

1466 and 1500 Bayview Ave – Zoning By-law Amendment and Site Plan Control Applications – Appeal Report

Date: February 1, 2023

To: North York Community Council

From: Director, Community Planning, North York District

Ward 15 - Don Valley West

Planning Application Number: *20 210394 NNY 15 OZ; 20 210395 NNY 15 SA*

SUMMARY

On October 28, 2020, a complete application to amend the Zoning By-law (20 210394 NNY 15 OZ) and a complete application for site plan approval (20 210395 NNY 15 SA), were submitted to permit a 9- storey (26.35 metres excluding mechanical penthouse) mixed-use building containing 156 residential dwelling units and 1,659.5 square metres of retail uses at grade. A portion of the subject site to the rear was proposed as a driveway with a surface easement for public access and use, in lieu of a laneway.

On December 23, 2021, the applicant made a resubmission to support a revised proposal of an 8-storey mixed-use building containing 153 residential dwelling units and 1,545.6 square metres of retail uses at grade. A portion of the rear of the site is proposed to be conveyed to the City for use as a public laneway.

Concurrently, the City of Toronto has been embarking on a program to implement the Yonge-Eglinton Secondary Plan through revisions to the zoning by-law. A Status Report, which included objectives and a zoning framework, was endorsed by Planning and Housing Committee on November 25, 2021. The City-initiated zoning is advancing in phases. As part of the first phase, City Council adopted a Final Report on June 15, 2022, which included a zoning by-law amendment for portions of the Secondary Plan area, mainly consisting of the 'Villages', including the site at 1466-1500 Bayview Avenue. The zoning by-law amendment, enacted as By-law no. 595-2022, implements the Secondary Plan in the areas to which it applies, and sets regulations such as land use permissions, minimum and height limits, setbacks, and stepbacks. Transition clauses in the by-law were included with the intent of recognizing existing development applications in progress. On July 13, 2022, the applicant appealed the City Council's decision on the Zoning By-law no. 595-2022, pursuant to Section 34(19) of the *Planning Act*.

On August 5, 2022, the applicant appealed the site-specific Zoning By-law amendment and Site Plan Control applications to the Ontario Land Tribunal ("OLT") due to Council's failure to make a decision within the time frames pursuant to Section 34(11) of the *Planning Act* and Section 114(15) of the *City of Toronto Act*. A first Case Management Conference took place on December 6, 2022, and a second one has been scheduled for February 23, 2023.

A case management conference for appeals to Zoning By-law no. 595-2022 was held on January 24, 2023 and resulted in the two aforementioned appeals being consolidated into one hearing.

Staff recommends that City Council instruct the City Solicitor and appropriate City staff to attend the OLT hearing to 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 in opposition to the current Applications regarding the Zoning By-law Amendment and Site Plan Control appeal for the lands at 1466 and 1500 Bayview Avenue and to continue discussions with the applicant in an attempt to resolve outstanding issues.
2. In the event that the Ontario Land Tribunal allows the appeal in whole or in part, City Council authorize the City Solicitor to request that the issuance of any final Order(s) be withheld until such time as the City Solicitor has advised the Tribunal that:
 - a) the final form and content of the draft Zoning By-law amendment and Site Plan approval are to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
 - b) the owner has submitted the final form of the architectural plans, landscape plans, completed Toronto Green Standards documents, Travel Demand Management Plan, servicing plans, reports, and studies, reflecting the proposal as approved in whole or in part, forming the Site Plan approval to the satisfaction of the Chief Planner and Executive Director, City Planning, and the General Manager, Transportation Services and Chief Engineer and Executive Director, Engineering and Construction Services;
 - c) Submit to the Chief Engineer & Executive Director of Engineering and Construction Services for review and acceptance, a 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, or

where appropriate include a Holding Provision in the implementing zoning by-law;

d) the owner agrees in the Site Plan Agreement that prior to any building permit for any building or structure, the following municipal services shall be provided to the lot line and the following provisions shall be complied with:

i) all new public roads necessary to serve the building or structure have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and,

ii) all water main and sanitary sewers and appropriate appurtenances have been installed and are operational.

e) the owner has provided financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the acceptable Functional Servicing Report and Stormwater Management Report, to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and General Manager, Toronto Water, where it has been determined that improvements or upgrades are required to support the development. In requiring any off-site municipal infrastructure upgrades, the owner is to make satisfactory arrangements with Engineering & Construction Services for Work on the City's Right-of-Way; and

f) the owner agrees in the Site Plan Agreement to provide space within the development for installation of maintenance access holes and sampling ports on the private side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the Sewers By-law Chapter 681.10.

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 on the application(s) was adopted by North York Community Council on February 23, 2021, authorizing staff to conduct a community consultation meeting with an expanded notification area. The decision of the North York Community Council can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2021.NY22.10>

In its June 15 and 16, 2022 meeting, City Council adopted a report with recommendations to enact an amendment to the Zoning By-law for purpose of implementing the Yonge-Eglinton Secondary Plan. The Zoning By-law amendment includes the site at 1466-1500 Bayview Avenue, and includes transition policies to

recognize the active development application. The decision of City Council can be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2022.PH34.10>

SITE AND SURROUNDING AREA

Description: The site is rectangular in shape and has an approximate area of 3,463 square metres, with an approximate frontage of 93 metres on Bayview Avenue and an approximate frontage of 36.67 metres on Davisville Avenue. The site is generally flat with a minor slope downward going eastwards and southwards.

Existing Use(s): A 1-storey commercial-retail building occupied by a grocery store, in the northern part of the site, with surface parking lot at 1500 Bayview Avenue, and a greenhouse-type building at 1466 Bayview Avenue. Vehicular access is taken from Bayview Avenue and Davisville Avenue.

Surrounding uses include:

North: To the north of the site are one-storey commercial-retail buildings and further north is Millwood Road.

East: To the east of the site, is Bayview Avenue. Further east are three-storey residential apartment buildings, two-storey residential-above-retail buildings with associated parking lot.

South: To the south of the site is Davisville Avenue, and further south is an 8-storey residential apartment building.

West: To the west of the site are low-rise residential uses, predominantly 2-storey houses.

THE APPLICATION

Date of Complete Applications: October 28, 2020

Description:

Original - A 9-storey mixed-use building with 13,282.6 square metres of residential GFA and 1,659.5 square metres of non-residential GFA.

Revised - An 8-storey mixed-use building with 12,331 square metres of residential GFA and 1,545.6 square metres of non-residential GFA. The applicant resubmitted with this revised proposal in response to feedback from a community consultation meeting, as well as comments and meetings with City staff.

Height:

Original - 9-storeys (29.5 metres high, with a 5.5 metre high mechanical penthouse).

Revised - 8-storeys (26.35 metres high, plus a 5.5 metre high mechanical penthouse).

Density (Floor Space Index):

Original - 4.31 times the lot area

Revised - 4.01 times the lot area; 4.96 times the lot area after the laneway conveyance.

Unit Count:

Original - 156 dwelling units comprised of 89 one-bedroom units (57.1%), 52 two-bedroom units (33.3%), and 15 three-bedroom units (9.6%).

Revised - 153 dwelling units comprised of 86 one-bedroom units (56.2%), 52 two-bedroom units (34%), and 15 three-bedroom units (9.8%).

Residential Amenity:

Original - 536.93 square metres of indoor amenity space and 87.59 square metres of outdoor amenity space.

Revised - 516.62 square metres of indoor amenity space and 111.74 square metres of outdoor amenity space.

Access, Parking and Loading:

Original - 121 resident parking spaces, 24 visitor parking spaces, 25 retail parking spaces, 141 residential long-term bicycle spaces, 16 residential short-term bicycle spaces, 4 retail long-term bicycle spaces, and 9 retail short-term bicycle spaces. Bayview Avenue vehicle access is removed, and vehicle access is proposed only via Davisville Avenue leading to an underground ramp and an at-grade Type G and Type B loading spaces.

Revised - 82 resident parking spaces, 22 visitor parking spaces, 24 retail parking spaces, 143 residential long-term bicycle spaces, 16 residential short-term bicycle spaces, 4 retail long-term bicycle spaces, and 10 retail short-term bicycle spaces. Vehicle access and loading is relatively unmodified.

Laneway Dedication:

Original - A surface public access easement over an 6.0 metres wide driveway proposed driveway, along the west lot line, from north to south ends.

Revised - A fee simple conveyance of 668 square metres for an unencumbered public laneway, in the same portion of the subject lands in the original proposal.

Additional Information

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: www.toronto.ca/aic

Reasons for Application

The applicant proposes to amend the Zoning By-law to change the performance standards including but not limited to floor space index, building height, front angular plane, rear angular plane, 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 compatible with the surrounding area and contributes to the economic, social and environmental vitality of the City.

POLICY CONSIDERATIONS

Official Plan Designations: The site is designated *Mixed Use Areas* on Map 17 of the Official Plan, and *Mixed Use Areas "C"* on Map 21-4 of the Yonge-Eglinton Secondary Plan ("OPA 405"). Additionally, the site is located in the Bayview-Leaside Village Character Area on Map 21-2 of OPA 405, and is outside of the Leaside Midtown Transit Station Area.

Zoning: Under Zoning By-law 569-2013, the site is zoned CR 3.0 (c.2.0; r2.5) SS2 (x2227) with a height limit of 14 metres. The maximum Floor Space Index ("FSI") is 3.0 times the area of the lot, including a maximum FSI of 2.0 for commercial uses and a maximum FSI of 2.5 for residential uses. A range of commercial uses are permitted in the CR zone including offices, retail stores and eating establishments. Residential uses are permitted in apartment buildings, mixed-use buildings and retirement homes on the site. (See Attachments 10 and 11).

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

COMMUNITY CONSULTATION

A virtual Community Consultation Meeting was hosted by City staff on May 13, 2021. Approximately 130 members of the public and the Office of the Ward Councillor participated. The following comments on the proposed development were made by community members prior to and during the meeting:

- questions about the need to go beyond the existing zoning;
- questions about the reason for the proposed height and expanding the site to allow for a taller building;
- questions about what the existing zoning permits;
- comment on built form appearing to be different than other condominium developments;
- comment on how the proposal benefits the local community;
- concerns with the loss of the existing grocery store, which makes the neighbourhood less walkable, the desire for a replacement grocery store and the duration of being without such an amenity;
- concern with the existing on-site parking demand and how the proposed parking supply will deal with the increase in demand borne of the development;
- concerns with the ability of proposed laneway and Davisville Avenue, and the nearby road network, to handle truck and passenger traffic generated by the proposed development and a grocery store, given resident experience of existing traffic related to the grocery store;
- comment that on-street visitor parking is already in short supply and that the development will further strain that amenity;
- comment that alternative modes of transportation that are available and the proposal should not have parking;
- question about spatial requirements for existing grocery and does the proposal configured to service a grocery store;
- question about laneway accessibility from adjacent properties;
- question about garbage pickup;
- questions about proposal's impacts on the neighbourhood's infrastructure, servicing, and schools;
- concerns with new developments not providing public realm conducive to community enjoyment and interaction, the proposed development should be sufficiently setback from Bayview to allow for that;
- questions about the landscaped separation (width, type of transition) between the west-adjacent properties and the laneway;
- questions about the lack of setbacks on Bayview frontage, and whether there is landscaped open space on-site;
- concerns with height, bulk massing and fit within neighbourhood;
- comment on the proposal improving the visual appeal of the existing parking lot;
- concern about the proposal not in keeping with the aesthetics of the neighbourhood;
- question about shadows on adjacent residential side street;
- concerns about privacy overlook into west-adjacent neighbouring residences;
- concern with telecommunication equipment installed on the future building;
- comment in support of purpose-built rental housing in the neighbourhood;

- concerns that the rental stock in the neighbourhood is outdated and needs new options, and larger unit sizes;
- question about affordability of the purpose-built rental building proposed;
- concerns with construction impacts on existing residents, including not allowing a traffic lane to be occupied;
- comment on the lower environmental impact of high-rise buildings, versus houses; and
- question about night light pollution impacts on the adjacent neighbouring properties to the west.

COMMENTS

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 and Design

The site is within *Mixed Use Areas “C”* land use designation, fronts onto a Priority Retail Street (Bayview Avenue) pursuant to Map 21-5, and is zoned Commercial Residential in By-law 569-2013; based on the existing policy framework, the site is permitted both residential and commercial uses, with retail at-grade required to frame Bayview Avenue. The proposed land uses for retail stores and dwelling units in a mixed-use building conforms with the Official Plan and OPA 405, subject to addressing matters detailed in this report.

On Bayview Avenue, the Secondary Plan directs for a design for retail stores and service uses with frequent entrances and architectural detailing. Store frontages should generally appear to be five to ten metres in width to reflect a historical main street building fabric or achieve a fine-grain rhythm. The proposal does not achieve this policy objective.

Housing

The proposed building does not conform with the policies of OPA 405 with regards to dwelling unit size for developments with more than 80 dwelling units. The proposed building has 9.8% of total units as three-bedroom dwelling units, instead of the minimum required 10% of total units, and does not have an additional 15% of total units as a

combination of two-bedroom and three-bedroom units or units that can be converted to such larger units.

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 revised proposal has made changes to the original proposal, in response to built form concerns raised by staff, including reducing the overall height from 9 storeys to 8 storeys, in order to be within the 8-storey height range established for the Bayview-Leaside Midtown Village Character Area in the Secondary Plan. Other changes include shifting functional elements of the building northwards, away from the Davisville Avenue frontage, and evening out the Davisville Avenue ground-level façade to create a regularized ground floor setback to Davisville Avenue.

However the revised proposal does not address the following key concerns previously raised by staff, namely: (1) increasing the ground floor setback from Bayview Avenue, in order to provide more space for on-site soil volume and to support the generously-scaled setbacks and wide sidewalks and patios that characterize the "Bayview-Leaside Midtown Village" Character Area; and (2) modifying the upper floors and mechanical penthouse, and create appropriate streetwall along Davisville Avenue. Given the outstanding issues outlined, the built form of the proposal does not fully conform with the relevant policies of the Official Plan and the OPA 405.

Wind

A Pedestrian Level Wind Study report dated August 7, 2020 presented findings from testing scaled-down physical model of the proposed building and surroundings. The report states that in all four seasons, the original proposed development would result in an increase in wind levels on the south side of Davisville Avenue, just west of the intersection of Davisville Avenue and Bayview Avenue.

With the submission of the revised proposal, the applicant submitted an addendum letter dated November 30, 2021. The addendum states that the reduction and reconfiguration of the building massing may result in subtle improvements to the pedestrian level wind conditions.

The proposed development should adequately limit wind impacts on the public realm and generally ensure wind conditions suitable for outdoor amenity spaces, as outlined in the OPA 405.

Public Realm

The ground-related setback from the proposed development to Bayview Avenue does not conform to the relevant policies of the Official Plan and OPA 405, with regards to creating a generously-scaled setback in the Bayview-Leaside Village that is landscaped and publicly-accessible with wide sidewalks and patios extending along the street. A greater setback will also contribute towards the Toronto Green Standard soil volumes

required of the proposed development. The combination of an attractive and accessible public realm and a fine-grain retail presence, as envisioned by the Secondary Plan and Official Plan, contributes to achieving a complete community in the Bayview-Leaside Village.

Amenity Space

The revised proposal has made changes to the original proposal, in response to concern raised by staff that the outdoor amenity space of provided in the development, is insufficient and not in keeping with the intent and purpose of relevant design guidelines. The revised proposal provides approximately 111.74 square metres or 0.73 square metres per dwelling unit.

Staff still have concerns that the revised proposal does not provide sufficient outdoor amenity space, to the extent that the intent and purpose of relevant design guidelines are met.

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 0 – 4 square metres of parkland per person, which is well below the city-wide average provision of 28 m² of parkland per person (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 of this proposal is subject to a cap of 10% parkland dedication while the non-residential component is subject to a 2% parkland dedication.

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

Tree Preservation, Soil Volume, and Public Utilities

An Arborist Report and Tree Inventory and Preservation Plan were submitted by the applicant. The applicant proposes to remove 9 City-owned trees located in the adjacent Bayview Avenue right-of-way, in order to allow the construction of the proposed development. The applicant also proposes to add 10 new trees in the adjacent Bayview Avenue right-of-way.

Staff object to the proposed overall soil volume, which does not meet the Toronto Green Standard (“TGS”); the applicant should provide an updated soil volume plan that proposes increases to the overall soil volume through methods such as increasing building setback to expand soil areas along Bayview Avenue and adding soil areas along Davisville Avenue. Moreover, staff object to the Site Plan Control application based on unresolved issues including the non-compliance with TGS soil requirements, tree species incompatibility, concerns with the preservation of an existing City-owned tree, among others.

Right-of-Way Conveyances

Section 4 and Map 21-9 of OPA 405 has identified the west portion of the subject site as part of the envisioned continuous public laneway network that will run in a north-south orientation, west of lots that abut Bayview Avenue. A laneway will support other policy directions of the Secondary Plan, namely improving Priority Retail Streets by reallocating spaces in public streets (e.g. removing curb cuts) to prioritize alternative modes of transportation and provide for additional street trees. City staff have indicated that a laneway should be provided as part of the application; such a laneway would necessitate a turnaround design in the form of a cul-de-sac at the northern terminus of the new laneway on an interim condition. This cul-de-sac design is to allow for municipal service vehicles to operate and maintain the laneway. The manner of conveying a portion of the subject lands for the new laneway would be by way of a Draft Plan of Subdivision application. To date, a draft Plan of Subdivision application has not been submitted.

In response to City staff comments regarding the provision of a 6.0 metres wide, unencumbered public laneway, the below-grade parking garage has been revised to remove any encumbrances. However, the plans and drawings do not clearly depict and denote the extent of the laneway and staff are unable to determine that the proposed laneway is unencumbered. Moreover, an additional minimum 0.5 metres buffer from each of the eastern and western extents of the future laneway and any buildings or structures, will be required along the laneway to accommodate street-lighting, drainage, and pedestrian movement.

Moreover, staff have determined that in order meet the requirements of Policy 5 in Section 2.2 of the Official Plan, an unencumbered 6.0 metre corner rounding at the southeast corner of the site must be conveyed.

Traffic, Parking, Loading, and Access

With respect to the Zoning By-law Amendment application, staff have provided comments on the following issues, as detailed in the Engineering and Construction Services Memorandum dated March 28, 2022:

- revisions to transportation impact study;
- address parking spaces, corner rounding and radii, encumbrances and obstructions, interim design requirements;
- submission of Draft Plan of Subdivision application;
- submission of Functional design plans; and,
- satisfaction of Toronto Green Standard requirements.

With respect to the Site Plan Control application, staff have the provided the following comments and issues, as detailed in the Engineering and Construction Services Memorandum dated March 28, 2022:

- provision of pick-up and drop off;
- clarity of existing utility structures;
- provision of sidewalk to municipal standards
- revisions to underground ramp and drive aisle designs;
- removal of obstructions;
- relocation of Toronto Pay Authority pay and display machine;
- vehicle manoeuvring diagrams;
- revisions to loading to meet solid waste requirements; and,
- requirements for a subdivision agreement.

To date, revised plans and reports have not been submitted.

Travel Demand Management (TDM)

A TDM plan was included as part of the applicant's Transportation Impact Study. The TDM plan specified considerations such as a Bike Share station, bicycle repair station, pre-loaded Transit Passes, real time transit information displays and TDM Monitoring to reduce single occupancy auto vehicle trips generated by the proposed development. However additional details and confirmation are required regarding these measures in order for staff to assess the appropriateness of the proposed TDM Plan.

Servicing, Grading and Stormwater Management

Engineering and Construction Services (“ECS”) staff have reviewed the submitted materials and require revisions to the Functional Servicing and Stormwater (“FSR”) Management Report as outlined in the memorandum from Engineering and Construction Services dated March 28, 2022. For the Zoning By-law Amendment application, staff have determined that there is a missing hydraulic watermain analysis, and sanitary drainage plans, and updates required to the FSR, among other issues.

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 FSR has been revised to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services. The FSR must determine the stormwater runoff, sanitary flow and water supply demand resulting from this development and that there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development. Alternatively, a holding provision may be required in the implementing zoning by-law. Other recommendations are detailed in the ECS memos.

For the Site Plan Control application, ECS staff has noted matters related to water balance, stormwater, grading, and servicing remains to be addressed. To date, revised plans and reports have not been submitted.

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.

The Midtown Zoning By-law, which intensifies lands in the Midtown area, including the subject site, and brings the zoning of those lands into conformity with the policies of the PPS (2020), the Growth Plan (2020), the Toronto Official Plan, and the Yonge-Eglinton Secondary Plan. The by-law includes 'transition clauses' which recognize development applications received prior to the adoption of the by-law, and therefore Staff are of the opinion that the by-law does not presently apply to the site.

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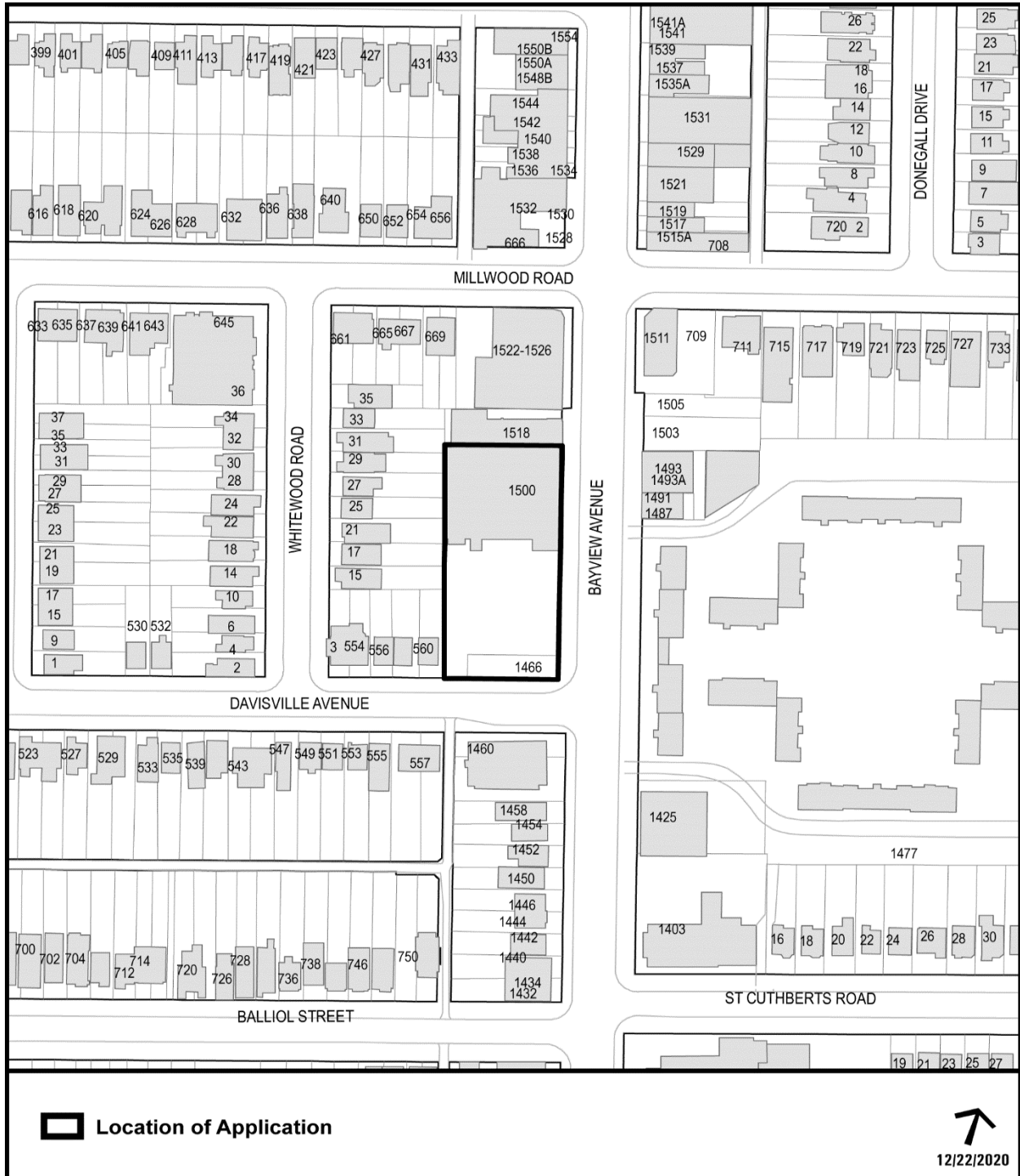
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David Sit, MCIP, RPP
Director, Community Planning
North York District

ATTACHMENTS

- 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: Zoning By-law no. 569-2013 Map
- Attachment 11: Zoning By-law no. 438-86 Map

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 1466 BAYVIEW AVE **Date Received:** October 23, 2020

Application Number: 20 210394 NNY 15 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Zoning By-law Amendment application to permit a 8-storey mixed use building with 153 dwelling units and 1,545.6 square metres of retail space on the ground floor.

Applicant	Agent	Architect	Owner
BOUSFIELDS INC			BHL PROPERTIES LIMITED

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	CR 3.0 (c2.0; r2.5) SS2 (x2227)	Heritage Designation:
Height Limit (m):	14	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 3,463 Frontage (m): 93 Depth (m): 36.6

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,257		2,156	2,156
Residential GFA (sq m):			12,331	12,331
Non-Residential GFA (sq m):	1,257		1,546	1,546
Total GFA (sq m):	1,257		13,877	13,877
Height - Storeys:	1		8	8
Height - Metres:			26	26
Lot Coverage Ratio (%): 62			Floor Space Index: 4.01	

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	12,289	42
Retail GFA:	1,546	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:			153	153
Freehold:				
Condominium:				
Other:				
Total Units:			153	153

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			86	52	15
Total Units:			86	52	15

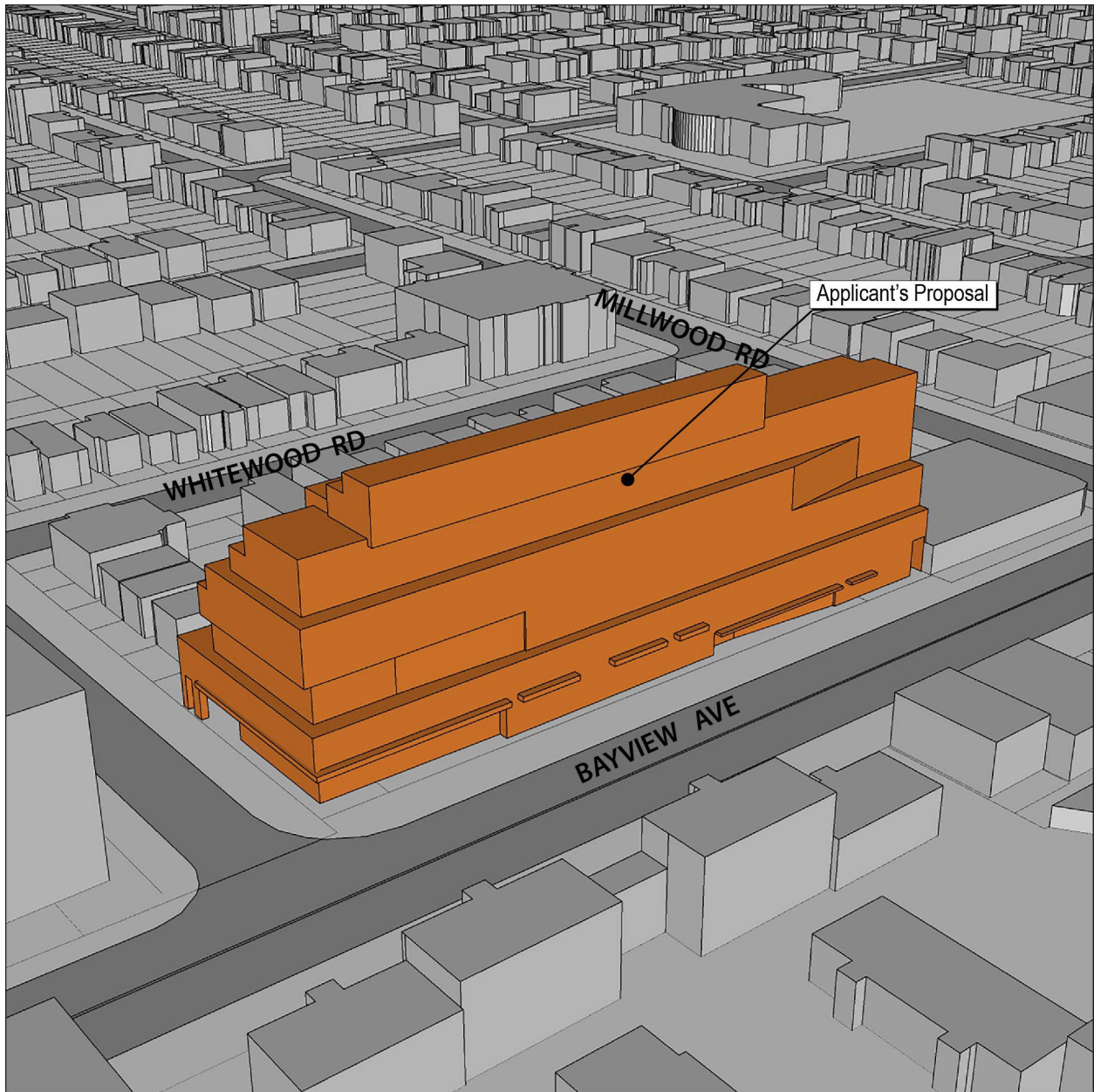
Parking and Loading

Parking Spaces: 128 Bicycle Parking Spaces: 173 Loading Docks: 2

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Attachment 3: 3D Model of Proposal in Context Looking Northwest

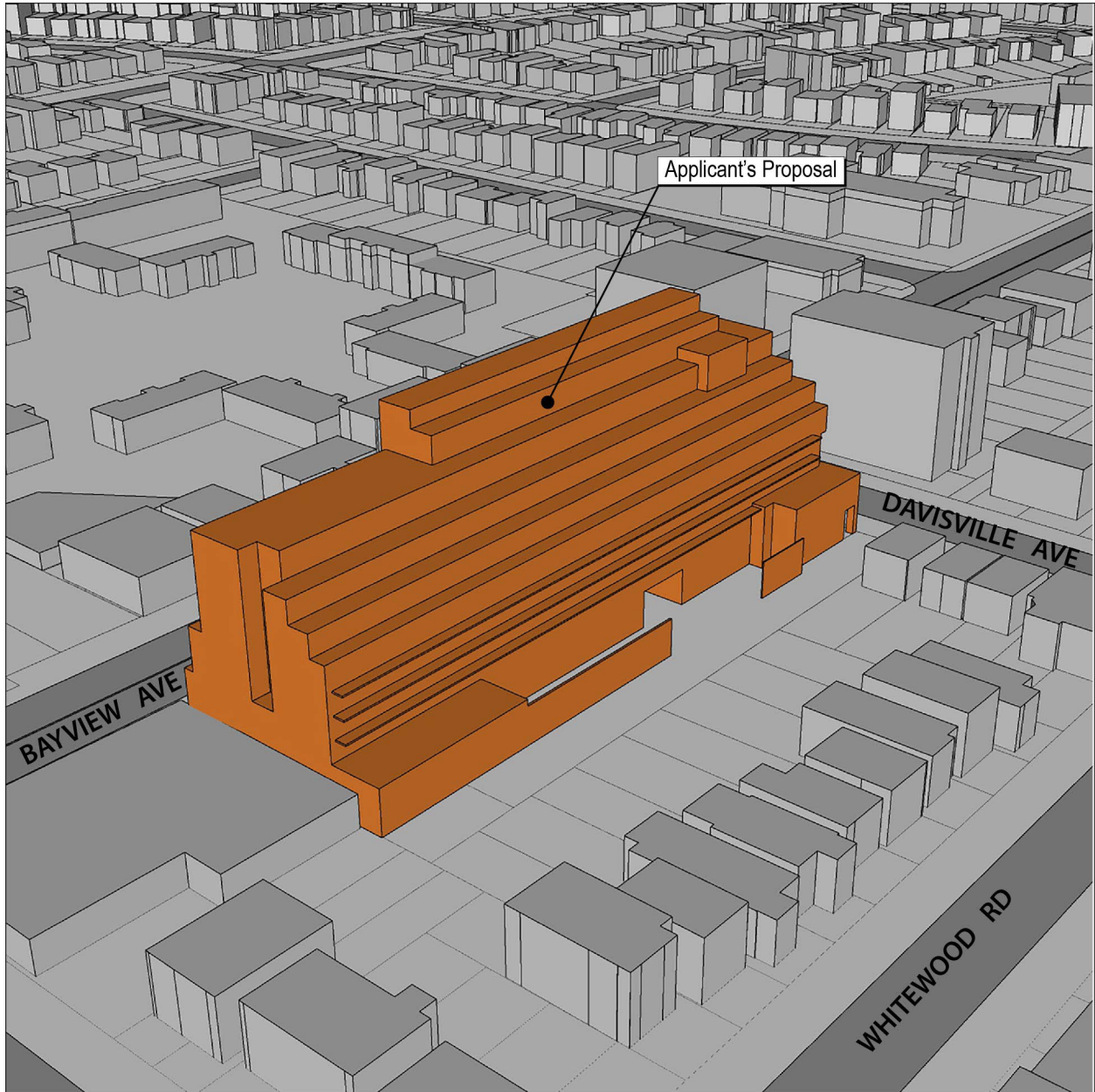


View of Applicant's Proposal Looking Northwest



02/01/2023

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

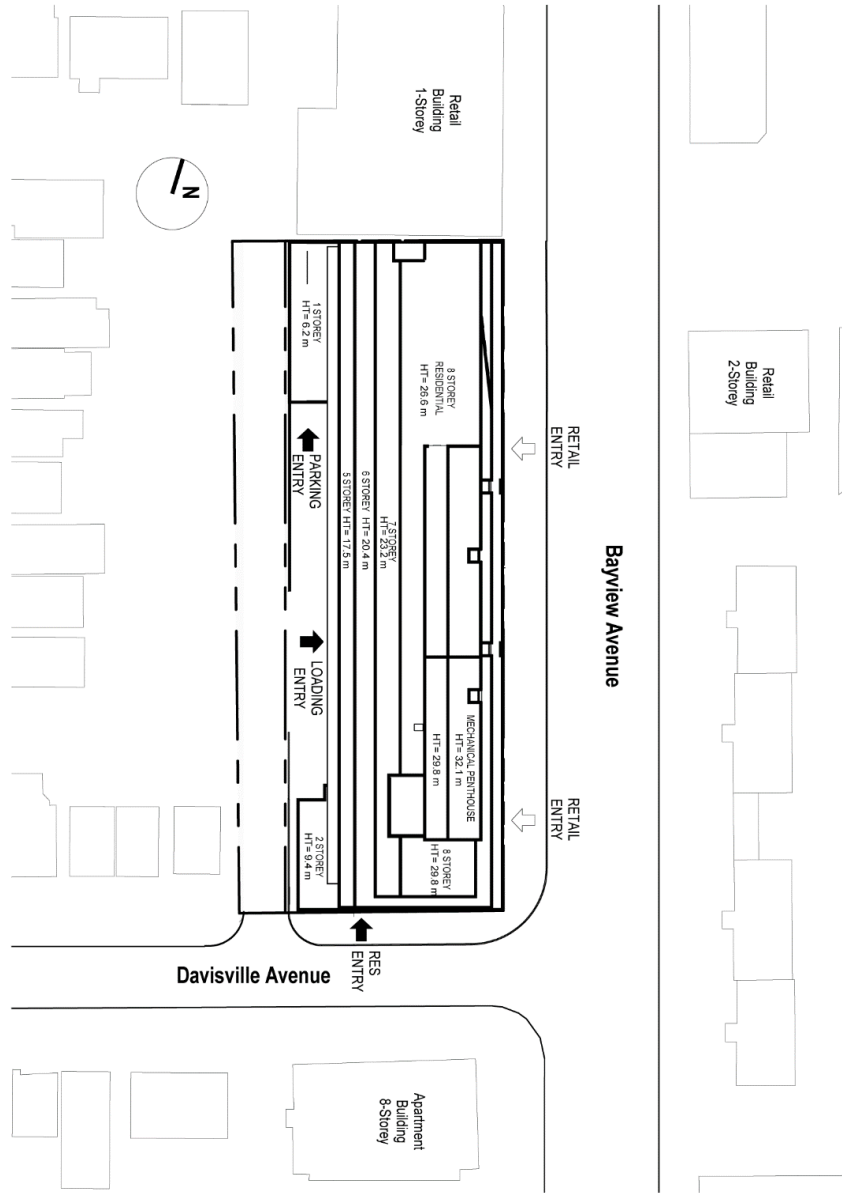


View of Applicant's Proposal Looking Southeast



02/01/2023

Attachment 5: Site Plan



Site Plan



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).

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 "C5 – Bayview-Leaside Village" (see Map 21-2). The Midtown Villages are characterized as "historic main streets that will continue to be vital retail and service destinations for residents, workers and visitors. These areas will accommodate a mix of uses in well-proportioned buildings that appropriately conserve heritage resources. Buildings will reinforce the local character of these main streets by providing narrow retail frontages, frequent entrances and active uses at grade. Their design will complement planned public realm improvements, resulting in comfortable, attractive and accessible public spaces that support civic and community life." The Bayview-Leaside Village is distinguished by "generously-scaled setbacks of the Bayview-Leaside Character Area with its wide sidewalks and patios extending along the street."

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 8 storeys is set out for the Bayview-Leaside Village Character Area.

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.:

- 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." (Map 21-4)
- Priority Retail Street-adjacency, which requires development to be conducive to pedestrian-oriented retail and service uses and community service facilities. (see Map 21-5)

Note: this is not an exhaustive list

The in-force 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

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

Zoning By-law for Midtown CR-zoned areas and the Midtown "Village" Character Areas

On June 16, 2022, City Council adopted By-law 595-2022 ("Midtown Zoning By-law"), with respect to lands within the Yonge-Eglinton Secondary Plan area, which revises the existing Zoning By-law in order to conform with the Secondary Plan. The Midtown Zoning By-law also provides detailed direction on the development of lands in the Midtown Village Character Areas, including the Bayview-Leaside Midtown Village, through a combination of form-based building envelopes, height limits, unit mix minimums, and retail configuration design, among others. The site is within the Bayview-Leaside Midtown Village.

The Midtown Zoning By-law also contains provisions to exempt complete development applications submitted prior to the date of adoption, from compliance with the Midtown Zoning By-law. The proposed development and applications were submitted and deemed complete on October 28, 2020, and therefore the zoning by-law in force at the time applies, and the recent Midtown Zoning By-law amendment is informative. The proposal and application must demonstrate conformity with the policies of the Yonge-Eglinton Secondary Plan.

Should the subject application be closed or withdrawn, then the relevant provisions of the Midtown Zoning By-law would apply to the subject site and any new, subsequent development applications. The Midtown Zoning By-law assigned exception CR 547 to the subject site, which contains performance standards that implement the Yonge-Eglinton Secondary Plan and allow for greater intensification of the site than was previously permitted in the zoning by-law.

Zoning By-laws

The site is zoned Commercial Residential (“CR”) Zone under Zoning By-law No. 569-2013, and Mixed-Use Commercial Residential (“MCR”) Zone under Zoning By-law 438-86. The CR zone permits a broad range of residential and commercial uses. The development standards in the Zoning By-law that apply to the site include: a maximum permitted height of 14 metres; and a maximum permitted density of 3.0 times the area of the lot, and a maximum FSI of 2.0 for commercial uses and a maximum FSI of 2.5 for residential uses.

See Attachments 10 and 11 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 skyview, 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>

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:

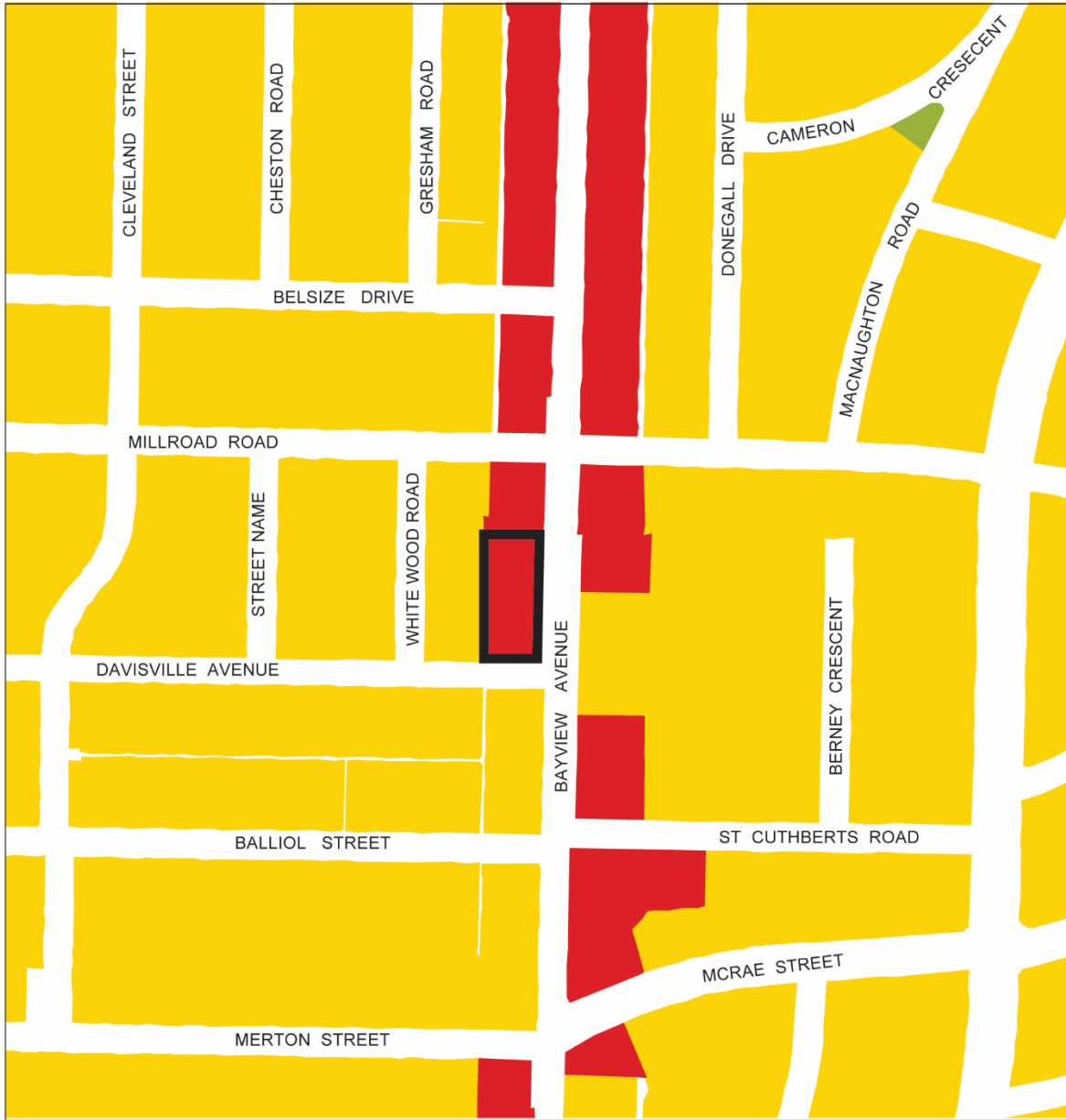
<https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-157291.pdf>

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



1466 - 1500 Bayview Avenue

Official Plan Land Use Map #17

File # 20 210394 NNY 15 0Z

-  Location of Application
-  Neighbourhoods
-  Mixed Use Areas



Attachment 8: Yonge-Eglinton Secondary Plan Land Use Map

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

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

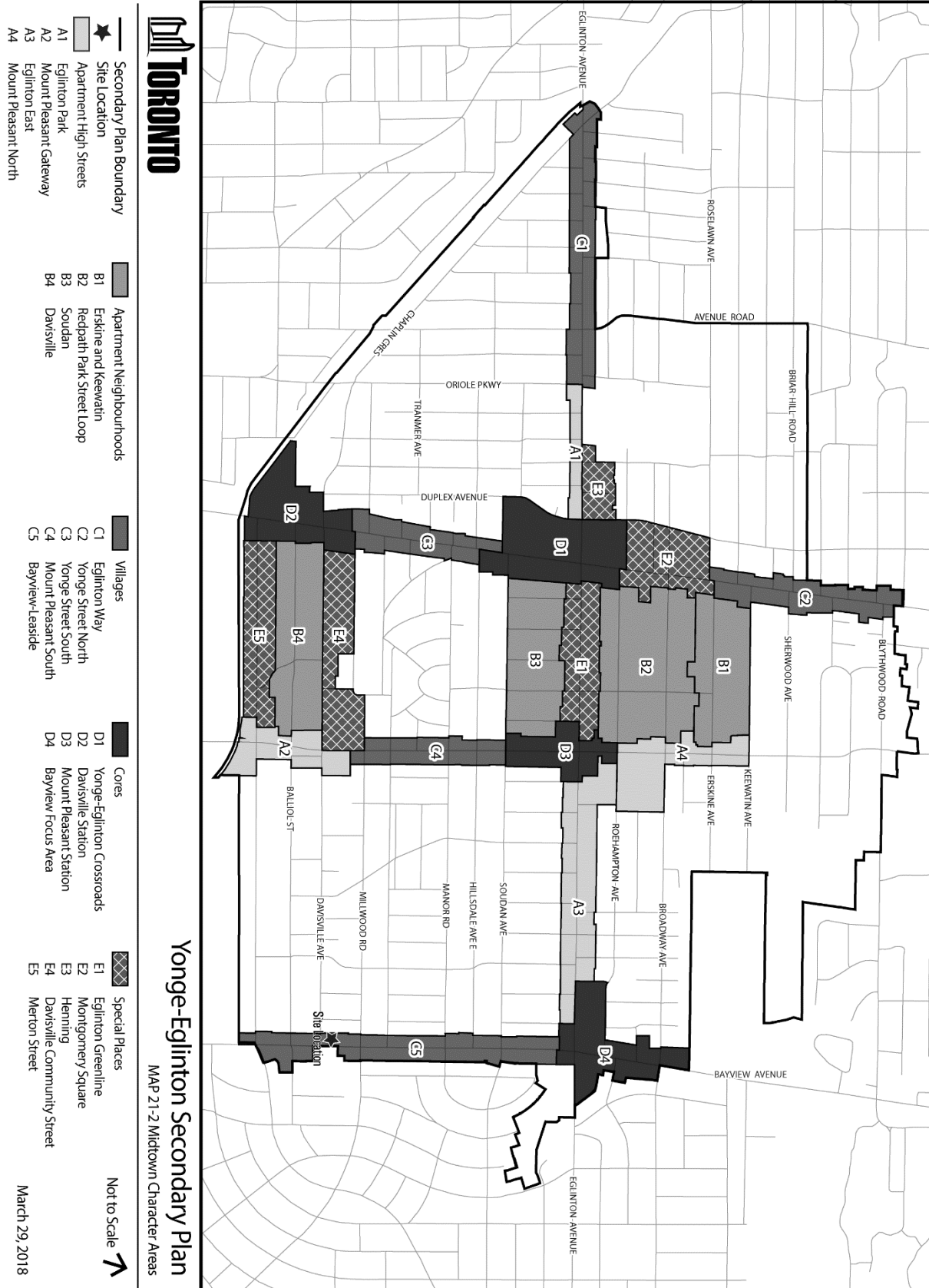
1466 - 1500 Bayview Avenue

File # 20 210394 NNY 15 0Z

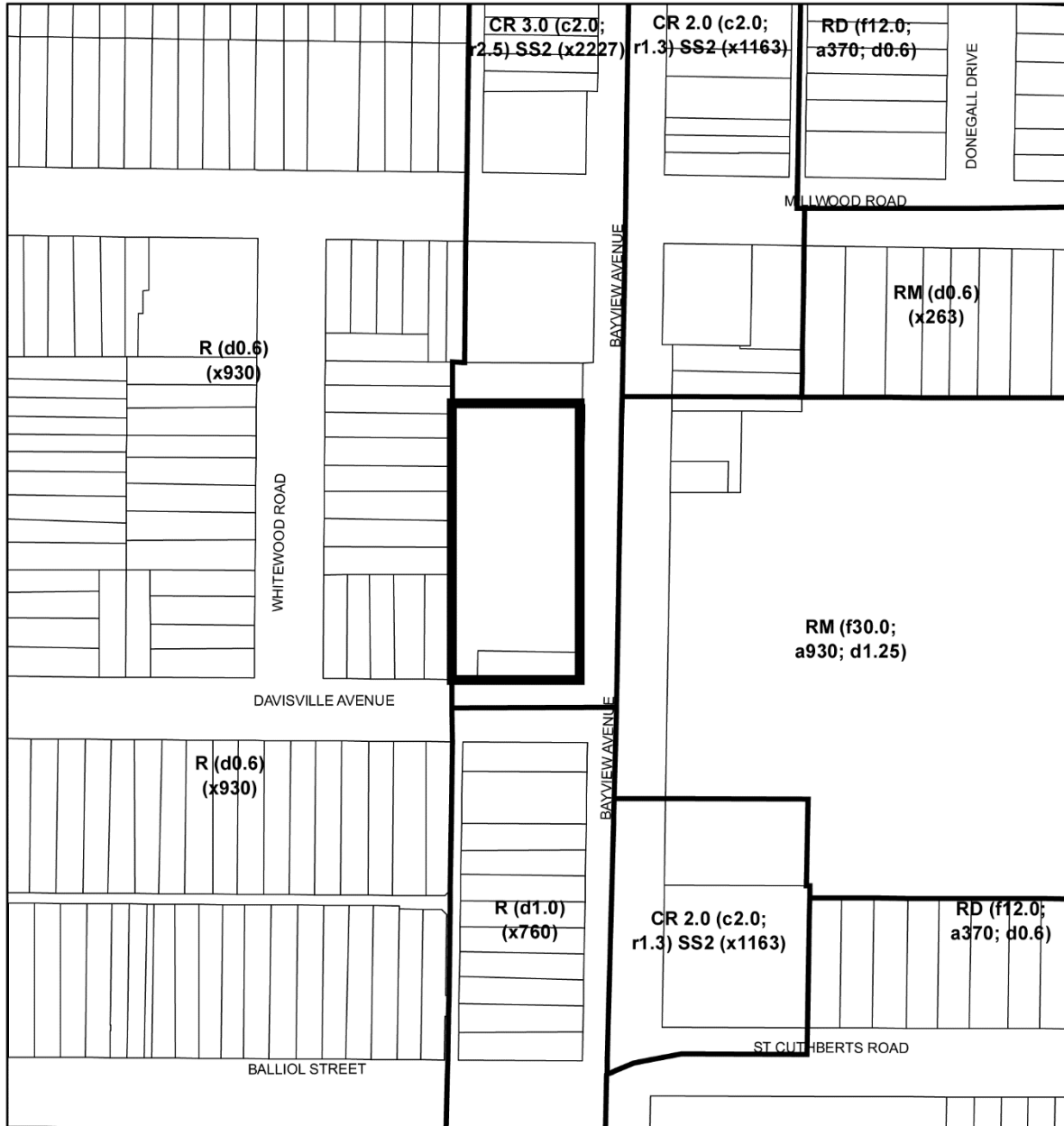


Not to Scale
12/23/2020

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




Attachment 10: Zoning By-law no. 569-2013 Map



Zoning By-law 569-2013

1466 - 1500 Bayview Avenue

File # 20 210394 NNY 15 0Z

 Location of Application

R Residential RM Residential Multiple
 RD Residential Detached CR Commercial Residential



Not to Scale
 Extracted: 05/11/2021

Attachment 11: Zoning By-law no. 438-86 Map



Zoning By-law 438-86

1466 - 1500 Bayview Avenue

File # 20 210394 NNY 15 0Z



Location of Application

Leaside Zoning By-Law 1916

- R2 Residential
- R4 Residential
- MCR Commercial

- R1B Low Density Residential
- R2A Medium Density Residential
- R3A High Density Residential

- C1 Commercial General



Not to Scale
Extracted: 05/11/2021