

**143 Avenue Road – Zoning Amendment - Request for Directions Report**

<b>Date:</b>	January 21, 2015
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 27 – Toronto Centre-Rosedale
<b>Reference Number:</b>	13 223368 STE 27 OZ

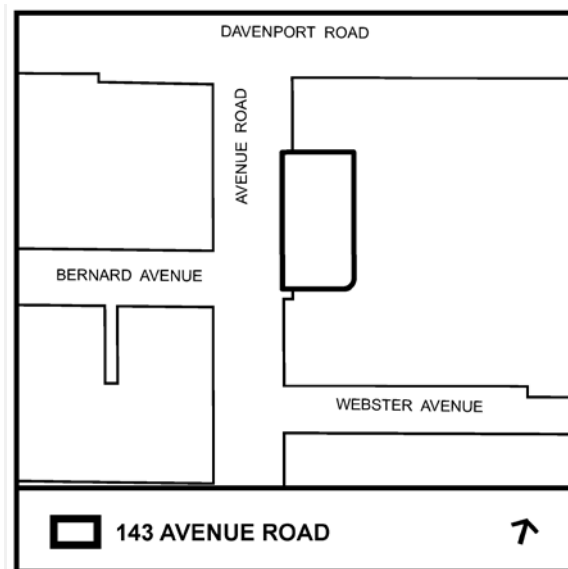
**SUMMARY**

On December 2, 2014, the City Clerk's Office received notification that the applicant filed an appeal of the Zoning By-law Amendment application to the Ontario Municipal Board (OMB), citing Council's failure to make a decision on the application within the respective timeframe prescribed by the *Planning Act*. A pre-hearing meeting is scheduled for February 26, 2015. The purpose of this report is to seek direction from City Council on the position to be taken at the forthcoming OMB hearing.

The application is to permit a 12-storey, 42.0 metre (including the mechanical penthouse) mixed-use building at 143 Avenue Road. The proposal includes 117 dwelling units, approximately 822 square metres of retail/commercial space and 70 parking spaces in a 3-level underground parking garage.

The proposed building height, massing and setbacks represent overdevelopment of the site and would set a negative precedent in terms of the City's built form policies for infill development. It also has a measurable impact on the abutting property to the east.

The proposal, in its current form, does not conform to the Official Plan, and is inconsistent with Council approved guidelines.



## RECOMMENDATIONS

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### The City Planning Division recommends that:

1. City Council authorize the City Solicitor and appropriate City Staff to attend the Ontario Municipal Board (OMB) to oppose the OMB appeal made by the applicant for Zoning By-law Amendment Application No. 13 223368 STE 27 OZ.
2. City Council instruct the City Solicitor to advise the OMB that Council would support alternative Built Form Criteria for the lands known municipally as 143 Avenue Road substantially as set out in Attachment Nos. 9 and 10 to the report (January 21, 2015), from the Director, Community Planning, Toronto and East York District, as noted within the report.

### Financial Impact

The recommendations in this report have no financial impact.

### DECISION HISTORY

A preliminary staff report dated October 18, 2013 was adopted at the November 19, 2013 Toronto and East York Community Council meeting.

<http://www.toronto.ca/legdocs/mmis/2013/te/bgrd/backgroundfile-63121.pdf>

### ISSUE BACKGROUND

#### Proposal

The application proposes to amend the Zoning By-law to permit a 12-storey mixed-use building (42 metres including the mechanical penthouse). The proposed building covers most of the site except for the ground floor setback at Avenue Road (2.77 metres) and the rear wall/curvilinear terraces setback (1.6 - 7.5 metres). The second to 10<sup>th</sup> floors extends to the front property line and then stepback 1.0 metre at the mid-point of the 10<sup>th</sup> floor.

The total floor area is 9,381 square metres with a density of 8.3 times the area of the lot. For more detailed information see Attachment No. 8 Application Data Sheet.

The Avenue Road frontage will consist mainly of retail use, with a residential pedestrian entrance next to the driveway entrance to the parking garage and loading area.

The breakdown of the proposed 117 residential units is as follows:

Unit Type	Number of Units
1-bedroom	70
2 bedroom	44
3-bedroom	3
<b>Total</b>	<b>117</b>

A total of 477 square metres of residential amenity space is proposed, 241 square metres of indoor and 236 square metres of outdoor space. The amenity space will be provided at the 2<sup>nd</sup> floor and includes an outdoor rear terrace. The proposed amount of amenity space meets the minimum zoning by-law requirement of 2 square metres per dwelling unit.

A total of 99 bicycle parking spaces are provided (75 for residential use, 24 for residential and visitors). There are 21 residential, retail occupant and visitor bicycle parking spaces located on the ground floor. The balance of the residential occupant bicycle parking spaces are located on garage parking levels P1 and P3.

The proposed parking will be located in a three-level underground parking garage accessed at the southwest end of the proposed building. A total of 70 parking spaces (64 for residential use, 6 for residential visitors, 0 for retail) is proposed. There is one Type-G residential loading space located off the south driveway to the parking garage.

The current proposal incorporates revisions to the original application as summarized below in Table 1:

**Table 1- Applicant's Revisions to Original Proposal**

	<b>Applicant's Original Proposal</b>	<b>Applicant's Revised Proposal (Appealed)</b>
<b>Gross Floor Area</b>	8,424 square metres	9,381 square metres
<b>Building Height</b>	40.47 metres (excl. 2 metre mechanical penthouse)	40.17 metres (excl. 2 metre mechanical penthouse)
<b>Rear Setbacks</b>	7.7 -11.8 metres	5.5 - 7.5 metres (remains 1.6 metres at north end of building)
<b>Ground Floor Setbacks</b>	1.35 – 3.38 metres	2.77 metres
<b>Dwelling Units</b>	94	117
<b>Indoor Amenity Space</b>	197 square metres	241 square metres
<b>Outdoor Amenity Space</b>	199 square metres	236 square metres
<b>Total Parking (Underground)</b>	67 spaces	70 spaces
<b>Bicycle Parking</b>	61 spaces	99 spaces

**Site and Surrounding Area**

The site is located on the east side of Avenue Road, one property south of Davenport Road. It is currently used as a 30-space commercial parking lot, but was previously vacant and prior to that was occupied by a gas station. The site is subject to a Site Plan application (13-200246 STE 27 SA) which is under review.

The following uses are adjacent to:

North: 165 Avenue Road- a 6-storey, approximately 23 metre high commercial-office building, excluding mechanical penthouse. This building has several windows facing south toward the proposed building. Its underground vehicular garage is accessed from the underground parking garage driveway of 225 Davenport Road.

South: 131 -137 Avenue Road- two 2 ½ storey semi-detached commercial buildings. A 2-3 metre wide private gated pedestrian landscaped walkway separating the pair of semis from the subject site services 225 Davenport Road.

East: 225 Davenport Road- a 6-storey condominium apartment building (The Dakota) fronting on Davenport Road, with retail units on the ground floor. The building has a number of outdoor patios accessed from at-grade dwelling units as well as landscaped outdoor amenity space. To the southeast (but not immediately abutting the site), is the Hazelton Yorkville Heritage Conservation District.

West: Across Avenue Road is the East Annex Heritage Conservation District, 2 Bernard Avenue, a 3-storey building with retail at grade and a residential unit above. At 126-138 Avenue Road is a row of 3-storey buildings with retail and commercial at grade and residential units on the second and third floors. At 140-142 Avenue Road are two 2-storey buildings at the southwest corner of Avenue Road and Davenport Road, with retail at grade and residential units on the second floors.

## **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 site has a *Mixed Use Areas* designation in the Official Plan (Map 18). On the City's Urban Structure Map 2, the site is within the *Downtown and Central Waterfront Areas*.

The policies in Chapter 3 of the Plan complement and support the City's growth strategy by integrating social, economic and environmental perspectives in decision-making to create an attractive City, with a strong economy and liveable communities.

The application has been evaluated using the Built Form policies of Section 3.1.2 of the Plan which address how the development improves the public realm, is organized to provide joint access and underground parking, and is massed to fit harmoniously into the planned context of the neighbourhood and the City. New development will be massed to define the edges of the streets, parks and open spaces at good proportions. Taller buildings will be located to ensure adequate access to sky view for the proposed and future use of these areas.

The *Mixed Use Areas* designation of this site provides for a broad array of residential, office, retail and service, institutional, entertainment, recreation and cultural uses and activities as well as park and open spaces. Under Section 4.5 *Mixed Use Areas*, the Development Criteria in Policy 2 apply, in particular criteria 2. c) to 2. f) with respect to massing and transition of proposed buildings.

The Toronto Official Plan is available on the City's Website at:  
[www.toronto.ca/planning/official\\_plan/introduction.htm](http://www.toronto.ca/planning/official_plan/introduction.htm).

### **Area Specific Policy 211 – Bloor Yorkville/North Midtown**

Area Specific Policy 211 in the Official Plan recognizes that the Bloor-Yorkville/North Midtown Area comprises a broad mix of districts with differing intensities, scales and heights in a diversity of building forms. The area includes *Neighbourhoods*, *Apartment Neighbourhoods*, *Areas of Special Identity*, *Mixed Use Areas*, and open space provided by parks and ravines. It forms the north edge of the Downtown and provides for transition in density and scale.

The subject site is located well north of the Height Ridge which ends south of Webster Avenue as illustrated on Map 2 in Policy 211. Policy 211 (b) states that building height and density permissions within the Height Ridge generally diminish going north from Bloor Street West. These Height Ridges provide a transition in scale from the 'Height Peak' at Yonge/Bloor and are to be of a lesser height and physical scale and in a form compatible with adjacent areas.

Policy 211 (b) states that the north portions of Avenue Road, Yonge Street and Davenport Road not shown as Height Ridges on Map 2 are intended to have lower heights. The scale of buildings in these areas should be compatible with adjacent *Neighbourhoods* and with *Areas of Special Identity* shown as 'Low Rise Areas' on Map 2.

Development in *Mixed Use Areas* near the 'Low Rise Areas' will be designed to adequately limit shadow, wind and privacy impacts on these lower scale areas through distance separation and transition in scale including means such as angular planes and stepdowns in height. Policy 211 (e) states that new buildings will achieve a harmonious relationship to their built form context through building height, massing, setbacks, rooflines and profile, architectural expression as well as sensitively integrated vehicle access and loading.

## **Zoning**

The site is zoned CR T2.0 C2.0 R2.0 pursuant to Zoning By-law 438-86, as amended and was excluded from the new City Zoning By-law 569-2013, enacted on May 9, 2013. The CR zoning classification permits a wide range of residential and commercial uses. The residential uses include apartment buildings and townhouses, and non-residential uses that include: retail, restaurants, offices and personal service shops. The zoning permits a total overall density of 2.0 times the lot area. The maximum building height permitted is 14 metres.

## **Bloor – Yorkville/North Midtown Urban Design Guidelines**

The Bloor-Yorkville/North Midtown Urban Design Guidelines, approved by City Council in July 2004, give guidance to improving the physical quality of the area and ensure that its special character is respected in new development. The main planning objectives of these design guidelines include:

- Enhancement of areas of special identity, and the precincts and corridors;
- Protection of low-rise, pedestrian-oriented mixed use areas from the adverse impacts of commercial and/or higher density development;
- Protection and enhancement of historic buildings; and
- Excellence in urban design, architecture and landscape in private developments.

The Bloor-Yorkville/North Midtown area is comprised of a number of precincts and Corridors, each defined by its attributes in terms of function, built form and character. The subject site is part of the Avenue Road Corridor.

The Guidelines state that special consideration should be given to the impact of commercial uses, the form of development, and parking and servicing arrangements on the adjacent low-scale residential neighbourhood. New buildings are to provide a transition between areas of different development intensity and scale. Shadow impacts are to be minimized on adjacent *Neighbourhoods* through the location and massing of new buildings.

## **Tall Building Design Guidelines**

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use the Guidelines in the evaluation of tall building applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>.

This project is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the city-wide Tall Building Design Guidelines in May 2013). This document identifies where tall buildings belong in the Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings. The Downtown Vision and

Supplementary Design Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate Downtown tall building proposals.

This portion of Avenue Road is not identified as a High Street nor is it identified on the Vision Height Map.

The Downtown Tall Buildings Guidelines are available at <http://www.toronto.ca/planning/tallbuildingstudy.htm#guidelines>.

### **Site Plan Control**

The application is subject to site plan control. An application has not been submitted.

### **Tree Preservation**

The applicant's arborist report shows no trees within the site, although 18 trees on the east and south property lines would require removal. Three of these trees are large enough to require a Permit to Injure or Destroy Trees on Private Property under the City of Toronto Private Tree By-law. City permission and written consent from the adjacent property owners is required as part of the permitting process. The trees are owned by the 225 Davenport Road condominium and were assessed as being in fair condition by the applicant's arborist. The zoning amendment application proposes to remove these trees and replace them with 18 ironwood trees.

### **Reasons for Application**

The applicant is requesting amendments to By-law 438-86 to permit the proposed building height of 40.17 metres (excluding the mechanical penthouse) and a density of approximately 8.3 times the lot area. Other areas of non-compliance determined by Toronto Building include window setbacks of 1.65 metres from the east property line and a shortage of 2 parking spaces.

### **Community Consultation**

A community consultation meeting held at the Church of the Redeemer on February 18, 2014 was attended by over 70 area residents. The questions and statements of participants were largely in opposition to the proposed development, focused on the following issues:

- Overall building height and proposed development density.
- Shadow impact on 225 Davenport Road 'The Dakota' building.
- Proposed sidewalk width on Avenue Road frontage.
- Loss of trees on west property line of 225 Davenport Road.
- Overlook on amenity space of 225 Davenport Road.
- Loss of sky view for 225 Davenport Road.
- Design appearance of the front façade.
- Increased parking issues and traffic congestion in the neighbourhood.
- Separation distance to 'The Dakota' building.
- Auto exhaust on the surrounding properties.
- Construction impacts.

A further meeting was held on May 14, 2014 with the applicant, its solicitor and consultants, ABC Residents Association, The Dakota building representatives and City Planning staff to discuss revisions to the building height, density, design (e.g. stepping down the south building elevation), servicing (e.g. connecting the new underground parking garage to the existing 225 Davenport garage for vehicular access and solid waste removal) and streetscape (e.g. increasing the Avenue Road sidewalk width). Limited improvements resulted from that meeting and most issues remain the same or have worsened. The applicant revised its proposal to increase the massing and density, and filed an appeal.

## **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used in evaluating the application. A Notice of Complete Application was issued on September 20, 2013.

## **COMMENTS**

### **Provincial Policy Statement and Provincial Plans**

Provincial Policy Statement (Policy 4.5) states that the Official Plan is the most important vehicle for implementation of the PPS. Comprehensive, integrated and long-term planning is best achieved through municipal Official Plans, shall identify provincial interests and set out appropriate land use designations and policies. The PPS speaks to managing and directing land use to achieve efficient development and land use patterns. Official Plan Site and Area Specific Policy 211, for example, directs growth to portions of the Yorkville area by accommodating an appropriate range of height and density mix of residential, employment, recreational and open spaces uses to meet long term needs. The proposal is generally consistent with policies of the PPS.

The City's Official Plan identifies the appropriate type and scale of development in the Yorkville Area. The application conforms to the Growth Plan for the Greater Golden Horseshoe.

### **Land Use**

The application proposes residential and retail uses. These uses are permitted by the Official Plan and Zoning By-law, and include a broad range of retail, service, office-commercial and uses on this site.

### **Height and Density**

The height and massing of the proposal is not appropriate for the site and does not fit within the existing and planned context for Avenue Road. The existing context of the block and surrounding buildings is 6 storeys in height.

Official Plan Area Specific Policy 211 and the Bloor-Yorkville/North Midtown Urban Design Guidelines set out areas called the Height Peak, Height Ridge and Low-Rise Areas. The intent of these policies and guidelines is to direct the tallest buildings to around the Yonge and Bloor Streets intersection, known as the Height Peak. The Height Ridges provide a transition in scale from the Height Peak, and in a form compatible with adjacent areas. Along the Avenue Road Height Ridge, the height and density permissions generally diminish to the north from Bloor



Street. The proposed 12-storey (42 metre height) does not conform to the Height Ridge policies in the Official Plan's Area Specific Policy 211.

The subject site is located north of an OMB-approved 6-storey building at 121 Avenue Road, beyond the northern edge of the Avenue Road Height Ridge identified in Official Plan Policy 211 and the Bloor-Yorkville/North Midtown Urban Design Guidelines, and is adjacent to a 6-storey building at 165 Avenue Road.

The proposal at 143 Avenue Road is measurably and contextually different from the recent planning approvals along the south side of Davenport Road. As a result of the "sweep" along Davenport Road, the widest point of the right-of-way adjacent to the Davenport buildings is approximately 27 metres, 4 metres wider than in front of the subject proposal on Avenue Road.

The 12-storey (40 metres to the rooftop) mixed-use building, currently under construction at 181 Davenport Road, and the 9-storey (32 metres plus a 4-metre mechanical penthouse) at 131 Hazelton Avenue are considered appropriate given the orientation and massing of the proposals along the south side of Davenport Road. Both projects step back a number of times before reaching the rooftop and mechanical penthouse. They have limited impacts on neighbouring properties and were designed to mitigate privacy concerns from the neighbouring mixed-use building and the residential neighbourhood to the south.

Policy 211 (b) states that the northern portions of Avenue Road, Yonge Street and Davenport Road not shown as Height Ridges on Map 2 are intended to have lower heights. The scale of buildings in these areas should be compatible with adjacent *Neighbourhoods* and Areas of Special Identity shown as 'Low Rise Areas' on Map 2. The Guidelines echo many of the built form policies in the *Mixed Use Areas* designation of the Official Plan, relating to the transition to and impacts on the adjacent *Neighbourhoods*.

The existing context is laid out in Table 2 below:

**Table 2 – Building Heights on the East Side of Avenue Road North of the Ridge**

<b>Address</b>	<b>Existing Heights</b>	<b>Proposed</b>
121 Avenue Rd.	Vacant site – OMB-approved 6 storeys	14 storeys
131 Avenue Rd	2.5 storeys - 9 metres	
133 Avenue Rd	2.5 storeys- 9 metres	
135 Avenue Rd	2.5 storeys- 9 metres	
137 Avenue Rd	2.5 storeys - 9 metres	
143 Avenue Rd	Surface parking lot, No structure on site	12 storeys- 42 metres (including mechanical penthouse)
165 Avenue Rd	6 storeys – approx. 23 metres (26 metres including mechanical penthouse)	

Table 2 shows the height of the existing and proposed buildings on the east side of Avenue Road, north of the Height Ridge, as illustrated in Official Plan Area Specific Policy 211. The buildings to the south of the subject site are within the Zoning By-law maximum height limit of 14 metres. City Planning staff believe the appropriate height for the proposed building should be 23 metres (not including mechanical penthouse) which is the contextual height of the building to the north of the site and would allow a 6-storey mixed-use building.

The northernmost property in the Avenue Road Height Ridge is 111 Avenue Road with a height of 30 metres, (36.6 metres to the top of the mechanical penthouse).

### **Massing and Stepback**

The Official Plan states in the Built Form section that new development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by: massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion. (Policy 3.1.2.3 a)

The 10-storey (31 metre) street wall proposed for the front façade of the proposed building is too high to fit into the planned context of the street in this block. The Bloor Yorkville/North Midtown Urban Design Guidelines indicate that general street wall heights should not exceed a 1:1 relation of height to right-of-way street width. The Avenue Road right-of-way width is about 23 metres in front of this development.

The Tall Building Design Guidelines and Avenues and Mid-Rise Building Study call for, in the absence of a consistent street wall height context, a minimum base building height between 10.5 metres and 80% of the adjacent street right-of-way width. In this case, 80% of the Avenue Road right-of-way width is approximately 18 metres.

City Planning staff is recommending a minimum stepback of 1.5 metres at the top of the 5<sup>th</sup> floor which is at approximately 18 metres in height on the proposed building front elevation as outlined in the Built Form Criteria chart in Attachment 9 of this report. The applicant's proposed stepback at the midpoint of the 10<sup>th</sup> floor is too high up on the building to provide the appropriate massing for pedestrian perception at street level and a new lower stepback is required. A 23-metre high building (plus mechanical penthouse) at this location with a 1.5 metre stepback at a height of 18 metres, would meet the intent of the Official Plan policies and Guidelines.

### **Rear Yard Setbacks and Sky view**

The applicant proposes limited setbacks of the northeast portion of the proposed building where windows are 1.65 metres from the east property line and the ground floor has no setback from the east rear property line. The applicant has reduced all rear setbacks above the second floor from the original application.

Given the proposed building height of 42 metres exceeds the 23 metre width of the Avenue Road right-of-way, the building is a Tall Building. The proposed rear yard setbacks do not meet Tall Building Design Guidelines (12.5 metres), or even the Mid-Rise Building Guidelines (7.5 metres). The proposed building meets the minimum rear setback of 5.5 metres in the zoning by-

law, but substantially exceeds the permitted height. Taller buildings should be developed with greater building setbacks than those setbacks established for much lower buildings.

The revised location of the rear wall and terrace setbacks for the proposed building has worsened the impact on the adjacent building at 225 Davenport Road by increasing overlook and loss of privacy for the residential owners and tenants using the private and common outdoor amenity space. The windows and walls of the proposed building are now 5.5 metres from the property line up to the 10<sup>th</sup> floor and between 5.5 to 7.5 metres above that, with the proposed terraces being even closer. A section of the northeast wall is 1.6 metres from the property line. These rear yard setbacks will further reduce the sky view of residents of the Dakota building from the outdoor and roof top amenity spaces as well as from the windows of west-facing dwelling units. The proposed building separation distance is approximately 15.0 metres to the Dakota mixed-use building to the east, with the majority of the separation located within the abutting property.

A proposal of such intensity should respond to its surrounding built form context. City Planning staff recommend that the rear setback be 7.5 metres, as appropriate to a mid-rise scale building, which will assist in mitigating the privacy and overlook impact from a 23 metre high mid-rise building that is outlined in the Recommended Built Form Criteria Table in Attachment 9.

## **Sun, Shadow, Wind**

The extent of the shadow impact on the property to the east is not acceptable.

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

The Downtown Tall Building Design Guidelines guiding principles state that every effort needs to be made to design and orient tall buildings to minimize shadowing and wind impacts, and protect sunlight and sky view, for streets, parks, public and private open space and neighbouring properties.

The Bloor-Yorkville/North Midtown Urban Design Guidelines identify the properties and *Neighbourhoods* to the east and west of the subject site are identified as Shadow Sensitive Areas.

The Shadow Study submitted by the applicant dated November 3, 2014 shows unacceptable shadow impacts on the 225 Davenport Road property to the east of the site. On March 21 (Spring Equinox) and September 21 (Fall Equinox) shadow (2:18 pm) is cast across the outdoor amenity space of 225 Davenport Road for more than a three hour time period and on the west-facing windows from (3:18 pm) for a three hour time period and on the rooftop amenity space of 225 Davenport Road at (4:18 pm) for a two hour period. It also casts shadow on *Neighbourhoods* residential backyards west of Hazelton Avenue.

During the Summer Solstice (June 21), when the sun is at its highest point, a shadow is cast into the shadow sensitive area. This shadow (2:18 pm) is covering the at-grade landscaped outdoor amenity space of 225 Davenport Road for more than 3 hours. This shadow also continues from (3:18 pm) for 3 hours on the west-facing windows of the property to the east. This shadow at (4:18 pm) is cast over the rooftop outdoor amenity space for a two hour period. This shadow at (5:18pm) is cast on the rear residential properties of Webster Avenue for approximately a two hour time period.

The at-grade landscaped outdoor amenity space at 225 Davenport Road is well used by the residential unit owners and tenants during three seasons for outdoor enjoyment. The amenity space is heavily landscaped with outdoor seating. The rooftop outdoor amenity space is frequently used by the building occupants year round, including barbecuing meals. The loss of sunlight and diminished sky view is of concern both to the building occupants who attended the community meeting and City Planning staff.

The applicant submitted a Pedestrian Level Wind Study Addendum, dated August 22, 2014, prepared by Gradient Wind Engineering Inc. The study was conducted based on a review of the updated building drawings and the prevailing winds and their impacts. The study concluded that the second level amenity space and the rear elevated terraces would be well protected from the prevailing winds and no mitigation measures were anticipated. The Avenue Road wind conditions would be acceptable for pedestrians standing and walking in front of the building.

### **Traffic Impact, Access, Parking, Loading**

City Transportation staff have reviewed the Traffic Impact Assessment and found the impacts of vehicular traffic turning movements to and from the proposed development on Avenue Road to be acceptable.

As a result of the small size of the site, the garage has a double-loaded drive aisle with a 5 percent slope on the west side and a ramp with a slope ranging from 8 to 15 percent on the east side of the site. To achieve the required parking ratio for the revised proposal with an increased number of dwelling units, a fourth level of underground parking would be required. The applicant's traffic consultant indicates that the proximity of the site to two subway lines makes up for the shortfall of nine parking spaces. This rationale is acceptable to City Transportation staff.

The Bloor Yorkville/North Midtown Urban Design Guidelines identify the south end of the subject site as a Terminus Treatment Site (Figure 20) for the east end of Bernard Avenue. The proposed entrance to the underground parking garage, which lacks detailed architectural expression or an art installation, is not an appropriate visual terminus for motorists or pedestrians exiting onto Avenue Road.

The provision of a Type G loading space to serve the project is acceptable, however, the applicant has not submitted a turning radius diagram to demonstrate that City garbage trucks can enter and exit the site in a forward motion. This information is required prior to any zoning approval for the project.

## **Easements**

City Engineering and Construction Services staff reviewed the proposed sidewalk widening and recommended that the two trees proposed for the Avenue Road frontage be removed as they force a re-routing of pedestrian movement from the existing 1.6 metre wide sidewalk onto the proposed widened clearway. City Planning staff recommend that the trees be maintained as proposed and special measures be taken to construct and maintain them in order to not interfere with the proposed underground parking garage. Also, City Planning staff recommend that a clearway of 2.1 metres in width on the inside edge of the proposed tree pits be designated with an easement, as a pedestrian sidewalk that is not blocked by landscaping features. This pedestrian easement is also required by Engineering and Construction Services and must be maintained by the building owner.

## **Encroachments**

The Avenue Road Perspective Drawing and the West Elevation Plan illustrate decorative elements that appear to project from the west wall of the building and encroach into the Avenue Road public right-of-way. The floor plans and elevations drawings do not illustrate the encroachment of the decorative elements. These decorative elements must either be eliminated from the facade design or not extend beyond the property line.

## **Servicing**

A Functional Servicing Report dated November 2014 was submitted. City Engineering and Construction Service staff have asked for revisions to assist in determining whether the existing 375 mm combined sewer on Avenue Road has adequate capacity to support the development. Also, revisions are necessary for the proposed residential sanitary flow calculation for dry and wet weather analysis.

## **Open Space/Parkland**

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

The application proposes 117 residential units and 822 square metres of non residential uses on a site with a net area of 1,131square metres. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 0.156 hectares or 121% 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. In total, the parkland dedication requirement is 105 square metres.

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site parkland dedication requirement of 104 square metres would not be of a useable size.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the first above grade building permit.

### **Streetscape**

The private residential pedestrian access to the proposed building is at the southwest corner of the site, abutting the vehicular access driveway. There are three entrance points along the front façade to future retail spaces on the main and second floors. Granite paver hard landscaping is located in front of the entire front façade of the building.

While the site is not located on a High Street in the Downtown Tall Building Guidelines, Avenue Road is identified as a Priority Retail Street within the High Street section south of the site. A substantial portion of the ground and second floor of the proposed building is retail/commercial space.

Two proposed trees block sections of the 1.6 metre wide existing sidewalk and three planters by the private residential entrance reduce pedestrian movement. City staff recommend a 2.1 metre wide zone for unobstructed pedestrian movement. See Attachment No. 10, Project Features to be maintained.

### **Toronto Green Standard**

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

### **Section 37**

Section 37 of the Planning Act allows the City to grant a height and/or density increase that is greater than the zoning by-law would otherwise permit in return for community benefits. The proposed gross floor area is 9,381 square metres. Notwithstanding the size of the proposal, the Official Plan policies allow for the use of Section 37 when agreed upon by the owner. No Section 37 discussions have been held as the project is not good planning and has not been revised to address the concerns outlined in this report.

## **Conclusion**

The proposal, as appealed to the Ontario Municipal Board is overdevelopment of this small site. It has limited regard for the impact on the property to the east in terms shadow impact, overlook, and reduced sky view. It would set a negative precedent for future infill development in terms of the City's built form policies in the area. It is inconsistent with a number of Council approved guidelines. For these reasons, the proposal is not good planning. City Planning are recommending that City Council direct staff to appear at the Ontario Municipal Board in opposition to the proposal.

## **CONTACT**

Barry Brooks, Senior Planner  
Tel. No. (416) 392-1316  
Fax No. (416) 392-1330  
E-mail: bbrooks@toronto.ca

## **SIGNATURE**

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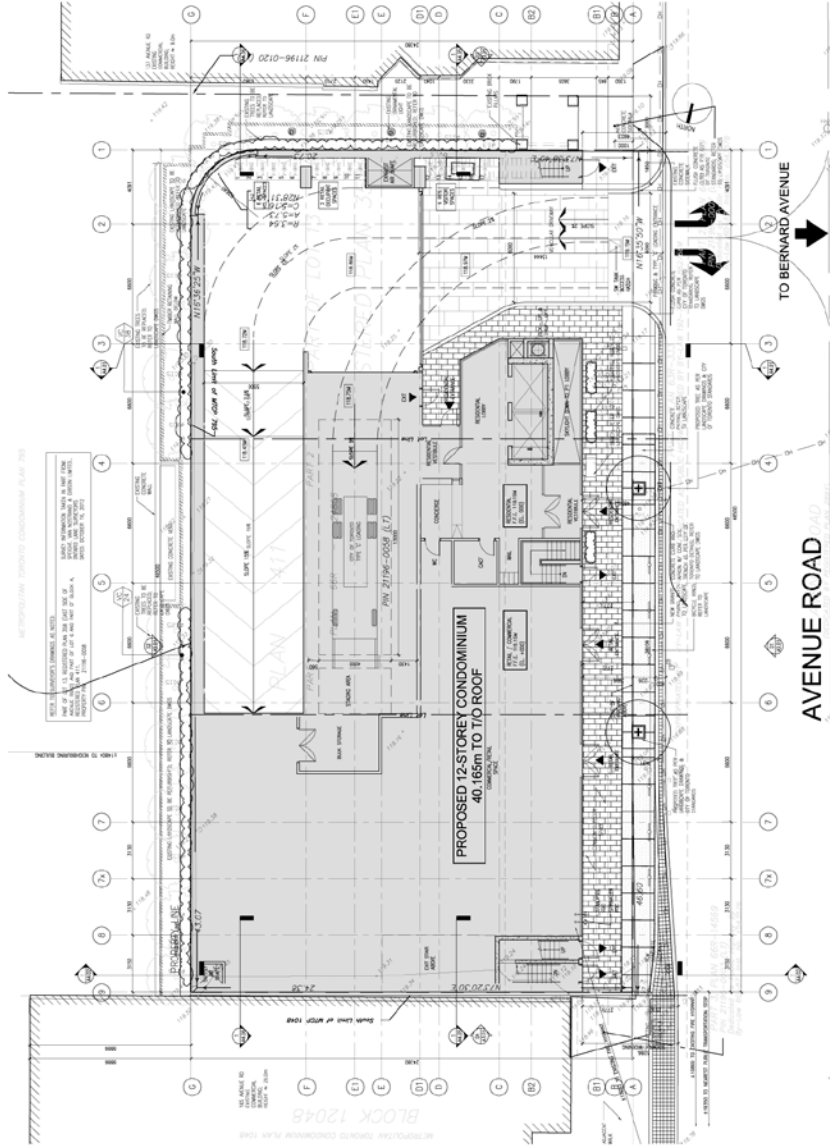
Gregg Lintern, MCIP RPP  
Director, Community Planning,  
Toronto and East York District

(P:\2015\Cluster B\pln\TEYCC\3669913073.doc) - md

## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: North Elevation  
Attachment 3: South Elevations  
Attachment 4: East Elevation  
Attachment 5: West Elevation  
Attachment 6: Cross-Section  
Attachment 7: Zoning  
Attachment 8: Application Data Sheet  
Attachment 9: Built Form Criteria  
Attachment 10: Project Features to be Maintained

Attachment 1: Site Plan



143 Avenue Road

File # 13 223368 STE 27 02

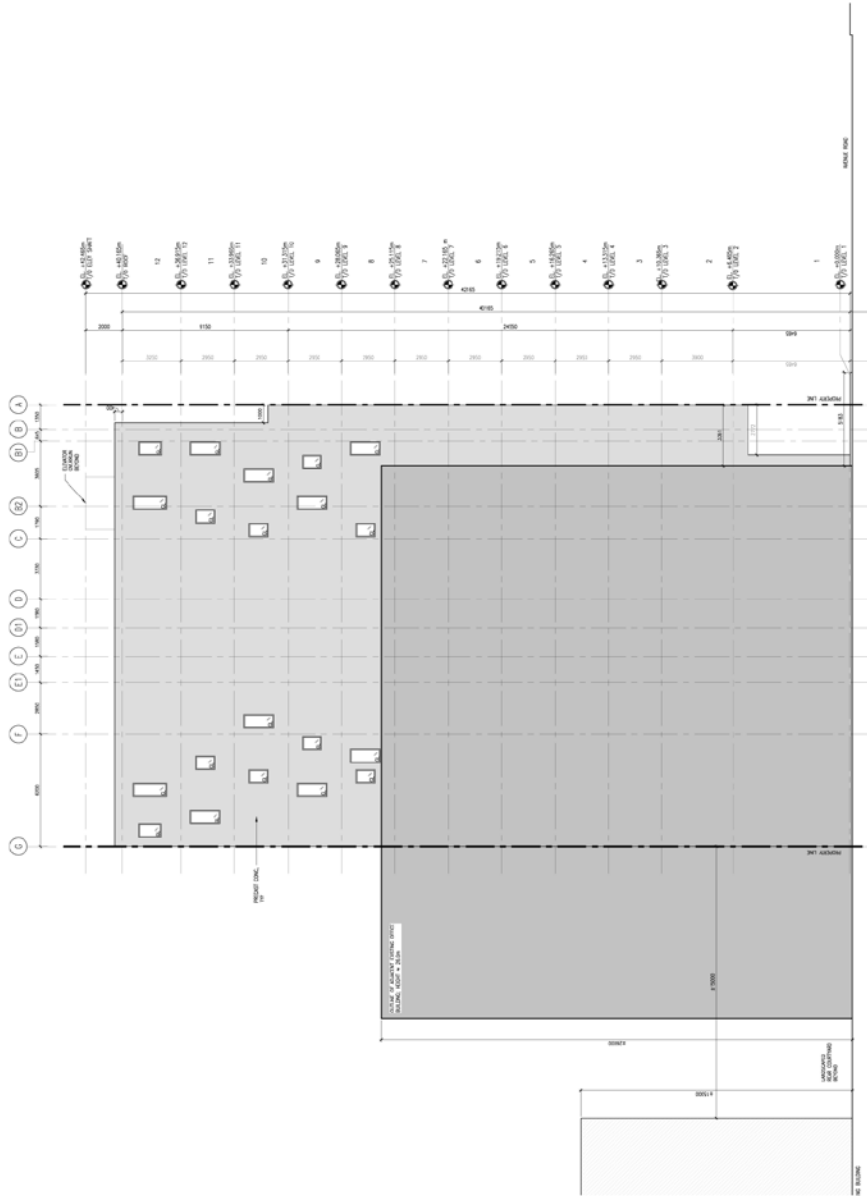
Site Plan

Applicant's Submitted Drawing

Not to Scale  
01/09/2015



# Attachment 2: North Elevation



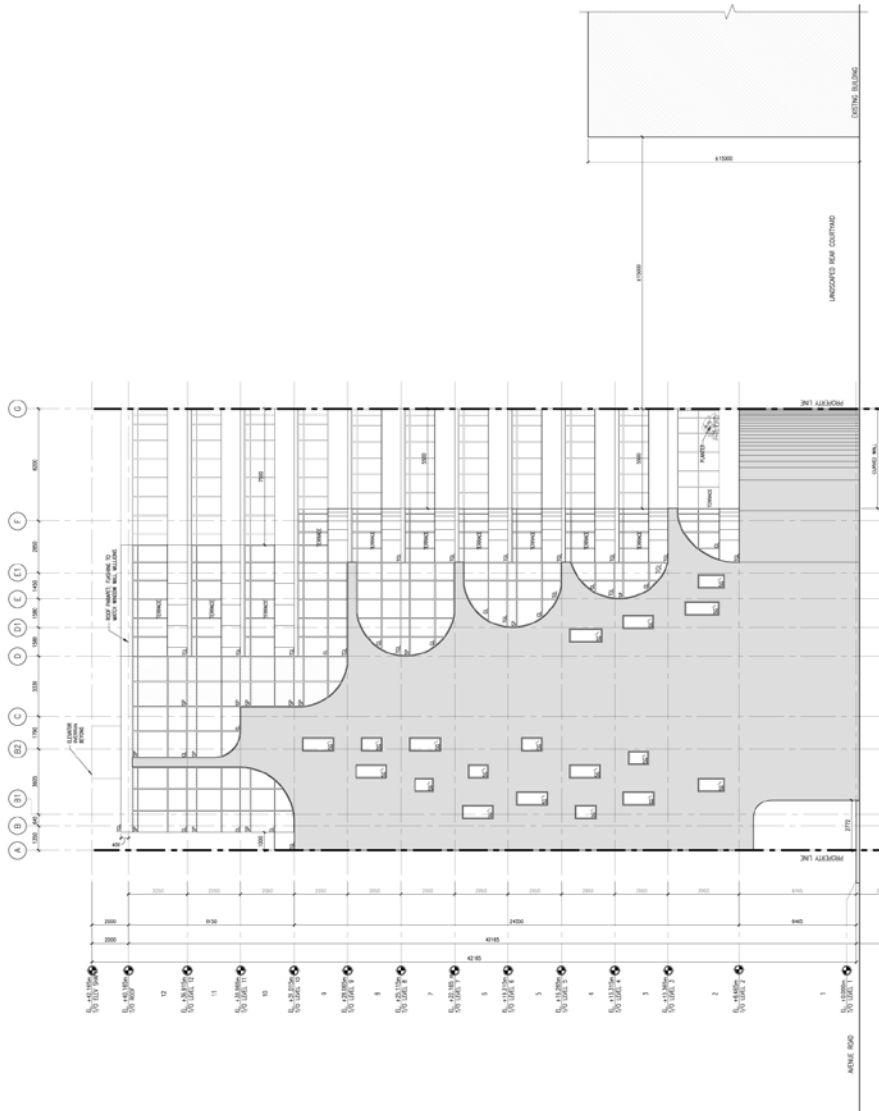
North Elevation

143 Avenue Road

**Elevations**  
 Applicant's Submitted Drawing  
 Not to Scale  
 01/09/2015

File # 13 223368 STE 27 0Z

# Attachment 3: South Elevation



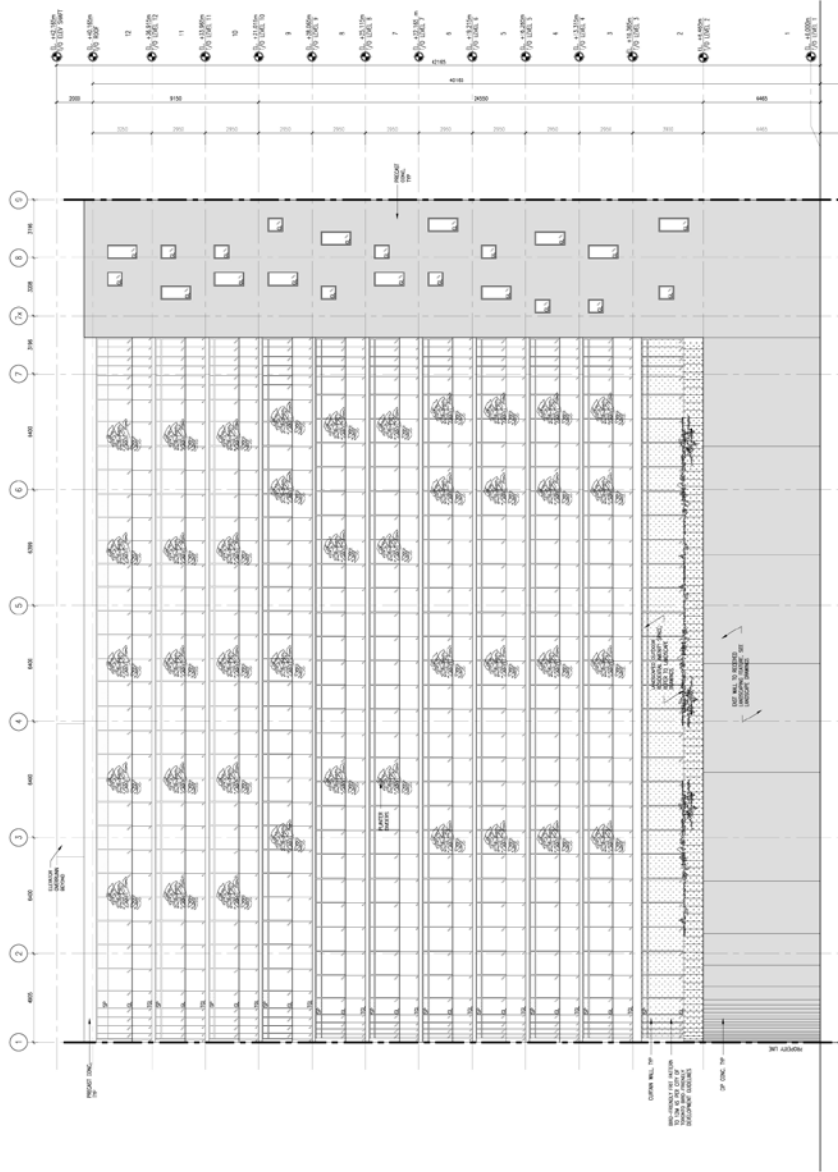
South Elevation

143 Avenue Road

**Elevations**  
 Applicant's Submitted Drawing  
 Not to Scale  
 01/09/2015

File # 13 223368 STE 27 0Z

**Attachment 4: East Elevation**



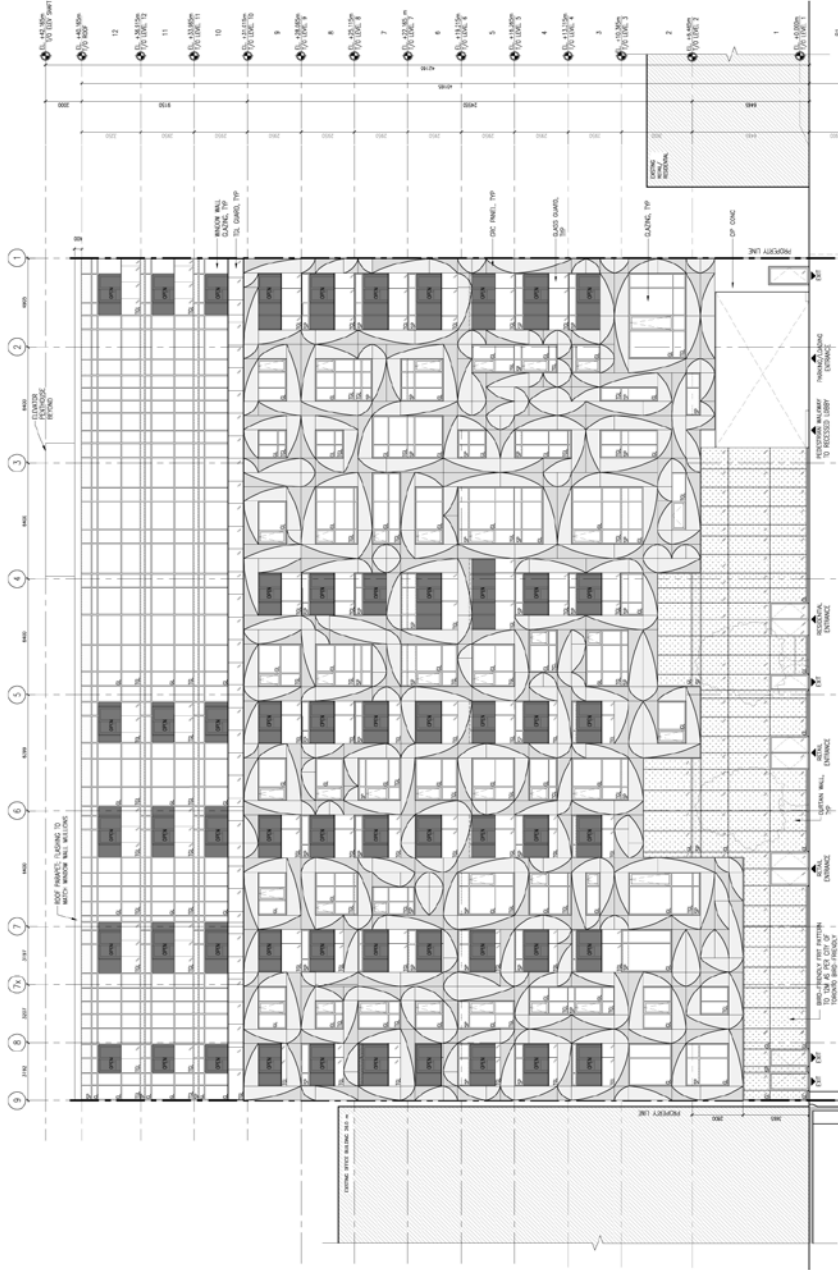
East Elevation

143 Avenue Road

**Elevations**  
 Applicant's Submitted Drawing  
 Not to Scale  
 01/09/2015

File # 13 223368 STE 27 02

## Attachment 5: West Elevation



West Elevation

143 Avenue Road

**Elevations**  
 Applicant's Submitted Drawing

Not to Scale  
 01/09/2015

File # 13 223368 STE 27 0Z

## Attachment 6: Cross- Section



Section

**Building Section**

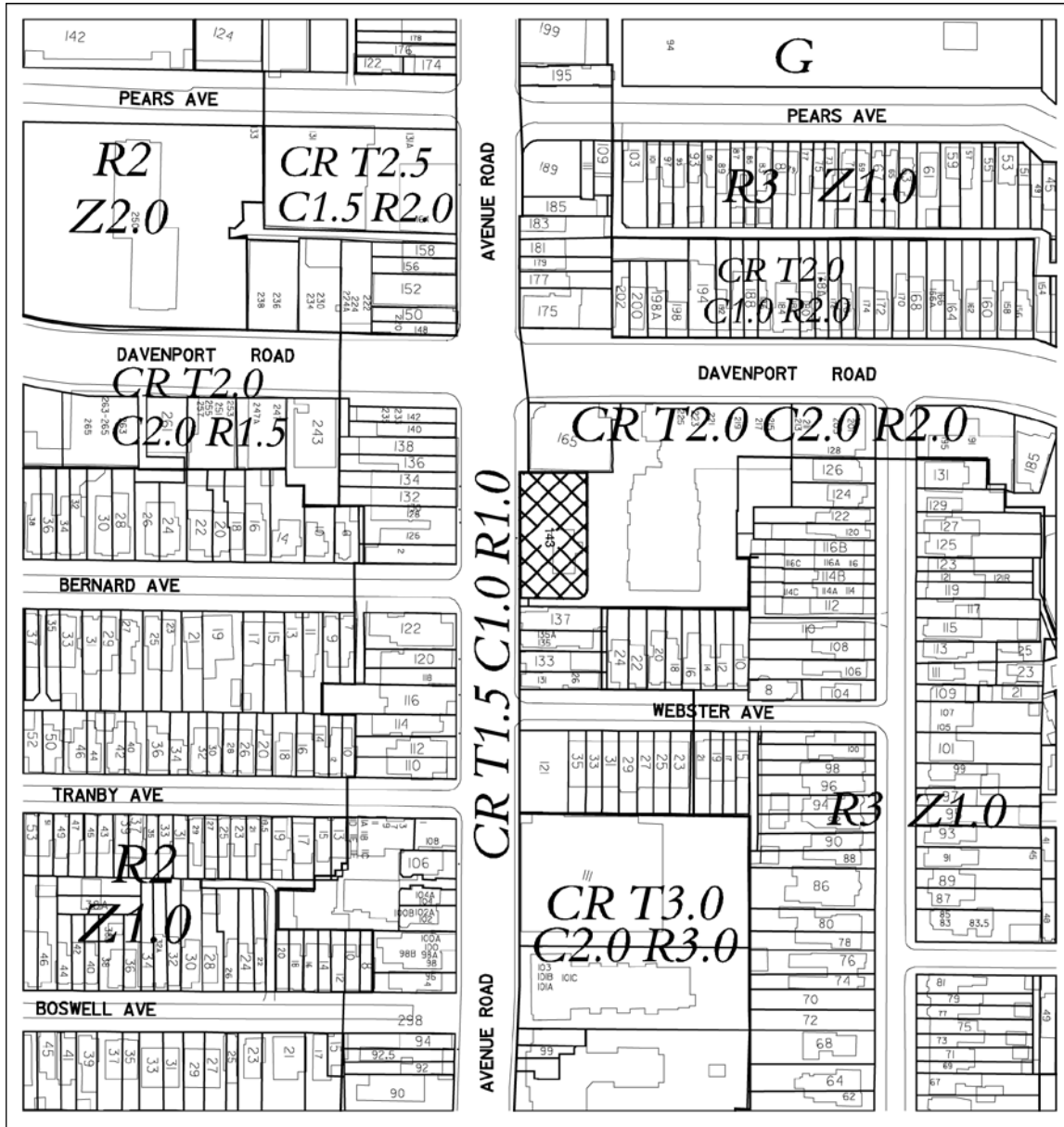
Applicant's Submitted Drawing

Not to Scale  
01/09/2015

**143 Avenue Road**

File # 13 223368 STE 27 0Z

# Attachment 7: Zoning Map



143 Avenue Road  
File # 13\_223368\_0Z

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



Not to Scale  
Zoning By-law 438-86 as amended  
Extracted 10/11/2013

## Attachment 8: Application Data Sheet

Application Type	Rezoning	Application Number:	13 223368 STE 27 OZ
	Rezoning, Standard	Application Date:	August 20, 2013

Municipal Address:	143 AVENUE RD
Location Description:	PLAN 358 PT LOT 13 PLAN 411 PT BLK A PT LOT 6 **GRID S2703
Project Description:	Proposed 12 storey mixed use building with 117 residential dwelling units, consisting of 70 one bedroom units, 44 two bedroom units and 3 three bedroom units together with approximately 822 square metres of retail/commercial space. The proposed total gross floor area is approximately 9381 square metres.

<b>Applicant:</b>	<b>Architect:</b>	<b>Owner:</b>
DASH 143 AVENUE ROAD CORP	Stephen Teeple	DASH 143 AVENUE ROAD CORP

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N/A
Zoning:	CR T2.0 C2.0 R2.0	Historical Status:	N/A
Height Limit (m):	14	Site Plan Control Area:	Yes

### PROJECT INFORMATION

Site Area (sq. m):	1131	Height:	Storeys:	12	
Frontage (m):	45		Metres:	42.2	
Depth (m):	24				
Total Ground Floor Area (sq. m):	425				<b>Total</b>
Total Residential GFA (sq. m):	8559		Parking Spaces:	70	
Total Non-Residential GFA (sq. m):	822		Loading Docks	1	
Total GFA (sq. m):	9381				
Lot Coverage Ratio (%):	37				
Floor Space Index:	8.3				

### DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	70
2 Bedroom:	44
3 + Bedroom:	3
Total Units:	117

### FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	8559	0
Retail GFA (sq. m):	822	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Barry Brooks, Senior Planner</b>
	<b>TELEPHONE:</b>	(416) 392-1316 <b>EMAIL:</b> bbrooks@toronto.ca

### Attachment 9: Recommended Built Form Criteria

The following table identifies the **Built Form Criteria** for the site:

	<b>Applicant's Original Proposal</b>	<b>Applicant's Revised Proposal (Appealed)</b>	<b>Recommended Built Form Criteria</b>
Building Height	42 metres incl. mech. penthouse	42 metres incl. mech. penthouse	<b>23 metres</b> to the top of the building (not incl. mech. penthouse, which needs to be in keeping with the Zoning By-law requirements)
Front Wall Stepback	1 metre (mid-point of 10 <sup>th</sup> Fl.)	1 metre (mid-point of 10 <sup>th</sup> Fl.)	<b>1.5 metres</b> <u>(top of the 5<sup>th</sup> Fl.)</u>
Rear Yard Setbacks (east)	7.7 – 10 metres (3 <sup>rd</sup> Fl.- 9 <sup>th</sup> Fl.)  11.8 metres (10 <sup>th</sup> Fl. – 12 <sup>th</sup> Fl.)	5.5 metres (3 <sup>rd</sup> Fl. – 9 <sup>th</sup> Fl.)  5.5 – 7.5 metres (10Fl. – 12 <sup>th</sup> Fl.)	<b>7.5 metres</b> for <u>all floors</u>



## Attachment 10: Project Features to be Maintained

### Project Features to be Maintained with an Easement Agreement

	<b>Applicant's Original Proposal</b>	<b>Applicant's Revised Proposal (Appealed)</b>	<b>Staff Recommended Action</b>
Front West Wall Setbacks from the Street Curb	At grade: 5.6m to 2.77m 2 <sup>nd</sup> Floor: 0 metres	At grade: 5.2 metres 2 <sup>nd</sup> Floor: 0 metres	Maintain
Pedestrian Zone	1.4 to 1.7 to metres	1.6 metres	2.1 metres