

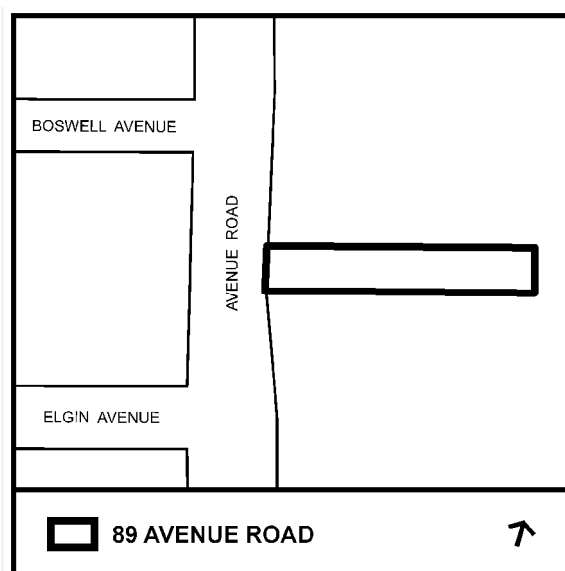
89 Avenue Road – Zoning Amendment Refusal Report

Date:	February 6, 2013
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	12 146411 STE 27 OZ

SUMMARY

This application proposes to construct a new 28-storey (104-metre, including an 8-metre mechanical penthouse), mixed use (hotel and residential) building and a 6-storey building at the rear (adjacent to a private lane) and a 2 and 3-storey portion connecting the two buildings at 89 Avenue Road. The application proposes a site-specific By-law which permits a maximum of 85 residential units and the flexibility to provide up to 5,530 square metres of non-residential gross floor area (hotel). A 4-level underground garage is also proposed comprised of 54 parking spaces. In addition, 15 parking spaces are located off-site at 99 Avenue Road.

This application is not appropriate for the site. The overall proposal, including the proposed height and massing, does not conform to the Official Plan; is inconsistent with Council-approved guidelines; and represents an overdevelopment of the site. Therefore, this report reviews and recommends refusal of the application to amend the Zoning By-law.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the application for Zoning By-law Amendment at 89 Avenue Road for the following reasons:
 - a. the proposal does not conform to the Official Plan;
 - b. the proposal is inconsistent with Council-approved guidelines; and
 - c. the proposal represents an overdevelopment of the site.
2. City Council authorize the City Solicitor together with City Planning and other appropriate staff to appear before the Ontario Municipal Board in support of City Council's decision to refuse the application, in the event that the application is appealed to the Ontario Municipal Board.
3. City Council authorize City Planning in consultation with the Ward Councillor, to secure services, facilities or matters pursuant to Section 37 of the *Planning Act*, as may be required by the Chief Planner, should the proposal be approved in some form by the Ontario Municipal Board.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposal

The proposal is for a new 28-storey (104 metres, including an 8 metre mechanical penthouse), mixed use (hotel and residential) building with a 6-storey (27.95 metres, including mechanical) building to the rear (adjacent to private lane) and a 2 and 3-storey (11.5 metre) connecting building.

The application calls for a zero metre setback at the north and south property lines; a setback of between 2.75 and 3.15 metres along the west property line (Avenue Road); and a setback of 0.99 and 1.12 metres along the east property line (private lane). The varying setbacks are due to the irregular angle of the front and rear lot lines.

The proposed 28-storey tower rises straight up the full height of the building (104 metres) with no podium or setbacks. The typical floor plate size is 402 square metres with dimensions of approximately 13.7 x 29.3 metres. At the 27th floor and above, the floor plates are reduced as the tower begins to terrace at the rear. The plans show a solid blank wall along the entire north face of the building, while the south face shows four columns of a "window wall glazing system." The blank walls are shown to be clad with

"decorative metal panels." The Avenue Road façade is clad with an operable screen and the east face of the tower consists of 1.2 metre balconies.

The proposed 6-storey building at the rear is clad in the same "decorative metal panel" and two columns of a "window wall glazing system" on the south facade. There is no setback from the north and south property lines. The west face contains 1.2 metre balconies looking into the interior of the site.

The distance between the proposed tower and the 6-storey building is 23.1 metres, not including the balconies. The rooftop space above the 2nd storey portion connecting the two towers will be used as a commercial outdoor amenity area including a pool for both the hotel and residential uses. The 3rd storey portion is a corridor which links the two taller structures.

The application requests a flexible site specific by-law which would permit a mix of residential and non-residential uses (hotel), or entirely residential.

The proposed unit breakdown is as follows:

Unit Type	Hotel/Residential Option	Residential Only Option
Hotel Room	80	0
1-bedroom	0	16
2-bedroom	41	69
Total	121	85

The application proposes 709.8 square metres of indoor amenity space and 271.7 square metres of outdoor amenity space. The indoor amenity space will be located on the second and third floor and the commercial outdoor amenity space will be located on the rooftop of the 2nd floor.

The proposed site-specific by-law includes a total residential and non-residential gross floor area of 12,700 square metres. Of that total, a maximum of 5,391 square metres of non-residential gross floor area would be permitted. The overall density would be 11.5 times the area of the lot.

The architectural plans submitted in support of the application show a total of 69 parking spaces to be provided comprising of: 54 parking spaces on site in a 4-level underground garage accessed using vehicle elevators; and 15 parking spaces off-site located at 99 Avenue Road. A total of 158 bicycle parking spaces are proposed, including 137 residential and 21 visitor spaces. The visitor bicycle spaces will be located at-grade and the residential spaces will be located over all 4-levels of the underground garage.

Vehicular access to the site is proposed via a driveway on the adjacent property at 99 Avenue Road by way of an existing easement. The driveway is approximately 5.5 metres wide between the existing building columns at 99 Avenue Road. A circular drop-off area

is proposed at-grade between the 28-storey and 6-storey buildings. A type G loading space is proposed within the 6-storey building as well as two car elevators to access the four-level underground garage.

The architectural drawings submitted in support of the application only show the proposed mixed-use building containing hotel and residential units. No plans for the residential only option were provided. The ground floor shows pedestrian access from Avenue Road and via a drop-off internal to the site. A gift shop, hotel reception area, and resident lounge area are shown at the bottom of the 28-storey building. An indoor corridor along the south property line links the two buildings. The plans for the ground floor of the 6-storey building show a residential elevator lobby and a hotel services area. A pedestrian entrance is also proposed off of the private lane.

The second floor spans virtually the entire site and consists of mechanical and servicing areas as well as a spa, fitness and lounge space. The third floor show plans for a bar, lounge and outdoor swimming pool and deck area between the Avenue Road and rear buildings.

Site and Surrounding Area

The site is located on the east side of Avenue Road north of Yorkville Avenue and south of Davenport Road. The site is approximately 1,101 square metres in area with a frontage of 13.72 metres along Avenue Road and a private lane at the rear. The site is currently occupied by the 8-storey Howard Johnson Hotel.

Uses and structures near the site include:

North: at 99 Avenue Road is a 12-storey mixed-use building with commercial uses on the ground floor and residential condominium above. The building is T-shaped and steps down to four-storeys. Open space and access to the underground garage are located at the rear of 99 Avenue Road. Terraces and projecting balconies are located in close proximity to the subject site. Further north along Avenue Road are buildings with lower heights.

South: is the Hazelton Lanes mixed-use complex with an internal shopping mall on the lower levels and residential condominiums in the upper levels. There is an active Site Plan application (File No. 12 253938 STE 27 SA) to permit exterior and interior renovation of the first three levels of 55-87 Avenue Road. Included in that proposal is the addition of 50 square metres of residential gross floor area and 740 square metres of non-residential gross floor area.

Immediately south of the subject site is 77 Avenue Road, a 7-storey residential condominium with an outdoor amenity terrace located adjacent to the 89 Avenue Road site.

East: of the private laneway is a garage and low-rise residential homes fronting onto Hazelton Avenue. The houses form part of the Yorkville-Hazelton Heritage Conservation District.

West: of Avenue Road are two and three-storey commercial buildings, which form part of the East Annex Heritage Conservation District.

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. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

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 City of Toronto Official Plan designates the subject site *Mixed Use Areas* and locates the site within the *Downtown and Central Waterfront*, as shown on Map 2, of the Official Plan's Urban Structure map.

The *Mixed Use Areas* designation in the Official Plan provides for a broad range of commercial, residential and institutional uses, in single-use, or mixed-use buildings, as well as parks and open spaces and utilities.

Development in *Mixed Use Areas* is subject to a number of development criteria. In *Mixed Use Areas*, developments will: locate and mass new buildings to provide a transition between areas of different development intensity and scale; provide appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*; locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods* particularly during the spring and fall equinoxes; provide good site access and circulation and an adequate supply of parking for residents and visitors; provide an attractive, comfortable and safe pedestrian environment; locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

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. This site is adjacent to the Yorkville-Hazelton Heritage Conservation District.

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

Area Specific Policy 211, in the Official Plan, 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.

The subject site is located within the Height Ridge as illustrated on Map 2 of 2 in Policy 211. Height and density permissions within the Height Ridge generally diminish the further one gets from Bloor Street. The Height Ridge provides for a transition in scale from the Height Peak at Yonge/Bloor. Development along the Height Ridge will be at a lesser height and physical scale than the Bloor/Yonge Height Peak, and in a form compatible with adjacent areas.

Zoning

The subject site is zoned CR T3.0 C2.0 R3.0 under Zoning By-law 438-86. The Commercial Residential (CR) zoning classification permits residential and commercial uses including apartment buildings, retail, office and other commercial uses. The total density permitted is 3.0 times the area of the lot. The maximum permitted height for the site is 30 metres. The site also abuts a laneway and a Residential zoning classification (R3 Z1.0) to the rear.

Bloor – Yorkville/North Midtown Urban Design Guidelines

The Bloor – Yorkville/North Midtown Urban Design Guidelines, approved by Council in July 2004, 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 design guidelines include:

- Enhancement of Areas of Special Identity and historic buildings;
- 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 site is part of the Avenue Road Corridor.

The guidelines state that special consideration should be given to the impact of: commercial uses; the form of development; and parking and servicing arrangements on

the adjacent low-scale residential neighbourhood. New buildings are to provide a transition between areas of different development intensity and scale. Shadow impacts should be minimized on adjacent *Neighbourhoods* through the location and massing of new buildings.

The Urban Design Guideline is available on the City's website at:
<http://www.toronto.ca/planning/urbdesign/blooryorkville.htm>.

Yorkville – Hazelton Heritage Conservation District Plan

The subject site is located adjacent to the western boundary of the Yorkville-Hazelton Heritage Conservation District (HCD) designated under the *Ontario Heritage Act* per By-Law 622-2002.

Council endorsed a set of guidelines with regard to alterations, demolition and new construction within the district. Section 2 of the Yorkville – Hazelton Heritage Conservation District Plan defines the Heritage District Characteristics and sets out guidance for alterations and new development that will complement the existing character.

The Conservation District Plan is available on the City's website at:
http://www.toronto.ca/heritage-preservation/pdf/hcd_yorkville_proposal.pdf.

Downtown Tall Buildings Vision and Performance Standards Design Guidelines

In July 2012, Toronto City Council adopted the Downtown Tall Buildings Vision and Performance Standards Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development proposals falling within the Guideline boundaries.

The Guidelines identify where tall buildings belong in the Downtown and establish a framework to regulate their height, form and relationship to their surroundings. They focus on enhancing the pedestrian environment; minimizing shadowing of sidewalks, parks and public squares; protecting landmark views and heritage resources and improving the quality of life (access to natural light, sky views and privacy) for people living and working Downtown.

The Guidelines include: a vision statement for downtown tall buildings; maps which identify "High Street" and "Secondary High Street" locations, recommended heights and building typologies for these streets; and twenty-three Performance Standards relating to the base conditions or tower portions of tall buildings or to their contextual fit within the Guideline area.

This site is not identified as being located on a High Street on Map 1 of the Guidelines. Further south of this site, within the High Street area the heights identified in the

Guidelines range between 47 to 77 metres, and 62 metres to 107 metres closer to Bloor Street West.

Guideline details are available at:
<http://www.toronto.ca/planning/tallbuildingstudy.htm>.

Site Plan Control

The proposal is subject to Site Plan Control and an application has been submitted (File No. 12 146417 STE 27 SA).

Reasons for Application

The proposal is for a 28-storey, 104 metre tall building (including mechanical penthouse) and a 6-storey (27.95 metres, including mechanical) building at the rear with a 2 and 3-storey portion connecting the two buildings with a density of 11.5 times the area of the lot. The Zoning By-law permits a building with a height of 30 metres and a density of 3.0 times the area of the lot. As the proposal does not comply with the Zoning By-law, a Zoning By-law amendment is required. Other areas of non-compliance with the Zoning By-law include: driveway width, loading, parking.

Community Consultation

A community consultation meeting was held on October 24, 2012. Resident's raised issues regarding: the noise and disruption potential caused by the outdoor hotel/residential amenity area on the second floor; the potential vehicular congestion and width of the right-of-way at 99 Avenue Road; concerns with the traffic volume of the hotel use; the vehicle queuing resulting from the proposed car elevators; the By-law flexibility between a hotel and residential mix or residential only; privacy and shadow concerns; the lack of space for taxi queuing; the height being too tall and not an appropriate height transition from Bloor Street; the City's overall infrastructure capacity; and the sidewalk width.

Written comments received echo many of the issues raised in the community meeting. Some of these issues include: concern with the outdoor hotel amenity area and the noise and impact on the residential uses adjacent to the site; the proposal not being in character with the neighbourhood; loss of light on adjacent balconies and dwellings; and the volume of traffic on the shared driveway.

Staff have also visited the site on a number of occasions and met with area residents to better appreciate the concerns raised at the community meeting.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application. A Notification of Incomplete Application was issued on May 22, 2012. The applicant submitted the

outstanding materials and a Notification of Complete Application was issued on October 25, 2012.

COMMENTS

Provincial Policy Statement and Provincial Plans

As stated in the Provincial Policy Statement (Policy 4.5) the Official Plan is the most important vehicle for implementation of the PPS. Comprehensive, integrated and long-term planning is best achieved through municipal Official Plans. Municipal Official Plans shall identify provincial interests and set out appropriate land use designations and policies. The PPS speaks to managing and directing land use to achieve efficient development and land use patterns. Official Plan Site and Area Specific Policy 211, for example, directs growth in the Yorkville area by accommodating an appropriate range of height and density with a mix of residential, employment, recreational and open space uses to meet long-term needs. While the proposal generally conforms to the PPS, this report demonstrates that this application does not conform to the City's intensification plan.

The City's Official Plan identifies the appropriate type and scale of development in the Yorkville Area. While this application generally conforms to the Growth Plan for the Greater Golden Horseshoe, this report demonstrates that the proposal does not fit within the scale of development called for in the Official Plan.

Land Use

The application proposes both residential and non-residential uses. More specifically the non-residential use includes a hotel with a bar, lounge, spa and pool. These uses are permitted within the CR Mixed-use district in Zoning By-law 438-86 as well as within the *Mixed Use Areas* of the Official Plan.

This application proposes to exceed the permitted gross floor area for the residential and non-residential uses. While the uses are permitted, the application fails to meet many key policies within the Official Plan, Bloor-Yorkville/North Midtown Urban Design Guidelines and the Downtown Tall Buildings Vision and Performance Standards Design Guidelines as explained in the sections below.

Density, Height, Massing

Planning staff do not support the proposed density, height and massing for the site. The proposal calls for an overall density of 11.5 times the area of the lot, where the Zoning By-law permits a total density of 3.0 times the area of the lot. To demonstrate how the proposed density would be massed on the site, the application included architectural plans and a draft Site Specific Zoning By-law.

Not every site can accommodate a point tower. This application fails to demonstrate how this site can appropriately accommodate the proposed density and comply with the Official Plan policies and satisfy the Bloor-Yorkville/North Midtown Urban Design Guidelines and Downtown Tall Buildings Vision and Performance Standards Design Guidelines. While *Downtown* and *Mixed Use Areas* policies are specifically identified as areas for intensification, new development is subject to a number of policies and criteria regarding appropriate building location, massing, protection of adjacent *Neighbourhoods*, and treatment to the public realm.

The height and massing of the proposal is not appropriate for the site and does not fit within the existing and planned context for Avenue Road. Official Plan Area Specific Policy 211 and the Bloor-Yorkville/North Midtown Urban Design Guidelines set out areas called the Height Peak, Height Ridges and Low-Rise Areas. The intent of these policies and guidelines are to direct the tallest buildings around the Yonge and Bloor Streets intersection, known as the Height Peak in the Guidelines. The Height Ridges provide a transition in scale from the Height Peak, with lesser height and physical scale than the Height Peak, and in a form compatible with adjacent areas. Along the Avenue Road Height Ridge, the height and density permissions generally diminish the further north one gets from Bloor Street.

The subject site is located on the northern edge of the Avenue Road Height Ridge, as identified in Official Plan Policy 211 and the Bloor-Yorkville/North Midtown Urban Design Guidelines and is adjacent to a *Neighbourhood*. As stated in the Bloor-Yorkville/North Midtown Urban Design Guidelines, the subject site is located in the Avenue Road Corridor. The Guidelines state that "due to its proximity to low-scale residential neighbourhoods on either side of Avenue Road above Elgin Avenue, special consideration should be given to the impact of commercial uses, the form of development and parking and servicing arrangements." The Guidelines echo many of the built form policies found within the *Mixed Use Areas* designation of the Official Plan, specifically relating to the transition and impacts on the adjacent *Neighbourhoods*.

The proposed 104 metre height does not conform to the Height Ridge policies in the Official Plan's Area Specific Policy 211, which states that height and density permission generally diminish the further one gets from Bloor Street.

Table 1 –Building Heights on the East Side of Avenue Road North of Bloor Street

North edge of Height Ridge			
	<i>Address</i>	<i>Existing Heights in metres to top of mechanical</i>	<i>Proposed</i>
<i>H</i>	111 Avenue Rd.	36.5	
<i>E</i>	101 Avenue Rd.	36.9	
<i>I</i>	99 Avenue Rd.	46.6	
<i>G</i>	89 Avenue Rd.	24.5	104-metre
<i>H</i>			<i>File No. 12 146411 STE 27 OZ</i>
<i>T</i>	77 Avenue Rd.	25	
	55 Avenue Rd.	26.7	
<i>R</i>	33 Avenue Rd.	9	131-metre
<i>I</i>			<i>File No. 12 113502 STE 27 OZ</i>
<i>D</i>	21 Avenue Rd.	99	99-metre
<i>G</i>			125-metre (new south tower)
<i>E</i>			<i>File No. 11 332281 STE 27 OZ</i>
	150 Bloor St. W	86	
Bloor Street			

Table 1 shows the height of existing and proposed buildings on the east side of Avenue Road, north of Bloor Street. The table shows existing and proposed heights of buildings within the Height Ridge as illustrated in Official Plan Area Specific Policy 211.

The preliminary report regarding the 33 Avenue Road application identified the proposed height as an issue in addition to its scale, tower setback, massing, siting and density and overall fit within the Avenue Road corridor. With respect to the 33 Avenue Road proposal, staff are waiting on the applicant to formally reactivate the application and submit a revised application to resolve the issue identified. The proposed height at 21 Avenue Road is also currently under consideration.

If one were to limit the assessment of this application to a study of height alone, the appropriate height for the subject site should have a much closer relationship to the existing residential condominium at 99 Avenue Road, rather than those at Bloor Street to comply with the Policy in the Official Plan to diminish in height along Avenue Road. However, as outlined in this report, there are additional concerns with this proposal, beyond the proposed height, which reinforce the inappropriateness of a tall building of this scale on this site.

The Downtown Tall Building Performance Standard (DTBPS) considers the subject site a "small site." The DTBPS calls for a 45.5 metre wide frontage on a midblock site. This site is approximately 13.7 metres wide. The small size of the subject site is unable to accommodate a tower which provides the sufficient setbacks to the side lot lines. In fact, there is no setback from the north and south property line to the tower. Furthermore,

windows are proposed along the south face of the 28-storey tower and 6-storey building which is not acceptable on a proposal built to the lot line.

The small site with its deficient setbacks constrains the tower with a "canyon typology" to a floor plate of 402 square metres, with deficient setbacks. The DTBPS call for a tower podium typology along the High Street portion of Avenue Road and a 3 metre setback above the podium. This site is north of the High Street area and no podium is proposed. The tower is set back between 2.76 and 3.22 metres from the Avenue Road property line. While the proposed tower is set back from the property line, the main walls of the neighbouring buildings have greater setbacks from Avenue Road. The massing should include a podium and an increased tower setback to improve the pedestrian environment and streetwall alignment.

The DTBPS provides guidelines of canyon sites. This site is not considered to be a canyon site. However, if a canyon typology were to be considered on this site, the building height should not exceed the height of 99 Avenue Road, above which a 45 degree angular plane would apply. Since an assembly of lots is not possible in this case because of the established residential condominiums to the north and south, it is likely that this site may only be able to accommodate a base building that does not include a tower.

This proposal calls for two buildings on one site. The separation between the two buildings on the site is 23.12 metres plus the 1.2 metre projecting balconies from each building. While the two buildings are separated by 25 metres, the proposal does not provide the required separation from the north and south abutting properties.

The 28-storey tower provides a greater setback from the low rise neighbourhood than required in the DTBPS. However, the DTBPS states that the base building will create a smooth transition between the lower scale area and the tall building, and will be built to reflect the built form character of the adjacent area. In this case, the 6-storey (27.95 metres, including mechanical) rear building exceeds the heights of the residential homes on Hazelton Avenue.

Policy 211 in the Official Plan states that developments on sites near this *Neighbourhood* will be designed with sufficient setbacks and transitions in scale, through means such as angular planes and step-downs in height, to adequately limit shadow, wind and privacy impacts upon nearby residences and the public realm. It also states that commercial and mixed use development near the Yorkville Triangle neighbourhood will be designed to adequately limit negative impacts on nearby residences with respect to, among other matters: noise, traffic, odours, intrusive illumination and the location and visibility of access and service areas.

The proposed plans identify an outdoor bar, patio deck and swimming pool on top of the second floor between the 28-storey and 6-storey buildings. Planning staff are not satisfied that these elevated, outdoor commercial uses are compatible with the mixed-use and residential uses immediately adjoining this subject property. The lack of separation

between the proposed commercial outdoor use and the surrounding residential condominiums and the low-rise neighbourhood, would create unacceptable noise, privacy and overlook impacts.

A 28-storey tower, 6-storey building and connecting 3-storey portion is not an appropriate massing for this site because the policy intent is to support a more contextual and transitional scale and fit. The proposed density and massing is an indication of overdevelopment and overcrowding of the site. The massing of the entire development and the planned outdoor uses do not adequately limit the negative impacts on nearby residences.

Sun, Shadow, Wind

The shadow impact resulting from the proposed application is not acceptable. The Downtown Tall Building Performance Standard states that every effort will be made to design and orient Downtown tall buildings to minimize their shadow impact on all public and privately management publically accessible parks, open spaces, natural areas and other shadow sensitive areas.

The Bloor-Yorkville / North Midtown Urban Design Guidelines identify Shadow Sensitive Areas. The *Neighbourhoods* to the east and west of the subject site are identified as shadow sensitive areas, in addition to the Jessie Ketchum Park and School Yard.

The Official Plan states that development in *Mixed Use Areas* will locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes. The Bloor-Yorkville / North Midtown Urban Design Guidelines states that shadows shall also be assessed for the winter solstice.

The shadow study submitted by the applicant shows unacceptable shadow impacts on the neighbourhoods to the west and east of the site. On March 21, the morning shadow (9:18 am) is cast across the East Annex neighbourhood nearly reaching the Bedford Road and Tranby Avenue intersection. The shadow shortens but remains on the neighbourhood until sometime between 11am and noon. Shortly after 3:00 pm, the shadow appears on the Yorkville Triangle neighbourhood to the east and stretches across the housing on the south side of Berryman Street after 4:00 pm. By 5:00 pm the shadow is cast over a northern portion of the Jessie Ketchum School Yard and its parking lot.

Given the width of the proposed 28-storey tower, the shadow is relatively narrow but stretches out over many homes and open spaces in the morning and afternoon time periods. As seen on the shadow studies, by comparison, the neighbouring property at 99 Avenue Road casts nearly no shadow on the neighbourhood to the west in the morning and minimal shadow to the neighbourhood to the east in the afternoon.

During the Summer Solstice (June 21), when the sun is at its highest point, a shadow is still cast by the proposal on the shadow sensitive areas. As called for in the Bloor-

Yorkville/North Midtown Urban Design Guidelines, staff reviewed the shadow impacts for December 21, when shadows are at their longest. On December 21 the shadow stretches to Davenport Road to the north.

The applicant submitted a Pedestrian Level Wind Study, dated April 9, 2012, prepared by Gradient Microclimate Engineering Inc. Staff reviewed the study which was conducted using a reduced scale physical model and a series of test locations to measure pedestrian level comfort conditions at locations in and around the site.

The Study concludes "that the wind conditions over the entire study site, including the third floor and rooftop terraces, as well as key wind-sensitive areas surrounding the development, will be acceptable for the intended pedestrian uses on an annual basis." No mitigation strategies were recommended because no areas were found to experience conditions that were too windy for walking or unsafe for elderly persons. Staff reviewed the wind study and find the wind impacts to be acceptable.

Heritage

The Downtown Tall Building Performance Standards states that no building will interrupt or rise above the silhouette of Queen's Park (Ontario Legislative Assembly) when viewed from any vantage point along College Street at the intersection of University Avenue.

In October 2012, City Council, adopted Official Plan Amendment No. 203 (By-law No. 1321-2012) respecting the protection of views of the Ontario Legislative Assembly Building. This By-law is currently under appeal at the Ontario Municipal Board. The applicants for 89 Avenue Road are one of the appellants.

The Heritage Impact Assessment, dated October 24, 2012, prepared by E.R.A. Architects Inc., states that the proposed tower will not affect views of the Ontario Legislative Assembly Building from south of Queen's Park. The reasoning is the proposed tower stands at 104 metres tall and is 350 meters north of the existing 99-metre tall building at 21 Avenue Road. Planning staff require a visual rather than written analysis to ensure that any proposed tower is not visible from the different vantage points at the University Avenue and College Street intersection. Official Plan Amendment No. 203 (currently under appeal) requires buildings to protect the silhouette of the centre block of the Ontario Legislative Assembly Building from the Queen Street intersection.

The subject site is located adjacent to the western boundary of the Yorkville-Hazelton Heritage Conservation District (HCD) designated under the *Ontario Heritage Act* per By-Law 622-2002. The Downtown Tall Building Performance Standards states that tall buildings will not visually impede the setting of designated heritage buildings. Tall building development will preserve and enhance the character and appearance of the setting of adjacent designated buildings by massing the base of the tall building to respect and reflect the scale and visual relationship of the surrounding historic buildings. The Official Plan states that 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.

The Heritage Impact Assessment, dated October 24, 2012, prepared by E.R.A. Architects Inc., states that the proposal will not affect the historical characteristics/attributes of Yorkville –Hazelton HCD. The significant historical and architectural character of the Yorkville Triangle and Scollard-Hazelton areas make it an important part of the City's rich legacy of neighbourhoods. The Hazelton Avenue area is described with the Yorkville –Hazelton HCD as primarily residential with some commercial activities at the north and south edges.

The built form of the 6-storey building at the rear of the site does not reflect the heritage character of the HCD, particularly in this location. In summary, the heritage character of the Yorkville-Hazelton HCD consists of the following attributes:

- "the well preserved and consistent house forms that reflect the unique mix of Victorian Toronto life;
- the consistent relationship of house and front door to the sidewalk and the street;
- mature street trees and canopy forming an intimate street shed;
- few cars between house and street;
- supportive infill and additions; and
- Yorkville-Hazelton Avenue District is part of a neighbourhood bounded by Avenue Road, Davenport and Yorkville that is part of the Toronto tradition of neighbourhoods such as Cabbagetown, the Beach, Rosedale etc."

With respect to the Heritage Impact Assessment, additional visual evidence is required from the vantage point of Hazelton Avenue to confirm the precise extent to which the 6-storey building at the rear of the proposal impacts the character and appearance of the adjacent HCD.

Traffic Impact, Access, Parking

Staff identified serious concerns relating to the proposed access, parking and loading plan for this site.

The applicant submitted a Traffic, Parking and Loading Study dated August 2012 by MMM Group Limited. The report estimates that the project will generate approximately 34 and 35 two-way trips during the AM and PM peak hours, respectively. The report concludes that the total traffic conditions results show that the proposed development can be expected to have a marginal impact on traffic operations at all five of the study area intersections. Traffic Planning staff have reviewed the documentation provided by the consultant and agree with this conclusion.

The proposed driveway access is too narrow. The proposed development will be serviced by a driveway located on an adjacent property at 99 Avenue Road. The shared driveway is approximately 5.5 metres wide. In some portions the driveway is narrower than the 5.5 metre minimum standard for two way traffic. As indicated on the plans, only 4.0 metres of the 5.5-metre driveway is within the easement (instrument no. E517155) to permit access to the subject site. The 4.0 metre width is too narrow for two way traffic.

Insufficient documentation has been provided to verify that vehicular and/or pedestrian access is permitted over the entire 5.5 metre driveway in favour of 89 Avenue Road.

The application illustrates conflicts between the Type G loading space, hotel pick-up and drop-off (ie. taxi stand on private property, Official Plan Section 2.4, Policy 12), and parking elevator queuing. The Traffic, Parking and Loading Study provided by the applicant undertook a queuing analysis to determine the vehicle storage requirements for the subject parking facility. The study concludes that the queue length for the two car elevators is three vehicles. The location of these designated inbound queuing spaces has not been shown on the drawings. Traffic Planning staff have also identified possible safety concerns with the doors that open out onto the access driveway, which is further compromised by the column locations. Access to the hotel and residential lobbies for the 28-storey building and the 6-storey building are provided off of the circular driveway.

The loading arrangement on the site is not acceptable. By-law 438-86 requires one Type G and two Type B loading spaces to service the residential and hotel uses. Only one Type G space is proposed. The manoeuvring diagrams submitted shows the Type G vehicle utilizing an area outside of the easement located at 99 Avenue Road, on property not owned by the applicant. The diagrams also show the Type G vehicle obstructing vehicular movement and possible staging spaces for the car elevator operation and taxi queuing.

The architectural plans submitted in support of the application show a total of 69 parking spaces to be provided: 54 parking spaces on-site (although the proposed Draft Zoning By-law suggests 45 parking spaces) in a 4-level underground garage accessed using vehicle elevators; and 15 parking spaces off-site located at 99 Avenue Road. A total of 158 bicycle parking spaces are proposed, including 137 residential and 21 visitor spaces. The visitor spaces will be located at-grade and the residential spaces will be located over all 4-levels of the underground garage.

The proposed number of on-site parking spaces complies with the number of parking spaces required for this site. However, the distribution of the on-site parking will have to accommodate the required residential, visitor and hotel parking. With respect to the proposed off-site parking spaces, no documentation has been provided to explain the proposed arrangement for these spaces. Documentation must be provided indicating that off-site parking spaces are in excess of the applicable By-law parking requirements at 99 Avenue Road. The General Manager of Transportation Services, in consultation with the City Solicitor and Chief Building Official will review any off-site parking lease arrangements.

Servicing

A Functional Servicing Report was submitted. The water demand analysis and hydrant testing appear adequate and it appears that the city's water mains are sufficient to support this development. However, the analysis provided is not sufficient in its current form, and therefore the Functional Servicing Report is not acceptable without revision.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.78 to 1.55 hectares of local parkland per 1,000 people. The site is in the middle quintile of current provision of parkland. The site is in a parkland priority area, as per the City Wide Parkland Dedication By-law 1020-2010.

In the hotel option, the application proposes 41 residential units and 5,391 square metres of non-residential uses on a site with a net area of 1,101 square metres. At the alternative rate of 0.4 hectares per 300 units specific in By-law 1020-2010, the parkland dedication requirement is 0.0546 hectares of 49.6 percent of the site area. However, for sites that are less than 1 hectare in size, a cap of 10 percent is applied to the residential use while the non-residential use is subject to a 2 percent parkland dedication. In total, the parkland dedication requirement is 72 square metres.

The applicant would be required to satisfy the parkland dedication requirement through cash-in-lieu. Park's Staff have advised that the cash-in-lieu option is appropriate, as an on-site parkland dedication requirement of 72 square metres would not be of a useable size.

Streetscape

There is a private pedestrian connection midblock, through the site, with access to both Avenue Road and the rear private lane. Since the private lane is designed to accommodate vehicles to access private garages for a few homes along Hazelton Avenue, a public midblock connection is not appropriate at this location. The appropriate and planned midblock pedestrian connection is located through the Hazelton Lanes retail complex.

While the site is not located on a High Street in the Downtown Tall Building Performance Standard, Avenue Road is identified as a Priority Retail Street within the High Street portion of Avenue Road located south of this site. While no retail is proposed on the ground floor frontage, a ground floor hotel lounge and reception is proposed.

The proposed ground floor design appears to be animated and displays a high degree of permeability between the interior and exterior space. The proposed ground floor height of 6.7 metres exceeds the minimum requirement of 4.5 meters, within the Downtown Tall Building Performance Standard. The proposed design incorporates the second floor with the ground floor creating the appearance of a 10-metre high ground floor height, which is out of keeping with the neighbouring buildings.

The proposed sidewalk width is approximately 5.5 metres (including the public sidewalk and the proposed setback), which exceeds the minimum requirement of 4.8 metres in the Downtown Tall Building Performance Standard.

No soft landscaping, street furniture or street trees are proposed. The proposed plans show an inadequate 2.75-3.15 m setback on Avenue Road. With an improved setback on this site, street furniture and trees should be incorporated into the design of the public realm. At the rear of the property there is a privately owned tree which meets the criteria for protection under the City of Toronto's Private Tree By-law. The development proposes the removal of this tree. Further determination of ownership of the subject tree is the responsibility of the owner and any civil or common-law issues which may exist between property owners with respect to trees must be resolved by the owner.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS.

Section 37

Section 37 of the *Planning Act* allows the City to enter into an agreement with an applicant to grant a height and/or density increase for a particular project that is greater than what the zoning by-law would otherwise permit in return for community benefits. Details of a Section 37 Agreement between the applicant and the City are worked out, in consultation with the Ward Councillor, if the project is ultimately considered to be good planning and recommended for approval.

No discussions were had regarding community benefits, since the application is not good planning and has been recommended for refusal. In the event, this application is brought before the Ontario Municipal Board (OMB), and OMB is in the position to grant additional density and/or height beyond that permitted in Zoning By-law 438-86, as amended, the City should request that the OMB withhold their final order until the City has secured the appropriate community benefits.

Conclusion

This proposed tall building is not appropriate on this site where the intent is to support a more contextual and transitional scale and fit. The overall proposal, including the proposed height and massing, does not conform to the Official Plan; is inconsistent with Council-approved guidelines; and represents an overdevelopment of the site. Therefore, this report reviews and recommends refusal of the application to amend the Zoning By-law.

CONTACT

Oren Tamir, Planner
Tel. No. (416) 392-7349
Fax No. (416) 392-1330
E-mail: otamir@toronto.ca

SIGNATURE

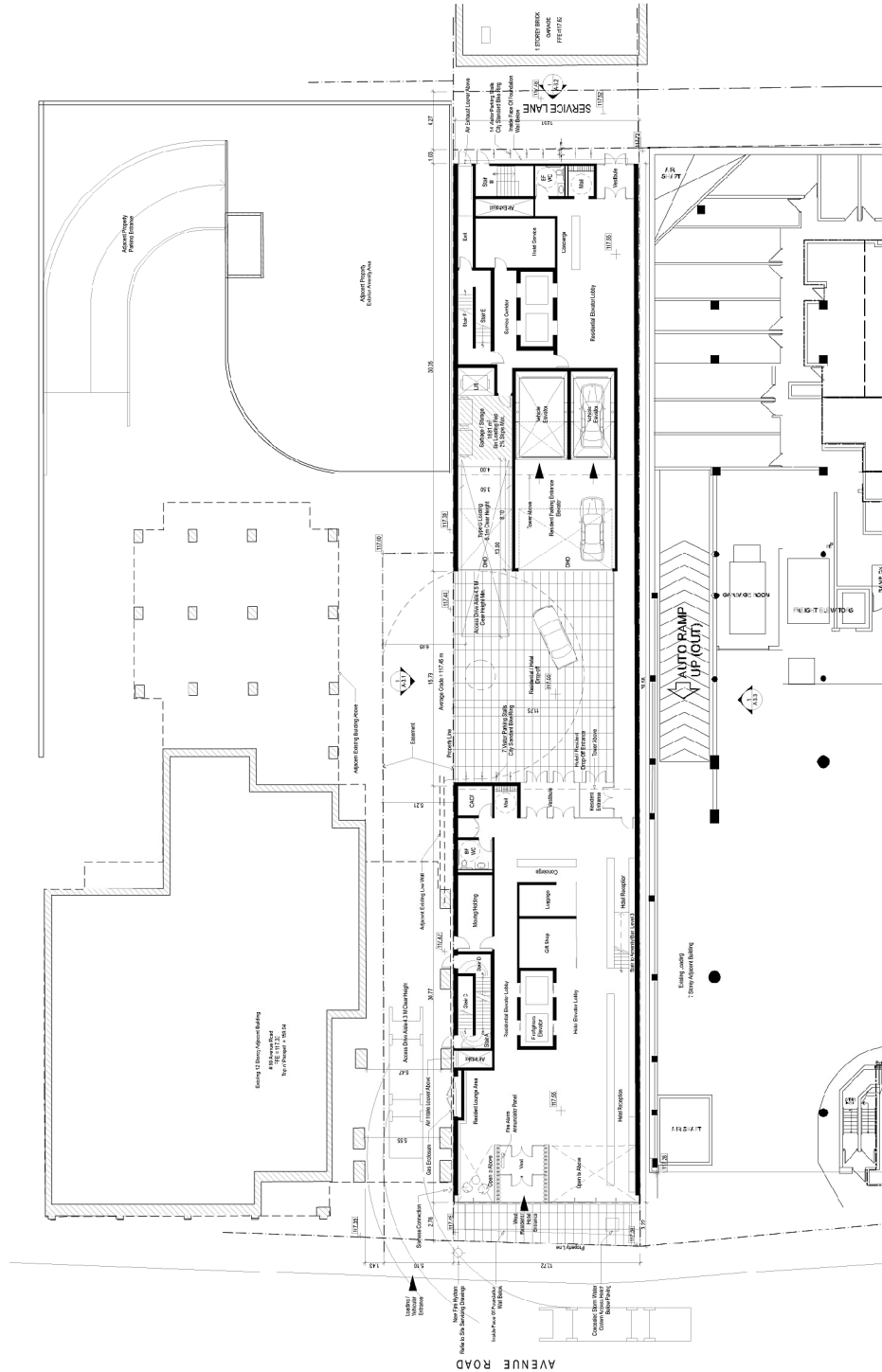
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

(p:\2013\Cluster B\pln\teycc3664824037.doc) - es

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: West Elevation
Attachment 3: East Elevation
Attachment 4: South Elevation
Attachment 5: North Elevation
Attachment 6: Zoning Map
Attachment 7: Application Data Sheet

Attachment 1: Site Plan



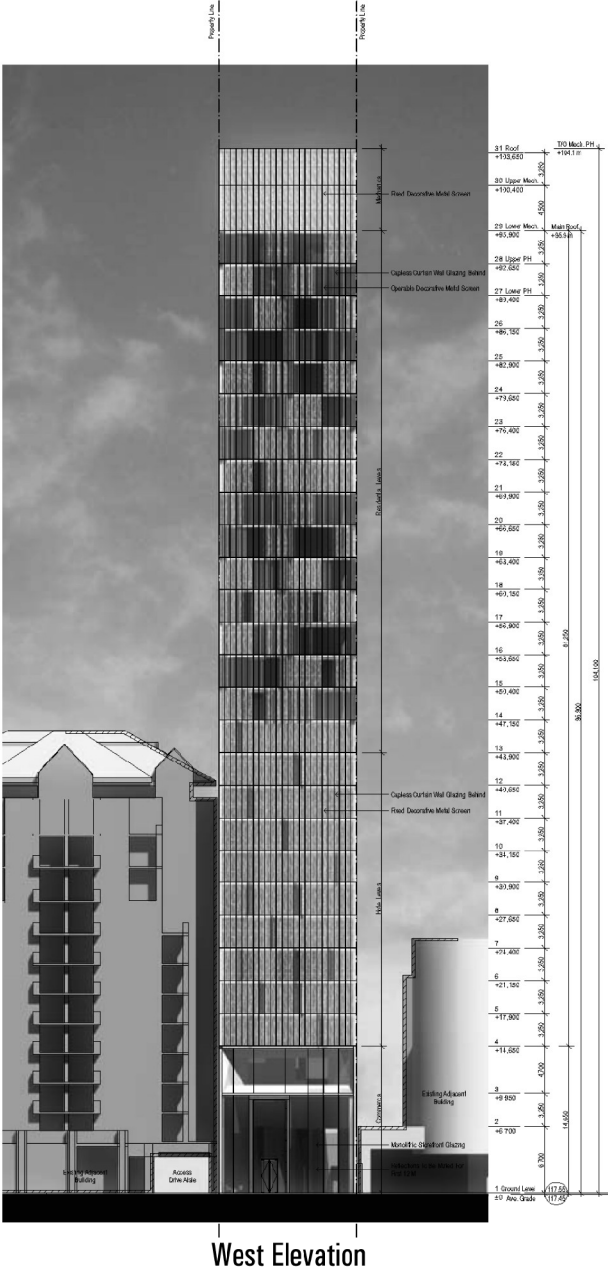
89 Avenue Road

Ground Floor Plan
Applicant's Submitted Drawing

File # 12 146411 02

Not to Scale
09/06/2012

Attachment 2: West Elevation



Elevations

Applicant's Submitted Drawing

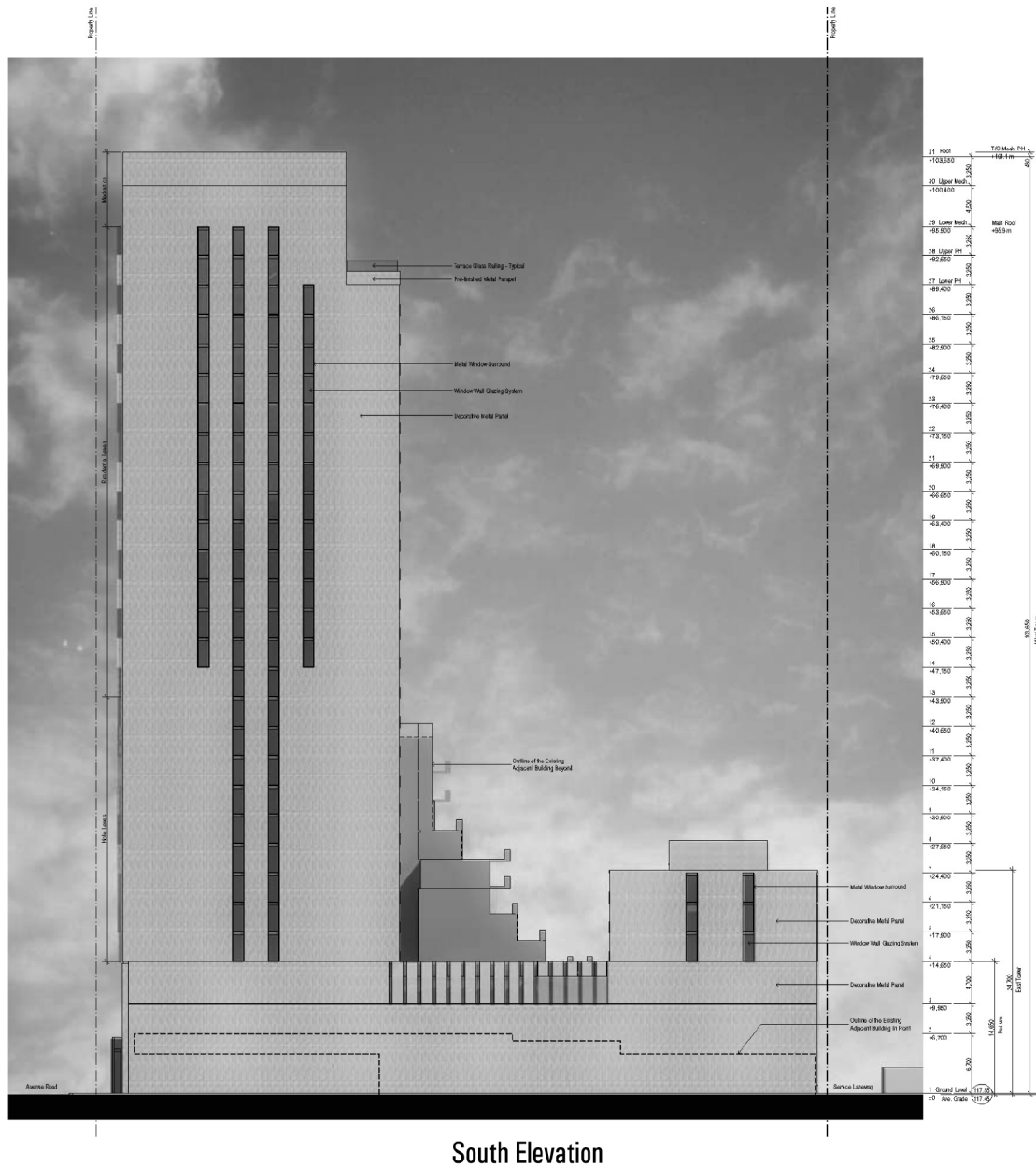
Not to Scale
09/06/2012

89 Avenue Road

File # 12 146411 02

Architectural drawing of the East Elevation of the 30-story building. The drawing shows a tall, dark, rectangular structure with a grid of windows. The facade is composed of dark glass curtain walls and decorative metal panels. The building is situated on a sloping site, with a 'Main Roof' and 'East 1st Floor' indicated. The drawing includes a vertical scale on the right side, showing floor levels from +0.00 to +100.00. The building is labeled '30' and 'East Elevation'.

Attachment 4: South Elevation



Elevations

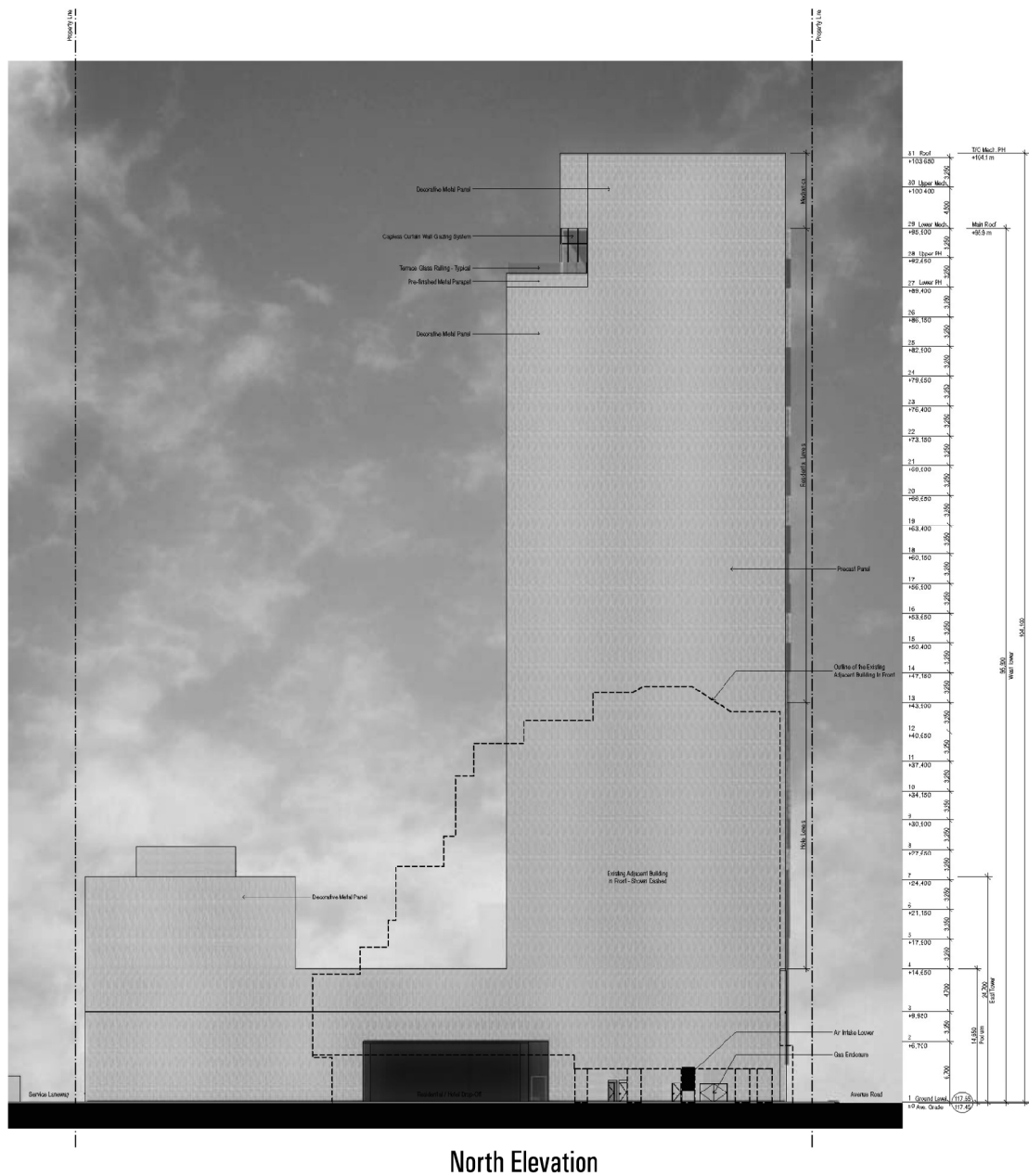
Applicant's Submitted Drawing

Not to Scale
09/06/2012

89 Avenue Road

File # 12 146411 02

Attachment 5: North Elevation



Elevations

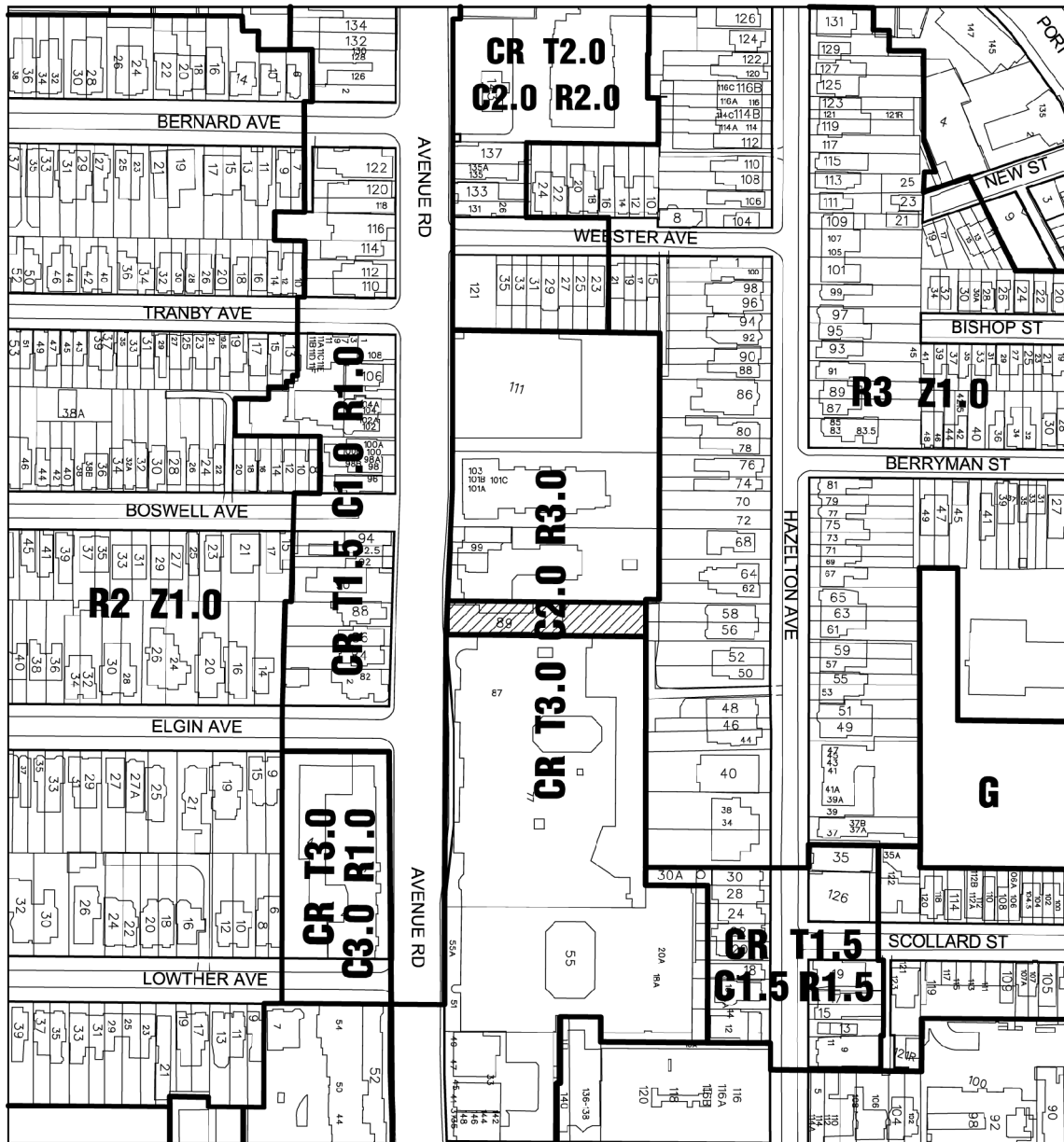
Applicant's Submitted Drawing

Not to Scale
09/06/2012

89 Avenue Road

File # 12 146411 02

Attachment 6: Zoning Map



TORONTO City Planning
Zoning

89 Avenue Road

File # 12 146411 0Z

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

Not to Scale
Zoning By-law 438-86 (as amended)
Extracted 09/06/2012

Attachment 7: Application Data Sheet

Application Type:	Rezoning	Application Number:	12 146411 STE 27 OZ
		Application Date:	March 30, 2012
Municipal Address:	89 AVENUE ROAD		
Location Description:	PLAN 289 PT LOT 2 RP 63R1581 PART 3 WITH ROW **GRID S2703		
Project Description:	Rezoning application to construct new 28-storey, mixed-use (hotel and residential) building with a 6-storey building at rear (adjacent to private lane) and a 3-storey portion connecting the two. Proposed are 41 residential units and 80 hotel units with flexibility to replace the hotel component with 44 residential units, permitting a total of 85 residential units. Also proposed are 54 parking spaces on site in a 4-level underground garage and 15 parking spaces off-site (at 99 Avenue Rd).		
	Architect:	Owner:	
	Architects Alliance	89 Avenue Rd. GP Ltd.	
	205-317 Adelaide St. W.	552 Wellington St. W.	
	Toronto ON M5V 1P9	PH Suite, 1500	
		Toronto ON	

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	OP 211
Zoning:	CR T3.0 C2.0 R3.0	Historical Status:	No
Height Limit (m):	30 metres	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	1101	Height:	Storeys:	28
Frontage (m):	15		Metres:	104.1
Depth (m):	78			
Total Ground Floor Area (sq. m):	664			
Total Residential GFA (sq. m):	12700	Parking Spaces:	Total	
			54	
			(plus 15 off-site)	
Total Non-Residential GFA (sq. m):	5530	Loading Docks	1	
Total GFA (sq. m):	12700			
Lot Coverage Ratio (%):	60			
Floor Space Index:	11.5			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	12700	0
1 Bedroom:	0	Retail GFA (sq. m):	0	0
2 Bedroom:	41	Office GFA (sq. m):	0	0
3 + Bedroom:	0	Industrial GFA (sq. m):	0	0
Hotel:	80	Institutional/Other GFA (sq. m):	5530	0
Total Units:	121			