



## STAFF REPORT ACTION REQUIRED

### 64 Prince Arthur Avenue – Zoning Amendment Application – Request for Directions Report

<b>Date:</b>	June 13, 2018
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Acting Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 20 – Trinity-Spadina
<b>Reference Number:</b>	17 226254 STE 20 OZ

#### SUMMARY

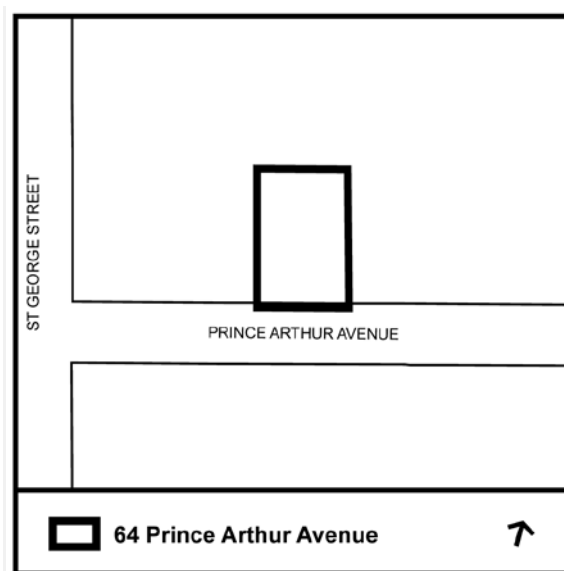
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On August 31, 2017 a Zoning By-law Amendment application was submitted to permit a 29-storey residential building (130 metres including a 10-metre mechanical penthouse) containing 60 units, at 64 Prince Arthur Avenue.

On December 21, 2017, on the earliest appeal date, the applicant appealed to the Local Planning Appeal Tribunal (the "LPAT") citing Council's failure to make a decision on the application within the timeframe prescribed by the *Planning Act*. A pre-hearing is scheduled for June 27, 2018.

This report recommends that the City Solicitor together with Planning Staff and other appropriate Staff be directed to oppose the application in its current form at the LPAT.

The proposed building does not fit within the character of the *Apartment Neighbourhood* along this section of Prince Arthur Avenue in terms of height and density and does not transition appropriately to the adjacent *Neighbourhood*. It is not consistent with the Provincial Policy Statement (2014), does not conform to the Growth Plan for the Greater Golden Horseshoe (2017) and does not conform to the Official Plan.



## RECOMMENDATIONS

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### The City Planning Division recommends that:

1. City Council direct the City Solicitor and City Staff, as appropriate, to attend the Local Planning Appeal Tribunal to oppose the Zoning By-law Amendment application for 64 Prince Arthur Avenue for the reasons set out in this report (June 13, 2018) from the Acting Director, Community Planning, Toronto and East York District.
2. City Council authorize the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, to secure services, facilities or matters pursuant to Section 37 of the *Planning Act*, should the proposal be approved in some form by the Local Planning Appeal Tribunal.
3. In the event that the Local Planning Appeal Tribunal allows the appeal in whole or in part, City Council authorize the City Solicitor to request the Local Planning Appeal Tribunal to withhold the issuance of any Order(s) until such time as the Local Planning Appeal Tribunal has been advised by the City Solicitor that:
  - a. the final form of the Zoning By-law Amendments are to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
  - b. the owner has provided an updated Functional Servicing and Stormwater Management Report to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
  - c. the owner has provided an updated Hydrogeological Report and supporting documents addressing any on-site groundwater to the satisfaction of the General Manager, Toronto Water; and,
  - d. community benefits and other matters in support of the development are secured in a Section 37 Agreement executed by the owner and registered on title to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.

### Financial Impact

The recommendations in this report have no financial impact.

## Pre-Application Consultation

The pre-application consultation meeting was held on June 26, 2017 to discuss complete application submission requirements for a 21-storey residential building. City Planning identified a number of issues with the proposal including the height of the proposed tower, the tower setbacks to the side and rear lot lines, impacts on the adjacent *Neighbourhoods* designated areas to the north and potential shadow impacts on the surrounding area. The applicant submitted an application for a 29-storey residential building on August 31, 2017.

## DECISION HISTORY

A 1983 Ontario Municipal Board decision permits an 8-storey (26-metre) residential building with a maximum floor space index of 2.25 on the site. The decision also permits non-retail commercial uses on the site provided that the existing number of parking spaces is maintained. The decision further requires specific side, rear and front yard setbacks for any new development on the site.

## ISSUE BACKGROUND

### Proposal

The Zoning By-law Amendment application proposes a 29-storey (130.4 metre including mechanical penthouse) residential building. The proposed building contains 60 units and has a gross floor area of 12,214 square metres with a density of 10 times the area of the lot. The proposed residential unit breakdown is as follows:

Unit Type	Number of Units	Percentage
1-bedroom	14	23%
2-bedroom	38	64%
3-bedroom	8	13%

The proposed 29-storey building has a 2-storey base plus a partial mezzanine level. The ground floor includes a lobby, parking entrance, loading area and solid waste/recycling storage. The mezzanine level includes electrical and pool mechanical rooms and void spaces. The second floor includes an indoor pool, indoor and outdoor amenity space and two dwelling units.

The ground floor is proposed to be set back 5.73 metres along Prince Arthur Avenue to generally align with the adjacent building to the west at 145 St. George Street. The base building is proposed to be setback 0.96 metres from the rear property line adjacent to the existing townhouses to the north and has side yard setbacks of 2.24 metres from the east lot line and 6.0 metres from the west lot line.

The proposed tower (floors 3-29) is designed with rotating tower floor plates. Four triangular balconies on the corners of all floor levels taper and rotate in line with the floor plates, changing in size, projection and shape.

There are four dwelling units per floor on the 3rd and 4th floors and three units per floor on the 5th and 6th floors, two units per floor on the 7th through 27th floors and single units on the 28th and 29th floors. The proposed development has been designed as a "point tower" with floor plates ranging between 524 square metres at the 3<sup>rd</sup> floor, 438 square metres at the 19<sup>th</sup> floor and 456 square metres at the 29<sup>th</sup> floor. The floor plates change size and orientation as a result of the rotation and articulation of the proposed tower design.

The separation distance between the proposed tower and the existing 19-storey residential building to the east at 50 Prince Arthur Avenue varies between 25.7 and 30.6 metres. To the west, the separation distance between the proposed tower and the 12-storey residential building at 145 St. George Street varies between 10.9 and 15.0 metres. The tower is set back between 8.3 and 12.3 metres from the townhouse to the north located at 83A Lowther Avenue.

The proposed building is clad in a mix of aluminum and glazed curtain wall panels with accents of stone/ceramic materials at the base.

There are 73 parking spaces proposed in a 2-level underground automated parking system accessed by one vehicular elevator located at the northwest corner of the site. One Type G loading space is proposed to be located internal to the building immediately south of the vehicular elevator.

A total of 60 bicycle parking spaces are proposed including 54 resident spaces and 6 visitor spaces.

## **Site and Surrounding Area**

The subject site is located on the north side of Prince Arthur Avenue midway between St. George Street and Bedford Road within the Annex neighbourhood.

The 1,212.6 square metre site is rectangular in shape and has a frontage of approximately 27 metres along Prince Arthur Avenue and a depth of 45 metres.

The subject lands are currently occupied by a vacant 2-storey office building with parking at the rear of the building.

Land uses surrounding the site are:

North: is a three-storey townhouse block accessed from a private driveway known as Lowther Mews, detached and semi-detached dwellings fronting on Lowther Avenue and Taddle Creek Park to the northeast.

South: of Prince Arthur Avenue is a 12- storey institutional building, the Ontario Institute for Studies in Education at 65 Prince Arthur Avenue and 252 Bloor Street West, a 3-storey Royal Canadian Yacht Club building located to the southwest at 141 St. George Street, and a 12-storey mixed-use building at 55 Prince Arthur Avenue.

East: is a 19-storey residential building at 50 Prince Arthur Avenue on the northeast corner of Prince Arthur Avenue and Bedford Road.

West: a 12-storey residential building 145 St. George Street on the northeast corner of Prince Arthur Avenue and St. George Street.

## **Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans**

Section 2 of the *Planning Act* sets out matters of provincial interest, which City Council shall have regard to in carrying out its responsibilities. The matters include:

- (j) the adequate provision of a full range of housing, including affordable housing;
- (p) the appropriate location of growth and development;
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- (r) the promotion of a built form that,
  - (i) is well designed;
  - (ii) encourages a sense of place;
  - (iii) provides for public spaces that are of high quality, safe, accessible, attractive, and vibrant

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning.

The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the Greater Golden Horseshoe region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). The outcome of staff analysis and review are summarized in the Comments section of the Report.

## **Official Plan**

The subject site is located within the *Downtown and Central Waterfront* as identified on Map 2 - Urban Structure of the Official Plan.

The site is within an area designated *Apartment Neighbourhoods* on Map 18 - Land Use Plan of the Official Plan. The site is located immediately south of an area with a *Neighbourhoods* land use designation.

## **Chapter 2 – Shaping the City**

### **Section 2.3.1 Healthy Neighbourhoods**

Toronto's neighbourhoods are an important asset in the city and a cornerstone policy is to ensure that the new development in neighbourhoods respects and reinforces the existing physical character of the area in terms of buildings, streetscapes and open space patterns.

This Healthy Neighbourhoods policies of the Official Plan address the relationship between *Neighbourhoods* and areas with other Official Plan designations in order to ensure development is sensitive to the physically stable areas within the *Neighbourhoods* designation. The policies require development in *Apartment Neighbourhoods* adjacent or close to *Neighbourhoods* to be: compatible with the *Neighbourhoods*; provide a gradual transitional of scale and density, as necessary to achieve the objectives of the Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*; and, maintain adequate light and privacy for residents in those *Neighbourhoods*.

## **Chapter 3 – Building a Successful City**

### **Section 3.1.2 Built Form**

The Official Plan states that architects and developers have a civic responsibility to create buildings that not only meet the needs of their clients, tenants and customers, but also the needs of the people who live and work in the area who will encounter the building in their daily lives.

New development in Toronto will be located and organized to fit with its existing and/or planned context. It will do this by: generally locating buildings parallel to the street or along the edge of a park or open space, having a consistent front yard setback, acknowledging the prominence of corner sites, locating entrances so they are clearly visible and providing ground floor uses that have views into and access from streets. New development will also locate and organize vehicle parking and vehicular access to minimize their impacts on the public realm. Furthermore, new development will create appropriate transitions in scale to neighbouring existing and/or planned buildings, limit shadowing on streets, properties and open spaces, and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks to preserve their utility.

New development will be massed to define the edges of streets, parks and open spaces to ensure adequate access to sky view for the proposed and future uses. New development will also provide public amenity, enhance the public realm through streetscape improvements and ensure that significant new multi-unit residential development provides indoor and outdoor amenity space for its residents.

### **Section 3.1.3 Built Form – Tall Buildings**

The application proposes a tall building on the subject site. Policy 3.1.3 states that tall buildings come with larger civic responsibilities than buildings of a smaller scale. In addition to specific built form characteristics, the policy states that proposals for tall buildings should clearly demonstrate how they relate to the existing and planned context, take into account their relationship with the topography and other tall buildings and how they meet the other objectives of the Official Plan.

## **Chapter 4 – Land Use Designations**

### **Section 4.2 Apartment Neighbourhoods**

The proposed development is located in an area designated as *Apartment Neighbourhoods* (see Attachment 9). *Apartment Neighbourhoods* are distinguished from low-rise *Neighbourhoods* because a greater scale of buildings is permitted and different scale-related criteria guide



development. Built up *Apartment Neighbourhoods* are stable areas of the City where significant growth is generally not anticipated. There may, however, be opportunities for additional townhouses or apartments on underutilized sites and the Plan sets out criteria to evaluate these situations.

Development proposals in *Apartment Neighbourhoods* are evaluated to:

- locate and mass new buildings to provide a transitional between areas of different development intensity and scale, as necessary to achieve the objectives of the Plan, through setbacks and stepping down of heights towards, lower scale *Neighbourhoods*.
- locate and mass new buildings to adequately limit shadow impacts on properties in adjacent lower scale *Neighbourhoods* particularly during the spring and fall equinoxes.
- locate and mass new buildings to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.
- provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development
- provide ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces.

### **Official Plan Amendment 320**

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment ("OPA") 320 on December 10, 2015. OPA 320 strengthens and refines the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods and to allow limited infill on underutilized apartment sites in *Apartment Neighbourhoods*.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016. OPA 320 has been appealed in its entirety. OPA 320 as approved and modified by the Minister is relevant but not determinative in terms of the Official Plan policy framework.

### **TOcore: Planning Downtown**

#### **Downtown Plan (Official Plan Amendment 406)**

At its May 1, 2018 meeting, Planning and Growth Management (PGM) Committee held a Special Public Meeting pursuant to Section 26 of the *Planning Act* and adopted a staff report entitled 'TOcore: Downtown Plan Official Plan Amendment', as amended, that recommended adoption of the Downtown Plan Official Plan Amendment. OPA 406 includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new Downtown Plan. Future amendments to existing Secondary Plans and Site and Area Specific Policies located within the Downtown area are recommended to be implemented once OPA 406 comes into force and effect.

At its May 22-24, 2018 meeting, City Council adopted OPA 406, as amended. The Council decision is available here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG29.4>

Pursuant to Section 26 of the *Planning Act*, the Downtown Plan will be forwarded to the Minister of Municipal Affairs for approval. Council has directed Staff to use the policies contained within the Downtown Plan to inform evaluation of current and future development applications in the Downtown Plan area while the OPA is under consideration by the Minister.

The OPA – in conjunction with the associated infrastructure strategies that address water, energy, mobility, parks and public realm and community services and facilities – is the result of a three-year study called TOcore: Planning Downtown. The TOcore study area is generally bounded by Lake Ontario to the south, Bathurst Street to the west, the mid-town rail corridor and Rosedale Valley Road to the north and the Don River to the east.

This OPA brings forward a comprehensive and integrated policy framework to shape growth in Toronto's fast-growing Downtown over the next 25 years. It provides the City with a blueprint to align growth management with the provision of infrastructure, sustain liveability, achieve complete communities and ensure there is space for the economy to grow.

As part of the City of Toronto's Five Year Official Plan Review under Section 26 of the *Planning Act*, OPA 406 is a component of the work program to bring the Official Plan into conformity with the Growth Plan. City Council declared that OPA 406 is consistent with the Provincial Policy Statement (2014), conforms with the Growth Plan and has regard to matters of provincial interest under Section 2 of the *Planning Act*.

### **Official Plan Amendment 352 – Downtown Tall Building Setback Area**

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area (currently under appeal). The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of tall buildings Downtown. At the same meeting, City Council adopted area-specific Zoning By-laws 1106-2016 and 1107-2016 (also under appeal), which provide the detailed performance standards for portions of buildings above 24 metres in height.

At its meeting on October 2-4, 2017, City Council considered the Proposed Downtown Plan and directed Staff to undertake stakeholder and public consultation on that document and its proposed policies, leading to the Downtown Plan Official Plan Amendment.

Further background information can be found at [www.toronto.ca/tocore](http://www.toronto.ca/tocore).

### **Growing Up: Planning for Children in New Vertical Communities**

On July 4, 2017, City Council considered the draft Growing Up Guidelines and directed staff to apply them in the evaluation of new and under review multi-unit residential development proposals.

The draft Growing Up Guidelines were developed through a consultation strategy that sought to understand the specific needs of families living in vertical communities as well as the challenges and opportunities faced by architects, landscape architects and developers of mid and high rise buildings. The draft Guidelines have been informed by other City Divisions, School Boards and the Toronto Public Library all of whom provide services and facilities to households with

children and youth. The draft Growing Up Guidelines take a comprehensive approach to building a child-friendly city.

The objective is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at each scale. At the neighbourhood scale, the draft guidelines focus on children's experience in the city, promoting independent mobility, access to parks, schools and community infrastructure. At the building scale, the guidelines seek to improve community within new developments by increasing the number of larger units, encouraging the design of functional and flexible amenity space and common space that supports resident interaction and lingering. At the unit scale, the guidelines focus on size and functionality, recommending minimum areas for each element to ensure that a unit provides the space for the social functions of family life.

## **Zoning**

The subject site is currently zoned Residential (R2 Z2.0 H14.0) under the former City of Toronto Zoning By-law 438-86 and zoned Residential (R d.2.0) (x110) under Zoning By-law 569-2013. The maximum height permitted under both general zoning by-laws is 14 metres. The R2 zoning designation permits a variety of residential uses and some limited institutional uses.

None of the provisions of the by-law or of any restrictive by-law applies:

- to prevent the use of the building existing on the lot for the purpose of non-retail commercial uses, provided the existing number of parking spaces on the lot is not reduced.
- to prevent the erection or use of a building on the lands for residential purposes, provided:
  - (i) the residential gross floor area does not exceed 2.25 times the area of the site;
  - (ii) the height of the building, excluding rooftop facilities, does not exceed 26.0 metres above grade;
  - (iii) no part of the building is erected closer to the southerly lot line than 6.0 metres, no closer to the northerly lot line than 7.6 metres, no closer to the westerly lot line than 4.5 metres, and no closer to the easterly lot line than 2.3 metres;
  - (iv) no portion of such building above the natural level of the ground is erected further back from the southerly lot line than 37.6 metres, other than ventilation shafts or stairwells or similar openings which lead to a portion of the building located wholly below the natural level of the ground;
  - (v) at least 35 per cent of the area of such lands are landscaped open space.

## **Tall Building Design Guidelines**

In 2013, City Council adopted updated city-wide Tall Building Design Guidelines and directed City Planning staff to use them in the evaluation of tall building development applications. The guidelines establish a unified set of performance measures for tall buildings to ensure that they fit within their context and minimize their local impacts.

This project is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (the Downtown Tall Building Design Guidelines) identifies Downtown streets that are most suitable for tall buildings, establishes a height range along these streets, and provides a set of supplementary Downtown-specific design guidelines for built form and context.

The Downtown Tall Building Design Guidelines were used together with the city-wide Tall Building Design Guidelines in the evaluation of this tall building proposal.

## **Site Plan Control**

A site plan application is required for the proposal but has not been submitted.

## **Reasons for Application**

A Zoning By-law Amendment is required because the proposed development, among other matters, exceeds the height and density permissions of the in-force Zoning By-law. The proposed building does not meet the minimum required setbacks. The applicant is not providing visitor parking or a standard parking garage.

## **Community Consultation**

In June 2016, the applicant's consulting team attended a pre-application consultation meeting with the Annex Residents Association (ARA) Planning and Zoning Committee to discuss a proposed 17-storey residential tower on the site.

The applicant expressed a willingness to work with the local community and indicated that it was considering a building with a slightly lower height than the existing 19-storey apartment building at 50 Prince Arthur Avenue, next to the site.

City Planning staff have not held a community consultation meeting regarding the proposed 29-storey apartment building as it was appealed to the LPAT before there was an opportunity for a community meeting.

On February 21, 2018 the applicant held a community information meeting at the Intercontinental Hotel where local residents strongly objected to the proposals scale and massing.

## 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 have been incorporated into this report.

## COMMENTS

### Provincial Policy Statement and Provincial Plans

Section 4.7 of the PPS states that: "the official plan is the most important vehicle for implementation" and that "comprehensive, integrated and long-term planning is best achieved through official plans". Furthermore, it directs municipalities to provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

The proposal is inconsistent with the PPS, including Section 1.1.3.3 of the PPS as the proposed level of intensification does not conform to the City's Official Plan. The proposed development does not conform to the policies of the Official Plan, including the Healthy Neighbourhood, Built Form and *Apartment Neighbourhoods* policies.

The Growth Plan for the Greater Golden Horseshoe, in section 2.2.2.4b), states that municipalities will identify the appropriate type and scale of development and transition of built form to adjacent areas. The proposed scale of the development is not appropriate, and does not conform to the policies of the Official Plan, including the Healthy Neighbourhood, Built Form and *Apartment Neighbourhoods* policies. Therefore, the proposal does not conform to the Growth Plan for the Greater Golden Horseshoe (2017).

### Land Use

The subject site is in an area designated *Apartment Neighbourhoods* in the Official Plan. It is immediately south of an area designated *Neighbourhoods* and southwest of Taddle Creek Park which is designated *Parks* in the Official Plan. The proposed residential use complies with the permitted uses in an *Apartment Neighbourhoods* designation in the Official Plan. Both current Zoning By-laws permit the proposed use of an apartment building.

### Height, Massing and Density

The proposed development has a scale and intensity that is out of character with the surrounding *Apartment Neighbourhoods*. The proposed tall building, while of architectural interest, does not fit harmoniously into the existing or planned context. It would set a negative precedent of an undesirable scale of development for this *Apartment Neighbourhood*.

The Healthy Neighbourhoods policies of the Official Plan state that *Apartment Neighbourhoods* are considered physically stable, and that new development will respect and reinforce the existing physical character of buildings, streetscapes, and open space patterns in the area.

The Built Form policies further require that new development will be designed to fit harmoniously into its existing and/or planned context, and to limit impacts on neighbouring

streets, parks, open spaces and properties. Taller buildings are to be located to ensure adequate access to sky view for the proposed future use of streets, parks, and open spaces.

The *Apartment Neighbourhoods* policies require that new development contribute to quality of life by locating and massing new buildings to frame the edge of streets with good proportion and maintain sunlight for pedestrians on adjacent streets, parks and open spaces.

OPA 320, approved by the Minister of Municipal Affairs and Housing, but not in force as a result of appeals to the LPAT, amends the Healthy Neighbourhoods policies. The amended policies state that *Apartment Neighbourhoods* are considered to be physically stable, and that new development will be consistent with this objective and will respect the criteria contained in the *Apartment Neighbourhoods* policies and other relevant sections of the Official Plan.

The existing context along Prince Arthur Avenue is primarily apartment buildings of 11 to 19-storeys in a generous landscaped setting. There is a mix of existing buildings ranging from the 2-storey Royal Canadian Yacht Club building to the 19-storey apartment building immediately east of the proposed development and the 12-storey apartment building immediately west of the site, fronting on St. George Street. The proposed 29-storey building is substantially taller than any of the buildings in the existing context.

The Tall Building Design Guidelines directs that tall buildings fit within the existing or planned context and provide an appropriate transition in scale down to lower-scaled buildings, parks and open space. The 2-storey base building is set back less than a metre from the rear property line. An existing 10-unit townhouse complex of (12 metres) in height is located on the abutting property to the north within the *Neighbourhoods* designation.

The Downtown Tall Building Design Guidelines state the tower component of a tall building should be setback at least 20 metres, excluding balconies, from the property line abutting a lower scale neighbourhood. The proposed tower is setback 8.13 metres from the side yard of the *Neighbourhoods* designated property at 83A Lowther Avenue which contains a 3-storey townhouse. The proposed tower setback of 8.13 metres does not provide an appropriate transition in fit and scale to the adjacent lower scale neighbourhood and does not meet the intent of the Downtown Tall Building Design Guidelines. City Planning staff believe the site is too small for a tall building to meet the Downtown Tall Building Design Guidelines.

The Tall Building Design Guidelines identify a minimum 12.5 metre tower setback from the side and rear property lines in order to avoid a “first-to-the-post” development scenario, whereby the need to provide access to sunlight, sky view, privacy, and daylighting, may restrict adjacent sites from developing in a similar manner.

In some cases, a small site may only be able to accommodate a lower-scale building form, such as a mid-rise building.

The proposed tower is only 2.2 metres from the east property line and relies on the existing setback of the neighbouring building to achieve the required 25 metre separation. On the west side of the site, the tower has a 6.35 metre setback, resulting in a separation distance of 12.9 metres from the existing 12-storey apartment building to the west. The proposed tower setbacks do not provide appropriate separation distances to the side property lines and do not meet the intent of the Tall Building Design Guidelines.

The proposed building has a density of 10.1 times the area of the site. The density of the existing buildings on the block fronting on both sides of Prince Arthur Avenue and St. George Street ranges from 3.7 to 3.43 times the area of the lot. This lower density reflects that the existing apartment buildings are lower in height, have greater setbacks and are on larger sites with a more generous landscaped open space character. The existing buildings consequently have less impact on neighbouring properties, along with additional open space.

## **Sun and Shadow**

The Built Form policies require that new buildings limit impacts on neighbouring streets, parks, open spaces and properties by providing adequate light and privacy, and limiting resulting shadowing of those areas. The *Apartment Neighbourhoods* policies state that new buildings are to be located and massed to frame the edge of streets with good proportion and maintain sunlight for pedestrians on adjacent streets and open spaces. The Public Realm policies recognize City streets as significant public open spaces that provide amenities such as sky view and sunlight, and serve as public gathering places.

The proposed 130 metre tall tower will cast significant shadows in the spring and fall equinoxes for approximately 2.5 hours starting at 1 pm on the nearby Taddle Creek Park. The Downtown Tall Building Design Guidelines state that no new net shadows are permitted on Taddle Creek Park between 12 pm and 2 pm.

The shadows cast by the proposed point tower extend well into the existing Annex residential neighbourhood to the north on both sides of Lowther Avenue.

The proposed tower does not adequately limit shadow impacts on the Taddle Creek Park or adjacent *Neighbourhoods* area, and does not conform to the Built Form, Public Realm or *Apartment Neighbourhoods* policies of the Official Plan.

## **Wind**

The pedestrian-level wind assessment submitted with the application concludes that wind safety criterion is met in all areas for the proposed development. Wind conditions at the building's main entrance would be suitable throughout the year. Wind conditions on the surrounding sidewalks, transit stops and in Taddle Creek Park would be generally similar to the existing conditions. Should this application be approved in some form, further analysis of pedestrian-level wind conditions will be required at the site plan stage to determine if additional

wind mitigation strategies are required. The requirement to implement any wind mitigation measures would be secured in a Section 37 Agreement.

### **Traffic Impact, Access and Parking**

The Transportation Impact Assessment prepared by LEA Consulting Ltd. (dated August 30, 2017) was submitted in support of the proposed development. The study estimates approximately 8 two-way trips during the weekday morning period and 12 two-way trips during the weekday afternoon period.

The proposed parking supply consists of 73 resident spaces in a 2-level underground garage all accessed by one car elevator. No visitor parking is provided. Transportation Services staff support the proposed number of parking spaces however, continue to have concerns about the transport or retrieval of a vehicle to and from the automated parking system.

Transportation Services staff have reviewed the study and require the submission of acceptable documentation regarding the operation of the car elevator system and estimated queuing activity.

### **Section 37**

The Official Plan contains policies pertaining to the provision of community benefits in exchange for an increase in height and/or density greater than the Zoning By-law would otherwise permit pursuant to Section 37 of the *Planning Act*. As the applicant is seeking a significant increase in height and density, a Section 37 contribution would be warranted if this application were approved.

Planning staff has not had any discussions with the applicant or Ward Councillor regarding a Section 37 contribution due to staff's concerns with the proposed development as addressed in this report. A Section 37 contribution should be secured in the event of approval in some form by the LPAT.

### **Conclusion**

The proposed development does not conform to the Healthy Neighbourhoods, Built Form or *Apartment Neighbourhoods* policies of the Official Plan. Further, the proposed development does not adequately address the City's Tall Building Design Guidelines and Downtown Tall Building – Vision and Supplementary Design Guidelines, or the intent of those guidelines. The application is inconsistent with Provincial Policy Statement and does not conform to the Growth Plan for the Greater Golden Horseshoe.



The proposed massing of the building does not respond adequately to the existing character of the neighbourhood and would result in significant impacts to the street context and adjacent lower scale residential buildings.

## **CONTACT**

Barry Brooks, Senior Planner

Tel. No. (416) 392-1316

E-mail: Barry.Brooks@toronto.ca

## **SIGNATURE**

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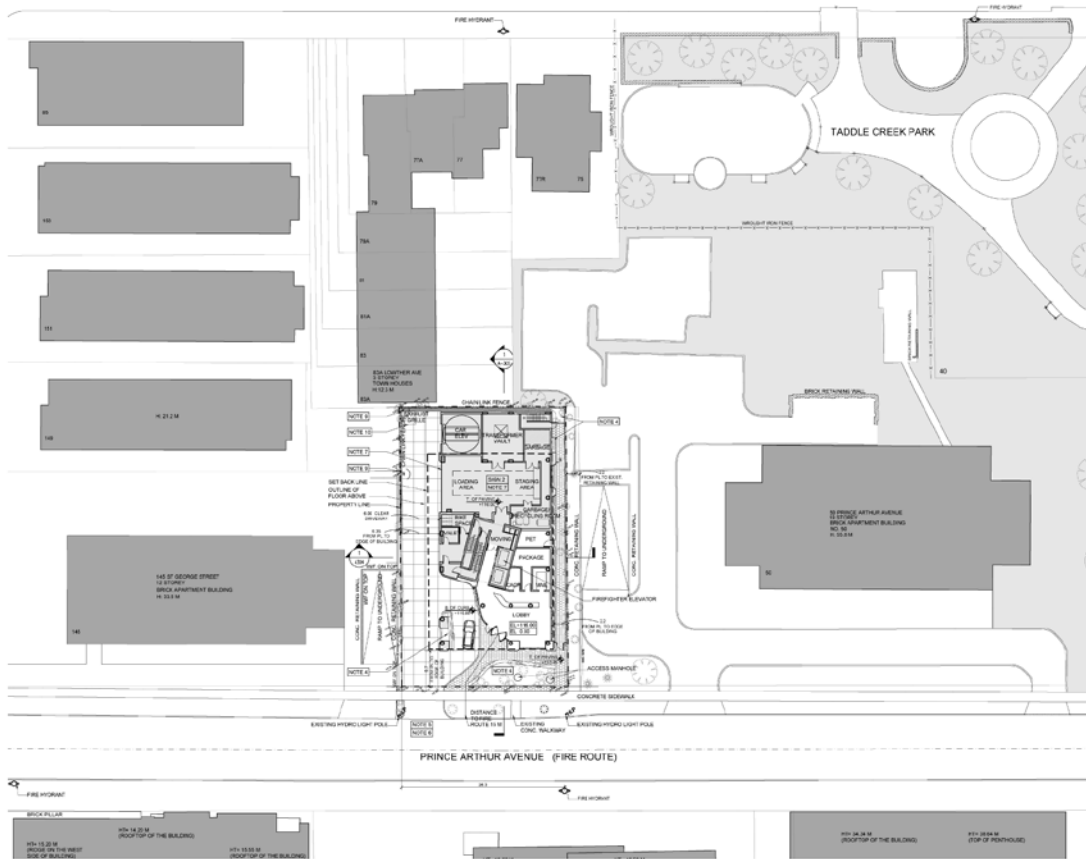
Lynda H. Macdonald,  
Acting Director, Community Planning,  
Toronto and East York District

(P:\2018\Cluster B\pln\TEYCC\30820560044.doc) - jg

## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: North Elevation  
Attachment 3: South Elevation  
Attachment 4: East Elevation  
Attachment 5: West Elevation  
Attachment 6: Rendering  
Attachment 7: Cross Section AA  
Attachment 8: Cross Section BB  
Attachment 9: Official Plan Map  
Attachment 10: Zoning Map  
Attachment 11: Application Data Sheet

## Attachment 1: Site Plan



### Site Plan

Applicant's Submitted Drawing

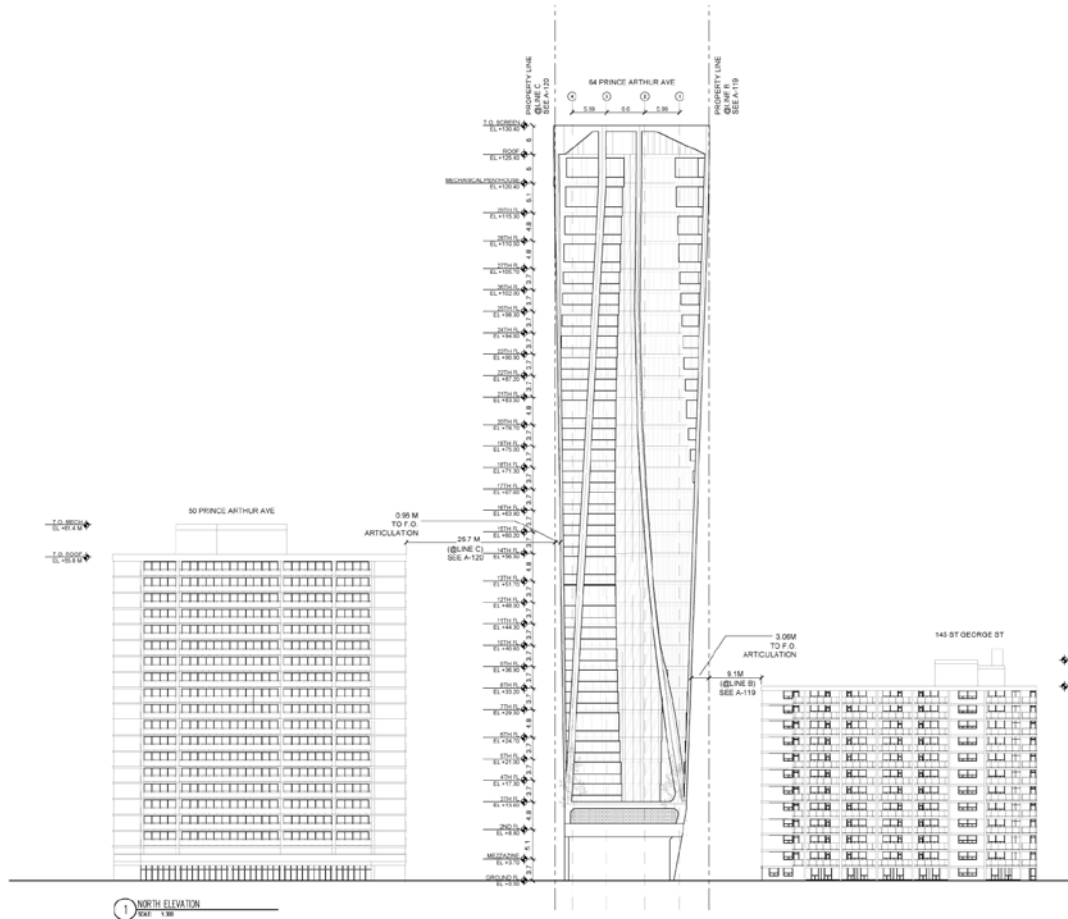
Not to Scale  
10/04/2017



64 Prince Arthur Avenue

File # 17 226254 STE 20 02

## Attachment 2: North Elevation



North Elevation

### Elevations

Applicant's Submitted Drawing

Not to Scale  
10/04/2017

64 Prince Arthur Avenue

File # 17 226254 STE 20 OZ

Architectural drawing showing the south elevation of a building facade. The drawing includes a central vertical section with a sloped roofline, flanked by two rectangular building sections. The central section is labeled "54 PRINCE ARTHUR AVE" and has a height of 110. The left section is labeled "145 ST GEORGE ST" and has a height of 110. The right section is labeled "50 PRINCE ARTHUR AVE" and has a height of 110. The drawing includes various annotations such as "PROPERTY LINE", "TO ROOF", "TO F.O. ARTICULATION", and "TO F.O. ARTICULATION". A scale bar at the bottom left indicates 1:100.

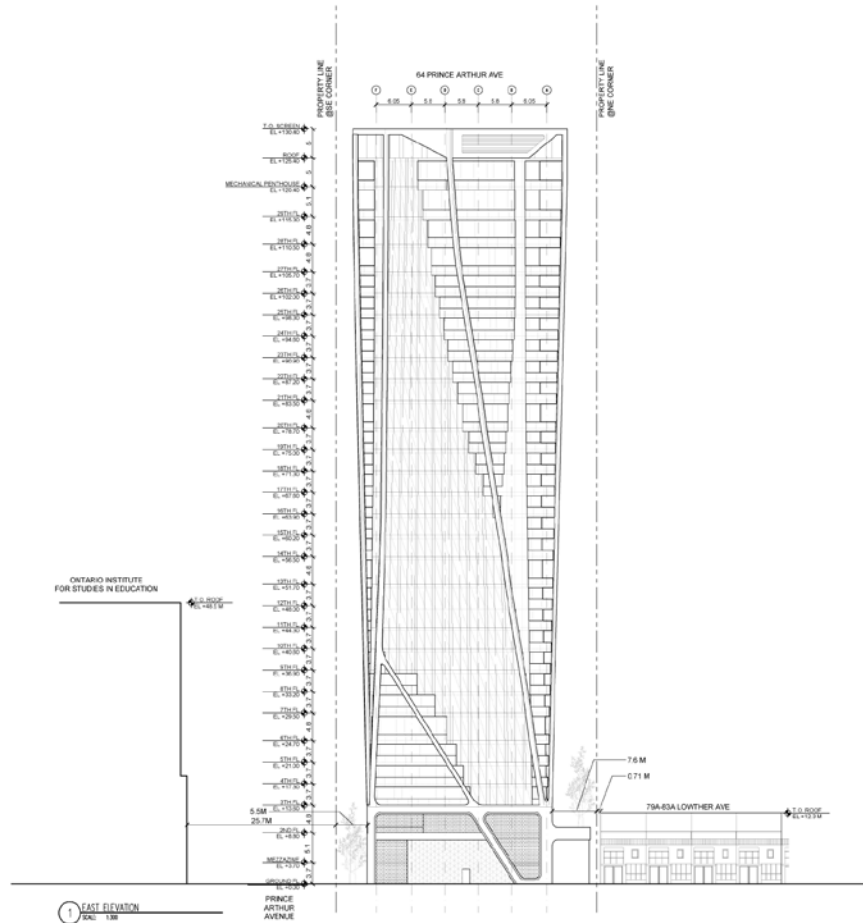
## Elevations

Not to Scale  
10/04/2017

64 Prince Arthur Avenue

File # 17 226254 STE 20 OZ

## Attachment 4: East Elevation



East Elevation

### Elevations

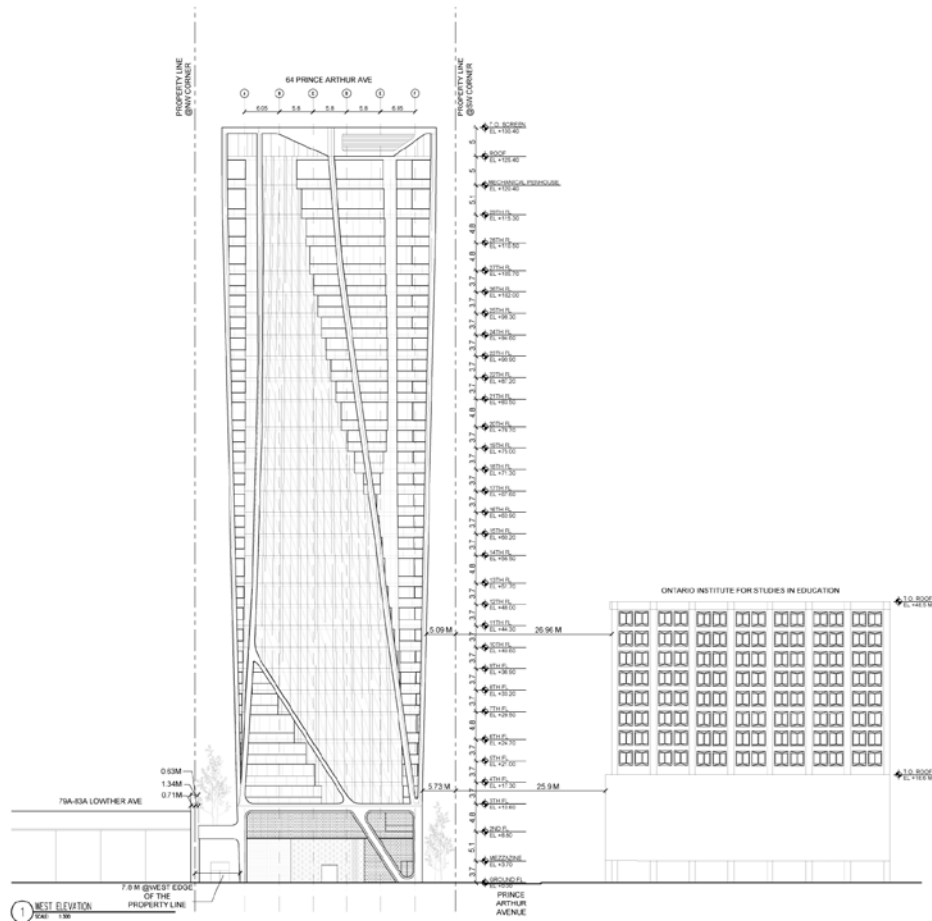
Applicant's Submitted Drawing

Not to Scale  
10/04/2017

64 Prince Arthur Avenue

File # 17 226254 STE 20 OZ

## Attachment 5: West Elevation



West Elevation

### Elevations

Applicant's Submitted Drawing

Not to Scale  
10/04/2017

64 Prince Arthur Avenue

File # 17 226254 STE 20 02

## Attachment 6: Rendering



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### Rendering

Applicant's Submitted Drawing

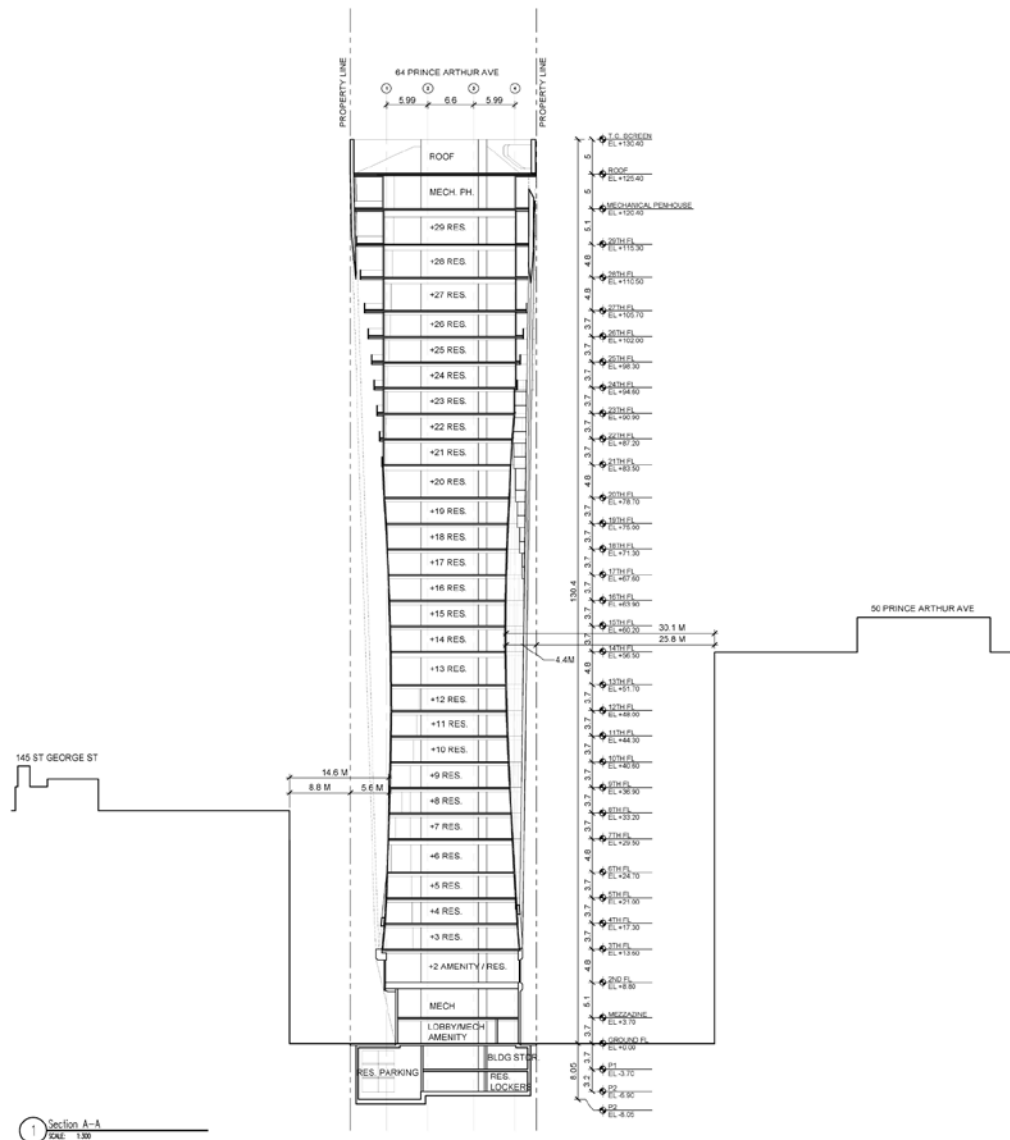
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10/04/2017

64 Prince Arthur Avenue

File # 17 226254 STE 20 OZ

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## Attachment 7: Cross Section AA



### Section A-A

Applicant's Submitted Drawing

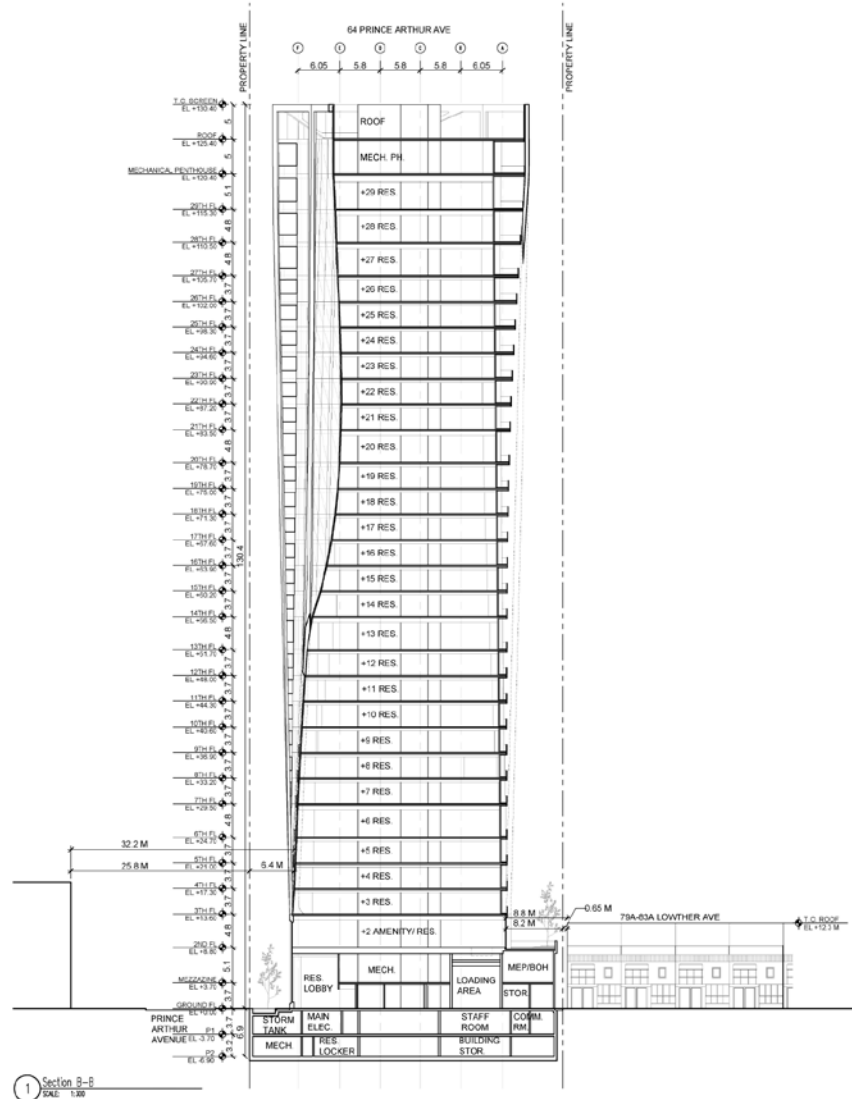
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64 Prince Arthur Avenue

File # 17 226254 STE 20 OZ



## Attachment 8: Section BB



### Section B-B

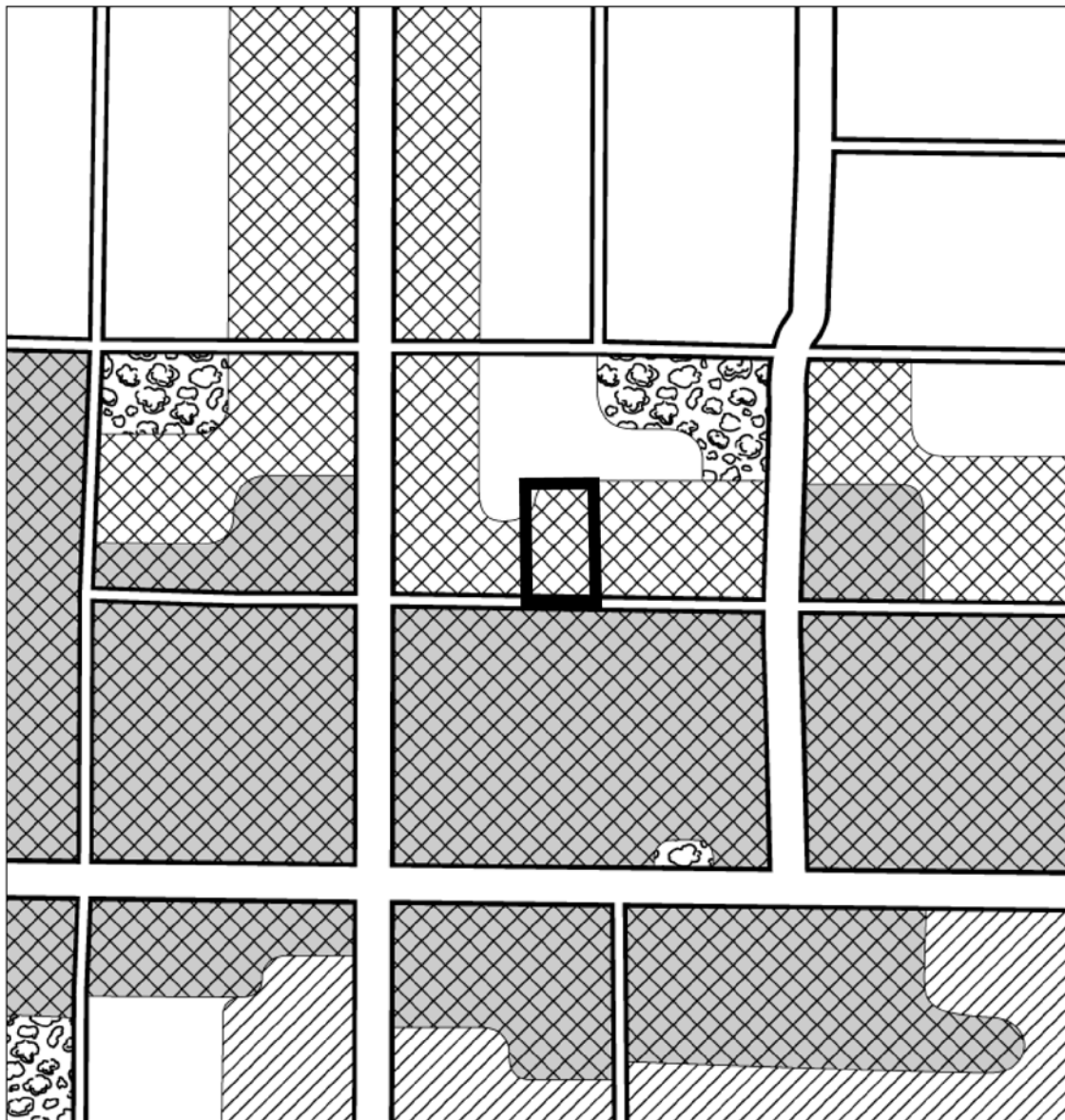
Applicant's Submitted Drawing

Not to Scale  
10/04/2017

64 Prince Arthur Avenue

File # 17 226254 STE 20 02

## Attachment 9: Official Plan Map



**Toronto** City Planning  
Extract from Official Plan

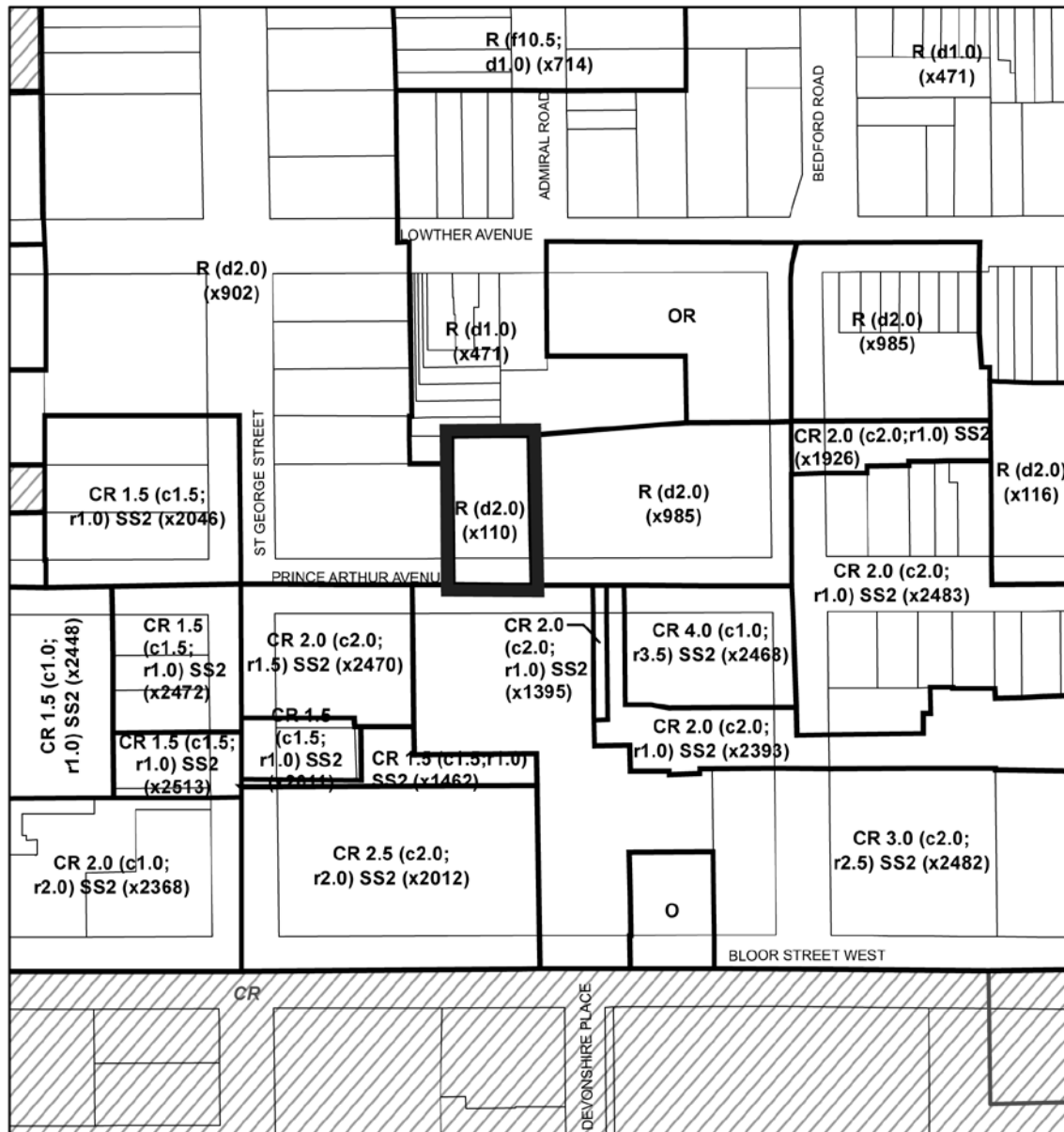
64 Prince Arthur Avenue

File # 17 226254 STE 20 02



↑  
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MM/DD/2014

## Attachment 10: Zoning Map



Zoning By-Law No. 569-2013

64 Prince Arthur Avenue

File # 17 226254 STE 20 02



Location of Application



See Former City of Toronto By-Law No. 438-86

CR Mixed-Use District

R

Residential

O

Open Space

CR

Commercial Residential

OR

Open Space Recreation



Not to Scale  
Extracted: 10/04/2017

## Attachment 11: Application Data Sheet

Application Type	Rezoning	Application Number:	17 226254 STE 20 OZ
		Application Date:	August 31, 2017

Municipal Address:	64 Prince Arthue Ave.
Location Description:	PLAN 25E LOTS 4 & 5 CON 2 FB PT LOT 23 WITH & SUBJ TO ROW **GRID S2003
Project Description:	A 29-storey residential building containing 60 dwelling units, two levels of underground parking containing 79 parking spaces.

<b>Applicant:</b>	<b>Architect:</b>	<b>Owner:</b>
Andrew Ferancik, WND Planning + UD Assoc.	Core Architects Inc. and Centraruddy	64 Prince Arthur Ltd. Partnership

### PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:	Section 12 (1) 246/254
Zoning:	R (d2.0) (x110)	Historical Status:	No
Height Limit (m):	14	Site Plan Control Area:	Yes

### PROJECT INFORMATION

Site Area (sq. m):	12,12.6	Height:	Storeys:	29
Frontage (m):	26.9		Metres:	120.4 + mech.
Depth (m):	45.1			
Total Ground Floor Area (sq. m):	609.5			<b>Total</b>
Total Residential GFA (sq. m):	12,214.7		Parking Spaces:	73
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	12,214.7			
Lot Coverage Ratio (%):	50.3			
Floor Space Index:	10.1			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		<b>Above Grade</b>	<b>Below Grade</b>
Rooms:	0	Residential GFA (sq. m):	12,214.7	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	14	Office GFA (sq. m):	0	0
2 Bedroom:	38	Industrial GFA (sq. m):	0	0
3 + Bedroom:	8	Institutional/Other GFA (sq. m):	0	0
Total Units:	60			

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