

Leaside Residents Association Incorporated

1601 Bayview Avenue

P.O, Box 43582, Toronto, Ontario M43G3B0

June 19, 2023

North York Civic Centre
Main Floor, 5100 Yonge St.
Toronto, ON M2N5V7
Attention: Carlie Turpin, Committee Clerk
E-mail: NYCC@toronto.ca

**Re: NY6.1 – 1840 Bayview Ave - Zoning By-law Amendment Application –
Appeal Report**

Planning Application Number: 22 210813 NNY 15 OZ

Dear Councillor Pasternak and Members of North York Community Council,

The Leaside Residents' Association (LRA) provides the following comments concerning the above noted application which seeks permission to construct a 34 storey mixed-use building with 377 dwelling units (28 studio units (7%), 213 one-bedroom (56%), 99 two-bedroom (26%) and 37 three-bedroom (10%), a residential gross floor area of 24,103 square metres, a retail gross floor area of 202 square metres, 68 vehicular parking spaces (58 for residents, 7 for visitors, 2 car-share spaces and 1 short-term space) and a FSI of 14.75. The subject property is located on the southwest corner of Bayview Avenue and Broadway Ave (currently an Esso Station).

A. Planning Policy Framework Analysis

We offer the following analysis of the 1840 Bayview application based on OP Amd. 405, the applicable planning document for the area. 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 was subsequently amended by the Ontario government in approving the OP Amd.405 in 2019.

A.1 Transit Node Density to Decline Moving Out From Yonge-Eglinton

The Yonge Eglinton Secondary Plan envisioned increased population and employment concentrations around the new LRT stations with overall density declining as one moves 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*
- 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 significantly lower than Mount Pleasant, and much lower than Yonge-Eglinton.

A.2 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”. This location is therefore 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 “Neighbourhood” lands.

A.3 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 within the Bayview Focus Area. The application proposes a 34 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 8 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.

A.4 Building Height – “out of context” height range

Section 5.4 of approved OPA Amd. 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 that 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 Amd. 405.)

For the City to accept a 34 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.

The proposed development is clearly in conflict with several key policies in the OP Amd 405.

We strongly recommend:

- **that the City incorporate and adopt the above noted policy framework analysis, its findings and implications**

B. 2-20 Glazebrook Application

There is an application before the City for 2-20 Glazebrook Ave. which backs onto the 1840 Bayview Avenue site, and tall buildings are being proposed on each. The above planning framework analysis of the 1840 Bayview application applies similarly to 2-20 Glazebrook as well.

We strongly recommend:

- **that the 1840 Bayview and 2-20 Glazebrook applications be considered concurrently with respect to planning framework and in regard to opportunities for site integration, coordination and efficiency..**

C. Site Specific Comments:

- The proposed scale, built form, including height and massing, is completely inappropriate given the location.
- The proposal is close to 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 34 storeys.
- Given its location, there is concern that the proposed tower would have excessive wind effects at grade.
- Given the buildings proposed height and location it may impact negatively on Sunnybrook's heliport operations.
- The FSI of the proposed building (14.75) is much higher than that of recently approved buildings in the vicinity and reflects an effort to squeeze an excessive amount of development onto a small site.
- The proposed building lacks reasonable transitioning to nearby development. Its angular planes, particularly the plane calculated along its western property line, are not being met. This lack of transitioning will negatively impact privacy, daylight, skyview, and sunlight/shadow for the public realm and neighbouring properties.

- The proposal would appear to have inadequate parking particularly when some of the spaces would be required to serve the building's retailers.
- 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.
- Little seems to be proposed which will contribute to the area's public realm.
- Little consideration seems to have been given to providing a "relief area" for pets.
- Whereas the condominium building to the south of Glazebrook Ave and the apartment building across Bayview appear to have a considerable setbacks from Bayview, the proposed building appears to have less - contrary to OP Amd 405, 5.3.4.

D. Other Social, Economic and Community Considerations

- While retail uses are proposed, 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.
- From other applications, we are aware that there is a tight supply of elementary and secondary school facilities in the area and that a shortage of licensed day care facilities exists. 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.
- 241 out of 377 units (63.9%) 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!!)

In conclusion, we strongly oppose the application in its current form, and strongly support the recommendations of the Appeal Report.

Thank you for your consideration of our comments.

Yours truly,

Geoff Kettel for

Geoff Kettel and Carol Burtin-Fripp

Co-Presidents

C.c, Councillor Jaye Robinson, Ward 15
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