

1779-1787 Bayview Avenue – Official Plan & Zoning By-law Amendment and Site Plan Control Applications – Appeal Report

Date: July 20, 2023

To: North York Community Council

From: Director, Community Planning, North York District

Ward: 15 - Don Valley West

Planning Application Numbers: 22 221903 NNY 15 OZ; 22 221902 NNY 15 SA

Related Planning Application Number: 22 224403 NNY 15 RH

SUMMARY

This application proposes a 35-storey (112.19 metres, plus 6 metres mechanical penthouse for a total of 118.19 metres) mixed-use building with 27,305 square metres of residential gross floor area representing 373 residential units, and 541 square metres of ground floor retail fronting onto Bayview Avenue. The development proposes a total gross floor area of 27,846 square metres with a floor space index of 8.83. There are 8 out of 10 rental units that are proposed to be replaced.

On April 20, 2023, the applicant appealed the Official Plan and Zoning By-law Amendment applications to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the time frame prescribed in the Planning Act. The applicant has also appealed the Site Plan application due to Council not making a decision within the time frame prescribed in the Planning Act. A case management conference has not yet been scheduled. It is anticipated that a procedural order would be established to determine the sequencing of the various appeals to resolve the Official Plan and Zoning amendment matters prior to the Site Plan Control matters.

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

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 Official Plan, and Zoning By-law Amendment and Site Plan Control appeals for the lands at 1779-1787 Bayview Avenue and to continue discussions with the applicant to resolve outstanding issues.
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 Official Plan Amendment and Zoning By-law are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
 - b) the owner submits a revised Heritage Impact Assessment acceptable to, and to the satisfaction of the Chief Planner and Executive Director, City Planning and the Senior Manager, Heritage Planning and that matters arising from such study be secured, if required;
 - c) the owner has satisfactorily addressed the Engineering and Construction Services matters in the Engineering and Construction Services Memorandum dated December 19, 2022, or as may be updated, all to the satisfaction of the Chief Engineer & Executive Director;
 - d) the owner has satisfactorily addressed Transportation Services matters in the Transportation Services memo July 31, 2023, or as may be updated in response to further submissions filed by the Owner, all to the satisfaction of the Chief Engineer & Executive Director;
 - e) the owner has submitted a revised Transportation 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 matters arising from such Plan be secured, if required;
 - f) the owner has satisfactorily addressed matters from the Parks, Forestry & Recreation memorandum dated February 7, 2023, or as may be updated in response to further submissions filed by the Owner, all to the satisfaction of Parks, Forestry & Recreation;
 - g) the owner has submitted a Subsurface Investigation for the possible presence of methane gas on the property and any required mitigation measures are to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;

- h) the owner has satisfactorily addressed matters from the Urban Forestry memorandum dated December 16, 2022, or as may be updated in response to further submissions filed by the Owner, all to the satisfaction of Urban Forestry;
 - i) 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;
 - j) the owner has secured replacement of the existing rental housing, including the same number of units, bedroom type and size and with similar rents, to the satisfaction of the Chief Planner and Executive Director, City Planning; and
 - k) the owner has secured an acceptable Tenant Relocation and Assistance Plan addressing the right for existing and former tenants to return to a replacement rental unit on the lands at similar rents, the provision of alternative accommodation at similar rents, and other assistance to mitigate hardship, all to the satisfaction of the Chief Planner and Executive Director, City Planning; and
 - l) City Council has approved the Rental Housing Demolition Application No. 22 224403 NNY 15 RH in accordance with Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act, 2006 which allows for the demolition of the ten (10) existing rental dwelling units at 1779-1787 Bayview Avenue and the owner has entered into, and registered on title to the lands, one or more agreements with the City to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, securing all rental housing-related matters necessary to implement City Council's decision.
3. Should it be determined that upgrades are required to the infrastructure to support the development according to the accepted Functional Servicing Report and/or the Transportation Impact Study or that mitigation is required per the Subsurface Investigation, City Council direct the City Solicitor and appropriate City staff to request that a Holding provision (H) be included in the final form of the site-specific Zoning By-law Amendment, not to be lifted until such time as the owner has made satisfactory arrangements, including entering into appropriate agreement(s) with the City for required mitigation, as well as the design and construction of any improvements to the municipal infrastructure and the provision of financial securities to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and General Manager, Transportation Services.

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

FINANCIAL IMPACT

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

SITE AND SURROUNDING AREA

Description: The site is irregular in shape with approximately 25.48 metres of frontage on Eglinton Avenue, 88.42 metres of frontage along Bayview Avenue, and a total lot area of 3,154.8 square metres. The site generally slopes downwards from south to north.

Existing Uses: The subject site contains three separate properties: 1787 Bayview Avenue, 1783-1785 Bayview Avenue, and 1779-1781 Bayview Avenue. The 1787 Bayview Avenue property contains the Leaside station of the Eglinton Crosstown LRT line, 1783-1785 Bayview Avenue contains a fourplex dwelling that was designated under the Ontario Heritage Act on January 31, 2019, and 1779-1781 Bayview Avenue contains a six-plex dwelling that has been identified as having potential cultural heritage value within the Yonge-Eglinton Secondary Plan.

Rental Housing: Ten rental dwelling units (eight two-bedroom units and two one-bedroom units) exists on site. Three of the existing units are currently occupied.

Surrounding uses include:

North: North of the site is the Eglinton Avenue East and Bayview Avenue Intersection. The plaza at 660 Eglinton has been approved for an 11 and 16-storey building through the OLT (14 267342 NNY 26 OZ).

East: Immediately east of the site is Howard Talbot Park, which includes two baseball diamonds, a multipurpose sports field and track, two outdoor tennis courts, a splash pad, and children's playground. Further east is Leaside High School.

South: Immediately south of the site are eight four plex dwellings that have been identified as having potential cultural heritage value in the Yonge-Eglinton Secondary Plan. Further south and across to the west side of Bayview Avenue are low density residential neighbourhoods.

West: Immediately west of the site is Bayview Avenue. Further west is an L-shaped 6-storey mixed-use building on the southwest corner of Bayview Avenue and Eglinton Avenue East.

THE APPLICATION

Height: 35-storey (112.19 metres, plus 6 metres mechanical penthouse for a total of 118.19 metres).

Gross Floor Area: Total gross floor area of 27,846 square metres, consisting of 27,305 square metres of residential gross floor area and 541 square metres of non-residential gross floor area.

Density (Floor Space Index): 8.83 times the area of the lot.

Unit Count: The proposed 373 dwelling units including 201 one-bedroom (54%), 113 two-bedroom (36%), and 39 three-bedroom (10%) units.

Access, Parking and Loading: Vehicular access is proposed through a two-way 6 metre driveway from Bayview Avenue near the centre of the site. The driveway leads to a Type 'G' and a Type 'B' loading space. The driveway also leads to an underground ramp, which leads to four levels of underground parking, containing a total of 138 vehicular parking spaces, of which 129 parking spaces are for residents and 9 are for visitors and non-residential uses. There are 478 bike parking spaces proposed.

Heritage: The property at 1783-1785 Bayview Avenue has been determined to have cultural heritage value or interest and has been designated under Part IV of the Ontario Heritage Act. The property is proposed to be demolished. The property at 1779-1781 Bayview Avenue has been determined to have potential cultural heritage value under the Yonge-Eglinton Secondary Plan. The property is also proposed to be demolished.

Additional Information

See Attachments 1-5 of this report for a Location Map, Application Data Sheet, and 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/1779-1781BayviewAvenue

Reason for the Application

The application proposes to amend the City of Toronto Official Plan for the lands located at 1779-1781 Bayview Avenue and 1783-1785 Bayview Avenue from the existing Neighbourhoods designation to Mixed Use Areas on Map 17 of the Land Use Plan. No other amendments are proposed for the schedules within the Yonge-Eglinton Secondary Plan. The proposed amendment is required to implement the proposed commercial and residential uses and the scale of the development.

The application also proposes to amend Toronto Zoning By-law no. 569-2013 to permit the proposed commercial and residential uses on the portion of the site located at 1779-1781 Bayview Avenue and 1783-1785 Bayview Avenue. In addition, the amendment also proposes to vary performance standards for the entire site (1779-1787 Bayview Avenue), including but not limited to the gross floor area and floor space index; building height; building setbacks, and parking space rates. Additional amendments to the Zoning By-laws may be identified as part of the application review.

Rental Housing

The applicant submitted Rental Housing Demolition Application No. 22 224403 NNY 15 RH under Chapter 667 of the Toronto Municipal Code for the demolition of the existing rental housing units, as the subject lands contain six or more residential units, of which at least one is rental. The subject lands contain ten rental units, all which are proposed to be demolished.

Site Plan Control

The proposal is subject to Site Plan Control. A Site Plan Control application has been submitted (22 221902 NNY 15 SA) and has been appealed.

POLICY CONSIDERATIONS

Provincial Land-Use Policies

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the current proposal for consistency with the Provincial Policy Statement, and conformity with the Growth Plan. All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS, and shall conform to provincial plans.

Official Plan

The portion of the site located at 1787 Bayview Avenue is designated Mixed Use Areas in the Official Plan, and more specifically designated as Mixed-Use Areas "B" on Map 21-4 of the Yonge-Eglinton Secondary Plan. In the Yonge Eglinton Secondary Plan (YESP), this portion of the site is within the Bayview Focus Core Character Area on Map 21-2. A height range of 20 to 35 storey is set out for the Bayview Focus Character

Area. Section 5.4.3 of the YESP states that an Official Plan Amendment is not required to achieve a greater or lesser height than the range.

The portion of the site located at 1779-1785 Bayview Avenue is designated Neighbourhoods in the Official Plan. In the Yonge Eglinton Secondary Plan, this portion of the site is within the Bayview-Leaside Character Area on Map 21-2. A height of 8 storeys is set out for the character area. In addition to the designated Part IV property at 1783-1785 Bayview Avenue, 1779-1781 Bayview Avenue is identified as a property with potential cultural heritage value on Map 21-10 of the Yonge-Eglinton Secondary Plan.

On Map-21-3, the site is located within a 500 metre radius of the Leaside Station Area and its associated Secondary Zone. 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 MTSA/PMTSAs are currently pending approval from the Minister of Municipal Affairs & Housing.

Zoning

Under Zoning By-law no. 569-2013, the portion of the site located at 1787 Bayview Avenue is subject to the Commercial Residential Zone CR 2.2 (c2.2; r1.5 SS2 (x1163)). The balance of the site, located at 1779-1785 Bayview Avenue, is zoned Residential Multiple RM (f30.0 a930; d1.25).

Design Guidelines

The following design guidelines have been used in the evaluation of this application:

- Tall Building Design Guidelines;
- Growing Up Guidelines Planning for Children in New Vertical Communities;
- Pet Friendly Design Guidelines;
- Best Practices for Bird-Friendly Glass;
- Best Practices for Effective Lighting;
- Retail Design Manual; and
- Toronto Accessibility Design Guidelines.

Toronto Green Standard

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. The TGS can be found here: <https://www.toronto.ca/citygovernment/planning-development/official-plan-guidelines/toronto-green-standard/>

COMMUNITY CONSULTATION

A Virtual Community Consultation Meeting was hosted by City staff on March 1 2023. Approximately 80 members of the public attended, as well as the Ward Councillor. Following a presentation by City staff and the Applicant, the following comments and issues were raised:

- Concerns over negative shadow impact on Howard Talbot Park and the baseball diamonds.
- Concerns for the impact on cultural heritage, particularly as it relates to the fourplexes on Bayview Avenue.
- Impact of the proposed overbuild on Leaside Station's appearance.
- The lack of new community facilities in the area, including schools and community centres.
- Concerns regarding the proposed height, density and built form and its impact on the Neighbourhoods.
- The number of parking spaces compared to the proposed number of units; and
- The unappealing appearance of the building as a landmark building for the area.

COMMENTS

Provincial Framework

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff have reviewed the current proposal for consistency with the Provincial Policy Statement and conformity with the Growth Plan. The Provincial Policy Statements requires development which may cause environmental or public health and safety concerns to be avoided. The site is within 250 metres of a closed municipal landfill. As such, methane gas investigation report is required to confirm public health and safety. However, a report has not been submitted. Until a report has been submitted, Staff find that the proposal is not consistent with the PPS and does not conform with the Growth Plan.

The development proposes the demolition of 1783-1785 Bayview Avenue, which is a designated heritage property. The proposal is not consistent with PPS policies and does not conform to Growth Plan policies relating to cultural heritage, which support the conservation of culture heritage properties and the implementation of appropriate development standards through the Official Plan and other supporting documents.

Land Use

The portion of the site located at 1787 Bayview Avenue is designated Mixed Use Areas under the Official Plan, and as Mixed-Use Areas "B" under the Yonge-Eglinton Secondary Plan. The site contains the Leaside Station of the Eglinton Crosstown LRT. The site is within the Station Area Core, on Map 21-3, which is intended for residential intensification, a concentration of office uses and collectively greater intensity than in

the Secondary Zones. Given the location of the site as an overbuild of the LRT station, the subject site is at an appropriate location for a building at the taller range of the height range of 20-35 storeys as prescribed by the Bayview Focus Character Area.

The balance of the site located at 1779-1785 Bayview Avenue is designated Neighbourhoods under the Official Plan. The site is also located within the Secondary Zone on Map 21-3, which is intended to support transit-supportive development in a compact urban form and a mix of uses in Midtown. The intensity of development will generally be less than the Station Area Core. Development will generally transition down in height and scale to surrounding Built-up Zones.

Neighbourhoods are considered physically stable areas made up of residential uses in lower scale buildings. However, Official Plan Amendments may be considered provided the overall intent and objectives of the Plan as well as provincial policies are achieved. An overall objective of the Yonge-Eglinton Secondary Plan supports transit optimization by directing growth to major transit station areas. Section 2.4.1.3 of the Yonge-Eglinton Secondary Plan states the highest density of development shall be located in proximity to existing or proposed higher order transit stations. Where possible, development that is integrated into the transit station will be encouraged to optimize investments in transit infrastructure.

Developments within Neighbourhoods should strive to be sensitive, gradual, and 'fit' the existing physical character. As such, the proposed development within the current Neighbourhoods designation should only be considered if it can provide appropriate transition to the surrounding Neighbourhoods. The proposed re-designation and integration of the site could allow for a development that better optimizes transit infrastructure, provided it demonstrates it can address policy and built form objectives, as further discussed below.

Heritage

The property at 1783-1785 Bayview Avenue has been designated as having cultural heritage value or interest under Part IV of the Ontario Heritage Act. The Heritage Impact Assessment (HIA) by GBCA Architects dated October 13, 2022, states that 1779-1781 Bayview Avenue and 1783-1785 Bayview Avenue were reviewed for the possibility of integration into the proposed development. The properties at 1779-1781 Bayview Avenue and 1783-1785 Bayview Avenue were also reviewed for partial conservation. The HIA states that, while feasible, partial conservation is not warranted as it is not a suitable or appropriate outcome for this particular site, in comparison to other sites, where partial conservation can be more appropriate. The removal of the existing buildings is proposed to be mitigated by a conservation strategy that emphasizes commemoration/ interpretation (i.e. plaque, sidewalk pavers).

The proposed development is inconsistent with provincial policies, the City of Toronto Official Plan, and the YESP which all supports the conservation of culture heritage

properties, as 1783-1785 Bayview Avenue, which is designated under the Ontario Heritage Act, will not be conserved and maintained. The condition assessment in Section 4 of the HIA found the property to be in fair to good condition. Given the property's recognized cultural heritage value, the priority should be placed on conserving the property with demolition only as the last resort. The policy framework does not support the demolition of heritage properties.

The proposed design should be revised regarding conservation of cultural heritage. The Part IV designation ensures the property's cultural heritage value will be considered through any future development planning approvals, including the retention of the existing heritage resource and its incorporation into any future redevelopment proposal. The conservation, adaptive re-use and integration of heritage resources with new development supports the guiding principles and objectives of the multi-jurisdictional policy directive to conserve significant cultural heritage resources, particularly in strategic growth areas.

In the event that the OLT allow the appeals in whole or in part, the final Order should be withheld pending confirmation that the owner has submitted a revised Heritage Impact Assessment acceptable to, and to the satisfaction of the Chief Planner and Executive Director, City Planning and the Senior Manager, Heritage Planning and that such matters arising from such study be secured if required.

Public Realm

The Yonge-Eglinton Secondary Plan designates Bayview Avenue as a Priority Retail Street on Map 21-5. Consider multi-level retail, or other non-residential spaces, to further reinforce the "Core" character area along Bayview Avenue. The Yonge-Eglinton Secondary Plan states pedestrian and public realm improvements will be prioritized to support the Priority Streets. The improvements could include creation of expanded public realm, privately-owned publicly accessible spaces (POPs), the provision of additional street trees, and the provision of public art. The proposal needs to improve the public realm as it relates to the transit corner and Bayview Avenue.

Built Form

The proposed built form does not conform to the relevant policies of the Official Plan and the Yonge-Eglinton Secondary Plan. As currently proposed, the development has not demonstrated an appropriate transition to the adjacent Neighbourhoods. As previously noted, greater transition should be proposed towards the Neighbourhoods designation. The Tall Building Guidelines provides guidelines to assist with the evaluation of tall building proposals. The Guidelines recommend methods such as additional stepbacks and setbacks, and reduction in building height to achieve appropriate transition, scale, rhythm, and street proportion. Additional sculpting of the podium building may be required to ensure impacts on the transit station public realm are reduced. Reduced podium height, setbacks and stepbacks should be explored as it

relates to the Eglinton Avenue East frontage and associated right-of-way, to ensure adequate street proportion.

In addition, the site is situated at a landmark location, proposed to integrate atop the main entrance of the Leaside LRT station. The proposed building will require careful design attention to ensure a tower building design that does not detract or conflict from the public realm design of the Leaside Station. Consideration for interior connections from the building to the transit station may need to be studied further. Additionally, built form elements may need to better incorporate the heritage building on the site and to transition to the sites south along Bayview Avenue, which are identified as having cultural heritage value in the Yonge-Eglinton Secondary Plan.

Sun and Shadow

The proposed building will shadow Howard Talbot Park through the early evening. Modifications to the building mass may be required to improve the seasonal comfort within the surrounding public realm. Coordination and further mitigation may be required to ensure usability of the adjacent baseball field.

Wind

The Pedestrian Level Wind Study by Gradient Wind Engineers & Scientists dated October 17, 2022, concluded the public realm along Eglinton Avenue East, as well as the entry area off Bayview Avenue, would be negatively impacted by uncomfortable wind conditions. Identification for how the building design mitigates these wind impacts is required. Further sculpting of the proposed built form is required to ensure a comfortable public realm, especially in front of the station entrance. Wind screens may not be a satisfactory mitigation solution, as it could impact the design and public access of the Eglinton Crosstown LRT.

Tree Preservation, Soil Volume and Public Utilities

Urban Forestry objects to the proposed development as information is missing to allow for a fulsome review of the application. A Public Utilities Plan to quality Level A is required to provide precise horizontal and vertical utility information. This information is required to determine if soil volumes can support planting within the right-of-way and determine if the proposed soil volumes conflict with existing utilities. Urban Forestry is aware that the applicant cannot obtain this information until the major work on the LRT station is complete due to access restrictions placed by Metrolinx. As such, it was expected that this information will be provided in future submissions. In addition, Urban Forestry requires site-specific, scaled, fully dimensioned, and detailed landscape sections of all continuous soil trenches at the trees and in between trees that show the tree locations and all pertinent above- and below-grade elements.

If the OLT allows the appeals in whole or in part, the final Order should be withheld pending confirmation that the owner has satisfactorily addressed matters from the Urban Forestry memorandum dated December 16, 2022, or as may be updated, in response to further submissions filed by the Owner, all to the satisfaction of Urban Forestry.

Parkland

In accordance with Section 42 of the Planning Act, the Owner is required to satisfy the parkland dedication requirement through cash-in-lieu. As per Toronto Municipal Code Chapter 415-29, the appraisal of the cash-in-lieu will be determined under the direction of the Executive Director, Corporate Real Estate Management. Additionally, the Toronto Municipal Code Chapter 415-28, requires that the payment be made prior to the issuance of the first above-ground building permit for the land to be developed.

As per the memo from Parks, Forestry & Recreation dated February 7, 2023, the proposed development requires a minimum 5 metres setback between Howard Talbot Park and any adjacent building face or structural elements of the new development, whereas no setback to the park is currently proposed. Additionally, the new development building, including the retaining wall on the east and proposed concrete toe wall on the south side conflicts with the park's path and users. Also, the proposed trenching and easement within Howard Talbot Park for servicing of the site is not acceptable.

If the OLT allows the appeals in whole or in part, the final Order should be withheld pending confirmation that the owner has satisfactorily addressed matters from the Parks, Forestry & Recreation memorandum dated February 7, 2023, or as may be updated, in response to further submissions filed by the Owner, all to the satisfaction of Parks, Forestry & Recreation.

Transportation Services

Transportation Services Staff have reviewed the Transportation Impact Study (TIS) prepared by WSP dated October 17, 2022. The report estimates that the residential component of this development will generate approximately 90 and 78 two-way vehicle trips during the morning and afternoon peak hours respectively. The report concludes that these estimated volumes can be accommodated within the area road network, which includes modifications to the lane configuration on Eglinton Avenue East. Transportation Services generally accepts the conclusions of the TIS report, subject to the submission of a revised report addressing the matters pertaining to pick-up and drop off activity and the site driveway. Particularly, the applicant is required to consider the site driveway operating with right-in/right-out movements only, and to consider pedestrian or cycling activity along Bayview Avenue, which would potentially increase delays at the site driveway.

With respect to the Site Plan Control application, a 3.44m road widening will be required along Eglinton Avenue East. In addition, the proposed development will need to provide provisions of a new 2.1m public sidewalk on both Bayview Avenue and Eglinton Avenue East and demonstrate that all city standards have been met.

In the event that the OLT allows the appeals in whole or in part, the final Order should be withheld pending the confirmation the Traffic Impact Study has been revised to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

Transportation Demand Management (TDM)

A TDM plan was included as part of the Transportation Impact Study (TIS) Report prepared by WSP (dated October 17, 2022). However, additional information is required for staff to assess the appropriateness of the proposed TDM Plan. The proposed measures have been noted as 'To Be Determined'. This is not considered as acceptable for the proposed development. A revised TDM plan is required for this site to address the site related vehicular traffic issues and satisfy the requirements in the Toronto Green Standard.

If the OLT allows the appeals in whole or in part, the final Order should be withheld pending confirmation that the owner has submitted a revised Transportation 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 plan be secured if required.

Metrolinx

The proposed development involves an overbuild of the Leaside Station of the Eglinton Crosstown LRT. As per a memo from Metrolinx dated January 5th, 2023, Metrolinx will require further technical review and assessment of the proposed development to ensure it does not adversely impact the Station, and to mitigate and address Station operational and maintenance requirements.

Servicing and Stormwater Management

The applicant is required to provide, amongst other matters, revisions to the Servicing and Stormwater Management Report. Relevant drawings will also be required to be revised. Specifically, the proposed storm sewer within Howard Talbot Park is unacceptable. All stormwater management facilities must be located on private property.

For the Site Plan Control matters, staff has noted issues related to water balance, stormwater, and servicing remains to be addressed.

In the event that the OLT allows the appeals in whole or in part, the final Order should be withheld pending the confirmation the 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.

Waste Management Services

A portion of the site lies within 250 metres of a closed municipal landfill. Therefore, the owner of the property is required to retain a qualified person (as that term is defined in Ontario Regulation 153/04) (the "Qualified Person") to conduct a subsurface investigation for the possible presence of methane gas at the property. The subsurface investigation has not been submitted.

In addition, site plan control matters relate to the location and configuration on-site waste collection and storage facilities will require revisions to the proposed development.

In the event that the OLT allows the appeals in whole or in part, the final Order should be withheld pending the submission of a Subsurface Investigation for the possible presence of methane gas on the property and any required mitigation measures are to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

Indoor/Outdoor Amenity Space

The proposed development has approximately 2.1 square metres of outdoor amenity space per dwelling unit, or 777 square metres for 373 dwelling units. . An outdoor amenity space of 4.63 m² is listed on level 9. This space should be reviewed as it may be too small to be usable. An indoor amenity space of 4.76 square metres per dwelling unit has been provided, or 1,766 square metres for 373 dwelling units. The required amount of amenity space has been provided.

Rental Housing Demolition and Replacement

This application involves the demolition of rental housing. Official Plan Policy 3.2.1.6 requires new development that would result in the loss of six or more rental dwelling units to replace at least the same number, size, and type of rental units at similar rents to those in effect at the time of application. The policy also requires the applicant to provide an acceptable tenant relocation and assistance plan, addressing the right of existing tenants to return to the replacement units at similar rents and other assistance to lessen hardship.

The applicant has proposed to replace eight of the ten existing rental dwelling units that would be demolished. Accordingly, the applications, in their current form, do not meet the requirements of Policy 3.2.1.6 of the Official Plan. City Planning staff have requested the applicant submit a revised rental replacement strategy to ensure all ten existing rental dwelling units are replaced by the same bedroom type and size and with similar rents. Other matters to be resolved include an acceptable tenant relocation and assistance plan for eligible tenants, including compensation and notice above and beyond the requirements of the Residential Tenancies Act.

Should the OLT allow the appeals in whole or in part, City staff recommend that the City Solicitor request that the Tribunal withhold its final Order until it has been advised that City Council has approved the Rental Housing Demolition application and secured the replacement rental housing and tenant relocation and assistance plan in a Section 111 agreement. Prior to a decision by Council on the Rental Housing Demolition application, a tenant consultation meeting will be held to review the impact of the proposal on tenants of the residential rental property.

Toronto Green Standard (TGS)

The applicant is required to meet Tier 1 of the Toronto Green Standard and is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and achieving net-zero emissions by 2040 or sooner. Standards for matters such as tree planting, tree soil volume, and transportation-related requirements as noted previously in this report, have not been met by the proposed development.

In the event that the OLT allows the Official Plan and Zoning By-law Amendment application appeal in whole or in part, the final Order should be withheld pending confirmation that 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.

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 is not consistent with the PPS, does not conform to the Growth Plan, 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 Application in its current form and to continue discussions with the Applicant in an attempt to resolve outstanding issues.

CONTACT

Angela Zhao, Senior Planner
Tel. No. 416-338-8083
E-mail: Angela.Zhao@toronto.ca

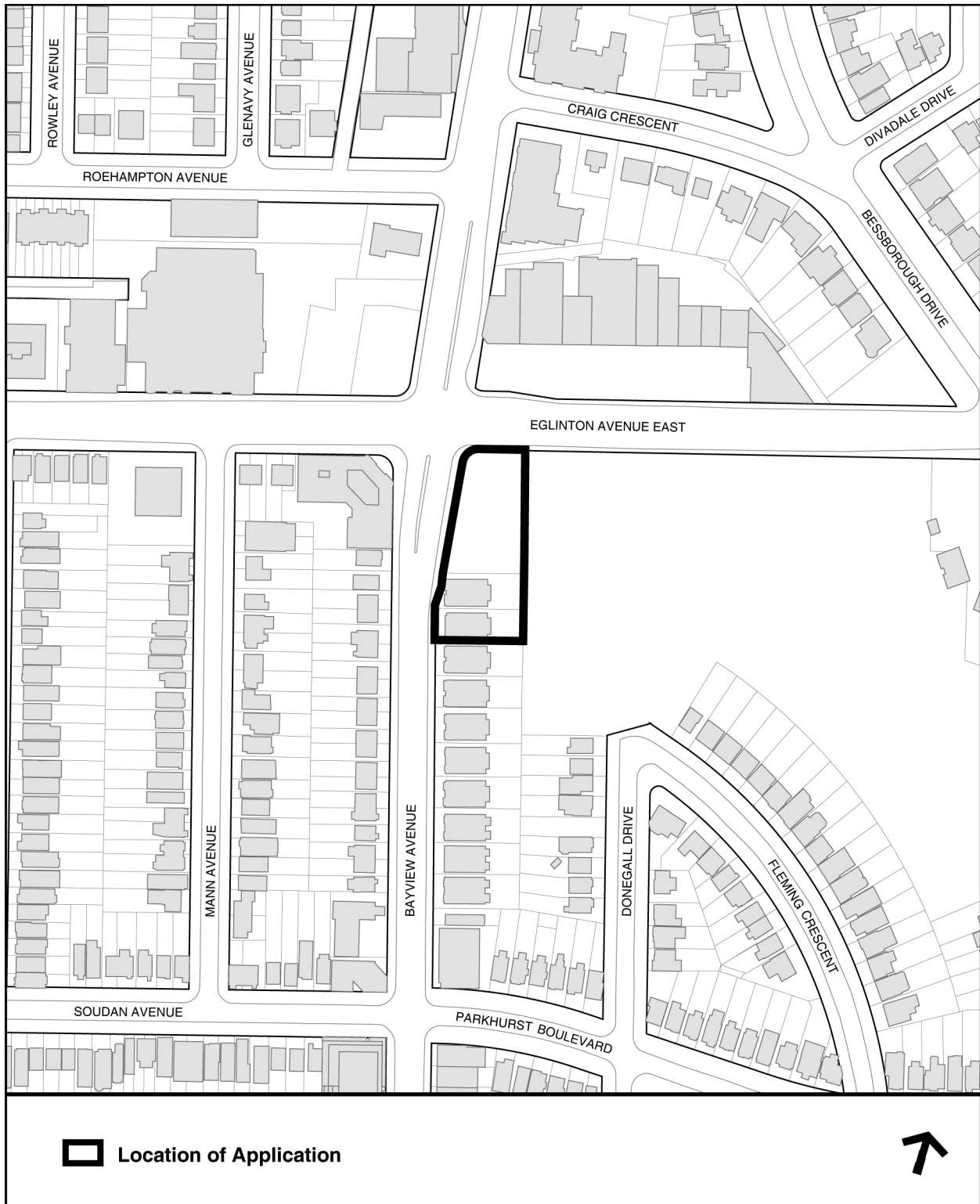
SIGNATURE

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: Official Plan Land Use Map
Attachment 7: Yonge-Eglinton Secondary Plan Map 21-2 Midtown Character Areas
Attachment 8: Yonge-Eglinton Secondary Plan Map 21-3 Midtown Transit Station Areas
Attachment 9: Yonge-Eglinton Secondary Plan Map 21-4 Midtown Land Use Plan
Attachment 10: Zoning By-law No. 569-2013 Map

Attachment 1: Location Map



Attachment 2: Application Data Sheet

APPLICATION DATA SHEET

Municipal Address: 1779-1787 BAYVIEW AVE
Date Received: October 25, 2022

22 221903 NNY 15 OZ, 22 221902 NNY 15 SA and 22
Application Number: 224403 NNY 15 RH

Application Type: OPA & Rezoning, Site Plan Control, and Rental Housing Demolition

Project Description: Official Plan and Zoning By-law Amendment for a 35-storey mixed use building containing a total of 373 dwelling units and 541 square metres of retail space. The development would have a total gross floor area (GFA) of 27,846 square metres, resulting in a density of 8.83 FSI.

Applicant	Agent	Architect	Owner
CONDOR PROPERTIES	N/A	IBI GROUP	ANCON PROPERTIES INC

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas Neighbourhoods	Site Specific Provision:	N
Yonge-Eglinton Secondary Plan Designation:	Mixed-Use Areas "B" Neighbourhoods		
Zoning:	CR 2.2 (c2.2; r1.5) SS2 (x1163); RM (f30.0; a930; d1.25)	Heritage Designation:	Y
Height Limit (m):	16, 12.2	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 3,154.8 Frontage (m): 88.42 Depth (m): 25.48

Building Data	Existing	Proposed
Ground Floor Area (sq m):	532	1,216
Residential GFA (sq m):	894	27,305
Non-Residential GFA (sq m):	532	541
Total GFA (sq m):	1,426	27,846
Height - Storeys:	2	35
Height - Metres:		112

Lot Coverage Ratio (%): 55.41 Floor Space Index: 9

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	27,024	281
Retail GFA:	541	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:	532	

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			201	133	39
Total Units:			201	133	39

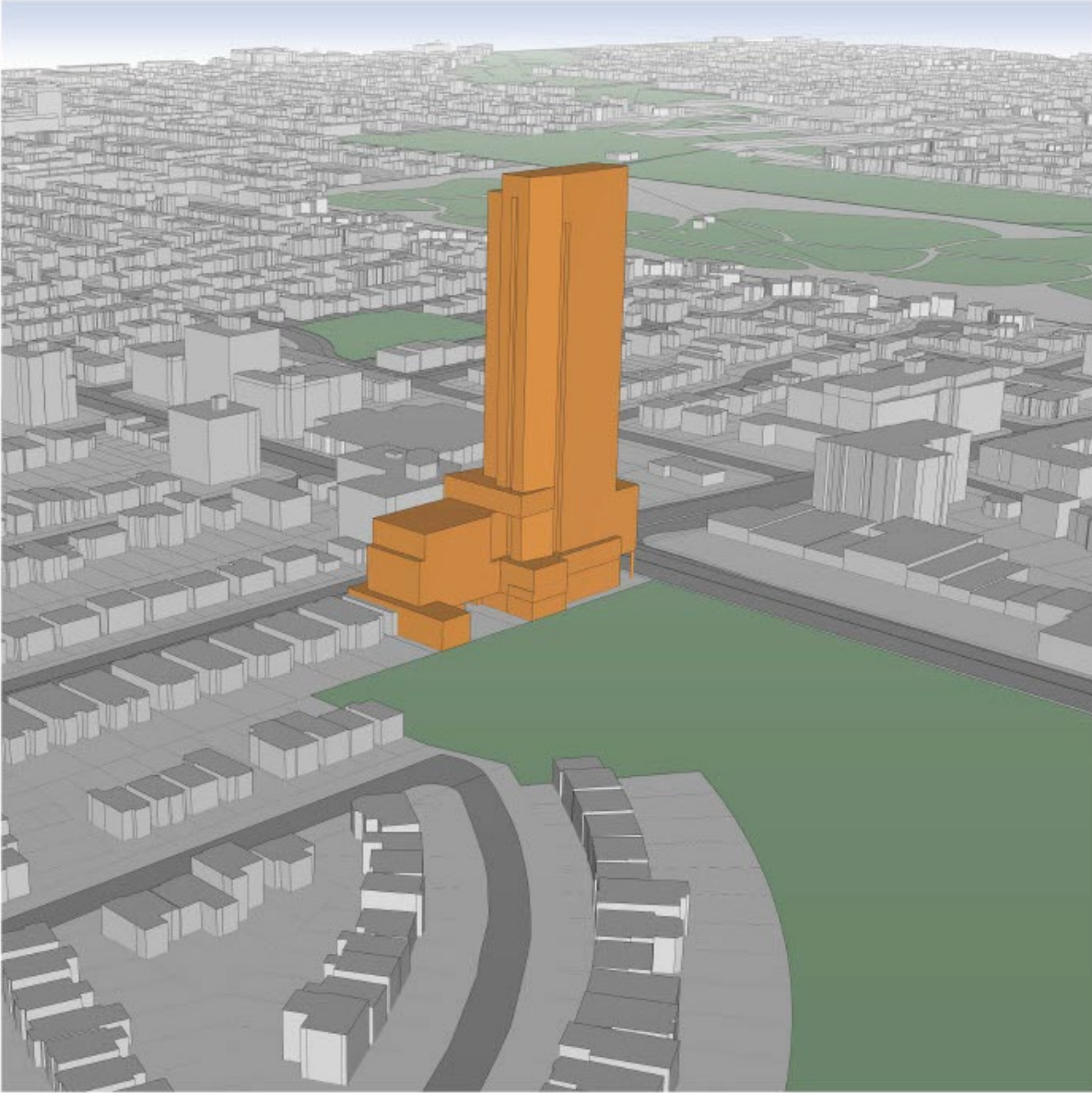
Parking and Loading

Parking Spaces: 138 Bicycle Parking Spaces: 488 Loading Docks: 2

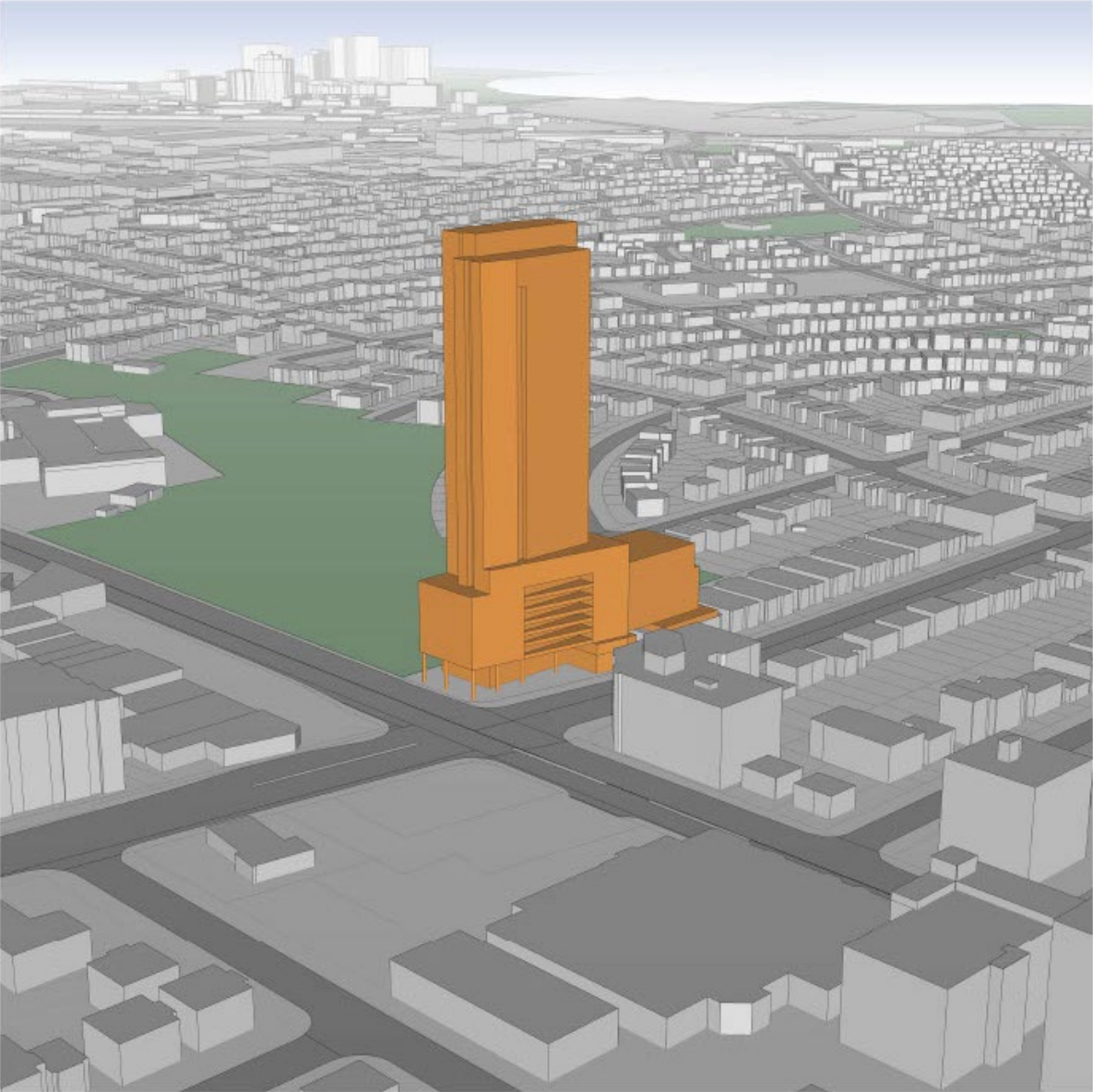
CONTACT:

Angela Zhao, Senior Planner
416-338-8083
Angela.Zhao@toronto.ca

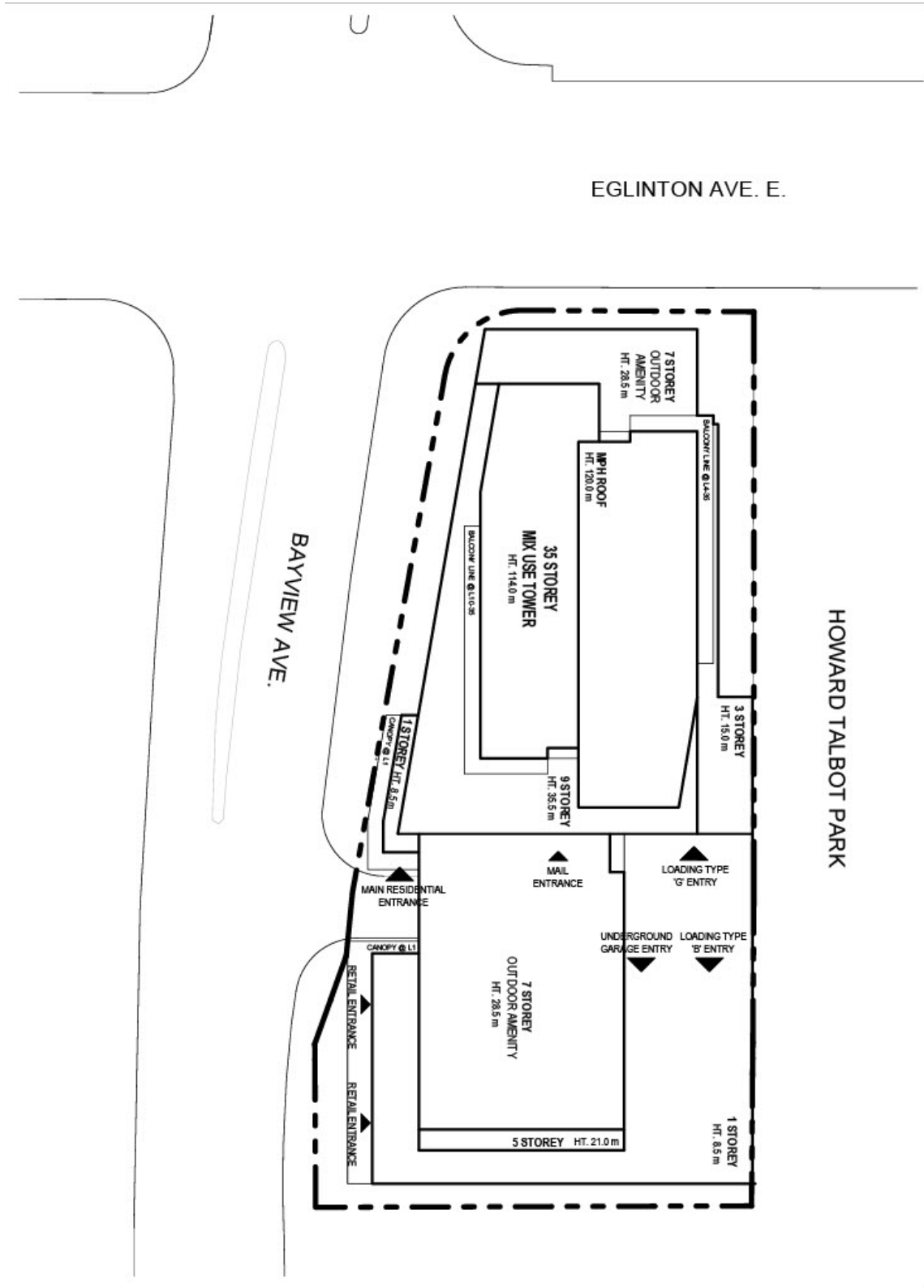
Attachment 3: 3D Model of Proposal in Context Looking Northwest



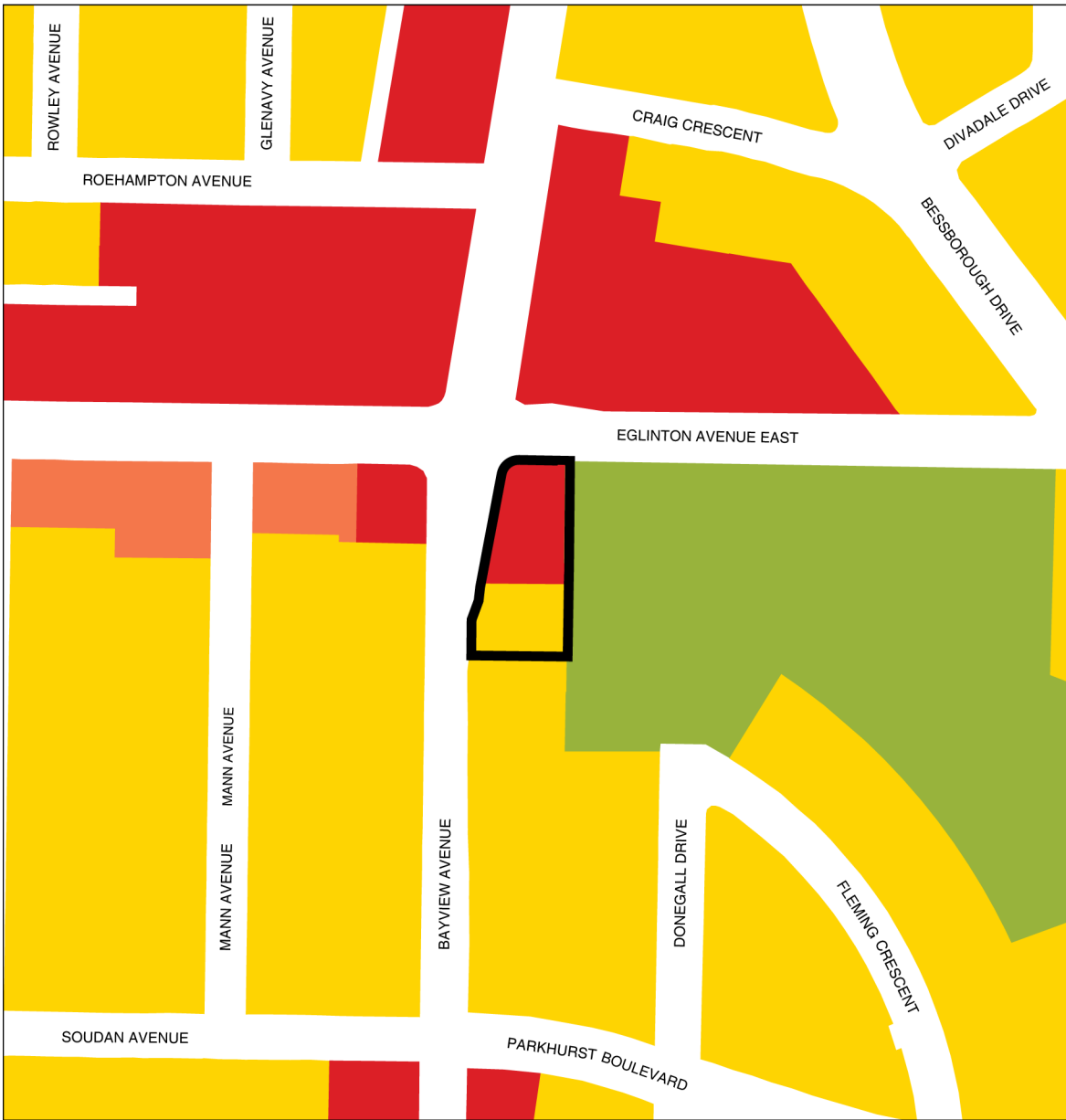
Attachment 4: 3D Model of Proposal in Context Looking Southeast



Attachment 5: Site Plan



Attachment 6: Official Plan Land Use Map



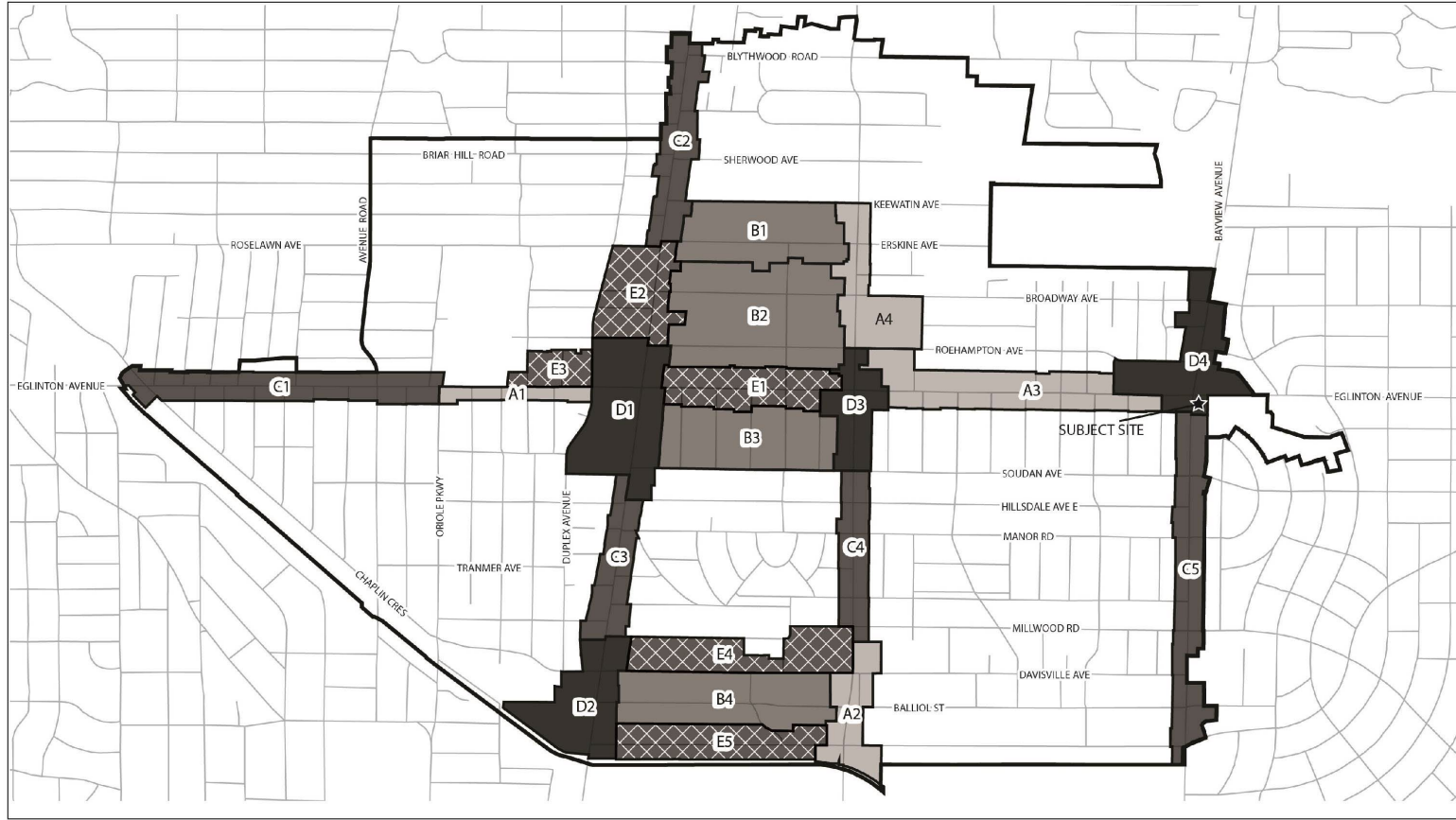
Official Plan Land Use Map #17

1779-1787 Bayview Avenue

File # 22 221903 NNY 15 0Z

- Location of Application
- Neighbourhoods
- Apartment Neighbourhoods
- Mixed Use Areas
- Parks

Not to Scale
 Extracted: 10/31/2022



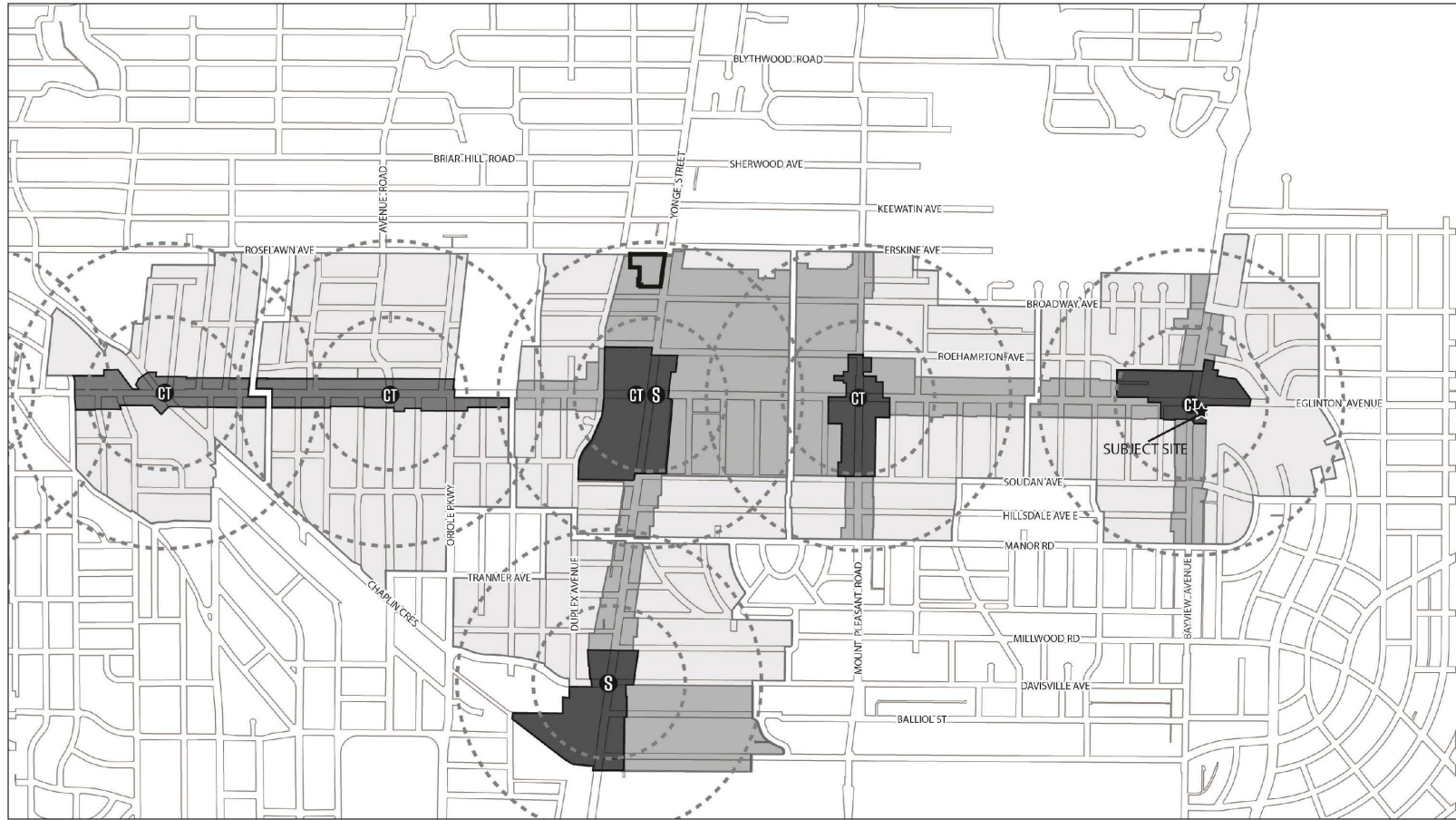
Yonge-Eglinton Secondary Plan -
Map 21-2 Midtown Character Areas

1779-1787 Bayview Avenue

File # 22 221903 NNY 15 0Z

- | | | | | | |
|---------------------------|-----------------------------|-------------------------|------------------------------|--------------------------------|-----------------|
| — Secondary Plan Boundary | ■ Apartment Neighbourhoods | ■ Villages | ■ Cores | ▨ Special Places | ★ Site Location |
| ■ Apartment High Streets | B1 Erskine and Keevatin | C1 Eglinton Way | D1 Yonge-Eglinton Crossroads | E1 Eglinton Greenline | |
| A1 Eglinton Park | B2 Redpath Park Street Loop | C2 Yonge Street North | D2 Davisville Station | E2 Montgomery Square | |
| A2 Mount Pleasant Gateway | B3 Soudan | C3 Yonge Street South | D3 Mount Pleasant Station | E3 Henning | |
| A3 Eglinton East | B4 Davisville | C4 Mount Pleasant South | D4 Bayview Focus Area | E4 Davisville Community Street | |
| A4 Mount Pleasant North | | C5 Bayview-Leaside | | E5 Merton Street | |

Not to Scale
07/05/2023



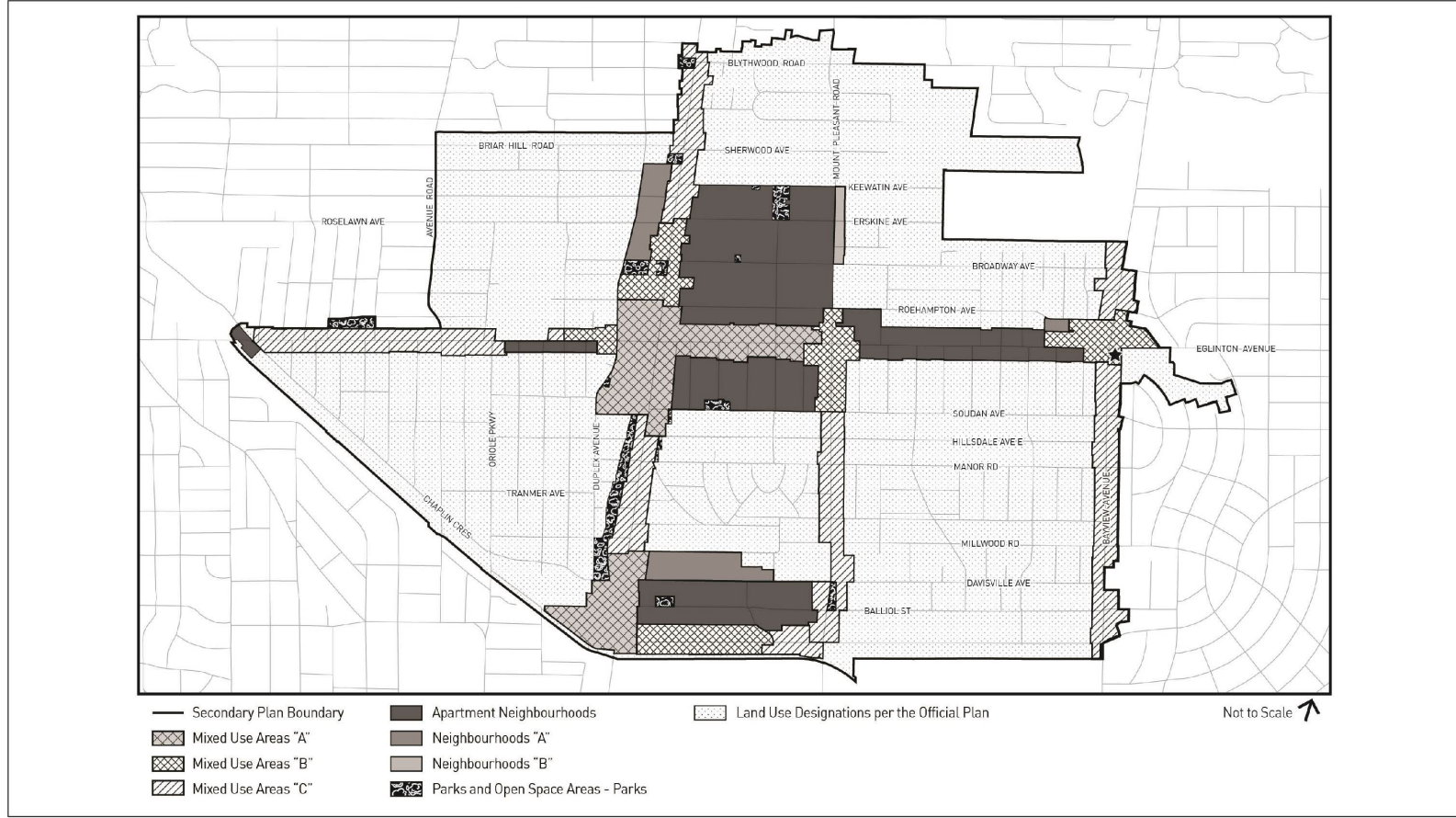
Yonge-Eglinton Secondary Plan -
Map 21-3 Midtown Transit Station Areas

1779-1787 Bayview Avenue

File # 22 221903 NNY 15 02

- | | | | |
|----------------------|--------------------------|----------------------------|---------------|
| Transit Nodes | Transit Corridors | 250m and 500m Radii | Site Location |
| Station Area Core | Corridor | Subway Station | |
| Secondary Zone | Built-up Zone | Eglinton Crosstown Station | |
| Built-up Zone | | | |

Not to Scale
07/05/2023



Yonge-Eglinton Secondary Plan - OPA 405

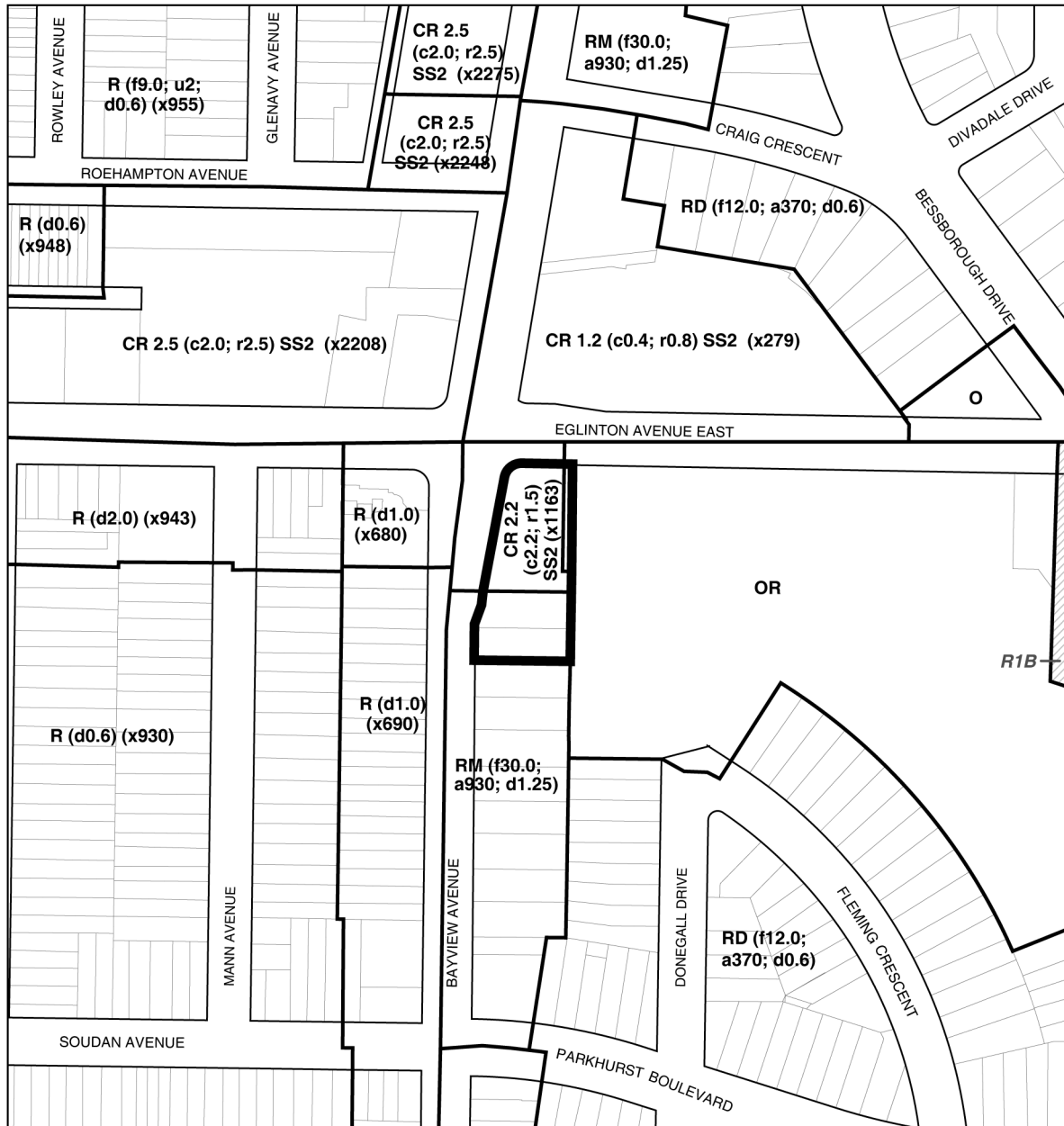
1779-1787 Bayview Avenue

File # 22 221903 NNY 15 0Z

★ Site Location

Not to Scale
07/05/2023

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



Zoning By-law 569-2013

1779-1787 Bayview Avenue

File # 22 221903 NNY 15 0Z

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

- See Former Borough of East York By-Law 1916
- R1B** Low Density Residential

↑
Not to Scale
Extracted: 10/31/2022