

1710-1736 Bayview Avenue – Zoning By-law Amendment, Rental Housing Demolition and Site Plan Control Applications – Request for Directions Report

Date: December 1, 2021

To: North York Community Council

From: Director, Community Planning, North York District

Ward: 15 - Don Valley West

Planning Application Number: 20 153356 NNY 15 OZ

SUMMARY

On June 8 2020, a Zoning By-law Amendment and Rental Housing Demolition Application were submitted for the properties at 1718-1734 Bayview Avenue. A preliminary report was adopted by North York Community Council on September 10, 2020.

Since the time of the original application submission, the proposal has been revised to include five additional properties at 1710, 1712, 1714, 1716 and 1736 Bayview Avenue. The revised address now includes the properties municipally known as 1710-1736 Bayview Avenue and the revised application now proposes a nine-storey residential building fronting onto Bayview Avenue and 12 live-work units also facing Bayview Avenue.

On May 6, 2021, the applicant appealed the Zoning By-law Amendment application and on June 7, 2021 the applicant appealed the Site Plan Control application to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the 90-day and 30-day time frames in the Planning Act.

The proposed development is not consistent with the Provincial Policy Statement (2020), and does not conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). The proposal does not conform to the City's Official Plan, in particular the *Mixed Use Areas* designation, Public Realm, and Built Form policies, as well as the Yonge-Eglinton Secondary Plan (OPA 405).

The proposed development is not providing appropriate transition to the Neighbourhoods to the west, or providing retail uses at-grade and a public laneway as per the Secondary Plan policies. Amongst other matters, the proposed mid-rise building does not meet the 45 degree angular plane from the rear; lacks sufficient indoor and outdoor amenity space; is not meeting the intent of the City's Mid-Rise Guidelines; and is not providing an adequate amount of large units per the Growing Up Guidelines. In addition, the application does not have a satisfactory Functional Servicing Report to

address servicing issues and the proposed parking ratio has not been sufficiently justified.

This report recommends that City Council instruct the City Solicitor with the appropriate City staff to attend the OLT hearing and oppose the applications in their current form and to continue discussions with the Applicant to resolve outstanding issues.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal (OLT) in opposition to the current Applications regarding the Zoning By-law Amendment and Site Plan Control appeals for the lands at 1710-1736 Bayview Avenue.

2. In the event that the OLT allows the appeals in whole or in part, City Council authorize the City Solicitor to request that the issuance of any final Orders be withheld until such time as the City Solicitor advises that:

a) the final form and content of the draft Zoning By-laws are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;

b) the owner has addressed all outstanding issues raised by Engineering and Construction Services as they relate to the Zoning By-law Amendment and Site Plan Control applications as set out in their memo dated April 9, 2021 or as may be updated in response to further submission(s) filed by the owner, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;

c) the owner has provided a revised Functional Servicing Report, Stormwater Management Report, Municipal Servicing and Grading Plan, and any other reports or documents deemed necessary in support of the development to the City for review and acceptance by and to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; the reports will determine whether the municipal water, sanitary and storm sewer systems can support the proposed development and whether upgrades or improvements of the existing municipal infrastructure are required;

d) the owner has provided a subsurface investigation into the possible presence of methane gas at the property, to the City for review and acceptance by and to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;

e) the owner has entered into a financially secured agreement to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services for the construction of any improvements to the municipal infrastructure, at the owner's sole expense, should it be determined that upgrades are required to support the development as identified in the accepted Functional Servicing and Stormwater

Management Reports or other reports accepted by the Chief Engineer and Executive Director, Engineering and Construction Services;

f) the owner has entered into an Agreement pursuant to Section 37 of the Planning Act to secure appropriate services, facilities, and/or matters, as may be required by the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, and such agreement shall be registered on title to the subject lands to the satisfaction of the City Solicitor; or made other satisfactory arrangements to secure appropriate community benefits to the satisfaction of the City Solicitor;

g) the owner has submitted a complete resubmission of the application to be circulated to relevant divisions and agencies and all revisions and identified pre-approval conditions through the circulation process have been met for the Site Plan Control application, to the satisfaction of the Chief Planner and Executive Director, City Planning;

h) the owner has submitted a revised Travel Demand Management (TDM) Plan acceptable to, and to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services and that such matters arising from such study, be secured if required;

i) the owner has submitted a Rental Housing Demolition Application under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act, 2006 to the satisfaction of the Chief Planner and Executive Director, City Planning;

j) the owner has developed a tenant relocation and assistance plan to mitigate hardship for existing tenants and entered into, and registered on title to the lands at 1712, 1726-1730 and 1734 Bayview Avenue, one or more agreements, including an agreement pursuant to Section 111 of the City of Toronto Act, 2006, to secure such tenant relocation and assistance plan and any other rental housing-related matters to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor

3. City Council authorize the City Solicitor and appropriate City staff to continue discussions with the applicant to address the issues outlined in this report.

4. City Council authorize the City Solicitor and City staff to take any necessary steps to implement City Council's decision.

FINANCIAL IMPACT

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.

DECISION HISTORY

A Preliminary Report was adopted by North York Community Council on September 10, 2020 for a proposal at 1718-1734 Bayview Avenue. A Community Consultation Meeting was held on November 12, 2020. The Preliminary Report is available via the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.NY17.4>

A further Preliminary Report was adopted by North York Community Council on April 20, 2021, due to the addition of five properties to the application site, resulting in an expanded site address of 1710-1736 Bayview Avenue, in addition to revisions including the addition of 12 live-work units also facing Bayview Avenue. The report was referred back to Community Planning staff by the Ward Councillor in order to continue discussions with the applicant, City Councillor and local community, on how to make the application compliant with the applicable planning standards and policies, including the Mid-Rise Building Performance Standards. A second Community Consultation Meeting was held on June 2, 2021. This is the proposal that is subject to this Request for Directions report. The Preliminary Report is available via the following link:

<https://www.toronto.ca/legdocs/mmis/2021/ny/bgrd/backgroundfile-165403.pdf>

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. As part of City Council's adoption of OPA 405, City Council also directed staff to complete a zoning review for the Yonge-Eglinton Secondary Plan Area. Work is currently underway and, when complete, will set out area specific requirements for height, setbacks, stepbacks, and landscaped open space to implement the objectives and policies of the new Secondary Plan.

City Planning staff's Final Report and City Council's decision to approve Midtown in Focus and OPA 405 can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG31.7>

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 in-force Secondary Plan, as modified and approved by the Minister of Municipal Affairs and Housing, can be found here: https://www.toronto.ca/wp-content/uploads/2019/07/96a5-CityPlanning_OPA405.pdf

SITE AND SURROUNDING AREA

The subject site is a rectangular shaped mid-block site on the east side of Bayview Avenue between Eglinton Avenue East and Soudan Avenue. The site has a frontage of 104.3 metres on Bayview Avenue and is 3,974.2 square metres in size. At present, there are 14 semi-detached and detached dwellings on the site, with individual driveways off Bayview Avenue.

Surrounding uses include:

North: To the north of the site are two pairs of semi-detached dwellings. North of these dwellings is a mid-rise building at the southwest corner of Bayview Avenue and Eglinton Avenue East. North of Eglinton Avenue East, on the west side of Bayview Avenue is a retail plaza featuring a Metro supermarket and gas station.

East: To the east of the site is Bayview Avenue and on the eastern side of Bayview Avenue are a range of low-rise building forms including semi-detached dwellings and fourplexes.

South: To the south of the site is the Church of Christ and a dry cleaning establishment on the corner of Bayview Avenue and Soudan Avenue. On the southern side of Soudan Avenue is a 7-storey mid-rise building that is under construction.

West: To the west of the subject site are single family detached dwellings with rear yards adjacent to the subject site. The lands are at a higher elevation to the subject site and there is a retaining wall along a portion of the western lot line.

THE APPLICATION

Description

Since the original submission, additional lots to the north and south of the subject site were acquired by the Owner. The expanded subject site now includes the properties at 1710 to 1736 Bayview Avenue.

The application proposes a 9-storey (31.5 metres including the mechanical penthouse) mid-rise development fronting onto Bayview Avenue. Due to additional properties, the overall site area has increased from 2,504.2 square metres to 3,974.2 square metres and the frontage on Bayview Avenue has increased from 65.7 metres to 104.3 metres. As a result, the gross floor area ("GFA") has increased from 10,879 square metres to approximately 16,931 square metres, and the number of residential units has increased from 123 to 216.

The previously proposed 336 square metres of ground floor retail space is no longer part of the application, and instead, 12 two-storey live-work units are proposed to front onto Bayview Avenue. The overall ground floor height has increased from approximately 5.2 metres in the original proposal to 6.5 metres.

A 11.9-metre-wide vehicular and pedestrian east west mid-block connection is proposed to be located centrally within the building frontage and divide the building into two inter-connecting segments of 43.5 metres and 48.5 metres in length. At ground floor level, the connection would provide access to the residential lobby, passenger drop off area, underground parking ramp and loading areas. At this break in the façade, an area of indoor amenity space is proposed on floors 2 to 6. This portion would also set back an additional 4.0 metres from the facades to the north and south (7.0 metres total from the front property line).

A north-south pedestrian/bicycle path providing active transportation connections, is proposed at the rear of the site, and would be accessed via the proposed mid-block connection from Bayview Avenue. This would include a 2.1 metre-wide pedestrian walkway, in addition to a further 2.1 metre-wide pedestrian walkway provided along the south property line. Outdoor amenity space is proposed at the southwest corner of the subject site, adjacent to the relocated indoor amenity space at the south end of the building.

A summary of the revisions are set out in the table below:

Category	June 8, 2020 Submission		February 2021 Submission
Site Area	2,504 square metres		3,974.2 square metres
Building Length (Frontage on Bayview Avenue)	65.7 metres		104.3 metres
Building Setbacks from Property Line (Ground Floor)	North	0 metre	0 metre
	South	0 metre	2.1 metres
	East (Bayview Ave)	3 metres	3 metres 7 metres at the new vehicular entrance
	West	6 metres to the ground floor townhouses, increasing to 7.5 metres to the outdoor amenity area and 9.25 metres to the at-grade mechanical	7.5 metres to the ground floor townhouses
Building Stepbacks along Bayview Ave			
Above the 4th Floor	1 metre		1 metre
Above the 6th Floor	0 metre		2 metres
Above the 7th Floor	1.5 metres		0 metre
Above the 9th Floor	0 metre		1 metre (7 metres total from eastern property line)

Rear Building Stepbacks Above the 2nd Floor Above the 4th Floor Above the 5th Floor Above the 6th, 7th and 8th Floors Above the 9th Floor	1.5 metres 1.15 metres 2.7 metres 3.3 metres 1.95 metres	0 metre 1.87 metres 2.49 metres 3 metres 3.3 metres (8th Floor) 2.45 metres
North (Side) Building Stepbacks Above the 8th Floor Above the 9th Floor	0 metre 0 metre	1.2 metres 1 metre
South (Side) Building Stepbacks Above the 2nd and 3rd Floors Above the 4th Floor	0 metre 0 metre	0.5 metre 3.5 metres
Gross Floor Area (GFA) Residential Non-Residential (Retail) TOTAL	10,543 m ² 336 m ² 10,879 m ²	16,931 m ² 0 m ² 16,931 m ²
Floor Space Index (FSI)	4.34 times the lot area	4.26 times the lot area
Building Height	31.3 metres	31.5 metres
Proposed Residential Units Studio 1 Bedroom 2 Bedroom 3 Bedroom Live/Work Units Total	0 (0%) 25 (20%) 85 (69%) 13 (11%) 0 (%) 123	0 (0%) 84 (39%) 99 (46%) 21 (10%) 12 (5%) 216
Number of Proposed Rear-Facing Townhouses	5	10
Amenity Area Indoor Outdoor Total	246 square metres 123 square metres 369 square metres	321 square metres 423 square metres 744 square metres
Proposed Vehicular Parking (residential: visitor)	77 spaces (65:12)	134 (113:21)
Loading Spaces	1 Type 'G'	1 Type 'G'
Bicycle Parking (long-term residential:short term)	123 spaces (111:12)	262 spaces (240:22)
Proposed Parkland Dedication	None	None

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

See Attachments 1-7 of this report for three-dimensional representations of the application in context, a location map, site plan and building elevations.

Reasons for the applications

A Zoning By-law amendment is required as the application proposes to exceed the maximum building height and density permitted by the existing Zoning By-laws, as amended, and to establish new development standards related to, amongst other matters: parking, loading and building setbacks.

Site Plan Control

The application is subject to Site Plan Control. A Site Plan application (file no. 20 147244 NNY 15 SA) was submitted on April 28, 2021. That application has also been appealed to the OLT.

POLICY CONSIDERATIONS

The site is designated *Mixed Use Areas* on Land Use Map 17 of the Official Plan. The application is subject to the policies of the Yonge-Eglinton Secondary Plan and is designated *Mixed Use Areas C*, as well as being located on a *Priority Retail Street*, within the Bayview-Leaside Character Area.

The site is zoned for residential uses, with a maximum density of 1.0 times the lot area and a maximum height of 9 metres.

Additional information on applicable policy documents can be found in Attachment 8.

COMMUNITY CONSULTATION

Two Community Consultation Meetings were hosted by City staff.

The first meeting was held on November 12, 2020. The meeting was held to discuss the initial proposal at 1718-1734 Bayview Avenue. Members of the public and the staff of the Ward Councillor participated. The following comments on the proposed development were made by community members prior to and following a presentation by the Applicant:

- Building density seems out of context and out of scale;
- Questioning the proposed townhouses;
- Concerns over the traffic impact on Mann Avenue with the increased population;
- Future purpose of the laneway?;
- Questions regarding the size of the retail space compared to the existing stores on Bayview Avenue;
- School capacity remains an issue;

- Tree removal would be detrimental to this site and there should also be new plantings;
- Does the parking ratio represent the standard ratio or are there proposed changes?;
- A variation in heights and side setbacks is needed; and
- Building height is a concern.

A second meeting was held on June 2, 2021. The meeting was held to discuss the revised proposal with the expanded application site of 1710-1736 Bayview Avenue. Members of the public and the staff of the Ward Councillor participated. The following comments on the proposed development were made by community members prior to and following a presentation by the Applicant:

- An appropriate proposal given the proximity to transit;
- Similar proposal to that contemplated by the approved Secondary Plan;
- Concerns with the live/work units located along Bayview Avenue regarding how they would function and contribute to public realm;
- Questions regarding the potential uses within the live/work units. More retail uses are preferred;
- The building massing is too large even with the glazed central portion;
- The green space proposed instead of a laneway appears more like a private space than a fully public green space;
- Building design at the rear, facing the neighbourhood, would visually appear as a wall of building;
- Height and length of the proposed building is a concern;
- Existing trees provide screening and privacy from Bayview Avenue and a laneway would remove this screening;
- More affordable and family-sized units should be proposed; and
- Opposition to the idea of new traffic lights at Soudan Avenue and Bayview Avenue.

COMMENTS

Planning Act

The review of this application and this report's recommendations have had regard for the relevant matters of provincial interest set out under Section 2 of the Planning Act.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (2020) (the PPS), and the Growth Plan for the Greater Golden Horseshoe (2020) are high-level and broad reaching policy documents. The PPS and the Growth Plan (2020) encourage intensification and redevelopment in urban areas and direct planning authorities to identify appropriate locations for growth. Intensification and redevelopment is to be provided in areas that take into account the existing building stock or area, and availability of infrastructure and public service facilities that meet projected needs.

Provincial Policy Statement (2020)

The PPS provides for a coordinated and integrated approach to planning matters within municipalities. Staff have determined that the proposal, in its current form, is not consistent with the PPS (2020).

Planning Staff have reviewed the current proposal against the policies of the PPS, as described in the Policy Considerations Section (Attachment 8) in this report and find the proposal is not consistent with the policies of the PPS. Although the site's location approximately 100 metres from the new Leaside LRT station is in an area that contemplates growth, the proposal does not address other relevant matters of the Official Plan, as discussed in this report.

The proposal's inconsistency with the PPS relates to the scale, intensity and form of development being proposed and the inappropriate regard for Yonge-Eglinton Secondary Plan's direction with respect to these matters, as well as other matters including the provision of a laneway requirement.

Policies of the PPS (2020) promote the formulation of appropriate development standards, while providing for safe, active streets and public spaces and an equitable distribution of publicly-accessible settings for recreation, including facilities, parklands, public spaces, open space areas and well-designed built form.

In addition, Policy 3.2.2 of the PPS requires sites with contaminants in land or water shall be assessed and remediated prior to any activity on the site associated with the proposed use such that there will be no adverse effects. The applicant has not yet confirmed whether there is methane gas on site and is required to undertake a subsurface investigation to determine this, in order to ensure public health and safety in accordance with Policy 3.2.2.

Policy 4.6 of the PPS states that the Official Plan is the most important vehicle for implementation of the PPS. As a result, the City of Toronto has established a vision and policy framework for this area through Midtown in Focus and the subsequent Yonge-Eglinton Secondary Plan adopted through OPA 405 and approved by the Province.

The intent of this policy exercise was to provide policy direction to ensure Midtown develops as a complete community, maintain the diversity of Midtown's neighbourhoods and integrate land use and infrastructure planning while informing and guiding the provision of new and improved parks and community service facilities.

The proposed 9-storey mid-rise building does not promote a well-designed built form due to the massing and resulting visual scale of the building. The analysis of the proposed built form in the context of the aforementioned Official Plan policies, as assessed later in this report, indicates that the proposed building does not adhere to appropriate development standards for intensification, particularly those concerning appropriate form of massing and transition. Furthermore, the proposal fails to provide the required retail uses and public laneway as set out in the Secondary Plan policies.

It is the opinion of City Planning that, in its current form, the proposed development and Zoning By-law Amendment application is not consistent with the Provincial Policy

Statement (2020). The proposal does not appropriately conform to the intensification direction and standards that are set out in the Official Plan and Guidelines, as directed through the PPS as being a responsibility of the City.

Growth Plan (2020)

Planning Staff have reviewed the current proposal against the policies of the Growth Plan, as described in the Policy Considerations Section in this report.

With respect to Policies 2.2.2.3 (b),(d),(e) and (f), the proposal contemplates the intensification of a site within a delineated built-up area. While it is recognized that intensification is generally encouraged by the Growth Plan, it must achieve the policy goals as outlined in Attachment 8 of this report. In this regard, the City has developed a strategy to achieve the minimum density targets through the City of Toronto Official Plan, in conjunction with the Yonge-Eglinton Secondary Plan, which provides a greater level of detail and specificity on matters such as built form, massing, scale and location of development within this area. These policies are further informed by the City's Mid-Rise Building Performance Standards and Addendum, which apply to this application as a mid-rise building is being proposed.

Policy 5.2.5.6 of the Growth Plan states municipalities are to develop and implement urban design and site design official plan policies and other supporting documents that direct the development of a high quality public realm and compact built form in order to achieve the minimum intensification and density targets in the Growth Plan. The City has done this through its Official Plan policies and supporting guidelines discussed in this report. Together, the policies and guidelines provide a planning framework that enables new development and intensification on the site in a manner that achieves a number of city building objectives and positively contributes to the surrounding context.

The proposal does not conform to policy 2.2.4.10 (Transit Corridors and Station Areas) as the proposal does not provide a range and mix of uses and activities as stated in the policy. Further to this, the proposal does not conform with policy 2.2.1.4 (e) as it does not create a vibrant public realm due to the lack of non-residential uses on the ground floor. This is supported by policy 2.2.5.3 (Employment) which require that retail and office uses will be directed to locations that support active transportation and have existing or planned transit. The proposal does not include ground floor retail uses and is therefore contrary to these policies.

In the opinion of City Planning, the proposed intensity and resulting visual scale of the development does not conform with the policy direction of the Growth Plan for the Greater Golden Horseshoe (2020) which directs the review of the proposed built form, uses and mobility requirements, to applicable Official Plan policies and relevant guidelines. Their role in assessing PPS consistency and Growth Plan conformity is further examined below.

City of Toronto Official Plan and Yonge-Eglinton Secondary Plan

This application has been reviewed against the relevant policies of the Official Plan and Yonge-Eglinton Secondary Plan described in Appendix 8-Policy Considerations to this report.

Land Use

The subject lands are designated *Mixed Use Areas* on Map 17 of the Official Plan. The lands are also designated *Mixed Use Areas "C"* as per Map 21-4 of the Yonge-Eglinton Secondary Plan Area, which include commercial main streets characterized by continuous at-grade narrow-frontage retail, service and institutional uses with office, other commercial and residential uses above. The site is also located on a Priority Retail Street as per Map 21.5 of the Secondary Plan.

The site is located within the Bayview-Leaside Character Area, which is a designated Midtown Village which, in accordance with Secondary Plan Policy 1.3.2, is to reinforce the local character of its main streets by providing narrow retail frontages, frequent entrances and active uses at grade. Furthermore, to support these active frontages, buildings should have generously-scaled setbacks with wide sidewalks and patios extending along the street.

The proposed land use is residential within an apartment building, which conforms with the Official Plan. While the proposed residential use on the upper floors is generally acceptable, the live/work units proposed on the ground floor along the Bayview Avenue frontage, are not appropriate. Policy 2.6.1(a) states that at-grade residential units are not permitted on Priority Retail Streets except for residential lobbies on mid-block sites. This policy also requires a minimum depth of 15 metres for the at-grade retail units along the frontage of a building.

In its current form, the proposal does not meet the policy objectives of the Secondary Plan with respect to the incorporation of grade-related retail uses.

Built Form- Height, Transition and Massing

Planning staff have reviewed the proposed built form, including height, massing and transition, against the policies of the Official Plan, Yonge-Eglinton Secondary Plan and relevant design guidelines, including the Mid-Rise Building Performance Standards and Addendum.

The Built Form and *Mixed Use Areas* policies of the Official Plan within Sections 3.1.2 and 4.5.2 require the proposed building to be massed to fit harmoniously into its existing and/or planned context by framing adjacent streets and open spaces in a way that respects the street proportion as well as providing an attractive, comfortable and safe pedestrian environment. Developments in *Mixed Use Areas* are to locate and mass new buildings to provide a transition between areas of different development intensity and scale, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*.

The proposal does not conform to the Secondary Plan policies regarding building height. It is of note that the application proposes a 9-storey (31.5 metre) building (excluding the mechanical penthouse), whereas a height of 8-storeys is anticipated in the Bayview-Leaside Character Area, a Midtown Village.

The Yonge-Eglinton Secondary Plan provides direction on how buildings are to transition down to adjacent *Neighbourhoods* utilizing height and angular plane provisions. The 45-degree angular plane should be measured from the lowest grade elevation of the adjacent property where there is a difference in grade from the street frontage.

Furthermore, Secondary Plan Policy 5.4.10 states that additional storeys may be contemplated if the angular plane is protected for those additional storeys. In this case, the proposed 9th storey would project through the rear angular plane to an unacceptable degree and does not meet the intent of this policy either. There are also minor portions of the building and balconies that protrude into the 45-degree angular planes required by the Official Plan, Secondary Plan and Mid-Rise Building Performance Standards. Performance Standard #12 states that balconies on the rear façade should be setback a minimum of 10 metres from the rear property line. The proposed balconies would be setback only 7.5 metres and therefore, do not sufficiently mitigate impacts on the neighbouring properties such as overlook.

With the significant decline in grade from south to north on the site, the northern portion of the building also appears higher as the roof line is consistent across the entire building. It is City Planning staff's view that the two sections of building should more appropriately relate to the grade and that revisions should be made to achieve this goal.

The proposed building generally steps back from the Bayview Avenue elevation, to minimize its appearance from the street, and allows for 5 hours of sunlight on the public realm. However, the building does not meet Mid-Rise Building Performance Standard #4B, nor the Mid-Rise Guidelines Addendum because the grade changes along Bayview Avenue make the north end of the building taller than perceived from the southern end of the site, resulting in a taller pedestrian perception zone.

With regards to the massing, the proposed length of the building is 103.2 metres, which exceeds the maximum building length of 60 metres as prescribed by the Avenues and Mid-Rise Buildings Performance Standards and Addendum. As discussed above, the building length, in combination with the height and consistent roofline despite the difference in grades, results in a substantial building mass that does not fit harmoniously within the existing context.

Policy 5.3.19 of the Secondary Plan also requires a setback above the second storey on the Bayview Avenue frontage. However, the proposed building does not have a setback and while the ground floor setback to the property line is 4.5 metres, the 2nd to 5th floors only have a 3 metre setback to the property line and project further towards Bayview Avenue than the ground floor.

Mid-Rise Building Performance Standard #8C states that where properties have a wider frontage, such as this, the uppermost storeys of the building can step back on the sides

to reduce the extent of blank sidewalls and allow for side glazing and greater light penetration. A side property step-back of 5.5 metres should be provided at the height equivalent to 80% of the width of the right-of-way.

While there is a stepback on the southern side of the building of 3.5 metres above the 4th floor, there is no stepback on the northern side, resulting in a sheer, dominating wall that does not provide an appropriate interface with the lots to the north. This is contrary to the Mid-Rise Performance Standards, in particular Standard #8D which recommends a stepback of at least 5.5 metres to the property line where adjacent to existing buildings with side wall windows, as is the case with the adjacent semi-detached dwelling.

Ten townhouses are proposed to face the rear of the property, along the length of the proposed building. There is a 7.5 metre setback to the townhouses, with no additional setback to the entrances of the townhouses. In order to meet the laneway requirement, a 6 metre laneway and 1.5 metre landscaped buffer is required as a minimum. A redesign of the grade-related units fronting this laneway would be required to ensure safe and comfortable resident and visitor access.

In summary, the cumulative impact of the building's massing and height, results in a mid-rise building that is not considered well-proportioned and lacks an appropriate transition to the adjacent *Neighbourhoods* designated lands to the west.

The proposal in its current form does not conform with the policies of the Official Plan, and the Yonge-Eglinton Secondary Plan and does not meet the intent of the Mid-Rise Building Performance Standards relating to context and transition.

Sun, Shadow, Wind Impacts

Shadow Impacts

Official Plan Built Form Policies 3.1.2.3 (e) and (f) require that new development provide adequate light and limit shadows on streets, properties and open spaces. Healthy Neighbourhoods Policy 2.3.1.2(c) states that developments close to *Neighbourhoods* will maintain adequate light for residents in those *Neighbourhoods*. *Mixed Use Areas* Policy 4.5.2(d) also refers to limiting shadows on adjacent *Neighbourhoods*. The adjacent lands to the west are designated *Neighbourhoods*.

Further, Policies 5.1.1(h) and (i) of the Yonge-Eglinton Secondary Plan speak to achieving liveable and comfortable spaces by locating, designing and massing buildings to mitigate the cumulative impact of multiple tall buildings, adequate access to sky view from the public realm, adequate sunlight and suitable wind conditions.

The shadow impacts resulting from the proposed development cannot be confirmed as the updated shadow studies for this revised proposal were not submitted by the applicant. From an initial review and estimation, there would be shadow impacts on lands to the west, north and on Bayview Avenue and this will be confirmed and mitigation measures required, once a shadow study has been submitted.

Wind Impacts

A Pedestrian Wind Assessment from SLR was submitted with the original application in June 2020 to detail the potential wind impacts resulting from the massing of the proposed building. Since then, the subject site was expanded to incorporate an additional 5 lots and the proposed design included additional height and massing. An updated wind study was not submitted with the revised proposal and would be required in order to adequately assess the proposed building's wind impacts and to determine if mitigation measures are required.

City Planning requires an updated wind study that includes an updated CFD wind study and will secure any mitigation measures through the Section 37 Agreement and the Site Plan Control process.

Site Access, Organization and Laneway Requirement

An 11.9-metre-wide east west vehicular and pedestrian mid-block connection is proposed in the centre of the site. Within this space, vehicular access to the site is proposed via a 7.4 metre wide central driveway off Bayview Avenue, with a 2.1 metre internal sidewalk located adjacent to the residential entrance lobby. This driveway would provide vehicular access to the underground parking ramp as well as the loading bay at-grade. The primary pedestrian entrance to the residential lobby would be located adjacent to the central driveway in the southern portion of the building. Upon the dedication of a future rear laneway into public ownership, and once the neighbouring properties develop in the future, vehicular access would be via the side street, Soudan Avenue. The proposed vehicular access from Bayview Avenue is therefore intended to be temporary until such time as the north-south laneway network is constructed and operational.

To the west of the underground parking ramp would be a communal entrance to an internal corridor serving the rear townhouses, as well as a pedestrian connection to the rear of the site.

Map 21-9 of the Secondary Plan identifies the locations of existing and potential new public laneways which would provide important access to properties primarily located adjacent to Midtown's Major Streets (Attachment 11). The subject lands are identified on Map 21-9 as a site for a new north-south laneway through the site at its west end, eventually connecting with Soudan Avenue to the south and to the rear of the properties fronting Eglinton Avenue East to the north and west connecting Mann Avenue. The location of the new laneway on Map 21-9 is entirely within the *Mixed Use Areas* designation, adjacent to Bayview Avenue.

Per 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 introduction and expansion of publicly-owned laneways in Midtown is a vital transportation initiative. Not only do laneways provide important service functions, but they are often used as mid-block connections.

Laneways on mid-block sites are also referenced in Performance Standard 16B of the Mid-Rise Buildings Performance Standards and Addendum.

In Midtown, there is potential for laneways to function as shared streets, whereby pedestrians, cyclists and drivers are able to utilize them safely. In addition, laneways can often provide transition and access between higher and lower density uses

The application, as submitted, is not providing the required laneway dedication per the policies of Chapter 4 of the Secondary Plan, but rather a setback of 4.5 metres from the westerly property line to the proposed underground parking levels and 7.5 metres to the proposed rear-facing grade-related townhouses.

In its current form, this application is not supportable by Planning Staff without a laneway dedication. For an unencumbered laneway to be dedicated to the City of Toronto, it will necessitate revisions to the location of the proposed underground parking and the reconfiguration of the proposed rear yard setback including the interface to the proposed townhouses. The appropriate configuration and width of the laneway, including landscaping, is to be determined, in consideration with the challenges of the grading and existing trees.

Public Realm and Streetscaping

The Official Plan states that city streets are significant public open spaces which connect people and places and support development of sustainable, economically vibrant and complete communities. All streets are to be designed as Complete Streets and are to accommodate a safe and efficient movement of pedestrians, space for trees and landscaping, as well as space for other street elements such as utilities and services, street furniture, boulevard cafés, etc.

The public realm in Midtown is to support a vibrant mixed-use community with a green landscaped character. Primary public realm objectives of the Secondary 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 Secondary Plan provides that pedestrian and public realm improvements will be prioritized to support the Priority and Secondary Retail Streets and Public Realm Moves including the provision of additional street trees, understory plantings and street furniture within streets and adjacent setbacks; and re-allocating space within public streets to prioritize pedestrians, cyclists and public transit. Policy 3.1.7 of the Secondary Plan also speaks to reducing the impact of vehicular, loading and servicing activities on the public realm.

As previously noted, the westerly portion of the subject lands are identified for the provision of a new north-south laneway on Map 21-9 of the Yonge-Eglinton Secondary Plan. The laneway is a vital element of the public realm, as it not only provides for the eventual controlled vehicular access to the site, but also acts to improve the public realm by removing pedestrian and vehicular conflicts along Bayview Avenue. This is of importance to support Priority Retail Streets as noted in Policy 3.1.4(d), which speaks to

re-allocating space within public streets to prioritize pedestrians, cyclists and public transit and to improve pedestrian safety, comfort and accessibility for users of all ages and abilities as referenced in Policy 3.1.5(a).

Laneways on mid-block sites are also referenced in Performance Standard 16B of the Mid-Rise Buildings Performance Standards and Secondary Plan Policies 4.8 to 4.12 which state that the locations of existing and potential new laneways could provide important access to properties primarily located adjacent to Midtown's Major Streets, and could also contribute to additional pedestrian and cyclist connectivity.

The proposal does not adequately respond to the Official Plan and Secondary Plan policies related to the provision of a laneway at the west end of the site. As noted in the 'Site Access, Organization and Laneway Requirement' section of this report, a new publically-owned laneway is not being provided through the site which would contribute to re-allocating space within public streets to prioritize pedestrians, cyclists and public transit, as well as limit conflicts with vehicular traffic, pedestrians and cyclists.

Housing- Unit Mix and Size

The PPS (2020) and the Growth Plan (2020) acknowledge the importance of providing a full range of housing and identify affordable housing as a matter of Provincial interest. The provision of affordable, secure and diverse housing stock to meet housing needs for a wide range of people throughout their life cycle is essential to the creation of complete communities.

Further to this policy direction, Official Plan Policy 3.2.1.1 states that a full range of housing, in terms of form, tenure and affordability will be provided and maintained to meet the current and future needs of residents. A full range of housing includes affordable rental housing and shared and/or congregate-living housing.

Section 7.1 of the Secondary Plan states that in order to achieve a balanced mix of unit types and sizes, and to support the creation of housing suitable for families, development containing more than 80 new residential units will include:

- a minimum of 15 per cent of the total number of units as 2-bedroom units;
- a minimum of 10 per cent of the total number of units as 3-bedroom units; and
- an additional 15 per cent of the total number of units will be a combination of 2-bedroom and 3-bedroom units, or units that can be converted to 2-bedroom and 3-bedroom units through the use of adaptable design measures.

The Council-adopted Growing Up Urban Design Guidelines (2020) provide guidance on the proportion and size of larger units recommended in new multi-unit residential developments. Guideline 2.1 of the Growing Up Guidelines states that a residential building should provide a minimum of 25% large units. Specifically, the guidelines state that a minimum of 10% of the total residential units should be three-bedroom units and a minimum of 15% should be two-bedroom units.

Guideline 3.0 states that the ideal unit size for large units, based on the sum of the unit elements, is 90 square metres for two-bedroom units and 106 square metres for three

bedroom units, with ranges of 87-90 square metres and 100-106 square metres representing an acceptable diversity of sizes for such bedroom types while maintaining the integrity of common spaces to ensure their functionality.

The proposal contemplates 84 one-bedroom units (39%), 99 two-bedroom units (46%), 21 three-bedroom units (10%) and 12 live-work units (6%). While the allocation of units by bedroom type meets the Guidelines, the proposed unit sizes are substandard.

The proportion of proposed two and three bedroom units that are larger than 87 square metres and 100 square metres, respectively, of the entire development do not adequately support the unit size objectives of the Growing Up guidelines to accommodate within new development a broad range of households, including families with children.

Amenity Space

Every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents of the development. Zoning By-law 438-86 requires a minimum of 2 square metres per unit each of indoor and outdoor amenity space and Bylaw 569-2013 requires a combined amenity space of 4.0 square metres per unit. The proposal provides for a total combined indoor and outdoor amenity space of 744 square metres (3.44 square metres per unit). A total of 321 square metres (1.48 square metres per unit) of indoor amenity space is proposed on the ground floor at the southern end of the site with a portion of the space fronting Bayview Avenue. In addition, approximately half of this space is located internal to the building, to the rear of the live/work units and without windows. This configuration and amount of this amenity space is not supported.

Furthermore, details of the proposed indoor amenity space proposed for the central glazed area of the building, have not been provided other than demarcating studio space on the architectural plans. More detailed programming information regarding this space is required before Planning staff can comment further.

A total of 432 square metres (2 square metres per unit) of outdoor amenity space is proposed at the rear of the site, adjacent to the indoor amenity space and along the western edge of the site. While the amount of outdoor amenity space being provided is sufficient, this number would be significantly reduced with the laneway that is required to be located at the rear of the site. The amount of indoor amenity space is deficient and is required to be increased to the required 2 square metres per unit. Appropriate design measures for amenity areas including indoor and outdoor play areas for children and youth, flexible spaces for use by any age group, hobby rooms and pet amenity space is required.

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).

An Arborist Report and Tree Preservation Plan, prepared by Kuntz Forestry Consulting Inc. and dated December 7, 2020 and February 12, 2021 respectively, were submitted

in support of the proposed development. The Arborist Report submitted concludes that there are a total of 44 trees on and within six metres of the subject property. Of these 44 trees, only 28 are trees protected by Toronto's tree by-laws. The applicant proposed the removal of 16 protected privately owned trees and one tree located within the City right-of-way. A total of 16 trees are proposed to be removed to accommodate the proposed development, including 15 private trees (having a diameter of 30cm or greater) and one tree located within the City right-of-way.

The removal of these 16 trees requires the planting of 46 replacement trees. As per the proposed plan, the existing landscaping along the west property line is proposed to be retained. However, further discussions are required with the applicant, in conjunction with discussions regarding the laneway requirement, in order to ensure the securing of a public laneway as well as appropriate tree protection along the western edge of the property, in accordance with the Official Plan and Yonge-Eglinton Secondary Plan policies.

The applicant will be required to address any further outstanding matters arising from the Urban Forestry memo dated April 14, 2021, as well as any updated memo as a result of the continuing discussions.

The City will secure the planting of new trees on the site and on adjacent public rights-of-way through Site Plan Approval.

Heritage Impact and Conservation

The proposed development site is located adjacent to 1783-1785 Bayview Avenue and 1755-1757 Bayview Avenue, properties individually designated under Part IV of the Ontario Heritage Act. In addition, the adjacent properties at 1708 and 1747-1781 Bayview Avenue were also identified as having potential cultural heritage value in the City of Toronto Midtown in Focus, Yonge and Eglinton Secondary Plan.

A Revised Heritage Impact Assessment (HIA) has been reviewed by Heritage Planning staff who have no further comments at the rezoning stage. The proposed building's articulation and materiality should be further refined at the Site Plan stage to complement the scale and character of the adjacent cultural heritage resources identified along Bayview Avenue.

Pet Friendly Design

No pet amenity is proposed. For a building with more than 20 units, pet amenity should be 10% of the required amenity space and include an outdoor pet relief area at least 5 square metres in size. An indoor pet washing station is recommended. Per Policy 5.7.5 of the Secondary Plan, development that includes residential units will be encouraged to include pet amenity areas that include facilities for the disposal of pet waste. Given the current rise in dog-owning populations, the applicant is strongly encouraged to provide dog amenities on-site with proper disposal facilities such as dog relief stations to accommodate their future residents' needs in accordance with the Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings. This will help alleviate pressure on neighbourhood parks.

Traffic Impact

In its Transportation Impact Study submitted with the application, the consultant estimates that the proposed development will generate approximately 45 two-way trips during both the AM and PM peak hours, respectively. The consultant concludes that traffic generated by the proposed development can be accommodated by the adjacent street system without the need for intersection improvements. Transportation Services has minor issues with the methodology of the study, but generally accepts the conclusions of the TIS report.

The application proposed a right-in/right-out access onto Bayview Avenue. Transportation Services accepts the location and configuration of the proposed driveway in principle. Further detailed design comments pertaining to driveway access, site circulation and parking and loading spaces will be provided during the site plan stage.

The nearest station for the planned Eglinton Crosstown Light Rail Transit (ECLRT) project along Eglinton Avenue is situated approximately 100m north of the subject site at Eglinton Avenue East and Bayview Avenue. The ECLRT project is expected to be operational within the next 1-2 years. The consultant concludes that with the ECLRT and the surrounding roadway improvements, the site traffic can be appropriately accommodated on the area road network. Despite this conclusion, revisions are required to the study in order to address the parking deficiency as discussed below.

Parking

The parking requirements for the project are governed by the applicable parking provisions contained in the former Toronto Zoning By-law No.438-86 and the City of Toronto Zoning By-law 569-2013 under "Rest of the City". However, given the location of the site, Transportation Services can support the parking rates under Policy Area 3 (PA3). As a result, By-law 569-2013 requires a total of 201 parking spaces (180 residents, 21 visitor) for the proposed development.

Based on the site statistics, a total of 134 parking spaces are proposed for this site, including 113 resident spaces and 21 visitor spaces. Therefore the proposed supply results in a parking deficiency of 67 parking spaces from the minimum PA3 requirement. A minimum of 3 additional proxy site surveys are required to be conducted as the sites selected within the TIS Addendum are not deemed appropriate.

At this time, Transportation Services requires that the parking for the project be provided in accordance with the PA3 rates stipulated in Zoning By-law No. 569-2013, unless acceptable documentation is submitted which justifies a lower parking standard.

City of Toronto By-law No. 579-2017 requires a minimum of 5 accessible parking spaces for the first 100 spaces, plus 1 space per additional 50 spaces above 110 spaces. As per By-law 579-2017, the required number of accessible parking spaces for this development is 6. A total of 8 accessible parking spaces are being provided which satisfies the accessible parking by-law requirement. However, the width of several

accessible parking spaces is substandard and needs to be increased from 2.7 metres to 3.9 metres.

Loading

Similar to the parking space requirements, loading space requirements are also governed by former Toronto Zoning By-law 438-86 and City of Toronto Zoning By-law 569-2013. One Type G space is required and 1 Type G space is provided. Appropriate turning movement diagrams have been provided illustrating a heavy vehicle entering and exiting the site in a forward motion. As such, Transportation Services accepts the proposed Type G loading space location and configuration.

Travel Demand Management (TDM)

Travel Demand Management (TDM) measures are aimed at encouraging people to take fewer and shorter single occupancy 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 forecasted travel demands. TDM in contrast, puts the emphasis on changing travel behaviour to modify and reduce our demand for vehicular travel in cities. TDM measures are most effective when supported by complementary actions in the key areas of land use planning and public transit improvements.

Typical TDM policies and programs include, but are not limited to: parking supply management strategies (such as reduced parking provision) in combination with implementation of car sharing/bike sharing programs; school/trip planning; development-related transit initiatives; cycling programs and expansion of the cycling network.

In the event that the OLT approves the application in some form, Transportation Planning staff have indicated that a revised Transportation Demand Management ("TDM") Plan with appropriate measures to reduce single occupancy automobile vehicle trips generated by the proposed development, support the proposed parking reduction, and address the site related vehicular traffic issues is required, as outlined in Recommendation 2h of this report.

Servicing and Stormwater Management

Section 2.2 of the Yonge-Eglinton Secondary Plan sets out the requirement for intensification to be supported by infrastructure in order to support growth and ensure a complete community.

In support of the application, the applicant has submitted a Functional Servicing Report, Stormwater Management Report, a Hydrogeological Report, and a Geotechnical Report.

Engineering and Construction Services staff have reviewed the submitted materials and require revisions to the Functional Servicing and Stormwater Management Report as outlined in the memorandum from Engineering and Construction Services dated April 9,

2021. The applicant must also provide a revised Hydrological Review Summary Form and Servicing Report Groundwater Summary to be reviewed and accepted.

Further information is required for the Functional Servicing Report to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development. Staff cannot confirm these details based on the information submitted to date.

In the event that the OLT allows the Zoning By-law Amendment application appeal in whole or in part, the final Order should be withheld pending confirmation that the Functional Servicing and Stormwater Management Report has been revised to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and it is demonstrated that the municipal water, sanitary and storm sewer systems can support the proposed development and whether upgrades or improvements of the existing municipal infrastructure are required. Any upgrade are at the owner's sole expense, should it be determined that upgrades are required to support the development as identified in the accepted Functional Servicing and Stormwater Management Reports or other reports accepted by the Chief Engineer and Executive Director, Engineering and Construction Services.

Should this information not be provided and deemed acceptable, this issue will be included as part of the Issues for the hearing.

Solid Waste

Based upon the information provided, Solid Waste Management require revised drawings to indicate that the required Type G loading space meets the specifications and all applicable by-laws and legislation, including Chapter 841 of the Municipal Code.

Based upon the information available, Solid Waste Management will provide bulk lift compacted garbage, recycling and organic collection services to this component of the development. Collection of waste materials from this component will be in accordance with the "City of Toronto Requirements for Garbage, Recycling and Organics Collection Services for New Developments and Re-Developments" and Chapter 844, Solid Waste of the Municipal Code.

Should this information not be provided and deemed acceptable, this issue will be included as part of the Issues for the hearing.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City. The site is approximately 500 metres away from Howard Talbot Park and associated facilities.

The City of Toronto Parkland Strategy is a 20-year strategic city-wide plan that guides long-term planning for new parks, park expansions and improvements, and improved

access to existing parks. The Strategy includes a new methodology to measure and assess parkland provision, using the baseline of residential population against the area of parkland available across the city. According to the Strategy's methodology, the site is currently in an area with 1-12 square metres of parkland per person, which is below the city-wide average provision of 28 square metres of parkland per person in 2016.

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 is subject to a cap of 10% parkland dedication; the value of which will be appraised through Real Estate Services. The appraisal will be conducted upon the submission of an application for the first above-grade building permit and is valid for six months. Payment will be required prior to the issuance of the above-grade permit.

Community Services Assessment

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

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

One of the major objectives of the Yonge-Eglinton Secondary Plan is the provision of community services and facilities. The Secondary Plan states that Midtown will continue to prosper by maintaining and expanding community service facilities. Creating new community spaces will be essential to supporting a prosperous local economy, fostering innovation and broadening opportunities for stable employment.

Based on the CS&F policies of the Council-adopted Yonge-Eglinton Secondary Plan and identified priorities of the Midtown CS&F Strategy (2018), CS&F contributions may include: consultation with the Toronto District School Board and/or its subsidiary Toronto Land Corporation (TLC) regarding partnership opportunities on the subject site; expansion of the non-residential gross floor area (by approximately 929 square metres or 10,000 square feet) to secure space for the relocation and expansion of the Mount Pleasant Library or an on-site child care facility; and/or a financial contribution towards capital improvements to expanding the service capacity of the existing libraries and/or recreation facilities within the Secondary Plan Area.

School Boards

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

TCDSB projections for local area schools surrounding this proposed development remain consistent, including the potential for capital solutions in the area to address enrolment pressures. The TCDSB requires signage to be installed during construction as well as clauses attached to any agreements of purchase and sale for the proposed plan that indicated that the TCDSB has plans to accommodate students from this development. Should the local schools become oversubscribed, students may need to be accommodated in portable classrooms or be redirected to a school outside the area.

The TDSB has indicated that they do not support the approval of the application at this time due to the application being located in a community experiencing significant residential intensification and population growth that is presenting accommodation challenges at local elementary schools. It is TLC's position that the timing of the development should be aligned with the provision of pupil accommodation at local schools, at such time as the TDSB has an approved strategy in place for accommodating the future students in a new elementary school within the Midtown area. At this stage, it is unknown if the TDSB will become a party at any future OLT hearing.

Toronto Green Standard

The applicant is required to meet Tier 1 of the TGS. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Some performance measures for the Tier 1 development features are secured in the site-specific zoning by-law and others through the Site Plan Control application, such as cycling infrastructure, transportation demand management measures, pedestrian infrastructure, tree canopy and water programs, bird-friendly glazing and light pollution.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the Planning Act. The development's height and density are a significant increase over the applicable zoning for the site, and as such the development is subject to delivery of Section 37 benefits.

Section 37 benefits were not discussed in the absence of an agreement on the proposal's density and height. Should this proposal be approved in some form by the OLT, City Planning staff recommends staff be authorized to negotiate an appropriate agreement for Section 37 benefits with the applicant, in consultation with the Ward Councillor.

Site Plan

A site plan control application was also submitted on April 28, 2021. The applicant also appealed that application to the OLT, on June 7, 2021, due to Council's failure to make a decision on the application within the time prescribed by the Planning Act.

Conclusion

Staff are of the opinion that the proposal is not consistent with the PPS (2020) and does not conform to the Growth Plan (2020). Further, the proposal does not conform with the Toronto Official Plan and Yonge-Eglinton Secondary Plan. The proposed development is not providing appropriate transition to the Neighbourhoods to the west with respect to the height and angular plane, does not comply with the Secondary Plan policies regarding building height and setbacks; lacks sufficient retail uses to conform to the Priority Retail Streets policies; is not meeting the intent of the City's Mid-Rise Building Performance Standards; is not providing an adequate amount of large units per the Growing Up Guidelines; is not providing adequate amenity space; is not providing an adequate amount of vehicular parking; and is not providing a public laneway at the rear of the site. Furthermore, the application fails to confirm whether the development can be adequately serviced as further information is required regarding the presence of methane gas; the servicing capacity; and stormwater management measures. The proposed Zoning By-law Amendment application, in its current form, is not supported by City Planning staff. The proposal, in its current form is not good planning and does not represent the public interest.

This report recommends that City Council direct the City Solicitor, with appropriate staff, to attend the OLT in opposition to the Applications in their current form and to continue discussions with the Applicant in an attempt to resolve outstanding issues.

CONTACT

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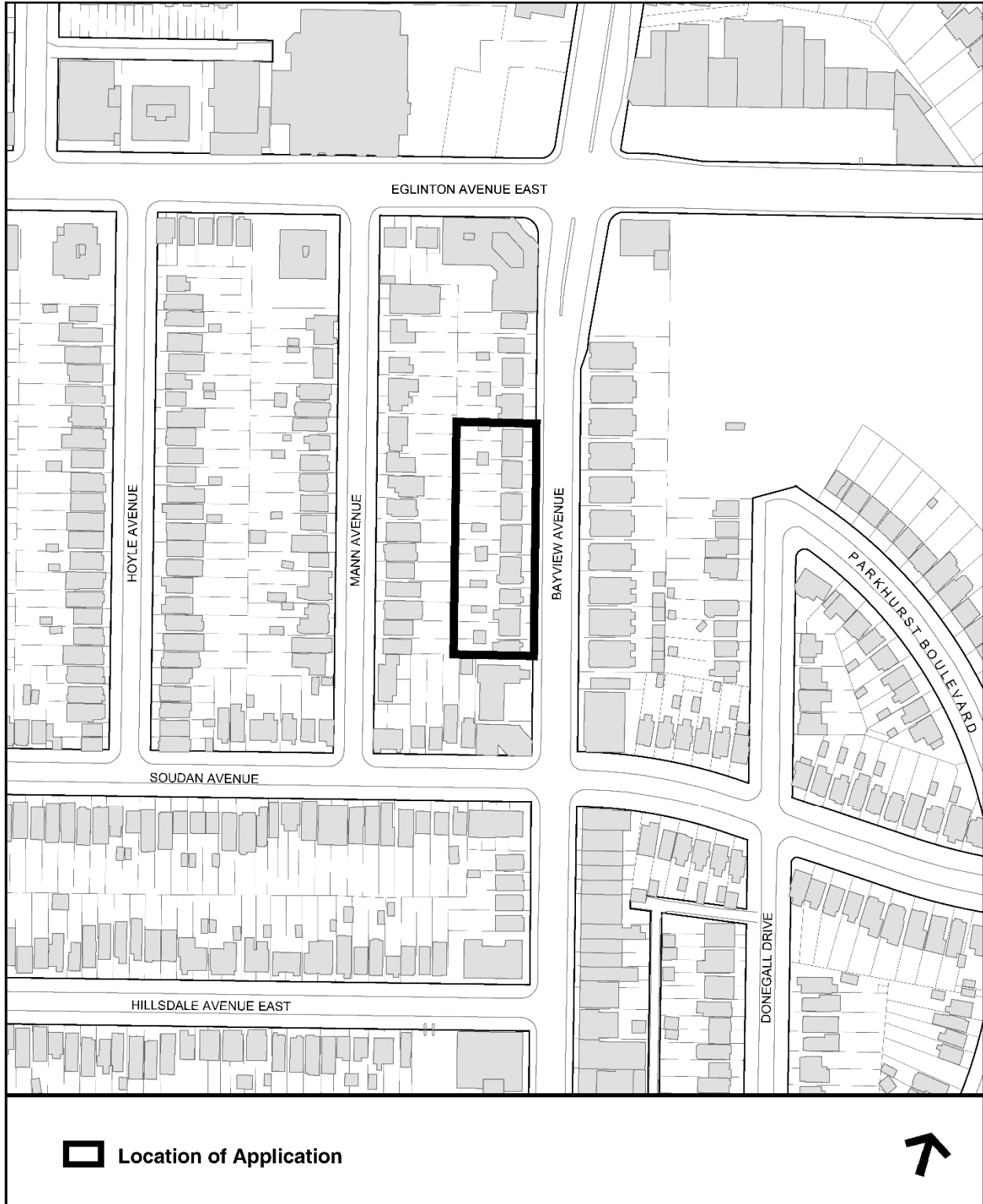
SIGNATURE

David Sit, MCIP, RPP
Director, Community Planning, North York District

ATTACHMENTS

- Attachment 1: Location Map
- Attachment 2: Application Data Sheet
- Attachment 3: Site Plan
- Attachment 4: North Elevation
- Attachment 5: East Elevation
- Attachment 6: South Elevation
- Attachment 7: West Elevation
- Attachment 8: Policy Considerations
- Attachment 9: Official Plan Land Use Map
- Attachment 10: Yonge-Eglinton Secondary Plan Map
- Attachment 11: Midtown Mobility Network - Location of New Laneways
- Attachment 12: Zoning By-law Map 569-2013
- Attachment 13: Zoning By-law Map 438-86

Attachment 1: Location Map



Attachment 2: Application Data Sheet

APPLICATION DATA SHEET

Municipal Address: 1710-1736 BAYVIEW AVE Date Received: June 8, 2020

Application Number: 20 153356 NNY 15 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Zoning By-law Amendment application for an 9-storey, 31.3 metre high mixed-use building totalling 10,879 square metres of gross floor area. The proposal consists of 123 dwelling units, retail at grade, and 77 parking spaces in a two-level underground parking garage. The proposed floor space index is 4.34 times the lot area. See Rental Housing Demolition application 20 153939 NNY 15 RH.

Applicant	Agent	Architect	Owner
GAIRLOCH DEVELOPMENTS 1 St. Clair Ave East, Suite 401 Toronto, ON M4V 1K6	GAIRLOCH DEVELOPMENTS 1 St. Clair Ave East, Suite 401 Toronto, ON M4V 1K6	QUADRANGLE BDP 901 King Street West, Suite 701 Toronto, ON M5V 3H5	2710904 ONTARIO LIMITED 2 St. Clair Ave East, Suite 1204 Toronto, ON M4T 1T5

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision: N

Zoning: R (d1.0) (x690) Heritage Designation: N

Height Limit (m): 9 Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 3,974 Frontage (m): 104 Depth (m): 38

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			2,298	2,298
Residential GFA (sq m):	1,582		16,931	16,931
Non-Residential GFA (sq m):				
Total GFA (sq m):	1,582		16,931	16,931
Height - Storeys:	2		9	9
Height - Metres:			31	31

Lot Coverage Ratio (%): 57.82 Floor Space Index: 4.26

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)
 Residential GFA: 16,931
 Retail GFA:
 Office GFA:
 Industrial GFA:
 Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:	14			
Condominium:			216	216
Other:				
Total Units:	14		216	216

Total Residential Units by Size

	Rooms	Studio	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			84	111	21
Total Units:			84	111	21

Parking and Loading

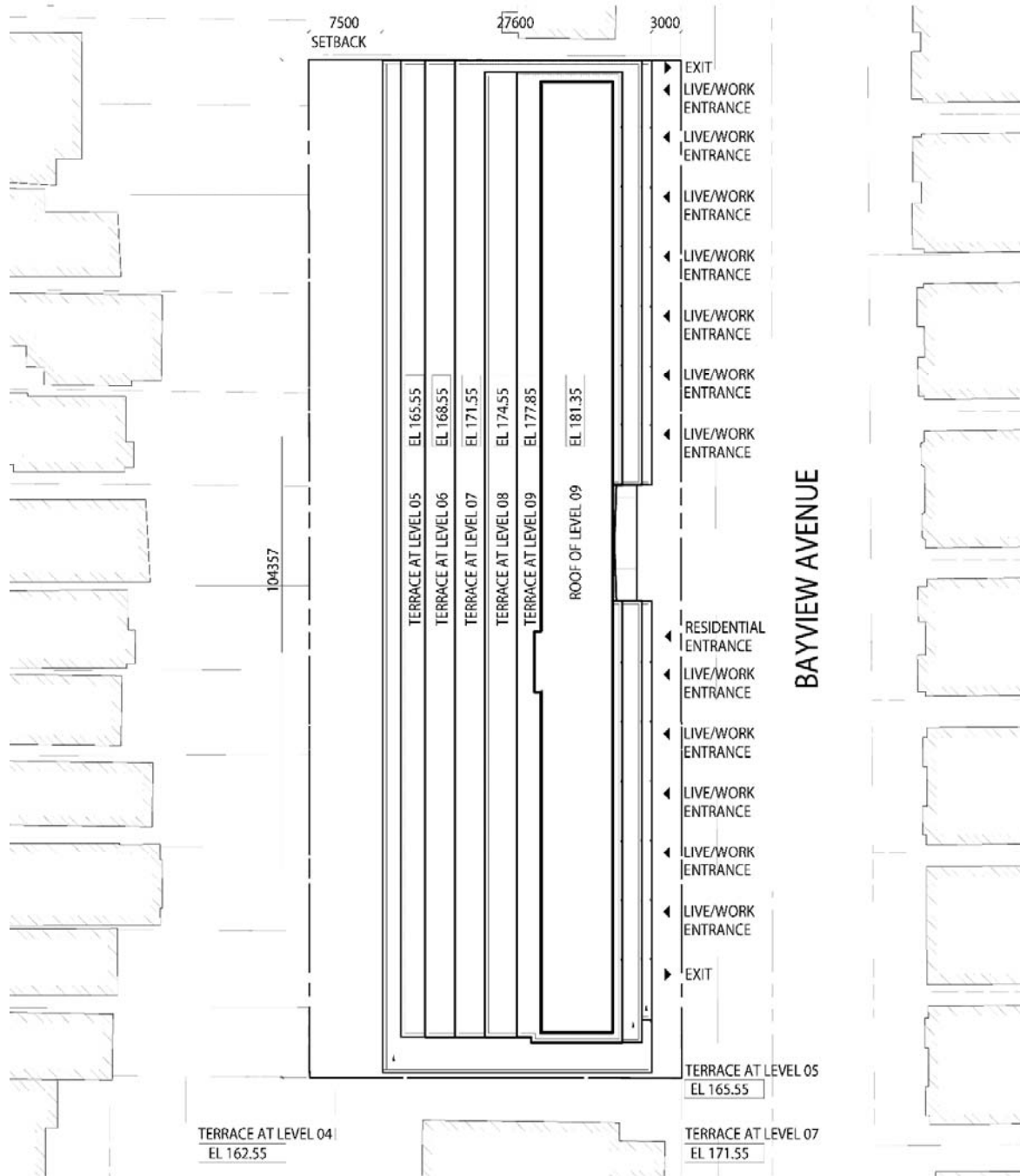
Parking Spaces: 134 Bicycle Parking Spaces: 262 Loading Docks: 1

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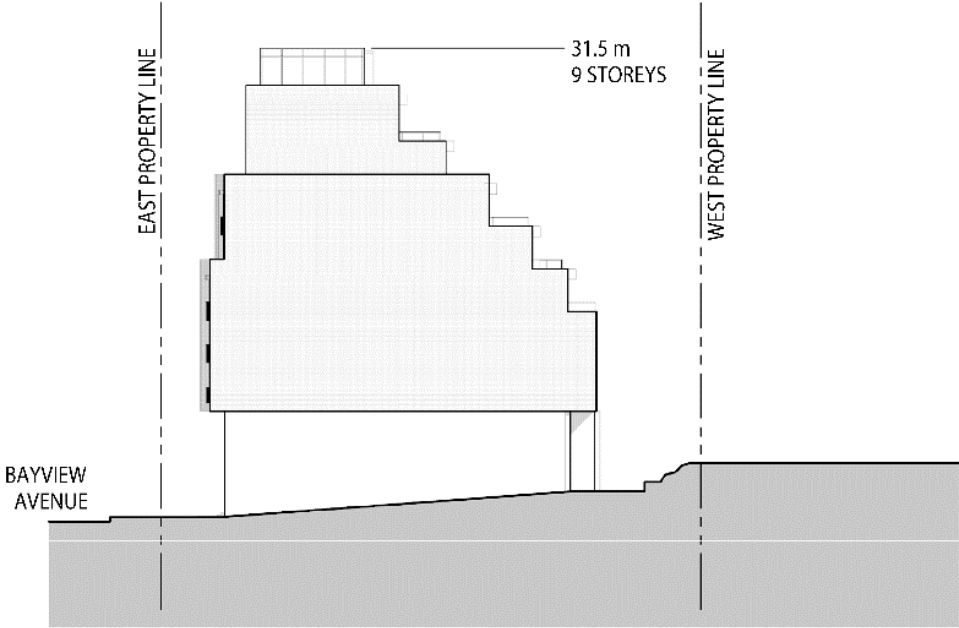
Attachment 3: Site Plan



Site Plan

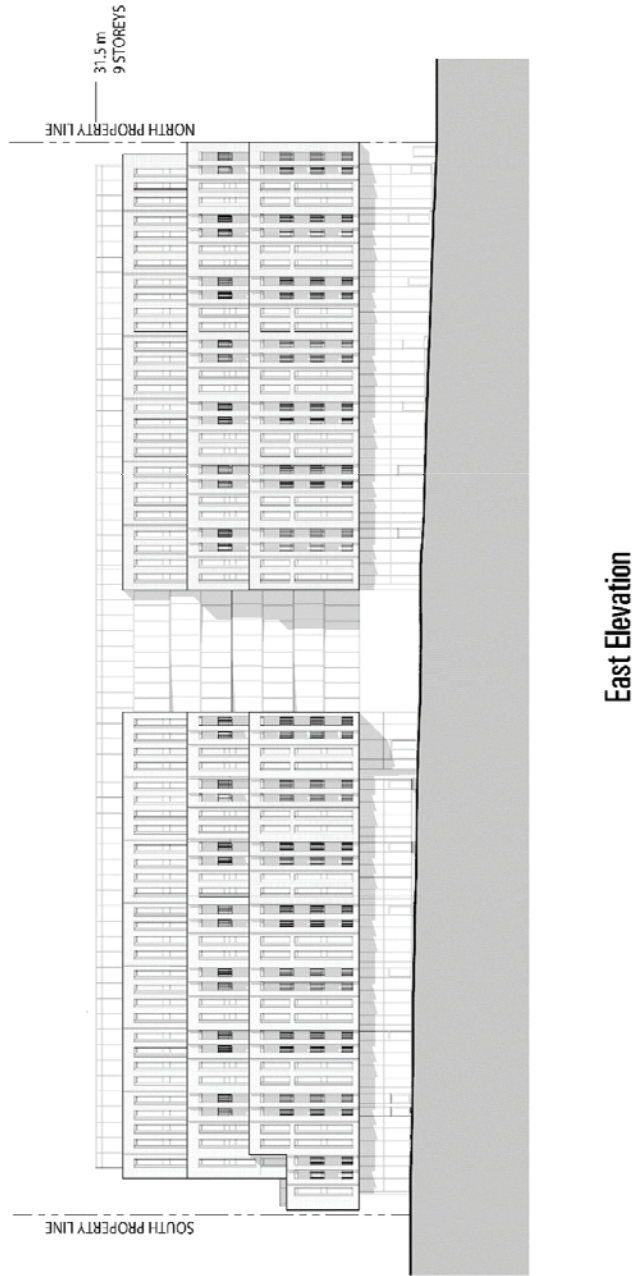


Attachment 4: North Elevation

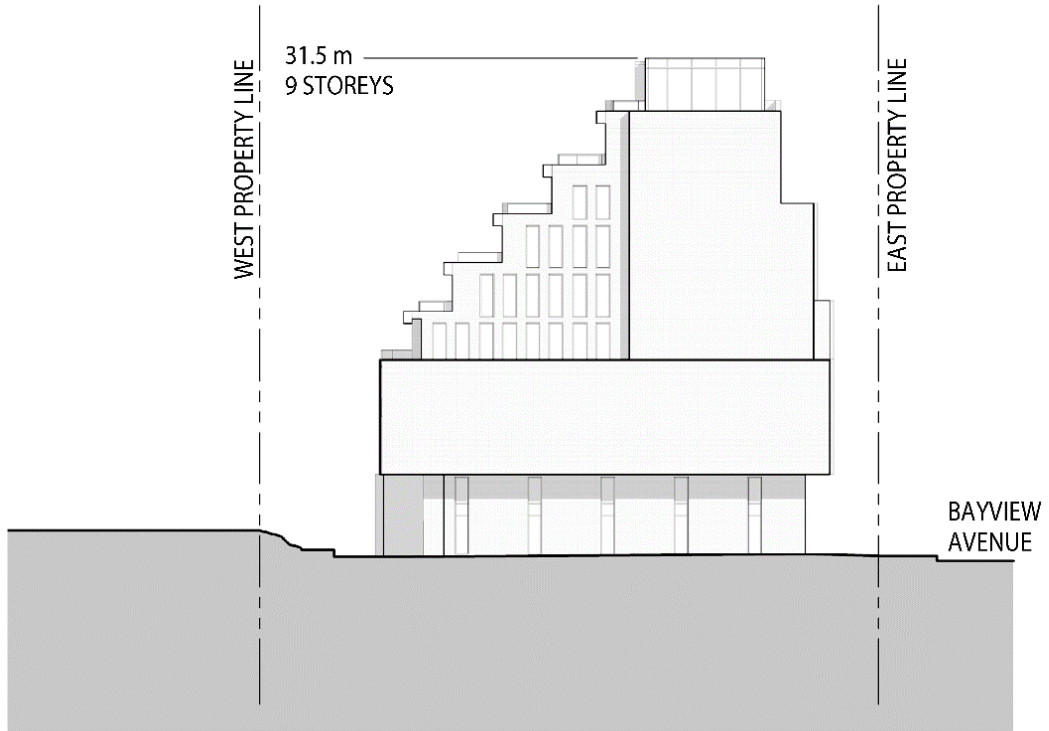


North Elevation

Attachment 5: East Elevation

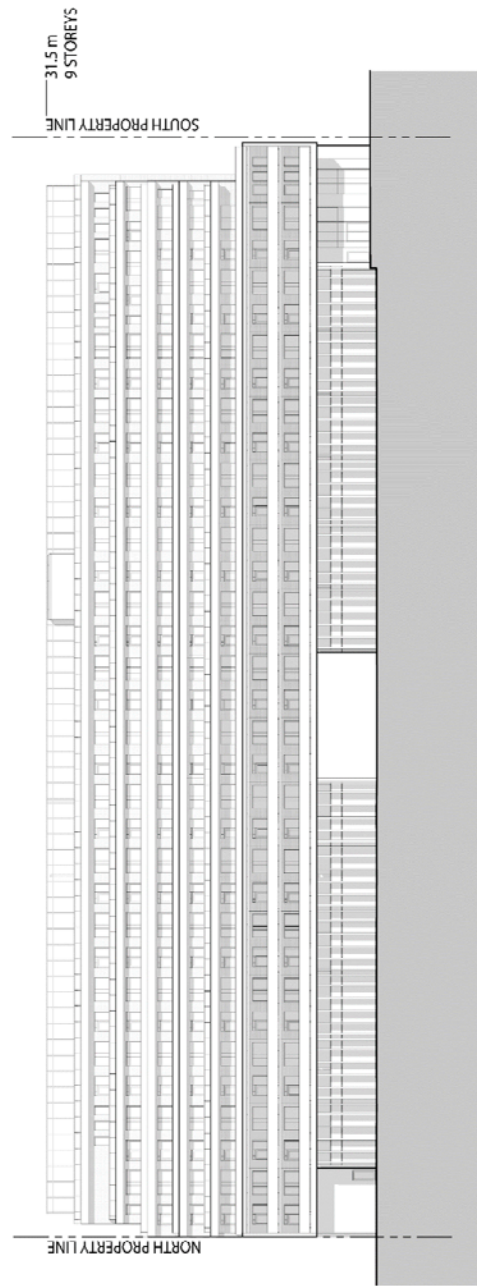


Attachment 6: South Elevation



South Elevation

Attachment 7: West Elevation



West Elevation

Attachment 8: Policy Considerations

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 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 are provided by Council shall also be consistent with the PPS and conform to Provincial Plans.

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (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 use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

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 are provided by Council shall also be consistent with the PPS.

Relevant PPS (2020) policies applicable to this development include:

Policy 1.1.3.3 which states planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment;

Policy 1.1.3.4 which states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety;

Policies 1.2.1 a) and g) which state that a coordinated, integrated and comprehensive approach should be used when dealing with planning matters, including: managing and/or promoting growth and development that is integrated with infrastructure planning;

Policy 1.5.1 a) which states that healthy, active communities should be promoted by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity;

Policies 1.7.1 a), d) and e) which speak to long-term economic prosperity being supported by: promoting opportunities for economic development and community investment-readiness; maintaining and, where possible, enhancing the vitality and viability of downtowns and main streets; and encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 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."

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on August 28, 2020. This was an amendment to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) 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 (2020), 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 (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

Relevant Growth Plan (2020) policies applicable to this development include:

Policy 2.2.1.4 d) which states that applying the policies of this Plan will support the achievement of complete communities that, amongst other matters: expand convenient access to a range of transportation options, including options for the safe, comfortable and convenient use of active transportation; and an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities;

Policy 2.2.1.4 e) which provides for a more compact built form and a vibrant public realm, including public open spaces;

Policies 2.2.2.3 b), d) and f) of the Growth Plan speak to delineated built-up areas and state that all municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will: identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas; ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities; and be implemented through official plan policies and designations, updated zoning and other supporting documents;

Policy 2.2.4.10 which states that lands adjacent to or near to existing and planned frequent transit should be planned to be transit-supportive and supportive of active transportation and a range and mix of uses and activities;

Policy 2.2.5.3 which states that retail and office uses will be directed to locations that support active transportation and have existing or planned transit; and,

Policy 2.2.6.3 which refers to multi-unit residential developments to incorporate a mix of unit sizes and incomes.

Planning for Major Transit Station Areas

The Growth Plan (2020) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan (2020) requires that, at the time of the next municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs plan for the prescribed densities.

Toronto Official Plan

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 lands are designated *Mixed Use Areas* on Map 17 of the Official Plan. See Attachment 9 of this report for the Official Plan Land Use Map.

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.

The proposed development is immediately adjacent to an area designated *Neighbourhoods* in the Official Plan. Section 2.3.1 of the Official Plan states that: "the diversity of Toronto's neighbourhoods, in terms of scale, amenities, local culture, retail services and demographic makeup, offers options within communities to match every stage of life". *Neighbourhoods* are where people connect and by focusing development into the Centres and Avenues we preserve the character of those neighbourhoods. Whether low-rise or apartment buildings, the policies in the Official Plan are intended to

apply equally to both. Policies 2.3.1.1 and 2.3.1.2 state that *Neighbourhoods* and *Apartment Neighbourhoods* are considered to be physically stable.

Policy 2.3.1.3 states that developments in *Mixed Use Areas*, *Regeneration Areas* and *Apartment Neighbourhoods* that are adjacent or close to *Neighbourhoods* will: "a) be compatible with those *Neighbourhoods*; b) provide a gradual transition of scale and density, as necessary to achieve the objectives of this Plan through the stepping down of buildings towards and setbacks from those *Apartment Neighbourhoods*; c) maintain adequate light and privacy for residents in those *Neighbourhoods*.

Policy 2.3.1.4 states that intensification of land adjacent to neighbourhoods will be carefully controlled so that neighbourhoods are protected from negative impact. Where significant intensification of land adjacent to a *Neighbourhood* or *Apartment Neighbourhood* is proposed, Council will determine, at the earliest point in the process, whether or not a *Secondary Plan*, area specific zoning by-law or area specific policy will be created in consultation with the local community following an *Avenue Study*, or area based study.

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.

The policies of Section 3.1.2 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.

Policy 3.1.2.2(a) states that new development will locate and organize vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties, by using shared service areas where possible within development block(s) including public and private lanes, driveways and service courts.

Section 3.1.5: Heritage Conservation

Policy 3.1.5 provides policy direction on the conservation of heritage properties in the City's Heritage Register and on development adjacent to heritage properties. Section 3.1.5.5 requires proposed alterations or development on, or adjacent to, a property on the Heritage Register to ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained.

Policy 3.1.5.26 requires new construction on, or adjacent to, a property on the Heritage Register be designed to conserve the cultural heritage values, attributes and character of the property, and to mitigate the visual and physical impact on it, including consideration such as scale, massing, materials, height, building orientation and location relative to the heritage property.

Chapter 4 – Land Use Designations

Section 4.5: Mixed Use Areas

The subject lands are designated *Mixed Use Areas* on Map 17 of the Official Plan (Attachment9). Section 4.5.1 of the Official Plan states that *Mixed Use Areas* are made up of a broad range of commercial, residential and institutional uses in single use or mixed use buildings.

Per Policy 4.5.2(b) of the Official Plan, development within *Mixed Use Areas* should provide for new jobs and homes on underutilized lands. Section 4.5.2(c) states that development should locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the

objectives of the Plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*.

Policy 4.5.2(d) states that development shall locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes. Furthermore, Policy 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. Policy 4.5.2(f) also states that development in *Mixed Use Areas* should also provide attractive, comfortable and safe pedestrian environments.

Policies 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 5.1.1: Height and/or Density Incentives

Policy 5.1.1 of the Official Plan allows for an increase in height and/or density in return for the provision of community benefits for a proposed development, in accordance with Section 37 of the Planning Act. The proposed density for this development meets the Official Plan's threshold for Section 37 considerations.

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

The application is located on lands designated as *Mixed Use Areas "C"* within the Yonge-Eglinton Secondary Plan Area. On June 5, 2019, the Minister of Municipal Affairs and Housing issued his decision on the Yonge-Eglinton Official Plan Amendment (OPA 405). The Official Plan Amendment, as modified, is now in force. As this application was submitted after OPA 405 came into force and effect, it is subject to the policies of OPA 405. 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>

Section 1 - Vision, Goals and Character Area Designations

Section 1.1 of the Yonge-Eglinton Secondary Plan provides a vision statement about the Yonge-Eglinton Area. This vision builds on the qualities that define Midtown's identity and its liveability, including the importance of a complete community and the

complementary relationship between mixed-use nodes, historic main streets, low-rise and high-rise communities, parks and open spaces. New buildings are to be compatible with the character and varied scale of Midtown's different character areas, conserve heritage attributes and contribute to a high-quality public realm. As Midtown continues to grow and evolve, the elements of a liveable and complete community will be provided in parallel with growth. Residents and workers will be served by new, improved and expanded community service facilities and resilient physical and green infrastructure. An enhanced, safe and connected public realm will be created that complements Midtown's green, landscaped setting.

Section 1.2 of the Plan sets out five goals that will guide public works and development in the Secondary Plan, which include: complete community, green and resilient, connected, prosperous and transit optimization. Midtown will be defined by its green, landscaped setting, expanded network of parks and well-designed communities that support energy and water conservation, which together will reduce vulnerability to a changing climate.

Section 1.3 of the Plan sets out the development objectives for the various Character Areas based on land use and the desired long-term vision for each Character Area.

The site is in the Bayview-Leaside Character Area. Policy 1.3.2 states that Midtown Villages are historic main streets that will continue to be vital retail and service destinations for residents, workers and visitors. Buildings will reinforce the local character of these main streets by providing narrow retail frontages, frequent entrances and active uses at grade. Policy 1.3.2(e) specifies that the distinguishing features of the Bayview-Leaside Character Area consist of generously scaled setbacks with wide sidewalks and patios extending along the street.

Section 2 - Area Structure

Section 2 of the Plan defines Midtown's urban structure and includes policy directions to direct and shape growth in Midtown over the long-term. Not all areas in Midtown will experience the same levels of intensification and development and infrastructure will be planned in tandem. Infrastructure refers to physical infrastructure, community service facilities and green infrastructure including public parks. It ensures that Midtown is a complete community with transit-supportive development in a compact urban form, recognizing that transit-supportive development does not require or mean tall buildings on every site.

Section 2.4 of the Secondary Plan contains policies with respect to Midtown Transit Station Areas. Policy 2.3.1.4 states that the highest density of development shall be located in close proximity to existing or proposed higher order transit stations.

The subject site is designated Mixed Use Areas "C" per Map 21-4 of the Plan. Policy 2.5.9 states that Mixed Use Areas "C" include commercial main streets characterized by continuous at-grade narrow-frontage retail, service and institutional uses with office, other commercial and residential uses above. A mix of residential, retail and service, office, institutional, entertainment and cultural uses will be permitted.

The subject site is located on a Priority Retail Street. Per Policy 2.6.1, development on Priority Retail Streets will: include a continuous frontage of at-grade, pedestrian-oriented retail and service uses and/or community service facilities; provide frequent entrances and architectural detailing; be required to have retail stores at grade with a minimum depth of generally 15 metres along the frontage of a building; generally provide a minimum floor-to-ceiling height of 4.5 metres except where the historic character of a block includes a lesser prevailing floor-to-ceiling height; only include retail above or below grade when a retail store(s) is provided on the ground floor; provide prominent entrances with direct access from public sidewalks; limit the width of residential lobbies; and provide a high degree of visibility to allow for a two-way visual exchange.

Section 3 - Parks and Public Realm

The public realm in Midtown is to support a vibrant mixed-use community with a green landscaped character. Primary public realm objectives of the Secondary 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. Development will reduce the impact of vehicular, loading and servicing activities on the public realm.

Policy 3.1.3 of the Yonge-Eglinton Secondary Plan states that improvements to the public realm may be provided on public and private lands as part of development, including, but not limited to the provision of mid-block pedestrian connections.

Policy 3.1.4 of the states that pedestrian and public realm improvements will be prioritized to support the Priority and Secondary Retail Streets identified on Map 21-5 and the Public Realm Moves identified on Map 21-6. The extension and enhancement of existing and proposed parks; the creation of privately-owned publicly-accessible spaces (POPS); the provision of additional street trees, understory plantings and street furniture within streets and adjacent setbacks; re-allocating space within public streets to prioritize pedestrians, cyclists and public transit; and the provision of public art will be prioritized, in accordance with the applicable legislative framework for the provision of community benefits. Policy 3.1.5 requires that public realm improvements improve pedestrian movement and safety.

Policy 3.1.7 speaks to reducing the impact of vehicular, loading and servicing activities on the public realm. Per Policy 3.1.7(g), where technically feasible, providing separate pedestrian clearways and adequate lighting where laneways can also serve as mid-block pedestrian connections.

Section 4 - Mobility

The Midtown Mobility Network shown on Map 21-9 is intended to be a well-connected and integrated network of streets, laneways, mid-block connections and multi-use trails that will provide a variety of safe and sustainable travel choices to: improve mobility and accessibility for people of all ages and abilities; enable the continued movement of goods and services; accommodate a range of activities, including transit service, goods delivery, service vehicles and first responder vehicles; and balance the essential role of

streets as movement corridors with their equally important role as civic spaces that provide a setting for community life.

Bayview Avenue is a Major Street in the Yonge-Eglinton Secondary Plan. Policy 4.2 speaks to a complete streets approach to support pedestrians, cyclists and transit, while Policy 4.3 provides that Major Streets are important main streets that provide direct and continuous transportation routes that will provide direct and continuous walking and cycling routes to destinations and transit stations with wide, generous sidewalks and unobstructed clearways to accommodate the highest intensity of pedestrian and cycling movement and activity.

Map 21-9 of the Secondary Plan identifies the locations of existing and potential new laneways which could provide important access to properties primarily located adjacent to Midtown's Major Streets. The subject site is identified as a location for a new laneway.

Policies 4.8 through 4.12 provide direction on new and existing laneways and state that the locations of existing and potential new laneways could provide important access to properties primarily located adjacent to Midtown's Major Streets, and could also contribute to additional pedestrian and cyclist connectivity. Further, Policy 4.11 states that laneways will primarily support vehicular and servicing access to buildings to reduce the need for direct driveway accesses from Major Streets and to reduce conflicts with pedestrians and cyclists on the street and sidewalk. Policy 4.12 states that new and improved laneways will be designed to: slow auto vehicle speeds; discourage cut-through motor vehicle traffic; prioritize safety of pedestrians and cyclists by ensuring the laneways are well-lit with good sight lines; and be attractive and contribute to sustainability.

Section 5 - Built Form

Growth and intensification will be accommodated in a variety of building types and scales suitable and appropriate to the existing and planned context of the character areas that comprise Midtown while enhancing the livability of a building's surroundings and the spaces within the building. To achieve this, all development within the Secondary Plan area will generally reflect the built form principles in Section 5.1 of the Secondary Plan.

Policy 5.1.1(b) requires development to provide transition from Mixed Use Areas to Neighbourhoods through a variety of context-appropriate approaches that adequately limit shadow and privacy impacts, such as transitioning building heights, inclusive of base buildings, placing buildings in landscaped settings with building setbacks, or a combination thereof.

Policy 5.1.1(e) with respect to public realm, open space and walkability states that development is to promote active street life and "eyes on the street" by ensuring buildings frame and animate streets, parks and open spaces, with active uses at grade, windows to allow for a two-way visual exchange, ensuring clearly defined and visible entrances from the public realm, and encouraging the highest quality of architecture and landscape architecture.

Policies 5.2.1 and 5.2.2 state that development will conserve heritage attributes of properties designated under the Ontario Heritage Act and that development may be required to provide additional setbacks, stepbacks and stepping down of building height over and above the minimum site and urban design standards identified in the Plan in order to complement the scale and character of a cultural heritage resource on the City's Heritage Register.

Policy 5.3.5 addresses a diversity of building types and forms. Development will harmonize with neighbouring development to create a compatible pattern and rhythm along a street and/or contribute to the open space setting and character of an area.

Policy 5.3.5(a), states that development fronting a major street in the Midtown Villages, Midtown Cores and the Eglinton Greenline, Henning and Montgomery Square will contribute to creating a consistent and continuous street wall in the respective Character Area.

Policies 5.3.18 to 5.3.27 relate to Midtown Mid-Rise buildings. Policy 5.3.19 states that mid-rise buildings will generally provide a stepback along all street frontages above the second storey in Midtown Villages, to be compatible with existing character. Furthermore, Policy 5.3.20 sets out that a building stepback above the sixth storey, along all street frontages in the Bayview-Leaside Character Area, will be utilized to achieve a continuous and consistent streetwall and provide good proportion between buildings and provide for adequate sunlight on sidewalks.

As set out in Policy 5.3.26, mid-rise buildings will provide for a stepping down of heights to the rear setback line for properties that abut *Neighbourhoods*. Per Policy 5.3.27, in instances where the rear of the property is at a different grade level than the primary street frontage, the required stepping should be taken from the lowest grade elevation of the adjacent property located along the rear property line.

Policy 5.4.3 sets out anticipated height ranges for Character Areas and states that specific heights will be determined through rezoning or a City initiated zoning by-law amendment. Policy 5.4.3(p) of OPA 405 provides height guidance for each Character Area and identifies a height of 8 storeys for a mid-rise building in the Bayview-Leaside Character Area. There are additional height provisions in Policy 5.4.10 which states that on Midtown Mid-rise sites, additional storeys may be considered without an amendment to the Secondary Plan provided that there will be adequately limited shadow impacts on any public streets; the additional storeys fit within any required angular plane and will be progressively stepped back from adjacent *Neighbourhoods* and any side streets, and the additional storeys will be stepped back from the street to minimize its appearance from the street.

With regard to amenity space, Policy 5.1.1 encourages indoor amenity space to be located in visible and accessible locations for the building's inhabitants, and will be designed to provide elements and programming for a variety of users of all ages. Regarding outdoor amenity space, Policy 5.7.2 states that any space will be designed to include trees and landscaping, provide for adequate sky views and sunlight and promote use in all seasons, where possible, among other criteria.

Section 6 - Community Services and Facilities

Community service facilities provide a foundation for a diverse range of programs and services that build communities, contribute to quality of life and act as neighbourhood focal points where people gather, learn, socialize and access services. These facilities and the services they provide are an essential part of creating and sustaining vibrant, inclusive and complete communities. Community services facilities include non-profit child care, community and recreation centres, libraries, public schools and human service agencies.

Section 7 - Housing

The Secondary Plan highlights the need for a full range of housing to meet the needs of all household sizes and income levels and contribute to diverse, inclusive and liveable communities. A range of unit types and sizes not only supports households with children but also a variety of households at different life stages. Midtown, including its vertical communities, should be designed for all people.

The outcome of staff analysis and review of the relevant Official Plan policies and designations and the Yonge-Eglinton Secondary Plan is summarized in the Comments section of the Report.

The Yonge-Eglinton Secondary Plan is available on the City's website at: https://www.toronto.ca/wp-content/uploads/2019/07/96a5-CityPlanning_OPA405.pdf

Official Plan Amendments 479 and 480- Public Realm and Built Form

On September 21, 2020, Official Plan Amendments 479 (Public Realm) and 480 (Built Form) were approved with modifications by the Minister of Municipal Affairs and Housing. While this application was not reviewed against OPA 479 and 480, they are informative to the review of this application as it establishes the emerging policy direction for the public realm and built form in the City of Toronto.

Zoning

The site is subject to both former City of Toronto Zoning By-law 438-86 and City-wide Zoning By-law 569-2013. Under Zoning By-law 438-86, as amended, the site is zoned Residential Districts R4 Z 1.0. Under Zoning By-law 569-2013, as amended, the site is zoned Residential R (d1.0) (x690).

Both the R4 and R zones permit residential uses, a maximum density of 1.0 times the lot area and a maximum height of 9 metres.

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/>

See Attachment 12 and 13 of this report for the Zoning By-law Maps.

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 skyview, pedestrian realm conditions, transition to Neighbourhoods and Parks and Open Space Areas and corner sites. The link to the guidelines is here: <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. Council's decision is here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and <http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>.

Growing Up: Planning for Children in New Vertical Communities

On July 28, 2020, City Council adopted the final Growing Up Urban Design Guidelines ("Growing Up Guidelines") and directed City Planning staff to apply the guidelines in the evaluation of new 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 living in vertical communities, at the neighbourhood, building and unit scale. The Growing Up Guidelines can be found at: <https://www.toronto.ca/citygovernment/planning-development/planningstudiesinitiatives/growing-up-planning-for-children-in-new-vertical-communities/>

Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings

The purpose of the Pet Friendly Design Guidelines is to guide new developments in a direction that is more supportive of a growing pet population, considering opportunities to reduce the current burden on the public realm, and provide pet amenities for high density residential communities. The Pet Friendly Design Guidelines can be found at: <https://www.toronto.ca/wpcontent/uploads/2019/12/94d3-CityPlanning-PetFriendlyGuidelines.pdf>

Retail Design Manual

On October 27, 2020, City Council adopted the Retail Design Manual. The Retail Design Manual supports the objectives of complete communities and vibrant streets which are closely tied to the provision of successful, resilient and dynamic retail uses. The Retail Design Manual is a collection of best practices and is intended to provide guidance on developing successful ground floor retail spaces by providing aspirational retail design best practices to inform, guide, inspire and educate those involved in the

design and development of retail uses. The Retail Design Manual can be found here: <https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-157291.pdf>

Urban Forest/Ravines/Environment

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).

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 intended to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

Applications must use the documentation required for the version of the Toronto Green Standard in effect at the time of the initial application. TGS Version 3.0 applies to new applications submitted on or after May 1, 2018. The Toronto Green Standard website can be found here: https://www.toronto.ca/citygovernment/planning-development/official-plan-guidelines/toronto-green-standard/tier-1_planning-application-requirements/.

Attachment 9: Official Plan Land Use Map



Official Plan Land Use Map #17

1710-1736 Bayview Avenue

File # 20 153356 NNY 15 02



Not to Scale
Extracted: 02/25/2021



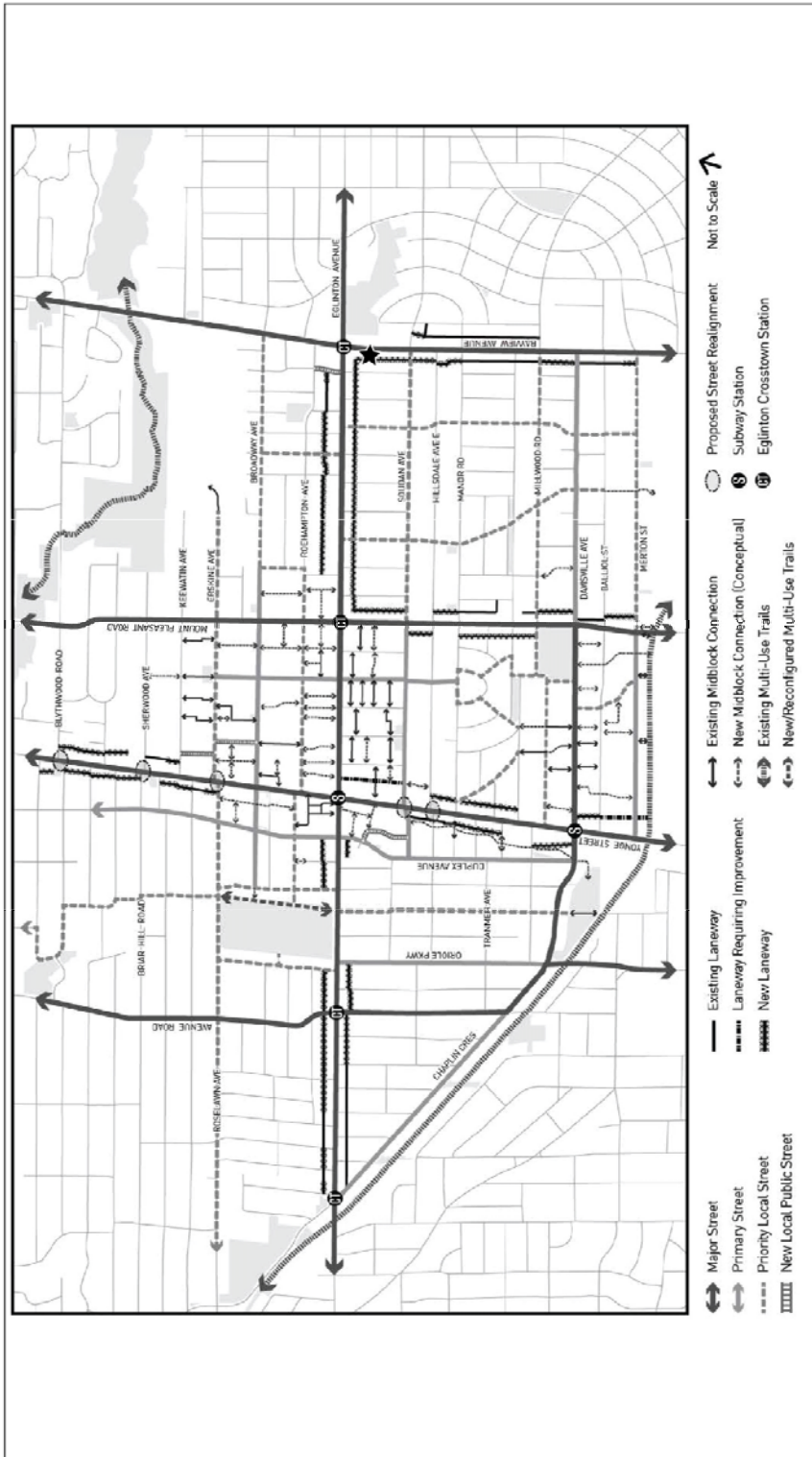
1710 - 1736 Bayview Avenue

Toronto
 Yonge-Eglinton Secondary Plan - OPA 405

File # 20 153356 NNY 15 0Z

★ Site Location

↑
 Not to Scale
 07/10/2020



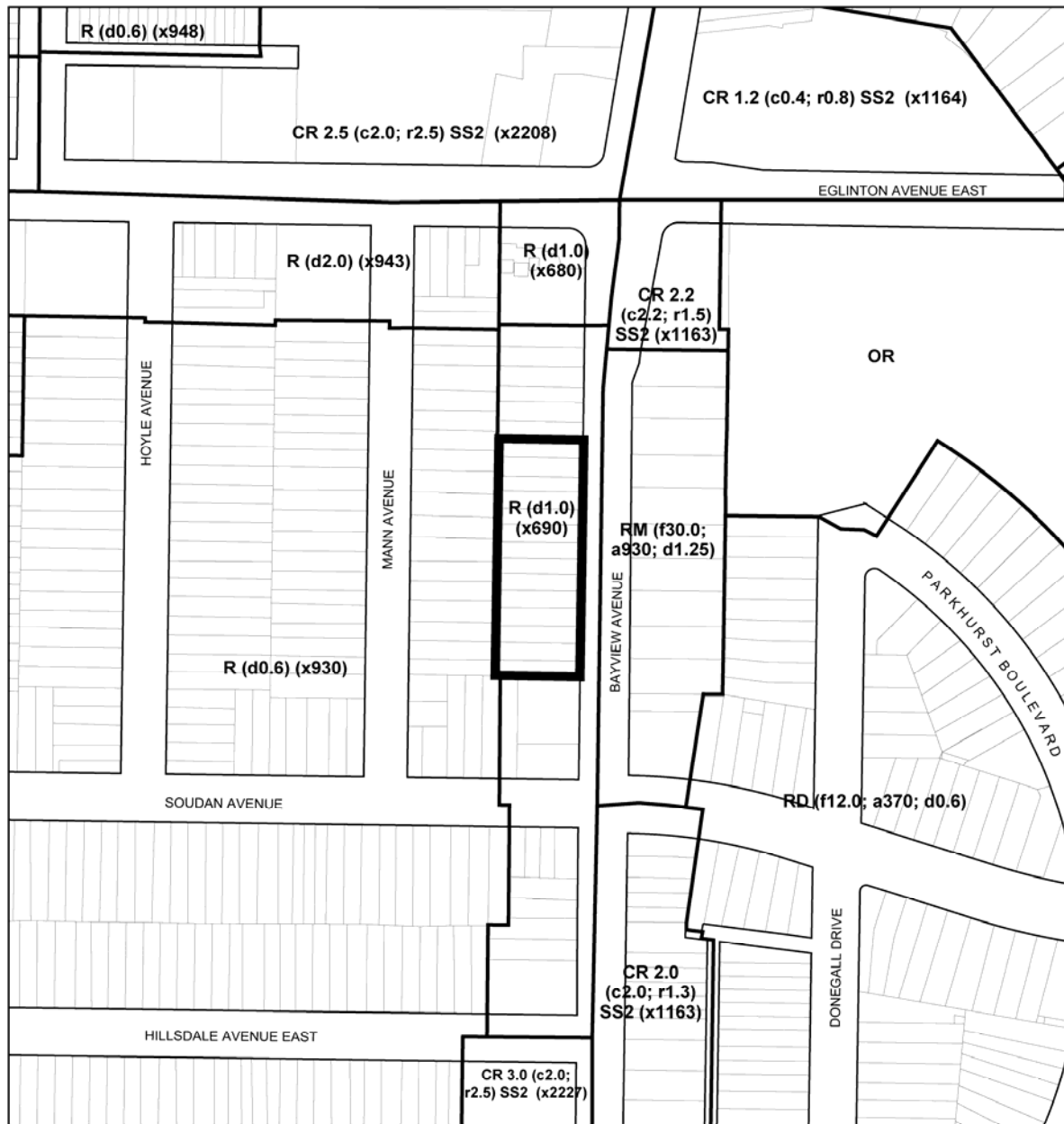
TORONTO
Yonge-Eglinton Secondary Plan - Midtown Mobility Network
1710 - 1736 Bayview Avenue

File # 20 153356 NNY 15 0Z

★ Site Location

↑
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 11/19/2021

Attachment 12: Zoning By-law 569-2013



Zoning By-law 569-2013

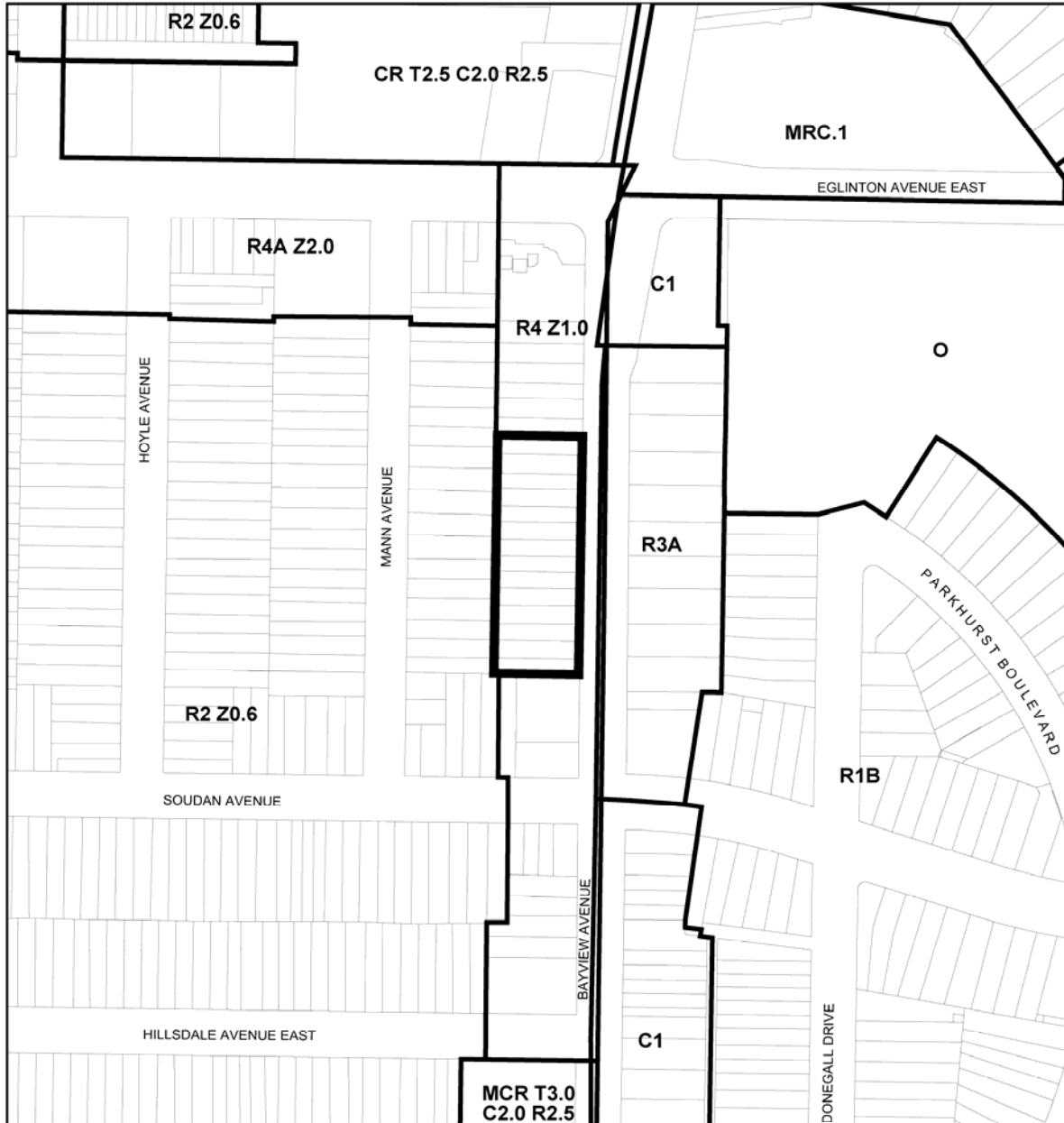
1710-1736 Bayview Avenue

File # 20 153356 NNY 15 0Z

- Location of Application
- R** Residential
- RD** Residential Detached
- RM** Residential Multiple
- CR** Commercial Residential
- O** Open Space
- OR** Open Space Recreation

↑
Not to Scale
Extracted: 02/25/2021

Attachment 13: Zoning By-law 438-86



Zoning By-law 438-86

1710-1736 Bayview Avenue

File # 20 153356 NNY 15 02



Location of Application

See Former City of Toronto By-law No. 438-86

R2 Residential District
MCR Mixed-Use District

See Former Borough of East York By-Law 1916

R1B Low Density Residential
R3A High Density Residential
C1 Commercial - General
MCR Mixed Use Residential Commercial (Site Specific)
O Open Space (Parks)



Not to Scale
Extracted: 02/25/2021