

## **1466 to 1500 Bayview Avenue – Zoning By-law Amendment Application – Preliminary Report**

Date: January 26, 2021

To: North York Community Council

From: Acting Director, Community Planning, North York District

Wards: Ward 15 - Don Valley West

**Planning Application Number:** 20 210394 NNY 15 OZ

**Related Applications:** 20 210395 NNY 15 SA

**Notice of Complete Application Issued:** November 25, 2020

**Current Uses on Site:** Single-storey Valumart supermarket, garden centre and associated parking lot.

### **SUMMARY**

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This report provides information and identifies a preliminary set of issues regarding the application located at 1466 to 1500 Bayview Avenue. Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 1466 to 1500 Bayview Avenue together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

## FINANCIAL IMPACT

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The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

## ISSUE BACKGROUND

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### Application Description

This application proposes to amend Zoning By-laws 438-86 and 569-2013 for the lands at 1466-1500 Bayview Avenue, to permit a 9-storey (31.85 metres including the mechanical penthouse) mixed-use building with a total of 156 rental residential units. A total gross floor area (GFA) of 14,942 square metres is proposed, including 13,282.6 square metres of residential GFA and 1,659 square metres of retail GFA on the ground floor, resulting in a total gross floor area of 4.31 times the area of the lot. The proposal includes the demolition of the existing Valumart grocery store, garden centre and surface parking lot.

The main residential lobby of the proposed building would be located on the south side of the building on Davisville Avenue and the Bayview Avenue frontage would be occupied by a new retail store. The proposed building would be set back 7.5 metres from the west (rear) property line and a landscaped strip of between 1.2 to 1.7 metres is proposed between the rear laneway and the adjacent residential properties to the west.

The 1st and 2nd floors of the proposed building are built to the Bayview Avenue (front) property line with a 0 metre setback. The building would then step back from the 3rd to 6th floors by 1.5 metres from the Bayview Avenue property line and at the 7th floor, there would be an additional 1.5 metre stepback where private terraces are proposed. From the rear, there would be step backs at the 4th and 6th to 9th floors and on the upper storey, the building would be setback 26.2 metres from the west (rear) property line. The proposed building would be 92 metres long.

Vehicular access is at the rear of the proposed building, via a new 6 metre wide rear laneway off Davisville Avenue. Parking is proposed under the laneway and the building, with a total of 170 parking spaces on two levels of underground parking, accessed from a ramp located at the mid-point of the building (at the rear). A total of 145 long-term bicycle parking spaces would be located on P1/P2 levels and 25 short-term bicycle parking spaces are proposed on the ground level. One Type 'G' loading space is also proposed as part of the development.

Further details of the application are outlined in the chart below:

Category	October 23, 2020 Submission	
Site Area	3,463 square metres	
Setbacks from Property Line	North	0 metres

	South	0 metres
	East (Front)	0 metres
	West (Rear)	7.52 metres
Building Stepbacks (from Bayview Avenue)	0 metres (1st and 2nd storeys) 1.5 metres (3rd to 6th storeys) 3 metres (7th storey)	
Residential Gross Floor Area (GFA)	13,282.6 square metres	
Non-Residential Gross Floor Area (GFA)	1,659.5 square metres	
Total Gross Floor Area (GFA)	14,942.1 square metres	
Floor Space Index (FSI)	4.31 times the lot area	
Base Building Height	18.9 metres (6-storeys) front 21.9 metres (7-storeys) rear	
Proposed Residential Units		
Studio	0 (0%)	
1 Bedroom	89 (57%)	
2 Bedroom	52 (33%)	
3 Bedroom	15 (10%)	
Total	156	
Amenity Area		
Indoor	508 square metres	
Outdoor	95 square metres	
Total	603 square metres	
Proposed Vehicular Parking (residential: visitor: retail)	170 spaces (121:24:25)	
Loading Spaces	1 Type 'G'	
Bicycle Parking (long-term residential: visitor)	170 spaces (145:25)	
Proposed Parkland Dedication	None	

Detailed project information is found on the City's Application Information Centre at:

<https://www.toronto.ca/city-government/planning-development/application-information-centre/>

See Attachments 1 to 8 of this report, for three-dimensional representations of the project in context, location map, site plan, and building elevations.

### Provincial Policy Statement (2020) and Provincial Plans

Land use planning in Ontario is a policy-led system. Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2020) (the "PPS"), and to conform with applicable provincial plans which, in the case of the City of Toronto, include *A Place to Grow: Growth Plan for the Greater Golden*

*Horseshoe* (2020). The PPS and all provincial plans may be found on the Ministry of Municipal Affairs and Housing website.

### **Growth Plan for the Greater Golden Horseshoe (2020)**

*A Place to Grow: Growth Plan for the Greater Golden Horseshoe* (2020) (the "Growth Plan") came into effect on August 28, 2020. This new plan replaces the previous 2019 Growth Plan and 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 establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act*.

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, recreation and green space, and better connected 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 (2020), 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 (2020) 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 with the Growth Plan. Comments, submissions, or advice affecting a planning matter that are provided to Council shall also conform with the Growth Plan.

## **Toronto Official Plan Policies and Planning Studies**

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from The *Planning Act* of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies may be found here:

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

The subject site is designated *Mixed Use Areas* on Map 17 of the Official Plan. On September 11, 2020, Official Plan Amendments 479 (Public Realm) and 480 (Built Form) came into force. These OPAs introduced new or revised policies regarding building types, building design and massing, parks, POPs (privately owned, publicly accessible spaces), and trees and natural areas, among other policies. OPA No. 479 also introduced the Block Context Plan requirement for some applications that shows how the physical form of the proposed development fits within the existing and planned context.

## **Yonge Eglinton Secondary Plan**

The application is located on lands designated as *Mixed Use Areas "C"* within the Yonge-Eglinton Secondary Plan Area. The site is also located within the Bayview-Leaside Village Character Area, and this section of Bayview Avenue is designated as a Priority Retail Street.

On June 5, 2019, the Minister of Municipal Affairs and Housing issued their decision on the Yonge-Eglinton Official Plan Amendment (OPA 405) and the Amendment, as modified, is now in force. As this application was submitted after OPA 405 came into effect, the application is subject to its policies. OPA 405 can be found here:

<https://www.toronto.ca/wp-content/uploads/2018/05/970b-2018-05-18-Final-OPA-and-YESP-combined-AODA.pdf>

## **Zoning By-laws**

The site is subject to both former City of Toronto Zoning By-law 438-86 and Toronto Zoning By-law 569-2013. Under Zoning By-law 438-86, the subject site is zoned MCR (Mixed-Use Commercial Residential) T3.0 CR2.0 R2.5, with a maximum permitted height of 14 metres. The MCR zone permits a range of residential uses and non-residential uses including retail stores, offices and restaurants. The zone permits a maximum FSI of 3.0 times the area of the lot for a combination of residential and non-residential uses, including a maximum of 2.0 FSI for non-residential uses and 2.5 FSI for non-residential uses.

Under Zoning By-law 569-2013, the site is zoned CR 3.0 (c.2.0; r2.5) SS2 (x2227) with a height limit of 14 metres. The maximum FSI is 3.0 times the area of the lot, including a maximum FSI of 2.0 for commercial uses and a maximum FSI of 2.5 for residential uses. A range of commercial uses are permitted in the CR zone including offices, retail stores and eating establishments. Residential uses including apartment buildings, mixed-use buildings and retirement homes are also permitted on the site.

The subject site is located within Policy Area 4 which provides for reduced vehicular parking requirements.

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/>

## **Design Guidelines**

The following design guidelines will be used to evaluate this application:

- Mid-Rise Buildings Performance Standards and Addendum;
- Midtown Parks and Public Realm Plan;
- Pet Friendly Guidelines;
- Growing Up Urban Design Guidelines; and
- Bird Friendly Guidelines.

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

## **Site Plan Control**

The application is subject to Site Plan Control. A Site Plan Control application has been submitted with this application and is under review (file no. 20 210395 NNY 15 SA).

## **COMMENTS**

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### **Reasons for the Application**

A Zoning By-law amendment is required in order to permit an increased height and density permitted by the existing Zoning By-laws, and to establish new development standards including setbacks, parking and amenity space.

### **ISSUES TO BE RESOLVED**

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified:

## **Provincial Policies and Plans Consistency/Conformity**

Planning staff will continue to evaluate the application to determine its consistency with the PPS (2020) and conformity with A Place to Grow (2020).

Given the recognition in provincial policy of the importance of official plans and long term planning, consistency with the PPS (2020) and conformity with A Place to Grow (2020) will be informed by conformity with the City's Official Plan.

## **Official Plan Conformity**

Staff will evaluate this planning application to determine its conformity with the Official Plan, including the application's conformity with the policies for *Mixed Use Areas* and the Yonge-Eglinton Secondary Plan (OPA 405) which applies to this application.

## **Built Form, Landscaping and Public Realm**

The suitability of the proposed built form will be evaluated based on the planning framework for the area, including provincial policies and plans; the City's Official Plan; the Yonge-Eglinton Secondary Plan Policies; and various City Design Guidelines, including the City's Mid-Rise Performance Standards and Addendum.

The subject site is located within the Bayview-Leaside Village Character Area and designated *Mixed Use Areas 'C'* on Map 21-4 of the Yonge-Eglinton Secondary Plan. It is immediately east of an area designated *Neighbourhoods* in the Official Plan and Yonge-Eglinton Secondary Plan. The site is also located on a Priority Retail Street as identified on Map 21-5 of the Yonge-Eglinton Secondary Plan.

Official Plan Policy 4.5.2 provides development criteria for *Mixed Use Areas* to ensure, among other matters, that the location and massing for new buildings achieves transitions between areas of different development and scale, frames the edges of streets and parks with good proportion and maintains sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

Chapter 5 of the Yonge-Eglinton Secondary Plan provides policy direction regarding built form. Policy 5.1 (area-wide built form principles) and Policy 5.3 (urban design standards) include specific requirements to ensure these principles are advanced through new development. The proposal will be evaluated against these policies.

Policy 5.3.26 states that mid-rise buildings will provide for a stepping down of heights to the rear property line for properties that abut lands designated *Neighbourhoods*, inclusive of any existing public laneways. The submitted plans demonstrate the 45 degree angular plane taken from the rear property line, and several portions of the building project into the angular plane, thereby not providing an adequate transition from a built form perspective.

Policy 1.3.2(e) defines the distinguishing feature of the Bayview-Leaside Village Character Area as being the generously scaled setbacks with its wide sidewalks and patios extending along the street. The proposed building at the 1st and 2nd floors, is

built to the Bayview Avenue property line and does not provide for a setback that meets of the objective in the policy.

Policy 5.3.23 of the Yonge-Eglinton Secondary Plan states that mid-rise buildings may be required to be set back along side streets to provide transition to the front yard setback of adjacent residential properties. Policy 5.3.20(a) further stipulates that for mid-rise buildings within the Bayview-Leaside Character Area, step backs along all street frontages above the 6th storey are required to achieve a consistent streetwall and provide for adequate sunlight on sidewalks. While stepbacks have been provided on the Bayview Avenue frontage, the proposed building is built right to the property line on Davisville Avenue with two small stepbacks at the 3rd and 7th floors for terraces that still extend to the property line. An appropriate building setback and stepbacks are required in order to reduce the impact on Davisville Avenue frontage and ensure an adequate transition of massing to the surrounding buildings.

It is of note that the application proposes a 9-storey building, where a height of 8-storeys is anticipated in the Bayview-Leaside Character Area. Staff will continue to assess the proposal's conformity with all relevant policies of OPA 405, including building height, transition and setbacks.

Issues identified on a preliminary basis include:

- The suitability of the proposed height, massing and other built form issues based on the City's Official Plan policies and the Avenues and Mid-Rise Buildings Performance Standards and Addendum;
- Appropriateness of the proposed building setbacks and stepbacks to Bayview Avenue, Davisville Avenue and the northern (side) property line;
- Breaking up the long massing of the building;
- The proposal's transition to the adjacent *Neighbourhoods* designated area;
- The adequacy of the total area, suitability and function of the proposed indoor and outdoor amenity areas; and
- Review of the proposed retail uses to ensure conformity with the development principles for sites on Priority Retail Streets.

In addition to the architectural and landscape drawings, the applicant has also submitted a sun/shadow study, and qualitative pedestrian level wind assessment. Staff will review the shadow and wind impacts of the proposed building.

### **Laneway Requirement**

In accordance with Policy 4.8 of OPA 405, 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.

The subject lands are identified as a site for a new north-south laneway on Map 21-9, which is to be located on the west side of the site. Laneways on mid-block sites are also

referenced in Performance Standard 16B of the Mid-Rise Buildings Performance Standards.

The application, as submitted, is not providing the required unencumbered laneway dedication per the policies of Chapter 4 of the Secondary Plan, but rather a 6 metre wide encumbered laneway with a landscape strip of 1.2 to 1.7 metres adjacent to the western property line to the proposed underground parking levels. Staff will continue discussions with the applicant with respect to the need for a public laneway dedication.

### **Midtown Zoning Review**

As part of the approval of Midtown in Focus in July 2018, City Planning was directed by Council to initiate a zoning review for Midtown's 22 Character Areas to implement the directions of the Secondary Plan. The intent of the zoning review is to establish specific heights in the Zoning By-law, as set out in Policy 5.4.3 of the Secondary Plan. It will also provide clarity on the location, scale, and form of appropriate development within each Character Area and implement other policy directions within the approved Secondary Plan. The proposed development is situated within an area subject to the Midtown Zoning Review.

Such a review, as provided for in Policy 2.3.1.4 of the Official Plan, will be used to inform the development of a comprehensive Zoning By-law that will include Midtown's 22 character areas. The review of this application within the context of the Midtown Zoning Review will allow for a comprehensive and informed process.

### **Tree Preservation**

The application 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). The applicant has submitted a Tree Inventory and Preservation Plan, which is currently under review by City staff.

The Tree Inventory and Preservation Plan concludes that there are 20 trees on or within six metres of the subject property. The Plan suggests that the removal of 15 trees would be required to accommodate the proposed development. The remaining five trees could be retained with appropriate tree protection measures.

Staff will assess the appropriateness of the applicant's proposal and tree protection and replacement measures.

### **Heritage Impact & Conservation**

No part of the subject site is included on the City's Heritage Register. However, the subject site is considered adjacent to the Part IV-designated Garden Court Apartments at 1477 Bayview Avenue, and the listed heritage property at 1487-1497 Bayview Avenue.

A Heritage Impact Assessment (HIA) has been submitted with the application and is currently under review.

## **Housing and Unit Mix**

The Council-adopted *Growing Up: Planning for Children in New Vertical Communities* urban design guidelines provide guidance on the proportion and size of larger units recommended in new multi-residential developments.

Guideline 2.1 of the Growing Up guidelines states that a building should provide a minimum of 25% large residential units (10% of the units should be 3-bedroom units and 15% of the units should be 2-bedroom units).

Guideline 3.0 states that the ideal unit size for large residential units, based on the sum of the unit elements, is 90 square metres for 2-bedroom units and 106 square metres for 3-bedroom units, with ranges of 87-90 square metres and 100-106 square metres representing a diversity of sizes for such bedroom types while maintaining the integrity of common spaces to ensure their functionality.

The application proposes to provide 52 (33%) dwelling units as 2-bedroom units and 15 (9.6%) 3-bedroom units, and while this satisfies the unit mix objectives of Guideline 2.1 of the Growing Up guidelines, the proposed unit sizes are substandard. Only two (4%) of the 2-bedroom units are larger than 87 square metres in size, with the smallest being 63 square metres. Nine (60%) of the proposed 3-bedroom units are larger than 100 square metres in size, with the smallest being 85 square metres in size.

As the application progresses, City staff will work with the applicant to implement the unit size objectives of the Growing Up guidelines in order to accommodate a broad range of households, including families with children, within the proposed development.

## **School Boards**

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

TCDSB and TDSB will evaluate the impact of the proposed development within the context of local development activity on area schools. This will include an assessment of existing school capacity to support increased demand that would be generated by the proposed development.

## **Community Services and Facilities**

Community Services and Facilities (CS&F) are an essential part of vibrant, strong, and complete communities. CS&F are the lands, buildings, and structures used for the provision of programs and services provided or subsidized by the City or other public agencies, boards, and commissions. CS&F include recreation and childcare facilities, libraries, and schools, as well as public health, social, cultural, and employment services.

The timely provision of CS&F is as important to the livability of the City's neighbourhoods as "hard" services like sewers, water systems, roads, and public transit. The City's Official Plan establishes and recognizes that the provision of, and

investment in, CS&F supports healthy, safe, liveable, and accessible communities. Providing for a full range of CS&F in areas experiencing major or incremental growth is a responsibility shared by the City, public agencies, and the development community.

A CS&F study has been requested from the applicant as it was not submitted with the application.

### **Section 37 Community Benefits**

The Official Plan authorizes the City to apply Section 37 of the *Planning Act* to pass by-laws to allow for increases in height and/or density that are not otherwise permitted by the Zoning By-law in return for the provision, by the applicant, of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement which is then registered on title for projects that meet the development thresholds identified in the Official Plan.

Further discussion with the Ward Councillor, City staff, residents, and the applicant will be required to determine the extent and nature of the Section 37 community benefits that the applicant would be required to provide, should the proposal be recommended for approval in some form.

### **Infrastructure/Servicing Capacity**

The applicant has submitted a Functional Servicing and Stormwater Management Report, a Hydrogeological Report, and a Geotechnical Report. These reports will allow City staff to evaluate the effects of the development on the City's municipal servicing infrastructure. It will also identify and provide the rationale for whether the City requires the applicant to provide new infrastructure and/or upgrades to the existing infrastructure in order to facilitate this development. These reports are currently under review by staff.

A Transportation Impact Study was submitted by the applicant to evaluate the effects of the development on the transportation system, and to suggest any transportation improvements, if deemed necessary, to accommodate the travel demands and impacts generated by the development. The study is currently under review by staff.

Staff will also assess the appropriateness of the proposed loading and garbage storage facilities.

### **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-laws, on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

## **Other Matters**

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

## **CONTACT**

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E-mail: [Kathryn.Moore@toronto.ca](mailto:Kathryn.Moore@toronto.ca)

## **SIGNATURE**

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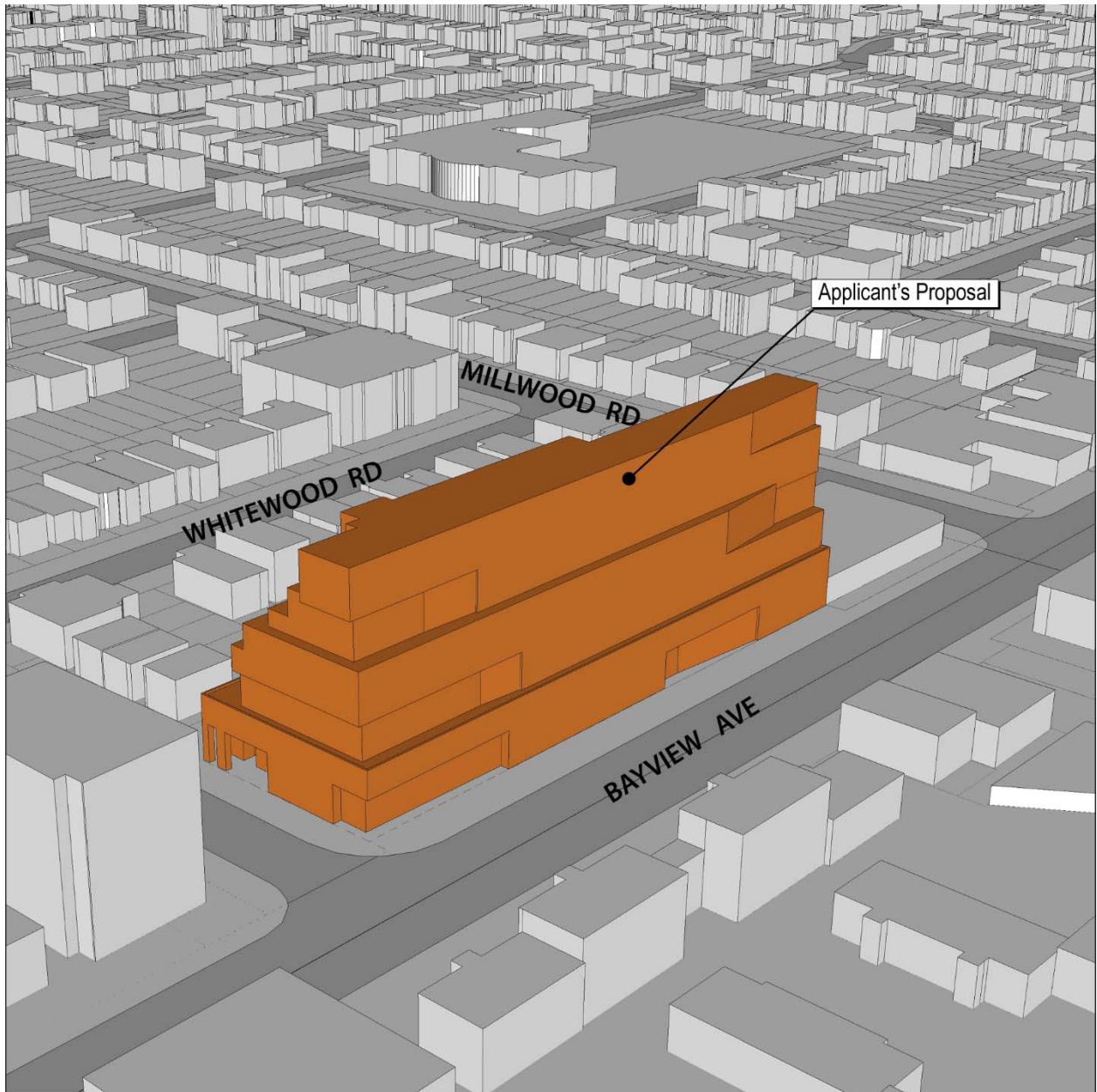
Al Rezoski, AICP  
Acting Director  
Community Planning, North York District

## **ATTACHMENTS**

### **City of Toronto Drawings**

Attachment 1: 3D Model of Proposal in Context - Looking Northwest  
Attachment 2: 3D Model of Proposal in Context - Looking Southeast  
Attachment 3: Location Map  
Attachment 4: Site Plan  
Attachment 5: North Elevation  
Attachment 6: South Elevation  
Attachment 7: East Elevation  
Attachment 8: West Elevation  
Attachment 9: Official Plan Map  
Attachment 10: Yonge-Eglinton Secondary Plan Map

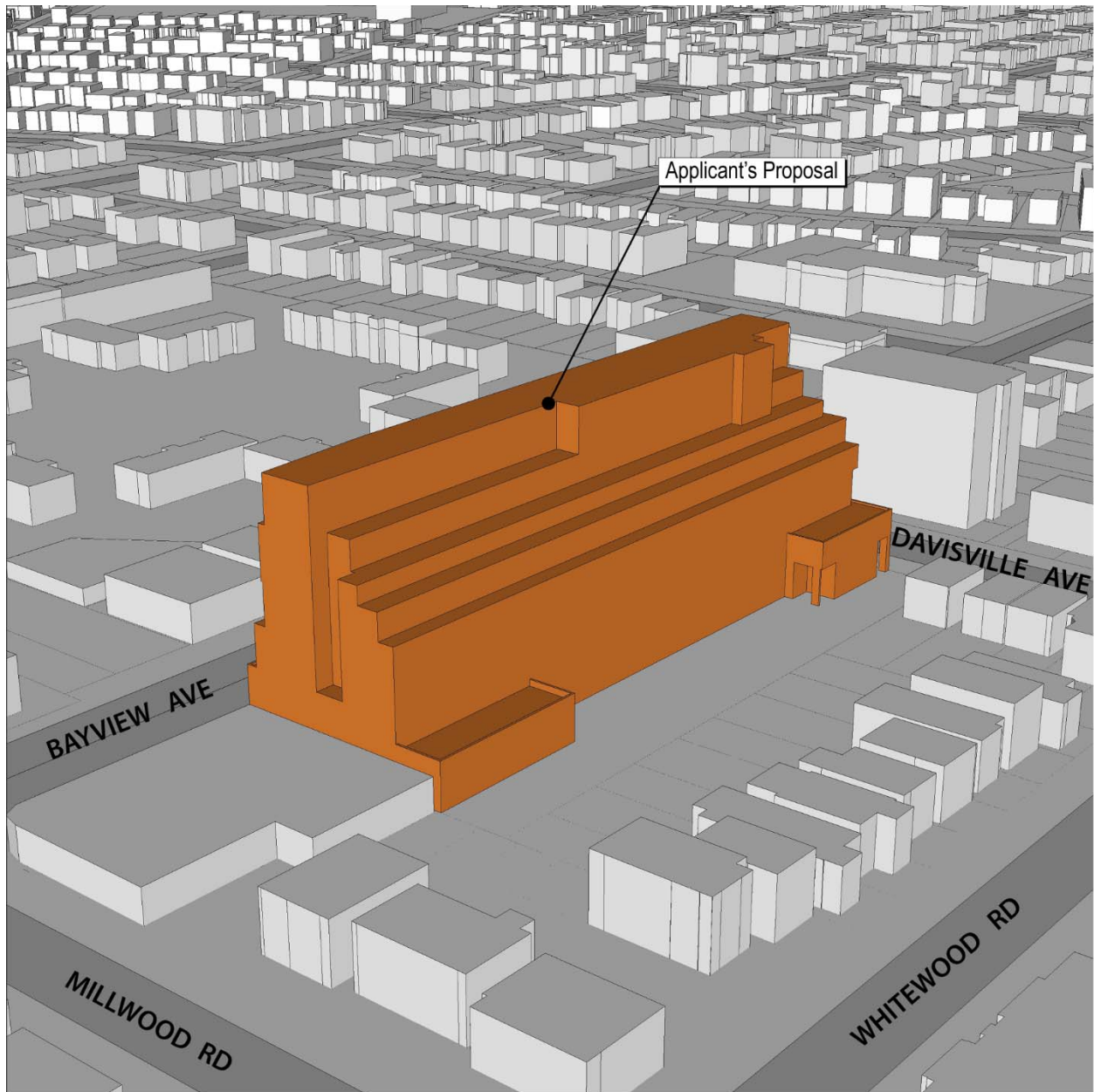
## Attachment 1: 3D Model of Proposal in Context - Looking Northwest



**View of Applicant's Proposal Looking Northwest**



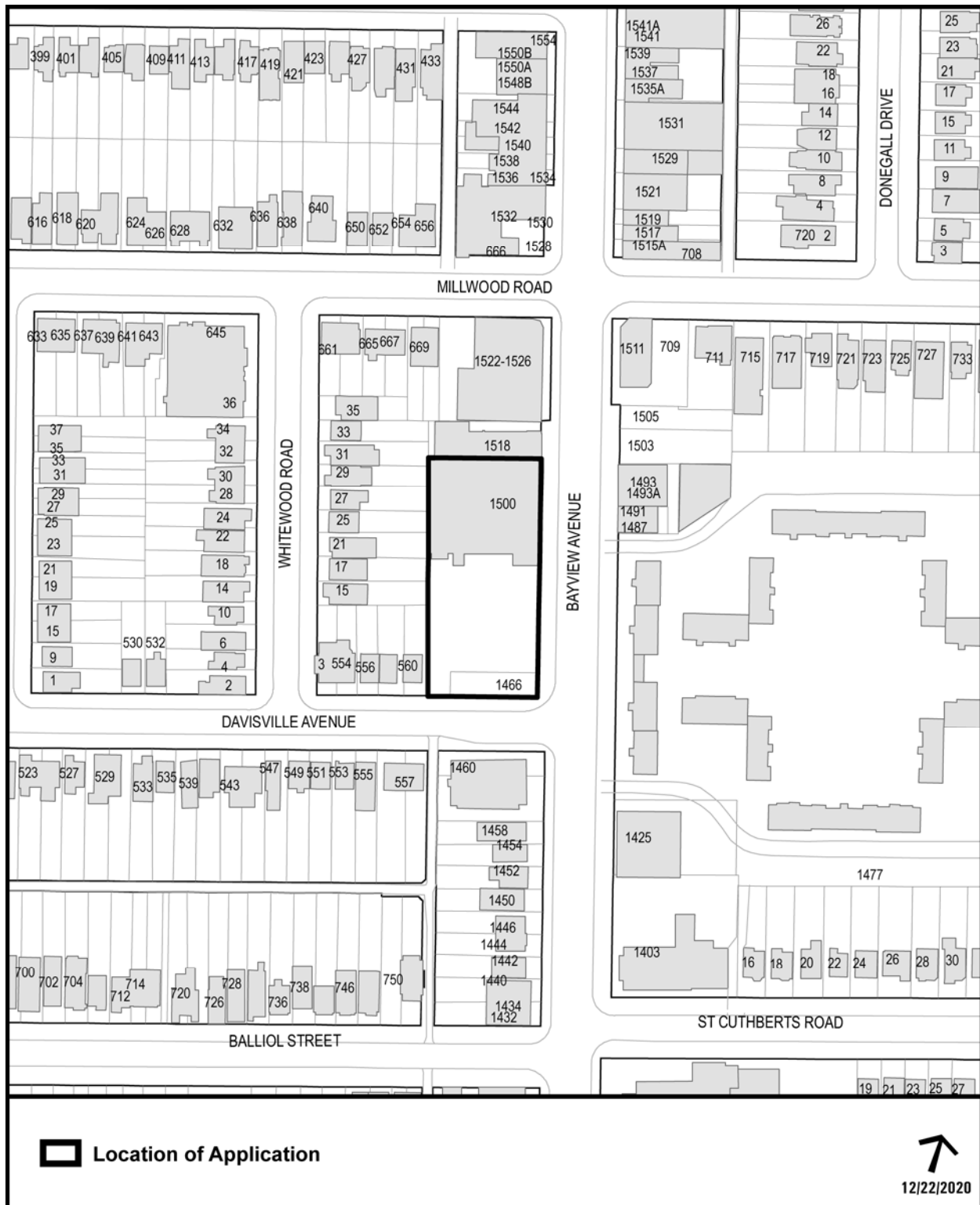
## Attachment 2: 3D Model of Proposal in Context - Looking Southeast



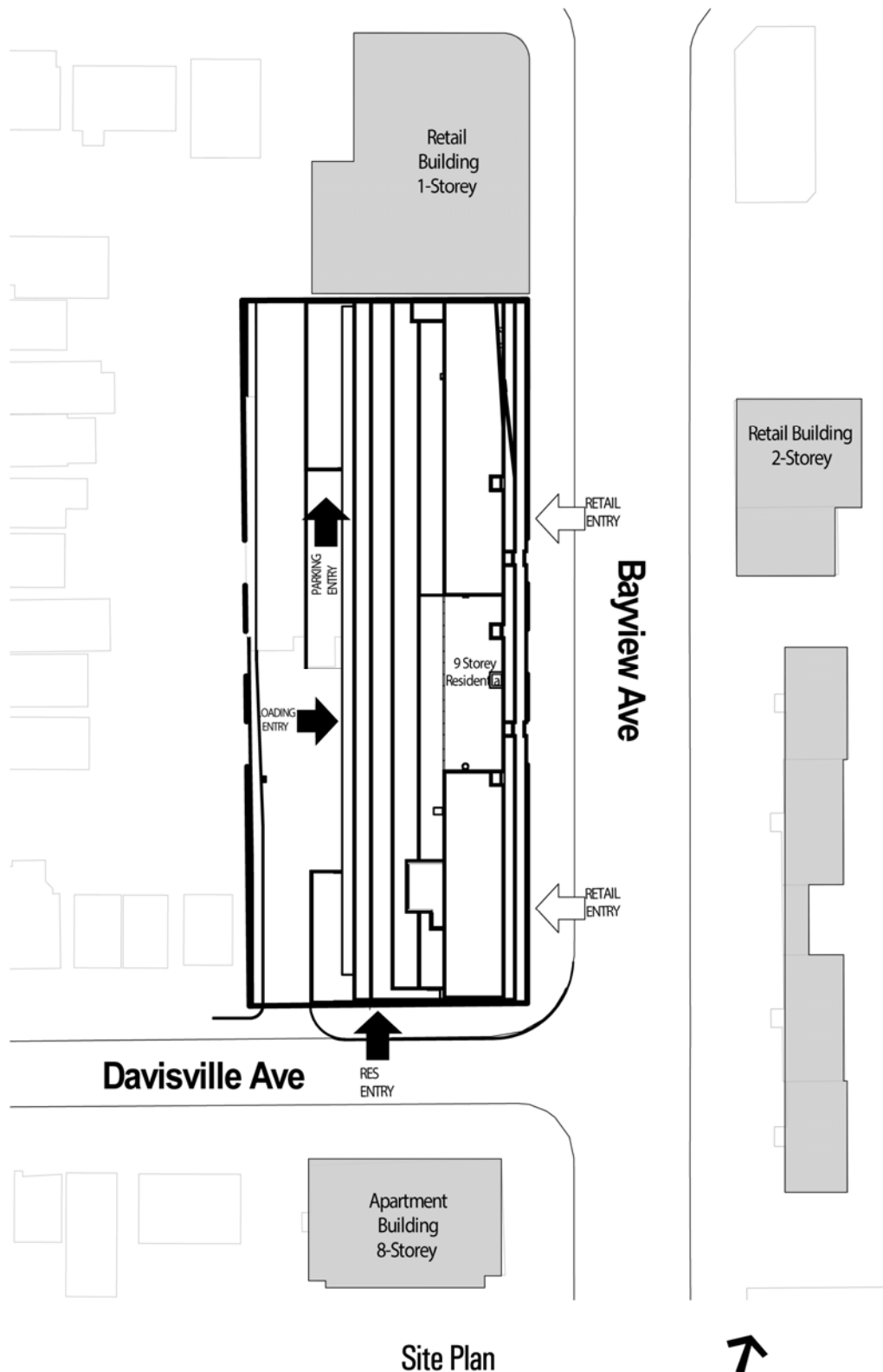
**View of Applicant's Proposal Looking Southeast**



# Attachment 3: Location Map



## Attachment 4: Site Plan

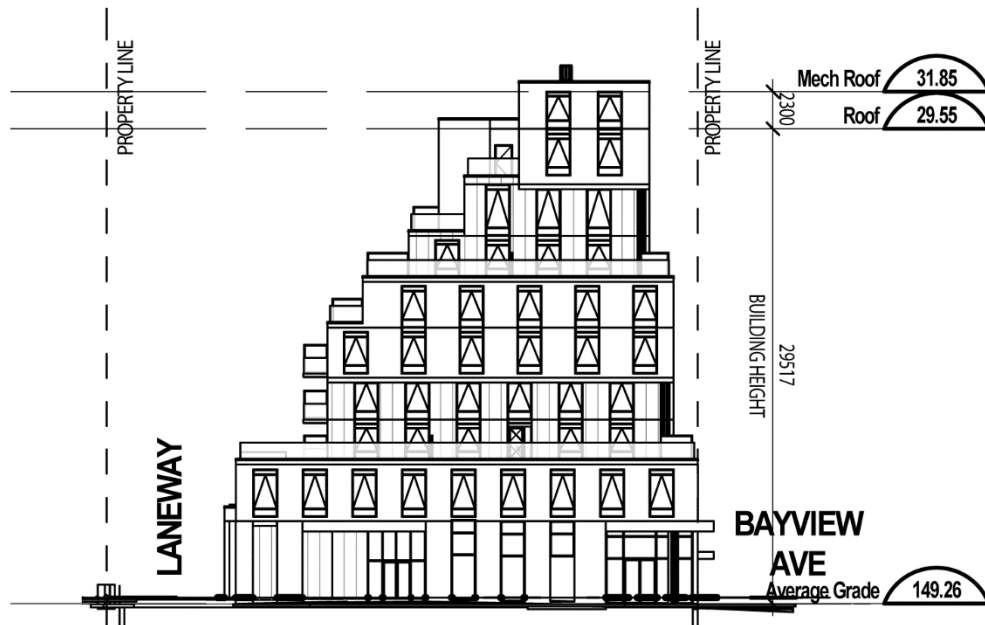


## Attachment 5: North Elevation



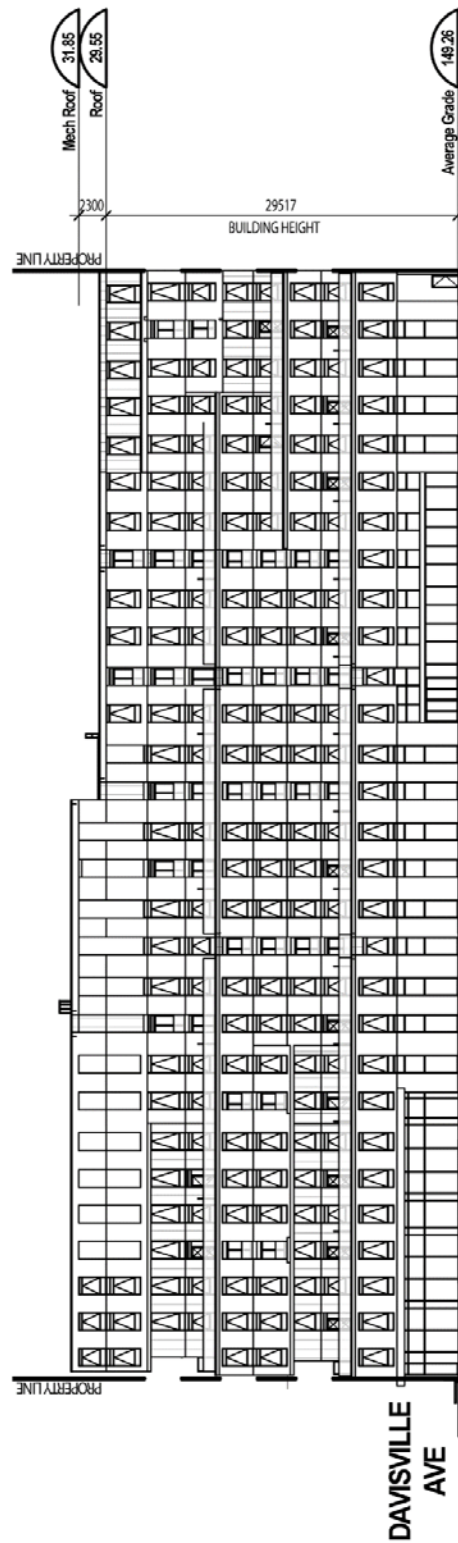
North Elevation

## Attachment 6: South Elevation



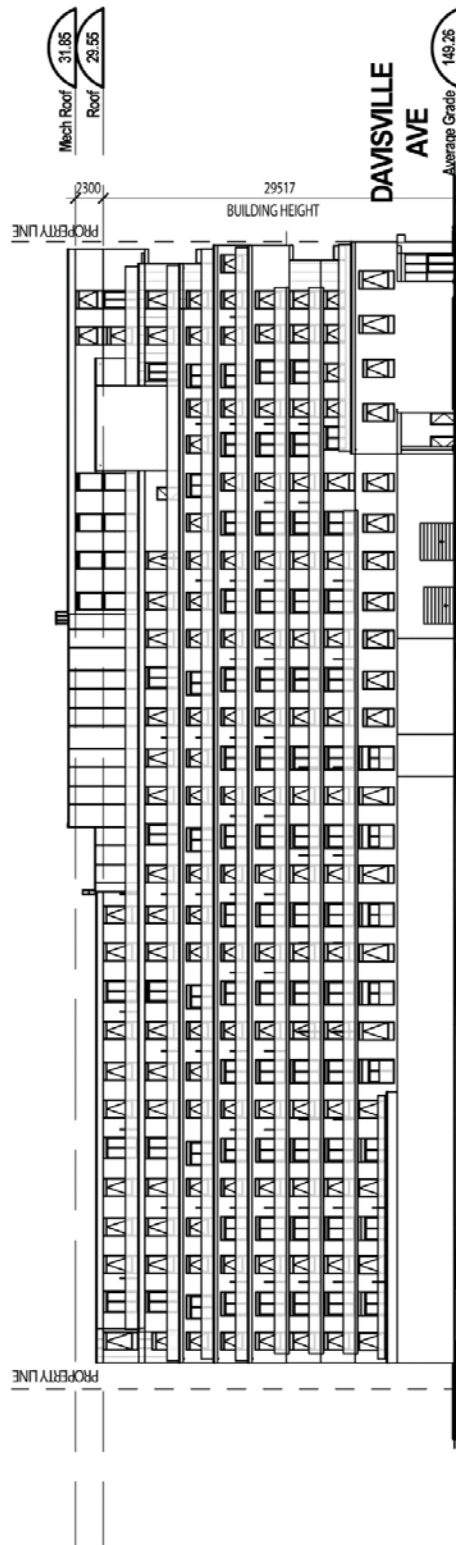
South Elevation

## Attachment 7: East Elevation



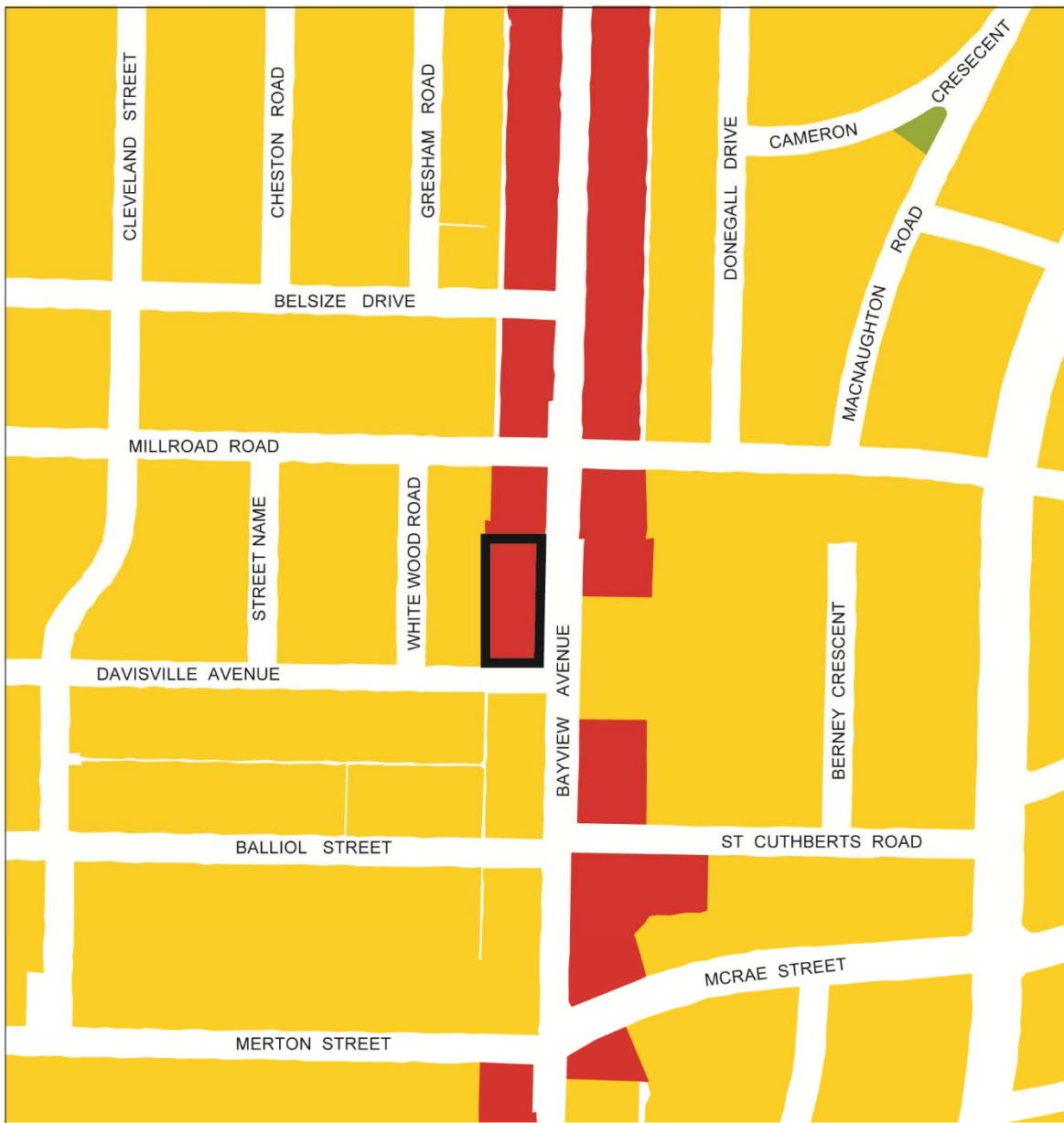
East Elevation

## Attachment 8: West Elevation



West Elevation

## Attachment 9: Official Plan Map

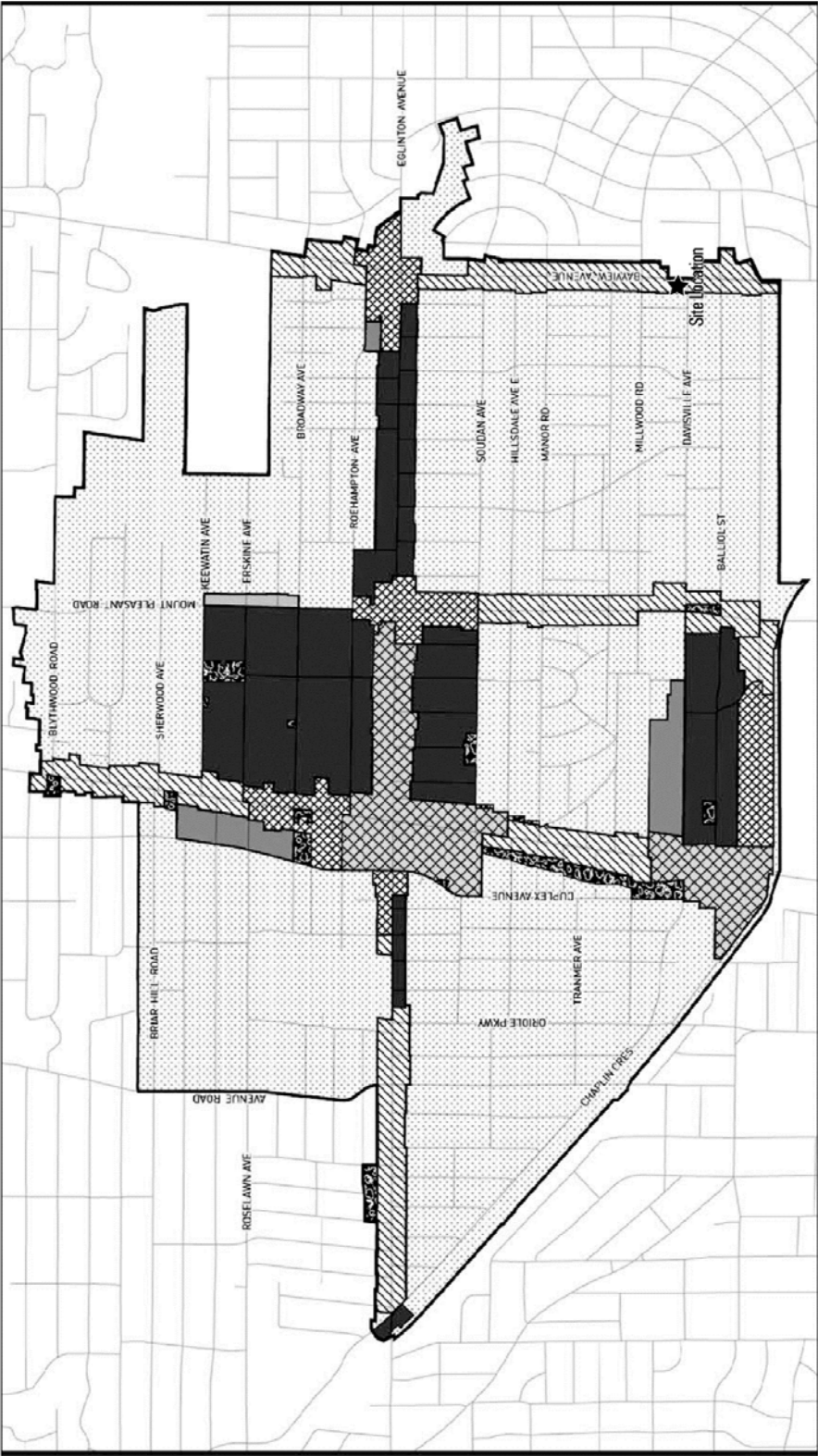


1466 - 1500 Bayview Avenue

### Official Plan Land Use Map #17

File # 20 210394 NNY 15 0Z





# Yonge-Eglinton Secondary Plan Land Use Map - OPA 405

1466 - 1500 Bayview Avenue

File # 20 210394 NNY 15 0Z

- Secondary Plan Boundary
- Mixed Use Areas "A"
- Mixed Use Areas "B"
- Mixed Use Areas "C"
- Apartment Neighbourhoods
- Neighbourhoods "A"
- Neighbourhoods "B"
- Parks and Open Space Areas - Parks
- Land Use Designations per the Official Plan
- Site Location

Not to Scale  
12/23/2020