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**File No. 041284/000001**

November 28, 2022

**DELIVERED BY EMAIL** (nycc@toronto.ca)

North York Community Council  
North York Civic Centre  
Main floor, 5100 Yonge St.  
Toronto, ON M2N 5V7

Attention: Matthew Green, Committee Administrator

Dear Chair Pasternak and Members of North York Community Council:

**Re: Item NY1.4 – 1837-1845 Bayview Avenue - Zoning By-law Amendment and Site Plan Control Applications - Request for Direction Report  
Submission from Bayview Broadway Good Planning Inc.**

We are counsel to Bayview Broadview Good Planning Inc. (“**BBGP**”), a not-for-profit corporation established to participate in land use planning matters in the area surrounding the Bayview Avenue and Broadway Avenue intersection in the City of Toronto.

We have party status before the hearing of the appeal of the above-noted matter before the Ontario Land Tribunal (“**OLT**”). BBGP has also reviewed the latest proposal submitted by the Applicant circulated on October 11, 2022 regarding the proposed 25-storey mixed-use building with 288 units and City staff’s Request for Directions Report dated November 10, 2022 (the “**Staff Report**”).

In addition to the reasons set out in the Staff Report, BBGI notes that policies in the in-force Yonge-Eglinton Secondary Plan (the “**Secondary Plan**”) support a finding that the proposed development does not conform with the Toronto Official Plan and does not meet the intent of relevant Design Guidelines, including Policies 2.4.2, 2.5.9 and 5.1.1 b) (see “**Attachment 1**”).

Although some intensification of the Subject Property is anticipated in accordance with the Secondary Plan, the site (1) is not located within a Station Area Core zone, but rather in a Secondary Zone, (2) is not designated *Mixed Use Areas “A”* or “*B*”, which policies specifically contemplate tall buildings, but *Mixed Use Areas “C”*, which policies do not make reference to tall buildings, and (3) is not located in the heart of the Secondary Plan area, but at the edge of the plan’s boundaries and immediately adjacent to designated *Neighbourhoods* with single-family homes.

Further, as residents of the surrounding neighbourhood, the directors of BBGP have first hand knowledge of the impact of the development on lands near the Subject Property. One of the issues that has not been adequately addressed by the Applicant is the impact of the Subject Property on existing traffic in the area, including the queuing of vehicles along Bessborough Drive turning onto Broadway Avenue during peak hours.

We submit this letter in support of the recommendations set out in the Staff Report requesting that City Council direct the City Solicitor, with appropriate staff, to attend the OLT in opposition to the Applications in their current form. We further request that BBGP be invited to engage with the City in any potential discussions with the Applicant in an attempt to resolve outstanding issues.

Thank you kindly for considering our client's submission.

Yours very truly,

**BORDEN LADNER GERVAIS LLP**



Isaac Tang

CC: Client

Jason Xie, Planner, Community Planning, North York District  
David Sit, Director, Community Planning, North York District  
Jessica Braun, counsel to the City of Toronto  
Jessica Jakubowski, counsel to the City of Toronto

## **Attachment 1: Extracts from the Yonge-Eglinton Secondary Plan (OPA 405)**

### **2.4. MIDTOWN TRANSIT STATION AREAS**

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 will include transit-supportive development.

### **2.5. LAND USE**

*Mixed Use Areas “C”*

2.5.9. Mixed Use Areas “C” include commercial main streets characterized by continuous at-grade narrow-frontage retail, service and institutional uses with office, other commercial and residential uses above. A mix of residential, retail and service, office, institutional, entertainment and cultural uses will be permitted. Parks and open spaces are also permitted. New stand-alone retail stores and vehicle-related uses will not be permitted.

### **5.1. BUILT FORM PRINCIPLES**

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

#### **Area Structure**

- b. allow for compatible low-rise development in Neighbourhoods and provide transition from Mixed Use Areas and Apartment Neighbourhoods through a variety of context-appropriate approaches that adequately limit shadow and privacy impacts, such as transitioning building heights, inclusive of base buildings, placing buildings in landscaped settings with building setbacks, or a combination thereof;