

## **1408, 1410, 1412, 1414, 1416 and 1420 Bayview Avenue – Zoning By-Law Amendment and Rental Housing Demolition Applications – Final Report**

Date: January 3, 2020

To: North York Community Council

From: Director, Community Planning, North York District

Ward: Ward 15 - Don Valley West

**Planning Application Number:** 19 120011 NNY 15 OZ

**Rental Housing Application Number:** 19 120017 NNY 15 RH

### **SUMMARY**

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This application proposes to amend Zoning By-law Nos. 438-86 and 569-2013 to permit the redevelopment of the subject lands for a 8-storey (27.85 metre high) mixed use building containing 65 residential units (inclusive of 13 replacement rental dwelling units) and 143 square metres of non-residential gross floor area on the ground floor resulting in an overall density (Floor Space Index - FSI) of 4.03 times the lot area. The proposed development would include 73 parking spaces in a three-level underground garage.

A Rental Housing Demolition application was submitted under Section 111 of the *City of Toronto Act* to demolish two existing semi-detached buildings and two existing single-detached buildings containing a total of 14 existing residential dwelling units, of which 13 are currently rental dwelling units and 1 dwelling unit is owner occupied.

The proposed development is consistent with the Provincial Policy Statement (2014) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019). The proposal represents an appropriate built form for a mixed use building and provides for an appropriate transition from *Mixed Use Areas* to *Neighbourhoods*. The proposed development is also transit-supportive, being in proximity to the future Leaside LRT station at Bayview Avenue and Eglinton Avenue East.

This report reviews and recommends approval of the application to amend the Zoning By-law. This report reviews and recommends approval of the Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code and the Residential Demolition Permit under Chapter 363 of the Toronto Municipal Code, subject to conditions. This report also recommends entering into a Section 111 agreement for the site.

## RECOMMENDATIONS

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The City Planning Division recommends that:

1. City Council amend Zoning By-law No. 438-86 for the lands at 1408, 1410, 1412, 1414, 1416 and 1420 Bayview Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to this report.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 1408, 1410, 1412, 1414, 1416 and 1420 Bayview Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7 to this report.
3. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
4. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to:
  - a) Enter into an Agreement pursuant to Section 37 of the Planning Act to secure the number, tenure and type of residential replacement rental units and improvements as a matter of legal convenience; and
  - b) Provide appropriate architectural treatment of the north and south facing walls, to the satisfaction of the Director, Community Planning, North York District.
5. City Council approve the application for a Rental Housing Demolition permit in accordance with Chapter 667 of the Toronto Municipal Code to allow for the demolition of 13 residential rental dwelling units located at 1408, 1410, 1414, 1416 and 1420 Bayview Avenue, subject to the following conditions:
  - a) The owner shall provide, secure and maintain not less than 13 replacement rental dwelling units, comprised of at least 2 one-bedroom, 9 two-bedroom, 1 three-bedroom and 1 four-bedroom units within the proposed 8-storey building on the subject site for a period of at least 20 years, beginning from the date that each replacement rental dwelling unit is first occupied, and as generally illustrated in the plans provided to the City Planning Division dated October 17, 2019. Any revision to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
  - b) The owner shall provide, secure and maintain at least 4 replacement rental dwelling units at affordable rents (2 one-bedroom and 2 two-bedroom units), and 7 replacement rental dwelling units at mid-range rents (6 two-bedrooms and 1 three-bedroom units), for a period of at least 10 years, beginning from the date that each replacement rental dwelling unit is first occupied; the remaining 2 replacement rental dwelling units shall have unrestricted rents (1 two-bedroom and 1 four-bedroom units);

- c) The owner shall provide ensuite laundry in each replacement rental dwelling unit at no additional cost to tenants, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- d) The owner shall provide tenants of the replacement rental dwelling units with access to all indoor and outdoor amenities in the proposed 8-storey building at no extra charge. Access and use of these amenities shall be provided without the need to pre-book or pay a fee, unless specifically required as customary practices for private bookings, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- e) The owner shall provide 5 vehicle parking spaces to tenants of the replacement rental dwelling units, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- f) The owner shall provide 4 storage lockers to tenants of the replacement rental dwelling units, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- g) The owner shall provide tenant relocation and assistance to all Eligible Tenants of the existing rental dwelling units, including the right to return to a replacement rental dwelling unit, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- h) The owner shall provide tenant relocation and assistance to all post application tenants, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division; and
- i) The owner shall enter into and register on title to the subject site one or more Agreement(s) to secure the conditions outlined in 5. a, b, c, d, e, f, g and h above to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division, including an agreement pursuant to Section 111 of the *City of Toronto Act, 2006*.

6. City Council authorize the Chief Planner and Executive Director, City Planning Division, to issue the Preliminary Approval for the Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code for the demolition of the 13 existing rental dwelling units located at 1408, 1410, 1414, 1416 and 1420 Bayview Avenue after all the following have occurred:

- a) Satisfaction or securing of the conditions in Recommendation 5 above;
- b) The Zoning By-law Amendment referred to in Recommendations 1 and 2 has come into full force and effect;
- c) The issuance of the Notice of Approval Conditions for Site Plan approval by the Chief Planner or their designate, pursuant to Section 114 of the *City of Toronto Act, 2006*;

- d) The issuance of excavation and shoring permits for the approved development on the site; and
- e) The execution and registration of one or more Section 37 Agreements pursuant to the *Planning Act* securing Recommendations 5. a, b, c, d, e, f, g and h.

7. City Council authorize the Chief Building Official to issue the Rental Housing Demolition Permit under Municipal Code Chapter 667 after the Chief Planner and Executive Director, City Planning Division, has issued the Preliminary Approval referred to in Recommendation 6.

8. City Council authorize the Chief Building Official to issue a Residential Demolition Permit under Chapter 363 of the Toronto Municipal Code and Section 33 of the *Planning Act* no earlier than the issuance of the first building permit for excavation and shoring of the proposed development, and after the Chief Planner and Executive Director, City Planning Division, has issued the Preliminary Approval referred to in Recommendation 6, which may be included in the Residential Demolition Permit under 363-11.1, of the Toronto Municipal Code, on condition that:

- a) The owner shall remove all debris and rubble from the site immediately after demolition;
- b) The owner shall erect solid construction hoarding to the satisfaction of the Chief Building Official and Executive Director, Toronto Building;
- c) The owner erects the proposed building on site no later than three (3) years from the day demolition of the buildings is commenced; and
- d) Should the owner fail to complete the new building within the time specified in condition 8(c) above, the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal taxes, the sum of twenty thousand dollars (\$20,000.00) for each dwelling unit for which a demolition permit is issued, and that each sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.

9. Council authorize the appropriate City officials to take such actions as are necessary to implement the foregoing, including execution of the Section 111 Agreement and Section 37 Agreement.

## **FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

## DECISION HISTORY

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The current applications were submitted on February 27, 2019 and deemed complete as of the same date. A Preliminary Report on the applications was adopted by North York Community Council on April 24, 2019 authorizing staff to conduct a community consultation meeting with an expanded notification area.

The results of the community consultation are summarized in the Comments section of this Report.

## PROPOSAL

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This application proposes to amend City of Toronto Zoning By-law Nos. 438-86 and 569-2013 for the redevelopment of the lands at 1408, 1410, 1412, 1414, 1416 and 1420 Bayview Avenue to allow an 8-storey (27.85 metre high) mixed-use building with 65 residential dwelling units (inclusive of the 13 replacement rental dwelling units) and retail on the ground floor. The proposed building would have a floor space index (FSI) of 4.03 times the area of the lot with a total gross floor area of 6,337 square metres. The subject site is located mid-block on the west side of Bayview Avenue between Balliol Street to the north and Merton Street to the south.

The proposed building would include 6,194 square metres (66,671 square feet) of residential gross floor area and 143 square metres (1,539 square metres) of non-residential gross floor area. A total of 130.75 square metres of indoor amenity space and 73.25 square metres of outdoor amenity are proposed. The amenity area, residential lobby, retail space, loading and garbage storage would be located on the ground floor, with residential uses located on the second storey and above. A green roof is proposed above the 8th storey.

All principal residential, retail and vehicular access would be taken off of Bayview Avenue. A total of 73 vehicular spaces are proposed in a three-level below-grade parking garage of which 64 spaces would be for resident parking and 9 spaces would be for visitor parking. The application proposes a total of 65 bicycle parking spaces, of which 7 spaces would be for short-term use and 58 would be for long-term use. One internal Type 'G' loading space is proposed on the ground floor.

The building is proposed to be setback 3 metres from the easterly lot line on Bayview Avenue, 4.45 metres from the westerly property line, 0.17 metre from the northerly property line and 0.11 metre from the southerly property line. A 1.98 metre widening of the existing lane at the rear of the building is proposed and will be required.

Since the application was submitted in February 2019, revisions have been made to address staff, agency and community comments, which include the following:

- The ground floor layout has been revised to increase and expand the retail frontage along Bayview Avenue from 98 square metres to 143 square metres;
- The 3 townhouses at the rear have been removed from the plan and are now proposed as mechanical space;

- An additional level of underground parking has been added and the total amount of parking spaces has increased from 48 spaces to 73 spaces;
- The parking ramp, which was located at the rear and originally took access from the rear lane has been reconfigured to remove vehicular traffic from the lane and all vehicular and loading access has shifted to Bayview Avenue due to Transportation Services' concerns of the ability of the laneway to handle waste pickup vehicles and safe two-way ingress and egress for 65 units;
- Bin staging areas, a bulk storage room and a retail garbage room have been added on the ground floor;
- The 7th and 8th floor units have been consolidated into 2-storey units and the elevator overrun/mechanical penthouse above the 8th storey has been eliminated;
- An increase in the overall floor space index (FSI) of the site from 3.94 to 4.03 times the area of the site; and
- An increase to the lane widening at the rear of the site from 1.48 metres to 1.98 metres.

At the time of submission, an Official Plan Amendment was also applied for to redesignate the subject site from *Neighbourhoods* to *Mixed Use Areas*. With the final approval of Official Plan Amendment No. 405 (OPA 405) by the Minister on June 5, 2019, which had the effect of designating the lands to *Mixed Use Areas*, an Official Plan Amendment is now not required. The application for Official Plan Amendment was withdrawn by the applicant on December 6, 2019.

Details of the application are outlined in the chart below and in Attachments 1, 8, 10, 11, 12 and 13.

<b>Category</b>	<b>Current Submission October 21, 2019</b>
Site Area	1,571.8 square metres
Gross Floor Area (GFA)	
Residential	6,194 m <sup>2</sup>
Non-Residential (Retail)	143 m <sup>2</sup>
TOTAL	6,337 m <sup>2</sup>
Minimum Building Setbacks	
Front Lot Line (Bayview Avenue)	
North Property Line	No change
South Property Line	
Rear Lot Line (west)	
Building Stepbacks along Bayview Ave	
Above the 2nd Floor	0.5 metre
Above the 6th Floor	2.5 metres
Rear Building Stepbacks	
Above the 2nd Floor	1.9 metres
Above the 3rd Floor	2.95 metres
Above the 4th Floor	2.95 metres
Above the 5th Floor	2.95 metres

Above the 6th Floor	2.99 metres
Above the 7th Floor	2.72 metres
Lot Coverage	77.23%
Floor Space Index (FSI)	4.03
Number of Storeys	8
Building Height	
To Top of Building	27.85 metres
To MPH	Wrapped
Rear Lane Widening	1.98 metres
Number of Residential Units	
1 Bedroom	17 (26.2%)
2 Bedroom	40 (61.5%)
3 Bedroom	8 (12.3%)
TOTAL	65
Amenity Area	
Indoor	130 m <sup>2</sup>
Outdoor	73 m <sup>2</sup>
TOTAL	203 m <sup>2</sup>
Vehicular Parking	73 spaces
(residential:visitor:retail)	(64:9:0)
Loading Space	1 Type G
Bicycle Parking	65
(long-term:short-term)	(58:7)

The Rental Housing Demolition application proposes the demolition of 4 existing semi-detached and 2 existing single-detached houses containing 14 residential dwelling units, of which 13 have a history of rental. The units include affordable, mid-range and high-end rental dwelling units and 1 owner-occupied dwelling unit.

The proposal includes the replacement all 13 rental dwelling units on the second and third floor of the proposed development.

### Site and Surrounding Area

The proposal represents an assembly of 4 lots on the west side of Bayview Avenue and is located mid-block between Merton Street to the south and Balliol Street to the north. The subject site is rectangular in shape and has a total frontage of approximately 43 metres along the west side of Bayview Avenue, a depth of approximately 40 metres and a total combined site area of approximately 1,571 square metres. The majority of the subject site is bound to the west by a public lane that extends in a north-south orientation from Balliol Street and continues in a southerly direction until it terminates just beyond the property municipally known as 1412 Bayview Avenue.

Below are the current uses on the subject site:

1408-1410 Bayview Avenue and 1412-1414 Bayview Avenue: Currently occupied by two, 2-storey semi-detached dwellings. The two buildings are separated by a shared driveway access. The front yard is comprised of soft landscaping and the balance of

the parcel is paved and used primarily for residential surface parking. Each building contains 5 rental dwelling units for a total of 10 rental dwelling units.

1416 Bayview Avenue: Currently occupied by a two-storey detached residential dwelling with 1 owner-occupied dwelling unit and with vehicular access to the detached garage from the public laneway to the rear.

1420 Bayview Avenue: Currently occupied by a three-storey detached residential building with 3 rental dwelling units and a vehicle parking pad accessed from Bayview Avenue in the front yard.

In total, the subject site contains 13 existing rental residential dwelling units within 3 buildings with the following unit mix and rent classification:

- 2 one-bedroom rental dwelling units with affordable rents;
- 9 two-bedroom rental dwelling units – 2 affordable rents, 6 mid-range rents and 1 high-end rent;
- 1 three-bedroom rental dwelling unit with mid-range rent; and,
- 1 four-bedroom rental dwelling unit with high-end rent.

The surrounding development and land uses are as follows:

North: To the immediate north of the subject site at 1422 Bayview Avenue and 1424 Bayview Avenue are two identical 3-storey multi-unit residential buildings with a shared driveway access from Bayview Avenue. At the southwest corner of Balliol Street and Bayview Avenue, 1426-1428 Bayview Avenue is a 2-storey semi-detached dwelling. Further north along Bayview Avenue are a mixture of detached and semi-detached dwellings, a 2-storey daycare facility (ABC Academy) and a 7-storey residential apartment building at the southwest corner of Bayview Avenue and Davisville Avenue.

South: To the immediate south at 1404A-1406B Bayview Avenue is a block of four, 4-storey townhouses with shared driveway access to individual integral garages at the rear. Further south at 1400 Bayview Avenue is a 2-storey detached dwelling. At the northwest corner of Bayview Avenue and Merton Street, is a 3-storey residential building with 4 units and surface parking accessed from Merton Street. Further south along Bayview Avenue are a mixture of 2-storey commercial and office uses and the Mount Pleasant Cemetery.

East: To the immediate east of the subject site, at the northeast corner of Bayview Avenue and McRae Drive is a 2-storey office building at 1391 Bayview Avenue. North of the office building are two 3-storey house form office buildings with medical uses and surface parking in the front yard and St. Cuthbert's Church. Further east are 2 and 3-storey detached dwellings in a *Neighbourhoods* designation.

West: Directly to the west, north-west and south-west of the subject property are 2 and 3-storey detached and semi-detached dwelling units in a *Neighbourhoods* designation.



## Reasons for Application

The Official Plan Amendment application was submitted after OPA 405 was approved by Council, but prior to final approval by the Minister of Municipal Affairs and Housing. At the time the application was submitted, the subject lands were designated *Neighbourhoods* in the Official Plan. As such, the applicant submitted an Official Plan Amendment application out of an abundance of caution to change the land use designation from *Neighbourhoods* to *Mixed Use Areas* and to establish a Site and Area Specific Policy in the Yonge-Eglinton Secondary Plan to permit the proposed 8-storey mixed use building.

Both the City Council and Minister approved OPA 405 contemplated the redesignation of the site to *Mixed Use Areas*, which would permit the proposed use and negate the need for an Official Plan Amendment. The application for Official Plan Amendment was withdrawn by the applicant on December 6, 2019.

The applicant has submitted a Zoning By-law Amendment application to amend the provisions of Zoning By-laws 438-86 and 569-2013 including those related to land use, height, density and setbacks to permit the proposed building. The Zoning By-law Amendment will establish appropriate development standards for the proposal.

An application to permit the demolition of the 13 existing rental dwelling units is required under Chapter 667 of the Toronto Municipal Code as the site contains at least 6 residential dwelling units of which at least one was used for residential rental purposes.

## APPLICATION BACKGROUND

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### Application Submission Requirements

The following reports/studies were submitted in support of the application:

- Arborist Report;
- Energy Strategy Report;
- Functional Servicing and Servicing and Stormwater Management Report;
- Geotechnical Investigation;
- Housing Issues Report;
- Planning Justification Report;
- Public Consultation Strategy;
- Sun/Shadow Study;
- Toronto Green Standard Checklist;
- Transportation Report;
- Tree Inventory and Preservation Plan; and
- Urban Design Guidelines.

Supporting documentation can be viewed at the City's Application Information Centre:  
<http://app.toronto.ca/AIC/index.do>

A Notification of Complete Application was issued on March 26, 2019.

## **Agency Circulation Outcomes**

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards.

## **Statutory Public Meeting Comments**

In making their decision with regard to this application, Council members have been given an opportunity to view the oral submissions made at the statutory public meeting held by the North York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

## **Community Consultation**

City staff hosted a Community Consultation Meeting on May 6, 2019 at the Greenwood College School. Approximately 50 members of the public were in attendance as well as the Ward Councillor. Following a presentation by City staff and the applicant the attendees asked questions and expressed a number of concerns, including:

- The additional volume of vehicular traffic that would be generated by the development and its impact on adjacent streets, particularly Bayview Avenue, Balliol Street and Merton Street;
- Lack of parking spaces on site;
- Public access and traffic in the rear laneway;
- The location of the townhouses in the rear of the building;
- Privacy and overlook concerns related to the height, proposed balconies and terraces on the building;
- Loss of trees on site as part of the construction process and opportunities for tree replacement on site;
- Potential for flooding;
- Consolidation with the lands to the north of the site;
- Lighting impacts on adjacent properties;
- Area school capacity;
- The proposed sidewalk condition, which would be blank and taller than most buildings in the area;
- The viability of the proposed retail space;
- The amount of replacement rental being provided on site; and
- Potential wind impacts from the development.

These comments have been considered in the review of the application.

## **Tenant Consultation**

On May 28, 2019 and October 22, 2019, City Planning staff hosted Tenant Consultation Meetings to review the City's housing policies and outline the various components of a typical Tenant Relocation and Assistance Plan. The May 28, 2019 Tenant Consultation

Meeting was attended by 4 tenants and City Planning staff. During this meeting, tenants had questions regarding the proposed development; criteria for special needs compensation; criteria for the eligible tenants; and permitted rent increases for the replacement rental dwelling units.

The October 22, 2019, Tenant Consultation Meeting was attended by 7 tenants, City Planning staff and the applicant. During this meeting tenants asked questions about the proposed development, criteria for special needs compensation, permitted rent increases for the replacement rental dwelling units, the right-to-return and the process for selecting a replacement rental dwelling unit.

## **POLICY CONSIDERATIONS**

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### **Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans**

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

### **Provincial Policy Statement (2014)**

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that is provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

## **Provincial Plans**

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that is provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

## **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan, 2019 establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, and recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and

- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2019) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2019) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform to the Growth Plan. Comments, submissions or advice affecting a planning matter that is provided by Council shall also conform to the Growth Plan.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform to Provincial Plans. All comments, submissions or advice affecting a planning matter that is provided by Council shall also be consistent with the PPS and conform to Provincial Plans.

Section 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff has reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2019). The outcome of staff analysis and review are summarized in the Comments section of the Report.

## **Toronto Official Plan**

City Planning staff have reviewed the application against the policies of the Official Plan, a number of which are noted below.

## **Chapter 2 - Shaping the City**

### *Section 2.3.1: Healthy Neighbourhoods*

This section of the Official Plan contains policies that specifically address the relationship between *Neighbourhoods* and areas with other Official Plan designations in order to ensure development is sensitive to the physically stable areas within the *Neighbourhoods* designation. Policies in this section require development in *Mixed Use Areas, Regeneration Areas and Apartment Neighbourhoods* that are adjacent or close to *Neighbourhoods* to be: compatible with those *Neighbourhoods*; provide a gradual transition of scale and density, as necessary to achieve the objective of the Official Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*; and, maintain adequate light and privacy for residents in those *Neighbourhoods*.

## **Chapter 3 – Building a Successful City**

Section 3 of the Official Plan contains policies that guide growth by integrating social, economic and environmental perspectives in decision making to create an attractive Toronto with a strong economy and complete communities. The policies focus on the built environment, the human environment, the natural environment, economic health and new neighbourhoods.

### *Section 3.1.1: The Public Realm*

Section 3.1.1 of the Official Plan includes policies on the public realm. The policies encourage development that improves the public realm (streets, sidewalks and open spaces) for pedestrians. This section speaks to the importance of views from the public realm to prominent buildings, structures, landscapes and natural features. Parks and open spaces will be located and designed to connect and extend, wherever possible, to existing parks, natural areas and other open spaces.

New development lots within city blocks will be designed to have an appropriate size and configuration for the proposed land use, scale of development and intended form of buildings and open space, and will promote street-oriented development with buildings fronting onto street and park edges.

### *Section 3.1.2: Built Form*

Section 3.1.2 of the Official Plan speaks to built form. The policies stress that infill and redevelopment sites will need to "fit in", respecting and improving the character of the surrounding area. Developments must be conceived not only in terms of the individual building site and program, but also in terms of how that site, building and its facades fit within the existing and/or planned context of the neighbourhood and the City.

Section 3.1.2 policies provide guidance pertaining to the massing of new buildings to frame adjacent streets in a way that respects the existing and/or planned street proportion, incorporating exterior design elements, form, scale, proportion, pattern and materials, and sustainable design. This is done in order to influence the character, scale and appearance of the development, creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of the Official Plan.

Further, Section 3.1.2 requires new development to be massed to define the edges of streets at good proportion and provide amenity for adjacent streets to make these areas attractive, interesting, comfortable and functional for pedestrians. This can be achieved by, amongst other things, the provision of adequate amenity and landscaped open space, coordinated landscape improvements in setbacks to create attractive transitions from the private to public realms and landscaped open space within the development itself. The intention is to enable new developments to "fit" within its existing context, while also improving the character of the surrounding area.

### *Section 3.2.1: Housing*

Section 3.2.1 of the Official Plan includes policies that encourage the provision of a full range of housing, in terms of form, tenure and affordability, and the protection of rental housing units. Policy 3.2.1.6 states that new development that would result in the loss of six or more rental housing units will not be approved unless all of rental housing units have rents that exceed mid-range rents at the time of application, or in cases where planning approvals other than site plan are sought, the following is secured:

- 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;
- 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
- 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.

## **Chapter 4 - Land Use Designations**

The subject lands were designated *Neighbourhoods* on Map 17 of the Official Plan at the time the application was submitted. The subject lands were redesignated to *Mixed Use Areas* as part of Official Plan Amendment 405. Both City Council's decision, which predates this application and the final Provincial approval of OPA 405 on June 5, 2019, contemplate this change.

### *Section 4.5: Mixed Use Areas*

Section 4.5.1 of the Official Plan states that *Mixed Use Areas* are intended to provide a broad range of commercial, residential and institutional uses in single-use or mixed-use buildings.

Per Section 4.5.2(b) of the Official Plan, development within *Mixed Use Areas* should provide for new jobs and homes on underutilized lands, while locating and massing new buildings to provide a transition between areas of different development intensity and scale. Furthermore, Section 4.5.2(e) states that development in *Mixed Use Areas* should be located and massed to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

Sections 4.5.2(f) and (g) state that development in *Mixed Use Areas* should also provide attractive, comfortable and safe pedestrian environments; have access to schools, parks and community centres as well as libraries and childcare.

Sections 4.5.2 (h), (i), (j) and (k) state that development in *Mixed Use Areas* should also take advantage of nearby transit services; provide good site access and circulation as well as an adequate supply of both visitor and resident parking. In addition, service

areas should be located to minimize impacts on adjacent streets, and any new multi-unit residential development should provide indoor and outdoor amenity space for residents.

## **Chapter 5 – Implementation**

### *Section 5.2.1 - Secondary Plans*

The site is within the Yonge-Eglinton Secondary Plan area. Policy 5.2.1.2 identifies that Secondary Plans may be prepared for a number of reasons. Of particular note for the Yonge-Eglinton area, the Official Plan directs that Secondary Plans will be prepared for areas where development is occurring, or proposed, at a scale, intensity or character which necessitates reconsideration or reconfiguration of local streets, block plans, public works, open space or other public services or facilities.

In June 2015, City Council directed staff to undertake a further review of the Yonge-Eglinton Secondary Plan as part of the Midtown in Focus: Growth Built Form and Infrastructure Review.

City Council adopted the update to the Yonge-Eglinton Secondary Plan through Official Plan Amendment No. 405 (OPA 405) with amendments on July 23, 2018. It was subsequently submitted to the Ministry of Municipal Affairs and Housing for review and approval.

On June 5, 2019, the Minister of Municipal Affairs and Housing issued his decision on OPA 405 with modifications. OPA 405 is now in force, however, the Province introduced a transition policy in the Secondary Plan. This policy states that the Secondary Plan does not apply to complete applications submitted prior to the Plan's approval that are not withdrawn. This application was deemed complete prior to the approval of the Secondary Plan. Nonetheless, the Secondary Plan is informative to the review of this application as it establishes the planned context for the area.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

### **Yonge-Eglinton Secondary Plan, as amended by OPA 289**

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 a full range of housing options (form, tenure) in the Yonge-Eglinton Area suitable for family and other households that is contextually appropriate and compatible with existing residential uses and residential built form.

The Yonge-Eglinton Secondary Plan states that the highest densities will be located in *Mixed Use Area 'A'*, with developments of a lesser scale located in *Mixed Use Area 'B'*, *'C'* and *'D'*. Higher density development is permitted in *Apartment Neighbourhoods* with nearby subway station access. Reduced parking requirements are permitted in the Yonge-Eglinton Secondary Plan area where it can be demonstrated that projected travel



can be accommodated by means other than the automobile. Bicycle linkages, facilities and new pedestrian connections will also be encouraged.

New development will promote architectural excellence while also providing for improvements in the public realm. New flexible community service 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 as well as the public realm.

The Secondary Plan defers to the underlying Official Plan Land Use Designation for the subject site.

The Yonge-Eglinton Secondary Plan, as amended by OPA 289 can be found here: <https://www.toronto.ca/legdocs/bylaws/2015/law0641.pdf>

### **Official Plan Amendment 405 (Midtown in Focus)**

Midtown in Focus was an inter-divisional response to the rapid intensification and change underway in parts of the Yonge-Eglinton area. Building on the 2014 Midtown in Focus: Parks, Open Space and Streetscape Plan, City Council adopted Official Plan Amendment 405 and a series of infrastructure strategies and plans in July 2018. OPA 405 included a new Secondary Plan for the area.

Adopted OPA 405 was submitted to the Province for approval in August 2018. It was approved with modifications by the Minister of Municipal Affairs and housing on June 5, 2019. The approved Secondary Plan sets out a long-term vision for Midtown that emphasizes the importance of complete communities and the diversity of Midtown's character areas. It envisions Midtown as a green, resilient, connected and prosperous place, and where growth is directed near transit. The approved Secondary Plan provides guidance on the appropriate scale and location of future growth and links growth with the provision of infrastructure.

The policy directions in the approved Secondary Plan that are informative to the review of this application include policies related to: land use, character areas, built form, public realm, retail streets and laneways.

#### *Land Use and Character Area:*

As part of OPA 405, the subject lands were redesignated from *Neighbourhoods* to *Mixed Use Areas* on Map 17 of the Official Plan and *Mixed Use Areas "C"* on Map 21-4 of OPA 405. *Mixed Use Areas "C"* are commercial main streets characterized by continuous at-grade narrow-frontage retail, service and institutional uses with office, other commercial and residential uses above.

The lands are located in the Bayview-Leaside Character Area, a Midtown Village, as noted on Map 21-2 of OPA 405. The Midtown Villages are historic main streets that will continue to be vital retail and service destinations for residents, workers and visitors. These areas will accommodate a mix of uses in well-proportioned buildings that

appropriately conserve heritage resources. Buildings will reinforce the local character of these main streets by providing narrow retail frontages, frequent entrances and active uses at grade. The Bayview-Leaside Character area is distinguished by generously-scaled setbacks, wide sidewalks and patios extending along the street.

#### *Built Form:*

Policy 5.3.18 of OPA 405 states that midtown mid-rise buildings are buildings with a range of permitted building heights of generally between five to twelve storeys depending on the Character Area and in consideration of public realm objectives, the space between buildings and street proportion, sunlight conditions on the public realm, transition to low-rise areas, and fit with the desired character for the respective Character Area. The anticipated height range for the Bayview-Leaside Character Area is 8-storeys

Policies 5.3.19 and 5.3.20 also speaks to step backs along all street frontages to be compatible with existing character and to achieve a continuous and consistent street wall or rhythm of buildings and open spaces along the street edge, provide good proportion between buildings and provide for adequate sunlight on sidewalks. Mid-rise buildings will generally provide step backs above the second storey and sixth storey in many of the Midtown Villages.

Per Policy 5.3.26, mid-rise buildings will provide for a stepping down of heights to the rear setback line for properties that abut lands designated *Neighbourhoods*, inclusive of any existing public laneways.

#### *Retail Streets and Public Realm:*

Map 21-5 of OPA 405 identifies this portion of Bayview Avenue as a priority retail street. Per Policy 2.6.1, development on priority retail streets will include, amongst other things: a continuous frontage of at-grade, pedestrian-oriented retail and service uses; design for retail stores and service uses with frequent entrances and architectural detailing; provide prominent entrances with direct access from public sidewalks; and provide a high degree of visibility to allow for a two-way visual exchange.

The public realm in Midtown supports a vibrant mixed-use community with a green landscaped character. Primary public realm objectives of this Plan are to maintain and enhance the green, landscaped character of the area, improve and expand the network of parks, open spaces and create a high-quality public realm and streetscapes to ensure the continued vitality and quality of life in the area. The public realm comprises public and private spaces to which the public has physical and visual access, including streets, parks, open spaces, laneways, walkways, publicly-accessible pedestrian connections and adjacent setbacks.

#### *Laneways:*

An existing laneway runs north to south on the west side of the site, with the southern portion of the site being identified as an area for a new laneway. Per Policy 4.8, Map 21-9 identifies the locations of existing and potential new laneways which could provide

important access to properties primarily located adjacent to Midtown's Major Streets, and that could also contribute to additional pedestrian and cyclist connectivity.

## **Zoning**

The site is currently zoned R4 Z1.0 in Zoning By-law 438-86 and R(d1.0)(x760) in Zoning By-law 569-2013. These zones permit a range of residential building types including detached houses, semi-detached houses, townhouses, duplexes, triplexes, fourplexes and apartments. The site has a maximum permitted height of 14 metres and a maximum permitted density of 1.0 times the area of the lot.

The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

## **Avenues and Mid-rise Buildings Study and Performance Standards**

City Council adopted the Avenues and Mid-rise Buildings Study and an addendum containing performance standards for mid-rise buildings. They identify a list of best practices and establish a set of performance standards for new mid-rise buildings. Key issues addressed include maximum allowable building heights, setbacks and step backs, sunlight and sky view, pedestrian realm conditions, transition to *Neighbourhoods* and *Parks and Open Space Areas* and corner sites. The link to the guidelines can be found at:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/mid-rise-buildings/>.

City Council also adopted a revised Mid-Rise Building Performance Standards Addendum, for staff to use together with the 2010 approved Mid-Rise Building Performance Standards in the preparation of area studies or during the evaluation of development applications, where mid-rise buildings are proposed and Performance Standards are applicable, until such time as City Council adopts updated Mid-Rise Building Design Guidelines. The link to the addendum can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and <http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>

## **Rental Housing 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. The By-law prohibits the demolition or conversion of rental housing units in buildings containing six or more residential 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 the Chief Planner.

Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. These conditions implement the City's Official Plan policies protecting rental housing. Council approval of demolition under Section 33 of the *Planning Act* may also be required where six or more residential 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, City Council typically considers both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council under By-law 885-2007 are not appealable to the Local Planning Appeal Tribunal.

On *February 27, 2019* the applicant made an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code. As per Chapter 667-14, tenant consultation meetings were held to review the impact of the proposal on tenants of the residential rental property and matters under Section 111.

### **Draft Growing Up Urban Design Guidelines**

In July 2017, Toronto City Council adopted the Draft Growing Up Urban Design Guidelines and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals. The objective of the Growing Up Guidelines is for developments to increase liveability for larger households, including families with children, at the neighbourhood, building and unit scale. The draft Guidelines are available at: <https://www.toronto.ca/city-government/planningdevelopment/planningstudiesinitiatives/growing-up-planning-for-children-in-new-verticalcommunities>

### **Site Plan Control**

The application is subject to Site Plan Control. An application for Site Plan has not been submitted.

## **COMMENTS**

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### **Section 2 of the *Planning Act***

The *Planning Act* governs land use planning in Ontario and sets out the means by which a municipality must implement land use planning decisions. In particular, section 2 of the *Planning Act* requires that municipalities, when carrying out their responsibility under the *Act* shall have regard to matters of provincial interest including, 2 (p) the appropriate location of growth and development, (q) the promotion of development that is designed to support public transit and to be oriented to pedestrians and (r) the promotion of built form that, is well designed, encourages a sense of place and provides for public spaces that are of high quality, safe, accessible, attractive, and vibrant.

These matters, which all approval authorities shall have regard for in carrying out their responsibilities under the *Planning Act*, are relevant to this proposal. The proposed

development appropriately addresses these matters by proposing a well-designed built form on a major street, improving the adjacent public realm with new sidewalks and landscaped buffers and by providing housing intensification in an appropriate location which supports public transit.

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2019). A key element of the PPS and the Growth Plan (2019) is to achieve efficiencies of land and infrastructure, and to optimize the use of land.

Staff has determined that the proposal is consistent with the PPS and conforms with the Growth Plan as follows:

### **Provincial Policy Statement (2014)**

The PPS provides for a coordinated and integrated approach to planning matters within municipalities.

Policy 1.1 of the PPS provides a policy framework for managing and directing land use to achieve efficient and resilient development and land use patterns. Policy 1.1.1(a) requires that efficient development and land use patterns be promoted which sustain the financial well being of the Province and municipalities over the long-term. Policy 1.1.1(b) requires that healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential and employment uses to meet long-term needs. Policy 1.1.1(e) requires the promotion of cost effective development patterns and standards to minimize land consumption and servicing costs.

The proposed 8-storey midrise building meets the objectives of Policy 1.1 of the PPS. It promotes an efficient development pattern and utilizes existing municipal infrastructure to optimize efficiency. The proposed development is in a compact form and provides appropriate transition to the adjacent neighbourhood. The site is located in proximity to community services, commercial and office uses and higher order transit. The proposed building would provide a variety of one, two and three bedroom units with commercial uses at grade. The location and mix of uses have the potential to minimize the length and number of vehicle trips and supports transit and energy conservation.

Policy 1.1.3.3 of the PPS refers to appropriate locations for intensification and redevelopment, while Policy 1.1.3.4 refers to appropriate development standards to facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety within settlement areas.

The designation of the subject lands was recently changed to *Mixed Use Areas* by OPA 405 in the City's Official Plan, a designation anticipated to accommodate growth and intensification. *Mixed Use Areas* are intended to provide a broad range of commercial, residential and institutional uses in single-use or mixed-use buildings. The development proposes an acceptable density of 4.03 times the area of the lot with height and massing that provides appropriate transition to the lower-scale adjacent *Neighbourhoods* to the west.

The development site, as a location for intensification, is consistent with those PPS policies that refer to appropriate locations for intensification and redevelopment.

Policy 1.6.7.2 of the PPS states that efficient use shall be made of existing and planned infrastructure. Policy 1.6.7.4 promotes a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and support the current and future use of transit and active transportation.

The proposed development will support greater pedestrian and transit use that will assist in the reduction of vehicle usage.

Policy 1.8.1 of the PPS requires that planning authorities support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and climate change adaptation through land use and development patterns which: promote compact form and a structure of nodes and corridors; promote the use of active transportation and transit in and between residential, employment and other areas; and improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion.

The site is well served by existing and planned transit infrastructure. The site is primarily serviced by surface TTC bus routes (Route 11 - Bayview, Route 28 - Bayview South) that run north-south along Bayview Avenue. The Davisville TTC subway station is located 2.1 kilometres west of the site. Leaside Station, a future Eglinton Crosstown station (formerly Bayview Station) will be located 1.1 kilometres from the site and is anticipated to open in 2021. Each transit route provides or will provide access to surrounding commercial and retail areas and the wider transit network. In addition, a number of commercial and institutional uses are located within 500 metres from the subject site.

The proposal is consistent with the PPS. The proposed land use and density provides a built form that supports an efficient use of land and existing infrastructure. The proposal accommodates an appropriate range and mix of residential and employment uses to meet long-term needs.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)**

The guiding principles of the Growth Plan (2019) support, amongst other matters, the achievement of complete communities that are designed to support healthy and active living and meet people's daily living throughout an entire lifetime and to provide intensification and higher densities in strategic growth areas.

Section 2.2.2.3(c) states that all municipalities will encourage intensification generally throughout the delineated built-up area. The proposal conforms to this policy in that the proposed development is providing intensification along Bayview Avenue, which is located within a delineated built-up area of Toronto and in an area contemplated for mixed use, where mid-rise buildings are considered to be an appropriate form of development.

The development supports the Growth Plan's directive to achieve complete communities by contributing to a mix of housing, and providing a pedestrian-friendly environment on a site with convenient access to local stores and businesses, public service facilities such as parks, and existing public transit. The proposed development is located on Bayview Avenue; a street identified as a Major Road in the City's Official Plan; is well served by surface bus routes and is within 500 metres of commercial and office uses to the north. The provision of cash-in-lieu of parkland will contribute to the expansion and improvement of the local park network. The proposal improves the adjacent streetscape with new sidewalks and a landscaped boulevard thereby supporting greater pedestrian activity.

The proposal will also assist in diversifying the mix and range of housing options for residents in the neighbourhood and provide new residential units in a location that will support the existing community infrastructure, public open spaces, and public transportation.

Policy 2.2.4.10 of the Growth Plan states that lands adjacent to or near existing and planned frequent transit should be transit-supportive. The proposed mid-rise development will house additional residents that will become potential transit riders for the existing and planned transit service. The proposed development will be connected to the neighbourhood sidewalk network to ensure pedestrian connectivity, and public realm improvements will provide an attractive and comfortable pedestrian environment, thereby encourage walkability for existing and future residents.

The proposal conforms with the Growth Plan for the Greater Golden Horseshoe as it contemplates development in a location supported by transit and ensures the provision of complete communities through the provision of a range of housing and improved access to local stores and businesses.

### **City of Toronto Official Plan**

This application has been reviewed against the Official Plan policies described in the Background Section of this report as well as the policies of the Official Plan as a whole. The proposed mid-rise building meets the intent of the City's Official Plan policies with respect to land use and built form and provides for appropriate intensification along Bayview Avenue.

### **Land Use**

This application was received by the City of Toronto on February 27, 2019. At the time, OPA 405 had been approved by City Council, which redesignated the subject site from *Neighbourhoods* to *Mixed Use Areas* on Map 17 of the Official Plan and *Mixed Use Areas "C"* in the Yonge-Eglinton Secondary Plan, though final approval had not been granted by the Minister of Municipal Affairs and Housing.

OPA 405 received approval with modifications from the Minister of Municipal Affairs and Housing on June 5, 2019. No change was made to the redesignation of the subject site to *Mixed Use Areas* in the Official Plan and *Mixed Use Areas "C"* in the Yonge-Eglinton Secondary Plan. Planning staff are of the opinion that a redesignation of the site from

neighbourhoods to Mixed Use Areas is appropriate as reflected in OPA 405. Therefore, the below review considers the proposal within the policy context of the *Mixed Use Areas* designation of the Official Plan and *Mixed Use Areas "C"* designation in the Yonge-Eglinton Secondary Plan.

*Mixed Use Areas* are intended to provide a broad range of commercial, residential and institutional uses and buildings are to be massed to provide a transition between areas of different development intensity and scale. The proposed mid-rise building is designed to fit within a 45-degree rear angular plane and steps down towards the *Neighbourhoods* designated lands to the west, which limits overlook and provides appropriate transition.

The proposed mid-rise building would take advantage of available transit services and is providing adequate site access and circulation via an internal below-grade parking garage from Bayview Avenue and pedestrian access from Bayview Avenue. All service areas are located internally within the proposed building, which minimizes impacts on adjacent streets. In addition, a total of 128 square metres of indoor amenity area and 65 square metres of outdoor amenity area is being provided on the ground floor and at the rear of the site at grade.

Per Section 2.5.9 of OPA 405, *Mixed Use Areas "C"* are characterized by commercial main streets with continuous at-grade narrow-frontage retail, service and institutional uses with residential uses above. The building proposes narrow-frontage commercial uses at grade; residential units on the second floor and above; and is providing a mix of uses with three pedestrian entrances and active uses on the ground floor.

*Mixed Use Areas* can accommodate different forms of intensification, including mid-rise buildings. The proposed land uses are permitted within the *Mixed Use Areas* designation; the proposal provides transit supportive density in proximity to existing bus routes and the future Eglinton-Crosstown; and is consistent with the planned context of this area.

City Planning Staff are of the opinion that the proposal meets the intent of the *Mixed Use Areas* policies of the Official Plan.

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

The mixed use building is proposed at a density of 4.03 times the area of the lot with an overall building height of 8-storeys (27.85 metres). The height and density represent an increase from the current Zoning By-law's permissions, which are 14 metres and 1.0 times the area of the lot, respectively.

The proposal was reviewed in the context of the Official Plan Built Form policies contained within Chapter 3 of the plan, and the relevant performance standards from the City of Toronto Mid-Rise Building Performance Standards and Addendum. These policies seek to ensure adequate transition to areas of lower scale, appropriate relationship to adjacent streets, and the limiting of light, view and privacy impacts on the surrounding area.



Official Plan Policy 2.3.1 provides direction on development in *Mixed Use Areas* that are adjacent or close to *Neighbourhoods*. Policy 2.2.1.2(b) states that development will provide a gradual transition of scale and density, as necessary to achieve the objectives of the Plan through the stepping down of buildings towards and setbacks from those neighbourhoods. The City of Toronto Mid-Rise Building Performance Standards provide guidance pertaining to building size, shape and quality that are intended to implement this section of the Official Plan.

Official Plan Policy 3.1.2 requires that new development be massed and located to fit within the existing and planned context. A variety of built forms are appropriate in *Mixed Use Areas*, including mid-rise buildings. The site is an appropriate location for a building with a mid-rise typology.

The Mid-Rise Building Performance Standards provide additional guidance respecting building height, massing and transition within *Mixed Use Areas* designations to achieve the objectives of the City's Official Plan. The Mid-Rise Performance Standards establish that the building be no taller than the adjacent street's planned right of way width to achieve a building that is moderate in height and allows for sunlight on the street. Per Map 3 of the Official Plan, Bayview Avenue has a non-uniform width, to be retained as existing at the time of Plan adoption. As it exists today, the width of Bayview Avenue in this location is approximately 20 metres.

The Mid-Rise Building Performance Standards recommend that buildings meet a 45-degree angular plane along the front façade, measured at a height of 80% of the right of way width in order to ensure a building envelope that allows for 5 hours of sunlight on the opposite sidewalk as well as ensuring the street wall is in proportion to the planned right of way width of the street. While it is recognized that the building as proposed would penetrate the 45 degree front angular plane, it is of note that the building is setback 3 metres from the east property line abutting Bayview Avenue which lessens the impact on Bayview Avenue. Further, over 5 hours of sunlight is being provided on the sidewalk on the opposite side of Bayview Avenue during the spring and fall equinoxes.

A 0.5 metre stepback above the second storey and 2.5 metre stepback above the sixth storey are proposed. OPA 405 identifies a height range of generally 8-storeys for the Bayview-Leaside Character Area.

Staff have concluded that the orientation of the building on the site and the stepbacks and massing of the building along Bayview Avenue is generally in keeping with the intent of the 1:1 height ratio. Although the proposed building exceeds the 1:1 ratio by 8 metres as prescribed by the Mid-Rise Building Performance standards based on the width of the existing right-of-way, the proposed height and massing is in keeping with the planned context in this area, which is informed by OPA 405, and is appropriate for this site.

As a measure for providing a gradual transition to the *Neighbourhoods* designated properties at the rear, the Mid-Rise Building Performance Standards recommend that buildings meet 45 degree rear angular planes. The proposed development largely meets a 45 degree angular plane when taken at the required rear yard setback of 7.5

metres at a height of 10.5 metres. There are minor intrusions of balcony guardrails and planters. This provides a terraced building at the rear of the property with a gradual transition of height from the adjacent neighbourhood (Attachment 9). The transition provided to the neighbourhoods to the west is appropriate.

In addition, the Mid-rise Performance Standards 19D (Character Area: Fine Grain Fabric) and 19E (Character Area: Consistent Cornice line) also speak to the importance of new mid-rise buildings in Character Areas, that have a fine grain, main street fabric and be designed to reflect a similar rhythm of entrances and multiple retail units and should maintain a consistent front façade cornice line for the first step-back by establishing a "datum line" or an average of the existing cornice line. The application meets this performance standard as it relates to street wall height along Bayview Avenue. Fine grade retail uses at grade are proposed that reflect the rhythm of entrances and multiple retail units envisioned for Bayview Avenue.

The proposed ground floor height of 6.5 metres is greater than the minimum floor-to-ceiling height of 4.5 metres, which is generally provided except where the historic character of a block includes a lesser prevailing floor-to-ceiling height on priority retail streets. As this is the first development within this immediate block on the west side of Bayview Avenue to provide retail uses, it is important that future applications in the Village ensure consistent floor to ceiling heights with the built form context to the north, south and east of the site. Staff will continue to review the floor-to-ceiling heights for the ground floor retail throughout the site plan process to ensure the final design reflects the built form character of the area context.

Of note is the design of the blank north and south facing exterior walls above the third storey, which was expressed as a concern at the Community Consultation Meeting (Attachments 12 and 13). The Mid-Rise Building Performance Standards (Section 3.2, 8B), state that blank sidewalls should be designed as an architecturally finished surface and large expanses of blank sidewalls should be avoided. Staff will work with the applicant to ensure an appropriate architectural treatment is included prior to the introduction of the amending Zoning By-laws to Council.

## **Sun and Shadow**

The Mid-Rise Building Performance Standards also speak to the importance of building envelopes for mid-rise buildings allowing for a minimum of 5 hours of sunlight on the opposite street sidewalk to create comfortable, sunlit main streets between the equinoxes from March 21st to September 21st. Typically, midrise buildings on north-south streets demonstrate sunlight on the opposite sidewalk for 5 hours from 9:18 a.m. to 2:18 p.m. The applicant's shadow studies illustrate that they are able to comply with the requirement during the spring and fall equinoxes.

The proposal casts some shadow on the adjacent *Neighbourhoods* designation, to the west and north of the site, between 9:18 a.m. and 11:18 a.m. on the March 21st to September 21st equinoxes. The mid-rise typology on this site mitigates the shadow impacts on the *Neighbourhoods* designation.

Staff is satisfied with the proposal given that it does not create unacceptable shadow impacts onto the Bayview Avenue east sidewalk and onto the designated *Neighbourhoods* to the north and west.

## **Wind**

A detailed Pedestrian Level Wind Study will be required as part of the Site Plan Control application. That study will require a wind tunnel analysis with additional sensor areas, within and beyond the site to provide a fulsome review of potential wind conditions as well as necessary mitigation measures that will be implemented through detailed design.

## **Amenity Space**

The application proposes a total of 203 square metres of total amenity space, of which 130 square metres (2 m<sup>2</sup> per unit) is for indoor amenity and 73 square metres (1.12 m<sup>2</sup> per unit) is for outdoor amenity. Indoor and outdoor amenity space is proposed at grade at the rear of the building.

While the proposed outdoor amenity area is less than the Zoning By-law requirement of 2 square metres of indoor and outdoor amenity area per unit, staff are satisfied that the combination of indoor amenity area and private terraces in each unit provide for sufficient amenity space.

## **Streetscape**

The Official Plan Public Realm policies in Section 3.1.1.6 require that sidewalks and boulevards be designed to provide safe, attractive and comfortable spaces for pedestrians.

The proposed development will replace the existing 1.5 metre sidewalk along the west side of Bayview Avenue with a 2.1 metre wide sidewalk. Three (3) new street trees would be planted along the Bayview Avenue frontage. The proposal also provides a paved setback of 3 metres on private property with decorative unit pavers at the residential entrance along Bayview Avenue, 4 new benches and 5 new bicycle rings.

The design of the boulevard along Bayview Avenue and weather protection along the non-residential portions of the building will continue to be designed and secured through the Site Plan Control process.

## **Rear Laneway - Widening and Active Uses**

An existing 3.05 metre wide public laneway runs north-south between the subject site and the residential properties to the north and west fronting Balliol Street (Attachment 2). As a condition of approval, Transportation Services request a 1.98 metre widening of the existing public lane extending along the western boundary of the site.

While a laneway connection southwards to Merton Street may not be possible at this time, the dedication will provide for the completion of the public lane to City standards in the future.

It is of note that as part of the initial Zoning By-law application submission, 3 townhouse dwelling units were proposed with pedestrian access taken from the rear lane. As the design of the building has been refined, these townhouse units have been removed. The mechanical area has been located to the ground floor facing the laneway in the location where the townhouses were located.

Improvements to the existing laneway condition, opportunities for additional outdoor amenity area at the rear of the building and the potential for improved pedestrian and bicycle access will be explored with the applicant as part of a forthcoming Site Plan Control application.

### **Traffic Impact and Access**

The applicant submitted a Traffic Impact Study (TIS) as part of this application. The consultant concludes that the traffic generated by the proposed development can be accommodated by the adjacent street system without the need for intersection improvements. Transportation Services staff accepts the findings of the applicant's TIS.

Site access is now proposed to be provided via an all-moves driveway connection onto Bayview Avenue at the north end of the site. The driveway connection provides access to the site's proposed loading facilities and a ramp to the underground parking area.

Per Section 4.11 of OPA 405, laneway access reduces the need for direct driveway accesses from Major Streets and would reduce conflicts with pedestrians and cyclists on Bayview Avenue and the sidewalk fronting Bayview Avenue. Rear laneway access to the site is typically preferred.

Access to the site was initially proposed via the existing laneway at the rear of the site southward from Balliol Avenue. Through Transportation Staff's review of the application, it was concluded that the width and 'dead end' configuration of the laneway will not provide adequate width for waste collection vehicles accessing the internal loading area or safe two-way residential vehicular access to the building from Balliol Avenue.

Transportation Services is generally satisfied with the proposed vehicular access from Bayview Avenue in this instance. Further review of the access design will be undertaken during Site Plan review to ensure the proposed access is safe and properly signed.

The ground floor of the building has been redesigned in a manner that would allow access from either the laneway or Bayview Avenue. The Draft Zoning By-law Amendments (Attachments 6 and 7) provide flexibility to permit access from both Bayview Avenue and the existing laneway at the rear should the surrounding properties ever redevelop and an adequate laneway width can be achieved.

Additional comments with respect to access, design and layout of the proposed parking facilities, ingress and egress and other site plan issues will be provided during the Site Plan Review process.

## Parking

The parking requirements for the project are governed by the applicable parking provisions contained in the former City of Toronto Zoning By-law 438-86 and Zoning By-law 569-2013. The latter was developed by City staff in order to update the parking requirements for developments. The parking provisions contained in this By-law have been accepted by staff on recent development projects, where appropriate, as the associated parking standards are based on more recent information when compared to the former City of Toronto Zoning By-law.

The proposed development falls within a residential zone in the "All Other Areas in the City" policy zone, as defined by By-law 569-2013. However, Transportation Services recommends the application of Zoning By-law No. 569-2013 Policy Area 4 (PA 4) parking rates due to the following:

- There is excellent public transit service in the area;
- The site is in proximity to the future LRT station at the Bayview Avenue and Eglinton Avenue East intersection; and
- Transportation Demand Management (TDM) strategies will be implemented.

A summary of the parking requirements for this project in accordance with the above-noted parking provisions is provided in the following table.

*Table 1 – Parking Requirements as per Zoning By-law No. 569-2013 (PA4)*

Use	Scale	Parking Rate		No. of Spaces	
		Min	Max	Min	Max
Residential					
1 Bedroom	17 units	0.8	1.2	13	20
2 Bedrooms or More	40 units	0.9	1.3	36	52
3 Bedrooms or More	8 units	1.1	1.6	8	12
Visitors	65 units	0.15	-	9	-
Retail	143 m <sup>2</sup>	N/A	-	-	-
Sub-Total Residents				57	84
Sub-Total Visitors				9	-
Total				66	-

A total of 73 parking spaces are proposed for the site within three levels of below-grade parking, which includes 64 residential parking spaces, 9 visitor parking spaces and 0 retail parking spaces.

In addition, By-law 579-2017 requires a minimum of one accessible parking space for every 25 parking spaces. A total of 2 accessible parking spaces are provided for the subject site which satisfies the minimum requirements of By-law 579-2017.

Travel Demand Measures (TDM) are aimed at encouraging people to take fewer and shorter vehicle trips to reduce congestion, energy consumption and pollution. In the past, transportation planning has often focused on supply-side solutions by identifying where additional transportation capacity is needed to satisfy forecast travel demands. Travel Demand Measures in contrast, put the emphasis on changing travel behaviour to modify and reduce our demand for vehicular travel in cities. Travel Demand Measures are most effective when supported by complementary actions in the key areas of land use planning and public transit improvements. Typical travel demand management (TDM) policies and programs include, but are not limited to: Parking supply management strategies such as parking maximums; Car sharing /bike sharing; Smart Commute; School / trip planning; Development-related transit initiatives; and Cycling programs and citywide cycling networks.

More comments pertaining to the design and configuration of the proposed parking as well as Travel Demand Measures for this proposal will be secured as part of the applicant's Site Plan Control Application.

### **Servicing**

The applicant has submitted a Functional Servicing Study, Stormwater Management Report and Sanitary Capacity Analysis Report, most recently dated October 4, 2019.

The report concludes there is generally sufficient servicing capacity within the existing and planned municipal infrastructure to accommodate the proposed development.

### **Housing Issues**

The proposed unit mix provides for 8, 3-bedroom units (12.3% of the total proposed units) and 40, 2-bedroom units (61.5% of the total proposed units).

This adequately supports the unit mix objectives of the Growing Up Guidelines, Official Plan housing policies and the Growth Plan's Growth management and housing policies to accommodate within new development a broad range of households, including families with children.

### **Rental Housing**

The residential buildings at 1408, 1410, 1412, 1414, 1416 and 1420 Bayview Avenue contain a total of 14 dwelling units; 13 rental dwelling units (2 one-bedroom, 9 two-bedroom units, 1 three-bedroom and 1 four-bedroom) and 1 single-detached dwelling unit that was owner-occupied at the time of application.

### **Replacement Rental Dwelling Units**

The applicant has proposed to provide and maintain 13 replacement rental dwelling units on the second and third floors of the proposed mixed-use building. The unit mix for the proposed replacement rental dwelling units will be the same as the existing rental unit mix.

The 13 replacement rental dwelling units will have the following unit mix and rent classification;

- 2, one-bedroom rental dwelling units with affordable rents;
- 9, two-bedroom rental dwelling units, which include 2 units with affordable rents, 6 units with mid-range rents and 1 unit with high-end rent;
- 1, three-bedroom rental dwelling unit with mid-range rent; and
- 1, four-bedroom rental dwelling unit with high-end rent.

The average unit size and total gross floor area of the replacement rental dwelling units will be slightly larger than the existing rental dwelling units. Ensuite laundry shall also be provided in each replacement rental dwelling unit at no additional cost to tenants.

Tenants of the replacement rental units will have access to all indoor and outdoor amenities and long-term bicycle parking spaces on the same terms and conditions as condominium residents, 4 storage lockers, and 5 vehicle parking spaces. The monthly vehicle parking and storage fee for returning tenants shall not exceed what they paid during their tenancy.

Agreements pursuant to the *Planning Act* and *City of Toronto Act*, including a Section 37 agreement will secure all details regarding the replacement rental housing, including the number of replacement units, minimum unit sizes, and future tenants' access to all facilities and amenities.

### **Tenure and Rents for the Replacement Rental Dwelling Units**

The applicant has agreed to provide and maintain the 13 replacement rental dwelling units within the proposed building for at least 20 years, beginning from the date that each replacement rental dwelling unit is first occupied and until the owner obtains approvals for a Zoning By-law Amendment removing the requirement for the replacement rental dwelling units to be maintained as rental units

The applicant has also agreed to secure the rents for 11 of the 13 replacement rental dwelling units for at least 10 years, beginning from the date that each replacement rental dwelling unit is first occupied. The remaining 2 replacement rental dwelling units will have unsecured rent as they are replacing 2 existing rental dwelling units that had high-end rents at the time of application.

### **Tenant Relocation and Assistance Plan**

The owner has agreed to provide tenant relocation and assistance which will be to the satisfaction of the Chief Planner and Executive Director, City Planning and secured through the Section 37 and Section 111 Agreements with the City. The Tenant Relocation and Assistance Plan will assist tenants in finding and securing alternative accommodations while the replacement rental dwelling units are being constructed. As part of this plan, eligible tenants will receive the following:

- At least 6 months' notice of the date that they must vacate their rental dwelling unit;
- The right to return to one of the replacement rental dwelling units in the new building;

- Compensation equal to 3 months rent pursuant to the *Residential Tenancies Act*;
- A move-out moving allowance and a move-back moving allowance if they exercise their right to return to a replacement rental dwelling unit;
- A rental leasing agent available upon request;
- Additional compensation based on length of tenure; and
- Any special needs compensation as determined by the Chief Planner.

As part of this plan, post application tenants will receive the following:

- At least 6 months' notice of the date that they must vacate their rental dwelling unit;
- Compensation equal to 3 month's rent pursuant to the *Residential Tenancies Act*;
- A rental leasing agent available upon request;
- A move-out moving allowance and a move-back moving allowance if they exercise their right to return to a replacement rental dwelling unit; and
- Any special needs compensation as determined by the Chief Planner.

City Planning staff are satisfied with the applicant's proposed Tenant Relocation and Assistance Plan as it conforms with the City's standard practices.

### **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the city. The lands which are the subject of this application are in an area with 0 to 0.42 hectare of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The residential component of this proposal is subject to a cap of 10% parkland dedication while the non-residential component is subject to a 2% parkland dedication.

The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted upon the submission of an application for the first above ground building permit and is valid for six months. Payment will be required prior to the issuance of said permit.

### **Tree Preservation**

The development is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees by-law) and III (Private Tree by-law). An Arborist Report and Tree Inventory and Preservation Plan, prepared by Kuntz Forestry Consulting Inc, dated January 24, 2019 and a Landscape Plan prepared by Brook McIlroy, dated October 19, 2019 were submitted and reviewed.

The Tree Inventory & Preservation Plan documented 19 trees on and within 6 metres of the subject property, of which 14 trees would be removed. One (1) of the trees is City-owned and is required to be maintained. Four (4) new trees are proposed to be planted



within the City's right-of-way along Bayview Avenue, one of which will need to be eliminated to provide for adequate soil volume.

A revised arborist report and tree preservation plan are required as part of a Site Plan Approval application. The applicant is to submit a tree planting deposit to ensure the planting and survival of three (3) new City trees. In addition, Forestry requires a cash-in-lieu payment; amount to be determined, for the planting of new trees off-site to replace the private trees proposed for removal should they not be able to be replanted on-site.

### **Toronto Green Standard**

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured in Zoning By-Law Amendments, on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS. The Zoning By-law would secure performance measures for the following Tier 1 development features: provision of space for bicycles and Low Emitting Vehicle Spaces. Other performance measures such as sidewalk space and pedestrian connectivity, Waste Collection and Sorting, building design to achieve energy efficiency, landscaped areas with water efficient plants and native species and a green roof will be secured through the site plan control application.

### **Site Plan Control**

A site plan control application has not been submitted to date. The site plan control application is required and will examine the design and technical aspects of the proposed development in detail. Aspects of the proposal such as: building materials, the north-south blank façade treatment, lighting impacts on adjacent properties, site access, waste storage, parking, loading, servicing and landscaping will be reviewed in greater detail as part of the site plan control application. Transportation Demand Management (TDM) measures agreed upon with the City will also be secured as part of site plan control.

### **School Boards**

The application was circulated to both the Toronto Catholic District School Board (TCDSB) and the Toronto District School Board (TDSB).

The TCDSB has identified that the proposal falls within the fixed attendance boundary of St. Monica Catholic School, as well as Marshall McLuhan Catholic Secondary School and St. Patrick Catholic Secondary School. The TCDSB has indicated that the local elementary and secondary schools are operating at capacity and cannot accommodate additional students from the development. The TCDSB has identified that they have concerns with school accommodation in the area. The TCDSB has advised that

clauses be included in the Site Plan Control Agreement, as well as within agreements of purchase and sale for the units proposed for this development.

The TCDSB has also indicated that under the Education Development Charges (EDC) By-law 194, as amended, the TCDSB is eligible to levy EDC's in this area towards the acquisition of land for an elementary and secondary school.

The TDSB has indicated that they do not support the development application at this time. They have indicated that the area is experiencing residential intensification and population growth that is presenting a challenge to accommodate future students. The TDSB has determined that there is insufficient space at the local schools to accommodate the students anticipated from the proposed development.

Although the TDSB does not support the application at this time, the TDSB has indicated that should the City recommend the approval of the application, that warning clauses be included that inform potential purchasers and the local community that sufficient accommodation may not be locally available for all students anticipated from the development area, and that students may be accommodated in facilities outside the area.

## **Section 37**

The Official Plan provides for the provision of Section 37 contributions. A total of 6,337 square metres of gross floor area is proposed, which is below the 10,000 square metre threshold for a Section 37 contribution. However, as per Official Plan Policy 5.1.1.5, Section 37 may be used, irrespective of the size of the project or the increase in height and/or density to conserve rental housing.

The 13 replacement rental dwelling units; the tenure and rents for the replacement dwelling units; and a tenant relocation and assistance plan are recommended to be secured in the Section 37 Agreement as a legal convenience to support the development. This agreement will stipulate that none of the replacement rental units will be permitted to be registered as condominium or any other form of ownership, converted for non-rental housing purposes, or demolished for a 20 year period, from the date that any implementing by-law comes into effect.

## **Conclusion**

The proposal for an 8-storey mid-rise building with a mixture of residential and commercial uses has been reviewed against the policies of the PPS (2014), the Growth Plan (2019), and the Toronto Official Plan. Staff is of the opinion that the proposal is consistent with the PPS (2014) and conforms to and does not conflict with the Growth Plan (2019). Furthermore, the proposal conforms with the City's Official Plan, particularly as it relates to intensifying a *Mixed Use Areas* site within proximity to higher order transit and providing a range of housing types.

The proposal provides an appropriate transition to the neighbourhood to the west and provides an improved public realm along the Bayview Avenue street frontage with new sidewalks and landscaping. The proposal provides residential intensification and public

realm improvements to a site within a *Mixed Use Areas* designation. This development will provide housing options for the community with additional residents to support existing and planned transit infrastructure and local business.

Staff is recommending approval of the Zoning By-law Amendment application and approval of the demolition of 4 residential buildings at 1408, 1410, 1412, 1414, 1416, and 1420 Bayview Avenue containing 13 existing rental dwelling units subject to the conditions set out in the recommendations in this report.

## CONTACT

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## SIGNATURE

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Joe Nanos, Director  
Community Planning, North York District

## ATTACHMENTS

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### City of Toronto Data/Drawings

Attachment 1:	Application Data Sheet
Attachment 2:	Location Map
Attachment 3a:	Official Plan Land Use Map (Pre-OPA 405)
Attachment 3b:	OPA 405 Amending Land Use Map (Schedule II, Map 4 of By-law 1284-2018)
Attachment 4:	Yonge-Eglinton Secondary Plan Map (OPA 405)
Attachment 5:	Existing Zoning By-law Map - Zoning By-law No. 569-2013
Attachment 6:	Draft Amendment to Zoning By-law No. 438-86
Attachment 7:	Draft Amendment to Zoning By-law No. 569-2013

### Applicant Submitted Drawings

Attachment 8:	Site Plan
Attachment 9:	East-West Building Section
Attachment 10:	East Elevation
Attachment 11:	West Elevation
Attachment 12:	North Elevation
Attachment 13:	South Elevation
Attachment 14:	Building Rendering

## Attachment 1: Application Data Sheet

Municipal Address: 1408-1420 BAYVIEW AVE Date: February 27, 2019

Application Number: 19 120011 NNY 15 OZ

Application Type: OPA / Rezoning, OPA & Rezoning

**Project Description:** This application proposes to amend City Zoning By-law Nos. 438-86 and 569-2013 to permit the redevelopment of the subject lands for a 8-storey (27.85 metre high) mixed use building containing 65 residential units (inclusive of 13 replacement rental dwelling units) and 143 square metres of non-residential gross floor area on the ground floor resulting in an overall density (Floor Space Index - FSI) of 4.03 times the lot area. The proposed development would include 73 parking spaces in a three-level underground garage.

<b>Applicant/Owner</b>	<b>Agent</b>	<b>Architect</b>
1414 BAYVIEW DEV GP INC	Andrew Woods	architectsAlliance
1 St. Clair Ave W, Suite 401	1 St. Clair Ave W, Suite 401	205-317 Adelaide St W
Toronto, ON	Toronto, ON	Toronto, ON
M4V 1K6	M4V 1K6	M5V 1P9

### EXISTING PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	N
Zoning:	R (d1.0) (x760)	Heritage Designation:	N
Height Limit (m):	14	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq m): 1,572      Frontage (m): 43      Depth (m): 40

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	970		1,214	1,214
Residential GFA (sq m):	1,243		6,194	6,194
Non-Residential GFA (sq m):			143	143
Total GFA (sq m):	1,243		6,337	6,337
Height - Storeys:	3		8	8
Height - Metres:	14		28	28

Lot Coverage Ratio (%)	77.23	Floor Space Index:	4.03
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Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	6,194	
Retail GFA:	143	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	13		13	13
Freehold:				
Condominium:			52	52
Other:				
Total Units:	13		65	65

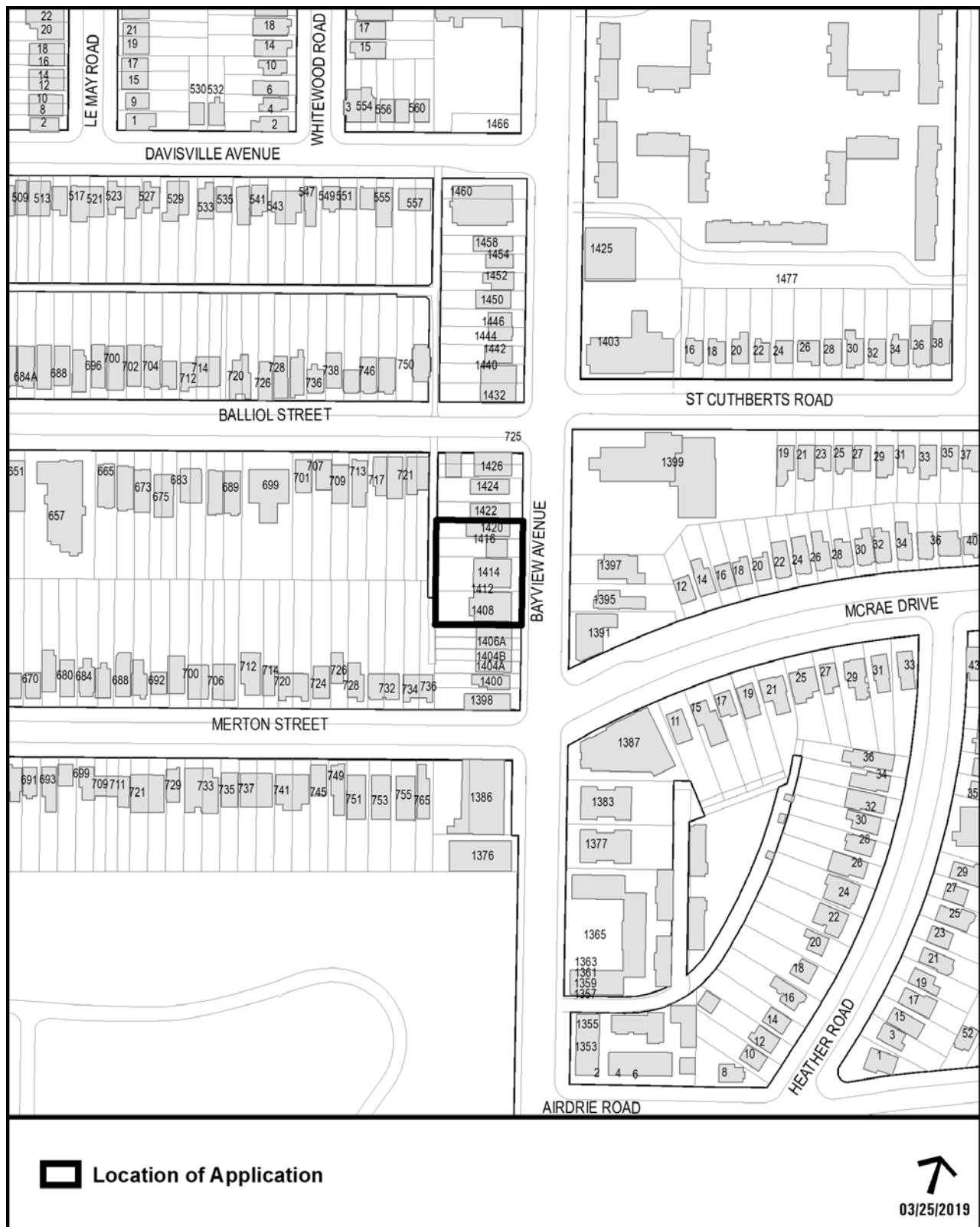
#### Total Residential Units by Size

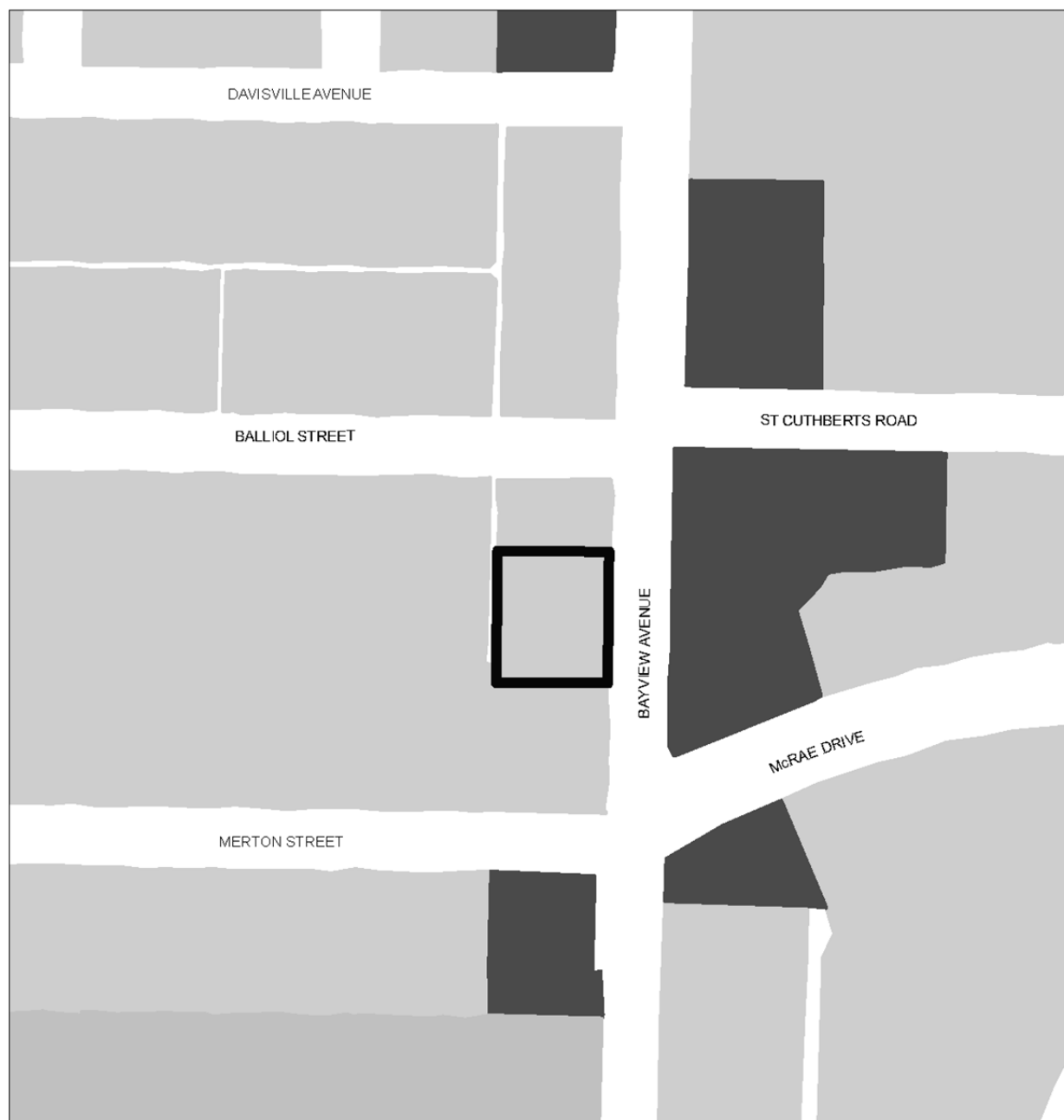
	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			17	40	8
Total Units:			17	40	8

#### Parking and Loading

Parking Spaces:	73	Bicycle Parking Spaces:	65	Loading Docks:	1
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## Attachment 2: Location Map










1408, 1410, 1412, 1414, 1416 & 1420 Bayview Avenue

## Official Plan Land Use Map #17

19 120011 NNY 15 02

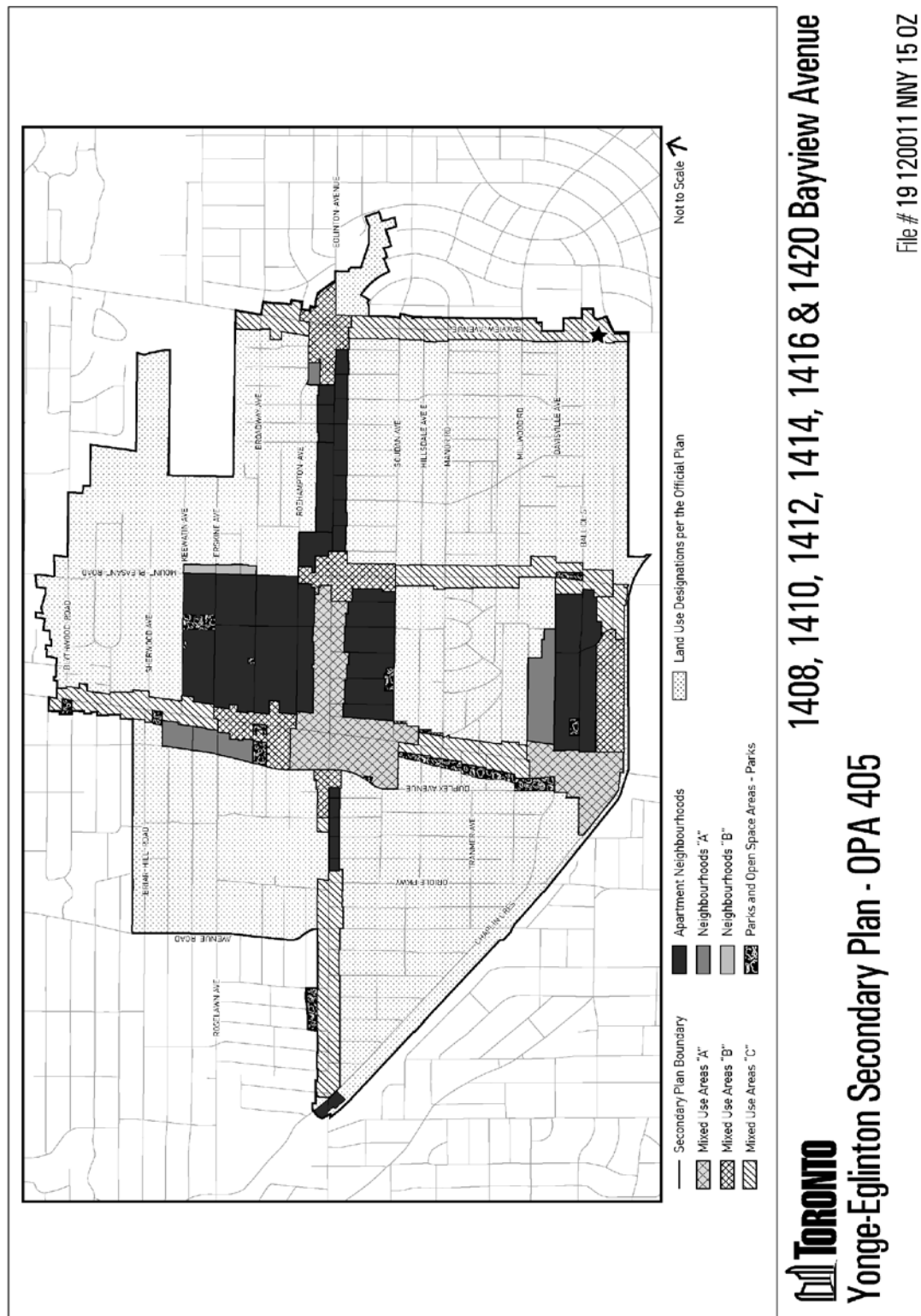
	Location of Application		Parks & Open Space Areas
	Neighbourhoods		Other Open Space Areas
	Mixed Use Areas		

↑  
Not to Scale  
11/27/2019

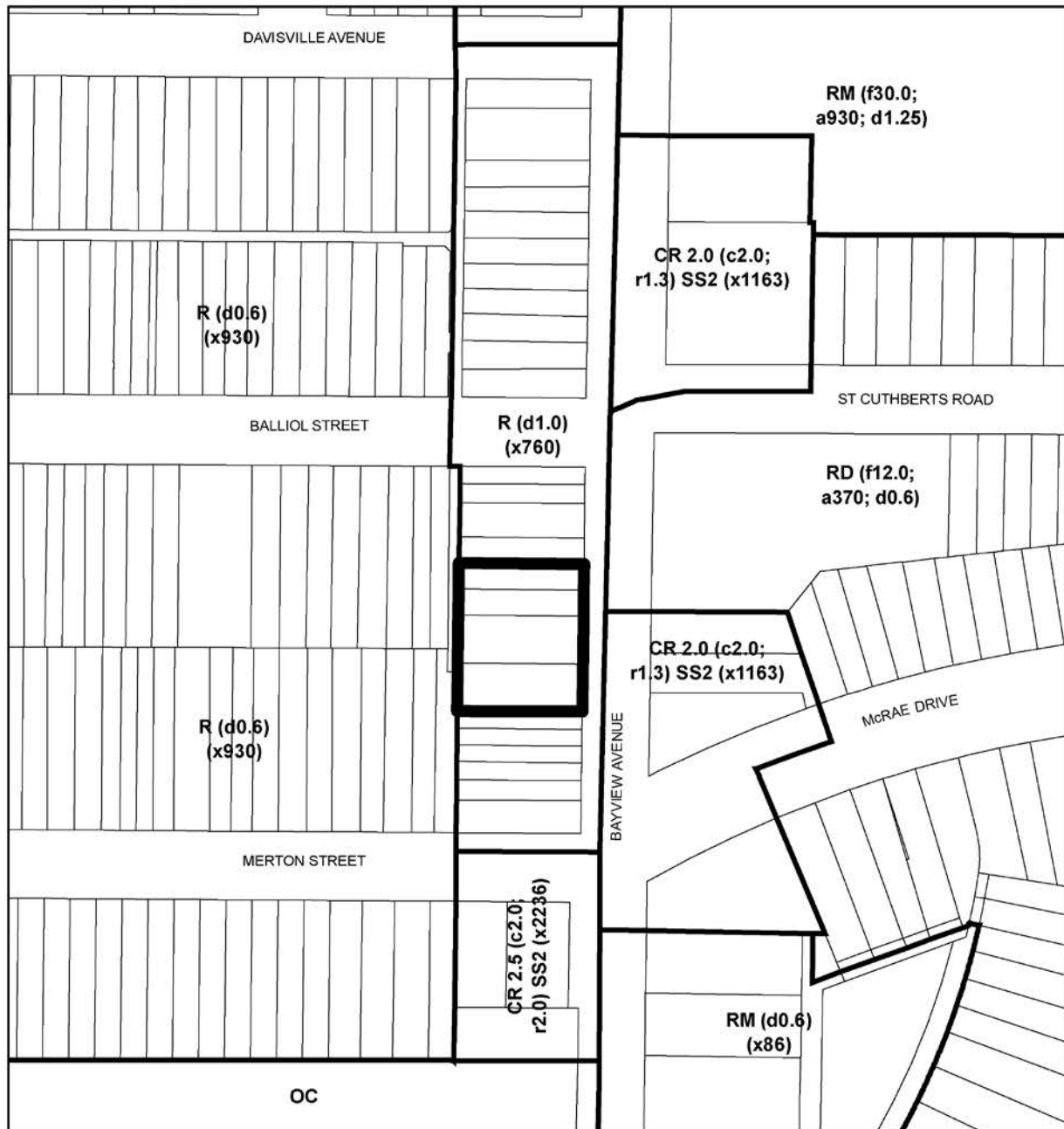
Attachment 3b: OPA 405 Amending Land Use Map (Schedule II, Map 4 of By-law 1284-2018)







Attachment 5: Existing Zoning By-law Map - Zoning By-law No. 569-2013



1408, 1410, 1412, 1414, 1416 & 1420 Bayview Avenue

Zoning By-law 569-2013

File # 19 120011 NNY 15 02



Location of Application

R	Residential	RM	Residential Multiple
RD	Residential Detached	CR	Commercial Residential
		OC	Open Space Cemetery



Not to Scale  
Extracted: 11/27/2019

Attachment 6: Draft Amendment to Zoning By-law No. 438-86

Authority: North York Community Council Item ~ as adopted by City of Toronto Council on ~, 2020  
Enacted by Council: ~, 2020

CITY OF TORONTO

Bill No. ~  
BY-LAW No. ~-2020

To amend City of Toronto Zoning By-law No. 438-86, as amended, respecting the lands municipally known in the year 2020 as 1408, 1410, 1412, 1414, 1416 and 1420 Bayview Avenue

Whereas authority is given to Council by Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

Whereas pursuant to Section 39 of the Planning Act, the council of a Municipality may, in a by-law passed under section 34 of the Planning Act, authorize the temporary use of land, buildings, or structures for any purpose set out therein that is otherwise prohibited by the by-law; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and/or density of development; and

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, may authorize increases in the height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matter as are set out in the by-law; and

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

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increases in height permitted beyond that otherwise permitted on the aforesaid lands is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of the land and the City of Toronto (hereinafter referred to as the "City"); and

Whereas the Council of the City has required the owner of the aforesaid lands to enter into one or more agreements for the provision of certain facilities, services and matters in return for the increases in height permitted by this By-law;

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

1. Pursuant to Section 37 of the Planning Act, the density of development permitted by this By-law is permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the owner of the lot of the facilities, services and matters set out in Schedule A, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the Planning Act.
2. Upon execution and registration of an agreement or agreements between the City and the owner of the lot pursuant to Section 37 of the Planning Act securing the provision of the facilities, services and matters set out in Schedule A, the lot is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, such building may not be erected or used until the owner of the lot has satisfied the said requirements.
3. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement(s) entered into with the City pursuant to Section 37 of the Planning Act, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.
4. Except as otherwise provided herein, the provisions of By-law 438-86 shall continue to apply on the lot.
5. District Map No. 51K-313 contained in Appendix "A" of By-law 438-86, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto" as amended, is further amended by redesignating from "R4 Z1.0" to "MCR (XXX)" on Appendix "A" as outlined on Map 1 attached to and forming part of this By-law;
6. Height and Minimum Lot Frontage Map No. 51K-313 contained in Appendix "B" of By-law 438-86, being "A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, is further amended in accordance with Map 2 forming part of this By-law;
7. None of the provisions of Section 2(1) – Definitions with respect to the definitions of the terms grade, gross floor area, height, and lot and Sections 4(2)(a), 4(3), 4(4)(b), 4(12), 4(13)(c) and (d), 4(16), 8(3) Part I, 8(3) Part II 1, 2 and 4, Section 12(2) 118 (iv) and Section 12(2) 119 of the aforementioned Zoning By-law No. 438-86, as amended, shall apply to prevent the erection of a mixed-use building on the lands known municipally in the year 2020 as 1408, 1410, 1412, 1414, 1416 and 1420 Bayview Avenue for a mixed-use building on the lot, provided that:

- a. The lot comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
- b. The permitted maximum residential gross floor area on the lot is 6,200 square metres;
- c. The permitted maximum non-residential gross floor area on the lot is 150 square metres;
- d. A total of 13 rental replacement dwelling units shall be provided on the lot pursuant to the conditions in Appendix 1;
- e. At least 25 percent of all dwelling units erected or used on the lot shall have two or more bedrooms and at least 10 percent of all dwelling units erected or used on the lot shall have three or more bedrooms;
- f. The height of any building or structure, as measured from an established grade of 147.25 metres Canadian Geodetic Datum, shall not exceed the maximum height in metres specified by the numbers following the symbol "H" on Map 2, attached to and forming part of this by-law, with the exception of the following:
  - (i) elevator overruns, access ladder, architectural features, balustrades, chimney and flue stacks, communications equipment, cooling towers, doors, eaves, elements of a green roof including green roof servicing enclosures, guard rails, insulation and roof surface materials, landscaping features, light fixtures, lightning rods, parapets, railings and dividers, roof drainage, roof hatch, screens, trellises, vents and air intakes, wind protection elements, and window washing equipment having a maximum height of the sum of 3.0 metres and the applicable height limit shown on Map 2;
- g. No portion of any building or structure erected on the lot shall be located otherwise than wholly within the heavy lines identified on Map 2 attached to and forming part of this by-law, with the exception of the following:
  - (i) cornices, light fixtures, awnings, ornamental elements, cladding, parapets, landscape features, trellises, eaves, window sills, ventilation shafts, guardrails, railings, stairs, stair enclosures, doors, wheel chair ramps, canopies, and underground garage ramps, and architectural feature walls;
- h. Residential amenity space shall be provided on the lot in accordance with the following:
  - (i) a minimum of 2.0 square metres per unit of indoor amenity space must be provided; and
  - (ii) a minimum of 1.25 square metres per unit of outdoor amenity space must be provided;
- i. Notwithstanding Section 4(16) of By-law 438-86, an apartment building having a residential gross floor area in excess of 2,800 square metres is not required to have a

driveway that serves an entrance to the building and which allows vehicles to travel in one continuous motion;

j. Parking spaces on the lot must be provided and maintained on the lot at a minimum rate of:

- (i) 0.7 spaces per bachelor dwelling unit;
- (ii) 0.80 spaces per one-bedroom dwelling unit;
- (iii) 0.90 spaces per two-bedroom dwelling unit;
- (iv) 1.10 spaces per three-bedroom dwelling unit;
- (v) 0.15 spaces per dwelling unit for residential visitors; and
- (vi) zero (0) spaces will be required for non-residential uses

If the calculation of the number of required parking spaces results in a number with a fraction, the number is rounded down to the nearest whole number;

k. Notwithstanding Section 4(17) (e) of By-law 438-86, a maximum of 15 percent of the parking spaces provided may be obstructed that otherwise comply with the minimum dimensions of a parking space as set out in Section 4(17)(a) of By-law 438-86;

l. A minimum of 65 bicycle parking spaces shall be provided and maintained on the lot, of which:

- (i) A minimum of 58 shall be bicycle parking spaces - occupant; and
- (ii) A minimum of 7 shall be bicycle parking spaces - visitor;

m. A minimum of one loading space – Type "G" shall be provided and maintained on the lot;

7. None of the provisions of Zoning By-law No. 438-86, as amended, or this By-law shall apply to prevent a temporary sales office on the lot.

8. For the purposes of this By-law, all italicized words and expressions have the same meaning as defined in By-law 438-86, as amended, with the exception of the following:

a. "car share" means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing car organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization;

b. "car-share parking space" means a parking space that is reserved and actively used for car-sharing;

c. "grade" means 147.25 metres Canadian Geodetic Datum;

d. "gross floor area" shall mean the gross floor area of a mixed use building is reduced by the area in the building used for:

(i) parking, loading and bicycle parking below-ground;

(ii) required loading spaces at the ground level and required bicycle parking spaces at or above-ground;

(iii) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;

(iv) shower and change facilities required by this By-law for required bicycle parking spaces;

(v) amenity space required by this By-law;

(vi) elevator shafts;

(vii) garbage shafts;

(viii) mechanical penthouse; and

(ix) exit stairwells in the building.

"height" means the vertical distance between grade and the highest point of the roof of any building on the lot, except for those elements prescribed by this By-law;

"lot" shall refer to those lands delineated by a heavy black line on Map 1, attached to and forming part of this By-law;

9. Notwithstanding any severance, partition or division of the lot, the provisions of this By-law shall apply to the whole of the lot as if no severance, partition or division had occurred.

10. Within the lands shown on Map 1, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

a. all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and

b. all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED on \_\_\_\_\_, 2020.

JOHN TORY,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)



## SCHEDULE A

### Section 37 Provisions

The facilities, services and matters set out herein are required to be provided by the owner of the lot at its expense to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the Planning Act, in a form satisfactory to the City with conditions providing for indexing escalation of all financial contributions from the passage of the zoning by-law, no credit for development charges, indemnity, insurance, HST, termination and unwinding, and registration and priority of agreement whereby the owner shall agree as follows:

1. The owner shall provide the following to support the development of the lands:

(i) The owner shall provide and maintain not less than 13 replacement rental dwelling units, comprised of 2 one-bedroom units, 9 two-bedroom units, 1 three-bedroom unit and 1 four-bedroom unit within the proposed mixed-use building on the subject site for a period of at least 20 years, beginning from the date that each replacement rental unit is first occupied, and as generally shown on the plans submitted to the City Planning Division dated October 21, 2019. Any revision to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.

(ii) The owner shall provide and maintain not less than 2 one-bedroom and 2 two-bedroom replacement rental dwelling units at affordable rents and not less than 6 two-bedroom and 1 three-bedroom replacement rental dwelling unit at mid-range rents for a period of at least 10 years, beginning from the date that each replacement rental unit is first occupied.

(iii) The owner shall provide ensuite laundry in each replacement rental dwelling unit at no additional cost to tenants, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

(iv) The owner shall provide 5 vehicle parking spaces to tenants of the replacement rental dwelling units, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division

(v) The owner shall provide 4 storage lockers to tenants of the replacement rental dwelling units, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

(vi) The owner shall provide tenants of the replacement rental dwelling units access to all indoor and outdoor amenities in the proposed mixed-use building on the same terms and conditions as the occupants of the remainder of the building.

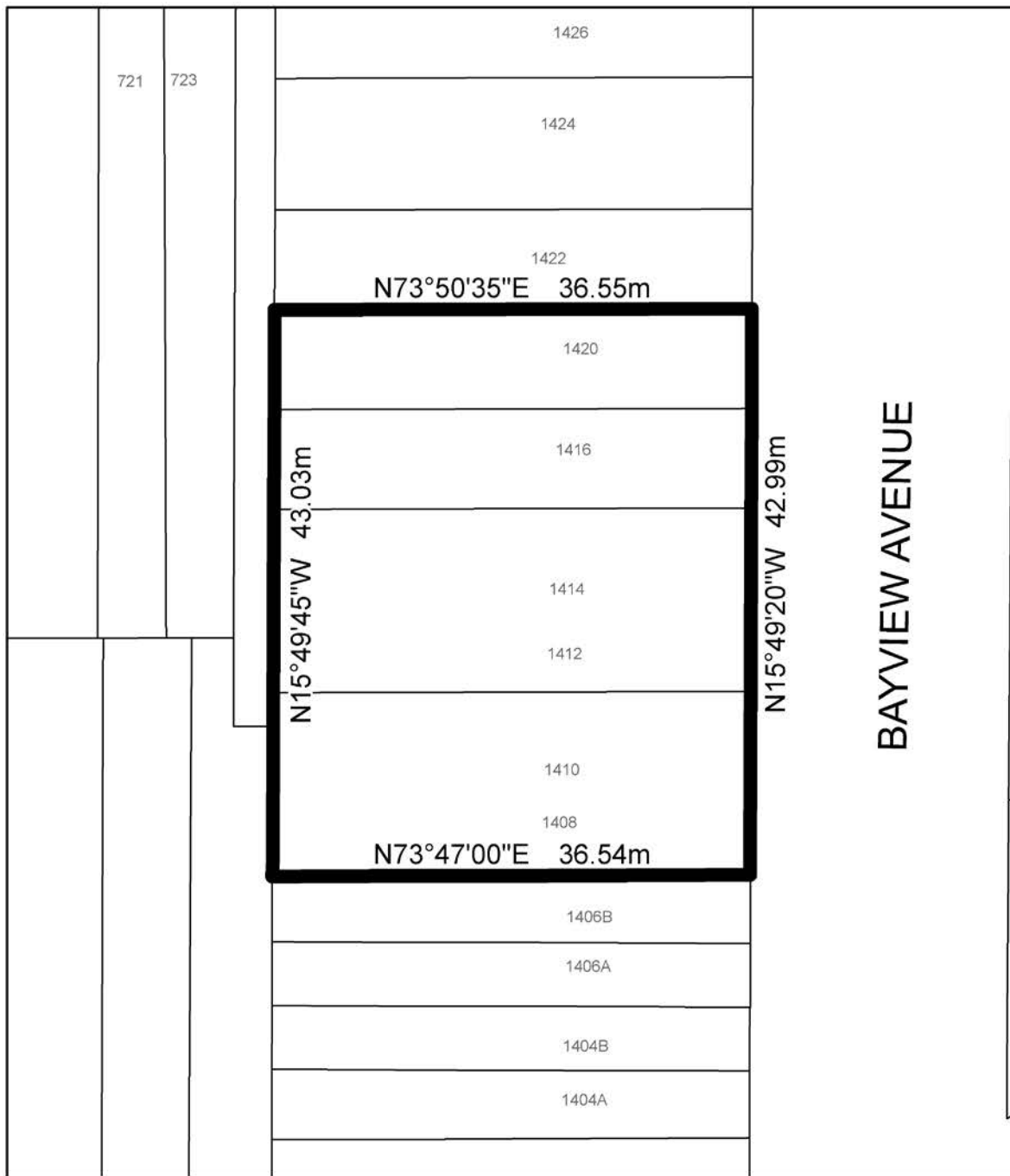
(vii) The owner shall provide tenants of the replacement rental dwelling units with access to both vehicle parking spaces and bicycle parking spaces on the same basis as the occupants of the remainder of the building.

(viii) The owner shall provide tenant relocation and assistance to each eligible tenant within the existing rental buildings, including an extended notice period, financial

compensation beyond the minimum requirements set out in the Residential Tenancies Act, and the right to return to a replacement rental dwelling unit for all of the eligible tenants (the "Tenant Relocation and Assistance Plan"), all of which shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.

(ix) The owner shall provide tenant relocation and assistance to all post application tenants, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

(x) The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Committee, as further amended by City Council from time to time.





## Attachment 7: Draft Amendment to Zoning By-law No. 569-2013

Authority: North York Community Council Item ##, as adopted by City of Toronto Council on ~, 2020

### CITY OF TORONTO

Bill No. ~  
BY-LAW No. XXXX-2020

To amend City of Toronto Zoning By-law No. 569-2013, as amended, respecting the lands municipally known in the year 2019 as 1408, 1410, 1412, 1414, 1416 and 1420 Bayview Avenue

Whereas authority is given to Council by Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and/or density of development; and

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, may authorize increases in the height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matter as are set out in the by-law; and

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

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out;

Whereas the increases in height permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013 as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of the land and the City of Toronto (hereinafter referred to as the "City"); and

Whereas pursuant to Section 39 of the Planning Act, a by-law under Section 34 of the Planning Act may authorize the temporary use of land, buildings, or structures for any purpose set out therein that is otherwise prohibited by the by-law;

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

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR 4.05 (c0.10; r3.95) (SS2) (x240), as shown on Diagram 2 attached to this By-law.
4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 240 so that it reads:

(240) Exception CR (240)

The lands, or portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 1408, 1410, 1412, 1414, 1416 and 1420 Bayview Avenue, as shown on Diagram 1 of this By-law, if the requirements of Section 6 and Schedule A of by-law XXXX-2020 [Clerks to supply by-law ##] are complied with, a mixed-use building, structure, addition or enlargement may be constructed or used in compliance with (B) to (O) below;
- (B) For the purpose of this exception, the lot comprises the lands outlined by heavy lines on Diagram 1 of by-law XXXX-2020 [Clerks to supply by-law ##];
- (C) Despite regulation 40.10.40.40, the permitted maximum gross floor area of all buildings and structures on the lot is 6,350 square metres, subject to the following:
- (i) the permitted maximum residential gross floor area on the lot is 6,200 square metres; and
  - (ii) the permitted maximum non-residential gross floor area on the lot is 150 square metres;
- (D) At least 25 percent of all dwelling units on the lot must have two or more bedrooms, and at least 10 percent of all dwelling units on the lot must have three or more bedrooms;
- (E) Despite regulations 40.5.40.10(1) and 40.5.40.10(2), the height of a building or structure is the distance between the Canadian Geodetic Datum of 147.25 metres and the elevation of the highest point of the building or structure;

(F) Despite regulation 40.10.40.10(2), the permitted maximum height of any building or structure is the height in metres specified by the number following the symbol HT on Diagram 3 of By-law XXXX-2020;

(G) Despite regulations 40.5.40.10 and (E) above, the following building elements and structures are permitted to exceed the maximum heights on Diagram 3 of By-law XXXX-2020 [Clerks to supply by-law ##]:

(i) wind screens, elevator overruns, mechanical penthouses, indoor residential amenity space, mechanical equipment and any associated enclosure structures, parapets, awnings, fences, guard rails, railings and dividers, pergolas, trellises, balustrades, eaves, screens, stairs, roof drainage, window sills, window washing equipment, chimneys, vents, terraces, lightning rods, light fixtures, architectural features, landscaping, and elements of a green roof, which may project up to 3.0 metres above the height limits shown on Diagram 3;

(H) Despite clause 40.10.40.70, the required minimum building setbacks are as identified in metres on Diagram 3 of By-law XXXX-2020 [Clerks to supply by-law ##];

(I) Despite clause 40.10.40.60 and regulation (H) above, the following building elements and structures are permitted to encroach beyond the heavy lines specified on Diagram 3 of By-law XXXX-2020 [Clerks to supply by-law ##], subject to the following limitations:

(i) Eaves, cornices, window sills, light fixtures, railings, bollards, wheelchair ramps, stairs, stair enclosures, landscape planters and other similar architectural projections may extend beyond the heavy lines by 0.6 metres; and

(ii) Canopies, awnings or similar structures may extend beyond the heavy lines by 1.5 metres;

(J) Despite Regulation 40.10.40.1(1) residential uses are permitted on the first floor and behind non-residential uses;

(K) Despite regulation 40.10.50.10(3), a minimum 1.5 metre wide strip of land used only for soft landscaping is not required along the part of the lot line abutting the lot in the Residential Zone category or Residential Apartment Zone category;

(L) Despite regulation 40.10.40.50 (1) and (2), amenity space must be provided in accordance with the following:

(i) a minimum of 2.0 square metres per unit of indoor amenity space must be provided; and

(ii) a minimum of 1.25 square metres per unit of outdoor amenity space must be provided;

(M) Despite regulation 40.10.90.40(1), vehicle access to a loading space must be from either a public lane or Bayview Avenue;

(N) Despite regulations 200.5.1.10(2)(A)(iv), (B)(iv) and (C)(iv), a maximum of 15 percent of the parking spaces provided may be obstructed on one side and may have a minimum width of 2.60 metres; and

(O) Despite clause 220.5.10.1, a minimum of one Type "G" loading space must be provided on the lot;

Prevailing By-laws and Prevailing Section: (None Apply)

5. None of the provisions of By-law 569-2013, as amended, apply to prevent a temporary sales office on the lot, used exclusively for the initial sale and/or initial leasing of dwelling units or non-residential units proposed on the same lot, for a period not to exceed 3 years from the date of this by-law coming into full force and effect.

#### 6. Section 37 Provisions

(A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.

(B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.

(C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height pursuant to this By-law unless all provisions of Schedule A are satisfied.

Enacted and passed on month ##, 2020.

Name,

Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)



## SCHEDULE A

### Section 37 Provisions

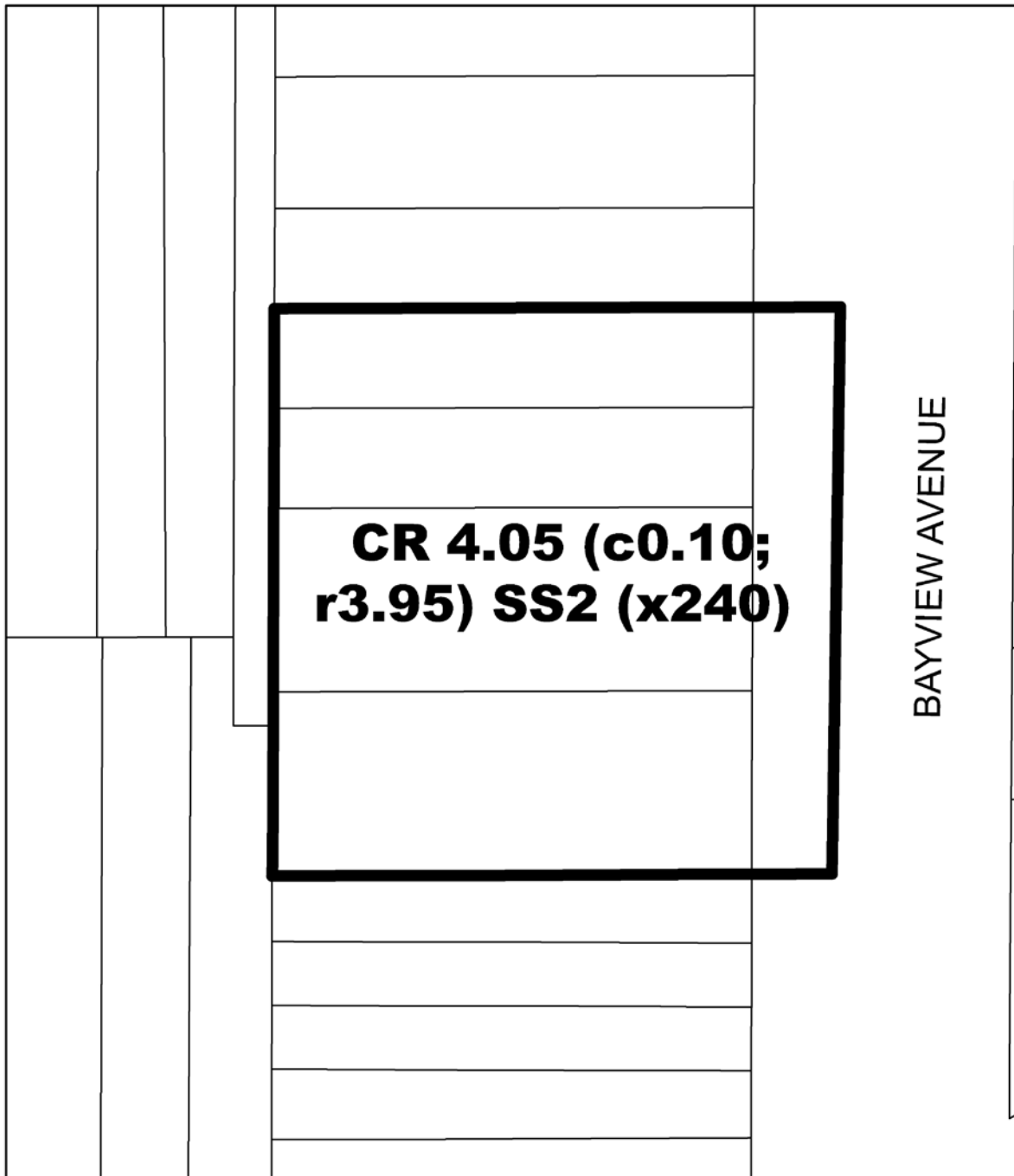
The facilities, services and matters set out herein are required to be provided by the owner of the lot at its expense to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the Planning Act, in a form satisfactory to the City with conditions providing for indexing escalation of all financial contributions from the passage of the zoning by-law, no credit for development charges, indemnity, insurance, HST, termination and unwinding, and registration and priority of agreement whereby the owner shall agree as follows:

1. The owner shall provide the following to support the development of the lands:
  - (i) The owner shall provide and maintain not less than 13 replacement rental dwelling units, comprised of 2 one-bedroom units, 9 two-bedroom units, 1 three-bedroom unit and 1 four-bedroom unit within the proposed mixed-use building on the subject site for a period of at least 20 years, beginning from the date that each replacement rental units is first occupied, and as generally shown on the plans submitted to the City Planning Division dated October 21, 2019. Any revision to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.
  - (ii) The owner shall provide and maintain not less than 2 one-bedroom and 2 two-bedroom replacement rental dwelling units at affordable rents and not less than 6 two-bedroom and 1 three-bedroom replacement rental dwelling units at mid-range rents for a period of at least 10 years, beginning from the date that each replacement rental units is first occupied.
  - (iii) The owner shall provide ensuite laundry in each replacement rental dwelling unit at no additional cost to tenants, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
  - (iv) The owner shall provide 5 vehicle parking spaces to tenants of the replacement rental dwelling units, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division
  - (v) The owner shall provide 4 storage lockers to tenants of the replacement rental dwelling units, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
  - (vi) The owner shall provide tenants of the replacement rental dwelling units access to all indoor and outdoor amenities in the proposed mixed-use building on the same terms and conditions as the occupants of the remainder of the building.
  - (vii) The owner shall provide tenants of the replacement rental dwelling units with access to both vehicle parking spaces and bicycle parking spaces on the same basis as the occupants of the remainder of the building.
  - (viii) The owner shall provide tenant relocation and assistance to each eligible tenant within the existing rental buildings, including an extended notice period, financial

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(ix) The owner shall provide tenant relocation and assistance to all post application tenants, all to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

(x) The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Committee, as further amended by City Council from time to time.



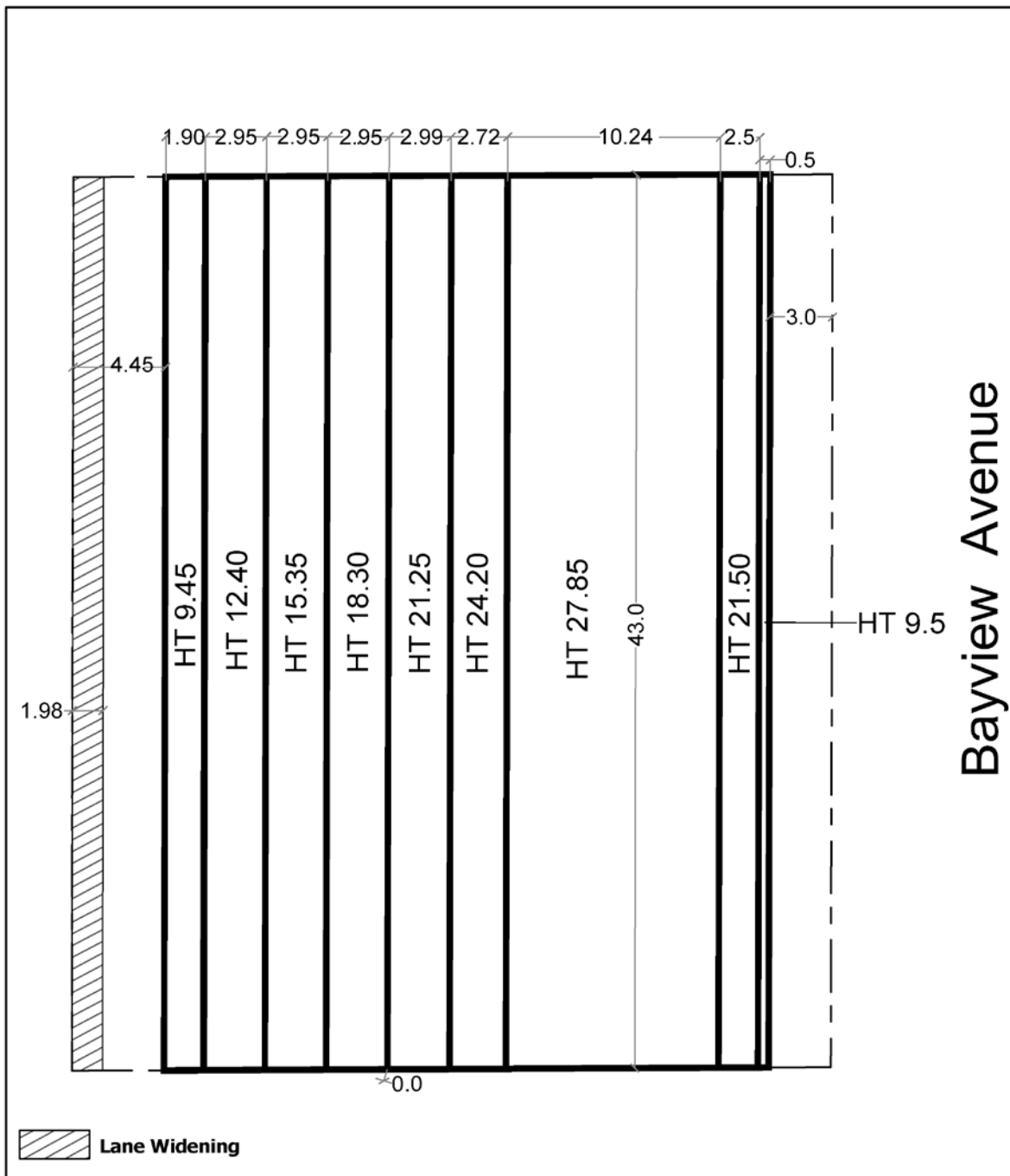
 **TORONTO**  
Diagram 2

1408, 1410, 1412, 1414, 1416 & 1420 Bayview Avenue

File # 19 120011 NNY 15 0Z



City of Toronto By-law 569-2013  
Not to Scale  
11/27/2019



**Toronto**  
Diagram 3

1408, 1410, 1412, 1414, 1416 & 1420 Bayview Avenue

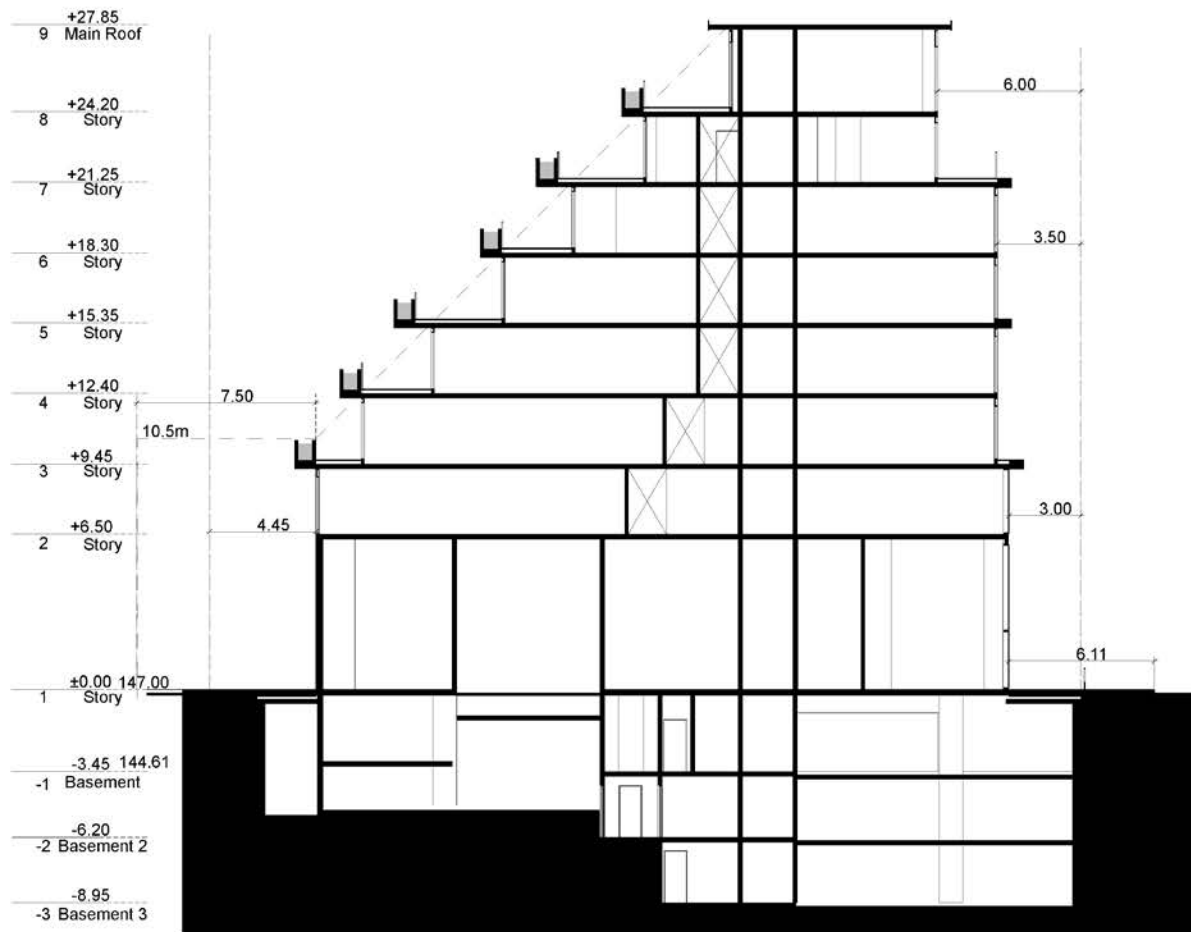
File # 19 120011 NNY 15 02

City of Toronto By-law 569-2013  
Not to Scale  
11/27/2019

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## Attachment 9: East-West Building Section



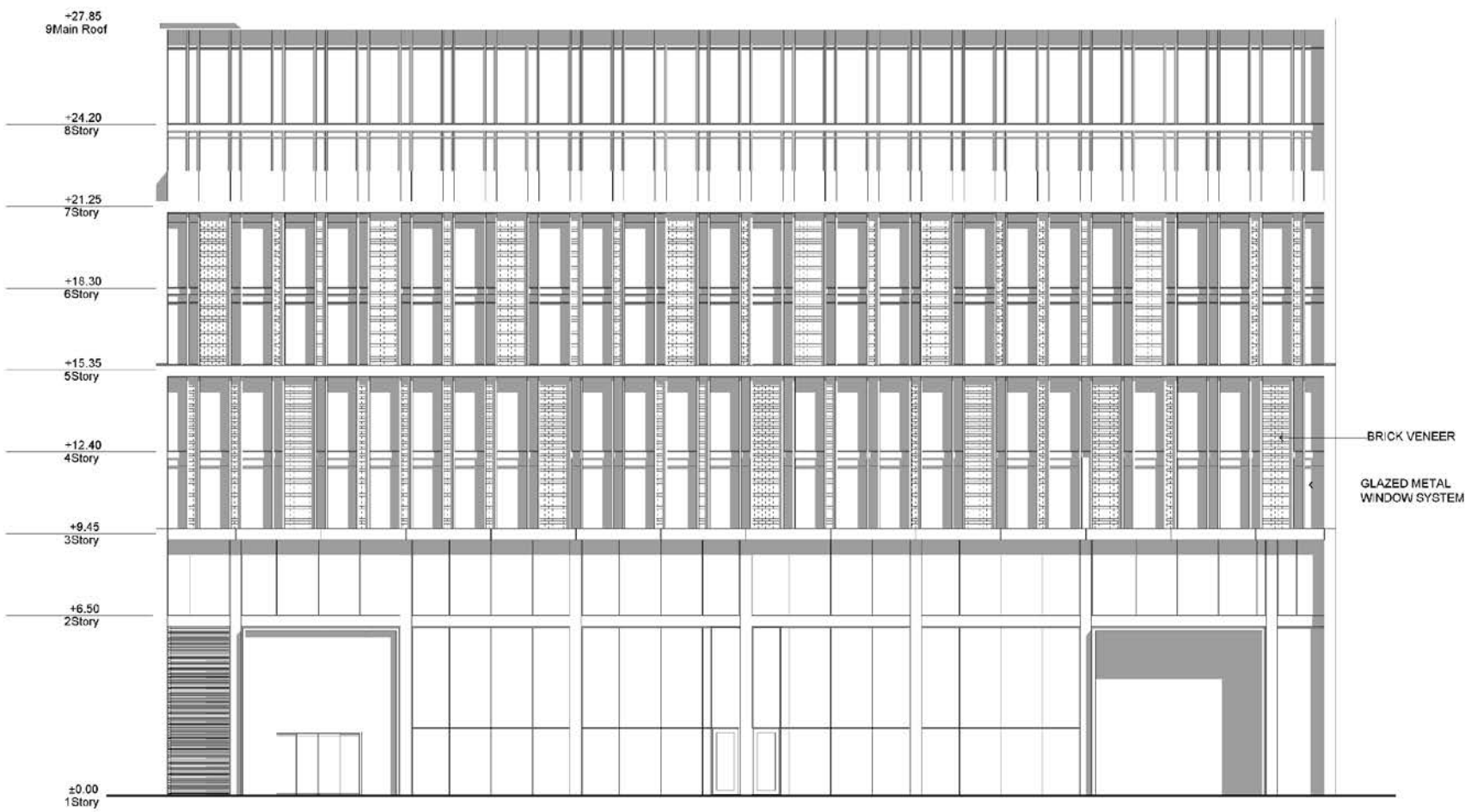
### Building Section

1408, 1410, 1412, 1414, 1416 & 1420 Bayview Avenue

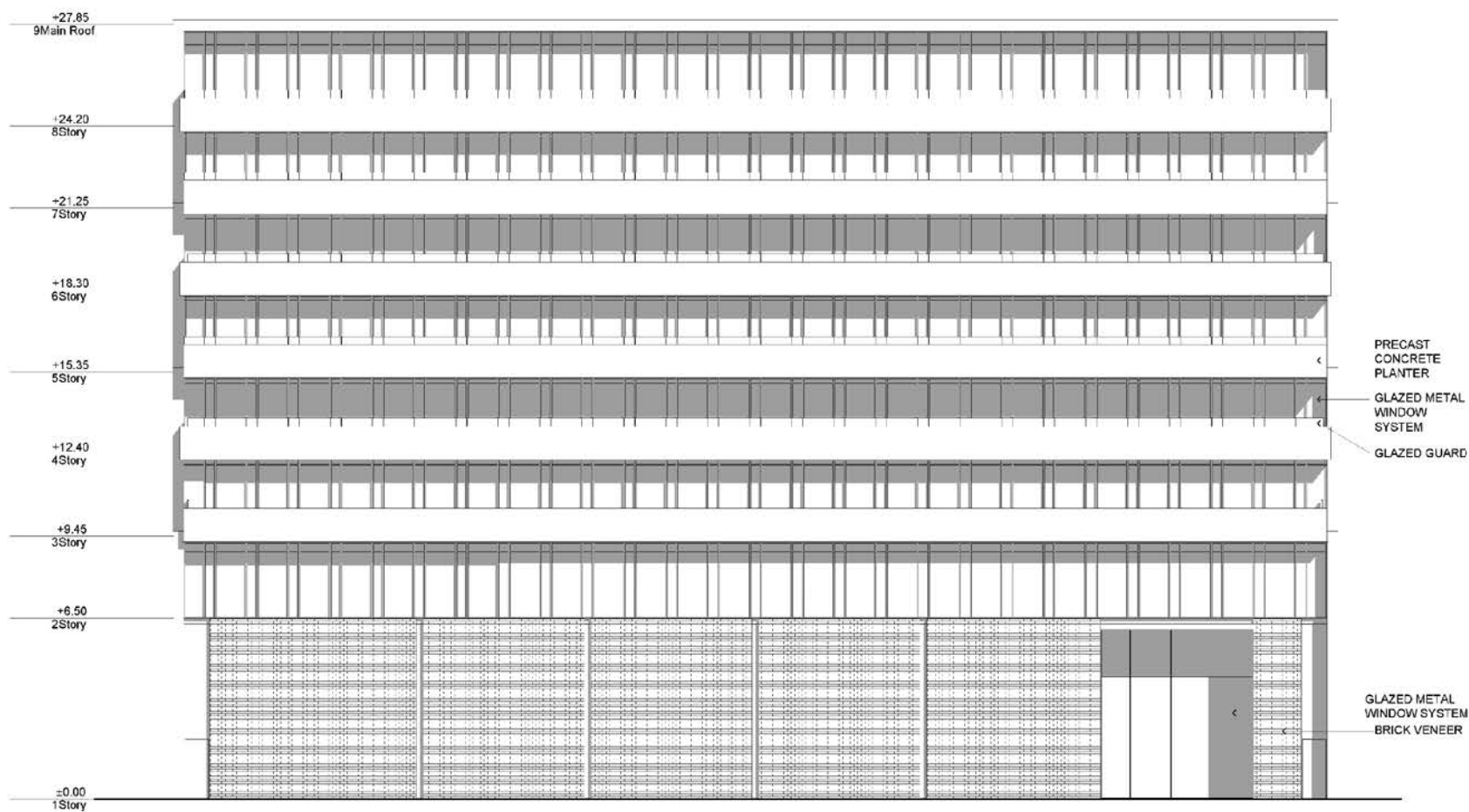
Applicant's Submitted Drawing

Not to Scale  
12/09/2019

File # 19 120011 NNY 15 0Z



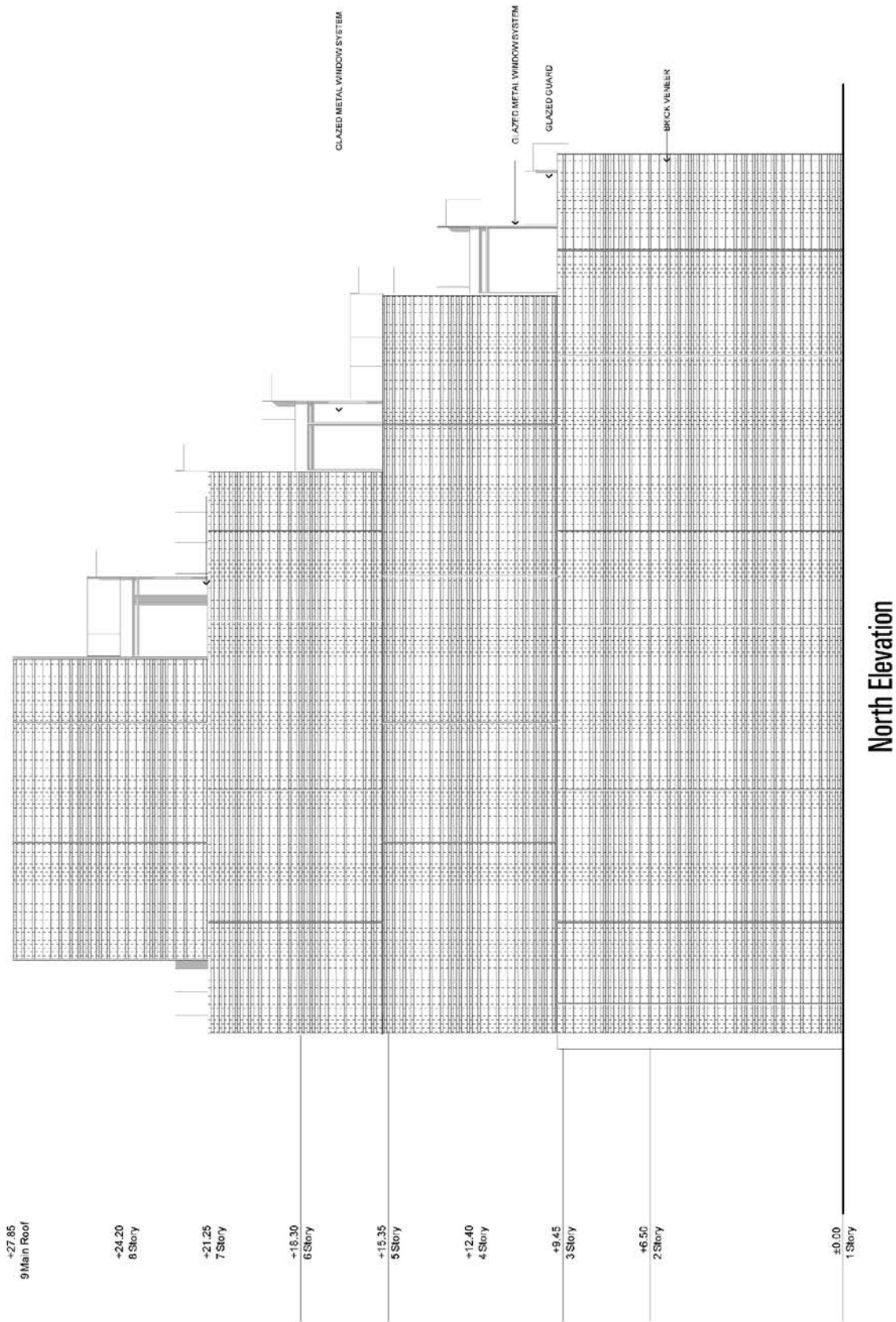
East Elevation

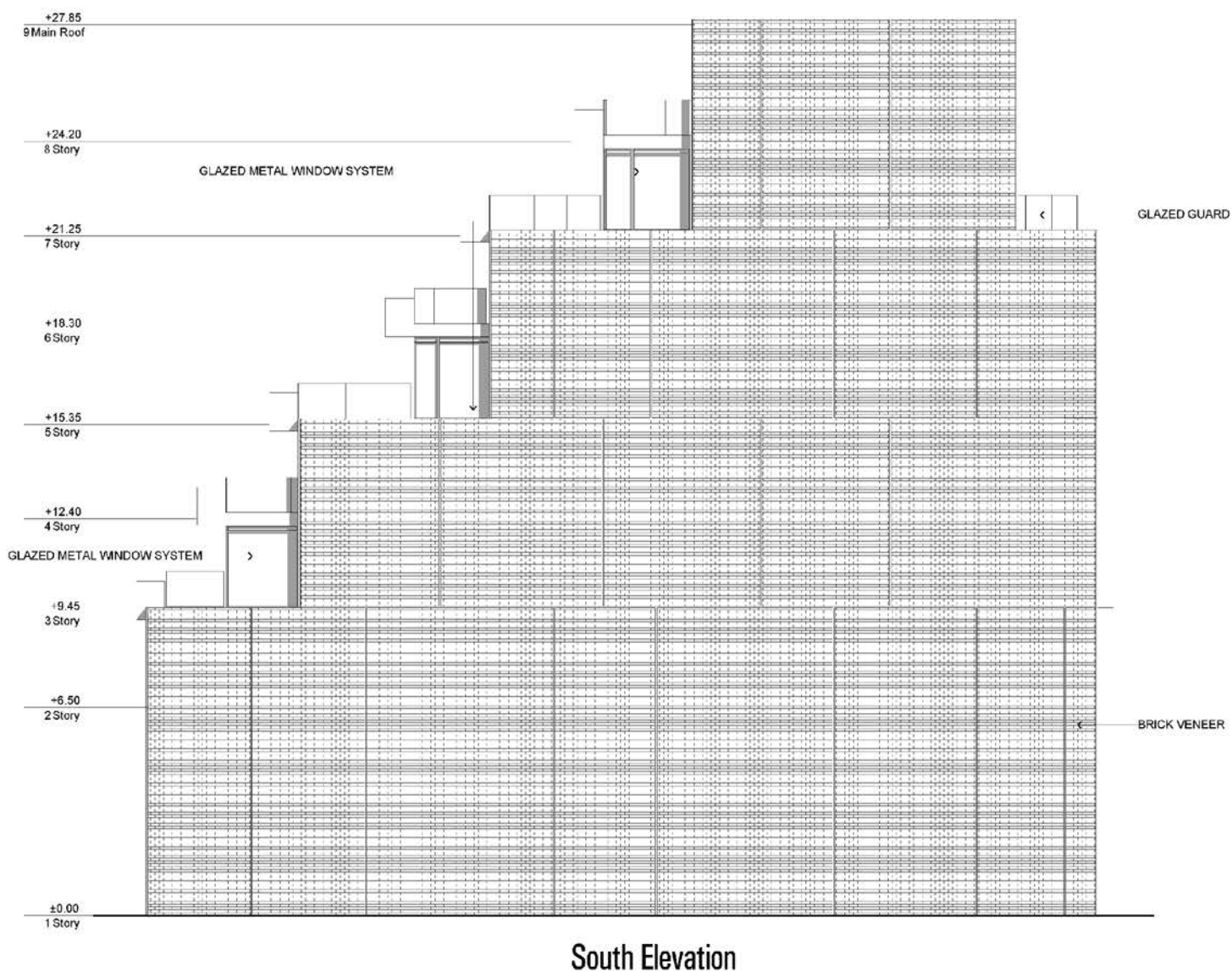


West Elevation



Attachment 12: North Elevation





## Attachment 14: Building Rendering



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### Building Rendering

Applicant's Submitted Drawing

Not to Scale  
11/27/2019

1408, 1410, 1414, 1416 & 1420 Bayview Avenue

File # 19 120011 NNY 15 0Z

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