

June 6, 2018

**Members of the Planning and Growth Management Committee**

City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

*MGP File No. 18-2681*

Attention: City Clerk

**RE: Official Plan Amendment 405 for the Yonge-Eglinton Secondary Plan  
1787, 1783-1785, 1779-1781 Bayview Avenue, City of Toronto  
Condor Properties**

Dear Members of the Planning and Growth Management Committee:

Malone Given Parsons Ltd. (“MGP”) has been retained by Condor Properties to provide land use planning expertise and to prepare the future development applications on the land holdings located at 1787, 1783-1785, 1779-1781 Bayview Avenue, at the southeast corner of Bayview Avenue and Eglinton Avenue East (“subject lands”). A 30-storey mixed use residential building integrating the under-construction Leaside Eglinton Crosstown Transit Station (“Leaside Station”) is proposed to be constructed on the subject lands. Appendix 1 contains greater detail about the development concept, which is intended to be filed as a formal site-specific official plan and zoning amendment submission by the end of July 2018.

This letter represents our comments on the Official Plan Amendment 405 (OPA 405) for the Yonge-Eglinton Secondary Plan, which was released to the public on May 18, 2018 and will be presented at a Special Public Meeting held by the Planning and Growth Management Committee on June 7, 2018 (Item PG30.4).

### **Our Request**

**We respectfully request that Council refuse OPA 405 on the basis that, as drafted, it does not conform with the Growth Plan and is inconsistent with the Provincial Policy Statement.**

OPA 405 must be revised to remove the height limits as shown on the Permitted Building Types and Height Limits schedules (and associated policies) as it is inappropriate to predetermine heights without the benefit of reviewing site-specific applications. Alternatively, OPA 405 should be revised to designate the subject lands as a Midtown Tall Building Site with no height restrictions.

The subject lands are a prime opportunity for redevelopment as they are located in the core of a Major Transit Station Area (MTSA) and are the subject of a redevelopment proposal integrating high density

development with a transit station, in accordance with good transit-oriented development principles that have been implemented and encouraged by the City in other instances. Such an opportunity for a transit-supportive tall building must be preserved in OPA 405. If the subject lands are not the appropriate location for this kind of development, then what more is required to render a site appropriate?

In any event, it is our position that OPA 405 must be processed in accordance with section 17 of the *Planning Act* as we are of the opinion that OPA 405 does not meet the requirements of a Municipal Comprehensive Review under section 26 of the *Planning Act* for all the reasons set out below.

### Subject Lands

The subject lands are municipally known as 1787, 1783-1785, 1779-1781 Bayview Avenue in the City of Toronto at the southeast corner of Bayview Avenue and Eglinton Avenue East as shown in the figure below.

OPA 405 proposes to designate the subject lands to *Mixed Use Areas "A" and "B"* however additionally limits the permitted heights to seven (7) and eight (8) storeys.

1787 Bayview Avenue is currently under construction to become the Leaside Station. Metrolinx owns 1787, 1783-1785 Bayview Avenue and Condor Properties owns 1779-1781 Bayview Avenue. Condor Properties has entered into a development agreement with Metrolinx to purchase the air rights over the Leaside Station to permit the development of a 30-storey tower on the site. This agreement allows Condor Properties to work with Metrolinx to build-over the station and integrate a mixed-use building with the transit station.

Figure 1: Subject Site



### **OPA 405 is inconsistent with the PPS and does not conform with the Growth Plan**

In our opinion, OPA 405 is inconsistent with the Provincial Policy Statement (PPS) and does not conform to the Growth Plan as:

- 1) it does not plan for the appropriate minimum density target;
- 2) it does not maximize the number of potential transit users within walking distance of the MTSA; and,
- 3) it does not optimize intensification opportunities in close proximity to a rapid transit corridor/station that leverages infrastructure investments.

The southeast corner of Bayview Avenue and Eglinton Avenue East represents a prime opportunity to locate a tall building that can support the public investment in transit. Limiting development on this site to an eight-storey mid-rise building would be a lost opportunity to fully realize the potential of the assembled parcels and is contrary to direction received from the Province concerning the appropriate location for high-density development.

#### **i. Provincial Policy Statement**

The PPS promotes managing and directing land use to achieve efficient and resilient development. It emphasizes intensification and development within Settlement Areas with densities and a mix of uses that can efficiently make use of land and resources (1.1.3.2). The PPS encourages planning authorities to identify and promote opportunities for intensification and development using appropriate development standards which facilitate intensification in a compact form (1.1.3.3 & 1.1.3.4). The PPS also promotes a land use pattern, density and mix that minimizes the length and number of vehicle trips and supports the current and future use of transit and active transportation (1.6.7.4).

In its current form, OPA 405 is not consistent with the PPS as it does not optimize the public investment in transit infrastructure as it relates to the Eglinton Crosstown and is accordingly not making efficient use of land and resources as required in policy 1.1.3.2, nor supporting the transit infrastructure that has been planned and is under construction in this area.

#### **ii. Growth Plan**

Section 2.2.1.2c (Managing Growth) of the Growth Plan states that within settlement areas, growth will be focused in:

- i. Delineated built-up areas;
- ii. Strategic growth areas;
- iii. Locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and,
- iv. Areas with existing or planned public service facilities.

The Growth Plan places an emphasis on directing growth that will optimize infrastructure investments, with specific regard to areas along transit corridors in order to support the achievement of complete communities through a more compact built-form. Compact built form is a land use pattern that encourages the efficient use of land, walkable neighbourhoods, mixed land uses (residential, retail, workplace, and institutional) all within one neighbourhood, proximity to transit and reduced need for infrastructure.

In its current form, OPA 405 does not conform with the Growth Plan as it does not optimize the public investment in transit infrastructure as it relates to the Eglinton Crosstown.

**iii. OPA 405 does not plan for the appropriate minimum density target**

As noted, the subject lands are located on and immediately adjacent to the site of the Leaside Station, which is considered an MTSA. The underground stations on the Eglinton Crosstown (including Leaside) will have higher ridership capacities because the underground portion of the Crosstown will have turn back capabilities at both ends to allow trains to operate with short turn service and provide shorter headways than on the surface sections. As this segment of the Crosstown is underground and very much functions as a subway, it is our opinion that the Growth Plan's highest minimum density targets for MTSA's should apply to this area.

Accordingly, for the purposes of applying an appropriate minimum density target for the Leaside MTSA that reflects the intent of the minimum density targets as set out in the Growth Plan, it is our opinion that this area should be planned for the highest minimum density target of 200 residents and jobs per hectare and not a minimum density of 160 residents and jobs as currently proposed in OPA 405.

**iv. OPA 405 does not optimize the public investment in transit infrastructure**

OPA 405 was not drafted with a view to optimizing the public investment in transit infrastructure, as directed by the Province. Instead, OPA 405 reflects a traditional planning exercise in which the boundaries of a study area are first delineated and only subsequently is a transit analysis overlaid, resulting in an incomplete analysis. This approach is not consistent with the Province's direction in the Growth Plan and is not appropriate given the Province's burgeoning guidelines for the application of density targets.

Development at this intersection should strive to optimize the public investment made in transit infrastructure, particularly given that the subject lands have an opportunity to integrate potential development with a major transit station. Identifying the subject lands as a Midtown Tall Building would aid in focusing density along the corridors of the MTSA and thereby help divert the majority of development pressure away from the existing stable neighbourhoods. As a result, the character of the surrounding neighbourhood would be preserved.

**v. OPA 405 does not maximize the number of potential transit users within walking distance of the MTSA**

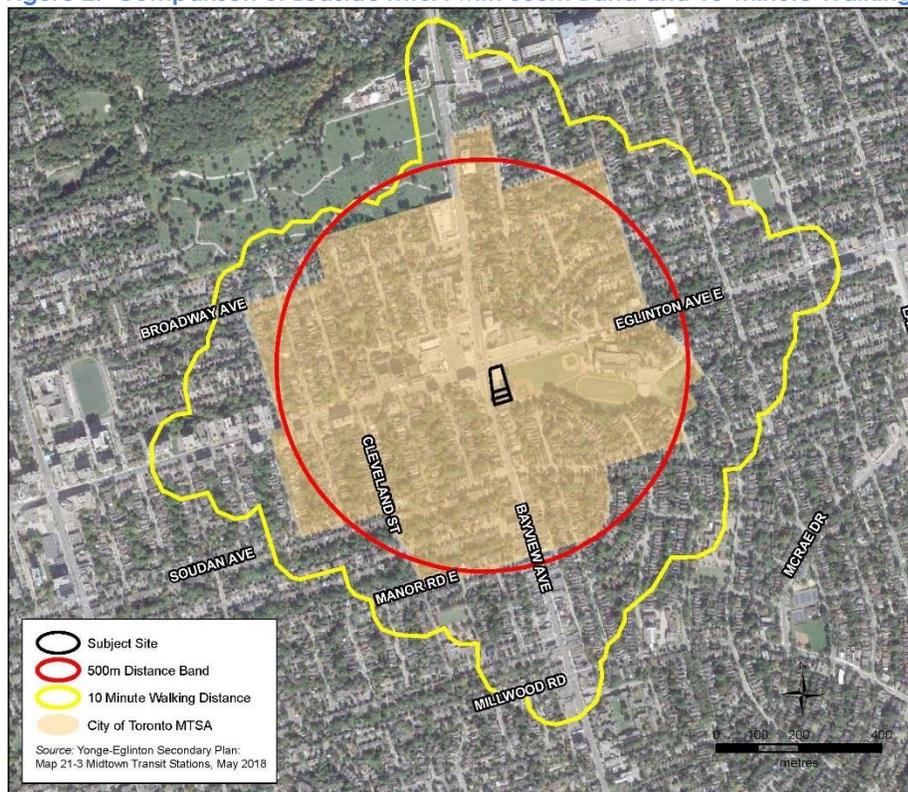
Both the PPS and Growth Plan direct municipalities to plan for development that makes transit viable and increases the use of active transportation and transit before other modes of travel.

In March 2018, the Province released a draft guidance document entitled *Application of the Intensification and Density Targets* (the “Draft Guide”) for public consultation. The Draft Guide directs that the delineated area of an MTSA should maximize the number of potential transit users within walking distance of the station. The direction to delineate an MTSA in accordance with a 500 m radius or 10-minute walk gives direction in establishing the size of the area within which municipalities must plan for the density targets set out in the Growth Plan.

The City’s delineated “MTSA” in OPA 405 fails to maximize the amount of potential transit users within walking distance of the Leaside Station. In so doing, it fails to optimize the investment in transit infrastructure and therefore does not meet the intent of the PPS and conform to the Growth Plan.

Figure 2 shows the “MTSA” proposed in OPA 405 (shaded in pale yellow) compared to a 500 m radius (in red) and 10-minute walk (in yellow) from the station.

**Figure 2: Comparison of Leaside MTSA with 500m Band and 10-minute Walking Band**



The delineation for the MTSA around the Leaside Station proposed by OPA 405 does not generally reflect a 10-minute walk and therefore falls short of maximizing the number of potential transit users within walking distance of the stop. Further, OPA 405’s delineation of “Core” and “Secondary Zone” as the only areas where intensification is planned means that there is an inherent decision to protect low density areas. Therefore, in order to achieve the required minimum density target, a concomitant increase in density must be focused in the “Core” and “Secondary” Zones of the MTSA.

At a minimum, it is our recommendation that the boundaries of the MTSA proposed in OPA 405 be expanded to more appropriately reflect “walking distance” from the Leaside Station, and that areas to be intensified be measured to maximize the number of users within walking distance, recognizing that the areas to the east and west should not overlap with the surrounding MTSA.

If the MTSA proposed in OPA 405 is revised to appropriately reflect “walking distance” to the Leaside Station, then the City will be below the minimum density target for an LRT and well below the minimum target for a subway as detailed in the Growth Plan, even if the subject lands are designated to permit the proposed development.

**OPA 405 does not reflect Metrolinx and the City of Toronto’s Policy Direction**  
**i. City of Toronto: Transit Oriented Development**

The City of Toronto has encouraged transit-supportive development, by directing the greatest heights and densities located closest to the higher order transit stations. Council has also adopted motions, as part of the SmartTrack planning process, to prepare studies to achieve transit-supportive development in recognition of the transit investments being made at the stations.

Similarly, Build Toronto’s Strategic Direction (2015-2019) includes planning for 14 sites with direct access to a transit station and planning for 10 sites on the Eglinton Crosstown line. Build Toronto recognizes that transit-related development is a priority as public transportation is key to allowing the higher densification of the urban cores to reduce congestion and pollution, especially in mixed-use sites.

**ii. Metrolinx: Integrate Transportation and Land Use**

The Metrolinx Board of Directors adopted the 2041 Regional Transportation Plan (RTP) in March 2018. This is an update to the agency’s The Big Move, published in 2008. The 2041 RTP is intended to work together with the PPS and the Growth Plan to set the policy framework for managing growth, establishing complete communities and delivering sustainable transportation choices.

One of the strategies of the 2041 RTP is to integrate transportation and land use, which emphasizes intensifying and integrating development at Major Transit Station Areas. The 2041 RTP recognizes that the Growth Plan emphasizes integrating land use and infrastructure planning, as well as the need for intensification at rapid transit stations, creating connected urban centres and increasing transportation choice.

In accordance with Metrolinx’s policy direction, Condor Properties and Metrolinx have entered into an integrated transit development agreement to optimize the air rights over the Leaside Station. As part of the development agreement, Condor Properties has already contributed funds to the station design and development so that the station can continue operating during construction and will be able to withstand the additional weight of the proposed tower following construction. Condor Properties, along with Metrolinx, have been proactive in ensuring the optimum use of the transit investment in this area.

In its efforts to optimize the potential of critical station locations, Metrolinx has identified the development potential above and around Leaside Station. OPA 405, in its current form, forecloses such an integrated approach in planning for transit-oriented development in the area around the Leaside Station.

**OPA 405 should not proceed under section 26 of the *Planning Act***

Based on the foregoing, it is our opinion that OPA 405 cannot and should not be processed under section 26 of the *Planning Act* because it does not provide adequate density calculations within the MTSA and accordingly cannot be considered a conformity exercise in respect of the Growth Plan. If the Committee decides to recommend adoption of OPA 405 to Council, it should be processed pursuant to section 17 of the *Planning Act*.

Furthermore, we note that the City has not released any supporting information or its methodology for arriving at the density calculations used to support its conclusions and particularly that there is no tall building development potential directly on top of the Leaside Station and hereby request a copy of same.

**Conclusion**

We respectfully request that OPA 405 not be recommended by your Committee for adoption by Council as it is not consistent with the PPS and does not conform to the Growth Plan. It is our opinion that such an opportunity for a transit-supportive tall building should be preserved in OPA 405.

We further ask the Committee to direct staff to provide the technical studies that support their conclusion that there is no tall building development potential directly on top of the Leaside Station, within such immediate proximity of a transit station. We intend to file a formal development application on the subject lands, in accordance with the proposed development concept, by the end of July.

Yours very truly,

**MALONE GIVEN PARSONS LTD.**



Don Given, BA, MCIP, RPP, PLE  
Principal

*Attachment Appendix 1*

TO: Members of the Planning and Growth Management Committee, City of Toronto  
RE: 1787, 1783-1785, 1779-1781 Bayview Avenue, City of Toronto

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June 6, 2018

# **APPENDIX 1**

## Conceptual Development Plan Details

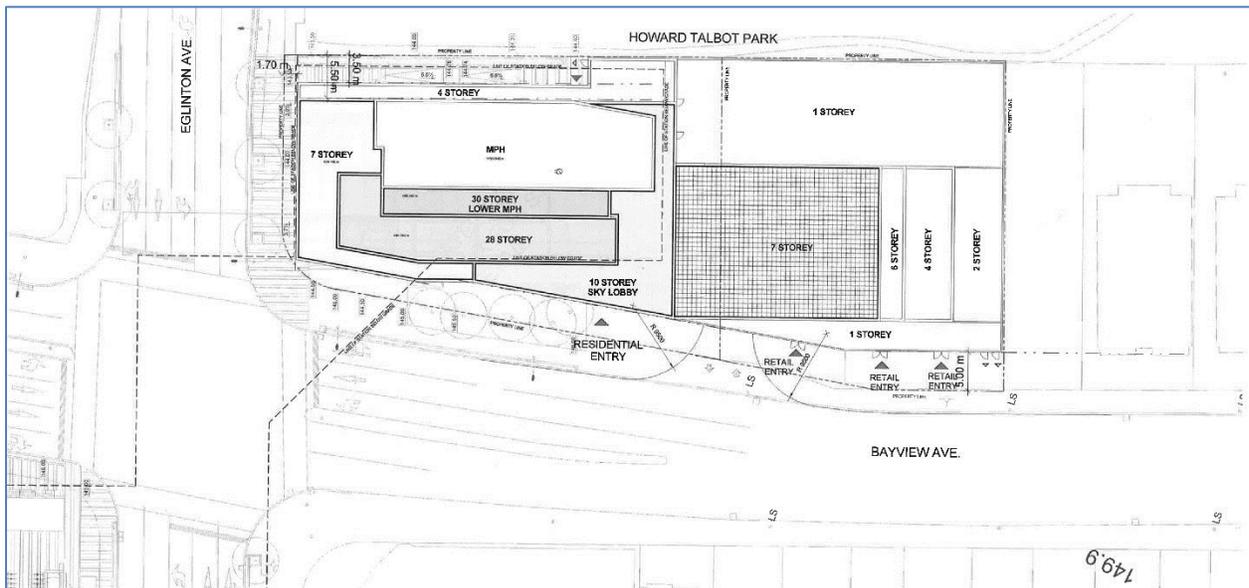


## Conceptual Development Plan Details - 1787, 1783-1785, 1779-1781 Bayview Avenue

The preliminary development concept proposes a 30-storey mixed use residential building on the site, which will include replacement rental units and provides at-grade retail along Bayview Avenue. The under-construction Leaside Station is proposed to be integrated into the building with the main entrance fronting Bayview Avenue. The remainder of the ground floor consists of the lobby (residential entry is proposed off Bayview Avenue), mail room, moving room, bicycle lockers and loading areas. Direct access via the elevators from the residential condo to the subway is proposed, which allows full integration of the building to the subway station.

The proposed building consists of a seven-storey podium that wraps around from Eglinton Avenue East to Bayview Avenue with an additional three storey lobby along Bayview Avenue. Along Eglinton Avenue East, the building is proposed to be setback 1.7 metres from the property line. Along Bayview Avenue, the building is proposed to be setback 5 metres. A built-form transition is proposed as the building approaches the existing residential neighbourhood to the south gradually stepping down from 7 storeys to 6, 4 and 2 storeys.

Vehicle access to the building is proposed to be located from Bayview Avenue. This driveway will provide access to the proposed three-level underground parking garage.



The proposed development concept demonstrates that, when these properties are consolidated, there is sufficient depth for a tall building with an appropriate tower floorplate on the site. Furthermore, there is enough space to appropriately step down the built form towards the adjacent residential neighbourhood. The size of the consolidated site will also allow for driveway access that is appropriately set back from the intersection and for the provision of sufficient underground parking to meet the requirements of a tall building (to be confirmed through future technical studies).

