



June 28, 2023

Project No: 19406

Provincial Land Use Plans Branch
Ministry of Municipal Affairs and Housing
13th Floor, 777 Bay St
Toronto, ON
M7A 2J3
Canada

Attn: growthplanning@ontario.ca

***Re: Review of Proposed policies adapted from A Place to Grow and Provincial Policy Statement - ERO 019-6813
1779-1787 Bayview Avenue, Toronto,***

Introduction

We are writing on behalf of Country Wide Homes (Bayview Inc), the owner of the lands municipally known as 1779-1787 Bayview Avenue (the “subject site”). On behalf of the owner, we submitted an Official Plan Amendment, Rezoning and Site Plan Application on October 18, 2022, to permit the overbuild development of the Leaside Station with a 35-storey mixed use building containing 415 dwellings units (of which 13 are rental replacement units) with a total Gross Floor Area of 30,000 square metres, resulting in a density of 9.5 FSI. A Rental Housing Demolition and Conversion Application was also submitted concurrently with the above-noted planning applications, which were deemed complete on December 15, 2022. Since the submission of the application, a community consultation meeting was held on March 1, 2023, and city staff and agency comments were received on the proposal.

Site and Surroundings

The subject site is located at the southeast corner of Eglinton Avenue East and Bayview Avenue and consists of an assembly of three properties, municipally known as 1779-1781, 1783-1785 and 1787 Bayview Avenue. The subject site is generally rectangular in shape and has generous frontages on Eglinton Avenue and Bayview Avenue.

The subject site is currently occupied by the Leaside Station on the Eglinton Crosstown LRT line (1787 Bayview Avenue) and two 2-storey multiplex buildings (1779-1781 Bayview Avenue and 1783-1785 Bayview Avenue).

To the immediate north of the subject site, at the northeast corner of Eglinton Avenue East and Bayview Avenue are two mixed-use buildings of 19 and 13 storeys (660 Eglinton Avenue East) which are under construction. Further north are additional residential buildings, including a 9-storey 'L' shaped building (1801 Bayview Avenue), a 'C' shaped 5-storey residential building (1833 Bayview Avenue) and single and semi-detached houses. At the northwest corner of Eglinton Avenue East and Bayview Avenue is the secondary entrance to the Leaside station on the Eglinton Crosstown LRT, which is currently under construction.

To the immediate east of the site is the Howard Talbot Park, the Leaside Lawn Bowling Club (190 Hanna Road). Moving further east, along Eglinton Avenue East is the Leaside High School (200 Hanna Road) and low-rise residential community made up primarily of detached houses.

To the immediate south of the subject site are two storey multiplex buildings on the east side of the Bayview Avenue. Moving further south, 1745 Bayview Avenue is a 2-storey detached building with retail on the main floor and residential above, followed by 1741 Bayview Avenue consisting of a 3 ½-storey residential apartment building. Further south is a strip of 2-storey commercial uses at grade and residential units on the top floor along both sides of Bayview Avenue.

To the immediate west of the subject site are semidetached houses with frontages on Bayview Avenue including 1736 Bayview Avenue, followed by two identical semidetached dwellings at 1738-1740 and 1742-1744 Bayview Avenue. The property at 1746 Bayview Avenue is a single-storey Dentist office followed by a single-storey residential dwelling at 1748 Bayview Avenue which is approved for a 9-storey mixed use building.

Existing Policy Context

OPA 405 – Yonge and Eglinton Secondary Plan

On July 27, 2018, the City of Toronto Council enacted By-law 1284-2018, adopting Official Plan Amendment (OPA) 405, which included a new Yonge-Eglinton Secondary Plan and associated amendments to Section 2.2.2 and Maps 3 and 17 of the Official Plan. Lands within the Secondary Plan area are identified as being within one of 22-character areas in five categories: Apartment High Streets, Midtown Apartment Neighbourhoods, Midtown Villages, Midtown Cores and Midtown Special Places. The subject site is within the Bayview Focus Area, one of four Midtown Cores.

With respect to building height, Policy 5.4.3 provides that the anticipated height range in the Bayview Focus Area will be 20 to 35 storeys.

As it pertains to transit, Map 21-3 of the Secondary Plan identifies the Midtown Transit Station Areas and their respective boundaries, which include areas within 250 to 500 metres radii of stations with the intention of maximizing the size of the area and the number of potential transit users within walking distance of each station. The Midtown Transit Station Areas will be planned to accommodate higher density development to optimize return on investment and increase the efficiency and viability of existing and planned transit service levels (Policy 2.4.1). Policy 2.4.1.3 provides that the highest density of development shall be located in close proximity to existing or proposed higher order transit stations.

In this regard, the subject site is located in the “Station Area Core” within the Leaside Station Transit Area, as shown on Map 21-3. The Station Area Core is described as including the transit station(s), residential intensification, a concentration of office uses and collectively greater intensity than in the Secondary Zone (Policy 2.4.2).

OPA 570

At its meeting on July 21, 2022, City Council adopted OPA No. 570, which included the delineations of 57 PMTSAs throughout the City and introduced new SASPs for the 57 PMTSAs.

As it relates to the subject site, OPA 570 introduced SASP 681, which applies to the Leaside PMTSA, and encompasses the Subject site. SASP 681 specifies a minimum population and employment target of 200 residents and jobs combined per hectare, with a minimum density of 2.5 FSI specified for the Subject site.

Zoning

The East York (Leaside) Zoning By-law 1916, split zones the site as Commercial Zone C1 with a height limit of 12.2 metres and High Density Residential R3A, with a height limit of 8.5metres.

Under the Toronto City-wide Zoning By-law 569-2013, the Subject site is Commercial Residential (“CR”), which permits a maximum FSI of 2.2 and a maximum height of 16.0 metres. Both the East York (Leaside) Zoning By-law 1916 and the Toronto City-wide Zoning By-law permit a number of residential uses.

Evolving Policy Context

OPA 570 (SASP 681)

As noted above, the subject site forms part of the Leaside Protected Major Transit Station Area (“PMTSA”) as delineated by Site and Area Specific Policy (“SASP”) 681 of Official

Plan Amendment (“OPA”) 570, which was adopted by City Council on July 21, 2022. On January 31, 2023, on behalf of the owner, we submitted a letter to the ERO to request a modification to OPA 570 with respect to the minimum density target allocated to the subject site and surrounding areas (File No. 019-5937) (See **Attachment A**).

On Map 2 of SASP 681, the majority of the subject site together with other lands designated *Mixed Use Areas* surrounding Leaside Station have a minimum density of 2.5 floor space index (“FSI”), while the southern portion of the subject site has a minimum density of 2.0 FSI. In our opinion, this minimum density is artificially low and is inconsistent with the existing policy framework, which encourages an integrated approach to transportation and land use planning, promotes the development of complete communities, and supports the optimization and efficient use of land and infrastructure within the built-up areas that are well served by municipal infrastructure, including higher-order public transit.

In particular, a minimum density of 2.0 and 2.5 FSI as identified for the subject site, is significantly lower than the proposed density of 9.5 FSI, which would result from the proposed overbuild development of Leaside Station with a 35-storey mixed use building. The proposed overbuild of the Leaside Station will result in increased residential population that support transit ridership on the Eglinton Crosstown LRT and allow residents to take advantage of the shops, services, restaurants and other facilities in the surrounding area. Accordingly, in the letter that was provided, we requested that the Ministry of Municipal Affairs and Housing modify OPA 570 to revise Map 2 to increase the minimum densities from 2.0 FSI and 2.5 FSI to 3.5 FSI and 8.0 FSI.

In our opinion, the increase in the minimum density would be consistent with the province’s existing policy framework to optimize significant public infrastructure along the Eglinton Avenue Corridor. Further to this, it is also our opinion that this is supportive of the proposed policy changes to the Provincial Planning Statement (PPS) to have a more integrated provide-wide land use planning document.

New Provincial Policy Statement

The new Provincial Policy Statement, 2020 (“PPS”) provides policy direction on matters of provincial interest related to land use planning and development. The subject site is also subject to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended by Amendment No. 1 in 2020 (“the Growth Plan”), which sets out regional growth management policies for the Greater Golden Horseshoe area.

In 2022, the government initiated a review on approaches for leveraging the housing supportive policies of both documents, removing barriers and continuing to protect environment through a streamlined province-wide land use planning policy framework. The proposed policy changes to the PPS seek to ensure a house-supportive policy framework to further facilitate the implementation of the Housing Action Plan to meet the target of constructing 1.5 million new homes by 2031.

The Province is now seeking input on a proposed Provincial Policy Statement, that would replace the existing Provincial Policy Statement and a Place to Grow: Growth Plan for the Greater Golden Horseshoe. The proposed policies can be grouped under five pillars:

- Generate an appropriate housing supply
- Make land available for development
- Provide infrastructure to support development
- Balance housing with resources
- Implementation

With respect to Chapter 2: Building Homes, Sustaining Strong and Competitive Communities, proposed policy 2.1.4(a) notes that planning authorities should support the achievement of complete communities by accommodating an appropriate range and mix of land uses, housing options, transportation options with *multimodal* access, employment, public service facilities and other institutional uses, recreation, parks and open space and other uses to meet long-term needs. In our opinion, the proposal continues to be consistent with this provincial policy direction. In this regard, it is our opinion that the area surrounding Leaside Station, and generally at the intersection of Eglinton Avenue East and Bayview Avenue are appropriate for intensification that achieves transit-supportive densities to support and optimize the investment in transit. Moreover, with respect to housing, the proposal continues to provide a range of housing options in a truly mixed-use building with convenient access to high-order transit on the site.

From an intensification, it is our opinion that the new Provincial Policy Statement supports the overbuild of Leaside Station with a transit-oriented mixed-use development. Specifically, policy 2.2.1(c) requires planning authorities to promote densities for new housing, which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation. Similarly, policy 2.2.1(d) provides that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet the projected needs of current and future residents by requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations. In our opinion, there is a strong policy direction to intensify in areas that are well serviced with higher-order transit, including the air right above transit stations such as is the case of the proposal. Despite the minimum density targets that are proposed for the subject site, the proposed overbuild of the Leaside Station with a 35-storey mixed use building (with market and rental dwelling units) will provide a range of housing options integrated with transit.

Further, policy 2.3.3 provides that planning authorities should support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.

From a density perspective, In our opinion, our suggested increases in the minimum densities would be consistent with the planned context of the Leaside PMTSA and would support the broader policy goals of the new Provincial Policy Statement by furthering the integration of land use and transportation planning within an transit station area. In our view, the proposed modification to OPA 570 would assist in facilitating improvements to the Eglinton Avenue corridor and the optimization of the existing and planned transit infrastructure investment in the area. Increasing the minimum densities would help ensure that new developments achieve the forecasts in the Growth Plan, the Official Plan, the Yonge and Eglinton Secondary Plan and the Metrolinx Regional Transportation Plan and will provide the appropriate ridership for the transit facilities.

Given the subject site's location in a strategic growth area and a major transit station area, policy 2.4.2(6), provides that all major station areas should be planned and designed to be transit-supportive and achieve multimodal access to stations. In our opinion, the proposed policies emphasize and support the importance of integrating land use and infrastructure planning, and the need to optimize the use of the land supply and infrastructure by encouraging the development of complete communities and promoting transit-supportive development adjacent to existing and planned higher order transit. In this respect, the subject site is located within the Leaside Protected Major Transit Station Area and is currently under construction for the new Leaside station on the Eglinton-Crosstown LRT line.

It is our understanding that the overall policy direction in the new Provincial Policy Statement supports the implementation and the timely construction of housing in transit-supportive developments to meet the needs of growing population and improve transit ridership. Further, the implementation of this proposal will support the Province's Transit Oriented Communities (TOC) Program objectives, as described in the attached Metrolinx Letter (**Attachment B**). In our opinion, the proposed development would be an appropriate candidate for a Ministerial Zoning Order (MZO), in support of the new PPS. A draft MZO has been attached in this Letter (See **Attachment C** – Draft MZO) for consideration by the Minister of Municipal Affairs and Housing.

Given the policy context as set out above, it is our opinion that optimizing the use of land and infrastructure on the subject site would be consistent with both good planning practice and the new Provincial Policy Statement, subject to achieving appropriate built form relationships. In this respect, to "optimize" means to make something "as fully perfect, functional, or effective as possible".

We trust that you will find the above satisfactory and we ask to be notified of any decision made by the Minister to approve the MZO request.

Yours truly,
Bousfields Inc.



David Charezenko, MCIP, RPP

cc: Country Wide Homes (Bayview Inc)

Att. OPA 570 Letter (Attachment A)
Metrolinx Letter (Attachment B)
Draft MZO (Attachment C)



January 31, 2023

Project No: 19406

Hon. Steve Clark, MPP, Minister
Ministry of Municipal Affairs and Housing
Municipal Services Office – Central Ontario
777 Bay Street – 13th Floor
Toronto, ON M7A 2J3

Attn: Jennifer Le

Dear Minister Clark:

***Re: Request to Modify City of Toronto OPA 570 Prior to Ministerial Approval ERO
File No. 019-5937
1779-1787 Bayview Avenue, Toronto***

Introduction

We are writing on behalf of Country Wide Homes (Bayview Inc), the owner of the lands municipally known as 1779-1787 Bayview Avenue (the “subject site”).

The subject site forms part of the Leaside Protected Major Transit Station Area (“PMTSA”) as delineated by Site and Area Specific Policy (“SASP”) 681 of Official Plan Amendment (“OPA”) 570, which was adopted by City Council on July 21, 2022.

On Map 2 of SASP 681, the majority of the subject site together with other lands designated *Mixed Use Areas* surrounding Leaside Station have a minimum density of 2.5 floor space index (“FSI”), while the southern portion of the subject site has a minimum density of 2.0 FSI. In our opinion, this minimum density is artificially low and is inconsistent with the existing policy framework, which encourages an integrated approach to transportation and land use planning, promotes the development of complete communities, and supports the optimization and efficient use of land and infrastructure within the built-up areas that are well served by municipal infrastructure, including higher-order public transit.

In particular, a minimum density of 2.0 and 2.5 FSI as identified for the subject site, is significantly lower than the proposed density of 8.83 FSI, which would result from the proposed overbuild development of Leaside Station with a 35-storey mixed use building.

The proposed overbuild of the Leaside Station will provide an increased residential population that support transit ridership on the Eglinton Crosstown LRT and allow residents to take advantage of the shops, services, restaurants and other facilities in the surrounding area.

Further, the minimum densities of 2.0 and 2.5 FSI proposed for the subject site and other lands designated *Mixed Use Areas* and *Apartment Neighbourhoods* surrounding Leaside Station are significantly lower than recently proposed and approved densities within the Leaside PMTSA, as listed in **Table 1** below.

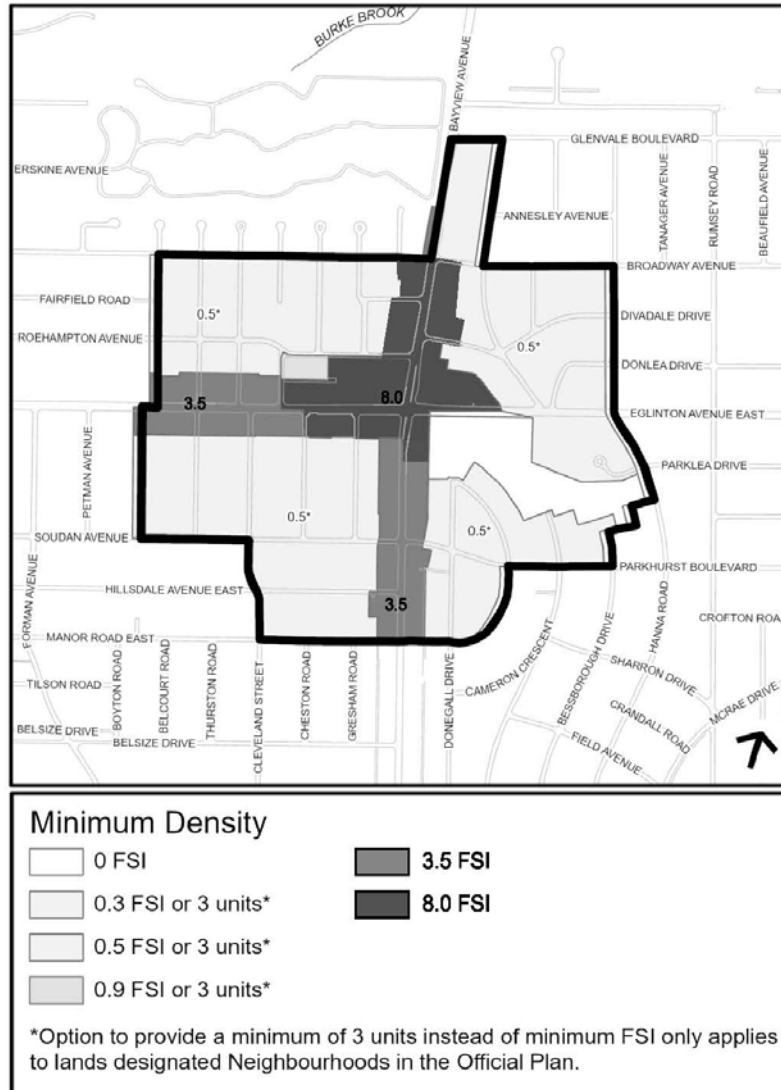
Accordingly, we are writing to request that the Ministry of Municipal Affairs and Housing modify OPA 570 as follows:

- **Revise SASP 681 Map 2 – “Minimum Densities, Leaside Protected Major Transit Station” to increase the minimum densities from 2.0 FSI and 2.5 FSI, to 3.5 FSI and 8.0 FSI, as indicated on Figure 1 below and as attached to this letter as Attachment A.**

For the reasons outlined in this letter, it is our opinion that the minimum density should be increased from 2.5 FSI to 8.0 FSI within the *Mixed-Use Areas* and *Apartment Neighbourhoods* and a small portion of *Neighbourhoods* designated lands at the Eglinton Avenue East and Bayview Avenue intersection, on **Figure 1** below, which would be consistent with the province’s policy framework to optimize significant public infrastructure along the Eglinton Avenue Corridor. To provide appropriate transitions from the immediate area surrounding Leaside Station, it is our opinion that the minimum density for the surrounding *Mixed Use Areas* and *Apartment Neighbourhoods* designated lands along Eglinton Avenue and Bayview Avenue within the Leaside PMTSA should be increased from 2.0 FSI to 3.5 FSI.

Figure 1 – Requested modification to Map 2 of SASP 681

Map 2 – Minimum Densities, Leaside Protected Major Transit Station Area



Application History & Development Proposal

An Official Plan Amendment, Rezoning and Site Plan Applications were submitted on October 18, 2022 to permit the overbuild development of the Leaside Station with a 35-storey mixed use building containing 373 dwellings units (of which 10 are rental replacement units) with a total Gross Floor Area of 27,846 square metres, resulting in a density of 8.83 FSI and was subsequently deemed completed on December 15, 2022. A Rental Housing Demolition and Conversion Application was also submitted concurrently with the planning applications.

Site and Surroundings

The subject site is located at the southeast corner of Eglinton Avenue East and Bayview Avenue and consists of an assembly of three properties, municipally known as 1779-1781, 1783-1785 and 1787 Bayview Avenue. The subject site is generally rectangular in shape and has generous frontages on Eglinton Avenue and Bayview Avenue.

The subject site is currently occupied by the Leaside Station on the Eglinton Crosstown LRT line (1787 Bayview Avenue) and two 2-storey multiplex buildings (1779-1781 Bayview Avenue and 1783-1785 Bayview Avenue).

To the immediate north of the subject site, at the northeast corner of Eglinton Avenue East and Bayview Avenue is a 1- to 2- storey retail plaza, which has been approved for redevelopment with two mixed-use buildings of 19 and 13 storeys (660 Eglinton Avenue East). Further north are additional residential buildings, including a 9-storey 'L' shaped building (1801 Bayview Avenue), a 'C' shaped 5-storey residential building (1833 Bayview Avenue) and single and semi-detached houses. At the northwest corner of Eglinton Avenue East and Bayview Avenue is the secondary entrance to the Leaside station on the Eglinton Crosstown LRT, which is currently under construction.

To the immediate east of the site is the Howard Talbot Park, the Leaside Lawn Bowling Club (190 Hanna Road). Moving further east, along Eglinton Avenue East is the Leaside High School (200 Hanna Road) and low-rise residential community made up primarily of detached houses.

To the immediate south of the subject site are two storey multiplex buildings on the east side of the Bayview Avenue. Moving further south, 1745 Bayview Avenue is a 2-storey detached building with retail on the main floor and residential above, followed by 1741 Bayview Avenue consisting of a 3 ½-storey residential apartment building. Further south is a strip of 2-storey commercial uses at grade and residential units on the top floor along both sides of Bayview Avenue.

To the immediate west of the subject site are semidetached houses with frontages on Bayview Avenue including 1736 Bayview Avenue, followed by two identical semidetached

dwellings at 1738-1740 and 1742-1744 Bayview Avenue. The property at 1746 Bayview Avenue is a single-storey Dentist office followed by a single-storey residential dwelling at 1748 Bayview Avenue which is approved for a 9-storey mixed use building.

Policy and Regulatory Framework

Provincial Policies

The Provincial Policy Statement, 2020 (“PPS”) provides policy direction on matters of provincial interest related to land use planning and development. The subject site is also subject to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended by Amendment No. 1 in 2020 (“the Growth Plan”), which sets out regional growth management policies for the Greater Golden Horseshoe area.

With respect to the PPS, one of the key policy directions expressed in the PPS is to build strong communities by promoting efficient development and land use patterns. To that end, Part V of the PPS contains a number of policies that promote intensification, redevelopment and compact built form, particularly in areas well served by public transit. Specifically, Policy 1.1.3.2 supports densities and a mix of land uses which efficiently use land, resources, infrastructure and public service facilities and which are transit-supportive, where transit is planned, exists or may be developed. Policy 1.1.3.3 directs planning 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 and the availability of suitable existing or planned infrastructure and public service facilities.

The Growth Plan policies emphasize the importance of integrating land use and infrastructure planning, and the need to optimize the use of the land supply and infrastructure. Key objectives in the Growth Plan support the development of complete communities and promote transit-supportive development adjacent to existing and planned higher order transit. This is further emphasized in Section 2.1 of the Plan:

“To support the achievement of complete communities that are healthier, safer, and more equitable, choices about where and how growth occurs in the GGH need to be made carefully. Better use of land and infrastructure can be made by directing growth to settlement areas and prioritizing intensification, with a focus on strategic growth areas, including urban growth centres and major transit station areas, as well as brownfield sites and greyfields. Concentrating new development in these areas provides a focus for investments in transit as well as other types of infrastructure and public service facilities to support forecasted growth, while also supporting a more diverse range and mix of housing options... It is important that we maximize the benefits of land use planning as well as existing and future investments in infrastructure so that our communities are well-positioned to leverage economic change.”

The subject site is located within a “strategic growth area” pursuant to the Growth Plan (i.e. a focus for accommodating intensification and higher-density mixed uses in a more compact built form). “Strategic growth areas” include urban growth centres, major transit station areas, and other major opportunities that may include infill, redevelopment, brownfield sites, the expansion or conversion of existing buildings, or greyfields.

In this respect, the subject site is located within a “major transit station area” as defined by the Growth Plan, as it is located within the Leaside Protected Major Transit Station Area and is currently under construction for the new Leaside station on the Eglinton-Crosstown LRT line.

Planning for major transit station areas is addressed in Section 2.2.4. Policy 2.2.4(2) requires the City of Toronto to delineate the boundaries of “major transit station areas” on priority transit corridors or subway lines “in a transit supportive manner that maximizes the size of the area and the number of potential transit users that are within walking distance of the station”. Policy 2.2.4(3)(b) goes on to require that “major transit station areas” priority transit corridors or subway lines will be planned for a minimum density target of 160 residents and jobs combined per hectare for those that are served by light rail transit or bus rapid transit”.

With regard to targets, Policy 5.2.5(1) provides that the minimum intensification and density targets are minimum standards and municipalities are encouraged to go beyond these minimum targets, where appropriate, except where doing so would conflict with any policy of the Growth Plan, the PPS or any other provincial plan.

Policy 2.2.1(4) states that applying the policies of the Growth Plan will support the achievement of complete communities that, among other things, feature a diverse mix of land uses including residential and employment uses, and convenient access to local stores, services, and public service facilities; expand convenient access to a range of transportation options and public service facilities; and provide for a more compact built form.

With respect to forecasted growth, Schedule 3 of the Growth Plan, as amended by Growth Plan Amendment No. 1, forecasts a population of 3,650,000 and 1,980,000 jobs for the City of Toronto by 2051. The 2016 Census data indicates that population growth in Toronto is continuing to fall short of the past and updated Growth Plan forecasts. The City’s population growth from 2001 to the 2016 population of 2,822,902 (adjusted for net Census undercoverage) represents only 73.2% of the growth that would be necessary on an annualized basis to achieve the population forecast of 3,650,000 by 2051.

OPA 405 – Yonge and Eglinton Secondary Plan

On July 27, 2018, the City of Toronto Council enacted By-law 1284-2018, adopting Official Plan Amendment (OPA) 405, which included a new Yonge-Eglinton Secondary Plan and

associated amendments to Section 2.2.2 and Maps 3 and 17 of the Official Plan. Lands within the Secondary Plan area are identified as being within one of 22-character areas in five categories: Apartment High Streets, Midtown Apartment Neighbourhoods, Midtown Villages, Midtown Cores and Midtown Special Places. The subject site is within the Bayview Focus Area, one of four Midtown Cores.

With respect to building height, Policy 5.4.3 provides that the anticipated height range in the Bayview Focus Area will be 20 to 35 storeys.

As it pertains to transit, Map 21-3 of the Secondary Plan identifies the Midtown Transit Station Areas and their respective boundaries, which include areas within 250 to 500 metres radii of stations with the intention of maximizing the size of the area and the number of potential transit users within walking distance of each station. The Midtown Transit Station Areas will be planned to accommodate higher density development to optimize return on investment and increase the efficiency and viability of existing and planned transit service levels (Policy 2.4.1). Policy 2.4.1.3 provides that the highest density of development shall be located in close proximity to existing or proposed higher order transit stations.

In this regard, the subject site is located in the "Station Area Core" within the Leaside Station Transit Area, as shown on Map 21-3. The Station Area Core is described as including the transit station(s), residential intensification, a concentration of office uses and collectively greater intensity than in the Secondary Zone (Policy 2.4.2).

OPA 570

At its meeting on July 21, 2022, City Council adopted OPA No. 570, which included the delineations of 57 PMTSAs throughout the City and introduced new SASPs for the 57 PMTSAs.

As it relates to the subject site, OPA 570 introduced SASP 681, which applies to the Leaside PMTSA, and encompasses the Subject site. SASP 681 specifies a minimum population and employment target of 200 residents and jobs combined per hectare, with a minimum density of 2.0 and 2.5 FSI specified for the Subject site.

Zoning

The East York (Leaside) Zoning By-law 1916, split zones the site as Commercial Zone C1 with a height limit of 12.2 metres and High Density Residential R3A, with a height limit of 8.5metres.

Under the Toronto City-wide Zoning By-law 569-2013, the Subject site is Commercial Residential ("CR"), which permits a maximum FSI of 2.2 and a maximum height of 16.0 metres. Both the East York (Leaside) Zoning By-law 1916 and the Toronto City-wide Zoning

By-law permit a number of residential uses.

Planning Opinion

The PPS, Growth Plan and City of Toronto Official Plan all support intensification on sites well-served by municipal infrastructure, and in particularly higher-order transit. In this regard, it is our opinion that the area surrounding Leaside Station, at the intersection of Eglinton Avenue East and Bayview Avenue are appropriate for intensification that achieves transit-supportive densities to support and optimize the investment in transit.

From an urban structure perspective, densities typically peak on sites that are located adjacent to higher-order transit stations, including LRT stations, and decrease away from the stations. In our opinion, a higher density for the lands surrounding the intersection of Eglinton Avenue East and Bayview Avenue, is desirable and appropriate within the existing and planned context of Leaside Station. The Official Plan and in particular the Secondary Plan directs the highest density of development to be located in close proximity to existing or proposed higher order transit stations. Accordingly, the properties with the greatest achievable densities are to be located on *Mixed Use Areas* and *Apartment Neighbourhoods* designated lands in close proximity to Leaside Station.

The highest minimum density included in SASP 673 is 2.5 FSI, including the lands immediately adjacent to and integrated with Leaside Station. This area is identified by the Secondary Plan as the Station Area Core zone, where the highest densities of development are planned to be located. It is our opinion that the minimum density of 2.5 FSI is artificially low and not reflective of the policy directions intended for PMTSAs. Furthermore, given the area's immediate adjacency to higher-order transit, this low minimum density would not achieve the level of intensification envisioned by the applicable policy framework and will likely be challenged to exceed the minimum growth targets for MTSA's.

Further, the Secondary Zone is identified in the Secondary Plan for the lands immediately surrounding the Station Area Core zone. This zone is intended to provide the appropriate transitions from the highest densities in the Leaside Station Core Area. *Apartment Neighbourhoods* and *Mixed Use Areas* designated properties along Eglinton Avenue and Bayview Avenue in the Secondary zone of the PMTSA should have a corresponding minimum density of 3.5 FSI. In our opinion, the minimum density of 0.5 given to the surrounding *Neighbourhood* designated properties located within the PMTSA are appropriate.

In our opinion, greater intensification within the Station Area Core zone and Secondary zone of the Leaside Station PMTSA are desirable and appropriate. As such, we believe that the minimum densities should be increased to reflect the existing and planned urban structure of the Leaside PMTSA, and support the policy framework, including policy objectives within Provincial Plans, the Official Plan and Secondary Plan to support the optimization and efficient use of land and infrastructure within MTSA's.

Table 1 below summarizes planned and approved densities in in proximity to the Leaside Station. Recently approved and planned densities within the Leaside PMTSA range from approximately 3.45 FSI to 14.75 FSI, which is significantly higher than the highest minimum densities contained in SASP 681.

Table 1 – Planned and Approved Densities within the Bayview Character Area

Address	Proposed Minimum Densities (SASP 681)	Approved/Proposed FSI	Status	Approved/Proposed Building Heights (storeys)	Land Use Designation
660 Eglinton	2.5	3.45	Approved	13 and 19	Mixed Use Areas
1779-1787 Bayview Avenue	2.5/2.0	8.83	Proposed	35	Mixed Use Areas/ Neighbourhoods
586 Eglinton Avenue	2.5	13.13	Proposed	32	Mixed Use Areas
589 Eglinton Avenue	2.5	13.42	Proposed	35	Mixed Use Areas
1837 Bayview Avenue	2	8.7	Proposed	25	Mixed Use Areas
2 Glazenbrook Avenue	2	13.78	Proposed	34	Mixed Use Areas
1840 Bayview Avenue	2	14.75	Proposed	34	Mixed Use Areas
537 Eglinton Avenue	2	10.61	Proposed	25	Apartment Neighbourhoods
503 Eglinton Avenue	2	6.57	Proposed	12	Apartment Neighbourhoods
1710 Bayview Avenue	2	4.14	Approved	9	Mixed Use Areas
701 Soudan Avenue	2	3.53	Approved	8	Mixed Use Areas
492 Eglinton Avenue	2	4.8	Approved	10	Apartment Neighbourhoods

Given the current planning framework, the planned densities in the Leaside PMTSA, and the planned and approved densities within the PMTSA , we are writing to request that the Minister increase the minimum densities for the Station Area Core and Secondary zones within the

Leaside PMTSA to the minimum densities illustrated on **Figure 1** above and **Attachment A**.

In our opinion, the suggested minimum densities would be consistent with the planned context of the Leaside PMTSA and would support the broader policy goals of the PPS, Growth Plan and the Official Plan by furthering the integration of land use and transportation planning within an identified intensification area. In our view, the proposed modification to OPA 570 would assist in facilitating improvements to the Eglinton Avenue corridor and the optimization of the existing and planned infrastructure and investment in the area. Increasing the minimum densities would help ensure that new developments achieve the forecasts in the Growth Plan, the Official Plan, the Yonge and Eglinton Secondary Plan and the Metrolinx Regional Transportation Plan.

Given the policy context as set out above, it is our opinion that optimizing the use of land and infrastructure on the subject site would be consistent with both good planning practice and the overarching Provincial and City policy directions, subject to achieving appropriate built form relationships. In this respect, to “optimize” means to make something “as fully perfect, functional, or effective as possible”.

We trust that you will find the above satisfactory and we ask to be notified of any decision made by the Minister in connection with this matter.

Yours truly,
Bousfields Inc.



David Charezenko, MCIP, RPP

cc: Country Wide Homes (Bayview Inc)



May 26, 2023

Country Wide Homes
1500 Highway 7
Concord, ON L4K 5Y4

Attention: Sam Balsamo

Re: 1779-1781 Bayview Avenue - Country Wide Homes (Bayview) Inc. Proposed Development

Metrolinx, as an agency of the Government of Ontario, under the *Metrolinx Act, 2006*, has a mandate to work with government, private sector, and other stakeholders to create an integrated transportation system that supports a high quality of life, a more prosperous economy, and a healthier environment. As we continue to advance new transit infrastructure enabling the development of new housing and jobs, Country Wide Homes (Bayview) Inc. (CWH) proposal for a 35-storey mixed use development (the "**CWH Development**"), located at 1779-1781 Bayview Avenue, is a great example of integrated development and supports the Province's Transit Oriented Communities (TOC) Program objectives.

The CWH Development has been designed, in coordination with Metrolinx, as an overbuild of the main entrance to Leaside Station of the Eglinton Crosstown Light Rail Transit (ECLRT) and protects existing and future transit infrastructure and operations. Metrolinx and CWH have been coordinating the overbuild of Leaside Station with the CWH Development since 2014 and will continue to work together through the implementation phase.

Nothing in this letter is intended to derogate from, interfere with, or fetter the exercise by Metrolinx of any of its authority as a commenting authority in connection with developments constructed adjacent to a Metrolinx Light Rail Transit (LRT) corridor nor prevent Metrolinx or prejudice it from requesting that the City of Toronto impose on the CWH Development Metrolinx's Adjacent Development Guidelines. Nothing in this letter is intended to derogate from, interfere with or fetter the exercise by the City of Toronto of its authority as a municipality nor prevent the City of Toronto or prejudice it from carrying out its statutory discretion and responsibilities, including planning and other authority and responsibilities as an approval body.

Should you require anything further, please do not hesitate to contact me by email at:
Meghan.Wong@metrolinx.com.

Kind regards,

A handwritten signature in black ink, appearing to read 'M. Wong', written in a cursive style.

Meghan Wong
Vice President, Development

Cc:

- Alex Beduz, Planning & Development, Condor Properties
- Davide Pellegrini, Manager, Condor Properties
- Phil Taberner, Vice President, ECLRT
- Kanivanan Chinniah, Head Sponsor, Rapid Transit, Metrolinx
- Anthony Boland, Director (A), Development, Metrolinx

ONTARIO REGULATION ____/23

made under the

PLANNING ACT

Made: ____, 2023

Filed: ____, 2023

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Printed in *The Ontario Gazette*: ____, 2023

ZONING ORDER - CITY OF TORONTO

Definitions

1. In this Order,

“Zoning By-law” means Zoning By-law 569-2013 of the City of Toronto.

Application

2. (1) This Order applies to lands in the City of Toronto, in the Province of Ontario, described as Part of Lots 371, 372, 373, 374, and 375, on Registered Plan Number 1908, and further identified by Property Identification Number 10386-003 (LT), 10286-004 (LT) and 10386-005 (LT) registered in the Land Registry Office for the Land Titles Division of Toronto (No. 80).
(2) For the purpose of this Order, the lands described in subsection (1) shall be considered to be a single lot.
(3) Despite any existing or future severance, partition or division of the lot, the provisions of this Order apply to the whole of the lot as if no severance or division has occurred.
(4) the following rules apply with respect to the portion of a building or structure on the lands described in subsection (1) if the portion is to be occupied by a transportation use or a passenger terminal:
 1. The Zoning By-law does not apply.
 2. Section 6 does not apply.

Non-application of s. 114 of the *City of Toronto Act, 2006*, site plan control area

3. Section 114 of the *City of Toronto Act, 2006* does not apply to the lands described in section 2 of this Order.

Matters that may be dealt with in agreement

4. Each person who owns all or any part of the lands described in Section 2 shall enter into one or more agreements with the City of Toronto dealing with the matters listed in subsection 47(4.4) of the Act.

Permitted uses

5. (1) Every use of land and every erection, location or use of any building or structure is prohibited on the lands described in section 2, except for,
 - (a) the uses permitted under Article 40.10.20 of the Zoning By-law;
 - (b) dwelling units; and
 - (c) Car shares.

“car share” means the practice of a number of persons sharing the use of one or more motor vehicles that are owned by a for-profit or non-profit car-sharing organization and that are made available for short-term rental, including hourly rental.

Zoning requirements

6. (1) In this section,

“established grade” means the Canadian Geodetic Datum elevation of 146.47 metres;

“height” means the vertical distance between established grade and the highest point of a building or structure being measured.

(2) The zoning requirements for the lands described in section 2 are as follows:

1. Clause 40.10.20.100 and Chapter 150 of the Zoning By-law do not apply to the following uses:
 - i. Entertainment places of assembly.
 - ii. Outdoor patios.
 - iii. Outdoor sales and displays as long as the area for the outdoor sales or displays is not located in areas required by this Order or the Zoning By-law for parking spaces, loading spaces or driveways.
 - iv. Retail services.
 - v. Retail stores with beverage manufacturing use for beer, cider or wine.
 - vi. Transportation uses.
 - vii. Electric vehicle charging stations where no vehicle fuels are sold to the public.
 - viii. Vehicle washing establishments located below the finished ground surface.
2. No dwelling units may be located in the first storey of a building.
3. In addition to the requirements of clause 40.5.40.40 of the Zoning By-law as they relate to the reduction of the gross floor area, the gross floor area of a non-residential building or a mixed-use building is also reduced by the area in the building used for amenity space, mezzanine levels, atrium areas, mechanical penthouses, inset balconies and passenger terminal or transportation use.
4. The maximum gross floor area of all buildings and structures on the lands described in section 2, excluding the area of a building or structure for passenger terminal or transportation uses, must not exceed 30,000 square metres.
5. The first floor of a building located on the lands described in section 2, must be used only for non-residential uses or ancillary residential uses, including residential lobby entrances, mail rooms and amenity space.
6. A minimum of 25 per cent of the total number of dwelling units in a building must contain two or more bedrooms.
7. A minimum of 10 per cent of the total number of dwelling units in a building must contain three or more bedrooms.
8. There is no minimum building setback or minimum building separation requirement for any portion of a building or structure below the finished ground surface.
9. Any part of a building or structure located on the lands described in section 2, is subject to the following zoning requirements:
 - i. There is a minimum building setback of 2.5 metres from the west lot line.
 - ii. Despite subparagraph i, at or above a height of 35.5 metres, there is a minimum building setback of 5.0 metres from the west lot line.
 - iii. There is a minimum building setback of 1.5 metres from the north lot line.
 - iv. Despite subparagraph iii, at or above a height of 28.5 metres, there is a minimum building setback of 6.8 metres from the north lot line.
 - v. There is a minimum building setback of three metres from the east lot line.
 - vi. Despite subparagraph v, at or above a height of 28.5 metres, there is a minimum building setback of 5.0 metres from the east lot line.
 - vii. There is a minimum setback of 2.1 metres from the south lot line.
 - viii. Despite subparagraph vii, at or above a height of 9.0 metres, there is a minimum building setback of 5.1 metres from the south lot line.
 - ix. Despite subparagraph vii, at or above a height of 21.3 metres, there is a minimum building setback of 7.1 metres from the south lot line.
 - x. Despite subparagraph vii, at or above a height of 35.5 metres, there is a minimum building setback of 38 metres from the south lot line.
10. The maximum height of any building or structure located on the lands described in section 2, is 122 metres.
11. Above a height of 35.5 metres, the gross floor area of each floor level in a building that is located on the lands described in section 2, must be no more than 750 square metres.

12. Projections associated with the following structures may encroach into the minimum building setbacks and minimum building separation distances and may project beyond the maximum building heights set out in paragraphs 9 to 11:
- i. Structures used in connection with green roofs.
 - ii. Parapets, railings and dividers.
 - iii. Access hatches.
 - iv. Roof assemblies.
 - v. Vents, chimneys, stacks and flues.
 - vi. Balconies.
 - vii. Light fixtures.
 - viii. Guardrails.
 - ix. Decks.
 - x. Pavers.
 - xi. Telecommunication equipment.
 - xii. Exit stairs.
 - xiii. Stair enclosures.
 - xiv. Wheelchair ramps.
 - xv. Retaining walls.
 - xvi. Landscape and art features.
 - xvii. Planters.
 - xviii. Elements related to drainage.
 - xix. Structures and elements associated with green energy and renewable energy facilities.
 - xx. Mechanical penthouses.
 - xxi. Elevators and related enclosures.
 - xxii. Supporting columns and structures.
 - xxiii. Structures for outdoor amenity space or open-air recreation.
 - xxiv. Structures for safety.
 - xxv. Window washing equipment.
 - xxvi. Wind screens.
 - xxvii. Eaves and sills.
 - xxviii. Screens.
 - xxix. Ornamental and architectural structures.
 - xxx. Garage ramps.
 - xxxi. Stairs, covered stairs and stair enclosures associated with an entrance or exit from an underground parking garage.
 - xxxii. Awnings.
 - xxxiii. Canopies.
 - xxxiv. Cornices.
13. A publicly accessible pedestrian walkway extending from the west lot line to the east lot line and meeting the following requirements must be provided at the finished ground surface:
- i. The minimum width of the walkway is 2.1 metres, which must be free and clear of the projections set out in paragraph 11.
14. Amenity space must be provided in accordance with clause 40.10.40.50 of the Zoning By-law, with the exception that amenity space for non-residential gross floor area is no required.

15. The following parking space requirements apply to the lands described in section 2:
 - i. A maximum of 138 parking spaces may be provided.
 - ii. A minimum of 6 parking spaces must be provided for residential visitors.
 - iii. No parking spaces will be required for non-residential uses.
 - iv. The parking spaces required under this paragraph may be provided on a non-exclusive basis and may be provided within a public parking facility.
16. Parking spaces must meet the minimum dimensions set out in clause 200.5.1.10 of the Zoning By-law, except that a maximum of five per cent of the total number of parking spaces may have a length of 5.2 metres and a width of 2.6 metres.
17. A vehicle entrance or exit to a building may be less than six metres from the lot line abutting the street.
18. Long-term bicycle parking spaces within a building may be located above or below established grade.
19. The minimum width of a bicycle parking space is 0.4 metres.
20. Long-term bicycle parking spaces and short-term bicycle parking spaces may be located within stacked bicycle parking spaces.
21. A short-term bicycle parking space may be located anywhere.
22. Clause 40.10.40.1 of the Zoning By-law does not apply with respect to the location of entrances and the first-floor elevation.
23. Clauses 5.10.40.70, 40.10.40.70 and 40.10.40.80 and Article 600.10 of the Zoning By-law do not apply with respect to building setbacks and separation distances.
24. Clauses 40.5.40.10 and 40.10.40.10 of the Zoning By-law do not apply with respect to height.
25. Clauses 40.5.40.60 and 40.10.40.60 of the Zoning By-law do not apply with respect to encroachments.
26. Regulation 200.5.1.10 (12) (C), clause 200.5.200.40, Articles 200.5.10 and 200.10.1 and Table 200.5.10.1 of the Zoning By-law do not apply with respect to parking spaces.
27. Section 600.20 of the Zoning By-law does not apply with respect to priority retail streets.

Inclusionary zoning

7. Article 600.30 of the Zoning By-law does not apply to the lands described in section 2.

Terms of use

8. (1) Every use of land and every erection, location or use of any building or structure shall be in accordance with this Order.
 - (2) Nothing in this Order prevents the use of any land, building or structure for any use prohibited by this Order if the land, building or structure is lawfully so used on the day this Order comes into force.
 - (3) Nothing in this Order prevents the reconstruction of any building or structure that is damaged or destroyed by causes beyond the control of the owner if the dimensions of the original building or structure are not increased and its original use is not altered.
 - (4) Nothing in this Order prevents the strengthening or restoration to a safe condition of any building or structure.

Deemed by-law

10. This Order is deemed for all purposes, except the purposes of section 24 of the Act, to be and to always have been a by-law passed by the council of the City of Toronto.

Commencement

11. **This Regulation comes into force on the day it is filed.**

Made by:



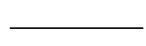
STEVE CLARK
Minister of Municipal Affairs and Housing

Date made:

Lt 372 PI 1908 Twp Of York; Pt Lt 371 PI 1908 Twp Of York; Pt Lt 373 PI 1908 Twp Of York; Pt Lt 374 PI 1908 S/e Pt 1 PI Rs363 And Pt 1, PI Rs648, Twp Of York As In Tb73412; Pt Lt 374 PI 1908 Twp Of York; Pt Lt 375 PI 1908 Twp Of York As In Ca349899; S/t And T/w Ca349899, Pt Lt 375 PI 1908 Twp Of York; Pt Lt 376 PI 1908 Twp Of York As In Ca578582; S/t And T/w Ca578582 Toronto , City Of Toronto

ADDRESS: 1779-1787 Bayview Avenue



-  Lands Subject to Zoning Order
-  Assessment Parcel
-  Road

