

Leaside Residents Association Incorporated

1601 Bayview Avenue

P.O. Box 43582, Toronto, Ontario M4G 3B0

November 28, 2022

Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2
Attention: Matthew Green

RE: NY1.4 1837-1845 Bayview Avenue - Zoning By-law Amendment (ZBA) and Site Plan Control (SPC) Applications - Request for Direction Report

Dear Councillor Pasternak and Members, North York Community Council,

The Leaside Residents Association (LRA) provides the following comments concerning the above noted application which seeks permission to construct a 25 storey residential (with some retail) building on the southeast corner of Bayview and Broadway at the northeastern edge of the Bayview Focus Character Area. The proposed building would contain 288 dwelling units, 256 square metres of non-residential uses, and 91 parking spaces.

The LRA submitted comments on the Preliminary Report (February, 2022), participated in the Community Consultation Meeting (May 2022), submitted further comments to City Planning (June, 2022), following the Community Consultation Meeting, and continues to work with the community to understand and relay its concerns.

The LRA is in support of Community Planning's Comments in the Request for Directions Report, particularly its comments with respect to Built Form:

"The built form of the proposal does not conform to the relevant policies of the Official Plan and the Yonge-Eglinton Secondary Plan. The proposal at 25 storeys is too tall and does not provide adequate transition to the Bayview and Broadway frontages, nor down to the Built-up Zones of low-rise Neighbourhood designated areas to the east".

On adopting the Yonge-Eglinton Secondary Plan, City Council was of the view that any new building on the subject property should be no higher than 6 storeys. While the Province, on approving the Secondary Plan deleted the 6 storey limit, and introduced a variety of amendments, the LRA is of the view that taken as whole the policies of the approved Secondary Plan envisage a mid-rise, not a tall building on the subject site.

The LRA letter to Jason Xie, Planner, dated June 3, 2022 sets out our planning concerns in detail, based on our analysis of the applicable planning documents (see attached).

In addition, we note the application does not include an assessment of the relationship of the helicopter transport to and from Sunnybrook Hospital, its flight path, and the datum adjusted height of the proposed building.

This application was submitted in November, 2021, over a year ago. The application is unchanged from the initial application considered in the Preliminary Report to Council (February 2022). **The LRA is extremely disappointed that the applicant has failed to refine their application in any way to respond to the identified planning policy issues, and/or the community concerns.**

The LRA requests that NYCC support the staff report recommendations to City Council, including attending the Ontario Land Tribunal in opposition to the ZBA and SPC applications.

Yours truly,

Geoff Kettel

Geoff Kettel and Carol Burtin-Fripp
Co-Presidents

Attachment: LRA Letter to Jason Xie, Planner, June 3, 2022

c.c. Councillor Jaye Robinson, Ward 15
David Sit, Director, Community Planning, North York District
Jason Xie, Planner, Community Planning, North York District
Shelly Cham, Manager, Community Planning, North York District
Matt Armstrong, Senior Planner, Strategic Initiatives
Melanie Melnyk, Project Manager, Strategic Initiatives, City Planning
Bayview Broadway Better Planning Group
St Cuthbert's Anglican Church
Sunnybrook Hospital Heliport

Leaside Residents Association Incorporated

June 3, 2022

Mr. Jason Xie
Planner, Community Planning, North York District
North York Civic Centre
Main Floor, 5100 Yonge St.
Toronto, ON M2N5V7
E-mail: Jason.Xie@toronto.ca

Re: **1837-1845 Bayview Avenue – Zoning Amendment Application**

Hi Jason:

Further to our February 20, 2022 letter regarding the City's Preliminary Report on the rezoning application for 1837-1845 Bayview Avenue, and the Community Consultation Meeting on May 5, 2022¹, the Leaside Residents' Association (LRA) would like to relay a summary of our observations regarding this application, based on our analysis of the applicable planning documents.

A. Declining Transit Node Density Moving Out From Yonge-Eglinton

The City, following extensive community consultation, adopted Official Plan Amendment No. 405 to provide an updated policy framework for the Yonge-Eglinton Secondary Plan Area. This policy framework envisioned increased population and employment concentrations around the new LRT stations with overall density declining as one moved east from the Yonge-Eglinton node to the Mount Pleasant node, and finally to the Leaside node. The Province approved this density distribution in approving section 2.4.4. which states:

"2,4,4 Existing and new development in each Midtown Transit Station Area will collectively achieve or exceed the minimum density targets as identified below:

- a. 600 residents and jobs per hectare for the Yonge-Eglinton Transit Station Area;*
- b. 350 residents and jobs per hectare for Davisville and Mount Pleasant Transit Station Areas; and*

¹ See **"Bully Application" meets a community united**
<https://leasidelife.com/bully-application-meets-a-community-united/>

- c. 200 residents and jobs per hectare for the Leaside, Chaplin and Avenue Transit Station Areas.

Individual development within a Midtown Transit Station Area is not required to meet the minimum density target. The minimum density target for the entire Midtown Transit Station Area will be achieved and ultimately exceeded based on all existing uses and new development over the long-term horizon of this Plan.”

Given the provisions of section 2.4.4, it seems reasonable to conclude that it is the intention of the Secondary Plan that densities within the Leaside Transit Station Area will be considerably lower than Mount Pleasant, and much lower than Yonge-Eglinton.

B. Nature of Development Within the Leaside Transit Station Secondary Zone

The Leaside Transit Station Area is divided into a “Station Area Core zone” and a “Secondary Zone”. The following approved policies of OP Amd 405 apply:

“2.4.2 Three types of Midtown Transit Station Areas are identified:

- a. Transit Nodes are defined geographies with clusters of uses and varying levels of development intensity. Transit Nodes include:*
 - i. a Station Area Core zone, which includes the transit station(s), residential intensification, a concentration of office uses and collectively greater intensity than in the Secondary Zones; and*
 - ii. a Secondary Zone that supports 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; and*
 - iii. Areas within 250-500m radii of the transit station which include transit-supportive development.*

The proposed development is located within the “Secondary Zone” and is found between the 250 and 500m radii bands of the Leaside Station.

Therefore this location is expected to have transit supportive development, but at a lower intensity than the Station Core. In addition, it is expected that the proposed development will transition down in height and scale to the surrounding built-up lands.

C. Midrise Development to Predominate and Transitioning is Required

The “Midtown Cores” policies in approved OP Amd 405 state:

“Midtown Cores

1.3.5 The Midtown Cores are vibrant mixed-use areas centred around Midtown's transit stations. The Cores will continue to function as mixed-use nodes, including office, institutional, residential and cultural uses. The intensity of development will differ between the Cores. The scale and form of intensification will be generally less in Davisville Station, Mount Pleasant Station and Bayview Focus Area than exists, and is planned, at the Yonge-Eglinton Crossroads. The edges of the cores will be designed to ensure connectivity and transition in scale and intensity to surrounding areas. The character of each Core will be as follows:

.....

- d. the Bayview Focus Character Area is Midtown's eastern-most Core and will be predominantly characterized by mid-rise buildings punctuated with tall buildings in proximity to the new transit station, which will also support the expansion of office, residential and retail development in the area, creating a mixed-use, transit-oriented node.

The proposed development falls just within the northeastern boundary of the Bayview Focus Area. The proposal is for a 25 storey building in an area intended to be predominantly midrise (5-12 storeys). In the version of OP Amd 405 adopted by the City, the City indicated a maximum of 6 storeys was appropriate for the site. The subject proposal is more than 4x higher than what the City felt was appropriate.

Being on the edge of the Focus Area, the proposal is expected to be designed to ensure connectivity and transition in scale and intensity to surrounding areas, whereas the proposal includes minimal transitioning in scale and intensity.

D. Building Height – “out of context” height range

Section 5.4 of approved OPA 405 sets out a variety of building height policies for the Secondary Plan area including the following:

“5.4.3 Anticipated height ranges for each Character Area are set out below in order to provide guidance regarding the intended built form character for each Character Area. The heights of buildings for sites and/or areas will be specifically determined through rezoning applications or a City-initiated zoning by-law amendment. An Official Plan Amendment will not be required in order to achieve a greater or lesser height.

.....

Cores

...

- q. Bayview Focus Area: 20 to 35 storeys

....

5.4.10 On Midtown Mid-rise sites, additional storeys may be considered without an amendment to this Plan, provided the applicant demonstrates to the City's satisfaction that:

- a. *there will be adequately limited shadow impact on any public street;*
- b. *the additional storeys fit within ant required angular plane and will be progressively stepped back from adjacent areas designated Neighbourhoods, Parks and Open Space Areas and any side streets; and*
- c. *the additional storeys will be stepped back from the street to minimize its appearance from the street."*

The Province introduced a height range of 20 to 35 storeys for the Bayview Focus Area which makes no planning sense given the aforementioned policies –

- **that the Bayview Focus Character Area is be developed at a lower density than the Mount Pleasant or Yonge-Eglinton Character Areas,**
- **that development within the Leaside Transit Station Secondary Zone of the Bayview Focus Area is to be less intense than the Station Core Area, and is to transition down in height and scale to nearby development and**
- **that the Bayview Focus Area is to be predominantly characterized by mid-rise buildings with its edges designed to ensure connectivity and transition in scale and intensity to surrounding areas.**

A reasonable way of addressing this conflict is to interpret the policies as meaning the 20-35 storey range applies to development within the Bayview Focus Area in close proximity to the Leaside Station. The introduction to Section 5.4.3 clearly indicates that the height of any proposal within a Character Area is to be determined through the rezoning process. The City would therefore appear to have discretion to determine a reasonable height in this situation. (We note that the City has yet to proceed with re-zoning for the Bayview Focus Area, further to the OPA 405.)

For the City to accept a 25 storey height for the subject proposal would run counter to the above-noted approved Official Plan policies and would create a precedent for any future proposal within the Focus Area. If 20-35 storeys is accepted as of right anywhere within the Bayview Focus Area, the result would be excessive density, plus situations where tall buildings are immediately abutting low density development with minimal transition.

E. Site Related Comments:

The LRA has provided site specific comments in its previous correspondence, however we reiterate the more important of those in this submission to make it reasonably comprehensive:

- The proposed scale, built form, including height and massing, is completely inappropriate given the location.
- The proposal is on the high point between Eglinton Ave/Talbot Park and Burke Brook (just south of Sunnybrook Hospital) and will have a major visual impact on the neighbourhood. Because of this elevated location, the proposed building would appear as being several storeys higher than 25 storeys.
- The need to ensure that any permitted building responds to potential excessive wind effects at grade, given the physiography of the site
- The potential impact on Sunnybrook heliport operations given the building height and elevated location.
- The FSI of the proposed building (8.7) is well above that of recently approved buildings in the vicinity.
- The proposed building lacks reasonable transitioning to nearby development and extends into the angular planes, particularly the plane calculated along its rear property line. This lack of transitioning will negatively impact privacy, daylight, skyview, and sunlight/shadow for the public realm and neighbouring properties.
- Little thought appears to have been given to the impact of shadowing on St. Augustine's Church to the north and its associated day care facility.
- The proposal would appear to have inadequate parking particularly when some of the visitors' spaces would be required to serve the building's retailers. Bessborough and other neighbouring streets are already experiencing on street parking pressure from Whole Foods, and other existing nearby developments.
- It is unclear whether the proposed treatment of the proposal's Bayview frontage will accommodate cycling routes (OP Amd 405, 4.19), and provide adequate space for the growth of street trees.
- Whereas the apartment building to the south appears to have a considerable setback from Bayview, the proposed building has none - contrary to OP Amd 405, 5.3.4.
- The lack of a western and northern setback for the subject proposal suggests the developer is trying to squeeze an excessive amount of development on a relative small site.
- The subject property is on a Priority Retail Street and should therefore have continuous weather protection (OP Amd 405, 5.6.7). The current proposal only shows a canopy over the entrance.
- While retail uses are proposed on part of the ground floor and residential uses on higher floors, it would be desirable to see a greater portion of the building used for employment generating purposes in order to meet the overall objective of creating a complete community.

- Approximately half of the Bayview frontage on the ground floor is proposed to be used for vestibule, lobby, mail room, etc. This would not appear to achieve the continuous retail frontage envisioned by OP Amd 405 2.6.1.a.
- While the developer's landscape plan suggests boundary trees at the rear of the proposal will be protected by a landscaping strip, it would appear that some pruning of these trees is proposed and the affected property owners along the west side of Bessborough will need to be comfortable with the arrangement for the protection of boundary trees.
- The Community Services and Facilities Report which accompanied the proposal indicates a tight supply of elementary and secondary school facilities in the area and a shortage of licensed day care facilities. With several other significant proposals either approved or under consideration nearby, there is concern that existing shortages will be made much worse. Neighbourhood schools are a critical component of any complete community and need to be made available as development occurs.
- 217 out of 288 units (75%) are 1 BR or smaller. The unit mix and size of units favours singles rather than families. This lack of provision of family-oriented accommodation is not consistent with the City's *Growing Up: Planning for Children in New Vertical Communities Guidelines*. It also suggests a target market of speculative investors rather than live-in home buyers.
- It is unclear whether and how this application is enhancing the availability of affordable housing as referenced in OP Amd 405, 7.4 (other than the small size of units!!)
- Broadway Avenue has an unusually wide road allowance. If the City required part of the subject property to be conveyed to it as a parkland dedication, would opportunities exist to enhance the public realm in this area?

We trust this is helpful,

Best regards,

Geoff Kettel

Geoff Kettel

Co-President with Carol Burtin Fripp

c.c. Shelly Chan, Manager, Community Planning, North York District
 David Sit, Director, Community Planning, North York District
 Matt Armstrong, Senior Planner, Strategic Initiatives
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 Bayview Broadway Good Planning