

**21 Avenue Road - Official Plan and Zoning Amendment
Final Report**

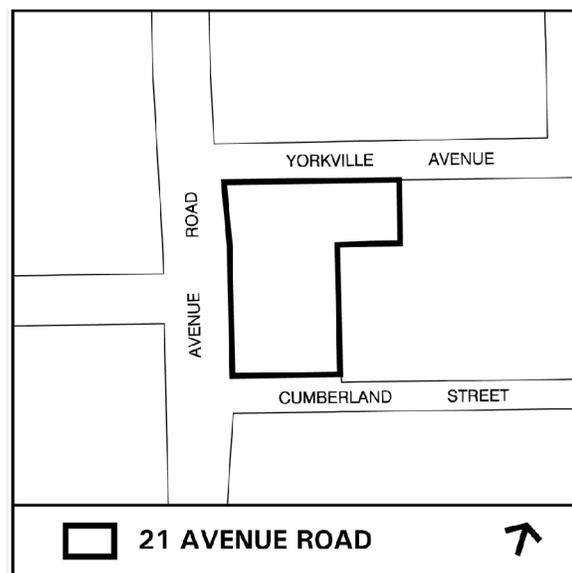
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| Date: | March 15, 2013 |
| To: | Toronto and East York Community Council |
| From: | Director, Community Planning, Toronto and East York District |
| Wards: | Ward 27 – Toronto Centre-Rosedale |
| Reference Number: | 11 332281 STE 27 OZ (Zoning By-law Amendment) 13 126666 STE 27 OZ (Official Plan Amendment) |

SUMMARY

This application proposes to: convert the 31-storey former (Four Seasons) hotel building into a mixed-use building; construct a new 38-storey mixed-use building at the corner of Avenue Road and Cumberland Street, and construct a new 10-storey mixed-use building fronting onto Yorkville Avenue at 21 Avenue Road. In total, 803 residential units are proposed and 363 parking spaces (294 residential spaces, 4 car share spaces, and 65 commercial spaces within a commercial parking garage) are proposed to be provided in a five-level below-grade parking garage.

The proposed development substantially complies with the development criteria for *Mixed Use Areas, Downtown, Public Realm, Built Form*, and all other relevant Official Plan policies and the Bloor-Yorkville/North Midtown Urban Design Guidelines.

This report reviews and recommends approval of the application to amend the Zoning By-law and Official Plan, subject to modifications recommended by Staff respecting parking.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan, for the lands at 21 Avenue Road substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 9 to the report (March 15, 2013) from the Director, Community Planning, Toronto and East York District.
2. City Council amend Zoning By-law Zoning By-law 438-86, as amended, for the lands at 21 Avenue Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 10 to the report (March 15, 2013) from the Director, Community Planning, Toronto and East York District.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required.
4. City Council require the Owner to submit a Traffic Study and a detailed Functional Pavement Marking and Signing Plan, to the satisfaction of the General Manager of Transportation Services, which assesses the implications of widening the easterly sidewalk along Avenue Road by eliminating a portion or all of the existing northbound curb lane directly adjacent to the 21 Avenue Road site, and in the event that the Traffic Study and Functional Pavement Marking and Signing Plan are deemed to be acceptable, the owner is required to construct and pay for all costs associated with the modifications that are required to implement the sidewalk widening.
5. Before introducing the necessary Bills to City Council, City Council require the Owner to undertake that the Owner shall advise the Ontario Municipal Board, upon the by-law becoming final and binding, that the owner and the City will not request the Board to issue an Order pursuant to its decision dated May 18, 2010 approving an Official Plan amendment and Zoning By-law amendment and that the Board close its file in this matter (OMB File No. PL090551).
6. Before introducing the necessary Bills to City Council, City Council require the Owner to undertake that upon the Official Plan and Zoning By-laws becoming final and binding, that the Owner will withdraw their appeal of OPA 203.
7. Before introducing the necessary Bills to City Council for enactment, City Council require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:
 - a. The community benefits recommended to be secured in the Section 37 Agreement are as follows (detailed information to be provided at Community Council):
 - i. At a minimum, an indexed contribution of \$2,100,000.00. Such payment will be deposited to the Planning Act Reserve Fund and be used towards, but not limited to: public art; the widening and reconstruction of the sidewalk along Avenue Road between Cumberland Street and Yorkville

Avenue; local streetscape improvements; Yorkville Avenue roadway and streetscape improvements; improvements to the Village of Yorkville Park; capital repairs of Toronto Community Housing located in the neighbourhood; and any other benefits as determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor. The total amount would be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.

- b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:
 - i. a 200 square metre publically accessible open space; and
 - ii. an east/west pedestrian mid-block connection.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In December 2007, an application was made to amend the Official Plan and Zoning By-law at 21 Avenue Road to demolish the Four Seasons hotel building and construct two new mixed-use towers at 48 storeys (178.5 metres including the mechanical penthouse) and 44 storeys (166 metres including the mechanical penthouse).

The Applicant, at the time, appealed the applications to the Ontario Municipal Board (OMB) due to Council's failure to make a decision within the time allotted by the *Planning Act*. In response to the appeal, Planning staff wrote a report to City Council, dated December 23, 2009, seeking City Council's direction on a revised development proposal. This revised development proposal was for a north tower with an east-west orientated 'slab like' building at 28 storeys (97 metres including the mechanical penthouse) and a south tower at 40 storeys (143 metres including the mechanical penthouse). A 12-metre wide open space was also proposed at the northeast portion of the site.

In a report dated December 23, 2009, Staff recommended that City Council oppose the applications at the OMB and support an alternate development strategy. Planning staff did not support the 97 metre 'slab like' building and the 143 metre tower proposal because the massing represented an overdevelopment of the site. Staff also raised concerns over the shadow impacts. Other issues raised included: the proposed separation distance (20 metres between building face and 16.5 metres between balconies); the massing of the 'slab like' building (52 metres long) and the proposed floor plates (1025 square metres and 960 square metres); the height of the 143 metre tower and its fit within the planned height and built form policies in Area Specific Policy 211 in the Official Plan; the impact on the visual integrity of the Ontario Legislative Assembly building; and the public realm policies in the Official Plan relating to public views and view corridors.

In Attachment No. 10 of the report dated December 23, 2009, Staff provided a recommended development strategy for the site. The staff recommended strategy was provided in response to the Applicant's proposal at the time. Staff recommended that the proposal include two towers with a north tower at a height of 99 metres (including the mechanical penthouse) and south tower

at a height of 116 metres (including the mechanical penthouse). The north tower floor plate was recommended to become a point tower with a 750 square metre floor plate rather than the 'slab like' building. The south tower floor plate was recommended to decrease from 960 square metres to 750 square metres. Finally, staff recommended a tower separation distance of 25 metres and a density of approximately 12 times the area of the lot.

On January 12, 2010, Toronto and East York Community Council (TEYCC) adopted the recommendations outlined in the report dated December 23, 2009 and requested that the Director, Community Planning report directly to City Council on a revised proposal presented to the TEYCC on January 12, 2010 by the Applicant.

Staff reviewed an 'annotated roof plan' illustrating two towers each with a 780 square metre floor plate and a tower separation of 20 metres building-face to building-face and 16 metres separating the balconies. The south tower was reduced in height from 143.25 metres (including the mechanical penthouse) to 127 metres (including the mechanical penthouse). The north tower height was increased from 97.5 metres (including the mechanical penthouse) to 133 metres (including the mechanical penthouse) and an additional three new floors of residential units above the existing retail podium to the east. Planning staff concluded that the revised proposal did not address the 'reasons for refusal' identified in the Directions Report dated December 23, 2009.

City Council on January 26 and 27, 2010 approved, in principle, amendments to the Official Plan and Zoning By-law that would permit the development of the site consisting of two new towers on a base building with the following dimensions:

- North tower height – 127 metres (including mechanical penthouse);
- South tower height – 133 metres (including mechanical penthouse);
- North tower floor plate area – 780 square metre maximum gross construction area (750 square metre gross floor area);
- South tower floor plate area – 780 square metre maximum gross construction area (750 square metre gross floor area);
- North tower east-west length - 37.8 metres; and
- Building separation – 25 metres building-face to building-face.

The approval was subject to the Applicant entering into a Section 37 Agreement with the City, in part, to secure \$1,000,000 towards local parks and street improvements in the area and \$500,000 towards the Toronto Reference Library Renovation Plan. The Applicant was also required to provide a privately owned open space area to be designed and constructed by the Owner and to be made publicly accessible.

City Council directed the City Solicitor to support the Applicant's appeal/proposal, modified as described above, at the OMB. The support was subject to the Board's order being withheld until the City Solicitor: advises the Board that the Section 37 Agreement has been executed; and submits to the Board the Official Plan and Zoning By-law amendments in a form satisfactory to the City and the Owner.

City Council's decision and accompanying staff reports are available on the City's website at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.TE30.4>

The OMB issued a decision dated May 18, 2010 approving the Official Plan and Zoning By-law amendments. The Order with respect to this decision was withheld until a Section 37 Agreement has been executed by the City and the Owner, and the City has advised the Board accordingly. The Section 37 Agreement in connection to the OMB approved proposal has not been entered into.

The OMB decision is available on the OMB website at:
<http://www.omb.gov.on.ca/e-decisions/pl090551-may-18-2010.pdf>

The OMB decision permits two towers and associated podium within a specific built form envelope. A summary of some of the provisions are as follows: The height limit of the north tower is 127 metres (37 storeys including mechanical penthouse), and the south tower is 133 metres (39 storeys including mechanical penthouse). The towers are to have a separation distance of 25 metres with floor plate sizes of 750 square metres. The total gross floor area permitted is 62,000 square metres at a density of 15.95 times the area of the lot. A parking ratio is provided for the number of resident and visitor parking, as well as the requirement of one Type G and two Type B loading spaces.

ISSUE BACKGROUND

Proposal

The current proposal calls for three mixed-use buildings with shared loading and underground parking facilities. The proposal includes: the retention and conversion of the 31-storey (93 metres tall, plus a 7-metre mechanical penthouse) former Four Seasons Hotel into a mixed-use building; a new 38-storey (120 metres tall, plus a metre mechanical penthouse sloping in height from 2 to 5 metres) mixed-use tower at the corner of Avenue Road and Cumberland Street; and, a new 10-storey (40.5 metres tall, plus a 5-metre mechanical penthouse) building along Yorkville Avenue, east of the existing 31-storey building.

The existing 31-storey tower has an articulated floor plate with a size of approximately 995 square metres. The majority of the tower's exterior remains unaltered other than the enclosure of the corner balconies and modifications to the mechanical penthouse and first two floors. The former hotel use will be converted into retail uses on the first two floors and residential uses above. Indoor and outdoor amenity space, including a gym and party room is proposed on the third floor. A total of 298 square metres of indoor amenity space is proposed for the 490 residential units.

A new 38-storey tower is proposed 20 metres away from the existing 31-storey tower (measured from the inner portion of the articulated main south wall). The proposal calls for two storeys of retail uses and residential uses above. In addition, the Draft Site Specific Zoning By-law permits the option of providing 3,104 square metres of office uses from the 5th to 8th floors.

The tower is set back above a two storey podium: 1.1 metres from Avenue Road; 2 metres from Cumberland Street; and 4 metres from the east property line. The majority of the proposed tower floor plate is 750 square metres with no projecting balconies. From the 31st floor up to the 38th floor, a portion of the north face of the tower gradually projects from approximately 2 metres to 4.4 metres, including balconies (see Attachment No. 3). A total of 590 square metres of indoor

amenity space is proposed for the 295 residential units. The mechanical penthouse slopes from 2 metres tall at the south end to 5 metres tall at the north end of the tower.

The outdoor amenity spaces for the north and south towers are located on the third and fourth floors. The outdoor amenity space requirement in the Draft Site Specific Zoning By-law is 548 square metres for the 785 residential units for the north and south towers.

A new 10-storey building is proposed to be located on Yorkville Avenue containing retail on the ground floor and residential units above. A two storey podium is proposed. As indicated in the Draft Site Specific Zoning By-law, the floors above the base buildings terrace back from Yorkville Avenue. The mechanical penthouse is located at the southern end of the building at a height of 5 metres. No indoor or outdoor amenity space is proposed for the 18 unit building.

The proposed 803 residential unit type breakdown is as follows:

| Unit Type | Existing Tower | 39-Storey Tower | 10-Storey Building |
|------------------|-----------------------|------------------------|---------------------------|
| Studio | 55 | 28 | 0 |
| 1-bedroom | 367 | 105 | 0 |
| 2-bedroom | 67 | 162 | 16 |
| 3-bedroom | 1 | 0 | 2 |
| Total | 490 | 295 | 18 |

The base of all three buildings is two storeys tall and ranges between 11 and 12 metres tall. Approximately 3,622 square metres of retail space is proposed within the base of the proposal. The retail space is proposed to front along Avenue Road, Cumberland Street and Yorkville Avenue.

The density proposed is 15.95 times the area of the lot. The application proposes a total gross floor area of 61,990 square metres, of which a total of 58,400 square metres can be used for residential purposes and 7,200 square metres for non-residential uses including the proposed retail, office and commercial parking garage uses.

A total of 363 parking spaces are proposed (294 residential spaces, 4 car share spaces, and 65 commercial spaces within a commercial parking garage) to be provided in a five-level below-grade parking garage, which is accessible via an internal driveway extending from Yorkville Avenue to Cumberland Street. A total of 400 bicycling parking spaces are provided, with 360 residential spaces and 40 visitor spaces located on the P1 level.

Four loading spaces are proposed consisting of: one Type G/B space located off the driveway under the 10-storey Yorkville Avenue building, one Type B and one Type C space located off the driveway under the existing 31-storey tower; and another Type C space located on the P1 level under the 10-storey Yorkville Avenue building.

The Applicant is also proposing 200 square metres of privately-owned publically-accessible open space fronting onto Avenue Road between the base of the two towers. Public art is proposed for the open space. Linked to the open space is a pedestrian mid-block connection to the pedestrian walkway at 162-164 Cumberland Street. Also proposed is a privately owned open space with a water-wall feature on Cumberland Street.

Revisions from the original application to the current proposal can be summarized as follows:

- The gross floor area has been reduced from 64,294 square metres to 61,990 square metres, with reductions to both the new 38-storey and the new 10-storey buildings;
- The total residential unit count has been reduced from 886 to 803 units;
- The total vehicle parking spaces provided has increased from 278 to 363 spaces;
- The total number of bicycle parking spaces has increased from 200 to 400 spaces;
- The number of loading spaces has increased from 2 to 4 spaces and no longer obstructs the driveway or the loading area at 162-164 Cumberland Street;
- The indoor and outdoor amenity space area has decreased from 1,079 to 888 square metres and 583 to 548 square metres respectively;
- A 200 square metre publically accessible open space is now provided fronting onto Avenue Road;
- The Avenue Road curb cut and driveway have been eliminated and a pedestrian-only mid-block connection (2.6 and 3.2 metres wide) has been secured from the publically accessible open space to the pedestrian walkway at 162-164 Cumberland Street (approximately 3.7 metres wide);
- A private open space is now provided at grade on Cumberland Street with a water wall feature;
- The new south tower has reduced a floor from 39 to 38 storeys, but the overall height remains the same other than the introduction of the sloped mechanical penthouse roof;
- An option for office use has been introduced to the new 38-storey tower with a lobby fronting onto Avenue Road adjacent to the publically accessible open space;
- The new 38-storey tower floor plate has been reduced from 870 to 750 square metres and the projection above the 30th floor has been reduced and sculpted as an architectural expression;
- The new 38-storey tower setback has increased from 0 to 1.1 metres on Avenue Road; and from 0 to 2 metres on Cumberland Street;
- Projecting balconies have been replaced with recessed balconies;
- The 10-storey Yorkville Avenue building increased in height by 2 metres to accommodate the Type G loading space; and,
- The overall design and materiality of the 38-storey tower has evolved from a webbed like design to glass cladding with no projections west, east and south.

Site and Surrounding Area

The site is located on the east side of Avenue Road, between Yorkville Avenue and Cumberland Street. The site is approximately 3,886 square metres in size with frontages of 76 metres along Avenue road, 69 metres along Yorkville Avenue and 42 metres along Cumberland Street.

The site is currently undergoing exterior and interior demolition in preparation of the proposed former hotel conversion to retail and residential uses. The site was previously occupied by the Four Seasons Hotel, a 380 suite hotel with associated hotel amenities and retail space. The hotel, which was constructed in 1970, consists of a 31-storey (92 metres to roof, 99 metres 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 was provided through a north-south driveway between Cumberland Street and Yorkville Avenue, and additional driveway access was provided off Avenue Road.

Uses and structures near the site include:

North: of Yorkville Avenue is a group of 2 ½-storey commercial buildings which frame an interior courtyard called "York Square." There is an active development application (File No. 12 113502 STE 27 OZ) on that site, proposing a 38-storey mixed-use building at 33-45 Avenue Road and 140-148 Yorkville Avenue. The preliminary report is available online at:
<http://www.toronto.ca/legdocs/mmis/2012/te/bgrd/backgroundfile-46245.pdf>

North of 33 Avenue Road is the seven-storey 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 Control application (File No. 12 253938 STE 27 SA) to permit exterior and interior renovations of the first three levels at 55-87 Avenue Road. Included in that proposal are an additional 50 square metres of residential gross floor area and 740 square metres of non-residential gross floor area.

To the north and east is the 9-storey Hazelton Hotel and Residences at Yorkville Avenue and Hazelton Avenue.

East: is a mixed-use complex known as the Renaissance Court located at 162-164 Cumberland Street. Renaissance Court is a 7-storey mixed-use building enclosing a north-south pedestrian walkway with a mid-block courtyard at-grade.

South: of Cumberland Street is a 26-storey mixed-use building located at 150 Bloor Street West, known as Renaissance Plaza. The building is L-shaped, and wraps around the Church of the Redeemer located at the corner of Bloor Street West and Avenue Road.

West: of Avenue Road is the Prince Arthur, located at 38 Avenue Road. It 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.

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 locates the site within *the Downtown and Central Waterfront*, as shown on Map 2, of the Official Plan's Urban Structure map. As part of the Official Plan's

growth strategy, the *Downtown* is identified, along with *Centres* and *Avenues*, as an area of intensification. 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.

The site is designated as a *Mixed Use Areas* is the land use maps of the Official Plan. 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.

The Official Plan's public realm policies (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, 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 the Plan.

Section 3.1.5 of the Official Plan provides policies that focus on conserving 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).

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

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

Official Plan - 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 partially located (the proposed 10-storey building) within the *Areas of Special Identity* within *Mixed Use Areas* called the Village of Yorkville (Map 1 of 2, Policy 211). The

remaining portion of the site (the two towers) is within the Height Ridge as illustrated on Map 2 of 2 in Policy 211.

Official Plan - Area Specific Policy 225 (*Lands North and South of Bloor Street Between Park Road and Avenue Road*)

Area Specific Policy 225, in the Official Plan, encourages pedestrian walkways, at or below grade and new parks in locations illustrated on the map within the Policy. At this site, the map does not specifically identify any pedestrian connections.

Views of the Ontario Legislative Assembly Building

The Ontario Legislative Assembly ("OLA") 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 OLA building is one of the most important heritage buildings in the Province of Ontario and is a landmark within the City of Toronto. While the City has listed the building in the City's heritage inventory, the City is unable to designate Provincially owned properties under Part IV of the Ontario Heritage Act.

The Downtown Tall Buildings Vision and Performance Standards Design Guidelines 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 OLA building. This By-law is currently under appeal at the OMB.

Zoning

The subject site is split between two zoning designations under Zoning By-law 438-86, as amended. 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 height limit of 46 metres and density limit of 6 times the area of the lot. The north east portion of the site, fronting onto Yorkville Avenue, is zoned CR T3.0 C2.5 R3.0 with a height limit of 18 metres and a density limit of 3 times the area of the lot. The CR zoning category allows for a broad range of residential and commercial uses.

The site is also subject to site-specific By-law 188-69, permitting the hotel gross floor area and use. Among other performance standards, it permits a maximum gross floor area of 33,932 square metres (8.7 times the lot area).

Bloor –Yorkville/North Midtown Urban Design Guidelines

The Bloor –Yorkville/North Midtown Urban Design Guidelines ("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 the Urban 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 the 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 located within the Avenue Road Corridor and the Village of Yorkville Precinct.

The Bloor-Yorkville/North Midtown Urban Design Guidelines are available on the City's website at:

<http://www.toronto.ca/planning/urbdesign/blooryorkville.htm>

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 ("Downtown Tall Buildings 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 located on a High Street on Map 1 of the Guidelines. The height identified on Map 2 of the Guidelines, at this site, range between 62 to 107 metres (approximately 20 to 35 storeys). Map 3 of the Guidelines, identify the tower typology for this site as a tower podium form. Map 4 shows that all three frontages of this site are priority retail streets.

The Downtown Tall Buildings Guidelines details are available at:

<http://www.toronto.ca/planning/tallbuildingstudy.htm>

Site Plan Control

The proposal is subject to Site Plan Control. The Applicant submitted a site plan application (File No. 11 332287 27 SA), and is currently under review.

Reasons for Application

An application has been submitted for amendments to the Official Plan (File No. 13 126666 STE 27 OZ) and Zoning By-law 438-86, as amended (File No. 11 332281 STE 27 OZ). As discussed in the Decision History section in this report, City Council approved, in principle, a greater height of 133 metres and gross floor area of 62,000 square metres on this lot; however, that

approval has not been enacted. Therefore, an Official Plan amendment is required to permit the height of the proposed, south tower at 125 metres and a Zoning By-law amendment is required to permit the proposals overall height, density of 61,990 square metres and massing.

Community Consultation

Prior to the application, Planning staff attended two working group meetings held by the local Councillors office, on June 28, 2011 and October 12, 2011, with representatives of the owner (at the time), representatives from Camrost-Feldcorp (perspective owners) and local resident groups in attendance. A proposal was shown to the group which considered the retention of the former Four Seasons hotel building, a new south tower at a reduced height than previously approved, and a new building on Yorkville Avenue. While limited time and information was provided to form an opinion of the application, the group did appreciate the direction of keeping the existing tower and reducing the height of the south tower.

After the application was submitted, Planning staff in coordination with the local Councillor held a community consultation meeting on January 23, 2012 at the Church of the Redeemer at 162 Bloor Street West to present the original submission to convert the existing 31-storey hotel building into a mixed-use building, and to construct a mixed-use building of 39 storeys at the corner of Avenue Road and Cumberland Street, as well as a new 10-storey mixed-use building on Yorkville Avenue. The proposed total gross floor area was 65,449 square metres and the new south tower floor plate ranged in size from 871 to 893 square metres. Further details of the original submission are found in the Preliminary Planning Report dated January 25, 2012.

Approximately 85 members of the public attended the community consultation meeting. The attendees asked questions and raised a number of comments, issues and concerns, including: the adequacy of parking provided on site and the possible impacts on the parking supply in the neighbourhood; the traffic generated as a result of the proposed development; concerns over the height of the proposed tower and the projection at the top of the tower; the massing and siting of the tower on Cumberland Street; impacts on the visual integrity of the OLA building; and the provision for bicycle parking.

Following the community meeting, Planning staff met with a number of community representatives on a number of occasions. More detailed discussions took place so that Planning staff could better understand the concerns of the community and so the community could better understand the details of the proposal.

Planning staff and the local Councillor hosted a technical workshop meeting on March 14, 2012 with representatives from the Precinct Properties Branch of the Legislative Assembly of Ontario, representatives of the Ontario Capital Precinct Working Group, local resident groups, and other interested parties to discuss how one measures the impact of the view of the OLA building. Matters relating to eye level, grade, and surveyed heights of the OLA building were discussed and agreed to for this review.

At the request of the local community representatives, the local Councillor hosted a number of working group meetings with the local representatives and the Applicant. Planning staff participated in these working group meetings. It was planned that there were to be two working group meetings, but in the end a total of four working group meetings took place on the following dates: May 28, 2012; June 27, 2012; July 26, 2012; and October 11, 2012. Matters

relating to open space, density, built form, parking, loading, and accessed were discussed throughout the working group meetings. Revisions were presented to the group in response to the comments shared, but no consensus was reached in support of the revisions at the time.

Following the working group meetings, Planning staff continued to work with the local community in an effort to address their concerns with the evolving proposal. Planning staff conducted a number of site visits with neighbouring land owners to better appreciate the concerns relating to privacy, light and servicing. In addition, local resident group submitted traffic impact and urban design reports by recognized professionals to assist Planning staff in their review. The direction provided in the reports helped inform further revisions by the Applicant.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS

Planning staff reviewed this application comprehensively. Staff are recommending an Official Plan Amendment and Draft Site Specific Zoning By-law that represents good planning. When considering the overall proposal, Planning staff's recommendations represent an improvement to the previous scheme when balancing considerations such as reduced impacts on the views of the OLA building, less net new shadows on shadow sensitive areas and improvements to the pedestrian experience at grade.

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the Provincial Policy Statement (PPS). The PPS sets the policy foundation for regulating the development and use of land. The PPS promotes additional density through intensification and redevelopment to accommodate an appropriate range and mix of employment opportunities, housing and other land uses to meet projected needs for a time horizon of up to 20 years (Policy 1.1.2). Policy 1.1.3.4 requires intensification area to meet appropriate development standards, which is discussed further in this report under the subsections Density, Height and Massing.

In regards to the efficient use of infrastructure and transportation systems; Policy 1.6.5.4 promotes a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and support the development of viable choices and plans for public transit and other alternative transportation modes, including commuter rail and bus. This proposed development, is a few properties away from the Bay Street subway station.

This proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The Growth Plan provides a framework for managing future growth in order to build strong prosperous communities. Policy 2.2.2 directs a significant portion of new growth to built-up areas of the community through intensification to ensure and maximize the viability of existing and planned infrastructure.

Land Use

Planning staff are satisfied that the land use as proposed is acceptable. The application proposes both residential and non-residential uses, including retail and office uses. These uses are permitted within the CR district in Zoning By-law 438-86, as amended, as well as within the *Mixed Use Areas* of the Official Plan. The Official Plan states that *Mixed Use Areas* development will 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.

Residential uses are proposed within the upper floors of all three buildings. Retail use is proposed along the majority of the ground floor along Yorkville Avenue, Avenue Road and Cumberland Street. The Downtown Tall Buildings Guidelines identify these three streets as priority retail streets. As well, the Urban Design Guidelines identify these three streets as Highly Animated Streets where the primary use is retail and commercial uses.

The Draft Site Specific Zoning By-law accommodates the option to provide office use in the new south tower from floors 5 to 8. The office lobby is proposed from Avenue Road.

Site Context / Site Organization

The proposed site organization is acceptable. The proposal consists of three buildings, one existing 31-storey tower and two new buildings at 10 and 38 storeys. These buildings are planned to function independently of one another, in terms of residential lobbies, amenity areas and solid waste storage. For example, the lobby for the 10-storey building is located off Yorkville Avenue. Separate lobby entrances for the 31 and 38-storey buildings are located off the Avenue Road open space and vehicular drop-off. However, the three buildings will share servicing, loading and parking facilities. The proposed Draft Site Specific Zoning By-law and the assessment reflect this relationship.

In terms of scale, the proposed buildings are sited in their appropriate locations in that they transition down to lower-scaled buildings. The taller 38-storey tower is located south of the existing 31-storey tower and closer to Bloor Street West. The lower 10-storey building is located east of the existing tower fronting onto Yorkville Avenue.

The height of the proposed 38-storey building is assessed further in this report with respect to its impact on views from the public realm to prominent sites, more specifically the OLA building. As well, further assessment of the 10-storey height is provided in terms of its fit within the existing and planned context within the Village of Yorkville Area of Special Identity.

Site servicing, vehicular access and parking are shared between the three buildings. The proposal calls for two curb cuts (access points): a two-way driveway to and from Cumberland Street and Yorkville Avenue. The loading spaces are located off of the proposed driveway and will be screened from view from the public realm. The ramp to the underground parking facility is also located off the proposed enclosed driveway. The existing driveway onto Avenue Road has been removed. Further assessment of the proposed parking and access are provided later in this report.

Publically accessible open space is proposed in the form of: a plaza, with public art, fronting onto Avenue Road; private open space for commercial uses on Cumberland Street; and widened sidewalks on all three frontages.

Built Form

Tall buildings should be designed to consist of three parts carefully integrated into a single whole, including a base building, middle and top. Tall buildings proposed should address key urban design considerations in the Official Plan, including the built form policies, site design and general fit within the existing and planned context, while providing a usable publicly accessible open space.

Base Building

The proposed base for all three buildings is acceptable. The base of each building have a similar scale with a height of two storeys varying in height between 11 and 12 metres. The two storey base is designed to reflect the traditional height of earlier buildings in the Yorkville area, which are around 2 to 3 storeys in height. The scale of the base building is also designed to relate to the street width, which is approximately 15 metres for both Yorkville Avenue and Cumberland Street.

The proposed base conforms to the Official Plan and responds to the direction in the Urban Design Guidelines. The Official Plan states that base buildings shall be massed to support the appropriate scale of adjacent streets, parks and open spaces, and to minimize the impact of parking and servicing uses. The Urban Design Guidelines calls for a low-rise built form at the street edge. The street wall should reinforce the pedestrian scale of the existing street wall heights of the surrounding buildings, which is generally no more than 3 storeys. The proposed base height also complies with the Downtown Tall Buildings Design Guidelines, which calls for a minimum base height of 10.5 metres and the maximum height at a 1:1 ratio to the width of the street allowance.

The new south tower is located along the Avenue Road and Cumberland Street frontages and gives prominence to the corner by providing a widened sidewalk. The base building and ground floor is generally massed and designed to fit within the immediate context.

The Official Plan states that main building entrances shall be located in areas that are clearly visible and directly accessible from the public sidewalk. The ground floor uses include residential and office lobbies, and retail uses. These uses have views into and access to adjacent streets and open spaces. The location of the proposed residential and office lobby entrances are acceptable as they front on the public sidewalk and publically accessible open spaces.

The base is generally built to the property line and extends the length of the site along all street frontages while providing ground floor setbacks to provide for wider sidewalks, café's and a publically accessible open space. The base is well articulated with a rhythm and scale consistent with the Yorkville area. The proposed materials and design of the base includes transparent glass, solid materials, and a water feature.

The ground floor is set back at varying amounts along all three frontages (see Attachment No. 2). The proposed sidewalk widths with the ground floor setbacks, range from 2.65 to 3.9 to 5.5 metres, not including the proposed patio and open space. The greater widths are located at the intersections and the tightest widths are along Avenue Road. The Downtown Tall Buildings Guidelines calls for a minimum sidewalk dimension of 4.8 metres for street rights-of-way of 20 to 30 metres. Yorkville Avenue and Cumberland Street have rights-of-way of approximately 15 metres, but Cumberland Street narrows to 12 metres east of the site. The Avenue Road right-of-

way is approximately 25.7 metres wide. The Yorkville Avenue right-of-way is approximately 15 metres wide. The Downtown Tall Buildings Guidelines do not give guidance for sidewalks for streets with rights-of-way below 20 metres.

Planning staff have identified the possible opportunity to widen the sidewalk on Avenue Road. Planning staff therefore recommend that Transportation Services investigate the opportunity to widen the sidewalk along Avenue Road to align the northbound traffic curb location found to the south and north of the site. If the City elects to modify the road, the owner has agreed to construct and pay for all costs associated with the modifications that are required to implement the sidewalk widening. This could increase the overall sidewalk width on Avenue Road to approximately 5.65 metres.

The Downtown Tall Buildings Guidelines calls for a minimum ground floor height of 4.5 metres for tall buildings fronting onto High Streets and Secondary High Streets. In this case, the ground floor for each building is greater than 4.5 metres to establish a clear presence for retail use at the street level and to provide the vertical clearance requirements for loading spaces located within the building.

Middle Portion of Tower

Planning staff are satisfied with the middle component of the proposed development proposal. The Official Plan states that the design, floor plate size and shape of the middle component shall have appropriate dimensions for the site. Towers shall be located and oriented in relation to the base building and adjacent buildings to fit within the existing and planned context.

The existing and planned context at 21 Avenue Road is informed by the relatively recent decision by City Council and the OMB, as described in the Decision History section in this report. While the proposed gross floor area resembles the earlier application, this application proposes a new development scheme which includes the retention of the former hotel building and inserting two new buildings at 38 and 10 storeys.

The existing former hotel building has an articulated floor plate of 995 square metres (including the proposed enclosure of the corner balconies). The new 38-storey tower has a floor plate of 750 square metres. The proposed tower separation between the north wall of the new tower to the furthest point of the articulated south façade of the existing tower is 20 metres.

The Downtown Tall Buildings Design Guidelines states that the tower portion of a tall building, including balconies, will be set back from the podium a minimum of 3 metres for a minimum of two-thirds of the length of the tower facing the street. The Guidelines permit up to one-third of the tower to extend straight down to the ground at the front property line. The new south tower is setback 2 metres from Cumberland Street and 1.1 metres from Avenue Road, for the entire length of the tower. There are no balconies projecting into the proposed setbacks.

Planning staff are satisfied with the 2 metre tower setback across the entire length of Cumberland Street setback with no balcony projections. Given the width of Cumberland Street, in order to preserve an acceptable pedestrian scale and comfort, no portion of the tower will meet the property line along Cumberland Street. The intent of the tower setback of 3 metres in the Downtown Tall Buildings Design Guidelines is to enable the base to define the pedestrian realm. Planning staff are satisfied that the 2-metre setback and the proposed private patio space on

Cumberland Street define the base building and provide a comfortable, animated and expanded public realm.

The Downtown Tall Buildings Design Guidelines call for a 3-metre tower setback on Avenue Road. The application proposes a 1.1-metre tower setback with no balcony projections. The tower on the south side of Cumberland Street is set back 0 metres from Avenue Road and the existing to the north tower is set back 2.1 metres from the Avenue Road. Planning staff are satisfied with the 1.1-metre setback as a transition from one tower to the next.

The proposed 750 square metre floor plate of the south tower is located 4 metres from the east property line rather than the 12.5-metre minimum standard in the Downtown Tall Buildings Design Guidelines. The intent of the 12.5-metre setback standard is to preserve the opportunity to provide a 25-metre separation distance between the proposed tower and a future tower to the east. The existing and planned context does not call for a tower to the east. To the east at 162-164 Cumberland Street is a mixed-use building with commercial on the first few floors and a residential condominium above, in a mid-rise like typology. Planning staff are satisfied with the 4-metre tower setback above the proposed 8th floor. It is not anticipated that the building to the east at 162-164 Cumberland Street will be redeveloped due to its condominium ownership.

The Downtown Tall Buildings Design Guidelines states that the minimum spacing distance between two tall building towers on the same site will be no less than 25 metres, measured from the external walls of the buildings.

The Urban Design Guidelines states that where possible and appropriate, the placement of the point tower should be staggered from adjacent towers. The minimum separation between point towers should have a 1:1:1 relationship between floor plate size and distance between buildings. On dense urban sites, like the height peak at the Yonge Street and Bloor Street intersection, a minimum separation distance of 15 metres above the street wall must be achieved.

The proposed spacing distance is 20 metres when measured from the north wall of the new south tower to the furthest point of the articulated south façade of the existing tower. Planning staff are satisfied with the tower separation in that the existing tower is being retained and reused, and there are no projecting balconies proposed between the buildings. While the proposed separation is greater than the 15 metres identified in the Urban Design Guidelines and the tower separation is relative to the 20 metre width of the north/south dimension of the south tower, the current minimum standard is 25 metres.

As explained in the Downtown Tall Buildings Design Guidelines, creative solutions that substantially achieve the guideline performance standard separation distance of 25 metres, include offsetting towers and avoiding parallel walls. In this case the walls are parallel and not offset. However, Planning staff are aware of continued discussions with the local Councillor, local resident groups and the Applicant to reduce the east/west dimension of the south tower, which will further improve the condition between the two towers in terms of sky views and access to sunlight. Planning staff are supportive of these efforts.

The placement and design of balconies that form part of a tall building can impact on the physical and apparent visual building mass. Buildings with projecting balconies can sometimes appear to have a larger floor plate even when it meets the 750 square metre maximum floor plate

size. To avoid this outcome, no projecting balconies are permitted on the south tower beyond the building envelope provided for in the Draft Site Specific Zoning By-law. The only proposed balcony projections are considered on the 10-storey building on Yorkville Avenue.

The proposed 10-storey building, while part of the same site, falls within the Village of Yorkville Precinct. New developments are encouraged to be compatible with the existing form and use in this area. In considering development applications for the Village of Yorkville, the form of the proposed building on the lot should be within the angular plane requirement found in the Urban Design Guidelines. Even though this portion of the site is within the Village of Yorkville, no angular plane restrictions apply to this site.

Planning staff are satisfied with the massing of the 10-storey building. The building steps back one metre above the 2-storey base and falls within the same angular plane profile of the Hazelton Hotel and Residences building at 118 Yorkville Avenue. When standing on the sidewalk on the opposite side of the street each building falls within a 60 degree angular plane measured from eye level. The proposed building has an articulated streetwall and terraces back away from the street to fall within the described angular plane. Some balconies are proposed to project beyond the main wall to accentuate the articulation and visual interest of the building. Towers within the Village of Yorkville are not appropriate, thus this building takes on a mid-rise typology, similar to the Hazelton Hotel and Residences.

The tower floor plates in the 10-storey building range from 578 square metres on the second floor to 342 square metres at the 10th floor. The main principle windows in the building, face north over Yorkville Avenue. On the west side near the rear of the building, one band of windows 0.6 metres wide is proposed to provide the necessary amount of natural light into the rear of the residential unit, which may be used as a bedroom or bathroom. A similar band of windows are proposed on the east side of the building, but that it designed to provide light into the hallway. The southern wall is a solid wall with no windows. The 10-storey building is 6.5 metres east of the existing tower. Given the minimal window openings proposed, possible privacy concerns are mitigated.

Top of the Tower

When considering the overall height of the proposed south tower, the Official Plan Area Specific Policy 211 and the 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. 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 along the Avenue Road Height Ridge as identified in Official Plan Policy 211 and the Urban Design Guidelines. The proposed 125-metre tower is located north of the 86-metre building located at 150 Bloor Street West. North of the 125-metre tower is the existing 100-metre former hotel, which forms part of this application. The 125-metre height exceeds the height identified on Map 2 of the Downtown Tall Buildings Design Guidelines of 62 to 107 metres. The proposed 125 metre height is greater than what would be anticipated by the

Height Ridge policies in the Official Plan's Area Specific Policy 211, especially when considering the views of the OLA building.

When considering the appropriate height of the 38-storey, 125-metre, south tower the possible impact on the views of the OLA building is assessed. The Official Plan's Public Realm policies (Policy 3.1.1) state 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 occur.

The Urban Design Guidelines recognizes that the Avenue Road Corridor sits between two visual termini, the OLA building and Upper Canada College. The Downtown Tall Buildings Design Guidelines states that no building will interrupt or rise above the silhouette of the OLA building when viewed from any vantage point along College Street at the intersection of University Avenue. Moreover, in October 2012, City Council, adopted Official Plan Amendment No. 203 (By-law No. 1321-2012) respecting the protection of views of the OLA building. This Amendment is currently under appeal at the OMB. The Applicant for 21 Avenue Road is one of the appellants.

In December 2009, Planning staff recommended an overall height of 116 metres at this site, to preserve the visual integrity of the OLA building. Since Planning staff brought forward that recommendation, City Council and the OMB approved the height of 133 metres on the site. In light of these previous decisions, Planning staff are recommending that Council consider a lower height of 120 metres plus a 5 metre sloped mechanical penthouse to limit the visual impact on the silhouette of the OLA building when viewed from College Street.

Planning staff has assessed the visual impact at College Street and find that the top of the building (above 116 metres, which is the 38th floor and the mechanical penthouse) is only visible from the northbound lanes of University Avenue. When standing on the sidewalk at the northeast corner of College Street and University Avenue, the tower is obstructed by the east connector portion of the OLA building. When standing on the centre median, southbound lanes, or the north west sidewalk at College Street and University Avenue, the proposed tower is obstructed by the centre block of the OLA building.

In light of these previous decisions on this site, Planning staff recommend that Council consider a reduced height (125 metres) than the previously approved height (133 metres). An Official Plan amendment is required to permit the proposed height, given the OMB have yet to issue the order reflecting their approval of the 133 metre height limit. Staff also recommend that Council require the Owner to close the file for the previous approval at 21 Avenue Road at the OMB and request that no Order be given. As well Council should require the Owner to withdraw their appeal of Official Plan Amendment No. 203 (By-law No. 1321-2012) respecting the protection of views of the OLA building.

The mechanical penthouse for the new 38-storey tower steps back approximately 7 metres from the east and west above the top residential floor at 120 metres. The mechanical penthouse is set back 4 metres from the Cumberland Street property line and slopes from a height of 2 metres up to 5 metres, reaching the towers absolute height of 125 metres.

The north face of the tower also projects above the height of 93.5 metres, which is the same height of the base of the mechanical penthouse of the existing north tower. A portion of the north façade projects incrementally 0.4 metres from the 31st to 38th floors. Planning staff find this acceptable as it creates greater interest in the skyline with limited impact.

The overall height of the 10-storey building is acceptable, because it falls within the same angular plane profile of the Hazelton Hotel and Residences and forms part of a site which is located on the Height Ridge as described. The building also provides a transition into the low scaled Area of Special Identity. The mechanical penthouse for the 10-storey building is limited to mechanical space, elevator overrun and stairwell exit. The mechanical penthouse is located back from the top residential floor and should not be visible from the sidewalk on the north side of the street.

Sun, Shadow, Wind

The shadow impact resulting from the proposed application is acceptable. The Downtown Tall Buildings Design Guidelines states that every effort will be made to design and orient tall buildings to minimize their shadow impact on all publically accessible parks, open spaces, natural areas and other shadow sensitive areas.

The Urban Design Guidelines identify Shadow Sensitive Areas. The *Neighbourhoods* to the west of Avenue Road, and the area north of Yorkville Avenue and east of the subject site are identified as shadow sensitive areas.

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 Urban Design Guidelines states that shadows shall also be assessed for the winter solstice (December 21).

The proposal includes the existing 100-metre tall north tower. Planning staff have assessed this application in term of the incremental impact resulting from the new 38-storey south tower and the new 10-storey building on Yorkville Avenue. The shadow impact has also been assessed in comparison to the previously approved development proposal for this site.

On September/March 21, a morning shadow (9:18 am) is cast over the front and rear yards of houses on Lowther Avenue, whereas the previously approved scheme had larger shadows which shadowed houses north to Elgin Avenue. By 10:18 am the incremental shadow of the current proposal is off the low-rise neighbourhood.

On September/March 21, at noon (12:18 pm) the south tower shadow falls approximately within the shadow cast by the existing north tower. The 10-storey building shadow is cast over the north sidewalk of Yorkville Avenue. As the shadow moves through the afternoon, the majority of the incremental shadow is cast on the south face of the Hazelton Hotel and Residences at 118 Yorkville Avenue. The previously approved development scheme shadowed properties further north on Hazelton Avenue.

On September/March 21, in the afternoon (3:18 pm) the shadow from the south tower is off the sidewalks along Yorkville Avenue, whereas the previously approved development would continue to shadow the north and south sidewalks.

The Downtown Tall Buildings Design Guidelines states that no new net shadows will be cast by tall buildings on all other parks located within and adjacent to the Guidelines' boundary area, between 12:00 pm and 2:00 pm on September 21st. The proposal does not cast any new net shadow on Jesse Ketchum schoolyard or park during these hours or at any time in the day.

On June 21, when the sun is at its highest point, there is no incremental shadow on the low-rise neighbourhood to the west in the morning (9:18 am). In the afternoon (12:18 pm) there are no new shadows on the north sidewalk of Yorkville Avenue from either the new south tower or the 10-storey building. Early in the afternoon (2:18 pm) there is no shadowing on either sidewalk of Yorkville Avenue caused by the proposed new buildings.

On December 21, the shadows cast by the development are at its longest. The proposal begins to shadow the low-rise neighbourhood to the north, and the shadows of both the existing and new towers pass over Jesse Ketchum Park from 1:18 pm to 3:18 pm. This shadow impact, while still present, is reduced from the previous approval.

Planning staff are satisfied with the wind condition resulting from the proposed development, subject to further assessment during the Site Plan Control review for additional mitigation strategies, which may include wind screens, awnings and landscaping. The Applicant submitted a Pedestrian Level Wind Study, dated November 10, 2011, prepared by F.H. Theakston Environmental Control Inc., based on the initial design for the application. The Applicant also submitted a letter from F. H. Theakston Environmental Control Inc., dated January 21, 2013, providing further analysis based on the current proposal.

Their findings show that the "comfort conditions at the site will be at acceptable levels pursuant to accepted practices and standards." The modifications made to the building throughout the review process including the reduced floor plate size and the step backs on Cumberland Street and Avenue Road, "will result in a theoretical improvement to comfort conditions predicted at the pedestrian level, however, the change from a practical perspective will be subtle." The removal of the vehicular access to Avenue Road and the new publically accessible open space and lobby locations "will result in a general improvement to the comfort conditions previously predicted."

The findings also show that the "uncomfortable" rating in a few test locations, generally located on the west side of Avenue Road, "was primarily attributed to the open setting of the site to prevailing wind directions, and to a lesser degree, the orientation and conformation of the subject buildings." Planning staff will require further review of the wind conditions resulting from the final massing and design. Staff will secure further wind mitigation strategies to improve pedestrian level conditions, through the Site Plan Control process.

Traffic Impact, Access, Parking

Traffic Impact

Traffic Planning staff have reviewed the Traffic Operations Report and Addendums provided by LEA Consulting Ltd. and find the overall traffic impact resulting from the proposed development acceptable. The report and addendums provides a complete assessment including field survey data in order to verify the results of the traffic analysis. The report also provides a diagram of

future traffic volumes which reflects the most recently revised two-way driveway arrangement without the Avenue Road driveway.

Driveway Access and Site Circulation

The location of the proposed driveway and intended access arrangement is acceptable. The Official Plan states that new development will locate and organize vehicular access to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces.

The existing Avenue Road driveway access and curb cut is proposed to be eliminated and replaced with a publically accessible open space and pedestrian mid-block connection. The proposed access to all three buildings is to be provided via a two-way driveway located off Cumberland Street and Yorkville Avenue. The driveway will be located approximately 35 metres east of Avenue Road with a minimum width of 6 metres. Given that Cumberland Street and Yorkville Avenue operate in one-way eastbound and one-way westbound directions, respectively, only inbound and outbound left-turns will be permitted.

Parking

The number of parking spaces proposed in relation to the proposed number of residential units is not acceptable. The proposal calls for 363 parking spaces, when 803 residential units are proposed. This parking supply consists of 294 resident spaces, 65 visitor/non-resident spaces in a commercial parking area and 4 car-share spaces.

The proposed parking supply is approximately 31 percent less than Traffic Planning's projected parking requirement for this proposal. This parking deficiency has not been justified and thus the proposed parking supply is not acceptable.

The proposal must accommodate the parking necessary to support the proposed development. Planning staff therefore do not support the reduced vehicular parking supply proposed and have not provided any relief in the Draft Zoning By-law from the overall parking supply required in Zoning By-law 438-86, as amended. The Draft Site Specific Zoning By-law does permit a limited reduction in the parking supply if car-share spaces are provided.

The Applicant is also required to provide confirmation as to whether any parking spaces will be leased to an adjacent property, since these leased spaces must be over and above the minimum parking requirement in the Zoning By-law.

The Official Plan states that parking shall be provided underground where appropriate. In this case all parking is proposed underground and the parking ramp is appropriately located to minimize any impact on adjacent streets and residences. The location and access to the vehicular parking area is acceptable.

Bicycles

The Draft Site Specific Zoning By-law doubles the bicycle parking requirement found in Zoning By-law 438-86, as amended, from 200 spaces to 400 spaces (360 for residents and 40 for visitors), with stacked bicycle racks. This minimum is less than the Toronto Green Standard (TGS) which is 0.8 occupant spaces and 0.2 visitor spaces for each dwelling unit. Applying the

TGS rate to the proposal, the site would require 803 bicycle spaces (642 spaces for residential occupants and 161 spaces for residential visitors).

The proposed 400 bicycle parking spaces are currently shown on the P1 Level. The TGS calls for: at least 5 percent of the residential occupant bicycle parking spaces to be located at grade; visitor spaces to be located in a highly visible and easily accessible locations at grade; and occupant bicycle parking spaces to be located in a weather protected, secure area with controlled access, or secure individual enclosures.

Despite the proposed at-grade uses on the site, Planning staff encourage that the Applicant comply with the TGS standards in terms of the overall number of bicycle parking spaces to be provided and providing more at-grade parking opportunities. The location and number of bicycle parking spaces will be assessed further as part of the Site Plan Control application.

Servicing

The loading space supply and location proposed is acceptable. The Official Plan states that service areas and garbage storage areas shall be located and screened to minimize the impact on adjacent streets and residences. The loading spaces are located on the ground floor out of view from the public realm and do not obstruct the movement of vehicles along the driveway.

Four loading spaces will be provided for this project, consisting of one Type G/B, one Type B and two Type C spaces. A series of vehicular movement drawings were included in the January 16, 2013, Traffic Impact Study Addendum report from LEA Consulting Limited. These drawings indicate that associated vehicles will be able to access the site and the proposed loading spaces of the project in an appropriate manner.

Open Space, Streetscape, Mid-block Connection

The Official Plan states that new development will provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians. The Urban Design Guidelines identify a range of opportunities to improve and expand the public network of parks, open spaces, pedestrian links, forecourts, courtyards, and the quality of the pedestrian environment along the existing road network. The Urban Design Guidelines also calls for incorporating forecourts and sidewalk widening for sidewalk/street activities, such as cafes and spill-out retail.

A 200 square metre publically-accessible, privately-owned, open space with public art is proposed to front onto Avenue Road between the base of the two towers. The open space is located at the terminus of Prince Arthur Avenue. The residential lobbies are located at the back of the publically accessible open space providing a good transition between the public and private realms.

This site has not been identified as a potential extension of the pedestrian network in the Urban Design Guidelines or Official Plan Policy 225. However, Planning staff have identified the opportunity for publically accessible open space in the current proposal, and a mid-block pedestrian connection to fulfill the objectives in the Official Plan and Urban Design Guidelines.

Linked to the open space is a pedestrian mid-block connection from Avenue Road to the pedestrian walkway at 162-164 Cumberland Street. The Urban Design Guidelines state that mid-

block pedestrian connections and courtyards are one of the urban design factors which contribute to Bloor-Yorkville's success. This unique quality and network of pedestrian paths and courtyards should be continued as new developments are proposed in the area. The Official Plan states that private mid-block connections will be designed to complement and extend the role of the street as the main place for pedestrian activity.

The Urban Design Guidelines identifies Avenue Road as an "Urban Street" and Cumberland Street and Yorkville Avenue as a "Pedestrian Street" character type. On Urban Streets, development shall be sensitive to the comfort and visual interests of the pedestrian and architectural treatments should be appropriately scaled to make an impression on people moving in cars as well as walking. Pedestrian Streets shall reinforce the human scale, by creating a vibrant street life including sidewalk cafés and 'spill-out' retail activities. The proposal responds by providing a 200 square metre publically-accessible open space with public art on Avenue Road, by setting the development back at grade to provide for widened sidewalks, and by providing a private café with a water wall feature on Cumberland Street, as an entry feature into Yorkville.

Since Avenue Road, Cumberland Street and Yorkville Avenue are identified as Priority Retail Streets in the Downtown Tall Buildings Guidelines, at least 60 percent of the frontage should be glazed and transparent. At this time, the plans are showing a high percentage of glass along the retail frontages. Areas which are not glazed include: the water feature on Cumberland Street; a private patio; and the publically accessible open space off Avenue Road.

The residential lobbies and primary residential entrances are proposed at the eastern edge of the publically accessible open space. The office lobby is located immediately south of the open space with pedestrian access from the Avenue Road frontage. The layout has been designed to maximize the amount of retail frontage along the Priority Retail Streets, while providing open spaces and widened sidewalks to improve the pedestrian amenity and animation along the street.

The setbacks at the ground floor, in particular over the entrances to the residential lobbies and at retail entrances, provide permanent weather protection to pedestrians as part of the architecture of the building.

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.

The application proposes 803 residential units on a site with a net area of 3,886 square metres. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 1.07 hectares or 307% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. The parkland dedication requirement for the residential

use is 348 square metres. Any new non-residential floor area, identified through the building permit review process, would be subject to a 2% parkland dedication requirement.

The Applicant is required to satisfy the parkland dedication requirement through cash-in-lieu, which is appropriate because any on-site parkland dedication would be encumbered with below-grade parking. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

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

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*. While the proposed development exceeds the height and density limits of the Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

At the time this report was written, the final Section 37 contribution was under discussion. Previously, City Council agreed to a contribution a contribution of \$1,500,000 towards local parks and street improvements in the area and the Toronto Reference Library Renovation Plan. The Applicant was also required to provide a privately owned open space area to be designed and constructed by the Owner and to be made publicly accessible. This agreement was not finalized.

Planning staff, have received a commitment from the Applicant to provide a contribution of \$2,100,000.00 to be used towards, but not limited to: public art; the widening and reconstruction of the sidewalk along Avenue Road between Cumberland Street and Yorkville Avenue; local streetscape improvements; Yorkville Avenue roadway and streetscape improvements; improvements to the Village of Yorkville Park; capital repairs of Toronto Community Housing located in the neighbourhood; and any another other benefits as determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor. The total amount would be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development: a 200 square metre publically accessible open space; and an east/west pedestrian mid-block connection.

Discussions continue between Staff, the Applicant and the Ward Councillor regarding the value and list of community benefits. It is anticipated that the recommendation provided in this report will be amended and replaced with greater detail once the final contribution and details are determined.

CONTACT

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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\pin\teycc3504270002.doc) - es

ATTACHMENTS

Attachment 1: Application Data Sheet

Attachment 2: Site Plan

Attachment 3: West Elevation

Attachment 4: South Elevation

Attachment 5: East Elevation

Attachment 6: North Elevation (New South Tower)

Attachment 7: North Elevation (Existing North Tower)

Attachment 8: Zoning By-law 438-86

Attachment 9: Draft Official Plan Amendment

Attachment 10: Draft Zoning By-law Amendment

Attachment 1: Application Data Sheet

| | | | |
|-----------------------|--|---------------------|---------------------|
| Application Type | Rezoning | Application Number: | 11 332281 STE 27 OZ |
| Details | Rezoning, Standard | Application Date: | December 30, 2011 |
| Municipal Address: | 21 AVENUE RD | | |
| Location Description: | PLAN 289 PT LOT 1 PLAN 298 PT LOTS 1 & 18 **GRID S2703 | | |
| Project Description: | Rezoning application to convert the existing 31-storey hotel building into a mixed-use building, and to construct a new 38-storey mixed-use building and a new 10-storey mixed-use building. A total of 803 residential units, 363 parking spaces, and 400 bicycle parking spaces are proposed | | |

| | | |
|------------------------------|-------------------|------------------------------------|
| Applicant: | Architect: | Owner: |
| Sherman Brown Dryer Karol | WZMH Architects | 21 Avenue Road Investments Inc. |

PLANNING CONTROLS

| | | | |
|----------------------------|---|--------------------------|----------------|
| Official Plan Designation: | Mixed Use Areas | Site Specific Provision: | OP 211, OP 225 |
| Zoning: | CR T6.0 C4.5 R6.0, CR T3.0 C2.5 R3.0 | Historical Status: | N/A |
| Height Limit (m): | 46, 18 | Site Plan Control Area: | Y |

PROJECT INFORMATION (Draft By-law)

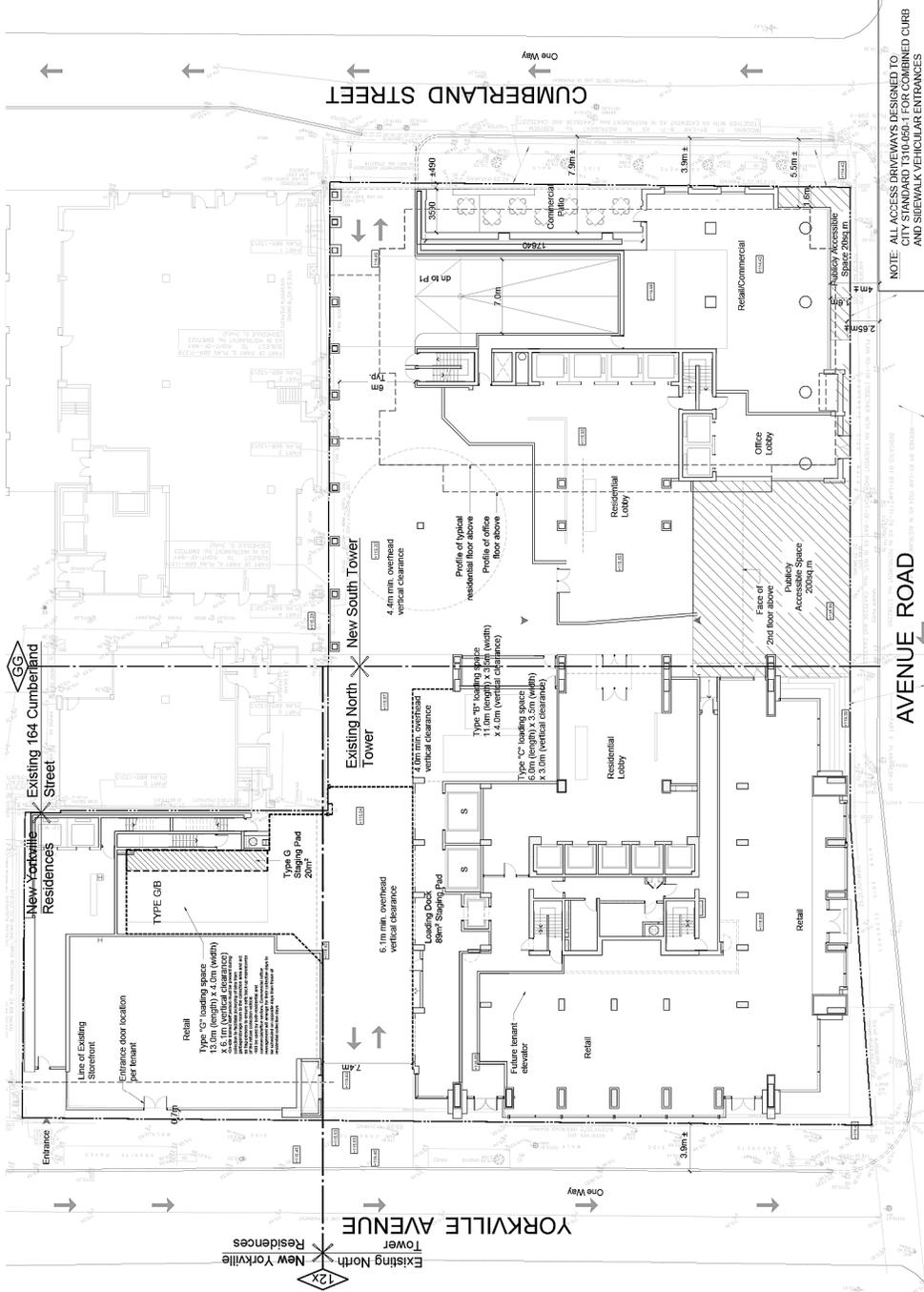
| | | | | |
|------------------------------------|--------|---------|-----------------|--------------|
| Site Area (sq. m): | 3886 | Height: | Storeys: | 38, 10 |
| Frontage (m): | 76.5 | | Metres: | 125, 45 |
| Depth (m): | 69.1 | | | |
| Total Ground Floor Area (sq. m): | | | | Total |
| Total Residential GFA (sq. m): | 58,500 | | Parking Spaces: | 363 |
| Total Non-Residential GFA (sq. m): | 7,200 | | Loading Docks | 4 |
| Total GFA (sq. m): | 61,990 | | | |
| Lot Coverage Ratio (%): | | | | |
| Floor Space Index: | 15.95 | | | |

DWELLING UNITS

FLOOR AREA BREAKDOWN (Based on submitted plans)

| | | | Above Grade | Below Grade |
|--------------|-------|----------------------------------|-------------|-----------------------|
| Tenure Type: | Condo | | | |
| Rooms: | 0 | Residential GFA (sq. m): | 58,368 | 0 |
| Studio: | 83 | Retail GFA (sq. m): | 3,622 | Commerical Parking |
| 1 Bedroom: | 472 | Office GFA (sq. m): | 3,104 | 0 |
| 2 Bedroom: | 245 | Industrial GFA (sq. m): | 0 | 0 |
| 3 + Bedroom: | 3 | Institutional/Other GFA (sq. m): | 0 | 0 |
| Total Units: | 803 | | | |

Attachment 2: Site Plan



NOTE: ALL ACCESS DRIVEWAYS DESIGNED TO CITY STANDARD T3100659-1 FOR COMBINED CURB AND SIDEWALK VEHICULAR ENTRANCES

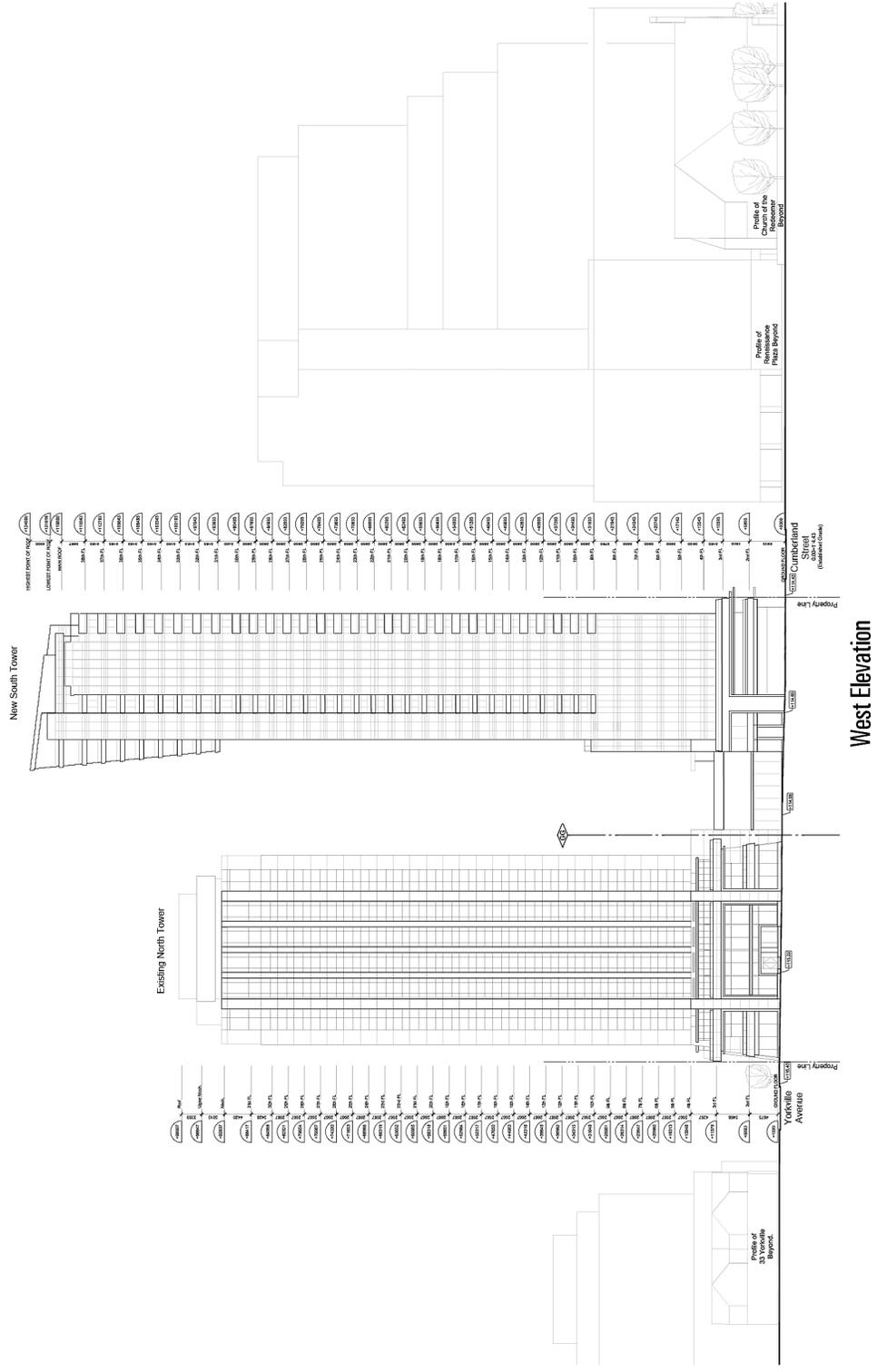
21 Avenue Road

Site Plan
Applicant's Submitted Drawing

Not to Scale
03/12/2013

File # 13 126666 & 11 332281 0Z

Attachment 3: West Elevation



21 Avenue Road

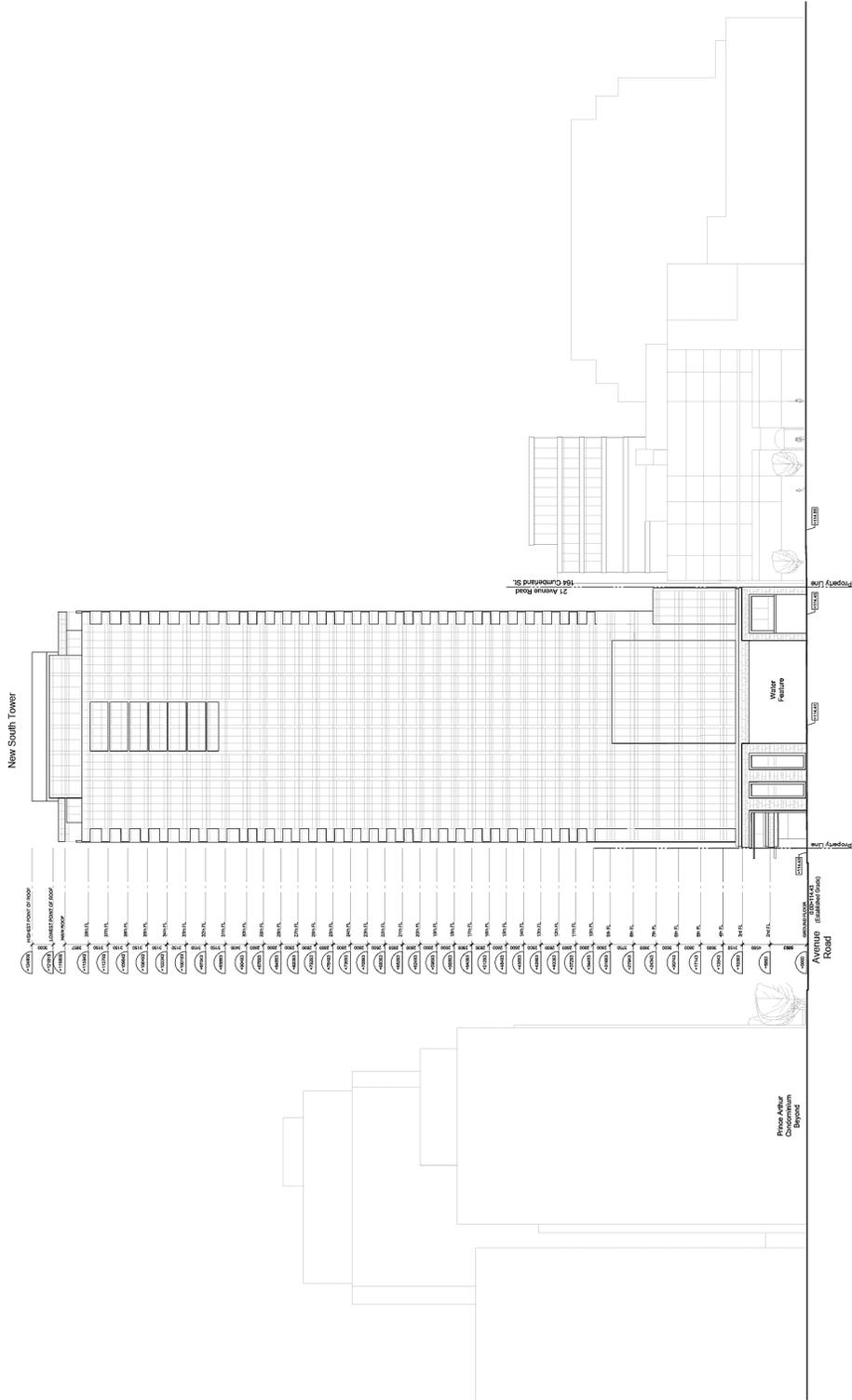
Elevations

Applicant's Submitted Drawing

Not to Scale
03/12/2013

File # 13 126666 & 11 332281 0Z

Attachment 4: South Elevation



South Elevation

21 Avenue Road

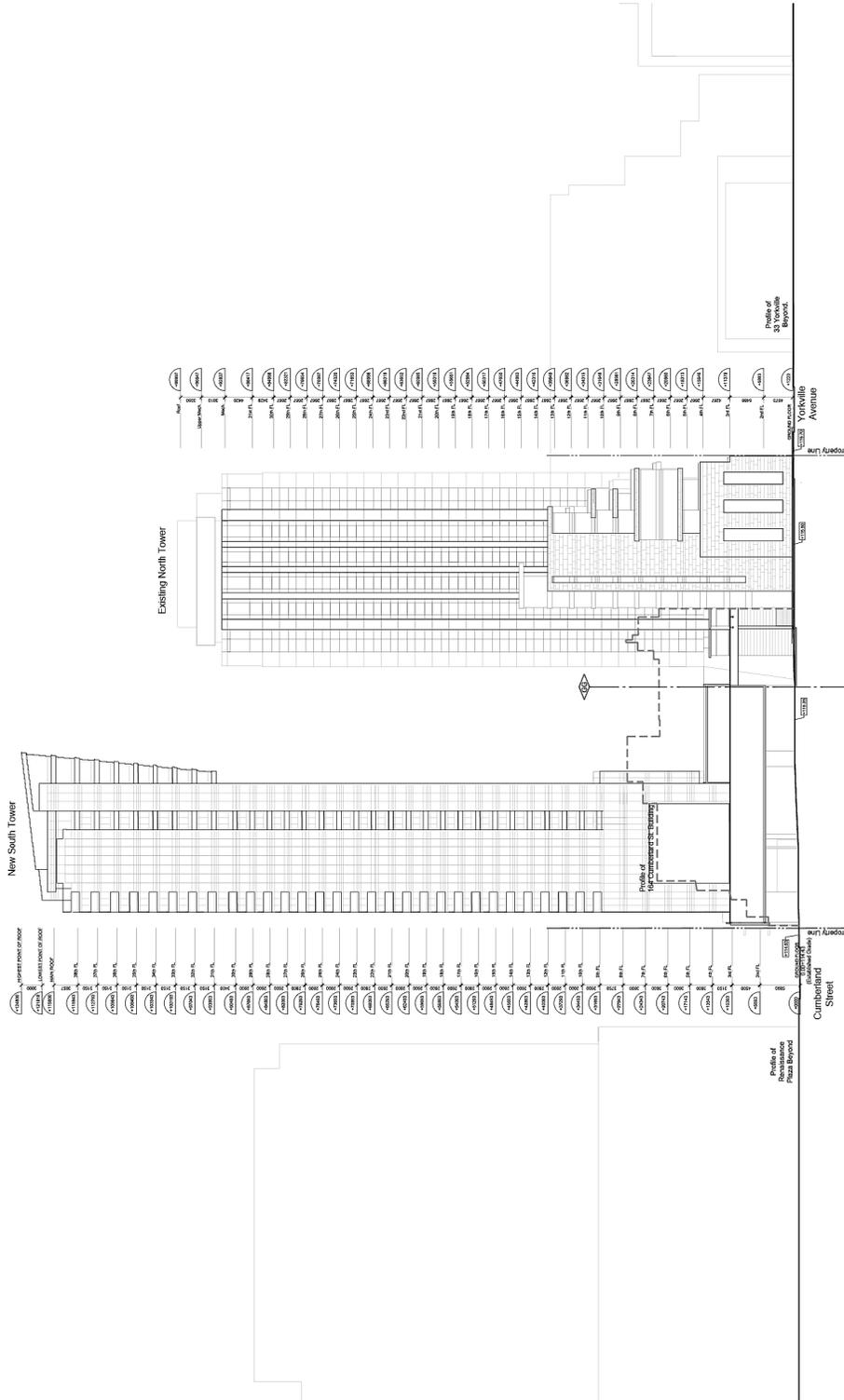
Elevations

Applicant's Submitted Drawing

Not to Scale
03/12/2013

File # 13 126666 & 11 332281 0Z

Attachment 5: East Elevation



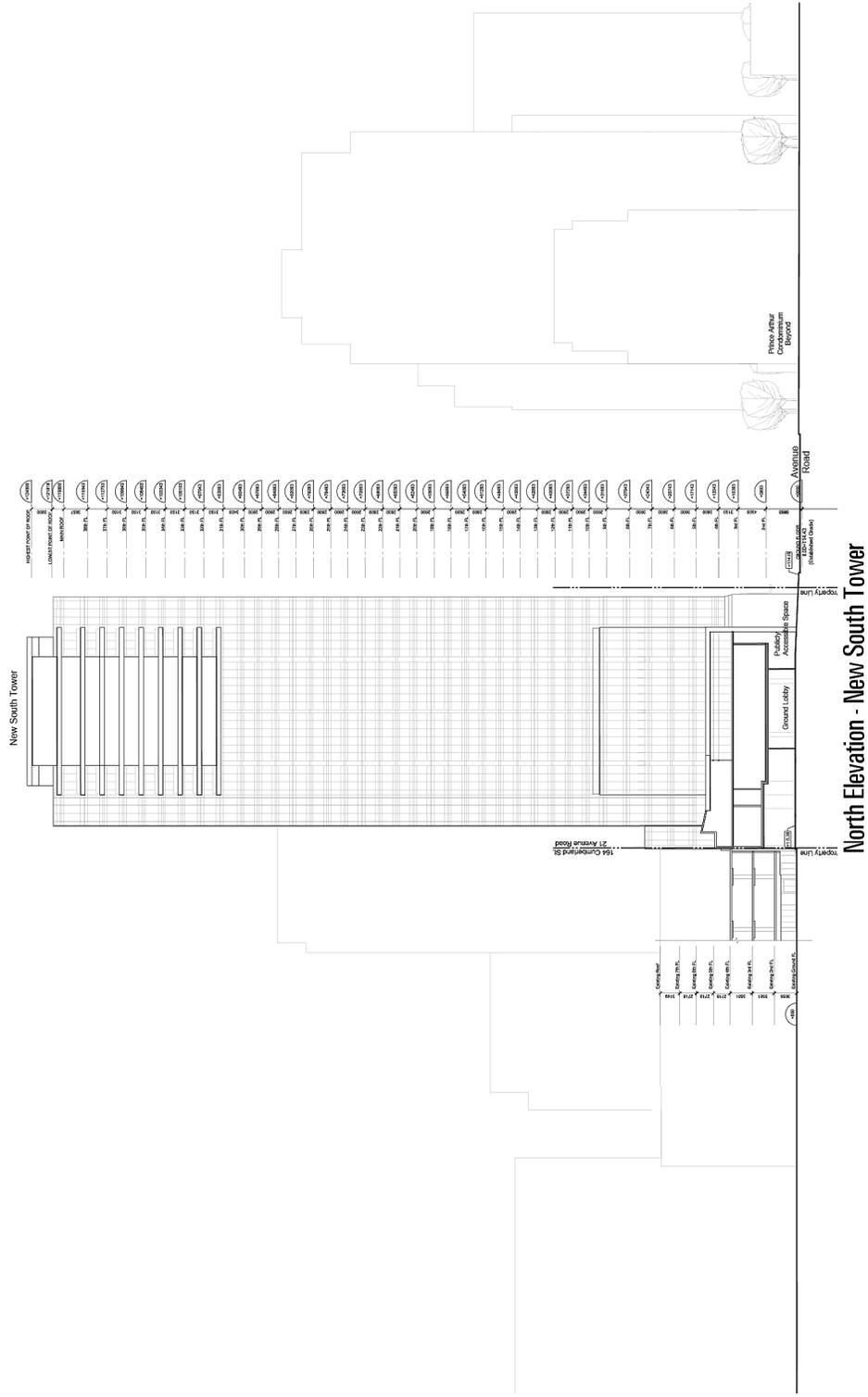
East Elevation

Elevations
 Applicant's Submitted Drawing
 Not to Scale
 03/12/2013

21 Avenue Road

File # 13 126666 & 11 332281 0Z

Attachment 6: North Elevation (New South Tower)



Elevations

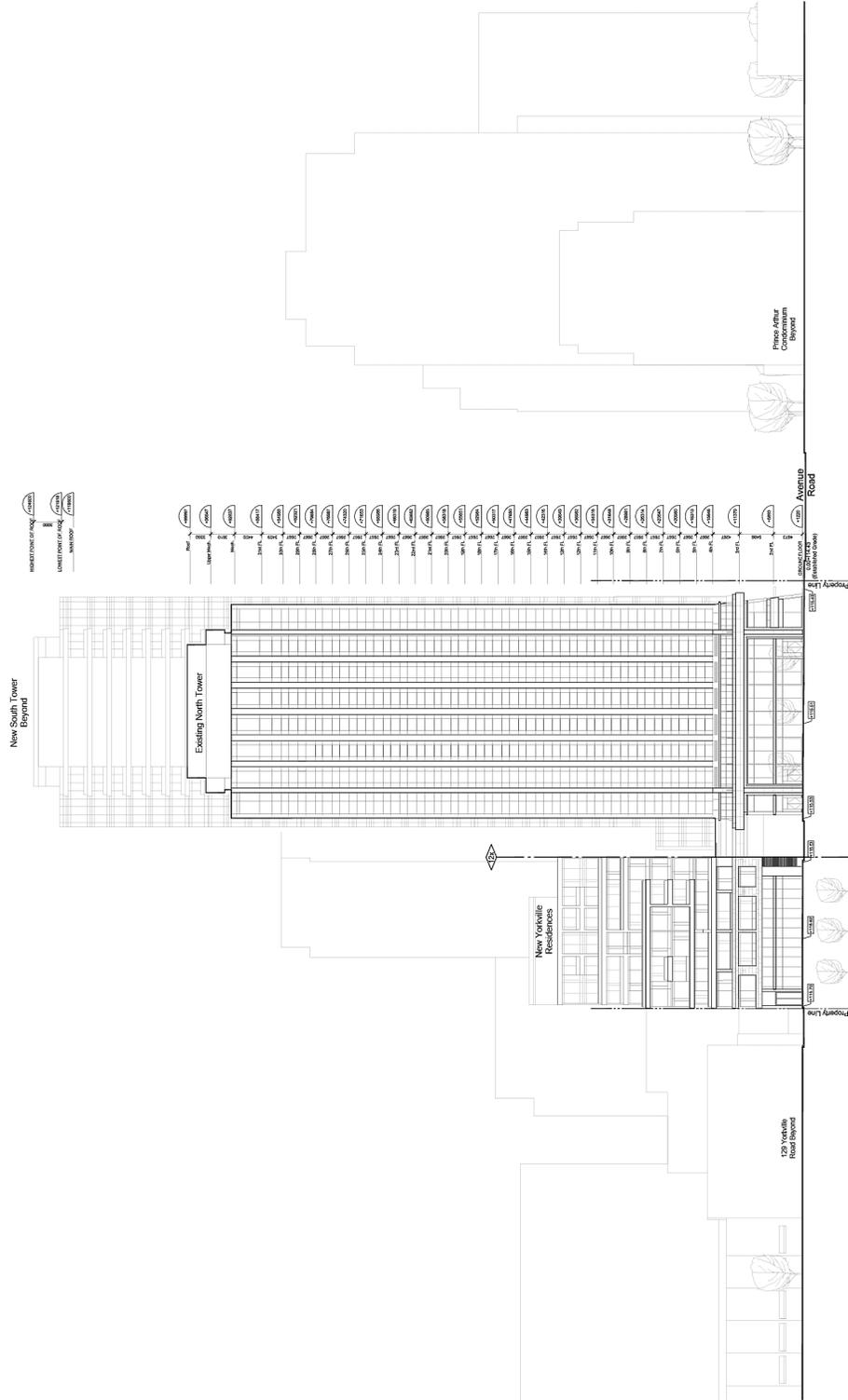
Applicant's Submitted Drawing

Not to Scale
03/12/2013

21 Avenue Road

File # 13 126666 & 11 332281 0Z

Attachment 7: North Elevation (Existing North Tower)



North Elevation - Existing North Tower

Elevations

Applicant's Submitted Drawing

Not to Scale
03/12/2013

21 Avenue Road

File # 13 126666 & 11 332281 0Z

Attachment 9: Draft Official Plan Amendment

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 2013

Enacted by Council: ~, 2013

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2013

**To adopt an amendment to the Official Plan
for the City of Toronto
respecting the lands known municipally in the year 2012, as
21 Avenue Road**

WHEREAS authority is given to Council under the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law;

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The attached Amendment No. 217 to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

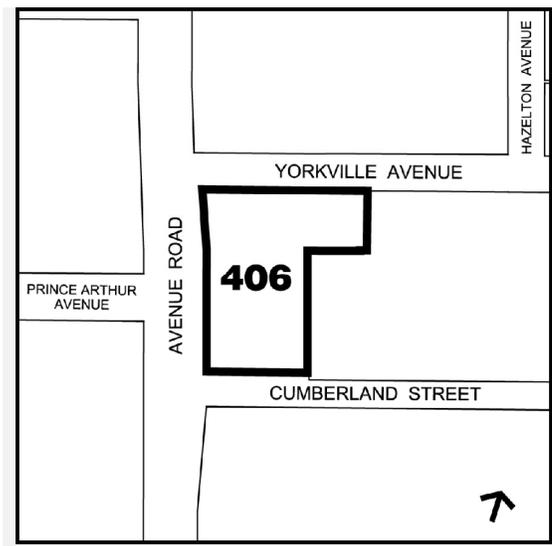
AMENDMENT NO. 217 TO THE OFFICIAL PLAN
LANDS MUNICIPALLY KNOWN IN THE YEAR 2012 AS
21 AVENUE ROAD

The Official Plan of the City of Toronto is amended as follows:

1. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 406 for lands known municipally in 2012 as 21 Avenue Road, as follows:

406. 21 Avenue Road

A new building with a maximum height of 125 metres is permitted on the south portion of the site, in addition to the existing building on the north portion of the site.



2. Chapter 7, Map 28, Site and Area Specific Policies, is revised to add the lands known municipally in 2012 as 21 Avenue Road shown on the map above as Site and Area Specific Policy No. 406.

Attachment 10: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ~ as adopted by City of
Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend ~ Zoning By-law No. ~, as amended,
With respect to the lands municipally known as,
21 Avenue Rd**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. This By-law applies to the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law.
2. Pursuant to Section 37 of the *Planning Act*, the *heights* and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law including the provision by the *owner* of the *lot* of the facilities, services and matters set out in Appendix 1 hereof, to the City at the *owner's* sole expense and in accordance with and subject to the agreement referred to in Section 3 of this By-law.
3. Upon execution and registration of an agreement or agreements with the *owner* of the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services or matters set out in Appendix 1 hereof, the *lot* is subject to the provisions of this By-law. Building permit issuance with respect to the *lot* shall be dependent upon satisfaction of the provisions of this By-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.
4. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the *City* pursuant to Section 37 of the *Planning Act*, then once such agreement has been executed and registered, such conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.

5. None of the provisions of Sections of 2(1) with respect to the definition of *bicycle parking – occupant*, *bicycle parking – visitor*, *grade*, *height*, 4(2)(a), 4(8), 4(12), 4(13), 8(3) PART I 1,2 and 3, 8(3)PART II 1(a), 8(3)PART III 1(a), 8(3) PART XI 2, 12(2)132, 12(2)259 and 12(2)260 of Zoning By-law No. 438-86, as amended, being By-law No. 438-86 of the former City of Toronto, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection or use of a *mixed-use building* on the *lot* which may contain *dwelling units*, non-residential uses and a *commercial parking garage*, including *accessory* thereto, provided that:
- (a) the *lot* comprises the lands delineated by heavy dashed lines on Map 1 attached to and forming part of this By-law;
 - (b) the aggregate of the *residential gross floor area* and *non-residential gross floor area* of buildings and structures shall not exceed 61,990 square metres, subject to the following:
 - (i) the *residential gross floor area* of buildings and structures shall not exceed 58,500 square metres;
 - (ii) the *non-residential gross floor area* of buildings and structures shall not exceed 7,200 square metres excluding the *commercial parking garage*;
 - (c) a minimum of 298 square metres of indoor *residential amenity space* shall be provided for Tower 1 as shown on Map 2a, while a minimum of 2.0 square metres of indoor *residential amenity space* per *dwelling unit* shall be provided for Tower 2 as shown on Map 2a;
 - (d) a minimum of 540 square metres of outdoor *residential amenity space* shall be provided on the *lot* and is to be provided in a location adjoining or directly accessible from the indoor *residential amenity space*;
 - (e) a minimum of 200 square metres of the *lot* consists of publicly accessible *common outdoor space*;
 - (f) no portion of the building or structure erected or used above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2a, subject to the following:
 - (i) canopies, awnings, building cornices, lighting fixtures, ornamental elements, guardrails, balustrades, may extend to a maximum of 1.8

metres beyond the heavy lines shown on Map 2a;

- (ii) for Building 3 as shown on Map 2a, balconies may extend to a maximum of 1.3 metres beyond the heavy lines as shown on Map 2;
- (g) the *height* of any building or structure, or portion thereof, does not exceed those *heights* as indicated by the numbers following the symbol H on the attached Map 2a, with the exception of the following:
 - (i) parapets, railings, terrace guards, planters having a maximum height of the sum of 1.3 metres and the applicable height limit shown on Map 2a shall be permitted within any area on Map 2a;
 - (ii) decorative screens, trellises, stairs, stair enclosures, wheelchair ramps, vents, pipes, exhaust flues and window washing equipment having a maximum height of the sum of 3.0 metres and the applicable *height* limit shown on Map 2a shall be permitted within any area on Map 2a; and
 - (iii) landscape and public art features;
- (h) a minimum tower separation setback of 20 metres as shown on Map 2a will be maintained higher than 32.0 metres above *grade* and below 93.5 metres above *grade*;
- (i) portions of the north exterior main wall of Tower 2 as shown on Map 2a, higher than 93.5 metres above *grade*, shall be permitted to project from the north exterior wall of Tower 2 as shown on Map 2a, in accordance with Map 2b;
- (j) a reduction of 4 resident *parking spaces* be permitted for each on-site *car-share parking space* provided on the *lot* and that the minimum reduction permitted is 16 resident *parking spaces* and the maximum permitted reduction of resident *parking spaces* shall be based on the following formula $[4 \times (\text{total number of residential units} \div 60)]$, rounded down to the nearest whole number;
- (k) a minimum of 4 *car-share parking spaces* shall be provided on the *lot*;
- (l) a *commercial parking garage* is be permitted on the *lot* providing a minimum of 65 *parking spaces*;
- (m) *parking spaces* required for visitors and non-residential uses are permitted

to be located within a *commercial parking garage*;

- (n) despite the definition of *parking space* in section 2(1) of By-law 438-86, and the minimum width dimensions of *obstructed parking spaces* in section 4(17) of By-law 438-86, the minimum parking dimensions shall be as follow:
 - (i) Length – 5.6 metres;
 - (ii) Width – 2.6 metres; and
 - (iii) Vertical clearance – 2.0 metres;
 - (o) up to 5 of the required *parking spaces* may be undersized *parking spaces*, provided that a maximum of 3 *parking spaces* shall be permitted to have a width of 2.5 metres, and a maximum of 2 *parking spaces* shall be permitted to have a length of 5.2 metres;
 - (p) up to 2 required *parking spaces* may be obstructed on one side and may be accessed by a drive aisle with a minimum width of 3.8 metres;
 - (q) a minimum of 400 *bicycle parking spaces* shall be provided on the *lot*, of which, a minimum of 360 shall be for residents and a minimum of 40 shall be for visitors;
 - (r) notwithstanding Section 2(1) of By-law 438-86, a portion of required *bicycle parking spaces – visitor* may be located within a secured room or enclosure;
 - (s) at least one shared *loading space – type “G”/”B”* and one *loading space – type “B”* and two *loading spaces – type “C”* are provided and maintained on the *lot*;
 - (t) despite the definition of *loading space – type “C”* in section 2(1) of By-law 438-86, the minimum loading dimensions for one *loading space – type “C”* shall be as follow:
 - (i) Length – 6.0 metres;
 - (ii) Width – 3.5 metres; and
 - (iii) Vertical clearance – 2.1 metres;
2. For the purposes of this By-law, all italicized words and expressions in this exception have the same meanings as defined in By-law No. 438-86, as amended, with the exception of the terms *bicycle parking space – occupant*, *bicycle parking space –*

visitor, grade and height:

“bicycle parking space – occupant” means an area that is equipped with a bicycle rack for the purpose of parking and securing bicycles, and:

- (i) where the bicycles are to be parked on a horizontal surface, has a horizontal dimension of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
- (ii) where the bicycles are to be parked in a vertical position, has a horizontal dimension of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
- (iii) notwithstanding (i) and (ii) above, where the bicycles are to be parking in a stacker, being a device that allows parking spaces to be positioned above or below one another with the aid of an elevating mechanism, the parking space within the stacker shall have horizontal dimensions of at least 1.6 metres by 0.4 metres, and the stacker shall be located in an area with a vertical dimension of at least 2.5 metres;

“bicycle parking space – visitor” means an area that is equipped with a bicycle rack for the purpose of parking and securing bicycles, and

- (i) where the bicycles are to be parked on a horizontal surface, has a horizontal dimension of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres;
- (ii) where the bicycles are to be parked in a vertical position, has a horizontal dimension of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres; and
- (iii) notwithstanding (i) and (ii) above, where the bicycles are to be parking in a stacker, being a device that allows parking spaces to be positioned above or below one another with the aid of an elevating mechanism, the parking space within the stacker shall have horizontal dimensions of at least 1.6 metres by 0.4 metres, and the stacker shall be located in an area with a vertical dimension of at least 2.5 metres;

“car-share” means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;

“*car-share parking space*” means a *parking space* that is reserved and actively used for car sharing;

“*grade*” means an elevation of 114.43 metres Canadian Geodetic Datum;

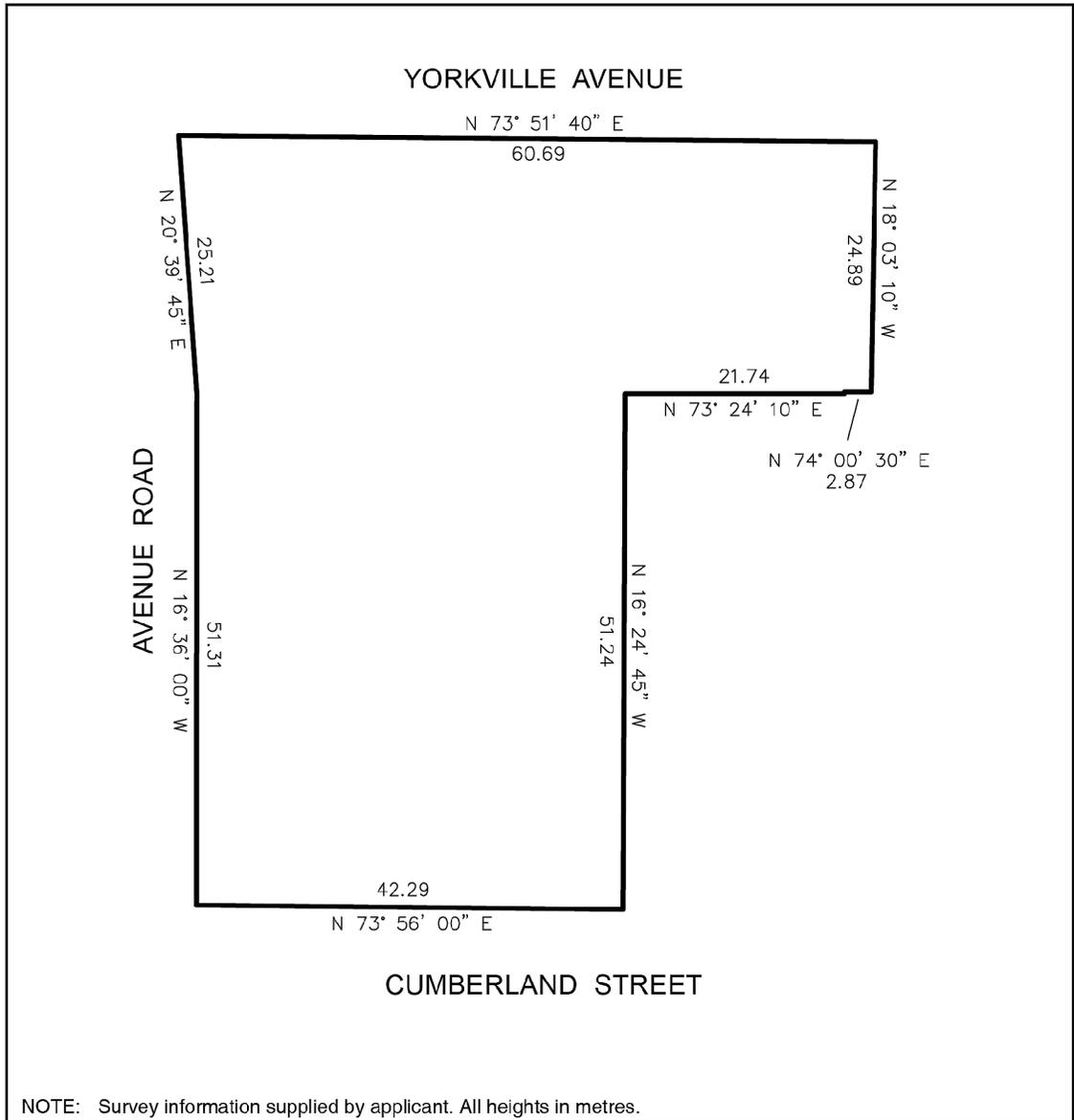
“*height*” means the vertical distance between *grade* and the highest point of the roof except for those elements prescribed in this By-law;

3. This by-law shall apply to all of the lands, shown on Map 1 attached to this By-law, regardless of future severance, partition or division.
4. By-law 188-69 is hereby repealed.

Appendix "1": Section 37 Provisions

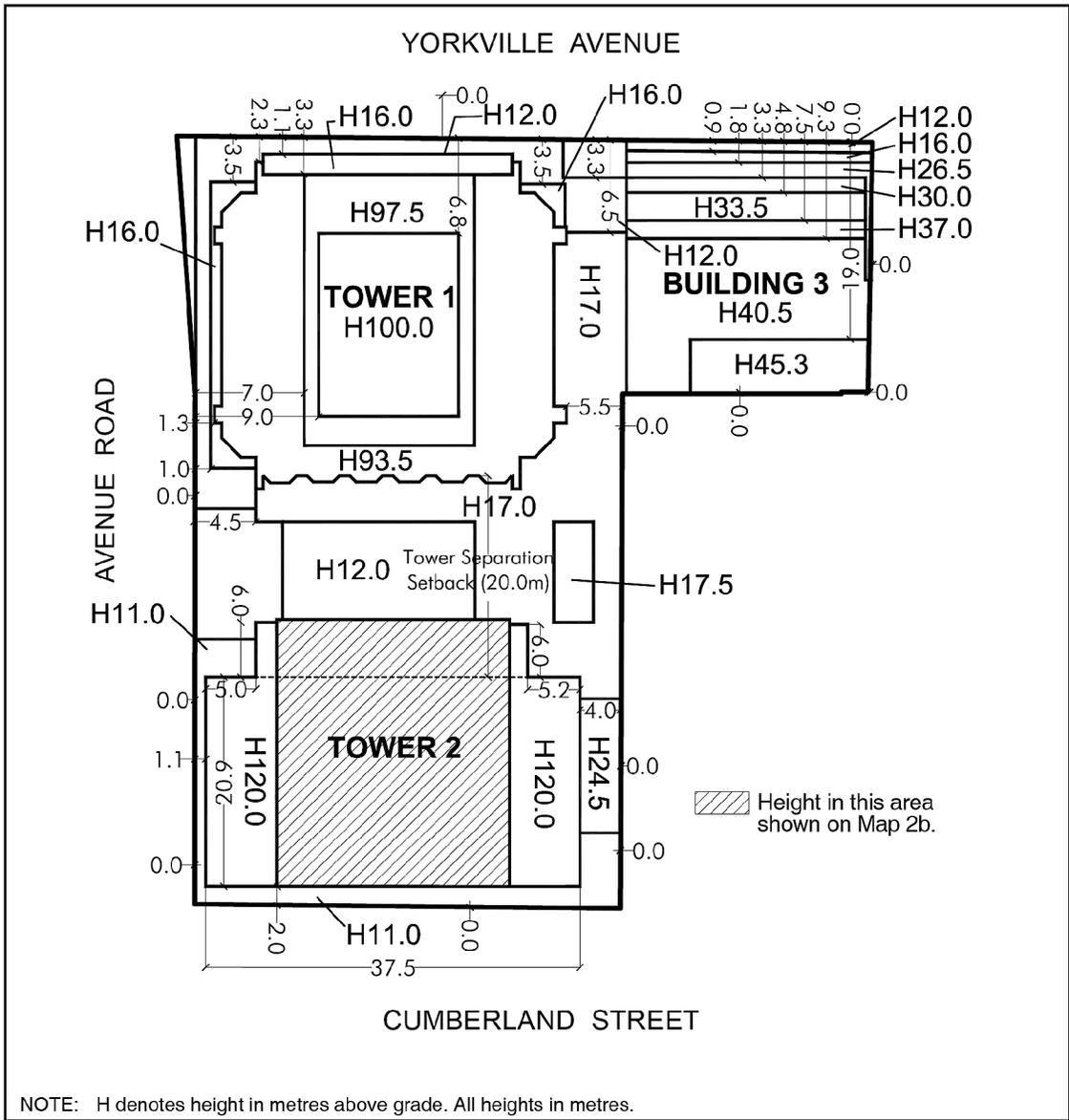
The facilities, services and matters set out herein are the matters required to be provided by the *owner* of the *lot* at its expense to the *City* in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* with conditions providing for no credit for development charges, indexing escalation of both the financial contributions and letters of credit, indemnity, insurance, taxes, termination and unwinding, and registration and priority of the agreement:

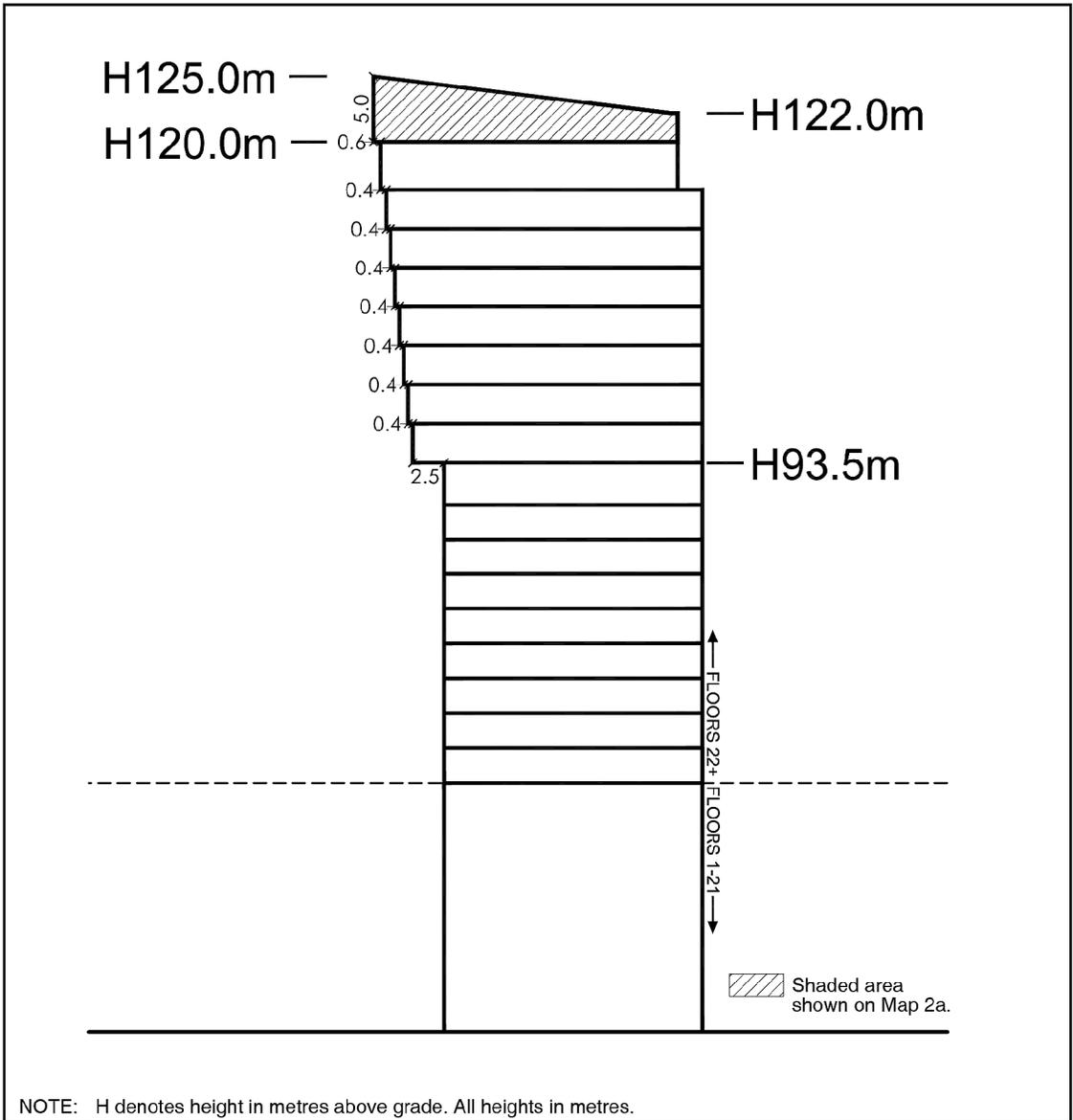
1. Prior to the introduction of Bills in City Council, City Council require the owner of the lands at 21 Avenue Road to enter into an Agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor, to secure the following **(detailed information to be provided at Community Council)**:
 - a. At a minimum, an indexed contribution of \$2,100,000.00. Such payment will be deposited to the Planning Act Reserve Fund and be used towards, but not limited to: public art; the widening and reconstruction of the sidewalk along Avenue Road between Cumberland Street and Yorkville Avenue; local streetscape improvements; Yorkville Avenue roadway and streetscape improvements; improvements to the Village of Yorkville Park; capital repairs of Toronto Community Housing located in the neighbourhood; and any another other benefits as determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor. The total amount would be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date of payment.
 - b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:
 - i. a 200 square metre publically accessible open space; and
 - ii. an east/west pedestrian mid-block connection.



2.


Not to Scale
05/15/2013





NOTE: H denotes height in metres above grade. All heights in metres.