massing and articulation of the building does not respond adequately to the existing character of Bayview Avenue nor does it contribute to providing enhanced standards along the Village length. The proposed development introduces a significantly different built form that is not context sensitive, does not respect prevailing characteristics including streetwall height, and does not provide appropriate transitions to abutting *Neighbourhood* properties. The proposal includes a setback of 1.9 metres along Bayview Avenue with a streetwall height of 4-storeys. However, the prevailing condition along the segment is a 3 to 4 metre setback along Bayview with a two-storey streetwall height. Further, while the proposal is technically seven stories in height, the ground floor height (5.7 metres) in combination with the overall height of the building (equivalent to an eight-storey building) is out of keeping with existing and planned context.

Traffic Impact and Parking

Engineering and Construction Services Staff have reviewed the application and determined that the traffic impact of the proposal is acceptable, but do not support the proposed parking ratios. The proposed parking supply was reduced by the applicant at the request of the community to address concerns about traffic ingress and egress from the site. City Planning Staff do not object to the proposed reduction in parking. The dimensions of the parking spaces and drive aisles are adequate.

Servicing

The proposed servicing is generally acceptable. Staff have requested a revised functional servicing report. As well, the discharge of groundwater from the site needs to be reviewed and requires approval.

Open Space/Parkland

The applicant is proposing to build a new mixed-use building and retain the two single detached houses at 701 Soudan Ave and 720 Hillsdale Ave East. The retained buildings are not being developed and therefore would be exempt from any parkland dedication.

At the alternative rate of 0.4 hectares per 300 residential units specified in By-law 1020-2010, the parkland dedication requirement is 2 293 m² or 69.27 % of the site area.

However, for sites less than 1 hectare in size, a cap of 10% of the development site 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 296.24 m².

If the application or a revised form of the application were to be approved by the Board, the applicant would be required to satisfy the parkland dedication requirement through cash-in-lieu. Parks, Forestry and Recreation Staff advise that this is appropriate as there is no suitable location for an on-site parkland dedication. The actual amount of cash-in-lieu to be paid would be determined at the time of issuance of the building permit.

Tenure

The proposed tenure is rental and condominium.

Rental Housing Replacement

Based on the information submitted by the applicant and identified through a site visit, the site contains a total of 39 rental dwelling units and four owner-occupied dwelling units. According to the rent rolls submitted by the applicant at the time of application, these rental dwelling units were comprised of the following unit mix and rent classifications:

- 23 bachelor rental dwelling units – 8 affordable and 15 mid-range
- 8 one-bedroom rental dwelling units – 6 affordable, 1 mid-range and 1 high-end
- 5 two-bedroom rental dwelling units with mid-range rents
- 3 three-bedroom rental dwelling units with high-end rents

At the time of application, only three of the 39 rental dwelling units were vacant.

The Rental Demolition and Conversion Application proposes to demolish the 29-unit rental building at 1674 Bayview and nine house-form structures located at 703, 707, 709, 711 and 713 Soudan Avenue and 1678, 1680, 1682 and 1684 Bayview Avenue containing nine rental dwelling units and four owner-occupied dwelling units. The applicant has proposed to retain two house-form structures located at 701 Soudan Avenue and 720 Hillsdale Avenue East, the latter of which contains an existing rental dwelling unit. This application proposes to provide and maintain 39 replacement rental dwelling units within the proposed new building. The 39 replacement units are comprised of the 38 rental dwelling units proposed to be demolished and the single retained rental dwelling unit at 720 Hillsdale Avenue East which will also be secured as a replacement rental dwelling unit within the new building.

A permit under Section 111 of the *City of Toronto Act* and Chapter 667 of the Municipal Code is required as the application involves the demolition of at least 6 residential rental dwelling units, of which one was used for residential rental purposes.

Policy 3.2.1.6 of the Official Plan applies to the proposed development of the site as it would result in the loss of more than six rental dwelling units with affordable and mid-range rents and because City Council has not determined that the supply and availability of rental housing in the City has returned to a healthy state. Conditions of any Official Plan or Zoning approval would include requiring the full replacement of all existing rental dwelling units at similar rents and the provision of an acceptable Tenant Relocation and Assistance Plan, all to the satisfaction of the Chief Planner.

The details of the applicant's replacement proposal and Tenant Relocation and Assistance Plan for the purposes of complying with section 3.2.1.6 of the Official Plan have not been finalized. Staff will continue to work with the applicant to resolve these outstanding matters to the satisfaction of the Chief Planner, to be secured in any by-law amendments and through one or more agreements with the City pursuant to Section 37 of the *Planning Act*, in the event the Board were to allow the appeal in whole or in part. In addition, in the event the Board were to allow the appeal in whole or in part no Board order should be issued until such time as the form of any implementing By-laws is satisfactory to the Chief Planner and the City Solicitor and until a section 37 Agreement with the City has been executed and registered to the satisfaction of the City, securing such matters.

Section 37

Section 37 of the Planning Act allows the City to enter into an agreement with an applicant where there is an increase in height and/or density (over and above that permitted by the Zoning By-law) in return for community benefits to be provided by the applicant. Details of a Section 37 contribution and related by-law provisions and requirements for the satisfactory execution and registration of an Agreement pursuant to Section 37 of the *Planning Act* between the applicant and the City should be established if the project or some form of the project is ultimately approved by the OMB.

As this application is not considered good planning and is not supported by City staff, there has been no discussion with the applicant about the quantum of the community benefits. In the event that this application proceeds to a full OMB hearing and the OMB grants additional density and/or height beyond that which is permitted in Zoning By-law 438-86, is it recommended that staff will request that the OMB withhold its final order until the City has a satisfactory registered agreement with the applicant to secure the appropriate community benefits. Such benefits could include contributions (as deemed appropriate by the Chief Planner and Executive Director, City Planning) for:

- public realm improvements in the Yonge-Eglinton area per the Midtown in Focus Parks, Open Space and Streetscape Plan; and
- additional community services and facilities in the Yonge-Eglinton Secondary Plan Area.

CONCLUSION

Planning staff do not support the proposed Official Plan Amendment application for re-designation from *Neighbourhoods* to *Mixed Use Areas*. The extent of the proposed re-designation has potential destabilizing effects on the low rise *Neighbourhood* to the west and has the potential to set a negative precedent along the *Avenue*.

The proposed development is not consistent with the PPS 2014, does not conform to the Growth Plan for the Greater Golden Horseshow, and does not conform to the policies of the City's Official Plan.

The proposal constitutes overdevelopment of the subject site. The proposed built form does not meet the Healthy Neighbourhoods, Built Form, or *Mixed Use Areas* policies of the Official Plan. Further, the proposed development does not adequately address the Mid-rise Building Guidelines, nor the intent of such Guidelines, in terms of height, setbacks, building design and articulation, and rear angular plane.

Lastly the built form does not respect or enhance the scale, character and form of the proposed Midtown Village character area in accordance with the Council-endorsed built form principles for the Midtown in Focus: Growth, Built Form and Infrastructure Review (the Review).

Any changes to the planned context of the area are best addressed comprehensively in accordance with in-force Official Plan policy respecting *Avenues*, rather than on a site-specific basis, and hence the requirement for the submission of *Avenue* segment studies. However, given the ongoing Review, City Planning Staff had advised the applicant that Staff were not in a position to report on the application until the Review has been sufficiently advanced, and encouraged the applicant to await the conclusions of the Review, however the appeal, hearing, and with prejudice public settlement offer have necessitated this report.

Therefore, Staff are recommending that the appeal of the application be opposed at the Ontario Municipal Board.

Staff recommend that Council's decision on the application for Rental Housing Demolition under Chapter 667 of the Municipal Code pursuant to Section 111 of the *City of Toronto Act* be deferred until the Ontario Municipal Board has made a decision on the Official Plan and Zoning By-law Amendment appeals, following which the Section 111 permit application would return to Council for consideration.

CONTACT

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SIGNATURE

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

(P:\2017\Cluster B\pln\TEYCC\22174719026.doc) - vc

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: North Elevation
Attachment 3: East Elevation
Attachment 4: South Elevation
Attachment 5: West Elevation
Attachment 6: Zoning
Attachment 7: Official Plan
Attachment 8: Yonge-Eglinton Secondary Plan
Attachment 9: Application Data Sheet

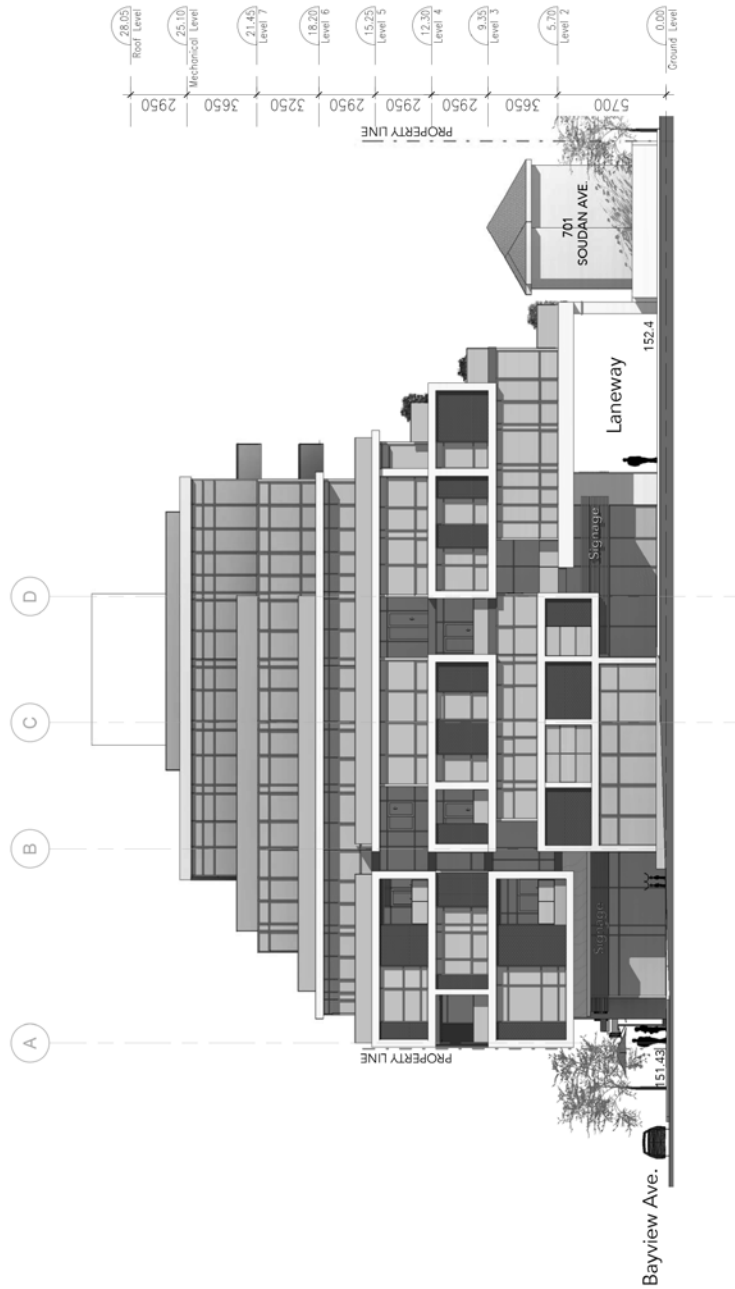
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701-713 Soudan Avenue & 1674-1684 Bayview Avenue & 720 Hillside Avenue

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File # 14 267151 STE 22 0Z

Attachment 2: North Elevation



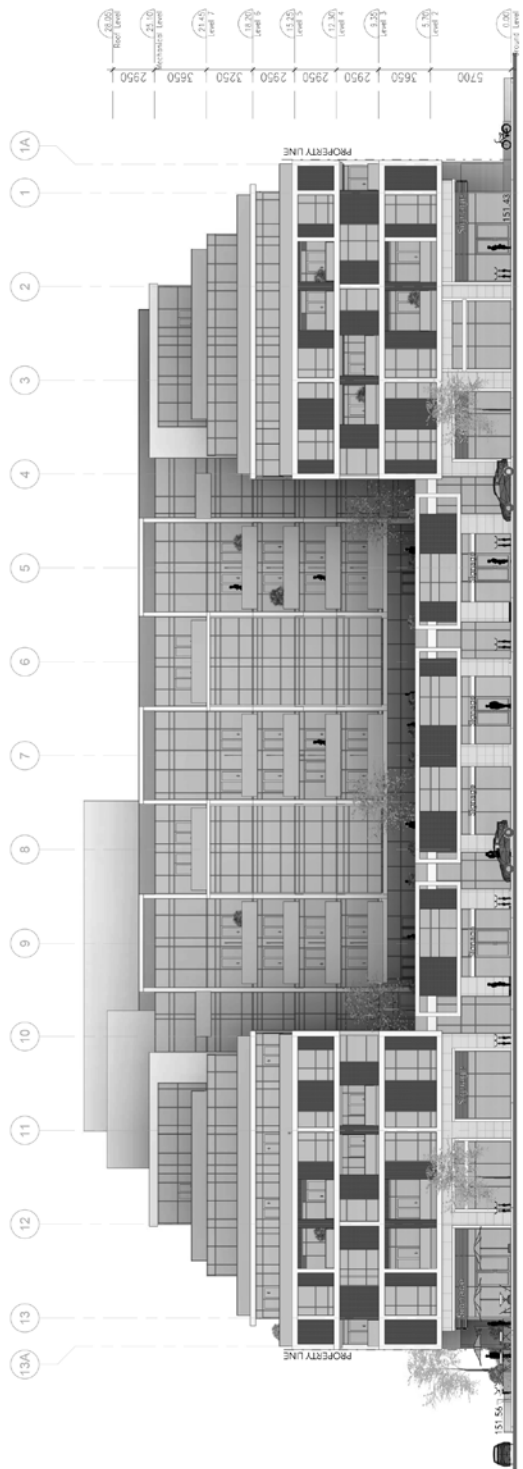
North Elevation **701-713 Soudan Avenue & 1674-1684 Bayview Avenue & 720 Hillside Avenue**

Applicant's Submitted Drawing

Not to Scale
01/04/2017

File # 14 267151 STE 22 02

Attachment 3: East Elevation



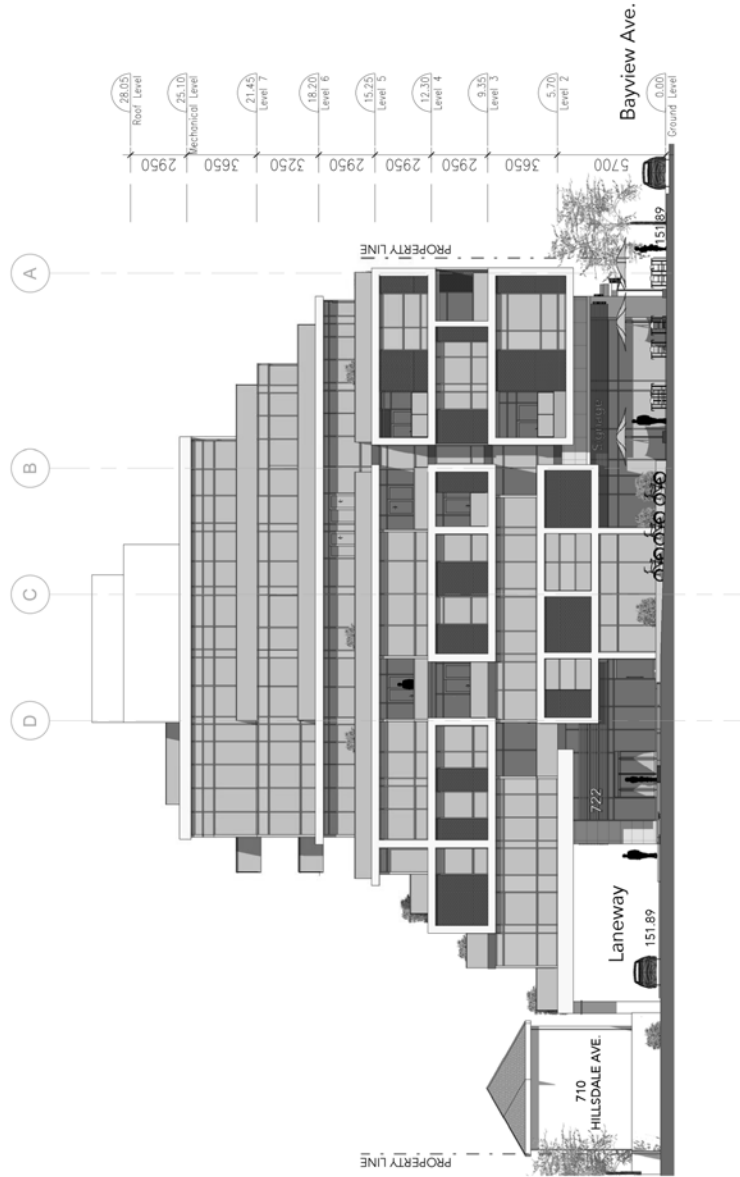
East Elevation 701-713 Soudan Avenue & 1674-1684 Bayview Avenue & 720 Hillside Avenue

Applicant's Submitted Drawing

Not to Scale
01/04/2017

File # 14 267151 STE 22 0Z

Attachment 4: South Elevation



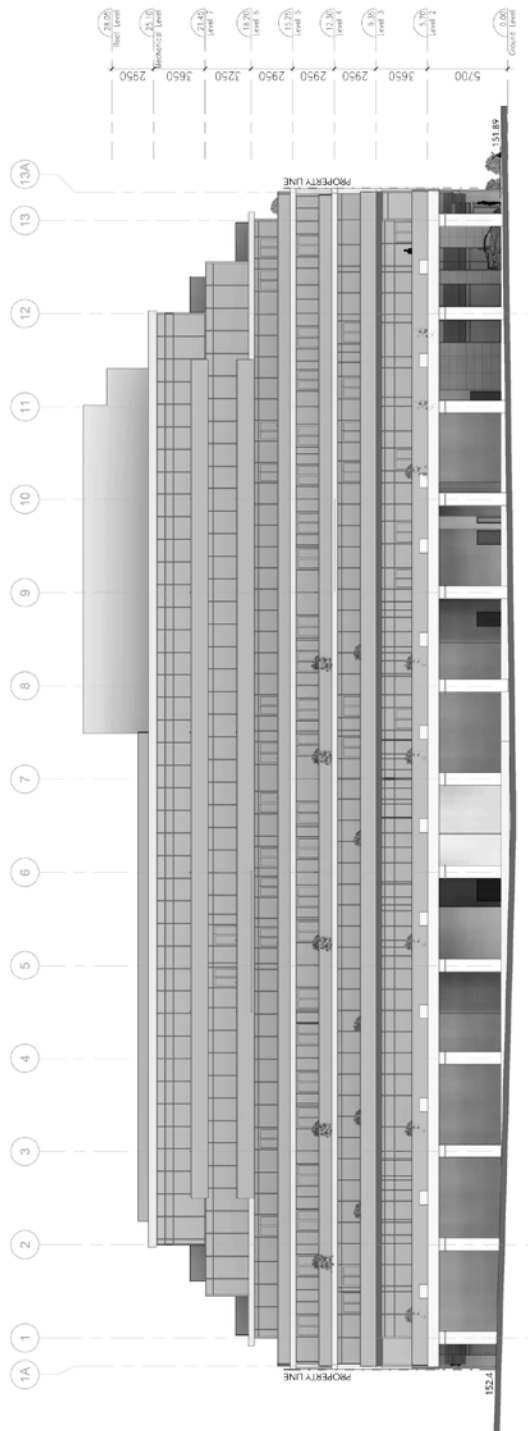
South Elevation **701-713 Soudan Avenue & 1674-1684 Bayview Avenue & 720 Hillsdale Avenue**

Applicant's Submitted Drawing

Not to Scale
01/04/2017

File # 14 267151 STE 22 0Z

Attachment 5: West Elevation



West Elevation **701-713 Soudan Avenue & 1674-1684 Bayview Avenue & 720 Hillside Avenue**

Applicant's Submitted Drawing

Not to Scale
01/04/2017

File # 14 267151 STE 22 OZ

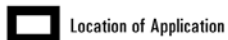
Attachment 6: Zoning



701-713 Soudan Avenue, 1674-1684 Bayview Avenue
and 720 Hillside Avenue East

Zoning By-law 569-2013

File # 14 267151 STE 22 02

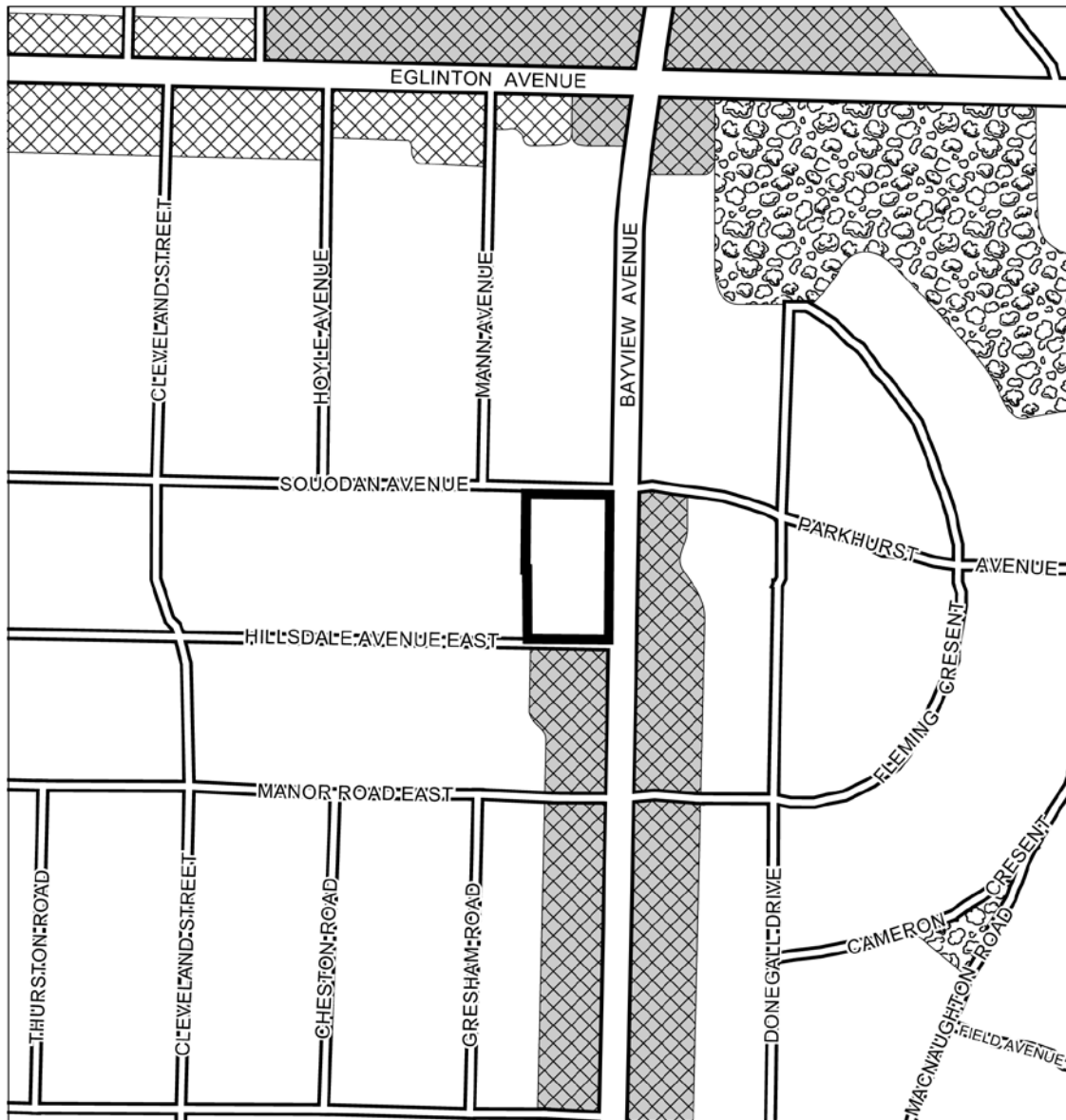


R Residential **RM** Residential Multiple
RD Residential Detached **CR** Commercial Residential



Not to Scale
Extracted: 01/29/2015

Attachment 7: Official Plan



Extract from Official Plan

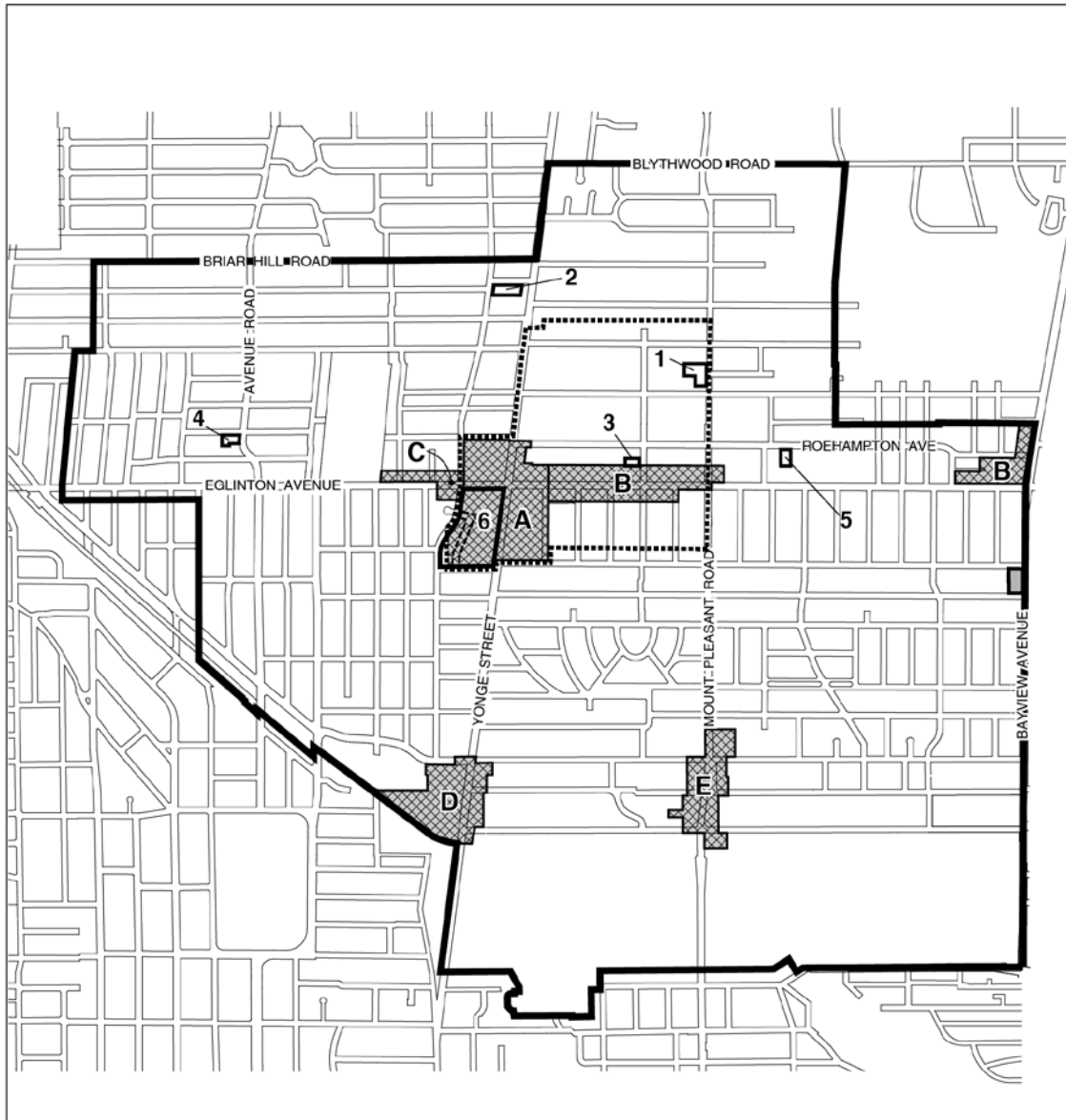
701-713 Soudan Avenue,
674-1684 Bayview Avenue and 720 Hillside Avenue

File # 14 267151 STE 22 02



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10/03/2016

Attachment 8: Yonge-Eglinton Secondary Plan

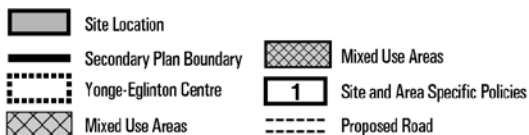


Toronto City Planning
Official Plan

Yonge Eglinton Secondary Plan Land Use Map 21-1

701-713 Soudan Avenue,
674-1684 Bayview Avenue and 720 Hillsdale Avenue

File # 14 267151 STE 22 02



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10/03/2016

Attachment 9: Application Datasheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	14 267151 STE 22 OZ
Details	OPA & Rezoning, Standard	Application Date:	December 23, 2014
Municipal Address:	701-713 SOUDAN AVENUE, 1674-1684 BAYVIEW AVENUE & 720 HILLSDALE AVENUE		
Location Description:	PLAN 1028 PT LOTS 30 & 31 **GRID S2205		
Project Description:	7-storey mixed use building with a commercial ground floor and residential above (total of 157 units) with 3 levels of underground parking		

Applicant:	Agent:	Architect:	Owner:
Bousfields, Inc. 300 Church St., Ste 300 Toronto, ON M5E 1M2	Sherman Brown 5075 Yonge St., Ste. 900 Toronto, ON M2N 6C6	Kohn Partnership Architects Inc. 116 Spadina Avenue, Ste. 501 Toronto, ON M5V 2K6	2400048 Ontario Inc. 38 Berwick Avenue Toronto, ON M5P 1H1

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	Y
Zoning:	R (d1.0) (x690)	Historical Status:	N
Height Limit (m):	9	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	3949	Height:	Storeys:	7
Frontage (m):	89.56		Metres:	25.1
Depth (m):	46.77			
Total Ground Floor Area (sq. m):	1962			Total
Total Residential GFA (sq. m):	11,738		Parking Spaces:	163
Total Non-Residential GFA (sq. m):	1,711		Loading Docks	2
Total GFA (sq. m):	13,449			
Lot Coverage Ratio (%):	50			
Floor Space Index:	3.48			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Rental, Condo, Freehold	Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	11,784
Bachelor:	23 (15%)	Retail GFA (sq. m):	1,711
1 Bedroom:	68 (43%)	Office GFA (sq. m):	0
2 Bedroom:	64 (41%)	Industrial GFA (sq. m):	0
3 + Bedroom:	2 (1%)	Institutional/Other GFA (sq. m):	0
Total Units:	157		

CONTACT:	PLANNER NAME:	David Driedger, Planner
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	EMAIL:	ddriedg@toronto.ca