

1802 Bayview Ave – Official Plan Amendment – Decision Report – Refusal

Date: May 6, 2024

To: North York Community Council

From: Director, Community Planning, North York District

Ward: 15 - Don Valley West

Planning Application Number: 24 120678 NNY 15 OZ

Related Applications: 22 221903 NNY 15 OZ and 22 221902 NNY 15 SA

SUMMARY

This application proposes to amend Map 21-3 of the Yonge-Eglinton Secondary Plan (OPA 405) to remove the lands from the Secondary Zone of the Transit Nodes and add them instead to the Station Area Core. By doing so, this will help to facilitate a proposal for a 46-storey (148.6 metres, plus 8 metres mechanical penthouse for a total of 156.6 metres) residential building with 28,576 square metres of residential gross floor area representing 419 residential units, and 384 square metres of ground floor retail fronting onto Bayview Avenue, as the Station Area Core is intended to provide for more intensified development than the Secondary Zone. The development proposes a total gross floor area of 28,960 square metres with a floor space index of 20.5.

This report recommends refusal of the amendment as it would facilitate a greater level of intensification than what has been envisioned through the Plan's policies and through the identification of specific transit nodes, which has area specific considerations.

RECOMMENDATIONS

The Director, Community Planning, North York District recommends that:

1. City Council refuse the application for an Official Plan Amendment (Application No. 24 120678 NNY 15 OZ) at 1802 Bayview Avenue for the reasons identified in this Report.
2. City Council direct the City Solicitor to request that, in the event of an appeal to the Ontario Land Tribunal, the Tribunal withhold its final order, until the following conditions are met:

- a. the final form and content of the draft Official Plan Amendment are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
 - b. the owner has satisfactorily addressed the Engineering and Construction Services matters in the Engineering and Construction Services Memorandum dated August 16, 2023, or as may be updated, all to the satisfaction of the Chief Engineer & Executive Director;
 - c. the owner has satisfactorily addressed Transportation Services matters in the Transportation Services memo dated January 19, 2024, or as may be updated in response to further submissions filed by the Owner, all to the satisfaction of the Chief Engineer & Executive Director;
 - d. 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;
3. City Council authorize the City Solicitor and other appropriate 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. If City Council does not adopt the Recommendations contained in this Report, there may be financial implications as a result of planning application fee refund to the City in the current budget year or in future years.

DECISION HISTORY

A pre-application consultation ('PAC') meeting was held on February 13, 2024. The subject application was submitted and deemed complete on March 7, 2024. A Community Consultation Meeting was conducted on May 1, 2024. The Community Consultation Meeting is summarized in greater detail later in this Report.

A Zoning By-Law Amendment Application and a Site Plan Approval application were previously submitted to the City and deemed complete on June 27, 2023. On September 29, 2023, the applicant appealed the Zoning By-law Amendment application and the Site Plan Application to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the time frame prescribed in the Planning Act.

On March 20, 2024 City Council adopted an [appeal report](#) which directed the City Solicitor with the appropriate City staff to attend the OLT hearing and oppose the applications in their current form and to continue discussions with the Applicant to

resolve outstanding issues. Staff recommended opposition to the proposed development particularly as it relates to the height of the proposal, the built form, and impact of the proposal on adjacent properties in the existing and planned context which may prevent the orderly development of the block. The appeal report can be found here: [Item - 2024.NY11.5](#)

SITE AND SURROUNDING AREA CONTEXT

Description: The site is generally rectangular in shape with approximately 31 metres of frontage along Bayview Avenue and 46 metres of frontage along Roehampton Avenue, and a total lot area of 1,410 square metres. The site is also bound by Badali Family Lane to the west. The site generally slopes downwards from north to south.

Existing Uses: The subject contains an existing car wash and associated driveways.

Surrounding uses include:

North: North of the site is a seven (7) storey mixed use building located at 1818 Bayview Avenue. Further north is a block of townhouse fronting onto Glazebrook Avenue. A thirty-one (31) storey building has been approved by the OLT at 2-20 Glazebrook Avenue (22 177066 NNY 15 OZ).

East: Immediately east of the site is Bayview Avenue, and the intersection with Craig Crescent across the street. East of Bayview Avenue also includes a five-storey apartment building and a nine-storey apartment building.

South: Immediately south of the site is Roehampton Avenue. Further south is a gas station, a retail plaza including the Metro Grocery Store, and the secondary entrance to Leaside Station of the Eglinton LRT.

West: Immediately west of the site is Badali Family Lane. Further west generally comprises of low-density residential dwellings along Glenavy Avenue.

THE APPLICATION

Height: 46-storey (148.6 metres, plus 8 metres mechanical penthouse for a total of 156.6 metres).

Gross Floor Area: Total gross floor area of 28,960 square metres, consisting of 28,576 square metres of residential gross floor area and 384 square metres of non-residential gross floor area.

Density (Floor Space Index): 20.5 times the area of the lot.

Unit Count: The proposed 419 dwelling units include 36 studio units (9%), 189 one-bedroom units (45%), 153 two-bedroom units (37%), and 40 three-bedroom (10%) units.

Access, Parking and Loading: Vehicular access is proposed through a 6.5 metres wide driveway from Badali Family Lane to the north end of the site. The driveway leads to an underground ramp, which contains two levels of underground parking with a total of 44 vehicular parking spaces, of which 38 parking spaces are for residents and 6 are for visitors. There are 296 bicycle parking spaces proposed, of which 212 are long term parking spaces, and 84 are short term parking spaces. Another curb cut is proposed at the centre of the site on Badali Family Lane which leads to a Type 'G' loading space.

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:

<https://www.toronto.ca/city-government/planning-development/application-details/?id=5404594&pid=282142>

Reason for the Application

The application proposes to amend Map 21-3 of the Yonge-Eglinton Secondary Plan to re-designate the subject site from Secondary Zone of the Transit Nodes to Station Area Core. The Station Area Core has an effect of allowing for a greater intensity of development compared to a Secondary Zone.

Zoning By-Law & Site Plan Control

On September 29, 2023, the applicant appealed the Zoning By-law Amendment application and the Site Plan application to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the time frame prescribed in the Planning Act.

APPLICATION BACKGROUND

The following reports/studies were submitted in support of the application:

- Planning and Urban Design Rationale Report and Community Services and Facilities Study
- Block Context Plan
- Landscape Plans
- Public Utilities Composite Plan and Sections to Quality Level A

- Shadow Study
- Functional Servicing and Stormwater Management Report
- Hydrological Assessment Report
- Geotechnical Report
- Transportation Impact Study
- Methane Gas Investigation Report
- Noise and Vibration Impact Study
- Pedestrian Level Wind Study
- Energy Strategy Report
- Arborist Report

POLICY & REGULATION CONSIDERATIONS

Provincial Land-Use Policies

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (PPS) and shall conform to provincial plans.

Official Plan

The site is designated Mixed Use Areas on Map 17 of the Official Plan, and more specifically designated as Mixed Use Areas “C” on Map 21-4 of the Yonge-Eglinton Secondary Plan. In the Yonge Eglinton Secondary Plan, 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. It is noted that an Official Plan Amendment is not required in order to achieve a greater or lesser height than the range and the heights of buildings for sites will be specifically determined through rezoning applications.

On Map-21-3, the site is located within a 500 metre radius of the Leaside Midtown 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 Affair & Housing.

Within the YESP, there are three types of transit nodes which are defined geographies with clusters of uses and varying levels of development intensity. The subject site is located in a secondary zone, 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. A Station Area Core includes the transit station(s), residential intensification, a concentration of office uses and collectively greater intensity than in the Secondary Zones. Finally, areas within 250-500m radii of the transit station are identified to include transit-supportive development.

Zoning

Under Zoning By-law no. 569-2013, the portion of the site is subject to the Commercial Residential Zone CR 2.5 (c2.0; r2.5 SS2 (x2248)).

Community Consultation

Planning staff hosted a virtual community consultation meeting ('CCM') on May 1st, 2024, which was attended by approximately 80 people, including the local ward councillor. Comments and questions raised at the CCM were generally focused on the following:

- Building height was too tall;
- The dense built form;
- The appearance of the building;
- Implications of the proposed amendment on the greater community;
- Intent and purpose of the proposed amendment;
- Lack of affordable housing; and
- Additional traffic in the area and lack of proposed parking spaces.

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 PPS directs for authorities to 'identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas.' The subject application is proposing to redirect greater intensification to a site that has not demonstrated it can adequately accommodate a greater density and which would deviate from the policy direction established by the City through its official plan insofar as identifying appropriate locations for transit supportive development while taking into account existing areas. As such, subject application does not conform to the PPS.

In addition, the application has not demonstrated that the site can be adequately serviced based on the materials submitted. As such, determining consistency with Section 1.6.6.6 of the PPS cannot be made at this time.

Official Plan

The site is designated Mixed Use Areas under the Official Plan, and as Mixed-Use Areas 'C' under the YESP. The site is directly adjacent to Official Plan designated Neighbourhoods to the west. In addition, the site is within the Leaside Station Transit Node "Secondary Zone" (as shown in Map 21-3) and near the "Built-up Zone" of the

Leaside Station Transit Node. Section 2.4.2 states the intensity of development in a “Secondary Zone” should be lower than that of a “Station Area Core.” The policy further states “Development will generally transition down in height and scale to surrounding Built-up Zones.”

Given the above, tall buildings are not contemplated on all sites within the Bayview Focus Area. Tall buildings, particularly buildings at the top of the height range of 20-35 storeys, are more appropriately located within the Station Area Core where more intense developments are to be directed, and generally located away from Neighbourhood designated lands. The adding of these lands to the Station Area Core would essentially facilitate a future building that is more intense than what was envisioned by the existing policies and mapping; does not fully consider the surrounding context that was used to determine the applicable transit nodes, and as a result overrides the requirement for lands in the Secondary Zone to generally transition down in height and scale to surrounding Built-up Zones.

Built Form

As currently proposed, the proposal has not demonstrated that the site can accommodate a tall building. The built form of the proposal does not conform to the relevant policies of the Official Plan and the YESP. Per policies prescribed in the Official Plan and YESP, and further detailed in design guidelines, consideration is needed for increased tower setbacks to adjacent lands, appropriate stepbacks, and reduction in building height, to meet policy objectives. In addition, consideration is also required for the building regarding its height and design as it relates to transition to the adjacent Neighbourhood areas and the public realm. The proposed podium and tower do not provide adequate transition to the adjacent Neighbourhoods designated areas or the public realm. The proposed building height at 46 storeys does not achieve the built form transition in heights as envisioned in the YESP.

Sun and Shadow

The submitted shadow study demonstrates shadowing on lands within the Built-Up Zone’s Neighbourhood designations. Elements such as increased setbacks, increased stepbacks, decreased tower floorplates, and improved massing can be investigated to minimize shadow impacts.

Wind

A Pedestrian Level Wind Study by the Boundary Layer Wind Tunnel Laboratory at the University of Western Ontario dated June 6, 2023, was submitted as part of the proposal. The study finds that the proposed development will cause an increase to wind speed on the immediate public realm, particularly along Roehampton Avenue to the south. The wind speeds will influence safety and comfort at some locations. The outdoor amenity area will require mitigation for sitting during summer and autumn months. Changes to the built form, additional sculpting of the building, and other forms of mitigation will be required to address the above noted conditions.

Tree Preservation, Soil Volume and Public Utilities

Urban Forestry objects to the proposed development as it does not meet the Toronto Green Standards. The proposed development is providing only 50% of the required soil volumes. In addition, the applicant is required to provide tree planting along Bayview Avenue. As such, greater setbacks along the right-of-way are required in order to meet the minimum soil volume requirements and to provide for street trees.

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 August 3, 2023, or as may be updated, in response to further submissions filed by the Owner, all to the satisfaction of Urban Forestry.

Transportation Services

A Traffic Impact Study prepared by WSP dated June 2, 2023, was submitted as part of the proposed Zoning By-Law Amendment Application and the same study was submitted as part of the Official Plan Amendment application. The study estimates that the proposed development expansion will generate 71 net auto trips during the weekday AM peak hour and 61 auto trips during the weekday PM peak hour, respectively. The report concludes that the proposed development site-generated auto traffic will have minimal impact on the study intersections and can be adequately accommodated with the optimized signal timing at the Bayview Avenue & Eglinton Avenue East intersection. Despite the conclusion, staff is requesting revisions to the report, such as updating the traffic counts, on-site signage, analysis of pick-up and drop off activity, amongst others. As such, the report has not been accepted by staff in its current state. Furthermore, additional information is also required on the submitted plans for review from Staff.

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 June 2023) for both the Zoning and Official Plan Amendment applications. Staff has reviewed the TDM and finds many of the proposed TDM measures to be deficient. 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.

Servicing and Stormwater Management

The applicant is required to provide revisions to the Servicing and Stormwater Management Report by Siteplantech Inc. dated May 26, 2023, which was submitted as part of the Zoning By-Law Amendment application and Official Plan Amendment application. Clarification, additional information, and other changes are required by staff to provide a fulsome review of the report. Relevant drawings, such as the grading plan and the servicing plan will also be required to be revised.

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.

Parkland

The site is approximately a 180 m walk away from Howard Talbot Park, a 49,000 m² park which contains two ball diamonds including one with lights, a multipurpose sport field and track, two outdoor tennis courts, a splash pad, and a children's playground. Located at the east end of the park is the Leaside Lawn Bowling Club.

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.

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.

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 OPA is

not consistent with the PPS insofar as directing intensification to appropriate areas and based on servicing uncertainty. The proposed OPA would also undermine the policy objectives of the official plan insofar as where greater intensification is to take place and would remove important policy directions which provide consideration for adjacent built-up areas.

For the reasons outlined in this report, City staff cannot support the proposal in its current form and recommend Council refuse the application.

CONTACT

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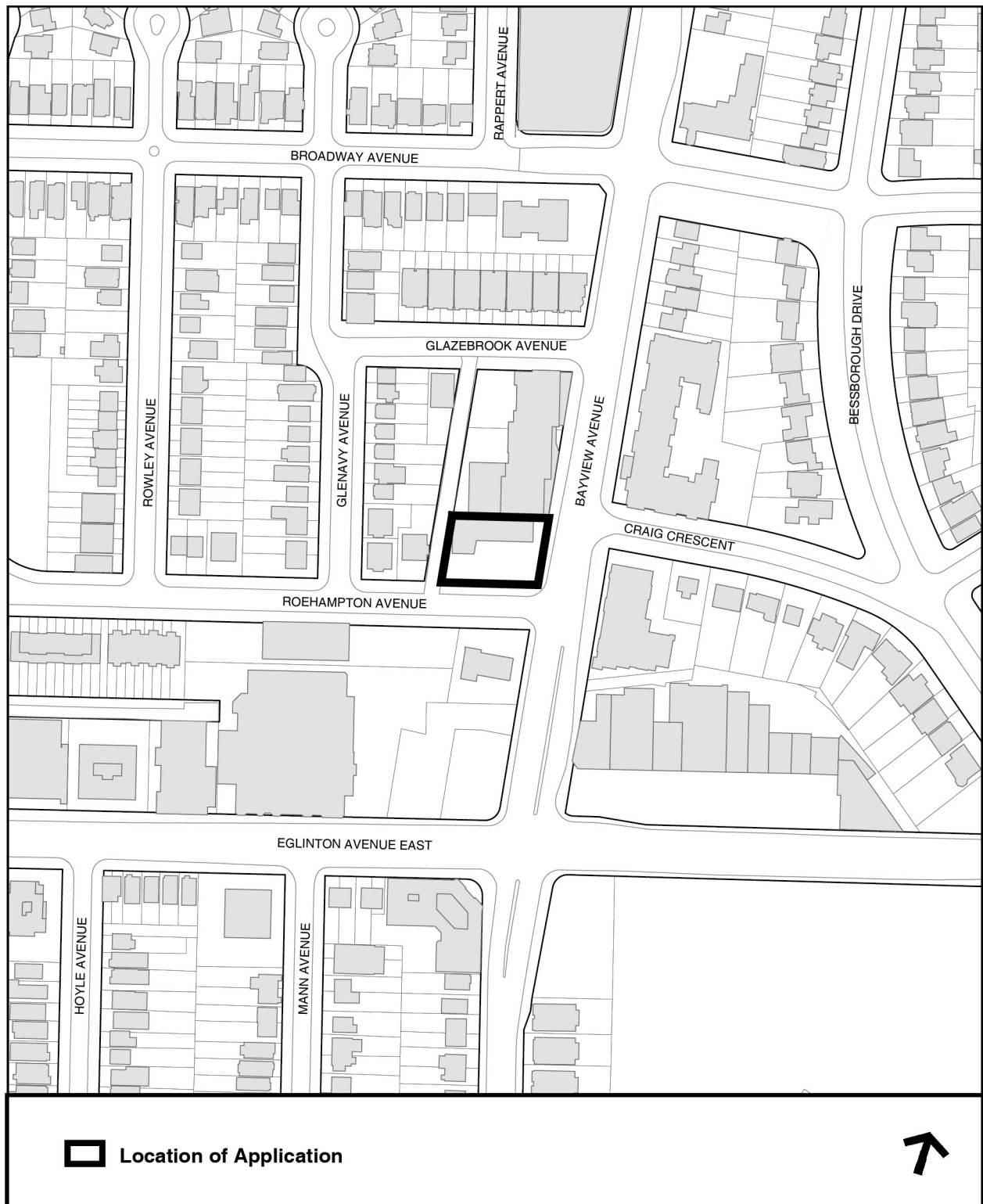
SIGNATURE

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 Northeast
Attachment 4: 3D Model of Proposal in Context Looking Southwest
Attachment 5: Site Plan
Attachment 6a: North Elevations
Attachment 6b: South Elevations
Attachment 7: Official Plan Land Use Map
Attachment 8: Yonge-Eglinton Secondary Plan Map 21-2 Midtown Character Areas
Attachment 9: Yonge-Eglinton Secondary Plan Map 21-3 Midtown Transit Station Areas
Attachment 10: Yonge-Eglinton Secondary Plan Map 21-4 Midtown Land Use Plan
Attachment 11: Zoning By-law No. 569-2013 Map

Attachment 1: Location Map



Attachment 2: Application Data Sheet

APPLICATION DATA SHEET

Municipal Address: 1802 BAYVIEW AVE **Date Received:** March 7, 2024

Application Number: 24 120678 NNY 15 OZ

Application Type: OPA

Project Description: Proposal for a 46-storey (156 metres to top of mechanical) mixed use building. The building will have approximately 384 square metres of retail uses at grade along Bayview Avenue. In total, 419 residential units are proposed for a GFA of 28,960 square metres, with a FSI of 20.5 times of the site area. 44 parking spaces are proposed within two levels of underground parking.

Applicant	Agent	Architect	Owner
GAIRLOCH DEVELOPMENTS	ANDREW WOODS	ARCHITECTS ALLIANCE	PINTI ENTERPRISES LIMITED

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
		N/A
Zoning:	CR 2.5 (c2.0; r2.5) SS2 (x2248)	Heritage Designation:
		N/A
Height Limit (m):	18	Site Plan Control Area:
		N/A

PROJECT INFORMATION

Site Area (sq m): 1,412 Frontage (m): 31 Depth (m): 46

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	460		1,195	1,195
Residential GFA (sq m):			28,576	28,576
Non-Residential GFA (sq m):	460		384	384
Total GFA (sq m):	460		28,960	28,960
Height - Storeys:	1		46	46
Height - Metres:			149	149

Lot Coverage Ratio (%): 84.63

Floor Space Index: 20.51

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	28,576	
Retail GFA:	384	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			419	419
Other:				
Total Units:			419	419

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		36	190	153	40
Total Units:		36	190	153	40

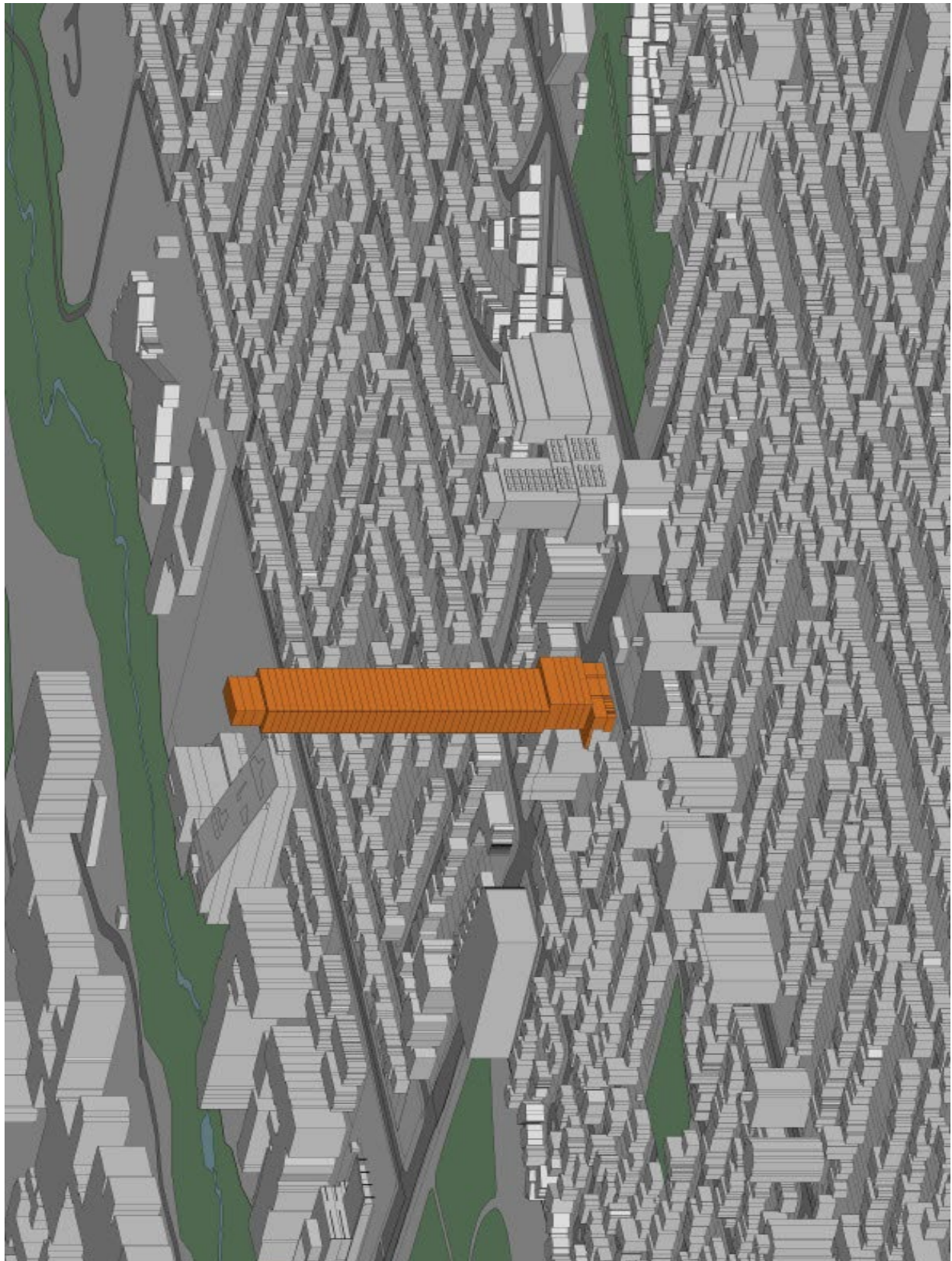
Parking and Loading

Parking Spaces: 44 Bicycle Parking Spaces: 472 Loading Docks: 1

CONTACT:

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Angela.Zhao@toronto.ca

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



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



Attachment 5: Site Plan

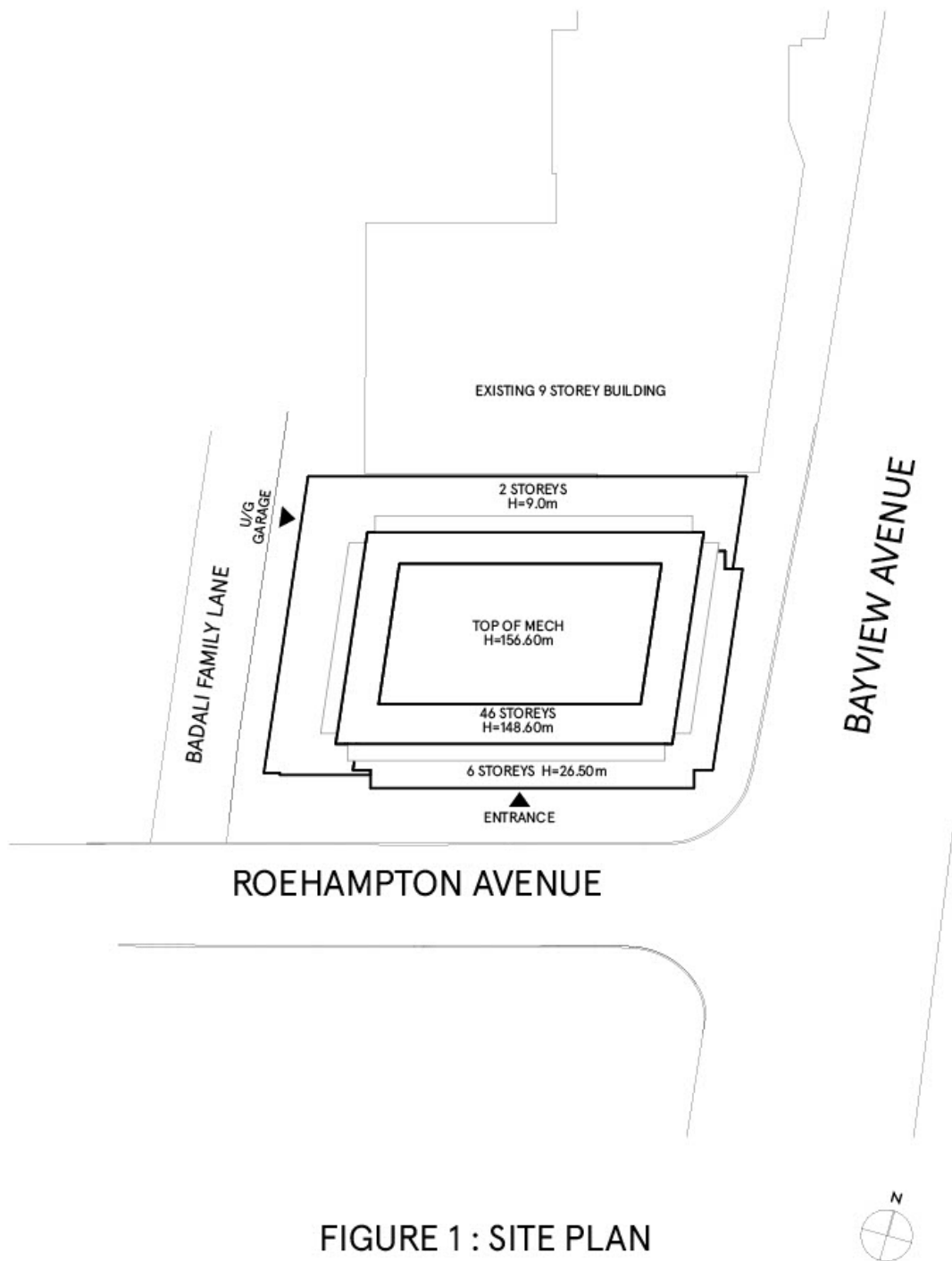


FIGURE 1 : SITE PLAN

SCALE: 1:500

Attachment 6a: North Elevation

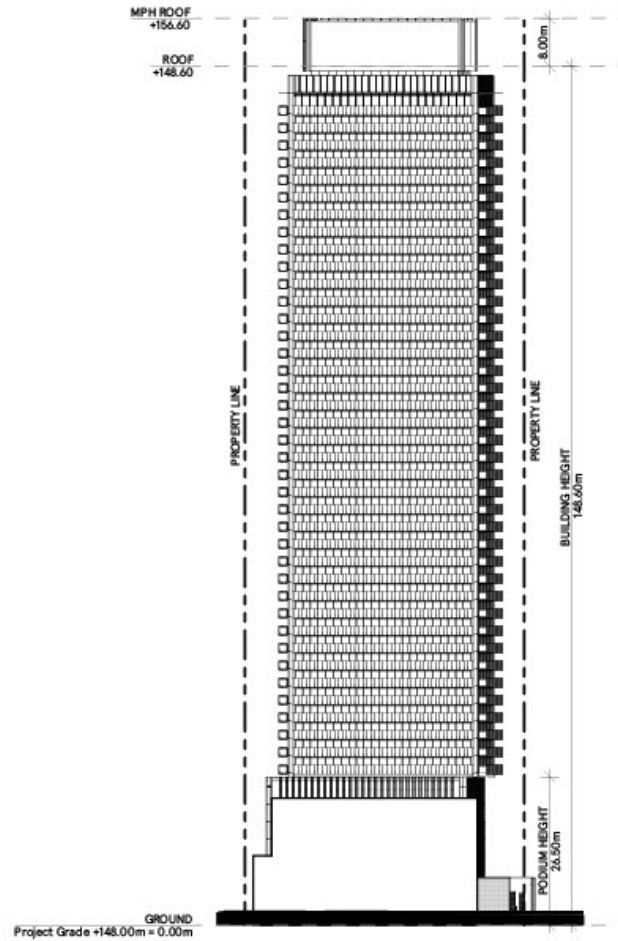


FIGURE 2 : NORTH ELEVATION

SCALE: 1:1000

Attachment 6b: South Elevation

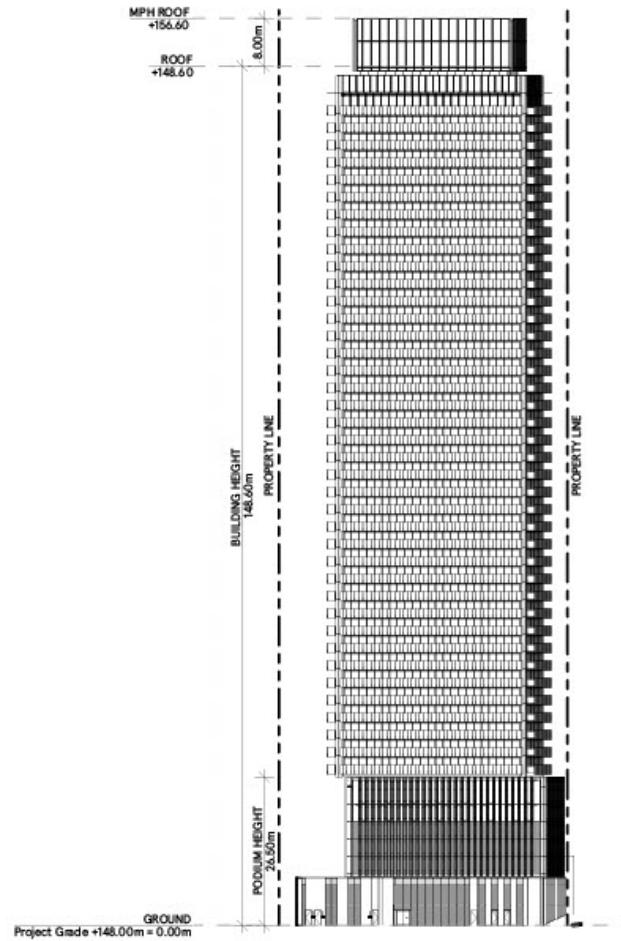
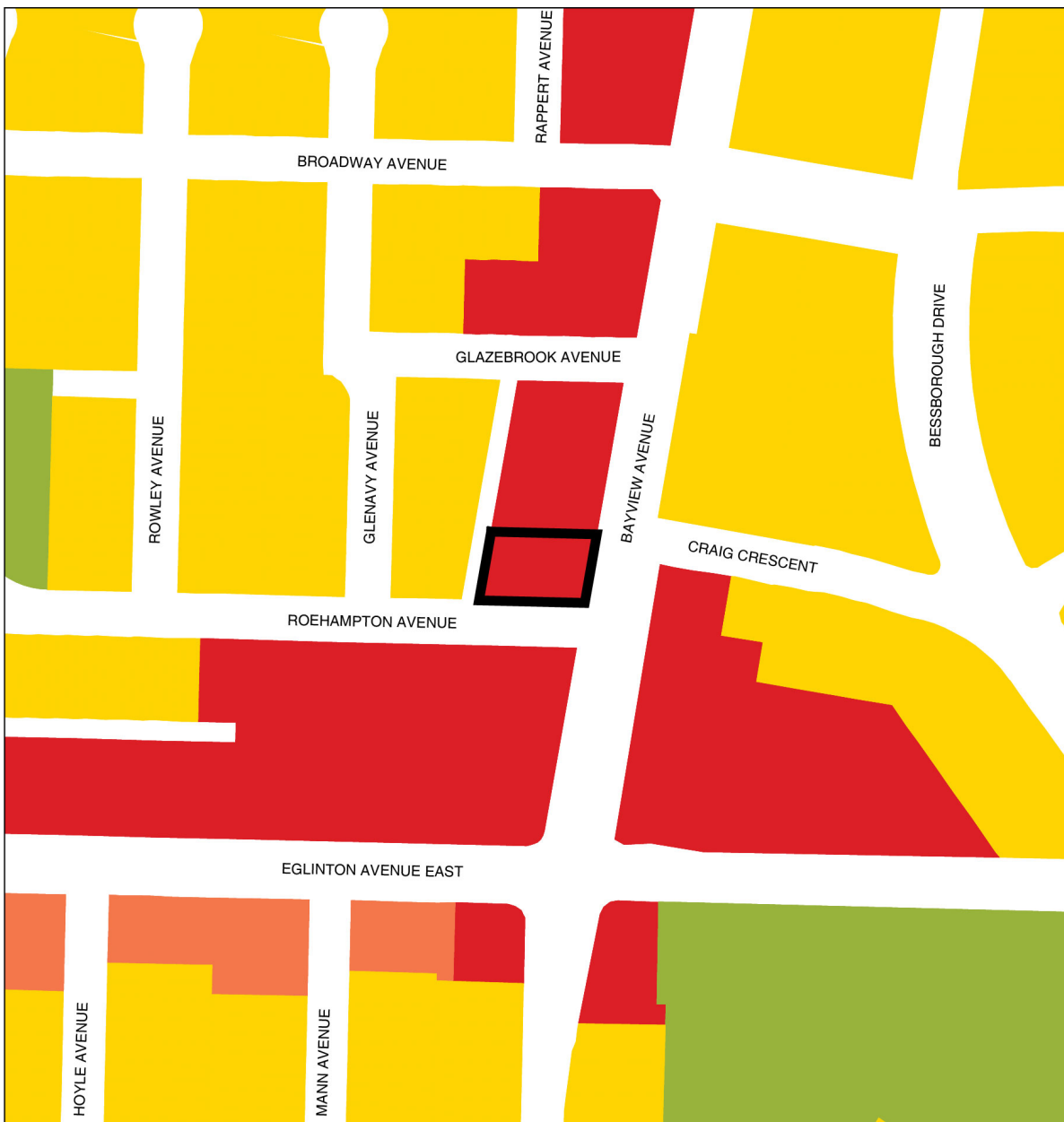


FIGURE 4 : SOUTH ELEVATION

SCALE: 1:1000

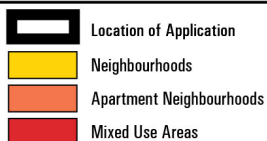
Attachment 7: Official Plan Land Use Map



Official Plan Land Use Map 17

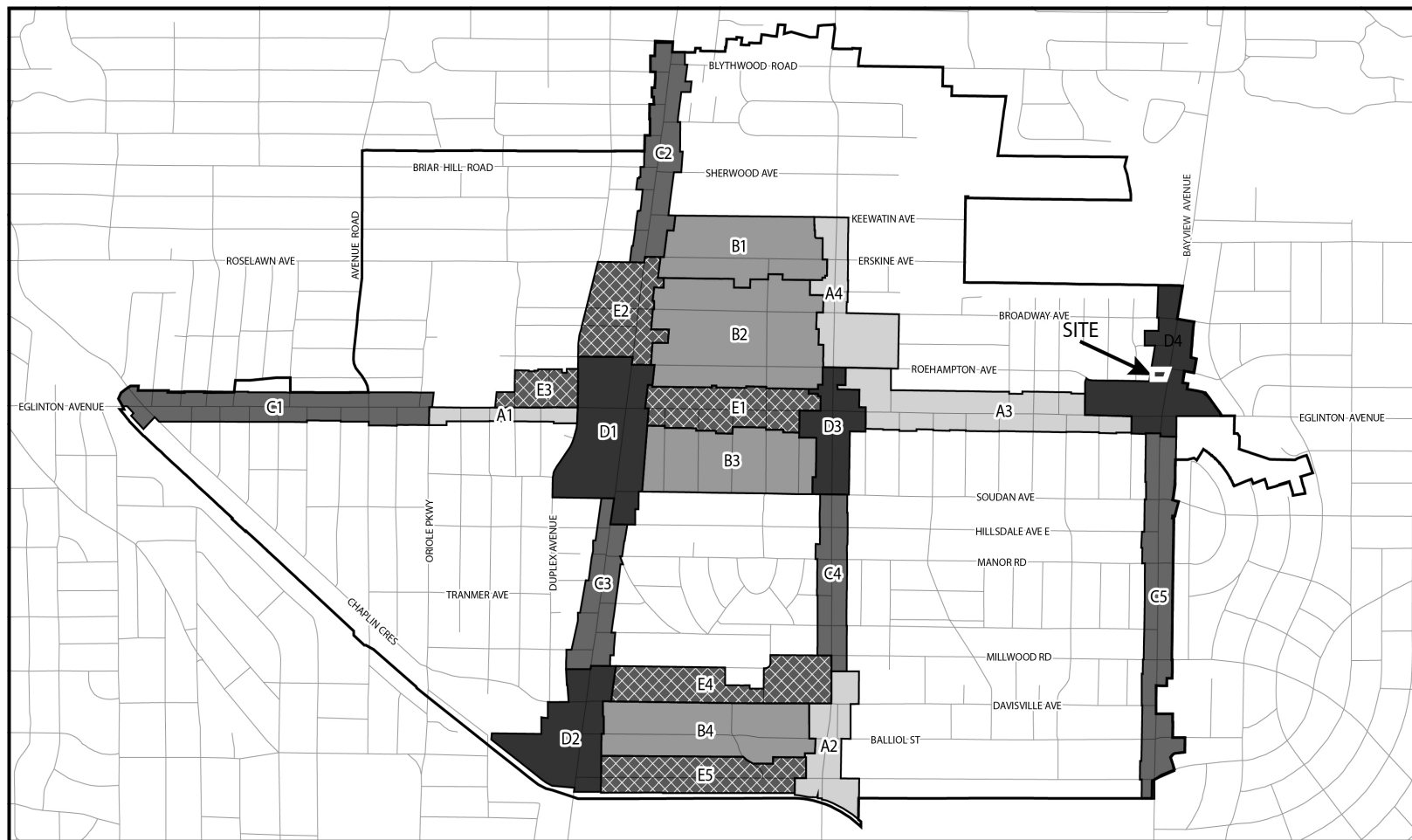
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Attachment 8: Yonge-Eglinton Secondary Plan Map 21-2 Midtown Character Areas

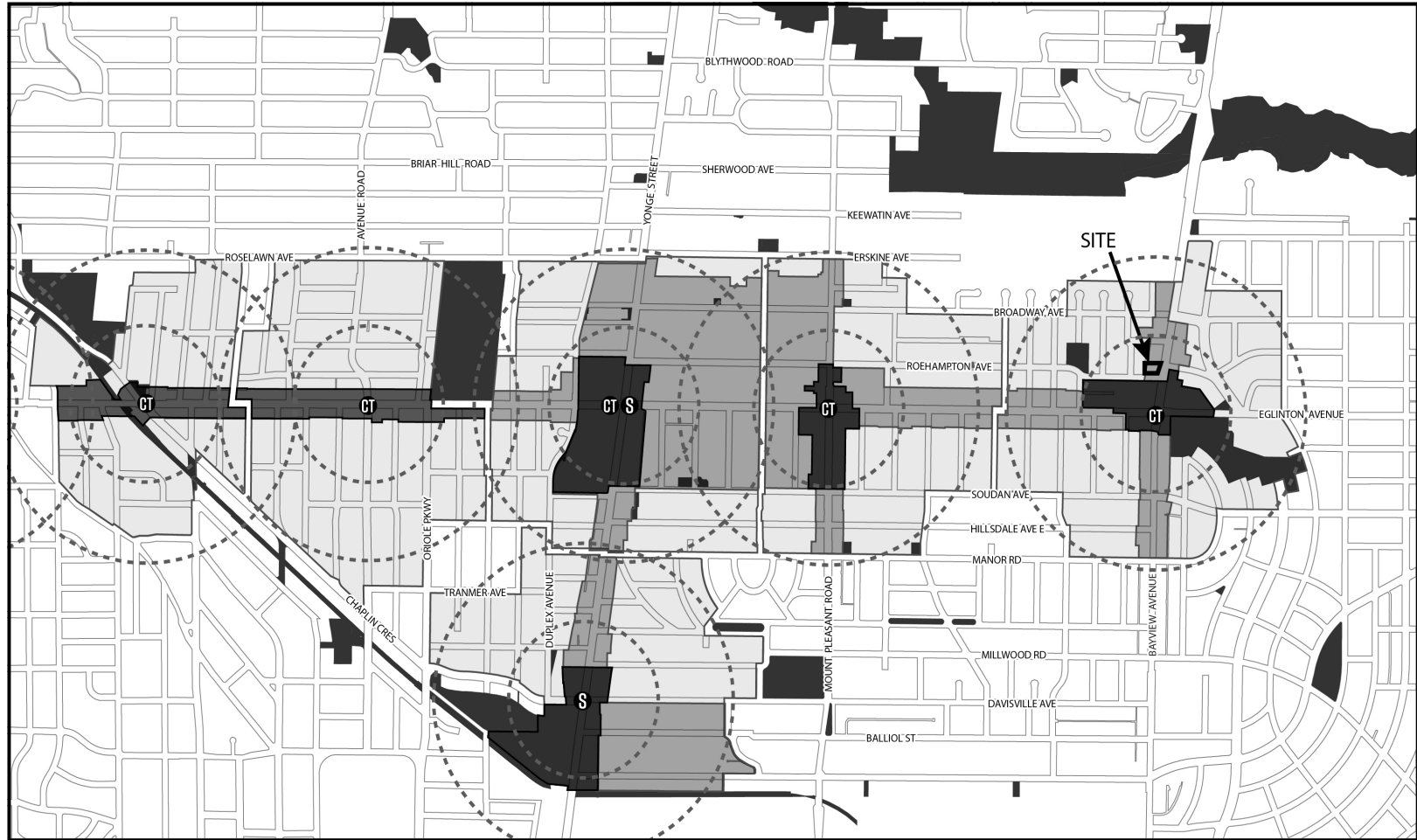


Yonge-Eglinton Secondary Plan MAP 21-2 Midtown Character Areas

- | | | | | |
|---------------------------|-----------------------------|-------------------------|------------------------------|--------------------------------|
| — Secondary Plan Boundary | Apartment Neighbourhoods | Villages | Cores | Special Places |
| Apartment High Streets | B1 Erskine and Keewatin | 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

March 29, 2018



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

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

Not to Scale

March 29, 2018



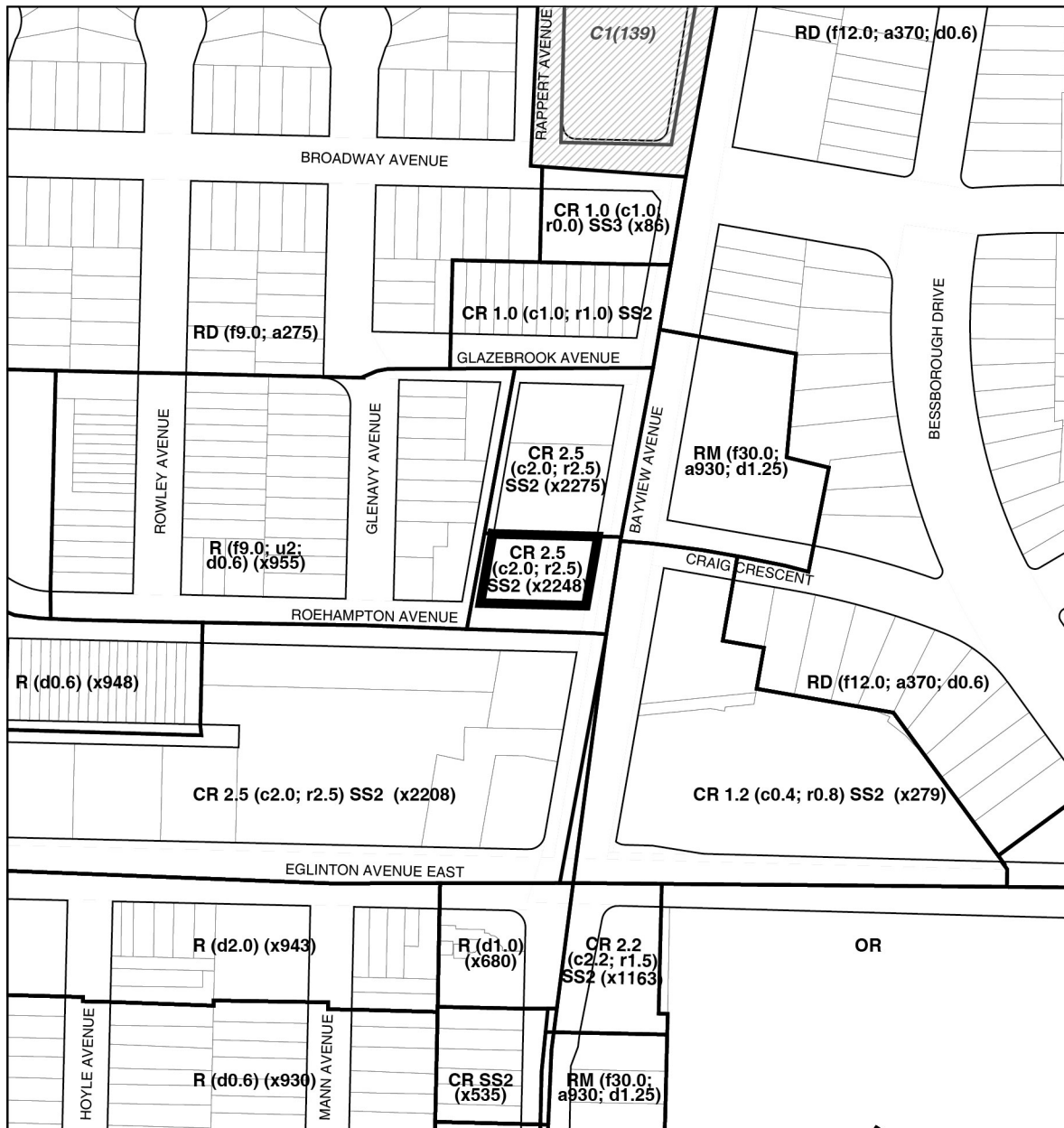
Yonge-Eglinton Secondary Plan
MAP 21-4 Land Use Plan

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

Not to Scale ↗

March 29, 2018

Attachment 11: Zoning By-law No. 569-2013 Map



Zoning By-law 569-2013

1802 Bayview Avenue

File # 23 163199 NNY 15 02



Location of Application

R Residential
RD Residential Detached
RM Residential Multiple
CR Commercial Residential
O Open Space
OR Open Space Recreation

OC Open Space Cemetery



See Former City of North York By-law No. 7625

C1 General Commercial Zone



Not to Scale
Extracted: 06/26/2023