

21 Avenue Rd - OPA & Rezoning Applications - Request for Direction Report

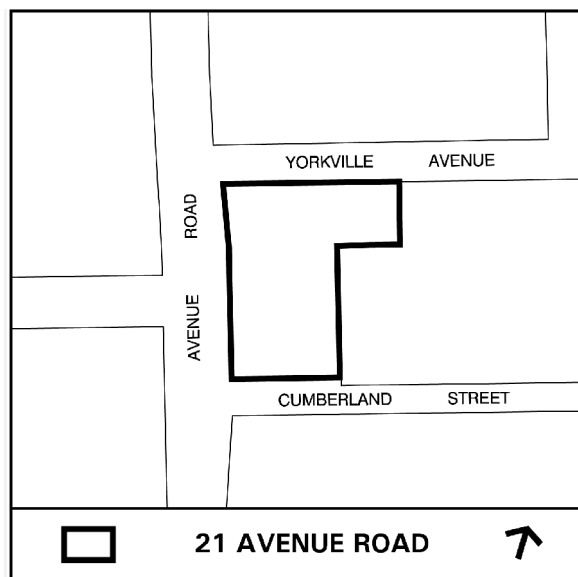
Date:	December 23, 2009
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	07 289063 STE 27 OZ

SUMMARY

The applicant has appealed the Official Plan Amendment and Rezoning Applications to the Ontario Municipal Board (OMB) due to Council’s failure to make a decision within the time allotted by the Planning Act. A second pre-hearing conference on this file is set for February 1, 2010 and a hearing is set to commence on March 22, 2010.

The purpose of this report is to seek direction from City Council on the position to be taken at a forthcoming Ontario Municipal Board (OMB) hearing scheduled for March 22, 2010.

The application before the OMB is to permit the demolition of the existing Four Season Hotel and in its place proposes a 3-storey base building with three levels of retail. The proposed development would have at the north end of the base building an east-west orientated residential ‘slab like’ building of 28 storeys (90.5 metres to roof, 97 metres to the top of mechanical penthouse) and at the southern end of the base building, a 40-storey residential tower (136.75 metres to roof and 143.25 metres to the top of mechanical penthouse). Vehicular access to the site is proposed to be by way of a two-way north-south orientated driveway from both Yorkville Avenue and



Cumberland Street.

The proposed massing represents an over-development of the site and would set a negative precedent in terms of the application of the City's built form policies and guidelines for tall building development.

This report has identified that the proposal is located on a prominent site in terms of its relationship to an important vista of a sensitive historic environment (Ontario Legislative Assembly) within the City of Toronto. The proposed height of the building at the southern end of the site distracts and compromises this important vista. The report further demonstrates that when viewed from the north side of College Street, the tall building at the southern end of the site creates a negative visual impact.

The proposal in its current form does not meet the Official Plan policy of adequately limiting the impacts of shadows. In the context of a review of the building separation distance and proposed floor plate size, the proposal does not adequately address privacy impacts nor are views through and around the site sufficiently addressed.

After further review of applicable policies and guidelines, the findings of an independent view-shed analysis and review of the revised application materials, planning staff have compiled a Development Strategy where development may be considered at 21 Avenue Road (Attachment No.10).

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor and appropriate City Staff to attend the Ontario Municipal Board (OMB) to oppose the OMB appeal made by the applicant for Official Plan Amendment and Zoning By-law Amendment Application No. 07 289063 STE 27 OZ.
2. City Council instruct the City Solicitor to advise the OMB that Council would support an alternate Development Strategy for the lands known municipally as 21 Avenue Road substantially as set out in Attachment No.10 to the report dated December 23, 2009, from the Director, Community Planning, Toronto and East York District, and as noted within this report.
3. In the event the OMB allows the appeal and permits the proposed development, City Council also instruct the City Solicitor to request the OMB to require the applicant to enter into an agreement to secure the provision of public benefits and related matters as deemed appropriate by the Chief Planner, pursuant to Section 37 of the Planning Act.

Financial Impact

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

ISSUE BACKGROUND

Ontario Municipal Board (OMB) Appeal

On June 23, 2009, the City Clerk's Office received notification that the applicant filed an appeal of the Official Plan and Zoning By-law amendment applications to the Ontario Municipal Board (OMB), citing Council's failure to make a decision on the applications within the respective timeframes prescribed by the *Planning Act*.

A pre-hearing conference was held at the OMB on December 1, 2009. At this conference meeting the OMB set a further pre-hearing conference for February 1, 2010 and scheduled a 10 day hearing commencing on March 22, 2010.

Proposal

On May 14, 2009 the applicant submitted a revised application that proposes the demolition of the entire structure of the existing Four Seasons Hotel and associated retail establishments. The proposal contains a 3-storey base building with three levels of retail. At the north end of the base building is an east-west orientated residential 'slab like' building of 28 storeys (90.5 metres to roof, 97 metres to the top of mechanical penthouse) with a floor plate size of 1,025 square metres. At the southern end of the base building is a 40 storey residential tower (136.75 metres to roof and 143.25 metres to the top of mechanical penthouse) with a floor plate size of 860 square metres. The number of residential units has increased from 335 to 383.

Vehicular access to the site is via a two-way north-south orientated driveway from both Yorkville Avenue and Cumberland Street. This driveway provides access to at-grade loading bays as well as four levels of underground parking for 331 spaces. A 12 meter wide parkette has been included on the northeast portion of this L-shaped site. The proposed density is 16.0 times the lot area. See the site plans (attachment No.1) elevations (attachment No.3) as well as the application data sheet (attachment No.6).

Site and Surrounding Area

Located on the east side of Avenue Road, one block north of Bloor Street West, the site is bounded by Yorkville Avenue to the north and Cumberland Avenue to the south. It is an inverted 'L' shaped site (see attachment No. 1) with an area of 3,886.3 square metres and frontages of 76 metres along Avenue road, 69 metres along Yorkville Avenue and 42 metres along Cumberland Street.

The site is presently occupied by the Four Seasons Yorkville Hotel, a 380 suite hotel with associated hotel amenities and retail space. The hotel, which was constructed in 1970 consists of a 31 storey (92m to roof, 99m to top of mechanical penthouse) glass and concrete tower at the northwest corner of the site, and a three storey podium element at the south end of the site and also along Yorkville Avenue. Vehicular access is through a north-south driveway between Cumberland Street and Yorkville Avenue and additional driveway access off Avenue Road.

Uses and structures near the site include:

North: the seven-storey Hazelton Lanes mixed use complex with an internal shopping mall on the lower levels and residential condominium in the upper levels. House-form buildings accommodating retail uses can be found on the immediately opposite the hotel on the north side of Yorkville Avenue. To the northeast is the new 9-storey, Hazelton Hotel and Residences at the corner of Yorkville Avenue and Hazelton Avenue.

East: a mixed-use complex known as the Renaissance Court located at 164 Cumberland Street. Renaissance Court is a 7-storey building enclosing a north-south pedestrian walkway with a mid-block courtyard at grade.

South: on the south side of Cumberland Street is a 26 storey mixed –use building located at 150 Bloor Street West known as the “Renaissance Plaza”. The building in an L-shape, wraps around the Church of the Redeemer located at the corner of Bloor Street West and Avenue Road.

West: the “Prince Arthur” located at 38 Avenue Road is a residential condominium building with a 24-storey tower element to the south end of the site stepping down to a 10-storey slab element at the north end.

As noted in the Bloor – Yorkville/North Midtown Urban Design Guidelines, Avenue Road is one of the City’s most important streets as it links numerous prestigious and notable governmental and cultural institutions. Buildings on the east side of Avenue Road, south of Webster Avenue are a mix of high and mid-rise structures comprising a variety of commercial and residential uses. North of Webster Avenue, the buildings are predominantly low-rise and commercial in use. Buildings on the west side of Avenue Road, south of Elgin Avenue are predominantly mid to high-rise and accommodate retail uses at-grade and hotel or residential units above. North of Elgin Avenue the buildings are low-rise and mixed use.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of Provincial interest related to land use planning and development. All municipal planning decisions are required to be consistent with the PPS. The PPS objectives are generalized as they apply to many different planning contexts in Ontario. The PPS emphasizes efficient land use and development patterns to support strong, liveable and healthy communities, protect the environment, protect public health and safety and facilitate economic growth.

Under Section 1.1.2 of the PPS, each municipality has to make sufficient land available to accommodate an appropriate mix of employment opportunities, housing and other land uses to meet projected needs. In the instance of Toronto, the Province directly inserted the population and employment targets for 2031 directly into Section 2.1.3 of the City’s Official Plan. Policy 1.1.3.3 of the PPS also provides that intensification and

redevelopment shall be directed in accordance with the policies of Section 2: Wise Management and Management of Resources and Section 3: protecting Public Health and Safety. According to the Province, this is to ensure that while trying to meet the objectives of the PPS as it relates to growth and development, other policies relating to matters such as environmental protection, human health and safety and cultural heritage resources are appropriately considered and addressed.

Section 2.6.1 of the PPS also provides that significant built heritage resources and significant cultural heritage landscapes shall be conserved. The term conserved is defined as meaning ‘the identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, attributes and integrity are retained’.

The Growth Plan for the Greater Golden Horseshoe 2006 (Growth Plan) is the Provincial growth strategy that all municipal planning decisions must conform to, or not conflict with. The Growth Plan expands upon the PPS in supporting intensification within built-up areas to create a compact urban form and maximize the use of existing infrastructure. Policy 2.2.1.1 and Schedule 3 of the Growth Plan sets out a population target of 3.08 million people that will be used for planning and managing growth in Toronto. The City is on track to achieve this population target. The Growth Plan also provides that population and employment growth will be accommodated by focusing intensification in defined ‘intensification’ areas.

The ‘intensification areas’ include 5 Urban Growth Centres in Toronto—the *Downtown* and the four ‘Centres’. The property at 21 Avenue Road is located within the *Downtown* Urban Growth Centre.

Section 4.2.4.1 (e) of the Growth Plan provides that municipalities will develop and implement Official Plan policies and other strategies in support of cultural heritage conservation, including conservation of heritage and archaeological resources as built up areas are intensified. This policy, in the chapter entitled ‘Protecting What is Valuable’, is intended to protect irreplaceable cultural heritage features as part of planning for future growth.

City Council’s planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is at the north end of the *Downtown* and is designated as a *Mixed Use Area*. In Chapter 2, the Official Plan outlines a growth strategy for the City that highlights the importance of the *Downtown* as one of a number of locations where growth in employment and residential uses are encouraged. Policy 2.2.1.5 provides that the architectural and cultural heritage of *Downtown* will be preserved by designating buildings, districts and open spaces with heritage significance and by working with owners to restore and maintain historic buildings. Policy 2.2.1.6 provides that design guidelines specific to districts of historic or distinct character will be developed and

applied to ensure new development respects the context of such districts in terms of the development's fit with existing streets, setbacks, heights and relationship to landmark buildings.

Chapter 3 of the Official Plan sets out 'how' the City should grow by integrating social, economic and environmental perspectives in decision-making to create liveable and complete communities and economic health.

Section 3.1 provides policies to realize excellence in the public realm. Policy 3.1.1.8 provides that scenic routes with public views of important natural or human-made features should be preserved and, where possible, improved by maintaining views and vistas as new development occurs.

Policy 3.1.1.9 provides that public works and private development will maintain, frame and, where possible, create public views to important natural and man-made features from other public places.

Section 3.1.3.2 provides that Tall Buildings, (such as current proposal) will address key urban design considerations including: meeting the built form principles of the Official Plan, relating to the existing and/or planned context, taking into account the relationship to topography and other tall buildings, and, meeting other objectives of this Plan.

Section 3.1.5 of the Official Plan provides policies that focus on conserving Toronto's irreplaceable heritage resources. Policy 3.1.5.1 provides that significant heritage resources will be conserved by listing properties of architectural and/or historic interest on the City's inventory and designating them. Development adjacent to properties on the City's Inventory of Heritage Properties will respect the scale, character and form of the heritage buildings and landscapes (Policy 3.1.5.2). Policy 3.1.5.9 provides for the conservation of heritage landscapes.

As previously stated the subject property is located within a designated *Mixed Use Area*. *Mixed Use Areas* will achieve a multitude of planning objectives by combining a broad array of residential uses, offices, retail and services, institutions, entertainment, recreation and cultural activities, and parks and open spaces.

Development Criteria for *Mixed Use Areas* set out in Policy 4.5.2 include the following:

- a) create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- b) provide for new jobs and homes for Toronto's growing population on underutilized lands in the *Downtown*, the *Central Waterfront*, *Centres*, *Avenues* and other lands designated *Mixed Use Areas*, creating and sustaining well-paid, stable, safe and fulfilling employment opportunities for all Torontonians;

- c) locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- d) locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
- e) 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;
- f) provide an attractive, comfortable and safe pedestrian environment;
- g) have access to schools, parks, community centres, libraries, and childcare;
- h) take advantage of nearby transit services;
- i) provide good site access and circulation and an adequate supply of parking for residents and visitors;
- j) locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- k) provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

The Toronto Official Plan is available on the City's Website at:

www.toronto.ca/planning/official_plan/introduction.htm

Area Specific Policy 211 – Bloor Yorkville / North Midtown Area

Policy 211 applies to the entire Bloor-Yorkville/North Midtown Area, bounded by Avenue Road, Bloor Street, Sherbourne Street, Rosedale Valley Road, Yonge Street and CPR rail line to the north and sets out area specific policies that vary from the general provisions of the OP. The policies address the overall built form context, the character of specific areas, the public realm and urban design.

Policy 211 recognizes that the Bloor-Yorkville/North Midtown Area comprises a broad mix of districts with differing intensities, scales and heights in a diversity of building forms. The area includes *Neighbourhoods*, *Apartment Neighbourhoods*, Areas of Special Identity, *Mixed Use Areas*, and open space provided by parks and ravines. It forms the north edge of the Downtown and provides for transition in density and scale towards the boundaries of the area from the more intensive use and development forms to the south and within the 'Height Peak' at Yonge and Bloor Streets.

The key components of this Area Specific policy as it relates to development on the subject site are: height transition; development in mixed-use areas; protection of and development within Areas of Special Identity; and the use of area-based urban design guidelines. The Area Specific Policy provides the following guidance:

- With respect to height transition the tallest buildings in the Bloor-Yorkville/North Midtown Area will be located in the ‘Height Peak’ area in the vicinity of the intersection of Bloor/Yonge Streets. Building heights will step down from the Bloor/Yonge intersection within the *Mixed Use Area* in descending ‘ridges’ of height along Yonge Street, Bloor Street and along portions of Avenue Road, Bay and Church;
- These height ridges provide a transition in scale from the ‘Height Peak’ at Yonge/Bloor and will be developed at a lesser height and physical scale than the Bloor/Yonge Height Peak, and in a form compatible with adjacent areas;
- The lowest heights in the Bloor-Yorkville/Midtown Area are in the *Neighbourhoods* and portions of Areas of Special Identity shown as ‘low rise areas’ on Map 2. Development in *Mixed Use Areas* adjacent or near to these ‘Low Rise Areas’ will be designed to adequately limit shadow, wind and privacy impacts upon these lower-scale areas through distance separation and transitions in scale; and
- In order to assist in meeting the objectives of this Plan and area specific policies, the Bloor-Yorkville/North Midtown Urban Design Guidelines will be used to provide direction for reviewing development applications in this area. These guidelines will be read in conjunction with the urban design policies in the Official Plan.

University of Toronto Secondary Plan

While the subject property is not located within the boundary of the University of Toronto Secondary Plan Area, there are Secondary Plan objectives that are directly affected by the scale of development on properties lying outside the boundary.

Of particular note are the policies that seek to preserve, protect and enhance the unique built form, heritage and landscape character of the Area (see Policy 3.2 View, Vistas and Gateways). The buildings landscapes and special landmarks of the University of Toronto Area are distinctive in use, configuration and siting. Particular elements that are readily viewed from a distance contribute to the unique vistas and character of the University of Toronto Area.

One such protected view identified in the Secondary Plan is that of the Ontario Legislative Assembly (OLA) Building shown as seen from University Avenue and Queens Park Crescent on Map 20-4 of the plan. While the development site is beyond the northerly limit of the secondary plan area, the UofT plan policies are relevant to the extent that the vista of the OLA building is impacted by development at or beyond its northern edge.

The University of Toronto Secondary Plan contains policies dealing with the views of the Queen's Park Legislature Buildings that are applicable to this application. Policy 3.2 acknowledges that there are buildings, landscapes and special landmarks of the University of Toronto Secondary Plan that are distinctive in use, configuration and siting. Some of these are readily viewed from a distance and contribute to the unique vistas of the University of Toronto Area. The view of the Queen's Park Legislature from both University Avenue to the south and Avenue Road north of Bloor is one of only two views to major view termini identified on Map 20-4 of the University of Toronto Secondary Plan. (See attachment No.5)

Policy 3.2.1 states that: 'The preservation and enhancement of the existing series of unique, important and memorable views within at the edges of, and into the University of Toronto Area from the surrounding areas as indicated on Map 20-4, will be encouraged through appropriate built form and landscape controls....'

Zoning

The site is split zoned under By-law 438-86 (refer to Attachment No.4) reflecting different anticipated development densities between the Avenue Road frontage and the Yorkville Avenue frontage. The portion of the property fronting onto Avenue Road occupying the majority of the site is zoned CR T6.0 C4.5 R6.0 with a maximum height limit of 46 metres. This zoning category allows for a broad range of residential and commercial uses, with a maximum total density of 6.0 times, a maximum non-residential density of 4.5 times and a maximum residential density of 6.0 times.

The north east portion of the site fronting onto Yorkville Avenue (proposed to be a publicly accessible parkette) is zoned CR T3.0 C2.5 R3.0 with a maximum height limit of 18 metres.

The site is subject to site-specific By-law 188-69, enacted to permit the existing Four Seasons Hotel. Among other performance standards, it permits a maximum gross floor area of 33, 932 square metre (8.7 times the lot area).

Bloor –Yorkville/North Midtown Urban Design Guidelines

The Bloor –Yorkville/North Midtown Urban Design Guidelines were approved by Council in July 2004 and are intended to give guidance to improve the physical quality of the area and ensure that its special character is respected in terms of new development.

The main planning objectives of these recently adopted Design Guidelines include:

- Enhancement of Areas of Special Identity and historic buildings;
- Protection of the low-rise, pedestrian –oriented mixed use area from the adverse impact of high-rise development;
- Protection of residential areas from adverse impacts of commercial and/or higher density development;
- Improvement of public realm and publicly accessible areas; and

- Excellence in urban design, architecture, and landscaping.

The Bloor-Yorkville/North Midtown area is comprised of a number of precincts and corridors, each defined by its attributes in terms of function, built form and character. The subject property is located within the Avenue Road Corridor which covers the east and west side of Avenue Road beginning at Bloor Street, to north of the CPR Tracks. Due to the proximity to low-scale residential neighbourhoods on either side of Avenue Road above Elgin Avenue, special consideration is to be given to the impact of commercial uses, the form of development and parking and servicing arrangements. Specifically, in *Mixed Use Areas* development will:

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

Section 4.3.1 outlines the objective of achieving a pattern of building heights throughout the Bloor – Yorkville area that directs building with greater heights and development intensities to provide a transition to areas with lower-scale buildings. Section 4.3.4 outlines built form design criteria for high-rise buildings, including ‘point towers’ as the preferred form of high-rise buildings.

Design Criteria for the Review of Tall Building Proposals

The Tall Building Guidelines provide direction on matters including the scale of buildings, building floor plates and spatial separation. Key criteria in the Guidelines are minimum facing distances of 25 metres between towers in order to achieve appropriate light and privacy, minimum side and rear yard tower setbacks of 12.5 metres, and articulation of tower floor plates that are larger than 743 sq. m to break down the mass of the building.

Site Plan Control

The development is subject to site plan control. A site plan approval application has not been received to date.

Reasons for Application

An amendment to the Official Plan would have to be approved to permit the development as the proposed heights of the towers at this location are anomalous to the area context, and do not meet the built form and public realm policies set out in the Official Plan.

An amendment to the Zoning By-law would be necessary because the proposed development exceeds permitted maximum density and height limits. The proposed density of 16.0 times the area of the lot exceeds the site specific maximum permitted density of 8.7 times the area.

The proposal is for a two tower development with the tallest tower having a maximum height of 143.25m (including mechanical penthouse), whereas the Zoning By-law limits building height to a maximum of 46m and the Site Specific Zoning permits the existing hotel at 99m (including mechanical penthouse).

Community Consultation

A community consultation meeting was held at the Church of the Redeemer on September 22, 2008. The meeting was attended by over 250 residents and business persons. The questions and statements of participants were heavily weighted in opposition to the proposed development. There was considerable comment and questions during the meeting focussed on the following issues:

- Overall building height and proposed development density;
- Impact on the view of the Ontario Legislature Building;
- Increased shadow and loss of view and privacy;
- Construction impacts;
- Impacts on shared access and servicing with adjacent property at 164 Cumberland Avenue; and
- Increased traffic congestion.

After receiving confirmation from the applicant that they were willing to consider alternative options for the site in accordance with the alternative design parameters, staff together with the Ward Councillor held a Public Open House on March 24, 2009. The Public Open House was attended by approximately 180 persons.

Preliminary Report - Alternative Design Parameters

In the Preliminary Report (considered by TEYCC on February 9, 2009) for this application, planning staff took the rare approach of recommending that Community Council refuse the application in its current form and request that the applicant revise their proposal in accordance with the alternative design parameters discussed within the body of the preliminary report and outlined in an attachment to that report. (Further appended to this report in Attachment No.7).

Additional clarification on this approach is important in the context of the recommendations of this Directions report. The alternative design parameters were consistently and clearly described as the starting point for a revised proposal. An interpretation that the parameters represented the outline of a proposal that staff would ultimately recommend for approval, would therefore be inaccurate and undermine the development review process. Staff recommended additional community consultation in

the form of a Public Open House and would not have wanted to pre-empt community input on the application by outlining an approvable project at that stage.

In reviewing the applicant's appealed proposal, a number of key areas of non-compliance from the approved design parameters can be identified as follows:

- The parameters state a maximum north slab height of 80 metres. Revised plans indicate a height of 90.5 metres (97 metres to top of mechanical);
- Maximum height of south tower of 136 metres. Revised plans indicate a height of 143m.
- Maximum of 15 metre high podium along Cumberland Avenue. Revised plans show a 25 metre high podium along Cumberland Avenue;
- Minimum building separation of 20 metre from balcony to balcony if included. The revised design includes balconies, with a separation of 16 metre; and
- Maximum point tower floor plate size of 750 square metres. Staff later confirmed with the applicant that as a starting point for further review, consideration would be given to a floor plate size 10-15% larger on condition that all other setbacks, stepbacks and building separation requirements were met. The applicant's revision did not meet the building separation requirements outlined above yet still included a tower with a floor plate of 960 square meters.

Notwithstanding that certain components of the revised application did not meet the design parameters approved by Community Council, staff circulated the application for technical review and advised the applicant that final recommendations on built form would be informed, in part, by an objective view-shed analysis and other materials including the revised shadow studies and a pedestrian level view analysis.

REASONS FOR REFUSAL

Built Form and Massing

Height

The impacts of any given development should be considered in the context of how it 'fits' contextually on a number of different levels. Development on any given site should integrate within its existing streetscape, be designed to fit contextually at the neighbourhood level and respect the City wide structure promoted by the Official Plan. This issue is more critical in an area of the City where the development intensities and building heights of the traditional *Downtown* scale interface with low-rise areas of the City.

With respect to height transition, the tallest buildings in the Bloor-Yorkville/North

Midtown Area are to be located in the 'Height Peak' area in the vicinity of the intersection of Bloor/Yonge Streets. Building heights are then expected to step down from the Bloor/Yonge intersection within the *Mixed Use Areas* in descending 'ridges' of height along Yonge Street, Bloor Street and along portions of Avenue Road, Bay and Church (See attachment No.8).

These height 'ridges' provide a transition in scale from the 'Height Peak' at Yonge/Bloor and will be developed at a lesser height and physical scale than the Bloor/Yonge Height Peak, and in a form compatible with adjacent areas. Structuring and directing height in this manner is underpinned by the Zoning By-law's permissible heights and densities for this part of the City.

The subject property is located within a height ridge that runs northbound along Avenue Road from Bloor Street to Elgin Avenue on the west side to just south of Webster Avenue on the east side of Avenue Road. In reviewing the comparative height of existing and approved buildings located within the height ridges to the west of the height peak at Yonge and Bloor (See attachment No.8), it is noted that the proposed southern tower at 143 metres would be the tallest building in the 'height ridge' except for the approved new Four Seasons Hotel development at Bay and Scollard Streets at 195m. Given the relative location of the subject site (Avenue Road, one block north of Bloor Street) to the height peak centered around the intersection of Yonge and Bloor Streets, and the underlying intent that buildings reflect 'descending' ridges of height, the proposed development would result in a height that is anomalous to the overall existing and planned structure for this part of the Bloor – Yorkville/North Midtown area.

There are additional height related planning impacts discussed later in this report with respect to shadowing and visual protection of a heritage resource.

Massing

The applicant's proposal introduces two tall building elements on a site that is currently occupied by one. It is critical therefore, that the massing, placement and orientation of these buildings be designed to ensure that the massing is appropriate for the site, does not overwhelm the pedestrian realm and is compatible with adjacent properties.

A 52 metre long by 20 metre wide 'slab' building is proposed in an east-west orientation at the north end of the site fronting Yorkville Avenue. This building will have a height of 97.5 metres to the top of the mechanical and will be setback 3 metres from the podium (with the exception of some limited architectural projections into this 3m setback.)

The *Design Criteria for Review of Tall Building Proposals* commonly referred to as the 'Tall Building Guidelines' proposes that all new tall buildings will have regard for the Built Form Policies of the Official Plan and will be designed to: avoid big boxy, dominant massing of new tall buildings; have building mass that is designed to maintain an appropriate scale at street level; and that when siting tall buildings that have elongated slab floor plates that cast biggest shadows, a North-South orientation is preferred. The as-of-right zoning and site specific zoning for this site directs height to be located toward the

Avenue Road frontage of the site, and does not anticipate significant height projecting towards the eastern boundary of the site. See zoning map at attachment No.4.

The proposed massing of the north ‘slab’ building is dominant and inappropriate. This opinion is based on a review of pedestrian level views around the site, and a review of shadow studies.

Building Floor plates

The size and articulation of the floor plate of a tall building is key to the perception of the overall massing of the building and its visual and physical impact on adjacent areas. The use of small floor plates is encouraged as they result in slender tall buildings which cast smaller shadows, may improve sky views, and permit better views between buildings and through the site. The tall buildings guideline recommends a maximum floor plate size of 743 square metres (gross construction floor area).

The application proposes a south tower floor plate of 960 square metres and a north building floor plate of 1025 square metres. These floor plates are greatly in excess of the recommended floor plate size. These larger floor plates along with the proposed building separation create a building mass that is inappropriate for the site, does not allow for sufficient views through the site and negatively impacts sky views around the site from the pedestrian realm.

Building Separation

An appropriate space between towers allows for appropriate light and privacy for new and existing buildings as well as allowing appropriate sunlight, wind and sky view to the adjacent streets, parks, open spaces and properties. Light and privacy are two separate, but inter-related issues that are influenced by the orientation, site characteristics, heights and distances between adjacent buildings.

Urban design policies recommend a minimum spacing between the shafts of two tall buildings will be no less than 25 metres. The application proposes a 20 metre glass to glass separation between the two tall buildings on the property and 16.5 metres between balconies.

Cumulatively, the built form concerns described above demonstrates that the proposal represents an overdevelopment of the site and would set a negative precedent in terms of the application of the City’s built form policies and guidelines for tall building development.

Impact on the View of the Ontario Legislative Assembly (OLA) Building.

One of the ‘Issues to be resolved’ identified in the Preliminary staff report was the potential impact that the proposed development would have on views of the Ontario Legislative Assembly building (which form a part of the Queen’s Park precinct of buildings). The Ontario Legislative Assembly Building was listed on the City of

Toronto's Heritage Inventory in 1973 and is positioned at the northern end of University Avenue forming a unique ceremonial avenue and collection of institutional buildings. The Ontario Legislative Building is one of the most important heritage buildings in the Province of Ontario. It should be noted that the building has been listed by the City of Toronto, but is unable to designate Provincially owned properties. The subject site is critically positioned on a north-south axis with the OLA building (see attachment No.2).

The foundation for this issue as a planning concern is found within the Official Plan and other supporting documentation.

Planning Act and Provincial Policy Statement

Section 2(d) of the Planning Act requires the Province and Council to have regard to matters of Provincial interest such as the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest. In a letter dated April 17th to the City, the Ontario Heritage Trust stated that the 'conservation of the heritage value of Queen's Park and the preservation of the current skyline behind the legislative Buildings is a matter of Provincial interest'. Staff is of the opinion that this Provincial interest in the heritage value of Queens Park and the preservation of the current skyline behind the legislative buildings is not conserved by the current proposal.

Section 2.6.1 of the Provincial Policy Statement (PPS) also provides that significant built heritage resources and significant cultural heritage landscapes shall be conserved. The term conserved is defined as meaning 'the identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, attributes and integrity are retained'.

Public Realm Policies of the Official Plan

The Official Plan includes Public Realm policy statements to preserve, create and enhance important public views. Section 3.1.1 of the Plan provides the following policy statements:

3.1.1 (8) Scenic routes with public views of important natural or human-made features should be preserved and, where possible, improved by: a) maintaining views and vistas as new development occurs; b) creating new scenic routes or views when an opportunity arises; and c) increasing pedestrian and cycling amenities along the route; and

3.1.1(9) Public works and private development will maintain, frame and, where possible, create public views to an important human-made feature to which public views should be maintained.

Staff consider the Ontario Legislative Assembly (OLA) building to be an important human-made feature where public views should be maintained. An assessment of northbound views of the OLA from various points across the University Avenue right-of-way indicate that the height of the proposed southern tower will not preserve but will detract from views and vistas of this important human-made feature.

University of Toronto Secondary Plan

Although the OLA building is included in the University of Toronto Secondary Plan area and is shown as a major view terminus on Map 20-4, none of the locations from which this landmark is viewed are within the Secondary Plan area, nor is the proposed development site at 21 Avenue Road. However, the view of the Legislature from University Avenue to the south is undeniably affected by the height of buildings north of Bloor Street in the vicinity of Avenue Road. The Secondary Plan policy does not specify that the views of the OLA building should be preserved only from sites within the Secondary Plan area. The intent of the policy was to protect the view of Queens Park from University Avenue from buildings beyond the boundaries of the Secondary Plan area that might mar that view of the Legislature, as the Secondary Plan provided for the protection of this view from sites south of Bloor Street.

There would be no buildings constructed on the streets or sidewalks of University Avenue that would impinge on the view of Queens Park silhouette, particularly from the key College Street location. To the north of Queen's Park along Queens Park Crescent to Bloor Street within the Secondary Plan area, restrictions were put on development in the policies of the Secondary Plan that would preclude buildings that would impinge on the view of the silhouette of Queen's Park from University Avenue. All of this corridor is identified on Map 20-5 of the University of Toronto Secondary Plan as the 'Institutional Area of Special Identity'. The 'Institutional Area of Special Identity' is characterized by unique heritage buildings and open spaces that form the traditional core of the University of Toronto. The Secondary Plan seeks to limit physical changes to preserve the area's existing character. Section 5.1.2 of the Secondary Plan limits development within the 'Institutional Area of Special Identity' to existing buildings plus minor additions.

The only exception are specific development sites shown on Map 20-12 with specific zoned building envelopes, including heights that are well below a height that would mar the vista of the Queen's Park silhouette when viewed from University Avenue to the south.

Thus the intent of this Secondary Plan policy was to limit intrusions on the views of Queen's Park from the south by buildings beyond the boundary of the Secondary Plan Area, as Secondary Plan policies already protected the view from development within the Secondary Plan Area.

Design Criteria for Tall Buildings

With respect to Prominent Sites, Views and Vistas (Design criteria 1.3), the Tall Building Guidelines proposes that tall buildings on prominent sites will be designed and organized to: complement and enhance, not compromise, strategic views and important vistas in the city; and tall buildings should not be located on sites where they create negative visual impact on sensitive historic environments.

The visual dominance of the Ontario Legislative Assembly building was intentionally and carefully placed to be a highly visible and symbolic place at the head of University Avenue. It is an important vista within the City of Toronto and the development proposal

at 21 Avenue is located on a site which will create a negative impact on this important view.

Staff's Preliminary Comments

The Preliminary report approved by TEYCC, indicated that all views of the OLA building along the University Avenue corridor from Queen Street to College Street are important views. In particular, staff expressed the opinion that the proposed towers should ideally not be visible above the silhouette of the OLA when viewed from locations on the north side of College Street (east sidewalk, northbound traffic lanes, centre median and west sidewalk). The report advised the applicant that final determination on acceptable building heights would be informed by a review of revised materials (which were to include a revised shadow study and pedestrian level views) as well as the findings of an independent view-shed analysis.

Provincial Request

In response to the circulation of an earlier version of this application, City Planning staff received a Ministry of Municipal Affairs and Housing (MMAH) staff report dated December 5, 2008, indicating that the proposed development, particularly with respect to the proposed building heights, required further assessment to ensure that it will not have negative impacts on the views of Ontario Legislative Assembly building. The Province further recommended that a “comprehensive objective analysis and assessment of views from various locations to the Ontario Legislative Building and its cultural heritage landscapes should be completed prior to any new tower proposals being considered on the site or in the general vicinity of Queens Park”. City Planning staff agreed with this request by the Province and advised the Applicant that recommendations on an acceptable built form including determination on appropriate building heights would be informed by the completion of an independent view-shed analysis.

Heritage Impact Assessment and View-shed Analysis

In July 2009, the City Planning Division retained Archaeological Services Inc. (ASI) in association with Professor Herb Stovel of the Heritage Conservation Programme at Carleton University to prepare a Heritage Impact Assessment of the significant views that contribute to the cultural heritage values of Queen's Park and Legislative Assembly of Ontario.

The final report addressed the following objectives:

- Develop and execute a methodology for identifying, assessing impacts to, and protecting the site's significant view planes;
- Review and analyze previously conducted studies relevant for identifying view planes associated with Queen's Park;
- Prepare a statement of significance, outlining the site's broad range of cultural heritage values and associated heritage attributes for the purposes of identifying views that express and enhance the site's value;

- Illustrate the visual impact of potential tall tower development north of Queen’s Park on identified view planes; and
- Examine and recommend protective mechanisms under the Planning Act and Ontario Heritage Act to conserve significant view planes related to the Queen’s Park cultural heritage landscape.

In summary, the report:

- Demonstrates that the Queen’s Park cultural heritage landscape is an extremely significant cultural heritage resource within the Province of Ontario;
- Provides an overview of how the Queen’s Park site was developed during the nineteenth century, illustrating that its setting, including its physical presence and visual dominance, was carefully engineered and intentionally shaped to function as a highly visible, commemorative, and symbolic place in the City of Toronto;
- Demonstrates that the protection of significant public views in the City of Toronto is supported by a policy framework that was first developed during the 1970s;
- Determines, based on the results of background research, a review of view plane protection studies undertaken in other jurisdictions, multiple site visits, and analysis of existing and future visual conditions of the site, that the site retains a number of significant view planes from the north, south, east, and west;
- Identifies a series of 30 north-looking view planes to be carried forward for impact assessment and considerations of protection mechanisms;
- Establishes a level of visual integrity to provide a benchmark against which future impacts can be assessed and provides a basis for developing protection mechanisms such as height controls; and
- Presents three representative key control view planes to preserve the highest level of visual integrity.

Implications for Development at 21 Avenue Road

After outlining a view protection methodology for the OLA building the view-shed study defines a level of ‘visual integrity’ as an objective method for conserving the integrity of the building’s silhouette and for assessing the impact of proposed development applications. “Assigning a level of visual integrity indicates a point on the view subject beyond which high rise buildings should not project”.

In this case, the highest level of visual integrity is achieved where there is no visual intrusion above the ridgeline of the east block connector addition. (See attachment No.10 for visual representation of this level of visual integrity.) The report identifies three

representative view planes that would achieve the highest level of visual integrity looking north along University Avenue at the intersections of north side of Queen Street West, north side of Gerrard Street West and north side of College Street.

The consultant's report concludes that all view points from College Street to Queen Street East are views that contribute to protecting the integrity of the Ontario Legislative Assembly building. In this case, the most limiting view with respect to height would be the representative view plane from Queen Street East. In order to achieve the highest level of visual integrity from Queen Street, no building on the 21 Avenue Road site should be taller than 49.5 metres.

While this would permit a building taller than the as-of-right height for this site at 46 metres, it would however be significantly less than the existing site specific height of 99 metres for the existing hotel. In the context of the study findings, the visual impact of the existing hotel does not allow for the highest level of integrity to be achieved.

In addition to the existing Four Seasons Hotel, there are a number of other buildings that also contravene this benchmark, including the Renaissance Residences at 150 Bloor Street West (87 metres), The Park Hyatt Hotel (62 metres) and 130 Bloor Street West (91 metres). The City is currently reviewing an application at 192A Bloor Street West where the City recently sold the property, retaining the air rights above 100 metres. At best, what is currently experienced from Queen Street is a 'minimal' to 'lost' level of visual integrity (using the reports scale of integrity), where the silhouette of the OLA is obscured by buildings that are visible up to the peak of the Centre Block.

At points along University Avenue further north of Queen Street, visual integrity improves. At College Street the existing view plane retains the highest level of visual integrity, as no buildings are currently visible above the silhouette of the OLA.

It was not an objective of the View-shed analysis to make recommendations with respect to visual integrity in the context of existing or approved buildings, nor was it expected of the study to consider the impact the recommendations would have on private development rights.

Staff recommendation on View Protection

Planning Staff agree with the findings of the Heritage Impact Assessment and View-shed Analysis that the 'Queen's Park cultural heritage landscape is an extremely significant cultural heritage resource within the Province of Ontario' and would endorse the recommendation that the Queen's Park cultural heritage landscape be designated 'in recognition of the site's outstanding value within the Province of Ontario and to ensure its long-term conservation and appropriate management'. Furthermore, staff support the methodological approach of the analysis and acknowledge the principle of how to achieve the highest level of visual integrity for the OLA building.

However, our recommendation with respect to view protection is based on the consideration of the following additional factors:

- The highest level of visual integrity from Queen Street has been breached by the approval of a number of existing buildings over a 40 year timeframe;
- This breach is unlikely to be reversed;
- There are no existing buildings that would contravene the highest level of visual integrity when viewed from the North side of College Street; and
- There is an obligation from a land-use planning perspective to seek to find a balance between the protection of a significant cultural heritage resource versus the retention of an appropriate level of private development opportunities in an area of the City designated for growth and where there is a existing context of tall buildings.

Staff recommend to Council that it protect for the highest level of visual integrity of the Ontario Legislative Assembly building when viewed from all points across the University Avenue right-of-way on the North Side of College Street. Based on this objective and with the assistance of survey information with respect to critical grade points from the City Surveyors Office, no building at the 21 Avenue Road site should be taller than 116 metres (including mechanical penthouse).

Light, View and Privacy

Residents of surrounding buildings and the neighbourhood have expressed concerns about the impact of the proposed development on their existing light, view and privacy. In particular, residents have identified: shadow impacts resulting from the east-west orientated slab building; impacts on views of and across the site; and privacy impacts resulting from proposed separation distances and building placement.

The views of and across the site from surrounding buildings will change in a substantial way with the introduction of a second tall building element on the site. The question becomes whether the impacts of altered views, access to light and levels of privacy are acceptable and sufficiently mitigated by the design of the proposal. Staff has reviewed the applicant's shadow studies and have completed an analysis of pedestrian level views around the subject site.

A consistent and important theme of the Official Plan is the protection of low density residential *Neighbourhoods* that are adjacent to areas of higher development forms, such as those found in *Mixed Use Areas* in this particular case. The Official Plan and applicable Urban Design Guidelines require that all new development in these areas be located and massed so to adequately limit shadow impacts on adjacent *Neighbourhoods* and *Areas of Special Identity* during the spring and fall equinoxes.

In this particular case, the subject property is located within a *Mixed Use Area* that extends along Avenue Road, flanked by the lower scale neighbourhoods of the Eastern Annex and Yorkville Triangle, both of which contain Heritage Conservation Districts. The applicant has submitted a study showing existing and proposed shadows generated by the proposal. When reviewing shadow studies it is important to look at a number of

factors, such as duration, reach, shape as well as the nature of the features placed in shadow, such as open spaces and sidewalks.

At 9:18am during the Sept/March equinox the shadow from the proposed south tower (143 metres) reach across a full city block and place the rear elevation of a number of residential buildings on the East side of Bedford Road in shadow. The shadows continue to fall on lands designated *Neighbourhoods* west of Avenue Road until 11:18am. It is important to note that by 10:18am shadows cast by other high-rise buildings along the Avenue Road and Bloor Street corridor, no longer impact the *Neighbourhoods* designated lands to the north side of Lowther Avenue.

In the afternoon in September/March, shadows are limited to the *Mixed Use* areas of Yorkville, and do not project into the Yorkville Triangle residential area to the north of Scollard Street. Site and Area Specific Policy 211 requires that the proposed development be designed to adequately limit shadow, wind and privacy impacts on the Village of Yorkville and the Scollard/Hazelton 'Areas of Special Identity' immediately to the east and northeast of the subject site. The shadow study indicates incremental shadowing of the Village of Yorkville Area of Special Identity between 2:18pm and 5:18pm. The revised proposal no longer shadows the Scollard/Hazelton Area of Special Identity.

Staff are of the opinion that the proposal in its current form does not meet the Official Plan policy of adequately limiting the impacts of shadows. In the context of previous comments regarding building separation distance and proposed floor plate size, the proposal does not adequately address privacy impacts nor are views through and around the site sufficiently addressed.

Transportation Issues

Access

Vehicular access to the site is proposed via two driveway access points, one from Yorkville Avenue and the other from Cumberland Street. This will provide inbound and outbound access from both streets and will operate with left-in and left-out movements only. The midblock access directly onto Avenue Road would be closed as a result of the re-development. The proposed driveway access will run in a north – south direction in approximately the same location as currently found on site. At the midpoint of the driveway will be the access to the proposed loading bays and vehicular access to four levels of underground parking. The proposed access driveways have been deemed acceptable by Transportation Services staff subject to clarification on an existing right-of-way discussed below.

Traffic

In support of the proposal, the applicant's transportation consultant, LEA Consulting Ltd has prepared a revised Traffic Impact Study (TIS). Taking into account the existing hotel that currently operates on the site, the consultant estimates that the proposed re-development will generate approximately 8 fewer two-way trips during the a.m. peak hour and 20 additional two-way trips during the p.m. peak. City Transportation Staff have

reviewed the TIS and concur with the assumption that the traffic impacts of the proposal would be acceptable.

Vehicular Parking

The proposed parking supply consists of 263 resident parking spaces, 12 exclusive visitor spaces and 56 commercial spaces for a total of 331 spaces located within a four level underground parking structure. The proposed parking supply is less than the minimum required under the Zoning By-law which consists of a total of 354 spaces, and includes, 263 spaces for residents, 23 spaces for residential visitors and 68 spaces for the proposed retail uses. Transportation Services staff have requested that the applicant revise the proposal in accordance with the requirements of the Zoning Bylaw, or alternatively, submit acceptable documentation to justify the proposed parking supply. No additional materials have been submitted by the applicant in this regard.

Rights-of-Way and Shared Loading Access

Transportation staff have identified that the site is subject to a right-of-way as set out in Instrument EM87023. Clarification and documentation with respect to the nature of this right-of-way and how it would be affected as a result of the proposed development by the applicant, remains outstanding.

The proposed loading space supply has been deemed acceptable, however it is understood that the right-of-way described above may relate to shared loading arrangements between the subject property and the adjacent mixed-use premises at Nos. 162 and 164 Cumberland Street. Details of this arrangement, along with documentation on how this arrangement can be accommodated into the new development are outstanding.

Alternative Development Strategy

Planning staff believe that there is an appropriate development strategy for this site. Intensification is a desirable objective for this site given, among other considerations, its location within an area designated for growth and within close proximity to a subway line. Staff share the applicant's view that the proposal represents an improvement with respect to the at-grade conditions than what is currently found on the site.

After further review of applicable policies and guidelines, the findings of the independent view-shed analysis and review of the revised application materials, planning staff have compiled an Alternative Development Strategy where development may be considered at 21 Avenue Road subject to the following recommended Development Strategy as described below and found in the comparable table in Attachment No.10:

The recommended development, at an approximate density of 12.0 times the area of the lot, would include the following built form characteristics.

South Building:

- 116 metre (including mechanical penthouse) tower including a 3 storey podium;

- Tower floor plate of 750m² (gross construction floor area);
- 25 metre separation from north building (glass to glass); and
- 3 metre setback from Cumberland Street portion of podium

North Building:

- 99 metre (including mechanical penthouse) tower including a 3 storey podium;
- Tower floor plate of 750m² (gross construction floor area);
- Maximum east/west dimension of 38 metres; and
- 3 metre setback from Yorkville Avenue portion of podium.

This is an appropriate development strategy for the site for the following reasons:

- The massing would allow for a better fit within the existing and planned built form context and would ensure that height is focused towards the Avenue Road ‘edge’ of the site;
- Floor plate sizes and separation distance would result in improved privacy and allow for access to sky views within and from around the site;
- The recommended tower heights would protect the highest level of visual integrity of the Ontario Legislative Assembly Building from all viewpoints across the north side of College Street;
- It would re-shape the north ‘slab’ building into a tower with a floor plate of 750 square metres, resulting in a two tower development;
- The proposed changes would improve pedestrian level views around the site;
- The proposed massing would adequately limit shadows on lower scale neighbourhoods; and
- It would result in a development with a density yield of approximately 12.0 times the lot area. Thereby, resulting in a development that is not only appropriate from a planning perspective, but one that achieves the balance of maintaining the protection of a significant public view without unduly restricting private development opportunities.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits for increases in height and/or density pursuant to Section 37 of the *Planning Act*. Staff recommend that these policies be applied to this application and request authorization from Council to recommend that the Board be requested to impose such section 37 benefits as deemed appropriate by the Chief Planner.

Conclusion

For City Planning staff, the review of this application has come down to a central question of what is the appropriate form of development on the subject site given that it is a suitable site for intensification, but one that has the potential to result in undesirable views of a significant heritage resource, represents an anomalous height and density to the surrounding context.

The proposed massing represents an overdevelopment of the site and would set a negative precedent in terms of the application of the City's built form policies and guidelines for tall building development.

This report has identified that the proposal is located on a prominent site in terms of its relationship to an important vista of a sensitive historic environment (Ontario Legislative Assembly) within the City of Toronto. The proposed height of the building at the southern end of the site distracts and compromises this strategic view and important vista. This report further demonstrates that when viewed from the north side of College Street, the tall building at the southern end of the site creates a negative visual impact.

After further review of applicable policies and guidelines, the findings of the independent view-shed analysis and review of the revised application materials, planning staff have compiled a Development Strategy where development may be considered at 21 Avenue Road.

CONTACT

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E-mail: ltinker@toronto.ca

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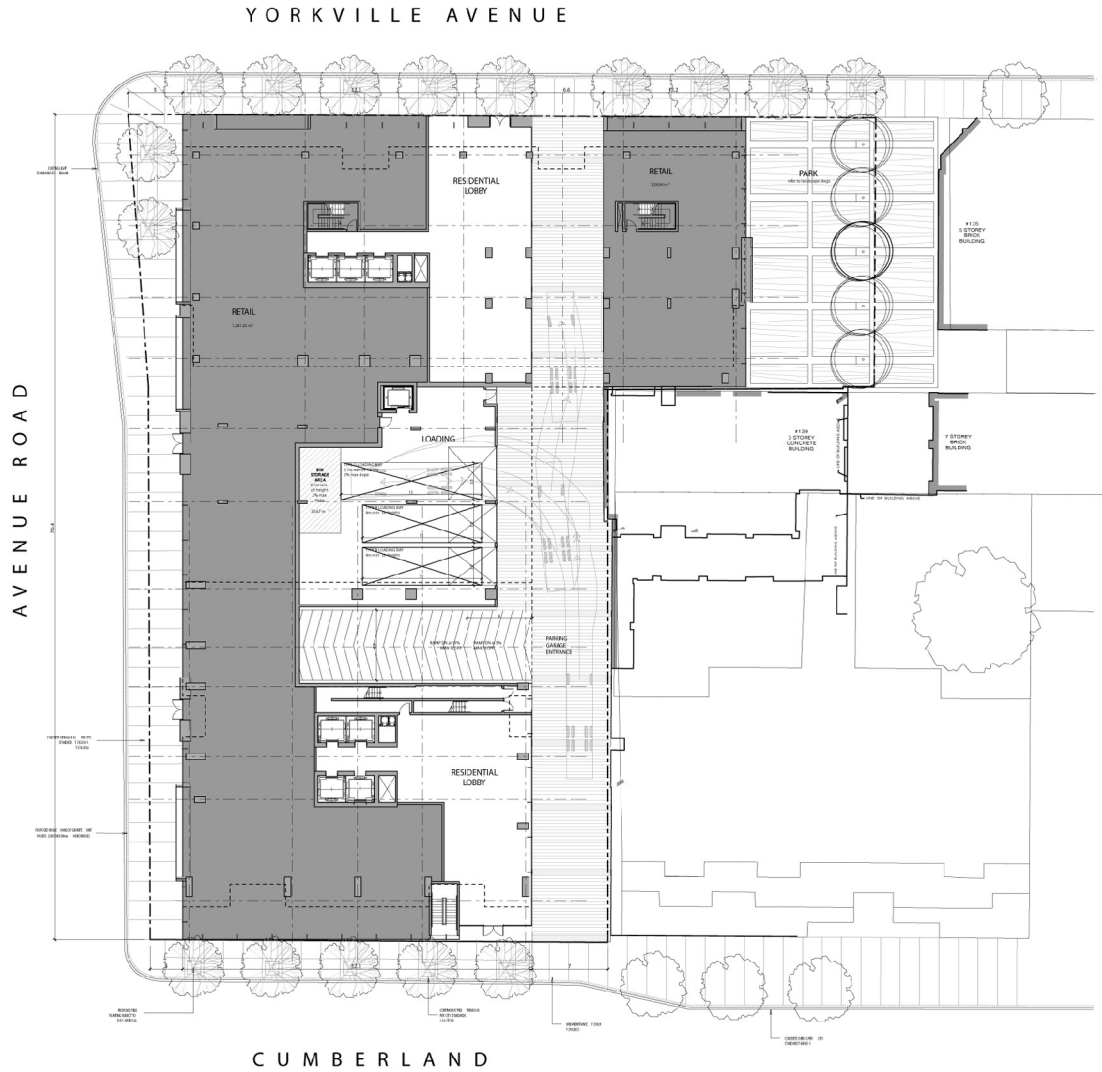
Raymond David, Director
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Context Plan
Attachment 3: Building Elevations
Attachment 4: Zoning
Attachment 5: University of Toronto Secondary Plan – Map 20-4
Attachment 6: Application Data Sheet
Attachment 7: Alternative Design Parameters (February 2009)
Attachment 8: Building Height Map
Attachment 9: Comparative Views of Ontario Legislative Assembly
Attachment 10: Recommended City Development Strategy

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

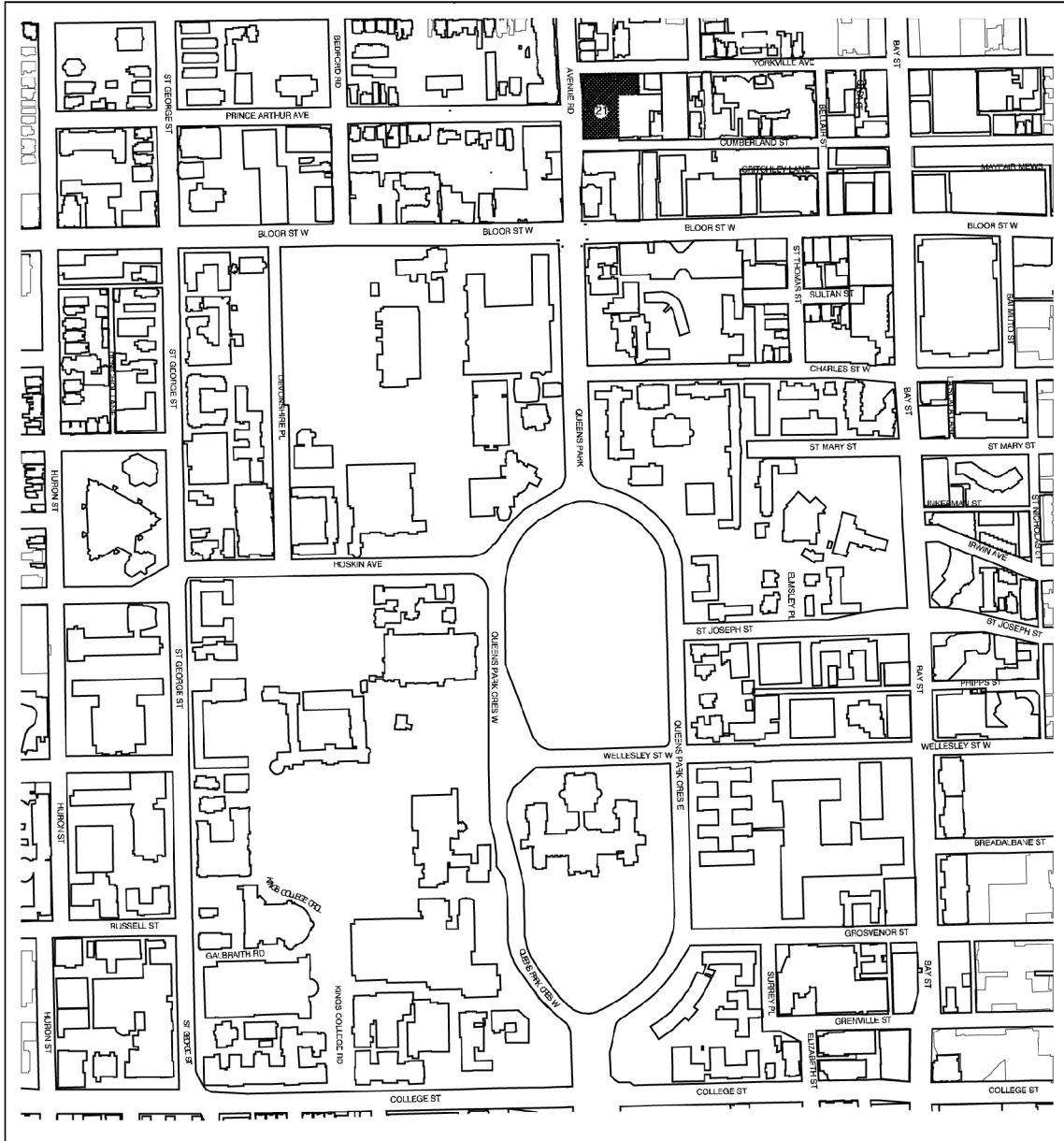
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21 Avenue Road

File # 07_289063

Attachment 2: Context Plan



TORONTO City Planning
Context Plan

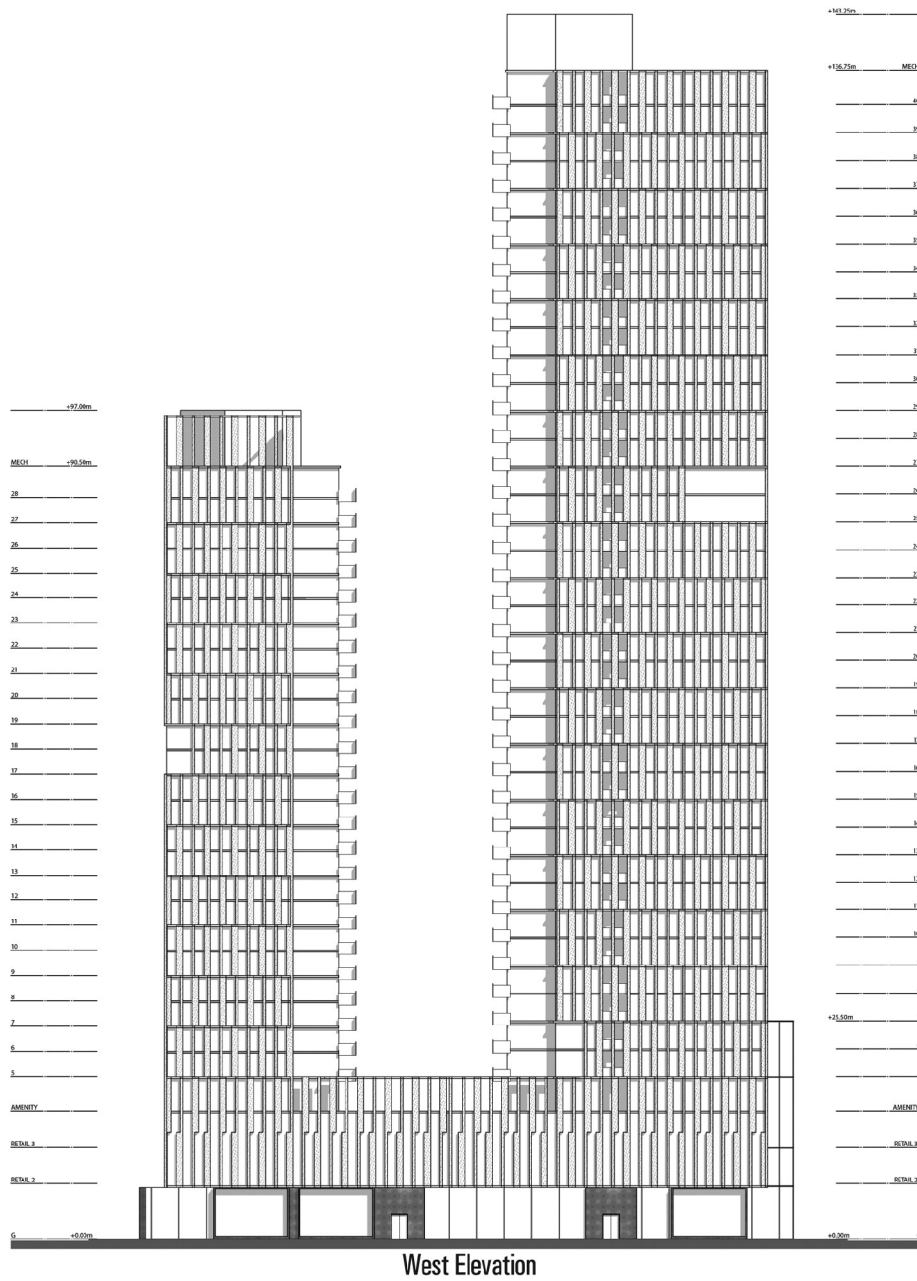
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Extracted 07/25/08 - DR

Attachment 3: Building Elevations



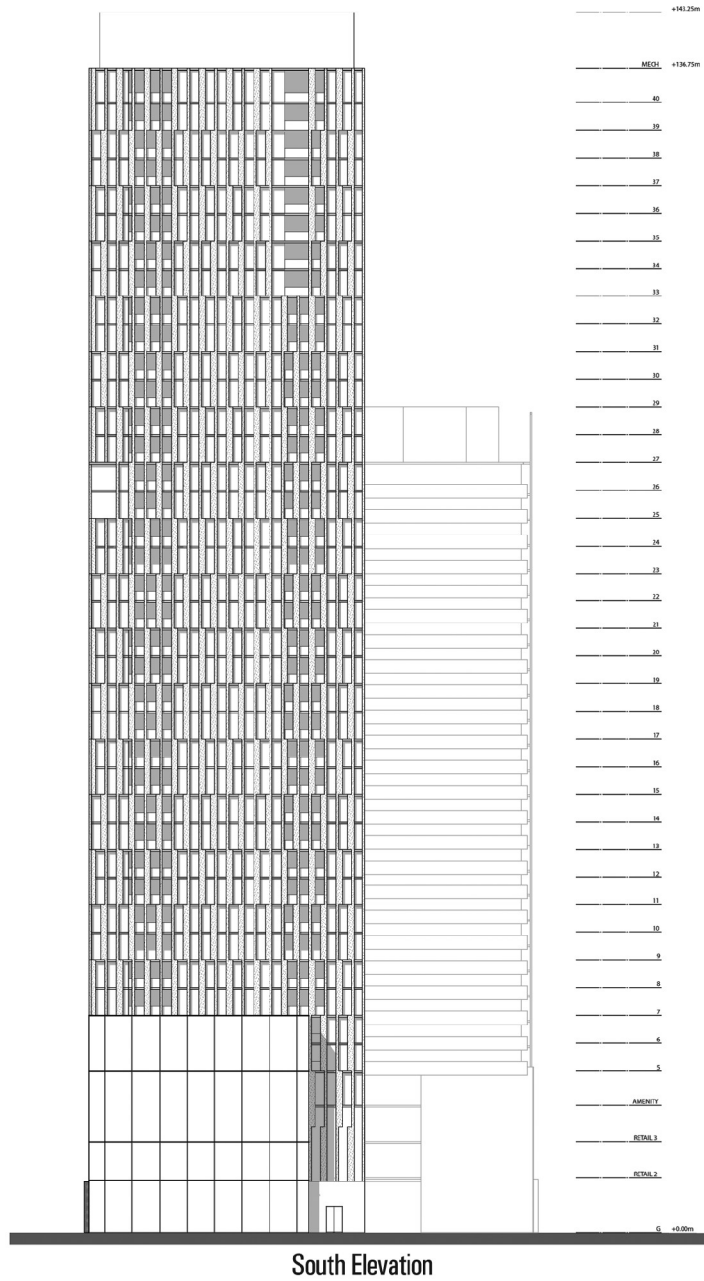
Elevations

Applicant's Submitted Drawing

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21 Avenue Road

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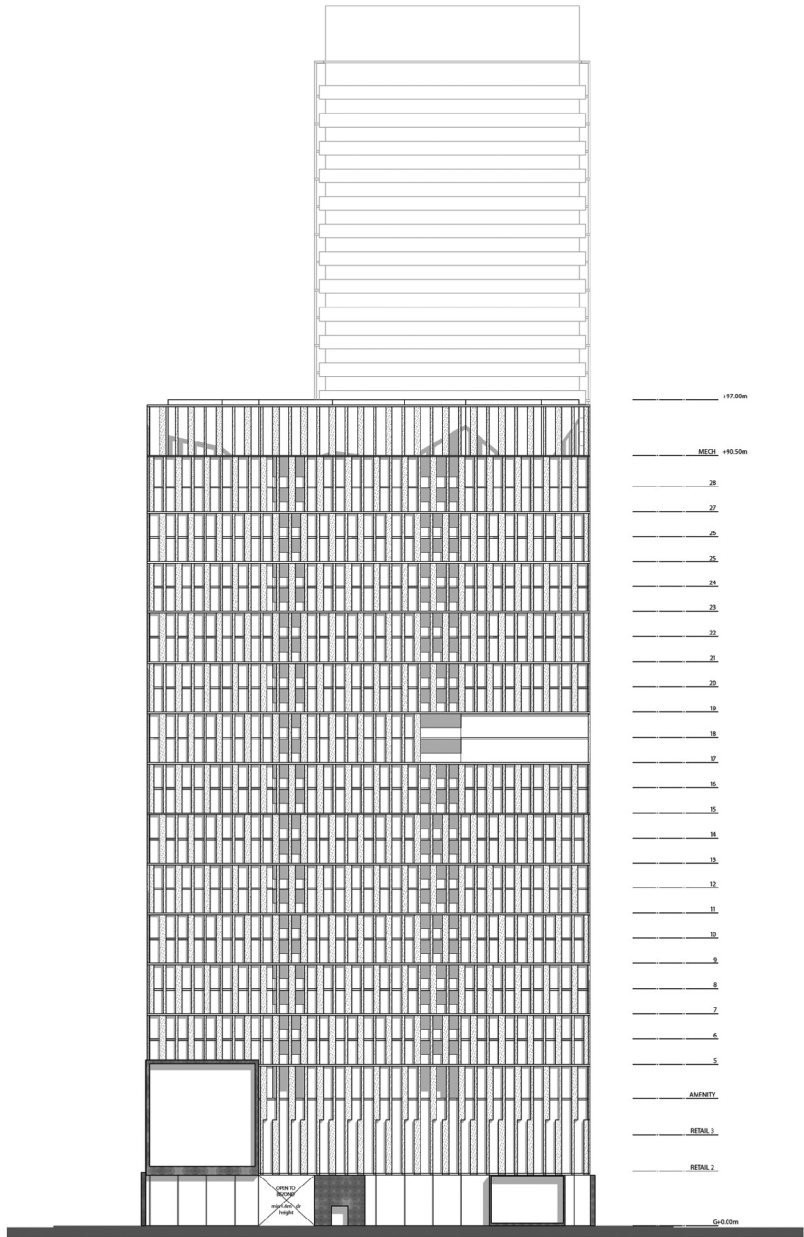
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Applicant's Submitted Drawing

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21 Avenue Road

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North Elevation

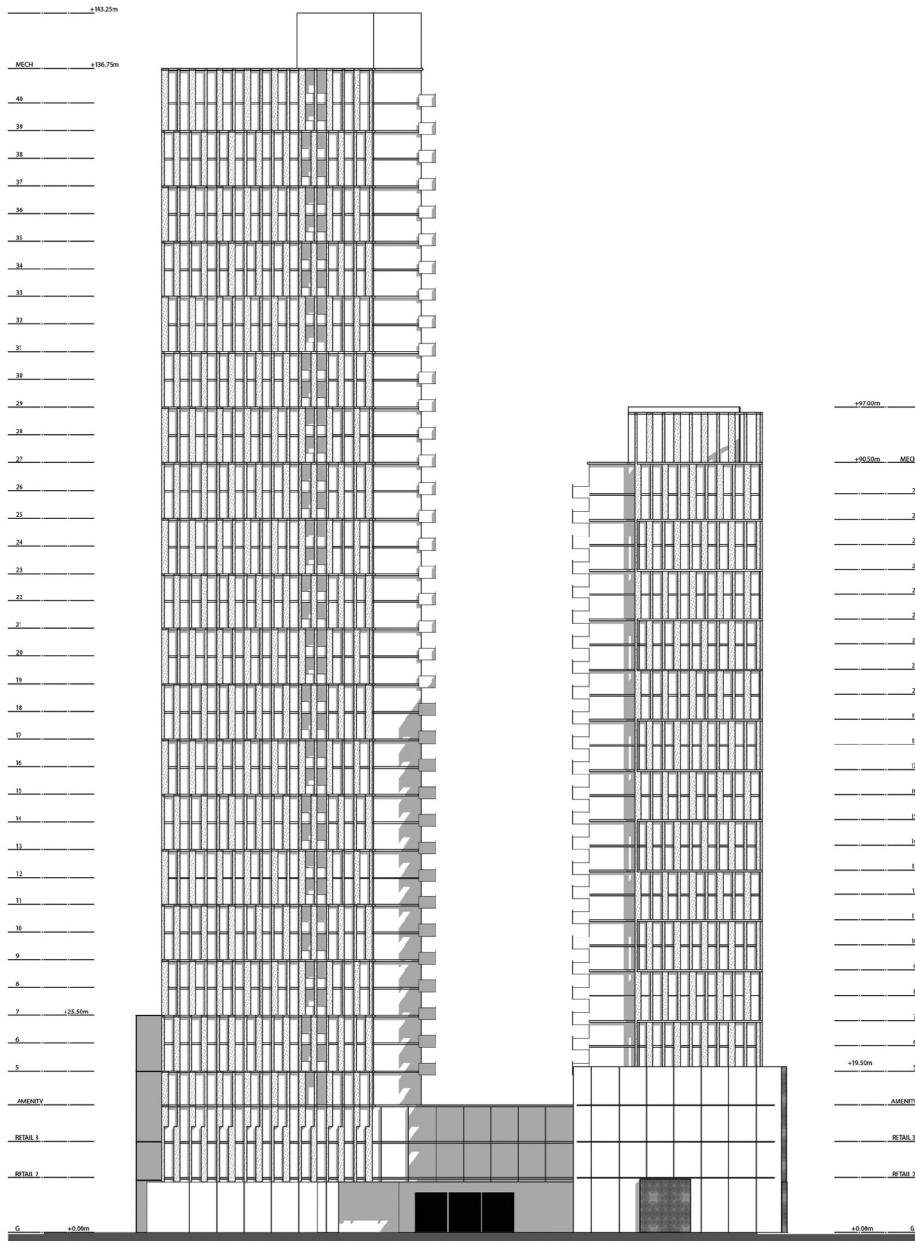
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Applicant's Submitted Drawing

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21 Avenue Road

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East Elevation

Elevations

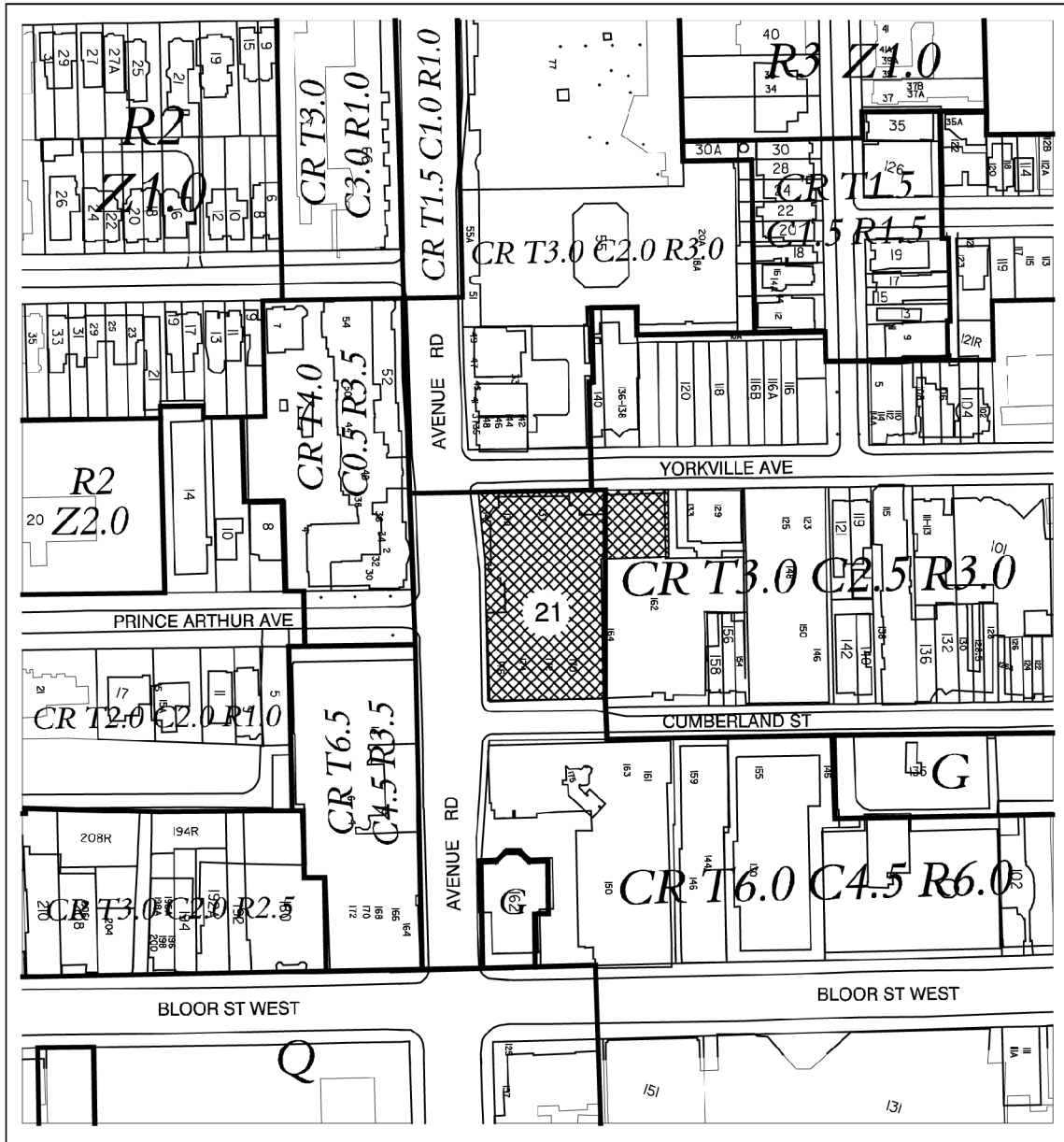
Applicant's Submitted Drawing

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21 Avenue Road

File # 07_289063

Attachment 4: Zoning



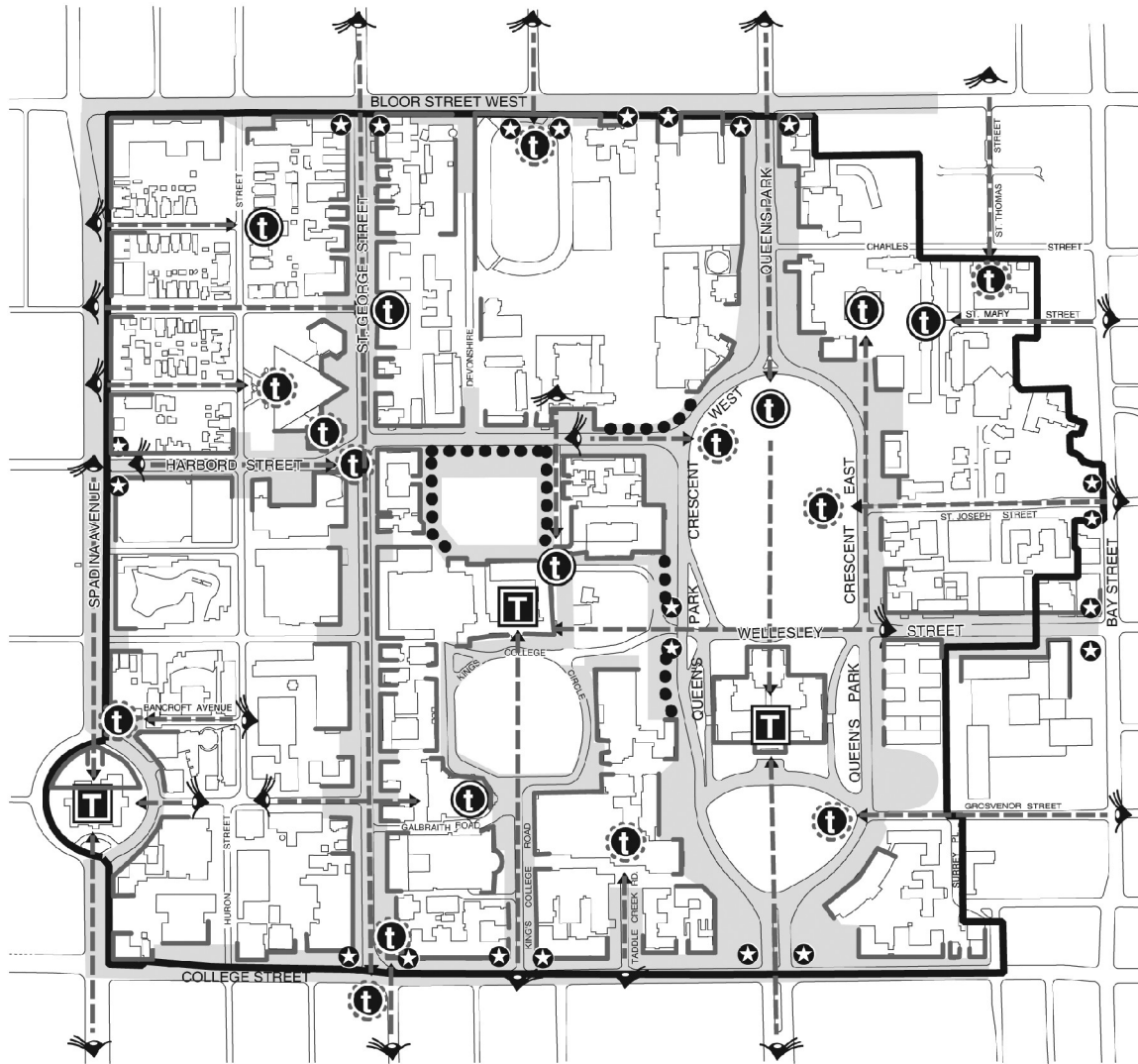
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- G Parks District
- R2 Residential District
- R3 Residential District
- CR Mixed-Use District
- Q Mixed-Use District



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Zoning By-law 438-86 as amended
Extracted 07/25/08- DR

Attachment 5: University of Toronto Secondary Plan – Map 20-4












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University of Toronto Secondary Plan

MAP 20-4 Primary Street Spaces, Vistas and "Gateways" - Structure Plan

-  Secondary Plan Boundary
-  Existing and Potential Street Building Edge
-  Primary Street Space
-  Landscape Edge
-  Major View Terminus
-  Local View Terminus
-  Potential View Terminus
-  Viewpoint
-  Existing and Potential Gateways (Major University Area and Queen's Park Government Area entrances)

June 2006

Attachment 6: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	07 289063 STE 27 OZ
Details	OPA & Rezoning, Standard	Application Date:	December 21, 2007

Municipal Address: 21 AVENUE RD
 Location Description: PL 289 PT LT1 PL 298 PT LTS 1 & 18 **GRID S2703
 Project Description: Application to Amend the Official Plan and Zoning By-law to permit the construction of a mixed-use building with two residential towers set on a three-storey podium with retail uses at grade fronting Avenue Road. The northern building of 28-storeys and a southern tower of 40 storeys.

Applicant:	Agent:	Architect:	Owner:
SHERMAN BROWN DRYER KAROL		PETER CLEWES ARCHITECTS ALLIANCE	KINGDOM HOTELS (TORONTO)

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	188-69
Zoning:	CR T6.0 C4.5 R6.0 & CR T3.0 C2.5 R3.0	Historical Status:	
Height Limit (m):	46, 18	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	3886	Height:	Storeys:	28 & 40
Frontage (m):	76.46		Metres:	97.5 & 143
Depth (m):	0			
Total Ground Floor Area (sq. m):	2735			Total
Total Residential GFA (sq. m):	55,345		Parking Spaces:	331
Total Non-Residential GFA (sq. m):	6,820		Loading Docks	3
Total GFA (sq. m):	62,165			
Lot Coverage Ratio (%):	70			
Floor Space Index:	16.0			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	100
2 Bedroom:	282
3 + Bedroom:	1
Total Units:	383

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	55,345		0
Retail GFA (sq. m):	6,820		0
Office GFA (sq. m):	0		0
Industrial GFA (sq. m):	0		0
Institutional/Other GFA (sq. m):	0		0

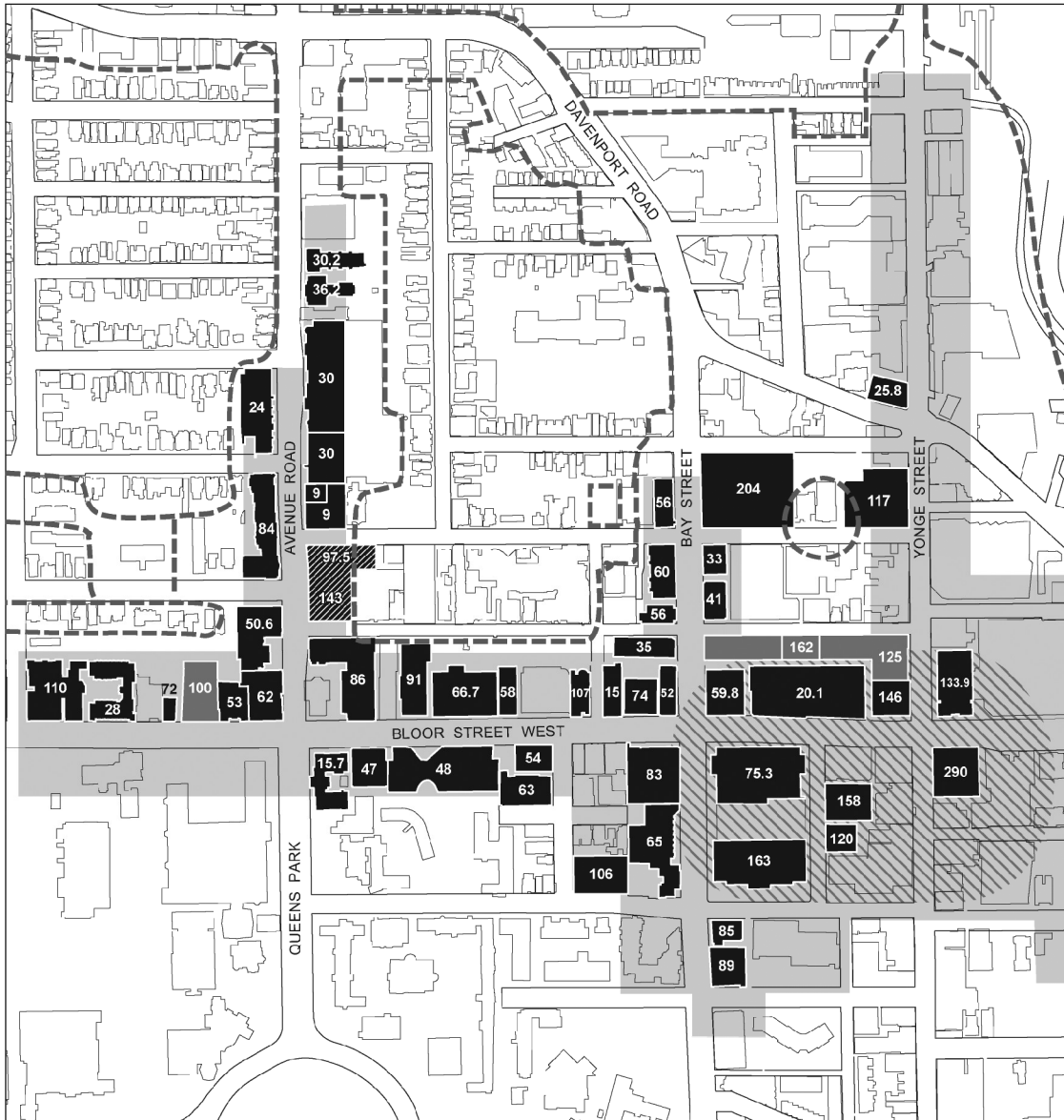
CONTACT: PLANNER NAME: Louis Tinker, Planner
TELEPHONE: (416) 392-0420

Attachment 7: Alternative Design Parameters (February 2009)

The following parameters represent a starting point for a revised proposal. Final building heights and massing will be based on further review of revised materials.

	<i>Concept: Two Tower design positioned over podium with parkette on Yorkville Avenue</i>	<i>Concept: One Tower with Northern Slab building and partial parkette on Yorkville Avenue.</i>
South Tower Height	For both concepts in any application to be processed the south tower to have a maximum height of approximately 136 metres including mechanical penthouse. Final height informed by viewshed study.	
North Tower Height or North Slab Height	North tower to indicate a transition in height down from the height of the southern tower.	Maximum north slab height of 80m.
Podium Height	<p>Max height of 1:1 based on row width provided regard is had for sun/shadow, wind conditions on pedestrian realm and adjacent residential buildings.</p> <p>Modeling indicates a preferred podium height of 15m on Avenue Rd, Yorkville Ave and Cumberland Ave frontages.</p> <p>Area of podium adjacent to 164 Cumberland Ave (East) to have a height comparable with garden (2 storeys) and landscaped.</p>	
South Tower Setbacks	<p>Minimum 3m setback of tower to the south and west edge of podium.</p> <p>Minimum of 7m separation from south tower to 164 Cumberland Ave to East.</p>	
North Tower or North Slab Setbacks	Minimum 3m setback of tower to north and west edge of podium.	<p>Minimum 3m setback of slab to north and west edge of podium.</p> <p>Podium setback 12m from east property line to provide for parkette contiguous with n/s pedestrian walkway.</p>
Tower Floorplate Size	For both concepts maximum point tower floor plate size of approximately 750m ² .	
Building Separation	Would consider a minimum separation of 20m glass to glass or 20m balcony to balcony if included.	

Attachment 8: Building Height Map



TORONTO City Planning
Building Heights

21 Avenue Road

File # 09_289063

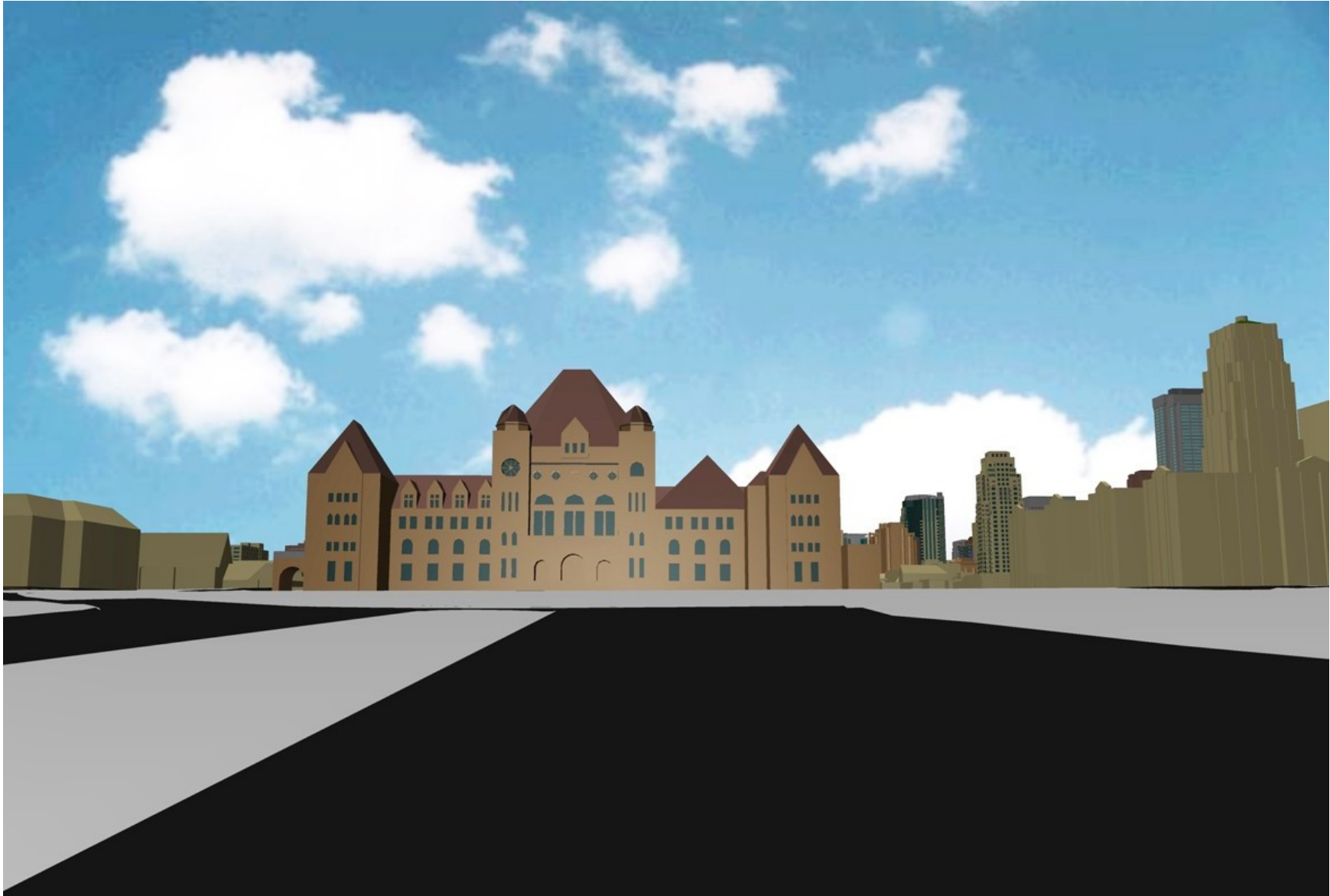



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Attachment 9: Comparative Views of Legislative Assembly Building



Applicant's proposal at 143 metres as viewed from north side of College street, northbound traffic lanes.



Highest level of visual integrity at 116 metres as viewed from north side of College street, northbound traffic lanes.



Applicant's proposal at 143 metres as viewed from north side of College street, east sidewalk



Highest level of visual integrity at 116 metres as viewed from north side of College street, east sidewalk

Attachment 10: Recommended Development Strategy

The following table identifies the built form changes (to the appealed proposal) staff recommend as an appropriate development strategy for the site:

	<i>Applicant's Appealed Proposal</i>	<i>Staff Recommended Development Strategy</i>
Built Form Concept	South Tower plus north Slab building.	A two tower proposal.
North Tower Height	97.5 metres including mechanical penthouse.	99 metres including mechanical penthouse.
South Tower Height	143.25 metres including mechanical penthouse	116 metres including mechanical penthouse
North Tower Floor Plate Size	1050 m ²	750 m ²
Maximum east –west dimension of North Tower	52 metres	38 metres
South Tower Floor Plate Size	960 m ²	750 m ²
Building separation (glass face to glass face)	20 metres	25 metres
Density	16.0	12.0 (Approximate)