

## **1837-1845 Bayview Avenue – Zoning By-law Amendment and Site Plan Control Applications – Request for Direction Report**

Date: November 10, 2022

To: North York Community Council

From: Director, Community Planning, North York District

Ward: 15 - Don Valley West

**Planning Application Number:** 21 233980 NNY 15 OZ; 21 250187 NNY 15 SA

### **SUMMARY**

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On December 17, 2021, an application to amend the Zoning By-law was submitted to permit a 25-storey mixed-use building at 1837-1845 Bayview Avenue. A site plan control application for the same, was submitted on December 21, 2021.

On March 21, 2022, the applicant appealed the Zoning By-law and Site Plan Control applications to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the respective 90-day and 30-day time frames in the *Planning Act*.

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

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the current Applications regarding the Zoning By-law Amendment and Site Plan Control appeals for the lands at 1837-1845 Bayview Avenue.
2. In the event that the Ontario Land Tribunal 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-law are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;

- b) the owner has submitted architectural plans and landscaping plans reflecting the proposal as approved in whole or in part, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- c) the owner has submitted an updated complete Toronto Green Standards (TGS) Checklist and Statistics Template, to the satisfaction of the Chief Planner and Executive Director, City Planning;
- d) the owner has submitted a revised Travel Demand Management 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;
- e) the owner has satisfactorily addressed the Transportation Services matters in the Engineering and Construction Services Memorandum dated December 30, 2021, and matters that may arise during the course of the applications, all to the satisfaction of the General Manager, Transportation Services;
- f) the owner has satisfactorily addressed matters from Engineering and Construction Services and Solid Waste Management Services, in the Engineering and Construction Services Memorandum dated December 30, 2021, and matters that may arise during the course of the applications, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Solid Waste Management Services;
- g) the owner has submitted a Subsurface Investigation for the possible presence of methane gas on the property and any required mitigation measures to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
- h) the owner has satisfactorily addressed matters from the Metrolinx memorandum dated March 10, 2022 and matters that may arise during the course of the applications, all to the satisfaction of the Metrolinx;
- i) the owner has satisfactorily addressed matters from the Toronto Transit Commission memorandum dated June 21, 2022 and matters that may arise during the course of the applications, all to the satisfaction of the Toronto Transit Commission; and
- j) the owner has submitted a complete resubmission of the applications 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.

3. City Council authorize the City Solicitor and appropriate City staff to continue discussions with the applicant to address outstanding issues, including but not limited to those 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**

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

## **DECISION HISTORY**

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A Preliminary Report was adopted by North York Community Council on February 23, 2022, authorizing staff to conduct a community consultation meeting with an expanded notification area. The decision of the Toronto and East York Community Council can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.NY30.15>

## **SITE AND SURROUNDING AREA**

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**Description:** The site is generally trapezoidal in shape and has an approximate area of 2089 square metres, with a frontage on Bayview Avenue that measures approximately 50.4 metres and a frontage on Broadway Avenue that measures approximately 39.2 metres. The grading of the site is characterized as a relatively minor slope downwards from the northwest corner towards the southwest corner, and a significant slope downwards from the west site boundary towards the east site boundary.

**Existing Uses:** Five 2.5-storey detached house form buildings with driveway access onto Bayview Avenue and Broadway Avenue.

Surrounding uses include:

**North:** Immediately to the north of the site is Broadway Avenue. Further north, are uses and buildings such as a St. Augustine of Canterbury Anglican Church, the Children's Garden Nursery School, and multiple detached houses.

**East:** Both immediately to the east of the site and further east is an established residential neighbourhood comprised of detached houses.

**South:** Immediately to the south of the site is a 5-storey rental apartment building. Further south are detached houses with frontage onto Bayview Avenue.

**West:** Immediately to the west of the site is Bayview Avenue. Further west are uses and buildings such as a 2-storey commercial-retail building, a gas station, a 7.5-storey mixed use building, detached houses, and semi-detached houses.

## THE APPLICATION

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### Description

**Height:** 25-storeys (83.5 metres high, plus a 7.4 metres high mechanical penthouse).

**Gross Floor Area:** 17,908 square metres of residential gross floor area and 256 square metres of non-residential gross floor area.

**Density (Floor Space Index):** 8.7 times the area of the lot.

**Unit count:** 288 dwelling units (45 studio units (15.6%), 172 one-bedroom units (59.7%), 43 two-bedroom units (14.9%) and 28 three-bedroom units (9.7%).

**Vehicular Parking Spaces:** 91 (71 long-term, 18 short-term and 2 car-share).

**Bicycle Parking Spaces:** 306 (276 long-term and 30 short-term).

See Attachments 1-5 of this report for a location map, Application Data Sheet, three dimensional representations of the project in context and a site plan of the proposal. The Application Data Sheet contains additional details on the proposal including: site area and dimensions; floor area; unit breakdowns; and parking counts.

Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

### Reasons for Application

The application proposes to amend the Zoning By-laws 569-2013 and 7625 to change the zoning to permit a mix of uses and building type, multiple dwelling units, and also to establish site specific performance standards including but not limited to gross floor area, floor space index, lot coverage, building height and building setbacks.

The proposal is also subject to Site Plan Control, which examines the design and technical aspects of a proposed development to ensure it is attractive and compatible with the surrounding area and contributes to the economic, social and environmental vitality of the City. Features such as building design, site access and servicing, waste storage, parking, loading and landscaping are reviewed.

## POLICY CONSIDERATIONS

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**Official Plan Designation:** The site is designated *Mixed Use Areas* on Map 17 of the Official Plan (see Attachment 7), and more specifically *Mixed Use Areas "C"* on Map 21-4 of the Yonge-Eglinton Secondary Plan (OPA 405). Additionally, in the Yonge-Eglinton Secondary Plan, the site is located within 500 metre radius of Leaside Midtown Station Area and its associated Secondary Zone on Map 21-3, and the Bayview Focus Core Area on Map 21-2.

**Zoning:** Under City of Toronto Zoning By-law no. 569-2013, the site is zoned

Residential Detached (RD) with a maximum height of 9.0 metres and a maximum permitted gross floor area of 0.6 times the lot area resulting in a maximum gross floor area of 1,253.4 square metres (See Attachments 9 and 10). The site is zoned Low Density Residential (R1B) Zone under the former Leaside Zoning By-law no. 1916.

Additional information on applicable policy documents can be found in Attachment 6.

## **COMMUNITY CONSULTATION**

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A virtual Community Consultation Meeting was hosted by City staff on May 5, 2022. Approximately 184 members of the public and the Office of the Ward Councillor participated. The following relevant comments on the proposed development were made by community members prior to and during the meeting:

- Concerns about the appeal affecting public consultation and Council's decision authority process;
- Concerns with noise, shadowing and privacy impacts on surrounding properties;
- Concerns with traffic, especially during morning and afternoon rush hours and Broadway Avenue being only a two-lane roadway;
- Concerns about the Bayview and Broadway intersection being unsafe to cross and that the proposed vehicle access onto Broadway would pose safety issues;
- Concerns with the proposal being able to accommodate its own parking demand and exacerbating the street parking problem in neighbourhood;
- Concerns with the proposed height, in the context of grade changes from the Bayview/Eglinton intersection, the heights of nearby existing approvals, and how it relates to the policies in the Yonge-Eglinton Secondary Plan.
- Concerns about potential impacts on Sunnybrook Hospital's helicopter flight path;
- Concerns that the wind study did not account for the site's location on a hill or test properties surrounding the site;
- The lack of transition to the lower density neighbourhoods and maintaining the character and built form;
- That the proposal will set a negative precedent in the area;
- Clergy in the adjacent church are concerned with the proposal's impacts on the character of the church and use of the church lands (including the Children's Nursery School);
- Of the loss of boundary trees;
- That the proposal should provide affordable housing and this may be feasible through additional height;
- Concerns about the extent to which the proposal changes the current and planned resident and jobs density in the Leaside Transit Station Area;
- Concerns with existing infrastructure capacity to accommodate the proposal and how the proposal will mitigate such impacts;
- Concerns with the proposal allocating a greater proportion of studio and one-bedroom dwelling units, relative to the proportion of larger bedroom units; and,
- Support for the proposal, particularly the provision of multiple units at varied unit mix.

## COMMENTS

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### **Provincial Policy Statement (2020)**

Planning staff have reviewed the current proposal against the policies of the PPS, as described in the Policy Considerations Section and Appendix in this report. The Official Plan, as amended, conforms to the PPS and outlined below is a detailed assessment of the proposed development against the policies of the Official Plan.

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

Planning staff have reviewed the current proposal against the policies of the Growth Plan, as described in the Policy Considerations Section and Appendix in this report. The Official Plan, as amended, conforms to the Growth Plan and outlined below is a detailed assessment of the proposed development against the policies of the Official Plan.

### **Land Use**

The proposed land use for a mixed-use building with retail at grade and residential units above generally conforms with the Official Plan and OPA 405. While the proposed change to the Zoning By-law to allow mixed uses is acceptable, the configuration of the proposed retail uses at grade are not in keeping with the Priority Retail Street policies and the vision for Bayview Avenue as a commercial main street.

### **Housing**

The proposed building contains two-bedroom and three-bedroom dwelling units that do not satisfy the unit size objectives of the Growing Up Guidelines.

### **Built Form**

Planning staff have reviewed the proposed built form, including height, massing and transition, against the policies of the Official Plan, OPA 405, and relevant design guidelines. The built form of the proposal does not conform to the relevant policies of the Official Plan and the Yonge-Eglinton Secondary Plan. The proposal at 25-storeys is too tall and does not provide adequate transition to the Bayview and Broadway frontages, nor down to the Built-up Zones of low-rise *Neighbourhoods* designated areas to the east.

### **Wind**

A Pedestrian Level Wind Study prepared by the University of Western Ontario, dated October 2021, shows a number of areas on the site and in the adjacent public realm that will be negatively impacted by the proposed development.

### **Public Realm**

The proposed streetscapes along Bayview Avenue and Broadway Avenue do not conform to the relevant policies of the Official Plan and the Yonge-Eglinton Secondary Plan, with regards to matters such as transition to a consistent streetscape with the adjacent property to the south, animation of the Broadway Avenue public boulevard, and the aforementioned retail frontage along Bayview Avenue.

## **Parkland**

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 development site is currently in an area with 28 + m<sup>2</sup> of parkland per person, which is comparable to the city-wide average provision of 28 m<sup>2</sup> of parkland per person (2016). Given the future expected growth both on the development site itself and surrounding sites, a parkland deficit will be generated if no new parks are created. This anticipated parkland deficit must be addressed through the creation of a new park to serve the future population.

The applicant is required to satisfy the parkland dedication requirement of 206.54 square metres for this development. Staff would accept the conveyance of lands that are off-site; the location and configuration of the park, will be determined based on future discussions between the applicant and the Parks Development Section, and will be required to comply with Policy 3.2.3.8 of the Toronto Official Plan.

## **Tree Preservation, Soil Volume, and Public Utilities**

The application is subject to the provisions of the City of Toronto Municipal Code. An Arborist Report and Tree Inventory and Preservation Plan were submitted by the applicant. The application proposes to remove thirteen trees along Bayview Avenue adjacent this site to allow for the construction of the proposed development. The application also proposes new trees. Adequate soil volumes are required for proposed new trees, and a Public Utilities Plan to Quality Level A (QL-A) is required to be submitted to support the application.

The application needs to demonstrate that it is appropriate to remove the existing trees described above, that proposed new trees will have adequate soil volumes to ensure their survival, and that proposed new tree locations will have no conflicts with public utilities.

The Terms of Reference for the Tree Preservation Plan, Soil Volume Plan, and QL-A Plan are available at the following link: <https://www.toronto.ca/city-government/planning-development/application-forms-fees/building-toronto-together-a-development-guide/application-support-material-terms-of-reference/>

The applicant has submitted an Arborist Report and Tree Protection and Removal Plan in support of the applications. The removal of two healthy private trees located along the east property line, does not support the City's objectives, as expressed in the Official Plan, of increasing tree canopy coverage, and incorporating mature trees into a developer site.

## **Road Widening**

Staff have determined that the site must convey to the City, a 0.4 metres wide strip of land along Bayview Avenue in order to satisfy the planned right-of-way width of 27 metres for Bayview Avenue, as required in Policy 3 of Section 2.2 of the Official Plan.

## **Transportation**

Transportation Services Staff has found that the proposed 91 parking spaces (including residents, visitors, retail, and car-share) is significantly deficient from the 243 parking spaces required by Zoning By-law no 569-2013 and is not acceptable. Staff reviewed the submitted parking study and traffic assessment study, and found they do not sufficiently address the issues at hand.

Moreover, staff have determined that transportation-related requirements in the Toronto Green Standard (TGS), have not been satisfied; these include a minimum 15% reduction in single-occupant auto vehicle trips and the minimum 47 of the total required parking spaces be configured for electric vehicles. Staff will continue to work with the applicant to address TGS matters which are beyond the scope of this appeal. Staff further recommends that prior to the issuance of the Final Order, that the owner submit an updated checklist and template, to the satisfaction of the Chief Planner.

Should the Ontario Land Tribunal allow the appeal in whole or in part, staff recommends that prior to the issuance of the Final Order, that the owner has to satisfactorily address the Transportation Services matters in the Engineering and Construction Services Memorandum dated December 30, 2021, and matters that may arise during the course of the applications, all to the satisfaction of the General Manager, Transportation Services.

## **Toronto Transit Commission**

A TTC bus stop is presently located at the northeast corner of Broadway Avenue and Bayview Avenue, in front of the St. Augustin of Canterbury church; the Toronto Transit Commission (TTC) has identified the Bayview Avenue right-of-way that is directly adjacent to the site, as suitable location for the bus stop and shelter to be moved to. Issues that will need to be evaluated include: interface with the existing and proposed streetscape and traffic signalling infrastructure, interface with the proposed building at 1837-1845 Bayview Avenue, appropriateness of the relocation, among others.

## **Servicing and Stormwater Management**

The applicant has submitted a Functional Servicing and Stormwater Management Report in support of the applications. 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 May 24, 2022. The applicant must also provide a revised Hydrological Review Summary Form to be reviewed and accepted.



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 the confirmation 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, waste, sanitary and storm sewer systems can support the proposed development and whether upgrades or improvements of the existing municipal infrastructure are required. In addition to the preceding, the owner shall submit a Subsurface Investigation for the possible presence of methane gas on the property and any required mitigation measures to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services. Alternatively, a holding provision may be required in the implementing zoning by-law. Moreover, in the event that the OLT allows the site plan application appeal in whole or in part, the Order should be withheld pending confirmation that site-plan specific requirements relating to municipal waste, water, fire, sanitary and storm sewer systems, have been met, to the satisfaction of Engineering and Construction Services.

### **Further Issues**

City Planning continues to receive additional information regarding these applications as a result of ongoing review by City commenting divisions, materials submitted in support of the proposal and through deputation made by members of the public to Community Council. Staff may also be required to evaluate supplementary or revised plans and supporting materials submitted by the applicant after the date of this report. As a result, Planning staff may continue to identify further issues or supplement the reasons provided in this report. Where substantive changes to the proposal are made by the applicant, Staff may report back to City Council as necessary.

### **Conclusion**

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Toronto Official Plan, including the Yonge-Eglinton Secondary Plan, and applicable City guidelines intended to implement Official Plan policies. The current proposal does not conform with the Toronto Official Plan and the Yonge-Eglinton Secondary Plan, and does not meet the intent of relevant Design Guidelines.

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**

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

## **ATTACHMENTS**

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- Attachment 1: Location Map
- Attachment 2: Application Data Sheet
- Attachment 3: 3D Model of Proposal in Context Looking Northwest
- Attachment 4: 3D Model of Proposal in Context Looking Southeast
- Attachment 5: Site Plan
- Attachment 6: Policy Considerations
- Attachment 7: Official Plan Land Use Map
- Attachment 8: Yonge-Eglinton Secondary Plan Land Use Map
- Attachment 9: Yonge-Eglinton Secondary Plan Midtown Character Area Map
- Attachment 10: Yonge-Eglinton Secondary Plan Midtown Transit Station Area Map
- Attachment 11: Zoning By-law no. 569-2013 Map
- Attachment 12: Zoning By-law no. 1916 Map

# Attachment 1: Location Map



## Attachment 2: Application Data Sheet

Municipal Address: 1837-1845 BAYVIEW AVENUE Date Received: November 4, 2021  
 Application Number: 21 233980 NNY 15 OZ  
 Application Type: Rezoning

Project Description: This application proposes to amend the Zoning By-law to permit a 25-storey mixed use building containing 288 residential units and 256 square metres of retail gross floor area on the ground floor.

Applicant	Agent	Architect	Owner
GOLDBERG GROUP C/O MICHAEL GOLDBERG, 2098 Avenue Road, Toronto, ON, M5M 4A8		IBI GROUP ARCHITECTS (CANADA) INC., 55 St. Clair Avenue West, 7th Floor Toronto, ON M4V 2Y7	BAYVIEW BROADWAY DEVELOPMENTS INC, 3100 Steeles Avenue West, Markham, ON, L3R 8T3

### EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N
Zoning:	RD (f12.0; a370; d0.6)	Heritage Designation:	N
Height Limit (m):	8.5	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq m): 2,089                      Frontage (m): 50.4                      Depth (m): 39.2

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			1,222	1,222
Residential GFA (sq m):	900		17,908	17,908
Non-Residential GFA (sq m):			256	256
Total GFA (sq m):			18,164	18,164
Height - Storeys:	2.5		25	25
Height - Metres:	9		83.5	83.5

Lot Coverage Ratio (%) 58 Floor Space Index: 8.7

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	17,908	0
Retail GFA:	256	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:	5			
Condominium:			288	288
Other:				
Total Units:			288	288

Total Residential Units by Size

	Rooms	Studio	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		45	172	43	28
Total Units:		45	172	43	28

Parking and Loading

Parking Spaces:	91	Bicycle Parking Spaces:	306	Loading Docks:	1
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**Attachment 3: 3D Model of Proposal in Context Looking Northwest**



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



01/07/2022



**Attachment 4: 3D Model of Proposal in Context Looking Southeast**



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



01/07/2022





## **Attachment 6: Policy Considerations**

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 with 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:

- encouraging a sense of place, by promoting well-designed built form;
- 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.

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. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region (the "GGH"), 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).

## **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 MCR, the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs plan for the prescribed densities.

In June 2020, the City Planning Division initiated the Growth Plan Conformity and Municipal Comprehensive Review ("MCR"), which includes the delineation of approximately 180 potential Major Transit Station Areas (MTSAs) to meet Provincial minimum intensification requirements. A subset of MTSAs will be identified as Protected Major Transit Station Areas (PMTSAs), where the Council-approved inclusionary zoning policy framework can be implemented. The report can be found at the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.PH14.4>

The in-force, updated Yonge-Eglinton Secondary Plan (Official Plan Amendment No. 405) identified 6 MTSAs and set out minimum density targets, as directed for by the Growth Plan (2020). In Map 21-3, the identified MTSAs are known as Midtown Transit Station Areas. The site is within the Leaside Midtown Transit Station Area, which has a minimum density target of 200 residents and jobs per hectare. See the preceding section for more information on the Yonge-Eglinton Secondary Plan.

On March 25, 2022, the Planning and Housing Committee approved for consultation 97 MTSA/PMTSAs, of which Leaside Station was identified as a PMTSA with a proposed minimum density target of 200 people and jobs per hectare. The report can be found at the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.PH32.7>

## **Toronto Official Plan**

The City of Toronto Official Plan (the "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.

The Official Plan contains policies related to building complete communities, heritage preservation, community services, transportation, and environmental stewardship. The Official Plan also provides for the use of Section 37 of the *Planning Act* to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision of community benefits in the form of capital facilities.

The site is designated *Mixed Use Areas* as shown on Land Use Map 17. See Attachment 7 of this report for the Official Plan Land Use Map.

## **Yonge-Eglinton Secondary Plan**

On July 23, 2018, City Council adopted Official Plan Amendment No. 405 to replace the

former Yonge-Eglinton Secondary Plan in its entirety. On August 9, 2018, OPA 405 was submitted to the Ministry of Municipal Affairs and Housing for review and approval pursuant to Section 26 of the Planning Act. On June 5, 2019, the Minister of Municipal Affairs and Housing approved OPA 405 with modifications, resulting in the updated Yonge-Eglinton Secondary Plan.

The Yonge-Eglinton 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.

The site is within Midtown Character Area “D4 – Bayview Focus Core Area” (see Map 21-2). The Midtown Cores are characterized as “vibrant mixed-use areas centred around Midtown’s transit stations. The Cores will continue to function as mixed-use nodes, including office, institutional, residential and cultural uses. The intensity of development will differ between the Cores. The scale and form of intensification will be generally less in Davisville Station, Mount Pleasant Station and Bayview Focus Area than exists, and is planned, at the Yonge-Eglinton Crossroads. The edges of the Cores will be designed to ensure connectivity and transition in scale and intensity to surrounding areas.”

“The Bayview Focus Character Area is Midtown’s eastern-most Core and will be predominantly characterized by mid-rise buildings punctuated with tall buildings in proximity to the new transit station, which will also support the expansion of office, residential and retail development in the area, creating a mixed-use, transit-oriented node.” Mid-rise buildings in Midtown, are described as having a range of generally between five to twelve storeys, depending on the Character Area and matters relating to character, public realm objectives, and built form transition, especially to low-rise areas. The built form policies of OPA 405, set out anticipated height ranges for each Character Area in order to give guidance regarding the intended built form character for each Character Area, but the specific heights of buildings and/or areas will be determined through rezoning applications or City-initiated zoning by-law amendment applications. A height range of 20 to 35 storey is set out for the Bayview Focus Character Area. It is noted that an Official Plan Amendment is not required in order to achieve a lesser height than the range.

The subject site is also subject to other policy layers in the Yonge-Eglinton Secondary Plan, which provide individually and collectively, direction and guidance on issues including but not limited to heights, built form, transition, density, land use, public realm objectives:

- Midtown Transit Station Area “Secondary Zone” in the Leaside Transit Node (see Map 21-3).
- Mixed Use Areas "C" land use designation, 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.” See Map 21-4.
- Priority Retail Street (see Map 21-5).

Note: this is not an exhaustive list

The updated 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](https://www.toronto.ca/wp-content/uploads/2019/07/96a5-CityPlanning_OPA405.pdf)

See Attachment 8 for the land use designation of the site in Yonge-Eglinton Secondary Plan.

### **Zoning By-laws**

The site is zoned Low Density Residential ("R1B") Zone under Zoning By-law No. 1916, and Residential Detached Zone ("RD") under Zoning By-law 569-2013. The RD zone permits detached houses and other residential-related uses, as well as community-related uses. The development standards in the Zoning By-law that apply to the site include: a maximum permitted height of 8.5 metres, a maximum permitted density of 0.6 times the area of the lot.

See Attachments 9 and 10 for the relevant excerpt of the Zoning By-law Maps.

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

### **Urban Forest**

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).

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

City Council adopted the Avenues and Mid-rise Buildings Study, which identifies a list of best practices and establishes a set of performance standards for new mid-rise buildings. Key issues addressed include maximum allowable building heights, setbacks and step backs, sunlight and skyviews, pedestrian realm conditions, transition to Neighbourhoods and Parks and Open Space Areas and corner sites. The Study can be found at: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/mid-rise-buildings/>

City Council also adopted a revised Mid-Rise Building Performance Standards Addendum (2016), for staff to use together with the 2010 approved Mid-Rise Building Performance Standards in the preparation of area studies or during the evaluation of development applications, where mid-rise buildings are proposed and Performance Standards are applicable, until such time as City Council adopts updated Mid-Rise Building Design Guidelines. The addendum further states that the Performance Standards are flexible, their importance varies by site, and the measure of its effectiveness is whether it achieves the relevant and appropriate goals and principles in the Official Plan.

Council's decision can be found at:

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

### **City-Wide Tall Building Design Guidelines**

City Council has adopted city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The link to the guidelines is here:

<https://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.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/city-government/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-Pet-FriendlyGuidelines.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>

### **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: new applications submitted on or after May 1, 2018 and before May 1, 2022. Visit <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/toronto-green-standard-version-3/mid-to-high-rise-residential-all-non-residential-version-3/>



**Attachment 7: Official Plan Land Use Map**



**Official Plan Land Use Map #17**

**1837-1845 Bayview Avenue**

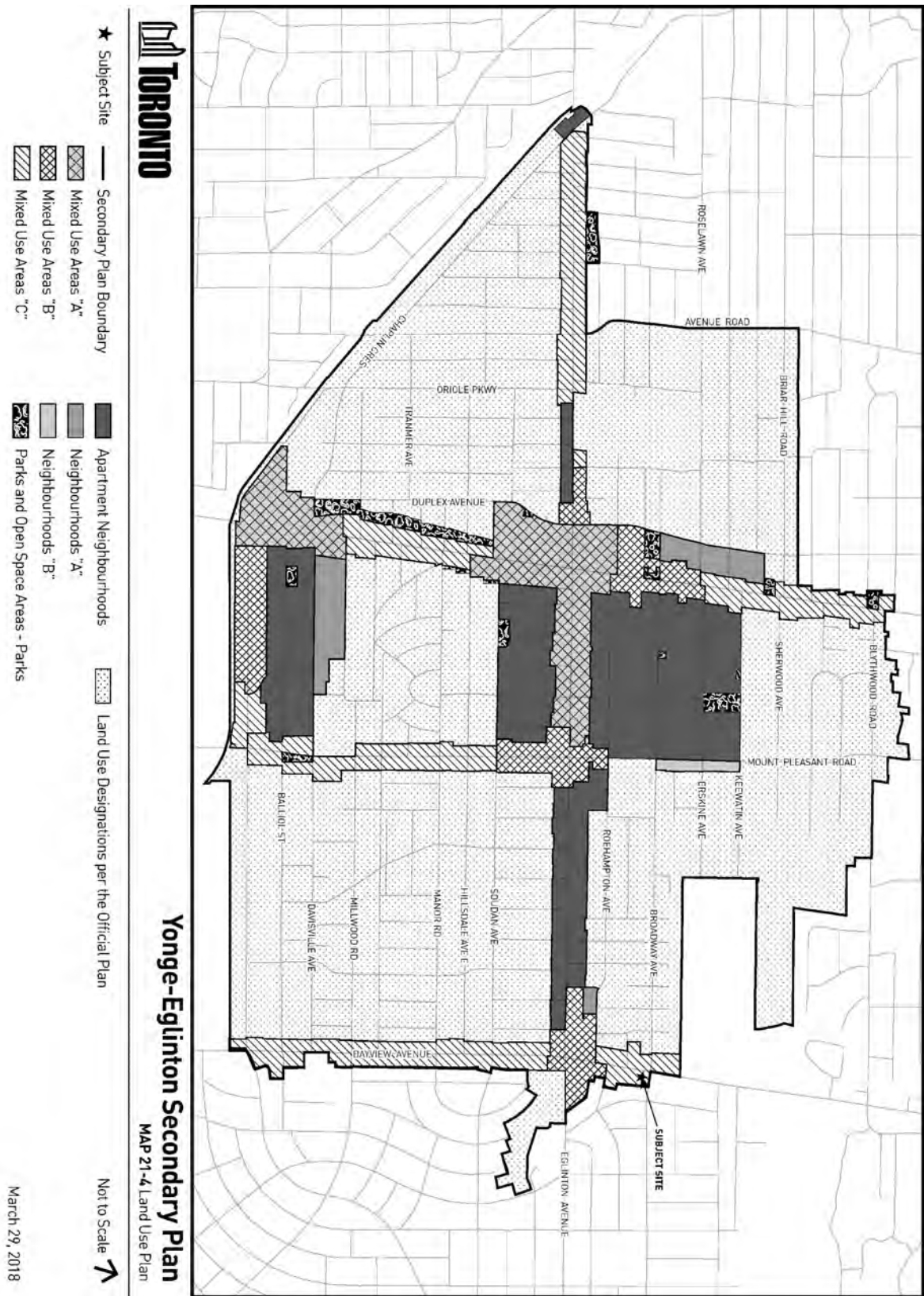
File # 21 233980 NNY 15 02

- Location of Application
- Neighbourhoods
- Mixed Use Areas
- Other Open Space Areas

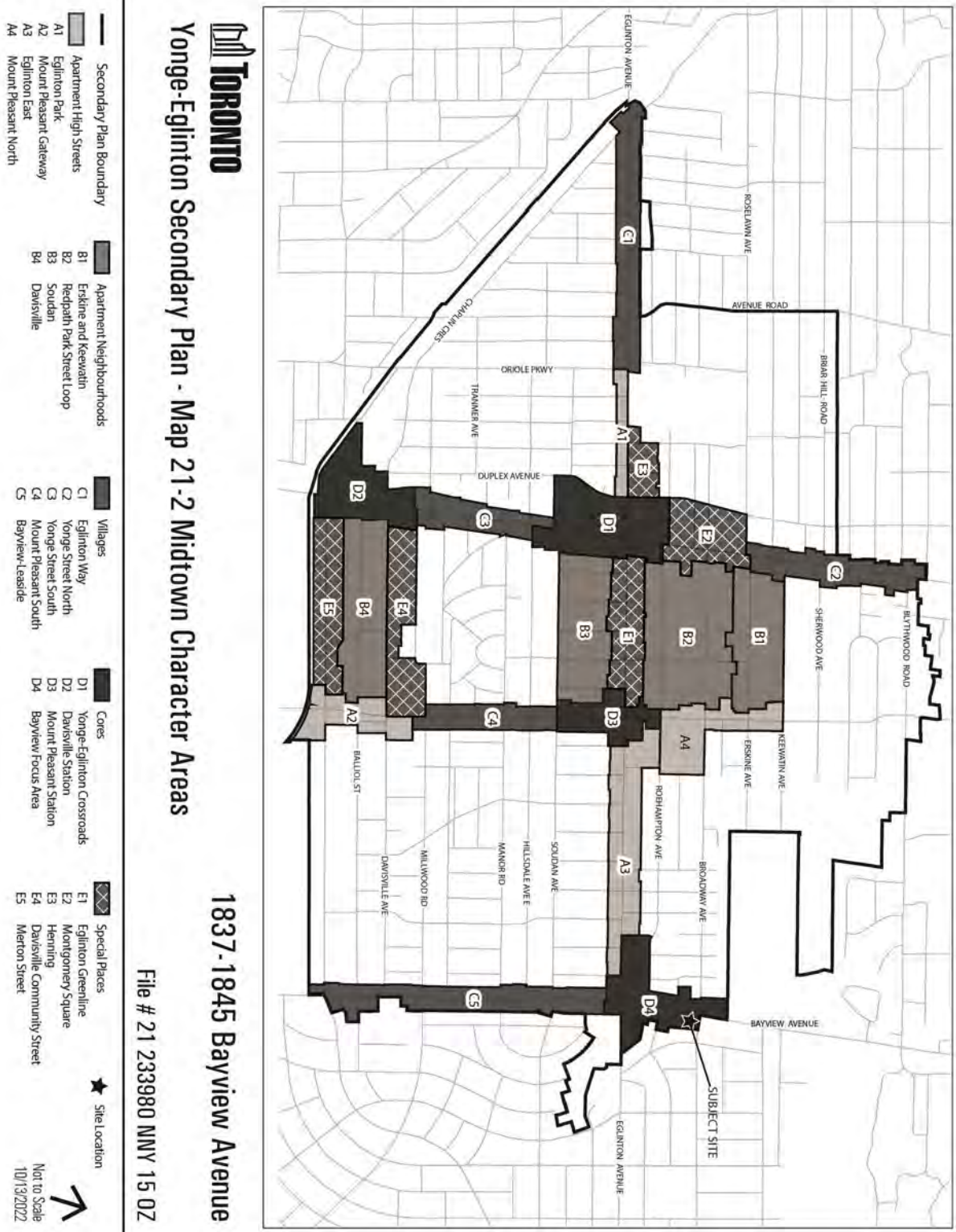
Not to Scale  
 Extracted: 11/08/2021



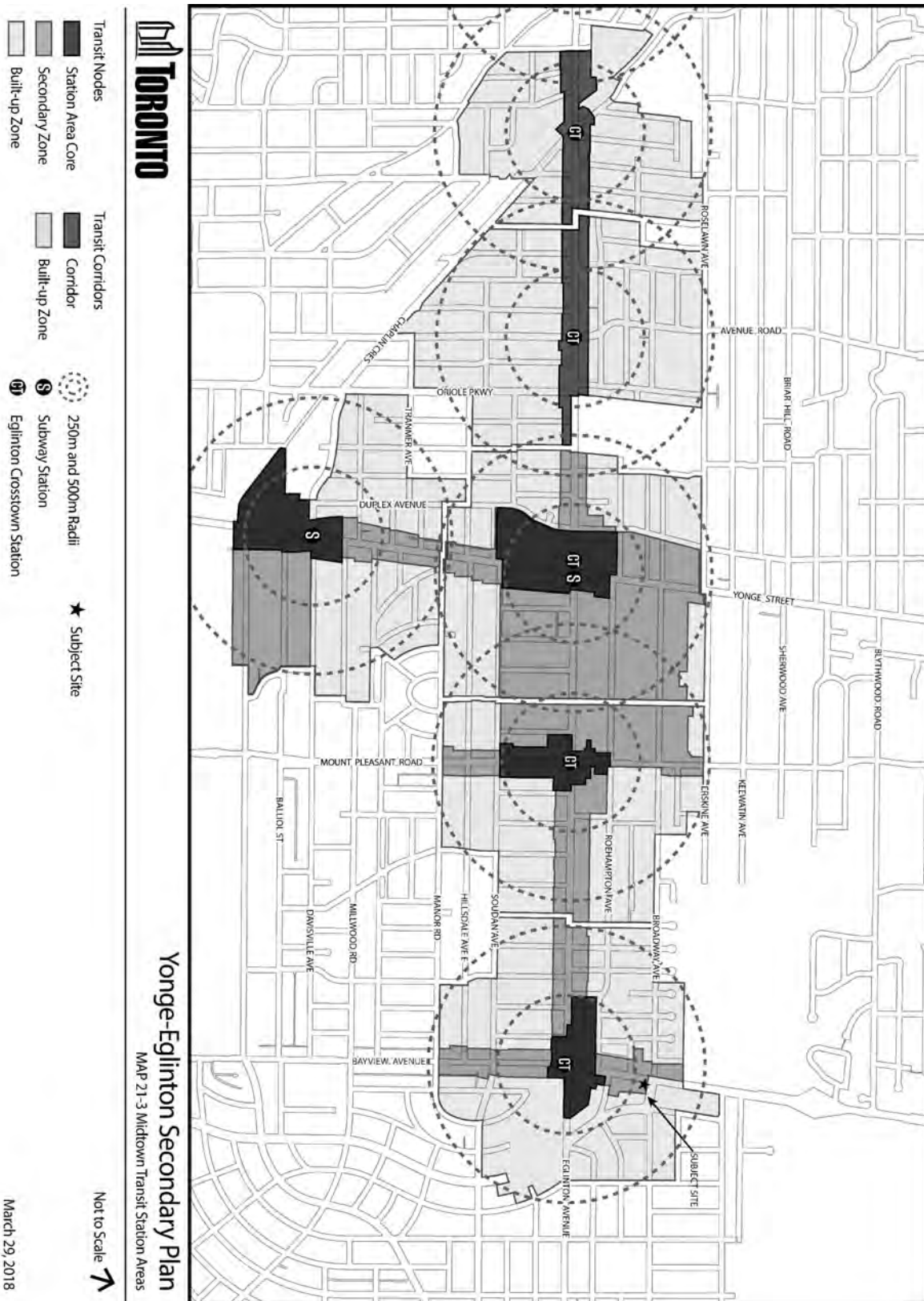
# Attachment 8: Yonge-Eglinton Secondary Plan Land Use Map



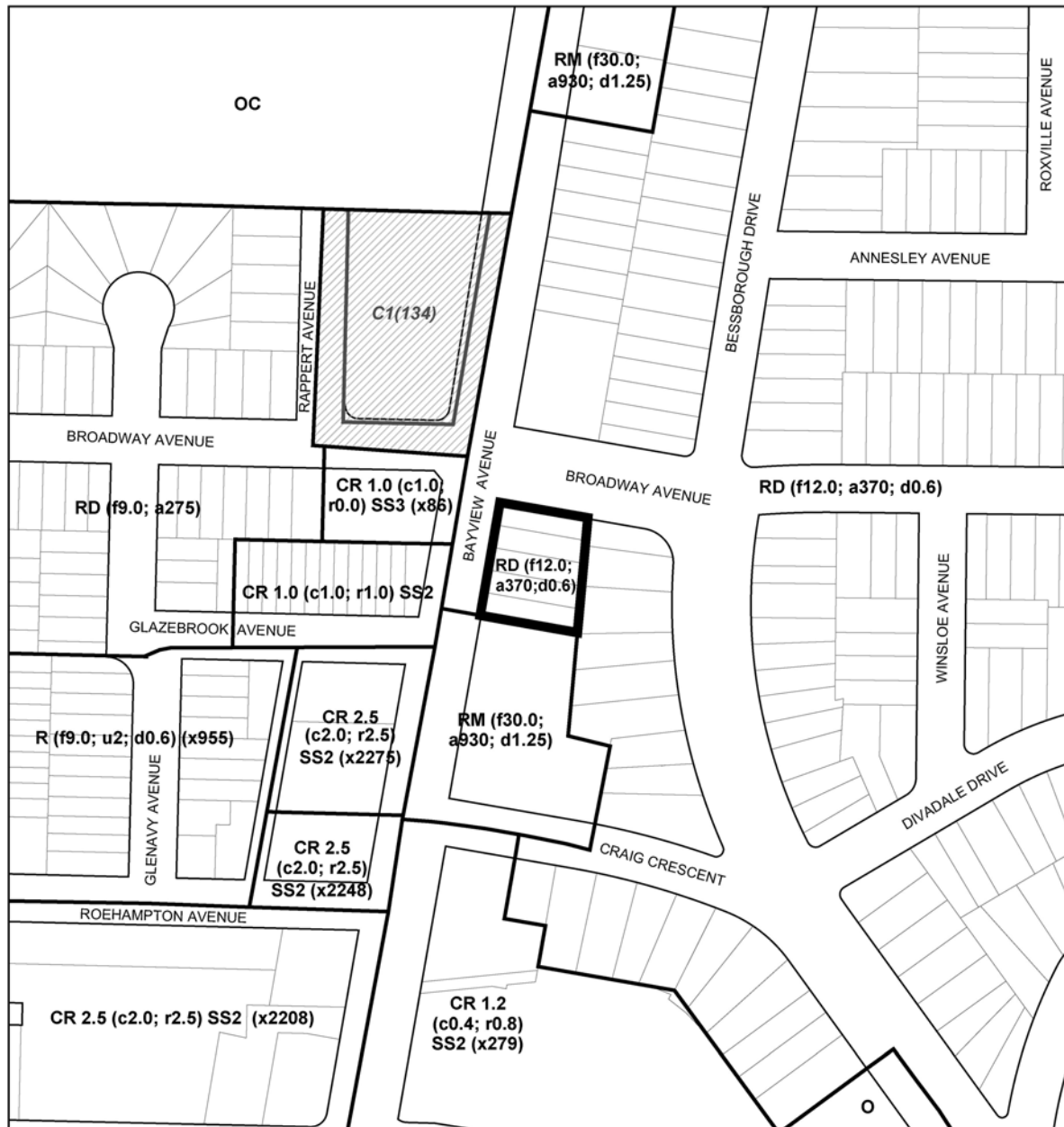
# Attachment 9: Yonge-Eglinton Secondary Plan Midtown Character Area Map



# Attachment 10: Yonge-Eglinton Secondary Plan Midtown Transit Station Area Map



# Attachment 11: Zoning By-law no. 569-2013 Map



Zoning By-law 569-2013

1837-1845 Bayview Avenue

File # 21 233980 NNY 15 0Z

Location of Application

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

**OC** Open Space Cemetery

See Former City of North York By-law No. 7625  
**C1** General Commercial Zone



Not to Scale  
Extracted: 11/08/2021

# Attachment 12: Zoning By-law no. 1916 Map



**Zoning By-law 7625**

**1837-1845 Bayview Avenue**

File # 21 233980 NNY 15 0Z



Location of Application

See Former City of North York By-law No. 7625

**R7** One-Family Detached Dwelling Seventh Density Zone  
**C1** General Commercial Zone  
**CEM-1** General Cemetery Zone

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

**R1S** Residential District  
**CR** Mixed-Use District

See Former Borough of East York By-Law 1916

**R1B** Low Density Residential  
**R3A** High Density Residential  
**MRC** Mixed Use Residential Commercial (Site Specific)  
**O** Open Space (Parks)

Not to Scale  
 Extracted: 11/08/2021

