

TORONTO STAFF REPORT

December 6, 2004

To: Toronto and East York Community Council

From: Director, Community Planning, South District

Subject: Preliminary Report
Official Plan Amendment & Rezoning Application 04 192570 STE 27 OZ
Applicant: Amy Shepherd, IBI Group
Architect: Page+Steele
121 Avenue Rd
Ward 27 - Toronto Centre-Rosedale

Purpose:

To provide preliminary information on the above-noted application and to seek Community Council's directions on further processing of the application and on the community consultation process.

Financial Implications and Impact Statement :

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) staff be directed to schedule a community consultation meeting together with the Ward Councillor;
- (2) notice for the community consultation meeting be given to landowners and residents within 120 metres of the site; and
- (3) notice for the Public Meeting under the Planning Act be given according to the regulations under the Planning Act.



Background:

On April 24, 1995, the historic church building located at 121 Avenue Road, formerly known as St. Paul's Methodist Church, was destroyed by fire.

Only July, 24, 1995 Council passed Interim Control By-law No. 1995-0509 with respect to 121 Avenue Road. The purpose of the Interim Control By-law was to undertake a review respecting the land use policies for 121 Avenue Road.

On July 2, 1996, Council amended and adopted Land Use Committee (LUC) Report 10, Clause 17, respecting 121 Avenue Road, to, among other things:

- change the base Official Plan designation applicable to the east half of the lot from "Low Density Mixed Commercial-Residential Area" to "Low Density Residence Area";
- change the base zoning classification applicable to the east half of the lot from "CR T2.0 C2.0" to "R3 Z1.0";
- change the Height Limit applicable to the east half of the lot from 14.0 metres to 12.0 metres;
- introduce a new Section 12(2) Restrictive Exception to prohibit certain non-residential uses, in the CR zone applicable to the west half of the lot.

Subsequent to Council's approval of the amendment to the planning controls, the then owner's solicitor appealed to the Ontario Municipal Board (OMB), claiming that the changes amounted to a prejudicial down zoning.

Also, just prior to Council's adoption of the draft by-laws, the owner applied for Site Plan Approval on (June 13, 1996) for 29 residential dwelling units and retail uses, which would have been generally permitted by the previous Official Plan designation and Zoning, but not the new planning controls. The Site Plan application was also appealed to the OMB.

The property was sold by the applicant /appellant to Riva Glade Holdings Inc. before the development dispute was heard by the OMB.

The new owner submitted a new site plan application for 4-freehold detached houses facing Webster Avenue and a 1-storey commercial building fronting on Avenue Road. The development proposal was supported by planning. The outstanding appeal before the OMB was settled between the new owner and the City. The OMB approved the amendment to Zoning By-law No. 438-86 in respect to 121 Avenue Road. The site-specific zoning prescribed the use, bulk, height and spacing of the buildings and included a new restrictive exception be added to Section 12 (2) of the Zoning By-law to restrict a restaurant use to a size limit not exceeding 400 square metres.

On February 17, 1998 the owner applied to the Committee of Adjustment to sever the site into five parcels of land for the construction of a one-storey commercial building (Western Parcel) and four detached homes, including the granting of easements and/or right-of-ways.

The site was then sold to a JR and MA Investments who went back to the Committee of Adjustment to sever the site into seven parcels of land and construct seven 3-storey (12 metres) row houses which were granted by the Committee on February 11, 1999. The seven row houses have since been constructed. In 1999/ 2000, a site plan application and building permit was submitted for a 3-storey office building with 1 level below grade parking for the parcel of land fronting Avenue Road (121 Avenue Road site) by Core Architects, which was later abandon by the applicant.

Comments:

Proposal

The applicant is proposing to develop the site and construct a seven storey (26.6 metre) mixed-use building accomodating; 3 floors of office space (1,476.4 square metres total), 3 floors of residential space for 3-residential units, two grade-related retail spaces (approximately 80 square metres total) and 12 stacked vehicular parking spaces at grade.

Vehicular access is proposed from Webster Avenue. Webster Avenue is one way west bound. Therefore, cars would access the site by Hazelton Avenue through the Yorkville neighbourhood.

Site Description

No. 121 Avenue Road is a 1,878 square metre vacant lot located on the south-east corner of Avenue Road and Webster Avenue.

Surrounding Area

The east side of Avenue Road, south of the subject site to Yorkville Avenue, contains a mixture of mid and low-rise buildings used for a variety of retail, office and residential purposes. The east side of Avenue Road, north of Webster Avenue to Davenport Road, contains low-scale retail uses, an automobile service station and at 165 Avenue Road a 6-storey bank and office development. The properties facing Webster and the north portion of Hazelton Avenue contain low-scale residential uses.

Former City of Toronto Official Plan

The former City of Toronto Official Plan designates the site as 'Low Density Mixed-Commercial Residential Area'. (Attachment 7) This designation permits a full range of commercial, residential and institutional uses at a maximum density of 3.0 times the area of the lot. Section 13.2 defines *Low Density Mixed Commercial-Residential Areas* as areas containing a mix of uses in low-rise form, generally within the range of 3 to 5 storeys.

Former City of Toronto North Midtown Part II Plan

This site is located within the North Midtown Part II Plan area. It is a policy of the plan to protect *Residence Areas* from adverse effects of abutting *commercial* uses.

New Toronto Official Plan

At its meeting of November 26-28, 2002, Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board. No hearing date has been set. Once the plan comes into force and effect, it will designate the site as a 'Mixed Use Area' within the "Downtown".

Policies pertaining to Mixed Use Areas are described in Chapter 4.5 of the New Official Plan. Mixed Use Areas permit a broad array of commercial uses and are intended to absorb much of the new housing in Toronto in the coming decades. The highest buildings and greatest intensity, will always occur in Mixed Use Areas within the Downtown, subject to applicable development criteria.

The new Official Plan sets criteria for development for Mixed Use Areas that are intended to contribute to the quality of life by requiring buildings to be located, planned and massed to amongst other things:

- provide a transition between areas of different development intensity, particularly providing setbacks from and stepping-down of building heights towards lower scale Neighbourhoods;
- locate and mass new buildings to minimize shadow impacts on adjacent Neighbourhoods during the spring and fall equinoxes;
- locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces; and
- Provide ground floor uses that enhance safety, amenity and animation of adjacent streets.

Provided that the criteria noted above are met, no amendment to the new Official Plan will be required.

Zoning

The site is zoned CR T2.0 C2.0 R2.0 by Zoning By-law No. 438-86 of the (former) City of Toronto (Attachment 8). The zoning permits a variety of residential dwelling types including an apartment building and a range of commercial uses and accessory uses. The maximum permitted gross floor area is limited to 2.0 times the area of the lot.

Site Specific Zoning By-law No. 1996-0340

The site-specific zoning prohibits automobile service type uses and restricts restaurants to a maximum of 400 square metres. The maximum building height permitted for is 14 metres.

Site Plan Control

An application for Site Plan Control has not been submitted at this time. The applicant will be required to submit a Site Plan Control application, which will be processed concurrently with the Official Plan and Zoning By-law amendment.

Bloor-Yorkville/North Midtown Urban Design Guidelines

At its meeting of July 20, 21 and 22, 2004, Council adopted the Bloor-Yorkville/North Midtown Urban Design Guidelines. Section 3.1.8 Avenue Road Corridor gives specific guidance for new development proposals located in Mixed Use Areas:

- 1) locate and mass new buildings to provide a transition between areas of different development intensity and scale, particularly providing setbacks from and stepping down of heights towards lower scale Neighbourhoods;
- 2) locate and mass new buildings to minimize shadow impacts on adjacent Neighbourhoods during the spring and fall equinoxes;
- 3) locate and screen service areas, ramps and garage storage to minimize the impact on adjacent streets and residences; and
- 4) provide good site access and circulation and an adequate supply of parking for residential and visitors.

New developments along the Avenue Road corridor should consider the importance of this street and reinforce it through excellence in design and a unified streetscape vocabulary. In order to provide for widened sidewalks, new buildings and additions should be set back at grade from the street line.

Reasons for the Application

The applicant's development proposal is for a density of 4.69 times the area of the lot which exceeds the density of 3.0 times the area of the lot permitted by City of Toronto Official Plan and also exceeds the zoning density of 2.0 times the area of the lot. The height of the proposed building is 26.6 metres (7-storeys) which exceeds the 14 metre height permitted in the site specific Zoning By-law No 1996-0340.

Other areas of non-compliance, if any, will be identified as a result of the zoning review currently being undertaken as part of the review process.

Issues to be Resolved

Building Siting, Massing and Height

The proposal is for a 7-storey (26.6 metres) building. The building is proposed to be constructed to the property line on three sides and setback 0.4 metres along Avenue Road. The vehicular drive is located on the east side of the building, which is covered by a trellis. The trellis is comprised of a 1.7 metre stone fence, with a 1.4 metre trellis structure for a total height of 3.1 metres (Attachment 5). The east wall of the building above the trellis structure is set back 3 metres (Attachment 2).

The proposed building height is substantially beyond the 14 metre limit permitted by the Zoning By-law and creates new shadow impacts on the low density residential area that abuts the site to the east. The north wall of the proposed building has no setback from the property line which is out of character with the established 5 metre setback of the existing townhouses.

The extent to which the sitting, massing and height of the proposed building may have to be altered will be determined through a detailed analysis of the submitted shadow studies and required 3-D modeling. The adequacy of the setback along Avenue Road and lack of a setback on Webster Avenue will have to be further reviewed.

Viability of Leasable Space

The proposed grade related uses that front on Avenue Road consists of two leasable spaces and the building's lobby. The two leasable spaces are approximately 40 square metres (422 square feet) each and are located on the south and north ends of the building. The building's lobby is situated between the two leasable spaces and is approximately 54 square metres (568 square feet). The remainder of the grade related area for the building is used for the 12-stacked vehicular parking spaces. The functional viability of the two small leasable spaces proposed will be examined as part of the review process.

Parking and Vehicular Access

Access to the proposed parking spaces would be from Webster Avenue via a 3.0 metre wide driveway. As Webster Avenue is one-way west bound, vehicles will have to access the site by traveling along Hazelton Avenue through the Yorkville neighbourhood. While the proposed building should generate a limited amount of traffic it would be desirable to explore the possibility of making Webster Avenue two way from Avenue Road to the eastern limit of the subject property. Likewise, the parking supply, driveway width and accessibility of the proposed parking stackers will be assessed by Works and Emergency Services staff.

Section 37 Agreement as pursuant to the Planning Act

The former City of Toronto Official Plan contains provisions pertaining to the exchange of public benefits for increased height and density for new developments pursuant to Section 37 of the Planning Act. If these public benefits cannot be included on site, a financial contribution in-

lieu is provided. Staff will continue to review with the applicant how this proposal can appropriately address these policies.

Outstanding Information/Studies

The following additional information is required to be submitted:

- i) site plan control application including landscape plan, streetscape plan and roof plan;
- ii) pedestrian level view study depicting the building from key vantage points in the immediate vicinity; and
- iii) south and east elevations illustrating the relationship of the proposed building in the context of abutting townhouses on Webster Avenue.

Further additional information may be required by other departments to whom this application has been circulated.

Conclusions:

This proposal has been given a preliminary evaluation through which a number of issues have been identified. The application is currently in circulation to other City departments for their review. This application should proceed to a public consultation meeting in the neighbourhood early in the new year. The statutory public meeting at Community Council to consider the recommendations of the final planning report should be held in the early spring of 2005 provided the applicant submits all of the necessary information in a timely fashion.

Contact:

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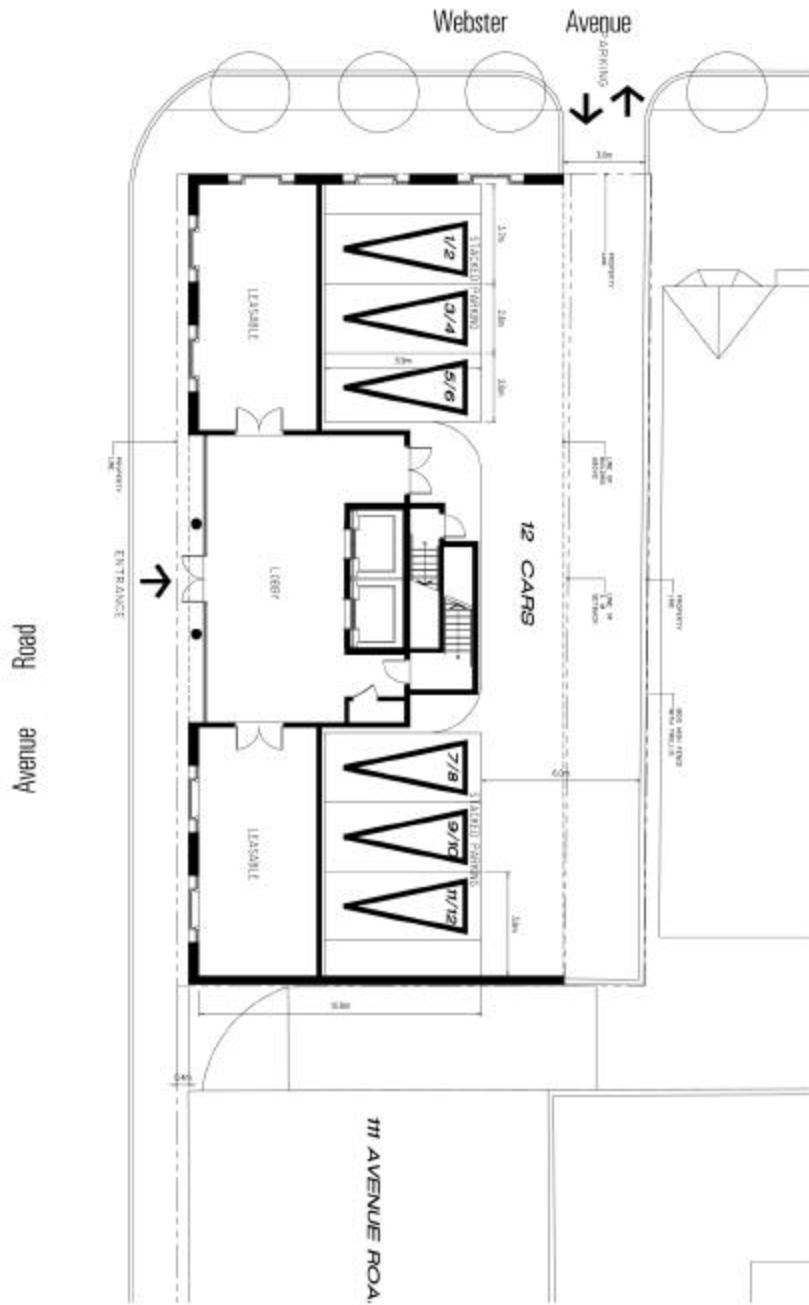
Gary Wright
Director, Community Planning, South District

t:32693473062

List of Attachments:

Attachment 1: Application Data Sheet
Attachment 2: Site Plan
Attachment 3: Elevations (North)
Attachment 4: Elevations (South)
Attachment 5: Elevations (East)
Attachment 6: Elevations (West)
Attachment 7: Official Plan
Attachment 8: Zoning

Attachment 2: Site Plan



Site Plan

Applicant's Submitted Drawing

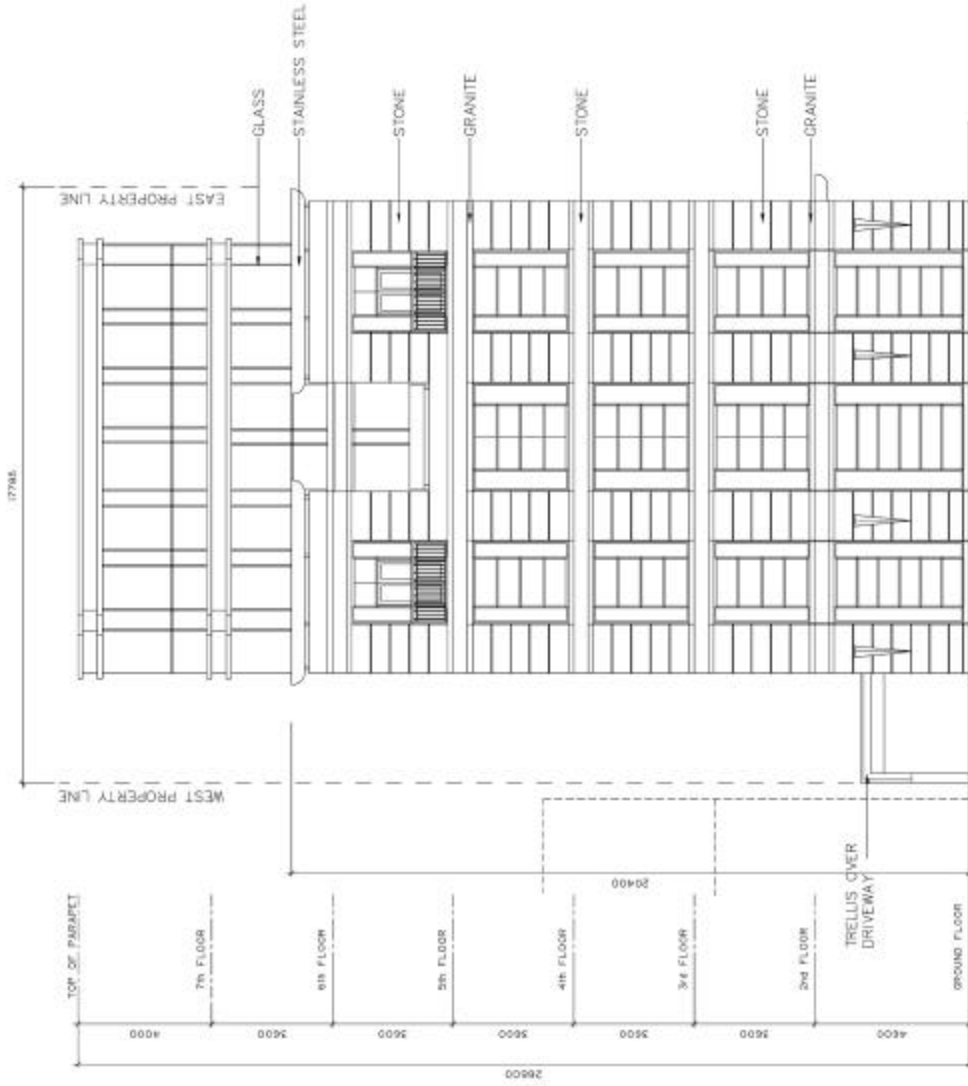
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12/01/04



121 Avenue Road

File # 04_192570

Attachment 3: Elevation 1

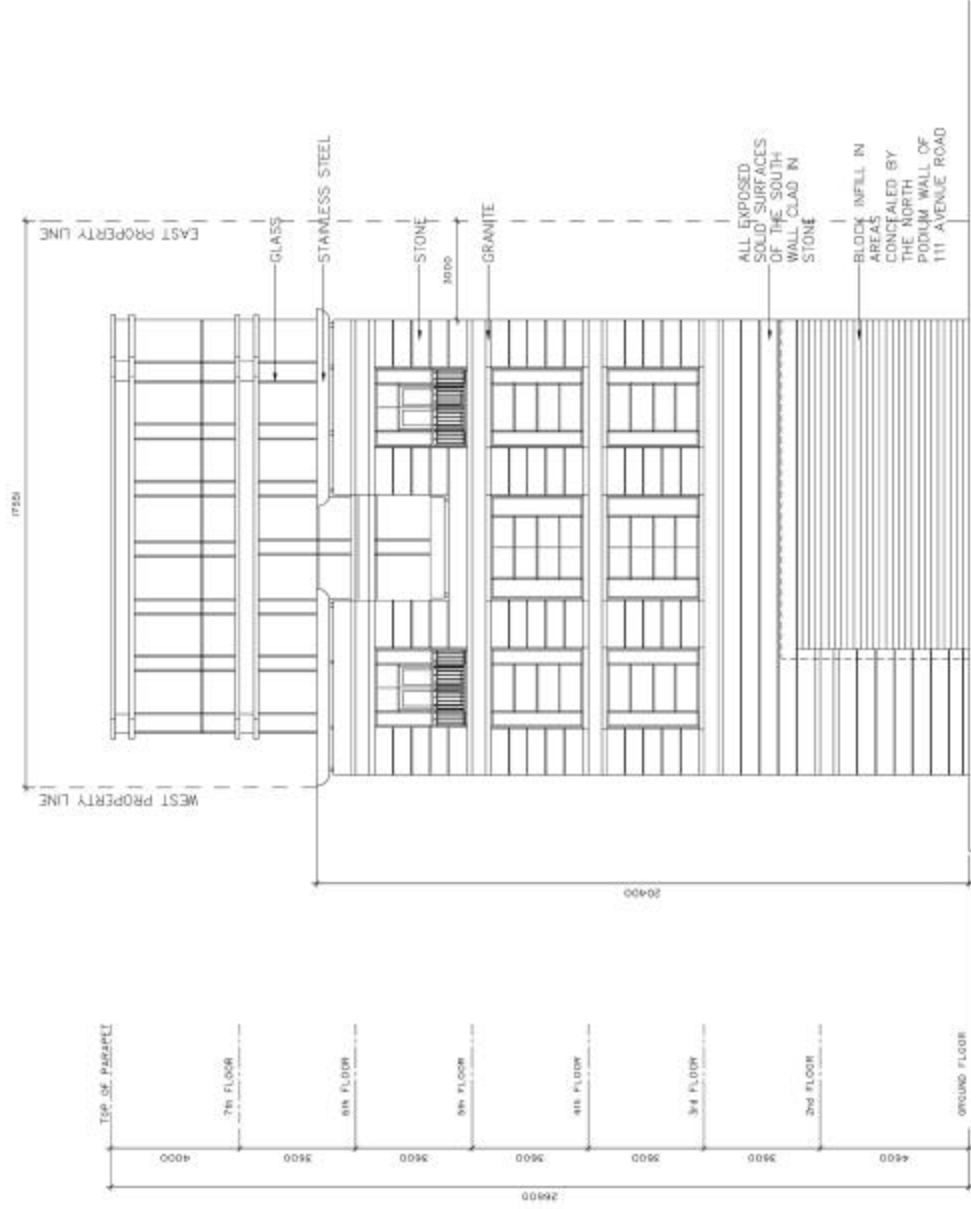


121 Avenue Road

North Elevation
Applicant's Submitted Drawing
Not to Scale
1201004

File # 04_192570

Attachment 4: Elevation 2



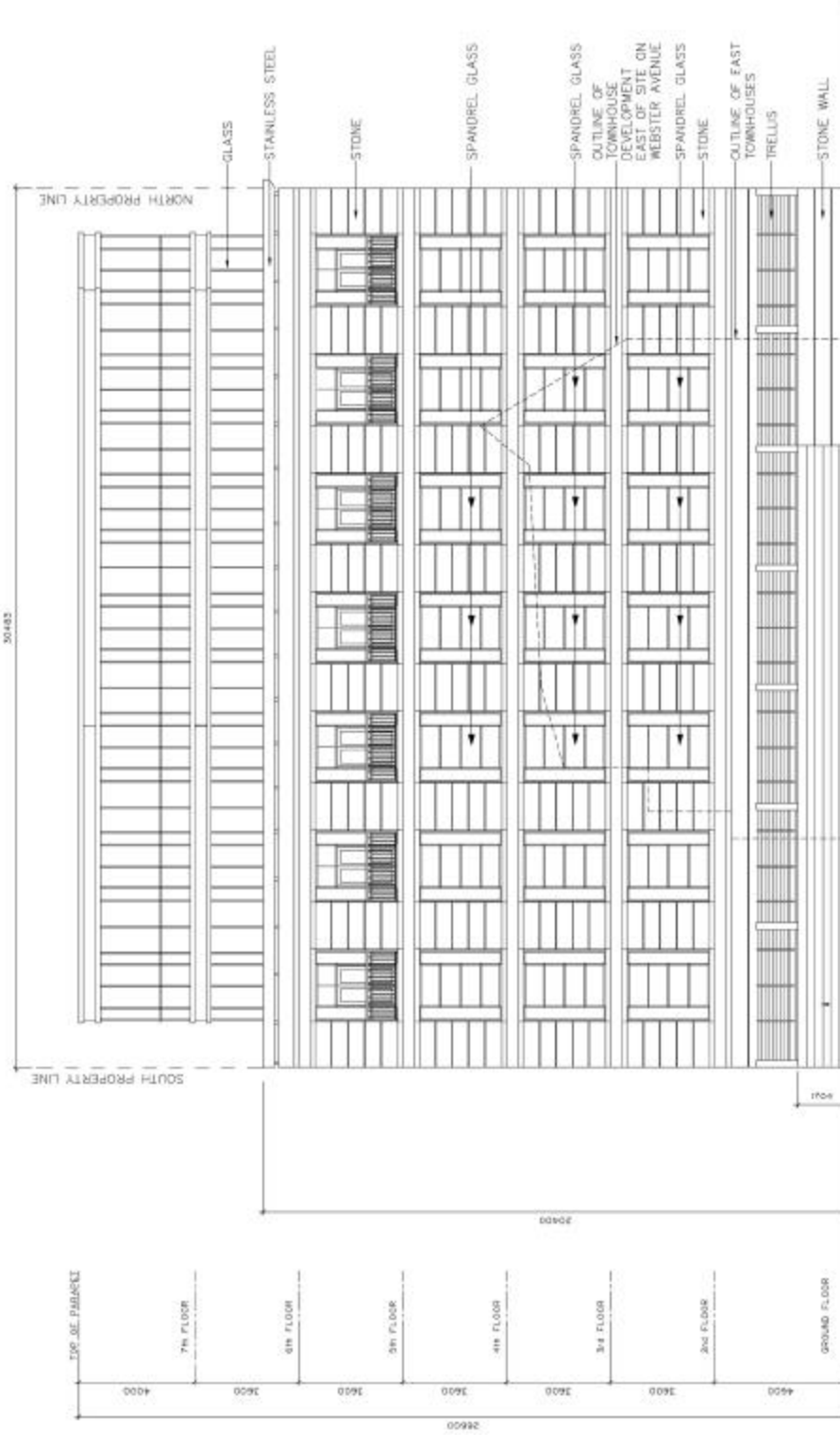
121 Avenue Road

South Elevation
Applicant's Submitted Drawing

Not to Scale
120104

File # 04_192570

Attachment 5: Elevation 3



121 Avenue Road

File # 04_192570

East Elevation

Applicant's Submitted Drawing

Not to Scale
120104

Attachment 6: Elevation 4



121 Avenue Road

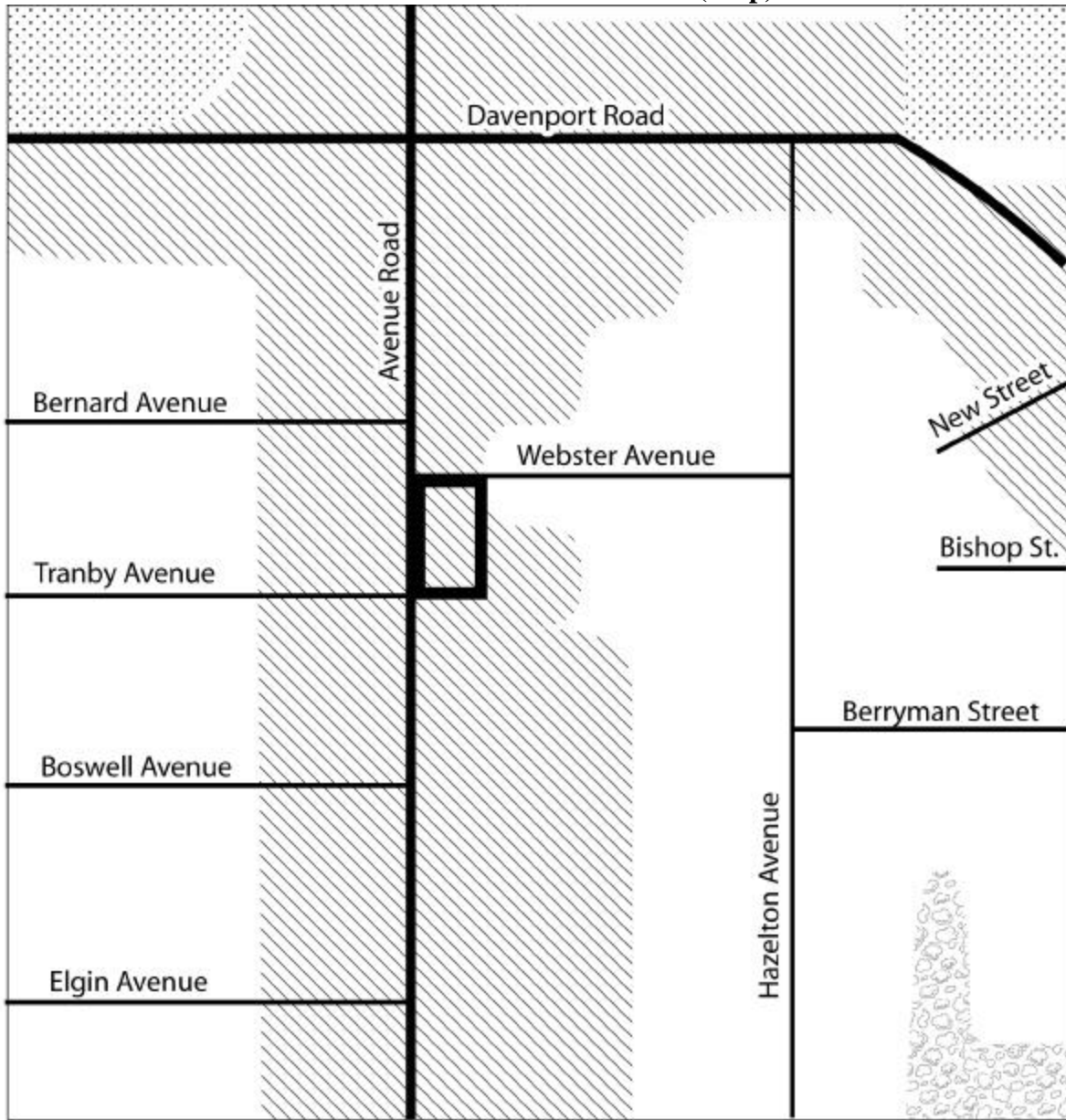
West Elevation

Applicant's Submitted Drawing

Not to Scale
12/01/04

File # 04_192570






Attachment 7: Official Plan (Map)



 **TORONTO** Urban
Development Services
Official Plan

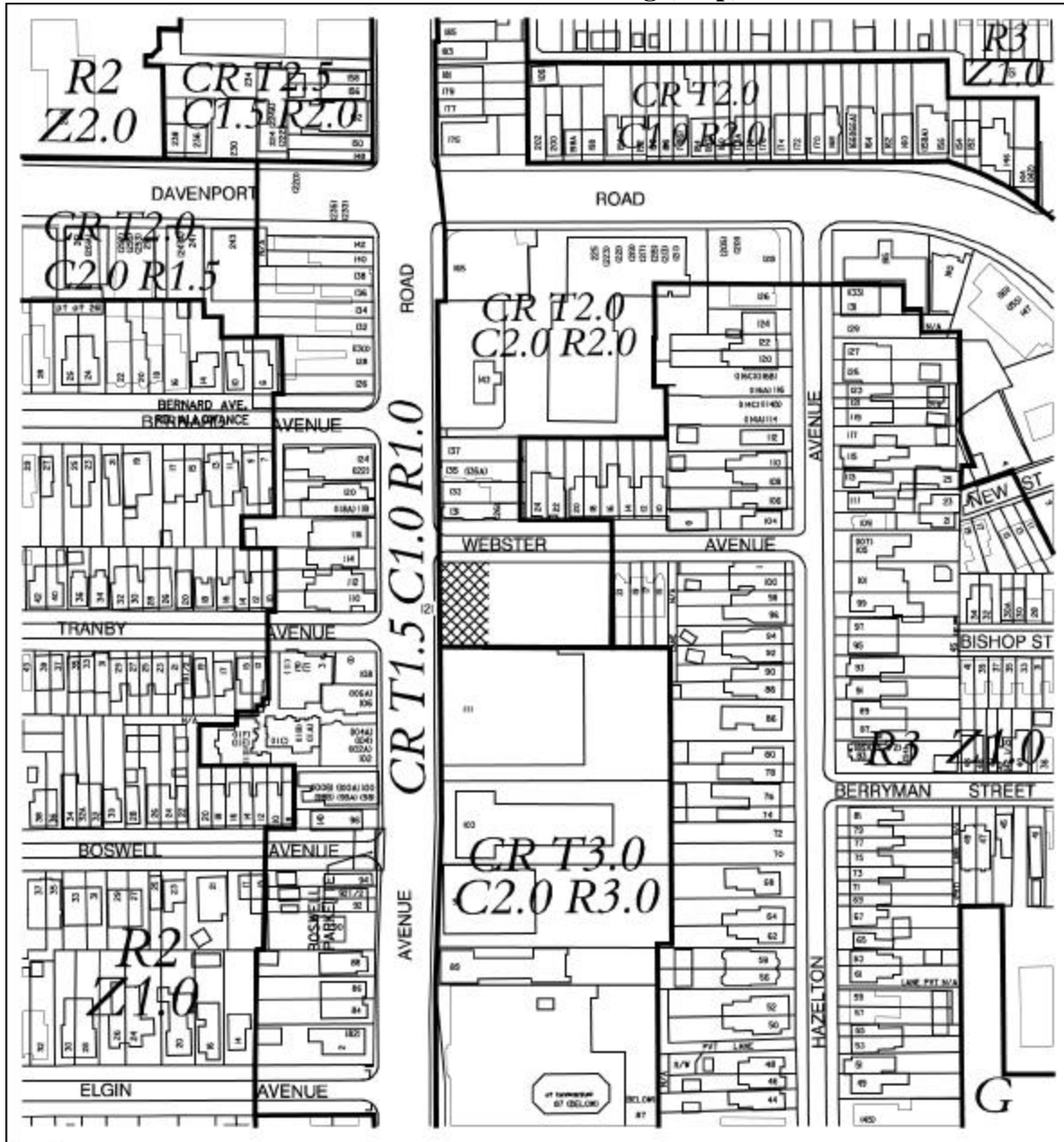
121 Avenue Road

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|--|---|
|  Site |  Low Density Mixed
Commercial-Residential Areas |
|  Low Density Residence Areas |  Open Space |
|  Medium Density Residence Areas | |


Not to Scale
12/01/04

Attachment 8: Zoning (Map)



121 Avenue Road
File # 04_192570

- G Parks District
- R2 Residential District
- R3 Residential District
- CR Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 11/30/04 - EM